

The Planning Board of the Village of Montebello held a meeting on Tuesday, March 10, 2009 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:20 and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman  
Jane Burke  
Michael Iatropoulos  
Tom Campbell  
Anthony Caridi

OTHERS

Robert Geneslaw, Village Planner  
Martin K. Spence, Village Engineer  
Gloria Scalisi, Planning & Zoning Clerk

ABSENT

Jonathon Degraw  
Ira Emanuel, Deputy Village Attorney

Member Iatropoulos made a motion to approve the minutes of February 10, 2009 as written, seconded by Member Campbell. Upon vote, the motion carried unanimously.

**Emerald Pines – Public Hearing – Continued**  
**Final Subdivision**  
**Wetlands Permit**

Application of Rockland Estates Homes, LLC, 301 North Main Street, New City, New York 10956 for approval of a Final Subdivision Plat and Wetlands Permit entitled Emerald Pines consisting of 4 lots from 10.127 +/- acres located on the North side of Viola Road approximately 600 +/- feet West of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.05 Block 1 Lot 17 in a RR-50 Zone.

The Applicant has submitted a request for an adjournment until the July meeting.

Chairman Rubin questioned the appropriateness of re-notifying the neighbors when they re-appear before the Planning Board. Mr. Geneslaw stated that since there have been extensive changes in storm water laws, it would be appropriate to re-notice the Public Hearing.

Member Iatropoulos made a motion to adjourn the Public Hearing for Final Subdivision and Wetlands Permit Approval of Emerald Pines, as per the applicant's request, until the July meeting of the Planning Board on July 7, 2009, seconded by Member Campbell; Applicant to re-notice Public Hearing. Upon Vote, the motion carried unanimously.

**Weinberger Subdivision – Public Hearing – Continued**  
**Final Subdivision**

Application of George Weinberger, 1757 East 23<sup>rd</sup> Street, Brooklyn, New York 11229 for an approval of a final Plat for a subdivision entitled "Weinberger Subdivision" consisting of 84.25 acres of which approximately 17.62 are wetlands. The subject is located on the south side of Grandview Avenue approximately 900 feet east of Spook Rock Road and west of Martha Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 41.13 Block 2, Lots 5 and 6 and Section 41.17 Block 1, Lots 5 and 6 in a RR-50 Zone.

The Applicant has submitted a request for an adjournment until the April meeting.

Brief discussion regarding the applicant re-noticing the Public Hearing before they appear before the Planning Board in April.

Member Iatropoulos made a motion to adjourn the Public Hearing for Final Subdivision Approval of the Weinberger Subdivision, as per the Applicant's request, until the next scheduled meeting of the Planning Board on April 14, 2009, seconded by Member Campbell; Applicant to re-notice Public Hearing. Upon vote, the motion carried unanimously.

### **9 Bayard Lane – Public Hearing – Continued Wetlands Permit**

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960 for approval of a Wetlands Permit entitled "9 Bayard Lane" consisting of .76 +/- acres located on the south side of Bayard Lane approximately 389 feet from the intersection of Haverstraw Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10 Block 1, Lot 76 in a R-35 Zone.

The Applicant has submitted a request for an adjournment until the April meeting.

Member Iatropoulos made a motion to adjourn the Public Hearing on the Application of Dominick Pilla for approval of a Wetlands Permit entitled "9 Bayard Lane", as per the Applicant's request, until the next scheduled meeting of the Planning Board on April 14, 2009, seconded by Member Campbell. Upon vote, the motion carried unanimously.

### **Discussion on Proposed Local Law to Extend Moratorium**

Member Campbell discusses and explained the reasoning behind extending the moratorium from May 1, 2009 to November 1, 2009. The Comprehensive Plan was last updated five years ago, and the six member Comprehensive Plan Committee needs more time to establish rules and thoroughly review the Comprehensive Plan. Member Campbell is proposing one workshop and one meeting of the Comprehensive Plan Committee per month, in order to review the Plan more efficiently. Member Campbell also states that although we currently have a moratorium, any Applicant may seek relief by appearing before the Zoning Board of Appeals.

Member Rubin states that the Planning Board needs a period of time to review and comment on the proposed changes of the Comprehensive Plan Committee. Member Campbell thinks it is possible to give the Planning Board proposed changes to the Comprehensive Plan as early as May or June.

Member Iatropoulos stated that since the Planning Board meetings lately have been short due to adjournments, he would like to propose having workshops after the close of Planning Board meetings to discuss the proposed changes to the Comprehensive Plan.

Mr. Geneslaw concurred with Mr. Rubin and Mr. Iatropoulos.

Richard Ellsworth, legal counsel on behalf of Novartis Pharmaceuticals Corp. – expressed his opposition to extending the moratorium and would like to know if the extension of the moratorium will affect the granting of a waiver from the Zoning Board of Appeals. Novartis Pharmaceuticals Corp., would like to build a Back-Up Data Center in the Village of Montebello. Mr. Ellsworth also stated that his client has been working with the current laws of the village and after a 2 year study, time and money is of an essence.

Member Iatropoulos made a motion to recommend that the Village Board adopt the Proposed Local Law to extend the moratorium, seconded by Chairman Rubin. Upon vote, the motion carried unanimously.

## **New Business**

Chairman Rubin would like to open a discussion regarding two items that went before the last CDRC meeting of February 24, 2009.

1. Van Hook 6 River Road
2. 1 & 3 River Road at Orchard

### **Van Hook 6 River Road**

Chairman Rubin stated that Van Hook, 6 River Road, is proposing building a one family home in a Flood Plain. Chairman Rubin would like more information on prior floods to River Road and its surrounding area. Chairman Rubin asked how we can be more environmentally sensitive. Chairman Rubin stated that with good information comes good judgment.

Mr. Spence stated that FEMA has information on repeated losses in the area.

Member Burke would like the FEMA classification for the area.

Member Caridi is worried about displacement further down the road. He would also like to take this time to applaud Member Campbell for requesting the moratorium extension to review it more thoroughly so that mistakes aren't made in the future.

### **1 & 3 Lake Road at Orchard**

Mr. Spence stated that 1 & 3 Lake Road at Orchard is just a realigning of a Lot Line and does not think that it will impact the Flood Plains, noting that he will investigate the matter further.

## **New Business**

Brief discussion on Rio Vista's proposed changes to the concept of ownership. Chairman Rubin would like the Planning Board to be aware that the Village Board is reviewing it.

Brief discussion on member re-certification courses given by the Rockland County Planning Department.

Brief discussion on Congregation Shaarey Israel and definition of a warming kitchen. Member Campbell stated that in the future they as a Planning Board need to be more specific.

Brief discussion on noise ordinances and the effect on municipalities. The Planning Board will need more specific information regarding noise ordinances.

Member Iatropoulos made a motion to adjourn the meeting, seconded by Member Campbell. Upon vote, the motion carried unanimously. The meeting adjourned at 8:42 p.m.

**Note:**

The Planning Board would like the Planning & Zoning Clerk to contact Ms. Arlene Miller, Principal Planner at the Rockland County Planning Department in order to get further information on the re-certification courses available for the Planning Board.

The Planning Board would also like the Planning & Zoning Clerk to contact the Deputy Village Attorney, Ira Emanuel to get further clarification on Noise Ordinances.