

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY MARCH 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  
Kevin Stevens, Member  
Rosana Millos, Member  
Carrine Kaufer, Ad Hoc

Others Present: Elizabeth Cassidy, Assistant Village Attorney  
Regina Rivera, Planning & Zoning Clerk

Absent: Elizabeth Dugandzic, Member  
Alyse Terhune, Assistant Village Attorney

### **Meeting Minutes Approval**

Member Stevens made a motion to approve the minutes of the February 19, 2026, ZBA meeting, seconded by Member Millos and upon vote, all were in favor.

### **Jacob Goldeberger—3 Henry Court, Montebello, NY**

**Application of Jacob Goldberger, owner of 3 Henry Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for a variance for: Development coverage [max. 30%, proposed 35%] as per Section 195, attachment 2, Row q of the zoning code of the Village of Montebello for the construction of an addition to a single-family home. The parcel is located on the north side of Henry Court, 75 feet from the intersection of Zeck Court and is identified in the Ramapo Tax Map as Section 48.10 Block 1 Lot 32 in the R-35 Zone.**

The Applicants, Mr. & Mrs. Goldberger were present with their attorney, Joseph Churgin. Mr. Churgin stated that his clients were seeking only one variance for an addition to their existing home for development coverage of 35% where 30% is the maximum. Currently, the home is at 33% coverage, an existing non-conformance, so the request is technically only 2%, he explained. The property is comprised of 1.3 acres but because development coverage is calculated using net lot area, and due to the proximity of the Mahwah River and its floodplain, the net lot is a little less than a half an acre.

The reason for the variance is to add a room to the rear of the house to accommodate the Goldberger's growing family, Mr. Churgin said, and added that the addition will not be as large as they had originally envisioned expressly to keep the variance as low as possible while still accommodating their needs. This application is not substantial, considering the actual lot size, and the addition will not be seen from the street, nor will it change the character of the neighborhood. The addition is the only way the family can achieve their goal, and while it is true that the need for the variance is self-created, as they often are, had it not been for the way development coverage is calculated, they would not even need relief, he said.

Mr. Goldberger was sworn in and stated that he bought the house mostly for the neighborhood. The plan was always to expand the house, however, he continued, they had no idea of the rules surrounding the wetlands and the river and so the plans were scaled back to the minimum amount of extra space needed for our comfort. We hope you will grant the variance because we are eager to start construction and move in, he said.

Chairman Gittens asked what they would use the addition for. Mr. Goldberger said that it will be a new living room as the kitchen and other areas on the first floor will be expanded. Chairman Gittens noted that the addition will comprise the first floor and the basement only and will not expand the second floor of the house.

Mrs. Goldberger was also sworn in and said that their current address is 17 Cragmere Road in Airmont. She said that they just had a baby and were hoping to be in the house in time for

the birth before they ran into this development coverage issue. She said that she wanted the Board to understand that they were very eager to move into the home with their new baby.

Chairman Gittens asked for a little more detail regarding the addition, and Mr. Stevens asked the square footage for the addition per floor. Mr. Churgin said that the addition will be on the same side as the deck and will not go deeper into the wetlands, and each floor of the addition [basement and first floor] will be 502 square feet. Member Millos asked if the existing 33% coverage is that of the original construction or if there had been additions to the house in the past. Mr. Churgin said that there were no other additions to the house since it was built.

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

Yonah Herzog, 57 Mayer Drive, Montebello, NY said that he has known the Goldbergs for three years and finds them to be wonderful people. He said that he had no objections to their proposal and that he is very much looking forward to welcoming them to the community.

Rabbi Shmuel Ganz, 56 Mayer Drive, Montebello, NY said that he has been living at his current address since 2015 and that he was very eager to have the Applicants as neighbors. He noted that the new development coverage calculation rule is a recent determination by the Building Inspector and that he felt it wasn't fair since they have over an acre of property and can't use half of it.

Janna Goodman, 55 Mayer Drive, Montebello, NY said that she supports the Goldberger's application and that she was excited to have them as neighbors.

The Board had several more questions about the addition and learned that kitchen will be extended into what is currently the living room, there will be a new laundry room next to the kitchen and that the basement will have egress so the downstairs bathroom can easily be accessed from the pool. The addition will only go as far as the depth of the existing deck, half of which will be removed to accommodate the addition. Mr. Churgin noted that the original plan would have extended closer to the wetlands, but they pulled it back. Member Bryan asked if there were other structures or changes proposed. Mr. Churgin said nothing else will change, not the driveway nor the hard surfaces around the existing pool. Member Bryan asked what percentage of the current house was being reconfigured. Mr. Churgin said roughly a quarter since the existing house is 4,000 square feet and the addition is 1,000 square feet.

No one else from the public had comments, Member Stevens made a motion to close the public hearing. Member Millos seconded the motion and upon vote, all were in favor.

Chairman Gittens reviewed the criteria by which variances are weighed, and noted that the variance is not substantial, that it will not change the character of the neighborhood, community or the environment, and that it could not really be achieved any other way, especially since the Applicant made efforts to keep the variance as low as possible. The need is self-created to a degree, but the topography of the property and the proximity of the Mahwah River are major contributing factors to the need. Chairman Gittens added that he personally was in favor of granting the variance.

Member Stevens said that it made sense to grant the variance since it was very small, and since there was no public opposition. Member Millos agreed and said that the variance is small compared to the actual size of the property. Member Bryan noted that the existing constraints of the property and the Applicants efforts to work as close to the zoning laws as possible and said he was in favor of the project. Member Kaufer she too was in favor especially since there are no setback variances being requested.

Member Millos made a motion to grant the variance seconded by Member Stevens. Upon vote, the motion passed unanimously.

In the Matter of the Application of  
Jacob Goldberger,

**VARIANCE DECISION FOR  
PROPERTIES IDENTIFIED ON  
THE VILLAGE OF  
MONTEBELLO TAX MAP AS  
Section 48.10-1-32**

for relief from the Village of Montebello Zoning Law  
Section 195-13, Table of Bulk Requirements, Use  
Group q, in the form of an area variance from  
development coverage requirements.

**APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO ZONING  
LAW FOR THE PURPOSE OF ENLARGING AN EXISTING SINGLE-FAMILY  
HOME**

**The purpose.** The Village of Montebello Zoning Board of Appeals (the “Board”) received an application for an area variance, dated February 8, 2026, from Jacob Goldberger (the “Applicant”), for property located at 3 Henry Court (the “Property”). The Property consists of one lot containing 58,266 gross square feet. However, after deducting area within the 100-year flood plan, utility easements, and slopes, the net lot area is 21,441 square feet. The lot is located on the northwest side of Henry Court, northeast side of Mayer Drive, approximately 300 feet southeast of Haverstraw Road in the Residential-35 zoning district and is identified on the Ramapo Tax Map as Section 49.10 Block 1 Lot 32.

**The application for variances.** The Applicant requests relief from the Village of Montebello Zoning Law Section 195-13, Table of Bulk Requirements, Use Group q, in the form of a 5% variance from the required maximum lot development coverage of 30% to 35% (a 16.7% increase from maximum allowed). The purpose of this request is to construct a new 1,005 square-foot two-story addition to an existing single-family home.

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

1. Denial letter dated February 10, 2026, prepared by Adam Gordon, Building Inspector; and
2. Application and narrative dated February 8, 2026; and
3. Survey prepared by Sparaco & Youngblood dated December 22, 2025; and
4. Architectural drawings prepared by Eric Knute Osborn, RA, dated December 18, 2025, pages A-1 through A-4.

**Agency Referrals.** The application was duly referred to all outside agencies with review and comment jurisdiction, including Rockland County Drainage Agency (RCDA), which responded by letter dated February 25, 2026, noting that the property is within RCDA jurisdiction and the Applicant must apply for a Stream Control Act permit.

**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 March 6, 2026,

RCDP determined this was a local decision with no significant county-wide or inter-community impacts.

**Public Hearing.** A duly noticed public hearing was convened on March 19, 2026, whereat the Zoning Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed.

**State Environmental Quality Review Act (SEQRA).** The Zoning Board of Appeals determined that the application was a Type II Action pursuant to 6 NYCRR 617.5(c)(17), “granting of an area variance for a single-family, two-family or three-family residence.” No further action was required.

## **FINDINGS**

**The Board’s Findings.** When considering whether to grant an area variance, the Board must evaluate, and did evaluate, (1) whether granting said variance 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 variance is substantial, (4) whether the proposed variance 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. Any area variance so granted by the Board must be the minimum variance that it deems necessary and adequate.

The Board made the following findings:

1. The Board considered whether the requested variance, if granted will produce an undesirable change in the character of the neighborhood and determined that it would not. The Board noted that the development coverage variance is the result of a reduction of gross to net lot area because of steep slopes and a flood area buffer. The addition is to the back of the house, facing the Mahwah River and shielded from the neighboring property by mature trees.
2. The Board considered whether the benefit sought by the Applicant could be achieved by some other method and determined that it could not. The addition is modest.
3. The Board considered whether the requested variance is substantial and determined that the variance is not substantial given the lot area constraints.
4. The Board considered whether the variance, if granted, will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and determined that it would not.
5. The Board considered whether the alleged difficulty was self-created and determined that it was. However, the Board noted that in nearly all circumstances the need for a variance is self-created, but that factor alone is generally not dispositive of whether the variance should be granted. Here, the detriment to the community does not outweigh the benefit to the applicant and, therefore, self-created need is not sufficient to deny the relief.

**Applicant’s burden.** The Zoning Board of Appeals hereby finds and determines that the Applicants have sustained their burden of proof as required by New York State Village Law and Village of Montebello Zoning Law as to the need for the requested variance.

## **DECISION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Montebello Zoning Board of Appeals on a Motion by Member Millos, seconded by Member Stevens, pursuant to the roll-call vote set forth below, hereby grants relief from Section 195-13, “Table of Bulk

Requirements,” Use Group “q,” to the property located at 3 Henry Court identified on the Ramapo Tax Map as Section 48.10, Block 1, Lot 32 in the form of a 5% variance from the required maximum lot development coverage of 30% to 35% (a 16.7% increase from maximum allowed).

In granting this variance, the Zoning Board relied on the testimony of the Applicant and the submissions identified herein and made a part of this Decision as if fully set forth herein. The variances are granted in reliance on their individual purposes as shown on the referenced application and plans and for no other purpose. Deviation from the variance granted by this Board shall invalidate this Decision and void the variance granted thereby by operation of law.

**BE IT FURTHER RESOLVED**, that these variances are granted pursuant to the following conditions:

1. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
2. Application for a Stream Control Act permit from the Rockland County Drainage Agency.
3. Revision of the Survey to calculate FAR on gross lot area instead of net lot area, thus confirming that a FAR variance was not needed.

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

**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 was present.

Member Millos made a motion to open the public hearing, seconded by Member Bryan and upon vote all were in favor. No one from the public was present.

Chairman Gittens read the application into the record, noted that the work was already performed and that the Applicant is trying to bring the work into compliance. Mr. Zelcer was sworn in and explained that he was before the Board a month prior when the application was reviewed thoroughly and that he was here for any questions the Board may have. He stated that he researched the cost of rectifying the patio and found it was quite significant at \$20,000 approximately. From a safety standpoint, however, the pool is safer with the patio on the deep

end, and he'd rather not remove it. Mr. Zelcer explained that his main focus has always been on safety and practicality, in that order.

Chairman Gittens said that the fence is too high and also requires a variance. Mr. Zelcer said that it was only six feet high and that it sits atop a two-foot retaining wall. There ensued a lengthy discussion on the fence, whether it could be moved six feet in from the property line for compliance (it could not), and whether or not the retaining wall counts towards the height. Ms. Cassidy recommended that the Building Inspector give a formal determination on the matter, and that if he deems the fence to be eight feet high, then the application must be modified to include that two-foot height variance. Mr. Zelcer agreed, adding that if the fence were lower there would be no privacy from the neighboring property.

Ms. Cassidy noted the correspondence from Rockland County Planning and the Rockland County Sewer District. The GML review recommended modifications based on their prior analysis and specifically required that the bulk table include all calculations, not just the ones requiring variances. All recommended GML changes should be made as it would be inappropriate to request any waivers. The letter from Rockland County Sewer District dated February 24<sup>th</sup> is not applicable here, she continued, but the conditions of both agencies should be incorporated into the next submission.

Member Bryan asked what caused the deviation from the plan. Mr. Zelcer said that he believed his contractor got carried away and did not properly consult the survey. Chairman Gittens requested that the contractor appear before the Board at the next meeting to explain what happened. Mr. Zelcer said he would try to get him there.

Ms. Cassidy recommended that Mr. Zelcer include his own responses to the Building Inspector's determination on the fence. Mr. Zelcer agreed to all conditions and said that, even though this is a hardship, he appreciates the Board's and the Village's efforts to protect the neighborhood.

Member Millos made a motion to adjourn the application and the public hearing to the April 16, 2026, ZBA meeting. Member Bryan seconded the motion and upon vote all were in favor.

Member Millos made a motion to adjourn the meeting at 8:07 p.m. Member Stevens seconded the motion and upon vote, all were in favor.