



ZONING BOARD OF APPEALS MEETING MINUTES

August 21, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

MEMBERS PRESENT: Richard Weinberger, Member (Acting Chairman)
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc
Anita Hajioff, Ad Hoc

ABSENT: Jonathan Gewirtz, Chairman
Stefanie Collantes-Bouvry, Member
Randi Marlin, Member

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

Chairman Weinberger opened the meeting at 7:30 pm.

ITEM #1 --PUBLIC HEARING – 6 WINDWARD LANE- BORGEN

Chairman Weinberger read the public hearing notice into the record. Ilya Sandler, the applicant's contractor, was present and affirmed. Mr. Sandler stated that the family has been growing over the past few years and they need more space for their family. Mr. Sandler stated that the applicant went over a bunch of options for the addition to their home, and they submitted what they believe to be the best fit for their family.

Doris Ulman stated that if the applicant moves the deck over to the left side 3 feet, then the side yard variance is not needed. Ms. Ulman made note that the property is an undersized, average density lot, and is only about 40,000 square feet, which is narrower than the usual R-50 zone lot. Mr. Sandler stated that if the deck was moved, then it would be inaccessible from the family room as planned, and the door would then be accessible through the bedroom(s) instead.

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

Mr. Izhakimal at 72 Willow Tree Road was present and affirmed and wanted to know what work is to be done on the property.

Mr. Sandler responded that the applicant is proposing an addition to the home to include a two-car garage, addition at the rear of the home, a new covered front porch, and a new deck.

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

Nobody else from the audience chose to speak.

Chairman Weinberger made a motion to adjourn this application to the September 18, 2024 meeting with a site visit scheduled for September 15, 2024, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

ITEM #2 –CONTINUED PUBLIC HEARING – 9 CARA DRIVE- GORELICK

Chairman Weinberger read the public hearing notice into the record.

Stanley Mayerfeld, the applicant's architect, was present and affirmed. Mr. Mayerfeld stated that they amended the application to include a 3rd variance for front yard of 47.7 feet where 50 feet is the minimum allowed. They are currently asking for side yard of 15.4 feet instead of the minimum permitted of 25 feet and Building Coverage of .12 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 supplied the Village with an updated/amended application with the additional variance prior to the meeting. Mr. Mayerfeld stated that the side yard variance of 15.4 feet is for the garage, and it is at 15.4 feet at only one point. In addition, the garage cannot be moved because of the location of the driveway, and being the property is on the steeper side, this is the best place for the addition.

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

Jeffrey Nulman, 14 Glenbrook Road, was present and affirmed. Mr. Nulman questioned if the garage was being removed and stated that he believes the side yard variance for 15.4 feet is too close to the neighboring property.

Stanley Mayerfeld answered that the renovation is into the existing garage and the addition is to replace the one car garage. The applicant is keeping a one car garage to stay within the Village's Code, and that this is an existing home where the neighbors are aware of how close they are to the applicant.

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

Nobody else from the audience chose to speak.

Chairman Weinberger made a motion to close the Public Hearing, seconded by Stuart Zelmanovitz

Anita Hajioff made a motion to amend and approve the application subject to condition that the garage must always remain a one-story building, seconded by Stuart Zelmanovitz:

RESOLVED, that the application submitted by Tsvi and Batya Gorelick for premises known as 9 Cara Drive is hereby amended by changing the request for a side yard variance to 15.4 feet instead of the minimum required of 25 feet, changing the request for building coverage variance to .12 instead of the maximum permitted of .10 and adding a request for front yard variance of 47.7 feet instead of the minimum required of 50 feet.

In the Matter of the Application of
Tzvi and Batya Gorelick
Premises 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

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills 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 dwelling having side yard of 15.4 feet instead of the minimum required of 25 feet, building coverage of .12 instead of the maximum permitted of .10 and front yard of 47.7 feet instead of the minimum required of 50 feet, and

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

WHEREAS, the applicants appeared by their architect, who testified as follows:

That the existing residence is too small to accommodate the applicants' large family when they visit on holidays and weekends;

That the enlargement of the existing residence will extend into the existing garage and the addition will be for a new one story one car garage;

That the side yard variance is necessary because of the existence of the driveway in that location and because the steep slope on the other side of the property restricts the ability to construct in that area;

That the 15.4 setback is only at one point and the setback becomes larger as the construction progresses because of the shape of the property;

That the front yard variance is for construction of a porch over existing steps and is necessary because of the existing frontage of the residence ;

That the variance for building coverage is caused by the open decks which are more than three feet above grade; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the existing conditions of the property, and

WHEREAS, no one appeared in opposition to the application,

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

RESOLVED, that the application submitted by Tzvi and Batya Gorelick for variances from the provisions of Section 230-17 Attachment I to permit the construction, maintenance and use of an addition to a single family residence having side yard of 15.4 feet instead of the minimum required of 25 feet, building coverage of .12 instead of the maximum permitted of .10 and front yard of 47.7 feet instead of the minimum required of 50 feet is hereby approved, subject to the condition that the garage shall always be one story in height, and be it further

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

1. That the new construction garage cannot be placed in another location because of the location of the existing driveway and the steep slope of the property on the opposite side of the residence;
2. That the addition is for an extension of the existing single-family residence and will not change the character of the neighborhood;
3. That no detriment to adjacent properties or to the neighborhood has been identified;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to other properties or to the community has been identified.

Upon vote, this motion carried unanimously.

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

Chairman Weinberger read the public hearing notice into the record.

Paul Baum, the applicant's Attorney, submitted a written request to the Village for an adjournment to the September 18, 2024 Zoning Board meeting.

Barry Rozenberg made a motion to adjourn this application to the September 18, 2024 meeting, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

ITEM #4 - APPROVAL OF MINUTES – June 18, 2024

Barry Rozenberg made a motion to approve the June 18, 2024 minutes, seconded by Stuart Zelmanovitz. Upon vote, this motion carried 3-0. Anita Hajioff abstained as she did not attend the meeting.

ADJOURNMENT

Chairman Weinberger made a motion to adjourn the meeting, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

Respectfully submitted,
Alicia Schultz