

**VILLAGE OF POMONA  
LOCAL LAW NO. 2 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 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;

\* \* \* \* \*

*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 strikethrough 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 twenty percent (20%). In calculating maximum lot coverage, 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.

L. 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. The maximum occupancy of a community house of worship shall be determined by the maximum allowable occupancy of the main sanctuary or assembly space, pursuant to said 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 floor area of the main sanctuary or hall where services are conducted. 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) Attendance at any services, wedding receptions or other social or religious functions held at the community house of worship shall be limited to subsection G(3) above, as well as the available on-site parking, unless a parking management plan (PMP) is provided. Such events demanding parking in excess of the on-site parking provided shall require a PMP to be submitted for approval by the Village Board as part of the special permit application establishing a community house of worship, pursuant to the requirements set forth below. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for holy days or other large, planned events for the particular place of worship making the application. Such PMP shall be provided to the Ramapo and Haverstraw Police Departments, the applicable Fire Department and the office of the Pomona

Village Clerk. If a PMP is required as part of the special permit process, the applicant shall address the following:

- a) Designated off-site parking areas. The applicant shall submit a fully executed written agreement between the applicant and one or more providers of a location for off-site parking;
  - b) The applicant shall indicate implementation of group travel to and from the off-site parking locations by the use of shuttle vehicles;
  - c) The applicant shall use traffic control measures such as the hiring of an off-duty police officer and/ or volunteers to facilitate pedestrian flow, as well as on-site and off-site traffic;
  - d) The applicant shall provide a notification process to notify patrons of the community house of worship and others regarding the locations of off-site parking areas to be used;
  - e) The applicant shall indicate a method of pre -event registration to obtain a ticket before the holiday or event to use the on- or off-site parking facilities; and
  - f) In the event that off-site parking areas are not available to accommodate the full capacity of the community place of worship, methods to limit the number of event attendees to the number of attendees that can be accommodated in the on-site parking area or at any available off-site locations shall be implemented by utilization of a pre -event registration system and distribution of tickets to registered persons that will be submitted upon arrival at the site on the day of the event.
- (6) All buildings, structures and other uses, including driveways and parking areas, shall be set back a minimum of 50 feet from all property lines. Such setback area shall include a landscaped buffer screening area of at least 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.
  - (7) 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.
  - (8) 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.
  - (9) 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.
  - (10) For community houses of worship, the principal use shall be the holding of regularly

scheduled religious services. Accessory facilities and uses such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and uses shall be subordinate in aggregate to the size and 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, subject to an additional allotment of minimum lot area, and shall meet all of the bulk and area requirements of the Community house of worship use.

- (11) 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.
  - (12) 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.
  - (13) 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. The maximum occupancy of a neighborhood house of worship shall be determined by the maximum allowable occupancy of the main sanctuary or assembly space, pursuant to said 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, shall be provided, whichever is greater. 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 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 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, subject to an additional allotment of minimum lot area, and shall meet all of the bulk and area requirements of the neighborhood house of worship 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 re-lettering the subsequent subsections, as follows:*

L. Fences and walls. Fences and 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.
- (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.
- e. 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.*