

VILLAGE OF POMONA
ZONING BOARD OF APPEALS MEETING

August 20, 2025 – 7:30PM

PRESENT:

Alan I. Lamer, Zoning Board of Appeals Chairman

Yehuda Klien, Zoning Board Member

Bill Baker, Zoning Board Member

ALSO PRESENT:

David MacCartney, Village Attorney

Moshe Orange, Village Clerk

ABSENT:

Martin Spence, Village Engineer

Louis Zummo, Village Building Inspector

Kevin Dock, Zoning Board Member

Jessy Kaufman, Zoning Board Member

Alan I. Lamer called the meeting to order at 7:32 pm.

No motion to approve the Meeting Minutes from July 18, 2025

34 N Ridge Rd., Pomona, NY 10970

Tax Roll# 25.05-2-13

34 North Ridge Road (Temple Application):

Applicant's attorney requested an adjournment until the regularly scheduled meeting in October 2025.

The matter before the board depends on the outcome of the applicant's variance application with New York State, which has a public hearing scheduled the day before the October meeting.

Request is to adjourn and reschedule the public hearing for October 15, 2025.

Bill Baker made a motion to adjourn the applicant from the meeting. The motion was seconded by Yehuda Klien. Upon vote, the motion was carried by all present, passes 3-0-2.

Bill Baker made a motion to open the public meeting. The motion was seconded by Yehuda Klien. Upon vote, the motion was carried by all present, passes 3-0-2.

8 Ladentown Rd. Pomona, NY 10970

The applicant was presented by their attorney; Radhika Attorney Statement (Sri Ranganatha Temple, 8 Ladentown Road):

The attorney, representing Sri Ranganatha Temple, requested reversal of the denial status determination dated May 14, 2025.

Main Issue: Whether the Temple may provide a monastery-style communal residence for ordained priests on the second floor of the social hall as an incidental and protected religious use.

Legal Basis:

- Cited longstanding New York Court of Appeals rulings (since 1956) affirming that religious uses extend beyond prayer services and include social halls, classrooms, clergy residences, monasteries, and parsonages.
- Referenced multiple cases (including *Bates*, *Capital City*, *Magan v. Village of Westbury*, and *Committee to Protect Overlook v. Town of Woodstock*) where courts upheld broad interpretations of “house of worship” to include related facilities (cemeteries, residences, dining halls, libraries, meeting rooms, etc.).
- Noted courts’ repeated recognition that zoning boards must show greater flexibility and have an affirmative duty to accommodate religious uses while mitigating adverse effects.
- Federal protections (First Amendment and Free Exercise Clause) also prohibit unreasonable restrictions on religious housing, monasteries, or clergy residences, which are considered core religious institutions.
- **Application Context:**
 - The Temple has operated under a special permit granted in 1996 and seeks to expand its facilities.
 - Proposal includes a social hall and second-floor residence exclusively for ordained priests.
- **Position:** Based on state and federal case law, the proposed monastery-style residence qualifies as a permitted religious use within the meaning of “house of worship.”

The applicant’s planner, based in New City, summarized the project and focused on the main point of debate raised in the building inspector’s memo.

The property is 4.7 acres, located at 8 Ladentown Road, Pomona, and currently contains a two-story community house of worship totaling 15,500 sq. ft. The proposed expansion adds 30,000 sq. ft. (15,000 sq. ft. in the basement and 15,000 sq. ft. on the first floor), bringing the building to 45,500 sq. ft. The basement addition would include classrooms, storage, offices, and restrooms. The first floor addition would create an enclosed passage around the prayer hall to accommodate religious processions during the winter months.

In addition, an accessory two-story building of 12,700 sq. ft. is proposed. The first floor would serve as a social hall strictly for temple patrons, not for rental or outside use. The

second floor would serve as a monastery designed to house up to 16 non-transient priests, some with spouses and children, in keeping with Hindu religious tradition.

The expansion would reduce parking from 87 to 67 spaces but would still exceed code requirements.

The planner addressed the building inspector's memo, which categorized the proposed monastery as a dormitory. He offered five reasons why this is not the case:

- 1. The Village Code defines a dormitory as a facility operated by an educational institution, which does not apply here.**
- 2. A dormitory typically generates revenue through tuition or rent; this monastery is non-commercial and solely for priests.**
- 3. Dormitories house transient, unrelated individuals, whereas this monastery would house priests living communally in a religious setting.**
- 4. Courts have held that function, not form, governs in religious land use cases; the floor plan's resemblance to a dormitory does not define its use.**
- 5. Hindu monastic traditions may include families, and certain rituals require married priests.**

The planner concluded by acknowledging that further technical details will need to be addressed with the village engineer but requested the board's approval to allow the monastery as an accessory religious use. He emphasized that both the monastery and the enclosed procession passage are integral to the religious practices of the temple.

Public comments:

Hannah, a resident at 6 Opal Ct, expressed concerns about the project. She noted that Pomona is a community of single-family homes, and she moved there specifically for its quiet, suburban character and privacy. She worries the proposal could lead to overpopulation, congestion, and a shift toward a more urban environment, like Brooklyn.

She also raised concerns about the reduction in parking despite an increase in people, and the impact on narrow roads such as Ladentown, which could create difficulties for emergency vehicles. She requested that these issues should be carefully considered to preserve the neighborhood's character and safety.

Yoel, a resident at 15 Jade Ct, expressed concern about preserving the single-family character of the neighborhood. He noted that introducing a social hall could lead to large events, more cars, traffic congestion, and noise at night. He also worried that approving this project might set a precedent for other multi-family dwellings or event spaces in the area, which could change the neighborhood's character, increase safety risks, and create noise pollution.

Zev Koenig, a resident of 7 Jade Ct, stated that while he respects his neighbors, he is deeply concerned about the size of the proposed project. He emphasized that it would permanently change the character of the village. His main concerns include late-night noise from potential frequent social hall events, the strain on already limited infrastructure and traffic on Ladentown Road, and the precedent this project could set for similar developments. He warned that, like nearby Airmont, Pomona could lose its quiet residential nature if projects of this scale are allowed.

Alan I. Lamer clarified that the purpose of the application is to review the building inspector's determination that the proposal violates village code. He asked where the priests currently live. The applicant's representatives confirmed that the priests live off-site and commute but noted that having on-site housing would make their duties easier, as their services are required intermittently throughout the day. He questioned how to properly classify the proposed residential housing. He noted that whether it is called a monastery or communal housing, the key issue is determining if it qualifies as an accessory use to the temple or if it should be considered a second primary residence under the village code. He asked if this had been evaluated.

The architect and planner, Jan Degenschein, responded by explaining that the Village of Pomona code does not define accessory uses for places of worship. He argued the proposed housing qualifies as an accessory use since it would house only priests and their families, whose presence on-site is essential to temple operations. He cited the New York State Building Code, which distinguishes between regular monasteries and small monasteries (16 or fewer residents), and noted this project fits the latter category.

Addressing public concerns, he emphasized that the project will not increase Pomona's population—priests already serve the temple but currently commute. Housing them on-site reduces inconvenience and does not add residents. The social hall will not be a commercial venue but will be limited to temple members for religious celebrations, which he said would actually reduce traffic since attendees won't need to travel off-site. He added that parking remains sufficient under code, traffic would not increase, and noise concerns are overstated. Finally, he explained the enclosed procession passage is necessary for specific Hindu religious practices during winter months. He concluded that the expansion is consistent with permitted religious uses and would not change the number of dwelling units in the village.

David MacCartney ZBA attorney commented for clarification of Mr. Degenschein's earlier point. He confirmed that because the proposed dwelling units will only house priests and their families, the use should be classified as an accessory use to the house of worship rather than as a separate residential use, effectively qualifying it as a monastery.

Mr. Degenschein explained that the proposed monastery functions as a single communal dwelling, not individual dwelling units. Each priest will have a bedroom and bathroom, along with a small private sitting area, but there will be one shared kitchen, dining, and living area for all residents. Therefore, it does not meet the typical characteristics of separate residential units.

David MacCartney, ZBA attorney questioned how the proposed monastery can be considered an accessory use when the code defines single-family dwellings as limited to related individuals or no more than four unrelated people. According to the code (Section 130-10G), a dwelling unit cannot be considered accessory to a community house of worship and would be treated as a separate principal use, subject to all bulk and area requirements. He asked how this aligns with the applicant's argument that the monastery qualifies as an accessory use.

The applicant's representative Mr. Degenschein responded that the Village of Pomona's code did not anticipate the specific practices of the Hindu religion, and therefore does not accommodate the proposed religious use. He argued that the code's definitions should be interpreted more broadly to allow uses that are functional and essential to Hindu religious practices.

The board then reminded the public that the hearing remains open and invited anyone with questions or comments to step up to the lectern and address the record.

Yehuda Klien asked about the origin of the number 16—whether it was based on the New York State Building Code definition of a small monastery or the actual number of priests at the temple. The applicant's representative clarified that the number 16 comes from the New York State Building Code and was used only as an example; they do not anticipate having 16 residents.

The applicant's representative clarified that the definition of 16 residents comes from the New York State Building Code and is not directly relevant to this project. They do not anticipate 16 residents; currently, there are eight priests, possibly two spouses, and one or two small children. The number 16 was used only to parallel the building code, and the actual number could be further limited if necessary. The number of priests on-site will be the same as the number currently serving in the community. Therefore, their presence will not increase traffic or parking demand. Most priests are unmarried, and some do not own cars, relying instead on public transportation or walking. Additionally, having ceremonies and celebrations on-site will reduce the need for off-site travel, further minimizing traffic. These points are intended to alleviate concerns about congestion and parking.

