

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

November 1, 2016

South Nyack Zoning Board of Appeals
Village Hall
282 South Broadway
South Nyack, NY 10960

Tax Data: 66.78-1-27

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/15/2016

Date Review Received: 10/20/2016

Item: ***SALISBURY POINT COOPERATIVE - NORTH ENTRANCE SIGN (SN-59Q)***

Variances for sign area and fence height, and interpretation of the zoning code for the illuminated signage, for the proposed reconfiguration of the north entrance, which includes the installation of a new sign with masonry wing walls, fence, reconfigured curb cut, landscaping, and a 42" iron fence for the Salisbury Point Cooperative, which is located on 5.6 acres in the High Rise Apartments (HRA) zoning district.

East side of Piermont Avenue, south side of Salisbury Place, just north of the Village of Grand View-on-Hudson municipal boundary

Reason for Referral:

New York State Thruway, Village of Grand View-on-Hudson, Town of Orangetown (at the Hudson River), River Road (CR 1)

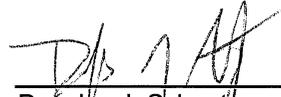
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1 With regard to the variance for sign area, we have the following comment: It is normally our policy to disapprove sign variances as the Village's sign standards are reasonable and should be followed. Granting the sign area variance could set a precedent for other similar uses to request the same type of variance, and can cause sight distance problems on the roadways. The only other multi-family use in the neighborhood is located directly across the street, and currently has identification signs at each of its entrances. The Village of South Nyack should ascertain whether these existing signs for the multi-family residences across the street are similarly sized signs, or whether the granting of the sign area will set precedent for larger signs to be installed. If your Board finds there is a pattern of requests for sign variances, or that the existing signs for similar uses generally exceed the allowable sign size, then we suggest that a recommendation be made to the Village Board to revise the sign standards for multi-family residences.

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- 2 With regard to the variance for fence height, we remand this for local determination.
- 3 With regard for the variance for an illuminated sign, we remand this for local determination.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bonnie Christian, South Nyack

Daniel Sherman - Landscape Architect
Village of Grand View-on-Hudson
Town of Orangetown

**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.