THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY FEBRUARY 19, 2009 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:47 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	John Urcioli	Chairman
	Tim Cronin	Member
	Maria Conte-Benedict	Member
	Alice DiSanto	Member
Others Present:	Ira Emanuel	Asst. Village Attorney
	Martin K. Spence	Village Engineer
	Gloria Scalisi	Planning & Zoning Clerk
Absent:	Edward Bracken	Member
	Rodney Gittens	Member
	Janet Gigante	Member

Member Cronin made a motion to approve the January 15, 2009 minutes, seconded by Member Conte-Benedict. Upon vote, the motion carried unanimously.

First on the agenda:

9 Bayard Lane
Public Hearing Continued

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York for variance from the provisions of Article IV, Section 195-13, Use group q, Cols. 2,4,5,6 (minimum lot area – front setback, front yard, side setback) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of construction of a new house. The premises which are the subject of this application are located on the south side of Bayard Lane approximately 389 feet from Haverstraw Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1, Lot 76 in a R-35 Zone.

A Box Schematic and a letter explaining the Box Schematic was received from Dominick Pilla on January 26, 2009.

Burt Dorfman, Esq. – attorney for the applicant, is in attendance to request an adjournment of the public hearing to the March 19, 2009 meeting date.

The Village Engineer Martin Spence read his report (see attached) into the record, dated February 18, 2009 which further explains the Box Schematic:

To: Village of Montebello Zoning Board of Appeals

From: Martin K. Spence, PE Village Engineer

Date: February 17, 2009
Re: **9 Bayard Lane South, Section 48.10 Block 1 Lot 76**
Single Family Dwelling

We have received and reviewed the following:

- Set of Engineering Plans, 6 Drawings prepared by Dominick R. Pilla Associates last revised 12/23/08
- Set of Architectural Plans, 8 Drawings prepared by Dominick R. Pilla Associates dated 12/23/08
- "Box Schematic" Drawing dated 1/26/09 (with revision date 12/23/08 ?)
- Correspondence dated January 26, 2009 from applicant

Previous submissions to this office for the subject property include the following:
- Narrative Summary
- EAF Appendix A
- Drainage Calculations prepared by Dominick R. Pilla Associates dated December 31, 2007
- Environmental Impact Analysis prepared by Robert G. Torgersen, dated July 5, 2007

The project consists of construction of a new single family dwelling and site improvements on the current lot. The existing dwelling and improvements are proposed to be razed. The Mahwah River exists along the SW property line and a small tributary ditch/stream exists along the NW property line which is a tributary to the River and is shown as a "blue line" on the USGS maps. Based on the most current FIRM flood maps the property is partially within the 100 year flood plain for all lands below elevation 321. The gross lot area is reduced by the area within the flood plain as well as steep slope areas contained on the present lot.

The lot area (gross) is 33,179 SF or 0.76 acres. The lot is generally irregular shaped.

The application requests relief of a number of requirements from the Bulk Regulations of the Village of Montebello Zoning. Variances requested as related to the location of the new structure are as follows and made part of the application before the Zoning Board of Appeals:

	Required (minimum)	Proposed
Front Setback (feet)	50	25
Front Yard (feet)	50	25
Side Setback (feet)	25	23.8

Additionally, and separate to this ZBA process, the applicant will need relief (based on current proposal) Under Chapter 191 Wetlands and Stream Protection. The proposed activities within the proximity of the water course and floodplain are regulated and requires the applicant to file a Permit request before the Planning Board. This application is pending before the Planning Board, subject to ZBA actions.

We offer the following comments:
I. Applicant and Owner:
Dominick R. Pilla
9 South Bayard Lane
Montebello, NY 10901

It is noted that Mr. Pilla is a registered Architect and Engineer in the State of New York and has prepared the plans that have been submitted to the Board.

The Box Schematic plan provides a permitted building envelope that allows the construction of an area of equal primary and garage structure that complies with zoning. We have reviewed the "problematic issues" raised by the applicant and offer the following responses in same number format:

1. The property to the (west) South is shown to be owned by the same as applicant and the dwelling is approximately located 80' from the common property line, see SP05, where a 25' minimum setback is required under current zoning.
2. No comment
3. The garage structure or the original submittal is proposed at the limits of the floodplain, where the box schematic maintains a minimum 13' distance. Rear yard grading is dependent on setting FFE and whether basements are proposed.
4. The existing dwelling is located near the high point of the street and is approximately 1/5 footprint of the proposed. The original proposed dwelling will require extensive regrading and walls within close proximity of the floodplain. Floodplain elevation is 321, where elevations within the bounded area (mid width) is approximately 326, 5' above the floodplain. Alternate designs may be available for setting a FFE appropriately above the floodplain and minimizing fill. This may eliminate basement construction due to presence of groundwater and floodplain limits.
5. The applicant has not quantified the number of trees to be removed as part of the Box Schematic. The original proposed location is shown to remove 45 trees. The existing trees were not shown on the Box Schematic for review.
6. Similar comment to comment No. 5, no proposed driveway is shown on the Box Schematic. The existing trees were not shown on the Box Schematic for review.

II. The Slope Analysis Plan provides a breakdown of pre and post slope conditions. Generally, the steep slope areas on the lot are being increased after development. Slope areas (SF) within the range of 15% to 20% are being increased by approximately 12%. Slope areas (SF) within the range of greater than 25% are being increased by approximately 25%. The regrading of the property results in greater steep slope areas within the proximity of sensitive environmental areas as well as a reduction in net lot area. Generally, due to the erodability of soils (during construction as well as post construction) it is advisable and good engineering practice to minimize steep slope conditions.

III. Based upon the slope analysis provided regrading is occurring within the floodplain (below 321 elevation) due to the revised slope areas within the floodplain category. Disturbance or regrading within the floodplain is not recommended. Due to the proposed proximity of construction to the floodplain, it is highly likely encroachment and disturbance will occur. Any approvals should require a Performance Guarantee to insure timely removal of fill and/or stabilization of disturbed areas.

<u>Site Engineering</u>

IV. Contour delineation at bottom of wall are not clearly defined, see 323, 324 and 325 at North side of dwelling.

V. Grading at the North side of the dwelling will disturb and create slopes (proposed to be 2H:1V), within close proximity of the flood plain having a high potential of erodability. The construction of the improvements including machine access will likely encroach and disturb vegetation within the flood plain and within close proximity of the water course.

VI. Proposed retaining wall details have not been included in the current set to show top of wall, bottom of wall and overall height.

VII. Clarify source of potable water.

VIII. Drainage details have not been made part of the current submittal. Drywells are shown to be within 10' of full basement.

IX. Soil Erosion and Sediment Control plan has not been made part of current submittal, including locations of silt fence and limits of disturbance. A prior set of drawings included a drawing SP03 "Erosion Control Details" which provided notes and details for slope stabilization, sediment control and tree protection has been omitted from this submittal.

X. Additional trees and vegetation will be disturbed and destroyed as a result of the proposed grading. Of note is the 15" tree at bottom of wall and trees south of the dwelling near the roadway.

XI. Provide a North Arrow on SP05.

Wetlands and Stream Protection

XII. The application is within the jurisdiction of the Rockland County Drainage Agency and a complete application submittal is pending. Last correspondence from the RCDA is dated September 16, 2008.

XIII. The applicant has submitted a letter from Robert G. Torgersen, dated July 5, 2007 regarding presence of wetlands on subject lot. An application should be submitted to the Army Corps of Engineers to determine any jurisdiction. In addition, the Torgersen letter shall be updated to include if any offsite wetlands and their associated 100' buffers exist that may impact this development.

END OF REPORT

c. Dominick Pilla, PE, Applicant Via Fax 845727 6377
Robert Geneslaw, Village Planner
Ira Emanuel, Assistant Village Attorney

Member Cronin made a motion to adjourn the public hearing and continue it at the March 19th meeting, seconded by Member DiSanto. Upon vote, the motion carried unanimously.

Member Cronin made a motion to adjourn, seconded by Member Conte-Benedict. Upon vote, the motion carried unanimously. The meeting adjourned at 8:24 p.m.