

APPROVED

Village of Chestnut Ridge  
Zoning Board of Appeals  
April 25, 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,  
Michael Grossman-Alternate

Also Present: Walter R. Sevastian-Village Attorney, Cheryl Sluys-Recording Secretary

Absent: Duane Penister, David Murdock, Ed Manning, Mary Ballek-Secretary to the Board

**1. Margiotta Property-Continuation of 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. Margiotta presented an invoice from Cedar Hill Nursery (10 Whitney Road, Mahwah, NJ 07430) for 107 Norway spruce as well as an informational tree guide. Mr. Margiotta would like to plant these trees in a berm encircling the parking area outlined on the survey map, (all of lot 7, part of lot 1 and part of lot 18). Mr. Margiotta then said the trees will grow to a height of 12 feet to 15 feet and will be in a staggered pattern for privacy of the neighbors. Mr. Margiotta presented a family and personal history of this property.

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

Mr. Liebman said he has not seen the present level of equipment on the property before and asked what is being done with these vehicles now.

Mr. Margiotta said they are parked and in and out of storage. He is not doing repairs. Mr. Margiotta currently rents one space for \$20/month but other arrangements are by "a lot of bartering".

Mr. Liebman asked about the dump trucks and pick-up trucks.

Mr. Margiotta said Bill Kolvek has been on the property for 35 years; he parks commercial trucks for his perennial business.

Mr. Liebman asked about stump removal on the property.

Mr. Margiotta said he wants to remove dead trees and stumps and clean up the property.

Mr. Sevastian suggested Mr. Margiotta outline his land clearing plan for the Building Department but it's your land; you don't need their approval.

Bill Kolvek of 5 DeSalvo Court affirmed to tell the truth and said he personally has been renting from Mr. Margiotta for 20 years. Prior to that Mr. Kolvek's brother rented the property for 16 years. Mr. Kolvek uses box trucks and pick-up trucks for his nursery business. Mr. Kolvek said parking of construction vehicles and equipment on the property has been continuous but to varying levels.

Mr. Liebman asked Mr. Kolvek if he noticed the asphalt millings.

Mr. Kolvek replied he paid no attention until he observed the work done to the driveway which needed repair.

Mr. Liebman then asked Mr. Kolvek about the installed gate.

Mr. Kolvek said in addition to the threat of stealing, garbage was being dumped on the side of the driveway and his mailbox was devastated. After a discussion, Mr. Kolvek and Mr. Margiotta felt a gate was a good thing.

Mr. Liebman asked if the Board members had questions for Mr. Kolvek. There were none.

Mr. Liebman then opened the meeting to the public.

Sheryl Mitzner of 53 Wilshire Drive was reminded she is still under oath and asked why Mr. Kolvek's address is 16 DeSalvo Court on Google.

Mr. Kolvek said #16 is the lot number where the house is. Eight to ten years ago the reverse directory listed the address as #5 DeSalvo; it's the same location.

Ms. Mitzner said if you stop anywhere on Wilshire Drive you can see the parking lot on Mr. Margiotta's property. The entire neighborhood is affected by this; it's an eyesore. Ms. Mitzner then asked for clarification of where the berm will be located. Lastly, Ms. Mitzner said she frequently sees a car transporter with 6 to 7 cars on applicant's property.

Mr. Margiotta said it is a pick-up truck with 3 cars, parked for 2 days every three weeks by the person who pays rent for a parking space.

Lee March Grayson of 52 Wilshire Drive was reminded he is still under oath and said he has looked at the Chestnut Ridge zoning laws which are in place to preserve the environment. Mr. Grayson has no problem with someone doing agricultural work but now there are vehicles all over the place. Mr. Grayson presented 7 photographs to Mr. Liebman and the Board members and pointed out "stacks of pipe that keep growing". Mr. Grayson said this is turning into a parking lot for pay. We live in a residential district and no commercial parking or storage of construction equipment should be allowed.

Mr. Sevastian said the purpose of this application is to certify the non-conforming use of the property.

Mr. Grayson then said no one has talked about the environmental hazards, i.e., how fuel is disposed of, pollution, etc. Mr. Grayson questioned how the parking lot expands and the driveway widens after a stop work order was issued.

Mr. Margiotta looked at the submitted photographs and said the “pipes” are flower pots lying on their side.

Mr. Kolvek examined the photographs and said much of what is shown is flower pots, peat moss, potting soil and nursery equipment.

Ms. Silverman asked Mr. Grayson what remedy he is seeking if the application is denied.

Mr. Grayson said he would like to see removal of the equipment and pipes and no parking lot on the property. Mr. Grayson did say he likes the idea of a berm and trees.

No one else from the public wished to speak.

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

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

Mr. Sevastian said approval of the application tonight requires a majority of the sitting Board or four votes.

Mr. Moran requested the vote be postponed until the full Board is present.

Susan Silverman made a motion seconded by Michael Grossman to continue the application until May 30, 2017. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Michael Grossman-yes, Stanley Waldbaum-yes, Ally Thorne-yes.

**2. Congregation Torah Uffilla – Public Hearing to consider the application of Congregation Torah Uffilla who is seeking a Use Variance from Article III of the Zoning Code to allow for the applicant’s place of assembly and place of worship within the PI Zone. This variance is sought for only a portion of the property; Suites 101 and 109 respectively.  
Tax designation: 63-13-2-1, Zone PI**

Savad Churgin, Esq. (Attorney for Applicant) appeared.

Mr. Churgin said applicant is a non-profit religious corporation seeking a use variance for 2000 square feet in a 33,000 square foot building located at 750 Chestnut Ridge Road which they have been using as a schul (worship and study) since 2015. Mr. Churgin said the Congregation consists of 87 families. He reviewed the schedule of services throughout the week: almost all day Saturday and Sunday, early morning and evening prayers Monday to Friday. Mr. Churgin said attendance is greater on Saturday and Sunday than during the week. Mr. Churgin continued this is a unique situation but there is no available five acre site in Chestnut Ridge where a schul could be built.

Mr. Grossman asked about growth of the congregation.

Mr. Churgin said this is a young synagogue. If more space becomes necessary we will return to the ZBA for a variance.

Mr. Liebman and the Board members discussed entrances to each suite, set-up of the rooms, bathrooms, utilization and function within a commercial building, fire safety, posting of occupancy numbers and parking lot lighting at night.

In response to a question from the Board, Mr. Churgin said events are held at the schul; there are no kitchen facilities.

Mr. Sevastian reviewed RLUIPA but said we want safe spaces that meet fire and building codes. Mr. Sevastian then said in July 2015 the Town of Ramapo Fire Inspector investigated fire safety and gave approval. On October 26, 2016 Russell Gliniecki, Chestnut Ridge Building Inspector, did a site inspection and issued a violation. The ZBA appearance stays the court appearance.

Mr. Liebman asked Mr. Churgin about future plans.

Mr. Churgin said the lease signed in 2015 is for five years. When the lease is up we will ask for more space or leave.

Mr. Liebman opened the meeting to the public.

Jerry Liebelson of 31 Midway Road affirmed to tell the truth and said the secular character of the neighborhood is changing. The public schools are ruined. Secular businesses are moving out. What recourse does a secular family have? How can this growth be slowed or stopped?

Mr. Sevastian said you raise issues which the ZBA has no impact on. Mr. Sevastian suggested Mr. Liebelson speak to his lawmakers.

Mr. Liebman said the ZBA is not a forum for this discussion.

Judah Schuster of 27 Eastbourne Drive, Joseph Weiner of 21 Briar Court and Shmuli Fromovitz of 122 Sutin Place all affirmed to tell the truth and asked the ZBA to support the application.

Andrea Ritter of 7 Weiss Terrace affirmed to tell the truth and asked about the congregation's schedule.

Claudia Gollub of 2 Sunny Ridge Court affirmed to tell the truth and said she is not opposed to granting the application but is concerned about future expansion and also asked for assurances that children will be supervised when outside.

Mr. Churgin said we're a tenant; we can't tell the owner to put up a fence. Mr. Churgin then said our parents know how to watch their children.

No one else from the public wished to speak.

Stanley Waldbaum made a motion seconded by Michael Grossman to adjourn the public hearing until May 30, 2017 when applicant is to submit paperwork from the Chestnut Ridge Building Inspector and

Fire Inspector. The following vote was taken: Stephen Liebman-yes, Stanley Waldbaum-yes, Michael Grossman-yes, Ally Thorne-yes, Susan Silverman-yes.

**3. MINUTES – Approve March 28, 2017 Meeting Minutes**

Ally Thorne made a motion seconded by Susan Silverman to approve the March 28, 2017 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Ally Thorne-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Michael Grossman-yes.

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