

**VILLAGE OF POMONA
VILLAGE BOARD MEETING**

SEPTEMBER 23, 2024

7:30 P.M.

PRESENT

Mayor Ilan Fuchs

Trustee Marc Greenberg

Trustee Joel Grunwald

Trustee Raanan Zidile

ALSO PRESENT

Village Attorney Brian Nugent

Village Clerk Jenna Antoine

ABSENT

Deputy Mayor Mendy Lasker

At 7:33pm Mayor Ilan Fuchs called the meeting to order and led everyone in the Pledge of Allegiance.

Ilan Fuchs made a motion to open the public comment period. The motion was seconded by Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

No Public Comment

Ilan Fuchs made a motion to close the public comment period. The motion was seconded by Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

Treasury Report

Trustee Marc Greenberg moved the resolution that the payment of General Funds Claims totaling \$808,715.28 set forth on page 8 in the Monthly Abstract Listing dated August 20, 2024 through September 23, 2024 as submitted is hereby approved subject to the individual audits by the Board of Trustees.

The Payroll(s) of August 23, 2024, September 6, 2024, and September 20, 2024 as set forth in the payroll in the amount(s) of \$11,972.89, \$12,017.67, and \$12,101.94, respectively, are hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

Meeting Minutes

Approval of Minutes from the Village Board Meeting on 8/19/24 and 9/12/24. Ilan Fuchs moved that the minutes be approved and was seconded by Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

Pomona Cultural Center

Gde Arsa Artha submitted a report to the Village Board on the Pomona Cultural Center. In the report he wrote about an upcoming Autumn Program on November 2, 2024. Mr. Arsa Artha requested a sum of \$150 for refreshments and \$800 for the musicians, for a total of \$950. Ilan Fuchs made a motion to approve the above. Seconded by Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

Public Hearing: 34 North Ridge Road Pomona NY 10970 – HOW Structure

Tax Roll# 25.05-2-13

Applicant: Eli Steimentz – Chabad of the Heights

The below people were present to represent the applicant:

Daniel Richmond, Attorney present from Zarin & Steinmetz LLP

Mark Moseson, Design professional from Levitin Design Group

Joshua Levitin, CEO from Levitin Design Group

Ilan Fuchs made a motion to open the public hearing for 34 North Ridge Road Pomona NY 10970. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Daniel Richmond:

I am the attorney for the applicant. The applicant is seeking a special permit to erect a tent for temporary religious services. He mentioned the destruction of a building due to a fire and the need for a temporary structure for Jewish religious holidays starting next week. He emphasized the legal requirements for religious and educational uses under New York State law, which mandates special treatment and flexibility in zoning ordinances. He highlighted the applicant's compliance with zoning requirements, the minimal land disturbance, and the provision of 10 parking spaces as required by village code. He asked the Board to please approve this project today as the Jewish holidays will be starting next week.

Ilan Fuchs made a motion to go into the public comment portion of the hearing. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Public Comments Below

Pat Harris

Address: 10 North Ridge Road Pomona NY 10970

Spoke about concerns with traffic, safety of heating the tent, waste management and light management

Eli Wagschal

Address: 106 Overlook Road Pomona NY 10970

Spoke about the above project being about restoring faith and hope for children who went to this house of worship before it burned down, we need to re-build

Sylvia Watford

Address: 6 North Ridge Road

How can the applicant say that this project will not impact residents, asking for clarification about this from the applicant?

Debra Pierce

Address: Pomona NY 10970

Spoke about road safety, traffic and said people need to stop walking with their backs toward traffic, very dangerous and against the law

Fred Arnowich

Address: 81 Overlook Road Pomona NY 10970

Spoke about fire hazard concerns, thinks it should not be built so close to other homes, he lives next door to the property and the trees next to his house caught fire when the previous house of worship at the address

Machluf Krispine

Address: 27 South Ridge Road Pomona NY 10970

Spoke for the HOW structure and explained it would be a lot more unsafe if residents have to walk further to worship

David Derusha

Address: 14 North Ridge Road Pomona NY 10970

Spoke for the HOW structure and explained it's safer having a closer house of worship

Andrew Gerson

Address: 28 North Ridge Road Pomona NY 10970

Spoke about road safety concerns, fire safety concerns and to please build back better

Andrew Gerson & Marsha Gerson

Email received on 9/23/24 from the above residents

Address: 28 North Ridge Road Pomona NY 10970

Concerned with many cars parked in the street illegally and possibly blocking fire hydrants and stop signs, temporary plumbing, noisy HVAC systems and other safety measures not taken that will put the whole community at risk

Meir Menkes

Address: 45 Halley Drive Pomona NY 10970

Spoke asking for a chance to worship at this location, please approve this permit

Rabbi Hamburger

Address: 8 East Court Pomona NY 10970

Spoke for the HOW structure and emphasized the community's commitment to peace, love, harmony and requests approval for the permit

Mark Moseson:

Design professional from Levitin Design Group

The structure, under 10,000 square feet, does not require a sprinkler system. Proper egress, exit signs, and fire extinguishers are in place. The maximum occupancy is 157, but only 50-65 people are expected daily. The exit sign will be well lit and the temporary structure follows all proper fire codes.

Ilan Fuchs:

Please make sure the applicant follows all village laws with parking, no overnight parking is allowed in the village. Requested the applicant add some parking to the left side of the tent.

Joshua Levitin:

CEO from Levitin Design Group

I will make sure my client is aware that parking is only allowed on one side of the street during the day and no overnight parking is allowed at all. We will explore relocating some parking to the left side of the tent to improve emergency vehicle access. He references New York State and federal laws, such as RLUIPA, to address concerns about religious and educational uses. Trusts the board to do the right thing and emphasizes the congregation's intention to build back better in the future.

Raanan Zidile:

Mentioned past complaints about parking and enforcement issues, noted that the congregation has been serious about adhering to parking regulations.

It is now 8:11pm. Ilan Fuchs made a motion to go into attorney client privilege break for about 12 minutes. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Ilan Fuchs made a motion to go back into the Public Hearing. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Ilan Fuchs made a motion to close the public comments. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Joel Grunwald made a motion to approve the below resolution. The motion was seconded by Marc Greenberg.

RESOLUTION

A Meeting of the Village Board of the Village of Pomona, New York was convened on **September 23, 2024 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

RESOLUTION APPROVING SPECIAL PERMIT WITH CONDITIONS FOR A TEMPORARY HOUSE OF WORSHIP AT 34 NORTH RIDGE ROAD

WHEREAS, the Village of Pomona (“Village”) previously enacted and filed Local Law 1 of 2021 amending Chapter 130 of the Village Code regarding Neighborhood Houses of Worship, Residential Gatherings and Community House of Worship; and

WHEREAS, the Village Board of Trustees is the entity in the Village that approves Special Permits for Houses of Worship; and

WHEREAS, a neighborhood house of worship is a permitted use subject to special permit approval by the Village Board of Trustees, pursuant to §130-10.H; and

WHEREAS, the Village received an application (“Special Permit Application”) on September 12, 2024 for a temporary Neighborhood House of Worship from the Applicant proposed for the Subject Property; and

WHEREAS, the Applicant seeks the Special Permit in order to carry out religious activities and purposes and Applicant does not have a ready alternative that could be carried out without substantial delay; and

WHEREAS, the Subject Property is currently vacant due to the destruction of the prior primary structure on the property by fire; and

WHEREAS, the Subject Property is located in the R-40 zoning district located on the corner of North Ridge Road and Overlook Road and has an area of approximately 1.04 acres.

WHEREAS, no wetlands or floodplains are present on the property.

WHEREAS, the Applicant plans to erect a tent (approximately 40 ft. x 80 ft) as a temporary House of Worship; and

WHEREAS, the Subject Property is owned by Eliezer Steinmetz and Chabad of the Heights is the entity that will operate the temporary religious use on the Subject Property; and

WHEREAS, to the extent that Site Plan approval could be deemed to apply to a temporary structure as described herein, the Village Board hereby waives such requirement and accepts the plan presented by the Applicant depicting the temporary use; and

WHEREAS, a public hearing was opened regarding the Special Permit Application on September 23, 2024 at 7:30 p.m. and all persons interested in being heard were afforded an opportunity to do so; and

WHEREAS, the Village Board will serve as lead agency as it is the only agency with discretionary approval authority for the proposed temporary use for purposes of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Village Board has reviewed the SEQRA Environmental Assessment Forms ("EAF") Part 1 prepared by the Applicant and the Village Board has reviewed EAF Parts 2 and 3 concerning this action; and

WHEREAS, the Village Board desires to approve the Special Permit Application subject to conditions.

NOW, THEREFORE, be it resolved that:

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

Section 2. The Village Board declares itself as lead agency for SEQRA purposes for this unlisted action.

Section 3. The Village Board determines that the Special Permit Application is hereby approved, subject to the following conditions:

Condition #1: The Special Permit issued hereunder is only valid for six (6) months from the date of this Resolution.

Condition #2: Street parking shall be permitted on only one side of the street (with such side to be determined by the Village Board) for 750 feet of the proposed main entrance to the property containing the House of Worship.

Condition #3: The Applicant shall be required to maintain a minimum of 10 parking spaces on the Subject Property as delineated on the plan submitted to the Village Board.

Condition #4: The tent structure shall comply with all provisions of the Building and Fire Code of the State of New York.

Condition#5: The tent structure shall be subject to inspection by the Village Building Inspector prior to occupancy and use of the structure.

Condition #6: The tent structure shall be subject to on-site inspection by the Village Building Inspector once per month as determined in the discretion of the Building Inspector and shall be inspected at a minimum in compliance with

NYS Building and Fire Code requirements. Applicant, as a condition of approval, consents to the Building Inspector's entry onto the Subject Property for inspection purposes.

Condition #7: Applicant shall post a Letter of Credit or other form of security satisfactory to Village legal counsel in the amount of \$10,000 to ensure the removal of the tent structure upon the expiration of the Special Permit and order of the Village Building Inspector. In the event of a failure to comply with the removal requirements, such security shall be subject to forfeiture.

Condition #8: Within four months from the date of approval of this special permit, the applicant shall be required to submit an application for a permanent House of worship structure on the Subject property. If the applicant does not intend to continue a House of Worship use on the Subject Property, Applicant shall so notify the Village within such four month period.

Condition #9: Applicant shall make all reasonable efforts to minimize noise emanating from the tent structure and the subject property during the use of the structure, particularly during early morning and evening hours.

Condition #10: Applicant, at its expense, shall arrange for removal of refuse from the site by a private carting service during the period that the Subject Property is being used for House of Worship purposes.

Condition #11: Applicant shall ensure that all lighting on the Subject Property is not directed onto neighboring properties and is not directed toward public roadways in a manner that creates a risk of distraction and/or reduced visibility to vehicles and pedestrians on the public roadways. Further, lighting shall be turned off when the tent is not in active use. Such lighting shall be sufficient to provide illumination of access areas.

Condition #12: Applicant shall comply with the applicable Village Code provisions concerning Houses of Worship and structure construction in addition to compliance with all applicable State Building Code provisions applicable to the House of Worship and tent structures; and shall comply with all applicable

duly enacted laws and regulations pertaining to the health, safety and welfare of occupants and visitors to the Subject Property.

Condition #13: Applicant shall ensure that restroom facilities are provided on-site and that such facilities are properly maintained and cleaned.

Condition #14: All electrical wiring shall be subject to a third-party UL inspection.

Condition #15: No additional structures shall be erected on the site without application to the Village, provided, however, that the Applicant may erect a Sukkah on the Subject Property for religious use during the religious holiday of Sukkot and shall be removed within 7 days after the end of the holiday.

Condition #16: This Special Permit shall not authorize the construction of a permanent House of Worship on the site.

Condition #17: No cooking appliances shall be permitted within the tent structure. Warming facilities may be permitted in the tent for food prepared off-site, subject to Building Inspector review and approval.

Section 4. The Village Board hereby determines the proposed action will not have any significant adverse environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons set forth in Part 3 of the Full Environmental Assessment Form before the Village Board.

