

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 11, 2019

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:** 4/18/2018

**Date Review Received:** 12/13/2018

**Item:** *FB NANUET STRIP MALL, LLC (C-1373U)*

Variations to allow signs for a business located in a plaza shopping center in the RS zoning district on 2.55 acres. Required variations include greater than permitted sign area (150 sq. ft. per tenant is permitted, 255.8 sq. ft. is proposed), and not locating the signage over 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 It is normally our policy to disapprove sign variations, especially along State or County roadways, as the Town's sign standards are reasonable and should be followed. We caution the Town in permitting non-conforming signs, and setting precedent as other retail uses may request similar exemptions, which could directly impact the safe and efficient flow of the State highway or result in sight distance issues. The Town's zoning standards are reasonable as written. The previous sign size application, reviewed in January 2017, was proposed to be 18 sq. ft. smaller overall, than what is currently being proposed. To better comply with the Town's zoning ordinance, the square footage must be further reduced.

If your Board finds there is a pattern of requests for sign variations, 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 and be referred to the State Department of Transportation for their review and comment. Visibility, traffic volume, traffic speed, or other factors should be considered if revisions are to be made; and should only be for those parcels that front high-volume traffic corridors, such as the State highways.

**FB NANUET STRIP MALL, LLC (C-1373U)**

2 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.

  
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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.*