

**APPROVED**

Village of Chestnut Ridge  
Zoning Board of Appeals  
September 26, 2017

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

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

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

Mr. Liebman said the Congregation Torah Uffilla public hearing continuation was postponed at applicant's request.

1. **Complete Auto Repair – 245 Old Nyack Turnpike – Public Hearing to consider the application**  
of Complete Auto Repair, 245 Old Nyack Turnpike for a determination of which Bulk Table should be applied to the site:

If Use Table D (Gasoline Services Stations) is determined to be the proper Use Table, bulk variances won't be needed but the following parking variances will:

34-37 Parking spaces are Required and 29 Parking spaces are Provided.

There are also 8 bays available for a total of 37 spaces which includes the bays.

If Use Table J (Automobile Sales and Service) is determined to be the proper Use Table, the following variances will be needed.

Minimum Side Setback: 75 FT Required, 59 FT Provided

Minimum Rear Setback: 75 FT Required, 50 FT Provided

Minimum Rear Yard: 30 FT Required, 26 FT Provided

**Tax designation: 57.17-2-27 Zone PO**

Richard H. Sarajian, Esq. (Attorney for Applicant), Rachel Barese P.E. of Civil Tec Engineering & Surveying and Alister S. Renwick, Applicant appeared.

Mr. Sarajian said applicant appeared before the ZBA on July 26, 2016 and was granted the requested Use Variance from the provisions of Chestnut Ridge Zoning Code Article XIII with the condition that applicant return to the Planning Board to obtain site development plan approval. Mr. Sarajian then said after meetings with the Planning Board, CDRC and Planning Board workshops, the site plan is essentially unchanged: a one story building with 8 bays at the back where the overhead doors will be located. Only the office space will be visible from Old Nyack Turnpike. Mr. Sarajian said all engineering is done and we are getting comments, however, as we went through the site plan procedure the Planning Board stated they were not comfortable using the bulk table for the PO zone. Applicant was referred back to the ZBA for determination of which bulk table should be applied to the site. Variance requests are dependent upon which zone is used. Mr. Sarajian said if the decision is Use Table D (Gasoline Service Station) the only necessary variance will be for the number of required parking spaces. If the decision is Use Table J (Automobile Sales and Service) yard variances will be necessary. Mr. Sarajian said we don't have the

completed GML from the County so the Board can't act tonight but he requested the public hearing be opened since all notices have been filed.

Mr. Liebman said tell us what you want; it is up to the ZBA to define use.

Mr. Sarajian said Complete Auto Repair is a hybrid. Concerning Use Table D, we don't sell gasoline, we don't have storage tanks or gas pumps. The bays are for general repairs. As to Use Table J, Mr. Renwick occasionally sells cars to satisfy a lien but is not in the business of selling cars. It is not a body shop.

Mr. Sarajian then said once the ZBA makes a decision, we will take the designated Use Table and variances back to the Planning Board.

Mr. Sevastian asked if the site plan as posted will be there regardless of the Use Table.

Mr. Sarajian said the Planning Board may want more parking spaces. The County has signed off on the two entrance issue. We can't build to sell gasoline; parking is where the pumps would be located. We're asking for the same natural expansion as we did initially.

Mr. Waldbaum said since variances run with the land, by definition there would be the ability to open a convenience store.

Mr. Sarajian said a convenience store is more of an accessory to a gasoline station.

Mr. Sevastian said this is not a gasoline service station; sales and service seems more true to what applicant wants.

Ms. Silverman asked if the station will only do repair work.

Mr. Sarajian replied yes and said we would be willing to put a note on the site plan saying there will be no auto sales.

Ms. Silverman said she would prefer Use Table J which seems to be a cleaner use.

Mr. Sevastian asked if the Planning Board considers the bay spaces as parking spaces.

Mr. Sarajian said the bays are not included in the 29 parking spaces provided.

Mr. Liebman opened the meeting to the public.

Howard Cohen of 17 Madeline Terrace affirmed to tell the truth and gave a brief description of what he has observed on the property since 1973. Mr. Cohen said a lot of illegal uses were sanctioned before and he is glad to hear there will be no auto sales and no body shop. Mr. Cohen would like the ZBA to specify if rental cars are or are not allowed. Also, he does not want to see trucks and commercial vehicles parked on the property; he does not want to see long term storage of vehicles.

No one else from the public wished to speak.

Mr. Liebman asked for questions or comments from the Board members.

Mr. Sevastian said this matter will have to be adjourned while we're waiting for the County comments.

Mr. Sarajian said he attended a Planning Board workshop last evening and several potential restrictions were discussed:

- a) Vehicle sales are prohibited including a display with "For Sale" signs;
- b) Vehicles can remain in the garage for minor repairs up to 72 hours;
- c) No outside repair is allowed except for installation of windshield wipers, add fluids, etc.;
- d) No storage of "dead" cars.

Ms. Silverman asked when applicant will begin the demolition/new building construction.

Mr. Sarajian said we hope to have all approvals by the end of 2017 and are looking at construction by 2018.

Mr. Renwick added construction should take approximately six months.

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, Ed Manning-yes, Ally Thorne-yes, Michael Grossman-yes.

## **2. MINUTES – Approve August 29, 2017 Meeting Minutes.**

Mr. Liebman said approval of the draft 8/29/17 minutes is held over to the next meeting.

## **3. Other Business**

Susan Silverman made a motion seconded by Ed Manning to approve the amended Resolution of the Chestnut Ridge Zoning Board of Appeals (8/29/17) entitled "In the Matter of the re-Application of the Coptic Orthodox Diocese of New York and New England (Eyreny Mekhael 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, Ed Manning-yes, Ally Thorne-yes, Stanley Waldbaum-yes, Michael Grossman-yes, Duane Penister-yes.

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

