

Village of Wesley Hills
Zoning Board of Appeals
June 15, 2011

The meeting was called to order by Richard Weinberger, Chairman at 8:10 P.M.

Present: Richard Weinberger-Chairman, David Heller-Deputy Chairman, Jonathan Gewirtz,
Felicia Hirshfeld

Also Present: Doris Ulman-Attorney to the Zoning Board, Cheryl Sluys-Secretary

Absent: Dr. Willie Bryant, Jan Hilgeman-Alternate, William Fried-Alternate

Item I:

Continuation of the Public Hearing to consider the application of Chany Silverman for the following variances:

1. From the provisions of Section 5.2 of the Zoning Law of the Village of Wesley Hills to permit the construction, maintenance and use of an addition to a Single Family Residence having impervious surface ratio of .292 instead of the maximum required of .25 and a front yard impervious surface of .26 instead of the maximum permitted of .23.

The subject premises are situated on the north side of Tammy Road approximately 125 feet east of the intersection with Plank Road, known as 13 Tammy Road, designated on the Tax Map as Section 41.16, Block 1, Lot 42 in an R-35 Zoning District.

Kim Thomas Sippel, Architect and Chany Silverman, Applicant appeared.

Mr. Sippel said as per the Board's request on 5/4/11 they did an analysis of the circular drive in the front with the resultant maximum impervious surface and maximum front yard impervious surface ratios shown so that everybody could understand the ramifications of those figures. The original is as previously submitted. Alternate one as requested was to change the circular drive from 14' wide to 12' wide which brought the maximum impervious surface ratio from the original request of .292 down to .288 and brought the front yard impervious surface ratio down to .241. The second alternative of eliminating the circular drive brought the maximum impervious surface ratio to .267 and the front yard impervious surface to 0.14. Mr. Sippel said the front yard allowed is .23 and the overall is .25. By reducing the width, instead of .23 we are at .241 and for the overall site we are at .288 instead of .25. Of course, without a circular drive we don't need a variance for the front yard.

Mr. Weinberger said if you can avoid the necessity of a variance isn't that something you should be doing.

Mr. Gewirtz said the need for a variance may be created by the desire to have a circular driveway and the benefits thereof.

Mr. Sippel said we believe it is within keeping of the character of the house and allows for appropriate circulation for their many guests and for convenience when the children come home from school.

Mr. Heller asked if there were any other reasons for needing a circular drive. Chany Silverman answered with the bags, with the kids, for me it is just easier.

Mr. Sippel showed the Board the site plan. He pointed out the circular drive and the 28' walkway to the series of steps at the front entrance. He also pointed out the existing drive which comes straight in from the road. Mr. Sippel said we're also extending the existing driveway up to the elevated garage in back which allows access directly to the kitchen door.

Mr. Heller said Ms. Silverman stated the circular drive was more convenient for dropping off bags. Aren't you better off going to the kitchen off the existing drive rather than walking 28' and going up a flight of stairs?

Ms. Silverman said if she does that she has to pull into the garage. If she's just dropping off and going out again the circular drive is more convenient.

Mr. Sippel said there are two issues here. The raised garage in the back is about Ms. Silverman's convenience when she does go shopping, buying in bulk, etc. The circular drive not only do we feel is esthetically appropriate to the house but it also allows her to drop kids off, pick kids up and continue going around.

Mr. Heller asked does everyone in the neighborhood except this house have a circular driveway. Mr. Silverman said the house we are building is nicer than the other homes; it improves the neighborhood.

Mr. Sippel added as an architect he can tell you everyone is asking for a circular drive these days because of the convenience.

Mr. Heller said circular driveways happen to be one of the hardest to grant a variance for because that need for the variance is self-created. Mr. Heller asked was there a reason for the 14' width that has now been reduced to 12'.

Mr. Gewirtz said the Fire Department usually wants 14' for access for their trucks. Looking at the site plan the addition to the house is back and to the left which is on the opposite side of the existing driveway. He'd want a circular driveway to be able to get to that corner of the house.

Mr. Heller asked what the circular drive has to do with the back of the house. Mr. Gewirtz responded let's say the Fire Department came to the house. If they need to get to the left side of the house the circular drive facilitates that.

Mr. Heller said for the most part the circular drive is a convenience. He was looking for kind of a compelling reason that the circular drive was needed.

Ms. Hirshfeld asked if there were letters from neighbors in support of the circular drive and Mr. Weinberger advised they were in the file.

Mr. Gewirtz said we need to see if there is a way to satisfy their desire for a circular driveway and still fulfill our obligations in granting a variance.

Mr. Heller said a 12' circular driveway would have one car parked on it at any time.

Ms. Ulman said you can't park on a circular drive; parking in the front yard is not permitted.

Mr. Heller said if you have a party some evening you can't have 10 cars stacked up on the driveway. Applicant needs to know that.

Mr. Sippel said we also have a memo from Celantano Engineering which addresses the question of runoff. He did the calculations based on a 100 year rain.

Mr. Weinberger asked for an explanation of 100 year rain.

Mr. Sippel said for New York State he looks at the worst rain in 100 years for a 24 hour occurrence and he has to capture that amount of rain based on the impervious surface (coming off roofs and all driveways) and containing it with a certain percolation rate into the soil and they also use a certain percolation rate of the water into the ground cover and ground area. From there it turns into a dry well calculation, percolation volume for dry wells which in this case results in three dry wells to meet the required volume of storage. Three dry wells will meet the code and provide a 0 net runoff. Mr. Sippel continued there are other ways of doing this such as a continuous drain field system.

Mr. Weinberger said the record should indicate Celantano Engineering submitted a memo dated 6/6/11. There were two worksheets. One is entitled the runoff curve numbers and runoff and worksheet 2 is the proposed final development that has to be adhered to.

Mr. Heller asked where this information is sent to.

Ms. Ulman said it goes to the Village Engineer. He will see it when applicant applies for a building permit because it depends upon what the impervious surface will be.

Mr. Sippel said Mr. Celantano's report is based upon the 14' wide circular drive; the worst condition.

Mr. Heller asked for a review of the numbers for the 12' circular driveway. Mr. Sippel said six weeks ago we requested a front yard maximum impervious surface ratio of .258. Decreasing to 12' wide brings it down to .241. The variance we need is .23.

Ms. Ulman said the overall is down to .288 instead of .25. At 12' wide the overall is barely over 10%.

Mr. Heller said the big concern is the drainage which will be supervised by the Village Engineer. Mr. Heller asked for an explanation of what will be in the area around the driveway. Mr. Sippel said it will all be plantings.

Mr. Weinberger said on the revised map you have three proposed dry wells and he asked if those will be installed if you are granted a variance. Mr. Sippel responded yes; whether 12' or 14' are granted.

Mr. Weinberger said that's another condition we will want.

Ms. Ulman said don't tie the engineer's hands. We shouldn't require dry wells because our engineer may decide that it shouldn't be done that way. The condition should be 0 net runoff as confirmed by the Village Engineer.

A short discussion of methods to achieve 0 net runoff was had.

Mr. Weinberger asked if there were any comments from the public. No one from the public spoke.

Jonathan Gewirtz made a motion seconded by Felicia Hirshfeld to close the public hearing. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes, David Heller-yes.

Mr. Weinberger asked if there was any further discussion. The Board members had no further questions or comments.

David Heller made a motion seconded by Jonathan Gewirtz to grant the variance for impervious surface ratio of .288 instead of the maximum required of .25 and a front yard impervious surface of .241 instead of the maximum permitted of .23. This is in acceptance of the proposal for a 12' wide circular driveway subject to the condition of 0 net runoff as determined by the Village Engineer. It is the view of the ZBA that these variances are reasonable as they are under 15%. The following vote was taken: Richard Weinberger-yes, David Heller-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes.

In the Matter of the Application of
Chany Silverman
Premises situated on the north side of Tammy
Road approximately 125 feet east of the intersection
with Plank Road, known as 13 Tammy Road,
designated on the Tax Map as Section 41.16 Block 1
Lot 42, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Chany Silverman for variances from the provisions of Section 5.2 of the Zoning Law of the Village of Wesley Hills, to permit the construction, maintenance and use of a circular driveway and extended driveway having an impervious ratio of .292 instead of the maximum permitted of .25 and a front yard impervious surface ratio of .26 instead of the maximum permitted of .23, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on May 4, 2011, which hearing was continued on June 15, 2011, and

WHEREAS, the applicant appeared in person and by her architect and testified as follows:

That applicant has a large family and transports her children and her children's friends to after-school events, other children's houses, and other recreational and educational pursuits;

That the circular driveway, which is 14 feet wide, permits her to drive to the front of the house, drop things off or pick things up and drive the children to the next event without walking too far;

That the extended driveway permits her to bring packages to the kitchen door and unload the car easily;

That the driveways will be a great time saver to applicant and will be a great convenience in her heavy schedule;

That applicant's engineer has designed a drainage system that will result in zero net runoff even though the impervious surface ratio is higher than permitted; and

WHEREAS, no one appeared in opposition to the application, and

WHEREAS, members of the Zoning Board of Appeals visited the site to view the proposed construction, and

WHEREAS, the Zoning Board of Appeals asked the applicant's architect to redesign the circular driveway to make it narrower than proposed, and applicant agreed that a 12 foot wide driveway would not deter from her use of or need for the circular driveway,

NOW, THEREFORE, it is hereby determined that the proposed action is an unlisted action and the granting of the variances will not have a substantial adverse impact on the environment for the reason that the only potential impact would be water runoff which will be addressed by requiring zero net increase in runoff from the construction of the circular and lengthened driveways, and be it further

RESOLVED, that the application submitted by Chany Silverman for variances from the provisions of Section 5.2 of the Zoning Law of the Village of Wesley Hills to permit the construction, maintenance and use of a 12 foot wide circular driveway and an extension of the existing driveway, having an impervious surface ratio of .2888 instead of the maximum permitted of .25 and a front yard impervious surface ratio of .241 instead of the maximum permitted of .23 is hereby granted, subject to the condition that the construction shall result in zero net increase in water runoff as determined by the Village Engineering Consultant, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the variances are not substantial in relation to the requirement in that the impervious surface ratio is less than 15% of the requirement and the front yard impervious surface ratio is less than 5% of the requirement;
2. That there is no feasible alternative to granting the variances in that the variances granted are the least that could be granted while still providing the benefit to the applicant;
3. That the variances are the minimal that could be granted;
4. That there will be no detriment to nearby properties in that the circular driveway will enhance the aesthetics of the neighborhood, thereby benefitting neighboring properties;

5. That the benefit to the applicant by granting the variances is great whereas no evidence has been submitted of detriment to surrounding properties or to the neighborhood.

Item II:

Continuation of the Public Hearing to consider the application of Congregation Tiferes Yisrael for the following variances.

1. From the provisions of Section 5.2 of the Zoning Law to permit the construction, maintenance and use of a house of worship and Rabbi's residence having a front yard of 45 feet on Roble Road instead of the minimum requirement of 50 feet and a front yard of 43 feet on Lime Kiln Road instead of the minimum requirement of 50 feet.

2. From the provisions of Section 5.2 of the aforesaid law to permit a front yard impervious surface ratio of .40 on Lime Kiln Road instead of the maximum permitted of .15 and a front yard impervious surface ratio of .48 on Roble Road instead of the maximum permitted of .15.

3. From the provisions of Section 4.4.15.5 of the aforesaid law to permit an accessory building, the Rabbi's residence, of 1,098 square feet instead of the maximum permitted of 900 square feet.

4. From the provisions of Section 7.2.1 of the aforesaid law to permit parking in the front yard.

The premises are situated on the northeast corner of Lime Kiln Road and Roble Road, known as 57 Lime Kiln Road, designated on the Tax Map as Section 41.06, Block 1, Lot 21 in an R-50 Zoning District.

Todd Rosenblum, Architect appeared for the applicant.

Mr. Rosenblum asked if the County of Rockland Department of Highways letter dated 6/15/11 had been received by the Board. Mr. Weinberger answered yes.

Mr. Rosenblum said that at the last meeting the ZBA wanted two things; a response from the Department of Highways and a response from the Rockland County Planning Department. Mr. Rosenblum said both of these should be in your file.

Mr. Heller asked if a super majority and reason is required to override the recommendations in these letters. Ms. Ulman said yes. That would require a unanimous vote this evening.

Mr. Rosenblum said he didn't know if the ZBA can override the decisions of County Planning and the County Department of Highways. Ms. Ulman said the ZBA can override but if the County doesn't issue a permit the applicant can't use the driveway.

Mr. Heller asked how you can tell. They recommend something. His understanding is the decision belongs here but we need an extra vote.

Mr. Rosenblum said the Planning Board is requiring us to put sidewalks in on the road and that's now going to be in their right of way. We're going to need a permit to build those sidewalks. Probably if you don't follow their recommendation they may not give us a permit.

Mr. Heller said if we don't follow their recommendation it's going to affect what you want. Mr. Rosenblum replied then we'd talk about an alternate plan.

Mr. Rosenblum then presented a new plan based on the Department of Highways letter which indicates Roble Road is to be used for the main and emergency access. The residential driveway off Lime Kiln has been removed. We added a sidewalk from the front porch to connect to the sidewalk used by the congregation. We swapped a 20' wide driveway for a 5'-6' wide sidewalk.

Mr. Heller said you previously indicated you didn't want people walking there because you wanted peace for the residents.

Mr. Rosenblum replied what we said was the village zoning laws require two spots for the house. This driveway was to have been used for those two spots. We increased the parking lot by two spots and those will be marked by signs "for residents only". The impervious surface variance for front yard on Lime Kiln was significantly reduced but the one on Roble was significantly increased by the addition of these two spots.

Mr. Heller asked in what direction are the extra two spots and Mr. Rosenblum replied the only way we could go is north. We can't go south because we need a buffer. Mr. Heller questioned how close they will be to the property line of the next house down. Mr. Rosenblum said 100' to the property line and that house is at least 25' off the property line.

Mr. Rosenblum then read the numbers per the revised plan. Impervious surface for the entire property is now at .30. The front yard impervious surface on Lime Kiln went from .4 to .3 and the front yard on Roble went from .48 to .52. The total for the entire property went from .27 to .26.

Mr. Gewirtz asked if this is the best option for those that live in the house. Mr. Rosenblum said we would probably designate the spots closest to the house for the residents. You've only increased the walk to the house by 15'.

Ms. Ulman asked how they will get to the garage and Mr. Rosenblum replied the garage is becoming part of the synagogue (lobby and bathrooms). Mr. Rosenblum continued Frank Brown, Deputy Village Attorney, has ruled on two other gatherings that the gathering has now become the major use and the house is the accessory use. Even though you need two parking spots you don't need an indoor spot.

Mr. Weinberger said the ZBA has received a written presentation by Eve Cooperman Siegel dated 5/4/11. Mr. Weinberger said he would like Mr. Rosenblum to address her objections.

Mr. Rosenblum said he hadn't seen the letter, however, at the last meeting when Ms. Cooperman Siegel was present, he did say most of her concerns were Planning Board issues and not ZBA issues.

Mr. Weinberger said he would like to hear your specific comments to this letter. Mr. Rosenblum answered he would be happy to address her concerns point by point. A copy of the letter was given to Mr. Rosenblum for his perusal.

Rabbi Dr. Samuel Horowitz, President of Congregation Tiferes Yisrael, was sworn in and affirmed to tell the truth.

Mr. Rosenblum again said he was aware of Ms. Cooperman Siegel's issues and he did discuss them with her after the last ZBA meeting.

Mr. Weinberger said he would read what Ms. Cooperman Siegel wrote and Mr. Rosenblum could comment.

"I am opposed to the overdevelopment of this property as planned, as it is detrimental to the residential character of the community that is rural and countrified, it will create dangerous traffic flow, it will impact our sewer system and present drainage problems, and lastly and most importantly it endangers lives, especially those of our children and adults residing here. The Development is in a R-50 Zone – a 1 Family Residential Zone. The points indicated will be elucidated.

