

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, May 16, 2018**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jan Hilgeman
Carole Anderson
Dennis Dale
Mordechai Schwab, Ad Hoc
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

Jonathan Gewirtz

OTHERS PRESENT:

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

Richard Weinberger, Chairman called the meeting to order at 8:07 p.m.

Item #3

David Kramer – 23 Dike Drive, continued public hearing:

Stanley Mayerfeld, Architect was present and was affirmed to tell the truth. Mr. Mayerfeld stated that this is a continued public hearing from last month. The Board visited the property on Sunday, May 6th. Mr. Mayerfeld stated that the Applicant is seeking to build an addition to an existing colonial style home. The addition is proposed on the left side of the home which will include an indoor swimming pool. Mr. Mayerfeld stated that the following variances are being requested:

Variance	Required	Provided
side yard	30 feet	18.5 feet
total side yard	75 feet	71.4 feet
existing front yard of	50 feet	47.5 feet

Mr. Mayerfeld stated that the front yard is an existing condition and stated that the shape of the existing lot along with the position of the home is triggering the other variances. Mr. Mayerfeld stated that at the Board's request he has submitted the architectural drawing for reference.

Chairman Weinberger read the following letters of support into the record:

1. Rabbi Twerski, 62 Lime Kiln Road
2. Shimsky Rosenberg, 17 Dike Drive
3. Jacob Zahler, 22 Dike Drive

Chairman Weinberger read the following review letters into the record:

1. Rockland County Department of Planning GML dated 4/25/18.
2. Rockland County Sewer District #1 letter dated 5/14/18.

Stanley Mayerfeld stated that he has no objections to the review letters.

No one from the public wished to speak.

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

Dennis Dale made a motion to move the following resolution, seconded by Carole Anderson:

**In the Matter of the Application of
David Kramer
Premises situated on the north side of Dike Drive
approximately 530 feet north of Roven Road, known
as 23 Dike Drive, designated on the Tax Map as Section
41.06 Block 1 Lot 47 in an R-50 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by David Kramer for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements 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 side yard of 18.5 feet instead of the minimum required of 30 feet, a total side yard of 71.4 feet instead of the minimum required of 75 feet and an existing front yard of 47.5 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 April 18, 2018, which hearing was continued on May 16, 2018, and

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

That this lot was part of a subdivision approved in 1968; that the front yard variance is for an existing residence that was probably approved by the Town Planning Board at the time of subdivision and is an existing condition that has not been changed since the house was constructed;

That the side yard variance are required because of the shape of the lot and the placement of the existing home;

That most of the addition complies with setback requirements but only one corner is closer to the lot line because of the shape of the lot;

That the addition will contain an indoor swimming pool, a master bedroom on the first floor and a guest bedroom on the second floor;

That setback variances would be needed regardless where the addition is placed and the proposed location is the least obtrusive to surrounding properties; and

WHEREAS, members of the Zoning Board of Appeals visited the site to view the placement of the addition; and

WHEREAS, no one appeared in opposition and two neighbors sent letters in support 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 David Kramer for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements 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 side yard of 18.5 feet instead of the minimum required of 30 feet, a total side yard of 71.4 feet instead of the minimum required of 75 feet and an existing front yard of 47.5 feet instead of the minimum required of 50 feet is hereby approved, subject to compliance with the Rockland County Planning Department letter dated April 25, 2018 and the Rockland County Sewer District No. 1 letter dated May 14, 2018, and be it further

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

1. That the front yard variance is a pre-existing condition that appears to have been approved by the Ramapo Planning Board since the house had a certificate of occupancy from the Town of Ramapo;
2. That there is no feasible alternative to the granting of the variances because of the shape of the lot and the placement of the residence-that the addition at any other place on the house will require setback variances;
3. That although the side yard variance is substantial, that variance is only for a corner of the lower floor of the addition and most of the addition does not require a variance;
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 #4

Shalom & Frieda Gelbman – 31 Glenbrook Road-Continued Public Hearing

Stanley Mayerfeld, Architect was present and was affirmed to tell the truth. Mr. Mayerfeld stated that this is a continued public hearing from last month. The Board visited the property on Sunday, May 6th and it was obvious that the lot is extremely narrow. Mr. Mayerfeld stated that he did research old files to determine if this lot was a part of average density and he could not confirm that. The lot width is 25 feet. Mr. Mayerfeld stated that the following variances are being requested:

Variance	Required	Provided
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side setback	25 feet	10.4 feet
total side yard	60 feet	30.4 feet
existing front yard	50 feet	45 feet
existing side yard	25 feet	23.3 feet

Chairman Weinberger read the following letters of support into the record:

1. Jeffrey & Bernadette Bernestein, 29 Glenbrook Road
2. Baruch & Brocha Abramoff, 30 Glenbrook Road
3. Allan Schnall, 33 Glenbrook Road

Chairman Weinberger read the following review letters into the record:

1. Rockland County Sewer District #1 letter dated 5/14/18.

Stanley Mayerfeld stated that he has no objections to the review letter. Mr. Mayerfeld stated that after the site visit it was noted that the variances being requested can be reduced if the Applicant provided an attached garage instead of the detached garage. Mr. Mayerfeld has submitted a revised plan dated 5/16/18 and stated that the following variances are being requested and request an amendment to the application to include the following variances:

Variance	Required	Provided
existing lot width	125 feet	100 feet
existing effective square	125 feet	100 feet
total side yard	60 feet	38.4 feet
existing front yard	50 feet	45 feet
existing side yard	25 feet	18.4 feet
front yard impervious ratio	.20	.22

Jan Hilgeman made motion to amend the application for Shalom & Frieda Gelbman of 31 Glenbrook Road to include the revised variances, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

No one from the public wished to speak.

Jan Hilgeman made a motion to move the following resolution, seconded by Dennis Dale:

**In the Matter of the Application of
Shalom and Frieda Gelbman
Premises situated on the north side of Glenbrook Road
approximately 520 feet east of Forshay Road, known
as 31 Glenbrook Road, designated on the Tax Map as Section
41.10 Block 2 Lot 25 in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Shalom and Frieda Gelbman for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a free-standing garage having a side set back

of 10.4 feet instead of the minimum required of 25 feet, a total side yard of 30.4 feet instead of the minimum required of 60 feet, existing front yard of 45 feet instead of the minimum required of 50 feet and existing side yard of 23.3 feet instead of the minimum required of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held on April 18, 2018, which application was continued on May 16, 2018, and

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

That the lot is a very narrow lot has less than the required lot area and was approved as part of a subdivision approved by the Town of Ramapo in the 1950s;

That the existing house as originally constructed has a side yard of only 20 feet and a front yard of only 45 feet;

That there is very little storage room in the house and the new garage will accommodate not only applicant's vehicles but will also be used for much-needed storage area; and

WHEREAS, members of the Zoning Board of Appeals visited the site to view the configuration of the lot of the placement of the house; and

WHEREAS, at the request of the Zoning Board, the applicant has been able to reduce some of the variances by attaching the garage to the house instead of having it free-standing, and

WHEREAS, the applicant has requested that his application be amended so that the requested side yard shall be 18.4 feet instead of 10.4 feet, the total side yard to be 38.4 feet instead of 3.4 feet, and to include the existing conditions of lot width of 100 feet instead of the minimum required of 125 feet, effective square of 100 feet instead of the minimum required of 125 feet, existing front yard of 45 feet instead of the minimum required of 50 feet and front yard impervious surface ratio of .22 instead of the maximum permitted of .20, which amendment was granted by the Zoning Board of Appeals, and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED, that the proposed action is a Type II action because it involved variances for a single family residence, and be it further

RESOLVED, that the amended application submitted by Shalom and Frieda Gelbman for variances from the provisions of Section 230-17 Attachment I Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a two story garage attached to the residence, having a side yard shall be 18.4 feet instead of 10.4 feet, the total side yard to be 38.4 feet instead of 3.4 feet, and to include the existing conditions of lot width of 100 feet instead of the minimum required of 125 feet, effective square of 100 feet instead of the minimum required of 125 feet, existing front yard of

45 feet instead of the minimum required of 50 feet and front yard impervious surface ratio of .22 instead of the maximum permitted of .20 is hereby approved, subject to compliance with the letter from the Rockland County Sewer District No. 1 dated May 14, 2018, and be it further

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

1. That the lot as approved by the Town of Ramapo Planning Board is an undersized lot having only 28,000 square feet and does not meet the R-35 Zoning District requirements of lot size, lot width and effective square so the variances for these bulk requirements are required in order to legalize what was previously approved;
2. That applicant needs the garage space not only for vehicles but because there is very little storage room within the house because of its size;
3. That the Zoning Board of Appeals appreciates the applicant's amendment of the plan so that the garage will be attached to the house, thereby substantially reducing the side yard variance and the total side yard variance;
4. That the side yard and total side yard variances are required because of the narrow width of the lot and there is no feasible alternative to granting the variances because there is no other place on the lot that the garage can be placed without intruding on the front yard or the rear yard;
5. That the benefit to the applicant by granting the variances is great whereas no detriment to the neighborhood or to the community has been identified.

Upon vote this motion carried unanimously.

Item #5

Miriam & Israel Schubert – 26 Glenbrook Road-Public Hearing

Todd Rosenblum was present on behalf of the Applicant and was affirmed to tell the truth. Mr. Rosenblum stated that this is an under sized lot as it was created under the Town. The existing home will be demolished and a new one constructed that is further from the lot lines than the existing house and without the need for a variance. The lot widths in the area are under 100 feet. The existing home does not meet the lot width footage. There is an existing pool, patio and open structure. The pool and screen house require variances. Mr. Rosenblum stated that he will check to see if the open structure is set in concrete and if not it will be moved to eliminate one variance. Mr. Rosenblum stated that the following variances are being requested:

Variance	Required	Provided
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

Chairman Weinberger read the following letters of support into the record:

1. Nechemiah Zweig, 5 Amsterdam Ave
2. Shimi Schlissfeld, 19 Amsterdam Ave

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3. Baruch Fruchthandler, 21 Amsterdam Ave
4. Baruch & Brocha Abramoff, 30 Glenbrook Road
5. Ushi Edelstein, 17 Glenbrook Road
6. Akiva & Zipora Schuck, 12 Van Winkle Road
7. Kranz, 36 Glenbrook Road
8. Fuchs, 41 Glenbrook Road
9. Vilinsky, 19 Glenbrook Road
10. Prero, 18 Glenbrook Road
11. Sam Yorowitz, 21 Glenbrook Road
12. Dov Reifer, 23 Glenbrook Road
13. Krull, 5 Hastings Road
14. Carl Blumstein, 27 Glenbrook Road
15. Berkowitz, 11 Glenbrook Road
16. Avi Bernstein, 29 Glenbrook Road
17. Avi Schwebel, 8 Hastings Road

Chairman Weinberger read the following review letters into the record:

1. Rockland County Sewer District #1 letter dated 5/14/18.

Todd Rosenblum stated that he has no objection to the letter from the RCSD#1.

Board Member stated that a site visit is scheduled for 6/17/18 at 9am.

No one from the public wished to speak.

Dennis Dale made a motion to continue the public hearing to the next ZBA meeting scheduled for May 20, 2018 at 8pm, seconded by Mordechai Schwab. Upon vote, this motion carried unanimously.

Item #6

Alan Zoldan – 20 Tammy Road-Public Hearing

Mr. Zoldan was present and affirmed to tell the truth. Mr. Zoldan stated that he wished to construct an addition to the rear of the home and require a variance for the side yard of 17.1 feet instead of the minimum required of 25 feet.

Chairman Weinberger read the following review letters into the record:

1. Rockland County Sewer District #1 letter dated 5/14/18.

Mr. Zoldan stated that he has no objection to the letter from the RCSD#1.

Board Member stated that a site visit is scheduled for 6/17/18 at 9am.

Marie Monteleone-Cohen, 13 Skylark was present and affirmed to tell the truth. Ms. Cohen reviewed the plans with the Applicant.

ZBA
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Doris Ulman questioned if the addition can be flush with the house?

Mr. Zoldan answered no due to the grading.

Doris Ulman requested a copy of the architectural plans for review.

Jan Hilgeman asked the applicant to try to redesign the addition to reduce the variance and made a motion to continue the public hearing to the next ZBA meeting scheduled for May 20, 2018 at 8pm, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Item #7

Approval of Minutes – April 18, 2018

Randi Marlin made a motion to approve the Zoning Board of Appeals Minutes of April 18, 2018 seconded by Carole Anderson. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey