A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY SEPTEMBER 17, 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:	Ezra Bryan, Vice Chairman, Member Rosana Millos, Member Carrine Kaufer, Member Isabelle Berkett-Green, Ad Hoc
Others Present:	Alyse Terhune, Assistant Village Attorney Regina Rivera, Planning & Zoning Clerk
Absent:	Rodney Gittens, Chairman

Meeting Minutes Approval

Member Millos made a motion to approve the minutes of the August 20, 2026, ZBA meeting, seconded by Member Kaufer and upon vote, all were in favor.

Yitzchok Zelcer—14 Fant Farm Lane, Montebello, NY public hearing continued

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]; Sie 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.

Mr. Zelcer said that after the last meeting, he consulted with his engineer and landscaper and came up with the latest submittal showing some mitigating measures, namely a proposal to cover up part of the patio with soil and astro turf. Member Bryan asked him why they left some pavers near the pool and Mr. Zelcer explained that his autistic son has sensory issues and would rather not walk on grass.

Ms. Terhune clarified that Mr. Zelcer was not removing any pavers and was proposing to cover them up. Mr. Zelcer said that his landscaper advised that removing the pavers would cause a lot of mud. Member Millos said that she had a problem with this proposal, that she understood the problem, especially regarding his son, but that there should be a buffer to the property line. Member Kaufer noted that the proposal does not diminish the variance in any way, shape or form.

Ms. Terhune advised Mr. Zelcer that he will have to remove the concrete if the Board denies his request. The Board and the Applicant discussed other possible solutions, to no avail. Mr. Zelcer surmised that the Board was leaning towards a "no" and asked for more time and another chance.

Vice Chairman Bryan said that he was given a lot of time to find ways to fix the problem with all solutions thus far lacking. Ms. Terhune said that the Board has the option of keeping the public hearing open and to give the Applicant very specific guidance on what it wants. Vice Chairman Bryan said that the Board has already given him clear direction, but it cannot design it for him. Member Kaufer said that no matter how the concrete is covered, the activity of the pool is still up to the property line.

The Board deliberated on whether to show some leniency, with all in agreement that some portion of that patio must be removed. Member Birkett-Green noted that the original variance that was granted was not adhered to, and this Board is trying to communicate very clearly that Mr. Zelcer put impervious surface where earth should be. She added that he can simply look back to what it was before. Ms. Terhune said that, in any case, concrete has to be removed, and the setback issue remains.

The Board unanimously agreed to give Mr. Zelcer one more try and adjourned the application to the October ZBA meeting on a motion made by Member Millos which was seconded by Member Kaufer.

Veolia Water New York, 270 Grandview Avenue, Wells No. 67/78, Montebello, NY
PUBLIC HEARING

Application of Veolia Water New York, Inc., 162 Old Mill Road, West Nyack, NY 10994 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Development Coverage [maximum 10%, proposed 12.3%] for the addition of a PFAS treatment & filtration system for existing Grandview Well Nos. 67/78. The Parcel is located on south side of Grandview Avenue just west of Kakiat Court in the Village of Montebello and is shown on the Ramapo Tax Map as Section 40.20 Block 1 Lot 7 in the OSR Zone.

Present: Applicant's attorney Lino Sciarretta, Veolia Project Manager Maria Stepanova, Engineer Colleen Meehan of GHD and Planner Ramya Ramanathan of Aztl, Nasher and Zigler. After Vice Chairman Bryan read the application into the record, Mr. Sciaretta presented an overview of the proposal, noting that the EPA dropped the allowable amount of PFAS in drinking water from 10 parts to four parts per trillion. These regulations begin in 2029, and they must be operational by next year in order to fully meet standards by then. He stated further that they were not increasing capacity, only adding a filtration system that comprises 1250 square feet next to the treatment materials that exist there now.

Ms. Meehan presented the location via aerial photos of the new treatment facility and the location of all structures on the site. She explained that they did their best to minimize development coverage by keeping the footprint as small as possible, and that they are now showing trees on the Western side for more coverage and added that the site is otherwise very well screened. The aerial photos also show the proximity of the site to surrounding properties

for added perspective, she said. Ms. Kaufer said she appreciated the thoroughness of the photos in relation to the site plan.

