



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

October 29, 2013

ARLENE R. MILLER
Deputy Commissioner

Pomona Zoning Board of Appeals
100 Ladentown Road
Pomona, NY 10970

Tax Data: 33.17-1-14

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

Date Review Received: 10/11/2013

Map Date: 10/15/2013

Item: *DARBE MEHR ZOROASTRIAN TEMPLE (POM-26F)*

Variances to permit demolition of an existing building, and construction of a new 21,561 sq. ft. place of worship on 3.31 acres in the R-40 zoning district. Variances required include: front setback, rear setback, side setback (both sides), side buffer (both sides), building coverage, and impervious surfaces.

North side of Pomona Road, approximately 335 feet west of Camp Hill Road

Reason for Referral:

Pomona Road (CR 86), Town of Ramapo, Village of New Hempstead

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***

With regards to the variances for side setback and side buffer (east, west & rear), since these proposed variances will have no adverse impacts on any County-wide interests, these variances are remanded for local determination.

With regards to the variances for front setback, building coverage, and impervious surfaces, we offer the following comments:

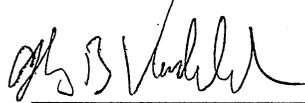
- 1 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 Every effort should be made to reduce the amount of impervious surfaces on site. Pervious pavers, grass-crete, or other types of material should be used for as much of the parking areas and walkways as possible.

DARBE MEHR ZOROASTRIAN TEMPLE (POM-26F)

3 The Town of Ramapo and the Village of New Hempstead are two of the reasons this proposal was referred to this department for review. The municipal boundary for each is along Pomona Road, both directly adjacent to the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of New Hempstead must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 The Title Sheet lists the Village of Wesley Hills as bordering the site to the south of Pomona Road. This is incorrect and must be changed to Village of New Hempstead. The Village of Wesley Hills' border along Pomona Road does not begin until west of McNamara Road.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Nicholas Sanderson, Pomona

RA Associates
Town of Ramapo
Village of New Hempstead

**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.