

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Tuesday, September 21, 2016**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jan Hilgeman

OTHERS PRESENT:

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

Chairman Weinberger called the meeting to order at 8:10 p.m.

Item #3

Approval of Minutes-May 24, 2016

Doris Ulman requested that this item be tabled to the next meeting.

Board Members agreed.

Item #4

Naftali & Freda Klein

Richard Sarajian, Esq. Applicant's Attorney was present and presented the following update to the Board as it has been a few months since they were last before the Zoning Board. Mr. Sarajian stated that his client has applied for and obtained a building permit for the reconstruction of a carport which was damaged during a storm. The Building Inspector after issuing the permit realized that the carport is located within a Village easement. Mr. Sarajian has been in front of the Village Board for the past few months and he believes that the Village Board will agree to the carport being left in the easement and a new easement will be created to allow the Village ingress/egress to the drainage area in the rear of the property. Mr. Sarajian requested an adjournment to the November meeting to allow time for the final paperwork to be completed with the Village Board. Mr. Sarajian stated that when it is time to appear back to the ZBA he will re-notice the application as it has been some time.

Jonathan Gewirtz made a motion to adjourn the application of Naftali & Freda Klein to the November 15, 2016 meeting of the Zoning Board, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #5

C&R Group LLC

Chairman Weinberger opened the public hearing on the application of C & R Group of Rockland LLC:

Public Hearing on 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.

The subject premises are 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.

James Licata, Esq was present along with Anthony & Nelson Alvera owners of the property located at 15 McNamara Road. Mr. Licata stated that the new owners are local contractors who recently purchased this home for their mother. This home has been vacant for over 30 years, sits very close to the roadway and is currently boarded up for security. The new owners recently cleaned up a lot of the property and removed three dumpsters full of garbage that was all over the exterior/ interior of the property. Mr. Licata stated that his client was going to renovate the existing home however after further inspection and conversations with the Building Inspector and it was determined that a tear down and rebuild was the best option. The current home sits ten inches from the roadway and with the proposed re-build the home would be located 14 feet from the roadway. Mr. Licata stated that his client is taking an existing non-conforming structure and reducing the non-conformity and proposing to use the property as a single family home. The existing home is approximately 600 square feet and the proposed home will be approximately 2,000 square feet.

Doris Ulman questioned if the Applicant has received the letter from the RC Highway requesting a road widening strip to be offered to the County?

James Licata answered yes and they would be happy to offer that to the County.

Doris Ulman stated that she was concerned about the size of the property when she reviewed the Application. Ms. Ulman wanted to ensure that in fact it was a lot that was created prior to zoning and not an illegal lot. Ms. Ulman stated that she spoken with Mr. Licata and after review of the deeds and maps that were provided by Mr. Licata she is satisfied that this is a proper lot.

Jonathan Gewirtz questioned if the Applicant gratuitously dedicates a strip of land to the County will his lot become smaller?

Mr. Licata answered yes however the current home sits ten inches from the roadway and by re-building we will be 14 feet from the roadway and hopefully the County does not widen the roadway any time soon.

Chairman Weinberger questioned if the Applicant reviewed the memo from the RCSD#1?

James Licata answered yes he did and the RCSD#1 has provided the standard comments and they agree to those comments.

Chairman Weinberger questioned if the Applicant read the letter that was provided by Wicks dated 9/20/16?

James Licata stated that he has read the letter and at the current time they have no comments and reserve their right to address this letter at a later date if necessary.

Carole Anderson stated that she lives nearby and stated that it was nice to see the property cleaned up, however the boat should also be removed.

James Licata stated that it currently has large bees nest in it and his clients have not had the time to get it removed, however they will have it removed as soon as possible.

Chairman Weinberger opened the public hearing.

Judith Scott, 7 Hempstead Road was present and was affirmed and stated that the property was cleaned up and the Applicant should have hired an exterminator to get the nest out and have the boat removed and finish the clean up.

Mr. Licata stated that the boat has been on the property for over 60 years and his client went to remove the boat last week and discovered the bees nest, they will get the boat removed as soon as possible.

Susan Mair, 17 McNamara Road was present and was affirmed and stated that she has lived next door for over 30 years and thank you for cleaning the property, however she feels that the boat should have been removed as it was moved to the back of the property. Ms. Mair stated that she is concerned with the side yard and does not want the new home too close to her home as the lot is very small. She does not want to look into their bedroom windows.

Mr. Licata provided Ms. Mair a copy of the property survey.

Susan Mair questioned if the driveway location and size will change?

Mr. Licata answered no; the driveway will stay in the same location and go back to the garage that already exists on the property.

Jonathan Gewirtz stated that when the walk thru is scheduled the public is welcome to come. Mr. Gewirtz requested that applicant to stake out corners of the proposed new dwelling.

James Wicks, 11 McNamara Road was present and affirmed and stated that he is not against the project but wants to be sure that his property is protected. Mr. Wicks stated that the proposed variances seem excessive.

The proposed site visit is scheduled for Sunday, October 23rd at 9am.

Jonathan Gewirtz made a motion to adjourn the Application of C&R Group to the November 1, 2016 at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Item #6
Leah Friedman

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

Public Hearing on 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.

The subject premises are 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.

Stanley Mayerfeld, Architect was present and affirmed.

Chairman Weinberger questioned if the Applicant has seen the letter from the RCSD#1 dated 9/1/16?

Stanley Mayerfeld answered yes and stated that they agree as they are standard comments.

Chairman Weinberger questioned if the Applicant saw the GML review memo from the RC Planning Department dated 9/20/16?

Stanley Mayerfeld answered yes and agrees and pointed out a typo in the letter where it states subdivision.

Mr. Mayerfeld stated that his client would like to build an addition to an existing home located at 21 Moccasin Place. Mr. Mayerfeld stated that his clients have a daughter who is in need of an elevator to have proper access to the home along with a larger bathroom for proper bathing. There will be two separate additions; one for elevator in the front and one addition in the rear for the bathroom/bedroom. Mr. Mayerfeld stated that his client is requesting a variance for building coverage from the required of .10 to the requested of .115. Mr. Mayerfeld stated that a statement of the proposed variances with reason was provided to a number of neighbors. The following neighbors are in support of the application:

Joseph Grosz, 17 Hastings Road
Mark Kalmanowitz, 1 Cambridge Road
David Asher 10 Moccasin Place
Mordechai Speigel, 16 Moccasin Place
Shelly Cerver, 9 Hastings Road

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Samuel Schlesinger, 19 Moccasin Place
Hashy Worch, 23 Moccasin Place
Lori Newman, 3 Bedford Road
Nathan Spiegel, 18 Hastings Road
Amram Schwab, 12 Moccasin Place
David Zahler, 2 Bedford Road

Chairman Weinberger opened the public hearing.

Jonathan Gewirtz questioned when was the home built?

Mr. Friedman was present and affirmed and stated that they built the home 7-8 years ago and they did not foresee that their child would need special care or that she has special needs.

The proposed site visit is scheduled for Sunday, October 23rd at 9am.

Jonathan Gewirtz made a motion to adjourn the Application of Leah Friedman to the November 1, 2016 at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #7
David Berman

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

Public Hearing on 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 44.5 feet instead of the minimum required of 50 feet.

The subject premises are 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.

Stanley Mayerfeld was present and affirmed and stated that he is present on behalf of the homeowner and stated that the homeowner is constructing an addition on the left side of the home and during their renovations they have decided to add a front porch vestibule to the home which is covered. Mr. Mayerfeld stated that the covered vestibule will provide extra room and protection from the elements to the family when entering and exiting the home. Mr. Mayerfeld stated that he would like to amend the application to seek a 43.5 front yard opposed to the 44.5 as advertised to add just that extra space.

Jonathan Gewirtz made a motion to accept the amendment by Mr. Mayerfeld to seek a 43.5 front yard opposed to the 44.5 as advertised, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Doris Ulman stated that a new notice is not needed.

The proposed site visit is scheduled for Sunday, October 23rd at 9am.

Jonathan Gewirtz made a motion to adjourn the Application of David Berman to November 1, 2016 at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #8
Michael Goldenberg

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

Public Hearing on 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.

The subject premises are 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.

Todd Rosenblum was present on behalf of the Applicant and was affirmed. Mr. Rosenblum stated that the property owners are proposing four separate additions to an existing one family home. The property owners will be saving the foundation and rebuilding the home. Mr. Rosenblum stated that the home is positioned on the lot on an angle which has triggered the need for the variances.

The following letters of support were received:

Zev Cohen, 16 Wesley Chapel Road
Stewart Rabinowitz & Jessica D, 24 Wesley Chapel Road
Ilene Plotkin, 14 Wesley Chapel Road
Jospeh Shteirman, 12 Wesley Chapel Road
Joseph Zazon, 3 Tasha Drive
Manifred & Malka Konpfler, 20 Wesley Chapel Road
Mark Moss & Tina G, 21 Wesley Chapel Road

Jonathan Gewirtz questioned what year was the home built?

Todd Rosenblum answered around 1960.

Doris Ulman questioned if the Applicant has seen the letter from the RC Drainage Agency?

Todd Rosenblum answered yes and they have no objection to the comments and will comply.

Chairman Weinberger opened the public hearing.

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No one wished to speak.

The proposed site visit is scheduled for Sunday, October 23rd at 9am.

Jonathan Gewirtz made a motion to adjourn the Application of Michael Goldenberg to November 1, 2016 at 8pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

At 9:25 pm Jonathan Gewirtz made a motion to adjourn, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully submitted,

Camille Guido-Downey