

NARRATIVE SUMMARY
ZONING BOARD OF APPEALS
Abe Kohn
17 Sterling Forest Lane
Tax Lot 48.11-1-13

This narrative summary is submitted in support of the application to the Zoning Board Appeals for variances, to allow the construction of an addition to a single-family dwelling and a swimming pool. The property is located at 17 Sterling Forest Lane and is in the RR-50 Zoning District. The property has a gross lot area of 35,229 square feet. The property is burdened by NYSDEC wetlands which consists of 8,234 square feet. The net lot area is 26,995 square feet.

The project consists of the construction of 2,917 SF addition off the rear of the dwelling and the installation of an 18' x 36' swimming pool. Because the addition and pool fall within Wetlands, Waterbodies and Streams Environmental Protection Overlay District (W-EPOD) and within 100' feet of the wetlands, a permit is required from the Planning Board pursuant to Chapter 191 to disturb the regulated area and site plan approval is required pursuant to Section 195-63(C).

NYSDEC APPROVAL

The proposed location of the addition and the pool are regulated by the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC issued a permit to allow disturbance in the adjacent area of the wetlands. A copy of the NYSCED approval letter is attached. We have also submitted a copy of the full DEC permit application and the materials supporting the application.

SEQRA

The project should be classified as a Type II action pursuant to 6 NYCRR 617.5(c)(11) (construction or expansion of a single-family, a two-family or a three-family residence on an approved lot) and (12) (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density). No environmental review is required for Type II action.

GML

The property is within 500' of the Mahwah River. Referral is required to the Rockland County Department of Planning for both the

VARIANCES

Based on the interpretation and determination of Building Inspector Adam Gordon, the provisions of Section 195-89(A) of the Zoning Code pertaining to nonconforming structures and lots apply to the subject property. As a result, the property is permitted to comply with the bulk requirements of the "q" Use Group for the R-35 Zone regarding yard and setback requirements. However, the "h" Use Group for the RR-50 Zone apply regarding development coverage and FAR. As a result, variances will be needed as follows:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Side Yard (for pool)	30' ¹	24.9'
FAR	.15	.265 ²
Development Coverage	20%	22.2% ³

As discussed below, we have provided alternative layouts for the pool. Each alternative will still require variances as follows:

Alternate 1:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Front Yard to Sterling (for pool)	50'	5'
FAR	.15	.20

Alternate 2:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Front Yard to Highgate (for pool)	50'	20.9
FAR	.15	.20

Placing the pool in the current location is in accordance with the reviews conducted by the NYSDEC as part of the permit review process to disturb the regulated area within 100' feet of the edge of the wetlands. Relocating the pool to another portion of the property will bring the pool closer to the wetlands or relocate it into the front yard of the home along Sterling Forest Lane or Highgate Court. The entire rear of the property is located within the 100' buffer to the wetlands so nothing can be placed in the rear yard without encroaching the buffer.

We have provided 2 alternate locations for the pool. Alternate 1 relocates the pool out of the 100' buffer but the pool will now be in the front yard of the premises adjacent to Sterling Forest Lane and within 15' of the lot line. Because a pool is measured from a point 10' from the edge of the pool, the front yard would be reduced to 5.0 and require a variance from the 50' front

¹ The side yard for the "q" use group is actually 20' and the pool would be in compliance. However, pursuant to Section 195-57(D), the distance to the lot line is to be measured from a point beginning 10 feet from the edge of the pool.

² The FAR for the R-35 Zone is .20. If the "q" use group was used for the property based on its nonconforming size, no variance would be needed for the FAR. The actual variance needed is subject to further determination of the Building Inspector regarding the whether gross lot area or net area is used to calculate FAR. If gross lot area is used, the project would have and FAR of .20.

³ The actual variance needed is subject to further determination of the Building Inspector regarding the whether gross lot area or net area is used to calculate development coverage. If gross lot area is used, the project would comply with the 20% development coverage and no variance will be necessary.

yard requirement. Further, a swimming pool in that location in the front yard of a home is not very desirable and would be out of place and out of character with the area.

Alternate 2 relocates the pool behind the house. However, because the property is located on a corner lot and has 2 front yards, the pool would still be located within the front yard of Highgate Court requiring a variance from the 50' front requirement to 20.9'. Further, due to the grade of the rear yard, a retaining wall would have to be installed and the disturbance for the pool would be 38.1' from the wetlands resulting in a greater encroachment of the wetlands buffer. The current proposed location is 52.9' from the wetlands. The current location was also chosen and preferred because it is relatively flat and does not require excessive grading and construction of a retaining wall.

Locating the pool in the current spot maximizes the distance from the wetlands and respects a 50' buffer. Further the current location eliminates the need for a 6' high retaining wall that will encroach into the 50' buffer.

BALANCING OF THE EQUITIES

The benefit to the applicant if the variance is granted is outweighed by any potential detriment to the health, safety and welfare of the neighborhood. The proposed improvements to the home will not create an undesirable change in the character of the neighborhood and will not cause a detriment to any nearby properties. The variances are the only feasible method for the applicant to pursue. The property is unique. It is a corner lot with two front yards. It is located next to the Mahwah River and is burdened by wetlands. The property also has existing non-conforming conditions. The requested area variances are not substantial and will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The proposed improvements will not detract from the community.

CONCLUSION


The requested variances will not negatively impact any of the neighbors or create a detriment to the community. Under the particular circumstances of this case, the benefit to the applicant from the grant of the variances significantly outweighs any detriment to the health, safety and welfare of the neighborhood. The balance of equities lies in favor of the granting of the variances.

For all the foregoing reasons, it is respectfully requested that the Zoning Board of Appeals grant the applicant the requested variances.

Dated: April 9, 2025

Respectfully submitted,

SARAJIAN & BAUM PLLC


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