

## ZONING BOARD OF APPEALS RESOLUTION

Application of Cross Life Church (“Applicant”)  
2 Ridge Road, Thiells, New York (“Property”)  
Section 19.16, Block 1, Lot 15  
R-120 Zoning District

WHEREAS, the Applicant has appealed to the Town of Haverstraw Zoning Board of Appeals (“ZBA”) from a determination by the Building Inspector dated August 4, 2023 that the Applicant’s proposed construction of a 30 feet by 40 feet 5 inches one-story addition and a basement for storage under the addition to an existing church does not comply with Chapter 167 of the Town of Haverstraw Zoning Code (“Zoning Code”), and

WHEREAS, the Applicant now seeks an area variance of 8.7 feet to allow a front yard setback of 51.3 feet where 60 feet is required; and

WHEREAS, a duly noticed public hearing was opened on this application at the ZBA’s regular meeting on September 13, 2023 and continued to the ZBA’s December 13, 2023 meeting, and members of the public having the opportunity to appear and be heard, the public hearing was closed on December 13, 2023, and

WHEREAS, in support of the application, the Applicant submitted (i) a signed and sealed plan by Anthony R. Celentano, P.E. entitled “Proposed Planimetric Plan for Cross Life Church” dated October 23, 2018 and last revised November 11, 2019 and (ii) a signed and sealed plan set by John Perkins, R.A. dated October 27, 2023 and last revised November 2, 2023 consisting of: (a) Cellar Floor Plan (Sheet 1 of 4), (b) Main Floor Plan (Sheet 2 of 4), (c) Front & Right Side Elevations (Sheet 3 of 4) and (d) Rear & Left Side Elevations (Sheet 4 of 4) (hereinafter collectively referred to as the “Approved Plans”), and

WHEREAS, in accordance with General Municipal Law §§ 239-l and -m, this application was referred to the Rockland County Department of Planning, which responded by letter dated September 6, 2023 recommending certain modifications that are addressed as follows:

1. As a condition of this resolution, the Applicant shall comply with the comments in the Rockland County Highway Department’s August 25, 2023 letter; specifically, that the Applicant shall (i) demonstrate to the satisfaction of the Planning Board during the site plan review process that the existing/proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points and (ii) secure a road work permit from the Rockland County Highway Department.
2. As a condition of this resolution, the Applicant shall submit its proposed plan and any other required information to the Rockland County Drainage Agency and obtain any required permits.
3. As a condition of this resolution, the Applicant shall submit its proposed plan and any other required information to the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

4. This use has been existing on the Property since before the Town Board enacted Zoning Code § 167-58(D)(2) governing parking for houses of worship and associated screening. The Applicant is not proposing any new parking or new parking locations as part of this project, only to clearly delineate the parking spaces in the area where parking has historically existed. Accordingly, the parking spaces without landscaping is a legal nonconforming condition and landscaping is not required to be implemented as part of this proposed project to construct an addition to the existing structure. Further, as noted by County Planning, the abutting property is owned by the Town and therefore no neighboring property owners will be impacted by the lack of landscaping, which is an existing condition.
5. As a condition of this resolution, the Applicant shall, to the satisfaction of the Planning Board and Building Inspector, illustrate the trash dumpster on the site plan in a location where access and parking maneuverability on the site will be unimpeded and will not encroach on the required yards.
6. For the purposes of considering the area variance application related to the proposed addition, the Board is satisfied with the plans that were provided. However, the Planning Board and Building Inspector may require whatever plans deemed necessary for the scope of their respective reviews.
7. The Zoning Board and the Town will comply with the requirements of General Municipal Law § 239-m.
8. The Zoning Board, the Town and the Applicant shall comply with the requirements of the County Executive's Executive Order 01-2017 dated May 22, 2017.
9. To the extent not already addressed, as a condition of this resolution the Applicant shall revise the plans to address County Planning's observational comments.

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, this is a Type II action under the State Environmental Quality Review Act and therefore no further action is required;

AND IT IS FURTHER RESOLVED, based upon the facts set forth above and the representations made by the Applicant, the findings of this Board are 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 is proposing an addition to the existing church to serve as an overflow space for its existing congregants and the basement will only be used for storage and not habitable space. The addition will not be used in services and is not anticipated to increase the number of congregants – which is currently approximately 60 people, including children.
- B. The benefit sought by the Applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the area variance. Given the Property is in the R-120 zoning district, the setbacks are large. For the Applicant to construct a functional and practical addition to the existing structure, which was constructed and previously used by the Letchworth facility, the Applicant will need a setback variance.

- C. The Board finds that the variance is not substantial where the required front yard setback is 60 feet and the Applicant is proposing 51.3 feet – which is still a considerable setback. The Applicant also complies with all other bulk regulations.
- D. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district from the requested variances. This is a longstanding use in the community. The church does not have a large congregation, and only operates during limited hours. In addition, as part of this application, the Applicant will make improvements to other areas of the site beyond what currently exists, such as relocating and striping the existing parking spaces.
- E. The difficulty is self-created because the Applicant wants to construct an addition that does not comply with the Zoning Code, but this factor is not determinative and does not preclude the granting of the area variance where the other variance criteria have been satisfied.

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

1. The variance is granted solely in connection with the Approved Plan and the variance is granted only to the extent that it is necessary for the Applicant to construct the addition and basement and other site improvements noted on the plan. If any changes are made to the Approved Plan (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. The Applicant shall comply with the conditions referenced in this resolution's discussion of County Planning's comments; specifically, numbers 1, 2, 3, 5, 8 and 9.
3. The basement shall be used for storage only and not as habitable space.
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.

AND IT IS FURTHER RESOLVED, to the extent necessary and out of an abundance of caution, the Board hereby overrides County Planning's comments 4 and 6 for the reasons set forth herein by a supermajority vote and Town staff are hereby directed to provide County Planning with a certified copy of this resolution.

Dated as of December 13, 2023

---

Acting Chairman Lawless

In Favor:

Opposed:

Absent: