

**Yitzchok & Dina Zelcer
14 Fant Farm Ln.
Montebello, NY 10901**

Dear Members of the Zoning Board of Appeals of the Village of Montebello,

I am writing to respectfully request approval of the existing, as-built patio and pool conditions at my property and the associated area variances required to legalize the current installation. The foundation of this request is safety, as well as the substantial and unnecessary hardship that would result from removal of the existing patios.

The as-built conditions require the following area variances:

- Rear Yard setback: 20 feet required; 0.4 feet provided
- Side Yard setback: 20 feet required; 17.0 feet provided
- Side Yard Pool setback: 30 feet required; 29.4 feet provided

We are a household with nine children under the age of 18, and the existing patio layout materially improves safety by creating a wider, controlled buffer away from the pool edge. As shown in the attached photograph, the current configuration keeps children further away from the pool perimeter, provides safer circulation space, and allows for more effective supervision. Reducing the patio area would bring children closer to the pool edge and materially increase risk.

In addition, we have a 12-year-old son on the autism spectrum, and the pool was constructed specifically to meet his needs. The expanded patio area functions as a critical safety and transition zone, allowing him to approach and exit the pool in a controlled and predictable manner. Reducing this area would significantly compromise the safety and usability of the pool for him.

The safety considerations extend further. My father has suffered multiple strokes and is wheelchair-bound. He regularly benefits from therapeutic use of the pool. The larger patio area is essential to safely position him, transfer him, and allow his aides to maneuver him without risk of falls or accidents. A reduced patio would make these activities unsafe and impractical.

**Yitzchok & Dina Zelcer
14 Fant Farm Ln.
Montebello, NY 10901**

We did not intentionally construct the patios in a manner inconsistent with the approved plans. We relied on our contractor to build what had been approved, and we were not closely involved in the technical layout during construction. There was no intent to bypass or disregard Village regulations.

Requiring removal or reduction of the existing patio would impose an extreme and unnecessary financial hardship. The cost to demolish and reconstruct the patio would be substantial, and more importantly, it would result in a less safe pool environment, defeating the very purpose for which the patios were designed. This project was not a luxury upgrade; we deliberately kept the pool and surrounding patio basic and instead invested in safety, accessibility, and functionality for our family.

Importantly, maintaining the patio in its current condition does not alter the character of the neighborhood, does not create any visual or environmental impact, and does not adversely affect neighboring properties. The condition exists entirely within our yard and is not perceptible as an overdevelopment or departure from the surrounding area.

We therefore respectfully request that the Zoning Board approve the existing as-built conditions and grant the necessary area variances.

Thank you for your time, consideration, and service to the Village. We appreciate the Board's thoughtful review of our application and are available to answer any questions or provide additional information.

Respectfully submitted,



Yitzchok & Dina Zelcer

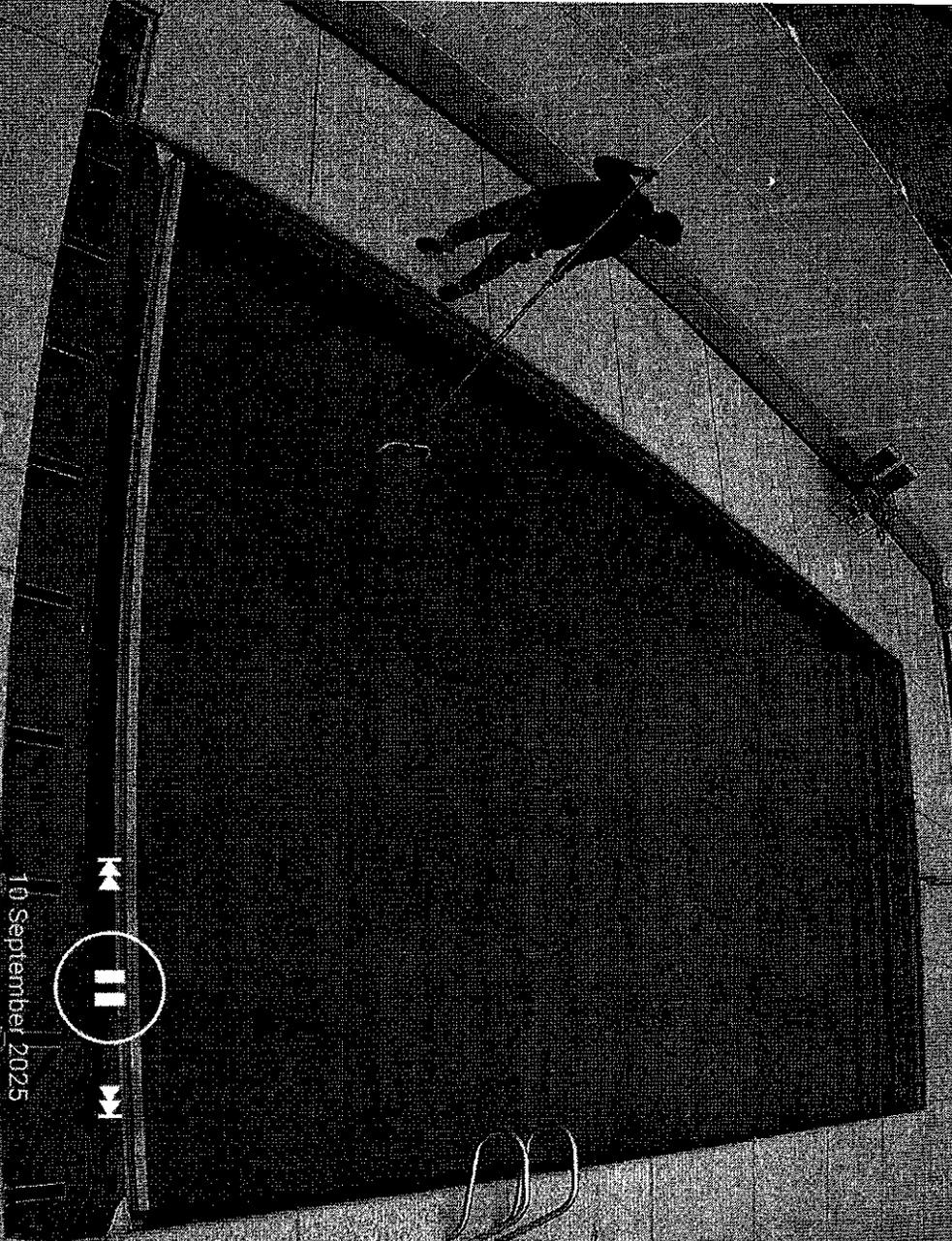
14 Fant Farm Lane

Montebello, NY 10901

347-576-5487

-2025 Wed 10:35:22

Pool



10 September 2025

11:41 38.7M

Calmetra 01



APPLICATION REVIEW FORM

PART I

VILLAGE OF MONTEBELLO

Date _____

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: 14 FANT FARM LANE

Tax Map Designation:

Section 49.17 Block 1 Lot(s) 2.11

Section _____ Block _____ Lot(s) _____

Location: On the WEST side of FANT FARM LANE,
1600 feet NORTH of SPOOK ROCK ROAD in the
Village of Montebello.

Street Address: 14 FANT FARM LANE

Acreage of Parcel 0.62 Zoning District ER-80

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

Fire District TALLMAN F.D. Ambulance District RAMAPO VALLEY

Water District VEOLIA WATER Sewer District ROCKLAND #1

APPLICATION REVIEW FORM

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

LEAGLIZE EXISTING PATIO AND POOL

If subdivision:

- 1) Is any variance from the subdivision regulations requested? NO
- 2) Is any open space being offered? NO If so, what amount? _____
- 3) Is this a standard or average density subdivision? YES

If site plan:

- 1) Total size of building(s) in square feet _____
- 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? YES

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.

2023

APPLICATION REVIEW FORM

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

General Municipal Law Review:

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

- State or County Road
- State or County Park
- New York State Thruway
- County Stream
- Municipal Boundary
- County Facility

List name(s) and/or numbers of facility(ies) checked above. SPOOK ROCK ROAD, RAMAPO

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:

- RC Highway Department
- RC Division of Environmental Resources
- RC Drainage Agency
- RC Dept. of Health
- NYS Dept. of Transportation
- NYS Dept. of Environmental Conservation
- NYS Thruway Authority
- Palisades Interstate Park Comm.
- Adjacent Municipality RAMAPO

Contact Information

Applicant: Yitzchak Zilber Phone # 347-576-5487
 Address 14 Feet Farm Ln. Montello NY 10901 Email: I.ZILBER@gmail.com
Street Name & Number (Post Office) State Zip code

Property Owner: Same as applicant Phone # _____
 Address _____ Email: _____
Street Name & Number (Post Office) State Zip code

Engineer: PAUL GDANSKI, PE, PLLC Phone # 917-418-0999
 Address 3512 WHITTIER COURT MAHWAH, NJ 07430 Email: PGSKI@EARTHLINK.NET
Street Name & Number (Post Office) State Zip code

APPLICATION REVIEW FORM

Surveyor: _____ Phone # _____

Address _____ Email: _____

Street Name & Number (Post Office) State Zip code

Architect: _____ Phone # _____

Address _____ Email: _____

Street Name & Number (Post Office) State Zip code

Attorney: _____ Phone # _____

Address _____ Email: _____

Street Name & Number (Post Office) State Zip code

Contact Person: _____ Phone # _____

Address _____ Email: _____

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 _____.

APPLICATION REVIEW FORM

Applicant's Combined Affidavit and Certification

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

Yitzchok Zepher, 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 _____

- 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.

APPLICATION REVIEW FORM

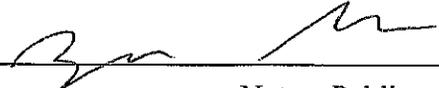
4. Reimbursement for Professional Consulting Services. I understand that the Village Board, Planning Board, Zoning Board of Appeals, and other municipal boards, in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental 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 Yitzchok Zeller

SWORN to before me this
15th day of January, 2026


Notary Public

ZEASIE GOLDBERG
Notary Public State of New York
No. 01GO6103660
Qualified in Kings County
Commission Expires 03/02/20 28

APPLICATION REVIEW FORM

Affidavit of Ownership/Owner's Consent

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

I, Yitzchok Zelcer being duly sworn, hereby
depose and say that I reside at: 14 Fant Farm Ln
Montebello NY 10901
in the county of Rockland in the state of NY

I am the (*) owner in fee simple of premises located at:
14 FANT FARM LANE

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 2021. Said premises are also
known and designated on the Town of Ramapo Tax Map as:
section 49.17 block 1 lot(s) 2.11

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 [Signature]
Mailing Address 14 Fant Farm Ln
Montebello NY 10901

SWORN to before me this
15th day of January, 2026

[Signature]
Notary Public

ZEASIE GOLDBERG
Notary Public State of New York
No. 01G06103660
Qualified in Kings County
Commission Expires 03/02/2028

*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 195-13
- 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
OF IN-GROUND POOL AND PATIO

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 _____
- Section(s) 196 ROW 5/195-57D

Specifically, the applicant seeks variance from the requirements from:

<u>Dimension*</u>	<u>Column</u>	<u>Required</u>	<u>Provided</u>
REAR YARD	10	20	0.4
SIDE YARD POOL		30	29.4
SIDE YARD		20	17.0

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

Applicant's initials: YJ

APPLICATION REVIEW FORM

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 _____,
dated _____ and was _____ (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:

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:

- 2. Nature of decision:

- 3. The decision described above is hereby appealed because:

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:

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

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

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:

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: _____

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

Explain: _____

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: Fits within the character of the neighborhood. _____

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

Explain: The contractor installed at the measurements shown. _____

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: The pool and patio will use none. _____

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

The items have been installed this way and would require significant work to remove. _____

Village of Montebello

Building & Zoning Department

One Montebello Road

Montebello, N.Y. 10901

(845) 368-2491

www.montebellony.gov

Adam Gordon
Building Inspector

Marcos Padilla
Fire Inspector

December 19, 2025

Yitzchok & Dina Zelcer
14 Fant Farm Lane
Montebello, NY 10901

Re: Denial Letter, 14 Fant Farm Lane, Montebello, NY S/B/L: 49.17-1-2.11 Zone ER-80

Dear Mr. & Mrs. Zelcer,

Please be advised that a certificate of occupancy that was constructed under permit# 3237-23 at the above-noted property is hereby denied. The pool and patio that were constructed under permit# 3237-23 are not consistent with the approved pool plan and ZBA Resolution 1188 dated July 20, 2023. Denial is based on the As-Built survey from Sparaco & Youngblood, PLLC dated September 19, 2024.

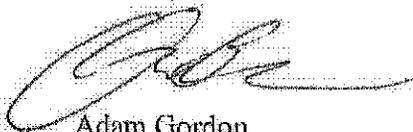
The requirements of the zoning code of the Village of Montebello have not been satisfied thus:

<u>Sec. 195 Attachment 2 (bulk table) use group x.1</u>	<u>Required</u>	<u>Existing</u>
Rear Yard	20 feet	0 feet
Side Yard	20 feet	17.3 feet
Side Yard (pool)	30 feet	29.4

Be further advised that the requirements of Condition #3 of the ZBA approval resolution 1188 have not been met. *"Compliance with the landscaping plan submitted to the Board, including planting a row of evergreens along the property line as set forth in the landscaping plan."*

Any order, requirement, decision or determination by the Building Inspector regarding the Zoning Local Law may be appealed to the Zoning Board of Appeals

Sincerely,



Adam Gordon
Building Inspector

Permit # _____

Name on Permit Zelcer
14 Fant Farm Lane

Block & Lot 49.17-1-2.11

VILLAGE OF MONTEBELLO BUILDING INSPECTION
BUILDING AND ZONING DEPARTMENT
ONE MONTEBELLO ROAD
MONTEBELLO, N.Y. 10901
(845) 368-2044

Village Engineer:
Martin K. Spence, PE
Spence Engineering
86 E. Allendale Road
Saddle River, NJ 07468
201 934-0300
Fax 201 934-0320

THIS DOCUMENT IS SENT TO: BUILDING INSPECTOR

Requested for Certificate of Occupancy - Pool and Site

As-Built Prepared by: Sparaco & Youngblood, PLLC
Revised: 09/19/2024

Date Reviewed 11/13/2024 and prior

Building Inspection

Pool Site _____	Fire Safety _____
Footing Forms + Trenches _____	Water Service (main Building) _____
Foundation + Backfill _____	Gravel under slabs _____
Footing Drains _____	Plumbing Rough-in _____
Outlet for Footing Drains _____	Plumbing under slabs _____
Frame _____	Engineering
Insulation _____	<input type="checkbox"/> Plot Plan for Building Permit (Engineering) _____
	<input type="checkbox"/> Erosion and Sediment Control _____
	<input checked="" type="checkbox"/> FINAL PLOT PLAN (ENGINEERING) for C of O <u>Denied</u>
	<input type="checkbox"/> LAND DISTURBANCE _____

Above marked work is Denied

Martin K. Spence
Reviewed by: Martin K. Spence, PE Date: 11/13/2024
Village Engineering Consultant

Remarks :

Zoning Compliance shall be reviewed by the Building Department. This application was the subject of a Zoning Board application and approval. The final site improvements are not consistent with the ZBA approved plans including location of hardscape patio up to the property line.

Site Engineering is Denied at this time.

Prior to a Certificate of Occupancy the following items need to be completed

- 1. Proposed 6' high Arborvitae remain outstanding and needs to be planted as per approved plan.*
- 2. Pool and Patio are not consistent with the approved plan and ZBA resolution. Applicant shall go back to ZBA for a review and determination.*
- 3. Submit revised As-Built showing all site improvements and development coverage.*

Contact our office for reinspection of all incomplete items.

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

CALENDAR CASE NO. 1188

In the Matter of the Application of
14 Fant Farm Lane

X

**VARIANCE DECISION FOR
PROPERTIES IDENTIFIED ON
THE VILLAGE OF
MONTEBELLO TAX MAP AS
Section 40.17, Block 1, Lot 2.11**

for relief from the Village of Montebello Zoning Law
Section 195-57D, "Swimming Pool," which requires
minimum required setbacks to be measured
beginning ten feet from the edge of the pool and
Section 195-13, "Table of Bulk Requirements,"
minimum rear yard setback.

X

**APPLICATION FOR RELIEF FROM THE VILLAGE OF MONTEBELLO ZONING
LAW FOR THE PURPOSE OF LOCATING AN INGROUND POOL IN THE
REQUIRED BACK YARD SETBACK**

The property location, zoning district and proposed project. The subject property is located at 14 Fant Farm Lane, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 49.17, Block 1, Lot 2.11 (the "Parcel"), in the Estate Residential ("ER-80") zoning district (80,000 square feet per lot). Uses in the ER-80 district are governed by § 195-9, the Table of General Use Requirements. Bulk regulations are governed by §195-13, the Table of Bulk Requirements, Use Group x.1, which require a minimum rear yard setback of 20 feet. However, §195-57D, "Swimming pools," requires the 20-foot setback to be measured beginning 10 feet from the edge of the pool, effectively requiring a 30-foot rear yard setback.

The Parcel is improved with a single-family home owned by Yitzchok Zelcer (the "Applicant"), who wishes to place an 18-foot by 44-foot inground swimming pool in the rear yard. Although swimming pools are a permitted accessory use to single- and two-family homes in the ER-80 district, §195-57D requires setbacks from lot lines to be measured from a point beginning 10 feet from the edge of the pool, as noted above. Here, the Applicant seeks to place the pool 20

feet from the rear lot line where 30 feet is required. Thus, the Building Inspector referred the application to the Zoning Board of Appeals.

The application for variances. On March 30, 2023, the Montebello Zoning Board of Appeals received an application seeking relief in the form of two variances from Montebello Zoning Law:

1. Section 195-57D, which requires minimum required setbacks to be measured beginning ten feet from the edge of the pool, and
2. Section 195-13, "Table of Bulk Requirements," Use Group x.1, in the form of a variance of 10 feet from the minimum rear yard setback from the required 30 feet (as modified by §195-57D) to 20 feet, and

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

1. Permit denial letter from A. Gordon, March 2, 2023; and
2. Narrative from the homeowner Yitzchok Zelcer (undated); and
3. Additional narrative from Ephraim Goldstein, MS, BCBA, LBA (undated); and
4. Additional narrative from Kensington Pediatrics, March 14, 2023; and
5. ZBA application form, received March 30, 2023; and
6. Pool Plan entitled "14 Fant Farm Lane" from Paul Gdanski, PE, PLLC last revised, May 18, 2023; and
7. Survey, titled, "14 Fant Farm Lane," by Paul Gdanski, PE, PLLC, last revised June 30, 2023; and
8. Renderings and landscaping layout from Evergreen dated 6/30/2023 (8 pages).

General Municipal Law § 239-m. The application was duly referred to the Rockland County Planning Department ("RCPD") pursuant to GML § 239-m, which Department responded by letter dated May 15, 2023. Comment 5 noted that the bulk table indicated "N/A" where no variances were required and directed the bulk table be fully addressed.

Agency referrals. The application was duly referred to all agencies with jurisdiction. By letter dated May 18, 2023, Rockland County Sewer District No. 1 stated that the Zoning Board should advise the property owner that Section 902(B)(19) of the *Sewer Use Law* specifically prohibits the discharge of swimming pool drainage (not filter backwash) into the sanitary sewer system. A copy of the letter was provided to the Applicant. The Rockland County Health Department responded by letter dated May, 10, 2023, noting that application is to be made to the

RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

Public Hearing. A duly noticed public hearing was convened on June 15, 2023, and continued on July 20, 2023. During the public hearings, 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 on July 20, 2023.

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)(16), the granting of individual lot line variances and adjustments. No further action was required.

FINDINGS

The zoning law. A swimming pool is a permitted accessory use to a single-family home in the ER-80 district. Therefore, the accessory use complies with the Montebello Zoning Law.

The zoning law applied to the application for variances. Because the placement of the swimming pool does not comply with bulk requirements, the Applicant requested two variances: (1) Relief from Section 195-57D, which requires minimum required yard setbacks to be measured beginning ten feet from the edge of the pool, and (2) relief from Section 195-13, "Table of Bulk Requirements," Use Group x.1, in the form of a variance of 10 feet from the required 30-foot rear yard setback to 20 feet (as measured ten feet from the edge of the pool to the lot line pursuant to §195-57D)..

The Board's Findings. When considering whether to grant area variances, the Board must consider, and did consider: (1) whether the requested variances are the minimum necessary to relieve the practical difficulty or economic injury; (2) whether the variances are substantial in relation to the zoning code; (3) whether the variances will produce a change in the character of the neighborhood or a substantial detriment to adjoining property owners; (4) whether the alleged practical difficulty or economic injury be overcome by some other method; (5) whether granting the said variances will affect the health, safety or welfare of the neighborhood or community; and (6) whether granting the variances will have any effect on government facilities or services. 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 variances are the minimum necessary to relieve the practical difficulty or economic injury the Applicant would sustain if denied and determined that they are. The Board noted that the Applicant moved the pool to a different location on the lot after discussions with the Board and thus eliminated the need for a side variance in addition to the §195-57D rear yard variance.
2. The Board considered whether the variance is substantial in relation to the zoning code and determined that although it is substantial, the Applicant satisfied the Board as to the need for the for the pool.
3. The Board finds that there will not be a substantial change in the neighborhood if the variances are granted. The Board noted that pools are allowed as accessory use and that the pool, as proposed, would have met the 20-foot required setback in the absence of §195-57D.
4. The Board finds that the practical difficulty or economic injury cannot be overcome by some other method. The Board determined that the placement of the pool was ideal for the Applicant's use and enjoyment.
5. The Board finds and determines that granting these variances will not affect the health, safety or welfare of the neighborhood and noted that the Applicant submitted a landscaping plan that will screen the pool from the neighbors and lessen the impact.
6. The Board finds that no government facility or service will be affected by granting the requested area variances.

Applicant's burden. The Zoning Board of Appeals hereby finds and determines that the Applicant has 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 variances.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Village of Montebello Zoning Board of Appeals, that on a Motion by Member Bryan, Seconded by Member Gigante, on a roll-call vote as set forth below, the Village of Montebello Zoning Board of Appeals hereby grants the following variances to the Applicant for the purpose of placing an 18-foot by 44-foot inground swimming pool in the rear and side yard of the Parcel:

1. Relief from Section 195-57D, which requires minimum required setbacks to be measured beginning ten feet from the edge of the pool, and
2. Relief from Section 195-13, "Table of Bulk Requirements," Use Group x.1, in the form of a variance of 10 feet from the minimum rear yard and side yard setback from the required 30 feet (as modified by §195-57D) to 20 feet.

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 attached hereto. These variances are granted in reliance on their individual purposes as shown on the referenced application and survey and for no other purpose. Deviation from the variances granted by this Board shall invalidate this Decision and the variances granted thereby by operation of law.

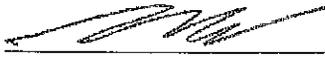
BE IT FURTHER RESOLVED, that these variances are granted pursuant to the following conditions:

1. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
2. That use of the pool shall be limited to its customary accessory use to a single-family home and shall not be used for hosting large groups of people for public recreational use.
3. Compliance with the landscaping plan submitted to the Board, including planting a row of evergreens along the property line as set forth in the landscaping plan.
4. Compliance with Comment No. 5 of the Rockland County Department of Planning to fill in the "N/A" items identified in the bulk table on the "Pool Plan" entitled "14 Fant Farm Lane." prepared by Paul Gdanski, PE, PLLC last revised, May 18, 2023.
5. Compliance with the Rockland County Health Department letter dated May, 10, 2023, directive to apply to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

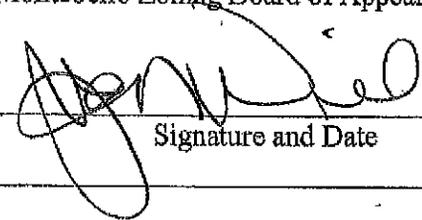
	Yea	Nay	Abstain	Absent
Rodney Gittens, Chairman	[]	[]	[]	[✓]
Carl Wanderman, Member	[✓]	[]	[]	[]
Janet Gigante, Member	[✓]	[]	[]	[]
Elizabeth Dugandzic, Member	[✓]	[]	[]	[]
Ezra Bryan, Member	[✓]	[]	[]	[]

Dated: July 20, 2023

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS


BY: CARL WANDERMAN, VICE 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:

 8/14/23
Signature and Date

FILED

JUL 20 2023

Village of Montebello