

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, January 18, 2023
7:30 P.M.**

MEMBERS PRESENT:
Bouvry, Ad Hoc

Acting Chairperson Stefanie Collantes-
Dennis Dale
Carole Anderson
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

Mordechai Schwab, Chairman
Jonathan Gewirtz
Richard Weinberger

OTHERS PRESENT:

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

Acting Chairperson Collantes-Bouvry called the meeting to order at 7:46 p.m.

**Item #3 –Continued Public Hearing- Ulano
7 Cutler Court**

Chairperson Stefanie Collantes-Bouvry read the public hearing notice into the record. Doris Ulman 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. Randi Marlin made a motion to adjourn this application to the February 15, 2023 meeting at 7:30 P.M., seconded by Dennis Dale. Upon vote, this motion carried unanimously. (4-0)

**Item #5 –Continued Public Hearing- Congregation Trisk Tolna
33 Glenbrook Road**

Chairperson Stefanie Collantes-Bouvry read the public hearing notice into the record. Chairperson Stefanie Collantes-Bouvry stated that the architect for the applicant has requested an adjournment as the applicant is revising their plans and intends to have an updated submission soon. Dennis Dale made a motion to adjourn this application to the February 15, 2023 meeting at 7:30 P.M. , seconded by Randi Marlin. Upon vote, this motion carried unanimously. (4-0)

**Item #4 –Continued Public Hearing- Ayelet Berman
11 Villa Lane**

Chairperson Stefanie Collantes-Bouvry 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 the applicant is proposing a small addition on the north side of the house. The school district is the neighbor on this side of the property with vacant land, 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 there had been a site visit at the property this past Sunday. Mr. Mayerfeld also mentioned that the applicant intends to construct an in-ground pool in the future and will install pervious pavers on the patio around the deck so that only one variance is needed.

Chairperson Stefanie Collantes-Bouvry asked if anyone from the public wished to be heard. No one wished to speak.

Chairperson Stefanie Collantes-Bouvry asked if anyone from the Board wished to be heard. No one wished to speak.

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

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

In the Matter of the Application of
Ayelet Berman
Premises situated on the west side of Villa Lane,
Approximately 1,000 feet north of Ardley Place,
Known as 11 Villa Lane, designated on the Tax Map
As Section 41.06 Block 1 Lot 74, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Ayelet Berman 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 an addition to a single family residence having building coverage of .163 instead of the maximum permitted of .12, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on the 14th day of December, 2022, which hearing was continued on the 18th day of January of January, 2023, and

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

That applicant is proposing to construct an addition and deck to an existing residence on the north side of the residence;

That the property adjacent is vacant land owned by the school district so that no neighbors will be affected by the addition;

That applicant is installing a substantial amount of pervious pavers so that an impervious surface ratio variance will not be required;

That the reason for the .163 building coverage is because the open decks are more than 3 feet high and so are counted in building coverage;

That the decks are unobtrusive so that the building does not look massive;

That the house is a high ranch and the placement of the addition blends with the design of the existing house; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the addition and the adjacent vacant lot; and

WHEREAS, no one appeared in opposition on 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 Ayelet Berman 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 an addition to a single family residence having Building Coverage of .163 instead of the maximum permitted of .12 is granted, and be it further

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

1. That the variance is not substantial in relation to the requirement;
2. That the open decks, which account for a large portion of the overage, are unobtrusive and the building will not have a massive look;
3. That to eliminate the decks would make the building less aesthetically pleasing and would negatively affect the design of the building;
4. That the granting of the variance will not adversely affect the environment or ecology of neighboring properties or of the neighborhood;
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.

**Item #8 –Public Hearing- Kenneth Beth Rozenberg
531 NY Route 306**

Chairperson Stefanie Collantes-Bouvry 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 this is an odd lot. The property is in an R-50 zone but is an undersized lot. Mr. Mayerfeld noted that if this property were in an R-35 zone, this yard would be more compliant.

Mr. Mayerfeld stated that the proposed underground hockey rink is below grade and will not be visible from the street. The Town of Ramapo established total site setback at 60 feet when the original house was built.

Doris Ulman asked if there was a reason why the width could not be reduced to be in conformance. Mr. Mayerfeld stated that this would require a change to the design in a negative way.

Doris Ulman stated that a vicinity map is needed for this application. Further, Ms. Ulman requested that the map be submitted prior to the site visit.

Chairperson Collantes-Bouvry asked if anyone from the public wished to be heard. No one wished to speak.

Chairperson Collantes-Bouvry asked if anyone from the Board wished to be heard. No one wished to speak.

Randi Marlin made a motion to adjourn this application to the February 15th meeting, with a site visit on February 12th, seconded by Carol Anderson. Upon vote, this motion carried unanimously. (4-0)

**Item #6 –Public Hearing- Nancy Rubin on behalf of Shimon Reider
14 Astor Place**

Chairperson Stefanie Collantes-Bouvry read the public hearing notice into the record. Isaac Steinfeld, LY Contractors, was present and affirmed to tell the truth. Mr. Steinfeld asked if this application would require a site visit. Ms. Collantes-Bouvry confirmed that it would indeed require a visit to the site, as that is standard procedure.

Mr. Steinfeld stated that this variance is required due to the proposed driveway. The homeowner would like the opportunity to create a wider circular driveway. Ms. Ulman inquired as to why there is a portion of the driveway that is 31 feet wide. Ms. Steinfeld clarified that this is due to the portico, turn around area, and to avoid hitting the stoop while turning around. Ms. Ulman pointed out that the Village Engineer's review letter required a grade of 3% for the first 20 feet of both entrances. Mr. Steinfeld stated that this has been updated on the most recent plans.

Chairperson Collantes-Bouvry asked if anyone from the public wished to be heard. No one wished to speak.

Chairperson Collantes-Bouvry asked if anyone from the Board wished to be heard. Randi Marlin asked if the Planning Board had granted the permits for this project. Mr. Steinfeld confirmed that they had.

Carole Anderson made a motion to adjourn this application to the February 15th meeting, with a site visit on February 12th, seconded by Randi Marlin. Upon vote, this motion carried unanimously. (4-0)

**Item #7 –Public Hearing- Pinchas Kahana
15 Buena Vista Road**

Chairperson Stefanie Collantes-Bouvry read the public hearing notice into the record. John Atzl, engineer for the applicant, was present and affirmed to tell the truth. Mr. Atzl explained that this is a ranch style home and that during the planning process it was discovered that the foundation could not support a second story. Therefore, the decision was made to place an addition on the northeast side of the home. Mr. Atzl stated that the current front yard is 12.7 feet and 10.7 feet is proposed.

Chairperson Collantes-Bouvry asked if anyone from the public wished to be heard. No one wished to speak.

Chairperson Collantes-Bouvry asked if anyone from the Board wished to be heard. No one wished to speak.

Randi Marlin made a motion to adjourn this application to the February 15th meeting, with a site visit on February 12th, seconded by Carole Anderson. Upon vote, this motion carried unanimously. (4-0)

**Item #8 –Public Hearing- Martin Neiman
24 Pomona Lane**

Chairperson Stefanie Collantes-Bouvry read the public hearing notice into the record. Todd Rosenblum, architect for the applicant, was present and affirmed to tell the truth. Doris Ulman stated that there is an initial concern. The Board needs to decide if a 3,200 square foot building can be accessory, as the structure needs to be subordinate to the principle structure.

Ms. Ulman inquired as to the square footage of the residence. Mr. Rosenblum stated that he will need to confirm and respond back to the Board. When asked by Ms. Ulman why there could not be an addition to the primary residence, Mr. Rosenblum responded that an addition would block windows, the homeowner prefers to have a separate location for his wood shop, the homeowner is a car enthusiast and is seeking a place to display his vehicles, and the residence is currently two (2) stories. Mr. Rosenblum also stated that this property is 3 acres and can support these two structures without an issue.

In addition, Mr. Rosenblum stated that he disagrees with Ms. Ulman's interpretation of the Code and argued that the use is subordinate, though not the size. Ms. Ulman responded that the Zoning Board has never received a request for a 3,200 square foot accessory structure and does not believe it is incidental to the main building.

Todd Rosenblum stated that there is currently a building on the site that will be removed.

Chairperson Collantes-Bouvry asked if anyone from the Board wished to be heard. No one wished to speak.

Chairperson Collantes-Bouvry asked if anyone from the public wished to be heard.

Mitchell Redisch
30 Deerwood Road

Mr. Redisch was present and affirmed to tell the truth. Mr. Redisch stated that he is concerned with the size of the structure, as it is larger than his home. Mr. Redisch stated that he is concerned that this structure could become a house of worship, school or catering hall in the future and then asked what his recourse would be if this were to occur. Mr. Redisch is concerned about his neighborhood becoming commercial. Further, Mr. Redisch stated that he is aware that one corporation owns five (5) properties in his neighborhood and there is currently a camp on those properties.

Dennis Dale made a motion to adjourn this application to the February 15th meeting, with a site visit on February 12th, seconded by Randi Marlin. Upon vote, this motion carried unanimously. (4-0)

Doris Ulman requested that the building be staked out in advance of the site visit.

Approval of Minutes- December 14, 2022

Carole Anderson made a motion to approve the December 14th minutes, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Chairperson Stefanie Collantes-Bouvry reviewed the proposed cabana law. The Board members discussed the proposed law. Doris Ulman identified a contradiction in the language that she stated she will bring to the attention of the Board of Trustees for revision.

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

Respectfully submitted,
Tara Roberts