

**LOCAL LAW NO. \_\_ OF 2025**

**VILLAGE OF POMONA**

**A LOCAL LAW TO AMEND CHAPTER 130 (ZONING) OF THE VILLAGE CODE  
CONCERNING POSTING OF SECURITY FOR SWIMMING POOLS AND  
INSTALLATION OF PERMEABLE SURFACES**

BE IT ENACTED by the Board of Trustees of the Village of Pomona, Rockland County, New York as follows:

**Section 1. Legislative Intent.**

It is the intent of this local law to amend Chapter 130 (Zoning) of the Village Code by adding a new subdivision “N” to Article VIII (Administration and Enforcement), Section 130-22 concerning posting of security for swimming pools and installation of permeable surfaces.

**Section 2. Authority.**

This Local Law is enacted pursuant to the provisions of Municipal Home Rule Law § 10.

**Section 3. Amendment.** A new subdivision “N” of Article VIII, Section 130-22 is hereby amended to read as follows:

§ 130-22. Enforcement officials; powers and duties of Building Inspector/Code Enforcement Officer.

N. When a building permit or other land use approval is sought as indicated below, the Building Inspector/ Code Enforcement Officer may require posting of cash security as follows:

1. Where the application is for a swimming pool, the Building Inspector may require posting of cash security in an amount not to exceed Five Thousand (\$5,000) dollars which shall be retained by the Village until a certificate of occupancy is issued for such swimming pool or the applicant withdraws such application prior to construction of the swimming pool. In the event that the applicant commences using a swimming pool without a certificate of occupancy, the posted security may be deemed forfeited upon recommendation of the Building Inspector.
2. Where the applicant submits an application or plans for the installation of permeable surfaces on a lot in order to reduce the amount of impervious surfaces, the Building Inspector may require posting of cash security as follows:

- a. For permeable surfaces up to 500 square feet, an amount not to exceed Five Thousand (\$5,000) dollars which shall be retained by the Village until completion of the permeable surfaces as approved by the Village.
- b. For permeable surfaces in excess of 500 square feet up to 1,000 square feet, an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500) which shall be retained by the Village until completion of the permeable surfaces as approved by the Village.
- c. For permeable surfaces in excess of 1,000 square feet up to 1,500 square feet, an amount not to Ten Thousand Dollars (\$10,000) which shall be retained by the Village until completion of the permeable surfaces as approved by the Village.
- d. For each additional 500 square feet of permeable surfaces in excess of 1,500 square feet, an additional Two Thousand Five Hundred Dollars (\$2,500) which shall be retained by the Village until completion of the permeable surfaces as approved by the Village..

In the event that impervious surfaces are installed, wholly or partially, in place of the approved permeable surfaces that were indicated on the application and/or plans, the Village may retain such posted security permanently, or portion thereof as determined appropriate by the Building Inspector.

- 3. Nothing herein shall be construed to prevent the Building Inspector from commencing enforcement actions against an applicant. Further, nothing herein shall be construed to prevent the Village from exercising any rights or remedies it may have under law.
- 4. If an applicant claims hardship with respect to the posting of cash security as set forth herein, the applicant may request that the Board of Trustees approve an alternate form of security.

#### **Section 4.     State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5 (26) and (33) this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

#### **Section 5.     Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6.      Code Preparation.**

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

**Section 7.      Effective Date.**

This Local Law shall be effective immediately upon filing with the Secretary of State.