

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, July 25, 2018**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk

Richard Weinberger, Chairman called the meeting to order at 7:30 p.m.

Item #3

Jerald & Kathleen Zisa-Continued Public Hearing

Chairman Weinberger stated that a site visit was conducted on July 15th and the Board Members received a letter from the Rockland County Health Department dated 7/9/18.

Jonathan Gewirtz stated that it was evident at the site visit that the location of the water tank was selected for good cause. The area is wooded and there is zero effect to anyone. The location will serve the residents better for water service.

No one from the public wished to speak.

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

The following letters of support were received on behalf of the application:

15 East Lane	23 East Lane
23 Pomona Lane	32 East Lane
199 McNamara Road	3 East Lane
7 Farm Lane	24 Pomona Lane
29 East Lane	23 Hillside Court
20 Pomona Lane	6 Laura Lane
18 Pomona Lane	8 Laura Lane
3 East Lane	22 Pomona Road
19 Pomona Lane	34 Charlotte Drive
272 McNamara Road	9 Hillside Terrace

17 Bruck Court
256 Charlotte Drive

48 Park Terrace
1 Laura Lane

Chairman Weinberger stated that if there is an approval it would be subject to the compliance of the Rockland County Health Department letter dated 7/9/18.

Jonathan Gewirtz made a motion to move the following resolution, seconded by Dennis Dale subject to the Rockland County Health Department memo dated 7/9/18:

**In the Matter of the Application of
Jerald & Kathleen Zisa
Premises situated on the south side
of East Lane approximately 1,058 feet south of
Pomona Lane, known as 33 East Lane, designated
on the Tax Map as Section 41.08, Block 2 Lot 33,
in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Jerald & Kathleen Zisa for variances from the provisions of Section 230-17 Attachment I of the Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a water tank on a concrete slab having 20 feet less than the minimum required side yard and 30 feet less than the minimum required rear yard,

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on June 20, 2018, which hearing was continued on July 25, 2018, and

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

That applicant's residence is in the community known as Pomona Country Club;

That all of the homes in the community received water from a tank situated on applicants property;

That the location of the water tank is the highest point in the community and the water is piped by gravity to the other homes;

That the existing tank is very old and broken and needs to be replaced;

That replacement must be in the same location because of the pipes that are underground and lead to other residences in the community,

That the Rockland County Health Department has approved the replacement subject to certain conditions; and

WHEREAS, members of the Zoning Board of Appeals visited the site and determined that the proposed water tank is in a wooded area and will not impact adjoining properties; and

WHEREAS, many residents of the Pomona Country Club issued letters in support of the application and no one appeared in opposition to the application.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action will not have a significant impact on the environment for the reason that the water supply by the tank is needed by residents of the community and the installation of the tank and the supply of water will be in accordance with plans prepared by a licensed engineer and will be subject to approval by the Rockland County Health Department, and be it further

RESOLVED, that the application submitted by Jerald & Kathleen Zisa 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 a water tank having 20 feet less than the minimum required side yard and 30 feet less than the minimum required rear yard is hereby approved, subject to compliance with the letter issued by the Rockland County Health Department Division of Environmental Health dated July 9, 2018, and be it further

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

1. That although the variances are substantial the placement of the water tank is in a wooded area cannot be seen from adjoining properties and will not impact those properties.
2. That there is no feasible alternative to granting the variances because the placement of the water tank in the proposed location is necessary because of the location of the pipes that connect the tank to residences in the community;
3. That there will be no detriment to adjoining properties or to the community and the water provided by the tank is required for use by residences in the community;
4. That the benefit to applicants and the residents of the community by granting the variances will be great whereas no detriment to the community or to adjoining properties has been identified.

Upon vote, this motion carried unanimously.

Item #4 Congregation Sha'ar Hashamayim-Public Hearing

The Planning Board & Zoning Board of Appeals held a joint meeting for Congregation Sha'ar Hashamayim, a neighborhood gathering user:

Chairman Weinberger opened the public hearing.

Frank Brown, Esq. Deputy Village Attorney stated that he requested this joint meeting to assist the Planning Board and the Zoning Board in understanding the application and to also streamline the process for the Applicant. Mr. Brown explained that the Applicant has an existing special permit and existing site plan. The applicant wishes to amend the special permit and site plan to include an increased parking area and the addition of adult education classes. Mr. Brown added that the Planning Board expects to be lead agency on this application for SEQRA purposes and if appropriate will issue a negative declaration. He stated that at present there is insufficient onsite parking which is creating traffic hazards in the neighborhood and encroachments on other residents' property.

Elliot Lasky, Application's Representative was affirmed to tell the truth and described the history of the congregation and what is currently being proposed.

After a lengthy discussion with the Planning Board and Elliot Lasky it was determined that there are still a few items for the Applicant and the Village Engineer to work out before a negative declaration can be issued by the Planning Board. Planning Board is also still concerned with the events that take place at the congregation and off street parking concerns for those events.

Chairman Weinberger requested the following documents be sent to the ZBA and Ms. Ulman at least a week before the next meeting:

1. Copy of the existing special permit resolution #09-19 from July 2009
2. Copy of the existing site plan resolution #09-20 from July 2009
3. Copy of the Applicant's drainage report
4. Copy of the Village Engineer's report
5. Copy of the Applicant response to the Village Engineer's report
6. Copy of the revised narrative to the Planning Board
7. On the revised site plan, it lists notes and conditions and the ZBA request copies of the support letters.

Bill Johnson, Applicant Engineer was affirmed to tell the truth and stated that he will supply the requested information to the ZBA.

Jonathan Gewirtz suggested that the Applicant can mitigate the off street parking issue by having no parking signs installed on Rochelle Lane on one side of the street.

Frank Brown stated that the PB/ZBA cannot impose no parking on a Village Street; the Village Board can make that determination.

Dennis Dale suggested that the Applicant utilize the parking area of St. Boniface Church to assist with parking when there are large events.

Goldie Netz, 8 Roble Road was affirmed to tell the truth and stated that the Applicant needs to be concerned with the private events as it does create a parking issue for the community and safety must come first.

Jonathan Gewirtz made a motion to continue the public hearing on the application of Congregation Sha'ar Hashamayim to August 22, 2018 at 8pm to allow time for the Applicant to work out their details with the Planning Board and noted that the ZBA will have a site visit on August 19, 2018 at 9am, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Item #5

Congregation Derech Emes-Public Hearing for Neighborhood Gathering Use

Joint meeting of the Planning Board & Zoning Board of Appeals:

Chairman Weinberger opened the public hearing.

Yaakov Mittel, Applicant's Representative was present and affirmed to tell the truth and provided both Boards with some history of the project and the proposed project. This is for an addition to existing building and for additional parking.

After a discussion with the Planning Board it was determined that the Applicant needs to address all the outside agency letters especially the letter from the RC Highway Department dated 7/3/18 which will change the requested variances.

No one from the public wished to speak.

Jonathan Gewirtz made a motion to continue the public hearing on the application of Congregation Derech Emes to August 22, 2018 at 8pm to allow time for the Applicant to work out their details with the Planning Board and noted that the ZBA will have a site visit on August 19, 2018 at 9am, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Members Jan Hilgeman, Randi Marlin and Carole Anderson left the meeting at 9:30 pm.

Item #6

Chaim Adler-Public Hearing

John Atzl, Applicant's Engineer was present and affirmed to tell the truth. Mr. Atzl stated that the existing home was demolished and the Applicant is proposing a new home. Mr. Atzl stated that the lot area and lot width variances are existing non-conforming conditions that were placed on the lot from the Town of Ramapo in 1963. Mr. Atzl stated that the building height variance is being requested due to the current wording of the Village Code that it is based on the current elevation and not the finished elevation. When the home is complete and the grading is finished, the height variance will not be required. Mr. Atzl provided the Board Members with a color photo of the rendering of the proposed home.

Chairman Weinberger requested that the Applicant obtain letters of support from the neighbors on either side of the home as he is concerned about the landscaping.

Chairman Weinberger stated that the following review letters were received into the record:

1. Rockland County Planning GML dated 7/9/18
2. RCSD#1 memo dated 7/12/18
3. RC Highway Department memo dated 6/11/18

Mr. Atzl stated that he has copies of all the review memos and agrees to any conditions noted in those letters.

Goldie Netz, 8 Roble Road was affirmed to tell the truth and stated that she welcomes the new home to the area.

Chairman Weinberger requested a landscaping plan for the proposed new home to ensure that the neighbors have proper screening.

Jonathan Gewirtz made a motion to waive the site visit as the lot is vacant and there are no setback or impervious surface variances, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to move the following resolution, seconded by Jonathan Gewirtz, subject to the following conditions:

1. Compliance with the Rockland County Planning GML dated 7/9/18
2. Compliance with the RCSD#1 memo dated 7/12/18
3. Compliance with the RC Highway Department memo dated 6/11/18
4. Submission of letters of support from the neighbors on either side of the home.
5. Submission of a landscaping plan.

**In the Matter of the Application of
Chaim Adler**

**Premises are situated on the west side of Roble Road
approximately 640 feet north of Wilder Road, known
as 7 Roble Road, designated on the Tax Map as Section
32.18, Block 2 Lot 31, in an R-50 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Chaim Adler for variances from the provisions of Section 230-17 Attachment 1 the 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 lot area of 38,971 square feet instead of the minimum required of 50,000 square feet, lot width of 147 feet instead of the minimum required of 150 feet and a height of 30 feet instead of the maximum permitted of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held on July 25, 2018, and

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

That under the Town of Ramapo and prior to the establishment of the Village of Wesley Hills, the property was zoned R-35 and was changed to R-50 by the Village of Wesley Hills;

That the lot area and lot width of the property are pre-existing and non-conforming and not with applicant's control;

That the height variance is required because of the existing elevations of the property and, after regarding, the height of the residence will be less than 25 feet;

That the pre-existing house on the property has already been demolished and the new house will comply with all setbacks and other bulk requirements; and

WHEREAS, a neighbor appeared in support of the application and no one appeared in opposition to the application;

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 application submitted by Chaim Adler for variances from the provisions of Section 230-17 Attachment 1 the 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 lot area of 38,971 square feet instead of the minimum required of 50,000 square feet, lot width of 147 feet instead of the minimum required of 150 feet and a height of 30 feet instead of the maximum permitted of 25 feet is hereby approved, subject to the following conditions:

1. Compliance with Rockland County Planning Department letter dated 7/9/18
2. Compliance with Rockland County Highway Department letter dated 6/11/18
3. Compliance with Rockland County Sewer District #1 letter dated 7/12/18
4. Submission of a landscaping plan.
5. Submission of letters of support from adjoining neighbors, and be it further

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

1. The variance for lot area and lot width are necessary because the lot is pre-existing and was approved by the Town of Ramapo prior to the establishment of the Village of Wesley Hills
2. That the height variance is required because of the configuration of the land and will not impact other houses in the neighborhood
3. That the height variance is not substantial because it is only 20% of the requirement and will be in conformance after construction of the house
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.

ZBA
7/25/18

Dennis Dale made a motion to adjourn, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey