Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 27, 2017

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

Tax Data: 72.08-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/16/2017 **Date Review Received:** 1/25/2017

Item: ***PEARL MONT CORP. SIGNS (O-1884G)***

Variance for sign area to permit eight signs, which total 302 sq. ft., for an existing commercial building located on 2.08 acres in the LIO zoning district.

East side of NYS Route 304, west side of the railroad right-of-way, 80 feet north of the New Jersey state line

Reason for Referral:

NYS Route 304, Muddy Creek, Montvale Borough, NJ

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 sign standards are reasonable and must be followed. The proposed area for the total of all signs is over 400% greater than permitted. The granting of this sign area variance is a land use precedent setting issue. The proliferation of oversized signs along the state roadway can impede the safe and efficient flow of traffic along this heavily traveled thoroughfare. The total sign area must be reduced to more closely conform to the Town's sign standards.

2 The January 24, 2017 Memorandum from David Majewski indicates that the total sign area proposed is 302 sq. ft. The Sign List provided on the January 16, 2017 plans indicate that a total sign area of 265.8 sq. ft. is proposed. All application materials must be consistent, and any discrepancies corrected.

PEARL MONT CORP. SIGNS (O-1884G)

3 Both the January 11 and January 24 letters from the Town of Orangetown staff indicate specific requirements that must be submitted for a sign application. It appears that several of the requirements have not yet been provided, which include: 1) the height of the monument sign at the north entrance shall be labeled on the plan; 2) the individual sign heights for each sign must be provided in the Sign List table; and 3) Sign #1 LED Board must be calculated for its total sign area, not the "view area." These requirements must be provided before any sign variance can be reviewed.

4 In addition to the above reasons for our disapproval, we also request that the New York State Department of Transportation provide a review of the proposed sign area variance application.

Douglas J. Schuetz
Acting Commissioner of Planning

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

RA Associates
Borough of Montvale, NJ

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.