



## MEMORANDUM

TO: Village of Montebello Planning Board

FROM: Jonathan Lockman, AICP  
Gerard Chesterman, Planner

SUBJECT: 8 Henry Court – Residential Gathering Place  
S/B/L 48.10-1-36; R-35

DATE: March 5, 2025

CC: Regina Rivera - Planning Board Secretary  
Martin Spence, P.E. - Village Engineer  
Alyse Terhune, Esq. - Planning Board Attorney  
Jacob Leitner – Applicant  
Kevin Maher, P.E., M.ASCE – For the Applicant

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We have reviewed the following materials received by our office, for the preparation of this memo:

- Project Narrative, prepared by Eliezer Brecher, last revised March 3, 2025
- Letter from the Rockland County Drainage Agency, prepared and signed by Shajan S. Thottakara, P.E., CFM, dated July 16, 2024
- Response Letter to the Rockland County Drainage Association, prepared by Josip Medic, PE. of Terranova, dated February 26<sup>th</sup>, 2025
- Response Letter to the Martin Spence PE, Consulting Village Engineer, prepared by Josip Medic, PE. of Terranova, dated February 26<sup>th</sup>, 2025
- Stormwater Management Report, prepared, stamped, and signed by Josip Medic, PE, dated February 2025.
- Site Plan, 11 sheets, stamped and signed by Josip Medic, PE., dated August 9, 2024, last revised February 27, 2025:
  - Drawing Number: 01 of 11: Site Plan
  - Drawing Number: 02 of 11: Demolition Plan
  - Drawing Number: 03 of 11: Grading Plan
  - Drawing Number: 04 of 11: Drainage Plan
  - Drawing Number: 05 of 11: Utility Plan
  - Drawing Number: 06 of 11: Lighting Plan
  - Drawing Number: 07 of 11: Soil Erosion & Sediment Control Plan
  - Drawing Number: 08 of 11: Traffic Plan 1
  - Drawing Number: 09 of 11: Traffic Plan 2
  - Drawing Number: 10 of 11: Traffic Plan 3
  - Drawing Number: 11 of 11: Details sheet

## Summary

The application proposes converting an existing garage at the residence at 8 Henry Court into a Residential Gathering Place with a new bathroom and an accessory parking area. The applicant does not propose any changes to the existing footprint of the residence. The sanctuary space dimensions proposed are 20'10" by 20'10", with a square footage of 400 square feet (existing garage interior). There are currently two parking spaces for the residence in the existing two-car garage, which would be replaced by the gathering place. Five (5) new outdoor parking spaces are proposed, including one handicapped space. A mikvah building is proposed for the site but is not part of the RGP site plan application, as it will be only for the private use of the residents of the home. The lot contains 1.06 acres (46,072 sf) and is located in the R-35 zoning district.

We offer the following comments based on our review of these materials:

## Zoning:

1. The application is for Residential Gathering Place, which is a special use in the Village of Montebello. The special use standards for Residential Gathering Places from §195-79.1 are listed below (in blue font), with comments regarding applicable sections. Items previously resolved are not included below.

*A. The building containing the residential gathering place shall comply with all applicable zoning code provisions of the Village of Montebello for a one-family detached residence, and with the requirements of all applicable fire and building codes of New York State and shall be accessory to the principal use as a single-family residence.*

Comments 2.A.1, 2.A.2, 2.A.3 and 2.A.4 of our previous memorandum dated February 5, 2025, regarding lot area, lot width, side yard and floor area ratio, have been resolved.

Regarding comment Regarding comment 2.A.5 of our previous memorandum regarding the application for a wetlands permit, **the applicant has been nonresponsive. The project narrative dated March 3, 2025, simply states "we are requesting that the Planning Board grant this permit," without applicant having provided any of the required submittals of section §191.B of the wetlands chapter. This was first requested in our memorandum of April 17, 2024. Please submit the following missing information as required by this section:**

**(7)** A description of the existing conditions of the site on which the aquatic resource or resources is or are located.

**(8)** A description of the aquatic resource or resources in which the activity is proposed to take place.

**(9)** A description and analysis of the functions of the aquatic resource or resources for groundwater recharge, groundwater discharge, stormwater management, flood flow alteration, sediment stabilization, nutrient removal, habitat for flora, habitat for fauna, and recreational uses.

**(10)** A description and analysis of the impact or impacts that the proposed activity will have on the aquatic resource or resources, including the magnitude of the impact or impacts, the duration of the impact or impacts, including but not limited to a statement as to whether the duration is temporary, short-term, long-term or permanent, whether the impact or impacts are adverse to the functioning of the aquatic resource or resources or neutral or positive.

**(11)** A description and analysis of mitigation available to remedy negative impacts to the extent that such negative impacts are identified.

*C. The maximum occupancy of the residential gathering place shall be in accordance with the definition of "gathering place, residential," as set forth in § 195-124. (See definition below.)*

*GATHERING PLACE, RESIDENTIAL*

- A. *The accessory use of a portion of a one-family detached residence, which portion is incidental and subordinate in both use and size to the residence, is located within the residence building or accessory structure, and is designated primarily for regular large gatherings, meeting all of the following criteria:*
- (1) *The gatherings occur more than 12 times per year; and*
  - (2) *These gatherings are comprised of 15 or more persons; and*
  - (3) *The occupancy of the gatherings shall be the lesser of: (i) 49 persons; or (ii) the number of persons determined by dividing the number of square feet of the portion of the residence so designated as a residential gathering place by 15 square feet per person. The requirement of no more than 49 occupants is the maximum permitted before the use category of "assembly" would be applicable under the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. The standard of 15 square feet per person is set forth in Table 1004.5 of said New York State Code, which is applicable to unconcentrated assembly without fixed seats.*
- B. *The designated area for a gathering place shall have a maximum floor area of less than 50% of the gross floor area of the one-family detached residence.*
- C. *Any use that exceeds any of the above criteria at any time shall not be considered a residential gathering place. The Building Inspector shall determine the appropriate use category based upon the requirements of this chapter.*

Per comment 2.C. of our previous memorandum, a **note was added to the site plan under parking requirements that the maximum occupancy per fire code for the Residential Gathering Place is 28 persons. Please add the maximum occupancy of 28 to Note 13 as well.**

- M. *One sign is permitted which shall meet the standards for a home occupation sign as set forth in § 195-82A. In addition, the sign shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.*

Per comment 2.M of our previous memorandum, note 15 of the Standard Site Plan has been added. The note states: **“no sign(s) other than those shown on the drawing are permitted without prior approval of the planning board (tenants are to be advised of this condition). This does not answer our question as to whether there will be signs or not and if they will conform to the maximum size requirements.”** However, **no signs are shown on the drawing. Please clarify.**

- Q. *A narrative summary shall be submitted to the Planning Board, providing the maximum anticipated number of persons to be assembled, square footage of the assembly spaces, days and hours of assembly, and number of parking spaces provided.*

Per comment 2.Q of our previous memorandum, the square footage of the assembly space (400 sf) has been included in the narrative.

#### **SEQR Procedural:**

3. At its meeting held on February 11, 2025, the Planning Board declared itself as lead agency. **We recommend that the Planning Board categorizes the action as Type II, requiring no further environmental review, if it has not done so already.** The proposed action meets the criteria for 6 CRR-NY 617.5, Type II actions, item (9):

“(9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls but not radio communication or microwave transmission facilities.”

4. In accordance with §239-l, 239-m, and 239-n of the General Municipal Law of the State of New York, the application has been submitted to the Rockland County Planning Department for GML review, due to its proximity with Route 202, Harriman State Park, and the Mahwah River. **A GML review letter has not been received, as of this writing.**

**Items Reviewed for our Previous Memorandum, dated February 5, 2025**

- Rockland County Department of Planning, Referral Form for GML Reviews, for Meeting Dated February 11, 2025, for 8 Henry Court.
- Narrative, by Builders Expediting, dated December 24, 2024.
- Application Review Forms package, by Jacob Leitner, dated February 29, 2024, signed April 1, 2024. (previously submitted)
- Short Environmental Assessment Form, Part 1, signed by Jacob Leitner, dated April 2, 2024. (previously submitted, but a newer version dated May 16, 2024, was submitted in May 2024)
- Variance Decision in the Matter of the Application of Jacob Leitner, Calendar Case 1195, dated January 16, 2025, certified January 27, 2025.
- Floor Plans, Sheet 3 of 3, entitled “Proposed Shul, 8 Henrey Court,” stamped by James Chun, P.E., dated May 7, 2024. (previously submitted)
- SEAF Part 1 form, with EAF Mapper Summary, signed by Jacob Leitner, dated May 16, 2024.
- Site Plan Set, 10 sheets, stamped by Kevin Maher, P.E., M.ASCE, for 8 Henry Court, dated August 9, 2024, with the latest revision date of July 4, 2024, including the following:
  - 01, Site Plan
  - 02, Demolition Plan
  - 03, Grading Plan
  - 04, Drainage Plan
  - 05, Utility Plan
  - 06, Lighting Plan
  - 07, Soil Erosion and Sediment Control Plan
  - 08, Traffic Plan 1
  - 09, Traffic Plan 2
  - 10, Details Sheet

**Items Reviewed for our Previous Memorandum, dated May 28, 2024:**

- Architectural Plans, 5 sheets, entitled “Proposed Mikvah for 8 Henrey Court,” stamped by James Chun, P.E., dated April 13, 2024, with the following sheets:
  - 1, Title
  - 2, Notes
  - 3, Floor Plans (with Foundation Plan, Roof Plan and Lighting RCP)
  - 4, Building Elevations (all sides)
  - 5, Typical Details & Riser Diagrams
- Architectural Plans, 3 sheets, entitled “Proposed Shul, 8 Henrey Court,” stamped by James Chun, P.E., dated May 7, 2024, with the following sheets:
  - 1, Title
  - 2, Notes
  - 3, Floor Plans

- Narrative, by Builders Expediting, dated March 1, 2024 (Note: This narrative differs from the previous submission, but is still dated March 1, 2024, which was the date of the previous narrative.)
- Response to Village Planner's comments of April 17, 2024, undated, unsigned.
- Response to Village Engineer's comments, undated, unsigned.
- Response to Building Inspector's comments, undated, unsigned.
- SEAF Part 1 form, with EAF Mapper Summary, signed by Jacob Leitner, dated May 16, 2024.
- Site Plan Set, 11 sheets, stamped by Kevin Maher, P.E., M.ASCE, for 8 Henry Court, dated March 27, 2024, with the latest revision date of May 13, 2024, including the following:
  - 01, Site Plan
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  - 08, Traffic Plan 1
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  - 10, Traffic Plan 3
  - 11, Details Sheet

**Items Reviewed for our Previous Memorandum, dated April 17, 2024:**

- Application Review Form, by Jacob Leitner, dated February 29, 2024, signed April 1, 2024.
- Short Environmental Assessment Form, Part 1, signed by Jacob Leitner, dated April 2, 2024.
- Narrative by Builders Expediting, unsigned, dated March 1, 2024.
- Letter to Caridi, from Kevin P. Maher, P.E., M.ASCE, re: Porous Asphaltic Concrete, dated March 25, 2024
- Floor Plan, "A-1", for 8 Henry Ct., by Isaac Lebowitz, unstamped, dated December 31, 2020.
- Site Plan Set, 4 sheets, stamped by Kevin Maher, P.E., M.ASCE, for 8 Henry Court, dated March 27, 2024, including the following:
  - 01, Site Plan
  - 02, Grading Plan
  - 03, Soil Erosion and Sediment Control Plan
  - 04, Details Sheet