



MEMORANDUM

TO: Village of Montebello Planning Board

FROM: Max Stach, 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: May 8, 2025

CC: Regina Rivera – Planning Board Secretary
Martin Spence, P.E. – Village Engineer
Alyse Terhune, Esq. – Planning Board Attorney
Adam Gordon – Building Inspector

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

- DEC Permit Modification: Weinberger Subdivision, prepared by Alexander F. Ciesluk, JR, dated March 12, 2009
- Weinberger Subdivision: Map Notes Excerpted from Final Subdivision Plans, prepared by Leonard Jackson Associates, dated January 17, 2008
- Rockland County Department of Planning GML Review, Weinberger Subdivision, Signed by Salvatore Corallo, dated October 2, 2007.
- Rockland County Department of Planning GML Review, Weinberger Subdivision, Signed by Salvatore Corallo, dated June 12, 2007.

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. The 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 (denoted "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. 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.

2. We previously requested a copy of the GML re-review letter of June 12, 2007. **5/2025 – GML response letter received.**
3. We previously requested that a 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.” 3/2025- A copy of the DEC review from 2009 should be provided, so the Planning Board may investigate the source of the Department’s concerns. **5/2025- A copy of the DEC review of 2009 has been provided.**
4. We previously noted that this application was subject to litigation. 3/2025- 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. **5/2025- Requested information has not been provided.**

SEQR

5. **The Planning Board will need to reassume lead agency, coordinate with any agencies with surviving jurisdiction and determine if the proposed amendments to the plan are consistent with the SEQR Findings Statement adopted prior to original subdivision approval.**

Items previously reviewed for the March 21, 2025 , Memorandum

- 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

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.