

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 12, 2019

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

Tax Data: 20.04-11-1

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

Map Date: 3/21/2019

Date Review Received: 5/17/2019

Item: *ROCK'S KITCHEN - 150-176 SOUTH LIBERTY DRIVE (SP-800D)*

A variance application to allow the installation of a business identification sign that exceeds the maximum vertical dimension in a shopping center with 5.56 acres in the BU zoning district. The eastern side of South Liberty Drive, approximately 230 feet north of Holt Drive.

Reason for Referral:

Helen Hayes Hospital, Filors Lane (CR 98), South Liberty Drive (US Route 202 & 9W)

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 granting of this variance can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. This can result in an excess amount of signs and a proliferation of oversized signs that can have an adverse effect on the safe and efficient flow of traffic along the State 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 The applicant must comply with all comments made by the Rockland County Department of Highways in their letter of May 23, 2019.

3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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4 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

5 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Rockland County Department of Highways
New York State Department of Transportation
Helen Hayes Hospital
Hudson Valley Sign Studio

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.