

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Tuesday, June 16, 2015**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jonathan Gewirtz
Felicia Hirshfeld
Jacob Herbst, Ad Hoc

MEMBERS ABSENT:

Dr. Willie Bryant
Jan Hilgeman
Carole Anderson, Ad Hoc

OTHERS PRESENT:

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

Chairman Weinberger called the meeting to order at 8:14 p.m.

Item #3

Adoption of 5/20/15 Minutes

Jonathan Gewirtz made a motion to approve the Zoning Board of Appeals Minutes of May 20, 2015, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously.

Item #4

Congregation Tiferes Yisrael

Chairman Weinberger read into the record the public hearing notice.

Chairman Weinberger stated that for the record the following items were received:

1. Applicant provided a vicinity map showing the locations of the letters of support that the Applicant provided at last month's meeting.
2. Applicant provided an addition 31 letters of support.
3. One letter dated 6/9/15 on opposition of the project from anonymous Wesley Hills Residents.

Chairman Weinberger stated that on Sunday, June 14, 2015 many members were present for the walk thru of the property. He then opened the public hearing.

Morton Silberberg, Esq. & Asher Brand was present on behalf of the Applicant. Morton Silberberg showed the Board the enlarged vicinity map and further explained the close proximity of the letters to the subject project. Morton Silberberg read into the record one letter of support from Mr. & Mrs. Singer of 1 Baker Lane.

Chairman Weinberger questioned if the Applicant agrees to all the conditions stated in the following review memos:

1. Memo dated 5/5/15 from Rockland County Drainage.
2. GML dated 5/11/15 from Rockland County Planning Department.
3. Memo dated 5/20/15 from Rockland County Highway.
4. Memo dated 4/14/15 from Rockland County Health Department.

Morton Silberberg answered yes the Applicant agrees to all the conditions of approval.

Felicia Hirshfeld requested Mr. Silberberg to further explain the landscaping plan as was discussed during the site visit.

Mr. Silberberg answered that the proposed row of plantings (as per drawn on the site plans) are on the south side of the building facing Lime Kiln Road.

Jonathan Gewirtz stated that he has inquired at the last meeting about what the impervious surface number would be if the parking area was not built. Mr. Gewirtz stated that the use is a benefit to the community and the variance is not egregious. Mr. Gewirtz stated that the trees will add to the land and assist with the absorption rate of water as the property is located close to the stream.

Mr. Silberberg stated that the congregation has always tried to be good neighbors and the increase of the parking area is to get the cars off the roadway.

Chairman Weinberger questioned if the Applicant received a letter of support from the neighbor across the street on Roble Road?

Mr. Silberberg answered that they were unable to obtain that letter at the current time.

Chairman Weinberger asked for public comment.

No one from the public wished to speak.

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

Jonathan Gewirtz made a motion to approve the Application of Tiferes Yisrael for variances from the provisions of Section 230-14 and from the Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a mikvah and additional parking having a front yard impervious surface ratio of .61 instead of the maximum permitted of .15 and a total impervious surface ratio of .33 instead of the maximum permitted of .20 and the size of the mikvah building at 1,200 square feet instead of the maximum for accessory buildings of 900 square feet. The subject premises are situated on the north side of Lime Kiln Road at the intersection of Roble Road known as 57 Lime Kiln Road, designated on

the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 21 in an R-50 Zoning District subject to the following conditions:

1. The compliance of the memo dated 5/5/15 from Rockland County Drainage Agency.
2. The compliance of the GML dated 5/11/15 from Rockland County Planning Department.
3. The compliance of the memo dated 5/20/15 from Rockland County Highway.
4. The compliance of the memo dated 4/14/15 from Rockland County Health Department.
5. Applicant to obtain Site Plan Approval from the Village of Wesley Hills Planning Board.

Felicia Hirshfeld seconded the motion and added that the Applicant clearly has the support of the community; the use is a benefit to the community as it will assist the community of women on Friday nights and Holidays and with the enhanced screening that will beautify the property.

