

**VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS**

**IN RE: APPLICATION OF MICHAEL P. GREANY AND LESLIE GREANY
CALENDAR CASE NO. 1131**

Before the Board of Appeals of the Village of Montebello, at a public hearing held at Village Hall, Montebello, New York, on November 15, 2007, for variances from the provisions of Section 195-13, Use Group h, Column(s) 6 & 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of a two car garage and breezeway with a reduced side setback of 22.5 feet and a reduced side yard of 22.5 feet.

The premises which are the subject of this application are located at 29 West Gate Road, which is on the north side of West Gate Road, and 1200 feet northeast of the intersection of U.S. Route 202 in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 48.06, Block 1, Lot 42, in a RR-50 Zoning District.

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

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

Application; Narrative; Short Environmental Assessment Form; Building Inspector's Denial Letter dated October 4, 2007; drawing showing the location of the requested variance; Rockland County Planning Board memorandum dated November 15, 2007, which approved the proposed variance; letter dated November 5, 2007, from Palisades Interstate Park Commission expressing no opposition to the proposed variance; photographs, numbered 1 through 4, of the site; 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 15, 2007, and the testimony of the following persons was duly considered: applicant; Holly and Jim Quinn, 30 Westgate Road, Montebello, in support of the application; Rizaldi Santiago, 31 Westgate Road, Montebello, in support of the application; 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. The property is improved with a single family dwelling. The applicant wishes to build a two car garage, attached to the house with a ten foot long breezeway, on the westerly side of the house. Because of the breezeway, the proposed garage encroaches into the required westerly side setback and yard, reducing both to 22.5 feet. Without the breezeway, no variance would be required. However, the applicant claims, the breezeway is needed to allow access to the backyard, to allow a place for storage of lawn care equipment, and to avoid blocking a kitchen window.

The garage location was selected because it is at the end of the existing driveway. The prior garage for the house was converted to a den and kitchen. The westerly elevation shows a blank wall at the front, with a window, entry door, and chimney toward the rear of the house. The garage cannot be made narrower than the

proposed 24 feet if it is to accommodate two cars. The applicant further claims that the garage cannot be placed on the easterly side of the house or attached to the westerly side of the house because of grade conditions and the need to relocate the driveway.

The total area subject to the proposed encroachment is 107.6 square feet.

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 proposed incursion into the required side yard is minimal. The area between the proposed garage and the neighboring home is heavily landscaped and wooded. The location chosen is logical and requires minimal additional work to the property. The applicant has also demonstrated their need for a breezeway to provide access to the rear yard (which would otherwise be obstructed by the topography), and to allow for the existing kitchen window and chimney.

(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 applicant has adequately shown that there is no other feasible location for the garage, and that the breezeway makes sense.

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

The total encroachment into the required side yard is minimal – only 107.6 square feet.

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

The proposed garage location will maintain the existing grading and driveway, and will fit over an existing parking pad. There is almost no additional impact to the environment.

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

The difficulty arises from the location of the house on the lot and the topography of the lot.

NOW, THEREFORE, BE IT RESOLVED, that the application of Michael P. Greany and Leslie Greany for variances from the provisions of Section 195-13, Use Group h, Column(s) 6 & 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of a two car garage and breezeway with a reduced side setback of 22.5 feet and a reduced side yard of 22.5 feet, as set forth in the application submitted herein, is hereby approved, subject to the following condition:

1. The applicant shall add architectural features to the westerly wall of the proposed garage, such as windows, to maintain the residential feel of the structure;

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
Timothy Cronin, Acting Chairman	YEA
Edward Bracken	YEA
Rodney Gittens	YEA
Fran Osei	YEA

MEMBERS ABSENT:
John Urcioli, Chairman

The Chairman declared the resolution approved and the application approved.

Timothy Cronin, Acting Chairman

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

Dated: November 19, 2007
Montebello, New York