

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

**ZONING BOARD OF APPEALS**

REGULAR MEETING  
WEDNESDAY, JUNE 28, 2017  
7:30 P.M. – VILLAGE HALL

PRESENT

ADAM POLLACK, CHAIRMAN  
MARTY LEIBOWITZ  
ALLEN FISHKIN  
RICHARD ELL  
LEONARD GREENBERG

ABSENT

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY  
ALLISON WEINRAUB, SECRETARY

ITEM #6 ON THE AGENDA –

**Ateres Bais Yaakov, 200 Summit Park Road, New Hempstead, N.Y. – requesting a variance extension from the Village of New Hempstead Zoning Board of Appeals. The property is located on the east side of Summit Park Road 30 feet south of David Drive, 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.**

Present

Amy Mele, Council for the Applicant, 4 Laurel Rd., New City, N.Y. (Ira Emanuel, Esq. office)  
A lot of work has been done to this site during the last year and a half. Originally the applicant was going to build a school at the 200 Summit Park Road site. They were going to do interim trailers at another site. That fell through. They have decided to do the interim trailers on the Summit Park site. The applicant has done a significant amount of clearing on the site pursuant to a site prep permit that was issued by the Town. The applicant appeared before the Board of Trustees last night. The applicant is here tonight to show the progress at the site. They would like to extend the variances that were granted a year ago.

Marty Leibowitz has a problem with this – He does not have a problem extending the variance but there are funds due to the Village. He suggests that a condition be made that the extension is contingent on paying back the Village.

Rabbi Fink stated he has a payment plan with the Village. He made a payment to the Village today.

Amy Mele stated they don't want to put a burden on the applicant so they will not be able to get the trailers. They want to get started and hope that the Special Permit from the Village Board and the extension of the variance from the ZBA would expire at approx. the same time. The amount is approx. \$4,000.

M. Leibowitz offered the following motion, which was seconded by Allen Fishkin:

Resolution # ZBA 2017-1

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby grants the variance extension to Ateres Bais Yaakov to expire a year from today June 28, 2017. A roll call vote was Mr. Greenberg, aye, Mr. Ell, aye, Mr. Fishkin, aye, Mr. Leibowitz, aye, Chairman Pollack, aye. The vote was 5-0. The resolution was adopted.

**Public Hearing on Eliakim Koenigsberg, 14 Brockton Rd. – requesting variances from Section 5.2 of the Zoning Law of the Village of New Hempstead. #1 having a rear yard of 34.5 instead of the maximum permitted of 35, #2 having an impervious surface of .28 instead of the maximum permitted of .25, #3 having a building coverage of 2,910 instead of the maximum permitted 2,500. Located on the east side of Brocton Road and 400 feet south from the intersection of Michael St. The property is designated on the Town of Ramapo Tax Map as Section 50.05 Block 1 Lot 23 in a 2R-15 zoning district.**

Chairman Pollack read correspondence from the Rockland County Sewer District #1 dated June 27, 2017 Into the record. Same will be attached to and made a part of this record.

Mr. Koenigsberg gave a presentation of why he needed the variance. He stated the family needs more room due to expanding family. He stated others in his neighborhood have made similar extensions to their homes and he presented letters from 5 of his neighbors who have no concern about his extension.

Chairman Pollack read the names of the neighbors who wrote letters:

Chaim and Lori Baker, 17 Brockton Rd.

Yossi & Aviva Weimer, 9 Brockton Rd.

Tevy & Renee Mindick, 19 Brockton Rd.

Boruch & Layee Weinreb, 8 Brockton Rd.

Yiahochor & Malkie Heinemann, 7 Michael St.

Same will be attached to and made a part of this record.

Chairman Pollack opened the hearing to the public.

M. Leibowitz suggested the applicant look into foldable steps that can be put in the room and can be used to get up and out of the window because of small children.

Neighbors spoke in favor of the application.

M. Leibowitz offered the following motion, which was seconded by Allen Fishkin:

Resolution # ZBA 2017-2

Resolved, that the public hearing on application of Koenigsberg is hereby closed. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted

Allen Fishkin offered the following motion, which was seconded by Richard Ell:

Resolution # ZBA 2017-3

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby approves the variance of having a rear yard of 34.5 instead of the maximum permitted 35, with reference to the application of Koenigsberg. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Marty Leibowitz offered the following motion, which was seconded by Leonard Greenberg:

Resolution # ZBA 2017-4

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby approves the variance of having an impervious surface of .28 instead of the maximum permitted .25, with reference to the application of Koenigsberg. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Chairman Pollack offered the following motion, which was seconded by Marty Leibowitz:

Resolution # ZBA 2017-5

Resolved, that the Zoning Board of Appeals of the Village of New Hempstead hereby approves the variance of having a building coverage of 2,910 instead of the maximum permitted 2,500, with reference to the application of Koenigsberg. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

**Wayne & Rita Bobrow, 4 Ash Lawn Ave. The applicants are appealing the decision of the Zoning Board Resolution #ZBA 2016-10 Dated Wednesday, June 29, 2016, not to allow a finished basement. The property is located on the east side of Ash Lawn Ave, 150 feet south from the intersection of Grandview Ave. The property is designated on the Town of Ramapo Tax Map as section 41.20 Block 1 Lot 15 in a 1R-25 zoning district.**

Chairman Pollack read a letter from Rockland County Sewer District #1 dated June 27, 2017. Same will be annexed to and made a part of this record.

