

**VILLAGE OF MONTEBELLO  
ZONING BOARD OF APPEALS**

**IN RE: APPLICATION OF ANTHONY AND STACY CARIDI  
CALENDAR CASE NO. 1132**

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 t, Column(s) 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of an addition to a single family dwelling with a reduced side setback of 16.85 feet.

The premises which are the subject of this application are located at 11 Rocklyn Drive, which is on the east side of Rocklyn Drive, and 270 feet south of the intersection of Moriah Lane in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 48.14, Block 1, Lot 38, in a R-35 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 24, 2007; drawing showing the location of the requested variance; Building Inspector's letter dated October 30, 2007, explaining the application of the bulk requirements to this parcel; 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; Kenneth Goldberg, 13 Rocklyn Drive, Montebello, who did not express opposition; 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. They wish to enlarge their existing home by removing one bedroom, adding two bedrooms and a bathroom, enlarging one existing bedroom to its northwesterly corner. A portion of the existing bedrooms would be removed for closet and hall space. The net result would be to convert a three-bedroom ranch-style house to a four-bedroom ranch-style house. The addition would jut out from the westerly side of the house, reducing the required side setback to 16.95 feet at the rear of the proposed addition and 16.85 feet at the front of the proposed addition. The two proposed bedrooms are each 14' 6" wide, resulting in a total width of the addition of 32 feet (taking into account the thickness of the exterior and interior walls).

The applicant explained that the design required no changes to the existing grades of the lot. The proposed addition faced the neighboring garage. The applicant stated that they had consulted the affected neighbor, Carl Wanderman, who expressed no objection to the proposal. The area between the two homes is screened.

Although the property is in an R-35 zoning district, which would ordinarily be subject to Use Group “q” for bulk purposes, the lot is undersized. By application of § 195-89 of the Zoning Code, the applicable Use Group is “t”, which is usually used for the R-25 district. Thus, the required side setback for this lot is 20 feet. Much of the surrounding neighborhood is in the same condition.

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 proposal will upgrade the appearance of the lot, while maintaining the architectural integrity of the existing and surrounding homes. The encroachment into the side yard is minimal.

(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 location and layout are dictated by the internal layout of the existing home.

(3) “whether the requested area variance is substantial”:

The variance is for approximately 3 feet of intrusion into the required yard. It is minimal. The area between the two affected houses is landscaped and screened.

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

The proposal maintains the existing grades, thus avoiding a change to the drainage patterns in the area.

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

The difficulty results from the internal arrangement of the existing home.

NOW, THEREFORE, BE IT RESOLVED, that the application of Anthony and Stacy Caridi for variances from the provisions of Section 195-13, Use Group t, Column(s) 8, of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance, and use of an addition to a single family dwelling with a reduced side setback of 16.85 feet, as set forth in the application submitted herein, is hereby approved 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.

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

MEMBERS ABSENT:

John Urcioli, Chairman

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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, 2008

Montebello, New York