VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MINUTES
NOVEMBER 20, 2008

The Village of Montebello Zoning Board of Appeals meeting was called to order by the Chairman, John Urcioli at 7:50 p.m. The meeting was held at Village Hall, One Montebello Road in the Village of Montebello, New York 10901.

PRESENT

John Urcioli, Chairman
Tim Cronin
Edward Bracken
Fran Osei
Rodney Gittens
Maria Conte-Benedict, Alternate, sitting by designation
Alice DiSanto, Alternate, sitting by designation for R. Gittens

OTHERS

Ira Emanuel, Deputy Village Attorney
Carol Adduce, Clerk

Motion to approve the minutes of September 18, 2008.

MOTION: Edward Bracken

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

The Board welcomed Alice Disanto to the Board as an Alternate.

Beim Residence
Public Hearing Continued

Application Michael Beim, 55 Mayer Drive, Montebello, New York 10901 for variance from the provisions Article IV, Section 195-13, Use Group t, Col 14 (FAR - required .20 - proposed 0.24) and Article V, Section 195-19C Use Group t, Col 4 (front setback [shed], required 35 ft. - proposed 6.8 ft) and fence in front yard (required 4 ft. - proposed 6 ft. existing) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use an addition to an existing home, which includes an expansion to the kitchen, basement, one additional bedroom and a front porch. The premises which are the subject of this application are located on the north side of Mayer Drive approximately 0 feet from the intersection of Henry Court in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1 and Lot 52 in a R-35 Zone.

Present: Michael Beim, Applicant

Harry Goldstein, Architect

Chairman Urcioli stated at last meeting it was discovered that the 6 ft. fence is in the front yard and the shed on the property were in violation and you were also requested to make some alterations to the plan to reduce the FAR.

Mr. Beim said he had no problem removing the fence and the shed, but after speaking with Mr. Goldstein and studying the plans, he did not make any alterations because he needed more space and could not make any major modifications in order to comply with the code for the FAR.

Mr. Goldstein explained the applicant's need for space and how the living room was being used as a bedroom for one of the children.

Discussion regarding possible ways to reduce the FAR.

After discussion the Board suggested reducing or eliminating the front porch.

Mr. Beim stated that he had the house on the market for two years, but in order to sell, he would have to take at least a $200,000 loss. He said he bought the house four years ago and after the furniture was put in, realized that the house was not large enough.

Mr. Emanuel reminded the Board that variances run with the land and for that reason the circumstance of the individual applicant are not particularly relevant. He said the focus should be upon issues dealing with the house not necessarily, how this particular applicant happens to use the house.

Beim Residence
Public Hearing Continued

Chairman Urcioli stated that the Board has been in existence approximately twenty years and he cannot remember any floor area ratio (FAR) variances that were granted. The Board is very reluctant to do it because you end up having gigantic houses on small lots. He said a statement was made that the FAR could be reduced by taking the porch off. He advised the applicant to come back with some plan that is more feasible and closer to the .20 FAR. Chairman Urcioli stated that he does not want to start breaking precedent.

Public hearing was opened to the public.

No one from the public spoke.

The Board was polled and they indicated that they would like the FAR to comply with the reqirement of the code.

Mr. Emanuel stated that there is an indication from the Board that as the application stands now, they are not looking at it favorably and they also indicated that a reduction in the FAR would be helpful. He said the Board made some suggestions and you can count on the Board to be

consistent with it's statements. Mr. Emanuel said without going through the process, its hard to tell how they will act.

Motion to continue the public hearing to the December 18, 2008 meeting.

MOTION: Rodney Gittens

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Motion to extend the deadline for submission until the close of business on December 11, 2008.

MOTION: Fran Osei

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Maria Caputo
Public Hearing

> Application of Maria Caputo, 333 Haverstraw Road, Montebello, New York 10901 for variance from the provisions of Article IV, Section 195-13, Use Group q, Col 8 (side yard - required 10 ft. proposed 8.7 ft.) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of an existing shed which is 1.3 feet in violation of the Zoning Code. The premises which are the subject of this application are located on the south side of Haverstraw Road approximately 250 feet of Mayer Drive in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1, and Lot 16 in a R-35 Zone.

Present: Maria Caputo, Applicant

It was established that all application and legal requirements were met.

Ms. Caputo explained that they purchased their house without any knowledge of any existing violations. She said when she received a violation for the shed, she contacted her attorney who said they would take care of it. In August 2008 she received another violation notice, so she took care of it herself and found that the violation was there at the time of closing. Ms. Caputo got an estimate to move the shed which amounted to $7,000 because the shed is on a concrete pad. Ms. Caputo stated that she is requesting a 1.3 foot variance to allow the shed to remain in its present location.

Discussion regarding the size of the shed and the location.

Motion to approve the proposed resolution for the application of Maria Caputo granting variances from the provisions of Article IV, Section 195-13, Use Group q, Col. 8 of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance and use of an existing shed in a required side yard, 8.7 feet from the side lot line. Subject to the condition that if the shed is ever replaced it would have to be in a location that complies with the code.

MOTION: Edward Bracken

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

Resolution annexed hereto and made a part hereof.

IN RE: APPLICATION OF MARIA CAPUTO
CALENDAR CASE NO. 1137

Before the Board of Appeals of the Village of Montebello, at a public hearing held at Village Hall, Montebello, New York, on November 20, 2008, for variances from the provisions of Section 195-13, Use Group q, Column(s) 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of an existing shed in a required side yard, 8.7 feet from the side lot line.

The premises which are the subject of this application are located at 333 Haverstraw Road, which is on the south side of Haverstraw Road, and 250 feet west of the intersection of Mayer Drive in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1, Lot 16, in a R-35 Zoning District.

The Board, upon motion duly made by Mr. Bracken, and seconded by Mr. Gittens, resolved:

WHEREAS, the applicant was represented by herself, and the following documents were placed into the record and duly considered:

Application; Narrative; Short Environmental Assessment Form; Building Inspector's Denial Letter dated September 10, 2008; drawing showing the location of the requested variance; Rockland County Planning Board memorandum dated November 12, 2008, which approved the proposed variance and remanded it for local action; memorandum from Building Inspector dated September 10, 2008; and

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, a public hearing was held on November 20, 2008, and the testimony of the following persons was duly considered: applicant; and

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact:

The applicant is the owner of the subject premises. According to the Building Inspector's September 10, 2008, memorandum, in 2001, the prior owner of the property obtained a building permit to erect the subject shed. The shed was to have been built 10 feet from the side lot line, but was actually built 8.7 feet from the lot line. It rests on a concrete pad.

The prior owner never "closed-out" the building permit by seeking a certificate of occupancy. The applicant purchased the property in January 2003, and claims not to have been aware of the violation at that time. In August 2007, the applicant received a violation notice because of the expired building permit. The applicant states that, although she contacted her attorney to investigate, nothing happened. In August 2008 another violation notice was issued. The applicant then contacted the Building Department herself. She was advised to either move the shed or seek a variance. This application ensued.

At the public hearing, no members of the public spoke. The Board learned from applicant that, because of the concrete pad on which the shed rests, it would cost approximately $7,000.00 to relocate the shed within bounds.

WHEREAS, this Board has examined the written documentation and reviewed the testimony of the witnesses with respect to the applicant's request for a variance, and, pursuant to the requirements of section 7-712-b(3) of the Village Law, has made the following determinations:

(1) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

The shed is a standard backyard shed. The difference between the location of the shed and the required setback is 1.3 feet, a difference which cannot be distinguished by eye. Further, the lot is relatively narrow, having a frontage of approximately 105 feet and a narrower lot width.

(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":

The shed could be moved 1.3 feet further into the lot. It is unclear what benefit, if any, would be achieved by doing so. Further, to relocate the shed would also require removing the existing concrete pad and pouring a new one, at a cost of approximately $7,000.

(3) "whether the requested area variance is substantial":

As noted above, the difference between conforming placement and existing placement cannot be discerned by viewing the premises. The variance, therefore, is not substantial.

(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":

The shed is in place, and does not appear to have had any detrimental impact.

(5) "whether the alleged difficulty was self-created":

It is clear from the record that the prior owner received a permit for the original placement of the shed, that the prior owner did not place the shed exactly where indicated on the permit, and that the current owner, the applicant, was not aware of the improper placement at the time of purchase.

NOW, THEREFORE, BE IT RESOLVED, that the application of Vincent and Maria Caputo for variances from the provisions of Section 195-13, Use Group q, Column(s) 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of an existing shed in a required side yard, 8.7 feet from the side lot line, as set forth in the application submitted herein, is hereby approved, subject to the following condition:

1. upon removal or destruction of the shed, as that term is used in the Zoning Code, this variance shall expire;

and the Building Inspector is hereby directed to issue a Building Permit and Certificate of Occupancy to the applicant upon compliance with the terms and conditions of this resolution and with all other applicable laws, rules and regulations, and with the requirements of the Rockland County Planning Department.

MEMBERS PRESENT:	YEA or NAY
John Urcioli, Chairman	YEA
Timothy Cronin, Vice Chairman	YEA
Edward Bracken	YEA
Rodney Gittens	YEA
Fran Osei	YEA

MEMBERS ABSENT: None

The Chairman declared the resolution approved and the application approved.

John Urcioli, Chairman

The Clerk is hereby directed to file this resolution and to notify the applicant accordingly.

Dated: November 24, 2008
Montebello, New York

9 Bayard Lane
Public Hearing

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York for variance from the provisions of Article IV, Section 195-13, Use Group q, Cols. 2,4,5,6 (minimum lot area - front setback, front yard, side setback) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of construction of a new house. The premises which are the subject of this application are located on the south side of Bayard Lane approximately 389 feet from 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.

Present: Dominick R. Pilla, Applicant
Burt Dorfman, Esq.

It was established that all application and legal requirements were met.

The applicant's plan is to build a two story residential building. The existing one story house with basement is to be razed; the existing gravel driveway is to be removed as well as the stone walls and slate walkway and all concrete slab-on-grade is to be removed. The variances needed are for minimum lot area-required 35,000 feet - proposed 25,857.71 feet; front setback required 50 feet - proposed 25 feet; front yard required 50 feet - proposed 25 feet; side setback required 25 feet - proposed 23.8 feet.

Discussion regarding comments from the Rockland County Planning Department in their letter of November 14, 2008.

Mr. Pilla's letter dated November 18, 2008 responding to the Rockland County Planning Department comments was read into the record. His letter informed the Rockland County Planning Department that a mistake was made regarding the FAR which they calculated to be .36. Mr. Pilla's calculation was .20 which is within the code.

Mr. Emanuel informed the Board that he reviewed the code and found that the applicant is right as far as the FAR calculation.

Mr. Dorfman stated that he wanted to point out that there was an error in the variance requested for development coverage. He said that it is just over 30% and they will submit new calculations for the next meeting. Mr. Dorfman explained that there is an existing one bedroom , single family home in an R-35 zone and is in very poor condition. He said it is one of the smaller houses in the neighborhood on one of the larger lots. Mr. Dorfman said the proposed front setback and front yard is greater than what is existing. Mr. Dorfman stated that the applicant will be coming back to the Board with revised plans and he would like to request some input from the Board for the next meeting.

Chairman Urcioli requested the applicant to bring in house plans.

9 Bayard Lane
Public Hearing

Mr. Dorfman stated that there are no NYS DEC wetlands and no Federal Wetlands; there is a flood plain and a Wetland Permit from the Village may be needed.

The Board felt that the map submitted was difficult to read because of all the information on it and asked for a single drawing that shows the regulated area; show exactly where a house could be built and the size house that could be built.

Mr. Pilla stated that he can only give the footprint of the house.

Mr. Dorfman stated that he did not think the house could be built without a front yard variance.

Member Cronin asked why is the house so large.

Mr. Dorfman stated that he advised Mr. Pilla not to change the size of the house until he received some input from the Board.

Member Cronin stated that such a large house would change the character of the neighborhood considerably.

The applicant was asked to provide the Board with the sizes of the other homes in the neighborhood and provide what the other front setbacks are particularly on the river side of Bayard Lane; show setbacks, building envelopes and the bulk regulations in the amended plan.

Public hearing opened to the public.

Rosemary Martin, 367 Haverstraw Road was concerned for the proposed wall being built and more flooding of her property.

Louis Artale, 42 Bayard Lane, requested that the Board visit the area to see what the other setbacks are. He said if the proposed house is going to be 6,300 feet it will overwhelm the whole neighborhood. Mr. Artale stated that at the Planning Board he heard that 60 truck loads of dirt were being brought in to raise the level of the whole back area to build a retaining wall. He said when the water floods the area, it will go out to the houses between the embankment and Route 202. Mr. Artale said he agrees with Ms. Martin regarding properties being flooded.

Mr. Pilla stated that there is a plan to mitigate the water and there will be less run-off after development.

Chairman Urcioli stated one of the things the Board has to look at is whether there will be a significant change in the neighborhood. He requested Mr. Artale to bring in information on the history of the area.

Louis Artale stated that he is concerned that if this large house is built that Mr. Pilla will come back to the Boards to tear down and rebuild on the adjacent property that he owns, changing the neighborhood significantly.

9 Bayard Lane
Public Hearing

Joann Artale, 42Bayard Lane stated that on the Rockland County map it lists this as a historical zone, the library has books that were written about the history of that lane and everything that it stood for. She said all the little houses were built out of rocks from the County by the people. Mr. Pilla's little stone house used to be the gate house, not meant to be much more than that. Ms. Artale stated if this house is built, it will change the neighborhood significantly.

Jeremy Honey, 39 Bayard Lane stated that during Hurricane Floyd, two houses were lost; one house was right next to Mr. Pilla's residence and the other was two houses down. Mr. Honey gave a brief history on Bayard Lane. He said it was known as the School of Living and was started in 1935. He said it was a bunch of people who wanted to secede from everything, they were self sufficient, they had their own school etc. Mr Honey stated that his house was the caretakers house and the only wood frame house; the rest of the houses were built to a specific design to make the community exactly what it is. Mr. Honey stated dumping 60 truck loads of dirt in the back, and the house being so close to the Mahwah River, that dirt will seep into the Mahwah River. He said, part of the problem is there has already been seepage in the past and this will also create a problem during flood times. The Mahwah River and stream on Mr. Pilla's property is almost always wet and even if there is a drought and it is dry, if you dig down, you will find water, it is a wetland. He said a culvert was built over the street to allow for the stream. Mr. Honey said the shape of the property is strange; it is not square and will be difficult to build on. If the house is allowed to be built it will effect the river and aesthetics of the street.

John Squitieri, 12 Bayard Lane stated that he purchased his house last year and was told by the realtors that this is a flood plain area and was sort of like an island. He said three months before he moved in there were heavy rains and the culvert flooded out. Mr. Squitieri stated if this house is allowed to be built it will dramatically change the neighborhood.

Member DiSanto stated that the applicant seems to be amicable to renegotiate, why not build something more aesthetic, smaller, energy efficient and keep the historic significance of the area.

Motion to continue the public hearing to the December 18, 2008 meeting.

MOTION: John Urcioli

SECOND: Edward Bracken

VOTE: Unanimously accepted.

For the next meeting the applicant will submit a plan that reflects the setbacks and flood plain and whatever other constraints there are.

A motion was made to extend the deadline to December 11, 2008 to give Mr. Pilla time to submit the required information.

MOTION: John Urcioli

SECOND: Tim Cronin

VOTE: Unanimously accepted.

R & KG Homes
Public Hearing

Application of Rodney Gittens, 449 Haverstraw Road, Montebello, New York 10901 for a waiver from the moratorium provisions of Local Law #6 of 2008. The premises which are the subject of this application are located on the south side of Route 202 approximately 0 feet east of Viola Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.07, Block 1, and Lot 30.2 in a RR-50 Zone.

Present: Rodney Gittens, Applicant

It was established that all application and legal requirements were met.

Mr. Gittens made a presentation based on the appended summary dated October 29, 2008. He is before the Zoning Board of Appeals asking for a waiver from the moratorium provision of Local Law #6 of 2008.

Mr. Emanuel explained why there is a moratorium and why there is a Comprehensive Plan and the exceptions that are allowed.

Mr. Gittens explained he is seeking a waiver from the moratorium on the grounds of hardship. He explained that he has been working on this project for the past two years and does not want to stop the momentum. He stated that he is seeking a waiver because after the moratorium if there are new zoning laws it could affect his project. He said at this time, the project is designed under the current laws and if there are changes, he may have to start all over again and that could delay the project another year.

Mr. Gittens stated that his hardship is that he spent a lot of money trying to develop this and he does not want to put all the time and money that has been spent in jeopardy. He said he is trying to put a feasible plan together, that will work with the Village and the site and to stop and start, its not the way to approach this. He said there are other people working on this as well. Mr. Gittens said his hardship is money, time and the pending laws that may come out of the moratorium.

Chairman Urcioli asked Mr. Gittens how long has he owned the property and how long has the application been before the Planning Board?

Mr. Gittens stated that he has owned the property for 10 years and has been before the Planning Board since February.

R & KG Homes
Public Hearing

Chairman Urcioli stated, so basically, the outlay of money is already there and there is no additional outlay of money in the application process.

Mr. Gittens stated that he still has engineers that have to finish what was started.

Chairman Urcioli asked if they were put on hold, would there be any additional outlay of money?

Mr. Gittens answered, no, but there is a loss of time and there might be new legislation resulting from the moratorium that may effect the project.

Chairman Urcioli stated that at this time no one knows if there will be any new legislation. He asked Mr. Gittens since he sits on the Comprehensive Plan Committee, if there have been any meetings or discussions regarding any changes?

Mr. Gittens stated that he is a committee member and there have been a couple of meetings. He said the committee will be looking at areas that they feel need some tightening up.

Chairman Urcioli asked if the committee is looking at anything in particular that may effect him?

Mr. Gittens stated that they will be looking at all the zones and they will be evaluated.

Mr. Emanuel stated that he is the attorney for the Comprehensive Committee and they have only had two meetings. He said the first occurred without its consultants and the second occurred just this week and at that time, it was identifying broad areas of discussion.

Member Osei asked Mr. Gittens to explain the process that he went through with the NYS DEC. She asked how many months did it take and what were the costs involved?

Mr. Gittens stated that he had to meet with the NYS DEC at the site; they reevaluated the wetland areas and revised the map. He said there was a lot of back and forth; it probably took about eight months and the cost was about $10,000.

Member Osei stated that if there are changes brought about by the moratorium; how much more would it cost if you had to go back to the DEC?

Mr. Gittens stated that it would probably be another $5,000 and the possibility of no approval at all because of the changes; he said there could be more expenses because there may be a requirement for sidewalks and his lot is on a corner and has two front yards.

R & KG Homes
Public Hearing

Mr. Emanuel stated that he understands that the NYS DEC process took eight months and it costs $10,000. He then asked what if any of that would be wasted if there were changes to the requirements of the Village, because what has been described here and in terms of what had to be done, basically, had to do with evaluating the location and extent of the river and the wetland delineation is good for five years. He asked Mr. Gittens what in the NYS DEC process was he concerned with that could not be picked up again after the expiration of the moratorium?

Mr. Gittens stated that he probably would not lose anything providing it is sufficient for the Planning Board.

Member Cronin asked if there was a rush to have this done by a certain time especially with the economy the way it is.

Mr. Gittens stated that he still needs a lot of agency approvals and he still has to go through the planning process. He said he does not want to wait another six months.

Public hearing opened to the public.

Brian Sichol, 10 Viola Road stated that he feels the moratorium is properly in place. He said it is to prevent people from moving ahead of whatever changes in the law that may take place for the benefit of the entire community and to ask the applicant to hold on for four or five months while the process is underway, which incidentally he is part of the process, and to ask to advance his agenda ahead of the very committee he sits on that is reviewing changes in the law seems inappropriate.

