

**VILLAGE OF POMONA  
ZONING BOARD OF APPEALS MEETING  
JUNE 26, 2024 – 7:30PM**

**PRESENT:**

**Jesse Kaufman, Zoning Board of Appeals Chairman**

**Alan I. Lamer, Zoning Board Member**

**Bill Baker, Zoning Board Member**

**Kevin Dock, Zoning Board Member**

**ALSO PRESENT:**

**David MacCartney, Village Attorney**

**Louis Zummo, Village Building Inspector**

**Jenna Antoine, Village Clerk**

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**Jesse Kaufman called the meeting to order at 7:37 pm.**

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**Jesse Kaufman made a motion to approve the Meeting Minutes from May 22, 2024. The motion was seconded by Kevin Dock. Upon vote, the motion passed 3-0-1. Alan I. Lamer was absent for the last meeting, he abstained from voting.**

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**Joseph Gutman - 23 Klingher Court Pomona NY 10970**

**Tax Roll# 24.12-2-21**

**Joseph Gutman, the homeowner was present for the above project. I am requesting the board to approve the fence I put up in my front yard, to enclose my swimming pool. I installed a six foot fence and the code only allows a 4 foot fence, so I am asking for a variance.**

**David MacCartney:**

**From my standpoint the application looks complete. It looks like you just need the height variance for the fence.**

**Kevin Dock made a motion to set a public hearing for the above property for June 24, 2024 at 7:30 pm. The motion was seconded by Bill Baker. Upon vote, the motion was carried by all present, passes 4-0.**

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**Moses Goldberger – 68 Call Hollow Road Pomona NY 10970**

**Tax Roll# 24.16-1-2**

**No one was present for the applicant, for the above property. The applicant did not follow all the guidelines needed, in order to move forward to the public hearing, for tonight's meeting. The Village Clerk told the applicant the board would re-schedule the public hearing for them, for next month.**

**Jesse Kaufman made a motion to re-schedule the public hearing for the above property for June 24, 2024 at 7:30 pm. The motion was seconded by Bill Baker. Upon vote, the motion was carried by all present, passes 4-0.**

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**Congregation Rabbinical Institute of Tartikov, Inc. - 65-67 Route 306 in the Village of Pomona**

**Tax Map as Section 32.08, Block 1, Lots 53, 54, and 55.2, and Section 32.12, Block 1, Lots 25, 26, 27, 28, 29.1, 29.2, 30, 31, and 33**

**12 parcels of land totaling 119.55 acres**

**The above applicant went before the board for the below 3 applications:**

**Congregation Rabbinical Institute of Tartikov, Inc- 65-67 Route 306 – Appeal of Denial Determination of Building Inspector for Special Use Permit Application**

**Congregation Rabbinical Institute of Tartikov, Inc- 65-67 Route 306 – Appeal of Denial Determination of Building Inspector for Site Plan Application**

**Congregation Rabbinical Institute of Tartikov, Inc- 65-67 Route 306 – Use Variance Application**

**The below people were present to represent the above applicant:**

**Attorney, Daniel Ruzow from Whiteman Osterman & Hanna LLP. Address is 1 Commerce Plaza 19th floor, Albany, NY 12260.**

**Dennis Rocks from Brooker Engineering PLLC. Address is 74 Lafayette Ave #501, Suffern, NY 10901.**

**Attorney, Joseph Churgin from Savad Churgin. Address is 55 Old Nyack Turnpike # 209, Nanuet, NY 10954.**

**Daniel Ruzow got up to speak first for the above applicant. I'm here tonight with Joseph Churgin and Dennis Rocks. We are here for a use variance. With Congregation Rabbinical Institute of Tartikov we are in need of use variances to permit Tartikov's use of an unaccredited Rabbinical Institute and to permit student and faculty housing. We would train up to 255 students in a 42,000 square foot building, located on 119 acres on Route 202 and Route 306. The site has 12 separate parcels. The site is zoned as R-40.**

**Educational institutions are committed to a special use permit from those Board of Trustees and site plan approval from the Planning Board, however, under the code educational institutions are defined as including an accreditation by the New York State Department of Education or some other similar institute or accredited agency. The fact that the Institute is operational now and the religious nature of the proposed rabbinical institute, you cannot receive accreditation from the New York State Department of Education or other similar education, accreditation agencies, and that student housing that**

is proposed is not permitted in the code, either as dormitories or any other permitted housing.

So in order for the institute to come into existence, we need a use variance and a waiver of the special permit requirements and the site plan restrictions that relate to the housing units. So we have to apply to you for the use variance, that will allow this educational use which is not allowed anywhere in the submitted applications for a use variance and the appeals of the two denials by Mr. Zummo.

We believe you need to be lead agency for SEQRA purposes because the village board rejected our request for zoning amendments, which was an alternative way of trying to establish the institute. So that option is no longer available to us. So we are here because the board has the power to consider these things. I can ask Dennis Rocks to show you the site plan, so you have a better understanding of what it is the Institute would like to establish on the site.

Dennis Rocks got up to speak next, from Brooker Engineering. We are the engineering firm that prepared the site plans before you tonight and as well as the engineering analyses behind those site plans, to support that. We're very excited to be here tonight and have the opportunity to share this with you all. Dennis Rocks showed the site plan of the property to the board. The site is comprised of 12 separate lots and has a total of 119.5 acres. We'd be happy to answer any questions you all might have.

Jesse Kaufman: Are the emergency exits only exits or are they also going to be entrances?

Dennis Rocks: Yes, the emergency exits are an exit only.

Louis Zummo: How many bedrooms per unit?

Dennis Rocks: 4 bedrooms per unit.

Dennis Rocks:

What we're asking you to do is to advance this application forward, so that you can be established as lead agency for SEQRA purposes and ultimately get the public hearing scheduled.

David MacCartney:

Are you asking for the zoning board to step into the shoes of the planning board and the village board and review it under the site plan?

Joseph Churgin:

All we're asking you for is either a use variance for two basic things or waivers for those two basic things. It is your determination, not mine on whether or not you have to become lead agency, for SEQRA purposes or not. If you do have to do SEQRA for that, then yes, we want this board to be lead agency. So let's be clear. This is not the first board we are attempting to put this project in front of. We went first to the village board and tried to have a law change. We submitted a site plan to the planning board, along with the waivers that we're talking about today and that was rejected. So essentially, we were redirected here I believe by the building inspector, who directed us to come to you because that was the only avenue left to us is to have you either give us a use variance or an override of the denial of the waivers.

**David MacCartney:**

We also need the GML reviews for these applications at the very least. I was just speaking to the clerk and she usually puts the addresses into the GIS system. I know you have the tax map numbers listed for the above applications. We just want to make sure you have a total of 12 tax lots for the three projects. Is that correct?

**Joseph Churgin:**

Yes, that is correct. Is there anything else you need from us?

**David MacCartney:**

Just in terms of the timing of the GML reviews. Today is the 26<sup>th</sup> and the next meeting is less than 30 days from now. So the question is does it makes sense to schedule the hearing for the August meeting or for the July meeting. The July meeting, we're not going to have any GML reviews back by then. I don't see any barriers to schedule a public hearing. Are you looking for the next public hearing or do you need more time?

**Joseph Churgin:**

I think that there is an open question here about how this is going to proceed because this is a discussion. If you have any questions for us or if there is input that you want, we can discuss this all at the July meeting. We understand that we're not going to have the GML comments by the July meeting. . My clients have been waiting a very long time to get to this spot.

**David MacCartney:**

If we need to leave the public hearing open in July because of the GML's, we can do that as well.

**Jesse Kaufman made a motion to set a public hearing for Congregation Rabbinical Institute of Tartikov, Inc for July 24, 2024 at 7:30 pm. This is for all of the above three**

**applications. The motion was seconded by Alan I. Lamer. Upon vote, the motion was carried by all present, passes 4-0.**

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**Jesse Kaufman made a motion to adjourn the meeting at 8:35 pm. The motion was seconded by Kevin Dock. Upon vote, the motion was carried by all present, passes 4-0.**

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**Minutes respectfully submitted by Jenna Antoine, Village Clerk**