

The Planning Board of the Village of Montebello held a meeting on Tuesday, April 14, 2009 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:30 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman
Jane Burke
Michael Iatropoulos
Tom Campbell
Jonathan DeGraw

OTHERS

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

ABSENT

Anthony Caridi, Member
Ira Emanuel, Deputy Village Attorney

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

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

Application of George Weinberger, 1757 East 23rd 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 May 12th Planning Board meeting.

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

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 May 12, 2009, seconded by Member Campbell. Upon vote, the motion carried unanimously. Applicant to re-notice Public Hearing.

**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 May 12th Planning Board meeting.

Member Campbell 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 May 12, 2009, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Cronin Subdivision – 2nd 90 Day Final Filing Extension

Application of Timothy Cronin, 96 Viola Road, Suffern, New York 10901 for approval of a 2nd 90 day filing extension for “Cronin Subdivision” consisting of 2 lots from 2.205 +/- acres located on the north side of Viola Road approximately 0 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 15 in a RR-50 Zone.

Member Iatropoulos made a motion to grant a Second 90 day Final Filing Extension for the Cronin Subdivision that will start on April 4, 2009 and end on July 4, 2009, seconded by Member Burke. Upon vote, the motion carried unanimously.

Christopher & Lisa Pariot 10 Birdie Drive

Review and comment on requested variance from the Village Board for a fence in the Conservation Easement for Christopher and Lisa Pariot, 10 Birdie Drive, Montebello, New York 10901.

Chairman Rubin stated his concern for due diligence on behalf of the Planning Board on the timing of last minute items on the Agenda. Chairman Rubin would like the Planning Board to have every opportunity to review and process every application in order to make the best possible decision for the Village.

The Planning Board reviewed and discussed the requested variances for a fence in the Conservation Easement and the pillar encroachment in the right of way and their recommendations are as follows:

1. In regards to the pillar that is encroaching in the Village Right of Way, the Applicant must provide proper insurance to free the Village of liability in the case of damages in the Village Right of Way. Also, if in the future the Village is in need of the Right of Way the Applicant must remove or move the Pillar immediately. These requirements need to be in the Certificate of Occupancy and be transferred to future owners.
2. The fence in the Conservation Easement must be removed. The Village Board may recommend a two year grace period to alleviate some of the claimed hardship to the Applicant, but if the property is transferred within the two year period the fence must be removed before a new Certificate of Occupancy is issued.

Discussion on Proposed Local Law Eliminating Certain Applications from a GML review by the RC Planning Department

Mr. Geneslaw briefly explained the General Municipal Law (GML) and how it pertains to the Village. Chairman Rubin stated that in essence the proposed Local Law does not change how the Village operates.

Member Burke pointed out that unlike other Planning Boards in the County this Planning Board takes into consideration the feedback and recommendations from the Rockland County Planning Board. Member Burke likes the valid guidance gained from the recommendations.

Chairman Rubin stated that the Proposed Law makes sense for small or minor issues.

Member Campbell made a motion to recommend that the Village Board adopt the proposed Local Law eliminating certain applications from a GML review by the RC Planning Department, seconded by Chairman Rubin. Upon vote, the motion carried unanimously.

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.

Member Campbell made a motion to adjourn the meeting, seconded by Member Burke. Upon vote, the motion carried unanimously. The meeting adjourned at 8:51 p.m.

Note:

The Planning Board would also like the Planning & Zoning Clerk to contact the Deputy Village Attorney, Ira Emanuel to get further clarification and a legal definition of Homeowners Association and Condo Board.