

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, JUNE 23, 2021
7:30 P.M. – ZOOM

PRESENT

SOLOMON FUERST, CHAIRMAN
MOSHE ZAMIR
MEIR ROTHMAN (ZOOM)
ELLIOT ZISMAN

ABSENT

ARYEH TAUB (ZOOM)

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY (ZOOM)
ALLISON WEINRAUB, VILLAGE CLERK-TREASURER

Open Meeting

Roll Call

Approval of Minutes March 17, 2021, May 26, 2021

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

Resolution # ZBA 2021-13

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on March 17, 2021 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 3-0.

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

Resolution # ZBA 2021-14

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on May 26, 2021 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 3-0.

CONTINUATION OF THE 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 (1) SIDE YARD VARIANCE OF 19.6 WHERE 20 FT. IS REQUIRED (2) A TOTAL SIDE YARD OF 39.6 WHERE 60 IS REQUIRED (3) BUILDING COVERAGE OF 4410 WHERE 3000 IS PERMITTED AND (4) IMPERVIOUS SURFACE OF .28 WHERE .25 IS PERMITTED 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 was able to satisfy and adequately address the concerns that were brought up at the last meeting. At the last meeting the board had asked us to see if we could reorient the home on the lot to reduce the amount of variances needed. We did submit revised plans that reflect that modification. If you look at the lot there are obvious limitations. We want to maintain the driveway in the appropriate place for safe ingress and egress, but we were able to eliminate the need for the additional variance. If you look at the balance test in terms of community character impact, it is a use permitted by right in the zone. Bulk variances generally are not viewed under state law as creating any significant character impact unless wild and outrageous. Because the use is a permitted use and we are only seeking Bulk Variances the NYS Case law does not typically view that as implicating community character. The applicant will comply with the village requirement for zero net runoff. No offsite parking will be needed. The applicant is respectfully requesting these variances be granted.

Chairman Fuerst requested Mrs. Weinraub to pull the initial plan to compare with the revised set.

Appreciates the rotating of the house to eliminate the additional variances which took care of our biggest issue.

Zack Kamm, Village Engineer

The rotating of the house really helped this application. It eliminated the need for the side yard variance on the western side and soften the variance needed on the eastern property line. There are a bunch of engineering comments but those can be addressed in the Building Permit Application process.

The Board 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

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

The Public Hearing was left open at the last meeting. No one from the public wished to speak.

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

Resolution #ZBA 2021-15

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

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

Resolution #ZBA 2021-16

Resolved, that the Zoning Board of the Village of New Hempstead hereby override comments number 1 and 5 of the Rockland County Department of Planning Letter date 5/3/2021., because the revisions submitted by the applicant satisfy the Village. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution #ZBA 2021-17

Resolution # ZBA 2021 – 17

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In the Matter of Application # ZBA 2021-, Haidy Nutovics of 23 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 single-family dwelling having (1) side yard Variance of 19.6 where 20 ft. is required (2) A total side yard of 39.6 where 60 is required (3) building coverage of 4410 where 3000 is permitted and (4) impervious surface of .28 where .25 is permitted to Mr. & Mrs. Nutovics, 23 Barrie Dr., New Hempstead NY. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted. The premises affected are situate on the East side of Barrie Drive approximately 545± 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 42.17, Block 1, Lot 15.

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WHEREAS, the Applicant Haidy Nutovics of 23 Barrie Drive, 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) side yard Variance of 19.6 where 20 ft. is required (2) A total side yard of 39.6 where 60 is required (3) building coverage of 4410 where 3000 is permitted and (4) impervious surface of .28 where .25 is permitted and the Board of Appeals having held a public hearings May 26, 2021 and June 23, 2021;

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

FINDINGS OF FACT

FIRST: The applicant, Haidy Nutovics of 23 Barrie Drive, Spring Valley, New York 10977 is one of the owners of the subject property.

SECOND: The applicants' property is located on the East side of Barrie Drive approximately 545± 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 42.17, Block 1, Lot 15.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) side yard Variance of 19.6 where 20 ft. is required (2) A total side yard of 39.6 where 60 is required (3) building coverage of 4410 where 3000 is permitted and (4) impervious surface of .28 where .25 is permitted located on the south side of East side of Barrie Drive approximately 545± feet from the intersection of Patricia Lane and is located within a 1R-25 Zoning District.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) side yard Variance of 19.6 where 20 ft. is required (2) A total side yard of 39.6 where 60 is required (3) building coverage of 4410 where 3000 is permitted and (4) impervious surface of .28 where .25 percent 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 3/22/21, 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 Haidy Nutovics of 23 Barrie Drive, 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) side yard Variance of 19.6 where 20 ft. is required (2) A total side yard of 39.6 where 60 is required (3) building coverage of 4410 where 3000 is permitted and (4) impervious surface of .28 where .25 percent 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: East side of Barrie Drive approximately 545± feet from the intersection of Patricia Lane and is located within a 1R-25 Zoning District.

To the extent required, the Zoning Board of Appeals specifically overrides comments number 1 and 5 of the Rockland County Planning Department General Municipal Review Letter dated May 3, 2021.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Zamir, AYE, Mr. Rothman, AYE, Mr. Zisman, AYE and 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. Zisman:

Resolution #ZBA 2021-18

Resolved, that the meeting held by the Zoning Board of Appeals on June 23, 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