

The Zoning Board of Appeals of the Village of Montebello held a meeting on Thursday, March 20, 2025 at Montebello Village Hall, One Montebello Road, Montebello, NY. Chairman Gittens called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Rodney Gittens, Chairman
Ezra Bryan, Member
Elizabeth Dugandzic, Member
Rosana Millos, Member
Kevin Stevens, Ad Hoc

OTHERS

Alyse Terhune, Asst. Village Attorney
Regina Rivera, Planning/Zoning Clerk

ABSENT

Janet Gigante, Member

Minutes Approval

Member Millos made a motion to approve the minutes of the January 16, 2025 ZBA meeting, seconded by Member Dugandzic and upon vote, all were in favor.

Meyer Tauber

18 Senator Levy Drive, Montebello, NY

Application of Meyer Tauber, 18 Senator Levy Drive, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for a variance for: Floor Area Ratio [max .15, proposed, .175] per Section 195-13 Use Group m5 of the zoning code of the Village of Montebello. The Parcel is located on the southeast side of Senator Levy Drive approximately 146 feet from the intersection of Golf Course Drive and is shown on the Ramapo Tax Map as Section 48.20 Bloc 1 Lot 73 in the RR-50 Zone.

Present was the Applicant Meyer Tauber and his attorney Amy Mele. After Chairman Gittens read the application and submittals into the record, Ms. Mele explained that this was a request for a minor area variance for a single family home in the Pines, which is an average density subdivision. The maximum allowable FAR is .15 and .16 is being requested, a 5 ½ % increase, for the pool house/cabana that will serve the exiting pool.

Ms. Mele said the cabana will not cause an undesirable change to the neighborhood since it will be located at the rear of the wooded property and will not be seen from the street. She explained further that they collaborated with the architect to minimize the variance to the least amount possible to just 5.5% over the maximum, which is not substantial, especially since the surrounding homes are large and impressive. She acknowledged that the need is self-created, but noted that the Pines is a cluster subdivision and that not much can be done without a request for relief from the code. She said she hoped the Board would set the public hearing for the next meeting and that they would approve this modest application.

Mr. Tauber was sworn in and explained that he wishes to build the cabana for his family, particularly his parents and in-laws, who would benefit from having all the comforts close by while using the pool. He added that it will not be too big, that it will fit in with the landscape that they hope they will be able to enjoy it this summer.

Chairman Gittens asked how the cabana will be used. Ms. Mele said it will be 500 square feet and will contain a bathroom and spaces to change for family and friends using the pool. The Chairman asked what a mikvah was. Ms. Mele said it is a ritualistic bath for women of the Hasidic faith. Mr. Tauber said that it is a jacuzzi with spiritual meaning. Chairman Gittens asked what a schvitz was. Mr. Tauber said it is a sauna. The Chairman asked why there were two saunas, and Mr. Tauber explained that one was dry and one was a steam room, and that there will be a shower, a bathroom and a dryer for wet towels.

Chairman Gittens asked why the cabana had to be so large, and asked the difference between a hot tub and a mikvah. Ms. Mele said it wasn't that big, and that the difference between the two is that the mikvah has religious aspects and rules. There are off-site mikvahs, she explained, but it is obviously more convenient to have one at home. In terms of shower and steam rooms, we are showing this Board everything we are contemplating for the interior of cabana in the spirit of full disclosure, whether or not it gets built.

Member Dugandzic said that the plot plan dated July 9, 2023 denotes the "proposed" in-ground pool, and asked if the pool was built already. Mr. Tauber said it was built last year. Member Stevens asked if the pool was built in the same location indicated in the plot plan, and Mr. Tauber said it was. Member Stevens noticed that the proposed location for the cabana is wooded and asked if trees will be removed. Mr. Tauber said that no trees would be removed from that area, and that there was a shed there that was subsequently removed. Member Stevens asked if Mr. Tauber spoke to the neighbors about his plans. Mr. Tauber said he spoke to the neighbor in the rear of the property, closest to the cabana and confirmed that they had no issue with the proposal.

Member Bryan said he would be interested in seeing the approved as-built drawing for the pool in order to compare it to the current plot plan. Member Millos, looking at the aerial photo, asked about the dirt-covered area, and Mr. Tauber said that it was an area being prepped for grass and that nothing would be built there.

Chairman Gittens said that he and the Board would like to see an as-built site plan that reflects the existing conditions and asked the applicant to ensure that the calculations are all correct. He noted also that the architectural plans were not signed or sealed. Ms. Mele said she would follow up on that, and that the site plan will be revised to show that the shed was removed.

Member Bryan asked if there were any iterations of the plans that attempted to keep the cabana within the FAR threshold because he was curious to know what was done to reduce the variance. Ms. Mele said she would ask the architect to attend the next meeting so he could explain the process and that she would submit a revised narrative answering all questions posed at this meeting. She then asked the Board if they would like to do a site visit. The Board members agreed that they would each do so separately.

No one having further questions, Member Millos made a motion to set the public hearing for the April 24, 2025 meeting, seconded by Member Dugandzic and upon vote, all were in favor. The Zoning Board clerk explained that the April meeting was changed from the 17th to the 24th due to the Passover holiday.

Zvi Sternberg
1 Sheilah Court, Montebello, NY

Application of Zvi Sternberg, 1 Sheilah Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals. The Application is an appeal of the Building Inspector's denial of a ZBA application for an area variance for relief from Sec. 195-82D of the code of the Village of Montebello. The Parcel is located on the north side of Sheilah Court, at the intersection of Spook Rock Road, and is shown on the Ramapo Tax Map as Section 49.17 Block 1 Lot 3 in the RR-50 Zone.

The Applicant, Zvi Sternberg and his wife Miriam Sternberg were present along with their attorney, Joseph Churgin. Chairman Gittens read the application and submittals into the record and Mr. Churgin explained that they were there for two reasons: For an area variance for use of the home occupation of more than 500 square feet of the existing 6,000 square foot single-family home, and to dispute the Building Inspector's determination that this is a Use variances and not an area variances because, in the building inspector's opinion, much of the criteria for the home occupation were not met.

Mr. Churgin explained that Mr. Sternberg is a licensed physical therapist who treats people in his home. He said that his client did not know that he needed a special permit, and applied to the Planning Board as soon as he realized. Most of the people Mr. Sternberg treats are religious and that therefore men and women each need a male and a female therapist to treat them which requires separate spaces. This is an exceptionally large house and we are seeking to use 1,087 square feet for the practice. Yes, it is larger than 500 square feet, he said, but this is a large house on a large lot. He then introduced Mrs. Sternberg and asked her to explain their daily activities.

Mrs. Sternberg was sworn in and stated that she worked for her husband. The first questions she gets from potential clients is whether there is a separate space for women, and we accommodate their religious beliefs, which is a big draw for most, she said. It is a big issue in the community and part of what makes our practice so successful. Member Dugandzic asked if there was a female therapist, to which Mrs. Sternberg replied there was.

Mr. Sternberg was sworn in and stated that he wishes to give excellent service to his community while making a living to support his family. He explained that he bought the house to accommodate his growing family and his business, rather than purchasing or renting a separate property for his business only. He added that he has a big family and this arrangement suits their lifestyle.

Ms. Terhune explained to the Board that the Building Inspector issued a determination that this is a use variance and that the first request is for an override of his decision. If you uphold that decision, a use variance is a more difficult standard to meet, one with different criteria. Mr. Churgin agreed with Ms. Terhune's statement, adding that the criteria are nearly impossible to meet.

Ms. Terhune said that if the Inspector's determination is overturned, then the Board must review the area variance, adding that Section 195-82 of the Village code allows home occupations, but only if they meet certain requirements. She went on to note that in his June 24, 2024 CDRC memo, Village Planner Jonathan Lockman called out the differences between the proposed use for a home occupation according to Section 195-82E and what is actually being done at the home, and recommended that the Building Inspector consult with the Planning Board attorney and supply an opinion.

It is worth noting that Mr. Churgin submitted a ZBA application in January 2025 for one area variance, after which the building inspector issued his official determination, and that Mr. Churgin submitted a subsequent application appealing that determination. After some discussion, the Board realized they were not given any of the building inspector's letters of determination.

Mr. Churgin said he wanted the Board to have everything. Ms. Terhune asked him to submit one new comprehensive application for the next ZBA meeting.

Member Stevens asked Mr. & Mrs. Sternberg if they were both licensed therapists. Mr. Sternberg stated that he was and that his wife was the receptionist and scheduled appointments. They also have an office manager who sits in the back and manages operations, and all billing is done off-site. Member Stevens asked how many people come in for treatment per day on average, and where they park. Mrs. Sternberg said up to fifteen per day at staggered times, and that they park in the street and the driveway.

Chairman Gittens asked if there is signage. Mr. Sternberg said there was a sign, but that he removed it after the Building Inspector's letter. Member Millos asked where patrons accessed the home. Mr. Sternberg said through the side door which goes directly into the basement level. No one passes through the primary residence, he added.

Member Stevens asked how many other houses there are on the street, and whether there are children. Mrs. Sternberg said there are four other houses, one of which has small children.

Chairman Gittens asked how long each patient on average spends in the office. Mr. Sternberg said there are two at a time throughout the day and that treatment generally takes 45 minutes to an hour. Member Millos asked why so many rooms are necessary. Mr. Sternberg said that sometimes a private room is needed and there they have to separate them by gender.

Ms. Terhune recommended that the application adjourn to the next meeting when all submittals are in and everyone is on the same page.

Member Millos made a motion to adjourn the application to the next meeting on April 24th. Member Dugandzic seconded the motion and upon vote, all were in favor.

Member Dugandzic made a motion to adjourn the meeting at 8:36 p.m. seconded by Member Millos and upon vote, the motion passed unanimously.