

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Tuesday, November 1, 2016**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jan Hilgeman
Carole Anderson
Jonathan Gewirtz
Dennis Dale
Mordechai Schwab, Ad Hoc
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

None

OTHERS PRESENT:

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

Chairman Weinberger called the meeting to order at 8:05 p.m.

Item #3

Adoption of Minutes- May 24, 2016

Dennis Dale made a motion to approve the Zoning Board of Appeals Minutes of May 24, 2016 seconded by Carole Anderson. Upon vote, this motion carried 5-0 (Jonathan Gewirtz abstained).

Adoption of Minutes- September 21, 2016

Randi Marlin made a motion to approve the Zoning Board of Appeals Minutes of September 21, 2016 seconded by Jonathan Gewirtz. Upon vote, this motion carried 5-0 (Jan Hilgeman abstained).

Item #4

**C&R Group of Rockland LLC
Continued Public Hearing**

James Licata, Esq was present on behalf of the Applicant and stated that there were two site visits since the Board Members met last to accommodate the neighbors and some of the Board Members. At the first site visit the Board requested that the Applicant install a six-foot fence along the back of the property for safety reasons and that fence is shown on the revised map. Mr. Licata stated that the home has existed for over 75 years.

Dennis Dale stated that he believes the home existed since the early 1900's.

Chairman Weinberger read the list of proposed variances:

	Required	Provided	Variance
Front Yard	50	13.2	36.80
Side Yard	25	15 and .06	10 and 24.4
Total Side Yard	60	15.6	44.4
Rear Yard	50	20 and 9.3	30 and 40.7
Maximum Building Coverage	.10	.184	.084
Impervious Surface Ratio	.25	.37	.12
Front Yard impervious Surface Ratio	.20	.22	.02

Mr. Licata stated that the existing building is in the designated street line and in addition the County has requested a 10' strip of land to be dedicated to the County. Mr. Licata stated that the Applicant is making the lot more conforming as they plan on pushing back the home 15 feet from the roadway.

Jan Hilgeman questioned the wetlands?

Mr. Licata stated that there are no wetlands on his property, the wetlands are located on the Wicks property and they were delineated by Mr. Torgersen.

Carole Anderson questioned what is the plan for the garage? Will it be re-built or will a new structure be built? Has an engineer reviewed it?

Mr. Licata stated that the existing garage is viable, it will be rebuilt and an engineer has reviewed the structure.

Chairman Weinberger opened the public hearing and stated that while on the site visit he noticed that the neighbor to the west was not present and he also noted that there seems to be acceptable foliage on that side of the lot.

Susan Mair, 17 McNamara was present, sworn in and stated that she attended the second site visit. Ms. Mair stated that the trees and brush are not acceptable as the tops of the trees have fallen off the trees.

Chairman Weinberger stated that he felt that it was sufficient enough as you will not see the neighbor's bedroom windows.

Susan Mair, 17 McNamara stated that the foliage is not acceptable.

Doris Ulman clarified that one of the conditions if approved will be that the Applicant will have to attend the Planning Board for a wetlands permit as the property is within the regulated 100' buffer area.

Marc Kissel, Esq. was present on behalf of Ira Wicks, Inc. and reminded the Board that Wicks has submitted a letter dated 9/30/16 and stated that the Board also needs to consider the needs of the Wicks property. Mr. Kissel stated that they feel that the bump out of the existing home was built illegally and that the percentage of variance is actually greater then proposed as that

additional may be illegal. Mr. Kissel provided to the Village three color photos of the change in foundation to the existing home, stone to concrete and requested the Board to consider that and research it. Mr. Kissel stated that they believe that the existing legal home is only 380 sf not 780 sf as stated by the Applicant. Mr. Kissel stated that the new home is proposed to be moved closer to the Wicks property when it should be moved closer to the residential lot on the west. By moving the home closer to the west that would eliminate the need for the side yard and the total side yard variances and may also eliminate the rear variance if the house is squared on the lot. Will a driveway turn around be provided? If the home is moved and squared off there may be room for a turn around. Wicks is adjacent on the east and south side.

Jan Hilgeman stated that the lot is an odd shaped lot and by centering the home on the lot it would require additional variances on each side and why not place the home closer to the commercial lot opposed to a residential use?

Mr. Kissel stated that this Application is putting a residential use closer to a use where there have already and continue to be litigation in reference to nuisance. His client is concerned that the occupants of the new house will complain about the Wicks use.

Chairman Weinberger stated that this home was here prior to Mr. Wicks utilizing his business.

Jan Hilgeman stated that the proposed use is residential and that is what the Applicant is proposing to use the property for.

Mr. Kissel stated that his client is concerned that the home will hold more people than the current home held.

Chairman Weinberger reminded Mr. Kissel that the home has been vacant for over 30 years.

Mr. Kissel suggested that the home be re-build smaller than the proposed square footage.

Doris Ulman stated that the Applicant would need variances regardless of the proposed size of the home.

Jan Hilgeman stated that regardless of how many people live in the home that would not mean there would be more complaints in reference to your business.

Chairman Weinberger stated that he recommends the Board consider the following conditions of approval:

1. Installation of a fence in the rear of the property for safety reasons.
2. Compliance with the memo from Brooker Engineering.
3. Compliance with RC Department of Planning GML conditions.

Mr. Licata agreed to the conditions.

Jan Hilgeman stated that a bigger home is not going to generate more complaints than a smaller house. Ms. Hilgeman stated that 5-10 feet on one side is not going to stop a complaint or make anyone complain more.

Jonathan Gewirtz stated that Zoning laws are in place with guidelines and property owners are entitled to rights. Mr. Gewirtz questioned what activity takes place on the Wicks property by this home?

James Wicks was present, sworn in and stated that there is a parking lot there for the trucks with restrictions on idling times. Mr. Wicks stated that they are currently in litigation for this area and they park nine trucks there. There are also 4 bins that hold concrete and mulch which are required to be covered or topped.

Mr. Kissel stated that his client has gone through a great expense to protect his neighbors.

Susan Mair, 17 McNamara questioned how far to her house is the Wicks proposing the home to move to? Ms. Mair stated that every other home has the appropriate distance between each home except for her and this is the only home in the Village that will be on top of hers. Ms. Mair stated that the foliage may look fine to the Chairman; however, he should re-visit when all the leaves fall. Ms. Mair stated that the Wicks business is in a residential neighborhood and the home should not be moved closer to her house. Ms. Mair stated that she needs to see a plan on where the home will be moved to along with where the driveway would go as there is not enough room if the home is moved.

Mr. Kissel stated that if the home is moved closer to Ms. Mair's house and the size of the home is reduced it may fit within the setbacks and not need any variances.

Mr. Licata questioned what are the hours of operation for the Wick's business?

James Wicks answered from 7am to 6pm.

Mr. Licata stated that the Zoning Board has to deal with uniqueness of certain properties and there is no other property within the Village that has this size property, home located in the designated street line, County of Rockland requesting road widening, and the home being abandoned for over 30 years. Mr. Licata stated that in reference to moving the home closer to Ms. Mair's home that is not an acceptable offer. Ms. Mair lives in her home 24/7 and the business operates during the day only. Mr. Licata stated that the Board has to protect Wicks, the Applicant and Ms. Mair and this use is a continued use which has existed there long before Wicks. The proposed plan is good planning for the Village and the Applicant. This property has been an eyesore for over 30 years, it is time to get it cleaned up and this is a good step forward.

Doris Ulman stated that the Wesley Hills Planning Board should be lead agency for SEQRA and the Board agreed.

Carole Anderson thanked the applicant for removing the boat eye sore in a very quick manner. Ms. Anderson questioned what is the impact if the home was moved towards Ms. Mair's property if the garage is increased in size.

Mr. Licata stated that they are not increasing the garage, it is staying the same size, just re-building it on the same footprint.

Jan Hilgeman questioned if the home has been designed yet? If not, is it possible for the architect to review the lot and maybe have a better layout to reduce the variances?

Mr. Licata stated that they are making an improvement already.

Jan Hilgeman stated that she does agree with Mr. Licata in reference to that there is no other lot in the Village the same size and this is a hard balance as someone will not be happy.

Mr. Licata stated that he can guarantee that no one will be happy if the home stays the way it is now.

Jonathan Gewirtz stated that the wetlands are on the Wicks property and if the home is moved it would still be in the buffer area. Mr. Gewirtz questioned if there was a reason for the placement of the home?

Mr. Licata answered to move the home out of the designated street line.

Jonathan Gewirtz made a motion to close the public hearing, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Dennis Dale stated that he wishes to abstain from voting on this application as the new owners knew the size of the lot when they purchased the property.

Jan Hilgeman questioned if the Village has ever granted this number of variances to a residence before?

Doris Ulman answered no.

Jonathan Gewirtz made a motion to approve the Application of C & R Group of Rockland LLC for the following variances from the Table of Dimensional Requirements Section 230 Attachment I of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single family residence and garage, requiring the following variances, front yard, side yard, total side yard, rear yard, building coverage, impervious surface, front yard impervious surface and effective square based on the following reasons:

1. The property is small lot
2. There is nothing that can be done to avoid any variances

3. The Zoning Board has the power to give land owners the ability to utilize the property with a balance.
4. There is no detriment to the neighbors
5. This renovation is an improvement to the neighborhood
6. The proposed home is not proposed to be large in size for the area.
7. All the proposed variances are not self created or imposed
8. Without renovations they would still need variances.
9. There is also is a slope in the rear of the property and feels that moving the home to the center of the lot will cause more problems with the wetlands and slope of the property.
10. The permits for wetlands and fencing are conditions.
11. The Applicant was forth coming on addressing any concerns that the Board raised and an example of that was the boat.
12. The lot is small, unique, and irregular shaped and has been in existence for almost 100 years.

The above motion is subject to the following conditions:

13. Installation of a fence in the rear of the property for safety reasons.
14. Compliance with the memo from Brooker Engineering.
15. Compliance with RC Department of Planning GML conditions.

Seconded by Richard Weinberger.

Roll Call:

Jonathan Gewirtz	Aye
Jan Hilgeman	Aye
Richard Weinberger	Aye
Carole Anderson	Aye
Dennis Dale	Abstained

Motion passed.

**In the Matter of the Application of
C&R Group of Rockland LLC
premises situated on the south side of
McNamara Road approximately 320 feet west
of Union Road, Known as 15 McNamara Road,
designated on the Tax Map as Section 42.13
Block 1 Lot 21, in an R-35 Zoning District.**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by C & R Group of Rockland LLC for the following variances from the provisions of Section 230-17 Attachment I 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 and garage:

Having a front yard of 13.2 feet from the designated street line instead of the minimum required of 50 feet;
Having a side yard of 15 feet and .06 feet instead of the minimum required of 25 feet;
Having a total side yard of 15.6 feet instead of the minimum required of 60 feet;
Having a rear yard of 20 feet and 9.3 feet instead of the minimum required of 50 feet;
Having building coverage of .184 instead of the maximum permitted of .10;
Having impervious surface ratio of .37 instead of the maximum permitted of .25;
Having front yard impervious surface ratio of .22 instead of the maximum permitted of .20;
Having an effective square of 57 feet instead of the minimum required of 125 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on September 21, 2016, which hearing was continued on November 1, 2016, and

WHEREAS, the applicant appeared by the principals and by their attorney, and testified as follows:

That the total square footage of the property is 7,617 square feet and the lot was created more than 75 years ago, prior to zoning requirements of the Village of Wesley Hills or the Town of Ramapo;

That there is an old house and garage on the property that are eyesores and have been abandoned for over 30 years;

That the existing house of 10 inches from the right-of-way of McNamara Road, a County Road;

That if the variances are granted the applicant intends to demolish the existing house and construct a new house that will have approximately 1,000 square feet on each of two stories;

That the house will be set back 13.2 feet from the designated street line and will not encroach on the County right-of-way;

That the number of variances is needed because of the size and odd shape of the lot and to maintain a reasonable distance between the proposed house and the adjacent residential home;

That a 2,000 square foot house is small compared to other houses in the Village of Wesley Hills;

That the garage is structurally sound and will be completely renovated;

That the applicant has cleaned up the property and believes it is already an improvement over what was pre-existing; and

WHEREAS, the attorney and a principal of Ira Wickes Inc., owner of an adjacent property to the east and south stated that they are an arborist facility and that the proposed residence is too close to their property line and they are concerned that residents therein will complain about their operations; they asked that the residence be moved closer to the residential property to the west and that a fence be installed to screen their property from the new residence, and

WHEREAS, the owner of the residential property to the west stated that the garage is now too close to her property line and she would object to having the house placed closer to her property; that she does not want to look into the bedrooms of the adjoining house; and

WHEREAS, other persons stated that applicant has substantially cleaned up the property which, for many years, was aesthetically offensive; and

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

WHEREAS, the Village Engineering Consultant has advised the Board that there is a pond on the Wickes property and , inasmuch as the applicant's building will be within 100 feet of the pond, applicant is required to obtain a wetlands permit from the Wesley Hills Planning Board,

NOW, THEREFORE, the Zoning Board of Appeals hereby accepts the Wesley Hills Planning Board as Lead Agency for SEQRA purposes, and be it further

RESOLVED, that the application submitted by C&R Group of Rockland LLC for the following variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements to permit the construction, maintenance and use of a single family residence and garage:

Having a front yard of 13.2 feet instead of the minimum required of 50 feet;
Having a one side yard of 15 feet and the other side yard of .06 feet instead of the minimum required of 25 feet;
Having a total side yard of 15.6 feet instead of the minimum required of 60 feet;
Having a rear yard of 20 feet and 9.3 feet instead of the minimum required of 50 feet;
Having building coverage of .184 instead of the maximum permitted of .10;
Having impervious surface ratio of .37 instead of the maximum permitted of .25;
Having front yard impervious surface ratio of .22 instead of the maximum permitted of .20;
Having an effective square of 57 feet instead of the minimum required of 125 feet,

Is hereby approved, subject to the following conditions:

1. That applicant apply for and obtain a wetlands permit from the Wesley Hills Planning Board;

2. That applicant construct a 6 foot high wooden fence as shown on site plan prepared by Anthony R. Celentano, P.L.S. dated February 11, 2016 as last revised October 25, 2016;
3. That applicant comply with the GML review letter from the Rockland County Department of Planning dated September 21, 2016;
4. That applicant comply with the letter from Rockland County Highway Department dated September 20, 2016;
5. That applicant comply with the letter from Rockland County Sewer District No. 1 dated September 1, 2016; and be it further

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

1. That the subject lot containing 7,617 square feet is one of, if not the smallest, lot in the Village of Wesley Hills.
2. That deeds have been submitted verifying that the lot is a legal non-conforming lot that was created prior to the adoption of the Wesley Hills Zoning Law and the Town of Ramapo Zoning Law;
3. That although the variances are substantial, they cannot be avoided because of the size of the lot;
4. That there is no feasible alternative to granting the variances in that a denial of the variances would prevent applicant from using the property and would be an improper taking;
5. That no environmental or ecological detriment to neighboring properties has been identified and, in fact, neighboring properties will be benefitted aesthetically by the cleanup of the subject property, the removal of the abandoned building and the construction of a new residence on the property;
6. That the benefit to the applicant by granting the variances is great whereas there is no detriment to adjacent properties, to the neighborhood or to the community.

Item #5
Leah Friedman
Continuation of Public Hearing

Stanley Mayerfeld was present, affirmed and stated that the Applicant is constructing two additions on their existing home for an elevator and for a larger bathroom for their special needs daughter. The Applicant is seeking a maximum coverage variance from .10 to .115 to accommodate the two additions.

Chairman Weinberger stated that the following memos were received and does the Applicant agree to the conditions on the following memos:

1. Rockland County Sewer District #1 memo dated 9/1/16.
2. Rockland County Planning Department GML dated 9/20/16.
3. Rockland County Highway Department memo dated 10/6/16.

Stanley Mayerfeld stated that he is aware of the review memos and his client has agreed to all the conditions on the memos.

Chairman Weinberger asked for public comment.

No one from the public wished to speak.

Jonathan Gewirtz made a motion to close the public hearing, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Jonathan Gewirtz stated that the rear home addition cannot be seen from the roadway and therefore there is less of an impact to the neighbors.

Jonathan Gewirtz made a motion to approve the application of Leah Friedman for a variance from the provisions of Section 230 Attachment I the Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an addition to a single family residence having building coverage of .115 instead of the maximum permitted of .10., subject to compliance with the following memos:

1. Rockland County Sewer District #1 memo dated 9/1/16.
2. Rockland County Planning Department GML dated 9/20/16.
3. Rockland County Highway Department memo dated 10/6/16.

Seconded by Carole Anderson. Upon vote, this motion carried unanimously.

**In the Matter of the Application of
Leah Friedman
premises situated on the south side of Moccasin
Place approximately 150 feet east of Cambridge
Road, known as 21 Moccasin Place, designated
on the Tax Map as Section 41.15 Block 1 Lot 43
in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having building coverage of .115 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on September 21, 2016 and continued on November 1, 2016, and

WHEREAS, the applicant appeared by her architect and her husband, who testified as follows:

That the applicant will be installing an elevator and larger bathroom for their daughter who is in a wheelchair;

That by installing the elevator next to the garage, it will accommodate the use and will not be visible from the street;

That they purchased the house about 7 years ago prior to their daughter's affliction;

That the addition is minimal and is essential for their daughter's use; and

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

WHEREAS, no one appeared in opposition of the application and several neighbors sent letters of support;

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, and be it further

RESOLVED, that the application submitted by Leah Friedman for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an addition to a single family residence having building coverage of .115 instead of the maximum permitted of .10 **is hereby approved**, subject to the following conditions:

1. That applicant comply with the recommendations of the GML review letter of the Rockland County Planning Department dated October 3, 2016;
2. That applicant comply with the letter of the Rockland County Sewer District No. 1 dated September 1, 2016;
3. That applicant comply with the letter of the Rockland County Highway Department dated October 12, 2016; and be it further

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

1. That the variance is not substantial in that it is only 15% of the requirement;
2. That there is no feasible alternative to granting the variance since the elevator needs to be near the garage and leads to the applicant's daughter's bedroom;
3. That the variance will not cause detriment to neighboring properties because it is not visible from the street;

4. That the benefit to the applicant by granting the variance is great whereas any detriment to the neighborhood or to the community is minimal.

Item #6
David Berman
Continued Public Hearing

Stanley Mayerfeld was present on behalf of the Applicant, affirmed and stated that the Applicant is seeking a front yard variance to permit 43.5 feet instead of the minimum requirement of 50 feet to accommodate a front entry way addition to allow the family to have a vestibule.

Doris Ulman stated that the amendment to the Application was accepted at last month's meeting and during the site visit it was mentioned that another variance may be needed, however, after further review of the Village Code, it is not necessary.

Chairman Weinberger asked for public comment.

No one from the public wished to speak.

Jonathan Gewirtz stated that this home is located on a dead end block and this is the last home, therefore there is no impact to neighbors. There are no neighbors and the property next door is a 30 acre vacant lot owned by the East Ramapo Central School District. The entry way will enhance the property.

Jonathan Gewirtz made a motion to close the public hearing, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Jan Hilgeman made a motion to approve the application of David Berman for a variance from the provisions of Section 230 Attachment I the Table of Dimensional Requirements of the Code to permit the construction, maintenance and use of an addition to a single family residence having front yard of 43.5 feet instead of the minimum required of 50 feet, seconded by Mordechai Schwab.

Upon vote, this motion carried unanimously.

In the Matter of the Application of
David Berman
Premises situated on the west side of Villa Lane
approximately 1,000 feet north of Ardley Place,
known as 11 Villa Lane, designated on the Tax
Map as Section 41.06 Block 1 Lot 74, in an
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by David Berman for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 44.5 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on September 21, 2016 and continued on November 1, 2016, and

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

That the addition is to add a vestibule by enclosing the existing front stoop;

That there is only three feet from the existing entrance door to the interior stairway and the vestibule will add a small entrance area;

That enclosing the stoop will enhance the aesthetics of the building and will be a benefit to the neighborhood;

That the addition will not affect adjoining properties since the subject property is at the end of the street and the adjacent property is large vacant land owned by the East Ramapo School District; and

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

WHEREAS, the applicant asked to amend the application to permit the front yard to be 43.5 instead of the originally requested 44.5 feet and the request was granted, and

WHEREAS, no one appeared in opposition of the application;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by David Berman for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 43.5 feet instead of the minimum required of 50 feet, **is hereby granted**, and be it further

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

1. That the variance is not substantial in relation to the requirement in that it is less than a 15% variance.

2. That there is no feasible alternative to granting the variance since the intent is to provide a slightly larger entranceway to the residence, which is necessarily in the front yard;
3. That the variance will not be detrimental to adjoining properties since it will enhance the aesthetics of the residence and the house is situated at the end of the street adjacent to a large vacant parcel of land;
4. That the benefit to the applicant by granting the variance is great whereas any potential detriment to the neighborhood or to the community is minimal.

Item #7

Michael Goldenberg

Continued Public Hearing

Todd Rosenblum was present on behalf of the Applicant, affirmed and stated that this is an existing home that will be demolished and rebuilt to keep the original foundation. There will be a portion of the home that will remain. There is no neighbor located on one side of the home where the variance is requested and the home is situated on an angle which makes it a unique situation.

Chairman Weinberger stated that the following memos were received and does the Applicant agree to the conditions:

1. RC Drainage Agency memo dated 9/14/16
2. Rockland County Planning GML dated 10/7/16

Todd Rosenblum answered that his client has agreed to the conditions on the letters and stated that they have already submitted documents to the RC Drainage Agency in response to their request.

Chairman Weinberger opened the public hearing.

No one from the public wished to speak.

Jonathan Gewirtz made a motion to close the public hearing, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Mordechai Schwab made a motion to approve the application of Michael Goldenberg for variances from the provisions of Section 230 Attachment I the Table of Dimensional Requirements of the Code to permit the construction, maintenance and use of an addition to a single family residence having a side yard of 22.8 feet instead of the minimum required of 30 feet and a total side yard of 60.8 feet instead of the minimum required of 75 feet, subject to the following conditions:

1. Compliance with the letter from the RC Drainage Agency memo dated 9/14/16.
2. Compliance with the letter from the Rockland County Planning GML dated 10/7/16.

Seconded by Carole Anderson. Upon vote, this motion carried unanimously.

**In the Matter of the Application of
Michael Goldenberg
Premises situated on the east side of
Wesley Chapel Road at the intersection
with Tasha Court, known as 16 Wesley
Chapel Road, designated on the Tax Map
as Section 41.09 Block 1 Lot 20, in an R-50
Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Michael Goldenberg for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the rebuilding of a single family residence having a side yard of 22.8 feet instead of the minimum required of 30 feet and a total side yard of 60.8 feet instead of the minimum required of 75 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on September 21, 2016 and continued on November 1, 2016, and

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

The applicant intends to rebuild the entire house and add a dining room and porch while keeping the foundation of the existing house;

That the side yard variance is needed for only one corner of the house because of the angle of the foundation on the lot which currently exists and which also creates the need for the total side yard variance;

That no neighbors will be affected by the variance inasmuch as the side yard abuts a 10 foot wide strip of property that abuts a road and can never be built upon;

That the reconstruction will improve the aesthetics of the house and will benefit the entire neighborhood; and

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

WHEREAS, no one appeared in opposition of the application and the applicant submitted letters of support from property owners in the neighborhood;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by Michael Goldenberg for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit rebuilding of a single family residence having a side yard of 22.8 feet instead of the minimum required of 30 feet and a total side yard of 60.8 feet instead of the minimum required of 75 feet is hereby approved, subject to the following conditions:

1. Applicant to comply with the recommendations of the GML review letter issued by the Rockland County Planning Department dated October 7, 2016;
2. Applicant to comply with the letter issued by the Rockland County Drainage Agency dated September 14, 2016, and be it further

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

1. That the side yard variance, although substantial, is for a pre-existing foundation and does not affect neighboring properties because it is adjacent to a 10 foot wide parcel of vacant land that cannot be developed and that is adjacent to a roadway;
2. That there is no feasible alternative to granting the variance since the foundation causing the variance already exists and it would be unreasonable to require the applicant to remove a portion of the existing residence;
3. That there is no ecological or environmental detriment to the neighborhood by granting the variance because the corner of the house that is affected currently exists;
4. That the neighborhood will be benefited because of the aesthetic improvements to the existing residence;
5. That the benefit to the applicant by granting the variance is great whereas no evidence of detriment to the neighborhood or to the community has been identified.

The next Zoning Board of Appeals meeting will take place on December 21, 2016.

Jonathan Gewirtz made a motion to cancel the November 15, 2016 Zoning Board of Appeals meeting due to a lack of business, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

At 9:52 pm Jonathan Gewirtz made a motion to adjourn, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Respectfully submitted,

Camille Guido-Downey