VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MEETING
MAY 18, 2006

The Zoning Board of Appeals meeting was called to order by the Chairman, John Urcioli at 7:47 p.m. The meeting was held at Village Hall, One Montebello Road in the Village of Montebello, New York 10901, on Tuesday May 18, 2006.

Present
John Urcioli, Chairman
Tim Cronin
Fran Osei
Edward Bracken

Maria Conte-Benedict, sitting by designation

Others
Ira Emanuel, Attorney
Carol Adduce, Clerk

Absent
Rodney Gittens

Motion to approve the April 24, 2006 minutes.

MOTION: Edward Bracken

SECOND: Tim Cronin

VOTE: Unanimously accepted.

Dr. Urcioli welcomed the new Ad Hoc member, Maria Conte-Benedict, to the Board

Rio Vista Montebello
Public Hearing Continued

Application of Rio Vista of Montebello LLC, 212 Orange Avenue, Suffern, NY 10901 for variance from the provisions of Section 195-62.C (3), (6), (8), and (8a) and Section 195-14.A of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of a 24 unit age restricted (55 and older) town home community. The premises which are the subject of this application are located on the northerly side of Montebello Road approximately 50 feet north of Hemion Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.18, Block 2, Lot 1 in an EP Zone.

Present: Lawrence Turco, Applicant
Thomas LiPuma, Tali Equities Inc., Applicant
Leonard Jackson, P.E.
Ted Atzl, P.C.

Public Hearing opened at 7:49 p.m.

Dr. Urcioli stated that the Board received two additional letters (appended) and entered them into the record.

One was from Hood, Hood and Hood, dated May 17, 2006 and the other one is from Rio Vista of Montebello, LLC dated May 3, 2006 with an attached chart from Atzl, Scatassa & Zigler dated April 26, 2006 explaining the breakdown of different floor area ratio computations as it would effect the proposed residential housing and the existing mansion building.

Mr. Emanuel asked the applicant, based on the May 3, 2006 letter just read into the record, this whole discussion about building units at 2,487 square feet each, is that what you are proposing?

Mr. LiPuma stated, no, it was mentioned in the letter that if the units were 2,487 square feet there would be no need for a variance.

Mr. Emanuel stated that out of the three variances requested, the FAR variance is the most problematic. There was a request for an increase in the FAR to 0.1833 for the HOA side of the equation. The mansion side of the equation met the FAR requirement of .20 based upon the line that was drawn. Then there was some discussion that maybe the line between the mansion and the housing could be moved to give more flexibility.

Mr. Atzl stated there is no line on the map.

Mr. Emanuel asked to what does the .1833 FAR apply to? Does this apply to the whole thing or does it apply to just the part that is going to be housing?

Mr. Atzl stated it applies to the over all site. There is roughly an acre of mansion and that 20% FAR requires roughly 215,000 square feet, and that leaves 386,000 square feet. That with the 24 units at roughly 3,000 square feet each, will give them, when divided up, an FAR of 18%.

Mr. Emanuel stated that at some point that line will have to be drawn on a map so we can see where the 215,000 square feet is. It will have to be shown when the mansion property is subdivided from the housing property.

Mr. Emanuel advised the Board to consider the application as presented.

Dr. Urcioli commented that when the applicant comes back and subdivides this property...

Mr. Atzl stated that there will be a different line there.

Mr. Emanuel explained, the applicant is saying at that point in the future, the applicant will come back and ask for whatever side yard variances may be needed. Recognizing that they are probably going to need a side yard variance with the current configuration what they want is to get over the hump of figuring out where they are. If they do not get relief for one or more of the variances requested, this plan does not work. Mr. Emanuel stated that depending on what relief they get, it will impact what the plan will look like and impact on what the various yard and setback variances, if any, are going to be.

Dr. Urcioli stated that without the line it is hard to make a determination.

Ms. Osei stated that during discussions you referred to the majority of the slope area in rear as part of the mansion. If the mansion property is subdivided from the housing property, how will that affect the need for a vari-

ance?

Mr. Atzl stated they took the slope for the whole property. We had 761,000 square feet for the entire property, took out all the slopes and ended up with 600,000 square feet of usable area. Of that 600,000 square feet the mansion got 20% which requires 215,000 square feet and that left a balance of 386,000 square feet to develop the 24 housing units.

Mr. Emanuel stated, in order for the mansion to achieve the FAR you have to have 215,000 square feet net.

Mr. Atzl said correct.

Mr. Atzl stated what they are looking for is, will the Board give them relief for the variances requested and if not what relief are they willing to give?

Mr Emanuel advised the Board that it needs to determine whether they have heard enough information before closing the public hearing.

Dr. Urcioli stated without knowing where the lot line is; it is hard to determine how many units per building.

Mr. Emanuel stated that a plat was submitted to the Planning Board showing the lot lines, the applicant can be requested to submit copies to the Board.

Dr. Urcioli requested that copies of the map be submitted.

Dr. Urcioli asked how far, exactly, is the corner of the two story office building from unit #23?

Mr. Atzl stated 62 or 63 feet.

Ms. Osei stated that she will have a hard time overriding the Rockland County Planning Department letter of disapproval.

Mr. Emanuel stated that you will need a 4 out of 5 votes plus reasons for overriding the Rockland County Planning Department.

Dr. Urcioli stated that the variance requested is too great.

Mr. Turco questioned, is the issue two units? He said, that he would like to know what the issues are so they could move forward.

Mr. Emanuel stated that he did not think the issue was the unit count because theoretically, you can have 24 units and meet all the requirements of code without needing a variance. The issue is that you want to build these units in a particular way and that is generating the need for variances. So the issue is really whether or not the requested variances should be granted.

Mr. Turco stated that he would like to do whatever it is to make it work. Let us look at this and evaluate it and come up with a solution that is acceptable.

Dr. Urcioli stated that he wants a subdivision plan submitted by the next meeting.

Mr. Emanuel stated that he believes the Board is concerned for impacts. The code has particular floor area ratios set forth for the mansion which is .20 and for the housing it is .13 and at some point you are going to have to draw a line that shows where the area for the mansion is and shows the area for the housing. You need 215,000 square feet for the mansion and in order to show where that is, you need to do a subdivision plat.

Mr. Atzl stated the mansion portion only has 199,000 square feet

Mr. Emanuel said then you either have to change the drawing or amend the application because you do not meet the FAR.

Mr. Atzl answered only if we go for a HOA.

Mr. Emanuel stated that the housing has to be split from the mansion; it does not matter if there is a HOA or condo there. There has to be a demarcation line showing where that 215,000 square feet devoted exclusively to the mansion is.

Mr. Atzl stated, but if it is a condo association for the entire length which comprises the housing and the office then there does not have to be a line.

Mr. Emanuel said then that is different from what has been presented.

Mr. Atzl stated that is true, but if you are presenting other variances which may be required, the applicant may not want to go with a HOA, they may want to stick to a condo, then there will be no need for a subdivision.

Mr. Emanuel stated then you would definitely have to go back to the Planing Board and possibly have to get a determination from the Building Inspector as to whether or not you can do that. He said that he understands what is being said. If the whole thing is a condo then there is no need for a side yard between the mansion and housing, at least for zoning purposes. However, you might be getting into a use variance.

Mr. Turco stated that the key issue right now is that he needs the larger units for a larger yield. He said the question is what can we negotiate and agree on?

Mr. Emanuel stated that the problem you are facing, is this Board is not like the Planning Board where you can negotiate. This Board is a quasi judicial board. It can only deal with the application before it. If you want to amend your application or make an alternative application, the Board can decide on those. Mr. Emanuel stated if you think it is in your best interest to present a plan to the Board that reduces the number of units, thereby reducing the FAR variance to some smaller number then maybe you should submit it and explain to the Board how it benefits the development and how it brings you closer to meeting the zoning requirements.

Mr. Turco stated that if he submits a different plan, he wants to make sure that it satisfies the Planning Board and any drainage concerns that they have. He said that he would like to know what concerns this Board has so he can address them.

Mr. Emanuel stated that the FAR is a big concern.

Mr. Turco stated that he knows the FAR is of concern; encroaching of some of the units on the interior buffer; make sure the mansion has 215,000 square feet; the subdivision line has to be defined; eliminate the distance on the side yard of the mansion and tweak the location of the two front pods.

Mr. Atzl asked how the Board felt about the number of units per building?

Dr. Urcioli stated that he personally would like to see 4 - 4 - 4.

Motion to adjourn the Public Hearing to June 15, 2006.

MOTION: Fran Osei

SECOND: Edward Bracken

VOTE: Unanimously accepted.

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MEETING
MAY 18, 2006

Motion to adjourn the meeting at 9:12 p.m.

MOTION: Edward Bracken

SECOND: Tim Cronin

VOTE: Unanimously accepted.