



June 6, 2024

Village of Montebello Zoning Board of Appeals  
1 Montebello Road  
Suffern, NY 10901

Re: 8 Henry Court, Montebello, NY 10901 (Tax Map Designation: Sec. 48.10-1-36)

**Subject: Narrative**

This property is currently a single-family home located in the R-35 Zone.

The applicant would like to designate one room on the first floor as a residential Gathering place.

This residential Gathering place will be attended by 15 congregants all who live within walking distance. It will be in use only on the Shabbos and on Jewish holidays. It will be used Friday afternoon from sunset to 2 hours after, Saturday morning from 9 am to 12 pm, and Saturday evening from sunset to night. No on-site catering is proposed. No special events will occur outside of the usual operational hours. Other than the four small variances, all other requirements of the Zoning Code are met.

The congregants all live within walking distance. The 5 parking spots provided will provide more than sufficient parking for the residential Gathering place, including 1 handicapped parking. There is no other Shul in the neighborhood currently.



We are proposing an accessory structure on the site, which will not be part of the site plan approval. It is included on the site plan to show increased development coverage and FAR. However, it will only be used as a private mikvah for the rabbi himself and not for public use. The FAR variance is minimal and is occasioned by the proximity to the Mahwah River and slopes.

The following variances will be required:

	<b><u>Required:</u></b>	<b><u>Provided:</u></b>
<b>SIDE YARD</b>	<b>20'</b>	<b>0.7'</b>
<b>FAR</b>	<b>.20</b>	<b>.22</b>
<b>PARKING</b>	<b>7</b>	<b>5</b>
<b>PRIVACY FENCE (HEIGHT)</b>	<b>6'</b>	<b>8'</b>

The following will go through the balancing test to determine the five factors to grant a variance.

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

There is no place nor any need to have 7 parking spaces. There will be no driving. Further, there is no way to do this other than with these minimal variances. The four items are all Code requirements that cannot be waived.

2. **If the variance substantial in relation to the Zoning code?**

The variances requested are not substantial alone or in the aggregate. Further, this is a religious use. New York State and Federal laws require a municipality to be flexible in the application of its zoning code to religious uses. See *Cornell v. Bagnardi*, 68 N.Y.2d 583 (1986), and RLUIPA (42 USC § 2000cc *et seq.*).



3. **Will it substantial change be produced in the character of the neighborhood?**

By granting the minimum area variances will not change the character of the neighborhood, since this is still staying as a single-family home, just having an additional use of a place of gathering. The Applicant is keeping the gathering place small to preserve the character of the neighborhood.

4. **Can the alleged practical difficulty or economic injury be overcome by some other method other than a variance?**

There is no way to do this without a variance. It is a religious use and there is no room to accommodate the two additional parking spaces.

5. **Will the granting of the variance affect the health, safety or welfare of the neighborhood or community?**

The granting of the variance will actually help the community. People from the community will have a place to worship together.