

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, September 21, 2022
7:30 P.M.**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

OTHERS PRESENT:

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

Chairman Schwab called the meeting to order at 7:37 p.m.

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

Chairman Schwab read the public hearing notice into the record. Upon request by the applicant's attorney, Jonathan Gewirtz made a motion to adjourn this application to the October 19th meeting, seconded by Randi Marlin. Upon vote, this motion passed unanimously.

**Item #5 –Continuation of the Public Hearing- Rotenberg
1 Cottonwood Lane**

Chairman Schwab read the public hearing notice into the record. Chairman Schwab stated that a site visit was conducted of this property which included himself, Doris Ulman, Richard Weinberger, Stefanie Collantes, and Randi Marlin.

Todd Rosenblum, architect for the applicant, was present and affirmed to tell the truth. Mr. Rosenblum stated that the property had been staked prior to the site visit. The proposed cabana requires a building coverage and impervious surface variance. Mr. Rosenblum stated that there is a grade change from the neighbor's property to the south, making their property higher. In addition, the neighbor to the west has screening for their pool and sports court.

Mr. Rosenblum stated that this Board has previously granted similar variances and that letters of support have been submitted to this Board/

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. Randi Marlin stated that should the current cabana law change, this cabana would comply. Jonathan Gewirtz stated that the sloping was obvious while on the site visit. Mr. Gewirtz stated that this adds to the uniqueness of the property and supports the location of the cabana. Todd Rosenblum stated that there is almost a 7-foot difference in grade between this property and the rear neighbor.

Jonathan Gewirtz asked how tall the cabana is. Mr. Rosenblum stated that it is 15 or 16 feet tall. Mr. Rosenblum stated that there is screening planned, in addition to what already exists. Todd Rosenblum also stated that his client has no objection to any of the County review letters.

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

Randi Marlin made a motion to approve this application based on the uniqueness of the property including grading and subject to all County review letters, seconded by Chairman Schwab.

In the Matter of the Application of
David Rotenberg
Premises situated at the southwest corner of
Cottonwood Lane and Wilder Road, known as
1 Cottonwood Lane, designated on the Tax Map
As Section 32.18 Block 1 Lot 34, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by David Rotenberg 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 cabana having a rear yard of 25 feet instead of the minimum required of 50 feet, building coverage of .11 instead of the maximum permitted of .10 and impervious surface ratio of .26 instead of the maximum permitted of .25, and

WHEREAS, after due notice a public hearing on said application was held by the Zoning Board of Appeals on August 17, 2022, which hearing was continued on September 21, 2022, and

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

That the proposed location of the cabana is the only feasible location in order to keep it behind the front yard facing on Wilder Road and due to the 7-foot drop in grade from the property to the south;

That the cabana is less than 500 square feet and will be screened with 6-foot-tall green giant trees to the west and existing tall trees to the south;

That applicant's engineer has designed a drainage and retention system for approval by the Village Engineering Consultant, and

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

WHEREAS, the applicant submitted several letters in support of the application, and 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 David Rotenberg 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 cabana having a rear yard of 25 feet instead of the minimum required of 50 feet, building coverage of .11 instead of the maximum permitted of .10 and impervious surface ratio of .26 instead of the maximum permitted of .25 is hereby granted subject to the following:

1. Approval of the drainage and retention system by the Village Engineering Consultant;
2. Compliance with the Rockland County Planning Department letter dated August 15, 2022;
3. Compliance with the Rockland County Highway Department letter dated August 5, 2022;
4. Compliance with the Rockland County Center for Environmental Health letter dated August 15, 2022, and be it further

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

1. That the rear yard variance is necessary in order for the cabana to be in close proximity to the swimming pool and to maintain the full front yard setback at Wilder Road;
2. That the variance will not impact the neighbors because of the sharp drop in grade from the adjoining property, the installation of substantial screening to the west and the existence of tall trees to the south;
3. That the building coverage and impervious surface ratio variances are not substantial at 10 percent or less;
4. That as stated above, the placement of the cabana is in the only feasible location on the lot;
5. That the benefit to the applicant by granting the variance is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

**Item #6 –Continuation of the Public Hearing- Village Green Shul
4 Village Green**

Chairman Schwab read the public hearing notice into the record. Todd Rosenblum, architect for the applicant, was present and affirmed to tell the truth. Chairman Schwab stated that there had been a recent site visit on this site with himself, Richard Weinberger, Doris Ulman, Randi Marlin and Stefanie Collantes in attendance. Mr. Rosenblum stated that the applicant intends to knock down the existing building and erect a 2-story structure and a separate a 900 square foot free standing mikvah.

Mr. Rosenblum stated that the subject property is west of Village Hall. The neighbor on the east is the nephew of a member of the congregation's staff and the southern neighbor is the Schonfelds-430 Route 306. There is a grade difference of 3 feet between 4 Village Green and the rear neighbor (to the south). There are two walls and screening planned in the rear of the property. In addition, the applicant has offered to build a 6-foot vinyl fence on the Schonfelds' property. This would be 9-feet total, including the grade change. Mr. Rosenblum stated that this would account for 125 feet of fencing. A revised site plan will be submitted to the ZBA.

Mr. Rosenblum stated that the Village professions had suggested moving the garbage receptacle/dumpster away from the sidewalk, closer to the parking lot for the truck to service the property. The relocation is shown on the site plan and is why the variance is needed.

Mr. Rosenblum stated that he expected Matt Trainor and Doris Ulman had spoken prior to this meeting regarding the proposed drainage system. Ms. Ulman stated that she had spoken to Mr. Trainor who advised that the proposed system should work, but additional details are needed prior to approval. Mr. Rosenblum asked if this could be considered as a condition of any approval.

Mr. Rosenblum stated that the roof overhang brings the front yard to 32.5 feet. However, this property is adjacent to Wesley Hills Village Hall, and that there is no negative impact to the residential neighbors or the environment.

Mr. Rosenblum stated that this project is located one block from 306 and is fulfilling a real need, by offering a mikvah for the congregation. Mr. Rosenblum stated that parking for the congregation is slated across the street, at the 441 Route 306 office building, on site with 20 spaces and that there has been a substantial neighborhood offering of residential spaces.

The review letter from Rockland County Department of Planning was discussed. Mr. Rosenblum asked that copies of his response to the Planning Board application review by that department be shared with this Board. Chairman Schwab suggested that Me. Rosenblum review the points of this review letter with the Board.

1. Mr. Rosenblum addressed the statement regarding overdevelopment and noting that the letter did not reference the synagogue.

2. Mr. Rosenblum stated that he will address the development/use concern while explaining that the intended use is a house of worship.
3. Mr. Rosenblum stated that he was advised by the engineer on this project that pervious pavers should not be used within a certain distance from a structure. This is the reason why these pavers are not included on the plan at the front of the home. Further, Mr. Rosenblum explained that pervious pavers require maintenance that can be costly.
6. Mr. Rosenblum stated that he has been working with the Village Fire Inspector while developing his plans for their approval and that he will continue to work with emergency services as appropriate.
7. Mr. Rosenblum will work with the Village to ensure that all appropriate signage be displayed.
8. Mr. Rosenblum suggested to County Planning that he will be discussing the parking law for neighborhood gatherings with the Village, with regards to this application.

Doris Ulman asked why the walk in the proposed structure is concrete. Ms. Ulman asked if this could be pavers, as this would reduce the variance that is needed. Mr. Rosenblum stated that Sparaco Engineering advised him that pavers should not be used within 25 feet of a structure, as they are not effective.

Ms. Ulman requested that Mr. Rosenblum request a letter from the Village Engineer that he has approved the underground storage between the mikvah and the parking lot. In addition, Ms. Ulman requested that Mr. Rosenblum obtain a letter from the Village Engineer approving the proposed stormwater management system. Further, Ms. Ulman requested a letter from Veolia stating that this project will not create a burden on the water system.

Ms. Ulman asked if there was a landscaping plan for this project. Mr. Rosenblum confirmed that there is one and that he will submit it. Ms. Ulman asked Mr. Rosenblum to address paragraphs 2, 3, 9, 11, 12 and 13 of the Rockland County Planning Department letter dated August 15, 2022.

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

Jeffrey Neuman
14 Glenbrook Road

Mr. Neuman was present and affirmed to tell the truth. Mr. Neuman stated that there is another mikvah within ½ mile of this property. Mr. Neuman asked for clarification on the use and need of another within a seemingly short distance. Mr. Neuman inquired about the requirement for grass on a site. Chairman Schwab stated that this is covered by impervious surface requirements. Mr. Neuman asked where the commercial building is that is referenced in the narrative statement. Jonathan Gewirtz stated that it was Wesley Hills Village Hall. Mr. Neuman asked how many trees will be coming down. Doris Ulman stated that the applicant intends to submit a landscaping plan.

Jonathan Schonfeld

430 Route 306

Mr. Schonfeld was present and affirmed to tell the truth. Mr. Schonfeld stated that he is excited about the project and hopes that the application will be approved, including the two fences. Chairman Schwab thanked the applicant for working with the neighbor on the fence/privacy concerns.

Chairman Schwab made a motion to adjourn this application to the October 19th meeting at 7:30 PM, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

**Item #7 –Public Hearing- Gotesman
24 Hillside Court**

Chairman Schwab read the public hearing notice into the record. Todd Rosenblum was present and affirmed to tell the truth. Mr. Rosenblum explained that this property currently has a 25-year-old house. The existing garage would be used as a dining room. The homeowner has agreed to one big door instead of two separate doors to reduce coverage by two feet.

Richard Weinberger asked if the applicant has support from the neighbors. Mr. Rosenblum stated that he is working on that now.

Jonathan Gewirtz made a motion to adjourn this application to the October 19th meeting at 7:30 PM, with a site visit on October 9, 2022, seconded by Chairman Schwab. Upon vote, this motion carried unanimously.

