

**DEPARTMENT OF PLANNING**

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

**Arlene Miller**  
*Deputy Commissioner*

March 18, 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:** 2/18/2016

**Item:** *VILLAGE OF AIRMONT - PROPERTY REGISTRATION (A-193)*

Local law amendment to Section 150, Property Registration, which creates a registry of rental dwelling units for one and two family residential buildings in the Village of Airmont. Definitions, rental dwelling registration, registration exemptions, and penalties are included in the amended section..  
Throughout the Village

**Reason for Referral:**

Villages of Chestnut Ridge, Montebello, and Suffern; Town of Ramapo

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***

- 1 Section 150-2. Definitions provides the meaning of several words related to the rental of property. The definition of Owner-occupied, Single Family Residences should omit the first portion of the sentence, in which it refers again to "owner-occupied." The definition could be modified to read, "All individual title owners (including immediate family embers) or all owners..." or could be changed to "Holding record title or possession under a contract to purchase, by a person, firm corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control" as defined in the American Planning Association "Planners Dictionary."
- 2 Section 150-3B. states, "...operates a dwelling unit within the Village of Airmont to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy...". It is unclear as to what "rent or suffer" refers to in this paragraph. This must be clarified.
- 3 It must be clarified if these amendments would permit an accessory unit in an existing building, such as a mother-daughter unit.

**VILLAGE OF AIRMONT - PROPERTY REGISTRATION (A-193)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont

Town of Ramapo  
Villages of Chestnut Ridge, Montebello & Suffern

*\*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.*