



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 2, 2019

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

Tax Data: 51.07-1-18

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

Map Date: 8/5/1998

Date Review Received: 7/17/2019

Item: *CHRISTIE'S INTERNATIONAL REAL ESTATE (C-3149A)*

Variance to permit the installation of a freestanding monument sign where the single-business structure is less than 80 feet from the road. The business is located on 0.76 acres in the H-4 zoning district. Northeast corner of South Main Street and Laurel Road

Reason for Referral:

Collyer Avenue (CR 76), 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:

****Disapprove***

1 The Town undertook an extensive study of the New City Hamlet area, and revised its code in 2013 to reflect the goals and objectives of the Hamlet study. Included in this revision was the creation of the New City Hamlet Overlay Zone which specifies standards for signs. More recently in 2016, Clarkstown reviewed their sign standards to further achieve their goals and visions. The sign standards only permit monument and freestanding signs if the single business is set back 80 feet or more from the public road. The applicant is proposing a freestanding sign for a building that is set back only approximately 50 feet from the public roadway. The town's zoning standards are reasonable and should be followed. The granting of this sign variance can set a precedent and encourage future commercial uses nearby to request similar exemptions. The granting of this sign will have an adverse effect on the character of the area, undermine the goals and objectives of the Town's studies, and could negatively affect the safe and efficient flow of traffic along the road.

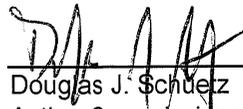
CHRISTIE'S INTERNATIONAL REAL ESTATE (C-3149A)

2 Section 290-7.5H(c) states "all new or revised exterior signage signs shall comply with the standards set forth in Section 290-7.5K. Additionally, all signs existing prior to the date of adoption of this code shall be brought into conformity by September 1, 2012." Granting a variance for a non-conforming sign will undermine the intent of the goal for the version of the New City Hamlet area.

The following comments address our additional concerns.

3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of July 18, 2019.

4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Hudson Valley Sign Studio

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.

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.