

**VILLAGE OF SPRING VALLEY
ZONING BOARD OF APPEALS
JUNE 8, 2011**

A Regular Meeting of Spring Valley Zoning Board of Appeals was held in the Board Room of the Village Offices on Wednesday, June 8 2011.

PRESENT: Pat Caldwell, Chairperson presiding

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

Village Attorney: Kevin Conway
Office Services Aide: Reine Lamarre
Building Inspector: Walter Booker

Chairperson Pat Caldwell called the meeting to order at 7: 12 P.M.

MINUTES

JUNE 8, 2011

PUBLIC HEARING

CONTINUATION OF A PUBLIC HEARING HANDYMAN & HELPERS

The Particulars were read by the Building Inspector.

This is a continuation of a public hearing for Handyman and Helpers. The location is on the west side of South Madison Avenue about 67 feet south of its intersection with West Furman Place, seeking a variance to convert an existing structure from office and residential use into four residential units, thereby making a multi-family. Variances required are use variances. Area variances would be for comparative purposes because if the use is not allowed in the zone, there would not be any bulk relative to it in the zone. So you would be looking at bulk where that use would be allowed and comparing it to what area you do have.

The Building Inspector received a call from the applicant to inform the Board of his absence from the June 8, 2011 ZBA meeting and would provide requisite financial information prior to the July meeting. The applicant asked for the hearing to be delayed until the July 13, 2011 meeting.

Ms. Caldwell asked if anyone was present on behalf of this issue. Since there wasn't anyone present for the matter it is continued to the July 13, 2011 ZBA meeting. The motion was approved by Ms. Patrick, second by Mr. Sicard. Ms. Caldwell granted Mr. Goodman a continuance until the July 13, 2011 ZBA meeting.

The Village Attorney, Kevin Conway, believes the Board should be aware that Assistant Village Attorney Ed Katz sent the applicant a letter dated May 16, 2011 advising him to present all required documentation, including 2009 and 2010 tax returns and all attempts made to rent the property for commercial purposes.

Ms. Caldwell reminded the Building Inspector to advise Mr. Goodman that all documents must be received in a timely manner, not days before or the night of the July ZBA meeting. The Building Inspector reassured Ms. Caldwell that he made this clear to the applicant, giving him two weeks to submit the documents. Ms. Caldwell granted the continuation of the application to the July 13, 2011 ZBA meeting.

CONTINUATION OF PUBLIC HEARING- 95 N. MAIN ST. /JONATHAN WEISS

The Particulars were read by the Building Inspector.

This is a continuation of a public hearing seeking a use variance to convert the upper floor of a building into a daycare center. The variance required is a use variance and associated area variances for said usage.

The Building Inspector has been advised by the applicant that the downstairs tenant of the restaurant is willing to provide a letter stating that they will not serve alcohol between the hours of 9 am -5 pm, but said letter is yet to be seen.

Ms. Caldwell asked if the records were checked for the existence of a rule preventing the operation of daycares on Main Street. Ms. Caldwell made an additional request for the records to determine if there even is a reason to hear this matter, adding that additional daycares would not be allowed to operate on Main Street under any circumstances. The Building Inspector deferred to counsel and the Village Attorney, Kevin Conway, promised to have this information available to the ZBA by next week.

Ms. Caldwell asked if either the applicant or a representative is present. The applicant's attorney, Mr. Licata, appeared and stated that his applicant asked him not to speak on his behalf without his presence. For religious purposes, the applicant is requesting a continuation to the July 13, 2011 meeting and Ms. Caldwell granted the request.

PUBLIC HEARING- 275-287 ROUTE 59 VALLEYSIDE

The Particulars were read by the Building Inspector.

This is an initial public hearing for the consolidation of four tax lots into one new tax lot and the construction of fourteen new 3-family dwelling units (42 total apartments) with associated parking, utilities, and a recreational use area.

The Building Inspector mentioned the possibility of amendments made to the original site plan that affect parking. If there are any changes, the whole table might be adjusted.

Ms. Caldwell asked if the Village Attorney, Kevin Conway, was in possession of a letter. Mr. Licata interrupted by saying that his client was not comfortable with making the mailing and it should not have been included in the agenda. The applicant has to get new mailings for the month of July. Mr. Licata would like to return next month and start from scratch. The applicant thought there would be individuals present with opinions and was not comfortable with anyone addressing the application in his absence.

Ms. Caldwell asked Mr. Licata if the reason his client did not proceed with the mailings was to prevent speakers from speaking against it, or if he did not get to notify the Building Department on time. Mr. Licata reiterated that it was his clients own request to not have anyone speaking either in favor or opposition to the application in his absence.

The Village Attorney, Kevin Conway, was comfortable with Mr. Licata's request and it was granted by Ms. Caldwell. The matter will be continued to the July 13, 2011 ZBA meeting.

PUBLIC HEARING - 21 GROVE STREET/ JJJ CONCRETE

The Particulars were read by the Building Inspector.

This is an initial public hearing for a use variance to allow an Auto Repair Shop in an existing multi occupancy building.

Ms. Caldwell asked if Mr. Licata is asking for an adjournment. Mr. Licata confirmed, assuring his submission of tax returns on the applicant's behalf.

The Village Attorney, Kevin Conway, mentioned that the Assistant Village Attorney sent a letter to the applicant informing him that proof is required for review by the Board prior to this ZBA meeting. He also received a letter from counsel to prove necessary hardship.

Mr. Licata stated for the record that he handed the Building Inspector, Board Members, and the Village Attorney the 2009 and 2010 tax returns to review from now until the next

ZBA meeting, including a provided a local vicinity map that was not on the initial survey. Additional copies were submitted for the missing Board members.

Mr. Licata put in a formal request for the hearing to be adjourned until July 13, 2011, thus giving Board members enough time to review tax information. Ms. Caldwell granted the request for an adjournment to July 13, 2011.

PUBLIC HEARING- CONGREGATION BAIS MEDRASH

The Particulars were read by the Building Inspector.

This is an initial Public Hearing for an area variance to allow the construction of a seminary and a dormitory, as an accessory to the seminary.

The Village Attorney, Kevin Conway asked if Mr. Licata is requesting an adjournment on behalf of the applicant. In an executive summary Mr. Conway informs the Board that this is an existing residence to be converted into a dormitory with a new addition of a seminary, P.O.R. zone permits this type of usage. The Village Board and Planning Board already approved, including the zone change.

Ms. Caldwell sought clarification as to whether both lots need changes made to P.O.R., and Mr. Licata clarifies that the applicant is only seeking P.O.R. approval for one lot because the other lot was already designated as P.O.R..

The Building Inspector explained that the original house occupying the lot burned down and was demolished, that is what the applicant is seeking to change. It is now formally in a P.O.R. zone. Ms. Caldwell granted the continuation of this hearing until the July 13, 2011 ZBA meeting.

PUBLIC HEARING- LANDAU – 36 DANA ROAD

The Particulars were read by the Building Inspector.

This is an initial Public Hearing seeking a variance for the erection of an addition to the North side of an existing, single family dwelling.

The Building Inspector informed the Board that the applicant personally appeared in his office seeking an adjournment because of the holiday.

Ms. Caldwell asked the Village Attorney, Mr. Conway, if there was communication received from the County and Mr. Conway confirmed the submission of a disapproval letter by the Rockland County Department of Planning, dated May 18, 2011. Ms. Caldwell granted the applicant an adjournment to the July 13, 2011 ZBA meeting.

Prior to adjourning the June 8, 2011 ZBA meeting, Chairperson Pat Caldwell informed everyone that she will not be present at the July 13, 2011 ZBA meeting and would appreciate and suggest that if there are any issues regarding request made greatly exceeding what is permitted, that they confer to the Village Attorney before making any determinations based on the findings and it adds more credibility to their responses. Ms. Caldwell further suggested that Board members defer to the Counsel if unclear or unsure, demand and find answers prior to making a final vote.

Chairperson Pat Caldwell adjourned the June 08, 2011 ZBA meeting at 7:35 P.M.