

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, October 21, 2015**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Felicia Hirshfeld
Carole Anderson, Ad Hoc
Jonathan Gewirtz

MEMBERS ABSENT:

Dr. Willie Bryant
Jan Hilgeman
Jacob Herbst, Ad Hoc

OTHERS PRESENT:

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

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

**Item #4
Naftali Klein**

Continuation of the Public Hearing on the application of Naftali Klein for variances from the provisions of Section 130-17, Attachment 1 of the Code of the Village of Wesley Hills, to permit the maintenance and use of a carport having 20.5 feet less than the minimum required side yard of 25 feet and 5.1 feet less than the minimum required total side yard of 60 feet and a shed having 22.2 feet less than the minimum required side yard of 25 feet and 8.1 feet less than the minimum required total side yard of 60 feet.

The subject premises are situated on the south side of South Parker Drive, approximately 75 feet west of Martha Road, known as 73 South Parker Drive, designated on the Tax Map as Section 41.18, Block 1 Lot 45, in an R-35 Zoning District.

Richard Sarajian, Esq. of Montalbano, Condon & Frank was present on behalf of the Applicant. Mr. Sarajian stated that he has received the Village Engineer's memo dated 6/19/15 and just prepared the response to the Village.

Chairman Weinberger stated that the Clerk and the Board have not received that to date and that document is important for the Board to review and feels that an adjournment should be proposed.

Clerk stated that no responses have been received from the GML notices.

Mr. Sarajian agreed with the Chairman and stated that he is proposing that the applicant sign an indemnification agreement to cover any liability that the Village may have as the options proposed by the Village Engineer are cost prohibitive. If the Village Board agrees to his proposal

he would like to move it forward with his variance application without having to address two opposite issues.

Chairman Weinberger stated that the proposed agreement needs to be presented to the Village Board for their consideration.

Jacob Herbst questioned if the Applicant determined if the easement supplies piping for the pump house?

Mr. Sarajian answered that the easement has no relation to the pump house.

Jonathan Gewirtz made a motion to continue the public hearing to the November 18, 2015 at 8pm, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously.

Item #5
Ari Kluger

Public Hearing on the application submitted by Ari Kluger for a variance from the provisions of Section 230-34 subdivision B(1) of the Code of the Village of Wesley Hills, to permit the maintenance and use of a driveway to a single family residence having a gradient of 14.3% instead of the maximum permitted of 12%.

The subject premises are situated on the north side of Tammy Road approximately 1,500 feet from the intersection with Skylark Drive, known as 23 Tammy Road, designed on the Tax Map as Section 41.16 Block 1 Lot 37, in an R-35 Zoning District.

Ari Kluger, 23 Tammy Road was present and was affirmed in for the record as the owner of 23 Tammy Road. Mr. Kluger stated that recently construction was completed on his home but the driveway was built incorrectly. The Village Engineer supplied him with a memo based on her inspection. Mr. Kluger stated that the slope grade maximum is 12% and the driveway was construction at 14.3%. The plans had the correct grade but during construction it was increased. It is a minor deviation but not visible to the naked eye. Mr. Kluger stated that he is present to request from the Zoning Board a variance for the driveway slope.

Chairman Weinberger stated that the Board would like to schedule a site visit on November 1, 2015 at 9am to allow the members to view the driveway.

Mr. Kluger agreed and ensured that someone will be present.

Jonathan Gewirtz made a motion to continue the public hearing to the November 18, 2015 at 8pm meeting to allow time for the members to perform a site visit, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously.

Item #6
Seth and Marla Levin

Public Hearing on the application submitted by Seth and Marla Levin for variances from the Table of Dimensional Requirements to permit the construction, maintenance and use of an addition to a single family residence having less than the required side yard and total side yards.

The subject premises are situated on the south side of Ari Drive approximately 75 feet from the intersection with Roble Road, known as 6 Ari Drive, designated on the Tax Map as Section 32.18, Block 2 Lot 25, in an R-50 Zoning District.

Todd Rosenblum, Architect was present on behalf of the Applicant and was affirmed. Mr. Rosenblum stated that Mr. Levin is also present to answer any questions the Board may have. Mr. Rosenblum stated that the Applicant is proposing a three part addition to an existing home. Mr. Rosenblum stated that the Applicant is requesting a variance for side yard and total side yard for the construction of a garage due to the difficult topographic conditions of the lot. Mr. Rosenblum supplied to the Board the following letters of support:

Oren Levin-Waldman & Renee Levin-Waldman, 14 Roble Road
Arlene & Gary Ratzker, 3 Ari Drive
Eric & Allyson Israel, 4 Ari Drive
Pearl Leibovitch, 12 Roble Road

Mr. Rosenblum also provided to the Board 1st floor and 2nd floor architectural plans for their clarification. Mr. Rosenblum also stated that the project is well below the maximum Development Coverage and maximum impervious surface area for the lot. The existing garage will be used for living space. There is no other place to put the garage and maintain a backyard. The rest of the addition is in compliance. The proposed garage will be partly remaining since it will almost go into the hill.

Chairman Weinberger stated that the Board would like to schedule a site visit on November 1, 2015 at 915-930 am so that the members can view the property.

Felicia Hirshfeld made a motion to continue the public hearing to the November 18, 2015 meeting AT 8 pm to allow time for the members to perform a site visit, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Item #3-Adoption of Minutes

Board Members discussed that only those members now present who were also present at the meeting for which the minutes were on the agenda for approval were eligible to vote on the minutes.

The minutes of June 18, 2014 could not be considered due to insufficient eligible members being present.

Adoption of 8/20/14 Minutes

ZBA
10-21-15

Jonathan Gewirtz made a motion to approve the Zoning Board of Appeals Minutes of August 20, 2014, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously .

Adoption of 9/17/14 Minutes

Carole Anderson made a motion to approve the Zoning Board of Appeals Minutes of September 17, 2014, seconded by Felicia Hirshfeld. Upon vote, this motion carried (Jonathan Gewirtz abstained).

Adoption of 10/22/14 Minutes

Jonathan Gewirtz made a motion to approve the Zoning Board of Appeals Minutes of October 22, 2014, seconded by Carole Anderson. Upon vote, this motion carried (Felicia Hirshfeld abstained).

Adoption of 11/19/14 Minutes

Felicia Hirshfeld made a motion to approve the Zoning Board of Appeals Minutes of November 19, 2014, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Adoption of 6/16/15 Minutes

Felicia Hirshfeld made a motion to approve the Zoning Board of Appeals Minutes of June 16, 2015, seconded by Jonathan Gewirtz. Upon vote, this motion carried (Carole Anderson abstained).

At 8:42 pm Jonathan Gewirtz made a motion to adjourn, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully Submitted,

Camille Guido-Downey