

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS

IN RE: APPLICATION OF RIO VISTA OF MONTEBELLO, LLC
CALENDAR CASE NO.1123

Before the Board of Appeals of the Village of Montebello, at a public hearing held at Village Hall, Montebello, New York, on January 18, 2007, for variances from the provisions of Section 7-736 of the Village Law to permit the construction, maintenance, and use of a private road to provide access to 20 new housing units and an existing office building.

The premises which are the subject of this application are located at 75 Montebello Road, which is on the north side of Montebello Road, and 0 feet from the intersection of Hemion Road in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 48.18, Block 2, Lot 1, in a EP Zoning District.

The Board, upon motion duly made by Dr. John Urcioli, and seconded by Tim Cronin, resolved:

WHEREAS, the applicant was represented by Jay Hood, Esq., and the following documents were placed into the record and duly considered:

Application; Narrative; Short Environmental Assessment Form; Building Inspector's Denial Letter dated November 7, 2006; drawing showing the location of the requested variance; Rockland County Planning Board memorandum dated January 9, 2007, which approved the proposed variance;

WHEREAS, a negative declaration under SEQRA has been granted by the Planning Board as lead agency ; and

WHEREAS, a public hearing was held on January 18, 2007, and the testimony of the following persons was duly considered: Thomas LiPuma ; Jill Gold, 17 Fortune Way; Tom Campbell, 22 River Road;

The applicant has previously appeared before this Board in connection with its site plan and subdivision application for the subject property. At that time, this Board granted several variances to permit the construction of not more than 20 "carriage homes" in the EP district. A number of conditions were attached to the grant of variances, which the applicant appears to have accepted. The Planning Board granted preliminary site plan and subdivision approval on October 10, 2006.

During subsequent review by the Planning Board, it was noted that the road which is to serve the proposed homes, as well as the Montebello Park Mansion beyond the homes, would continue to remain a private road. While the use of a private road to serve just the Mansion required no approval from this Board, the introduction of the new homes and the subdivision of the property brings the project into the ambit of Village Law § 7-736.

The project complies with the variances previously granted and with the conditions previously imposed. The applicant only seeks approval from this Board to allow private road access to the homes and the Mansion, as contemplated by the Comprehensive Plan, the Zoning Code, and the Planning Board.

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 requested variance is to allow the continued use of a private road to provide access to the existing Montebello Park Mansion and to the proposed new homes. The private road is contemplated in the Comprehensive Plan, the Zoning Code, and the Planning Board's considerations. It is entirely consistent with the character of the neighborhood. A public road would be wider, and would destroy the interior character of Montebello Park.

(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 only method for avoiding the variance would be to build a public road. A public road is not compatible with the area.

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

The requested variance allows for conformity with the Village's plans for the area.

(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 private road will be narrower than would be a public road, and therefore will have less impervious surface.

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

The difficulty results from the desire of the Village Board and the Planning Board to have a private road service the area.

NOW, THEREFORE, BE IT RESOLVED, that the application of Rio Vista of Montebello, LLC for variances from the provisions of Section 7-736 of the Village Law to permit the construction, maintenance, and use of a private road to provide access to 20 new housing units and an existing office building, 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, and with the requirements of the Rockland County Planning Department, and subject to the terms of the prior grant of variances by this Board to this property and project, and further subject to the approval of a final subdivision plat by the Planning Board for this property and project.

MEMBERS PRESENT:	YEA or NAY
John Urcioli, Chairman	YEA
Timothy Cronin, Vice Chairman	YEA
Rodney Gittens	YEA
Fran Osei	YEA
Maria Conte-Benedict (alternate)	

MEMBERS ABSENT:

Edward Bracken

The Chairman declared the resolution approved and the application approved.

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

Dated: _____
Montebello, New York