

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 8, 2019

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

Tax Data: 58.19-1-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/8/2019

Date Review Received: 1/10/2019

Item: **ROCKLAND JEWISH COMMUNITY CAMPUS CORP. (C-1281AA)**

Variances to permit a two signs to solicit sponsors for the organization for an existing building located in the CO zoning district on 14.85 acres. Required variances include: greater than permitted sign area and sign height; greater than permitted sign area when visible from the Palisades Interstate Parkway; and extending a sign above the roofline of the building.

Southeast corner of the Palisades Interstate Parkway and the New York State Thruway, north of West Nyack Road

Reason for Referral:

Palisades Interstate Parkway, 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:

****Disapprove***

1 We are disapproving the variances for sign area, sign height, larger than permitted sign when visible from the Palisades Interstate Parkway, and for a sign that extends above the roofline of the building. The Town's zoning standards are reasonable and should be followed. The granting of these variances can set a precedent and encourage other commercial uses along the Palisades Interstate Parkway or New York State Thruway to request similar exemptions. The proposed sign area exceeds the Town's allowance by over 486.7%; and the height is exceeded by over 382%. In addition, the proposed sign is 15' higher than the existing roofline, also a significant measurement, and exceeds the 10 square footage sign area permitted when visible from the Palisades Interstate Parkway by 8,700%. Allowing a sign of this magnitude can result in the proliferation of oversized signs that can have an adverse effect on the safe and efficient flow of traffic along the State highways, cause a distraction, and be unsightly. If your Board finds there is a pattern of requests for sign variances, 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.

ROCKLAND JEWISH COMMUNITY CAMPUS CORP. (C-1281AA)

The following comment address our additional concern about this proposal.

2 The Palisades Interstate Parkway has been designated as both a National Landmark by the National Park Service and a Scenic Byway in New York State. Preservation of viewsheds is one of the important factors in its designation. Since the proposed sign directly faces the Palisades Interstate Parkway, and will be highly visible, a review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Palisades Interstate Park Commission
New York State Thruway Authority

DCAK-MSA Architects
William P. Ebner

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.