



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 19, 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 7:03 P.M., led everyone in the Pledge of Allegiance.

**Suffern Auto Service - 20 Wayne Avenue – Z2024-03
Interpretation - Parking Lot**

Chairman Tesseyman read the public notice into the record.

Mr. Magrino told the Board that the matter will be adjourned at the applicant's request to October 17, 2024. It does not need to be re-noticed.

MOTION - to adjourn the public hearing for Suffern Auto Service – 20 Wayne Avenue, to October 17, 2024, was moved by Board Member Adwar, seconded by Board Member Zavoski, with all in favor.

**99 Washington LD Holdings LLC – 99 Washington Avenue – Z2024-04
Interpretation – Section 266-54(E) of the Zoning Code**

Board Chairman Tesseyman read the public notice into the record.

The Board choose to listen to 20 Sagamore Avenue before 99 Washington.

**20 Sagamore Avenue – Z2024-07
To permit construction, maintenance, and use of 10' x 20" shed (accessory structure).**

Board Member Zavoski recused himself.

Board Chairman Tesseyman read the public notice into the record.

Mr. Rosenblum-Amsel walked on stage and handed out an email from the Assistant Building Inspector, Adam Gordon to Mr. Rosenblum-Amsel. It was already received by the Board by Mr. Gordan.

Chairman Tesseyman swore Mr. & Mrs. Rosenbaum-Amsel in.

Mr. Magrino stated that this was a continuance from the last meeting. He explained that the applicants were here at the last meeting and there was a question (that the applicant brought up) about maximum development coverage and all the other items. There have been a few back-and-forth's with the Building Department determination so the Building Department is indicating this needs the variance for the maximum size of an accessory structure would be 100 square feet, new variance needed is for the maximum development coverage (25% is allowed. With this structure and other things on the property it is 27.7%), and there was a discussion about whether or not a variance was required for the side yard, total yard, rear yard. These were things in terms of the "book" and does not change any of the existing circumstances. The feeling was that if the accessory structure needed a variance than it would then revert to the bulk table and that's why it would need those additional side yard, total yard, and rear yard variances. Reasonable minds might differ about that, but that is why it is on for those variances.

Board Member Adwar asked for them to clarify the positioning of the shed.

Mr. Rosenblum-Amsel said that it was going in the back north-east corner of the property.

Mr. Magrino said that there is a plan on the survey. He asked the date on the survey. It was said that the survey was dated 9/5/2024. If the Board were to grant it, he stated that, it would be on the condition that the shed would be place where it is shown.

No member of the Board had questions.

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

Mr. Magrino added that this is a Type II Action under SEQRA and there is no further environmental review.

MOTION to grant the variances 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.

	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.

**99 Washington LD Holdings LLC – 99 Washington Avenue – Z2024-04
Interpretation – Section 266-54(E) of the Zoning Code**

Mr. Paul Baum of Sarajian & Baum, 155 North Main Street, New City, New York, returned to the microphone and addressed the Board. They were here on an appeal of 99 Washington LD Holdings LLC to get the Board’s interpretation with regard to certain violations that were issued by the Building Inspector regarding the use of the building.

99 Washington is a two-story building and has three tenants. There are two tenants on the first floor and one on the second floor. The tenant on the second floor is 99 LD Truck Leasing and they are involved in leasing small type work vans. They own the vans and lease them out. They received a violation for storage of vans on the lot.

The first interpretation they are looking for is that they are a leasing office and as an accessory use to a leasing office, they can store some vans on the property. This would be normal, customary, and incidental to the use of the office for a leasing office.

The other violations were given for having signs on the front door window and the front façade of the premises. Mr. Baum told the Board that there were pictures within the narrative.

Mr. Baum told the Board that the applicant has a CO for a professional office that was issued in 2022. He told the Board that they were given a violation for “no sign plan approval.” The applicant has an “automobile retail dealer sign” on the front of the building and they also have small business identification on the glass of the front door for each business.

The violation issued by the building inspector referenced them as “advertising” signs. Mr. Baum said that they were business identification signs. He also mentioned that the code listed signs that are exempt from a permit as long as they do not exceed six inches high or two feet long. He showed the picture to the Board and told the Board that the signs on the door are smaller than six inches by two feet and fall under the exemption.

Mr. Baum said that they wrote a letter to the Building Inspector with their position and the Building Inspector refused to overturn the ruling. That is why they were before the ZBA.

The second appeal with regard to the signs, is the registered Motor Vehicle Dealer sign on the front façade of the building. That sign is required by law pursuant to Department of Motor Vehicle regulations, he read the regulation. Mr. Baum stated that he did a FOIL request for all

businesses in the Village that had these types of signs to see if they had to get Planning Board approval for these signs and they did not. He said that he and the applicant believed that they are exempt. He also read the Village Zoning code which stated, “signs that are required to be maintained or posted by law or by a governmental order, rule or regulation are exempt...”

The third violation was for storage of vans in the rear lot. Mr. Baum told the Board that the applicant was present to discuss the matter with the Board. Mr. Zuntz runs a leasing office, and they maintain some vehicles on site for leasing long-term to third parties. This use is an accessory use. Mr. Baum read the Village code. Their position is that he is a leasing office and its customary for a leasing office to store some vans on site to lease out to members of the public and that is incidental to the main use of the office. He also communicates, deals with paperwork, talks to people, posts on the internet, etc.

Mr. Baum explained to the Board that according to the Village code bulk regulations, parking is a permitted accessory use. That is in the 2R5 district.

Chairman Tesseyman swore Mr. Zuntz in.

Mr. Avrohom Zuntz introduced himself and asked the Board to call him Abe.

Member Adwar asked if he would please describe how many vans, how they are used, how he deals with the public, how the leasing of the vans is arranged.

Mr. Zuntz said that the Company generally owns about 15 vans at a time. They have about ten at the property at that time. They have more on the road, but this is how many they have in inventory. They try to keep ten to 15 vans. They pick up most of their customers at trade shows or online. It is not a car lot where people are coming to look at vans. It is emails or phone calls. They are commercial customers, and they know what they want before they get it. When the vans come back off lease, they sell to the public or online at the auction.

Member Adwar asked how many parking spots were there.

Mr. Zuntz answered that the building had 20 spots. He said that he was not sure.

Member Simon asked about the breakdown; how many parking spots did each business control.

Mr. Zuntz answered that two out of the three businesses are his businesses. The other tenant, we never agreed to give them parking, but he believed that they did use it to park their two cars. With his two employees, there are four personal cars on a regular basis.

Mr. Baum asked his client if there has ever been a parking problem there.

Mr. Zuntz said that there has been adequate space. At one point, they did have too many, so they moved some of their trucks to another location. They have another location in Brooklyn and New Jersey.

Board Member Wilson asked Mr. Magrino what zone the property was in.

Mr. Magrino answered that the property was in the 2R5 Zone, which does not permit professional offices. This property received a variance back in 2000 for the operation of a professional office in a 2R5 Zone.

Mr. Baum said that it was June 21, 2000, that the ZBA gave the determination permitting it to be used for Professional Office in the 2R5 Zone.

Mr. Magrino said that they kept saying the Building Inspector, but it was the Code Enforcer that gave the violation. He asked if they had received a subsequent interpretation from the Building Inspector.

Mr. Baum answered that they had not. He said that he wrote a letter asking them to reconsider and he received an email from Mr. Stark telling him to go to the ZBA.

Board Member Simon asked for them to define parking versus storage

Mr. Baum answered not really. The vans are not regularly used or driven on a regular basis. The vans are parked, and they sit there until they are leased out, sold to auction, or sold to somebody else. Sometimes the vans sit there, so that might be considered storage, because they are not being used on a regular basis.

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

Chairman Tesseyman swore Mr. Ed Concklin in.

Mr. Ed Concklin Boynton Place asked who owns the building and complained that it is very crowded in the neighborhood right now.

Mr. Magrino directed Mr. Concklin that the Board does not answer questions, but if you want them to ask the applicant questions you can pose them.

Mr. Concklin asked:

Who owns the building?

Answer: 99 LD Holdings LLC

How many businesses are in the building?

Answer: Three

Who is allowed to park on the street?

Answer: Anyone can park on the street.

Mr. Concklin said that when he goes out in the morning every spot is occupied on his street. He complained about people using Boynton to get from Orange to Washington.

Mr. Concklin mentioned that they have a lot of vans occupying the space in the backyard of the

property. You cannot see the backyard; it is all vans lined-up. He said that they probably have to move two or three out of the way to get to a specific van.

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

Board Member Wilson asked if the vehicles that are parked there have commercial plates.

Mr. Zuntz said that most of the vans are not registered at the moment. They have no plates.

Mr. Magrino questioned the applicant that most are not registered.

The applicant agreed that most were not registered. When a customer leases them, we register them and deliver the vehicle.

Board Member Wilson asked if the leases were short- or long-term.

Mr. Zuntz answered that the shortest lease would be six months.

Chairman Tesseyman asked the applicant how many of his cars, in the daytime, are parked on the streets.

Mr. Zuntz answered that none were parked on the streets. Their three businesses have no foot traffic, and they only have four employees. They all park on the property. No one parks on the street.

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

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

Mr. Magrino asked Mr. Baum if he had anything else to say and he told the Board that Mr. Conklin made some comments to the Board about a lot of traffic and a lot of cars parking, but none of that was from the applicant. Mr. Baum said that Mr. Conklin said that the vans were hidden and could not be seen (**that was never noted in the minutes**).

Mr. Magrino stated that the Building Department issued a violation saying that the use of the lot for parking vehicles, basically in the way that they are saying, is storage is not permitted as an accessory use under the code. This use would not ordinarily be permitted in that zone, but they received a variance to be in the 2R5 Zone. The Board has to determine if accessory parking or outdoor storage of vehicles is a permitted accessory use to a professional office.

MOTION to uphold the determination of the Building Department in regard to the violation based on accessory parking or outdoor storage of vehicles is not a permitted use to a professional office, moved by Board Member Simon, seconded by Board Member Adwar, with all in favor.

Mr. Magrino said that the applicant would need to go to the Planning Board for the door sign and that would not be a big deal. The other sign, cuts both ways, it indicates that it is a vehicle retail business or part of the professional office. That sign may be permitted without a permit, the DMV sign...

Mr. Baum interrupted and stated that the Board denied the accessory use and asked if the Board was also denying the signs as being exempt.

Mr. Magrino said no. He said that the sign on the door is not exempt. That would need to go to the Planning Board, show them the sign, and they will approve or disapprove.

Mr. Baum stated that he felt it was exempt.

Mr. Magrino said that Mr. Baum said that it was exempt because of the six inches, but it was the entirety of the door.

Mr. Baum wanted the Board to vote on the signs for the record.

MOTION to overturn the determination of the Building Department in regard to the violation based on the door sign being less than six inches high for each tenant, moved by Chairman Tesseyman, seconded by Board Member Wilson, with all in favor.

MOTION to overturn the determination of the Building Department in regard to the violation based on the DMV sign being exempt in the Village Code and this only allows the sign, it does not grant any particular use, moved by Chairman Tesseyman, seconded by Board Member Simon, with all in favor.

Mr. Magrino told Mr. Baum that a written decision will be voted on at the next meeting. He will get a copy of the decision.

MOTION TO APPROVE MINUTES FROM AUGUST 22, 2024, ZONING BOARD OF APPEALS MEETING.

MOTION to approve the Zoning Board of Appeals minutes of August 22, 2024, was moved by Board Member Simon, seconded by Board Member Wilson, with all in favor.

MOTION to approve Zoning Board of Appeals meeting for October 17, 2024, and November 21, 2024, at 7pm and close the meeting, by Chairman Tesseyman, seconded by Board Member Wilson, with all in favor.

Respectfully,

Melissa B. Reimer, CPA
Village Clerk