

**Village of Wesley Hills  
Zoning Board of Appeals  
Wednesday, June 15, 2022  
7:30 P.M.**

**MEMBERS PRESENT:**

Dennis Dale  
Jonathan Gewirtz-Acting Chairman  
Stefanie Collantes, Ad Hoc

**MEMBERS ABSENT:**

Randi Marlin, Ad Hoc  
Carole Anderson  
Richard Weinberger  
Mordechai Schwab, Chairman

**OTHERS PRESENT:**

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

Acting Chairman Gewirtz called the meeting to order at 7:36 p.m. Mr. Gewirtz stated that due to the number of Board members present, the Board would be unable to override any Department of Planning recommendations.

Acting Chairman Gewirtz stated that Mr. Weinberger was not in attendance because he was recently involved in a car accident and Mr. Weinberger's wife had passed away. Mr. Gewirtz stated that the Board members' thoughts are with the Weinberger family while they mourn their tragic loss.

**Item #3 –Continuation of Public Hearing- Sabel/Keller  
27 Holland Lane**

Acting Chairman Gewirtz read the public hearing notice into the record. Martin Sabel, applicant, was present and affirmed to tell the truth. Mr. Sabel stated that this was a re-application with a modification, that a mistake was made in the prior application-that the rear yard variance was always 26 feet. Mr. Sabel stated that he was in receipt of the County review letters and would comply with the recommendations, including applying for mosquito control.

Doris Ulman stated the bulk table on his plan should reflect the accurate numbers. Acting Chairman Gewirtz stated that in addition to the numbers being corrected, there would need to be a flood plain review with the Army Corps of Engineers involved. Doris Ulman stated that if the applicant believes an ACOE review is not needed, the applicant's engineer will need to provide the statute supporting that fact.

Acting Chairman Gewirtz asked if anyone from the public wished to be heard. No one wished to speak.

Dennis Dale made a motion to close the public hearing, seconded by Stefanie Collantes. Upon vote, this motion passed unanimously.

Stefanie Collantes made a motion to approve the application subject to the County review letters, seconded by Dennis Dale. Upon vote, this motion passed unanimously.

In the Matter of the Application of  
Martin Sabel and Nechama Keller  
Premises 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-35  
Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Martin Sabel and Nechama Keller 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 cabana having a rear yard of 26 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 13, 2022, which hearing was continued on May 18, 2022 and June 15, 2022, and

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

That a variance to permit the cabana to be constructed 35 feet from the rear property line was granted by the Zoning Board of Appeals on April 21, 2021;

That it was subsequently realized that an error was made by the applicants' engineer at that time and, in fact, the cabana must be 26 feet from the rear property line, not 35 feet;

That applicants' property backs onto the property of the supermarket known as Wesley Kosher and the cabana will act as a buffer for the applicants' residence and pool to screen the noise, parking and lights emanating from the Wesley Kosher property;

That there is a drainage easement and swale on applicants' property that restrict the placement of the cabana so that the location of the cabana is strictly limited; 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 Martin Sabel and Nechama Keller 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 cabana having a rear yard of 26 feet instead of the minimum required of 50 feet is hereby granted, subject to compliance with the GML letter from Rockland County Planning Department dated April 21, 2022, the letter from Rockland County Sewer District No.1 dated March 31, 2022, and the letter from the Rockland County Center for Environmental Health dated April 4, 2022, and be it further

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

1. That the placement of the cabana in the rear of the property behind the pool is necessary to provide some visual and noise barrier from the adjoining shopping center;
2. That the cabana is not large and the variance will not impact adjoining properties or the neighborhood;
3. That because of the drainage easement and wetlands on the property the placement of the cabana is very limited;
4. That the benefit to the applicants by granting the variance is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

**Item #4 –Public Hearing- TJG Realty of Rockland LLC  
15 Glenbrook Road**

Acting Chairman Gewirtz read the public hearing notice into the record.

Amy Mele, attorney for the applicant, was present. Ms. Mele stated that this was a subdivision approved in 1959 with some existing conditions including lot area, frontage, width, front yard and side yard. There had been a question regarding the gable roof's need for a variance which has been resolved.

Ms. Mele stated that the lots in this area are long and narrow, evidenced by the need for previous variances being granted to the residents at 4, 26, 30 and 31 Glenbrook Road. Ms. Mele provided letters from neighbors in support of the project from 9 Glenbrook Road, 32 Glenbrook Road, 17 Glenbrook Road, 21 Glenbrook Road, and 9 Hastings.

Acting Chairman Gewirtz asked if the existing home was being torn down. Ms. Mele confirmed that it was. Mr. Gewirtz stated that he had visited the site over the previous weekend but there was not a representative of the project in attendance to explain the project. Mr. Gewirtz asked if the plan could be reconfigured toward the back as opposed to adding to the width of the home. Ms. Mele stated that the applicant was asking for inches. That the variance request was de minimus. Ms. Mele stated that there is a 322-foot change in lot coverage being sought.

Ms. Ulman stated that the original home under the Code of the Town of Ramapo required 20 foot side yards and total side yard of 40 feet. The side yards are currently 18.2 feet and 14.5 feet.

Ms. Ulman asked if Ms. Mele was aware of how the numbers were reduced. Further, Ms. Ulman stated that in 1973, one side was 21 feet and the other 18.4 feet.

Jonathan Gewirtz stated that he was not comfortable voting without information on the site visit.

Acting Chairman Gewirtz asked if anyone from the public wished to be heard.

Jeffrey Nulman  
14 Glenbrook Road

Mr. Nulman was present and affirmed to tell the truth. Mr. Nulman noted that many of the letters of support were from neighbors down the street from the subject property and would be less impacted. Mr. Gewirtz noted that the neighbor at 17 Glenbrook Road next door to the property had provided a message of support. Mr. Nulman also asked why the building cannot go back instead of out to the side. Mr. Gewirtz stated that counsel had previously stated that the building will be more narrow than what exists. Mr. Gewirtz further stated that the house was built 50-60 years ago and can't be held to the current standard.

Edward Handler  
11 Glenbrook Road

Mr. Handler was present and affirmed to tell the truth. Mr. Handler asked if there was any part of the home that will be smaller than it is now. Ms. Mele stated that there is a garage on the right side of the house to the lot line is 16.2 feet, will be 16.4 feet. Acting Chairman Gewirtz stated that the plans don't show what is old and what is proposed. The narrative references the narrowing of the building. There is conflicting information that adds to the confusion.

The prospective owner of the property, Mr. Rausman, was present and affirmed to tell the truth. Mr. Rausman stated that he and his wife had grown up in Monsey and that they are currently living in Rockaway with their three children. Mr. Rausman stated that their intention is not to go bigger.

Doris Ulman asked if the proposed home includes an expansion on the left side of the building. Ms. Mele stated that the bulk table does not include that information. Mr. Rausman stated that the extension is only in the back, not sides.

Mr. Nulman stated that there is a stone retaining wall on the adjoining property. Amy Mele stated that the wall is on 17 Glenbrook Road and there is no plan to touch it. Mr. Nulman went on to say that there is a well on the property. Mr. Gewirtz stated that the proposed work is sufficiently distanced from the well.

Lawrence Miller  
12 Glenbrook Road

Mr. Miller was present and affirmed to tell the truth. Mr. Miller stated that he would still like clarification on if there is expansion to the front of the property. Also, Mr. Miller stated that he

believes that there is a need for speed bumps near this property. Mr. Gewirtz stated that that would be a Board of Trustees issue.

Ms. Mele stated that there is no expansion to the front of the building. The increase in front yard impervious surface is for a turnaround so there will be no need to back out of the property.

Dennis Dale made a motion to close the public hearing, seconded by Stefanie Collantes. Upon vote, this motion was passed unanimously.

Acting Chairman Gewirtz asked if anyone from the Board wished to be heard.

Stefanie Collantes stated that she had been at the site visit over the past weekend. Ms. Collantes believes that tearing the current structure down and rebuilding is a positive and the fact that the expansion is to the back is also positive. In addition, Ms. Collantes noted the uniqueness of the lot.

