Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 17, 2017

Upper Nyack Zoning Board of Appeals
328 North Broadway
Upper Nyack, NY 10960

Tax Data: 60.18-1-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/4/2016 **Date Review Received:** 12/15/2016

Item: ***VAN HOUTEN HOLDING CORP. (UN-69C)***

Variance for sign size to allow a sign on the entry gate to an existing marine business located in the MB zoning district on 5.2 acres.
East end of Castle Heights Avenue and Van Houten Street, on the Hudson River

Reason for Referral:

Town of Clarkstown (at the Hudson River)

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 Every attempt should be made to have the proposed sign conform to the municipality's sign standards.

2 We request the opportunity to review any additional variances which may be necessary to implement the proposed special permit and site plan amendments.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Hindin, Upper Nyack

Jay A. Greenwell, PLS, LLC
Town of Clarkstown Planning Board

VAN HOUTEN HOLDING CORP. (UN-69C)

**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.