

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JULY 16, 2009 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:48 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Chairman Urcioli welcomed Mr. James Tanner to the Zoning Board as an Ad-Hoc member. Member Tanner is an architect living in the Village of Montebello since 1970.

**Lawrence Shedler  
Public Hearing -- Continued**

Chairman Urcioli read the Public Hearing notice into the record:

Application of Lawrence Shedler, 203 Spook Rock Road, Montebello, New York 10901 for variance from the requirement of Article IV, Section 195-13, Use group q, Columns 6 & 8 (Side Setback & Side Yard) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of an addition/alteration to existing single family house. The subject property is located on the west side of Spook Rock Road and 735 feet north from the intersection of Topaz Court and is known and designated on the Ramapo Tax Map as Section 49.9 Block 1, Lot 4 in a RR50 Zone.

Lawrence Shedler-Applicant and John Perkins-architect for the Applicant are in attendance.

Mr. Perkins discussed the application for a variance on side setback and side yard to permit construction, maintenance and use of an addition/alteration to an existing two story single family house. The variance will create a great room and a patio.

Mr. Ira Emanuel, Assistant Village Attorney, read a letter from the Rockland County Department of Planning dated June 26, 2009 (copy attached). Chairman Urcioli read a letter from the Rockland County Department of Highways dated July 14, 2009 (copy attached).

Mr. Emanuel asked the Applicant if the Site Plan shows the existing conditions. Mr. Perkins replied that the Site Plan shows the existing conditions.

Member Cronin questioned the Applicant on the distance between his neighbor on Spook Rock Road and the Applicant. Mr. Shedler replied that the house is about 25-30 feet from the property line.

Chairman Urcioli made a motion to open the Public Hearing.

No one else wishing to speak Member Cronin made a motion to close the Public Hearing, seconded by Member Tanner. Upon vote, the motion carried unanimously.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

VILLAGE OF MONTEBELLO  
ZONING BOARD OF APPEALS

IN RE: APPLICATION OF LAWRENCE C. AND ROSAN SHEDLER  
CALENDAR CASE NO. 1143 of 2009

Before the Board of Appeals of the Village of Montebello, at a public hearing held at Village Hall, Montebello, New York, on June 18, and July 16, 2009, for variances from the provisions of Section 195-13, Use Group q, Column(s) 6 and 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 15 feet and a reduced side yard of 15 feet.

The premises which are the subject of this application are located at 203 Spook Rock Road, which is on the west side of Spook Rock Road, and 735 feet north of the intersection of Topaz Court in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 49.9, Block 1, Lot 4, in a RR-50 Zoning District.

WHEREAS, the applicant was represented by John Perkins, R.A., and the following documents were placed into the record and duly considered:

Application; Narrative; Short Environmental Assessment Form; Building Inspector's Denial Letter dated May 18, 2009; drawing showing the location of the requested variance; Rockland County Planning Board memorandum dated June 26, 2009, which recommended modifications to the proposed variance; letter from Martin Spence, Village Engineer, dated June 11, 2009; letter from Building Inspector dated June 9, 2009; survey of existing conditions dated July 16, 1994, revised July 19, 1994; Rockland County Highway Department letter dated July 14, 2009;

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 June 18 and July 16, 2009, and the testimony of the following persons was duly considered: applicant; John Perkins, R.A., applicant's architect;

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, which are improved with a single family dwelling and a two-story detached garage. The existing house is non-conforming as to bulk, in that it encroaches into the required southerly side yard and setback, reducing both dimensions from the required 25 feet to 9.7 feet at its smallest (the structure is skewed to the lot line). There is an existing wood deck at the rear (west) of the house, which further encroaches into the side yard and setback.

The applicant wishes to expand the existing house by building a two-story high great room with basement addition at the rear of the house, over the general location of the existing rear wood deck. The new addition would not be as close to the side yard as the existing house or deck, as it does not continue the existing side facade of the house. Rather, the new addition is set in from the southwesterly corner of the house. This configuration allows the addition to be 15 feet from the lot line at its nearest and 19 feet at its farthest. On the north side of the house, it continues the existing northerly facade. The internal configuration allows for a double-door passageway between the existing family room and the proposed great room, slightly askew from the location of the existing double-door passageway to the rear deck. The applicant also wishes to add an addition to an existing front porch at the 15 foot setback line.

The only affected neighbor is to the south. That house is on the far side of its lot, with a detached garage between the subject house and the neighboring house.

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 addition reduces an existing non-conformity (the rear deck), but adds a two story structure in its place. However, the location of the new addition, at the rear of the existing building, does not impact the view from the street. The resulting house is still well within the limitations on development coverage and floor area ratio. Other homes in the area are similarly sized or larger.

(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”:

It is possible to reduce the width of the great room to meet the 25 foot yard and setback requirement. Doing so would significantly impact the usability of the room and the interior circulation plan. It may also result in an oddly shaped room because the house is skewed to the lot line. Such a result will have little benefit for the Village.

(3) “whether the requested area variance is substantial”:

The proposed variances reduce an existing non-conformity. While the resulting addition is two stories high, the variances requested will have a modest impact on the immediate neighbor, if any.

(4) “whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district”:

The affected area is already improved by the existing rear deck. Minimal additional impervious surfaces will be created as a result of these variances. The house will remain a single family dwelling, with no additional impact on services or utilities.

(5) “whether the alleged difficulty was self-created”:

The difficulty results from the location of the existing house with respect to the lot line, and the interior plan of the existing house.

NOW, THEREFORE, BE IT RESOLVED, that the application of Lawrence C. and Rosan Shedler for variances from the provisions of Section 195-13, Use Group q, Column(s) 6 and 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 15 feet and a reduced side yard of 15 feet, as set forth in the application submitted herein, is hereby approved, subject to

1. Completion of an interior and exterior inspection, and a records search, by the Building Inspector for any violations of the Code of the Village of Montebello and of the New York State Uniform Fire Prevention and Building Code Act and its implementing regulations, and the cure or removal of any violations found by such inspection;
2. Compliance with the requirements set forth in the letter of Martin Spence, P.E., Village Engineer, dated June 11, 2009;

3. Compliance with the recommended modifications of the Rockland County Planning Department in its memo dated June 26, 2009;
4. Compliance with the requirements set forth in the Rockland County Highway Department letter dated July 14, 2009;

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.

**MOTION:** Chairman John Urcioli

**SECOND:** Member Gigante

**ROLL CALL VOTE:**

**YEA or NAY**

John Urcioli, Chairman	YEA
Timothy Cronin, Vice Chairman	YEA
Alice DiSanto	YEA
Janet Gigante	YEA
James Tanner	YEA

The Resolution carried unanimously.

Member DiSanto made a motion to approve the minutes of June 18, 2009, seconded by Member Cronin. Upon vote, the motion carried unanimously.

**New Business**

Member Cronin made a motion to adjourn, seconded by Member Tanner. Upon vote, the motion carried unanimously. The meeting adjourned at 8:15 p.m.



