

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, MAY 25, 2016
7:30 P.M. – VILLAGE HALL

PRESENT

MARTIN LEIBOWITZ, CHAIRMAN
SOL FUERST
RICK ELL
ALLEN FISHKIN
LEONARD GREENBERG

ABSENT

ADAM POLLACK

ALSO PRESENT

STEVE SILVERBERG, VILLAGE ATTORNEY
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

OPEN MEETING

ROLL CALL

**APPLICATION ZBA 2015-1 – SOLOMAN MARKSTEIN, 22 N. RIGUAD RD., SPRING VALLEY, N.Y. 10977
RE: PROPERTY KNOWN AS 575 UNION ROAD, NEW HEMPSTEAD, 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 a lot area of 13,082 square feet instead of the required 15,000
Having lot frontage of 58 feet instead of the minimum required 85 feet;
Having lot width of 58 feet instead of the required 100 feet;
Having a side yard of 12 feet instead of the minimum required of 20 feet;
Having total side yards of 24 feet instead of the minimum required of 50 feet and
Having an impervious surface of .27 which is greater than the maximum permitted of .25.

Lot 2: Having a lot area of 12,686 square feet of the minimum required of 15,000;
Having lot frontage of 58 feet instead of the minimum required of 85 feet;
Having lot width of 58 feet instead of the required 100 feet;
Having a side yard of 12 feet instead of the minimum required of 20 feet;
Having total side yards of 24 feet instead of the minimum required of 50 feet and
Having an impervious surface of .28 which is greater than the maximum permitted of .25.

The property is located on the west side of Union Road at the intersection of Naomi Lane in the Village of New Hempstead known as 575 Union Road and designated on the Town of Ramapo Tax maps as Section 50.09, Block 1, Lot 14 in a 2R-15 zoning district.

Present:

Anthony Celentano, Engineer – 31 Rosman Rd., Thiells, N.Y. 10984
Sol Markstein, Applicant

Ms. Vazquez stated the public hearing notice appeared in the May 13th edition of the Journal News Notices and postings were timely.

Chairman Leibowitz referenced letters into the record:

Rockland County Dept. of Planning dated May 4, 2016 (G.M.L. review)
Rockland County Highway Department dated May 20, 2016
Same will be attached to and made a part of this record.

Mr. Celentano explained that he spoke before this Board 2 or 3 years ago. This is the same layout and configuration with the same variances requested. The variances were obtained. Unfortunately the applicant did not file the map in time and is required by the Village Law to go back to the Planning Board for re-approval, which he did. He received re-approval and final approval subject to re-approval of the variances from this Board. The applicant is here now for approval of the variances shown on the map.

Chairman Leibowitz asked that Mr. Celentano go over the application for the benefit of those 2 members who were not on the Board at the time of the original approval. He asked that this be treated as a new application.

Mr. Celentano stated the applicant could build a 2 family dwelling, but he would like to tear down the house and build two single family dwellings. Each lot is over 15,000 sq. ft., but due to the easements and wetlands on the property, the property is down to 13,000 +/- sq. ft. In addition, he wants to put the houses up front and provide a 50' buffer in the back of the lot. They feel this parcel is environmentally sensitive and building it the way they propose will actually be an improvement to the neighborhood. The impact on the neighbors will be minimized by screening and by using a shared driveway instead of 2 driveways.

Chairman Leibowitz asked about floor area ratio. He also wanted more information regarding the 8' ceiling of the basement and asked for a guarantee that this is a one family house.

Attorney Silverberg asked that the figures be verified by the Building Inspector.

Chairman Leibowitz opened the meeting to the public.

No one from the public wished to speak.

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

Resolution # ZBA 2016-1

Resolved, that the meeting held by the Zoning Board of Appeals on application of Soloman Markstein be held open until the next meeting of the Board on June 22, 2016. The Board also wishes to refer this application to the Building Inspector of the Village of New Hempstead for verification.

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

**Application ZBA 2016-2 – Ateres Bais Yaakov, 286 Cherry Lane, Monsey, N.Y. 10952
Re: Property known as 200 Summit Park Road, New Hempstead, N.Y. 10977**

The applicants are requesting variances from the provisions of Section 7.5, 6.9.4 and 5.2 of the New Hempstead Zoning Law to permit construction, maintenance and use of a private religious girls school:
Having a lot area of 3.91 instead of the minimum required of ten (10) acres;
Having a front yard setback of 25.56 feet instead of the required 50 feet;
Having a floor area ratio of .28 instead of the maximum permitted of .10;
Having an impervious surface of .391 instead of the maximum permitted of .20;
Having 48 parking spaces instead of the required 237.

The property is located on the east side of Summit Park Road, 30 feet south of David Drive and designated on the Town of Ramapo tax maps as Section 42.06, Block 1, Lots 1.2, 1.3 and 1.4 in a 1R-50 zoning district.

Chairman Leibowitz read a letter from Rockland County Dept. of Planning dated May 23, 2016 Same will be annexed to and made a part of this record.

Attorney Emanuel stated he contacted R. Smith, who assured him the notices & postings were done. The notice appeared in the Journal News on May 13, 2016.

Present:

Ira Emanuel, Attorney for Applicant
David Mayerfeld, Architect
Leonard Jackson, P.E.
Harry Baker, Traffic Engineer
Rabbi Fink

Chairman Leibowitz opened the meeting

Attorney Emanuel presented the application. – This is a property that this Board dealt with back in 2005 & 2006 for a similar project; same size building, same size population. This was a residential subdivision. It created 4 residential lots with a new road. The lot in the middle was sold off to Linwood Carter, who still owns the lot. The rest of the lots were sold to the applicant. In 2003 the applicant came to this Board with this proposal. This project was approved. This Board granted the necessary variances, the Village Board granted a Special Permit, the Planning Board granted site plan approval. In 2008 the bottom fell out of the real estate market, the funding for this property dried up and all approvals expired. Last year the applicant came back with exactly this plan. The applicant went before the CDC and changes were suggested. These changes will cause less impact on the environment and less impact on the neighbors and reduce the variances.

Leonard Jackson made some comments on drainage.

David Mayerfeld discussed the change in the building and in the parking.

Mr. Fishkin questioned Rabbi Fink as to why he chose to build the school on this site. He also asked about the height of the basement and if the basement was to be used for classrooms.

Chairman Leibowitz asked about the number of students.

Rabbi Fink stated 420 – 30 students in each class, 14 classes – There are also other rooms for other resources.

Chairman Leibowitz asked if the applicant would object to a restriction on the number of students.

Attorney Emanuel stated the applicant asked for a special permit for 450 students.

Attorney Emanuel brought up the issue that between the years of 2006 and 2016 the Village's code has changed with respect to calculating the number of parking spaces for a school with the understanding that in many secondary schools students 16 and over can drive. These students are not permitted to drive. Therefore the students that are not driving can be subtracted out. The applicant actually has more parking spaces now than they had before.

Attorney Silverberg asked if the applicant would accept as a condition to any approval that there be a requirement that students not be permitted to drive to school. Attorney Emanuel agreed.

Attorney Emanuel presented a chart which compared the number of variances needed for this application as compared to the old application. The variances needed for this application are somewhat less.

Chairman Leibowitz opened the public hearing.

No one from the public wished to speak.

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

Resolution # ZBA 2016-2

Resolved, by the Zoning Board of Appeals of the Village of New Hempstead hereby adjourns the public hearing on application of Ateres Bais Yaakov until the next meeting of the Zoning Board, which will be on June 22, 2016. The members of the Zoning Board of Appeals also asks that a memo be written to the Planning Board so that they may request information regarding certain environmental impact issues.

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

A discussion was held regarding an existing water problem.

Attorney Silverberg stated the Zoning Board is concerned about the water flow off of the County property and that this project does not increase any runoff. They would like to convey this information to the Planning Board.

Attorney Emanuel stated the applicant is aware that there is a flow of water that comes down from there. As part of this application, Mr. Jackson has run studies, has created drainage systems and has made the proof that the water will not run off any faster than it does now. He stated the applicant has no obligation to correct someone else's problem.

Jim Stueck

10 David Drive – when he moved in, approx. 20 years ago, the pipe was broken. He had heard someone had come in with a bulldozer. The water was backing up. The water was running down the driveways.

Approval of Minutes of Sept. 16, 2015

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

Resolution # ZBA 2016-3

Resolved, that the minutes of the meeting of the Zoning Board of Appeals of the Village of New Hempstead, held on September 16, 2015 are hereby approved and that the reading of the minutes be waived.

Chairman Leibowitz called for a vote and the vote was 4-0. Mr. Fuerst did not attend that meeting.

Motion to adjourn

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

Resolution # ZBA 2016-4

Resolved, that the meeting held by the Zoning Board of Appeals of the Village of New Hempstead on May 25, 2016 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