

THE REGULAR MEETING OF THE HISTORIC PRESERVATION AND PARKS COMMISSION OF THE VILLAGE OF MONTEBELLO WAS HELD ON FEBRUARY 7, 2024, AT VILLAGE HALL, ONE MONTEBELLO ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:33 P.M., AFTER THE PLEDGE OF ALLEGIANCE.

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| Present: | Matt Moetzing Bill Ellsworth Rosemary Mocio Josh Goldstein | Acting Chairperson Member Member Member |
| Also Present: | Warren Berbit Craig Long | Village Attorney Village Historian |
| Absent: | Lisa Levin Robert Israel Dorice Madronero | Chairperson Member Member |
| Recording Secretary: | Angela Spina | Building Clerk |
| Applicant: | Eli Wells Eric Beckerman Ramya Ramanathan David Fried | Applicant Applicant's Attorney Applicant's Engineer Applicant |

Minutes Approval

Minutes of December 6, 2023

The minutes of the HPPC Board of December 6, 2023, be and are hereby approved.

Motion: Bill Ellsworth

Seconded: Rosemary Mocio

Upon vote, motion carries unanimously.

Old Business – No one on the commission wished to discuss any old business.

New Business

- Member Moetzing stated on record he will be filling in for Chairperson Lisa Levin as she cannot attend tonight's meeting. Every member was in agreement about his position as acting Chairperson.
- Member Moetzing briefly mentioned Chairperson Levin will be contacting the family of Tony Piazza to schedule a ceremony in the park in his honor.

- Attorney Berbit read into the record the published legal notice for Applicant Eli Wells- Eagle Eye Realty LLC who resides at 196 Spook Rock Road. He read into the record the documents of submission that were presented to the HPPC. Submissions were:
 1. HPPC application and fee
 2. Brochure for constructed shed with specifications
 3. Property survey with shed location
 4. Denial Letter of approval dated on December 28th, 2022, from the Building Department written by the former Building Inspector, Larry Picarello, which stated the Applicant must go to HPPC for a Certificate of Appropriateness before construction of shed due to location on property being in the Historic and Scenic Roads Overlay District.

- Ramya Ramanathan of Atzl, Nasher & Zigler P.C. Engineers-Surveyors-Planners, introduced herself and presented her findings with a site plan of the distance the shed is from the median of Spook Rock Road. She also said in her opinion it should not affect the Historic and Scenic Roads Overlay District as the shed has a Dutch design, siding matches the current home's exterior color and vegetation of pine trees and other trees along front property line and up the driveway help block site of shed from Spook Rock Road.

Eric Beckerman, Esq. of Berkman Law Firm, hired by Mr. Wells, spoke on Mr. Wells' behalf about why Mr. Wells constructed the shed without a permit. Beckerman states Mr. Wells built the property prior to the establishment of the HPPC. He goes into saying how there was a verbal "ok" from the former Building Inspector to construct the shed. Attorney Beckerman presents an email to the Commission from the Building Clerk stating he will have a permit ready, but the office will be closed for the next two days. This email was not given in its entirety as it was just a partial email of the Building Clerk's response to another email that was not presented.

Mr. Wells gave his personal explanation of why he constructed the shed without the issuance of a building permit. His delivery date was coming, and he decided to have an in-person conversation with the previous Building Inspector to make sure there would be no issues with being issued a permit, or he would cancel the delivery. The only issue that was stated in that conversation was the displacement of water off the roof of the shed since it was of a larger scale. The previous Building Inspector, Mr. Picarello, stated that Mr. Wells needed to go to the Village to pay the \$400 for the Village Engineers professional fees for their permit. Mr. Wells does admit to not following up with the firm and the village and said somewhere in the timeline they both dropped the ball. But once he was given the court summons, he called the firm immediately and applied for a COA application with HPPC to make the situation right.

Applicant Wells asked if he could have a written document so he could present it in court as his court date was the next evening. Attorney Berbit stated he will have a conversation with Attorney Jay Golland about the outcome of tonight's meeting and draft Resolution.

A Certificate of Appropriateness was granted to Applicant Eli Wells-Eagle Eye Realty LLC, 196 Spook Rock Road, for construction of a shed in the Historic and Scenic Roads Overlay District. All members were in favor.

Resolution:

Resolution No. 24-01
Village of Montebello Historic Preservation and Parks Commission
Certificate of Appropriateness
196 Spook Rock Road SBL 49.09-1-12

WHEREAS, application was made to the Village of Montebello Building Inspector, by Eagle Eye Realty, LLC, by Eli Wells, to construct a 30.4' X 13.8' shed at top of driveway approximately 145 feet of median from road, located at 196 Spook Rock Road in the Village of Montebello, identified on the Ramapo Tax Map as Section 49.09 Block 1 Lot 12 (the "Property"); and

WHEREAS, Spook Rock Road is one of the oldest historic roads in the Village of Montebello and contains scenic vistas and viewsheds and thus is included in the Historic and Scenic Roads Overlay District ("Overlay District"); and

WHEREAS, as a consequence, the application for a building permit to construct said shed was denied by then then Building Inspector in his letter dated December 28, 2021, pending issuance of a Certificate of Appropriateness (COA) by the Historic Preservation and Parks Commission (HPPC) pursuant to Village of Montebello Code § 195-60; and

WHEREAS, it would appear the applicant subsequent to receiving said denial, did willfully construct the shed without a COA and without the required Building Permits; at top of driveway as aforesaid within the Historic and Scenic Overlay District; and

WHEREAS, upon receiving a summons and appearing before the Village Justice Court for a violation, the Property owner applied to the HPPC for a COA on or about December 21, 2023; and

WHEREAS, as confirmed on the Record by the Village Attorney with the Clerk to the HPPC, a duly noticed public hearing was opened on February 7, 2024, and included in the Record was the legal notice, application, informal and formal plot plans, shed type, brochure and several photographs, and

WHEREAS, the HPPC heard all those wishing to speak on said application, including the applicant, by Eli Wells, his attorney and engineer, and at that time, the HPPC concluded its consideration of the application and all submissions thereto and whether a COA should be issued and, if so, pursuant to what, if any, conditions imposed by the HPPC; and

WHEREAS, a lengthy dialogue ensued between the Village Attorney and the applicant and the applicant's representatives, and the members of the Commission, regarding the viewshed, distance from the road, existing screening, and especially why the applicant proceeded without a building permit or COA; and

WHEREAS, albeit the above deficiencies were acknowledged, and sincerity is now asserted, the Applicant placed blame, if any on possible confusion at the time or alleged attributable to the initial submission of a brochure exemplifying a small, as-of-right-sized shed, not one expanded to this magnitude; the misreading or overreading of informal oral and email communications; initial unawareness that the site was in The Overlay District; and, general confusion caused by the still fresh influence of operating in the Covid-19 environment.

NOW THEREFORE, BE IT RESOLVED, after closes the public hearing, that the HPPC hereby grants a Certificate of Appropriateness (COA) to the property located at 196 Spook Rock Road in the Village of Montebello, identified on the Town of Ramapo Tax Map as Section 49.09 Block 1 Lot 12, for the as aforesaid shed. In granting this COA without conditions, the HPPC relied upon the following submissions made by the Applicant.

- Site Plan from Atzl, Nasher & Zigler P.C. Engineers-Surveyors-Planners
- Shed specifications and brochure
- Photographs
- Testimony
- Long distance from road, small frontal area of shed and existing screening, and

BE IT FURTHER RESOLVED, that the HPPC grants this Certificate of Appropriateness subject to no conditions.

This Certificate of Appropriateness is predicated on the representations of the owner and/or authorized representative and the materials submitted thereto and incorporated by reference herein. Any deviation shall invalidate this Approval.

On a Motion by Member Goldstein, seconded by Member Mocio, the Vice Chairman declared the Certificate of Appropriateness issued on the following affirmative vote:

| <u>MEMBERS PRESENT:</u> | <u>YEA or NAY</u> |
|--------------------------------|--------------------------|
| Lisa Levin, Chairwoman | <u>ABSENT</u> |
| Dorice Madronero, Member | <u>ABSENT</u> |
| Rosemary Mocio, Member | <u>YEA</u> |
| Matt Moetzinger, Member | <u>YEA</u> |
| Robert Israel, Member | <u>ABSENT</u> |
| Bill Ellsworth, Member | <u>YEA</u> |
| Josh Goldstein, Member | <u>YEA</u> |

- David Fried, who resides at 5 Lety Lane is the applicant for 37 Viola Road. He was removed from the agenda as he did not complete the application process to attend the February 6, 2024, meeting.

Once the Commission was made aware of who David Fried was, they let him present his project for the demolition of the current home at 37 Viola Road with the new home that will be constructed in its place. Fried presented four pictures of the new structure which were front entrance with vegetation and black iron gate, front view of new structure, rear view with swimming pool and an aerial view.

Members of the Commission wanted to know more about the vegetation that would be at the natural buffer of property to roadway. Fried stated the new structure will be setback and trees will be removed further back into the property but not the vegetation in front of the current home that will remain to give the home privacy.

Acting Chairperson Moetzinger said once the application is complete from David Fried, he will be placed on the agenda for next month's meeting on March 6, 2024. But he will need to present the following:

- 1. Site plan
- 2. Planting plan for natural buffer

- 3. Photos of the existing structure from different angles from Spook Rock Road.
- 4. Material samples for new structure and gate/fence.

Daivd Fried agreed with the Commission. He also agreed to stop at Village Hall to pay his application fee to be eligible for next month's agenda March 6, 2024.

Motion to Adjournment:

At 8:36 PM, Member Goldstein made a motion to close the meeting, seconded by Member Ellsworth. Upon vote, motion carried unanimously.