

# APPLICATION REVIEW FORM

## PART I

VILLAGE OF MONTEBELLO

Date 10/29/25

*Please check all that apply:*

<input type="checkbox"/> Planning Board	<input type="checkbox"/> Village Board
<input checked="" type="checkbox"/> Zoning Board of Appeals*	<input type="checkbox"/> Historic Preserv. Comm.
<i>*(Fill out Part II of this form)</i>	<input type="checkbox"/> Architectural Review Board
<input type="checkbox"/> CDRC	
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Number of Lots
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Informal
<input type="checkbox"/> Architectural Review	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Stream and Wetlands Permit	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Cert. of Appropriateness
<input type="checkbox"/> Zoning Code Amendment	<input type="checkbox"/> Zone Change
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Other _____

### Project Information

Project Name: Kempler Residence

#### Tax Map Designation:

Section 49 Block 13-1 Lot(s) 4

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Location: On the east side of Spook Rock Road,  
10.58 feet north of Topaz Ct in the  
Village of Montebello.

Street Address: 213 Spook Rock Rd

Acreage of Parcel 1.4864 acres Zoning District RR-50

School District RAMAPO CENTRAL S.D. Postal District SUFFERN 10901

Fire District \_\_\_\_\_ Ambulance District RAMAPO VALLEY

Water District UNITED WATER Sewer District ROCKLAND #1

## APPLICATION REVIEW FORM

**Project Description:** *(If additional space required, please attach a narrative summary.)*

New driveway on newly renovated single family home.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If subdivision:**

- 1) Is any variance from the subdivision regulations requested? \_\_\_\_\_
- 2) Is any open space being offered? \_\_\_\_ If so, what amount? \_\_\_\_\_
- 3) Is this a standard or average density subdivision? \_\_\_\_\_

**If site plan:**

- 1) Total size of building(s) in square feet 6890 SF
- 2) Proposed addition \_\_\_\_\_

**If special permit,** list special permit use and what the property is proposed to be used for.

\_\_\_\_\_

\_\_\_\_\_

### **Environmental Constraints:**

Are there **slopes greater than 15%**? No

Are there **streams, flood plains, lakes, or other land under water** on the site? No

If yes, please provide the names. \_\_\_\_\_

Are there **wetlands** on the site? No

If yes, please provide the names and type. \_\_\_\_\_

If yes to any of the above, please indicate the amount and show the gross and net area per section 195-14.A. \_\_\_\_\_

**\*\*SHOW ENVIRONMENTAL CONSTRAINTS ON SEPARATE DRAWINGS.\*\***

**Project History:** Has this project or property ever been reviewed before? No

If so, provide a narrative, including the list case number, name, date, and the board(s) that reviewed it, together with the status of any previous approvals.

Previously granted Certificate of Appropriateness by HPPC on 9/20/23 and  
previously granted variance by ZBA on 9/21/23 per attached resolution documents.

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List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

N/A

### **General Municipal Law Review:**

This property is within 500 feet of *(Check all that apply)*:

<input checked="" type="checkbox"/> State or County Road	<input checked="" type="checkbox"/> State or County Park
<input type="checkbox"/> New York State Thruway	<input type="checkbox"/> County Stream
<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> County Facility

List name(s) and/or numbers of facility(ies) checked above. \_\_\_\_\_  
County Route 85 (Spook Rock Rd), Spook Rock Golf Course

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

### **Referral Agencies:**

<input type="checkbox"/> RC Highway Department	<input type="checkbox"/> RC Division of Environmental Resources
<input type="checkbox"/> RC Drainage Agency	<input type="checkbox"/> RC Dept. of Health
<input type="checkbox"/> NYS Dept. of Transportation	<input type="checkbox"/> NYS Dept. of Environmental Conservation
<input type="checkbox"/> NYS Thruway Authority	<input type="checkbox"/> Palisades Interstate Park Comm.
<input type="checkbox"/> Adjacent Municipality _____	

### **Contact Information**

Applicant: James Copeland / Hudson Design Phone # 845-424-4810  
Address 3052 Route 9, Cold Spring NY 10516 Email: jcopeland@hudsondesign.pro  
Street Name & Number (Post Office) State Zip code

Property Owner: Mendy Kempler Phone # \_\_\_\_\_  
Address 213 Spook Rock Rd, Suffern, NY 10901 Email: mcmender@gmail.com  
Street Name & Number (Post Office) State Zip code

Engineer: N/A Phone # \_\_\_\_\_  
Address \_\_\_\_\_ Email: \_\_\_\_\_  
Street Name & Number (Post Office) State Zip code

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Surveyor: Sparaco & Youngblood, PLLC Phone # 845-782-8543  
Address 18 North Main Street, Harriman, NY 10926 Email: sparaco.steve@selsny.com  
Street Name & Number (Post Office) State Zip code

Architect: James Copeland / Hudson Design Phone # 845-424-4810  
Address 3052 Route 9, Cold Spring NY 10516 Email: jcopeland@hudsonsdesign.pro  
Street Name & Number (Post Office) State Zip code

Attorney: N/A Phone # \_\_\_\_\_  
Address \_\_\_\_\_ Email: \_\_\_\_\_  
Street Name & Number (Post Office) State Zip code

Contact Person: Gracie McGuinness Phone # 845-424-4810  
Address 3052 Route 9, Cold Spring NY 10516 Email: gmcguinness@hudsonsdesign.pro  
Street Name & Number (Post Office) State Zip code

**TO ALL APPLICANTS - YOU MUST SEND COPIES OF APPLICATIONS AND PLANS TO:**

Regional Manager  
Orange and Rockland  
75 West Route 59  
Spring Valley, NY 10977

I have informed the above checked agencies and Orange and Rockland on N/A.

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## Owners of Nearby Properties

The following are all of the owners of property within five hundred (500) feet of the subject premises (you may attach a list):

[illegible]

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### Applicant's Combined Affidavit and Certification

State of New York     )  
County of Rockland   ) ss.:

James Copeland / Hudson Design, being duly sworn, deposes and says:

*Applicant's Name*

I am the applicant in this matter. I make these statements to induce the Village of Montebello, its boards, commissions, officers, employees, and consultants, to entertain my application, knowing that the Village will rely upon the statements made herein.

**1. Verification of Facts.** All statements contained in this application and in all documents, drawings, writings, and other communications submitted in connection with this application are true.

**2. Consent to Enter.** I hereby give permission to members of said boards and/or supporting staff to visit the property in question at a reasonable time during the day.

**3. Affidavit Pursuant to General Municipal Law Section 809.** All the following statements and the statements contained in the papers submitted herewith are true and the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

A. I certify that I am the owner, officer, member or agent of owner, of all that certain lot, piece or parcel of land and/or building described in this application **and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner** in connection with this application for the relief below set forth:

B. There is no state officer, Rockland County officer or employee or village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New

## APPLICATION REVIEW FORM

York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

C. To the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Rockland or of the Village of Montebello in the petition, request or application or in the property or subject matter to which it relates:

(if none, so state)

- a. Name and address of officer or employee N/A
- b. Nature of interest \_\_\_\_\_
- c. If stockholder, number of shares \_\_\_\_\_
- d. If officer or partner, nature of office and name of partnership \_\_\_\_\_
- e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of

these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. \_\_\_\_\_

f. In the event of corporate or limited liability company ownership: A list of all directors, officers and stockholders of each corporation or members of each limited liability company owning more than five (5%) percent of any class of stock or more than five (5%) percent beneficial interest, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Village of Montebello.

D. I do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

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**4. Reimbursement for Professional Consulting Services.** I understand that the Village Board, Planning Board, Zoning Board of Appeals, and other municipal boards, in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Village and each such consultant for the cost of such consultant services upon receipt of the bill.

I agree to establish an escrow account with the Village of Montebello from which these consultants' fees will be paid. The escrow account will not draw interest, and will be replenished upon notification by the Village. Any additional sums needed to pay the Village's consultants shall be paid prior to final action on the application. The Village may suspend processing of the application if there is a deficiency in the escrow account.

Permits will not be issued and site plan or subdivision will not be signed until bill is paid in full. Any sums remaining in the escrow account after the consultants have been paid in full will be returned to the applicant. The applicant has the right to examine escrow and payment records upon prior written notice to the Village.

Applicant's Signature

Print Applicant's Name James Copeland / Hudson Design

SWORN to before me this

29 day of OCTOBER, 2025

Rebecca Antenucci  
Notary Public

REBECCA ANTENUCCI  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS COUNTY  
LIC. #01AN6355365  
COMM. EXP. 03/06/2029



## APPLICATION REVIEW FORM

### Affidavit of Ownership/Owner's Consent

State of New York)

County of Rockland) SS.:

I, Mendy Kempler being duly sworn, hereby  
depone and say that I reside at: 213 Spook Rock Rd, Suffern, NY 10901

in the county of Rockland in the state of New York.

I am the (\*                     ) owner in fee simple of premises located at:  
213 Spook Rock Rd

described in a certain deed of ~~said~~ premises recorded in the Rockland County Clerk's  
Office in Liber            of conveyances, page            or as Instrument ID#                     .

