

A SPECIAL MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY JUNE 1, 2022, ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

**W. Swietek/Olympic C&P  
PUBLIC HEARING  
26 Orchard Street  
48.17-1-22**

Application of Wojciech Swietek, 16 Pyngyp Road, Stony Point, NY 10980 which was submitted to the Village of Montebello Zoning Board of Appeals for an area variance for: Floor Area Ratio [maximum 0.25%, proposed 0.35] per Section 195-13 Bulk Table, use group x.1 column 14 of the Zoning code of the Village of Montebello to permit the construction, maintenance and use of a two-story addition to an existing single-family dwelling. The property is located on the northeast side of Orchard Street, approximately 300 feet west from the intersection of Lake Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.17 Block 1 Lot 22 in the RR-15 Zone. THIS IS THE FIRST TIME THE APPLICATION IS BEFORE THE BOARD.

Present was the Applicant, Mr. Voytek Swietek. Chairman Gittens read the application and submittal materials into the record and confirmed with the Zoning Board clerk that the public hearing was properly published, posted and noticed. He noted that this Applicant was bumped from the regular meeting on May 19<sup>th</sup> when time ran out. This meeting was set specifically for this and another applicant who later adjourned. Mr. Swietek was sworn in and thanked the Board and the Chairman for hearing his application. He explained that the house was built in 1910 to different standards and codes that no longer apply. The house is 1,292 square feet of living space, including the front porch, which is included in FAR in the village of Montebello.

Mr. Swietek said that when he bought the house, it was in bad disrepair and that he is in the process of restoring it in keeping with its original aesthetics. The windows and front door will be replaced but the shingles and siding will remain and be painted it a similar gray color. He explained that he has a building permit for a first-floor addition that is within the bulk, and that he is seeking relief for a second-floor addition only. The covered front porch will remain as well to maintain the historic look of the house. He stressed that the proposed addition is in the rear of the house only, that the front will remain the same and that it will not impact the neighborhood negatively especially since the neighbors have similar additions.

Mr. Swietek explained that without the second-floor addition, the house will not be symmetrical, and on the interior, the second-floor ceilings will be raised in keeping with today's living standards, along with the addition of a bathroom and an overhaul of the electrical and plumbing. He then thanked the Chairman and the Board member for the opportunity to present his proposal and said he hopes they agree that all improvements will have a positive impact in the neighborhood. Chairman Gittens asked if Mr. Swietek intended to raise the existing second floor ceiling, and Mr. Swietek said he did not, only the second-floor ceiling in the addition for the two new rooms.

Chairman Gittens thanked him for his presentation and asked the size of the neighboring lots. Mr. Swietek said they are about the same size and that the front and backyards are uniform, but the Chairman said he wanted firm numbers. Mr. Swietek invite the Board members to visit the house so they can see for themselves and promised to get those numbers. Chairman Gittens agreed that the Board should conduct a site visit and asked the Applicant to stake out the addition for perspective and Mr. Swietek said he would be happy to do so.

Chairman Gittens asked if the garage was included in the FAR calculations. Mr. Swietek said it was not, but that it is 200 square feet approximately and asked why the garage mattered. Chairman Gittens referred to Section 195-124 of the Village code and advised him that garage space counts towards FAR calculations in Montebello. He then said that because there is important information missing, no decisions could be made at this meeting.

Member Dugandzic said that the Rockland County Sewer District, in their letter dated May 10, 2020, referred to the house as a two-family dwelling and that a second sewer unit may be necessary. The Zoning clerk said that the District has corrected this error and confirmed that 26 Orchard Street is a single-family house and that there are no two-family homes anywhere in the village. Regarding the second sewer unit, Mr. Swietek said that he needs only a permit to hook up to the sanitary sewer which he has obtained from the Town of Ramapo DPW.

Member Wanderman asked if the premises is currently non-complaint regarding Floor Area Ratio and no one could confirm that. Chairman Gittens said the bulk table does not indicate if it is existing non-conforming. Ms. Terhune suggested that the Applicant modify his zoning chart to alleviate confusion and said it would be helpful if they were given a chart with three columns, for "required" "existing" "proposed" FAR. She advised he submit that, along with the entire square footage of the house, and reminded him to include the garage in his calculations and to modify the variance request accordingly.

Chairman Gittens suggested an adjournment until the requested information is received. Mr. Swietek said the next meeting, June 16, is in just two weeks and asked if the Board will make a site visit before that time. Chairman Gittens said that the submission deadline passed and the June meeting is full so it would be better to adjourn to the July meeting. The Applicant noted that this was his fourth attempt to appear before this Board and was dismayed to learn that he will have to wait another six weeks before continuing his application. Back in February, he explained, he applied to the HPPC because the house is in the Historic & Scenic Overlay District. The HPPC concluded that their approval was not necessary. He then applied to the April meeting, which was cancelled due to the Passover holiday, and was subsequently bumped from the May meeting because of time constraints. He expressed his frustration over the time spent just waiting to be heard but resigned to follow the Board's directives. Chairman Gittens said he would take all this into consideration but that Mr. Swietek should plan for the July 21<sup>st</sup> meeting. Ms. Terhune said that the problem is that there was a full agenda in May and there will be another in June and that by adjourning to July he avoids the risk of getting bumped again.

Member Wanderman made a motion to open the public hearing, seconded by Member Dugandzic and upon vote, all were in favor. No one from the public wishing to comment, Member Dugandzic made a motion to adjourn the application and the public hearing to the July meeting. The motion was seconded by Member Wanderman and upon vote, all were in favor.

The Applicant thanked the Board. Member Wanderman made a motion to go into an advice of counsel session, seconded by Member Dugandzic and upon vote all were in favor.

Member Wanderman made a motion to reopen the public meeting, seconded by Member Gigante and upon vote all were in favor.

Member Gigante made a motion to adjourn the meeting at 8:05 p.m. seconded by Member Wanderman. Upon vote, the motion passed unanimously.

