

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, December 14, 2022
7:30 P.M.**

MEMBERS PRESENT:

Mordechai Schwab, Chairman
Richard Weinberger
Dennis Dale
Carole Anderson
Randi Marlin, Ad Hoc
Stefanie Collantes-Bouvry, 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 7:42 p.m.

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

Chairman Schwab stated that this application has been withdrawn.

**Item #5 –Public Hearing- Ulano
7 Cutler Court**

Chairman Schwab read the public hearing notice into the record. Chairman Schwab stated that there had been a recent site visit of this property. Mr. Licata, attorney for the applicant, has requested an adjournment as the applicant is redesigning the accessory building and intends to submit revised plans. Richard Weinberger made a motion to adjourn this application to the January 18, 2023 meeting at 7:30 P.M., seconded by Carole Anderson. Upon vote, this motion carried unanimously. (5-0)

**Item #7 –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. Chairman Schwab stated that it was discovered on the site visit that this property is in an R-50 zoning district.

At the Board's request, Mr. Herbst agreed to install pervious pavers in order to reduce the impervious surface ratio. A revised plot plan will be submitted by January 1, 2023.

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

Randi Marlin made a motion to close the public hearing, seconded by Chairman Schwab. Upon vote, this motion carried unanimously. (5-0)

Chairman Schwab made a motion to amend the application to show the property as R-50 and to add a requested impervious surface ratio variance of .244.

Chairman Schwab made a motion to approve and grant this application, subject to a reduction in impervious surface ratio, seconded by Carole Anderson. Upon vote, this motion carried unanimously. (5-0)

In the Matter of the application of
Chaya Wilhelm
Premises situated on the east side of Dike Drive
Approximately 124 feet north of Roven Road, known
As 16 Dike Drive, designated on the Tax Map as Section
41.6 Block 1 Lot 3, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Chaya Wilhelm 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 .115 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 November 16, 2022, which hearing was continued on December 14, 2022, and

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

That applicants' parents visit often and cannot walk stairs;

That to accommodate their parents' needs an additional bedroom is to be constructed on the first floor, resulting in the increased building coverage and impervious surface ratio;

That applicant originally believed the property was in the R-35 Zoning District so that the impervious surface ratio variance was not required but has since learned that the property is in the R-50 Zoning District;

That applicant requests that the Zoning Board of Appeals amends the application to show the correct Zoning District as R-50 and to add the impervious surface ratio of .244 where .20 is permitted, and

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

WHEREAS, no one from the public 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 request made by Chaya Wilhelm to amend her application to show the Zoning District for this property as R-50 and to add a variance request for impervious surface ratio of .244 where .20 is the maximum permitted is hereby granted, and be it further

RESOLVED, that the application submitted by Chaya Wilhelm 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 building coverage of .115 instead of the maximum permitted of .10 is hereby granted and the variance to permit impervious surface ratio of .244 instead of the maximum permitted of .20 is granted only to the extent needed after installation of pervious pavers, the reduced impervious surface ratio being added to this decision after the reduced number is determined by the Building Inspector, and be it further

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

1. That the variances are not substantial in relation to the requirement;
2. That there is no feasible alternative to granting the variances since the use of the additional space on the first floor by applicant's parents cannot be changed;
3. That no detriment to the environment or to neighboring properties resulting from the granting of the variances has been identified;
4. That the benefit to the applicant by granting the variances far outweigh any potential detriment to the neighborhood or to the community.

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

Chairman Schwab read the public hearing notice into the record.

Dvora Ginsberg was present and affirmed to tell the truth. Chairman Schwab stated that after being on the property for the site visit, the members observed that there are wetlands in the rear of this property and the variance being sought is not self-made. Chairman Schwab stated that this situation illustrates what the Zoning Board of Appeals is made for.

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

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

Chairman Schwab made a motion to close the public hearing, seconded by Randi Marlin. Upon vote, this motion carried unanimously. (5-0)

Chairman Schwab made a motion to approve this application, seconded by Dennis Dale. Upon vote, this motion carried unanimously. (5-0)

In the Matter of the Application of
Yehuda and Dvora Ginsberg
Premises situated on the east side of Vanessa
Drive approximately 385 feet south of Lime Kiln
Road, known as 6 Vanessa Drive, designated on the
Tax Map as Section 41.07 Block 2 Lot 21, in an
R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Yehuda and Dvora Ginsberg 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 a front yard of 35 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on the 16th day of November, 2022, which hearing was continued on the 14th day of December, 2022, and

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

That when they purchased the property they did not know there were wetlands on the property;

That when they decided to demolish the residence and construct a new house their engineer similarly did not know there were wetlands because there were no mapped wetlands for this property;

That it was only when they had a wetlands expert inspect the property that it was determined that a large portion of the back yard contains wetlands;

That in order for their children to have a reasonable play area behind the house and away from the wetlands the house has to be moved forward;

That because of the configuration of the land, moving the new house 15 feet into the front yard will not affect the aesthetics of the property, the wetlands will be protected and the children will have a play area; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the wetlands area and the projected reduction of the front yard, 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 Yehuda and Dvora Ginsberg 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 a front yard of 35 feet instead of the minimum required of 50 feet is hereby granted, and be it further

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

1. That although the variance is 30% of the requirement it is the minimum necessary to permit a reasonable play area behind the house for the applicants' children;
2. That there is no feasible alternative to granting the variance inasmuch as the wetlands area exists on a large portion of the rear of the property;
3. That applicant was not aware of the wetlands when they purchased the property because these are not mapped wetlands and the wetlands were not discovered until a wetlands expert inspected the site;
4. That the benefit to applicants by granting the variance is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

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 he is before the Board empty-handed. Mr. Braun stated that he has been unable to get the Town of Ramapo to approve installation of the shed on the easement. Chairman Schwab stated that if Mr. Braun is able to make further progress, it is within his right to re-apply to the Zoning Board of Appeals.

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

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

Chairman Schwab made a motion to close the public hearing, seconded by Randi Marlin. Upon vote, this motion carried unanimously. (5-0)

Chairman Schwab made a motion to deny the application, as without permission from the Town of Ramapo to build the shed over the sewer easement the Board is unable to grant this application, seconded by Carole Anderson. Upon vote, this motion carried unanimously. (5-0)

In the Matter of the Application of
Moshe Braun
Premises situated at the bulb of the cul de sac
On Auburn Court, known as 6 Auburn Court,
Designated on the Tax Map as Section 41.15
Block 2 Lot 16, in an R-3 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Moshe Braun 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 shed having a side yard of 2 feet instead of the minimum required of 25 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on June 15, 2022, which hearing was continued at the applicant's request to July 20, 2022, August 17, 2022, October 19, 2022, November 16, 2022 and December 14, 2022, and

WHEREAS, the applicant appeared in person and testified that the proposed shed is 12 feet x 25 feet and would be situated 2 feet from the side property line on a sanitary sewer easement, and

WHEREAS, the easement is owned by the Town of Ramapo Department of Public Works which owns and maintains an 8 inch sanitary sewer line on the property and is the owner of the easement upon which applicant intends to construct the shed, and

WHEREAS, the Town of Ramapo Highway Department has denied the applicant's request to construct a shed on the Town easement, and

WHEREAS, the Rockland County Department of Planning has disapproved the application,

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Village of Wesley Hills denies the application submitted by Moshe Braun for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills to construct a shed on a Town of Ramapo sanitary sewer easement two feet from the side property line at premises known as 6 Auburn Court, in the Village of Wesley Hills because of impossibility of performance in that the Town of Ramapo has denied permission for construction of the shed.

Approval of Minutes- November 16, 2022

Carole Anderson made a motion to approve the November 16th minutes, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

**Item #8 –Public Hearing- Ayelet Berman
11 Villa Lane**

Chairman Schwab read the public hearing notice into the record. David Mayerfeld, architect for the applicant, was present and affirmed to tell the truth. Mr. Mayerfeld stated that the applicant is proposing a small addition on the north side. The Department of Education is the neighbor on this side of the property, so there is no anticipated impact on this neighbor.

Mr. Mayerfeld stated that the open decks that are more than 3 feet above average existing grade are causing the need for variances. Mr. Mayerfeld stated that he intends to provide letters of support prior to the next meeting.

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. Dennis Dale stated that he is concerned that the variance sought is 63% over code. Mr. Mayerfeld stated that he understood and pointed out that if this home were ranch style, no variance would be required.

Chairman Schwab made a motion to adjourn this application to the January 18th meeting, with a site visit on January 14th, seconded by Dennis Dale. 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