

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY, October 27, 2021
7:30 P.M. – ZOOM & IN PERSON

PRESENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
MEIR ROTHMAN
ELLIOT ZISMAN
MOSHE ZAMIR

ABSENT

ARYEH TAUB

ALSO PRESENT

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

Open Meeting

Roll Call

APPROVAL OF MINUTES- JUNE 23, 2021 & AUGUST 25, 2021

There were not enough members for August 25th, 2021 minutes to be approved

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

Resolution # ZBA 2021-23

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on June 23, 2021 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 4-0.

PUBLIC HEARING ON SUE ZAKUTINSKY, 460 VIOLA RD. SPRING VALLEY NY 10977, FOR THE CONSTRUCTION MAINTENANCE AND USE OF AN ADDITION TO A SINGLE FAMILY DWELLING. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I)MINIMUM SIDE YARD: 20' REQUIRED; 15.3 PROPOSED (II) TOTAL SIDE YARD: 50' REQUIRED; 30.7 PROPOSED (III) MAXIMUM BUILDING COVERAGE: 2500 SF REQUIRED, 3345 SF PROPOSED. (IIII) MAXIMUM IMPERVIOUS SURFACE: .25 REQUIRED, .32 PROPOSED. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF VIOLA RD. 117+/- FEET FROM THE INTERSECTION OF SOUTHGATE DR. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 49.12BLOCK 1 LOT 30 IN A 2R-15 ZONING DISTRICT.

Comments Read into the record:

Rockland County Highway 9/22/21
Village Planner 9/20/2021
Suez Water 9/27/21
Rockland County Health 10/14/2021
Town of Ramapo DPW 10/12/21
Rockland County Planning 10/19/2021
Rockland County Sewer 10/21/2021
Applicant Response Letter 10/25/2021

Mrs. Weinraub stated it ran in the Rockland Journal News 10/14/2021. Affidavits of notice and postings were timely.

Les Zakutinsky, Applicant

Has letters from the neighbors in favor of this application. The reason for the addition is to allow his wheelchair bound father and mother who has Alzheimer's the ability to move in. we have lived in Rockland area for over 50 years. Appreciates the characteristic of the New Hempstead neighborhood and have never asked for a variance before, however this is for family. Originally we tried to design something that would not require the variance but nothing was feasible. The applicant no longer has the ability to wait and it is with a sense of urgency that they need to comfortably and safely bring his parents into their home so they may continue to care for them as they age. Over the last year or two due to COVID and their declining physical and mental health it has been very debilitating for both of them. Unfortunately our current accommodations are even smaller than their current home. The addition the applicant is proposing will join the main area of the residence. It will include a living room area, an eating area, two dedicated bedrooms and two large bathrooms to accommodate his parents and the two live in aids. Each have an aid to assist with their 24 hour care. The addition will be tucked away on the back left side of the house. The applicant considered to try and work within the existing structure it was just not possible as there cannot be any steps in their living quarters as well as access into the existing house. In order to accomplish this we will need variances for the Maximum Building Coverage, Side Yard, Total Side Yard and Impervious surface. Thank you for your time.

Chairman Fuerst

It seems like the only extensive variance that's there is the 20' to the 15.3', which the board has approved multiple times because there is enough room between the houses. That does effect the impervious surface somewhat but not that much. Does not see any problem with this.

Attorney Minsky stated for the record this is zoned in a 2R-15 zone which means it could be a two family. The accommodation for a one family based on the criteria for the variances it probably helps it out more. If it were for a two-family house it would be more difficult to approve.

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

Resolution #ZBA 2021-24

Resolved, that the public hearing on Sue Zakutinsky, 460 Viola Rd., New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

There was no one from the public who wished to speak, but the Applicant provided letters from the neighbors in favor of this application.

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

Resolution #ZBA 2021-25

Resolved, that the public hearing on Sue Zakutinsky, 460 Viola Rd., New Hempstead NY is hereby closed. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

The Board went through the elements of consideration/factors for granting the use variance with acknowledgement from the applicant:

- (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

Zack Kamm, Village Engineer

If the variances are granted the village engineer will do a further review when more detailed plans are submitted with drainage.

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

Resolution #ZBA 2021-26
Resolution # ZBA 2021-26 –

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In the Matter of Application # ZBA 2021-26, Sue Zakutinsky of 460 Viola Road, Monsey, 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 an addition to a single-family dwelling having (a) a side yard of 15.3 feet rather than the minimum required side yard of twenty (20) feet; (b) a total side yard of 30.7 feet rather than the minimum required total side yard of fifty (50) feet; (c) a maximum building coverage of 3,345 square feet rather than the maximum permitted building coverage of 2,500 square feet; (d) an impervious surface ration of .32 percent rather than the maximum permitted impervious surface ratio of .25 percent. The premises affected are situate at the north side of Viola Road, approximately 117± feet from the intersection of Southgate Drive in a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 49.12-1-30.

-----X

WHEREAS, the Applicant Sue Zakutinsky of 460 Viola Road, Monsey, 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 a an addition to a single-family dwelling having (a) a side yard of 15.3 feet rather than the minimum required side yard of twenty (20) feet; (b) a total side yard of 30.7 feet rather than the minimum required total side yard of fifty (50) feet; (c) a maximum building coverage of 3,345 square feet rather than the maximum permitted building coverage of 2,500 square feet; (d) an impervious surface ration of .32 percent rather than the maximum permitted impervious surface ratio of .25 percent and the Board of Appeals having a held public hearing on the October 27, 2021;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Sue Zakutinsky of 460 Viola Road, Monsey, New York 10977 is one of the owners of the subject property.

SECOND: The applicant's property is located on the north side of Viola Road, approximately 117± feet from the intersection of Southgate Drive in a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 49.12-1-30.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of an addition to a single-family dwelling located on the north side of Viola Road, approximately 117± feet from the intersection of Southgate Drive in the Village of New Hempstead, New York.

FOURTH: To permit the construction, maintenance and use of an addition to a single-family dwelling would result in the property having (a) a side yard of 15.3 feet rather than the minimum required side yard of twenty (20) feet; (b) a total side yard of 30.7 feet rather than the minimum required total side yard of fifty (50) feet; (c) a maximum building coverage of 3,345 square feet rather than the maximum permitted building coverage of 2,500 square feet; ; (d) an impervious surface ration of .32 percent rather than the maximum permitted impervious surface ratio of .25 percent; variations from the requirements of Section 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 requested variances will allow for construction, maintenance and use of an addition to 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 and all municipalities that forwarded correspondence to the Zoning Board of Appeals pursuant the General Municipal Law section 239.

SIXTH: On 9/14/2021, The Village of New Hempstead's Building Inspector denied the applicant's application for the requested variances 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 290-37 (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 variances 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 variance. 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 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 or direct referrals from the Planning Board.

SECOND: The Board of Appeals pursuant to Section 9.3.4 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 Sue Zakutinsky of 460 Viola Road, Monsey, 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 addition to a single-family dwelling located on the north side of Viola Road, approximately 117± feet from the intersection of Southgate Drive in the Village of New Hempstead, New York having (a) a side yard of 15.3 feet rather than the minimum required side yard of twenty (20) feet; (b) a total side yard of 30.7 feet rather than the minimum required total side yard of fifty (50) feet; (c) a maximum building coverage of 3,345 square feet rather than the maximum permitted building coverage of 2,500 square feet; ; (d) an impervious surface ration of .32 percent rather than the maximum permitted impervious surface ratio of .25 percent The premises affected are situate at the north side of Viola Road, approximately 117± feet from the intersection of Southgate Drive in a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 49.12-1-30.

The variances granted herein shall be subject to approval of a detailed plan by the Village Engineer upon submission by the applicant of a more detailed map/plan. To the extent necessary all other comments submitted by any other involved agency not specifically addressed by the Board in this Resolution are hereby overridden by the supermajority vote of the Zoning Board of Appeals.

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

PUBLIC HEARING ON ELI AND CHERYL SCHLISSFELD, 26 PLEASANT RIDGE RD., SPRING VALLEY NY 10977. APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-37 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. VARIANCES (I) REQUESTING A SIDE YARD OF 2.51 FT. INSTEAD OF THE MAXIMUM PERMITTED 20 FT. EXISTING CONDITION 24 FT. (II) REQUESTING A REAR YARD OF 28.38 FT. INSTEAD OF THE MAXIMUM PERMITTED 35 FT. EXISTING CONDITION 111.8 FT. (III) REQUESTING AN IMPERVIOUS SURFACE OF 0.33 INSTEAD OF THE MAXIMUM PERMITTED .25 EXISTING CONDITION 0.32 (IIII) REQUESTING 5 ACCESSORY STRUCTURES INSTEAD OF THE MAXIMUM PERMITTED 3 FOR THE CONSTRUCTION MAINTENANCE AND USE OF A SINGLE FAMILY ADDITION. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF PLEASANT RIDGE RD. 65 +/- FEET FROM WOODWIND LN. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 2 LOT 26 IN A 1R-25 ZONING DISTRICT.

The variances being requested are less than what initially submitted.

After further discussion amongst the board the applicant will only need a variance for Floor area and Building Coverage.

There seems to be an interpretation issue with the village code on whether the applicant will need a variance for the accessory structures, but the board and Village attorney do not believe the applicant will need one for that. The basketball court is not considered an accessory structure.

Zack Kamm, Village engineer

Per the village code swimming pools would be considered at accessory structure. That plus the two sheds would be three. After discussion with the village planner it seems the definition is a little loose because it includes paddle courts, Tennis Courts, but does not include basketball courts. The village engineer's office has no issue not including as an accessory structure.

Chairman Fuerst

From a realistic standpoint the code does not include it as an accessory structure.

On the most recent submitted plans it shows the sizes of the accessory structure. The pool house basketball court and the pool would need a variance.

The applicant explained variances were granted in the past.

Mrs. Weinraub pulled the original application from 2015 to confirm.

The variances were granted and included in the application were letters from the neighbors in favor of the application.

In the future the applicant should include existing variances granted in the application and survey.

Comments Read into the Record:

Town of Ramapo Public Works dated 9/14/2021

Village Planner 9/21/2021

Village Engineer 10/5/2021

Rockland County Sewer 10/21/21

Mrs. Weinraub stated in ran in the Rockland Journal News October 14, 2021. Affidavits of notice and postings were timely.

Attorney Minsky stated there may be an issue approving this. After further review of the previous variances the pool house was not included and it was included on the current plans as an existing structure so the applicant will have to submit for the pool house to get a permit in order for it to be allowed.

The applicant would like to legalize the structure and either demolish it or bring it more into the property further from the setback.

The chairman asked the attorney if the board is inclined to approve the addition in the back can it be conditional on the applicant moving the shed not closer than 10 ft to the property line?

The attorney responded it can be subject to the village making the shed in compliant through the building permit process.

The village engineer commented the Pool house is not in violation it is far enough away, but they would still need the permit for it.

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

Resolution #ZBA 2021-27

Resolved, that the public hearing on Eli And Cheryl Schlissfeld, 26 Pleasant Ridge Rd, New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

There was no one from the public who wished to speak.

Eli Schlissfeld, Applicant

Thanks the board for their time and explained he reason for the extension is because of the size of his family. They love to host them especially over the weekend. That is why we would like to add an extension of one guest room in the back of the house.

The attorney stated the way your house exists currently there is no other way for the applicant to add an addition to host parents family or guest without coming for a variance. There also has been no objections from the neighbors around you.

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

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

Resolution #ZBA 2021-28

Resolved, that the public hearing on Eli and Cheryl Schlissfeld, 26 Pleasant Ridge Rd, New Hempstead NY is hereby closed Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution #ZBA 2021-29

Resolution # ZBA 2021-29

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In the Matter of Application # ZBA 2021-29, Eli and Cheryl Schlissfeld of 26 Pleasant Ridge 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 an addition to a single-family dwelling having (a) a side yard of 2.51 feet rather than the minimum required side yard of twenty (20) feet; (b) a rear yard 28.38 feet rather than the minimum required rear yard of thirty-five (35) feet; (c) impervious surface ration of 0.33 rather than the maximum impervious surface ratio of 0.25; (d) requesting to permit five (5) accessory structure rather than the maximum permitted three (3) accessory structures per lot. The premises affected are situate at the south side of Pleasant Ridge Road, 65± feet from Woodwind Lane in a 1R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 41.20-2-26.
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WHEREAS, the Applicant Eli and Cheryl Schlissfeld of 26 Pleasant Ridge Road, Spring Valley, 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 addition to a single-family dwelling having (a) a side yard of 2.51 feet rather than the minimum required side yard of twenty (20) feet; (b) a rear yard 28.38 feet rather than the minimum required rear yard of thirty-five (35) feet; (c) impervious surface ration of 0.33 rather than the maximum impervious surface ratio of 0.25; (d) requesting to permit five (5) accessory structure rather than the maximum permitted three (3) accessory structures per lot. and the Board of Appeals having a held public hearing on the October 27, 2021;

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

FINDINGS OF FACT

FIRST: The applicant, Applicant Eli and Cheryl Schlissfeld of 26 Pleasant Ridge Road, Spring Valley, New York 10977 are the owners of the subject property.

SECOND: The applicants' property is located on the south side of Pleasant Ridge Road, 65± feet from Woodwind Lane in a 1R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 41.20-2-26.

THIRD: The applicants wish to obtain a building permit to permit the construction, maintenance and use of an addition to a single-family dwelling located on the south side of Pleasant Ridge Road, 65± feet from Woodwind Lane in the Village of New Hempstead, New York.

FOURTH: To permit the construction, maintenance and use of an addition to a single-family dwelling would result in the property having (a) a side yard of 2.51 feet rather than the minimum required side yard of twenty (20) feet; (b) a rear yard 28.38 feet rather than the minimum required rear yard of thirty-five (35) feet; (c) impervious surface ration of 0.33 rather than the maximum impervious surface ratio of 0.25; (d) requesting to permit five (5) accessory structure rather than the maximum permitted three (3) accessory structures per lot; variations from the requirements of Section 290-37 (Table of Dimensional Requirements) of the Zoning Ordinance of the Village of New Hempstead are required.

FIFTH: The applicant has stated that the granting of the requested variances will allow for construction, maintenance and use of an addition to 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 and all municipalities that forwarded correspondence to the Zoning Board of Appeals pursuant the General Municipal Law section 239.

SIXTH: On 8/26/2021, The Village of New Hempstead's Building Inspector denied the applicant's application for the requested variances 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 290-37 (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 variances 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 variance to the applicant.

TWELFTH: After review by the Zoning Board of Appeals, the Village Attorney, and the Village Engineer, it was agreed by the applicants that the requested variances for side yard, rear yard and accessory structures were not required or needed. Accordingly, the Petition was deemed amended to reflect the withdrawal of all requested variances except the variance for impervious surface (Item #3 of the Petition).

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 9.3.4 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 Eli and Cheryl Schlissfeld of 26 Pleasant Ridge Road, 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 an addition to a single-family dwelling located on the south side of Pleasant Ridge Road, approximately 65± feet from Woodwind Lane in the Village of New Hempstead, New York having an impervious surface ratio of 0.33 rather than the maximum impervious surface ratio of 0.25. The premises affected are situated at the south side of Pleasant Ridge Road, 65± feet from Woodwind Lane in a 1R-15 Zoning District and further identified on the Town of Ramapo Tax Map as lot number 41.20-2-26.

To the extent necessary all other comments submitted by any other involved agency not specifically addressed by the Board in this Resolution are hereby overridden by the supermajority vote of the Zoning Board of Appeals.

