

APPROVED

Village of Chestnut Ridge
Zoning Board of Appeals
January 31, 2017

The meeting was called to order at 8:04 P.M. by Stephen Liebman, Chairman.

Present: Stephen Liebman-Chairman, Susan Silverman, Duane Penister, Stanley Waldbaum,
Ally Thorne, David Murdock, Ed Manning, Michael Grossman-Alternate

Also Present: Walter R. Sevastian-Village Attorney, Mary Ballek-Secretary to the Board,
Cheryl Sluys-Recording Secretary

1. **253 Saddle River**-Continuation of Public Hearing to consider the Application from The Shain Residential Trust for area variances relative to a project to construct a single family home at the premises known as 253 Saddle River Road, Chestnut Ridge, NY 10977 (**tax designation 62.07-1-73**), In the **R-25 Zoning District**, as follows:

FAR of .326 where .20 is required.

Zero off-street parking spaces where 2 are required.

James Licata, Esq. (Attorney for Applicants) and Robert Bernstein, Architect (55 Union Road, Spring Valley, NY) appeared.

Mr. Licata summarized the changes that have been made to the original plan. Mr. Licata referred Mr. Liebman and the Board members to a letter from Lisa Gorelick, M.D. indicating the benefit of providing area in the house for the child to receive treatment.

Mr. Liebman and the Board members discussed the proposed application in detail.

Mr. Licata was asked by the Board members if there were any additional changes made to the planned construction after applicant's ZBA appearance on November 29, 2016.

Mr. Licata said there were no changes.

Mr. Liebman discussed the application with members of the public. Mr. Liebman said the proposed house could have been 4520 square feet without variances but applicant is requesting 7365 square feet. Mr. Liebman then said no one disputes the great need of this family but there are many factors to look at: 1) the size of the variance, 2) if the Shains move the variances remain with the property, 3) new construction, by local law, must have a two car garage, 4) no one from the public has spoken in support of this application.

Mr. Liebman opened the meeting to the public.

No one from the public wished to speak.

David Murdock made a motion seconded by Duane Penister to close the public hearing. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Duane Penister-yes, Susan Silverman-yes,

Stanley Waldbaum-yes, Ally Thorne-yes, Ed Manning-yes, Michael Grossman-yes.

Mr. Liebman asked if the Board members had any further questions or discussion. No one had any additional comments.

Ed Manning made a motion seconded by Susan Silverman to grant the requested variances. The following vote was taken: Stephen Liebman-no, Ed Manning-no, Susan Silverman-no, Ally Thorne-no, David Murdock-no, Stanley Waldbaum-no, Duane Penister-no, Michael Grossman-no.

Mr. Liebman said item 2, Green Mountain Development Corp, will not be heard this evening.

3. **4 Thorn Place** – Public Hearing to consider the application of Inna Siper for variances from the Chestnut Ridge Zoning Code Table of General Use Requirements:
Part 1, Residential applicable to the R-35 Zoning District as follows:
Column F, Minimum off-street parking spaces, Item 13
1 family residence with regards to the following “At least 2 indoor spaces per dwelling unit”
(tax designation 63.13-02-39) in the R-35 Zoning District.

Ryan Karben, Esq. (Attorney for Applicant) and Inna Siper, Owner/Applicant appeared.

Mr. Karben reviewed the application with Mr. Liebman and the Board members. Mr. Karben said that conversion of the garage to accommodate intergenerational living was done without approval of the Village of Chestnut Ridge in 2016 and following construction the Building Inspector denied a request for a building permit because of a local law requiring two indoor parking spaces per dwelling unit. Mr. Karben then said the garage conversion offered privacy to Mrs. Siper without forcing construction of an expensive addition to the house. Mr. Karben said the conversion causes no detriment to the neighbors or off-site impact and this is a classic case of a family seeking relief for their needs without disruption to the community because of a lack of knowledge.

Mr. Liebman said the conversion is illegal. Mr. Liebman asked who did the construction.

Mr. Karben said Mrs. Siper’s son and his friends [all unlicensed] did the work including plumbing and electricity.

Mr. Liebman said that Chestnut Ridge has a Zoning Code and the intent of the law is to prevent construction without proper review and approval. Mr. Liebman then said it isn’t a good defense that applicant “didn’t know”.

The Board discussed construction of a new garage with applicant.

Mr. Liebman opened the meeting to the public.

Marlyn LaForest of 18 Eastbourne Drive, Ed Sheridan of 46 Pascack Road and Magali Dupuy of 49 Spring Hill Terrace affirmed to tell the truth. All were opposed to granting the variances because of precedence, no garage for cars and the danger of unlicensed work.

Moshe Zlotnick of 15 Eastbourne Drive said this has no negative impact on the neighborhood and he would be in favor of granting the variances.

Mr. Liebman asked Mr. Zlotnick if he is in favor of illegal conversions.

Mr. Zlotnick did not wish to give an opinion.

Inna Siper affirmed to tell the truth. Mrs. Siper said the garage is like an apartment and every case is different.

No one else from the public wished to speak.

David Murdock made a motion seconded by Michael Grossman to close the public hearing. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Michael Grossman-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Duane Penister-yes, Ed Manning-yes.

Mr. Liebman asked if the Board members had any questions or comments. There were none.

Ed Manning made a motion seconded by David Murdock to approve the requested variances. The following vote was taken: Stephen Liebman-no, Ed Manning-no, David Murdock-no, Ally Thorne-no, Duane Penister-no, Susan Silverman-no, Stanley Waldbaum-no.

Michael Grossman made a motion seconded by David Murdock to approve the November 29, 2016 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, David Murdock-yes, Susan Silverman-yes, Duane Penister-yes, Ed Manning-yes, Stanley Waldbaum-yes, Ally Thorne-yes.

Ed Manning made a motion seconded by Stanley Waldbaum to adjourn the meeting. The following vote was taken: Stephen Liebman-yes, Ed Manning-yes, Stanley Waldbaum-yes, David Murdock-yes, Ally Thorne-yes, Susan Silverman-yes, Duane Penister-yes, Michael Grossman-yes.