

Village of Chestnut Ridge
Zoning Board of Appeals
May 30, 2017

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

Present: Stephen Liebman-Chairman, Susan Silverman, Duane Penister, Stanley Waldbaum, Ally Thorne, Ed Manning, Michael Grossman

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

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. Liebman acknowledged members of the public in attendance and said the public hearing was closed at the April 25, 2017 meeting; there is no further opportunity to speak concerning this application.

Mr. Liebman then said there has been a lot of conflicting testimony before the Board concerning what was and wasn't seen, the level of equipment on the property, where machinery was parked, etc. The adjacent neighbors stated prior to last summer they never observed the level of activity now going on. Several lots in this acreage are affected. Mr. Liebman said there is also the issue of the gate which was installed because of "stolen plants and dumped garbage".

Mr. Sevastian said due to the nature of this application the ZBA acts in a quasi-judicial fashion and determines reasoned solutions. Mr. Sevastian then said the Chestnut Ridge Building Department wants a permit application for the gate.

Mr. Liebman and the Board members discussed conditions to be attached to certifying the non-conforming use of the property:

1. An earthen berm is to be installed around the parking area (lots 1, 17 and part of 18) with plantings of Norway spruce which are to be replaced if they fail to thrive or die.
2. Positioning of the berm to insure the neighbors' privacy.
3. Delineation of the exact area for parked vehicles on the site map.
4. Removal of tree stumps to provide a cleaner appearance to the property.
5. Ongoing maintenance of the property.

Mr. Sevastian said a condition can also be added that if applicant wants to further improve the property, i.e., make other changes to the parking area, he is to contact the Building Department to see if approval is needed before doing the work. Mr. Sevastian then said Mr. Kolvek can maintain his current occupation.

Michael Grossman made a motion seconded by Susan Silverman to certify the non-conforming use of the property with adherence to the conditions imposed. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Duane Penister-yes, Ed Manning-yes.

Mr. Sevastian said the formal resolution for adoption will be presented at the June 27, 2017 ZBA meeting.

2. **Congregation Torah Ufilla** – Continuation Public Hearing to consider the application of Congregation Torah Ufilla 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 respectfully.
Tax designation: 63.13-2-1, Zone PI

Mr. Liebman said this Public Hearing has been adjourned until June 27th at applicant's request because of a Jewish holiday.

3. **MINUTES** – Approve April 24, 2017 Meeting Minutes

Susan Silverman made a motion seconded by Duane Penister to approve the April 24, 2017 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Ed Manning-yes, Ally Thorne-yes, Michael Grossman-yes.

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