

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY April 10, 2024, 2024
7:30 P.M.
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
ARYEH TAUB
ELLIOT ZISMAN
CHAIM BERGER

ABSENT

MEIR ROTHMAN
MOSHE ZAMIR

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK-TREASURER
BRUCE MINSKY, VILLAGE ATTORNEY

Open Meeting

Roll Call

APPROVAL OF MINUTES- OCTOBER 25, 2023

HOLD OVERS: 8/30/2023_12/27/2023_3/27/2024

Ari Taub offered the following motion, which was seconded by Chairman Fuerst

Resolution # ZBA 2024-5

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meeting held on October 25, 2023 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 4-0.

The remaining minutes will be held over to the next meeting.

PUBLIC HEARING FOR BORUCH SHEPS, 21 PLEASANT RIDGE RD., SPRING VALLEY NY 10977. TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF A POOL HOUSE, PATIO AND POOL. THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I) REQUESTING A SIDE YARD OF 15FEET INSTEAD OF THE REQUIRED 20 FEET. (II) REQUESTING A TOTAL SIDE YARD OF 35.4 FEET INSTEAD OF THE REQUIRED 50 FEET. (III) REQUESTING A MAXIMUM IMPERVIOUS SURFACE RATIO OF .36 INSTEAD OF THE PERMITTED .25. (IV) REQUESTING A BUILDING COVERAGE OF 5,715 INSTEAD OF THE MAXIMUM ALLOWABLE 3,712 SQ. FT.

The board explained revised plans have been submitted. The applicant is requesting a side yard of 15feet instead of the required 20 feet, a total side yard of 35.4 feet instead of the required 50

feet, a maximum impervious surface ratio of .36 instead of the permitted .25, a building coverage of 5,715 instead of the maximum allowable 3,712 sq. Ft.

David Leiser, representing the applicant

The applicant proposing a pool and pool house. The impervious surface ratio is created because of the patios and covered patios that we have on the existing house, which is a relatively new house. Does not believe there will be an environmental impact, believes this will increase the value of the neighborhood. The applicant did revise their plan from the original 6ft setback to the 15 based on the board's comments.

The board went over the plans with the representative and confirmed that no concrete will be poured by the pavers. After further discussion it was determined the plans show a variance for rear yard is needed, but not shown on the bulk table and never applied for.

The board goes into executive session. When they return they informed the applicant that they can give a general consensus on what the board feels about this application, but ultimately revised plans will need to be submitted and adjourn this to the next date. The b

The Village clerk explained to the applicant and public that there is a change in the Zoning Board schedule and instead of being the fourth Wednesday of the month it will take place the evening after the Planning Board meeting, which is the first Tuesday of the month. The next Zoning Board is scheduled for May 8, 2024.

Village Clerk mentioned it ran in the Rockland Journal news on 3/13/2024, affidavits of notice and postings were timely.

Correspondence read into the record:

Rockland County Sewer District 3.23.24

Town of Ramapo DPW 2.28.2024

Veolia 2.26.2024

The applicant went through the elements of consideration/factors for granting the use variance:

- (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 is always self-created but do not think this is going to have a negative effect. Consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board all agrees if the plans are presented as discussed they don't feel there will be any issues with the granting of the variance at the next meeting.

Ari Taub offered the following motion, which was seconded by Elliot Zisman

Resolution # ZBA 2024-6

Resolved, that the Zoning Board of Appeals hereby adjourn the application of Boruch Schepps, 21 Pleasant Ridge Rd. New Hempstead, NY to May 8, 2024. Chairman called for a vote. The vote was 4-0. The resolution was adopted.

PUBLIC HEARING FOR EPHRAIM & BATIA ZAGELBAUM, 10 ELLINGTON WAY, NEW HEMPSTEAD, NY 10977. TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF A CABANA, POOL PATIO AND POOL TO THEIR SINGLE FAMILY HOME. THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD. THE PROPOSED CABANA HAS A SIDE YARD OF 15 FEET INSTEAD OF THE REQUIRED 20 FEET AND A REAR YARD OF 16.0 FEET INSTEAD OF THE REQUIRED 35 FEET. PROPOSED CABANA, INGROUND POOL, POOL PATIO, INCREASES THE EXISTING IMPERVIOUS SURFACE RATIO FROM 0.22 TO A PROPOSED SURFACE RATIO OF 0.35 INSTEAD OF THE MAXIMUM PERMITTED OF .20. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF ELLINGTON WAY 455+/- FEET FROM THE INTERSECTION OF NEW HEMPSTEAD RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.13 BLOCK 2 LOT 22 IN A 1R-40 ZONING DISTRICT.

