



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
JANUARY 9, 2025**

Attendance: Cary Adwar, Member
Steven Marks, Member
Bruce Simon, Acting Chairman
Lisa Wilson, Member
Andrew Zavoski, Member
Robert Magrino, Village Attorney
Melissa B. Reimer, Village Clerk

Absent: Barry Tesseyman, Chairman

CALL TO ORDER

Board Member Simon called the meeting to order at 7:00 P.M., and lead everyone in the Pledge of Allegiance.

**Suffern Auto Service - 20 Wayne Avenue – Z2024-03
Public Hearing is Closed – For Board Deliberations Only**

Acting Chairman Simon asked if anyone had comments or wanted to make any changes to the Decision. No Board Member had anything to add or change.

**ZONING BOARD OF APPEALS
OF THE VILLAGE OF SUFFERN**

DECISION

RE: Application of Suffern Auto Service/Pinchus Neiman (“applicant”)

**Premises: 20 and 23 Wayne Avenue, Suffern, NY
54.27-1-10 and 54.27-1-48 (both lots together referred to herein as
“Premises”)**

Zoning District: General Business (GB)

ZBA Application No. Z2024-03

Public Hearing Dates: July 18, 2024, and December 5, 2024

The applicant appeared before the Zoning Board of Appeals (“ZBA” or “Board”) on an appeal, in the nature of an interpretation, seeking the reversal of an administrative determination of the Village of Suffern’s (“Village”) Building Inspector, regarding the property owner’s/business operator’s use of the

Premises so as to park up to 50 motor vehicles at 20 Wayne Avenue (“20 Wayne”), which motor vehicles parked at 20 Wayne, as stated in the applicant’s submissions to the ZBA, will only be those of customers being serviced or repaired at the neighboring business located across the street at 23 Wayne Avenue (“23 Wayne”). 20 Wayne was previously approved by the Village so as to permit accessory parking to the motor vehicle repair shop located at 23 Wayne.

The below-listed drawings, plans, maps, documents, correspondence, photos and materials (to the extent applicable) were submitted to the ZBA, made part of the ZBA record, and reviewed by the ZBA:

- Zoning Board of Appeals Application including Narrative, and Site Plan (dated October 23, 2023) and payment of \$400 received by the Village on May 21, 2024.
- Various E-mail Correspondence between Applicant’s Legal Counsel and Village of Suffern from March 7 through December 5, 2024.
- Notice of Public Hearing for July 18, 2024, at 7:10PM, Dated June 21, 2024.
- Affidavit of Posting, Dated June 24, 2024.
- E-File Submission to Rockland County Department of Planning Receipt, Dated June 21, 2024.
- Email Submission to Rockland Journal News Legal Notice for Notice of Public Hearing with Transmittal, Dated June 24, 2024.
- Journal News Confirmation, Dated June 24, 2024 (submitted by applicant).
- Affidavit of Publication dated July 1, 2024.
- Rockland County Department of Planning General Municipal Law Review Letter, Dated July 15, 2024.
- Affidavit of Posting of Posted Signs, Dated July 16, 2024.
- July 18, 2024, Zoning Board of Appeals Agenda.
- ZBA 1986 Minutes.
- 1986 CO 20 Wayne Avenue.
- Minutes of Planning Board Meeting dated June 16, 2021.
- Special Permit – 23 Wayne Avenue 1986.
- Rockland County Department of Planning General Municipal Law Review Letter, Dated July 18, 2024.
- October 17, 2024, Zoning Board of Appeals Agenda.
- December 5, 2024, Zoning Board of Appeals Agenda.
- Eight 8 1/2x11 inch photos sent by e-mail from ZBA Member to Board of the Deals on Wheels website for Board review.
- Two 8 1/2x11 inch Color Maps of Suffern Auto Service – 20 Wayne Ave (submitted by applicant).
- Two-page stapled Invoices from Suffern Auto Service #3882 (dated 8/29/24) 3391 (dated 4/9/24) (submitted by applicant).
- Two-page stapled Invoices from Suffern Auto Service #4112 (dated 11/6/24) 3984 (dated 9/20/24) (submitted by applicant).
- Two-page stapled Invoices from Suffern Auto Service #3901 (dated 9/3/24) 4143 (dated 11/15/24) (submitted by applicant).
- Two-page stapled Invoices from Suffern Auto Service #3943 (dated 9/10/24) 3955 (dated 9/25/24) (submitted by applicant).
- Printout of “65ramapo.PNG” (submitted by applicant).
- Four 8 1/2x11 inch photos of office inside/outside of “Building 65” (submitted by applicant).
- Two (approximately) 4-foot x 2-foot poster-size photos of 20-23 Wayne Ave. (submitted by applicant).

Specifically, the applicant is presenting an appeal, in the nature of an interpretation of a determination communicated in a memo, dated April 22, 2024, from the then Village Building Inspector, the late Cyril

Geoghegan, addressed to the Village Planning Board, which provided the Building Inspector's determination regarding the use of the parking lot at 20 Wayne as it relates to the motor vehicle repair shop at 23 Wayne (hereinafter "Building Inspector's Determination"). The Building Inspector's Determination concluded that the parking lot at 20 Wayne was being used to store motor vehicles being offered for sale from another location, and not being used as an accessory use to the permitted principal use at 23 Wayne of a motor vehicle repair shop as had been previously authorized by the Village Planning Board. The Building Inspector's Determination further stated that the use of the parking lot at 20 Wayne, to store motor vehicles for sale from either 23 Wayne, or any other location, is not a permitted accessory use to the motor vehicle repair shop located at 23 Wayne.

This interpretation review by the ZBA also considers the violation referenced in the applicant's attorney's (Richard M. Ellsworth, Esq.'s) narrative, dated May 20, 2024, which violation (Violation No. 22-0095), issued by the Building Inspector, alleges that on May 14, 2022, the applicant was using the lot at 20 Wayne for the sale of motor vehicles, and not as accessory storage of motor vehicles being serviced or repaired at 23 Wayne as is permitted.

During the pendency of the ZBA's Public Hearing regarding this application, which was opened on July 18, 2024, and continued and held open through December 5, 2024, on which latter date the Public Hearing was closed, the ZBA heard oral testimony, including from the applicant and the applicant's attorney (Mr. Ellsworth), and reviewed the written and documentary evidence listed above, most notably, (i) the Building Inspector's Determination, (ii) the 1986 Special Permit approval granted by the Village Board of Trustees, (iii) the 1986 ZBA area variance approval, granted with conditions, (iv) the 1987 Certificate of Occupancy, (v) the 2021 approved Site Development Plan for the parking lot at 20 Wayne, (vi) email correspondence between the applicant's attorney and the Assistant Village Attorney, to which the Building Inspector was a party, (vii) screenshots/screengrabs from the "Deals on Wheels" website, and (viii) photographs and documentation submitted by the applicant and/or the applicant's attorney.

ORAL TESTIMONY BEFORE THE BOARD:

The oral testimony before the ZBA, as set forth in the approved minutes of the Board's aforesaid meetings ("Minutes"), which are incorporated by reference as if fully set forth herein, included that of Mr. Ellsworth (attorney for the applicant), and Pinchus Neiman ("Mr. Neiman"), the latter being the applicant and ostensible principal of the property owner of the Premises, and the business owner of Suffern Sales and Service (also an applicant), which operates out of 23 Wayne.

Mr. Ellsworth stated that 23 Wayne has been used for the last 35 years as for auto repair/storage of motor vehicles. His client (the applicant) purchased the property several years earlier, beautified the parking lot, received site development plan approval, repaired a wall along Route 202, and complied with all Village requirements. He stated that the Planning Board referred the matter (presumably the Site Development Plan application for additional parking at 20 Wayne) to the Building Inspector, because there were alleged additional cars parked on the lot.

Mr. Ellsworth stated that a Special Use Permit was issued to the previous owner to use 20 Wayne as outdoor storage of motor vehicles incidental to the automotive repair operation at 23 Wayne.

Mr. Ellsworth stated that the Building Inspector's Determination was contrary to the evidence, and that the motor vehicles were lawfully stored at 20 Wayne.

Mr. Ellsworth stated that the owner (Mr. Neiman) has a separate business, known as "Deals on Wheels," in Mahwah, New Jersey, where he sells motor vehicles from; and that Mr. Neiman thought that he could sell motor vehicles from the Premises, but when he was told that he could not, he ceased doing

so. Mr. Ellsworth stated that his client's lot across the street (20 Wayne) stores motor vehicles that are being serviced and/or repaired at his client's auto repair shop at 23 Wayne.

Mr. Ellsworth stated that the cars that are sold by Deals on Wheels in Mahwah are used cars and require service and testing, which is done at the repair shop at 23 Wayne.

Mr. Neiman stated that, in May 2022, he received a complaint from the Village that used cars were being sold from 20 Wayne, and that there were 50 cars on the lot, instead of the 35 that had been permitted on by the previous site plan approval. Mr. Neiman stated that Suffern Auto Service does not sell cars at 23 Wayne, and that the cars on the lot (at 20 Wayne) are from his main customer, Deals on Wheels, which is a company that he also owns. Mr. Neiman stated that he has made the lot nicer, and feels that he is being treated differently than the previous owner of the Premises.

Mr. Ellsworth and Mr. Neiman responded to several questions from members of the Board, answering that the vehicles at 20 Wayne were not registered and that they use "dealer plates" to drive the vehicles; the Deals on Wheels website had photographs of vehicles for sale that were taken at the 20 Wayne lot, and that the Deals on Wheels website advised potential customers to "call for address, Suffern, New York. Stop by our lot," and that when he was advised by his attorney, on the day of the ZBA hearing about that, he changed the language on the website before the hearing.

Mr. Ellsworth confirmed that, years ago, his client did have sales at the Suffern location, but, when notified that it was not permitted, they ceased sales operations.

The Board made the following findings of fact, interpretation, and decision:

The Building Inspector's Determination (of April 22, 2024) is affirmed and upheld; and this application, which requests that the Board reverse said Determination, is denied. The Board adopts the findings in the Building Inspector's Determination as being consistent with the representations made by the applicant prior to the Building Inspector's Determination, and as confirmed during the Board's Public Hearing.

It is evident to the Board that the applicant, as owner of the Premises, is using the lot at 20 Wayne to store motor vehicles that are offered for sale by the applicant's other business, Deals on Wheels, which has an office in Mahwah, NJ. Mr. Ellsworth's email, dated March 26, 2024, stated as much when he stated (the following emphasis is added): "For the cars that they sell, they first perform a diagnostic at Suffern (brakes, oil, etc.) **after which some are moved to Mahwah for sale and some stored in Suffern for sale in Mahwah.** No cars are sold in Suffern." It is also apparent, to the Board, that the Deals on Wheels location in Mahwah appears to be an office building; not a lot for the sale and storage of motor vehicles.

The oral testimony before the Board was consistent with this finding, including that the Deals on Wheels website mentioned a Suffern address, which was removed from its website on the day of the ZBA's December 8, 2024, Public Hearing when the applicant was informed of this. Further, the oral testimony that the motor vehicles stored at 20 Wayne were unregistered, and used "dealer plates" to lawfully operate them, further confirmed that the 20 Wayne lot is being used by Deals on Wheels, a company also owned by the owner of the Premises, as storage for cars to sell, and not as accessory storage to the motor vehicle repair shop use at 23 Wayne.

Based upon the foregoing, the Board finds that the lot located at 20 Wayne is being used for the storage of motor vehicles that are being offered for sale by applicant's other business (Deals on Wheels) sited at another location, and this 20 Wayne lot is not being used as accessory parking for the motor

vehicle repair shop at 23 Wayne. This use of 20 Wayne is not permitted – the lot at 20 Wayne may only be used for accessory parking of motor vehicle that are only being repaired or serviced – not offered for sale – at 23 Wayne, as previously permitted by the Village. The Building Inspector’s Determination (April 22, 2024), that 20 Wayne is being used to store motor vehicles that are being offered for sale from another location located in Mahwah, NJ, and, therefore, not as accessory to the permitted principal use, nor parked while undergoing repairs or service by the motor vehicle repair shop, at 23 Wayne, is affirmed and upheld; and this application, which requests that the Board reverse said Determination, is denied.

The Board hereby further affirms and upholds the Building Inspector’s Determination that the use of the accessory parking lot at 20 Wayne, to store motor vehicles for sale from either 23 Wayne, or any other location, is not a permitted accessory use to the motor vehicle repair shop located at 23 Wayne; and that the applicant must cease the parking and storing of motor vehicles at 20 Wayne that are not in the active process of being repaired or serviced at the motor vehicle repair shop located at 23 Wayne.

Lastly, based upon the foregoing findings of fact, which includes photographs of motor vehicles offered for sale at 20 Wayne, and the website for Deals on Wheels stating that it had motor vehicles at a Suffern location, which information was removed from its website on the day of the ZBA Public Hearing held on December 8, 2024, the Board hereby further finds that the violation issued by the Building Inspector on or about May 14, 2022, and identified as Violation No. 22-0095, is also hereby affirmed and upheld, and found to be an enforceable violation of the Village Code, as more fully set forth therein.

Based upon all of the foregoing, a Motion was made by Ad Hoc Board Member Marks to:

- (1) uphold and affirm the Building Inspector’s Determination (of April 22, 2024), which determined that the parking lot at 20 Wayne is being used for the storage of motor vehicles that are being offered for sale at another location, and not as accessory to the permitted principal use at 23 Wayne, which permitted principal use is a motor vehicle repair shop;
- (2) uphold and affirm the violation, issued by the Building Inspector on May 14, 2022, and identified as Violation No. 22-0095, which alleges that 20 Wayne is being used in violation of its Certificate of Occupancy by allowing Deals on Wheels to store motor vehicles that are being offered for sale by another business sited at a different location; and
- (3) deny this application, which requests that the Board reverse the Building Inspector’s Determination (of April 22, 2024).

which motion was seconded by Board Member Wilson, and carried by a vote of the Board, by a Roll Call, as follows:

AYES: Board Member Zavoski, Board Member Adwar, Board Member Wilson, Board Ad Hoc Member Marks, and Acting Chairman Simon

NOES: None

ABSTENTIONS: None

ABSENT: Chaiman Tesseyman

21 Cypress Road – Gerald Burns – Z 2024-09

Mr. Gerald Burns approached the podium.

Acting Chairman Simon read the Notice of Public Hearing into the record.

Mr. Burns was sworn in and began to speak. Mr. Burns told the Board that he is applying for a variance to be able to park a limo in his driveway (on occasion), not every day. His job varies from day to day. What he drives the next day; he brings home the night before. Tonight, he has a Lincoln SUV. He does not know what he will be driving until the night before and he leaves for work from his home in the morning.

He said that the only problem he has was with the “limo shuttle bus.’ This vehicle is a little bit taller and longer than the law allows. He does not drive the shuttle bus on a daily basis. The shuttle bus fits behind the house line, and you cannot see it when driving down Cypress Road from the school end of the street. From the other direction, you can see it, partially, only when you get to the front door of the house, but it is pretty much well hidden. He also mentioned that it was a nice-looking vehicle and not an eyesore.

He mentioned that he had the shuttle bus once on his property in the last month. He also mentioned that, as far as he knew, none of his neighbors have a problem with it.

MOTION- to open the public hearing moved by Board Member Adwar and seconded by Board Member Wilson, with all in favor, except for Chairman Tesseyman who was absent.

No comments from the public.

MOTION- to close the public hearing moved by Board Member Wilson and seconded by Ad Hoc Board Member Marks, with all in favor, except for Chairman Tesseyman who was absent.

Mr. Magrino explained how this matter ended up in front of the ZBA. He asked Mr. Burns if he received a summons for the shuttle bus and about the size of the shuttle bus.

Mr. Burns said that he did receive a summons, and the length of the shuttle bus was about 30 feet.

Mr. Magrino asked if no other vehicles are beyond the limits.

Mr. Burns replied that none were beyond the limits.

It was only for the one shuttle bus.

Mr. Magrino: “You received a summons and went to court, correct?”

Mr. Burns replied that he received a couple of warnings (pre-Covid). In July, he received

summons.

Mr. Magrino asked if he went to court, you did not file this as an appeal to the court action, you are asking for a variance.

Mr. Burns said that he went to court to see what the result was going to be.

Mr. Magrino said that this procedure was a bit of both. He was asking for a variance from the code to allow him to park there and it really was also an appeal of the Court action.

The Section of the Code that he was appealing is 266-36.1 Subdivision a. Only one commercial vehicle not exceeding 22 feet in length or 8 feet in height, or 7 feet in width may be parked on a lot in a residential district. Mr. Burns testimony is that the only vehicle that violates this is the shuttle bus.

Mr. Magrino added that Mr. Burns is only asking for a variance for the shuttle bus even though it perhaps goes beyond the front line of the house, it still exceeds the size requirements.

Mr. Burns reiterated that it does not go beyond the front of the house.

Mr. Magrino stated that **assuming** it did go beyond the front, it still exceeds the size requirements.

Board Member Adwar asked that in Mr. Burns statement his reasons for the variance request was because "My car remains parked in the warehouse 6 days a week." He asked if that was correct.

Mr. Burns answered that it was usually the case. It is not every day.

Board Member Adwar stated that Mr. Burns stated that he finds out the night before what he is going to be driving the next day.

Mr. Burns answered that it was usually the case. "Sometimes I get a two-day notice or sometimes I keep a car for multiple days."

Board Member Adwar asked, BBZ (the Company Mr. Burns works for) was located in Bergenfield, NJ and it is approximately 21 miles from Cypress Road. Mr. Burns knew how far it was.

Board Member Zavoski visited 21 Cypress Road. When he was there, he asked if there were neighbors who complained. Board Member Zavoski said that Mr. Burns told him that no one complained. He did not see any issues and he believes that it is going to be sporadic. At first, he thought that the driveway would need to be expanded, but he was mistaken.

Ad Hoc Board Member Marks visited Mr. Burns residence and said that the shuttle bus was not visible and fit behind house. It was not an eyesore and Mr. Burns had no issues with his neighbors.

Board Member Wilson agrees with what everyone has said. It seems very innocuous when it is pushed back. You cannot see it from one direction at all. From the other direction, it is there, but it is not obvious. "I have no issue."

Acting Chairman Simon said, "I guess I will be the outlier." Acting Chairman Simon took issue that the Village did not allow any commercial vehicles at a residence in the past. Over a long time that was modified to allow for the numbers that Mr. Magrino read into the record. That went through a long process and those numbers are a fair compromise. He does not believe that a variance beyond that should be allowed.

Board Member Adwar clarified that he was also not in favor of giving a variance. He asked if it would be possible for Mr. Burns to pick up the shuttle bus each day.

Mr. Burns said that it would be possible, but it would be a major inconvenience. He may have to be somewhere in the opposite direction at 6:00 A.M.

Mr. Magrino asked if the variance is only for the shuttle bus.

Mr. Burns said that it was just for the shuttle bus. He also said that the ZBA was talking about commercial vehicles. The shuttle bus was a Livery vehicle. It has a livery plate.

Acting Chairman Simon explained that it was a vehicle for hire, it was a commercial vehicle.

Board Member Zavoski asked how often the shuttle bus was there on a monthly basis.

Mr. Burns said that it was once in the last month.

Board Member Wilson asked if there was a time of year where it were more often.

Mr. Burns said that it was hard to say.

Mr. Magrino told the Board that they could put limits on the variance. He also asked about the measurements of the stretch limo.

Mr. Burns said that it was 22 feet in length, which was within the limits.

Mr. Magrino told the Board that they could put limits on the variance. Maybe no more than X times per week, per month, if the Board is inclined to grant the variance.

Ad Hoc Board Member Marks said that he would approve the variance. He was asked about the limits on the variance, and he said, "We could talk about that."

Board Member Wilson would approve, limiting the number of days seems difficult to decide and difficult to enforce. We can have a conversation about it, but her initial reaction was to approve.

Board Member Zavoski concurred with Board Member Wilson. He would vote to approve and no restriction on the days.

Board Member Adwar would vote to disapprove. He agreed with the Board Member Wilson that he does not feel it was possible to monitor the restrictions.

Acting Chairman Simon said that he would disapprove. The Acting Chairman told the Board that just on an informal poll, the vote would be 3-2.

MOTION - to grant an area variance with respect to the size of the commercial vehicle, larger than the 8 feet in height, at 21 Cypress Road, the only restriction is that the vehicle cannot be parked beyond the front line of the house, was moved by Board Member Zavoski, seconded by Ad Hoc Board Member Marks:

	YES	NO	ABSTAIN	ABSENT
Board Member Wilson	X			
Board Member Simon		X		
Ad Hoc Member Marks	X			
Board Member Adwar		X		
Board Member Zavoski	X			
Chairman Tesseyman				X

“Congratulations, motion carries,” stated Acting Chairman Simon.

Mr. Magrino told Mr. Burns that there will be a formal written decision issued by the Board at the next meeting. The condition will be written in the decision.

Mr. Burns thanked the Board.

67 Lafayette Avenue – JP Morgan Chase Bank – Z2025-01

Acting Chairman Simon read the Notice of Public Hearing into the record.

Mr. Brian Powers, Black & Veatch, Project Manager approached the podium and was sworn in.– His firm was contracted by JP Morgan Chase. His office is located in Paramus, NJ.

Black & Veatch is working with JP Morgan Chase all over the Country on projects similar to this, installing solar panels. Mr. Powers said that Chase Bank was going greener and installing solar panels in their branch offices. Originally the firm was only looking at facilities that had requirements for rooftop solar facilities, but once those projects were exhausted, JP Morgan had them move towards car port type facilities in parking lots.

Mr. Powers explained that although the property operates as a single property, it is indeed three separate properties that were never combined. He described where the solar carports would be located on the property in the parking lots.

Mr. Magrino asked if the amount of coverage that JP Morgan will have, the submission dated November 14, 2024, would be 75%. He asked if that was correct.
Mr. Powers said that it was correct.

Mr. Magrino said that the requirement in that zone was 70%.

Mr. Powers said that it was correct.

Mr. Magrino said that it was only a 5% difference was what he was pointing out to the Board. It was not clear from the Building Inspector's determination. The requirement in that zone is 70% and they were asking for 75% because of the addition of the solar panels. It has already received preliminary site plan approval from the Planning Board. It just needed to come here for this variance before it could proceed further.

Mr. Powers agreed. There was also issues with the lot coverage. These structures just basically have a roof. Yes, there is coverage to the lot, but it's not as if it was a building structure. The surface of the land as it exists now will not be changing other than the support columns to hold up the facility.

Mr. Magrino said that the existing lot coverage is 72.8%.

Mr. Powers said that he believes those are the numbers. The maximum was 70%, right now it is 72.8% and it will be 75%.

MOTION- to open the public hearing moved by Board Member Adwar and seconded by Board Member Wilson, with all in favor, except for Chairman Tesseyman who was absent.

No comments from the public.

MOTION- to close the public hearing moved by Ad Hoc Board Member Marks and seconded by Board Member Zavoski, with all in favor, except for Chairman Tesseyman who was absent.

Board Member Wilson had a question for Mr. Magrino. The development coverage requirement is 70%, the existing a proposed for one lot is 93.3% which increases to 94.7%. The other lot is 81.7% and increases to 83.5%.

Mr. Magrino asked where she saw that information.

Board Member Wilson answered from the bulk table.

Mr. Powers said that the Board member is correct and incorrect, if he may phrase it that way. From a single lot perspective, your numbers are correct, but from the overall from the three lots currently make up the property exist is one – it is not.

Board member Wilson said that we have to treat it as three separate lots because that is what they are. They are not one lot. She asked Mr. Magrino if he found the bulk table on page 4.

Magrino agreed with Board member Wilson, and he was trying to figure out where they got the 75%.

Mr. Powers said that in reading the notes that he was given, he believes that it relates to the combination of the two lots of the parking lot and does not include the lot where the bank building sits. The two parking lot parcels are 72.8 together. Once we add the 330 – 340 square feet of coverage (solar panels) would increase it to the 75%.

Mr. Magrino asked if all are owned by the same entity.

Mr. Powers said that they are all owned by Chase. They bought them in bulk in the early 1960's.

Mr. Magrino said that they can merge them.

Mr. Powers said that in the mid-1960's they were going to combine all the lots into one and it just died on the vine. They have no idea why or what happened. It was never acted upon.

Mr. Magrino stated that he would be inclined to address them as two separate variances just so that there is no misunderstanding. For Lot 47, 93.3, the change would be to 94.2. For lot 46 existing is 81.7 to 83.5.

Board member Wilson stated if you look at the front yard requirement it says the minimum is 15 and both lots the setback is 8.5. Would we need variances for the front yard also?

Mr. Magrino said that the Building Inspector did not mention that. He only mentioned development coverage.

Board Member Wilson stated that the 8.5 feet is from the ATM building so that is grandfathered in.

Mr. Magrino said that they did not mention that it was pre-existing non-conforming, but it is pre-existing.

Mr. Powers said that the lots on Park Avenue are back well in excess of 15 feet.

Board member Zavoski asked about the life expectancy of the solar panels.

Mr. Powers said that he did not have a direct answer. Looking at something that would have a 20-year life span before it would need to be changed.

Board Member Adwar said that he agreed with the County of Rockland Department of Planning, he would approve.

Board Member Wilson said that she had no issue. She said the reason for the increase in coverage was because the supports are around the perimeter of the parking lot which is increasing the coverage. She asked about the amount of power these solar panels would generate.

Mr. Powers answered 30%-40% off the grid.

Ad Hoc Board Member Marks said that he has no issues and has no questions.

Acting Chairman Simon said that he has no issues and has no questions.

MOTION - to grant an area variance with respect to the development coverage on two lots at 67 Lafayette Avenue, Lot 46 & Lot 47, was moved by Board Member Wilson, seconded by Board Member Adwar, with all in favor, except for Chairman Tesseyman who was absent.

MOTION TO APPROVE MINUTES FROM DECEMBER 5, 2024, ZONING BOARD OF APPEALS MEETING.

MOTION to approve the Zoning Board of Appeals minutes of December 5, 2024, was moved by Board Member Wilson, seconded by Board Member Adwar, with all in favor, except for Chairman Tesseyman who was absent.

MOTION to approve Zoning Board of Appeals meeting for March 20, 2025, at 7pm and to adjourn the Zoning Board of Appeals meeting Board Member Adwar, seconded by Board Member Wilson, with all in favor, except for Chairman Tesseyman who was absent.

Respectfully,

Melissa B. Reimer, CPA
Zoning Board of Appeals Clerk