

The 2024 Village of Montebello held a meeting on Tuesday, May 14, 2024 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Ari Aufgang, Member
Marlo Dickman, Member
Joan Materna, Member
Stan Shipley, Member
Nancy Doon, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Jonathan Lockman, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

Meeting Minutes Approval

Member Dickman made a motion to approve the April 9, 2024 Planning Board meeting minutes, seconded by Member Materna and upon vote all were in favor.

Yosef Emuna—PUBLIC HEARING

Two-Lot Subdivision—96 Viola Road, Montebello, NY

Application of Yosef Emuna, 129 Grandview Avenue, Monsey, NY 10952 for a two-lot subdivision on 2.22 acres. The Parcel is located at 96 Viola Road, on the north side of Viola Road at the intersection of Spook Rock Road in the RR-50 Zone.

The Applicant, Yosef Emuna, and his attorney Barry Haberman were present. Mr. Haberman said they were here for the public hearing, that they agree with all the County GML comments, and reminded the Board that the Applicant still needs to go back to the Historic Preservation and Parks Commission (HPPC) for a Certificate of Appropriateness (COA) in order to receive a building permit.

Jonathan Lockman reviewed his memo dated April 30, 2024, stating that all comments were addressed and the only thing left is SEQR, noting that a Part II and Draft Neg Dec were included in the memo. The Applicant is willing to comply with all requirements of the GML, as stated in his narrative, and is not requesting any overrides, he said.

Member Aufgang asked about the bulk modification for the side yard encroachment [for part of the driveway]. Mr. Lockman said that the building inspector's written determination does not require a variance and recommended that, if the Board agreed, this non-conformance can be mentioned in the resolution pursuant to the Building Inspector's determination.

Mr. Spence's memo dated May 13, 2024 indicated that all was in order and that any issues to be addressed were minor. Chairman Caridi asked if there were any other issues that would prevent the Board from deciding at this meeting. Mr. Lockman said that any issues are small as outlined in his memo and that everything is compliant with the bulk table.

Chairman Caridi opened the public hearing. No one wished to speak, and Member Aufgang made a motion to close the public hearing. Member Dickman seconded the motion and upon vote, all were in favor.

Member Dickman made a motion to accept the EAF parts 1, 2 and 3 and to issue a Neg Dec. Member Materna seconded the motion and upon vote, all were in favor.

Member Aufgang made a motion to approve the subdivision, seconded by Member Materna. Upon vote, the motion passed unanimously.

RESOLUTION PB04 OF 2024
VILLAGE OF MONTEBELLO PLANNING BOARD
GRANTING FINAL SUBDIVISION APPROVAL TO 96 VIOLA ROAD (SBL 49.05-1-15)

The property location, zoning district and proposed project. On February 15, 2024, the Planning Board received the application of Yosef Emuna (the “Applicant”) seeking approval for a two-lot subdivision of the property located at 96 Viola Road, identified on the Ramapo Tax Map as Section 49.05 Block 1 Lot 15 (the “Property”). The Property is in the Rural Residential District (“RR-50”) zoning district and the Historic & Scenic Roads Overlay District. A single-family home is currently being constructed on proposed Lot 15.2 and the Applicant seeks subdivision approval to construct a new single-family home on proposed Lot 15.1.

Zoning Board of Appeals. On January 18, 2024, the Village of Montebello Zoning Board of Appeals granted relief from Section 195-13, “Table of Bulk Requirements,” Use Group “h,” to proposed Lot 15.1 and 15.2 in the form of relief from the required 50,000 square-foot minimum lot area. The Zoning Board Decision No. 1192, filed February 16, 2024, is incorporated by reference as if fully set forth herein.

General Municipal Law § 239-m. The application was referred to the Rockland County Department of Planning (RCDP) pursuant to GML § 239-m. By letter dated April 1, 2024, RCDP recommended twelve (12) modifications, all were accepted by the Planning Board and the Applicant agreed to comply with each.

Public Hearing. A duly noticed public hearing was convened on May 14, 2024. During the public hearing, the Board heard testimony from the Applicants and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed.

State Environmental Quality Review Act (SEQRA). The Planning Board assumed Lead Agency for the purpose of complying with SEQRA and categorized the action as Unlisted Action. After determining that no significant environmental impacts will occur because of the proposed subdivision, the Planning Board adopted a Negative Declaration on May 14, 2024, thus closing SEQRA.

Submissions. The following submissions were considered by the Planning Board in making their decision and incorporated by reference as if fully set forth herein:

1. Application Review Forms package, dated February 15, 2024;
2. Plot Plan for Yosek Emuna, by Paul Gdanski, P.E., P.L.L.C, dated November 12, 2022, last revised December 8, 2022;

3. Rendering for HPPC, undated;
4. Response to Comments from Paul Gdanski, dated March 22, 2024
5. Stormwater Pollution Prevention Plan & Hydraulic Analysis and Stormwater Design Calculations, by Paul Gdanski, P.E., dated March 19, 2024;
6. FEAF Part 1, signed by Yosef Emuna, dated March 22, 2024
7. Narrative Summary (Additional), by Barry D. Haberman, dated March 27, 2024
8. Survey and Subdivision Plat for Yosef Emuna, by Paul Gdanski, P.E., P.L.L.C., dated November 9, 2023, last revised January 27, 2024, including the following:
 - a. Survey and Subdivision Plat
 - b. Soil Erosion Plan
 - c. Landscaping and Drainage Calculations
9. Narrative Summary, from Barry D. Haberman, Esq., to Planning Board, re: Green Mountain Development Corporation, 96 Viola Road, dated February 15, 2024;
10. Letter with responses to NPV comments of January 28, 2024, from Paul Gdanski, PE, dated February 1, 2024;
11. Letter from Rockland County Highway Department to Regina Rivera, re: 96 Viola Road, dated February 23, 2024;
12. Letter from Rockland County Sewer District #1 to Regina Rivera, re: 96 Viola Road, dated March 9, 2024;
13. Letter from Rockland County Center for Environmental Health, re: 96 Viola Road, dated March 11, 2024;
14. FEAF Part 1 form, with EAF Mapper Summary, unsigned, undated (EAF Mapper Summary was run on February 2, 2024);
15. Memorandum from Adam Gordon, Building Inspector, dated April 11, 2024, advising that driveway encroachment into the required side yard for the purpose of providing a turn-around area is not uncommon and citing § 195-16 for the proposition that the Planning Board may allow this minor bulk table modification instead of requiring a variance.

NOW, THEREFORE, BE IT RESOLVED, that in making its decision, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law and Subdivision Law, the relief granted by the Zoning Board, RCDP comments, the determination made by the Village Building Inspector, the advice of its consulting engineer and planner as regards all materials submitted by the Applicants, and all public comments related to this application. After said deliberation, the Planning Board hereby determines that the Application for a two-lot subdivision is consistent with Village of Montebello Code as modified by the Zoning Board of Appeals through the issuance of the aforementioned variance.

BE IT FURTHER RESOLVED, that the Planning Board of the Village of Montebello hereby grants final subdivision approval to the Property identified as 96 Viola Road (Section 49.05 Block 1 Lot 15.

BE IT FURTHER RESOLVED, that the aforesaid subdivision approval is granted pursuant to the following conditions:

1. Payment of all fees due and owing to the Village of Montebello as related to the project approval process.
2. Compliance with all comments from the Rockland County Department of Planning contained in correspondence therefrom dated April 1, 2024.

3. Compliance with comments S-3 through S-15 contained in the May 13, 2024, memorandum prepared by Martin K. Spence, P.E., Village Engineer.
4. Compliance with all outstanding comments contained in the April 8, 2024, memorandum prepared by Jonathan Lockman, AICP, Planning Consultant.

On the Motion of Member Aufgang, seconded by Member Materna, the Planning Board granted final subdivision approval on a roll-call vote of 5 yeas and 0 nays as set forth herein:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	<u>X</u>	_____	_____
Stan Shipley, Member	<u>X</u>	_____	_____
Marlo Dickman, Member	<u>X</u>	_____	_____
Joan Materna, Member	<u>X</u>	_____	_____
Ariel Aufgang, Member	<u>X</u>	_____	_____

Stonehedge Heights Corporation

Subdivision/Site Plan—220 Spook Rock Road, Montebello, NY

Application of Stonehedge Heights Corporation, 130 East Route 59, Spring Valley, NY for re-approval of a 12-Lot Subdivision entitled “Stonehedge Farm.” The property is located on the east side of Spook Rock Road approximately 500 feet south of Topaz Court in the village of Montebello which is known and designated on the Ramapo Tax Map as Section 49.13, Block 1, Lot 13 in Zone ER-80.

Present was the Applicant, Marsel Amona and his attorney Michael Klein who presented the subdivision that was approved in 2019 but was never recorded with the County. Mr. Klein explained that the project consists of twelve single family lots that conform to the existing ER-80 District with a rural preservation overlay. The existing homestead, consisting of a farmhouse and a carriage house, will be preserved on Lot 1, and eleven new single family lots will be created and laid out in a cluster subdivision. Mr. Klein explained further that in the intervening years, Mr. Amona put forth several applications for this property including a school, and several iterations of duplex homes, but these proposals never came to fruition and now Mr. Amona wishes to have the original subdivision reapproved. He added that the Storm Water Protection Plan (SWPP) was being revised to comply with the new DEC standards and will be submitted to this board shortly, and the concept plan showing the revised drainage was already submitted.

He added that they will make the changes to the EAF per Mr. Lockman’s April 30th memo, and that his engineers will be at the next meeting to present the project. The goal for our appearance this evening, he said, was to present the project and to address any initial concerns the Board may have.

Chairman Caridi gave a brief history of the project for the benefit of the newer Board members, after which Mr. Lockman reviewed his memo dated April 30, 2024 in which he noted that the main difference between this plan and the 2019 Plat is the addition of a detention pond on lot 12, and the relocation of the sewer line. He then asked the Applicant how the pond will be maintained and managed. Mr. Amona said there was a similar drainage pond on one lot in the Fant Farm subdivision and that Map note #8 of the plans requires the homeowner to clean and maintain the pond, and said he would expect the same for Lot 12.

Chairman Caridi asked if any deed requirements would be the purview of this Board. Ms. Terhune said this Board can require the deed to have a maintenance stipulation, but that there are other ways to address the issue, such as filing the resolution with the County. She said that in any case, the maintenance of the pond is a huge responsibility for one property owner which should be explored further.

Mr. Klein said they were considering filing a maintenance agreement. Ms. Terhune said she would like to discuss this further in a separate conversation with Mr. Klein. Chairman Caridi asked if there would be a Homeowner's Association (HOA) that would shoulder some of the burden, to which Mr. Amona answered no, and explained that the owner of Lot 12 would sign a maintenance agreement. Mr. Spence noted that putting the burden of maintaining the detention pond for the entire subdivision solely on the property owner is problematic. Ms. Terhune asked if there was a way to create some kind of association that requires all the property owners to contribute. Mr. Klein said there should be an internal discussion of this issue.

Mr. Spence offered to find out how other surrounding municipalities manage this situation and mentioned that this Village is required to perform periodic inspections on all drainage ponds to ensure compliance with MS4 requirements. [MS4 Storm Sewer System: The Village of Montebello has a permit to operate all drainage and is required to submit annual reports.] Member Aufgang asked if the pond collects storm runoff from the road only or from the entire subdivision. Mr. Spence said that the 2019 plan showed seepage pits on each lot and that he's not sure how it will work in this plan. Mr. Lockman said the Applicant is still working on the SWPP and the calculations are pending.

Member Shipley remarked on how much of an imposition the detention pond will be to the owner of Lot 12, noting that they will not have much backyard area. Mr. Amona said that the house will be the least expensive of the new houses in the subdivision as a result. Member Shipley asked if some of that responsibility could be delegated to all in the subdivision. Mr. Lockman explained that sometimes developers will create an open space lot that is jointly owned by all, but in those cases, there is usually an HOA.

Member Shipley asked if the lot could be reconfigured to allow more space for the pond. Mr. Amona said that while he agrees with that solution, the lot line cannot be moved because of the wetlands buffer and the sewer easement.

Member Aufgang was concerned about flooding on other properties and the road if the pond was not properly maintained and felt that each lot should have some form of flood mitigation. Mr. Spence said he liked the idea of a detention basin on each lot, which could allow a decrease in the size of the detention pond. Mr. Amona said that they were working on drainage and will do a profile of the sewer.

The attorneys said they will discuss it further and Mr. Spence said he will speak with the Town of Ramapo how these issues are handled. Mr. Amona stated that though there are many solutions, the path of least resistance is for the single homeowner to maintain the pond in exchange for a big break on the price of the house. Mr. Spence reminded him that there were many headaches with the pond on Fant Farm and that the homeowner had to rehabilitate it at great personal expense after some years of neglect.

After a brief discussion on procedures regarding the public hearing and SEQR, Mr. Lockman said that this subdivision is nearly identical to the one that was approved five years ago, except for the detention pond. The answers in part II of the FEAF are the same and there is no reason to change any of them. He added that the Board could adopt part II at this meeting, but the Chairman suggested they wait until all drainage is submitted and that they must first declare lead agency.

Member Dickman made a motion to declare Lead Agency under SEQR, seconded by member Aufgang and upon vote, all were in favor.

Member Aufgang made a motion to set the public hearing for the June 11, 2024 Planning Board meeting. Member Materna seconded the motion and upon vote, all were in favor.

Member Shipley made a motion to adjourn the application to the June 11, 2024 meeting seconded by Member Materna and upon vote all were in favor.

CDRC Update:

The May 1, 2024 CDRC meeting reviewed an application for a Residential Gathering Place at 8 Henry Court. Mr. Lockman explained that there are some complications due to the property's location within 150 feet of the Mahwah River and some side yard encroachment by the required parking. It's a difficult site to develop and they have much work to do, he added.

Member Materna made a motion to adjourn the meeting at 8:12 p.m., seconded by Member Aufgang and upon vote, the motion was carried unanimously.