

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Thursday, October 24, 2019**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jan Hilgeman
Carole Anderson
Dennis Dale
Jonathan Gewirtz
Mordechai Schwab, Ad Hoc

MEMBERS ABSENT:

Randi Marlin, Ad Hoc

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Sydney Aliseo, Deputy Village Clerk

Chairman Weinberger called the meeting to order at 8:10 p.m.

**Item #5- Miriam and Israel Nachfolger
3 Villa Lane**

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

Public Hearing on the application submitted by Miriam and Israel Nachfolger for an extension of time for expiration of variances granted by the Zoning Board of Appeals on April 18, 2018.

Israel Nachfolger, 3 Villa Lane, was present and was affirmed to tell the truth.

Israel Nachfolger, the Applicant, stated that variances were granted by the Zoning Board of Appeals in April of 2018 to construct a new house with a pool. Mr. Nachfolger stated that a building permit for the house has been obtained and the house is now 60% completed. Mr. Nachfolger stated that he was unaware that a building permit for the pool also had to be obtained within the year the variance was granted in order to avoid the expiration. Mr. Nachfolger stated that the plans have not changed, and that he is requesting an extension of time in order to submit a building permit application for the proposed pool and to finish the project.

Jonathan Gewirtz stated that the Applicant was previously granted this variance and they are only requesting an extension of time in order to proceed with construction.

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

Devorah Weider, 31 Astor Place, appeared before the Board and stated that she has concerns regarding the length of time the construction has taken place. Ms. Weider expressed her frustration regarding her quality of life due to the contractors on the project beginning work

before 8am.

Mr. Nachfolger stated that he hopes the project will be completed by the summer of 2020 and informed the neighbor to contact him directly should she have any more concerns regarding the noise.

Jan Hilgeman, questioned whether the main construction will be done before the summer?

Mr. Nachfolger answered yes and stated that the main construction is almost complete and interior work will begin soon.

Chairman Weinberger stated that the Applicant must adhere to previous comments regarding foliage.

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

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Jan Hilgeman:

In the Matter of the Application of
Miriam and Israel 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 for an extension of time for variances approved by said Board on April 18, 2019, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 24, 2019, and

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

That variances were granted by the Board on April 18, 2019 which permitted him to construct a house and pool that required certain variances;

That applicant received a building permit for the house and construction is now about 60% complete;

That applicant did not know that the building permit for the pool had to be obtained within one year from the date the variances were granted;

That nothing has changed since April 2018 except that the house is nearly constructed; and

WHEREAS, one neighbor appeared to ask when the construction will be completed and stated that sometimes the contractors begin work before 8A.M, to which Mr. Nachfolger replied that he would made sure the contractor does not being work before 8 A.M. and that most of the work remaining on the house is interior work, and

WHEREAS, members of the Board stated that they remember the property and that a site visit is not necessary,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the action is an exempt action and no SEQEA determination is required, and be it further

RESOLVED, that the application submitted by Miriam and Israel Nachfolger for an extension of time for variances granted on April 18, 2018 for 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, is hereby approved by extending the time for expiration of variances granted to the Nachfolger's for a period of one year from the date of this resolution subject to the following conditions:

1. That the resolution adopted by the Zoning Board of Appeals on April 18, 2019 granting variances to property known as 3 Villa Lane remains in full force and effect;
2. That the applicant complies with the Project Narrative dated October 3, 2019 submitted by the applicants, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following Findings of Fact:

1. That the variances granted on April 18, 2018 were for the house and pool and applicants have completed a large portion of the project;
2. That nothing has changed with respect to the property or neighborhood except for the approved construction;
3. That the benefit to the applicants by granting the extension of time is substantial and no detriment to surrounding properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

Carole Anderson arrived at 8:23pm.

Item #3-Yoel and Rochel Megadesh

4 Lacey Court

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

Public Hearing on the application submitted by Yoel and Rochel Megadesh for variances from the provisions of Section 230-17 Attachment I 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 side yard of 10.4 feet instead of the minimum required of 25 feet and total side yard of 38.2 feet instead of the minimum required of 60 feet.

