

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday May 17, 2023
7:30 P.M.**

MEMBERS PRESENT: Jonathan Gewirtz, Chairman
Dennis Dale
Richard Weinberger
Randi Marlin (Late)
Stefanie Collantes-Bouvry (Late)
Stuart Zelmanovitz, Ad Hoc

MEMBERS ABSENT: Barry Rozenberg, Ad Hoc

OTHERS PRESENT: Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk-Typist
Alicia Schultz, Deputy Village Clerk

Chairman Gewirtz called the meeting to order at 7:30 p.m.

Chairman Gewirtz thanked Carole Anderson & Menny Schwab for their years of dedication to the Zoning Board.

Item #3–Continued Public Hearing–Robert & Andrea Lampert-21 Dike Dr

Chairman Gewirtz read the public hearing notice into the record. Stanley Mayerfeld of Mayerfeld Architectural firm was present and affirmed. Mr. Mayerfeld stated that there was a site visit ON May 7, 2023. Mr. Mayerfeld explained that the home sits at the end of a cul de sac and the other homes in the neighborhood are comparable in size. There is a steep slope on the property in the rear towards the deck. The deck is 432 sq. feet and is calculated towards the building coverage. Mr. Mayerfeld spoke to Matt Trainor, Village Engineer, and discussed that they reduced the height of the deck, the building coverage was lowered to .138, as opposed to the original request of .15 building coverage. Mr. Mayerfeld explained there was no other solution, as they looked at it from every angle. Mr. Mayfield provided the following letters of support: 22 Dike Drive, 23 Dike Drive, 54 Lime Kiln Road, 16 Dike Drive, 9 Dike Drive, 17 Dike Drive, and 12 Dike Drive. Mr. Mayerfeld acknowledged that they have adhered to every request from the Board and hopes they approve the application.

Doris Ulman questioned if the applicant is amending the application, to request a variance for building coverage from .15 to .138?

Mr. Mayerfeld answered yes.

Stuart Zelmanovitz stated that he agrees with reducing the variance as he is familiar with the property.

Doris Ulman questioned if the applicant has received the following review letters:

1. Rockland County Highway Department review memo dated March 8, 2023
2. Rockland County Center for Environmental Health review memo dated 4/17/2023
3. Rockland County Department of Planning review memo dated April 17, 2023
4. Rockland County Sewer District No. 1 review memo dated April 17, 2023

Stanley Mayerfeld answered yes, and they will comply.

Chairman Gewirtz stated that when he visited the property, he noticed that there were mature trees with higher grade, and the rear was much lower. He states that he realizes how hard it could be to build with the drop off being steep on the property. He also stated that it is not visibly impactful, and they have passed variances with much lower building coverage. He states they must adhere to the stipulations.

No one from the public wished to speak.

Chairman Gewirtz made a motion to close the public hearing, seconded by Dennis Dale. Upon vote, this motion was carried unanimously.

Dennis Dale made a motion to amend to the application, seconded by Randi Marlin, to reflect the reduction in building coverage from .15 to .138, and to approve the application of Dr. Robert & Mrs. Andrea Lampert subject to the following conditions:

1. Compliance with the Rockland County Highway Department review memo dated March 8, 2023
2. Compliance with the Rockland County Center for Environmental Health review memo dated April 17, 2023
3. Compliance with the Rockland County Department of Planning review memo dated April 17, 2023
4. Compliance with the Rockland County Sewer District review memo dated April 17, 2023

**In the Matter of the Application of
Robert and Andrea Lampert
Premises situated on the west side of Dike Drive
approximately 550 feet north of Roven Road,
known as 21 Dike Drive designated on the Tax
Map as Section 41.06, Block 1, Lot 48, in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Dr. Robert Lampert and Mrs. Andrea Lampert 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 .15 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 April 19, 2023, which hearing was continued May 17, 2023, and

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

That applicants have resided in the pre-existing residence for almost 10 years and are now building a larger house for their growing family and an elderly parent;

That because of the slope of the land in the rear, the deck in the rear of the new residence will be more than 3 feet in height, requiring that it be included in the building coverage calculation;

That the deck is almost 500 square feet, which is the reason for the large variance;

That the applicant has been careful in the design of the house so that no other variances are necessary;

That at the request of the Zoning Board of Appeals and with the approval of the Village engineering consultant, applicants have proposed to regrade the rear of the property so as to reduce the height of the deck and reduce the building coverage to .138, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the grade of the land and the proposed deck; and

WHEREAS, no one appeared in opposition to the variance and many neighbors sent letters in support;

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 Dr. Robert and Mrs. Andrea Lampert 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 .15 instead of the maximum permitted of .10 is hereby amended to request a variance for Building Coverage of .138 instead of the maximum permitted of .10, and be it further approved, and be it further

RESOLVED, that the aforesaid amended application hereby approved, subject to the following conditions:

1. Compliance with Department of Planning GML review letter dated April 17, 2023;
2. Compliance with Department of Highways letter dated March 8, 2023;

3. Compliance with Sewer District No. 1 review memo dated April 17, 2023;
4. Compliance with Environmental Health letter dated April 17, 2023, and it be further

RESOLVED, that the Zoning Board of Appeals hereby makes the following **FINDINGS OF FACT**:

1. That although the variance is substantial, the house will not look massive because the variance is primarily for the deck, which is an open space at the rear of the house;
2. That the granting of the variance does not change the character of the neighborhood because other houses in the neighborhood are of similar size;
3. That the applicants have carefully designed the house so that no other variances are needed;
4. That the benefit to the applicants by granting the variance is substantial whereas no detriment to adjoining properties or to the neighborhood had been identified.

Upon vote, the motion was carried unanimously.

Item #4 – Continued Public Hearing- Shimmy Enterprises on behalf of 22 Dike Drive, LLC- 22 Dike Drive

Chairman Gewirtz read the public hearing notice into the record. Paul Baum, the applicant's Attorney, was present. Mr. Baum stated that this property has the same topography as the previous application. The proposed pool house is 192 sq ft. Mr. Baum stated that the variances being requested are for a new home that is located in a cul de sac and has steep slopes. There are retaining walls in the back of the property which will assist the pool elevation issue. The application originally requested fence height, however, after discussions with the building inspector that is no longer needed. The applicant is requesting the following variances for the Single-Family Home and Cabana:

	<u>Permitted</u>	<u>Proposed</u>
Maximum Building Coverage	.116	.142
Side Yard for Cabana	45'	21.4'
Rear Yard for Cabana	50'	28.6'

Mr. Baum stated that he will supply the Village with letters of support in the near future.

Richard Weinberger read the following review into the record:

1. Rockland County Department of Planning GML review memo dated May 12, 2023
2. Rockland County Center for Environmental Health review memo dated May 10, 2023
3. Rockland County Highway Department review memo dated April 18, 2023

Paul Baum stated that he has received the review memos and will respond accordingly.

Dennis Dale asked if the pool could be turned clockwise to reduce the variances.

Paul Baum answered no, due to the topography of the property, the Applicant's Engineer stated that this is the best solution.

Stuart Zelmanovitz stated he is a neighbor of the applicant and agrees with the placement of the pool. He also stated the proposed variances would not impact him or the neighborhood.

Randi Marlin stated that during the site visit, nobody was present for the applicant.

Doris Ulman stated that she noticed work being done when they went for the site visit. Ms. Ulman questioned why work was being done on the property, when a building coverage variance was needed.

Paul Baum stated that the building permit has been issued for this location. Mr. Baum stated that he will review the permit to ensure there is no change to the plan.

Doris Ulman stated that a variance for the generator on site may also be needed, or it may possibly have to be moved.

Richard Weinberger made a motion to continue the Public Hearing to the June 21, 2023 meeting, and schedule a site visit on June 11, 2023, seconded by Dennis Dale. Upon vote, this motion was carried unanimously.

Item #5- Public Hearing- Cong. Khal Chasidim- 15 Martha Road

Chairman Gewirtz read the public hearing notice into the record. Ira Emanuel, Applicant's Attorney was present, along with William Johnson, the applicant's Engineer from Youngblood and Sparaco, who was affirmed. Mr. Emanuel stated that the applicant has an approved site plan and special permit and wishes to amend their site plan and special permit for the synagogue at 15 Martha Road. They are presently before the Planning Board to discuss:

1. Building a bigger patio, as it better fulfills their needs.
2. Removal of trees in the corner of the property as they were dead, diseased, and dying.
3. Add a play area and change landscaping.

The applicant is before the ZBA for variances for the installation of a playground and a handicapped parking space that is closer to the entrance.

Mr. Emanuel further described the site, and explained how the existing parking lot has two handicapped spaces, but it is located 10 ft below grade. Someone in a wheelchair having to access the entrance to the building would have to walk up a ramp to enter the building. The applicant is now proposing a handicapped spot closer to the building.

Mr. Emanuel stated that the playground requires 3 variances: for front yard, rear yard, and side yard. Mr. Emanuel presented colorful playground dimension paperwork for review. Mr. Emanuel explained that the highest point is 19 ft, and the structure is a web, which makes it visually transparent. Mr. Emanuel further stated that the gym equipment is 18 ft tall, and the visual

impact is small. Mr. Emanuel mentioned that the Planning Board will review the project for landscape screening.

Richard Weinberger read the following review memos into the record:

1. Town of Ramapo DPW review memo dated May 8, 2023
2. Rockland County Health Department review memo dated May 10, 2023

Mr. Emanuel stated that he has no issue with the memos provided and will supply a response memo.

Doris Ulman, Village Attorney, stated the County GML has not been received.

Dennis Dale questioned, why does the playground area need to be so large?

Mr. Emanuel answered that based on the Congregation's membership, this is the size that is proposed.

Dennis Dale questioned if the applicant was planning on having a school at this location?

Mr. Emanuel stated no, the proposed playground will only be open on Friday and Saturdays.

Dennis Dale stated for the record that he has an issue with the size of the playground and feels the applicant should reduce it.

Randi Marlin questioned how will the playground be secured?

Mr. Emanuel responded that it would be fenced in with a gate and a lock.

Randi Marlin questioned what screening is proposed?

Ira Emanuel answered 4ft high trees.

Chairman Gewirtz opened the meeting to the public.

Jeffrey Nulman, 14 Glenbrook Road was present and affirmed, and questioned why only one handicapped spot is needed in front of the building?

Ira Emanuel answered that there are two handicapped spaces in the rear and an additional one is needed in the front of the building for easier access to the building. The Planning Board wants the walkway from the parking space to the building.

Janice Golda, 16 Martha Road was present and affirmed and questioned why an elevator was not proposed during the construction process?

Ira Emanuel answered that it was an oversight and there is no room in the current building for an elevator modification.

Chairman Gewirtz asked if the applicant could install an exterior elevator on the structure?

Ira Emanuel answered that they reviewed that option, and it will not work with the current layout of the building.

Janice Golda questioned if the applicant has completed the site requirements?

Ira Emanuel answered yes.

Janice Golda questioned why the proposed trees are smaller than the ones removed?

Ira Emanuel answered that it is cost prohibitive to purchase 15 ft trees.

Janice Golda questioned if the archway in the right of way was approved by the Board of Trustees?

Ira Emanuel answered that the archway, as well as the landscaping, were approved by the Village Board.

Janice Golda stated twice her primary concern is that at no time prior to any site revisions to a previously approved site plan, which include extensive side-yard tree removal and an archway in the right-of-way, was there a request, discussion, or consultation to or with a Board, the Village, the neighbors before implementation.

Stuart Zelmanovitz stated that it is his opinion that when you are looking at the rope structure, it will be practically invisible, as you will see through it.

Janet Winter, 11 Martha Road was present and affirmed and stated that she is concerned with the playground equipment height and the amount of screening provided by the applicant. 8-10 ft are not sufficient.

William Johnson, Applicant's Engineer stated that the proposed 8-10 ft trees are Green Giants and will grow 2-3 ft/per year.

Ms. Winter stated nothing has been replanted since last year and she is unhappy with the proposal.

Randi Marlin questioned why the applicant chose the playground structures they chose?

Ira Emanuel answered they are commercial grade structures and that was decided upon by the applicant.

Adina Altein, 239 Willow Tree Road was present and affirmed. Mrs. Altein stated she is a congregant at 15 Martha Road and has 5 children. She recently moved here from Canada and has made many friends with neighboring families. The congregation is large, with young families, and young children. The congregation plays a large role in their life and a playground is needed.

Michael Rozenberg, 12 Martha Road was present and affirmed. Mr. Rozenberg stated that the applicant should just park the car on the street like everyone else.

Ira Emanuel stated that during the winter season, which is not feasible.

Mr. Rozenberg stated that maybe the applicant can increase the height of the trees that he is proposing, to mitigate the issues brought by the neighbors and the Zoning Board.

Bill Johnson, the Applicant's Engineer stated that there are 66 trees, to meet the requirements of the Planning Board.

Silva Silverberg, 206 Grandview Avenue was present and affirmed and stated he is a congregant of the Shul and has provided his full support for the application. He further stated that the site will be well maintained, and that the children will be safe at all times.

Todd Rosenblum, Architect, 22 Arcadian Drive, was present and affirmed. Mr. Rosenblum stated that he is confident that the Board will see the slope on the property when they do a site visit and will understand why the handicapped space is needed closer to the building.

Joseph Zvi, 17 Martha Road was present and affirmed and stated that he lives next door, loves having a Shul next to him, and has no issue with the proposed application.

Mr. Feldman was present and affirmed and agreed with Mr. Rosenblum that they would understand about parking when they do a site visit.

Mr. Lichtenstein, 4 Grand Park Drive was present and affirmed, and stated that the Shul is the most beautiful in the State of NY and encouraged the Board to visit the site to understand the dynamics of the site. He stated that they were not going to purchase playground equipment from Home Depot. They purchased it from a commercial grade supplier as it will be used by 20 or more kids at a time. The Shul wanted to assure the children are safe when using the equipment and someone will be onsite with the children.

Richard Weinberger made a motion to adjourn the application to the June 21, 2023 meeting, and a site visit scheduled for June 11, 2023, seconded by Randi Marlin. Upon this vote, this motion was carried unanimously.

Item #6- Public Hearing- Daniel & Blanche Reiss- 6 Woodcrest Road

Chairman Gewirtz read the public hearing notice into the record. Kalman Herskovits for Construction Expediting, 25 Bluefield Drive, was present and affirmed. Mr. Herskovits stated that they are building a one-story addition on the West side of the house that is 900 square feet. The proposed location is the best location, and the proposed variance is for only five feet in the front yard. Mr. Herskovits stated that because of the configuration of the existing house, any other location would require the existing home to be demolished.

Richard Weinberger read the following review memos into the record:

1. Rockland County Highway Department review memo dated May 10, 2023

Richard Weinberger reminded the applicant to respond to the review letter.

No one from the public wished to speak.

Chairman Gewirtz made a motion to adjourn the application to the June 21, 2023 meeting, and a site visit to be held on June 11, 2023 seconded by Stefanie Collantes. Upon this vote, this motion was carried unanimously.

Item #7- Public Hearing- David Wanounou- 12 Marisa Drive

Chairman Gewirtz read the public hearing notice into the record. David Wanounou, Applicant was present and affirmed. Mr. Wanounou stated that when building an addition to their home, the contractor constructed the addition 5.83 inches over the allowable amount.

Chairman Gewirtz stated that no site visit is needed, and that anyone can visually see it from the road, as the home is situated in a cul de sac.

Doris Ulman stated that the Village has not received the GML review letter, so no decision can be made tonight.

Chairman Gewirtz made a motion to adjourn the application to the June 21, 2023 meeting, and the variance is so small that no site visit is required, seconded by Stefanie Collantes. Upon this vote, this motion was carried unanimously.

Item #8- Public Hearing- Michael & Adina Finkelstein- 12 Dike Drive

Chairman Gewirtz read the public hearing notice into the record. Todd Rosenblum, Applicant's Architect was present and affirmed. Mr. Rosenblum stated that the applicant is replacing the existing structure with a new home that meets their family's needs. An addition would not be viable, due to the split-level nature of the home. Mr. Rosenblum stated that 3 variances are requested:

1. Building coverage, as the new home is 740 square feet over the allowable, and 432 square feet of it is open porches.
2. Cabana front setback on the North side, due to the size and angle of the corner lot.

3. Impervious surface, where it has been designed that there will be no runoff and have no impact on the neighbors.

Mr. Rosenblum stated that all the neighbors have submitted letters without objection and requests a site visit.

Chairman Gewirtz stated that there is a portion of the driveway with impervious pavers.

Mr. Rosenblum clarified that is an error, that there are a few pavers there for esthetic reasons, and there are no pervious pavers being proposed at this time.

Doris Ulman requested the Applicant to revise the plan.

Chairman Gewirtz read the following letters of support:

- | | | |
|--------------------|-------------------|-------------------|
| 1. 14 Roven Road | 2. 2 Roven Road | 3. 16 Dike Drive |
| 4. 9 Dike Drive | 5. 5 Dike Drive | 6. 14 Dike Drive |
| 7. 10 Dike Drive | 8. 15 Dike Drive | 9. 18 Roven Road |
| 10. 11 Dike Drive | 11. 22 Dike Drive | 12. 21 Dike Drive |
| 13. 20 Dike Drive. | | |

Stuart Zelmanovitz questioned what the porch is going to look like on the Cabana.

Mr. Rosenblum answered that the cabana will be no more than 15 feet in height. He stated that it will be 400 square feet and 40% of it will be an open porch to the swimming pool. He further stated that the screening should mitigate the impact on the North side.

Dennis Dale questioned if the existing in-ground pool will be moved?

Mr. Rosenblum answered yes, and added that it will be removed, and a new pool will be constructed.

Chairman Gewirtz made a motion to adjourn the application to the June 21, 2023 meeting, and a site visit to be held on June 11, 2023, seconded by Stefanie Collantes. Upon vote, this motion was carried unanimously.

Item #9- Public Hearing-Sam Yurowitz- 21 Glenbrook Road

Chairman Gewirtz read the public hearing notice into the record. Todd Rosenblum, Applicant's Architect was present and affirmed. Mr. Rosenblum stated that the applicant is adding an addition to the current home and what is causing the variances is the position of the current home and the lot being undersized.

Mr. Rosenblum stated that they are requesting four variances:

1. Front yard, due to adding the front porch, which is uncovered. Mr. Rosenblum added that this has been approved by the Board many times.
2. Side yard, because the house was not originally built perfectly perpendicular to the side yards, and added it is not substantial because they are just matching the width of the house.
3. Total side yard, for the same reason as side yard.
4. Building coverage, mainly due to the size of the lot being 28,000 sq ft as opposed to 35,000 sq ft.

Mr. Rosenblum stated that the addition is in the rear of the home, so it will not have any visual impact on the property, and the neighbors have sent in letters of support to the Village.

Chairman Gewirtz questioned the size of the front deck?

Todd Rosenblum answered it will be 6' x 20', and that 6 ft is uncovered.

Chairman Gewirtz read the following letters of support into the record:

- | | | |
|------------------------|------------------------|----------------------|
| 1. 24 Amsterdam Avenue | 2. 22 Amsterdam Avenue | 3. 18 Glenbrook Road |
| 4. 20 Glenbrook Road | 5. 16 Glenbrook Road | 6. 17 Glenbrook Road |
| 7. 19 Glenbrook Road | 8. 23 Glenbrook Road. | |

Chairman Gewirtz opened the public hearing.

Jeffrey Nulman, 14 Glenbrook Road was present and affirmed and questioned what was going to happen to the current house?

Todd Rosenblum answered that it will remain.

Stefanie Collantes made a motion to adjourn the application to the June 21, 2023 meeting, and a site visit to be held on June 11, 2023, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

Item #10 –Continued Public Hearing- Congregation Trisk Tolna-33 Glenbrook Road

Chairman Gewirtz read the public hearing notice into the record.

Doris Ulman stated that the Applicant started this Application in February 2022, and no one has appeared for several months. The Village Clerk will send a letter to the applicant that they must attend the adjourned meeting on June 21, 2023, or the application will be denied.

Chairman Gewirtz made a motion to adjourn this application to the June 21, 2023 meeting, seconded by Dennis Dale. Upon this vote, this motion was carried unanimously.

Item #11 -Approval of Minutes- March 15, 2023

Dennis Dale made a motion to approve the minutes of March 15, 2023, seconded by Randi Marlin. Upon vote, this motion was carried 3-0. Chairman Gewirtz and Richard Weinberger abstained.

Item #12 -Approval of Minutes- April 19, 2023

Chairman Gewirtz made a motion to approve the minutes of April 19, 2023, seconded by Dennis Dale. Upon vote, the motion was carried 3-0. Richard Weinberger and Randi Marlin abstained.

Chairman Gewirtz made a motion to adjourn the meeting, seconded by Dennis Dale. Upon vote, this motion was carried unanimously.

Respectfully Submitted,
Alicia Schultz