

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 21, 2019

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

Tax Data: 64.05-2-9

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

Map Date: 4/5/2019

Date Review Received: 5/17/2019

Item: *OSJ OF NANUET NY, LLC (C-3636)*

Variations to permit replacement signage for a new business located on 3.64 acres in the RS zoning district. An Ocean State Job Lot is proposed to occupy the space previously used by Toys R Us. Four signs are proposed to be replaced: a front monument sign, side building sign, rear monument sign, and front building sign. Variations are required for three of these four signs (the front building sign complies). Required variations include: greater than permitted total maximum sign area for all three signs; greater than allowed maximum sign height for the west wall sign; and less than the required setback for the proposed rear monument sign.

North of NYS Route 59, south side of West Nyack Road, and approximately 372 feet east of the intersection of NYS Route 59 and College Avenue

Reason for Referral:

NYS Route 59

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 While we recognize that the signs replacing the previous business signs are overall smaller in size, the signs still significantly exceed the Town's zoning ordinance. We are therefore disapproving the variations for total sign area, height, and sign setback. The Town's zoning standards are reasonable and should be followed. Other oversized signs exist along the NYS Route 59 corridor, creating distractions that can result in safety issues for drivers. Continuing to grant these types of variations can further exacerbate visibility and safety issues, while also setting a precedent that encourages nearby commercial uses along the State highway to request similar exemptions. The resulting proliferation of oversized and quantity of signs will have an adverse effect on the safe and efficient flow of traffic along the State highway. If your Board finds there is a pattern of requests for sign variations 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 on parcels that front high-volume traffic corridors.

OSJ OF NANUET NY, LLC (C-3636)

The following additional comments are offered for your board's consideration:

- 2 The Elevation Plans, Sheets A-1 and A-2 do not have a date listed. A date must be provided so that if any changes are made to the plans the modifications can be referenced by the original date and revision date(s).
- 3 The total sign area for the non-conforming signs must be provided so the exact extent of the variance can be determined.
- 4 Item #2 on the Application Form does not include the setback variance for the rear monument sign. This variance must also be cited on the Application Form.
- 5 It is not clear as to the purpose of the map provided for Exhibit 5, as it does not depict the subject parcel. This must be clarified, or a map that correctly identifies the property be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celentano P.L.S.
Arkitektur Plus
Adam L. Wekstein, Hocherman Tortorella & Wekstein

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.