

VILLAGE OF POMONA
ZONING BOARD OF APPEALS MEETING
September 17, 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.

Motion to approve the Meeting Minutes from July 18, 2025 & from August 20, 2025

Mark Mosenson – 9 Cheesecote Ln Pomona NY 10970

Tax Roll# 19.17-1-55.1

Alan I. Lamer: This is the continued public hearing.

The co applicant M. Mosenson, appeared before the Board to provide background on the new proposed swimming pool project. He explained that his wife is the homeowner and co-applicant on the application.

He stated that the pool has been a long-term goal since purchasing the home several years ago. The property presents unique challenges due to its irregular, “pizza-shaped” lot configuration and topography. The rear portion of the yard includes elevated terrain with exposed granite rock and a sharp drop in grade, making placement difficult while maintaining required setbacks.

The applicant noted that the adjacent rear properties sit approximately 50 feet higher in elevation and are heavily wooded, providing a natural buffer. He discussed the plans with surrounding neighbors and received support from all adjacent property owners—three in the rear and one on the side. The fifth adjoining property is Cheese Cop Park (Town of Haverstraw), from which no objections were received. The application was referred for GML review due to proximity to the Long Path, and no comments were issued by the County.

Following feedback from the previous meeting regarding setback distances, the applicant and his engineer revised the layout, moving the pool an additional five feet from the rear lot line (now providing a 10-foot rear setback) and three feet from the side lot line (now providing an 8-foot side setback). The applicant acknowledged that these adjustments increase project cost and complexity but were made to address the Board’s concerns.

The applicant concluded by stating he is available to answer any further questions from the Board.

Mr. Klein asked: if it’s the applicant’s position that this is the minimum variance needed to meet the needs?

Mr. Mosenson responded: Yes. I think so.

Mr. Klein: If you would propose to put in a pool but remove the pool house, then you would have lots extra space in the back what's the importance of the pool house?

Applicant: The Pool house is to provide a convenient space for changing clothes and a nearby bathroom for pool users. Due to the configuration of the lot, the pool house is positioned in a corner of the property. The applicant noted that relocating the structure to the opposite side would not affect the required setbacks, as both the rear and side setbacks remain the same because of the lot's angled shape. The current placement makes practical use of the available space without increasing nonconformity. The applicant indicated that the project engineer, Rachel, could provide further technical clarification if needed.

Rachael applicant engineer: Several alternative configurations for the pool and pool house were explored. Ultimately, the revised plan provides a 10-foot rear setback and an 8-foot side setback. Shifting the layout further would reduce the separation between the pool area and the house, compromising functionality.

She noted that the property presents several unique conditions, including its irregular shape, the change in elevation between this lot and neighboring properties, and its adjacency to a municipal park. Additionally, the site contains exposed bedrock, which further limits placement options. These combined factors make the lot distinct and present significant design challenges.

Mr. Alan I. Lamer: this exposed bedrock is that behind the retaining wall in the back?

The engineer clarified that the proposed layout was kept toward one side of the property to avoid shifting the pool closer to the southern boundary, where there is significant exposed granite bedrock. She noted that this area rises approximately ten feet higher than the opposite side of the property, creating a hill-like condition. The applicant confirmed that the entire corner consists of exposed rock, contributing to the lot's topographical challenges.

Y. Klien: Should we as a board be concerned that granting such major variances would might be considered by other applicants to be a precedent for whatever they might want to ask?

The applicant stated that he did not review prior cases for precedent, but is focused on the specifics of his own application and the unique challenges presented by his lot. He acknowledged that future applicants may pursue similar projects, but emphasized that each case should be evaluated on its own merits. He noted that he has received support from neighboring property owners and that the adjacent park provides additional buffer, minimizing any potential impact on surrounding properties.

Y. Klien: Would you consider the pool as personal use?

Applicant: Yes. I would the pool's proximity to the house allows for direct access from the deck or home, which presents certain safety considerations, particularly for children.

Rachel applicant engineer: Concerns regarding precedent, noting that a similar situation would only arise for a property with comparable characteristics—specifically, adjacency to a municipal park and neighboring properties located approximately 50 feet above. He emphasized that these features, along with the lot’s irregular shape, make the property unique.

No comments from public!

Motion by Mr. Baker to close the public hearing. Seconded by Mr. Klien. Motion carries 3-0-2.

On the letter the ZBA board received that day from the village building inspector, he stated that application was submitted to receive variances for the addition of the in ground and in ground, pool and other accessories in the yard, the following variances are required. One, rear setback, 30 feet required 10 feet, provided variance is 66% number, two, minimum. Side yard, 25 feet required eight feet provided variance 70% the other listed variances are related to existing the proposed eight-foot side yard setback is less than the minimum required clearance for any structure, including sheds or play areas, and that a variance of this magnitude has not previously been granted for a permanent structure in the village. It was also observed that a portion of the existing driveway encroaches onto village property. The Board recommended that this encroachment be corrected when the proposed pervious pavers are installed to reduce overall development coverage.

Village attorney: If the Board or the applicant wishes to discuss the contents of the letter, a motion would be made to reopen the public hearing. Counsel noted for the record that no members of the public were present, no one had entered or exited the building, and the applicant remained in attendance, ensuring no prejudice would result from reopening the hearing. If no further discussion was desired, the Board could leave the public hearing closed, with the letter remaining part of the official record.

A motion by Mr. Baker to reopen the public hearing, second by Mr. Klien. The motion carries 3-0-2

Applicant: I did not receive the letter in advance of the meeting and I was hearing its contents for the first time. The existing driveway encroachment was present when the property was purchased and I had not previously been raised as an issue.

Regarding the setback variance, I was not familiar with the full history of similar cases in the Village and therefore could not comment on whether such a variance had been granted before.

After comments from applicant Mr. Baker made a motion to close the public hearing, second by Mr. Klien and is carried by 3-0-2

Mr. Klien makes a motion to make a decision after having a client attorney meeting, second by Mr. Baker. The motion carries 3-0-2

Mr. Klien makes a motion to approve the meeting minutes from the July and August meetings. Second by Mr. Baker, 3-0-2 the motion carries and the minutes are approved.

The meeting is adjourned by Mr. Alan L. Lamar.

Minutes respectfully submitted by Moshe Orange, Village Clerk