Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Pomona, New York 10970
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 27, 2019

Airmont Planning Board
251 Cherry Lane
P.O. Box 578
Tallman, NY 10982

Tax Data: 62.10-1-25

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/9/2019 **Date Review Received:** 1/28/2019

Item: ***ASCENSION CEMETERY - 650 SADDLE RIVER ROAD (A-65C)***

A site plan application to construct a gazebo and permeable service walk for an existing cemetery on 193 acres in the RR-50 zoning district. Variances are required for height and number of accessory buildings.
The western side of Saddle River Road, approximately 750 feet north of Hillside Avenue.

Reason for Referral:

Town of Ramapo, Village of Chestnut Ridge, Cherry Lane (CR 85), South Monsey Road (CR 81), Saddle River Road (CR 73), Saddle River, Rockland County Sewer District No. 1 pump station

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 Town of Ramapo and the Village of Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Chestnut Ridge boundary is the centerline of Saddle River Road, which is adjacent to the eastern property line. The Ramapo Boundary is along Hillside Avenue, which is adjacent to a narrow corridor at the southern end of the parcel. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Airmont.

2 As per the February 25, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater system for compliance with the County Mosquito Code.

3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of February 22, 2019.

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4 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of February 7, 2019.

5 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Drainage Agency

Steven Secon, Architect
Town of Ramapo Planning Board
Village of Chestnut Ridge Planning Board

**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.