

**VILLAGE OF POMONA
ZONING BOARD OF APPEALS MEETING
December 17, 2025 – 7:30PM**

PRESENT:

Jessie Kaufman, Zoning of Appeals Chairman

Alan I. Lamer, Zoning Board Member

Yehuda Klein, 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

Bill Baker, Zoning Board Member

Chairman Jessie Kaufman called the meeting to order at 7:36 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.

Mark Mosenson – 9 Cheesecote Ln Pomona NY 10970

Tax Roll# 19.17-1-55.1

The engineer, Mrs. Rachel Barese, appeared on behalf of the applicant and presented updated plans reflecting prior feedback from the Board. The pool and pool house have been moved further inward, increasing the setback from five feet to twelve feet from both the side and rear property

lines. The applicant is now requesting variances to permit a 12-foot side-yard setback where 25 feet is required, and a 12-foot rear-yard setback where 30 feet is required.

Mr. Yehuda Klein made a motion to enter into an attorney–client session to seek and receive legal advice regarding the applicant’s updated request, seconded by Mr. Alan Lamer. The motion carries 3-0-2

Jessie Kaufman, Zoning of Appeals Chairman called to adjourn the meeting at 7:45

Mr. Alan Lamer made a motion to reopen the meeting following the attorney–client session. The motion was seconded by Mr. Jessie Kaufman and carried by a vote of 3-0-2.

Mark Mosenson – 9 Cheesecote Ln Pomona NY 10970

David MacCartney, ZBA Attorney, stated that there was no one from the public present in the room, only those who had been there prior to the attorney–client session. He went on to state the first consideration, which is whether the granting of the area variances would cause any detriment to nearby properties or result in a negative change to the character of the neighborhood.

The Board agreed that the granting of the variances would not result in any detriment to the neighboring properties or the surrounding neighborhood.

ZBA Attorney David MacCartney stated: The next consideration is whether there are any feasible alternatives available to achieve the benefit sought without the need for an area variance.

Mr. Klein noted that moving the pool house only affects the rear of the property, where it has minimal impact on the community. Therefore, I do not see a significant detriment that would outweigh the benefits to the applicant. My primary concern is the side setback. If it were possible to maintain the 12-foot rear setback while increasing the side setback to 15 or 18 feet, it would likely be more acceptable.

Mr. Lamer noted that the only question is whether the pool can be repositioned to reduce the severity of the side and rear variances, even if it means sacrificing some of the backyard.

ZBA attorney MacCartney noted regarding substantiality, case law indicates that a variance being numerically large, by itself, is not sufficient to deny an application. Substantiality must be considered in combination with any negative impact or change; no single factor is controlling.

Mr. Lamer noted that he believes the requested reductions in setback are substantial, noting that one represents a 50% reduction and the other exceeds 70–75%. While he acknowledged that this is a unique property, he emphasized that the numerical reductions are significant.

ZBA attorney MacCartney the next consideration is whether the proposed variance would cause any detrimental or adverse effect on the physical or environmental conditions of the neighborhood or district.

The Village Engineer provided in a letter 14 engineering comments, including showing and quantifying trees to be removed, providing drainage and dry well calculations, detailing trench drains, water service to the pool and pool house, pervious paver and retaining wall details, and clarifying certain plan elements such as hot tubs, sidewalks, and CO locations. Most comments are minor technical matters that could be made conditions of approval, with the exception of one item. Overall, these are routine engineering requirements that the applicant is expected to comply with.

The applicant's engineer noted that landscaping near the rear property line would not mitigate the variance, due to the significant elevation difference between the subject property and the neighboring house, which is 250 feet away and 60 feet higher. While landscaping is generally a useful screening method, in this unique situation it would not impact the neighboring properties and would only benefit the homeowner if desired. The engineer emphasized that, given the topography and distance, the development does not negatively affect neighboring properties.

Mr. Lamer asked if there was any consideration as to the effect of noise coming from the pool going into the park.

Mrs. Rachel responded: No. The application was referred for a GML review, and the County Planning Department did not raise any objections. While a pool will be added to the property, the impact on the neighbors is expected to be minimal, as any backyard activity would produce similar noise regardless of the pool's location. Overall, the project is not anticipated to have a significant effect on the surrounding properties.

ZBA attorney MacCartney noted the last factor is whether the difficulty was self-created.

Mr. Lamer stated that, procedurally, the Board can take the necessary steps, but he would like to obtain Mr. Baker's input. He suggested continuing the matter to the next meeting, noting that while most of the information is available, it would be beneficial to review it further.

Mr. Lamer moved a motion to keep the public hearing open to the next meeting, seconded by Mr. Klein. The motion carried 3-0-2

Adoption of 2026 ZBA meeting schedule: Mr. Klein makes a motion to approve the schedule for 2026 meetings, seconded by Jessie Kaufman. The motion carried 3-0-2

Mr. Kaufman adjourned the meeting at 8:32

Minutes respectfully submitted by Moshe Orange, Village Clerk