

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

**ZONING BOARD OF APPEALS**

REGULAR MEETING  
Wednesday October 25, 2023  
7:30pm  
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR  
ARYEH TAUB (departed 8:30pm)  
ELLIOT ZISMAN  
MEIR ROTHMAN (appeared at 7:45pm)

ABSENT

CHAIM BERGER (ADHOC)  
MOSHE ZAMIR

ALSO PRESENT

AMANDA BETTELLO, DEPUTY VILLAGE CLERK TREASURER  
BRUCE MINSKY, VILLAGE ATTORNEY

**Open Meeting**

**Roll Call**

**APPROVAL OF MINUTES- AUGUST 25, 2021, AUGUST 30, 2023**

There were not enough members present who attended the meetings to approve the August 25, 2021 or August 30, 2023 set of minutes. Those minutes will be held over until the next date.

**PUBLIC HEARING- MR. AND MRS. COHN, 44 MCNAMARA RD. NEW HEMPSTEAD NY 10977. TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF HARDSCAPE AND POOL CABANA. THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I) REQUESTING A REAR A YARD OF 14 FEET INSTEAD OF THE REQUIRED 50 FEET. (II) REQUESTING AN IMPERVIOUS SURFACE OF .337 INSTEAD OF THE REQUIRED .20.**

Stanley Mayerfeld, Architect for the applicant

Presented the applicants request for a variance to construct a pool house on their property. Explained the impervious surface coverage is greatly due to their driveway which allows for drivers to turn around to pull onto McNamara which is a high traffic road. The applicant feels it is very important to keep the driveway for safety purposes. They also feel it is important when having visitors so they are not parking in the street.

Meir Rothman arrived at 7:45pm.

They also explained that the property located behind theirs is a deep lot and sits very far below this property. Therefore the pool house would not be visible to the property behind theirs. The placement of the pool and cabana are as such to also allow for other outdoor activities in a grassed area. Being they are on such a busy road the front yard does not allow for such. Overall they do believe this will enhance the character of the neighborhood and will have no adverse effect on the environment.

Mrs. Cohn stated that she did address everything with the owners of the neighboring properties and they were all okay with what is being proposed.

Ms. Bettello stated it ran in the Rockland Journal News on October 13, 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:

Rockland County Highway Dept. 9.28.23  
Rockland County Planning Dept. 10.23.23  
Rockland County Sewer 10.17.23

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

Resolution # ZBA 2023-38

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Mr. And Mrs. Cohn, 44 McNamara Rd., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Miriam Seif, 38 McNamara Rd.

Agrees that the circular driveway is very safety conscious. She is very happy with her neighbors and has no objections to their application. She agrees that the work would advance the overall aesthetic of the neighborhood.

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

Resolution # ZBA 2023-39

Resolved, that the Zoning Board of the Village of New Hempstead here by Close the Public Hearing for Mr. And Mrs. Cohn, 44 McNamara Rd., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Aryeh Taub, Zoning board member

Stated they feel it is important to make note that the impervious surface on the entire lot is over as a result of the circular driveway. They feel it would be in the best interest to not deny such a variance not disincentivizing people to build a circular driveway that is designated for safety.

Bruce Minsky, Village Attorney

Addressed the comments that were sent in which the applicants architect agreed to. Reiterated that there were no objections to this project from any of the residents in the village.

Meir Rothman offered the following motion, which was seconded by Elliot Zisman

Resolution # ZBA 2023 – 40

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In the Matter of Application # ZBA 2023-40, Shalom Cohn and Rivka D. Back of 44 McNamara Road, 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 a hardscape and pool cabana having (1) a rear yard of fourteen (14') feet rather than the minimum required rear yard of fifty (50') feet; and (2) having an impervious surface of .337 rather than the maximum impervious surface of .20. The premises affected are situate on the East side of McNamara Road approximately 50± feet from the intersection of Tammy Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.13, Block 2, Lot 70.

-----X

WHEREAS, the Applicants Shalom Cohn and Rivka D. Back of 44 McNamara Road, New Hempstead, 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 hardscape and pool cabana having (1) a rear yard of fourteen (14') feet rather than the minimum required rear yard of fifty (50') feet; and (2) having an impervious surface of .337 rather than the maximum impervious surface of .20, and the Board of Appeals having held a public hearing on October 25, 2023;

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

**FINDINGS OF FACT**

FIRST: The applicants Shalom Cohn and Rivka D. Back of 44 McNamara Road, New Hempstead, New York 10977 are the owners of the subject property.

SECOND: The applicant's property is located on the East side of McNamara Road approximately 50± feet from the intersection of Tammy Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.13, Block 2, Lot 70.

THIRD: The applicants wish to obtain a building permit to permit the construction, maintenance and use of a hardscape and pool cabana having (1) a rear yard of fourteen (14') feet rather than the minimum required rear yard of fifty (50') feet; and (2) having an impervious surface of .337 rather than the maximum impervious surface of .20. located on the East side of McNamara Road approximately 50± feet from the intersection of Tammy Road

FOURTH: To permit the construction, maintenance and use of a hardscape and pool cabana having (1) a rear yard of fourteen (14') feet rather than the minimum required rear yard of fifty (50') feet; and (2) having an impervious surface of .337 rather than the maximum impervious surface of .20, 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 applicants stated that the granting of the variances will allow for construction, maintenance and use of a hardscape and pool cabana 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 \_\_\_\_\_, 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 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 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 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 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 applicants Shalom Cohn and Rivka D. Back of 44 McNamara Road, 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) permit the construction, maintenance and use of a hardscape and pool cabana having (1) a rear yard of fourteen (14') feet

rather than the minimum required rear yard of fifty (50') feet; and (2) having an impervious surface of .337 rather than the maximum impervious surface of .20. The premises affected are situate on the East side of McNamara Road approximately 50± feet from the intersection of Tammy Road and is located within a 1R-40 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.13, Block 2, Lot 70.

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

Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Aryeh Taub excused himself from the meeting at 8:30pm

**PUBLIC HEARING FOR BAIS MALKA, 48 GRANDVIEW AVE,, NEW HEMPSTEAD, NY THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I) REQUESTING A MAX. IMPERVIOUS SURFACE AREA OF .26% INSTEAD OF THE ALLOWABLE .25% TO PERMIT A PORTION OF THE ABOVE PROPERTY TO BE DESIGNATED EXCLUSIVELY FOR SCHOOL BUS PARKING/STORAGE.THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF GRANDVIEW AVE. 900 FEET FROM THE INTERSECTION OF PLEASANT RIDGE RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 2 LOT 41 IN A 1R-25 ZONING DISTRICT.**

Anthony Celentano, Engineer for the Applicant

Explained they are simply here to request the variance for the .01% variance from .25 to .26 for impervious surface.

Ms. Bettello stated it ran in the Rockland Journal News on October 13, 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:  
*NYS Department of Transportation 10.2.23*  
*Town of Ramapo Department of Public Works 10.5.23*  
*Rockland County Planning Dept. 10.23.23*  
*Rockland County Sewer 10.17.23*

Elliot Zisman offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023-41

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Bais Malka, 48 Grandview Ave., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Joel Petlin, 14 Pleasant Ridge Rd.

Stated he is a very happy neighbor and is in support of Bais Malkas application and feels it is in a suitable location.

Elliot Zisman offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023-42

Resolved, that the Zoning Board of the Village of New Hempstead here by Close the Public Hearing for Bais Malka, 48 Grandview Ave., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 3-0. The resolution was adopted.

Elliot Zisman offered the following motion, which was seconded by Meir Rothman

Resolution # ZBA 2023 – 43

-----X

In the Matter of Application # ZBA 2023-43, Bais Malka School of 48 Grandview Avenue, 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 a portion of the subject property to be designated exclusively for school bus parking and/or storage having an impervious surface of .26 rather than the maximum



impervious surface of .25. The premises affected are situate on the South side of Grandview Avenue approximately 900± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 41.

-----X

WHEREAS, the Applicant Bais Malka School, 48 Grandview Avenue, New Hempstead, 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 portion of the subject property to be designated exclusively for school bus parking and/or storage having an impervious surface of .26 rather than the maximum impervious surface of .25, and the Board of Appeals having held a public hearing on October 25, 2023;

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

**FINDINGS OF FACT**

FIRST: The applicant Bais Malka School of 48 Grandview Avenue, New Hempstead, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located on the South side of Grandview Avenue approximately 900± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 41.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance, and use of a portion of the subject property to be designated exclusively for school bus parking and/or storage having an impervious surface of .26 rather than the maximum impervious surface of .25, located on the South side of Grandview Avenue approximately 900± feet from the intersection of Pleasant Ridge Road

FOURTH: To permit the construction, maintenance, and use of a portion of the subject property to be designated exclusively for school bus parking and/or storage having an impervious surface of .26 rather than the maximum impervious surface of .25, 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 variance will allow for construction, maintenance, and use of a portion of the subject property to be designated exclusively for school bus parking and/or storage 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 as well as all communications received from other interested agencies and/or municipalities.

SIXTH: On \_\_\_\_\_, 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 applicants 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 bus storage and/or parking on the property are such that the requested variance is the only practical means of relief.

TENTH: The proposed variance 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 Bais Malka School of 48 Grandview Avenue, New Hempstead, 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) permit the construction, maintenance and use of a portion of the subject property to be designated exclusively for school bus parking and/or storage having an impervious surface of .26 rather than the maximum impervious surface of .25. subject to the conditions contained in the Rockland County Planning Department's letter dated October 23, 2023, the Rockland County Sewer District #1 letter dated October 17, 2023, and the Letters received from the Rockland County Department of Health and Rockland County Highway Department. South side of Grandview Avenue approximately 900± feet from the intersection of Pleasant Ridge Road and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 41.

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

#### **MOTION TO ADJOURN**

Elliot Zisman offered the following motion, which was seconded by Meir Rothman

Resolution #ZBA 2023-44

Resolved, that the meeting held by the Zoning Board of Appeals on October 25, 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