



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 18, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.14-4-12

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

Map Date: 6/7/2018

Date Review Received: 7/2/2019

Item: *KOLB SUBARU SIGN LOCATION (O-881F)*

Sign location plan for the installation of seven signs, including one monument, at an auto-service facility located on 2.028 acres in the CC zoning district.

Southwest of East Erie Street and NYS Route 303

Reason for Referral:

NYS Route 303

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 Section 3.11 permits signs that do not exceed 15% of the sign wall area, but in no event are greater than 40 SF for the total area, as a general accessory use in the CC zoning district. Two of the proposed signs (Nos. 6 and 7) are approximately 50.9 SF alone, and the total square footage is over 198 SF, or 396.4% greater than permitted. In addition, signs not attached to a building must be set back at least 25 feet from the front lot line. The aforementioned signs are both proposed to be located approximately 10 feet from the property line. These signs must be reduced in size and located farther from the property line in order to comply with the Town code or variances must be sought.

2 As per the Route 303 Overlay Zone (Section 13.10 B(4)), "...signage... shall not be permitted on the right-of-way line that forms Route 303 or within the twenty-five-foot vegetated buffer adjacent to such right-of-way line, except that lighting fixtures and on-site signage shall be permitted within 10 feet of any entryway for ingress or egress. Sign No. 6 is proposed within the 25 foot vegetated buffer and must be moved to comply with this condition.

The following additional comments address our concerns about this proposal.

KOLB SUBARU SIGN LOCATION (O-881F)

- 3 The proposed plans shall comply with all other conditions of the Route 303 Overlay Zone, to the extent applicable.
- 4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 5 It appears that variances will be required for the proposed signage. We request the opportunity to review these variances that may be needed to implement the proposed signage, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Department of Health

Jay A. Greenwell, PLS, LLC
CenterPoint Engineering, PLLC

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.