COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 30, 2014

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

Tax Data: 77.07-1-3

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

Map Date: 12/19/2013 **Date Review Received:** 9/9/2014

Item: ***ALLSTATE SIGNS (O-984A)***

Variances to allow a monument sign for a new insurance office on a parcel located in the R-15 zoning district on .82 acres. Required variances include: less than the required sign setback from the intersection and greater than permitted sign area.

Northwest corner of the intersection of Kings Highway and NYS Route 303

Reason for Referral:

NYS Route 303, Sparkill Creek

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 Town'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 State highway to request similar exemptions. The resulting proliferation of oversized and improperly setback signs will have an adverse effect on the safe and efficient flow of traffic along the State highway. If your Board finds there is a pattern of requests for sign variances 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 on parcels that front high-volume traffic corridors.

2 It is not clear if the proposed location of the monument sign is in fact being proposed on the property. The visual provided for the proposed sign, Drawing #A18745, shows the location of the sign to be in very close proximity to the traffic signal pole, which appears to be located outside of the property line. The Town and the New York State Department of Transportation must review the proposed location of the sign to ensure that it will not be encroaching into the State right-of-way.

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3 An updated survey should be provided for the site to ensure that the proposed location for the proposed sign is accurate. The Rockland County tax maps show that the property measurement along Kings Highway is only 20.78' not 120.78. This discrepancy must be resolved in order to accurately locate any proposed signs.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Philadelphia Sign

Timothy Fay

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.