

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, April 18, 2018**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jan Hilgeman
Carole Anderson
Dennis Dale
Mordechai Schwab, Ad Hoc
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

Jonathan Gewirtz

OTHERS PRESENT:

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

Richard Weinberger, Chairman called the meeting to order at 8:07 p.m.

Item #3

Israel & 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 he has met with the Village Attorney at the Board request. Mr. Nachfolger stated that although the revised plan is not what he ideally hope for, the Village Attorney and he were able to reduce the number of variances from 6 to 2. The following variances are being requested at the current time:

Variance	Permitted	Provided
Maximum building coverage	.13	.18
Maximum impervious surface ratio	.25	.36

Doris Ulman thanked the Applicant for meeting with her and complying with the Board's request to redesign and propose the minimum variances feasible and reaching the current proposal. Ms. Ulman requests that the Board consider approval on this application.

Joseph Haas, 8 Woodcrest Road was affirmed to tell the truth and stated that he is a neighbor and encourages the Board to accept this application for approval. Mr. Haas stated that the applicant is a good person and he fully supports the application.

Abraham Deutsch, 30 Astor Place was affirmed to tell the truth and stated that his backyard abuts the Applicants and he has no issues with the proposed project. Applicant is a paramedic and an asset to the community and he fully supports the application.

Ruth Markowitz, 5 Woodcrest was affirmed to tell the truth and stated that this project will enhance the neighborhood and increase the value of her home and supports the application.

Randi Marlin made a motion to close the public hearing, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Randi Marlin stated that it is notable that the Applicant worked hard to meet the request of the Board and stated that the requested variances are not substantial in nature.

Jan Hilgeman stated that she was not present for all of the discussions however she stated that she can appreciate the effort that the applicant made.

Mordechai Schwab made a motion to approve the Application of Israel & Miriam Nachfolger of 3 Villa Lane for the following variances, seconded by Randi Marlin:

Variance	Permitted	Provided
Maximum building coverage	.13	.18
Maximum impervious surface ratio	.25	.36

**In the Matter of the Application of
Israel & Miriam Nachfolger
Premises situated on the west side of Villa Lane
approximately 540 feet north of Ardley Place, known
as 3 Villa Lane, designated on the Tax Map as Section
41.10 Block 1 Lot 9 in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Israel and Miriam Nachfolger for variances from the provisions of Section 230-17 Table of Dimensional Requirements Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family dwelling, swimming pool and pool house having rear yard of 48.1 feet instead of the minimum required of 50 feet, building coverage of .18 instead of the maximum permitted of .13, impervious surface ratio of .36 instead of the maximum permitted of .25, side yard accessory structure of 19.1 feet instead of the minimum required of 25 feet, rear yard accessory structure of 16.6 feet instead of the minimum required of 50 feet and pool at 8.8 feet from the lot line instead of the minimum required of 15 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on January 17, 2018, which hearing was continued on February 21, 2018 and April 18, 2018, and

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

That the existing home was built in the 1960's and is now too small for applicant's family;

That applicant intend to demolish the existing house and their architect has designed a house that is comparable with the neighborhood and will not impact their neighbor's privacy.

That the building coverage and impervious surface ratio variances are large but are required 1) to permit additional bedrooms and bathrooms for applicant's mother who is infirm and her aide and 2) to separate the garage from the house so that when applicant is called out as a paramedic during the night the vehicle noise and vibrations do not disturb the other occupants of the house;

That the pool and pool house will be screened from the neighboring properties by the thick hedge that surrounds the property; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the location of the proposed structures; and

WHEREAS, at the request of the Board, applicants have redesigned the project so that the setback variances for the pool and pool house are not needed, and

WHEREAS, several neighbors appeared in support of the application and no one appeared in opposition,

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

RESOLVED, that the Zoning Board of Appeals hereby grants the following variances: 1) to permit building coverage of .18 instead of the maximum permitted of .13 and 2) impervious surface ratio of .36 instead of the maximum permitted of .25 as shown on plot plan dated July 6, 2016 as last revised April 15, 2018, and be it further

1. That the proposed project will not be a detriment to the neighborhood or have adverse environmental impacts in that several neighbors have testified that the design of the house and the project will be an asset to the community and will be aesthetically pleasing;
2. That although the variances are substantial, the applicants have reduced the number of variances originally requested and have redesigned the project to minimize all variances;
3. That there is no feasible alternative to granting the variances because of the necessity to have additional rooms on the first floor of the house for applicants infirm mother and her aide and to place the garage in an area that will not disturb the residents when applicant is called out during nighttime hours;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood or the community has been identified.

Upon vote, this motion carried unanimously.

Item #4
Eisenberger-10 Hastings Road

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Mark Kurzmann was present on behalf of the applicant.

Mark Kurzmann stated that a site visit occurred on Sunday, March 18, 2018 at 9 am and he believes that the Members were able to see what an asset this house is to the community. For the applicant to change what has been constructed would be a major hinder to the Applicant. There is a substantial benefit to the Applicant if the Board were to approve the Application.

Jan Hilgeman questioned when was the home built?

Ms. Eisenberger answered approximately two years ago.

Doris Ulman questioned why can't the pool be moved further north closer to the house to reduce the need for the large variance?

Mr. Kurzmann stated that there is play set that is not shown on the plan and there is an elevation difference.

Ms. Eisenberger was present and affirmed and stated that the property is graded and there is a slope there that makes it impossible to place the pool house in that location.

Mr. Kurzmann stated that there is no neighbor that has noted concerned of privacy, the backyard has a slope and the only other area is designated for drainage as per the Village Engineer. The property is completely tree lined. It is a corner lot and the placement of any structure is difficult due to the placement of the home.

Doris Ulman stated that there are three accessory structures on the lot which required a variance.

Mr. Kurzmann respectfully requests that the Application be amended to add the request for a variance for three accessory structures rather than the maximum of two structures. The existing pool, pool house and play set.

No one from the public wished to speak.

Jan Hilgeman made a motion to close the public hearing, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Dennis Dale stated that the proposed placement makes sense for this lot as he attended the site visit.

Randi Marlin made a motion to approve the requested amendment to the Application for three accessory structures, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Carole Anderson made a motion to approve the Application of Eisenberger of 10 Hastings Road, seconded by Dennis Dale.

**In the Matter of the Application of
Jeffery & Lauren Eisenberger**

**Premises situated on the northeast corner of
Hastings Road at Moccasin Place, known as
10 Hastings Road, designated on the Tax Map
as Section 41.15 Block 1 Lot 1 in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Jeffrey & Lauren Eisenberger for variances from the provisions of Section 230-17 the Table of Dimensional Requirements Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a single family residence, pool and pool house having impervious surface ratio of .282 instead of the maximum permitted of .25 and rear yard of 30 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held on February 17, 2018 which hearing was continued on April 18, 2018, and

WHEREAS, the applicants appeared in person and by their attorney, who testified as follows:

That the setback variance is only for the pool house which cannot be placed closer to the house because of the slope at the rear of the property and the placement of a swing set at the rear of the property;

That the house was constructed two years ago; that the pool was constructed thereafter and, when the pool was constructed, applicants did not know that they exceeded the impervious surface ratio;

That the pool house is only 200 square feet and increases the impervious surface ratio by a fraction; and

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

WHEREAS, applicants requested that their application be amended to remove the request for the building coverage variance and to add a variance for a third accessory structure, i.e. the swing set, the pool and the pool house, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the house, pool and proposed pool house

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

RESOLVED, that the application submitted by Jeffrey and Lauren Eisenberger for variances to permit the maintenance and use of a single family residence, pool and pool house having impervious surface ratio of .282 instead of the maximum permitted of .25, rear yard of 30

feet instead of the minimum required of 50 feet and to permit three accessory structures instead of a maximum of two is hereby approved, and be it further

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

1. That the granting of the variance are not detrimental to the neighborhood and do not create an adverse environmental impact;
2. That although the rear yard variance is substantial, the pool house cannot be moved to another location at the rear of the property because of the slope of the property;
3. That there is no feasible alternative to granting the variances because the pool house cannot be moved;
4. That the benefit to the applicant by granting the variances is substantial and no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion carried unanimously.

