

**Village of Wesley Hills  
Zoning Board of Appeals  
Village Hall  
Tuesday, March 8, 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 8:06 p.m.

**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.

Doris Ulman stated that the Clerk or she have not received a letter of adjournment for this application, however she understands that the Applicant and his Attorney have been in discussions with the Mayor and Village Attorney.

Acting Chairman Gewirtz and Board Members discussed the April meeting date and decided that the April ZBA meeting will take place on April 13th.

Jan Hilgeman made a motion to adjourn the Application of Naftali Klein to the Zoning Board meeting scheduled for April 13, 2016 at 8pm, seconded by Felicia Hirshfeld. 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 8.7 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.

Brocha Abramoff was present and affirmed to tell the truth. Ms. Abramoff stated that after further review she does not need a height variance as she stated at the previous meeting.

Acting Chairman Gewirtz stated that the Board had a site visit on March 6<sup>th</sup> and the Members have a better understanding of the lot.

Felicia Hirshfeld stated that there is a large tree that is located between both properties, will that tree remain?

Ms. Abramoff answered that the tree is on the neighbor's property and she is not aware of any plans to remove that tree.

Village Clerk read the following letters into the record:

1. Rockland County Department of Environmental Health memo dated 1/29/16.
2. Rockland County Sewer District #1 memo dated 2/3/16.
3. County of Rockland Department of Planning GML dated 2/25/16.

Acting Chairman Gewirtz asked if anyone from the public wished to speak.

No one wished to speak.

At 8:12 pm Felicia Hirshfeld made a motion to close the public hearing, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

## Discussion

Acting Chairman Gewirtz stated that the addition is not intrusive into the side yard and since there is a small slope on the opposite side of the property, it makes sense that the addition be

located on the proposed side. Mr. Gewirtz stated that the lot is undersized, currently is a non-conforming lot and the variances requested are minor.

Felicia Hirshfeld made a motion to approve the 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 8.7 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 for the following reasons:

1. The addition is not intrusive to the neighbor or the neighborhood.
2. Minor variances have been requested.
3. The lot line is slanted.
4. Currently a non-conforming, undersized lot as this lot was created as part of an average density subdivision.
5. There are no adverse impacts to the granting of the variances.

Approval is subject to the following conditions:

1. Compliance with the Rockland County Department of Environmental Health memo dated 1/29/16.
2. Compliance with the Rockland County Sewer District #1 memo dated 2/3/16.

**Baruch and Brocha Abramoff**  
**Premises 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**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by 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 a 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, 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-forming bulk on the east side of the residence, and

**WHEREAS**, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 17, 2016, which hearing was continued on March 8, 2016, and

**WHEREAS**, the applicants appeared in person and testified as follows:

That the additional to the residence will be to accommodate a larger living room and dining room for the increased size of their family;

That the lot is undersized and narrow and, because of the way the existing house of situated, any addition would require side yard variances;

That by placing the addition on the west side of the residence the variance requested is smaller than if it were placed on the east side or the front of the residence;

That the side yards for the existing house are non-conforming in that they do not meet the minimum requirement of 25 feet for one and 60 feet total so that any addition to the residence will require variances;

That there is no feasible alternative to the requested variances because of the size and shape of the lot;

That there is no feasible alternative to the requested variances because of the size and shape of the lot;

That there will be no change to the character of the neighborhood since the use of the property is a single family residence and the proposed addition is in harmony with other houses n the street; and

**WHEREAS**, members of the Zoning Board of Appeals visited the site to view the location of the proposed addition, and

**WHEREAS**, no one appeared in opposition to the application and the applicant submitted several letters from neighbors in support of the application,

**NOW, THEREFORE**, it is hereby determined that the proposed action is a Type II action and no SEQRA determination is required, and be it further

**RESOLVED**, that the application submitted by 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 a 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, 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-forming bulk on the east side of the residence are hereby granted, subject to the following conditions:

1. Compliance with the letter dated January 29, 2016 from the Rockland County Department of Environmental Health;

2. Compliance with the letter dated February 3, 2016 from the Rockland County Sewer District No. 1, and be it 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 variances because of the size and shape of the property;
2. That by placing the addition as proposed, the variances required are less than would be if the addition were placed differently.
3. That no environmental or detrimental impacts on adjoining properties or on the neighborhood have been identified.
4. That the benefit to the applicant by granting the variances is great and there appears to be no detriment to the community.

