Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 9, 2017

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

Tax Data: 43.15-1-41

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/1/2016 **Date Review Received:** 10/6/2017

Item: ***ULTIMATE SIGNS & DESIGNS CORP. (C-477A)***

Variance to legalize an existing monument sign for a commercial use located on 1.51 acres in the H3 zoning district. A monument sign is only permitted on commercial parcels if their front façade is located 80 feet or further from the edge of the public road; the building is located closer than 80 feet, therefore, a monument sign is not permitted.
West side of N. Main Street, approximately 420 feet north of New Hempstead Road

Reason for Referral:

N. Main Street (CR 29), New Hempstead Road (CR 80), County Office Building - Sain Building, Demarest kill

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 Vicinity Map shows the parcel to be located in the PO zoning district. This must be corrected to be the H3 zoning district.

2 As indicated in the October 22, 2017 letter from the Rockland County Highway Department, if the sign requires installation of a new permanent concrete foundation, a permit is required from them.

3 The aerial photography provided by Ultimate Signs & Designs Corp., dated November 1, 2016, shows the Capital One Bank label in the wrong location. This must be corrected.

ULTIMATE SIGNS & DESIGNS CORP. (C-477A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of General Services
Division of Facilities Management

Atzl, Nasher & Zigler P.C.

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.