

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, August 18, 2021**

MEMBERS PRESENT:

Mordechai Schwab, Chairman
Randi Marlin, Alternate
Richard Weinberger
Carole Anderson
Stefanie Collantes, Alternate

MEMBERS ABSENT:

Jonathan Gewirtz, Deputy Chairman
Dennis Dale

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Tara Roberts, Deputy Village Clerk

Mordechai Schwab called the meeting to order at 7:35 p.m.

**Item #3 – Public Hearing – Congregation Ahavas Yitzchak
73 Forshay Road**

Rachel Barese from Civil Tec Engineering appeared before the Board and affirmed to tell the truth. Ms. Barese stated that her client is requesting an extension of time for variances that had been previously granted. She further stated that her client had received approval from the Planning Board in the past and the project was the same as it had previously been. Further, that when the building permit application had been submitted, the resolution had expired. She asked for an extension of one year.

Mr. Schwab asked if anyone from the public had comments, there were none.

Mr. Schwab asked if members of the Board if they had any comments. Richard Weinberger stated that he would impose the same conditions from the July 17, 2019 resolution.

Richard Weinberger made a motion to grant the extension of the variance, with compliance of the original conditions, seconded by Randi Marlin.

In the matter of the Application of
Congregation Ahavas Yitzchak
Premises situated on the west side of
Forshay Road at the intersection with
Parker Road, known as 73 Forshay Road,
Designated on the Tax Map as Section 41.18
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 for an extension of one year from the date hereof for the variances approved on July 17, 2019, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on August 18, 2021, and

WHEREAS, the applicant appeared by its engineer, who testified as follows:

That after the variances were granted in July 2019 the applicant went back to the Planning Board for site plan and special permit approval;

That thereafter all construction stopped due to COVID 19 and the applicant was not able to complete the work for which the variances, site plan and special permit were granted;

That a twelve month extension of time from August 2021 will be sufficient for applicant to complete all work anticipated; and

WHEREAS, no one appeared in opposition of 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 Congregation Ahavas Yitzchak for a twelve month extension of time for the variances previously granted to expire on August 18, 2022 is hereby granted, subject to the following conditions:

1. That the existing landscaping be maintained and replaced as needed to maintain the dense screening between the parking area and adjacent properties;
2. That applicant complies with letters from Rockland County Highway Department dated June 17, 2019, July 18, 2019, and August 16, 2021;
3. That applicant complies with letters from Rockland County Sewer District No. 1 dated May 21, 2019, June 11, 2019, June 25, 2019 and August 19, 2021;
4. That applicant complies with letter from Town of Ramapo Department of Public Works dated May 16, 2019;
5. That applicant complies with letters from Rockland County Department of Health Center of Environmental Health dated May 16, 2019, June 6, 2019 and August 17, 2021;

6. That applicant complies with letter from Rockland County Planning Department dated June 11, 2019 except that the Zoning Board of Appeals hereby overrides Paragraphs 6, 7 and 8 of said letter for the following reasons:
 - A. The Zoning Board of Appeals determines that pervious pavers are not feasible because of the high water table throughout the property and the fact that pervious pavers are not usually desirable in parking areas because they tend to get filled in easily and require constant maintenance;
 - B. The County Highway Department, the Wesley Hills Planning Consultant and Engineering Consultant have determined that two way traffic is not necessary;
 - C. The Wesley hills Planning Consultant and Engineering Consultant have determined that a turn-around area is not required because there is sufficient room in the parking area for backing out of the parking spaces since the driveways are 24 feet wide;
7. That a Stop Sign be installed in accordance with the recommendation from County Highway;
8. That applicant complies with all conditions of the site plan and special permit approval granted by the Wesley Hills Planning Board; and be it further

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

1. That during COVID-19 the Governor's Executive Orders prohibited construction for a period of time so that applicant was not able to complete its work;
2. That the benefit to the applicant by granting the one year extension of time is substantial whereas no detriment to other properties or to the community have been identified.

Upon vote, this motion carried unanimously.

**Item #4-Public Hearing—Ken Grossman
31 Deerwood Road**

Todd Rosenblum, the applicant's architect, appeared before the Board and affirmed to tell the truth. Mr. Rosenblum stated that his client had been before the Board in 2007 and was granted a variance for an addition to their home. There are three variances to be addressed:

1. Mr. Rosenblum further stated that his client built a pool 3 years ago and a bulk table had not been consulted. When the plans for the current project were submitted, it was noticed that the site was now over for impervious surface (33%). After working with his client, the decision was made to use pervious pavers and the walkway would be pervious. These choices brought the impervious ratio down to 32%.

2. Mr. Rosenblum spoke regarding the building coverage on the property where there are three scenarios effecting the change; 1) there is a part of the house that is currently two stories and there would be a floor constructed in between. 2) there are two parts of the house that are one story, but will became two stories each. 3) there are two new two story sections.

Mr. Rosenblum advised the Board that the makeup of the family has changed since they purchased the house. There are now twelve (12) children and an elderly parent with a health aid. These changes have resulted in the need for more space, but very little new footprint.

Doris Ulman asked that the dimension between the side property line and the shed be added to the plot plan and the size of the shed be added.

Richard Weinberger confirmed that the Deputy Village Clerk has received the letters of support from the neighbors. Chairman Schwab requested that the letters be added to the record.

Richard Weinberger moved to adjourn the public hearing to the October 6th meeting at 7:30pm and to confirm the October 3rd site visit, seconded by Randi Marlin.

Upon vote, this motion carried unanimously.

**Item #5 – Public Hearing – Joseph and Batsheva Haas
8 Woodcrest Road**

Stanley Mayerfeld, the architect for the applicant, appeared before the Board and affirmed to tell the truth. Mr. Mayerfeld advised the Board that the home is a high ranch. The intention is to add an additional level, in addition to a front foyer and covered porch. The front yard variance to 32.4 feet is for the steps which are uncovered.

Chairman Schwab made a motion to continue the public hearing to October 6th and confirm the October 3rd site visit, seconded by Randi Marlin.

Upon vote, this motion carried unanimously.

**Item #6-Continued Public Hearing-Shimmy Enterprises Inc. on behalf of Carmel Holding LLC
28 Wilder Road**

Paul Baum Esq., The Applicant's Attorney, appeared before the Board and affirmed to tell the truth. Mr. Baum stated that the proposed cabana, to be constructed at 28 Wilder Road, is to be used for the swimming pool at 1 Carter Lane. Chairman Schwab stated that the Board had conducted a site visit on Sunday and his understanding was that a few changes would be made to the plans.

Mr. Baum stated that three (3) items came of the site visit:

1. The cabana would now be placed 17 feet from the property, instead of the 15 feet originally proposed.
2. The walkway between the cabana and house would be grass stepping stones.
3. The existing 20 foot trees would be used for screening so that the new structure would not be seen from Wilder Road.

Mr. Baum acknowledged that the GML recommendations would be followed. Mr. Baum stated that he believed that the total side setback was from the main structure and not the cabana and questioned if the total side variance was needed. Doris Ulman disagreed that the measurement is from the main structure. Chairman Schwab stated that the Board agreed with Ms. Ulman's interpretation.

Chairman Schwab asked if anyone from the public would like to be heard, no one spoke.

Chairman Schwab asked if anyone from the Board would like to be heard. Richard Weinberger confirmed that Mr. Baum had received all of the letters from the County and reiterated the importance of the conditions included in the GML report. Mr. Baum agreed.

The following motion was made by Randi Marlin, seconded by Mordechai Schwab and unanimously approved.

In the Matter of the Application of
Shimmy Enterprises Inc. on behalf of
Carmel Holding LLC
Premises situated on the east side of Wilder Road
Approximately 250 feet south of Carter Lane, known
As 28 Wilder Road, designated on the Tax Map as
Section 41.10 Block 2 Lot 61, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Shimmy Enterprises Inc. on behalf of Carmel Holding LLC 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 cabana and pergola having a side yard of 15 feet instead of the minimum required of 25 feet and total side yard of 36 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 on July 21, 2021, which hearing was continued on August 18, 2021, and

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

That applicant was also the applicant and contractor for 1 Carter Lane;

That the principal of Carmel Holding LLC is the person in control of properties known as 1 Carter Lane, 28 Wilder Road, and 146 East Willow Tree Road; that 28 Wilder Road is adjacent to 1 Carter Lane and 146 East Willow Tree is adjacent to 28 Wilder;

That the cabana to be constructed at 28 Wilder will serve the swimming pool at 1 Carter and will be used by the residents of 1 Carter Lane;

That there is no swimming pool at 28 Wilder nor does the owner intend to construct one at 28 Wilder;

That at the request of the Zoning Board of Appeals the applicant agreed to place the cabana 17 feet from the side property line but stated that if the cabana is placed more than 17 feet from the property line it will not be easily accessible to persons using the swimming pool at 1 Carter Lane and will defeat the purpose of the cabana;

That the property will be heavily screened and the cabana will not be visible from the street; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the cabana; 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 Shimmy Enterprises Inc. on behalf of Carmel Holding LLC 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 cabana having a side yard of 17 feet instead of the minimum required of 25 feet and total side yard of 38 feet instead of the minimum required of 60 feet is hereby granted, subject to the following conditions:

1. That the cabana is not to be used for sleeping purposes or as a separate dwelling unit;
2. That applicant complies with the letter from Rockland County Planning Department dated July 21, 2021;
3. Compliance with letter from Rockland County Highway Department dated June 30, 2021;
4. Compliance with letter from Rockland County Sewer District No. 1 dated July 20, 2021;
5. Compliance with letter from Rockland County Center for Environmental Health dated July 19, 2021, and be it further

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

1. That there will be no change to the character of the neighborhood;

2. That no adverse ecological or environmental impacts have been identified;
3. That the benefit to the applicant is substantial whereas no detriment to adjoining properties or to the neighborhood have been identified.

Upon vote, this motion was carried unanimously.

**Item #7 – Continued Public Hearing – March
174 Grandview Avenue**

A letter was received from the applicant's attorney requesting an adjournment. Chairman Schwab made the following motion, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

RESOLVED, that at the request of the applicant's attorney, the public hearing on the application submitted by Cheskel March of 174 Grandview Avenue is adjourned to October 20, 2021 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 and be it further

RESOLVED, that there shall be no further adjournments of the public hearing for this application, and be it further

RESOLVED, that a copy of this resolution shall be transmitted to Paul Baum, Esq., attorney for the applicant and to the applicant.

Item #8--Approval of Minutes- July 21, 2021

Richard Weinberger made a motion to approve the minutes of July 21, 2021, seconded by Carole Anderson. Upon vote, this motion carried Ayes-3, Abstain-2 (Schwab and Marlin not present at July 21st meeting).

Chairman Schwab made a motion to adjourn, seconded by Stephanie Collantes. Upon vote, this motion carried unanimously.

Respectfully submitted,
Tara Roberts