

**VILLAGE OF POMONA  
ZONING BOARD OF APPEALS MEETING  
January 21, 2025 – 7:30PM**

**PRESENT:**

**Jessie Kaufman, Zoning of Appeals Chairman**

**Alan I. Lamer, Zoning Board Member**

**Yehuda Klein, 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**

**Chairman Jessie Kaufman called the meeting to order at 7:35 pm.**

**Mr. Yehuda Klein makes a motion to approve the meeting minutes from October, 20 meeting. Second by Mr. Lamer, 3-0-2 the motion carries and the minutes are approved.**

**29 North Ridge, Pomona, NY**

**Tax Roll # 19.17-1-53**

**Attorney, Mr. Paul Baum representing the applicant: the application requests several minor variances to allow an addition to a single-family home, the creation of a looped driveway, installation of a swimming pool and patio, and construction of a pool house. As shown on the plans, all of the requested variances are minimal. The front-yard variance**

relates to the new additions and reflects only a 0.4-foot reduction in the required setback. The pool house requires a small side-yard variance—from 25 feet to 21.4 feet—amounting to a 3.6-foot relief. There is also a slight increase in lot coverage. Although noted as 1% over, the actual increase is only 0.5% due to rounding by the engineer.

The builder, Shimmy Gallandauer, is present to explain the proposed additions. Applicant representatives are available to answer any questions and respectfully request that the Board schedule a public hearing for next month.

Applicant's attorney went on to note that, in addition to the memo he received, there were reviews from the Rockland County Department of Health and the Rockland County Department of Planning. The Department of Health approved the mosquito control plan. The Department of Planning issued a rare response—remanding the matter to local determination with no comments.

Village engineer Mr. Martin Spence: a review dated January 20, 2026 was completed; the three requested variances are minor. The pool house requires a 21.4-foot setback where 25 feet is required. Because the rear of the property contains steep slopes, the proposed development is positioned in the flattest and most suitable area, with retaining walls added to expand the usable space for the pool and pool house. Approximately half of the eastern portion of the lot—where the steep slopes and vegetation are located—will remain undisturbed. Overall, the engineering comments are general in nature, and all issues can be addressed in a future plan revision.

Mr. Baker made a motion to schedule for a public hearing seconded by Mr. Lamer. The motion carries 4-0-1

### **3 Hidden Valley Rd.**

**Tax rolls # 32.15-1-7**

The applicant explained that although a permit is ready for the addition, design changes were made that shifted the project into requiring a coverage variance. The house is being extended eight feet in the front on the right side, which increased lot coverage. The property is unusually wide but narrow, and the existing driveway has caused difficulties especially in winter due to its steep pitch. To improve accessibility, the driveway design was revised to make it longer and reduce the incline, though this contributes to the lot-coverage. The team has reworked the design several times to minimize the impact.

Chairman, Jesse Kaufman asked whether pervious pavers had been considered, as they could help reduce the lot coverage. The applicant responded that they have thought about it but that wouldn't work.

**Moshe Eisen applicant's GC: to help address that question. We have discussed pervious pavers with the project engineer, and based on her professional opinion and our own experience, they require extensive maintenance and are very costly. In practice, they also don't consistently provide the benefits that some studies suggest. Because of the significant financial burden and ongoing upkeep required, and given that many homeowners struggle to keep up with even basic maintenance like changing air filters we don't believe pervious pavers are a practical solution for this project. We are hoping to avoid going in that direction. The property contains an existing home, and an addition is being constructed. The project has already begun; however, when the front addition was introduced into the plans, work on that portion was paused because it had not yet been started and required additional approvals. We had an approved plan and a permit for it, but once we realized the need to revise the driveway and add to the front of the home, so we paused on the project.**

**Board member Y. Klein asked: what is the percentage increase from the new addition?**

**GC responded: I don't have that exact figure in front of me, but I can confirm that the total building coverage existing plus proposed comes to just under 9%.**

**He went on stating that, this is actually a reduced version of the previous plan. We originally proposed a wider driveway, which we felt would be safer—especially with younger drivers in the household—but it resulted in too much lot coverage. What you see now is the minimum we could reasonably reduce it to.**

**ZBA attorney asked: the proposed addition is at the rear of the house, and the patio is located between the house and the pool. Is that correct?**

**GC: Correct**

**Chairman: the addition is 2 stories?**

**GC: Yes.**

**The Village Engineer reported: that a review dated January 19, 2026 was completed. The lot area was confirmed, and the proposed building addition is approximately 532 square feet, which complies with zoning requirements. The engineering comments provided were typical and not substantial, mainly requesting clarifications. The engineer then asked whether the applicant had any questions regarding the comments in the review.**

**The applicant's GC noted one question regarding the driveway comment. They had not yet discussed it with Rachel, the engineer, and they are unsure how the driveway slope could be further reduced. They stated they would comply with all other comments and assume compliance with this one as well if Rachel can propose a workable solution. They asked**

whether the Board had any suggestions. The village Engineer responded that they may need to flatten the area adjacent to the edge of pavement and increase the grade transition.

Alan Lamer made a motion to schedule a public hearing at the next ZBA meeting, seconded by Yehuda Klein. The motion carried 4-0-1

4 Litman Ln. Pomona,

Tax Roll # 32.20-2-6.6

Saul Rinhold representing the applicant This proposal includes a new pool house and the reinstallation of an existing pool. The pool was never completed, and the current owner purchased the property this past year. Under the new ownership, and based on our discussions with the engineer, we are seeking variances for building coverage, side-yard setback, and overall development coverage. I will directly address the engineer's comments at the end, including the matter regarding jurisdiction.

There are also existing features on the property, including pathways, a play set, and potentially a trampoline. The property backs up to a conservation area, which limits the usable backyard space. These existing features are to be removed, as indicated on the plans, likely by the previous owner.

We have been working closely with the owner, engineer, and architect over the past few months to locate the pool and pool house in the most suitable positions while considering yard setbacks and variances. The proposed distances are approximately 19.3 feet to the corner of the pool and 12.7 feet to the corner of the cabana.

I actually discussed this with the Building Inspector regarding what you previously referred to as the 5%, 15%, and 20% thresholds. As far as the proposed building is concerned, we would just need to obtain a DEC permit. To my understanding, that would involve getting the permit through the Village Engineer as well.

Village Engineer: As of January 1, 2025, DEC enacted new regulations affecting many properties within the Village. The applicant will need to obtain a jurisdictional determination and likely a DEC permit. The areas of the proposed improvements have already been disturbed the pool exists, and the work is outside the conservation easement. The DEC permit is expected to be straightforward.

The Village's local wetlands law does not apply because this is an existing single-family home, so the project is exempt. Other comments from the January 2026 review were general engineering notes, including grading and detention for new impervious surfaces.

**The applicant is also proposing to remove some long-standing improvements within the conservation easement that have existed for over ten years.**

**The applicant retained a wetlands consultant, but a jurisdictional determination cannot be completed until the snow melts, which may take a few weeks. They are hopeful that a DEC permit will be straightforward, as noted by the Village Engineer, and do not anticipate it affecting the scope of work.**

**Due to the property's layout—most of the backyard is a conservation easement, and there is no suitable space in the front or other areas—this location is essentially the only feasible spot for both the cabana and pool.**

**Yehuda Klein asked to confirm that none of the proposed construction encroaches on the wetland area.**

**The applicant responded that the question regarding wetlands relates to whether the project is within 100 feet of a wetland. They clarified that they are definitely not encroaching on the wetlands themselves, but the site may potentially fall within the 100-foot buffer zone.**

**The Chairman noted that the cabana is 862 square feet and suggested making it slightly smaller, though he acknowledged that it might not significantly impact the request. The applicant responded that they are seeking only a minimal development coverage variance and noted that there is precedent for larger variances, particularly regarding setbacks.**

**The Chairman noted that, percentage-wise, the side-yard setback results in a significant variance approximately 47% while the lot coverage itself does not present an issue. The applicant confirmed that the 12.7-foot setback is the measurement in question.**

**The ZBA Attorney asked whether there is vegetation along or within the 12.7-foot setback. The applicant responded that, while the landscape plan is not final, they intend to add large privacy trees and utilize existing plantings, as well as add additional vegetation wherever possible to enhance privacy.**

**ZBA attorney: how far it is from the pool to the house. The applicant confirmed that the distance from the water's edge to the house is 10.9 feet.**

**The attorney asked about the neighbor's house in relation to the property line. The applicant explained that the neighbor's house is not close, and the neighbor recently installed a pool on their property. The neighbor's pool is located toward the back-left side of their lot, leaving plenty of space between the two houses and the property line.**

**The Chair asked whether the pool and cabana could be moved closer to the house to reduce the setback. The applicant noted that building code requires a minimum of 10 feet, so they are already close to that limit. The Chair acknowledged the concern about the cabana's side-yard setback, and the applicant added that there are existing woods and large privacy trees between the properties, some of which will be replaced if dead.**

**The ZBA Clerk noted that the applicant's representative filed the GML referral, but no response has been received yet. The Clerk asked whether this affects scheduling a hearing. The ZBA Attorney clarified that a hearing can still be scheduled; however, the Board cannot act on the application until at least 30 days have passed from the date of the referral. There is no barrier to setting the hearing.**

**The Chair asked whether the pool cabana would serve as changing rooms or a cooking space. The applicant explained that the cabana is designed to enhance the pool experience for the family. It will include a dry sauna, wet sauna, bathroom and shower, washer and dryer, lounge area, kitchenette, and a cold plunge. The cabana is intended as a summer retreat for the family and grandchildren, providing a comfortable and enjoyable space.**

**A Board member expressed concern that the pool cabana is very close to the side yard and questioned whether such a large structure should be allowed in that location in the Village, regardless of neighbor approval. The applicant responded that they explored all other options with the engineer and architect, but the cabana cannot be moved closer or elsewhere on the property. They noted that there is precedent for similar setbacks in the Village and argued that this should be considered an exception, as there is no other feasible location for the structure.**

**The Chair asked whether reducing the cabana by three or four feet would help. The applicant explained that the cabana's current "pizza-shaped" design was intentionally created to fit along the property line while maximizing interior space. Reducing it by four feet would significantly impact the layout, the available amenities, and the overall functionality, including potentially eliminating features such as the cold plunge.**

**Bill Baker made a motion to schedule for a public hearing, seconded by Yehuda Klein, the motion carried 4-0-1**

**Yehuda Klein made a motion to approve meeting minutes from 12/17/2025, seconded by Alan Lamer, the motion carried 3-0-2**

**Mark Mosenson – 9 Cheesecote Ln Pomona NY 10970**

**Tax Roll# 19.17-1-55.1**

**Bill Baker made a motion to reopen the public hearing, seconded by Alan Lamer, the motion carried 4-0-1**

**The ZBA Attorney summarized that the applicant submitted amended plans for the pool house, reducing the side-yard and rear-yard setbacks to 12 feet, which is greater than what was originally proposed. These amended plans were the ones the Board discussed at the previous meeting.**

**The Village Attorney suggested reviewing the variance factors again for clarity, noting that it's a balancing test weighing the applicant's benefit against any potential detriment to the health, safety, and welfare of the community, guided by five factors. The first factor considers whether granting the variance would create an undesirable change in the character of the neighborhood or harm nearby properties.**

**The Chair added that, from his perspective, the property is situated in a valley and largely hidden, so the addition is unlikely to impact the neighborhood or be visible to neighbors.**

**The Village Attorney noted that the next factor considers whether the applicant could achieve the desired benefits through a feasible alternative without requiring an area variance. The Chair responded that there is no feasible alternative, as the applicant has already explored multiple revisions and is essentially locked into the current plan.**

**Alan Lamer asked whether the lot is suitable for a swimming pool, or if a homeowner would be unable to have one. Yehuda Klein expressed concern that requiring strict adherence to maintaining the yard in its current condition could limit what the owner can do, noting a recent case where a pool was only 11 feet from the house.**

**Shimi Galandauer, representing the applicant, explained that the property slopes dramatically in other areas, making the proposed location essentially the only relatively flat spot. Behind the pool, the land drops sharply toward the house and driveway, with a steep decline of nearly 20 feet toward the adjacent neighbor's property, limiting alternative placement options. When asked what lies between the proposed pool site and the house, the applicant explained there is a small strip of land—about 15 feet from the deck to the pool. While the pool could potentially be moved five feet closer to the house, doing so would disturb the existing deck and patio, requiring significant rework.**

**Alan Lamer asked whether the project also includes the pool house, retaining walls, and the play area on the side, as well as the slope along the driveway leading up to Northridge. The applicant confirmed and explained that the property is tucked away in a valley at the end of a private dead-end road, surrounded by miles of parkland. The driveway slope and terrain create significant elevation changes, including a drop of nearly 70 feet behind the property. Because of the topography and surrounding parkland, the improvements are largely hidden from neighbors and the road, with visibility only possible from the backyard or an old walking trail.**

**Attorney: next factor is whether the variance sort of substantial.**

**Yehuda Klein: 50% is clearly substantial.**

**Chair: at the last meeting, it was noted that case law indicates a large numerical variance alone is not sufficient to deny an application. Substantiality must be evaluated in combination with any potential negative impacts, as no single factor is controlling. The chair acknowledged that this is a unique situation.**

**Next factor is whether there be any adverse effect or impact on the environmental conditions in the neighborhood or district.**

**The Chair noted that, unless there have been changes to the environment; the applicant is expected to comply with engineering conditions. The Village Engineer entered a report into the record, updating prior comments to reflect the current plan dated January 21, 2026. The comments were routine and not substantial. The engineer noted that the lot size is 33,000 square feet, which is about 82% of a typical 40,000-square-foot lot, making it slightly undersized by approximately 7,000 square feet. The next factor for consideration is whether the difficulty in developing the property was self-created.**

**Attorney: next factor is whether the difficulty was self-created, right?**

**Chair: while the difficulty is technically self-created because the applicant wants a pool, there is no other practical way to achieve it. As noted at the last meeting, this factor alone does not constitute a “death blow” to the application and is not determinative.**

**The chair asked if anyone from the public want to speak before voting. No comments from public.**

**Jesse Kaufman made a motion to close the public hearing seconded by Alan Lamer, the motion carried 4-0-1**

**Bill Baker makes a motion to approve the application subject to engineer conditions, seconded by Jesse Kaufman; the motion fails 2-1-2**

**The attorney explained that the Board could entertain a motion to deny the application, though it may not succeed. No action has been taken yet, and the public hearing has been closed. The Board has 62 days to render a decision. If no action is taken within that timeframe, the application will be deemed denied. Alternatively, the Board may carry the matter forward for discussion at the next meeting.**

**Jessie Kaufman, Zoning of Appeals Chairman called to adjourn the meeting at 8:34**

**Minutes respectfully submitted by Moshe Orange, Village Clerk**