



ZONING BOARD OF APPEALS MEETING MINUTES

November 20, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

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

ABSENT: Barry Rozenberg, Ad Hoc

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

Chairman Gewirtz opened the meeting at 7:30 pm.

ITEM #1 – PUBLIC HEARING – 3 CAREFREE LANE – SINGER

Chairman Gewirtz read the public hearing notice into the record. Amy Mele, the applicant's Attorney, accompanied by the applicant Adam Singer, were present and affirmed. Ms. Mele stated that the final As-Built survey differs from the originally approved plans, due to the fact that when they were excavating, they hit a lot of rock, and due to the odd shape of the property, it ended up affecting the side yard setback and need for a variance. Ms. Mele added that the deck was built larger than originally proposed, as the applicant used "Trex" type boards, instead of regular 2" x 4" boards, which in turn impacts the impervious surface and need for a variance there. Ms. Mele stated that the old driveway was very steep and unsafe, so they constructed a longer driveway at the front of the property, which resulted in an increase in front yard impervious surface and the need for a variance. The pool that has not been built yet increases total impervious surface, and the need for a variance.

Doris Ulman stated that the proposed pool area is beyond the proposed edge of disturbance and stated that the Board would like to see the proposed disturbance limit versus the actual line of disturbance. Ms. Ulman questioned what the turnaround area was on the driveway, if it was an actual turnaround area.

Mr. Singer replied that due to the fact that the semi-circular driveway was not feasible for the property, a new driveway with turnaround was created.

Chairman Gewirtz stated that there is no width of the driveway shown on the plan, so that needs to be added. Chairman Gewirtz stated that because they are requesting multiple variances, although the work has been completed, they should try to see if they can reduce some of their requests. Chairman Gewirtz added that if they had tried to reduce impervious surface and not created the semi-circular driveway, they would've needed a variance anyway due to the grade in the front of the property, and they must make sure the drainage is sufficient due to the changes from the original plan.

Amy Mele responded that she will get a certification letter from the Engineer that the drainage is sufficient for this property and will inquire if the patio pavers are included in the impervious calculations, or if they are pervious pavers.

Stanley Zelmanovitz questioned if the pool was constructed yet and what variances are required for the pool.

Amy Mele replied that the pool is the only structure on the property that has not been constructed yet, and the proposed pool plan creates the need for a variance for maximum impervious surface ratio of 0.255 when 0.20 is permitted. Ms. Mele stated this is an increase from the variance needed for maximum impervious surface ratio of 0.231 for the final As Built.

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

Jo Ann Venezia, 5 Carefree Lane, is concerned with the placement of the fence and the color of the proposed fence on the property line they share and would like it to be in uniform with the neighboring properties.

Amy Mele stated that the applicant will work with the neighbors regarding placement & color of the fence.

Chairman Gewirtz made a motion to adjourn this application to the December 18, 2024 meeting with a site visit on December 8, 2024, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

ITEM #2 – CONTINUED PUBLIC HEARING – 73 FORSHAY ROAD – CONGREGATION AHAVAS YITZCHAK

Chairman Gewirtz read the public hearing notice into the record. Rachel Barese, the applicant's Engineer, was present and affirmed. Ms. Barese stated that the Congregation was granted variances in July 2019 for maximum impervious surface of 0.56 where 0.25 is allowed, and front yard of 31.9 feet where 50 feet is required. Ms. Barese added that the CoVid pandemic stalled construction and they were granted an extension to begin in 2021. The proposed maximum impervious surface for Phase I is 0.55, and upon Phase II's completion is 0.58, so they will adjust their application to include a variance for the maximum impervious surface increase. Ms. Barese stated that Phase I is to include the parking lot extension of 40 spaces from the current 18 to 58 spaces with 3 ADA compliant handicapped spaces, the ADA ramp, and removal of the

canopy to construct said ramp. Phase II is to include a patio area near the ramp, mostly used for Sukkos, and a small addition to the front and rear of the building for some extra space indoors. Ms. Barese added that the congregation is not looking to greatly expand and have the normal number of families that come and go. Ms. Barese stated that the current variances needed are front yard, to the existing building, of 31.9 feet where 50 feet is required and side yard, to the ADA ramp, of 7 feet where 25 feet is required, and maximum impervious surface ratio of 0.58 where 0.25 is required and 0.48 was approved in the 2021 ZBA process.

Chairman Gewirtz questioned why the proposed ramp is 26 feet wide, as the existing building is 33 feet from the property line, and the variance requested for side yard is 7 feet for the proposed ADA ramp.

Ms. Barese replied that the ramp has a couple different levels to get down to the basement, and including the stairway that is already there, it makes it a wider ramp area.

Chairman Gewirtz questioned what the approved maximum impervious surface was prior to the stalling of the project.

Ms. Barese stated that the last approved variance for maximum impervious surface was 0.56 in July 2019, and they are now requesting 0.58 for a 2% increase which is minor and coming from the parking lot area. Ms. Barese stated that putting pervious pavers in the patio area to decrease the impervious surface ratio was discussed as part of the plan, but it was decided that impervious materials would be better suited for the patio area.

Stanley Zelmanovitz questioned if they are proposing to remove any trees to create the parking lot area.

Ms. Barese replied that according to the last landscaping plan, there are (7) trees that are to be removed for this project.

Chairman Gewirtz questioned what the time frame to start is for each phase of construction.

Ms. Barese replied that phase I for the parking lot, handicapped ramp, drainage and landscaping they would like to do as soon as possible pending any hiccups, so even if they never collect the funds for phase II, they will get the important items for phase I out of the way.

Richard Weinberger questioned how many congregants belong to the House of Worship. Alicia Schultz replied that the submitted narrative from the application states there are 120 congregants.

Mr. Weinberger stated that he believes there should be more handicapped spaces proposed.

Ms. Barese replied that the ADA requirement is (3) parking spaces, and it is a younger congregation and does not currently utilize (3) spots, but she will look into creating another space or two if possible.

Chairman Gewirtz questioned what the drainage system consists of.

Ms. Barese replied that the underground solid pipes are not relying on infiltration due to soil testing results, so they are tying into the current drainage system and existing basins in the parking lot.

Chairman Gewirtz questioned why porous pavers were not considered for part of the parking lot.

Ms. Barese replied that the soil in the proposed parking lot area is not suitable for pervious pavers to be placed and maintained and inferred that the soil in the proposed patio area, although not tested, is likely to be the same and not cohesive with the pavers.

Doris Ulman requested a response to the Rockland County Highway Department letter dated October 21, 2024.

Ms. Barese answered as follows:

Comment #1: The driveway curb radii appear to be wide. The applicant shall consider reducing the curb radii and increasing the effective radii by extending the asphalt shoulder width.

Response: The width of the driveway is wide enough for County emergency vehicles such as ambulances, fire trucks, etc.

Comment #2: The applicant shall consider dedicating a portion of private land along Forshey Road to the Rockland County for inclusion in the Highway System for the purpose of road widening and drainage improvement. The dedication shall be done in the form of an official deed recorded in the Rockland County Clerk Office.

Response: The applicant was not considering dedicating a portion of the land to the County, but if the County would like to request a portion of the property be dedicated to them, they are more than welcome to request it from the applicant and they will work with them on it.

Comment #3: A stormwater management report shall be prepared for the proposed parking lot and the addition to the existing structure. The report shall consist of treatment and control of runoff discharges from the site. The stormwater runoff analysis shall demonstrate that the proposed development would not increase the peak rate of discharge as it enters the public highway drainage system. Additionally, the ownership, operation and maintenance jurisdictions of the proposed stormwater drainage system shall be clearly identified and shown in the site plan.

Answer: The stormwater management report was previously provided during the Planning Board process. It has been reviewed by the Village Engineer and will continue to work with them to adhere to their requests and requirements.

Comment #4: A permanent drainage easement shall be required as the drainage pipe is connected through the private property.

Answer: Yes, a drainage easement will be provided for the drainage pipe on the private property.

Comment #5: A road work permit shall be obtained from the RCHD prior to starting any construction work on the site.

Answer: Yes, the applicant will apply for a road opening permit from the County Highway Department when the time comes.

Chairman Gewirtz questioned what purpose comment #2 is referring to, in that the County should receive a portion of the property.

Doris Ulman replied that it is intended for future use in case they need to widen the road, and even if a portion is not dedicated now, the County will just take it in the future.

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

Nobody from the audience chose to speak.

Chairman Gewirtz made a motion to adjourn this application to the December 18, 2024 meeting with a site visit on December 8, 2024, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion carried unanimously.

ITEM #3 – CONTINUED PUBLIC HEARING – 2 ARDLEY PLACE - ROSENFELD

Chairman Gewirtz read the public hearing notice into the record. Paul Baum, the applicant's Attorney, was present and affirmed. Mr. Baum distributed an updated As Built survey with current conditions, as well as pictures showing trees that were removed. Mr. Baum added that once the County completes its review, it will be determined if the number of trees removed on Wilder Road in the County's Right of Way were satisfactory to them or if more/all the trees need to be removed and/or an Indemnification Agreement must be provided to the County. Mr. Baum stated that the Board has already granted variances for impervious surface and building heights.

Chairman Gewirtz questioned if the fence and/or trees are on the property line.

Mr. Baum replies that the fence is on the property line and the remaining trees are in the County's right of way, which are to be maintained by the applicant.

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

Jeffrey Nulman, 14 Glenbrook Road, stated that if a tree falls on your property, even if it is on a County Road, it is your responsibility to remove it.

Nobody else from the audience chose to speak.

Randi Marlin made a motion to close the Public Hearing, seconded by Anita Hajioff. Upon vote, this motion carried unanimously.

Chairman Gewirtz stated that a fence that tall should not be on the property line, however being on a County Road where people tend to drive faster than Village Roads, it is understandable that you would want the fence as close to the road as possible, and the structure is not terrible to look at.

Chairman Gewirtz made a motion to approve the application, subject to the Rockland County Highway Department's approval, seconded by Richard Weinberger:

In the Matter of the Application of

Goldy Rosenfeld
Premises situated on the north side of
Ardley Place known as 2 Ardley Place,
Designated on the Tax Map as Section 41.10
Block 1 Lot 20 in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Goldy Rosenfeld for a variance from the provisions of Section 230-14L(1) of the Code of the Village of Wesley Hills to permit the maintenance and use of a fence that is 6 feet in height instead of the maximum permitted of 4 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on May 15, 2024, which hearing was continued on June 18, 2024, August 21, 2024, September 18, 2024, October 30, 2024 and November 15, 2024, and

WHEREAS, the applicant appeared in person and by her attorney, and testified as follows:

That this is a corner property situated at the corner of Wilder Road, a County Road that contains a constant flow of vehicles traveling at fairly high speed levels;

That the 6 foot high fence on applicant's property along Wilder Road not only shields the property from headlights but also helps to abate some of the noise from the vehicles; that these impediments are not addressed by a 4 foot high fence;

That County Highway has not yet approved the fence and the trees that have been planted behind the fence, both of which are in the County right-of way;

That applicant has already removed many trees to provide site distance at the corner of the property, as requested by County Highway; and

WHEREAS, members of the Zoning Board of Appeals visited the site many months ago and the applicant submitted updated photographs showing the remaining trees and their relationship to the fence; and

WHEREAS, no one appeared in opposition to the application,

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

RESOLVED, that the application submitted by Goldy Rosenfeld for a variance from the provisions of Section 230-14L(1) to permit the maintenance and use of a fence that is 6 feet in height instead of the maximum permitted of 4 feet in height is hereby granted subject to compliance with all requirements and permits of the Rockland County Highway Department, and be it further

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

1. That the tress provide screening for the fence so that it is not offensive and is not visible from most of Ardley Place;
 2. That the fence does not interfere with traffic and is not an impediment to persons and vehicle using Wilder Road;
 3. That the condition of the variance that applicant must comply with all requirements of Rockland County Highway will insure that the Highway Department will not be impacted by the use of the fence;
 4. That the benefit to the applicant by granting the variance far outweighs any potential detriment to the community.
- Upon vote, this motion carried unanimously.

ITEM #4 - APPROVAL OF MINUTES – October 30, 2024

Chairman Gewirtz made a motion to approve the October 30, 2024 minutes, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

ADJOURNMENT

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

Respectfully submitted,
Alicia Schultz