

Village of Chestnut Ridge
Zoning Board of Appeals
August 30, 2016

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

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

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

Mr. Liebman gave a brief overview of the application before the Board this evening.

1. **7 Lillian Drive** – Application of Erlinda and Louis A. Leone, Jr. to consider the following relief regarding the premises (a corner lot) identified as 7 Lillian Drive, Chestnut Ridge, NY, tax designation **63.14-3-51**, regarding a proposed addition of a 2 car garage, master bedroom and master bathroom at the premises located in the R-25 Zoning District, use group t:

For variances from the bulk requirements for the R-25 zoning district, as follows:

Front Setback of 28.2 feet (Lillian Drive) where 35 feet is required and 30.2 feet exists.

Front Setback of 22.0 feet (Brookview Blvd.) where 35 feet is required and 49.1 feet exists.

Front Yard of 28.2 feet (Lillian Drive) where 35 feet is required and 30.2 feet exists.

Front Yard of 22.0 feet (Brookview Blvd.) where 35 feet is required and 49.1 feet exists.

Existing Side Yard of 5 feet (Pre-existing Shed) where 10 feet is required.

Existing Rear Yard of 5 feet (Pre-existing Shed) where 10 feet is required.

Ruben Ballane, Contractor, George Ballane, Contractor (Nova Home Improvements) and Erlinda Leone, Applicant appeared.

Ruben Ballane, George Ballane and Erlinda Leone affirmed to tell the truth.

Mr. R. Ballane said the Leones reside in a 1200 square foot ranch style home that they purchased in 1977. Mr. Ballane then said the proposed two car garage with a second story master suite measures 1404 square feet in total; 702 square feet of garage space and 702 square feet for a master bedroom and master bath and that it will be built over the existing driveway. Mr. Ballane presented the site plan and a rendering of the proposed dwelling to Mr. Liebman and the Board members.

Mr. G. Ballane said different options were considered for placement of the garage, but this proposal requires the smallest variance possible. Mr. Ballane then said the reason the addition could not be constructed at the rear of the house is because there is a large four season room with a wrap-around deck and a pool.

Mr. Liebman asked if the other side of the house was considered.

Mr. R. Ballane said the proposed construction site is the only one that "fits" the existing dwelling.

Mr. Liebman then asked about the pre-existing shed, noting there was a permit issued in 1999 to locate the shed 10 feet away from the rear yard. Why is the shed only 5 feet from the rear yard?

Ms. Leone said she wasn't aware that the shed setback was an issue until this application was reviewed. Ms. Leone then said she has a signed letter from her neighbor stating the location of the shed is not a problem and that the shed was placed on top of blocks; it is not permanent.

Mr. Liebman asked Ms. Leone why you are now requesting a garage.

Ms. Leone said we retired last year and want to have protection for our cars as well as to expand our living space to improve conditions within the house.

Mr. Liebman opened the meeting to the public. Victor Reyes of 3 Bell Lane, Laura Dunlop and Robin Dunlop of 8 Lillian Drive, Abraham Rosskamm of 18 Samuel Road, Hilda Kogut of 20 Pine Knoll Court and Veronica Concklin of 5 Lillian Drive all affirmed to tell the truth.

The public comments were generally in support of the application, i.e., the addition offers a good improvement to applicant's property as well as the neighborhood, the fact that approval was applied for before construction began on the project, the house being a "gateway" to the neighborhood and the addition will make a nicer impression. A "suspicion" about the real reason for the addition and setting a precedent were concerns voiced.

Ms. Concklin, applicant's neighbor, said she has no issue with the shed; "5 feet one way or the other is not a problem".

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

Mr. Sevastian said the question is how you set this application apart from another application in another neighborhood.

Mr. G. Ballane said being a corner lot makes it unique because all the requirements are, by code, slightly larger. Mr. Ballane said we are handicapped by the way the property is designed; this application is the path of least resistance.

Mr. Liebman asked Ms. Leone what if you were to build only the garage.

Ms. Leone said we really want the master suite too; it will improve our quality of life.

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

Mr. Liebman said the reason he asked the question about the garage is that garages are required in Chestnut Ridge. Mr. Liebman stated the Board looks at many things when we consider bulk variances.

Mr. Liebman then said the properties in Chestnut Ridge are large and the trustees have recently changed how the FAR (floor area ratio) is calculated. Mr. Liebman stated he has visited the site twice; it is a beautiful, well maintained piece of property. Mr. Liebman said that he has no problem with the shed location; you really can't see it as the corner of the property where the shed is placed is in shadows. Mr. Liebman then said his opinion would be to grant the variances.

Mr. Liebman asked if there were any comments from the Board members. The Board members discussed building on the existing driveway, lack of impact on FAR or height limit, coming to the ZBA in a legal manner, the fact that this is not seen as setting a precedent and the uniqueness of the property.

Mr. Sevastian said in this case the benefit sought by this applicant is different than the benefit sought by a lot of other applicants who come before the ZBA for variances. Mr. Sevastian then said the fact that garages are required is important and the fact that it's a corner lot does distinguish it somewhat.

David Murdock made a motion seconded by Susan Silverman to grant the variances including the shed. 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.

2. Minutes

David Murdock made a motion seconded by Duane Penister to approve the July 26, 2016 meeting minutes. The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Duane Penister-yes, Susan Silverman-yes, Ally Thorne-yes, Ed Manning-yes, Stanley Waldbaum-yes.

3. Other Business

David Murdock made a motion seconded by Susan Silverman to approve the Resolution of the Chestnut Ridge ZBA (7/26/16) entitled In the Matter of the Application of Naftali Brecher for the property owner Allegro Equities LLC on the project known as "Banker Estates Subdivision", located at the premises identified on the Town of Ramapo Tax Map as parcel 57.17-2-11, located on the east side of Banker Street, Chestnut Ridge, New York 10977, for a 3 Lot Subdivision to be created from 1 existing lot, located in the R-15 Zoning District (Use Group X.2). The following vote was taken: Stephen Liebman-yes, David Murdock-yes, Susan Silverman-yes, Ally Thorne-yes, Ed Manning-yes, Duane Penister-yes. Stanley Waldbaum abstained.

Susan Silverman made a motion seconded by Duane Penister to approve the Resolution of the Chestnut Ridge ZBA (7/26/16) entitled In the Matter of the Application of Alister S. Renwick (property owner), relative to the premises identified on the Town of Ramapo Tax Map as parcel 57.17-2-27, located at 245 Old Nyack Turnpike, Chestnut Ridge, New York 10977 ("Complete Auto Repair"), located in the Professional Office (PO) Zoning District. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Duane Penister-yes, David Murdock-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Ed Manning.

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