



ZONING BOARD OF APPEALS MEETING AGENDA

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

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 Larry and Sarah Katz for Variances from the provisions of Sections 230-17 Attachment I, 230-14L(3), 230-14O(4)(a) of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single-family residence, inground swimming pool and basketball court having impervious surface ratio of .42 instead of the maximum permitted of .25, front yard impervious surface ratio of .239 instead of the maximum permitted of .20, basketball side yard of 0 feet instead of the minimum required of 15 feet, inground pool side yard of 4.8 feet instead of the minimum permitted of 15 feet and fence height of 9.1 feet instead of the maximum permitted of 6 feet.

The subject premises are situated on the north side of Judith Lane approximately 560 feet east of Martha Road, known as 16 Judith Lane, designated on the Tax Map as Section 41.18 Block 1 Lot 6, in an R-35 Zoning District.

PUBLIC HEARING

3. 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.

4. 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

5. September 20, 2023

ADJOURNMENT



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 HILLSDate 9/18/23

Please check all that apply:

☐ Planning Board	☐ Architectural Board
☒ Zoning Board of Appeals	☐ Historical Board
☐ Municipal Board	
☐ Subdivision	☐ Pre-preliminary/Sketch
☐ Number of Lots	☐ Preliminary
☐ Site Plan	☐ Final
☐ Special Permit	☐ Conditional Use
☐ Zoning Code Amendment	☐ Zone Change
☒ 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

18th 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

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

* 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 300
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. REAL 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 know 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
[Signature]
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

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:

- ☒ Variance from the requirement of Section 230 TOTAL SWIM YARD
☐ Special permit per the requirements of Section MAX IMP. SURFACE
☐ Review of an administrative decision of the Building Inspector; MIN REAR YARD
☐ An order to issue a Certificate of Occupancy; ACCESSORY STRUCTURE
☐ 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 3.

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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Martin Residence			
Project Location (describe, and attach a location map): 428 NYS Route 306, Monsey, NY 10952			
Brief Description of Proposed Action: 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: Todd Rosenblum		Telephone: 845-364-0337	
		E-Mail: todd@adaparch.com	
Address: 221 Quaker Road			
City/PO: Pomona		State: NY	Zip Code: 10970
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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 ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Wesley Hills Building Department		NO ☐	YES ☒
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:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

		NO	YES	Item 3.
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		☐	☒	☐
b. Consistent with the adopted comprehensive plan?		☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		☐	☒	
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: _____		☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		☒	☐	
b. Are public transportation services available at or near the site of the proposed action?		☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		☐	☒	
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: _____ _____		☐	☒	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		☐	☒	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		☐	☒	
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	
		☒	☐	
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?		☒	☐	
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	
		☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

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
☒	☐

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

NO	YES
☒	☐

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
☐	☒

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

If Yes, briefly describe:

NO	YES
☒	☐

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
☐	☒

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
☒	☐

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
☒	☐

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%

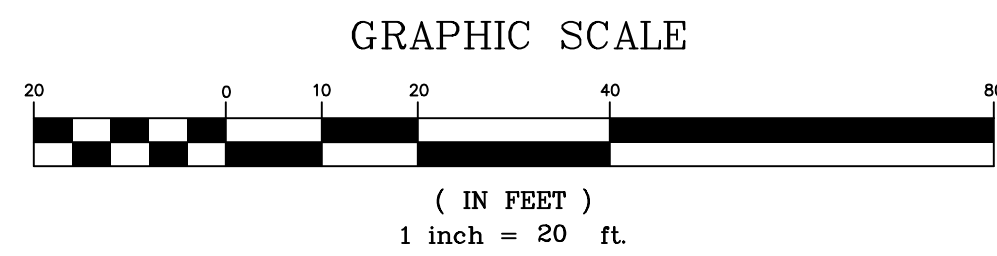
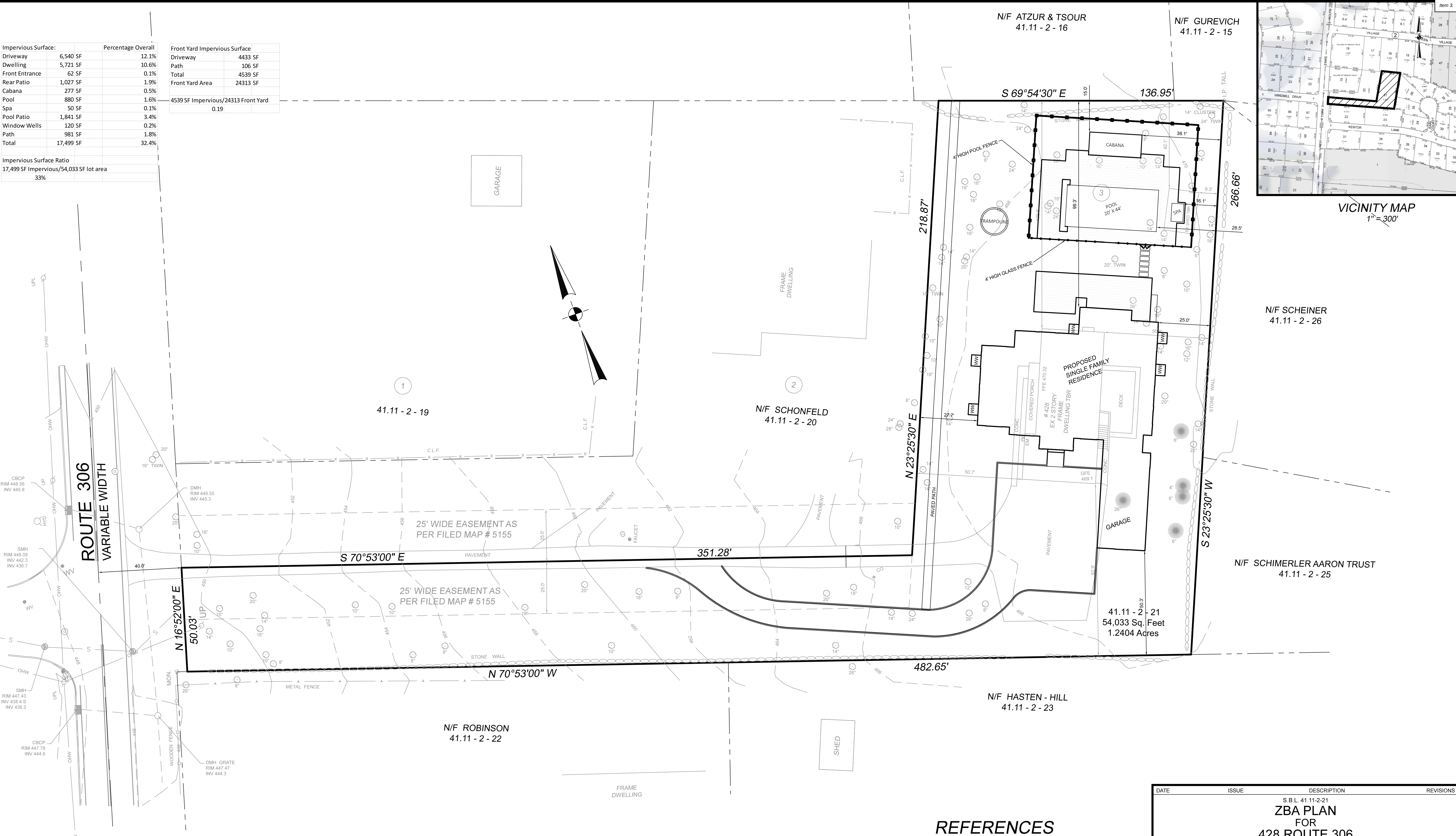
Impervious Surface Ratio
17,499 SF Impervious/54,033 SF lot area
33%

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**	15 FT	99.3 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			
CIVIL TEC Engineering & Surveying PC 139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901 P 845.547.2241 - F 845.547.2243		111 Main Street Chester, NY 10918 845.610.3621 Civil Engineering & Land Surveying Services that Build Communities www.Civil-Tec.com	DATE: 9/18/23 DRAWN BY: RB/LT CHKD BY: RB/LT JOB No. 3768 SCALE: 1"=20' DWG No. 1 OF 18
Rachel B. Barese, P.E. N.Y. Lic. No. 90143			



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

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



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.

