

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday July 19, 2023
7:30 P.M.**

MEMBERS PRESENT: Jonathan Gewirtz, Chairman
Dennis Dale
Richard Weinberger
Stefanie Collantes-Bouvry
Stuart Zelmanovitz, Ad Hoc
Barry Rozenberg, Ad Hoc (Late)

MEMBERS ABSENT: Randi Marlin

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

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

Item #3 – 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 and affirmed. Mr. Baum stated that since the last meeting, the plan has changed to show less maximum building coverage needed, as their calculations were not previously accurate. Mr. Baum stated that the application originally requested fence height, however, after discussions with the building inspector that is no longer needed, and the applicant is requesting the following variances for the single-family home and cabana:

	<u>Permitted</u>	<u>Proposed</u>
Maximum Building Coverage	.108	.117
Side Yard for Cabana	30’	21.4’
Rear Yard for Cabana	50’	28.6’

Doris Ulman stated that they will have to amend the application.

Chairman Gewirtz stated that they already discussed moving the pool.

Paul Baum said yes, they have previously discussed moving the pool, however the current plan is the best option for the pool area, will be landscaped, and screened. Mr. Baum added that the Cabana being 192 square feet, is quite modest.

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

Richard Weinberger questioned what the difference between a Cabana and a Pool House is.

Mr. Baum stated there is no difference.

Richard Weinberger read the following review memos into the record:

1. Rockland County Sewer District #1 review memo dated May 17, 2023.
2. Rockland County Highway Department review memo dated April 18, 2023.
3. Rockland County Planning Department review mem dated May 12, 2023.
4. Rockland County Health Department review mem dated May 10, 2023.

Paul Baum stated that he sent an email with a response letter for said departments, to the Village after close of business today.

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

Chairman Gewirtz made a motion to approve the amended application, seconded by Dennis Dale.

Upon vote, this motion was carried unanimously.

In the Matter of the Application of
Shimmy Enterprises Inc. On behalf of 22 Dike Drive LLC
Premises situated on the east side of Dike Drive
approximately 600 feet north of Roven Road, known
as 22 Dike Drive, designated on the Tax Map as Section
41.06 Block 1 Lot 46, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Shimmy Enterprises Inc. On behalf of 22 Dike Drive LLC, for variances from the provisions of Section 230-17 Attachment I and Section 230-14L(3) 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 building coverage of .142 instead of the maximum permitted of .116, side yard for cabana of 21.4 feet instead of the minimum required of 30 feet, rear yard for cabana of 28.6 feet instead of the minimum required of 50 feet and a fence height of 12 feet instead of the maximum permitted of 8 feet, and

WHEREAS, after due notice, a public hearing on said application was held on May 17, 2023, which hearing was continued on June 21, 2023 and July 19, 2023, and

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

That this lot has steep slopes and retaining walls are required;

That because of the 10 foot difference in elevation between the proposed residence and the proposed pool and cabana the cabana is closer to the side and rear property lines than desired;

That after reconsideration, the variance for the fence height is no longer required;

That the building coverage variance is required because there are several decks proposed for the house which exceed 3 feet in height;

That in addition, there was a miscalculation in that decks that do not exceed 2 feet in height were included in the building coverage calculation and, removing those decks, the variance required is building coverage of .117, not .142, instead of the maximum permitted of

.108, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed elevations and locations of the swimming pool and cabana, and

WHEREAS, several 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 amended application submitted by Shimmy Enterprises Inc. On behalf of 22 Dike Drive LLC to permit the construction, maintenance and use of a single-family residence, inground swimming pool and cabana having building coverage of .117 instead of the maximum permitted of .108, side yard for cabana of 21.4 feet instead of the minimum required of 30 feet and rear yard of 28.6 feet instead of the minimum required of 50 feet is hereby granted, subject to the following conditions:

1. Rockland County Planning Department GML review letter dated May 12, 2023;
2. Rockland County Sewer District No. 1 letter dated May 17, 2023;
3. Rockland County Highway Department letter dated April 18, 2023;
4. Rockland County Environmental Health Department letter dated May 10, 2023;

and be it further

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

1. That the Building Coverage variance is not substantial, it being approximately 10% more than the maximum permitted and will not result in a massive-looking building since the overage is caused by open decks that are 3 feet in height and a cabana that is only 192 square feet;

2. That although the side yard and rear yard variances for the cabana are substantial, it is not feasible to move the cabana to another location because of the location of the swimming pool and the 10 foot change in elevation between the residence and the pool/cabana area;

3. That as stated above, there is no feasible alternative to granting the variances;

4. That no environmental or ecological detriment to adjacent properties or to the neighborhood has been alleged;

5. 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.

Item #4 –Continued 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 noted that there was a site visit on July 16, 2023. 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 read the following letters of support:

- | | | |
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| 1. 6 Baker Lane | 2. 5 Baker Lane | 3. 13 Baker Lane |
| 4. 12 Baker Lane | 5. 7 Baker Lane | 6. 8 Baker Lane |

Jeffrey Nulman, 14 Glenbrook Road was present and affirmed and questioned where visitors will stay.

Mr. Rosenblum answered there are two bedrooms going over the 2-car garage that are attached to the home via walkway.

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

Chairman Gewirtz commented that he thought they were losing some green space with the addition, but noted there was additional greenery to the rear of the addition. Chairman Gewirtz further stated that the property is in a cul de sac and the addition will not be seen from the road.

Chairman Gewirtz made a motion to approve the application, seconded by Dennis Dale.

Upon vote, this motion was carried unanimously.

In the Matter of the Application of
Neil Zyskind
Premises situated on the north side of
Baker Lane at the bulb of the cul de sac,
known as 10 Baker Lane, designated on
the Tax Map as Section 41.07 Block2 Lot
45, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Neil Zyskind 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 impervious surface ratio of .26 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on the 21st day of June, 2023, which hearing was continued on the 19th day of July, 2023, and

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

The project involves providing handicapped accessibility to the entire house for Mrs. Zyskind, converting the existing 3 car garage into a master bedroom suite and constructing a new garage at the end of the existing driveway;

The circular driveway, straight driveway and other impervious surface areas presently exist so that the only increase in impervious surface is for the new garage; and

WHEREAS, members of the Zoning Board of Appeals visited the site and noted that the property is on a cul de sac and the addition will not be visible from the street, and

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

NOW, THEREFORE, IT JS 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 Neil Zyskind 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 impervious surface ratio of .26 instead of the maximum permitted of .20 is hereby granted, and be it further

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

1. That although the variance is substantial in that it is 30% of the requirement there is no feasible alternative since the increase in impervious surface is for the addition only and a substantial reduction would require removal of existing impervious surface.
2. No one has alleged environmental or ecological detriment to adjacent properties or to the neighborhood by the granting of the variances;
3. The benefit to the applicant by granting the variance is substantial whereas no detriment to adjacent properties or to the neighborhood has been identified.

Item #5-Public Hearing-Eli Amsterdam and Mona Guadino-8 Suhl Lane & 95 Forshay Rd

Chairman Gewirtz read the public hearing notice into the record. Ira Emanuel, applicant's Attorney, and Eli and Breindi Amsterdam, the applicants, were present and affirmed.

Richard Weinberger read the following review memos into the record:

1. Rockland County Sewer District #1 review memo dated July 18, 2023.
2. Rockland County Highway Department review memo dated July 6, 2023.
3. Town of Ramapo DPW review memo dated July 11, 2023.
4. Rockland County Health Department review mem dated July 17, 2023.

Ira Emanuel stated that the Amsterdams have been trying to figure out a way to get their cabana compliant, as it has been a few years now and they have exhausted all their options. Mr. Emanuel stated that the couple went to their neighbor, Mrs. Mona Guadino, at 95 Forshay Road and asked to buy a piece of her property in the rear, and Mrs. Guadino agreed. Mr. Emanuel stated that the cabana is going to be 400 square feet and 12 feet high, and the lot line change will require variances on both properties:

Lot 27.3 (8 Suhl Lane)

	<u>Permitted</u>	<u>Proposed</u>
Accessory structure rear yard	50'	25'

Lot 30 (95 Forshay Road)

Rear Yard for Cabana	50'	43.3'
Maximum impervious area	0.25	0.31
Swimming pool rear yard	15'	4.3'

Dennis Dale stated that he thought it was absurd to make a neighbor need variances, due to the placement of a cabana.

Stuart Zelmanovitz questioned if there is a precedent for this kind of lot line change in the Village.

Ira Emanuel stated yes, it does happen.

Doris Ulman stated that they will also need Planning Board approval for a minor subdivision.

Dennis Dale questioned if the patio is still as large as it originally was proposed.

Ira Emanuel answered it is smaller.

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

Breindi Amsterdam, co-applicant, was present and affirmed. Mrs. Amsterdam stated that they have been trying to do everything by the book since they were originally issued a stop work order 3 years ago.

Chairman Gewirtz stated that he would like to schedule a site visit for Sunday August 6, 2023 at 9 AM at the property and a workshop regarding the property to be determined after the site visit. Chairman Gewirtz recommended they mark out the variances on both properties for the walkthrough.

Barry Rozenberg questioned if 95 Forshay had previous variances granted.

Ira Emanuel stated he believes they were nonconforming.

Chairman Gewirtz made a motion to continue the Public Hearing to the August 16, 2023 meeting, seconded by Barry Rozenberg. Upon vote, this motion was carried unanimously.

Item #6- Approval of Minutes- May 17, 2023

Dennis Dale made a motion to approve the May 17, 2023 minutes, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

Item #7- Approval of Minutes- June 21, 2023

Dennis Dale made a motion to adjourn the approval of the June 21, 2023 minutes to the August 16, 2023 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

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

Respectfully submitted,
Alicia Schultz