Stefanie Collantes made a motion to approve the application, due to the de minimus variances, including some smaller than what currently exists, seconded by Dennis Dale. Upon vote, this motion passed unanimously.

In the Matter of the Application of  
TJG Realty of Rockland LLC  
Premises situated on the north side of Glenbrook  
Road approximately 450 feet east of Moccasin  
Place, known as 15 Glenbrook Road, designated  
On the Tax Map as Section 41.11 Block 1 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 TJG Realty of Rockland 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 single family residence having front yard of 38.7 feet instead of the minimum required of 39.5 feet, side yard of 16.1 feet instead of the minimum required of 20 feet, total side yard of 34.3 feet instead of the minimum required of 40 feet, building coverage of .12 instead of the maximum permitted of .10, front yard impervious surface ratio of .30 instead of the maximum permitted of .20 and height of 27.5 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 the 18<sup>th</sup> day of May, 2022, which hearing was continued on the 15<sup>th</sup> day of June, 2022, and

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

That this lot was created by subdivision by the Town of Ramapo before the Town adopted its R-35 Zoning Districts so that the lot size, frontage and lot width are legally non-conforming;

That the lot is long and narrow and, although legal when created, does not meet the current requirements for the R-35 Zoning District;

That the existing house was constructed in 1960 and received a Certificate of Occupancy at that time; that the garage was expanded in 1967 and received a C.O.;

That applicant intends to use the same front and side setbacks that currently exist but will expand at the rear of the residence;

That the proposed house is 2 ½ stories and complies with the Village height requirements except that one gable will exceed the height limitations by 2 ½ feet;

That the increase in front yard impervious surface is caused by the construction of a turnaround area which is necessary for safety purposes so that vehicles do not have to back out of the property; and

WHEREAS, several persons appeared in opposition to the application and their concerns were addressed by the applicant; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the existing 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 TJG Realty of Rockland 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 single family residence having front yard of 38.7 feet instead of the minimum required of 39.5 feet, side yard of 16.1 feet instead of the minimum required of 20 feet, total side yard of 34.3 feet instead of the minimum required of 40 feet, building coverage of .12 instead of the maximum permitted of .10, heights of 27.5 feet instead of the maximum permitted of 25 feet and front yard impervious surface ratio of .30 instead of the maximum permitted of .20 are hereby granted, and be it further

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

1. That when the house was originally constructed in 1960 the Town of Ramapo approved setbacks for the property at front yard of 39.5 feet, side yards at 20 feet and total side yards at 40 feet and the Zoning Board of Appeals accepts those setbacks as permitted for this property;

2. That based upon the Ramapo-approved setbacks, the variances granted herein are not substantial and do not change the character of the neighborhood;
3. That all lots in this area are long and narrow and were legally established by subdivision by the Town of Ramapo in the 1950s;
4. That the height variance is not substantial, is granted for one gable only and will improve the aesthetics of the building;
5. That the benefit to the applicant by granting the variances is substantial whereas any detriment to neighboring properties is minimal and has been addressed;
6. That in order not to penalize the property owner, the Zoning Board of Appeals is making this decision even though the facts submitted by applicant's contractor in the application were contradictory, the plot plan submitted to the Building Inspector was different from the plot plan submitted to the Zoning Board of Appeals and no one appeared on behalf of the applicant to explain the project at the site visit attended by members of the Zoning Board of Appeals. As a result, in making this decision the Board relied on information provided at the public hearings and not on the written application or plot plans.

**Item #5 –Public Hearing- Itzkowitz  
3 Camberra Drive**

Acting Chairman Gewirtz read the public hearing notice into the record.

Stanley Mayerfeld, architect for the applicant, was present and affirmed to tell the truth. Mr. Mayerfeld stated that Mrs. Itzkowitz had cut the grass and brought bakery goods to her neighbors. Mr. Mayerfeld stated that this was a large property with a small house on it. Further, Mr. Mayerfeld stated that there is a drainage easement and wetlands with buffer on the property which reduces the amount of usable space. Mr. Mayerfeld stated that the current plans make the structure symmetrical and should be more amenable with the neighbors. There is healthy vegetation for screening. They have amended the plan to reduce one side of the house by 5 feet so the total side yard is now 71 feet instead of the required 75 feet.

Rachel Barese from CivilTec, 139 Lafayette Avenue, Suffern NY, engineer for the applicant, was present and affirmed to tell the truth. Ms. Barese stated that in this modified plan she added the 100 foot regulatory line, the building was reduced 5 feet on the right side so that there was now 35 feet between this residence and the neighbors to each side.

Stefanie Collantes asked why there was a need for a total side variance if both sides meet the minimum requirement. Doris Ulman clarified that the total side yard minimum is larger to attempt to ensure overall greenery and overall open space. Jonathan Gewirtz stated that it was his understanding that this code ensured that a homeowner would not leave 1 foot on one side and 74 feet on the other.

Doris Ulman asked if Ms. Barese could comply with the review letters from Rockland County Department of Planning and the other agencies. Ms. Barese stated that she could, however some

of the requested changes have not been implemented in the current plan, pending the outcome of the Zoning Board process. Ms. Barese stated that once a decision is made by the Board, all revisions will be completed.

Acting Chairman Gewirtz asked if anyone from the Public wished to be heard.

Margery Rothenberg  
1 Camberra Drive

Ms. Rothenberg was present and affirmed to tell the truth. Ms. Rothenberg stated that she wanted to correct one item. She stated that Mrs. Itzkowitz had assured her after the last meeting that there would be no variances sought. Ms. Rothenberg stated that she was surprised that this project is still on the agenda. In addition, Ms. Rothenberg stated that she is frustrated because the backyard has yet to be mowed and the seeds are still there.

Ms. Rothenberg also stated that there is a shed on the property that is 30 feet from the property line that needs to be moved. Ms. Rothenberg stated that on the north side of the property there is an embankment and the current owner plans to build out from there. Ms. Rothenberg requests that stormwater management measures be implemented to anticipate the increase in impervious surface that would result in exacerbating the flooding issue that already exists.

Ms. Rothenberg stated that when the architect drew his original plans, he would have been aware of what zone the property in. Further, Ms. Rothenberg stated that the applicant was responsible for doing their homework prior to purchasing the site. If the proposed changes would be of issue, a different property could have been chosen. Mr. Gewirtz stated that Mr. Mayerfeld was not working on the original plan but is working on it now. Mr. Mayerfeld has submitted a revised plan and has reduced the requested variance to a 2 ½ foot variance.

Jane Simonson  
5 Camberra Drive

Mrs. Simonson was present and affirmed to tell the truth. Mrs. Simonson stated that Mrs. Itzkowitz did visit her and brought delicious cake. Mrs. Simonson stated that she too is surprised that the application is still on the agenda. Acting Chairman Gewirtz clarified that even if the item was to be dismissed, it would remain on the agenda and then actioned. Mrs. Simonson stated that there is green space between each home and that she is worried about the 4 feet of screening. Mr. Gewirtz stated that the variance sought is minimal and that the plan is now balanced not to impede on either neighbor.

Stanley Mayerfeld stated that the applicant is trying to keep as much of the existing structure as possible. He is unsure if they will be knocking down the second floor.

Mrs. Rothenberg stated that there was a concern at the last meeting regarding granting a variance with total side yard of 71 feet. She asked what the Board will do when the next applicant requests 67 feet. Mr. Mayerfeld stated that the applicant should not be burdened with potential future needs.



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

Jonathan Gewirtz stated that he believed that this structure would not impact nearby solar panels. Further, the applicant worked to reduce the variances sought by 50-60%.

Stefanie Collantes made a motion to approve the application, on the condition that the applicant abide by the review letters of the County agencies, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

In the Matter of the Application of  
Jeffrey and Susan Itzkowitz  
Premises situated on the west side of Camberra  
Drive approximately 240 feet north of Grandview  
Avenue, known as 3 Camberra Drive, designated  
On the Tax Map as Section 41.13 Block 1 Lot 12  
In an R-50 Zoning District

WHEREAS, application has been to the Zoning Board of Appeals of the Village of Wesley Hills by Jeffrey and Susan Itzkowitz 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 total side yard of 67.5 feet instead of the minimum required of 75 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on the 18<sup>th</sup> day of May, 2022, which hearing was continued on the 15<sup>th</sup> day of June, 2022, and

WHEREAS, the applicants appeared by their architect, who testified as follows:

That this is a large property but is constrained by substantial wetlands and a drainage easement;

That the existing house is small and is proposed to be expanded on each side so that one side yard will be 30.2 feet and the other will be 37.3 feet;

That the only variance requested is for total side yard and is only 10% of the requirement; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the conditions and the proposed location of the addition; and

WHEREAS, several residents appeared in opposition to the variance, stating that the expansion of the residence will be too close to neighboring properties and that there is potential for flooding in the neighborhood; and

WHEREAS, as a result of neighbors' comments, the applicant has reduced the addition on one side by 5 feet so that the requested variance is for total side yard of 71 feet instead of the required 75 feet,

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 Jeffrey and Susan Itzkowitz 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 total side yard of 71 feet instead of the minimum permitted of 75 feet is hereby granted subject to the following:

1. GML review letter of Rockland County Planning Department dated May 10, 2022;
2. Letter from Rockland County Drainage Agency dated May 3, 2022;
3. Letter from Rockland County Sewer District No. 1 dated April 29, 2022;
4. Letter from Town of Ramapo Department of Public Works dated May 4, 2022;
5. Letter from Rockland County Center for Environmental Health dated May 17, 2022;
6. Letter from Rockland County Highway Department dated April 28, 2022; and be it further

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

1. That the variance is not substantial, as being less than 10% of the requirement;
2. That applicant cannot expand to the rear because of wetlands and the existing swimming pool;
3. That all drainage and other environmental concerns will be addressed by compliance with the requirements of the Rockland County Drainage Agency and the Center for Environmental Health;
4. That applicant has addressed the concerns of neighbors by substantially reducing the expansion of one side of the residence and the size of the variance;
5. That the benefit to the applicant by granting the variance is substantial and outweighs any detriment to neighboring properties since their concerns have been addressed.

**Item #6 –Public Hearing- Braun  
6 Auburn Court**

Acting Chairman Gewirtz read the public hearing notice into the record.

Moshe Braun was present and affirmed to tell the truth. Mr. Braun stated that this shed is 2 feet from the property line but this is the best location for this structure for aesthetics and best use of the property. This shed will be 12' x 25' and will be used for storage, as there is no basement at the home and the garage is cluttered. Mr. Braun stated that there is very little storage space at the home.

Mrs. Braun was present as well, affirmed to tell the truth, and stated that this is open grass and she appreciates the open space. Mrs. Braun would like to avoid having to remove trees. Also, Mrs. Braun has reached out to the Town of Ramapo to see if there is anything that can be done for them to work together to accommodate this shed.

Doris Ulman stated that the shed is proposed to be placed on a Town easement and if the Town does not allow it, the Zoning Board cannot grant the variance.

Jonathan Gewirtz made a motion to adjourn with a site visit 7/10 and to the July 20, 2022 at 7:30 P.M. meeting, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Mr. Gewirtz requested that the corners of the property be marked prior to the site visit.

**Item #7 –Public Hearing- Amsterdam  
8 Suhl / 95 Forshay Road**

Acting Chairman Gewirtz read this item into the record and stated that the applicant had requested an adjournment to the July meeting in advance of the meeting. Jonathan Gewirtz made a motion to adjourn to July 20, 2022 at 7:30 P. M., seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #8-Discussion of local law**-this item was postponed until a full Board is present.

**Approval of Minutes- May 18, 2022**

Stefanie Collantes made a motion to approve the minutes of May 18, 2022, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion to adjourn the meeting, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully submitted,  
Tara Roberts