

**Village of Wesley Hills  
Zoning Board of Appeals  
Village Hall  
Wednesday, June 20, 2018**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Mordechai Schwab, Ad Hoc

**OTHERS PRESENT:**

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

Richard Weinberger, Chairman called the meeting to order at 8:04 p.m.

**Item #3**

**Miriam & Israel Schubert-26 Glenbrook Road-Continued Public Hearing**

Todd Rosenblum was present and affirmed to tell the truth and stated that a site visit was held on June 17, 2018. Mr. Rosenblum stated that from the site visit it was clear that there is extensive landscape screening installed along the perimeter of the property. Mr. Rosenblum stated that the following variances are being requested:

<b>Variance</b>	<b>Required</b>	<b>Provided</b>
effective square	125 feet	100 feet
total side yard	60 feet	52.9 feet
side yard/in ground pool	15 feet	13.3 feet
side yard/screen house	25 feet	22.6 feet

Mr. Rosenblum stated almost all of the lots in the neighborhood have narrow lot widths and if the variances are granted that would not change the character of the neighborhood.

Chairman Weinberger reminded the Applicant of the Rockland County Sewer District #1 letter dated 5/14/18 and said the members may condition the approval on maintaining the landscaping around the property.

Todd Rosenblum confirmed that they have no objection to the letter from the RCSD#1 or maintaining the landscaping fully after construction.

No one from the public wished to speak.

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

Jonathan Gewirtz stated that the lot is narrow; the side yard variance is minimal, there is no impact on the neighbors, applicant has adequate screening from the neighbors on both sides of the property to mitigate any impact, and several of the variances are existing conditions on the property.

Jonathan Gewirtz made a motion to move the following resolution, seconded by Jan Hilgeman:

**In the Matter of the Application of  
Miriam & Israel Schubert  
Premises situated on the south side of Glenbrook  
Road approximately 80 feet east of the intersection  
With Moccasin Place, known as 26 Glen Brook,  
Designated on the Tax map as Section 41.10 Block 2  
Lot 30, in an R-35 Zoning District**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Miriam & Israel Schubert 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 a single family home having effective square of 100 feet instead of the minimum required of 125 feet, total side yard of 52.9 feet instead of the minimum required of 60 feet, side yard for in ground pool of 13.3 feet instead of the minimum required of 15 feet and side yard for screen house of 22.6 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 on May 16, 2018, which hearing was continued on June 20, 2018, and

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

That this lot is part of a subdivision that was approved by the Town of Ramapo in the 1950s;

That most of the lots in the neighborhood are narrower than what is permitted by the Wesley Hills Zoning Law but were originally approved by Ramapo;

That the only variance that is not for a pre-existing structure is the total side yard which is required for the new house and that variance is less than 15% of the requirement;

That the perimeter of the lot contains dense screening and applicant intends to maintain the screening so that there will be no impact on adjacent neighbors, and

**WHEREAS**, that applicant submitted several letters in support of the application and no one appeared in opposition, and

**WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed the conditions,

**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 Miriam & Israel Schubert 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 a single family home having effective square of 100 feet instead of the minimum required of 125 feet, total side yard of 52.9 feet instead of the minimum required of 60 feet, side yard for in ground pool of 13.3 feet instead of the minimum required of 15 feet and side yard for screen house of 22.6 feet instead of the minimum required of 25 feet is hereby approved, subject to the following conditions:

1. Compliance with the Rockland County Sewer District No. 1 letter dated May 14, 2018;
2. That the arborvitae and other screening amount the perimeter of the property shall be maintained in a dense condition to provide screening for surrounding neighbors, and be it further

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

1. That all but one of the variances are for existing conditions which appear to have been legal under Ramapo;
2. That none of the variances requested are substantial;
3. That the variances will not change that character of the neighborhood inasmuch as almost of the lots in the neighborhood are undersized and narrow and were approved as such when the subdivision was created;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion carried unanimously.

#### **Item #4**

#### **Alan Zoldan-20 Tammy Road- Continued Public Hearing**

Mr. Zoldan was present and affirmed to tell the truth. Mr. Zoldan stated that a site visit was conducted on 6/17/18 and the Board requested the Applicant to obtain a proposal for landscaping on the property to mitigate any neighbor concerns. Mr. Zoldan supplied the Board with a proposal dated 6/18 for landscaping at their request to be installed between 20 and 22 Tammy Road.

Doris Ulman questioned why is the addition placed on the west side of the home and 17 feet from the property line opposed to the east side? The Applicant is requesting a large variance and needs to indicate why the addition cannot be reduced or moved to the other side of the home.

Mr. Zoldan answered that due to the symmetry of the design of the house and to have balance of the home it is more advantageous and aesthetic to have the addition on the west side of the home. In addition the existing house is not in the center of the lot but to the west.

Chairman Weinberger reminded the Applicant that they agreed to the Rockland County Sewer District #1 letter dated 5/14/18 and noted that the Board may consider conditioning the variance on the landscaping proposal.

Mr. Zoldan confirmed that they have no objection to the letter from the RCSD#1 or the landscaping condition.

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

Jonathan Gewirtz stated that the home is situated on one side of the lot and if the home was centered the variance would not be needed. There is no detriment to the neighborhood and the property will be screened.

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

**In the Matter of the Application of  
Alan Zoldan  
Premises situated on the south side of Tammy  
Road approximately 200 feet from the intersection  
With Plank Road, known as 20 Tammy Road,  
Designated on the Tax map as Section 41.16  
Block 1 Lot 51, in an R-35 Zoning District**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Alan Zoldan 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 an addition to a single family home having a side yard of 17.1 feet instead of the minimum required of 25 feet.

**WHEREAS**, after due notice, a public hearing on said application was held on May 16, 2018, which hearing was continued on June 20, 2018, and

**WHEREAS**, the application appeared in person and testified as follows:

That for symmetrical reasons, the addition is on both sides of the existing residence;

That because the house is not in the center of the lot, the addition on the west side of the house is closer to the side line than on the other side of the residence;

That applicant has submitted a landscaping plan prepared by his contractor and will install 6 foot tall arborvitae on the property adjacent to 22 Tammy Road, and

**WHEREAS**, no one appeared in opposition to the application, and

**WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed existing conditions,

**NOW, THEREFORE, IT IS HEREBY DETERMINED** that the proposed action is a TYPE II action and that no SEQRA determination is requested, and be it further

**RESOLVED**, that the application submitted by Alan Zoldan 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 an addition to a single family home having a side yard of 17.1 feet instead of the minimum required of 25 feet is hereby approved, subject to the following conditions:

1. Compliance with the Rockland County Sewer District No. 1 letter dated May 14, 2018;
2. Compliance with the landscaping plan prepared by Lawns-n-More dated June 18, 2018 and maintenance of the screening to be installed, 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, the tall screening will lessen the impact on the neighboring property;
2. That there will be no change in the character of the neighborhood inasmuch as the addition is symmetric and aesthetic;
3. That the benefit to the applicant by granting the variance is great whereas no detriment to surrounding properties or to the community has been identified.

Upon vote, this motion carried unanimously.

#### **Item #5** **Jerald & Kathleen Zisa- Public Hearing**

Stanley Mayerfeld, architect was present and affirmed to tell the truth.

Jan Hilgeman stated that she is a neighbor to the Zisa's, receiving water to her home from the proposed water tank, on the Board for the association and also the waste water engineer for the association. However she feels that those positions would not influence her decision.

Stanley Mayerfeld stated that the Pomona Country Club has an existing water tank that sits on the Zisa's property that needs to be replaced as per the RC Health Department latest inspection report. The Zisa's house and maintain the water tank for the community. The water tank needs to remain in the location of the water pipes and there are 23 homes that have lines that run from the tank. Mr. Mayerfeld stated that the system is gravity feed system and the tank must be located at the highest point. The area needs to be clear and level.

Chairman Weinberger requested the following items:

1. Mr. Mayerfeld sign the original narrative
2. Supply the Board with the inspection report from the RC Health Department
3. Supply a copy of the application that will be submitted to the RC Health Department for the new tank.
4. Provide letter of support from the community.

