

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 19, 2020

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

Tax Data: 57.20-1-25.1

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

Map Date: 2/27/2020

Date Review Received: 8/13/2020

Item: *IDD CARS, LLC DBA VOLKSWAGEN OF NANUET (C-3654A)*

Variances to permit the renovation of an existing 29,828 SF building, and the construction of a 438 SF addition, for a new car dealership and repair shop located on 3.29 acres in the RS zoning district. The variances required include front yard depth and more than one sign on a building wall.

Northeast corner of NYS Route 59 and Hutton 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 We are disapproving the variance for number of wall signs. The Town's zoning standards are reasonable and should be followed. The granting of these variances can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. This can result in an excess number of signs and a proliferation of oversized signs that can 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 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.

2 As per Section 243-111.(2)(a) of the Town Code, one sign is permitted for each building frontage or building wall facing a road where there is vehicular access. The building frontage is located on the north side of the building and vehicular access is only provided from Hutton Avenue on the west. Therefore, additional variances are required for the signs located on the south and east building walls. As stated above, the granting of these variances can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. Therefore, the sign variances must not be permitted.

IDD CARS, LLC DBA VOLKSWAGEN OF NANUET (C-3654A)

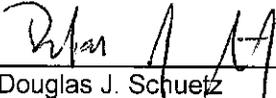
3 The total sign area for the wall signs must be provided. Section 243-111.(2)(b) states that only a maximum of 100 SF may be permitted for the first 10,000 SF of gross building area, with an additional square foot of sign area permitted for every 300 SF of additional gross building area. For a building of 30,067 SF, only 167 SF of total sign area is permitted. If the proposed signs have a sign area of greater than this, an additional variance will be required.

The following comments address our additional concerns about the proposal. In addition, we recommend the following modifications for the required front yard depth variance:

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

5 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1

Maser Consulting P.A.

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.