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

PUBLIC HEARING ON CVS PHARMACY. THE APPLICANTS ARE SEEKING VARIANCE TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF TWO (2) DIRECTIONAL SIGNS & A PREAPPROVED GROUND SIGN FOR THE VILLAGE AT THE CORNER OF RT. 306 AND GRANDVIEW AVE. THE SUBJECT PROPERTY IS LOCATED ON RT-306 0 FEET FROM THE INTERSECTION OF GRANDVIEW AVE. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.15-4-1&2 IN A NCD ZONING DISTRICT.

Chairman Fuerst requested his comments be given to the board for review.

Gary McCoy, Poyant Signs, for CVS Pharmacy

We have been in front of this board a couple of times to try and get some directional signs for the corner of 306 and Grandview for the CVS. We have done a couple of different updates. After feedback from the village we have modified the directional signs at about 3 sq. ft. the signs themselves are both well within the code allowance. The relief we are looking for is the setback. The village code requires 75 ft. which I believe was a mistake when written. When the site was initially approved there was some type of sign that was supposed to go out on the corner that represented the village. Since my company was not on when the initial approval was given the village clerk was able to get the design for us to work off of. The large sign you see in the updated plans represents that and we were given some signs in the local area to come up with a suitable design for the CVS which we believe has been accomplished and we are looking to get the two directional signs at the curb cut. Was hoping to come in this evening with a full-size cutout but unfortunately because of the weather I was unable to attend in person.

Chairman Fuerst explained he did work with Gary on this and has been out at the site numerous times to try and come up with a suitable design. In the applicant's opinion what is the real intent for those signs at the entrance and exist?

The applicant explained its directional in nature to prevent traffic that's going to go past the curb cut. All though the building isn't so set back there is a topographical change from the street to the parking lot, but mostly it's just directional in nature.

Chairman Fuerst explained his thoughts that just to be directional there could be a large arrow it doesn't have to be an entire logo. It could just be an arrow that says enter and exist. If it's to get the name and the advertisement he doesn't believe what is currently there can be missed. Initially when we had this conversation initially when it was turned down because it doesn't fit into the code because it was in the center of the parking lot. The idea was to find a way to make it work where potentially the village could have its sign and CVS could get a little something if

the reason is for safety. Additionally, the word has gotten out to the public and they asked why we are putting up any more signs. In terms of sizes we looked at many different sizes and compared to the village sign which isn't lit and can easily be seen with the size submitted, but we are looking to get the CVS sign smaller because we are not looking to have any billboard. We can forgo the Village sign if we have to. In my opinion your last proposal is a bit too large for us to be able to sell it.

The applicant explained he can take three inches off the proposal.

The chairman went through his comments sent to the applicant with the board. Believes it should be 2 feet.

The board asked if this is going to be backlit

The applicant explained this is going to be backlit. This is not going to be a wood sign. Its going to be non-breakable back lit sign. Has no issue making this a 24 inches wide we have no issue with that. We still do have to go back in front of planning if this is successful. Because this is internally lit there needs to be area around the sign to physically build this, put the lights in and hold the face

Chairman Fuerst

If you keep within the size discussed and make the face a little smaller the board can feel more comfortable approving this as a safety way of getting into the lot. The response we are getting from the public is that they do not want more billboards or signs.

Applicant

What you're requesting is the size of your laptop screen. It's not big enough and it's not worth it. It's going to get run over its going to get hit by a snow plow it's not going to look nice. It's not worth the investment. These are expensive signs. The Sign for the village is going to be about \$30,000. It's too small. It will be more of a hazard then a help.

Chairman Fuerst asked what would the total width of the sign that would be the most optimal for what we are looking for and what you can physically do.

Applicant

Can probably get the area 24 inches plus 3 inches on each side.

Chairman Fuerst

Agrees that could work. It would about 30 inches.

The board feels they can work with that but would need to see plans for this.

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

Resolution #ZBA 2021-30

Resolved, that the public hearing on CVS Pharmacy is hereby opened. Chairman Fuerst called for a vote. The vote was 4-0 the resolution was adopted.

There was no one from the public present.

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

Resolution #ZBA 2021-31

Resolved, that the public hearing on CVS Pharmacy 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 2021-32

Resolved, that the public hearing on CVS Pharmacy is hereby adjourn to the next Zoning Board of appeals meeting on November 17, 2021. Chairman Fuerst called for a vote. The vote was 4-0 the resolution was adopted.

At the next meeting we will need to reference the comments into the record.

DISCUSSION-ON FAIRWAY MEWS, 190 POMONA RD. APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-37 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD VARIANCES FOR LOT 1 (I) REQUESTING A LOT AREA OF 19,254 SF. (NET) INSTEAD OF THE MINIMUM PERMITTED 20,000 SF. (II) REQUESTING A FLOOR AREA RATION OF .29 INSTEAD OF THE MAXIMUM PERMITTED .18 (III) REQUESTING AN IMPERVIOUS SURFACE OF .32 INSTEAD OF THE MAXIMUM PERMITTED .30.LOT 2 (I) REQUESTING A LOT AREA OF 17,581SF. (NET) INSTEAD OF THE MINIMUM REQUIRED 20,000 SF. (II) REQUESTING A REAR YARD SETBACK OF 24 FT. INSTEAD OF THE MINIMUM REQUIRED 35 FT. (III) REQUESTING A FLOOR AREA RATIO OF .31 INSTEAD OF THE MAXIMUM PERMITTED .18 (IIII) REQUESTING IMPERVIOUS SURFACE OF .36 INSTEAD OF THE MAXIMUM PERMITTED .30, LOT 3 (I) REQUESTING A LOT AREA OF 18,953 SF. INSTEAD OF THE MINIMUM REQUIRED 20,000 SQ. FT. (II) REQUESTING FLOOR AREA RATIO OF .29 INSTEAD OF THE MAXIMUM PERMITTED .18 SF (III) REQUESTING IMPERVIOUS SURFACE OF .33 INSTEAD OF THE MAXIMUM PERMITTED .30 TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF 3 TWO-FAMILY SIDE BY SIDE UNITS.. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF STATION RD. 0 FEET FROM POMONA RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 33.18 BLOCK 1 LOT 6 IN A 2R-15 ZONING DISTRICT.

John Atzl, from Atzl Nasher and Zeigler working for the applicant

This is a proposed 3 lot subdivision on the south side of station road at the corner of Pomona Road. Its currently vacant land in a 2R-15 Zoning District. We are proposing a 3 lot subdivision with 1 two family home on each lot. We do require some area variances. As a point to note we have been working with the village professionals and planning board in terms of the layout and the size of the units and getting the engineering in order to make this project more palatable to the planning board. We noted the net lot area for all three lots, development coverage for all three lots and floor area for all three lots due to the net lot area. Based on the unit size we believe these are very small units. Each unit is about 2720 sq. ft. and if this was a R 15 lot we would be able to build a house at about 2700 Sq. Ft in itself. We believe the variances are reasonable, we don't think it will have an impact on the neighborhood or the character of the neighborhood. Due to its location, we abut the Verizon site, the stadium, close to the VFW, and right next to the minisciango golf course, we believe this is a good transition from commercial to what will eventually happen at the golf course. We wanted to just have a discussion with the board about how they feel about the variances we are requesting. We are on for the Public Hearing next month. And we just wanted to get some input.

Mrs. Weinraub presented the information from the CDC meeting with the rendering's layout and design.

This is a referral from the planning board to Zoning for variances.

The board has no issue with what has been presented and believes the variances requesting are reasonable for what already permitted. Percentage wise it seems to be well within the range of what we have already approved in our village. The variances they are requesting are not really impacting any of the neighbors. Under the new zoning the variances they are requesting are minor percentage wise.

This is on for Public Hearing on November 17, 2021 at 7:30pm

MOTION TO ADJOURN

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

Resolution #ZBA 2021-33

Resolved, that the meeting held by the Zoning Board of Appeals on October 27, 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

