

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

**ZONING BOARD OF APPEALS**

REGULAR MEETING  
Wednesday August 9, 2023  
7:30pm  
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR  
ARYEH TAUB  
MOSHE ZAMIR  
MEIR ROTHMAN  
CHAIM BERGER (ADHOC)

ABSENT

ELLIOT ZISMAN

ALSO PRESENT

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

**Open Meeting**

**Roll Call**

**APPROVAL OF MINUTES- AUGUST 25, 2021, APRIL 26, 2023, JULY 12, 2023**

There were not enough members present who attended the meetings to approve the August 25, 2021 or April 26, 2023 set of minutes. Those minutes will be held over until the next date.

Aryeh Taub offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023-24

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on July 12, 2023 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 4-0.

**PUBLIC HEARING FOR 4 STONEHURST LLC, 4 STONEHURST CT., POMONA NY 10970. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. VARIANCES FOR (I) REQUIRED SIDE YARD – 20 FT PROVIDED SIDE YARD – 15 FT (II) REQUIRED TOTAL SIDE YARD – 50 FT PROVIDED TOTAL SIDE YARD – 41 FT (III) MAXIMUM IMPERVIOUS COVERAGE – 25% PROVIDED IMPERVIOUS COVERAGE – 30% (IV) MAXIMUM BUILDING COVERAGE – 3,000 SF PROVIDED BUILDING COVERAGE – 7,561 SF TO PERMIT THE CONSTRUCTION**

## **MAINTENANCE OF USE OF AN ADDITION AND POOL HOUSE TO A SINGLE FAMILY DWELLING**

Kevin Conway, Attorney for the applicant

Discussed the variances being requested and the changes that were made in response to the board. Also discussed the changes made in response to the comments made by The Rockland County Planning Board as well as the overrides being requested by the applicant.

The board requested that Mr. Conway review variance request number three.

Ms. Bettello stated it ran in the Rockland Journal News on July 21, 2023 affidavits of notice and postings were timely.

Ms. Bettello asked the board if they would like her to read or reference the comments into the record.

### Correspondence Referenced into the Record by the Board:

*Hillcrest FD 6.1.23*

*NYS DOT 5.3.23*

*Rockland County Health 5.19.23*

*Rockland County Sewer 5.22.23*

*Rockland County Planning 5.22.23*

*Town of Ramapo DPW 3.6.23*

Aryeh Taub offered the following motion, which was seconded by Meir Rothman

### Resolution # ZBA 2023-25

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for 4 Stonehurst LLC, 4 Stonehurst Ct. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

No members of the public who were present wished to comment.

Aryeh Taub offered the following motion, which was seconded by Meir Rothman

### Resolution # ZBA 2023-26

Resolved, that the Zoning Board of the Village of New Hempstead here by Close the Public Hearing for 4 Stonehurst LLC, 4 Stonehurst Ct. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Chairman Fuerst stated that the applicant did address the concerns they had voiced at the previous meeting.

Aryeh Taub offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023-27

Resolved that the Zoning Board of the Village of New Hempstead here by override comment two from the Rockland County Planning Department GML letter dated 5/22/23. Chairman Fuerst called for a roll call vote:

Meir Rothman, Aye  
Moshe Zamir, Aye  
Solomon Fuerst, Aye  
Aryeh Taub, Aye  
The vote was 4-0. The resolution was adopted.

Aryeh Taub offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023 – 28

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In the Matter of Application # ZBA 2023-28, 4 Stonehurst, LLC of 4 Stonehurst Court, Pomona, New York 10970 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) a side yard of fifteen (15') feet rather the minimum required side yard of twenty (20') feet; (2) a total combined side yard of forty-one (41') feet rather than the minimum required combined side yard of fifty (50') feet; (3) an impervious surface ratio of 30% rather than the maximum permitted impervious surface ratio of 25%; and (4) maximum building coverage of 7,561 square feet rather than the maximum building coverage permitted of 3,00 square feet; and (5) maintenance of a pool house on the lot. The premises affected are situate on the West side of Stonehurst Court approximately 500 feet from the intersection with Pomona Rd, and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 33.17, Block 3, Lot 8.

-----X

WHEREAS, the Applicant 4 Stonehurst, LLC of 4 Stonehurst Court, Pomona, New York 10970 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) a side yard of fifteen (15') feet rather the minimum required side yard of twenty (20') feet; (2) a total combined side yard of forty-one (41') feet rather

than the minimum required combined side yard of fifty (50') feet; (3) an impervious surface ratio of 30% rather than the maximum permitted impervious surface ratio of 25%; and (4) maximum building coverage of 7,561 square feet rather than the maximum building coverage permitted of 3,00 square feet; and (5) maintenance of a pool house on the lot and the Board of Appeals having held a public hearings on July 12, 2023 and August 9, 2023;

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

### **FINDINGS OF FACT**

FIRST: The applicant 4 Stonehurst, LLC of 4 Stonehurst Court, Pomona, New York 10970 is the owner(s) of the subject property.

SECOND: The applicant's property is located on the West side of Stonehurst Court, approximately 500 feet from its intersection with Pomona Rd. and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 33.17, Block3, Lot 8.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having (1) a side yard of fifteen (15') feet rather the minimum required side yard of twenty (20') feet; (2) a total combined side yard of forty-one (41') feet rather than the minimum required combined side yard of fifty (50')

feet; (3) an impervious surface ratio of 30% rather than the maximum permitted impervious surface ratio of 25%; and (4) maximum building coverage of 7,561 square feet rather than the maximum building coverage permitted of 3,00 square feet; and (5) maintenance of a pool house on the lot, located on the West side of Stonehurst Court.

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having (1) a side yard of fifteen (15') feet rather the minimum required side yard of twenty (20') feet; (2) a total combined side yard of forty-one (41') feet rather than the minimum required combined side yard of fifty (50') feet; (3) an impervious surface ratio of 30% rather than the maximum permitted impervious surface ratio of 25%; and (4) maximum building coverage of 7,561 square feet rather than the maximum building coverage permitted of 3,00 square feet; and (5) maintenance of a pool house on the lot, variations from the requirements of 290-37 (Table of Dimensional Requirements) of the Zoning Ordinance of the Village of New Hempstead are required.

FIFTH: The applicant 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 March 31, 2023, 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 applicant submitted the 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 the 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 4 Stonehurst Court, LLC of 4 Stonehurst Court, Pomona, New York 10970 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) a side yard of fifteen (15') feet rather the minimum required side yard of twenty (20') feet; (2) a total combined side yard of forty-one (41') feet rather than the minimum required combined side yard of fifty (50') feet; (3) an impervious surface ratio of 30% rather than the maximum permitted impervious surface ratio of 25%; and (4) maximum building coverage of 7,561 square feet rather than the maximum building coverage permitted of 3,00 square feet; and (5) maintenance of a pool house on the lot. The premises affected are situate on the West side of Stonehurst Court approximately 500 feet from the intersection with Pomona Rd and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 33.17, Block 3, Lot 8

FOURTH: The Village of New Hempstead Zoning Board of Appeals specifically overrides comment #2 in the Rockland County Planning Department General Municipal Law Review letter dated May 22, 2023. Moreover, to the extent required, all other comments contained in the comments made by an interested agency are further discussed. The vote to override was 4-0 with Mr. Berger not voting.

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

### **MOTION TO ADJOURN**

Aryeh Taub offered the following motion, which was seconded by Meir Rothman.

#### Resolution #ZBA 2023-29

Resolved, that the meeting held by the Zoning Board of Appeals on August 9, 2023 Is hereby adjourned. Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,  
Amanda Bettello, Deputy Village Clerk- Treasurer