Chairman Weinberger opened the public hearing:

Amdurer Leonard, 32 East Lane was present and affirmed to tell the truth and stated that he is a neighbor and lives in the country club and is in need of water. The country club has been working on this project for 4-5 years and must comply with the RC Health Department.

Board Members set the site visit up for July 15 at 9am.

Jan Hilgeman made a motion to continue the public hearing to July 25, 2018 at 8pm, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

#### **Item #6**

#### **Public Hearing-C&R Group-15 McNamara Road**

Dennis Dale stated that he is excusing himself as he has personal relationships with the Applicant.

James Licata, Esq. was present on behalf of the Applicant and stated that the Applicant received ZBA approval in November of 2016 and the approval has lapsed as the Applicant had problems obtaining the demo permit and is seeking an extension of the approval.

Carole Anderson stated that the property has not been maintained and she had to call the Clerk to get the property cleaned up.

Jan Hilgeman confirmed the time frame of the approval and what has happened to date.

Mr. Licata added that currently the demo permit is approved pending this approval and within the next month the home will be demolished. The Applicant has submitted a building permit for the new home and has some minor items to be submitted as per the Building Inspector's request. They had trouble turning off the sewer and utilities because they could not find the utilities lines.

Carole Anderson stated that the maintenance of the property should be a requirement of this approval as she looked at that property everyday for months and nothing was done along with the Code Enforcement checking in.

Ms. Pomerantz, 2 Tammy Road was present and affirmed to tell the truth and stated that the Applicant had two years to do something and did nothing and feels that the Applicant will not be placing their mother in the home.

Jonathan Gewirtz questioned if Ms. Pomerantz would like the old home to remain?

Ms. Pomerantz answered no however she is upset with the timeframe that the Applicant is requesting and the project should have been done already.

Jonathan Gewirtz stated that he understands the Applicants lack of activity being a concern.

Doris Ulman stated that the original 5 conditions of approval from the November 2016 meeting should be carried forward.

Jon Gewirtz made a motion to close the public hearing, seconded by Jan Hilgeman. Upon, vote this motion carried (Dale Abstained).

Randi Marlin made a motion to move the following resolution, seconded by Carole Anderson:

**In the Matter of the Application of  
C&R Group of Rockland LLC  
Premises situated on the south side of  
McNamara Road approximately 320 feet west  
of Union Road, known as 15 McNamara Road,  
designated on the Tax Map as Section 42.13  
Block 1 Lot 21, in an R-35 Zoning District.**

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by C & R Group of Rockland LLC to extend the expiration date of variances granted by the Zoning Board of Appeals on November 1, 2016 to expire November 1, 2018.

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

**WHEREAS**, the applicant appeared by its attorney, and testified as follows:

That the building on the lot has not yet been demolished because the sanitary sewer and utility lines and connections were difficult to find because documents showing the locations were not readily available;

That the utilities have now been turned off and applicant has obtained a demolition permit which was issued subject to the granting of the extension of the variance;

That applicant requests that the decision of November 1, 2016 be extended for another year, and

**WHEREAS**, two neighbors testified that the property is overgrown and has debris and has been unsightly for some time,

ZBA  
6/20/18

**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 decision of the Zoning Board of Appeals dated November 1, 2016 granting variances to property known as 15 McNamara Road is hereby extended to December 31, 2018, and be it further

**RESOLVED**, that as an additional condition of this resolution, applicant is required to maintain the property, keep it mowed and debris-free and the Zoning Board of Appeals requests the Code Enforcement Officer to inspect the property periodically for compliance with this condition.

Upon vote, this motion carried (Dale abstained).

**Item #7**  
**Approval of Minutes – May 16, 2018**

Dennis Dale made a motion to approve the Zoning Board of Appeals Minutes of May 16, 2018 seconded by Jan Hilgeman. Upon vote, this motion carried (Gewirtz abstained).

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

Respectfully Submitted,  
Camille Guido-Downey