

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Tuesday, May 24, 2016**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jan Hilgeman
Carole Anderson
Dennis Dale, Ad Hoc
Mordechai Schwab, Ad Hoc

MEMBERS ABSENT:

Felicia Hirshfeld
Jonathan Gewirtz

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk

Chairman Weinberger called the meeting to order at 8:03 p.m.

Item #3

Adoption of Minutes- March 8, 2016

Dennis Dale made a motion to approve the Zoning Board of Appeals Minutes of March 8, 2016 seconded by Jan Hilgeman. Upon vote, this motion carried (Richard Weinberger abstained).

Adoption of Minutes- April 12, 2016

Carole Anderson made a motion to approve the Zoning Board of Appeals Minutes of April 12, 2016 seconded by Mordechai Schwab. Upon vote, this motion carried (Jan Hilgeman abstained).

Item #4

Fred & Jennifer Levine -3 Cottonwood Lane

Chairman Weinberger read the following continued public hearing notice into the record:

Continuation of a Public Hearing on the application submitted by Fred and Jennifer Levine for a variance from the provisions of Section 230-17 Attachment 1 the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an in-ground swimming pool and basketball court having impervious surface of .34 instead of the maximum permitted of .25.

The subject premises are situated on the north side of Cottonwood Lane at the intersection with Rosewood Lane, known as 3 Cottonwood Lane, designated on the Tax Map as Section 32.8 Block 1 Lot 35, in an R-35 Zoning District.

Todd Rosenblum, Architect was present and submitted to the Board a revised site plan dated 12/23/14 last revised 5/24/16.

Mr. Rosenblum also submitted letters of support from the following neighbors:

David Rotenberg, 1 Cottonwood Lane dated 5/23/16.
Aron & Joyce Kain, 5 Cottonwood Lane dated 5/23/16.
Lloyd & Mandy Bauer, 1 Rosewood Lane dated 5/24/16.
Aaron & Rifki Eichorn, 5 Plumbush Road dated 5/24/16.

Mr. Rosenblum presented to the Board the locations of the neighbors who support the application. Mr. Rosenblum stated that the revised plan is a reduction of the impervious surface that was originally submitted from .35 to .28.2. The Applicant has utilized pervious pavers, provided a fence, additional landscaping and a retaining wall as shown on the revised plan to mitigate the neighbors concerns.

At 8:12 pm Chairman Weinberger continued the public hearing.

No one from the public wished to speak.

Chairman Weinberger stated that the Board had a site visit on Sunday, May 15, 2016.

Dennis Dale made a motion to approve the application of Fred and Jennifer Levine for a variance from the provisions of Section 230-17 Attachment 1 the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an in-ground swimming pool and basketball court having impervious surface of .28.2 instead of the maximum permitted of .25 as shown on the revised plan dated 5/24/16, seconded by Jan Hilgeman.

**In the Matter of Application of
Fred and Jennifer Levine
Premises situated on the north side of Cottonwood
Lane at the intersection with Rosewood Lane, known
As 3 Cottonwood Lane, designated on the Tax Map as
Section 32.8 Block 1 Lot 35, in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Fred and Jennifer Levine for a variance from the provisions of Section 230-17 Attachment I of the Table of Dimensional Requirements of the Code of the Village of Wesley hills, to permit the construction, maintenance and use of an in ground swimming pool and basketball court having impervious surface of .34 instead of the maximum permitted of .25, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on the 12th day of April 2016, which hearing was continued on the 24th day of May 2016, and

WHEREAS, the applicants appeared by the architect, who testified as follows:

That the swimming pool and basketball court meet all the required setbacks and have been located in the rear of the property;

That the fence and screening will be installed to lessen any disturbance to the neighbors;

That applicant will comply with any drainage requirements of the Village Engineer;

That there is no feasible alternative to the variance due to the existing structures and the needs of the applicants to have recreational use of their property; and

WHEREAS, the members of the Zoning Board of Appeals visited the property, and

WHEREAS, at the request of the Board, the applicants revised their application to provide for the installation of pervious pavers as shown on the site plan revised May 24, 2016 to that the impervious surface will be .282 instead of .34,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is an unlisted action and will not have a significant adverse impact to the environment inasmuch as any drainage, noise, or visual impacts have been mitigated by the applicants, and be it further,

RESOLVED, that the application submitted by Fred and Jennifer Levine for a variance from the provisions of Section 230-17 Attachment I of the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an in ground swimming pool and basketball court as shown on the site plan dated December 23, 2014 as last revised May 24, 2016, having impervious surface of .282 instead of the maximum permitted of .25 is hereby granted, and be it further

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

1. That by installing pervious pavers, landscaping and a fence there will be no detriment to neighboring properties or to the neighborhood by granting the variance;
2. That there is no feasible alternative to granting the variance since the only alternative would be to deny applicants the ability to use their property for their own recreational purposes;
3. That by installing pervious pavers the variance is not substantial in that it is only 15%;
4. That the benefit to the applicants by granting the variance is great whereas, due to the various mitigations, the detriment to the neighborhood and to the community is minimal.

Upon vote, this motion carried unanimously.

Item #5
Kamran Amona

Chairman Weinberger read the following continued public hearing notice into the record:

Public Hearing on the application submitted by Kamran Amona for a variance from the provisions of Section 230-17 Attachment 1 the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single family residence having a building height of 28.5 feet instead of the maximum permitted of 25 feet.

The subject premises are situated on the west side of Plumbush Road at the intersection with Lime Kiln Road, known as 1 Plumbush Road, designated on the Tax Map as Section 41.06 Block 1 Lot 10, in an R-35 Zoning District.

Amy Mele, Esq, was present on behalf of Mr. Amona and stated that the Applicant is seeking a height variance for a lot that was left over from an old subdivision. The lot is much lower than the existing lots and the Applicant will be raising the grade approximately 4 feet. The measurement is calculated from the existing grade. The proposed variance is a 15.3% increase and Ms. Mele stated that the Zoning Board has granted a variance in 2011 for Ms. Gold and the variance was 18.5%.

Chairman Weinberger questioned if the Applicant was aware of the following documents:

Resolution #16-5 from the Village of Wesley Hills Planning Board dated 3/30/16
Rockland County Environmental Health memo dated 4/26/16
Rockland County Sewer District #1 memo dated 5/12/16

Ms. Mele answered yes and stated that they agree to any conditions proposed in the letters.

John Atzl, Applicant's Engineer was present and sworn in and stated that the building height is calculated based on the existing grade not the proposed grade. All the other homes in the area are higher than the roadway and the Applicant is seeking to do the same. By raising the grade the home will have a more ascetically pleasing design and assist with drainage. Mr. Atzl stated that at the request of one of the neighbors at the Planning Board meeting they have moved the home forward and Mr. Atzl noted that there is no stormwater required for this project. Mr. Atzl noted that the neighbors are in favor of the application with the changes.

Kamran Amona was present and sworn in and stated that Joe Moskowitz, 76 Lime Kiln Road and Igor Mendelevich of 2 Plumbush are in favor of the Application, however, they would not provide a letter of support.

At 8:26 Chairman Weinberger opened the public hearing.

Craig Fletcher, 2 Doe Drive was present and sworn in and stated that he is the neighbor to the rear and supports the Application.

Chairman Weinberger stated that the Board had a site visit on Sunday, May 15, 2016.

Jan Hilgeman made a motion to approve the application of Kamran Amona for a variance from the provisions of Section 230-17 Attachment 1 the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single family residence having a building height of 28.5 feet instead of the maximum permitted of 25 feet, seconded by Dennis Dale, subject to the following conditions:

1. Planning Board/ARB approval.
2. Compliance with the Rockland County Environmental Health memo dated 4/26/16.
3. Compliance with the Rockland County Sewer District #1 memo dated 5/12/16.

**In the Matter of the Application of
Kamran Amona**

**Premises situated on the west side of Plumbush
Road at the intersection with Lime Kiln Road,
Known as 1 Plumbush Road, designated on the
Tax Map as Section 41.06 Block 1 Lot 10, in an
R-35 Zoning District**

WHEREAS, application has been made to the Zoning board of Appeals of the Village of Wesley Hills by Kamran Amona for a variance from the provisions of Section 230-17 Attachment I the Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence having a building height of 28.5 feet instead of the maximum permitted of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on May 24, 2016, and

WHEREAS, the applicant appeared in person and by his attorney, and testified as follows:

That this is the last lot in a small subdivision and the grade of the lot is 4 feet lower than the surrounding lots;

That in order to comply with the aesthetics of the neighborhood, applicant has to raise the grade of the land by 4 feet so that the house will be at the same level as other houses in the neighborhood;

That in Wesley Hills the height of a building is measured from existing grade, not from the new grade so that, even though the house will have a height less than 25 feet from the new grade a variance is required;

That the height will not impact any of the surrounding properties;

That the requested variance is less than 16% of the requirement and is not substantial;
and

WHEREAS, members of the Zoning Board of Appeals visited the site,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is an unlisted action and will not have a significant adverse impact on the environment for the reason that the height will be no higher than other houses in the neighborhood and no impacts , other than aesthetics, have been indentified, and be it further,

RESOLVED, that the application submitted by Kamran Amona for a variance from the provisions of Section 230-17 Attachment I the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single family residence having a height of 28.5 feet instead of the maximum permitted of 25 feet is hereby granted, subject to the following:

1. Approval of the Wesley Hills Planning Board;
2. Approval of the Wesley Hills Architectural Review Board;
3. Compliance with the Rockland County Environmental Health letter dated April 26, 2016;
4. Compliance with Rockland County Department of Planning GML review letter dated May 25, 2016;
5. Compliance with the Rockland County Sewer District No. 1 letter dated May 12, 2016;
and be it further,

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

1. That the variance will not create a detriment to adjoining properties or to the neighborhood since the height of the building will be seminal to that of surrounding properties;
2. That the variance is not substantial in that it is less than 15% of the requirement;
3. That no adverse environmental or ecological impacts have been identified;
4. That the benefit to the applicant by granting the applicant is great whereas there is little, if any, detriment to the neighborhood or to the community.

Upon vote, this motion carried (Anderson Nay).

The next meeting is scheduled for June 15th at 8pm.

At 8:33 pm Jan Hilgeman made a motion to adjourn, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey