

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

September 8, 2020

Nyack Zoning Board of Appeals

9 North Broadway

Nyack, NY 10960

**Tax Data:** 65.27-1-2

65.28-1-3

65.28-1-11

65.28-1-2

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

**Map Date:** 7/23/2020

**Date Review Received:** 8/21/2020

**Item:** *400 HIGH AVENUE (N-102K)*

Sign variances to permit a parallel sign greater than 80 SF that is not on the front façade of a building for an existing hotel located on 2.91 acres in the M zoning district.

North side of the ramps for the NYS Thruway, east side of High Avenue, south side of Cemetery Lane

**Reason for Referral:**

NYS Route 59, NYS Thruway (I-87/287), 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 variances for sign area and a parallel sign not on the front façade of a building exceed the permitted allowance by 240%. The Village'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 NYS Thruway to request similar exemptions. The resulting proliferation of oversized signs will have an adverse effect on the safe and efficient flow of traffic along the Thruway. If your Board finds there is a pattern of requests for sign variances and that some rationale exists 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.

The following comments address our additional concerns about the proposal:

2 A review must be completed by the New York State Thruway Authority and any required permits obtained.

3 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is 160 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Village of Nyack.

**400 HIGH AVENUE (N-102K)**

4 The Referral Form only indicates tax lot 65.28-1-11 is part of the proposal. Tax parcels 65.27-1-2, 65.28-1-3, and 65.28-1-2 are also part of the hotel site, with the latter lot being the parcel where the sign is actually located. Therefore, these parcels must also be included on the Form. If the public hearing notice was issued with missing information, it must be reissued with the correct information.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack  
New York State Thruway Authority  
New York State Department of Transportation  
  
DRPILLA Consulting Engineers  
Town of Clarkstown

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.*