

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

**ZONING BOARD OF APPEALS**

REGULAR MEETING  
Wednesday April 26, 2023  
7:30pm  
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR  
ELLIOT ZISMAN  
CHAIM BERGER (ADHOC)

ABSENT

ARYEH TAUB  
MOSHE ZAMIR  
MEIR ROTHMAN

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK TREASURER  
AMANDA BETTELLO, DEPUTY VILLAGE CLERK TREASURER  
BRUCE MINSKY, VILLAGE ATTORNEY  
ZACHARY KAMM, VILLAGE ENGINEER

**Open Meeting**

**Roll Call**

**APPROVAL OF MINUTES- AUGUST 25, 2021 AND MARCH 1, 2023**

There were not enough members present who attended the meetings to approve the August 25, 2021 and March 1, 2023 set of minutes. Those minutes will be held over until the next date.

**PUBLIC HEARING OF YEDEI CHESED, INC. 21 FESSLER DR. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I) MINIMUM FRONT YARD: 50' IS REQUIRED, AND 30' IS PROPOSED. (II) MAXIMUM IMPERVIOUS SURFACE: .20 REQUIRED, AND .33 IS PROPOSED. (III) PAVING IN FRONT YARD PER 290-22(8). 30' REQUIRED AND 15.4' PROPOSED. (IV) MINIMUM REAR YARD: 50' REQUIRED AND 35.1 PROPOSED. TO PERMIT THE CONSTRUCTION MAINTENANCE AND USE OF A NEW BUILDING APPROXIMATELY 8,100 SF FOOTPRINT FOR ADDITIONAL RESPITE SERVICES. EXISTING RESIDENCE AND DRIVEWAY TO BE REMOVED AND THE TWO LOTS WILL BE MERGED INTO ONE. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF FESSLER DR. 0+/- FEET FROM THE INTERSECTION OF RT-306. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 49.08 BLOCK 1 LOT 64 + 65 IN A 1R-40 ZONING DISTRICT.**

The Public hearing notice was corrected and resent for publishing. The agenda provided at the meeting was incorrect but the correct notice was posted on 4/14/2023.

Paul Baum, Applicants Attorney

Addressed the members of the board letting them know there were two additional variances not mentioned that were properly set forth on the notice. He explained for those who are not familiar with it, Yedei Chesed is a not for profit organization. They provide aid programs and respite services for the mentally disabled and their families. They have an existing facility at 21 Fessler Dr. It's a one-story building and right now it has just one main program room. The organization has found that they need individual one on one services for their clients. So, they're looking to create this new building that's going to have 11 individual therapy rooms for that one on one treatment that they want to provide. The applicant's attorney displayed where the lot lines are to the board and the public as well as where the new structure will be located. He explained that they plan to merge the lots to create one larger lot and discussed the variances being requested.

The applicant is going to need to request an override from the county GML because based on the lot it has two frontages.

The Village Attorney explained that this would need an override by the board and enough members were not present to do so.

Rachel Barise, Engineer for the Applicant

Explained the impervious surface and how it is being retained so that it is not creating any additional runoff from the site and won't have any impact to the surrounding properties. She explained the landscaping plans that are being proposed to act as a buffer along the perimeter.

Paul Baum, Attorney for the Applicant

Explained that based off of comments received they will be providing 33 parking spaces on the property.

Ms. Bettello stated it ran in the Rockland Journal News on April 14, 2023 affidavits of notice and postings were timely.

*Correspondence Referenced into the Record:*  
*Rockland County Highway Department 4.6.23*  
*Rockland County Health 4.17.23*  
*Village of Spring Valley 4.11.23*  
*Rockland County Planning 4.24.23*  
*Rockland County Sewer 4.24.23*

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

Resolution # ZBA 2023-16

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Yedei Chesed, Inc. 21 Fessler Dr. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Shoshana Sherman, 22 Fessler Dr.

Expressed concerns for the parking lot that will be located in the front of the property affecting the flavor of the neighborhood.

The applicants Attorney confirmed there will be shade trees put in and are willing to add lower landscaping as well if the board wishes.

Rebecca Levy, 29 Fessler Dr.

Had questions regarding the amount of parking being proposed in relation to the amount of employees and is concerned it will not be enough space. Also expressed concern with the runoff of the property.

David Sternhill, Applicants Executive Director

Explained the use of the therapy rooms to the board and residents. Also explained there will be additional staff members but the bulk of them are bused in as they are mostly teenagers who do not drive.

Rachel Barise, Engineer for the Applicant

Explained the proposed drainage system. Will primarily be an infiltration system and had an overflow. Soil testing was also done to confirm infiltration rates.

Paul Baum, Attorney for the Applicant

Explained there will be no increase in water runoff coming from the site that would make any already existing conditions worse.

Atara Sherman, 22 Fessler Drive

Questioned the hours of the facility and the use of the center itself. Asked if there are plans in the future to finish the basement. If a demolition will be taking place on the property. As well as the reasoning behind the size of the parking lot.

David Sternhill, Applicants Executive Director

Explained the hours will be dependent on the one-to-one scheduling as well as the functionality of the center.

Solomon Fuerst, Village Chairman

Explained that each application is based off of what the request is.

Paul Baum, Attorney for the Applicant

Explained that the existing building is staying and that there is a house that will be coming down on the property.

Bruce Minsky, Village Attorney

Explained there is no requirement for parking and that this is based off of the applicants plans. The application will have to be presented in front of the Board of Trustees who will determine and approve or make conditions to what their parking requirements will be.

Solomon Fuerst, Village Chairman

Explained the Zoning Board of Appeals only approves or disapproves of the applicant's basic parameters of what they need to be within when they go for approvals. This board basically

discusses the parameters that the Planning Boards and the Engineers will be able to work within to be able to complete their plan.

Some residents were stating that they never received notice for previous meetings. The clerk pulled the certificate of mailings from the planning board meeting and confirmed that they were in fact sent.

Chasida Sherman, 22 Fessler Drive

Questioned if there has been an environmental impact review for this application.

Paul Baum, Attorney for the Applicant

Yes, there has been an environmental review by the Planning Board. They issued a negative declaration stating that there's going to be no significant impact to the environment as a result of this.

Linden Schild, 27 Fessler Drive

Questioned the applicant's definition of what a respite center is. He is concerned with the population that will be appearing at the center and if the increase in scope is going to pose safety risks for the people living on the block.

Bruce Minsky, Village Attorney

Explained the Village of New Hempstead's code definition of respite services.

David Sternhill, Applicants Executive Director

Explained they will be working with the same population they are working with now. At the moment it is more of a group setting and it is going to change to a more one-on-one setting.

The Village Chairman questioned if in the last few years there have been any complaints lodged against Yedei Chesed with the Village. The Deputy Clerk Treasurer responded that there have not.

Mitchell Nichtberger, 25 Fessler Drive

Wondering how in the past he was denied his request to expand his dining room but a project such as this is up for approval. Also found it interesting that the residents are stating they did not get notices for previous meetings. Wanted to know what the residents need to do to stop this project from happening.

Bruce Minsky, Village Attorney

Explained that it is common for residents to come in towards the end of a process and state they did not receive notices. The post office provides an affidavit of mailing to show that the notices were mailed. He also stated that the Architectural Board that he presented in front of in the past was disbanded. The variances requested back then would be completely different now. Explained the Village does have elements when people apply for variances that are discussed with the board. Those are really how the decisions are made based on the analysis of those elements.

The Village Attorney and Chairman explained to the residents what RLUPA is.

One of the residents in the audience also mentioned concerns for traffic patterns. She also questioned what would be considered excessive as far as a percentage for variances.

Bruce Minsky, Village Attorney

Explained to the residents that this is something that was investigated by the Board of Trustees. Based on the data analysis the increase will be negligible.

Solomon Fuerst, Village Chairman

Explained the process of considering variances.

Rena Nichtberger, 25 Fessler Drive

Expressed concerns for the location of the parking lot

Rachel Barise, Engineer for the Applicant

Stated they can talk to the landscape architect and see if there's additional plantings that can be added.

Paul Baum, Attorney for the Applicant

Acknowledged the concerns of the neighbors and will take a look into the site plan to see what can be done to address them.

Richard Levy, 29 Fessler Drive

Wanted to know where he can view the floor plan of the building

The board advised that they are already on file with The Village.

Jeffrey Nichtberger, 25 Fessler Drive

Curious to know the timeline that can be expected for the project to take to be completed.

Bruce Minsky, Village Attorney

Advised that they do have a year after receiving their permit to complete the construction and then a year extension can be permitted after that. Also advised there is a code that speaks to the hours allowed for work to be done as well.

One of the residents in the audience questioned verbiage printed on one of the plans.

The applicants professionals advised that this was a mistake and that the plans will be resubmitted with the proper information.

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

Resolution # ZBA 2023-17

Resolved, that the Zoning Board of the Village of New Hempstead here by Adjourn the Public Hearing for Yedei Chesed, Inc. 21 Fessler Dr. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

**MOTION TO ADJOURN**

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

Resolution #ZBA 2023-18

Resolved, that the meeting held by the Zoning Board of Appeals on April 26, 2023  
Is hereby adjourned. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Respectfully submitted,  
Amanda Bettello, Deputy Village Clerk- Treasurer