

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
OCTOBER 11, 2011
(REVISED)**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Tuesday, October 11, 2011.

PRESENT: Pat Caldwell, Chairperson

Members: Eli Solomon - Absent
Martha Patrick
Moshe Hopstein
Asher Grossman

Asst. Village Attorney: Ed Katz- Absent
Deputy Village Clerk: Kathryn Ball
Building Inspector: Walter Booker

Chairperson Caldwell called the meeting to order at 7:12 PM.

CORRECTED MINUTES OF AUGUST 10, 2011

On a motion by Ms. Patrick and seconded by Mr. Hopstein, the Board voted unanimously to approve the corrected minutes of August 10, 2011.

MINUTES OF SEPTEMBER 14, 2011

On a motion by Mr. Hopstein and seconded by Ms. Patrick, the Board voted unanimously to approve the corrected minutes of September 14, 2011.

PUBLIC HEARING

PUBLIC HEARING: Evangelical Christian Alliance Church of CMA/ Germain

The Building Inspector, Mr. Booker, read the Particulars. This is an initial public hearing for the Evangelical Christian Alliance Church of CMA/ Germain. The location is on the north side of West Furman Place, approximately 250' west of Route 45. The applicant seeks a variance for the demolition of an existing structure and the construction of a new church structure. The variances required are: Lot Area: 25, 000 square feet required, 17,936 proposed; Front Yard: 35 feet required, 13 feet provided; Side Yard: 20 feet required, 6 feet provided; Floor Area Ratio: 0.30 required, 0.67 proposed; Parking: 110 spaces required, 22 proposed; Size of Parking Spaces: 9 feet required, 8 feet provided; Sign Location: 25 feet setback from the property line required, 1 foot requested.

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The Building Inspector read the following ZBA Attorney's notes on the Evangelical Christian Alliance Church, dated October 11, 2011. This is a Type 2 action because the proposed structure replaces an existing one and the variances concern setbacks. The Planning Board will complete SEQRA review after this Board makes a decision. The County Planning Department recommended for the State Department of Transportation to review the application and issue permits. The proposed church building requires a floor area variance of 123 percent and the parking variance required is 80 percent. The Planning Board does not believe 22 undersized parking spaces can adequately accommodate a congregation of 437 members. Only one handicapped parking space is proposed; the law requires additional. The County said the applicant must pursue off-site parking arrangements with nearby neighbors.

Since the applicant came late, Ms. Caldwell suggested placing the item further down on the agenda so that the applicant may be caught up on the issues raised by the County and Village.

CONTINUATION OF PUBLIC HEARING: 1 Haera Lane/ Congregation Khal Torath Chaim

The Building Inspector, Mr. Booker, read the Particulars. This is the continuation of a public hearing for 1 Haera Lane/ Congregation Khal Torath Chaim. The location is on the intersection of Haera Lane and Morris Road. The applicant is seeking a variance for the construction of a two-family dwelling, with less than required minimum Lot Area, Front Yard, and Rear Yard. The variances required are: Lot Area: 8, 500 square feet required, 8, 077 square feet provided; Front Yard: 25 feet required, 10.2 feet provided; Rear Yard: 20 feet required, 15 provided, including a Parking in the Front Yard variance. Mr. Booker read the Attorney's notes, which stated that last month the Board recommended for the applicant to meet with several neighbors to see if they can reach a consensus concerning the objections to the application.

Mr. Ryan Karben appeared as the applicant's attorney. By Chairperson Caldwell's recommendation, the applicant and neighbors, represented by Meril Turman, resolved the dispute over the application and reached a compromise. Mr. Karben shared the parties' agreement with the Board. Item One: the application for the rear yard variance that would affect the Flaumenhaft property is withdrawn. The applicant consents to moving the proposed dwelling five feet further to the front. Item Two: the applicant agrees to preserve the trees along the property line with the Flaumenhaft property. The applicant agrees to provide a screen or outdoor fence with a mesh. In the event the applicant is unable despite his best effort to install the appropriate screen without the removal of the

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trees along the property line, the Flaumenhaft's shall have the additional option of electing to have mature trees serve as a screen. Item Three: the applicant agrees that there will be no more than two windows in the top floor in back of the unit. The Master Bedroom will have treatments covering the window. The bathroom window on the top floor of the building facing the Flaumenhaft property will be frosted. Item Four: the decks on both units of both lots shall have six-foot railings with slots next to one another to ensure privacy. Item Five: any windows other than the master bedroom window on the top floor of the building facing the side of the property will be frosted to prevent light from coming through the window and minimize the ability to look onto the side property. Item Six: is based on where we are going (Inaudible). They were able to address the privacy concern of the neighbors and accommodate them. (Inaudible).

Ms. Caldwell asked Meril Turman, the Flaumenhaft's attorney, to come forward and acknowledge the agreement between both parties. Ms. Turman acknowledged that both parties agreed to the stipulation.

On a motion by Mr. Grossman and seconded by Mr. Hopstein, the Board voted unanimously to close the public hearing. On a motion by Mr. Grossman and seconded by Mr. Hopstein, the Board voted 3-1 to approve the requested variances.

<i>Mr. Grossman</i>	<i>Yes, to approve</i>
<i>Mr. Hopstein</i>	<i>Yes, to approve</i>
<i>Ms. Patrick</i>	<i>No, vote to disapprove</i>
<i>Chairwoman Caldwell</i>	<i>Yes, to approve variances because things were worked out between all persons affected.</i>

CONTINUATION OF PUBLIC HEARING: 7 Morris Road/ Juda Rosenfeld

The Building Inspector, Mr. Booker, read the Particulars. This is the continuation of a public hearing for 7 Morris Road/ Juda Rosenfeld. The location is approximately 100' north of the intersection of Haera Lane and Morris Road. The applicant seeks a variance for the construction of a two-family dwelling with less than required minimum Lot Area, Lot Width, Front Yard, and Rear Yard. The variances required are: Lot Area: 8,500 square feet required, 7,890 square feet provided; Front Yard: 25 feet required, 21 feet provided; Rear Yard: 20 feet required, 15 feet provided; Width (Morris): 90 feet required, 75 feet provided. Mr. Booker read the Attorney's notes, which stated that last month the Board recommended for the applicant to meet with several neighbors to see if they can reach a consensus concerning the objections to the application.

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The applicant's attorney, Mr. Ryan Karben, stated that the same stipulations apply to this application as with 1 Haera Lane/ Congregation Khal Torath. The dwelling will move five feet away from the property, so therefore a rear yard variance is not needed. The front yard variance is 16 feet rather than 21 feet, since it was very important to the neighbors that the house be farther away.

Item One: the application for the rear yard variance is withdrawn. The applicant consents to moving the proposed dwelling five feet further to the front. Item Two: the applicant agrees to preserve the trees along the property line with the adjoining property. The applicant agrees to provide a screen or outdoor fence with a mesh. In the event the applicant is unable despite his best effort to install the appropriate screen without the removal of the trees along the property line, the adjoining neighbor shall have the additional option of electing to have mature trees serve as a screen. Item Three: the applicant agrees that there will be no more than two windows in the top floor in the back each the unit. The master bedroom will have treatments that will cover the window. The bathroom window on the top floor of the building facing the property will be frosted to minimize the ability to look on the adjoining property. Item Four: the decks on both units of both lots shall have six-foot railings with slots next to one another to ensure privacy. Item Five: any windows other than the master bedroom window on the top floor of the building facing the side of the property will be frosted to prevent light from coming through the window and minimize the ability to look onto the side property. Item Six: (Inaudible). Mr. Karben was asked if there were any changes with parking and he answered that the steps are being moved in order to accomplish (inaudible) and keep the integrity of the front yard. Everything is to be five feet further away. Ms. Meril Turman, the attorney for several opposing neighbors, acknowledged the agreement but added that if there were any changes to the plan they would like to revisit it.

On a motion by Mr. Hopstein and seconded by Ms. Patrick, the Board voted unanimously to close the public hearing. On a motion by Mr. Hopstein and seconded by Mr. Grossman, the Board voted unanimously to grant the requested variances.

Mr. Grossman

Yes, to approve

Mr. Hopstein

Yes, to approve

Ms. Patrick

Yes, to approve

Chairwoman Caldwell

Yes, to approve variances and thanks to the applicant and neighbors for being able to come together to reach an agreement.

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**PUBLIC HEARING: Evangelical Christian Alliance Church of CMA/ Germain
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Chairperson Caldwell informed Reverend Germain about raised issues he may be unaware of in terms of having the application move forward. Chairperson Caldwell asked Reverend Germain if he received any letters from the County. Mr. Booker received a letter from the County addressing parking, dated September 29, 2011. Chairperson Caldwell made the recommendation for the applicant to seek counsel due to the amount of requested variances. Chairperson Caldwell pointed out that the variances requested by the applicant do not even amount to half of what is required. Parking is a major issue in that by law, 110 parking spaces are required. The application only provides for 22 parking spaces and only one handicapped.

In order for the application to have the best representation, Chairperson Caldwell recommended that the applicant attain an attorney before proceeding. Furthermore, Chairperson Caldwell recommended an adjournment so that the applicant could sit down with the architect, engineer, and attorney to determine the best way to move forward.

The Pastor from the United Methodist Church voiced her concern regarding the notice requirements because she did not receive any notice about the public hearing. The attorney across the street informed her about the meeting and gave her a copy of the letter. Her church is about 200 feet away from the applicant's church, and she also lives next door. Chairperson Caldwell suggested for the Pastor to attend next month's public hearing, in order to voice any concerns.

Joseph Morris, Spring Valley Hook and Ladder, stated that the posting was not posted on the property's perimeter; it was posted 20 feet from the street and not visible. Mr. Booker explained that the posting must be visibly prominent on the property, but not necessarily on the perimeter. Chairperson Caldwell asked Mr. Morris to exchange contact information with Reverend Germain, along with other opposing parties, to meet and resolve their concerns about the application.

Chairperson Caldwell made the motion to adjourn the meeting at 7:50 pm.