

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 9, 2020

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

Tax Data: 64.17-1-78

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

Map Date: 6/5/2020

Date Review Received: 6/30/2020

Item: 734 SOUTH MIDDLETOWN ROAD (O-1751E)

Sign variance for total sign area to permit a monument sign and façade sign at a proposed bank located on 0.78 acres in the CO zoning district.

East side of North Middletown Road, approximately 175 feet south of Hovenkamp Road

Reason for Referral:

North & South Middletown Road (CR 33), West Townline Road (CR 42), Town of Clarkstown

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 zoning standards are reasonable and should be followed. The total sign area of 26.81 SF proposed by the applicant is 223% greater than the 12 SF permitted. The granting of this variance can set a precedent and encourage nearby commercial uses along the County highway to request similar exemptions. The resulting proliferation of oversized signs will have an adverse effect on the safe and efficient flow of traffic along the County highway. 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.

The following comments address our additional concerns about this proposal:

2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.

3 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is 155 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Town of Orangetown.

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cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Highways

Jay A. Greenwell, PLS
Town of Clarkstown
Degraw & Dehaan Architects

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.