

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

**ZONING BOARD OF APPEALS**

REGULAR MEETING  
WEDNESDAY, November 18, 2019  
7:30 P.M. – VILLAGE HALL

PRESENT

SOLOMON FUERST, DEPUTY CHAIRMAN  
ARYEH TAUB  
MEIR ROTHMAN  
LEONARD GREENBERG *ad hoc*

ABSENT

ADAM POLLACK, CHAIRMAN  
RICK ELL

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY  
ALLISON WEINRAUB, DEPUTY CLERK TREASURER

**Open Meeting**

**Roll Call**

**PUBLIC HEARING ON THE APPLICATION OF ZEV JURAVEL, 9 BARRIE DR., SPRING VALLEY NY 10977. APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-37 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I) HAVING AN IMPERVIOUS SURFACE OF 0.29 INSTEAD OF THE MAXIMUM REQUIRED .25 AND (II) HAVING A MAXIMUM BUILDING COVERAGE OF 3,575 SF INSTEAD OF THE MAXIMUM REQUIRED 3,000 SF. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF BARRIE DR. 125+/- FEET FROM THE INTERSECTION OF PATRICIA LANE. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 5 LOT 50 IN A 1R-25 ZONING DISTRICT.**

Todd Rosenblum, Architect representing the applicant

Letters of support were submitted from all the neighbors. One of the main reasons for this addition is Mrs. Juravel's parents due to age and physical issues need to move in. The addition will need to be wheel chair accessible which is why it's done on the first floor. They will be adding some guest bedrooms, bathrooms, and living areas to accommodate them. They will be integrated with the family, sharing a kitchen, eating meals together, so it's really just for their parents needs with their aids. The building coverage extra 575 feet; the addition is one story in the back of the house it is not visible to the neighbors and the impervious surface; a lot of this is to do with a preexisting swimming pool. When it rains if this was asphalt it would create runoff, but with the pool it is not an issue.

Mrs. Weinraub stated it appeared in the Journal News November 4, 2019 affidavit of notice and postings were timely.

Correspondence Read into the Record  
Rockland County Sewer District 11/06/2019

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

Resolution # ZBA 2019-26

Resolved, that the Zoning Board of Appeals hereby opens the public hearing of Zev Juravel, 9 Barrie Dr., New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

No one from the public wished to speak but the village did receive letters of support from all the neighbors.

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

Resolution # ZBA 2019-27

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Zev Juravel, 9 Barrie Dr., New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # ZBA 2019 – 28

-----X

In the Matter of Application # ZBA 2019- 8 , Zev Juravel of 9 Barrie Drive, Spring Valley, New York 10977 for a variation from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) to permit the construction, maintenance and use of single-family dwelling having (1) an impervious surface of 0.29 instead of the maximum permitted of 0.25 and (2) having a maximum building coverage of 3,575 square feet rather than the maximum permitted of 3,000 square feet. The premises affected are situate on the west side of Barrie Drive approximately 125 feet from the intersection of Patricia Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 5, Lot 50.

-----X

WHEREAS, the Applicant Zev Juravel of 9 Barrie Drive, Spring Valley, New York 10977 for a variation from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) to permit the construction, maintenance and use of single-family dwelling having (1) an impervious surface of 0.29 instead of the maximum permitted of 0.25 and (2) having a maximum building coverage of 3,575 square feet rather than the maximum permitted of 3,000 square feet and the Board of Appeals having held a public hearing on November 18, 2019;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Zev Juravel of 9 Barrie Drive, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the west side of Barrie Drive approximately 125 feet from the intersection of Patricia Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 5, Lot 50.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) an impervious surface of 0.29 instead of the maximum permitted of 0.25 and (2) having a maximum building coverage of 3,575 square feet rather than the maximum permitted of 3,000 square feet.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) an impervious surface of 0.29 instead of the maximum permitted of 0.25 and (2) having a maximum building coverage of 3,575 square feet rather than the maximum permitted of 3,000 square feet, variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) are 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 hearings, 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 October 24, 2019, 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 290-90 (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 propose 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 290-90 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 Zev Juravel of 9 Barrie Drive, 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 a single-family dwelling having (1) an impervious surface of 0.29 instead of the maximum permitted of 0.25 and (2) having a maximum building coverage of 3,575 square feet rather than the maximum permitted of 3,000 square feet at the property situate on the west side of Barrie Drive approximately 125 feet from the intersection of Patricia Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 5, Lot 50.

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

**PUBLIC HEARING ON YEHUDA WALDEN, 17 ELLINGTON WAY SPRING VALLEY NY 10977, REQUESTING VARIANCES FROM SECTION 290-37 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I) PROPOSING AN IMPERVIOUS SURFACE OF 0.275 INSTEAD OF THE MAXIMUM REQUIRED .20 AND (II) PROPOSING A SIDE YARD OF 15 FT. INSTEAD OF THE MINIMUM REQUIRED 20 FT. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH WEST SIDE OF ELLINGTON WAY. 950+/- FEET FROM THE INTERSECTION OF NEW HEMPSTEAD RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.9 BLOCK 2 LOT 48 IN A 1R-40 ZONING DISTRICT.**

Board member Taub stated he does live on the block but is not a direct neighbor. This would not be a conflict of interest.

Noel from Cool Pools, representing the applicant

The applicant is looking for a variance side yard and impervious surface. Side yard is 20 ft. and we are looking for 5 ft. on the side. For impervious surface what is allowed is .20 and what we proposed is .275 because the pool is included as well as the patio. When it comes to pools you lounge in the sun you need about 9ft for that and another 3 ft. to get around. We don't want to ask for too much so we are only asking for one side and we shortened the other side to allow for a means of egress from the back end of the pool. The other structures you see is a proposed spa and pool house/Shed for toy storage as well. The grade does increase on the left hand side of the property which is why we placed the pool where it is and use the other area for the children to play.

The board members and attorney had the applicant further clarify why it can't be adjusted.

Chaya Walden, Applicant

The walking path to Pennington Way the community uses is accessed on her property and can't be disturbed.

Mrs. Weinraub stated it appeared in the Journal News November 4, 2019 affidavit of notice and postings were timely.

Correspondence Read into the Record  
Rockland County Sewer District 11/06/2019

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

Resolution # ZBA 2019-29

Resolved, that the Zoning Board of Appeals hereby opens the public hearing of Yehuda Walden, 17 Ellington Way, New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Dini Cohen, 20 Pennington  
Lives near the applicant and is in favor of this application.

Board Member Taub supports this application.

Deputy Chair Fuerst explained that in recent years whenever value was being added to the community this Board would change foot prints floor plans etc. To improve the village.

There were no objections on this application.

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

Resolution # ZBA 2019-30

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Yehuda Walden, 17 Ellington Way, New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # ZBA 2019-31

Resolution # ZBA 2019 –

-----X  
In the Matter of Application # ZBA 2019- 9 , Yehuda Walden of 17 Ellington Way, 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) to permit the construction, maintenance and use of single-family dwelling having (1) an impervious surface of 0.275 instead of the maximum permitted of 0.20 and (2) having a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet. The premises affected are situate on the north side of Ellington Way approximately 950 feet from the intersection of New Hempstead Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.9, Block 2, Lot 48.  
-----X

WHEREAS, the Applicant Yehuda Walden of 17 Ellington Way, Spring Valley, New York 10977 for a variation from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) to permit the construction, maintenance and use of single-family dwelling having (1) an impervious surface of 0.275 instead of the maximum permitted of 0.20 and (2) having a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet and the Board of Appeals having held a public hearing on November 18, 2019;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Yehuda Walden of 17 Ellington Way, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the north side of Ellington Way approximately 950 feet from the intersection of New Hempstead Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.9, Block 2, Lot 48.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) an impervious surface of 0.275 instead of the maximum permitted of 0.20 and (2) having a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) an impervious surface of 0.275 instead of the maximum permitted of 0.20 and (2) having a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet, variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) are 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 hearings, 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 October 15, 2019, 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 290-90 (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 propose 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 290-90 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 Yehuda Walden of 17 Ellington Way, 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 a single-family having (1) an impervious surface of 0.275 instead of the maximum permitted of 0.20 and (2) having a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet at the property situate on the on the north side of Ellington Way approximately 950 feet from the intersection of New Hempstead Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.9, Block 2, Lot 48 subject to the Village Engineer's letter dated July 29, 2019 and the response of Applicant's representative Anthony R. Celentano, PLS dated September 10, 2019.

FOURTH: The Building Inspector is hereby authorized to issue a Building Permit consistent with this Variance.

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

**PUBLIC HEARING ON THE APPLICATION OF UNION AVE REALTY LLC, 573 & 575 UNION RD, SPRING VALLEY NY 10977. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. LOT 50.9-1-14.1(I) HAVING A LOT AREA OF 13,082 SQ. FT. INSTEAD OF THE MINIMUM REQUIRED 15,000 SQ. FT., (II) HAVING A STREET FRONTAGE OF 58' INSTEAD OF THE MINIMUM REQUIRED 85' (III) HAVING A LOT WIDTH OF 58' INSTEAD OF THE MINIMUM REQUIRED 100' (IIII) HAVING A SIDE YARD OF 12' INSTEAD OF THE MINIMUM PERMITTED 20' AND (IIII) HAVING A TOTAL SIDE YARD OF 24' INSTEAD OF THE MINIMUM REQUIRED 50'. LOT 50.9-1-14.2(I) HAVING A LOT AREA OF 12,686 SQ. FT. INSTEAD OF THE MINIMUM REQUIRED 15,000 SQ. FT., (II) HAVING A STREET FRONTAGE OF 58' INSTEAD OF THE MINIMUM REQUIRED 85' (III) HAVING A LOT WIDTH OF 58' INSTEAD OF THE MINIMUM REQUIRED 100' (IIII) HAVING A SIDE YARD OF 12' INSTEAD OF THE MINIMUM PERMITTED 20' AND (IIII) HAVING A TOTAL SIDE YARD OF 24' INSTEAD OF THE MINIMUM REQUIRED 50'. THE SUBJECT PROPERTIES ARE LOCATED ON THE WEST SIDE OF UNION RD. 20 FEET FROM THE INTERSECTION OF NOMI LN. THE PROPERTIES IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.9 BLOCK 1 LOT 14.1 & 14.2**Motion to Adjourn

Joseph Churgin, Attorney representing the applicant

This is a subdivision for two single family homes that was granted variances and site plan approval in 2016 but the developer could not build it and they have since expired. This is not the same developer and they are not seeking any additional variances that were other than the ones that were granted in 2016. The only difference which has nothing to do with these variances is the parking was moved from the back. After meeting with the village engineer it was decided to have two spots each lot with a shared driveway. A request was made to do an agreement for the shared driveway which was done.

Attorney Churgin 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 stated this was already approved for a subdivision and Site Plan in 2016 there was an understanding that you were going to build upon it which is why it is not self-created.

Mrs. Weinraub stated it appeared in the Journal News October 11, 2019 affidavit of notice and postings were timely.

Correspondence Read into the Record

*Rockland County Sewer District 11/06/2019*

*Rockland County Planning Department dated October 22, 2019*

*Rockland County Health October 21, 2019*

*Village Engineer Comments Dated November 11, 2019*

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

Resolution # ZBA 2019-32

Resolved, that the Zoning Board of Appeals hereby opens the public hearing of Union Ave Realty, 573 & 575 Union Rd., New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

No one from the Public wished to speak.

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

Resolution # ZBA 2019-33

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Union Ave Realty, 573 & 575 Union Rd., New Hempstead, NY. Deputy Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # ZBA 2019 – 34

-----X

In the Matter of Application # ZBA 2019- 6 , Union Ave. Realty, LLC of 573 Union Road, 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) to permit the construction, maintenance and use of single-family dwelling having (1) a lot area of 13,082 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50'). The premises affected are situate on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a \_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.1.

-----X

WHEREAS, the Applicant Union Ave. Realty, LLC of 573 Union Road, 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) to permit the construction, maintenance and use of single-family dwelling having (1) a lot area of 13,082 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50') and the Board of Appeals having held a public hearing on November 18, 2019;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Union Ave. Realty, LLC of 573 Union Road, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a \_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.1.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) a lot area of 13,082 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50'), variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) are 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 hearings, 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 September 19, 2019 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 290-90 (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 propose 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 290-90 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 Union Ave. Realty, LLC of 573 Union Road, 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) to permit the construction, maintenance and use of a single-family having (1) a lot area of 13,082 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50') at the property situated on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a \_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.1., subject to the compliance with the following conditions:

- (a) Rockland County Planning Department Letter dated October 22, 2019;
- (b) Village of New Hempstead Village Engineer's Letter dated November 11, 2019.

FOURTH: The Building Inspector is hereby authorized to issue a Building Permit consistent with this Variance.

FIFTH: Any prior variances issued for this property which are inconsistent with this Resolution are hereby expressly extinguished.

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

Resolution # ZBA 2019 –35

-----X  
In the Matter of Application # ZBA 2019- 7 , Union Ave. Realty, LLC of 575 Union Road, 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) to permit the construction, maintenance and use of single-family dwelling having (1) a lot area of 12,686 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50'). The premises affected are situate on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a \_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.2.  
-----X

WHEREAS, the Applicant Union Ave. Realty, LLC of 575 Union Road, 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) to permit the construction, maintenance and use of single-family dwelling having (1) a lot area of 12,686 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50') and the Board of Appeals having held a public hearing on November 18, 2019;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Union Ave. Realty, LLC of 575 Union Road, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a \_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.1.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) a lot area of 12,686 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50'), variations from the provisions of Section 290-37 of the Zoning Local Law of the Village of New Hempstead (Table of Dimensional Requirements) are 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 hearings, 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 September 19, 2019, 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 290-90 (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 propose 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 290-90 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 Union Ave. Realty, LLC of 575 Union Road, 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) to permit the construction, maintenance and use of a single-family having (1) a lot area of 12,686 square feet rather than the minimum required lot area of 15,000 square feet; (2) street frontage of 58 feet rather than the minimum street frontage required of 85 feet; (3) having a proposed side yard of twelve (12') feet rather than the minimum required side yard of twenty (20') feet; and (4) a total side yard of twenty-four (24') feet rather than the minimum total side yard of fifty (50') at the property situated on the west side of Union Road approximately 20 feet from the intersection of Naomi Lane and is located within a

\_\_\_\_ Zoning District and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 14.2., subject to the compliance with the following conditions:

- (a) Rockland County Planning Department Letter dated October 22, 2019;
- (b) Village of New Hempstead Village Engineer's Letter dated November 11, 2019.

FOURTH: The Building Inspector is hereby authorized to issue a Building Permit consistent with this Variance.

FIFTH: Any prior variances issued for this property which are inconsistent with this Resolution are hereby expressly extinguished.

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

**Motion to Adjourn**

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

Resolution #ZBA 2019-36

Resolved, that the meeting held by the Zoning Board of Appeals on November 18, 2019 Is hereby adjourned. Deputy Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,

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