

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, MAY 26, 2021
7:30 P.M. – ZOOM

PRESENT

SOLOMON FUERST, CHAIRMAN
ARYEH TAUB (ZOOM)
MEIR ROTHMAN
ELLIOT ZISMAN

ABSENT

MOSHE ZAMIR

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK-TREASURER

Open Meeting

Mrs. Weinraub will be late. She had an emergency.

Roll Call

PUBLIC HEARING ON CVS PHARMACY, LOCATED AT THE CORNER OF RT-306 AND GRANDVIEW AVE. THE APPLICANTS ARE SEEKING VARIANCE TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF A FREE STANDING SIGN.

Photos of the original submission before CVS was involved was presented to the applicant to show what the signage was supposed look like.

Gary McCoy, Representing CVS from Poyant Signs.

Based on the information given the applicant understands without everyone on the board approving this he will not get the supermajority vote that is needed to override the county. The applicant agreed to work with the renderings presented to him to see if they can put something together for the next meeting on June 23, 2021.

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

Resolution #ZBA 2021-5

Resolved, that the public hearing on CVS Pharmacy located at the Corner of Rt306 and Grandview Ave., 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 May 13, 2021 affidavit of notice and postings were timely.

Correspondence read into the record

ROCKLAND COUNTY SEWER DISTRICT LETTER DATED 5/17/2021
ROCKLAND COUNTY HIGHWAY 5/5/2021
ROCKLAND COUNTY PLANNING 5/12/2021
TOWN OF RAMAPO DPW 5/18/2021

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

Resolution #ZBA 2021-6

Resolved, that the public hearing on CVS Pharmacy located at the Corner of Rt. 306 and Grandview Ave., New Hempstead NY is hereby adjourned to June 23, 2021 at 7:30pm. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

PUBLIC HEARING ON 1 BAY CT MYRON S & JUDY LEVI. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I) FRONT YARD: 35' REQUIRED; 27'11" TO NORTHERN EDGE OF CARPORT, 23'.7" TO CORNER OF PROPOSED ADDITION, AND 11.9" TO CARPORT PROPOSED (II) MAXIMUM FLOOR AREA: RATIO 0.18 REQUIRED; 0.20 PROPOSED (III) MAXIMUM IMPERVIOUS AREA: .25 REQUIRED; .30 PROPOSED (IIII) MAXIMUM BUILDING COVERAGE: 2500 SF REQUIRED, 2778.74 PROPOSED. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF BAY CT. 0+/- FEET FROM THE INTERSECTION OF BROCKTON RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.09 BLOCK 1 LOT 39 IN A 2R-15 ZONING DISTRICT.

Ryan Karben and Construction Expediting Representing the applicant.

The applicant is requesting variances from section 290-3 of the zoning law.

Front yard: 35' required; 27'11" to northern edge of carport, 23'.7" to corner of Proposed addition, and 11.9" to carport proposed, maximum floor area: ratio 0.18 required; 0.20 proposed, maximum impervious area: .25 required; .30 proposed, maximum building coverage: 2500 SF required, 2778.74 proposed. This addition is for the applicants Mother in Law to move in.

The board confirmed with Zack Kamm with the Village engineering company that it won't be an issue to do the second curb cut.

Chairman Fuerst

Does the car port have to be in that location or can it be moved a little back and where is the entrance to the addition?

The board and professionals discussed the uniqueness of this property. There are potentially no other lots within the village with this particular shape and 3 frontages.

Zack Kamm, Civil Design Works, Village Engineer

The Carport would be like a rear deck or front patio. It would be an extension to the building envelope for the setbacks. We have no comments that would affect the granting of the variances today, but our comments should be a condition to the building permit.

Attorney Minsky confirmed that there won't be any overrides we can make everything subject to.

Ryan Karben, Attorney for the applicant

Would like to confirm an override for the Rockland County Highway is not needed

Attorney Minsky confirmed that the reason for granting the variances is because of the lots uniqueness which really on the side is identified as the front. The only thing that may be able to be done is moving the carport back but that is not for sure.

Chairman Fuerst asked again if the carport can be shifted back at all. What is behind the Carport between the additions?

The applicant confirmed the area behind the port is a sitting area. If you look at the plans it would allow for the mother in-law to enter the house when it rains or snows without getting too wet.

The board and attorney had conversation to see if there is any way to mitigate some of the variances requested.

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

Resolution #ZBA 2021-7

Resolved, that the public hearing on Myron and Judy Levi, 1 Bay Ct, New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Mrs. Weinraub stated it appeared in the Rockland Journal News May 16, 2021 affidavit of notice and postings were timely.

There was no one from the public that wished to speak, but the village did receive Letters of Support from the neighbors at 2, 3, 4, and 6 Bay Ct.

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

Resolution #ZBA 2021-8

Resolved, that the public hearing on Myron and Judy Levi, 1 Bay Ct, New Hempstead NY is hereby closed. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Correspondence read into the record

- ROCKLAND COUNTY SEWER DISTRICT LETTER DATED 5/17/2021
- ROCKLAND COUNTY HIGHWAY 5/5/2021
- ROCKLAND COUNTY PLANNING 5/12/2021
- TOWN OF RAMAPO DPW 5/4/2021
- LETTER OF SUPPERT FROM NEIGHBORS (2, 3, 4, & 6 BAY CT)
- RESPONSE FROM ATTORNEY 5/19/2021
- SUEZ NY DATED 5/7/2021
- VILLAGE ENGINEER LETTER DATED 5/7/2021

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 because of the uniqueness of the lot frontages;
- (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 – 9

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In the Matter of Application # ZBA 2021-7, Myron and Judy Levi of 1 Bay Court, New Hempstead, 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 front yard setback of 27 feet, 11 inches (northern edge of carport) and 23 feet, 7 inches (corner of proposed addition) rather than the required 35 feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25; and (3) having a maximum floor area ratio of 0.20 rather than the maximum floor area ration of 0.18; (4) having a maximum building coverage of 2,778.74 square feet rather than the maximum permitted building coverage of 2,500 square feet;(5) 11.9” to carport proposed The premises affected are situate on the North side of Bay Court at its intersection with of Brockton Road and is located within a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.09, Block 1, Lot 39.

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WHEREAS, the Applicant Myron and Judy Levi of 1 Bay Court, New Hempstead, 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 front yard setback of 27 feet, 11 inches (northern edge of carport) and 23 feet, 7 inches (corner of proposed addition) rather than the required 35 feet; (2) having an impervious surface of .30 instead of the maximum

permitted impervious surface of .25; and (3) having a maximum floor area ratio of 0.20 rather than the maximum floor area ratio of 0.18; (3) having a maximum building coverage of 2,778.74 square feet rather than the maximum permitted building coverage of 2,500 square feet, ;(5) 11.9” to carport proposed and the Board of Appeals having held a public hearing on May 26, 2021;

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

FINDINGS OF FACT

FIRST: The applicants Myron and Judy Levi of 1 Bay Court, New Hempstead, New York 10977 are the owners of the subject property.

SECOND: The applicants’ property is located on the North side of Bay Court at its intersection with of Brockton Road and is located within a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.09, Block 1, Lot 39.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) a front yard setback of 27 feet, 11 inches (northern edge of carport) and 23 feet, 7 inches (corner of proposed addition) rather than the required 35 feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25; and (3) having a maximum floor area ratio of 0.20 rather than the maximum floor area ratio of 0.18; (3) having a maximum building coverage of 2,778.74 square feet rather than the maximum permitted building coverage of 2,500 square feet ;(5) 11.9” to carport proposed located on the North side of Bay Court at its intersection with of Brockton Road and is located within a 2R-15 zoning district.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) a front yard setback of 27 feet, 11 inches (northern edge of carport) and 23 feet, 7 inches (corner of proposed addition) rather than the required 35 feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25; and (3) having a maximum floor area ratio of 0.20 rather than the maximum floor area ratio of 0.18; (3)

having a maximum building coverage of 2,778.74 square feet rather than the maximum permitted building coverage of 2,500 square feet, ;(5) 11.9" to carport proposed 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 applicants have 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 Zoning Board of Appeals of the Village of New Hempstead does hereby grant the applicants Myron and Judy Levi of 1 Bay Court, New Hempstead, 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 front yard setback of 27 feet, 11 inches (northern edge of carport) and 23 feet, 7 inches (corner of proposed addition) rather than the required 35 feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25; and (3) having a maximum floor area ratio of 0.20 rather than the maximum floor area ratio of 0.18; (3) having a maximum building coverage of 2,778.74 square feet rather than the maximum permitted building coverage of 2,500 square feet ;(5) 11.9” to carport proposed at the property located on the North side of Bay Court at its intersection with of Brockton Road, located within a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.09, Block 1, Lot 39, subject to the following conditions:

- (a) Compliance with Rockland County Sewer District’s letter dated May 17, 2021;
- (b) Compliance with Rockland County Highway letter dated May 5, 2021;
- (c) Compliance with Rockland County Planning Department letter dated May 12, 2021;
- (d) Compliance with the Town of Ramapo Department of Public Works letter dated May 4, 2021;
- (e) Suez, NY letter date May 7, 2021
- (f) The Village Engineer’s letter and review dated May 7, 2021; and
- (g) Approval by the Village Engineer and Building Inspector that the above compliance requirements have been satisfied.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Zisman, AYE, Mr. Rothman, AYE, Mr. Taub, AYE and Chairman Fuerst, AYE. The Resolution was adopted by a vote of 4-0.

PUBLIC HEARING ON MR. & MRS. NUTOVICS, 23 BARRIE DR., 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 SIDE YARD OF 15.6 FT. INSTEAD OF THE MINIMUM REQUIRED 20'. (II) PROPOSING A TOTAL SIDE YARD OF 31.2' INSTEAD OF THE MINIMUM REQUIRED 50' (III) PROPOSING A BUILDING COVERAGE OF 4410 INSTEAD OF THE MAXIMUM REQUIRED 3000 AND (IIII) PROPOSING AN IMPERVIOUS SURFACE OF .28 INSTEAD OF THE MAXIMUM REQUIRED .25. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF BARRIE DR. 545+/- FEET FROM THE INTERSECTION OF PATRICIA LN. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.17 BLOCK 1 LOT 15 IN A1R-25 ZONING DISTRICT.

Ryan Karben and Construction Expediting Representing the applicant.
The applicant is requesting variances from section 290-3 of the zoning law.
Proposing a side yard of 15.6 ft. Instead of the minimum required 20'.
Proposing a total side yard of 31.2' instead of the minimum required 50'
Proposing a building coverage of 4410 instead of the maximum required 3000 and proposing an impervious surface of .28 instead of the maximum required .25.

Chairman Fuerst stated there are multiple comment from the village engineer that were not addressed.

The applicant's attorney feels if the board is requesting an engineer's response he is not prepared to do that this evening.

Chairman Fuerst referenced the Engineers comment regarding rotating the house to reduce the variance.

There are significant request for revisions that would need to be addressed by the applicants engineer before a determination can be made. The board requested the applicant try to mitigate unnecessary variances requesting. The applicant must submit revised plans with a narrative at least 2 weeks before the next meeting. June 8 is the last day to submit for the June 23, 2021 ZBA Meeting.

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

Resolution #ZBA 2021-10

Resolved, that the public hearing on Mr. & Mrs. Nutovics, 23 Barrie Dr., New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Mrs. Weinraub stated it appeared in the Rockland Journal News May 13, 2021 affidavit of notice and postings were timely.

Correspondence read into the record

ROCKLAND COUNTY SEWER DISTRICT LETTER DATED 5/17/2021
ROCKLAND COUNTY HIGHWAY 4/26/2021
ROCKLAND COUNTY PLANNING 5/3/2021
TOWN OF RAMAPO DPW 5/3/2021
RESPONSE FROM ATTORNEY 5/19/2021
VILLAGE ENGINEER LETTER DATED 5/6/2021

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

Resolution #ZBA 2021-11

Resolved, that the public hearing on Mr. & Mrs. Nutovics, 23 Barrie Dr., New Hempstead NY is hereby adjourned to June 23, 2021. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

MOTION TO ADJOURN

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

Resolution #ZBA 2021-12

Resolved, that the meeting held by the Zoning Board of Appeals on May 26, 2021
Is hereby adjourned. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub, Village Clerk- Treasurer