

A SPECIAL MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY JUNE 16, 2022, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NY. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Janet Gigante	Member
	Carl Wanderman	Member
	Elizabeth Dugandzic	Member
	Ezra Bryan	Member
Others Present:	Alyse Terhune	Assistant Village Attorney
	Jody Cross	Village Counsel
	Regina Rivera	Planning & Zoning Clerk
Absent:		

Member Wanderman made a motion to approve the minutes of the May 19, 2022 and June 1, 2022 Zoning Board of Appeals meetings seconded by Member Bryan and upon vote, all were in favor.

**MSC of Montebello
PUBLIC HEARING
34 Montebello Road
48.19-1-42**

Application of MSC of Montebello, 34 Montebello Road, Montebello, NY 10901 which was submitted to the Village of Montebello Zoning Board of Appeals. The Applicant appeals the written determination made by the Building Inspector of the Village of Montebello dated March 14, 2022, pursuant to Section 195-108A. of the Village code. The parcel is located on the south side of Montebello Road approximately 50 feet west of the intersection of Mile Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.19 Block 1 Lot 42 in the LO-C /RR-50 Zones.

Present for the Applicant was attorney Paul Baum. Chairman Gittens established receipt of the following submittals: A memo from Paul Baum Esq. entitled Memorandum of law in support of appeal, dated June 8, 2022 and Foundation/Cellar floor plans entitled “Congregation Sons of Israel” from Silverstein Buckman Architects dated July 15, 1997.

Mr. Baum gave an overview of the application and reiterated that he and his client disagree with the classification of the synagogue as a Community House of worship, which requires 5 acres of land, as opposed to a Neighborhood place of worship requiring just two acres and feel that the required aggregated lot area of 10.6 acres to accommodate both the synagogue and the second primary use of a school is extreme. He stated that the code does not require additional lot area for any secondary primary use and that this Board has the authority to determine whether the classification is valid. Any ambiguities in the code should be resolved in the property owner’s favor, he added.

Mr. Baum said he viewed the files under FOIL of the nearby shopping scenter, Indian Rock Plaza in the NS Zone. The required lot area for neighborhood shopping is 20,000 square feet, which includes a free-standing Applebee’s, a McDonalds, a CVS, a nail salon and medical offices. There are several primary uses, yet the required lot size remains 20,000 square feet. Mr. Baum said he and his clients are happy to provide lot area for only the most restrictive use, in this case, 5.6 acres for the school, and that they object to having to provide another five acres for the house of worship, especially since each is never used concurrently.

Regarding the classification, Mr. Baum said there was no differentiation among different types of places of worship when the site plan was approved in 1998. While the building is 11,000 square feet, the sanctuary itself

is only 6500 square feet approximately, he said, and asked the Board to find in his client's favor by designating this a neighborhood place of worship instead.

Chairman Gittens asked the square footage of Indian Rock Plaza. Mr. Baum said it is 357,000 square feet of area. It is a local convenience shopping zone as per the use table, and the code indicates that other commercial uses of any kind shall not be deemed local convenience, identifying local offices, restaurants, pharmacies, banks and retail shops, none of which are covered by the classification and are therefore additional primary uses. The shopping center has plenty of land to accommodate multiple uses, but the Building Inspector and the Planning Board did not apply this logic at the time of approval.

The Chairman noted receipt of Mr. Baum's expanded memo on June 10th, six days earlier. Ms. Terhune said she would like more time to go through it in detail to better advise the Board. Mr. Baum said there is nothing significantly different, only that the memo restates his arguments with additional concepts of indisputable law and asked that the application be moved forward. This Board's job is to interpret the code and avoid objectionable or unreasonable consequences, and when the zoning law is ambiguous, the Board should interpret the code in favor of the applicant, he said.

Ms. Terhune said that Mr. Baum was arguing that every use in the shopping center is a principal primary use. Mr. Baum said not every business was a principal use, but most are, and explained that it's in the use table for the NS Zone which include local office-business, laundry, retail shops including jewelry, footwear, clothing, pet supplies and similar uses. If it's not a local office-business, then it is not a primary use, he added. Ms. Terhune noted that Mr. Baum's contention is that many businesses in Indian Rock Plaza could be interpreted as separate principal uses on one lot, which is a legal argument that needs to be examine further. She said it is important for the Board to receive proper advice of counsel before making any decisions and suggested the Board table this application for further review. Mr. Baum said there are no legal issues, just issues of interpretation. Chairman Gittens said he preferred to receive legal counsel to better understand the Village Code and Mr. Baum's arguments. We don't want to accept or deny the application without a full understanding of the facts and therefore we need more time, he said.

Member Wanderman made a motion to adjourn the application and the public hearing to a date in July to be determined. Member Gigante seconded the motion and upon vote, all were in favor.

Samuel Roth
PUBLIC HEARING
4 Caddy Lane, Montebello, NY
48.20-1-69

Application of Samuel Roth of 4 Caddy Lane, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Floor Area Ratio [maximum 0.15%, proposed 0.16%] per Section 195-13 Bulk Table, use group m, column 14 of the Zoning Code of the Village of Montebello to permit the construction, maintenance and use of an addition to an existing single-family home. The property is located on the east side of Caddy Lane at the intersection of Senator Levy Drive in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.20 Block 1 Lot 69 in the RR-50 Zone.

Chairman Gittens read the most recent submittals into the record. Present for the Applicant was Mr. Eliezar Fried of William Bateman Architects who handed out an additional sheet detailing the breakdown of the square footage and thanked the Board for hearing his case. He recapped the application, noting that at the last meeting he was asked the height of the exterior elevations which is now included on Page A6. Also at the last meeting, he continued, the Chairman said that the existing square footage could be utilized more effectively to reduce the FAR variance and suggested adding a ceiling over the foyer or extending into the den. However, Mr. Roth did not want to go that route, and for a family of ten, the Roth's would like a long dining room to accommodate

everyone comfortably for Shabbos meals, and to extend the kitchen to allow for a kosher kitchen and its attendant appliances, he explained.

Mr. Fried said he understood that the code and the bulk table are there for a reason but asked the Board to consider that the Pines is an average density subdivision and the house is already non-conforming and that even if they added on square foot of space, a variance would be required. The addition will in no way change the character of the neighborhood, he continued, stating that conversely, the aesthetics of the home will be improved with new stucco and veneer stone. He then stressed the fact that the variance request is small and that they ask only for a very small FAR allowance.

Member Bryan said the drawings were hard to read and disorganized and it doesn't seem that the square footage calculations add up property. Mr. Fried said the chart he just gave out clarifies everything and that the proposed footprint remains the same. Member Bryan said that he wasn't sure he could make any decisions at this meeting until the calculations are clarified further. Mr. Fried said if anything is off by two- or three-square feet, it is only because numbers were rounded up.

Chairman Gittens noted that the addition does change the character of the immediate neighborhood somewhat because the addition is in the front yard, which should be discussed further. Mr. Fried said that it will be very shaded and hidden by trees and the addition will hardly be noticeable and that the location was the only logical choice because of other constraints on the property such as the pool in the rear yard and the location of the existing kitchen.

No one having further questions, the Chairman opened the public hearing. No one from the public wishing to speak, Member Wanderman made a motion to close the public hearing, seconded by Member Gigante. Upon vote, the motion passed unanimously.

The Chairman proceeded to review the criteria by which the Board judges each application, noting that the village has a goal vis-à-vis upholding the 2017 Comprehensive Plan in protecting the scale and rural character of neighborhoods. We are charged with giving the most minimum variance possible, he said and noted that this proposed change is slight and the infrastructure will not be overtaxed, but that any variance over the bulk is substantial in his opinion.

Member Gigante made a motion to put the application to a vote, seconded by Member Wanderman and all were in favor.

Member Bryan said that it was a challenge to understand the square footage calculations and voted to deny the variance.

Member Dugandzic said she appreciate the additional information supplied at this meeting and believes the Applicant is trying to work with the Village and voted to grant the variance.

Member Gigante said that since the FAR is already non-compliant, the variance will push it further into non-compliance and voted to deny the variance.

Member Wanderman said he agreed with Member Gigante's comment but does not think the Applicant extends the FAR all that much and voted to grant the variance.

Chairman Gittens said he would be in favor if the bedroom in the basement was removed and voted to grant the variance provided the bedroom is removed.

Ms. Terhune said that upon vote, the Board has granted the variance of .16, conditioned upon removing the bedroom in the basement.

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS
COUNTY OF ROCKLAND, STATE OF NEW YORK

X

In the Matter of the Application of
4 Caddy Lane

**VARIANCE DECISION FOR
PROPERTY IDENTIFIED ON
THE VILLAGE OF
MONTEBELLO TAX MAP AS
Section 48.20, Block 1, Lot 69**

for relief from the Village of Montebello Zoning Law
Article IV, Section 195-13, “Table of Bulk Requirements,”
and Section 195, Attachment 2, use group “m,” minimum
front yard and minimum front yard setback.

X

**APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO
ZONING LAW FOR THE PURPOSE OF CONSTRUCTING AN ADDITION
TO A SINGLE-FAMILY HOME**

The property location, zoning district and proposed project. The subject property is located at 4 Caddy Lane, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 48.20, Block 1, Lot 69 (the “Parcel”). The Parcel is improved with a single-family home owned by Samuel Roth (together, the “Applicant”) and is located in the Rural Residential District (“RR-50”) zoning district (required minimum lot area is 40,000 square feet). The Parcel contains 40,067 square feet (.9198 acre).¹ Uses in the RR-50 district are governed by § 195-9, the Table of General Use Requirements. Bulk regulations are governed by §195-13, the Table of Bulk Requirements, as applied here pursuant to Use Group “m,” which permits a maximum Floor Area Ratio (“FAR”) of .15.

The application for variances. On February 8, 2022, application was filed with the Montebello Zoning Board of Appeals (the “Board”) for relief from the zoning law for the purpose of enlarging the existing 6,121 square-foot single family home by 606 square feet for a total floor area of 6,727 sq. ft. The Applicant proposed enlarging the kitchen on the first floor by expanding it into a portion of the dining room, which dining room would then be enlarged by 303 square feet; and adding an additional 303 square feet to the basement to add a bedroom. The Applicant requested one area variance:

¹ The Parcel was approved as part of the “Montebello Pines” subdivision pursuant cluster subdivision authorization contained in NYS Village Law § 7-738 and Montebello Zoning Law § 195-15.

1. A variance of 13.333% from the required maximum FAR of .15 to .17; subsequently reduced to a variance of 11.19% from .15 to .1678.

1.

Submissions. The following materials were submitted to the Board, which materials are incorporated into and made a part of this Decision and upon which this Board relied during its deliberations:

1. Letter of denial of building permit from the Village of Montebello Building Inspector, dated February 3, 2022; and
2. Application received February 8, 2022; and
3. Narrative prepared by the Samuel Roth, dated February 7, 2022; and
4. Plot Plan for Roth, prepared by Paul Gdanski, P.E., dated January 24, 2022, last revised April 1, 2022, consisting of title sheet, and sheets EX-01, A-101 through A-105, and A-201; and
5. Floor plans and renderings prepared by William Bateman, Architect, dated January 11, 2021, last revised June 10, 2022, consisting of sheets A-1 through A-6; and
6. Letter, dated May 4, 2022, from William Bateman, Architect, to the ZBA noting that revisions had been made to the application showing additional collar ties at 6'3" on the second-floor plans, and reducing the FAR variance request from .17% to .168%; revised FAR table was added to the Bateman architectural drawings; and
7. Letter, dated June 10, 2022, from William Bateman, Architect, to the ZBA noting that revisions had been made to the floor plans including an attic/roof plan to demonstrate the 6'3" attic height locations and notes related to the collar ties at 36" on center 6'3" above the ceiling joists and the addition of exterior height dimensions and attic heights to all exterior elevation drawings; and
8. Email from Adam L. Gordon, dated May 19, 2022, explaining that the Applicant is proposing to add additional collar ties in the attic at a height of 6-foot, 3-inches so as to not include attic space in the calculation of FAR. The BI noted that if these additional ties were removed at a later date so as to convert attic areas or other areas, such as mechanical rooms, to habitable space, a building permit and additional FAR variance would be required.

General Municipal Law § 239-m. The Application was referred to Rockland County Planning Department ("RCPD") pursuant to GML § 239-m. By letter dated March 11, 2022, RCPD responded that the parcel was outside of their area of jurisdiction because it is not within 500 feet of any State or County facility.

Agency Referrals. The Application was referred to Rockland County Sewer District No. 1 ("RCSD No. 1"), which responded by letter dated March 14, 2022, stating that the Applicant was not required to pay an impact fee so long as the occupancy remains one (1) residential dwelling unit.

Public Hearing. A duly noticed public hearing was convened on March 17, 2022, and adjourned to June 16, 2022. During the public hearings, the Zoning Board heard

testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed on June 16, 2022.

State Environmental Quality Review Act (SEQRA). The Zoning Board of Appeals determined that the application was a Type II Action pursuant to 6 NYCRR 617.5(c)(16), the granting of individual lot line variances and adjustments. No further environmental review was required.

FINDINGS

The zoning law. The Parcel area and residential use complies with the Montebello Zoning Law.

The zoning law applied to the application for variances. The proposed expansion, if permitted, exceeds the Floor Area Maximum of .15 of total lot area. The current 6,121 square-foot house exceeds FAR by 1.8% at .1527. The Applicant applied to the Board for relief from Section 195-13, "Table of Bulk Requirements," Use Group "m," to further exceed FAR in the form of: (1) of 13.333% from the required maximum FAR of .15 to .17; which requested variance was subsequently reduced to 11.19% from .15 to .1678. The effect of the variance, if granted, would increase nonconformity by 9.888%.

The Board's Findings. When considering whether to grant area variances, the Board must consider, and did consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Any area variance so granted by the Board must be the minimum variance that it deems necessary and adequate. During its deliberations, the Board noted that it reviews all applications to increase FAR in light of the overarching goal of the Village of Montebello's Comprehensive Plan, which is to maintain the existing scale of the residential housing in the Village. The Board

of Trustees enacted the FAR zoning regulations to achieve that goal and the Zoning Board is charged with that mission as well.

The Board made the following findings:

1. The Board considered whether the requested variance would produce an undesirable change in the character of the neighborhood and, more particularly, in the Village, if the variance, as requested, was granted. Although the Board recognized that the Applicant had reduced the original request from an increase to .17 FAR from the required maximum of .15, the reduction to .1678 was so de minimis as to be negligible. The Board also noted that the existing house already exceeded FAR by 1.8%. Thus, the Board determined that an additional 9.8% increase to .1678 would negatively impact the Village and would override the Village Board's ultimate goal in enacting FAR, which was to preserve the existing scale of the residential housing in the Village.

Upon additional discussion, the Applicant agreed to further reduce the requested variance from by eliminating the additional 303 square-foot increase in the area of the basement. With this the revision of the variance request was reduced to .1603, a total increase in FAR of 6.86% (a 4.977% increase in nonconformity).

With this change, the Board reconsidered whether there would be a detrimental impact to the character of the neighborhood and the Village and whether the variance, as reduced, would undermine the purpose of FAR, as enacted by the Village Board, and decided it would not.

2. The Board considered whether the benefit sought by the Applicant could be achieved by some method, feasible for the Applicant to pursue, other than an area variance and decided it could not, as this is the best location for the expansion of the kitchen.
3. The Board considered whether the requested area variance was substantial and determined that the original request for .17 and the revised request for .1678 was substantial, especially where, as here, the house already exceeded FAR. The Board also noted that any expansion of FAR was *ipso facto* substantial in that maximum FAR and maximum lot coverage together were intended to maintain a particular residential scale as stated in the Comprehensive Plan. However, the Applicant's good-faith effort to reduce the variance to only so much as is needed for the kitchen expansion mitigated against any negative impact to the goals of the Village Board as set forth in the Comprehensive Plan.
4. The Board determined that granting the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and determined that it would not.
5. Finally, the Board noted that, barring extraordinary circumstances, the need for a variance is always self-created. While that is relevant to the deliberations, however, it does not preclude granting the variance where other factors weigh in favor of the Applicant. Here, the Board was satisfied that expanding the size of the house by 303 square feet represented a reasonable accommodation between the needs of the Applicant as weighed against the Village's desire to maintain a particular residential character.

Applicant's burden. The Zoning Board of Appeals hereby finds and determines that the Applicant has sustained her burden of proof as required by New York State Village Law and Village of Montebello Zoning Law as to the need for the requested variances.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Village of Montebello Zoning Board of Appeals, that on a Motion by Member Wanderman, Seconded by Member Gigante, on a roll-call vote as set forth below, the Village of Montebello Zoning Board of Appeals hereby grants the following variances to the Applicant for the purpose of constructing an addition to the subject Parcel located at 4 Caddy Lane, identified on the Tax Map as Section 48.20, Block 1, Lot 69:

1. Relief from Section 195-13, "Table of Bulk Requirements," Use Group "m," in the form of a variance from the required .15 FAR to .1603.
- 2.

In granting this variance, the Zoning Board relied on the testimony of the Applicant and the submissions identified herein and made a part of this Decision as if attached hereto. This variance is granted in reliance on its individual purpose as shown on the referenced application materials, as modified by the reductions in the size of the variance and elimination of the 303 square-foot basement addition and for no other purpose. Deviation from the variance granted by this Board shall invalidate this Decision and void the variance granted herein by operation of law.

BE IT FURTHER RESOLVED, that this variance shall expire by operation of law if a building permit has not been issued within one year of the date the Decision was filed with the Village Clerk pursuant to Village of Montebello Zoning Law § 195-108F. This variance shall also expire if said building permit is not timely acted upon as set forth in Village of Montebello Zoning Law § 195-97.

BE IT FURTHER RESOLVED, that this variance is granted pursuant to the following conditions:

1. The addition of a note on plan stating that the addition is for the expansion of a single-family-home and for no other purpose.
2. The addition of a note to the plan that the square-footage of the basement shall not be increased.
3. The addition of a note to the plan that no occupancy of the attic area is permitted due to height restriction.
4. Full compliance with the Rockland County Sewer District No. 1 letter dated March 14, 2022, stating that an impact fee will be required if the occupancy is increased to more than one (1) residential dwelling unit.

5. The Building Inspector is hereby directed to conform the plans submitted for construction to the relief granted herein.
6. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

On a motion by Member Gigante, seconded by Member Wanderman, the within relief from the Village of Montebello Zoning Law was granted on a roll-call vote as follows:

	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[√]	[]	[]	[]
Carl Wanderman, Member	[√]	[]	[]	[]
Janet Gigante, Member	[]	[√]	[]	[]
Elizabeth Dugandzic, Member	[√]	[]	[]	[]
Ezra Bryan, Member	[]	[√]	[]	[]

Reyce Krause
PUBLIC HEARING
6 Rose Hill Road
41.17-1-60.3

Application of Reyce Krause of 743 Passaic Avenue, Apt. 455, Clifton, NJ 07012 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Floor Area Ratio [maximum 0.15, proposed 0.155] per Section 195-13 Bulk Table, use group h, column 14 of the Zoning code of the Village of Montebello to permit the construction, maintenance and use of a single-family dwelling. The property is located on the south side of Rose Hill Road, approximately 250 feet from the intersection of Spook Rock Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 41.17 Block 1 Lot 60.3 in the RR-50 Zone.

Chairman Gittens read the submittals into the record which included a supplemental narrative from the Applicants dated May 31, 2022, and an at-a-glance calculations chart; revised floor plans from Robert E. Zampolin, AIA dated May 31, 2022; a letter from Rockland County Highway Department dated June 6, 2022; and a letter from the Rockland County Health Department dated June 10, 2022.

Present were the Applicants Sheldon and Reyce Krause and their contractor Jack Spaeth. Mrs. Krause thanked the Board for allowing her to present and read her narrative. She explained that they worked very hard to reduce the FAR variance as they were asked and they have done so to the absolute minimum to accommodate their needs. The house now proposed is 7,539 square feet, only 227 square feet more than is permitted by right. The FAR now requested is 0.155, down from the originally requested of 0.213. This is our third appearance before this Board, we listened and took all directives to heart reduced the size of the proposed house by 10% she said. Two bedrooms were removed and the overall width and length of the house has been reduced but we feel that, though these cuts did hurt, we've maintained the functionality we are seeking. Mrs. Krause said she trusted that the Board will see these changes as minimal and will grant the variance.

Mr. Krause acknowledged that this Board views any variance as substantial but explained that the extra 227 square feet constitutes the bare minimum necessary in which he and his family need to live and work. Our

narrative explores the five criteria for granting variances and it seems that the impact is extremely minimal, especially since much of the additional space is below the ground, he said.

Member Bryan asked if there were new floor plans submitted. Mr. Krause said there are no new plans because footprint of the house remains largely the same, only that it's three feet narrower and the rest of the changes take place in the basement. Member Bryan asked if they meet the setback requirements. Mr. Krause said they do because there is plenty of room and in any case, they are not requesting any setback variances.

Chairman Gittens said he added up the spaces and all the dimensions on the architectural plans and found that some of the space is not included in the FAR calculations. A discussion ensued about "missing" calculations. Mr. Spaeth was sworn in and joined the discussion, suggesting that the Board put the matter to a vote conditioned upon a subsequent confirmation of the FAR calculations. Ms. Terhune said that the Board can only make decisions based on the plans presented to them. We might have to ask the Building Inspector to interpret the gross floor area if this is a de minimus factor, but the Board would be more comfortable if it knew that what they are looking at is indeed a FAR variance of 0.155.

Ms. Cross agreed that the Building Inspector should make a determination. Member Bryan did his own calculation and concluded that it did not match. Mrs. Krause vouched for the sterling reputation of their architect and said he would not sign or seal the plans if they were not accurate. Member Bryan, an architect himself, said there are peer reviews in their profession and maintained that the calculations are inaccurate. Mr. Krause said he is billed every time he comes to this Board and was unhappy about having to come back a fourth time. Ms. Cross said that even if the calculations are off by a foot, a new application would have to be made. The plans need to be accurate for the record, and you would be taking a huge risk if you moved forward without accuracy.

Mrs. Krause said they will return to their architect for clarification but asked if the variance is something Board will possibly grant, because shrinking the house further is not a possibility. Ms. Terhune said the Board cannot give advice on that, only that the Board needs to feel comfortable with what they are voting on. Mr. Krause said he wanted the Board to be as comfortable with the numbers as he and promised clarification.

Chairman Gittens reminded him that he wanted to see accurate dimensions, latitude and longitude, and then opened the public hearing. No one from the public wishing to speak, Member Wanderman made a motion to adjourn the public hearing and the application to the next available meeting seconded by Member Gigante and upon vote, all were in favor.

After a brief discussion of Mr. Baum's earlier presentation, Ms. Cross suggested an advice of counsel to discuss the application on behalf of MSC of Montebello before the next meeting and everyone agreed.

The Board then discussed the date of the next ZBA meeting as there were several conflicts. The Board and consultants agreed unanimously to hold the next ZBA meeting on July 28, 2022, on a motion made by Member Dugandzic and seconded by Member Wanderman.

No one having further comments, Member Dugandzic made a motion to adjourn the meeting at 8:41 p.m. seconded by Member Gigante and upon vote, all were in favor.