

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, May 17, 2017**

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 p.m.

Item #2

Rosalynd Alexander -9 Harriet Lane

Todd Rosenblum, Applicant's Architect was present and was affirmed to tell the truth. Mr. Rosenblum stated that the Applicant is seeking to construct an addition to a single family residence having a side yard of 15 feet instead of the minimum required of 25 feet. Mr. Rosenblum stated that in the Village's Code Section 230-42 the variance that was previously grant by this Board has expired as the Applicant did not constructed the addition within the one time frame. The addition is to enlarge the garage so all vehicles can be placed in the garage. There is a sewer easement on the adjacent property. Mr. Rosenblum stated that that Board visited the site on May 14th and the Applicant has agreed to retain the 8 foot hedge on the side of the property as per the Members request. Mr. Rosenblum stated that this variance cannot be achieved by any other means as there is a 25 foot drainage easement on one side of the property. Mr. Rosenblum stated again that this variance was already approved previously however the Applicant changed their plans to include a two car garage instead of the one car that was previously approved which increases the variance requested by 2 feet.

Chairman Weinberger stated that the following letters of support were received:

1. Eisenberger, 10 Harriet Lane
2. Koegel, 16 Harriet Lane
3. Senter, 14 Harriet Lane
4. Vogel, 4 Skylark Drive

The Village has also received the County of Rockland GML dated 5/2/17 approving the project.

No one from the public wished to speak.

At 8:14 pm Jonathan Gewirtz made a motion to close the public hearing, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Mordechai Schwab made a motion to approve the application of Rosalynd Alexander of 9 Harriet Lane for the construction, maintenance and use of an addition to a single family residence having a side yard of 15 feet instead of the minimum required of 25 feet subject to the following conditions:

1. 8 foot hedge on the side yard to remain.

**In the Matter of the Application of
Rosalynd Alexander
Premises situated on the west side of Harriet Lane
Approximately 200 feet south of Skylark Drive, known
As 9 Harriet Lane, designated on the Tax Map as Section
42.13 Block 1 Lot 23, in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Rosalynd Alexander for a variance from the provisions of Section 230-17 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 side yard of 15 feet instead of the minimum requirement of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on April 19, 2017, which application was continued on May 17, 2017, and

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

That there is only a one car garage on the property and applicant needs a second garage so that all vehicles can be placed in the garage;

That a variance was granted by the Board for an additional garage several years ago but applicant never constructed the garage;

That the garage will be attached to the house and the only place it can be constructed is at the top of the garage; the garage will only extend to the end of the existing driveway;

That the addition to the residence will be adjacent to the mudroom which will then lead to the garage;

That there is an 8 foot high hedge of arborvitae along the property line at the driveway side of the property so that the addition will be screened from the adjacent property; in addition there is a 25 foot sewer easement on the adjacent property and the house on that property is a substantial distance from applicant's property line, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the existing conditions and the area proposed for the garage; and

WHEREAS, the Zoning Board of Appeals visited the site and viewed the existing conditions and the area proposed for the garage; and

WHEREAS, the Zoning Board of Appeals received letters from several neighbors in support of the application and no one appeared in opposition to the application,

NOW, THEREFORE, BE IT RESOLVED, that the application submitted by Rosalyn Alexander for a variance from the provisions of Section 230-17 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 side yard of 15 feet instead of the minimum required of 25 feet is approved, subject to the condition that the 8 foot high arborvitae along the property line at the property be maintained and replaced as needed to maintain the dense screening between the applicant's property and the adjacent property to the north, and it be further,

RESOLVED, that the Zoning Board of Appeals hereby makes the following **FINDINGS OF FACT**:

1. That there is no feasible alternative to granting the variance because of the location of the driveway and the interior mudroom;
2. That although the variance is substantial, it will be screened from the adjacent property by the 8 foot high arborvitae and there is a substantial distance between the addition and the existing residence on the adjacent property;
3. That no adverse environmental or ecological impacts have been identified as resulting from the addition,
4. That no detriment to adjacent properties or to the neighborhood has been evidenced whereas the benefit to the applicant is substantial.

Seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Item #4

Adoption of Minutes- April 19, 2017

Mordechai Schwab made a motion to approve the Zoning Board of Appeals Minutes of April 19, 2017 seconded by Carole Anderson. Upon vote, this motion carried unanimously.

At 8:17 Mordechai Schwab made a motion to adjourn, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Respectfully Submitted,

Camille Guido-Downey
Village Clerk