

VILLAGE OF CHESTNUT RIDGE
ZONING BOARD OF APPEALS
JANUARY 28, 2020

Present: Stephen Liebman-Chairman, Susan Silverman-Deputy Chairperson, Duane Penister, Stanley Waldbaum, Donald Cornwell, Michael Williams, Eric Silber-Alternate

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

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

1. 107 Old Nyack Turnpike-Continuation of Public Hearing to consider the application of 107 Vogel LLC to consider variances from the requirement of Article XIII of the Zoning Code in order to continue the multi-family use to allow 11 multi-family dwellings.

Tax Designation: 56.20-2-1, in the R-15 Zoning District.

- Minimum Front Set Back: (Old Nyack Turnpike) 35 feet required where 20 feet is provided.
- Minimum Front Set Back: (Hungry Hollow Rd) 35 feet required where 22 feet is provided.
- Minimum Front Yard: (Old Nyack Turnpike) 35 feet required where 20 feet is provided.
- Minimum Front Yard: (Old Nyack Turnpike) 35 feet required where 22 feet is provided.
- Minimum Side Set Back: 20 feet required where 1.7 feet provided.
- Minimum Rear Set Back: 35 feet required where 18.9 feet is provided.

Joseph A. Churgin, Esq. (55 Old Nyack Turnpike Road, Suite 209, Nanuet, NY 10954) Attorney for Applicant appeared.

Mr. Liebman gave a brief summary of the application. There are three structures on the property: Building #1 has 6 apartments, 4 of which have a CO from the Town of Ramapo. Building #2 has 4 apartments, 2 of which allegedly have a Town of Ramapo CO. Building #3 is the old garage and has one unit for which there is no proof of a CO. Mr. Liebman then said of the present 11 apartments, 5 are illegal.

Mr. Churgin said he has made his position clear. Records from the Town of Ramapo Building Department reference all apartments that are present now. Mr. Churgin forwarded to the ZBA a two page document received from the Rockland County Sewer District #1 dated August 13, 1985 advising the then property owner of an adjustment in the property's sewer unit count to 9 units.

Mr. Liebman said there were utilities for the apartments but that doesn't prove they are legal. The Building Inspector didn't find CO's.

Mr. Churgin said we will apply for a CO. We are seeking a variance for multi-family zoning. This property has pre-dated the Chestnut Ridge Zoning Code as to multi-family status. Mr. Churgin added the owner could make a reasonable return without the garage apartment. We hired an appraiser (Bob Sterling) to do a financial review. Mr. Sterling is currently out of the country but we will have the appraisal for the February 25th meeting.

Mr. Grossman said the garage could be rented as a garage.

Mr. Churgin replied yes, for different money.

Mr. Liebman asked will the appraiser talk about the market value of the property.

Mr. Churgin answered yes.

Mr. Liebman stated he doesn't want to drag this out but he is willing to wait for the appraiser's report. We'll wait for the financial part including taxes paid, rents and charges.

Mr. Liebman then asked if there were questions or comments from the Board members. There were none.

Mr. Liebman suggested closing the public hearing subject to receipt of the appraisal including proof that applicant is not able to make money renting out only those apartments with a CO.

Mr. Churgin stated he will earn substantially less.

Mr. Liebman then opened the meeting to the public.

Marc Levine of 14 Lancaster Lane affirmed to tell the truth and said he has been a resident since 1954. He passes this property frequently and it has been an eyesore for years. Cars are parked everywhere. The property is overused. The lawn was illegally converted to a parking lot. There is garbage all over the place. This is an entrance to our village and has been an eyesore for over 10 years.

No one else from the public wished to speak.

Donald Cornwell made a motion seconded by Michael Grossman to close the public hearing. The following vote was taken: Stephen Liebman-yes, Donald Cornwell-yes, Michael Grossman-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Williams-yes.

2. Fox Development-Continuation of Public Hearing to consider the application of Fox Development in seeking the following variances from Article IV Table of Bulk Requirements Use Group J:

Tax Designation: 63.09-1-1 in the PI Zoning District

Minimum Front Yard:	(Route 45)	19.0 ft. requested for parking.
Minimum Front Set Back:	(Scotland Rd)	46.7 ft. requested.
Minimum Front Yard:	(Scotland Rd)	23.9 ft. requested for parking.
Minimum Rear Set Back:		10 ft. requested.
Minimum Rear Yard:		10 ft. requested.
Minimum FAR:		0.65 requested.

And to consider variances from the Table of General Use Requirements Part II, PI District:

Regulations for the 66% limit on building size Column G (3)

Regulations for distance of 300 feet for loading dock Column G (5)

The applicant has requested an adjournment of the Public Hearing until the February 26, 2020 meeting.

3. Congregation Ahavas Yisrael-Continuation of Public Hearing to consider the application of Congregation Ahavas Yisrael and Yeshivas Ohr V'Daas in seeking variances that would accommodate the change of use.

Tax Designation: 67.08-1-73, in the R-25 Zoning District.

Minimum Lot Area:	10 acres required where 1.65 acres is provided.
Minimum Lot Width:	400 feet required where 300 feet is provided.
Minimum Front Setback:	100 feet required where 53 feet is provided.
Minimum Front Yard:	100 feet required where 53 feet is provided.
Minimum Side Setback:	100 feet required where 34 feet is provided.
Minimum Total Side Setback:	200 feet required where 132 feet is provided.
Minimum Side Yard:	100 feet required where 5 feet is provided.
Minimum Rear Setback:	100 feet required where 80 feet is provided.
Minimum Rear Yard:	100 feet required where 23 feet is provided.
Maximum Development Coverage:	30% required where 63% is provided.
Maximum Floor Area Ratio:	0.20 required where 0.27 is provided.

Joseph A. Churgin, Esq. (55 Old Turnpike Road, Suite 209, Nanuet, NY 10954), Attorney for Applicant appeared.

Mr. Churgin summarized the application. The permitted use is a synagogue with religious studies. After the shul was purchased in 2008-2009 the classrooms were used for special needs children, generally a population of 50. Mr. Churgin then said we are not trying to do any physical changes. The use and building pre-date Chestnut Ridge incorporation. We wanted to update the sign but were denied by the Chestnut Ridge Building Inspector because of issues with use, i.e., still using the building partly for a synagogue and also a special needs school. The building is not being used as a synagogue now but the school for special needs children operates 5 days/week. Mr. Churgin continued we are seeking an area variance to continue the present use and put up a sign. There were a lot of questions raised at the last meeting and Mr. Churgin feels those questions were answered satisfactorily.

Mr. Sevastian referred to the Rockland County Planning Department comments recommending the variances not be approved.

Mr. Churgin said those comments should be overridden because we are not requesting approval for a school of general instruction. This is a school for special needs children with a self imposed limit of 80 students.

Mr. Waldbaum stated members of the community who reside on either side of the building expressed concern about vehicular fumes. Are you able to address that in your plan?

Mr. Churgin answered there really isn't idling occurring at the entrance. The buses come in for 3 minutes and are gone.

Mr. Grossman said ratio-wise there are more vehicles than at a public school.

Mr. Cornwell noted there are staff members on the buses.

Mr. Liebman said he lives behind the school. The buses are in and out in an efficient manner. Based on his observations there does not seem to be an issue.

Mr. Liebman asked if there were questions or comments from the Board. There were none.

Mr. Liebman then opened the meeting to the public.

Jerry Liebelson of 31 Midway Road was reminded he is still under oath. Mr. Liebelson wants to re-state his comments. He has no problem with the current use and scale of the school. The buses are small and without a big impact. Mr. Liebelson requests the Board, particularly with respect to the 10 acre waiver, attach conditions that the property can apply only to a school with a similar use and number of students.

Joel Friedman of 6 Amber Ridge Road affirmed to tell the truth and said the impact of a school for special needs children is not worse than a synagogue and accessory school.

No one else from the public wished to speak.

Susan Silverman made a motion seconded by Donald Cornwell to close the public hearing. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Donald Cornwell-yes, Michael Williams-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Grossman-yes.

Mr. Liebman said this presentation was excellent. There is a need for this school and even 5 to 6 extra buses are not a big deal.

Mr. Cornwell said he doesn't see a problem if the student population goes up to 80. Mr. Cornwell then said if changes need to be made, apply first before taking action. Mr. Cornwell doesn't see the Planning Department disapproval as disapproval but rather guidelines for the future that must be met.

Mr. Liebman asked if the Board members had other comments. There were none.

Mr. Sevastian said the Board operates by resolution. A draft will be available for adoption at the next meeting.

Donald Cornwell made a motion seconded by Michael Williams to approve the variances with the condition that the number of special needs students is capped at 80. The following vote was taken: Stephen Liebman-yes, Donald Cornwell-yes, Michael Williams-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Grossman-yes.

4. Draft Minutes: December 16, 2019 meeting

Susan Silverman made a motion seconded by Michael Williams to adopt the December 16, 2019 meeting minutes as corrected. The following vote was taken: Stephen Liebman-yes, Susan Silverman-

yes, Michael Williams-yes, Stanley Waldbaum-yes, Donald Cornwell-yes. Duane Penister and Michael Grossman abstained as they were not present at the meeting.

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