

**Village of Wesley Hills
Zoning Board of Appeals
Zoom
Wednesday, May 20, 2020**

MEMBERS PRESENT:

Richard Weinberger, Chairman
Jonathan Gewirtz
Carole Anderson
Dennis Dale
Mordechai Schwab
Stefanie Collantes, Ad Hoc
Randi Marlin, Ad Hoc

MEMBERS ABSENT:

None

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Sydney Aliseo, Deputy Village Clerk

Chairman Weinberger called the meeting to order at 8:05 p.m.

Chairman Weinberger stated that a site visit took place on 3/15/20 at 9am. Jonathan Gewirtz, Dennis Dale, Richard Weinberger and Doris Ulman were in attendance.

**Item #1- Continued Public hearing – Congregation Bais Yakov Yosef Ostrow
5 Ridgeway Terrace**

Todd Rosenblum, the Applicant's Architect, was present and affirmed to tell the truth.

Doris Ulman, the Assistant Village Attorney stated that the first public hearing was held on February 19, 2020 and a site visit was held on 3/15/20.

Todd Rosenblum stated that the Applicant will comply with all comments from the Rockland County Sewer District memo dated 2/10/20 and the Rockland County Health Department memo dated 2/13/20.

Todd Rosenblum stated that the Applicant is requesting a variance for a front yard setback of 40.3 feet instead of the required amount of 50 feet. Mr. Rosenblum stated that the subject property is located one lot out of an average density subdivision in which the required front yard setback is 35 feet. Therefore, Mr. Rosenblum stated that the lot will be in character with the neighborhood. Todd Rosenblum stated that the Applicant is requesting a variance for a building coverage of .17, the maximum required amount is .15. Todd Rosenblum stated that there are extensive drainage structures on the property, therefore the Planning Board will not require additional drainage.

Doris Ulman suggested that the Board override item #1 and #5 on the Rockland County Department of Planning letter dated 2/26/2020 as those items pertain to the Planning Board which will be reviewed by the Planning Board on June 10, 2020. Ms. Ulman stated that the Planning Board listed themselves as lead agency however, the Planning Board did not make a SEQRA determination.

Todd Rosenblum stated that the Planning Board will address the Rockland County Highway Department letter dated 2/11/20.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

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

Jonathan Gewirtz stated that the variances being requested are minor and the property will be in character with the neighborhood.

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Dennis Dale:

RESOLUTION

Upon vote, this motion carried unanimously.

Item #2-Public hearing - Mause 6 Sherri Lane

Todd Rosenblum, the Applicant's Architect, appeared before the Board and presented a site plan dated 1/28/20 showing a one story two-car garage addition requiring a side yard variance of 15' instead of the required amount of 25'. Mr. Rosenblum stated that the Mause family is looking to expand their home for their growing family. Mr. Rosenblum stated that a permit for an addition was approved and issued to Mr. Mause by the Village of Wesley Hills Building Inspector. However, when construction was substantially completed, the property owners decided that they wanted to change their plan and expand the scope of the project. Todd Rosenblum stated that the property owner at 8 Sherri Lane submitted a letter of support to the Village. Mr. Rosenblum stated that the property owner of 8 Sherri Lane is on the north side of the property where the addition will be located. Todd Rosenblum stated that the garage will be in character with the neighborhood.

Doris Ulman stated that the variance being requested is 40% of the requirement and strongly recommended that the Applicant reduce the variance. Todd Rosenblum stated that the variance cannot be reduced as the garage is as small as it can be width wise to hold two cars. Doris Ulman questioned if majority of the house was constructed already? Todd Rosenblum answered yes and that there is no other location for the garage. Mr. Rosenblum further stated that the house was built on an existing foundation, therefore the garage cannot be relocated to comply with the setbacks.

Doris Ulman stated that there is a shed located on the property that is 16.6 feet from the property line that is noted to be relocated. Ms. Ulman requested that the Architect provide the Board with the square footage of the shed. Ms. Ulman stated that if the shed is larger than 100sqft then it will need to be relocated to comply with the setbacks.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

Jonathan Gewirtz made a motion to schedule a site visit for 6/14/20 at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the public hearing to June 17, 2020, at 8pm, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Item #3- Public hearing – Friedman 29 Glenbrook Road

Stanley Mayerfeld, the Applicant's Architect, was present and affirmed to tell the truth.

Stanley Mayerfeld presented a site plan dated 12/3/19, last revised 2/2/20, showing a proposed addition located in the rear of the property. Mr. Mayerfeld requested that the Board amend the front yard setback from 35.6 feet to 34.5 feet.

Jonathan Gewirtz questioned if the hearing would have to be noticed? Doris Ulman stated that if the Board feels as though the change is not substantial then the application can be amended and would not have to be renoticed.

Jonathan Gewirtz stated that the amendment Mr. Mayerfeld is requesting is only for 1.1 feet more than what was originally requested. Jonathan Gewirtz stated that at the site visit the members recognized that most homes in the neighborhood were located closer than 50 feet to the front property line. Therefore Mr. Gewirtz stated that the home will be in character with the neighborhood.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Dennis Dale:

RESOLUTION

Upon vote, this motion carried unanimously.

Item #3- Public Hearing – Eichorn 4 Soundview Drive

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and stated that the Board completed a site visit at the property on 3/15/20. Stanley Mayerfeld stated that the fence was constructed around the basketball court to protect the basketball from rolling onto the neighboring property.

Jonathan Gewirtz stated that at the site visit the Board members noticed that the property slopes and therefore the height of the fence is not out of character with the neighborhood. Mr. Gewirtz stated that the fence is there for the benefit of the neighboring property and he is in favor of the application.

Mordechai Schwab agreed with Jonathan Gewirtz.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

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

Jonathan Gewirtz made a motion to approve the following resolution, seconded by Dennis Dale:

RESOLUTION

Upon vote, this motion carried unanimously.

**Item #4- Public Hearing – Wertentheil
24 Holland Lane**

Kim Sippel, the Applicant's Architect, was present and affirmed to tell the truth

Kim Sippel presented a plan dated 1/16/20 showing a two-story addition on the north side of the property. Mr. Sippel stated that the lot is a non-conforming lot with 28,000sqft instead of 30,000sqft. Mr. Sippel stated that there is limited storage on the property and therefore the Wertentheil's decided to add an addition. Kim Sippel stated that the neighboring property is at an angle and therefore will not be affected by the addition.

Chairman Weinberger read the following agency memos into the record:

- Rockland County Department of Planning memo dated 4/10/20.
- Rockland County Sewer District memo dated 3/16/20.
- Rockland County Highway Department memo dated 3/16/20.
- Rockland County Health Department memo dated 3/16/20.

Kim Sippel stated that the applicant will comply with all items from the Rockland County Health Department memo, the Rockland County Highway Department memo, and the Rockland County Sewer District memo.

Doris Ulman stated that the variance being requested is 40% of the requirement and strongly recommended that the Applicant reduce the variance. Kim Sippel stated that he will discuss the Village Attorney's request with the Wertentheil's.

Doris Ulman requested that Kim Sippel provide the Board with the square footage of the existing shed on the property. Ms. Ulman stated that the existing shed will require a variance as the Village Code only allows for 2 accessory structures on a property, however, there are 3 located on the Wertentheil property.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

Jonathan Gewirtz made a motion to schedule a site visit for 6/14/20 at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the public hearing to June 17, 2020, at 8pm, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

**Item #4- Public Hearing – Wieder
31 Astor Place**

Devorah Wieder, the Applicant, was present and affirmed to tell the truth.

Devorah Wieder appeared before the Board and presented a plan dated 1/17/20 showing a front portico requiring variances. Ms. Wieder stated that the front portico of her home will allow for easier access to her house.

Jonathan Gewirtz questioned if there will be a ramp in the front of the property? Devorah Wieder answered no.

Jonathan Gewirtz questioned if the entrance will be widened? Devorah Wieder answered no, however, a double door will be installed instead of a single door.

Chairman Weinberger asked if anyone from the public wished to speak. No one wished to speak.

Doris Ulman questioned the distance of the existing shed to the property line? Devorah Wieder stated that the shed is located about a foot away from the property line, however, it was grandfathered in since it was built prior to the formation of the Village.

Doris Ulman stated that she will review the file to determine whether the shed was constructed prior to the formation of the Village.

Doris Ulman requested that Ms. Wieder provide the Village with a copy of the original survey showing the shed. Ms. Ulman stated that if the shed was constructed prior to the formation of the Village then an additional variance will not be needed.

Jonathan Gewirtz made a motion to schedule a site visit for 6/14/20 at 9am, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to adjourn the public hearing to June 17, 2020, at 8pm, seconded by Jonathan Gewirtz. Upon vote, this motion carried unanimously.

Approval of Minutes-February 19, 2020

Jonathan Gewirtz made a motion to approve the ZBA minutes of February 19, 2020 seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Mordechai Schwab made a motion to adjourn the meeting to June 17, 2020 at 8pm, seconded by Dennis Dale. Upon vote, this motion carried unanimously.

Respectfully submitted,
Sydney Aliseo