

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, July 20, 2022
7:30 P.M.**

MEMBERS PRESENT:

Dennis Dale
Randi Marlin, Ad Hoc
Carole Anderson
Richard Weinberger
Mordechai Schwab, Chairman
Stefanie Collantes, Ad Hoc

MEMBERS ABSENT:

Jonathan Gewirtz

OTHERS PRESENT:

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

Chairman Schwab called the meeting to order at 7:38 p.m.

**Item #4 –Continuation of Public Hearing- Amsterdam
95 Forshay Road/8 Suhl**

Chairman Schwab read the public hearing notice into the record. Mr. and Mrs. Amsterdam, applicant, and their attorney, Ira Emmanuel, were present and affirmed to tell the truth. Mr. Emmanuel described the pool house with a platform. The previous request for a rear yard variance at 9.3 feet had been denied. Mr. Emmanuel stated that several variances were previously approved and there had been dialogue with the homeowner regarding moving the pool house or removing a portion of the pool house. These options were declined by the homeowner. Mr. Emmanuel stated that the rear neighbor had always been in support of the project and the Amsterdam's had proposed purchasing a portion of her land to increase the Suhl property and propose a 25-foot rear yard. 620 square feet is to be purchased.

Mr. Emmanuel stated that there will be no new construction. Due to the shift in lot lines, Mrs. Guadino, 95 Forshay, would also require variances.

Dennis Dale asked if adding four variances was really the best option in the opinion of the homeowner. Mr. Emmanuel confirmed that it was. Randi Marlin asked if it would be possible to make the pool house smaller and still have it be functional. Mr. Emmanuel stated that they could but the neighbor that is most effected is the one that is selling the property to assist in completing the project.

Chairman Schwab asked if anyone else from the Board wished to be heard. Richard Weinberger stated that he believed that mature trees on 8 Suhl should be a part of any approval. Chairman Schwab stated that the ZBA is proposing a local law relating to cabanas and suggested that perhaps the applicant should seek an adjournment until the pool house law has been written. Chairman Schwab asked if anyone from the public wished to be heard, no one responded.

Mrs. Amsterdam stated that they would be open to taking off the roof, as it was wasted space. Mr. Emmanuel requested an adjournment to the August 17th meeting. Chairman Schwab made a motion to so adjourn, seconded by Dennis Dale. Upon vote, this motion passed unanimously.

**Item #5 –Public Hearing- Markowitz
5 Woodcrest Road**

Chairman Schwab read the public hearing notice into the record.

Hillel Markowitz, applicant, was present and affirmed to tell the truth. Mr. Markowitz stated that he had been before the Board in February and March of this year and a site visit had been conducted at that time. The variance sought was approved at that time. Subsequent to that approval, it was found that there had been a mathematical mistake made when calculating building coverage. With this in mind, Mr. Markowitz reapplied to correct the problem.

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

Chairman Schwab asked if anyone from the Board wished to be heard. No one wished to speak.

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

Chairman Schwab made a motion to approve this application, subject to the County agency review letters and waiving a walk through. Dennis Dale seconded this motion. Upon vote, this motion carried, with Richard Weinberger abstaining.

In the Matter of the Application of
Hillel Markowitz
Premises situated on the south side of
Woodcrest Road approximately 300 feet
West of Wilder Road, known as 5 Woodcrest
Road, designated on the Tax Map as Section
41.10 Block 1 Lot 35, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Hillel Markowitz 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 single family residence having building coverage of .114 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on July 20, 2022, and

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

That a variance for building coverage of .106 had been approved by the Zoning Board of Appeals on February 16, 2022;

That the project has not changed but during construction it was discovered that a mathematical error had been made in the calculation of building coverage and the actual coverage is .114 not .106;

That since nothing has changed the applicant requests that the Board grant the additional fraction of a percent and further requests that the site visit be waived since Board members visited the site very recently, in February, 2022; 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 Zoning Board of Appeals hereby waives the site visit since a site visit for the building coverage variance was held in February, 2022 and Board members remember the project, and be it further

RESOLVED, that the application submitted by Hillel Markowitz 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 single family residence having building coverage of .114 instead of the maximum permitted of .10 is hereby granted, subject to the following conditions:

1. Compliance with the July 20, 2022 GML review letter from the Rockland County Department of Planning;
2. Compliance with the July 11, 2022 letter from the Rockland County Highway Department;
3. Compliance with the July 15, 2022 letter from the Rockland County Center for Environmental Health;
4. Compliance with the July 20, 2022 letter from the Rockland County Sewer District No. 1; 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 in relation to the requirement;
2. That the need for the variance is caused by the addition of the front porch which protects users from inclement weather, increases the aesthetics of the house and is similar to other houses in the neighborhood;

3. That the small increase in building coverage will not impact the environment or the ecology of the neighborhood;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to adjacent properties or to the neighborhood has been identified.

**Item #3 –Public Hearing- Braun
6 Auburn Court**

Chairman Schwab read the public hearing notice into the record.

Moshe Braun was present and affirmed to tell the truth. Mr. Braun stated that there had been a site visit of his property, with Doris Ulman, Chairman Schwab, Dennis Dale, Randi Marlin and Stefanie Collantes in attendance. Mr. Braun stated that he was seeking input from the Board on his application.

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

Chairman Schwab restated that unless the owner of the easement permits the construction the ZBA must deny. Mr. Braun requested an adjournment.

Chairman Schwab made a motion to adjourn this matter to the August 17th meeting, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Item #6-Discussion of local law-Doris Ulman and the Board took the proposed law line by line and made their suggestions on revisions. Ms. Ulman stated that she will make the revisions in advance of next month's meeting and present it to the Board at that time.

Approval of Minutes- June 15, 2022

Unfortunately this approval was not possible without Jonathan Gewirtz in attendance. Approval of the June minutes will be on the agenda for August.

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

Respectfully submitted,
Tara Roberts