VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 18, 2008

The Village of Montebello Zoning Board of Appeals meeting was called to order by the Chairman, John Urcioli at 7:48 p.m. The meeting was held at Village Hall, One Montebello Road in the Village of Montebello, New York 10901.

PRESENT	OTHERS
John Urcioli, Chairman	Ira Emanuel, Deputy Village Attorney
Fran Osei	Carol Adduce, Planning & Zoning Clerk
Edward Bracken	
Rodney Gittens	
Maria Conte-Benedict, Alternate sitting by designation	

Kurt Scherwatzky, Alternate

ABSENT
Tim Cronin

Motion to approve the June 19, 2008 minutes.

MOTION: Rodney Gittens

SECOND: Edward Bracken

VOTE: Unanimously accepted.

Chairman Urcioli welcomed Kurt Scherwatzky (Ad Hoc Member) to the Zoning Board of Appeals.

Beim Residence
Public Hearing

> Application Michael Beim, 55 Mayer Drive, Montebello, New York 10901 for variance from the provisions of Article IV, Section 195-13; Use Group q; Col. 14 FAR (required .20 - proposed 0.234)of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use an addition to an existing home, which includes an expansion to the kitchen, basement, one additional bedroom and a front porch. The premises which are the subject of this application are located on the north side of Mayer Drive approximately 0 feet from the intersection of Henry Court in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section _48.10, Block 1 and Lot 52 in a R-35 Zone.

Present: Michael Beim, Applicant

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

The applicant submitted five photos of his property.

Mr. Beim stated that his house has four bedrooms and two and one half bathrooms, which is too small to accommodate two adults and five children. He stated that they plan to enlarge the kitchen and build a full bathroom on the main floor; to expand the basement in order to provide additional storage and a functional living space; to add another bedroom on the second level above the existing family room and build a front porch for esthetics and pleasure. He said his goal is to build a functional home that will also add value to the neighborhood.

Mr. Emanuel stated that there was an error on the plan. He said it refers to River Drive as the intersecting street and it should be Henry Court.

Chairman Urcioli stated that after he walked the property, he noticed things that were not on the plan. He said the applicant is asking for a Floor Area Ratio (FAR) variance, but I think the

coverage should be addressed because there is a pool on the property that is not shown on the map; there is a shed in the front yard on the Henry Court side that is not permitted, and the requirement for a front yard is 50 ft. and there is 37.3 ft. , so a variance is needed.

Mr. Emanuel stated that Mr. Beim is expanding the rear of the house but in doing so he is enlarging the encroachment into the front yard. Secondly, because Mr. Beim is going up above the garage, this is a second expansion of an encroachment into a front yard.

Chairman Urcioli stated that this property, because it fronts on two streets, has two front yards, one side yard and one rear yard.

Mr. Emanuel advised the applicant that he has a right to ask for variances, but the main variance here is for FAR, and historically this Board has been very reluctant to grant this type of variance and before doing so, the Board will need a lot of explanation and a good deal of need before it will grant this type of variance.

Chairman Urcioli requested that the applicant submit a copy of a good survey that depicts everything on the property; for example, the shed, pool, pavers, all impervious surfaces etc. The survey should include a full bulk table that shows the development coverage, floor area ratio.

Discussion regarding the requested variances.

The Board made some suggestions in order to reduce or eliminate the FAR variance.

The applicant was advised to amend the plan and come back to continue the public hearing at the next meeting.

The public hearing was opened to the public.

No one from the public spoke.

Motion to continue the public hearing to the November 20th meeting.

MOTION: John Urcioli

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

New Business:

Review of a proposed local law limiting the choice of new road names.

The new law requires that all names be submitted to the Village Board for their recommendation. The Mayor and Trustees would like the names of streets to reflect geologic, biologic or historic aspects of the Village.

Review of an amendment to Article II, chapter 160 of the Village Code to more carefully regulate street openings and excavation in the interest of public safety and to minimize the cost to the public.

Discussion regarding referrals to the Rockland County Department of Planning.

Mr. Emanuel stated that almost the entire Village is subject to a GML review because it is within 500 feet of a County or State road, stream, town or county boundary etc. He said he has tried to get some relief from the Rockland County Department of Planning with respect to referrals from this Board. He said of the 24 zoning jurisdiction in the County of Rockland, 19 have waivers with respect to certain variances shown on a chart with the exception of building height and lot area. He said recently he came across a case that indicated, that if a village passes a local law, it can effect which matters go to the Rockland County Department of Planning and which do not.

Ironically, it has to be reviewed by the Rockland County Department of Planning but even if they say no, it can be overridden.

After discussion a motion was made that the Zoning Board of Appeals would like to request that the Village Board enact a local law adopting the standard Rockland County Department of Planning review waiver schedule.

MOTION: John Urcioli

SECOND: Fran Osei

VOTE: Unanimously accepted.

Discussion regarding requirements for submission.

Recently drawings have been submitted that are incorrect or do not depict the property accurately and the Board cannot act on the application. Therefore, from now on the Board will no longer accept drawings from the architects. The applications will have to include a scaled drawing from a NYS licensed surveyor or professional engineer and provide a complete bulk table. Since there are no real standards for submissions they would like to put in place requirements for submissions. The Board will look at the proposed guidelines and get back to Mr. Emanuel so he could draft up something.

Motion to adjourn the meeting at 9:31 p.m.

MOTION: Edward Bracken

SECOND: Rodney Gittens

VOTE: Unanimously accepted.

Respectfully submitted:

Carol Adduce, Planning & Zoning Clerk