

**Village of Wesley Hills
Zoning Board of Appeals
Zoom
Wednesday, July 15, 2020**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jonathan Gewirtz

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 7/12/20 starting at 9am at the properties located at 1 Carter Lane, 7 Carefree Lane, and 22 Hillside Court.

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

Paul Baum, Esq., Attorney for the Applicant, appeared before the Board and stated that the specs of the generator, the lot line disclaimer and a revised narrative were submitted to the Village as per the Village Attorney's request at the previous meeting. Mr. Baum stated that the Building Inspector submitted a letter dated 7/9/20 explaining the reason for the location of the equipment. Paul Baum stated that the area is heavily landscaped and will not negatively impact any neighbor or the community. Paul Baum further stated that Wilder Road is much louder than the equipment and you cannot hear the generator or pool equipment from the roadway.

Chairman Weinberger read the following letters into the record:

- Rockland County Highway Department letter dated 7/2/20.
- Rockland County Health Department letter dated 7/6/20.
- Rockland County Sewer District letter dated 7/7/20.
- Rockland County Planning Department letter dated 7/9/20.

Paul Baum agreed to comply with all comments from the agency letters. Mr. Baum stated that as per item #4 on the Rockland County Planning letter dated 7/9/20, the generator will auto test every Monday at 10am for 60 seconds.

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.

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

In the Matter of the Application of
Mendy Gold
Premises situated on the south side of Carter Lane
0 feet from the intersection with Wilder Road, known
As 1 Carter Lane, designated on the Tax Map as
Section 41.10 Block 2 Lot 59, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Mendy Gold for variances from the provisions of Section 230-17 Attachment I 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 unit having a front yard of 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, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on June 17, 2020, which hearing was continued on July 15, 2020 and

WHEREAS, the applicant appeared by his attorney and his contractor, who testified as follows:

That the generator, air conditioning unit and pool equipment have already been installed and were approved by the Village Engineer Consultant and the Building Inspector as the only feasible location for the units;

That the units are heavily landscaped on all sides and cannot be seen or heard from adjoining properties or from the road;

That the noise emanating from the units is minimal and does not project across the property lines;

That applicant has submitted manufacturer specifications for the equipment, verifying that the decibel levels are normal at the property lines;

That the generator will only be tested at 10 A.M. every Monday to minimize any impact on adjoining neighbors; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the equipment, the landscaping and the noise levels; and

WHERE, 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 Mendy Gold for variances from the provisions of Section 230-17 Attachment I 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 front yard of 26.5 feet instead of a minimum of 50 feet and pool equipment having a side yard of 8.1 feet instead of the minimum required of 15 feet is approved, subject to the following conditions:

1. Compliance with GML review letters from Rockland County Planning dated July 9, 2020;

2. Compliance with the letter from Rockland County Highway dated July 2, 2020;
3. Compliance with the letter from Rockland County Sewer District No. 1 dated July 7, 2020;
4. Compliance with the letter from Rockland County Environmental Health dated July 6, 2020;
5. That existing fence and landscaping be maintained to provide the same noise and visual abatement as presently exists; and be it further

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

1. That with existing fencing and landscaping no adverse noise or visual impacts are created by the granting of the variances;
2. That, based upon the letter from the Building Inspector, there is no feasible alternative location for the equipment;
3. That although the variances are substantial, the impacts are mitigated by the fencing and landscaping surrounding the equipment;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the neighborhood have been identified.

Upon vote, this motion carried unanimously.

**Item #2-Public hearing - Eisenreich
22 Hillside Court**

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

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. Mr. Mayerfeld stated that the building coverage variance was triggered by the proposed raise deck.

Stanley Mayerfeld submitted a revised plan dated 6/8/20 as per the Village Attorney's request at the last Zoning Board meeting.

Doris Ulman, the Village Attorney, questioned if the applicant will comply with the letter from Brooker Engineering PLLC dated 5/6/20. Stanley Mayerfeld answered yes.

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

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

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

In the matter of the Application of

Brenton and Esther Eisenreich
Premises situated on the west side of Hillside Court
0 feet west of Cara Drive, known as 22 Hillside Court,
Designated on the Tax Map as Section 41.08 Block 1
Lot 12, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Brenton and Esther Eisenreich 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 additions to a single family residence having building coverage of .1351 instead of the maximum permitted of .10 and impervious surface ratio of .2835 instead of the maximum permitted of .25, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on June 17, 2020, which hearing was continued on July 15, 2020, and

WHEREAS, the applicants appeared by their Architect, who testified as follows:

That because of the pandemic, the applicants want to increase the use of the exterior of the premises for themselves and their children;

That the improvements include a front porch, a large deck, a pool, and a pool house;

That the improvements are in compliance with all setback requirements and the pool is set back a substantially larger distance than required by the Zoning Law;

That the variances are not substantial and do not impact on the adjoining properties; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the locations of the proposed improvements; and

WHEREAS, no one appeared in opposition to the application and the applicant submitted several letters in support;

NOW, THEREFORE, IT IS HERBEY 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 Brenton and Esther Eisenreich 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 additions to a single family residence having building coverage of .1351 instead of the maximum permitted of .10 and impervious surface ratio of .2835 instead of the maximum permitted of .25 is granted subject to compliance with the letter from Brian Brooker Associates dated May 6, 2020, and be it further

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

1. That the variances are not substantial in relation to the requirement;
2. That the variances do not impact on adjoining properties or the neighborhood in that no setback variances are required;
3. That no drainage or other potential environmental impacts have been identified;

4. That the benefit to the applicants by granting the variances is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

Item #3-Public hearing - Weiss
7 Carefree Lane

Stanley Mayerfeld stated that the Applicant is proposing to convert their existing garage to an office space and is proposing a 1.5 car garage addition. Stanley Mayerfeld stated that the Applicant does not see clients and is only using the office as a study for personal use. Stanley Mayerfeld stated that the proposed deck contributes to the building coverage. Mr. Mayerfeld stated that the proposed addition, pool, patio, pool house, and deck extension, will be used by the existing family. Mr. Mayerfeld stated that the use of the property will not change or cause any traffic concerns.

Chairman Weinberger read the following letters into the record:

- Rockland County Highway Department letter dated 7/2/20.
- Rockland County Health Department letter dated 7/6/20.
- Rockland County Sewer District letter dated 7/8/20.
- Rockland County Planning Department letter dated 7/8/20.

Doris Ulman stated that at the previous Zoning Board meeting a neighbor appeared before the Board and expressed his concerns in regards to lighting and landscaping at the subject property. Doris Ulman stated that the lighting on the garage should be shielded downward.

Doris Ulman stated that the neighbor had concerns in regards to the number of trees that were removed from the front of the property. Ms. Ulman stated that the trees that were removed were located in the front yard, the application is for a side yard variance therefore, the neighbor's concerns are irrelevant in regards to this application.

Stanley Mayerfeld stated that the neighbor and the property owner have been in contact with each other and are working to determine a landscaping plan to satisfy any concerns.

Dennis Dale questioned if the electrical line that was brought up by the concerned neighbor was resolved? Stanley Mayerfeld answered yes.

Chairman Weinberger questioned 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 Dennis Dale. 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
Samuel Aryeh Weiss
Premises situated on the west side of Carefree Lane
Approximately 70 feet north of Baker Lane, known
As 7 Carefree Lane, designated on the Tax Map as
Section 41.06 Block 1 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 Samuel Aryeh Weiss for variances from the provisions of Section 230-17 Attachment I 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 a side yard of 23.3 feet instead of the minimum required of 30 feet, 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 the construction, maintenance and use of an accessory building having square footage of 960 square feet instead of the maximum permitted of 900 square feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on June 17, 2020, which hearing was continued on July 15, 2020, and

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

That the lot is a flag lot and a portion of the driveway in the front yard is being removed so that the front yard impervious surface ration is being reduced;

The existing pool and patio are being removed and replace with a new pool and cabana;

That the existing garage is being converted into an office for the owner and a new 1 ½ car garage constructed, which is the reason for the side yard variance, which is not substantial;

That the existing driveway on the flag part of the lot compromises most of the impervious surface; and

WHEREAS, the neighbor in the front lot stated that he was converted that the applicant had cut down all the trees in the front yard of the subject property and that the light on the existing garage shines onto his property; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the locations of the areas to be constructed;

NOW, THEREFORE, IT IS HERBY 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 Samuel Aryeh Weiss for variances to permit the construction, maintenance and use of additions to a single family residence having a side yard of 23.3 feet instead of the minimum required of 30 feet, 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 the construction, maintenance and use of an accessory building having 960 square feet instead of the maximum permitted of 900 square feet is hereby granted, subject to the following conditions:

1. Compliance with the Rockland County Planning GML review letter dated July 8, 2020;
2. Compliance with the Rockland County Highway letter dated July 2, 2020;
3. Compliance with the Rockland County Sewer District No. 1 letter dated July 8, 2020;
4. Compliance with the Rockland County Environmental Health letter dated July 6, 2020;

5. That all exterior lights on the property shall be shaded downward so that no light shines across property lines.
6. That existing fence and landscaping be maintained to provide the same noise and visual abatement as presently exists; and be it further

Upon vote, this motion carried unanimously.

Item #4 & #5

8 Suhl Lane & 3 Vanessa Drive

Doris Ulman stated that the Village received a request from Ira Emanuel to waive the GML requirement for the properties located at 8 Suhl Lane and 3 Vanessa Drive as per the agreement with the Rockland County Planning Department and the Village of Wesley Hills. Ms. Ulman stated that the Village only received a clear copy of the revised schedule A. this afternoon from the Rockland County Department of Planning. Ms. Ulman stated that should the Board agree to waive the GML requirement as per this agreement, the Board will then have set a precedence for future applications. Ms. Ulman asked the Board to wait to make a decision until she has an opportunity to research the Agreement. The Board agreed with Ms. Ulman's statement.

Approval of Minutes- June 17, 2020

Mordechai Schwab made a motion to approve the ZBA minutes of June 17, 2020 seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Carole Anderson made a motion to adjourn the meeting to August 19, 2020 at 8pm, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo