



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
MARCH 30, 2023**

Attendance: Barry Tesseyman, Chairman
Bruce Simon, Member
Lisa Wilson, Member
Andrew Zavoski, Member
Robert Magrino, Assistant Village Attorney
Melissa B. Reimer, Village Clerk

Absent: Cary Adwar, Member

CALL TO ORDER

Mr. Tesseyman called the meeting to order at 7:34P.M. and led everyone in the Pledge of Allegiance.

158 Orange Avenue LLC – Z2023-01

Re: 158 Orange Avenue

To permit the conversion of a garage to two apartments.

Chairman Tesseyman read the public notice into the record. He swore Mr. Landau in. Mr. Landau explained that these were really two separate requests. He has owned this property since 1983. The applicant told the Board that this should be three requests. The three requests should include:

1. The main apartment house is a duplex, and each floor is two-bedroom one bath (we are existing non-conforming we can only have ten (10) total units.) Mr. Landau stated that it would be harder to rent a four-bedroom two bath than it would be if they were just separated. He said that it would not have any other impact than that. Mr. Landau stated that he could rent to two separate people a two-bedroom one bath instead of one person a four-bedroom two bath. Mr. Landau stated that he would just have to put in a stove. They are basically separated already.
2. We have eight hotel-like rooms. It is a single room occupancy. From the outside there is a door to go into each unit and each unit has a bedroom, a bathroom, and a closet. One of the units is next to a good size utility storage room. If he can connect those two, he can add a kitchenette and that unit would be an efficiency apartment and not a single room occupancy.
3. The garage is the third project that Mr. Landau is looking to do. Mr. Landau told the

Board that it is logical to convert the garage into two apartments. He said that he understands that there are ordinances that need to be dealt with and that is why he has an attorney, but that is his goal and his intention. He said, "The true impact of a couple of cars and a few extra people on that street in that neighborhood, particularly when you consider the funeral home which is a huge impact onto the you know, often when they are busy..."

Mr. Magrino explained that there is no application related to the hotel. Mr. Llorens said that he put in for the original building that was denied. Mr. Magrino again said that was not before the Board. Mr. Landau said, "Okay, if it's not there then we'll come back to that, but I thought that that was there."

Mr. Magrino said to go over the items one by one. Neither the main duplex nor the single room occupancies are before the Board. The only thing before the Board is the garage. Mr. Landau said it was fine to go over one item with the Board and he will come back for the other two items. Mr. Magrino did not agree. He told Mr. Landau that it was one property, and each would have an impact. The Board, to the applicant's favor, cannot look at one factor without the others. Mr. Magrino suggested that they put it all together in one package.

Mr. Zavoski asked Mr. Landau to please make the property available to see. He told the applicant that he could not go in to see the property and asked him to please let the Clerk know when it is available. Mr. Landau said that he would ("100 percent").

Mr. Zavoski also asked Mr. Landau if he owned any other property in the Village of Suffern. He answered that indeed he does. Mr. Landau owns 8 East Maltbie; the property right next door to 158 Orange Avenue.

Mr. Magrino also mentioned that the County of Rockland Planning Department weighed in on the garage project and asked if they saw what the County had stated. Mr. Llorens stated that he only saw the County of Rockland Planning Department's disapproval of the garage project that day. Mr. Llorens stated that the email had gone to his spam folder. He explained that he and his client believe that there are several inaccurate statements on a number of points and believe it would be better to create a written response for the Board rather than try to respond orally.

Mr. Magrino also stated that if the Board were to entertain the project you would need a supermajority to override the County's disapproval.

Mr. Zavoski asked Mr. Magrino to explain. Mr. Magrino said that the Rockland County Planning Department disapproved of the application. Sometimes the Rockland County Planning Department recommends modifications, sometimes disapproval. Either way if the Board were to act contrary to their recommendation, which their recommendation is a disapproval, overriding the Rockland County Planning Department disapproval would need a supermajority of the Board in the affirmative to override. The Board ordinarily needs three votes out of five to get a variance. To override a County disapproval the Board would need four votes out of five.

Mr. Magrino suggested that the applicant submit better pictures and a clearer plan, a site plan. Mr. Llorens said that the County Planning asked for a site plan with a street view, and he would provide pictures with street views to give a better perspective.

Mr. Llorens went on to say that Rockland County is looking for more housing but disapproves of their plan. Their plan is a modest proposal which is consistent with the neighborhood. He believes it enhances the neighborhood. The character will be served, no new structures created nor change in bulk.

Mr. Zavoski asked if they will change the aesthetic qualities of the garage. Mr. Landau answered that he will indeed add staircases on the side with doors, remove garage doors, and add regular entry doors. It will look less like a garage and more like an apartment.

Mr. Magrino asked to enhance the narrative. He reiterated to the applicant that they need a plan, a site plan, a narrative discussing each thing. Not more than one building on the lot, the non-conformity, or the use...Mr. Magrino asked what the non-conformity was.

Mr. Landau stated that the non-conformity was the bulk. He stated that the Building Inspector told him that the residential use of the property was non-conforming because of the bulk. The Building Inspector's argument was, he said, that increasing the residential use of that space would be non-conforming and not permitted. Mr. Llorens said that he did not agree. Mr. Llorens stated that he believes it is a continued use that conforms with PO15, but it does not conform to the bulk requirements. It doesn't conform currently to the bulk requirements.

Mr. Magrino repeated to the applicant that the applicant's position is that as a use it conforms to the use.

Mr. Llorens said yes, "Residential use is permitted in the PO15." He then stated that is their position with the County's argument. He did admit that having two new apartments on the lot will increase the number of residents on the lot. It could well increase the number of parking requirements. We believe we have answers for that. They will have a supplemental submission. There could be one or two more cars in the neighborhood. That is what the applicant believes the change would be.

Mr. Llorens started to discuss the County's letter stating the traffic demands and sewage demands. He stated that they don't believe that is the case. Mr. Llorens stated that this change could increase his client's income from this property by 77%.

Mr. Magrino interrupted and stated that that is not what this Board is here to do. This Board is here to make sure that people's property is not worthless because of the way it is currently zoned.

Mr. Magrino asked the applicant about the garage issue and that would create two main

buildings. He asked what their take on use variance or area variance was. There would be two buildings with residential there.

Mr. Llorens stated that the Board is empowered to permit them to have multi-building, if you believe that it is in the policy of the zoning of the area.

Mr. Zavoski asked how many units are in the first building. Mr. Landau answered that there are ten units currently. There are eight single room occupancy units, and then two apartments. One apartment is a two bedroom and the other is the bilevel split. Mr. Landau said that he would like to go from ten apartments to 13 in total.

Mr. Magrino suggested that the applicant ask for a continuance until May. The applicant and Board agreed.

A MOTION to grant a continuance of the hearing on 158 Orange Avenue, until May 18, 2023, was moved by Mr. Simon, and was seconded by Chairman Tesseyman, with all in favor.

Mr. Llorens and the Board discussed a convenient time for a tour of the property soon.

Namnum, Rodolfo – Z2023-02

Re: 5 Valley View Terrace

To park commercial vehicles in front yard/driveway of the house

Chairman Tesseyman read the public notice into the record.

Rodolfo Namnum was sworn in by Chairman Tesseyman.

Mr. Namnum's brother, Angel Namnum, spoke on his behalf and told the Board that they are requesting a variance to continue parking their cars in the front yard where the driveway is located. He explained that they do not have a garage. They have four cars with professional license livery plates. They are unmarked, no logos or signs on the cars. These are also their personal means of transportation. They were requesting to continue to park all four vehicles at their house.

Chairman Tesseyman asked if all these cars have commercial plates. Mr. Namnum answered that they do. He also added that they do not drive for Uber or Lyft. They have livery license and have insurance which is very expensive.

Chairman Tesseyman asked if they are all used for Uber. Mr. Namnum said that they are not used for Uber. Mr. Magrino explained to Chairman Tesseyman that instead of Uber, the Namnum's have gone out and purchased insurance and the livery licenses.

Board Member Wilson told the applicants that she sympathized with their situation. She drove past the house several times and saw three or four cars. The vehicles were non-descript, black, and had no signs. She stated that she initially thought "okay, no big deal,"

but then she thought that the Village went to the trouble of writing the code to prevent commercial vehicles from parking at residential homes. You are allowed one vehicle to be parked down the side of the home not to be parked past the front of the home. She stated that the applicant is asking for a variance for four (4) commercial cars to be parked on their property. She stated that they can put gravel or pave to the side of the house where it would be permitted for ONE car.

The applicant did not understand what Ms. Wilson was explaining about the side of the house. She explained it to them again. The applicant said that now they are just asking for two vehicles to be parked in front of their home. Ms. Wilson suggested to the applicants to revert one of the vehicles back to a passenger plate and that would be the car you leave at home. The other cars you would have to make accommodations for somewhere else. The applicant said that they could not put passenger plates on the car or they would face liability. Ms. Wilson told the applicant that she was not telling them to drive clients with passenger plates. She was simply telling them the code.

Mr. Simon was asked his opinion. He explained that the code states that the commercial vehicle must be of a certain length, width, and height. The applicant's vehicles fall within those measurements.

Mr. Magrino added that you are only allowed one vehicle and you are not allowed one in the front. Mr. Simon added that they do not have a side of the house because of the way the property is set up. He added, "If you did have a side of the home, you can drive five feet in and there would be no issue for one. Four would be out of the question." Mr. Simon offered to grant a variance for one car to be parked in the front because the applicant does not have a side of the home to park on, but beyond that he would not go.

Mr. Zavoski added that he did get a chance to look at the property. It is well kept. The owner told Mr. Zavoski that the vehicles are not there most of the time. They are in use all the time. The vehicles are not idling in the driveway. He does not have people coming to his residence nor does he park on the front lawn in inclement weather. Mr. Zavoski asked if they would like to think about this a little more and wait for the Board member that is absent to return to get his vote as well. Mr. Zavoski received an email from a property owner that could not attend the meeting.

A MOTION to open public comment period was moved by Mr. Simon, and seconded by Mr. Zavoski, with all in favor.

Mr. Zavoski read Mr. Lance Weinstein, 4 Valley View Terrace, into the record. A copy of said letter is attached below:

Fwd: Variance

lance weinstein <lanceweinstein@icloud.com>

Thu 3/30/2023 4:56 PM

To: apzavoski@hotmail.com <apzavoski@hotmail.com>

Sent from my iPhone

Begin forwarded message:

From: lance weinstein <lanceweinstein@icloud.com>
Date: March 30, 2023 at 1:32:19 PM EDT
To: barrytess@aol.com
Subject: Variance

**Please acknowledge receipt of this email. Thank you

Dear Mr Tesseyman;

I was planning on attending tonight's Zoning Board meeting however my daughter is performing in a show at her school which I must attend. Having said that, I'm writing to you with respect to a variance application that is on the calendar for tonight. It involves 5 Valley View Terr.

I first want to mention, no one has approached me to speak at this meeting. I learned about this variance when I received a letter regarding same. As the applicant's neighbor I figured it was the right thing to do.

In that, I couldn't ask for better neighbors. Very respectful and quiet. Further, their property is nicely kept. With respect to the issue at hand, you wouldn't know the vehicles had livery plates unless you physically walked up to the vehicle and looked. All these vehicles are a good condition and well maintained. The vehicles are gone for a good portion of the day and evening. The vehicles that are left have passenger plates and are not parked in a restricted area so there are no issues there. The only parking issue that could arise is snow restrictions which the applicant always abides by.

So in closing as a neighbor of this applicant I see no reason why this application for a variance should be denied. These are hard working people who are just trying to make living. Any questions please don't hesitate to ask me.

Regards,

Lance Weinstein
4 Valley View Terr
845-494-5569

Note: please read this email into the record under public comments. Thank you.

Mr. Simon asked a question regarding Mr. Weinstein's letter. When the applicant's vehicles are out, when they are working, there are vehicles with traditional plates on them (non-commercial plates). In the application, it stated that they needed the variance because they only had the vehicles with the commercial plates.

The applicant told the Board that they get a couple of drivers who come and take the cars from the applicant's driveway and leave the drivers' cars in place of the livery vehicles. Ms. Wilson repeated, so you have drivers who come to your home and take the cars and leave theirs in your driveway. Mr. Simon thanked the applicant for the clarification.

A MOTION to close the public hearing was passed by Mr. Simon, seconded by Ms. Wilson, with all in favor.

Chairman Tesseyman said that he did not feel that it was not necessary to postpone the decision to another meeting. He believed that they had four people, and they knew the code. Chairman Tesseyman stated, "Basically, what we have here is someone having a business run out of their driveway."

Ms. Wilson asked Mr. Magrino if the Board had the power to permit approval to one and not four or is it for all or nothing. Mr. Magrino answered that the Board can grant a variance with whatever conditions they want – for instance a vehicle with no markings.

The Board discussed giving permission to keep one vehicle in the driveway. The applicant was still asking for two cars at least. Mr. Magrino told the applicant that two cars are not going to be approved.

A MOTION to allow only one commercial passenger vehicle, with the condition that there be no markings, no signage, no dome lights, no lighting, no attachments, no trailers, and in accordance with the requirements for length, width, and height was moved by Ms. Wilson and seconded by Mr. Simon, with all in favor.

The applicant asked for some time to figure out what to do with the other vehicles. Mr. Magrino told the applicant that he received a variance for one vehicle. Other than that, he needs to take care of the issue in front of him. There is nothing more the Board can do for him. He would need to speak to the Code Enforcers.

MOTION TO APPROVE MINUTES FROM JANUARY 19, 2023, ZONING BOARD OF APPEALS MEETING.

A MOTION to approve the Zoning Board of Appeals minutes of January 19, 2023, was moved by Mr. Simon, seconded by Ms. Wilson, with all in favor.

ADJOURNMENT

A MOTION to adjourn the meeting at 8:20 P.M. until Thursday, April 20, 2023, at 7:30 P.M. at the Suffern Village Hall, was moved by Mr. Simon, seconded by Ms. Wilson, with all in favor.

Respectfully,

Melissa B. Reimer, CPA
Village Clerk