

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

May 1, 2019

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

**Tax Data:** 69.09-2-52

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 4/1/2019

**Date Review Received:** 4/5/2019

**Item:** *SDA CHURCH SIGN (O-1845B)*

Variances to permit a new sign to replace an existing sign for a church building located in the R-15 zoning district on 1.00 acres. Required variances include: greater than permitted sign size for an illuminated sign (20 sq. ft. allowed, 57 sq. ft. proposed); greater than permitted sign area for a non-illuminated sign (2 sq. ft. permitted, 5 sq. ft. proposed); and less than the required sign setback (25' required, 1'6" proposed). Total sign area proposed is 67 sq. ft.

East side of N. Middletown Road, west side of Marion Place/Arlene Court, opposite E. Lewis Avenue

**Reason for Referral:**

N. Middletown Road (CR 33)

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 We are disapproving the variances for sign size for an illuminated sign, sign size for a non-illuminated sign, and setback. The Town's zoning standards are reasonable and should be followed. The granting of these variances can set a precedent and encourage nearby commercial and non-residential uses along the County highway to request similar exemptions. This can result in a proliferation of oversized signs that are located too close to the County highway, resulting in an adverse effect on the safe and efficient flow of traffic and interfering with sight distance. If your Board finds there is a pattern of requests for sign variances, 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 on parcels that front high-volume traffic corridors.

**SDA CHURCH SIGN (O-1845B)**

2 The following additional comments address other concerns regarding the sign variances and application submittal:

The comments in the April 9, 2019 letter from the Rockland County Highway Department must be met.

3 The site plan must contain a north arrow, a vicinity map with a north arrow and scale, the tax parcel identification, and a bulk table listing all of the required variances for the proposed sign.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
John Halsey Architect

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.*