

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, October 19, 2022
7:30 P.M.**

MEMBERS PRESENT:

Richard Weinberger
Mordechai Schwab, Chairman
Randi Marlin, Ad Hoc
Stefanie Collantes, Ad Hoc

MEMBERS ABSENT:

Dennis Dale
Jonathan Gewirtz
Carole Anderson

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 #3 –Continuation of Public Hearing- Braun
6 Auburn Court**

Chairman Schwab read the public hearing notice into the record. Upon request by Mr. Braun, Richard Weinberger made a motion to adjourn this application to the November 16th meeting at 7:30 PM, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Doris Ulman requested that a letter be drafted and sent to the applicant making them aware that this will be the last approved adjournment.

**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, Richard Weinberger made a motion to adjourn this application to the November 16th meeting, seconded by Stefanie Collantes. Upon vote, this motion passed unanimously.

Doris Ulman requested that a letter be drafted and sent to the applicant making them aware that this will be the last approved adjournment.

**Item #5 –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 he is still awaiting a letter from Veolia that had been requested by the Board. With this in mind, Mr. Rosenblum requested an adjournment. Randi Marlin made a motion to adjourn this application to the November 16th meeting, seconded by Chairman Schwab. Upon vote, this motion passed unanimously.

Item #6 –Public Hearing- Gotesman 24 Hillside Court

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

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

Richard Weinberger confirmed that the applicant has submitted letters of support from the neighbors.

Chairman Schwab made a motion to close the public hearing, seconded by Randi Marlin. Upon vote, this motion passed unanimously.

Stefanie Collantes made a motion to approve this application due to the support of the neighbors, the minimal nature of the variance and the uniqueness that the neighboring property is undeveloped land, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

In the Matter of the Application of
Alan and Mindy Gotesman
Premises situated on the west side of Hillside Court
At the intersection with Cara Court, known as 24
Hillside Court, designated on the Tax Map as Section
41.08 Block 1 Lot 11, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Alan and Mindy Gotesman 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 an addition to a single family residence having a side yard of 23.8 feet instead of the minimum required of 25 feet and total side yard of 49.1 feet instead of the minimum required of 60 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on the 21st day of September, 2022, which hearing was continued on October 19, 2022, and

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

That the house is being extended over the driveway, the existing garage being converted into a dining room and a new garage being constructed;

That the variance is minimal, being less than two feet into the side yard;

That applicant will install landscaping to screen the addition from the adjoining neighbor to the south;

That the property is unique in that the property to the north is a large tract of vacant land that will never be developed;

That the variance is the minimal needed to construct the two car garage, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed size of the addition, and

WHEREAS, no one appeared in opposition to the application and many neighbors sent letters of support including the neighbor to the south,

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 Alan and Mindy Gotesman 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 an addition to a single family residence having side yard of 23.8 feet instead of the minimum required of 25 feet and total side yard of 49.1 feet instead of the minimum required of 60 feet is hereby approved, and be it further

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

1. That the variances are minimal in relation to the requirement;

2. That there is no feasible alternative inasmuch as the garage must feasibly be at the driveway of the property;
3. That there will be no ecological or environmental impacts resulting from the variances since the addition will be placed on the existing driveway pavement;
4. That the benefit to the applicants by granting the application is substantial whereas no detriment to neighboring properties or to the community has been identified.

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

Chairman Schwab read the public hearing notice into the record. Chairman Schwab stated that while on the site visit at this site, he spoke with the applicant. Mr. Ulano has agreed to reduce the size of the accessory building, thus reducing the variances being sought substantially.

With this in mind, Mr. Licata has requested an adjournment to prepare and submit revised plans. Chairman Schwab made a motion to adjourn this application to the November 16th meeting at 7:30 P.M., seconded by Randi Marlin. Upon vote, this motion carried unanimously.

**Item #8 –Public Hearing- Breuer
3 Skylark Drive**

Chairman Schwab read the public hearing notice into the record. Paul Baum, attorney for the applicant, was present. Mr. Baum stated that this was an existing house that had been demolished. Mr. Baum stated that this is a proposed 10,000 square foot structure with 3 variances needed. From the base to the top of the roof is 24.5 feet but because of the grade the height is 27.5 feet and needs a variance.

Mr. Nachum, architect for the project, was present and affirmed to tell the truth. Mr. Nachum stated that this property is on a hill and the homeowner was looking for bigger and taller rooms.

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

Janet Litt
5 Harriett Lane

Ms. Litt was present and affirmed to tell the truth. Ms. Litt stated that she lives next door to this project. Ms. Litt stated that she is concerned about the proximity of this home to her property line and home.

Zipporah Ginsburg, interior and exterior designer for the applicant, was present and affirmed to tell the truth. Ms. Ginsburg stated that this is a modern style home with two-stories, which will allow for natural sunlight. The design has a flat roof, and the intention is to keep the grown trees in the back of the property. Ms. Ginsburg believes that this construction will add to the overall value of the homes in the neighborhood.

Mr. Baum noted that if the design had a gable roof, the mean roof line would be higher than what is proposed.

Richard Weinberger asked why the home could not have been designed without the need for variances. Ms. Ginsburg stated that the existing grade adds four (4) feet. Mr. Baum stated that the foundation would need to sit below grade in order to avoid variances.

Richard Weinberger asked about the plans for screening for the neighbors. Ms. Ginsburg stated that the homeowner is open to any requests for landscaping. Ms. Ginsburg stated that the homeowner is happy to work out any concerns with his neighbors. Mr. Baum stated that there is no formal landscaping plan available at this point but that he will submit it as soon as possible.

Chairman Schwab made a motion to adjourn this application to the 11/16 meeting, with a site visit scheduled for 11/13, seconded by Richard Weinberger. Upon vote, this motion carried unanimously.

Item #9 –Public Hearing- Gartenberg 8 Villa Lane

Chairman Schwab read the public hearing notice into the record. Ben Silber, builder for the applicant, was present and affirmed to tell the truth. Mr. Silber stated that they will reduce the variances and submit a new plan. This is an addition to a single-family residence.

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

Richard Weinberger asked if the applicant would comply with all of the Rockland County agency review letters. Mr. Silber stated that they would.

Chairman Schwab made a motion to adjourn this application to the November 16th meeting, with a site visit on November 13th, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Item #10 –Public Hearing- Mark Schwartz and Goldie Slater 7 Ardley Place

Chairman Schwab read the public hearing notice into the record. Isaac Steinberg, contractor for the applicant, was present and affirmed to tell the truth. Mr. Steinberg stated that the applicant has requested a circular driveway. The plan only calls for 16 feet width, but the variance request is for 20 feet. Doris Ulman reminded Mr. Steinberg that the homeowner is not allowed to park in their front yard. Mr. Steinfeld stated that he would like to square this away as easily as possible. They will try to reduce the width of the driveway.

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

Chairman Schwab made a motion to adjourn this application to the November 16th meeting, with a site visit on November 13th, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Approval of Minutes- September 21, 2022

Jonathan Gewirtz made a motion to approve the September 21st minutes, with the note that there are no comments 4 or 5, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

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

Respectfully submitted,
Tara Roberts