



## **ZONING BOARD OF APPEALS MEETING AGENDA**

**November 15, 2023 at 7:30 PM**

**432 Route 306, Wesley Hills, NY 10952**

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

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### **CALL TO ORDER**

### **ROLL CALL**

### **CONTINUED PUBLIC HEARING**

- 1.** Application submitted by Eli Amsterdam on behalf of himself and for Mona Gaudino, for variances from the provisions of Sections 230-17 Attachment I and Section 230-14O(4)(a) of the Code of the Village of Wesley Hills to permit the resubdivision of two lots and construction, maintenance, and use of a cabana on premises known as 8 Suhl Lane, having an accessory rear yard of 15.7 feet, when the minimum required is 50 feet.

The subject premises are situated on the east side of Suhl Lane approximately 250 feet north of Grandview Avenue, known as 8 Suhl Lane, designated on the Tax Map as Section 41.14 Block 1 Lot 27.3, in an R-35 Zoning District.

- 2.** Application submitted by Mark Martin 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, in-ground swimming pool and cabana having total side yard of 52.7 feet instead of the minimum required of 60 feet, rear yard of 15 feet instead of the minimum required of 50 feet and impervious surface ratio of .33 instead of the maximum permitted of .25.

The subject premises are situated on the east side of Route 306 across from Windmill Drive, known as 428 Route 306, designated on the Tax Map as Section 41.11 Block 2 Lot 21, in an R-35 Zoning District.

- 3.** Application submitted by Baruch and Cheryl Fruchthandler 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 side yard of 21 feet instead of the minimum required of 25 feet, total side yard of 46 feet instead of the minimum required of 60 feet, front yard impervious surface ratio of .209 instead of the maximum permitted of .20 and building coverage of .128 instead of the maximum permitted of .10.

The subject premises are situated on the north side of Amsterdam Avenue approximately 270 feet north of Jodi Court, known as 21 Amsterdam Avenue, designated on the Tax Map as Section 41.11 Block 1 Lot 38, in an R-35 Zoning District.

### **APPROVAL OF MINUTES**

- 4.** October 18, 2023

## ADJOURNMENT

## HIGHWAY DEPARTMENT

23 New Hempstead Road  
New City, New York 10956  
Phone: (845) 638-5060 Fax: (845) 638-5037  
Email: highway@co.rockland.ny.us

**Charles H. "Skip" Vezzetti**  
*Superintendent of Highways*

October 19, 2023

Ms. Tara Roberts  
Deputy Village Clerk  
Village of Wesley Hills  
432 Route 306  
Wesley Hills, NY 10952

**Re: Site Plan Review for In-Ground Pool and Cabana  
8 Suhl Lane in Wesley Hills, NY  
Tax Lot #41.14-1-27.3; R-15A Zoning District**

Dear Ms. Roberts:

The Rockland County Highway Department ("RCHD") was in receipt of the above application along with a site plan prepared by Anthony R. Celentano, P.L.S., last updated on 08.23.23, as part of the GML review process. The review has been complete now and we offer the following comments.

1. A drainage report shall be prepared to demonstrate that the existing/proposed drainage system in the parcel is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.

We appreciate you for the opportunity to review the site plan. Please feel free to contact us at 845 638 5060 with any question or concern you may have regarding this matter.

Thank you.



Dyan Rajasingham  
Engineer III

CC: Rockland County Department of Planning  
Anthony R. Celentano, P.L.S. – Professional Land Surveyor



Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*  
*Counsel to Freeman & Loftus, RLLP*

Four Laurel Road  
New City, NY 10956

[Info@EmanuelLaw.com](mailto:Info@EmanuelLaw.com)

[www.EmanuelLaw.com](http://www.EmanuelLaw.com)

Tel: 845-634-4141

ZONING BOARD OF APPEALS  
VILLAGE OF WESLEY HILLS

SUPPLEMENTAL  
NARRATIVE SUMMARY

AMSTERDAM/GAUDINO LOT LINE CHANGE  
Tax Lots 41.14-1-27.3 and 30

This is a supplement and update to the narrative summary dated May 31, 2023, and submitted with the application in the above.

The initial application sought variances to allow the placement of a 20' x 20' cabana at the southerly end of the existing swimming pool at the Amsterdam house (8 Suhl Lane). In order to reduce the size of the necessary rear yard variance, the Amsterdams entered an agreement with their adjoining neighbor at 95 Forshay Road to move the lot line near the cabana. This would have resulted in a 25 foot distance from the cabana to the new rear lot line. It would also have required variances for 95 Forshay Road and subdivision approval from the Planning Board.

At the site visit conducted by the Board, it was suggested that the cabana be changed from a 20' x 20' square to a 13' x 30' rectangle. This would result in a distance of 15.7 feet to the rear lot line at its closest point. This proposal also avoids the lot line change, variances affecting 95 Forshay Road, and subdivision approval. In both cases, the cabana would be limited to 12 feet tall. The differences are illustrated below. A full-size drawing of the revised proposal is submitted herewith.

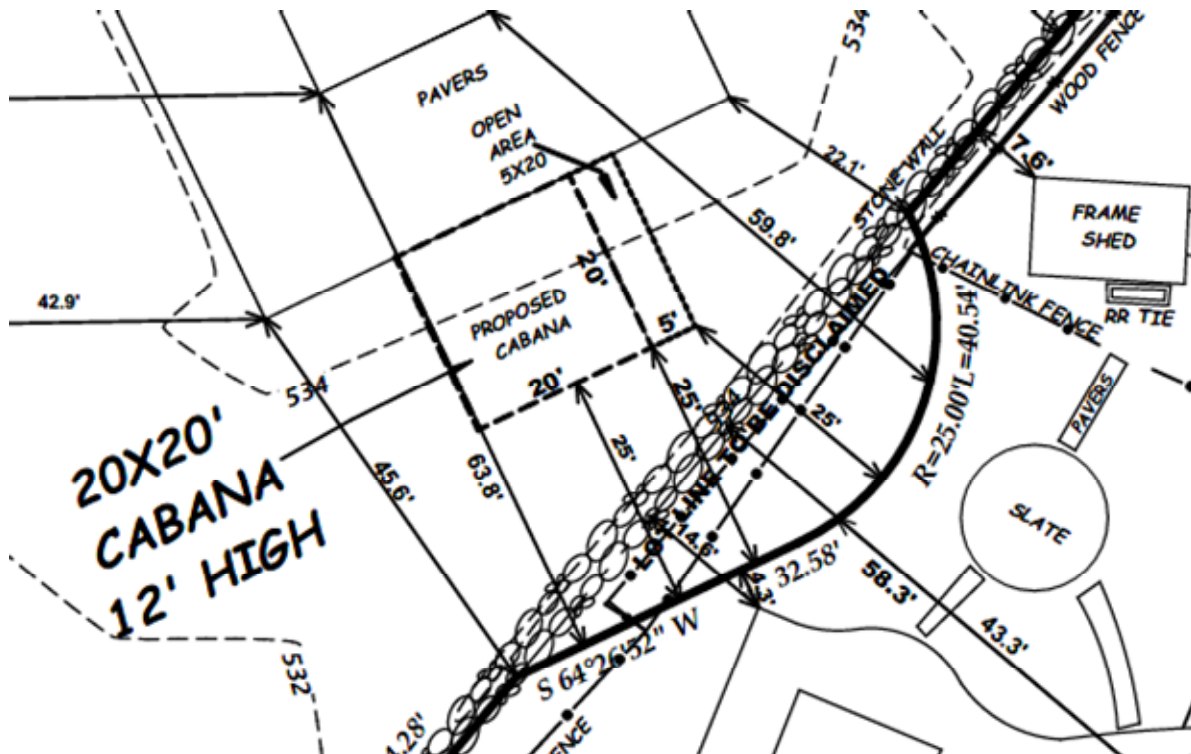


Figure 1: original proposal

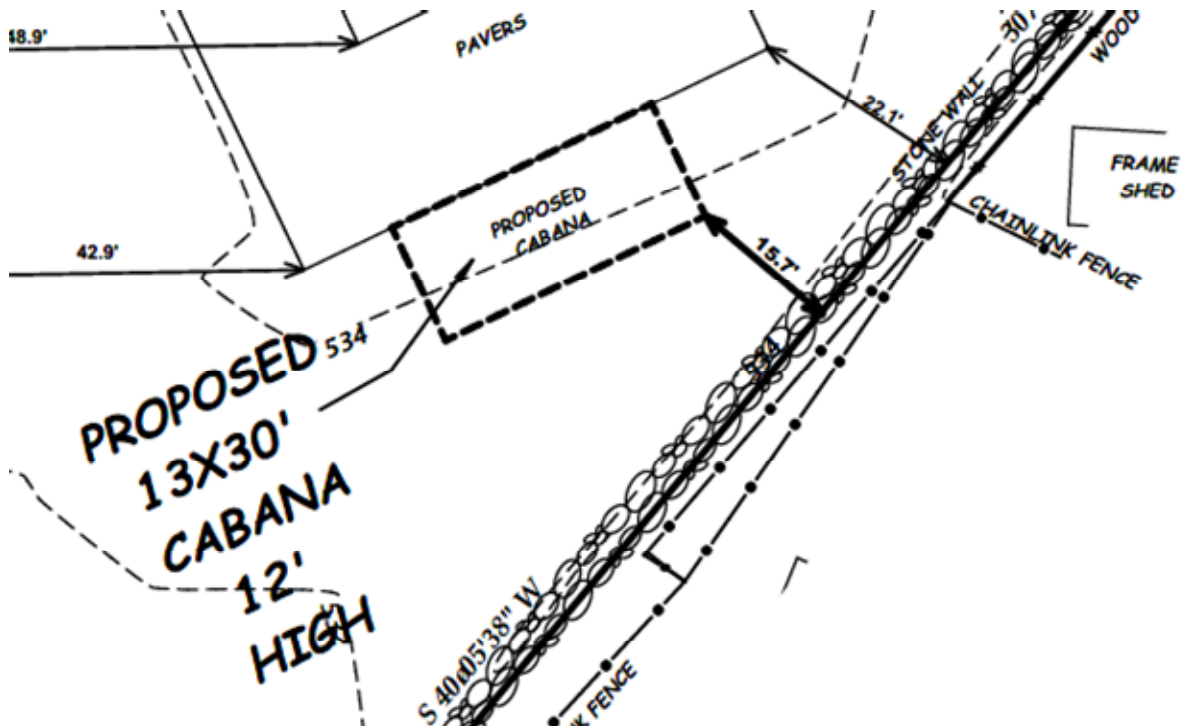


Figure 2: revised proposal

The applicant is willing to accept the proposal illustrated in Figure 2, if that is acceptable to the Board.

The impacts of the revised proposal are less than those of the original proposal.

Based on the foregoing, the revised proposal would result in the following variances:

Lot 27.3 (8 Suhl Lane):

| <u>Dimension</u>              | <u>Required</u> | <u>Existing</u> | <u>Proposed</u> |
|-------------------------------|-----------------|-----------------|-----------------|
| Accessory structure rear yard | 50 ft           | n/a             | 15.7 ft         |

Lot 30 (95 Forshay Road):                      None

On balance, therefore, the requested variances are beneficial to the applicant and will not adversely affect the community, and should therefore be granted.

Dated: September 19, 2023  
New City, New York

EMANUEL LAW P.C.



By: \_\_\_\_\_  
Ira M. Emanuel  
Attorneys for applicants.

  
**EMANUEL LAW P.C.**

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*  
*Counsel to Freeman & Loftus, RLLP*

Four Laurel Road  
New City, NY 10956  

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Info@EmanuelLaw.com  

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www.EmanuelLaw.com  

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Tel: 845-634-4141

October 18, 2023

Alicia Schultz, Clerk  
Wesley Hills ZBA  
432 Route 306  
Wesley Hills, NY 10952  
Email, only: buildingdept@wesleyhills.org

Re: Amsterdam, 8 Suhl Lane

Dear Ms. Schultz:

We represent the applicant in the above matter, which is scheduled for this evening's ZBA meeting. At its last meeting, the ZBA referred the matter to the Rockland County Planning Department for an updated GML review. This referral was based on the substantive changes made to the plans by the applicant.

As of this morning, the new review has not been received, nor is it posted on the Department's website. In addition, the 30-day review period has not yet run.

After a discussion with the ZBA's attorney, Doris Ulman, Esq., it was agreed that the public hearing should be continued to the Board's November 15 meeting. This will allow time for the updated GML review to be received and reviewed and for the applicant to respond.

Therefore, please ask the ZBA to adjourn the public hearing to its November 15 meeting.

Very truly yours,  
EMANUEL LAW P.C.



By: \_\_\_\_\_  
Ira M. Emanuel, Esq.

Cc: Client  
Doris F. Ulman, Esq. (via fax)

BULK REQUIREMENTS

ZONE: R-35 SINGLE FAMILY RESIDENTIAL

| LOT 27.3 | MIN. LOT AREA | LOT FRONTAGE | LOT WIDTH | EFFECTIVE SQUARE | FRONT YARD | SIDE YARD | TOTAL SIDE YARDS | REAR YARD | MAXIMUM IMPERVIOUS SURFACE | FRONT YARD IMPERVIOUS | BUILDING COVERAGE | MAXIMUM BUILDING HEIGHT<br>STORIES | MAXIMUM EXPOSED BUILDING HEIGHT | POOL HOUSE | PATIO SIDE YARD |       |
|----------|---------------|--------------|-----------|------------------|------------|-----------|------------------|-----------|----------------------------|-----------------------|-------------------|------------------------------------|---------------------------------|------------|-----------------|-------|
| REQUIRED | 35,000 SF     | 100'         | 125'      | 125'             | 50'        | 25'       | 60'              | 50'       | 0.25                       | 0.20                  | 0.10              | 2-1/2                              | 25'                             | 40'        | 50'             | 15'   |
| EXISTING | 35,166 SF     | 64.46"       | 113.29"   | 125'             | 59.6'      | 27.1'     | 64.4'            | 53'       | 0.30"                      | 0.24"                 | 0.08              | 2-1/2                              | 25'                             | <40'       | N/A             | N/A   |
| GRANTED  | 35,166 SF     | 64.46"       | 113.29"   | 125'             | 59.6'      | 27.1'     | 64.4'            | 53'       | 0.32"                      | 0.24"                 | 0.08              | 2-1/2                              | 25'                             | <40'       | N/A             | 10.1" |
| PROPOSED | 35,166 SF     | 64.46"       | 113.29"   | 125'             | 59.6'      | 27.1'     | 64.4'            | 53'       | 0.33"                      | 0.24"                 | 0.08              | 2-1/2                              | 25'                             | <40'       | 15.7"           | 10.1" |

\*VARIANCE GRANTED SEPTEMBER 16, 2020, VARIANCE GRANTED FOR THE NUMBER OF ACCESSORY STRUTURES, FROM 2 TO 3  
\*\*VARIANCE REQUIRED

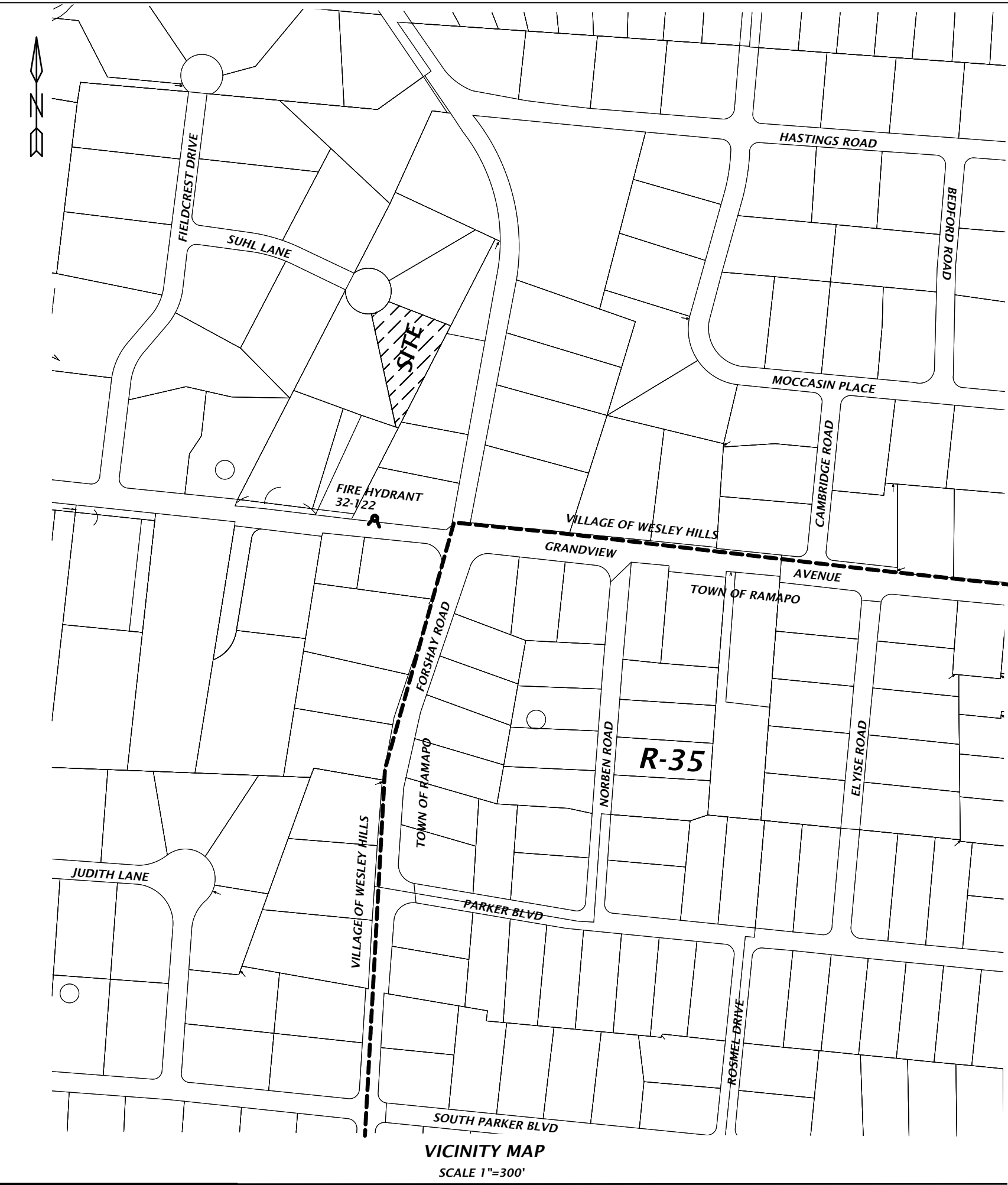
FRONT YARD IMPERVIOUS= 1331/5576 SQFT= 0.24  
BUILDING COVERAGE= 2738/35,166 SQFT= 0.08

COVERAGES:

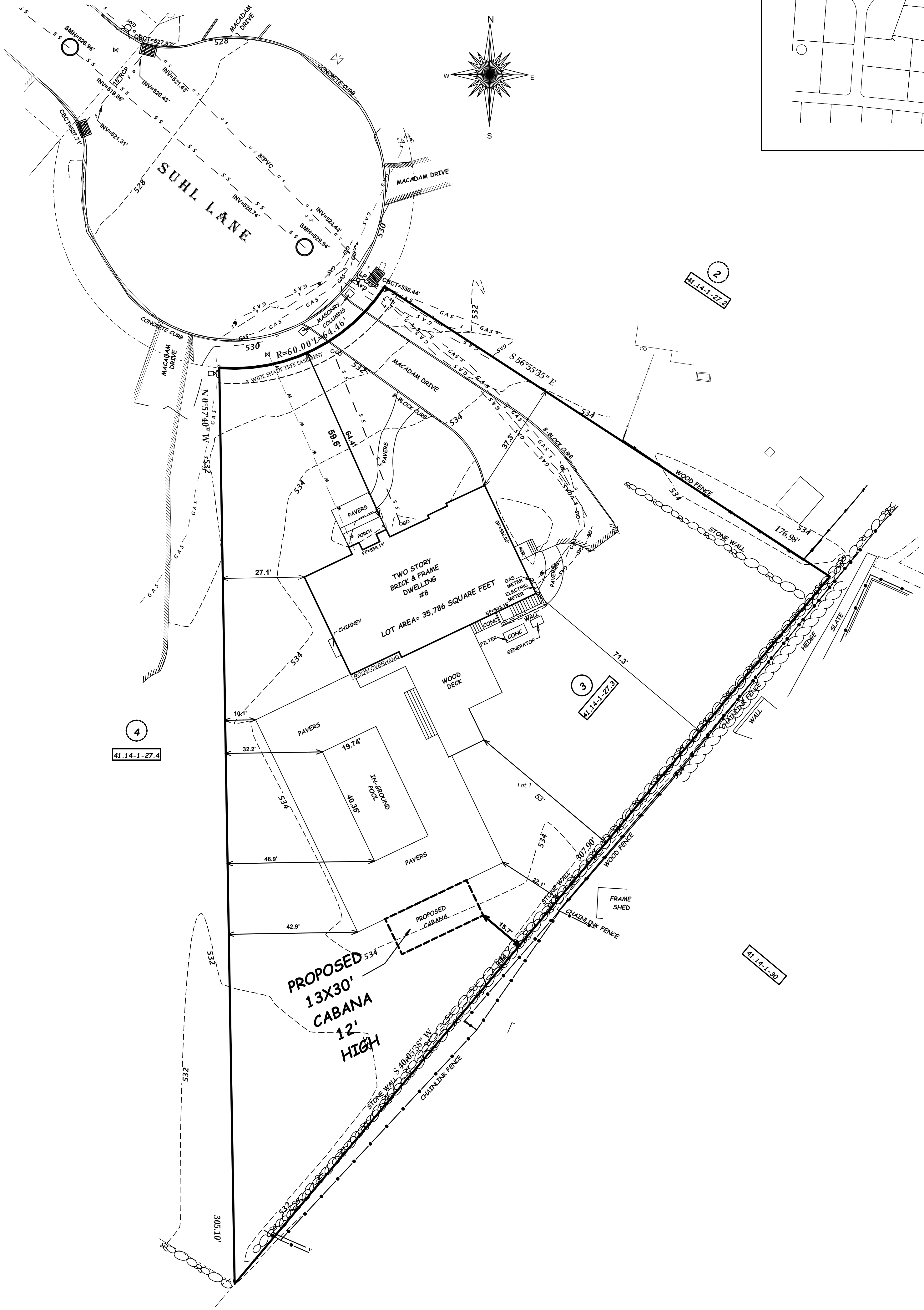
- 1) EXISTING DRIVE WALKS RSMT STAIRS=2864 SQFT
- 2) EXISTING REAR PATIO AND POOL=4617 SQFT
- 3) EXISTING HOUSE PORCHES =2738 SQFT
- 4) EXISTING DECK=819 SQFT
- 5) FILTERS, GEN, CHIM=54 SQFT

PROPOSED POOL HOUSE 13X30=390 SF

TOTAL=11,092 SQFT



- 1) ELECTRIC DISTRICT: ORANGE AND ROCKLAND
- 2) SEWER DISTRICT: RCD#1
- 3) WATER DISTRICT: VECOLIA OF NORTH AMERICA
- 4) FIRE DISTRICT: HILLCREST
- 5) AMBULANCE DISTRICT: SPRING HILL
- 6) POLICE DISTRICT: RAMAPO
- 7) SCHOOL DISTRICT: EAST RAMAPO



BEING LOT 3 ON A CERTAIN MAP ENTITLED  
"SUHL ESTATES"  
FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE  
AS MAP #6819 BOOK #115 PAGE #51 ON 05/26/1994.

TAX MAP DESIGNATION: 41.14-1-27.3

PROPOSED  
POOL HOUSE  
FOR

8 SUHL COURT

TOWN OF RAMAPO, ROCKLAND COUNTY  
REV 5/7/23  
VILLAGE OF WESLEY HILLS, NEW YORK  
REV 8/23/23  
OCTOBER 8, 2021 SCALE: 1" = 20'

ANTHONY R. CELENTANO P.L.S.  
31 ROSMAN ROAD  
THIELLS, N.Y. 10984  
845 429 5290 FAX 429 5974

ANTHONY R. CELENTANO LIC#50633

NOTE:  
"IT IS A VIOLATION OF THE STATE EDUCATION LAW  
FOR ANY PERSON UNLESS ACTING UNDER THE  
DIRECTION OF A LICENSED LAND SURVEYOR, TO  
ALTER AN ITEM IN ANY WAY."  
"ONLY COPIES OF THIS SURVEY MARKED WITH THE  
LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL  
EMBOSSED OR INK SEAL ARE THE PRODUCT OF THE  
LAND SURVEYOR."  
"THIS SURVEY WAS PREPARED FOR THE PARTIES AND  
PURPOSE INDICATED HEREON. ANY EXTENSION OF  
THE USE BEYOND THE PURPOSES AGREED TO  
BETWEEN THE CLIENT AND THE SURVEYOR, EXCEEDS  
THE SCOPE OF THE ENGAGEMENT."  
THIS SURVEY MAP IS SUBJECT TO AN ACCURATE  
ABSTRACT OF TITLE.  
EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE  
SURFACE OF THE GROUND THAT ARE  
NOT VISIBLE ARE NOT SHOWN.





September 18, 2023

Zoning Board of Appeals  
Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952

BUILDING DEPT.

SEP 20 2023

VILLAGE OF WESLEY HILLS

Re: *The Martin Residence, 428 Route 306, Wesley Hills, NY*

To the Wesley Hills Zoning Board of Appeals,

My client, Mark Martin, is requesting variances to construct a new single family residence, swimming pool, and cabana. The proposed project requires variances for exceeding the allowable *Total Side Yard Setback*, *Impervious Surface Ratio*, and *Rear Yard Setback for an Accessory Building* as stated in Section 230 and the Villages Table of Dimensional Requirements.

We believe that the threshold of “practical difficulty” has been met and therefore the variances should be granted. In making its determination, the Zoning Board of Appeals should consider the following factors:

- A) Due to the nature of the variances being sought, the benefits to the applicant, if the variances are granted, outweigh any detriment to the health, safety, and welfare of the neighborhood or community.
- B) Due to the nature of the variances, no undesirable changes will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the variances.
- C) The benefits sought by the applicant cannot be achieved by some other feasible method due to the size of property and the Owner’s programmatic requirements.
- D) The Total Impervious Surface Variance is from the allowable 25.0% to 33.0% (8.0% overage). The Total Side Yard Variance is from the allowable 60.0’ to 52.7’ (7.3’ overage). The Rear Yard Setback Variance for an Accessory Building (Cabana) is from the allowable 50.0’ to 15.0’ (35.0’ overage).
- E) These variances will be mitigated in several ways. The mitigating factors are as follows:
  - 1. While the Martins acknowledge that this house is large, they are thankful to have a very large family including many children. The 8.0% total impervious surface variance will be mitigated by the fact that the entire project will be engineered with a drainage and underground retention system, designed by Civil Tec Engineering, that will be reviewed and approved by Brooker Engineering. No new runoff from the property will be toward the neighboring properties.

2. The Total Side Yard variance is minimal, with 52.7' being proposed, with each side yard meeting or exceeding the 25.0' minimum side yard requirement. The house's front yard setback, rear yard setback, and building coverage are compliant and require no variance.
3. The 15.0' Rear Yard Variance is for the cabana only. This variance is mitigated by the small footprint and height of the cabana and the proposed screening which will totally shield it from the neighbors to the north. The pool and cabana have been placed to maximum the usable area of the backyard and solar orientation, with the current layout being ideal for these structures.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood due to the reasons outlined in items A-E. Thank you for your attention in this matter.

Sincerely,



## PART I

Name of Municipality VILLAGE OF WESLEY HILLS Date 9/18/23

Please check all that apply:

|                                                                                 |                                                 |
|---------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Planning Board                                         | <input type="checkbox"/> Architectural Board    |
| <input checked="" type="checkbox"/> Zoning Board of Appeals                     | <input type="checkbox"/> Historical Board       |
| <input type="checkbox"/> Municipal Board                                        |                                                 |
| <input type="checkbox"/> Subdivision                                            | <input type="checkbox"/> Pre-preliminary/Sketch |
| <input type="checkbox"/> Number of Lots                                         | <input type="checkbox"/> Preliminary            |
| <input type="checkbox"/> Site Plan                                              | <input type="checkbox"/> Final                  |
| <input type="checkbox"/> Special Permit                                         | <input type="checkbox"/> Conditional Use        |
| <input type="checkbox"/> Zoning Code Amendment                                  | <input type="checkbox"/> Zone Change            |
| <input checked="" type="checkbox"/> Variance * (Fill out Part II of this form.) |                                                 |

Project Name: MARTIN RESIDENCE

Applicant: MARK MARTIN Phone # -  
 Address 428 ROUTE 306 MONSEY NY 10952  
Street Name & Number (Post Office) State Zip code

Property Owner: MARK MARTIN Phone # -  
 Address 428 ROUTE 306 MONSEY NY 10952  
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: TODD ROSENBLUM Phone # 845-304-0337  
 Address 221 QUAKER RD ROMONA NY 10970  
Street Name & Number (Post Office) State Zip code

Attorney: NA Phone # -  
 Address -  
Street Name & Number (Post Office) State Zip code

Contact Person: TODD ROSENBLUM Phone # -  
 Address -  
Street Name & Number (Post Office) State Zip code

Tax Map Designation: 41.11-2-21

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Location: On the EAST side of NYS ROUTE 306  
ACROSS FROM 1861 WINDMILL & DRIVE

Acreage of Parcel 54,033 SF Zoning District R35  
 School District EAST RAMAPO Postal District MONKEY

Project Description: (If additional space required, please attach a narrative summary.)

PLEASE SEE ATTACHED NARRATIVE LETTER.

If subdivision:

- 1) Is any variance from the subdivision regulations required? \_\_\_\_\_
- 2) Is any open space being offered? \_\_\_\_\_ If so, what amount? \_\_\_\_\_

Project History: Has this project ever been reviewed before? NO

If so, list case number, name, date, and the board you appeared before.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

NA

"Permission is hereby granted to the Village of Wesley Hills, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession."

This property is within 500 feet of:  
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

☒ State or County Road ☐ State or County Park  
☐ Long Path ☐ County Stream  
☐ Municipal Boundary ☐ County Facility

List name(s) of facility checked above. NYS ROUTE 306

### Applicant's Signature and Certification

State of New York)  
 County of Rockland) SS.:  
 Town/Village of WESLEY HILLS)

I, MARK MARTIN, hereby depose and say that all the  
 above statements contained in the papers submitted herewith are true.

Mailing Address

MARK MARTIN  
428 ROUTE 306  
MONSEY NY 10952

SWORN to before this

18<sup>th</sup> day of September, 20 23  
Sarah Goldblatt  
 Notary Public

SARAH GOLDBLATT  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01GO6357422  
 Qualified in Rockland County  
 My Commission Expires 04-17-2025

**Affidavit of Ownership/Owner's Consent**

State of New York)

County of Rockland) SS.:

Town/Village of WESLEY HILLS)

I, MARK MARTIN being duly sworn, hereby  
depose and say that I reside at: 428 NYS ROUTE 306

in the county of ROCKLAND in the state of NEW YORK

I am the \* \_\_\_\_\_ owner in fee simple of premises located at:

428 ROUTE 306, MONSIEY, NY 10952

described in a certain deed of said premises recorded in the Rockland County Clerk's

Office in Liber #2008 of conveyances, page 11231

BOOK 95, PAGE 01, MAP # 5155

Said premises have been in my/its possession since 19\_\_\_\_\_. Said premises are  
also known and designated on the Town of RAMAPO Tax Map as:

section \_\_\_\_\_ block \_\_\_\_\_ lot(s) \_\_\_\_\_

41.11-2-21

I hereby authorize the within application on my behalf, and that the statements of fact  
contained in said application are true, and agree to be bound by the determination of the  
board.

Owner

Mailing Address

MARK MARTIN428 NYS ROUTE 306MONSIEY, NY 10952

SWORN to before this

18<sup>th</sup> day of September, 2023

[Signature]

Notary Public

SARAH GOLDBLATT  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01GO6357422  
Qualified in Rockland County  
My Commission Expires 04-17-2025

\* If owner is a corporation, fill in the office held by deponent and name of corporation,  
and provide a list of all directors, officers and stockholders owning more than 5% of  
any class of stock.

# Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)

County of Rockland) SS.:

Town/Village of WESLEY HILLS)

I, MARK MARTIN, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

1. Print or type full name and post office address

MARK MARTIN  
428 ROUTE 306  
MONKEY NY 10992

certifies that he is owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application for the relief below set forth:

2. To the ZONING BOARD OF APPEALS of the Town/Village of  
 (Board, Commission or Agency)  
WESLEY HILLS, Rockland County, New York:

Application, petition or request is hereby submitted for:

- ( ) Variance or modification from the requirement of Section 230  
 ( ) Special permit per the requirements of Section MIN. REAR YARD  
 ( ) Review and approval of proposed subdivision plat; ACCESSORY BLDG.  
 ( ) Exemption from a plat or official map;  
 ( ) An order to issue a certificate, permit or license;  
 ( ) An amendment to the Zoning Ordinance or Official Map or change thereof;  
 ( ) Other (explain) \_\_\_\_\_;

To permit construction, maintenance and use of A SINGLE-FAMILY RESIDENCE, SWIMMING POOL, AND CABANA.

3. Premises affected are in a R35 zone and from the town of RAMAPO tax map, the property is known as Section \_\_\_\_\_, Block, \_\_\_\_\_, Lot(s) 41.11-2-21

4. There is no state officer, Rockland County Officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. That to the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Rockland or of the Town/Village of WESLEY HILLS ZBA in the petition, request or application or in the property or subject matter to which it relates:

(if none, so state)

- a. Name and address of officer or employee NONE
- b. Nature of interest \_\_\_\_\_
- c. If stockholder, number of shares \_\_\_\_\_
- d. If officer or partner, nature of office and name of partnership \_\_\_\_\_
- e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. \_\_\_\_\_

f. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Town/Village of WESLEY HILLS.

I, MARK MARTIN, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address

MARK MARTIN  
428 ROUTE 306  
MUNSEY, NY 10952

SWORN to before this

18th day of September, 2023  
\_\_\_\_\_  
Notary Public

SARAH GOLDBLATT  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01GO6357422  
Qualified in Rockland County  
My Commission Expires 04-17-2024

**VILLAGE OF WESLEY HILLS**

432 Route 306  
 Wesley Hills, New York 10952  
 (845) 354-0400 Fax: (845) 354-4097

**AFFIDAVIT OF OWNERSHIP**

STATE OF NEW YORK }  
 COUNTY OF ROCKLAND } SS:  
 VILLAGE OF WESLEY HILLS }

MARK MARTIN being duly sworn, deposes and  
 says that he/she resides at 428 NYS ROUTE 306

in the County of Rockland, State of New York; that he/she is the owner in  
 fee of all that certain lot, piece or parcel of land situated, lying and being  
 in the Village of Wesley Hills, and designated on the Town of Ramapo  
 Map as Section No. 41.11-2-21 Lot No. \_\_\_\_\_ and that he/she hereby  
 authorizes the attached application to be submitted in his/her behalf and  
 that the statements of fact contained in said application are true.

The applicant is the (owner) (contract vendee) of the said property.

Owner: MARK MARTIN  
 Address: 428 ROUTE 306  
MONSIEY, NY 10952

Sworn to before me this

18th day of September 2023

[Signature]  
 Notary Public

SARAH GOLDBLATT  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01GO6357422  
 Qualified in Rockland County  
 My Commission Expires 04-17-2025

# AFFIDAVIT

State of New York)

County of Rockland) SS.:

Town/Village of WESLEY HILLS

I, MARK MARTIN being duly sworn deposes and says  
that he is the applicant, agent or attorney for applicant, in the matter of the petition before  
the ZONING BOARD OF APPEALS (board) in the town/village  
of WESLEY HILLS affecting property located at  
, Rockland County, New York.

That the following are all of the owners of property 750 feet (distance) from the premises as to which this application is being taken.

| SECTION/BLOCK/LOT | NAME | ADDRESS |
|-------------------|------|---------|
|-------------------|------|---------|

SEE ATTACHED LIST

SWORN to before this

11/8<sup>th</sup> day of September, 2023

Notary Public

**SARAH GOLDBLATT**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01GO6357422**  
**Qualified in Rockland County**  
**My Commission Expires 04-17-2025**

**DISCLAIMER**

APPLICANT TAKES FULL RESPONSIBILITY FOR RESEARCHING THE TAX MAP FOR THE LIST OF NAMES OF PROPERTY OWNERS ON THE ENCLOSED *AFFIDAVIT OF MAILING LIST*, AND SUPPLYING THE NECESSARY AMOUNT OF SELF-ADDRESSED STAMPED ENVELOPES.

THE APPLICANT'S ENVELOPES MUST COINCIDE WITH THE LIST. THE CLERK'S RESPONSIBILITY IS LIMITED TO CHECKING NAMES ON THE ENVELOPES AGAINST THE AFOREMENTIONED AFFIDAVIT BEFORE MAILING THEM.

RECEIPT OF THIS DISCLAIMER IS ACKNOWLEDGED

MARK MARTIN  
APPLICANT

5/18/23  
DATED

## PART II

### Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- TOTAL SWIM YARD  
MAX IMP. SURFACE  
MIN REAR YARD  
ACCESSORY STRUCTURE
- ☒ Variance from the requirement of Section 230;  
☐ Special permit per the requirements of Section \_\_\_\_\_;  
☐ Review of an administrative decision of the Building Inspector;  
☐ An order to issue a Certificate of Occupancy;  
☐ An order to issue a Building Permit;  
☐ An interpretation of the Zoning Ordinance or Map;  
☐ Certification of an existing non-conforming structure or use;  
☐ Other (*explain*) \_\_\_\_\_;

To permit construction, maintenance and use of A SINGLE FAMILY RESIDENCE,  
SWIMMING POOL, AND CABANA.

# Short Environmental Assessment Form

## Part 1 - Project Information

Item 2.

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                           |                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------|--------------------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                      |  |                           |                                            |
| Name of Action or Project:<br>Martin Residence                                                                                                                                                                                                                                                                                                                                                                       |  |                           |                                            |
| Project Location (describe, and attach a location map):<br>428 NYS Route 306, Monsey, NY 10952                                                                                                                                                                                                                                                                                                                       |  |                           |                                            |
| Brief Description of Proposed Action:<br>Construction of a single family residence requiring variances for total side yard, maximum impervious surface ratio, and rear yard setback for an accessory building.                                                                                                                                                                                                       |  |                           |                                            |
| Name of Applicant or Sponsor:<br>Todd Rosenblum                                                                                                                                                                                                                                                                                                                                                                      |  | Telephone: 845-364-0337   |                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                      |  | E-Mail: todd@adaparch.com |                                            |
| Address:<br>221 Quaker Road                                                                                                                                                                                                                                                                                                                                                                                          |  |                           |                                            |
| City/PO:<br>Pomona                                                                                                                                                                                                                                                                                                                                                                                                   |  | State:<br>NY              | Zip Code:<br>10970                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.                                                                 |  |                           | NO<br><input checked="" type="checkbox"/>  |
|                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                           | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: Wesley Hills Building Department                                                                                                                                                                                                                          |  |                           | NO<br><input type="checkbox"/>             |
|                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                           | YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                              |  | 54,033 sf acres           |                                            |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                         |  | 30,000 sf acres           |                                            |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                               |  | 54,033 sf acres           |                                            |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                                                                                                                                                                     |  |                           |                                            |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland |  |                           |                                            |

|                                                                                                                                                                                                                                                                                                                                                                                      |  | NO                                  | YES                                 | Item 2.                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           |  |                                     |                                     |                          |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      |  | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?                                                                                                                                                                                                                                                                     |  | NO                                  | YES                                 |                          |
| If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                              |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     |  | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?                                                                                                                                                                                                                                                                                                       |  | NO                                  | YES                                 |                          |
| If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____                                                                                                                                                                                                                                                                        |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     |  | NO                                  | YES                                 |                          |
| If No, describe method for providing potable water: _____<br>_____                                                                                                                                                                                                                                                                                                                   |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               |  | NO                                  | YES                                 |                          |
| If No, describe method for providing wastewater treatment: _____<br>_____                                                                                                                                                                                                                                                                                                            |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? |  | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?                                                                                                                                                                  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?                                                                                                                                                                                             |  | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                                                                                                 |  |                                     |                                     |                          |

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- ☐ Shoreline   ☐ Forest   ☐ Agricultural/grasslands   ☐ Early mid-successional  
☐ Wetland   ☐ Urban   ☒ Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

| NO                                  | YES                      |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

16. Is the project site located in the 100-year flood plan?

| NO                                  | YES                      |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

17. Will the proposed action create storm water discharge, either from point or non-point sources?

If Yes,

a. Will storm water discharges flow to adjacent properties?

| NO                       | YES                                 |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

If Yes, briefly describe:

| NO                                  | YES                      |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

If Yes, explain the purpose and size of the impoundment:

Residential swimming pool

| NO                       | YES                                 |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

If Yes, describe:

| NO                                  | YES                      |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

If Yes, describe:

| NO                                  | YES                      |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Todd Rosenblum

Date: 9/18/23

Signature:

*Todd Rosenblum*

Title: Architect

| Impervious Surface: | Percentage Overall |
|---------------------|--------------------|
| Driveway            | 6,540 SF 12.1%     |
| Dwelling            | 5,721 SF 10.6%     |
| Front Entrance      | 62 SF 0.1%         |
| Rear Patio          | 1,027 SF 1.9%      |
| Cabana              | 277 SF 0.5%        |
| Pool                | 880 SF 1.6%        |
| Spa                 | 50 SF 0.1%         |
| Pool Patio          | 1,841 SF 3.4%      |
| Window Wells        | 120 SF 0.2%        |
| Path                | 981 SF 1.8%        |
| Total               | 17,499 SF 32.4%    |

