



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 30, 2018

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 72.08-1-1

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

Map Date: 12/21/2017

Date Review Received: 3/30/2018

Item: *ROCKLAND PLASTIC SURGERY SIGN LOCATION PLAN (O-2022D)*

Sign plan to permit the installation of one double-faced, internally illuminated pylon sign that is 30 sq. ft. each side, for a commercial use located on .97 acres in the LIO zoning district
East side of NYS Route 304, west side of the railroad right-of-way, approximately 180 feet north of Grand Avenue

Reason for Referral:

NYS Route 304, Muddy Creek, Gilbert Avenue (CR 20)

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 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 2 The April 16, 2018 letter from the Rockland County Drainage Agency notes that the applicant is in violation of a permit given previously. A "Notification of Completion" form and an "As-Built" drawing must be provided to them, and resolution of the permit violation addressed, before the sign plan can be granted by the Town of Orangetown Planning Board.
- 3 The Town must ensure that the proposed sign conforms to all sign requirements, as per Section 3.11, Table of General Use Regulations, Column 5, item #11.

ROCKLAND PLASTIC SURGERY SIGN LOCATION PLAN (O-2022D)


Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Highways

Atzl, Nasher & Zigler P.C.
Brian O'Connor

**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.