

Village of Chestnut Ridge
Zoning Board of Appeals
July 26, 2016

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,
David Murdock, Ally Thorne, Ed Manning

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

Mr. Liebman said we are changing the agenda and will hear the continuation first.

2. **Banker Estates** - Application of Naftali Brecher to consider 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)

Amy Miele, Esq., Law Offices of Ira M. Emanuel (Attorney for Applicant) and Rachel Barese, Engineer appeared on behalf of Applicant.

Ms. Miele said this project involves a 3 lot subdivision on which three two family homes (total of 6 units) were proposed. Ms. Miele then said in response to the request of the ZBA to reduce the size of the variances sought, applicant has agreed to put a single family home on Lot 1 with a semi attached house on Lot 2 and Lot 3 (five units in total). Ms. Miele referred to the vicinity map and said Lot 1 is "L" shaped with a dog leg that is too narrow to build on. The proposed house will be centered in the square section of the lot. Ms. Miele said Lot 1 conforms to all bulk requirements except FAR which is at .31. She noted that garages count in calculating the FAR and the homes on lots 2 and 3 will each have a two car garage in comparison to many homes in the neighborhood that only have a one car garage. Ms. Miele said the average lot size in the neighborhood is 9090 square feet and they believe this proposed lot layout is in the character of the neighborhood.

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

Mr. Liebman and the Board members discussed the proposed size of the single family dwelling on Lot 1 which essentially seems to be two attached houses made into one. Mr. Liebman said if the dwelling were decreased in size a variance might not be necessary.

Ms. Barese said this was a financial consideration of the applicant.

Mr. Liebman said this is a huge house, and the Board has to consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

Ms. Miele and Ms. Barese requested a recess so they may contact applicant.

Ms. Miele spoke to applicant and reports he will withdraw the variance request on Lot 1; the FAR will be decreased to .25.

Mr. Liebman opened the meeting to the public.

Joseph Wilder of 20 Briar Court affirmed to tell the truth and described the existing round stone house on this property as something special in the neighborhood and asked what will happen to it.

Mr. Liebman said this house is not listed on the registry and the owner can do what he wants.

No one else from the public spoke.

Duane Penister made a motion seconded by Ally Thorne to close the public hearing. The following vote was taken: Stephen Liebman-yes, Duane Penister-yes, Ally Thorne-yes, David Murdock-yes, Ed Manning-yes. Stanley Waldbaum has recused himself from this application.

Mr. Liebman then said this neighborhood is changing; semi attached two family houses are allowed. Mr. Liebman and the Board members thanked applicant's representatives for working with the Board and said you've come close to what the Board wants to see, i.e., moving lot lines for Lots 2 and 4 to increase the lot area of both, decreasing FAR from .42 to .37 for Lots 2 and 3 and constructing a single family house on Lot 1 that is no more than 25% of the property.

David Murdock made a motion seconded by Susan Silverman to grant the requested variances for Lots 2 and 3. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Susan Silverman-yes, Duane Penister-yes, Ally Thorne-yes, Ed Manning-yes.

1. **245 Old Nyack Turnpike** - Application of Alister Renwick to consider the following relief regarding the premises identified as 245 Old Nyack Turnpike Complete Auto Care, Chestnut Ridge, New York 10977 (**tax designation 57.17-2-27**), for a new commercial building located in the Professional Office (PO) Zoning District:

For an interpretation of, or alternatively a Use Variance from, the provisions of Zoning Law Article XIII, entitled "Non-Conforming Uses, Buildings or Lots", specifically Article XIII (2)(B) and (3)(A), to permit the demolition of an existing structure housing a Non-conforming Use (and which structure is also Non-conforming as to Bulk requirements), and construct a new

building with a greater degree of Bulk conformity.

Richard H. Sarajian, Esq., Attorney for Applicant, Jerry Meckler, Architect and Alister S. Renwick, Applicant appeared.

Mr. Liebman said an auto repair garage has existed on this property for a very long time creating a pre-existing, non-conforming use. The zone was changed to a PO (professional office) zone but since the garage is pre-existing it could stay. If someone comes before the Board and says he would like to tear down the structure and rebuild, it's no longer considered pre-existing, non-conforming. They are now coming before the ZBA to ask for approval to build a new structure in a zone where it is not permitted.

Mr. Meckler and Mr. Renwick affirmed to tell the truth.

Mr. Sarajian said there are issues in the code for the Board to consider: non-conforming use and non-conforming bulk for the structure itself.

Mr. Sevastian said it probably would be helpful to show what's there and what is proposed.

Mr. Sarajian said we have a building that is non-conforming in use and non-conforming in bulk. Applicant would like to put something up that is completely conforming in bulk and is still non-conforming in use. Applicant is allowed a "natural expansion", such as modernizing the size of garage bays or going from only summer work to year round operations. The better scope of what to do is not adding to this older building but to knock the outdated building down and construct a new building which gives the village the benefit of 100% conformity with bulk. You no longer have a structure that is three feet off the road and has no front yard or front setback.

Mr. Meckler said presently this looks like a junkyard; the building is falling apart and cars are parked haphazardly. The new one story building will comply with the required setback. It will have parking spaces and landscaping. Mr. Meckler said applicant proposes 8 bays at the back of the building where the overhead doors will be located. Only the office space will be visible from Old Nyack Turnpike. Mr. Meckler said at most there are 20 customers a day. If an office building was constructed on this site there would be four to five times more traffic.

Mr. Meckler and the Board members discussed the entrance/exit to and from the building as well as an emergency entrance.

Mr. Sevastian reminded the Board members this is a Planning Board issue.

Mr. Liebman asked about the preponderance of cars on the site now.

Mr. Meckler did not have this information.

Mr. Renwick came forward and was asked about the scope of his business. Mr. Renwick said he is open six days a week (Monday through Saturday). He repairs cars, does NYS inspections and occasionally sells cars to satisfy a lien. (If a car is taken off the lot he loses lien rights).

Mr. Sarajian said in this case applicant has not been to the Planning Board yet; we are first seeking an interpretation or Use Variance from the ZBA. If the ZBA does grant applicant's request, he will go to the Planning Board for full site plan review.

Mr. Liebman asked about the history of the present building.

Mr. Renwick said it has been here since 1987. He purchased it in 1992 for his auto repair business, described as one of the last surviving auto repair shops in Chestnut Ridge.

Mr. Meckler said all we want to do is fix up the area, have a front yard setback and landscaping.

Mr. Liebman said it is still non-conforming.

Mr. Sevastian read from the Chestnut Ridge Zoning Code which notes no extension, operation or enlargement shall be made in a building or structure occupied by a non-conforming use. Mr. Sevastian said 1) applicant wants to knock the building down and rebuild and 2) they are looking for a variance from that language to permit them to have a non-conforming use and construct a building that does not create any new, non-conforming bulk. Mr. Sevastian said their argument is they will eliminate all the non-conforming bulk.

Mr. Liebman opened the meeting to the public.

George Margiotta of 225 Old Nyack Turnpike and Barry Rosenblum of Central Plumbing Specialists (located behind applicant's property) affirmed to tell the truth. Both were in support of the application.

No one else from the public wished to speak.

Mr. Liebman asked for questions or comments from the Board members. There were none.

Mr. Liebman said in his opinion this will be a huge improvement. Mr. Renwick has been in business a long time and is respected in the community.

Mr. Sevastian said it has been a practice of the Board to entertain a motion to support or deny a variance. Mr. Sevastian is hearing that based on the fact that the new structure will comply with the bulk requirements as opposed to the current building that does not comply with the bulk requirements, there is support for granting the variance.

David Murdock made a motion seconded by Susan Silverman to grant the requested Use Variance from the provisions of Zoning Law Article XIII. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Ed Manning-yes.

Susan Silverman made a motion seconded by Duane Penister to approve the February 23, 2016 meeting minutes. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Duane Penister-yes, Ally Thorne-yes, David Murdock-yes, Stanley Waldbaum-yes. Ed Manning abstained.

Susan Silverman made a motion seconded by Duane Penister to approve the June 28, 2015 meeting minutes. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Ally Thorne-yes, Duane Penister-yes, David Murdock-yes, Stanley Waldbaum-yes, Ed Manning-yes.

David Murdock made a motion seconded by Duane Penister to approve the Resolution entitled "In the Matter of the Application of Ryan Glauser, the premises identified on the Town of Ramapo Tax Map as parcel 63.18-3-70, 19 Carlisle Road, Chestnut Ridge, NY 10977". The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Duane Penister-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Susan Silverman-yes, Ed Manning-yes.

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