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**VILLAGE OF MONTEBELLO  
ZONING BOARD OF APPEALS  
NARRATIVE SUMMARY**

**MEYER TAUBER  
18 SENATOR LEVY DRIVE, MONTEBELLO NY  
AREA VARIANCE (FAR)  
Tax Lot 48.20-1-73**

Mr. Meyer Tauber (the "Applicant") is the owner of the above-referenced parcel. This application is to allow for the construction of a pool house/cabana which will exceed the allowable floor area ratio.

***Overview***

The Applicant is seeking a single variance from the provisions of Section 195-Attachment 2, Table of Bulk Requirements (RR-50 zone) and Section 195-13 Bulk Table, use group m, column 14 (Floor Area Ratio) of the Zoning Local Law of the Village of Montebello to permit the construction, maintenance and use of a cabana on a single-family lot with an increased Floor Area Ratio of .175.

***Existing Conditions***

The parcel consists of a single tax lot. It is located on the south east side of Senator Levy Drive, approximately 146 feet south of the intersection with Golf Course Drive. (See Rockland County Base Map, attached hereto as Exhibit A).

The parcel is located in the Montebello Pines subdivision, which was approved under the cluster provision of New York State Village Law, §7-738, and the Village of Montebello Zoning Law, §195-15, average density. The applicable bulk regulations are in Use Group m.

The parcel has an overall lot area of 40,075 square feet. Most of the lots in Montebello Pines are undersized for the zone. The current FAR is .16. The applicant proposes to install a 34 x 16 cabana to serve the existing swimming pool.

The Applicant worked very closely with his professionals to minimize the size of the variance needed. The only variance sought here is to increase the Floor Area Ratio from .186<sup>1</sup> to .238, approximately a 16% increase. The existing conditions FAR is .16, so the increase from existing (as-built) conditions is approximately 9.4%.

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<sup>1</sup> Due to the application of average density, the existing FAR is over the allowable FAR (.15) for the RR-50 district.

Notably, the Applicant is not seeking a variance from the Village's Maximum Development Coverage or setback requirements.

The parcel is also extremely well-screened. Dense foliage, primarily evergreens, buffers the neighbors to the North, South and West. Attached hereto as Exhibit B is a Google Earth view of the parcel. The proposed pool house will be barely visible – if at all - from neighboring residences, even in leaf-off conditions.

#### Criteria for Variance

One of the purposes of a zoning board of appeals, and of the ability to grant variances, is to provide a "safety valve" where the strict application of a zoning code cannot allow an otherwise appropriate use of property because of the peculiar circumstances applicable to that property. For this reason, any municipality that adopts a zoning code must also establish a board of appeals. See, 2 Salkin, *New York Zoning Law and Practice* (3d ed.), §§27:07 – 27:10; *McKinney's Town Law*, Practice Commentary to § 267-a; Town L. § 267.2; *McKinney's Village Law*, Practice Commentary to § 7-712-a; Village L. § 7-712(2).

In making a determination to grant an area variance, a board of appeals "shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." Town L. § 267-b.3(b); Village L. § 7-712-b.3(b). The board must also consider five questions when engaging in this balancing test. The questions, and the Applicant's responses, are set forth below:

(1) *"whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":*

The proposed cabana is approximately 544 square feet. The cabana will not be visible from Golf Course Drive or Senator Levy Drive. It is nearly completely screened from neighboring residences. Thus, to the extent that the limitation on Floor Area is intended to protect neighboring residences, no such residences are affected here.

(2) *"whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":*

The existing FAR is already in excess of what the zoning law provides. Any new structures would require a variance. The proposed cabana is sensitive to the existing lot and adjoining lots.

(3) *"whether the requested area variance is substantial":*

Whether a requested variance is "substantial" is more than simple arithmetic. It requires an understanding of the general area and of the existing conditions. See, 2 New York Zoning Law and Practice, § 29:15.

It is respectfully submitted that a 9% increase over existing conditions is not substantial. The homes in Montebello Pines are admittedly large and impressive. However, the proposed addition is completely in keeping with the homes in the community and will barely be perceptible. The proposed cabana does not exceed allowable development coverage or setback requirements and will not have any deleterious effect on the surrounding neighborhood or community at large.

*(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":*

Again, the increase in FAR is minimal and will have no measurable impact, nor will it be visible to the neighborhood at large.

*(5) "whether the alleged difficulty was self-created":*

To a certain extent, all variance applications arise from difficulties that are "self-created". The issue is whether the self-created hardship, combined with the previous four considerations, is sufficient to tip the balance one way or the other.

On balance, there is no measurable detriment to the health, safety and welfare of the neighborhood or community by granting the requested variance.

#### Relief requested

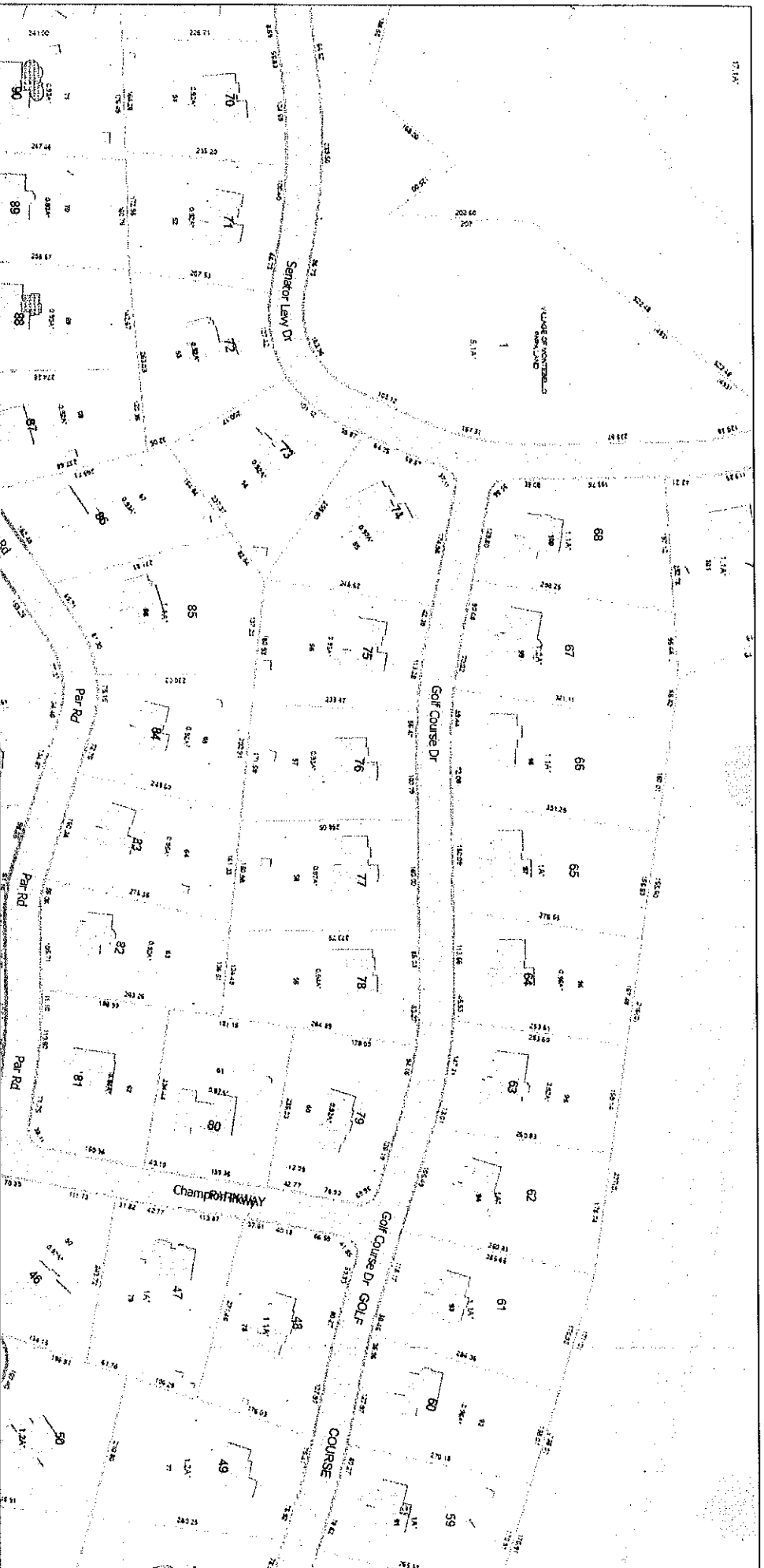
Accordingly, the applicant requests the following variance:

<u>Dimension</u>	<u>Required</u>	<u>Provided</u>
Floor Area Ratio	.15	.175

Dated: March 7, 2025  
Orangeburg, New York

/s/ Amy  
**Mele**  
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Amy Mele Esq.  
Attorney for Applicant

# ArcGIS Web Map



3/6/2025, 6:31:53 PM

Find Parcel with Parcel ID \_Query result

Parcel

Parcel ROWs

1:2,267  
0 0.02 0.04 0.08 mi  
0 0.03 0.07 0.13 km

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