Joshua Levitin, Representing the applicant

The applicant is proposing to construct a small 394 square foot Cabana at the rear of the property. The approved single family home is 2614 square feet, which is in fact an undersized residence as the maximum allowed building coverage is 3250 square feet. In addition, a lot is 22,585 square feet. Does not believe what we are requesting is excessive for my clients and their family. Does not believe that will be a detriment to the existing neighborhood or out of character with the neighborhood either, on the contrary will improve be of great benefit to the lot and the neighborhood community. Traffic will not be increased either as parties are not expected to happen. This is for personal recreational uses, which is not at odds with the village. This is for the family use only an enjoyment that increases property values and it's not a detriment to anyone. Does not believe it's a self-created hardship as said before everything's a self-created hardship.

The board and applicant went through the breakdown of coverage.

The village clerk stated it ran in the Rockland journal news on March, 27, 2024 Affidavit of notice and postings were timely.

Correspondence read into the record:

Rockland County Planning 4/9/2024

Rockland County Sewer District 4/8/2024

Rockland County Highway 3/29/2024

Hillcrest FD3/29/2024

It was determined that there is a sewer easement on the property and revised plans were submitted reflecting that but it was only given right before the meeting and the village professionals need a minimum of two weeks for review. After discussion on whether they can approve the application condition to, the board decided they will adjourn to the next meeting, but will first open the public hearing.

Elliot Zisman offered the following motion, which was seconded by Ari Taub

Resolution # ZBA 2024-7

Resolved, that the Zoning Board of Appeals hereby open the Public Hearing for Mr. and Mrs. Zeiglebaum, 10 Ellington Way, New Hempstead, NY 10977. Chairman Fuerst calls for a vote. The vote was 4-0. The resolution was adopted.

Sharon Szanzer, 12 Ellington Way

Has environmental and health hazard issues with the project. Believes the silt fencing that is there is not adequate and causing runoff into the brook.

The chairman explained that the resident is more than welcome to voice her concerns, but this board is here to vote on this application not the current construction going on. He requested that she call the village during normal business hours for the inspector to check it out.

The village has not received this complaint and informed the resident to call the office during office hours.

Usher Levi, 8 Ellington Way

In support of this application. Resides on the same side as the variance being requested. The applicant has his full support and believes the other comment that came in was a personal gripe.

Moshe Kahn , 48 McNamara

Support of this application. Believes it will bring up the value of the neighborhood.

Cohen, 44 McNamara

In favor of this application

Chaya Walden, 17 Ellington Way

In support of this application.

Rivkah Cohen, 44 McNamara

In support, and appreciates the value that will be added to the neighborhood.

Ephraim Zeiglebaum, 6 Ellington Way and owner
Believes the project will fit well in the neighborhood.

Mr. Sherman, 11 Flin Dr.

Really feels that the negative comments that were made on this application really are a personal gripe.

The board gave a general consensus on the project and does not think there is any other way the applicant can achieve this. The applicant may reduce their application before the next meeting but must submit with adequate time.

Elliot Zisman offered the following motion, which was seconded by Ari Taub

Resolution # ZBA 2024-8

Resolved, that the Zoning Board of Appeals hereby Adjourn the public hearing for Mr. and Mrs. Zeiglebaum, 10 Ellington Way, New Hempstead, NY 10977 to May 8, 2024. Chairman Fuerst calls for a vote. The vote was 4-0. The resolution was adopted.

PUBLIC HEARING JIEM EDUCATION INITIATIVE FOUNDATION, 667 NEW HEMPSTEAD RD. THE APPLICANTS ARE SEEKING VARIANCE FROM SECTION 5.2 OF THE VILLAGE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I) REQUESTING A SIDE YARD VARIANCE OF 6FT. INSTEAD OF THE ALLOWABLE .27 FT. (II) REQUESTING A TOTAL SIDE YARD OF 123.37 FT INSTEAD OF THE ALLOWABLE 144.37 FT. ((III) REQUESTING A MAXIMUM IMPERVIOUS COVERAGE OF .469 INSTEAD OF THE MAXIMUM ALLOWABLE .459 (IV) REQUESTING AN FAR OF .2643 INSTEAD OF THE PERMITTED .2575 TO PERMIT THE CONSTRUCTION MAINTENANCE AND USE OF AN INDOOR PLAY AREA TO PERMIT THE CONSTRUCTION MAINTENANCE AND USE OF AN INDOOR PLAY AREA. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF NEW HEMPSTEAD RD. 700 FT. +/- FROM THE INTERSECTION OF BRIDLE RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.13 BLOCK 2 LOT 40 IN A 1R-40 ZONING DISTRICT.

The village clerk stated it ran in the Rockland journal news on March, 13, 2024t of notice and postings were timely.

Correspondence read into the record:

Rockland County Planning 3/25/2024

Rockland County Sewer District 3/23/2024

Rockland County Highway 2/26/2024

Rockland County Health 3.26.2024

Town of Ramapo DPW 3/7/2024

Stanley Mayerfeld, Representing the applicant.

The applicant is requesting variances to permit the construction maintenance and use of an indoor play area. The applicant adapts its facility to the change in education. Currently the kids play in a low ceiling play area that is not adequate.. The placement is the only logical place for placement. Every classroom currently has natural light and the applicant does not want that to change with this addition. The applicant is looking to add a sensory room for the preschoolers. Education for preschool students has changed a lot over the years, and they are not a stagnant educational system.

The board has discussion as to how this does not set any precedent, even with the extensive side yard variance because this is a school and the neighbor is a utility company not a resident and not a commercial site. They don't believe there is another applicant that has the same conditions. The applicant did send the water company a letter and certified letter with no response. They also want it noted preschools are not allowed to take elevators based on the code. There will not be an increase in enrollment, or traffic.

The applicant went through the five elements of consideration with the board to be sure all considerations have been addressed.

Ari Taub offered the following motion, which was seconded by Elliot Zisman

Resolution # ZBA 2024-9

Resolved, that the Zoning Board of Appeals hereby open the public hearing of JEIM, 667 New Hempstead Rd. New Hempstead, NY. Chairman Fuerst called for a vote. The vote was 4-0 the resolution was adopted.

There was no one from the public that wished to speak.

Ari Taub offered the following motion, which was seconded by Elliot Zisman

Resolution # ZBA 2024-10

Resolved, that the Zoning Board of Appeals hereby close the public hearing of JEIM, 667 New Hempstead Rd. New Hempstead, NY. Chairman Fuerst called for a vote. The vote was 4-0 the resolution was adopted.

The chairman and board goes over questions on making sure not to set any precedents. This needs to be considered on its own merit. The chairman went through the merits of this application. As well as under RLUPA they are asking for normal accommodations.

Ari Taub offered the following motion, which was seconded by Elliot Zisman

Resolution # ZBA 2024-11

Resolved, that the Zoning Board of Appeals hereby approve the application of JEIM, 667 New Hempstead Rd. New Hempstead, NY. For variances from section 5.2 of the village zoning law (i) requesting a side yard variance of 6ft. Instead of the allowable .27 ft. (ii) requesting a total side yard of 123.37 ft. instead of the allowable 144.37 ft. ((iii) requesting a maximum impervious coverage of .469 instead of the maximum allowable .459 (iv) requesting an far of .2643 instead of the permitted .2575 to permit the construction maintenance and use of an indoor play area to permit the construction maintenance and use of an indoor play area. Subject to the GML Letters Rockland County Planning 3/25/2024, Rockland County Sewer District 3/23/2024, Rockland County Highway 2/26/2024, Rockland County Health 3.26.2024, Town of Ramapo DPW 3/7/2024, and Village engineer and Building Inspector review. Chairman Fuerst called for a vote. The vote was 4-0 the resolution was adopted.

MOTION TO ADJOURN

Aryeh Taub offered the following motion, which was seconded by Elliot Zisman

Resolution #ZBA 2024-12

Resolved, that the Zoning Board of Appeals hereby adjourned the meeting held by the Zoning Board of Appeals On April 10, 2024 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