

**Village of Wesley Hills  
Zoning Board of Appeals  
Village Hall  
Wednesday, February 21, 2018**

**MEMBERS PRESENT:**

Jonathan Gewirtz, Deputy Chair  
Dennis Dale  
Mordechai Schwab, Ad Hoc  
Randi Marlin, Ad Hoc

**MEMBERS ABSENT:**

Jan Hilgeman  
Richard Weinberger  
Carole Anderson

**OTHERS PRESENT:**

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

Jonathan Gewirtz called the meeting to order at 8:07 p.m. Jonathan Gewirtz stated that Chairman Weinberger is on vacation and he will be running the meeting tonight in his absence.

**Item #3**

**Miriam Nachfolger – 3 Villa Lane**

Israel Nachfolger, Applicant was present and affirmed to tell the truth. Mr. Nachfolger stated that a site visit was made on February 9, 2018 and the footprint is 5,835 sf and Mr. Nachfolger stated that he has considered the relocation of the pool house to the end of the driveway to eliminate the side yard variance. Mr. Nachfolger stated that he qualifies for the exemption on the bulk table for building coverage due to the proposed 1 ½ stories of the home.

Chairman Gewirtz stated he is concerned with the number of variances and the large percentage.

Ms. Wieder, 31 Astor Place was present and affirmed to tell the truth. Ms. Wieder stated that there are too many variances proposed and she feels that the home should be made smaller to conform to the law.

Randi Marlin stated that the rear yard accessory structure of 16.6 feet instead of the minimum required of 50 feet is a large request.

Mr. Nachfolger stated that they cannot meet the 50 foot requirement and they have provided over 30 letters of support from the neighbors on the proposed landscaping for his privacy and his neighbors.

Chairman Gewirtz stated that the Zoning Board needs to ensure that the granting of variances are in line with the spirit of the law and to make sure that the variances are as minimal as possible,

the multiple variances are quite large and there are challenges here and the Board needs to balance your needs and the preserving of the law.

Doris Ulman stated that the building coverage variance of .18 instead of the maximum permitted of .10 is an almost 100% variance request. The impervious surface ratio variance of .36 instead of the maximum permitted of .25 is a 46% variance request. Ms. Ulman stated that the applicant can reduce the footprint of the home by 10 feet and that would eliminate a lot of the variances including the large percentage of impervious surface and building coverage.

Mr. Nachfolger stated that the Zoning Board has already set the precedence of granting large variances and reducing the size of the existing home is very difficult.

Chairman Gewirtz suggested that the Applicant consider eliminating the pool and pool house.

Mr. Nachfolger stated that due to timing and how important it is for his family to get started on the construction of the home they would consider eliminating the pool and pool house.

Chairman Gewirtz stated that eliminating the pool and pool house does not mean that you come back next month for those variances.

Mr. Nachfolger stated that he will still consider the relocation of the accessory structures.

Dennis Dale stated that he agrees with the Chairman and that the number of and the percentage of the variances is too much for this property.

Mr. Nachfolger repeated that the Zoning Board has already set the precedence of granting large variances and reducing the size of the existing home is very difficult.

Chairman Gewirtz answered that each case has unique situations and something about their properties that allowed their variance. Chairman Gewirtz stated that variances are granted for the property and not the owners.

Randi Marlin stated that if the Applicant reduced the size of the deck that would eliminate one variance.

Mordechai Schwab stated that he feels that the Applicant can revise their plans to eliminate some of the variances. The proposed revisions include reduction of the deck, reduction of the size of the home and moving the pool house.

Mr. Nachfolger stated that it is very costly to consider however the use of pervious pavers can also reduce the percentage of the impervious surface request.

Dennis Dale made a motion that the public hearing be continued to the march 21, 2018 at 8pm to allowed time for the Applicant to meet with the Village Attorney to discuss a revised plan, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

**Item #4**  
**Eisenberger-10 Hastings Road**

Mark Kurzmann was present on behalf of the applicant. Mr. Kurzmann stated that he noticed in the public hearing notice that there were additional variances advertised for that he did not request.

Doris Ulman answered that there is a rear yard variance requirement for the placement of the pool house and building coverage.

Mark Kurzmann stated that he will review and that he did not notice those requirements on the proposed bulk table.

Mark Kurzmann stated that his clients finished their home without the original contractor and did not know that they required variances for some of the finishing items they installed. The Applicant is seeking accommodations for the two minor variances that are being requested. Mr. Kurzmann stated that the property is not overbuilt and designed and built beautifully and he encourages all the members to visit the property for the site visit. Mr. Kurzmann provided to the Board a packet of 42 signatures of support for the application.

No one from the public wished to speak.

A site visit was scheduled for Sunday, March 18, 2018 at 9 am.

Mordechai Schwab made a motion to continue the public hearing to March 21, 2018 regular meeting at 8 pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #5**  
**Adoption of Minutes- December 16, 2015**

Jonathan Gewirtz made a motion to approve the Zoning Board of Appeals Minutes of December 16, 2015 seconded by Dennis Dale. Upon vote, this motion carried (Randi Marlin Abstained).

**Adoption of Minutes- December 20, 2017**

Dennis Dale made a motion to approve the Zoning Board of Appeals Minutes of December 20, 2017 seconded by Mordechai Schwab. Upon vote, this motion carried (Randi Marlin Abstained).

**Adoption of Minutes- January 17, 2017**

ZBA  
2/21/18

Randi Marlin made a motion to approve the Zoning Board of Appeals Minutes of January 17, 2017 seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Randi Marlin made a motion to adjourn, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully Submitted,  
Camille Guido-Downey