

SUPPLEMENTAL NARRATIVE SUMMARY
1 Canterbury Lane
S/B/L 48.12-1-41

This supplemental narrative summary is submitted in further support of the application by Josh Jacobs for variances to legalize the installation of a pool patio, a fire pit and a fence.

Subsequent to the ZBA meeting on June 20, 2024, we contacted Building Inspector Adam Gordon as to whether the wood deck should be included as part of the development coverage calculation. He confirmed that it does not have to be included as long as there is dirt or gravel beneath the deck (see attached memo from Adam Gordon dated 6/21/24 attached as Exhibit A). Accordingly, with the reduction of the wood deck, the development coverage is 20.8% which exceeds the maximum permitted by 359 square feet.

We further submit that the pool and hot tub comprise 800 square feet. Although they are considered as “impervious area” and included in the development coverage calculation, it is submitted that the hot tub and pool have the capacity to detain water that would normally be considered runoff on a true impervious surface. The project engineer has determined that the pool and hot tub can contain approximately 9 inches of water detention before there is any overflow. This equates with a 100-year storm event. Therefore, the pool and hot tub themselves provide mitigation measures to prevent an increase in surface water runoff. If the pool and hot tub are deducted from the development coverage calculation, the total coverage is further reduced to 8,382 square feet and the development coverage would be 19%.

Further, we herewith submit letters from Yitzchok Pretter at 2 Lety Lane and Anat Ganz at 4 Lety Lane (see Exhibit B). These neighbors live behind the applicant and are arguably the neighbors most affected by the location of the pool patio and fire pit. The neighbors have no objections and encourage the ZBA to grant the variances.

Further, as was requested by the Board, we submit a copy of the plot plan filed with the Building Department in support of the applications for a pool permit and land disturbance permit for the hot tub (see Exhibit C). As the Board can see, the plan was silent on the patio around the pool as well as the fence around the property. I further submit an updated as built plot plan that shows the dimensions of the new pool patio (see Exhibit D).

Lastly, we submit pictures of the pool and patio that existed before the applicant refurbished the pool and installed the hot tub and pictures after the installation. These pictures represent different perspectives.

Exhibit E shows the view looking from the rear yard to the front yard on Canterbury Lane.

Exhibit F shows the view looking towards the Viola.

Exhibit G shows the view looking towards the rear of the property.

Exhibit H shows a view looking at the side of the house from Viola.

Exhibit I shows the view looking at the front of the house from Canterbury and looking at the side of the house where the pool is from Viola.

As the Board can see, the work performed beautifies the yard and complements the neighborhood and improves the value of the property as well as the community. The improvements do not negatively impact the character of the community or create a detriment to

any adjoining properties.

BALANCING OF THE EQUITIES

In making its determination to grant a variance, a zoning board of appeals must 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. In making such determination the zoning board of appeals is also required to consider the following factors:

a. An undesirable change will not be produced in the character of the neighborhood, nor a detriment created to nearby properties by the granting of the area variances.

The deficiencies created by the improvements will not change the character or feel of the neighborhood. The property is a corner lot and has 2 front yards, one of which fronts on Viola Road. The nonconforming patio and fire pit cannot be seen from the road and are only visible if one is to walk into the back yard. The fence is not disruptive and creates a privacy buffer to Viola Road. The patio and fire pit are screened from the neighbor. The development coverage variance is minimal and any additional runoff from the site will be properly detained so as not to impact any neighbors.

b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The only other alternative is for the applicant to remove a portion of the patio, the fire pit and to relocate the fence. Not only does doing so come with a cost, but the removal will detract from the yard and reduce the quality of enjoyment for the applicant of his yard area. Removal does not seem feasible when viewed in the light of the community. The current condition is not creating any undesirable change in the character of the neighborhood. The improvements are not noticeable and do not infringe upon, or create any detriment to, any adjacent property owners. The neighbors next door neighbors are in favor of the variance.

c. That the requested area variances are not substantial.

The development coverage variance is only 0.8% over the maximum permitted in the zone. The front yard variance for the pool patio is 15.7' which is only 8.3' less than the prior nonconforming condition of 24'. This condition exists at grade only. It is not for an accessory building such as a shed that is above ground level. Although the rear yard variances can be seen as significant from a strictly numerical standpoint, the Board must look at the totality of the circumstances. Even if a numerical deviation from a bulk requirement is deemed "substantial," the weight to be given to that finding is dependent on, and cannot be separated from, the impact that deviation will have on the community.¹ The improvements do not negatively impact the

¹ See, *Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals*, 21 Misc.3d 1120(A), (Sup Ct 2007), aff'd, 43 A.D.3d 1447 (4th Dept. 2007) ("Looking at the variance request in such a vacuum is not an adequate indicator of the substantiality of Petitioner's application. Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.") See also, *Aydellott v. Town of Bedford Zoning Board of Appeals*, 6/25/03 N.Y.L.J. 21 (col.4) (Supreme Court, Westchester Co., 2003) (When reviewing the application in the context of the overall impact it would have on the

character of the community or create a detriment to any adjoining properties.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance requests will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The project is considered a Type II action and not these actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review.

f. That the alleged difficulty was not self-created.

This improvement will not detract from the community. Even if the Zoning Board finds the difficulties to be self-created, this factor is not dispositive of the applicant's variance requests. Instead, any perceived self-created harm is greatly outweighed by the fact that the area variances will not result in any adverse impacts and will not change the character of the neighborhood.

CONCLUSION

The requested variances will not negatively impact any of the neighbors or create a detriment to the community. Under the particular circumstances of this case, the benefit to the applicant from the grant of the variances significantly outweighs any detriment to the health, safety and welfare of the neighborhood. The balance of equities lies in favor of the granting of the variance.

For all the foregoing reasons, it is respectfully requested that the Zoning Board of Appeals grant the applicant the requested variances.

Dated: July 2, 2024

Respectfully submitted,

SARAJIAN & BAUM PLLC


Paul S. Baum
Attorney for Applicant

neighborhood, it is clear that the variance request is not substantial, especially when considering that the structure will have the outside appearance of a two-story building.)

Exhibit A

Village of Montebello
Building & Zoning Department
One Montebello Road
Montebello, N.Y. 10901
Tel. 845-368-2491 Fax 845-368-2044

Adam Gordon
Padilla
Building Inspector

Marco
Fire Inspector

MEMORANDUM

TO: ZONING BOARD OF APPEALS

**CC: PAUL BAUM, ESQ.
JOSH JACOBS**

FROM: ADAM GORDON, BUILDING INSPECTOR



**SUBJECT: 1 CANTERBURY LANE
48.12-1-41**

DATE: JUNE 21, 2024

The wood deck that was recently constructed in the rear of house at the above-referenced property does not count toward development coverage provided there is dirt or gravel beneath.

Exhibit B

**Yitzchok Pretter
2 Lety Lane
Montebello, NY 10901**

June 21, 2024

Zoning Board of Appeals
Village of Montebello
One Montebello Road
Montebello, NY 10901

RE: Support for Variance Requests for Joshua Jacobs- 1 Canterbury Lane

Dear Members of the Zoning Board of Appeals,

I am writing to express my full support for the variance request submitted by my neighbor, Josh Jacobs, regarding his property at 1 Canterbury Lane. I believe that granting these variances is in the best interest of our community and aligns with the spirit of fair and reasonable zoning regulations.

Josh has outlined the specific requirements he is seeking relief from, which include development coverage of 22.5%, pool patio 6.2 feet from my property line and a fire pit 5.2 feet from my property line as well as the pool patio being 15.7 feet from Viola Road. The pool, patio and fire pit are beautiful additions to the home and improve the property and only enhance the neighborhood.

As the next-door neighbor, right behind Josh's house, and the one most impacted by the improvements, I can say that the improvements he made do not adversely impact me or the character of our neighborhood. In fact, the improvements contribute positively to our community.

