

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday June 21, 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
Barry Rozenberg, Ad Hoc

MEMBERS ABSENT: None

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

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

Item #3–Continued 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 made a mistake and constructed the porch 5.83 inches over the allowable amount.

Chairman Gewirtz stated that he drove by to see the property, that the home is situated in a cul de sac, and the porch blends into the front yard and is not noticeable from the street.

Dennis Dale made a motion to close the public hearing, seconded by Randi Marlin.

Dennis Dale made a motion to approve the application, seconded by Randi Marlin.

In the Matter of the Application of
David Wanounou
Premises situated on the east side of Marisa Drive
approximately 600 feet north of the intersection with
Soundview Drive, known as 12 Marisa Drive,
designated on the Tax Map as Section 41.08 Block 1
Lot 51, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by David Wanounou for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of an addition to a single family residence having a front yard of 49.3 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 May 17, 2023, which hearing was continued on June 21, 2023, and

WHEREAS, the applicant appeared in person and testified as follows:
That the front porch addition to the existing residence was intended to be 50 feet from the front property line but the contractor made a mistake, and the porch is 49.3 feet from the front property line;

That the mistake was not found until applicant applied for a
C.O.; That to demolish the porch and rebuild will be extremely
costly; That the variance is only .7 feet which is approximately 8
inches; 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 David Wanounou for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of an addition to a single family residence having a front yard of 49.3 feet instead of the minimum required of 50 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 variance is not substantial in relation to the requirement in that it is less than one foot;
2. That there is no feasible alternative to granting the variance because to remove the porch and reconstruct it would be costly;
3. That the variance is so small that it is not noticeable from the street;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to adjoining properties or to the community has 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 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	.143
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, and that the home most impacted is to the east, and they are one of the letters of support. Mr. Baum stated that due to the topography of the property, the Applicant's Engineer stated that this is the best plan and there will be plenty of screening.

Chairman Gewirtz stated that he believed the home to the west was more impacted, Mr. Zelmanovitz.

Mr. Baum stated that it is only 30 feet (west) to Mr. Zelmanovitz's property and 50 feet (east) to the Weiss' property.

Chairman Gewirtz questioned why they were seeking a maximum coverage variance, and he understood the grading was steep, as he had seen for himself during the site visit.

Mr. Baum answered that the patio is causing the need for variance.

Chairman Gewirtz asked if anyone from the Board or the public would like to speak.

Barry Rozenberg questioned what is the height of the proposed cabana?

Shimon Galandauer, the applicant, was present and affirmed. Mr. Galandauer answered that the cabana is going to be 10 feet in height.

Barry Rozenberg stated that the variance is a 22% increase. Mr Rozenberg questioned why the applicant redid the plans to build a bigger home, not within the Building Code requirements.

Paul Baum answered that the plan was redone to extend the patio, pool, and pool house.

Chairman Gewirtz read the following letters of support:

1. 23 Dike Drive 2. 7 Carefree Lan 3. 16 Dike Drive
4. 20 Dike Drive 5. 21 Dike Drive

Doris Ulman stated that the patio/deck only counts towards building coverage if it is 3 feet off the ground or higher.

Mr. Baum stated that the patio/deck is only 2 feet off the ground.

Chairman Gewirtz questioned what is causing the maximum building coverage variance.

Mr. Baum answered that the proposed pool is 65 square feet, the pool house is 192 square feet, and the terrace is 165 square feet. Mr. Baum added that they will have to go over their numbers again, as the new and old plans differ.

Richard Weinberger stated for the record that there was a site visit on June 11, 2023.

Dennis Dale made a motion to continue the Public Hearing to the July 19, 2023 meeting, seconded by Barry Rozenberg. Upon vote, this motion was carried unanimously.

Item #5- Public Hearing- Cong. K'Hal 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, and Todd Rosenblum, the applicant's Architect, who was affirmed. Mr. Emanuel stated that there was a site visit on June 11, 2023, that was coordinated so the Planning Board would attend as well. Mr. Emanuel added that they set up burlap to show the proposed screening and parking space. Mr. Emanuel stated that the neighbors allowed the Boards on their property, to show them the view from a neighbor's perspective. Mr. Emanuel read his letters into the record dated June 14, 2023 and June 21, 2023.

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: 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.
3. Rockland County Highway Department review memo dated April 28, 2023.
4. Rockland County Planning Department review mem dated May 16, 2023.

Mr. Emanuel stated that he has no issue with the memos provided and has supplied a response memo. Mr. Emanuel handed out profiles and landscaping plans to the Board for review.

Bill Johnson, Applicant's Engineer, explained the plans that were handed out by Mr. Emanuel to the Board to show that the trees will grow from 40 to 80 feet in height at maturity and that should supply ample screening for the playground equipment.

Randi Marlin questioned how fast can the trees grow?

Mr. Johnson answered that they grow 2 to 6 feet per year on average, depending on the type of tree and the weather.

Ira Emanuel passed out photos he took during the site visit on June 11, 2023 and stated that the playground equipment would be obscured completely in a few years.

Bill Johnson stated that the grade will be lowered 2 feet in order to help lower the sight line of the playground equipment.

Barry Rozenberg stated that there are not a lot of congregations in the area with such large playground equipment. He added that the variances are large and questioned why they could not scale it back.

Ira Emanuel answered that the playground equipment will only be used once a week for minimal neighborhood impact. Mr. Emanuel asked if the Board has any questions regarding the requested handicapped parking space. He stated that the Planning Board had requested the space in the proposed location.

Todd Rosenblum, Applicant's Architect was presented and affirmed. Mr. Rosenblum referenced a few Synagogues in the area that have parking spaces in their front yards.

Randi Marlin questioned are those lots smaller than the proposed lot?

Todd Rosenblum answered no they not smaller, and additionally have multiple spots and this application if for only one spot.

Stuart Zelmanovitz questioned if a rope structure like the one proposed has been before any of the Boards before?

Chairman Gewirtz answered he does not believe that anything of this nature has been before the Village Boards previously.

Stuart Zelmanovitz stated that the playground structure is mainly ropes, and not as much of an obstruction as a solid one would be.

Chairman Gewirtz opened the meeting to the Public.

David Lichtenstein, 5 Grand Park Drive, a congregant, was present and affirmed, and stated that they did not prefer to put the parking spot in the front of the property, however it is the best and easiest location for the handicapped Congregants.

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.

Berwin Cohen, 226 Willow Tree Road was present and affirmed and stated he moved here in 2015 and the Synagogue has been a large, wonderful part of his life ever since moving here. He added that giving the children activities to do instead of giving them candy to be quiet, is a much better alternative.

Zev Cohen, 15 Wesley Chapel Road was present and affirmed and stated that when he first heard about the playground being built, he thought it was a wonderful idea. He grew up in Brooklyn and did not have such luxuries. Children are our most important asset and need an outlet and should not have to be “shushed” during services.

Dennis Dale made a motion to close the Public Hearing, seconded by Stefanie Collantes-Bouvry. Upon this vote, this motion was carried unanimously.

Barry Rozenberg stated that he just thought the applicant should have tried to work within the code more.

Randi Marlin agreed with Mr. Rozenberg.

Chairman Gewirtz stated that there are plenty of properties in the area having playgrounds, pools, sports courts, etc., and some have no to little or no screening. He does not believe the playground will be an issue with proper supervision. Chairman Gewirtz stated that he is more concerned about the parking spot in the front of the property, that would technically be used Friday nights because any other night you can park in the street. He believes it is better if the Congregation keeps the existing spaces with the walkway in front of the building, the space in the front of the property instead, as a handicapped parking spot is unsightly. Chairman Gewirtz stated that he would like to deny the handicapped parking space part of the application.

Todd Rosenblum stated that the previous ramp was steeper, they are aware that either option is unsightly, but there has to be some decision otherwise it is discriminatory against the handicapped community. Mr. Rosenblum stated that they need handicapped spaces to comply with ADA requirements.

Mr. Emanuel stated that they needed to change the handicapped spaces in order to be compliant with the ADA.

Mr. Rosenblum stated again that there are other Synagogues in the area that are in the front yard.

Bill Johnson stated that this is the best option, in order to be ADA compliant and have less visual impact on the property.

Chairman Gewirtz questioned if it will be screened?

Mr. Johnson answered that it will be lightly screened.

Chairman Gewirtz stated that the Board should do their due diligence and check with the ADA for their regulations.

Doris Ulman stated that we can check for the ADA compliance if the Board wishes to do so.

