



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 24, 2015

Hillburn Zoning Board of Appeals
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.15-2-10

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

Map Date: 8/30/2005

Date Review Received: 3/26/2015

Item: *FIREPLACE BY DESIGN, INC. (HI-36)*

Sign variances to permit erection of a free-standing, lighted sign for an existing commercial business in the LI zoning district on 1.77 acres. Needed variances include: Greater than permitted sign height and height above grade; and less than the required sign setback.

Northeast side of Orange Turnpike (NYS Route 59); east side of Torne Valley Road

Reason for Referral:

Orange Turnpike (NYS Route 59), Torne Valley Road (CR 95), Harriman State Park

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***

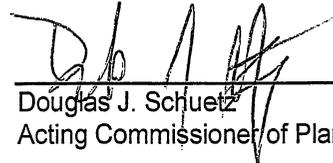
1 We are disapproving the variances for sign height, height above grade, and setback. The Village's zoning standards are reasonable and should be followed. Allowing signs higher than permitted can impede sight distance along both the State and County roadways, resulting in dangerous situations. In addition, improperly setback signs can also impede sight distance at the access to the site, and can impede sight distance for vehicles exiting Torne Valley Road onto NYS Route 59.

The granting of these variances can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. The resulting proliferation of oversized and improperly setback signs will have an adverse effect on the safe and efficient flow of traffic along the State highway. While we recognize that there is insufficient distance from the property line to the building for placement of the sign within the required sign setback, allowing a sign directly on the State highway right-of-way is an unsafe practice and must not be allowed. The sign setback must be located as far from the property line as feasible.

If your Board finds there is a pattern of requests for sign variances and that some rationale exists

FIREPLACE BY DESIGN, INC. (HI-36)

for lessening the Village's standards, we suggest a recommendation be made to the Village Board to revise the sign standards on parcels that front high-volume traffic corridors.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Fireplaces by Design, Inc.

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.