

Amended*
APPLICATION REVIEW FORM

PART I

Name of Municipality Pomona Date 11/15/2022

Please check all that apply:

<input type="checkbox"/> Planning Board	<input type="checkbox"/> Municipal Board
<input checked="" type="checkbox"/> Zoning Board of Appeals* <i>(*Fill out Parts I & II of this form)</i>	<input type="checkbox"/> Historical Board
	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision _____ # of Lots _____	<input type="checkbox"/> Pre-preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Final
<input type="checkbox"/> Conditional Use	
<input type="checkbox"/> Zoning Code Amendment	
<input type="checkbox"/> Zone Change	
<input checked="" type="checkbox"/> Variance	

Project Name: 146B Camp Hill

Tax Map Designation:

Section 24.16 Block 1 Lot(s) 12
Section 24.16 Block 1 Lot(s) 13

Location: On the East side of Camp Hill Rd
500 feet North of Haley Dr in the
town/village of Pomona

Street Address: 146B Camp Hill Rd, Pomona, NY 10970

Acreage of Parcel 0.302 Zoning District R-40

School District East Ramapo Postal District _____

Fire District _____ Ambulance District _____

Water District _____ Sewer District _____

Project Description: *(If additional space required, please attach a narrative summary.)*

Proposing the reconstruction of the recently demolished single family house
on the same footprint as the former house

APPLICATION REVIEW FORM

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If special permit, list special permit use and what the property will be used for.

Environmental Constraints:

Are there slopes greater than 25%? If yes, please indicate the amount and show the gross and net area. _____

Are there streams on the site? If yes, please provide the names. _____

Are there wetlands on the site? If yes, please provide the names and type. _____

Project History: Has this project ever been reviewed before? No

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

APPLICATION REVIEW FORM

Contact Information:

Applicant: Yakov Eisenbach Phone # 917-216-9225
 Address 1215 39th St, Brooklyn, NY 11219
Street Name & Number (Post Office) State Zip code

Property Owner: 146 Camp Hill LLC Phone # 917-216-9225
 Address 1215 39th St, Brooklyn, NY 11219
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: Rachel Barese - Civil Tec Phone # 845-547-2241
 Address 139 Lafayette Ave, Suffern, NY 10901
Street Name & Number (Post Office) State Zip code

Attorney: Paul S Baum Phone # 845-205-4556
 Address 67 North Main St - Suite 300, New City, NY 10956
Street Name & Number (Post Office) State Zip code

Contact Person: Mendy - Fast Forward Permits Phone # 845-533-4473
 Address PO Box 141, Tallman, NY 10982
Street Name & Number (Post Office) State Zip code

General Municipal Law Review:

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF
 PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- | | |
|---|---|
| <input type="checkbox"/> State or County Road | <input type="checkbox"/> State or County Park |
| <input type="checkbox"/> Long Path | <input type="checkbox"/> County Stream |
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> County Facility |

List name(s) of facility checked above. _____

Referral Agencies: *(Please make sure that the appropriate agencies as needed received copies of your application and plans for their review.)*

- | | |
|--|--|
| <input type="checkbox"/> RC Highway Department | <input type="checkbox"/> RC Division of Environmental Resources |
| <input type="checkbox"/> RC Drainage Agency | <input type="checkbox"/> RC Dept. of Health |
| <input type="checkbox"/> NYS Dept. of Transportation | <input type="checkbox"/> NYS Dept. of Environmental Conservation |
| <input type="checkbox"/> NYS Thruway Authority | <input type="checkbox"/> Palisades Interstate Park Comm. |
| <input type="checkbox"/> Adjacent Municipality _____ | |
| <input type="checkbox"/> Other _____ | |

****All applicants must send copies of their applications and plans to:**
 Orange and Rockland, Regional manager, 75 West Route 59, Spring Valley, NY 10997.

APPLICATION REVIEW FORM

Applicant's Combined Affidavit and Certification

State of New York)
County of Rockland) ss.:
Town/Village of Pomona)

 Yakov Eisenbach , being duly sworn, deposes and says:
Applicant's Name

I am the applicant in this matter. I make these statements to induce the Town/Village of Pomona , its boards, commissions, officers, employees, and consultants, to entertain my application, knowing that the Town/Village will rely upon the statements made herein.

1. Verification of Facts. All statements contained in this application and in all documents, drawings, writings, and other communications submitted in connection with this application are true.

2. Consent to Enter. I hereby give permission to members of said boards and/or supporting staff to visit the property in question at a reasonable time during the day.

3. Affidavit Pursuant to General Municipal Law Section 809. All the following statements and the statements contained in the papers submitted herewith are true and the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

A. I certify that I am the owner, officer, member or agent of owner, of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application for the relief below set forth:

B. There is no state officer, Rockland County officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

APPLICATION REVIEW FORM

C. To the extent that the same is known to your applicant, and to the owner of the subject premises there is disclosed herewith the interest of the following officer or employee of the State of New York or the County of Rockland or of the Town/Village of Pomona in the petition, request or application or in the property or subject matter to which it relates:

(if none, so state)

- a. Name and address of officer or employee None
- b. Nature of interest _____
- c. If stockholder, number of shares _____
- d. If officer or partner, nature of office and name of partnership _____
- e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. _____
- f. In the event of corporate or limited liability company ownership: A list of all directors, officers and stockholders of each corporation or members of each limited liability company owning more than five (5%) percent of any class of stock or more than five (5%) percent beneficial interest, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Town/Village of Pomona.

D. I do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

4. Reimbursement for Professional Consulting Services. I understand that the Town/Village Board, Planning Board, Zoning Board of Appeals, and other municipal boards, in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the town/village and each such consultant for the cost of such consultant services upon receipt of the bill.

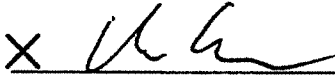
APPLICATION REVIEW FORM

5. Application Fee(s)

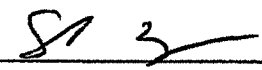
I, Yakov Eisenbach, have paid to the Town/Village Clerk and/or Treasurer, the required fee for this application. (The fee is subject to the Schedule of Fees of the municipality). I shall review a copy of the zoning Local Law and Land Development Regulations, and be ready and prepared to review this application when scheduled. The Municipal Board, Planning Board, or Zoning Board of Appeals in the review of any application described above, may refer the subject application to an engineering, planning, environmental, or other technical consultant as such Board shall deem reasonably necessary to enable it to review the application as required by law.

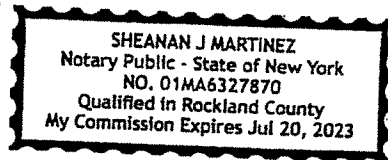
***The following paragraph is optional to add if your municipality establishes escrow accounts:*

(I agree to establish an escrow account with the Town/Village of Pomona from which these consultants' fees will be paid. The escrow account will not draw interest, and will be replenished upon notification by the Town/Village. Any additional sums needed to pay the Town's/Village's consultants shall be paid prior to final action on the application. The Town/Village may suspend processing of the application if there is a deficiency in the escrow account. Permits will not be issued and site plan or subdivision will not be signed until bill is paid in full. Any sums remaining in the escrow account after the consultants have been paid in full will be returned to the applicant. The applicant has the right to examine escrow and payment records upon prior written notice to the Town/Village.)

Applicant's Signature X 
Print Applicant's Name Yakov Eisenbach

SWORN to before me this 4 day of August, 2022


Notary Public



I have received from _____ the sum of _____ on this date _____

Reviewed by the _____ on _____ Municipal Clerk/Treasurer

Action Taken: _____

APPLICATION REVIEW FORM

Affidavit of Ownership/Owner's Consent

State of New York)
County of Rockland) SS.:
Town/Village of Pomona

I, Yakov Eisenbach being duly sworn, hereby
depose and say that I reside at: 1215 39th St, Brooklyn, NY 11219

in the county of Kings in the state of New York

I am the (* Yakov Eisenbach) owner in fee simple of premises located at:
146B Camp Hill Rd, Pomona, NY 10970

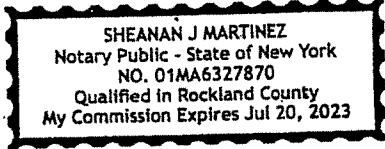
described in a certain deed of said premises recorded in the Rockland County Clerk's
Office in Liber of conveyances, page or as Instrument ID #

Said premises have been in my/its possession since 2021. Said premises are also
known and designated on the Town of Haverstraw Tax Map as:
section 24.16 block 1 lot(s) 12

I hereby authorize the within application on my behalf, and that the statements of fact
contained in said application are true, and agree to be bound by the determination of the
board.

Owner X [Signature]
Mailing Address 1215 39th St,
Brooklyn, NY 11219

SWORN to before this
4 day of August, 2022
[Signature]
Notary Public



* If owner is a corporation or LLC, fill in the office held by deponent and name of
corporation or LLC, and provide a list of all directors, officers, and stockholders
owning more than 5% of any class of stock and all members having greater than 5%
beneficial interest.

APPLICATION REVIEW FORM

Owners of Nearby Properties:

That the following are all of the owners of property 500 ft (distance) from the premises as to which this application is being taken.

SECTION/BLOCK/LOT NAME ADDRESS

See Attached

(use additional paper if needed)

X *[Signature]*

SWORN to before this
4 day of August, 2022

[Signature]
Notary Public

SHEANAN J MARTINEZ
Notary Public - State of New York
NO. 01MA6327870
Qualified in Rockland County
My Commission Expires Jul 20, 2023

APPLICATION REVIEW FORM

PART II

Application before the Zoning Board of Appeals

Application, petition, or request is hereby submitted for:

- Area Variance from the requirement of Section 12 -a, b, c, d, e, g, i, f ;
- Use Variance from the requirement of Section _____ ;
- Special permit per the requirements of Section _____ ;
- Review of an administrative decision of the Building Inspector;
- An order to issue a Certificate of Occupancy;
- An order to issue a Building Permit;
- An interpretation of the Zoning Ordinance or Map;
- Certification of an existing non-conforming structure or use;
- Other (*explain*) _____ ;

To permit construction, maintenance and use of _____
replacing recently demolished house on same footprint

Previous Appeal:

- a. A previous appeal ___ has, or has not, been made with respect to this property.
- b. Such appeal was in the form of:
 - ___ An AREA Variance; or
 - ___ A USE Variance; or
 - ___ Appeal from decision of Town Official or Officer; or
 - ___ Interpretation of the Zoning Ordinance or Map; or
 - ___ Other
- c. The previous appeal described above was appeal number _____,
dated _____ and was _____ (Granted/Denied).

TO ALL APPLICANTS: Complete all relevant information by the section or sections pertaining to your appeal ONLY. You may also include extra pages to supplement this form with a narrative explanation. At the time of the hearing, you must present written documentation in support of all the statements made in this application. You must also substantiate all financial information supplied.

APPLICATION REVIEW FORM

A. AREA VARIANCE (This section to be completed only for an AREA variance. Use additional pages, if needed.)

This application seeks a variance from the provisions of Article 130,
 Section(s) 12 -a, b, c, d, e, g, i, f. Specifically, the applicant seeks a variance
 from the requirements from:

Dimension*	Column	Required	Provided
Lot area		40,000 sf	13,144 sf
Minimum Lot Width		150 ft	121.04 ft
Minimum Lot Depth		140 ft	108 ft
Minimum Front Yard		50 ft	26.2 ft
Minimum Side Yard		25 ft	17.8 ft
Minimum Rear Yard		30 ft	10ft
Max Lot Coverage		15 %	18%

*e.g., front yard, side setback, FAR, etc.

1. Is the requested variance the minimum necessary to relieve the practical difficulty or economic injury? Yes

Describe: The lot is extremely small which forces the applicant to seek these variances. The applicant only seeks to reconstruct the dwelling that was recently demolished and will keep the same footprint.

