

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
OCTOBER 13, 2010**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, October 13, 2010.

PRESENT: Pat Caldwell, Chairperson presiding

Members: Eli Solomon
Moshe Hopstein
Martha Patrick
Gerard Sicard

Asst. Village Attorney: Ed Katz
Legislative Aide: Toshia Lewis
Deputy Building Inspector: Walter Booker

Chairperson Caldwell called the meeting to order at 7:00 p.m.

MINUTES 07/14/10 - 08/11/10 - 09/08/10

On a motion by Mr. Sicard and seconded by Mr. Hopstein, the Board voted unanimously to approve the minutes of July 14th, August 11th, and September 8th, 2010.

PUBLIC HEARING - BAJA CONSTRUCTION CORP., C/O EGON LINZENBERG

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed. Walter Booker read the legal publication.

The applicant seeks variances to permit the construction of 26 residential apartment units. More than a year ago the PB referred the applicant to the VB for a special permit. The Board at that time did not schedule the matter for a hearing. Recently the present VB granted the special permit and the applicant requires a single variance for rear yard. This is an unlisted action under SEQRA. The PB has issued a neg. declaration which determined that the construction will not have a negative impact under SEQRA.

Mr. Egon Linzenberg appeared for the applicant. He stated that his project required two variances: Rear yard and one for more than 18 units per acre. The code permits 23 units for his development and due to increase costs of construction, he needs to build 26 units to make the project economically viable. No member of the public appeared to speak for or against the project. The hearing was closed and the Board voted 4-1 (Ms. Patrick dissenting) to grant the variances for rear yard and 26 units.

On motion by Mr. Hopstein, seconded by Ms. Patrick, upon motion the Board voted to close the public hearing.

On motion by Mr. Hopstein, seconded by Mr. Solomon, the Board voted to approve the variances:

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<i>Mr. Hopstein</i>	<i>Yes, to approve variances minor variances difficult to stay with the unit cost.</i>
<i>Mr. Solomon</i>	<i>Yes, to approve variances by the reason stated by my colleague.</i>
<i>Mr. Sicard</i>	<i>Yes, to approve variances</i>
<i>Ms. Patrick</i>	<i>No , to approve variances increase the (inaudible) in the community.</i>
<i>Chairwoman Caldwell</i>	<i>Yes, to approve variances</i>

PUBLIC HEARING - 69 DIVISION STREET - C/O O'DONOHUE

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed. Walter Booker read the legal publication.

The applicant seeks variances to construct a 2 family home in an R-2 zone. The variances required are: lot area and lot width. This is a type 2 application and no formal SEQRA review is needed.

Mr. James Licata, Esq. appeared for the applicant. He stated that the applicant intends to remove the existing structure and to construct a 2 family home for rental. The lot width and lot area exist and the area consists of small parcels. There are other 2 family homes on such small parcels in the vicinity and this project will not conflict with what is there now.

On motion by Ms. Patrick, seconded by Mr. Solomon, the Board voted to close the public hearing.

On motion by Mr. Solomon, seconded by Mr. Hopstein, the Board voted to approve the variances:

<i>Mr. Hopstein</i>	<i>Yes, to approve variances, the lot area and lot width is minor.</i>
<i>Mr. Solomon</i>	<i>Yes, to approve variances, will see turn around in the lot.</i>
<i>Mr. Sicard</i>	<i>No, to approve variances, due to lack of information no building dimensions provided and two variances needed in compliance.</i>
<i>Ms. Patrick</i>	<i>Yes, to approve variances, by the reason stated by my colleague.</i>
<i>Chairperson Caldwell</i>	<i>Yes, to approve variances, but agrees with colleague no dimensions provided to the board.</i>

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PUBLIC HEARING - MILWORM / 17 ZEISSNER LANE

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed. Walter Booker read the legal publication.

The applicant seeks variances to permit an addition onto an existing one family home located in a flood overlay area. The applicant requires the following variances: lot area- 8500' required, 4,957' provided with reduction required due to location in flood zone; lot width- 80' required, 73.46' provided (existing). Side yard- 15' required, 12.9' provided (existing); total side yard- 30' required, 28.4 provided (existing); FAR- .53 allowed, .67 provided (due to reduction required by flood zone). This is a type 2 application and no formal SEQRA review is needed.

Mr. Milworm appeared for the applicant. The parcel is completely in the flood area and the Village code requires a 50% reduction. All variances are existing ones.

On motion by Chairperson Caldwell, seconded by Ms. Patrick, upon motion the Board voted unanimously to close the public hearing.

On motion by Mr. Hopstein, seconded by Mr. Solomon, the Board voted unanimously to approve the variances:

<i>Mr. Hopstein</i>	<i>Yes, to approve variances</i>
<i>Mr. Solomon</i>	<i>Yes, to approve variances</i>
<i>Mr. Sicard</i>	<i>Yes, to approve variances</i>
<i>Ms. Patrick</i>	<i>Yes, to approve variances</i>
<i>Chairwoman Caldwell</i>	<i>Yes, to approve variances</i>

CONTINUATION OF PUBLIC HEARING - 7 RIGAUD ROAD / DON STEINER

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed. Walter Booker read the legal publication.

This is an application seeking a variance to permit the construction of an extension onto an existing one family semi-attached home. Variances required are: lot area- 7,000 sq. ft. required, 4,395 provided; lot width- 70' required, 42.50' proposed; and side yard- 15' required, 10.1' proposed. The only new variance is for the side yard. This is a type 2 SEQRA application and no formal SEQRA review is needed.

Mr. Steiner appeared for the applicant. He wants to add a bedroom and a playroom to his small home. The only new variance is for side yard.

On motion by Mr. Hopstein, seconded by Ms. Patrick, upon motion the Board voted unanimously to close the public hearing.

On motion by Mr. Hopstein, seconded by Mr. Solomon, the Board voted unanimously to approve the variances:

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<i>Mr. Hopstein</i>	<i>Yes, to approve variances, no one in the neighborhood objects it's a minor request.</i>
<i>Mr. Solomon</i>	<i>Yes, to approve variances, by the reason stated by my colleague.</i>
<i>Mr. Sicard</i>	<i>Yes, to approve variances</i>
<i>Ms. Patrick</i>	<i>Yes, to approve variances</i>
<i>Chairwoman Caldwell</i>	<i>Yes, to approve variances</i>

CONTINUATION OF PUBLIC HEARING - THE COMMONS

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed (from previously). Walter Booker read the legal publication.

This is a continuation of a public hearing wherein the applicant is seeking a variance permit the construction of 64 apartments in two four story buildings with parking located on an adjacent parcel situated immediately to the north in the Town of Ramapo. The variances required are; rear yard- 50' required, 10' provided; height- 40' or three stories permitted, 41.5" and 4 stories requested; floor area ratio- 0.6 permitted, 1.5 requested. The applicant needs a waiver from the code requirements of distance between two principal buildings on a lot.

Since the ZBA last met concerning this application, the VB has granted a special permit for his development subject to the applicant granting a 10' easement to the Village on property adjacent to this development which will allow fire access in an emergency and also subject to having a super living in an apt. on the premises.

Also since last meeting concerning this application, the applicant increased the number of parking spaces provided to 97. This is within 25% of the total required by the zoning code. The applicant asked for and received from the PB a 25% waiver of parking spaces subject to the applicant reaching agreement with the Village Attorney concerning how many spaces need to be reserved for visitors and concerning how the remaining spaces will be no more than 97 cars. The applicant no longer requires a parking variance.

Mr. Ira Emanuel, Esq. has provided the Board with a 6 page summary of the application and the arguments for granting the necessary variances."

The application of The Commons was adjourned for the third time until November 10th, 2010 meeting per the request of the applicant. The Board stated that the Board and the public are inconvenienced by these repeated delays. If the applicant is not present and ready to proceed at the November meeting, the application will be removed from the calendar and a new application will have to be filed.

The Board voted unanimously to close the public hearing. As there was no further business to come before this board, on a motion by Ms. Patrick, seconded by Chairperson Caldwell, the Board voted unanimously to close the meeting at 7:56 p.m.

Respectfully submitted,
Toshia Lewis

