



ZONING BOARD OF APPEALS MEETING MINUTES

January 23, 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
Stuart Zelmanovitz, Member
Stefanie Collantes-Bouvry, Member
Anita Hajioff, Ad Hoc

ABSENT: Randi Marlin, Member
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 - 7 ARDLEY PLACE

Chairman Gewirtz read the public hearing notice into the record.

Doris Ulman stated that Nancy Rubin, representative for the applicant, has submitted an email requesting an adjournment to the February 21, 2024 meeting and noted that this is their second adjournment and that neither the applicant, nor any representative for the applicant, has shown for the Public Hearings

Sara Felberman, 5 Ardley Place, asked for permission to speak and stated that in November 2022 they discovered a discrepancy with the filed map for #5 and #7 Ardley Place. Ms. Felberman handed out a packet of exhibits for the Board, which included a letter from CivilTec Engineering from November 21, 2022 that states the square footage of the property at 7 Ardley Place is 35,277 sq. feet, however the plot plan from CivilTec Engineering submitted with the current ZBA application has 36,542 sq. feet. Her exhibits also included a letter from Celentano Surveying, PLLC dated December 5, 2022, stating the filed map discrepancies for #5 and #7 Ardley Place.

Richard Weinberger asked Ms. Felberman to send a copy of the packet to the applicant.

Doris Ulman stated that the applicant has variance discrepancies discovered by the Village Engineer, and there will have to be some investigation into the filed map discrepancies. Chairman Gewirtz stated

that this will be the final adjournment and the applicant must attend the next meeting in February to answer to the multiple issues before the Board. Chairman Gewirtz requested a workshop for the application to be discussed.

Chairman Gewirtz made a motion to adjourn this application to the February 21, 2024, meeting, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

ITEM #2 - PUBLIC HEARING – 191 GRANDVIEW AVENUE

Chairman Gewirtz read the public hearing notice into the record.

Mark Maidique, 320 Post Road, #180-200, Darien, CT 06820, was present and affirmed. Mr. Maidique stated that he has applied to the ZBA for a variance for maximum impervious surface ratio of 0.23 when 0.20 is allowed, which is actually less than the existing impervious surface ratio that is currently 0.2407. Mr. Maidique stated that this variance is not for the house itself but for proposed site renovations to include the driveway, pool, patios, walkways and porches. Mr. Maidique also stated that even though this is a new project, they are proposing to replace existing conditions. Mr. Maidique added that due to the fact that this property is on a flag lot, a lot of the impervious surface is taken up by the long driveway. He also stated that the plot plan which shows impervious surface ratio at .2407 is incorrect.

Doris Ulman questioned what the accessory building contains. Ms. Ulman stated for the record that the lot was a merger of TWO (2) existing lots that had previously been developed and are now merged.

Mr. Maidique stated that it contains a guest room with a bathroom, and no kitchen exists.

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

Stuart Zelmanovitz 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 Highway Department
2. Rockland County Center of Environmental Health
3. Rockland County Department of Planning

In the Matter of the Application of
Mark Maidique/Bridger AAD Premises
situated on the north side of
Grandview Avenue and the west side of
Fieldcrest Drive known as 191 Grandview
Avenue, designated on the Tax Map as Section
41.14 Block 1 Lot 12, in an R-50 Zoning
District

WHEREAS, application has been made by Mark Maidique/Bridget AAD for a variance from the provisions of Section 230-17 Attachment of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of non-building site improvements having impervious surface ratio of .23 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning

Board of Appeals on the 23rd day of January 2024, and

WHEREAS, the applicant appeared in person and testified as follows: That he is the landscape architect for the project;

That this lot has been merged from two pre-existing developed lots; That the existing impervious surface ratio is 24.07%;

That he is redesigning the site work and the proposed impervious surface ratio will be 23% whereas the maximum permitted is 20%;

That a large portion of the impervious surface ratio is caused by the long driveway onto Grandview Avenue, as this is a flag lot; 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 be it further

RESOLVED, that the application submitted by Mark Maidique/Bridger AAD for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of site improvements having impervious surface ratio of .23 instead of the maximum permitted of .20 is hereby granted, subject to compliance with the following:

1. Letter from Rockland County Highway Department dated January 5, 2024
2. Letter from Rockland County Office of Environmental Health dated January 11, 2024
3. Letter from Rockland County Department of Planning dated January 19 2024.

and be it further

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

1. That the variance is not substantial, it being less than 20% of the requirement;
2. That a large portion of the overage is caused by the long driveway resulting from the fact that this lot is a flag lot;
3. That the impervious surface ratio of .23 resulting from the change in site improvements is less than the pre-existing ratio of .247 which had existed when the lots were two separate lots;
4. That the benefit to the applicant by granting the variance is great whereas no detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion was carried unanimously.

Item #3 - APPROVAL OF MINUTES – DECEMBER 20, 2023

Stefanie Collantes-Bouvry made a motion to approve the December 20, 2023 minutes, seconded by Richard Weinberger. Upon vote, this motion was carried 4-0, Anita Hajioff abstained.

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