**Item #8 –Public Hearing- Ulano
7 Cutler Court**

Chairman Schwab read the public hearing notice into the record. James Licata, attorney for the applicant, was present. Mr. Licata stated that Mr. Ulano has lived in his home for 7 or 8 years. Mr. Licata also stated that letters of support have been provided to the Board. Mr. Licata further stated that he lives on Cutler Court and has no objections to the proposed project. The applicant intends to build a 1500 square foot cabana that contains a mikvah, jacuzzi and other facilities. Mr. Licata stated that the closest mikvah is a 30-minute walk. Mr. Licata stated that the project stated the project includes a shower, changing rooms, jacuzzi and mikvah.

Doris Ulman stated that the proposed building is large and inquired why it could not be made smaller. Mr. Licata stated that it was a balancing test, the applicant requires this size, and the neighbors' consent and may use it. Doris Ulman stated that the mikvah can only be used for the residents of the lot, not the neighbors. Further, Ms. Ulman stated that if the application was granted there would be a restriction that it be used only for the property owner and family.

Richard Weinberger asked if the Department of Health had requirements on pools/mikvahs. Mr. Licata stated that the DOH is not involved in pools.

Mr. Licata asked how long the County agencies have to respond to GML reviews. Ms. Ulman stated that the law allows 30 days for responses in order to be considered.

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

Jeffrey Neuman
14 Glenbrook Road

Mr. Neuman asked how large the cabana is. Jonathan Gewirtz stated that it is 66' x 22' (1,452 square feet).

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

Jonathan Gewirtz made a motion to adjourn this application to the October 19th meeting at 7:30 P.M., with a site visit on October 9th at 9:00 A.M., seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #8 –Public Hearing- Congregation Trisk Tolna
33 Glenbrook Road**

Chairman Schwab read the public hearing notice into the record. Ryan Koyithara, architect for the applicant, was present and affirmed to tell the truth. Rabbi Tversky, Rabbi for the congregation, was also present and affirmed to tell the truth. Rabbi Tversky stated that tomorrow is the one-year anniversary of the congregation. Rabbi further stated that the planned mikvah would assist the Department of Health, as more mikvah means that there would be less people per mikvah.

Mr. Koyithara stated the congregation recently completed construction/renovation for their minor neighborhood gathering. The congregation is now seeking approval of a neighborhood gathering permit. Mr. Koyithara further stated that there are plans for 15 parking spaces in the rear of the property.

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

Jeffrey Neuman
14 Glenbrook Road

Mr. Neuman stated that this is the third mikvah in a small area. Mr. Neuman stated that he is concerned that congregants will be parked all over this road.

Mrs. Felicia Hirshfeld
37 Glenbrook Road

Mrs. Hirshfeld was present and affirmed to tell the truth. Mrs. Hirshfeld stated that she anticipated a more robust presentation by the applicant. Mrs. Hirshfeld stated that this street hosts smaller lots, traffic and parking are both concerns. In the future, Mrs. Hirshfeld hopes that

the applicant addresses coverage, screening, noise and Shabbos/mikvah usage. Mrs. Hirshfeld stated that this is not a personal issue for her, she would like to ensure that the project is completed properly.

Mr. Friedman
124 Forshay Road

Mr. Friedman was present and affirmed to tell the truth. Mr. Friedman stated that he lives 5 houses away from the Shul and has for the past 30 years. Mr. Friedman is in support of this project, as he has trouble walking so having a Shul nearby is perfect for him.

Levy Berkowitz
11 Glenbrook Road

Mr. Berkowitz was present and affirmed to tell the truth. Mr. Berkowitz stated that the Congregation has brought a tremendous amount to the neighborhood and the benefits to the area continue. Mr. Berkowitz asked that the Board support this application.

Ira Reifer
23 Glenbrook Road

Mr. Reifer was present and affirmed to tell the truth. Mr. Reifer asked for clarification about the proposed parking at the site, whether on site, in the road or in neighbor driveways.

Israel Katz
20 Glenbrook Road

Mr. Katz was present and affirmed to tell the truth. Mr. Katz stated that he moved into the neighborhood in 2015. Mr. Katz is a representative of the Congregation and stated that whatever is requested, the Congregation will do its best to provide. Mr. Katz stated that that he had requested a stop sign at the corner of Glenbrook Road and Moccasin, as he is concerned with safety in the area. Mr. Katz stated that he continues to ask for additional safety measures. Mr. Katz stated that he is in favor of one side of the street parking on Glenbrook Road.

Rabbi Tversky stated that he married his son off at the beginning of the year and apologized to the neighbors for any hardship this may have imposed on the neighborhood. It had been brought to the attention of the Board that there had been a late-night party that had brought traffic, loud noise after midnight, lights, etc. and Rabbi was responding to this observation/complaint.

Dennis Dale made a motion to adjourn this application to the October 26th combined meeting with the Planning Board, with a site visit on October 9th, seconded by Randi Marlin. Upon vote, this motion carried unanimously. Doris Ulman requested that the applicant ensure that all outstanding questions from the Village Engineer and Village Planner be addressed prior to the October 26th meeting.

Approval of Minutes- August 17, 2022

Jonathan Gewirtz made a motion to approve the August 17th minutes, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

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

Respectfully submitted,
Tara Roberts