



ZONING BOARD OF APPEALS MEETING MINUTES

February 21, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

Phone: 845-354-0400 | Fax: 845-354-4097

MEMBERS PRESENT: Jonathan Gewirtz, Chairman
Richard Weinberger, Member
Stefanie Collantes-Bouvry, Member
Randi Marlin, Member
Barry Rozenberg, Ad Hoc
Anita Hajioff, Ad Hoc

ABSENT: Stuart Zelmanovitz, Member

OTHERS PRESENT: Doris Ulman, Assistant Village Attorney
Alicia Schultz, Deputy Village Clerk

Chairman Gewirtz opened the meeting at 7:30 pm.

ITEM #1 - PUBLIC HEARING - 7 ARDLEY PLACE

Chairman Gewirtz read the public hearing notice into the record.

Ryan Karben, the applicant's attorney, was present and affirmed. Mr. Karben stated that the neighbor's claims at the previous Zoning Board of Appeals meeting that the survey is incorrect, are invalid and her claims are coming later than the law allows.

Chairman Gewirtz stated that we have documents from the applicant's Engineer stating that the lot is TWO (2) different sizes and in order to determine what variances are needed, we need to have exact numbers. Mr. Karben stated that sometimes the numbers are not exact, and circumstances change when you're building a house.

Doris Ulman added that the reason we are here is because the applicant was granted variances, they exceeded those variances, and upon the Village Engineer's review of the property, it is noted that they may need THREE (3) additional variances. Ms. Ulman stated that the impervious surface variance is over 100% of the allowed, and the applicant was originally denied the exact same number when they were previously before the Board. Mr. Karben stated that the driveway is pervious surface, not impervious, therefore the numbers on the plan are not accurate. Ms. Ulman stated that they are also going to need a variance for the driveway, as they were granted a variance for maximum of 16 feet, and it is 16.9 feet wide. The Village Engineer also questioned the setbacks of the pool patio and if the

building coverage includes the covered portion. Chairman Gewirtz questioned if the covered front and rear porches were included in the building coverage calculations. Mr. Karben stated that he will have all the calculations checked and updated prior to the next meeting in March.

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

Sara Felberman, 5 Ardley Place, asked for permission to speak and stated that in November 2022 they discovered a discrepancy with the filed map for #5 and #7 Ardley Place, and that the lot line in question is the side that the applicant needs a variance on. Ms. Felberman asked that the Board not make any decisions until the lot line discrepancy is settled.

Mr. Brody, 8 Carter Lane, stated that he is in support of this application.

Isaac Steinfeld, the applicant's contractor, was present and affirmed. Mr. Steinfeld wanted to state that according to the calculations, the front and rear covered porches WERE included in the building coverage calculation, as the covered pool and cabana area is not 645 sq. feet in size. Mr. Steinfeld stated that they have achieved zero net runoff on the property, therefore he thought it was alright to build whatever he wanted no matter what the limits were. Chairman Gewirtz informed him that is not the case.

Doris Ulman asked Mr. Steinfeld if he had the variances originally granted in his possession when he began the project, and why he did not measure and make sure to stick to those variances.

Mr. Steinfeld answered yes, I did have them when we began the project and I tried to adhere to them to the best of my abilities and thought the 18 foot variances that were granted were 15 feet instead.

Chairman Gewirtz made a motion to adjourn this application to the March 20, 2024 meeting, with a site visit on March 17, 2024, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

ITEM #2 - PUBLIC HEARING – 1 ROCHELLE LANE

Chairman Gewirtz read the public hearing notice into the record.

Stanley Mayerfeld, the applicant's Architect, was present and affirmed. Mr. Mayerfeld stated that the applicant is not asking for large variances and due to the type of variances proposed, would like the Board to waive a site visit. Mr. Mayerfeld stated that the need for the building coverage variance is due to the topography of the property, the deck has to be more than 3 feet off the ground because of the soils, and the front yard impervious surface ratio variance request is due to the fact that there are 2 front yards, so that the front yard square footage is smaller than usual.

Doris Ulman questioned what the hatched area in the corner of the plot plan represented.

Stanley Mayerfeld answered it is to show the area of disturbance limits.

Ms. Ulman stated that an additional variance is needed for pool rear yard of 10.8 feet when the minimum required is 15 feet.

Mr. Mayerfeld stated that they are going to remove the deck and move the pool so it is a minimum of 15 feet from the rear lot line, so they do not require a variance. Mr. Mayerfeld requested to waive the site visit due the kind of variances requested.

Robert Menche, the applicant's son, was present and affirmed and stated that this has been a lengthy process, and his father is ready to adhere to whatever the Village decides, to finish this project.

Upon discussion, the Board decided to waive the site visit to the property.

Mr. Brody, 8 Carter Lane, stated that he is in support of this application.

Jeffrey Nulman, 14 Glenbrook Road, questioned how many garages they are building.

Mr. Mayerfeld answered there is going to be a TWO (2) car garage.

Chairman Gewirtz made a motion to close the public hearing, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

Stefanie Collantes-Bouvry made a motion to approve the amended application, seconded by Barry Rozenberg.

In the Matter of the Application of
Willow Tree Management LLC
Premises situated on the west side of Rochelle Lane at
the intersection with East Willow Tree Road, known as
1 Rochelle Lane, designated on the Tax Map as Section
41.08 Block 1 Lot 58.1, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Willow Tree Management LLC 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 having building coverage of .119 instead of the maximum permitted of .10 and front yard impervious surface ratio of .23 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 21, 2024, and

WHEREAS, the applicant appeared by one of its principals and its architect, who testified as follows:

That the building coverage variance is needed because the soils are very wet and the deck is required to be raised more than 3 feet above ground, causing a minor increase in the building coverage;

That this is a corner lot which requires the front yard on Rochelle Lane to be set back 50 feet to accommodate the front yard on East Willow Tree Road;

That the aforesaid loss of 50 feet on the Rochelle Lane front yard results in a much smaller than usual front yard square footage to accommodate the circular driveway, thereby requiring a small

front yard impervious surface variance of approximately 13%;

That the pool and pool patio are being removed from the plot plan and will be moved 15 feet from the property line so that no variances are needed for the pool; 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 request amend the application by removing the inground pool and pool patio from the plot plan and from the application is hereby granted, and be it further

RESOLVED, that the application submitted by Willow Tree Management LLC 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 having building coverage of .119 instead of the maximum permitted of .10 and front yard impervious surface ratio of .23 instead of the maximum permitted of .20 are hereby granted, and be it further

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

1. That the variances are not substantial in relation to the requirement, both being less than 20%;
2. That the variances are caused by conditions on the lot, i.e., the building coverage due to the wet soils and the front yard impervious surface ratio because of the loss of a large percentage of the front yard square footage on Rochelle Lane;
3. That the variances do not cause any detriment to the environment or the ecology of the property or surrounding 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.

Upon vote, this motion was carried unanimously.

ITEM #3 - PUBLIC HEARING – 89 SPOOK ROCK ROAD

Chairman Gewirtz read the public hearing notice into the record. Chairman Gewirtz stated that the applicant Bassie Hurwitz, has submitted an email requesting an adjournment to the March 20, 2024 meeting.

Chairman Gewirtz made a motion to adjourn this application to the March 20, 2024 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

ITEM #4 - PUBLIC HEARING – 2 ARDLEY PLACE

Chairman Gewirtz read the public hearing notice into the record.

Paul Baum, the applicant's attorney, was present and affirmed. Mr. Baum stated that the home is completed and due to the elevation of the property, the contractor hit the higher than average water table while doing the foundation and had to raise the elevation by 1 ½ feet creating the need for the building height variance.

Mr. Baum stated that the pool was constructed larger than the approved plan because they added a diving board, which created the variances needed for pool rear yard and impervious surface ratio. Mr. Baum stated that the owner owns the property to the rear of them as well and has no objection to this application.

Richard Weinberger read the following into the record:

1. Rockland County Highway Department
2. Rockland County Center of Environmental Health
3. Rockland County Department of Planning

Doris Ulman stated that an additional variance is needed for fence height, as the fence in the front yard is 6 feet tall, and the maximum allowable is 4 feet.

Mr. Baum stated that the applicant has already moved their fence, as they were under the impression that as long as the fence is placed 2/3 of the fence height back from the property line, that 6 feet was allowed.

Ms. Ulman questioned the steps to the front door labeled "porch" on the submitted plot plan are covered. Ms. Ulman stated that if any part of the steps is covered, the setback must then be measured from the property line to the beginning of the covered portion of the steps, as it seems on the plan that the house itself is measured at 51 feet from the front property line, where 50 feet is the maximum allowable and the steps/porch are protruding and closer to the line than that.

Mr. Baum stated that he will make sure that information is corrected on the plan and amend the application if need be.

Stefanie Collantes-Bouvry made a motion to adjourn this application to the March 20, 2024 meeting, with a site visit on March 17, 2024, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #5 - APPROVAL OF MINUTES – JANUARY 23, 2024

Anita Hajioff made a motion to approve the January 23, 2024 minutes, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried 5-0, Randi Marlin and Barry Rozenberg abstained.

ADJOURNMENT

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

Respectfully submitted, Alicia Schultz