

**Village of Wesley Hills
Zoning Board of Appeals
Zoom
Wednesday, June 17, 2020**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

OTHERS PRESENT:

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

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

Chairman Weinberger stated that site visits took place on 6/14/20 at 9am.

**Item #1-Conitnued public hearing - Wieder
31 Astor Place**

Devorah Wieder, the Applicant, was present and affirmed to tell the truth.

Jonathan Gewirtz questioned whether a variance for the shed is required? Doris Ulman, the Village Attorney, stated that if Mrs. Wieder does not wish to add the variance for the shed then the Zoning Board cannot require it. We will note it in the decision.

Jonathan Gewirtz stated that at the site visit, the Board members noted that the variance that is being requested is very minimal and will not negatively impact the neighboring properties.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Randi Marlin:

In the Matter of the Application of Devorah Wieder
Premises situated on the west side of Astor
Place known as 31 Astor Place, designated on
The Tax Map as Section 41.10 Block 1 Lot 1,
In an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Devorah Wieder for a variance from the provisions of Section 230-17 Attachment 1 of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a front portico to an existing residence having a front yard of 40.9 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals by teleconference on May 20, 2020, which hearing was continued by teleconference on June 17, 2020, and

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

That applicant is constructing an addition to the residence at the side and rear of the residence which do not require variances;

That there is currently no portico overhand at the front door of the residence;

That the portico will enable wheelchair access to the front door as well as protection from the rain and other elements;

That the variance requested is small, less than 20% of the requirement and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the front entrance where the portico would be constructed and stated that the portico would add to the aesthetics of the house in addition to being functional and would not impact the surrounding properties; and

WHEREAS, the applicant was requested to amend her application to add a side yard variance for an existing shed that does not have a certificate of occupancy and does not have the required side setback but applicant refused to amend the application, stating that the shed was in existence when she purchased the property; 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 Devorah Wieder 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 front portico to an existing residence having a front yard of 40.9 feet instead of the minimum required of 50 feet 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 is not substantial in relation to the requirement;
2. That granting the variance will not be detrimental to surround properties or to the neighborhood and would add to the esthetics of the existing residence;
3. That there is no feasible alternative to granting the variance since there is currently no overhang or porch at the front entrance, the entrance is not wheelchair accessible and does no protect the residents form the elements;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment surrounding properties or to the neighborhood has been identified;

5. That no action is taken with respect to the shed that is situated in the side yard since the Applicant refused to amend her application to include the shed.

Upon vote, this motion carried unanimously.

**Item #2-Continued public hearing - Wertentheil
24 Holland Lane**

Kim Sippel, the Applicant's Architect, was present and affirmed to tell the truth.

Kim Sippel stated that as per the Board member's comments at the 5/20/20 ZBA meeting, the Applicant has worked hard to reduce the variances that were previously requested. They are removing the shed which will eliminate one variance, reduce the building coverage to .1367 and impervious surface to .259.

Chairman Weinberger questioned whether the Applicant will comply with the Rockland County Highway Department letter dated 3/16/20, the Rockland County Environmental Health Department letter dated 4/16/20, the Rockland County Planning Department letter dated 4/10/20 and the Rockland County Sewer District letter dated 4/16/20? Kim Sippel stated that the Applicant will comply.

Kim Sippel stated that the Applicant will use pervious pavers where possible.

Jonathan Gewirtz stated that the addition is located behind a fence and will not negatively impact the neighboring properties since it is still in character with the neighborhood.

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 Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to approve the following resolution, seconded by Carole Anderson:

In the Matter of the Application of
Joshua and Arielle Wertentheil
Premises situated on the west side of Holland
Lane approximately 150 feet south of Amsterdam
Avenue, known as 24 Holland Lane, designated on
The Tax Map as Section 41.11 Block 1 Lot 85, in an
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley hills by Joshua and Arielle Wertentheil 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 building coverage of .14 instead of the maximum permitted of .10, impervious surface ratio of .262 instead of the maximum permitted of .25, side yard of 24 feet instead of the minimum required of 25 feet and total side yard of 53.7 feet instead of the minimum required of 60 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals by teleconference on May 20, 2020, which hearing was continued by teleconference on June 17, 2020, and

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

That the lot is an average density lot created prior to the incorporation of the Village and contains only 28,125 square feet;

That the house is split level and has no basement for storage;

That even though the proposed two story addition is substantial, they were able to keep the side yard variances to a minimum, i.e., only 1 foot on one side and only 6.3 feet total side yard;

That at the Board's request applicant has reduced the impervious surface ratio to only .01 above the maximum and has reduced the building coverage to .1367;

That applicant will use pervious pavers where practicable to further reduce the impervious surface ratio; and

WHEREAS, members of the Zoning Board of Appeals visited the site and noted that there is a fence between the addition and the next door neighbor and that the neighbor's house is at an angle so that the addition will not be visible from the interior of that house; and

WHEREAS, No one appeared in opposition to the application and several letters of support were presented to the Board;

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 Joshua and Arielle Wertentheil 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 building coverage of .1367 instead of the maximum permitted of .10, impervious surface ratio of .259 instead of the maximum permitted of .25, side yard of 24 feet instead of the minimum required of 25 feet and total side yard of 53.7 feet instead of the minimum required of 60 feet are hereby granted subject to the following conditions:

1. Compliance with the Rockland County Department of Planning GML review letter dated April 10, 2020;
2. Compliance with the Rockland County Highway Department letter dated March 16, 2020;
3. Compliance with the Rockland County Center for Environmental Health letter dated March 16, 2020;
4. Compliance with the Rockland County Sewer District No. 1 letter dated March 16, 2020; and be it further

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

1. That the Zoning Board of Appeals appreciates the fact that applicants have reconsidered the project and have reduced the number and size of certain requested variances;

2. That all but ones of the variances are not substantial and the building coverage variance is caused by the fact that the lot is undersized;
3. That the variances will not impact on the adjoining property because there is a fence along the property line and the house on that property is constructed at an angle;
4. That there is no feasible alternative to granting the variances since they are caused by the existing undersized lot;
5. That the benefit to the applicants by granting the variances is substantial whereas no detriment to surrounding properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

**Item #3- Continued public hearing - Mause
6 Sherri Lane**

Richard Weinberger stated that the following additional letters of support were submitted to the Village Hall:

- 2 Sherri Lane - Baitz
- 3 Sherri Lane – Miller
- 21 Sherri Lane – Fine
- 23 Sherri Lane – Kreisberg
- 34 Sherri Lane – Block
- 20 Sherri Lane – Berkowitz
- 26 Tammy Road – Shenker
- 23 Tammy Road – Kluger
- 24 Skylark Drive – Holtzberg
- 18 Skylark Drive – Kelman

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

Todd Rosenblum stated that the property owner of 8 Sherri Lane will be most affected by the proposed addition. Mr. Rosenblum stated that the Applicant has had discussions with the owner of the property and has agreed to install a 6ft high privacy fence.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Randi Marlin:

In the Matter of the Application of
Joseph Mause
Premises situated on the east side of Sherri lane
Approximately 500 feet north of Skylark,
Known as 6 Sherri Lane, designated on the Tax
Map as Section 41.16 Block 1 Lot 29, in an
R-35 Zoning District

[Click HERE for audio](#)

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Joseph Mause for 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 side yard of 15 feet instead of the minimum required of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals by teleconference on May 20, 2020, which hearing was continued by teleconference on June 17, 2020, and

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

That the applicant is constructing a substantial addition to the existing residence;

That during the course of construction the applicant decided to expand the addition into the existing garage that a new two car garage is needed;

That the new garage is placed in the only feasible location which opens into the mudroom and, if placed on the other side of the house would open into the existing dining room in addition, the new construction was placed on the existing foundation which limited the placement of the garage;

That although the variance required is substantial, it will not impact the neighbor because the property slopes upwards from applicant's property to the neighbor's and there is a row of bushes along the property line so that the garage will not be visible from the neighbor's house;

That the applicant proposed to install a privacy fence the length of the garage and an additional 10 feet in each direction to reduce any impact on the adjoining neighbor; and

WHEREAS, members of the Zoning Board of Appeals visited the site and noted that the top of the house at 8 Sherri lane is at the slope so that the impact of the variance will not be substantial; and

WHEREAS, no one appeared in opposition to the application and several letters were submitted in support of 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

REOSLVED, that the application submitted by Joseph Mause 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 two car garage to a single family residence is hereby granted subject tot the condition that applicant construct a 6 foot high privacy fence along the property line with 8 Sherri Lane for the length of the garage and 10 feet additionally in ear direction, and be it further

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

1. That although the variance is substantial is will not impact the adjoining neighbor because of the slope of the land and the construction of the privacy fence;
2. That there is no feasible alternative to granting the variance because there is no feasible alternative to placement of the garage – the new construction was placed on the existing

foundation and, if the new garage were placed on the other side of the property it will open into the existing dining room;

3. That there will be no change in the character of the neighborhood since the property will still be used as a single family residence and the only impact of the garage is to the next door neighbor at 8 Sherri Lane, which will be mitigated by the slope of the land and the privacy fence;
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.

**Item #4-Public hearing - Weiss
7 Carefree Lane**

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

Public Hearing by teleconference on the application submitted by Samuel Aryeh Weiss for variances from the provisions of Section 230-17 Attachment 1 and Section 230-14O(5) 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 one side yard of 23.3 feet instead of the minimum required of 30 feet, a total side yard of 53.6 feet instead of the minimum required of 75 feet, impervious surface ratio of .2599 instead of the maximum permitted of .20, building coverage of .1175 instead of the maximum permitted of .10 and to permit construction, maintenance and use of an accessory building having square footage of 960 square feet instead of the maximum permitted of 900 square feet.

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

Stanley Mayerfeld stated that the Applicant is looking to convert their existing garage to a home office, extend the existing rear uncovered deck, and constructing a new pool house. Stanley Mayerfeld stated that lot is a flag lot. Mr. Mayerfeld stated that the Applicant is proposing a 1.5 car garage and a guest suite behind the garage.

Doris Ulman questioned if the wood deck is above the ground? Stanley Mayerfeld answered yes.

Stanley Mayerfeld stated that the guest suite has a bedroom, bathroom, closet, and sitting area. The lot is a flag lot.

Doris Ulman stated that the proposed cabana is listed at 960 square feet which is over the maximum permitted of 900 square feet. Ms. Ulman questioned why the extra 60 feet is needed? Stanley Mayerfeld stated that the 60 feet is due to a long porch with an overhang to provide more space.

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

James Venezia, 5 Carefree Lane, stated that his property is in front of the applicant's and questioned what the line on the front of the property represents on the plan? Stanley Mayerfeld stated that the line represents the silt fence.

James Venezia questioned if the Applicant is proposing lighting on the garage? Stanley Mayerfeld stated that there is no lighting proposed at the current time.

Doris Ulman stated that the Board can require that the lighting be shaded down.

James Venezia stated that he has concerns in reference to a possible two-family home on the property. Doris Ulman stated that the applicant is not proposing a kitchen in the cabana at the current time.

James Venezia stated that some trees have already been removed and questioned how many trees will be removed? Stanley Mayerfeld stated that he will discuss the removal of trees and the possibility of installing a privacy barrier with the Applicant.

Joan Venezia, 5 Carefree Lane, stated that she has concerns in reference to the removal of trees.

Jonathan Gewirtz made a motion to schedule a site visit for 7/12/20 at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

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

**Item #5-Public hearing - Eisenreich
22 Hillside Court**

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

Public Hearing by teleconference on the application submitted by Brenton and Esther Eisenreich for variances from the provisions of Section 230-17 Attachment 1 of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of pool and pool house having a building coverage of .1351 instead of the maximum permitted of .10 and impervious surface ratio of .2835 instead of the maximum permitted of .25

Stanley Mayerfeld appeared before the Board and stated that due to the Covid-19 pandemic, the applicant has decided to construct a rear uncovered deck, a pool, and pool house to provide more space for their family.

Chairman Weinberger asked if Stanley Mayerfeld received the letter from Brooker Engineering dated 5/6/20. Stanley Mayerfeld answered yes.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

Jonathan Gewirtz made a motion to schedule a site visit for 7/12/20 at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

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

**Item #6-Public hearing - Gold
1 Carter Lane**

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

Public Hearing by teleconference on the application submitted by Mendy Gold for variances from the provisions of Section 230-17 Attachment 1 and Section 230-14O(3) of the Code of the Village of Wesley Hills to permit the maintenance and use of a generator and air conditioning units having a front yard of

[Click HERE for audio](#)

26.5 feet instead of the minimum required of 50 feet and a pool equipment side yard of 8.1 feet instead of the minimum required of 15 feet.

Paul Baum, Esq., Attorney for the Applicant, appeared before the Board and stated that the Applicant is requesting 2 variances. The first variance is to permit an emergency generator and air conditioning units to be located 26.5 feet from the front yard where 50 feet is required and the second variance is to permit the pool filtration equipment to be located 8.1 feet from the rear lot line where 15 feet is required. Paul Baum stated that the equipment was already installed on the property as the placement was agreed upon with the Village's Building Department, however when the final as-built review letter was received, the Village Engineer noted that variances for said structures are required.

Doris Ulman requested that the Applicant provide the Zoning Board of Appeals with the lot line disclaimer.

Shimmy Galandauer, the Applicant's Contractor, appeared before the Board and affirmed to tell the truth.

Shimmy Galandauer stated that he discussed the placement of the pool equipment and the generator with the Building Inspector prior to the installation.

Doris Ulman requested that the Applicant provide the Village with the generator and air conditioning specifications and decibel readings at the property line. Paul Baum agreed.

Dennis Dale questioned when the equipment and generator were installed, Shimmy Galandauer stated that the house has been in construction for 8 years, however, the equipment was installed in the last few months. They are fenced and landscaped.

Dennis Dale requested a letter from the Building Inspector explaining the placing of the equipment under his review.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

Jonathan Gewirtz made a motion to schedule a site visit for 7/12/20 at 9am, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

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

Approval of Minutes- May 20, 2020

Dennis Dale made a motion to approve the ZBA minutes of May 20, 2020 seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion to adjourn the meeting to July 15, 2020 at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo