

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
AUGUST 11, 2010**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, August 11,2010.

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 7:10 p.m.

**PUBLIC HEARING -
10 YALE DRIVE / LEFKOWITZ, C/O CONSTRUCTION EXPEDITING**

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

The applicant seeks variances to construct an extension onto an existing one family home. The variances requires are; front setback- 25' required, 24.8' provided; side setback- 15 required, 11.7 feet provided; total side setback- 30 feet requires, 26 feet provided. This is a type 2 SEQRA application and no SEQRA reviews is required.

Mr. Lefkowitz testified that the addition is one story and will rest on poles. No member of the public spoke and the hearing was closed.

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

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

<i>Mr. Hopstein</i>	<i>Yes, to approve variances</i>
<i>Mr. Solomon</i>	<i>Yes, minor variances side and back no objection from the public.</i>
<i>Mr. Sicard</i>	<i>Yes, to approve variances</i>
<i>Ms. Patrick</i>	<i>Yes, to approve variances</i>

Chairwoman Caldwell

Yes, variances are not extensive and they are minor.

PUBLIC HEARING

8 LAURA PLACE / REISMAN, C/O IYH REALTY, INC.

The public hearing was opened and the clerk stated that all mailing, 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 which is a permitted use. The variances required are: lot area- 10,000 sq. ft. required, 6,893 sq. ft. provided; lot width- 100' required, 60' provided; side yard- 15' required, 10' provided; total side yard- 30' required, 20' provided; floor area ratio- 0.53 allowed, 0.79 requested; street frontage- 70' required, 60' provided. parking in the front yard setback? This is a type 2 SEQRA application and no SEQRA reviews is required.

Mr. James Licata, Esq. appeared for the applicant and stated that the applicant seeks to demolish the present building and to construct a new 2 family home (side by side). He presented letters from neighbors at 6, 9A, (B and 10 Laura Place supporting the application. He stated that the proposed 2 family home looks like other homes in the area. Photos confirmed this. He sent out 104 notices to neighbors and none opposed. Walter Booker suggested up and down construction rather than side by side. Mrs. Reisman testified that she considered this, but that side provides more privacy. She agreed to a hip roof.

Chairperson Caldwell expressed reservations concerning the extent of the f.a.r. variance. Up and down construction at least reduces the f.a.r. somewhat. Mr. Michele expressed concern that the attic could be used for living space. He was reassured that it would not be used for living space. Mr. Licata stated that the applicant would lower the ridge of the attic to what NYS Law will permit. Mr. Booker said the minimum pitch would be 3' on 12'. i.e a hip roof. This will not change the f.a.r.

The votes were conditioned upon the applicant constructing a hip roof with the minimum elevation allowed by NYS Law. Those voting in favor stated although the f.a.r. variance is extensive, the applicant has lived there for 8 years and the home will look like many others in the area and there is no opposition. Chairperson Caldwell suggested that homeowners in the area should speak to the VB about changing the f.a.r. to accommodate the needs of their community. This will eliminate the greater number of applications for variances which the ZBA has granted recently.

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

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

Mr. Hopstein

Yes, to approve variances but not to change anything.

Mr. Solomon *Yes, to approve variances*
Mr. Sicard *Yes, to approve variances*
Ms. Patrick *No, to approve variances*

Chairperson Caldwell *Yes, to approve variances*

PUBLIC HEARING
THE COMMONS C/O ALEX GOLDBERGER

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

The application of The Commons was adjourned until September 8th, 2010 meeting per the request of the applicant.

PUBLIC HEARING
111 UNION ROAD / ALTMAN / UNION PARK ESTATE

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

This is an application seeking a variance for floor area ratio 0.60 allowed. 0.75 requested. The increased floor area ratio will be used to construct a larger basement than the original crawl space which was previously approved by the ZBA. This will permit storage and playroom space.

Mr. James Licata, Esq. appeared for the applicant. He stated that the new f.a.r. will be 0.75 whereas 0.60 is allowed by law. The project has been constructed, but the owner has experienced problems selling the units because there is not sufficient storage and play room space on the basement area.

Chairperson Caldwell suggested that additional storage could be in sheds located in the rear. Mr. Licata responded that there is not enough space for 9 sheds. Some of the green spaces in the rear required for fire access. He further stated that the requested variance will not change the footprint or anything else except window exits. Currently there is 400 feet of basement space. If the variance is granted there will be 800'. Chaim Hirsch stated that water service will come on area from outside the building and distributed from there to all units.

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

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

Mr. Hopstein *Yes, to approve variances, but not change anything.*

Mr. Solomon

Yes, to approve variances by the reason stated by my colleague and no community room so a place for kids to play in the winter time.

Mr. Sicard

Yes, to approve variances

Ms. Patrick

No, to approve variances

Chairwoman Caldwell

Yes, the variance makes sense, but I don't believe they can be absolved by the other man.

PUBLIC HEARING

DR. SAI, LLC. / SPRING VALLEY HOLIDAY INN EXPRESS

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

This is an application seeking a variance to construct a hotel/motel consisting of 103 rooms. The Planning Board previously granted site plan approval for this project which did not then require any variances. Due to changes in the market, the applicant no longer wants to build suites. Rather all rooms will be singles. Therefore, there are now 103 units rather than 79. The dimensions of the hotel have not changed from what had been approved. All that has changed is that there will be only single units rather than a combination of single units and suites. As presently configured the following variances are required: parking- 110 spaces required, 106 provided; units per acre- 73 allowed and 103 requested.

Mr. James Licata, Esq. appeared for the applicant. He stated that a prior site plan was approved by the PB. The franchis or does not want suites and insists on hotel rooms only. Therefore, the applicant needs variances for number of units per acre and for 4 parking spaces. The footprint of the hotel has not changed. The suites have been removed and replaced by single rooms. John Atzl, Project Engineer, testified that the Village code permits 54 units per acre. There is 1.4 acres and, therefore, 74 units are permitted on this site.

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 Ms. Patrick, the board voted to approve the variances:

Mr. Hopstein

Yes, to approve variances in this case doesn't change the foot print and variance other comments about the limited impact.

Mr. Solomon

Yes, to approve variances for the reasons stated by my colleague and it will bring business to the retail stores on 59 and adjacent stores great ideal.

Mr. Sicard

Yes, to approve variances and will networking with the airport.

Ms. Patrick

Yes, to approve variances for the reasons stated by my colleague.

Chairwoman Caldwell

Yes, to approve variances will be a wonderful project and we need more ratables in our community and certainly will be an asset to Route 59 and Spring Valley.

As there was no further business to come before this board, on a motion by Chairperson Caldwell, seconded by Mr. Hopstein, the board voted unanimously to close the meeting at 9:04 p.m.

Respectfully submitted,

Toshia Lewis