

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, MARCH 17, 2021
7:30 P.M. – ZOOM

PRESENT

SOLOMON FUERST, CHAIRMAN
MOSHE ZAMIR
MEIR ROTHMAN

ABSENT

ARYEH TAUB

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK TREASURER

Open Meeting

Chairman Fuerst paid tribute to the past Village ZBA Chairman, Adam Pollack, for all he has done for the village. Unfortunately the village lost Mr. Pollack this past year to the Covid Crisis. He was an incredible person who will be greatly missed.

Roll Call

PUBLIC HEARING ON OF Aron Braun, 16 Woodwind Ave, Spring Valley NY 10977. The applicant is requesting variances from section 290-90 of the Zoning Law of the Village of New Hempstead.,(I) Having a Floor Area of .29 instead of the maximum permitted .15, (II) having an impervious surface of .28 instead of the maximum permitted .25, and (III) Having a building coverage of 5105 SF instead of the maximum permitted 3000 SF. The subject property is located on the North side of Woodwind Ave. 1120 +/- feet from the intersection of Pleasant Ridge Rd. The property is designated on the Town of Ramapo Tax Map as section 41.20 Block 2 lot 14 in a 1R-25 zoning district.

Kevin Conway, Representing the applicant

The applicant is also here, as well as Rachel Bareesies. Mr. Braun is moving from Monsey after 35 years and is looking to add this addition to the new property. He and his wife will be residing in the home. The first floor addition will consist of a larger kitchen, dining room and install of an indoor pool. He is looking to do this to accommodate his 25 grandchildren. Currently the kids visit two different times a week. The pool is also going to be indoors which should be more of an accommodation to the neighbors. The site itself is a very large site. If you look at the lot area it can more than accommodate what is being proposed. The addition will look in symmetry with the existing house.

The applicant does need variances:

Minimum side yard- required: 20' and provided: 18.5'

Maximum floor area ratio, required: .15 provided: .29

Maximum impervious coverage required: .25 provided: .28

Building Coverage required: 3000 SF. provided: 5105 SF. But the board should take into account that a large portion of this is for an indoor pool that would otherwise be outdoors. We did also provide the floorplan for the board to review. This use will be for Mr. Braun and his family. I understand the variances are substantial but they do make sense with this application.

Rachel Bareesie, Civil Tech Engineer

Engineer for the project. Shared screen with the board to review the application. The existing house will remain and the addition will be added. We will be keeping 20 ft. off the property line. The design was configured based on the lot and what was available. It was designed with a zero net increase run off which will be reviewed as part of the building permit process.

Chairman Fuerst, The addition around the in-ground pool area- will there be a basement under the dressing room, bathroom, spa etc.?

Attorney Conway confirmed there will only be a basement by the existing house.

Chairman Fuerst asked if the height is going to be similar to the existing house.

Attorney Conway believes it will be matching with the existing house.

Chairman Fuerst would also like to know the area between the existing living room and the proposed bathroom there will be a platform left and an entryway leading to the pool area. Why that door is there and where is it accessed from?

Rachel, Civil Tech

It will be an additional access point to the new addition but not the primary access point.

Chairman Fuerst

The proposed patio in the back, are those going to be concrete or pavers? Is it going to be counted as impervious?

Rachel confirmed it was counted as impervious.

Chairman Fuerst was concerned about setting a precedent and suggested possibly changing that to reduce the variance need.

Attorney Conway confirmed the applicant will be willing to do that.

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

Resolution #ZBA 2021-1

Resolved, that the public hearing on Aron Braun, 16 Woodwind Lane, New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Mrs. Weinraub stated it appeared in the Rockland Journal News March 5, 2021 affidavit of notice and postings were timely.

Menachem Fuer, Next door Neighbor
Has no objection.

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

Resolution #ZBA 2021-2

Resolved, that the public hearing on Aron Braun, 16 Woodwind, New Hempstead NY is hereby closed. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Correspondence read into the record

ROCKLAND COUNTY SEWER DISTRICT LETTER DATED 3/10/2021

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

Attorney Minsky noted that it may seem that the maximum building coverage is excessive but it must be taken into consideration that it is for an indoor pool and if it was an outdoor pool it wouldn't be needed.

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

Resolution #ZBA 2021-3

Resolution # ZBA 2021 – 3

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In the Matter of Application # ZBA 2021-1, Aron Braun of 16 Woodwind Avenue, Spring Valley, New York 10977 for variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) permit the construction, maintenance and use of single-family dwelling having (1) a floor area ratio of 0.29 instead of the maximum permitted floor area ratio of 0.15 percent; (2) having an impervious surface of .28 instead of the maximum permitted impervious surface of .25; and (3) having a building coverage of 5,105 square feet rather than the maximum permitted building coverage of 3,000 square feet. The premises affected are situate on the North side of Woodwind Avenue approximately 1120± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 14.

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WHEREAS, the Applicant Aron Braun of 16 Woodwind Avenue, Spring Valley, New York 10977 for variations from the requirements of Section 290-37 (Table of Dimensional Requirement) of the Zoning Local Law of the Village of New Hempstead to permit the construction, maintenance and use of a single-family dwelling having (1) a floor area ratio of 0.29 instead of the maximum permitted floor area ratio of 0.15 percent; (2) having an impervious surface of .28 instead of the maximum permitted impervious surface of .25; and (3) having a building coverage of 5,105 square feet rather than the maximum permitted building coverage of 3,000 square feet, and the Board of Appeals having held a public hearing on March 17, 2021;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Aron Braun of 16 Woodwind Avenue, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the North side of Woodwind Avenue approximately 1120± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 14.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) a floor area ratio of 0.29 instead of the maximum permitted floor area ratio of 0.15 percent; (2) having an impervious surface of .28 instead of the maximum permitted impervious surface of .25; and (3) having a

building coverage of 5,105 square feet rather than the maximum permitted building coverage of 3,000 square feet located on the south side of North side of Woodwind Avenue approximately 1120± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) a floor area ratio of 0.29 instead of the maximum permitted floor area ratio of 0.15 percent; (2) having an impervious surface of .28 instead of the maximum permitted impervious surface of .25; and (3) having a building coverage of 5,105 square feet rather than the maximum permitted building coverage of 3,000 square feet, variations from the requirements of 290-37 (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 variances will allow for construction, maintenance and use of a single-family dwelling 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: On _____, The Village of New Hempstead's Building Inspector denied the applicant's request for a building permit and referred the applicant to apply to the Zoning Board of Appeals for further proceedings. The applicants submitted necessary documentation to bring the application to the Village of New Hempstead's Zoning Board of Appeals.

SEVENTH: In evaluating the need for these variance requests this Board considered the factors outlined in Section 290-37 (B) 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.

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

TENTH: The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

ELEVENTH: The interest of justice would be served by granting of the requested variances 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 or direct referrals from the Planning Board.

SECOND: The Board of Appeals pursuant to Section 290-37 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 Aron Braun of 16 Woodwind Avenue, Spring Valley, New York 10977 variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) permit the construction, maintenance and use of a single-family dwelling having (1) a floor area ratio of 0.29 instead of the maximum permitted floor area ratio of 0.15 percent; (2) having an impervious surface of .28 instead of the maximum permitted impervious surface of .25; and (3) having a building coverage of 5,105 square feet rather than the maximum permitted building coverage of 3,000 square feet at the property located on the North side of Woodwind Avenue approximately 1120± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 14, subject to the following conditions:

- (a) Compliance with Rockland County Sewer District's letter dated March 10, 2021;
- (b) Changes to the patio behind the kitchen to be either pervious or a deck; and
- (c) Approval by the Village Engineer that the above changes/modifications have been performed.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Zamir, AYE, Mr. Rothman, AYE Chairman Fuerst, AYE. The Resolution was adopted by a vote of 3-0.

MOTION TO ADJOURN

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

Resolution #ZBA 2021-4

Resolved, that the meeting held by the Zoning Board of Appeals on March 17, 2021
Is hereby adjourned. Chairman Fuerst called for a vote. The vote was -0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub, Village Clerk- Treasurer