



**VILLAGE OF SUFFERN
ZONING BOARD OF APPEALS MINUTES
FEBRUARY 5, 2026, 6:00 PM**

Attendance: Bruce Simon, Chairman
Cary Adwar, Member
Steven Marks, Ad Hoc Member
Louis Sessa, Member
Lisa Wilson, Member
Robert Magrino, Village Attorney
Melissa B. Reimer, Zoning Board of Appeals Clerk

Absent: Barry Tesseyman, Member

CALL TO ORDER

Chairman Simon called the meeting to order at 6:41 P.M., and lead everyone in the Pledge of Allegiance.

30 Pavilion Road – Michael Abramo – Z2025-02 – Continuance

Chairman Simon said that it was a continuance for the March meeting.

MOTION- to continue the public hearing for 30 Pavilion Road to the next ZBA Board meeting scheduled for March 5, 2026, moved by Board Member Marks and seconded by Board Member Wilson, with all in favor, except Board Member Tesseyman, who was absent.

194 Orange Avenue – Reginald Marcellin – Z2025-04

Mr. Reginald Marcellin approached the podium.

Chairman Simon read the following public hearing notice into the record:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Suffern will conduct a Public Hearing on Thursday, February 5, 2026, at 6:00 P.M., or as soon thereafter as possible at the Suffern Village Hall, 61 Washington Avenue, Suffern, NY, 10901, on an application by Reginald Marcellin, for variances from the Suffern Village Zoning Code for construction of a 19' 6.5" x 11' 8.5" carport to be located at 194 Orange Avenue, Suffern, NY 10901. The variances requested are from Section 266-15(G) of the Village Code regarding Use of Yards, (1)(b) each accessory structure must be set back at least five feet from any side or rear property line and zero feet is proposed; (1)(c) The floor

area maximum permitted is 100 sq. ft., and the proposed is 228.8 sq. ft. Pursuant to Section 266-23 PO-15, one-family dwellings, total side yard requirement is 20 feet. The existing total side yard is 19' 9.5" and the proposed side yard is 0.

The premises affected is situated on the east side of Orange Avenue, Suffern, NY and is approximately 150 feet north of Washington Avenue. The property is listed on the Village of Suffern and Town of Ramapo Tax Maps as Section 54.51-2-28.

Bruce Simon, Chairman
Suffern Zoning Board of Appeals

Dated: Suffern, New York
January 5, 2026

Chairman Simon swore Mr. Marcellin in.

He explained that he is the homeowner of the property and he would like to get approval for the variance for the carport on his property. He told the Board that his property has an existing constraint that would not make it fully compliant with the code. This is due to the non-conforming side yard and driveway.

There are windows on the side of the house. So therefore, there is no other place for him to put the carport other than this location. He explained that there are existing bushes between his property and the neighbor's. He said that the carport would be up against the bushes and close to the fence, which is pre-existing.

He said that he designed the carport to not be unobstructive to the neighborhood. He said that it would not impact light, air, or traffic. It will be for residential purposes. The size is the standard size to fit a car, but it is not a garage. It would be built as a carport. It would be fully enclosed and would match the house.

He asked to show some photos to the Board. He brought them up to the Board and went back to the microphone to speak. He described the pictures to the Board. The pictures were of the existing condition of the property, and one was of the carport and how he was going to enclose it.

Chairman Simon asked if any Board Member had questions.

Board Member Adwar said that he called and left a voicemail and an email for Mr. Marcellin. Unfortunately, he was not responded to and visited the property from a distance. Board Member Adwar said, "I see a picture of a roof with no sides and then I hear it is going to be enclosed. What part of the structure is going to be made of plywood?"

Mr. Marcellin answered, "So the whole carport itself is made of metal frame and it's durable. It will be anchored in the asphalt. So as far as wind or anything that would impact it to move, it would not happen because it comes with certain bolts that I would anchor it all

the way down on the ground. And then I will reinforce it with with um 2x4 and and then plywood for the siding. So that would kind of reinforce it, put some weight on it for it not to be...”

Board Member Adwar interrupted and said, “So the sides are enforced by wood by plywood.”

Mr. Marcellin answered, “Yes, it would be reinforced by plywood.”

Board Member Adwar thanked Mr. Marcellin.

Board Member Marks asked the applicant, “Um, does this model of carport specifically mention that it is safe to attach plywood to the structure itself?”

Mr. Marcellin answered that it was safe.

Board Member Marks asked, “Okay. Do you know what what is the model, make/model of this carport?”

Mr. Marcellin stated, “Um, this is something that I've really looked into, um, and then it's made out of, um, steel – metal – and then there would be hole within the post that you can drill when you put the 2x4 or if you putting the plywood over it.”

Board Member Marks stated, “Okay.”

Board Member Adwar asked, “What is the roof made of, sir?”

Mr. Marcellin answered, “The roof is made of metal, metal sheeting.”

Board Member Adwar asked, “Did you ever consider a metal roof without sides?”

Mr. Marcellin stated, “Um, the whole purpose of of having the carport is for protection of the car. So yes, but then again, it would defeat the purpose of, like, not building the garage 'cause it would take more and require more but just having the carport and fully enclose it and making sure that it, it, uh, it's solid and structured.”

Board Member Adwar thanked Mr. Marcellin.

Board Member Marks asked, “Do you plan to put a gate or a door at the entrance to this carport?”

Mr. Marcellin answered, “Yes.”

Board Member Marks continued, “And what will that be made out of?”

Mr. Marcellin answered, “That would also be made out of either, um, um, plywood, so it would be like a, a double-sided open door that would open not to impact the either side of the driveway.”

Board Member Marks asked, “So would you say that this carport is enclosed?”

Mr. Marcellin answered that it was indeed enclosed.

Chairman Simon asked, “I guess then the question is what is the difference between an enclosed carport and a garage?”

Mr. Marcellin answered, “The garage, you would more need it to go into the foundation as far as make, build it inside. This carport, you will just have to anchor it in with the, with the asphalt. The, the, the garage, technically, you probably will need to put, like, some post, foundation on it and then put the joists on it, and then it, it's more in cost and material than a regular carport metal frame that has all the structure that you anchored within the driveway.”

Chairman Simon added, “But it is still a permanent structure because you are anchoring it...”

Mr. Marcellin stated, “Yes. which is why I'm...”

Chairman Simon added, “...fixed sides, fixed back, and a door...”

Mr. Marcellin stated, “Yes.”

Board Member Marks said, “And a roof.”

Chairman Simon said, “And a roof.”

Mr. Marcellin stated, “It comes with the roof with everything. I will just have the siding and then the door.”

Board Member Marks asked, “And if you don't...I'm looking at your, your driveway here. When was the last time this driveway was, um, I guess redone, re-asphalted, repaved?”

Mr. Marcellin stated, “I think, uh, before I purchased the house, I think probably four, four or five years ago.”

Board Member Marks acknowledged his answer.

The Chairman asked if anyone from the public would like to make any comments about the application before the Board.

Ms. Irene Voce – 42 Jersey Avenue: Voiced her concern about the Board setting a bad precedent by allowing zero clearance to their property line. She also mentioned that there was a mix-up with the mailing of the public notice, but she was told that the notices were publicly posted, posted on the property, and published in the newspaper besides being sent to the houses within 500 feet of the applicant's property.

Board Member Marks commented, "Um, so just another follow-up question as I'm, I'm reading through this, the plans here. Um, it does mention that it must be installed on a level surface. Is your driveway level?"

Mr. Marcellin answered that yes it was.

Board Member Marks asked, "When's the last time you checked to make sure it was actually level? 'Cause I'm looking at this photo and it does not appear to, just from at least this angle maybe, it doesn't look to appear very level."

Mr. Marcellin answered, "Yes. Where, where the car is going to be, it's level and I had it, um, I had it inspected, um, a year ago 'cause I wanted to have it checked for me. When I, when I have this proposal in mind, I, I have someone come and measure it for me."

Board Member Marks asked, "And who did you have come and measure and, and, and verify that?"

Mr. Marcellin answered, "Um, it was, it was someone that I work with, um, that I, I asked him if he can come and measure it for me. That's what he does. And then he, he, he check it out for me with his level."

Board Member Marks then asked, "Are they a licensed contractor?"

Mr. Marcellin answered that they were a licensed contractor.

Mr. Marcellin wanted to address Ms. Voce, but Chairman Simon asked him to please address the Board and not the public.

Mr. Marcellin explained that the house is semi-attached. He repeated where the windows were located on the house and the bushes and the property. He explained about understanding and working within the code of the Village. He also stated that he does not want to have an impact on the neighbors.

Chairman Simon asked, "Since you had somebody come out, did you submit their documentation?"

Mr. Marcellin answered, "No, it was just, it was just, like, a, a friendly, uh, a friendly thing. He didn't really give me, it was just giving it for me, like, an estimate and then he does, he, he, he does the measurement for me, 'cause technically, I wanted to redo the whole

driveway, and he told me you don't have to really do it. And I said, 'Okay, in order for me to put this, I would want to know if it's leveled enough so it doesn't really shift.' 'Cause technically, the, the driveway is supposed to, kind of, like, slope for the water to go down. And he said, 'No, where you are putting the carport; you're fine.'"

Chairman Simon said, "Okay."

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

Chairman Simon said, "All right. Having heard from the applicant, would anybody like to make a motion either in favor of or in denial of?"

Mr. Magrino interrupted and reviewed what the variances were for the Board before they voted. He also explained the terms of the analysis that the Board has to do, including: take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and public welfare of the neighborhood or community. The board should consider whether an undesirable change will be produced in the character of the neighborhood in granting the variance. The Board should consider whether the benefit sought by the applicant can be achieved by some other purpose or method, whether the request for variance is substantial, whether the variance will have an adverse impact on the physical or environmental conditions of the neighborhood, and whether the alleged difficulty was self-created, but that's not something that would be dispositive on that.

Mr. Magrino asked if any Board Members would like to discuss before making a vote or go ahead with the vote.

Chairman Simon said that he thought some discussion was in order. He stated, "I know for myself, the, the sideyard down to zero is, is important. I know for myself also, the, uh, the PO zone is, is very important to me. The reason being, if this situation were reversed, if this was a business that through various zonings had somehow wound up in a residential area as opposed to a residential home that's now in the PO, in a, in a business zone, professional office zone – if this was a business that, because of zoning, now wound up in a residential zone, how would this board look at allowing that business to expand its use on its property? For myself, I cannot see myself voting to allow that to happen. And if I would not allow one person to do it, I'd have a hard time allowing someone else to do it. But I am just one person on this Board. Does anybody else like to say anything?"

Board Member Wilson stated, "I, I have to agree. Um, first of all, I think the number of variances required is extensive. Um, I also have an issue with the zero side, but more than anything, I have an issue with how close it is to the house. Um, we're supposed to uphold the 10-foot separation to accessory buildings, and this is down to eight feet. I think it's too close to the house as an enclosed structure. My vote would be no."

Board Member Marks stated, “I would agree that there are a lot of variances, uh, to be granted in this, and feel that moving especially to your proposed sideyard zero and many zeros without leaving any room is, um, a bit too far for me. So, um, I would probably lean towards voting no on this project.”

Board Member Cessa stated, “Yeah, I think there's too many variances here. It's a bad precedent to set. I, I have to say no.”

Board Member Adwar stated, “I agree with everybody, with everything that's been said. I have to vote no.”

MOTION - to deny the requested variances, was moved by Board Member Adwar, seconded by Board Member Wilson, with all in favor, except for Board Member Tesseyman, who was absent.

Chairman Simon thanked Mr. Marcellin for coming before the Board.

MOTION TO APPROVE MINUTES FROM SEPTEMBER 18, 2025, ZONING BOARD OF APPEALS MEETING.

MOTION to approve the Zoning Board of Appeals minutes of September 18, 2025, was moved by Board Member Marks, seconded by Board Member Adwar, with all in favor, except for Board Member Cessa, who recused himself and Board Member Tesseyman who was absent.

MOTION to approve Zoning Board of Appeals meeting for March 5, 2026, at 6 pm and adjourn the Zoning Board of Appeals meeting at 7:08 pm was moved by Board Member Marks, seconded by Board Member Wilson, with all in favor, except Board Member Tesseyman, who was absent.

Respectfully,

Melissa B. Reimer, CPA
Zoning Board of Appeals Clerk