

VILLAGE OF POMONA

100 LADENTOWN ROAD

POMONA, N.Y. 10970

Phone (845) 354-0545 ~ Fax (845) 354-0604

ZONING BOARD OF APPEALS MEETING

OCTOBER 26, 2022

7:30 PM

AGENDA

1. APPLICANT

YAKOV EISENBACH

RE: 146 B CAMP HILL ROAD

PROPOSED: Reconstruction of a recently demolished single family house on the same footprint as the former house.

VILLAGE OF POMONA

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September 28, 2022

Mr. Eisenbach

146 Camp Hill / 24.16-1-12

Pomona NY

RE: Building Permit for the construction of a single family home, 146 Camp Hill Rd, submitted 4/26/22

Dear Mr. Eisenbach:

Please be advised that the newly revised Plot Plan and architectural drawings dated 8/31/2022 from Civil Tec for a building permit application has been reviewed and currently there are several issues with the application which must be resolved. The existing structure was removed from the site, save for two walls of the foundation. Therefore this is considered new construction and a substantial improvement. Because of this there is a number of variances required to construct the single family home proposed.

- 1) The Plot Plan dated 8/31/2022 by Civil Tec, the bulk table is showing a requirement to go to the ZBA for 8 variances.
 - A) Min Lot area – 40,000 required, 8098 provided.
 - B) Min Lot Frontage – 100 ft required, 75 ft provided.
 - C) Min Lot Width – 150 required, 75 provided.
 - D) Min lot depth – 140 ft required, 108 ft provided.
 - E) Min Front yard – 50 ft, 26.2 ft provided
 - F) Min side yard – 25 ft required, 7.1 ft provided.
 - G) Min rear yard - 30 ft required, 10 ft provided.
 - H) Max lot coverage – 15%, 25% provided.

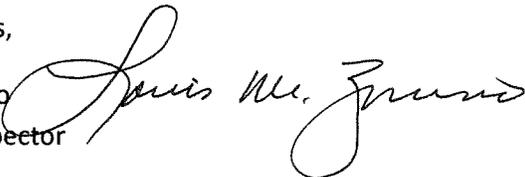
- 2) The Min Rear Yard setback on the bulk table on the drawings is not correct. Based on the code 130-16 (5) (a) Accessory structures greater than 100 sqft must comply with all front, side and rear yard setbacks. Due to this the setback is actually 10 feet, not 34 feet.

- 3) In addition the owner of the property was issued a violation and Stop Work Order (copies supplied) for working without a permit and inspections. Without having approvals or a valid permit footing, foundation and waterproofing were installed on the lot.

Please call the Village Hall (845) 354-0545, if you have any questions.

Best Regards,

Louis Zummo
Building Inspector





TO: Village of Pomona, Zoning Board
FROM: Martin K. Spence, PE Village Engineer
DATE: October 25, 2022
RE: 146 (B) Camp Hill Road Tax Map Reference 24.16-1-12

Martin K. Spence

New Home, Pool and Site Construction, Bulk Variances including Development Coverage

We have received the following regarding the subject application:

- Application Review ZBA Part No. 1 dated 08/03/2022
- ZBA Cover Sheet as provided by Fast Forward Permits
- Plot Plan, Dwg 1 of 1 as prepared by Civil Tec Engineering last revised (10) August 31, 2022

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 construct a new dwelling, pool and site improvements on an existing lot (that is land locked). A previous dwelling was recently demolished on the site. The property is accessed over/through 2 adjacent lots (24.16-1-11 and 24.16-1-13). 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 address of the property on the plan shows 146 Camp Hill Road, where the application and cover sheet refer to 146"B" Camp Hill Road. This should be clarified with the Board.
4. The property is located in the R-40 Zone District and has a lot area of 8,100 gross SF (75' X 108') or 0.186 acres, where a minimum of 40,000 SF is required. This is an existing lot.
5. The applicant is proposing rear and side areas with "pervious pavers" which is not counted as part of development coverage, however will appear as hardscape. The pervious pavers have a reduction in runoff benefit, however a detail is not provided.
6. Three (3) trees are shown to be removed as part of the development. No landscaping plan to potentially mitigate the proposed variances is provided.
7. The lot is accessed via a ROW (on the tax map) as well as through the property to the South which is vacant. A driveway with a turnaround area on the adjacent road appears to have been used for the access. The plan shows an expansion for (2) parking spaces on gravel which would require some improvement to the South lot for the ingress/egress movements. This would require work on an adjacent lot that the applicant may not control.
8. The applicant states in the Bulk Table, that the height of the structure is <35'. The applicant should provide a specific calculation of building height based on the Code definition.

Proposed Variances

The existing lot has existing variance conditions as follows:

	Required (min)	Proposed	Variance
Lot Frontage (feet)	100	75 (existing)	25
Lot Width (feet)	150	75 (existing)	75
Lot Depth (feet)	140	108 (existing)	32

The applicant is requesting the following (new variances as part of the new construction):

	Required	Proposed	Variance
Minimum Side Yard (feet)	25	7.1	17.1
Maximum Development Coverage % (SF)	15 (1,215)	29 (2,349)	14 (1,134)

It is noted that pervious pavers are provided for the rear and side patios which are not part of the development coverage calculation as per Code.

Engineering Comments:

- S-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.
- S-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.
- S-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.
- S-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.
- S-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.
- S-6. Provide soil erosion and sediment control details and notes. Provide notes / details how disturbed areas will be stabilized.
- S-7. Show pool equipment locations.
- S-8. Provide note, "all roof drains shall be connected to the seepage pit".
- S-9. Provide drainage calculations showing the seepage pit adequately sized.
- S-10. There is a conflict between the plan and detail of the seepage dimensions.
- S-11. Seepage pit detail shall provide for filter fabric at sides and top of tank, revise detail accordingly.
- S-12. Clarify address (146) or (146B).
- S-13. Provide grading detail; proposed contours, and spot elevations at the building corners and at the proposed patio.
- S-14. Show the natural gas connection.

END OF REPORT

- c Louis Zummo, Building Inspector
Chakiera Locust, Board Clerk
David MacCartney, Board Attorney

APPLICATION REVIEW FORM

PART I

Name of Municipality Pomona Date 08/03/2022

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 _____ Block _____ Lot(s) _____

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 0.18 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: Kevin Conway Phone # 845-729-2096

Address 7 Stokum Ln, 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 _____.

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)

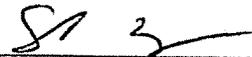
I, Yakov Eisenbach, have paid to the Town/Village Clerk and/or Treasurer, the required fee for this application. (The fee is subject to the Schedule of Fees of the municipality). I shall review a copy of the zoning Local Law and Land Development Regulations, and be ready and prepared to review this application 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.

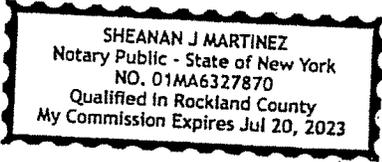
***The following paragraph is optional to add if your municipality establishes escrow accounts:*

(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

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

* 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

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 _____;
- 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. Specifically, the applicant seeks a variance
 from the requirements from:

Dimension*	Column	Required	Provided
Lot area		40,000 sf	8,098 sf
Minimum Lot Frontage		100 ft	75 ft
Minimum Lot Width		150 ft	75 ft
Minimum Lot Depth		140 ft	108 ft
Minimum Front Yard		50 ft	26.2 ft
Minimum Side Yard		25 ft	7.1 ft
Max Lot Coverage		15 %	22%

**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

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: _____