

A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY APRIL 20, 2023, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NY 10901. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Member Dugandzic made a motion to approve the meeting minutes of March 16, 2023, seconded by Member Bryan and upon vote, all were in favor.

14 Fant Farm Lane
Yitzchok Zelcer
49.17-1-2.11

Application of Yitzchok Zelcer, owner of 14 Fant Farm Lane, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Rear yard [required 20 feet, proposed 17.5 feet]; and Distance to lot line from water's edge [required 30 feet, proposed 22.7 feet] as per Section 195, attachment 2, Row t, and Section 195-57D of the zoning code of the Village of Montebello. The parcel is located on the west side of Fant Farm Lane approximately 1600 feet north of the intersection of Spook Rock Road in the ER-Zone.

Chairman Gittens lead the Board in the Pledge of Allegiance and then read the submissions into the record. Present was Jordan Bari, Construction Coordinator for Westrock Pools who explained that the goal was to maintain the 30' setback, but the angles of the property and a large tree, which Mr. Zelcer wishes to keep, make it difficult to meet the requirements. Additionally, there must be ample space between the house and pool to accommodate modesty screening. These variances are small and do not encroach too far into the required yards and minimally impact the environment he said, adding that the only alternative viable location would bring the pool too close to the downward sloping of the property, which can cause safety issues.

Chairman Gittens wanted to know more about that grade drop, and Mr. Bari explain that there is a seven-foot-high tiered boulder wall. Chairman Gittens asked why the pool had to be 18' x 24' and said it could be smaller to meet the setbacks. Mr. Bari said they narrowed the design from 20' to 18' to minimize the encroachment and that they prefer a longer pool so they can enjoy it optimally. The Chairman suggested moving the pool closer to the house, but Mr. Bari pointed out that there is a fruit tree standing in the way which cannot be removed for religious reasons. The Chairman stated that the tree should be shown on the survey. He then referred to the narrative, noting that the pool is for Mr. Zelcer's special-needs child. Mr. Zelcer explained that he wishes to install the pool primarily for his autistic son who does aqua therapy regularly, and that the siblings will also use the pool for regular interaction with their brother.

Ms. Terhune asked if the large maple tree shown on the survey will be removed. Mr. Zelcer said it will remain unless construction necessitates its removal. Chairman Gittens asked if the fruit tree was there when

the Zelcers moved in a year and a half ago. Mr. Zelcer said it was there, and Mr. Bari added that the Zelcers cannot cut down fruit-bearing trees because it is against their religious laws. Ms. Terhune noted that the fruit tree could be damaged during construction, and Mr. Zelcer acknowledged the risk and said he will do everything in his power to prevent any damage to this apple tree. Member Bryan asked Mr. Zelcer if they planned on building a pool when they purchased the property. Mr. Zelcer said it was not a deal-breaker but that they now wish to have a pool for the benefit of their son.

Member Gigante noted the pool pavers will encroach slightly into the area of the fruit tree. Mr. Zelcer said he plans on hiring an arborist to advise on how best to protect the tree and giving it enough space to avoid damage. It will probably be encircled by the pavers, he added.

Member Bryan suggested a small shift of the pool location to minimize the variance further, but Mr. Zelcer said there are a lot of berry-bearing bushes in that area, along with some other vegetation that they prefer to keep for environmental reasons. Member Bryan asked that all this be shown on the next updated survey, and then asked about the vegetation shown on the property line. Mr. Bari said that there is a berm with a line of arborvitae along the property line which will be more clearly shown on the revised survey.

Member Bryan asked where the pool drains. Mr. Bari said that aside from maintenance cleanings, water is not removed too often, and that he needed to clarify with the engineer where the water will drain. Ms. Terhune asked about that water-removal process. Mr. Bari said that sometimes the water is pumped directly into the storm drain. Member Bryan was concerned that chlorinated water is emptied into the storm drains, and Chairman Gittens recommended that they updated the plans to include the drainage plans, and that the Rockland Health Department be notified so that the property is compliant with the mosquito code. Mr. Bari said there will be drywells and asked if that would be sufficient. The Chairman said that would depend on the seepage rate of the soil.

Member Bryan asked if there will be a walkway from the house to the pool. Mr. Bari said there are no plans to construct a path and that the pool will be enclosed separately. Member Bryan asked if the proposed shed will be on a slab and whether it was included in the development coverage calculation. After some discussion it was determined that the engineer had indeed included it in the calculation.

Chairman Gittens had no further questions and requested that they removed the "TBR" from the large maple tree on the survey since the plan is to keep it as discussed. However, Ms. Terhune felt it would be better to leave it there because there is a chance it may be removed and advised that a note to that effect be added to the plans. The Chairman agreed with that course of action.

Member Bryan said he was unclear about the old/new lot line representation on the survey. Mr. Zelcer explained that the subdivision is relatively new and that the developer showed pre- and post- construction lot lines as he built each lot. The new lines are solid, the dotted are old. A discussion ensued about the proximity of the neighbors to the property lines after which Mr. Bari said he would return to the May meeting with all the suggested changes and drainage clarification. Chairman Gittens said it would be helpful if the Engineer comes to the next meeting and Mr. Bari said he will try to get him to attend.

No one having further comments, Member Dugandzic made a motion to adjourn the application to and set the public hearing for the next ZBA meeting on May 18, 2023. The motion was seconded by Member Gigante and upon vote, all were in favor.

The meeting adjourned at 7:46 p.m.