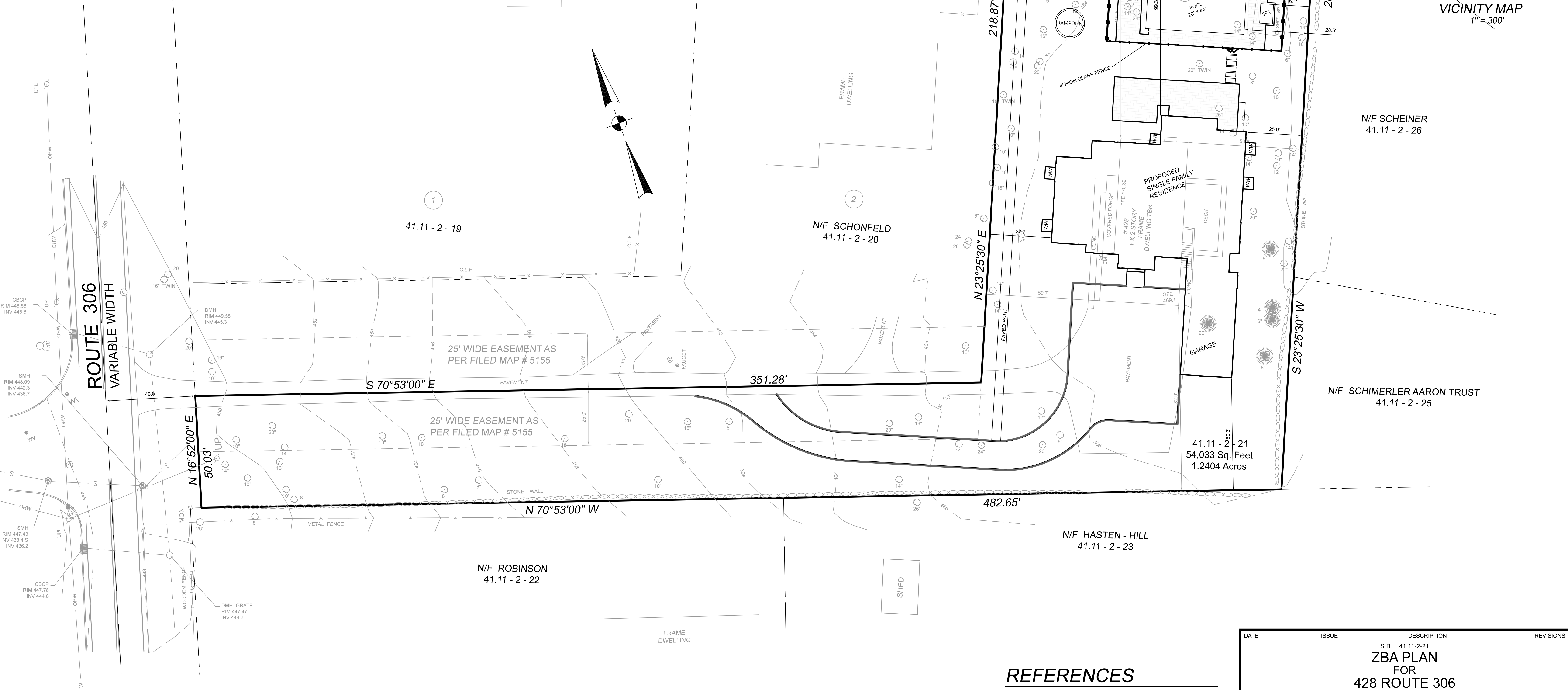
Impervious Surface Ratio  
17,499 SF Impervious/54,033 SF lot area  
33%

| Front Yard Impervious Surface |          |
|-------------------------------|----------|
| Driveway                      | 4433 SF  |
| Path                          | 106 SF   |
| Total                         | 4539 SF  |
| Front Yard Area               | 24313 SF |

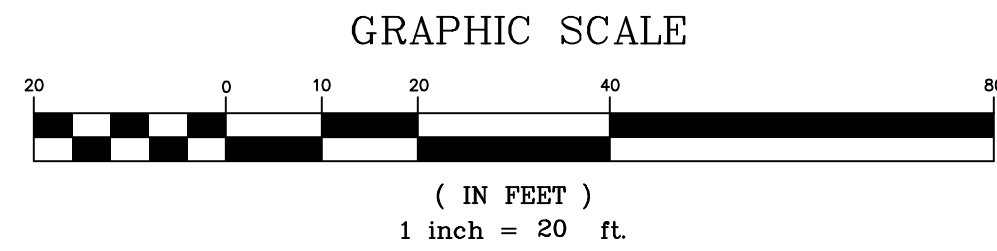
4539 SF Impervious/24313 Front Yard  
0.19



VICINITY MAP  
1"=300'



| Bulk Requirements: R-35 Single Family Residence |              |                  |               |                |               |                         |                     |               |                         |                              |                                         |
|-------------------------------------------------|--------------|------------------|---------------|----------------|---------------|-------------------------|---------------------|---------------|-------------------------|------------------------------|-----------------------------------------|
|                                                 | Min Lot Area | Min Lot Frontage | Min Lot Width | Min Front Yard | Min Side Yard | Min Side Yard Accessory | Min Total Side Yard | Min Rear Yard | Min Rear Yard Accessory | Max Impervious Surface Ratio | Max Front Yard Impervious Surface Ratio |
| Required                                        | 35,000 SF    | 100 FT           | 125 FT        | 50 FT          | 25 FT         | 25 FT                   | 60 FT               | 50 FT         | 50 FT                   | 0.25                         | 0.2                                     |
| Provided                                        | 54,033 SF    | 50 FT*           | 50 FT*        | 50.3 FT        | 25 FT         | 38.1 FT                 | 52.7 FT**           | 99.3 FT       | 15 FT                   | 0.33**                       | 0.19                                    |
|                                                 |              | Existing         | Existing      |                |               |                         | Variance            |               | Variance                | Variance                     |                                         |



## REFERENCES

1. BEING SECTION 41.11, BLOCK 2, LOT 21 OF THE VILLAGE OF WESLEY HILLS AND TOWN OF RAMAPO TAX MAPING.
2. LOT DESCRIBED BY DEED IN INSTRUMENT NO. 2008 AT PAGE 11231 AT THE ROCKLAND COUNTY CLERKS OFFICE.
3. BEING LOT 3 ON A MAP ENTITLED "SUBDIVISION PLAT OF LANDS OF ROBERT S. CHERRY", AND FILED IN THE ROCKLAND COUNTY CLERKS OFFICE ON JULY 11, 1980 IN BOOK 95 ON PAGE 61 AS MAP NUMBER 5155.
4. TOTAL AREA = 54,033 SQUARE FEET OR 1.2404 ACRES.

| DATE                                                                                    | ISSUE | DESCRIPTION | REVISIONS       |
|-----------------------------------------------------------------------------------------|-------|-------------|-----------------|
| S.B.L. 41.11-2-21                                                                       |       |             |                 |
| ZBA PLAN                                                                                |       |             |                 |
| FOR                                                                                     |       |             |                 |
| 428 ROUTE 306                                                                           |       |             |                 |
| VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK                                    |       |             |                 |
| <b>CIVIL TEC</b> Engineering & Surveying PC                                             |       |             | DATE: 9/18/23   |
| 139 Lafayette Avenue, 2nd Fl.<br>Suffern, NY 10901<br>P 845.547.2241 - F 845.547.2243   |       |             | DRAWN BY: RB/LT |
| 111 Main Street<br>Chester, NY 10918<br>845.610.3621                                    |       |             | CHKD BY: RB/LT  |
| Civil Engineering & Land Surveying Services that Build Communities<br>www.Civil-Tec.com |       |             |                 |
| Rachel B. Barese, P.E.<br>N.Y. Lic. No. 90143                                           |       |             | JOB No. 3768    |
|                                                                                         |       |             | SCALE: 1"=20'   |
|                                                                                         |       |             | DWG No. 1 OF 24 |



September 22, 2023

Zoning Board of Appeals  
Village of Wesley Hills  
432 Route 306  
Wesley Hills, NY 10952

**RE: The Martin Residence  
428 Route 306  
Wesley Hills, NY**

Dear Members of the Zoning Board:

The New York State Department of Transportation (NYSDOT) has received a General Municipal Law Review Referral Form for the above subject project and has conducted a review of the information received. NYSDOT does not anticipate direct impacts to the State's highway system associated with the subject project at this time.

A Highway Work Permit (HWP) is required for any work within the State Highway Right-of-Way. If future work is proposed within the State Highway Right-of-Way as part of this project, the applicant is encouraged to review the permit process and all required HWP forms on the NYSDOT website: <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>.

We appreciate the Town's effort in involving the NYSDOT in the review process.

Thank you and if you have any questions, please contact me at: 845-634-4661;  
[ralph.tarulli@dot.ny.gov](mailto:ralph.tarulli@dot.ny.gov)

Sincerely,

Ralph Tarulli, PE (DOT Consultant)  
Permit Engineer  
NYSDOT, Rockland County Residency  
Region 8, 275 Ridge Road, New City, NY 10956 | [www.dot.ny.gov](http://www.dot.ny.gov)



BUILDING DEPT.

OCT 5 2023

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

VILLAGE OF WESLEY HILLS

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

October 4, 2023

Wesley Hills Zoning Board of Appeals  
432 Route 306  
Wesley Hills, NY 10952

Tax Data: 41.11-2-21

**Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M****Map Date: 09/18/2023****Date Review Received: 09/25/2023****Item: MARK MARTIN/428 ROUTE 306 (Whl-201)**

Variances to permit the construction of a single-family dwelling with a pool and cabana, located on 1.24 acres in the R-35 zoning district. The existing dwelling will be demolished. The requested variances include total side yard, rear yard to the accessory structure, and maximum impervious surface ratio. West side of Route 306, opposite Windmill Drive

**Reason for Referral:**

NYS Route 306

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

1 Based on the bulk table, it appears the front lot line is being measured to the southern property line, with the eastern and western property lines being measured as the side lot lines, and the northern property line as the rear lot line. Section 230-5 defines "Lot line, front" as "Any lot line separating the lot from the street." While this lot is a flag lot, it has street frontage along the western property line. Therefore, we believe the western yard should be used as the front yard. If this is the case, a new application must be submitted to the Village, and referred to this department, that corrects this. Variances would be required for front yard, side yard to the accessory structure, and rear yard to the accessory structure, in addition to the maximum impervious surface variance.

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. We caution the Village to consider precedent before granting a substantial variance for maximum impervious surface ratio. This bulk standard can particularly define the neighborhood's community character. Granting an impervious surface ratio variance that is 32 percent greater than permitted will set a precedent that may result in nearby property owners seeking the same relief. Increased coverage will result in a neighborhood characterized by greater building mass and less green space. Yard variances are also required for this larger residence. The Zoning Board of Appeals must consider the cumulative and community impacts of permitting such development before granting variances. The size of the principal and/or accessory structures should be reduced to more closely comply with the Village standards.

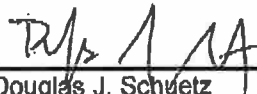
**MARK MARTIN/428 ROUTE 306 (Whi-201)**

- 3 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and all required permits obtained.
- 5 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 6 To help reduce the impervious surface ratio variance required for this development, a reduction of impervious surfaces must be considered. It is recommended that the use of porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and properly maintained porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be evaluated such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques, the Village and the applicant should review Chapter 5 'Green Infrastructure Practices' of the 2015 NYSDEC Stormwater Design Manual.
- 7 The required maximum building coverage is listed to be 0.114. In the R-35 zoning district, the maximum permitted building coverage is 0.10. This may be increased to 0.15 for single-family, detached dwellings that do not exceed 1.5 stories and 15 feet in building height. The maximum building coverage may be increased to a percentage between 0.10 and 0.15 for single-family, detached dwellings that only partially exceed this height based on a calculation listed in the notes of the Table of Dimensional Requirements. The maximum height of the proposed structure is listed as 22 feet. No other information is provided regarding the building height. If a portion of the building does not exceed 1.5 stories and 15 feet in height, it must be stated. The calculation to determine the maximum building coverage must also be provided on the site plan. Since the proposed building coverage is 0.113, if the maximum permitted building coverage is less than this, an additional variance will be required.
- 8 As per the Hudson Valley Natural Resource Mapper (<https://gisservices.dec.ny.gov/gis/hvnrm/>), the entire site is located within a "known important area for rare terrestrial animals." In addition, the southwestern portion of the lot is within the riparian buffer of a Class C trout stream, a tributary of the Mahwah River. The Village must consider the potential environmental impacts from the increased coverage associated with this residential development.
- 9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.
- 11 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

**MARK MARTIN/428 ROUTE 306 (Whi-201)**

11.1 This application was officially received by the Rockland County Planning Department on September 25, 2023. The application materials indicate that the public hearing will be held on October 18, 2023. As a reminder, State General Municipal Law, Section 239 (m) 4.(b) states that "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations." Adequate time must be provided to the Rockland County Planning Department in order for us to do our review before the public hearing is scheduled and the matter heard before the board.

11.2 The site plan shall contain map notes that list all appropriate information, including the district details and parcel specific information such as lot area, zoning designation, owner, and existing and proposed use.

  
 Douglas J. Schuetz  
 Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills  
 New York State Department of Transportation  
 Rockland County Department of Health  
 Rockland County Sewer District No. 1  
 Civil Tec Engineering & Surveying PC

**Rockland County Planning Board Members**

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings. The review undertaken by the County of Rockland Department of Planning is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the County of Rockland Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

**CENTER FOR ENVIRONMENTAL HEALTH**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building D  
Pomona, New York 10970  
Phone: (845) 364-2608 Fax: (845) 364-2025

**Public Health**  
Prevent. Promote. Protect.

**EDWIN J. DAY**  
*County Executive*

**SAMUEL RULLI, PE**  
*Director, Environmental Health*

October 13, 2023

Alicia Schultz, Deputy Village Clerk  
Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952

Re: Municipal Referral  
Mark Martin  
428 Route 306  
Variances for a Single-Family Dwelling  
Tax lot 41.11-2-21

Dear Ms. Schultz:

We have received an application and plans as prepared by Civil Tec Engineering & Surveying PC, revised through September 18, 2023, for the above referenced project. Comments are as follows:

1. Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

If you have any questions regarding this matter, do not hesitate to call.

Very truly yours,

Elizabeth Mello, P.E.  
Senior Public Health Engineer  
(845) 364-2616

cc: Michael Kezner, Rockland County Department of Planning  
Civil Tec Engineering & Surveying PC



**432 Route 306**

**Wesley Hills, N.Y. 10952-1221**

Phone 845-354-0400 FAX 845-354-4097 [www.wesleyhills.org](http://www.wesleyhills.org)

Date: October 13, 2023

To: Zoning Board of Appeals and Board Attorney

From: John C. Layne, Building Inspector

Re: Rockland County Dept. of Planning GML review letter dated  
September 25, 2023 for Mark Martin at 428 Route 306 Monsey, NY  
41.11-2-21

Please be advised that I have discussed this project with the applicant's Architect on more than one occasion. After looking at all of the available options, placing the structure facing the southern property line actually puts it in conformity with the neighboring flag lot, which shares a common driveway. The area surrounding this dwelling is completely developed. This dwelling would align with those to the rear and east sides. For those reasons, I support the submitted plans and placement of said dwelling.

## INSTRUCTIONS

The following must be completed before the application is reviewed and scheduled for the Zoning Board of Appeals meeting:

1. Filing fee of \$150.00 for an existing residence, \$150.00 for actions involving new one-family residences plus \$100.00 per variance sought or \$350.00 plus \$100.00 per variance sought for all other applications plus actual publication sought.
2. Twelve copies of the application, twelve plot plans drawn to scale (showing setbacks and other dimensions) or twelve surveys that has been sworn or attested to as being true and accurate.
3. Twelve copies of a narrative describing why the applicant is appearing before the board.
4. Twelve copies of reference to the Zoning Board of Appeals (Building Inspector's determination, Code Inspector's determination, referral from the Planning Board or for an interpretation of the Zoning Code). No application can come for a variance without first being denied by the Building Inspector or Code Inspector or referred from the Planning Board.
5. List of names and addresses, along with stamped self-addressed envelopes, of all property owners within a 750 foot radius of the property covered in the application.
6. Twelve copies of a vicinity map.

The application must be received at least four weeks prior to be scheduled for a Zoning Board of Appeals meeting and is subject to the review by the Zoning Board of Appeals attorney. You will be notified as the date of the meeting. You will be provided with posters giving notice of the hearing which shall be posted in a conspicuous place visible from every street along the frontage of the property referred to in the application. These notices must be posted 10 days prior to the scheduled meeting.

**PART I**Name of Municipality VILLAGE OF WESLEY HILLS Date September 12, 2023*Please check all that apply:*

|                                                                                        |                                                 |
|----------------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Planning Board                                                | <input type="checkbox"/> Architectural Board    |
| <input checked="" type="checkbox"/> Zoning Board of Appeals                            | <input type="checkbox"/> Historical Board       |
| <input type="checkbox"/> Municipal Board                                               |                                                 |
| <input type="checkbox"/> Subdivision                                                   | <input type="checkbox"/> Pre-preliminary/Sketch |
| <input type="checkbox"/> Number of Lots                                                | <input type="checkbox"/> Preliminary            |
| <input type="checkbox"/> Site Plan                                                     | <input type="checkbox"/> Final                  |
| <input type="checkbox"/> Special Permit                                                | <input type="checkbox"/> Conditional Use        |
| <input type="checkbox"/> Zoning Code Amendment                                         | <input type="checkbox"/> Zone Change            |
| <input checked="" type="checkbox"/> Variance * (Fill out <b>Part II</b> of this form.) |                                                 |

Project Name: 21 Amsterdam Ave Monsey NY 10952

Applicant: Baruch and Cheryl Fruchthandler Phone #   
 Address 21 Dike Drive Monsey NY 10952  
 Street Name & Number (Post Office) State Zip code

Property Owner: Baruch and Cheryl Fruchthandler Phone #   
 Address 21 Amsterdam Ave Monsey NY 10952  
 Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: Paul Gdanski Phone # 917-418-0999  
 Address 25 Riverside Drive Suffern NY 10901  
 Street Name & Number (Post Office) State Zip code

Attorney:  Phone #   
 Address   
 Street Name & Number (Post Office) State Zip code

Contact Person: Stanley Mayerfeld Phone # 917-573-1369  
 Address 17 Bruck Ct Spring Valley N.Y. 10977  
 Street Name & Number (Post Office) State Zip code

**Tax Map Designation:**

Section 41.11 Block 1 Lot(s) 38  
 Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Location: On the North side of Amsterdam Ave,  
270 feet North of Jodi Ct.

Acreage of Parcel 35,151 Zoning District R-35  
 School District East Ramapo Postal District 10952

**Project Description:** *(If additional space required, please attach a narrative summary.)*

To permit construction, maintenance and use of a new single family residence not complying with minimum total side yard, maximum front yard surface coverage, and maximum building coverage.

See attached narrative.

**If subdivision:**

- 1) Is any variance from the subdivision regulations required? No
- 2) Is any open space being offered? No If so, what amount? \_\_\_\_\_

**Project History:** Has this project ever been reviewed before? No

If so, list case number, name, date, and the board you appeared before.

\_\_\_\_\_  
 \_\_\_\_\_

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

4.11-1-39

*"Permission is hereby granted to the Village of Wesley Hills, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession."*

## PART II

### Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- ☒ Variance from the requirement of Section 230-17 \_\_\_\_\_;
- ☐ Special permit per the requirements of Section \_\_\_\_\_;
- ☐ Review of an administrative decision of the Building Inspector;
- ☐ An order to issue a Certificate of Occupancy;
- ☐ An order to issue a Building Permit;
- ☐ An interpretation of the Zoning Ordinance or Map;
- ☐ Certification of an existing non-conforming structure or use;
- ☐ Other (*explain*) \_\_\_\_\_;

To permit construction, maintenance and use of \_\_\_\_\_

To permit construction, maintenance and use of a new single family residence

not complying with minimum total side yard, maximum front yard surface coverage, and

maximum building coverage. See attached narrative.

\_\_\_\_\_



**Affidavit of Ownership/Owner's Consent**

State of New York  
 County of Rockland  
 Village of Wesley Hills

We, Baruch and Cheryl Fruchthandler being duly sworn, hereby

depose and say that we reside at: 21 Amsterdam Ave  
Monsey NY 10952

in the county of Rockland in the state of NY.

I am the \* \_\_\_\_\_ owner in fee simple of premises located at:

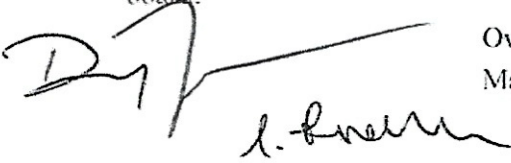
21 Amsterdam Ave  
Monsey NY 10952

lot described in a certain deed of said premises recorded in the Rockland County Clerk's office  
 as map # 2900, Book 63, Page 35.

Said premises have been in my/its possession since 2012. Said premises are  
 also known and designated on the Town of Ramapo Tax Map as:

section 41.11 block 1 lot(s) 38

I hereby authorize the within application on my behalf, and that the statements of fact  
 contained in said application are true, and agree to be bound by the determination of the  
 board.



Owner

Mailing Address

Baruch and Cheryl Fruchthandler

21 Amsterdam Ave

Monsey NY 10952

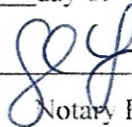
SWORN to before this

19th

day of

September

2023

  
 Notary Public

GLORIA KATZ  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01KA6084800  
 Qualified in New York County  
 Commission Expires Dec 16, 2024

\* If owner is a corporation, fill in the office held by deponent and name of corporation,  
 and provide a list of all directors, officers and stockholders owning more than 5% of  
 any class of stock.

4. There is no state officer, Rockland County Officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. That to the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Rockland or of the Town/Village of Wesley Hills in the petition, request or application or in the property or subject matter to which it relates:

(if none, so state)

- a. Name and address of officer or employee \_\_\_\_\_
- b. Nature of interest \_\_\_\_\_
- c. If stockholder, number of shares \_\_\_\_\_
- d. If officer or partner, nature of office and name of partnership \_\_\_\_\_
- e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership. \_\_\_\_\_

f. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Town/Village of Wesley Hills

I, \_\_\_\_\_, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.



Mailing Address

**Baruch and Cheryl Fruchthandler**

**21 Amsterdam Ave**

**Monsey NY 10952**

SWORN to before this

19<sup>th</sup> day of September, 2023  
 \_\_\_\_\_  
 Notary Public

GLORIA KATZ  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01KA6084800  
 Qualified in New York County  
 Commission Expires Dec 16, 2026

**VILLAGE OF WESLEY HILLS**

432 Route 306  
 Wesley Hills, New York 10952  
 (845) 354-0400 Fax: (845) 354-4097

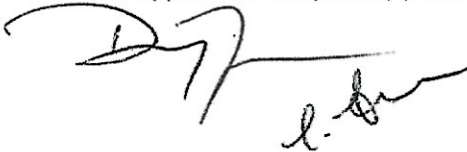
**AFFIDAVIT OF OWNERSHIP**

STATE OF NEW YORK        }  
 COUNTY OF ROCKLAND    } SS:  
 VILLAGE OF WESLEY HILLS }

**Baruch and Cheryl Fruchthandler** being duly sworn, deposes and says that he/she resides at  
**21 Amsterdam Ave**  
**Monsey NY 10952**

\_\_\_\_\_ in the County of Rockland,  
 State of New York; that he/she is the owner in fee of all that certain lot, piece or parcel of land situated,  
 lying and being in the Village of Wesley Hills, and designated on the Town of  
 Ramapo Map as Section No. 41.11 Lot No. 1-38 and that he/she hereby authorizes the attached  
 application to be submitted in his/her behalf and that the statements of fact contained in said  
 application are true.

The applicant is the (owner) (contract vendee) of the said property.



Owner: **Baruch and Cheryl Fruchthandler**

Address: **21 Amsterdam Ave Monsey NY 10952**

Sworn to before me this

19th day of September 2023

Notary Public

GLORIA KATZ  
 NOTARY PUBLIC STATE OF NEW YORK  
 Registration No. 01KA6084800  
 Qualified in New York County  
 Commission Expires Dec 16, 2026

**VILLAGE OF WESLEY HILLS**

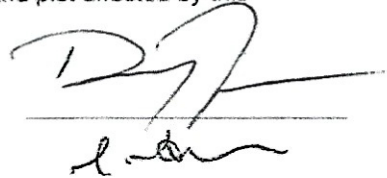
432 Route 306  
 Wesley Hills, New York 10952  
 (845) 354-0400 Fax: (845) 354-4097

**AFFIDAVIT OF POSTING**

STATE OF NEW YORK }  
 COUNTY OF ROCKLAND } SS:  
 VILLAGE OF WESLEY HILLS }

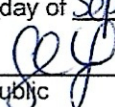
\_\_\_\_\_ being duly sworn, deposes and  
 says that he/she is the applicant in the matter of an application before the  
 Village of Wesley Hills Zoning Board affecting property located at  
 \_\_\_\_\_, Wesley Hills, Town of Ramapo,  
 Rockland County, New York.

That on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_ he/she posted the  
 posters provided by the Zoning Board of the Village of Wesley Hills  
 giving notice of the hearing on this application in a conspicuous place  
 visible from every street along the frontage of the plot affected by this  
 application.



Sworn to before me this

19th day of September 2023

Notary Public 

GLORIA KATZ  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No 01KA6084800  
 Qualified in New York County  
 Commission Expires Dec 16, 2026

**AFFIDAVIT**

State of New York)  
 County of Rockland) SS.: Town/  
 Village of Wesley Hills )

We Baruch and Cheryl Fruchthandler being duly sworn deposes and says  
 that he is the applicant, agent or attorney for applicant, in the matter of the petition before  
 the Zoning (board) in the town/village  
 of Wesley Hills affecting property located at  
21 Amsterdam Ave Monsey NY 10952, Rockland County, New York.

That the following are all of the owners of property 750 feet (distance)  
 from the premises as to which this application is being taken.

| SECTION/BLOCK/LOT          | NAME | ADDRESS |
|----------------------------|------|---------|
| <b><u>SEE ATTACHED</u></b> |      |         |

SWORN to before this

19th day of September, 2023

Gloria Katz  
 Notary Public

GLORIA KATZ  
 NOTARY PUBLIC, STATE OF NEW YORK  
 Registration No. 01KA6084800  
 Qualified in New York County  
 Commission Expires Dec 16, 2026

Page 8

## **DISCLAIMER**

APPLICANT TAKES FULL RESPONSIBILITY FOR RESEARCHING THE TAX MAP FOR THE LIST OF NAMES OF PROPERTY OWNERS ON THE ENCLOSED *AFFIDAVIT OF MAILING LIST*, AND SUPPLYING THE NECESSARY AMOUNT OF SELF-ADDRESSED STAMPED ENVELOPES.

THE APPLICANT'S ENVELOPES MUST COINCIDE WITH THE LIST. THE CLERK'S RESPONSIBILITY IS LIMITED TO CHECKING NAMES ON THE ENVELOPES AGAINST THE AFOREMENTIONED AFFIDAVIT BEFORE MAILING THEM.

RECEIPT OF THIS DISCLAIMER IS ACKNOWLEDGED

Baruch and Cheryl Fruchthandler  
APPLICANT

Sepetember 12, 2023

\_\_\_\_\_  
DATED

## PART II

### Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- ☒ Variance from the requirement of Section 230-17 \_\_\_\_\_;
- ☐ Special permit per the requirements of Section \_\_\_\_\_;
- ☐ Review of an administrative decision of the Building Inspector;
- ☐ An order to issue a Certificate of Occupancy;
- ☐ An order to issue a Building Permit;
- ☐ An interpretation of the Zoning Ordinance or Map;
- ☐ Certification of an existing non-conforming structure or use;
- ☐ Other (*explain*) \_\_\_\_\_;

To permit construction, maintenance and use of a new single family residence not complying with minimum total side yard, maximum front yard surface coverage, and maximum building coverage.

See attached narrative..

AS APPLICABLE, COMPLETE THE FOLLOWING:

- 1) SHORT ENVIRONMENTAL ASSESSMENT FORM
- 2) FULL ENVIRONMENTAL ASSESSMENT FORM

*For access to the above State Environmental Quality Review forms:*

<http://www.dec.ny.gov/public/6191.html>

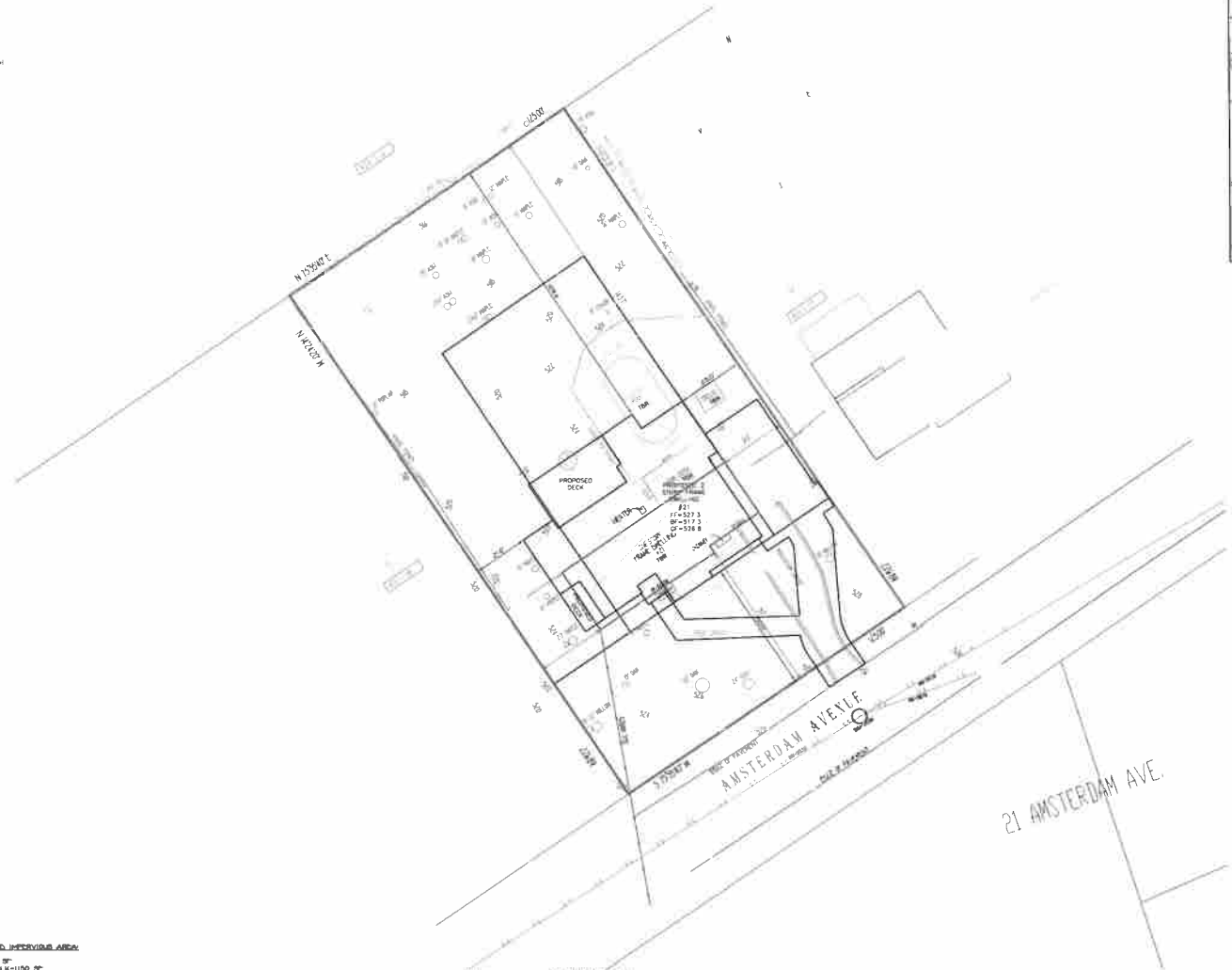
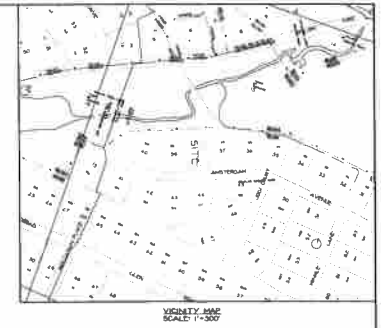
INSTRUCTIONS

The following must be completed before the application is reviewed and scheduled for the Zoning Board of Appeals meeting:

7. Filing fee of \$150.00 for an existing residence, \$150.00 for actions involving new one-family residences plus \$100.00 per variance sought or \$350.00 plus \$100.00 per variance sought for all other applications plus actual publication sought.
8. Twelve copies of the application, twelve plot plans drawn to scale (showing setbacks and other dimensions) or twelve surveys that have been sworn or attested to as being true and accurate.
9. Twelve copies of a narrative describing why the applicant is appearing before the Board.
10. Twelve copies of reference to the Zoning Board of Appeals (Building Inspector's determination, Code Inspector's determination, referral from the Planning Board or for an interpretation of the Zoning Code). No application can come for a variance without first being denied by the Building Inspector or Code Inspector or referred from the Planning Board.
11. List of names and addresses, along with stamped self-addressed envelopes, of all property owners within a 750 foot radius of the property covered in the application.
12. Twelve copies of a vicinity map.