2. Is the variance substantial in relation to the zoning code? _____

Explain: _____

3. Will a substantial change be produced in the character of the neighborhood, or a substantial detriment to adjoining property owners be created, if this variance is granted? No

Explain: As the house that will be constructed will remain on the same footprint as the former house, there will be no change to the neighborhood

4. Can the alleged practical difficulty or economic injury be overcome by some method other than a variance? No

Explain: The building inspector has determined that reconstructing the former house is the same as building a new house and therefore requires variances due to the size of the lot

APPLICATION REVIEW FORM

5. Will the granting of this variance affect the health, safety, or welfare of the neighborhood or community? No

Explain: As the house that will be constructed will remain on the same footprint as the former house, there will be no adverse affect

6. Will there be any affect on governmental facilities or services if this variance is granted? None

Describe: _____

7. Other factors I/we wish the Board to consider in this case are

The applicant is proposing to merge lots 12 & 13 together in order to create a more conforming lot

B. USE VARIANCE (*This section to be completed only for a USE variance. Use additional pages, if needed.*)

1. This property cannot be used for any uses currently permitted in this zone because:

2. The problem with this property is due to unique circumstances and not to the general conditions of the neighborhood in that:

3. The use requested by this variance will not alter the essential character of the neighborhood in that:

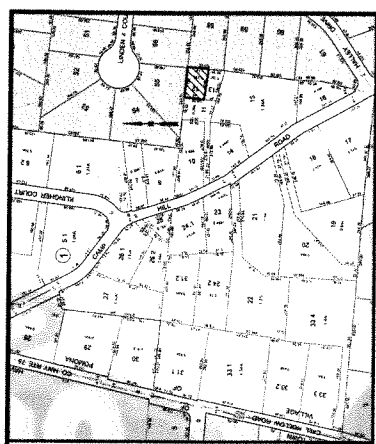
4. The amount paid for the entire parcel was: _____

5. The date of purchase of the property was: _____

6. The present value of the entire property is: _____

7. The monthly expenses attributed to normal and usual maintenance of the property are: _____

8. The annual taxes on the property are: _____



VICINITY MAP
1" = 200'

GENERAL NOTES

1. RECORD OWNER AND APPLICANT: 1870 23RD ST, LLC
2. BASED ON THE ALLIANCE OF OWNERS 1870 23RD ST, LLC
3. AREA OF PROPOSED LOT IS 5.048 ACRES. SEE PLAN FOR DIMENSIONS.
4. ALL DIMENSIONS SHOWN SHALL BE CONNECTED TO THE DEEDS BY THE SURVEYOR.
5. ALL DIMENSIONS SHOWN SHALL BE CONNECTED TO THE DEEDS BY THE SURVEYOR.

REVISIONS
 REV 11: 11/20/2022
 REV 10: 11/20/2022
 REV 9: 11/20/2022
 REV 8: 11/20/2022
 REV 7: 11/20/2022
 REV 6: 11/20/2022
 REV 5: 11/20/2022
 REV 4: 11/20/2022
 REV 3: 11/20/2022
 REV 2: 11/20/2022
 REV 1: 11/20/2022

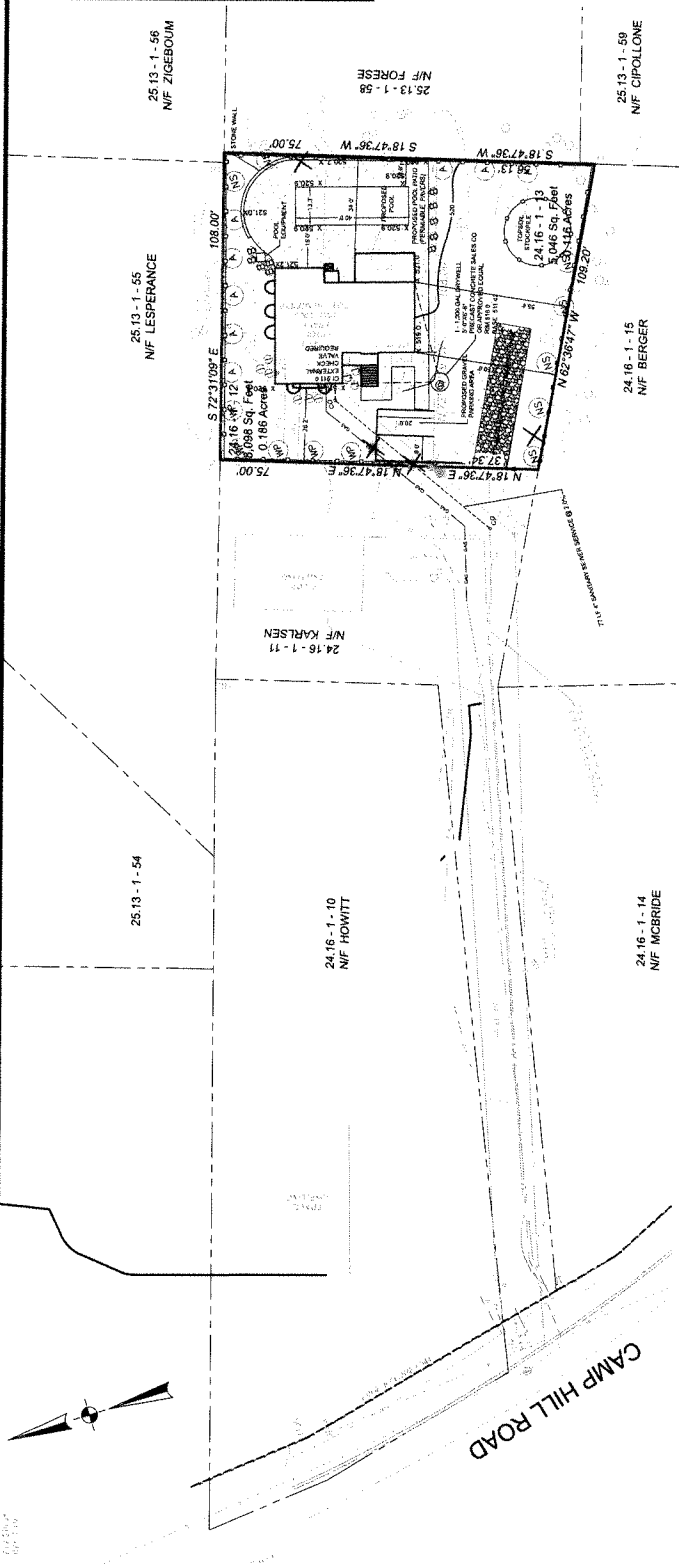
AS PER VILLAGE ENGINEERS COMMENT IS DATED 10/24/2022
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN
 REVISIONS TO BE MADE TO THE PLAN

SRL 21-18-1-12
PLOT PLAN
 FOR
146B CAMP HILL ROAD
 VILLAGE OF POMONA - ROCKLAND COUNTY - NEW YORK

CIVIL TEC Engineering & Surveying PC
 146B CAMP HILL ROAD
 SHARON, NY 10991
 P 845.547.2242 F 845.547.2243
 www.CivilTec.com

