

**Village of Wesley Hills  
Zoning Board of Appeals  
Village Hall  
Wednesday, March 17, 2021**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Carole Anderson

**OTHERS PRESENT:**

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

Chairman Weinberger called the meeting to order at 7:35 p.m.

**Item #1- Public Hearing – Appel  
21 Roble Road**

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

Public Hearing on the application submitted by Elliot and Dena Appel 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 front yard of 46.8 feet instead of the minimum required of 50 feet, side yard of 20.6 feet instead of the minimum required of 25 feet, total side yard of 50.2 feet instead of the minimum required of 60 feet and front yard impervious surface ratio of .20 instead of the maximum permitted of .15.

The subject premises are situated on the west side of Roble Road approximately 400 feet north of Ari Drive, known as 21 Roble Road, designated on the Tax Map as Section 32.18 Block 2 Lot 37, in an R-50 Zoning District.

Chairman Weinberger stated that the Board completed a site visit on 3/14/21.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board via phone and affirmed to tell the truth.

Stanley Mayerfeld presented a plan dated 1/15/21 showing an addition on the property requiring variances. Mr. Mayerfeld stated that the lot is undersized, and the current home is under 2,000 square feet. Mr. Mayerfeld stated that the Applicant is proposing a modest addition located on the side of the home in order to avoid the conservation easement in the rear of the property and a drainage easement on the other side. Stanley Mayerfeld stated that the addition is going to be placed over the existing driveway and the existing garage will be converted into living space.

Stanley Mayerfeld stated that the Applicant is appearing before the Planning Board for a Wetlands permit as the addition is located within the 100-foot buffer of a freshwater wetland. Stanley Mayerfeld stated that the porch will comply with the Zoning Codes and the variances are triggered by the addition.

Elliot Appel, the Applicant, appeared before the Board and affirmed to tell the truth. Mr. Appel submitted 13 letters of support to the Board.

Chairman Weinberger stated that the Board completed a site visit at which time the Board had the opportunity to view the site.

Doris Ulman, the Village Attorney, stated that the proposed driveway is 20ft wide. Ms. Ulman requested that the Applicant reduce the width of the driveway in order to reduce the requested variance.

Jonathan Gewirtz questioned the size of the turnaround area. Stanley Mayerfeld stated that the turnaround area is 200 square feet.

The Board discussed options for reducing the front yard impervious surface ratio variance. Mr. Mayerfeld agreed to reduce the impervious surface ratio to 18.5%.

Chairman Weinberger questioned if anyone from the public wished to be heard in regards to the application.

Henry Epstein, 6 Timber Trail, appeared before the Board and affirmed to tell the truth. Mr. Epstein stated his concerns in regards to drainage. Mr. Epstein stated that the property is extremely wet and is concerned that the addition will make the existing problem worse. Stanley Mayerfeld stated that the Applicant is only requesting a front yard impervious surface ratio variance due to the driveway. Mr. Mayerfeld stated that the total impervious surface ratio is within the allowed amount. Doris Ulman stated that the Village Engineer reviews all addition plans when the applicant applies for a building permit through the Village's building department.

Sam Levin, 5 Roble Road, appeared before the Board and stated that he is an Attorney. Mr. Levin expressed his support of the application and stated that the property is an odd shaped lot and had the lot been shaped differently the requested variance would not be needed.

Jonathan Gewirtz encouraged Mr. Epstein to reach out to local politicians and agencies in regards to his drainage concerns that stem from the pipe underneath the road that has not been cleaned out.

Jay Pepper, 12 Roble Road, appeared before the Board and affirmed to tell the truth. Mr. Pepper stated that he is in support of the application as the proposed addition is not substantial.

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

Mordechai Schwab made a motion to approve the following resolution with a reduction in the front yard impervious surface ratio to 18.5% and full review from the Village Engineer in regards to the drainage, seconded by Jonathan Gewirtz:

In the Matter of the Application of  
Elliot and Dena Appel  
Premises situated on the west side of Roble Road  
Approximately 400 feet north of Ari Drive, known  
as 21 Roble Road, designated on the Tax Map as  
Section 32.18 Block 2 Lot 37, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Elliot and Dena Appel 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 front yard of 46.8 feet instead of the minimum required of 50 feet, side yard of 20.6 feet instead of the minimum required of 25 feet, total side yard of 50.2 feet instead of the minimum required of 60 feet and front yard impervious surface ratio of .20 instead of the maximum permitted of .15, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on march 17, 2021, and

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

That the addition consists of enlarging the dining room and kitchen into the existing garage with a master bedroom above the existing garage and constructing a new garage with guest bedroom, attic and driveway;

That the driveway and addition cannot be located on the other side of the residence because they would encroach into the drainage easement;

That the garage is a two car front entrance garage and the driveway is the width of two cars to that they can drive both cars into the garage with a wide turnaround area so that they will not back into the street;

That the front yard impervious surface ratio variance is needed for the turnaround area for safety so that the cars will not back into the street;

That applicant has applied to the Wesley Hills Planning Board for a Wetlands Permit but has not yet appeared before that Board; and

WHEREAS, the applicant submitted several letters in support of the application and the neighbor in the rear testified that there is a stream that runs through both properties and often

floods because it is not cleaned and that he is concerned that the addition will cause additional flooding on an already wet property; and

WHEREAS, several members of the Board 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 Elliot and Dena Appel 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 front yard of 46.8 feet instead of the minimum required of 50 feet, side yard of 20.6 feet instead of the minimum required of 35 feet and total side yard of 50.2 feet instead of the minimum required of 60 feet is hereby granted, and be it further

RESOLVED, that the request for a front yard impervious surface ratio of .20 is hereby denied and front yard impervious surface ratio of .185 is granted with the width of the proposed driveway to be reduced in size to reflect the reduced front yard impervious surface ratio, and be it further

RESOLVED, that the aforesaid variances are subject to the following conditions:

1. That the Village Engineer shall review the applicant's drainage plan to ensure that all water runoff resulting from the addition will be kept on site;
2. That the applicant shall provide a new plan for the driveway to the Village Engineer to verify that the front yard impervious surface ratio has been reduced to .185, and be it further

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

1. That there is no feasible alternative to granting the variances because of the existence of the drainage easement on the other side of the property, negating the construction of a driveway and garage in that area;
2. That with the reduction in size of the front yard impervious surface ratio the variances are not substantial in relation to the requirement;
3. That the granting of the variances will not alter the character of the neighborhood;
4. That although the properties in the area have drainage problems, the requirement that all runoff be kept on site will reduce any environmental impact that may result from the construction;
5. That the benefit to the applicant by granting the variance is substantial whereas any potential detriment to adjoining properties or to the neighborhood will be mitigated.

Upon vote, this motion carried 4 in favor, Chairman Weinberger abstained.

**Item #2- Continued Public Hearing – Eisenreich  
22 Hillside Court**

Chairman Weinberger stated that the Board completed a site visit on 3/14/21.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board by telephone and stated that the Applicant previously appeared before the Zoning Board of Appeals for a variance for a proposed pool house. Mr. Mayerfeld stated that since the granting of the variance, the Applicant has decided to relocate the pool house triggering additional variances. Mr. Mayerfeld stated that the Applicant's insurance company encouraged the property owners to relocate the pool house as it would be safer if it was in a different spot.

Jonathan Gewirtz stated that at the site visit, the Board had the opportunity to view the site. Mr. Gewirtz stated that the property is large and there are other locations where the pool house can be located.

Stanley Mayerfeld stated that only half of the pool house is enclosed space, the other half is a pergola.

Benny Silber, the Contractor, appeared before the Board and affirmed to tell the truth. Mr. Silber stated that he is the Contractor on the job and has ordered 100 six-foot arborvitae to be planted for screening. Benny Silber submitted a drawing with the layout of the back yard to the Board.

Chairman Weinberger questioned if anyone from the public wished to be heard in regards to the application. No one wished to speak.

Randi Marlin made a motion to close the public hearing, seconded by Mordechai Schwab.

Jonathan Gewirtz stated that he is not in support of the application at the current time as he is unconvinced that the pool house cannot be placed anywhere else.

Dennis Dale suggested that the Board schedule another site visit to determine if there are any other locations where the pool house can be located.

Jonathan Gewirtz made a motion to reopen the public hearing, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the public hearing to April 21, 2021 with a site visit on April 11, 2021, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

**Item #3 – Public Hearing – March  
174 Grandview Avenue**

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

Public Hearing on the application submitted by Cheskel March on appeal of a determination of the Building Inspection dated December 20, 2020 that an apartment situated above the garage at 174 Grandview Avenue had lost its non-conformity or, in the alternative, for an extension of the previous non-conforming use of the dwelling unit.

The subject premises are situated on the south side of Grandview Avenue approximately 200 feet east of Forshay Road, known as 174 Grandview Avenue, designated on the Tax Map as Section 41.14 Block 1 Lot 51, in an R-35 Zoning District.

Doris Ulman stated that Paul Baum, the Applicant's Attorney, submitted a letter dated 3/16/21 requesting that the public hearing be adjourned to the April meeting as the Applicant was unable to post the notice on the property within the 10 day requirement.

Dennis Dale made a motion to adjourn the meeting to April 21, 2021 at 7:30pm, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

**Item #4 – Public Hearing – Sabel  
27 Holland Lane**

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

Public Hearing on the application submitted by Martin Sabel and Nechama Keller for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills to permit the maintenance and use of a single-family residence having side yard of 24.5 feet instead of the minimum required of 25 feet and the construction, maintenance and use of a cabana having rear yard of 35 feet instead of the minimum required of 50 feet:

The subject premises are situated on the east side of Holland Lane, known as 27 Holland Lane, designated on the Tax Map as Section 41.11 Block 1 Lot 28, in an R-50 Zoning District

Martin Sabel, the Applicant, appeared before the Board and affirmed to tell the truth. Mr. Sabel stated that he is proposing a pool house in the rear of his property for his growing family. Mr. Sabel stated that the cabana will be located closer to the shopping center as there is a stream on both sides of the property. The rear of the shopping center is quite noisy and he wants to use the cabana as a buffer for the pool.

Bobby Gall, the Applicant's Contractor, appeared before the Board and affirmed to tell the truth. Mr. Gall stated that the cabana is 14x18.

Chairman Weinberger questioned if anyone from the public wished to be heard in regards to the application. No one wished to speak.

Dennis Dale made a motion to adjourn the meeting to April 21, 2021, with a site visit on 4/11/2021. Upon vote, this motion carried unanimously.

**Approval of Minutes- February 17, 2021**

Dennis Dale made a motion to approve the ZBA minutes of February 17, 2021 seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the meeting to April 21, 2021 at 7:30pm, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Respectfully submitted,  
Sydney Aliseo