

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JUNE 16, 2011 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:46 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	John Urcioli	Chairman
	Rodney Gittens	Member
	Alice DiSanto	Member
	James Tanner	Member
	Stan Shipley	Member
	Jack Barbera	Member
Others Present:	Ira Emanuel	Asst. Village Attorney
	Gloria Scalisi	Planning & Zoning Clerk
Absent:	Janet Gigante	Member

Member Gittens made a motion to approve the minutes of April 21, 2011, seconded by Member Tanner. Upon vote, the motion carried unanimously.

**Mariusz & Marta Gandy**  
**207 Haverstraw Road**  
**Public Hearing**

Application of Mariusz & Marta Gandy, 207 Haverstraw Road, Montebello, New York 10901 for Variances from the requirement of Article IV, Section 195-13, Use Group x-1, Column 8 (Side Yard), [Required 10feet; Proposed 0.7feet]; Column 10 (Rear Yard), [Required 10feet; Proposed 3.25feet] and Article VI, Section 195.24B (spacing between principal and accessory structure) of the Zoning Local Law of the Village of Montebello to permit construction, maintenance and use of an existing accessory structures to existing single family dwelling. The premises which are the subject of this application are located on the east side of Haverstraw Road approximately 400 feet from the intersection of Lake Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.13, Block 2, Lot 48 in a R-25 Zone.

Chairman Urcioli read the Public Hearing notice into the record:

Chairman Urcioli read the application and the Applicant's narratives. Chairman Urcioli noted that a letter from the Village Engineer, Martin Spence, dated June 14, 2011 and a 14 page letter from Adam Gordon, 27 Lake Road, dated June 16, 2011, were submitted to the Zoning Board of Appeals (copies attached).

Chairman Urcioli informed the Public that since the Public Hearing notices were not mailed in the required time there will be no decision at the June 16, 2011 Zoning Board meeting and the Board will meet at the July 21, 2011 Zoning Board of Appeals meeting to continue the meeting.

Marta Gandy, 207 Haverstraw Road, Montebello, New York stated that they are before the Zoning Board of Appeals to seek approval for two existing sheds.

Chairman Urcioli questioned the applicant on who did the construction. Mrs. Gandy replied that her husband, Mariusz Gandy, was responsible for the construction. Mrs. Gandy informed the Board that her husband owns a construction company with a New York State construction license.

Chairman Urcioli questioned the applicant on who put the fences on the property. Mrs. Gandy stated that most of the fences were on the property before they purchased the house but her husband repaired the fences to make them stronger. Mrs. Gandy stated that the shed on the south-east corner is an existing shed it was originally on the south-west corner. Mrs. Gandy stated that the bigger shed is the new construction.

Chairman Urcioli asked the applicants if they built the gazebo that is on the property. Mrs. Gandy stated that the gazebo was built July 2010 and shortly thereafter the bigger shed was built.

Chairman Urcioli questioned the applicants on the stone wall. Mrs. Gandy replied that the stone wall on Route 202 was built by her husband. Mrs. Gandy informed the Board that the existing fence along the bigger shed belongs to her neighbor.

Chairman Urcioli questioned the applicants on the retaining wall behind the house. Mrs. Gandy stated that the retaining wall belongs to her neighbor but after purchasing the house they noticed that it was very dangerous to their small children due to the slope and many holes within. Mrs. Gandy informed the Board that the neighbor's dog escaped onto their property through the gaps. Mrs. Gandy stated that her husband covered the holes with gravel and reinforced the wall with plywood and mulch.

Member Gittens question the applicant on the stone retaining wall on the south-west property being .33 feet over the property line and was it on the property prior to purchase. Mrs. Gandy stated that the stone wall was there. Member Gittens questioned the applicant on whether he was familiar with codes and property lines especially with owning a construction company. Mr. Gandy stated that he did not check the codes but in his opinion it is not heavy construction-just a shed.

Chairman Urcioli informed the applicants that they still needed permits.

Ira Emanuel, Assistant Village Attorney, stated that though the lot is small the code provides for small lots.

Chairman Urcioli informed the applicants that according to Village Code the Gazebo (accessory building) needs to be 15feet from the house.

Chairman Urcioli asked for clarification on the manhole underneath the bigger shed whether it is a sewer line or a drainage line. Mrs. Gandy stated that when they purchased the house the seller told them it was an inactive sanitary sewer line.

Chairman Urcioli instructed the Zoning Clerk to contact the sewer department at the Town of Ramapo to investigate the activity or inactivity of that particular sewer line.

Member Shipley questioned the Applicants on what is stored in the smaller shed on the south-east side of the property. Mrs. Gandy stated that the shed is used solely for storage in which she stores her Christmas supplies and other household storage. Mrs. Gandy stated that the reason for the bigger shed was for the safety of her children so that they wouldn't be surrounded by lawn machinery and tools when they are playing outside.

Member Tanner asked the applicants if they have a garage on the property. Mrs. Gandy informed the Board that they do not have a garage.

Chairman Urcioli made a motion to open the Public Hearing.

Marie Scasserra, 213 Haverstraw Road, Montebello, New York, stated that she lives to the left of the Applicants property and believes Mr. Gandy has done a wonderful job beautifying his property. Mrs. Scasserra informed the Board that the only reason she came to the meeting was because of the notice she received and has no complaints in regards to the Gandy's application. Mrs. Scasserra stated that she believes the sewer line under the bigger shed is an active sewer line. Mr. Emanuel stated that they will confirm that with the Town of Ramapo.

Jeff Winter, 25 Lake Road, Montebello, New York, has an issue with the bigger shed being too close to the property line; it creates an unsightly view from their back porch. Mr. Winter informed the Board that when the Gandy's constructed the bigger shed they removed a very large tree that would have required a permit and may have not been on the Gandy's property. Mr. Winter stated that when the tree was removed they lost a significant amount of shade. Mr. Winter believes that the sewer line is an active sewer line. Mr. Winter stated that due to the construction of the bigger shed his neighbor, Adam Gordon-27 Lake Road, is getting at least a foot of water in the basement. Mr. Winter, on behalf of Mr. Gordon, stated that the repair of the retaining wall with plywood is not substantial enough and would be in danger of collapsing.

Pat Winter, 25 Lake Road, Montebello, New York, stated that the large tree the Gandy's removed was in fact on the Gandy property. Mrs. Winter stated that the Gandy's also cut tree limbs down to make room for the shed. Chairman Urcioli informed the public that tree limbs may be removed if they are over-hanging onto your property.

Mrs. Gandy informed the Board that two trees were removed and they were both removed with a permit from the Village. One tree was very old and the other tree was removed because the roots were cracking the foundation. Mrs. Gandy stated that they have planted over 50 trees.

No one wishing to comment, Member Gittens made a motion to continue the Public Hearing until the next scheduled meeting of the Zoning Board of Appeals on July 21, 2011, seconded by Member DiSanto. Upon vote, the motion carried unanimously.

Member Gittens made a motion to adjourn the meeting, seconded by Member Shipley. Upon vote, the motion carried unanimously. The meeting adjourned at 9:15 p.m.

APPENDIX:

June 14, 2011

Zoning Board of Appeals  
Village of Montebello  
1 Montebello Road  
Montebello, NY 10901

Via Fax (845-368-2044)

Re: 48.13-2-48 207 Haverstraw Road  
Zoning Board of Appeals Application for Existing Sheds (Garage)

This office serves as Village Engineer for the Village of Montebello.

We are in receipt of an application to the Zoning Board of Appeals regarding an application to permit existing sheds (garage) to remain that encroach within the side and rear yard. Additionally a framed structure with a hot tub below does not meet the minimum spacing requirement between dwelling and structure and requires a variance to remain.

We are in receipt of the following:

- Final Survey prepared by Neville V. Ramsay dated March 16, 2011
- Existing Site Plan Area Calculation prepared by KDV Designs, dated 4/16/2011
- Application

We offer the following comments:

1. The applicant/owner in this matter is:  
Mariusz and Marta Gandy  
207 Haverstraw Road  
Montebello, NY 10901
2. The lot area is 11,697.49 SF or 0.2685 acres.
3. The property is located on the South (east) side of Haverstraw Road just west of the Lake Road intersection.
4. The property generally slopes down from the frontage along Haverstraw Road with a sloping driveway and steps.
5. The property is currently developed with a single family dwelling, 3 accessory structures and site improvements. The lot is relatively small and the development coverage is calculated as 0.483 where 0.5 is maximum allowable. Generally 48.3% of the lot is improved with structures and pavements (impervious), where a maximum 50% is allowable.
6. The shed (garage) at the SW property corner has recently been constructed. The structure is approximately 16' X 17' consisting of 322 SF. It is noted that the applicants survey labels this structure as a "garage".
7. The area below the new garage appears to have been previously paved or impervious.
8. Any runoff generated from the site will flow toward the rear of the property. Some improvements and open areas exist on adjacent properties.

9. The hot tub is free standing below a framed structure, within close proximity of the primary dwelling. Generally these types of structures may exist on wood decks etc. The manufacturer may have minimum limits of separation distances for safe working conditions.

Engineering Comments:

- S-1. A note is shown on the survey "location of sewer manhole as per original survey" shows a manhole cover within and below the garage structure. No easements are shown on the survey. The Town of Ramapo should provide information whether this is an active sewer line or not.
- S-2. Applicant should provide additional information on condition and accessibility of the manhole.
- S-3. The applicant should demonstrate increases in impervious areas as part of recent improvements, such as framed structure over hot tub, garage, pavements and walks. The applicant shall further demonstrate that new stormwater runoff does not negatively impact adjacent properties.
- S-4. The applicant should provide the Board some documentation of minimum separation distances or recommended standards.

If you have any questions regarding the information, please contact me.

Very truly yours,

A handwritten signature in black ink, reading "Martin K. Spence". The signature is written in a cursive, slanted style.

Martin K. Spence, PE



























