

VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
MARCH 9, 2011

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board room of the Village Offices on Wednesday, March 9, 2011

PRESENT:

Pat Caldwell, Chairperson (present)

Asher Grossman
Martha A. Patrick
Eli Solomon
Moshe Hopstein

Asst. Village Attorney:
Building Inspector:
Village Clerk:

Ed Katz
Walter Booker
Sherry Scott

Minutes

March 9, 2011

PUBLIC HEARING

The Commons

Mr. Sicard was not present and Ira Emanuel, Esq., attorney for the applicant, asked the Board to adjourn the matter until the April meeting. He agreed the 62 day requirement for a decision following the close of a public hearing. The waiver was limited to date of the April ZBA meeting.

2 Ann Street/McGuire

This is an initial public hearing on an application seeking to construct an apartment on top of an accessory building; needs a variance for two building on a lot. The applicant needs a variance for two buildings on a lot. This is the only new variance. There are existing ones for both the dwelling and the accessory building which need to be re-confirmed.

The public hearing was opened and James Licata, Esq. appeared for the applicant. He stated that the lot is at the corner of Dutch Lane and Ann Street. There is a 4 car garage on the property which will remain. The lot has 9389 sq. ft. The lot is in the R-2 zone. The only new variance is one for a two principal buildings on a lot.

The hearing was closed and the ZBA voted unanimously to grant a variance for two principal buildings on a lot and to re-approve the following variances: lot area, lot width on Dutch Lane, front yard on Ann Street, front yard on Dutch Lane and rear yard setback.

30 Morris Road/Cong. Belzer Shtiebel

This is an initial public hearing on an application seeking to demolish an existing one family home and to construct a place of worship. The public hearing was opened and Mr. Hopstein recused himself from sitting on this application. Rabbi Jacob Oshry appeared for the applicant and

recused himself from sitting on this application. Rabbi Jacob Oshry appeared for the applicant and requested a neg. declaration and a referral to the VB for a special permit. There are 35 families living in Spring Valley unable to walk to the principal synagogue on Saturdays and religious holy days. Therefore, a synagogue is needed for those families on the days specified. The plan calls for 10 parking spaces, but since the families do not use vehicles on Saturdays or holy days, the parking area will not be used much.

He disagrees with the County's calculation of the number of parking spaces. He says only 14 are required and they are providing 10.

Carol Fishman, a resident of the area, testified. She expressed concerns about the safety of children in the area. Morris Rd. is a busy street and parking is already a problem and also expressed concerns about her privacy; as her property is adjacent to the proposed synagogue. Rabbi Oshry agreed to place a fence between her property and the synagogue's at a height to be set by the ZBA. He also agreed to place a chain or similar impediment to parking on the site at all times when services are not being held. Patricia Caldwell, chairperson, stated the floor plan is needed to determine how many parking spaces are required. The Board adjourned the matter to the April meeting and directed Rabbi Oshry to meet with Walter Booker, Village Building Inspector, and with Edward Katz, Asst. Village Attorney to discuss and address the issues raised at the meeting.

Hatzlacha Grocery

This is an application seeking a variance for floor area ratio where 0.5 is allowed and 0.61 is requested. The VB last night approved a zone change changing the zone of two lots from R-2 to NB. The applicant has agreed to purchase the two lots from current owners and disclaim the lot lines. The applicant then intends to construct a new building on a now empty lot to operate a grocery store.

The public hearing is opened and Ira Emanuel, Esq. appeared for the applicant along with the architect, Mike Miele. Mr. Hopstein recused himself on this application. Mr. Emanuel stated that the proposed project is a success story. The application has been operation in the Village for 20 years and the business has outgrown in present quarters. The proposed building has 9250 sq. ft. of retail space and the same number of feet for storage in the basement of the building; 37 parking spaces are provided as the code requires. The perimeter of the property will be landscaped to minimize interference with neighboring residences. There are entrances and exits onto Maple Ave. and West St. which are far enough from the intersection of West and Maple to allow safe entry and exits to and from the site. The site plan calls for stop signs at the exits.

Ms. Caldwell asked whether all members of the community would be welcome to shop at this store and Mr. Emanuel assured her that this will occur.

The ZBA requests that the VB direct that there should be no parking on both sides of West St. from the traffic light to the entrance/exit from this site.

The public hearing was closed and the application fro a variance from f.a.r was granted to 0.62. The vote was 4-0 with Mr. Hopstein not participating. A major consideration to the grant was that the basement storage space created the need for this variance and that this storage did not increase the size of the building.

15. E. Castle Avenue/Michaelis

This is an initial public hearing on an application seeking approval to allow three residential units on a lot located in an R-2 zone where the code only allows for two units. Walter advises me, in the past, the Building Inspector granted a Certificate of Occupancy for the 3rd unit and this use has continued to date. Applicant seeks variance, despite error made by Bldg. Inspector.

The public hearing was opened and Mr. James Michaelis appeared for the applicant. He advised that the building department files show that a Certificate of Occupancy was issued in 1981 by Bldg. Inspector Long, which permitted 3 families on site. He has owned the building since 1983. Mr. Long's error was recently discovered and Mr. Michaelis has spent the monies to correct the problem. He had documentation to support his request, but neither board nor counsel had the opportunity to review it. The chairperson asked counsel and building inspector to review documentation and counsel to prepare findings for the next meeting. The hearing was left open to allow supplementation of the record. The matter was adjourned to the April meeting.

Old Business- Baja Construction

The applicant recently received variances from the Board. He has now completed site plan review and obtained PB approval subject to the ZBA granting an additional variance. During the PB's review, it noted that the property had two front yards and that the applicant had not asked the ZBA for a variance for parking in the front yard. The applicant appears tonight to seek this additional variance.

The Board voted 4-0-1 to grant the application for a variance for parking in the front yard, the need for which had been overlooked by all concerned. This site plan had not changed at all.