

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Thursday, June 13, 2019**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jonathan Gewirtz
Dennis Dale
Carole Anderson (Arrived Late)
Mordechai Schwab, Ad Hoc
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

Jan Hilgeman

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk
Sydney Aliseo, Deputy Village Clerk

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

**Item #2- Simeon Hillel and Chaya Schlisselfeld - Public Hearing
19 Amsterdam Avenue**

Chairman Weinberger read the following public hearing notice into the record:

Public Hearing on the application submitted by Simeon Hillel and Chaya Schlisselfeld for variances from the following provisions of the Zoning Law of the Village of Wesley Hills: Section 230-17 Attachment I Table of Dimensional Requirements and 230-14(o)(6) to permit the construction, maintenance, and use of an addition to a single family residence having a side yard of 22 feet instead of the minimum required of 25 feet, total side yard of 44.8 feet instead of the minimum required of 50 feet and three accessory structures instead of the maximum permitted two.

Stanley Mayerfeld, the Applicant's Architect, appeared on behalf of the Applicant Simeon Hillel and Chaya Schlisselfeld and was affirmed to tell the truth. Mr. Mayerfeld presented a site plan dated 8/6/18 proposing an addition to the rear of the home which is an extension of the existing house setback. Mr. Mayerfeld stated that the lot is undersized for the R-35 zone and the property currently has existing non compliances. Mr. Mayerfeld stated that the Applicant is proposing a generator, which is considered an accessory structure, and has an existing 10x10 shed and play set. Mr. Mayerfeld provided the following letters of support dated 5/31/19:

1. Chaya Schlisselfeld-11 Amsterdam Ave. (not the Applicant)
2. Ahuua Gottdiener-4 Glenbrook Rd.
3. Rebecca Kobic-17 Amsterdam Ave.
4. Sharon Perkes-3 Jodi Court
5. Devorah Mindick-16 Amsterdam Ave.

6. Lisa Kram-15 Amsterdam Ave.
7. Rebecca Zweig-5 Amsterdam Ave.
8. Chaya Friedman-1 Windmill Dr.
9. Ephraim Jacobson-5 Jodi Ct.
10. Miriam Eisenberg-2 Van winkle Rd.
11. Davit Chaya Fruchtandler- 21 Amsterdam Ave.
12. Raizy Klahr- 18 Amsterdam Ave.
13. Nechama and Aron Goldman-24 Amsterdam Ave.
14. Josh Wertenthal-24 Holland Ln.

Jonathan Gewirtz stated that he has no objection to the plan since the lot is average density and the variance is only an extension of the existing setback and the neighbor that would be most affected by the changes is 21 Amsterdam Avenue and they signed a letter of support. Mr. Gewirtz also stated that a generator is a positive addition to the home and is a safety benefit for the Applicant.

Chairman Weinberger asked if anyone from the public wished to speak.

No one wished to speak.

Randi Marlin disclosed that she knows the Applicant but she does feel that she can be fair and impartial.

Jonathan Gewirtz made a motion to waive the site visit, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Randi Marlin made a motion to close the Public Hearing, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to approve the application, seconded by Jonathan Gewirtz:

In the Matter of the Application of
Simeon Hillel and Chaya Schlissfeld
Premises situated on the north side of
Amsterdam Avenue approximately 150 feet
West of Jodi Court, known as 19 Amsterdam
Avenue, designated on the Tax Map as Section
41.11 Block 1 Lot 37 in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Simeon Hillel and Chaya Schlissfeld for variances from Sections 230-17 Attachment I Table of Dimensional Requirements and 230-14(o)(6) 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 a side yard of 22 feet instead of the minimum required of 25 feet, total side yard of 44.8 feet instead of the minimum required of 50 feet and having three accessory structures instead of the maximum of 2, and

WHEREAS, after due notice, a public hearing on said application was held of the 13th day of June, 2019, and

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

That this is an average density lot and contains only 28,256 square feet instead of the required 35,000 square feet;

That the existing house has a side setback of 22 feet which appears to have been the required setback for this lot at the time the building permit was issued;

That the addition merely extends the 22 foot setback to the rear of the house and does not increase the non-conformity;

That the third accessory structure is a generator which has become almost a necessity because of recent severe weather conditions; that the two existing accessory structures are a play set for applicants' children and a shed for storage; 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 Simeon Hillel and Chaya Schlisselfeld for variances from the provisions of Sections 230-17 Attachment I Table of Dimensional Requirements and 230-14(o)(6) 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 a side setback of 22 feet instead of the minimum required 25 feet, total side yard of 44.8 feet instead of the minimum required of 50 feet and to permit three accessory structures on a lot is hereby 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 side setback variance is less than 20% and the total side setback variance is less than 10%;
2. That this is an average density lot and there is evidence that the 22 foot side setback for the existing house was the legal setback established for the average density lot;
3. That the use of generators has become widespread in this area because of severe weather conditions and no variances are needed for the generator other than the fact that there are two other accessory structures on the lot;

4. That the benefit to the applicants by granting the variances is substantial and no evidence has been submitted of detriment to the neighborhood or the community.

Upon vote, this motion carried unanimously.

**Item #1-Anshei Chesed-Continued Public Hearing
62 Lime Kiln Road**

Stanley Mayerfeld, the Applicant's Architect, appeared on behalf of the Applicant and was affirmed to tell the truth. Mr. Mayerfeld presented a site plan dated 10/11/18 and a landscaping plan dated 2/20/19 last revised on 5/13/19 proposing the construction of a neighborhood gathering facility with a Rabbis residence.

Stanley Mayerfeld stated that the Applicant is looking to provide as many parking spots as possible. Mr. Mayerfeld stated that the area of disturbance is under an acre to avoid storm water requirements. The Applicant has decreased the size of the Rabbis residence to comply with agency comments. Stanley Mayerfeld further explained the proposed rabbi's home was moved further from the rear property. Mr. Mayerfeld submitted photos of the landscaping in area to show the existing screening in place. Stanley Mayerfeld stated that the Applicant received a Negative Declaration with zero net run-off from the Wesley Hills Planning Board. Mr. Mayerfeld stated that the use of pervious pavers was suggested from the Rockland County Planning Department in a memo dated 2/21/19. However, this specific property would not be able to absorb the water due to the rock close to the surface. Stanley Mayerfeld stated that the Applicant is also requesting a variance for offsite parking on Dike Drive. Stanley Mayerfeld stated that there is a well lit pathway between Dike Drive and the property that can be used to safely access the property for the offsite parking. The following variances were changed as per the ZBA's request:

1. Rear yard Variance

Was	Now
18 feet	25 feet
2. Total side yard variance

Was	Now
66 feet	60 feet
3. Front yard impervious surface

Was	Now
.69	.66
4. Impervious surface ratio

Was	Now
.60	.56

Doris Ulman requested that the Applicant address the Rockland County Planning GML review letter dated 2/21/19.

Stanley Mayerfeld stated that the Applicant has made an effort to reduce the variances and have taken into account the County GML letter. As the Planning Board has issued a negative declaration and the Applicant has achieved zero net run-off. The suggestion from the County Planning item #2 in reference to pervious pavers is not feasible as the site is bedrock and the site does not lend itself to that use and the Applicant would like to request an override item #2. Applicant will comply with items #3-6. Item #7 was completed as the building was moved from the rear property line. Items #8-9 was addressed as the rabbi's home was reduced in size. Item #10 was provided.

Jonathan Gewirtz questioned if the patios and sidewalks can be constructed with pavers?

Stanley Mayerfeld answered no because of the bedrock.

The following memos were read into the record:

1. Rockland County Fire and Emergency Services memo dated 12/31/18.
2. Brooker Engineering letter dated 1/8/19.
3. Deerkill Day Camp letter dated 1/9/19.
4. Town of Ramapo DPW memo dated 12/28/18.
5. Rockland County Sewer District memo dated 2/8/19.
6. Rockland County Highway Department memo dated 1/24/19.
7. Rockland County Health Department memo dated 12/31/18 & 2/14/19.
8. Rockland County Planning Department memo dated 1/22/19 & 2/21/19.

Stanley Mayerfeld stated that the Applicant will comply will all the agency memos except as previously indicated.

Doris Ulman stated that the plans must show the reduced size and placement of the Rabbis residence along with an updated bulk table and on the landscaping plan dated 2/20/19 last revised on 5/13/19 says "ZBA only" and that comment should be removed.

Chairman Weinberger requested that the Applicant sign the revised narrative dated 5/15/19 and the subsequent letters submitted.

Jonathan Gewirtz suggested planting trees or installing a solid fence to prevent car headlights blinding drivers on the road.

Stanley Mayerfeld agreed with the suggestion, however, stated that with snow removal there is not enough space and there are bushes proposed along the front of the property.

Jonathan Gewirtz stated that due to the existing path on Dike, the Applicant is an ideal candidate for offsite parking. Mr. Gewirtz stated that the Applicant has made an effort to minimize the variances.

Ms. Ulman stated that all landscaping must be maintained and replaced if needed. Doris Ulman stated that if the Board approves the application an override is needed for Item #2 on the Rockland County Department of Planning memo dated 2/21/19 as the Applicant states that pervious pavers are not possible on the property due to the high water table.

Richard Weinberger asked if anyone from the public wished to speak.

Gary Greenstein, 8 Roven Road, was affirmed to tell the truth and stated that the Applicant has made an effort to comply with the Zoning Board of Appeals and the Congregation has many Congregants within walking distance who would benefit from the variances being granted.

Jonathan Gewirtz made a motion to close the Public Hearing, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Jonathan Gewirtz stated that this is a unique property as there is bedrock and the perk tests do not allow for pervious pavers. The proposed front yard parking is the best area for the site and the neighborhood. The Applicant has considered the safety of the congregants when designing the parking area and the utilization of the off street parking areas as this is an ideal situation. The Village does not want people walking on the main roadway as it is unsafe and the pathway with offsite parking is the best option. The Applicant further worked with the Village Attorney and reduced variances and moved structures to accommodate the Village and agency comments. A congregation is a benefit to the community and he supports this application.

Randi Marlin made a motion to approve the following resolution, seconded by Mordechai Schwab:

In the Matter of the Application of
Congregation Anshei Chesed, Inc.
Premises situated on the south side of Lime
Kiln Road approximately 182 feet east of
Wilder Road, known as 62 Lime Kiln Road,
Designated on the Tax Map as Section 41.06
Block 1 Lot 26, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Congregation Anshei Chesed Inc. for variances from the following provisions of the Zoning Law of the Village of Wesley Hills to permit the construction, maintenance and use of a neighborhood gathering facility and Rabbi's residence:

For a use variance from the provisions of Section 230-14A of the Code of the Village of Wesley Hills to permit more than one main building on a lot;

For area variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of said Code to permit total side yard of 66 feet instead of the minimum requirement of 75 feet, rear yard of 18.2 feet instead of the minimum required of 50 feet, maximum building coverage of .20 instead of the maximum permitted of .15, impervious

surface ratio of .60 instead of the maximum permitted of .25 and front yard impervious surface ratio of .69 instead of the maximum permitted of .20.

