The Planning Board of the Village of Montebello held a meeting on Tuesday, April 12, 2011 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:15 p.m. and led everyone in the Pledge of Allegiance.

PRESENT	OTHERS
Al Rubin, Chairman	Warren Berbit, Village Attorney
Michael Iatropoulos, Member	Ira Emanuel, Assistant Village Attorney
Thomas Ternquist, Member	Robert Geneslaw, Village Planner
Anthony Caridi, Member	Martin Spence, Village Engineer
Melanie Golden, Member	Gloria Scalisi, Planning & Zoning Clerk

ABSENT

Jane Burke, Member

Member Ternquist made a motion to approve the minutes of March 8, 2011, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Empire Executive Inn (Crowne Plaza)
Architectural Review
Sign Permit Approval—Public Hearing--Continued

> Application of Empire Executive Inn, LLC (Crowne Plaza Hotel) 3 Executive Boulevard, Montebello, New York 10901, for Architectural Review of a revised building façade and porte cochere (covered entrance) resulting from the conversion of existing Holiday Inn Hotel to Crowne Plaza Hotel, and Sign Permit Approval relating to replacement monument and gateway signs. The subject property is located on the south side of Executive Boulevard approximately 1500 feet from the intersection of North Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lot 5 in a LO Zone.

In attendance is Mr. Michael Klein, the Applicant's Attorney, along with Mr. John Jovan. Mr. Klein explained how the Applicant received prior approvals from the Architectural Board for some of the architectures of the building and the Applicant received sign approval. The latest appearance is for the lighting and landscaping. Mr. Klein stated that the lighting and landscaping around the signs is not included in tonight's presentation but will be before the Board at a later date. Mr. Klein discussed the lighting plan submitted to the Board.

Chairman Rubin asked the Applicant when they would have materials available for the Village Engineer and or the Board to review in terms of the pylon tower sign and its illumination, transparency and spillage. Mr. Klein stated that the illumination of the tower will not change and they will only replace the plastic overlay that is there. Mr. Klein stated that they were unable to provide the Village Engineer with the materials requested because they just don't have it as of now. Chairman Rubin stated that the tower lighting will not be part of any approvals tonight and will be before the Board at a later date.

Chairman Rubin stated that at this meeting the Board is reviewing the illumination on the Port-Cochere, accent lighting around the building and plantings.

Martin Spence, Village Engineer, explained his memo dated March 30, 2011 (copy attached).

Mr. Klein stated that the concept Crowne Plaza is implementing is to preserve and significantly enhance as much of the existing landscaping. Mr. Klein informed the Board that the Applicant will be planting approximately 550 new plantings. Mr. John Jovan explained some of the plantings that will be brought in.

Member Iatropoulos informed the Applicant that the "Euonymus" plantings are a preferred food for deer. Member Iatropoulos would like the Applicant to choose plantings that are not so deer friendly.

Chairman Rubin would like the Applicant to work with the Village Engineer to substitute some of the deer friendly plantings.

Robert Geneslaw, Village Planner, read the CDRC minutes dated March 29, 2011 (copy attached). Mr. Geneslaw discussed the Planting Plan that the Applicant submitted on April 5, 2011 (Copy attached). Mr. Geneslaw questioned item #12 where it states that the quantities of plants are not guaranteed.

Mr. Klein stated that the Applicant will commit to the number of plants on the Planting Plan. Mr. Geneslaw requested item #12 to be deleted on the planting notes.

Chairman Rubin made a motion to approve the Lighting and Landscaping Plan as presented at the April 12, 2011 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

RESOLUTION PB NO. #05 OF 2011

WHEREAS, by virtue of Resolution ARB/PB No. 02 of 2010, and PB-05 of 2010, the application of Empire Executive Inn, LLC (Crowne Plaza Hotel), 3 Executive Boulevard, Ramapo Tax Map, Section 55.07-1-5, to approve a revised façade was granted, as it was to approve a sign and partial lighting plan, subject to the conditions set forth in said respective resolutions, and the Public Hearing was continued for purposes of addressing the landscaping plan and exterior lighting, including review of illumination intensity by the Village Engineer; and

WHEREAS, by virtue of the subsequent submissions and affirmative agreement of the Applicant, said continued Hearing was put off until the April 12, 2011 meeting of the Planning Board, and said Landscaping Plans and Lighting Plans were each bifurcated, a portion of the overall landscaping plan and a portion of the overall lighting plan to be considered thereat, the balance of each to be considered at subsequent continued Hearing dates; and

WHEREAS, as more particularly set forth therein, included herewith in the record is the portion of the landscaping plan as set forth in a drawing entitled: "Additional Planting", dated 9-22-10 last revised 9-30-10, encompassing plants around the building, in the front entrance island and in the entrance road island, and the portion of the lighting to be included is set forth in a drawing entitled "Exterior Lighting Plan", dated 9-11-10, last revised 10-20-10, encompassing lights around the building, being the wall washers and the port cochere; and

WHEREAS, in addition to the two aforementioned plans, the following were received, discussed and included in the record:

1. Cover letter of Applicant's Attorney dated March 2, 2011.
2. Minutes of CDRC dated March 29, 2011.
3. Memorandum from Martin Spence, the Village Engineer, dated March 30, 2011.
4. Plant type photographs
5. Memorandum from Lawrence Picarello, Village Building Inspector, dated March 22, 2011.

and;

WHEREAS, the continued Public Hearing was opened at 7:20 pm, and the following spoke thereat:

1. Michael Klein, Esq., for the Applicant.
2. John Jovan, for the Applicant.

and;

WHEREAS, no one else wishing to speak, the Public Hearing portion of the meeting was temporary closed at 7:30 pm, to be continued as to the balance of the landscaping and lighting plans at the next meeting of the Planning Board, or as soon thereafter as the matter is ready to be continued.

NOW, THEREFORE, BE IT RESOLVED that the landscape plan entitled: "Additional Planting", dated 9-22-10, latest revision date of 9-30-10 be and hereby is accepted, subject to the following:

1. That the landscape architect avoid, where possible, species attractive to deer, substituting deer-proof species, such as euonymus, and that such revised plants be shown on the species notes, and be reported to the Board.
2. It being expressly understood, as reported by the Applicant's representatives, that proposed plantings on the north side of Executive Boulevard, and around the monument signs, will be the subject of the continued Public Hearing.

; and

BE IT FURTHER RESOLVED, that the exterior lighting plan, dated 10-11-10, latest revision dated 10-20-10, be and hereby is accepted, subject to the following:

1. It being expressly understood that lighting of the monument signs, and the pylon sign, will be the subject of the continued Public Hearing, which requires photo metrics as satisfactory to the Village Engineer;

;and

BE IT FURTHER RESOLVED, that the Public Hearing be continued for the aforementioned on going purposes, to wit: lighting of pylon and monument signs, plants around monument sign and along the north side of the road.

MOTION: Member Iatropoulos

SECOND: Member Ternquist

Upon vote, the Resolution carried unanimously.

Member Iatropoulos made a motion to continue the Public Hearing for the balance of the lighting and landscaping Approval for Empire Executive "Crowne Plaza" until the next scheduled Planning Board

meeting on May 10, 2011, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Fant Property—Public Hearing
Revised Amended Site Plan

> Application of Joon Management for the Fant Property for a Revised/Amended Site Plan, the Applicant is requesting a reduction of the total required side setback from 50 feet to 40 feet on Lot #7; reduction of the required side yard from 20 feet to 10 feet on Lot #9; reduction of the required side yard from 15 feet to 12 feet on Lot #6. The property is located on the westerly side of Spook Rock Road, approximately 800 feet north of the intersection of Carlton Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.17, Block 1, Lots 2.6, 2.7 and 2.9 in an ER-80 Zone.

The Applicant, Mr. Marsel Amona, and the Applicant's Attorney, Mr. Michael Klein, along with the Applicant's Engineer, Mr. Stuart Strow, are in attendance.

Mr. Klein explained the reasons for the revised amended site plan. Mr. Klein discussed the minor area changes requested to three separate lots (6, 7, and 9).

Mr. Strow clarified the information provided to the Planning Board.

Mr. Geneslaw read the CDRC minutes dated March 29, 2011 (copy attached). Mr. Strow explained item #3 of the CDRC minutes. When the original subdivision was approved the Applicant was required to build a stone wall along the conservation easement. The Applicant is now requesting not to build the stone wall along the rear of Lot 8 because it is behind the detention basin and the detention basin forms a line of demarcation of the conservation easement.

Member Iatropoulos questioned the Applicant on the basis of the stone wall. Mr. Strow replied that the Planning Board requested the stone wall as a physical demarcation of the conservation easement.

Chairman Rubin questioned the Applicant on the grade surrounding the detention basin. Mr. Strow replied that it is a three on one slope. Mr. Amona stated that the area behind the detention base is all "wet" and there is usually 6-8" of water just sitting in the area.

Mr. Spence suggested connecting the stone wall to the detention basin on both sides. The Applicant agreed.

Chairman Rubin agreed with Mr. Spence's recommendation and if the Applicant is agreeable it can be done as a field change.

Chairman Rubin read a letter from a neighbor, Sally DeAngelo, 15 Fant Farm Lane, Montebello, New York, dated April 12, 2011 (copy attached).

Jeanne Gatta, 25 Golf Course Drive, Montebello, New York stated that there is a "big drainage problem" in the conservation easement. Ms. Gatta also stated that she saw the Applicant using a back hoe in the conservation easement this past week.

Mr. Spence stated that the builder should not be in the conservation easement for any reason and certainly not digging. The conservation easement should remain natural and undisturbed.

Mr. Amona stated that there was no one with a back hoe digging in the conservation easement. Mr. Amona also stated that the Village Building Inspector came out to inspect the complaint of a backhoe in the conservation easement and he found no violations. Mr. Amona stated that Ms. Gatta has no trees in her conservation easement and has only grass which she mows up to the property line in her conservation easement.

Mr. Amona informed the Board that as of March, 2010 he has provided a curtain drain in Mrs. DeAngelo's property and since then there is no drainage problems on Mrs. DeAngelo's property. Mr. Amona stated that the only reason a permanent Certificate of Occupancy was not released is because the DeAngelos have not consented (signed) to the easement required.

Chairman Rubin suggested a concept of putting a time limit on DeAngelo's easement as part of the resolution.

Amy Rapoport, 5 Kings Gate Road, Montebello, New York questioned the Board on whether it is a standard procedure to require builders to install a wall to delineate the conservation easement. Mr. Ira Emanuel, Assistant Village Attorney, stated that in the past they have asked builders to place a stone wall to delineate the conservation easement.

No one else wished to comment. Chairman Rubin made a motion to close the Public Hearing, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

RESOLUTION PB-06 OF 2011
APPROVING SITE CHANGES TO LOTS 6, 7 AND 9
OF A SUBDIVISION ENTITLED "FANT PROPERTY"

WHEREAS, a subdivision plat entitled "Fant Property" dated November 14, 2006 last revised July 18, 2007, affecting premises designated as Section 49.17, Block 1, Lot 2 on the Tax Map of the Town of Ramapo, was approved by this Board at its meeting of September 11, 2007, subject to a number of conditions; and

WHEREAS, a revised final subdivision plat bearing a last revision date of November 14, 2007, was approved by this Board at its meeting of December 11, 2007; and

WHEREAS, said revised final plat was re-approved by this Board at its meeting of January 13, 2009; and

WHEREAS, said plat was approved under the alternate procedure permitted by section 195-61 of the Zoning Code for properties in the Rural Preservation (RP) Overlay District; and

WHEREAS, the applicant has asked for certain modifications to yard and setback treatments for three lots within the subdivision, none of which affect the actual lot lines of the subdivision, specifically:

Lot 6: reduction of northerly side yard from 15 feet to 12 feet for the purpose of accommodating a driveway and turnaround pad;

Lot 7: reduction of total side yard dimension from 50 feet to 40 feet, consisting of two 40-foot wide side yards;

Lot 9: reduction of easterly side yard from 20 feet to 10 feet for the purpose of accommodating a driveway and turnaround pad; and

WHEREAS, the requested modifications are shown in more detail on a drawing entitled "Fant Property", prepared by Centerpoint Engineering, PLLC, dated January 11, 2011, consisting of two sheets; and

WHEREAS, a public hearing was held on April 12, 2011; and

WHEREAS, the proposed changes are minor and do not require additional environmental review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, that the changes requested by the applicant to Lots 6, 7, and 9 of the subdivision entitled "Fant Property", as shown on a drawing entitled "Fant Property", prepared by Centerpoint Engineering, PLLC, dated January 11, 2011, consisting of two sheets, be and hereby are approved; and be it further

RESOLVED, that all other aspects and conditions of approval of the subdivision not inconsistent herewith remain in full force and effect; and be it further

RESOLVED, that, in order to resolve an existing drainage issue affecting lots 4, 5 and 6 of this subdivision, this resolution shall be of no force or effect until the following occurs:

The owner of lot 5 shall provide to applicant the necessary drainage easement for the benefit of lot 4 not later than May 1, 2011, and the necessary drainage work shall be completed by the applicant not later than May 15, 2011. Upon completion of such work to the satisfaction of the Village Engineer, this resolution shall be deemed effective. If the required easement is not so granted on or before May 1, 2011, then this resolution shall be deemed effective as of May 2, 2011.

MOTION: Chairman Rubin
SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

Joon Management—Public Hearing
6 Fant Farm Lane
Architectural Review

Application of Joon Management, 130 E. Route 59, Spring Valley, New York for the Fant Property at 6 Fant Farm Lane, Montebello, New York. The property is located on the south side of Fant Farm Lane, approximately 300 feet west of the intersection of

Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.17, Block 1, Lot 2.15 in an ER-80 Zone

The Applicant, Mr. Marsel Amona, and the Applicant's Attorney, Mr. Michael Klein, along with the Applicant's Engineer, Mr. Stuart Strow, are in attendance.

Mr. Amona explained his application and stated that they are trying to follow the same features of the cottage for it to be similar in looks.

Chairman Rubin questioned the Applicant on the coloring of the house. Mr. Amona replied that it would be the same and will use an "earth" color.

Martin Spence, Village Engineer, explained his memo dated March 30, 2011 (copy attached).

Doris Olsen, 245 Spook Rock Road, Montebello, New York is pleased that the proposed house will be similar to the cottage. Mrs. Olsen is pleased with the work Mr. Amona has done.

No one else wished to comment. Member Iatropoulos made a motion to close the Public Hearing, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

Resolution ARB 02 of 2011
Granting Architectural Approval of a Plan entitled
"Proposed Model for Joon Management, Fant Farm Lane, Lot #15"
6 Fant Farm Lane

WHEREAS, an application for architectural approval for a new single family dwelling to be built at 6 Fant Farm Lane has been presented by Joon Management; and

WHEREAS, the applicant has submitted architectural plans and elevations dated March 2, 2011, prepared by Eric Knute Osborn, Architect, consisting of 2 pages; and

WHEREAS, this action is a Type 2 action pursuant to the SEQRA regulations; and

WHEREAS, a public hearing was held on April 12, 2011.

NOW, THEREFORE, be it

RESOLVED, that the Architectural Plan presented by Joon Management, entitled "Proposed Model for Joon Management, Fant Farm Lane, Lot #15" dated March 2, 2011, prepared by Eric Knute Osborne, Architect, consisting of 2 pages, affecting premises known as 6 Fant Farm Lane, and designated on the Tax Map of the Town of Ramapo as Section 49.17, Block 1, Lot 2.15, be and hereby is approved, subject to the following conditions:

1. Compliance with Martin Spence memorandum dated March 30, 2011.
2. Siding shall be "Clay" color as shown in the catalog for "Market Square" siding prepared by Exterior Portfolio by Crane; Roof shingles shall be "Barkwood" color by Timberline Shingles; cultured stone detail siding shall be "Canyon Gray" by Stonecraft Industries.

MOTION: Member Iatropoulos
SECOND: Member Ternquist

Upon vote, the Resolution carried unanimously.

Joon Management—Public Hearing
14 Fant Farm Lane
Architectural Review

> Application of Joon Management, 130 E. Route 59, Spring Valley, New York for the Fant Property at 14 Fant Farm Lane, Montebello, New York. The property is located on the south side of Fant Farm Lane, approximately 700 feet west of the intersection of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.17, Block 1, Lot 2.11 in an ER-80 Zone.

The Applicant, Mr. Marsel Amona, and the Applicant's Attorney, Mr. Michael Klein, along with the Applicant's Engineer, Mr. Stuart Strow, are in attendance.

Mr. Amona discussed the application and informed the Board that this lot is inside the cul-de-sac therefore less visible from Spook Rock Road.

Mr. Geneslaw read the CDRC minutes dated March 29, 2011 (copy attached).

Chairman Rubin questioned the Applicant on the color of the proposed house. Mr. Amona stated that they are going with the color of Mocha on three sides of the siding.

No one else wished to comment. Member Iatropoulos made a motion to close the Public Hearing, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

Resolution ARB 03 of 2011
Granting Architectural Approval of a Plan entitled
"Proposed Model for Joon Management, Fant Farm Lane, Lot #11"
14 Fant Farm Lane

WHEREAS, an application for architectural approval for a new single family dwelling to be built at 14 Fant Farm Lane has been presented by Joon Management; and

WHEREAS, the applicant has submitted architectural plans and elevations dated March 17, 2011, prepared by Eric Knute Osborn, Architect, consisting of 3 pages; and

WHEREAS, this action is a Type 2 action pursuant to the SEQRA regulations; and

WHEREAS, a public hearing was held on April 12, 2011.

NOW, THEREFORE, be it

RESOLVED, that the Architectural Plan presented by Joon Management, entitled "Proposed Model for Joon Management, Fant Farm Lane, Lot #11" dated March 17, 2011, prepared by Eric Knute Osborn, Architect, consisting of 3 pages, affecting premises known as 14 Fant Farm Lane, and designated on the Tax Map of the Town of Ramapo as Section 49.17, Block 1, Lot 2.11, be and hereby is approved, subject to the following conditions:

1. Compliance with Martin Spence memorandum dated March 31, 2011.
2. Front elevation treatment shall be "Buckskin" stucco by CertainTeed; rear and side siding shall be "Mocha" color as shown in the catalog for "Market Square" siding prepared by Exterior Portfolio by Crane; Roof shingles shall be "Weathered Wood" color by Timberline Shingles.

MOTION: Member Ternquist
SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

Rio Vista of Montebello, LLC—Public Hearing
Preliminary/Final Site Plan Approval
Amended Subdivision

Application of Rio vista of Montebello, LLC, 51 Crocker Mansion Drive, Mahwah, New Jersey for Preliminary and Final Approval of a Site Plan and an Amended Final Subdivision entitled "Rio Vista of Montebello, LLC", consisting of approximately 17.5 acres located on the north side of Montebello Road approximately 300 feet west of Mayer Drive in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.18, Block 2, Lot 1.11 and Section 48.18, Block 3, Lots 1 through 20 and 22 in a LO-C and EP Zone.

The Applicant, Mr. Larry Turco is in attendance.

Mr. Turco informed the Planning Board that Rio Vista of Montebello met with the Village Board the previous months to change ownership from an HOA to a Condominium form of ownership. Mr. Turco stated that the FAR will not change. Mr. Turco stated that the change in HOA to Condominium would create one lot as opposed to 20 single lots. No affect to the buildings that are built or being built, the density of the project or property boundaries.

Chairman Rubin explained the change from HOA to Condominium is to facilitate a better tax structure for the buyers. Chairman Rubin questioned the Applicant on whether they have been given a Condominium Association Charter. Mr. Turco responded that they have applied to the Attorney General and are in the process of getting their approval within 30-60 days.

Mr. Geneslaw read the CDRC minutes dated March 29, 2011 (copy attached).

Mr. Spence stated that there are no physical site changes.

No one else wished to comment. Member Iatropoulos made a motion to close the Public Hearing, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Chairman Rubin read the Resolutions into the record:

Resolution PB 07 of 2011
Granting Approval of a Final Subdivision Plat entitled
"Rio Vista Montebello, LLC, Subdivision Plat for Condominium"

WHEREAS, an application for approval of a Final Plat entitled "Rio Vista Montebello, LLC, Subdivision Plat for Condominium," consisting of 1 sheet, dated March 29, 2011 ("Condominium Subdivision"), has been presented by Rio Vista Montebello, LLC; and

WHEREAS, this Board has previously reviewed and approved a site plan and subdivision plat for this project as shown on plans dated August 1, 2005, last revised August 16, 2008, and signed by the Chairman of this Board on October 2, 2008; and

WHEREAS, pursuant to the provisions of the Zoning Code then in effect, the project was designed and approved as a homeowner's association, with each unit having fee title to the land on which it sat, resulting in 20 individual unit lots and one large lot for the common elements of the association, for a total of 21 lots (plus a separate lot for the Goldberg office building/Montebello Mansion), which has been separated and is not under consideration here); and

WHEREAS, subsequent to the filing of the above-referenced subdivision plat in the Office of the Rockland County Clerk, the applicant petitioned the Village Board for an amendment to the Zoning Code which would allow, among other things, the establishment of a condominium regime instead of a homeowner's association; and

WHEREAS, the Village Board so amended the Zoning Code by enacting Local Law No. 1 of 2011; and

WHEREAS, the applicant has elected to change the unit ownership to a condominium regime; and

WHEREAS, such election requires (a) changing the current 21 lot configuration to a single lot containing all 20 dwelling units and the common elements and (b) approval of a site plan consistent with the single lot configuration and showing the buildings as multiple residence buildings; and

WHEREAS, the Condominium Subdivision reflects the previously approved subdivision plat and site plan, and there are no physical differences between the Condominium Subdivision and the previously approved subdivision plat and site plan; and

WHEREAS, a public hearing on this application was held on April 12, 2011, pursuant to due notice; and

WHEREAS, the Rockland County Planning Department, in a memorandum dated April 12, 2011, approved this proposal.

NOW, THEREFORE, be it

RESOLVED, that because there are no physical changes proposed in the Condominium Subdivision, only a change in the form of individual unit ownership, and because construction pursuant to the previously approved site plan is well underway, the Negative Declaration under

SEQRA previously granted by this Board in connection with this action is hereby ratified and re-affirmed; and be it further

RESOLVED, that the Condominium Subdivision be and hereby is approved, subject to the following conditions:

1. All conditions of all previously approved subdivisions, including, but not limited to, the requirement for payment of monies in lieu of dedication of parklands, in that the recreation needs of the Village and the impact of this development on said recreation needs have not changed, and the approval herein reflects only a change in the ownership regime of the project, except to the extent that they conflict with the provisions hereof.
2. All other subdivision requirements set forth in the site plan regulations of the Village of Montebello.

MOTION: Chairman Rubin
SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

Resolution PB 08 of 2011
Granting Approval of a Final Site Plan entitled
"Rio Vista Montebello, LLC, Site Plan for Condominium"

WHEREAS, an application for approval of a Final Site Plan entitled "Rio Vista Montebello, LLC, Site Plan for Condominium" consisting of 1 sheet, dated February 17, 2011, and last revised March 29, 2011, ("Condominium Site Plan") has been presented by Rio Vista Montebello, LLC; and

WHEREAS, this Board has previously reviewed and approved a site plan and subdivision plat for this project as shown on plans dated August 1, 2005, last revised August 16, 2008, and signed by the Chairman of this Board on October 2, 2008; and

WHEREAS, pursuant to the provisions of the Zoning Code then in effect, the project was designed and approved as a homeowner's association, with each unit having fee title to the land on which it sat, resulting in 20 individual unit lots and one large lot for the common elements of the association, for a total of 21 lots (plus a separate lot for the Goldberg office building/Montebello Mansion), which has been separated and is not under consideration here); and

WHEREAS, subsequent to the filing of the above-referenced subdivision plat in the Office of the Rockland County Clerk, the applicant petitioned the Village Board for an amendment to the Zoning Code which would allow, among other things, the establishment of a condominium regime instead of a homeowner's association; and

WHEREAS, the Village Board so amended the Zoning Code by enacting Local Law No. 1 of 2011; and

WHEREAS, the applicant has elected to change the unit ownership to a condominium regime; and

WHEREAS, such election requires (a) changing the current 21 lot configuration to a single lot containing all 20 dwelling units and the common elements and (b) approval of a site plan consistent with the single lot configuration and showing the buildings as multiple residence buildings; and

WHEREAS, the Condominium Site Plan reflects the previously approved subdivision plat and site plan, and there are no physical differences between the Condominium Site Plan and the previously approved subdivision plat and site plan; and

WHEREAS, a public hearing on this application was held on April 12, 2011, pursuant to due notice; and

WHEREAS, the Rockland County Planning Department, in a memorandum dated April 12, 2011, approved this proposal.

