

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 14, 2016 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Caridi called the meeting to order at 7:17 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman  
Thomas Ternquist, Member  
Donald Wanamaker, Member  
Michael Iatropoulos, Member  
Jane Burke, Member  
Stan Shipley, Member

OTHERS

Ira Emanuel, Assistant Village Attorney  
Regina Rivera, Planning & Zoning Clerk

ABSENT

Robert Geneslaw, Village Planner  
Martin Spence, Village Engineer

Member Ternquist made a motion to approve the minutes of May 10, 2016, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**William Oster – Public Hearing  
Preliminary Site Plan  
133 Spook Rock Road, Montebello, NY  
41.17-1-65.1**

Application of William “Zev” Oster, 5 Voyager Court, Monsey, New York 10952 for approval of a Site Plan entitled “Osterberry Blueberry Patch”, 133 Spook Rock Road, Montebello, New York, to grow blueberry bushes and keep bees. The subject property is located on the West side of Spook Rock Road, approximately 182 feet from Linda Drive in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 41.17, Block 1, Lot 65.1 in an RR-50 Zone.

The applicant requested an adjournment to the July 12, 2016 planning board meeting. Member Ternquist made a motion to approve the adjournment, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**Loren Ware – Public Hearing  
3-Lot Subdivision  
10 Wilbur Road, Montebello, NY  
40.20-1-5**

Application of Loren Ware, 5 Cragmere Road, Suffern, New York, for a 3-Lot subdivision at 10 Wilbur Road, Montebello, New York 10901. The applicant is proposing 3 separate lots each with a single-family dwelling with driveway access from Wilbur Road. The property is located on the South side of Wilbur Road, approximately 700 feet west of the intersection of Haverstraw Road (Route 202) in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 40.20, Block 1, Lot 5 in an RR-50 Zone.

The applicant requested an adjournment to July 12, 2012. Member Ternquist made a motion to approve the adjournment, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

## **New Business**

Chairman Caridi announced that the Village Board is beginning their review of the Comprehensive Village Plan. In conjunction with this review, the Village Board proposes a Planning and Zoning moratorium during the review period that would begin July 2016 and end in January 2017. The proposal was submitted to the Planning Board for review and comments.

Mr. Emanuel explained that the moratorium as drafted would affect subdivision site plans and special permits as well as use variances, but not area variances. Mr. Emanuel explained further that certain applications would be exempt from the moratorium, specifically those that are Type II actions under SEQR.

Mr. Emanuel stated that there are currently three land use applications: Zev Oster for the blueberry patch at 133 Spook Rock Road, Loren Ware for the 10 Wilbur Drive 3-lot subdivision, and Montebello Crossing, the property across the street from Good Samaritan Hospital. The Oster proposal, he explained, is a Type II action and therefore exempt from the moratorium. But Mr. Ware's subdivision and Montebello Crossing would be covered under the moratorium. Mr. Emanuel explained, however, that he feels neither of these applications will make any significant changes to the zoning or permissible land use and therefore does not see any real utility in stopping either just because the Village is undergoing a review of the Comprehensive Plan.

In summarizing his memo regarding his professional advice on the proposed moratorium, Mr. Emanuel addressed the concerns of the board, specifically on how the Village can handle new applications during the Comprehensive Review with no moratorium in place. He explained that the Village Board, should they feel any developmental pressure, can activate a moratorium at that point, although the applicant could claim such a moratorium to be retaliatory. He explained further that the Village Board may instead rewrite the exemption suggesting provision so it excludes the current applications, and choosing a date subsequent to the current application submissions to be the start date of the moratorium.

Mr. Emanuel stressed that, although he personally does not feel the moratorium is necessary at this time, the Village has a legal right to enact a moratorium and that it has done so during the original Comprehensive Plan Review and the first amendment to the Comprehensive Plan.

Member Iatropoulos said that, in his view, the Board is bound by tradition operationally to have a moratorium, as they enacted moratoria previously during the last two Comprehensive Reviews.

Member Ternquist asked Mr. Emanuel what the downside would be of having a moratorium. Mr. Emanuel cited Montebello Crossing specifically since it is a fairly large commercial development on which the financial health of the Village depends. He explained that should Montebello Crossing be included in the moratorium, it would throw their whole development into turmoil, and stopping their application and development process could be devastating to their financial health.

Chairman Caridi said that he did not see the harm in enacting the moratorium, noting that it will be short-lived and that the board can decide whether or not to hear individual applications based on the nature of the project.

In response, Member Burke expressed her worries about making individual exceptions for the moratorium. Chairman Caridi agreed that it could be construed as discriminatory, as Mr. Emanuel pointed out earlier, and that the Planning Board should recommend to the Village Board that the moratorium be effective as of June 14, 2016, and that any formal applications submitted before that date shall be exempt.

Mr. Emanuel asked whether or not there is a consensus on approving the moratorium under the terms agreed upon, to which all Board members replied yes. Member Ternquist made a motion to approve the recommendation of the moratorium to the Village Board, seconded by Member Iatropoulos.

Mr. Emanuel asked the Planning Board Clerk to draft a memo stating the Board's approval of the moratorium and the specific terms of the exemptions as agreed upon. (copy of memo on file.)

Member Ternquist made a motion to adjourn the meeting to the July 12, 2016 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously. The meeting adjourned at 8:05 p.m.