Stanely Weiner, 111 Copeland Drive stated that he does not think the applicant has shown a hardship. He said the moratorium is enacted for the benefit of all the residents in the Village and to allow this exception would subvert that purpose of the moratorium.

Kevin Curran, 3 Vivian Place, stated that he does not think that this is a hardship.

A letter dated November 13, 2008 from Amy Rapoport, (against the waiver) was read into the record.

Susan Curran, 3 Vivian Place, stated if the moratorium is in place, granting a waiver would seem to be going against due process.

Motion to close the public hearing.

MOTION: Edward Bracken

SECOND: Fran Osei

VOTE: Unanimously accepted.

R & KG Homes
Public Hearing

Mr. Gittens stated that he is not rushing to put an application in because of the moratorium. He said his application has been before the Planning Board for a few months and he is not trying to get something approved before any new legislation may be enacted. Mr. Gittens stated that he feels that a single family house would not affect any comprehensive plan and he does not understand why giving him a waiver would create a problem.

Chairman Urcioli stated that the moratorium is in place and the Board has to make its decision based on what is allowed.

Member Osei stated that this is a very difficult thing for her to have to contemplate because Mr. Gittens is a Board member and she respects his input on everything. She said there have been moratoriums before and everything is done for the benefit of the Village. She said she has listened very carefully to what was stated and would like to be able to support Mr. Gittens but on the other hand she feels that she has to support the Villages moratorium.

Chairman Urcioli stated that this is a very hard decision to make, but the Board has to act for the benefit of the Village and abide by the moratorium. He said that he did not think there was enough evidence of hardship to grant a waiver.

A motion was made to deny a waiver of the provisions of the Moratorium Law on behalf of R and KG Homes subdivision due to not enough evidence showing unreasonable hardship.

VOTE:	Yea or Nay
John Urcioli	Yea
Tim Cronin	Yea
Edward Bracken	Yea
Fran Osei	Yea
Maria Conte Benedict (by appointment)	Yea

Rodney Gittens (recused)

Motion carries.

Resolution annexed hereto and made a part hereof.

IN RE: APPLICATION OF R & KG HOMES (GITTENS)
CALENDAR CASE NO. 1138

WHEREAS, an application has been made pursuant to section 4 of local law no. 6 of 2008 of the Village of Montebello (hereinafter, the Moratorium Law) by Rodney Gittens on behalf of the R & KG Homes subdivision application; and

WHEREAS, a public hearing was held by this Board on November 20, 2008, at which the applicant and members of the public were heard; and

WHEREAS, this Board has the authority to grant a waiver from the provisions of the Moratorium Law upon a showing of unreasonable hardship.

NOW, THEREFORE, BE IT RESOLVED, that the application for a waiver of the provisions of the Moratorium Law on behalf of R & KG Homes subdivision is hereby denied as not showing unreasonable hardship, based upon the following:

1. Although the applicant has expended significant funds (estimated at $10,000.00) to obtain wetlands mapping and other data from the New York State Department of Environmental Conservation, such effort will not be wasted or otherwise be unusable if the application must wait for the moratorium to expire.

2. The application is located adjacent to the Mahwah River. Montebello has a history of protecting its streams and wetland areas. The applicant is concerned that there may be changes in the Wetlands and Stream Protection Law as a result of reviews undertaken during the moratorium period. It is this Board's determination that the moratorium was adopted precisely to provide a pause such as this during the review process.

3. Although the subdivision application is before the Planning Board, it has not been favorably viewed by that Board, and little progress has been made toward approval by that Board.

MEMBERS PRESENT:	YEA or NAY
John Urcioli, Chairman	YEA
Timothy Cronin, Vice Chairman	YEA
Edward Bracken	YEA
Fran Osei	YEA
Maria Conte-Benedict (by appointment)	YEA

MEMBERS ABSENT:
Rodney Gittens (recused)

The Chairman declared the resolution approved and the application denied.

The Clerk is hereby directed to file this resolution and to notify the applicant accordingly.

Dated: November 24, 2008
Montebello, New York

Motion to adjourn the meeting at 10:50 p.m.

MOTION: Maria Conte-Benedict

SECOND: Tim Cronin

VOTE: Unanimously accepted.