

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
JUNE 28, 2004

ADOPTED JULY 26, 2004

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, 100 Ladentown Road, Pomona, New York at 7:30 p.m. on June 28, 2004.

Present

Mayor: Herb Marshall
Deputy Mayor: Nick Sanderson
Trustees: Ian Banks
Alan Lamer
Alma Roman

Doris Ulman, Village Attorney
P. J. Corless, Village Engineer
Michael Zrelak, Jr., Building Inspector
Susan Glantz, Village Clerk-Treasurer

Summary of Motions

Deputy Mayor Sanderson moved to adopt the Minutes of April 12, 2004 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman moved to approve the following return of escrow requests as recommended by the Village Engineer:

Lot #	Builder's Name	Reason	Amount
G-19	Avi Davi	Vegetation	\$3,000.00
H-4	Pomona Point	Vegetation	\$3,000.00
I-6	JWL	Vegetation	\$3,000.00
25.02-2-20	Pomona Point	Vegetation	\$3,000.00
25.10-1-86	Pomona Point	Vegetation	\$1,000.00
25.10-1-11	Pomona Point	Vegetation	\$1,000.00
25.05-1-12	Pomona Point	Vegetation	\$1,000.00
25.10-1-80	Pomona Point	Vegetation Driveway	\$1,500.00 \$1,000.00
19.17-1-57	Pomona Point	Vegetation	\$2,500.00
25.05-2-22	Pomona Point	Vegetation	\$1,500.00
19.17-1-59	Pomona Point	Vegetation	\$3,000.00
19.17-1-53	Pomona Point	Vegetation	\$3,000.00
Tamarack	Pomona Point	Road Opening Bond	\$1,000.00

Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved that the Board direct the Building Inspector to issue a Certificate of Occupancy for 3 Litman Lane because

the final Certificate of Occupancy in the subdivision known as Ramsey Estate is not owned by the developer and the Board has no objection to the Building Inspector issuing a Certificate of Occupancy for Number 3 Litman Lane, providing it meets the requirements of the State Building Code and the subdivision in all other respects. The Certificate of Occupancy should not be held up because, the owner of 3 Litman Lane has no responsibility for the road and has a hardship in not receiving a C.O. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to hire Tina Anton at a rate of \$150.00 plus a maximum of 3 additional hours at \$50.00 an hour to create plans for plantings around Village Hall. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$78,878.86 set forth on pages 1 through 7 in the Monthly Abstract Listing dated May 24, 2004 through June 28, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved to deny the tax exempt request by Yeshiva Spring Valley. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman moved to have a stop sign installed on North Ridge Road where it intersects with Halley Drive. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted against the motion.

Deputy Mayor Sanderson moved to authorize a retainer with Zarin and Steinmetz, Esq., for commencement of legal actions against the Town of Ramapo in connection with their adoption of the Adult Student Housing local law in conjunction with other Villages within the Town of Ramapo at a cost not to exceed \$8,000.00. Seconded by Trustee Lamer. Motion carried 5-0.

- 1. Salute to the Flag.**
- 2. Open Period**

Mr. Matthews, 3 Klingher Court: several large trees in his backyard were cut down by his contractor. Some of the trees had been uprooted and were dangerous and some he reported were dead. Seven fruit trees have been planted in the cleared area. He stated he was unaware of the local law limiting the number of live trees that can be cut down and has received a violation for cutting down the trees. Mayor Marshall replied that the Matthews should meet with the Code Enforcement Officer and discuss their situation.

David Hershkowitz, 1 Litman Lane: thanked the Board for preserving the property tax rate for the coming year and taking action on the paving issue on Litman Lane.

Trustee Roman moved to close the Open Period. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

3. Adoption of Minutes
A. April 12, 2004

Deputy Mayor Sanderson moved to adopt the Minutes of April 12, 2004 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

4. Cultural Center

A copy of the Pomona Cultural Center Monthly Report is attached to the Minutes. Trustee Banks reported that a shed for the Cultural Center has been ordered and Chris Matthews will be submitting a price for preparing the ground with gravel where the shed will be placed. Mr. Corless has recommended a window unit air conditioner, 10,000 BTU's, for the lower level of the Cultural Center. Mr. Gde will obtain estimates for an appropriate window air conditioner. Mr. Zrelak suggested the possibility of installing a designated circuit for the air conditioner.

5. Building Department
A. Engineering and Building

Mr. Corless reported that there seems to be some question regarding street tree requirements in our Village Code. Return of escrow requests for trees on the following lots were therefore tabled to the next Workshop: C-41, C-51, C-52, C-50, G-19, I-6 and G-35. Return of escrow for Lot I-8 was not recommended and for Lot H-4 only the return of escrow for vegetation was recommended. The escrow return for Lot C-46 was not recommended because the rock wall fencing is encroaching onto Town property. Mr. Corless will contact the builder to have the situation corrected. Mr. Corless distributed to the Board a map of the current building situation on the mountain. A copy of the map is attached to the Minutes.

Trustee Roman moved to approve the following return of escrow requests as recommended by the Village Engineer:

Lot #	Builder's Name	Reason	Amount
G-19	Avi Davi	Vegetation	\$3,000.00
H-4	Pomona Point	Vegetation	\$3,000.00
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25.10-1-80	Pomona Point	Vegetation Driveway	\$1,500.00 \$1,000.00
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25.05-2-22	Pomona Point	Vegetation	\$1,500.00
19.17-1-59	Pomona Point	Vegetation	\$3,000.00
19.17-1-53	Pomona Point	Vegetation	\$3,000.00
Tamarack	Pomona Point	Road Opening Bond	\$1,000.00

Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mayor Marshall reported that although the original quote for paving Litman Lane was \$13,600 the only bid received in response to the latest Village solicitation was \$26,000. Mr. Corless suggested that the Village should solicit additional bids for the paving of Litman Lane. Mrs. Ulman further recommended filing an injunction to force the builder to finish the road and also solicit bids to pave the road. Mr. Corless will attempt to obtain additional quotes for paving Litman Lane. The entire issue was then tabled to the next Workshop meeting.

Deputy Mayor Sanderson moved that the Board direct the Building Inspector to issue a Certificate of Occupancy for 3 Litman Lane because the final Certificate of Occupancy in the subdivision known as Ramsey Estate is not owned by the developer and the Board has no objection to the Building Inspector issuing a Certificate of Occupancy for Number 3 Litman Lane, providing it meets the requirements of the State Building Code and the subdivision in all other respects. The Certificate of Occupancy should not be held up because, the owner of 3 Litman Lane has no responsibility for the road and has a hardship in not receiving a C.O. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless reported that a contract has been awarded to make the drainage repairs at 50-52 Tamarack Lane. Mr. Corless reported that he has not heard from the Town of Ramapo regarding the Village road repairs. The Town of Haverstraw has started work on their section of the Village.

Mrs. Ulman distributed a memo to the Board regarding 146 Camp Hill Road. A copy of the memo is attached to the Minutes. Mrs. Ulman will notify the owner he needs to obtain ZBA approval for a building permit which has previously expired or the Village may require the building to be demolished as abandoned. There are also abandoned vehicles on the property which have violations and must be corrected.

B. Planning and Zoning

Nothing at this time.

6. Committee Reports

A. Recreation Committee

Trustee Roman reported that the Fish-In scheduled for July 18th is proceeding as planned. Plans have begun for the Village's Family Day and a tentative date of the third Sunday in May 2005 is being discussed.

B. Buildings and Parks

Trustee Banks gave an update on ongoing projects in the Village. He would like to hire a planner to draw a planting plan for the area in front of Village Hall at \$150.00 and \$50.00 an hour for additional work if needed at a maximum of 3 hours.

Deputy Mayor Sanderson moved to hire Tina Anton at a rate of \$150.00 plus a maximum of 3 additional hours at \$50.00 an hour to create plans for plantings around Village Hall. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Banks also reported that he has talked with Chris Meredith who will give him a schedule for the repairs to the basketball hoops, the ruts at Van de Hende Park and the Tamarack Park clean-up.

