

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, December 18, 2019**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Dennis Dale
Jonathan Gewirtz
Mordechai Schwab, Ad Hoc

MEMBERS ABSENT:

Carole Anderson
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 #1- Public hearing - Schwartz
5 Roble Road**

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

Public Hearing on the application submitted by Heather Schwartz and Sam Levin 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 a total side yard of 67 feet instead of the minimum required of 75 feet, building coverage of .11 instead of the maximum permitted of .10, front yard impervious surface ratio of .18 instead of the maximum permitted of .15, building height of 28 feet instead of the maximum permitted of 25 feet, enlargement of a dimensionally nonconforming lot and an interpretation as to whether the zoning requirements of the R-50 or R-35 Zoning Districts should apply.

Sam Levin, 5 Roble Road, was present and was affirmed to tell the truth.

Sam Levin, the Applicant, appeared before the Board and presented a site plan dated November 17, 2019 showing a proposed single-family dwelling requiring variances. Sam Levin stated that he and his wife are looking to build a new house to accommodate their growing family. Mr. Levin stated that the property is 36,000 square feet but is located in an R-50 Zoning District. Mr. Levin stated that the requested height variance is only to ensure that if the ground water is high and they are unable to dig down, they have the height variance to build up if need be. Mr. Levin stated that if the ground is suitable the variance will not be used.

Doris Ulman, the Village Attorney, stated that when the existing home was initially built, the Town of Ramapo listed the property in an R-35 Zone, however, when the Village was formed the Zone changed to an R-50 Zoning District.

Sam Levin stated that if the property was 50,000 square feet, the variances would not be requested, however, since the lot is undersized the variances are needed.

Doris Ulman questioned the width of the driveway. Sam Levin stated that the average two way driveway is between 20'-24'.

Doris Ulman asked if the Applicant could reduce the width of the driveway at the front of the property to reduce the impervious surface? Sam Levin answered no, the driveway is used not only for parking but for a play space for their children. Mr. Levin stated that during the summer he and his wife park their car at the end of the driveway to ensure the children do not run into the road. The width proposed permits two cars side by side and room to open the car door.

Chairman Weinberger asked if the existing home will be demolished? Sam Levin answered yes.

Sam Levin submitted a picture of the existing topography on the property to the Board members.

Jonathan Gewirtz questioned if the existing trees will remain? Mr. Levin stated that trees will only be removed if need be.

Chairman Weinberger questioned whose property the stone wall is located on? Mr. Levin stated that the stone wall is on his property.

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

1. Tiferes Yisroel – 57 Lime Kiln Road
2. Chaim Adler and Malka Grossberger – 7 Roble Road
3. Akiva and Adina Schonfeld – 9 Roble Road
4. Samuel and Gail Hartstein – 11 Roble Road
5. Yehuda and Ellen Pepper – 12 Roble Road
6. Yosef Jozefovic and Joelle Ben-Davis – 15 Roble Road
7. Eliot and Dena Appel – 21 Roble Road
8. Daniel Cohen and Aviva Zelinger – 25 Roble Road

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

Eliot Appel, 21 Roble Road, appeared before the Board and was affirmed to tell the truth.

Eliot Appel stated that he is a nearby neighbor of Mr. Levin and is in support of the Application.

Todd Rothman, 197 Katherine Road, appeared before the Board and was affirmed to tell the truth.

Todd Rothman stated that he is the owner and director of Deerkill Day Camp located at 54 Wilder Road. Mr. Rothman expressed his concerns regarding the character of the community.

Mr. Levin stated that the home will be a natural, rustic style home which is in character with the neighborhood.

Todd Rothman stated that Deerkill Day Camp is located on the property line of Mr. Levin's property. Mr. Rothman stated that while he supports his neighbor and their growth, he has concerns regarding the camper's privacy with the height variance that is being requested. Mr. Levin stated that if the ground is suitable the height variance will not be needed.

Chairman Weinberger encouraged the Applicant to meet with Mr. Rothman to discuss landscaping details to ensure privacy for both parties.

Doris Ulman questioned where the stream is located. Mr. Rothman stated that the stream is located on both 54 Wilder Road and 5 Roble Road.

Jonathan Gewirtz made a motion to schedule a site visit for Sunday, January 12th at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion to adjourn the public hearing to January 15, 2020 at 8pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Approval of Minutes-November 19, 2019

Dennis Dale made a motion to approve the ZBA minutes of November 19, 2019, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion to adjourn the meeting to January 15th, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo