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 24, 2016

Clarkstown Town Board
10 Maple Avenue
New City, NY 10956

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: **Date Review Received:** 4/22/2016

Item: ***9W VALLEY COTTAGE - ABANDONMENT OF ATCHISON STREET (C-3563)***

Road abandonment and removal of a paper street (Atchison Street) from the Official Map of the Town of Clarkstown. The street is located within the MF-1 zoning district.

East side of US Route 9W, approximately 275 feet north of Smith Street and 932 feet south of Rockland Lake Road; west side of Rockland Lake State Park

Reason for Referral:

US Route 9W, Rockland Lake State Park, Rockland Lake Road (CR 80)

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 Clarkstown must make sure that there is clear title to the paper street, known as Atchison Street, prior to its abandonment and removal from the Town's Official Map. A research of the deeds discovered that there is no documented conveyances of this property from any grantor to the applicant or to the Town of Clarkstown. The easterly 102' of Atchison Street was conveyed from Robert H. Fenton to Charles R. Atchison on November 7th 1910 in deed book 267 page 448. No other conveyances were found. Prior to its abandonment, the applicant must demonstrate a clear chain of title to the land in question.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways

9W VALLEY COTTAGE - ABANDONMENT OF ATCHISON STREET (C-3563)

Attention Pat McDonald, Town Attorney's Office

Justin Sweet, Town Clerk

Clarkstown Planning Board, Attention Joe Simoes

**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.