For an area variance from the provisions of Section 230-26G(1)(g) of said Code to permit parking spaces to be located off-site;

For an area variance from the provisions of Section 230-26G(1)(g)(4) of said Code to permit parking on a lot that is more than 100 yards from the periphery of the subject lot, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 27, 2019, which hearing was continued on May 15, 2019 and June 13, 2019, and

WHEREAS, the applicant appeared by its architect and its representatives, who testified as follows:

That the property consists of 1.21 acres and presently contains a two story dwelling and has been used by the Congregation as a neighborhood facility for several years;

That applicant intends to construct a neighborhood gathering facility of 18,849 square feet containing seating capacity for 146, a mikvah, an all purpose room and other facilities, a second building of 7,000 square feet for the Rabbi's residence and parking for 35 vehicles;

That applicant has arranged for 20 additional parking spaces on private residential lots on Dike Drive with the consent of the respective property owners, which is within walking distance of the subject lot; that access to Dike Drive is through the rear of the subject lot and does not require walking on Lime Kiln Road or other highly travelled roads; that although the parking spaces are off-site they are within 100 yards of the subject property;

That the existing residence will be demolished when the new sanctuary is completed and the Rabbi's residence will be constructed after demolition;

That because of the rocky condition of the land immediately below the surface of the property, the applicant is proposing an underground system of water detention;

That the applicant has applied to the Wesley Hills Planning Board for Special Permit and Site Plan approval;

That the Wesley Hills Planning Board has issued a negative declaration pursuant to SEQRA and has referred the applicant to the Zoning Board of Appeals for all variances;

That at the request of the Zoning Board of Appeals and the Rockland County Planning Department GML Review the applicant has substantially reduced the size of the Rabbi's residence to 4,654 square feet and has moved the building further away from the rear of the property line;

That at the request of the Zoning Board of Appeals the applicant has reduced some of the impervious surface; and

WHEREAS, no one appearing in opposition to the application but one neighbor stated that since the establishment of this Congregation and the pre-existing other Congregation on Lime Kiln Road traffic has increased substantially; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed existing conditions; and

WHEREAS, because of the changes to the site plan several variances originally requested are either no longer required or have been reduced in size so that the variances still requested are 1) a use variance to permit two principal buildings on a lot; 2) area variance to permit the Rabbi's residence to be 25 feet from the rear property line instead of the minimum of 50 feet; 3) area variance to permit total side yard of 60 feet instead of the minimum of 75 feet; 4) area variance to permit impervious surface ratio of .56 instead of the maximum permitted of .25; 5) area variance to permit front yard impervious surface ratio of .67 instead of the maximum permitted of .20; 6) area variance to permit off-site parking; 7) area variance to permit building coverage of .20 instead of the maximum permitted of .15;

NOW, THEREFORE, BE IT RESOLVED that the application submitted by Congregation Anshei Chesed Inc. for the variances requested in the preceding paragraph are hereby granted, subject to the following conditions:

1. That the Planimetric Plan including the bulk table be revised to show the actual location of the Rabbi's residence and other changes to the original plan;
2. That all lighting on the property be shielded downward;
3. That all landscaping shall be maintained on a regular basis and replaced as needed and as shown on the landscaping plan;
4. That the applicant comply with the Rockland County Planning Department GML Review letter dated February 21, 2019 except that the Zoning Board of Appeals hereby overrides Paragraph 2 of the Recommendations for the reason that pervious pavers will not work on this site because of the rock immediately below the surface of the property;
5. That the applicant comply with the letter send to the Zoning Board of Appeals by Jay Pepper and received on June 5, 2019, and be it further

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

1. That the applicant has reduced the size of the Rabbi's residence and several of the variances in accordance with Paragraphs 1,8 and 9 of the Planning Department GML Review letter;

2. That the effects of the proposed development on traffic, sewer system, storm water and public water supply are issues addressed during the SEQRA process and cannot be addressed again by the Zoning Board of Appeals since this is a coordinated review process;
3. That although the impervious surface ratio and the front yard impervious surface ratio are substantial, the need to have on-site parking is beneficial to the site so that vehicles are not parked on Lime Kiln Road which is a major County Road;
4. That the proposed landscaping will shield headlights in the parking lot from the road and from adjoining properties;
5. That the Zoning Board of Appeals recognizes its obligation to follow the New York State of Court of Appeals “special status” rule when reviewing an application submitted by a school or house of worship;
6. That the Zoning Board of Appeals appreciates the efforts made by the applicant to reduce several variances and to mitigate some of the adverse effects of the project.

Upon vote, this motion carried unanimously.

**Item #2- Congregation Ahavas Yitzchok - Public Hearing
73 Forshay Road**

Chairman Weinberger read the following public hearing notice into the record:

Public Hearing on the application submitted by Congregation Ahivas Yitzchak for variances from the following provisions of the Zoning Law of the Village of Wesley Hills: Section 230-26(G)(1)(c) and 230-17 Attachment I Table of Dimensional Requirements to permit the maintenance and use of a room overhang having a front yard of 31.9 feet instead of minimum required of 50 feet and the construction of 58 onsite parking spaces having total impervious surface of .56 instead of the maximum permitted of .25.

Morton Silverberg, the Applicant’s Attorney, and stated that he and his wife live at 73 Forshay Road and support the Application. Mr. Silverberg stated that due to the lack of parking spaces, Congregants have been parking unsafely at off site locations and the Applicant is proposing to increase the number of parking spots from 13 parking spaces to 58 parking spaces. Mr. Silverberg stated that a variance was granted in 1996 to approve a front setback of 34’ but when the building was constructed it became 31.9 feet from the front property line, so to correct the existing condition, the Applicant is currently requesting 31.9’.

Rachel Barese, the Applicant’s Architect, presented a revised site plan dated 1/30/19, last revised on 5/14/19 the revised plan is for a parking lot expansion. Ms. Barese stated that the Applicant is not looking to expand the existing structure but to provide a safe parking lot for the members of the Congregation. Ms. Barese stated that she has met with the Rockland County Highway

Department and resolved their concerns regarding the traffic issues and stated that the Application has been submitted to the Town of Ramapo due to the location of the sewer easement.

Chairman Weinberger scheduled a site visit on 7/14/19 at 9:30am.

The following letters were read into the record:

1. Rockland County GML review memo dated 6/1/19.
2. Rockland County Health Department review memo dated 6/6/19.
3. Rockland County Sewer District review memo dated 5/21/19.

Rachel Barese requested that the Board consider overriding item #6 on the County GML memo dated 6/11/19. Ms. Barese stated that the County wants to incorporate the use of pervious pavers to reduce the maximum impervious surface ratio variance. Rachel Barese explained that due to the high water table, the use of pervious pavers would not be feasible. Rachel Barese also requested the Board consider overriding item #7, which requests the parking lot have two way traffic flow to provide better traffic circulation instead of the proposed one way traffic. Ms. Barese explained that the members of the Congregation are repeat visitors who know the traffic flow.

She stated that the Applicant and the Village Professionals do not see the one way traffic as a safety concern.

Doris Ulman requested copies of review memos from the Rockland County Highway and Town of Ramapo DPW.

Rachel Barese also requested the Board to consider overriding item #8 of the Rockland County Planning letter, which requests turnaround areas in the parking lot. Ms. Barese explained that the isles are 24 feet wide and cars are able to back around.

Chairman Weinberger asked if anyone from the public wished to speak.

Bruce Zatz, 65 Forshay Road, was affirmed to tell the truth and reviewed the proposed plans with the Applicant's Architect.

Jonathan Gewirtz made a motion to adjourn the Public Hearing to 7/17/19 at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #4 Approval of Minutes-May 15, 2019

Mordechai Schwab made a motion to approve the ZBA minutes of May 15, 2019, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

ZBA
6/13/19

Approved 7/17/19

Jonathan Gewirtz made a motion to adjourn the meeting to 7/17/19 at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo