

**VILLAGE OF SPRING VALLEY  
ZONING BOARD OF APPEALS  
DECEMBER 14, 2011**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, December 14, 2011.

**PRESENT:** Pat Caldwell, Chairwoman

Members: Eli Solomon  
Martha Patrick  
Moshe Hopstein  
Jean Dormelas

Asst. Village Attorney: Ed Katz  
Office Services Aide: Reine Lamarre  
Building Inspector: Walter Booker

*Chairwoman Caldwell called the meeting to order at 7:05 PM.*

Chairwoman Caldwell informed those present that the application for Ten Centre Street asked for an adjournment, therefore the application would not be heard. Anyone there for the application was given the opportunity to stay and speak or return to the January ZBA meeting.

**MINUTES OF NOVEMBER 9, 2011**

On a motion by Mr. Solomon and seconded by Ms. Patrick, the Board voted unanimously to approve the minutes of November 9, 2011.

**PUBLIC HEARING**

**CONTINUATION OF PUBLIC HEARING: Evangelical Christian Alliance Church of CMA/ Germain**

The Building Inspector, Mr. Booker, read the Particulars. This is a continuation of a public hearing for the Evangelical Christian Alliance Church of CMA/ Germain. The location is on the north side of West Furman Place, approximately 250 feet 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 square feet provided; Front Yard: 35 feet required, 13 feet provided; Side Yard: 20 feet required, 6 feet provided; Floor Area Ratio: 0.30 allowed, 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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Mr. Katz added that last month a neighboring firehouse voiced concerns over parking in the area. The firehouse is situated next door and there is another Church located nearby. Several Board members asked the applicant to get permission from the Village to use the municipal parking on Sundays. Each Board member has received a copy of a letter dated December 9, 2011, from Stephen Beckerle, with details regarding his opposition to the application. Mr. Katz contacted the applicant about a letter drafted in opposition to the application. There was another letter given to the Board members dated December 13, 2011, but Mr. Katz did not receive one. Mr. Katz faxed a copy of the letter to the applicants' attorney and the Clerk's office forwarded the letter to Pastor Germain.

The public was given the opportunity to address the Board, although the applicant was not present. Stephen Beckerle, Beckerle Lumber, 3 Chestnut Street, stated they have been a taxpaying business in the Village of Spring Valley since 1940, never missed a tax payment, and have always tried to be a great neighbor. The objections are not against the Church; they want the Church to succeed. Beckerle has always allowed them to use Beckerle's parking, which they will continue to allow them to use. Mr. Beckerle stated that the application hints that the parking will be better, but it would not. Mr. Beckerle testified that he had pictures of the parking where the building would be and it would only get worse. The building expansion is going into existing parking spots. The applicant thinks parking would improve, but that is incorrect.

Scott Dow, an attorney from the offices of Kornfeld, Rew, Newman, & Simeone, 46 Washington Avenue, Suffern, appeared on behalf of the Spring Valley Hook and Ladder Company. The opposition is not going against what the Church stands for and the great work it does in the community; the concern is with emergency response in that area. He described the proposal as being optimistic concerning the size of the property and the way it is designed. He further described the project as ill conceived, considering the proposed parking. The Spring Valley Hook and Ladder Company objected to the application due to safety concerns with their emergency operations. The parking as it presently exists, is already a problem. In the future, that building may potentially lease out for others to use; they do not know what the leasing and parking arrangement would be. Another point made by Mr. Dow is that by human nature, anyone who frequents the Church will want to park as close as possible. There is a concern with the smaller sized parking spaces. There would be site circulation issues on the property; the size requirement is there for a reason. He strongly discouraged the Board from granting a variance with an eighty percent parking reduction; the Board only has the ability to grant 25% of those variances. Mr. Katz corrected Mr. Dow's statement and clarified that the Planning Board can only grant up to twenty five percent of the variance, whereas the Zoning Board has the ability to grant up to 100% of the variance if they see fit. Mr. Dow added that additional cars would scatter about and create difficulty to respond to emergencies.

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Mr. Hopstein asked if the only concern is with parking spaces and proximity of the municipal parking, and not with the building's size. Mr. Dow does not believe the proposal to use municipal parking is in the proximity to allow it as an alternative parking. Mr. Katz asked for the distance between the Church and municipal parking, which Mr. Booker answered that is maybe 300 feet maximum, walking down Furman Street to Main Street, making a left. Mr. Dow described the area as a heavily utilized area with many businesses that presently use the parking. Many spaces are unavailable and to have on-site parking for the size and scope of the project is not accurate.

Pete Beckerle, Beckerle Lumber and Chestnut Street Realty, the owners of the property located on 15 Chestnut Street and Beckerle Lumber Supply, adjacent to 9 West Furman, appeared in opposition to the application. Mr. Beckerle submitted and read into the record a letter dated December 13, 2011 to the Board. He described the Church and Pastor Germain as good neighbors, but the objection is because all the requested variances are smaller than required. The existing building on the site is currently 11 feet east of the Beckerle property line. There is a right of way along the property line that comes within six feet of the building as it now stands. The right of way provides access to parking in the rear of the buildings. Mr. Beckerle stated that Pastor Germain and his congregants have been good neighbors, but they must strongly object the requested variances. The existing building as it now stands does not conform to the zoning code. The lot, front yard, side yard, and parking area are smaller than required. The building was constructed for the American Legion Moscarella Post in 1920. The building was named to honor the memory of Anthony Moscarella, who was killed in action in France during World War I in 1917. Mr. Beckerle stated that the building is a non-conforming structure probably pre-dating current requirements. He believes some of the requested variances would have a detrimental affect on the business and property value.

The side yard variance would amount to one foot due to the right of way. The proposed building would be twelve inches from the driveway that leads to the rear parking lot. The air conditioning units of the plant are actually in this driveway. The Floor Area Ratio requested is almost double of what is required, a major overutilization above what the zoning code intended. The parking variance is an 80% reduction from zoning law. Mr. Beckerle has the belief that eight of the twenty-two parking spaces infringe on the County of Rockland permanent slope easement. The Church parishioners have been utilizing the area between the Church and Beckerle property line to park at least six vehicles. If the side yard variance is granted and a building wall is constructed, then the area for parking would no longer exist, which equals six less spots currently available. Currently, Beckerle parking is used when parishioners are attending Church functions. Beckerle Lumber's plans call for an increased usage of this area by business clientele, employees, employee vehicles, and business equipment; the parking cannot be designated for use as

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Church parking. Beckerle Lumber is currently not open in the evening and Sundays during Church services, but in order to accommodate customers they may have to increase business hours to include Sundays and evenings. In the existing conditions, this would lead to more aggravation in the parking zones. Cars currently double park and park on lawns and sidewalks. In the scenario of the Church size increase and parking decrease the aggravation could turn into major traffic and safety issues. This may also cause undo delay for the Spring Valley Hook and Ladder to get equipment through to respond to an emergency. At present time, Beckerle Lumber and the Evangelical Christian Alliance Church have been able to coexist, but if the requested variances are granted and then in the future for some unforeseen reason if the Church decides to close or relocate, Beckerle Lumber would be left with the next door sight and/or building that is oversized with inadequate parking. They would be left with the brunt of congestion, increased drainage flow, and further deterioration of the curbs, sidewalks, and road. West Furman Avenue is a short, busy street that is a route used by buses in and out of the Village. The Fire Volunteers need rapid access to the firehouse, space for their personal vehicles, and the ability to get their trucks on the way to fight fires and possibly save lives. They do not feel it would be wise to add to traffic congestion in the area. Hopefully, before the project goes much further hopefully the Village would consider various State and County offices with jurisdiction over the planning of the project, for example, the Department Of Transportation, Rockland County Drainage Agency, and Rockland County Planning Department. Regretfully, they must strenuously oppose these zoning variances requested by their neighbor. The parcel is too small to accommodate the changes they ask for. Mr. Beckerle concluded with the statement, "Ten pounds of potatoes would not fit in a five pound bag."

Douglas Schoonover, Jr., appeared in opposition to the application on behalf of the Spring Valley Hook and Ladder, 7 West Furman Place. Their main issue is with parking but a few other problems exist, such as with drainage and easements behind the property. He described the area as being very congested. The buses experience difficulty making the turns, especially when Church is in service. It is difficult for the Hook and Ladder's truck to make turns, and then when you include car traffic, many lives are at stake. Their major concern is with safety issues.

Chairwoman Caldwell made the motion to close the public hearing, but Mr. Katz suggested giving the applicant another month to appear before the Board. The Village would send the applicant a letter, and if they do not respond then the public hearing would be closed. Chairwoman Caldwell asked how long the application has been open, to which Mr. Katz answered 3 months. Mr. Hopstein stated that he was surprised that the applicant did not show up, but agreed with Mr. Katz in giving them another chance because the applicant may have a good reason. A consensus was reached unanimously, so the application remained open until the January ZBA meeting. Chairwoman Caldwell

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concluded by stating that the applicant has one more month until the Board makes a determination.

**CONTINUATION OF PUBLIC HEARING: Union Park Estates/ Union Park Estates Management, LLC.**

The Building Inspector, Mr. Booker, read the Particulars. This is a continuation of a public hearing for the application of Union Park Estates/ Union Park Estates Management, LLC. The location is in the R-3 zone on the east side of Union Road, about 100 feet south of its intersection with Stetner Street. The applicant seeks variances to convert nine existing basements into separate dwelling units. The variances requested are: Existing: Lot Area: 40,000 square feet required, 39,999 square feet provided; Front Yard: 30 feet required, 21 feet provided; Rear Setback: 50 feet required, 25' provided; Floor Area Ratio: 0.6 permitted, 0.75 proposed; New: Parking: 36 spaces required, 19 spaces provided; and more than 18 units per acre.

Mr. Katz summarized what occurred at the last meeting. Mr. Karben stated that many other complexes on Union Road have the same layout. Several members of the public expressed concerns about fire access and overflowing garbage containers are too close to the sidewalk. At the last meeting Mr. Karben stated that construction complied with New York State fire code and there are nearby fire hydrants. The applicant would agree to put a gate around the garbage area, and stripe fire zones.

Mr. Karben, 11 Tara Drive, Pomona, NY appeared on behalf of the applicant. He stated that all the variances listed are existing conditions and variances on the site. The Board's main concern was with parking and fire access. The applicant agreed to a crash gate to accommodate the fire service and other conditions. The applicant does not believe the increased parking situation would produce a negative impact. Mr. Karben had five signed statements from existing tenants indicating that they do not have vehicles or drivers' licenses. Mr. Karben provided the Board members with a back-up plan for additional parking if there are any additional concerns from the Village and/or the Board. The applicant is not adding additional areas, has existing variances, and is not seeking to convert. The applicant has agreed to all requests from the fire department, provided a back up plan if parking issues arise, and will provide enclosures as the Board raised. The applicant has tried to accommodate any requests from the Board.

Mr. Booker informed Mr. Booker that the back-up plan for parking would alter the site plan and need approval by the Planning board. Mr. Booker stated that the back up plan may not work it would not and the applicant would have to refigure drainage. Mr. Karben answered that in case of difficulty, the applicant wanted to show there is space on the site.

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If there is a situation where one says there will not be any room, they just wanted to show there would be an alternative to pursue. The applicant is not asking for approval of that space.

On a motion by Mr. Hopstein and seconded by Mr. Solomon, the public hearing was closed. On a motion by Mr. Hopstein and seconded by Mr. Solomon, the requested variances were unanimously approved by the Board.

*Mr. Hopstein*

*Yes to approve variances, not going to change anything, everything exists, provided everything including a backup plan.*

*Mr. Solomon*

*Yes to approve.*

*Ms. Patrick*

*Yes to approve.*

*Chairwoman Caldwell*

*Yes to approve.*

***On a motion by Mr. Hopstein and seconded by Mr. Solomon, the public meeting was adjourned at 7:52 pm.***