DATE: 11/20/22
 DRAWN BY: JIB
 CHECKED BY: RBK
 JOB NO.: 0013
 SCALE: 1"=20'
 POWER: 1 OF 1

Rachel B...
 Rachel B. Berger, P.E.
 146B CAMP HILL ROAD
 SHARON, NY 10991



PLANT LIST

QTY	COMMON NAME / BOTANICAL NAME	SIZE COMMENT
1	EVERALD ARBOVITAE / THUA OCCIDENTALE	6' X 7' FT
1	WINTER GREEN / TAXUS STRYMON	7' X 8' FT
1	NORWAY SPRUCE / PICEA ABIES	7' X 8' FT
1	WINTER GREEN BOWWOOD / CORNUS KOSA	3" X 4' FT GAL
1	COMPACT PINE / PINUS PARVIFLORA	5 GAL
1	PRINCE OF WALES SPRUCE / PICEA VIRGINICA	18" X 24" FT

BULK TABLE

Zone / Use	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Lot Frontage	Min. Lot Side Yard	Min. Lot Rear Yard	Min. Lot Setback	Max. Building Height	Max. Lot Coverage
Residential	13,445 SF	25.17'	100.37'	25.17'	20.32'	20.32'	20.32'	35.17'	15%
Commercial	13,445 SF	25.17'	100.37'	25.17'	20.32'	20.32'	20.32'	35.17'	15%

LOT COVERAGE
 EXISTING
 1,541 SF
 17.5%
 318 SF
 149 SF
 CONCRETE PAD / DRIVEWAY
 1,440 SF

TOTAL IMPERVIOUS COVERAGE
 1,940 SF / 0.08 SF = 0.228

PROPOSED
 EXISTING
 1,540 SF
 14.5 SF
 POOL
 534 SF

TOTAL IMPERVIOUS COVERAGE
 2,318 SF



**NARRATIVE SUMMARY
FOR
146 CAMP HILL ROAD
S/B/L: 24.19-1-12 and 24.16-1-13**

INTRODUCTION

This narrative summary is submitted in support of the within updated and corrected application for variances in order to permit the re-construction of a single-family home at the premises located at 146B Camp Hill Road (Lot 12). The property was previously improved with a single-family dwelling. The previous house was an old, run-down structure and the applicant seeks to build a new, modern style home in order to beautify the neighborhood. The applicant intended to raze the existing house to the foundation and reconstruct the dwelling on the same foot print. Such construction would have been permitted as a matter of right without the need for variances as an existing nonconforming structure per the provisions of Section 130-15(D)(2).

A demolition permit was issued to raze the house. During the demolition, the applicant realized that the existing foundation was in poor shape and could not be used so the foundation was demolished as well.

Due to the need for the demolition of the foundation, the BI determined that the re-construction must be considered new construction and that the structure needs to meet the current zoning requirements of the R-40 zoning district. As a result, the following seven (7) variances are required in order to reconstruct the house in the same location. Six of the variances were existing conditions, most of which are now being improved by the merger of Lot 12 with the premises next door located at 146A Camp Hill Road (Lot 13). One variance is being eliminated.

1. Required Lot Area – 40,000 sf

Provided Lot Area (Lot 12)– 8,098 sf (prior nonconforming condition)

Provided Lot Area (Lot 13)– 5,046 sf

Proposed Lot Area- 13,144 sf

The lot area is an existing nonconforming condition. The applicant agrees to merge Lots 12 & 13 to increase the lot area to 13,144 sf which improves the prior nonconforming condition.

2. Minimum Lot Width – 150 Ft

Provided Lot Width (Lot 12)– 75 ft (prior nonconforming condition)

Provided Lot Width (Lot 13)– 46.04 ft

Proposed Lot Width – 121.04 ft

The lot width is an existing nonconforming condition. With the merger of Lots 12 & 13 the lot width will be increased to will be increased to 121.04 ft which improves the prior nonconforming condition.

3. Minimum Lot Depth – 140 ft

Provided Lot Depth – 108 ft (prior nonconforming condition)

The lot area is an existing nonconforming condition.

4. Required Front Yard – 50 Ft

Provided Front Yard – 24.2 Ft (prior nonconforming condition)

Proposed Front Yard – 26.2 Ft

The existing front yard was only 24.2 Ft. The applicant made the footprint smaller to increase this existing nonconforming condition to 26.2 feet thereby improving the prior existing nonconformity.

5. Required Side Yard – 25 ft

Provided Side Yard – 7.1 ft (prior nonconforming condition)

Proposed Side Yard – 17.8 ft (prior nonconforming condition)

The existing side yard to the south was only 7.1 ft. The applicant eliminating the need for that variance by merging Lots 12 and 13. As a result, the existing side yard to the north of 17.89 ft will still continue but the nonconforming southerly side yard has been eliminated.

6. Maximum Lot Coverage – 15%

Proposed Lot Coverage (Lot 12)– 22% (prior nonconforming condition was 23%)

Proposed Lot Coverage (Lot 13)- 18%

The previous existing lot coverage was 23%. The applicant had proposed a lot coverage of 22% with just Lot 12. With the merger of Lots 12 & 13 the lot coverage will be decreased to 18% thereby improving the prior existing nonconforming condition.

7. Required Rear Yard – 30 ft

Proposed Rear Yard – 10 ft

The new dwelling will comply with the rear yard requirement and will be 34 ft from the rear lot line. However, the pool is considered an accessory structure under the Zoning Code requiring the pool to be also set back 34 ft from the rear property line. This is rather unusual as most zoning codes permit swimming pools and other accessory structures to be within 10 or 15 feet of a property line.

The following variance is no longer needed:

Minimum Lot Frontage – 100 ft

Provided Lot Frontage (Lot 12)– 75 ft (prior nonconforming condition)

Provided Lot Frontage (Lot 13)– 37.34 ft

Proposed Lot Frontage– 112.34 ft (no variance needed)

The lot frontage of 75 ft was an existing nonconforming condition. With the merger of Lots 12 & 13 the lot frontage will be increased to 112.34 ft which eliminates the need for a variance.

SEQRA

The action is a Type II pursuant to 6 NYCRR 617.5(c)(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site); (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections); (16) granting of individual setback and lot line variances and adjustments) and; (17) granting of an area variance for a single-family, two-family or three-family residence. It is not subject to environmental review pursuant to SEQRA. An SEAF Part 1 has been submitted.

GML

The property is not within 500' of a facility identified in Section 239-m(3)(b) of the General Municipal Law and no referral to the Rockland County Department of Planning is required.

VARIANCES

In making its determination to grant a variance, a zoning board of appeals must take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the zoning board of appeals is also required to consider the following factors:

a. An undesirable change will not be produced in the character of the neighborhood nor a detriment created to nearby properties by the granting of the area variances.

The requested variances will not create an undesirable change to the character of the neighborhood. This is the replacement of an existing structure in the same location in the same size footprint and does not change the conditions that previously existed before the previous old, run-down house was torn down. The new home will be a modern style home that will beautify the area and be a significant improvement of what previously existed without increasing the degree of any nonconformity. The combination of Lots 12 and 13 reduces the prior nonconforming conditions and eliminates one variance and therefore represents an increased benefit to the community.

b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Because the property is an existing undersized lot, even with the merger of the two lots, it is impossible to build a new home on the lot without the variances being granted. The variances being requested are the minimum required in order to reconstruct a home on the same footprint as previously existed. Except for the rear yard, no new nonconforming conditions are being created and most of the preexisting nonconforming conditions on Lot 12 are being decreased or eliminated entirely.

c. That the requested area variances are not substantial.

In considering whether a variance is substantial the ZBA must examine the totality of the circumstances of an application. Although a strict mathematical calculation may indicate the variances are significant, all the conditions were existing conditions that existed for decades. None of the nonconforming conditions are newly created by the applicant with the exception of the addition of a swimming pool that makes the rear yard deficient.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance requests will not have an adverse effect or impact on the physical

or environmental conditions of the neighborhood or district. A Short Environmental Assessment Form (“EAF”) has been submitted with this application. The variance requests are considered Type II pursuant to SEQRA. The deviations will not have any adverse effects or impacts, especially where, as here, they are existing nonconforming conditions.

f. That the alleged difficulty was not self-created.

The variance requests are not self-created. The applicant had to remove the existing foundation of the home because it was in poor shape. Had that not occurred, the proposed home could have been constructed without the need for any variances. The existing foundation was not in adequate condition to permit the construction of the new home so there was no way the applicant could have avoided the need for the variances. The only way to have avoided it was to construct a new home on substandard foundation. The new house will not detract from the community, will not create a detriment to nearby properties, and will not create an undesirable change in the community. The architectural plan shows that the proposed new home will contribute to the overall preservation and protection of the character of the neighborhood without any impacts to the health, safety and welfare of the community. The merger of the two lots improves previously existing nonconforming conditions.

Response to Martin Spence Memo of October 25, 2022:

1. The applicant shall provide an exact building height calculation, instead of the <35’. Based on our review, the building height may be in the 34’ to 35’ range.

Response: Bulk table has been revised to show the height as 34.5’.

2. Provide a detail for the pervious paver design. In order to qualify for “pervious pavers”, the detail shall provide stormwater mitigation including stone and open coarse pavement design. Provide maintenance requirement notes.

Response: Permeable paver detail and maintenance schedule are provided on the Detail Sheet.

3. The applicant shall discuss with the Board the new parking area and if any construction/ gravel areas will be required on the adjacent lot to the South. Provide dimensions of proposed gravel parking area.

Response: A subdivision application has been provided to combine this lot with the Lot 24.19-1-12 with Lot 24.16-1-13 to the south. All parking areas work will be on the new proposed lot. Dimensions are now provided.

4. The applicant shall discuss with the Board the access to the subject lot which crosses (2) adjacent lots, where the tax map shows a ROW but the plan/notes do not refer to rightful access.

Response: A ten foot wide “perpetual ROW leading from the subject parcel across lands now or formerly of Sarah Ellen Oliver in a general Westerly direction to Camp Hill Road” is provided in the property deed recorded on February 10, 2022 as Instrument No. 2022-00006460 and in deed recorded in October 6, 1958 in Liber 678 Page 423. A note has been added to the plot plan.

5. The Board may want the applicant to submit a landscaping plan as part of any subsequent submittals including foundation plantings, screening and street type trees.

Response: Landscaping has been added to the plot plan.

6. Provide soil erosion and sediment control details and notes. Provide notes/details how disturbed areas will be stabilized.

Response: Erosion control measures and details/notes have been added to the plot plan.

7. Show pool equipment locations.

Response: Pool equipment location has been added.

8. Provide note, "all roof drains shall be connected to the seepage pit".

Response: A note has been added.

9. Provide drainage calculations showing the seepage pit adequately sized.

Response: Drainage calculations are provided.

10. There is a conflict between the plan and detail of the seepage dimensions.

Response: The seepage pit dimensions have been updated to match the detail.

11. Seepage pit detail shall provide for filter fabric at sides and top of tank, revise detail accordingly.

Response: The detail has been revised.

12. Clarify address (146) or (146B).

Response: Rockland County GIS, the recorded deed and the tax assessment information maintained by the Town state the address of Lot 24.19-1-12 is 146B Camp Hill Road. Lot 24.16-1-13 is 146A Camp Hill Road.

13. Provide grading detail; proposed contours, and spot elevations at the building corners and at the proposed patio.

Response: Spot grades and proposed contours are provided.

14. Show the natural gas connection.

Response: The natural gas connection has been shown.

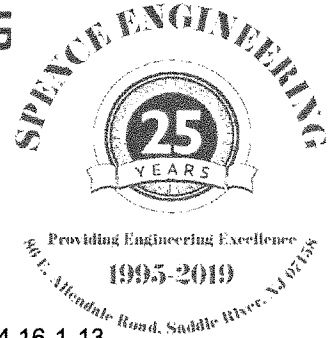
CONCLUSION

The new house will not detract from the community, or create a detriment to nearby properties, or create an undesirable change in the community. The architectural plan shows that the proposed new home will contribute to the overall preservation and aesthetic look of the property and generally improve the character of the neighborhood by eliminating and the older rundown house. No impacts to the health, safety and welfare of the community are created by the replacement of an older hose with a new modern one. The requested variances will not impact any of the neighbors. Under the particular circumstances of this case, the benefit to the applicant from the grant of the variances significantly outweighs any detriment to the health, safety and welfare of the neighborhood. The balance of equities lies in favor of the granting of the variance.

Page 6

It is therefore respectfully requested that the Zoning Board grant the variances requested.

Dated: November 14, 2022



TO: Village of Pomona, Planning Board
FROM: Martin K. Spence, PE Village Engineer
DATE: December 20, 2022
RE: 146 (A) and (B) Camp Hill Road Tax Map Reference 24.16-1-12 and 24.16-1-13
Subdivision (Consolidation)

Martin K. Spence

We have received the following regarding the subject application:

- Application Review Part No. 1 dated 11/07/2022
- Planning Board Cover Sheet as provided by Fast Forward Permits
- Subdivision Plat, Dwg 1 of 1 as prepared by Civil Tec Engineering dated 10/05/21

We offer the following:

1. The owner/applicant in this matter is:
146 Camp Hill, LLC / Yakov Eisenbach
1215 39th Street
Brooklyn, NY 11219
2. The application is proposing to consolidate two (2) existing lots to create a single lot. A previous dwelling was recently demolished on the site and the application will be subject to a separate Zoning Board application for the construction of the new dwelling. The property is accessed over/through an adjacent lot (24.16-1-11). There are no notes or references to easements on the plan, however the tax maps show that there is a ROW and some differences between tax maps and surveys
3. The property is located in the R-40 Zone District, where a minimum of 40,000 SF is required. Both existing lots are substandard in respect to lot area and the combined lots will remain substandard in lot area.

Although this is a consolidation of two lots into one (Resubdivision 118-3), the Subdivision process applies including some additional map notes and standards.

Engineering Comments:

- S-1. The Plat should provide for a Bulk Table with the two existing lots shown and the proposed lot.
- S-2. Provide name and address of owner of record.
- S-3. Provide a narrative note what the plat accomplishes, such as removes the common lot line.
- S-4. Outside agency review approvals such as RCHD and RCDA and signature blocks as necessary.
- S-5. Signature blocks for the endorsement of owner and Planning Board Chairman (118-30 (O) and (P)).

END OF REPORT

- c Louis Zummo, Building Inspector
Chakiera Locust, Board Clerk
Stephen Honan, Board Attorney



Memorandum

To: Village of Pomona Planning Board

From: Jonathan T. Lockman, AICP
Scott Newhart

Re: 146B and 146A Camp Hill Road
SBL# 24.16-1-12 and 24.16-1-13

Date: December 7, 2022

cc: Martin Spence, P.E.
Stephen M. Honan, Esq., Attorney
Chakiera Locust, Clerk
Lou Zummo, Building Inspector
Yakov Eisenbach, Applicant

We are in receipt of the following materials for a Planning Board application for subdivision approval from Yakov Eisenbach, Applicant, representing 146 Camp Hill LLC, Owner, for a merger of Lot SBL# 24.19-1-12 at 146B Camp Hill Road (Lot 12) & Lot SBL#24.16-1-13 at 146A Camp Hill Road (Lot 13).

Received and reviewed for this memorandum:

- Village of Pomona Planning Board Subdivision Application Review Form Package, to Planning Board, to combine two lots, signed by Yakov Eisenbach, and dated 08/04/22
- Narrative Summary for 146 Camp Hill Road, dated 11/14/2022.
- Mailing labels/list of abutters, undated.
- Short Environmental Assessment Form Part 1 signed by Rachel Barese, PE, and dated November 14, 2022
- Site Plans for 146 Camp Hill Road, prepared and stamped by Stephen P. Dolson, PLS, License number #50554, and Rachel B. Barese, PE, License number #90143, of Civil Tec Engineering and Surveying PC, and including the following sheets:
 - Subdivision Plat for 146 A & B Camp Hill Road, dated 10/05/2021
 - Plot Plan for 146B Camp Hill Road, dated 03/18/2022, revised November 11, 2022
 - Erosion and Sediment Control Plan for 146B Camp Hill Road, dated 03/18/2022, revised November 11, 2022

Project Summary

The subject site is comprised of two lots: SBL# 24.19-1-12 (Lot 12) contains 0.186 acres and was previously improved with a single-family dwelling; and SBL# 24.16-1-13 (Lot 13) contains 0.116 acres and is existing vacant land. The house on lot 12 has been demolished. The applicant proposes to combine the lots (totaling 0.302 acres or 13,144 square feet) and to construct a residence roughly within the former house's footprint, with a new inground pool and landscaped areas. The site is located in the R-40 zoning district at 146B & 146A Camp Hill Road. No wetlands or floodplains are present.

Submission Comments

1. The third sheet of the site plan set, which shows Erosion and Sediment Control, permeable pavement, and planting details, has a title block entitled "Plot Plan" and is listed as sheet 1. The title block of this third sheet should be corrected.
2. The Short Environmental Assessment Form Part 1 and the Plot Plan bulk table indicate that variances will be needed for lot area, lot frontage, lot width, and lot depth. The application indicates on page 2 that this project has already been reviewed by the Zoning Board of Appeals. If this is the case, the Technical Advisory Committee should be provided with a copy of any ZBA resolution or meeting minutes when this site was reviewed by that Board.

The applicant should meet with the Building Inspector to determine if any previous variances granted will be applicable to the proposed project, and which new variances, if any, would be required. The application sections for necessary variances should be filled out, once this research is completed.

3. The Planning Board clearly has subdivision review jurisdiction over the review of the lot line removal and lot merger. However, it appears that the Planning Board does not have site plan review jurisdiction for this proposed new house project. The Planning Board threshold for site plan review authority is for projects that disturb a weighted area of steep slopes greater than 0.3 acres or 13,068 square feet (as calculated per the definition of "Steep Slope" found in §119-1). In this case, the entire merged site contains 13,144 square feet, and is relatively flat, according to the contour lines shown on the plans provided.

The applicant should verify that no or minimal steep slopes (as defined in §119-1) exist on the property. If this is confirmed, the house and pool construction would be reviewed by the Building Inspector and Village Engineer, and only the subdivision issue of the lot merger would be under the Planning Board's jurisdiction.

4. According to § 118-11 (C) of the Village of Pomona Code, the Planning Board should schedule a public hearing on the lot merger within 62 days after the application is found complete.

Zoning Comments

5. It appears that the proposed replacement house will be in almost the same footprint as the previous structure. The need for any new variances should be analyzed after reviewing previous ZBA decisions (see comment 1). Were variances granted for the placement of the previous house? Are any of the proposed setbacks (front, side or rear setbacks from property lines to walls, decks, steps, or other protrusions) any closer to lot lines than the previous home was? Can any variances granted for the previous building be utilized by this proposed reconstruction without returning to the ZBA?

We note that per Local Law 2 adopted this past summer, in R-40 the new lot coverage maximum is 20% and the new building coverage maximum is 15%. The plot plan bulk table should be corrected to reflect the more generous coverage requirement now in effect. It appears that the

calculation of 18% proposed coverage for this new project (once the lots are merged) does not include the proposed pervious pavers around the proposed swimming pool. The pool and patio proposed add new lot coverage that did not exist previously at the site. The assumption is that these areas covered by pervious pavers will admit rainwater and runoff equivalent to a grassed or landscaped area.

Unfortunately, experience from other jurisdictions shows that the pores in pervious pavement can quickly become clogged unless the surface is vacuumed and maintained regularly. The designer has included a maintenance schedule, including vacuum sweeping, for these pervious pavement areas on sheet 3 of the plan set. The applicant should provide the Village Engineer with the pervious pavers or pavement specifications, and the maintenance schedule proposal, for his review and consideration.

SEQRA Comments

6. We recommend that the action be classified by the Planning Board as Type II, as the action is a lot merger/adjustment to an existing house lot, and therefore, no further SEQRA steps will be required.

Please let me know if you have any questions or comments regarding this review.

Richard H. Sarajian
Direct Line: (845) 205- 4553
Email: rsarajian@sbnewyorklaw.com

Paul S. Baum
Direct Line: (845) 205-4556
Email: pbaum@sbnewyorklaw.com



SARAJIAN & BAUM
PLLC

155 North Main Street
New City, New York 10956

February 28, 2023

Honorable Daniel Kolak
Planning Board Chairman
Village of Pomona

Re: 146 Camp Hill Road LLC
Property: 146A and 146B Camp Hill Road
S/B/L: 24.16-1-12 and 24.06-1-13

Dear Chairman Kolak:

I represent the above referenced applicant. This letter is sent to request that the Planning Board take formal action on this application at the next Planning Board meeting scheduled for March 16, 2023.

The applicant first filed for subdivision approval in November 2022. Although the applicant is not creating any new lots and simply seeking to merge two substandard lots, the application is deemed to be a "resubdivision" which requires subdivision approval.

A TAC meeting was held on December 21, 2022. The applicant was referred to the Planning Board for an informal discussion and to schedule a public hearing. A Planning Board meeting was held on January 19, 2023. At that time, I requested that the Planning Board modify the subdivision regulations pursuant to Section 118-6 so as to waive the requirement for a preliminary plat and public hearings and proceed to approve the proposed merger plat as a final plat. The Planning Board resolved to table the request until the February meeting.

The applicant was then scheduled for the February 16, 2023 meeting. Instead of considering the applicant's request at the February meeting, the Planning Board pulled my client's matter off the agenda at the last minute and refused to schedule it for a public hearing in March. As a result, unless the Planning Board modifies the requirements, the applicant will now have to wait until the April meeting for a public hearing.

The Village's subdivision regulations require that the Planning Board schedule a public hearing on an application within 62 days after the receipt of a complete application. A complete application was submitted in November. At no time was there a determination that the application submitted by the applicant was incomplete. To the contrary, the Technical Review Committee

determined that the application was complete at the December 21, 2022 meeting and referred us to the Planning Board to schedule the public hearing. More than 62 days have elapsed since the submission of a complete application. We therefore respectfully request that this matter be scheduled for a public hearing for the March 16, 2023 agenda and not delay such a hearing until April.

Further, we renew our request that the Planning Board modify the requirements for subdivision approval and waive the need for preliminary plat approval and final plat approval for the reasons set forth in the letter to Planning Board attorney Stephen Honan dated February 13, 2023, a copy of which is enclosed.

Thank you for your attention and consideration to this request.

Very truly yours,

SARAJIAN & BAUM, PLLC

PAUL S. BAUM

PSB/aas

Cc: Stephen M. Honan, Esq.

Enc.

Richard H. Sarajian
Direct Line: (845) 205- 4553
Email: rsarajian@sbnewyorklaw.com



Paul S. Baum
Direct Line: (845) 205-4556
Email: pbaum@sbnewyorklaw.com

SARAJIAN & BAUM
PLLC

155 North Main Street
New City, New York 10956

February 13, 2023

Stephen M. Honan, Esq.
Feerick Nugent MacCartney PLLC
96 South Broadway
South Nyack, NY 10960

Re: Yakov Eisenbach
Property: 146B Camp Hill Road
S/B/L: 24.16-1-12 and 24.06-1-13

Dear Mr. Honan:

This will follow up our discussion of this matter. As you know, I have requested that the Planning Board modify the subdivision regulations pursuant to Section 118-6 so as to waive the requirement for a preliminary plat and public hearings and proceed to approve the proposed merger plat as a final plat.

Subdivision of Land Section § 118-6 provides as follows,

“Modification of regulations. Where the Planning Board finds that, because of the special circumstances of a particular case, extraordinary hardship may result from strict compliance with these regulations, it may modify the regulations so that substantial justice may be done and the public interest secured; provided, however, that any such modification will be consistent with the spirit and intent of these regulations and all Village laws. In permitting any such modification, the Planning Board shall attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the standard or requirement so modified.”

I believe this application meets the criteria of Section 18-6.

Special Circumstances of this particular case are present. This is not your standard subdivision. We are not creating any new lots but are merging two substandard lots to create a single lot more in conformity with the R-40 zoning to permit the reconstruction of one residential unit. Lot 24.16-1-12 previously contained a single-family dwelling. During the demolition of the existing house, the foundation was found to be in poor shape and needed to be replaced. But for that fact, the house could have been rebuilt without the need for any variances. The new home

will be constructed in the same footprint as the prior residence. All utilities and infrastructure exist to serve the new home.

Extraordinary hardship exists. The applicant has been working on this property since March 2022 when the demolition permit was issued for the existing house. Continued delays for the planning and zoning process have caused the applicant to incur significant carrying costs of the property that impact the applicant. Construction financing interest continues to accrue.

Strict compliance with the procedural aspects of the subdivision regulations does not serve the interests of the Village any better than modifying the procedural requirements. Based on the particular facts of this case, requiring the applicant to proceed with a standard subdivision application does not serve any purpose. As stated, the applicant is not looking to create any new building lots which require the standard type of review by the Planning Board.

Substantial justice is served by modifying the regulations to avoid the procedural requirements of the subdivision review process where, as here, the applicant is merely seeking to merge 2 lots to create a bigger lot that is more in conformity with the zoning district. In many municipalities, no subdivision review is required in these circumstances and the merger of lots is accomplished by filing of a lot line disclaimer with the tax assessor and recording it with the County Clerk.

The results of the lot merger will be consistent with public interest and consistent with the spirit and intent of the subdivision regulations. The regulations were established for the purpose of considering "land subdivisions as part of a plan for the orderly, efficient and economical development of the Village. Land to be subdivided shall be of such character that it can be used safely for building or development purposes without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the ecology of the area in which it is located. Proper provision shall be made for drainage, water, sewerage, electric, telephone, gas and other needed improvements." (Section 118-4). Further, the regulations exist to ensure that any new roads will compose a convenient and safe system and shall be properly related to potential streets on adjoining properties and that streets shall be of such width, grade, and location as to accommodate the prospective traffic, to afford adequate light and air and to facilitate fire and police protection. (Section 118-4). Section 118-13 is concerned with ensuring that all required improvements, such as roads, water, sewer, drainage, are completed before the lots are created and the map is recorded. Section 118-14 is designed to ensure that all of the improvements are inspected. Section 118-15 concerns itself with the maintenance of all improvements and to provide for snow removal on streets and sidewalks, including the cost of streetlighting, if required, until acceptance of said improvements by the Board of Trustees. Section 118-16 concerns itself with ensuring that all streets, parks, and easements are dedicated.

The purposes to be served by the subdivision regulations are not presented in this particular case and a modification of the regulations will not obstruct any of the stated purposes. No new lots are being created. The lots exist and Lot 24.16-1-12 was being used a single-family residence since at least 1958. The property is clearly capable of being occupied without danger to the public. Had the existing house not been demolished, it would have continued to be used as a single-family dwelling. Proper provisions for drainage, water, sewer, electric, telephone and gas already exist

and are not being created. No significant grading work is proposed, no new roads are being proposed, and the access to the lots from Camp Hill Road exists via a suitably improved paved driveway. Building and engineering issues will be addressed by the Building Inspector as well as the Village Engineer as part of the plot plan review process and all work will be inspected prior to the issuance of any certificate of occupancy. The application does not present issues that would normally be reviewed by a Planning Board as part of a subdivision review process.

It is quite clear that, although the subdivision regulations may apply to resubdivisions such as this proposal, the regulations are intended to make sure that any new lots created from the subdivision of a lot into two or more lots are done safely. The strict application of the subdivision regulations to this particular case is not any more protective of public health than if they are waived. This is a unique situation in that a vacant lot is being merged into an existing lot for the purpose of constructing a single dwelling unit. Under the specific circumstances of this case, no precedent is being set for future applications by granting the modification and the public interest is being secured in that such modification is consistent with the spirit and intent of the subdivision regulations.

Thank you for your consideration.

Very truly yours,

SARAJIAN & BAUM, PLLC

PAUL S. BAUM

PSB/aas

cc: Village of Pomona Planning Board

FEERICK NUGENT MACCARTNEY ^{PLC}
ATTORNEYS AT LAW

96 SOUTH BROADWAY
SOUTH NYACK, NEW YORK 10960
TEL. 845-353-2000 FAX. 845-353-2789

www.fnmlawfirm.com

DONALD J. FEERICK, JR.
BRIAN D. NUGENT
J. DAVID MACCARTNEY, JR.
STEPHEN M. HONAN*+
ALAK SHAH*

JENNIFER M. FEERICK
ROBERT C. ZITT
MATTHEW W. LIZOTTE*
CHRISTOPHER B. PAVLACKA

OF COUNSEL
DAVID J. RESNICK
KEVIN F. HOBBS
MICHAEL K. STANTON, JR.

*LICENSED ALSO IN NEW JERSEY +
LICENSED ALSO IN CONNECTICUT

January 26, 2023

Via Email Only: pbaum@sbnewyorklaw.com

Paul S. Baum, Esq.
Sarajian & Baum PLLC
155 North Main Street
New City, New York 10956

Re: Village of Pomona Planning Board (2 lot merger)
146 Camp Hill Road; SBL: 24.16-1-12 & 13

Dear Mr. Baum:

I am in receipt of your emails and inquiries concerning the above referenced application by your client seeking to merge two (2) existing parcels in the R-40 zoning district into one nonconforming/undersized building lot, which will require numerous variances. The Building Inspector has advised me that the residence which had been in existence on one of the lots until recently was removed without permission and, accordingly, the right to the continued residential use of that particular lot as a pre-existing non-conforming use has now been lost. The lot to be formed will have no road frontage and is currently landlocked. The Village Code requires 100 feet of frontage upon a public roadway (§ 130-12(B)). A flag lot may be created to obtain frontage upon Camp Hill Road. I believe your client will need to seek relief from the ZBA due to the lack of road frontage (see, Village Law § 7-736).

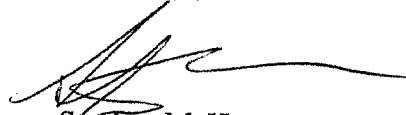
Your client has submitted an application to the ZBA for numerous variances. The application before the Planning Board is moving forward in conjunction with the ZBA application. In situations such as this, it is typical for both boards to simultaneously perform their reviews. Once the ZBA issues its decision, I expect it will be conditioned upon the applicant obtaining Planning Board approval for the lot merger. The Planning Board is not authorized to approve a non-conforming lot, so the ZBA must act first.

Feerick Nugent MacCartney, PLLC
January 26, 2023
Page 2

My review of the Village Code indicates that your client's application before the Planning Board will be one for "resubdivision" pursuant to § 118-9. That provision defines resubdivision as, "*Any change of existing property lines* or of property lines shown on a plat approved by the Planning Board and filed in the office of the County Clerk" (*emphasis added*). The present application seeks to change the existing property lines of the two lots. Village Code § 118-3 (Resubdivision) indicates that, "A resubdivision, as defined herein, is subject to the same procedure, rules and regulations as are applicable to a subdivision." Therefore, the Village Code requires the applicant and the Planning Board to follow the standard procedures for review and approval of a subdivision.

I am providing a copy of this letter to the Village Building Inspector and to the Planning Board consultants for their files and information. Please feel free to contact the undersigned if you have any questions or wish to discuss this matter further.

Very truly yours,



Stephen M. Honan

SMH/rb

Cc: Lou Zummo, Building Inspector
Martin Spence, P.E.
Jonathan T. Lockman, AICP (NPV)
Chakiera Locust, Clerk
Chairman Daniel Kolak
(all via email only)