

Village of Chestnut Ridge  
Zoning Board of Appeals  
November 29, 2016

The meeting was called to order at 8:00 P.M. by Stephen Liebman, Chairman.

Present: Stephen Liebman-Chairman, Duane Penister, Susan Silverman, Stanley Waldbaum,  
David Murdock, Ally Thorne, 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), Robert Bernstein, Architect (55 Union Road, Spring Valley, NY), Bracha Shain and Shimon Shain, Applicants appeared.

Mr. Liebman said applicant has submitted new plans with a decrease in the number of requested variances. Mr. Liebman asked Mr. Bernstein to go over the plans with the Board members.

Mr. Bernstein affirmed to tell the truth. Mr. Bernstein said the plans were reworked to decrease the number and scope of the requested variances. Mr. Bernstein then said variances for side setback, total side setback and building height are no longer required.

Mr. Liebman said you stated the side setback variance was eliminated by narrowing the house and that the plan appears to show one room that was 6'10" and is now 5'10".

Mr. Liebman, the Board members and Mr. Bernstein reviewed the plans.

Mr. Liebman then said there are now ramps on both sides of the house and on the original plan there was a ramp on only one side of the house.

Mr. Bernstein said a four foot staircase was removed from one side of the house, the house was narrowed by one foot and the house location was pushed one foot to the right.

Mr. Liebman, the Board members and Mr. Bernstein held a discussion.

Mr. Licata said the Board had concerns about backing out onto Saddle River Road so a turnaround was added. Mr. Licata said the FAR was slightly decreased.

Ms. Silverman pointed out that the calculation for floor area on the original plan was 7141 square feet; it has now increased to 7265 square feet on the revised plan.

Mr. Licata said the increase is due to the covered porch and that the entire bottom floor is below grade.

Ms. Silverman said she feels the FAR being requested will make the entire frontage of the house out of character in the neighborhood.

Mr. Liebman and the Board members continued to discuss the revised application and increased FAR.

Mr. Bernstein discussed in detail the revised plans with Mr. Liebman and the Board members.

Mr. Sevastian reviewed the variance factors to be considered by the Board members in making their determination. Mr. Sevastian then said clearly there is someone in the family with special needs and a portion of the house is to be dedicated to that use.

Mr. Liebman and the Board members expressed some of their concerns: 1) selling the house without a garage, 2) if granted the variance stays with the house, 3) why this particular property was purchased, 4) modification of the existing house v. new construction.

Mr. Liebman opened the meeting to the public.

Joseph Wilder of 20 Briar Court and Magali Dupuy of 49 Spring Hill Terrace affirmed to tell the truth. Both expressed empathy for the needs of the family but said the proposed house size will be very detrimental to the neighborhood.

No one else from the public spoke.

Mr. Licata discussed with Mr. Sevastian the possibility of adding a detached garage to the plans.

Following a discussion with the Shains, Mr. Licata requested an adjournment until the January 2017 meeting.

David Murdock made a motion seconded by Ed Manning to adjourn this application until January 31, 2017. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Ed Manning-yes, Ally Thorne-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Michael Grossman-yes.

David Murdock made a motion seconded by Susan Silverman to approve the September 27, 2016 meeting minutes with one correction. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Duane Penister-yes. Ed Manning abstained.

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