



ZONING BOARD OF APPEALS MEETING MINUTES

March 20, 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
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc

ABSENT: Anita Hajioff, Ad Hoc

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

Chairman Gewirtz opened the meeting at 7:30 pm.

ITEM #1 – CONTINUED PUBLIC HEARING - 7 ARDLEY PLACE

Chairman Gewirtz read the public hearing notice into the record.

Doris Ulman stated that Ryan Karben, the applicant’s Attorney, has submitted an email requesting an adjournment to the April 17, 2024 meeting.

Chairman Gewirtz made a motion to adjourn this application to the April 17, 2024 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

ITEM #2 – CONTINUED 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 the applicant is having a traffic/sight analysis done, to determine whether the trees in the County right-of-way must be moved, as stated in the Rockland County Highway Department’s letter. Mr. Baum stated that the pool was constructed larger than the approved plan because they enlarged the patio and added a diving board, which created the variances needed for pool rear yard and impervious surface ratio. 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 after speaking with the Building Department, it was discussed that the fence must be moved off of the property line, a minimum of 4 feet, to comply with the Village Code, and that the trees may have to be moved as well, to comply with the County letter. Mr Baum stated that the owner owns the property to the rear of them as well and has no objection to this application.

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

Mr. Brody, 8 Carter Lane, stated that he is in support of this application and does not agree that a precedent would be set by approving this application.

Mr. Baum requested the Board override the Rockland County Planning Department letter and grant approval, pending the traffic/sight analysis results. Doris Ulman stated that the Board does not have to override the County Planning Department's letter if the applicant complies with County Highway requirements.

Richard Weinberger read the following review letters into the record:

1. Rockland County Highway Department
2. Rockland County Center of Environmental Health
3. Rockland County Department of Planning
4. Village of Wesley Hills Engineering Department (Brooker Engineering)

Mr. Baum stated that there was a response letter submitted to the Village regarding these letters and their requests and comply or will comply with any further requests from any agency. He asked the Board to approve the building height variance so they can get a Certificate of Occupancy for the house, and continue the hearing for the other variances.

Doris Ulman stated that there has been an issue lately in the Village with an increase in contractors not paying attention to approved plans and breaking the Village Code Laws in reference to needing variances, after the fact, when the homes are already built.

Stefanie Collantes-Bouvry made a motion to approve the building height variance only, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

In the Matter of the Application of
Goldy Rosenfeld

Premises situated on the north side of Ardley Place at the intersection with Wilder Road, known as 2 Ardley Place, designated on the Tax Map as Section 41.10 Block 1 Lot 20, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Goldy Rosenfeld for variances from the provisions of Sections 230-17 Attachment I and 230-14O(4)(a) of the Code of the Village of Wesley Hills, to permit the maintenance and use of a single family residence and inground swimming pool having building height of 26.18 feet instead of the maximum permitted of 25 feet and rear yard for the pool of 11.5 feet instead of the minimum required of 15 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 21, 2024, which hearing was continued on March 20, 2024, and

WHEREAS, the applicant appeared by her attorney, who testified as follows:

That when the foundation for the house was constructed it was found that the water table in the area was higher than anticipated and the foundation had to be constructed at a higher elevation than originally anticipated, thereby causing the height of the house to be higher than originally proposed and exceeding the height limitation by 1.18 feet;

That this was an unforeseen event and the applicant should not be penalized;

That the design of the house is the same *as* originally proposed and the additional height will not look different from other houses in the neighborhood;

That the rear yard variance for the pool was caused by the addition of a diving board during construction, which required the rear patio to be widened into the rear yard;

That the applicant requests that the variance for the height of the house be separated out from the other concerns of this application and that the variance be granted so that applicant can receive a C.O. for the house while the ZBA is considering the other variances; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the existing conditions, and

WHEREAS, no one appeared in opposition to the height variance,

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 Zoning Board of Appeals hereby separates out the request for a variance for the height of the house and continues the public hearing with respect to the application for the rear yard variance for the inground swimming pool and any other variances that may be required, and be it further

RESOLVED, that the 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 a single family residence having height of 26.18 feet instead of the maximum permitted of 25 feet is hereby granted, 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;
2. That the necessity for the variance is caused by the high water table of the property which causes the foundation of the residence to be constructed at a higher elevation than originally anticipated;

3. That the additional height does not create a massive quality to the house;
4. That the benefit to the applicant by granting the variance is substantial whereas no detriment to neighboring properties or to the community has been identified.

Chairman Gewirtz made a motion to adjourn the remainder of the application to the April 17, 2024 meeting, seconded by Stefanie Collantes-Bouvry. 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.

Bassie Hurwitz, the applicant, was present and affirmed. Ms. Hurwitz stated that she subdivided her property a couple of years ago and it was agreed upon that they were going to change her driveway, as she required a smaller impervious surface due to her lot now being smaller. Ms. Hurwitz stated that after giving it some thought, she realized that changing her driveway and removing a portion of it would greatly affect her ability to enter and exit her home with her elderly husband. Renee Fein, Ms. Hurwitz’s paralegal, was present and affirmed. Ms. Fein stated that removing the portion of the driveway that is proposed would leave a sharp turn around and Ms. Hurwitz would inevitably end up on a portion of her lawn.

Richard Weinberger read the following review letters into the record:

1. Rockland County Department of Planning
2. Rockland County Sewer District #1
3. Rockland County Highway Department
4. Rockland County Center of Environmental Health
5. Rockland County Drainage Agency

Chairman Gewirtz made a motion to adjourn this application to the April 17, 2024 meeting, with a site visit on April 7, 2024, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

ITEM #4 - PUBLIC HEARING – 53 GRANDVIEW AVENUE

Chairman Gewirtz read the public hearing notice into the record.

Stanley Mayerfeld, the applicant’s architect, was present and affirmed. Mr. Mayerfeld stated that this is the second renovation they are doing to the home for a covered front porch. Mr. Mayerfeld stated that it is intended to be used mostly for a safe place for children to wait for the bus.

Richard Weinberger read the following review letter into the record:

1. Rockland County Highway Department

Mr. Mayerfeld stated that he will submit a response letter to the Village regarding this letter and their requests and will comply with any further requests from any agency.

Chairman Gewirtz made a motion to adjourn this application to the April 17, 2024 meeting, with a site visit on April 7, 2024, seconded by Stefanie Collantes-Bouvry Upon vote, this motion was carried unanimously.

ITEM #5 - PUBLIC HEARING – 49 TRANQUILITY ROAD

Chairman Gewirtz read the public hearing notice into the record.

Stanley Mayerfeld, the applicant’s architect, was present and affirmed. Mr. Mayerfeld stated that any addition to the home, no matter where they decide to put it, would require a wetlands permit as it would be within the 100-foot wetlands buffer area. Mr. Mayerfeld also stated that there will be no change in impervious surface area because they are taking part of the existing driveway for the addition. Therefore, he stated that there will be no change in runoff that would affect the wetlands area.

Chairman Gewirtz made a motion to adjourn this application to the April 17, 2024 meeting, with a site visit on April 7, 2024, seconded by Stefanie Collantes-Bouvry Upon vote, this motion was carried unanimously.

ITEM #6 - DISCUSSION – FACULTY HOUSING LAW

Chairman Gewirtz made a motion to adjourn this topic with a possible workshop, prior to the April 17, 2024 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously. He also asked that a letter be sent to the Board of Trustees asking for additional time to comment.

ITEM #7 - APPROVAL OF MINUTES – FEBRUARY 21, 2024

Randi Marlin made a motion to approve the February 21, 2024 minutes, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried 5-0, Stuart Zelmanovitz abstained.

ADJOURNMENT

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

Respectfully submitted,
Alicia Schultz