

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, January 15, 2020
7:30 P.M. – VILLAGE HALL

PRESENT

ADAM POLLACK, CHAIRMAN
SOLOMON FUERST, DEPUTY CHAIRMAN
ARYEH TAUB

ABSENT

RICK ELL
MEIR ROTHMAN

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, DEPUTY CLERK TREASURER

Open Meeting

Roll Call

APPROVAL OF MINUTES OF MAY 30, 2018, AUGUST 7, 2018 AND OCTOBER 23, 2019, NOVEMBER 18, 2019

Minutes will be held over until the next ZBA meeting.

PUBLIC HEARING ON OF ELISHA LEWENSTEIN, 11 BROCKTON RD, SPRING VALLEY NY 10977. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I) PROPOSING A TOTAL SIDE SET BACK OF 37.5 FT INSTEAD OF THE MINIMUM REQUIRED 50 FT. (II) PROPOSING AN IMPERVIOUS SURFACE OF 28% INSTEAD OF THE MAXIMUM REQUIRED 25% AND (III) PROPOSING A FLOOR AREA RATIO OF 33.29% INSTEAD OF THE MAXIMUM REQUIRED 18%. LOCATED ON THE WEST SIDE OF BROCKTON RD. 560+/- FEET FROM THE INTERSECTION OF UNION RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.05 BLOCK 1 LOT 41 IN A 2R-15 ZONING DISTRICT.

Mr. Lewenstein, Applicant

Explained the family's need for the addition. His in-laws are moving in and they will need an aid to help with living. He explained a fourth variance is grandfathered in which is why they didn't apply for it. The sheds that are shown on the plans will be relocated or taken out.

The board wondered why the applicants engineer chose FAR instead of Maximum Building Coverage if the increase would be less if the variance was the other way.

The applicant was unsure but agreed to go for Maximum Building Coverage to reduce the variance

Mrs. Weinraub stated it appeared in the Journal News January 2, 2020 affidavit of notice and postings were timely.

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

Resolution #ZBA 2020-1

Resolved, that the public hearing on Elisha Lewenstein, 11 Brockton Rd, New Hempstead NY is hereby opened. Chairman Pollack called for a vote. The vote was 3-0. The resolution was adopted.

Yossi Weimer, 9 Brockton

The neighbor is directly affected by these variances being granted and has no objection.

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

Resolution #ZBA 2020-2

Resolved, that the public hearing on Elisha Lewenstein, 11 Brockton Rd, New Hempstead NY is hereby closed. Chairman Pollack called for a vote. The vote was 3-0. The resolution was adopted.

Correspondence read into the record

Village Engineer, 11.12.2020

Village Building Inspector, 1.3.2020

Attorney Minsky went through the elements of consideration/factors for granting the use variance:

- (1) An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance;
- (2) The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than an area variance;
- (3) The applicant's attorney has indicated the requested area variance is not substantial;
- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (5) The alleged difficulty was not self-created

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

Resolution #ZBA 2020-3

Resolved, that the Zoning Board of the Village of New Hempstead hereby grant the Variances From Section 290-3 Of The Zoning Law Of The Village Of New Hempstead. (I) Proposing A Total Side Set Back Of 37.5 Ft Instead Of The Minimum Required 50 Ft. (Ii) Proposing An Impervious Surface Of 28% Instead Of The Maximum Required 25% And instead of FAR (Iii) Proposing a Maximum Building Coverage 2562 Sq. Ft. Instead Of the Maximum Required 2500 Sq. Ft. subject to the removal and relocation of the 4 sheds to comply with the Village Code, the village engineer Percolation Test, and Village Engineer Approval. Located On The West Side Of Brockton Rd. 560+/- Feet From The Intersection Of Union Rd. The Property Is Designated On The Town Of Ramapo Tax Map As Section 50.05 Block 1 Lot 41 In A 2r-15 Zoning District. Chairman Pollack called for a vote. The vote was 3-0. The resolution was adopted.

MOTION TO ADJOURN

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

Resolution #ZBA 2020-4

Resolved, that the meeting held by the Zoning Board of Appeals on January 15, 2020 is hereby adjourned. Chairman Pollack called for a vote. The vote was -0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub, Deputy Village Clerk- Treasurer
Planning and Zoning Secretary