

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
JANUARY 27, 2014

ADOPTED MARCH 9, 2015

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, 100 Ladentown Road, Pomona, New York at 7:30 p.m. on January 27, 2014.

Present

Mayor: Brett Yagel
Deputy Mayor: Ian Banks
Trustees: Leon Harris
Rita Louie
Alma Roman

Village Attorney: Doris Ulman
Vlg. Engineer: J. Corless
Bldg. Inspector: Louis Zummo
Village Clerk: Lisa Thorsen

SUMMARY - LOCAL LAWS

LOCAL LAW No. 1 of 2014

Trustee Louie made the following motion: **WHEREAS**, the Federal Emergency Management Agency has issued new Flood Insurance Rate Maps (FIRM) establishing designated flood zones within the Village of Pomona, and

WHEREAS, in order for property owners within the flood zones to obtain Federal Flood Insurance, it is necessary for the Village to adopt a local law, acceptable to FEMA and to the New York State Department of Environmental Conservation, that regulates construction and uses within the flood zones to reduce property damage and erosion caused by flooding, and

WHEREAS, the proposed local law entitled "A Local Law Amending the Code of the Village of Pomona Relating to Flood Damage Protection as Authorized by the New York State Constitution Article IX Section 2 and the Environmental Conservation Law Article 36" has been approved by FEMA and the State DEC,

NOW, THEREFORE, BE IT RESOLVED that the proposed local law entitled "A Local Law Amending the Code of the Village of Pomona Relating to Flood

Damage Protection as Authorized by the New York State Constitution Article IX Section 2 and the Environmental Conservation Law Article 36” is hereby adopted and enacted as Local Law No. 1 of 2014, and be it further

RESOLVED, that the Village Clerk is hereby authorized and directed to file the local law with the Secretary of State and to send a copy of the filing and the local law together with this resolution, certified and signed by the Village Clerk and containing the seal of the Village to the NYS Department of Environmental Conservation. Seconded by Deputy Mayor Banks. Motion carried 5-0.

SUMMARY OF MOTIONS

Resolution No. 2 – 2014

Deputy Mayor Banks moved the following resolution: WHEREAS, application has been made to the Board of Trustees of the Village of Pomona by Darbe Mehr Zoroastrian Temple for a Special Permit to permit the construction, maintenance and use of a House of Worship, and

WHEREAS, after due notice, a public hearing on said application was held by the Board of Trustees on January 27, 2014, and

WHEREAS, the applicant appeared by their architect and their engineer who testified as follows:

That after several months the Pomona Planning Board has completed the SEQRA review and has determined that the project will not have a significant adverse impact on the environment;

That the Pomona Zoning Board of Appeals has granted the requested variances, subject to certain conditions that the applicant has agreed to comply with;

That the property was formerly owned and operated by the Pomona Jewish Center and the pre-existing building, which encroached into the rear setback, is being demolished;

That the property is 3.3 acres and the new building reflects the style and character of the original Zoroastrian architectural traditions and details;

Thea the lot has 303 foot frontage on Pomona Road;

That the total square footage of the house of worship is 19,855 square feet which requires a minimum of 100 parking spaces; in addition, the caretaker’s

cottage requires 2 parking spaces for a total of 102 on-site parking spaces, which are shown on the proposed site plan;

That applicant has complied with all requests of the Pomona Planning Board and Zoning Board of Appeals and the site plan includes the changes requested by the Boards;

NOW, THEREFORE, BE IT RESOLVED, that the application submitted by Darbe Mehr Zoroastrian Temple for Special Permit to permit the construction, maintenance and use of a House of Worship at premises known as 106 Pomona Road, designated on the Tax Map as Section 33.17 Block 1 Lot 14, in an R-40 Zoning District, is hereby approved, subject to the following conditions:

1. Pomona Planning Board site plan approval and compliance with all conditions thereof;
2. Compliance with all conditions of the Pomona Zoning Board of Appeals decision dated November 21, 2013;
3. Compliance with the Rockland County Planning Department General Municipal Law review letter dated January 13, 2014;
4. Compliance with requirements of the Rockland County Highway Department;
5. Compliance with New York State Fire Prevention and Building Code for places of public assembly and with State and local laws relating to houses of worship;
6. Installation and maintenance of landscaping to screen the use from adjoining properties, said landscaping to be approved by the Planning Board;
7. Exterior lighting shall be shielded so that they are not visible beyond the boundaries of the lot on which they are situated;
8. No outdoor public address systems shall be used on the property;
9. Any signs to be installed shall be subject to approval of the Pomona Planning Board;
10. All parking shall be on site and there shall be no parking on Pomona Road in connection with the use; and be it further

RESOLVED, that the Pomona Building Inspector shall inspect the premises annually to assure compliance with the requirements of this Special Permit and site plan approval. Seconded by Trustee Harris. Motion carried 5-0.

Resolution No. 3 – 2014

Trustee Harris moved the resolution that the payment of General Funds Claims totaling \$385,467.15 set forth in page 3 in the Monthly Abstract Listing dated December 10, 2013 through January 27, 2014 as submitted are hereby approved subject to individual audits by the Board of Trustees.

The Payroll of January 1 and 15, 2014 as set forth in the payroll in the amounts of \$2,250.00 and \$23,390.87 respectively, is hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Louie. Motion carried 5-0.

Resolution No. 4 – 2014

Trustee Louie moved to approve an expenditure of \$700.00 for the April 19, 2014 Spring 2014 Exhibition (\$400.00 for hospitality and \$300.00 for entertainment). Seconded by Trustee Roman. Motion carried 5-0.

Resolution No. 5 – 2014

Deputy Mayor Banks moved to approve an expenditure up to \$595.00 for the clean-up and removal of a fallen tree at the Cultural Center onto an adjoining property. Seconded by Trustee Louie. Motion carried 5-0.

Resolution No. 6 – 2014

Trustee Louie moved the following resolution: RESOLVED, that the sewer maintenance agreement for 2014 submitted by the Town of Ramapo, to provide maintenance services for the Village sanitary sewer system is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said agreement and to take all actions necessary to implement this resolution. Seconded by Deputy Mayor Banks. Motion carried 5-0.

1. Salute the Flag.

2. Public Hearing – Community Development Annual Program

Mayor Yagel introduced the purpose of the Community Development Annual Program and invited the public to come forward with their comments regarding the Program. No one from the public appeared to speak.

Trustee Roman moved to close the Public Hearing. Seconded by Trustee Louie. Motion carried 5-0.

3. Public Hearing – A Local Law Amending the Code of the Village of Pomona Relating to Flood Damage Prevention as Authorized by the New York State Constitution Article IX Section 2 and the Environmental Conservation Law Article 36

Mayor Yagel explained that FEMA has updated their flood maps and in order for residents in the affected area to apply for Federal flood insurance the Village needs to amend the local law with regards to the new flood maps. Mayor Yagel then asked for comments from the public on the Local Law Amending the Code of the Village of Pomona related to flood damage prevention. No one from the public appeared to speak.

Trustee Louie moved to close the Public Hearing. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Yagel then questioned inconsistencies with the numbering of the Articles, Roman numerals were used for Articles 1 through 6 but in the Local Law itself non-Roman numerals were used. Ms. Ulman, Village Attorney, explained the reason for the difference. Mayor Yagel then questioned Article 3, 3.1.2, if the Rate Map Panel Numbers were correct. Mr. Corless, Village Engineer, confirmed that the numbers were current and would be effective March 3, 2014. Ms. Ulman also commented that the proposed Local Law has already been pre-approved by FEMA and the NYS DEC. Mayor Yagel then proceeded to read the proposed Local Law into the record. A copy of the proposed Local Law is attached to the Minutes.

LOCAL LAW No. 1 of 2014

Trustee Louie made the following motion: WHEREAS, the Federal Emergency Management Agency has issued new Flood Insurance Rate Maps (FIRM) establishing designated flood zones within the Village of Pomona, and

WHEREAS, in order for property owners within the flood zones to obtain Federal Flood Insurance, it is necessary for the Village to adopt a local law, acceptable to FEMA and to the New York State Department of Environmental Conservation, that regulates construction and uses within the flood zones to reduce property damage and erosion caused by flooding, and

WHEREAS, the proposed local law entitled "A Local Law Amending the Code of the Village of Pomona Relating to Flood Damage Protection as Authorized by the New York State Constitution Article IX Section 2 and the Environmental Conservation Law Article 36" has been approved by FEMA and the State DEC,

NOW, THEREFORE, BE IT RESOLVED that the proposed local law entitled "A Local Law Amending the Code of the Village of Pomona Relating to Flood Damage Protection as Authorized by the New York State Constitution Article IX Section 2 and the Environmental Conservation Law Article 36" is hereby adopted and enacted as Local Law No. 1 of 2014, and be it further

RESOLVED, that the Village Clerk is hereby authorized and directed to file the local law with the Secretary of State and to send a copy of the filing and the local law together with this resolution, certified and signed by the Village Clerk

and containing the seal of the Village to the NYS Department of Environmental Conservation. Seconded by Deputy Mayor Banks. Motion carried 5-0.

4. Public Hearing – Application Request for Special Permit – Darbe Mehr Zoroastrian Temple

Mayor Yagel explained the need for the filing of the application for a special permit for the Darbe Mehr Zoroastrian Temple. Recommendations from the County Planning Board and Department of Highways are needed. Communications from both parties was read into the record by Mayor Yagel and is attached to the Minutes.

Raymond Ahmadi of RA Associates and engineer for the project addressed the Board and advised them that the congregation has outgrown the current facility and would like to construct a larger building and demolish the current building. Mr. Ahmadi answered questions from the Board regarding the new type of materials that will be used in constructing the building and stated they will comply with the recommendations made by the various Boards.

No one else from the public appeared to speak.

Trustee Roman moved to close the Public Hearing. Seconded by Trustee Louie. Motion carried 5-0.

Resolution No. 2 – 2014

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WHEREAS, after due notice, a public hearing on said application was held by the Board of Trustees on January 27, 2014, and

WHEREAS, the applicant appeared by their architect and their engineer who testified as follows:

That after several months the Pomona Planning Board has completed the SEQRA review and has determined that the project will not have a significant adverse impact on the environment;

That the Pomona Zoning Board of Appeals has granted the requested variances, subject to certain conditions that the applicant has agreed to comply with;

That the property was formerly owned and operated by the Pomona Jewish Center and the pre-existing building, which encroached into the rear setback, is being demolished;

That the property is 3.3 acres and the new building reflects the style and character of the original Zoroastrian architectural traditions and details;

Thea the lot has 303 foot frontage on Pomona Road;

That the total square footage of the house of worship is 19,855 square feet which requires a minimum of 100 parking spaces; in addition, the caretaker's cottage requires 2 parking spaces for a total of 102 on-site parking spaces, which are shown on the proposed site plan;

That applicant has complied with all requests of the Pomona Planning Board and Zoning Board of Appeals and the site plan includes the changes requested by the Boards;

NOW, THEREFORE, BE IT RESOLVED, that the application submitted by Darbe Mehr Zoroastrian Temple for Special Permit to permit the construction, maintenance and use of a House of Worship at premises known as 106 Pomona Road, designated on the Tax Map as Section 33.17 Block 1 Lot 14, in an R-40 Zoning District, is hereby approved, subject to the following conditions:

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- 2. Compliance with all conditions of the Pomona Zoning Board of Appeals decision dated November 21, 2013;**
- 3. Compliance with the Rockland County Planning Department General Municipal Law review letter dated January 13, 2014;**
- 4. Compliance with requirements of the Rockland County Highway Department;**
- 5. Compliance with New York State Fire Prevention and Building Code for places of public assembly and with State and local laws relating to houses of worship;**
- 6. Installation and maintenance of landscaping to screen the use from adjoining properties, said landscaping to be approved by the Planning Board;**
- 7. Exterior lighting shall be shielded so that they are not visible beyond the boundaries of the lot on which they are situated;**
- 8. No outdoor public address systems shall be used on the property;**
- 9. Any signs to be installed shall be subject to approval of the Pomona Planning Board;**
- 10. All parking shall be on site and there shall be no parking on Pomona Road in connection with the use; and be it further**

RESOLVED, that the Pomona Building Inspector shall inspect the premises annually to assure compliance with the requirements of this Special Permit and site plan approval. Seconded by Trustee Harris. Motion carried 5-0.

Deputy Mayor Banks inquired of Mr. Ahmadi if there was a time schedule for completion of the project and the answer was about two years.

The Treasurer for the Temple informed the Board that the collecting of building funds has been ongoing and plans are to start construction this coming summer. Trustee Louie inquired if the Village of New Hempstead has responded to the application with any comments. Ms. Ulman responded they have not responded and the time to respond has lapsed.

5. Open Period

No one from the public appeared to speak.

Trustee Harris moved to close the Open Period. Seconded by Deputy Mayor Banks. Motion carried 5-0.

6. Resolution to Approve Abstract of Audited Claims

Resolution No. 3 – 2014

Trustee Harris moved the resolution that the payment of General Funds Claims totaling \$385,467.15 set forth in page 3 in the Monthly Abstract Listing dated December 10, 2013 through January 27, 2014 as submitted are hereby approved subject to individual audits by the Board of Trustees.

The Payroll of January 1 and 15, 2014 as set forth in the payroll in the amounts of \$2,250.00 and \$23,390.87 respectively, is hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Louie. Motion carried 5-0.

7. Engineering & Building

Mr. Corless gave an update on the Halley II Subdivision. The builder is finishing up on the model home and there is no other activity on the site. Regarding the stabilization that was required on the site, the site is frozen and stable. Mayor Yagel inquired as to the status of the Letter of Credit. The Letter of Credit (\$547,937) for the subdivision has expired on January 9, 2014. Mr. Zummo, Building Inspector, reported he made three phone calls to Mr. Herskowitz and has not received a reply. As of last week he has applied for a Letter of Credit and to date no reply has been received. Mayor Yagel instructed that an automatic tickler be kept on Letters of Credit so that something like this does not occur again. The Deputy Clerk keeps a

separate Letter of Credit file. Without a Letter of Credit, a Stop Work Order can be issued. Mayor Yagel commented there are many issues on the site that are not in compliance. Mr. Corless responded that the site is frozen and nothing is moving. The builder is not currently working on the site.

Mr. Zummo reported there was another sewer back-up at 4 Tulip Lane. It cannot be determined if anyone is living at the site. A letter will be sent to the Rockland County Department of Highways, with a copy to the County Executive, regarding the repaving of Pomona Road that resulted in the covering over of manhole covers in the road. Mr. Zummo will follow-up on the matter.

Mayor Yagel inquired as to the process for cashing checks covering Building Permit applications. Mr. Zummo responded checks are not deposited until the BP is issued. A written procedure will be prepared regarding Building Permit Applications which is to be followed by everyone in the office.

8. Cultural Center

A copy of the Director's report is attached to the Minutes. Mayor Yagel instructed Mr. Zummo to inspect the Cultural Center for any open issues that need to be addressed.

Resolution No. 4 – 2014

Trustee Louie moved to approve an expenditure of \$700.00 for the April 19, 2014 Spring 2014 Exhibition (\$400.00 for hospitality and \$300.00 for entertainment). Seconded by Trustee Roman. Motion carried 5-0.

Trustee Louie commented that the parking lot at the Cultural Center was extremely slippery after the last snow. There was no salt spread and it was dangerous to walk in the lot. Mayor Yagel instructed the Clerk to notify Green World that the parking lot at the Cultural Center needs to be salted after snowing and before any events. Also, Mr. Gde will keep a supply of salt and a shovel in the Center in case it is needed.

9. Grants

Trustee Louie attended a Grants Workshop in December and is working on a grant from the National Trust for Historic Preservation Fund in the amount of \$2500.00 to \$5000.00 for preservation of a building. The grant has been outlined and Trustee Louie will prepare the grant for filing.

10. Village Maintenance

Ms. Thorsen is working with Henel Electric on the electrical work at Village Hall due to a blackout in the building. A tree at the Cultural Center has fallen onto adjoining property. Quotes for removing the tree will be solicited.

Resolution No. 5 – 2014

Deputy Mayor Banks moved to approve an expenditure up to \$595.00 for the clean-up and removal of a fallen tree at the Cultural Center onto an adjoining property. Seconded by Trustee Louie. Motion carried 5-0.

Deputy Mayor Banks reported on the gate and fence vandalism at the tennis courts. He would like to contact the company who installed the fence and have a rail installed along the bottom of the fence, at an estimate of \$2500.00, to ensure it cannot be raised up for people to crawl under the fence to enter onto the courts. Also, he placed a temporary lock on the gate which really requires a stronger latch to hold the lock onto the gate. The railing should be installed by early spring to avoid damage to the court surfaces. Regarding the sign on the fence, the wording needs to be reviewed and a new sign made and installed by spring.

11. Code Enforcement Report

A copy of the report is attached to the Minutes.

12. New Business

Mayor Yagel reported that work has started on the 2014/2015 budget. The Board was asked to let him know if they have any suggestions or concerns to be included in the budget. Discussion was then held regarding possible locations for the Village of Pomona signs. Any sign material suggestions should be brought to the March Workshop and a design will be discussed. The Grand Fondo New York has been scheduled for May 18, 2014 and they are again requesting volunteers to work along the route.

13. Old Business

Signs were discussed previously.

14. Legal

Ms. Ulman introduced a new sewer maintenance agreement with the Town of Ramapo.

Resolution No. 6 – 2014

Trustee Louie moved the following resolution: RESOLVED, that the sewer maintenance agreement for 2014 submitted by the Town of Ramapo, to provide maintenance services for the Village sanitary sewer system is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said agreement and to take all actions necessary to implement this resolution. Seconded by Deputy Mayor Banks. Motion carried 5-0.

15. Trustees Period

Trustee Louie passed out a flyer advertising an event at the Garner Arts Center on February 14, 2014 for an evening of Shakespeare Love Stories, Dinner and Dancing.

Trustee Louie also informed the Board she has been approached to include square dancing at the Pomona Music Festival. The matter will be taken under consideration.

16. Office Period

Ms. Thorsen suggested that the seating/desk arrangement in the office be changed. Ms. LaChiana works closely with the Building Inspector and Ms. Thorsen works with the Treasurer and by switching their desks there would be better access for each of them.

17. Executive Session

Trustee Louie moved to adjourn to Executive Session to discuss matters of litigation and personnel. Seconded by Trustee Harris. Motion carried 5-0.

Trustee Harris moved to close the Executive Session and reopen the Public Meeting. Seconded by Trustee Louie. Motion carried 5-0.

Trustee Roman moved to adjourn the meeting. Seconded by Trustee Harris. Motion carried 5-0.

Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Malverne J. Toll