

Village of Chestnut Ridge
Zoning Board of Appeals
April 16, 2018

Present: Stephen Liebman-Chairman, Susan Silverman-Deputy Chairperson, Stanley Waldbaum, Michael Grossman, Duane Penister (late), Ally Thorne, Ed Manning, Bruce Goldsmith-Alternate

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

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

Mr. Liebman said #1 will be a vote on 10 Pine Knoll Court and #2 will be the application of Trailing Ridge. Mr. Liebman requested members of the public sign in if they wish to speak.

1. 10 Pine Knoll Court (Applicant Hilda Kogut). The application is seeking to appeal the Building Department's determination on the following conditions:

To appeal the decision by the Building Department to issue a Certificate of Occupancy (C/O) for a structure at the above mentioned address.

Tax designation: 67.08-1-1

Steven Mogel, Esq. (Attorney for Ms. Kogut) said he has a couple of items akin to a rebuttal to present.

Mr. Sevastian said the public hearing was closed at the March 19, 2018 meeting. Are you requesting the public hearing be re-opened?

Mr. Mogel said the Board needs to get all the information available.

Mr. Sevastian said his opinion is that when the public hearing is closed it is the end of evidence submission. If the public hearing is re-opened for further submissions the clock starts over again for deliberation, reaching a consensus, explaining why and preparing a resolution.

Mr. Mogel disagrees and said the Board is not restricted by rules of evidence.

Mr. Sevastian said to re-open the public hearing notice should be given so people with an opposing view are allowed to comment.

Mr. Mogel said at the last meeting Mr. Churgin (attorney for Abraham Neuman) said there were two families residing at 10 Pine Knoll Court.

Mr. Sevastian said if we re-open the public hearing we have to seek applicant's assent and send another letter to the property owner inviting them to come to the next meeting.

Mr. Mogel said applicant agrees to an extension of the 62 day deadline.

Ms. Silverman said if there is additional information to be heard she will make a motion to re-open the public hearing conditioned upon consent of applicant. The motion was seconded by Ed Manning.

Mr. Liebman polled the Board members.

Mr. Waldbaum said this seems like an endless cycle; it is unfair to the other side.

Mr. Goldsmith, Ms. Thorne and Mr. Grossman said the Board should re-open the public hearing so everything can be heard.

Mr. Liebman said this has gone on for a long time but he will bow to the Board.

The following vote was taken: Susan Silverman-yes, Ed Manning-yes, Ally Thorne-yes, Michael Grossman-yes, Bruce Goldsmith-yes. Stanley Waldbaum opposed.

Mr. Mogel said there is a lot of evidence before the Board in favor of the applicant.

Mr. Sevastian acknowledged Mr. Churgin (who had just arrived) and said the Board has made a decision to re-open the public hearing with applicant's consent for the introduction of more evidence. Mr. Sevastian then said whatever is submitted will be provided to the homeowner to give an opportunity for rebuttal.

Mr. Mogel said the Building Inspector testified at the March 19th meeting that the air conditioner in the garage was placed by a prior owner. Mr. Mogel has a notarized letter from Lesley Stead, former owner of 10 Pine Knoll Court, stating there was no air conditioning or heating in the garage. Also, the floor was concrete; there were two overhead garage doors and a door in the rear wall to the back yard. There was no partition. The photographs of the garage provided to the Board by Mr. Mogel were taken by Ms. Stead just before moving out. Mr. Mogel submitted copies of the notarized letter to Mr. Liebman and the Board members.

Mr. Mogel continued there was a Facebook advertisement about an available rental in the Chestnut Ridge area placed by Avrumy Neuman. A copy of the ad was submitted to Mr. Liebman and the Board members. Mr. Mogel states Mr. Neuman owns no property in Chestnut Ridge other than 10 Pine Knoll Court.

Mr. Sevastian said the Board accepts and assigns weight to what has been presented.

Mr. Mogel said the strongest evidence is from eye witnesses; it is pieces of a puzzle.

Mr. Sevastian said we need a motion to close the public hearing.

Mr. Churgin said we're being given this information now?

Mr. Sevastian said the Board can appreciate the information for what it is.

Mr. Churgin said this hasn't been discussed with his client.

Ed Manning made a motion seconded by Michael Grossman to close the public hearing subject to submissions by the property owner or their attorney of any pertinent information. The following vote was taken: Stephen Liebman-yes, Ed Manning-yes, Michael Grossman-yes, Susan Silverman-yes, Bruce Goldsmith-yes, Stanley Waldbaum-yes, Ally Thorne-yes.

2. Trailing Ridge-Public Hearing to consider the application of Trailing Ridge who is seeking variances from the provisions of Article IV-2, relative to a project to construct a private swimming pool, tennis court, cabana and play area to serve the Trailing Ridge townhouse project in the Borough of Montvale, New Jersey.

Tax designation: 68.13-1-1, Zone LO

Lot Width of 76.9 feet (pre-existing) is proposed and 200 feet is required

Side Setback of 30 feet proposed where 75 feet is required

Total Side Setback of 69.6 feet proposed where 150 feet is required

Side yard of 0 feet proposed South lot side and 10 feet on North side where 30 feet is required

Swimming pool Setback:

(Art. XII Sec. 6.B) 40 feet proposed where 100 feet is required

Amy Mele, Esq. (of counsel to Ira Emanuel, Esq. – Attorney for Applicant), Stuart Strow, P.E., of Brooker Engineering, and Peter Tiflinsky, Owner/Applicant appeared.

Ms. Mele is here to explain the project and said this odd shaped piece of land, 400 feet south of Loescher Lane on the west side of Red Schoolhouse Road, has a lot area of 1.474 acres. Variances for any use are required because of the property shape. The property owner would like to use the property as a recreation area for the exclusive use of the residents of Trailing Ridge a/k/a The Alexa which is a townhouse development in Montvale, New Jersey. Ms. Mele said proposed is a swimming pool with surrounding patio, cabana/clubhouse, tennis court, small playground and walking path. All parking will be on the New York, New Jersey border. Ms. Mele then said applicant has been before the Montvale Planning Board who wanted additional parking spaces along the interior roadway abutting the recreational area primarily for residents and guests. There will not be an increase in Chestnut Ridge traffic as access to the recreational area will be through the Montvale development. Applicant will work closely with the Montvale Planning Board for substantial screening. Ms. Mele said the Chestnut Ridge CDRC determined this is a Type II action under SEQRA so we are before the ZBA. If variances are not granted the project must be reworked. Ms. Mele added a resolution could be drafted to show how unique the property is. Finally, Ms. Mele said The William Paul Faist Volunteer Ambulance Corps was contacted. Their only concern is that the primary driveway is in New Jersey, however, there is no issue with them being able to respond.

Mr. Liebman asked if the house on the property will be demolished.

Ms. Mele replied yes. There will be no residence on the parcel.

Stuart Strow affirmed to tell the truth and said the project is subject to site plan approval and a conditional use permit. Mr. Strow said the property looks like two triangles stacked on top of one another with a connecting piece. The residence is in disrepair and it, as well as the driveway, will be removed.

Mr. Sevastian asked Mr. Strow to point out the house location on the site plan.

Mr. Strow said there is no construction proposed for the front portion of the property. Mr. Strow then said the lot is 172 feet at the widest part and quickly diminishes. The site plan has been approved by the Montvale, NJ Planning Board. They wanted the parking to be perpendicular which added fifteen spaces. Mr. Strow said Chestnut Ridge has no parking requirement in their code for this use. This is an amenity to the residential complex. We're trying to maintain a buffer for Chestnut Ridge.

Mr. Liebman asked the applicant if the company you represent owns the portion of the property immediately to the south.

Mr. Strow said the applicant/builder bought an approved site plan.

Ms. Silverman asked when do you anticipate completion.

Mr. Strow said the project requires ZBA approval and preliminary/final approval of the Planning Board. It will take at least six months depending on the process.

Ms. Silverman said this straddles two states. Are there conflicting state laws between NY and NJ?

Ms. Mele said we're not handling that aspect.

Mr. Strow said storm water management is the aegis of the Planning Board and is wholly contained on the Chestnut Ridge site. Water is by a well on the property. The sanitary sewer connection with the Rockland County Sewer District #1 is on Red Schoolhouse Road. Water for the swimming pool will be trucked in.

Mr. Tiflinsky affirmed to tell the truth and said The Alexa will have 63 market rate units and 18 affordable apartments which will be kept by his firm and rented out.

Mr. Liebman opened the meeting to the public.

Pete Jacobson of 291 Red Schoolhouse Road affirmed to tell the truth and said he has no problem with the project. His only concern is the ultimate value of his property. Will there be re-zoning and devaluation of his property?

Mr. Sevastian said there are zoning changes all the time. The Red Schoolhouse Road corridor is being studied now. If you own property and there are zoning changes you will know about it. Mr. Sevastian then said the Board can't take action tonight as the application has been sent out to various agencies.

No one else from the public wished to speak.

Mr. Liebman asked for input from the Board.

Mr. Manning said he has no issue with the project. This seems to be an improvement to the area.

Mr. Grossman said the facility is viable for only a portion of the year.

Mr. Manning asked if a fence is proposed.

Mr. Tiflinsky said The Alexa was approved as a gated community.

Mr. Waldbaum said this is a unique property ideally suited for this nice plan.

Ms. Silverman has no problem with the project and said it will be an asset to the area.

Mr. Liebman asked if there were any further questions or comments from the Board members. There were none.

Michael Grossman made a motion seconded by Ed Manning to adjourn the public hearing to the May 21, 2018 ZBA meeting. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Ed Manning-yes, Susan Silverman-yes, Ally Thorne-yes, Duane Peniser-yes, Stanley Waldbaum-yes.

3. MINUTES

Michael Grossman made a motion seconded by Ed Manning to approve the December 18, 2017 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Ed Manning-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Duane Penister-yes, Ally Thorne-yes.

Michael Grossman made a motion seconded by Duane Penister to approve the January 29, 2018 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Duane Penister-yes, Susan Silverman-yes, Stanley Waldbaum-yes. Ally Thorne and Ed Manning abstained.

Susan Silverman made a motion seconded by Ed Manning to approve the February 12, 2018 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Ed Manning-yes, Duane Penister-yes, Ally Thorne-yes, Stanley Waldbaum-yes.

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