

APPROVED

Village of Chestnut Ridge
Zoning Board of Appeals
February 28, 2017

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

Present: Stephen Liebman-Chairman, Susan Silverman, Stanley Waldbaum, Ally Thorne, Duane Penister, 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. Margiotta Property-Public Hearing to consider the application Margiotta Property. Property has been used for the storage of construction and farm equipment since its purchase in 1928. This use pre-dates all local zoning laws. The applicant is seeking to certify the non-conforming use of the property.

Kenneth Moran, Esq. (Attorney for Applicant) and George Margiotta, Applicant appeared.

Mr. Moran said this approximately 7 acre property consists of 5 vacant lots and 2 residential lots (with a single family house on each) and is situated adjacent to the NYS Thruway and off Red Schoolhouse Road. The property was purchased by the Margiotta family in 1928 prior to the Town of Ramapo zoning and has been continuously used to store agricultural equipment, construction vehicles, and equipment.

George Margiotta affirmed to tell the truth and presented photographs of his property taken last week for Mr. Liebman and the Board members to review.

Mr. Sevastian asked Mr. Margiotta to outline the area on the map where equipment is being stored.

Mr. Margiotta said he rents one acre to Bill Kolvek who raises perennials. Mr. Margiotta presented a nursery grower registration permit to Mr. Liebman. Mr. Margiotta then said for security at the property rented by Mr. Kolvek an electronic gate was installed with the approval from Chestnut Ridge. Mr. Margiotta said he is a semi retired builder/landscaper who buys construction equipment to repair and resell and that he started to clean up his property in July or August of 2016, taking down trees and making repairs to the existing driveway.

Mr. Liebman discussed with Mr. Margiotta the other structures on the property.

Mr. Margiotta said there is a shed but he denies any expansion of the existing use to the property. Mr. Margiotta said the tree removal has diminished the buffer between the equipment and adjacent residential property and he is planning to construct a berm and plant trees for privacy. Mr. Margiotta then said he has equipment on 2 other properties and he plans to bring the equipment to 17 Desalvo Court.

Mr. Sevastian advised the Board that the County Planning Department is requiring a map that reflects existing conditions on the property.

Mr. Moran presented 6 affidavits from long time residents requesting the current use of the Margiotta property be allowed to continue and be certified as a non-conforming use. The affidavits were read into the record by Mr. Liebman.

Mr. Liebman opened the meeting to the public.

Daniel Duffy of 32 Wilshire Drive and Anthony Averso of 40 Wilshire Drive affirmed to tell the truth and denied any problem with noise or what is being stored on the property.

Myrna Torrellas of 45 Wilshire Drive affirmed to tell the truth and said she does not remember seeing trucks on the property from 1992 until now and asked how many more vehicles will be moved to the property.

Jon Mills of 42 Wilshire Drive affirmed to tell the truth and voiced opposition to allowing the non-conforming usage to continue. Mr. Mills also requested that the ZBA require an environmental report because of the asphalt millings and piles of dirt on the property.

Lee March Grayson and Judy Grayson of 52 Wilshire Drive affirmed to tell the truth. Mr. Grayson presented photographs taken last week to Mr. Liebman and the Board members. Mr. Grayson said that the property was quiet until last summer when 50 – 100 trees were cleared from the property and in addition to seeing a parking lot there is now a huge driveway. Mrs. Grayson said that when the trees came down it shook their house. Mr. Grayson said he is very opposed to the application and asked that the Board deny the application.

Mr. Sevastian asked Mr. Grayson if he was able to see vehicles on the Margiotta property before the trees were removed.

Mr. Grayson answered no.

Sheryl Mitzner of 33 Wilshire Drive affirmed to tell the truth and said the driveway looks wider, the trucks are very visible and an electronic gate was put up without a permit and then said it looks like a commercial property.

Bruce Goldsmith of 2 Weiss Terrace asked if the ZBA will address the gate installation and if there was a permit issued to install same.

Mr. Sevastian said he will speak with the Code Enforcement Officer.

No one else from the public wished to speak.

Mr. Liebman said the Board members requested more clarification as to where the agriculture/ construction vehicles will be parked. Mr. Liebman suggested to Mr. Moran that those who signed the affidavits describe where the equipment was continuously parked.

Mr. Liebman and the Board members discussed the haphazard way vehicles are parked on the property, how and where vehicles are parked in the delineated area on the map and how many more vehicles will be parked on the property.

Ed Manning made a motion seconded by Susan Silverman to adjourn the public hearing until March 28, 2017. The following vote was taken: Stephen Liebman-yes, Ed Manning-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Ally Thorne-yes, David Murdock-yes.

David Murdock made a motion seconded by Stanley Waldbaum to adopt the resolution entitled "In the Matter of the Application of Inna Siper, relative to the premises identified on the Town of Ramapo Tax Map as parcel 63.13-2-39, 4 Thorn Place, Chestnut Ridge, NY 10977, located in the R-35 Zoning District". The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Stanley Waldbaum-yes, Ed Manning-yes, Ally Thorne-yes, Duane Penister-yes, Susan Silverman-yes.

David Murdock made a motion seconded by Ed Manning to adopt the resolution entitled "In the Matter of the Application of The Shain Residential Trust, relative to the premises identified on the Town of Ramapo Tax Map as parcel 62.07-1-73, 253 Saddle River Road, Chestnut Ridge, NY 10977, located in the R-25 Zoning District" as modified. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Ed Manning-yes, Duane Penister-yes, Ally Thorne-yes, Stanley Waldbaum-yes, Susan Silverman-yes.

David Murdock made a motion seconded by Ed Manning to approve the January 31, 2017 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Ed Manning-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Duane Penister-yes, Ally Thorne-yes.

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