



ZONING BOARD OF APPEALS MEETING MINUTES

August 16, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

CALL TO ORDER

MEMBERS PRESENT: Jonathan Gewirtz, Chairman
Richard Weinberger
Stuart Zelmanovitz, Ad Hoc
Barry Rozenberg, Ad Hoc (Late)

ABSENT: Stefanie Collantes-Bouvry
Randi Marlin

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

Chairman Gewirtz honored Board member Dennis Dale, who passed earlier in August.

Item #3-Continued Public Hearing-Eli Amsterdam and Mona Guadino-8 Suhl Lane & 95 Forshay Rd

Chairman Gewirtz read the public hearing notice into the record. Amy Mele, applicant's Attorney, was present and affirmed.

Amy Mele stated that the Amsterdams have been trying to figure out a way to get their cabana compliant, as it has been a few years now and they have exhausted all their options. Ms. Mele stated that the homeowners were waiting for the cabana law to be passed, which did not happen. Ms. Mele stated that the couple went to their neighbor, Mrs. Mona Guadino, at 95 Forshay Road and asked to buy a piece of her property in the rear, and Mrs. Guadino agreed. Amy Mele stated that the cabana is going to be 400 square feet and 12 feet high, and the lot line change will require variances on both properties:

<u>Lot 27.3 (8 Suhl Lane)</u>	<u>Permitted</u>	<u>Proposed</u>
Accessory structure rear yard	50'	25'

Lot 30 (95 Forshay Road)

	<u>Permitted</u>	<u>Proposed</u>
Rear Yard for Cabana	50'	43.3'
Maximum impervious area	0.25	0.31
Swimming pool rear yard	15'	4.3'

Doris Ulman stated that at the site visit on August 13, 2023, they discussed with the applicant planning to place the cabana 25 feet from the rear lot line and discontinue the proposed subdivision.

Ms. Mele stated that they would like to adjourn the matter for the September 20, 2023 meeting.

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

Michael Kram, 6 Suhl Lane, was present and affirmed. Mr. Kram stated that the applicant told him the week prior that they would downscale the cabana.

Chairman Gewirtz made a motion to schedule a site visit for September 10, 2023 and to continue the Public Hearing to the September 20, 2023 meeting, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

Item #4-Public Hearing-Larry and Sarah Katz- 16 Judith Lane

Chairman Gewirtz read the public hearing notice into the record. Stanley Mayerfeld, applicant's Architect, was present and affirmed. Mr. Mayerfeld stated that the applicant has been to the Planning Board for a wetlands permit. Mr. Mayerfeld requested a site visit and adjournment for the next meeting.

Doris Ulman stated that the list of residents given to the Village needs to be updated and her memo dated July 20, 2023 must be addressed.

Richard Weinberger stated that the letter from Construction Expediting needs to be corrected.

Chairman Gewirtz stated that all issues remain to be addressed and made a motion to continue the Public Hearing to the September 20, 2023 meeting, seconded by Richard Weinberger. Upon vote, this motion was carried unanimously.

Item #5-Public Hearing-Nancy Rubin for Jacob Hamerman- 4 Reeder Place

Chairman Gewirtz read the public hearing notice into the record. Isaac Steinfeld, applicant's Contractor, was present and affirmed. Mr. Steinfeld stated that the lot is smaller in size. Mr. Steinfeld requested a site visit and adjournment for the next meeting.

Chairman Gewirtz questioned how big the footprint is.

Mr. Steinfeld answered 5,000 square feet.

Chairman Gewirtz stated that the plans need to be corrected to show more detail, and a narrative as to why the variances are needed, and responses to the County Planning Department GML review letter by the next meeting.

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

Netanial Samuels, 7 Steinway Court, was present and affirmed and stated that he does not object to the project.

Eli Feig, 7 Maurice Lane, was present and affirmed and stated that he does not object to the project.

Chairman Gewirtz made a motion to schedule a site visit for September 10, 2023 and to continue the Public Hearing to the September 20, 2023 meeting, seconded by Richard Weinberger. Upon vote, this motion was carried unanimously.

Item #6-Public Hearing- Simeon Hillel and Chaya Schlisselfeld- 19 Amsterdam Avenue

Chairman Gewirtz read the public hearing notice into the record. Stanley Mayerfeld, applicant's Architect, was present and affirmed. Mr. Mayerfeld stated that the applicant would like to renovate their driveway and create a walkway creating a front yard impervious surface ratio of .23 instead of the maximum permitted of .20. Mr. Mayerfeld stated that the lot is very narrow and they are not encroaching on any neighbors by renovating their driveway or installing this walkway. Mr. Mayerfeld showed the Board pictures of the area.

Chairman Gewirtz stated that he has seen the property and made a motion to waive the site visit and approve the application, seconded by Richard Weinberger, on the condition that the applicant submit the pictures that were shown to the Board. Upon vote, this motion was carried unanimously.

In the Matter of the Application of
Simeon Hillel & Chaya Schlisselfeld
Premises situated on the north side of
Amsterdam Avenue approximately 150 feet west
of Jodi Court, known as 19 Amsterdam Avenue,
designated on the Tax Map as Section 41.11
Block 1 Lot 37, in an
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Simeon Hillel and Chaya Schlisselfeld for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a walkway and widened driveway having front yard impervious surface ratio of .23 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing o. said application was held by the Zoning Board of Appeals on August 16, 2023, and

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

That applicants have constructed a new house and would like to create a walkway from the street to the basement door; ·

That the new walkway together with the driveway create a front yard impervious surface ratio of .23 instead of the maximum permitted of .20;

That the variance is not substantial, and the only alternative would be not to construct the walkway, which is not feasible; and

WHEREAS, no one appeared in opposition to the application,

NOW, THEREFORE, it is hereby determined that the proposed action is a Type II action -and that no SEQR.A. determination is required, and be it further

RESOLVED, that the Zoning Board hereby waives the site visit, and be it further

RESOLVED, that the application submitted by Simeon Hillel and Chaya Schlisselfeld for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a walkway and driveway having front yard impervious surface ratio of .23 instead of the maximum permitted of .20 is hereby approved on condition that photographs of the front yard showing the walkway and driveway be filed with the Clerk to the Zoning Board, and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following **FINDINGS OF FACT**:

1. That the variance is not substantial in relation to the requirement in that it is only 15% of the requirement;
2. That there is no feasible alternative to granting the variance as the only way to walk to the basement door of the residence is by means of the proposed walk;
3. That the benefit to the applicant by granting the variance is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

Item #7- Discussion of lead Agency for Ira Wickes, Inc.

Chairman Gewirtz made the statement that the ZBA has no objection to the Planning Board as lead agency for the Ira Wickes, Inc. Planning and Zoning Board applications.

Item # 8- Approval of Minutes – June 21, 2023

Barry Rozenberg made a motion to approve the June 21, 2023 minutes, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

Item #9- Approval of Minutes – July 19, 2023

Barry Rozenberg made a motion to approve the July 19, 2023 minutes, seconded by Chairman Gewirtz. Upon vote, this motion was carried unanimously.

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

Respectfully submitted, Alicia Schultz