VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MEETING
JUNE 21, 2007

The Village of Montebello Zoning Board of Appeals meeting was called to order by the Chairman, John Urcioli at p.m. The meeting was held at Village Hall, One Montebello Road in the Village of Montebello, New York 10901 on Thursday evening, June 21, 2007.

PRESENT
John Urcioli, Chairman
Tim Cronin
Edward Bracken
Fran Osei
Rodney Gittens

Maria Conte-Benedict, Alternate

OTHERS
Ira Emanuel, Assistant Village Attorney
Carol Adduce, Clerk

Motion to approve the minutes of May 17, 2007.

MOTION: Tim Cronin

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Green Mountain Development Corp.
Public Hearing Continued

Application of Green Mountain Development Corp, 233 South Main Street, New City, New York for variance from the provisions of Article IV - Section 195-17; Use Group t, Col. 8 (side yard - required 20 feet proposed 3 to 6 feet) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of a single family residence with a driveway in the side yard. The premises which are the subject of this application are located on the north side of Moriah Lane approximately 861.6 feet east of River Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.14, Block 1, and Lot 30 in a R-35 Zone.

Present: Yosef Emona, President Green Mountain Development Corp.
Laurie DiFrancesco, representing the applicant
Michael Specht, Esq.

Mr. Specht made a presentation as to why a variance for the side yard is needed and why having a side entry garage would not be out of character with the neighborhood. He said the house would sell faster with a side entry garage and presented some pictures of other homes in the area that have driveways in a similar location.

Mr. Emanuel commented that it is not clear from these pictures whether the driveway is on the side yard or not.

The applicant presented a GIS map that was requested at the last meeting.

Mr. Specht stated that as you know in determining an area variance you have to balance the benefit to the applicant against the detriment to the health, safety and welfare of the community and there has been no evidence in the record showing any detriment. He said even if the house was a different size and garage located elsewhere, a variance would still be needed.

Ms. DiFrancesco stated that as requested she researched the sizes of homes in the area. She presented copies of the assessments from the MLS records. She stated that the average size if the older existing homes on Victory Road and River Road is between 1,900 and 2,100 square feet and colonials are between 3,000 and 3,300 square feet. She said houses on the present listings are all over 3,600 square feet and new construction homes are all over 4,500 square feet.
Ms. DiFrancesco submitted a 13 page MLS report, a 22 page report for Victory Road and one page report for Moriah Lane.

Ms. DiFrancesco stated that they did explore houses with different footprints, but whatever is built will require a variance for access to it. She said whatever is built has to be saleable and appropriate to today's market or it will not sell.

Mr. Specht stated that the Board should keep in mind that the proposed FAR is .16 which is less than the maximum of .20 and the development coverage is 23% instead of 30%. He said that the applicant is not trying to maximize the house.

Mr. Emanuel stated that the proposed house at 3,900 - 4,000 square feet is 25% bigger than even the colonials. Mr. Emanuel stated that the Board has to consider the character of the neighborhood. He said the reason for this variance is because of the size of the homes that the applicant wants to build. He said if the house was smaller there would be no need for a variance.

Ms. DiFrancesco stated that any size colonial whether it be 3,000, 3,200, or even 2,800 square feet, the majority of the colonials footprints in this community exceeds the footprint of 63 feet with the garage of 21 feet in length for the cars to pull in. She said it is not what is inside. She said the applicant would be prohibited to building any colonial on this lot because they cannot get plans for the size that is needed because they just do not design them that way.

Mr. Specht commented, if the Board wants, the applicant can put in extra screening. He said the GIS map shows houses that have the same driveway condition in this area. Mr. Specht submitted case laws that were upheld by the Appellate Division.

Chairman Urcioli stated that in conversation, the house next door keeps coming up, but the house next door has a front loaded garage and only the extension of the driveway is in the side yard; the driveway is not in the side yard.

Member Bracken stated that the village has laws and everything should be built within the law and comply with it.

Member Osei asked can something other than a colonial be built?

Ms. DiFrancesco stated that in order to sell a house within a year, all the evidence points to colonials and ranches as the most desirable styles.

Member Gittens stated, looking at some of the data that was submitted regarding houses in this general area, it seems the average house runs between 1,700 - 3,000 square feet. The median house seems approximately 2,500 square feet. He said looking at the MS listing out of the 5 or 6 houses, two houses on each page have two car garages; so it would not be unsaleable. Member Gittens asked if this house was designed specifically for this lot?

Mr. Emona stated that the house was designed for the lot.

Member Gittens stated that it seems if you are designing a house specifically for this lot, you would try to comply with the laws.

Ms. DiFrancisco stated that the design was selected from existing stock plans. She said to design a house from scratch it would cost between $10,000 and $18,000 for an architectural design.

Member Gittens stated, so this is a house that was modified to fit on this site; it was not designed specifically for the site, which could be problematic because you have not achieved all the zoning requirements. He said the plan may have to be redesigned. He said it can be designed with a two car garage in the front.

Consensus of the Board is that the house could be designed with a two car front garage and made smaller.

Discussion regarding a different design options.

Mr. Emanuel suggested moving the house over and putting the garage underneath.

Mr. Emanuel stated what you are hearing from the Board is, a house which is disproportionate to the size of the other houses in the neighborhood is a detriment.

Mr. Specht stated that you have to balance the benefit versus the detriment.

Mr. Emanuel suggested that if the house was brought as far north as permitted, so that the northerly side yard would be 20 feet and the northerly setback would be 20 feet that would create an additional 5 feet on the southerly side which would make the side yard 11 feet instead of 6 feet thereby reducing the variance.

Member Osei asked what portion of the 80 ft. driveway needs a variance?

Marsel Amona, (brother of Yosef) stated that they are willing to change the house and make it smaller and more in compliance with the code requirements.

The Board requested that the applicant bring in an alternate plan for next month.

Chairman Urcioli requested that a new tax assessment listing for Moriah Lane be submitted before the next meeting.

Motion to continue the public hearing at the next meeting of July 19, 2007.

MOTION: Tim Cronin

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

Motion to adjourn the meeting at 9:15 p.m.

MOTION: Tim Cronin

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Respectfully submitted:

Carol Adduce, Planning & Zoning Clerk