



ATZL, NASHER & ZIGLER P.C.

ENGINEERS-SURVEYORS-PLANNERS

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March 1, 2022

Halley Estates II - Lot 14

Narrative Summary

The site is a 3.9 acre lot, designated as Section 25.09 Block 1 Lot 2.3 on the Village of Pomona Tax Map, located in the Zone R-40 Zoning District, on the north side of Cornell Peak and approximately 510 feet from the intersection of Klingher Court.

The proposed action is the construction of a single family home with amenities in the approved subdivision known as "Halley Estates II".

On January 27, 2021, a variance for maximum building height was granted by the Zoning Board of Appeals.

On February 23, 2022, a variance for lot coverage was granted by the Zoning Board of Appeals.

Site Plan Approval is required from the Planning Board under steep slope law.



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Web: www.anzny.com

April 12, 2022

Village of Pomona
Planning Board
100 Ladentown Road
Pomona, NY 10970
Attn: Daniel Kolak, Chairman

Re: Lot 14
Tax Lot: 25.09-1-2.3
34 Cornell Peak
Halley Estates II

Dear Chairman Kolak and Honorable Board Members,

The following is our response to Martin K. Spence, PE, Village Engineer, of Spence Engineering letter dated March 15, 2022:

S-1. Comment: Engineering calculations for retaining walls shall be submitted at time of Building Permit application submittal.

Response: Required calculations will be provided at time of application for Building Permit.

S-2. Comment: The drainage design relies on a percolation rate of 5"/hour. Soil percolation testing shall be scheduled so that field conditions can verify the assumed rates. If field conditions do not meet the assumed rates, a revised sizing of the chamber design shall be submitted. The schedule of testing shall be performed prior to any start of framing.

Response: Deep test holes and percolation tests will be performed at the time noted.

- S-3. Comment: Coordinate drainage system location with plantings, some relocation to avoid larger trees on top of the system is required.
- Response: Landscape Plan revised. Due to required separation from home (25 ft.) landscaping in this area had to be scaled back. However, it is not in the direct line of sight of the proposed home on Lot 15.*
- S-4. Comment: An 18" X 18" NDS inlet shall be provided at the end of the swale, east of the dwelling and connect to the drainage system.
- Response: Additional field inlet provided.*
- S-5. Comment: Soil export destination shall be provided at the time of the building permit application. Soil deposits within the development will require a plan/approval. In absence of an approved plan, trucking shall be outside Village limits.
- Response: Determination of destination and required information will be provided.*
- S-6. Comment: Discuss any ZBA approvals/conditions that need to be made part of the Building Permit application. If any conditions were required, these may be made a note on the General Notes, Dwg 1. After any approvals the applicant shall submit for Building Permits including an engineering review/permit.
- Response: M. Spence, PE, Village Engineer's prior comments were the only conditions of ZBA approvals.*
- S-7. Comment: Any grading off the subject property will require approval by the adjacent property.
- Response: The original approved plans showed cross grading. We are presently working on the site plan for Lot 15 which is provided on this plan. Owner's permission will be provided.*

- S-8. Comment: Show topsoil stockpile location with silt fencing surround on Erosion Control Plan.
Response: Topsoil stockpile location and detail provided on Erosion Control Plan.
- S-9. Comment: Clarify that this project will be under the total project SWPPP or a separate SWPPP for the individual property. If separate additional forms NOI and SWPPP Acceptance forms will be processed.
Response: NOI & SWPPP will be provided for this individual owner.
- S-10. Comment: Final landscaping along the frontage will be required as per the original subdivision requirements including street trees
Response: Discussed at TAC, street trees will be provided on the adjacent Lots, since this Lot only has a 20 feet of road frontage.

The following is our response to Jonathan T. Lockman, AICP, of Nelson Pope Voorhis letter dated March 14, 2022:

Submission Comments

1. Comment: A set of floor plans for all levels should be provided. We will defer to the Building Inspector on Building Code requirements.
Response: Floor Plans provided.
2. Comment: Lighting details including cut sheets for fixtures should be submitted at time of building permit application, per the Building Inspector's usual practice. A note should be added to the plan indicating that "all exterior lighting will be directed downward, and no lighting is to spillover onto adjacent properties"
Response: Lighting Details will be provided at time of Building Permit. Note provided, Note 3 on Site Plan.

3. Comment: A copy of the ZBA variance decisions should be provided.

Response: Provided as part of this submission.

Zoning Comments

1. Comment: The development of a single-family home requires site plan review under the steep slope provision of Chapter 119 of the Village Code. A steep slope calculation within the disturbed area is provided on sheet 4. The proposed steep slope area to be disturbed has a weighted area of 18,056 square feet. The threshold for Planning Board review is 13,068 square feet of weighted area.

Response: No response required.

2. Comment: A Bulk Requirements Table has been provided on the Site Development Plan, sheet 1, showing the required standards of the R-40 District, and proposed bulk standards provided.

Response: No response required.

a. Comment: The Applicant was granted a ZBA variance on January 27, 2021, for Maximum Building Height, as 44 feet is proposed, and only 35 feet is allowed.

Response: No response required.

b. Comment: The Applicant was granted a ZBA variance for Lot Coverage on February 23, 2022, as 24% is proposed and only 15% is allowed.

Response: No response required.

- c. Comment: With the passage of the House of Worship law, there is a new Village-wide definition in the zoning code for the calculation of development coverage. Maximum Lot coverage is now governed by the following definitions, as recently amended by the Village Board.

Impervious Surface

Those surfaces which do not absorb stormwater. All buildings, decks, parking areas, driveways, roads, sidewalks, swimming pools and any areas in concrete, pavers, asphalt or packed stone shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the Village Engineer to be impervious within the meaning of this definition will also be classed as "impervious surfaces."

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.
3. Any land within a one-hundred-year-frequency floodplain.
4. Any land within access, utility or drainage easements or rights-of-way, except for direct utility connections to principal or accessory buildings on the site.
5. Any land with unexcavated slopes over 35%; or
6. Twenty-five percent of any land with unexcavated slopes greater than 15% but less than 35%.

Lot Coverage

That percentage of the net lot area covered by impervious surfaces.

Comment: The Bulk Table should indicate how the 52,285 square feet of net lot area was derived, showing the amount of each deduction from the gross lot area for each applicable resource in the Net Lot Area definition. Note that the new house of worship local law, LL. No. 1 of 2021 Is not yet codified

Response: *Coverages & Net Lot Area calculations revised per new code.*

Planning Comments

3. **Comment:** Stormwater management details are provided, and we will defer to the Village engineer on drainage matters.

Response: *No response required.*

4. **Comment:** If it was not done at the previous review of the application, we recommend that the action be classified as Type II as it is the development of single-family home on an approved lot, and therefore, no further SEQR steps will be needed.

Agreed.

2511 LOT 4

RESOLUTION

Pomona Village Hall
Pomona, New York

Landau, Solomon
34 Cornell Peak
25.09 - 1- 2.3

PRESENT: Alan Lamer – Chairman
Allan Dubow
Alma Roman

On January 27, 2021, the following resolution was offered by Allan Dubow, who moved its adoption, seconded by Alan Lamer:

WHEREAS, an application was submitted to this Board on behalf of the property owner, Solomon Landau, for a variance from the provisions of Sec. 130-12(I) of the Code of the Village of Pomona, to permit the development of the subject lot with a single family home providing a structure measuring 44 feet in one elevation, whereas the permitted maximum height is 35 feet; and

WHEREAS, the subject premises are located at 34 Cornell Peak, designated on the Tax Map as Section 25.09, Block 1, Lot 2.3, in an R-40 Zoning District; and

WHEREAS, a public hearing was conducted and the Board accepted evidence and heard testimony; and

WHEREAS, this is a Type II Action under SEQRA, and

WHEREAS, the Village of Pomona Zoning Board of Appeals having considered the evidence presented at the public hearing, has made the following findings:

The applicant is the owner of the subject premises, upon which he proposes to construct a new single-family home. The applicant submitted a site plan dated May 6, 2019 and a series of architectural and engineering plans dated August 28, 2020, regarding the proposed project. Pursuant to the proposed plans, the front elevation on one part of the home is measured pursuant to Village Code to be 44 feet high, but the Village of Pomona Zoning Code permits a maximum height of 35 feet. The average height of the structure is well below the 35 foot maximum requirement, but the one front elevation, due primarily to the topography of the site, does measure 44 feet, so the applicant is requesting a variance to permit the construction pursuant to the plans submitted.

The plans were reviewed by professionals engaged on behalf of the Village, including the Village Engineer, Martin K. Spence, P.E. Mr. Spence issued a review memorandum dated

applicant subsequently complied and submitted a planting plan prepared by landscape architect, Daniel Sherman, dated January 8, 2021 (the plans submitted contain a typographical error in regard to the date and inadvertently list year as 2020). The Board was satisfied, upon hearing the proof and in reviewing the planting plan, that the subject plantings adequately mitigate any negative impact the height variance may have on the adjoining properties, while balancing the interests and the benefit sought by the applicant.

Testimony of various neighboring property owners was received and all was thoroughly considered by the Board, along with the proof presented by the applicant and the Village's consulting professionals.

Having considered and weighed all the proof, this Board finds that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, on the conditions set forth below. In making this finding, the Board has considered the following:

1. There was no evidence presented that the proposed variance would produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The home as proposed works and harmonizes with the topography in that location, based on the plans submitted.
2. There are alternative structures which could be constructed on the property, but there was no proof of any that would achieve the benefit sought by the applicant herein, given the unique topography and local conditions present.
3. The variance sought is substantial in terms of percentages and feet, but the impact is mitigated by the planting plan and the unique conditions in that location, and the fact that the height only exceeds the maximum in only the one isolated front elevation and the remainder of the structure is all at or below the permitted maximum.
4. The proposed variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. The difficulty was self-created, but the circumstances are greatly mitigated by the unique and challenging topography in that location coupled with the manner in which the Code requires building height to be measured. This factor is also not determinative of the matter under Village Law.

Conditions:

1. The applicant shall comply substantially with Site Plan dated May 6, 2019, the Architectural and Engineering Plans dated August 28, 2020, and the Planting Plan prepared by landscape architect, Daniel Sherman, dated January 8, 2021;
2. The applicant shall comply with all other comments in the December 10, 2020 memorandum of Martin Spence prior to the issuance of any building permit;

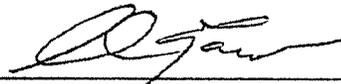
obtain any and all other required permits prior to the issuance of a certificate of occupancy.

The variance granted on the conditions imposed herein is the minimum necessary and adequate while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

WHEREAS, on roll call a vote was taken on the foregoing Resolution approving the variances sought and each member voted as follows:

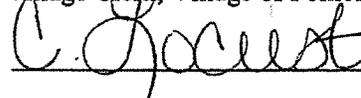
	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Alan Lamer, Chairman	<u>X</u>	—	—	—
Kevin Dock	—	—	<u>X</u>	—
Alma Roman	<u>X</u>	—	—	—
Allan Dubow	<u>X</u>	—	—	—
Gerald Inman	—	—	<u>X</u>	—

Dated: January 27, 2021


Alan Lamer - Chairman

A copy of this Resolution was filed in the Office of the Clerk of the Village of Pomona, New York, February 23, 2021.

Village Clerk, Village of Pomona



- End -

2511 LOT 14

VILLAGE OF POMONA
ZONING BOARD OF APPEALS

RESOLUTION

Pomona Village Hall
Pomona, New York

Landau, Solomon
34 Cornell Peak
25.09 - 1- 2.3

PRESENT: Alan Lamer – Chairman
Kevin Dock
Jesse Kaufman
William Baker
Alma Roman - Absent

On February 23, 2022, the following resolution was offered by _____, who moved its adoption, seconded by _____:

WHEREAS, an application was submitted to this Board on behalf of the property owner, Solomon Landau, for a variance from the provisions of Sec. 130-12 of the Code of the Village of Pomona, to permit the development of the subject lot with a single family home providing Lot Coverage of 24%, whereas the permitted maximum is 15%; and

WHEREAS, the subject premises are located at 34 Cornell Peak, designated on the Tax Map as Section 25.09, Block 1, Lot 2.3, in an R-40 Zoning District; and

WHEREAS, a public hearing was conducted and the Board accepted evidence and heard testimony; and

WHEREAS, this is a Type II Action under SEQRA, and

WHEREAS, the Village of Pomona Zoning Board of Appeals having considered the evidence presented at the public hearing, has made the following findings:

The applicant is the owner of the subject premises, upon which he proposes to construct a new single-family home. The applicant submitted a site plan dated May 6, 2019 and a series of architectural and engineering plans dated August 28, 2020, regarding the proposed project. He applied for, and in January, 2021 he received, a variance for the height of the single family home, with certain conditions as set forth in that resolution. That variance related to the front elevation of the proposed home. The applicant also proposes to install a pool complex in the rear yard, but the proposal raises the lot coverage to 24%, whereas 15% is the maximum permitted by code. Accordingly, the applicant has herein sought an additional variance to permit 24% lot coverage based upon the plans submitted dated last revised January 17, 2022.

Significantly, the lot measures 3.9 acres, but the rear of the lot is burdened with a conservation area measuring just under 120,000 ft.², none of which is counted pursuant to the Code when computing the overall lot coverage. Accordingly, the plans submitted to this Board last revised on January 17, 2022, depict the proposed pool area in the back yard which brings the lot development coverage to 24% since it is based on the net, rather than the gross total square footage of the lot.

The applicant proposes drainage improvements which establish a zero net runoff relating to the proposed improvements and have agreed to substantial vegetative screening as set forth in the plans submitted as prepared by landscape architect, Daniel Sherman, as referred to in the prior resolution approving the height variance. The Board was satisfied, and remains satisfied, that the subject engineering plans mitigate any drainage impacts which could otherwise be expected as a consequence of exceeding the maximum permitted lot coverage, and the landscaping plan adequately mitigates any visual impacts as well.

Having considered and weighed all the proof, this Board finds that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, on the conditions set forth below. In making this finding, the Board has considered the following:

1. There was no evidence presented that the proposed variance would produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The gross area of the lot renders the overall lot size to be far in excess of the size neighboring lots, but the lot coverage computation is dictated by the net, not the gross. The proposed development fits in with the neighborhood overall and the proposed improvements are all adequately screened from view.
2. There was no evidence presented of any feasible alternatives to achieve the benefit sought, given the topography and the challenges created thereby.
3. The variance sought is substantial, but the impact is mitigated by the engineering and landscaping plans.
4. The proposed variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, conditioned upon further review and site plan approval by the Planning Board and any conditions imposed as a result thereof by the Planning Board, and conditioned upon compliance with the engineering and landscaping plans submitted and the comments made by the Village Engineer in his December 20, 2020 memorandum.
5. The difficulty was self-created, but the circumstances are mitigated by the unique and challenging topography in that location. This factor is also not determinative of the matter under Village Law.

Conditions:

1. The applicant shall comply substantially with the Site Plan dated May 6, 2019, the Architectural and Engineering Plans dated August 28, 2020, and the Planting Plan prepared by landscape architect, Daniel Sherman, dated January 8, 2021;

2. The applicant shall comply with all other comments in the December 10, 2020 memorandum of Martin Spence prior to the issuance of any building permit;
3. The approval is conditioned upon and subject to the continued review and approval by the Planning Board and any conditions imposed by that Board.
4. The Applicant shall pay all due fees prior to the issuance of any building permit or certificate of use/occupancy;
5. The Applicant shall comply with all other applicable laws, rules and regulations and obtain any and all other required permits prior to the issuance of a certificate of occupancy.

The variance granted on the conditions imposed herein is the minimum necessary and adequate while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

WHEREAS, on roll call a vote was taken on the foregoing Resolution approving the variances sought and each member voted as follows:

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Alan Lamer, Chairman	<u>X</u>	—	—	—
Kevin Dock	<u>X</u>	—	—	—
Alma Roman	—	—	<u>X</u>	—
Jesse Kaufman	<u>X</u>	—	—	—
William Baker	<u>X</u>	—	—	—

Dated: February 23, 2022

Alan Lamer – Chairman

A copy of this Resolution was filed in the Office of the Clerk of the Village of Pomona, New York, _____, 2022.

Village Clerk, Village of Pomona

- End -



NEW MODEL FOR
LANDAU RESIDENCE

LOT #14
HALLEY ESTATES-2
POMONA, NEW YORK



K&L CONSULTANTS, INC.
1000 WEST 10TH AVENUE
DENVER, CO 80202

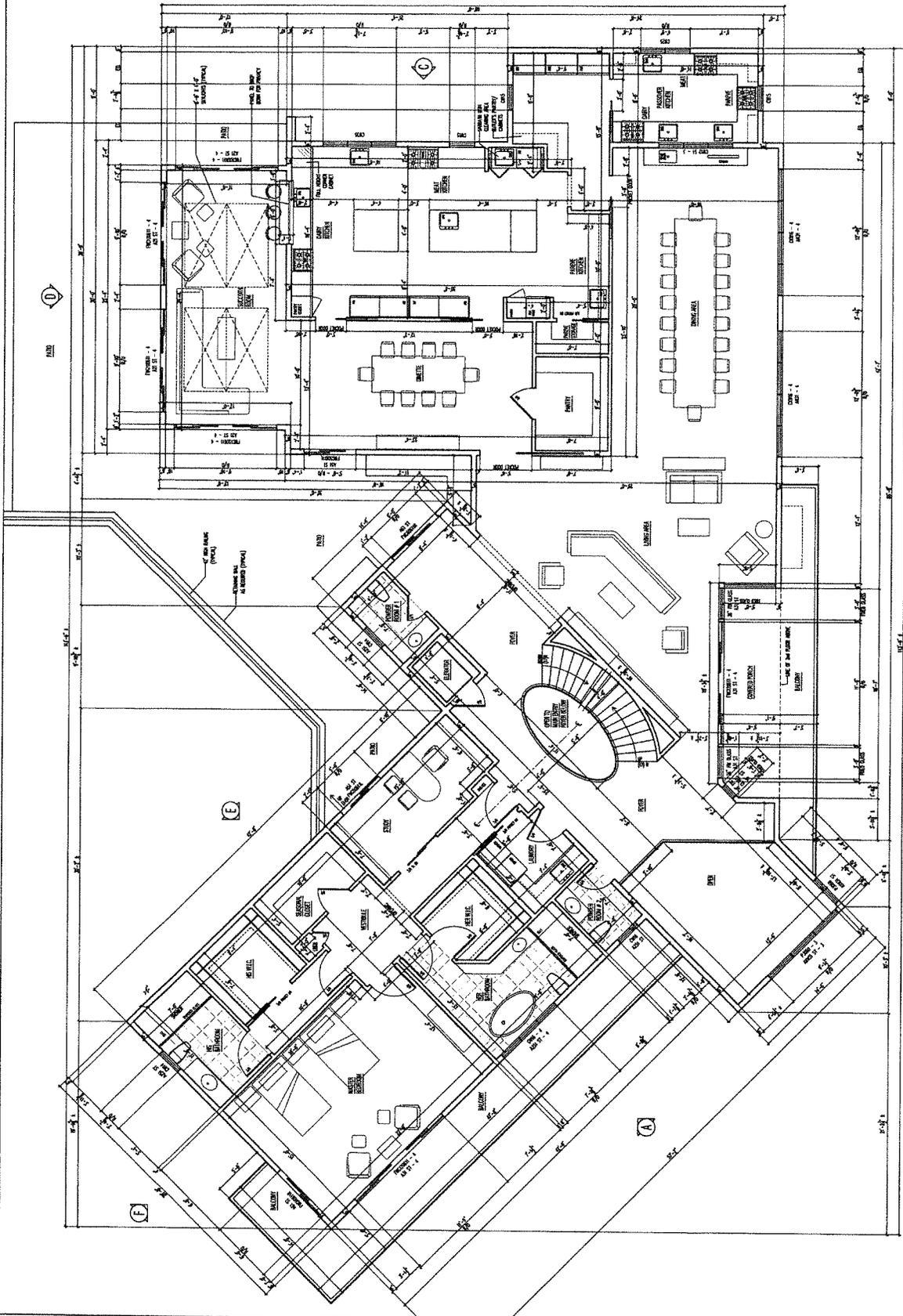
Project: Engineering LLC
ARCHITECT: K&L CONSULTANTS, INC.
DATE: 10/15/10

All dimensions are in feet and inches unless otherwise noted. All dimensions are to the center of the wall unless otherwise noted. All dimensions are to the center of the wall unless otherwise noted. All dimensions are to the center of the wall unless otherwise noted.

NO.	DESCRIPTION	DATE
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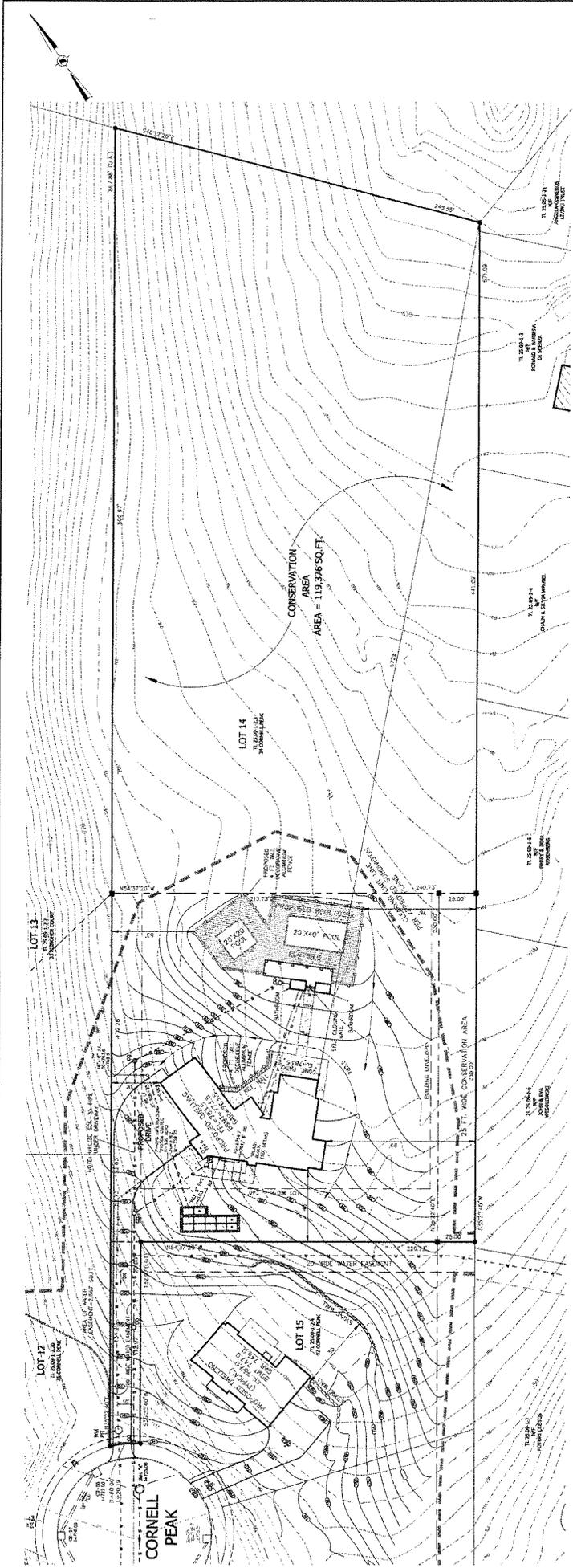
FIRST FLOOR
PLAN

