

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 17, 2019

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

Tax Data: 74.09-1-64

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

Map Date: 12/7/2018

Date Review Received: 4/1/2019

Item: *BETHANY MAR THOMA CHURCH (O-207G)*

Variations to permit three signs for a proposed house of worship and pastor's residence expansion located on 1.036 acres in the R-80 zoning district. The monument sign is larger than permitted and closer to the front and side yards than allowed (20 sq. ft. permitted and 32 sq. ft. proposed; 25' from lot line required and 10' front yard and 5' side yard are proposed). Two non-illuminated directional signs are proposed that exceed the allowed square footage (2 sf per sign permitted; 6.25 sf are proposed).

North side of Old Orangeburg Road, approximately 300 feet east of First Avenue, and opposite the connecting road to Orangeburg Road

Reason for Referral:

Rockland Psychiatric Center, New York State Armory, Orangeburg Road (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:

****Disapprove***

1 The placement of the monument sign does seem to be located where it would be most visible if traveling on the spur that connects Orangeburg Road to Old Orangeburg Road. In addition, we recognize that these variations will not directly impact the County highway or State facilities. However, the granting of these variations can still set a precedent, and encourage other similar uses along the County highway to request similar exemptions which could directly impact the safe and efficient flow of the roadway. The Town's zoning standards are reasonable as written, and must be followed. If your Board finds there is a pattern of requests for sign variations, 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. The size of the signs should be reduced so that they comply with the Orangetown zoning ordinance.

BETHANY MAR THOMA CHURCH (O-207G)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland Psychiatric Center

Atzl, Nasher & Zigler P.C.
New York State Armory - NYS Division of Military
and Naval Affairs

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.