Said ~~premises~~ have been in my/its possession since 01/2018. Said premises are also  
known and designated on the Town of Ramapo Tax Map as:  
section 49 block 13-1 lot(s) 4.

I hereby authorize the within application ~~on my behalf, and~~ that the statements of fact  
contained in said application are true, and agree ~~to be bound~~ by the determination of the  
board.

Owner's Signature

Mailing Address

Mendy Kempler  
213 Spook Rock Rd, Suffern, NY  
10901

SWORN to before me this

30th day of April, 20 23

[Signature]  
Notary Public

KALMISH FLEISCHMAN  
Notary Public, State of New York  
Reg. No. 01FL6365306  
Qualified in Rockland County  
Commission Expires October 2, 20 25

*\*If owner is a corporation or LLC, fill in the office held by deponent and name of  
corporation or LLC, and provide a list of all directors, officers and stockholders owning  
more than 5% of any class of stock and all members having greater than 5% beneficial  
interest.*

## APPLICATION REVIEW FORM

### PART II

#### Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- ☐ Use Variance from the requirement of Section \_\_\_\_\_
- ☒ Area Variance from the requirement of the Bulk Table (Section 195-13);
- ☐ Area Variance (other than Bulk Table) Section \_\_\_\_\_
- ☐ Review of an administrative decision of the Building Inspector;
- ☐ An interpretation of the Zoning Ordinance or Map;
- ☐ Certification of an existing non-conforming structure or use;
- ☐ Other (*explain*) \_\_\_\_\_

To permit construction, maintenance and use of  
proposed site improvements on a recently renovated single-family home.

*If an area variance is required, please fill out below:*

This application seeks a variance from the provisions of:

- ☒ Bulk Table (Section 195-13) Use Group H
- ☐ Section(s) \_\_\_\_\_

Specifically, the applicant seeks variance from the requirements from:

<u>Dimension*</u>	<u>Column</u>	<u>Required</u>	<u>Provided</u>
20' variance	side yard	25'	5.00'

\*see attached bulk table for full existing/proposed dimensions

\*e.g., front yard, side setback, FAR

Applicant's initials: JMC

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### Previous Appeal:

- a. A previous appeal ☒ has, or ☐ has not, been made with respect to this property.
- b. ☒ Such appeal was in the form of:
- ☐ Interpretation of the Zoning Ordinance or Map; or
  - ☐ Appeal from decision of Village Official or Officer.
  - ☐ A USE Variance; or
  - ☒ An AREA Variance; or
- c. The previous appeal described above was appeal number 1190,  
dated 9/21/23 and was GRANTED (Granted/Denied).

**TO ALL APPLICANTS:** Complete all relevant information by the section or sections pertaining to your appeal ONLY. You may also include extra pages to supplement this form with a narrative explanation. At the time of the hearing you must present written documentation in support of all the statements made in this application. You must also substantiate all financial information supplied.

### A. INTERPRETATION OF ZONING CODE

(This section to be completed for an interpretation, only. Use additional pages, if needed)

1. Section(s) to be interpreted: 195-\_\_\_\_\_

2. An interpretation of the Zoning Code is requested because:

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### B. APPEAL OF DECISION OF VILLAGE OFFICIAL

(This section to be completed for an appeal, only. Use additional pages, if needed)

1. Name and position of official making the decision:

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2. Nature of decision:

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3. The decision described above is hereby appealed because:

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## APPLICATION REVIEW FORM

### C. USE VARIANCE

(This page to be completed only for a USE variance. Use additional pages, if needed).

1. This property cannot be used for any uses currently permitted in this zone because:

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2. The problem with this property is due to unique circumstances and not to the general conditions of the neighborhood in that:

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3. The use requested by this variance will not alter the essential character of the neighborhood in that:

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4. The amount paid for the entire parcel was: \_\_\_\_\_

5. The date of purchase of the property was: \_\_\_\_\_

6. The present value of the entire property is: \_\_\_\_\_

7. The monthly expenses attributed to normal and usual maintenance of the property are: \_\_\_\_\_

8. The annual taxes on the property are: \_\_\_\_\_

9. The current income from the property is: \_\_\_\_\_

10. The amount of mortgages and other encumbrances on the property in question are:

a. Date of mortgage: \_\_\_\_\_

b. Scheduled maturity (payoff) date: \_\_\_\_\_

c. Present monthly payment amount: \_\_\_\_\_

d. Current principal balance: \_\_\_\_\_

e. Current interest rate: \_\_\_\_\_

11. Other factors I/we wish the Board to consider in this case are:

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## APPLICATION REVIEW FORM

### D. AREA VARIANCE

(This page to be completed only for an AREA variance. Use additional pages, if needed)

1. Is the requested variance the minimum necessary to relieve the practical difficulty or economic injury? Yes \_\_\_\_\_

**Describe:** This variance would enable the Owner to maintain the required number of parking spots, out of view from the house, while avoiding encroachment on the neighboring property.

2. Is the variance substantial in relation to the zoning code? No \_\_\_\_\_

**Explain:** The proposed variance for a 5' side yard setback was previously granted for a driveway of a different design in the same location.

3. Will a substantial change be produced in the character of the neighborhood, or a substantial detriment to adjoining property owners be created, if this variance is granted? No \_\_\_\_\_

**Explain:** The proposed work maintains the aesthetic character of the existing building and grounds. The area of the neighboring property directly to the north is an undeveloped, wooded area between the two properties' driveways.

4. Can the alleged practical difficulty or economic injury be overcome by some method other than a variance? No \_\_\_\_\_

**Explain:** Due to the existing nonconforming nature of many elements on the site plan, the proposed parking area is designed in such a way as to keep a reasonable distance from the property line as well as convenience to the house.

5. Will the granting of this variance affect the health, safety or welfare of the neighborhood or community? No \_\_\_\_\_

**Explain:**

6. Will there be any affect on governmental facilities or services if this variance is granted? No \_\_\_\_\_

**Describe:**

7. Other factors I/we wish the Board to consider in this case are

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ZONING ANALYSIS BULK TABLE

ZONING ANALYSIS BULK TABLE: KEMPLER RESIDENCE					
TAX MAP ID	49.13-1-4				
ZONING DISTRICT	RR-50, RURAL RESIDENTIAL (USE GROUP H)				
SECTION	SCHEDULE A, ZONING, LOCAL CODE SECTION 195				
	REQUIRED (MIN.)	REQUIRED (MAX.)	PROVIDED (EX.)	PROPOSED	VARIANCE REQUESTED
LOT AREA (SQ. FT.)	50,000		64,746	N/C	
LOT WIDTH (FT.)	175		107.00 *	N/C	
FRONT SETBACK (FT.)	50		145.40	154.90	
FRONT YARD (FT.)	50		145.40	154.90	
SIDE SETBACK (FT.)	30		23.30 **	N/C	
SIDE SETBACK (FT.)	30		33.10	33.10	
TOTAL SIDE SETBACK (FT.)	75		56.40 **	N/C	
SIDE YARD (FT.)	25		1.5 * (SOUTH)	N/C	
			0.00 * (NORTH)	5.00	20 FT
REAR SETBACK (FT.)	50		365.30	N/C	
REAR YARD (FT.)	25		137.9	N/C	
STREET FRONTAGE (FT.)	100		107.00	N/C	
BUILDING HEIGHT (FT.)		35	31.19	N/C	
DEVELOPMENT COVERAGE (%)		20%	17.24%	16.28%	
FLOOR AREA RATIO		0.15	0.06	0.09	

\*EXISTING NON-CONFORMING

\*\*PREVIOUSLY GRANTED BY ZBA IN 2023

VILLAGE OF MONTEBELLO  
ZONING BOARD OF APPEALS  
COUNTY OF ROCKLAND, STATE OF NEW YORK

CALENDAR CASE NO. 1190

\_\_\_\_\_  
In the Matter of the Application of  
Mendy Kempler,

**VARIANCE DECISION FOR  
PROPERTIES IDENTIFIED ON  
THE VILLAGE OF  
MONTEBELLO TAX MAP AS  
Section 49.13-1-4**

for relief from the Village of Montebello Zoning Law  
Section 195-13, Table of Bulk Requirements, Use  
Group h, in the form of an area variances from the  
side yard and total side yard setback requirements.

\_\_\_\_\_  
**APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO ZONING  
LAW FOR THE PURPOSE OF ENLARGING AN EXISTING SINGLE-FAMILY HOME**

**The purpose.** The Village of Montebello Zoning Board of Appeals (the “Board”) received an application for an area variance, dated May 1, 2023, from Mendy Kempler (the “Applicant”), for property located at 213 Spook Rock Road (the “Property”). The property consists of one 1.4864-acre parcel located on the east side of Spook Rock Road, 10 feet north of Topaz Court, in the RR-50 zoning district, and is identified on the Ramapo Tax Map as Section 49.13 Block 1 Lot 4.

**The application for variances.** The application requested relief from the Village of Montebello Zoning Law Section 195-13, Table of Bulk Requirements, Use Group h, in the form of a three variances: (1) a 19-foot total side yard setback variance from the required 75 feet to 56.4 (existing condition), (2) a 20-foot north side yard setback variance from the required 25 feet to 5 feet (0 existing condition), and (3) a 7-foot front yard setback variance from the required 30 feet to 23.3 feet (existing condition). The purpose of the request is to construct a new two-story addition to an existing single-family home and will involve the demolition of 370 square foot garage and the addition of 1680 square foot two-story addition and basement, replacing an existing asphalt driveway with a smaller driveway,

**Submissions.** The following materials were submitted to the Board, which materials are incorporated into and made a part of this Decision and upon which the Board relied during its deliberations:

1. Denial letter dated May 1, 2023, prepared by Adam Gordon, Building Inspector; and
2. Application dated May 1, 2023, revised page 10, submitted for June 15, 2023, review; and
3. HPPC Resolution No. 23-02 granting a Certificate of Appropriateness filed on September 20, 2023; and
4. Revised Application dated July 19, 2023; and
5. Survey by Sparaco & Youngblood dated February 16, 2023, revised May 19, 2023; and
6. RC Highway Department letter dated May 9, 2023; and
7. Analysis bulk Table: Kempler Residence, revised July 19, 2023; and
8. Narrative by Hudson Design dated May 25, 2023; and
9. Survey by Sparaco & Youngblood dated February 16, 2023, revised May 19, 2023; and
10. Revised proposed site plan page SP-3 dated July 19, 2023; and
11. Architectural drawings dated May 1, 2023, pages G-001, G-002, SP-3, A-101 – 104, A-201 and A-202
12. GML review from RC Planning dated July 13, 2023

**Agency Referrals.** The application was referred to all outside agencies with review and comment jurisdiction, including Rockland County Highway Department (“RCHD”) and Town of Ramapo. RCHD responded by letter dated May 9, 2023, with comments that were addressed by the Board and the Applicant.

**General Municipal Law § 239-m.** The application was referred to the Rockland County Department of Planning (“RCDP”) pursuant to GML § 239-m. RCDP issued three (3) comments by letter dated July 13, 2023. RCDP comments were accepted and addressed.

**Public Hearing.** A duly noticed public hearing was convened on September 21, 2023, whereat the Zoning Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed.

**State Environmental Quality Review Act (SEQRA).** The Zoning Board of Appeals determined that the application was a Type II Action pursuant to 6 NYCRR 617.5(c)(17), “granting of an area variance for a single-family, two-family or three-family residence.” No further action was required.



## FINDINGS

**The zoning law applied to the application for variances.** Applicants requested relief from Section 195-13, "Table of Bulk Requirements," Use Group "h," in the form of an area variance for maximum development coverage for the purpose of constructing an addition to an existing single-family home.

**The Board's Findings.** When considering whether to grant an area variance, the Board must evaluate, and did evaluate, (1) whether granting said variance will produce an undesirable change in the character of the neighborhood, (2) whether the benefit sought by the Applicant can be achieved by some other method, (3) whether the requested variance is substantial, (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and (5) whether the alleged difficulty was self-created. Any area variance so granted by the Board must be the minimum variance that it deems necessary and adequate.

The Board made the following findings:

1. The Board considered whether the requested variance, if granted will produce an undesirable change in the character of the neighborhood and determined that it would not. The Board noted that the house was originally built on or about 1920 and enlarged thereafter at least once. The proposed plans will be an improvement to the house and will improve the neighborhood.
2. The Board considered whether the benefit sought by the Applicant could be achieved by some other method and determined that it could not. The addition, while large, complies with FAR, is not out of character with the neighboring houses and is a reasonable accommodation for the owner's family. The Board also acknowledged that HPPC granted approval to the addition.
3. The Board considered whether the requested variance is substantial and determined that a 1% variance is not substantial. The Board also noted that two of the variances relate to conditions that already exist on the property and that the third variance (for the driveway) reduces the existing non-conformity from zero to 5 feet. In addition, the Applicant reduced the number of variances requested from 4 to 3, further accommodating the Board's request to reduce the number of variances.
4. The Board considered whether the variance, if granted, will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and determined that it would not. The Board noted that the development coverage is being decreased from 20.67% to 18.69% by reducing the size of the existing asphalt driveway.

5. The Board considered whether the alleged difficulty was self-created and determined that it was. However, the Board noted that in nearly all circumstances the need for a variance is self-created, but that factor alone is generally not determinative of whether the variance should be granted. Here, the detriment to the community does not outweigh the benefit to the applicant and, therefore, self-created need is not sufficient to deny the relief.

**Applicant's burden.** The Zoning Board of Appeals hereby finds and determines that the Applicants have sustained their burden of proof as required by New York State Village Law and Village of Montebello Zoning Law as to the need for the requested variance.

### DECISION

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Montebello Zoning Board of Appeals on a Motion by Member Dugandzic, seconded by Member Bryan, pursuant to the roll-call vote set forth below, hereby grants relief from Section 195-13, "Table of Bulk Requirements," Use Group "h," to the property identified on the Ramapo Tax Map as Section 49.13 Block 1 Lot 4 in the form of three variances: (1) a 19-foot total side yard setback variance from the required 75 feet to 56.4 (existing condition), (2) a 20-foot north side yard setback variance from the required 25 feet to 5 feet (0 existing condition), and (3) a 7-foot front yard setback variance from the required 30 feet to 23.3 feet (existing condition).

In granting these variances, the Zoning Board relied on the testimony of the Applicant and the submissions identified herein and made a part of this Decision as if fully set forth herein. This variance is granted in reliance on its individual purpose as shown on the referenced application and plans and for no other purpose. Deviation from the variances granted by this Board shall invalidate this Decision and void the variances granted thereby by operation of law.

**BE IT FURTHER RESOLVED**, that these variances are granted pursuant to the following conditions:

1. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[ ]	[ ]	[ ]	[√]
Carl Wanderman, Member	[√]	[ ]	[ ]	[ ]

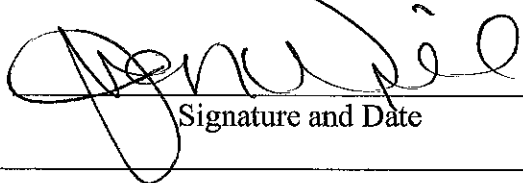
Janet Gigante, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Dugandzic, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ezra Bryan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: September 21, 2023

VILLAGE OF MONTEBELLO  
ZONING BOARD OF APPEALS

BY: CARL WANDERMAN, ACTING CHAIRMAN

Joan Will, Village Clerk for the Village of Montebello, does hereby certify that the foregoing Decision of the Village of Montebello Zoning Board of Appeals was filed in my office on the following date:

 10/6/23  
Signature and Date

**FILED**

SEP 21 2023

Village of Montebello

**Resolution No. 23-02**  
**Village of Montebello Historic Preservation and Parks Commission**  
**Certificate of Appropriateness**  
**213 Spook Rock Road SBL 49.13-1-4**

**Continuing the Public Hearing on the Certificate of Appropriateness for 213 Spook Rock Road**

Applicant: Mendy Kempler, appearing for her Architect, Gracie McGuiness, who presented as follows:

Address: 213 Spook Rock Road, Montebello, N.Y., 10901

Certificate of Appropriateness: proposed two story addition to an existing single family-dwelling within the Historic and Scenic Overlay District.

**Motion to affirm approving Certificate of Appropriateness for 213 Spook Rock Road, Applicant Mendy Kempler, which was conditionally granted on August 2, 2023, subject to review and acceptance of additional materials.**

Motion: Josh Goldstein

Seconded: Dorice Madronero

as follows:

**Affirming Certificate of Appropriateness for 213 Spook Rock Road**

WHEREAS, a Public Hearing was opened and held on August 2, 2023, upon the application of Mendy Kempler for a Certificate of Appropriateness to expand the residence at 213 Spook Rock Road, and the HPPC tentatively approved the grant of same subject to the provision, of additional documents to be included in the record, including: the Planning Board and ZBA actions, photos of the street view from the front; sharing of samples or images of the two types of veneers proposed; and, submission of the site plan; and

WHEREAS, upon review and if acceptable, the applicant by her representative was advised that she did not have to again appear this evening assuming all was in order; and

WHEREAS all of the above was submitted, was received into the record, and proved to be acceptable.

THEREFORE, BE IT RESOLVED, that the tentative grant of the Certificate of Appropriateness of August 2, 2023, be and hereby is affirmed, due notice and Certificate of Appropriateness to be given to the applicant, and such to be shared with the Planning Board and Zoning Board of Appeals.

The Board was polled:

Lisa Levin  
Dorice Madronero  
Matt Moetzinger  
Josh Goldstein  
Rosemary Mocio  
Bill Ellsworth  
Robert Israel

approved  
approved  
approved  
approved  
approved  
absent  
absent

**FILED**

SEP 20 2023

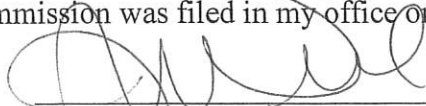
**Village of Montebello**



Lisa Levin, Chairwoman

Dated: 9-20-23

Joan Will, Village Clerk for the Village of Montebello, does hereby certify that the foregoing Decision of the Village of Montebello Historic Preservation and Parks Commission was filed in my office on the following date:



Signature and Date



30 October 2025

Kempler Residence

213 Spook Rock Road, Suffern, NY

Project Narrative

The single-family residence at 213 Spook Rock Road recently underwent a renovation and addition, beginning after all approvals were received in 2023 and coming to an end earlier in 2025. On September 21, 2023, the Zoning Board of Appeals issued a Variance Decision Letter granting a 20-foot north side yard setback variance from the required 25 feet to 5 feet (0 feet existing condition). This variance was regarding the originally submitted design of a 4,200 SF circular driveway. On the north side of the property, the parking area was planned to be 5 feet away from the property line, keeping the parking away from the boundary, convenient to the house, and out of the way of the street front view. The new 3,800 SF driveway that was built at the end of the recent renovation varies slightly from the proposed plan, in that it reuses a portion of the drive on the south side of the property and eliminates the turnaround (in both the existing and proposed design). The (2) required parking spaces remain in the same area of the lot and are planned to be kept 5 feet from the north side property line with a stone wall as indicated on the plan. The newly built driveway reuses the curb cut from Spook Rock Road and as much as the existing footprint as possible. The new layout keeps much of the front yard free from asphalt, allowing for a landscaped area to be the focal point as seen from the road.

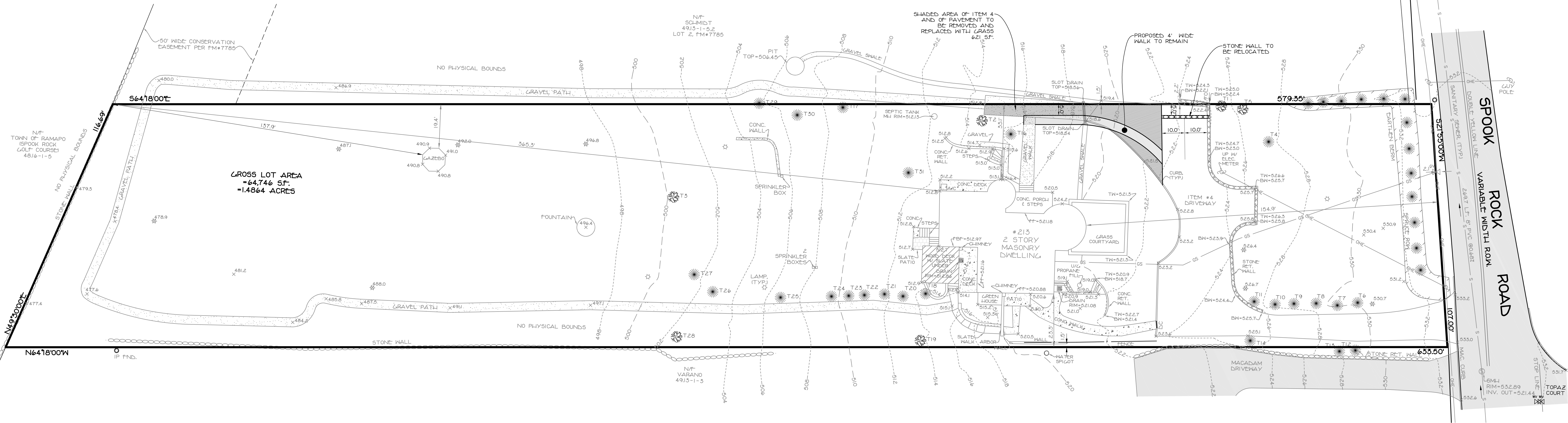
TAX LOT: SECTION 49.13, BLOCK I, LOT 4

MAP REFERENCE:

FINAL SUBDIVISION OF PROPERTY FOR FASULLO  
FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE  
ON SEPT. 19, 2005 AS MAP#7785.

