

VILLAGE OF NEW HEMPSTEAD
108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956

ZONING BOARD OF APPEALS

REGULAR MEETING
JUNE 24, 2015
7:30 P.M. – VILLAGE HALL

PRESENT

ABSENT

MARTIN LEIBOWITZ, CHAIRMAN
DAVID WEISS, DEPUTY CHAIRMAN
ADAM POLLACK
RICHARD ELL
ALLEN FISHKIN

ALSO PRESENT

CHRISTIE TOMM ADDONA (OFFICE OF SILVERBERG/ZALANTIS) VILLAGE ATTORNEY
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

OPEN MEETING

ROLL CALL

Application ZBA 2015-1 Borouch Lichter, 2 Ashlawn Court, Wesley Hills, N.Y. 10977. The applicant is requesting variances from the provisions of the Village of New Hempstead Zoning Ordinance Section 5.2 to permit the construction, maintenance and use of a single family dwelling 1. To permit a minimum lot area of 24,866 sq. ft. existing, instead of the minimum lot area required of 25,000 square feet; 2. To permit a side yard of 14.4 feet, which is less than the required minimum side yard of 20 feet. 3. To permit 545 square feet more than the permitted maximum building coverage allowed of 3000 square feet.

The subject property is situated on the south east corner of Pleasant Ridge Road and Woodwind Lane; known as 36 Pleasant Ridge Road, New Hempstead, N.Y. 10977 and designated on the Town of Ramapo Tax maps as Section 41.20, Block 2, Lot 21 in a 1R-25 zoning district.

Ms. Vazquez stated the application was noticed in the Journal News on June 12th and the Notices of Posting were timely.

Chairman Leibowitz offered the following motion, which was seconded by Mr. Weiss:

Resolution # ZBA 2015-1

Resolved, that the public hearing on application of Borouch Lichter is hereby opened.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Present

Ryan Karben, Attorney for Applicant

Attorney Karben stated the applicant lives around the corner and they are building a new home.

The primary constraint is a large natural gas easement, which runs behind the home. You have no options of building beyond where the back of the house is proposed. In order to comply with the two front yard requirements to keep the house as far off the corner as possible, as required on a corner lot, as well as provide the space that we need, the only space we had to put additional room was on the eastern side of the property. They are, therefore, seeking a variance of 5.6' on that side of the property. The variance only applies to 1/3 of the building. The building is pumped out to include a portion of the dining room. The other variance that we require is for building coverage. The applicants have 5 children; 7 people living in the house.

Attorney Karben read a letter from two of the neighbors who stated they have no objection to the granting of this variance. Same will be attached to and made a part of this record.

There will be no detrimental impact on the community. Drainage will be handled on site, parking will be handled on site. The variances, as required by law, are the minimum variances necessary in order to build the project.

Chairman Leibowitz asked about the size and type of the existing house.

Attorney Karben stated it is a high ranch with 3 bedrooms.

Chairman Leibowitz felt the request was substantial and inquired if it could be reduced in size. The requested variance is for 18%.

Attorney Karben felt it was a reasonable sized home for a large, growing family.

Chairman Leibowitz felt granting a variance of this size would be setting a precedent.

Attorney Karben stated that he felt a 3500 sq. ft. home in today's market, was reasonable.

Discussion of how the house might be refigured by the use of another Architect.

Attorney Addona brought up the issue of building coverage. She felt that knowing the layout of the rooms might be helpful to the Board.

Attorney Karben felt the Board should balance the benefit to the applicant vs. the detriment to the neighborhood. He does not see the detriment to the community.

Discussion on putting a condition on a possible approval for this particular property in order to avoid setting a precedence for the future.

The size of the dining room, which is 24 x 16, was discussed. The room above is the Master bedroom. The second floor, however, is not the same size as the first floor.

Mr. Fishkin asked if the dining room needed to be that size.

Mrs. Lichter stated it needed to be that large for holidays and because of the size of their dining room table and probable guests.

No one from the public wished to be heard.

Mr. Fishkin offered the following motion, which was seconded by Mr. Ell:

Resolution # ZBA 2015-2

Resolved, that the public hearing on application of Borouch Lichter is hereby closed.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Mr. Fishkin felt it would be nice to approve the application if there were sufficient restrictions that it would not set a precedent.

Deputy Chairmain Weiss felt the same way, he would want the approval to be specific to this particular property.

Chairman Leibowitz has no problem with the side yard variance but the problem with the building coverage, which is about 18% over what the bulk table calls for.

Mr. Pollack agreed that he would like the decision to be clearly particular to this situation.

Attorney Addona stated it could also be specific to this layout. The side yard could not be changed other than to this property.

Chairman Leibowitz stated that the Board would have the applicant come back before us with a final proposal and we would grant the variances with certain limitations.

Mr. Ell offered the following motion, which was seconded by Mr. Fishkin:

Resolution # ZBA 2015-3

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby requests the applicant, Borouch Lichter to come back to this Board at its next meeting with a final proposal and the Board would grant the variances with certain limitations. The Board also asks Counsel to draft a resolution based upon the Board's discussion to be considered at the next meeting.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Application ZBA 2015-2 Soloman Markstein, 22 N. Rigaud Road, Spring Valley, N.Y. 10977

The applicant is requesting variances from the requirements of Section 5.2 of the New Hempstead Zoning Law to permit construction, maintenance and use of two single family homes: Lot 1 having 13,082 square feet instead of the required 15,000 square feet and having 58 foot street frontage instead of the 85 required. Lot width of 58 feet instead of the 100 required, minimum side yard of 12 feet instead of 20 feet required, total side yards of 24 feet instead of 50 feet and impervious surface of 28 instead of the maximum permitted of .25.

Lot 2 having 12,686 square feet instead of the required 15,000 square feet, having 58 foot frontage instead of the 85 feet required, lot width of 58 feet instead of the 100 feet required, minimum side yard of 12 feet instead of 20 feet required, total side yards of 24 feet instead of the 50 feet and impervious surface of .28 instead of the maximum permitted of .25.

The property is located on the west side of Union Road at the intersection with Naomi Lane in the Village of New Hempstead: known as 575 Union Road, New Hempstead, N.Y. designated on the Town of Ramapo tax maps as Section 50.09, Block 1 Lot 14 in a 2R-15 zoning district. Variances were previously granted on November 28, 2012.

Ms. Vazquez stated the public hearing was advertised in the Journal News on June 12, 2015 and the notifications and postings were timely.

Present

Sol Markstein, Applicant
Stanley Schutzman, Attorney for Applicant
61 So. Main Street, New City, N.Y.

Attorney Addona suggested the Board go into Executive Session to discuss some procedural matters.

Chairman Leibowitz offered the following motion, which was seconded by Mr. Ell:

Resolution # ZBA 2015-4

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby goes into Executive Session to discuss some procedural matters.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted

Mr. Ell offered the following motion, which was seconded by Chairman Leibowitz:

Resolution # ZBA 2015-5

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby comes out of Executive Session.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Attorney Schutzman stated the applicant appeared before the Planning Board 2 years ago to seek approval for these exact areas in connection with a 2 lot subdivision of this specific property. The Planning Board, at that time, referred the matter to the Zoning Board of Appeals. At that time, the Zoning Board of Appeals approved these variances. These are the identical requests that were made and approved back in November of 2012. The Planning Board approved the 2 lot subdivision in early 2013, and for various reasons, including some economic circumstances, the plat was never filed, and, therefore, Planning Board approval elapsed. In connection with the re-submission to the Planning Board, the applicant is here to ask for the same variances that were previously granted.

Chairman Leibowitz asked if the Planning Board has gone through the SEQRA application.

There is a Planning Board scheduled for July, but the SEQRA application has not been done.

Attorney Addona stated this Board cannot do anything until the SEQRA has been complete.

Chairman Leibowitz stated that the members of the Zoning Board at the time of the last application were Myself, Mr. Fishkin and Mr. Ell. The other gentlemen who are now on the Board were not on the Board at that time. They may need additional information.

Attorney Schutzman suggested the old file be brought out so that the members can digest the information.

Attorney Addona went over the SEQRA (State Environmental Review Act) information. Subdivision is not exempt from that review. Because the variances that are being sought are in connection with the subdivision, all of this has to be considered under the umbrella of the SEQRA review for subdivision. Because the Planning Board was Lead Agency last time, they will be Lead Agency this time also. The Zoning Board will need to wait for them for a determination.

Mr. Fishkin offered the following motion, which was seconded by Mr. Ell:

Resolution # ZBA 2015-6

Resolved, that the public hearing on application of Soloman Markstein, 22 N. Rigaud Road, Spring Valley, N.Y. 10977 is hereby open.

ZBA 6/24/15

Page 5 of 5

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Mrs. Milligan

4 Gloria Drive – Changes to environment – does that include quality of life?

Attorney Addona stated this is an issue for the Planning Board.

Mrs. Milligan asked if the public was able to go to the Planning Board.

Answer – “Yes”

Mr. Fishkin offered the following motion, which was seconded by Mr. Ell:

Resolution # ZBA 2015-7

Resolved, that the public hearing on application of Soloman Markstein, is hereby held open to a date certain in order to have further discussions on the issues.

Chairman Leibowitz called for a vote and the vote was 5-0. The resolution was adopted.

Approval of Minutes of October 22, 2014.

Mr. Ell offered the following motion, which was seconded by Mr. Fishkin:

Resolution # ZBA 2015-8

Resolved, that the minutes of the meeting of the Zoning Board of Appeals of the Village of New Hempstead, held on October 22, 2014, are hereby approved.

Chairman Leibowitz called for a vote and the vote was 3-0-2. Chairman Leibowitz and Mr. Pollack were absent from that meeting. The resolution was adopted.

Mr. Ell offered the following motion, which was seconded by Mr. Fishkin:

Resolution # ZBA 2015-9

Resolved, that the meeting of the Zoning Board of Appeals of the Village of New Hempstead, held on June 24, 2015, is hereby adjourned.

Chairman Leibowitz called for a vote and the vote was 5-0., the resolution was adopted.

Respectfully submitted,

Carole Vazquez,
Village Clerk-Treasurer

Lpm