SCALE: AS SHOWN
DATE: 10/15/10
PROJECT: NEW MODEL FOR LANDAU RESIDENCE
DRAWING NO: A-003.00
SHEET NO: 1 OF 10



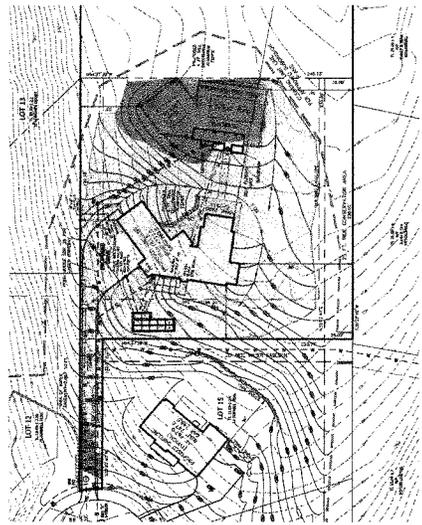
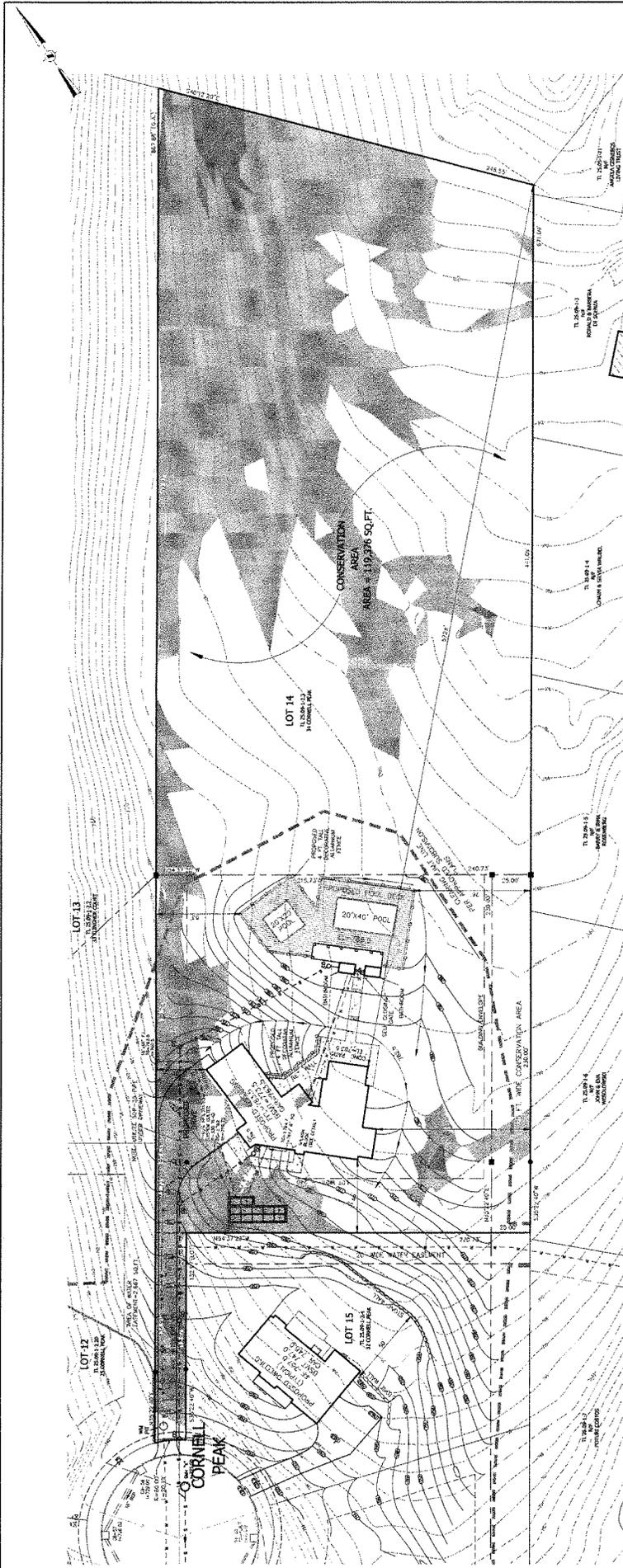
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

FIRST FLOOR AREA: 4147 SQ. FT.



