

**DEPARTMENT OF PLANNING**

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

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

June 23, 2016

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

**Tax Data:** 74.15-1-2

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

**Map Date:** 5/23/2016

**Date Review Received:** 5/31/2016

**Item:** *ORANGETOWN COMMERCE CENTER (O-2012D)*

Variations to permit the installation of two internally lit freestanding signs for a proposed single-story warehouse building with multiple tenant spaces. The required sign variations include greater than permitted sign area, greater than permitted illuminated area, and less than the required sign setback from the front lot line. In addition, a building height variance is required. The site is located on 5.84 acres in the LI zoning district.

South side of Highview Avenue, west side of Greenbush Road, opposite Stevens Way, east side of the railroad right-of-way

**Reason for Referral:**

Western Highway (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:

***\*Disapprove***

1 With regard to the proposed variations for sign area (both the general sign area and the illuminated portion of the sign), we are disapproving the request for the following reason: The Town's zoning standards are reasonable and should be followed. The requested sign area is 700% greater than permitted for an illuminated sign and 300 % greater for sign area in general. The granting of the sign size will set a precedent and encourage nearby commercial uses to request similar exemptions for commercial establishments with multi-use tenants. The resulting proliferation of oversized signs will have an adverse effect on the safe and efficient flow of traffic along the State or County highways.

The sign area must be reduced in size so that it is in better compliance with the Town's Zoning Ordinance requirement. If your Board finds there is a pattern of requests for sign variations and that some rationale exists for lessening standards, then we suggest that you recommend to the Town Board that the sign standards be reviewed for all commercial properties.

**ORANGETOWN COMMERCE CENTER (O-2012D)**

2 With regard to the variance for sign setback we are approving the requested setback with the following recommendations: a) It is normally our policy to disapprove sign variances as the Town's sign standards are reasonable and should be followed. Granting a variance for sign setback can often set a precedent for other similar uses to request the same variances, and can cause sight distance problems on state or county highways. However, the two proposed signs are located on a slower speed town road, and are being situated around the parking areas and stormwater management systems. Every effort should be made to locate the signs as far back as possible from the property line. For example the northern double-sided sign could be moved to the south side of the driveway further from the road and the southern single-sided sign could be moved to the area within the easement.; and b) A review must be done by Orange and Rockland Utilities since the proposed signs are being situated within their 15' wide utility easement.

3 With regard to the building height variance, since the proposed building height will have no adverse impacts on any County-wide interests, we remand the matter for local determination.

4 It is noted in the May 11, 2016 letter from John Giardiello, PE that parking in the required yards is not permitted unless approved by the Planning Board. It must be indicated whether the parking located in the yards has been approved by the Planning Board. If not, then a variance may be required, and the public hearing notice reissued to reflect this additional variance.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Orange and Rockland Utilities  
Leonard Jackson Associates

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.*