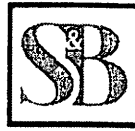


Richard H. Sarajian
Direct Line: (845) 205- 4553
Email: rsarajian@sbnewyorklaw.com



Paul S. Baum
Direct Line: (845) 205-4556
Email: pbaum@sbnewyorklaw.com

SARAJIAN & BAUM
PLLC

155 North Main Street
New City, New York 10956
Telephone: (845) 205-4558
Fax: (845) 213-2141

April 23, 2025

Anthony Caridi, Chairman
Planning Board
Village of Montebello
One Montebello Road
Montebello, NY 10901

RE: Weinberger Subdivision Amendment

Dear Chairman Caridi:

This letter is sent to update the status of this application and to summarize the various reviews since this application was first presented to the CDRC On October 29, 2024.

The application was filed in October 2024 requesting amended subdivision approval to remove a condition placed upon the subdivision approval that prohibited the construction of basements on certain lots. The Board is referred to the application and narrative summary dated October 8, 2024 (**Exhibit 1**).

The applicant appeared before the CDRC on October 29, 2024. Thereafter, a scope of the soil and groundwater testing to be conducted to review the subsurface conditions of Lots 21, 22 and 24 was agreed upon by Village Engineering Consultant Martin Spence. Civil Tec Engineering prepared an Underdrain Report dated December 14, 2024 and last revised on March 24, 2025 (**Exhibit 2**). The report was reviewed by Martin Spence (**Exhibit 3**) and Nelson Pope Voorhis (**Exhibit 4**).

A final CDRC meeting was held on March 25, 2025 at which time the CDRC referred the applicant to the Planning Board for review (**Exhibit 5**).

We look forward to presenting the application at the upcoming Planning Board meeting scheduled for 5/13/25.

We would request that the Planning Board waive any public hearing requirement pursuant to the provision of Section 163-14 of Subdivision Regulations which provides,

"The Planning Board may, in its sole judgement, determine whether a proposed amendment to a filed plat endorsed by the Chairman shall be subject to preliminary and final approval, final approval or waiver of specific requirements of the subdivision regulations prior to Planning Board approval; which determination shall be based on the effect the proposed amendment will have on the lots subject to the amendment, adjoining lots, the neighborhood or the Village at large."

Based on the nature of the amendment and factors present, the proposed amendment to the subdivision approval only impacts the three lots specified in the application and does not have an impact on any adjoining lots not owned by the applicant, the neighborhood or the Village at large.

Thank you for your consideration.

Very truly yours,

SARAJAN & BAUM, PLLC



PAUL S. BAUM

PSB/vjl

Enc.

EXHIBIT 1

APPLICATION REVIEW FORM

PART I

VILLAGE OF MONTEBELLO

Date October 8 2024

Please check all that apply:

<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Village Board
<input type="checkbox"/> Zoning Board of Appeals*	<input type="checkbox"/> Historic Preserv. Comm.
*(Fill out Part II of this form)	
<input checked="" type="checkbox"/> CDRC	<input type="checkbox"/> Architectural Review Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Number of Lots
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Informal
<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Stream and Wetlands Permit	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Cert. of Appropriateness
<input type="checkbox"/> Zoning Code Amendment	<input type="checkbox"/> Zone Change
<input type="checkbox"/> Variance	<input type="checkbox"/> Other _____

Project Information

Project Name: Weinberger Subdivision

Tax Map Designation:

Section 41.13 Block 2 Lot(s) 18, 19, and 21

Section _____ Block _____ Lot(s) _____

Location: On the northwest side of Magnolia Street,
500 feet South of Grandview Avenue in the
Village of Montebello.

Street Address: 21 Magnolia Street, 1 Hickory Court & 2 Hickory Court

Acreage of Parcel <35.000 Zoning District R-35

School District SUFFERN CENTRAL S.D. Postal District SUFFERN 10901

Fire District TALLMAN F.D. Ambulance District RAMAPO VALLEY

Water District VEOLIA WATER Sewer District ROCKLAND #1

APPLICATION REVIEW FORM

Project Description: *(If additional space required, please attach a narrative summary.)*

Removal of restriction that no basements are permitted for lots 21, 22, and 24 per Condition No. 11 on Resolution PB-04 of 2010.

If subdivision:

- 1) Is any variance from the subdivision regulations requested? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Total size of building(s) in square feet _____
- 2) Proposed addition _____

If special permit, list special permit use and what the property is proposed to be used for.

Environmental Constraints:

Are there slopes greater than 15%? _____

Are there streams, flood plains, lakes, or other land under water on the site? _____

If yes, please provide the names. _____

Are there wetlands on the site? _____

If yes, please provide the names and type. _____

If yes to any of the above, please indicate the amount and show the gross and net area per section 195-14.A. _____

****SHOW ENVIRONMENTAL CONSTRAINTS ON SEPARATE DRAWINGS.****

Project History: Has this project or property ever been reviewed before? _____

If so, provide a narrative, including the list case number, name, date, and the board(s) that reviewed it, together with the status of any previous approvals.

APPLICATION REVIEW FORM

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

General Municipal Law Review:

This property is within 500 feet of *(Check all that apply)*:

<input type="checkbox"/> State or County Road	<input type="checkbox"/> State or County Park
<input type="checkbox"/> New York State Thruway	<input type="checkbox"/> County Stream
<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> County Facility

List name(s) and/or numbers of facility(ies) checked above. _____

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

Referral Agencies:

<input type="checkbox"/> RC Highway Department	<input type="checkbox"/> RC Division of Environmental Resources
<input type="checkbox"/> RC Drainage Agency	<input type="checkbox"/> RC Dept. of Health
<input type="checkbox"/> NYS Dept. of Transportation	<input type="checkbox"/> NYS Dept. of Environmental Conservation
<input type="checkbox"/> NYS Thruway Authority	<input type="checkbox"/> Palisades Interstate Park Comm.
<input type="checkbox"/> Adjacent Municipality _____	

Contact Information

Applicant: George Weinberger Phone # _____

Address 1757 East 23rd Street, Brooklyn, NY 11229 Email: _____

Street Name & Number (Post Office) State Zip code

Property Owner: GV Holding LLC & Grandview Enterprises LLC Phone # _____

Address 1757 East 23rd Street, Brooklyn, NY 11229 Email: _____

Street Name & Number (Post Office) State Zip code

Engineer: _____ Phone # _____

Address _____ Email: _____

Street Name & Number (Post Office) State Zip code

APPLICATION REVIEW FORM

Surveyor: _____ Phone # _____

Address _____ Email: _____
Street Name & Number (Post Office) State Zip code

Architect: _____ Phone # _____

Address _____ Email: _____
Street Name & Number (Post Office) State Zip code

Attorney: Sarajian & Baum PLLC by: Paul S. Baum Phone # 845-205-4556

Address 155 North Main Street, New City, NY 10956 Email: pbaum@sbnewyorlaw.com
Street Name & Number (Post Office) State Zip code

Contact Person: _____ Attorney _____ Phone # _____

Address _____ Email: _____
Street Name & Number (Post Office) State Zip code

TO ALL APPLICANTS - YOU MUST SEND COPIES OF APPLICATIONS AND PLANS TO:

Regional Manager
Orange and Rockland
75 West Route 59
Spring Valley, NY 10977

I have informed the above checked agencies and Orange and Rockland on NA.

APPLICATION REVIEW FORM

Applicant's Combined Affidavit and Certification

State of New York)
County of Rockland) ss.:

George Weinberger, being duly sworn, deposes and says:

Applicant's Name

I am the applicant in this matter. I make these statements to induce the Village of Montebello, its boards, commissions, officers, employees, and consultants, to entertain my application, knowing that the Village will rely upon the statements made herein.

1. Verification of Facts. All statements contained in this application and in all documents, drawings, writings, and other communications submitted in connection with this application are true.

2. Consent to Enter. I hereby give permission to members of said boards and/or supporting staff to visit the property in question at a reasonable time during the day.

3. Affidavit Pursuant to General Municipal Law Section 809. All the following statements and the statements contained in the papers submitted herewith are true and the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

A. I certify that I am the owner, officer, member or agent of owner, of all that certain lot, piece or parcel of land and/or building described in this application **and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner** in connection with this application for the relief below set forth:

B. There is no state officer, Rockland County officer or employee or village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New

APPLICATION REVIEW FORM

York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

C. To the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Rockland or of the Village of Montebello in the petition, request or application or in the property or subject matter to which it relates:

(if none, so state)

a. Name and address of officer or employee None

b. Nature of interest _____

c. If stockholder, number of shares _____

d. If officer or partner, nature of office and name of partnership _____

e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of

these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. _____

f. In the event of corporate or limited liability company ownership: A list of all directors, officers and stockholders of each corporation or members of each limited liability company owning more than five (5%) percent of any class of stock or more than five (5%) percent beneficial interest, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Village of Montebello.

D. I do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

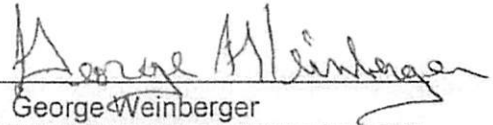
APPLICATION REVIEW FORM

4. Reimbursement for Professional Consulting Services. I understand that the Village Board, Planning Board, Zoning Board of Appeals, and other municipal boards, in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Village and each such consultant for the cost of such consultant services upon receipt of the bill.

I agree to establish an escrow account with the Village of Montebello from which these consultants' fees will be paid. The escrow account will not draw interest, and will be replenished upon notification by the Village. Any additional sums needed to pay the Village's consultants shall be paid prior to final action on the application. The Village may suspend processing of the application if there is a deficiency in the escrow account.

Permits will not be issued and site plan or subdivision will not be signed until bill is paid in full. Any sums remaining in the escrow account after the consultants have been paid in full will be returned to the applicant. The applicant has the right to examine escrow and payment records upon prior written notice to the Village.

Applicant's Signature




Print Applicant's Name George Weinberger

SWORN to before me this

30th day of October, 2024


BRYAN SADRES
Notary Public, State of New Jersey
Comm. # 50028683
My Commission Expires 12/14/25

 Notary Public

APPLICATION REVIEW FORM

Affidavit of Ownership/Owner's Consent

State of New York)

County of Rockland) SS.:

I, George Weinberger being duly sworn, hereby
depone and say that I reside at: 1757 East 23rd Street, Brooklyn, NY 11229

in the county of Kings in the state of New York.

I am the (* Member of Grandview Enterprises, LLC) owner in fee simple of premises located at:

21 Magnolia Street, 1 Hickory Court & 2 Hickory Court

described in a certain deed of said premises recorded in the Rockland County Clerk's
Office in Liber _____ of conveyances, page _____ or as Instrument ID# 2000-12077.

Said premises have been in my/its possession since 2000. Said premises are also
known and designated on the Town of Ramapo Tax Map as:
section 41.13 block 2 lot(s) 18, 19, and 21.

I hereby authorize the within application on my behalf, and that the statements of fact
contained in said application are true, and agree to be bound by the determination of the
board.

Owner's Signature

Mailing Address

George Weinberger
1757 East 23rd Street,
Brooklyn, NY 11229

SWORN to before me this

8th day of October, 2024

BRYAN SADRES
Notary Public, State of New Jersey
Comm. # 50028683
My Commission Expires 11/11/25 Notary Public

**If owner is a corporation or LLC, fill in the office held by deponent and name of corporation or LLC, and provide a list of all directors, officers and stockholders owning more than 5% of any class of stock and all members having greater than 5% beneficial interest.*

**NARRATIVE SUMMARY
Weinberger Subdivision
S/B/L 43.13-18, 19 and 21**

This narrative summary is submitted in support of the application for amended subdivision approval to remove a condition placed upon the subdivision approval that prohibits basements on certain lots.

The Weinberger Subdivision was approved by the Planning Board on July 22, 2009 by Resolution PB-04 of 2009 (Exhibit A). The approval lapsed and was reinstated on September 14, 2010 by Resolution PB-04 of 2010 (Exhibit B). The subdivision map for Section A was filed with the Rockland County Clerk on February 10, 2011 in B. 128, P. 77 as Map No. 8133 (Exhibit C).

This Section A map created 10 new lots (Lots 15-24). No other sections were recorded and the approval of those sections has expired. The applicant is beginning to sell lots in Section A. The approval reinstatement resolution (PB-04 of 2010) contains Condition No. 11 which provides as follows:

“11. Houses shown on the plans in the Plan Set without basement floor elevations (denominated “B.F.”) shall not have basements or below grade stories.”

The Grading & Drainage Plan (Exhibit D) shows that Lots 21, 22 & 24 do not contain a “B.F.” denomination and thus are prohibited from having basements or below grade stories. Presumably, the reason for the prohibition was due to a high-water table and the concern that the water would seep into the basements. However, an upstream culvert that was installed to divert stormwater coming from the Village of Wesley Hills was successful in reducing the water table in the area such that there is no basis to continue the prohibition of basements on those lots. From an engineering and construction standpoint, these lots can be safely improved with basements and appropriate water control methods so that the basements will be dry and there will be no hazard to public health, safety and welfare.

Potential purchasers of these lots expressed the desire to have basements in the homes to be constructed. Therefore, we submit that the restriction of basements on these three lots should not required and we seek amended subdivision approval to remove Condition No. 11 from the approval resolution.

Dated: October 7, 2024

Respectfully submitted,

SARAJIAN & BAUM, PLLC

By: _____

Paul S. Baum

EXHIBIT A

RESOLUTION PB- 04 OF 2009
Granting Approval of a Subdivision Entitled
"Weinberger"

WHEREAS, an application has been made by George Weinberger for final approval of a subdivision plat entitled "Weinberger", affecting premises designated as Section 41.13, Block 2, Lot 5 and 6, and Section 41.17, Block 1, Lots 5 and 6 on the Tax Map of the Town of Ramapo; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this Board, as lead agency, issued a positive declaration, and, based upon the Environmental Impact Statement prepared in this matter, issued findings which are on file in the office of the Clerk to this Board; and

WHEREAS, pursuant to the said findings, and as authorized by a resolution of the Village Board to apply cluster techniques to the proposed plat, this Board processed, as the proposed preliminary subdivision plat, the preferred alternative arising from this Board's findings; and

WHEREAS, in connection with the authorization to use cluster techniques, the applicant has offered to dedicate the wetlands areas noted on the maps in the westerly portion of the site, and areas contiguous to said wetlands, to the Village in order to protect the wetlands resource, and has further recognized that such dedicated areas are not suitable for parks and recreation uses, and will not be counted toward the applicant's contribution for parks and recreation lands; and

WHEREAS, the Village Board has indicated that it will accept such offer of dedication at the appropriate time; and

WHEREAS, preliminary approval was granted by this Board on June 12, 2007; and

WHEREAS, on June 12, 2007, the Rockland County Planning Department recommended modifications to the proposed final plat; and

WHEREAS, additional modifications to the proposed final plat were required as a result of requirements of the New York State Department of Environmental Conservation, which modifications required the deletion of two residential lots and the relocation of certain drainage structures; and

WHEREAS, a public hearing was held with respect to the final plat application, said public hearing having been closed on June 9, 2009; and

NOW, THEREFORE, be it

FILED
JUL 21 2009
VILLAGE OF
MONTEBELLO

RESOLVED, that the plat entitled "Weinberger", consisting of 54 sheets (hereinafter "the Plan Set"), as identified in Schedule A annexed hereto, affecting premises designated as Section 41.13, Block 2, Lot 5 and 6, and Section 41.17, Block 1, Lots 5 and 6 on the Tax Map of the Town of Ramapo, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Village of Montebello, subject to the following:

1. The approval granted herein is based upon the Plan Set, and there shall be no deviations from the Plan Set except as specifically set forth herein or as expressly permitted by the subdivision regulations of the Village of Montebello without the express prior permission and approval of this Board. This condition, and all other conditions hereof, shall be binding upon the applicant, its successors and assigns, including, without limitation, the subsequent owners of individual lots in the subdivision. A note to this effect shall be endorsed upon the plat to be filed in the Office of the Rockland County Clerk, or, if the plat is to be filed in sections, upon each section of the plat to be filed.

2. Rockland County Planning Department conditions as stated in its memorandum dated June 12, 2007, except to the extent that said conditions relate to the approval of the Rockland County Highway Department. Said approval is dealt with below.

3. Conditions of the Rockland County Highway Department letter dated June 4, 2007, provided, however, that (a) the dedication referred to in item 1 of said letter shall be offered to the Village of Montebello; and (b) this Board has fully considered pedestrian traffic, and has determined that a pedestrian crossing count analysis is not needed, and that no sidewalks shall be built anywhere in the subdivision, including along Grandview Avenue. To the extent that the foregoing is considered a recommended modification of the Rockland County Planning Department, they are to be deemed overridden.

4. All conditions and findings of the Findings Statement issued as a result of the Environmental Impact Statement completed herein.

5. All conditions of the Preliminary Approval dated June 12, 2007.

6. All items contained in the memoranda of Brooker Engineering, PLLC, the Village's engineering consultant, dated June 9, and June 30, 2009.

7. All items contained in the letter of Robert Geneslaw, the Village's planning consultant, dated June 8, 2009.

8. As agreed to by the applicant, the litigation commenced by the applicant against the Village of Montebello in the Supreme Court of the State of New York, County of Rockland, under Index No. 2004-5589, shall be formally discontinued in all respects, without award to applicant, prior to the signing of the plat by the Chairman of this Board.

9. This Board reaffirms its finding that, based upon studies previously conducted, there is a need for additional park and recreation land within the Village, that this need shall be increased as a result of the increase in population which will result from the proposed project, and that there is insufficient land available in the premises to be subdivided to warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Village in lieu of land in the amount set forth in the Village's Schedule of Fees.

10. If plans submitted for a building permit or certificate of occupancy for any individual home show a deviation of any finished floor elevations of ± 2 feet, as compared with the finished floor elevations shown on the Plan Set approved by this Board herein, then such lot shall return to this Board for individual site plan review prior to the issuance of a building permit, certificate of occupancy or subsequent inspection. It shall be a condition of this approval, binding upon the applicant, its successors and assigns, that the Building Inspector may issue a stop work order on construction on any lot where such a deviation exists without the approval of this Board.

11. Houses shown on the plans in the Plan Set without basement floor elevations (denominated "B.F.") shall not have basements or below grade stories.

12. The applicant has requested permission to file the approved plat in the Office of the Rockland County Clerk in four sections, pursuant to the provisions of section 7-728.7(b) of the Village Law. A plan for sectional filing is included in the Plan Set upon which this Board has granted this approval. The applicant is hereby granted permission to file the approved plat in four sections, as set forth in the Plan Set drawings dated January 22, 2008, last revised June 17, 2009, and designated sheets SPSEC A, B, C and D, respectively, provided, however, that Section A thereof shall be filed first; Section B thereof may be filed after Section A is filed, but not before Section A is filed; Sections C and D thereof may be filed at any time after Sections A and B are filed, but not before Sections A and B are filed. Nothing herein shall be deemed to compel the filing of any of said Sections.

13. Plat note 34 shall be deleted from the plat. The existing easement to Home Gas Company, running generally through proposed lots 1, 2, 3, 4, 5, 6, 7, and 47 in the southerly portion of the premises, shall be extinguished of record in the Office of the Rockland County Clerk, and the notation of said easement shall be removed from the Plan Set prior to the signing of the plat by the Chairman.

14. Landscaping and screening surrounding the storm water management facilities located between proposed lots 14 and 15 shall be reviewed and approved by the Village's said Engineering Consultant and the Village's Planning Consultant, Robert Geneslaw.

15. Signature of the Chairman of the Rockland County Drainage Agency pursuant to the requirements of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended).

Motion: Al Rubin, Chairman

Second: Michael Iatropoulos, Member

Upon vote, the Resolution carried unanimously.

Dated

7/22/09

A handwritten signature in black ink, appearing to read 'Al Rubin', written over a horizontal line.

Al Rubin, Chairman

[See Schedule "A" Attached]

SCHEDULE "A" - WEINBERGER SUBDIVISION LIST OF DRAWINGS			
NO.	DESCRIPTION	ORIGINAL DATE	LATEST REVISION DATE
1	TITLE SHEET	5/16/2007	6/17/09
2	FINAL SUBDIVISION PLAT	8/9/2007	6/17/09
3	KEYMAP & SITE OVERVIEW PLAN	5/16/2007	5/4/09
4	LAYOUT PLAN (1 OF 4)	8/9/2007	6/17/09
5	LAYOUT PLAN (2 OF 4)	8/9/2007	6/17/09
6	LAYOUT PLAN (3 OF 4)	8/9/2007	6/17/09
7	LAYOUT PLAN (4 OF 4)	8/9/2007	6/17/09
8	GRADING AND DRAINAGE PLAN (1 OF 4)	5/16/2007	6/17/09
9	GRADING AND DRAINAGE PLAN (2 OF 4)	5/16/2007	6/17/09
10	GRADING AND DRAINAGE PLAN (3 OF 4)	5/16/2007	6/17/09
11	GRADING AND DRAINAGE PLAN (4 OF 4)	5/16/2007	6/17/09
12	UTILITY PLAN (1 OF 4)	5/16/2007	6/17/09
13	UTILITY PLAN (2 OF 4)	5/16/2007	6/17/09
14	UTILITY PLAN (3 OF 4)	5/16/2007	6/17/09
15	UTILITY PLAN (4 OF 4)	5/16/2007	6/17/09
16	EROSION CONTROL PLAN (1 OF 4)	5/16/2007	6/17/09
17	EROSION CONTROL PLAN (2 OF 4)	5/16/2007	6/17/09
18	EROSION CONTROL PLAN (3 OF 4)	5/16/2007	6/17/09
19	EROSION CONTROL PLAN (4 OF 4)	5/16/2007	6/17/09
20	ROAD PROFILES (1 OF 4)	5/16/2007	6/17/09
21	ROAD PROFILES (2 OF 4)	5/16/2007	6/17/09
22	ROAD PROFILES (3 OF 4)	5/16/2007	6/17/09
23	ROAD PROFILES (4 OF 4)	5/16/2007	6/17/09
24	STORM PROFILES (1 OF 4)	5/16/2007	5/4/09
25	STORM PROFILES (2 OF 4)	5/16/2007	5/4/09
26	STORM PROFILES (3 OF 4)	5/16/2007	5/4/09
27	STORM PROFILES (4 OF 4)	5/16/2007	5/4/09
28	SANITARY PROFILES (1 OF 2)	5/16/2007	5/4/09
29	SANITARY PROFILES (2 OF 2)	5/16/2007	5/4/09

30	WATER MAIN PROFILES (1 OF 2)	5/16/2007	5/4/09
31	WATER MAIN PROFILES (2 OF 2)	5/16/2007	5/4/09
32	WATER CONSTRUCTION DETAILS	5/16/2007	5/4/09
33	CONSTRUCTION DETAILS (1 OF 4)	5/16/2007	6/17/09
34	CONSTRUCTION DETAILS (2 OF 4)	5/16/2007	5/4/09
35	CONSTRUCTION DETAILS (3 OF 4)	5/16/2007	6/17/09
36	CONSTRUCTION DETAILS (4 OF 4)	10/17/2007	6/17/09
37	CULVERT DETAILS	5/16/2007	5/4/09
38	CULVERT & UTILITY PROFILES	1/14/2008	5/21/09
39	STORMWATER POLLUTION PREVENTION PLAN	5/16/2007	5/21/09
40	PLANTING PLAN	5/16/2007	6/17/09
41	TREE SURVEY (1 OF 4)	5/16/2007	5/21/09
42	TREE SURVEY (2 OF 4)	5/16/2007	5/4/09
43	TREE SURVEY (3 OF 4)	5/16/2007	5/4/09
44	TREE SURVEY (4 OF 4)	5/16/2007	6/17/09
45	EXISTING TREE SCHEDULE	5/16/2007	5/4/09
SEC-A	SECTION A PLAN	1/10/2008	6/17/09
SEC-B	SECTION B PLAN	1/10/2008	6/17/09
SEC-C	SECTION C PLAN	1/10/2008	6/17/09
SEC-D	SECTION D PLAN	1/10/2008	6/17/09
SPSEC-A	FINAL SUBDIVISION PLAT SECTION A	1/22/2008	6/17/09
SPSEC-B	FINAL SUBDIVISION PLAT SECTION B	1/22/2008	6/17/09
SPSEC-C	FINAL SUBDIVISION PLAT SECTION C	1/22/2008	6/17/09
SPSEC-D	FINAL SUBDIVISION PLAT SECTION D	1/22/2008	6/17/09
INFO	INFORMATION DRAWING - SITE SURVEY (SURVEY PREPARED BY WILLIAM D. YOUNGBLOOD DATED MARCH 7, 2007)		

EXHIBIT B

RESOLUTION PB-04 OF 2010
Reinstating Approval of a Subdivision Entitled
"Weinberger"

WHEREAS, a subdivision plat entitled "Weinberger" consisting of 54 sheets, dated and last revised as set forth in Schedule A annexed hereto and made a part hereof (hereinafter, the "Plan Set"), affecting premises designated as Section 41.13, Block 2, Lot 5 and 6, and Section 41.17, Block 1, Lots 5 and 6 on the Tax Map of the Town of Ramapo was approved by this Board at its meeting of July 14, 2009, subject to a number of conditions; and

WHEREAS, the applicant failed to timely file the plat in the Office of the Rockland County Clerk, and this Board's approval therefore expired; and

WHEREAS, the applicant has resubmitted the plat which was previously approved by this Board, without any changes; and

WHEREAS, there have been no significant changes in environmental conditions in the area previously reviewed by this Board in connection with this project; and

WHEREAS, this Board reaffirms the SEQRA Findings Statement adopted July 14, 2009; and

WHEREAS, the variances previously granted by the Zoning Board of Appeals are still valid; and

WHEREAS, a public hearing was held with respect to the subject plat and closed on June 9, 2009.

NOW, THEREFORE, be it

RESOLVED, that the plat entitled "Weinberger" consisting of 54 sheets, dated and last revised as set forth in Schedule A annexed hereto and made a part hereof, affecting premises designated as Section 41.13, Block 2, Lot 5 and 6, and Section 41.17, Block 1, Lots 5 and 6 on the Tax Map of the Town of Ramapo, previously approved by this Board, be and hereby is re-approved and reinstated, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Rockland County Clerk, upon payment of any and all outstanding fees to the Village of Montebello, subject to the following:

1. The approval granted herein is based upon the Plan Set, and there shall be no deviations from the Plan Set except as specifically set forth herein or as expressly permitted by the subdivision regulations of the Village of Montebello without the express prior permission and approval of this Board. This condition, and all other conditions hereof, shall be binding upon the applicant, its successors and assigns, including, without limitation, the subsequent owners of individual lots in the subdivision. A note to this effect shall be endorsed upon the plat to be filed in the Office of the Rockland County Clerk, or, if the plat is to be filed in sections, upon each section of the plat to be filed.

2. Rockland County Planning Department conditions as stated in its memorandum dated June 12, 2007, except to the extent that said conditions relate to the approval of the Rockland County Highway Department. Said approval is dealt with below.

3. Conditions of the Rockland County Highway Department letter dated June 4, 2007, provided, however, that (a) the dedication referred to in item 1 of said letter shall be offered to the Village of Montebello; and (b) this Board has fully considered pedestrian traffic, and has determined that a pedestrian crossing count analysis is not needed, and that no sidewalks shall be built anywhere in the subdivision, including along Grandview Avenue. To the extent that the foregoing is considered a recommended modification of the Rockland County Planning Department, they are to be deemed overridden.

4. All conditions and findings of the Findings Statement issued as a result of the Environmental Impact Statement completed herein.

5. All conditions of the Preliminary Approval dated June 12, 2007.

6. All items contained in the memoranda of Brooker Engineering, PLLC, the Village's engineering consultant, dated June 9, and June 30, 2009.

7. All items contained in the letter of Robert Geneslaw, the Village's planning consultant, dated June 8, 2009.

8. As agreed to by the applicant, the litigation commenced by the applicant against the Village of Montebello in the Supreme Court of the State of New York, County of Rockland, under Index No. 2004-5589, shall be formally discontinued in all respects, without award to applicant, prior to the signing of the plat by the Chairman of this Board.

9. This Board reaffirms its finding that, based upon studies previously conducted, there is a need for additional park and recreation land within the Village, that this need shall be increased as a result of the increase in population which will result from the proposed project, and that there is insufficient land available in the premises to be subdivided to warrant setting aside a portion thereof for parks or recreation, and therefore directs that money be paid to the Village in lieu of land in the amount set forth in the Village's Schedule of Fees.

10. If plans submitted for a building permit or certificate of occupancy for any individual home show a deviation of any finished floor elevations of ± 2 feet, as compared with the finished floor elevations shown on the Plan Set approved by this Board herein, then such lot shall return to this Board for individual site plan review prior to the issuance of a building permit, certificate of occupancy or subsequent inspection. It shall be a condition of this approval, binding upon the applicant, its successors and assigns, that the Building Inspector may issue a stop work order on construction on any lot where such a deviation exists without the approval of this Board.

11. Houses shown on the plans in the Plan Set without basement floor elevations (denominated "B.F.") shall not have basements or below grade stories.

12. All conditions and provisions of the SWPPP (Stormwater Pollution Prevention Plan) unless modified by the Village Engineer.

13. All conditions contained in the resolution of the Village Board approving the use of average density.

14. The applicant has requested permission to file the approved plat in the Office of the Rockland County Clerk in four sections, pursuant to the provisions of section 7-728.7(b) of the Village Law. A plan for sectional filing is included in the Plan Set upon which this Board has granted this approval. The applicant is hereby granted permission to file the approved plat in four sections, as set forth in the Plan Set drawings dated January 22, 2008, last revised June 17, 2009, and designated sheets SPSEC A, B, C and D, respectively, provided, however, that Section A thereof shall be filed first; Section B thereof may be filed after Section A is filed, but not before Section A is filed; Sections C and D thereof may be filed at any time after Sections A and B are filed, but not before Sections A and B are filed. Nothing herein shall be deemed to compel the filing of any of said Sections.

15. Plat note 34 shall be deleted from the plat. The existing easement to Home Gas Company, running generally through proposed lots 1, 2, 3, 4, 5, 6, 7, and 47 in the southerly portion of the premises, shall be extinguished of record in the Office of the Rockland County Clerk, and the notation of said easement shall be removed from the Plan Set prior to the signing of the plat by the Chairman.

16. Landscaping and screening surrounding the storm water management facilities located between proposed lots 14 and 15 shall be reviewed and approved by the Village's said Engineering Consultant and the Village's Planning Consultant, Robert Geneslaw.

17. Signature of the Chairman of the Rockland County Drainage Agency pursuant to the requirements of section 13-A of the Rockland County Stream Control Act (L. 1975, Ch. 846, as amended); and be it further

RESOLVED, that the following elements are hereby clarified, but are not intended to represent a change to the prior approval:

a. The open space created as a result of this approval shall be irrevocably offered to the Village prior to, or simultaneously with, the signing of the first section plat by the Chairman;

b. Payments for park and recreation needs shall be calculated, using the then-current schedule of fees, on a section-by-section basis, with the payment for each section to be made prior to the signing of that section's plat;

c. Traffic control signs are considered to be improvements required to be installed by the applicant/developer;

d. The applicant/developer shall be responsible for maintaining all roads, culverts, drainage ways and other improvements until such time as they are accepted by the Village; and all similar

existing features associated with development of the subdivision until construction and development are completed.

- END-

[See Schedule "A" Attached]

SCHEDULE "A" - WEINBERGER SUBDIVISION LIST OF DRAWINGS			
NO.	DESCRIPTION	ORIGINAL DATE	LATEST REVISION DATE
1	TITLE SHEET	5/16/2007	6/17/09
2	FINAL SUBDIVISION PLAT	8/9/2007	6/17/09
3	KEYMAP & SITE OVERVIEW PLAN	5/16/2007	5/4/09
4	LAYOUT PLAN (1 OF 4)	8/9/2007	6/17/09
5	LAYOUT PLAN (2 OF 4)	8/9/2007	6/17/09
6	LAYOUT PLAN (3 OF 4)	8/9/2007	6/17/09
7	LAYOUT PLAN (4 OF 4)	8/9/2007	6/17/09
8	GRADING AND DRAINAGE PLAN (1 OF 4)	5/16/2007	6/17/09
9	GRADING AND DRAINAGE PLAN (2 OF 4)	5/16/2007	6/17/09
10	GRADING AND DRAINAGE PLAN (3 OF 4)	5/16/2007	6/17/09
11	GRADING AND DRAINAGE PLAN (4 OF 4)	5/16/2007	6/17/09
12	UTILITY PLAN (1 OF 4)	5/16/2007	6/17/09
13	UTILITY PLAN (2 OF 4)	5/16/2007	6/17/09
14	UTILITY PLAN (3 OF 4)	5/16/2007	6/17/09
15	UTILITY PLAN (4 OF 4)	5/16/2007	6/17/09
16	EROSION CONTROL PLAN (1 OF 4)	5/16/2007	6/17/09
17	EROSION CONTROL PLAN (2 OF 4)	5/16/2007	6/17/09
18	EROSION CONTROL PLAN (3 OF 4)	5/16/2007	6/17/09
19	EROSION CONTROL PLAN (4 OF 4)	5/16/2007	6/17/09
20	ROAD PROFILES (1 OF 4)	5/16/2007	6/17/09
21	ROAD PROFILES (2 OF 4)	5/16/2007	6/17/09
22	ROAD PROFILES (3 OF 4)	5/16/2007	6/17/09
23	ROAD PROFILES (4 OF 4)	5/16/2007	6/17/09
24	STORM PROFILES (1 OF 4)	5/16/2007	5/4/09
25	STORM PROFILES (2 OF 4)	5/16/2007	5/4/09
26	STORM PROFILES (3 OF 4)	5/16/2007	5/4/09
27	STORM PROFILES (4 OF 4)	5/16/2007	5/4/09
28	SANITARY PROFILES (1 OF 2)	5/16/2007	5/4/09
29	SANITARY PROFILES (2 OF 2)	5/16/2007	5/4/09
30	WATER MAIN PROFILES (1 OF 2)	5/16/2007	5/4/09
31	WATER MAIN PROFILES (2 OF 2)	5/16/2007	5/4/09
32	WATER CONSTRUCTION DETAILS	5/16/2007	5/4/09
33	CONSTRUCTION DETAILS (1 OF 4)	5/16/2007	6/17/09
34	CONSTRUCTION DETAILS (2 OF 4)	5/16/2007	5/4/09

35	CONSTRUCTION DETAILS (3 OF 4)	5/16/2007	6/17/09
36	CONSTRUCTION DETAILS (4 OF 4)	10/17/2007	6/17/09
37	CULVERT DETAILS	5/16/2007	5/4/09
38	CULVERT & UTILITY PROFILES	1/14/2008	5/21/09
39	STORMWATER POLLUTION PREVENTION PLAN	5/16/2007	5/21/09
40	PLANTING PLAN	5/16/2007	6/17/09
41	TREE SURVEY (1 OF 4)	5/16/2007	5/21/09
42	TREE SURVEY (2 OF 4)	5/16/2007	5/4/09
43	TREE SURVEY (3 OF 4)	5/16/2007	5/4/09
44	TREE SURVEY (4 OF 4)	5/16/2007	6/17/09
45	EXISTING TREE SCHEDULE	5/16/2007	5/4/09
SEC-A	SECTION A PLAN	1/10/2008	6/17/09
SEC-B	SECTION B PLAN	1/10/2008	6/17/09
SEC-C	SECTION C PLAN	1/10/2008	6/17/09
SEC-D	SECTION D PLAN	1/10/2008	6/17/09
SPSEC-A	FINAL SUBDIVISION PLAT SECTION A	1/22/2008	6/17/09
SPSEC-B	FINAL SUBDIVISION PLAT SECTION B	1/22/2008	6/17/09
SPSEC-C	FINAL SUBDIVISION PLAT SECTION C	1/22/2008	6/17/09
SPSEC-D	FINAL SUBDIVISION PLAT SECTION D	1/22/2008	6/17/09
INFO	INFORMATION DRAWING - SITE SURVEY (SURVEY PREPARED BY WILLIAM D. YOUNGBLOOD DATED MARCH 7, 2007)		

MOTION: Member Iatropoulos

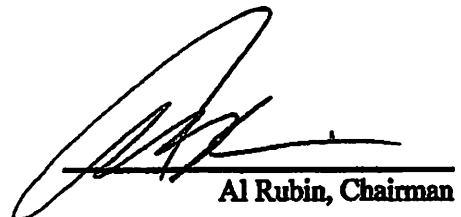
SECOND: Member Ternquist

MEMBERS PRESENT:

YEA or NAY

Al Rubin, Chairman	Yea
Jane Burke, Vice Chairman	Yea
Michael Iatropoulos, Member	Yea
Anthony Caridi, Member	Yea
Thomas Ternquist, Member	Yea
Melanie Golden, Member	Yea

Upon vote, the Resolution carried unanimously.



Al Rubin, Chairman

Dated: September 14, 2010

EXHIBIT C

MAP 8133 B128 P77

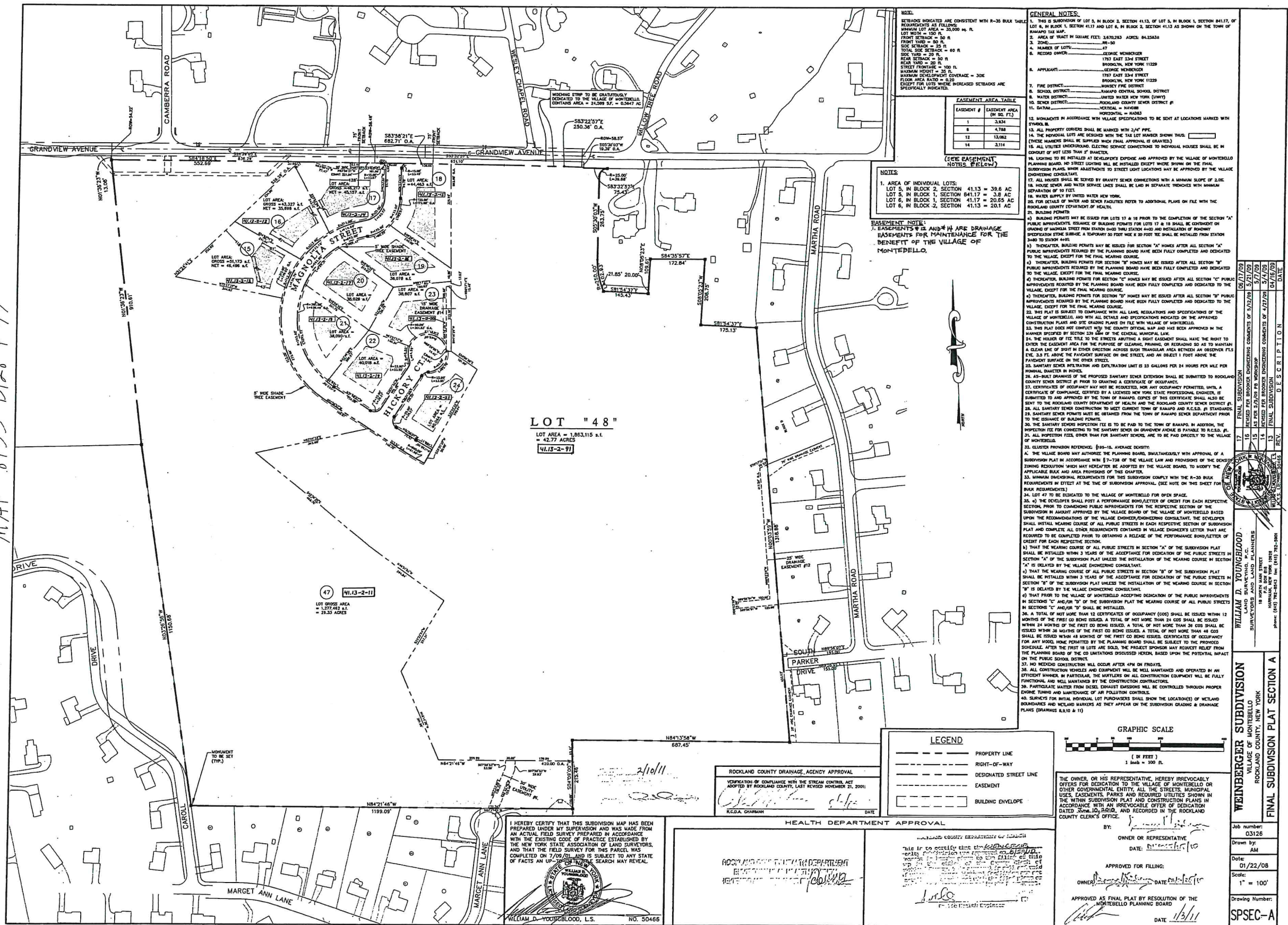
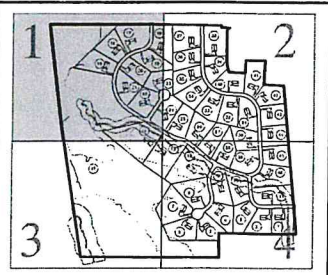
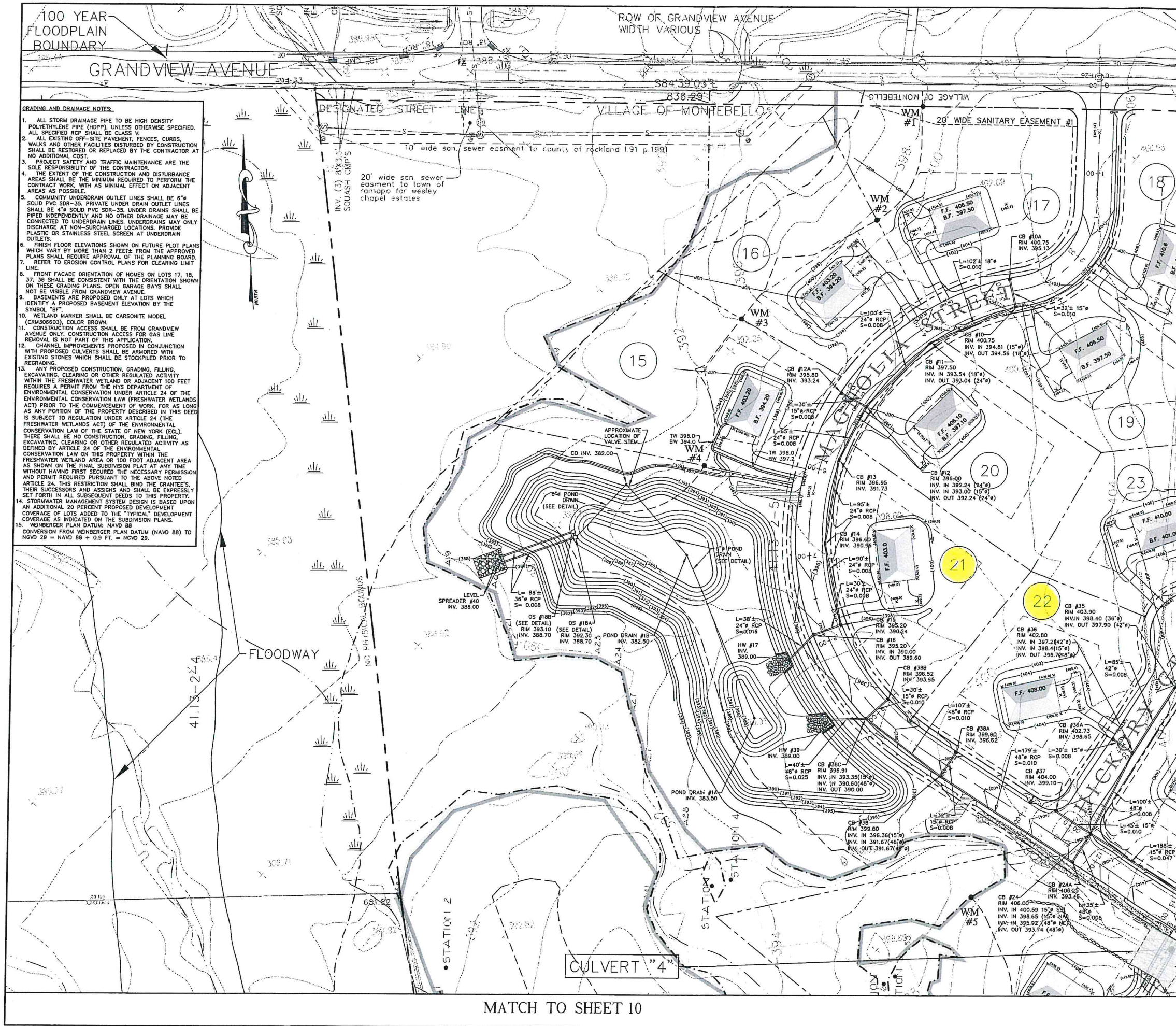


EXHIBIT D



EXISTING LEGEND PROPOSED

PROPERTY LINE
DESIGNATED STREET LINE
EASEMENT LINE
100 YEAR FLOOD PLAIN
BOUNDARY
FLOODWAY
STREAM
REGULATED AREA OF
WATERCOURSE
OR DITCH
N.Y.S.D.E.C. (& VILLAGE)
WETLAND
N.Y.S.D.E.C. (& VILLAGE)
WETLAND REGULATED AREA
ACOE WETLAND
COMBINE N.Y.S.D.E.C. (&
VILLAGE) & ACOE WETLAND
RECYCLED FIELD STONE
FARM WALL
STONE RETAINING WALL
TOP OF WALL
BOTTOM OF WALL
CULVERT
CONTOUR
SPOT ELEVATION
CATCH BASIN,
CURB INLET
DRAINAGE MANHOLE
DRAINAGE LINE
COMMUNITY UNDER DRAIN
OUTLET
PRIVATE UNDER DRAIN
OUTLET
WETLANDS MARKER
FIRST FLOOR ELEVATION
BASEMENT FLOOR ELEVATION
OVERBANK STABILIZATION
RIP-RAP
HEADWALL & POND OVERFLOW
WEIR RIP-RAP
HEADWALL
CLEANOUT
PEDESTRIAN ISLAND
LIGHT POLE
PROPOSED CHANNEL
IMPROVEMENT AREA
(SEE NOTE 12.)

MATCH TO SHEET 9

GRAPHIC SCALE
1" = 40' FT.
1 inch = 40 feet

APPROVED BY:
OWNER _____ DATE _____
CHAIRPERSON _____ DATE _____

WEINBERGER SUBDIVISION
VILLAGE OF MONTEBELLO
ROCKLAND COUNTY, NEW YORK
GRADING & DRAINAGE PLAN (1 OF 4)







LEONARD JACKSON ASSOCIATES
26 FREEDMAN MEMORIAL DRIVE, PANAMA, NEW YORK 10970
Phone: (518) 334-1382 Fax: (518) 334-1401

Job number: 03126
Drawn by: YCT
Date: 05/16/07
Scale: 1" = 40'
Drawing Number: 8

REV.	DESCRIPTION	DATE
1	FINAL SUBDIVISION	05/17/09
2	REVISION PER BROKER COMMENTS OF 5/17/09	5/21/09
3	REVISION PER BROKER COMMENTS OF 4/27/09	5/4/09
4	FINAL SUBDIVISION	04/16/09
5	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
6	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
7	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
8	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
9	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
10	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
11	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
12	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
13	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
14	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
15	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
16	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07
17	REVISION PER BROKER COMMENTS OF 10/17/07	10/17/07

GRADING AND DRAINAGE NOTES:

1. ALL STORM DRAINAGE PIPE TO BE HIGH DENSITY POLYETHYLENE PIPE (HDPE), UNLESS OTHERWISE SPECIFIED. ALL SPECIFIED RCP SHALL BE CLASS V.
2. ALL EXISTING OFF-SITE PAVEMENT, FENCES, CURBS, WALKS AND OTHER FACILITIES DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST.
3. PROVIDE SAFETY AND TRAFFIC MAINTENANCE ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
4. THE EXTENT OF THE CONSTRUCTION AND DISTURBANCE AREAS SHALL BE THE MINIMUM REQUIRED TO PERFORM THE CONTRACT WORK, WITH AS MINIMAL EFFECT ON ADJACENT AREAS AS POSSIBLE.
5. COMMUNITY UNDERDRAIN OUTLET LINES SHALL BE 6" SOLID PVC SDR-35. PRIVATE UNDER DRAIN OUTLET LINES SHALL BE 4" SOLID PVC SDR-35. UNDER DRAINS SHALL BE RIPPED INDEPENDENTLY AND NO OTHER DRAINAGE MAY BE CONNECTED TO UNDERDRAIN LINES. UNDERDRAINS MAY ONLY DISCHARGE AT NON-SURCHARGE LOCATIONS. PROVIDE PLASTIC OR STAINLESS STEEL SCREEN AT UNDERDRAIN OUTLETS.
6. FINISH FLOOR ELEVATIONS SHOWN ON FUTURE PLOT PLAN WHICH VARY BY MORE THAN 2 FEET FROM THE APPROVED PLANS SHALL REQUIRE APPROVAL OF THE PLANNING BOARD.
7. REFER TO EROSION CONTROL PLANS FOR CLEARING UNIT LINE.
8. FRONT FACADE ORIENTATION OF HOMES ON LOTS 17, 37, 38 SHALL BE CONSISTENT WITH THE ORIENTATION SHOWN ON THESE GRADING PLANS. OPEN GARAGE BAYS SHALL NOT BE VISIBLE FROM GRANDVIEW AVENUE.
9. BASEMENTS ARE PROPOSED ONLY AT LOTS WHICH IDENTIFY A PROPOSED BASEMENT ELEVATION BY THE SYMBOL "B".
10. WETLAND MARKER SHALL BE CARSONITE MODEL (CRM306603), COLOR BROWN.
11. CONSTRUCTION ACCESS SHALL BE FROM GRANDVIEW AVENUE. ONLY CONSTRUCTION ACCESS FOR GAS LINE REMOVAL IS NOT PART OF THIS APPLICATION.
12. CHANNEL IMPROVEMENTS PROPOSED IN CONJUNCTION WITH PROPOSED CULVERTS SHALL BE ADVISED WITH EXISTING STONES WHICH SHALL BE STOCKPILED PRIOR TO REGRADING.
13. ANY PROPOSED CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY WITHIN THE FRESHWATER WETLAND OR ADJACENT 100 FEET REQUIRES A PERMIT FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT) PRIOR TO THE COMMENCEMENT OF WORK. FOR AS LONG AS ANY PORTION OF THE PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO REGULATION UNDER ARTICLE 24 (THE FRESHWATER WETLANDS ACT) OF THE ENVIRONMENTAL CONSERVATION LAW OF THE STATE OF NEW YORK (ECL), THERE SHALL BE NO CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY AS DEFINED BY ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW ON THIS PROPERTY WITHIN THE FRESHWATER WETLAND AREA OR 100 FOOT ADJACENT AREA AS SHOWN ON THE FINAL SUBDIVISION PLAN AT ANY TIME WITHOUT HAVING FIRST SECURED THE NECESSARY PERMISSION AND PERMIT REQUIRED PURSUANT TO THE ABOVE NOTED ARTICLE 24. THIS RESTRICTION SHALL BIND THE GRANTEE, THEIR SUCCESSORS AND ASSIGNS AND SHALL BE EXPRESSLY SET FORTH IN ALL SUBSEQUENT DEEDS TO THIS PROPERTY.
14. STORMWATER MANAGEMENT SYSTEM DESIGN IS BASED UPON AN ADDITIONAL 20 PERCENT PROPOSED DEVELOPMENT COVERAGE OF LOTS ADDED TO THE "TYPICAL" DEVELOPMENT COVERAGE AS INDICATED ON THE SUBDIVISION PLANS.
15. WENBERGER PLAN DATUM: NAVD 88 CONVERSION FROM WENBERGER PLAN DATUM (NAVD 88) TO NGVD 29 = NAVD 88 + 0.9 FT. = NGVD 29.

EXISTING	LEGEND	PROPOSED	DATE
PROPERTY LINE	-----		06/17/09
DESIGNATED STREET LINE	-----		5/27/09
EASEMENT LINE	-----		REMOVED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
100 YEAR FLOOD PLAIN BOUNDARY	-----		REMOVED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
FLOODWAY	-----		10/17/07
STREAM	-----		11/15/07
REGULATED AREA OF WATERCOURSE OR DITCH	-----		10/17/07
N.Y.S.D.E.C. (& VILLAGE) WETLAND	-----		11/15/07
N.Y.S.D.E.C. (& VILLAGE) WETLAND REGULATED AREA	-----		10/17/07
ACOE WETLAND	-----		11/15/07
COMBINE N.Y.S.D.E.C. (& VILLAGE) & ACOE WETLAND	-----		10/17/07
RECYCLED FIELD STONE FARM WALL	-----		11/15/07
STONE RETAINING WALL	-----		10/17/07
TOP OF WALL	-----	TW	11/15/07
BOTTOM OF WALL	-----	BW	10/17/07
CULVERT	-----		11/15/07
CONTOUR	-----	(406)	10/17/07
SPOT ELEVATION	-----	± (406.8)	11/15/07
CATCH BASIN, CURB INLET	-----	•	10/17/07
DRAINAGE MANHOLE	-----	•	11/15/07
DRAINAGE LINE	-----	-----	10/17/07
COMMUNITY UNDER DRAIN OUTLET	-----	LOC	11/15/07
PRIVATE UNDER DRAIN OUTLET	-----	UDP	10/17/07
WETLANDS MARKER	-----	• WM	11/15/07
FIRST FLOOR ELEVATION	-----	FF	10/17/07
BASEMENT FLOOR ELEVATION	-----	BF	11/15/07
OVERBANK STABILIZATION RIP-RAP	-----		10/17/07
HEADWALL & POND OVERFLOW WEIR RIP-RAP	-----		11/15/07
HEADWALL	-----		10/17/07
CLEANOUT	-----	• CO	11/15/07
PEDESTRIAN ISLAND	-----		10/17/07
LIGHT POLE	-----		11/15/07
PROPOSED CHANNEL IMPROVEMENT AREA (SEE NOTE 12.)	-----		10/17/07

394-
X 392.82

394-
X 392.82

GENERAL REVISION	DATE	DESCRIPTION
9	12/17/07	17 FINAL SUBDIVISION
7	11/15/07	16 REVISED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
5	10/26/07	14 REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
4	10/17/07	12 NYSDEC RESUBMISSION
2	09/12/07	11 NYSDEC RESUBMISSION
1	08/09/07	10 GENERAL REVISIONS

394-
X 392.82

394-
X 392.82

GENERAL REVISION	DATE	DESCRIPTION
9	12/17/07	17 FINAL SUBDIVISION
7	11/15/07	16 REVISED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
5	10/26/07	14 REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
4	10/17/07	12 NYSDEC RESUBMISSION
2	09/12/07	11 NYSDEC RESUBMISSION
1	08/09/07	10 GENERAL REVISIONS

394-
X 392.82

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GENERAL REVISION	DATE	DESCRIPTION
9	12/17/07	17 FINAL SUBDIVISION
7	11/15/07	16 REVISED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
5	10/26/07	14 REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
4	10/17/07	12 NYSDEC RESUBMISSION
2	09/12/07	11 NYSDEC RESUBMISSION
1	08/09/07	10 GENERAL REVISIONS

394-
X 392.82

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GENERAL REVISION	DATE	DESCRIPTION
9	12/17/07	17 FINAL SUBDIVISION
7	11/15/07	16 REVISED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
5	10/26/07	14 REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
4	10/17/07	12 NYSDEC RESUBMISSION
2	09/12/07	11 NYSDEC RESUBMISSION
1	08/09/07	10 GENERAL REVISIONS

394-
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GENERAL REVISION	DATE	DESCRIPTION
9	12/17/07	17 FINAL SUBDIVISION
7	11/15/07	16 REVISED PER BROOKER ENGINEERING COMMENTS OF 5/27/09
5	10/26/07	14 REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09
4	10/17/07	12 NYSDEC RESUBMISSION
2	09/12/07	11 NYSDEC RESUBMISSION
1	08/09/07	10 GENERAL REVISIONS

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phone (845) 334-0382 fax: (845) 334-4401

LJA

WEINBERGER SUBDIVISION
VILLAGE OF MONTEBELLO
ROCKLAND COUNTY, NEW YORK
ADJ & DRAINAGE PLAN (2 OF 4)

Job number:	03126
Drawn by:	YCT
Date:	05/16/07
Scale:	1" = 40'
Drawing Number:	9

EXHIBIT 2



**216 Grandview Avenue – Weinberger Subdivision
Village of Montebello
Underdrain Report – Lots 21, 22 and 24**

December 10, 2024

Revised March 5, 2025

March 17, 2025

March 24, 2025

This Underdrain Report was revised in response to comments provided by Spence Engineering dated March 23, 2025. The as-built inverts and the design rim elevation and the as-built rim elevations for CB 38A and CB 15 have been provided.

The surveyor adjusted the as-built elevations of the catch basins by adjusting the base survey datum to match the survey the datum used by William Youngblood's base survey dated July 09, 2001 which was the basis for the proposed elevations on the site plan. The revised as-built rim elevations are closer to the proposed grades on the site plan. The as-built rim elevations will need to be raised at the time of the construction of the final wearing course on the road which will bring the elevations even closer to the proposed.

Lot 24 – Phase 1 - Weinberger Subdivision

The Deep Soil Test revealed no groundwater or bedrock at 12' below the existing grade. Existing grade elevation = 410 – no sign of ground water at elevation 398. The proposed first floor elevation is 414. The basement floor elevation (9 feet below the first-floor elevation) is proposed at elevation 405. No changes are proposed to the proposed grading around the building. The proposed grade around the building is 412.0, therefore the basement is buried 7 feet deep ($412 - 405 = 7'$) which is more than 50 % of the basement interior height.

We propose to provide an underdrain (See the foundation underdrain detail Dwg. # 33) connection to proposed CB # 36 (design rim elevation 402.78) in Hickory Court. The as-built survey determined the existing rim of this catch basin is 402.29 with an invert of 396.6. The 4"Ø underdrain to be constructed with an invert of 400.75 into the catch basin.

Lot 22 – Phase 1 Weinberger Subdivision

The Deep Soil Test revealed no groundwater or bedrock at 12' below the existing grade. Existing grade elevation = 402 – no sign of ground water at elevation 390. We propose raising the first floor elevation to 410, previously 408.0. The basement floor elevation (9 feet below the first-floor elevation) is proposed at elevation 401. No changes are proposed to the proposed grading around the building. The proposed grade around the building is 406, therefore the basement is buried 5 feet deep ($406 - 401 = 5'$) which is more than 50% of the basement interior height.

Civil Tec Engineering & Surveying P.C.

139 Lafayette Avenue, 2nd Floor, Suffern, NY 10901 Tel 845.547.2241 Fax 845.547.2243

111 Main Street, Chester, NY 10918 Tel 845.610.3621

Civil-Tec.com

We propose to provide an underdrain (See the foundation underdrain detail Dwg. # 33) connection to proposed CB # 38A (design rim elevation 398.6) in Magnolia Street. The as-built survey determined the existing rim of this catch basin is 398.43 and the invert is 395.6. The 4"Ø underdrain to be constructed with an invert of 396.1. into the catch basin.

Lot 21 – Phase 1 Weinberger Subdivision

The Deep Soil Test revealed groundwater at 10' below the existing grade.

Existing grade elevation = 399 – ground water at elevation 389.

We propose to raise the first-floor elevation to 405, previously 403. The basement floor elevation (9 feet below the first-floor elevation) is proposed at elevation 396. No changes are proposed to the proposed grading around the building. The proposed grade around the building is 401, therefore the basement is buried 5 feet deep ($401 - 396 = 5'$) which is more than 50% of the basement interior height.

We propose to provide an underdrain (See the foundation underdrain detail, Dwg. # 33) connection to proposed CB # 15 (design rim elevation 394.96) in Magnolia Street. The as-built survey determined the existing rim of this catch basin is 394.5 and the invert is 390.3. The 4"Ø to be constructed with an invert of 392.2 into the catch basin.

The following documentation is attached:

1. The Soil Deep Test Report dated November 26, 2024
2. Revised Grading, Drainage and Utility Plan (Section A) with catch basin as-built information.
3. Foundation Underdrain Detail.

**216 Grandview Avenue
Village of Montebello
Deep Tests
November 26, 2024**

Test performed by Siyanie Brewley, signed off by Rachel Barese, P.E.

Hole 1 – Lot No. 24 (South of the cul-de-sac)

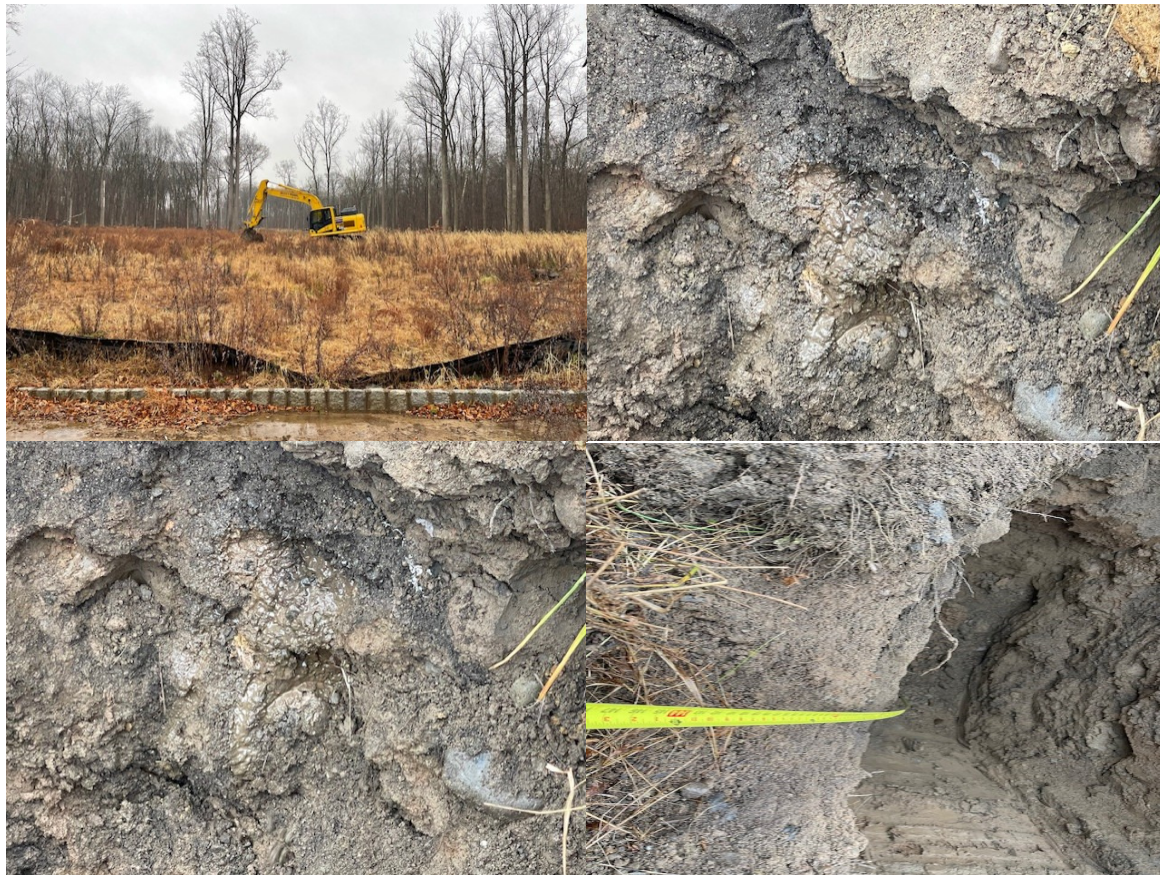
Deep Test:

0' - 5' Brown silty loam with stones 1"-24"

5' - 12' Dark brown silty loam with stones 1" – 24"

Signs of perched water at 5'

No signs of bedrock or groundwater



Hole 2 – Lot No. 22 (North of the cul-de-sac)

Deep Test:

0' - 5' Brown silty loam with stones 1"-24"

5' - 12' Dark brown silty loam with stones 1" – 24"

No signs of bedrock or groundwater



Hole 3 - Lot No. 21 (Northwest of hole 2)

Deep Test:

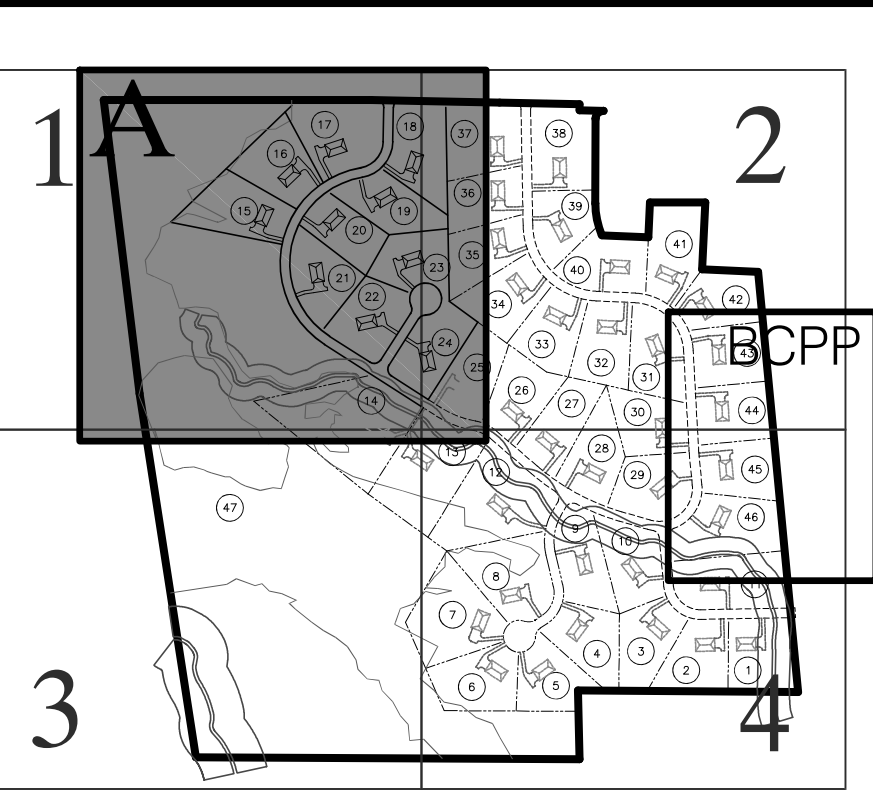
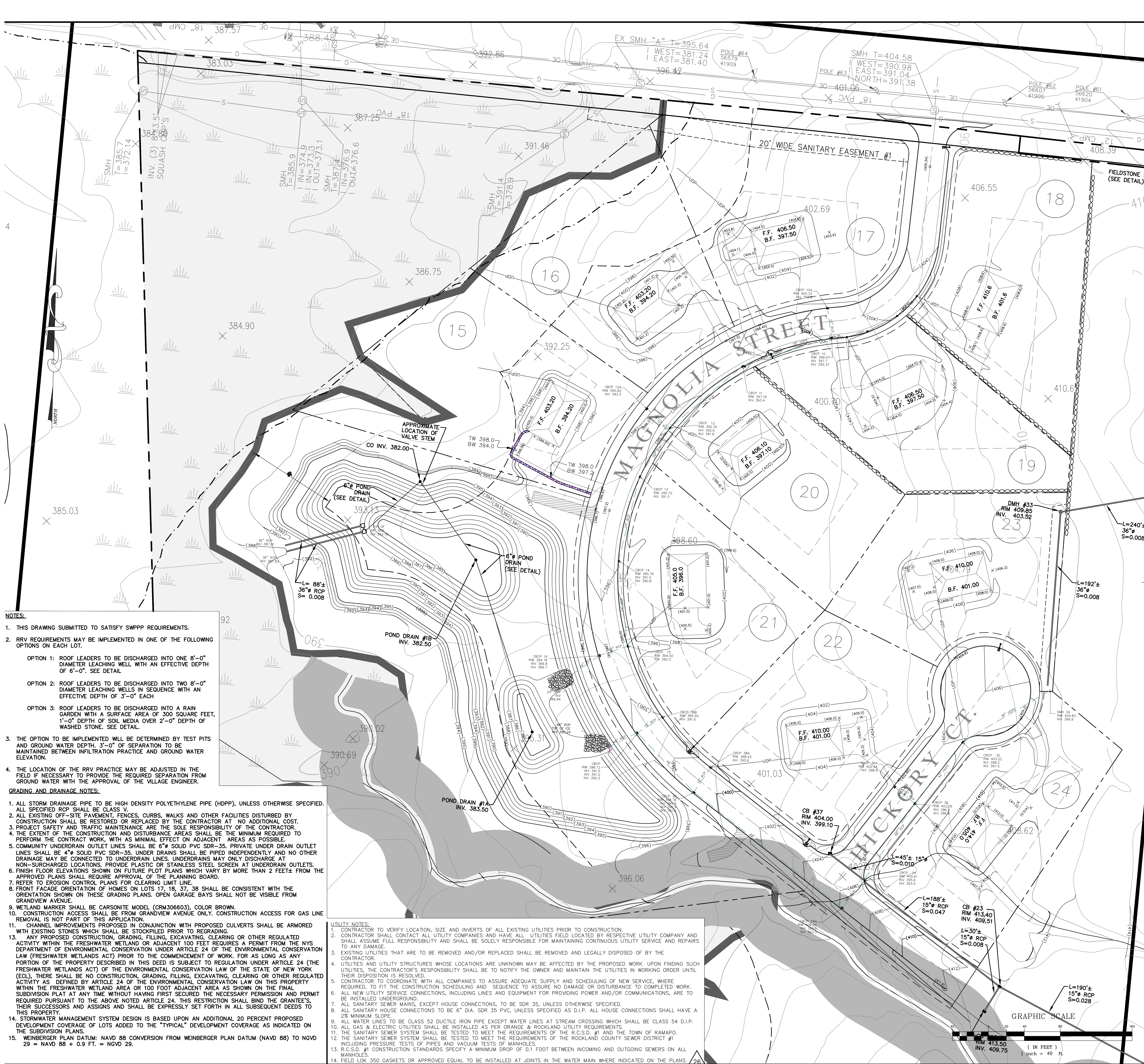
0' - 5' Brown silty loam with stones 1"-24"

5' - 10' Dark brown silty loam with stones 1" - 24"

Signs of groundwater at 10'

No signs of bedrock





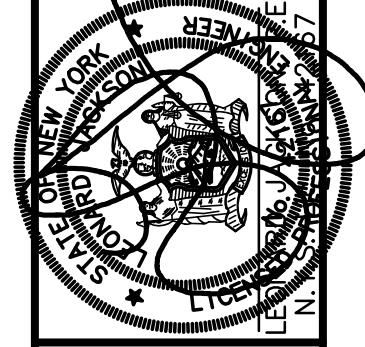
EXISTING	LEGEND	PROPOSED
	PROPERTY LINE	---
	DESIGNATED STREET LINE	---
	EASEMENT LINE	---
---	100 YEAR FLOOD PLAIN BOUNDARY	---
---	FLOODWAY	---
---	STREAM	---
---	REGULATED AREA OF WATERCOURSE OR DITCH	---
---	N.Y.S.D.E.C. (& VILLAGE) WETLAND	---
---	N.Y.S.D.E.C. (& VILLAGE) WETLAND REGULATED AREA	---
---	ACOE WETLAND	---
---	COMBINE N.Y.S.D.E.C. (& VILLAGE) & ACOE WETLAND	---
---	RECYCLED FIELD STONE FARM WALL	---
---	STONE RETAINING WALL	---
---	TOP OF WALL	TW
---	BOTTOM OF WALL	BW
---	CONTOUR	(406)
---	SPOT ELEVATION	X (406.8)
---	CATCH BASIN, CURB INLET	---
---	DRAINAGE MANHOLE	---
---	SANITARY MANHOLE	---
---	UTILITY POLE	---
---	WATER VALVE	---
---	WATER METER PIT	---
---	HYDRANT	---
---	DRAINAGE LINE	---
---	SANITARY LINE	SAN
---	SANITARY HOUSE CONNECTION	SAN
---	WATER LINE	W
---	GAS LINE	G
---	ELECTRIC LINE	OE
---	TELEPHONE, ELECTRIC, GAS & CABLE LINE	TEGC
---	COMMUNITY UNDER DRAIN OUTLET	UDC
---	PRIVATE UNDER DRAIN OUTLET	UDP
---	ROOF LEADER	RL
---	RRV LOCATION	---
---	WETLANDS MARKER	WM
---	FIRST FLOOR ELEVATION	FF
---	BASEMENT FLOOR ELEVATION	BF
---	OVERBANK STABILIZATION RIP-RAP	---
---	HEADWALL & POND OVERFLOW WEIR RIP-RAP	---
---	HEADWALL	---
---	CLEANOUT	---
---	PEDESTRIAN ISLAND	---
---	LIGHT POLE	---
---	PROPOSED CHANNEL IMPROVEMENT AREA (SEE NOTE 12.)	---

THE CATCH BASIN AS-BUILT SURVEY WAS PERFORMED ON FEBRUARY 27, 2025 BY CIVIL TEC ENGINEERING AND SURVEY.

APPROVED BY:
OWNER DATE
CHAIRPERSON DATE

REV.	DESCRIPTION	DATE
28	ADJUSTED AS-BUILT INFO TO CATCH BASIN AS PER SURVEYOR	3/17/25
27	ADJUSTED AS-BUILT INFO TO CATCH BASIN AS PER SURVEYOR	3/5/25
26	ADJUSTED AS-BUILT INFO TO CATCH BASIN AS PER SURVEYOR	3/5/25
25	ADDED FIELD LK 350 JOINT RESTRAINTS TO WATER MAIN	12/15/21
24	REVISED AS PER R.C. HEALTH DEPT. COMMENTS	09/02/20
23	UTILITY POLE #3 ADDED AS REQUESTED BY O&R	08/25/20
22	REVISED AS PER SUZ WATER STANDARD SPECIFICATIONS	04/07/20
21	FINAL SUBDIVISION	06/17/09
16	REVISED PER BROOKER ENGINEERING COMMENTS OF 5/12/09	5/21/09
14	REVISED PER BROOKER ENGINEERING COMMENTS OF 4/27/09	5/14/09
13	FINAL SUBDIVISION	04/16/09

REV.	DESCRIPTION	DATE
12	NYSDC RESUBMISSION	10/17/08
11	NYSDC RESUBMISSION	08/19/08
10	GENERAL REVISIONS	1/14/08
9	GENERAL REVISIONS	12/17/07
4	AS PER 10/30/07 CDCR COMMENTS	11/16/07
7	GENERAL REVISION	10/17/07
2	REVISED BLDG. ENVELOPES NEAR WETLAND & GRANDVIEW AVE LOTS	09/12/07
1	FINAL SUBDIVISION APPLICATION	08/09/07

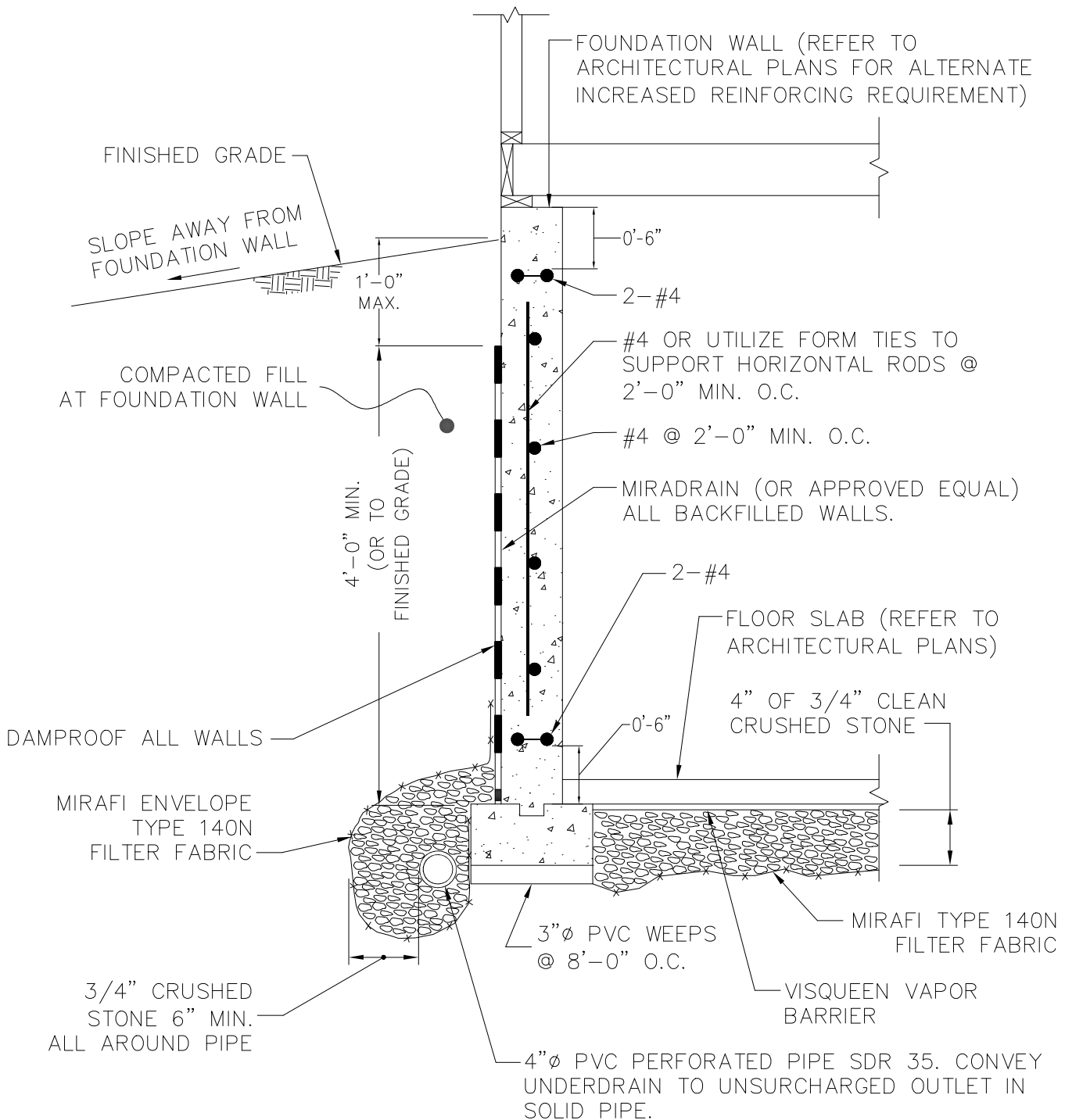


LEONARD JACKSON ASSOCIATES
CONSULTING ENGINEERS
26 PREMISES MEMORIAL DRIVE, POCONO, NEW YORK 10970
phone: (845) 354-4382 fax: (845) 354-4401

IJA

WEINBERGER SUBDIVISION
VILLAGE OF MONTEBELLO
ROCKLAND COUNTY, NEW YORK
GRADING, DRAINAGE & UTILITY PLAN (SECTION A)

Job number: 03126
Drawn by: YCT
Date: 05/16/07
Scale: 1" = 40'
Drawing Number: 8



FOUNDATION UNDERDRAIN DETAIL

N.T.S.

NOTES:

- 1.) CONVEY ALL ROOF LEADERS AWAY FROM DWELLING IN SEPARATE AND INDEPENDENT 4"Ø (MINIMUM) SDR 35 PVC PIPE.
- 2.) NO CONNECTIONS TO UNDERDRAIN SYSTEM FROM OTHER SOURCES ARE PERMITTED.
- 3.) BACKFILLING OF WALL IS NOT PERMITTED UNTIL FRAMING IS COMPLETED OR WALL IS SUPPORTED INSIDE.
- 4.) STEEL REINFORCEMENT SHOWN IS MINIMUM REQUIREMENT. SEE ARCHITECTURAL PLANS FOR ALTERNATE INCREASED REINFORCING REQUIREMENT.

EXHIBIT 3



To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: March 23, 2025

Re: **Weinberger Subdivision, Review of Basement Floor Restrictions
Lots 21 (43.13-2-18), 22 (41.13-2-19), 24 (41.13-2-21)
SE Project 200-21.3**

We have received and reviewed the following:

- Application Review Form
- Underdrain Report initially dated December 10, 2024 and last revised March 17, 2025

Additionally, the original subdivision/site plan drawings referred to are as follows:

- Final Subdivision Plat Section A, Weinberger Subdivision, drawing SEPEC-A as prepared by William D. Youngblood, last revised 6/22/2010
- Final Site Plan set, (Section A), as prepared by Leonard Jackson Associates, last revised 09/02/20

The application consists of removing restrictions of the approved Subdivision approval which prohibited basements at specific lots on the drawings which did not include a BFE shown. This specific application consists of three (3) lots only, where other lots also do not show a BFE, which are not included in any board action.

Specific Plat comments that refer this application back to the Planning Board for consideration are:
(9) BASEMENTS ARE PROPOSED ONLY AT LOTS WHICH IDENTIFY A PROPOSED BASEMENT ELEVATION BY THE SYMBOL "BF".
(6) FINISH FLOOR ELEVATIONS SHOWN ON FUTURE PLOT PLANS WHICH VARY BY MORE THAN 2 FEET +/- FROM THE APPROVED PLANS SHALL REQUIRE APPROVAL FROM THE PLANNING BOARD.

As part of the initial CDRC review and meeting, the original design engineer from the firm Leonard Jackson Associates, Dennis Rocks, PE was available and gave a historical perspective on the creation of the lots and the cause of including the notes on the plat. The subject lots are not within the 100 year flood plain and there are no wetlands or open water courses on the subject lots.

Since the initial December 10, 2024 submittal there have been engineering comment reviews between the current engineer (CivilTec) to clarify report statements as well as a datum conversion.

We make the following comments/summary

Lot 24 (41.13-2-21)

Original FF is 414, where proposed FF is 414.

Groundwater elevation test pit determined 398, where BF proposed at 405.

As-built CB 36 Rim is 402.29

As-built Invert of CB 396.6

Proposed Invert of Underdrain pipe into CB 400.75

Based on the information adequate elevation difference for a footing drain to be connected to the street catch basin by gravity.

Lot 22 (41.13-2-19)

Original FF is 408, where proposed FF is 410. (meets the 2' criteria)

Groundwater elevation test pit determined 390, where BF proposed at 401.

As-built CB 38A Rim is 398.43

As-built Invert of CB **Not Given**

Proposed Invert of Underdrain pipe into CB 396.1

Based on the information adequate elevation difference for a footing drain to be connected to the street catch basin by gravity, with verification of as built CB invert.

Verify proposed rim of CB38A, our design documents show 398.60, where your report references a design elevation of 399.80

Lot 21 (41.13-2-18)

Original FF is 403, where proposed FF is 405. (meets the 2' criteria)

Groundwater elevation test pit determined 389, where BF proposed at 396.

As-built CB 15 Rim is 394.5

As-built Invert of CB **Not Given**

Proposed Invert of Underdrain pipe into CB 392.2

Based on the information adequate elevation difference for a footing drain to be connected to the street catch basin by gravity, with verification of as built CB invert.

Verify proposed rim of CB15, our design documents show 394.96, where your report references a design elevation of 395.20.

End of Report

EXHIBIT 4



NELSON POPE VOORHIS

environmental • land use • planning

MEMORANDUM

TO: Village of Montebello Planning Board

FROM: Jonathan Lockman, AICP
Gerard Chesterman, Planner

SUBJECT: Weinberger Subdivision Amendments
21 Magnolia Street, 1 Hickory Court, 2 Hickory Court
S/B/L: 41.13-2-18, 19, and 21

DATE: March 21, 2025

CC: Regina Rivera – Planning Board Secretary
Martin Spence, P.E. – Village Engineer
Alyse Terhune, Esq. – Planning Board Attorney
Adam Gordon – Building Inspector
Paul Baum, Esq. - for the applicant
Rachel Barese, PE – for the applicant

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

- 216 Grandview Avenue – Weinberger Subdivision Village of Montebello: Underdrain Report - lots 21, 22 and 24, Prepared by Civil Tec Engineering and Surveying, dated December 10, 2025, revised March 5, 2025.
- Weinberger Subdivision Plan. Prepared, signed and stamped by Leonard Jackson P.E., of Leonard Jackson Associates, dated May 16, 2007, last revised March 5, 2025
 - Drawing Number: 8 / Grading, Drainage & Utility Plan (Section A)
- Foundation Underdrain Detail

Project Summary

The Weinberger subdivision Section A was approved in 2010 with ten lots, numbered 15 through 24. No other sections of the subdivision were recorded, and approval of those sections has expired. Construction of basements for the houses on lots 21, 22 and 24 (as numbered on the 2007 plat) was prohibited. Thee three lots are now known as SBL 41.13-2-18, 19, and 21, respectively. See resolution PB-04 of 2010 which reads:

11. Houses shown on the plans in the Plan Set without basement floor elevations (denominated "B.F. ") shall not have basements or below grade stories.

The applicant requests that this note be stricken, and that this restriction be lifted. Purchasers of these lots wish to construct basements. The applicant states:

"Presumably, the reason for the prohibition was due to a high-water table and the concern that the water would seep into the basements. However, an upstream culvert that was installed to divert stormwater coming from the Village of Wesley Hills was successful in reducing the water table in the area such that there is no basis to continue the prohibition of basements on those lots. From an engineering and construction standpoint, these lots can be safely improved with basements and appropriate water control methods so that the basements will be dry and there will be no hazard to public health, safety and welfare."

Submission Comments:

1. Per comment 1 of our previous memorandum dated October 10, 2024, the applicant provided copies of the DEIS, FEIS and Findings adopted by the Planning Board on February 13, 2007.
2. Per comment 2 of our previous memorandum, the applicant has submitted an underdrain report on the three lots, prepared by CivilTec Engineering. **CivilTec conducted soil testing on December 10, 2024. In their report revised March 5, 2025, they made the following key findings:**
 - a. For Lot 24, the proposed basement floor elevation is 405. No sign of groundwater was found at elevation 398 (**7+ feet of separation**). An underdrain is recommended.
 - b. For Lot 22, the proposed basement floor elevation is 401. No sign of groundwater was found at elevation 390 (**11+ feet of separation**). An underdrain is recommended.
 - c. For Lot 21, the proposed basement floor elevation is 396. Groundwater was found at elevation 389 (**7 feet of separation**). An underdrain is recommended.

Therefore, it appears from these test results that basements can be safely constructed. However, we will defer to the Village Engineer's analysis of these testing results.

3. Per comment 3 of our previous memorandum, **please provide a copy of the GML re-review letter of June 12, 2007.**
4. Per comment 4 of our prior memorandum, New York State DEC re-review of the situation should be required. The approval resolution states that: "modifications to the proposed final plat were required as a result of requirements of the New York State Department of Environmental Conservation, which modifications required the deletion of two residential lots and the relocation of certain drainage structures." **A copy of the DEC review from 2009 should be provided, so the Planning Board may investigate the source of the Department's concerns.**
5. Per comment 5 of our prior memorandum, the resolution indicates that this application was subject to litigation. **A review of this case (Village of Montebello in the Supreme Court of the State of New York, County of Rockland, under Index No. 2004-5589) should be provided, so that it can be determined whether it has any bearing on the matter.**

Items previously reviewed for the October 10, 2024 , Memorandum

- Application Forms package, signed by George Weinberger, dated October 8, 2024.
- Narrative Summary, by Paul Baum, Esq., dated October 7, 2024, with the following exhibits.
 - Ex. A – Resolution PB-04 of 2009
 - Ex. B – Resolution PB-04 of 2010
 - Ex. C – Weinberger Subdivision, Final Plat, Section A, stamped by William Youngblood, LS, with latest revision date of June 17, 2009
 - Ex. D – Weinberger Subdivision, Grading and Drainage Plans, Drawing Numbers 8 & 9, stamped by Leonard Jackson PE, Leonard Jackson Associates, with latest revision date of June 17, 2009.

EXHIBIT 5

VILLAGE OF MONTEBELLO CDRC MINUTES

CDRC Meeting Date: **March 25, 2025** Project Name: **Weinberger Subdivision**

Subdivision **X** Site Plan ____ Special Permit ____ Sign Plan ____ Wetlands Permit ____

Application ready for Board? **YES** SEQRA Status: _____ S/B/L: **41.13-2-18,19,21**

**FAILURE TO PAY OUTSTANDING FEES MAY RESULT IN THE
DENIAL OF APPLICATION OR REFUSAL TO CONTINUE
PROCESSING.**

Present: Paul Baum, Applicants' Attorney, Shimmy Galandauer, Project Manager

Application to remove restrictions in the approval resolution PB-04 of 2010, and on plan sheets that would prevent the construction of basements in houses on lots 21, 22 and 24 .

See J. Lockman memo dated March 21, 2025; The current drainage design appears sound with adequate separation from groundwater, and the soil conditions are adequate. However, the approval resolution refers to modifications of the plans required by the GML review letter, and required modifications by the DEC. The Applicant was therefore requested to find the GML and DEC comments referenced in the approval resolution, so that the Planning Board can determine whether or not they had any bearing on the basement prohibitions in the original approval. A. Terhune will look into a lawsuit that was filed in 20024 against the Village (Index# 2004-5589), to see if it has any bearing on this matter.

See M. Spence memo dated March 23, 2025; In 2007 the Applicant capitulated to the Planning Board's concerns about the potential for flooding basements, and acquiesced to the plat notes restricting basements, even though there was no evidence of high groundwater, and no testing was done at that time. Spence Engineering found no issues with new basement designs other than minor datum corrections, and found that ground water will not flood the houses since they are higher than the catch basins in the street.

Applicant will proceed to the Planning Board for an amended site plan; A. Terhune will determine whether a public hearing is required.