

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

December 1, 2016

Airmont Village Board  
251 Cherry Lane  
P.O. Box 578  
Tallman, NY 10982

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:**

**Date Review Received:** 10/28/2016

**Item:** *VILLAGE OF AIRMONT/MORATORIUM (A-200)*

Proposed Local Law to enact an interim moratorium on development approvals in all zoning districts in the Village of Airmont pending consideration, review and adoption of revisions to its Comprehensive Plan and Land Use Regulations.

Throughout the Village of Airmont

**Reason for Referral:**

State and County roads, parks, streams and facilities, and adjacent municipalities

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

We concur with the Village's decision to suspend approvals of site plan, special permit or subdivision applications by the Planning Board, and use variances by the Zoning Board of Appeals until June 30, 2017. This is a reasonable initial time frame for the Village to consider changes to its comprehensive plan and land use regulations in accordance with the stated goals and objectives.

We offer the following comments on the draft document.

1 It is unclear whether the moratorium will include each zoning district within the Village or only residential zones. The redlined version of the local law specifies "each zoning district" in the introductory paragraph but only references residential zones in the title, and in the first and last paragraphs of Section 1. The zoning districts subject to the moratorium must be clarified and clearly indicated throughout the local law.

**VILLAGE OF AIRMONT/MORATORIUM (A-200)**

2 Section 3.C. is incomplete in that no pending applications are listed. The relevant information must be provided.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
  
Ramapo, Chestnut Ridge, Suffern, Montebello

Lisa-Ann DiMarsico-Smith, Village Clerk/Treasurer

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*