

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, MARCH 17, 2022, AT THE DR. JEFFREY OPPENEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

**Meeting minutes approvals:**

Member Wanderman made a motion to approve the February 17, 2022, meeting minutes, seconded by Member Gigante 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

The applicant requested and adjournment to the next available meeting.

**Samuel Roth**

**PUBLIC HEARING**

**4 Caddy Lane, Montebello, NY**

**48.20-1-69**

Application of Samuel Roth of 4 Caddy Lane, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Floor Area Ratio [maximum 0.15%, proposed 0.17%] per Section 195-13 Bulk Table, use group m, column 14 of the Zoning Code of the Village of Montebello to permit the construction, maintenance and use of an addition to an existing single-family home. The property is located on the east side of Caddy Lane at the intersection of Senator Levy Drive in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.20 Block 1 Lot 69 in the RR-50 Zone.

Present were the applicants Mr. & Mrs. Roth, and their engineer Paul Gdanski, PE, PLLC. Chairman Gittens read the public hearing into the record and established the materials submitted which included: A Denial letter from Building Inspector Adam Gordon dated February 3, 2022; an Application and narrative dated February 7, 2022; a Site Plan for Roth (erroneously labeled “pool plan”) from Paul Gdanski, PE, PLLC dated January 24, 2022; Architectural plans entitled “The Roth Residence” from William Bateman Architect, dated February 7, 2022, Pages A1 through A7; a letter from Rockland County Planning Department dated March 11, 2022 stating that a GML Review is not required; A letter from Rockland County Sewer District dated March 14, 2022.

Mr. Gdanski was sworn in and explained that the addition, while not substantial, still requires a small variance for Floor Area Ratio. Chairman Gittens asked how they came up with the .17 FAR calculation and Mr. Gdanski directed the Board to sheet #3 of the floor plans which included the analysis table. Chairman Gittens said it is difficult to discern existing square footage from proposed square footage on the plans. He then asked if the attic space was included in the FAR calculations, stating that the gross FAR includes attics, garages and any room that has a minimum ceiling height of 6’3”. Mr. Gdanski said that he will have the architect clarify gross FAR and will determine whether there is even an attic. Chairman Gittens reiterated that he would like to see the calculations clearly at-a-glance.

Chairman Gittens then asked the nature of the hardship that would require the addition. Mr. Gdanski explained that the Applicant needs more space for the family. Mrs. Roth said that they wish to add living space and a larger dining room table for meals together with their eight children and their families. Member Wanderman noted the variance is small and wondered why they couldn’t bring the addition into compliance. Mr. Gdanski said there was almost no wiggle room for extra FAR but that he would ask the architect to explore that option.

Member Bryan asked how the garage will be affected. Mr. Gdanski said that one garage space of the three-car garage will be converted to a mud room and a Passover kitchen. Chairman Gittens asked Mr. Gdanski to ensure that enough off-street parking is provided.

Member Barbera made a motion to open the public hearing seconded by Member Wanderman and upon vote, all were in favor.

No one wishing to speak, the Board adjourned the application to the next ZBA meeting when the Applicant will present the requested information.

**Reyce Krause**  
**PUBLIC HEARING**  
**6 Rose Hill Road**  
**41.17-1-60.3**

Application of Reyce Krause of 743 Passaic Avenue, Apt. 455, Clifton, NJ 07012 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Floor Area Ratio [maximum 0.15%, proposed 0.213] per Section 195-13 Bulk Table, use group h, column 14 of the Zoning code of the Village of Montebello to permit the construction, maintenance and use of a single-family dwelling. The property is located on the south side of Rose Hill Road, approximately 250 feet from the intersection of Spook Rock Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 41.17 Block 1 Lot 60.3 in the RR-50 Zone.

Chairman Gittens established that the application was properly posted and mailed and read the public hearing notice into the record. He then enumerated the materials submitted which included: A permit denial letter from Building Inspector Adam Gordon dated February 24, 2022; ZBA application dated February 28, 2022; Site plan entitled “SMK Rose Hill” by Jay Greenwell PLS, LLC dated February 28, 2022; Elevations and floor plans entitled “Krause Residence” pages A1.1, A2, A3 dated February 8, 2022

by Robert E. Zampolin A.I.A. Architect, and a review letter from Rockland County Sewer District #1 dated March 14, 2022.

Present was the applicant Reyce Krause, her husband Sheldon Krause and their contractor Mr. Jack Spaeth of Pomona Enterprises.

After the property owner, Mr. Sheldon Krause, was sworn in, he presented supplemental drawings that included a breakdown of the square-footage and handed it to each of the Board members. He explained that he and his wife wish to build a new dwelling on the vacant property that exceeds the maximum FAR primarily because of the basement space, without which they would be in zoning compliance. Mr. Krause said the house is designed to accommodate his family and visiting relatives and as such the basement will contain some bedrooms. The house is in keeping with the other homes on Rose Hill Road, most of which are quite large, he said, and added that they would have submitted comps, but FAR information on other homes is not usually readily available.

Chairman Gittens asked how many children the couple has. Mr. Krause said they have eight adult children, two of which live at home, and the other six are married with children of their own. He stated further that he wishes to accommodate the entire family at once when they visit, and to have personal office spaces for himself, an attorney, and his wife, who is a teacher. Chairman Gittens asked if there was proper egress and adequate light and headroom in the basement for the bedrooms. Mr. Krause said there is an access door and egress windows in the basement and that he was confident the architect, who has done a lot of work in Rockland County, has designed the home according to proper building codes. Chairman Gittens requested that the Applicant submit a sealed set of drawings, and, noting the slope of the property, to further illustrate how natural light will enter the basement spaces. Mr. Krause said he will submit sealed architectural drawings that show the pitch of the property and how it works with the basement and will include the roof and attic space calculations.

Chairman Gittens asked if there will be clients visiting the home, and Mr. Krause said there will be no home office scenario and that it will be for his own personal use. Chairman Gittens wanted to be sure there was enough off-street parking provided since there will be four adult people living in the home full-time. Mr. Krause pointed out the two-car garage and the very long driveway with the apron.

Member Wanderman asked the total number of bedrooms proposed. Mr. Krause said there will be nine bedrooms, three on the second floor, one on the main floor and five in the basement.

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

Dawn Conklin, 5 Penny Lane, Montebello, NY asked if there were any studies performed to ensure the water table could handle that many bathrooms. Chairman Gittens noted that this is something that is usually handled during the building permit process. The Zoning Board Clerk offered to reach out to the Village Engineer Martin Spence for his determination on the matter, and the Chairman agreed that a formal written review would be helpful. Mr. Krause reminded the Board that he wishes to build a single-family home for private use only and therefore the use will not be so intense as to adversely affect any water sources. Mr. Jack Spaeth, contractor for the Krause family, said that they plan to hook up to municipal water in any case. Chairman Gittens said that he still wanted to see a review from the Village Engineer.

Debra Munitz, 5 Rose Hill Road, Montebello, NY said she submitted a letter to the ZBA and shared it with the Applicants. (Copy on file) She said she agrees that there should be better information on grading and elevations and questioned how much of the house will be above street level, and how much below, the concern being that this is a two-story house and should look that way so as not to adversely impact the neighborhood aesthetic.

Ms. Muniz said she had no issues with the home but asked the Board to consider conditioning any approvals solely on what has been presented here, such as the depth of the basement and the height of the roof line. She said she was also concerned about the parking layout and that so many cars would require landscaping that screen the cars from the road. She also asked that the Board to include the preservation of the rock walls that are in front of the utility poles as a condition of approval. Her final concern, she said, was to ensure that the home will never be used as an Air BNB, which is a use not permitted anywhere in the Village. She said that she believes Mr. & Mrs. Krause in that they will use the house for their own occupation but asked that a note as such be included on the final certificate of occupancy.

Chairman Gittens said he too wanted to see a landscaping plan to show proper screening of the parked cars in the driveway. Member Bryan, noting that the bedrooms in the basement are what necessitates the need for relief from FAR requirements asked if there were ever design considerations that skirted the need for this variance. Mr. Krause explained that they were barely meeting the FAR requirements on just the two main floors, especially with the two home office spaces, but agreed to fully establish the habitability issues and show full compliance at the next ZBA meeting. Mr. Bryan asked again if the architect designed anything within the FAR requirements. Mrs. Krause said they tried to do that initially but found they were not able to comfortably accommodate the entire extended family while allowing their adult unmarried daughters to each have a separate space for themselves.

Mr. Jack Spaeth, 40 Bayard Lane, Montebello, NY said that he moved to Montebello from Pomona under a year ago and found that, as he was searching for a home, the FAR requirements in the Village are a bit skewed because garages, attic spaces, pool cabanas, and basements are all included in the FAR calculations, and it was his opinion that any space below ground should not be included in that calculation. He noted too that there are very large homes on Rose Hill Road and Coe Farm Road that look as if they too, needed variances. Ms. Terhune said that the FAR requirement was calculated by the legislative body of this Village and that those other larger homes are most likely on larger lots and added that this Board has not granted any FAR variances. No applicant is entitled to FAR variances and it is important for this Board to support and uphold the code and uphold the character of any given neighborhood, she said.

Mr. Spaeth countered that if the house is built on a slab, it would still look just as big but would be within the FAR regulations. Mr. Krause said that he looked at the past ZBA minutes and found that some FAR variances were granted but agreed that no one is entitled to such relief. Ms. Terhune said nonetheless, the Applicant is requesting a 42% variance and the house hasn't even been built yet. There are factors this Board must consider in maintaining the character of the neighborhood. The Board listened to the neighbors and asked for additional information and will make its decision when ready.

Chairman Gittens noted that if the attic is part of the FAR, the variance would be even more substantial. Mr. Spaeth explained that the mansard roof takes up a lot of interior space that is not habitable.

Ms. Conklin asked Mr. Krause if he intended to build a house within the code when he purchased the property. Mrs. Krause said that when they sat down to design the house with the architect, they were surprised by the numbers and at how much space they really require.

No one else from the public having any more comments, Member Wanderman made a motion to adjourn the public hearing to the next available ZBA meeting, seconded by Member Barbera. Upon vote, the motion passed unanimously.

Member Wanderman then made a motion to adjourn the meeting at 8:11 p.m., seconded by Member Barbera and upon vote, all were in favor.