No one having further questions, member Millos made a motion to open the public hearing. Member Kaufer seconded the motion, and all were in favor, but no one from the public was there to speak.

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

After some discussion, the Board determined that the variance would not adversely impact the character of the neighborhood or the environment, that the benefit really cannot be achieved by any other means, that the need for the variance is not self-created and that the variance is essentially small. Mr. Sciarretta noted that the project will have a positive effect on the environment in that it will reduce PFAS in the drinking water.

Member Millos made a motion to grant the variance, which was seconded by Member Kaufer and upon vote, the motion passed unanimously.

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

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In the Matter of the Application of
Veolia Water New York, Inc.,

VARIANCE DECISION FOR PROPERTY IDENTIFIED ON THE VILLAGE OF MONTEBELLO TAX MAP AS Section 41.20, Block 1, Lot 7

for relief from the Village of Montebello Zoning Law Article IV, Section 195-13, "Table of Bulk Requirements," and Section 195, Attachment 2, use group "d," column 13, maximum development coverage.

_____X

APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO ZONING LAW FOR THE PURPOSE OF CONSTRUCTING A PFAS TREATMENT FACILITY AT VEOLIA WATER WELLS NOS. 67 & 68

The property location, zoning district and proposed project. The subject property is owned by Veolia Water New York, Inc. ("VWNY"). It is located at 270 Grandview Avenue, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 41.20, Block 1, Lot 7 (the "Parcel"). The Parcel is in the Open Space-Recreation District ("OSR") zoning district. Uses in the OSR district are governed by § 195-9, the Table of General

Use Requirements, which permits public utility buildings by special permit. Bulk regulations are governed by §195-13, the Table of Bulk Requirements, Use Group "d."

The application. The Parcel is currently improved with two water wells and a pump house. Application was made to the Zoning Board dated June 17, 2026, requesting a maximum development-coverage variance from the permitted 10% to 12.3% for the purpose of upgrading the existing Grandview well site by constructing a per- and polyfluoroalkyl substances ("PFAS") treatment facility. The proposed treatment facility is necessary to comply with new drinking water maximum contaminant levels of 4 parts per trillion ("ppt") for PFOA and PFOS enacted by the United States Environmental Protection ("EPA").

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

1. Application prepared by Gerardo P. Moreno, P.E., Director of Engineering, WVNY, dated June 17, 2026;
2. Narrative, prepared by WVNY dated July 7, 2026;
3. Site Plan, dated July 2026, last updated August 2026, prepared by GHD Services, Inc., Nicholas J. Hyde, P.E., consisting of the following sheets:

   General Sheets: GN-001 Cover Sheet, GN-002 Sheet List
   Civil Sheets: CI-001 Civil Legend and General Notes, CI-101 Existing Conditions Plan. CI-102 Existing Site Demolition Plan, CI-103 Proposed Site Plan, CI-103A Overall Proposed Site Plan, CI-104 Yard Piping and Profiles, CI-503 Civil Details, CI-701 Erosion and Sediment Control Notes, CI-702 Erosion and Sediment Control Plan, CI-703 Erosion and Sediment Control Details
   Architectural Sheets: AR-001 Legends, Abbreviations, Isometric View, and Code Compliance, AR-201 Exterior Elevations, AR-601 Schedules and Details.
4. Short Environment Assessment Form, dated June 12, 2026, revised July 1, 2026, prepared by Ramya Ramanathan, AICP, PP, Director of Planning; and
5. Letter, dated August 21, 2026, prepared by Atzl, Nasher & Zigler, P.C., acknowledging and agreeing to all applicable terms set forth in the comment letters from Rockland County Department of Health Letter, Rockland County Department of Planning and Rockland County Sewer District No. 1.
6. Aerial and site photographs.

General Municipal Law § 239-m. The application was referred to Rockland County Planning Department ("RCPD") pursuant to GML § 239-m. By letter dated August 7, 2026, RCPD responded that the proposed action is deemed to have no significant county-wide or inter-

community impact under New York State General Municipal Law § 239, and, therefore, that the action was subject to local decision-making.

Outside agencies. In addition to RCPD, the application was also referred to Rockland County Sewer District No. 1 ("RCSD") and the Rockland County Department of Health ("RCDOH"). By letter dated June 30. 2026, RCSD noted no objections to the plan, particularly because the site was not connected to the sewer district. The Applicant agreed that the applicable protocol would be followed if the site were connected in the future. By letter dated August 11, 2026, the RCDOH noted that the Applicant should prepare a stormwater-management plan if the Zoning Board required one. The Zoning Board did not require such a plan.

Public Hearing. A duly noticed public hearing was convened on September 17, 2026. The Zoning Board heard testimony from the Applicants, their representatives and all those wishing to address the Board on the matter. No public comments were received. The hearing was closed on September 17, 2026.

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)(9), concerning:

> *"The construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities."*

Accordingly, no further environmental review was required.

FINDINGS

The zoning law. The Parcel's area and residential use comply with the Montebello Zoning Law.

The zoning law applied to the application for a variance. The Applicant applied to the Board for relief from Section 195-13, "Table of Bulk Requirements," Use Group "d," to exceed the maximum development coverage from the permitted 10% to 12.3%.

The Board's Findings. When considering whether to grant an area variance, the Zoning Board considered the following five factors: (1) whether an undesirable change would be

produced in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance; (2) whether the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance was substantial; (4) whether the proposed variance would 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; which consideration is relevant to the decision, but shall not necessarily preclude the granting of the area variance.

In making its determination, the Zoning Board weighed the benefit to the applicant if the requested variance was granted against the detriment to the health, safety and welfare of the neighborhood or community resulting from the requested variances.

The Board made the following findings:

1. The Board considered whether the requested variance would produce an undesirable change in the character of the neighborhood and determined that the addition of the treatment facility would not. The proposed treatment facility, as well as the entire site, is well screened by significant tree coverage. The Board noted that the photographs demonstrated that there is no visibility from the nearest neighboring property.
2. The Board considered whether the benefit sought by the Applicant could be achieved by some other feasible method and determined that it could not. The new PFAS treatment facility is necessary to comply with the new EPA drinking-water treatment standards.
3. The Board considered whether the requested area variance was substantial and determined that it was not, especially under the circumstances of this application.
4. The Board determined that granting the requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The use of enhanced carbon filtration to provide greater PFAS treatment will provide greater protection for the public drinking-water supply.
5. Finally, the Board noted that the need for the variance was not self-created but necessary to comply with new drinking-water treatment standards adopted by the EPA.

Applicant's burden. The Zoning Board of Appeals found and determined that the Applicant has sustained its burden of proof, as required by New York State Village Law and the Village of Montebello Zoning Law, with respect to the need for the requested variance.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Village of Montebello Zoning Board of Appeals hereby grants relief from Section 195-13, "Table of Bulk Requirements," Use

Group “d,” in the form of a development-coverage variance increasing the maximum permitted coverage from 10% to 12.3% for the Parcel located at 270 Grandview Avenue, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 41.20, Block 1, Lot 7.

This variance is granted solely for the purpose of constructing a PFAS treatment facility and enlarging access to the building, as shown on the site plan referenced herein, and for no other purpose.

In granting this variance, the Zoning Board relied on the testimony of the Applicant and the submissions identified herein, which are made a part of this Decision as if attached in full hereto. The variance is granted in reliance on its individual purpose as shown in the referenced application materials. Deviation of any kind from the variance granted by this Board shall invalidate this Decision and render the variance null and void by operation of law.

BE IT FURTHER RESOLVED, that this variance shall expire by operation of law if a building permit has not been issued within one year of the date the Decision is filed with the Village Clerk pursuant to Village of Montebello Zoning Law § 195-108F. The variance shall also expire if the building permit is not timely acted upon as set forth in Village of Montebello Zoning Law § 195-97.

BE IT FURTHER RESOLVED, that this variance conditioned on payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

On a motion by Member Millos, seconded by Member Piccolo-Kaufer, the within relief from the Village of Montebello Zoning Law was granted on a roll-call vote as follows:

	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[ ]	[ ]	[ ]	[√]
Ezra Bryan, Member	[√]	[ ]	[ ]	[ ]
Roseanna Millos, Member	[√]	[ ]	[ ]	[ ]
Carrine Piccolo-Kaufer, Member	[√]	[ ]	[ ]	[ ]
Isabella Birkett Green, Member	[√]	[ ]	[ ]	[ ]

Reyce & Sheldon Krause, 6 Rose Hill Road, Montebello, NY
PUBLIC HEARING

Application of Reyce and Sheldon Krause, owners of 6 Rose Hill Road, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for area variances for: Floor Area Ratio [max. 0.15, existing 0.156*, proposed 0.161]; Development Coverage [max. 20%, existing 20.1%*, proposed 20.3%] as per Section 195, Attachment 2, use group h, columns 13 and 14 of the zoning code of the Village of Montebello. The Applicant proposes the construction of a covered porch over an existing patio for an existing single-family home. The parcel is located on the northwest side of Rose Hill Road, 500 feet from the intersection of Spook Rock Road and is identified in the Ramapo Tax Map as Section 41.17 Block 1 Lot 60.3 in the RR-50 Zone. *variances previously granted.

The Applicants Reyce and Sheldon Krause were present. Vice Chairman Bryan read the application into the record and Ms. Krause recapped her proposal to create a four-season sun room by extending the existing patio and enclosing it, which will push the development coverage past the threshold.

The Board did not have any substantive questions or comments and opened the public hearing on a motion from Member Millos and seconded by Member Birkett-Green.

There was no one from the public present to speak. The clerk read a letter into the record that was submitted by Deborah Munitz of 5 Rose Hill Road, Montebello, NY:

TO: Montebello Zoning Board of Appeals
FROM: Deborah Munitz, 5 Rose Hill Road, Montebello, NY
RE: Letter in Support of ZBA Application for Additional Variances at 6 Rose Hill Road
I have reviewed the building site plans for the addition of a proposed sunroom and the calculations of the proposed variances.
I find that the variances are minimal and necessary for the addition of the sunroom and the addition of the sunroom does not have any impact on my view or the character of the neighborhood and I would imagine that it will not impact other neighbors as well.
For this reason, I am in support of the application being made and ask that this letter be made part of the record so that I don't have to attend the meeting.

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

The Board deliberated on the merits of the request and found that it would cause no undesirable change to the neighborhood or impacts to the environment. Member Millos noted that the patio could be smaller and that the need is self-created, but that the request is de minimis. She then made a motion to grant the variance, which was seconded by Member Birkett-Green. Upon vote, all were in favor.

Alex Goldberger—2 Chip Circle, Montebello, NY

Application of Alex Goldberger, on behalf of the homeowner, Herman Schwarcz, 2 Chip Circle, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for area variances for: Front yard [req. 50 ft., proposed 25.8 ft]; Side yard [req. 20 ft, proposed 14.6 ft]; Rear yard [req. 20 ft., proposed 15.3 ft]; FAR [max 0.15, proposed 0.16] for the construction of an in-ground pool and cabana for an existing single family dwelling. The parcel is located on the west side of Chip Circle on the corner of Birdie Lane and is identified on the Ramapo Tax Map as Section 48.19 Block 1 Lot 53 In the RR-50 Zone.

Present on behalf of the homeowner was his Attorney Kevin Conway and his father-in-law Alex Goldberger. Mr. Conway explained that the Board previously granted a variance and that during those meetings, it was indicated that they intend to build a pool in the near future. However, he continued, the burden is that this is corner lot creating two front yards, thereby causing setback issues. And for the purposes of religious modesty, the pool is situated on side of house, so it is neither visible from the house, nor from any neighbors.

Mr. Conway said that this was not an unusual application in that the pool is small, located close to the home, far from the neighbors. It is not a substantial variance given that the side yard is considered a front yard on an oversized lot, and, most importantly, the FAR variance is very small. There is nothing that would prevent this board from considering this a reasonable request for relief, he said, and added that he hopes the Board schedules this for a public hearing at the next meeting.

Vice Chairman Bryan asked for clarification of the pool's proposed location, noting that they could easily move it directly behind the house. Mr. Goldberger explained that he and his family are religious, and modesty dictates that men and women must swim separately and should not be seen from the house while swimming. To that point, Vice Chairman Bryan asked what made the side of the property more private. Mr. Goldberger said that all the windows in the rear of the house face the rear yard and that the unique shape and location of the property create the most private space in that side yard. Member Kaufer said that this is really about screening the pool from the house and Mr. Goldberger agreed, explaining that even if they located the pool further away from the house in the rear yard, it would still be very visible because the grade slopes downward.

Member Kaufer said that relocating the cabana towards the rear of the property would eliminate one of the variances and suggested that Mr. Goldberger could find ways to mitigate the variances while still accommodating his wishes and needs. There seem to be minor tweaks that would even eliminate the FAR variance, she added. This advice led to a flurry of other suggestions followed by a lengthy discussion on how to reduce the variances. Mr. Goldberger agreed to make some modifications to the plan to minimize the requests.

Mr. Conway said that they will return with revised plans and that he hoped the Board will set the public hearing at the next meeting.

Member Birkett-Green made a motion to adjourn the application to the October 15th ZBA meeting, seconded by member Millos and upon vote, all were in favor.

<u>3 Sycamore LLC—3 Sycamore Lane, Montebello, NY</u>

Application of Simon Ganz, principal of 3 Sycamore LLC and owner of 3 Sycamore Lane, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for area variances for: *Development Coverage [max. 20%, proposed 28.5%]; Floor Area Ratio [max. 0.15, proposed 0.197] per Section 195 attachment 2, group h of the zoning code of the Village of Montebello for an addition to an existing single family home and the construction of a wrap-around porch. The parcel is located on the west side of Sycamore Lane, 360 feet from the intersection of Viola Road and is designated on the Ramapo tax map as Section 49.05 Block 1 Lot 29 in the RR-50 Zone.

Attorney Paul Baum was present and acknowledged immediately that these hardships were created by his client: All the work was performed without any permits and exceeds some bulk requirements, even the variance that was granted in 2023 for the construction of a circular driveway. He clarified that everything presented here has already been built. Ms. Terhune noted that if the variances are not approved, the Applicant will need to essentially tear down part his house.

Mr. Baum explained that in 2021, the Applicant was issued a permit for basement renovations, after which the work was completed and the permit closed. In 2022, he received a permit for a two story addition which was also closed and in 2023, he received a ½ Percent development coverage variance to install a circular driveway.

Mr. Baum acknowledged that some time after the driveway was finished, the Applicant extended and roofed an existing porch around the side of the house and constructed a one-story addition for a kitchen and a new deck without any building permits. We are seeking FAR and development coverage variances, but we are not seeking any setback variances, he said, and explained that everything is well-situated and well screened. The work is very much in keeping with the large homes and lot sizes in the neighborhood and does not adversely affect the character of the neighborhood, he said.

Mr. Baum then explained that color coded overlays clearly illustrating what was approved, what exists and what they are seeking, and architectural plans, were forthcoming.

Member Millos asked Mr. Baum why his client performed all that work without permits. Mr. Baum said he did not know for sure but chalked it up to indifference and recommended that the Board members drive down the street to see that other houses have similar layouts and driveways. He added that originally he was going to ask the Board to set the public hearing but thinks that the members deserve more information and asked instead for an adjournment to the October meeting.

Vice Chairman Bryan asked Mr. Baum to submit the Certificates of Occupancy for the closed permits and their associated architectural plans. Ms. Terhune requested that the property owner attend the next meeting. Mr. Baum said he will try to get him there, and that the building contractor will attend when the public hearing is opened.

Vice Chairman Bryan made a motion to adjourn the application to October and to adjourn the meeting at 9:02 p.m. Member Millos seconded the motion and upon vote, all were in favor.