

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JULY 28, 2016 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:50 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Janet Gigante	Member
	Scott Goldstein	Member
	Jack Barbera	Member
	Carl Wanderman	Member
Others Present:	Robert Magrino	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk
Absent:	Richard Bernstein,	Member

Member Gigante made a motion to approve the minutes of March 18, 2015, seconded by Member Barbera. Upon vote, the motion carried unanimously.

1. Russell Fawkes  
2 Golf Court Drive, Montebello, NY  
48.20-1-74  
Public Hearing

Application of Mr. Russell Fawkes, 2 Golf Course Drive, Montebello, New York 10901, for Area Variance from the requirement of the provisions of Section 195-Attachment 2, Table of Bulk Requirements, and Section 195-13 Bulk Table, use group m, column 14 (Floor Area Ratio) of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance and use of an addition to an existing single-family dwelling with an increased Floor Area Ratio of 23.8%. The subject property is located on the South side of Golf Course Drive approximately 0 feet from the intersection of Senator Levy Drive in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.20, Block 1, Lot 74 in an RR-50 Zone.

In attendance were the Applicant's representative, Ms. Amy Mele, Esq., the Applicant's Architect Mr. Jordan Rosenberg, and the Applicant's engineer, Mr. David Garval.

Chairman Gittens established that the posting, publication and mailing legal requirements were met, and then read the Public Hearing notice along with a building permit denial letter of June 28, 2016 from Building Inspector Larry Picarello (copy on file), and a memo July 26, 2016 from Village Engineer Martin Spence (copy on file). Plans were noted from Jordan Rosenberg, R.A. dated July 1, 2016 and received on July 6, 2016 (copy on file).

Ms. Mele presented the petition, noting that the parcel is part of the Montebello Pines subdivision which was approved under the cluster subdivision of Village Law. She explained the proposed expansion would replace the existing patio with a 15-foot bump out in the back of the house, and a 10-foot dining room bump out in the front, resulting in an overall Floor Area Ratio (FAR) increase of 23.5%. Although it might look on paper to be a rather large addition, she said

the expansion will have a minimum impact on the neighborhood and will be tasteful and not visible to the street.

Ms. Mele explained that part of the issue with the FAR calculation is the fact that there is a very large basement that is considered habitable space. Working with the engineer, they tried to minimize the number of variances and are appearing before the Board for just one variance.

Ms. Mele then asked the architect, Mr. Rosenberg, to elaborate on the plans. He explained that the plans call for an expansion of the dining room in the front of the house, citing the clients need to entertain often, and stated that the rear 15-foot addition will mimic the exact shape of the house as it exists now. Mr. Rosenberg acknowledged the house is already large amidst a neighborhood of very large houses so, he offered, a 23.5% increase in size is not unreasonable. Further, he reasoned, the bulk of the proposed addition is in the rear of the house, which is screened by evergreens and some deciduous trees. Regarding the front expansion to the dining room, Mr. Rosenberg said it too will fit nicely with the elevation.

Mr. Rosenberg explained that the aesthetic of the house as viewed from the street would primarily be identical to existing architecture; it'll just go farther back into the rear yard. Also, the proposed addition off the back will be a crawl space so they would not be increasing the variance by building a basement under the addition.

In further explaining the rationality of the FAR increase, Mr. Rosenberg said that the basement comprises 2219 square feet of the house, which is substantial for a basement. FAR is a function of bulk, mass and habitable living space and defines how much enclosed living space there is, he explained, and is often synonymous with what is perceived from the street. This proposed FAR increase may seem inflated on paper but in reality, he said, it will not have that kind of an impact.

Chairman Gittens asked how big the existing dining room is. Mr. Rosenberg said it is 13 X 18 with a proposed increase to 13 X 28. Chairman Gittens asked why Mr. Fawkes thought the great room was too small, especially since it spans two floors. Mr. Rosenberg said that his clients entertain out of town guests and family frequently and find the great room, which is 17 X 24 feet, too small and awkwardly configured. Chairman Gittens noted that the great room spans both stories of the house and suggested they could build over that. Mr. Rosenberg said that by not building over the great room, the FAR stays lower and more manageable. Further, closing off that ceiling will make the great room seem like a smaller space.

With no further question from the Board, Mr. Magrino asked Ms. Mele if anyone else would like to testify. Ms. Mele said that the engineer was present in case anyone had questions for him, but felt they touched on everything in terms of the plans. She added that they received Mr. Spence's July 26, 2016 memo and they have no objection in complying with his review.

The applicants, Mr. and Mrs. Fawkes, were sworn in and Chairman Gittens asked why they wanted to enlarge their already large home.

Mr. Fawkes said they moved here 3 ½ years ago from Australia in a hurry because they had to relocate for his job. He said that they often entertain friends and family from around the world and would like the entire downstairs to be a larger, more integrated space. Further, he explained, they have four children and would like each of them to have a bedroom on the second floor.

Chairman Gittens said he understood Mr. & Mrs. Fawkes needs, but noted that the house is already large and increasing the size may set precedence in the neighborhood. He added that he felt the expansion is a want and not a need. Mr. Fawkes disagreed, reiterating the fact that they are often hosting family and guests, and explaining that they bought this 4700 square foot house without realizing that the total square footage included the basement.

Member Barbera said that he visited the site and feels that, as far as aesthetics go, the expansion will not be a detriment since the trees close it in, adding that even if it wasn't enclosed by foliage, the design is such that it would not be an eyesore.

Mr. Magrino brought up a very similar ZBA application for a property in the same neighborhood 12 years prior that was denied, adding that he knows Ms. Mele will address this and offered the chance for her to present.

Ms. Mele said she did see that decision of 12 Senator Levy Drive and fully understands the Board's concern for that precedent. However, every property must be looked at on its own merit, she said, and that application is very different. First, she explained, this is a corner pie-shaped lot enclosed on three sides by foliage and will be visible neither from Golf Course Drive nor from neighboring residences. To the extent that the FAR requirement was established to protect neighboring residences from looming structures, this is not the case here, she said. Ms. Mele then distributed to the Board photos of the home from several perspectives (copies on file).

Member Wanderman asked if any of the houses in the neighborhood are as large as this house is proposed to be. Ms. Mele said that although she did not go to the Village Hall and look at all the building files for the houses in the neighborhood, she did drive around many times and feels there are larger homes. Member Wanderman asked if the footprint of the house would change. Ms. Mele acknowledged it would, but said that it will be built over an already impervious patio, and posited that the addition her client proposes will not raise the ire of neighbors and will instead increase the value of the home. Member Gigante asked if the area of the lot is smaller than other lots in the development. Ms. Mele answered that it's a bit smaller than some of the other lots.

No one else wishing to speak, Chairman Gittens opened the public hearing.

Lee Fleisher, 4 Golf Course Drive, Montebello, New York, said that he lives next door to the Fawkes and attended the meeting because he was concerned about the scope of the addition. Noting that the hedges are comprised of a lush 30-foot high wall of foliage, and that the addition will conform to the shape and aesthetic of the existing house, he said that he has no objection to the proposed expansion.

Chairman Gittens, acknowledging there will not likely be an environmental or community impact, said that he believed the need for the variance is self-created and that there may be other ways to achieve their wishes for a larger space by, for example, reconfiguring the great room, which is already large in scope and size.

Member Goldstein, citing the dense trees around the property, said he had no problem with the variance. Member Wanderman agreed, adding that neither the neighbors nor the environment will be affected. Member Barbera said that, although he was concerned about the previous

similar variance application that was not granted, he agreed with Ms. Mele that each application should be judged on its own merit.

Chairman Gittens said that he understands the Board's feelings about this proposal and its perceived negligible impact on the neighborhood. However, he said that he was on the Zoning Board that heard the 12 Senator Levy Drive petition and will need to take a little more time to think about this application. Mr. Magrino agreed and said that it would be good to consider what might happen if, for example, Mr. Fawkes should move and the new owners cut down all trees that screen the property. These are things the Board needs to consider, he advised.

Chairman Gittens, before closing the meeting asked if the engineer had anything to add. Mr. Garval indicated that the plans were scaled back to require only one variance, and that he will incorporate Mr. Spence's comments into the plans for the next meeting.

Member Goldstein made a motion to adjourn to the September 1, 2016 Zoning Board of Appeals meeting, seconded by Member Gigante. Upon vote, the motion carried unanimously. The meeting adjourned at 8:57 p.m.