**Village of Wesley Hills**

**Zoning Board of Appeals**

**Village Hall**

**Tuesday, November 19, 2019**

**MEMBERS PRESENT**: Richard Weinberger, Chairman

Dennis Dale

Mordechai Schwab, Ad Hoc

Randi Marlin, Ad Hoc

**MEMBERS ABSENT**: Jan Hilgeman

Jonathan Gewirtz

 Carole Anderson

**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 #1-Continued public hearing 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.

Chairman Weinberger stated that a site visit was held on Sunday, 11/17/19 at 9am. Chairman Weinberger, Jonathan Gewirtz, Dennis Dale, and Doris Ulman were in attendance.

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 Board Members who attended the site visit on Sunday got a better understanding as to why the addition is being proposed on the side of the house instead of the rear. Mr. Mayerfeld explained that the property is an odd shaped lot and has minimal frontage. Stanley Mayerfeld stated that he contacted the Rockland County Highway Department in reference to their letter dated 10/11/19 and clarified that this is an addition to a residential home and that there will be no increase in traffic as the family is not expanding in size. Mr. Mayerfeld stated that the proposed addition is one story and has demonstrated zero net runoff.

Chairman Weinberger read the following letters of support into the record:

1. Esther Tversky – 5 Lacey Court
2. Shoshana Rothman – 2 Lacey Court
3. Nechama Gellis – 37 Sherri Lane
4. Simon Leschinsky – 39 Sherri Lane
5. Esther Fine – 59 McNamara Road
6. Toby Block – 34 Sherri Lane
7. Sher Dhariwal – 3 Lacey Court
8. Rachel Mendelocitz – 31 Sherri Lane
9. Josef Rappaport - 6 Tammy
10. Joel Kaplan – 5 Tammy
11. Michael Szpilzinger – 3 Tammy Road
12. Pinchas Goldblatt – 7 Tammy Road
13. Chava Schwartz – 36 Sherri Lane
14. Rivka Karoly – 35 Sherri Lane

Chairman Weinberger read the letter from Jonathan Gewirtz dated 11/18/19 into the record.

Dennis Dale stated that it appears that the runoff from the addition will not cause damage to the neighboring properties due to a large trench that runs down the rear of the property and keeps the water on the property.

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

No one wished to speak.

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

Mordechai Schwab made a motion to approve the following resolution, seconded by Dennis Dale:

In the Matter of the Application of

Yoel and Rochel Megadesh

Property situated on the south side of Lacey

Court approximately 280 feet north of Sherri

Lane, known as 4 Lacey Court, designated on

The Tax Map as Section 42.13 Block 1 Lot 4, in

An R-35 Zoning District

 **WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Yoel and Rochel Megadesh for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements to permit the construction, maintenance and use of an addition to a single family residence having a 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, and

 **WHEREAS**, after due notice, a public hearing was held by the Zoning Board of Appeals on October 24, 2019 which hearing was continued on November 19, 2019, and

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

 That applicant is extending the house into the existing garage and constructing a new garage on the existing driveway;

 That the lot is oversized by because it is at the end of a cul de sav the front of the property is very narrow;

 That the only feasible location for the addition is at the side where the garage is located because the rear of the house has a bearing wall and the front of the property is too narrow;

 That the addition will not increase impervious surface and no drainage issues will result;

 That there is no impact on the adjoining property because the houses are at an angle with each other; and

 **WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed the location of the addition; and

 **WHEREAS**, one person questioned why the addition could not be placed at the front of the house and was told that the proposed location was less intrusive and would create a larger variance request,

 **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 the application submitted by Yoel and Rochel Megadesh for variances from the provision of Section 230-17 Attachment I Table of Dimensional Requirements, to permit the construction, maintenance and use of an addition to a single family residence having a 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 is herby granted, subject to the following conditions;

1. Compliance with the Rockland County Planning Department letter dated October 28, 2019;
2. Compliance with the Rockland County Highway Department letter dated October 11, 2019;
3. Compliance with the Rockland County Health Department letter dated October 22, 2019;
4. Compliance with the Rockland County Sewer District No.1 letter dated October 10, 2019;
5. That existing foliage of the property shall be retained and maintained and be it further

**RESOLVED**, that the Zoning Boards od Appeals makes the following Findings of Fact:

1. That the proposed location for the addition is only feasible location since the front of the property is very narrow and the rear of the building contains a bearing wall that would have to be removed to accommodate the addition
2. That the proposed addition will not result in environmental or ecological impacts since there will be no increases in traffic, water runoff or noise;
3. That although the variances are substantial there will be no detriment to adjoining properties or to the neighborhood since the location of the addition is the least intrusive on the neighborhood;
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 #2- Martin Sabel**

**2 Charlotte Drive**

This is a Public Hearing on the application submitted by Martin Sabel for variances 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 single family residence having building coverage of .107 instead of the maximum permitted of .10 and a front yard impervious surface of .27 instead of the maximum permitted of .20.

Stanley Mayerfeld, the Applicant’s Architect, appeared before the Board and presented a site plan dated 11/17/16, last revised 12/26/17 showing a proposed addition to accommodate the Applicant’s wheelchair bound mother who lives with her at her home. Mr. Mayerfeld stated that the variances were previously granted in January, however, the addition and driveway were not constructed within the year the variances were granted and therefore the variances have expired. Mr. Mayerfeld stated that the Applicant is ready to move forward with construction and is requesting an extension of time for the previously granted variances.

Richard Weinberger questioned if the plans have changed since the granting of the variances in January of 2018. Stanley Mayerfeld stated that the plans have not been changed.

Mrs. Sabel, the Applicant, appeared before the Board and was affirmed to tell the truth.

Chairman Weinberger questioned where the Applicant resides? Mrs. Sabel stated that she resides at both 27 Holland Lane and 2 Charlotte Drive.

Doris Ulman, the Village Attorney, asked Mrs. Sabel, the Applicant, why the work was not completed within the year the variance was granted? Mrs. Sabel stated that there were numerous changes in her life that have caused a delay in the construction, however, she is now ready to move forward with construction.

Doris Ulman questioned whether the work will be completed within the year? Mrs. Sabel answered yes.

Doris Ulman questioned if there were any changes to the property? Stanley Mayerfeld answered no.

Stanley Mayerfeld stated that letters of support from the neighbors were submitted when the variance was previously granted.

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

No one wished to speak.

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

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

Dennis Dale made a motion to approve the following resolution, seconded by Randi Marlin:

In the Matter of the Application of

Martin Sabel

Property situated on the east side of Charlotte

Drive approximately 1000 feet west of Deerwood

Road, known as 2 Charlotte Drive, designated on

the Tax Map as Section 41.08 Block 1 Lot 34, in

An R-35 Zoning District

 **WHEREAS**, the application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Martin Sabel for variances form 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 a single family residence having building coverage of .107 instead of the maximum permitted of .10 and front yard imperious surface ration of .27 instead of the maximum permitted of .20, and

 **WHEREAS**, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on November 19, 2019, and

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

 That the applicant’s mother, who is in a wheelchair, lives with applicant and they need to construct a large bedroom and an ADA bathroom for her use;

 That the garage needs to be enlarged to accommodate a ramp in one portion of the garage

 That the aforesaid requirements together with the needs of the rest of the family result in the slightly increased building coverage;

 The increased width of the driveway, walk and patio for the use of his mother, together with the shorter front setback resulting from the frontage on the cul de sac result in the larger front yard impervious surface ratio;

 That applicant had appeared before the Zoning Board in January 2018 and the Board granted the same variances that are requested in this application;

That for personal reasons the applicant was not able to construct the residence within the past year but is now ready to begin construction;

That the reasons stated today are the dame as stated for the prior variances and the property also remains the same; and

**WHEREAS**, the Zoning Board waived the site visit inasmuch as members of the Board remembered visiting the site during their review of the prior application; and

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

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

 **RESOLVED**, that the application submitted by Martin Sabel for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements to permit the construction, maintenance and use of a single family residence having building coverage of .107 instead of the maximum permitted of .10 and front yard imperious surface ration of .27 instead of the maximum permitted of .20 is herby approved for the same reasons as stated in the decision of the Zoning Board of Appeals dated January 17, 2018, and be it further

 **RESOLVED**, that the Zoning Board of Appeals incorporates the January 17, 2018 decision as part of this resolution and makes the same Findings of Fact as determined in the January 17, 2018 decision

Upon vote, this motion carried unanimously.

**Item #3-Discussion to change the expiration of variances as per Section 230-42 in the Village Code.**

Doris Ulman stated that as per Section 210-42 in the Village Code, variances expire 12 months after being granted unless substantial construction has taken place. Doris Ulman stated that a large portion of the 12 months fall in the winter months and therefore construction is very limited. Doris Ulman questioned if the Board members feel it is appropriate to change the expiration of variances from 12 months to 18 months. She also stated that site plans have an 18-month expiration period.

Chairman Weinberger questioned the number of applications received for extension of time.

Mordechai Schwab stated that there have been two applications in the past two months for an extension of time for previously granted variances.

The Board Members agreed that a letter should be sent to the Board of Trustees to request the change of the expiration of variances from 12 months to 18 months.

Doris Ulman informed the Board Members that the Mayor received an email from Jan Hilgeman stating that she has resigned from the Zoning Board of Appeals. The Chairman and the Board Members wished her well in her future endeavors.

**Approval of Minutes-October 24, 2019**

Dennis Dale made a motion to approve the ZBA minutes of October 24, 2019, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

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

Respectfully submitted,

Sydney Aliseo