DEED REFERENCE:

2018/635  
2002/68595  
868/481  
2001/9373  
681/2142  
2012/26250  
811/969



TREE SCHEDULE

NUMBER	DIA. (INCHES)	SPECIES
T1	14	LOCUST
T2	12	DOGWOOD
T3	12	MAPLE (MULTIPLE)
T4	36	PINE
T5	12	MAPLE (TWIN)
T6	22	CEDAR
T7	26	SPRUCE
T8	24	SPRUCE
T9	30	SPRUCE
T10	40	SPRUCE
T11	10	CEDAR
T12	22	PINE
T13	26	PINE
T14	10	CEDAR
T15	24	MAPLE
T16	36	SPRUCE
T17	22	SPRUCE
T18	40	SPRUCE
T19	30	MAPLE
T20	12	SPRUCE
T21	20	SPRUCE
T22	16	SPRUCE
T23	32	SPRUCE
T24	18	SPRUCE
T25	30	SPRUCE
T26	26	FIR
T27	16	PINE
T28	40	MAPLE
T29	40	SPRUCE
T30	28	FIR
T31	18	SPRUCE

ALL UTILITIES ARE SHOWN IN AN APPROXIMATE WAY FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL CALL THE LOCAL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION TO HAVE ALL UNDERGROUND UTILITIES MARKED IN THE FIELD PRIOR TO ANY CLEARING OR ANY CONSTRUCTION. THE CONTRACTOR SHALL ALSO VERIFY THE LOCATION, SIZE AND INVERT OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. ANY UTILITY FOR WHICH NO EVIDENCE CAN BE SEEN ON THE SURFACE OF THE LANDS MAY NOT BE SHOWN ON THIS DRAWING.



DEVELOPMENT COVERAGE CALCULATIONS:  
AS-BUILT IMPERVIOUS SURFACE= 11160 SF.  
11160 / 64,746 = 0.1724  
AS-BUILT DEVELOPMENT COVERAGE= 0.1724  
  
PROPOSED DEVELOPMENT COVERAGE  
AS-BUILT IMP. SURFACE - PROPOSED REDUCTION  
10559 / 64,746 = 0.1628

FLOOR AREA RATIO CALCULATIONS:  
GROSS FLOOR AREA / LOT AREA = F.A.R.

EXISTING:  
3780 SF. / 64,746 SF. = 0.0584 (0.06)

PROPOSED & AS-BUILT:  
5400 SF. +/- / 64,746 SF. = 0.0834 (0.09)

FLOOR AREAS ARE FROM ARCHITECTURAL PLANS  
SEE GENERAL NOTE #21 OF APPROVED PLOT PLAN

BULK TABLE

ZONE: RR-50 GROUP: H	MINIMUM LOT AREA	LOT WIDTH (FEET)	FRONT SETBACK (FEET)	FRONT YARD (FEET)	SIDE SETBACK (FEET)	TOTAL SIDE SETBACK (FEET)	SIDE YARD (FEET)	REAR SETBACK (FEET)	REAR YARD (FEET)	STREET FRONTAGE (FEET)	MAXIMUM DEVELOPMENT COVERAGE RATIO	FLOOR AREA RATIO (FAR)	MAXIMUM BUILDING HEIGHT
REQUIRED	50,000	175	50	50	30	75	25	50	25	100	0.20	0.15	35
EXISTING	64,746	107*	145.4	145.4	23.3*	56.4*	1.5*	365.3	137.9	107	0.18	0.06	31.9**
PROPOSED	64,746	107*	155	155	23.2	56.3	1.5*	365.3	137.9	107	0.1628	0.09	31.9**
AS-BUILT	64,746	107*	154.9	154.9	23.3	56.4	1.5*	365.3	137.9	107	0.1724	0.09	31.9**
VARIANCE					YES	YES							

\* EXISTING NON-CONFORMING  
\*\* BUILDING HEIGHT ARE FROM ARCHITECTURAL PLANS SEE GENERAL NOTE #21 OF APPROVED PLOT PLAN  
\*\*\* SITE IS IN THE SCENIC AND HISTORIC ROADS OVERLAY - APPLICATION MUST BE MADE TO THE BOARD

PLOT PLAN FOR SITE ADJUSTMENT OF IMPERVIOUS SURFACE  
TO REDUCE DEVELOPMENT COVERAGE OF  
213 SPOOK ROCK ROAD

LOCATED IN  
VILLAGE OF MONTEBELLO  
TOWN OF RAMAPO  
ROCKLAND COUNTY, NEW YORK

STEVEN M. SPARACO, PE  
18 NORTH MAIN STREET  
HARRIMAN, NEW YORK 10926  
(845) 782-8543

REV: ADD BULK TABLE 10/1/25  
REV: REDUCTION FOR GRASS COURT YARD 9/25/25  
REV: PER ZBA COMMENTS - 8/14/25

**SPARACO & YOUNGBLOOD, PLLC**  
CIVIL ENGINEERING • LAND SURVEYING  
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TEL: (845) 782-8543  
FAX: (845) 782-8501  
SPARACO.STEVE@SELSNY.COM WYLS18@GMAIL.COM

SY-1821  
JULY 02, 2025  
1"=20'