



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

September 27, 2013

ARLENE R. MILLER
Deputy Commissioner

Clarkstown Zoning Board of Appeals
10 Maple Avenue
New City, NY 10956

Tax Data: 59.07-2-10

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

Map Date: 12/21/2012

Date Review Received: 9/12/2013

Item: *NY FUEL DISTRIBUTORS LLC (SHELL) (C-1032F)*

Variations to permit a monument sign for an existing business located on .45 acres in the CS zoning district. Variations required include: greater than permitted sign height, and less than required sign setback.

Southwest corner of the intersection of NYS Route 303 and Lake Road

Reason for Referral:

NYS Route 303

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:

****Disapprove***

1 The Town's zoning standards are reasonable and should be followed. The granting of these variations can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. The resulting proliferation of over-height and improperly setback signs will have an adverse effect on the safe and efficient flow of traffic along the State highway. If your Board finds there is a pattern of requests for sign variations and that some rationale exists for lessening the Town's standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown
New York State Department of Transportation
Catapano Engineering, P.C.

NY FUEL DISTRIBUTORS LLC (SHELL) (C-1032F)

Clarkstown Planning Board, Attention Joe Simoes
Rockland County Planning Board Members

**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.