



ZONING BOARD OF APPEALS MEETING MINUTES

September 20, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

CALL TO ORDER

MEMBERS PRESENT: Jonathan Gewirtz, Chairman
Richard Weinberger
Stefanie Collantes-Bouvry (Late)

ABSENT: 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 and Mona Guadino-8 Suhl Lane & 95 Forshay Road

Chairman Gewirtz read the public hearing notice into the record. Amy Mele, applicant's Attorney, and Eli Amsterdam, the applicant, were present and affirmed. Ms. Mele stated that the Amsterdams have been trying to figure out a way to get their cabana compliant, as it has been a few years now and they have exhausted all their options. Ms. Mele stated that after discussions with the Board at the site visit, the homeowners have changed the plans to do away with the subdivision and the variances for Ms. Guadino at 95 Forshay Road and are now seeking only ONE (1) variance for Accessory structure rear yard of 15.7 feet, when the minimum required is 50 feet. The proposed cabana is 30' x 13' and is 12 feet in height.

Chairman Gewirtz stated that before the Board can approve the application, the new plans must be sent for GML review to the FIVE (5) agencies that previously reviewed the original plans.

Ms. Mele stated that they will provide the FIVE (5) copies needed to the Village and would like to adjourn the matter for the October 18, 2023 meeting.

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

Chairman Gewirtz made a motion to continue the Public Hearing to the October 18, 2023 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

Item #2- Continued Public Hearing-Nancy Rubin for Jacob Hamerman- 4 Reeder Place

Chairman Gewirtz read the public hearing notice into the record. Isaac Steinfeld, applicant's contractor, was present and affirmed. Mr. Steinfeld stated that the family has elderly parents on both sides and the applicant is building the home to accommodate them.

Chairman Gewirtz questioned if this is the final stage of this property, as he wants to avoid the applicant returning to the Board for variances in the future for a pool and/or cabana.

Mr. Steinfeld stated that the home was designed without a cabana in mind, due to the fact that they have a room off of the patio that will be used for such purposes if a pool is to be installed on the property in the future. Mr. Steinfeld added that these variances are not unprecedented for this area.

Richard Weinberger read the following review memos into the record:

1. Rockland County Sewer District #1 review memo dated August 21, 2023.
2. Rockland County Health Department review memo dated August 21, 2023.

Chairman Gewirtz stated that the acreage on the plans and the acreage on the GML referral form differ, and to cover the discrepancy they will change the requested building coverage to .132 as opposed to the original requested .13.

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

Richard Weinberger made a motion to amend the application at the applicant's request, to change the variance request from .13 to .132 based upon the corrected lot size, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

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 approve the amended application, subject to compliance with the following Rockland County agency letters, seconded by Stefanie Collantes-Bouvry.

1. Rockland County Sewer District #1 review memo dated August 21, 2023.
2. Rockland County Health Department review memo dated August 21, 2023.
3. Rockland County Planning Department review memo dated August 4, 2023.

In the Matter of the Application of
Nancy Rubin on behalf of Jacob Hamerman
Premises situated on the east side of Reeder Place,
approximately 200 feet south of Wildwood Drive,
known as 4 Reeder Place, designated on the Tax Map
as Section 32.18 Block 1 Lot 19, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Nancy Rubin on behalf of Jacob Hamerman, 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 60.1 feet instead of the minimum required of 75 feet and building coverage of .13 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on August 16, 2023, which hearing was continued on September 20, 2023, and

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

That the applicant is demolishing the existing residence and proposing to construct a new single family residence;

That both parents of applicants are elderly and the new house will accommodate both parents;

That side yard variances are not required but the total side yard does not meet code;

That an in-ground swimming pool exists on the property and applicant is not proposing to change that or to add a cabana;

That there is a room in the proposed residence that will serve as a cabana; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the residence; and

WHEREAS, no one appeared in opposition to the application and several neighbors submitted statements in support;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is a Type II action pursuant to SEQRA, and that no determination is required, and be it further

RESOLVED, that the application submitted by Nancy Rubin on behalf of Jacob Hamerman 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 total side yard of 60.1 feet instead of the minimum required of 75 feet and Building coverage of .13 instead of the maximum permitted of .10 is hereby amended to change the request for building coverage of .13 to building coverage of .132 and be it further

RESOLVED, that the application submitted by Nancy Rubin on behalf of Jacob Hamerman for variances to permit the construction, maintenance and use of a single-family residence having total side yard of 60.1 and building coverage of .132 is granted, subject to the following conditions:

1. Compliance with Rockland County Planning Department GML review letter dated August 4, 2023;
2. Compliance with Rockland County Center for Environmental Health letter dated August 21, 2023;

3. Compliance with Rockland County Sewer District No. I letter dated August 21, 2023; and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following **FINDINGS OF FACT**

1. That although the variances are large, the house does not appear massive because of its placement on the lot;

2. That the character of the neighborhood will not be adversely affected since the proposed residence blends in with other houses in the area;

3. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

Item #3- Continued Public Hearing-Larry and Sarah Katz- 16 Judith Lane

Chairman Gewirtz read the public hearing notice into the record. Neither the applicant nor their representative was present.

Chairman Gewirtz made a motion to continue the Public Hearing to the October 18, 2023 meeting, seconded by Richard Weinberger. Upon vote, this motion was carried unanimously.

Item #4- Approval of Minutes – August 16, 2023

Chairman Gewirtz noted that there are not enough Board members to approve the minutes and made a motion to adjourn to the October 18, 2023 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

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