

Village of Wesley Hills  
Zoning Board of Appeals  
February 18, 2015

The meeting was called to order at 8:03 P.M. by Jonathan Gewirtz.

Present: Jonathan Gewirtz, Dr. Willie Bryant, Felicia Hirshfeld, Jan Hilgeman, Carole Anderson-Alternate

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

Absent: Richard Weinberger-Chairman, Joshua Herbst-Alternate

Item I:

Public Hearing on the application of Miriam Aronoff 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 three story addition to an existing single family residence having 20.8 feet less than the required front yard of 50 feet at Route 306, 10 feet less than the required rear yard of 50 feet, building coverage of .15 instead of the maximum permitted of .10 and a height of three stories instead of the maximum permitted of two and one half stories.

The subject premises are situated on the northeasterly corner of Route 306 and Pearl Drive, known as 2 Pearl Drive, designated on the Tax Map as Section 41.07 Block 1 Lot 31 in an R-35 Zoning District.

Ira Emanuel, Esq., Stanley Mayerfeld, Architect and Miriam Aronoff, D.D.S., Applicant, appeared.

Mr. Emanuel said Dr. Aronoff resides in the house and has her dental practice there. This is a home professional office that predates the village. The dental office is grandfathered under the Wesley Hills Code. Mr. Emanuel said the Aronoffs are a young, growing family and require more room in the house. They have ties to the neighborhood and wish to remain in their home rather than relocate. Mr. Emanuel emphasized that the expansion is solely for living quarters; not a single square inch will be added to the office. Mr. Emanuel then called Mr. Mayerfeld to give his presentation.

Mr. Mayerfeld affirmed to tell the truth and said they propose to build an extension on the left side of the house. The house is a high ranch with a basement that is slightly above grade. There will be two bedrooms on the lower level, the first floor will have a living room, dining room, extended kitchen and den. The proposed uppermost level will go across the entire back of the house and will add four rooms and a master bedroom.

Mr. Gewirtz asked for clarification of the lower level.

Mr. Mayerfeld said it is like a typical high ranch. The cellar windows are at grade. By the zoning code it is considered another story. If it were another foot below grade it would be considered a basement and the third story variance would not be an issue.

Mr. Emanuel presented copies of the subdivision plat referenced in the narrative to the Board members. He said the plat is important to our argument. What we are saying is that for reasons no one knows, this

area apparently was originally zoned R-15 or the equivalent and at some point up- zoned to R-35. By doing that every property in this subdivision was made non-conforming. Mr. Emanuel said if you look at the plat the largest lot there is 23,500 square feet. Most of the lots are in the range of 17,000 to 20,000 square feet. The Aronoff lot is 15,822 square feet. Mr. Emanuel then said you have these smaller lots that are made to conform to bulk regulations that apply to much larger lots and therein lies most of our problems with regard to variances.

Mr. Mayerfeld said appropriate zoning for applicant's lot would be R-15. He reviewed the requested variances for front yard, rear yard, building coverage and height. Mr. Mayerfeld then referred the Board members to a picture of the house and said the addition will not go beyond the overhang of the building. Those extra feet will give more of a sense of entry. The third floor will extend across the entire rear of the house, however, the windows will be brought down so the scale is more appropriate and architecturally the house will not appear to be very tall.

A discussion followed.

Ms. Hirshfeld asked when the change from R-15 to R-35 was made.

Mr. Emanuel said sometime between 1961 when this plat was filed and the incorporation of the village. He said they were unable to find any records and concluded that at some point after the plat was filed the zone was changed.

Dr. Bryant asked for clarification of applicant's prior appearance before the ZBA.

Mr. Emanuel said it was primarily for an expansion of the driveway. There was no expansion of the office itself. At that time the attorney for the Planning Board said applicant was operating under an old Special Permit from Ramapo and suggested everything be brought up to modern standards.

Ms. Ulman asked if the Planning Board issued a Special Permit at that time.

Mr. Emanuel said they did and applicant is no longer non-conforming.

Ms. Ulman said generally a Special Permit limits the size of a facility and the number of parking spaces.

Mr. Emanuel said had this been a new application for a Special Permit the office could not be the size that it is. The size was incorporated into the Special Permit. The original Special Permit was issued after the house was built. When the Aronoffs wanted to buy the house they came to me [Mr. Emanuel] to research if the Special Permit would carry over allowing the dental practice to operate.

Ms. Ulman advised that in order to expand the space for the dental practice you would have to go back to the Planning Board to amend your Special Permit.

Mr. Emanuel agreed.

Mr. Gewirtz read a February 4, 2015 letter from the New York State Department of Transportation into the record.

Mr. Emanuel noted he has no objections to the comments in the New York State Department of Transportation letter.

Mr. Gewirtz then read a letter dated February 18, 2015 from Hilton and Lisa Sneed of 9 Pearl Drive into the record. This letter is not in support of the Aronoff application.

Mr. Gewirtz asked if any member of the public wished to speak.

John Rivera of 11 Hillside Court affirmed to tell the truth. He expressed concern about the expansion of single family houses into multi-family houses causing over population, increased vehicles, etc.

Mr. Emanuel said a multi-family house is not allowed in the zone nor is it contemplated. This is a growing family that requires more space. This addition is only for them. A high ranch is tight; they want to expand their space so they can continue to live in the area.

Ms. Hilgeman asked how many bedrooms will be in the house.

Mr. Mayerfeld said they are proposing two guest bedrooms on the lowest level plus three bedrooms and a master bedroom on the highest level.

Mr. Rivera asked the size of the immediate family today and what additional family are they talking about.

Mr. Emanuel said there are three children today; there may be more on the way. Additionally, grandparents visit.

Dr. Bryant said applicant is not adding a kitchen. No rooms are being closed off. There is no separate entry being created. He sees no appearance of this becoming a multi-family dwelling.

Ms. Ulman said the plot plan does not show where the office parking is located or the number of parking spaces.

Mr. Emanuel pointed out the parking area which consists of eight spaces.

No one else from the public wished to speak.

Felicia Hirshfeld made a motion seconded by Jan Hilgeman to adjourn the Public Hearing until March 11, 2015 at 8:00 P.M. with a site visit to be held on March 8, 2015 at 9 A.M. The following vote was taken: Felicia Hirshfeld-yes, Jan Hilgeman –yes, Jonathan Gewirtz-yes, Willie Bryant-yes, Carole Anderson-yes.

Felicia Hirshfeld made a motion seconded by Carole Anderson to adjourn the meeting. The following vote was taken: Felicia Hirshfeld-yes, Carole Anderson-yes, Willie Bryant-yes, Jonathan Gewirtz-yes, Jan Hilgeman-yes,