

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
MARCH 10, 2010**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, March 10, 2010.

PRESENT: Pat Caldwell, Chairwoman presiding

Members: Martha Patrick
Gerard Sicard
Eli Solomon
Moshe Hopstein

Absent:

Asst. Village Attorney: Ed Katz
Village Clerk & Clerk Typist: Sherry M. Scott & Kathryn Ball
Deputy Building Inspector: Walter Booker

Chairwoman Pat Caldwell called the meeting to order at 7:12 p.m.

MINUTES
December 9, 2009

On motion by Mr. Hopstein and seconded by Ms. Patrick, the board voted unanimously to approve the Minutes of December 9, 2009.

PUBLIC HEARING
RIDGE AVENUE, LLC.

The Public Hearing was opened at 7:15 p.m. The Public Notice was read by the Deputy Building Inspector.

The application of Ridge Avenue, LLC, 5-7 Ridge Avenue, Spring Valley, New York 10977 which seeks variances to construct an 18 unit multi-family project. The ZBA previously approved this project as a 15 unit condominium development. The variances required are: Parking- 70 spaces required for the proposed office use and 20 spaces provided on site (additional parking for retail to be determined by the Planning Board) and parking in the front yard. The premises are located in a GB zone on the south side of Church Street between Route 45 and North Madison Avenue, in the Town of Ramapo, Village of Spring Valley and is designated on the Tax Map of the Town of Ramapo as Section 57.39, Block 1, Lot 13.

All requirements of mailing, posting and publishing have been adhered to.

Mr. Katz stated that this is an initial public hearing on an application seeking variances for parking and parking in the front yard for an office/retail building to be constructed in the

Downtown Urban Renewal district. The Village code provides that in the downtown urban renewal area, the planning board determines the number of parking spaces required for the retail use on this project. However, the ZBA determines the number of parking spaces required for the business/commercial space. The building department has calculated that the business/commercial portion of this project requires 70 parking spaces. The applicant's plan shows 20 parking spaces on site. The applicant has stated to me that there are ongoing negotiations with the USPS to obtain their parking lot which will provide an additional 50 spaces. I am not up-to-date about the present status of these discussions.

Chairwoman Caldwell requested that Mr. Katz to read into the Minutes, the County of Rockland Department of Planning letter to the Spring Valley Zoning Board of Appeals, dated September 24, 2009:

- 1. A review shall be completed by the New York state Department of Transportation and all required permits obtained.*
- 2. The site plan shall include a parking calculation for the proposed use. Our review of the Zoning Code for the Village of Spring Valley indicates that the GB on-site parking requirements for office and retail uses is one parking space per 250 sq. feet. The on-site parking requirement for this proposal is 112 spaces. Twenty parking spaces are proposed. A substantial parking variance is therefore required. A variance may also be required to allow parking in the front yard. Adequate parking for the proposed use must be available on-site, in nearby municipal lots or curbside. Alternatively, the applicant should pursue agreements with nearby property owners for the provision of off-site parking. If arrangements cannot be made to provide adequate parking, the size of the building must be reduced*
- 3. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the over utilization of individual sites. The ability of the existing infrastructure to accommodate facilities of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, storm water management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.*

Kevin Conway, 51 North Broadway, Nyack, New York, attorney for applicant, addressed the board and stated that the applicant agrees with what Mr. Katz and Mr. Booker stated in reference to the parking requirements. The configuration of the building is a mixed use for office and retail. The nearby location for the existing parking lot that is slated to be the municipal parking lot, is the Post Office parking lot, which they feel will meet the requirements of the Board.

Mr. Katz stated that he did not think that this Board was aware of what was going on with the Post Office parking situation and he felt that it should be made clear to them.

Kevin Conway, Esq. stated that this was part of the Village's approach to the redevelopment of the area.

With this specific application there is a developer's agreement that will be executed by the Village and the applicant that will cover condemnation of the site by the Village and the transfer to the applicant who is developing the property at his cost and expense.

Jay Greenwell, 85 Lafayette Avenue, Suffern, New York, surveyor/planner for applicant, addressed the board and stated that the subject site that they were discussing that evening was at the corner of North Madison, Church and Route 45. The Post Office is directly west, on the opposite side of North Madison and around the corner on Commerce Street and having access to the Post Office right now is the accessory parking lot that they were asked to prepare a survey of and they brought a copy to review this evening.

A portion of the lot is being used by the Post Office for parking. There are 16 or so spaces in there. Full build-out could be more than 50 spaces, if fully designed for a parking lot. It goes back 158 feet from Commerce Street. It is approximately 160 feet by 160 feet.

Mr. Solomon asked how many spots the Post Office requires.

Mr. Greenwell stated that he did not know how many spots that they required.

Anthony Coppola, 3 Washington Center, Newburgh, New York, addressed the board and stated that basically what they proposed is a three story building, almost 28,000 feet. The first floor will be retail, facing N. Main Street. The upper two floors will be offices, accessible from N. Madison Avenue. The site is going to be a large plaza that's going to be created on N. Main street. The building will be set back 22 ft. from the curb and have trees planted. There will probably be about 5 retail tenants. A basement in the back and an egress corridor and two (2) egress stairs in the back.

Mr. Greenwell stated that he had a couple of more comments on the site and the County Planning Board letter. The site rises as it goes from N. Main Street to N. Madison and they have taken that into consideration with this design and the upper level parking lot appears like a two story building from the back and a three story from the front. They have no comments to the DOT letter. They have no objections to their design elements. They will be providing more green space with this layout than exists currently. They might have to ask the County Planning Board for an over ride for parking spaces. The applicant showed a landscaping layout which showed planting wells that are there now and raised beds. They are keeping that element of the street scape intact. They are considering using real brick on the lower levels and matching artificial brick on the higher floors.

Chairwoman Caldwell stated the primary problem is parking. There should be no parking on N. Madison Avenue. Ms. Caldwell also stated that, since the Planning Board, under the law, must determine the parking component for the retail space, the Zoning Board will refer the application to the Planning Board to make this determination. Thereafter, the matter will return to the Zoning Board to determine the parking requirement for the commercial space.

Mr. Booker stated that a variance would be needed for the lack of a loading zone.

Robert Williams, 208 Stylan Avenue, Ridgewood, New Jersey, addressed the board and asked the amount of office space would be available in the building.

Mr. Katz stated that 21,096 sq. feet of office space and 6,868 sq. feet of retail space. Almost 28,000 sq. ft. all together.

The application of Post Office Square/Weinstein was referred to the Zoning Board of Appeals to determine the parking and for variances needed.

OLD BUSINESS

38 WEST STREET/AMBIT ELECTRONICS

Extension of variances

Wayne Klingman, Hess Architects, 254 Sickletown Road, West Nyack, New York, architect for applicant, addressed the board and stated that they were looking for an extension of time for the variances. The project had run into internal structural problems which have now been resolved and the applicant is ready to move forward with the construction. The variances will expire on 1/14/10.

The Board unanimously approved an extension of the variances until May 14, 2010.

As there was no further business to come before this Board, on a motion by Ms. Patrick and seconded by Mr. Sicard, the Board voted unanimously to close the meeting at 8:30 p.m.