



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

June 29, 2015

Nyack Zoning Board of Appeals
9 North Broadway
Nyack, NY 10960

Tax Data: 65.27-1-2

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

Map Date: 6/25/2013

Date Review Received: 6/4/2015

Item: *NYLO NYACK, LLC (N-102F)*

Variances to permit a free-standing pylon sign in the M zoning district on a site being constructed for a hotel use on a total of 2.5 acres. Required variances include allowing a freestanding sign when only a monument sign is permitted; and greater than permitted height. Since no sign dimensions were provided, it is difficult to determine if other variances, such as square footage are also required.

North side of the NYS Thruway, west side of High Avenue, south side of Cemetery Lane

Reason for Referral:

New York State Thruway, NYS Route 59, Town of Clarkstown

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 The applicant is requesting installation of an illuminated, freestanding, pylon sign, which is not allowed in the M zoning district; only a monument-type sign is permitted. The proposed sign height also exceeds the permitted height by over 815%. While we recognize that the M zone is comprised mostly of the proposed hotel site, allowing this type of sign is in effect, permitting a use variance, and undermines the intent of the zoning ordinance. Except for the sign height, other sign dimensions have not been provided. In order to properly evaluate the sign for all of the bulk regulations, sign square footage and setbacks must also be provided to determine if other variances are also required.

If the Village of Nyack believes that a freestanding pylon-type sign is suitable for the M zoning district, the more appropriate method of approving this type of sign would be to amend the zoning ordinance to permit such signs. Amending the zoning ordinance will not only permit the use, but also provide applicable bulk and sign standards that can be used as a guide by the Village.

NYLO NYACK, LLC (N-102F)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jen White, Nyack
New York State Department of Transportation
New York State Thruway Authority
McLaren Engineering Group
Town of Clarkstown Planning Board
John Krupa

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.