

Village of Chestnut Ridge
Zoning Board of Appeals
May 31, 2016

The meeting was called to order at 8:03 P.M. by Stephen Liebman, Chairman.

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

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

Absent: Crystal Anthony

Mr. Liebman said that the recently approved Schron application requested a variance after the house was constructed. Additionally, the family was living in the house without a CO and several violations were issued. Mr. Liebman then said that the Schrons were fined \$12,500 which was paid to the Village of Chestnut Ridge.

1. **Banker Estates** – Continuation of Public Hearing to consider the application of Naftali Brecher for the following relief regarding the premises identified as 4-8 Banker Street, Chestnut Ridge, NY 10977 (tax designation 57.17-2-11), for a 3 Lot Subdivision to be created from 1 existing lot, located in the R-15 Zoning District (Use Group X.2):

For variances from the provisions of Article IV, Section 2, as follows:

Lot Area of 18,001 feet where 20,000 square feet is required (Lot 2)

Lot Area of 18,001 feet where 20,000 square feet is required (Lot 3)

Street Frontage of 111 feet where 125 feet is required (Lot 3)

Floor Area Ratio of .33 where .25 is permitted (Lot 1)

Floor Area Ratio of .42 where .25 is permitted (Lot 2)

Floor Area Ratio of .42 where .25 is permitted (Lot 3)

Ira Emanuel, Esq. (Attorney for Applicant) and Rachel Barese, Engineer (29 N. Airmont Road, Suite 25, Suffern, NY) appeared on behalf of Applicant.

Mr. Emanuel discussed with Mr. Liebman and the Board members a previously approved application [Struli Oster] that sought relief from FAR and lot area issues. Mr. Emanuel feels that prior application has similarities to the Banker Estates application.

Mr. Sevastian said the Struli Oster application dealt with 3 undersized lots in a very unique area and that the case was similar to Banker Estates; however, Mr. Oster compromised with the Board and built a single family house on the smallest lot; semi-attached homes were built on the remaining two lots.

Mr. Sevastian then said County Planning recommended denial of Struli Oster. In Banker Estates they are looking for modifications to decrease the size of the requested variances.

Mr. Liebman said at the last meeting we advised the applicant that the proposed changes were not sufficient and the Board suggested you take a good look at the comparables in the neighborhood and possibly modify your application to eliminate or minimize the variances requested.

Mr. Liebman said Mr. Emanuel did a good job comparing lot areas and FAR [Oster and Banker Estates] but the applicant is still requesting substantial variances and the Board would like applicant to rethink the possibility of a single family house on one lot and a further reduction in the size of the requested variances.

Mr. Emanuel said he is hearing that the Board would prefer to see 5 units instead of 6.

Mr. Sevastian said this hardship appears to be self created and that the variances appear to be substantial. Mr. Sevastian said that this property is not as unique as it was for the Struli Oster application.

After further discussion between Mr. Liebman, the Board members and Mr. Emanuel, Mr. Liebman asked applicant to look at the different types of developments in the area.

Mr. Liebman opened the meeting to the public.

Andrea Ritter of 7 Weiss Terrace affirmed to tell the truth and asked "what is going on here?"

Mr. Sevastian and Mr. Liebman explained the ZBA process with specific reference to this application.

Ben McCullom of 726 S. Pascack Road, Charlotte Sorger of 21 Briar Court, Aviva Wilder of 20 Briar Court and Margaret Stryker of 117 Schoolhouse Road all affirmed to tell the truth. The following concerns were voiced: zone change, inadequacy of paying a penalty rather than removing what was built without variances, the size of buildings being constructed in the area, more people and houses than the land can handle, maintaining the feel of Chestnut Ridge as it is, the necessity for some green areas.

No one else from the public wished to speak.

Mr. Emanuel requested a continuation of the public hearing.

David Murdock made a motion seconded by Susan Silverman to continue the public hearing until June 28, 2016 at 8:00 P.M. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Susan Silverman-yes, Duane Penister-yes, Ally Thorne-yes. Stanley Waldbaum recused himself.

Susan Silverman made a motion seconded by Duane Penister to approve the March 29, 2016 minutes with a correction on page 1. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Duane Penister-yes, David Murdock-yes, Ally Thorne-yes, Stanley Waldbaum-yes.

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