

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, October 23, 2019
7:30 P.M. – VILLAGE HALL

PRESENT

ADAM POLLACK, CHAIRMAN
ARYEH TAUB
MEIR ROTHMAN
LEONARD GREENBERG *ad hoc*

ABSENT

SOLOMON FUERST, DEPUTY CHAIRMAN
RICK ELL

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, DEPUTY CLERK TREASURER

Open Meeting

Roll Call

Approval of Minutes of August 28, 2019

Minutes of August 7, 2018 are held over.

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

Resolution # ZBA 2019-13

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on May 22, 2019. Deputy Chairman Fuerst called for a vote. The vote was 3-0. Mr. Rothman, & Deputy Chairman Fuerst were not in attendance at that meeting. The resolution was adopted.

Continuation Of The Public Hearing On The Application Of Chaim Ciment, 6 Grandview Ave. Rd, Spring Valley NY 10977. The Applicant Is Requesting Variances From Section 5.2 Of The Zoning Law Of The Village Of New Hempstead. (I) Having a Side Yard of 13' Instead Of the Minimum Required 20', and (II) Having an Impervious Surface Of 30% Instead Of the Maximum Permitted 25%. The Subject Property Is Located On The South Side Of Grandview Ave. 0 Feet From The Intersection Of Union Rd. The Property Is Designated On The Town Of Ramapo Tax Map As Section 42.17 Block 1 Lot 5.2 In A 1r-25 Zoning District.

Kevin Conway, Attorney for the applicant

This is a continuation from last month's meeting. This is not going to be two family home and they will not be knocking down the structure. It is just going to be an addition to the existing home. The applicant did appear before the Village Board and did receive the Special Use Permit for the Passover Kitchen they did not require a Special Use Permit for the Mikvah because it is only going to be used for private use. The only change that was done to these plans were the neighbor who originally subdivided the property had requested the rear patio be moved which the applicant has agreed to do so. The variances they are requesting in my opinion are minor.

Dennis Plassart, 10 Grandview Ave

Neighbor would like to be sure the applicant does not touch the retaining wall or the footing drains

Aryeh Taub, Board member

We can add that as a condition to the approval.

No one else from the public wished to speak.

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

Resolution # ZBA 2019-14

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Chaim Ciment, 6 Grandview Ave, New Hempstead. Chairman Pollack called for a vote. The vote was 5-0. 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 –15

-----X
In the Matter of Application # ZBA 2019- , Chaim Ciment of 6 Grandview Road, Spring Valley, New York 10977 10953 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) permit the construction, maintenance and use of single-family dwelling having (1) a side yard of thirteen (13') feet instead of the minimum required twenty (20') feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25. The premises affected are situate on the south side of Grandview Avenue at the intersection of Union Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 5.2.
-----X

WHEREAS, the Applicant Chaim Ciment of 6 Grandview Road, Spring Valley, New York 10977 10953 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 a single-family dwelling having (1) a side yard of thirteen (13') feet instead of the minimum required twenty (20') feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25 and the Board of Appeals having held a public hearings on August 27, 2019 and October 23, 2019;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Chaim Ciment of 6 Grandview Road, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicants' property is located on the south side of Grandview Avenue at the intersection of Union Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 5.2.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) a side yard of thirteen (13') feet instead of the minimum required twenty (20') feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25 located on the south side of Grandview Avenue at the intersection of Union 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 side yard of thirteen (13') feet instead of the minimum required twenty (20') feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25, variations 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 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 June 7, 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 Chaim Ciment of 6 Grandview Road, Spring Valley, New York 10977 10953 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) permit the construction, maintenance and use of a single-family dwelling having (1) a side yard of thirteen (13') feet instead of the minimum required twenty (20') feet; (2) having an impervious surface of .30 instead of the maximum permitted impervious surface of .25 at the property located on the south side of Grandview Avenue at the intersection of Union Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 5.2, subject to the Rockland County Planning Department's letter dated August 26, 2019 with the supermajority override of items #1, #3 and #6, and further subject to the applicant agreeing not to disturb the existing footing drain and retaining wall affecting the neighboring property.

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

Public Hearing on the Application of Shiv Rastogi, 3 Highridge Rd. New Hempstead NY 10977 the Applicant Is Requesting Variances from Section 5.2 of the Zoning Law Of the Village of New Hempstead. (I) Having an Impervious Surface of 0.337 Instead Of the Maximum Permitted .25.

Anthony Celentano, Representing the Applicant

The Applicant has fallen ill over the last few months and had an accident a few days ago that broke her neck so she was unable to attend tonight's meeting. Ms. Rastogi is an older homeowner who hired a contractor to put in a patio who assured her he got all the permits and variances. She paid him in full but then she received a letter from the county stating work was done without a permit. She then notified the village and it was determined he put a bit too many pavers in the backyard. The Applicant Is Requesting Variances of Having an Impervious Surface of 0.337 Instead Of the Maximum Permitted .25 to legalize the work that was completed.

Mrs. Weinraub stated it appeared in the Journal News September 10, 2019 affidavit of notice and postings were timely.

Correspondence Read into the Record

RC Highway 8/23/2019

Town of Ramapo DPW 8/23/2019

RC Planning 9/19/2019

Mr. Celentano requested an override because no sewer work was done or will be done.

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

Resolution # ZBA 2019-16

Resolved, that the Zoning Board of Appeals hereby opens the public hearing of Shiv Rastogi, 3 Highridge Rd. New Hempstead. Chairman Pollack called for a vote. The vote was 4-0. The resolution was adopted.

No comments from the public.

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

Resolution # ZBA 2019-17

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Shiv Rastogi, 3 Highridge Rd. New Hempstead. Chairman Pollack 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 representative 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 2019-18

Resolved, that the Zoning Board of Appeals hereby overrides the comments made by the Town of Ramapo Department of Public Works dated 8/23/2019 on the application of Shiv Rastogi, 3 Highridge Rd. New Hempstead. Chairman Pollack called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # ZBA 2019-19

Resolved, that the Zoning Board of Appeals hereby overrides the comments made by the Rockland County Highway Department dated 8/23/2019 on the application of Shiv Rastogi, 3 Highridge Rd. New Hempstead. Chairman Pollack called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # ZBA 2019-20

Resolved, that the Zoning Board of Appeals hereby overrides the comment # 1 made by, Rockland County Planning Department dated 9/19/2019 on the application of Shiv Rastogi, 3 Highridge Rd. New Hempstead. Chairman Pollack 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 -21

-----X

In the Matter of Application # ZBA 2019- , Shiv Rastogi of 3 Highridge 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 a patio to the existing single-family dwelling located at 3 Highridge Road, New Hempstead, New York 10977 having an impervious surface of 0.337 instead of the maximum impervious surface permitted of .25. The premises affected are situated at 3 Highridge Road, New Hempstead, New York 10977 in a 1R-25 Zoning District on the west side of Highridge Road approximately 190 feet from the intersection with New Hempstead Road and further identified on the Town of Ramapo Tax Map as Section 42.14, Block 1, Lot 18.

-----X

WHEREAS, the Applicant, Shiv Rastogi of 3 Highridge 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 a patio to the single-family dwelling located at 3 Highridge Road, New Hempstead, New York 10977 having an impervious surface of .337 instead of the maximum impervious surface permitted of .25, and the Board of Appeals having held a public hearing on the 23rd day of October, 2019.

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

FINDINGS OF FACT

FIRST: The applicants, Shiv Rastogi of 3 Highridge Road, New Hempstead, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located at 3 Highridge Road, New Hempstead, New York 10977 and further identified on the Town of Ramapo Tax Map as Section 42.14, Block 1, Lot 18 and is in a 1R-25 zoning district.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a patio to the single-family dwelling located at 3 Highridge Road, New Hempstead, New York 10977.

FOURTH: To permit the construction, maintenance and use of the patio to the single-family dwelling would result in the property having in a total impervious surface of .337; 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 a patio to the single-family dwelling, which she wanted to build 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: The Village of New Hempstead's Building Inspector denied the original building permit application on _____ August 7, 2019 _____ and instructed 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. 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 variance is 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 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, Shiv Rastogi a variation 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 patio to the existing single-family dwelling pursuant to the survey submitted having a total impervious surface of .337 instead of the required maximum impervious surface of .25. The premises affected are situate at 3 Highridge Road, New Hempstead, New York 10977 in a 1R-25 Zoning District on the west side of Highridge Road approximately 190 feet from the intersection with New Hempstead Road and further identified on the Town of Ramapo Tax Map as Section 42.14, Block 1, Lot 18. The Zoning Board of Appeals hereby overrides by a supermajority vote the comments of the Rockland County Planning Department in the letter dated September 19, 2019, the Rockland County Highway Department in the letter dated August 23, 2019 and Town of Ramapo Department of Public Works letter dated August 23, 2019.

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. Taub, AYE, Mr. Rothman, AYE, Mr. Greenberg, AYE and Chairman Pollack, AYE. The Resolution was adopted by a vote of 4-0.

Public Hearing On Of Congregation Tefila Lemoshe, 35 Brockton Rd. The Applicant Is Requesting Variances From Section 5.2 Of The Zoning Law Of The Village Of New Hempstead. (I) Having A Side Yard of 30' Instead Of the Minimum Required 40', (ii) Having A Rear Yard of 19.4' Instead Of the Minimum Required 35' (Iii) Having A Building Coverage of 3,970sq. Ft. Instead Of The Maximum Permitted 2,500 (Iii) Having An Impervious Surface Of .384 Instead Of The Maximum Permitted .25. The Property Is Located On The West Side Of Brockton Road 400 Feet North From The Intersection Of Viola Road. The Property Is Designated On The Town Of Ramapo Tax Map As Section 50.09 Block 1 Lot 38 In A 2r-15 Zoning District.

Joseph Churgin, Attorney for the applicant.

The applicant is here requesting several variances to construct a 22 by 40 ft. Mikvah, not attached to the current building, which is currently being used as a home and a shul. There are a couple of variances that they are requesting but for the record the front yard is an existing condition that they are not requesting a variance for. The applicant is requesting variances from section 5.2 of the zoning law of the village of New Hempstead. Proposing a side yard of 30' instead of the minimum required 40', proposing a rear yard of 19.4' instead of the minimum required 35', proposing a building coverage of 3,970sq. Ft. Instead of the maximum permitted 2,500, and proposing an impervious surface of .384 instead of the maximum permitted .25. The building as it exist now is already above the maximum allowed. We are asking to add an extra 880 ft. The owner is seeking to provide a service for the community. They are looking to provide a mikvah. This community is primarily religious orthodox Jews who need a mikvah in the community where there is none now. The closest mikvah is near Viola by the collage. The people in the community clearly need it. There are several items the board is supposed to consider when weighing their decision.

(1) Will an undesirable change will be produced in the character of the neighborhood? This project will not. It will augment and help the character of the neighborhood.

(2) Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance? No it cannot. We have been sitting this way for years. There is a need for a mikvah

(3) Is the variance indicated substantial? Some of them are not substantial some may be considered to be, however what the board has to do is take those variances into consideration with the impact it will have on the community.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No it will not. 0 net run off

(5) Was the alleged difficulty was not self-created? It really is not self-created by the homeowner, because the community over time has grown and has changed causing the need making it not self-created.

Attorney Minsky gave some background on the applicant. Explaining how this has been a very long process. Part of what was going on was making the use compliance, which they did. There was a lot of discussion on this at the Board of Trustees meetings and going through these elements of the variance the applicant mentioned well that this is clearly a situation not self-created because it is not the specific owner that created this it is a growth of the community that has done it. One thing the board should consider is that through the process they have been working to make everything accommodating and in compliance.

Mrs. Weinraub stated it appeared in the Journal News August 12, 2019 affidavit of notice and postings were timely.

Correspondence Read into the Record

Rockland County Health Department 10/21/2019

Rockland County Planning 10/22/2019

Rockland County Highway 9/20/2019

Town of Ramapo DPW Dated 8/16/2018 Received 9/25/2019

Rockland County Sewer District 9/24/2019

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

Resolution # ZBA 2019-22

Resolved, that the Zoning Board of Appeals hereby opens the public hearing of Congregation Tefila Lemoshe, 35 Brockton Rd, New Hempstead, NY. Chairman Pollack called for a vote. The vote was 4-0. The resolution was adopted.

Merritte Mellion, 566 Union Rd.
There is a women's mikvah at brick church and Union Rd.

Attorney Minsky stated the women's Mikvah is only open on Shabbot and holidays. No other times.

There is a room of about 70 people in support of this project.

Mr. Taub asked the attorney if there is any way to accomplish this without the variance and if this will be a men's or women's mikvah.

Mr. Churgin explained that the way the site is laid out it is not possible. We have tried many other ways but this is the only one that works. This will be used as both a men's and women's mikvah.

Attorney Minsky stated a condition to approval will have to include the removal of the shed.

Board member Taub mentioned the major benefit of this is the safety of the women in our community for when they have to walk at night.

Yechiel Sprei, 3 Asher Drive
It would be an honor to the village to approve such a project.

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

Resolution # ZBA 2019-23

Resolved, that the Zoning Board of Appeals hereby closes the public hearing of Congregation Tefila Lemoshe, 35 Brockton Rd, New Hempstead, NY. Chairman Pollack 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 2019-24

-----X
In the Matter of Application # ZBA 2019- , Congregation Tefila Lemoshe of 35 Brockton 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 unattached Mikvah on the property of the existing single-family dwelling located at 35 Brockton Road, New Hempstead, New York 10977 having (1) a side yard of thirty (30') feet rather than the required forty (40') feet; (2) a rear yard of nineteen feet four inches (19' 4") rather than the required thirty five (35') feet; (3) building coverage of 3,970 feet rather than the maximum permitted 2,500 feet and (4) having an impervious surface of 0.384 instead of the maximum impervious surface permitted of .25. The premises affected are situated at 35 Brockton Road, New Hempstead, New York 10977 in a 2R-25 Zoning District on the west side of Brockton Road approximately four hundred feet from the intersection with Viola Road and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 38.
-----X

WHEREAS, the Applicant, Congregation Tefila Lemoshe of 35 Brockton Road, New Hempstead, New York 10977 for variations 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 unattached Mikvah to the single-family dwelling located at 35 Brockton Road, New Hempstead, New York 10977 having (1) a side yard of thirty

(30') feet rather than the required forty (40') feet; (2) a rear yard of nineteen feet four inches (19' 4") rather than the required thirty five (35') feet; (3) building coverage of 3,970 feet rather than the maximum permitted 2,500 feet and (4) having an impervious surface of 0.384 instead of the maximum impervious surface permitted of .25., and the Board of Appeals having held a public hearing on the 23rd day of October, 2019.

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

FINDINGS OF FACT

FIRST: The applicants, Congregation Tefila Lemoshe of 35 Brockton Road, New Hempstead, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located at 35 Brockton Road, New Hempstead, New York 10977 and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 38 and is in a 2R-25 zoning district.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of an unattached Mikvah to the single-family dwelling located at 35 Brockton Road, New Hempstead, New York 10977.

FOURTH: To permit the construction, maintenance and use of the Mikvah to the single-family dwelling would result in the property having (1) a side yard of thirty (30') feet rather than the required forty (40') feet; (2) a rear yard of nineteen feet four inches (19' 4") rather than the required thirty five (35') feet; (3) building coverage of 3,970 feet rather than the maximum permitted 2,500 feet and (4) having an impervious surface of 0.384 instead of the maximum impervious surface permitted of .25.; variations 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 variances will allow for construction, maintenance and use of an unattached Mikvah to the single-family dwelling, which it wanted to build 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: The Village of New Hempstead's Planning Board referred the original application on _____August 27, 2019_____ and instructed 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. 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 variance is 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. 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 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, Congregation Tefila Lemoshe 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 an unattached Mikvah to the existing single-family dwelling pursuant to the survey submitted having (1) a side yard of thirty (30') feet rather than the required forty (40') feet; (2) a rear yard of nineteen feet four inches (19' 4") rather than the required thirty five (35') feet; (3) building coverage of 3,970 feet rather than

the maximum permitted 2,500 feet and (4) having an impervious surface of 0.384 instead of the maximum impervious surface permitted of .25 **subject to the removal of the shed on the subject property and further subject to the compliance with the comments of Rockland County Health letter dated October 21, 2019; Town of Ramapo Department of Public Works letter dated August 16, 2019, the Rockland County Planning Department letter dated October 22, 2019 (paragraphs numbered 4, 5, 6, 7, 8, 10, 11 and 13) and the Rockland County Sewer District letter dated September 24, 2019.** The premises affected are situate at 35 Brockton Road, New Hempstead, New York 10977 in a 2R-25 Zoning District west side of Brockton Road approximately four hundred feet from the intersection with Viola Road and further identified on the Town of Ramapo Tax Map as Section 50.9, Block 1, Lot 38. Unless specifically mentioned in this paragraph, all other comments submitted to The Zoning Board of Appeals are hereby overridden by a supermajority vote.

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 and demonstrable proof of compliance with the conditions of approval of these variances.

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

Adjourn To Nov 27-Public Hearing On The Application Of Union Ave Reality Llc, 572 & 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 (Iiiii) 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 (Iiiii) Having A Total Side Yard Of 24' Instead Of The Minimum Required 50'.

At the request of the applicant the Public Hearing has been adjourned.

Schedule November and December Zoning Board Meeting

November ZBA: 11/18/2019
December ZBA: 12/18/2019

Motion to Adjourn

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

Resolution #ZBA 2019-25

Resolved, that the meeting held by the Zoning Board of Appeals on October 23, 2019
Is hereby adjourned. Chairman Polack 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