

THE REGULAR MEETING OF THE HISTORIC PRESERVATION AND PARKS COMMISSION OF THE VILLAGE OF MONTEBELLO WAS HELD ON OCTOBER 4, 2023, AT VILLAGE HALL, ONE MONTEBELLO ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:35 P.M., AFTER THE PLEDGE OF ALLEGIANCE.

Present:	Lisa Levin	Chairperson
	Dorice Madronero	Member
	Matt Moetzinger	Member
	Josh Goldstein	Member
	Rosemary Mocio	Member
	Bill Ellsworth	Member
	Warren Berbit	Village Attorney
Absent:	Robert Israel	Member
Others Present:	Craig Long	Village Historian
Recording Secretary:	Angela Spina	Building Clerk

Minutes Approval

Minutes of September 6, 2023

The minutes of the HPPC Board of September 6, 2023, be and are hereby approved.

Motion: Matt Moetzinger

Seconded: Dorice Madronero

Upon vote, motion carries unanimously.

Continuing the Public Hearing on the Certificate of Appropriateness for 103 Montebello Road

Applicant: Clapton Holdings LLC, later Suffern Hill LLC by Moshe Gross, later as represented by Attorney Ryan Karben, who were not present at this evening's meeting.

Address: **103 Montebello Road, Montebello, N.Y., 10901**

Old Business:

Village Attorney Warren Berbit reported negotiating draft Certificate of Appropriateness (COA) conditions as shared with the Applicant's Attorney, Ryan Karben, who knew he would be away at

the time of this meeting. However, Mr. Karben agreed to proceeding without him and Mr. Gross in order for Mr. Berbit to present the draft conditions without further delay.

Attorney Berbit briefed the Commission on the chronology and the draft conditions, including attachments “A” and “B”; a proposed landscaping plan so as to enhance the natural buffer, and plans for the front entrance, with crosshead, door, and heavy brackets, both of which were obtained by the Village Attorney. Attorney Berbit stated that these are part of the conditions he recommends to be met and that the Commission consider issuing the fully conditioned Certificate of Appropriateness to bring the matter to a close.

Chairperson Levin stated for the record that she agreed and that this was an isolated, unusual case, not precedent setting, other than demonstrating an intent to assure compliance with the law. She further stated for the record that because the Applicant failed to comply with HPPC directives to supply requested information after the first hearing date in March and did not attend any further meetings, the issuance of a COA was delayed. In no way did the HPPC hinder this application, she added, but reminded that the Applicant proceeded with exterior work despite being warned not to do so without a COA.

Village Historian Long was asked to investigate whether the dilapidated garage on the premises is historic, but either way, a proposed condition includes its restoration or proper removal.

After Further discussion, a poll of Commission revealed a willingness to approve subject to Attorney Berbit drafting amended conditions to assure as follows:

1. Future Owners of this property, as with all properties in the Overlay District, cannot make exterior façade changes without first obtaining a Certificate of Appropriateness from the HPPC.
2. Proper maintenance of all plantings, new and mature, within the natural buffer.
3. Village-wide to generally assure compliance, if not already done, that all Overlay District files be flagged and generally, cause reminder notifications regarding the Scenic and Historic Roads Overlay District.
4. That grant of the Conditioned COA not be construed as precedent setting.

Motion to conditionally approve amended conditions for 103 Montebello Road.

Subject to receipt and acceptance of same from the Village Attorney.

Motion: Josh Goldstein

Seconded: Dorice Madronero

Lisa Levin	approved
Dorice Madronero	approved
Matt Moetzinger	approved
Josh Goldstein	approved
Rosemary Mocio	approved
Bill Ellsworth	approved
Robert Israel	absent

Upon vote, motion carries unanimously.

Certificate of Appropriateness approval will be based upon Attorney Berbit's revised draft of conditions as circulated to and reviewed by the Commission with notice to Applicant via its Attorney. This application shall remain open and will be placed on the agenda for the November 1, 2023, scheduled meeting. Proposed revised draft to be inserted here to be considered at the next meeting.

[INSERT]

Draft - Amended Certificate of Appropriateness Conditions

Conditions attendant to the issuance of a Certificate of Appropriateness regarding 103 Montebello Road; Applicant Moshe Gross for Clapton Holdings LLC and/or Suffern Hill LLC, pursuant to Section 195-64c of the village code, said premises lying within the Historic and Scenic Roads Overlay District:

1. As per the offer of the Applicant due to the historic nature of use of the property traceable at least back to 1850, and as later used as the Blind Players Club, the HPPC accepts the applicant's offer to provide and permanently affix a suitable plaque setting forth said history, as guided in appearance, materials, and wording by the Village Historian, Craig Long.
2. In furtherance of effectuating the intent of Section 195-60 (10) (e) [2] of the Village Code regarding a natural plant buffer, and recognizing the absence of low-lying vegetation, and taking into consideration growing conditions, cost and scale, the planting of vegetation at a minimum meeting the plan submitted by Mike Rossmann, of Hemlock Hills, per Exhibit "A" hereto (3p.), who submitted same after checking growing conditions, available nursery stock, sun exposure and deer resistance. Applicant is free to choose their own nursery to supply material and perform said work, or Hemlock Hills, as long as at the least equivalent to that set forth in Exhibit "A", in the judgement of the Village Engineer, Martin Spence or his designee and supplied with a minimum two growing season warranty. This condition to survive transfer of title such that future owners shall continue to be responsible to properly care for and maintain all plants and vegetation, whether newly planted or mature, in the natural vegetation buffer.
3. Completion of the front door and crosshead/pediment with heavy support brackets, and door, in a form, and approximate size, equivalent and constructed according to those set forth in Exhibit "B" (3 pgs.) in the judgement of the Village Engineer, Martin Spence, or the Building Inspector, Adam Gordon, or designee, with approval of the Village Historian, Craig Long.
4. Noting a dilapidated separate garage on the premises which appears unsafe, unsightly, and detracts from the viewshed, at the choice of the Applicant with approval from the Building

Inspector or designee, such should be demolished, removed, and the land restored, or rebuilt to a standard and appearance equivalent to the restored residence.

5. The HPPC is advised that the MLS listing includes visual staging with additional plantings depicted along the front facade of the building or walkway wall and is informed that the Applicant represented that such plantings would be included for prospective purchasers. The HPPC wishes to be clear that it has no objection to such plantings by the Applicant, but the plantings set forth in 2., above, in the natural buffer, are independent of these other plantings.
6. The HPPC's comments about the Celentano map supplied by Applicant simply relate to the fact that the scale is correctly set forth as 1" =30' at one place, but graphically incorrectly set forth below by a ruler showing 1" =20'. For the sake of clarity, the engineer should submit a corrected map page or acknowledge the error on a signed page to be appended to the map.
7. Conditions Nos. 1., 2., 3., 4., and 6., set forth herein, must be met within 60 days of the date of issuance hereof. A Certificate of Occupancy ("C of O") should not be issued until the satisfactory completion of the aforesaid conditions. If for some reason the Building Inspector in his discretion should issue a Certificate of Occupancy before such completion, such shall be marked and considered to be a "Temporary Certificate of Occupancy" which expires at the end of said period or becomes permanent upon meeting the conditions set forth herein (unless extended by the Building Inspector in his exclusive discretion for good cause shown). The Final Certificate of Occupancy shall reference and have attached the Final Certificate of Appropriateness, which shall be referenced and prominently displayed in the Building Department file for the subject property.
8. In addition to the conditions set forth herein, for the Applicant, the Commission in issuing this Certificate of Appropriateness hereby establishes for the record and recommends as follows:
 - a. Granting that this conditional Certificate of Appropriateness occurs in unique circumstances, still, such and should not be construed as precedent for ignoring warnings, nor to proceed with exterior work in the Scenic and Historic Roads Overlay District without first obtaining a Certificate of Appropriateness. Even if the circumstances include a failed building envelope in the context of rebuilding a deteriorated building with historic roots, thus placing interior restorative work in jeopardy, the Commission warns that it will not hesitate to order removal of work which occurs without a COA in defiance of warnings not to so proceed.
 - b. To best assure universal compliance if not already done, it is recommended that all files pertaining to structures within the Scenic and Historic Roads Overlay District be prominently flagged with notice of the COA requirement.
 - c. To further best assure universal compliance, it is recommended that reminder notices be periodically sent to all such properties, as well as reminders posted at various places such as the Village website, in its newsletter and in e-blasts.

- d. To help best assure universal compliance, whenever inquiry is made about such a property or for access to such a file, the inquirer should be informed about this requirements.

[ABOVE END OF INSERT]

New Business:

The possibility of setting up a committee to arrange or oversee clearing the historic rock walls and roadways of weeds and overgrowth, within the Scenic and Historic Roads Overlay District.

Motion to Adjournment:

At 9:00 PM, Member Moetzing made a motion to close the meeting, seconded by Member Ellsworth. Upon vote, motion carried unanimously.