

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, DECEMBER 16, 2021, ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Elizabeth Dugandzic	Member
	Janet Gigante	Member
	Carl Wanderman	Member
	Ezra Bryan	Ad Hoc
Others Present:	Alyse Terhune	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk
Absent:	Jack Barbera	Member

Minutes Approval

Member Wanderman made a motion to approve the minutes of November 18, 2021, seconded by Member Gigante and upon vote, all were in favor.

Herman Schwarcz

PUBLIC HEARING

2 Chip Circle, Montebello, NY

48.19-1-53

Application of Herman Schwarcz, 2 Chip Circle, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for area variances: Front Yard [required 50', proposed 44']; Front Setback [required 50', proposed 44'] per Section 195-13 and Section 195 Attachment 2, Use Group m, Columns 5 and 4 of the code of the Village of Montebello. The Applicant proposes the construction of a 946 square foot addition to the existing home at 2 Chip Circle, Montebello, NY. The property is located on the west side of Chip Circle at the intersection of Birdie Drive in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.19 Block 1 Lot 53 in the RR-50 Zone.

Chairman Gittens established that the posting and mailing were completed and read the materials into the record which included a Zoning Board Application dated November 14, 2021, a narrative dated November 22, 2021, and a Plot Plan from Sparaco & Younglood, PLLC dated October 5, 2021.

Present on behalf of the Applicant was Mr. Alex Goldberg who said he was delighted that his son-in-law and daughter moved into this beautiful and quiet community. He explained that they keep kosher and wish to expand the kitchen, dining room and living room to accommodate their needs and growing family, especially for Shabbos, high holidays and regular holidays like Thanksgiving. He noted that the proposed addition is 946 square feet but that half of that is the basement and that only the first floor is being expanded by about 500 square feet. Unfortunately, he continued, the house sits on a corner lot with two designated front yards and as such require 50' setbacks. Mr. Goldberg said that if the frontage along Birdie Drive was a side yard, the setback requirement would only be 20'. They are requesting two variances because the bulk table has front yard and front setback requirements, he added.

Mrs. Dina Schwarcz thanked her father Mr. Goldberg for speaking on their behalf and explained that a kosher kitchen requires two of everything, which in turn requires double the counter space. Chairman Gittens asked if this was the best location of the house to do the extension and if the architect selected it

for a specific reason. Mr. Goldberg said the kitchen and dining room lie within that side of the house and the most logical and feasible solution is to extend in that location rather than relocating the kitchen to the opposite side of the house and reiterated that there will be nothing added above the first-floor extension.

Chairman Gittens asked about the proposed basement kitchen. Mr. Goldberg said that they will not build it right away but the area is reserved for a small Passover kitchen. Chairman Gittens asked if there will be a basement entrance and Mr. Goldberg there will be a basement entrance installed where the grade descends. Member Bryan asked if any efforts were made to orient the kitchen inward to reduce the extension thereby reducing the variance. Mr. Goldberg said they looked at it from every angle but the family room takes up most of the space, so what they proposed is the very best and possibly the only option.

Member Dugandzic asked if a second kitchen was allowed in a single-family home and wondered if it will remain a single-family home or if extended family will live there as well, stating that the additional entrance in the basement raised a red flag for her. She was advised that a second kitchen is allowed but that a separate living area closed off from the rest of the house is a violation of the zoning code as there are no two-family dwellings in Montebello. Chairman Gittens asked if the proposed bedroom and bathroom in the basement was intended for houseguests or maybe a live-in nanny. Mr. Goldberg said that will be a guest bedroom, mainly for himself when he visits for Shabbos. He explained further that the homeowners plan to build a pool in the future and the basement door allows access to the pool and shower.

Member Bryan wanted to be sure the door at the top of the stairs will not be locked thereby creating a second separate dwelling in the basement and Mr. Goldberg assured him there would be no lock on the door.

No one having any more questions, Member Wanderman made a motion to open the public hearing, seconded by Member Dugandzic and upon vote all were in favor.

Derrick Ghrael, 6 Birdie Drive, Montebello, New York was sworn in and said that he lives right across the street from the subject property. He explained that he FOILED the plans and has no problem with the proposal but asked why the addition couldn't go in the rear of the house instead of the side. Mr. Goldberg said there is a deck in the back of the house and not enough room for an expansion.

Charles Glassman, 4 Bogie Place, Montebello was sworn in, and he too said he had no problems with the proposal. He asked how long the zoning has been in place and Ms. Terhune said since the Village was incorporated in 1986. Mr. Glassman stated that the zoning laws are in place to preserve the integrity of the Village. Ms. Terhune countered that zoning laws are put in place to effectuate a comprehensive plan, and when the Village of Montebello was formed, many of the Town of Ramapo zoning laws were adopted by the Village and modified over the years. If a municipality has zoning laws, it must also have a Zoning Board of Appeals to offer relief from those zoning laws, she added.

After establishing that Mr. & Mrs. Schwarcz purchased their home in 2020, Mr. Glassman said they the have entertained these proposed changes despite the zoning laws. This is any homeowner's prerogative, but if relief is given to one homeowner, then it will set a precedent which will eventually change the entire appearance of the neighborhood. It's not about the occupancies, all neighbors are respected and welcomed, rather it's the aesthetics of the neighborhood, he said. Chairman Gittens said that every application is unique and every request is judged on its individual merits, and if there are other ways to achieve the desired results, this Board requires the Applicant to explore other options.

Ms. Terhune agreed with the Chairman and said that even if an identical application and request for relief came before this Board, there would not be a pre-determined outcome because each property is unique. Granting variances doesn't change the zoning law, and decisions are based on facts and merits. Each Board member is forced to go through the criteria and may grant the least variance necessary if they must.

No one else from the public wishing to speak, Ms. Terhune noted that the GML review from Rockland County Planning had not yet been issued. The public might want to review the County's review which may trigger more public comments, she said, and suggested that the public hearing should remain open.

Member Dugandzic firmly agreed with Ms. Terhune and made a motion to adjourn the public hearing to the January 2022 ZBA meeting pending a response from Rockland County Planning. Member Gigante seconded the motion and upon vote, all were in favor.

Ms. Terhune explained for the public's benefit that since the property is located within 500 feet of a County Road, Rockland County Planning has 30 days to review and respond to the proposal, and that this Board cannot act until they respond.

Member Wanderman made a motion to adjourn the application to the January 20, 2022, ZBA meeting seconded by Member Gigante and upon vote all were in favor.

No one else wishing to speak, Member Gigante made a motion to adjourn the meeting at 7:41 p.m. Member Dugandzic seconded the motion and upon vote, the motion passed unanimously.