

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 21, 2018

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

<b>Tax Data:</b> 59.84-1-43	66.21-1-73	66.21-1-72
66.21-1-71	66.21-1-74	

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 1/19/2018

**Date Review Received:** 5/2/2018

**Item:** 160 NORTH MIDLAND AVENUE - NYACK HOSPITAL (N-56L)

Variances to permit the installation of identification and wayfinding signs for an existing hospital located on 7.99 acres in the H zoning district. Sign variances are needed for 14 signs, some of which need multiple variances, and include greater than permitted sign area for four signs; sign not located on the front façade for four signs; more than one parallel sign on the front façade for one sign; and permitting a freestanding sign (parking lot sign), which is not permitted in the TFR zoning district.

East side of US Route 9W (Highland Avenue), south side of Fifth Avenue, west side of N. Midland Avenue, and north side of Sickles Avenue; Parking lot is west side of US Route 9W, just south of Sixth Avenue

**Reason for Referral:**

US Route 9W (Highland Avenue), Village of Upper Nyack (for the parking lot parcel)

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:

***\*Recommend the following modifications***

1 The Village of Nyack's sign regulations are detailed and extensive, and represent a comprehensive analysis of the vision intended for the various uses. Numerous sign variances are required for this proposed application. Of 24 signs proposed, 14 need variances, and several require multiple variances. The extent of the variances sought are not minimal; the oversized signs exceed the maximum permitted sign area from 67.5% to 88.75%. The hospital is the sole use located within the Hospital (H) zoning district. If the Village of Nyack Zoning Board of Appeals believes that all of these variances are warranted, then instead of granting a multitude of variances, a review of the zoning ordinance for the H zoning district should be undertaken to determine reasonable sign allowances, and the zoning ordinance revised accordingly.

**160 NORTH MIDLAND AVENUE - NYACK HOSPITAL (N-56L)**

2 The required sign variances are located on several parcels, not just the one cited on the application forms. All of the parcels that comprise the hospital property must be listed on the forms, and in the public hearing notice, including the lot that contains the parking for the hospital staff.

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

4 With regard to the individual sign variances, we offer the following comments:

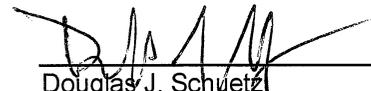
4.1 Sign #0001 is shown to be on the side of the building, and the breakdown from the Village indicates that the existing "Nyack Hospital" sign will be removed, as illustrated on the "after" photo. However, the "after" photo still illustrates the "Nyack Hospital" sign. Page 4 of 30 must be updated to reflect that the sign will be removed.

4.2 The sign area variance for Sign #0001 exceeds the permitted maximum by over 68%. It is also significantly larger than the existing "Nyack Hospital" sign. The sign area should be reduced to be the comparable size as the existing hospital sign. In addition, the sign area variance for Sign #0002 should be reduced to the same extent so that the two signs are identical in size.

4.3 It is not clear why Signs #0014, #0015, and #0016 are different sizes when they all are highlighting the same information. This is particularly true for signs #0014 and #0016, as they are similarly located on the building. The signs must be the minimum needed to display the information to the public.

4.4 All directional signs must be setback so that sight distance at the roadway is not blocked.

4.5 Proposed sign #0024 should be no larger in size area than the existing freestanding parking lot sign.



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack  
New York State Department of Transportation  
Village of Upper Nyack

*\*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.*