



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T

50 Sanatorium Road

Pomona, New York 10970

(845) 364-3434

Fax: (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

November 21, 2005

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

Tax Data: 65.35-1-7

SALVATORE CORALLO
Commissioner

ARLENE MILLER
Deputy Commissioner

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

Map Date: 09/20/2005

Date Review Received: 10/19/2005

Item: THRUWAY REALTY INC. - 51 ROUTE 59 (N-139F)

Variations to allow two internally illuminated canopy signs for an existing gasoline station, rebranding of an existing permitted internally lighted pole sign, and two internally illuminated building fascia signs for a convenience store on 0.49 acres in a C-2 zoning district.

Southeast corner of Waldron Avenue and State Route 59.

Reasons for Referral: State Route 59, New York State Thruway, 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***

The Village zoning standards relating to illuminated signs are reasonable and should be followed. The granting of these sign variations will set a precedent and encourage nearby commercial uses to request similar exemptions. The resulting proliferation of such signs will have an adverse effect on the safe and efficient flow of traffic along the State road. Therefore, we are disapproving the sign variations.

We would like to note to the Board that it is our policy to support the municipal sign laws and, therefore, we normally disapprove sign variations. If the Village believes that the prohibition on internally illuminated signs is not appropriate for this part of the Village, which is a commercial corridor that is separated from the main part of the Village, we suggest that the Village sign law be amended to make the desired allowances for signs in this geographic area.


Salvatore Corallo
Commissioner of Planning

**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 substantive 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.

c: Mayor John Shields, Nyack
New York State Department of Transportation
New York State Thruway Authority
Town of Clarkstown
William J. Welsh, Kato Services, Inc.
Del Ahmed