

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY JULY 17, 2025, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NY. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present: Ezra Bryan, Vice Chairman, Member
Elizabeth Dugandzic, Member
Rosana Millos, Member
Kevin Stevens, Member

Others Present: Alyse Terhune, Assistant Village Attorney
Regina Rivera, Planning & Zoning Clerk

Absent: Rodney Gittens, Chairman

Meeting Minutes Approval

Member Stevens made a motion to approve the minutes of the June 26, 2025 ZBA meeting, seconded by Member Millos and upon vote, all were in favor.

Zvi Sternberg—1 Sheilah Court, Montebello, NY

Application of Zvi Sternberg, 1 Sheilah Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals. The Application is appealing the Building Inspector's denial of a ZBA application for an area variance for relief from Sec.195-82 D of the code of the Village of Montebello. The Parcel is located on the north side of Sheilah Court, at the intersection of Spook Rock Road, and is shown on the Ramapo Tax Map as Section 49.17 Block 1 Lot 3 in the R-55 Zone

The Applicant requested an adjournment to the next meeting. Member Millos made motions to adjourn the application and the public hearing to the August 21, 2025 ZBA meeting. Member Dugandzic seconded the motions and upon vote, all were in favor.

Abe Kohn--17 Sterling Forest Drive, Montebello, NY

Application of Abe Kohn, 17 Sterling Forest Lane, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for the construction of an addition to an existing house and an in-ground pool: Front Setback (for addition) [req. 50', proposed 30']; Front Yard (for addition) [req. 50', proposed 30']; Side Yard (pool) [req. 30', proposed 24']; Floor Area Ratio [max .15, proposed .265]; Dev. Coverage [max. 20%, proposed 22.2%] per Section 195-13 Use groups q and h of the zoning code of the Village of Montebello. The Parcel is located on the west side of Sterling Forest Lane at the intersection of Highgate Court, and is shown on the Ramapo Tax Map as Section 48.11 Block 1 Lot 3 in the RR-50 Zone.

Vice Chairman Bryan read the application into the record. The Applicant's attorney, Paul Baum, recapped the proposal and noted that there will be no disturbance in the wetlands themselves, only in the buffer to the wetlands, and that the DEC was thoroughly satisfied with the plan and issued a permit. The

Applicant attempted to relocate the pool further away from the wetlands. However, the constraints of the property leave no other viable location but the one proposed, he said.

He then explained that the front setback for the addition is required because this is an undersized lot in the RR-50 zone, and the existing house is already deficient at 30 feet from the property line. Even though the addition does not add to this non-conformity, the footprint of the house is changing and requires the variance.

Regarding the Development Coverage variance, Mr. Baum said that if was calculated using net lot area, but the FAR used gross lot area. The village code is clear about how the latter is calculated, but vague on development coverage, he said, and asked the Board for a final determination, adding that when the code is ambiguous, they must find favor with the property owner.

Member Stevens asked Mr. Baum if he had the authority to suggest this, and Mr. Baum answer that it is just common planning sense. There really is no reason for the differentiation, especially since the land is there, he said, and urged the board to agree with his interpretation.

Ms. Terhune said that the purpose of development coverage versus FAR is the size of the structure relative to the size of the lot. There is zero net increase no matter the kind of restrictions that burden the property. She said she drafted a memo for the Board to discuss at an Executive Session, during which she will aske the Building Inspector to weigh in once again for the benefit of this Board. The Board can then determine what is correct, and whatever they decide will carry forth. We need to be careful and act in a manner that is fair to the Applicant and to the Zoning code, she said.

Member Stevens asked Mr. Baum to explain the ambiguity of the language regarding development Coverage. Mr. Baum said that it lacks specificity and mentions only the percentage of the area of the "lot," not "minimum" or "net" lot area, which is ambiguous. FAR is based on gross lot area and the code is very clear on that. He said that substantiality must also be considered and that the benefits to the Applicant must be weighed against the safety and health of the community. Development coverage is just one factor among several, and the totality of the circumstances must be considered. There is nothing here that would be detrimental to the safety, health and welfare of the neighborhood, he said.

Member Stevens asked if they will remove trees and vegetation. Mr. Baum said no tress will be eliminated, and reminded him that the DEC has already granted their permit to allow disturbance in the buffer.

Member Bryan asked how much of the square footage is pushing the addition over the FAR threshold. Mr. Baum said the existing house is 4,237 square feet, and the proposed addition is 2,917 square feet, so the addition adds .08 to the FAR.

No one having further questions, Member Dugandzic made a motion to open the public hearing, seconded by Member Millos and upon vote, the motion carried.

Barry Romoff, 8 Highgate Court, Montebello, NY said he could not understand why the Village would consider granting any variances to a property owner who has violated the code since they moved in. The property has been posted many times since, mostly for property maintenance issues and, over the past year, at least a dozen cars have been parking in the driveway down to the curb cut, effectively blocking line of site and causing a public hazard. They are not good neighbors, he added.

Regarding the net vs. gross lot area debate, Mr. Romoff said that having two different calculations makes no sense, and that if you're subtracting easements, wetlands and the like, and you go over the threshold, then the designated use of the property should be called into question. The proposal will double the size of the house. He also doubted that zero trees were being removed.

Finally, Mr. Romoff said that the proposal will disturb federal wetlands and disrupt wildlife and that rules were created years ago to prevent overbuilding.

Member Dugandzic asked Mr. Romoff if the Applicant made attempts to cure the violations. Mr. Romoff said they have not because they receive the same violations over and over. The yard is not maintained, there is trash everywhere and some of the vehicles in the driveway are unregistered, he said.

Marissa Romoff, 8 Highgate Court, Montebello, NY said she and her husband notice things on the property and never call to complain, even when the garbage cans remain at the curb for weeks. She said she has lived here for 27 years and has never had cause to call the Village Hall on a neighbor. Noting the proposed size of the house she asked how many bedrooms were planned, because more beds mean more cars, which creates a safety issue.

Ms. Terhune noted for the record that anything having to do with violations is a Building Department issue, not a ZBA issue, and that decisions cannot be made on whether someone is deemed a "good neighbor."

David Volfman, 18 Sterling Forest Lane, Montebello, NY said that the Kohns moved here from Brooklyn where they still spend much of their time, and that he calls them when he notices that the grass needs to be taken care of. Mr. Volfman said they are not bad neighbors, and that this is a communication issue. He said he finds the Kohns receptive and eager to comply when made aware of any violations. He noted that the house will be large, but that they have many small children and that they will require more room and more privacy.

Ms. Terhune noted for the record that anyone who buys a piece of property is charged with awareness of the Village code. Mr. Volfman said that it is sometimes difficult to keep up with the property when they are not living there full-time. Member Bryan said that it is the homeowner's responsibility to follow the rules.

Yakov Spaeth, 40 Bayard Lane, Montebello, NY said that he is familiar with the site because his own house lies straight through the woods behind the house, and stated that the DEC would not have granted a permit if any wetlands were to be disturbed.

Ms. Terhune read two letters into the record that were submitted to the ZBA for public comments. One from Mayer Gluck, 2 Highgate Court, Montebello, NY, in which he strongly states his support for the project because he believes it will be a positive enhancement to both the property and the overall character of the neighborhood. The other letter was submitted by Howard Lipstein, 16 Sterling Forest Lane, Montebello, NY, who strongly objected to the project due to its potential adverse impacts on the environment, traffic, noise pollution, character of the neighborhood and to neighboring properties.

(Copies of the letter are on file at Village Hall)

Vice Chairman Bryan stated that there are processes and procedures that allow residents to express their feelings about things that might be difficult for them to accept, and this Board allows the conversations that facilitates mutual understanding of both sides, and offers advice from the attorneys.

Member Millos asked Mr. Romoff what he saw during the recent torrential rains. Mr. Romoff said there was a considerable amount of flooding and that the drop-off behind 17 Sterling Forest Lane is steep and the wetlands beyond were flooded. Mr. Volfman acknowledged that the rivulets in the wetlands do get high during weather events, but that there is plenty of room for stormwater to flow.

Mr. Spaeth said that the Mahwah River is behind his own house and that it never flows into the buffer, even during torrential rainstorms. Vice Chairman Bryan said to Mr. Spaeth that just because you didn't experience flooding doesn't mean it can't happen.

No one having any comments, Member Millos made a motion to adjourn the Application and the public hearing to the August meeting. The motion was seconded by Member Dugandzic and upon vote, all were in favor.

The Board requested that the Building Inspector, Adam Gordon, attend the next meeting to clarify his standing on net versus gross lot area.

Pomona Enterprises--158 Spook Rock Road, Montebello, NY

Application of Pomona Enterprises, PO Box 515, Pomona, NY 10970 on behalf of the property owner, YSMD Holdings LLC for a variance for: Front Yard Fence Height: [max. 4', proposed 6'] per Section 195-19C of the code of the Village of Montebello. The Parcel is located on the east side of Spook Rock Road, 500 feet north of Viola Road, and is shown on the Ramapo Tax Map as Section 49.05 Block 1 Lot 13 in the RR-50 Zone.

Present were Yakov Spaeth and Steve Saffer of Pomona Enterprise and the property owner, Joseph Bistrizky. After Mr. Spaeth summarized the application, Mr. Bistrizky explained that he lives in the city and wished to install the black wrought iron fence around the entirety of his property for safety issues, explaining that his grandchildren will visit often and he'd like to keep the wildlife out of his property. It's a beautiful fence, and the two extra feet [in height] make a big difference in safety, he said. Mr. Spaeth added that the only portion of the fence that is not code compliant is along Spook Rock Road in the designated front yard, and that the rest of the fence is compliant.

Members Millos and Dugandzic did not understand why there needed to be a six-foot fence in the front yard. Mr. Bistrizky said that he wanted to keep all animals out for the sake of the grandchildren and to protect his gardens. Member Millos suggested that he relocate the fence further in beyond the required fifty-foot yard. Mr. Spaeth said the house is oriented toward the driveway instead of Spook Rock, and did not see the harm in keeping the fence where it was, especially since it was installed in a dip and appears shorter than six feet. Member Bryan said that it doesn't matter how the house is oriented, Spook Rock Road is still the front yard.

Member Dugandzic made a motion to open the public hearing, seconded by Member Millos and upon vote, all were in favor.

Barry Romoff, 8 Highgate Court, Montebello, NY said that deer can jump up to twelve feet high, and that the Village put the code into place so properties won't look like fortresses. People are moving here from the city for the charm and nature, but they want to make it look like the city. There are rules in place and if you grant the variance, you will open up a can of worms and there will be fortresses all along the roads throughout the village, he said.

Mr. Bistritzky said that he knocked down an old ugly house and built a beautiful house in its place of which the neighborhood could be proud, and encouraged Mr. Romoff to drive by to see the house himself.

Vice Chairman Bryan stated that the fence that was installed, without a permit, does not align with the code, and now this Board is being asked to decide if the fence can remain as is. We are not reviewing the house, nor the materials of the fence, merely the height of the fence, he said. Mr. Spaeth took full ownership of the gaff and said that he stopped the installation once the violation was received.

Member Stevens asked if Mr. Bistritzky was open to relocating the fence to bring it into compliance, but he replied that there is not enough room to push the fence back fifty feet, which would essentially put the fence in the middle of the driveway. Member Millos asked him to compromise by relocating it further back to be less visible from the road. Mr. Spaeth offered to move it back seven to ten feet and conferred with the Board on the desired relocation site. Mr. Spaeth announced that they would convene to adjust the site plan accordingly for further review.

Member Millos made a motion to adjourn the application and the public hearing to the August 21, 2025 meeting, seconded by Member Dugandzic and upon vote, all were in favor.

Member Millos made a motion to adjourn the meeting at 8:39 p.m. Member Stevens seconded the motion and upon vote, the motion passed unanimously.