

ZONING BOARD OF APPEALS RESOLUTION

Application of A&S RE Realty IV LLC/Ariel Kondov (“Applicant”)
130 W. Ramapo Road, Garnerville (25.16-3-40) (“Property”)
C (Commercial) Zoning District

WHEREAS, the Applicant has appealed to the Town of Haverstraw Zoning Board of Appeals (“ZBA”) from a determination by the Building Inspector that the Applicant’s proposed redevelopment of the Property with a two-story, 12,000 square foot building with a basement – the first two floors (8,000 square feet) will be office space and the basement (4,000 square feet) will be amenities and utilities for the existing tenants and will not provide any additional occupancy – along with associated parking, screening and other related improvements (the “Proposed Project”) does not comply with Chapter 167 of the Town of Haverstraw Zoning Code (“Zoning Code”), and

WHEREAS, the Applicant seeks an area variances of 31 parking spaces to allow 49 parking spaces where the Zoning Code requires 80 parking spaces based upon the building being 12,000 square feet, and

WHEREAS, a duly-noticed public hearing was opened on this application at the ZBA’s regular meeting on April 9, 2025 and continued to subsequent ZBA meetings and members of the public having the opportunity to appear and be heard, the public hearing was closed on May 13, 2026, and

WHEREAS, in connection with the Proposed Project, the Applicant submitted the following:

- Signed and sealed survey map prepared by Civil Tec Engineering & Surveying dated April 20, 2023 and last revised January 8, 2026 (“Survey”)
- Signed and sealed site plan set prepared by Weinberglim Engineering DPC (“Site Plan Set”) as follows:
 1. Title Sheet dated September 22, 2025 and last revised February 25, 2026
 2. Layout Plan dated October 14, 2024 and last revised February 25, 2026
 3. Grading, Drainage & Utility Plan dated September 22, 2025 and last revised December 29, 2025
 4. Landscaping & Lighting Plan dated July 29, 2025 and last revised September 22, 2025
 5. Sediment & Erosion Control Plan dated September 22, 2025
 6. Fire Truck Turn Analysis dated September 22, 2025
 7. Construction Details dated September 22, 2025
- Signed and sealed architectural plan set prepared by BILD Architecture (“Architectural Plan Set”) dated and last revised February 24, 2026 as follows:
 - Sheet A000 – Cover
 - Sheet A100 – Basement
 - Sheet 101 – First Floor
 - Sheet A102 – Second Floor
 - Sheet A103 – Third Floor
 - Sheet A200 – South Elevation

- Sheet A201 – North Elevation
- Sheet A202 – East & West Elevations

(collectively, the Survey, Site Plan Set and Architectural Plan Set are referred to as the “Approved Plans”); and

WHEREAS, this area variance application was referred to the Rockland County Department of Planning (“County Planning”) in accordance with General Municipal Law § 239-m (“GML”), in response to which the Zoning Board received a response from County Planning dated April 22, 2025 recommending certain “modifications,” which are addressed as follows (and with specific approval conditions identified in *italics*):

1. *As a condition of this Resolution*, the Applicant shall comply with comments by the Rockland County Department of Health dated April 9, 2025 regarding decommissioning the existing well and making an application for review of the stormwater management system, and obtain any and all necessary permits and approvals from County DOH.
2. The application was sent to the New York State Department of Transportation at the start of the process and more than 30 days have elapsed without a response. Notwithstanding such, *as a condition of this Resolution*, the Applicant shall obtain any and all necessary permits and approvals from NYSDOT.
3. The southern zoning boundary is not within 25 feet of a more restrictive zoning district as Route 202 has a right-of-way of at least 50 feet and the zone change extends to its centerline.
4. The Applicant has revised the plans and bulk table to reflect the 25-foot side yard setback along the western property line.
5. None of the conditions of County Planning’s review is being overridden, and therefore no further action is needed to comply with the process for overrides under GML.
6. None of the conditions of County Planning’s review is being overridden, and therefore no further action is needed to comply with the process for overrides under County Executive Order 01-2017.

WHEREAS, the Planning Board, as lead agency for a coordinated review of this Unlisted action pursuant to the State Environmental Quality Review Act (“SEQRA”), adopted a Negative Declaration at its March 11, 2026 meeting, thus ending the SEQRA process; and

WHEREAS, at its April 14, 2026 meeting, the Town Board adopted Local Law #1 of 2026 rezoning the Property to the C zoning district solely for the Proposed Project; and

WHEREAS, having made personal inspection of the premises and being familiar therewith and after duly considering all the proofs and evidence before it, this Board determines as follows:

IT IS HEREBY RESOLVED, based upon the facts set forth above and the representations made by the Applicant, the Board determines to grant the requested variance as follows:

- A. There will be no undesirable change produced in the character of the neighborhood or detriment to nearby properties as a result of the variance. The Applicant has represented that the basement area of 4,000 square feet will not generate any additional occupancy of the Property or structure and will only be used by those tenants and their employees utilizing the office space on the first and second floor. This will be a

condition of this Resolution. While not a basis to reduce the amount of parking required under the Code or the variance needed, the fact that the 4,000-square foot basement will not generate any occupancy results in this area not contributing to the parking demand for the Property. Calculating the required parking based upon a square footage of 8,000 square feet (representing the first and second floors of the building only), the amount of parking required would be 53 spaces – which would only be a variance of four parking spaces. The Applicant produced a Parking and Traffic Evaluation Study prepared by Colliers Engineering & Design, which determined that the proposed 49 parking spaces would be sufficient to accommodate the demand generated by the 8,000 square feet of office space on the first and second floors. This study has been reviewed by the Town’s traffic engineering consultants, Stonefield Engineering, which accepted the analysis and conclusion. The Applicant has also represented, and it will also be a condition of this Resolution, that the offices in the building will not be used for medical or dental purposes – which generate higher and more frequent parking demand due to the nature of the patient services being provided. Further, the Property was previously zoned PO (professional office), has been used for commercial purposes in the past, and fronts on Route 202 (a commercial corridor). Therefore, the granting of the parking variance will not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties.

- B. The benefit sought by the Applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the approved area variance. The Applicant has represented that reducing the size of the building (the square footage of which is the basis for the required parking) would render the project untenable. Further, the Property is a corner lot, meaning there are two front yards and as parking is not permitted in the front yard, this limits the locations where the Applicant can install parking spaces.
- C. While the variance is substantial, considering that only 8,000 square feet of the building will generate parking demand, the amount of parking required under the Code for this square footage is substantially less (53 parking spaces) than the 80 parking spaces required when the basement square footage is considered.
- D. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district from the approved variance. The Applicant has provided a Parking and Traffic Evaluation Study, which was reviewed and accepted by the Town’s traffic engineering consultant, demonstrating that there will be sufficient parking to accommodate the first and second floors of the building for general office space (which are the only portions of the building that will be generating occupancy on the Property). In addition, the Applicant is preserving the two front yard setbacks (as it is a corner lot) to avoid the visual impacts of having parking in the areas most visible from Route 202 and Balsam Road.
- E. The difficulty is self-created because the Applicant wants to redevelop the Property in a manner that does not comply with the requirements of the Zoning Code. However, this factor is not determinative and the Board determines that when balancing the remaining factors, there is sufficient basis to grant the variances.

AND IT IS FURTHER RESOLVED, based upon the foregoing findings, the Applicant's request for the variance is granted, subject to the following conditions:

1. The variance is granted solely in connection with the Approved Plans. If any changes are made to the Approved Plans (other than those deemed by the Building Inspector to be minor field changes), this variance grant becomes void and the Applicant must make a new application to the ZBA for approval of any and all variances.
2. Conditions Related to the Use of the Property
 - a. The Property and the building shall only be used for general office space and for accessory uses compatible to the general office use.
 - b. The Applicant required a parking variance from the Zoning Board of Appeals related to the number of parking spaces associated with the general office use due to the square-footage of the proposed building. In support of the variance and the size of the structure, the Applicant made the following representations to the Planning Board, which are express conditions to the Site Plan Approval:
 - i. There shall be no medical or dental office use on the Property or in the building.
 - ii. There shall be no additional occupancy in the building from the development of the 4,000-square foot basement. There shall be no additional individuals in the building for the basement that are not otherwise utilizing the office space on the first and/or second floors. The only individuals in the basement shall be employees working in the offices on the first and second floors.
 - c. The Building Inspector may enter the Property and the building with or without notice to ensure compliance with these conditions and failure to comply with these conditions shall be sufficient grounds for revoking the certificate of occupancy.
3. Prior to the issuance of a building permit, the Applicant shall comply with the conditions stated in the discussion of the responses to County Planning's comments.
4. The granting of this application shall not be deemed to relieve the Applicant of the need to obtain approval of any other board, department, agency or officer prescribed by law or ordinance with regard to the plans or construction or any other phase of the project. The granting of this application shall not be deemed to relieve the Applicant of the need to comply with any and all other local, county, state and federal requirements, including but not limited to compliance with the New York State Uniform Fire Prevention and Building Code.
5. This variance is granted subject to the accuracy of the representations made by the Applicant and its representatives to the ZBA in its written submissions and during the public hearing. If any material representation, whether or not it is included in this Resolution, is found to be inaccurate, at the discretion of the ZBA the variance grant may be deemed void, in which case the Applicant must make a new application to the ZBA for approval of any and all variances.
6. The failure to observe and perform these conditions shall render this resolution invalid.

Dated as of May 13, 2026

Acting Chairman Aldridge

In Favor:

Opposed:

Absent: