

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

October 21, 2024

New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 42.14-1-24

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

Map Date:

Date Review Received: 09/05/2024

Item: *580 New Hempstead Road - St. George Center (GML-24-0203)*

Sign plan to permit the installation of a 144 SF freestanding sign on an approximately 2.62-acre parcel located in the 1R-35 zoning district.

North side of New Hempstead Road, approximately 270 feet east of Highridge Road

Reason for Referral:

County Route 80 - New Hempstead Rd

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 map submitted with this application is a screenshot from Google maps. No setbacks from the front or side lot lines are indicated. As such, it is not possible for us to properly evaluate the impact the sign will have on the surrounding area, particularly on New Hempstead Road, a county highway, on which it will front. In fact, based on the image provided, the sign may be located within the County right-of-way, which extends approximately 18 feet north of the roadway in this location. A new application must be submitted that includes a site plan which indicates the setbacks and demonstrates that the sign will be located fully on-site and outside the County right-of-way.

The following comments address our additional concerns about this proposal:

- 2 A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and all required permits obtained.
- 3 Section 290-118 of the Village Code requires all signs to comply with the yard requirements for principal

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buildings in the district in which they are located. For uses not specified on the bulk table within the 1R-35 district, the front setback is 50 feet and the side yard setback is 25 feet. It is unclear if variances will be needed based on the information provided. We request the opportunity to review any variances that may be needed for this sign, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

- 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.



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Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
Rockland County Highway Department
Rockland County Planning Board

*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.