

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 10, 2025 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Stan Shipley, Member
Joan Materna, Member
Ari Aufgang, Member
Marlo Dickman, Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Max Stach, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Nancy Doon, Ad Hoc

Jacob Leitner—PUBLIC HEARING continued
8 Henry Court, Montebello, NY
Special Permit for Residential Gathering Place

Application of Jacob Leitner, 8 Henry Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Floor area ratio [max.0.20, proposed 0.22]; Side yard [required 20', proposed 9.5']; Parking spaces total for residence and RGP [required 7 spaces, proposed, 5 spaces]; Privacy fence height [max. 6', proposed 8'] As per Section 195-13, Use group q, and Sec. 195-19 of the zoning code of the Village of Montebello. The Parcel is located on the north side of Henry Court, approximately 310 feet north of the intersection of Zeck Court, and is shown on the Ramapo Tax Map as Section 48.10 Block 1 Lot 36 in the R-35 Zone.

Present was the Applicant's attorney Joseph Churgin and his engineer Josip Medic. Mr. Churgin stated that they made the corrections to the site plan that were requested at the last meeting. Mr. Stach said that all previous planning comments were addressed satisfactorily. The fence was changed, the 15-foot pole-mounted light was removed and details for the mikvah were added, he said.

Mr. Spence said that he received a new submitted early in the day that addressed some minor comments that were made in his June 7, 2025 engineering review. The discrepancy of the square footage of the mikvah was corrected, the "willingness to serve" letter from Veolia was submitted and the lighting details were added. Any other comments can be addressed and resolved during the completeness review, and he was otherwise satisfied. Member Aufgang said he too was satisfied that the Applicant addressed all issues he raised at the last meeting.

Chairman Caridi opened the public hearing.

Moshe Engel, 21 Mayer Drive, Montebello, NY said that he very much would appreciate it if the Board approved this because he attends this shul, which is near to his house.

Chana Walter, 1 Astri Court said that she is thrilled that there will be a place for services nearby, one that will allow her to practice in her own community, and thanked the Board for its consideration.

No one from the public having any further comments, Member Materna made a motion to close the public hearing, seconded by Member Dickman and upon vote, all were in favor.

Everyone having reviewed the draft approval resolution and having no questions or comments, Member Materna made a motion to grant the Residential Gathering Place Special Permit and Stream and Wetlands Protection Permit. Member Aufgang seconded the motion and upon vote, the motion passed unanimously.

Resolution PB03 of 2025
Village of Montebello Planning Board
Granting Final Conditional Special Permit and Site Plan Approval
Residential Gathering Place and a
Wetlands Permit
To 8 Henry Court
Section 48.10, Block 1, Lot 36

The property location, site, zoning district. The subject property is located at 8 Henry Court in the Village of Montebello, New York, identified on the Town of Ramapo Tax Map as SBL 48-1-36. The property is in the Residential District (“R-35”) zoning district.

The application. The property is currently improved with a single-family home. On or about February 29, 2024, Jacob Leitner, the owner and Applicant applied to the Planning Board for a special permit to convert an existing garage for use as a Residential Gathering Place. The application was later amended to include the proposed construction of a Mikvah for private use by the residents of the home and the site plan was modified accordingly.

Montebello Code applied to the project. Residential Gathering Places are permitted in the R-35 zoning district subject to a special permit issued by the Planning Board. The Planning Board was required to, and did, evaluate the Project pursuant to the guidelines contained in Village of Montebello § 195-79.1. Because the property is bounded along the east property line by the Mahwah River it lies within the W-EPOD (Wetlands, Waterbodies, and Streams Environmental Protection Overlay District) pursuant to Village Code § 195-63B(2) and § 195-4.¹ Therefore, the project requires site plan approval pursuant to § 195-63C.

¹ The property consists of 46,072 square feet or 1.057 acres. However, approximately 9,000 sq. ft. of the property lies in the Mahwah River, and several other physical constraints (land in the 100-year flood plain, steep slopes and easements) result in a net lot area of 23,063 sq. ft.

Zoning Board of Appeals. The Applicant applied to the Zoning Board of Appeals for area variances. On January 16, 2025, the ZBA approved a side yard variance, a parking variance and a FAR variance. The ZBA decision is incorporated herein by reference as if set forth fully within this document.

Agency review. The application was duly referred to all involved and interested agencies. The Rockland County Drainage Agency issued a “Notice of Receipt,” to the Applicant dated July 2, 2024, acknowledging the receipt of an application for a stream control permit and was reviewing it. By letter dated February 2, 2025, the Rockland County Sewer District No. 1, informed the Planning Board and the Applicant that the Applicant must submit a wastewater questionnaire and submit \$1,850 for the creation of one (1) additional sewer unit.

General Municipal Law § 239-m referral. The application was referred to the Rockland County Department of Planning (“RCDP”) pursuant to General Municipal Law § 239-m. RCDP issued a responsive letter on March 7, 2025. The Applicant shall adhere to all RCDP recommendations with the exception of Recommendation 7, which stated “if there is any encroachment into the wetlands, a review must be completed by the United States Army Corp of Engineers and all required permits obtained.” The Board determined that there are no federally regulated wetlands on the property. Recommendation 2 directed the Planning Board to “consider the cumulative and regional impacts of permitting such development.” The Planning Board did consider such impacts and determined that they had been mitigated to the greatest extent possible.

State Environmental Quality Review Act (SEQRA). After reviewing Part 1 of the Short Environmental Assessment Form (“SEAF”) dated April 2, 2024, revised May 16, 2024, the Planning Board declared itself lead agency. Subsequently, the Planning Board determined that the project was a Type II action, requiring no further environmental review, pursuant to 6 CRR-

NY 617.5(9): “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls but not radio communication or microwave transmission facilities.”

Public hearing. A duly noticed public hearing was convened on March 11, 2025, and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all those who wished to speak, and considering all comments from the public, the hearing was closed on June 10, 2025.

Decision. The Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law as applied to the Project; presented the application to the public for comment and considered all relevant public input; referred the application to all interested and involved agencies and acted upon said agency comments; gave serious and careful thought to the advice of its consulting engineer and planner as regards all materials submitted by the Applicant and relied upon determinations made by the Village Building Inspector and the variances granted by the Zoning Board of Appeals. After careful deliberation, the Planning Board finds that the Project meets the Village of Montebello Zoning Law in general, as well as the specific special permit standards pertaining to Residential Places of Worship.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby grants final conditional special permit and site plan approval to the property located at Town of Ramapo Tax Map as SBL 49.05-1-17 for the conversion of a garage to a Residential Place of Worship, and the construction of a private Mikvah for use by the residents of the home, as shown on:

1. Application Review Form, dated February 29, 2025, signed April 1, 2024
2. Narrative prepared by Builders Expediting last revised March 3, 2025

3. Letter to Caridi, from Kevin P. Maher, P.E., M.ASCE, re: Porous Asphaltic Concrete, dated March 25, 2024
4. Response to engineering comments, prepared by Terranova, dated May 29, 2025
5. Short EAF Part I, prepared by Applicant, dated April 2, 2024, resubmitted May 16, 2024
6. Stormwater Management Report, prepared by Josip Medic, PE, revised May 2025
7. Environmental Report by Peter D. Torgersen dated April 30, 2025
8. Architectural Plans, 5 sheets, entitled "Proposed Mikvah for 8 Henrey Court," stamped by James Chun, P.E., dated April 13, 2024, with the following sheets:
 - a. 1, Title
 - b. 2, Notes
 - c. 3, Floor Plans (with Foundation Plan, Roof Plan and Lighting RCP)
 - d. 4, Building Elevations (all sides)
 - e. 5, Typical Details & Riser Diag Mikvah set of architectural plans as prepared by Maymo Design Associates, 5 sheets, dated April 13, 2024
9. Site Plan, consisting of 11 sheets, prepared by Josip Medic, PE, last revised May 20, 2025:
 - a. Site Plan, Dwg 1 of 11
 - b. Demolition Plan, Dwg 2 of 11
 - c. Grading Plan, Dwg 3 of 11
 - d. Drainage Plan, Dwg 4 of 11
 - e. Utility Plan, Dwg 5 of 11
 - f. Lighting Plan, Dwg 6 of 11
 - g. Soil Erosion and Sediment Control Plan, Dwg 7 of 11
 - h. Traffic Plan 1, Dwg 8 of 11
 - i. Traffic Plan 2, Dwg 9 of 11
 - j. Traffic Plan 3, Dwg 10 of 11
 - k. Details Sheet, Dwg 11 of 11
10. Floor Plans, Sheet 3 of 3, entitled "Proposed Shul, 8 Henrey Court," stamped by James Chun, P.E., dated May 7, 2024.
11. Environmental Report by Peter D. Torgersen dated April 30, 2025.
12. Response to engineering comments, prepared by Terranova, dated May 29, 2025.

BE IT FURTHER RESOLVED that this final conditional special permit and site plan approval is granted subject to the following conditions:

1. Adherence to all representations of use presented on the Record by the Applicant to the Planning Board during its review. Said representations were relied upon by the Board and adherence thereto is a condition of this approval.
2. Adherence to § 195-79.1, which permits a maximum of 49 people. Per the 2020 NYS Fire Code, the maximum allowable occupancy load is 28 people (with tables and chairs) as set forth in the determination of the Montebello Building Inspector dated April 30, 2024.
3. Full compliance with all Rockland County Planning Department recommendations and conditions as stated in its memorandum dated March 4, 2021, except for Recommendation 7.
4. The Applicant shall obtain a stream control permit from the Rockland County Drainage Agency.

5. The Applicant shall submit a wastewater questionnaire and a fee of \$1,850 to Rockland County Sewer District No. 1.
6. The Applicant shall comply with any outstanding technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated June 7, 2025.
7. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

BE IT FURTHER RESOLVED that pursuant to Village of Montebello Zoning Law § 195-53 and § 195-71F this final conditional special permit and site plan approval shall expire 18 months from the date of this approval unless an application for a building permit has been filed.

On the Motion of Member Materna, seconded by Member Aufgang, the Planning Board granted final subdivision approval on a roll-call vote of 5 yeas, 0 nays, and 0 absentees as set forth herein:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	<u>X</u>	—	—
Stan Shipley, Member	<u>X</u>	—	—
Joan Materna, Member	<u>X</u>	—	—
Ariel Aufgang, Member	<u>X</u>	—	—
Marlo Dickman, Member	<u>X</u>	—	—

Masa Estate Holdings Corp.

Amended Site Plan—Stonehedge Farm Subdivision (220 Spook Rock Road)

Application of Sean Amona/Marsel Amona for an amended site plan/subdivision to relocate the detention pond on Lot 12 so that it encroaches into the 200 foot preservation buffer. The property is located on the east side of Spook Rock Road, approximately 2000 feet from the intersection of Carlton Road in the ER-80 Zone.

Present were the Applicants Marsel Amona and Sean Amona. Mr. Marsel Amona said that the Village Board of Trustees approved the encroachment into the 200-foot preservation buffer at their May meeting, that he amended the pages he was asked to amend, including the tree plantings along Spook Rock Road, and that the basin will not be visible from Spook Rock Road. He added that Mr. Spence was satisfied with the drainage and that only Lot 12 will be affected by this change. He then requested that the Board waive the public hearing to shorten the procedural time, but said that he would be fine with either having one or not.

Mr. Stach said that he did not write a formal review because the submittals only just came in the week prior, and stated that this Board will need to modify the subdivision approval to show the new location of

the basin, and will require a revised SWPP and a new Certificate of Appropriateness (COA) from the HPPC (Historic Preservation and Parks Commission). The Neg Dec will also need to be amended, he said, and recommended that Mr. Amona submit an EAF Part I. Mr. Amona disagreed explaining that this change has nothing to do with SEQR because it will only affect Lot 12. Mr. Stach corrected him and explained that this Board can declare lead agency to get the SEQR ball rolling. He then advised Mr. Amona to submit site line renderings of the front of the property. Mr. Amona said that the Village Board reviewed his proposal carefully and asked him to plant trees to screen everything, and that this seems like overkill. Mr. Stach recommended that he submit as many materials as possible to this Board to show that there will be little to no impact to the frontage of the property. Mr. Amona suggested that the Board visit the site and that he would personally give a tour.

Member Aufgang asked if the detention pond was below grade and Mr. Amona said it was. Member Shipley said that the trees chosen by the Village Board (e.g., arborvitae) seemed too manicured and wondered if something more natural and indigenous could be planted instead.

Mr. Spence said that he and Mayor Millman were on site with Mr. Amona and that the Board of Trustees prefers evergreen screening along the frontage of the property, especially for the winter months, and to hide the 4-foot chain link fence around the basin, and noted that Mr. Amona has yet to submit a landscaping schedule on the plan. He added that he too did not write a review because the plans were received too late.

Chairman Caridi referred to the Village Board Resolution 25-069 (copy on file) in which there are procedural directives, including performing a full SEQR review, and asked Mr. Stach if the original EAF can be amended for this proposal. Mr. Stach said it could, and if you find there is negative impact, you can ask for evidence for the record, such as renderings, cross sections and site visits for assurance that there really are no negative impacts. It's a limited SEQR review just for this element, he added.

Chairman Caridi directed Mr. Amona to submit the EAF as soon as possible for review and finalization at the next meeting. Mr. Spence said that, for the record, the SWPP and Stormwater reviews are complete and both acceptable, and added that the landscaping, fences, and new access road to the detention basin still need details.

After a brief discussion on procedural issues, Ms. Terhune referred to the Village Board resolution which gives clear procedural instructions on approving this amended site plan/subdivision. To wit, the Applicant must "formally apply to the Planning Board which would ...hold a Public Hearing declaring itself as lead agency and conduct a coordinated review under SEQRA, and...HPPC would have to hold a Public Hearing to decide whether a certificate of appropriateness should be issued..." She added that the Village Board did not actually approve the project, rather "...the Board was polled...and such was not opposed of the change..."

Mr. Stach reiterated that Mr. Amona should submit everything to the Planning Board clerk by early next week, attend the HPPC in July come back here later that month for a public hearing. These are the steps to be taken before the Planning Board can grant approval, he said. Conversely, the Board can conditionally approve so the applicant does not have to return after the Neg Dec is issued.

Another discussion ensued about SEQR, after which Member Aufgang made a motion to declare Lead Agency under SEQR. The motion was seconded by Member Dickman and upon vote, the motion passed unanimously.

Member Dickman made a motion to set the public hearing for the July 8, 2025 Planning Board meeting. Member Aufgang seconded the motion and upon vote, the motion carried.

Joseph Brachfeld, Rella Owner LLC
300 Rella Boulevard, Montebello, NY
Site Plan/Special Permit

Application of Rella Owner LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645 for a Site Plan/Special Permit to construct a combination of standard warehouse space and smaller warehouses on an 18.5 acre commercial lot. The Parcel is located on the north side of Rella Boulevard at the intersection of North Airmont Avenue, and is shown on the Ramapo Tax Map as Section 55.08 Block 1 Lot 6 in the LO-C Zone.

Ira Emanuel, attorney for the Applicant, and engineer Joseph Nyitray were present. Mr. Emanuel delivered a brief summary of past and present iterations of this project, and said that he hoped the Board would declare Lead Agency at this meeting and set the public hearing for the next.

Mr. Stach referred to his memo dated June 4th in which he requested that more information be provided in the narrative, particularly regarding proposed hours of operation, whether there will be a property manager on premises, truck movement restrictions, and projected tenants occupying the warehouses.

Mr. Emanuel said the narrative spoke in generalities in some areas because they do not yet know who the tenants will be. Mr. Stach asked them to at least identify what *won't* happen on the site, such as any noxious or chemical manufacturing, or anything that would cause excessive noise. To that end, Mr. Emanuel said that the noise study was discussed at the April meeting and that they consented to a third-party review of the study. If you haven't started that process, please do, he said, and added that they have no objections to the scrutiny because it is an appropriate concern for the Board.

The Applicants and the Board engaged in a lengthy discussion regarding types of noxious activities that are defined by the Village code and others that are not contemplated, after which it was agreed that the Building Inspector should provide some guidance. Mr. Stach recommended that the Applicant provide a list of what is NOT permitted since Office Flex includes both office and industrial use. The limitations on all activities should be defined, he said.

Mr. Stach requested that the Applicant figure out a mechanism with which to model as yet unknown parking needs. Mr. Emanuel suggested they could use the language from the Indian Rock Shopping Center site plan as a model and Mr. Stach agreed.

Mr. Stach stated that the Building Inspector should verify whether variances are necessary, and then there is the open issue of the Tallman Fire Department's letter regarding the access road. Mr. Emanuel said that a letter from the Building inspector submitted his determination earlier in the day that the road is not necessary but that there should be some other access points for emergency vehicles. Mr. Emanuel said that he and his engineer would meet with the Building Inspector and find a path to compliance.

Mr. Stach said that he prepared a Notice of Intent, but stated that he will correct the SEQOR action type (Type I instead of Unlisted) and reissue.

Mr. Spence reviewed his memo dated June 6, 2025 (copy on file). Mr. Nyitray said he had no issues with any of Mr. Spence's comments.

No one having further questions or comments, Member Dickman made a motion to declare lead agency, seconded by Member Shipley and upon vote, all were in favor.

Member Dickman made a motion to set the public hearing for and to adjourn the application to the July 8, 2025 Planning Board meeting, seconded by Member Materna and upon vote, all were in favor.

George Weinberger
21 Magnolia Street/1 & 2 Hickory Court, Montebello, NY 10901
Amended Subdivision Approval

Application of George Weinberger/GV Holding LLC & Grandview Enterprises LLC. 1757 East 23rd Street, Brooklyn NY 11229 for an amended subdivision approval to allow the proposed homes on lots 21, 22 and 24 to have basements. The Parcels are located on the northwest side of Magnolia Street 500 feet south of Grandview Avenue in the RR-50 Zone.

The Applicant's engineer, Rhonda Smith, and his Attorney Paul Baum were present. Mr. Baum explained the history of the Weinberger subdivision, which was an approved forty-seven lot subdivision to be built in four phases. However, only Phase I was filed with the County, and this application pertains only to the removal of the basement restrictions in the homes of three of the ten lots, 21, 22, and 24.

Mr. Baum said that since this Board recertified its lead agency status at the last meeting, various county agency letters were received, notably from the Sewer District, the Drainage Agency, the Highway Department and Rockland County Planning, and additional reviews from Mr. Stach which found this action consistent with the original findings statement. The only request we have, he continued, is for an override of the GML review. None of those comments are applicable as this is primarily a local determination to simply remove a restriction on three lots, he said.

Mr. Spence noted that the Applicant provided detailed engineering responses to concerns about the basement elevations, gravity and footing drains, and stated that he was satisfied and takes no issue with the proposal.

Ms. Terhune explained that the Rockland County Planning, in their GML letter, reviewed this application as if it were an entire subdivision, and that at the very least comments 1, 2, 3, 5, 6, and 7 qualify for overrides. Comments 4, 8, and 9 are not necessarily problematic because the Applicant is able comply. Member Aufgang asked why comment 5 should be overridden. Mr. Baum explained that no county permits are needed for this application. The road and connections are already in place. Ms. Terhune said that she will make such notations in the resolution.

Member Dickman made a motion to override the noted comments of the GML review dated May 27, 2025. Member Materna seconded the motion and upon vote, the motion passed unanimously.

Mr. Spence asked by what process the project should be reviewed for completeness. Ms. Terhune suggested a modified check print for just the three lots and the removal of the note about the basement

prohibition from the page in the site plan. Since there is nothing new to be recorded, the Chairman's signature is not necessary, she said, and that Mr. Spence could issue a close-out letter once he approves the revised page.

The Board being duly satisfy, member Shipley made a motion to approve the modification to the site plan to allow basements in the homes on lots 21, 22 and 24. The motion was seconded by Member Aufgang and upon vote, all were in favor.

**RESOLUTION PB04 OF 2025
VILLAGE OF MONTEBELLO PLANNING BOARD
AMENDING THE WEINBERGER SUDIVISION APPROVAL**

The Weinberger Subdivision Approval. On July 22, 2002, the Planning Board granted final subdivision approval to Geroge Weinberger, which approval lapsed and was reinstated by Resolution PB-04 on September 14, 2010. The subdivision was approved in four Sections, A through D. Section A contained 10 lots and was filed with the Rockland County Clerk on February 10, 2011. No other Sections were filed and the subdivision approval expired. Thus, this resolution amends the approval only as it applies to Section A.

The Application. Condition No. 11 in the 2010 reinstatement of the 2009 subdivision approval contained restricted the construction of basements on certain lots. To wit: "Houses shown on the plans in the plan set without basement floor elevations (denominated B.F.) shall not have basements or below grade stories." Specifically, this condition affected Lots 21, 22 and 24, identified on the Tax Map as SBL 41.13-2-18, 19, and 21. On October 8, 2024, Geroge Weinberger/GV Holding LLC & Grandview Enterprises LLC (together, the "Applicant") applied to the Planning Board seeking approval to remove the "no basement" restriction.

General Municipal Law § 239-m. The application was referred to the Rockland County Department of Planning (RCDP) pursuant to GML § 239-m. By letter dated May 27, 2025, RCDP recommended nine (9) modifications. The Planning Board noted generally that many of the RCDP modifications would have been applicable to a newly submitted subdivision application but not to a request for a modification to an approved and filed subdivision plat that did not affect the number, size or layout of the lots. Therefore, on a motion by Member Aufgang, seconded by Member Materna, RCDP recommendations 1, 2, 3, 5, 6 and 7 were overridden by a supermajority vote for the following reasons:

1. Federal wetlands. The board noted that this is an approved and filed subdivision plat that had already been reviewed by the Army Corps of Engineers. Therefore, no additional ACOE review was necessary.

2. DEC wetlands. The lots that will be affected by the modification are not within the DEC regulated wetlands or the 100-foot buffer thereto. For that reason, lifting the restriction on basements for those lots will not impact wetlands.
3. No review by the Town of Ramapo or the Village of Wesley Hills is required as the affected lots are not near either municipality. Furthermore, all required infrastructure has been installed in compliance with the approved plans. Finally, as part of the building permit process, Town of Ramapo DPW review will be required when individual sewer and water connections are made to the houses.
4. A review by the Rockland County Health Department will be done as part of the building permit process and, therefore, no review is required at this time.
5. Rockland County Highway Department Review is not necessary because the lots affected by this approval do not front on a County Road.
6. Review by the Rockland County Sewer District is not required because the applicant has already installed all sewer infrastructure in accordance with the approved plans. The town of Ramapo DPW and the county sewer district will review specific sewer connections to the houses on these lots as part of the permitting for individual house construction.
7. Biodiversity. The subdivision was approved by the Planning Board and Section A was filed with the Rockland County Clerk. Therefore, all lots in Section A are legally existing lots and can be disturbed and developed as of right. Furthermore, as part of the original SEQR analysis, all unique ecological features and all terrestrial animals were studied and impacts, if any, were identified and mitigated to the greatest extent practicable before the Planning Board issued a Negative Declaration. Merely lifting a basement restriction on three lots will not impact biodiversity.

The Applicant shall comply with modifications 4, 8 and 9.

Public Hearing. The Planning Board considered the limited scope of the relief requested and waived a public hearing as unnecessary.

State Environmental Quality Review Act (SEQRA). The Planning Board adopted SEQR Findings and a Negative Declaration as part of the 2009 review and 2010 reapproval. The Planning Board recertified its status as Lead Agency on May 12, 2025. The Planning Board determined that the requested modifications to the approved subdivision, Section A, are consistent with the earlier SEQR Findings Statement. No further SEQR action is required.

Submissions. The following submissions were considered by the Planning Board in making their decision and incorporated by reference as if fully set forth herein:

- 1) Application Forms package, signed by George Weinberger, dated October 8, 2024.
- 2) Narrative Summary, by Paul Baum, Esq., dated October 7, 2024, with exhibits:
 - i) Ex. A – Resolution PB-04 of 2009
 - ii) Ex. B – Resolution PB-04 of 2010
 - iii) Ex. C – Weinberger Subdivision, Final Plat, Section A, stamped by William Youngblood, LS, with latest revision date of June 17, 2009
 - iv) Ex. D – Weinberger Subdivision, Grading and Drainage Plans, Drawing Numbers 8 & 9, stamped by Leonard Jackson PE, Leonard Jackson Associates, with latest revision date of June 17, 2009.
- 3) An underdrain report on the three lots, prepared by CivilTec Engineering, dated March 5, 2025, which noted the results of soil testing conducted on December 10, 2024. In their report revised March 5, 2025, they made the following key findings”:
 - i) For Lot 24, the proposed basement floor elevation is 405. No sign of groundwater was found at elevation 398 (7+ feet of separation). An underdrain is recommended.
 - ii) For Lot 22, the proposed basement floor elevation is 401. No sign of groundwater was found at elevation 390 (11+ feet of separation). An underdrain is recommended.
 - iii) For Lot 21, the proposed basement floor elevation is 396. Groundwater was found at elevation 389 (7 feet of separation).
- 4) Weinberger Subdivision Plan. Prepared, signed and stamped by Leonard Jackson P.E., of Leonard Jackson Associates, dated May 16, 2007, last revised March 5, 2025
 - i) Drawing Number: 8 / Grading, Drainage & Utility Plan (Section A).
- 5) Weinberger Subdivision, prepared by Alexander F. Ciesluk, JR, dated March 12, 2009.
- 6) Foundation Underdrain Detail.
- 7) Weinberger Subdivision: Map Notes Excerpted from Final Subdivision Plans, prepared by Leonard Jackson Associates, dated January 17, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law and Subdivision Law, the advice of its consulting engineer and planner as regards all materials submitted by the Applicant, and all public comments related to this application. After said deliberation, the Planning Board hereby approves that the Application to remove the restriction prohibiting basements on Lots 21, 22 and 24.

BE IT FURTHER RESOLVED, that the aforesaid approval is granted pursuant to payment of all fees due and owing to the Village of Montebello as related to this approval process.

On the Motion of Member Shipley, seconded by Member Aufgang, the Planning Board granted the aforementioned modification to the Weinberger subdivision on a roll-call vote of 5 yeas and 0 nays as set forth herein:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	<u>√</u>	_____	_____
Stan Shipley, Member, Vice Chairman	<u>√</u>	_____	_____
Marlo Dickman, Member	<u>√</u>	_____	_____
Joan Materna, Member	<u>√</u>	_____	_____
Ariel Aufgang, Member	<u>√</u>	_____	_____

Zalmen Rubin
66 Mile Road. Montebello, NY 10901
Stream and Wetlands Protection Permit

Application of Zalmen Rubin, 20 Algonquin Circle, Airmont, NY 10952 for a Wetlands and Stream Protection permit to construct and addition to an existing home that lies within the buffer to the wetlands. The parcel is located on the east side of Mile Road, 1500 feet north of Montebello Road, and is shown on the Ramapo Tax Map as Section 48.19 Block 1 Lot 15 in the RR-50 Zone.

The applicant Zalmen Rubin, and his attorney Paul Baum and engineer Paul Gdanski were present. Mr. Baum explained that the property is located next to Kathy Gorman Ponds Park and is traversed by a stream, and that the existing house sits in the buffer to the wetlands. The proposed 6,281 square foot addition in the rear of the property will be constructed on land that is already disturbed where the pool currently sits.

Mr. Baum clarified that no portion of the wetlands or the stream will be disturbed since the house is above the flood plan. Still, the stream is the purview of the New York State DEC and a permit from that agency is required. A Certificate of Appropriateness (COA) from the Historic Preservation and Parks Commission (HPPC) is also required because the house is within the Scenic and Historic Roads Overlay District. This is a Type II action under SEQR and therefore not subject to further review, he added.

Mr. Baum explained that there is an issue with how development coverage is calculated, however. According to Building Inspector Adam Gordon, FAR is based on gross area but Development coverage is calculated using net lot area, and in this case, a variance will be needed. He explained that they were appealing this determination to the ZBA on behalf of another application for a wetlands permit at 17 Sterling Forest Lane, and the results will affect this application.

Member Aufgang said he thought that steep slopes and wetlands are always subtracted from lot area. Mr. Gdanski said that he did some research and found that the Village has not been historically consistent to this end, noting that [former building inspector] Larry Picarello calculated it both ways. Chairman Caridi asked why they weren’t going to the ZBA first, and Member Shipley said that the ZBA should render a decision before the Planning Board weighs in. Mr. Baum stated they would prefer to wait for the ZBA determination on 17 Sterling Forest, which would affect this application’s trajectory.

Mr. Gdanski said that ultimately it is a Building Department issue because if the Building Inspector denies a building permit, then an application to the ZBA will be made. Mr. Rubin said either way, the house is in the buffer and a wetlands permit is needed. Chairman Caridi was still concerned about the process. Mr. Baum said both applications can be done independently, and that if the Board grants the wetlands permit, then they would be free to apply for a building permit. If a denial letter is issued from

the Building Inspector, then we will apply to the ZBA or reduce the size of the addition to avoid a variance.

Ms. Terhune was not clear on whether this Board can act independently from the ZBA. Chairman Caridi said he understood that no matter what, the applicant will need a wetlands permit. After some discussion, Ms. Terhune said that the Board needs a definitive answer on lot area calculations. Mr. Stach asked where the HPPC comes in, and Ms. Terhune said that the first order of business is to determine if calculations should be based on gross or net lot area, and advised waiting for the ZBA determination.

No one having any further comments, Member Dickman made a motion to set the public hearing for the Applicant's next Planning Board appearance. Member Aufgang seconded the motion. Upon vote, the motion carried, with four yeas and one nay from Member Shipley, who stated that the application is not ready for public comment give the variables.

Member Dickman made a motion to adjourn the application to the next Planning Board meeting, seconded by Member Aufgang and upon vote, all were in favor.

Minutes approval

Member Dickman made a motion to approve the minutes of the May 13, 2025 Planning Board meeting seconded by Member Materna and upon vote, all were in favor.

At 8:53 p.m., Member Materna made a motion to adjourn the meeting. The motion was seconded by Member Shipley and upon vote the motion carried.