

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 17, 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 - TREE REMOVAL, CLEARING, FILLING AND EXCAVATING (A-192)

Proposed Local Law to amend Section 91 of the Village Code by adding language to Section 91-9 (Definitions); adding Section 91-3.1 (General Requirements, owner-occupied single-family or two-family residence); adding language to Section 91-4 (Procedure); and deleting "or a day camp" in Section 91-3.

Throughout the Village of Airmont

Reason for Referral:

Saddle River Road (CR 73), South Monsey Road (CR 81), Cherry Lane (CR 85), South Airmont Road (CR 89), Saddle River, NYS Route 59, NYS Thruway, Ramapo, Chestnut Ridge, Suffern, Montebello and Bergen County, NJ

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 For properties with frontage on a county road, a review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 For properties within a 100 feet of the channel lines of any Official Regulated Stream, a review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- 3 For properties with frontage on a state road, a review shall be completed by the New York State Department of Transportation and all required permits obtained.

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4 For properties adjacent to the New York State Thruway, a review must be completed by the Thruway Authority and all required permits obtained.



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Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
New York State Department of Transportation
New York State Thruway Authority

Ramapo, Chestnut Ridge, Suffern and Montebello
Bergen County, NJ

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.