**Resolution PB 01 of 2025**

**Village of Montebello Planning Board**

**Granting Conditional Final Subdivision Approval**

**62 Montebello Road**

**SBL 48.18-2-10.3**

**WHEREAS,** on or about March 1, 2023, Nachmen Rotenberg (the Applicant) submitted an application to the Planning Board seeking approval of a two-lot subdivision of property located at 62 Montebello Road, in the Village of Montebello. The property is located in the Residential-35 (50,000 square feet per lot) (R-35) Zoning District and is subject to the Historic and Scenic Roads Overlay District because of its frontage on Montebello Road. The property is identified on the Tax Map as Section 48.18, Block 2, Lot 10.3, and consists of 2.37-acres. The proposed lots are Lot 1 with 52,884 square feet (51,226 net sq. ft.) and Lot 2 with 50,337 square feet (49,283 net sq. ft.). Lot 1 has a preexisting one-family home on the property as well as a freestanding 2-story garage building. A new house with a two-car garage is proposed on Lot 2.

The application was reviewed multiple times between the original 2023 submission until the last submission on or about February 13, 2025.

Compliance with the Village of Montebello Zoning law.

The Planning Board (the “Board”) reviewed the proposed subdivision. After requiring modifications to meet conditions set by the Board and its consultants, including the removal of a circular driveway, the Board determined that the Application, as modified, is consistent with the rules and regulations promulgated by the Village of Montebello with respect to subdivisions in the R-35 district and the Historic and Scenic Roads Overlay District. The Historic Preservation and Parks Commission issued a Certificate of Appropriateness on December 4, 2025, by Resolution No. 24-05.

Referral to outside agencies and municipal entities.

The Application was duly referred to all involved and interested agencies and municipal entities including the following: The Rockland County Highway Department, which responded by letter dated January 16, 2025, suggesting a gratuitous dedication of a portion of the private land along Montebello Road to Rockland County for widening and drainage improvements. However, the Board noted that the Village is not inclined to require dedication because of its policy to preserve stone walls within the Village, including, most particularly here, the stone wall fronting Montebello Road. The Town of Ramapo Department of Public Works, which responded by letter dated January 22, 2025, noting several comments that the Applicant agreed to honor. The Rockland County Health Department, which responded by letter dated January 28, 2025, noting that the Applicant must comply with the County Mosquito Code, which the Applicant agreed to do. Rockland County Sewer District No. 1, which responded by letter dated December 23, 2024, noting that if the use or occupancy of either lot changes from single-family residential to another use, then an impact fee may be due.

General Municipal Law § 239-n

The application was referred to the Rockland County Department of Planning (RCDP) as required pursuant to GML § 239-n. RCDP responded by letter dated January 16, 2025, issuing seven (7) comments. The Applicant shall comply with all comments of RCDP.

State Environmental Quality Review Act (SEQRA).

As the only municipal board with authority to grant subdivision approval, the Planning Board is the Lead Agency for the purpose of conducting the environmental review as per the regulations implementing the New York State Environmental Quality Review Act (SEQRA). 6 N.Y.C.R.R. 617.2(u). The Board reviewed the Full Environmental Assessment Form (FEAF) filed by the Applicant and determined that the proposed subdivision was an Unlisted Action under SEQRA. After consulting with the Village Engineer, Planner and Building Inspector, the Board prepared Part 2 of the FEAF, identifying all potential negative impacts. As a result of its review, the Board required specific modifications to the proposed subdivision, including covenants to protect scenic and aesthetic resources. Thereafter, the Applicant prepared Part 3 of the FEAF, for review by the Board, which concluded on February 11, 2025, that potential negative environmental impacts had been identified and mitigated to the greatest extent practicable. On March 11, 2025, the Planning Board issued a Negative Declaration, closing SEQRA.

Public Hearing.

A duly noticed public hearing was convened on February 11, 2025. The Planning Board heard from the Applicant and all those wishing to speak. Hearing no comments from the public, and receiving no written comments, the hearing was closed.

Submissions upon which this application was decided.

1. Narrative prepared by Civil Tec Engineering + Surveying, unsigned, last updated February 13, 2025.
2. Application Review Forms, signed by Nachmen Rotenberg, dated March 1, 2023.
3. Drainage Calculations and Soils Information, by CivilTec, dated February 2023.
4. Soils information, prepared by CivilTec, dated Octgober 2024, unstamped.
5. IPaC Resource List including critical habitat information, from U.S. Fish & Wildlife Service, dated February 16, 2023.
6. FEAF Part 1 form, with EAF Mapper Summary, signed by Rachel Barese PE, dated November
7. 13, 2024. Response Memorandum, prepared and signed by Rachel Barese, P.E. of Civil Tech Engineering + Surveying, last revised February 13, 2025
8. Sewer Capacity Analysis 62 Montebello Road, Prepared by Civil Tech Engineering + Surveying, dated February 2025.
9. Survey Map for 62 Montebello Road, prepared by Stephen P. Dolson, P.L.S. of Civil Tech.
10. Engineering + Surveying, dated October 5, 2022.
11. Subdivision Plan for 62 Montebello Road, prepared and signed by Rachel Barese, P.E. of Civil Tech Engineering + Surveying, last revised February 24, 2025:
    * DWG No. 1 of 6: Subdivision
    * DWG No. 2 of 6: Slope Zone Analysis
    * DWG No. 3 of 6: Layout Plan
    * DWG No. 4 of 6: Grading, Drainage & Utilities Plan
    * DWG No. 5 of 6: Landscaping & Erosion Control Plan
    * DWG No. 6 of 6: Details
12. Architectural Plan Set, 13 sheets, unstamped, by Silverlock Design Group, dated February 19, 2024, as follows:
    * Cover
    * A-1, Introduction, link to model
    * A-2, Perspective Rendering
    * A-3, Front Elevation
    * A-4, Site
    * A-5, Landscaping
    * A-6, Front & West Elevation
    * A-7, Rear & East Elevation
    * o A-8, Basement Plan
    * o A-9, Level 1 Plan
    * o A-10. Level 1 Model
    * o A-11, Level 2 Plan
    * o A-12, Level 2 Mode

**WHEREAS,** the Planning Board has considered all relevant provisions of the Village of Montebello subdivision regulations and applicable zoning law, all determinations made by the Village Building Inspector, and has been advised by its consulting engineer and planner as regards all materials submitted by the Applicant.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Board hereby grants final conditional approval to a 2-lot subdivision of the 2.37-acre property shown on the Tax Map as Section 48.18, Block 2, Lot 10.3. Lot 1 consists of 52,884 square feet (51,226 net s.ft.) and Lot 2 consists of 50,337 square feet (49,283 net sq. ft.). This approval is granted subject to the following conditions:

1. Submission of a full set of Final Subdivision Plat plans in compliance with the Preliminary Subdivision Sketch Plat approved herein, which shall be approved by the Village Engineer prior to signature by the Planning Board Chairman.
2. Full compliance with the materials submitted to the Planning Board as part of this application and upon which the Board relied to grant subdivision approval.
3. Full compliance with all Rockland County Planning Department recommendations and conditions as stated in its memorandum dated January 16, 2025.
4. The Applicant shall comply with comments 2 and 3 of the review memorandum prepared by Jonathan Lockman, Nelson, Pope & Voorhis, LLC, Village Planner, dated March 5, 2025.
5. The Applicant shall comply with technical comments S-1 through S-7 of the review memorandum prepared by Martin K. Spence, P.E., Village Engineer, dated January 12, 2025..
6. Full compliance with Village of Montebello subdivision regulations § 163-15, titled “Improvements and security.”
7. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
8. Payment of money in lieu of parkland for the creation of one new lot pursuant to § 122-2 E of the Village of Montebello Code.

On the Motion of Member \_\_\_\_\_\_\_\_\_\_\_\_\_, seconded by Member­­­ \_\_\_\_\_\_\_\_\_\_, the Planning Board granted final subdivision approval on a roll-call vote of \_\_\_ yeas, \_\_\_ nays, as set forth herein:

MEMBERS PRESENT: YEA NAY ABSENT

Anthony Caridi, Chairman \_\_\_\_ \_\_\_\_ \_\_\_\_

Stan Shipley, Member \_\_\_\_ \_\_\_\_ \_\_\_\_

Joan Materna, Member \_\_\_\_ \_\_\_\_ \_\_\_\_

Ariel Aufgang, Member \_\_\_\_ \_\_\_\_ \_\_\_\_

Nancy Doon, Ad Hoc Member \_\_\_\_ \_\_\_\_ \_\_\_\_

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ANTHONY CARIDI, CHAIRMAN

March 11, 2025

Joan Will, Village Clerk for the Village of Montebello, does hereby certify that the foregoing Decision of the Village of Montebello Planning Board was filed in my office on the following date:

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Signature and Date