



ZONING BOARD OF APPEALS MEETING AGENDA

August 21, 2024 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

CALL TO ORDER

ROLL CALL

PUBLIC HEARING

- 1.** Application submitted by David and Jacqueline Borgen 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 an addition to a single family residence having a side yard of 22 feet instead of the minimum required of 25 feet and total side yard of 41.3 feet instead of the minimum required of 60 feet.

The subject premises are situated on the west side of Windward Lane, known as 6 Windward Lane, designated on the Tax Map as Section 41 Block 1 Lot 11, in an R-50 Zoning District.

CONTINUED PUBLIC HEARING

- 2.** Application submitted by Tzvi & Batya Gorelick 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 an addition to a single-family residence having a side yard of 12.5 feet instead of the minimum required of 25 feet, having front yard of 47.8 feet instead of the minimum permitted of 50 feet and building coverage of .11 instead of the maximum permitted of .10.

The subject premises are situated on the north side of Cara Drive 0 feet from the intersection with Deerwood Road, known as 9 Cara Drive, designated on the Tax Map as Section 41.08 Block 1 Lot 20, in an R-35 Zoning District.

- 3.** Application submitted by Goldy Rosenfeld for variances from the provisions of Sections 230-14L(1) of the Code of the Village of Wesley Hills, to permit the maintenance and use of a fence 6 feet in height instead of the maximum permitted of 4 feet.

The subject premises are situated on the north side of Ardley Place at the intersection with Wilder Road, known as 2 Ardley Place, designated on the Tax Map as Section 41.10 Block I Lot 20, in an R 35 Zoning District.

APPROVAL OF MINUTES

- 4.** June 18, 2024

ADJOURNMENT

File Attachments for Item:

1. Application submitted by David and Jacqueline Borgen 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 an addition to a single family residence having a side yard of 22 feet instead of the minimum required of 25 feet and total side yard of 41.3 feet instead of the minimum required of 60 feet.

The subject premises are situated on the west side of Windward Lane, known as 6 Windward Lane, designated on the Tax Map as Section 41 Block 1 Lot 11, in an R-50 Zoning District.

To the members of the Wesley Hill's zoning board,

Jacqueline and David Borgen respectfully request the zoning board grant a variance allowing us to extend our home at 6 windward lane.

The proposal we are presenting extends our home approximately 36 feet to the north, which includes 14 feet for a raised deck, this reduces the side yardage on that side to 22 feet and total side yardage to 41.3 feet.

The primary reason for this home extension is to accommodate our growing family. We have (BH) almost outgrow our existing capacity, forcing us to consider other options. We have (BEH) 4 grown boys, one of whom is married with 2 small children and 3 others who we anticipate starting families in the next year or two and we do not have space for all of them to join us for family celebrations or Holidays. We have looked at several alternatives and the current proposal is the most efficient and logical.

This variance will not alter the essential characteristics of the surrounding neighborhood.

Careful consideration was given by the architect and contractor to minimize the variance needed to achieve our objectives.



432 Route 306
Wesley Hills, N.Y. 10952-1221
Phone: 845-354-0400 Fax: 845-354-4097 www.wesleyhills.org

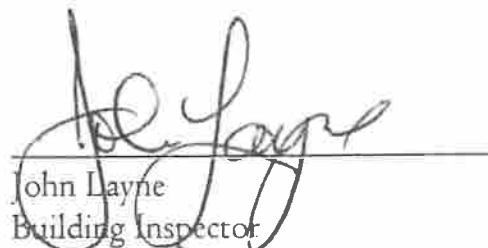
Dated: May 20, 2024
Tax Parcel ID: 41.11-1-11
Address: 6 Windward Lane
Applicant: David & Jacqueline Borgen

BUILDING AND ZONING DEPARTMENT:

Please be advised that your application for a building permit for the addition to a single-family home has been denied. The requirements of the Zoning Law of the Village of Wesley Hills have not been satisfied. The following variances are required:

- Minimum side yard 24' when 25' is required.
- Minimum total side yard of 43.3' when 60' is required.

In addition, the Zoning Board of Appeals may review any existing non-conforming items and previously granted variances.



John Layne
Building Inspector

cc: Zoning Board of Appeals

PART IName of Municipality VILLAGE OF WESLEY HILLS Date June 17, 2024*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: David and Jacqueline Borgen- 6 Windward LaneApplicant: David Borgen Phone # 845-548-5635Address 6 Windward Lane Monsey NY 10952
Street Name & Number (Post Office) State Zip codeProperty Owner: David Borgen Phone # 845-548-5635Address 6 Windward Lane Monsey NY 10952
Street Name & Number (Post Office) State Zip codeEngineer/Architect/Surveyor: Atzl, Nasher, Zigler PC Phone # 845-634-4694Address 234 North Main Street New City NY 10956
Street Name & Number (Post Office) State Zip codeAttorney: N/A Phone # _____Address _____
Street Name & Number (Post Office) State Zip code**Contact Person:** _____ Phone # _____Address _____
Street Name & Number (Post Office) State Zip code

Tax Map Designation:

Section 41 Block 1 Lot(s) 11
 Section _____ Block _____ Lot(s) _____

Location: On the west side side of Windward Lane,
 _____ feet _____ of _____.

Acreage of Parcel 40,648 sq ft **Zoning District** _____
School District _____ **Postal District** _____

Project Description: *(If additional space required, please attach a narrative summary.)*

Please see the narrative summary

If subdivision:

- 1) Is any variance from the subdivision regulations required? N/A
- 2) Is any open space being offered? N/A 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.

41.07-2-38, 41.11-1-9, 41.11-1-10, 41.11-1-2, 40.07-2-40, 41.07-2-39

"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."

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. _____

Applicant's Signature and Certification

State of New York)
County of Rockland) SS.:
Town/Village of Wesley Hills)

I, David Borgen, hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address

6 Windward Lane

Monsey, NY 10952



SWORN to before this

17th day of June, 2024



Notary Public

ABRAHAM C. KALKER
Notary Public, State of New York
No. 4746963
Qualified in Rockland County
Commission Expires December 31, 2025

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)

County of Rockland) SS.:

Town/Village of Wesley Hills)

I, David Borgen, 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

David Borgen 6 Windward Lane, Monsey, NY 10952

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 Board 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 _____;
- ☐ Special permit per the requirements of Section _____;
- ☐ Review and approval of proposed subdivision plat;
- ☐ 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

3. Premises affected are in a _____ zone and from the town of
Monsey tax map, the property is know as Section 41.11,
Block, 1, Lot(s) 11.

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 Weslev 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 None to all of the below, a-f
- 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 _____.

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

6 Windward Avenue

Monsey NY 10962

SWORN to before this

17th day of June, 2021
Abraham C. Kalker
 Notary Public

ABRAHAM C. KALKER
 Notary Public, State of New York
 No. 4746963

Qualified in Rockland County
 Commission Expires December 31, 2025

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 }

David Borgen being duly sworn, deposes and
says that he/she resides at 6 Windward Lane, 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 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: David Borgen

Address: 6 Windward Lane,

Monsey, NY 10952

Sworn to before me this

17 day of June 2024

Abraham C. Kalker

Notary Public

ABRAHAM C. KALKER
Notary Public, State of New York
No. 4746963
Qualified in Rockland County
Commission Expires December 31, 2025

AFFIDAVIT

State of New York)

County of Rockland) SS.:

Town/Village of Wesley Hills

I, David Borgen being duly sworn deposes and says
that he is the applicant, agent or attorney for applicant, in the matter of the petition before
the zoning zoning (board) in the town/village
of Wesley Hills affecting property located at
6 Windward Lane, Monsey, NY 10952, Rockland County, New York.

That the following are all of the owners of property 750 feet (distance) from the premises as to which this application is being taken.

[illegible]

SWORN to before this

17th day of June, 2024

John Kalb

Notary Public

ABRAHAM C. KALKER
Notary Public, State of New York
No. 4746963

Qualified in Rockland County
Commission Expires December 31, 2015

VILLAGE OF WESLEY HILLS

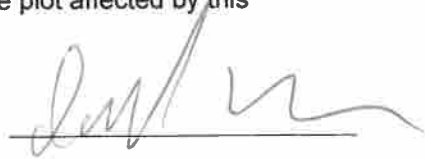
432 Route 306
Wesley Hills, New York 10952
(845) 354-0400 Fax: (845) 354-4097

AFFIDAVIT OF POSTING

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

David Borgen 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
432 Route 306, Wesley Hills, NY, 10952, 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

17 day of June 2002024

Abraham C. Kalker
Notary Public

ABRAHAM C. KALKER
Notary Public, State of New York
No. 4746963
Qualified in Rockland County
Commission Expires December 31, 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

David Borgen
APPLICANT

June 17, 2024
DATED

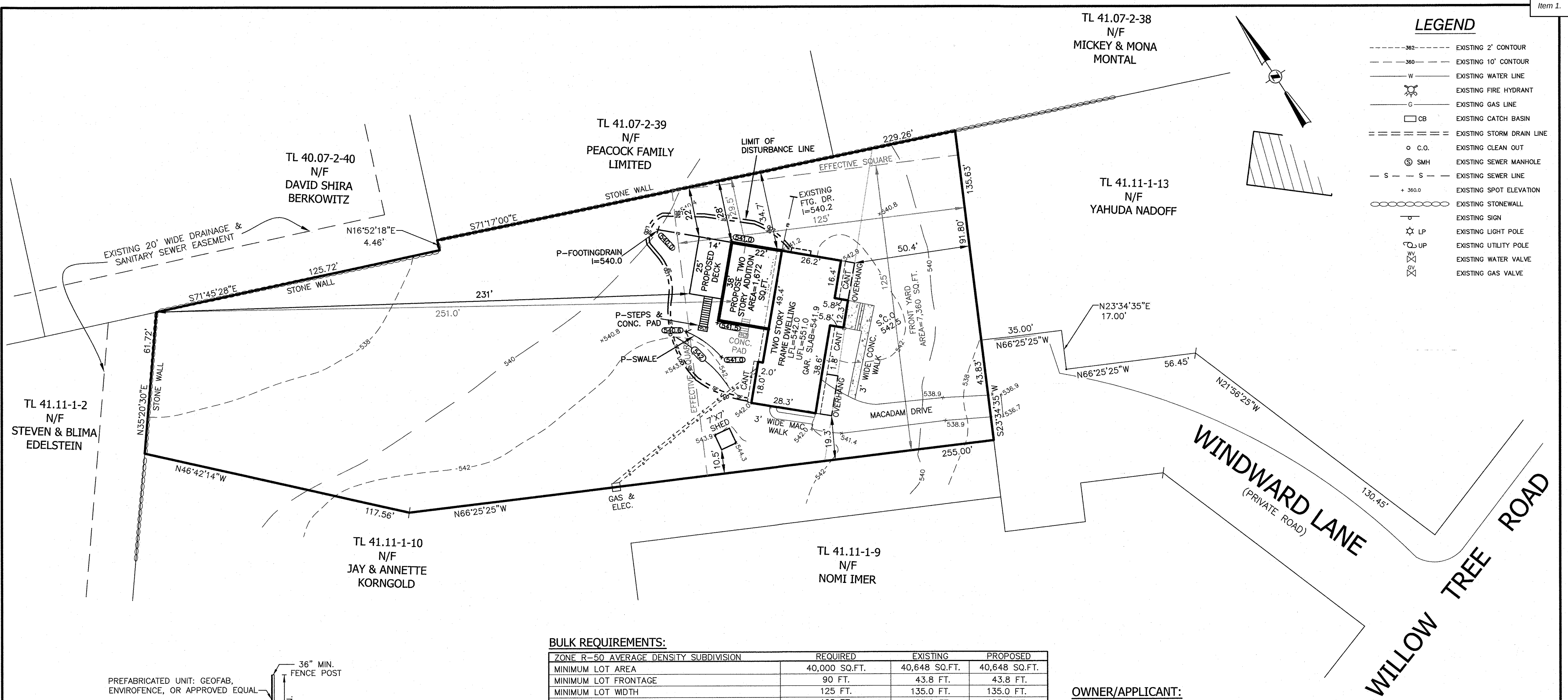
PART II

Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

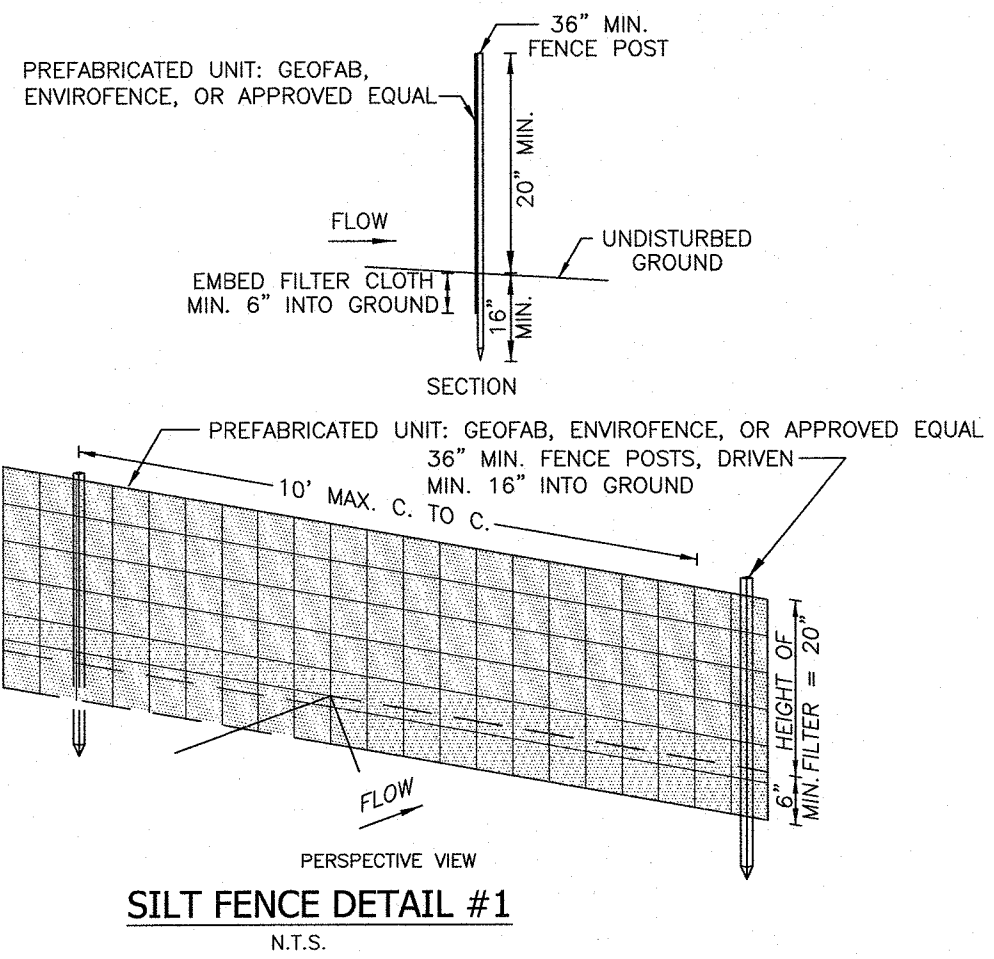
- ☒ Variance from the requirement of Section 41.11 _____;
- ☐ Special permit per the requirements of Section _____;
- ☐ Review of an administrative decision of the Building Inspector;
- ☐ An order to issue a Certificate of Occupancy;
- ☐ An order to issue a Building Permit;
- ☐ An interpretation of the Zoning Ordinance or Map;
- ☐ Certification of an existing non-conforming structure or use;
- ☐ Other (*explain*) _____;

To permit construction, maintenance and use of single family house _____



LEGEND

---	EXISTING 2' CONTOUR
---	EXISTING 10' CONTOUR
W	EXISTING WATER LINE
⊗	EXISTING FIRE HYDRANT
G	EXISTING GAS LINE
CB	EXISTING CATCH BASIN
---	EXISTING STORM DRAIN LINE
o	EXISTING CLEAN OUT
SMH	EXISTING SEWER MANHOLE
S	EXISTING SEWER LINE
+ 360.0	EXISTING SPOT ELEVATION
---	EXISTING STONEWALL
---	EXISTING SIGN
LP	EXISTING LIGHT POLE
UP	EXISTING UTILITY POLE
WV	EXISTING WATER VALVE
GV	EXISTING GAS VALVE



CONSTRUCTION NOTES FOR PRE FABRICATED SILT FENCE

PREFABRICATED UNIT: GEOTAB, ENVIROFENCE, OR APPROVED EQUAL

1. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.

2. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

BULK REQUIREMENTS:

ZONE R-50 AVERAGE DENSITY SUBDIVISION	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	40,000 SQ.FT.	40,648 SQ.FT.	40,648 SQ.FT.
MINIMUM LOT FRONTAGE	90 FT.	43.8 FT.	43.8 FT.
MINIMUM LOT WIDTH	125 FT.	135.0 FT.	135.0 FT.
MINIMUM EFFECTIVE SQUARE SIDE	125 FT.	125.0 FT.	125.0 FT.
MINIMUM FRONT YARD	50 FT.	50.4 FT.	50.4 FT.
MINIMUM SIDE YARD	25 FT.	19.3 FT.*	19.3 FT.*/22.0 FT.**
MINIMUM TOTAL SIDE YARD	60 FT.	48.8 FT.	41.3 FT.**
MINIMUM REAR YARD	50 FT.	251.0 FT.	231.0 FT.
MAXIMUM IMPERVIOUS SURFACE RATIO	0.25	0.09	0.10
MAXIMUM FRONT YARD IMPERVIOUS SURFACE RATIO	0.20	0.03	0.03
MAXIMUM BUILDING COVERAGE	0.10	0.05	0.082
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES/25 FT. MAX.	21 FT.	21 FT.
MAXIMUM EXPOSED BUILDING HEIGHT	40 FT.	24 FT.	24 FT.

* - EXISTING CONDITION (PREVIOUS VARIANCE)
** - DENOTES VARIANCE REQUIRED

IMPERVIOUS SURFACE CALCULATIONS:

	EXISTING	PROPOSED
DWELLING	2,227 SQ.FT.	2,995 SQ.FT.
MACADAM DRIVE	1,034 SQ.FT.	1,034 SQ.FT.
CONCRETE WALK & PAD	236 SQ.FT.	236 SQ.FT.
SHED	49 SQ.FT.	49 SQ.FT.
TOTAL	3,546 SQ.FT.	4,134 SQ.FT.

FRONT YARD IMPERVIOUS SURFACE CALCULATIONS:

	EXISTING	PROPOSED
MACADAM DRIVE	220 SQ.FT.	NO CHANGE
CONCRETE WALK	774 SQ.FT.	NO CHANGE
TOTAL	994 SQ.FT.	NO CHANGE

BUILDING COVERAGE CALCULATIONS:

EXISTING DWELLING	= 2,227 SQ.FT.
PROPOSED ADDITION	= 768 SQ.FT.
(LESS CANT. TBR)	
PROPOSED DECK	= 350 SQ.FT.
TOTAL	= 3,345 SQ.FT.

NOTE:
EXISTING WATER & SANITARY SERVICES TO REMAIN AND UTILIZED.

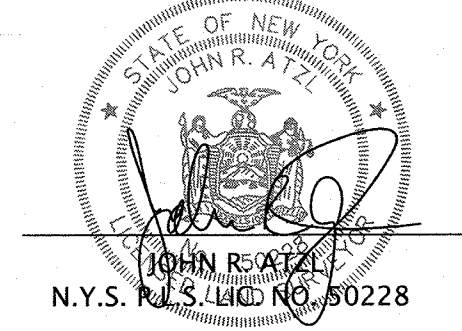
OWNER/APPLICANT:
DAVID & JACQUELINE BORGEN
6 WINDWARD LANE
MONSEY, NY 10952

SITE ADDRESS:
6 WINDWARD LANE
MONSEY, NY 10952

TAX MAP REFERENCE:
VILLAGE OF WESLEY HILLS
SECTION 41.11, BLOCK 1, LOT 11

TOTAL AREA:
40,648 SQ.FT.

"UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S EMBOSSED SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."
"ONLY COPIES FROM THE ORIGINAL TRACING OF THIS SURVEY MAP MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."
"CERTIFICATION INDICATED HERE ON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE DELAWARE - HUDSON LAND SURVEYORS ASSOCIATION. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY WAS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS."



SUBDIVISION REFERENCE:
LOT 2, SUBDIVISION OF S. & J. WARD FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON DECEMBER 18, 1989 IN BOOK 111, PAGE 30, AS MAP No. 6398.

NOTE: SUBJECT TO AN ORANGE & ROCKLAND UTILITIES INC, EASEMENT.

DRAWING LIST

DRAWING No.	TITLE	ORIGIN DATE	REVISION DATE
DRAWING 1	- SITE PLAN	JANUARY 25, 2023	JUNE 08, 2024
DRAWING 2	- EXISTING CONDITION PLAN	JANUARY 25, 2023	JUNE 08, 2024

3	6-12-24	REVISE DECK
2	6-8-24	PER VILLAGE ENGINEER
1	4-17-24	PROPOSED ADDITION
REVISION	DATE	DESCRIPTION

PROJECT:

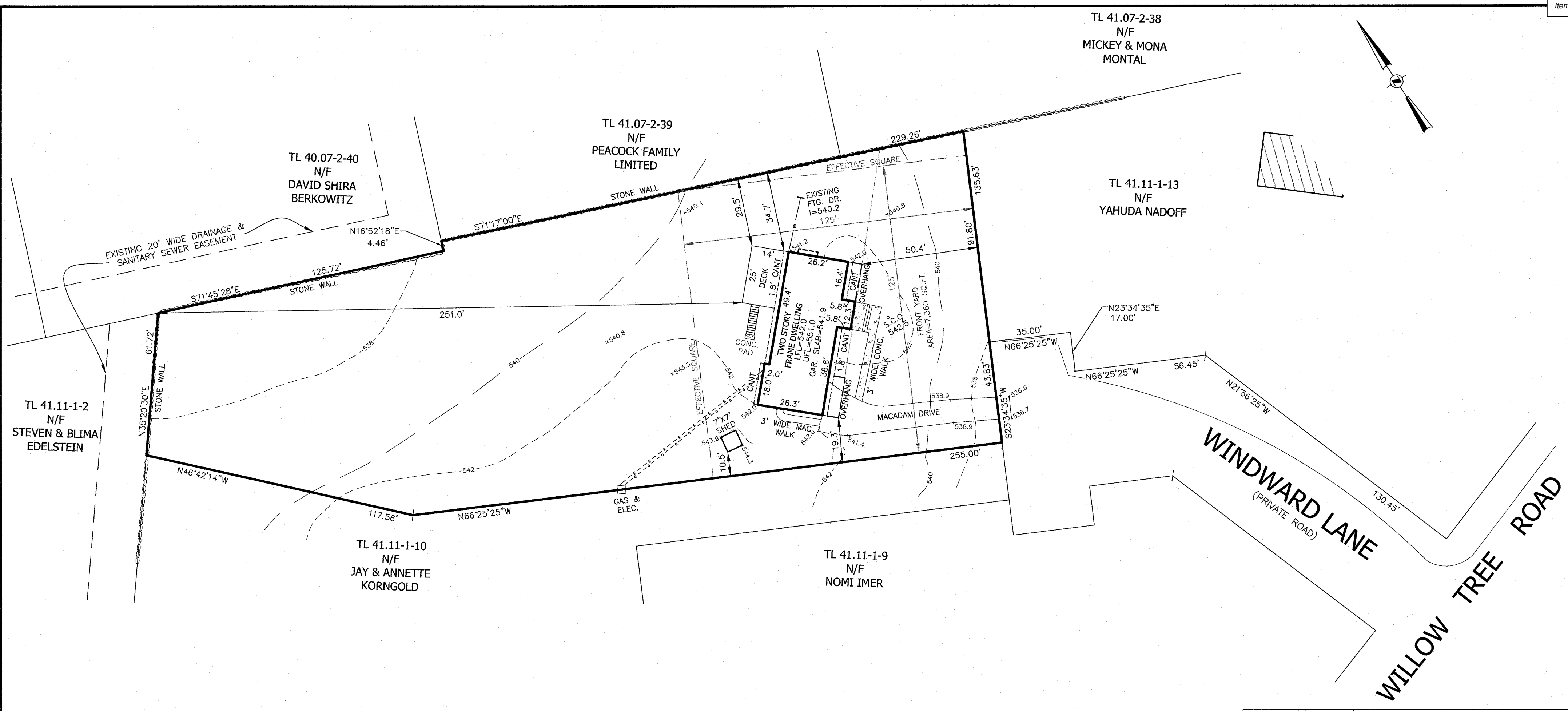
DAVID & JACQUELINE BORGEN

**VILLAGE OF WESLEY HILLS
ROCKLAND COUNTY, NEW YORK**

TITLE:

SITE PLAN

DRAWN BY: IS	CHECKED BY: JRA
DATE: JANUARY 25, 2023	SCALE: 1 IN. = 30 FT.
PROJECT NO: 1742	DRAWING NO: 1



LEGEND

- 362 --- EXISTING 2' CONTOUR
- 360 --- EXISTING 10' CONTOUR
- W --- EXISTING WATER LINE
- EXISTING FIRE HYDRANT
- G --- EXISTING GAS LINE
- CB --- EXISTING CATCH BASIN
- == == == EXISTING STORM DRAIN LINE
- o C.O. EXISTING CLEAN OUT
- SMH EXISTING SEWER MANHOLE
- S --- S --- EXISTING SEWER LINE
- + 360.0 EXISTING SPOT ELEVATION
- EXISTING STONEWALL
- EXISTING SIGN
- LP EXISTING LIGHT POLE
- UP EXISTING UTILITY POLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE

SUBDIVISION REFERENCE:
LOT 2, SUBDIVISION OF S. & J. WARD FILED IN
THE ROCKLAND COUNTY CLERK'S OFFICE ON
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NOTE: SUBJECT TO AN ORANGE & ROCKLAND
UTILITIES INC, EASEMENT.



3	6-12-24	REVISE DECK
2	6-8-24	PER VILLAGE ENGINEER
1	4-17-24	PROPOSED ADDITION
REVISION	DATE	DESCRIPTION



ATZL, NASHER & ZIGLER P.C.
ENGINEERS-SURVEYORS-PLANNERS
232 North Main Street
New City, New York 10956
Tel: (845) 634-4694
Fax: (845) 634-5543
E-mail: info@anzny.com
Web: www.ANZNY.com

PROJECT: DAVID & JACQUELINE BORGEN

VILLAGE OF WESLEY HILLS
ROCKLAND COUNTY, NEW YORK

TITLE: EXISTING CONDITION PLAN

DRAWN BY: IS	CHECKED BY: JRA
DATE: JANUARY 25, 2023	SCALE: 1 IN. = 30 FT.
PROJECT NO: 1742	DRAWING NO: 2

GML Report

Property Information:

Parcel ID: 41.11-1-11	Date Parcel: February 2023
OLD ID: 9-33A2	Address: 6 WINDWARD LN
Address 2:	Alternative:
City: MONSEY	State: NY
Zip: 10952	Book Page:
Deed Date: 4/2/1997 12:00:00 AM	Instrument: 1997-00012664
Municipality: Wesley Hills	Deed Acres: 0
GIS Acres: 0.955	

GML Criteria:

GML Review: NO	Palisades Parkway: NO
Thruway: NO	County Road: NO
State Road: NO	County Regulated Streams: NO
Long Path: NO	County Park: NO
State Park: NO	State Property: NO
County Property: NO	Village Boundary: NO
Town Boundary: NO	Orange County Boundary: NO
X Coordinate: 608585	Y Coordinate: 847120

File Attachments for Item:

2. Application submitted by Tzvi & Batya Gorelick 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 an addition to a single-family residence having a side yard of 12.5 feet instead of the minimum required of 25 feet, having front yard of 47.8 feet instead of the minimum permitted of 50 feet and building coverage of .11 instead of the maximum permitted of .10.

The subject premises are situated on the north side of Cara Drive 0 feet from the intersection with Deerwood Road, known as 9 Cara Drive, designated on the Tax Map as Section 41.08 Block 1 Lot 20, in an R-35 Zoning District.



15 Lyncrest Drive
 Monsey, N.Y. 10952
 T: (845) 354-0001

Mayerfeld Architecture
 15 Lyncrest Drive
 Monsey, NY 10952

May 01, 2024

Mr. Jon Layne
 Village of Wesley Hills Building Inspector
 Wesley Hills Village Hall Zoning Department
 432 Route 306
 Wesley Hills, NY 10952

**Re: Tzvi and Batya Gorelick
 9 Cara Drive
 Village of Wesley Hills**

**R-35 District
 41.08-01-20**

Dear Mr. Layne,

As the project manager at Mayerfeld Architecture, I, Stanley Mayerfeld, am representing Tzvi and Batya Gorelick, the homeowners of 9 Cara Drive since April of 2024. We have been retained to design an addition to the existing structure. The addition includes a proper sized two car garage, an addition at the rear of the house and a new deck.

Being that the scope of work is an addition to the existing structure which can not be moved, the proposed garage does not comply with the minimum side yard. Additionally, since the property naturally slopes down the proposed uncovered first floor decks are more than 3' above grade and therefore must be included the building coverage calculations.

The proposed addition requires the following variances:

	Required	Provided
Minimum Side Yard	25'	12.5'
Maximum Building Coverage	.10	.107

See submitted drawings dated 03/24/24 by Anthony Celentano P.E.

Sincerely,

Stanley Mayerfeld

Mayerfeld

ARCHITECTURE PLLC

15 Lyncrest Drive
Monsey, N.Y. 10952
T: (845) 354-0001

June 4, 2024

Wesley Hills Village Hall Zoning Department
432 Route 306
Wesley Hills, NY 10952

**Re: Tzvi and Batya Gorelick
9 Cara Drive
Village of Wesley Hills**

**R-35 District
41.08-01-20**

Dear Members of the Zoning Board,

As the project manager at Mayerfeld Architecture, I, Stanley Mayerfeld, am representing Tzvi and Batya Gorelick, the homeowners of 9 Cara Drive since April of 2024. We have been retained to design an addition to the existing structure. The addition includes a properly sized two-car garage, an addition at the rear of the house, and a new deck.

Since the scope of work is an addition to the existing structure, which cannot be moved, the proposed garage does not comply with the minimum side yard requirements. Additionally, because the property naturally slopes down, the proposed uncovered first-floor decks are more than 3 feet above grade and therefore must be included in the building coverage calculations.

Therefore, the proposed addition requires the following variances:

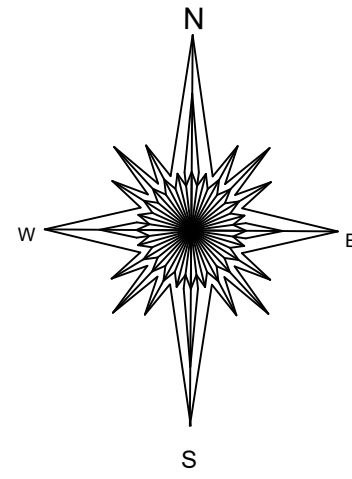
	Required	Provided
Minimum Side Yard	25'	12.5'
Maximum Building Coverage	.10	.107

See submitted drawings dated 03/24/24 by Anthony Celentano P.E.

Sincerely,

Stanley Mayerfeld





BULK REQUIREMENTS ZONE: R-35

USE GROUP	MIN. LOT AREA	LOT WIDTH CARA	LOT WIDTH DEERWOOD	EFFECTIVE SQUARE SIDE	FRONT YARD CARA	FRONT YARD DEERWOOD	SIDE YARD	TOTAL SIDE YARD	REAR YARD	MAX. IMPERVIOUS SURFACE	FRONT YARD IMPERVIOUS SURFACE CARA	FRONT YARD IMPERVIOUS SURFACE DEERWOOD	MAX. BUILDING COVERAGE	MAX. BUILDING HEIGHT STORIES	MAX. BUILDING HEIGHT FEET	MAX. EXPOSED BUILDING HEIGHT
SINGLE FAMILY	35,000 SF	125'	125'	125'	50'	50'	25'	60'	50'	0.25	0.20	0.20	0.10	2 1/2	25	40'
REQUIRED	35,000 SF	125'	125'	125'	50'	50'	25'	60'	50'	0.25	0.20	0.20	0.10	2 1/2	25	40'
EXISTING	35,001 SF	177.96'	193.98'	79.6"	51.7'	76.2'	36.2'	N/A	94.2'	0.127	0.11	0	0.06	2	<25'	<40'
PROPOSED	35,001 SF	177.96'	193.98'	79.6"	51.7'	76.2'	12.5"	N/A	71.3'	0.17	0.11	0	0.107"	2	<25'	<40'

* EXISTING CONDITION
** VARIANCE REQUIRED

EXISTING IMPERVIOUS COVERAGE:
1. HOUSE= 2,103 S.F.
2. DRIVEWAY= 1,714 S.F.
3. FRONT WALK & PORCH= 291 S.F.
4. DECK= 274 S.F.
5. OVERHANG= 50 S.F.

TOTAL=4,432 S.F. / 35,001 S.F.= 0.127

PROPOSED IMPERVIOUS COVERAGE:
1. HOUSE= 2,103 S.F.
2. DRIVEWAY= 1,561 S.F.
3. FRONT WALK & PORCH= 291 S.F.
4. DECK= 456 S.F.
5. ADDITION= 1,550 S.F.

TOTAL=5,961 S.F. / 35,001 S.F.= 0.17

EXISTING BUILDING COVERAGE:
2,103 S.F. / 35,001 S.F.= 0.06

PROPOSED BUILDING COVERAGE:
3,753 S.F. / 35,001 S.F.= 0.107

FRONT YARD IMPERVIOUS COVERAGE: (CARA)
EXISTING:

1. DRIVEWAY= 680 S.F.
2. FRONT WALK & PORCH= 260 S.F.
940 S.F. / 8,245 S.F.= 0.114

PROPOSED:

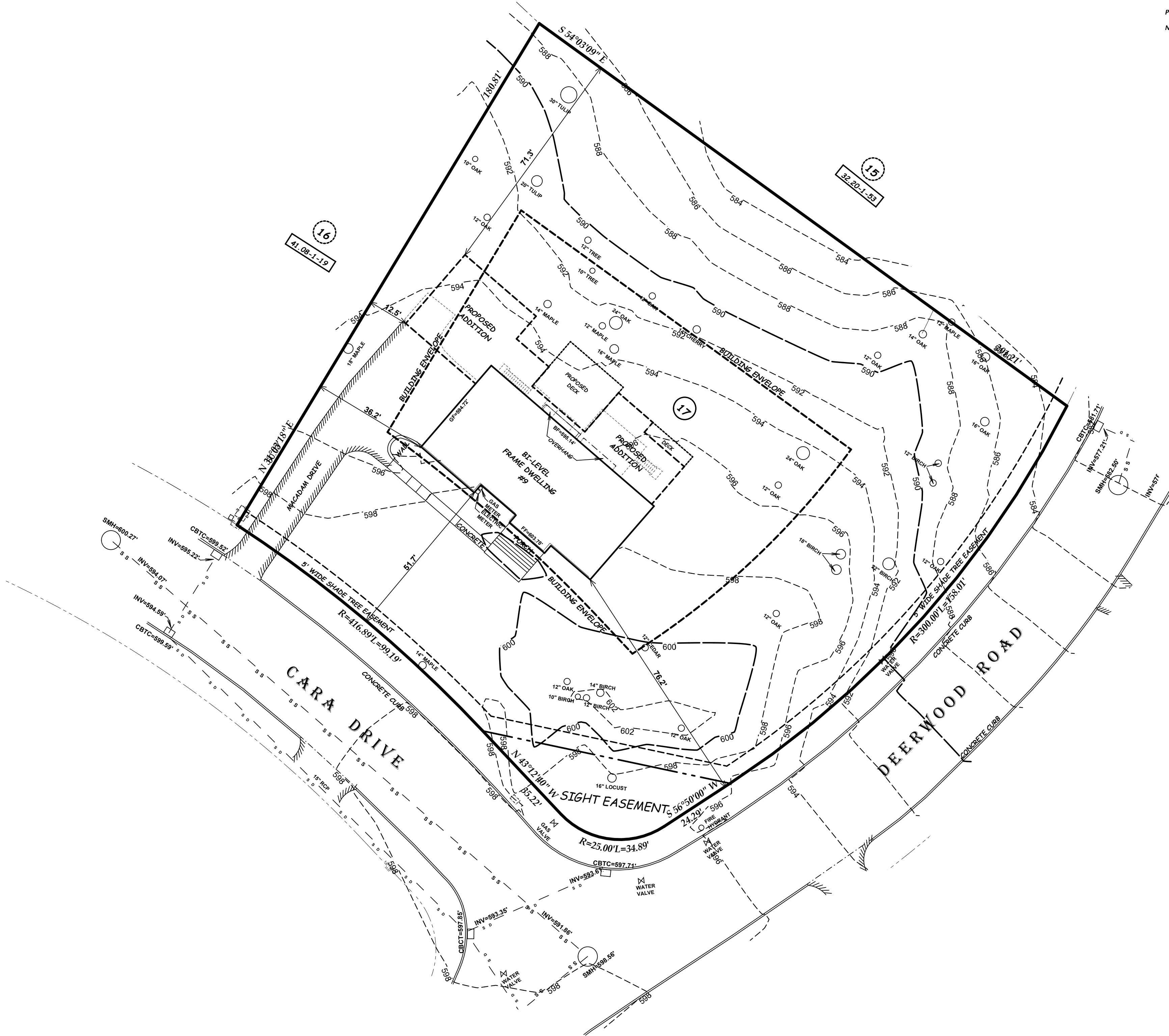
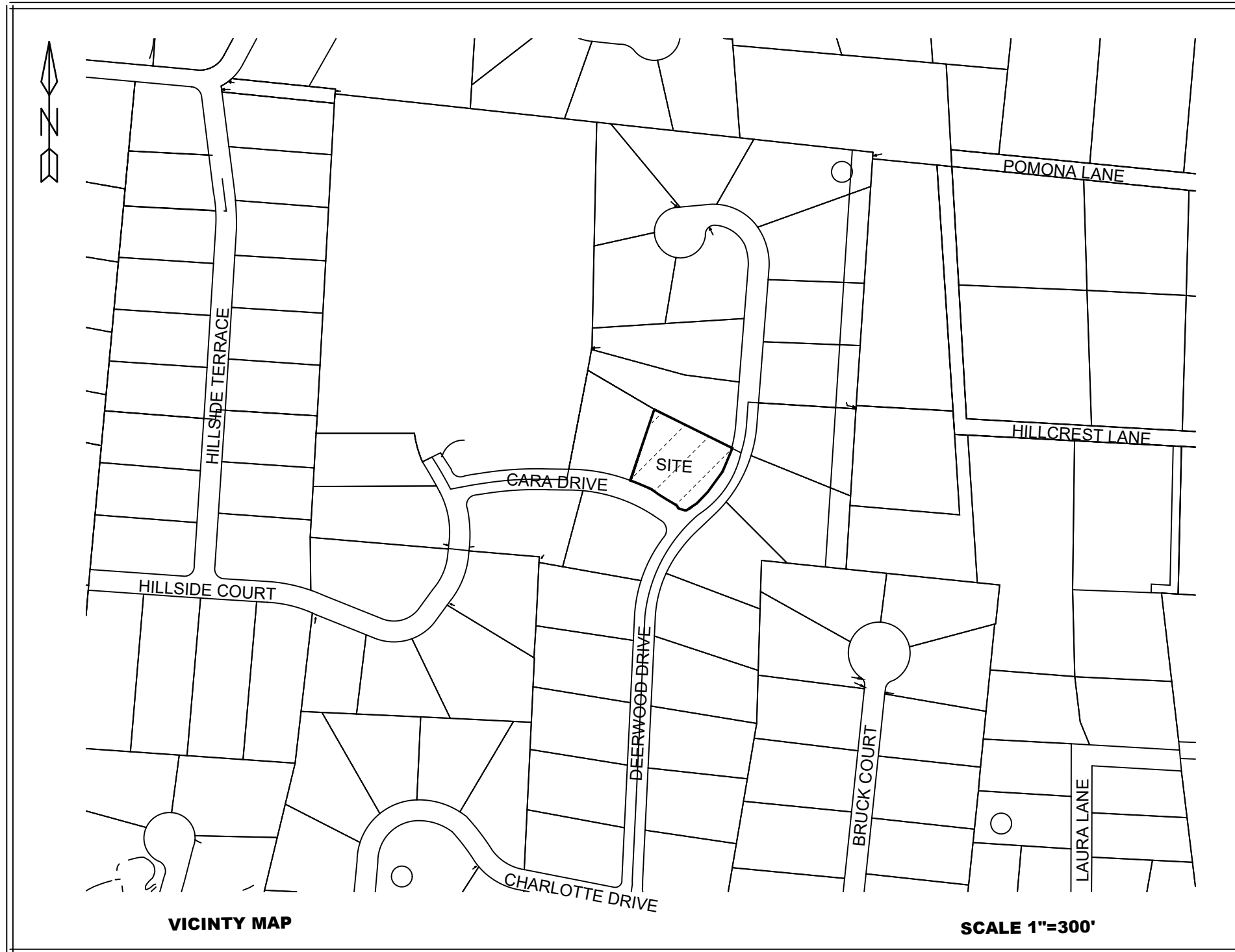
1. DRIVEWAY= 680 S.F.
2. FRONT WALK & PORCH= 260 S.F.
940 S.F. / 8,245 S.F.= 0.114

FRONT YARD IMPERVIOUS COVERAGE: (DEERWOOD)
EXISTING:

N/A

PROPOSED:

N/A



NOTE:
"IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER ANY ITEM ON ANY MAP."
"ONLY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSSED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR."
"THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSES AGREED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT."
THIS SURVEY MAP IS SUBJECT TO AN ACCURATE ABSTRACT OF TITLE.
EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE SURFACE OF THE GROUND THAT ARE NOT VISIBLE ARE NOT SHOWN.

CERTIFIED TO: TZVI GORELICK
BATYA GORELICK
LANDMARK ABSTRACT AGENCY LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
UNITED WHOLESALE MORTGAGE LLC ISACA ATIMA

LOT AREA = 35,001.00 SQUARE FEET
BEING LOT 17 ON A CERTAIN MAP ENTITLED
"TOMETAL WOODS"
FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE
AS MAP #6235 BOOK #109 PAGE #67 ON 08/18/1988.



TAX MAP DESIGNATION: 41.08-1-20

PROPOSED ADDITION FOR

9 CARA DR

TOWN OF RAMAPO, ROCKLAND COUNTY

WESLEY HILLS, NEW YORK

MARCH 24, 2024

SCALE: 1" = 20'

0 20 40 60
ANTHONY R. CELENTANO P.E.
31 ROSMAN ROAD
THIELLS, N.Y. 10984
845 429 5290 FAX 429 5974

Anthony R. Celetano LIC#76244

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Wesley Hills on the 18th day of June, 2024 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted by Tzvi and Batya Gorelick 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 an addition to a single family residence having a side yard of 12.5 feet instead of the minimum required of 25 feet and Building Coverage of .107 instead of the maximum permitted of .10.

The subject premises are situated on the north side of Cara Drive 0 feet from the intersection with Deerwood Road, known as 9 Cara Drive, designated on the Tax Map as Section 41.08 Block 1 Lot 20, in an R-35 Zoning District.

Copies of the aforesaid application are available for public review at the office of the Village Clerk/Treasurer, Village of Wesley Hills, 432 Route 306, Wesley Hills, New York 10952 between the hours of 9 A.M. and 4 P.M. Mondays through Fridays, exclusive of holidays.

Dated: Wesley Hills, New York
June 5, 2024

Camille Guido-Downey
Village Clerk/Treasurer
Village of Wesley Hills

File Attachments for Item:

3. Application submitted by Goldy Rosenfeld for variances from the provisions of Sections 230-14L(1) of the Code of the Village of Wesley Hills, to permit the maintenance and use of a fence 6 feet in height instead of the maximum permitted of 4 feet.

The subject premises are situated on the north side of Ardley Place at the intersection with Wilder Road, known as 2 Ardley Place, designated on the Tax Map as Section 41.10 Block I Lot 20, in an R 35 Zoning District.

DEC. 27 2023

PART I

VILLAGE OF WESLEY HILLS

Name of Municipality VILLAGE OF WESLEY HILLS Date 12/13/23*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: 2 Ardley PlaceApplicant: Goldy Rosenfeld Phone #

Address 2 Ardley Place Monsey NY 10952
 Street Name & Number (Post Office) State Zip code

Property Owner: Yitzchok Rosenfeld Phone #

Address 2 Ardley Place Monsey NY 10952
 Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: Paul Gdanski Phone # 917-418-0999

Address 633 Woodmont Lane Sloatsburg NY 10974
 Street Name & Number (Post Office) State Zip code

Attorney: Paul S. Baum, Esq., Sarajian & Baum PLLC Phone # 845-206-4556

Address 155 North Main Street New City NY 10956
 Street Name & Number (Post Office) State Zip code

Contact Person: Attorney Phone #

Address
 Street Name & Number (Post Office) State Zip code

Tax Map Designation:Section 41.10 Block 1 Lot(s) 20

Section _____ Block _____ Lot(s) _____

Location: On the north side of Ardley Place,
 at the intersection feet of Wilder Road Road.

Acreage of Parcel 34,695 SF **Zoning District** R-35
School District East Ramapo **Postal District** Monsey

Project Description: *(If additional space required, please attach a narrative summary.)*See attached narrative summary.**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? _____

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.

"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. Wilder Road (County Highway 81)

Applicant's Signature and Certification

State of New York)
County of Rockland) SS.:
Town/Village of _____)

I, Goldy Rosenfeld - Schwartz, hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address

2 Ardley Place
Monsey, NY 10952

SWORN to before this

14 day of December, 2023

[Signature]
Notary Public

HIRSCH ROSENZWEIG
Notary Public, State of New York
Reg. No. 01RO0002288
Qualified in Rockland County
Commission Expires 03/06/2027

State of New York)
 County of Rockland) SS.:
 Town/Village of _____)

I, Yitzchok Rosenfeld being duly sworn, hereby
 depose and say that I reside at: _____

in the county of Rockland in the state of NY

I am the * _____ owner in fee simple of premises located at:
2 Ardley Place, Monsey, NY 10952

described in a certain deed of said premises recorded in the Rockland County Clerk's
 Office in Liber ^{Instrument #2019-20120} _____ of conveyances, page _____.

Said premises have been in my/its possession since 192019. Said premises are
 also known and designated on the Town of Ramapo Tax Map as:
 section 41.10 block 1 lot(s) 20

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

2 Ardley Place

Monsey, NY 10952

SWORN to before this

14 day of December, 2023

 Notary Public

HIRSCH ROSENZWEIG
 Notary Public, State of New York
 Reg. No. 01RO0002288
 Qualified in Rockland County
 Commission Expires 03/06/2027

- * *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 _____)

I, Yitzchok Rosenfeld, 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

Yitzchok Rosenfeld

2 Ardley Place

Monsey, NY 10952

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 230-17 and 230-14(O)(4)(a) ;
☐ Special permit per the requirements of Section _____;
☐ Review and approval of proposed subdivision plat;
☐ 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 home and pool. See narrative

3. Premises affected are in a R-35 zone and from the town of Ramapo tax map, the property is know as Section 41.10, Block, 1, Lot(s) 20.

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 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 _____.

I, Yitzchok Rosenfeld, 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

2 Ardley Place

Monsey, NY 10952

SWORN to before this

14

day of December, 2023

Notary Public

HIRSCH ROSENZWEIG
Notary Public, State of New York
Reg. No. 01RO0002288
Qualified in Rockland County
Commission Expires 03/06/2027

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 }

Yitzchok Rosenfeld being duly sworn, deposes and
 says that he/she resides at 2 Ardley Place, 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. 41.10 Lot No. 1-20 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.

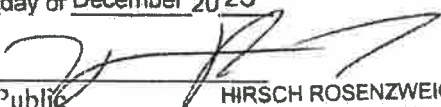
Owner: 

Address: 2 Ardley Place

Monsey, NY 10952

Sworn to before me this

14 day of December 2023

Notary Public 

HIRSCH ROSENZWEIG
 Notary Public, State of New York
 Reg. No. 01RO0002288
 Qualified in Rockland County
 Commission Expires 03/06/2027

Affidavit of Ownership/Owner's Consent

State of New York)
 County of Rockland) SS.:
 Town/Village of _____)

I, Yitzchok Rosenfeld being duly sworn, hereby
 depose and say that I reside at: _____

_____ in the county of Rockland in the state of NY

I am the * _____ owner in fee simple of premises located at:
2 Ardley Place, Monsey, NY 10952

described in a certain deed of said premises recorded in the Rockland County Clerk's
 Office in Liber ^{Instrument 42019-20120} of conveyances, page _____.

Said premises have been in my/its possession since 192019. Said premises are
 also known and designated on the Town of Ramapo Tax Map as:
 section 41.10 block 1 lot(s) 20

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

2 Ardley Place
Monsey, NY 10952

SWORN to before this

14 day of December, 2023

Notary Public

HIRSCH ROSENZWEIG
 Notary Public, State of New York
 Reg. No. 01RO0002288
 Qualified in Rockland County
 Commission Expires 03/06/2027

* 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.

State of New York.)

Town/Village of

Monsey, NY 10952

SECTION/BLOCK/LOT

NAME _____

ADDRESS

TO BE PROVIDED UNDER SEPARATE COVER

14 day of December, 2023

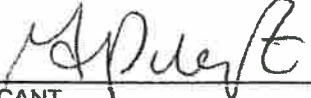
HIRSCH ROSENZWEIG
Notary Public, State of New York
Reg. No. 01RO0002288
Qualified in Rockland County
Commission Expires 03/05/2007

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


APPLICANT

12/14/23
DATED

PART II

Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- ☒ Variance from the requirement of Section 230-17 and 230-14(O)(4)(a) _____;
- ☐ 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 single family home and pool. See narrative

**NARRATIVE SUMMARY
FOR
2 ARDLEY PLACE
S/B/L: 41.10-1-20**

INTRODUCTION

This narrative summary is submitted in support of the within application by Goldy Rosenfeld, the owner of the single-family dwelling located at 2 Ardley Place (the "Property"). The applicant is seeking variances in order to legalize the construction of a new single-family home and pool (the "Project"). The Project will require variances from the Table of Dimensional Requirements for the R-35 Zone as follows:

	Permitted	Proposed
Maximum Building Height	25 ft	26.18 ft.
Max. Impervious Surface Ratio	.25	.30
Rear Yard for Pool	15 ft.	11.5 ft.

The applicant has constructed a new single-family dwelling and inground swimming pool on the Property. A building permit for the construction of the home was issued on October 2, 2020. A copy of the building permit is attached as Exhibit A. A copy of the plot plan is attached as Exhibit B. Thereafter, an inground swimming pool was added. A permit for the pool was issued on January 10, 2022. A copy of the building permit is attached as Exhibit C. A copy of the plot plan is attached as Exhibit D.

Upon the final inspection to close out the permits and obtain the final certificates of occupancy for the house and pool, it was discovered that the due to the grading of the property, the elevation of the house exceeded the 25-foot height requirement by 1.18 feet. It was further determined that the patio area around the pool was constructed 3.5 feet closer to the rear yard than the 15 feet permitted by the code. Further, upon the final calculation of the impervious surface ratio, the final calculation determined the ratio was .30.

The applicant seeks the variances to legalize these existing conditions.

SEQRA

The action is a Type II pursuant to 6 NYCRR 617.5(c)(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site); (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections); (12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density; (16) granting of individual setback and lot line variances and adjustments) and; (17) granting of an area variance for a single-family, two-family or three-family residence. It is not subject to environmental review pursuant to SEQRA. An SEAF Part 1 has been submitted.

GML

The property is within 500' of Wilder Road (County Highway 81). Pursuant to General

Municipal Law Section 239-m, a referral to the Rockland County Department of Planning is required.

VARIANCES

The requested variances will not impact any of the neighbors, will not change the character of the neighborhood or create any detriment to neighboring properties, nor will they cause an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The height of the home is only 22.95'. However, due to a high-water table, the first floor elevation was set at 525.23' instead of the originally proposed 524'. Because the average existing grade is 522' the house is considered to be 26.18' high instead of the 24.95' originally proposed in the plans so that the final building height, measured from average grade, exceeds the 25-foot height requirement by a minimal 1.8'. The deficiency is so slight that it will be undetectable from anyone viewing the home.

The deficiency in the rear yard for the pool is also minimal. The pool itself is set back more than the 15' required by the code, but the patio around the pool encroaches into the rear yard by 3.5'. The applicant also owns the property to the north that is most impacted by the pool variance.

At the time of the issuance of the pool permit, the impervious surface ratio was proposed to be .238 based on an area of 8,317 SF. The final calculated impervious area is 10,409 SF for a ratio of .30. The increase in impervious area is due to an increase in the actual size of the driveway/front walk from 1,627 SF to 2,121 SF (a gain of 494 SF), an increase in the pool area from 2,194 SF to 3,790 SF (a gain of 1596 SF), and a slight increase in the house from 4,204 to 4,318 (a gain of 114 SF). The additional impervious surface will be addressed by an appropriate storm water management system to be approved by the Village's Engineering Consultant so that there will be no net increase in the peak rate of runoff. The water will be appropriately detained and will not impact any neighbors.

There are no other feasible alternatives to the variances other than to tear off the roof of the house or tear out the additional pool patio in the rear yard. That would not be a practical approach based on the limited impacts these conditions have on the neighborhood. There is no other reasonable manner in which the property can be brought into compliance other than granting the variances.

Under the particular circumstances of this case, the benefit to the applicant from the grant of the variances significantly outweighs any detriment to the health, safety and welfare of the neighborhood. It is therefore respectfully requested that the Zoning Board grant the variances requested.

Dated: December 13, 2023

EXHIBIT A

BUILDING PERMIT FOR DWELLING

2 Ardley Pl
(Address)

Yitzchok Rosenfeld
(Owner)

VILLAGE OF WESLEY HILLS BUILDING ZONE ORDINANCE

THIS PERMIT NOTICE

To be fastened on a part of the building to which it may be plainly seen by all

PERMIT
ISSUED BY THE VILLAGE OF WESLEY HILLS
BUILDING DEPARTMENT

This notice shall not be removed from Building until the Building shall not be used until a Certificate of Occupancy has been issued by the Building Inspector.

Date: 10.02.20
Permit expires one year from above date.

[Signature]
Building Inspector
Village of Wesley Hills
845.354.0700

BY LAW THIS CARD MUST BE VISIBLE FROM THE ROAD DURING CONSTRUCTION

EXHIBIT B

PLOT PLAN FOR DWELLING

EXHIBIT C

BUILDING PERMIT FOR POOL

2 Ardley Pl
(Address)

Yitzchok Rosenfeld
(Owner)

VILLAGE OF WESLEY HILLS BUILDING ZONE ORDINANCE

THIS PERMIT NOTICE

To be fastened on a part of building for which it is issued where it may be plainly seen by all

PERMIT NO. 4714 HAS BEEN
ISSUED FOR THIS BUILDING

This notice shall not be removed from Building to which it is attached and Building shall not be used until a Certificate of Occupancy has been issued by the Building Inspector.

Date: 01-10-21
Permit expires one year from above date.


Building Inspector
Village of Wesley Hills
845-354-0400

BY LAW THIS CARD MUST BE VISIBLE FROM THE ROAD DURING CONSTRUCTION

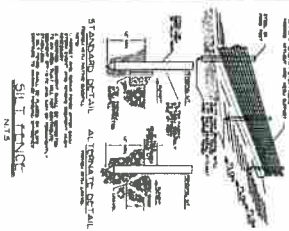
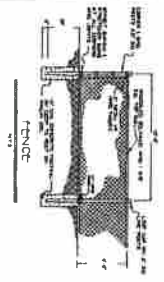
EXHIBIT D

POOL PLOT PLAN

TAX SECTION 4110 BLOCK 1 LOT 20

REFERENCES

ALL DIMENSIONS & TOLERANCES INFORMATION IS
 REFERENCE FROM A SURVEY PREPARED BY
 ANTHONY R. CLEMENTE P.S. LAST REVISED
 SCOTCHDOR 24, 2020
 REFERENCE TO ELEVATION IN THIS DRAWING
 SHALL BE TO THE FINISHED GRADE UNLESS
 OTHERWISE NOTED.



SHEET 1 OF 2											
NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED	NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	POOL	10/1/20	PAUL GDANSKI			1	POOL	10/1/20	PAUL GDANSKI		
2	POOL DECK	10/1/20	PAUL GDANSKI			2	POOL DECK	10/1/20	PAUL GDANSKI		
3	POOL FENCE	10/1/20	PAUL GDANSKI			3	POOL FENCE	10/1/20	PAUL GDANSKI		
4	POOL LIGHTS	10/1/20	PAUL GDANSKI			4	POOL LIGHTS	10/1/20	PAUL GDANSKI		
5	POOL COVER	10/1/20	PAUL GDANSKI			5	POOL COVER	10/1/20	PAUL GDANSKI		
6	POOL PAVING	10/1/20	PAUL GDANSKI			6	POOL PAVING	10/1/20	PAUL GDANSKI		
7	POOL FENCE	10/1/20	PAUL GDANSKI			7	POOL FENCE	10/1/20	PAUL GDANSKI		
8	POOL LIGHTS	10/1/20	PAUL GDANSKI			8	POOL LIGHTS	10/1/20	PAUL GDANSKI		
9	POOL COVER	10/1/20	PAUL GDANSKI			9	POOL COVER	10/1/20	PAUL GDANSKI		
10	POOL PAVING	10/1/20	PAUL GDANSKI			10	POOL PAVING	10/1/20	PAUL GDANSKI		

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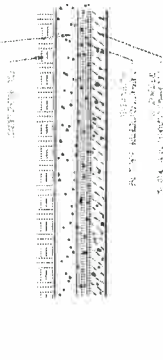
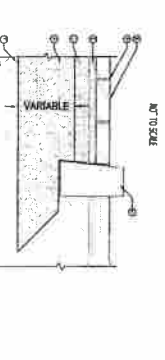
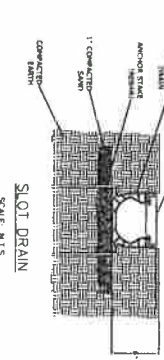
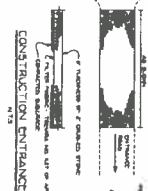
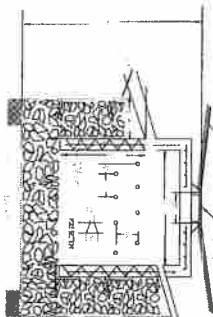
PAUL GDANSKI P.E. 073960 D

UNDESIGNED UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER FROM
 AVAILABLE INFORMATION. THE CONTRACTOR SHALL OBTAIN THE FINAL
 UNDERGROUND UTILITIES PROTECTIVE DEVIATION TO LAY ALL
 UNDERGROUND UTILITIES IN THE FIELD PRIOR TO ANY CONSTRUCTION.
 ANY UTILITY FOR MAJOR OR MINOR CONSTRUCTION CAN BE SEEN ON
 THE SURFACE OF THE LANDS MAY NOT BE SHOWN ON THIS DRAWING.

ARDELEY PLACE
 WILDER ROAD

NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	POOL	10/1/20	PAUL GDANSKI		
2	POOL DECK	10/1/20	PAUL GDANSKI		
3	POOL FENCE	10/1/20	PAUL GDANSKI		
4	POOL LIGHTS	10/1/20	PAUL GDANSKI		
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9	POOL COVER	10/1/20	PAUL GDANSKI		
10	POOL PAVING	10/1/20	PAUL GDANSKI		

DRWELL MANDATED BY
 ROCKLAND COUNTY
 HIGHWAY DEPARTMENT



PAUL GDANSKI P.E. PLIC
 633 WOODMONT LANE
 SLATSBURG, NEW YORK 10974
 (917) 418-0999
 EMAIL: PGSKI@ARTLINK.NET

POOL PLAN FOR

2 ARDELEY

VILLAGE OF WESTLEY HILLS

TOWN OF RAMAPO

ROCKLAND COUNTY, NEW YORK

SCALE: 1"=20'

DATE: 9/3/21

BY: PGSKI

CHECKED: PGSKI

APPROVED: PGSKI

DATE: 9/3/21

BY: PGSKI

CHECKED: PGSKI

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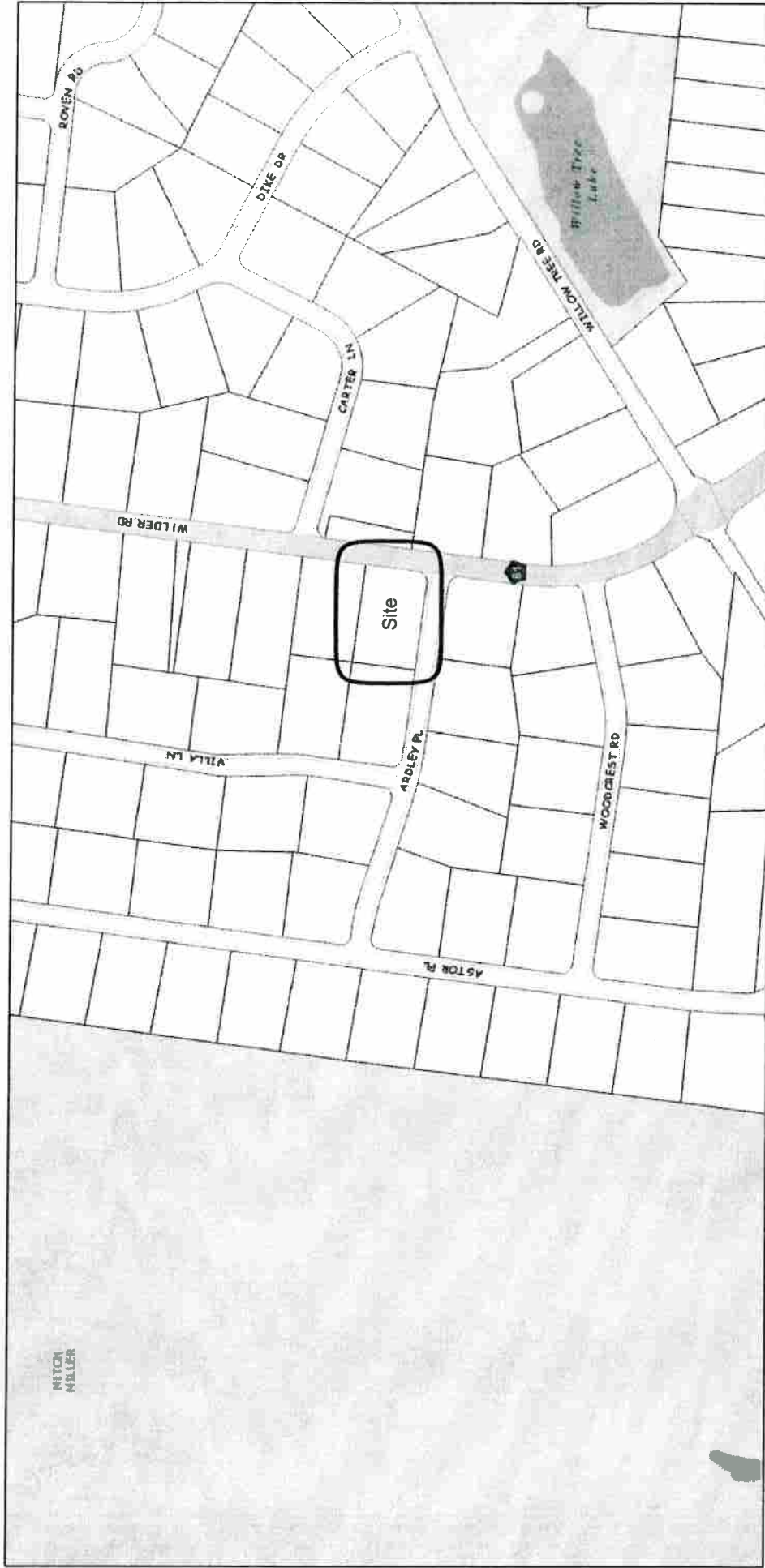
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DATE: 9/3/21

BY: PGSKI

ArcGIS Web Map



12/22/2023, 2:02:04 PM

ROW County Highway

Parcel Layer

1:2,800



2 Ardley Place Vicinity Map

BUILDING DEPT.

DEC 27 2023

VILLAGE OF WESLEY HILLS

Web AppBuilder for ArcGIS

Item 3.

Short Environmental Assessment Form

Part 1 - Project Information

Item 3.

DEC 29 2023

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: 2 Ardley Place			
Project Location (describe, and attach a location map): 2 Ardley Place, Wesley Hills, NY 10952			
Brief Description of Proposed Action: Variances for height, rear yard and maximum impervious surface ratio			
Name of Applicant or Sponsor: Yitzchok Rosenfeld		Telephone: E-Mail:	
Address: 2 Ardley Place			
City/PO: Wesley Hills		State: NY	Zip Code: 10952
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		☒	☐
3. a. Total acreage of the site of the proposed action?		34,965 SF acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 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,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe: _____ _____		
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: _____ _____	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: <u>Yitzchok Rosenfeld</u> Date: _____ Signature: _____ Title: _____		

VILLAGE OF WESLEY HILLS
432 Route 306
Wesley Hills, N.Y. 10952-1221
Phone: 845-354-0400 Fax: 845-354-4097 www.wesleyhills.org

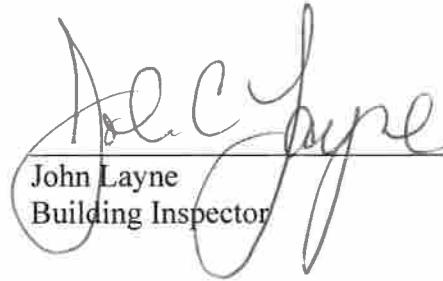
Dated: December 27, 2023
Tax Parcel ID: 41.10-1-20
Address: 2 Ardley Place
Applicant: Goldy Rosenfeld

BUILDING AND ZONING DEPARTMENT:

Please be advised that your application for a building permit for maintenance and use of a single-family home and inground pool has been denied. The requirements of the Zoning Law of the Village of Wesley Hills have not been satisfied. The following variances are required:

- Maximum impervious surface ratio of 0.30 when 0.25 is required.
- Maximum building height of 26.18' when 25' is required.
- Maximum rear yard for pool of 11.5' when 15' is required.

In addition, the Zoning Board of Appeals may review any existing non-conforming items and previously granted variances.


John Layne
Building Inspector

Cc: Zoning Board of Appeals

**ROCKLAND COUNTY DEPARTMENT OF PLANNING
REFERRAL FORM FOR GENERAL MUNICIPAL LAW REVIEWS**

Municipality: Village of Wesley Hills

Date Sent: 12/28/2023

Board: ☐ Planning ☒ ZBA ☐ Town/Village **Meeting Date:** 1/17/2024

File Name Goldv Rosenfeld

Contact Person Alicia Schultz, Deputy Village Clerk

Address 432 Route 306
Wesley Hills, NY 10952

Referral Agencies

(Please indicate the agencies that have also received copies of this application)

- ☒ RC Highway Department
☐ RC Division of Environmental Resources
☐ RC Drainage Agency
☒ RC Department of Environmental Health (Sewers, Water, Mosquito Code, Underground Tanks)
☒ RC Sewer District #1
☐ NYS Department of Environmental Conservation
☐ NYS Department of Transportation
☐ NYS Thruway Authority
☐ NY-NJ Trail Conference (Long Path)
☐ Palisades Interstate Park Commission
☐ US Army Corps of Engineers
☐ Cornell Cooperative Extension of Rockland County
☐ Adjacent Municipality (Village of New Hempstead)
☐ Other _____

Pursuant to the General Municipal Law Article 12-B, Section

239 (n): ☐ Subdivision

239 (l) & (m): ☐ Site Plan ☒ Variance ☐ Special Permit ☐ Zone Change/Amendment
☐ Other – Please list _____

Location of Parcel(s) 2 Ardley Place

Acreage of Parcel (s) 0.806

Existing Sq. Footage _____ **Proposed Sq. Footage** _____

The Property in Question Lies Within 500 Feet of:

- | | |
|---|---|
| ☒ County Road | ☐ State Road, Thruway, or Parkway |
| ☐ County Stream | ☐ State Park |
| ☐ County Park | ☐ Village, Town, or County Boundary (Vill. of New Hemp.) |
| ☐ County or State Facility | ☐ The Long Path |

Map 41.10 **Block** 1 **Lot(s)** 20 **Map Date:** 3/10/2023

Current Zoning: R-35

**Brief Project Description: APPLICATION FOR VARIANCES PERMITTING THE
MAINTAINENCE AND USE OF A SINGLE-FAMILY RESIDENCE AND INGROUND
SWIMMING POOL.**

Variances Needed (<i>if applicable</i>)	Required	Existing	Proposed
Maximum impervious surface ratio	0.25	0.20	0.30
Maximum building height	25'	<25'	26.18'
Maximum rear yard for pool	15'	N/A	11.5'

Rockland County Department of Planning 9/13 {G:\All\GML\GML Referral Form}

GML Report

Property Information:

Parcel ID: 41.10-1-20	Date Parcel: February 2023
OLD ID: 9-30CC2	Address: 2 ARDLEY PL
Address 2:	Alternative:
City: MONSEY	State: NY
Zip: 10952	Book Page:
Deed Date: 10/2/2019 12:00:00 AM	Instrument: 2019-00028120
Municipality: Wesley Hills	Deed Acres: 0
GIS Acres: 0.806	

GML Criteria:

GML Review: YES	Palisades Parkway: NO
Thruway: NO	County Road: YES
State Road: NO	County Regulated Streams: NO
Long Path: NO	County Park: NO
State Park: NO	State Property: NO
County Property: NO	Village Boundary: NO
Town Boundary: NO	Orange County Boundary: NO
X Coordinate: 606596	Y Coordinate: 846459

HIGHWAY DEPARTMENT

23 New Hempstead Road
New City, New York 10956
Phone: (845) 638-5060 Fax: (845) 638-5037
Email: highway@co.rockland.ny.us

Charles H. "Skip" Vezzetti
Superintendent of Highways

January 16, 2024

Ms. Alicia Schultz
Deputy Village Clerk
Village of Wesley Hills
432 Route 306
Wesley Hills, NY 10952

**Re: Site Plan Review for Single-Family Residence and In-Ground Pool
2 Ardley Place in Wesley Hills, NY
Tax Lot #41.10-1-20; R-35 Zoning District**

Dear Ms. Schultz:

The Rockland County Highway Department ("RCHD") was in receipt of the above application along with a site plan prepared by Anthony R. Celentano, P.L.S., dated 03.10.23, as part of the GML review process. The review has been complete now and we offer the following comments.

1. It appears the evergreen hedge/trees planted in the Rockland County Right of Way ("ROW") is causing a traffic safety issue at the intersection as the line of sight is restricted. The trees/hedge shall be removed, and the line of sight shall be enhanced to promote traffic safety at the intersection.
2. A drainage report shall be prepared to demonstrate that the existing/proposed drainage system in the parcel is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
3. A road work permit must be secured from the RCHD prior to starting any construction work in the site.

We appreciate you for the opportunity to review the site plan. Please feel free to contact us at 845 638 5060 with any question or concern you may have regarding this matter.

Thank you.



Dyan Rajasingham
Engineer III

CC: Rockland County Department of Planning
Anthony R. Celentano, P.L.S. – Professional Land Surveyor



RECEIVED

JAN 25 2024

VILLAGE OF WESLEY HILLS

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

Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

January 19, 2024

Wesley Hills Zoning Board of Appeals
432 Route 306
Wesley Hills, NY 10952

Tax Data: 41.10-1-20

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 12/04/2023

Date Review Received: 01/02/2024

Item: ***GOLDY ROSENFELD/2 ARDLEY PLACE (Whi-204)***

Variances to legalize an existing single-family dwelling with a pool located on 0.80 acres in the R-35 zoning district. The requested variances include building height, rear yard to the pool, and maximum impervious surface ratio.

Northwest corner of Wilder Road and Ardley Place

Reason for Referral:

Wilder Road (CR 81)

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***

It is normally our policy to advise caution when granting a variance for impervious surface ratio that exceeds the maximum standard by 20 percent. However, the site features have already been constructed and appear to be consistent with other lots in the immediate vicinity. We therefore offer the following comments on the requested variances.

1 The applicant shall comply with the comments made by the Rockland County Highway Department in their letter dated January 16, 2024.

2 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.

3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

4 The bulk table indicates a variance is needed from Section 230-14L for fence height. This is not indicated anywhere else in the application materials. This variance must be confirmed and, if required, the materials must be revised so that all application materials remain consistent. If the public hearing notice did not contain all required variances, it must be revised and reissued.

GOLDY ROSENFELD/2 ARDLEY PLACE (Whi-204)

5 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.

6 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.

7 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:

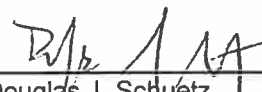
7.1 This application was officially received by the Rockland County Planning Department on January 2, 2024. The application materials indicate that the public hearing was held on January 17, 2024. As a reminder, State General Municipal Law, Section 239 (m) 4.(b) states that "Such county planning agency 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.

7.2 The bulk table shall not include estimations. The actual exposed building height must be indicated on the bulk table.

7.3 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. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

7.4 The site plan must contain a vicinity map that has a north arrow and scale.

7.5 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.


 Douglas J. Schuetz
 Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
 Rockland County Department of Health
 Rockland County Highway Department
 Rockland County Sewer District No. 1
 Anthony R. Celentano P.L.S.

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.*

GOLDY ROSENFELD/2 ARDLEY PLACE (Whi-204)

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



EDWIN J. DAY
County Executive

SAMUEL RULLI, PE
Director, Environmental Health

January 26, 2024

Alicia Schultz, Deputy Village Clerk
Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952

RECEIVED

FEB - 1 2024

VILLAGE OF WESLEY HILLS

Re: Municipal Referral
2 Ardley Place
Variances for a Single-Family Dwelling
Tax lot 41.10-1-20

Dear Ms. Schultz:

We have received an application and plans as prepared by Anthony R. Celentano, PLS, revised through December 04, 2023, for the above referenced project. Comments are as follows:

1. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code. The drainage structures on the final survey differ from the original approval issued by this office.

If you have any questions regarding this matter, do not hesitate to call.

Very truly yours,



Brandon Durant
Assistant Public Health Engineer
(845) 364-2642

cc: Michael Kezner, Rockland County Department of Planning
Anthony R. Celentano, PLS
MBSP (via email)

June 9, 2023

Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952

Attn: Alicia Shultz, Building Department

Re: 2 Ardley Place
As-built Review (x2)

Dear Ms. Schultz,

Our office has reviewed the "Final Survey for 2 Ardley Pl", prepared by Anthony Celentano, P.L.S. last revised May 10, 2023. A site visit was last performed on June 6, 2023. At this time, we do not recommend the issuance of a Certificate of Occupancy. It is noted that the two properties are under the same ownership, however, they're still considered two separate lots which may cause issues with zoning and the approval for the adjacent neighborhood gathering based on how the overall site is being utilized. We offer the following comments:

1. Swing set/play area to be shown on survey. Material of play area to be indicated. Trampoline and playset improvements are not consistent with the adjacent neighborhood gathering's special permit. Location of accessory structure(s) may require a variance for side setback and front yard setback.
2. Existing drainage easement on the north side of 29 Wilder should be labeled. The filed subdivision Map #3252 indicates that this 15' drainage easement is to the County of Rockland.
3. Please note that our office did not have the opportunity to review the pool plan. It is noted that a building permit was issued from the Village in January 2022. A swale was proposed in the location of the constructed pool/patio. Applicant shall demonstrate equivalent measure to replace the proposed swale to mitigate any negative impacts to the adjacent neighbors. Additional topography information in the northwesterly corner and pool/patio area shall be provided.
4. Due to the as-built impervious surface ratio and, Applicant to confirm that the installed drywell system provides sufficient volume to demonstrate a net decrease in peak runoff rates for the 100-year, 24-hour storm. Additional drainage mitigation may be required.
5. The maximum building height calculation has been corrected and is measured at 26.18' as noted in the Bulk Table. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
6. The pool patio encroaches the 15' pool setback requirements along the northern property line. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
7. The Bulk Table has been updated to indicate a maximum impervious surface ratio of 0.30, exceeding the allowable ratio of 0.25. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
8. The installed 4"/6" SDR-35 drainage pipes on the north side of building are shown encroaching into the adjacent property to the North (29 Wilder) and daylighting into a 15'-wide drainage easement on the North side of 29 Wilder. Drainage pipes to be removed/modified or appropriate easements shall be filed. Applicant to review the potential of rerouting the drainage pipes to the existing catch basin on the South side of the property.
9. During the site visit, it was found that the 4" and 6" SDR-35 drainage pipes are installed on top of the other at the point of daylight. Applicant to provide additional information on how these pipes were

installed and where the secondary line is from. Standing water was found in all four of the installed catch basins on the north side of the building. Inverts of the pipes to be provided on the survey and positive conveyance of runoff through the installed pipes to be demonstrated.

10. Fence and hedges appear to be located within the westerly 15' wide drainage easement on top of an existing drainage pipe. Fence & hedges shall be relocated east outside of the easement.
11. Fence, hedges, and grading along eastern property line to be relocated within the property or Applicant to seek approval from the Village Board. Please note that the allowable height for a fence along the front lot line is 4 feet. A 6-foot fence in the front yard must be setback at least 4 feet (2/3rds its height) from the property line to be in conformance. In the most recent site visit, it appears the fence has been relocated to the west side of the fence. Survey shall be updated to reflect this and confirm appropriate setbacks. Based upon field measurements, the fence appears to encroach within the allowable setback, possibly the R.O.W., and is not in conformance. Furthermore, a concern was raised for fence/hedge location as it relates to sufficient sight distance. The setbacks required per code will assist with this issue.
12. Soil to be removed from the existing catch basin in the Wilder Road R.O.W.
13. Signoff from the Town of Ramapo for sewer connection to be provided.
14. During the site visit, the water service curb box could not be found. Contractor to confirm location and curb box to be brought to grade if not done so already.
15. Roof leader inverts to be provided once drywells are cleaned of accumulated soil.
16. It appeared that the ripped inlet protection and accumulated soil remain within the two drywells. Drywell shall be cleaned of sediment, as necessary. Inlet protection for the two drywells to be removed.
17. Disturbed areas with the Wilder Road R.O.W. are to be repaired with topsoil and seed. Remains of the concrete base for fence poles to be removed.

Our office will continue our review upon submission of a revised survey and satisfaction to the outstanding comments above.

Very truly yours,



Matthew Trainor, P.E.

Project Engineer

BROOKER ENGINEERING, PLLC

Y:\VILLAGES\WH Wesley Hills\WH0171 - 2020 Plot Plans\2 Ardley Place\2023-06-09 As-Built Survey Review x2.docx

ROCKLAND COUNTY TIMES

Offices: 119 Main Street (2nd Floor) • Nanuet, NY 10954-2882 • Tel (845) 627-1414 • Fax (845) 627-1411
VILLAGE OF WESLEY HILLS

Legal Notice:

(Ref. No.: 27179)

JAN 08 2024

AFFIDAVIT OF PUBLICATION

BUILDING,
PLANNING & ZONING

STATE OF NEW YORK)
) ss:
COUNTY OF ROCKLAND)

TERESA WARNER of the Town of Orangetown, County of Rockland,
State of New York, being duly sworn says that she is the Principal Clerk of the
ROCKLAND COUNTY TIMES, a newspaper published in the Town of Clarkstown,
County of Rockland, State of New York, and that the legal notice of which the
annexed is a copy was published in the issue of: *January 4, 2024.*

Teresa Warner
TERESA WARNER

Sworn to before me this

4 day of *January* 2024

[Signature]

NOTARY PUBLIC, STATE OF NEW YORK

WALTER H SANCHEZ
Notary Public, State of New York
Registration No. 01SA4857488
Qualified in Queens County
Filed in Rockland County
Commission Expires April 21, 2026

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Wesley Hills on the 17th day of January, 2024 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted by Goldy Rosenfeld for variances from the provisions of Sections 230-17 Attachment I and 230-140(4)(a) to permit the maintenance and use of a single family residence and inground swimming pool having building height of 26.18 feet instead of the maximum permitted of 25 feet, impervious surface ratio of .30 instead of the maximum permitted of .25 and rear yard for the pool of 11.5 feet instead of the minimum required of 15 feet.

The subject premises are situated on the north side of Ardley Place at the intersection with Wilder Road, known as 2 Ardley Place, designated on the Tax Map as Section 41.10 Block 1 Lot 20, in an R-35 Zoning District.

Copies of the aforesaid application are available for public review at the office of the Village Clerk/Treasurer, Village of Wesley Hills, 432 Route 306, Wesley Hills, New York 10952 between the hours of 9 A.M. and 4 P.M. Mondays through Fridays, exclusive of holidays.

Dated: Wesley Hills, New York
January 3, 2024

Camille Guido-Downey
Village Clerk/Treasurer
Village of Wesley Hills

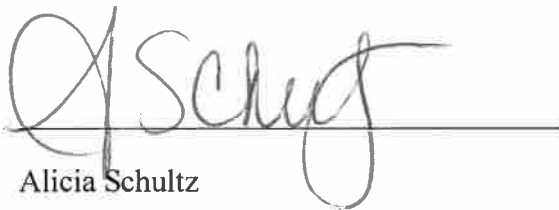
1x1-427179

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

Applicant Name: 2 Ardley Drive

CERTIFICATION

I, Alicia Schultz, Deputy Village Clerk of the Village of Wesley Hills, hereby certify that on the 2nd day of Jan., 2024, I mailed the attached notice by regular first class mail in all envelopes submitted to me by the Applicant addressed to all those names appearing on the affidavit of Property Owners by depositing same in an official depository under exclusion care and custody of the United States Postal Office within the State of New York.

A handwritten signature in cursive script, appearing to read "A Schultz", is written over a horizontal line.

Alicia Schultz

Deputy Village Clerk

ACTUAL SIZE

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Wesley Hills on the 17th day of January, 2024 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted by Goldy Rosenfeld for variances from the provisions of Sections 230-17 Attachment I and 230-140(4)(a) to permit the maintenance and use of a single family residence and inground swimming pool having building height of 26.18 feet instead of the maximum permitted of 25 feet, impervious surface ratio of .30 instead of the maximum permitted of .25 and rear yard for the pool of 11.5 feet instead of the minimum required of 15 feet.

The subject premises are situated on the north side of Ardley Place at the intersection with Wilder Road, known as 2 Ardley Place, designated on the Tax Map as Section 41.10 Block 1 Lot 20, in an R-35 Zoning District.

Copies of the aforesaid application are available for public review at the office of the Village Clerk/Treasurer, Village of Wesley Hills, 432 Route 306, Wesley Hills, New York 10952 between the hours of 9 A.M. and 4 P.M. Mondays through Fridays, exclusive of holidays.

Dated: Wesley Hills, New York
January 3, 2024

Camille Guido-Downey
Village Clerk/Treasurer
Village of Wesley Hills

1x1-4/27179

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Wesley Hills on the 17th day of January, 2024 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted by Mark Maidique/Bridger AAD 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 non-building site improvements having impervious surface ratio of .23 instead of the maximum permitted of .20.

The subject premises are situated on the north side of Grandview Avenue and on 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.

Copies of the aforesaid application are available for public review at the office of the Village Clerk/Treasurer, Village of Wesley Hills, 432 Route 306, Wesley Hills, New York 10952 between the hours of 9 A.M. and 4 P.M. Mondays through Fridays, exclusive of holidays.

Dated: Wesley Hills, New York
January 3, 2024

Carmille Guido-Downey
Village Clerk/Treasurer
Village of Wesley Hills

Richard H. Sarajian
Direct Line: (845) 205- 4553
Email: rsarajian@sbnewyorklaw.com

Paul S. Baum
Direct Line: (845) 205-4556
Email: pbaum@sbnewyorklaw.com



SARAJIAN & BAUM
PLLC

155 North Main Street
New City, New York 10956
Telephone: (845) 205-4558
Fax: (845) 213-2141

March 5, 2024

Zoning Board of Appeals
Attn.: Alicia Schultz
Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952-1221

Re: Application of Goldy Rosenfeld
2 Ardley Place
S/B/L: 41.10-1-20

Dear Ms. Schultz:

Please allow this letter to amend the ZBA application.

The applicant seeks to add a new request for a variance from Section 230-14(L)(1) to permit a fence of 6' high in the front yard. We herewith attach Pages 5 and 11 of the Application for substitution into the original application and a revised narrative summary.

Thank you for your attention.

SARAJIAN & BAUM, PLLC

PAUL S. BAUM

PSB/eb

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)

County of Rockland) SS.:

Town/Village of _____)

I, Yitzchok Rosenfeld, 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

Yitzchok Rosenfeld

2 Ardley Place

Monsey, NY 10952

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 230-17 and 230-14(O)(4)(a) and 230-14(L)(1);
- () Special permit per the requirements of Section _____;
- () Review and approval of proposed subdivision plat;
- () 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 home and pool. See narrative

3. Premises affected are in a R-35 zone and from the town of Ramapo tax map, the property is know as Section 41.10, Block, 1, Lot(s) 20.

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 and 230-14(O)(4)(a) and 230-14(L)(1) ;
- ☐ 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 single family home and pool. See narrative

**REVISED NARRATIVE SUMMARY
FOR
2 ARDLEY PLACE
S/B/L: 41.10-1-20**

INTRODUCTION

This narrative summary is submitted in support of the within application by Goldy Rosenfeld, the owner of the single-family dwelling located at 2 Ardley Place (the “Property”). The applicant is seeking variances in order to legalize the construction of a new single-family home and pool (the “Project”). The Project will require variances from the Table of Dimensional Requirements for the R-35 Zone as follows:

	Permitted	Proposed
Maximum Building Height	25 ft	26.18 ft.
Max. Impervious Surface Ratio	.25	.30
Rear Yard for Pool	15 ft.	11.5 ft.

The applicant also seeks a variance from 230-14(L)(1) to permit a 6; high fence in the front yard along Wilder Road.

The applicant has constructed a new single-family dwelling and inground swimming pool on the Property. A building permit for the construction of the home was issued on October 2, 2020. A copy of the building permit is attached as Exhibit A. A copy of the plot plan is attached as Exhibit B. Thereafter, an inground swimming pool was added. A permit for the pool was issued on January 10, 2022. A copy of the building permit is attached as Exhibit C. A copy of the plot plan is attached as Exhibit D.

Upon the final inspection to close out the permits and obtain the final certificates of occupancy for the house and pool, it was discovered that the due to the grading of the property, the elevation of the house exceeded the 25-foot height requirement by 1.18 feet. It was further determined that the patio area around the pool was constructed 3.5 feet closer to the rear yard than the 15 feet permitted by the code. Further, upon the final calculation of the impervious surface ratio, the final calculation determined the ratio was .30.

The applicant seeks the variances to legalize these existing conditions.

SEQRA

The action is a Type II pursuant to 6 NYCRR 617.5(c)(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site); (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections); (12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density; (16) granting of individual setback and lot line variances and adjustments) and; (17) granting of an area variance for a single-family, two-family or three-family residence. It is not subject to environmental review pursuant to SEQRA. An SEAF Part 1 has been submitted.

GML

The property is within 500' of Wilder Road (County Highway 81). Pursuant to General Municipal Law Section 239-m, a referral to the Rockland County Department of Planning is required.

VARIANCES

The requested variances will not impact any of the neighbors, will not change the character of the neighborhood or create any detriment to neighboring properties, nor will they cause an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The height of the home is only 22.95'. However, due to a high-water table, the first floor elevation was set at 525.23' instead of the originally proposed 524'. Because the average existing grade is 522' the house is considered to be 26.18' high instead of the 24.95' originally proposed in the plans so that the final building height, measured from average grade, exceeds the 25-foot height requirement by a minimal 1.8'. The deficiency is so slight that it will be undetectable from anyone viewing the home.

The deficiency in the rear yard for the pool is also minimal. The pool itself is set back more than the 15' required by the code, but the patio around the pool encroaches into the rear yard by 3.5'. The applicant also owns the property to the north that is most impacted by the pool variance.

At the time of the issuance of the pool permit, the impervious surface ratio was proposed to be .238 based on an area of 8,317 SF. The final calculated impervious area is 10,409 SF for a ratio of .30. The increase in impervious area is due to an increase in the actual size of the driveway/front walk from 1,627 SF to 2,121 SF (a gain of 494 SF), an increase in the pool area from 2,194 SF to 3,790 SF (a gain of 1596 SF), and a slight increase in the house from 4,204 to 4,318 (a gain of 114 SF). The additional impervious surface will be addressed by an appropriate storm water management system to be approved by the Village's Engineering Consultant so that there will be no net increase in the peak rate of runoff. The water will be appropriately detained and will not impact any neighbors.

There are no other feasible alternatives to the variances other than to tear off the roof of the house or tear out the additional pool patio in the rear yard. That would not be a practical approach based on the limited impacts these conditions have on the neighborhood. There is no other reasonable manner in which the property can be brought into compliance other than granting the variances.

Under the particular circumstances of this case, the benefit to the applicant from the grant of the variances significantly outweighs any detriment to the health, safety and welfare of the neighborhood. It is therefore respectfully requested that the Zoning Board grant the variances requested.

Dated: March 5, 2024



BROOKER ENGINEERING
a division of Weston & SampsonSM

74 Lafayette Avenue, Suite 501, Suffern, NY 10901
Tel: 845.357.4411

April 5, 2024

Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952

Attn: Alicia Schultz, Deputy Village Clerk

Re: 2 Ardley Place
As-built Review (x3)

Dear Ms. Schultz,

Our office has reviewed the "Final Survey for 2 Ardley PI", prepared by Anthony Celentano, P.L.S. last revised May 10, 2023. A site visit was last performed on April 5, 2024 to inspect the outstanding items within the Village right-of-way and installed drywells. At this time, we do not recommend the issuance of a Certificate of Occupancy.

It is noted that the during the time of construction at 2 Ardley Place, improvements had been constructed on the property at 29 Wilder Road (Tax Lot 41.10-1-19) including a trampoline, play area, fencing, and landscaping. Considering that the two lots are separate lots this may cause issues with zoning and the approval for the adjacent Neighborhood Gathering at 29 Wilder Road, Congregation Kol Yakov, based on how the site is being utilized. Trampoline and playset improvements are not consistent with the adjacent Neighborhood Gathering's temporary special permit. Location of accessory structure(s) may require a variance for side setback and front yard setback. Please note that the Temporary Special Permit approved by the Village Board on August 24, 2022, as Resolution #22-26, will expire on August 31, 2024.

We offer the following comments regarding the review for recommendation of Certificate of Occupancy for 2 Ardley Place:

1. Due to the as-built impervious surface ratio and, Applicant to confirm that the installed drywell system provides sufficient volume to demonstrate a net decrease in peak runoff rates for the 100-year, 24-hour storm. Additional drainage mitigation may be required.
2. The maximum building height calculation has been corrected and is measured at 26.18' as noted in the Bulk Table. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
3. The pool patio encroaches the 15' pool setback requirements along the northern property line. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
4. The Bulk Table has been updated to indicate a maximum impervious surface ratio of 0.30, exceeding the allowable ratio of 0.25. This requires a variance and is referred to the Zoning Board of Appeals for further consideration.
5. The installed 4"/6" SDR-35 drainage pipes on the north side of building are shown encroaching into the adjacent property to the North (29 Wilder) and daylighting into a 15'-wide drainage easement on the North side of 29 Wilder. A 'Proposed 10' Wide Drainage Easement for Tax Lot 41.10-1-20 Over Tax Lot 41.10-1-19' is now shown on the as-built survey. Easement is subject to review and acceptance by Village Attorney. Easement shall be filed with Rockland County Clerk and a copy of filed easement be provided to our office for record.
6. During the site visit, it was found that the 4" and 6" SDR-35 drainage pipes are installed on top of the other at the point of daylight. Applicant to provide additional information on how these pipes were installed and where the secondary line is from. Standing water was found in all four of the installed catch basins on the north side of the building. Inverts of the pipes to be provided on the survey and positive conveyance of runoff through the installed pipes to be demonstrated.

7. Fence and hedges appear to be located within the westerly 15' wide drainage easement on top of an existing drainage pipe. Fence & hedges shall be relocated east outside of the easement.
8. Hedges and grading along eastern property line to be relocated within the property or Applicant to seek approval from the Village Board. Please note that the allowable height for a fence along the front lot line is 4 feet. A 6-foot fence in the front yard must be setback at least 4 feet (2/3rds its height) from the property line to be in conformance. The survey has been updated to reflect the relocation of the previously installed fence out of the right-of-way. The fence appears to encroach within the allowable setback and is not in conformance. Furthermore, a concern was raised for fence/hedge location as it relates to sufficient sight distance. The setbacks required per code will assist with this issue. Our office requests that the survey provide a 25' sight distance triangle.
9. Signoff from the Town of Ramapo for sewer connection to be provided.
10. Contractor to confirm location of water service curb box and curb box to be brought to grade.
11. Roof leader inverts to be provided once drywells are cleaned of accumulated soil.
12. It appeared that the ripped inlet protection and accumulated soil remain within the two accessible drywells. Drywells shall be cleaned of sediment, as necessary. Inlet protection for the two drywells to be removed.
13. Soil to be removed from the existing catch basin in the Wilder Road R.O.W. immediately.
14. Disturbed areas with the Wilder Road R.O.W. are to be repaired with topsoil and seed. Remains of the concrete base for fence poles to be removed. It appears seed and hay have been placed previously but have since been washed away.

Our office will continue our review upon submission of a revised survey and satisfaction to the outstanding comments above.

Sincerely,

Devon Palmieri

WESTON & SAMPSON, PE, LS, LA, Architects, PC
Devon Palmieri, EIT
Engineer III

Y:\VILLAGES\WH Wesley Hills\WH0171 - 2020 Plot Plans\2 Ardley Place\2024-04-05 As-Built Survey Review x3.docx

File Attachments for Item:

4. June 18, 2024



ZONING BOARD OF APPEALS MEETING MINUTES

June 18, 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
Stefanie Collantes-Bouvry, Member
Richard Weinberger, Member
Randi Marlin, Member (Late)
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc

ABSENT: Anita Hajioff. 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 – 9 CARA DRIVE- GORELICK

Chairman Gewirtz read the public hearing notice into the record.

Stanley Mayerfeld, the applicant's architect, was present and affirmed. Mr. Mayerfeld stated that they need to amend the application to include a 3rd variance for front yard. They are currently asking for side yard of 12.5 feet instead of the minimum required of 25 feet and Building Coverage of .107 instead of the maximum permitted of .10. Mr. Mayerfeld stated that the multiple decks are the reason the Building Coverage variance is needed, and the front porch is the reason for the additional variance needed. Mr. Mayerfeld stated that he would supply the Village with an updated/amended application with the additional variance prior to the next meeting. Mr. Mayerfeld stated that the side yard variance of 12.5 feet is for the garage, and it is at 12.5 feet at only one point. In addition, the garage cannot be moved because of the location of the driveway.

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

Nobody from the audience chose to speak.

Stefanie Collantes-Bouvry made a motion to adjourn this application to the July 17, 2024 meeting with a site visit scheduled for July 14, 20224, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

ITEM #2 –PUBLIC HEARING –25 GLENBROOK ROAD- GROSS

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Nathan Gross, the applicant, was present and affirmed. Mr. Gross stated that he had a fire in his home in 2021 and it was found by the Building Inspector that he had removed the garage. Mr. Gross stated that it had been changed decades ago, after flood damage created mold infestation and he was not aware of the Village Code that states you must keep a minimum of one car garage on the property and could not change the garage without a replacement of some kind. Mr. Gross had a prefabricated garage structure placed in the rear yard.

Doris Ulman questioned if the garage was converted prior to 1987, as the garage Law was not passed until then and he may be grandfathered in, having a preexisting, nonconforming conversion. Mr. Gross stated that any information he had regarding the history of the property was in the fire.

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

Nobody from the audience chose to speak.

The Deputy Village Clerk stated that the notices of the meeting had not been mailed. Ms. Ulman stated that the hearing could not take place until the notices were sent.

Randi Marlin made a motion to adjourn this application to the July 17, 2024 meeting, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was 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, submitted a request to the Village for an adjournment to the July 17, 2024 Zoning Board meeting.

Randi Marlin made a motion to adjourn this application to the July 17, 2024, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion was carried unanimously.

ITEM #4 – CONTINUED PUBLIC HEARING – 7 ARDLEY PLACE- SCHWARTZ

Chairman Gewirtz read the public hearing notice into the record.

Ryan Karben, the applicant's Attorney, as well as Isaac Steinfeld, the applicant's contractor, were present and affirmed. Chairman Gewirtz stated that the Zoning Board received a letter from

the Village Engineer stating that the driveway is made of pervious material, which lowers the impervious surface ratio from .36 to .27, where the required is .25. It also negates the front yard impervious surface ratio that was proposed of .46 where .20 is allowed, and currently it is .108, so it negates the need for that variance.

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

Sara Felberman, 5 Ardley Place, was present and affirmed. Ms. Felberman stated that in November 2022 they discovered a discrepancy with the filed map for #5 and #7 Ardley Place, and that the lot line in question is the side that the applicant needs a variance on. Ms. Felberman gave packets to the Board that cite similar cases for reference. Mr. Karben stated that there is no boundary dispute as the Zoning Board cannot rule on such.

Doris Ulman stated that the proposed cabana for which variances were granted in 2021 was 452 square feet, and the finished cabana is 645 square feet. Stefanie Collantes-Bouvry stated she is disturbed by the changes made during construction and there is no basis for the contractor's miscalculations and complete disregard of the contractor ignoring the plans and prior approved variances. Randi Marlin stated that she agreed and added that the contractor/applicant had no regard for the neighbor at 5 Ardley Place when building out the area, as they previously had an agreement to adjust their property survey & lot line prior to finishing the project. Barry Rozenberg stated that these issues & variances were self-created and the whole project is sloppy. Stuart Zelmanovitz stated that the only excuse that was heard by the Board was that the contractor "just messed up" without any reasoning, and knowing you had to go through the Zoning Board process previously, the applicant & contractor really have no excuse as to why the previously approved numbers were completely ignored.

Chairman Gewirtz stated that the impervious surface ratio variance requested for .27 where the required is .25, as long as the porous surface is maintained, is an allowable minor variance. Chairman Gewirtz added that a variance was granted for side yard of 20.3' for the trellis and the finished measurement is 19.9'. That is less than half a foot difference than the approved variance, and after viewing the property you can tell it is not intrusive on the neighbor and the 0.4" is not noticeable. When it comes to the side yard for the cabana however, an 18' variance was granted, 14.8' is the finished project, and that is almost a 50% increase from the originally granted variance which is quite substantial.

Chairman Gewirtz stated that there was recently a proposed cabana Law in front of the Village Board that proposed an allowable 15' from the lot line for a cabana to be built, just as it is with a pool, however the public outcry was so severe that the Law was not passed, and granting variances of 17' and 14.8' is essentially just "slapping our Law in the face".

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 close the public hearing, seconded by Stuart Zelmanowitz. Upon vote, this motion was carried unanimously.

Stefanie Collantes-made a motion, seconded by Stuart Zelmanowitz, to amend the application to delete the variance request for front yard impervious surface ratio, to change the impervious surface ratio request from .36 to .27, to grant the request for impervious surface ratio of .27 on condition that the porous material on the driveway shall always be maintained, to grant the request for side yard variance of 19.9 feet for the trellis and to deny the side yard variance of 14.8 feet, rear yard variance of 17 feet and building coverage variance of .144 for the cabana.

In the Matter of the Application of
Nancy Rubin on behalf of Mark Schwartz and Goldie Slater
Premises situated on the south side of Ardley Place approximately
700 feet west of Wilder Road, known as 7 Ardley Place, designated
on the Tax Map as Section 41.10 Block 1 Lot 24, in an R-35 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 Mark Schwartz and Goldie Slater for variances from the provisions of Sections 230-17 Attachment I and 230-14O(4)(a) of the Code of the Village of Wesley Hills to permit the maintenance and use of a single family residence, inground swimming pool, cabana, circular driveway and other structures having front yard impervious surface ratio of .46 instead of the maximum permitted of .20, impervious surface ratio of .36 instead of the maximum permitted of .25, side yard of 19.9 feet instead of the minimum required of 25 feet, cabana side yard of 14.8 feet instead of the minimum required of 25 feet and the variance previously granted of 18 feet, cabana rear yard of 17 feet instead of the minimum required of 50 feet and the variance previously granted of 18 feet, and building coverage of .144 instead of the maximum permitted of .122 and the variance previously granted of .134, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on December 20, 2023, which hearing was continued on January 23, 2024, February 21, 2024, April 17, 2024, May 15, 2024 and June 18, 2024, and

WHEREAS, the applicants appeared in person, by their attorney and by their contractor, who testified as follows:

That the applicants previously applied for variances prior to construction in May and June, 2021 at which time they received variances for the cabana, the trellis and building coverage,

That the applicants' contractor did not look at the 2021 ZBA decision and believed the setbacks were 15 feet for side and rear yard;

That applicants used porous asphalt on the driveway believing that this material would be accepted by the Village as pervious pavement, thereby eliminating the need for

the front yard impervious surface variance and greatly reducing the variance for *total* impervious surface;

That all construction has been fully completed and to move any of the structures would be extremely difficult and expensive;

That no evidence has been submitted to show detriment to the community so applicants have met the balancing test requirement and the variances should be granted, and

WHEREAS, the next door neighbor appeared in opposition to the application stating that she has consulted with a land surveyor who told her that the property line between her property and applicants' property as shown on applicants' site plan is incorrect and that the square footage of applicants' property is actually smaller than as shown on the site plan; the neighbor further stated that the cabana is closer to the actual lot line than as shown on the site plan; and

WHEREAS, the applicant argued that the Zoning Board had no authority to consider the neighbor's arguments and that those arguments could only be heard by a court of law; and

WHEREAS, the Village Engineering Consultant issued a letter stating that the porous asphalt is a pervious material and should not be counted in the impervious surface ratio; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the location of the various structures,

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 Nancy Rubin on behalf of Mark Schwartz and Goldie Slater is hereby amended by deleting the request for front yard impervious surface ratio and by changing the request for impervious surface ratio variance: from .36 to .27, and be it further

RESOLVED, that the Zoning Board of Appeals hereby grants the requested variance for impervious surface ratio of .27 on condition that the porous asphalt material on the driveway shall always be maintained and grants the request for a side yard variance of 19.9 feet for the trellis, and be it further

RESOLVED, that the variances requested to permit a side yard of 14.8 feet for the cabana, rear yard of 17 feet for the cabana and building coverage of .144 are hereby

denied, and be it further

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

- i. That the variances for the cabana and building coverage are substantial in that the side yard of 14.8 is more than 40% of the requirement and almost 20% more than previously granted; the rear yard variance is more than 60% of the requirement;
- ii. That there are feasible alternatives to granting the variances in that the cabana can be moved to the locations previously approved in the 2021 Zoning Board decision and the contractor can be required to comply with that decision;
- iii. That the need for the variances is self-created in that the applicants increased the size of the cabana without obtaining the necessary approvals and permitted the contractor to complete construction when they knew or should have known that the 2021 decision of the Zoning Board was being completely ignored;
- iv. That the detriment to the community by the applicants' complete disregard of **Village** setback requirements and compliance with Zoning Board decisions which all residents are required to comply with far outweighs the benefit to the applicants as requested in this application.

Upon vote, this motion was carried unanimously

ITEM #5 – APPROVAL OF MINUTES – APRIL 17, 2024

Richard Weinberger made a motion to approve the April 17, 2024 minutes, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

ITEM #6 - APPROVAL OF MINUTES – MAY 15, 2024

Randi Marlin made a motion to approve the May 15, 2024 minutes, 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