

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, October 6, 2021**

MEMBERS PRESENT:

Mordechai Schwab, Chairman
Richard Weinberger
Dennis Dale
Stefanie Collantes, Ad Hoc
Randi Marlin, Ad Hoc (Late)

MEMBERS ABSENT:

Jonathan Gewirtz
Carole Anderson

OTHERS PRESENT:

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

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

**Item #3- Continued Public Hearing – 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 is seeking variances for an addition to an existing single-family home. The following variances are being requested:

1. Building coverage: .12 instead of .10
2. Impervious surface .32 instead of .25.

Mr. Rosenblum provided a revised survey dated 9/2/2021 at the request of the Village Attorney which shows the existing shed and the note that it is under 100 sf. Mr. Rosenblum reminded the Board that the impervious surface variance is a pre-existing non-conforming condition for the existing in-ground pool and is not being created by the addition to the home. The Applicant will be replacing the rear patio and front sidewalk with pervious pavers. There is existing drainage on the property and no history of drainage issues. Mr. Rosenblum reminded the Board that the following letters of support were supplied for the record:

Gotesman	24 Hillside Court
Fogelman	33 Deerwood Road
Newhouse	34 Deerwood Road
Kushner	28 Deerwood Road

Chairman Schwab noted for the record that a site visit occurred on October 2nd and the following members were in attendance, Dennis Dale, Richard Weinberger, Stephanie Collantes, Mordechai Schwab, and Doris Ulman.

Mr. Rosenblum noted that the property is landscaped and screened, and he is sure that the members could see from the site visit that the landscaping will be maintained. There is no negative impact to the neighborhood or the community.

Chairman Schwab questioned if anyone from the public wished to be heard regarding the application?

No one from the public wished to speak.

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

Richard Weinberger made a motion to approve the application of Ken Grossman, seconded by Chairman Schwab:

**In The matter of the Application of
Ken Grossman
Property situated on the west side of Deerwood
Road approximately 200 feet north of Cara Drive,
Known as 31 Deerwood Road, designated on the Tax map as
Section 32.20 Block 1 Lot 53, in an
R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Ken Grossman 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 building coverage of .12 instead of the maximum permitted of .10 and impervious surface ratio of .32 instead of the maximum permitted of .25, and

WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on August 18, 2021, which hearing was continued on October 6, 2021, and

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

That a side yard variance was issued by this Board in 2007 when an addition to the single-family residence was requested and that variance remains in place;

That an impervious surface ratio of .34 was caused by the construction of a pool several years ago but neither the applicant or the Village realized the extent of the impervious surface until the present addition was requested;

That applicant has added pervious pavers in some areas so that the new addition will not add to the impervious surface ratio but that the ratio will be reduced to .32;

That the addition is needed to accommodate the large family of the applicant, who has 12 children and an elderly parent living with them, and the building coverage variance is being kept to a minimum;

That applicant will install whatever additional drainage is required by the Village Engineering Consultant, if any;

That there are trees for screening of the side yard that will be maintained by the applicant; and

WHEREAS, Board members visited the site and viewed the area proposed for the addition; 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 Ken Grossman 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 building coverage of .12 instead of the maximum permitted of .10 and impervious surface ratio of .32 instead of the maximum permitted of .25 is hereby approved, and be it further

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

1. That the building coverage variance is not substantial at 20% and the impervious surface ratio, although 30%, is being mitigated with the use of pervious pavers;
2. That there is no feasible alternative to the requested addition; the only alternative being to sell the house and purchase a larger residence;
3. That no evidence of detriment to the environment or to adjoining properties has been identified;
4. That the benefit to the applicant by granting the variances is substantial whereas no evidence of detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

**Item #6- Public Hearing – Mause
6 Sherri Lane**

Todd Rosenblum, the Applicant's Architect, appeared before the Board and affirmed to tell the truth. Mr. Rosenblum stated that his client is seeking variances for an in-ground pool and cabana.

Mr. Mause recently completed the construction of a fully renovated home. Currently the following variances are being requested:

1. Side yard of 18.1 feet instead of the minimum required of 25 feet
2. Rear yard of 36 feet instead of the minimum required of 50 feet
3. Building coverage of .11 instead of the maximum permitted of .10
4. Front yard impervious surface ratio of .22 instead of the maximum permitted of .20.

Mr. Rosenblum stated that his client is also before the Planning Board to address the basketball/sports court as that requires a special permit from the Planning Board due to its size. The public hearing notice is incorrect in reference to any variances being needed for the basketball /sports court. Mr. Rosenblum stated that he feels that the Board Members will get a clear picture of why the variances are needed when they conduct a site visit and further explained that the driveway layout and architectural features on the home are what triggered some of the variances. Letters of support will be provided by the next board meeting. Todd Rosenblum stated that the Applicant's Engineer, Paul Gdanski has confirmed that there will be no additional water runoff from the project. The Applicant is installing a fence with screening around the full property. The landscaped trees are trees that don't lose their leaves to provide year around privacy.

Dennis Dale questioned how big is the sports/basketball court?

Mr. Mause, 6 Sherri Lane was present and affirmed to tell the truth and stated that it is 100 x 40 and required a special permit from the Planning Board.

Dennis Dale stated that his children played on a half court, is that not something that can be done?

Mr. Mause answered that the court will also be tennis court.

Doris Ulman questioned why the pool house can not be moved to the other side of the pool and then there would not be a need for any variances.

Todd Rosenblum answered that by moving the pool house to the other side of the property there would be no room for the lawn, and the pool house would not be able to be seen from the house. Mr. Rosenblum stated that the neighbors are supportive of the proposed placement.

Doris Ulman asked the Applicant and Mr. Rosenblum to consider that option. Ms. Ulman stated that the Village has received a complaint that the homeowner is operating a business out of the home.

Mr. Mause answered no, they have a very active family with a lot of children who always have friends over.

Chairman Schwab questioned if anyone from the public wished to be heard regarding the application?

No one from the public wished to speak.

Chairman Schwab made a motion to adjourn the hearing to the October 20, 2021, meeting at 7:30 pm, with a site visit on October 17, 2021, at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #4 – Continued Public Hearing – Haas
8 Woodcrest Road**

Chairman Schwab stated that this is a continued public hearing and read the public hearing notice into the record. Chairman Schwab stated that there was a site visit on 10/2/2021 and the following members were in attendance, Dennis Dale, Richard Weinberger, Stephanie Collantes, Mordechai Schwab, and Doris Ulman.

Joseph Haas, 8 Woodcrest Road, was present and affirmed to tell the truth.

Doris Ulman clarified for the record that the proposed addition is to an existing single-family home, not a new construction.

Mr. Haas answered yes.

Chairman Schwab questioned if anyone from the public wished to be heard regarding the application?

No one from the public wished to speak.

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

Richard Weinberger made a motion to approve the application as presented, seconded by Dennis Dale:

**In the matter of the Application of
Joseph and Batsheva Haas
Premises situated on the north side of
Woodcrest Road approximately 560 feet
West of Wilder Road, known as 8 Woodcrest
Road, designated on the Tax Map as Section
41.10 Block 1 Lot 28, in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Joseph and Batsheva Haas 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 residence having a front yard of 32.4 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on August 18, 2021, which hearing was continued on October 6, 2021, and

WHEREAS, the applicant appeared in person and by his architect, and testified as follows:

That the applicants are proposing to add a second story to the existing house which does not need variances;

That the applicants would also like to add an entrance foyer and small covered porch since the house is a high ranch which enters directly into the living space;

That the foyer and covered porch extend into the front yard but because of the placement of the existing house a variance is needed to have a front yard at 41.5 feet for the foyer and covered porch;

That the additional variance to 32.4 feet is for the uncovered front steps; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the proposed addition; 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 Joseph and Batsheva Haas 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 residence having a front yard of 32.4 feet instead of the minimum required of 50 feet is hereby approved, 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 variance because of the placement of the existing residence and the fact that it is a high ranch so that any entrance foyer would have to be within the front yard;
2. That the variance for the entrance foyer and covered porch are not substantial and the additional variance is for open steps which do not increase the bulk of the residence;
3. That the variance will not be detrimental to the environment since the applicant's engineer has designed the drainage system for zero net runoff;

4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, this motion carried unanimously.

**Item #5 –Public Hearing – Gold
146 Willow Tree Road**

Chairman Schwab read the public hearing notice into the record.

Doris Ulman stated for the record that the public hearing notice had an error in it as the address was listed as 146 E Willow Tree Road. The Village will republish the correct public hearing notice.

Paul Baum, the Applicant's Attorney, appeared before the Board and stated that is property is used in connection with a few other adjoining properties that connect which are all owned by Mr. Gold. The following variances are being requested:

1. Front yard of 15.2 feet instead of the minimum required of 50 feet
2. Front yard impervious surface ratio of .301 instead of the maximum permitted of .20
3. Impervious surface ratio of .253 instead of the maximum permitted of .25
4. Fence height of 10 feet instead of the maximum permitted of 6 feet in the front yard
5. Fence height of 10 feet instead of the maximum permitted of 8 feet in the side yard
6. An increase in the dimensional nonconformity.

