

**Village of Wesley Hills
Zoning Board of Appeals
Village Hall
Wednesday, April 3, 2019**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jonathan Gewirtz
Carole Anderson
Jan Hilgeman
Randi Marlin, Ad Hoc
Mordechai Schwab, Ad Hoc

MEMBERS ABSENT:

Dennis Dale

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk

Chairman Weinberger called the meeting to order at 8:10 p.m.

Item #3

**Congregation Anshei Chesed-Continuation of Public Hearing
62 Lime Kiln Road**

Stanley Mayerfeld, Architect for the Applicant was present and affirmed to tell the truth stated that the Applicant is requesting an adjournment as they are still making changes to the plans. Applicant also needs time to go back to the Planning Board for a negative declaration.

Jonathan Gewirtz made a motion to continue the public hearing to May 15, 2019 to allow time for the Applicant to modify their plans, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Item #4

**Mark Mindick – Public Hearing
16 Amsterdam Ave**

Stanley Mayerfeld, Architect was present and affirmed to tell the truth. Mr., Mayerfeld stated that this application was last before the Zoning Board little over a year ago and the Applicant did not build and revised their plans slightly. The variance has expired. Applicant is present tonight to request the variances already granted and to add one variance. Mr. Mayerfeld reminded the Board that this is a corner lot located at Amsterdam Ave & Jodi Court. This lot is an undersized lot of 26,000 sf instead of the 35,000 sf. Mr. Mayerfeld stated that if the lot was 35,000 sf no variances would be needed. Mr. Mayerfeld stated that the following variances are being requested:

1. Front yard on Amsterdam Ave of 40.4 feet instead of the minimum required of 50 feet,
2. Front yard on Jodi Court of 32 feet instead of the minimum required of 50 feet,
3. Side yard of 17 feet instead of the minimum required of 25 feet,

4/3/19

ZBA

4. building coverage of .124 instead of the maximum permitted of .10,
5. Impervious surface ratio of .33 instead of the maximum permitted of .25.

Mr. Mayerfeld stated that the home is also situated on an angle, is on an undersized lot and on a corner lot which creates two front yards and caused the need for the requested variances. Applicant has an existing pool with deck which will remain.

Doris Ulman questioned why the deck could not be moved to the other side of the home to reduce the variance?

Stanley Mayerfeld answered that they wanted the deck off the kitchen area and not off of a bedroom so that the full family can enjoy the deck.

Doris Ulman questioned if the shed in the backyard will remain?

Stanley Mayerfeld stated that they will remove it.

Stanley Mayerfeld provided the following letters of support:

24 Amsterdam	7 Amsterdam
20 Amsterdam	18 Amsterdam
19 Amsterdam	2 Van Winkle
17 Amsterdam	3 Jodi Court
15 Amsterdam	5 Jodi Court
11 Amsterdam	

Jonathan Gewirtz stated that this lot is undersized and was a part of average density subdivision. The home is positioned on an angle which makes it impossible to create any other alternative. Board has received letters of support from the neighbors and the variances requested are not large and any variance is caused by the lot being undersized. Mr. Gewirtz also stated that where the deck is located there is brush between the homes and he believes that the character of the neighborhood would not be changed.

Doris Ulman questioned what is the height of the existing fence?

Stanley Mayerfeld answered that the fence is no longer there.

Jonathan Gewirtz made a motion to waive the site visit as this property was visited a year ago, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

There was no public comment.

Jonathan Gewirtz made a motion to close the public hearing, seconded by Jan Hilgeman. Upon vote, this motion carried unanimously.

Randi Marlin made a motion to approve the application of Mark Mindick of 16 Amsterdam Ave, seconded by Jan Hilgeman:

4/3/19

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**In the Matter of the Application of
Mark Mindick
Premises situated on the south side of
Amsterdam Avenue at the intersection
With Jodi Court, known as 16 Amsterdam
Avenue, designated on the Tax Map as
Section 41.11 Block 1 Lot 45 in an
R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village Wesley Hills by Mark Mindick for variances from the provisions of Section 230-17 Table of Dimensional Requirements of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition a front yard on Amsterdam Ave of 40.4 feet instead of the minimum required of 50 feet, front yard on Jodi Court of 32 feet instead of the minimum required of 50 feet, side yard of 17 feet instead of the minimum required of 25 feet, building coverage of .124 instead of the maximum permitted of .10, and impervious surface ratio of .33 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 April 3, 2019, and

WHEREAS, the applicant appeared in person and by his architect, who testifies as follows:

That applicant was granted variances a year ago but due to family matters was unable to construct the addition and the variances have expired;

That this is an average density lot consisting of only 25,992 square feet;

That the existing house is too small for their growing family of 10 and the proposed addition will increase the size of the dining room and add bedrooms;

That they are proposing small additions on two sides of the existing house so that the front yard variances are minimized;

That the proposed deck cannot be moved because it needs to be off the kitchen where the entire family can enjoy it;

That only on corner of the addition at Jodi Court will be 32 feet, the house is at an angle and most of the addition will have a substantially larger setback;

That applicant wants to stay in Wesley Hills and has been unable to find another house that accommodates the family's needs; and

WHEREAS, members of the Zoning Board of Appeals waived the site visited as they viewed the placement of the additions on the house last year; and

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 Mark Mindick for variances from the provisions of Section 230-17 Table of Dimensional Requirements 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 on Amsterdam Avenue of 40.4 feet instead of the minimum required of 50 feet, front yard on Jodi Court of 32 feet instead of the minimum required of 50 feet, building coverage of .124 instead of the maximum permitted of .10, side yard of 17 feet instead of the minimum required of 25 feet and impervious surface ratio of .33 instead of the maximum permitted of .25 are hereby approved, 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 addition to the existing residences is needed to accommodate applicant's growing family;
2. That there is no feasible alternative to granting the variances because the lot is an undersized average density lot which is very restrictive;
3. That the placement of the additions on the existing residence is designed to reduce any impact on neighboring properties;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjacent properties or to the neighborhood has been identified.
5. That the shed located in the rear of the property will be removed to conform to the accessory structure requirements.

Upon vote, this motion carried unanimously.

Item #5

Approval of Minutes – January 16, 2019

Mordechai Schwab made a motion to approve the Zoning Board of Appeals Minutes of January 16, 2019 seconded by Randi Marlin. Upon vote, this motion carried (Weinberger, Gewirtz, & Hilgeman abstained).

Approval of Minutes – February 27, 2019

Jonathan Gewirtz made a motion to approve the Zoning Board of Appeals Minutes of February 27, 2019 seconded by Carole Anderson. Upon vote, this motion carried (Weinberger & Hilgeman abstained).

Jonathan Gewirtz made a motion to adjourn, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey