

**VILLAGE OF POMONA**  
**BOARD OF TRUSTEES MEETING/ PUBLIC HEARING**  
**MAY 23, 2022 8:00 PM**

When: May 23, 2022 08:00 PM Eastern Time (US and Canada)  
Topic: Village of Pomona: Board of Trustees Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84265860031?pwd=cnpNZzFTTGizYnRLRDNDTnNGaG1VZz09>

Passcode: 10970

Or By Telephone:

1-929-205-6099

Webinar ID: 842 6586 0031

Passcode: 10970

**AGENDA**

1. SALUTE TO THE FLAG
2. PUBLIC HEARING- HoW LAW AMMENDMENT
3. OPEN PERIOD
4. APPROVAL OF AUDITED CLAIMS
5. CULTURAL CENTER REPORT
6. BUILDING & ENGINEERING
  - a. ROAD WORK UPDATE
  - b. FEE SCHEDULE DISCUSSION
  - c. PARK BENCHES UPDATE
  - d. POTHOLE UPDATE
7. OLD BUSINESS
  - a. CCA CLEAN ENERGY PROPOSAL
  - b. REORGANIZATION APPOINTMENTS
  - c. 2022-2023 CALENDAR APPROVAL
8. NEW BUSINESS
9. TRUSTEES PERIOD
10. OFFICE PERIOD
  - a. DASNY UPDATE
  - b. APPROVAL OF TAX BILL POSTAGE
11. LEGAL
12. EXECUTIVE SESSION

## VILLAGE OF POMONA

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village of Pomona on the 23rd day of May, 2022, at approximately 8:00 pm to receive and hear public comment on the House of Worship Zoning Law update of the Village of Pomona. A copy of the Draft Law is available from the Village Clerk's office at 100 Ladentown Road, Pomona, New York 10970. There is no physical meeting location for the public in order to ensure the health, safety and welfare of the Village residents, but for the purposes of compliance with the applicable law, the Meeting will be conducted via video/tele-conferencing and the members of the public may participate in the Meeting by videoconferencing, access to which is shared by the web link provided below, or by telephone, access to which is shared by the telephone number:

By Zoom Link:

<https://us02web.zoom.us/j/84265860031?pwd=cnpNZzFTTGizYnRLRDNDTnNGaG1VZz09> Passcode: 10970

By Telephone:

1-929-205-6099

Webinar ID: 842 6586 0031

Passcode: 10970

The Meeting is being held in accordance with the New York State Public Officers Law and Executive Order 202.1 ("EO 202.1") issued on March 12, 2020 and subsequent Executive Orders issued by New York State Governor Kathy Hochul, which suspended Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting public in-person access to meetings and authorizing such meetings and Public Hearings to be held remotely by conference call, video conference or similar service. For any person unable to participate at the time of the Public Hearing, email comments may be submitted in advance to [chakiera.locust@pomonavillage.com](mailto:chakiera.locust@pomonavillage.com).

The full text of the draft law is on file in the Village Clerk's Office, 100 Ladentown Road, Pomona, New York, and may be obtained by any interested parties from 9:00 a.m. to 4:00 p.m., Monday through Friday.

By Order of the Village Board dated May 16, 2022.

Chakiera Locust

Village Clerk

**VILLAGE OF POMONA  
LOCAL LAW NO. X OF THE YEAR 2022**

**A LOCAL LAW AMENDING CHAPTER 130, ZONING, TO ADJUST REQUIREMENTS FOR NET LOT AREA, LOT COVERAGE, AND FLOOR AREA RATIO; CLARIFY PARKING AND SETBACKS REQUIRED FOR HOUSES OF WORSHIP; AND CREATE STANDARDS REGULATING THE MAXIMUM HEIGHT OF RETAINING WALLS.**

**Be it enacted by the Village Board of Trustees of the Village of Pomona by authority of Article 7 of the Village Law and Article 2, Section 10 of the Municipal Home Rule Law, as follows:**

*(Note: The symbol “\* \* \* \* \*,\*” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

*Section 1: Legislative findings and intent. The Village Board of Trustees of the Village of Pomona hereby finds and declares:*

WHEREAS, the Zoning Code permits and establishes standards for accessory residential gatherings at single family homes, and for neighborhood houses of worship up to 10,000 square feet at lots of 0.75 acres or more, and for larger community houses of worship on lots of three acres or more; and

WHEREAS, several neighborhood houses of worship are proposed in the northern portions of the Village with steep slopes that are also encumbered by easements, and such proposed projects are unreasonably impeded by the net lot area and parking requirements enacted in the fall of 2021; and

WHEREAS, in the Zoning Code, a review of existing language has found that existing adopted standards for minimum net lot area need adjustment to allow for the development of such neighborhood houses of worship at smaller steeper lots in the northern neighborhoods of the Village; and

WHEREAS, parking requirements have been found to be overly restrictive when applied to the total square footage of house of worship buildings, rather than just to the area of the main sanctuary or worship space because houses of worship do not utilize accessory spaces in their buildings during such times that services are occurring; and

WHEREAS, the development of houses of worship, as well as single-family homes, often requires the construction of retaining walls in order to provide flat areas for the immediate building site. The current zoning codes in the Village do not adequately limit the maximum height of such walls which, when constructed higher than ten feet, may cause negative aesthetic and safety impacts on neighbors, so additional regulation of such walls are needed; and

WHEREAS, scrutiny of the Zoning Code during review of pending projects has identified definitional inconsistencies involving the application of standards for net lot area, floor area ratio,

lot coverage, and impervious surfaces, and the application of these bulk standards throughout the Village requires adjustment;

THEREFORE BE IT RESOLVED, to enact the following amendments to the Zoning Code Chapter 130 of the Village of Pomona.

*Section 2: Amend the following existing definitions found in Article II, Definitions,, §130-4, Terms Defined, as follows:*

\* \* \* \* \*

**LOT AREA, NET**

The remaining lot area, once the sum of following parts of the subject lot, if present, are subtracted from the total horizontal area included within the boundaries of the lot:

1. Any land under a surface water body;
2. One quarter of any land which is defined as a freshwater wetland by the U.S. Army Corps of Engineers, the New York State Department of Environmental Conservation and/or Chapter 126 of this Code;
3. Any land within a one-hundred-year-frequency floodplain;
4. ~~Any land within access, utility or drainage easements or rights-of-way, except for direct utility connections to principal or accessory buildings on the site.~~
5. ~~Any land with unexcavated slopes over 35%; or~~
6. ~~Twenty five percent of any land with unexcavated slopes greater than 15% but less than 35%.~~

\* \* \* \* \*

*Section 3: Amend Article V, Area and Bulk Regulations, §130-12, R-40 District, by amending section I and by adding a new subsection K with a maximum standard for Floor Area Ratio, as follows, inserting words shown as underlined, and deleting words shown with a strikeout symbol:*

**§ 130-12 R-40 District.**

The following bulk regulations shall apply in the R-40 District:

- A. Minimum net lot area: 40,000 square feet.

\* \* \* \* \*

I. Maximum lot coverage. In order to ensure the maximum coverage of a lot with vegetation, the prevention of over development of lots, to minimize adverse visual impacts and to minimize negative impacts of stormwater runoff, there is hereby established a maximum lot coverage of 15%twenty percent (20%). In calculating maximum lot coverage, ~~there shall be included, in addition to the proposed building, the lot coverage of impervious surfaces and accessory structures such as swimming pools.~~ the total of all impervious surfaces shall be divided by the net lot area, as defined by this Chapter.

J. Maximum building Coverage: fifteen percent (15%).

K. Maximum floor area ratio (FAR): In the R-40 district, standards for maximum floor area ratio (FAR) shall apply only to uses requiring a special permit, as set forth in §130-10.

JL. Minimum number of off-street parking spaces: two (2).

\* \* \* \* \*

*Section 4. Adjust standards for community and neighborhood houses of worship, by amending subdivisions G and H of Section 130-10 of the Code, as follows:*

**§ 130-10 Special permit uses.**

The following uses are permitted in the R-40 District by special permit only, to be reviewed, approved, or disapproved by the board set forth in each subsection:

\* \* \* \* \*

G. By the Board of Trustees: Community house of worship as defined in § 130-4 of this chapter, subject to special permit approval by the Village Board of Trustees and site plan approval by the Planning Board. In addition to all other requirements of this Code for special permit and site plan approval, the following standards and requirements shall apply:

- (1) The minimum lot area for a community house of worship shall be a net lot area of three acres.
- (2) The use shall have a minimum of 100 feet of frontage on and access to a public road.
- (3) The proposed structure meets all state requirements for a place of public assembly, including the Fire Prevention and Building Code.
- (4) Adequate off-street parking on the same lot as the community house of worship shall be provided. A minimum of one parking space shall be required for every 200 square feet of gross floor area-floor area of the main sanctuary or hall where services are conducted, shall be required. As a condition of site plan approval, use of parts of the building outside of the main sanctuary or hall use shall be prohibited when services are conducted in order to limit peak parking demand and the number of required parking spaces, and said condition shall be placed on the site plan. The Planning Board may waive not more than 25% of the required number of parking spaces if the Board determines that such spaces are not needed based on the parking demands of the proposed use. The burden shall be on the applicant to prove that such spaces are not needed. Concurrent with its issuance of a special permit, the Village Board of Trustees may prohibit on-street parking on one side of the frontage street of the community house of worship within 750 feet of its main entrance, to ensure adequate room for passage of emergency vehicles, during times when on-street parking may occur.

- (5) All buildings, structures and other uses, including driveways and parking areas, shall be set back a minimum of ~~125-50~~ feet from all property lines. Such setback area shall include a landscaped buffer screening area of at least ~~35-25~~ feet which, in the judgment of the Planning Board, will be adequate to screen the use from adjoining properties. The buffer area may include trees, bushes, fences, walls, berms or any combination of the aforesaid, to be determined by the Planning Board.
- (6) The total building coverage shall not exceed 10% of the net lot area. The total coverage of impervious surfaces shall not exceed 25% of the net lot area. The maximum floor area ratio shall be 0.30.
- (7) The sources of exterior lighting shall be so shielded so that luminaires are not visible beyond the boundaries of the lot on which they are located. The maximum illumination level at property lines shall be 0.1 footcandles. No outdoor public address systems shall be permitted.
- (8) Kitchen equipment designed for large scale food preparation shall be permitted, in compliance with all plumbing, electrical, fire, health and safety codes. Such equipment shall be utilized only for the preparation of foods to be served on site.
- (9) For community houses of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and functions shall be subordinate in aggregate to the size and function of the community house of worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A dwelling unit, as defined in this chapter, established at the site of a community house of worship shall not be considered as accessory to the community house of worship, but rather as an additional principal use.
- (10) One monument sign, limited to eight square feet in area and set back a minimum of 10 feet from the lot line, may be permitted at the front entrance to the community house of worship. Illumination, if provided, shall be indirect, and the source of such light shall not be visible from adjoining properties or roads.
- (11) The maximum height of buildings and structures shall be 35 feet measured from ground level in front of the building or structure. The height limitation shall not apply to church spires, belfries, cupolas, domes, monuments and similar appurtenances that are not used for human occupancy and do not extend more than 15 feet above the roof of the building or structure.
- (12) Such other requirements as may be imposed by the Board of Trustees to mitigate traffic, safety hazards, drainage, aesthetics or other adverse impacts on adjacent properties or on the neighborhood.

H. By the Board of Trustees: Neighborhood house of worship as defined in § 130-4 of this

chapter, subject to special permit approval by the Village Board of Trustees and site plan approval by the Planning Board. In addition to all other requirements of this Code for site plan approval, the following standards and requirements shall apply:

- (1) The minimum lot area for a neighborhood house of worship shall be a net lot area of 32,670 square feet or 0.75 acres.
- (2) The use shall have a minimum of 100 feet of frontage on and access to a public road.
- (3) The proposed structure meets all state requirements for a place of public assembly, including the New York State Uniform Fire Prevention and Building Code.
- (4) Adequate off-street parking on the same lot as the house of worship shall be provided. A minimum of ten parking spaces, or one parking space for every 200 square feet of floor area of the main sanctuary or hall where services are conducted, gross floor area shall be provided, whichever is greater. As a condition of site plan approval, use of parts of the building outside of the main sanctuary or hall use shall be prohibited when services are conducted in order to limit peak parking demand and the number of required parking spaces, and said condition shall be placed on the site plan. ~~The Planning Board may waive not more than 50% of the required number of parking spaces if the Board determines that such spaces are not needed based on the parking demands of the proposed use. The burden shall be on the applicant to prove that such spaces are not needed.~~ Concurrent with its issuance of a special permit, the Village Board of Trustees may prohibit on-street parking on one side of the frontage street of the neighborhood house of worship within 750 feet of its main entrance, to ensure adequate room for passage of emergency vehicles, during times when on-street parking may occur.
- (5) All buildings and structures shall be set back a minimum of 25 feet from all property lines. Other uses outside of buildings, including driveways and parking areas shall be set back a minimum of ~~10-5~~ feet from all property lines, except as necessary to access the street. Such setback area shall include a landscaped buffer screening area of at least 5 feet in width and 6 feet in height which, in the judgment of the Planning Board, will be adequate to screen the use from adjoining properties. The buffer area may include trees, bushes, fences, walls, berms or any combination of the aforesaid, to be determined by the Planning Board.
- (6) The total building coverage shall not exceed 15% of the net lot area. The total coverage of impervious surfaces (which includes all buildings, structures, parking areas, driveways, sidewalks and other areas covered in concrete, asphalt or packed stone) shall not exceed 50% of the net lot area. The maximum floor area ratio shall be 0.25.
- (7) The sources of exterior lighting shall be so shielded so that luminaires are not visible beyond the boundaries of the lot on which they are located. The maximum illumination level at property lines shall be 0.1 footcandles. No outdoor public address systems shall be permitted.
- (8) No cooking facilities will be permitted, other than warming kitchen equipment for use by the clergy and/or congregants of the neighborhood house of worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No kitchen equipment designed

for large scale food preparation shall be permitted.

- (9) For neighborhood houses of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory uses such as classrooms, social halls, administrative offices, baths, gymnasiums and/or indoor recreation facilities may be provided, so long as such accessory uses in their aggregate shall be subordinate to the size and function of the neighborhood house of worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A dwelling unit, as defined in this chapter, established at the site of a neighborhood house of worship shall not be considered as accessory to the neighborhood house of worship, but rather as an additional principal use.
- (10) One monument sign, limited to eight square feet in area and set back a minimum of 10 feet from the lot line, may be permitted at the front entrance to the house of worship. Illumination, if provided, shall be indirect, and the source of such light shall not be visible from adjoining properties or roads.
- (11) The maximum height of buildings and structures shall be 35 feet measured from ground level in front of the building or structure. The height limitation shall not apply to church spires, belfries, cupolas, domes, monuments and similar appurtenances that are not used for human occupancy and do not extend more than 15 feet above the roof of the building or structure.
- (12) Such other requirements as may be imposed by the Board of Trustees to mitigate traffic, safety hazards, drainage, aesthetics or other adverse impacts on adjacent properties or on the neighborhood.

*Section 5. Adjust standards for retaining walls by amending the language in found in Article VI, General Regulations, §130-16 General lot, yard and use regulations, subsection L, Fences and Walls, and adding a new subsection M, Retaining walls as set forth below, and relettering the subsequent subsections, as follows:*

- L. Fences and freestanding walls. Fences, and freestanding walls, including retaining walls, are permitted within required yards, provided that:
  - (1) Except as provided in Subsection Q below, such fences or freestanding walls shall not exceed four feet in height if located in a front yard and six feet in height in any other yard, except that such fences or freestanding walls shall not exceed six feet in height if located in a front yard abutting a state road. ~~The Code Enforcement Officer may, where necessary for safety, require the addition to a retaining wall of a motor vehicle bumper guard or fence.~~
  - (2) The fence or freestanding wall meets the requirements of Subsection D of this section.
  - (3) All fences and freestanding walls must be inside all lot lines.
- K. Retaining walls. Retaining walls are permitted within required yards, provided that:



- (1) Any retaining wall higher than eight (8) feet shall be set back five (5) feet from any property line.
- (2) Landscaping. The area adjacent to the top or bottom of each retaining wall four (4) feet or higher, and at the foot of any wall, shall be landscaped with trees or shrubs with a minimum height of four (4) feet at the time of installation, to mitigate the wall's visual impact, and to blend into the natural setting. When tiered retaining walls are employed, such landscaping shall be installed at the foot of the wall, and at the top of each tier.
- (3) Wall materials. Wall materials or facing shall include textures, colors, patterns and surfaces to provide an aesthetic appearance, and to mitigate the harshness or monotony of a broad, flat surface, and to blend into the surrounding natural setting.
- (4) Protection from falls. The Planning Board or Code Enforcement Officer may, where necessary for safety, require the addition of a motor vehicle bumper guard or fence at the top of any retaining wall.
- (5) Installation of retaining walls ten (10) feet or higher shall require site plan approval of the Planning Board, regardless of whether or not the application is subject to review as a steep slope site plan pursuant to §119-2.A. When conducting its review, the Planning Board shall apply the following standards:
  - a. In development of land, natural grades should be preserved wherever possible, and retaining walls higher than ten feet, with related earthwork, shall only be permitted when good and sufficient reason appears. All proposed buildings or structures shall be situated on a lot in a manner that requires the least amount of retaining wall construction as is practicable, to minimize grading, removal, or filling of soil.
  - b. No retaining walls shall be permitted to result in any increase of velocity or change in direction of surface water runoff without such water being appropriately managed on site to not adversely affect other properties.
  - c. Retaining wall heights and setback. Retaining wall heights shall be a maximum of ten (10) feet, measured from the bottom of the wall to the top of the wall. For projects requiring retention with retaining wall heights greater than ten feet, multiple tiered retaining walls shall be employed. Tiered retaining walls shall be defined as a single wall if the spacing between the face of walls is less than five (5) feet measured on the horizontal. All retaining walls subject to site plan approval shall be setback five feet from any property line.
  - d. Landscaping. The five-foot spacing requirement between tiered retaining walls and between a retaining wall and any property line shall allow for adequate landscaping at the top of each tiered wall and at the foot of the wall, according to the specifications of subsection 5 above.

d. Waiver of maximum wall height. Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary hardships may result from strict compliance with the maximum height of a retaining wall as set forth in subsection c above, the Board may grant a waiver to allow a retaining wall up to fifteen (15) feet in height, so that substantial justice is done, and the public interest secured. Where the maximum retaining wall height is waived, the resolution of the Planning Board shall attach such conditions, as in its judgement, are necessary to substantially secure the objectives of this Chapter, including, but not limited to enhanced plantings and landscaping to mitigate the additional height proposed. The minimum five (5) foot horizontal spacing between tiered walls shall not be waived. The minimum five (5) foot setback from property lines shall not be waived.

*Section 6. This local law shall take effect immediately.*

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Houses of Worship and Miscellaneous Zoning Text Amendments, May 2022		
Project Location (describe, and attach a general location map): Village of Pomona		
Brief Description of Proposed Action (include purpose or need): The proposed zoning code text amendments have been prepared to meet the following objectives: 1. Amend the definition of net lot area removing required deductions for steep slopes and easements, which have been found to be overly restrictive for the development of neighborhood houses of worship. 2. Increase the allowable development coverage for a residential lot by an additional 5%, to allow for larger homes to be developed in the R-40 District. 3. Clarify the application of parking requirements at houses of worship, so they are based on the area of the main sanctuary. 4. Neighborhood houses of worship must provide a minimum of ten parking spaces. 5. Reduce the width of landscaped buffers and driveway setbacks at places of worship that have been found to be overly restrictive. 6. Add new requirements setting a maximum height for retaining walls, and requiring tiered walls to be separated by five feet. Set new standards for retaining wall appearance, including landscaping requirements.		
Name of Applicant/Sponsor: Village of Pomona	Telephone: 845-354-0545	E-Mail: chakiera.locust@pomonavillage.com
Address: 100 Ladentown Road		
City/PO: Pomona	State: New York	Zip Code: 10970
Project Contact (if not same as sponsor; give name and title/role): Jonathan Lockman, Nelson, Pope and Voorhis (Village Planner)	Telephone: 845-368-1472 ext 104	E-Mail: jlockman@nelsonpope.com
Address: 156 Route 59, Suite C6		
City/PO: Suffern	State: NY	Zip Code: 10901
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Village Board of Trustees	June 2022
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rockland County Planning Department - GML Review	June 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The zoning amendments affect the entire Village which has only one zoning district, R-40.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? East Ramapo Central School District

b. What police or other public protection forces serve the project site?  
Town of Haverstraw & Town of Ramapo Police Departments

c. Which fire protection and emergency medical services serve the project site?  
Rockland County Fire and Emergency, Thiells Fire Department, West Haverstraw Fire Department,

d. What parks serve the project site?  
Burgess Meredith, Secor, Van den Hende

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- Describe types of new point sources. \_\_\_\_\_
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

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iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

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ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

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iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
  - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

- a. Existing land uses.
  - i. Check all uses that occur on, adjoining and near the project site.
    - Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
    - Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_
  - ii. If mix of uses, generally describe: \_\_\_\_\_

**b. Land uses and covertypes on the project site.**

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
<hr/>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
<hr/>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
<hr/>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

See Attachment F

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Village of Pomona, Ian Banks Date May 23, 2022

Signature \_\_\_\_\_ Title Mayor

The proposed zoning code text amendments have been prepared to meet the following objectives:

1. Amend the definition of net lot area removing required deductions for steep slopes and easements, which have been found to be overly restrictive for the development of neighborhood houses of worship and single family residences.
2. Increase the allowable development coverage for a residential lot by an additional 5%, to allow for larger homes to be developed in the R-40 District.
3. Clarify the application of parking requirements at houses of worship, so they are based on the area of the main sanctuary.
4. Neighborhood houses of worship must provide a minimum of ten parking spaces, regardless of sanctuary size.
5. Reduce the required width of landscaped buffers and driveway setbacks at places of worship that have been found to be overly restrictive.
6. Add new requirements setting a maximum height for retaining walls and requiring tiered walls to be separated by five feet. Set new standards for retaining wall appearance, including landscaping requirements.

Objective 1: Removal of Steep Slopes and Easements from the Definition of Net Lot Area.

The definition of net lot area has been found to be too restrictive to allow the reasonable development of Neighborhood Houses of Worship. There is a need for mid-sized congregations to be located within the northern neighborhoods of Pomona, within walking distance of residences. These neighborhoods tend to have lots with areas of steep slopes and utility easements, and if these areas are required to be subtracted from gross lot area, such neighborhood house of worship projects become unworkable, with respect to lot coverage and floor area ratio.

Criteria proposed to regulate Neighborhood Houses of Worship will still include a floor area ratio standard which will regulate the size of the building according to the size of its lot, with a maximum floor area for all structures of 10,000 square feet. On a flat lot without constraints, a 10,000 square foot building could fit on a lot of approximately one acre or more. On a three-quarter acre lot, the maximum size of a building that would fit would be about 8,000 square feet.

For Neighborhood Houses of Worship, minimum lot area required still will be a net lot area of 0.75 acres. Net lot area is now proposed to be defined as the portion of a lot free of wetlands, or floodplain.

For Neighborhood Houses of Worship, the required maximum values for floor area ratio, impervious surfaces coverage, and the coverage of building footprints will remain the at same percentage value but will be based on the more generous net lot area that may now include steep slopes and easements.

Objective 2: Allow additional lot coverage for residences in R-40.



It has been noted that the Village of Pomona has been attracting larger families with more children in recent years. Citizens are desiring larger residences with more bedrooms. New homes are designed larger, and there are many applications to expand existing homes. The proposed local law would limit the building coverage to 15% of the net lot area but would allow up to 20% of the net lot area to be covered by all impervious surfaces, which would include buildings, walkways, patios, swimming pools, and the like.

Objectives 3, 4 and 5: Adjust parking requirements for Houses of Worship.

It has been noted that when services are conducted at houses of worship, large portions of the building devoted to lecture rooms, fellowship halls, or recreation areas are vacant. It is burdensome for parking requirements to be applied to the gross square footage of the entire House of Worship building. The proposed local law will clarify the situation, and the requirement will now be applied to the area of the main sanctuary or hall where services are conducted, at a rate of one parking space for every 200 square feet. Furthermore, the local law would eliminate the Planning Board's authority to grant any parking waivers, so any relief from parking requirements would now only be available by applying for a variance from the Zoning Board of Appeals. Adjustments have also been made to reduce current requirements for driveway setbacks and landscaping at houses of worship, to be more in line with neighboring communities.

The new proposed local law would require a minimum of at least ten parking spaces at a Neighborhood House of Worship, regardless of sanctuary size.

Objective 6: New requirements for retaining walls.

The Village Board finds that at many lots in the Village of Pomona, the topography of the land is such that the development of residences or houses of worship may require the installation of retaining walls, to create flat areas for building sites, yards, or drives. In recent years, some development projects have created high walls of plain concrete which are not in harmony with the wooded natural environment of Pomona.

The proposed local law sets the maximum height of any retaining wall at ten feet. If a higher amount of land needs to be retained, walls will need to be tiered with five feet between each tier. Landscaping will be required at the top and foot of each individual or tiered wall four feet or higher. Texture, color, and materials will be regulated to enhance aesthetics, and to blend into the surrounding natural setting. Smooth concrete walls will be prohibited. Any wall eight feet or higher will be required to be set five feet from any property line. The proposed local law has a waiver provision, where the Planning Board may allow additional wall height up to 15 feet. Any further relief will require a variance from the Zoning Board of Appeals.

Closing

The proposed amendments acknowledge that houses of worship are presumptively beneficial to the public and appropriate to residential neighborhoods, as has been held in New York State court rulings. The proposed amendments allow the Village to be proactive by adopting standards and permitting Neighborhood Houses of Worship to ensure that they are in harmony with the surrounding neighborhoods and residents. The proposed amendments facilitate development in a predictable manner consistent with a well-considered plan.

The proposed zoning amendments are intended to allow a legal avenue that reasonably accommodates the needs of the observant religious population, while maintaining the quality and character of the community. The changes to the proposed regulation of houses of worship are not believed to impact the free exercise of any religion.

All future proposals for House of Worship uses will be subject to site-specific SEQRA analysis. Since the regulations do not commit the Village to any specific course of action with respect to specific projects, the proposed amendments would themselves not pose any potential for significant adverse environmental impacts.

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project : Houses of Worship Zoning Text Amendment

Date : May 23, 2022

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**  
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
*If "Yes", answer questions a - h. If "No", move on to Section 5.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  
 The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)  
*If "Yes", answer questions a - g. If "No", move on to Section 6.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>



d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>				<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>	
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>	
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>				<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>	
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>	
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

NO

YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: <u>Increase in pedestrian movements and on-street parking at places of worship may create hazards for pedestrians and motorists.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

NO

YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

NO

YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>Nonresidential assembly and house of worship uses may be established within existing homogeneously developed residential neighborhoods.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The following part 2 questions identified impacts that may occur as potentially moderate or large:

See attached sheets for impacts listed as potentially moderate or large on the Part 2 form, with explanations of the magnitude and importance of these impacts, and how mitigations will assure that no significant adverse environmental impacts will occur.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Village Board of the Village of Pomona as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Local Law to Amend Zoning Text for Houses of Worship

Name of Lead Agency: Village of Pomona Village Board

Name of Responsible Officer in Lead Agency: Mayor Ian Banks

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Preparer (if different from Responsible Officer) Jonathan Lockman, Village Planner \_\_\_\_\_ Date: May 23, 2022

**For Further Information:**

Contact Person: Jonathan T. Lockman AICP, Village Planner

Address: Nelson, Pope & Voorhis, 156 Route 59, Suite C6, Suffern, NY 10901

Telephone Number: 845.368.1472 ext. 104

E-mail: [jllockman@nelsonpoppe.com](mailto:jllockman@nelsonpoppe.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

**Full EAF Part 3**  
**Reasons Supporting Determination of No Significant Adverse Environmental Impacts**

The proposed zoning code text amendments have been prepared to meet the following objectives:

1. Amend the definition of net lot area removing required deductions for steep slopes and easements, which have been found to be overly restrictive for the development of neighborhood houses of worship and single-family residences.
2. Increase the allowable development coverage for a residential lot by an additional 5%, to allow for larger homes to be developed in the R-40 District.
3. Clarify the application of parking requirements at houses of worship, so they are based on the area of the main sanctuary.
4. Neighborhood houses of worship must provide a minimum of ten parking spaces, regardless of sanctuary size.
5. Reduce the required width of landscaped buffers and driveway setbacks at places of worship that have been found to be overly restrictive.
6. Add new requirements setting a maximum height for retaining walls and requiring tiered walls to be separated by five feet. Set new standards for retaining wall appearance, including landscaping requirements.

Objective 1: Removal of Steep Slopes and Easements from the Definition of Net Lot Area.

The definition of net lot area has been found to be too restrictive to allow the reasonable development of Neighborhood Houses of Worship. There is a need for mid-sized congregations to be located within the northern neighborhoods of Pomona, within walking distance of residences. These neighborhoods tend to have lots with areas of steep slopes and utility easements, and if these areas are required to be subtracted from gross lot area, such neighborhood house of worship projects become unworkable, with respect to lot coverage and floor area ratio.

Criteria proposed to regulate Neighborhood Houses of Worship will still include a floor area ratio standard which will regulate the size of the building according to the size of its lot, with a maximum floor area for all structures of 10,000 square feet. On a flat lot without constraints, a 10,000 square foot building could fit on a lot of approximately one acre or more. On a three-quarter acre lot, the maximum size of a building that would fit would be about 8,000 square feet.

For Neighborhood Houses of Worship, minimum lot area required still will be a net lot area of 0.75 acres. Net lot area is now proposed to be defined as the portion of a lot free of wetlands, or floodplain.

For Neighborhood Houses of Worship, the required maximum values for floor area ratio, impervious surfaces coverage, and the coverage of building footprints will remain the at same percentage value but will be based on the more generous net lot area that may now include steep slopes and easements.

Objective 2: Allow additional lot coverage for residences in R-40.

It has been noted that the Village of Pomona has been attracting larger families with more children in recent years. Citizens are desiring larger residences with more bedrooms. New homes are designed larger, and there are many applications to expand existing homes. The proposed local law would limit the building coverage to 15% of the net lot area but would allow up to 20% of the net lot area to be covered by all impervious surfaces, which would include buildings, walkways, patios, swimming pools, and the like.

Objectives 3, 4 and 5: Adjust parking requirements for Houses of Worship.

It has been noted that when services are conducted at houses of worship, large portions of the building devoted to lecture rooms, fellowship halls, or recreation areas are vacant. It is burdensome for parking requirements to be applied to the gross square footage of the entire House of Worship building. The proposed local law will clarify the situation, and the requirement will now be applied to the area of the main sanctuary or hall where services are conducted, at a rate of one parking space for every 200 square feet. Furthermore, the local law would eliminate the Planning Board's authority to grant any parking waivers, so any relief from parking requirements would now only be available by applying for a variance from the Zoning Board of Appeals. Adjustments have also been made to reduce current requirements for driveway setbacks and landscaping at houses of worship to be more in line with neighboring communities.

The new proposed local law would require a minimum of at least ten parking spaces at a Neighborhood House of Worship, regardless of sanctuary size.

Objective 6: New requirements for retaining walls.

The Village Board finds that at many lots in the Village of Pomona, the topography of the land is such that the development of residences or houses of worship may require the installation of retaining walls, to create flat areas for building sites, yards, or drives. In recent years, some development projects have created high walls of plain concrete which are not in harmony with the wooded natural environment of Pomona.

The proposed local law sets the maximum height of any retaining wall at ten feet. If a higher amount of land needs to be retained, walls will need to be tiered with five feet between each tier. Landscaping will be required at the top and foot of each individual or tiered wall four feet or higher. Texture, color, and materials will be regulated to enhance aesthetics, and to blend into the surrounding natural setting. Smooth concrete walls will be prohibited. Any wall eight feet or higher will be required to be set five feet from any property line. The proposed local law has a waiver provision, where the Planning Board may allow additional wall height up to 15 feet. Any further relief will require a variance from the Zoning Board of Appeals.

**Impacts Identified on Part 2 Form as Potentially Moderate to Large**

Questions number 1, 13, 17 and 18 of the FEAF Part 2 were answered "YES," indicating that moderate to large environmental impacts may occur with the proposed action. Reasons are provided below why the action will not result in the occurrence of any significant adverse environmental impacts. The magnitude of each potential impact is described, considering severity, size, and extent. Importance is assessed, relating to the geographic scope, duration and probability of the impact occurring, the number of people affected by the impact, and any additional environmental consequences.



**Question 1. Impact on Land.** The proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.

- 1.f. The proposed action may result increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

#### **Reasons Why the Action Will Not Result in a Significant Adverse Environmental Impact**

The proposed changes to the definition of net lot area will allow the development of somewhat larger single family homes, and also will allow the creation of off-street parking spaces for houses of worship, on sites that are currently restricted by steep slopes and easements. The allowances for the creation of off-street parking at houses of worship will have a benefit by lessening street congestion when services are conducted. The loosening of the net lot area restrictions will also allow for somewhat larger homes to be created, which will serve the needs of growing families that are settling in the Village of Pomona. Construction impacts on such steeper sites will be mitigated by tougher standards setting a maximum height for retaining walls, and requirements for enhanced landscaping at the top and bottom of such walls. Retaining walls will now be required to be set back five feet from any property line and to have an aesthetic appearance.

**Question 13. Impact on Transportation.** The proposed action may result in a change to existing transportation systems. The following sub-questions were answered “YES,” indicating that a moderate to large impact MAY occur.

- 13.e. The proposed action may alter the present pattern of movement of people or goods.
- 13.f. Other impacts: Increase in pedestrian movements and on-street parking at places of worship may create hazards for pedestrians and motorists.

#### **Reasons Why the Action Will Not Result in a Significant Adverse Environmental Impact**

When neighborhood places of worship are established in residential neighborhoods, some increases in vehicle traffic and pedestrian movements may be expected on residential streets, and some additional on-street parking may occur. At the beginning and end of services or gatherings, participants may walk on streets with limited or no sidewalks, and on-street parking may decrease the width of the travelled-way, potentially creating traffic conflicts. Uses may occur at nighttime or early morning hours, and these impacts could be more hazardous during times of low visibility.

It should be noted that the proposed action only increases opportunities for the development of parking at houses of worship. These changes to net lot area standards will provide the ability for houses of worship to provide more accessory off-street parking, decreasing the congestion on frontage streets when services are conducted. The impact of any retaining wall construction necessary to create flatter areas for off-street parking will be mitigated by the enhanced landscaping requirements, maximum height limits, and other wall standards in section 5 of the proposed local law.

The following provisions included in the proposed action will mitigate the transportation impacts identified above, so that only a small to moderate impact may occur:

1. On-site parking will be required for houses of worship based upon the size of the main sanctuary or hall where services are conducted, at the rate of 1 parking space per every 200 square feet. Provisions for the Planning Board to grant parking waivers have been eliminated. Concurrent with its issuance of a special permit, the Village Board of Trustees still may prohibit on-street parking on one side of the frontage street of the neighborhood house of worship

within 750 feet of its main entrance, to ensure adequate room for passage of emergency vehicles, during times when on-street parking may occur.

2. At neighborhood places of worship, a minimum of 10 parking spaces will be required, regardless of whether the assembly space is smaller than 2,000 square feet.

**Question 17. Consistency with Community Plans.** The proposed action is not consistent with adopted land use plans.

- 17.a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

**Reasons Why the Action Will Not Result in a Significant Adverse Environmental Impact**

The Village does not have any statutorily adopted overall land use plan or comprehensive plan. The Zoning Code of the Village of Pomona serves as its "well-considered plan" in compliance with state law. The proposed action would update the Zoning Code to comply with Federal and State statutory and case law regarding municipal zoning controls of religious uses, and to reconcile the Zoning Code with Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") codified at 42 USC §§ 2000cc, et seq. Thus, the proposed action would maintain the zoning code as its "well-considered plan." While the scale of a neighborhood house of worship may be larger than adjacent homes, New York State court rulings have held that such religious uses are "presumptively beneficial" to the public and appropriate to residential neighborhoods. Only a small to moderate impact will occur.

**Question 18. Consistency with Community Character.** The proposed project is inconsistent with the existing community character.

- 18.g. Other impacts: Nonresidential assembly and house of worship uses may be established within existing homogeneously developed residential neighborhoods.

The proposed action would allow new neighborhood house of worship uses that are compatible with residences and part of a residential neighborhood fabric but are not strictly residential uses in contrast to surrounding homes. Such buildings will be larger than the surrounding single-family homes already existing in the Village, but typically will be less than double their size. Concerns have been raised that Neighborhood Houses of Worship may have more parking spaces and walkways on-site as compared to a single-family home. Access ramps or lighting with such uses may be larger or more intense than usually found in residential areas. The size and bulk of buildings housing neighborhood places of worship or gathering places may be somewhat larger than homes in the surrounding neighborhood. Some noise impacts may occur as people leave or enter vehicles, and from conversations prior to participants entering the building. Concerns have also been raised concerning noise emanating from activities within the building, including voices or music.

**Reasons Why the Action Will Not Result in a Significant Adverse Environmental Impact**

Currently, houses of worship are largely excluded from the fabric of existing residential neighborhoods by the existing zoning requirements requiring the subtraction of steep slopes and easement areas from the gross lot area. Allowing houses of worship within existing neighborhoods could be disruptive to the residential character of neighborhoods. The following provisions have been included in the proposed action that will mitigate the impacts described above, so that only a small or moderate impact will occur:

1. Floor area ratio standards will remain unchanged, regulating the size of the building according to the size of its lot, with a maximum floor area for all structures of 10,000 square feet. On a flat lot without constraints, a 10,000 square foot building could fit on a lot of approximately one acre or

more. On a three-quarter acre lot, the maximum size of a building that would fit would be about 8,000 square feet.

2. Minimum road frontage is still required to be 100 feet on a public road.
3. The building still will be required to meet all State requirements for places of public assembly in the Uniform Fire Prevention and Building Code.
4. Minimum lot area required still will be a net lot area of 0.75 acres (Net lot area is now defined as the portion of a lot free of wetlands or floodplains).
5. For Neighborhood Houses of Worship, maximum impervious surfaces coverage of the lot will remain at 50%
6. The maximum coverage of building footprints on the lot will remain at 15%.
7. Floor area ratio will remain at 0.25 (gross floor area divided by net lot area).
8. Parking will be required on-site at a rate of 1 required parking space for every 200 square feet of the area of the main sanctuary or assembly hall. On narrow streets, the Village Board will still be authorized to prohibit parking on one-site of the frontage street.
9. Buildings still will be required to be set back 25 feet from any property line. Driveways and parking areas will now be required to be set back 5 feet from any property line. A five-foot wide landscape screen will be required within setback areas, with an additional new standard that such landscaping would be at least six feet in height.
10. Dwellings still will NOT be permitted as an accessory use at a Neighborhood House of Worship.

### **Magnitude and Importance of Impacts**

#### **Projections of the Number of Neighborhood Houses of Worship (HoWs) to be Established with the Village of Pomona**

In recent years, the Villages of Airmont, Chestnut Ridge and Wesley Hills have established local laws allowing development of Neighborhood Houses of Worship. In each of these Villages, such facilities have been established over the years following passage of such zoning amendments. Typically, these have been created by orthodox communities in neighborhoods within walking distance of the congregants' homes. We looked at the number of such facilities in each Village, and calculated the following rates:

1. The number of parcels in the Village for each Neighborhood HoW;
2. The number of persons in the Village for each Neighborhood HoW; and
3. The number of Neighborhood HoWs for each square mile of the Village's area.

Results are found in Table 1 below.

Based on the results of this analysis of the past experiences of neighboring communities, we would expect that four to five Neighborhood Houses of Worship would be established in Pomona over the next 10 years. The proposed local law will have a minimal impact on the Village, if it enables the use of retaining walls at newly-created Neighborhood Houses of Worship at less than a half-dozen sites.

**Table 1.**

<b>Neighborhood HoWs in Villages of Airmont, Chestnut Ridge &amp; Wesley Hills</b>			<b>Parcels per HoW</b>	<b>Population 2017 Est. Census</b>	<b>Persons per HoW</b>	<b>Square Miles</b>	<b>HoWs per Square Mile</b>
<b>Airmont</b>	13	2774	213	8888	684	4.56	2.85
<b>Chestnut Ridge</b>	5	2718	544	8156	1631	4.95	1.01
<b>Wesley Hills</b>	10	1674	167	5938	594	3.34	2.99
<b>Average</b>	9.3	2389	308	7661	970	4.28	2.28
<b>Projected Number of Neighborhood HoWs in Village of Pomona, based on Average Values in Airmont, Chestnut Ridge &amp; Wesley Hills</b>			<b>Projected Number of Neighborhood HoWs</b>				
<b>Pomona - Total Parcels</b>	1204		<b>3.9</b>		based on 308 parcels per HoW		
<b>Pomona - Total Population (2020 est.)</b>	3300		<b>3.4</b>		based on 970 persons per HoW		
<b>Pomona - Total Square Miles</b>	2.4		<b>5.4</b>		based on 2.28 HoWs per square mile		
<b>Average</b>			<b>4.2</b>				

**Concluding Comments**

The proposed amendments acknowledge that houses of worship are presumptively beneficial to the public and appropriate to residential neighborhoods, as has been held in New York State court rulings. The proposed amendments allow the Village to be proactive by adopting reasonable lot standards and permitting Neighborhood Houses of Worship to ensure that they are in harmony with the surrounding neighborhoods and residents. The proposed amendments facilitate development in a predictable manner consistent with a well-considered plan.

The proposed zoning amendments are intended to allow a legal avenue that reasonably accommodates the needs of the observant religious population, while maintaining the quality and character of the community. The changes to the proposed regulation of houses of worship are not believed to impact the free exercise of any religion.

All future proposals for House of Worship uses will be subject to site-specific SEQRA analysis. Since the regulations do not commit the Village to any specific course of action with respect to specific projects, the proposed amendments would themselves not pose any potential for significant adverse environmental impacts.

**VILLAGE OF POMONA  
LOCAL LAW NO. X OF THE YEAR 2022**

**A LOCAL LAW AMENDING CHAPTER 130, ZONING, TO ADJUST REQUIREMENTS FOR NET LOT AREA, LOT COVERAGE, AND FLOOR AREA RATIO; CLARIFY PARKING AND SETBACKS REQUIRED FOR HOUSES OF WORSHIP; AND CREATE STANDARDS REGULATING THE MAXIMUM HEIGHT OF RETAINING WALLS.**

**Be it enacted by the Village Board of Trustees of the Village of Pomona by authority of Article 7 of the Village Law and Article 2, Section 10 of the Municipal Home Rule Law, as follows:**

*(Note: The symbol “\* \* \* \*,” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

*Section 1: Legislative findings and intent. The Village Board of Trustees of the Village of Pomona hereby finds and declares:*

WHEREAS, the Zoning Code permits and establishes standards for accessory residential gatherings at single family homes, and for neighborhood houses of worship up to 10,000 square feet at lots of 0.75 acres or more, and for larger community houses of worship on lots of three acres or more; and

WHEREAS, several neighborhood houses of worship are proposed in the northern portions of the Village with steep slopes that are also encumbered by easements, and such proposed projects are unreasonably impeded by the net lot area and parking requirements enacted in the fall of 2021; and

WHEREAS, in the Zoning Code, a review of existing language has found that existing adopted standards for minimum net lot area need adjustment to allow for the development of such neighborhood houses of worship at smaller steeper lots in the northern neighborhoods of the Village; and

WHEREAS, parking requirements have been found to be overly restrictive when applied to the total square footage of house of worship buildings, rather than just to the area of the main sanctuary or worship space because houses of worship do not utilize accessory spaces in their buildings during such times that services are occurring; and

WHEREAS, the development of houses of worship, as well as single-family homes, often requires the construction of retaining walls in order to provide flat areas for the immediate building site. The current zoning codes in the Village do not adequately limit the maximum height of such walls which, when constructed higher than ten feet, may cause negative aesthetic and safety impacts on neighbors, so additional regulation of such walls are needed; and

WHEREAS, scrutiny of the Zoning Code during review of pending projects has identified definitional inconsistencies involving the application of standards for net lot area, floor area ratio,

lot coverage, and impervious surfaces, and the application of these bulk standards throughout the Village requires adjustment;

THEREFORE BE IT RESOLVED, to enact the following amendments to the Zoning Code Chapter 130 of the Village of Pomona.

*Section 2: Amend the following existing definitions found in Article II, Definitions,, §130-4, Terms Defined, as follows:*

\* \* \* \* \*

**LOT AREA, NET**

The remaining lot area, once the sum of following parts of the subject lot, if present, are subtracted from the total horizontal area included within the boundaries of the lot:

1. Any land under a surface water body;
2. One quarter of any land which is defined as a freshwater wetland by the U.S. Army Corps of Engineers, the New York State Department of Environmental Conservation and/or Chapter 126 of this Code;
3. Any land within a one-hundred-year-frequency floodplain;
4. ~~Any land within access, utility or drainage easements or rights-of-way, except for direct utility connections to principal or accessory buildings on the site.~~
5. ~~Any land with unexcavated slopes over 35%; or~~
6. ~~Twenty five percent of any land with unexcavated slopes greater than 15% but less than 35%.~~

\* \* \* \* \*

*Section 3: Amend Article V, Area and Bulk Regulations, §130-12, R-40 District, by amending section I and by adding a new subsection K with a maximum standard for Floor Area Ratio, as follows, inserting words shown as underlined, and deleting words shown with a strikeout symbol:*

**§ 130-12 R-40 District.**

The following bulk regulations shall apply in the R-40 District:

- A. Minimum net lot area: 40,000 square feet.

\* \* \* \* \*

I. Maximum lot coverage. In order to ensure the maximum coverage of a lot with vegetation, the prevention of over development of lots, to minimize adverse visual impacts and to minimize negative impacts of stormwater runoff, there is hereby established a maximum lot coverage of 15%twenty percent (20%). In calculating maximum lot coverage, ~~there shall be included, in addition to the proposed building, the lot coverage of impervious surfaces and accessory structures such as swimming pools.~~ the total of all impervious surfaces shall be divided by the net lot area, as defined by this Chapter.

J. Maximum building Coverage: fifteen percent (15%).

K. Maximum floor area ratio (FAR): In the R-40 district, standards for maximum floor area ratio (FAR) shall apply only to uses requiring a special permit, as set forth in §130-10.

JL. Minimum number of off-street parking spaces: two (2).

\* \* \* \* \*

*Section 4. Adjust standards for community and neighborhood houses of worship, by amending subdivisions G and H of Section 130-10 of the Code, as follows:*

**§ 130-10 Special permit uses.**

The following uses are permitted in the R-40 District by special permit only, to be reviewed, approved, or disapproved by the board set forth in each subsection:

\* \* \* \* \*

- G. By the Board of Trustees: Community house of worship as defined in § 130-4 of this chapter, subject to special permit approval by the Village Board of Trustees and site plan approval by the Planning Board. In addition to all other requirements of this Code for special permit and site plan approval, the following standards and requirements shall apply:
- (1) The minimum lot area for a community house of worship shall be a net lot area of three acres.
  - (2) The use shall have a minimum of 100 feet of frontage on and access to a public road.
  - (3) The proposed structure meets all state requirements for a place of public assembly, including the Fire Prevention and Building Code.
  - (4) Adequate off-street parking on the same lot as the community house of worship shall be provided. A minimum of one parking space shall be required for every 200 square feet of gross floor area floor area of the main sanctuary or hall where services are conducted shall be required. ~~The Planning Board may waive not more than 25% of the required number of parking spaces if the Board determines that such spaces are not needed based on the parking demands of the proposed use. The burden shall be on the applicant to prove that such spaces are not needed.~~ Concurrent with its issuance of a special permit, the Village Board of Trustees may prohibit on-street parking on one side of the frontage street of the community house of worship within 750 feet of its main entrance, to ensure adequate room for passage of emergency vehicles, during times when on-street parking may occur.
  - (5) All buildings, structures and other uses, including driveways and parking areas, shall be set back a minimum of ~~125-50~~ feet from all property lines. Such setback area shall include a

landscaped buffer screening area of at least ~~35-25~~ feet which, in the judgment of the Planning Board, will be adequate to screen the use from adjoining properties. The buffer area may include trees, bushes, fences, walls, berms or any combination of the aforesaid, to be determined by the Planning Board.

- (6) The total building coverage shall not exceed 10% of the net lot area. The total coverage of impervious surfaces shall not exceed 25% of the net lot area. The maximum floor area ratio shall be 0.30.
  - (7) The sources of exterior lighting shall be so shielded so that luminaires are not visible beyond the boundaries of the lot on which they are located. The maximum illumination level at property lines shall be 0.1 footcandles. No outdoor public address systems shall be permitted.
  - (8) Kitchen equipment designed for large scale food preparation shall be permitted, in compliance with all plumbing, electrical, fire, health and safety codes. Such equipment shall be utilized only for the preparation of foods to be served on site.
  - (9) For community houses of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and ~~functions-uses~~ such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and ~~functions-uses~~ shall be subordinate in aggregate to the size and ~~function use~~ of the community house of worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A dwelling unit, as defined in this chapter, established at the site of a community house of worship shall not be considered as accessory to the community house of worship, but rather as an additional principal use.
  - (10) One monument sign, limited to eight square feet in area and set back a minimum of 10 feet from the lot line, may be permitted at the front entrance to the community house of worship. Illumination, if provided, shall be indirect, and the source of such light shall not be visible from adjoining properties or roads.
  - (11) The maximum height of buildings and structures shall be 35 feet measured from ground level in front of the building or structure. The height limitation shall not apply to church spires, belfries, cupolas, domes, monuments and similar appurtenances that are not used for human occupancy and do not extend more than 15 feet above the roof of the building or structure.
  - (12) Such other requirements as may be imposed by the Board of Trustees to mitigate traffic, safety hazards, drainage, aesthetics or other adverse impacts on adjacent properties or on the neighborhood.
- H. By the Board of Trustees: Neighborhood house of worship as defined in § 130-4 of this chapter, subject to special permit approval by the Village Board of Trustees and site plan approval by the Planning Board. In addition to all other requirements of this Code for site plan approval, the following standards and requirements shall apply:



- (1) The minimum lot area for a neighborhood house of worship shall be a net lot area of 32,670 square feet or 0.75 acres.
- (2) The use shall have a minimum of 100 feet of frontage on and access to a public road.
- (3) The proposed structure meets all state requirements for a place of public assembly, including the New York State Uniform Fire Prevention and Building Code.
- (4) Adequate off-street parking on the same lot as the house of worship shall be provided. A minimum of ten parking spaces, or one parking space for every 200 square feet of floor area of the main sanctuary or hall where services are conducted, gross floor area shall be provided, whichever is greater. ~~The Planning Board may waive not more than 50% of the required number of parking spaces if the Board determines that such spaces are not needed based on the parking demands of the proposed use. The burden shall be on the applicant to prove that such spaces are not needed.~~ Concurrent with its issuance of a special permit, the Village Board of Trustees may prohibit on-street parking on one side of the frontage street of the neighborhood house of worship within 750 feet of its main entrance, to ensure adequate room for passage of emergency vehicles, during times when on-street parking may occur.
- (5) All buildings and structures shall be set back a minimum of 25 feet from all property lines. Other uses outside of buildings, including driveways and parking areas shall be set back a minimum of 10-5 feet from all property lines, except as necessary to access the street. Such setback area shall include a landscaped buffer screening area of at least 5 feet in width and 6 feet in height which, in the judgment of the Planning Board, will be adequate to screen the use from adjoining properties. The buffer area may include trees, bushes, fences, walls, berms or any combination of the aforesaid, to be determined by the Planning Board.
- (6) The total building coverage shall not exceed 15% of the net lot area. The total coverage of impervious surfaces (which includes all buildings, structures, parking areas, driveways, sidewalks and other areas covered in concrete, asphalt or packed stone) shall not exceed 50% of the net lot area. The maximum floor area ratio shall be 0.25.
- (7) The sources of exterior lighting shall be so shielded so that luminaires are not visible beyond the boundaries of the lot on which they are located. The maximum illumination level at property lines shall be 0.1 footcandles. No outdoor public address systems shall be permitted.
- (8) No cooking facilities will be permitted, other than warming kitchen equipment for use by the clergy and/or congregants of the neighborhood house of worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No kitchen equipment designed for large scale food preparation shall be permitted.
- (9) For neighborhood houses of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory uses such as classrooms, social halls, administrative offices, baths, gymnasiums and/or indoor recreation facilities may be provided, so long as such accessory uses in their aggregate shall be subordinate to the size and ~~function~~ use of the

neighborhood house of worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A dwelling unit, as defined in this chapter, established at the site of a neighborhood house of worship shall not be considered as accessory to the neighborhood house of worship, but rather as an additional principal use.

- (10) One monument sign, limited to eight square feet in area and set back a minimum of 10 feet from the lot line, may be permitted at the front entrance to the house of worship. Illumination, if provided, shall be indirect, and the source of such light shall not be visible from adjoining properties or roads.
- (11) The maximum height of buildings and structures shall be 35 feet measured from ground level in front of the building or structure. The height limitation shall not apply to church spires, belfries, cupolas, domes, monuments and similar appurtenances that are not used for human occupancy and do not extend more than 15 feet above the roof of the building or structure.
- (12) Such other requirements as may be imposed by the Board of Trustees to mitigate traffic, safety hazards, drainage, aesthetics or other adverse impacts on adjacent properties or on the neighborhood.

*Section 5. Adjust standards for retaining walls by amending the language in found in Article VI, General Regulations, §130-16 General lot, yard and use regulations, subsection L, Fences and Walls, and adding a new subsection M, Retaining walls as set forth below, and relettering the subsequent subsections, as follows:*

L. Fences and walls. Fences and walls, including retaining walls, whose primary purpose is not the stabilization of slopes, are permitted within required yards, provided that:

- (1) Except as provided in Subsection Q below, such fences or walls shall not exceed four feet in height if located in a front yard and six feet in height in any other yard, except that such fences or walls shall not exceed six feet in height if located in a front yard abutting a state road. ~~The Code Enforcement Officer may, where necessary for safety, require the addition to a retaining wall of a motor vehicle bumper guard or fence.~~

(2) The fence or wall meets the requirements of Subsection D of this section.

(3) All fences and walls must be inside all lot lines.

M. Retaining walls. Retaining walls, whose primary purpose is the stabilization of slopes, are permitted within required yards, provided that:

(1) Any retaining wall higher than eight (8) feet shall be set back five (5) feet from any property line.

(2) Landscaping. The area adjacent to the top or bottom of each retaining wall four (4) feet or higher, and at the foot of any wall, shall be landscaped with trees or shrubs with a minimum

height of four (4) feet at the time of installation, to mitigate the wall's visual impact, and to blend into the natural setting. When tiered retaining walls are employed, such landscaping shall be installed at the foot of the wall, and at the top of each tier.

- (3). Wall materials. Wall materials or facing shall include textures, colors, patterns and surfaces to provide an aesthetic appearance, and which shall blend into the surrounding natural setting. The use of smooth concrete shall not be permitted.
- (4). Protection from falls. The Planning Board or Code Enforcement Officer may, where necessary for safety, require the addition of a motor vehicle bumper guard or fence at the top of any retaining wall.
- (5) Installation of retaining walls ten (10) feet or higher shall require site plan approval of the Planning Board, regardless of whether or not the application is subject to review as a steep slope site plan pursuant to §119-2.A. When conducting its review, the Planning Board shall apply the following standards:
  - a. In development of land, natural grades should be preserved wherever possible, and retaining walls higher than ten feet, with related earthwork, shall only be permitted when good and sufficient reason appears. All proposed buildings or structures shall be situated on a lot in a manner that requires the least amount of retaining wall construction as is practicable, to minimize grading, removal, or filling of soil.
  - b. No retaining walls shall be permitted to result in any increase of velocity or change in direction of surface water runoff without such water being appropriately managed on site to not adversely affect other properties.
  - c. Retaining wall heights and setback. Retaining wall heights shall be a maximum of ten (10) feet, measured from the bottom of the wall to the top of the wall. For projects requiring retention with retaining wall heights greater than ten feet, multiple tiered retaining walls shall be employed. Tiered retaining walls shall be defined as a single wall if the spacing between the face of walls is less than five (5) feet measured on the horizontal. All retaining walls subject to site plan approval shall be setback five feet from any property line.
  - d. Landscaping. The five-foot spacing requirement between tiered retaining walls and between a retaining wall and any property line shall allow for adequate landscaping at the top of each tiered wall and at the foot of the wall, according to the specifications of subsection 5 above.
  - d. Waiver of maximum wall height. Where the Planning Board finds that, because of special circumstances of a particular site, extraordinary hardships may result from strict compliance with the maximum height of a retaining wall as set forth in subsection c above, the Board may grant a waiver to allow a retaining wall up to fifteen (15) feet in height, so that substantial justice is done, and the public interest secured. Where the maximum retaining wall height is

waived, the resolution of the Planning Board shall attach such conditions, as in its judgement, are necessary to substantially secure the objectives of this Chapter, including, but not limited to enhanced plantings and landscaping to mitigate the additional height proposed. The minimum five (5) foot horizontal spacing between tiered walls shall not be waived. The minimum five (5) foot setback from property lines shall not be waived.

*Section 6. This local law shall take effect immediately.*

DRAFT

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**VILLAGE BOARD**  
**MEETING DATES 2022 – 2023**  
**ALL MEETINGS START PROMPTLY AT 8:00 PM**

**April 25, 2022 Regular Meeting – Reorg**  
**May 23, 2022 Regular Meeting**  
**June 27, 2022 Regular Meeting**  
**August 15, 2022 Regular Meeting**  
**September 19, 2022 Regular Meeting**  
**October 17, 2022 Regular Meeting**  
**November 7, 2022 Workshop Meeting**  
**November 21, 2022 Regular Meeting**  
**December 12, 2022 Regular Meeting**  
**January 23, 2023 Regular Meeting**  
**February 27, 2023 Regular Meeting**