

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
JULY 14, 2010**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, July 14, 2010.

PRESENT: Pat Caldwell, Chairwoman presiding

Members: Eli Solomon
Moshe Hopstein
Martha Patrick - Absent
Gerard Sicard

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

Chairwoman Pat Caldwell called the meeting to order at 7:10 p.m.

MINUTES
JUNE 9, 2010

On motion by Mr. Hopstein and seconded by Mr. Solomon, the board voted unanimously to approve the Minutes of June 9, 2010.

PUBLIC HEARING -
WALGREEN'S STORE NO. 13726 / ARC PROPERTIES

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

Mr. Katz stated that the application seeks variances in connection with the construction of a new Walgreen's Store with a pharmacy and basic medical clinic at the intersection of Route 59 and Route 45. The applicant seeks relief from the application of the Village's sign law. Specifically, the applicant seeks to install a freestanding sign with an area larger than the statute permits; greater in height and located within 25 feet of the front yard setback. The application does not need SEQRA review. The Rockland County Planning Department disapproved the application and 4 votes are needed to override their action.

Ira Emanuel, Esq. appeared for the application along with the architect, Angelo French. Mr. Emanuel stated that the application seeks relief only from the Village's sign law. One sign is 89 sq.' and the other is 40 sq.' . He stated that there are several signs in the immediate area of similar size, i.e. McDonald's and Valero gas. The code allows 12' in height and most signs in the area exceed this. A 12' sign could not be seen clearly from the roadway. The code requires 25' from the street line and the proposed sign is 15' from street line. The grade of the property

slopes down. At 25' away the ground slopes 5'. The sign will have static text or pictures and no moving figures. Walgreen's will try to slow the time between message changes to address the Board's concerns about driver distraction.

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

On motion by Mr. Hopstein, seconded by Mr. Sicard, 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>Chairwoman Caldwell</i>	<i>Yes, to approve variances</i>

PUBLIC HEARING
SPRING VALLEY HOLIDAY INN EXPRESS

The applicant seeks variances in connection with the proposed construction of a 4 story hotel at the intersection of Route 59 and Pascack Road. The variances required are: number of rooms per acre: 73 allowed and 103 requested; parking- 99 allowed and 107 requested. A year or so ago, the Planning Board gave site approval to this project and no variances were needed. The hotel, as approved, called for the construction of a number of suites. The applicant now states that the economy will not support suites and, therefore, he wants to change the suites into hotel rooms. This change accounts for the increase in the rooms per acre. There is no change in the size of the proposed structure from the one previously approved by the PB.

The applicant did not appear and did not do the necessary mailing and postings.

The application of Spring Valley Holiday Inn Express was adjourned until August 11, 2010.

CONTINUATION OF PUBLIC HEARING
29 COLLINS AVENUE / ZAROOR

Mr. Katz stated that this is a continuation of public hearing. Last month the Board asked Mr. Zarour to submit additional documents supporting his claim. He provided a letter from Rodeo Realty dated 6/17/10 stating that they had listed this property for 2 years and have been unable to sell it due to the economy. The realtor suggested converting it to a 2 family to increase marketability. The board should have a copy of this letter. Also, Mr. Zarour provided drawings showing the alterations he is prepared to make. I do not know if Mr. Zarour has additional documentation to present this evening.

The chairperson asked for more proof of hardship than Mr. Zarour presented. Mr. Zarour stated that this property is very close to foreclosure and each month's delay costs him a lot of money. He prefers a no vote rather than another adjournment. He has had no offers for the property for 2 years. If the house was 2 family, it will be easier to sell. The chairperson preferred to adjourn

the matter until the applicant presents profit and loss information. The rest of the Board preferred to close the hearing and vote.

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

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

Mr. Hopstein

Yes, because all alterations are internal; there will be no change in the size of the home and the applicant presented sufficient proof of hardship.

Mr. Solomon

Yes, to approve variances

Mr. Sicard

Yes, to approve variances

Chairwoman Caldwell

No, no hardship proven

PUBLIC HEARING **THE COMMONS**

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

Mr. Katz stated that the applicant seeks variances to permit the construction of 64 apartments in two 4 story buildings with parking located on an adjacent parcel situated to the north in the Town of Ramapo. The variances required are: rear yard- 50' required, 3.4' provided.; height- 40' or three stories allowed, 50' and 4 stories requested; floor area ratio- 0.6 allowed, 1.4 requested; and parking- 128 spaces required, 88 provided.

Ira Emanuel, Esq. appeared for the applicant and advised the Board as follows: The applicant is proposing to build 2 apartment buildings consisting of 32 units per building for a total of 64 units. There will be 4 stories. The F.A.R. is 0.73 when you consider both parcels, i.e the one in the Village and the adjacent one in Ramapo. The rear yard is 10' if you don't consider the parcel in Ramapo. When you look at the finished site, there is no rear yard problem. The applicant has provided 97 parking spaces and the code requires 128. The 97 spaces calculate to 1.5 parking spaces per unit. The applicant is willing to attach controls to the number of cars a tenant can have by placing a restriction in the lease or by renting the spaces to tenants. The applicant needs 64 units to generate sufficient income to pay the mortgage and to interest a bank in offering the necessary loan.

Ms. Caldwell said there are 4-5 apt. complexes in the area and there are many vacancies. Why does the applicant think he can rent his units when the others cannot? Also, there is no on street parking during the winter and there are too many apts. in the area. Parking is a great concern.

Mr. Emanuel replied that the applicant is an experienced developer and expects to succeed. Mr. Goldberger, the developer, testified that good quality apts. will rent. Mr. Street's development adjacent to the proposed one did not rent for quite a while because Mr. Street wanted to sell the units as condominiums and was unable to do so due to market conditions. When he offered his

units for rentals, he had no trouble getting tenants. The developer is willing to go beyond the 10% the law requires of affordable income units.

Trustee Delhomme testified that Mr. Goldberger has agreed to provide a 10' easement on a nearby site which will prevent the placement of a fence. This enables the fire department to provide ladder entry in the case of fire. He asked the ZBA to approve the proposed development.

Mr. Michel asked the applicant how many units need to be rented in order for the development to be profitable? The chairperson stated that the Board will adjourn the matter until the VB has acted with regard to the special permit and PRD designation. The matter will be heard again by the ZBA on August 11, 2010.

As there was no further business to come before this board, on a motion by Mr. Solomon, seconded by Mr. Hopstein, the board voted unanimously to close the meeting at 8:35 p.m.

Respectfully submitted,
Toshia Lewis