

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 3, 2019

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, NY 10980

Tax Data: 20.04-11-7

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

Map Date: 8/7/2019

Date Review Received: 9/6/2019

Item: *GARY GALANTI (SP-550F)*

Variance to permit the installation of a double-faced monument sign that exceeds the maximum allowable square footage (the proposed sign area is 77 SF on each side, for a total of 154 SF, with 80 SF permitted). The parcel is located on 2.02 acres in the LI zoning district.

South side of Holt Drive, approximately 820 feet east of US Route 9W/US Route 202

Reason for Referral:

Town of Haverstraw, Village of West Haverstraw

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***

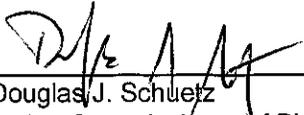
1 The Town's sign standards are reasonable and should be followed. The granting of sign variances is a land use precedent setting issue, and can undermine the intent of the Town's zoning ordinance and sign regulations. The proliferation of oversized signs can impede sight distance and encourage other businesses to also exceed the Town sign standards. The applicant shall reduce the size of the sign so that it conforms to the Town's sign standards.

The following comments address our additional concerns about the proposal:

2 The Town of Haverstraw and Village of West Haverstraw are two of the reasons this proposal was referred to this department for review. The municipal boundary of the Town of Haverstraw is along the southern border of the site while the municipal boundary of the Village of West Haverstraw is approximately 350 feet southeast of the site. As required under Section 239nn of the State General Municipal Law, the Town of Haverstraw and Village of West Haverstraw must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Town of Stony Point.

GARY GALANTI (SP-550F)

3 The Town must ensure that the proposed sign conforms to all other sign requirements, as per Article IX of the Zoning Code.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point

Atzl, Nasher & Zigler P.C.
Town of Haverstraw, Village of West Haverstraw
Masa Midatlantic

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.