Chairman Gewirtz stated that he would like to discuss the playground and stated that he believes there are plenty of playgrounds in the area, so he does not have issue with the playground equipment. He believes that the proposed screening is suitable as well.

Ira Emanuel stated that the front parking space is the best way to be compliant with the ADA and we should not be concerned with aesthetics.

Chairman Gewirtz questioned if they thought about adding a lift to the building.

Todd Rosenblum stated that a \$75,000 lift was briefly discussed, but not planned upon.

Bill Johnson stated that he has been in business for 30 years and knows the ADA regulations and this complies.

Richard Weinberger stated that Religious places should be dealt with in a more liberal fashion.

Dennis Dale made a motion to close the public hearing, seconded by Stefanie Collantes-Bouvry.

Stefanie Collantes-Bouvry made a motion to approve the application, subject to the following conditions:

1. Playground to be used only on Saturdays and Holidays.
2. Compliance with agency letters.

Seconded by Dennis Dale.

In the Matter of the Application of
Congregation K'hal Chasidim
Premises situated on the east side of Martha Road
approximately 260 feet south of Grandview
Avenue, known as 15 Martha Road, designated
on the Tax Map as Section 41.14 Block 1 Lot 66,
in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals by Congregation K'hal Chasidim for variances from the provisions of Sections 230-17 Attachment I, 230- 14O(4)(a) and 230-28A of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of playground equipment having front yard of 39 feet instead of the minimum required of 50 feet, side yard of 10 feet instead of the minimum required of 30 feet, rear yard of 19 feet instead of the minimum required of 50 feet, front yard impervious surface ratio of .21 instead of the maximum permitted of .15 and to permit the parking of one vehicle in the front yard, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on May 17, 2023, which hearing was continued on June 21, 2023, and

WHEREAS, the applicant appeared by its attorney, its surveyor, and its architect, who testified as follows:

That the property houses a synagogue, which was approved by the Planning Board and is now in operation;

That the applicant wants to install a playground for the children of congregants who are too young to participate in the services and need an outlet for their energy;

That the playground will only be used on Saturdays and Holidays;

That although the playground requires front, side and rear yard variances only a portion of the playground will be seen since part of it consists of ropes, which have little visibility;

That applicant will install substantial screening of green giants, which will grow to a height of 40 to 80 feet at maturity;

That the front yard impervious surface ratio variance is for the handicapped parking space at the front of the property with a ramp to the building to access the upper level of the sanctuary space;

That the site presently contains two handicapped parking spaces in the parking lot but it is a long, difficult distance to the upper level of the sanctuary;

That pervious pavers can be used to reduce the front yard impervious surface ratio but are not recommended for handicapped parking areas because the ground is not smooth enough for wheelchair access; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the location of the proposed recreational equipment and parking space; and

WHEREAS, many congregants appeared in favor of the application and no one appeared in opposition;

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 Congregation K'hal Chasidim for variances from the provisions of Sections 230-17 Attachment I, 230-140(4)(a) and 230-28A of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of playground equipment having front yard of 39 feet instead of the minimum required of 50 feet, side yard of 10 feet instead of the minimum required of 30 feet, rear yard of 19 feet instead of the minimum required of 50 feet, front yard impervious surface ratio of .21 instead of the maximum permitted of .15 and to permit front yard parking of one vehicle is hereby approved, subject to the following conditions:

1. Site plan approval by the Wesley Hills Planning Board;
2. That the playground be used only on Saturdays and holidays;
3. Compliance with the Rockland County Department of Planning GML review letter dated May 16, 2023;
4. Compliance with the Rockland County Highway Department letter dated April 28, 2023;

5. Compliance with the Rockland County Environmental Health letter dated May 10, 2023;
6. Compliance with the Town of Ramapo Department of Public Works letter dated May 8, 2023, and be it further

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

1. That although the variances are substantial, the Zoning Board of Appeals determines that they will not be detrimental to the neighborhood since 1) a large portion of the playground equipment is rope which is not easily visible from the street or adjoining properties, 2) the use of the playground is limited to one day a week and holidays, 3) there will be substantial screening of the playground area, 4) the need for an easily accessible handicapped parking area outweighs any potential aesthetic detriment;

2. That there is no feasible alternative to granting the variances that would be less intrusive to the neighborhood since there is virtually no other location on the property for the playground equipment that would not require a variance and the parking space and the adjoining walk are easily accessible to the building for disabled persons;

3. That there will be no increase in traffic or net increase in water runoff since the playground equipment is for the use of existing congregants and any impervious surface drainage considerations will be addressed by the Wesley Hills Planning Board;

4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjacent properties or to the community has been identified.

