

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY AUGUST 15, 2024 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  
Ezra Bryan, Member  
Carl Wanderman, Member/Vice Chair  
Rosana Millos, Member

Others:

Alyse Terhune, Asst. Village Attorney  
Regina Rivera, Zoning Board Clerk

Absent:

Janet Gigante, Member  
Elizabeth Dugandzic, Member

**Minutes approval**

Member Wanderman made a motion to approve the July 18, 2024 meeting minutes, seconded by Member Millos and upon vote, all were in favor.

**Jacob Leitner**

**8 Henry Court**

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.

**\*pre-existing nonconformance**

Present was the Applicant Rabbi Leitner, expediter Eliezer Brecher, attorney Joseph Churgin, and engineer Josip Medic. After Chairman Gittens read the application into the record, Mr. Churgin explained that changes were made to the site plan per comments made at the last meeting, notably the side yard variance was reduced by moving the parking spot further away from the lot line. He then showed an alternate plan with seven spaces as required by the code and as requested by the Board at the previous meeting, and explained that parking was added on either side of the house. However, this alternate plan drastically changes the beauty of the property, and in any case the spaces are not needed because it is a Shabbos shul for residents who are forbidden to drive there, he said. We don't think the required amount of parking is appropriate and would prefer to seek that parking variance for five spaces, he added.

Chairman Gittens asked if the addition of the two spaces pushes them past the development coverage threshold. Ms. Terhune said the full seven spaces would add impervious surface and may require another variance for development coverage, but that there is no bulk table on the alternate plan. She noted that the seven-spot plan would require another variance for parking in the front yard and clarified that in order to meet the parking requirement, two more variances would be needed.

Member Bryan asked the grade difference between parking space #4 and the mikvah. Mr. Brecher said it was flat, and then submitted photographs of the existing conditions of the property to the clerk. Member Bryan asked

why that spot was chosen for the mikvah, and suggested that some parking could be located there instead. Mr. Brecher said that there are very steep slopes just beyond that location and there would be no room to turn around.

The Chairman engaged in a brief discussion with Mr. Medic and Mr. Brecher on alternate locations, after which Mr. Medic maintained that the grading where the suggested spaces would be located is too great and would need to be built up, requiring more land disturbance and a retaining wall. Member Millos asked if the mikvah could be located within the house, but Mr. Brecher said there is no room inside.

A lengthy discussion ensued between the Applicant's team and the Board regarding relocating the parking spaces and adding two more, thereby eliminating the parking variances altogether.

After consulting briefly with his client, Mr. Churgin said that he understood the need to comply with the code, but that they don't believe seven spaces are necessary. Doing as some of the Board members suggest requires more work that could encroachment into the Mahwah River wetlands and the construction of a wall. Nonetheless, Mr. Churgin acknowledged that these possibilities should be explored and requested an adjournment to the next meeting while they figure out how to add some parking to the rear of the property.

Ms. Terhune suggested they reach out to Village Engineer Martin Spence, and said that she thought the Board would appreciate hearing Mr. Spence's comments.

Mr. Brecher reiterated that there is no need for all the spaces. Chairman Gittens countered that the code is the code, and the property will be here even when we are all gone. Ms. Terhune agreed, explaining that the Residential Gathering Place law isn't meant just for religious uses, rather it was set up for anyone who has regular gatherings. This is why there are parking requirements, she said, and asked them again to try to comply with the parking requirements, even if they only add one more space.

Chairman Gittens opened the public hearing. No one present wishing to speak, Member Bryan made a motion to adjourn the public hearing to the next meeting. Member Wanderman seconded the motion and upon vote, all were in favor.

The Zoning Clerk reminded the Board to review the Land Use and Natural Resources elements of the 2017 village Comprehensive Plan and to submit any suggestions to Member Bryan who is currently serving on the 2024 comp plan commission.

Member Bryan made a motion to adjourn the meeting at 7:51 p.m., seconded by Member Wanderman and upon vote, the motion carried unanimously.