

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, APRIL 25, 2018
7:30 P.M. – VILLAGE HALL

PRESENT

ADAM POLLACK, CHAIRMAN
SOLOMON FUERST, DEPUTY CHAIRMAN
ALLEN FISHKIN, MEMBER
RICHARD ELL, MEMBER
LEONARD GREENBERG, AD HOC

ABSENT

MARTIN LEIBOWITZ

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY (arrived at 8:04 p.m.)
ALLISON WEINRAUB, SECRETARY

Approval of Minutes of October 10, 2016 and June 28, 2017

Leonard Greenberg offered the following motion, which was seconded by Sol Fuerst:

Resolution # ZBA 2018-1

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on October 10, 2016. Chairman Pollack called for a vote. The vote was 3-0. Only Mr. Fuerst, Mr. Greenberg and Mr. Fishkin were present at that meeting.

Leonard Greenberg offered the following motion, which was seconded by Rick Ell:

Resolution # ZBA 2018-2

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on June 28, 2017. Chairman Pollack called for a vote. The vote was 4-0. Chairman Pollack, Allen Fishkin, Richard Ell and Leonard Greenberg were present at that meeting.

Public Hearing on the application of Alisa & Michael Karash, 4 Anchor Rd., New Hempstead, N.Y. 10977. To permit the construction, maintenance and use of an addition to their single-family dwelling. The applicant is requesting variances from Section 5.2 of the Zoning Law of the Village of New Hempstead having a maximum building coverage of 3,632 sq. ft. instead of the maximum permitted 3,250 sq. ft. The subject property is located on the east side of Anchor Rd. 136.25 feet from the intersection of Barnacle Drive. The property is designated on the Town of Ramapo tax map as Section 42.14 Block 2 Lot 6 in a 1R-35 zoning district.

The public hearing notice was published in the Rockland Journal News on April 12, 2018. Affidavits of notice and postings were timely.

Questions asked by the Board:

Do you have a basement? Yes

Are you represented by an Attorney? No

Chairman Pollack read into the record correspondence from Rockland County Sewer District #1 regarding the application of Alisa & Michael Karash. Same will be attached to and made a part of this record.

Lenny Greenberg offered the following motion, which was seconded by Allen Fishkin:

Resolution #ZBA 2018-2

Resolved, that the public hearing on application of Alisa & Michael Karash, 4 Anchor Rd., New Hempstead, N.Y. is hereby opened. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Anthony Napoli, 3 Anchor Rd. (directly across the street from the applicant). When they first moved in about 20 years ago, they had 2 children; they have grown. They are now grandparents. They do need the extra room. They are asking for a minor zone change. Mr. Napoli stated he was on the Zoning Board of Appeals when it was first created.

Paul Weinstein, 2 Anchor Rd. – also made comments in favor of the applicant.

Alisa Karash made the presentation. They are requesting a variance. They need extra space because their family has grown. Their parents are elderly and stay with them on occasion. They need to have the addition on ground level because of her parents. Steps are a hardship for them. They also need room for their married children when they visit.

Chairman Pollack commented on the variance. He felt they should also be asking for a side yard variance as they are in a 1R-35 Zoning District where the minimum side yard is 25 as opposed to 20. He wanted to make sure they have that in their application. Permission was given for a smaller lot but the rules are still for 1R-35.

Questions were also raised regarding a patio.

Lenny Greenberg offered the following motion, which was seconded by Rick Ell:

Resolution # ZBA 2018-3

Resolved, that the public hearing with reference to the application of Alisa & Michael Karash, 4 Anchor Road, New Hempstead, N.Y. is hereby closed. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Attorney Minsky read the resolution into the record.

Lenny Greenberg offered the following motion, which was seconded by Rock Ell:

Resolution # ZBA 2018-4

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In the Matter of Application # ZBA 2018- Michael Karash of 4 Anchor Road, New Hempstead, New York 10977 for a variation from the provisions of Section 5.2 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) to permit the construction, maintenance and use of an addition to the existing single-family dwelling located at 4 Anchor Road, New Hempstead, New York having building coverage of 3,632 square feet rather than the permitted building coverage of 3,250 square feet. The premises affected are situate at 4 Anchor Road, New Hempstead, New York 10977 in a 1R-35 Zoning District and further identified on the Town of Ramapo Tax Map as 42.14-2-6. The premises affected are situated on the easterly side of Anchor Road and 136.25 feet from the southerly side of the intersection of Wishers Lane, New Hempstead, New York.

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WHEREAS, the Applicant, Michael Karash of 4 Anchor Road, New Hempstead, New York 10977 for a variation from the requirements of Section 5.2 (Table of Dimensional Requirement)

of the Zoning Local Law of the Village of New Hempstead to permit the construction, maintenance and use of an addition to the single-family dwelling located at 4 Anchor Road, New Hempstead, New York having building coverage of 3,632 square feet rather than the permitted building coverage of 3,250 square feet, and the Board of Appeals having held public hearings on the 25th day of April, 2018.

NOW, upon said hearing and the evidence presented, it is hereby found and determined.

FINDINGS OF FACT

FIRST: The applicant, Michael Karash of 4 Anchor Road, New Hempstead, New York 10977 is one of the owners of the subject property.

SECOND: The applicants' property is located at 4 Anchor Road, New Hempstead, New York and further identified on the Town of Ramapo Tax Map as 42.14-2-6 and is located within a 1R-35 zoning district.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of an addition to the single-family dwelling located at 4 Anchor Road, New Hempstead, New York 10977.

FOURTH: To permit the construction, maintenance and use of the addition to the single-family dwelling would result in the property having building coverage of 3,632 square feet rather than the permitted building coverage of 3,250 square feet,; a variation from the requirements of Section 5.2 (Table of Dimensional Requirements) of the Zoning Ordinance of the Village of New Hempstead is required.

FIFTH: The applicant has stated that the granting of the variance will allow for construction, maintenance and use of an addition to the single-family dwelling, which he wanted to build for a long time and the character of the neighborhood will not be changed. At the public hearing, the Zoning Board of Appeals heard from the members of the public that addressed the Board and considered all input from the public.

SIXTH: The Village of New Hempstead's Building Inspector Ian Smith denied the original building permit application on March 8, 2018 and instructed the

applicant to apply to the Zoning Board of Appeals for further proceedings. The applicant submitted necessary documentation to bring the application to the Village of New Hempstead's Zoning Board of Appeals.

SEVENTH: In evaluating the need for the variance requested this Board considered the factors outlined in Section 9.3.4.2 of Code of the Village of New Hempstead.

EIGHTH: An undesirable change will not be produced in the character of the neighborhood or the granting of this variance will not create a detriment to nearby properties. The owner will continue to utilize the premises as a single-family residence.

NINTH: The benefit sought by the applicant cannot be achieved by some other means, other than the requested variance. Additional land is not available for purchase, and the configuration of the subject property and the location of the dwelling on the property are such that the requested variances are the only practical means of relief.

TENTH: The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood. There were no adverse reports from Town or Village agencies pertaining to environmental issues.

ELEVENTH: The interest of justice would be served by granting of the requested variance to the applicant.

CONCLUSIONS OF LAW

FIRST: The Board of Appeals of the Village of New Hempstead pursuant to the provisions of the Code of the Village of New Hempstead shall hear and determine appeals from any order, requirement, decision or determination of the Building Inspector.

SECOND: The Board of Appeals pursuant to Section 9.3.4 of the Code of the Village of New Hempstead may grant a variation in the strict application of any provision of this ordinance.

THIRD: The Board of Appeals of the Village of New Hempstead does hereby grant the applicant, Michael Karash a variation from the requirements of Section 5.2 (Table of Dimensional Requirement) of the Zoning Local Law of the Village of New Hempstead to permit the construction, maintenance and use of an addition to the existing single-family dwelling

pursuant to the survey submitted having building coverage of 3,632 square feet rather than the permitted maximum building coverage of 3,250 square feet. The premises affected are situated at 4 Anchor Road New Hempstead, New York and further identified on the Town of Ramapo Tax Map as 42.14-2-6 and is located within a 1R-35 zoning district.

FOURTH: The Building Inspector is hereby authorized to issue a building permit to the applicant for the above-described premises subject to compliance with all local laws and ordinances of the Village of New Hempstead.

Chairman Pollack called for a roll call vote and the vote was as follows: Mr. Greenberg, aye, Mr. Fishkin, aye, Mr. Fuerst, aye, Mr. Ell, aye, Chairman Pollack, aye.

The resolution was adopted by a vote of 5-0.

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

Resolution # ZBA 2017-5

Resolved, that the meeting of the Zoning Board of Appeals held on April 25, 2018 is hereby adjourned. Chairman Pollack called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary