

VILLAGE OF CHESTNUT RIDGE  
ZONING BOARD OF APPEALS  
FEBRUARY 25, 2020

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

Also Present: Walter R. Sevastian-Village Attorney, Lise Chanin, Cheryl Sluys-Recording Secretary

Absent: Mary Ballek-Secretary to the Board

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.

Mr. Liebman stated applicant has requested an adjournment while awaiting financial papers which are to be submitted to the ZBA. Mr. Liebman then said the Public Hearing has been closed. After review of the financial papers by the ZBA, a vote will be taken.

- 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 March 16, 2020 meeting.

3. **8 Eastbourne Drive-Public Hearing** to consider the application of Elazar and Tehila Simons in seeking a variance from the requirements of Article IV 2.A of the Zoning Code to allow the construction of a 33.5-foot x 25.0-foot addition.

**Floor Area Ratio (FAR) 0.20% required where 0.27% is provided.**

Elazar and Tehila Simons, Applicant/Owner appeared.

Mr. Liebman verified applicants were representing themselves.

Mr. Simons said the family moved into this house seven years ago. They are now requesting a variance to allow for the construction of a two story addition to provide more bedrooms and living space for their growing family.

Mr. Sevastian said the benefit sought is for the comfort of the family. Mr. Sevastian then asked if the addition will create an undesirable change in the neighborhood.

Mr. Simons stated it will not as the addition is at the rear of the house.

Mr. Sevastian noted applicant exceeds one criteria; FAR (floor area ratio) of 0.20% is required and 0.27% is provided.

Mr. Liebman asked if applicants' neighbors have expressed any concern.

Mr. Simons replied they have no problem with what we want to do.

Mr. Liebman said the house is in the R-25 zoning district and is an undersized lot. He appreciates that applicant is not building out to the lot sides and not infringing on the privacy of their neighbors.

Mr. Cornwell asked if Mr. Simons has spoken to his neighbors about the project.

Mr. Simons replied he has spoken to the neighbors in back.

Mr. Sevastian said applicant is going no closer to the side yard. The addition will go towards the back into the narrow, deep yard.

Mr. Liebman asked if the addition will be two stories.

Mr. Simons answered yes.

Ms. Silverman asked when construction of the addition will begin if the variance is granted.

Mr. Simons replied when permits are received and the weather allows.

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



Mr. Liebman then opened the meeting to the public.

Jerry Liebelson of 31 Midway Road affirmed to tell the truth and asked if the basement has a 9 foot ceiling and if it is a finished basement. Mr. Liebelson then asked does that add to the FAR.

Mr. Sevastian responded the basement is underground. The Building Inspector made the determination that the basement is not included in the FAR.

Joseph Facey of 4 Eastbourne Drive affirmed to tell the truth. He lives two houses away from applicants and questions how much the esthetics of the neighborhood will change. He has not heard any objection from neighbors.

Mr. Liebman stated one thing we ask is are the neighbors displeased. This addition is to be extended back and probably won't even be seen. This is a large family who requires increased living space. They have requested we give them the right to exceed zoning code requirements.

Ms. Silverman said she doesn't see verification that applicants' neighbors were contacted.

Mr. Liebman and Ms. Chanin verified the mailing was done.

Mr. Sevastian said the required information was submitted to the Building Department but not put into the packet.

Mr. Liebman asked Mr. Facey if he opposes this project.

Mr. Facey answered it is hard to have opposition now but mentioned the road was blocked one night when he returned home.

Mr. Liebman said that is not something the ZBA considers.

Mr. Facey said he understands but we have to look at the pros and cons to determine where we go.

Mr. Sevastian stated when someone comes in to request a variance we look at what benefit applicant wants v. detriment to the neighborhood. There is still 94 feet to the neighbor in back and the addition will be no closer to the side neighbor.

Mr. Grossman asked Mr. Simons if he plans for any kind of structure in the basement.

Mr. Simons replied no.

Mr. Sevastian said we can condition an approval that any habitable space in the basement will require further application to the Building Department.

Joel Friedman of 6 Amber Ridge Road affirmed to tell the truth and said this is a perfect example of what the ZBA is about. Applicant is looking to grow his house for comfort. The addition will have minimal impact on the neighborhood. Mr. Friedman then said the village needs this type of person living here.

As no one else from the public wished to speak, Michael Grossman made a motion seconded by Donald Cornwell to close the public hearing. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Donald Cornwell-yes, Susan Silverman-yes, Duane Penister-yes, Stanley Waldbaum-yes, Michael Williams-yes.

Mr. Liebman then asked for comments from the Board members.

Mr. Cornwell would grant the variance with the condition as previously stated by Mr. Sevastian.

Mr. Williams said only a variance for FAR is requested. An important consideration of the Board is any impact on neighbors. In this case there seems to be no adverse effect.

Mr. Penister sees no adverse effects.

Mr. Grossman states he is fine with the FAR as long as applicant is not encroaching on the neighbors.

Mr. Liebman commented people can come and voice opinions for or against and give a good reason why. The ZBA was established to look at the project requests and if approved, give people the right to go beyond the village code. This is not a mc-mansion. It is an accommodation for a large family.

Mr. Grossman said the actual square footage is the only problem.

Mr. Liebman stated the Chestnut Ridge ZBA has been very strict in granting variances. We have large properties in Chestnut Ridge. Mr. Liebman added he appreciates the orientation of the proposed addition.

Michael Grossman made a motion seconded by Susan Silverman to approve the variance with the condition that constructing any habitable space in the basement will require further application to the Building Department. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Susan Silverman-yes, Michael Williams-yes, Stanley Waldbaum-yes, Duane Penister-yes, Donald Cornwell-yes.

Mr. Sevastian advised applicants that this Board works by resolution. The resolution will be presented at the next meeting for adoption by the Board.

**4. 2 Madeline Terrace (Congregation Ohr Mordechai)-Amendment of November 13, 2018 Zoning Board Resolution granting area variances for the project to include parking on the Hungry Hollow Road side of the premises.**

**Tax Designation: 62.8-1-19 in the R-25 Zoning District**

Mr. Sevastian stated this land use application was before the ZBA in 2016 at which time several variances were granted. The project was never built. Applicant returned to the ZBA in November 2018 for an administrative extension of the area variances previously granted. This was granted. Applicant then appeared before the Chestnut Ridge Planning Board in November 2019 to reaffirm. Mr. Sevastian said the November 13, 2018 resolution needs to be amended to include reference to parking on the Hungry Hollow Road side.



Mr. Williams referred to item C in the January 26, 2016 resolution and said the question of parking seems to have been discounted.

Mr. Sevastian said the zoning code required 19 parking spaces to avoid street parking.

Mr. Liebman said this application predated the new law.

Mr. Waldbaum said this construction needs to get done. Presently a lot of cars park on Madeline Terrace which is very dangerous for pedestrians.

Michael Grossman made a motion seconded by Duane Penister to amend the November 13, 2018 resolution "In the Matter of the Application of Rabbi Isumer Rosenbaum for Congregation Ohr Mordechai" to include reference to parking on the Hungry Hollow Road side. The following vote was taken: Stephen Liebman-yes, Michael Grossman-yes, Duane Penister-yes, Susan Silverman-yes, Stanley Waldbaum-yes. Donald Cornwall and Michael Williams abstained.

#### **5. Draft Minutes: January 28, 2020 meeting**

Donald Cornwell made a motion seconded by Susan Silverman to adopt the January 28, 2020 meeting minutes as submitted. The following vote was taken: Stephen Liebman-yes, Donald Cornwell-yes, Susan Silverman-yes, Michael Williams-yes, Stanley Waldbaum-yes, Duane Penister-yes, Michael Grossman-yes.

#### **6. Resolution in the matter of Congregation Ahavas Yisrael and Yeshivas Ohr V'Daas Rise**

Donald Cornwell made a motion seconded by Michael Williams to adopt the February 25, 2020 resolution entitled "In the Matter of the Application of Congregation Ahavas Yisrael (Owner-Applicant) and Yeshivas Ohr V'Daas Rise (Rockland Institute for Special Education)(Tenat-Applicant), for area variances necessary to maintain a school of general instruction in a structure with an existing Certificate of Use for a "Synagogue and Classrooms"; specifically a NYS Certified school for Special Education with a maximum of 80 students, at the premises located at 972 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designation 67.08-1-73)" as corrected. The following vote was taken: Stephen Liebman-yes, Donald Cornwell-yes, Michael Williams-yes, Susan Silverman-yes, Duane Penister-yes, Michael Grossman-yes, Stanley Waldbaum-yes.

Donald Cornwell made a motion seconded by Michael Williams to adjourn the meeting. 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.

