

The Planning Board of the Village of Montebello held a meeting on Tuesday, February 11, 2025 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
Stan Shipley, Member
Joan Materna, Member
Nancy Doon, Ad Hoc

OTHERS

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

ABSENT

Jacob Leitner
8 Henry Court, Montebello, NY
Special Permit for Residential Gathering Place

Application of Jacob Leitner, 8 Henry Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Floor area ratio [max.0.20, proposed 0.22]; Side yard [required 20', proposed 9.5']; Parking spaces total for residence and RGP [required 7 spaces, proposed, 5 spaces]; Privacy fence height [max. 6', proposed 8'] As per Section 195-13, Use group q, and Sec. 195-19 of the zoning code of the Village of Montebello. The Parcel is located on the north side of Henry Court, approximately 310 feet north of the intersection of Zeck Court, and is shown on the Ramapo Tax Map as Section 48.10 Block 1 Lot 36 in the R-35 Zone.

Present was the Applicant Jacob Leitner, his attorney Joseph Churgin, and his engineer, Josip Medic. Mr. Churgin explained that the area for the proposed gathering place is comprised of 425 square feet in the finished garage of the existing home that will be designated for local congregants for use only on the Sabbath and on holidays. He explained further that the applicant received variances from the ZBA for a side yard setback and for having less than the required parking for a residential gathering place. After several months, the variances were granted, he added.

Mr. Lockman stated that this application is a Type II action under SEQR, which requires no further action. Mr. Spence reviewed his memo dated February 10, 2025 in which he noted that the property is restricted by its proximity to the Mahwah River, offsite wetlands and steep slopes. As a result, the proposed improvements are on the west side of the house. Mr. Spence's engineering comments were minor in nature but he noted that there are some issues that need to be addressed, and some details need to be cleaned up and corrected. He invited the Applicant's engineer to discuss the details with him off-line. Chairman Caridi advised that the Applicant's engineer should consult with Mr. Spence to update the drawings in time for the next meeting.

Mr. Lockman summarized his memo dated February 5, 2025. The application requires a wetlands permit due to the proximity to the Mahwah River, and needs to demonstrate the standards of Chapter 191- Wetlands & Stream Protection, which has not been done thus far in this application process, he said. Mr. Lockman explained that the floor plan shows a table with fifteen seats but without tables,

twenty-eight people can fit into the room, and asked that the maximum capacity per the fire code be shown on the plans. This will not change the parking requirements, he added.

Mr. Churgin said that the ZBA's stipulation was to allow no more than fifteen people at one time into the room. Mr. Lockman asked him to make a note on the plans, and asked Mr. Churgin if there were plans for signage or equipment in the designated play area. Mr. Churgin said there would be no signage and that there is already a swing set in the area for the Rabbi's own children.

Member Materna asked if the mikvah was for private residential use, and whether it needs to be reviewed in terms of runoff and soil erosion. Mr. Churgin said that it is not part of this application though it was included in the plans for FAR calculations. It is for the Rabbi's own private use, not for the congregation, and is not being built at present, he said. Mr. Spence said that if the Planning Board approves the special permit, they are also approving the mikvah because it is part of the site plan. Mr. Lockman added that means they won't have to come back to the board to approve the mikvah, and that it is a private feature of many clergy homes and not open to guests who come to worship, and it's not part of the Residential Gathering Law. Ms. Terhune said either way, if the mikvah is on the plan, it's part of the approval.

Member Doon asked if there could be an increase in the traffic maneuvering areas. Mr. Churgin said that would increase the development coverage, and in any case it took a lot just to get five parking spaces.

No one having further comments, Member Dickman made a motion to declare lead agency for SEQR. Member Aufgang seconded the motion and upon vote, all were in favor. Mr. Lockman said the EAF that was provided is acceptable.

Member Dickman made a motion to adjourn the application to and to set the public hearing for the March 11, 2025 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

Nachman Rotenberg—PUBLIC HEARING
62 Montebello Road, Montebello, NY
2-Lot subdivision

Application of Nachman Rotenberg, 8 Herrick Avenue, Ap. 212, Spring Valley, NY for a two-lot subdivision at 100 Montebello Road, Montebello, NY. The Property is located on the north side of Montebello Road, approximately 50 feet north of Mayer Drive in the Village of Montebello, and is shown on the Town of Ramapo tax map as Section 48.18 Block 2 Lot 10.3 on the RR-50 Zone.

Present was the Applicant Mr. Rotenberg, his attorney Amy Mele, expediter Kalman Herskovits and Engineer Devon Crichlow of Civil Tec Engineering. Ms. Mele noted that the application received a Certificate of Appropriateness from the Historic Preservation and Parks Commission (HPPC), and that she submitted a Part III.

She explained further that there was one issue regarding the architectural plans that were reviewed by the HPPC. However, the Planning Clerk determined that, while there were several iterations of the plans, the drawings were the very same ones presented here with one exception: The street address was removed from the façade of the house because the Planning Board seemed unhappy with it at the previous meeting. Ms. Mele said that they received the GML review dated January 23, 2025 and that they will comply with all recommendations and will not request any overrides.

Mr. Lockman noted that the GML arrived after he wrote his review memo, but that there are no issues if the Applicant will comply with all the recommendations. This is a clean application and the only sticking point was the house address, he said, adding that Ms. Terhune could safely draft a resolution memo.

Mr. Spence noted that he did not write a new review since his last memo dated January 12, 2025 had minimal comments and any remaining issues will be addressed in check print review. Mr. Crichlow said he would make all the required minor adjustments.

Member Aufgang wondered if the Applicant should request an override from the road dedication requested by the County Highway Department, but Ms. Terhune said the comment is discretionary. Mr. Lockman said that ordinarily the Village wishes to preserve stone walls and not dedicate any portion of the road. Ms. Mele asked if it requires an override. Mr. Lockman said there is no need because it is not a GML comment.

Chairman Caridi noted that the renderings and floor plans are dated January 29, 2024. Ms. Mele said it is just a typo and should read 2025. The Chairman asked if this was the very same plan approved by the HPPC. Ms. Terhune said it was, and that the HPPC didn't realize that the sign on the front of the house was an address sign, and that they were more concerned about the rock wall and view shed. It is a moot point now, she said, adding that the Planning Board can review the materials listed on the plans.

Chairman Caridi asked why a single-family home needs two front doors. Mr. Rotenberg said that the second front door leads to the mud room, which leads into the main house. Ms. Terhune said that most mudrooms enter from the side or rear of the house. Mr. Nachman explained that he merely wanted a door next to the garage.

After some discussion about the authority of the HPPC and this Board's capacity as ARB, Ms. Terhune said that the Board is concerned about the use of the second door for a single-family home, not the aesthetics. Chairman Caridi added that he didn't want to set a precedence. Mr. Rotenberg agreed to move the door to the side of the house near the garage and have the drawings amended accordingly. Chairman Caridi asked that they also show the elevation of the peaks of the roof on the amended drawings.

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

The Applicant and the Board agreed to accept the changes one week after the meeting. Member Dickman made a motion to direct Ms. Terhune to draft an approval resolution approving the subdivision based on the revisions discussed and agreed upon. Member Materna seconded the motion and upon vote, all were in favor.

New Business

The Planning Board was asked to review proposed local law 1 of 2025 which proposes regulations for tents for all uses, including size and duration. Mr. Lockman explained that the Board of Trustees cannot adopt the law without sending it to Planning Board for comment. If this Board does not make any comments within 62 days, it loses the right to comment at all. After discussing the proposal, the Board had no recommendations for the Board of Trustees.

Meeting Minutes Approval

Member Materna made a motion to approve the meeting minutes of January 14, 2025. Member Dickman seconded the motion and upon vote, all were in favor.

CDRC Update

ACG Acquisitions, 300 Rella Boulevard.

The Applicant, who says they are unable to find a tenant for the approved warehouse due to the restrictive hours of operation, returned to CDRC a second time with an office flex space plan, and they will come to Planning Board in March with a sketch proposal. Chairman Caridi suggested that a low-impact warehousing use be added to the LO-C zone via the comp plan. Ms. Terhune did not agree that this was a comp plan issue, and explained that this Board already has the authority to pose restrictions on hours of operations as long as there are valid reasons that are rational and not capricious, such as preventing nuisance noise, lights and truck traffic. The Applicant accepted the conditions in the first place, she added.

Member Aufgang made a motion to adjourn the meeting at 8:34 p.m. seconded by Member Dickman and upon vote, the motion passed unanimously.