

**VILLAGE OF POMONA**  
**VILLAGE BOARD MEETING**  
**DECEMBER 18, 2023**  
**7:30 P.M.**

**PRESENT**

**Mayor Ilan Fuchs**

**Deputy Mayor Mendy Lasker**

**Trustee Joel Grunwald**

**Trustee Raanan Zidile**

**ABSENT**

**Trustee Marc Greenberg**

**ALSO PRESENT**

**Village Attorney Brian Nugent**

**Village Clerk Jenna Antoine**

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At 7:36pm Deputy Mayor Mendy Lasker called the meeting to order and led everyone in the Pledge of Allegiance.

Mendy Lasker 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

Mendy Lasker 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.

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**RESOLUTION**

A Meeting of the Village Board of the Village of Pomona, New York was convened on **December 18, 2023 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

**RESOLUTION APPROVING SPECIAL PERMIT FOR A WATER TANK FOR VEOLIA  
WITH CONDITIONS**

**WHEREAS**, the Village of Pomona (“Village”) Village Code § 130-10(B) requires a Special Permit issued by the Village Board for water tanks and water towers owned and operated by a public utility; and

**WHEREAS**, Veolia Water New York, Inc. (“VWNY”), formerly known as Suez submitted an application for a Special Permit, dated June 20, 2023 for construction of a new 2-million gallon water tank at 83 Halley Drive, a 4.963 acre parcel in the R-40 Zoning District, also known as Tax Map Parcel 25.05-1-6 (“Subject Property”) in order to better manage peak demands, improve system hydraulics and perform necessary repairs on the existing water tank on the Subject Parcel (“Project”); and

**WHEREAS**, VWNY (“Applicant”) also submitted an application for site plan approval to the Village Planning Board, an application for variances to the Village Zoning Board of Appeals and an updated Special Permit Application dated June 22, 2023; and

**WHEREAS**, the Subject Property is owned by VWNY, successor in interest to United Water of New York, Inc.; and

**WHEREAS**, such Special Permit Application was referred to the Village Planning Board; and

**WHEREAS**, a public hearing was opened regarding the Special Permit Application on July 24, 2023 at 7:30 p.m. and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS**, the Village Board indicated its intent to be lead agency and notifications were sent to the Planning Board and Zoning Board of Appeals and no objections were received to the Village acting as lead agency; and

**WHEREAS**, the matter was referred to the Rockland County Planning Department pursuant to General Municipal Law § 239-m; and

**WHEREAS** the public hearing was continued to August 28, 2023 and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS** the public hearing was continued to September 11, 2023 and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS**, the Rockland County Planning Department submitted comments on the Application and Project on October 20, 2023; and

**WHEREAS** the public hearing was continued to October 23, 2023 and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS**, the public hearing was continued to November 27, 2023 and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS**, the public hearing was continued to December 18, 2023 and all persons interested in being heard were afforded an opportunity to do so; and

**WHEREAS**, comments were also submitted by the Rockland County Health Department (October 23, 2023); the Rockland County Highway Department (September 29, 2023); the Hillcrest Fire Company (October 9, 2023) and the Palisades Park Commission (November 13, 2023); and

**WHEREAS**, the Applicant has acknowledged or incorporated all comments received into the plans for the Project and no override is requested by the Applicant and no override is required with respect to the Special Permit Application; and

**WHEREAS**, the Village Board has reviewed the Full Environmental Assessment Forms, Part I, Part II, and Part III concerning this action; and

**WHEREAS**, the Village Board desires to approve the Special Permit Application subject to conditions and issue a negative declaration.

**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 hereby determines that the proposed action will not have any significant adverse environmental impact and hereby issues a negative declaration after review and consideration of the Full Environmental Assessment Forms and for the reasons set forth in Part 3 of the Full Environmental Assessment Form.

Section 3.

The Special Permit Application is hereby approved, subject to the conditions set forth herein. The continued validity of the Special Permit subject to compliance with the following:

**Condition #1 (Site Plan Approval):** The Applicant must obtain site plan approval from the Village of Pomona Planning Board prior to commencement of any construction.

**Condition #2 (ZBA Variances):** The Applicant must obtain any required variances from the Village Zoning Board of Appeals prior to commencement of any construction.

**Condition #3 (GML § 239-m Recommendations Compliance):** The Applicant must comply with the October 2023 recommendations of the Rockland County Planning Department and any unresolved comments submitted from other agencies prior to the commencement of any construction.

**Condition #4 (Compliance with Laws and Regulations):** Applicant shall comply with the Village Code provisions concerning water storage tanks, the State Building Code provisions applicable to water storage tanks and all applicable duly enacted laws and regulations pertaining to the construction of water storage tank.

**Condition #5 (Compliance with Village Professionals' Comments):** Unless waived by the Planning Board, Applicant shall address any outstanding comments submitted by the Village Engineer and Village Planner regarding the project.

**Condition #6 (Compliance with Approvals):** Unless additional approvals are obtained from the Village of Pomona, the Applicant's Project must proceed as approved by the Village Board, Planning Board, Zoning Board of Appeals and Building Inspector ("Village Authorities").

Unapproved deviations from the approvals of Village Authorities shall render this Special Permit approval void.

**Condition #7 (Applicant Representations):** This Special Permit is approved in reliance on true and accurate representations and submissions from the Applicant and any material misrepresentation by the Applicant in its submissions shall render the Special Permit void.

**Condition #8 (Applicant Reporting):** Applicant shall report to the Village Board, via the Village Clerk, within 14 days of occurrence, any of the following events:

- A. Approval or Denial of Site Plan Approval from the Planning Board.
- B. Approval or Denial of variances sought from the Zoning Board of Appeals.
- C. Withdrawal of the Special Permit Application, Planning Board Site Plan Application or Zoning Board of Appeals applications.
- D. Any change in ownership of the property while any of the Applicant's applications related to this Special Permit are pending before the Village Board, Planning Board or Zoning Board of Appeals.
- E. Any material circumstances arising during the pendency of the Applicant's Special Permit application, Planning Board application or Zoning Board of Appeals application that a reasonable person would know would affect the approvals of the application if disclosed to the Village.

Section 4. The Mayor, or any other officer, employee or consultant, as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Section 5. 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	YES
Trustee Marc Greenberg	ABSENT
Trustee Joel Grunwald	YES
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: DECEMBER 18, 2023

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### **Treasury Reports**

Trustee Joel Grunwald moved the resolution that the payment of General Funds Claims totaling \$177,673.56 set forth on page 6 in the Monthly Abstract Listing dated November 28, 2023 through December 18, 2023 as submitted is hereby approved subject to individual audits by the Board of Trustees.

The Payroll(s) of December 1, 2023 and December 15, 2023 as set forth in the payroll in the amount(s) of \$11,477.80 and \$11, 511.02 respectively, are hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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### **Meeting Minutes**

Approval of Minutes from the Village Board Meeting on 11/27/23. Mendy Lasker 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.

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### **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 Art Exhibition on March 16, 2024. Mr. Arsa Artha requested a sum of \$950: \$800 for the musicians and \$150 for refreshments. Mendy Lasker made a motion to approve the above. Seconded by Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

Gde Arsa Artha brought up that the Cultural Center really needs a new paint job on the outside of the building. Per the Board of Trustees, it is too cold outside to fix this right now. The painting will be done in the spring.

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### **Snowplowing Contract with Christopher Meredith**

Deputy Mayor Mendy Lasker made a motion to approve the Snowplowing Contract for Village Hall for \$1,950.00. The motion was seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

Deputy Mayor Mendy Lasker made a motion to approve the Snowplowing Contract for the Cultural Center for \$1,620.00. The motion was seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1. The Mayor will sign both contracts and have the Village Clerk send the signed contracts back to Chris Meredith's office.

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### **Approval of Meeting Dates for Year 2024**

Deputy Mayor Mendy Lasker made a motion to approve the meeting dates for the year 2024. The motion was seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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## RESOLUTION

A Meeting of the Village Board of the Village of Pomona, New York was convened on **December 18, 2023 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

### **RESOLUTION AUTHORIZING MAYOR TO EXECUTE TRANSFER DOCUMENTS**

WHEREAS, the Village Board previously accepted an Offer of Dedication from Briarwood Farm, Inc. for roads identified as Cornell Peak and Klingher Court in the Halley II Estates Subdivision; and

WHEREAS, in order to finalize and effectuate the transfer and record same in the Rockland County Clerk's office, the Deed and tax documents need to be executed by the Mayor; and

WHEREAS, the Village Board authorizes the Mayor to execute such documents.

NOW, THEREFORE, BE IT FURTHER RESOLVED that:

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

Section 2. The Village Board hereby authorizes the Mayor to execute documents necessary to effectuate the transfer of the property dedicated to the Village

as Cornell Peak and Klingher Court in a form satisfactory to the Village's legal counsel review and as annexed hereto.

Section 3. After such execution of documents, the Village Board authorizes the Village Clerk to arrange to have the representative of Briarwood Farm, Inc. retrieve and file the transfer documents in the Rockland County Clerk's office and to provide a fully executed version of such document with proof of filing to the Village Clerk.

Section 4. The Mayor and any employee, officer or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Section 5. 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	YES
Trustee Marc Greenberg	ABSENT
Trustee Joel Grunwald	YES
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: DECEMBER 18, 2023

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## RESOLUTION

A Meeting of the Village Board of the Village of Pomona, New York was convened on **December 18, 2023 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

### **RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN ESCROW FUNDS DEPOSITED BY LUE DEVELOPMENT, LLP**

**WHEREAS**, pursuant to a prior 2018 agreement with the Village of Pomona (“Village”) and Lue Development, LLC (“Lue Development”), Lue Development posted certain performance and maintenance security amounts with the Village concerning the completion of certain road related work associated with the Highgate Estates Project (“Project”) and such escrow accounts were identified as “Account A” and “Account B”; and

**WHEREAS**, pursuant to the Agreement, Twenty-three thousand Five Hundred (\$23,500) Dollars (“Subject Escrow”) was to remain in Account A for a period of one year following acceptance of the work identified in the Agreement; and

**WHEREAS**, the one-year retention period for the Subject Escrow has expired; and

**WHEREAS**, the Village Engineer has recommended release of the Subject Escrow pursuant to correspondence dated December 17, 2023, subject to and following payment of the outstanding balance of professional escrow fees through December 17, 2023; and

**WHEREAS**, following satisfaction of the professional fees, the remaining balance will be approximately Six Thousand (\$6,000) Dollars; and

**WHEREAS**, the Village Board desires to authorize the release of the Subject Escrow in accordance with the recommendations of the Village Engineer.

HOW THEREFORE BE IT RESOLVED, that:

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

Section 2. The Village Board hereby authorizes the Mayor, in consultation with the Village Treasurer to release the remaining balance of Six Thousand (\$6,000) Dollars the Subject Escrow (Account A”) after satisfaction of outstanding professional fees due to the Village.

Section 3. The Mayor, and any officer, employee or consultant, as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Section 4. This Resolution shall not authorize the release of any funds from Account B on deposit with the Village.

Section 5. 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	YES
Trustee Marc Greenberg	ABSENT
Trustee Joel Grunwald	YES
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: DECEMBER 18, 2023

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RESOLUTION PRESENTED DURING MEETING: The Village Board hereby resolves to approve the reduction of the amount of maintenance funds to be retained by the Village to be reduced from \$40,000 as approved on November 27, 2023 to \$20,000 in relation to the dedication of Cornell Peak and the Klingher Court extension. Mendy Lasker made a motion for the above to be approved and was seconded by Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

DATED: DECEMBER 18, 2023

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## **Trustees Period**

Trustee Raanan Zidile spoke about how happy many residents were that the Village Clerk got the pipe fixed that was pointing out of the path in Burgess Meredith Park. It was fixed very quickly, in less than one week. Many residents have also said how much they appreciate the email blast we sent in regards to speeding in the Village. The response we are getting has been very positive, people are being more mindful of their driving. The Board of Trustees has received a number of compliments from residents regarding the current Village Clerk. They are very happy that things are being handled so efficiently.

Trustee Joel Grunwald brought up the fact that many residents believe we should add a stop sign coming down Camp Hill Road, where it meets Ladentown Road. We have had a number of accidents at this intersection and residents feel adding a stop sign would make it safer. Deputy Mayor Mendy Lasker made a motion to approve an Engineering Study at the intersection of Camp Hill Road and Ladentown Road. The motion was seconded by Joel Grunwald. Upon vote, the motion was carried by all present, passes 4-0-1.

DATED: DECEMBER 18, 2023

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Deputy Mayor Mendy Lasker made a motion to adjourn the public meeting at 8:04 pm. The motion was seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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Minutes respectfully submitted by

Jenna Antoine, Village Clerk