Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Pomona, New York 10970
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 1, 2016

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

Tax Data: 32.20-2-38

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/28/2016 **Date Review Received:** 8/12/2016

Item: ***TREVOR POST (POM-62)***

Variances for side setback and lot coverage, to permit a proposed attached, two-story garage with finished storage space, for an existing residence located in the R-40 zoning district on .91 acres.
North side of Pomona Road, approximately 100 feet east of Ayden Court

Reason for Referral:

Pomona Road (CR 86), Village of Wesley Hills, Town of Ramapo

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 A review must be completed by the County of Rockland Department of Highways and any concerns addessed and required permits obtained.

2 The Town of Ramapo and the Village of Wesley Hills are two of the reasons this proposal was referred to this department for review. The municipal boundary for Ramapo is within the right-of-way of Pomona Road, and the boundary for Wesley Hills is on the south side of Pomona Road, across the street from the subject site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Village of Wesley Hills must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Pomona.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Brett Yagel, Pomona
Rockland County Department of Highways

TREVOR POST (POM-62)

Robert Murphy, Architect
Village of Pomona
Town of Ramapo

**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.