

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 24, 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: 6/22/2018

Item: VILLAGE OF AIRMONT - TEMPORARY STORAGE CONTAINERS AND DUMPSTERS (A-143D)

A local law to amend Chapters 106-6 and 147-18 of the Airmont Village Code to revise permit application requirements, adjust permit fees, specify time limits on permits, and add provisions regarding portable toilets.

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:

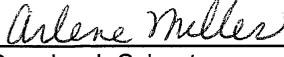
****Recommend the following modifications***

- 1 A new subsection, 106-6L, is proposed to establish permit fees for temporary storage units. However, 106-6L(1)(a) refers to dumpsters, not temporary storage units, and must be corrected, or removed.
- 2 Proposed amendments to Chapter 147-18 remove the permit fee schedule for temporary storage unit permits from this section, and incorporate the fees into Chapter 106-6. However, section 147-18F includes a fee schedule for dumpster permits. It is unclear why the fee schedule for temporary storage units would be moved to Chapter 106-6, but the fee schedule for dumpsters would not. If the Village is going to maintain a chapter dedicated to the fee schedules of various permits, all permits should be listed within that chapter. To prevent confusion and promote efficiency, all permit fee schedules must be contained within chapter 106-6.
- 3 No permit fees are given for Portable Toilet permits. This information must be added. If there is to be no fee for a Portable Toilet permit, the village must explicitly state this.

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4 There appears to be a typo in section 147-18D. Former section 147-18D(1)(c) is not completely struckthrough and there appears to be two sections with the designation 147-18D(2). This section must be clarified. There is a similar issue with the numbering of section 147-18E, as well. A possible explanation is that former section 147-18E(1)(b) was intended to be struckthrough but was not. The proposed text currently jumps from section 148-18E(1) to section 148-18E(2)(b), and the text of former section 147-18E(3) has no designation. This section must be clarified, as well.

cc: Mayor Philip Gigante, Airmont



for Douglas J. Schuetz
Deputy Acting Commissioner of Planning

**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.