Clerk Glantz reported that she has received bills for April, May and June from the landscaper. Trustee Banks felt that since he has not completed all the work required in the specs he should not be paid. Mrs. Ulman said the landscaper should be put on notice of the work not done and deduct an appropriate amount from his bills. Mrs. Ulman and Clerk Glantz will develop a letter to be sent to the landscaper, for Trustee Banks to approve, stating the Board's position. The work at Village Hall has also not been completed.

7. Finance

A. Treasurer's Report

A copy of the Treasurer's Report is attached to the Minutes.

B. Expenditure Abstract Resolution

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$78,878.86 set forth on pages 1 through 7 in the Monthly Abstract Listing dated May 24, 2004 through June 28, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer had a question on the motion, will the check for Chris Meredith be withheld until his work is completed. Mayor Marshall responded that the check will be withheld.

C. Grants and Awards

Deputy Mayor Sanderson had nothing to report at this time.

8. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mayor Marshall reported on an incident in Burgess Meredith Park. A resident reported that she was in the park with her children when two young men began shooting at the equipment in the tot lot with paint ball guns. The incident was reported to the Haverstraw Police Department who will regularly send patrol cars to the area in order to establish a deterrent presence. The park will also be a regular part of the Code Enforcement Officer's patrol area.

Mayor Marshall reported a dog incident on Trapper's Way. The police will follow up on the matter.

9. Legal Period

Mrs. Ulman distributed a draft amendment to the Code relating to the Board of Architectural Review for discussion at the next workshop.

Mayor Marshall brought up the matter of the Kwilecki Hearing which he and Mr. Ortenberg attended. A future meeting is set for July 29th.

Mrs. Ulman distributed a memo for discussion at the next Workshop relating to the Subdivision Chapter of the Village Code relating to site plans.

10. Old Business

Mayor Marshall reported that a meeting is scheduled with NYMIR representatives for June 30th with all the Villages in the County, regarding the RLIUIPA law and lack of insurance coverage under the umbrella policy.

Mrs. Ulman reported that the assessor recommended that the tax exempt request by Yeshiva Spring Valley be denied.

Trustee Lamer moved to deny the tax exempt request by Yeshiva Spring Valley. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall reminded the Board of the meeting regarding the formation of Ladentown for July 1st at 8 p.m. at the Town of Ramapo.

11. New Business

Discussion regarding a stop sign on North Ridge Road where it meets Halley Drive.

Trustee Roman moved to have a stop sign installed on North Ridge Road where it intersects with Halley Drive. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted against the motion.

The matter will also be revisited at a later date to determine if additional stop signs are needed at that intersection.

12. Office Period

Nothing at this time.

13. Trustees Period

Nothing at this time.

Trustee Roman moved to adjourn to Executive Session to discuss matters of litigation. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Banks moved to reopen the public portion. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to authorize a retainer with Zarin and Steinmetz, Esq., for commencement of legal actions against the Town of Ramapo in connection with their adoption of the Adult Student Housing local law in conjunction with other Villages within the Town of Ramapo at a cost not to exceed \$8,000.00. Seconded by Trustee Lamer. Motion carried 5-0.

WHEREAS, on June 15, 2004, the Town Board of the Town of Ramapo adopted an amendment to the Town Zoning Law establishing a conditional use that would be applicable in most residential zones within the Town of Ramapo, and

WHEREAS, this use permits up to 16 units of housing per acre, calling such use “adult student housing”, and

WHEREAS, the Town Board did not conduct any meaningful environmental reviews prior to the adoption of the amendment to the Zoning Law, and

WHEREAS, this amendment could result in the destruction of the integrity of almost every single family zone in unincorporated Ramapo and, in turn, would affect the neighborhoods in all villages that are in close proximity to the use, and

WHEREAS, the Village of Pomona believes that the local law adopted by the Town Board is illegal because of the Town's failure to comply with the State Environmental Quality Review Act and because the law has many substantive and procedural flaws,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Pomona, in conjunction with other villages within the Town of Ramapo, hereby agrees to retain the law firm of Zarin & Steinmetz, Esqs. to bring legal action against the Town of Ramapo adoption of the local law establishing a conditional use for adult student housing, at a cost not to exceed \$8,000.00.

Trustee Lamer moved to adjourn the meeting. Seconded by Trustee Roman. Motion carried 5-0.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Malverne J. Toll