

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY JUNE 18, 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, Member

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

Absent:

Meeting Minutes Approval

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

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. The Chairman read the application and established the submittals.

The Applicant and the Board members engaged in a lengthy discussion about the height of the pool barrier fence specifically because it was installed at the property line on the northwest side of the pool. The height of the fence in the front of the pool by the driveway was not the issue as it is more than fifty feet from the property line. Nonetheless, the Board and the Applicant continued to discuss the height of the fence at grade, whether another variance is needed for the fence height, and the need for clarification on the memo from the Building Inspector, Adam Gordon, dated March 29, 2026 (attached).

Mr. Zelcer explained the exact height and location of the fence for which a CO was issued in 2024 and said that the Board asked about the fence height in front of the driveway at the previous meeting for which no issue exists. He offered to replace that northwest section of the fence with a four foot fence to bring it into compliance and asked that the Board concentrate on the patio variance. The discussion continued after which the consensus was that the Building Inspector should weigh in further at the next meeting.

Ms. Terhune reminded everyone that the Board previously granted a ten- foot variance for that side of the pool two years prior, and that no patio was ever proposed on that side. Member Millos asked why they added a patio in the twenty feet to the property line after all. Mr. Zelcer said that his contractor built it and that he had no idea that anything was wrong until he failed the final inspection. Member Millos said that granting a variance for the mistake would set a bad precedent, but Mr. Zelcer countered that it would set a bad precedent if it were a structure and should not apply to some hard scape, especially since there is a four-acre preserve behind the house. The patio can't even be seen from any vantage outside the property, he added.

Member Stevens asked if any licensed professional was consulted about the patio that was not originally on the plans. Mr. Zelcer said that he spoke initially with his engineer, Mr. Gdanski, but acknowledged that he subsequently changed his mind and spoke to his contractor about adding the patio. Member Stevens asked if he spoke to anyone in the Village about it, and Mr. Zelcer said that he never dreamed that it would be an issue and thought that the only issue was the distance of the pool itself to the property line.

Member Bryan stated that Mr. Zelcer was part of the original application for the variance, that he was part of the process, and he and his professionals should really have known better.

Member Stevens requested that the Building Inspector inspect the property once more and that he should attend the next meeting. All agreed.

Ms. Terhune noted that after-the-fact variance requests are becoming increasingly common and this Board would like to see fewer of them. In the end, the Board members and the Applicant said they were amenable to finding a compromise, and Mr. Zelcer was asked to return to the July meeting.

Member Millos made a motion to adjourn the public hearing to the July 14th ZBA meeting and to adjourn this meeting at 8:07 p.m. Member Stevens seconded both motions and upon vote, all were in favor.