

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, FEBRUARY 17, 2022, 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
	Jack Barbera	Member
Others Present:	Alyse Terhune	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk

Absent:

Meeting minutes approvals:

Member Wanderman made a motion to approve the December 16, 2021, and January 20, 2022, meeting minutes, seconded by Member Barbera and upon vote, all were in favor.

Jonathan Abenaim

PUBLIC HEARING

1 Coe Farm Road, Montebello, NY

40.20-1-30

Application of Jonathan Abenaim, 1 Coe Farm Road, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for area variances: Front Yard (Grandview Avenue) [required 50', proposed 38.4']; Front Setback (Grandview Avenue) [required 50', proposed 38.4']; Development Coverage [maximum 20%, proposed 24.6%]; Floor Area Ratio [maximum 15%, proposed 21.3%] per Section 195-13 and 195 Attachment 2, Use Group h, Columns 5, 4, 13 and 14 of the code of the Village of Montebello. The Applicant proposes the construction of a 2-story 3,225 square foot addition to the existing home at 1 Coe Farm Road, Montebello, NY. The property is located on the east side of Coe Farm Road at the intersection of Grandview Avenue in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 40.20 Block 1 Lot 30 in the RR-50 Zone.

Present were the Applicants Mr. & Mrs. Abenaim, their attorney Kevin Conway and engineer Paul Gdanski.

Chairman Gittens noted that this is a continuation of the public hearing that was opened on January 20, 2022 and read the most recent submissions into the record which included an undated revised narrative by Fast Forward Permits, two site plans by Paul Gdanski, PE, PLLC, both with a latest revised date of January 25, 2022, and aerial photos and real estate comps of similar homes in nearby neighborhoods.

Mr. Conway remarked on the diligence of Board and their suggestions made at the last meeting. As such, an alternate site plane showing the proposed addition on the south side of the house was submitted as per the Board's request. However, he continued, the alternate location does not mitigate the variances, and increases hardship because the utilities will need to be relocated and a new garage constructed. An addition in that alternate location would also push the addition further toward the front of the house, increasing the visual impact, and would be closer to the abutting neighbor.

Member Barbera said he visited the property earlier in the day and agreed with the originally proposed site location on the north side of the property because there seems to be no other logical place. The only concern he had was that it was very wet and muddy. Mr. Conway said these wet, muddy conditions are normal for the time of year given the amount of tree cover and the lack of grass. Mr. Gdanski noted that the snow and frost are melting which exacerbates the situation.

Member Wanderman asked if the proposal indicates that the house will increase the bedroom total to ten. Mr. Conway said it does and that the Applicants previously spoke at length about that. Mr. Wanderman asked if there will be adequate parking for so many visitors. Mr. Abenaim said there is a three-car garage, the driveway can hold up to twelve cars, and that they never had to park on the street overnight.

Chairman Gittens asked what hardship would necessitate an addition of this size. Mr. Abenaim said that his parents and in-laws were aging and would prefer guest bedrooms on the ground floor. He explained that his wife is a therapist and needs office space in which to work, and their four children are getting older and would need places to stay when they visit after they are grown and married. Additionally, his wife has five siblings who are all married with children and who cannot drive on Shabbos, and to accommodate everyone under one roof is his greatest wish, he said. The market as it is prohibits them from buying another house and in any case, he said he preferred this house and neighborhood.

Mr. Conway noted that the Applicant's current home in Bergen County has nine bedrooms and that they are accustomed to these accommodations. Mr. Abenaim added that they plan to move to this house full-time once the addition is complete.

Chairman Gittens said he drove by the property and found it questionable that the Applicant is asking for a thirty percent increase in FAR. He acknowledged that a house this size may be essential for the Applicant but explained that the Village must maintain its integrity to the zoning code and noted that the area comps submitted show smaller homes with only one other house at 15,000 square feet. Ms. Abenaim said that the comps are merely comparing apples to oranges because all the homes in Montebello vary widely according to the zoning. Chairman Gittens said that each neighborhood has its own aesthetic and reminded her that he asked at the last meeting for a proposal showing a reduced FAR.

A discussion ensued about the wants and needs. Ms. Terhune said that the Chairman is simply asking for a reduction in the requested FAR. Mr. Abenaim said that prior to applying to the ZBA they planned a larger addition and hardscapes and that this plan has already been reduced. He added that it is his property and is entitled to do with it as he pleases. Ms. Terhune said flatly that the Zoning Board does not have to grant any of the requested variances if they feel they will negatively impact the character of the neighborhood. She then asked the Applicants to listen to what the Chairman had to say before considering their next move.

Chairman Gittens said the overarching theme is that the requested FAR is excessive and there are creative ways to reduce it. The setbacks and the screening are fine, and the location is ideal, but the FAR can and should be reduced, he said. Ms. Abenaim asked why there would be any issues with the FAR if the screening and the setbacks were all acceptable and the addition would not be a burden on the neighborhood. Ms. Terhune said that the FAR was set by the Village Board and is an overall limitation for all houses on all lots in the whole village. It is not a question of whether it is intrusive, she said. Only the ZBA can grant the variance if they feel it is necessary and in balance with all other aspects of the application and the neighborhood.

Mr. Conway requested to adjourn the application and to return to the ZBA with something more in keeping with what the ZBA desires. Chairman Gittens agreed and requested, among other things, that the architect show the existing square footage versus the proposed square footage more clearly on the drawings.

No one having further comments, Member Wanderman made a motion to adjourn the application and public hearing to the next available ZBA meeting, seconded by Member Barbera and upon vote, all were in favor.

Member Gigante made a motion to adjourn the meeting at 7:49 p.m. seconded by Member Wanderman and upon vote, all were in favor.