



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

May 29, 2018

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: 4/24/2018

Item: *VILLAGE OF AIRMONT - COMPREHENSIVE PLAN UPDATE (A-143B)*

Revisions to the 2011 Village of Airmont Comprehensive Plan.

Throughout the Village of Airmont.

Reason for Referral:

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

Last updated in 2011, the Comprehensive Plan has served as a guide for land use decision-making for the Village of Airmont. As with any planning document, a Comprehensive Plan must be periodically reviewed and updated to adapt to changing circumstances and priorities. The Village of Airmont is characterized mainly by neighborhoods of low-density residences and a commercial corridor along Route 59. Elements of this update focus on maintaining the preferred suburban and natural characteristics of the residential areas. The Plan also considers strategies to shift commercial areas from a traditional, car-centric model of development to a contemporary, mixed-use model, characterized by diverse uses within a pedestrian-friendly, community-oriented space. The development of a Village Center is one of the central themes of the Comprehensive Plan. As the build-out analysis indicates, there are limited opportunities for subdivisions and subsequent increases in dwelling units within the residential areas of the Village. However, there are significant tracts of vacant or underutilized properties within the commercial areas of the village. The Plan's focus on improving the commercial corridor is appropriate and consistent with the stated goals of the Rockland County Comprehensive Plan of promoting mixed-use development and alternative modes of transportation.

The County welcomes this opportunity to review this update and offers the following comments:

VILLAGE OF AIRMONT - COMPREHENSIVE PLAN UPDATE (A-143B)

- 1 The maps included in the update are incomplete. They are not shown in their entirety and lack essential features, such as titles, legends, data sources or scales. As a result, they are of limited utility. Complete maps must be included.
- 2 On page 44, Recommendation 4A suggests incentivizing green infrastructure through reductions in parking requirements. Parking requirements are intended to reflect real-world necessity and should not be reduced for an unrelated amenity. However, it should be noted that parking reductions for mixed-use projects are a recognized practice that reflects differences in peak demand times of various uses.
- 3 On pages 38 and 39, the Plan makes four recommendations regarding community character and development: evaluate existing non-residential zoning regulations; incorporate a residential lighting policy into village zoning; review permitted uses in the Village Center and Neighborhood Shopping zoning districts; and consider using a floating overlay zone to allow for the creation of a planned mixed or multi-use development in non-residential zones. The implementation of these recommendations would be subject to review under General Municipal Law, and must be referred to the Rockland County Planning Department.
- 4 The Plan makes several recommendations that entail codifying requirements for specific features into the zoning regulations. Some examples of recommendations are: 2A - encouraging stormwater reclamation (p. 40); 3C - introducing a sidewalk policy into zoning (p. 42); 3F - requirements for pedestrian and bicycle amenities (p. 43); and 4A,B and C - creating zoning incentives for green infrastructure, energy efficiency, and establishing regulations for solar energy production (pp. 44-45). The implementation of these recommendations, as well, would be subject to review under General Municipal Law, and must be referred to the Rockland County Planning Department.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Thruway Authority
New York State Department of Transportation
New York State Department of Environmental Conservation

Town of Ramapo
Villages of Chestnut Ridge, Suffern, & Montebello

**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.

VILLAGE OF AIRMONT - COMPREHENSIVE PLAN UPDATE (A-143B)

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.

