



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 8, 2019

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:** 9/19/2019

**Item:** *TOWN OF CLARKSTOWN - OFFICIAL MAP UPDATES - SPRING BROOK ROAD AREA (C-3520B)*

Official Map Amendments to the Streets for the Town of Clarkstown to connect the western end of Spring Brook Road to the northern end of Forest Brook Road. The north terminus of Spring Brook Road and Brookvale Court will also be abandoned and de-mapped.

West end of Spring Brook Road, north end of Forest Brook Road

### Reason for Referral:

Town of Ramapo; Village of Spring Valley

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 Village of Spring Valley are the two reasons this proposal was referred to this department for review. The municipal boundary of Ramapo is along the northern edge of the proposed streets to be amended while the municipal boundary of Spring Valley is along the western side of the streets. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary

**TOWN OF CLARKSTOWN - OFFICIAL MAP UPDATES - SPRING BROOK ROAD AREA (C-3520B)**

sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo and the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

  
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Douglas W. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown

Town of Ramapo  
Village of Spring Valley

Attention Kathleen Houlahan, 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.*