LEGEND

PROPOSED 1/2" GRADE	PROPOSED 1/4" GRADE	PROPOSED 1/8" GRADE	PROPOSED 1/16" GRADE	PROPOSED 1/32" GRADE	PROPOSED 1/64" GRADE	PROPOSED 1/128" GRADE	PROPOSED 1/256" GRADE	PROPOSED 1/512" GRADE	PROPOSED 1/1024" GRADE	PROPOSED 1/2048" GRADE	PROPOSED 1/4096" GRADE	PROPOSED 1/8192" GRADE	PROPOSED 1/16384" GRADE	PROPOSED 1/32768" GRADE	PROPOSED 1/65536" GRADE	PROPOSED 1/131072" GRADE	PROPOSED 1/262144" GRADE	PROPOSED 1/524288" GRADE	PROPOSED 1/1048576" GRADE	PROPOSED 1/2097152" GRADE	PROPOSED 1/4194304" GRADE	PROPOSED 1/8388608" GRADE	PROPOSED 1/16777216" GRADE	PROPOSED 1/33554432" GRADE	PROPOSED 1/67108864" GRADE	PROPOSED 1/134217728" GRADE	PROPOSED 1/268435456" GRADE	PROPOSED 1/536870912" GRADE	PROPOSED 1/1073741824" GRADE	PROPOSED 1/2147483648" GRADE	PROPOSED 1/4294967296" GRADE	PROPOSED 1/8589934592" GRADE	PROPOSED 1/17179869184" GRADE	PROPOSED 1/34359738368" GRADE	PROPOSED 1/68719476736" GRADE	PROPOSED 1/137438953472" GRADE	PROPOSED 1/274877907144" GRADE	PROPOSED 1/549755814288" GRADE	PROPOSED 1/1099511628576" GRADE	PROPOSED 1/2199023257152" GRADE	PROPOSED 1/4398046514304" GRADE	PROPOSED 1/8796093028608" GRADE	PROPOSED 1/17592186057216" GRADE	PROPOSED 1/35184372114432" GRADE	PROPOSED 1/70368744228864" GRADE	PROPOSED 1/140737488457728" GRADE	PROPOSED 1/281474976915456" GRADE	PROPOSED 1/562949953830912" GRADE	PROPOSED 1/1125899907661824" GRADE	PROPOSED 1/2251799815323648" GRADE	PROPOSED 1/4503599630647296" GRADE	PROPOSED 1/9007199261294592" GRADE	PROPOSED 1/18014398522589184" GRADE	PROPOSED 1/36028797045178368" GRADE	PROPOSED 1/72057594090356736" GRADE	PROPOSED 1/144115188180713472" GRADE	PROPOSED 1/288230376361426944" GRADE	PROPOSED 1/576460752722853888" GRADE	PROPOSED 1/1152921505445707776" GRADE	PROPOSED 1/2305843010891415552" GRADE	PROPOSED 1/4611686021782831104" GRADE	PROPOSED 1/9223372043565662208" GRADE	PROPOSED 1/18446744071131324416" GRADE	PROPOSED 1/36893488142262648832" GRADE	PROPOSED 1/73786976284525297664" GRADE	PROPOSED 1/147573952569050595296" 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NO.	DATE	DESCRIPTION
1	08-12-22	PRELIMINARY
2	08-12-22	FOR PERMITS
3	08-12-22	FOR PERMITS
4	08-12-22	FOR PERMITS

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 Web: www.atnz.com

HALLEY ESTATES-II
 VILLAGE OF PONONA
 ROCKLAND COUNTY, NEW YORK
STEEP SLOPE PLAN & CUT & FILL PLAN
LOT NO. 14

SHEET NO. 2511
 PROJECT NO. 2511
 DRAWING NO. 5

LOT AREA CALCULATION TABLE

BRUSH LOT AREA	= 171.61 TOTAL
INDIVIDUAL STEEP SLOPE (30% - 50% = 60.00 SQ FT) * 10.00 SQ FT	= 600.00
CUMULATIVE STEEP SLOPE (50% - 70% = 2.00 SQ FT) * 1.00 SQ FT	= 2.00
AREA OF WIDE WATER LASEMENT	= 2.00 (1.00)
NET LOT AREA	= 2,107.72 SQ FT

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING WATER MARK
- PROPOSED WATER MARK
- EXISTING POOL MARK
- PROPOSED POOL MARK
- EXISTING LOT MARK
- PROPOSED LOT MARK
- EXISTING CURB MARK
- PROPOSED CURB MARK
- EXISTING DRIVE MARK
- PROPOSED DRIVE MARK
- EXISTING SIDEWALK MARK
- PROPOSED SIDEWALK MARK
- EXISTING DRIVEWAY MARK
- PROPOSED DRIVEWAY MARK
- EXISTING SIDEWALK MARK
- PROPOSED SIDEWALK MARK
- EXISTING DRIVEWAY MARK
- PROPOSED DRIVEWAY MARK

CUT & FILL PLAN

SCALE: 1" = 30'

CUT & FILL LEGEND

- CUT = 0.30' TO 0.70'
- FILL = 0.30' TO 0.70'

DATE: 08-12-22



Memorandum

To: Village of Pomona Planning Board

From: Jonathan T. Lockman, AICP

Re: Halley Estates II – Lot 14

Date: April 18, 2022

cc: Martin Spence, P.E.
Stephen M. Honan, Esq., Attorney
Chakiera Locust, Clerk
Lou Zummo, Building Inspector
John Atzl, Land Surveyor (for the Applicant)

We are in receipt of the following materials for a Planning Board application from Solomon Landau for the development of a single-family home with pools and accessory structures, at 34 Cornell Peak on lot 14 of the Halley Estates II subdivision:

Received and reviewed for this memorandum:

- Architectural Floor Plans and Elevations, entitled New Model for Landau Residence, by Kim Thomas Sippel, Architect, PC, unstamped, with latest revision date of 08/28/2020, with 10 sheets, as follows:
 - A-001.00, Cellar/Garage Plan
 - A-002.00, Basement Level Plan
 - A-003.00, First Floor Plan
 - A-004.00, Second Floor Plan
 - A-005.00, Elevation #A
 - A-006.00, Elevation #B
 - A-007.00, Elevation #C
 - A-008.00, Elevation #D
 - A-009.00, Elevation #E
 - A-010.00, Elevation #F
- Response Letter by Atzl, Nasher & Zigler, dated April 12, 2022.
- Plan Set, 6 sheets, stamped by John Atzl, P.L.S., and Ryan Nasher, P.E., AN&Z Engineers, with the following sheets, with latest revision date of 4/13/22:
 - 1, Site Development Plan Lot No. 14
 - 2, Existing Condition Lot No. 14
 - 3, Grading Plan & Details Lot No. 14
 - 4, Erosion Control & Steep Slope Plan Lot No. 14
 - 5, Steep Slope Plan & Cut & Fill Plan, Lot No. 14
 - L-1, Planting Plan by Daniel Sherman, Landscape Architect
- ZBA Resolution, dated February 23, 2022.
- ZBA Resolution, dated January 27, 2021.

- Rendering, undated, unstamped.

Reviewed for our previous memorandum, dated March 14, 2022:

- Application Review Form dated March 1 2022, by John Atzl of Atzl, Nash, & Zigler, P.C.
- Full Stormwater Pollution Prevention Plan Report dated February 25, 2022, by Atzl, Nasher & Zigler, P.C.
- Response Letter by Atzl, Nasher & Zigler, dated February 25, 2022.
- Narrative Summary by Atzl, Nasher & Zigler dated March 1, 2022.
- Short Environmental Assessment form part 1, by John Atzl, dated March 1, 2022.
- Plan Set, 5 sheets, stamped by John Atzl, P.L.S., and Ryan Nasher, P.E., with the following sheets, dated May 6, 2019:
 - Site Development Plan Lot No. 14
 - Existing Condition Lot No. 14
 - Grading Plan & Details Lot No. 14
 - Erosion Control & Steep Slope Plan Lot No. 14
 - Planting Plan by Daniel Sherman, Landscape Architect
- Site Plan Sheet for Existing Watershed Lot No. 14, stamped by John Atzl, P.L.S., and Ryan Nasher, P.E., last revised February 25, 2022.
- Site Plan Sheet for Developed Watershed Lot No. 14, stamped by John Atzl, P.L.S., and Ryan Nasher, P.E., last revised February 25, 2022.
- Plan Set, 6 sheets, by Kim Thomas Sippel Architect, P.C., with the following sheets, dated May 26, 2020:
 - A-005 Elevation #A
 - A-006 Elevation #B
 - A-007 Elevation #C
 - A-008 Elevation #D
 - A-009 Elevation #E
 - A-010 Elevation #F

Project Summary

The subject vacant lot is part of the approved Halley Estates II Subdivision. The applicant plans to build a single-family home with 12,092 square feet of gross floor area, (approximately 4,492 square-foot footprint) at this lot, which has an area of 3.9 gross acres and is located in the R-40 zoning district. The development coverage proposed is 9%, according to the plot plan calculations based on the newest code definitions of net lot area. Variances have been granted by the ZBA for height and lot coverage.

Submission Comments

1. In response to comment 1 of our previous memorandum, a set of floor plans for all levels has been provided. We will defer to the Building Inspector on Building Code requirements.
2. Lighting details including cut sheets for fixtures should be submitted at time of building permit application, per the Building Inspector's usual practice. In response to comment 2 of our previous memorandum, a general note #3 has been added to the site plan sheet 1 indicating that "All

exterior lighting will be directed downward, and no lighting is to spillover onto adjacent properties.”

3. Per comment 3 of our previous memorandum, copies of the ZBA variance decisions have been provided.

Zoning Comments

4. The development of a single-family home requires site plan review under the steep slope provision of Chapter 119 of the Village Code. A steep slope calculation within the disturbed area is provided on sheet 4. The proposed steep slope area to be disturbed has a weighted area of 18,056 square feet. The threshold for Planning Board review is 13,068 square feet of weighted area.
5. A Bulk Requirements Table has been provided on the Site Development Plan, sheet 1, showing the required standards of the R-40 District, and proposed bulk standards provided.
 - a. The Applicant was granted a ZBA variance on January 27, 2021, for Maximum Building Height, as 44 feet is proposed, and only 35 feet is allowed.
 - b. The Applicant was granted a ZBA variance for Lot Coverage on February 23, 2022, as 24% is proposed and only 15% is allowed. However, under newest definitions, only 9% is proposed. See comment c below.
 - c. With the passage of the House of Worship law, there is a new Village-wide definition in the zoning code for the calculation of development coverage. Maximum Lot coverage is now governed by the following definitions, as recently amended by the Village Board.

IMPERVIOUS SURFACE

Those surfaces which do not absorb stormwater. All buildings, decks, parking areas, driveways, roads, sidewalks, swimming pools and any areas in concrete, pavers, asphalt or packed stone shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the Village Engineer to be impervious within the meaning of this definition will also be classed as "impervious surfaces."

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;
3. Any land within a one-hundred-year-frequency floodplain;
4. Any land within access, utility or drainage easements or rights-of-way, except for direct utility connections to principal or accessory buildings on the site;
5. Any land with unexcavated slopes over 35%; or
6. Twenty-five percent of any land with unexcavated slopes greater than 15% but less than 35%.

LOT COVERAGE

That percentage of the net lot area covered by impervious surfaces.

In response to our previous comment, the Bulk Table on sheet 1 now indicates how the 150,782 square feet of net lot area was derived, showing the amount of each deduction from the gross lot area for each applicable resource in the Net Lot Area definition. It should be noted that only access, drainage or utility easements are required to be deducted for net lot area. Conservation easements are not required to be deducted. Also, note that the new house of worship local law, L.L. No. 1 of 2021 is not yet codified. It is available as a separate local law at the General Code website at <https://ecode360.com/PO1095/laws/LF1461415.pdf> or from the Village Clerk.

Planning Comments

6. Stormwater management details are provided, and we will defer to the Village engineer on drainage matters.

SEQRA Comments

7. If it was not done at a previous review of the application, we recommend that the action be classified by the Planning Board as Type II, as the action is the development of single-family home on an approved lot, and therefore, no further SEQRA steps will be needed.

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



TO: Village of Pomona, Planning Board (TAC)
FROM: Martin K. Spence, PE Village Engineer
DATE: April 28, 2022
RE: 34 Cornell Peak Tax Map Reference 25.09-1-2.3
Proposed New Dwelling with Steep Slope Disturbance

Martin K. Spence

We have received the following regarding the subject application:

- Short EAF, Part 1
- Site Development Plan, Dwg 1 Sheet as prepared by Atzl, Nasher and Zigler, last revised 4/13/22
- Existing Condition Plan, Dwg 2 Sheet as prepared by Atzl, Nasher and Zigler, last revised 4/13/22
- Grading Plan and Details, Dwg 3 Sheet as prepared by Atzl, Nasher and Zigler, last revised 4/13/22
- Erosion Control & Steep Slope Plan, Dwg 4 Sheet as prepared by Atzl, Nasher and Zigler, last revised 4/13/22
- Steep Slope Plan and Cut and Fill Plan, Dwg 4 Sheet as prepared by Atzl, Nasher and Zigler, last revised 4/13/22
- Planting Plan, Dwg L-1, 1 Sheet, as prepared by Daniel Sherman, LA, dated last revised 4/13/22
- SWPPP and Drainage Calculations as prepared by Atzl, Nasher and Zigler
- Architectural Plans, 11 sheets as prepared by Kim Thomas Sippel, with a final issue date of 8/28/20.

The application consists of submitting to the Planning Board as a result of the steep slope disturbance greater than 3/10 of an acre (13,068 SF), as per Chapter 119 Site Development Plan Review. This property recently submitted to the Zoning Board for height and development coverage variances.

We offer the following:

The owner/applicant in this matter is:

Solomon Landau
1659 48th Street
Brooklyn, NY 11204

The project consists of development of a flag lot which was created as part of the Halley II subdivision approval. The subject lot is a total 3.94 acres with a net lot area of 1.20 acres after deducting the Conservation Area of 2.40 acres. The lot is located at the North and East of the subdivision limits and is accessed by a 20' wide "pole" of the flag. Conservation Areas are located to the North of the developable area as well as a 25' wide swath along the east limits of the developable areas.

This submittal to the Planning Board is required as a result of the steep slope criteria guidelines, which the applicant has provided "weighted slope calculations" on drawing 4. Changes in grade are in the 8' to 10' maximum. The existing lot has slopes of approximately 13-15% within the limits of the garage/driveway to the rear yard improvements, a change in grade of approximately 24'. The slope of the driveway is shown to be 10% which is near the upper limits of an acceptable driveway grade as per Code (12% maximum). Soil Excavation and net export is calculated as 6,457 CY, approximately 325 trucks.

It is noted that on the plot plan, the Clearing Limit Line, (CLL) is shown to encroach into the Conservation Area. This is consistent with the approved Subdivision Plans and may have been recognized as needed to develop the subject lot.

Engineering Comments:

- S-1. Engineering calculations for retaining walls shall be submitted at time of Building Permit application submittal. *(Applicant finds this acceptable and will comply)*
- S-2. The drainage design relies on a percolation rate of 5"/hour. Soil percolation testing shall be scheduled so that field conditions can verify the assumed rates. If field conditions do not meet the assumed rates, a revised sizing of the chamber design shall be submitted. The schedule of testing shall be performed prior to any start of framing. *(Applicant finds this acceptable and will comply)*
- ~~S-3. Coordinate drainage system location with plantings, some relocation to avoid larger trees on top of the system is required. Final layout can be field coordinated.~~
- S-4. An 18" X 18" NDS inlet shall be provided at the end of the swale, east of the dwelling and connect to the drainage system. *Applicant finds this acceptable and will comply per discussion 4/28/22.*
- ~~S-5. Soil export destination shall be provided at the time of the building permit application. Soil deposits within the development will require a plan/approval. In absence of an approved plan, trucking shall be outside Village limits. Applicant finds this acceptable and will comply)~~
- ~~S-6. Discuss any ZBA approvals/conditions that need to be made part of the Building Permit application. If any conditions were required, these may be made a note on the General Notes, Dwg 1. After any approvals the applicant shall submit for Building Permits including an engineering review/permit.~~
- S-7. ~~Any grading off the subject property will require approval by the adjacent property. Applicant finds this acceptable and will comply)~~
- ~~S-8. Show topsoil stockpile location with silt fencing surround on Erosion Control Plan.~~
- S-9. Clarify that this project will be under the total project SWPPP or a separate SWPPP for the individual property. ~~If separate additional forms NOI and SWPPP Acceptance forms will be processed. Applicant finds this acceptable and will comply with a separate SWPPP and NOI)~~
- ~~S-10. Final landscaping along the frontage will be required as per the original subdivision requirements including street trees.~~

END OF REPORT

c Solomon Landau, Owner
John Atzl, PLS