

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, February 19, 2020**

MEMBERS PRESENT:

Jonathan Gewirtz
Carole Anderson
Dennis Dale
Mordechai Schwab
Stefanie Collantes, Ad Hoc

MEMBERS ABSENT:

Richard Weinberger, Chairman
Randi Marlin, Ad Hoc

OTHERS PRESENT:

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

Deputy Chairman Gewirtz called the meeting to order at 8:12 p.m.

**Item #1- Public hearing – Congregation Bais Yakov Yosef Ostrow
5 Ridgeway Terrace**

Jonathan Gewirtz, the Deputy Chairman, read the following public hearing notice into the record:

Public Hearing on the application submitted by Congregation Bais Yakov Yosef Ostrow for variances from the provisions of Section 230-26G(1)(c) and (d) of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a 500 square foot one story addition for a mikvah and a separate 120 square foot two story addition to a Neighborhood Gathering Facility having a front yard setback at Skylark Drive of 40.3 feet instead of the minimum required of 50 feet and building coverage of .17 instead of the maximum permitted of .15.

The subject premises are situated on the east side of Ridgeway Terrace at the intersection with Skylark Drive, known as 5 Ridgeway Terrace, designated on the Tax Map as Section 41.16 Block 1 Lot 79, in an R-35 Zoning District.

Todd Rosenblum, the Applicant's Architect, was present and affirmed to tell the truth.

Todd Rosenblum stated that 5 Ridgeway Terrace, Congregation Bais Yakov Yosef Ostrow, is a neighborhood gathering facility and has an existing mikvah located on the property. Mr. Rosenblum presented a site plan dated 11/12/19 showing a 120 square foot two-story addition located on the residential portion of the property and a 500 square foot one-story addition located on the mikvah portion of the property. Mr. Rosenblum stated that the mikvah addition consists of a changing room, bathroom, a small lobby, and additional showers. He stated that the addition will not change the use of the property but will make it more comfortable for the existing congregants. Todd Rosenblum stated that the requested variances are due to the proposed mikvah addition not the addition located on the residential portion of the property. Todd Rosenblum stated that the Applicant is also before the Planning Board for site plan approval, however, the Planning Board already approved the addition on the residential portion of the property on January 29, 2020 since it does not affect the use of the property.

Dennis Dale questioned if the addition is located 10 feet closer to Skylark Drive? Todd Rosenblum answered yes.

Todd Rosenblum submitted to the Board the following 27 letters of support:

- Eli Weiss – 17 Skylark Drive
- Yakov Miller – 3 Sherri Lane
- Alan Goldfisher – 1 Pleasant Ridge Road
- Robert Rosenberg – 3 Ridgeway Terrace
- Sam Wainhaus – 42 Skylark Drive
- David Gelman – 4 Sherri Lane
- David Wanounou – 34 Skylark Drive
- Leah Rubin – 6 Ridgeway Terrace
- Zev Grunsweig – 4 Ridgeway Terrace
- Nuchem Mehring – 123 Grandview Avenue
- Benjamin Paneth – 96 Grandview Avenue
- Yoel Jacobs – 2 Sans Berry Lane
- Eliazer Eisenberger – 16 Sherri Lane
- Shia Ganz – 32 Skylark Drive
- Motty Meisers – 29 Skylark Drive
- Dan Vogel – 4 Skylark Drive
- Mordechai Rosenberg – 25 Tammy Road
- Gerald Slater – 30 Skylark Drive
- Reuven Slater – 30 Skylark Drive
- Baruch Yudasim – 27 Skylark Drive
- Yossi Goldbrenner – 31 Skylark Drive
- Ronald Holzberg – 24 Skylark Drive
- Yosef Klein – 10 Sherri Lane
- Abraham A. Miller – 4 Sansberry Lane
- Ephraim Karmel – 17 Sherri Lane
- Chaim M. Ziffer – 119 Grandview Avenue
- Joseph Rosenberg – 7 Skylark Drive

Jonathan Gewirtz made a motion to schedule a site visit for 3/15/20 at 9am, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Jonathan Gewirtz asked if anyone from the public wished to speak. No one wished to speak.

Carole Anderson made a motion to adjourn the public hearing to March 19, 2020, at 8pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #2- Public hearing – Friedman
29 Glenbrook Road**

Jonathan Gewirtz, the Deputy Chairman, read the following public hearing notice into the record:

Public Hearing on the application submitted by Meir and Yocheved Friedman for variances from the provisions of Section 230-17 Attachment I 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 front yard of 35.6 feet instead of the minimum required of 50 feet and total side yard of 51.3 feet instead of the minimum required of 60 feet.

The subject premises are situated on the north side of Glenbrook Road, approximately 180 feet west of Moccasin Place, known as 29 Glenbrook Road, designated on the Tax Map as Section 41.10 Block 2 Lot 26, in an R-35 Zoning District.

Stanley Mayerfeld, the Applicant's Architect, was present and affirmed to tell the truth.

Stanley Mayerfeld presented a site plan dated 12/3/19, last revised 2/2/20, showing a proposed addition located in the rear of the property. Mr. Mayerfeld stated that Mr. and Mrs. Friedman are looking to expand their home to accommodate their growing family. Mr. Mayerfeld stated that the lot is undersized at 28,598 square feet in an R-35 Zone and is only 100' wide when the required width is 125'. Mr. Mayerfeld stated that the proposed addition will still comply with the maximum building coverage.

Stanley Mayerfeld submitted to the Board the following 9 letters of support:

- Chaya Schlissfeld – 11 Amsterdam Avenue
- Shelly Lerner – 9 Hastings Road
- Adina Prero – 18 Glenbrook Road
- Joseph Grosz – 17 Hastings Road
- Marton Ornstein – 9 Glenbrook Road
- Shaindy Edelstein – 17 Glenbrook Road
- Susan Lorenz – 36 Glenbrook Road
- Simeon Schlissfeld – 19 Amsterdam Avenue
- Frieda Gelbman – 31 Glenbrook Road

Jonathan Gewirtz requested that Stanley Mayerfeld mark on the site where the distance from the house to the property line is less than 29.4 feet.

Jonathan Gewirtz read into the record a letter from a neighbor on Hastings Road. Mr. Mayerfeld stated that this is an average density lot and the setbacks are already less than required for non-average density lots.

Jonathan Gewirtz made a motion to schedule a site visit for 3/15/20 at 9am, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Jonathan Gewirtz asked if anyone from the public wished to speak. No one wished to speak.

Carole Anderson made a motion to adjourn the public hearing to March 19, 2020, at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Item #3- Public Hearing – Eichorn 4 Soundview Drive

Jonathan Gewirtz, the Deputy Chairman, read the following public hearing notice into the record:

Public Hearing on the application submitted by Aaron Eichorn for a variance from the provisions of Section 230-14L(3) of the Code of the Village of Wesley Hills, to permit the maintenance and use of a 10 foot high chain link fence that is 11 feet from the side property line instead of the maximum height of 8 feet.

The subject premises are situated on the south side of Soundview Drive approximately 100 feet east of Marisa Drive, known as 4 Soundview Drive, designated on the Tax Map as Section 41.8 Block 1 Lot 47.4, in an R-35 Zoning District.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and presented a site plan dated 8/8/19. Mr. Mayerfeld stated that 4 Soundview Drive is a new lot and that the Applicant installed a basketball court with a 10-foot fence to prevent the ball from rolling onto the neighboring property. Stanley Mayerfeld stated that the Village Engineer noticed that the fence does not comply with the Village code while completing an inspection for the site.

Jonathan Gewirtz questioned if the direct neighbor has submitted a letter of support? Stanley Mayerfeld answered no, however, the Applicant is working with the neighbor to discuss possible screening options.

Jonathan Gewirtz stated that the Board would like to hear from the direct neighbor.

Jonathan Gewirtz asked if anyone from the public wished to speak. No one wished to speak.

Mordechai Schwab made a motion to schedule a site visit for 3/15/20 at 9am, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the public hearing to March 19, 2020, at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Item #4- Continued Public Hearing - Grosz 17 Hastings Road

Jonathan Gewirtz stated that a site visit was completed on 2/16/20, Doris Ulman, the Village Attorney was in attendance.

Stanley Mayerfeld appeared before the Board and presented a site plan dated 9/12/18, last revised 11/19/20. Stanley Mayerfeld stated that the site was flagged as per the Zoning Board of Appeals members, and the Attorney had the opportunity to view the site.

Doris Ulman, the Village Attorney, stated that at the site visit she questioned if the Applicant could reduce the size of the variances being requested.

Stanley Mayerfeld stated that if the lot was a ranch style home, the variances would not be needed.

Carole Anderson stated that the requested variance is large, and that the Applicant should work to reduce the size.

Doris Ulman stated that the proposed addition will not affect the neighboring properties since it is an odd shaped lot and is located in a cul-de-sac however, the variance being requested is a large variance.

Jonathan Gewirtz made a motion to go into executive session, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Mordechai Schwab made a motion to exit executive session, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Jonathan Gewirtz stated that he believes the first floor of the building can be reduced slightly without impacting the use of the building and he recommends a building coverage of 0.128 instead of the requested .13.

Jonathan Gewirtz asked if anyone from the public wished to speak. No one wished to speak.

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

Stefanie Collantes made a motion to approve the following resolution, seconded by Mordechai Schwab:

In the Matter of the Application of
Joseph and Esther Grosz
Premises situated on the south side of Hastings
Road approximately 160 feet east of Bedford Road
Known as 17 Hastings Road, designated on the Tax
Map as Section 41.15 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 Joseph and Esther Grosz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction maintenance and use of a single family residence having a building coverage of .13 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 January 15, 2020, which hearing was continued on February 19, 2020, and

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

That they have lived in the existing house for many years but it is now too small for their growing family, so they intend to demolish the existing and construct a new house;

That the house will be a two-story colonial and the first floor is 4,500 square feet; they need a bedroom and bathroom on the first floor for their aging parent, which is why the building coverage is larger than permitted;

That the variance will not impact the neighbors because 1) the lot is at the end of a cul de sac; 2) the lot is an odd shaped lot; 3) the next door neighbor is a school; 4) the property behind the lot is a synagogue; 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 Joseph and Esther Grosz for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills is hereby granted so that the construction, maintenance and use of a single family residence having building coverage of .128 instead of the maximum permitted of .10 is permitted, and be it further

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

1. That the variance requested is quite large and the Zoning Board of Appeals believes that the variance granted is sufficient to meet the needs of the applicant;
2. That although the variance is large, the Zoning Board of Appeals believes that the applicants need the variance in order to accommodate their growing family and their parents;
3. That the variance will not impact adjoining properties or the neighborhood since the property next door is a school and the property behind is a synagogue;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion carried unanimously.

Approval of Minutes-December 18, 2019

Dennis Dale made a motion to approve the ZBA minutes of December 18, 2019, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Approval of Minutes-January 15, 2020

Carole Anderson made a motion to approve the ZBA minutes of January 15, 2020, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

Mordechai Schwab made a motion to adjourn the meeting to March 19, 2020, at 8pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo