

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY FEBRUARY 19, 2026, 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
Elizabeth Dugandzic, Member
Kevin Stevens, Member
Rosana Millos, Member
Carrine Kaufer, Ad Hoc

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

Absent: Kevin Stevens, Member

Meeting Minutes Approval

Member Millos made a motion to approve the minutes of the January 15, 2026, ZBA meeting, seconded by Member Dugandzic and upon vote, all were in favor.

Abe Kohn--17 Sterling Forest Drive, Montebello, NY – PUBLIC HEARING

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.

Present were the Applicant Yehudis Kohn, and Engineer Anthony Celentano, who was standing in for the Applicant's engineer Paul Gdanski. Mr. Celentano explained that at the last meeting, the Board requested comments from the Village Engineer, Martin Spence, on the basement and crawl space details. Mr. Spence submitted two reviews, the first dated February 6, 2026, in which he made four recommendations. The Applicant addressed those recommendations after which Mr. Spence issued a second letter dated February 18, 2026, recommending only that the crawl space elevation should be labeled on the plan for clarity.

Mr. Celentano explained that the first floor will be three feet higher than it is now, and that the basement will be 6.9 feet higher than the 100-year flood line. Chairman Gittens asked for more details on the crawl space, stating that the plans were unclear, and that Village Code defines a crawl space as "a space... between the ground and the first floor...and permits access but is not greater in height than three feet six inches." Mr. Celentano said that the basement floor will be framed in wood and filled in with gravel up to 5.9' feet. Member Kaufer said that the elevations are shown on page A-102 of the architectural plans, and that it shows an overhead clearance of 3.6' after the 5.9' of fill and gravel is installed. She added that she was mystified as to why it is labeled "(optional)." Chairman Gittens was not satisfied that this was accurate and reiterated his request for clarification.

There was some discussion regarding the crawl space, elevations and other architectural details that left the Board with more questions. Ms. Kohn phoned the architect who aided them in their further discussions, after which Ms. Terhune noted that asking for more and more details at each meeting is futile and that the Board should have enough information to close the public hearing and make a decision. Chairman Gittens agreed and opened the public hearing.

Barry Romoff, 8 Highgate Court, Montebello, New York, stated that he was dismayed that the house will not have a garage, especially since there are always so many cars in the driveway. He also stated his displeasure over the size of the house and opined that it will be too large to fit in with the character of the neighborhood and the other houses.

Yehuda Kohn, 11 Sterling Forest Lane, Montebello, New York said that he understands why the proposal is large, citing his own childhood spent in a four-bedroom colonial in Rockland County. His Parents extended the house that sat on three quarters of any acre in order to accommodate their

growing family and they did so by applying for area variances. He stated that the houses in the area were over 50 years old, which will be updated as new families move in, so this addition will not be so imposing. Although the plans need some fine-tuning, he said he hoped the Board granted the requested variances.

Marissa Romoff, 8 Highgate Court, Montebello, New York, said that she could not understand why the Kohns need such a large house, especially since it is not their primary residence. She then stated that since they did not live there, they should not be allowed to impact the neighborhood adversely with such a large house.

No one else from the public wished to speak. Member Bryan made a motion to close the public hearing, seconded by member Duganzic, and upon vote, all were in favor.

Chairman Gittens compared the project against the criteria by which applications are weighed and determined that the proposal would certainly change the character of the neighborhood, that the variances are substantial, and that the need was self-created. He then asked the other Board members to share their thoughts.

Member Millos said that zoning laws exist for a reason and that the Applicant could have purchased larger house on a bigger piece of land. She said she understood that they want the house to fit their lifestyle and family, and that updating a house and making it a home is a wonderful thing. However, she continued, the house they wish to change will be exceptionally large and not in step with the zoning laws, and felt it was prudent to deny the variances. Member Dugandzic stated simply that while the plans are lovely, the Applicant is asking for too much. Member Bryan agreed with both comments and added that there are other ways to achieve what they need. Member Kaufer agreed that the scope of the variances being sought are significant and noted that there are other ways to achieve more living space. The requests are too large *not* to have an impact on the neighborhood, she said.

Mrs. Kohn said that she appreciated the Board’s comments but that she did not wish to embark on a third ZBA application and asked if she could ask her engineer to reduce the variances and return next month. Chairman Gittens, however, said that the Board was ready to make a decision.

Member Bryan made a motion to deny the requested variances. Member Millos seconded the motion, and upon vote, the motion passed unanimously.

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS
COUNTY OF ROCKLAND, STATE OF NEW YORK

CALENDAR CASE NO. 1200

X

In the Matter of the Application of
Abe Kohn

**VARIANCE DECISION FOR
PROPERTY IDENTIFIED ON
THE VILLAGE OF
MONTEBELLO TAX MAP AS
Section 48.11, Block 1, Lot 13**

for relief from Section 195-13, Table of General Bulk
Requirements, Use Group “h” and “q” of the
Village of Montebello Zoning Law.

X

**APPLICATION II SEEKING RELIEF FROM THE VILLAGE OF MONTEBELLO
ZONING LAW TO CONSTRUCT AN ADDITION TO THE EXISTING SINGLE-
FAMILY DWELLING AND A SWIMMING POOL**

The Application. This is the second application from Abe Kohn, the owner of the subject property (the Applicant), seeking relief from the Village of Montebello Zoning Law in order to enlarge a single-family home and construct a swimming pool. The subject property is located at 17 Sterling Forest Lane, Village of Montebello, County of Rockland, State of New York. It is identified on the Tax Map as Section 48.11, Block 1, Lot 13 (the “Property”). The Property is located in the Rural Residential-50 (“RR-50”) zoning district, requiring a minimum of 50,000

square feet, and is governed by § 195-13, “Table of General Bulk Requirements,” use group “h.” The 35,229 square-foot lot is undersized and because it is a corner lot must comply with the bulk standards associated with two front yards (facing Highgate Court and Sterling Forest Lane). These circumstances result in multiple pre-existing nonconformities including lot size, front setback and front yard setback (50 feet to 25 feet).

The Prior Decision. In April 2025, the Applicant sought the following variances:

- 1) a 20-foot, 40% variance from the required 50-foot front yard 30 feet (for the addition); and
- (2) a 20-foot, 40% variance from the required 50-foot front yard *setback* to 30 feet (for the addition); and
- (3) a 17% variance from the 30-foot required side yard to 24.9 feet (for the pool); and
- (4), a 35% FAR from the required 15% to 20.3%; and
- (5) an 11% variance for development coverage from the required 20% to 22.2%.

By Decision No. 1197, dated October 16, 2025, the Zoning Board denied the application in its entirety. Decision No. 1197 is included by reference as if fully set forth herein.

In November 2025, the Applicant reapplied for the same variances with the exception that the requested FAR variance was reduced:

- 1) a 20-foot, 40% variance from the required 50-foot front yard 30 feet (for the addition); and
- (2) a 20-foot, 40% variance from the required 50-foot front yard *setback* to 30 feet (for the addition); and
- (3) a 17% variance from the 30-foot required side yard to 24.9 feet (for the pool); and
- (4), a 15.3% FAR from the required 15% to 17.3%; and
- (5) an 11% variance for development coverage from the required 20% to 22.2%.

The FAR reduction was achieved by reducing the size of the basement by building a portion of the new construction on slab. However, after consultation with the Village engineer and after several requests to clarify the plans, including most specifically, the basement foundation plans, the Board was not satisfied that certain portions of the basement would remain undeveloped. The architect did not attend any of the meetings, although the Board requested his appearance. During the February 2026 meeting the Applicant finally offered to call the architect and place him on speaker. However, the person called did not identify himself as Rodger Braley, the architect of record, and could not answer questions to the satisfaction of the Board.

Submissions. The following materials were submitted to the Board, which are incorporated into and made a part of this Decision as if set forth fully herein and upon which the Board relied during its deliberations:

1. Denial notification, prepared by Adam Gordon, Building Inspector, dated October 17, 2024, follow-up letter prepared in June 2025 from BI Gordon stating, among other things, that development coverage should be calculated on “Net” area; and
2. Application, prepared by Abe Kohn, dated April 8, 2025; and
3. Plot Plan, detail sheet and alternative layout plan 1 and 2, prepared by Paul Gdanski, P.E., dated January 1, 2024, last revised, February 11, 2026; and
4. Floor plans and architectural plans, prepared by Rodger Braley, Architects, dated August 2, 2024, last revised February 11, 2026, consisting of the Cover, and sheets A-101

(foundation footing), A-102 (basement floor plan), A-103 (first floor framing plan), A-104 (second floor framing plan), A-105 (elevations), A-106 (roof plan), A-107 (details), PL-01 (plumbing), E-101 (basement floor electric plan), E-102 (first floor electric plan), and SP-01 (notes and specifications); and

5. Comments dated February 6, 2026, and February 18, 2026, prepared by Martin Spence, Village engineer.

General Municipal Law § 239. The application was duly referred to the Rockland County Department of Planning (“RCDP”) pursuant to GML § 239. By letter dated December 11, 2025, RCDP responded with ten (10) comments related solely to the requested variances. The Applicant agreed to comply with all comments if the variances were granted.

State Environmental Quality Review Act (SEQRA). The Board determined that the application is a Type II action pursuant to 6 NYCRR 617.5(c)(16), granting individual setback and lot line variances and adjustments, and (c)(17), granting of an area variance for a single-family, two-family, or three-family residence. No further SEQRA action was required.

Public Hearing. A duly noticed public hearing was convened on January 15, 2026, and continued February 19, 2026. During the public hearing, the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After providing an opportunity to receive comments from the public, the hearing was closed on February 19, 2026.

ZONING BOARD FINDINGS

The Board’s Findings. When considering whether to grant area variances, the Board must evaluate, and did evaluate, (1) whether granting said variances will produce an undesirable change in the character of the neighborhood, (2) whether the benefit sought by the Applicant can be achieved by some other method, (3) whether the requested variances are substantial, (4) whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and (5) whether the alleged difficulty was self-created. Area variances so granted by the Board must be the minimum variance that it deems necessary and adequate.

The Zoning Board considered the Applicant’s testimony, the application and submissions, the zoning law, the proposed project, public comment or lack thereof, the five statutory factors, and weighed the detriment to the community if the variances were granted and reached the following conclusions:

1. The Board determined that the requested variances, if granted, will produce an undesirable change in the character of the neighborhood. The existing house is 4,237 sq. ft. If granted, the variances will increase the size of the house by 44% and result in a house that is out of character with the neighborhood. The Board also noted that by eliminating the garage in order to increase living space, all cars will be parked in the driveway and/or the street, which will degrade the aesthetics of the neighborhood.

As noted in the prior decision, the Board discussed the relevance of the zoning law to the character of the neighborhood. By its nature and intent, the zoning law defines the proposed character of neighborhoods and the community. Any variance, especially a substantial variance of Floor Area Ratio (along with 4 other variances), disturbs the character of the neighborhood and should be granted only when environmental lot constraints factor prominently in the request and not merely the desire of the Applicant for a larger house. Especially where, as here, the Applicant purchased a pre-existing nonconforming lot with a preexisting nonconforming house on it.

2. The Board determined that the benefit sought by the Applicant could be achieved by some other method. The Applicant could have designed an addition that is closer to the permitted bulk standards. But first, the Applicant could have also purchased a larger lot, or at least a conforming lot, especially since the stated need for the addition was to accommodate the Applicant’s family. Also noted again, is the fact that many of the areas of the house appear to be duplicative, oversized and not typically seen in a single-family-house. For example, the floor plans and architectural plans dated February 11, 2026, include, a living room (504 sq. ft.), a family room (formerly an “entrance lobby”) (382 sq. ft.), a den (approximately 128 sq. ft.), a laundry room (although there is no plumbing to it)(approximately 111 sq. ft.), a storage room (approximately 166 sq. ft.), another study (161 sq. ft.), a play room (166 sq. ft.), another laundry (50 sq. ft.), in addition to six bedrooms and a large kitchen area.
3. The Board determined that the variances are substantial and little was done to reduce them. Only FAR was reduced from 20.3 to 17.3 and the Board remained uncertain whether the basement could be enlarged later. Although reduced, the FAR variance remains 15.5% greater than allowed. The two setback variances remain 40% greater than allowed. The side yard setback for the pool remains 17% greater than allowed. The development coverage variance remains 11.3% greater than allowed. The totality of the requested variances, especially applied to a substandard lot, are excessive.
4. The Board determined that the variances, if granted, will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board noted that there are wetlands on the lot and that variances will allow structures to be built closer to the wetlands and may increase flooding. Finally, the variances will likely result in an increase in the carbon footprint.
5. The Board determined that the alleged difficulty is self-created. As stated in the first denial decision, the Applicant, like anyone, is charged with knowing the zoning law prior to purchasing land and buildings in the Village. The Applicant should have been aware that the lot was undersized and nonconforming prior to purchase. No one is entitled to multiple significant variances merely because they purchased an undersized house on an undersized lot that did not meet their known needs.

Applicant’s burden. The Zoning Board of Appeals hereby finds and determines that the Applicant has not sustained his burden of proof as required by New York State Village Law and Village of Montebello Zoning Law as to the need for the requested variances. The Board further determines that the benefit to the Applicant if the variances are granted do not outweigh the detriment to the neighborhood or the community.

DECISION

NOW, THEREFORE, BE IT RESOLVED, for the reasons cited herein, the Zoning Board of Appeals denies each and every one of the five variances requested by the Applicant. The Decision was carried on a Motion by Member Bryan, seconded by Member Millos, on a roll call vote as follows:

	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[]	[✓]	[]	[]
Elizabeth Dugandzic, Member	[]	[✓]	[]	[]
Kevin Stevens, Member	[]	[]	[]	[✓]
Ezra Bryan, Member	[]	[✓]	[]	[]
Rosana Millos, Member	[]	[✓]	[]	[]
Carrine Piccolo-Kaufer, Ad Hoc	[]	[✓]	[]	[]

Yitzchok Zelcer—14 Fant Farm Lane, Montebello, NY

Application of Yitzchok Zelcer, owner of 14 Fant Farm Lane, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Rear yard [required 20 feet, existing 0 feet]; Side Yard [required 20 feet, existing 17.3 feet]; Side Yard (pool) [required 30 feet, existing 29.4 feet] as per Section 195, attachment 2, Row t, and Section 195-57D of the zoning code of the Village of Montebello for the construction of an in-ground pool for an existing single-family home. The parcel is located on the west side of Fant Farm Lane approximately 1600 feet north of the intersection of Spook Rock Road and is identified in the Ramapo Tax Map as Section 49.17 Block 1 Lot 2.11 in the ER-Zone.

The Applicant, Mr. Zelcer, and Mr. Celentano were present. Mr. Celentano noted that the Applicant previously received a variance to build a pool, but that his contractor got carried away a little, resulting in disparities between the plan that was approved by this Board, and the as-built survey that was submitted to the building department. This application asks for variances to bring what was built into compliance, he said, and made it clear that the pool size and location were built according to the plan, and that only the patio surrounding the pool is not code compliant.

Ms. Terhune said that the original approved pool plan showed a twenty-foot buffer between the edge of the pool and the lot line, where thirty feet was required, and that in 2023 this Board granted a ten foot variance. Now that area is paved over completely, she added.

The Applicant, Mr. Zelcer, was sworn in. He explained that there is a line of spruce trees that were planted for privacy, which was a condition of the 2023 approval. It is a natural buffer that hides the pool and the fence, and the patio cannot be seen from the neighbor's house, he added.

Discussions ensued among the Board members and Mr. Celentano regarding the current layout and conditions compared to the original site plan from May 2023. Mr. Zelcer admitted that he only had a dim understanding of how to read the site plan and that his contractor should have followed the survey. Member Bryan asked if the project's cost increased from the original quote, reasoning that there surely would be and increase if there were extra pavers and materials, but Mr. Zelcer said the final cost was very close to the estimate and guessed that his contractor had a vision not entirely based on the survey. He explained that he had no idea of this non-conformance until he rushed to get a final inspection before the building permit expired.

The Board and Mr. Celentano discussed the slope of the property, the height and location of the fence, and determined that there was no encroachment into the conservation easement beyond the property nor did they surpass the development coverage threshold. The Board was confident that the application could move forward. Member Dugandzic made a motion to set the public hearing for the March 19, 2026, ZBA meeting. Member Millos seconded the motion and upon vote, all were in favor.

Rifky Mehrel Goldstein—30 Viola Road, Montebello, NY

Application of Rifky Mehrel Goldstein, owner of 30 Viola Road, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for: Side Yard [req. 25' prop. 5.7']; Side Yard Pool/Spa [req. 35' prop. 37.4/12.2']; Rear Setback [req. 50' prop. 49.7']; Rear Yard [req. 25' prop. 3.6']; Development Coverage [req. 20% prop. 35.4%] FAR [req. .15 prop. .204] per Section 195-13 Attachment 2, use group h and Section 195-57D of the zoning code of the Village of Montebello. The Application is required in order to legalize and build a deck and for an addition to extend the kitchen. The parcel is located on the north side of Viola Road, seventy feet northeast of Mile Road and is identified on the Ramapo Tax Map as Section 48.08 Block 1 Lot 12.1 in the RR-50 Zone.

Mr. Celentano was the only representative present on behalf of the Applicant, as her attorney was unable to attend. After the Chairman read the application into the record, Mr. Celentano explained that the Applicant installed a sauna and hot tub in a structure on a concrete slab, without a permit and on top of a sewer easement. The Applicant wishes to bring this structure into compliance and proposes an addition to the rear of the house, he said. Regarding the

sewer easement, Mr. Celentano noted that the application must be referred to the Ramapo DPW for a hold-harmless agreement.

Ms. Terhune noted that the yard should be measured from the property line to the pool patio as well as to the patio around the sauna. After a cursory discussion on variances granted years prior when the house was constructed, Ms. Terhune requested to see that resolution and site plan. Member Bryan recommended that the application survey, which was now ten months old, be recertified and that the updated plans should denote the previous variances. Ms. Terhune advised the clerk to recirculate the application for another GML review. The Board concluded that the application was not yet ready for public comment and advised that they return with the requested changes.

Member Millos made motions to adjourn the application to the March 19, 2026, meeting, and to adjourn the meeting at 8:49 pm. Member Dugandzic seconded both motions and upon vote, all were in favor.