The property is a flag lot, and the sports court is in the front yard to preserve the back yard as open space. Further the fence is 10 feet high which requires a variance. Mr. Baum submitted pictures of a 10-foot-high fence and a 10-foot-high deer fence demonstrating that they both look very similar. Mr. Baum stated that the Village allows a 10-foot-high deer fence but not a 10-foot-high fence for a sports court.

Doris Ulman stated that Mr. Baum's fence concern should be made to the Board of Trustees for consideration of a code change.

Mr. Baum agreed and stated that he wanted to show the Zoning Board how similar the two are for their consideration when deciding.

Mr. Baum stated that since this home is located on a flag lot, the house sits back 118 feet from the entrance to the driveway opposed to the standard 50 feet. If the home was located 50 feet, the front yard impervious surface variance would be .24 instead of .301. which is due to the long driveway and is not that significant. Mr. Baum stated that the closest property owner has no objections and will supply a letter before the next meeting. Mr. Baum provided to the Board a comparison plan for their reference.

The following letters of review were received and provided to the Applicant:

1. Rockland County Highway Department memo dated 8/12/2021
2. Rockland County Health Department memo dated 8/17/2021
3. Rockland County Sewer District #1 memo dated 8/18/2021
4. Brooker Engineer memo dated 9/17/2021
5. Rockland County Department of Planning GML dated 9/8/2021.

Doris Ulman stated that the Applicant should consider moving the sports court towards the rear of the property to reduce the variance being requested as the Zoning Board of Appeals has never granted a front yard variance that size before. Ms. Ulman stated that the lighting details are not on the plan and requested a revised plan to be submitted before the site visit.

Mr. Baum stated that he understands the Board's concern about the front yard variances and feels that this is a unique property.

Chairman Schwab questioned if anyone from the public wished to be heard regarding the application?

No one from the public wished to speak.

Richard Weinberger made a motion to adjourn the hearing to October 20, 2021 at 7:30 pm with a site visit on October 17, 2021 seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Item #7 –Public Hearing – Bodner 4 Suhl Lane

Chairman Schwab read the public hearing notice into the record.

Bobby Ball, President of West Rock Pool was present and affirmed to tell the truth. Mr. Ball stated that Mr. Bodner would like to construct a pool and cabana in the rear of the property and the following variances are being requested:

1. Impervious surface ratio of .283 instead of the maximum permitted of .20
2. Front yard impervious surface ratio of .198 instead of the maximum permitted of .15.

Mr. Ball stated that the pool and cabana have been centered in the middle of the property which is 50 feet from the rear yard to reduce variances.

Board Members thanked Mr. Ball for that consideration.

Doris Ulman stated that the pool patio are not pervious pavers, and the Applicant should consider that product to reduce the requested variance.

Mr. Ball stated that they will amend the plan to include pervious pavers.

The following letters of review were received and provided to the Applicant:

1. Rockland County Highway Department memo dated 8/16/2021
2. Rockland County Health Department memo dated 8/17/2021
3. Rockland County Sewer District #1 memo dated 8/19/2021
4. Rockland County Department of Planning GML dated 9/8/2021.

Chairman Schwab questioned if anyone from the public wished to be heard regarding the application?

No one from the public wished to speak.

Chairman Schwab made a motion to adjourn the hearing to October 20, 2021 at 7:30 pm with a site visit on October 17, 2021 seconded by Richard Weinberger. Upon vote, this motion carried unanimously.

Approval of Minutes- August 18, 2021

Randi Marlin made a motion to approve the minutes of August 18, 2021, seconded by Chairman Schwab. Upon vote, this motion carried unanimously.

Item #9

Resolution Re: Congregation Ahavas Yitzchak

Doris Ulman stated that at last month's meeting the Board approved the variance for Congregation Ahavas Yitzchak subject to the County GML was not received. The County GML has been received and the Board wishes to override certain conditions of the review.

Richard Weinberger made a motion to approve the following resolution, seconded by Dennis Dale:

**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 by Congregation Ahavas Yitzchak for an extension of time for variances previously granted on July 17, 2019, and

WHEREAS, a public hearing on said application was held on August 18, 2021, and, for good cause shown and because conditions remained the same as when previously granted, a one-year extension of time was granted on August 18, 2021, subject to all conditions previously imposed on said variances, and

WHEREAS, a decision was made by the ZBA on August 18, 2021, so that applicant could continue and complete construction within the allotted time, and

WHEREAS, the GML review letter from Rockland County Planning was not received by the Village until September 8, 2021,

NOW, THEREFORE, BE IT RESOLVED that paragraphs 7 and 8 of the GML review letter from Rockland County Planning Department dated September 8, 2021, are hereby overridden for the reasons set forth in the ZBA decision dated August 18, 2021.

Upon vote, this motion carried unanimously.

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

Respectfully submitted,
Camille Guido-Downey