Item #5
Solly Halberthal-39 Deerwood Road

John Atzl, Surveyor was present on behalf of the Applicant and affirmed to tell the truth. Mr. Atzl stated that this is a vacant lot at the west end of Deerwood Road. Applicant wishes to construct a single family home and is requesting the following variances:

Variance	Permitted	Provided
Lot frontage	100'	96.87'
Building Height	25'	28'

Mr. Atzl stated that the building height variance is being requested due to the current wording of the Village Code that it is based on the current elevation and not the finished elevation. When the home is complete and the grading is finished, the variance will not be required. Prior to construction there is a 10 foot drop at the front of the proposed house. The proposed variances are minor in nature and will not affect the view of the home or the community.

No one from the public wished to speak.

Jan Hilgeman made a motion to waive the site visit requirement, seconded by Carole Anderson. Upon vote, this motion was carried unanimously.

Dennis Dale made a motion to move the following resolution, seconded by Jan Hilgeman:

In the Matter of the Application of
Solly Halberthal
Premises situated on the west side of Deerwood
Road, approximately 980 feet north of Cara Drive,

**known as 39 Deerwood Road, designated on the
Tax Map as Section 32.20 Block 1 Lot 49, in an
R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Solly Halberthal for variances from the provisions of Section 230-17 the Table of Dimensional Requirements Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence having lot frontage of 96.87 feet instead of the minimum required of 100 feet and building height of 28 feet instead of maximum permitted of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held on the 21st day of March 2018, and

WHEREAS, the applicant appeared by his engineer, who testified as follows:

That the lot was created by subdivision known as Tometal Woods in 1988 which created the lot frontage of 96.87 feet; the frontage has not changed since that time;

That there is a 10 foot drop at the front of the proposed building so that when measured at the present time the height of the building is 28 feet, however, when the property is graded and finished, the drop will be filled and the height upon completion of the building will be less than 25 feet;

That there is no feasible alternative to the variances because of the configuration of the land and the frontage approved by the Planning Board at the time of the subdivision, and

WHEREAS, no one appeared in opposition to the application,

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

RESOLVED, that the application submitted by Solly Halberthal for variances from the provisions of Section 230-17 the Table of Dimensional Requirements Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence having lot frontage of 96.87 feet instead of the minimum required of 100 feet and building height of 28 feet instead of maximum permitted of 25 feet is approved, 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 that the lot frontage variance is less than five percent and the building height is less than 15%,
2. That there is no feasible alternative to granting the variances because the lot was created with the 96.87 foot frontage by legal subdivision and the height variance is caused by the configuration of the land;
3. That there will be no detriment to adjoining properties or to the neighborhood because the lot frontage has been in existence for 30 years and, when the project is completed, the building height will be similar to the height of other buildings in the neighborhood;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion carried unanimously.

Item #6
David Kramer-39 Deerwood Road

Stanley Mayerfeld, Architect was present on behalf of the Applicant and was affirmed to tell the truth. Mr. Mayerfeld stated that the Applicant is seeking to build an addition to an existing colonial style home. The addition is proposed on the left side of the home which will include an indoor swimming pool. Mr. Mayerfeld stated that they have worked the plan to eliminate and/or reduce variance however this is the only plan that has the smallest amount of variances.

Doris Ulman requested that the Applicant provide the size of the addition and interior plan of the addition including dimensions.

No one wished to speak from the public.

Board Members scheduled a site visit on May 6, 2018 at 9 am.

Jan Hilgeman made a motion to adjourn the public hearing to the May 16, 2018 regular meeting of the Zoning Board of Appeals at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #6
Shalom & Frieda Gelbman-31 Glenbrook Road

Stanley Mayerfeld, Architect was present on behalf of the Applicant and was affirmed to tell the truth. Mr. Mayerfeld stated that the Applicant is seeking to build a garage on the property. This lot is extremely narrow and the existing garages were converted and the replacement garage would allow space for the car and children toys. He stated that there is nothing on the subdivision plat approved by the Town of Ramapo in 1956 that verifies the existing setbacks.

Chairman Weinberger suggested that the Applicant obtain letters of support as the homes are so close together.

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No one from the public wished to speak.

Board Members scheduled a site visit on May 6, 2018 at 9 am.

Jan Hilgeman made a motion to adjourn the public hearing to the May 16, 2018 regular meeting of the Zoning Board of Appeals at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #7

Adoption of Minutes- February 21, 2018

Randi Marlin made a motion to approve the Zoning Board of Appeals Minutes of February 21, 2018 seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey