



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 23, 2018

Spring Valley Village Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 5/29/2017

Date Review Received: 4/25/2018

Item: *BETHUNE PROPERTIES LLC - ABANDONMENT OF BEN WILD ROAD (SV-838B)*

Road abandonment petition for a .22-acre portion of Ben Wild Road (Prospect Street) that is currently a paper street on the Village's Official Map. The road right-of-way is located within the PRD zoning district. This roadway, once abandoned, is proposed to be acquired by the applicant for fair market value, and be added to a proposed multi-family housing development.

East side of Bethune Avenue, approximately 700 feet south of Fred Hecht Drive

Reason for Referral:

Town of Clarkstown

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 is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed road abandonment and provide any concerns related to the Village of Spring Valley.
- 2 The comments in the April 26, 2018 letter from the Rockland County Sewer District #1 must be addressed.

BETHUNE PROPERTIES LLC - ABANDONMENT OF BEN WILD ROAD (SV-838B)

3 The deed must be filed with the County Clerk, conveying the portion of the land that is proposed to be abandoned, acquired and merged with the other two parcels, to achieve the lot configuration indicated on the proposed map. The applicant and the Village must make sure that the deeds are properly filed with the Rockland County Clerk.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.
Town of Clarkstown Planning Board
Ryan Karben, Esq.

**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.