

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 27, 2019

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

Tax Data: 64.05-2-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/8/2019

Date Review Received: 3/1/2019

Item: *ALDI (C-1248H)*

Sign height variance to permit an identification sign for a proposed retail establishment located in a shopping center on 24.2 acres in the RS zoning district.

South side of NYS Route 59, west side of Smith Street, east ends of Grace Street, E. Charles Street, and E. Orchard Street

Reason for Referral:

NYS Route 59, NYS Route 304

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:

****Approve***

- 1 Since the proposed sign height variance will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.
- 2 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

ALDI (C-1248H)

2.1 It is normally our policy to disapprove sign variances as the Town's sign standards are reasonable and should be followed. Granting variances for sign height can often set a precedent for other similar uses to request the same variances. However, the signage in this particular shopping center for the other retail uses are equivalent or higher in height, so the granting of this sign variance will not necessarily set a precedent or impact the State highway (the reason for our purview) given the distance from the State right-of-way.

Of greater concern is the fact that the signage in this shopping center is not conforming generally to the Town's sign standards. We encourage the Town of Clarkstown to review their sign ordinance to determine if changes should be made to their code for parcels along State highways so that the signs do comply with the zoning ordinance, rather than continually granting sign size and height variances.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Jordan M. Fry, Esq. - Snyder & Snyder, LLP
broadwaynational

Clarkstown Planning Board, Attention Joe Simoes

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION.*

Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.

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.