The application must be received at least four weeks prior to be scheduled for a Zoning Board of Appeals meeting and is subject to the review by the Zoning Board of Appeals attorney. You will be notified as the date of the meeting. You will be provided with posters giving notice of the hearing which shall be posted in a conspicuous place visible from every street along the frontage of the property referred to in the application. These notices must be posted 10 days prior to the scheduled meeting.

TAX LOT SECTION 41B BLOCK 1 LOT 3B  
 REFERENCES  
 ALL BOUNDARY INFORMATION IS REFERENCED  
 FROM A SURVEY PREPARED BY ANTHONY S  
 CELENTANO, PLS DATED JANUARY 31, 2020  
 BEING LOT 18 OF SUBDIVISION PLAT, PART OF  
 SECTION 2, DUTCH VILLAGE IN VILLAGE OF THE  
 ROCKLAND COUNTY CLERK'S OFFICE ON AUGUST 8, 1941  
 AS MAP 1, 2000, BOOK 43 PAGE 35



**EXISTING SURFACES**  
 EXISTING  
 DWELLING - 1090 SF  
 DRIVEWAY & WALK - 100 SF  
 DECK - 343 SF  
 PORCH - 147 SF  
 TERRACE - 73 SF  
 TOTAL - 1653 SF  
 PROPOSED  
 DWELLING - 3441 SF  
 DRIVE & WALK - 2597 SF  
 DECK & FRONT PORCH - 645 SF  
 TOTAL - 7083 SF

**FRONT YARD IMPERVIOUS AREA**  
 EXISTING  
 DRIVE & WALK - 1100 SF  
 PAV - 100 SF  
 TOTAL - 1200 SF  
 PROPOSED  
 DRIVE & WALK - 1308 SF  
 PAV - 100 SF  
 TOTAL - 1408 SF

VILLAGE OF WESLEY HILLS BULK REQUIREMENTS  
 ZONE R-35  
 SINGLE FAMILY DWELLING

|      | MINIMUM LOT AREA (SQ FT) | MINIMUM LOT FRONTAGE (FT) | MINIMUM LOT WIDTH (FT) | MINIMUM EFFECTIVE SIDE (FT) | FRONT YARD (FT) | SIDE YARD (FT) | TOTAL SIDE YARD (FT) | REAR YARD (FT) | MAXIMUM IMPERVIOUS SURFACE RATIO | MAXIMUM FRONT YARD IMPERVIOUS SURFACE RATIO | MAXIMUM BUILDING COVERAGE | MAXIMUM BUILDING HEIGHT (STORIES/FT) | MAXIMUM EXPOSED BUILDING HEIGHT (FT) |
|------|--------------------------|---------------------------|------------------------|-----------------------------|-----------------|----------------|----------------------|----------------|----------------------------------|---------------------------------------------|---------------------------|--------------------------------------|--------------------------------------|
| REGD | 35,000                   | 100                       | 125                    | 125                         | 50              | 25             | 40                   | 50             | 0.25                             | 0.20                                        | 0.10                      | 2.5 / 25                             | 40                                   |
| EXST | 28,500                   | 1250                      | 1250                   | 125                         | 570             | 24.8*          | 50.8*                | 1637           | 0.80                             | 0.10                                        | 0.075                     | 2 / 12.5                             | 40                                   |
| PROD | 28,500                   | 1250                      | 1250                   | 125                         | 500             | 250            | 440**                | 1094           | 0.250                            | 0.209**                                     | 0.128**                   | 2 / 12.5                             | 40                                   |

\* EXIST. CONDITION  
 \*\* VARIANCE REQUIRED

MAXIMUM BUILDING COVERAGE CALCULATION PER ZONING LAW  
 SQUARE FOOTAGE OF BUILDING LESS THAN IS HEIGHT OR 1-1/2 STORES -  
 15 STORY - 343 SF  
 TOTAL BUILDING AREA - 3441 SF  
 MAX BLDG COVERAGE ALLOWED - 12.12% (3441/28500) = 12.12%  
 BUILDING COVERAGE - 12.12% (3441/28500) = 12.12%  
 PROPOSED  
 DWELLING - 3441 SF  
 TOTAL - 3441 SF  
 BUILDING COVERAGE - 12.12% (3441/28500) = 12.12%



|                                                                                                                    |                                                |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| REVISIONS                                                                                                          |                                                |
|                                                                                                                    |                                                |
| PLOT PLAN<br>FOR<br><b>FRUCHTHANDLER</b><br>LOCATED IN THE<br>VILLAGE OF WESLEY HILLS<br>ROCKLAND COUNTY, NEW YORK |                                                |
| GRAPHIC SCALE                                                                                                      |                                                |
| <b>PAUL GDANSKI, PE, PLLC</b><br>25 RIVERSIDE DRIVE<br>SUFFERN, NY 10901<br>TEL: (914) 418-0999                    | ZIAMSTER<br>AUG 3, 2023<br>1" = 20'<br>1" = 1' |



## ZONING BOARD OF APPEALS MEETING MINUTES

October 18, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

---

### CALL TO ORDER

**ROLL CALL:** Jonathan Gewirtz, Chairman  
Richard Weinberger  
Stefanie Collantes-Bouvry  
Randi Marlin  
Stuart Zelmanovitz, Ad Hoc  
Barry Rozenberg, Ad Hoc

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

### Item #1-Continued Public Hearing-Eli Amsterdam-8 Suhl Lane

Chairman Gewirtz read the public hearing notice into the record. Ira Emanuel emailed a request to the Village Hall Deputy Village Clerk to adjourn the public hearing for the November 15, 2023 ZBA meeting, as they still need GML responses from the Rockland County agencies, as they submitted copies of the new plans to the Village only last week.

Chairman Gewirtz made a motion to continue the Public Hearing to the November 15, 2023 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

### Item #2- Continued Public Hearing-Larry and Sarah Katz- 16 Judith Lane

Chairman Gewirtz read the public hearing notice into the record. Kalman Herskovits from Construction Expediting was present for the applicant. Mr. Herskovits stated that after the ZBA site visit on October 15, 2023, the applicant changed their plans and removed TWO (2) previously requested variances for front yard impervious and basketball side yard. They are now requesting THREE (3) variances for maximum impervious surface of .342 when .25 is the maximum, pool side yard of 4.8 feet when 15 feet is the minimum, and fence height of 9.1 feet when 6 feet is the maximum height. After Mr. Herskovits and the Board looked at the plans, it was realized that it is actually a 6-foot fence atop a 3 foot high wall, therefore a variance is not needed for the fence height.

Chairman Gewirtz noted that there is a lot of macadam and should be minimized to lower the impervious surface variance. Mr. Herskovits agreed and reduced the request for maximum impervious surface from .324 to .30, when the maximum allowed is .25, and changed the pool side yard from 4.8 feet to 11 feet, when the minimum is 15 feet. Chairman Gewirtz stated that at the site visit, it was noted that the lot line is in the middle of a ditch between the applicant and the neighbor.

Chairman Gewirtz read the following letters of support into the record:

1. 14 Judith Lane      2. 15 Judith Lane      3. 18 Judith Lane
4. 20 Judith Lane

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

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

Chairman Gewirtz made a motion to amend the application and change the proposed maximum impervious surface from .324 to .30, when the maximum allowed is .25, and change the pool side yard from 4.8 feet to 11 feet, when the minimum is 15 feet, 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 Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

### **Item #3- Public Hearing-Mark Martin- 428 Route 306**

Chairman Gewirtz read the public hearing notice into the record. Todd Rosenblum, the applicant's Architect, was present. Mr. Rosenblum stated that the property is oddly located and on a flag lot. Mr. Rosenblum stated that it is noted that the proposed front door does not face the main roadway. Mr. Rosenblum added that the neighboring property to the west is on the same side as Route 306, and the proposed front door would face the side of the neighboring house if they built it to face the main roadway as recommended by the Rockland County Planning Department. Mr. Rosenblum stated that he had a conversation with John Layne the Building Inspector regarding this issue, and Mr. Layne has provided a memo stating that he disagrees with the Planning Department and approves of the proposed front door facing south, as opposed to west towards Route 306. Mr. Rosenblum added that when the Board goes for a site visit, they will see what he is explaining. Mr. Rosenblum also stated that the applicant is putting in a walkway for the neighbors to walk to their local Shuls.

Mr. Rosenblum stated that they are seeking the following variances:

|                                 | <u>Required</u> | <u>Proposed</u> |
|---------------------------------|-----------------|-----------------|
| Max. Impervious Surface Ratio   | 0.25            | 0.33            |
| Min. Total Side Yard            | 60'             | 52.7'           |
| Min. Rear Yard for an Accessory | 50'             | 15'             |

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

Stefanie Collantes-Bouvry made a motion to continue the Public Hearing to the November 15, 2023 meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

**Item #4- Public Hearing-Baruch and Cheryl Fruchthandler- 21 Amsterdam Avenue**

Chairman Gewirtz read the public hearing notice into the record. Stanley Mayerfeld, the applicant's Architect, was present. Mr. Mayerfeld stated that this area is prone to variances because the lots are smaller in size, and that is why there are multiple variances being proposed. Mr. Mayerfeld added that there have been numerous variances granted by the neighboring properties for similar requests and requested a site visit.

Mr. Mayerfeld stated that they are seeking the following variances:

|                               | <b><u>Required</u></b> | <b><u>Proposed</u></b> |
|-------------------------------|------------------------|------------------------|
| Max. Front Yard Surface Ratio | 0.20                   | 0.209                  |
| Maximum Building Coverage     | 0.10                   | 0.128                  |
| Min. Total Side Yard          | 60'                    | 46'                    |
| Min. Side Yard                | 25'                    | 21'                    |

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

Randi Marlin made a motion to continue the Public Hearing to the November 15, 2023 meeting, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

**Item #5- Approval of Minutes – September 20, 2023**

Chairman Gewirtz made a motion to approve the September 20, 2023 minutes, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried 3-0, Randi Marlin, Stuart Zelmanovitz, and Barry Rozenberg abstained.

**Item #6- Approval of Minutes – August 16, 2023**

Chairman Gewirtz made a motion to approve the August 16, 2023 minutes, seconded by Barry Rozenberg. Upon vote, this motion was carried 4-0, Randi Marlin and Stefanie Collantes-Bouvry abstained.

**Adjournment**

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

Respectfully submitted,  
Alicia Schultz