

**Village of Wesley Hills  
Zoning Board of Appeals  
Wednesday, August 17, 2022  
7:30 P.M.**

**MEMBERS PRESENT:**

Dennis Dale  
Jonathan Gewirtz  
Carole Anderson  
Stefanie Collantes, Ad Hoc

**MEMBERS ABSENT:**

Randi Marlin, Ad Hoc  
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 7:37 p.m.

**Item #3 –Public Hearing- Hager  
2 Deerwood Road**

Acting Chairman Gewirtz read the public hearing notice into the record. Rabbi Hager, applicant, was present and affirmed to tell the truth. Rabbi Hager stated that it was his hope that this was the only variance that would be needed for this project. Rabbi Hager also stated that he is seeking a special permit from the Planning Board for a neighborhood gathering.

Acting Chairman Gewirtz asked what is leading to the need for an impervious surface variance. Rabbi Hager stated that it was because of the driveway and that the property is on a corner. Acting Chairman Gewirtz stated that there was a letter from a neighbor regarding street parking. Rabbi Hager stated that he would address the neighbor’s concern, however what is before the Board is regarding on-site parking. Rabbi Hager also provided additional letters of support to the Board.

Doris Ulman stated that the variance sought is large-70% variance, as it is .34 vs. .20. Ms. Ulman asked why the parking could not be moved back to offset this a bit. Rabbi Hager stated that his rear neighbor has a pool that he is trying to keep the parking lot away from the pool and Rabbi Hager is also attempting to maintain the residential feel of his property.

Doris Ulman asked the size of the neighborhood gathering. Rabbi Hager stated that it is 2,900 square feet including the mikvah.

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

Stefanie Collantes made a motion to waive the site visit for this application because the Board members recently visited this site, seconded by Dennis Dale. Upon vote, this motion passed unanimously.

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

Jonathan Gewirtz stated that this property has two front yards and the parking that is proposed on-site will assist with safety concerns by reducing the number of on-street parking spaces. Although the variance sought is not small, it is needed. Dennis Dale made a motion to approve this application, seconded by Stefanie Collantes. Upon vote, this motion passed with 3 yeses and Carole Anderson abstaining.

In the Matter of the Application of  
Lipa Hager  
Premises situated on the northeast corner of  
Deerwood Road at the intersection with East  
Willow Tree Road, known as 2 Deerwood  
Road, designated on the Tax Map as Section  
41.12 Block 1 Lot 4, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Lipa Hager 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 parking lot for a Neighborhood Gathering having a front yard impervious surface ratio of .34 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 August 17, 2022, and

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

That he is proposing nine parking spaces on site for the Neighborhood gathering in addition to two spaces (one in the garage) for the residence;

That the parking spaces are proposed in the front yard in order to be less intrusive on his neighbor who has a swimming pool adjacent to the rear of the property;

That in addition to the parking spaces on the property the applicant is also proposing several on-street parking spaces on Deerwood Road for the Planning Board's approval during the Special Permit process; and

WHEREAS, a letter was received from several neighbors stating that on-street parking was dangerous because of the configuration of Deerwood Road; and

WHEREAS, the Zoning Board of Appeals waived the site visit because they had recently visited the site when considering other variances for the property;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action because the Neighborhood Gathering is less than 4,000 square feet and that no SEQRA determination is required, and be it further

RESOLVED, the application for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills for a variance to permit the construction, maintenance and use of a parking lot for a Neighborhood Gathering having a front yard impervious surface ratio of .34 instead of the maximum permitted of .20 to hereby approved, subject to Site Plan and Special Permit approval of the Wesley Hills Planning Board and compliance with all conditions and requirements of said approvals, and be it further

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

1. That although the variance is substantial it is necessary for safety reasons in order to minimize on-street parking on Deerwood Road;
2. That by conditioning the variance approval on Planning Board approval any drainage or other environmental concerns will be addressed by the Wesley Hills Planner and Engineer.
3. That the benefit to the applicant by granting the variance is substantial and any detriment to the neighborhood will be addressed by the Wesley Hills Planning Board.

**Item #5 –Continuation of Public Hearing- Amsterdam  
95 Forshay Road/8 Suhl**

Acting Chairman Gewirtz 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 September 21<sup>st</sup> meeting, seconded by Carole Anderson. Upon vote, this motion passed unanimously.

**Item #6 –Public Hearing- Rotenberg  
1 Cottonwood Lane**

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

David Rotenberg, applicant, and Rachel Barese, engineer, were present and affirmed to tell the truth. Ms. Barese stated that this was the first meeting for this application and that she was requesting a site visit of the property. Todd Rosenblum is away and Ms. Barese is here in his stead. Ms. Barese stated that a mosquito permit will be submitted and that she is comfortable with the conditions stated in the Rockland County Planning review letter and agrees to comply with all points.

Ms. Barese stated that the proposed plan is for a single-family home, pool and cabana. The lot has two front yards and is a uniquely shaped property. Ms. Barese stated that the plan is to place the cabana at the farthest corner from the County Road and intersection. Ms. Barese referenced the landscaping plan that has been proposed. Jonathan Gewirtz asked the size of the cabana. Ms. Barese stated that it is 462 square feet.

Acting Chairman Gewirtz made a motion to adjourn this application to the September 21<sup>st</sup> ZBA meeting at 7:30 PM, with a site visit on 9/11, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

#### **Item #7 –Public Hearing- Village Green Shul 4 Village Green**

Acting Chairman Gewirtz read the public hearing notice into the record. Ethan Halpert, officer of the congregation, was present and affirmed to tell the truth. Steve Sparaco, engineer, was present and affirmed to tell the truth. Mr. Sparaco stated that the site for this project is next door to Village Hall. They have created a plan that allows for the minimum 20 parking spaces and turning radius for the fire department.

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

Jonathan Schonfeld  
430 Route 306

Mr. Schonfeld was present and affirmed to tell the truth. Mr. Schonfeld stated that he is concerned about his pool and the proposed mikvah just behind it. Noise and privacy are of concern for him. Mr. Schonfeld stated that there is currently a 6-foot fence around his pool, but that he would like an additional fence placed adjacent to the rear of his property. Mr. Schonfeld further stated that he would like a soundproof barrier erected in this area. He asked if the use is permitted in a residential zone.

Doris Ulman stated that schools and religious uses are allowed in residential zones. The Village of Wesley Hills requires a special permit.

Mr. Schonfeld asked how high the fence can be. Doris Ulman stated that the law permits a 6 foot fence in the rear yard.

Doris Ulman stated that there are many comments in the County Department of Planning letter and Todd Rosenblum requested that the Board postpone discussions on this letter until he returns.

Jonathan Gewirtz made a motion to adjourn this application to the September 21<sup>st</sup> meeting at 7:30 PM, with a site visit on September 11<sup>th</sup>, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously. Jonathan Gewirtz requested that the applicant stake out as much as possible in preparation of the site visit.

**Item #4 –Public Hearing- Braun  
6 Auburn Court**

Acting Chairman Gewirtz read the public hearing notice into the record. As Mr. Braun did not appear this evening, Mr. Gewirtz made a motion to adjourn this application to the September 21<sup>st</sup> meeting at 7:30 PM, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

**Approval of Minutes- June 15, 2022**

Stefanie Collantes made a motion to approve the June 15<sup>th</sup> minutes, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Approval of Minutes- July 20, 2022**

Dennis Dale made a motion to approve the July 20<sup>th</sup> minutes, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

**Item #8**-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 Zoning Board at that time.

Carole Anderson made a motion to adjourn the meeting, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

Respectfully submitted,  
Tara Roberts