

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

ZONING BOARD OF APPEALS

REGULAR MEETING
Wednesday December 21, 2022
7:30pm
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
ELLIOT ZISMAN
MOSHE ZAMIR
CHAIM BERGER (ADHOC)

ABSENT

ARYEH TAUB
MEIR ROTHMAN

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK TREASURER
BRUCE MINSKY, VILLAGE ATTORNEY

Open Meeting

Roll Call

APPROVAL OF MINUTES- AUGUST 25, 2021, September 29, 2022

There were not enough members present who attended the meetings to approve the August 25, 2021 set of minutes. Those minutes will be held over until the next date.

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

Resolution # ZBA 2022-13

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on September 29, 2022 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 3-0.

PUBLIC HEARING OF AVROHOM AND CHANA SCHLISSELFELD, 14 GLADWYNE CT, NEW HEMPSTEAD, NY. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. MINIMUM SIDE YARD: 20' IS REQUIRED, AND 15.8' IS PROVIDED. TOTAL MINIMUM SIDE YARD: 50' IS REQUIRED, AND 45.6' IS PROVIDED. MAXIMUM BUILDING COVERAGE: 3,000 SF ALLOWED, AND 4,012 IS PROVIDED. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF GLADWYNE CT. 230+/- FEET FROM THE INTERSECTION OF ASHLAWN AVE. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 1 LOT 19 IN A 1R-25 ZONING DISTRICT.

Stanley Mayerfeld, Architect for the applicant

The Schlisselfeld have been living in the village for over 20 years. This project started last year. There have been many revisions to fit the needs of the growing family. The design was not working with the existing house so it was decided to start from scratch and demo the existing structure. A number of bedrooms are needed for the design including one on the first floor a garage and typical rooms such as kitchen and den. Taking these factors into account we came up with a floor plan that makes sense for them. With the additional square footage that that counts towards the building coverage put us over the permitted amount of building coverage. When they initially submitted they pulled the house towards the left, but the village engineer noticed a set of stairs that go off the ground even just a small amount is included in the minimum side yard where the applicant didn't comply initially. It was suggested to us to shift the house and eliminate the need for the minimum side yard variance, which is the revised set of plans being reviewed this evening.

The board and applicant confirmed there are only two variances being request instead of the initial three. The two variances now being requested is (i) Minimum Total Side Yard: Proposing 45.6 ft. instead of the permitted 50 ft. (ii) Maximum Building Coverage; Proposing 4,012 Sq. Ft. instead of the permitted 3,000 Sq. Ft.

Ran in the Rockland Journal News on December 8, 2022 affidavits of notice and postings were timely.

Correspondence Referenced into the Record:

Rockland County Health 11.28.22
Rockland County Health 12.20.22
Rockland County Planning 12.13.22
Rockland County Sewer 12.8.22
Town of Ramapo DPW 12.7.22
Village Engineer 9.29.22

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

Resolution # ZBA 2022-14

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Avrohom and Chana Schlisselfeld, 14 Gladwyne Ct., New Hempstead NY. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Jay Greenfeld, 9 Gladwyne Ct.
Is in favor of this application. Schlisselfeld have been great neighbors.

Mrs. Taub, 10 Gladwyne Ct
In favor of this application.

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

Resolution # ZBA 2022-15

Resolved, that the Zoning Board of the Village of New Hempstead here by Close the Public Hearing for Avrohom and Chana Schlisselfeld, 14 Gladwyne Ct., New Hempstead NY. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

The Board attorney and applicants engineer went through the comments from the GML and determine everything will be subject to as well as subject to the Village engineer.

The board has discussion on the previous applications from the same neighborhood that came in front of this board that required larger variances were granted.

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

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

Resolution # ZBA 2022 – 16

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In the Matter of Application # ZBA 2022- 16 , Avrohom and Chana Schlisselfeld of 14 Gladwyne Court, New Hempstead, 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 (i) a total side yard of forty-five feet six inches (45'6") rather than the minimum total side yard of fifty (50') feet; and (ii) having a building coverage of 4,012 square feet rather than the maximum permitted building coverage of 3,000 square feet. The premises affected are situate on the South side of Gladwyne Court approximately 230± feet from the intersection of Ashlawn Avenue and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section – 41.20, Block - 1, Lot - 19.

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WHEREAS, the Applicants Avrohom and Chana Schlisselfeld of 14 Gladwyne Court, New Hempstead, New York 10977 ("Applicant(s)") 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 (i) a total side yard of forty-five feet six inches (45'6") rather than the minimum total side yard of fifty (50') feet; and (ii) having a building coverage of 4,012 square feet rather than the maximum permitted building coverage of 3,000 square feet, and the Board of Appeals having held a public hearing on December 21, 2022;

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

FINDINGS OF FACT

FIRST: The Applicants, Applicants Avrohom and Chana Schlisselfeld of 14 Gladwyne Court, New Hempstead, New York 10977 are the owner(s) of the subject Property.

SECOND: The Applicants' property is located on the south side of Gladwyne Court approximately 230± feet from the intersection of Ashlawn Avenue and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41,20, Block 1, Lot 19 ("Property").

THIRD: The Applicants wish to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling on the Property having: (i) a total side yard of forty-five feet six inches (45'6") rather than the minimum total side yard of fifty (50') feet; and (ii) having a building coverage of 4,012 square feet rather than the maximum permitted building coverage of 3,000 square feet, the Property located on the south side of Gladwyne Court approximately 230± feet from the intersection of Ashlawn Avenue and is located within a 1R-25 Zoning District.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling on the Property having: (i) a total side yard of forty-five feet six inches (45'6") rather than the minimum total side yard of fifty (50') feet; and (ii) having a building

coverage of 4,012 square feet rather than the maximum permitted building coverage of 3,000 square feet, variations from the requirements of 290-37 (Table of Dimensional Requirements) of the zoning ordinance(s) of the Village of New Hempstead is required.

FIFTH: The Applicants 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 ("Board" and/or "ZBA") heard from the members of the public that addressed the ZBA and considered all input from the public.

SIXTH: On 9/23/2022 The Village of New Hempstead's Building Inspector denied the Applicants' request for a building permit and referred the applicant to apply to the ZBA 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 ZBA considered the factors outlined for *Area Variances* 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 the variances will not create a detriment to nearby properties.

NINTH: The benefit sought by the Applicants 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 alleged difficulty was not self-created, the same shall not necessarily preclude the granting of the variance.

TWELFTH: The interest of justice would be served by granting of the requested variances to the Applicants.

CONCLUSIONS OF LAW

FIRST: The ZBA pursuant to the relevant 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 and/or direct referrals from the Planning Board.

SECOND: The ZBA pursuant to Section 290-90(B) of the Code of the Village of New Hempstead may grant variations in the strict application of any provision of the Village's ordinance including, but not limited to the *Table of Dimensional Requirements*/Section 290-37.

THIRD: The ZBA does hereby grant the Applicants Avrohom and Chana Schlisselfeld of 14 Gladwyne Court, New Hempstead, 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) to permit the construction, maintenance and use of a single-family dwelling having (i) a total side yard of forty-five feet six inches (45'6") rather than the minimum total side yard of fifty (50') feet; and (ii) having a building coverage of 4,012 square feet rather than the maximum permitted building coverage of 3,000 square feet, at the property located on the south side of Gladwyne Court approximately 230± feet from the intersection of Ashlawn Avenue and is

located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section - 41.20, Block - 1, Lot – 19, the granting subject to the Applicants' compliance with the applicable comments as referenced in the following letters/comments: Rockland County Department of Planning, letter dated December 13, 2022; Rockland County Center for Environmental Health, letter dated November 28, 2022; Rockland County Center for Environmental Health, letter dated December 20, 2022; Rockland County Sewer District, letter dated December 8, 2022; Town of Ramapo, letter dated December 7, 2022; and, Town of Ramapo Department of Public Works, letter dated December 7, 2022.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Zamir – YES; Mr. Rothman - YES; Mr. Zisman – YES; and Chairman Fuerst – YES.

The Resolution was adopted by a vote of 4-0, with no overrides.

MOTION TO ADJOURN

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

Resolution #ZBA 2022-17

Resolved, that the meeting held by the Zoning Board of Appeals on December 21, 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