Seconded by Mordechai Schwab. 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 withdrawn in his email dated 3/8/16.

#### **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 and affirmed to tell the truth.

Stanley Mayerfeld stated that he is the neighbor of the Frankel's and supports this Application. Mr. Mayerfeld requested that the Application be amended to include an additional 4 feet on the side yard for room for a second garage bay. The new proposed side yard variance is 8 feet and a total side yard of variance of 2.5 feet.

Acting Chairman Gewirtz asked if anyone from the public wished to speak.

No one wished to speak.

At 8:19 pm Felicia Hirshfeld made a motion to close the public hearing, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

#### Discussion

Acting Chairman Gewirtz stated that the Board visited the property on Sunday, March 6<sup>th</sup>. Mr. Gewirtz stated that the placement of the home is on a diagonal, the home is set back from the roadway and the home sits higher than the rest of the homes in the area. There are no privacy issues that can be foreseen. Mr. Gewirtz stated that he feels that two separate garage bays are safer than the one large one that was originally proposed. The variance requested is minor and the lot line also flares larger in the rear.

Felicia Hirshfeld stated that she would like to condition an approval on the screening between the homes to remain and if replaced, the screening should be replaced in-kind.

Acting Chairman Gewirtz made a motion to approve the 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 8 feet less than the minimum required side yard of 25 feet and 2.5 feet less than the required minimum total side yard of 60 feet for the following reasons:

1. The placement of the home is on a diagonal.
2. The home is set back from the roadway and the home sits higher than the rest of the homes in the area.
3. There are no privacy issues that can be foreseen.
4. Two separate garage bays are safer than the one large one that was originally proposed.
5. The variances requested are minor and the lot line also flares larger in the rear.

Approval is subject to the following conditions:

1. The screening between the homes remain and if replaced should be in-kind.

**Yitzchok Frankel**

**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.**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Yitzchok Frankel for variances 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, and

**WHEREAS**, after due notice, a public hearing was held by the Zoning Board of Appeals on February 17, 2016 which hearing was continued on March 8, 2016, and

**WHEREAS**, the applicant appeared in person and by his architect, who testified as follows:

That the lot is odd-shaped, being narrow in front and wide in the rear;

That the existing garage will be converted into a guest bedroom and a new garage will be constructed on the existing driveway;

That the garage cannot be placed on the other side of the building because of the existence of the driveway;

That the applicant requests an amendment to the application for a variance to permit the garage to have a side yard that is 8 feet less than the required side yard of 25 feet and 2.5 feet less than the required total side yard of 60 feet so that the garage can have two doors instead of one;

That the variances are not substantial in that they are less than 33% of the requirement;

That there is substantial screening with bushes and trees between the addition and he adjoining property; and

**WHEREAS**, members of the Zoning Board of Appeals visited the site to view the proposal, and

**WHEREAS**, no one appeared in opposition to the applications;

**NOW, THEREFORE, IT IS HEREBY DETERMINED**, that the proposal action is a Type II action and that no SEQRA determination is required, and be it further

**RESOLVED**, that the application submitted by Yitzchok Frankel for variances 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 8 feet less than the minimum required side yard of 25 feet and 2.5 feet less than the minimum required total side yard of 60 feet is hereby approved, subject to the condition that the existing screening along the southern lot line be maintained and restored in kind, if necessary, and be it further

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

1. That the variances are not substantial in relation to the requirement in that the side yard variance is less than 33% and the total side yard variance is less than 3%.
2. That there is no feasible alternative to granting the variances because the garage should be at the driveway, which already exists;
3. That there will be no adverse impact on the environment resulting from the variances;
4. That the benefit to the applicant be granting the variances is great whereas no detriment to neighboring or to the neighborhood has been identified.

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 there was a walk through on the vacant lot and some of the members questioned why the Applicant is requesting a building coverage variance. Mr. Mayerfeld answered that there is a large roof line in the front of the home along with a larger home on ground level and the garage on the 1<sup>st</sup> level opposed to under the home.

Acting Chairman Gewirtz asked if anyone from the public wished to speak.

No one wished to speak.

At 8:39 pm Mordechai Schwab made a motion to close the public hearing, seconded by Felicia Hirshfeld. Upon vote, this motion carried unanimously.



Discussion

Felicia Hirshfeld stated that the Board did conduct a walk through on Sunday, March 6<sup>th</sup> and it is obvious to see the grade difference on the property. The Applicant is accommodating the neighbor by not installing windows on one side of the home and making the home as low as possible to the grade of the property. There are no adverse impacts as the design of the home is to have as little visual impacts as possible.

Acting Chairman Gewirtz stated that a request for a variance for building coverage is not taken lightly with this Board and he feels that since the Applicant has taken into account the grade of the home compared to existing homes in the area that were built high, the Applicant has made every effort to minimize that look. Also noted, that several homes in the area have built their garage under the home with raises the height of the house, this Application is not. The proposed home will have an inconsequential appearance compared to the neighbors. Since the Applicant is proposing to build the home on one level to lessen the visual impacts and to avoid a height variance, the Board considered this variance a minor variance.

Felicia Hirshfeld made a motion to approve the 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 based on the following reasons:

1. There is no detriment to the community and in fact the Applicant is trying to minimize a visual impact to the community by building a one story home on grade.

**Yechiel (Jay) Newhouse**

**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.**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by 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, and

**WHEREAS**, after due notice, a public hearing was held by the Zoning Board of Appeals on February 17, 2016, which hearing was continued on March 8, 2016, and

**WHEREAS**, the applicant appeared in person and with his architect, and testified as follows:

That the lot has a steep grade and, in order to keep the house from looking massive, they are placing the garage at grade level instead of under the house;

That the house will only be two stories instead of the 2 ½ to keep the house as low as possible;

That there will be no windows on one side of the house in order to keep the neighbor's privacy;

That applicant is also providing landscaping to screen the house from the adjoining property; and

**WHEREAS**, members of the Zoning Board of Appeals visited the site to view the grade of the lot and where the house will be placed; and

**WHEREAS**, no one spoke in opposition to the application and a neighbor spoke in favor of the application,

**NOW, THEREFORE, IT IS HEREBY DETERMINED** that the proposed action is an unlisted action and will not have a significant adverse impact on the environment for the reason that the design of the house, the placement of the garage and the screening will mitigate any impact on the neighboring property and on the visual aspect from the street, and be it further

**RESOLVED**, that the application submitted by 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 is hereby granted, and be it 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 since, because of the grade of the lot, the variance is needed to keep the house from looking massive and impacting the adjacent property;
2. That there will be no adverse environmental impact and, in fact, the aesthetics of the building will be improved because of the variance;
3. That the benefit to the applicant be granting the variance is great whereas there will be no detriment to neighboring properties or to the neighborhood.

Seconded by Dennis Dale. 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.

3/8/16  
ZBA Minutes

**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.

**Adoption of 2/17/16 Minutes**

Carole Anderson made a motion to approve the minutes of the February 17, 2016 meeting, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

At 8:35 pm Carole Anderson made a motion to adjourn, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Respectfully Submitted,  
Camille Guido-Downey  
Village Clerk