

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY June 29 2022
7:30 P.M. –IN PERSON

PRESENT

ARYEH TAUB
MEIR ROTHMAN
MOSHE ZAMIR

ABSENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
ELLIOT ZISMAN

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK TREASURER

Open Meeting

Roll Call

APPROVAL OF MINUTES- AUGUST 25, 2021, February 23, 2022

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

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

Resolution # ZBA 2022-5

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on February 23, 2022 and the reading of said minutes is waived. Deputy Chair Taub called for a vote. The vote was 3-0.

PUBLIC HEARING- TO CONSIDER THE APPLICATION OF VIVIAN SHIFFMAN, 8 PATRICIA LN, SPRING VALLEY NY 10977. THE APPLICANT IS REQUESTING VARIANCES FROM SECTION 290-3 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. (I)SIDE YARD: 20' REQUIRED; 10.7' EXISTING; 16.8' PROPOSED. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF PATRICIA LN. CT. 250+/- 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 22 IN A 1R-25 ZONING DISTRICT.

Mrs. Weinraub stated in ran in the Rockland Journal News June 15, 2022 affidavit of Notice and Postings were timely.

GML Comments read into the Record:

Rockland County Sewer letter dated 6.22.22.

Village Engineer 5.19.22

Town of Ramapo DPW 6.7.22

Rockland County Highway 6.1.22

The Village engineer's letter stated the plan is fine for ZBA. They are improving upon an existing, non-conforming side yard condition but still require a side yard variance for the new addition that is replacing a portion of the existing dwelling. If the ZBA grants the side yard variance, they will then conduct an engineering review prior to issuance of a building permit.

Mr. Shiffman, 8 Patricia Ln.

We are proposing an alteration and addition to our existing residence due that the Family increased in size. Also, my MIL is moving in as a permanent Resident. This change will not produce an undesirable change in the character of the Neighborhood or will not create a detriment to nearby properties by the granting of the side yard distance variance; The benefit sought by us can't be achieved by any method, other than a side yard distance variance; and the requested side yard distance variance is not substantial, and it's actually shorter than the existing from the deck (to be removed) to the property line. The proposed variance will not have an adverse effect or impact on the physical or Environmental conditions in the neighborhood or district.

The applicant also submitted a Letter from 6 Patricia Ln. the effected neighbor in favor of this application.

The Village Attorney had no issue with this application.

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

Resolution #ZBA 2022-6

Resolved, that the public hearing on Vivian Shiffman, 8 Patricia Ln. New Hempstead NY is hereby opened. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

There was no one from the Public present to speak.

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

Resolution #ZBA 2022-7

Resolved, that the public hearing on Vivian Shiffman, 8 Patricia Ln. New Hempstead NY is hereby closed. Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Resolution # ZBA 2022 – 8

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In the Matter of Application # ZBA 2022-8, Vivian Shiffman, 8 Patricia Lane, 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) permit the construction, maintenance and use of a single family dwelling having a side yard of 10.7 feet rather than the minimum required side yard of twenty (20') feet The premises affected are situate on the South side of Patricia Lane approximately 250 ± from the intersection with Union Road and is currently located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 22.
-----X

WHEREAS, the Applicant Vivian Shiffman of 18 Patricia Lane, Spring Valley, New York 10977 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 a side yard of 10.7 feet rather than the minimum required side yard of twenty (20') feet, and the Board of Appeals having held a public hearing on June 29, 2022;

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

FINDINGS OF FACT

FIRST: The applicant, Vivian Shiffman, 8 Patricia Lane, Spring Valley, New York 10977 is an owner of the subject property.

SECOND: The applicant's property is located on the South side of Patricia Lane approximately 250 ± from the intersection with Union Road and is currently located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 22.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance and use of a single-family dwelling having a side yard of 10.7 feet rather than the minimum required side yard of twenty (20') feet, located on the South side of Patricia Lane approximately 250 ± from the intersection with Union Road and is currently located within a 1R-25 Zoning District

FOURTH: To permit the construction, maintenance and use of a single-family dwelling having a side yard of 10.7 feet rather than the minimum required side yard of twenty (20') feet, a variation from the requirements of 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 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 April 25, 2022, The Village Building Inspector denied the application and instructed the applicant to apply to the Zoning Board of Appeals for further proceedings. The applicant 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 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 Vivian Shiffman of 18 Patricia Lane, Spring Valley, New York 10977 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 a single-family dwelling having a side yard of 10.7 feet rather than the minimum required side yard of twenty (20') feet at the property located on the South side of Patricia Lane approximately 250 ± from the intersection with Union Road and is currently located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 22, subject to approval by the Village Engineer and the applicant's compliance with the Town of Ramapo Department of Public Works letter dated June 7, 2022.

The Acting Chairman called for a roll call vote and the vote was as follows: Mr. Zamir, AYE, Mr. Rothman, AYE, Mr. Taub, AYE. The Resolution was adopted by a vote of 3-0.

MOTION TO ADJOURN

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

Resolution #ZBA 2022-9

Resolved, that the meeting held by the Zoning Board of Appeals ON June 29, 2022

Is hereby adjourned. Deputy Chair Taub called for a vote. The vote was 3-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub, Village Clerk- Treasurer