



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 30, 2017

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: 10/6/2017

Item: *VILLAGE OF AIRMONT - PARKING IN RESIDENTIAL AREAS (A-201)*

A Local Law to amend Section 210-48(A) to allow parking within any portion of a legal residential driveway.

Throughout the Village of Airmont.

Reason for Referral:

County and State roads, parks, streams, 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***

- 1 The description of the proposed Local Law states it will permit cars to back out of driveways onto Village roads. Because of the County's concerns for safety and uninterrupted traffic flow, all properties along state and county roads must have an adequate turnaround area and cars must not be permitted to back out of them.
- 2 Any configuration change to a driveway leading to a state or county road must first get approval from the New York State Department of Transportation or the Rockland County Department of Highways, respectively.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont

Lisa-Ann DiMarsico-Smith, Village Clerk/Treasurer

VILLAGE OF AIRMONT - PARKING IN RESIDENTIAL AREAS (A-201)

**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.