



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
AUGUST 22, 2024**

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

CALL TO ORDER

ZBA Board Chairman Tesseyman called the meeting to order at 7:05 P.M., led everyone in the Pledge of Allegiance.

12 Terrace Avenue - Z2024-06

To enlarge existing driveway within the front yard, to more than 10 feet.

Board Chairman Tesseyman read the public notice into the record. The Chairman swore Mr. Wilford in.

Mr. Louis, homeowner of 12 Terrace Avenue addressed the Board. He explained that when he bought the house, he realized that he could only park two cars. He stated that he had a big family, and he wanted to make the driveway larger to park three or four cars.

Chairman Tesseyman asked that he can fit two cars there.

Mr. Louis said that he can fit two.

Chairman Tesseyman asked about a small bus that is parked on the property.

Mr. Louis stated that yes, there was a little bus parked in the back.

Chairman Tesseyman added that there was a car also.

Board Member Wilson added that there were two other vehicles in the driveway.

Chairman Tesseyman asked if any Board Member had any questions.

Board Members Wilson and Adwar asked if there was a door at the back of the house.

Mr. Louis answered that there is just a front door and a side door. There is no back door.

Chairman Tesseyman said that if he puts another 10 feet of pavement in front of his house, there would be essentially no front yard. Mr. Louis would have hardly any grass.

Mr. Louis answered that the house is wide enough to just expand it to the left side of the parking and then he will still have some grass under the tree.

Chairman Tesseyman asked how many feet the front of Mr. Louis' house was.

Mr. Louis did not know.

Chairman Tesseyman reiterated that there was not going to be enough grass, and it would look terrible. Board Member Wilson agreed. She also stated that it would look congested, and it would look like a black top front yard.

Board Member Zavoski asked if he could use the driveway that extends past the porch in the back.

Mr. Louis said no, it was not wide enough.

Board Member Zavoski said that he had a concern about the aesthetics of the property.

Chairman Tesseyman asked if Mr. Louis lived at the property.

Mr. Louis said that he did not. He could not fit his cars at the property, so he rented it out.

Board Members Adwar asked how many vehicles the tenant had on the property.

Mr. Louis answered just one small bus and a small car.

Board Member Zavoski said that he was asking questions of the tenant because he was looking for Mr. Louis.

MOTION - to open the public hearing was so moved by Board Chairman Tesseyman and seconded by Board Member Simon, with all in favor.

Alison Princiotta, 10 Terrace Avenue – was sworn in and wanted to know if there will be a survey if this is approved. The driveway and shed is on her property line.

Chairman Tesseyman asked what her position was on the 10 additional feet of driveway.

Ms. Princiotta answered that it might make drainage worse. She wasn't sure.

MOTION- to close the public hearing moved by Board Chairman Tesseyman and seconded by Board Member Wilson, with all in favor.

Mr. Magrino told the Board that just recently there was another application before that board which was denied.

Board Member Simon asked if there would be a motion to approve the variance and there was not.

MOTION - to deny the variance to permit enlargement of the driveway within the front yard, to more than 10 feet, was moved by Board Chairman Tesseyman, seconded by Board Member Wilson, with all in favor.

The variance to enlarge the driveway was denied.

Mr. Magrino added that would be subject to a formal written decision that will be prepared, and the Board will vote on that at the next meeting. The Board needs to go through the criteria for an area variance whether it create an undesirable change in the neighborhood and whether there is some other alternative, and whether it is self-created, etc. This was something that the Board had taken into consideration. The motion was denied by Barry and Lisa.

20 Sagamore Avenue – Z2024-07

To permit construction, maintenance, and use of 10' x 20" shed (accessory structure).

Board Chairman Tesseyman read the public notice into the record.

Mr. Magrino said that there was a typo in the public notice. It should say “construction and maintenance of a shed” and not “a use variance.” He stated that this was not a use variance for area.

The Chairman swore Mr. and Mrs. Rosenbaum-Amsel in.

Mr. Rosenbaum-Amsel addressed the Board and gave a background about himself and his wife. Mrs. Rosenbaum-Amsel told the Board about what they plan to use the shed for – children’s toys. They will be able to park in the garage and not have bicycles, and other things in their way.

Mr. Rosenblum-Amsel started to read his narrative from his application.

Board Member Andrew Zavoski asked Ms. Rosenblum-Amsel which probation department she was affiliated with and after she answered Mr. Zavoski recused himself.

MOTION - to open the public hearing was so moved by Board Chairman Tesseyman and seconded by Board Member Simon, with all in favor, except Member Zavoski.

No comments were made.

MOTION- to close the public hearing moved by Board Member Adwar and seconded by Board Chairman Tesseyman, with all in favor, except Member Zavoski.

Mr. Rosenblum-Amsel stated that they originally submitted plans where the shed was going to be installed at the back of the property. After they cleared the property, the owners decided that they wanted the shed at a different location. He stated that he had updated plans for the Board. He stated that it did not change the request, it was still five feet off the property line, it is just - he handed it out.

Board Member Adwar asked where the shed was to be located.

Ms. Rosenblum-Amsel answered that it was to the right of the garage and at the front of the property. It is closer to the driveway.

Board Member Adwar asked if they ever considered it at the back of the property.

Ms. Rosenblum-Amsel answered that they had it at the back of the house on Airmont Road, but they never used it because "...we never went to it...especially in the winter, we had to go through all the snow...the kids had to then track you know the bikes from the back with the through like through the grass, it was just it was inconvenient. So, it didn't get used as much. So, we were thinking if it's right next to the driveway it would be easier to put away the toys quickly rather than having to put it all the way in the back."

Mr. Rosenbaum-Amsel said that the age of their children would be less likely to take out the bicycles from the back of the property.

Board Member Adwar mentioned a letter that was received from a neighbor, and he mentioned the character of the neighborhood is that the majority of the sheds are at the rear of the property.

Mr. Rosenbaum-Amsel said "The shed is an accessory structure, there's a number of homes on our street and the three of the surrounding streets that have an accessory structure that's used as a garage for their car which is right at the top of the driveway. It's the same character for the neighborhood."

Board Member Adwar stated that they already have a two-car garage on their driveway and now they want to add an accessory structure.

Mr. Rosenbaum-Amsel said that he understood, but if you looked at a picture of the shed it looks very similar to a garage. He stated that if it is the only way to get this approved was to put it at the back of the property than that was what they would do.

Board Member Wilson asked that they had said that their backyard was overgrown and now they cleared it out. She wanted to know what their plans were for the backyard.

Ms. Rosenbaum-Amsel said that they installed a patio. They dealt with them, upstairs (Building Dept.). Mr. Rosenbaum-Amsel explained that they demolished the raised concrete deck and laid a paver patio. They plan to install a swing set for the children and may want to install an above-ground pool at some point in the future. They will be planting grass in the entire yard and installing a fence around the entire perimeter.

Board Member Wilson asked if they brought in fill or if the dirt was already there.

Mr. Rosenbaum-Amsel explained that they may have brought in one truck load, but most of the dirt came from the high area to the low area.

Board Member Wilson asked if they built the retaining wall on the property line.

Mr. Rosenbaum-Amsel explained that the retaining wall is not on the property line, it is 16 feet back. If it were on the property line, it would have to be a 10-foot wall. This way it was only four feet.

Mr. Magrino stated that for the record, there was a letter from Frantz Merine of 7 Sunderland Place, dated Monday, August 12, 2024. The letter was read into the record has been attached into the minutes. Mr. Merine expressed his concerns regarding the variance. He believed that it should be denied. It undermines zoning regulations, granting variance could undermine the purpose of the regulations which are essential for preserving the character and status of the neighborhood. Approving the variance could set a precedent for future requests to exceed the size limits of accessory structures. Potential for misuse. A larger accessory structure might be used for purposes beyond what was typically intended such as living space. Potential for overdevelopment. Allowing the variance could encourage overdevelopment the property and surrounding areas. Property value concerns, fairness and equity, it said, for these reasons “ I respectfully urge the ZBA to deny the variance request...” Mr. Magrino stated that was the sum and substance of the letter and he wanted to ensure that it was in the record.

Mr. Rosenbaum-Amsel said that was the street that backs up to his property and he suggested that it would be better to put the shed at the front of his property.

Board Member Adwar stated that he would like the shed in the backyard of the property.

Board Member Wilson stated that she agreed. She stated that if they wanted to put it in the configuration in which they show it (sideways) that was fine with her. She stated that it needed to be five feet off the back and five feet off the side.

Board Chairman Tesseyman asked what they thought of that.

Ms. Rosenbaum-Amsel said that they would do whatever they were told. They were looking for approval. She stated that it was not ideal for their family.

Board Chairman Tesseyman agreed with Board Members Wilson and Adwar.

Mr. Rosenbaum-Amsel asked if it goes where he shows it on the new map, the doors would be facing the road?

Board Member Wilson stated that she did not have a problem with the doors facing the road, as long as the shed was in the back of the property.

Board Chairman Tesseyman told the applicant that the Board heard enough.

Mr. Rosenblum-Amsel said, “One more thing, in anticipation of an approval, which we shouldn’t have anticipated, but still you know you’re optimistic – we did tell the person doing the project that that’s where we intended the shed to go. There was some site prep at that location done. I have no idea whether that’s going to cause us any sort of financial cost, but that’s on us for moving forward with that without your approval. So, I just want you to note that as well.

Board Member Wilson asked if he was pouring a foundation.

Mr. Rosenbaum-Amsel stated that he was not.

Board Chairman Tesseyman asked if was being delivered and being put on?

Mr. Rosenbaum-Amsel answered that was correct. The shed person loads on a trailer and brings it over.

MOTION to grant the variance to permit the construction, maintenance, and use of a 10' x 20' shed, which is conditional that it is installed in the back right corner, with the doors facing out, five feet off the back, five feet off the side, with no water and no sewer service to the structure. This is a Type II Action under SEQRA and there is no further environmental review. The motion was moved by Board Member Wilson, seconded by Board Member Adwar....

The applicant started to speak, and Chairman Tesseyman told him to stop.

Mr. Magrino added that this is a Type II action under SEQRA, so there is no further environmental review. That is part of the motion.

Chairman Tesseyman instructed Member Wilson to continue and again the applicant interrupted. The Chairman had to instruct Mr. Rosenbaum-Amsel to please stop talking.

Member Wilson answered Mr. Rosenbaum-Amsel as to the direction of the shed on the property.

Mr. Magrino asked for the Board to do a roll call vote:

MOTION to grant the variance to permit the construction, maintenance, and use of a 10' x 20' shed, which is conditional that it is installed in the back right corner, with the doors facing out, five feet off the back, five feet off the side, with no water and no sewer service to the structure. This is a Type II Action under SEQRA and there is no further environmental review. The motion was moved by Board Member Wilson, seconded by Board Member Adwar,

	YES	NO	ABSTAIN
Board Member Wilson	X		
Board Member Simon		X	
Board Member Adwar	X		
Board Member Zavoski			X
Chairman Tesseyman	X		

The Motion was approved with conditions. **(MOTION WAS LATER WITHDRAWN)**

Mr. Magrino explained that the shed will be installed lengthwise with the doors facing Sagamore.

Mr. Rosenbaum-Amsel asked if it included two different zoning codes that were an issue. Are both of those variances approved?

Mr. Magrino explained that this included the size of the shed being too big, the side yard, the

total side yard, and rear yard were granted. He told the applicant that when he goes to the Building Department the approval will indicate all of these numbers.

Mr. Rosenbaum-Amsel said that he wanted to ensure that it includes the development coverage.

Mr. Magrino said that was not part of the application to the ZBA.

The applicant said that they were already over the percentage with whatever was there. They found this out when they did a survey. They did not have the survey before. Now with the shed it would continue to encroach on that percentage.

Mr. Magrino said that the denial letter dated July 3, 2024, just says the floor area of the structure, the side yard, and the total side yard. Where did the Building Inspector say it was the development coverage also?

The applicant said that it was not listed in the denial, but with the other projects that we were doing they required us to do a survey. They required us to get plans and that is when we discovered that we discovered what the coverage was, and the Building Department did not have those figures when we submitted the plans. The only survey they had at the time was the land survey before the house was built.

Mr. Magrino asked, "What other work are you doing there?" Tesseyman repeated the question.

The applicant answered that they are leveling the yard, building the retaining wall.

Mr. Magrino said that the ZBA cannot give a blanket variance. The Board cannot give a variance when they do not have anything on it. We do not have anything saying you need that variance. You have to straighten it out with the Building Department and if you are doing something else, you will have to come back. He asked what the date of the survey was and was told that it was June 26, 2024. Mr. Magrino stated that showed the house and the development coverage.

Ms. Rosenbaum-Amsel stated that her husband went through everything and wanted to make sure that there were no issues, so when he went through all the laws and everything, he realized that there might be a coverage problem. When investigating that, the house itself had a coverage problem. They were now adding the shed.

Rob Magrino stated that the Board had nothing in front of them about that.

The applicant stated that they did not deny it for that reason.

Mr. Magrino stated that they needed to go to the Building Department for a permit, they may state that you need to go to the ZBA for the lot coverage.

Member Wilson asked if we have given permission for the shed and now, they have a land coverage issue, and the shed is already up?

Mr. Magrino answered that they cannot install the shed.

The applicant stated that it was possible that the shed would not be counted as land coverage because it is situated on pieces of wood and open underneath.

Mr. Magrino asked the applicant about the narrative and that he put the land coverage issue in the narrative.

The applicant stated that it was in the second paragraph. The coverage percentages were on the plan that was submitted

It had not been given to the Building Department.

Board Member Wilson was asking questions of Mr. Magrino. The Board was discussing with Mr. Magrino and Member Simon said that he would like to hear from the Building Inspector. Mr. Magrino stated that the Board can take a motion to table it, adjourn it for a month, go back to the Building Inspector, show them the plans and the survey with the numbers, get another denial, and come back to the ZBA.

Ms. Rosenbaum-Amsel asked if they would have to wait until next month because they may not be able to keep our shed. Mr. Rosenbaum-Amsel said that we tried to cover all our bases, but now we created a new challenge. He explained how the person wants the shed off his property. He stated that they were installing a fence and that will need to be placed on hold for a month.

Board Member Wilson asked to enter into executive session.

MOTION to enter into Executive Session to discuss the matter at hand with counsel was made by Board Member Simon and seconded by Board Member Wilson, with all in favor, except Board Member Zavoski.

MOTION to come out of Executive Session was made by Board Member Simon and seconded by Board Member Adwar, with all in favor, except Board Member Zavoski.

Mr. Magrino addressed the Board and applicants by stating that there were concerns. They would prefer for the applicants, since there are changed conditions with the patio and retaining wall, to continue this to the September meeting. Go to your surveyor and ask him to update the survey for existing conditions. Maybe put the shed where the Board is inclined to approve it and then go back to the Building Inspector. Mention to him the coverage issue and have him issue the new denial. The Board will address it on September 19, 2024.

The applicant asked if they needed another application.

Mr. Magrino answered no, we will be just continuing the hearing. We do not need to re-notice it. First call tomorrow should be to your surveyor and then to the Building Inspector. The land coverage issue with the retaining wall, patio, etc.

The applicant asked when the date of the next meeting is.

The clerk answered September 19, 2024, at 7pm.

MOTION to adjourn or continue the matter to September 19, 2024, and withdraw the previous motion was moved by Board Member Simon, seconded by Board Member Wilson with all in favor, except Board Member Zavoski.

MOTION TO APPROVE MINUTES FROM JULY 18, 2024, ZONING BOARD OF APPEALS MEETING.

MOTION to approve the Zoning Board of Appeals minutes of July 18, 2024, was moved by ZBA Member Wilson, seconded by ZBA Chairman Tesseyman, with all in favor, except Board Member Zavoski.

MOTION to approve Zoning Board of Appeals meeting for October 17, 2024, at 7pm by ZBA Member Tesseyman, seconded by ZBA Member Simon, with all in favor, except Board Member Zavoski.

Respectfully,

Melissa B. Reimer, CPA
Village Clerk

Frantz Merine

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RECEIVED
AUG 19 2024
Village of Suffern

Monday, August 12, 2024

Dear Suffern Zoning Board of Appeals and Chairman Tesseyman,

Thank you for the notice regarding the public hearing scheduled for August 22, 2024, regarding the appeal from 20 Sagamore in Suffern, NY 10901 to permit the use variance for the construction and maintenance of a 10' x 24' shed accessory structure.

While I appreciate the opportunity to participate in the meeting, I regret that I will not be able to attend. However, I am writing on behalf of my five-member family residing at 7 Sunderland Place to express our concerns regarding the proposed variance.

We believe this variance should be denied for the following reasons:

Undermining Zoning Regulations: Section 266-23 and the related size limits were established to maintain consistency and control over the scale of developments within the Suffern community. Granting this variance could undermine the purpose of these regulations, which are essential for preserving the character and aesthetics of our neighborhood.

Setting a Precedent: Approving this variance could set a precedent for future requests to exceed the established size limits for accessory structures. This could lead to a gradual erosion of our zoning regulations, making it increasingly difficult to enforce these size restrictions.

Potential for Misuse: A larger accessory structure might be used for purposes beyond what is typically intended, such as unauthorized living space, commercial use, or other activities that could disrupt the residential nature of our area. This could lead to zoning enforcement challenges and unintended consequences for the community.

Potential for Overdevelopment: Allowing this variance could encourage overdevelopment on the property and in surrounding areas. The size restriction is in place to prevent properties from becoming overly congested with structures, ensuring that open space is preserved for the benefit of all.

Impact on Neighborhood Character: The construction of a larger accessory structure could significantly alter the visual and spatial characteristics of the neighborhood. Such a structure may not fit in with the existing homes and outbuildings, potentially disrupting the community's architectural harmony.

Property Value Concerns: The construction of a larger-than-permitted accessory structure could negatively impact the property values of nearby homes. Neighbors may perceive the oversized structure as an eyesore or an unwelcome change, potentially diminishing the overall appeal and market value of the surrounding properties.

Fairness and Equity: Granting a variance for one property owner could be seen as unfair to others who have complied with the existing regulations. This could lead to perceptions of favoritism or inequality, which may undermine trust in our zoning process.

For these reasons, I respectfully urge the Zoning Board of Appeals to deny the variance request. It is important to uphold the zoning regulations that protect the character, equity, and sustainability of our community.

Moving forward, it may also be better to provide both more time to attend these hearings and/or multiple options for participation. The initial Notice of Public Hearing was mailed on August 6, 2024. The last two weeks in August tend to be a time when families take vacations before the start of the school year and the unofficial end of summer.

Thank you for your consideration. I understand the challenges you face in making these decisions and appreciate the effort you put into managing Suffern's community's zoning regulations.

I look forward to your reply and thank you for your consideration. I can be reached by any of the methods below.

Best regards,



Frantz Merine

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Suffern N.Y, 10901

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