Section 5. The Mayor, or in his absence or inability to act, the Deputy Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution. Further, all employees, officials and consultants, as directed by the Mayor (or Deputy Mayor) are hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Section 6. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Ilan Fuchs	YES
Trustee Mendy Lasker	ABSENT
Trustee Marc Greenberg	YES
Trustee Joel Grunwald	YES
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: SEPTEMBER 23, 2024

VILLAGE OF POMONA

POLICY ON EMPLOYEE NOTIFICATION OF DISCIPLINARY RECORD REQUESTS PURSUANT TO NEW YORK STATE PUBLIC OFFICERS LAW

§ 87(6)

I. Purpose

This policy is established to ensure that employees of the Village of Pomona (“Village”) are notified when their disciplinary records are requested under the New York State Freedom of Information Law (“FOIL”), as required by Public Officers Law § 87(6), enacted September 4, 2024.

II. Scope

This policy applies to all current employees of the Village whose disciplinary records are requested under FOIL.

III. Policy Statement

In accordance with Public Officers Law § 87(6), the Village is committed to ensuring transparency in the disclosure of public records while also protecting the rights and privacy of its employees. The Village will provide timely notification to employees when a request for their disciplinary records is made under FOIL, giving them the opportunity to respond or object to the release of such records as allowed by law.

IV. Procedure

1. FOIL Request for Disciplinary Records

When the Village receives a FOIL request specifically seeking an employee's disciplinary records, the Records Access Officer or designee will promptly assess the request in accordance with applicable laws and regulations.

2. Notification to Employee

Within five (5) business days of receiving a FOIL request for an employee's disciplinary records, the Records Access Officer or their designee will:

- a. Notify the employee in writing (either by mail or electronically) of the request.
- b. Include a copy of the FOIL request or a summary of the information being sought.
- c. Inform the employee of the nature of the records requested and any potential exemptions that may apply under FOIL.

3. Employee Response

Employees will be given five (5) business days from the date of notification to:

- a. Submit a written objection to the release of their disciplinary records, specifying the grounds for the objection based on applicable FOIL exemptions (e.g., personal privacy concerns, ongoing investigations, or confidentiality protections).
- b. Provide any additional information or context that the employee believes may be relevant to the decision-making process regarding the release of the records.

4. Review of Objections

The Records Access Officer or their designee will review any objections submitted by the employee within the allotted time frame. The Village will balance the public's right to access records with the employee's right to privacy and consider any applicable exemptions under FOIL. The Records Access Officer may confer with legal counsel, as deemed necessary.

5. Final Decision and Disclosure

After reviewing any employee objections, the Records Access Officer will make a final determination on whether the disciplinary records will be released, with or without redactions, as required by law. The employee shall be notified of a proposed response to the FOIL request at least five (5) business days prior to the release.

6. Record of Notification

The Village will maintain a record of all notifications made to employees and any responses received in relation to FOIL requests for disciplinary records.

V. Confidentiality

All requests and objections related to disciplinary records under this policy are also subject to disclosure under FOIL as Village records, but shall be reviewed to determine if the records fall under an exemption in the FOIL statute, in which case such exemption(s) may be applied and the record withheld.

VI. Compliance

The Village will comply with all applicable state laws and regulations concerning the disclosure of disciplinary records and will update this policy as needed to ensure continued compliance with changes in the law.

VII. Effective Date

This policy is effective immediately upon adoption by the Village Board.

Ilan Fuchs made a motion to approve the above policy. Seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

Adopted by the Village Board on September 23, 2024.

Village Insurance Renewal Update from Bauer Crowley

Jenna Antoine:

The Villages insurance renewal is due on October 1st. In short, coverages are renewing with the property values increasing by just over \$108,000 due to inflation. The annual premium has increased by \$5,889. As a basis for comparison, this is the lowest premium increase the company has seen all year in the public sector, according to our representative, that we have used for years.

Ilan Fuchs made a motion to adopt the new policy. The motion was seconded by Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

Ilan Fuchs made a motion to adjourn the public meeting at 9:13 pm. The motion was seconded by Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

Minutes respectfully submitted by Jenna Antoine, Village Clerk