

# Notarized Application Pages

# Village Of South Blooming Grove

Incorporated in July 14, 2006

P.O. Box 295

Blooming Grove, New York 10914

[www.villageofsouthbloominggrove.com](http://www.villageofsouthbloominggrove.com)

## ZONING BOARD OF APPEALS

### APPLICATION

**This property is within 500 feet of:**

*(Check all that apply)*

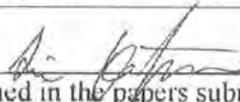
IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE **ORANGE COUNTY COMMISSIONER OF PLANNING**  
UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

<input checked="" type="checkbox"/> State Road / Highway	<input type="checkbox"/> County Road
<input type="checkbox"/> State or County Park	<input type="checkbox"/> County Stream
<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> County Facility
<input type="checkbox"/> Municipal Facility	<input type="checkbox"/> State Facility

List name(s) of facility checked above. State Route 208

### Applicant's Signature and Certification

State of New York )  
County of Orange ) SS.:  
Town/Village of South Blooming Grove )

I, Simon Ostreicher , hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address: 577 Route 208 LLC

495 Route 208

Monroe NY, 10950

SWORN to before this

14th day of April '22, 20  

  
Notary Public

**CHANAN MARKOWITZ**  
Notary Public, State of New York  
Registration No. 01MA6394853  
Qualified in Orange County  
Commission Expires July 15, 2023

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ZONING BOARD OF APPEALS

APPLICATION

Affidavit of Ownership/Owner's Consent

State of New York )
County of Orange ) SS.:
Town/Village of South Blooming Grove )

I, Simon Ostreicher, being duly sworn, hereby

depose and say that I reside at: 4 Krolla Dr. #101 Monroe NY

in the county of Orange in the state of New York

I am the \* Simon Ostreicher owner in fee simple of premises located at:

described in a certain deed of said premises recorded in the Orange County Clerk's Office in Liber of conveyances, page

Said premises have been in my/its possession since . Said premises are also known and designated on the Town / Village of South Blooming Grove Tax Map as:

Section 219 block 1 lot(s) 2.1 & 2.2

I hereby authorize the within application on my behalf, and that the statements of fact contained in said application are true, and agree to be bound by the determination of the board.

Owner: [Signature]

Mailing Address: 577 Route 208 LLC

495 Route 208

Monroe NY, 10950

SWORN to before this

14th day of April '22, 2022

[Signature]
Notary Public

CHANAN MARKOWITZ
Notary Public, State of New York
Registration No. 01MAG394853
Qualified in Orange County
Commission Expires July 15, 2023

\* If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list of all directors, officers and stockholders owning more than 5% of any class of stock.

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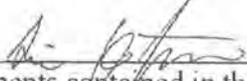
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ZONING BOARD OF APPEALS

## APPLICATION

### Affidavit Pursuant to Section 809 of the General Municipal Law

I, Simon Ostreicher  do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address: 577 Route 208 LLC

495 Route 208 Monroe NY 10950

SWORN to before this

14th day of April '22, 20  

  
\_\_\_\_\_  
Notary Public

**CHANAN MARKOWITZ**  
Notary Public, State of New York  
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ZONING BOARD OF APPEALS

APPLICATION

AFFIDAVIT OF PROPERTY OWNERS

State of New York )
County of Orange ) SS.:
Town/Village of South Blooming Grove )

I, SIMON OSTEICHER [Signature] being duly sworn deposes and says that he is the applicant, agent or attorney for applicant, in the matter of the petition before the Zoning Board of Appeals (board) in the village of South Blooming Grove affecting property located at 577 Route 208 Monroe NY 10950, Orange County, New York.

That the following are all of the owners of property \_\_\_\_\_ feet (distance) from the premises as to which this application is being taken.

Table with 3 columns: SECTION/BLOCK/LOT, NAME, ADDRESS. Multiple empty rows for data entry.

Sworn to before me this 14th day of April 20 '22
[Signature]
Notary Public

CHANAN MARKOWITZ
Notary Public, State of New York
Registration No. 01MA6394853
Qualified in Orange County
Commission Expires July 15, 2023

# ZBA Application - Part II

# Village Of South Blooming Grove

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ZONING BOARD OF APPEALS

## APPLICATION

### PART II

### Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- Variance from the requirement of Section 235-14.3.A, and bulk requirements \_\_\_\_\_ ;
- Special permit per the requirements of Section \_\_\_\_\_ ;
- Review of an administrative decision of the Building Inspector \_\_\_\_\_ ;
- An order to issue a Certificate of Occupancy \_\_\_\_\_ ;
- An order to issue a Building Permit \_\_\_\_\_ ;
- An interpretation of the Zoning Ordinance or Map \_\_\_\_\_ ;
- Certification of an existing non-conforming structure or use \_\_\_\_\_ ;
- Special permit as per the requirements of Section **176 Trees Law** (Tree Harvesting);
- Other (*explain*) \_\_\_\_\_ ;

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To permit construction, maintenance and use of \_\_\_\_\_

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**Bulk Variance** – Applicants must complete the following:

1. Explain why the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties:

The variance would not impact the character of the neighborhood as they would not impact the uses. Specifically, in regard to the stories and building height variance for 44', neighboring RC1 and RC2 Zoning Districts fronting NYS Route 208 allow a building height of 40' and this request is just 10% more which is not significant enough to significantly adversely impact the character. Likewise, the property has already been approved for impervious surface of 5.03 acres from the Planning Board, so a request for 5.2 acres is not significant.

In regard to the side yard variance, the Project could be approved without such variance, it only allows for better placement of the buildings and mobility of vehicles in the parking lot.

2. Explain why the benefit sought by the variance cannot be achieved by some other method, feasible for the applicant to pursue, other than a bulk variance:

The geometry of the existing parcel and the location of the existing house makes the proposal impossible without the variance.

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ZONING BOARD OF APPEALS

## APPLICATION

### PART II

#### Application before the Zoning Board of Appeals

**Bulk Variance** – Applicants must complete the following: (CONTINUED)

3. Explain why granting of the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

The variances would not have any effect on the physical improvements at the site. The variance request for building height & 4 stories and increased has a positive impact on the physical and environmental conditions as it allows development to be focused on an additional story rather than a greater footprint. The other variances would not significantly impact the physical or environmental conditions of the site.

4. Explain briefly how the difficulty imposed upon the applicant by the zoning regulations arose, specifically stating whether or not the situation was self created:

Instead of the currently approved plans to construct four new buildings, this amended site plan application proposes just two buildings which is easier to construct. Fitting this into two buildings required an increase in building height so as to not impact more impervious surfaces, and a change in the side yards for one of the buildings.

**Use Variance** – Applicants must complete the following:

5. State why applicable zoning regulations deprive the applicant of all or substantially all economic use or benefit from the property and submit to the Board supporting financial evidence establishing such deprivation.

N/A

6. State why the hardship imposed by the zoning regulations is unique to the property and does not apply to a substantial portion of the zoning district or neighborhood.

N/A

7. State why a grant of the variance would not later the essential character of the neighborhood.

N/A



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ZONING BOARD OF APPEALS

## APPLICATION

*Zoning Code - Village of South Blooming Grove, NY*

### *Zoning Board of Appeals*

#### § 235-89. Powers and duties.

The **Zoning Board of Appeals** (hereinafter called "Board of Appeals") shall have all the powers and duties prescribed by statute and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Board that is conferred by law:

**A. Appeals.** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Building Inspector, when acting in his/her capacity as Zoning Enforcement Officer, or such other official charged with enforcement of this chapter. The Board of Appeals may not waive the requirements for site development plan application as required in any part of this chapter.

**B. Interpretation.** On an appeal from an order, requirement, decision or determination made by an administrative official or by the Building Inspector, the Board of Appeals may decide any of the following questions:

(1) Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.

(2) Determination of the exact location of any district boundary shown on the Zoning Map.

**C. Variances.** On appeal from an order, requirement, decision, interpretation or determination made by the Building Inspector, acting in his/her capacity as Zoning Enforcement Officer, or on referral of an applicant to the Board of Appeals by an approving agency acting pursuant to this chapter, the Board of Appeals is authorized, after public notice and hearing, to vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships, as defined in this section, in such manner as to observe the spirit of this chapter, secure public safety and welfare and to do substantial justice. Variances, once granted, shall be construed to run with the particular site or lot and not with the applicant. Any such appeal shall be taken within 60 days after the date of the filing of the order, requirement, decision, interpretation or determination of the Building Inspector by filing an application in the office of the Zoning Board of Appeals and with the Building Inspector.

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ZONING BOARD OF APPEALS

## APPLICATION

### *Zoning Code - Village of South Blooming Grove, NY*

#### *Zoning Board of Appeals*

(1) **Bulk variances.** Where, because of practical difficulty, an applicant requests a variance of the bulk requirements of this chapter, the Board of Appeals may grant a variance in the application of the provisions of this chapter in the specific case, provided that, as a condition to the grant of any such variance, the Board of Appeals shall make a specific finding that the application of the requirements of this chapter to the land in question creates such practical difficulty. In making this determination, the Board of Appeals shall make the following findings:

(a) That the variance is not substantial in relation to the requirement and to other factors set forth below.

(b) That the effect of any increased population density which may thus be produced upon available services and facilities are not significant.

(c) That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created.

(d) That the difficulty cannot be alleviated by some method feasible for the applicant to pursue other than a variance or that a lesser variance cannot alleviate the difficulty.

(e) That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.

(f) That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas and would not harm the general health, safety or welfare.

(g) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the bulk variance.

(2) **Use variances.** To alleviate unnecessary hardship as hereafter described, the Board of Appeals may grant a variance of the application of the provisions of this chapter in a specific case to allow a use otherwise prohibited in the zoning district in which the property is located, provided that, as a condition to the grant of any such variance, the Board of Appeals shall make the following findings:

(a) After considering all permitted uses, specially permitted uses and conditional uses allowed in the zoning district and based on documented dollars-and-cents evidence submitted in the record by the applicant that the property in question cannot reasonably be used or yield a reasonable return if used only for a purpose allowed in that district.

(b) That the plight of the owner is due to unique circumstances affecting the property which is the subject of the application and not to general conditions in the neighborhood or to personal hardship, plight or desires of the property owners.

(c) That the use to be authorized by the variance will not alter the essential character of the locality.

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## APPLICATION

### *Zoning Code - Village of South Blooming Grove, NY*

#### *Zoning Board of Appeals*

(d) That the use to be authorized by the variance is in reasonable harmony with the intent of this chapter.

(e) That the unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title; purchase of the lands subject to the restriction sought to be varied may constitute a self-created hardship.

(f) That within the intent and purpose of this chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board of Appeals may permit a lesser variance than that applied for.

(3) **Burden of proof.** The applicant shall prove that strict application of the zoning law creates practical difficulty or unnecessary hardship. In the event that said practical difficulty or unnecessary hardship is proven, the Board of Appeals shall show that the subject zoning provision serves a legitimate public purpose. The burden shall then shift to the applicant to demonstrate that granting the variance will not adversely affect the public health, safety or welfare.

**D. Extensions across district boundaries.** In appropriate cases where a lot lies within two districts, the Board of Appeals may permit the extension of existing or proposed permitted accessory off-street parking spaces across a district boundary, under such conditions as will safeguard the character of the district into which such use is extended. However, no such extension shall exceed 75 feet, measured at right angles to such district boundary. The power under this subsection shall not permit the moving of the zoning district line but only the extension of the accessory off-street parking space.

## **NARRATIVE SUMMARY OF REQUESTED VARIANCES**

1. 235-14.3.A requires 50% of a Project Site be preserved as open space, which would be 4.39 acres in the Project's case. The Planning Board previously approved up to 5.03 acres of impervious surface for this Project Site. The Project is now requesting this variance be increased to 5.20 acres. This increase allows for more parking to serve the commercial buildings and is less than 4% change than what was previously approved.
2. The Village's Bulk Requirements state a maximum building height in the ORI Zoning District of 35 feet. The Project is requesting a variance from the height of 35 feet to 44 feet for the office building. Neighboring Zoning Districts (RC-I & RC-II) which also front NYS Route 208 allow building heights of 40 feet. The additional 4 feet is not significant in nature. This variance would allow the construction to focus upwards rather than create additional impervious surfaces and environmental impacts through the proposal of larger footprints or additional buildings.
3. The Village's Bulk Requirements state a maximum of two stories in the ORI Zoning District. The Project requests an increase of allowable stories from two to four for the office building. Neighboring Zoning Districts (RC-I & RC-II) which also front NYS Route 208 allow up to three stories. No attics are proposed and the roof would be flat; accordingly, the additional story would not differ significantly from a structure with three stories and an attic with a pitch roof. The additional story would allow the construction to focus upwards rather than create additional impervious surfaces and environmental impacts through the proposal of larger footprints or additional buildings. Noteworthy is that the proposed warehouse would consist solely of one story even though two stories are allowed as per the Zoning Code.
4. The Village's Bulk Requirements state a side yard of 50 feet in the ORI Zoning District. The Project is requesting a variance from 50 feet to 36.6 feet near the warehouse building only. The narrow geographical shape of the parcel makes it impossible to otherwise propose the allowable uses in a manner with architectural integrity.