

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, January 20, 2021**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Randi Marlin, Ad Hoc
Jonathan Gewirtz

OTHERS PRESENT:

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

Chairman Weinberger called the meeting to order at 8:05 p.m.

**Item #1- Public Hearing - Horowitz
72 Lime Kiln Road**

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

Public Hearing on the application submitted by Samuel and Sherry Horowitz for variances from the provisions of Section 230-17 Attachment 1, 230-14L(8), 230-14O(3) and 230-34A of the Code of the Village of Wesley Hills, to permit the maintenance and use of a single family residence, pool and hot tub having rear yard of 40.7 feet instead of the minimum required of 50 feet, building coverage of .1293 instead of the maximum permitted of .10, impervious surface ratio of .24 instead of the maximum permitted of .20, front yard impervious surface ratio of .23 instead of the maximum permitted of .22 hot tub 9 feet from the rear property line instead of the minimum required of 16.66 feet, 8 foot fence 2.8 feet from the property line instead of the minimum required of 5.33 feet and the fence at the rear of the property is not inside the property lines.

The subject premises are situated on the south side of Lime Kiln Road, approximately 220 feet west of Wilder Road, known as 72 Lime Kiln Road, designated on the Tax Map as Section 41.06, Block 1 Lot 81, in an R-50 Zoning District.

Stanley Mayerfeld appeared before the Board and was affirmed to tell the truth.

Stanley Mayerfeld, the Applicant's Architect, presented to the Board a plan dated 9/17/20, last revised 12/31/20 showing a constructed single-family dwelling that requires variances. Stanley Mayerfeld stated that the property is located on a hill and that the rear of the property abuts a large plot of land that is owned by the Town of Ramapo. Mr. Mayerfeld stated that due to the Covid-19 pandemic, the homeowners lacked guidance from their professionals and causing the house to not be constructed according to the approved plan. Mr. Mayerfeld stated that pervious pavers were installed on the property to avoid a larger impervious surface ratio variance.

Chairman Weinberger confirmed that the Applicant received the Rockland County Highway Department letter dated 1/13/21 and the Rockland County Sewer District No.1 letter dated 1/15/21.

Stanley Mayerfeld stated that the letter from the Village Engineer dated 12/10/20 is being addressed.

Doris Ulman, the Village Attorney, stated that there is a discrepancy between the square footage that is being used for the building coverage calculation and the square footage that is being used for the impervious surface ratio calculation. Samuel Horowitz, the Applicant, appeared before the Board and stated that half of the deck is below 3' which accounts for the difference in the square footage.

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

Joseph Moskowitz, 76 Lime Kiln Road, appeared before the Board and stated that he has no objection to the application and is in attendance to listen to the hearing as he is a neighbor.

Doris Ulman stated that there is an 8' fence that was constructed that requires a variance for the height and location. Ms. Ulman stated that portions of the fence were constructed outside of the property lines on the adjacent property owned by the Town of Ramapo. Mr. Ulman questioned why the fence cannot be moved 3' closer to the house to avoid the need for the height variance? Samuel Horowitz stated that he was unaware of the height and distance requirement when the fence was installed however, Mr. Horowitz stated that in regards to the location, the fence was installed improperly by his Contractor. Samuel Horowitz stated that moving the fence would cause a financial burden on his family.

Mordechai Schwab made a motion to adjourn the public hearing to 2/17/21 with a site visit on 2/14/21. Upon vote, this motion carried unanimously.

Item #2-Public Hearing – Kleiman 14 Bruck Court

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

Public Hearing on the application submitted by Rivka Kleiman 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 an in-ground swimming pool and pool house having building coverage of .15 instead of the maximum permitted of .10 and impervious surface ratio of .316 instead of the maximum permitted of .25.

The subject premises are situated on the east side of Bruck Court approximately 325 feet north of Charlotte Drive, known as 14 Bruck Court, designated on the Tax Map as Section 41.08, Block 2 Lot 20, in an R-35 Zoning District.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and stated that due to the Covid-19 pandemic, the Applicant is looking to construct a pool house on their property for

their family. Mr. Mayerfeld stated that the pool house requires two variances however, the property conforms with the required setbacks. Stanley Mayerfeld stated that the Applicant received variances from the Board previously.

Dennis Dale questioned the dimensions of the pool house? Stanley Mayerfeld stated that the structure is proposed to be 25x13.

Doris Ulman questioned the steps on the north side of the house? Stanley Mayerfeld stated that they are existing steps to the basement. She also thanked Mr. Mayerfeld for correcting his narrative to show the correct required building coverage at .10 but noted the drawing was still incorrect.

Mordechai Schwab made a motion to adjourn the public hearing to 2/17/21 with a site visit on 2/14/21, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #3- Resolution regards Rockland County Department of Planning letter
15 McNamara Road**

Doris Ulman stated that the Applicant for 15 McNamara Road appeared before the Board on 11/18/20 and received the requested variances. Ms. Ulman stated that the application was sent out for GML review due to the location of the property and the Rockland County Department of Planning had 30 days to respond to the request. Doris Ulman stated that the letter from the Rockland County Department of Planning was received after the 30 day limit due to the delayed mail. Therefore, Ms. Ulman suggested that the following resolution be adopted in regards to the newly received letter.

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

WHEREAS, on November 18, 2020 the Zoning Board of Appeals granted several variances to C&R Group of Rockland in connection with a single-family residence constructed at 15 McNamara Road, in the Village of Wesley Hills, and

WHEREAS, because McNamara Road is a County Road and the property is within 500 feet of a municipal boundary, the application required a GML review by the Rockland County Planning Department, and

WHEREAS, the application was sent to Rockland County Planning on November 6, 2020 but County Planning states that they did not receive it until November 17, 2020 and they responded on December 16, 2020 although the Village of Wesley Hills did not receive response until December 23, 2020, and

WHEREAS, the Zoning Board of Appeals has determined that portions of Recommendation No.1 of the GML review should be overridden,

NOW, THEREFORE, BE IT RESOLVED that the resolution adopted by the Zoning Board of Appeals on November 18, 2020 for the property known as 15 McNamara Road, Wesley Hills, New York is hereby amended by adding thereto a new condition, to be condition number 4, to read as follows:

4. Compliance with the Rockland County Planning Department GML review letter dated December 16, 2020, except that the Zoning Board of Appeals overrides that portion of Recommendation No. 1 that requires the applicant to change the application to delete the request for certain variances because an applicant has the right to apply for any variances they choose even is those variances may not be granted, and overrides that portion of Recommendation No. 1 that requires the rear walkway to be removed because the Zoning Board of Appeals agrees with the applicant that there should be a walkway from the rear exit of the residence to the garage.

Upon vote, this motion carried unanimously.

Item #4- Site Visits Discussion

Doris Ulman discussed her memo to the Board dated 1/5/21 in which she asked the board to reconsider the waiving of site visits and/or to set standards for waivers. The consensus of the Board was that site visits should not be waived and that they should continue the same procedure.

Approval of Minutes- December 16, 2020

Dennis Dale made a motion to approve the ZBA minutes of December 16, 2020 seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the meeting to February 17, 2021 at 7:30pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo