

**APPROVED**

Village of Chestnut Ridge  
Zoning Board of Appeals  
August 29, 2017

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

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

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

Absent: Ed Manning

- 1. Congregation Torah Uffilla-Continuation Public Hearing to consider the application of**  
Congregation Torah Uffilla 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 respectively.

**Tax designation: 63.13-2-1, Zone PI**

Savad Churgin, Esq. (Attorney for Applicant) appeared.

Mr. Sevastian said applicant sought input from the Chestnut Ridge Building Inspector and Fire Inspector  
to determine if the space as constructed meets New York State codes for a place of assembly.

Mr. Churgin said applicant is seeking a use variance for 2000 square feet in a 33,000 square foot  
building. Eighty seven families have been using this area as a schul (worship and study) since 2015 as  
there is no available place in Chestnut Ridge to build. Mr. Churgin then said a use variance to operate a  
synagogue to practice their religion was required. Per the request of the ZBA on April 25, 2017, an  
inspection by the Building Inspector and Fire Inspector was completed in May. Mr. Churgin said he  
received the August 25, 2017 memo from Russell Gliniecki, Building Inspector, and Kim Wepler, Fire  
Inspector this morning leaving him little time to review the contents or secure professional input on the  
several issues raised in that memo. Mr. Churgin said this is not an industrial site, it is office space. He  
doesn't see where Mr. Gliniecki and Mr. Wepler have come up with a distinction between office space  
and applicant's place of assembly.

Mr. Gliniecki and Mr. Wepler affirmed to tell the truth.

Mr. Sevastian asked if materials in the wall determined the rating for fire safety and what makes the  
place of assembly different from the other building office space.

Mr. Wepler said the front half of the building is designated as office space and has no sprinkler. The  
back half of the building is warehouse space which is tied together with the front half by hallways, etc.  
He then said the fire code-calls for a minimum three hour rating on horizontal and vertical separations  
between assembly areas and hazardous operation areas. He does not believe the current walls, floors  
or ceiling meet the requirements.

Mr. Gliniecki said you also have to look at what is allowed. A new tenant can come in with hazardous materials which require a four hour rating.

Mr. Sevastian asked if sprinkler installation would decrease the fire rating.

Mr. Gliniecki said it would decrease from a three hour rating to a two hour rating.

Mr. Sevastian said applicant has applied for a Use variance. The establishment of a religious use changes the treatment under the law but we do have to make sure it's safe.

Mr. Weppler said the ventilation system can be a safety issue as the building is conjoined front to back. There are air quality and air management issues to consider because of the difficulty in isolating hazardous operations and materials.

Mr. Liebman said we are talking about religious use and safety. To be clear, someone may want to use this space as a social hall in the future. This has nothing to do with religion. We're talking about the safety of men, women and children regardless of religious or social use. This is uncharted water for us.

Mr. Churgin said he was told there is a concrete wall separating the industrial and office spaces but he will clarify the fire wall question.

Mr. Sevastian said our task is to assure there is compliance with New York State Building and Fire codes and then said the only issue before this Board is Use.

Mr. Churgin said he will take this question to a professional and return to the ZBA in one month with answers. Mr. Churgin then referred to #3 in the Gliniecki/Weppler memo which indicated a deficit of 30 parking spaces. Mr. Churgin said based on 200 people, 40 parking spaces are necessary; there are 99 parking spaces in the complex.

Mr. Sevastian said the Planning Board will deal with the parking issue and then asked if applicant was before the Planning Board prior to their ZBA appearance.

Mr. Churgin answered no; we were advised to come before the ZBA as the first step.

Mr. Sevastian said if the ZBA approves the requested variance there are site plan issues which will have to be addressed at the Planning Board. The only issue before the ZBA is Use. Mr. Sevastian then asked if there was means for construction and modification of the assembly area concerning ventilation issues.

Mr. Churgin replied yes.

Mr. Sevastian questioned the egress issue.

Mr. Churgin asked if four exits are sufficient for 285 people.

Mr. Weppler explained how adequate means of egress are calculated and said there are two means of egress in each suite; swing in doors to the hallways and swing out doors to the outside. Applicant has to

show use, the number of congregants present in relation to tables and chairs, fixed or not, and then calculate egress. On business days we have to consider all the people in the building. Mr. Weppler stated there are fire extinguishers, low level lighting in an emergency and clearly labeled instructions for exiting in the event of a fire.

Mr. Liebman asked if the building had to be evacuated would the doors into the corridor be applicable.

Mr. Sevastian said a design professional can make a determination about appropriate means of egress. Mr. Sevastian then said the ZBA will need increased information and facts concerning adequate ventilation, adequacy of egress and the fire wall separation issue.

Mr. Liebman said we are uncomfortable with what we are hearing; tables and chairs become obstacles. We need more information.

Mr. Liebman opened the meeting to the public.

Joan Brock of 8 Briar Court affirmed to tell the truth and said this building seems to be a good location for a place of assembly but it should conform to all safety issues.

No other member of the public wished to speak.

Susan Silverman made a motion seconded by Ally Thorne to adjourn the public hearing to the September 26, 2017 ZBA meeting. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Ally Thorne-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Grossman-yes, Bruce Goldsmith-yes.

**2. 41 Eastbourne Drive-Public Hearing to consider the application of 41 Eastbourne Drive for variances relative to a project to construct an addition to a single family residence. Applicant is seeking relief from the Chestnut Ridge Zoning Code Table of General Use Requirements: Part I, Use Group T. Tax designation: 63.10-1-58, Zone R-25**

**FAR of .40 where .25 is required**

Ryan Karben, Esq. (Attorney for Applicant) appeared.

Mr. Karben said applicant submitted documentation of a 0.25 FAR when applying for a Building Permit. This was denied by Russell Gliniecki, Building Inspector, who determined a FAR of 0.40. Mr. Karben then said the applicant does not choose the variances; we are told by the code what to seek relief from.

Mr. Karben referred to the May 24, 2017 denial letter from the Building Inspector and said there is no problem with fire code compliance. Also, the FAR calculation is being appealed.

Mr. Liebman noted differences between information on the Bulk Table and the narrative.

Mr. Karben said if there are inconsistencies with the drawings and narrative, they will be returned to Anthony R. Celentano, P.E. for corrections.

Mr. Sevastian said if applicant is seeking a FAR of .40, Mr. Celentano needs to correct the Bulk Table requirements. Mr. Sevastian then questioned if side setback and total side setback variances were required.

Mr. Karben said ask the Building Inspector how he arrived at the decision. We did all the paperwork, paid the required fees and appealed the denial letter in the requisite time.

Mr. Gliniecki said it is possible these two variances were left out.

Ms. Silverman pointed out the zone is R-25 but the drawing indicates an R-35 zone.

Mr. Karben said the original zone was R-25 in Ramapo and up zoned to R-35 in Chestnut Ridge. Mr. Celentano can also make this correction.

Mr. Liebman said we try to reduce the size of requested variances. This addition is very close to the side property line and could be mitigated by building into the rear of the property.

Mr. Sevastian said a denial letter will have to be reissued; the variances are there and have to be dealt with.

Mr. Karben said applicant followed the path laid out by the village, however, he requested the matter be adjourned until the October 31, 2017 ZBA meeting.

Mr. Sevastian said a public hearing notice with the correct variances has to be published. Mr. Sevastian stated it has been helpful in the past to have dimensional variances and photographs of structures in the surrounding area to show the impact of the requested application on the neighborhood.

Mr. Liebman opened the meeting to the public.

Antonio Luciano of 52 Summit Road affirmed to tell the truth and said notations should be on the drawing. In regard to FAR, the Board looks at a percentage; it's misleading. A 5000 square foot house could be build without a variance. This application proposes a .4 FAR for an 8000 square foot residence. This is excessive; it's like 3 ½ houses on the lot. This neighborhood has colonials and high ranches. This house will stick out like a sore thumb. Mr. Luciano opposes the application.

Nancy Andre of 1 Sergio Court affirmed to tell the truth. Ms. Andre said be vigilant about changes that negatively impact the neighborhood.

Cheryl Rudolph of 22 Eastbourne Drive affirmed to tell the truth and said she welcomes change but suggests prospective changes be discussed with neighbors.

Joan Brock of 8 Briar Court affirmed to tell the truth and said this development was first formed in the R-35 zone. It became an average density development and was zoned down to R-25.

Hilda Kogut of 20 Pine Knoll Court affirmed to tell the truth and said she does not want a precedent setting change which allows buildings to take over the neighborhood.

Joseph Wilder of 20 Briar Court affirmed to tell the truth and said this change will hurt the neighborhood. This is the same builder as at 27 Eldorado and that's looked atrocious for 1½ years. Mr. Wilder said do not allow this.

Steven Edwards of 37 Eastbourne Drive affirmed to tell the truth and said this is the beginning of another Bronx; deny the application.

Fran Kaufman of 44 Eastbourne Drive affirmed to tell the truth and expressed concern about what's happening at 27 Eldorado and the numerous stop work orders issued. It's the same builder; will that occur here? Ms. Kaufman does not support the application.

Mr. Liebman said we are receiving more of these kinds of variance requests. This Board is very demanding. We listen to everything said and take all of it into consideration.

Joe Shevlosky of 7 Dundee Court affirmed to tell the truth and asked where the outrage is when our community is changing so drastically? He's hearing a lot of cons but no pros. Why are we even entertaining this? Precedence is a concern.

Mr. Sevastian said it is not illegal to ask for a variance. This is a process. Applicant is entitled to a fair hearing. We follow the mandate of the law. Mr. Sevastian suggested Mr. Shevlosky read Article XV of the Chestnut Ridge Zoning Law and said it's a balancing test.

Joel Celestine of 46 Spring Hill Terrace affirmed to tell the truth and asked what the benefits to the residents of Chestnut Ridge will be if this application is granted.

Dolores Aldrich of 42 Balmoral Drive affirmed to tell the truth and voiced concern with the expansion. Is this another meeting place, a nursery or an eventual school?

Mr. Liebman said people can come to a house to pray. A school is a different story.

No one else from the public wished to speak.

Mr. Sevastian said the application needs to be amended to address the two variances omitted. The variances are there and have to be dealt with. A Public Hearing notice with the correct variances will have to be published.

Susan Silverman made a motion seconded by Stanley Waldbaum to adjourn the public hearing until October 31, 2017. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Grossman-yes, Ally Thorne-yes, Bruce Goldsmith-yes.

Susan Silverman made a motion seconded by Duane Penister to approve the August 29, 2017 Resolution of the Chestnut Ridge ZBA entitled "In the Matter of the re-Application of the Coptic Orthodox Diocese of New York and New England (Eyreny Mekhaiel filed the application on behalf of the property owner), for area variances necessary to construct a new church and related education building, at the premises located at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-

1-59, 60) in the R-40 Zoning District). The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Ally Thorne-yes, Michael Grossman-yes, Bruce Goldsmith-yes.

Stanley Waldbaum made a motion seconded by Susan Silverman to approve the July 25, 2017 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Stanley Waldbaum-yes, Susan Silverman-yes, Ally Thorne-yes, Duane Penister-yes, Michael Grossman-yes, Bruce Goldsmith-yes.

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