I appreciate the Zoning Board's commitment to maintaining a balance between individual property rights and community interests. In this case, granting the variances will allow Josh to maintain reasonable improvements to his property without causing harm to others.

I wholeheartedly support the variance requests and believe the improvements enhance our neighborhood.

Thank you for your attention to this matter.

Sincerely,



Yitzchok Pretter
2 Lety Lane
Montebello, NY 10901

June 21, 2024

Zoning Board of Appeals
Village of Montebello
One Montebello Road
Montebello, NY 10901

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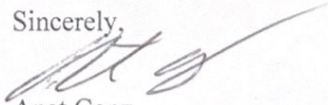
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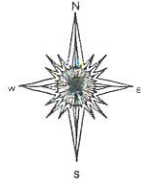
Thank you for your attention to this matter.

Sincerely,



Anat Ganz
4 Lety Ln
Montebello NY 10901

Exhibit C



The set of plans MUST be kept on the job at all times and it is unlawful to make any changes or alterations on same without permission from the Building Department, Village of Montebello.

These plans approved subject to complete compliance with all the requirements of the New York State Uniform Fire Protection and Building Code, and the Village of Montebello Local Laws, whether or not shown and/or stated hereon and/or in the specification, and subject to inspection at different stages of construction.

Plans Examined by _____ on _____
 Building Permit No. 3045-22
 Building Inspector Ant/M Date 5/10/22

RECEIVED
 MAY 05 2022
 VILLAGE OF MONTEBELLO
 Planning, Zoning & Building Clerk



LOT AREA=44,112.77 SQUARE FEET
 BEING LOT 1 BLOCK 8 ON A CERTAIN MAP ENTITLED
 "COUNTY HOMES OF VIOLA"
 FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE
 AS MAP #2898 BOOK #63 PAGE #33 ON 07/24/1981.
 TAX MAP DESIGNATION: 48.12-1-41
 PROPOSED
 POOL FOR

1 CANTERBURY LN.
 TOWN OF RAMAPO, ROCKLAND COUNTY
 MONTEBELLO, NEW YORK
 MARCH 31, 2022 SCALE: 1" = 20'

ANTHONY R. CELENTANO P.E.
 31 ROSMAN ROAD
 THELLS, N.Y. 10984
 845-429-5290 FAX: 429-5974
 Anthony R. Celetano P.E. #76244

BULK REQUIREMENTS		ZONE: RR-50 SINGLE FAMILY RESIDENTIAL														
USE GROUP	MIN. LOT AREA	LOT WIDTH	FRONT SETBACK	FRONT SETBACK	FRONT YARD	FRONT YARD	FRONT YARD	SIDE SETBACK	TOTAL SIDE SETBACK	SIDE YARD	REAR SETBACK	REAR YARD	STREET FRONTAGE	MAXIMUM HEIGHT	DEVELOPMENT COVERAGE	FLOOR AREA RATIO
REQUIRED	10,000 SF	175'	175'	10'	50'	10'	50'	10'	75'	25'	10'	25'	100'	35'	20%	0.15
EXISTING	44,112 SF**	172.06'	258.09'	50.7'	50'	50.7'	50.7'	133.3'	N/A	133.3'	51.6'	25'	391.49'	35'	11.7%	0.06
PROPOSED	44,112 SF**	172.06'	258.09'	50.7'	50'	52.8'	50.7'	133.3'	N/A	133.3'	51.6'	25'	391.49'	35'	13.5%	0.06

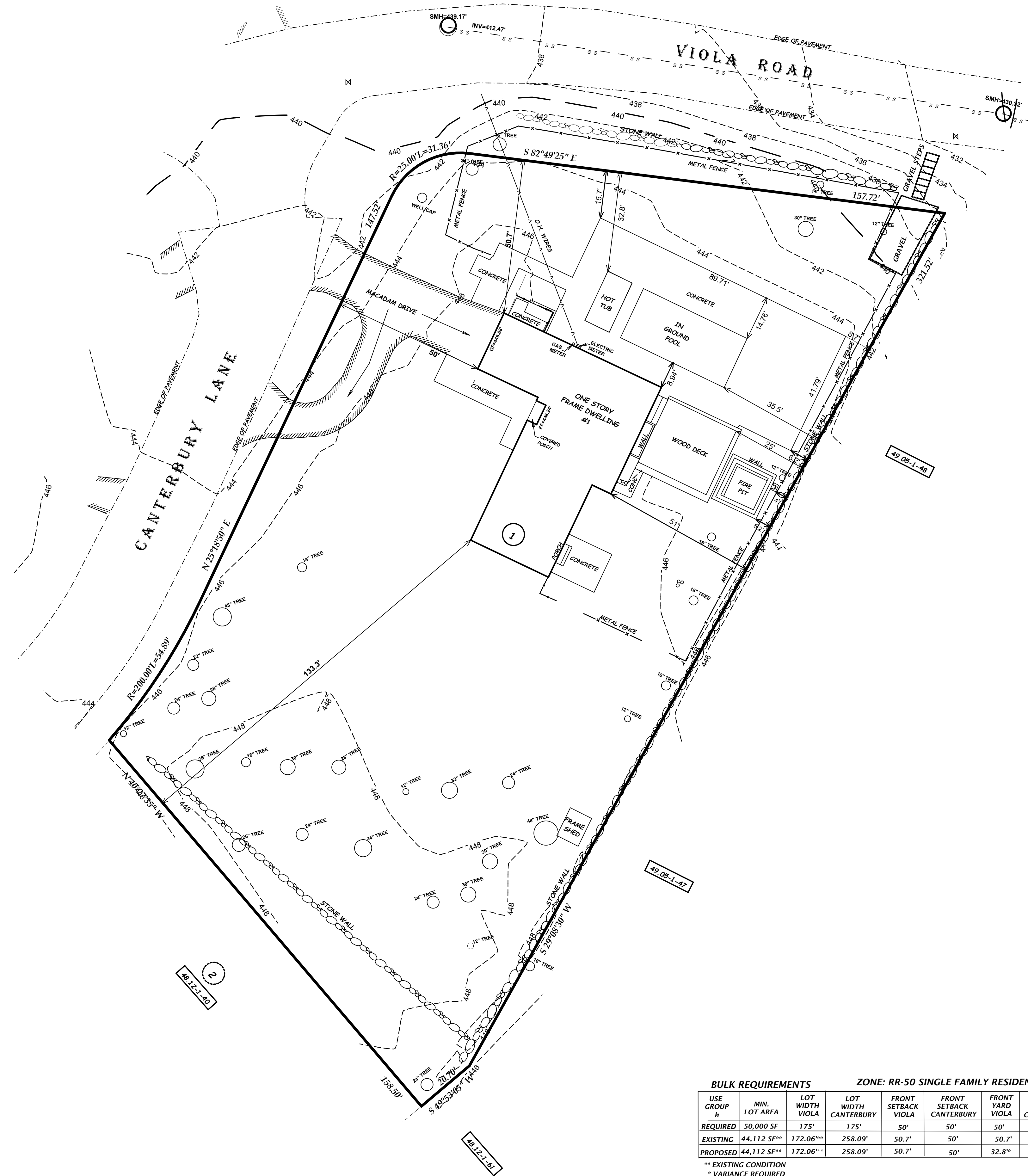
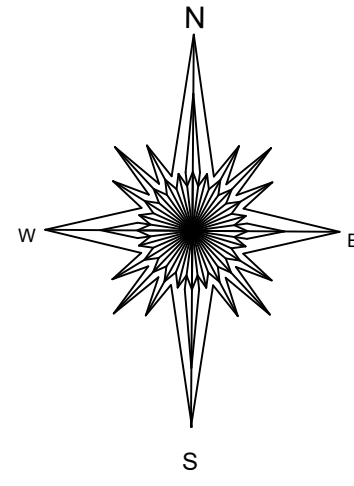
** EXISTING CONDITION
 * VARIANCE REQUIRED

EXISTING COVERAGES
 1) HOUSE = 680 SQFT
 2) DRIVEWAY = 1,500 SQFT
 3) FRONT WALK, STAIRS & PORCH = 210 SQFT
 4) DECKS = 612 SQFT
 5) SHEED = 80 SQFT
 TOTAL = 3,142 SF

PROPOSED COVERAGES
 1) EXISTING HOUSE = 680 SQFT
 2) EXISTING DRIVEWAY = 1,500 SQFT
 3) EXISTING FRONT WALK, STAIRS & PORCH = 210 SQFT
 4) EXISTING DECKS = 612 SQFT
 5) EXISTING SHEED = 80 SQFT
 6) PROPOSED POOL = 800 SF
 TOTAL = 5,942 SF

* Existing pool was approximately 44' total with pool deck. Approximately 56'. Proposed new pool is 36' L w/ 7' Hot tub. 43' Total - same footprint. No variance required existing condition. Ant/M

Exhibit D



LOT AREA=44,112.77 SQUARE FEET
 BEING LOT 1 BLOCK B ON A CERTAIN MAP ENTITLED
 "COUNTY HOMES OF VIOLA"
 FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE
 AS MAP #2898 BOOK #63 PAGE #33 ON 07/24/1961.
 TAX MAP DESIGNATION: 48.12-1-41

UPDATE
 FOR
1 CANTERBURY LN.

TOWN OF RAMAPO, ROCKLAND COUNTY
 REV 2/8/24 (REV 5/9/24)
 MONTEBELLO, NEW YORK
 UPD. 11/19/22
 MARCH 31, 2022 SCALE: 1" = 20'

ANTHONY R. CELENTANO P.L.S.
 31 ROSMAN ROAD
 THIELLS, N.Y. 10984
 845 429 5290 FAX 429 5974

Anthony R. Celetano LIC#50633

BULK REQUIREMENTS ZONE: RR-50 SINGLE FAMILY RESIDENTIAL

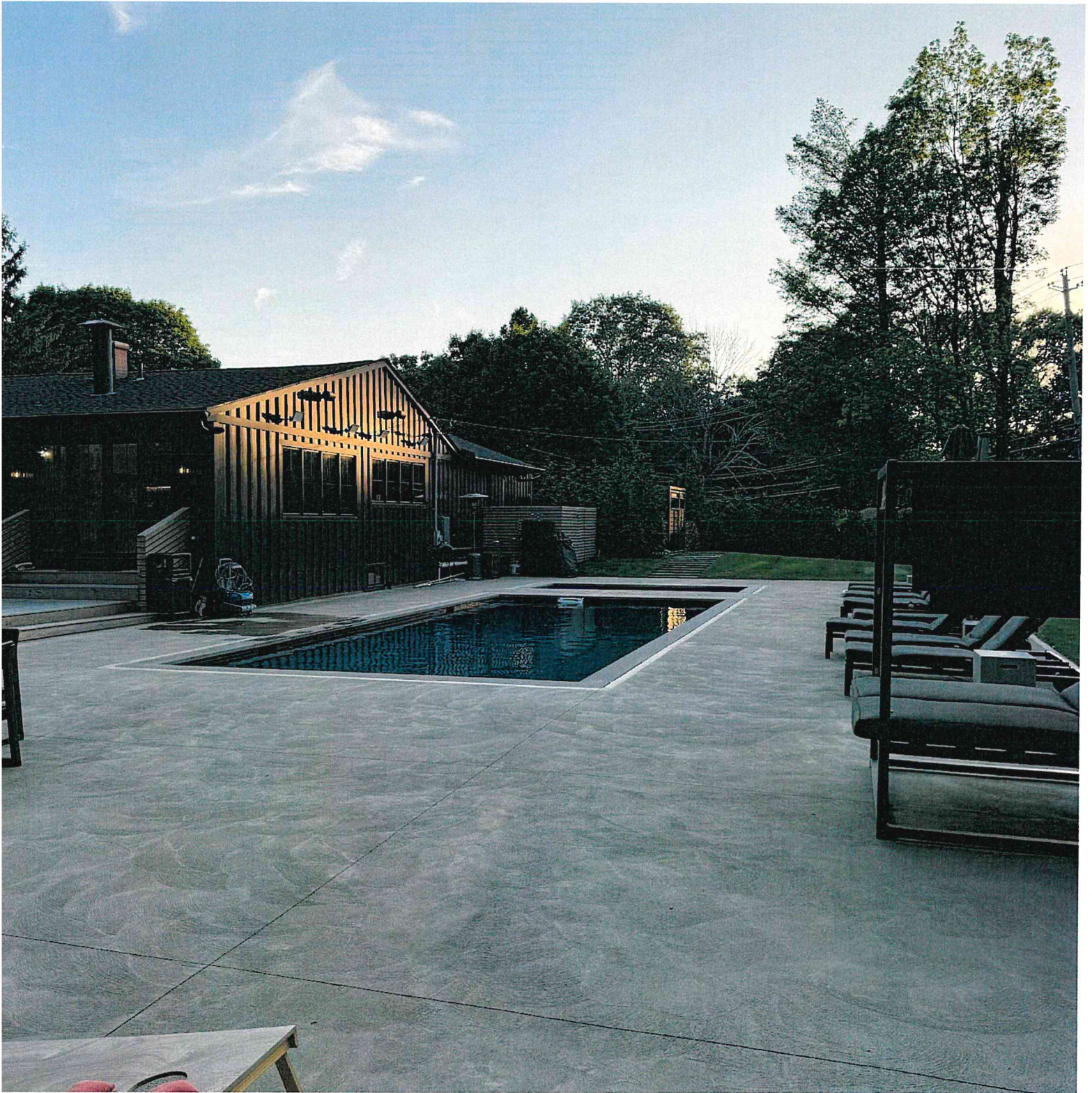
USE GROUP	MIN. LOT AREA	LOT WIDTH VIOLA	LOT WIDTH CANTERBURY	FRONT SETBACK VIOLA	FRONT SETBACK CANTERBURY	FRONT YARD VIOLA	FRONT YARD CANTERBURY	SIDE SETBACK	TOTAL SIDE SETBACK	SIDE YARD	REAR SETBACK	REAR YARD	STREET FRONTAGE	MAXIMUM HEIGHT	DEVELOPMENT COVERAGE	FLOOR AREA RATIO
REQUIRED	50,000 SF	175'	175'	50'	50'	50'	50'	30'	75'	25'	50'	25'	100	35'	20%	0.15
EXISTING	44,112 SF**	172.06***	258.09'	50.7'	50'	50.7'	50.7'	133.3'	N/A	133.3'	51.6'	25'	391.49'	<35'	11.7%	0.06
PROPOSED	44,112 SF**	172.06***	258.09'	50.7'	50'	32.8**	50.7'	133.3'	N/A	133.3'	51.6'	25'	391.49'	<35'	22.5%*	0.06

** EXISTING CONDITION
 * VARIANCE REQUIRED
 IMPERVIOUS COVERAGES
 1) EXISTING HOUSE = 2,680 SQFT
 2) EXISTING DRIVEWAY = 1,500 SQFT
 3) EXISTING FRONT WALKS, STAIRS & PORCH = 400 SQFT
 4) EXISTING DECKS = 632 SQFT
 5) EXISTING SHED = 80 SQFT
 6) POOL & CONCRETE DECKING = 4076 SF
 7) CONCRETE PATIOS & WALKWAYS = 446 SF
 TOTAL = 9,814 SF

