

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
JANUARY 12, 2011**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board room of the Village Offices on Wednesday, January 12, 2011

PRESENT: Pat Caldwell, Chairperson (absent)

Members: Eli Solomon
Moshe Hopstein
Martha Patrick
Gerard Sicard

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

MINUTES

11/10/2010 & 12/8/2010

On a motion by Ms. Patrick and seconded by Mr. Solomon, the Board voted unanimously to approve the minutes of November 10, 2010 and December 8, 2010.

PUBLIC HEARING
GOLDBERGER RESIDENCE/ FAIGY WEBER

Walter Booker.

This is an initial public hearing on an application seeking variances to demolish and existing one family home and to construct a 2 family residence. The property is now located in the R-1A zone (pursuant to an amendment of the zoning code) which permits 2 family homes. The following amended variances are requested: Lot width Mosier Court 90' required 80' provided; front yard Mosier Court 25' required 20' provided; front yard Linderman 25' required 19.9' provided; rear yard 20' required 10' provided; side yard 15 required 10' provided; total side yard 30' required, 13.4' provided. No SEQRA review is required.

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed.

Ira Emanuel, Esq. appeared for the applicant. He stated that the applicant seeks variances to construct a two family home. There are two front yards and one side yard because the home is on a corner property. No variance for floor area ratio is requested. The architect for the project is Mel Firer and the home is owned by Mr. Goldberger. The rooms are larger because the home is

Mordechai Winfleish- 4 Mosier Court Monsey, New York 10952

Mr. Winfleish spoke and testified that he is an adjoining neighbor and wants the Board to grant the variances as long as there is no deck facing his home.

The hearing was closed and the Board unanimously approved the variances requested as set forth in the amended application conditioned upon there being no deck facing 4 Mosier Court. And that a fence is constructed facing that property. In a separate motion, the Board held that the height of the fence can be 8' Ms. Patrick voted no.

PUBLIC HEARING
11 SOUTH RIGAUD/ BERMAN

This is an initial public hearing on an application seeking variances to add two bedrooms, one bath and a Passover kitchen. The following variances are required: Lot area 7,000sq. Ft. required, 5,210 provided; lot width on Rigaud 75' required, 52' provided; front yard on Humbert 25' required 17' provided. No SEQRA review is required.

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed.

Rachel Berman appeared for the applicant and stated that she needs to add to two bedrooms and one bathroom, and a Passover Kitchen to make the other house livable for her.

The public hearing was closed and the Board voted unanimously to grant the requested variances.

PUBLIC HEARING
3 YALE DRIVE/APPEL

This is an initial public hearing on an application seeking variances to construct an addition onto an existing one family dwelling. The premises are located in the R-1A zone (pursuant to an amendment of the zoning code). The following amended variance are requested: Front yard- 25' required, 22.6' provided; side yard- 15' required, 13' provided; and total side yard- 30' required, 28' provided.

The public hearing was opened and Miss Lewis stated that all mailings, publications and postings had been completed.

Samuel Appel 3 Yale Drive, Monsey New York, 10952

Mr. Appel appeared for the applicant, and stated that he needed the 22.6 ft. in the front to make his foyer deeper.

No one from the public appeared in opposition of the project. The public hearing was closed and the board voted unanimously to grant the requested variances.

CONTINUATION OF PUBLIC HEARING
THE COMMONS C/O ALEX GOLDBERGER

The applicant seeks variances to permit the construction of 64 apts. 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; ht. - 40' or 3 stories permitted, 41.5' and 4 stories requested; floor area ratio- 0.6 permitted, 1.7 requested. The applicant needs a waiver from the code requirement of distance between two principal buildings on a lot.

Mr. Katz:

This matter was last heard by the Board on 11/10/2010. At that time Mr. Emanuel provided a revised site plan. The front variance is now 30' required 25' requested. The F.A.R. is 0.6 allowed, 1.7 requested on the single lot located in Spring Valley. Inclusion of the Ramapo lot decreased the F.A.R. requested to 0.78. Mr. Emanuel advised that the NYS Div. of HUD is interested in this project and that 100 of the units will be affordable. There is now 9, 500 sq. ft. of additional grassy area where a recreation area will be provided. To accommodate elevators which are required DHCR to serve all four pods, the bldg. had to be expanded by 10'.

Mr. Bernstein, the architect for the project, showed a video. Some units will have elevator access off their bedroom.

The hearing was continued and Mr. Emanuel summarized the application for the board.

Mr. Ira Emanuel Esq, 4 Laurel Road, New City New York, 10956

The site is 2 acres with half being in the village and the other half in the Town of Ramapo. There have been no changes since my applicant last appeared before the Board.

Mr. Emanuel presented a color rendering of the site. All of the units will be rentals. The application is before the DHCR which is favorably disposed towards it as is the Village Board and Joseph Abate.

Neil Connick, 12 Fuller Place, Brooklyn, New York 11215

Mr. Connick testified for the applicant, and stated that he has been an affordable housing consultant for the past 15 years. He described the scope of this project and the needs for DHCR tax credits to enable it to be built. There will be a live-in super. The density is required to make the project economically affordable. There will be 63 two bedroom apartments and one bedroom apartment for the super. The rents will be regulated by NYS for 30 years.

Rose D' Andrea of HASCO testified that as the director of a community center and an advocate for quality and affordable housing in Spring Valley. HASCO will recruit tenants and screen applicants for these apartments. And will also provide support services, as needed.

Ms. Patrick:

Spoke and stated her opinion that she feels the project is too large for the community.

Mr. Emanuel:

Spoke and answered Ms. Patrick's statement by stating that there has been no complaints from Village residents.

Ms. D'Andrea said that HASCO has had no issues for the past 12 years. Mr. Emanuel submitted two letters in support from neighbors.

The public hearing was closed. The variances needed are: Front yard 30' required, 25' provided Rear-yard 50' required 10' provided to the Village line, but 123' provided to the end of the property (i.e. the portion located in the Town of Ramapo). Height- 40' and 3 stories allowed 50' and 4 stories requested. Floor area ratio- 0.6 allowed. 1.7 requested (0.78 if the portion in Ramapo is included). Separation between buildings 50' required 40' provided.

The Board requested finding from counsel. At the request of Mr. Emanuel, three members of the board indicated that they were inclined to vote for the variances and Ms. Patrick stated that she was inclined to vote to deny the variances. Four votes are needed to approve the variances because the County Planning Department disapproved.