Upon this vote, this motion was carried 4 -yes, 1-abstention.

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
2. Rockland County Center for Environmental Health review memo dated May 30, 2023
3. Rockland County Department of Planning review memo dated June 5, 2023
4. Rockland County Sewer District No.1 review memo dated June 13, 2023

Richard Weinberger reminded the applicant to respond to the review letters in writing.

No one from the public wished to speak.

Chairman Gewirtz made a motion to close the public hearing, seconded by Dennis Dale.

Randi Marlin made a motion to approve the application, subject to the afore stated review letters, seconded by Dennis Dale.

In the Matter of the Application of
Daniel P. Reiss and Blanche Reiss
Premises situated on the north side of
Woodcrest Road approximately 358
feet west of Astor Place, known as 6
Woodcrest Road, designated on the
Tax Map as Section Block 1 Lot 28, in
an R-35 Zoning district

WHEREAS, application has been made to the Zoning Board of Appeals by Daniel P. Reiss and Blanche Reiss 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 a front yard of 45 feet instead of the minimum permitted of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on May 17, 2023, which hearing was continued on June 21, 2023, and

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

That the addition is at the side of the existing residence and protrudes into the front yard at only one portion of the residence;

That the entire existing front of the residence remains at the 50 foot requirement;

That because of the interior layout of the existing residence the only place to locate the addition without demolishing any portion of the existing residence is in the proposed location, which requires the 5 foot intrusion into the front yard;

That the demolition required to relocate the addition would be very costly to the applicants; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the location of the addition; 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 Daniel P. Reiss and Blanche Reiss

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 a front yard of 45 feet instead of the minimum required of 50

feet is approved, subject to compliance with the following letters:

1. Rockland County Highway Department dated May 10, 2023,
2. Rockland County Center for Environmental Health dated May 30, 2023,
3. Rockland County Department of Planning GML review dated June 5, 2023,
4. Rockland County Sewer District No. 1 dated June 13, 2023,

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 that it is only 10% of the requirement;
2. That the variance only affects one side of the existing residence and will not affect the aesthetics of the residence;
3. That there is no feasible alternative in that placement of the addition in any other location will require demolition of a portion of the existing residence, which would be costly;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to adjoining properties or to the community has been identified.

Upon this vote, this motion was carried unanimously.

Item #7- 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:

Building coverage, as the new home is 740 square feet over the allowable, and 432 square feet of it is open porches.

Impervious surface, where it has been designed that there will be no runoff and have no impact on the neighbors. Green Giants will be installed to screen the cabana and pool area.

Mr. Rosenblum stated that all the neighbors have submitted letters of support and that a site visit was held on June 11, 2023.

Chairman Gewirtz read the following letters of support:

- | | | |
|--------------------|-------------------|-------------------|
| 1. 4 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 stated that at the site visit, it was apparent that it would not be noticeable from the street.

Chairman Gewirtz stated that at the site visit he noted that the screening was very good and there is not a large impact on the neighbors.

Stefanie Collantes-Bouvry made a motion to close the public hearing, seconded by Dennis Dale.

Dennis Dale made a motion to approve the application, subject to screening as shown on the plot plan and zero net increase in runoff, seconded by Stefanie Collantes-Bouvry.

In the Matter of the Application of
Michael Finkelstein
Premises situated on the northeast
corner of Dike Drive and Roven Road,
known as 12 Dike Drive, designated on
the Tax Map as Section 41.06 Block 1
Lot 41, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Michael Finkelstein 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, in-ground swimming pool and cabana having front yard of 28.9 feet instead of the minimum required of 50 feet, building coverage of .14 instead of the maximum permitted of .12 and impervious surface ratio of .30 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 May 17, 2023, which hearing was continued on June 21, 2023, and

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

That the front yard variance is for the cabana only which is only 419 square feet and will be totally screened with six foot high Green Giant trees which grow quickly to substantial heights;

That the existing house will be demolished and replaced with the proposed single family residence;

That the size of the residence is necessary for the size of applicant's family and creates only a small building coverage variance;

That almost two percent of the building coverage is required by open porches that do not have the same massiveness and impact as enclosed living space;

That the impervious surface ratio will be mitigated with a drainage and underground retention system and there will be no net increase in water runoff; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the various structures; and

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

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 Michael Finkelstein 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, inground swimming pool and cabana having front yard of 28.9 feet instead of the minimum required of 50 feet, building coverage of .14 instead of the maximum permitted of .12 and impervious surface ratio of .30 instead of the maximum permitted of .25 is hereby granted, subject to the following conditions:

1. Installation of six foot tall Green Giant trees as shown on the plot plan dated March 27, 2023 as revised April 14, 2023, prepared by Civil Tee Engineering;
2. Zero net runoff of water from the site; and be it further

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

Fact:

1. That although the front yard variance is substantial, it is for the cabana only, which is small and will not be visible from the road due to the substantial screening;
2. That the impervious surface ratio will be mitigated by the underground drainage and retention system that will be constructed and will result in no net increase in water runoff;
3. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

Item #8- 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 also stated that at the site visit, it was clear that the addition was not parallel.

Mr. Rosenblum stated that they are requesting 4 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 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 made a motion to close the public hearing, seconded by Dennis Dale.

Stefanie Collantes made a motion to approve the application, seconded by Stuart Zelmanovitz.

In the Matter of the Application of
Sam Yurowitz
Premises situated on the north side of
Glenbrook Road approximately 100 feet east
of Moccasin Place, known as 21 Glenbrook
Road, designated on the Tax Map as Section
41.11 Block 1 Lot 64, in an R-35 Zoning
District

WHEREAS, application has been made to the Zoning Board of Appeals by Sam Yurowitz 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 front yard of 40 feet instead of the minimum required of 50 feet, side yard of 23.3 feet instead of the minimum required of 25 feet, total side yard of 50.9 feet instead of the minimum required of 60 feet and building coverage of .127 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 May 17, 2023, which hearing was continued on June 21, 2023, and

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

That the lot is only 28,000 square feet and was created by subdivision under the Town of Ramapo before the incorporation of the Village;

That the addition consists of a front porch, which is uncovered and a side addition, to make it perpendicular to the side lot line;

That the total side yard variance is for the same reason as the side yard variance;

That the original house was constructed before the incorporation of the Village and the then-building inspector approved the house at 41 feet from the front yard and 20 feet from the side yard; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the fact that most of the lots in the area are about the same size as applicant's lot; and

WHEREAS, many letters were submitted in support of the application and no one appeared in opposition;

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 Sam Yurowitz 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 front yard of 40 feet instead of the minimum required of 50 feet, side yard of 23.3 feet instead of the minimum required of 25 feet, total side yard of 50.9 feet instead of the minimum required of 60 feet and building coverage of .127 instead of the maximum permitted of .10 is hereby approved, and be it further

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

1. That the Zoning Board of Appeals takes judicial notice of the fact that the lot is an average density lot approved by the Town of Ramapo prior to the incorporation of the Village and that smaller setbacks were approved by Ramapo with average density approval;
2. That the side yard, total side yard and building coverage variances are not substantial and the addition enhances the aesthetics of the residence;
3. That there is no feasible alternative to granting the variances because of the size of the lot and the placement of the existing residence, the alternative being not to construct any addition to the existing residence;

4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjacent properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

Item #9 –Continued Public Hearing- Congregation Trisk Tolna-33 Glenbrook Road

Chairman Gewirtz read the public hearing notice into the record.

Chairman Gewirtz made a motion to accept the applicant's request to withdraw the application from the agenda, seconded by Randi Marlin. Upon this vote, this motion was carried unanimously.

Item #10 –Public Hearing- Neil Zyskind- 10 Baker Lane

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 changing a three-car garage into a two-car garage and Master Suite with an elevator for a disabled family member. Mr. Rosenblum stated that they require one variance for the total impervious surface ratio of .26, when .20 is the maximum allowed.

Chairman Gewirtz made a motion to continue the Public Hearing to the July 19, 2023 meeting, and scheduled site visit on July 16, 2023, seconded by Dennis Dale. Upon vote, this motion was carried unanimously.

Item #11 -Approval of Minutes- May 17, 2023

Chairman Gewirtz made a motion to adjourn the approval of minutes to the July 19, 2023 meeting, seconded by Dennis Dale. Upon vote, this motion was carried unanimously.

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

Respectfully submitted,
Alicia Schultz