



## **ZONING BOARD OF APPEALS MEETING MINUTES**

**October 18, 2023 at 7:30 PM**

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

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

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### **CALL TO ORDER**

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

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

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

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

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

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

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

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

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

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

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

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

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

Stefanie Collantes-Bouvry made a motion to approve the amended application, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Adjournment**

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

Respectfully submitted,  
Alicia Schultz