

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

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

December 12, 2016

Stony Point Town Board  
74 East Main Street  
Stony Point, NY 10980

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 11/15/2016

**Item:** *TOWN OF STONY POINT-LED SIGNS EMERGENCY & GOVERNMENTAL SERVICE ORG. (SP-826)*

Zoning Code Amendments to the Sign Law of the Town of Stony Point, to allow emergency and governmental service organizations to install and use LED signs for the purpose of publishing and posting messages to inform the public of emergency situations.

Throughout the Town

**Reason for Referral:**

State and County roads, county stream, county park

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 Without a list of service organizations that would meet the criteria to allow LED signage, it is difficult to determine exactly how many signs could be permitted, and where they will be located. However, given the knowledge of where several emergency and governmental buildings are located, it seems that most, if not all, of the buildings are located either on a State or County highway. LED signs are often very brightly illuminated, emit a glare, and are a distraction. Therefore we are concerned with the visual impact that may be caused to passing motorists. Prohibiting animated or motion effects is a positive requirement, as these types of signs can divert driver attention. To further reduce driver distraction, the Town must add another requirement that limits the intensity of the LED lighting, as the bright lighting, especially in the night time, can be at times almost blinding. The Town must add a light intensity requirement.

**TOWN OF STONY POINT-LED SIGNS EMERGENCY & GOVERNMENTAL SERVICE ORG. (SP-826)**

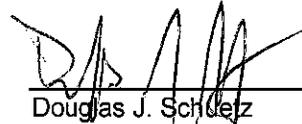
2 Will the LED signs be permitted for such locations as the County Highway Garage, Helen Hayes, Rho Building, golf course, sewer district, etc., as these are owned by medical and governmental service organizations. This must be clarified. Before the law is adopted, a list must be generated as to the organizations that are permitted to have these type of signs, and a rationale provided as to how the list was generated.

3 A review must be completed by the New York State Department of Transportation, and any raised concerns addressed.

4 A review must be completed by the Rockland County Department of Highways, and any raised concerns addressed.

5 Will the Town Building Inspector or other entity, have the ability to regulate the signs as indicated in Section 215-57D.? This needs to be clarified as the entities charged with enforcement, i.e. the Police Department, are the same entities to which this zoning code amendment applies.

6 Section 215-52E.(9) states that the sign must be set back at least 10 feet from any roadway or property line. State and County roads include a right-of-way that extends past the paved roadway. To ensure that the signs are not placed within a State or County right-of-way, the local law must be amended to require that the set back be at least 10 feet from only the property line. An example of an emergency service organization that could negatively impact placement of a sign within a right-of-way is tax parcel 20.06-1-41. This parcel has a large area, including the driveway access off of Central Drive/Route 210, that is not located on their property, but instead is part of the right-of-way for the County road. Under no circumstances can signs be placed within the rights-of-ways. This section of the proposed law must be amended.



Douglas J. Schletz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
New York State Department of Transportation  
Rockland County Department of Highways

*\*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.*