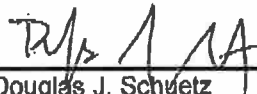
MARK MARTIN/428 ROUTE 306 (Whi-201)

- 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

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

☐ Planning Board	☐ Architectural Board
☒ Zoning Board of Appeals	☐ Historical Board
☐ Municipal Board	
☐ Subdivision	☐ Pre-preliminary/Sketch
☐ Number of Lots	☐ Preliminary
☐ Site Plan	☐ Final
☐ Special Permit	☐ Conditional Use
☐ Zoning Code Amendment	☐ Zone Change
☒ Variance * (Fill out Part II 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:

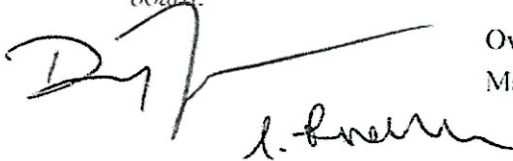
21 Amsterdam Ave
Monsey NY 10952

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

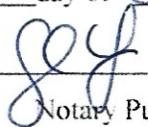
Baruch and Cheryl Fruchthandler

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, 2026

* 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

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

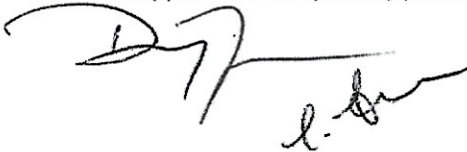
AFFIDAVIT OF OWNERSHIP

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

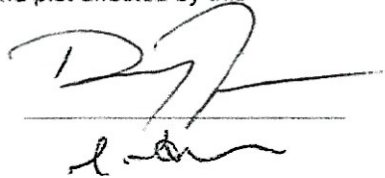
432 Route 306
 Wesley Hills, New York 10952
 (845) 354-0400 Fax: (845) 354-4097

AFFIDAVIT OF POSTING

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

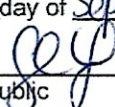
_____ being duly sworn, deposes and
 says that he/she is the applicant in the matter of an application before the
 Village of Wesley Hills Zoning Board affecting property located at
 _____, Wesley Hills, Town of Ramapo,
 Rockland County, New York.

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

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>

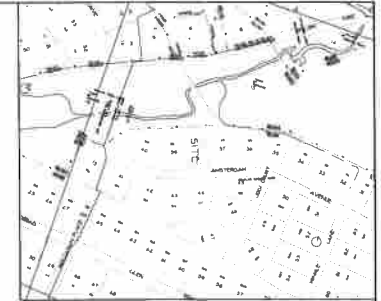
INSTRUCTIONS

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

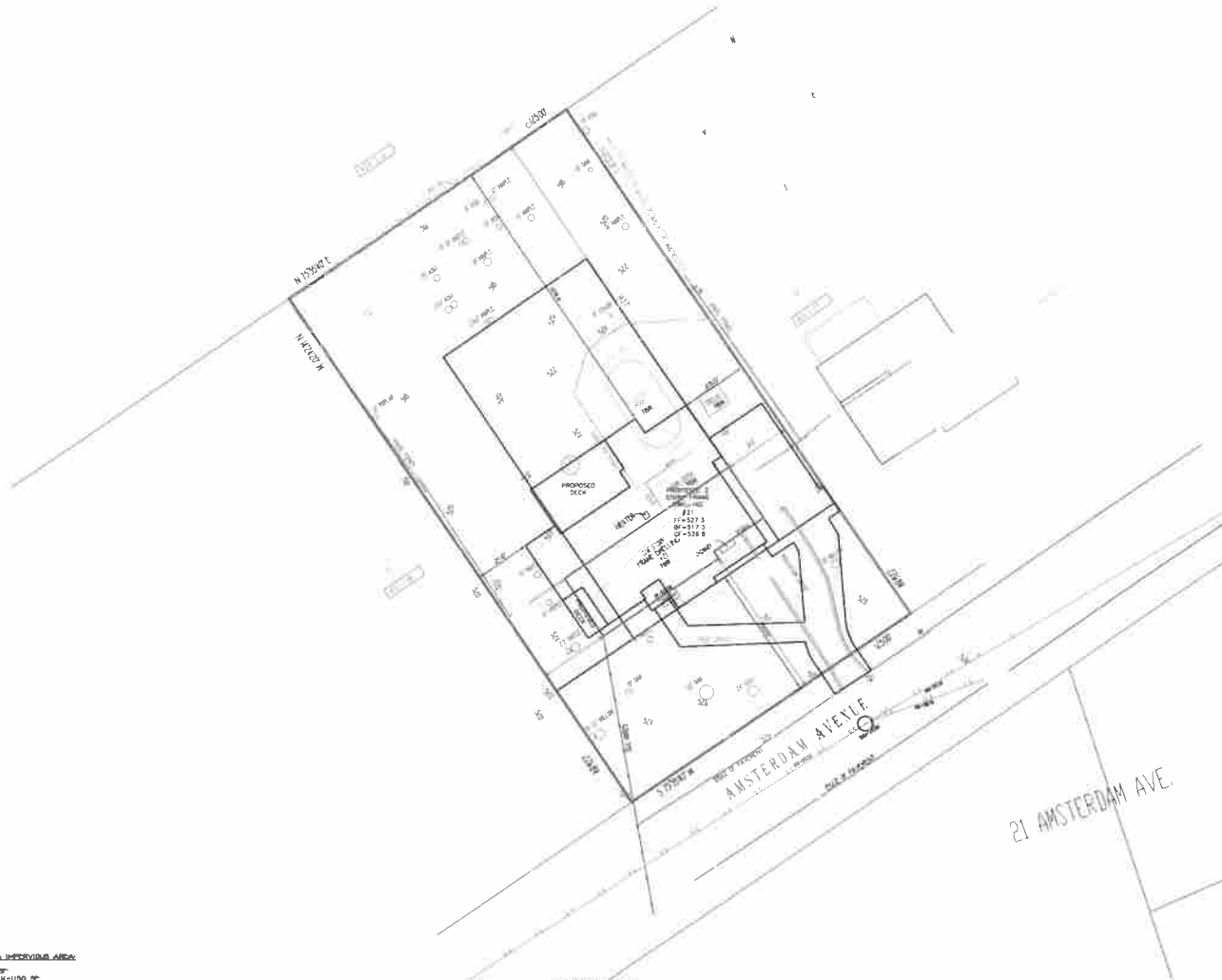
7. Filing fee of \$150.00 for an existing residence, \$150.00 for actions involving new one-family residences plus \$100.00 per variance sought or \$350.00 plus \$100.00 per variance sought for all other applications plus actual publication sought.
8. Twelve copies of the application, twelve plot plans 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 VOLUME FILED IN THE
 ROCKLAND COUNTY CLERK'S OFFICE ON AUGUST 8, 1941
 AS MAP 1, 2000, BOOK 43 PAGE 35



VELOCITY MAP
 SCALE 1"=300'



21 AMSTERDAM AVE.

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 SETBACK (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 (FEET)	MAXIMUM EXPOSED BUILDING HEIGHT (FT)
REAR	35,000	100	125	125	90	25	40	50	0.25	0.20	0.10	25 / 25	40
EXIST.	28,500	1250	1250	125	570	24.8*	50.8*	1637	0.80	0.10	0.075	2 / 125	40
PROD.	28,500	1250	1250	125	500	250	660**	1094	0.250	0.209**	0.128**	2 / 125	40

* EXIST. CONDITION
 ** VARIANCE REQUIRED

EXISTING SURFACES
 DWELLING - 1,890 SQ
 DRIVEWAY & WALK - 102 SQ
 DECK - 343 SQ
 PORCH - 1,647 SQ
 TERRACE - 73 SQ
 TOTAL - 3,955 SQ
 PROPOSED
 DWELLING - 3,441 SQ
 DRIVE & WALK - 2,597 SQ
 DECK & FRONT PORCH - 1,645 SQ
 TOTAL - 7,683 SQ

FRONT YARD IMPERVIOUS AREA
 EXISTING
 AREA - 712 SQ
 DRIVE & WALK - 1,100 SQ
 TOTAL - 1,812 SQ
 PROPOSED
 AREA - 8,250 SQ
 DRIVE & WALK - 1,308 SQ
 TOTAL - 9,558 SQ

MAXIMUM BUILDING COVERAGE CALCULATION PER ZONING LAW
 SQUARE FOOTAGE OF BUILDING LESS THAN IS HEIGHT OR 1-1/2 STORES -
 15 STORY - 3441 SQ
 TOTAL BUILDING AREA - 2,441 SQ
 MAX BLDG COVERAGE ALLOWED - 8.33% (3441/4130) - 8.33%
 BUILDING COVERAGE - 2.22% (3441/15450) - 2.22%
 PROPOSED
 DWELLING - 3,441 SQ
 TOTAL - 3,441 SQ
 BUILDING COVERAGE - 3.441 / 12,500 - 2.75%



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



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