



**EMANUEL LAW P.C.**

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*  
*Counsel to Freeman & Loftus, RLLP*

Four Laurel Road  
New City, NY 10956

[Info@EmanuelLaw.com](mailto:Info@EmanuelLaw.com)

[www.EmanuelLaw.com](http://www.EmanuelLaw.com)

Tel: 845-634-4141

September 6, 2022

Planning Board, Town of Ramapo  
237 Route 59  
Suffern, NY 10901

Re: Avon Gardens East Site Plan

Dear Members:

We represent the applicant in the above matter. This project is subject to review by the Rockland County Planning Department under sections 239-l and -m of the New York General Municipal Law (“GML”). GML § 239-l provides, in relevant part:

(b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

According to an email from the Clerk to the Planning Board, the referral materials were sent to the Department on July 29, 2022. As of this morning, the review has not been received by the Town, nor has it been received by this office.

July 29, 2022, was a Friday. Assuming that the Department received the referral on the following Monday, August 1, its thirty day window would have expired on August 31: “If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report.” The referral report is now six days late.

However, there is an automatic extension if the referral report is received after the thirty days but before the sending board takes action, as here. But the automatic extension expires if the report is not received “two or more days prior to final action by the

referring body". Since the Planning Board is set to act tomorrow, September 7, the automatic extension has also expired.

Therefore, the applicant demands that any referral report received from the Department be treated as void and a nullity.

However, given the requirements of Rockland County Executive Order No. 1 of 2017 relating to the issuance of Rockland County permits in cases of GML review, we ask that the Board override any referral report with a blanket determination that it was not timely issued pursuant to GML § 239-1.4(b).

Very truly yours,  
EMANUEL LAW P.C.



By: \_\_\_\_\_  
Ira M. Emanuel, Esq.

Cc: Client  
George Lithco, Esq.