

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Randi Marlin, Ad Hoc

OTHERS PRESENT:

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

Chairman Schwab called the meeting to order at 7:40 p.m.

**Item #4- Continued 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. Rosenblum also stated that a site inspection was conducted 10/17/21. 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 the variance for the front yard impervious surface ratio is caused by the turn around area.

Dennis Dale questioned if lighting for the cabana is an issue. Todd Rosenblum responded that the lighting is for the basketball court and not a part of this application.

Jonathan Gewirtz asked if it would be possible to move the pool to the left, angle the pool to the back of the yard and move the basketball court to the right. Mr. Rosenblum responded that the basketball court would not fit there, and this change would cause the applicant to go back to the Planning Board.

Chairman Schwab made a motion to close the public hearing, seconded by Dennis Dale.

Jonathan Gewirtz stated the following regarding the variances:

- Front yard-not very significant, is a safety issue, believes that the project could have been planned better, but that there is enough uniqueness to approve.
- Applicant has addressed the drainage and screening on the site-the lot slopes.

Richard Weinberger made a motion to approve the application subject to compliance with the Brooker Engineering letter dated October 12th, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

**In The Matter of the Application of
Joseph Mause
Premises situated on the east side of Sherri Lane
approximately 500 feet north Skylark Drive,
known as 6 Sherri Lane, designated on the Tax Map
as Section 41.16 Block 1 Lot 29, 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 Mause 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 pool, cabana and turnaround area having side yard of 18.3 feet instead of the minimum required of 25 feet, rear yard of 36 feet instead of the minimum required of 50 feet, building coverage of .11 instead of the maximum permitted of .10 and front yard impervious surface ratio of .22 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 6, 2021, which hearing was continued on October 20, 2021, and

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

That applicant is proposing a substantial drainage system to address the impervious surface ratio and will comply with any other requirements of the Village Engineering Consultant;

That applicant is proposing substantial screening of the side of the property by installing a wall and evergreens planted on top of the wall;

That the placement of the cabana is to address a safety issue by not obstructing the visibility of the pool from the residence;

That the front yard impervious surface ratio is high because of the turnaround area which is installed to prevent vehicles from backing out of the property; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed placement of the pool and cabana and the proposed screening at the side of the property, 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 Mause 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 swimming pool, cabana and turnaround area having side yard of 18.1 feet instead of the minimum required of 25 feet, rear yard of 36 feet instead of the minimum required of 50 feet, building coverage of .11 instead of the maximum permitted of .10 and front yard impervious surface ratio of .22 instead of the maximum permitted of .20 is hereby approved, on condition that the applicant complies with the letter from Brooker Engineering, PLLC, dated October 12, 2021, and be it further

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

1. That although the side and rear yard variances are larger than desired, movement of the cabana to another location would impede visibility of the pool from the residence, causing a potential safety problem;
2. That the front yard impervious surface ratio variance is caused by the turnaround area, which is needed to prevent backing out of vehicles;
3. That substantial screening along the side of the property addresses any adverse impacts to the neighboring property;
4. That the benefit to the applicant by granting the variances is substantial whereas no evidence of detriment to adjoining properties or to the community has been produced.

**Item #5 –Continued 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. He stated that the applicant will install pervious pavers around the pool as suggested by the Board. The following variances are now being requested:

1. Impervious surface ratio of .22 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 there had been a site visit this past weekend.

Chairman Schwab asked Mr. Bodner if there are any remaining drainage issues. Mr. Bodner responded that there are not.

Richard Weinberger asked Mr. Ball if he had received the following letters of review:

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

Mr. Ball confirmed that he had.

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 questioned if anyone from the Board wished to be heard. None of the members wished to speak.

Letters of support were entered into the record.

Chairman Schwab made a motion to close the public hearing, seconded by Dennis Dale.

Richard Weinberger made a motion to approve the application based on compliance with the County review letters. Jonathan Gewirtz stated that the applicant was using pervious pavers, there was no infringement to setbacks and there were no flooding issues. He was, therefore, comfortable in seconding the motion. Upon vote, this motion carried unanimously.

**In the matter of the Application of
Chaim Bodner
Premises situated on the south side of
Suhl Lane, known as 4 Suhl Lane, designated
On the Tax Map as Section 41.14 Block 1 Lot 21,
In an R-50 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Chaim Bodner 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 in-ground pool and cabana having impervious surface ratio of .283 instead of the maximum permitted of .20 and front yard impervious surface ratio of .198 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 October 6, 2021, which hearing was continued on October 20, 2021, and

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

That no setback variances are requested;

That at the Board's suggestion, the applicant will install pervious pavers around the pool so that so that the impervious surface rate of .283 is reduced substantially and is now .22;

That the front yard impervious surface ratio of .198 is caused by the circular driveway which is a great convenience to the applicant and has been accepted by County Highway;

That although not required, applicant has provided substantial drainage on site for the pool; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed placement of the pool and cabana, and

WHEREAS, no one appeared in opposition to the application and several neighbors submitted letters in support,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action pursuant to SEQRA and that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by Chaim Bodner 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 inground swimming pool and cabana having impervious surface ratio of .22 instead of the maximum permitted of .20 and front yard impervious surface ratio of .198 instead of the maximum permitted of .15 is hereby approved, subject to the following conditions:

1. Compliance with the letter from Rockland County Highway Department dated August 19, 2021;
2. Compliance with the letter from Rockland County Health Department dated August 17, 2021;
3. Compliance with the letter from Rockland County Sewer District No. 1 dated August 19, 2021;
4. Compliance with the GML review letter from Rockland County Planning Department dated September 8, 2021, and be it further

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

1. That the Zoning Board of Appeals appreciates the applicant's decision to install pervious pavers at the swimming pool which has reduced the requested variance from .283 to .22 and will substantially reduce water runoff from the site;

2. That the front yard impervious surface ratio is not higher than other front yard impervious surface ratios approved for other applicants;
3. That applicant has provided a substantial drainage system on site to address the increase in impervious surface;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the community has been identified.

**Item #6 –Public Hearing – SUEZ Water New York, Inc.
129 Willow Tree Road**

Chairman Schwab read the public hearing notice into the record.

Lino Sciarretta, attorney for the Applicant, appeared before the Board and affirmed to tell the truth.

Sean Peters from H2M and Sean Garabett from SUEZ Water were present.

Mr. Sciarretta explained to the Board that SUEZ was tasked with building a treatment facility for PFAS. This was a Type II application. The building would have a height of 32.7 feet, instead of the maximum allowed of 25 feet and would be a total of 960 square feet. Mr. Sciarretta went on to say that a color had been chosen to minimize visual impact-hemlock green was chosen. The property is 3.01 acres and has been a water treatment facility for some time.

Sean Peters from H2M presented to the Board. He stated that the Planning Board had previously conducted a site visit, reviewed the front area for screening, a landscape architect was consulted, one tree was added to at the entrance of the property per the request of the Village Engineer and the rear of the property is heavily screened. The project is required in order to comply with new state Department of Health requirements.

Mr. Peters stated that irrigation and maintenance of the trees will be provided.

Dennis Dale asked a couple of questions to confirm the location of the site.

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

No one from the public wished to speak.

Jonathan Gewirtz stated that although the Zoning Board had not conducted a site visit, the Board members are familiar with the site and the pictures provided by H2M were helpful. Mr. Gewirtz further stated that the subject property slopes downward so the building will look lower, this project needs to be done in the public interest and the property is well screened. Mr. Gewirtz stated that we have not yet received County agency review letters and the applicant must comply with those letters once received.

Richard Weinberger made a motion to close the public hearing, seconded by Jonathan Gewirtz.

Richard Weinberger made a motion to waive the site visit because the Board members are familiar with the property and the applicant must comply with a state time limit.

Richard Weinberger made a motion to approve the application subject to compliance with County review letter when received, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

**In the Matter of the Application of
Suez Water New York Inc.
Premises situated on the south side of Willow Tree
and Forshay Roads, approximately 170 feet north of
Glenbrook Road, known as 187 Willow Tree Road,
Designated on the Tax Map as Section 41.10 Block 2,
Lot 44, R-35, and R-50 Zoning Districts**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Suez Water New York Inc. 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 a water treatment building having a height of 32.7 feet instead of the maximum permitted of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 20, 2021, and

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

That in 2020 the New York State Department of Health issued an order requiring stricter standards for water suppliers than had previously been required and stricter than those required by the Federal Government;

That the site has been used as a water treatment facility for many years but in order to comply with the new State requirements Suez must construct a new 960 square foot facility having a height of 32.7 feet;

That the height is required to fit and provide clearance for the Granular Activated Carbon vessels that are used to treat the impurities in the water and to ensure that safe and reliable drinking water is provided to Rockland residents;

That the site is 3.01 acres and slopes downward in the area where the building will be constructed so that the height will not appear massive or offensive to the neighborhood;

That applicant is proposing substantial screening which has been approved by the Wesley Hills Planning Board;

That the State has imposed a deadline for implementation of the treatment facility and applicant needs to get started as soon as possible in order to meet that deadline;

That applicant has already received approval from the Village Planning Board, which approved subject to Zoning Board approval; and

WHEREAS, no one appeared in opposition to the application,

NOW, THEREFORE, IT IS DETERMINED that the proposed action is a Type II action and that no SEQRA determination is required, and be it further

RESOLVED, that the Zoning Board of Appeals hereby waives a site visit for the reason that Board members have stated that they know the site and to enable applicant to begin construction in order to meet the State deadline, and be it further

RESOLVED, that the application submitted by Suez Water New York Inc. for a variance from the provisions of Section 230-17 Attachment I of the Cde of the Village of Wesley Hills to permit the construction, maintenance and use of a water treatment facility 960 square foot building having a height of 32.7 feet instead of the maximum permitted of 25 feet is hereby approved, subject to compliance with all County Agency review letters when they are received, and be it further

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

1. That the property slopes downward so that the height of the building will not be massive and will not change the character of the neighborhood; in addition, the building is only 960 square feet which will be unobtrusive;
2. That the treatment of the water that will be implemented requires the proposed height in order to accommodate its vessels;
3. That there is no feasible alternative to the variance inasmuch as applicant is required to provide the water treatment and it is for the health of Rockland residents;
4. That the benefit to the applicant by granting the variance is substantial and there is no detriment to the neighborhood or the community.

**Item #3 –Continuation of Public Hearing – Gold
146 Willow Tree Road**

Chairman Schwab read the public hearing notice into the record.

Paul Baum, the Applicant's Attorney, appeared before the Board and affirmed to tell the truth.

Mr. Baum addressed the fence that is 10 feet high and 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. Jonathan Gewirtz asked Mr. Baum why the deer fencing could not be used. Mr. Baum responded that aesthetics were the issue.

Ms. Ulman stated that Mr. Baum's argument is for the Board of Trustees not the Zoning Board.

Doris Ulman stated that the original plot plan had many errors or omissions:

- A 10-foot fence was on the plan, but a 12-foot fence was in the narrative.
- At the site visit it was discovered that the sports court was over 7,000 square feet. That was the first time this was stated.
- The applicant stated that the court cannot be moved back because there is a historic tree that cannot be cut down. Ms. Ulman asked if it had been confirmed that the tree is historic. Mr. Baum responded that this had not been confirmed.
- Ms. Ulman asked how high the lights were? Mr. Baum responded that they were 10 feet as well.

Ms. Ulman stated the sports court needs a special permit approval from the Planning Board.

Jonathan Gewirtz made a motion to adjourn this matter to the November 17th meeting, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

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

Paul Baum, the Applicant's Attorney, appeared before the Board.

Mr. Baum thanked the Board for their patience with the delays in getting a response from the prior owner, but an affidavit from the prior owner and a memorandum of law have been provided to the Board.

Doris Ulman stated that she and the Board have not have the opportunity to review the documents that have been submitted and would like the Board to reserve decision to the next meeting.

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 close the public hearing, seconded by Carole Anderson.

Chairman Schwab made a motion to reserve the decision of the Board for further review to the November 17th meeting, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Approval of Minutes- October 6, 2021

Chairman Schwab made a motion to approve the minutes of October 6, 2021, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

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

Respectfully submitted,
Tara Roberts