

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JANUARY 21, 2021 ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Elizabeth Dugandzic	Member
	Janet Gigante	Member
	Carl Wanderman	Member
	Ezra Bryan	Ad Hoc
Others Present:	Elizabeth Cassidy	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk
Absent:	Jack Barbera	Member

Member Gigante made a motion to approve the minutes of December 17, 2020, seconded by member Wanderman and upon vote all were in favor.

**Montebello Gateway, LLC, PO Box 782, Monsey, NY 10952 – PUBLIC HEARING**  
**34 N. Airmont Road**  
**55.07-1-3**

Application of Montebello Gateway, LLC, PO Box 782, Monsey, NY 10952 for 34 North Airmont Road, Montebello, New York 10901 which is submitted to the Village of Montebello Zoning Board of Appeals for area variances for: Buffer to Airmont Road [required 50 feet, proposed 23 feet]; Ingress/Egress within 300 feet of residential district [required 300 feet, proposed 99 feet]; Maximum Height [required 30 feet, proposed 36 feet]; Floor Area Ratio [required .20, proposed .26]; Front Setback [required 75 feet, proposed 56.8 feet]; and Development Coverage [required 50%, proposed 52.8%]; Floor area ratio [required 0.20 proposed 0.26]. per Sec. 195-87.3(A), Sec. 195-9 Use Table for LO-C District, Column G, and Sec. 195-13 Bulk table, Use Group L of the zoning code of the Village of Montebello. The Applicant is proposing the construction of a 3.5 story, 50,000 square foot medical office building with 253 parking spaces. The parcel is located at 34 North Airmont Road, on the northwest side of Airmont Road at the intersection of Montebello Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.07 block 1 Lot 3 in the LO-C zone.

The applicant was last before this Board on October 15, 2020 and has requested an adjournment to the February 18, 2021 Zoning Board of Appeals meeting.

**Aron Bistritzky, 160 Spook Rock Road, Montebello, NY—PUBLIC HEARING**  
**49.05-1-12**

Application of Aron Bistritzky of 160 Montebello Road, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Front yard [required 50 feet, proposed 9.6 feet]; Side setback [required 30 feet, proposed 25 feet]; Total side setback [required 75 feet, proposed 55.7 feet]; Side yard [required 25 feet, proposed 9.5 feet]; Rear yard [required 25 feet, proposed 10.4 feet]; Development coverage [required 20%, proposed 34%]; and south side yard [required 25 feet, proposed 16.8 feet] as per Sec. 195-13 Bulk Table, Use Group h, columns 5, 6, 7, 8, 10, and 13, and Sec. 195-17 of the zoning code of the Village of Montebello. The Applicant is proposing the

construction of an addition to a single-family dwelling with a covered dining and lounge area, an in-ground pool, a sports court, and a parking area. The parcel is located at 160 Spook Rock Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 49.05, Block 1, Lot 2 in the RR-50 Zone.

Present were the Applicant, Aron Bistrizky, his attorney, Paul Baum, Engineer Rachel Barese of Civil Tec Engineers, PLLC and Landscape Designer Andrew Monaco of Yost Design.

Mr. Baum noted the submission of the generator specs and site plan revisions as discussed at the last meeting, as well as receipt of the GML review from Rockland County Planning, letters from Rockland County Sewer District #1 and Rockland County Highway Department, and a review of the proposed drainage from Village Engineer Martin Spence. (Copies on file.) There are no objections to any of these comments, he said, and asked Ms. Barese to walk the Board through the modifications and how they affect the requested variances.

Ms. Barese explained that the sports court was rotated as recommended and now sits 23 feet from the property line and 10 feet in the side yard abutting a wooded area. The covered dining patio and spa area were reduced to allow for a 25-foot side yard setback. It was suggested at the last meeting that the spa be moved closer to the pool area but in the end, the current proposed location is best for privacy, and if placed in the suggested alternate location, the line of sight from the patio will be adversely affected, she said. The location of the generator was also up for discussion and an alternate location was provided but the Applicant feels the current location, in the rear of the yard near the pool 600 feet away from the nearest neighbor, is ideal. Putting it on the south side of the house would bring it very close to the neighboring property, she explained. As far as noise from the generator goes, Ms. Barese said it will not be running all the time and will therefore have little impact on the neighbors.

Mr. Baum said the generator will be fenced and there is already a berm approximately six to eight feet high at the rear of the property that, with the supplemental landscaping, will act as an additional sound buffer. The specs of the generator indicate that the maximum sound output is 70dBas, the equivalent of a household vacuum cleaner, added.

Chairman Gittens wanted to know more about the fence around the pool. Ms. Barese said they are proposing a solid five-foot fence with a gate and landscaping behind it. Chairman Gittens expressed some concern about the safety of any children due to the opacity of the fence.

Discussion turned to landscaping. Mr. Monaco explained the rotation of the sports court necessitates the removal of six evergreens and one deciduous tree. The planting bed in the rear will increase screening and the patio has been shortened by two feet to reduce that side yard setback which is now deficient by only five feet.

Member Gigante asked about existing and proposed parking areas. Ms. Barese said that south proposed parking has been eliminated and that the future parking in the front will remain. Member Gigante asked whether the covered patio was encroaching into the side yard. Mr. Spence said it would be if were an accessory structure, but because it is attached to the house it only needs a variance for side setback.

No one having further questions, Chairman Gittens referred to the proposed drainage and asked Mr. Spence to review his memo for the Board. Mr. Spence, in his review dated January 16, 2021 said that though rain gardens have become popular and can be an elegant solution to mitigating stormwater, they require upkeep and can easily fall into neglect if not properly maintained. He recommended keeping the

rain gardens near the pool and patio where they will be highly visible and therefore routinely maintained and replacing the rain gardens along the north and west areas of the property with conventional dry drywells with inlets. He added that the Applicant will have no negative stormwater impact if they follow the advice in his review. Ms. Barese confirmed that she discussed this with Mr. Spence prior to the meeting and that all drainage will fall under is purview throughout the project.

Member Gigante noted the difference in size of the pool in the conceptual plan, at 20' X 44' and in the site plan at 20 X 40'. Ms. Barese said that the site plan is the correct size and that the conceptual plan will be corrected to reflect the proper dimensions.

Mr. Baum noted that Rockland County Highway in their January 12, 2021 review suggested placing the proposed storm water management systems at least ten feet away from the property lines and asked if it were possible to accommodate this and Ms. Barese said that they can place the drywells accordingly.

Chairman Gittens opened the public hearing.

Cindy Fleischer, 9 Sycamore Lane, Montebello, NY said she was concerned that the generator noise will be heard from her property as sound travels easily through the woods, and said she hoped it will be properly fenced and landscaped. Mr. Monaco said there will be heavy plantings between the property line and the pool. Ms. Fleischer asked if there were any easements on the property and Ms. Barese confirmed there were none. Ms. Fleischer asked the materials of the fence. Ms. Barese said the part of the fence visible from the lounge area will be glass, and the rest is solid and will meet all pool safety codes. Ms. Fleischer asked if there will be lighting. Mr. Baum said there will be some lighting for the pool but no lights are planned for the sports court. After a few more questions, Ms. Fleischer said she was satisfied but wanted to be sure that there will be no noise disturbances.

Chairman Gittens noted the landscaped beds along the rear of the property and wondered if the plants will be high enough to provide adequate screening. Mr. Monaco said they will plant high shrubs and small trees along the rear of the property line as well as evergreens, which will be taller than the fence. Chairman Gittens asked about the landscaping in front of the property near the sports court. Mr. Monaco said they would plant deer-resistant shrubs roughly five to six feet tall to properly screen the area from the abutting neighbors in front. Chairman Gittens said he would like that to be guaranteed.

Mr. Baum said that in the past, it has been up to the Village Engineer to make recommendations on the size and type of vegetative screen and to oversee the implementation of those recommendations in the field and asked the Chairman if these can be made a condition of the resolution. Member Gigante said she would not be comfortable voting on anything without seeing a draft resolution or revised plans, and the rest of the Board agreed. Chairman Gittens said he would leave the public hearing open until the next meeting, therefore.

The Applicant, Mr. Bistritzky was alarmed to hear that they will not receive an approval at this meeting because he would like to have the pool installed in time for the summer and noted that he was still deciding on the exact fence and types of trees. Chairman Gittens said that a comprehensive site plan is needed to satisfy pending issues and concerns of the Board and neighbors. Mr. Bistritzky asked if the Board can issue a partial approval for the pool, but Chairman Gittens said that was not possible and reiterated that the plans need to reflect everything that was discussed at this meeting. Mr. Baum asked if the Board could vote conditionally upon submission of landscaping and fence details to be considered at the following meeting when they can vote and approve the final details.

Chairman Gittens deferred to the Board's attorney, Ms. Cassidy, who said that she does not often object to conditional approvals if the issues are minor. However, she continued, it sounds as though this Board is concerned about landscaping in terms of the overall impact of the project and advised that the Board hold off until the site plan is complete. Mr. Baum said he was asking for approval subject to the Applicant submitting final plans on fencing and landscaping subsequently, but Ms. Cassidy countered that approving projects piecemeal can lead to trouble. She acknowledged the Applicant is anxious to move forward but said that a February approval is not too terrible of a delay. This is the will of the Board, she continued, and a whole landscaping plan is not just a small detail.

Chairman Gittens polled the Board on the course of action they wished to take and after some discussion, Member Gigante made a motion to defer a final decision pending receipt of a comprehensive revised plan, seconded by Member Wanderman. Upon vote, the motion passed.

Member Gigante said she was very concerned about drainage because of the amount of impervious surface being added to the property. Mr. Spence reminded her that he recommended the seepage pits in addition to the rain gardens, which will mitigate stormwater more effectively. Member Gigante asked if those pits will be shown on the next site plan revision. Ms. Barese explained that there will be a note on the plans about the seepage pits and rain gardens and assured her that the Applicant would not be able to get a building permit unless he shows zero net runoff, whether variances are needed or not.

Mr. Spence advised Mr. Monaco to include the species and size of the proposed plants on the landscaping plans. Member Bryan recommended that the landscape plan indicated which and how many trees will be removed.

Ms. Cassidy noticed an existing encroachment at the bottom corner of the lot, which may or may not be a layering issue, but explained that she did not have an issue with it as long as it's not part of this plan.

Member Wanderman made a motion to adjourn the meeting at 8:00 p.m., seconded by Member Gigante and upon vote, the motion passed unanimously.