



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

**EDWIN J. DAY**  
County Executive

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**DOUGLAS J. SCHUETZ**  
Acting Commissioner

February 5, 2015

**ARLENE R. MILLER**  
Deputy Commissioner

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

**Tax Data:** 32.08-1-60

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

**Map Date:** 3/3/1989

**Date Review Received:** 1/16/2015

**Item: IAN BANKS (POM-21F)**

Zoning Board appeal of two determinations of the Pomona Building Inspector for a property located in the R-40 zoning district on 2.01 acres. Specific appeals include: the request for a certificate of occupancy for an accessory building (barn); and issuance of a renewal building permit for work proposed to be performed on said building.

East side of Ladentown Road (Old Route 202), approximately 260 feet south of Mountain Road

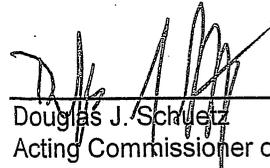
**Reason for Referral:**

Town of Ramapo, US Route 202

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 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western along Ladentown Road, directly adjacent to the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Village of Pomona.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Brett Yagel, Pomona  
New York State Department of Transportation  
Town of Ramapo  
Ian Banks

**IAN BANKS (POM-21F)**

*\*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.*