

APPROVED

Village of Chestnut Ridge
Zoning Board of Appeals
June 17, 2019

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

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

Absent: Michael Grossman

The meeting was called to order at 8:00 P.M. by Stephen Liebman-Chairman. Mr. Liebman welcomed everyone and requested members of the public sign in if they wish to speak.

1. **44 Haller Crescent-Continuation of Public Hearing** to consider the application of Ingrid (Fragomen) Allison for a variance to increase the allowable footage of a recreational vehicle from 35 feet to 38.9 feet. At the premises known as 44 Haller Crescent, Chestnut Ridge, NY 10977.
Tax Designation: 67.08-1-92 in the R-40 Zoning District

Frank J. Smith, III, Esq. of William A. Shilling P.C., 122 Old Route 6, Carmel, NY 10512, Attorney for Applicant and Ingrid (Fragomen) Allison, Applicant appeared.

Mr. Smith states applicant seeks relief in the form of an interpretation or in the alternative an area variance. The interpretation sought is in reference to Article 7 Section 7 of the Village Zoning Code. Mr. Smith continued throughout the Zoning Code the term storage is undefined and ambiguous. Applicant seeks a determination that the actively used RV is not being stored and in that case no dimensional requirements should apply per Article 7 Section 7. Mr. Smith said if the Board does not find the interpretation sought applies, then relief is requested in the form of an area variance. Mr. Smith then said accessory uses permitted "as of right" in an R-40 district are the same as those in an RR-50 district. The Zoning Code allows an RV length of 35 feet. In this case the RV is 38 feet 9 inches which represents a deviation of 10% and requires an area variance of 3.75 feet. Mr. Smith continued state law states any ambiguity in the zoning ordinance is to be resolved in favor of the property owner. In this instance the term storage is ambiguous. The legislative intent appears to be long term storage of materials and vehicles. This RV is regularly used and operated. We request the Board use its discretionary interpretive powers and determine that the vehicle in question complies with the Chestnut Ridge zoning ordinance, specifically Article 7 Section 7. Mr. Smith stated if the interpretation is not construed in applicant's favor, the alternative relief sought is an area variance. Mr. Smith reviewed the five factors the Board must consider when granting a variance and said in this instance the factors favor the applicant. Mr. Smith then noted that due to the age and medical condition of applicant, keeping the RV at a different location is not feasible. Neither is the economic cost of using a different location. Mr. Smith said a variance of 3.75 feet is not substantial and no additional adverse environmental impacts are caused by the 3.9 feet. Mr. Smith continued although the hardship is self-created the applicant purchased the RV without knowledge there was a size limitation in the zoning code. We are requesting this RV be interpreted as not being stored on the property because it is in regular use, is insured and registered and can be moved at any time.

Mr. Liebman asked the Board members if they had any questions. There were none. Mr. Liebman noted the dictionary definition of storage is to put aside for use at a later date.

Mr. Sevastian said there is a section in our code that says you don't define a word; you look at the Webster's dictionary.

Mr. Liebman said it seems the RV is put aside for future use. They don't use it all the time.

Mr. Smith said he would argue against that definition in the Zoning Code where it appears to refer to long term storage, i.e., junk yards, community storage facilities, etc. There may be ambiguity there.

Mr. Liebman said in the zoning code we're talking about storage or setting aside. It seems clear to me.

Mr. Sevastian said in the Chestnut Ridge Code the Board's decisions are by resolution. Mr. Sevastian then said the Board deliberates on the application taking into account public comments and the Board directs their attorney to prepare a written resolution to adopt at the next meeting. If the Board can come to a consensus on these issues, i.e., the definition of storage per the Webster's dictionary and if that applies to this vehicle, that can be put into a resolution.

Mr. Cornwell said based upon his significant experience with diesel engines he is concerned about the safety, health and welfare of the area surrounding applicant's residence in operating this vehicle.

Mr. Sevastian asked if the stated definition of storage fits the vehicle. Does it meet the interpretation threshold? Can the Board reach a consensus or not.

Mr. Cornwell responded the vehicle is being stored in that location.

Ms. Silverman said she is concerned that the very big vehicle may not be used for travel and may just be sitting on the driveway.

Mr. Sevastian asked does keeping the RV on the driveway in the context just described meet the definition of storage.

Ms. Silverman answered it is being stored, absolutely.

Mr. Ghanem agrees that storage applies but feels the situation should be judged by relevant articles in the Zoning Code.

Mr. Sevastian said let's get a consensus on the storage definition first. Mr. Sevastian then polled the Board members. All except Mr. Waldbaum agreed with the definition of storage as previously noted.

Mr. Waldbaum said he is not sure anyone can decide the storage issue and suggested an alternate approach, i.e., exploration of an area variance.

Mr. Liebman said we're dealing with the definition first and are looking for your opinion on that.

Mr. Sevastian said we have five members who feel this fits the Webster's dictionary definition of storage. The applicant's attorney made a detailed area variance analysis. They are looking for a 3.75 foot variance. The ZBA members look at the Zoning Code and balance the benefits sought by the applicant against the detriments to the neighborhood, if any, based on the factors in our Zoning Code. If you have any questions about those legal standards, ask them. The hearing can then be opened to the public and then you can deliberate among yourselves and come to a consensus.

Mr. Smith said he feels the environmental impact is much less than what may be believed. The vehicle will not be running on the property. It is started up to leave. Mr. Smith added the engine size and drive train are similar to a 35 foot RV.

Mr. Liebman said it was mentioned previously that the RV has to run for an hour each week.

Mr. Healy was reminded he is still under oath and said since April the RV has run twice for 5 minutes. It has an emission free diesel engine which meets the emissions code, i.e., no smoke and no odor.

Mr. Liebman said this is a balancing test. The Board must look at the criteria and come up with a decision to grant or not grant the variance. We've talked about the environmental issues. Everyone looks at this differently. The Board members and public will give their opinions. Mr. Liebman asked if there were any questions about what Mr. Smith brought up.

Mr. Sevastian said as an alternative the RV doesn't have to be kept at applicant's home.

Mr. Smith said that would mean move it and pay.

Mr. Liebman noted earlier testimony that the RV was previously at a site 1 ½ hours away. Mr. Liebman then said the ZBA looks at reducing the variance or making it disappear which in this case could be done by moving the vehicle.

Mr. Healy said the secured lot was 1 ½ hours away. A closer area would have meant parking with dump trucks and no security. Mr. Healy stated we are trying to sell the motor home as he can no longer drive it due to health issues. Two offers have been received but they fell through.

Mr. Liebman asked if any Board member wished to revisit any of the balancing tests or had any questions. There were none. Mr. Liebman asked if any member of the public wished to speak.

Hal Sherman of 8 Pine Knoll Court was reminded he is still under oath and said even though they say there is emission control he filed a complaint last summer when the vehicle was running. The Chestnut Ridge Building Inspector made a site visit and asked applicant to turn the vehicle off. Mr. Sherman added the RV has been stored on applicant's driveway since April without permission.

Wentworth Small of 12 Pine Knoll Court affirmed to tell the truth and said there is a question of ambiguity. What is the definition of active use?

Mr. Sevastian said there is no definition of storage in the code. There is no definition of active use but the Board has decided this is storage. Mr. Sevastian asked do you think this is a detriment to your property.

Mr. Small then said the RV is a bit of an eyesore but he is not sure it is a detriment. Mr. Small then asked how much of a variance are you going to give?

Andrea Ritter of 7 Weiss Terrace affirmed to tell the truth and asked how long this application has been before the ZBA. Ms. Ritter said if the RV is to be sold this could have been a community decision.

Mr. Sevastian said the first public hearing was on February 26, 2019. He does not believe selling the RV when the price point is met has not been mentioned previously. Mr. Sevastian then said an area variance runs with the land and precedence has to be considered.

Ms. Ritter commented if they are serious about selling we can come together as a community.

Mr. Liebman said variance or not the violation still exists.

Joel Friedman of 6 Amber Ridge Road affirmed to tell the truth and said the fact that the owners are looking to sell the RV but are still before the ZBA for a variance is a positive step. An RV 3.9 feet longer than what is allowed doesn't make a bigger environmental problem. Smaller, allowed RVs may have the same issues.

Mr. Sevastian said that was the applicant's attorney's main argument; that the impact of an incremental difference between a 35 foot and 38.9 foot RV is minimal.

Mr. Smith said there is no code provision concerning diesel powered vehicles. Because we're dealing with a violation from the village's building inspector we're seeking to remedy the issue that we have which is best done through an area variance.

Hilda Kogut of 20 Pine Knoll Court affirmed to tell the truth and said she is conflicted. She has seen the vehicle and is familiar with the family. Ms. Kogut feels if a good faith effort is being made to sell the RV, a variance should be offered. Ms. Kogut then said the RV is not an affront to her and granting a variance will allow them the opportunity to sell more expeditiously rather than having to store it somewhere else.

Baruch Feder of 33 Beckett Court affirmed to tell the truth and congratulated Ms. Kogut for saying what is right. Mr. Feder said the Board should make the right decision and grant the requested variance.

No one else from the public wished to speak.

Mr. Liebman thanked the public for their input.

Mr. Sevastian said again, this Board acts by resolution and asked the Board members to express their opinions whether positive or negative so a resolution can be written for adoption at the next meeting.

Mr. Waldbaum said he is totally unsympathetic to the application on the definition of storage but is totally sympathetic to the applicant on the basis of a variance. He is a long time resident and greatly respects Mr. Sherman for bringing this up. Mr. Waldbaum does feel this is a minor variance but he is

concerned about precedence. Mr. Waldbaum suggests deferring the public hearing for a couple of months to give applicant the opportunity to sell the RV.

Mr. Sevastian said if the public hearing is closed a decision must be made in 62 days or the variance is automatically granted.

Mr. Waldbaum suggested keeping the public hearing open to stop the 62 day countdown.

Mr. Sevastian said the matter can be adjourned if the applicant consents.

Mr. Waldbaum said this will give him an opportunity to sell and then we don't have to deal with a variance.

Mr. Sherman asked what about the violation that exists?

Mr. Sevastian said it still exists.

Mr. Smith said he would like to speak with his clients to see if they consent to waiving the 62 day period. Before agreeing to a possible extension he would like to hear from the rest of the Board members. He would like to see the matter resolved as quickly as possible since there is an open violation.

Mr. Sevastian said there is an automatic stay by statute. Applicant suffers no jeopardy. When there is an open violation in Justice Court and you file a ZB application it puts an automatic stay by statute on the violation adjudication itself. Their exposure is from the day of the violation to the day the ZBA application was filed.

Mr. Ghanem suggested we grant permission to leave the RV parked legally on the driveway with applicant's agreement to sell without granting a variance.

Mr. Sevastian said the ZBA doesn't have the power to do that; however, the Board can put conditions on the grant of a variance. It has to be something related to the property.

Ms. Silverman asked if applicant had explored the idea of having a commercial RV handler/sales lot take the RV to their location and sell it on consignment which would get it off your property.

Mr. Healy said that is very expensive. They take a huge commission. This is a very expensive motor home.

Ms. Silverman said she is concerned about granting a variance that will run with the land. She is hesitant about this extra variance on the property for the future.

Mr. Smith said this is a different scenario than granting an easement which would be utilized moving into the future. He is hard pressed to believe that if the house were sold it would be marketed as having an extra 3.9 foot RV storage. He understands the concern but in terms of the five criteria in determining the area variance analysis he doesn't think that is important when looking at the totality of the circumstances.

Ms. Silverman said her other concern is if there is a problem selling the vehicle it will stay there.

Mr. Smith said we'd still be in violation and would have to deal with the violation.

Ms. Silverman said if we grant the variance and the vehicle is not sold it will be able to sit there.

Mr. Sevastian stated that if the ZBA grants a variance we're saying that is okay.

Mr. Cornwell expressed concerns about granting a variance for an RV that exceeds 35 feet.

Mr. Sevastian said the very purpose of the zoning code is to grant variances from the code based on the balancing test. One of those factors being is the variance substantial. You have to be careful with arbitrariness. The ZBA is a creature of statute by NYS law. It was created to grant relief based on the tests.

Mr. Penister said he is concerned about precedence if this variance is granted. Mr. Penister supports adjournment of the public hearing to provide the chance to sell the RV.

Mr. Liebman said the zoning code allows an RV of 35 feet. He doesn't feel there is a detriment to the neighborhood. To him, 35 feet wouldn't look any different. Mr. Liebman is in favor of granting the variance.

Mr. Sevastian stated if the applicant agrees to an extension they can have one to two months to sell. The Board would adjourn the application rather than tackling an actual decision.

Mr. Smith said an area variance is less strict than a use variance. The RV is dimensionally defective by 3 feet 9 inches and added RV's are made in odd sizes. A minimal variance is necessary and would grant relief permitted under state law which is the purpose of the ZBA. Mr. Smith wishes to confer with applicant about an adjournment.

Mr. Smith conferred with his client who requests a 90 day adjournment during which time she will try to market and sell the RV.

Duane Penister made a motion seconded by Susan Silverman to adjourn the public hearing for 90 days until the September 16, 2019 ZBA meeting at applicant's request and consent. The following vote was taken: Stephen Liebman-yes, Duane Penister-yes, Susan Silverman-yes, Stanley Waldbaum-yes, Nabil Ghanem-yes, Donald Cornwell-yes.

2. **Fox Development-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)

Kenneth Moran, Esq. (Attorney for Applicant), 11 N. Airmont Road, Suffern, NY, Rachel Barese, PE of Civil Tec Engineering & Surveying PC, 139 Lafayette Avenue, 2nd Floor, Suffern, NY, and Herman Fuchs, Applicant appeared.

Ms. Barese, Herman Fuchs and Bruce Fuchs (applicant's son) affirmed to tell the truth.

Mr. Moran stated this 4.1 acre property located at the corner of Chestnut Ridge Road and Scotland Road is owned by Uneeda Holding LLC. The company does assembly and packaging of abrasive materials imported from Scandinavia and Germany and has been doing business from this location for over 30 years. An office (9000 square feet) and a 1000 square foot employee cafeteria are in this 39,400 square foot building. The office and cafeteria will remain unchanged. Mr. Moran continued the business requires additional space to handle business growth and demands. Currently space is being rented in New Jersey for storage of materials but this is inefficient. Mr. Moran then said there is a residential house on site which applicant proposes to remove. There will be no change in the number of employees. An increase in parking from 35 spaces to 58 spaces is requested to do away with the need to rent off-site spaces for staff. Mr. Moran said in 1986 the Town of Ramapo required a 50 foot buffer and 85 foot planting easement, 50 feet on applicant's site and 35 feet on neighboring property. The two story addition will be at the rear of the current building. The 1st floor will measure approximately 24,430 square feet and the 2nd floor will measure approximately 18,157 square feet. Mr. Moran added in the vicinity of the buffer is a flood mitigation area with a large swale.

Ms. Barese said the property is in a 100 year flood zone and applicant requests a reduced buffer and drainage improvement within the buffer, i.e., a slight adjustment in size and location of the existing retention pond.

Mr. Sevastian asked if applicant owned the planting easement property.

Ms. Barese replied yes.

Mr. Sevastian noted the site plan has been before the Planning Board.

Mr. Moran responded the plan has been amended a number of times.

Mr. Sevastian stated if you don't get the variances you can't move ahead.

Mr. Moran continued if we build there will be a 10 foot sidewalk emergency access on Scotland Road. The two story addition will look like one story as the first floor will be below grade. The addition will line up with the back of the building.

Ms. Barese said there will be no elevation along the east side. She added the existing building operation will remain as is. In response to Mr. Sevastian's question Ms. Barese said there is a problem in back. There is a 75 foot buffer in Chestnut Ridge and a 50 foot buffer in Ramapo. Currently there is a driveway and parking in use in the back area; the use will change.

Mr. Liebman asked for an additional explanation of the two stories.

Ms. Barese said the roof line will be consistent. The first story is underground and goes into the grade on the Scotland Road side. We have lot area and lot width. We are asking for a 24 foot aisle to accommodate two lanes of traffic.

Mr. Liebman pointed out the property is on a corner lot and consequently has two front yards.

Ms. Barese said we followed the previously approved side yard and rear yard. Ms. Barese then referred to the FAR requirement.

Mr. Liebman said a zone requirement is that the FAR can't go beyond a certain percentage.

Ms. Barese said the FAR is .4; we are requesting .65.

Mr. Liebman asked if the underground floor was subtracted, what the FAR would be.

Ms. Barese will speak with the architect.

Mr. Moran said there will be minimal activities along Scotland Road. The site plan was rearranged to do away with the access on Scotland Road. There will be a small door to access the second story for occasional in and out of equipment such as a new forklift. There is an internal elevator for regular shipments.

Ms. Barese noted the loading docks will remain on the northern side of the building. Two more are proposed in the same area which already has truck access. Parking along Scotland Road and Chestnut Ridge Road is proposed. As previously stated, we wish to change the shape of the retention basin within the buffer. Ms. Barese said Mr. Fuchs told her there have been no water problems in this location.

Mr. Sevastian asked if there was feedback from the Planning Board concerning modifying the basin.

Ms. Barese replied no. The original plan showed an underground retention basin. Research showed it was for flood mitigation, not retention.

Mr. Sevastian asked about existing elements of the previously approved site plan and said the Board can rule on the variances and make conditions to the flood mitigation basin. Mr. Sevastian said it would be helpful to see what is going on in relation to screening at the back of the parcel.

Mr. Liebman said he walked the property with Mr. Fuchs but the Board members need to do a site visit together to observe the buffers, flood mitigation, etc.

Mr. Moran said you are talking about an uncoordinated review for SEQRA.

Ms. Barese said her concern is if no variances are granted the application changes completely.

Ms. Silverman questioned the hours of business operation.

Mr. Bruce Fuchs said the business operates five days a week from 7 A.M. to 10:30 P.M. with two overlapping shifts.

Ms. Silverman asked if there will be windows in the second story of the addition.

Ms. Barese answered no.

Ms. Silverman then questioned the number of parking spaces.

Ms. Barese said 66 parking spaces are proposed. Some current parking in the back will be removed for the addition. There will be a berm with plantings to buffer headlights.

Mr. Sevastian referred the Board to the landscaping plan in their packets.

Mr. Liebman asked if parking along Scotland Road could be reversed.

Ms. Barese referred to the site plan and said this is the most functional layout. There will be no parking along Chestnut Ridge Road.

Mr. Waldbaum asked about the snow storage areas on the site plan.

Ms. Barese said the Rockland County Department of Planning wants two designated spots for plows to deposit snow.

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

Mr. Moran inquired if the GML should be discussed now or at a later time.

Mr. Sevastian said there is overdevelopment of the site and discussed Planning Board recommendations and ZBA voting.

Mr. Moran said lets discuss the GML after additional information is submitted to the ZBA.

Mr. Liebman asked if any member of the public wished to speak.

Bruce Goldsmith of 2 Weiss Terrace affirmed to tell the truth and encouraged all Board members to make a site visit. Mr. Goldsmith then said when the house on the property is removed he will see an industrial park and storage. He is not satisfied with the plans.

Mr. Sevastian asked if Mr. Goldsmith is requesting more landscaping.

Mr. Goldsmith said at the Planning Board the public had a lot of suggestions which have not been included in the plans. The site plan does not show where the big garbage cans are located or the location of the propane storage presently on the northeast corner.

Mr. B. Fuchs said the compactor at the loading docks will stay in its present location. Mr. Fuchs added there are 66 employees in two shifts and the requested parking is for employees as well as visitors.

Ms. Barese said shift two arrives before shift one leaves. A lot of the machines are automated. There will be no increase in the number of employees but increased storage is needed.

Mr. Liebman asked if there was off-site storage available in Chestnut Ridge.

Mr. B. Fuchs responded not at a cost that makes sense.

Mr. Goldsmith said there is a lot of water in the retention basin fed by a 30 foot pipe from Matthew Drive.

Mr. Sevastian said the Planning Board has a drainage engineer and that issue will be addressed at the Planning Board.

Ms. Barese said the pipe from Matthew Drive to the stream conveys water. This is spelled out in documents.

Mr. Goldsmith continued disturbing the wetlands is a problem to me.

Mr. Moran said three trees and shrubs were taken down between Matthew Drive and the current factory at the request of the village to keep the basin clear of vegetation.

Mr. Goldsmith suggested a berm with a 6 foot fence and a lot of vegetation that doesn't die in the winter because he doesn't want to see a factory. Mr. Goldsmith added he hopes the ZBA does not grant the requested variances.

Christine Delfeld of 4 Weiss Terrace affirmed to tell the truth and said she agrees with Mr. Goldsmith's comments. The house on the property is beautiful and is a good buffer from seeing the whole factory. Ms. Delfeld feels this is overdevelopment and stated we don't have enough green. She also expressed concern about the drainage.

Mr. Liebman said the east side of the property has magnificent pine trees but he knows what you are looking for.

Andrea Ritter of 7 Weiss Terrace affirmed to tell the truth and said she concurs with the county comments. Ms. Ritter then said she loves the house and discussed camouflaging the building with fencing and trees, parking and noise from forklifts.

Mr. Sevastian reminded everyone this is a public hearing. You may say whatever you want but there is no back and forth with the applicant.

Mr. Goldsmith noted he does not want to hear the forklifts either.

Chaim Pantierer of 3 Matthew Drive affirmed to tell the truth and said his is one of three houses that back up to the factory. He now sees the factory and cars and notices a lot more noise since the vegetation was cleaned up.

Mr. Sevastian asked if Mr. Pantierer was aware of the 35 foot easement when he purchased his property.

Mr. Pantierer replied yes and added on occasion he has water in his basement. He is concerned that changes to the basin could create more water problems and then said he is not looking forward to more noise from the factory.

Luis Fernandez of 10 Weiss Terrace affirmed to tell the truth and said he drew a sketch with proposed changes to the site plan.

Mr. Liebman asked if he presented the sketch to the Planning Board.

Mr. Fernandez replied no. He then stated the radius proposed for a fire truck is worthless. Mr. Fernandez superimposed his plan for the site over the posted site plan.

Mr. Moran requested a copy of Mr. Fernandez's proposal.

Mr. Fernandez asked if the ZBA grants the variances is the site plan approved.

Mr. Liebman said conditions can be put on the variances.

Mr. Sevastian said the applicant has heard what the people are saying they want to see. We are not here to change their plans. Mr. Sevastian requested Mr. Fernandez leave his map to be put into the record. Mr. Sevastian then said there are planning issues and zoning issues. There are a lot of planning and drainage issues beyond the ZBA. That is their property and this is their plan. Applicant applies for what applicant applies for.

Mr. Fernandez replied there is no consideration of what the public said at the Planning Board.

Mr. Goldsmith again voiced his concern about wetlands.

Ms. Barese said we will confirm the wetlands with the DEC.

Levi Moeller of 1 Matthew Drive affirmed to tell the truth and complained of loud noises from forklifts early in the morning, emptying of dumpsters as early as 6 A.M. in addition to parking in front of his house. He added he had to install a fence to keep employees from walking on his property and said expansion is very concerning to me.

Ms. Silverman asked if there was noise after 10:30 P.M.

Mr. Moeller answered no.

Ms. Silverman asked about noise from 6 A.M. to 7 A.M.

Mr. B. Fuchs said he can't control when people come to work.

Mr. H. Fuchs said employees come into the building and punch in. He doubts there is noise at 6 A.M.

Mr. B. Fuchs referred to the vegetation cleanup and said it was done in 100% good faith and in accordance with the village.

Mr. Waldbaum asked why parking can't be eliminated per residents' requests.

Ms. Barese explained how the number of spaces and location were determined.

Magali Dupuy of 49 Spring Hill Terrace affirmed to tell the truth and said if the wetlands are touched it will cause flooding in the area and a decreased water level in the village.

Mr. Fernandez said the plan transfers noise from one side of the property to the other and suggested making the parking spaces smaller.

Mr. Sevastian replied that will not meet the village code requirements.

Mr. Moran asked the procedure if they wish to adjourn more than 30 days.

Mr. Sevastian said request the adjournment by correspondence to the clerk.

Ms. Silverman said she appreciates the desire of a long term business to stay where they are and understands employees will be affected. Let's see what can be done.

Mr. Moran said warehouse space in New Jersey is cheaper but they want to stay in Chestnut Ridge. Mr. Moran would suggest comments from the public be sent in letters to the ZBA which can be forwarded to applicant.

Mr. Liebman said the public brought up a lot of issues and also came up with alternatives. We want to make this right.

Mr. Moran said we are in the middle of site plan approval; we are not doing landscaping.

Mr. Liebman requested the Board members get back to Ms. Ballek re: availability for a joint site visit.

No one else from the public wished to speak.

Susan Silverman made a motion seconded by Nabil Ghanem to adjourn the public hearing until July 15, 2019. The following vote was taken: Stephen Liebman-yes, Susan Silverman-yes, Nabil Ghanem-yes, Stanley Waldbaum-yes, Duane Penister-yes, Don Cornwell-yes.

3. Minutes: May 20, 2019 meeting.

Approval of the May 20, 2019 meeting minutes was postponed until July 15, 2019.

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

