

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

ZONING BOARD OF APPEALS

REGULAR MEETING
WEDNESDAY May 8, 2024
7:30 P.M.
VILLAGE HALL

PRESENT

SOLOMON FUERST, CHAIR OF THE ZONING BOARD
MEIR ROTHMAN
ARYEH TAUB (left 8:17pm)
ELLIOT ZISMAN (arrived at 7:42pm)
MOSHE ZAMIR

ABSENT

CHAIM BERGER
SHIMON GREENWALD

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK-TREASURER
AMANDA BETTELLO, DEPUTY VILLAGE CLERK-TREASURER

Open Meeting

Roll Call

APPROVAL OF MINUTES- AUGUST 30, 2023, DECEMBER 27, 2023, MARCH 27, 2024, APRIL 10, 2024(holdover)

The April 10th, 2024 minutes will be a hold over.

There were not enough members present to vote on the approval of the minutes for the August 30, 2023 or March 27, 2024 minutes. (they were approved later in the meeting)

Meir Rothman offered the following motion, which was seconded by Moshe Zamir.

Resolution # ZBA 2024-13

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meetings held on December 27, 2023 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 4-0.

PUBLIC HEARING FOR MEIR NEWHOUSE, 3 PASADENA PL., NEW HEMPSTEAD NY 10977. TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF AN ADDITION TO THEIR SINGLE-FAMILY DWELLING. THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I)REQUESTING A FRONT YARD OF 46.1 FT. INSTEAD OF THE MIN. REQUIRED 50 FT. (II) REQUESTING A TOTAL SIDE YARD OF 65.8 FEET INSTEAD OF THE MIN. REQUIRED 75 FT. (IV) REQUESTING AN FAR OF .104 INSTEAD OF THE REQUIRED .10. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF PASADENA PL. 185+/- FEET FROM THE INTERSECTION OF KINGSTON DR. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.05 BLOCK 2 LOT 60 IN A 1R-50 ZONING DISTRICT

Meir Newhouse, Applicant

Presented to the board his application for an addition to his single-family home. He feels it will not be causing an undesirable change to the character of the neighborhood. Due to the Villages zoning reverting back to the original zoning map they are here to request variances as this project had been planned when the applicant's property was considered a different zone that would not have needed variances.

Elliot Zisman arrived at 7:42pm

Ms. Bettello stated it ran in the Rockland Journal News May 1, 2024 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:

Veolia 4.22.24

Rockland County Sewer 5.3.24

Neighbor 5.5.24

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

Resolution # ZBA 2024-14

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Meir Newhouse, 3 Pasadena Pl., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

Moishie Farkas, 7 Wishers Lane
Commented in favor of the applicant and wished them well.

Meir Rothman offered the following motion, which was seconded by Moshe Zamir

Resolution # ZBA 2024-15

Resolved, that the Zoning Board of the Village of New Hempstead here by close the Public Hearing for Meir Newhouse, 3 Pasadena Pl., New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

The board discussed the variances being requested.

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

Resolution # ZBA 2024-16

-----X

In the Matter of Application # ZBA 2024-16, Meir Newhouse of 3 Pasadena Place, 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) to permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of forty-six feet, one inch (46' 1") instead of the minimum required front yard of fifty (50') feet; (2) a total side yard of sixty-five feet, eight inches (65' 8") instead of the minimum required total side yard of seventy-five (75') feet; (3) a floor area ratio of .104 instead of the maximum permitted floor area ration of .1. The premises affected are situate on the North side of Pasadena Place approximately 185 feet ± feet from the intersection of Kingston Drive and is located within a 1R-50 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.05, Block 2, Lot 60.

-----X

WHEREAS, the Applicant Meir Newhouse of 3 Pasadena Place, 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 an addition to the single-family dwelling having (1) a front yard of forty-six feet, one inch (46' 1") instead of the minimum required front yard of fifty (50') feet; (2) a total side yard of sixty-five feet, eight inches (65' 8") instead of the minimum required

total side yard of seventy-five (75') feet; (3) a floor area ratio of .104 instead of the maximum permitted floor area ration of .1, and the Board of Appeals having held a public hearing on May 8, 2024;

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

FINDINGS OF FACT

FIRST: The applicant, Meir Newhouse of 3 Pasadena Place, New Hempstead, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located on the North side of Pasadena Place approximately 185 feet ± feet from the intersection of Kingston Drive and is located within a 1R-50 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.05, Block 2, Lot 60.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of forty-six feet, one inch (46' 1") instead of the minimum required front yard of fifty (50') feet; (2) a total side yard of sixty-five feet, eight inches (65' 8") instead of the minimum required total side yard of seventy-five (75') feet; (3) a floor area ratio of .104 instead of the

maximum permitted floor area ration of .1, located on the North side of Pasadena Place approximately 185 feet ± feet from the intersection of Kingston Drive.

FOURTH: To permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of forty-six feet, one inch (46' 1") instead of the minimum required front yard of fifty (50') feet; (2) a total side yard of sixty-five feet, eight inches (65' 8") instead of the minimum required total side yard of seventy-five (75') feet; (3) a floor area ratio of .104 instead of the maximum permitted floor area ration of .1, 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 an addition to the 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 25, 2024 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 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 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 Meir Newhouse of 3 Pasadena Place, 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) to permit the construction, maintenance and use of an addition to the single-family dwelling having (1) a front yard of forty-six feet, one inch (46' 1") instead of the minimum required front yard of fifty (50') feet; (2) a total side yard of sixty-five feet, eight inches (65' 8") instead of the minimum required total side yard of seventy-five (75') feet; (3) a floor area ratio of .104 instead of the maximum permitted floor area ratio of .1. The premises affected are situate on the North side of Pasadena Place approximately 185 feet± from the intersection of Kingston Drive and is located within a 1R-50 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.05, Block 2, Lot 60.

FOURTH: The variance granted herein is expressly conditioned and subject to the applicants' compliance with the comments from Rockland County Sewer District #1 dated May 3, 2024 and the Village Building Inspector and Village Engineer's approval of same.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Rothman, AYE, Mr. Zamir, AYE, Mr. Taub, AYE, Mr. Zisman, AYE and Chairman Fuerst, AYE. The Resolution was adopted by a vote of 5-0.

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

Resolution # ZBA 2024-17

Resolved, that the Zoning Board of Appeals hereby approves the minutes of the ZBA meetings held on August 30, 2023 and March 27, 2024 and the reading of said minutes is waived. Chairman Fuerst called for a vote. The vote was 5-0.

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. FOR (I) REQUESTING A SIDE YARD OF 15 FEET INSTEAD OF THE MIN. REQUIRED 20 FEET (II) REQUESTING A TOTAL SIDE YARD OF 38.2 FEET INSTEAD OF THE MIN. REQUIRED 50 FT. (III) REQUESTING A REAR YARD OF 20 FT INSTEAD OF THE MIN. REQUIRED 35 FT. (IV) REQUESTING AN IMPERVIOUS SURFACE COVERAGE OF .32 INSTEAD OF THE MAX. ALLOWABLE .2 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, Architect for the applicant and Devin Crichlow, Engineer for the applicant

Presented their revised plans to move the pool, cabana and retaining wall away from the sewer easement.

Ms. Bettello stated it ran in the Rockland Journal News March 27, 2024 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 3.29.24

Hillcrest Fire Dept. 3/28/24

Rockland County Sewer 4.8.24

Rockland County Planning 4.9.24
Veolia 4.15.24

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

Resolution # ZBA 2024-18

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Ephraim & Batia Zagelbaum, 10 Ellington Way, New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

Moishie Farkas, 7 Wishers Lane

Commented in favor of the applicant and wished them well.

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

Resolution # ZBA 2024-19

Resolved, that the Zoning Board of the Village of New Hempstead here by close the Public Hearing for Ephraim & Batia Zagelbaum, 10 Ellington Way, New Hempstead NY 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # ZBA 2024-20

-----X

In the Matter of Application # ZBA 2024-20, Ephraim and Batia Zagelbaum of 10 Ellington Way, 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) to permit the construction, maintenance, and use of a cabana, pool patio and pool to the single-family dwelling having (1) a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-eight feet, two inches (38' 2") instead of the required total side yard of fifty (50') feet; (3) a rear yard of twenty (20') feet rather than the minimum required rear yard of thirty-five (35') feet; (4) an impervious surface coverage of .32 rather than the maximum allowable impervious surface coverage of .2. The premises affected are situate on the East side of Ellington Way approximately 455 feet ± feet from the intersection of New Hempstead 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 22.

-----X

WHEREAS, the Applicants Ephraim and Batia Zagelbaum of 10 Ellington Way, New Hempstead, New York 10977, seek 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 cabana, pool patio and pool to the single-family dwelling having (1) a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-eight feet, two inches (38' 2") instead of the required total side yard of fifty (50') feet; (3) a rear yard of twenty (20') feet rather than the minimum required rear yard of thirty-five (35') feet; (4) an impervious surface coverage of .32 rather than the maximum allowable impervious surface coverage of .2, and the Board of Appeals having held a public hearing on May 8, 2024;

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

FINDINGS OF FACT

FIRST: The applicants, Ephraim and Batia Zagelbaum of 10 Ellington Way, New Hempstead, New York 10977 are the owners of the subject property.

SECOND: The applicants' property is located on the East side of Ellington Way approximately 455 feet ± feet from the intersection of New Hempstead 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 22.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance, and use of a cabana, pool patio and pool to the single-family

dwelling having (1) a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-eight feet, two inches (38' 2") instead of the required total side yard of fifty (50') feet; (3) a rear yard of twenty (20') feet rather than the minimum required rear yard of thirty-five (35') feet; (4) an impervious surface coverage of .32 rather than the maximum allowable impervious surface coverage of .2, located on the East side of Ellington Way approximately 455 feet ± feet from the intersection of New Hempstead Road

FOURTH: To permit the construction, maintenance, and use of a cabana, pool patio and pool to the single-family dwelling having (1) a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-eight feet, two inches (38' 2") instead of the required total side yard of fifty (50') feet; (3) a rear yard of twenty (20') feet rather than the minimum required rear yard of thirty-five (35') feet; (4) an impervious surface coverage of .32 rather than the maximum allowable impervious surface coverage of .2, 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 variance will allow for construction, maintenance and use of a cabana, pool patio and pool to the single-family dwelling having 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 February 15, 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 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 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 applicants Ephraim and Batia Zagelbaum of 10 Ellington Way, 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) to permit the construction, maintenance and use of a cabana, pool patio and pool to the single-family dwelling having (1) a side yard of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-eight feet, two inches (38' 2") instead of the required total side yard of fifty (50') feet; (3) a rear yard of twenty (20') feet rather than the minimum required rear yard of thirty-five (35') feet; (4) an impervious surface coverage of .32 rather than the maximum allowable impervious surface coverage of .2. The premises affected are situate on the East side of Ellington Way approximately 455 feet \pm feet from the intersection of New Hempstead 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 22.

FOURTH: The variance granted herein is expressly conditioned and subject to the applicants' compliance with the comments from Rockland County Sewer District #1 dated April

8, 2024, the Rockland County Planning Department's Letter dated April 9, 2024, and the Village Building Inspector and Village Engineer's approval of same.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Rothman, AYE, Mr. Zamir, AYE, Mr. Taub, AYE, Mr. Zisman, AYE and Chairman Fuerst, AYE. The Resolution was adopted by a vote of 5-0.

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 TO POOL HOUSE ACCESSORY STRUCTURE OF 15 FEET 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 REAR YARD TO POOL ACCESSORY STRUCTURE OF 23 FEET INSTEAD OF THE REQUIRED 35 FEET (IV)REQUESTING A MAXIMUM IMPERVIOUS SURFACE RATIO OF .36 INSTEAD OF THE PERMITTED .25 (V) REQUESTING A MAXIMUM BUILDING COVERAGE OF 5,715 FEET INSTEAD OF THE REQUIRED 3,000 FEET. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF PLEASANT RIDGE RD. 380+/- FEET FROM THE INTERSECTION OF WOODWIND LN. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 1 LOT 50 IN A 1R-25 ZONING DISTRICT.

David Leizer, Contractor for the applicant

The Chairman recognized that this board doesn't account for impervious coverage when porous pavers are being used.

Ms. Bettello stated it ran in the Rockland Journal News March 13, 2024 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:

Veolia 2.26.24

Town of Ramapo DPW 2.28.24
Rockland County Sewer 3.23.24

Meir Rothman offered the following motion, which was seconded by Moshe Zamir

Resolution # ZBA 2024-21

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Boruch Sheps, 21 Pleasant Ridge Rd., New Hempstead NY 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

Moishie Farkas, 7 Wishers Lane
Commented in favor of the applicant and wished them well.

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

Resolution # ZBA 2024-22

Resolved, that the Zoning Board of the Village of New Hempstead here by close the Public Hearing for Boruch Sheps, 21 Pleasant Ridge Rd., New Hempstead NY 10977, Chairman Fuerst called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # ZBA 2024-23

-----X

In the Matter of Application # ZBA 2024-24, Baruch Sheps of 21 Pleasant Ridge Road, 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) to permit the construction, maintenance, and use of a pool house, patio and pool to the single-family dwelling having (1) a side yard to pool house accessory structure of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-five feet, four inches (35' 4") rather than the total minimum required side yard of fifty (50') feet; (3) a rear yard setback to the pool accessory structure of twenty-three (23') feet rather than the required rear yard of thirty-five (35') feet; (4) a maximum building coverage of 5,715 square feet rather than the maximum building coverage of 3,000 square feet; and (5) a maximum impervious surface ratio of .36 rather than the maximum permitted ration of .25. The premises affected are situate on the North side of Pleasant Ridge Road approximately 380 feet ± feet from the intersection of Woodwind Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 1, Lot 50.

-----X

WHEREAS, the Applicants Boruch Sheps of 21 Pleasant Ridge Road, Spring Valley, New York 10977, seek 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 pool house, patio and pool to the single-family dwelling having (1) a side yard to pool house accessory structure of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-five feet, four inches (35' 4") rather than the total minimum required side yard of fifty (50') feet; (3) a rear yard setback to the pool accessory structure of twenty-three (23') feet rather than the required rear yard of thirty-five (35') feet; (4) a maximum building coverage of 5,715 square feet rather than the maximum building coverage of 3,000 square feet; and (5) a maximum impervious surface ratio of .36 rather than the maximum permitted ration of .25., and the Board of Appeals having held a public hearing on May 8, 2024;

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

FINDINGS OF FACT

FIRST: The applicants, Boruch Sheps of 21 Pleasant Ridge Road, Spring Valley, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located on the North side of Pleasant Ridge Road approximately 380 feet ± feet from the intersection of Woodward Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 1, Lot 50.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance, and use of a pool house, patio and pool to the single-family dwelling having (1) a side yard to pool house accessory structure of fifteen (15') feet rather than the

minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-five feet, four inches (35' 4") rather than the total minimum required side yard of fifty (50') feet; (3) a rear yard setback to the pool accessory structure of twenty-three (23') feet rather than the required rear yard of thirty-five (35') feet; (4) a maximum building coverage of 5,715 square feet rather than the maximum building coverage of 3,000 square feet; and (5) a maximum impervious surface ratio of .36 rather than the maximum permitted ration of .25 located on the North side of Pleasant Ridge Road approximately 380 feet ± feet from the intersection of Woodwind Lane.

FOURTH: To permit the construction, maintenance, and use of a pool house, patio and pool to the single-family dwelling having (1) a side yard to pool house accessory structure of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-five feet, four inches (35' 4") rather than the total minimum required side yard of fifty (50') feet; (3) a rear yard setback to the pool accessory structure of twenty-three (23') feet rather than the required rear yard of thirty-five (35') feet; (4) a maximum building coverage of 5,715 square feet rather than the maximum building coverage of 3,000 square feet; and (5) a maximum impervious surface ratio of .36 rather than the maximum permitted ration 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 pool house, patio and pool to the 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 October 17, 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 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 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 Boruch Sheps of 21 Pleasant Ridge Road, Spring Valley, 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) to permit the construction, maintenance, and use of a pool house, patio and pool to the single-family dwelling having (1) a side yard to pool house accessory structure of fifteen (15') feet rather than the minimum required side yard of twenty (20') feet; (2) a total side yard of thirty-five feet, four inches (35' 4") rather than the total minimum required side yard of fifty (50') feet; (3) a rear yard setback to the pool accessory structure of twenty-three (23') feet rather than the required rear yard of thirty-five (35') feet; (4) a maximum building coverage of 5,715 square feet rather than the maximum building coverage of 3,000 square feet; and (5) a maximum impervious surface ratio of .36 rather than the maximum permitted ration of .25. The premises affected are situate on the North side of Pleasant Ridge Road approximately 380 feet \pm feet from the intersection of Woodwind Lane and is located within a 1R-25 Zoning District and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 1, Lot 50.

FOURTH: The variance granted herein is expressly conditioned and subject to the applicants' compliance with the comments from Town of Ramapo Department of Public Work's Letter dated February 28, 2024, the Rockland County Sewer District's Letter dated March 23, 2024, and the Village Building Inspector and Village Engineer's approval of same.

Chairman Fuerst called for a roll call vote and the vote was as follows: Mr. Rothman, AYE, Mr. Zamir, AYE, Mr. Taub, AYE, Mr. Zisman, AYE and Chairman Fuerst, AYE. The Resolution was adopted by a vote of 5-0.

PUBLIC HEARING FOR ISAAC KOENIG, 29 TERRI-LEE LANE, NEW HEMPSTEAD NY 10977. TO PERMIT THE CONSTRUCTION, MAINTENANCE AND USE OF AN ADDITION TO THEIR SINGLE FAMILY DWELLING. THE APPLICANT IS REQUESTING VARIANCE FROM SECTION 5.2 OF THE ZONING LAW OF THE VILLAGE OF NEW HEMPSTEAD (I) REQUESTING A FRONT YARD OF 28.9 FEET INSTEAD OF THE REQUIRED 50 FEET. (II) REQUESTING AN IMPERVIOUS SURF. COV. OF .24 INSTEAD OF THE REQUIRED .191 (III) REQUESTING A REAR YARD OF 8.1 INSTEAD OF THE PERMITTED 16.7. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF TERRI LEE LN. 0+/- FEET FROM THE INTERSECTION OF SCOTFORD RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.10 BLOCK 1 LOT 51 IN A 1R-35 ZONING DISTRICT.

Allison Weinraub, Village Clerk-Treasurer

Let the record show there was some discrepancy with understanding the narrative with The Rockland County Sewer District. They were under the impression this was not a single-family residence. They are now aware and will be updating their letter.

Nochum Goldmunzer, Blueline Expeditors

Went over the changes that were made to the plans with the members of the board. Showed them how the front door would be relocated and an overhang to protect the front entrance is being proposed. As per the plan submitted this extension will remain within the current style of the house.

Aryeh Taub left at 8:17pm

Ms. Bettello stated it ran in the Rockland Journal News 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:

Veolia 4.22.24

Rockland County Sewer 5.3.24

Meir Rothman offered the following motion, which was seconded by Moshe Zamir

Resolution # ZBA 2024-24

Resolved, that the Zoning Board of the Village of New Hempstead here by open the Public Hearing for Isaac Koenig, 29 Terri-Lee Lane, New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Moishie Farkas, 7 Wishers Lane

Questioned what is considered the side and back yard being it is a corner lot. Commented in favor of the applicant and wished them well.

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

Resolution # ZBA 2024-25

Resolved, that the Zoning Board of the Village of New Hempstead here by close the Public Hearing for Isaac Koenig, 29 Terri-Lee Lane, New Hempstead Ny 10977, Chairman Fuerst called for a vote. The vote was 4-0. The resolution was adopted.

Meir Rothman offered the following motion, which was seconded by Moshe Zamir

Resolution # ZBA 2024-26

-----X

In the Matter of Application # ZBA 2024-26, Isaac Koenig of 29 Terri-Lee Lane, 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) to permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of twenty-eight feet, nine inches (28' 9") rather than the required front yard of fifty (50') feet; (2) an impervious surface coverage of .24 instead of the maximum permitted impervious coverage of .20; and (3) a rear-yard of eight feet one inch (8' 1") instead of the minimum permitted rear yard of fifty (50'). The premises affected are situated on the West side of Terri-Lee Lane at its intersection with Scotford Road and is located within a 1R-35 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.10, Block 1, Lot 51.

-----X

WHEREAS, the Applicant Isaac Koenig of 29 Terri-Lee Lane, New Hempstead, New York 10977, seek 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 an addition to the single-family dwelling having (1) a front yard of twenty-eight feet, nine inches (28' 9") rather than the required front yard of fifty (50') feet; (2) an impervious surface coverage of .24 instead of the required .20; and (3) a rear-yard of eight feet one inch (8' 1") instead of the minimum permitted rear yard of fifty (50'), and the Board of Appeals having held a public hearing on May 8, 2024;

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

FINDINGS OF FACT

FIRST: The applicant, Isaac Koenig of 29 Terri-Lee Lane, New Hempstead, New York 10977 is the owner of the subject property.

SECOND: The applicant's property is located on the West side of Terri-Lee Lane at its intersection with Scotford Road and is located within a 1R-35 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.10, Block 1, Lot 51.

THIRD: The applicant wishes to obtain a building permit to permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of twenty-eight feet, nine inches (28' 9") rather than the required front yard of fifty (50') feet; (2) an impervious surface coverage of .24 instead of the required .20; and (3) a rear-yard of eight feet one inch (8' 1") instead of the minimum permitted rear yard of fifty (50') located on the West side of Terri-Lee Lane at its intersection with Scotford Road in the Village of New Hempstead.

FOURTH: To permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of twenty-eight feet, nine inches (28' 9") rather than the required front yard of fifty (50') feet; (2) an impervious surface coverage of .24 instead of the required .20; and (3) a rear-yard of eight feet one inch (8' 1") instead of the minimum permitted rear yard of fifty (50'), 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 an addition to the 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 25, 2024 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 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 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 Isaac Koenig of 29 Terri -Lee Lane, 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) to permit the construction, maintenance, and use of an addition to the single-family dwelling having (1) a front yard of twenty-eight feet, nine inches (28' 9") rather than the required front yard of fifty (50') feet; (2) an impervious surface coverage of .24 instead of the required .20; and (3) a rear-yard of eight feet one inch (8' 1") instead of the minimum permitted rear yard of fifty (50'). The premises affected are situated on the West

side of Terri-Lee Lane at its intersection with Scotford Road and is located within a 1R-35 Zoning District and further identified on the Town of Ramapo Tax Map as Section 42.10, Block 1, Lot 51.

FOURTH: The variance granted herein is expressly conditioned and subject to the Village Building Inspector and Village Engineer's approval of same.

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

MOTION TO ADJOURN

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

Resolution #ZBA 2024-27

Resolved, that the meeting held by the Zoning Board of Appeals On May 8, 2024 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