

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

ZONING BOARD OF APPEALS

REGULAR MEETING
Thursday, September 29, 2022
7:00 P.M. –IN PERSON

PRESENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
ELLIOT ZISMAN
MEIR ROTHMAN
CHAIM BERGER (ADHOC)

ABSENT

ARYEH TAUB
MOSHE ZAMIR

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK TREASURER
BRUCE MINSKY, VILLAGE ATTORNEY

Open Meeting

Roll Call

APPROVAL OF MINUTES- AUGUST 25, 2021, & June 29, 2022

There were not enough members present who attended the meetings to approve either set of minutes. The minutes will be held over until the next date.

Public Hearing- 6 Grandview- Chaim Ciment- to discuss the conditions set in place at the October 23, 2019 Zoning Board of Appeals. 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.

Chairman Fuerst went over the points that this is an approved application that was done in 2019 and once building was approved it was done without the conditions set in place taken into account. Believes the neighbor came to an agreement on the disturbed area.

The Village attorney explained one of the conditions to the approval was that the footing drains and retaining wall were to not be disturbed. Now the applicant is coming to the board for remediation efforts for the disturbed area. A new resolution is not needed but if there is an agreement between the neighbors that will now go on the record in satisfaction to that condition.

The village did receive comments from the Rockland County Sewer District dated September 29, 2022. They were the same comments that were previously given.

Mordechai Braun, Representing the applicant, 6 Grandview Ave
Was given a building permit to build a while ago and when building began it seems the plans were approved without taking the condition into consideration. How did the Zoning Board

approve something that wasn't possible to build? Because of the layout of the property it is impossible to dig without disturbing the area.

The board discusses this application.
the Zoning Board approved 13 ft. to the property line, the building itself will not be where the wall was but in order to dig for the foundation you have to disturbed the wall.

The Village attorney explained that if the zoning board approved a variance with a condition it has to be complied with. If it was not possible at the time it should have been brought up at that time. If it couldn't have been done without disturbing then it should not have been done.

It ran in the Rockland Journal News September 19, 2022 affidavits of notice and posting were timely.

Mr. Braun explained the neighbor is looking for a plan on how we are going to dig but when I asked the excavation company no one has a plan that can explain how the process is going to go.

There were revised plans that were approved by the village engineer but the neighbor is not satisfied with what was approved.

Mr. Rothman offered the following motion, which was seconded by Mr. Zisman:
Resolution #ZBA 2022-10

Resolved, that the Public Hearing on 6 Grandview- to discuss the conditions set in place at the October 23, 2019 Zoning Board of Appeals is hereby open. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Dennis Plassart, 10 Grandview
Agreed to the variance with the condition in place. Feels there is a safety issue with the digging. His driveway is in danger of collapsing with the retaining wall moved.

The board feels that the Building Inspector and Village Engineer should go to the site with the applicant and the neighbor to come to an understanding. The board will adjourn this to November. If the neighbor agrees to a plan that is approved by the Village Engineer the applicant will not need to reappear.

Mr. Rothman offered the following motion, which was seconded by Mr. Berger:
Resolution #ZBA 2022-11

Resolved, that the Public Hearing on 6 Grandview- to discuss the conditions set in place at the October 23, 2019 Zoning Board of Appeals is hereby adjourned to November 23, 2022. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

MOTION TO ADJOURN

Mr. Rothman offered the following motion, which was seconded by Mr. Berger:
Resolution #ZBA 2022-12

Resolved, that the meeting held by the Zoning Board of Appeals on September 29, 2022

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