

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY NOVEMBER 20, 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: Rodney Gittens, Chairman  
Ezra Bryan, Vice Chairman, Member  
Rosana Millos, Member  
Kevin Stevens, Member  
Carrine Kaufer, Ad Hoc

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

Absent: Elizabeth Dugandzic, Member

### **Meeting Minutes Approval**

Member Millos made a motion to approve the minutes of the October 16, 2025 ZBA meeting, seconded by Member Stevens 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 .203]; Dev. Coverage [max. 20%, proposed 22.4%] 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.

Yehudis Kohn, the Applicant, was present. Chairman Gittens read the application into the record, noting that this is a new application, that the Applicant's previous requests were denied by the Board, and that this appearance is not a public hearing. After Ms. Kohn was sworn in, she stated that the Board's major concern was the FAR variance. As a result, she explained, the home was redesigned to remove most of the habitable space in the basement by adding a three-foot drop ceiling. She explained further that they tried to reduce the development coverage as well by removing the driveway on Highgate Court, but that proved impossible since it is calculated using net lot area and in any case, the driveway keeps their children safe and off of Highgate Court where cars drive by extremely fast.

Chairman Gittens established that the current site plan was updated from the previous, and asked if the basement under the addition will be dug out. Ms. Kohn said it will be dug out for structural reasons but that it will not be habitable. Ms. Terhune asked if the basement is habitable now, adding that it was hard to determine on the plans which part of the basement is habitable and which is not. She then asked why they were digging out the basement if they weren't going to use it. Ms. Kohn said that she was told by her architect that it is structurally necessary. Ms. Terhune said that she referred this plan to the Village Engineer for comments which will be shared with her engineer

Chairman Gittens asked for spot elevations and details of the basement to delineate the dimensions of each space. Member Stevens asked for details on the types of mechanicals in the mechanical space in the basement.

Chairman Gittens stated that he was dubious about the drop ceiling because it is just a temporary fix that can easily be removed. Ms. Terhune said that the plans dated January 25<sup>th</sup> from the previous application show basements spaces with various labels such as "entrance lobby, boys' gym, mediation room," for example. Now there is the question of the drop ceiling portion of the basement, she said, and asked Ms. Kohn to elaborate.

Ms. Kohn said that they were originally asked to label the rooms but that they did not, at that time, have any specific designations. She added that the dug-out portion of the basement does not have adequate headroom for living space. Ms. Terhune and the Chairman reiterated the need for details and delineation of the basement.

Member Stevens suggested that the addition be constructed on a slab rather than a crawl space. Ms. Kohn said again that she was told that the crawl space was necessary structurally but that she would speak with her design team about a slab.

Ms. Terhune noted that no effort was made to reduce the other variances for setbacks, side yards and development coverage and suggested that they consider further reductions. Member Stevens asked if the area designated STAV entrance was temporary. Ms. Kohn said it is the construction entrance on the existing driveway on Highgate Court, and that they were considering adding a walkway in that spot for her children's safety. Ms. Terhune said that if that driveway were removed and replaced with grass, the development coverage variance could be reduced if not eliminated, but Ms. Kohn insisted she wanted to keep it for the safety of her children. Ms. Terhune countered that if it were grass, then the children's safety would be assured because they would not be riding their scooters and bikes in that area which is so close to the road. Ms. Kohn said she would consider that as long as she can keep most of the driveway on Sterling Forest Lane.

Member Bryan noted that a great deal of design and engineering work is going into a space that won't even be used. It seems excessive and more consideration should be given to reducing the FAR in other ways, he added. Member Stevens confirmed that the footprint of the house has not changed from the last iteration.

No one having further comments, the matter was adjourned pending receipt of plans that show delineated uses and dimensions of the basement, a site plan with clear setback and property lines and a legend, reasons for the inclusion of the crawlspace, and the removal of the driveway on Highgate Court.

#### **Hudson Design on behalf of Mendy Kempler—213 Spook Rock Road, Montebello, NY**

Application of James Copeland of Hudson Design, 3052 Route 9, Cold Spring, NY 10516, which was submitted to the Village of Montebello Zoning Board of Appeals on behalf of the homeowner Mendy Kempler for an area variance for: Side yard: [req. 25', proposed 5'] per Sec. 195-13 Use group h of the code of the Village of Montebello. The Applicant previously received a variance for same for improvements to an existing home, however, the layout of the driveway that was built varies from the originally approved driveway layout. The Parcel is located on the east side of Spook Rock road, 10 feet from the intersection of Topaz Court and is shown on the Ramapo Tax Map as Section 49.13 Block 1 Lot 4 in the RR-50 Zone.

Gracie McGuiness of Hudson Design was present on behalf of the homeowners. Ms. McGuiness stated that they received area variances in 2023 for an addition to the existing house, but that the completed driveway configuration differs from the configuration that the ZBA approved. She explained that towards the end of the project, there were budgetary and time constraints and the homeowner decided to use less asphalt. Instead of a circular driveway, the existing curb cut remains and the asphalt remains five feet from the property line.

Ms. McGuiness said they are merely asking for a re-approval of the same 20' variance under circumstances that decreased the development coverage by using less ground for the driveway. The "before," "in-between" and "as-built" layouts with a comparative bulk table were submitted to the Board for perspective, she said, noting the wooded area between the driveway and the neighbors' flag lot driveway.

Chairman Gittens thought the application was clear and reasonable and asked the Board to set the public hearing. Member Bryan made a motion to set the public hearing for the December 18, 2025 ZBA meeting, seconded by Member Millos and upon vote all were in favor.

Chairman Gittens asked Ms. McGuiness to bring photos of the side yard and the retaining wall to the December meeting. Member Stevens asked about the gravel path. Ms. McGuiness explained that the path continues all the way around the yard and extends into a gravel swale to the north. This is a strange lot in that pre-existing elements spill into the flag lot property, she said, adding that they made a point of not touching anything over that property line.

The Board thanked her for her time.

## **New Business**

Chairman Gittens welcomed new Ad Hoc Member Carrine Kaufer who holds a master's degree in city planning and who is currently a municipal manager in Sussex County, New Jersey.

Member Stevens made a motion to adjourn the meeting at 7:52 p.m., seconded by Member Millos and upon vote, the motion passed unanimously.