

**Village of Wesley Hills  
Zoning Board of Appeals  
Village Hall  
Wednesday, February 17, 2016**

**MEMBERS PRESENT:**

Jonathan Gewirtz, Acting Chairman  
Felicia Hirshfeld  
Jan Hilgeman  
Carole Anderson  
Dennis Dale, Ad Hoc  
Mordechai Schwab, Ad Hoc

**MEMBERS ABSENT:**

Richard Weinberger, Chairman

**OTHERS PRESENT:**

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

Jonathan Gewirtz stated that Chairman Weinberger was unable to attend tonight's meeting and he requested that Mr. Gewirtz chair the meeting. Acting Chairman Gewirtz called the meeting to order at 8 p.m.

Acting Chairman Gewirtz announced the passing of Dr. Willie Bryant and traditionally he would request a moment of silence but there are so many nice things to say that silence is not the appropriate action. Dr. Bryant was a fair man, he allowed everyone the opportunity to be heard, and he was involved in so many projects that he could not even mention them all.

**Item #4**

Acting Chairman Gewirtz read the following public hearing notice into the record:

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.

Acting Chairman Gewirtz read into the records the letter dated February 16, 2016 from Richard Sarajian, Esq. Applicant's Attorney, requesting an adjournment to the March meeting.

Acting Chairman Gewirtz and Board Members discussed the March meeting date and decided that the March ZBA meeting will take place on March 9<sup>th</sup> not March 16<sup>th</sup>.

Felicia Hirshfeld made a motion to approve the adjournment request for Naftali Klein to the Zoning Board meeting scheduled for March 9, 2016 at 8pm, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

#### **Item #5**

Acting Chairman Gewirtz read the following public hearing notice into the record:

Public Hearing on Application of Baruch and Brocha Abramoff for variances from the Provisions of Section 230-17 the Table of Dimensional Requirements and Section 230-13 (C) 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 6.7 feet less than the minimum required side yard of 25 feet on the west side of the residence, 19.7 feet less than the minimum required total side yard of 60 feet, 1 foot less than the minimum required front yard of 50 feet, building coverage of .13 instead of the maximum permitted of .10 and for an extension of non-conforming bulk on the east side of the residence.

The subject premises are situated on the south side of Glenbrook Road approximately 300 feet from the intersection with Moccasin Place, known as 30 Glenbrook Road, designated on the Tax Map as Section 41.10 Block 2 Lot 32, in an R-35 Zoning District.

Baruch and Brocha Abramoff were present and affirmed to tell the truth. Mr. Abramoff stated that they are proposing a 1,700 sf addition to their existing single family home as their family has grown. The addition will consist of a living and dining room area. The home was built in 1956 on a undersized odd shaped lot. Ms. Abramoff stated that she has letters of support from the neighbors. Ms. Abramoff stated that she would like to amend the application to include 8.7 feet instead of the noted 6.7 feet on the side yard that requires 25 feet as the calculation does not include the existing condition in place now.

Doris Ulman stated that this lot was a part of an average density subdivision and there is no determined bulk table for this lot from the subdivision and this lot needs to utilize the confirmed R-35 bulk table which the lot would never meet.

Acting Chairman Gewirtz stated that the Applicant should have the plans amended to include the variance change for the next meeting.

Felicia Hirshfeld made a motion to amend the Application of Abramoff for variances from the Provisions of Section 230-17 the Table of Dimensional Requirements and Section 230-13 (C) 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 8.7 feet less than the minimum required side yard of 25 feet on the west side of the residence, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Acting Chairman Gewirtz stated that there will be an exterior site visit on Sunday, March 6, 2016 at 9am and if the Applicant can have the addition staked out so the members can visually see the addition.

Ms. Abramoff agreed to the site visit.

Felicia Hirshfeld made a motion to adjourn the Application of Baruch and Brocha Abramoff to the March 9, 2016 Zoning Board of Appeals meeting at 8pm, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

**Item #6**

Acting Chairman Gewirtz read the following public hearing notice into the record:

Public Hearing on Application of Raphael Berlin for a variance from the Provisions of Section 230-17 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 9 feet less than the minimum required side yard of 25 feet.

The subject premises are situated on the east side of Arcadian Drive approximately 1,056 feet south of the intersection with East Willow Tree Drive, known as 12 Arcadian Drive, designated on the Tax Map as Section 41.12 Block 2 Lot 18, in an R-35 Zoning District.

Stanley Mayerfeld, Architect for the Applicant requested that the Application be adjourned as the Applicant is reconsidering their position.

Felicia Hirshfeld made a motion to adjourn the Application of Raphael Berlin to the March 9, 2016 Zoning Board of Appeals meeting at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

**Item #8**

Acting Chairman Gewirtz read the following public hearing notice into the record:

Public Hearing on Application of Yechiel (Jay) Newhouse for a variance from the Provisions of Section 230-17 the 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 having building coverage of .14 instead of the maximum permitted of .10.

The subject premises are situated on the east side of Deerwood Road approximately 330 feet north of Cara Drive, known as 34 Deerwood Road, designated on the Tax Map as Section 32.20 Block 1 Lot 44, in an R-35 Zoning District.

Stanley Mayerfeld, Architect for the Applicant was present along with Jay Newhouse and both affirmed to tell the truth.

Stanley Mayerfeld stated that the Newhouse's are building a new house to be located at 34 Deerwood Drive. Mr. Mayerfeld stated that the garage will be located on ground level and the home is scaled back from a two and half story home to a two story house.

Mr. Newhouse stated that there is substantial grade difference on Deerwood Drive. He reduced the height of the home as he wanted to be sure that he was not looking into the neighbor's bedrooms and that the landscaping would be sufficient height. To reduce the variance the garage would have to be placed under the house. This would raise the height and adversely affect the neighbors.

Jan Hilgeman questioned if the house was built without a garage would a variance still be needed?

Stanley Mayerfeld answered yes a slight variance would be requested.

Elle Dalfin, 32 Deerwood Drive was present and stated that he supports the Application. Mr. Dalfin stated that he likes the plan that is proposed and stated that the Applicant has worked hard on the plan to reduce the height of the home due to the elevation of the area. Mr. Dalfin stated that if the variance was not granted that would be a hardship for the neighbors.

Mr. Newhouse stated that he has visited with all the neighbors except one which is never home and all are supportive of the Application. Mr. Newhouse provided eight letters of support from the following addresses:

31 Deerwood Drive, 40 Deerwood Drive, 33 Deerwood Drive, 27 Pomona Lane, 28 Deerwood Drive, 37 Deerwood Drive, 38 Deerwood Drive and 9 Cara Drive.

Acting Chairman Gewirtz stated that there will be an exterior site visit on Sunday, March 6, 2016 after 9am.

Felicia Hirshfeld made a motion to adjourn the Application Yechiel (Jay) Newhouse to the March 9, 2016 Zoning Board of Appeals meeting at 8pm, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

#### **Item #7**

Acting Chairman Gewirtz read the following public hearing notice into the record:

Public Hearing on Application of Yitzchok Frankel for a variance from the Provisions of Section 230-17 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 6.5 feet less than the minimum required side yard of 25 feet and .8 feet less than the required minimum total side yard of 60 feet.

The subject premises are situated on the west side of Bruck Court approximately 600 feet north of the intersection with Charlotte Drive, known as 25 Bruck Court, designated on the Tax Map as Section 41.08 Block 2 Lot 15, in an R-35 Zoning District.

Stanley Mayerfeld, Architect for the Applicant was present along with Yitzchok Frankel and both affirmed to tell the truth.

Stanley Mayerfeld stated that he is the neighbor to the Frankel's and supports this Application. Mr. Mayerfeld stated that the Applicant is seeking to construct an addition on an odd shaped lot that is narrow in the front and wide in the rear. The addition consists of a guest bedroom, new garage and will be located on top of the existing driveway. Mr. Mayerfeld stated that they worked hard to reduce the variance request as the addition is pushed back as much as possible. Mr. Mayerfeld stated that the existing trees and bushes between the neighbors will remain. There were letters of support that were provided from the following addresses:

26 Deerwood Drive, 24 Deerwood Drive, 29 Bruck Court, 14 Bruck Court.

Acting Chairman Gewirtz stated that there will be an exterior site visit on Sunday, March 6, 2016 after 9am.

Doris Ulman and Jan Hilgeman requested that the Applicant provide the vicinity map.

Felicia Hirshfeld made a motion to adjourn the Application of Yitzchok Frankel to the March 9, 2016 Zoning Board of Appeals meeting at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

### **Item #3**

#### **Adoption of 1/21/15 Minutes**

Doris Ulman stated that the minutes of 1/21/15 will be presented again at the next meeting when the Chairman is present.

#### **Adoption of 2/18/15 Minutes**

Jan Hilgeman made a motion to approve the Zoning Board of Appeals Minutes of February 18, 2015, seconded by Felicia Hirshfeld. Upon vote, this motion carried (Dale & Schwab abstained).

#### **Adoption of 4/15/15 Minutes**

Doris Ulman stated that the minutes of 4/15/15 will be presented again at the next meeting when the Chairman is present.

At 8:50 pm Felicia Hirshfeld made a motion to adjourn, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Respectfully Submitted,  
Camille Guido-Downey  
Village Clerk