1. I question where the attendees would be coming from, possibly from out of the neighborhood (if this is to be a community facility. I make reference to an existing synagogue ca. 5/10 of a mile down the Road on Limekiln which does not negatively impinge on its surrounds, having its own driveway, ample parking, no traffic flow issues and who can leave their cars before sunset on Friday and ride home after services end Saturday night".

Mr. Rosenblum said firstly, this won't negatively affect drainage. If anything, the drainage on the site will probably be better because there is a 0 runoff policy. The Planning Board and Village Engineer are going to scrutinize these plans and make sure that the drainage is not impacted. Secondly, not only will the Town of Ramapo look at the sewage situation but everything has to be done to code. It will also be reviewed by Brooker Engineering.

Mr. Gewirtz asked if there will be a sewage increase from this use. Mr. Rosenblum replied there will be a minimal increase; actually a residence would increase it more. People are taking showers and using the facilities on a greater level. The synagogue has bathrooms but they won't be used constantly as in a residence. Thirdly, he knows he addressed this issue. It's not for anyone to tell another where to pray. The existing synagogue is relatively full up and has, in fact, a very different style of prayer than this synagogue.

Mr. Heller said people have a right to go where they want.

Mr. Rosenblum said again, all of these issues will be considered by the Planning Board. The narrow scope of what we're addressing is the impervious surface, accessory use building being too big and the front yard setback issues.

Mr. Weinberger continued with Ms. Cooperman Siegel's letter.

“Currently there is no egress from the property onto Roble Road. One variance requested would establish a front yard 45’, instead of the conformance of 50’ a reduction of 5’. The existing yard fronting on Limekiln would establish a yard of 43’ instead of conformance to 50’, a reduction of 7”.

Mr. Rosenblum said the one on Lime Kiln is easy. That’s not self-created in any way. That’s land being given or taken for county purposes. Currently the existing house has more than 50’ but that’s being taken away as land given over to the road and sidewalks being put in there so that’s not a self-created variance. The current garage is already at 45’ and all we’re doing with the new building is matching it.

Mr. Heller said that calculates to a 10% variance; it’s not a large variance.

Mr. Weinberger read “The applicant wants to increase on Roble Road, the impervious surface (Paved Road) ratio to .48 instead of conformance of 15% with a difference of 33% and on Limekiln to .40 instead of conformance to .15 a difference of 25%”.

Mr. Rosenblum said those numbers have changed. The impervious surface ratio on Lime Kiln has decreased and is not significant. Unfortunately the impervious surface ratio on Roble Road has gone up slightly. That’s the nature of a neighborhood gathering.

Mr. Rosenblum said it can’t be on Lime Kiln. The Planning Board is requiring a certain number of parking spaces. Mr. Heller asked are the variances due to the paving. Mr. Rosenblum answered yes. Again we are back to the runoff issue and the Planning Board and Brooker Engineering will make sure we have 0 net runoff so there should be no impact on the neighborhood as far as drainage and runoff.

Mr. Weinberger went on. “I assert that the impervious roads of the above proportions, removing the lawn and grass decreases the character of a rural and countrified property, a reason many bought into this community. The changes to the frontage onto Roble Road will be providing entry and egress where none existed and creates danger to toddlers, walkers, bicyclists, etc. It decreases valuation of residential properties having this kind of traffic flow in an R-50 Zone”.

Mr. Rosenblum said in general that kind of comment would have been better off when public hearings were held on the neighborhood gathering law. That neighborhood gathering law allows a neighborhood gathering in an R-35 and R-50 setting. Lime Kiln is a quite busy road and we’ve been told we can’t access Lime Kiln. It’s not going to reduce the value of houses; it will actually increase the value. Mr. Rosenblum gave an example of this, citing the sale of a house on the corner of Skyway and Ridgeway Terrace.

Mr. Gewirtz said Ms. Cooperman Siegel believes they are pulling out all the grass and trees when you are actually putting in more trees. Mr. Rosenblum said if one wants to take a peek at what the property presently looks like he guarantees it will look 8000 times better in terms of countrification and beautification.

Mr. Heller said one way or another we will want sufficient screening. We will require it and the Planning Board will do what they do. Mr. Rosenblum said the Planning Board will do a whole landscape and lighting review; an architectural review of the whole project. He would ask the ZBA to pass on their recommendations to the Planning Board.

Dr. Horowitz said he would like to make a comment. He lives on that block. He knows the neighborhood really well. He finds it insulting that Ms. Cooperman Siegel suggests he and his neighbors who maintain very neat, very gentile properties don't want that. The notion that we're going to somehow make this a rundown, ragged neighborhood is not true.

Mr. Heller said it doesn't have to be. If she believes it, she believes it. It's our job to discern the facts.

Mr. Weinberger asked if any letters of support from adjoining neighbors had been provided. Mr. Rosenblum responded eight letters of support were read into the record at the last meeting.

Mr. Weinberger read "Property fronting on Roble Road is sloped 3-4' mounds or berms of soil, containing trees, shrubs, bushes etc, absorbing snow, rain from storms (this winter had experience a good deal of storm water) there needs to be more on site retention. Runoff will create flooding and ponding issues and I remind we already have existing problems with the storm drains the area".

Mr. Rosenblum said as before, the law requires 0 net runoff and we will comply.

Mr. Weinberger continued with the letter. "Increased occupants will place more stress on sewers that were designed for 1 family occupancy, possibly creating overloading and breakdowns".

Mr. Rosenblum said we already discussed this issue.

Mr. Weinberger read the last paragraph. "Traffic flow would be greater on Roble Road where cars would enter and empty and would present a danger to toddlers and young children playing, numerous children in first few houses on the NW side of Roble Road and many more within the development, have been seen running into the roadway to retrieve balls. There are many walkers, three and four abreast, sometimes more and bicyclists who are in danger of being hit as more cars are transversing in what has been up to now a very quiet and little trafficked area".

Mr. Rosenblum said the parking lot is for twenty vehicles. It's called a neighborhood gathering for a reason. All the members of this gathering live in the immediate area. People are not coming typically from great distances to use the facility. Many people will walk there. The people live in the neighborhood; there will be some self-policing. It's their children who play in the street.

Mr. Heller said generally if the twenty spaces are entering and exiting at one time, most of the traffic will go to Lime Kiln. The access is well above most of the houses on Roble Road. The only children that will be close to the gathering are those that live across the street.

Dr. Horowitz said we take these issues seriously.

Mr. Weinberger asked if anyone else from the public wished to be heard. No one from the public spoke.

Ms. Ulman asked if any of the setbacks were changing. Mr. Rosenblum answered no. Ms. Ulman said the parking has changed but the setbacks are unchanged.

Mr. Weinberger asked for the date of the revision to the plan. Mr. Rosenblum said it is labeled 6/14/11.

Mr. Heller asked if there are times during the week when a lot of cars will be parked at the gathering. Mr. Rosenblum said the Planning Board did a study of all existing gatherings in the village and found that the busiest time is Sunday AM and Sunday PM as the men are not in New York City working and are allowed to drive. An event may also account for a large number of cars.

Mr. Weinberger said he read the comments of Eve Cooperman Siegel into the record. He then read the 5/9/11 letter from Elizabeth Winzinger Mello, Staff Engineer, Brooker Engineering into the record. Mr. Weinberger noted Brooker Engineering requests the ZBA consider the impact of a required onsite detention system in their evaluation.

Mr. Rosenblum said the impervious surface variances are going to be mitigated by the fact that there is a 0 net runoff requirement and that engineering plan will be reviewed by Brooker Engineering.

Mr. Weinberger asked if there are Department of Health requirements for a synagogue/public building.

Ms. Ulman said there are building code requirements they have to comply with when they file for a building permit but it is not a Zoning Board issue.

Mr. Rosenblum said the Department of Health will review this project. They always ask if there will be a commercial kitchen on the property because if so you need a grease trap and so forth. We will reply that we only have a warming kitchen on the premises; no food preparation will be done.

Felicia Hirshfeld made a motion seconded by Jonathan Gewirtz to close the public hearing. The following vote was taken: Richard Weinberger-yes, Felicia Hirshfeld-yes, Jonathan Gewirtz-yes, David Heller-yes.

Mr. Weinberger asked if the Board had any further discussion.

Mr. Gewirtz made a motion and said we have addressed the issues. We know there will be 0 net runoff (enforcement by the Planning Board and Brooker Engineering). We know that all the codes are going to have to be complied with in respect to a special use permit. In terms of the front yard impervious surface on Lime Kiln it was stated that was not self- created, that is part of the land donation. The encroachment onto the front yard on Roble Road is not increasing because there is already a spot there. The applicant has been very forthcoming and complied with the requests of all involved agencies.

Ms. Ulman said we didn't discuss the individual variances tonight. We did at the last meeting and Ms. Ulman wants to refresh the Board's memory. The requested variances are as follows:

1. Front yard setback of 45' on Roble Road instead of the minimum requirement of 50'.
2. Front yard setback of 43' on Lime Kiln Road instead of the minimum requirement of 50'
3. Front yard impervious surface ratio of .30 on Lime Kiln Road instead of the maximum permitted of .15.
4. Front yard impervious surface ratio of .52 on Roble Road instead of the maximum permitted of .15.
5. To permit an accessory building to be the Rabbi's residence having 1098 square feet instead of the maximum permitted of 900 square feet.
6. To permit parking in the front yard on Roble Road and Lime Kiln Road.

Mr. Gewirtz added in terms of the front yard parking there will be proper screening and landscaping which will be the purview of the Planning Board. In terms of the accessory structure, this is an existing structure so it will not create further hardship.

Ms. Hirshfeld would also like the Planning Board to look at screening on the east side of the property.

Mr. Heller said several of the variances are less than 15%. He asked if the larger variances required a comment.

Mr. Weinberger commented we can say this is an application by a religious institution and we have to be more flexible. We are complying with the Court of Appeals and RLUIPA decisions.

Jonathan Gewirtz added applicant must adhere to the revised plan of 6/14/11 which removes the Lime Kiln access per the Rockland County Department of Highway letters of 6/15/11 and 4/27/11.

Felicia Hirshfeld seconded the motion as made and explained. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes, David Heller-yes.

In the Matter of the Application of
Congregation Tiferes Yisrael
Premises situated on the northeast corner of
Lime Kiln Road and Roble Road, known as
57 Lime Kiln Road, designated on the Tax
Map as Section 41.06 Block 1 Lot 21, in an
R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Congregation Tiferes Yisrael to permit the construction, maintenance and use of a house of worship and Rabbi's residence and for the following variances from the provisions of the Zoning Law of the Village of Wesley Hills:

From the provisions of Section 5.2 to permit a front yard of 45 feet on Roble Road instead of the minimum of 50 feet and to permit a front yard of 43 feet on Lime Kiln Road instead of the minimum of 50 feet;

From the provisions of Section 5.2 to permit a front yard impervious surface ratio of .30 on Lime Kiln Road and a front yard impervious surface ratio of .52 on Roble Road;

From the provisions of Section 4.4.15.5 to permit an accessory building, the Rabbi's residence, of 1,098 square feet instead of the maximum permitted of 900 square feet;

From the provisions of Section 7.2.1 to permit parking in the front yard, and

WHEREAS, after due notice a public hearing on said application was held on May 4, 2011, which hearing was continued on June 15, 2011, and

WHEREAS, the application appeared by its President and by its architect, who testified as follows:

There currently exists a single family residence and separate garage on the premises;

The Congregation will increase the size of the garage building to 3284 square feet to add a sanctuary and other space for the house of worship;

The residence will remain in its present size for a caretaker's or Rabbi's residence; this building is now 1,098 square feet which is why the variance for the size of the accessory building is required;

The reason for the setback variance for the residence on the Lime Kiln Road side is because the County Highway Department has requested a five foot dedication of land for construction of sidewalks; thus the residence setback will be only 45 feet;

There are wetlands and buffers in the rear of the property so the only place for the parking is in the front yard on the Roble Road side of the property to accommodate the required 20 parking spaces for the house of worship and two spaces for the residence;

The parking on the Roble Road side also requires the front yard impervious surface ratio in that location; the existing buildings on the Lime Kiln Road side of the property requires the front yard impervious surface ratio;

The applicant has not yet been to public hearing at the Planning Board because the Planning Board wanted the variances determined prior to site plan review;

The applicant will prepare a drainage plan and study, landscaping plan and provide all other studies and information required by the Planning Board; and

WHEREAS, a resident on Roble Road appeared and testified in opposition to the application, and

WHEREAS, members of the Zoning Board visited the site and viewed the existing and proposed conditions,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is an unlisted action and the granting of the variances will not have a significant adverse impact on the environment for the reasons that conditions have been imposed that the impervious surface variances will result in zero net increase in water runoff, that adequate screening will buffer adjoining properties and the public from the buildings and parking areas and for other protections to the surrounding residential properties, and be it further

RESOLVED, that the following variances from the provisions of the Zoning Law of the Village of Wesley Hills to permit the construction, maintenance and use of a house of worship and caretaker's or Rabbi's residence, site plan as last revised June 14, 2011, are hereby granted:

From the provisions of Section 5.2 to permit a front yard of 45 feet on Lime Kiln Road instead of the minimum of 50 feet and a front yard of 43 feet on Roble Road instead of the minimum of 50 feet;

From the provisions of Section 5.2 to permit a front yard impervious surface of .30 on Lime Kiln Road and a front yard impervious surface of .52 on Roble Road instead of the maximum of .15;

From the provisions of Section 4.4.15.5 to permit an accessory building having 1,098 square feet instead of the maximum of 900 square feet;

From the provisions of Section 7.2.1 to permit parking in the front yard, subject to the following conditions:

1. That the project shall result in zero net increase in water runoff;
2. That the Zoning Board of Appeals requests the Planning Board to pay particular attention to requiring dense screening along the easterly property line and to screen the front yard parking area from Lime Kiln and Roble Roads,
3. That the Zoning Board of Appeals requests the Planning Board to review any approvals that may be required from the Rockland County Health Department, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the variances for front yard and impervious surface on Lime Kiln Road and for the size of the accessory building are for existing structures;
2. That the Zoning Board of Appeals has imposed conditions to mitigate the impacts that may result from the project;
3. That the special status afforded to houses of worship requires that special consideration be given to approval of such projects provided that any adverse impacts and potential safety concerns are addressed.

Jonathan Gewirtz made a motion seconded by Felicia Hirshfeld to approve the 10/28/09 minutes. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes.

David Heller made a motion seconded by Jonathan Gewirtz to approve the 11/10/09 minutes. The following vote was taken: Richard Weinberger-yes, David Heller-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes.

Felicia Hirshfeld made a motion seconded by Jonathan Gewirtz to approve the 3/17/10 minutes. The following vote was taken: Richard Weinberger-yes, Felicia Hirshfeld-yes, Jonathan Gewirtz-yes.

David Heller made a motion seconded by Felicia Hirshfeld to approve the 6/16/10 minutes. The following vote was taken: Richard Weinberger-yes, David Heller-yes, Felicia Hirshfeld-yes.

Jonathan Gewirtz made a motion seconded by Felicia Hirshfeld to approve the 7/21/10 minutes. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes, David Heller-yes.

Jonathan Gewirtz made a motion seconded by David Heller to approve the 8/25/10 minutes. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, David Heller-yes.

David Heller made a motion seconded by Jonathan Gewirtz to approve the 9/15/10 minutes. The following vote was taken: Richard Weinberger-yes, David Heller-yes, Jonathan Gewirtz-yes.

Approval of the 2/17/10 minutes was postponed.

Following discussion, the next meeting of the ZBA will be held on 7/27/11 at 8:00 P.M.

Jonathan Gewirtz made a motion seconded by Felicia Hirshfeld to adjourn the meeting. The following vote was taken: Richard Weinberger-yes, Jonathan Gewirtz-yes, Felicia Hirshfeld-yes, David Heller-yes.