Exhibit E



BEFORE



AFTER

Exhibit F



BEFORE



AFTER

Exhibit G



BEFORE



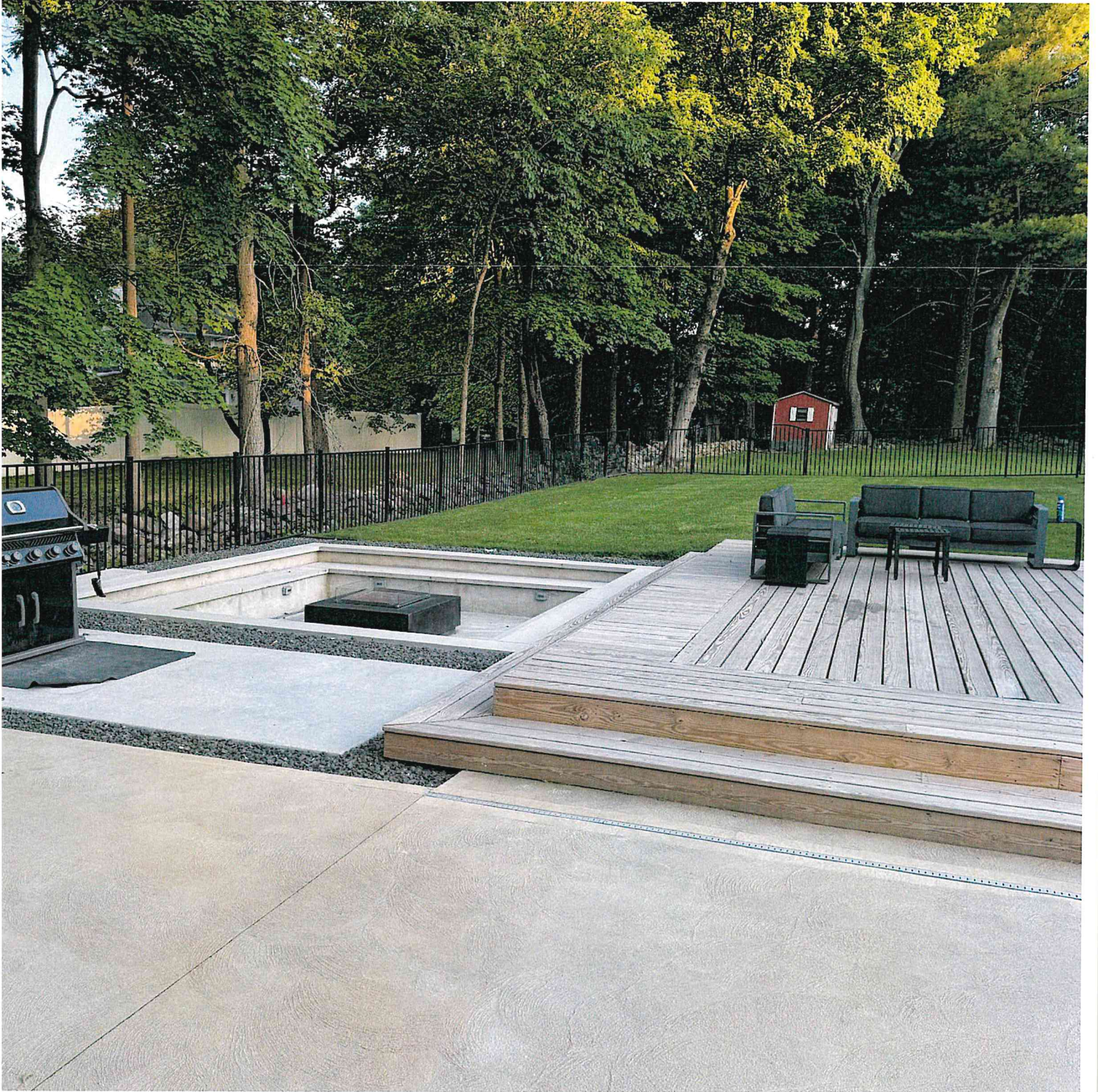
BEFORE



AFTER



AFTER



AFTER

Exhibit H

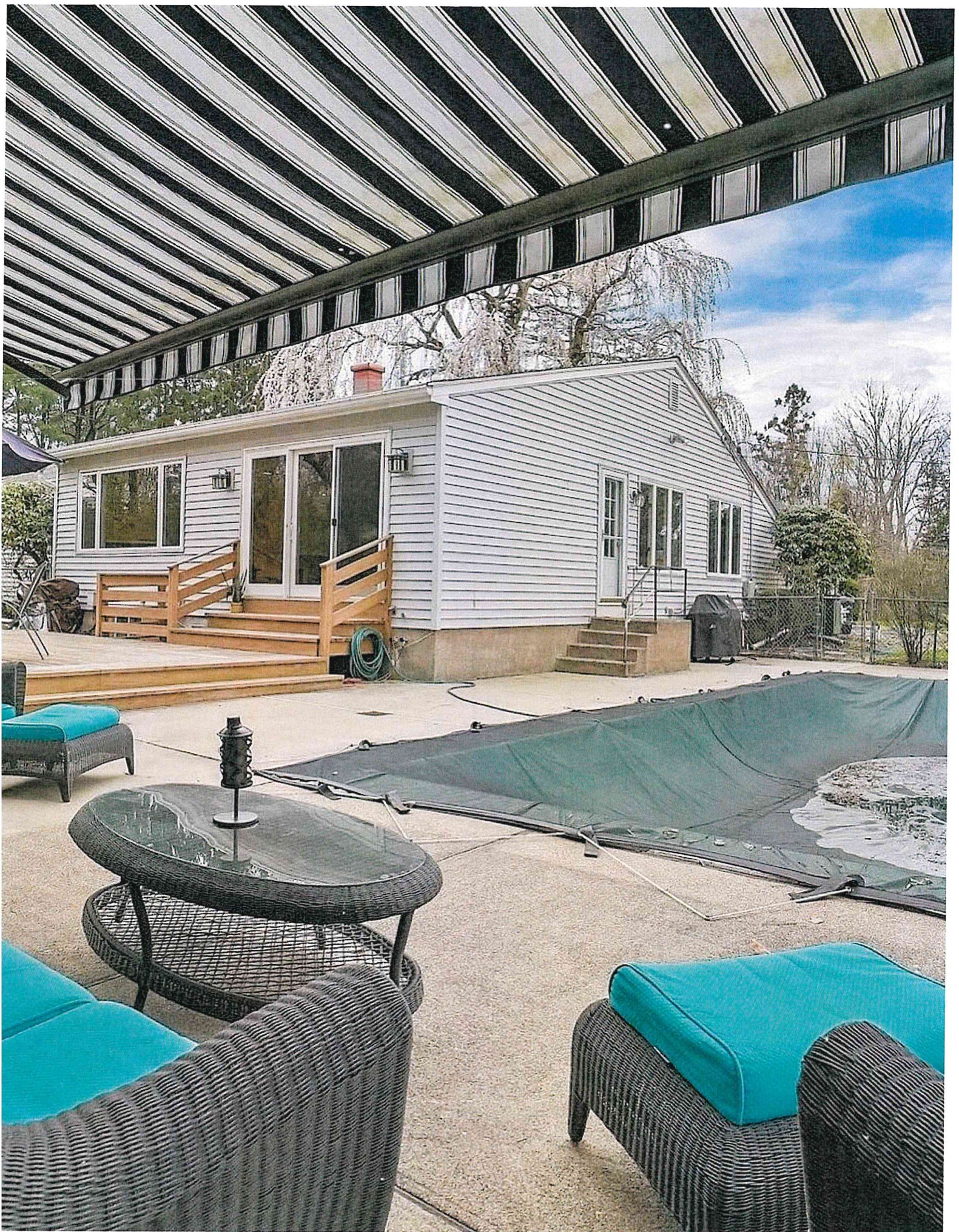




Exhibit I





