

## NARRATIVE SUMMARY

**Zalmen Rubin  
66 Mile Road  
S/B/L 48.19-1-5**

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MAY 21 2025

VILLAGE OF MONTEBELLO  
Planning & Zoning Clerk

This narrative summary is submitted in support of the application of Zalmen Rubin for 1) a wetland and stream protection permit from the Planning Board; and 2) a certificate of appropriateness from the Historic Preservation and Parks Commission. The property is located at 66 Mile Road, Suffern, NY 10901 and designated as Tax Lot 48.19-1-5. The property is located in an RR-50 Zoning District.

The property is currently improved with existing single-family residence and in-ground swimming pool. The applicant is seeking to construct an addition of 6,281 square feet onto the existing residence. The property is within the 100 foot buffer of a wetlands and is within the Wetland Environmental Protection Overlay District (W-EPOD). A class C stream runs to the south of the proposed addition. The property also contains wetlands. A wetlands report was prepared by Robert Torgersen and is submitted with this application. The existing home, and practically the entire parcel, is within the 100' foot wetlands buffer. The addition will be within 250' of Mile Road which is classified as a Historic and Scenic Resource and is within the Historic and Scenic Road Overlay District.

A plot plan containing topographical survey datum is submitted.

There will be no disturbance of the wetlands or stream bed. The proposed area of the addition has already been disturbed and is no longer in its natural state. An in-ground swimming pool will be removed, and the addition will be in a portion of property where the pool currently exists. The applicant has submitted a request to NYSDEC for a wetlands jurisdictional determination.

### ***SEQRA***

The application is considered a Type II Action pursuant to 6 NYCRR 617.5(c)(11) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith.*" The Action has been determined not to have a significant impact on the environment and is precluded from environmental review. A short form EAF is submitted.

### ***GML***

The site is not located adjacent to or within 500 feet of a facility identified in General Municipal Law Section 239-m. No review is required by the Rockland County Department of Planning.

## **WETLANDS AND STREAM PROTECTION PERMIT STANDARDS**

The standards for granting a permit per Section 191-7(B) of the Wetlands and Stream Protection Law of the Village of Montebello are addressed below.

§ 191-7 Standards for granting permits.

B. In granting, denying or limiting any permit, the Planning Board shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and the protection or enhancement of the several functions of the wetlands and the benefits derived therefrom as set forth in this section, irrespective of political boundaries, and shall make findings based on the criteria below. The Planning Board may conduct a site visit for the purpose of determining compliance with these standards:

(1) The environmental impact of the proposed actions.

**Response: The addition will have no impact on the wetlands or the stream. No disturbance of the wetlands or stream is proposed.**

(2) The alternatives to the proposed action.

**Response: There are no other alternatives to disturbing the 100' buffer. Practically the entire property is within the 100' buffer of the wetlands. Any improvements to the property will require a wetlands permit.**

(3) Irreversible and irretrievable commitments of resources that would be involved in the proposed action.

**Response: None. The wetlands and stream will not be affected.**

(4) The character and degree of injury to or interference with safety, health, or the reasonable use of property that is caused or threatened.

**Response: None. There will be no injury or interference to the wetlands and stream. Appropriate mitigation measures will be implemented to protect the areas. The proposed areas to be disturbed have already been disturbed and are not within their natural state. The proposed activity does not threaten, injure or interfere with public health or safety. The applicant is seeking to make reasonable use of his property.**

(5) The suitability or unsuitability of such activity to the area for which it is proposed.

**Response: The area is suitable for the project. The property is located in a residentially zoned area and is being used for residential use.**

(6) The effect of the proposed activity with reference to the protection or enhancement of several functions of wetlands, water bodies and watercourses.

**Response: None. The wetlands and stream will not be affected.**

(7) The availability of preferable alternative locations on the subject parcel or of the proposed action outside of the W-EPOD, or at a greater distance from the wetland, stream or water body within the W-EPOD.

**Response: None. There are no other alternate locations on the lot to construct the additions. The entire existing structure and practically all of the property is within the 100' buffer to the wetlands and the W-EPOD.**

(8) The availability of mitigation measures that could feasibly be added to the plan or action.

**Response: Per recommendation of Village Engineer Martin Spence, a double row of silt fencing will be provided between the disturbance and the stream to minimize the potential for soils to enter the stream corridor and wetlands.**

(9) The extent to which the exercise of property rights and the public benefit derived from such use may outweigh or justify the possible degradation of the wetland, water body or watercourse, the interference with the exercise of other property rights and the impairment or endangerment of the public health, safety or welfare.

**Response: There will be no degradation to the wetlands. The permit will allow the homeowner to construct an addition to his home on land that has been previously disturbed and no longer in its natural state. There will be no impacts to the wetlands. Practically the entire lot is within the 100' wetlands buffer. There are no alternative locations for the addition that fall outside the buffer.**

### **CONCLUSION**

For all the foregoing reasons, it is respectfully requested that the Planning Board grant a permit pursuant to the Wetlands and Stream Protection Law and that the Historic Preservation and Parks Commission issue a certificate of appropriateness for the construction.

Dated: May 20, 2025

Respectfully submitted,

SARAJAN & BAUM PLLC

  
Paul S. Baum