Stanley Mayerfeld, 17 Bruck Court, was present and was affirmed to tell the truth.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and presented a site plan dated August 20, 2019, last revised September 13, 2019 showing a proposed addition. Mr. Mayerfeld stated that the lot is oversized but is odd shaped, and the lot has narrow frontage. Mr. Mayerfeld stated the homeowner did not obtain letters of support from the neighbors however, they are planning on reaching out to them for the next meeting.

Doris Ulman, the Village Attorney, asked Mr. Mayerfeld to address the Rockland County Highway Department's letter dated October 11, 2019.

Stanley Mayerfeld stated that the family is not expanding in size and therefore the traffic flow will not increase. Mr. Mayerfeld stated that the home is far below the maximum building coverage.

Doris Ulman requested that Mr. Mayerfeld contact the Rockland County Highway Department for clarification of the letter.

Stanley Mayerfeld stated that he will comply with the conditions listed on the letter from the Rockland County Sewer District dated October 10, 2019.

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

Myrna Pomerantz, 2 Tammy Road, appeared before the Board and stated that she has concerns regarding the distance of the addition from the lot lines. Ms. Pomerantz questioned why the addition was not proposed in the front yard.

Stanley Mayerfeld stated that additional variances would be required if the addition was located in the front yard.

Ms. Pomerantz stated that letters of support from the neighbors should be submitted prior to approval.

Chairman Weinberger explained the Zoning Board public hearing process and the need for site visits.

Chairman Weinberger scheduled a site visit on November 17, 2019 at 9am.

Jonathan Gewirtz made a motion to adjourn the public hearing to November 19, 2019, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

**Item #4- Mark and Elizabeth Herzka
5 Dike Drive**

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

Public Hearing on the application submitted by Mark and Elizabeth Herzka for a variance from the provisions of Section 230-17 Attachment 1 Table of Dimensional Requirements of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a covered porch at the front of the proposed residence having Building Coverage of .11 instead of the maximum permitted of .10.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and presented a site plan dated April 10, 2019, last revised August 8, 2019 showing a proposed covered porch. Mr. Mayerfeld stated that a building permit for the house was obtained this year and the porch has already been constructed. Mr. Mayerfeld stated that the variance being requested is only to cover the existing, approved, porch.

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

No one from the public wished to speak.

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

Jan Hilgeman stated that the required building coverage is 10% and the applicant is only requesting 11%.

Jonathan Gewirtz stated that this is a minor variance to improve the appearance of the structure and that the site visit should be waived.

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Jan Hilgeman:

In the Matter of the Application of
Mark and Elizabeth Herzka
Premises situated on the west side of
Dike Drive approximately 339 feet north

Of Willow Tree Road, known as 5 Dike Drive, designated on the Tax Map as Section 41.10 Block 2 Lot 54, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals by Mark and Elizabeth Herzka for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the maintenance and use of a covered porch having building coverage of .11 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 24, 2019, and

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

That this is an undersized lot but no setback variances or impervious surface variances are requested;

The only variance is for building coverage so that the existing porch can be a covered porch;

A covered porch is much more aesthetically pleasing than is an open porch and is a benefit to the neighborhood;

That the variance requested is minimum in that it is only %10 of the requirement; and

WHEREAS, the members of the Board agreed that it is not necessary to have a site visit to view a covered porch,

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 Mark and Elizabeth Herzka for a variance from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements to permit the maintenance and use of a covered porch having building coverage of .11 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 the variance requested is not substantial in relation to the requirement;
2. That there will be no detriment to adjoining properties or to the neighborhood since a covered porch is much more aesthetically pleasing than is an uncovered porch;

3. That the benefit to the applicant and to the neighborhood by improving the aesthetics of the house is substantial and there is no detriment to the community.

Upon vote, this motion carried unanimously.

Approval of Minutes-July 17, 2019

Dennis Dale made a motion to approve the ZBA minutes of July 17, 2019, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the meeting, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo