VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MEETING
NOVEMBER 15, 2007

The Village of Montebello Zoning Board of Appeals meeting was called to order by the Vice Chairman, Tim Cronin at 7:48 p.m. on Thursday evening November 15, 2007. The meeting was held at Village Hall, One Montebello Road, in the Village of Montebello, New York 10901.

PRESENT
Tim Cronin, Vice Chairman
Fran Osei
Edward Bracken
Rodney Gittens
Maria Conte Benedict, sitting by designation

OTHERS
Ira Emanuel, Assistant Village Attorney
Carol Adduce, Clerk

ABSENT
John Urcioli, Chairman

Motion to approve the October 16, 2007 minutes.

MOTION: Edward Bracken

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

Michael & Leslie Greany
Public Hearing

Application of Michael P. Greany, 29 West Gate Road, Suffern, NY 10901 for variance from the provisions of Article IV, Section 195-13, Use Group h; Col 6 Side Setback (required 30 ft. - proposed 22.5 ft.); Side Yard 25 ft. - proposed 22.5 ft. of the Local Law of the Village of Montebello to permit construction, maintenance and use of a two car garage and breeze way addition. The premises which are the subject of this application are located on the north side of West Gate Road approximately 1,200 feet northeast of the intersection of Route 202 in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.6, Block 1, and Lot 42 in a RR-50 Zone.

Present: Michael Greany, Applicant
Leslie Greany, Applicant

It was established that all application and legal requirements were met.

A presentation was made based on the appended narrative dated October 22, 2007.

The applicant is requesting a variance for side setback (required 30 ft. proposed 22.5 ft.), and side yard (required 25 ft. proposed 22.5 ft.)

Public hearing opened.

Holly Quinn, 30 West Gate Road stated that she lives opposite the Greany's and supports the application and has no problems with the plans.

Jim Quinn, 30 West Gate Road stated that he is a professional engineer and is happy with the plan.

Rizaldi Santiago, 31 West Gate Road supports the application.

Motion to close the public hearing.

MOTION: Rodney Gittens

SECOND: Fran Osei

VOTE: Unanimously accepted.
Discussion:

The consensus of the Board was that the requested variances was not significant.
Member Osei requested that the applicant add some features to the garage on the western side facing the neighbor; perhaps a window.

Motion to accept the proposed resolution for Michael P. Greany and Leslie Greany for variances from the provisions of Section 195-13 Use Group h, Columns 6 and 8 of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance and use of a two car garage and breeze way with a reduced side setback of 22.5 feet and reduced side yard of 22.5 feet subject to:

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

MOTION: Rodney Gittens

SECTION: Edward Bracken

VOTE: Unanimously accepted..

Resolution annexed hereto and made a part hereof.

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

Anthony and Stacy Caridi
Public Hearing

Application of Anthony and Stacy Caridi, 11 Rocklyn Drive, Suffern, NY 10901 for a variance from the provisions of Section 195-13 Use Group t Col. 8 (Side Setback, required 20 ft. proposed 16.85 ft. of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of the addition of two bedrooms and one bathroom and enlarging two existing bedrooms. The premises which are the subject of the application are located on the east side of Rocklyn Drive approximately 270 feet from the intersection of Moriah Lane in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.14, Block 1, and Lot 38 in a R-35 Zone.

Present: Anthony Caridi, Applicant
Stacy Caridi, Applicant

It was established that all application and legal requirements were met.

That applicant is requesting variances for side setback (required 20 ft. - proposed 16.85 ft.)

The reason for the variances is to allow the applicants to enlarge their existing home by removing one bedroom, adding two bedrooms and a bathroom and enlarging one existing bedroom.

Public hearing opened.

Kenneth Goldberg, 13 Rocklyn Drive supports the application.

Motion to close the public hearing.

MOTION: Edward Bracken

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

Discussion:

The consensus of the Board was that th expansion will make the building more attractive; no impact on the neighborhood and will fit in with the rest of the neighborhood.

Motion to accept the proposed resolution for Anthony and Stacey Caridi for variances from the provisions of Section 195-13, Use Group t, Column 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.

MOTION: Rodney Gittens

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Resolution annexed hereto and made a part hereof.

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

_____

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

Motion to adjourn the meeting at 8:51 p.m.

MOTION: Rodney Gittens

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Respectfully submitted:
Carol Adduce, Planning & Zoning Clerk