Bill Baker made a motion to close the public hearing. The motion was seconded by Yehuda Klien. Upon vote, the motion was carried by all present, passes 3-0-2.

The Village Zba Attorney suggested holding an attorney-client privileged session to receive legal advice on the application would be appropriate. It does not need to be scheduled immediately; it could occur at the next meeting, during a recess, or between meetings. The attorney noted that the board has 62 days to make a determination. Since today is the 20th and the next meeting is scheduled for October 15th, any decision made at either the September or October meeting would fall within the required timeframe.

Mark Mosenson – 9 Cheesecote Ln Pomona NY 10970

Tax Roll# 19.17-1-55.1

Bill Baker made a motion to open the public hearing. The motion was seconded by Yehuda Klein. Upon vote, the motion was carried by all present, passes 3-0-2.

The applicant explained that they purchased their property a few years ago and now seek to build a swimming pool for health reasons, as they were diagnosed with an aortic aneurysm and need low-impact exercise. The lot is irregularly shaped like a “pizza slice,” bordered on two sides by Cheesecote Park and on the others by residential homes. Due to the lot’s shape, required setbacks would push the pool too close to the house, while steep rocky terrain on one side makes construction difficult. He emphasized the uniqueness of the lot: neighbors behind are about 50 feet higher in elevation, making their adjoining land unusable, and the park side is heavily wooded. All four adjoining neighbors provided written letters of support, and the Parks Department expressed no objection. A GML review from the county came back with no comments. They acknowledged the request for a reduced setback is significant (5 feet instead of 25) but argued that the unusual lot shape, terrain, neighbor support, and lack of visual or practical impact on surrounding properties make this a reasonable and justified request.

Yehuda Klein asked: You mentioned it would be difficult to maintain the required setbacks. Have you gone through the exercise of fitting the pool while maintaining the full 25-foot setback? If so, where would it be located?

The applicant responded: Yes, we looked at that. If the pool were placed with the full 25-foot setback, it would encroach into the existing deck and come very close to, if not directly against, the house. That would eliminate the deck entirely and leave no usable backyard space, since the left side of the yard is solid rock and not practical for use. Positioning the pool that way would also raise significant safety concerns, making it an impractical option.

Alan L. Lamar asked: Have any attempts been made to find a compromise—perhaps not the full 25-foot setback, but something in between? That might allow you to retain your house and deck without interference, while also avoiding a five-foot setback, which is not a precedent I’d be comfortable establishing.

The applicant responded: “I mean, the challenge is that as we move the pool back from the rear lot line, it also shifts to the left in order to maintain the right-side setback. That creates a problem because it pushes the pool into the rock outcrop on that side. Theoretically, if we moved it slightly off the rear lot line, shifted it left, and maybe reduced its size a bit, we could improve the rear setback somewhat. But I think it would still be very difficult to address the right-side setback, which borders the park.

Yehuda Klein responded: Perhaps you could consider moving the pool house away from the lot line, or even eliminating the pool house altogether, and just installing the pool.

Scaling the project down might allow everything to shift back and give us at least a closer approximation to the required setbacks.

Applicant's Engineer, Rachel Barese (Civil Tech Engineering & Surveying, P.C., 139 Lafayette Avenue, Suffern, NY), responded: I'm not opposed to moving the pool house. However, because of the shape of the lot—almost like a pizza slice—even if we removed the pool house, the setback issue would largely remain. In the corners, we would still be at or near the five-foot setback. This side includes the patio, and there's a retaining wall around it. The pool itself is designed about two feet higher than the existing grade, with a couple of steps up to it. We're working with the grade that exists, since there's rock underneath, and by raising the pool two feet, it reduces the amount of excavation required. So, even if the pool house were eliminated, the constraints of the lot shape and grading would still result in roughly the same setback conditions. Shifting the pool to increase setbacks is difficult due to the rock outcrop. They could potentially adjust the placement slightly, but elevation differences and lot constraints remain. They emphasized that neighbors have no objections and that the unique conditions—irregular lot shape, exposed bedrock, and adjacency to the park—make this case different from typical applications. They argued that these factors distinguish it from setting a broad precedent.

A board member responded that if bedrock and park adjacency are the limiting factors, perhaps the lot is simply not suitable for a pool of this size.*any response on this???*

Motion by Mr. Baker to continue ?????? . Seconded by Mr. Klien. Motion carries 3-0-2.

The meeting is adjourned by Mr. Alan L. Lamar *Who second that and vote result?*

Minutes respectfully submitted by Moshe Orange, Village Clerk