



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

October 9, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.15-1-21

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

Map Date: 8/30/2013

Date Review Received: 9/19/2013

Item: *RESIDENCE INN (FB ORANGETOWN LLC) (O-1876R)*

Variances to permit an illuminated building wall sign and two illuminated freestanding signs for a new hotel in the LI zoning district on a site that is 15.8 acres. Variances required include greater than permitted sign area and height.

Southwest corner of NYS Route 303 and Stevens Way

Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Greenbush Road (CR 15)

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 While we recognize that these variances will not directly impact the State highway, the granting of these variances can still set a precedent, and encourage other nearby commercial uses along the State highway to request similar exemptions which could directly impact the safe and efficient flow of the roadway. The Town's zoning standards are reasonable as written, and should be followed. However, if your Board finds there is a pattern of requests for sign variances, particularly for properties that front on State highways, and that some rationale exists for lessening the Town's standards, we suggest a recommendation be made to the Town Board to revise the sign standards. These revisions could be only for those parcels that front high-volume traffic corridors, such as the State highways.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation

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Palisades Interstate Park Commission
Rockland County Department of Highways
Leonard Jackson Associates

**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.