Resolution

In the Matter of Application of Congregation Tiferes Yisrael, premises situated on the north east corner of Lime Kiln Road and Roble Road, known as 57 Lime Kiln Road, designed on the Tax Map as Section 41.6 Block 1 Lot 21, in an R-50 Zoning District

WHEREAS, application has been submitted to the Zoning Board of Appeals of the Village of Wesley Hills by Congregation Tiferes Yisrael for variances from the provisions of the Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a mikvah and additional parking spaces, having a front yard impervious surface ratio of .61 instead of the maximum permitted of .15 at Roble Road, a total impervious surface ratio of .33 instead of the maximum permitted of .20 and from Section 230-14 of said Code to permit the size of the mikvah to be 1200 square feet instead of the maximum size of an accessory building to be 900 square feet, and

WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on May 20, 2015, which hearing was continued on June 16, 2015, and

WHEREAS, the applicant appeared by its attorney and one of its Trustees, who testified as follows:

The applicant applied to the Wesley Hills Planning Board for revised site plan; the Planning Board has issued a negative declaration under SEQRA and referred the applicant to the Zoning Board for the variances needed;

All women are required to use a very large mikvah on Viola Road but it is too far to walk to on Friday nights;

The proposed mikvah will serve the entire Village of Wesley Hills,; at the present time there is only one other mikvah in the Village that was built 10 years ago and it is doubtful that another one will be constructed within the next ten years;

The mikvah will be used by not more than 10 women at a time on Friday nights only so there will be no vehicle traffic except for a maintenance worker who will arrive once a week;

A not-for-profit fundraising corporation has been established for the mikvah but the building will be on the property of and owned by the Congregation Tiferes Yisrael;

Although a 1200 square foot building is not needed at the present time, it is being built for the future as well so that another building will not be needed for many years;

The additional parking spaces are being constructed for the benefit of the neighbors so that cars will not be parked on Roble Road or Lime Kiln Road;

That prior variances have been approved so that, among other things, the existing front yard impervious surface ratio at Roble Road is presently .52;

The applicant is proposing to install landscaping between the building and Lime Kiln Road to maintain the privacy of the building; and

WHEREAS, more than 30 letters in support of the project were received and one letter in opposition to the project; and

WHEREAS, members of the Zoning Board of Appeals visited the site to view the location of the proposed building and parking spaces;

NOW, THEREFORE, BE IT RESOLVED that the application submitted by Congregation Tiferes Yisrael for variances to permit the construction, maintenance and use of a mikvah and additional parking spaces, having a front yard impervious surface ratio of .61 instead of the maximum permitted of .15 at Roble Road, a total impervious surface ratio of .33 instead of the maximum permitted of .20 and to permit an accessory building having 1200 square feet instead of the maximum permitted of 900 square feet is hereby approved, subject to the following conditions:

1. Compliance with the GML letter issued by the Rockland County Planning Department dated May 11, 2015;
2. Compliance with the Rockland County Highway Department letter dated May 20, 2015;
3. Compliance with the Rockland County Health Department letter dated April 14, 2015;
4. Applicant to obtain site plan approval from the Wesley Hills Planning Board, and be it further

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

1. That the front yard impervious surface ratio variance would be much smaller except for the addition of the 9 parking spaces, which are a benefit to the neighborhood by limiting parking on Roble Road;

2. That there will be minimal impact to surrounding properties and to the community because of the placement of the mikvah and the landscaping between the building and Roble Road;
3. That any adverse environmental impacts will be minimal since the Village Engineering Consultant has advised that she has approved the drainage plan for the project;
4. That there will be no change in the character of the community since the house of worship exists and the current project will be accessory to the use;
5. That the benefit to the applicant by constructing the mikvah will be great whereas no evidence has been submitted that the project will be a detriment to adjoining properties or the community.

Upon vote, this motion carried unanimously.

Item #5
Klein

Chairman Weinberger read into the record the continued public hearing notice.

Doris Ulman stated that Mr. Klein's attorney sent a letter to the Village requesting an adjournment to the July Zoning Board Meeting as there was a medical emergency.

Jonathan Gewirtz questioned if the Clerk received the Ramapo documents?

Ms. Ulman answered yes and will supply to the Board at the next meeting. Ms. Ulman stated that she has prepared a memo for the Boards review to be sent to the Village Engineer with specific questions about the easement. Ms. Ulman requested that the Clerk obtain a copy of the assessment card from the Town and review the Building Department file for the next meeting.

Chairman Weinberger stated that the next Zoning Board of Appeals meeting is scheduled for July 15, 2015 and the Clerk should advise the Village Engineer that her response is needed before that meeting.

Felicia Hirshfeld made a motion to continue the public hearing to the July 15, 2015 meeting, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Item #6
New Business

Clerk reminded the members of upcoming County training sessions.

Jonathan Gewirtz made a motion to adjourn, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey