



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 21, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 78.09-1-27 78.09-1-26

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

Map Date: 6/3/2014

Date Review Received: 10/28/2014

Item: *CATHERINE SKAE (COLUMCILLE PROPERTIES LLC) (O-1351N)*

Variance to permit a proposed sign for an existing building located on 2.35 acres in the LO zoning district. The sign requires a front setback variance, and is being proposed within the NYS DOT right-of-way of US Route 9W.

West side of US Route 9w, approximately 1,770 feet north of Kopac Lane

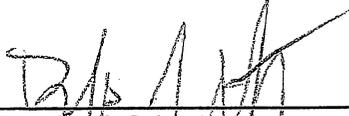
Reason for Referral:

US Route 9W, Tallman Mountain State Park

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 must be followed. Locating a sign within the State right-of-way, especially when there is room on the site to meet the setback distance requirement without encroaching into the designated street line, cannot be permitted. Allowing this setback variance can set a precedent and encourage other nearby properties along the State highway to request similar exemptions. The resulting proliferation of improperly setback signs will have an adverse effect on the safe and efficient flow of traffic along the State highway, such as creating sight distance, maintenance, or visual issues. The sign must be placed so that it is outside of the designated street line of the State highway.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission

CATHERINE SKAE (COLUMCILLE PROPERTIES LLC) (O-1351N)

Atzl, Nasher & Zigler P.C.

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.