



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 18, 2017

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

Tax Data: 57.20-1-5.2

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

Date Review Received: 12/16/2016

Item: *RD MANAGEMENT - 250 WEST ROUTE 59 (C-1373T)*

Variances to allow signs for a business located in a plaza shopping center in the RS zoning district on 2.55 acres. Required variances include greater than permitted sign area, and having more than the allowed signage on the business frontage.

North side of NYS Route 59, approximately 210 feet east of the entrance ramp to the New York State Thruway

Reason for Referral:

NYS Route 59, New York State Thruway

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 While we recognize that these variances will not directly impact the State highway, the granting of these variances can still set a precedent, and encourage other nearby commercial uses along the State highway to request similar exemptions which could directly impact the safe and efficient flow of the roadway. The Town's zoning standards are reasonable as written, and must be followed. The number of signs and the square footage must be reduced to comply with the Town's standards.

However, if your Board finds there is a pattern of requests for sign variances, particularly for properties that front on State highways, 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. These revisions could be only for those parcels that front high-volume traffic corridors, such as the State highways.

RD MANAGEMENT - 250 WEST ROUTE 59 (C-1373T)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
New York State Thruway Authority

Dennis Noskin Architects

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.