

**Village of Wesley Hills  
Zoning Board of Appeals  
Wednesday, November 16, 2022  
7:30 P.M.**

**MEMBERS PRESENT:**

Mordechai Schwab, Chairman  
Richard Weinberger  
Dennis Dale  
Carole Anderson  
Stefanie Collantes-Bouvry, Ad Hoc

**MEMBERS ABSENT:**

Jonathan Gewirtz  
Randi Marlin, Ad Hoc

**OTHERS PRESENT:**

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

Chairman Schwab called the meeting to order at 7:36 p.m.

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

Chairman Schwab read the public hearing notice into the record. Mr. Braun was present and affirmed to tell the truth. Mr. Braun stated that there has not been much movement at this point, but requested one last month to attempt to find a resolution. Doris Ulman stated that this application has been before the Board for 6 months and that this would be the last adjournment the Board could consider. Chairman Schwab made a motion to adjourn this application to the December 14<sup>th</sup> meeting at 7:30 PM, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion carried unanimously.

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

Chairman Schwab read the public hearing notice into the record. Doris Ulman stated that she had spoken with Ira Emanuel, the applicant's attorney, and made him aware that if the applicant required an additional adjournment, he should appear before the Board to explain the reason for the need. Unfortunately, Mr. Emanuel has a conflict this evening and is not able to be present. Ms. Ulman stated that she has made Mr. Emanuel know that this will be the last adjournment considered by the Board. With this in mind, upon request by the applicant's attorney, Chairman Schwab made a motion to adjourn this application to the December 14<sup>th</sup> meeting, seconded by Carole Anderson. Upon vote, this motion passed unanimously.

**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, and Ethan Halpert, Chairman of the congregation's Building Committee, were 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 900 square foot free standing mikvah.

Mr. Rosenblum stated that after the October meeting he had received an email from the Building Department with a list of items that were needed to work towards satisfying the County review letters.

1. Mr. Rosenblum stated that he had obtained a letter from Veolia that noted the amount of water needed by the synagogue and the mikvah. Mr. Rosenblum stated that Veolia confirmed that they will be able to provide service to this site without a problem.
2. Brooker Engineering provided a letter, dated 10/16, regarding the site's stormwater system which references zero net runoff (#16, page 2). Mr. Rosenblum stated that a revised site plan, dated 10/31, addressed all technical concerns noted by the professionals including landscaping, lighting and the slope of the driveway.
3. Mr. Rosenblum stated that his original understanding was that pervious pavers should not be used within 25 feet of a residence. Later, he was informed that it is actually 15 feet. Mr. Rosenblum stated that the walkway from the mikvah to Village Hall is now pervious pavers. Mr. Rosenblum stated that the front yard impervious variance is no longer needed and that the total impervious surface ratio has been reduced from .6279 to .6251.

Doris Ulman stated that there is still a concern with the impervious surface ratio at the property. Mr. Rosenblum stated that both Brooker Engineering and Sparaco have stated that there are no issues with the system. Ms. Ulman stated that there may not be a drainage problem but a serious zoning issue. The variance is 150% of the requirement. Mr. Rosenblum stated that he understands the concern about setting a precedent. However, Mr. Rosenblum stated that this project will not impact the neighbors or the Village. Further, Mr. Rosenblum stated that under the Religious Land Use Act, the Board needs to give this application every possible consideration. Ms. Ulman stated that if this were not a religious institution, the Board would not be considering this variance, as it is a 150% increase over what is allowed in the Village Code.

Mr. Rosenblum stated that in Mr. Sparaco's opinion, rain gardens are not practical. Mr. Rosenblum stated that Mr. Sparaco notes that rain gardens are high maintenance and need to be placed downhill, which is not possible in this case.

Mr. Rosenblum noted that there is a fence and evergreens are proposed to screen the neighbors. Mr. Rosenblum stated that there are 19 trees slated to be removed and 30 are to be added. Mr. Rosenblum stated that a revised site plan and landscaping plan have been submitted.

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

Chairman Schwab asked if anyone from the Board wished to be heard. Richard Weinberger stated that because this is a religious institution, the applicant should be given special consideration. Dennis Dale, Carole Anderson and Stefanie Collantes-Bouvry agreed.

Stefanie Collantes-Bouvry made a motion to approve this application, with particular consideration as a religious institution, RLUIPA, one variance having been removed and another reduced, and overriding County Planning letter paragraphs 1, 2, 3, 4, and 10, and on the condition that the applicant comply with the remaining portion of the letter from the Rockland County Department of Planning, Sewer, Health and New York State Department of Transportation. Dennis Dale seconded this motion. Upon vote, this motion passed unanimously.

**In the Matter of the Application of  
Village Green Shul**

Premises situated on the south side of Village Green  
Approximately 250 feet east of New York State Route  
306, known as 4 Village Green, designated on the Tax  
Map as Section 41.11 Block 2 Lot 17, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Village Green Shul 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 13,753 square foot synagogue and a 900 square foot mikvah having a front yard of 32.5 feet instead of the minimum required of 50 feet, side yard of 17.5 feet for the synagogue instead of the minimum required of 25 feet, side yard of 2.5 feet for the garbage enclosure instead of the minimum required of 8.3 feet, rear yard of 25 feet for the mikvah instead of the minimum required of 8.3 feet, rear yard of 25 feet for the mikvah instead of the minimum required of 50 feet, building coverage of .21 instead of the maximum permitted of .15, front yard impervious surface ratio of .21 instead of the maximum permitted of .20 and impervious surface ratio of .63 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, October 19, 2022 and November 16, 2022, and

WHEREAS, the applicant appeared by its architect and by the Chairman of its Building Committee, who testified as follows:

That the existing building is being demolished and replaced with a two-story house of worship, a separate mikvah and parking for 15 vehicles;

That the applicant is currently before the Wesley Hills Planning Board for site plan approval and Special Permit;

That applicant's engineer has designed an underground filtration system to address drainage and the Village Engineer has agreed that the system will result in no net increase in water runoff;

That most of the congregants live within walking distance so that traffic will not increase as a result of the project;

That on-site parking will reduce traffic congestion as cars will not be parked on the public street;

That the site has been previously used by the congregation so that there will be no increase in noise or air pollution;

That a large number of trees will be installed at the completion of the project so that visual and other potential environmental impacts will be addressed;

That although the impervious surface ratio is large, the effects are being addressed by the infiltration system and the screening;

That rain gardens and bioswales will not work on this property because of the size of the property; they are not needed because of the ability to provide underground infiltration on this site; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the house of worship, mikvah and parking, and

WHEREAS, at the request of the Zoning Board of Appeals applicant will install pervious pavers at the front and rear walks which eliminates the need for the front yard impervious surface ratio variance and reduces the overall impervious surface ratio from .6279 to .6251, and

WHEREAS, an adjoining neighbor appeared and requested that screening be installed at the parking area to protect his property and the applicant has submitted a landscaping plan to address his concern and

WHEREAS, no one else appeared in opposition to the application and many letters were received in support;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is an unlisted action and that the granting of the following variances will not have a significant adverse impact on the environment for the reasons that the underground infiltration system will result in zero net water runoff, that there will be minimal increase in traffic because most of the congregants live within walking distance, that on-site parking will reduce the congestion of parking on the public street and that the visual impact will be reduced because of the substantial number of trees to be installed, and be it further

RESOLVED, that the application submitted by Village Green Shul 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 13, 753 square foot synagogue and 900 square foot mikvah having a front yard of 32.5 feet instead of the minimum required of 50 feet, side yard of 17.5 feet for the synagogue instead of the minimum required of 25 feet, side yard of 2.5 feet for

the garbage enclosure instead of the minimum required of 8.3 feet, rear yard of 25 feet for the mikvah instead of the minimum required of 50 feet, building coverage of .21 instead of the maximum permitted of .15 and impervious surface ratio of .6251 instead of the maximum permitted of .25 is hereby approved, subject to the following:

1. Compliance with the letter from Brooker Engineering dated October 17, 2022;
2. Compliance with the revised site plan dated October 31, 2022, including the landscaping plan;
3. Compliance with the GML Review Letter from Rockland County Planning Department dated August 15, 2022 except that the Zoning Board of Appeals overrides Paragraphs 1, 2, 3, 4 and 10 of said Review Letter for the reasons stated in the following Findings of Fact;
4. Compliance with the letter from NYS Department of Transportation;
5. Compliance with the letter from Rockland County Department of Health;
6. Compliance with the letter from 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 applicant has addressed the need for all of the variances and there is no reasonable alternative to the variances;
2. That although the impervious surface ratio is very large, water runoff will not be impacted because of the underground infiltration system that will result in zero net runoff;
3. That the Zoning Board of Appeals takes judicial notice of the fact that pervious pavers do not work in parking areas and driveways for the reason that they quickly become dirty and lose their effectiveness;
4. That applicant will comply with all issues raised in the Rockland County Planning Department GML Review Letter except for Paragraphs 1,2,3,4 and 10, which are overridden for the following reasons:

Paragraph 1 is incorrect- the Wesley Hills Planning Board has not ignored the Review Letter but, as of August 15, 2022, had not made any determinations relating to this application;

Paragraph 2 for the reason that the Zoning Board of Appeals has considered the impact of the development on existing infrastructure, as follows:

- A. Applicant has provided testimony that local roads will not become more congested and the State DOT has no objection to the project;
- B. Letters from Rockland County Sewer District No. 1 and Veolia Water Co. have no objection to the project;
- C. Letters from Sparaco Youngblood and Brooker Engineering that the proposed drainage system will not adversely impact the Village stormwater system;
- D. Standards set by the New York State Court of Appeals decades ago that houses of worship and schools are to have a “special status” with respect to land use decisions and, in effect, that area variances are not to be denied unless they create safety hazards, that no one has alleged that safety hazards will result from the granting of these variances;

Paragraph 3 for the reason that the applicant’s drainage system, which has been accepted by the Village Engineer, has addressed all of the issues raised in Paragraph 3 and will use pervious pavers at two walkways, as indicated;

Paragraph 4 for the reason that this Paragraph is incorrect-nowhere in State Law or the Village Code are average density lots limited to single family uses; NYS Village Law Section 7-738 permits Villages to determine, by local law, the zoning restrictions to which average density will apply-in Wesley Hills average density is permitted in R-50 and R-35 Zoning Districts only (Code Section 230-67) but the Code does not limit average density to single family residences-it is permitted for any use that is permitted in the R-50 and R-35 Zoning Districts-houses of worship are permitted uses in these Districts;

Paragraph 10 for the reason that the Zoning Board of Appeals has no authority to review off-site parking spaces for this application.

#### **Item #6 –Public Hearing- Ulano 7 Cutler Court**

Chairman Schwab read the public hearing notice into the record. Chairman Schwab stated that Mr. Licata, attorney for the applicant, has requested an adjournment as the applicant is redesigning the accessory building and intends to submit revised plans. Chairman Schwab made a motion to adjourn this application to the December 14, 2022 meeting at 7:30 P.M., seconded by Richard Weinberger. Upon vote, this motion carried unanimously.

#### **Item #7 –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. Baum stated that even though the home is under 25 feet tall, the variance is needed due to the grade of the property.

Mr. Nachum, architect for the project, was also present and affirmed to tell the truth.

Mr. Baum stated that 9 letters of support have been submitted to the Board for review.

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

Mr. Baum noted that Mr. Breuer, his wife and children were in the audience.

Stefanie Collantes-Bouvry stated that if this is new construction, why disregard the Village Code. Mr. Nachum responded that the variance for height is needed due to the grade of the property and the choice of a flat roof over a peak roof. Additionally, Mr. Nachum noted that the proportion of the home on the first story vs. on the second story makes a difference as well. Further, Mr. Nachum stated that the character of the home would change if the width of the proposed home was changed to avoid the variance.

Mr. Baum stated that if the structure was changed to fit the Code, the homeowner would need to scrap the plan and start over. Mr. Baum does not believe that the requested variances are significant. Ms. Collantes-Bouvry stated that she believes that the applicant is being disrespectful due to the fact that this is a new build and disregarding the Village Code. Mr. Baum stated that this Board is a means of relief and the applicant does not intend to be disrespectful. Mr. Baum reiterated that there is no real impact to the neighborhood.

Mr. Baum stated that if the design included a peak roof, they would be in compliance. However, this was the homeowners' preferred design.

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

Richard Weinberger made a motion to approve this application, seconded by Dennis Dale. Upon vote, this motion carried 4 to 0 with one abstention (Collantes-Bouvry-abstained).

In the Matter of the Application of  
Abraham Breuer  
Premises situated on the north side of Skylark Drive  
Approximately 238 feet west of Harriett Lane, known as  
3 Skylark Drive, designated on the Tax Map as Section  
41.16 Block 1 Lot 62, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Abraham Breuer 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 total side yard of 50.93 feet instead of the minimum required of 60 feet, building coverage of .14 instead of the maximum permitted of .12 and height of 27.35 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 October 19, 2022, which hearing was continued on November 16, 2022, and

WHEREAS the applicant appeared in person, by his attorney and by his architect, and testified as follows:

That the existing house has been demolished and applicant's architect has designed the house that is before the Zoning Board;

That each side yard is the required 25 feet so adjoining properties are protected, but only the total side yard requires a variance;

That the design is for a flat roof and the house is only 24.5 feet in height but, because of the grade and the Village height definition, the height is measured at 27.35 feet;

That, because of the Village height definition, if the roof were gabled, there would be no need for the height variance;

That the house is 10,000 square feet to accommodate applicant's family and the design of the house, which includes high ceilings;

That the building coverage variance is minimal, being less than 20% of the requirement; and

WHEREAS, the applicant submitted many letter in support of the application and no one appeared in opposition, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the grade of the property and the intended placement of the residence,

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a type II action and that a SEQRA determination is not required, and be it further

RESOLVED, that the application submitted by Abraham Breuer 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 total side yard of 50.3 feet instead of the minimum required of 60 feet, building coverage of .14 instead of the maximum permitted of .12 and height of 27.35 instead of the maximum permitted of .25 is approved, subject to compliance with the landscaping plan dated October 7, 2021 as last revised June 3, 2022, and be it further



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

1. That the variances are not substantial, each one being less than 20% of the requirement;
2. That there is no feasible alternative to granting the variances since the architect has testified that the entire design of the residence would be changed if the height were reduced;
3. That the reason for the variance is the flat roof, i.e., if the residence had a gabled roof the Village definition of height would be complied with;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the environment has been identified.

**Item #9 –Public Hearing- Mark Schwartz and Goldie Slater  
7 Ardley Place**

Chairman Schwab read the public hearing notice into the record. Mark Schwartz, homeowner, was present and affirmed to tell the truth. Mr. Schwartz stated that there had been a site visit of his property last weekend. Mr. Schwartz agreed that the driveway should not be 20 feet wide. Mr. Schwartz stated that the current plan states that the driveway is 15.9 feet wide.

Doris Ulman asked why the need for the four (4) additional feet than currently exist. Mr. Schwartz stated that it is current difficult to get out of the driveway, requiring a K-turn to exit in many situations. Mr. Schwartz stated that this request is purely a practical matter.

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

Chairman Schwab asked if anyone from the Board wished to be heard. Stefanie Collantes-Bouvry stated that this seemed to be a reasonable request.

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

Dennis Dale made a motion to approve this application, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

In the Matter of the Application of  
Nancy Rubin as Project Manager for  
Mark Schwartz and Goldie Slater  
Premises situated on the south side of Ardley Place  
Approximately 700 feet west of Wilder Road, known  
As 7 Ardley Place, designated on the Tax Map as  
Section 41.10 Block 1 Lot 24, in an R-35 Zoning District

WHEREAS, application had been made to the Zoning Board of Appeals of the Village of Wesley Hills by Nancy Rubin as Project Manager for Mark Schwartz and Goldie Slater for a variance from the provisions of Section 230-34(D)(4) to permit a new circular driveway that is 20 feet wide instead of the maximum permitted of 12 feet wide, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 19, 2022, which hearing was continued on November 16, 2022, and

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

That the driveway is bordered by a wall on each side so that the maximum width of 12 feet is less than 12 and makes it difficult for cars to turn around to leave the driveway;

That applicant has reduced the request for the variance and is now requesting that the circular driveway be permitted at 16 feet wide;

That members of the Zoning Board of Appeals visited the site and noted that the existing 12 foot wide driveway does not permit vehicles to turnaround in order to exit the property; 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 Nancy Rubin as Project manager for Mark Schwartz and Goldie Slater for a variance from the provisions of Section 230-34(D)(4) of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a circular driveway having a width of 16 feet instead of the maximum permitted of 12 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 way this driveway is constructed, the 12-foot width impedes the ability to turnaround to drive out of the property;
2. That there is no feasible alternative to granting the variance because of the safety issue;
3. 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.

**Item #8 –Public Hearing- Gartenberg  
8 Villa Lane**

Chairman Schwab 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 there had been a recent site visit at this property, attended by Richard Weinberger, Doris Ulman, Chairman Schwab and Stefanie Collantes-Bouvry. Mr. Mayerfeld stated that this is an addition to a single-family residence requiring three variances.

Doris Ulman asked why the addition couldn't be moved back 2 feet. Mr. Mayerfeld stated that this was a small addition and that there is a walkway that they are trying to avoid in the planning process.

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

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

Doris Ulman thanked the applicant for reducing one variance and eliminating another.

Richard Weinberger made a motion to close this public hearing, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Carole Anderson made a motion to approve this application subject to all of the Rockland County agency review letters and noting that the applicant revised their plan to comply with paragraph 1 of the Rockland County Department of Planning letter, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

In the atter of the Application of  
Gary and Malki Gartenberg  
Premises situated on the east side of Villa Lane  
Approximately 600 feet north of Ardley Place, known  
As 8 Villa Lane, designated on the Tax Map as Section  
41.10 Block 1 Lot 14, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Gary and Malki Gartenberg 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 an existing single family residence having front yard of 45.3 feet instead of the minimum required of 50 feet, building coverage of .127 instead of the maximum permitted of .10 and impervious surface ratio of .255 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 October 19, 2022, which hearing was continued on November 16, 2022, and

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

That the addition will be constructed over the existing driveway in order to minimize drainage concerns;

That aesthetic concerns require that the addition extend past the existing structure, which is the reason for the front yard variance; otherwise the house will have a large box-like structure;

That to comply with Zoning Board and County Planning concerns, the building coverage has been reduced to .106 and impervious surface variance has been eliminated; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the addition to the residence, and

WHEREAS, the applicant submitted several letters in support 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 Gary and Malki Gartenberg 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 front yard of 45.3 feet instead of the minimum required of 50 feet and building coverage of .106 instead of the maximum permitted of .10 is hereby approved, subject to 1) compliance with the GML Review Letter from Rockland County Planning Department dated November 7, 2022 except that the Zoning Board of Appeals overrides Paragraph 1 of said letter because the front yard variance is required to preserve the aesthetics of the residence and the applicant has reduced or eliminated the other variances; 2) compliance with the letters from Rockland County Highway dated October 5, 2022, Rockland County Sewer District No. 1 dated October 27, 2022 and Rockland County Department of Health dated November 9, 2022, and be it further

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

1. That applicant has eliminated the impervious surface ratio and substantially reduced the building coverage variances to comply with the Zoning Board's request and with the comments from Rockland County Department of Planning;
2. That the remaining variances are not substantial;
3. That there is no feasible alternative to granting the variances since the aesthetics of the residence would be affected if the front yard variance were eliminated;
4. That the benefit to the applicant by granting the variances is substantial whereas, with the decrease in building coverage and elimination of impervious surface ratio variance no detriment to neighboring properties or to the neighborhood has been identified.

**Item #10 –Public Hearing- Yehuda and Dvora Ginsberg  
6 Vanessa Drive**

Chairman Schwab read the public hearing notice into the record.

Stanley Mayerfeld, architect for the applicant, was present and affirmed to tell the truth. Dvora and Yehuda Ginsberg were also present and affirmed to tell the truth.

Stanley Mayerfeld stated that the variance being sought is one out of hardship. Mr. Mayerfeld stated that that Ginsberg's applied for a building permit for a new single-family home. During the review by the Village Engineer, it was noted that wetlands were found on the property and Brooker Engineering requested that the wetlands be delineated. Mr. Mayerfeld stated that the applicant applied for and was granted a wetlands permit.

Mr. Mayerfeld said that after having the wetlands delineated, he found that the site is restricted in its use. No swing set or pool would fit on this site. Mr. Mayerfeld stated that this is a dead end road and this property is at the end. The front yard variance enables the house to be moved farther away from the wetlands and buffer.

Chairman Schwab asked if anyone from the public wished to be heard. Joshua Herbst, 16 Dike Drive, was present and affirmed to tell the truth. Mr. Herbst stated that he knows this property well. Mr. Herbst believes that it is tucked away and the proposed plans should not pose any detriment to the neighborhood.

Chairman Schwab made a motion to adjourn this application to the December 14<sup>th</sup> meeting, with a site visit on December 11<sup>th</sup>, seconded by Dennis Dale. Upon vote, this motion carried unanimously. Doris Ulman requested that the property be staked in advance of the site visit.

**Item #11 –Public Hearing- Chaya Wilhelm  
16 Dike Drive**

Chairman Schwab read the public hearing notice into the record.

Joshua Herbst and Chaya Wilhelm, applicants, were present and affirmed to tell the truth. Mr. Herbst stated that both sets of parents, his and his wife's, have moved out of their homes. Mr. Herbst stated that they are concerned about stairs for their parents and plan to construct a bedroom on the main floor of their home.

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

Dennis Dale made a motion to adjourn this application to the December 14<sup>th</sup> meeting, with a site visit on December 11<sup>th</sup>, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

**Approval of Minutes- October 19, 2022**

Richard Weinberger made a motion to approve the October 19<sup>th</sup> minutes, seconded by Chairman Schwab. Upon vote, this motion carried unanimously.

**Approval of Minutes- October 26, 2022**

Stefanie Collantes-Bouvry made a motion to approve the October 26<sup>th</sup> minutes, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Chairman Schwab made a motion to adjourn the meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion carried unanimously.

Respectfully submitted,  
Tara Roberts