NOW, THEREFORE, be it

RESOLVED, that because there are no physical changes proposed in the Condominium Site Plan, only a change in the form of individual unit ownership, and because construction pursuant to the previously approved site plan is well underway, the Negative Declaration under SEQRA previously granted by this Board in connection with this action is hereby ratified and re-affirmed; and be it further

RESOLVED, that the Condominium Site Plan be and hereby is approved, subject to the following conditions:

1. Final approval, and filing in the Rockland County Clerk's Office, of a re-subdivision of the premises to eliminate the current 20 individual dwelling unit lots and one common element lot and to create a single lot containing all 20 dwelling units and the common elements;
2. The previously approved site plan, as amended, shall remain in full force and effect, except to the extent it conflicts with the condominium ownership regime set forth in the Condominium Site Plan; and
3. All conditions of all previously approved site plans, including, but not limited to, the requirement for payment of monies in lieu of dedication of parklands, in that the recreation needs of the Village and the impact of this development on said recreation needs have not changed, and the approval herein reflects only a change in the ownership regime of the project, except to the extent that they conflict with the provisions hereof.
4. All other site plan requirements set forth in the site plan regulations of the Village of Montebello.

MOTION: Chairman Rubin
SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

9 S Bayard Lane—Public Hearing—Continued
Wetlands Permit
Site Plan Approval-Conservation Overlay District

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled "9 S. Bayard Lane" to allow disturbance and

construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District. The proposed construction is for a one story dwelling with a new driveway. The existing one story residential dwelling will be demolished and the existing gravel driveway, stone walls and slate walkway will be removed. The subject property is located on the south side of Bayard Lane approximately 389 feet of 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 an R-35 Zone.

In attendance was Mr. Dominick Pilla, who is the owner applicant as well as the architect engineer.

Mr. Pilla explained and addressed the changes to the updated plan submitted to the Planning Board. Mr. Pilla stated that the plans represent architectural and engineering modifications. The architectural modifications were the proposed basement was removed. The current proposal for 9 S Bayard Lane does not have a basement. The FAR calculations have been revised from 12.8% to 10.2% due to the removal of the basement. Mr. Pilla stated that the Calculations show that it is 50% less than permitted by the Bulk Regulations. The development coverage went from 29.3% to 29.2% based on relocating stairs. The General Notes and Narrative were also updated to reflect the changes. Mr. Pilla discussed the engineering changes based on the Village Engineer's previous memos. Mr. Pilla stated that this plan shows the lot has gross lot coverage of 33,000 square feet and based upon the floodplain the lot coverage has net lot coverage of 19,000 square feet. Mr. Pilla stated that "this building conforms to the Bulk Regulations on the decreased lot coverage". Mr. Pilla informed the Board that the floodplain requires his design to be 43% smaller, so therefore his lot coverage is 43% smaller, much more restrictive Bulk Regulations, setbacks are the same and the design utilizes only 50% of the FAR. Mr. Pilla discussed Robert G. Torgersen's letter dated March 30, 2011 (copy attached). Mr. Pilla informed the Board that the submitted Wetlands DEC map clearly show that there are no wetlands in vicinity of 9 S Bayard Lane, there is a water body (Mahwah River) but no wetlands as delineated by the DEC. Mr. Pilla stated that the proposal before the Board does not adversely affect the wetlands or water courses, does not adversely affect safety, engineering and is modest in size.

Mr. Geneslaw read the CDRC minutes dated March 29, 2011 (copy attached).

Martin Spence, Village Engineer, explained his memo dated March 30, 2011 (copy attached).

Member Iatropoulos questioned the Applicant on the square footage of the building. Mr. Pilla replied that the square footage of the building is 3375 square feet. Member Iatropoulos questioned the Applicant on the average caliber of the 31 trees being removed. Mr. Pilla stated that it varies from tree to tree; all of the calculations are on the map. Mr. Pilla stated that he will have an arborist comment on all the trees to be removed. Mr. Pilla informed the Board that many trees will be put back and he will provide a Landscaping Plan.

Member Iatropoulos believes his point is pertinent because some of the trees are quite significant and substantial and are in critical places with respect to the river. Member Iatropoulos is concerned with the buildable surface of 19,000 square feet. Member Iatropoulos questioned the Village Engineer on the Lot Coverage. Mr. Pilla responded that the Lot Coverage is 29% of the 43% smaller lot if he used the gross lot coverage it would be 16%.

Jeremy Honey, 39 Bayard Lane, Montebello, New York discussed the "tributary stream" that goes through the property and the water levels of the river and stream. Mr. Honey stated that the whole area

is wet and questioned Robert Torgersen's memo. Mr. Honey stated that the river and stream house indigenous creatures such as orange salamanders and turtles. Mr. Honey stated that the river is very close to the "hot dog" shape of land that is 9 S Bayard Lane. Mr. Honey is concerned with erosion once the trees are removed. Mr. Honey stated that Bayard Lane is in the process of being declared a Historical Site.

Gerston Gluck, 377 Haverstraw Road, Montebello, New York stated that he lives north of 9 S Bayard Lane for the past five years and has had 3 floods on his property. Mr. Gluck stated that he is concerned with the water wells being flooded. Mr. Pilla responded that the proposed house is being engineered to mitigate runoff. Mr. Gluck is also concerned with the removal of 31 trees. Mr. Pilla stated that the property has over 100 trees and he will be planting additional trees. Mr. Pilla stated the property is not in a wetland it is near a water course which swells. Mr. Pilla informed the Board that he has owned the property since 2001 and water has never entered the house.

Rosemary Martin, 367 Haverstraw Road, Montebello, New York questioned the Applicant on whether or not there are any walls being proposed. Chairman Rubin stated that there are no walls being proposed on this particular plan.

Mr. Ira Emanuel, Assistant Village Attorney, informed the public that Robert Torgersen is a Landscape Architect and specializes in Environmental Sciences. Mr. Emanuel questioned the Applicant on whether Mr. Torgersen actually went to the property in person. Mr. Pilla responded that Mr. Torgersen went out and reviewed the property in person.

Chairman Rubin informed the Applicant that nothing is being mentioned on the submitted maps that 9 S Bayard Lane exists in the Village's Conservation Overlay District. Chairman Rubin stated that the Village of Montebello has taken a close look at the environmental conditions that prevail and has made judgments that they want to preserve or maintain the quality of existence for the environment of this Village. The Conservation Overlay District goes beyond the state regulations, county regulations and town regulations. The Village has its own regulations. The purpose of the regulation as is defined in the Village Code, "There exists within the Village of Montebello a continuous and largely contiguous system of open, environmentally sensitive, and scenic lands, including but not limited to Palisades Interstate Park Commission parklands etc." Chairman Rubin questioned the labeled "ditch" on the map and believes it is a tributary of the Mahwah River and runs along side of this property. Chairman Rubin stated that in the regulations regarding any area within 50 feet of a natural intermittent water course or stream that is running at least 3 months per year, which the Chairman believes this stream qualifies, building is regulated. Chairman Rubin stated that the entire property falls within the regulated area of 100 feet of the 100 year storm. Chairman Rubin stated that the land is very wet. Chairman Rubin stated the existing house is 600 square feet and whoever built it seventy years ago was of a mindset that the area is wet and therefore built a smaller house. Mr. Pilla responded that 9 S Bayard Lane was an entry-welcoming house for the overall development. Mr. Pilla informed the Chairman that his interjection is not a professional opinion and is putting forth a bias to suggest that the current house was built smaller because of wetlands. Chairman Rubin responded that it is his opinion and it conforms to the concept that the land is very wet. Mr. Pilla interjected that he is looking for specifics and not opinions and the code states that the area is regulated not that it is un-buildable.

Mr. Pilla stated that the Village regulations account for properties that are subject to regulations and the properties are made smaller as a net. Mr. Pilla stated that the property was reduced by 43%.

Chairman Rubin stated that his bias is based on the property being a wet land. Mr. Pilla responded that the property is not a wetland and doesn't have any wetlands on it. Chairman Rubin replied that he is not disagreeing with the Applicant. Mr. Pilla stated that the Chairman is painting his own picture of the property. Chairman Rubin responded that he is painting a picture of what he sees on this land and that it is a very difficult piece of property that is environmentally sensitive.

Chairman Rubin discussed the itemized ditch, on the map, which he believes is more of a stream bed and flows a great deal more than three months out of the year and therefore would be regulated within 50 feet of the stream bed.

Mr. Pilla asked the Chairman to define the term "regulated". Chairman Rubin responded by stating that he read the definition earlier straight from the Village Code. Mr. Pilla stated that regulated means the Board has to either approve or deny based on the nine bylaws of the Village. Chairman Rubin stated that the bylaws state that the Board needs to protect the Environment in the land that is in an "environmental trap". Chairman Rubin explained that an "environment trap" is land that is in the Conservation Overlay District and within the regulated area. Mr. Pilla stated that is the reason why he is before the Planning Board.

Mr. Jeremy Honey stated that the current house is built up high on the property and is 600 square feet because of the incline. Mr. Honey stated that the house was not built as a gate house it was an original house.

Mr. Pilla stated that as April 12, 2011 9 S Bayard Lane is not designated as a Historical Property. Chairman Rubin agreed the property does not have Historical designation.

Chairman Rubin stated that at this point the concerns are with land that is environmentally sensitive, land that appears to be very wet and the current 600 square foot house is going to be replaced by a 3375 square foot house.

Mr. Pilla stated that where the building is being proposed it is not wet. Chairman Rubin stated that if the resident takes one step out of the building the resident will sink. Mr. Pilla stated that is not what the floodplain represents. Mr. Pilla stated the floodplain represents a 1% chance of having a 100 year flood and it doesn't mean the flood will go to that extent it is a chance, a possibility. Mr. Pilla informed the Board that as long as he has owned it, the property has never been wet up to the 321 flood limit. Chairman Rubin questioned if it has been wet halfway up, one quarter of the way or three quarters of the way up. Mr. Pilla stated that the river swells but it has never reached the building.

Chairman Rubin questioned the Applicant on the resident seeding and then placing chemicals on the lawn. Mr. Pilla replied that the grass and chemicals are there already.

Chairman Rubin stated that he believes someone built a 600 square foot house because they knew the area it existed in. Chairman Rubin believes the Applicant's concept of putting a 3375 square foot on 19,000 net square feet lot coverage is inappropriate. Mr. Pilla asked the Chairman why.

Mr. Pilla stated that regulated does not mean prohibitive. Chairman Rubin informed the Applicant that he is not saying nothing can be built. Chairman Rubin would like a single house between the two properties.

Mr. Pilla stated that he has a right to develop his properties. Chairman Rubin stated that the Applicant has a right to build a 600 square foot house with two stories. Mr. Pilla replied according to the Village Bulk Table he is allowed to build twice the building on this lot. Chairman Rubin answered that he doesn't think he is allowed.

Mr. Pilla requested the Village Professionals to say that he has an environmentally adverse plan. Mr. Pilla stated that all the experts were at the CDRC meetings and had no comments to adversely affect the plan submitted. Mr. Pilla stated that he has not heard or read anything specific that disputes any of the proposed plans. Mr. Pilla stated he has provided experts to corroborate the plan and the Chairman's opinion is a lay opinion. Chairman Rubin stated that he does not deny his opinion and after sitting on the Planning Board for many years believes that the Applicant is asking for a lot on a very wet land.

Mr. Pilla stated that without supplying specifics to refute what he is proposing the Board is acting arbitrary.

Chairman Rubin explained to the Applicant that there are alternatives for the two undersized lots, and they only have houses on them because they preexisted for 70 years.

Mr. Honey stated that when Hurricane Floyd hit they lost two houses on Bayard Lane. Mr. Pilla stated that his two homes never received any water when Hurricane Floyd hit. Mr. Pilla informed the Board that the proposed homes would stop erosion from occurring.

Chairman Rubin stated that a better plan for that environment would be the combination of the two lots with one house between them. Mr. Pilla stated that is unacceptable.

Member Iatropoulos agrees with the Chairman and doesn't agree with removing thirty trees that have absorbed a tremendous amount of water in a very wet area and as a scientist does not understand why the Applicant did not emphasize the important parameters that this property is in. Member Iatropoulos informed the Applicant that he has lived in this area for over 33 years and recalls many times that it has been flooded. Mr. Pilla stated that he also has been in the area since he was a young boy. Member Iatropoulos informed the Applicant that he doesn't need a rebuttal.

Mr. Pilla stated that since it was brought up he would like to be on the record. Mr. Pilla informed the Board that if he puts up a house around the area where the trees are being removed; there is no longer any erosion regardless of what the trees are doing today. The house provides protection for that area and in addition the arborist that reviewed the trees explained that half of the trees are in bad shape. Mr. Pilla stated that they are addressing the landscaping plan for the next meeting. Mr. Pilla requested the Assistant Village Attorney to provide specifics in regard to the criteria. Mr. Pilla stated that what he is hearing is not expert opinion from the Planning Board Professionals but lay opinion. Mr. Pilla stated that he has provided expert opinion. Mr. Pilla stated that he is not a builder or contractor and that he owns the properties and may in fact live in them in the future.

Chairman Rubin stated that the Applicant is asking to build on environmentally sensitive land in a zone that the Planning Board can protect. Mr. Pilla stated that the Planning Board can not stop him from building but can only regulate the land. Chairman Rubin stated that they have given the Applicant two alternatives one is to build on the existing footprint or combine the properties and build one house. Mr. Pilla affirmed that it is arbitrary and the Board is acting in bad faith.

Mr. Pilla stated to the Assistant Village Attorney that there will be a letter requesting action for specifics on denying the Application. Mr. Emanuel stated that he represents the Planning Board not the Applicant and so far the Board is expressing concern and are not taking action at this time.

Mr. Pilla requested a continuance to the next schedule meeting and would like the keep the comments from being arbitrary.

Mr. Honey stated that he has a right to make any comment that he wants.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "9 S Bayard Lane" until the next scheduled Planning Board meeting on May 10, 2011, seconded by Member Golden. Upon vote, the motion carried unanimously.

11 S. Bayard Lane—Public Hearing—Continued
Wetlands Permit
Site Plan Approval-Conservation Overlay District

> Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled "11 S. Bayard Lane" to allow disturbance and construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District. The proposed construction is for a one story dwelling with a new gravel driveway, deck, patio and walkway. The existing one story residential dwelling will be demolished and the existing macadam driveway, stone walls and wood shed will be removed. The subject property is located on the south side of Bayard Lane approximately 600 feet of 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 75 in an R-35 Zone.

Mr. Geneslaw read the CDRC minutes dated March 29, 2011 (copy attached).

Martin Spence, Village Engineer, explained his memo dated March 30, 2011 (copy attached).

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "11 S Bayard Lane" until the next scheduled Planning Board meeting on May 10, 2011, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Wehman-Bambace
Second 90 Day Final Filing Extension

> Application of Gina Wehman, 3 Lake Road, Montebello, New York 10901 and Christine Macnaughton, 1 Lake Road, Montebello, New York 10901, for an Amended Lot Line Change. The subject property is located on the East side of Orchard Street at the intersection with the North side of Lake Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.17, Block 1, Lots 25 & 26 in a R25 Zone. The Applicants received Final Approval on the Amended Lot Line

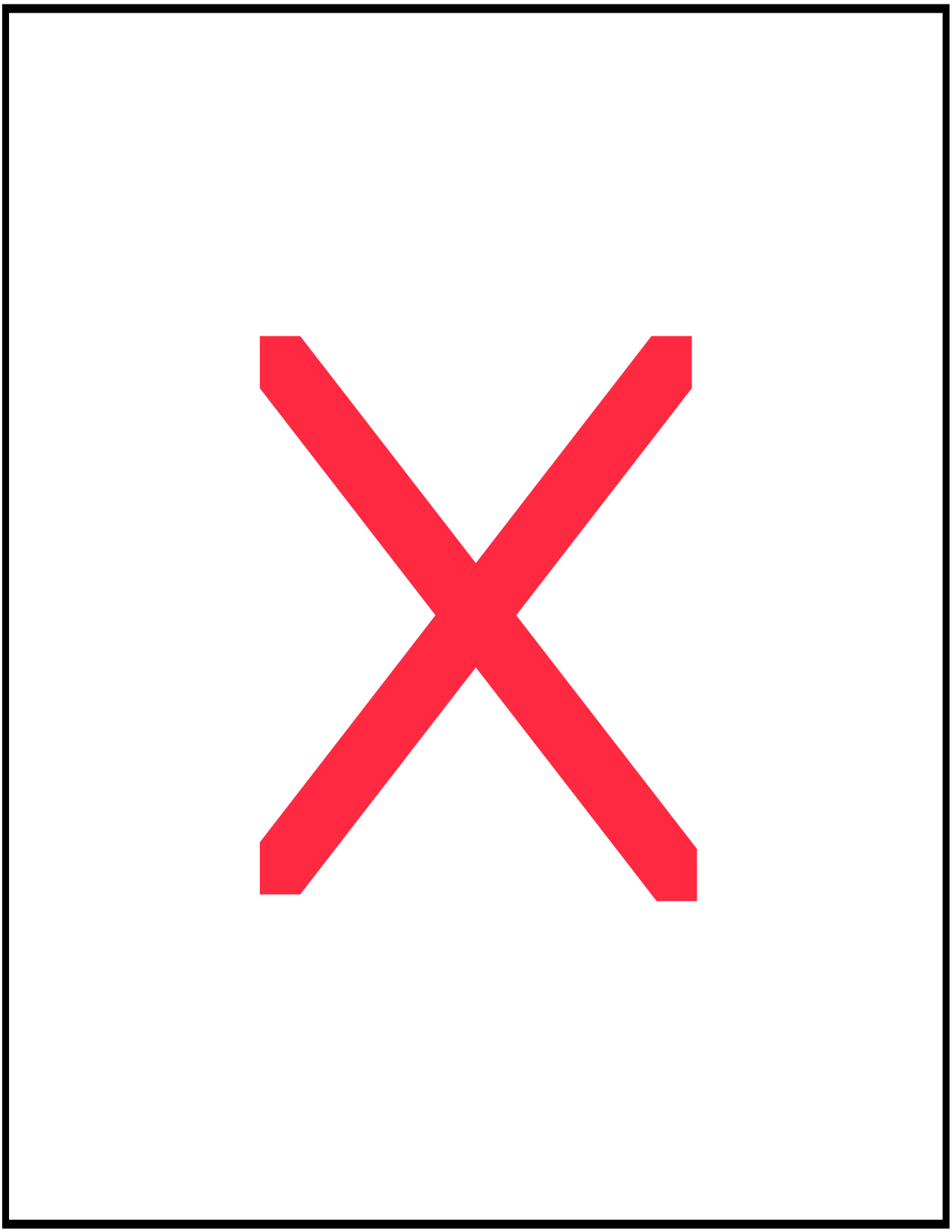
Subdivision on July 13, 2010. The first 90 day extension expired on April 9, 2011. The Second 90 day extension will expire on July 8, 2011.

At the request of the Applicant, Member Iatropoulos made a motion to approve a second 90 day final filing extension that will expire on July 8, 2011, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

New Business

Member Iatropoulos made a motion to adjourn the meeting, seconded by Member Caridi. Upon vote, the motion carried unanimously. The meeting adjourned at 10:05 p.m.

Appendix:



VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **March 29, 2011**

Project Name: **Crowne Plaza (Empire Executive Inc.)**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. See Lawrence Picarello memo of 3/22/11.
2. Some minor and acceptable changes to lighting plan reviewed.
3. Consider adding landscaping notes.
4. Will provide plan for plantings on north side of Executive Boulevard in the future.

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **March 29, 2011**

Project Name: **FANT PROPERTY**

Map Date: _____

Amended Subdivision__√_ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal _____ ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. Awaiting Planning Board appearance—was postponed.
2. Letter from affected property owner received.
3. For Lot 8, discussed alternative to proposed stone wall --------- wetland; Applicant to make request to Planning Board.

X

CDRC Meeting Date: **March 29, 2011**

Project Name: **JOON MANAGEMENT 14 FANT FARM LANE**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB___√___

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. See 195-61.C. (5) regarding architectural features.
2. Add vicinity map, adjoining driveways.

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **March 29, 2011**

Project Name: **RIO VISTA OF MONTEBELLO, LLC**

Map Date: _____

Amended
Subdivision__√_ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit_____

Preliminary__√_____ Final_√____ Informal Discussion _____ Tree Removal _____ ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. Discussed background.
2. Discussed lot numbering; need to eliminate prior approved subdivision.
3. Village needs new subdivision map.
4. Remove "Lot 21" or Montebello Parcel; re-title plan as "Site Plan".
5. Add note to site plan "No physical change to prior approved site plan dated December 19, 2006 last revision date of 8/16/08"; revise note 27 to remove second sentence; in first sentence delete reference to specific lots.

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **March 29, 2011**

Project Name: **9 S BAYARD LANE**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit__√_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

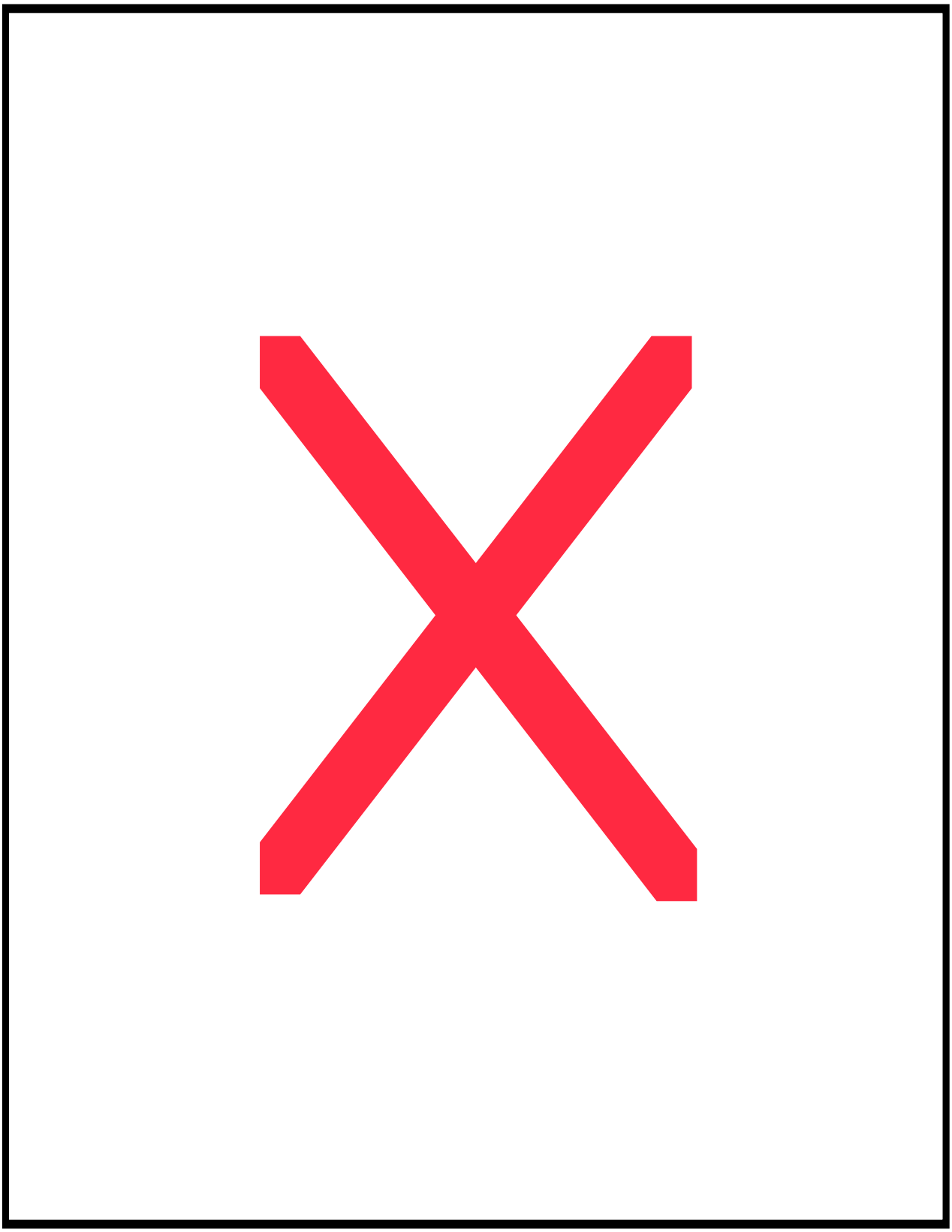
Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. Mechanical room moved upstairs (out of basement)
2. Plan changes worded with bubbles; narrative updated.
3. Drainage details added.
4. See Lawrence Picarello's memo of 3/24/11.
5. Martin Spence requests update of 9 Bayard Lane letter report from Torgerson.
6. See Martin Spence memo of 3/28/11.



CDRC Meeting Date: **March 29, 2011**

Project Name: **11 S BAYARD LANE**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit___√_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

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

Remarks:

1. Below grade mechanicals relocated; FAR modified; narrative updated.
2. Discussed additional lot area to west; Mr. Pilla to check with Title Company.
3. See Lawrence Picarello memo of 3/25/11.
4. See Martin Spence memo of 3/28/11.
5. Arborist report being prepared.
6. Landscaping plan being prepared—intend to submit at May meeting.