

**Village of Montebello**  
Building & Zoning Department  
One Montebello Road  
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Adam Gordon  
Building Inspector


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Fire Inspector

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**MEMORANDUM**

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**TO: PLANNING BOARD**

**FROM: ADAM GORDON, BUILDING INSPECTOR** 

**SUBJECT: 96 VIOLA ROAD 2-LOT SUBDIVISION 49.05-1-15**

**DATE: APRIL 11, 2024**

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Comments based on the survey/subdivision plat from Paul Gdanski, PLLC dated 11/9/2023, latest revision 1/27/2024; Sec. 195 Attachment 4, and Sketch B; Sec. 195-16 of the zoning code of the Village of Montebello

The minimum required side yard is 25 feet, yet the survey shows the turn-around section of the macadam driveway on lot 15.1 is set back 19.7 feet from the property line, an encroachment of 5.3 feet.

As the Applicant Mr. Emuna alleged at the Planning Board meeting, there are indeed various plans and existing conditions with similar encroachments to allow for a safe turnaround space. Driveways almost always encroach into required front yards, a non-conformance that is universally tolerated, as long as cars are not parked there. Similarly, here the encroachment into a required yard allows the proper turning radius.

Provided there is no parking in the side yard, an area variance from the ZBA is not mandatory. Rather, the Planning Board, in its discretion, may allow this bulk modification as per Sec. 195-16, which, while not pertaining to environmentally sensitive areas, can administratively apply for reasons of safety.