Stanley Mayerfield, Architect explained the purpose of the application was to allow the applicant to finish his basement. The original windows have been replaced and are in compliance with the code.

There will be no accessory apartment or no kitchen. The house must remain a single family dwelling.

Marty Leibowitz offered the following motion, which was seconded by Leonard Greenberg:

Resolution # ZBA 2017-6

Resolved, that with reference to the application of Bobrow, 4 Ash Lawn Ave., the Zoning Board of Appeals hereby accepts the plans as drawn and lifts the restrictions from the Zoning Board Resolution ZBA 2016-10 dated Wednesday June 29, 2016 with the condition that there shall be no accessory apartment or kitchen in the basement. The home must remain a single family dwelling. Roll call vote: Mr. Leibowitz, yes, Mr. Greenberg, yes, Mr. Fishkin, yes, Mr. Ell, yes, Chairman Pollack, yes. The vote was 5-0. The resolution was adopted.

**Public Hearing on Mesivta Ahavas Hatorah – 720 New Hempstead Rd. – Requesting variances from the requirements of Sections 5.2 and 6.9.4 of the New Hempstead Zoning Law to permit construction, maintenance and use of an addition to a boy’s religious school having a floor area ratio of .18 instead of the maximum permitted of .10 and an impervious surface of .266 instead of the maximum permitted of .20. Located on the south side of Brick Church Road at the intersection with Union Road. The property is designated on the Town of Ramapo Tax Map as Section 42.17 Block 2 Lot 94 in a 1R-40 zoning district.**

Present:

Amy Mele, Mr. Lazzot, Mr. Mayerfield

Chairman Pollack recused himself from participating on this application because of potential conflict. Marty Leibowitz will conduct the meeting with regard to this application.

Mr. Leibowitz read a letter from the Town of Ramapo Dept. of Public Works dated June 23, 2017. Also a letter from Rockland County Sewer District #1 dated June 27, 2017. Same will be annexed to and made a part of this record.

Mr. Leibowitz read into the record a resolution passed by the ZBA in July of 2016, ZBA 2016-16.

Amy Mele stated there were some issues between Mesivta and the Fire Inspector. She also stated in the original application, it stated no additional construction is proposed. The applicant has since been back to the Village Board and the Planning Board. The Village Board has amended the Special Permit and the Planning Board has granted site plan approval and issued a negative declaration. In the narrative we stated there will be some expansion in the future. The applicant was aware of the fact that they would have to go back to these Boards if expansion was planned. The narrative is dated 3/1/16.

Discussion regarding the wording of the former resolution.

Amy Mele stated further there is no GML review with reference to this application. She also stated the school is in keeping with the neighborhood, it is located on a collector road and is buffered from the residences by an existing country club and a school. They are making improvements in the drainage system.

Mr. Lazzot made a presentation.

Comments from the public in favor of the school.

The Zoning Board went into Executive Session for approx. 10 minutes.

Marty Leibowitz offered the following motion, which was seconded by Allen Fishkin:

Resolution # ZBA 2017-7

Resolved, that the public hearing on application of Mesivta Ahavas Hatorah is hereby closed. M. Leibowitz called for a vote. The vote was 4-0. The resolution was adopted.

Marty Leibowitz offered the following motion, which was seconded by Leonard Greenberg:

Resolution # ZBA 2017-8

Resolved, that the Zoning Board of Appeals hereby approves the variance having a floor area ratio of .18 instead of the maximum permitted of .10 with reference to the application of Mesivta Ahavas Hatorah. The vote was 4-0. The resolution was adopted.

Leonard Greenberg offered the following motion, which was seconded by Marty Leibowitz:

Resolution # ZBA 2017-9

Resolved, that the Zoning Board of Appeals hereby approves the variance having an impervious surface of .266 instead of the maximum permitted of .20 with reference to the application of Mesivta Ahavas Hatorah. The vote was 4-0. The resolution was adopted.

Marty Leibowitz made reference to a communication from the Office of the County Executive dated May 22, 2017 re: Executive Order No. 01-2017. Same will be attached to this record.

Chairman Pollack made reference to a communication from Rockland County Dept. of Planning dated March 28, 2017 re: 23 Washington Ave. – no comment from this Board.

**Approval of Minutes of Sept. 28, 2016.**

Marty Leibowitz offered the following motion, which was seconded by Allen Fishkin:

Resolution # ZBA 2017-10

Resolved, that the minutes of the meeting of the Zoning Board of Appeals held on Sept. 28, 2016 are hereby approved and the reading of said minutes be waived. M. Leibowitz called for a vote. The vote was 4-0. The resolution was adopted.

**Approval of Minutes of October 16, 2016.**

No approval of these minutes as there was insufficient attendance.

Chairman Pollack offered the following motion, which was seconded by M. Leibowitz:

Resolution # ZBA 2017-11

Resolved, that the meeting of the Zoning Board of Appeals held on June 28, 2016 is hereby adjourned. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary