



ZONING BOARD OF APPEALS MEETING MINUTES

December 18, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

MEMBERS PRESENT: Stefanie Collantes-Bouvry, Acting Chairwoman
Richard Weinberger, Member
Randi Marlin, Member
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc

ABSENT: Jonathan Gewirtz, Chairman
Anita Hajioff, Ad Hoc

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

Chairwoman Collantes- Bouvry opened the meeting at 7:35 pm.

ITEM #1 – PUBLIC HEARING – 7 STEINWAY COURT – SAMUELS

Chairwoman Collantes- Bouvry read the public hearing notice into the record. Stanley Mayerfeld, the applicant's Architect, accompanied by the applicant Nethanel Samuels, were present and affirmed. Mr. Mayerfeld stated that when building an addition onto the house, the contractor went over the front yard maximum impervious surface due to the front steps and driveway. Mr. Mayerfeld added that they also require a variance for front yard of 48 feet where 50 feet is allowed, due to the front steps. Mr. Mayerfeld stated that these are small variances that are holding up the issuance of the Certificate of Occupancy and would like to have the Board make a decision on this application this evening and waive the site visit. Mr. Mayerfeld added that the house itself is compliant and does not need any variances, and it is just the front steps that are creating the need for the front yard variance. Mr. Mayerfeld passed out pictures of the front of the property to the Board.

Stuart Zelmanovitz questioned how wide the driveway is now compared to the size it was previously.

Mr. Mayerfeld answered that the driveway was widened 6 inches on each side of the driveway, for a total of 1 foot total extra width.

Nethanel Samuels added that the Landscaping Architect did not realize they went 6 inches over on each side until the Final Survey was completed.

Mr. Zelmanowitz stated that the variances are so small, that he does not believe there is any benefit to visiting the site, versus not visiting the site.

Barry Rozenberg stated that the Zoning Board's process is to perform a site visit prior to any decisions made and would like to stick to the standard process.

Randi Marlin questioned where the driveway is compared to the neighbor's property.

Mr. Mayerfeld answered that there is a couple hundred feet between the Samuels' residence and the neighbor to the north/left of their property.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

Chairwoman Collantes-Bouvry stated that while the Board understands these are small variances that do not have much impact on the neighborhood, they would like to stick to procedure and not set a precedent for waiving site visits for smaller variances.

Barry Rozenberg made a motion to adjourn this application to the January 15, 2025 meeting with a site visit on January 12, 2025, seconded by Richard Weinberger. Upon vote, this motion was carried unanimously.

ITEM #2- CONTINUED PUBLIC HEARING – 3 CAREFREE LANE – SINGER

Chairwoman Collantes- Bouvry read the public hearing notice into the record. Amy Mele, the applicant's Attorney, accompanied by Stanley Mayerfeld, the applicant's Architect, Anthony Celentano, the applicant's Engineer, and the applicant Adam Singer, were present and affirmed. Ms. Mele stated that the final As-Built survey differs from the originally approved plans, due to the fact that when they were excavating, they hit a lot of rock, and due to the odd shape of the property, it ended up affecting the side yard setback and need for a variance. Ms. Mele added that the deck was built larger than originally proposed, as the applicant used "Trex" type boards, instead of regular 2" x 4" boards, which in turn impacts the impervious surface and need for a variance there. Ms. Mele stated that the old driveway was very steep and unsafe, so they constructed a longer driveway at the front of the property, which resulted in an increase in front yard impervious surface and the need for a variance. Ms. Mele stated that there is no environmental impact due to the variances needed and they will comply with the GML review letters, not requesting any overrides. Ms. Mele added that there are also a handful of neighbors in favor of the application:

- | | |
|---------------------|---------------------|
| 1. 4 Carefree Lane | 4. 13 Carefree Lane |
| 2. 2 Carefree Lane | 5. 12 Carefree Lane |
| 3. 11 Carefree Lane | 6. 8 Carefree Lane |

Anthony Celentano stated that while the approved plans differ from the Final Survey, the pool that has not been built yet, increases total impervious surface and the need for an additional variance. Mr. Celentano stated that he has provided a certified letter that the drainage calculations show zero net runoff.

Chairwoman Collantes-Bouvry stated that during the December 8, 2024 site visit, it was noted that the variances do not have a negative impact on the neighborhood, the driveway is quite steep, the property is oddly shaped, and the Board understands how the grading and shape of the property created the need for field changes which resulted in the need for multiple variances.

Chairwoman Collantes-Bouvry questioned if there is adequate screening around the property.

Adam Singer responded that fencing will be installed around the pool as per New York State Code, and the rest of the property will have adequate screening for both themselves, and the neighboring properties.

Stanley Zelmanovitz stated that during the site visit it was noted that the previous driveway was very steep, and now the driveway is much more accessible.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

Randi Marlin made a motion to close the Public Hearing, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

Chairwoman Collantes-Bouvry stated that the Board is aware of the property's awkward shape, minimal detriment to the neighboring properties, and the Engineer's certification that there is zero net runoff.

Chairwoman Collantes-Bouvry made a motion to approve the application, subject to the Rockland County GML letters, seconded by Stuart Zelmanovitz:

1. Rockland County Planning Department memo, dated 12/16/2024
2. Rockland County Health Department memo, dated 10/24/2024
3. Rockland County Sewer District #1 memo, dated 12/10/2024
4. Rockland County Highway Department memo, dated 2/11/2025

In the Matter of the Application of
Adam and Taryn Singer
Premises situated on the west side of Carefree Lane
Approximately 135 feet north of Lime Kiln Road Known
as 3 Carefree Lane, designated on the Tax Map
As Section 41.07 Block 2 Lot 2, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Adam and Taryn Singer for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a single family residence and inground swimming pool having side yard of 28.7 feet instead of the minimum required of 30 feet, total side yard of 70.5 feet instead of the minimum required of 75 feet, building coverage of .107 instead of the maximum permitted of .10, impervious surface ratio of .255 instead of the maximum permitted of .20 and front yard impervious surface ratio of .192 instead of the maximum permitted of .15, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on November 20, 2024, which hearing was continued on December 18, 2024, and

WHEREAS, the applicant appeared in person, by their architect and their attorney, and testified as follows:

That the need for the variances arose during construction when the contractors hit a substantial amount of rock and, due to the odd shape of the property, side yard variances are needed;

That the front of the property is very steep and, for safety reasons, a semi-circular driveway was constructed which requires the need for impervious surface ratio variances;

That applicants' engineer has submitted a report showing that the drainage for the property accommodates the proposed additional impervious surface on the property and there will be zero net runoff as required by the Village;

That applicants intend to install adequate screening to protect the privacy of the applicants and their neighbors; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the steepness of the front yard and viewed other areas of the property; and

WHEREAS, no one appeared in opposition to the application but one neighbor asked that the pool fence be aesthetically pleasing;

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 Adam and Taryn Singer for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a single family residence and inground swimming pool having a side yard of 28.7 feet instead of the minimum required of 30 feet, total side yard of 70.5 feet instead of the minimum required of 75 feet, building coverage of .107 instead of the maximum permitted of .10, impervious surface ratio of .255 instead of the maximum permitted of .20 and front yard impervious surface ratio of .192 instead of the maximum permitted of .15 is hereby

approved subject to the GML review letters from Rockland County Planning Department, Rockland County Highway Department, Rockland County Health Department and Rockland County Sewer District No. 1, and be it further

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

1. That the side yard and total side yard variances are reasonable and required because of the location of rock on the property;
2. That the impervious surface and front yard impervious surface ratios are caused by the long driveway across the front of the property which was necessary for safety purposes because of the steepness of the front yard;
3. That the applicant's engineer has certified that they will achieve zero net runoff in drainage;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the community has been identified.

Upon vote, this motion carried 4-0 with one abstention. Richard Weinberger abstained.

**ITEM #3 – CONTINUED PUBLIC HEARING – 73 FORSHAY ROAD –
CONGREGATION AHAVAS YITZCHAK**

Chairwoman Collantes-Bouvry read the public hearing notice into the record. Devon Crichlow, the applicant's Engineer, was present and affirmed. Mr. Crichlow stated that the Congregation was granted variances in July 2019 for maximum impervious surface of 0.56 where 0.25 is allowed, and front yard of 31.9 feet where 50 feet is required. Mr. Crichlow added that the CoVid pandemic stalled construction and they were granted an extension to begin in 2021. The proposed maximum impervious surface for Phase I is 0.55, and upon Phase II's completion is 0.58, so they will adjust their application to include a variance for the maximum impervious surface increase. Mr. Crichlow stated that Phase I is to include the parking lot extension of 40 spaces from the current 18 to 58 spaces with 3 ADA compliant handicapped spaces, the ADA ramp, and removal of the canopy to construct said ramp. Phase II is to include a patio area near the ramp, mostly used for Sukkos, and a small addition to the front and rear of the building for some extra space indoors. Mr. Crichlow added that the congregation is not looking to greatly expand and have the normal number of families that come and go. Mr. Crichlow stated that the current variances needed are front yard, to the existing building, of 31.9 feet where 50 feet is required and side yard, to the ADA ramp, of 7 feet where 25 feet is required, and maximum impervious surface ratio of 0.58 where 0.25 is required and 0.48 was approved in the 2021 ZBA process.

Chairwoman Collantes-Bouvry questioned if there were any letters from neighboring properties in support of the application.

Mr. Crichlow answered, no, the Congregation does not currently have any letters of support from their neighbors.

Barry Rozenberg questioned what the approved maximum impervious surface was prior to the stalling of the project.

Mr. Crichlow stated that the last approved variance for maximum impervious surface was 0.56 in July 2019, and they are now requesting 0.58.

Richard Weinberger questioned if the applicant responded to the Rockland County GML letters.

Mr. Crichlow replied that the revised plans and comments were addressed and sent out to the appropriate agencies the week prior.

Chairwoman Collantes-Bouvry questioned if the applicant discussed putting the ADA ramp in a different location or if an elevator was discussed as opposed to the ramp needing the variance.

Mr. Crichlow stated that all options were presented and this is the best option and placement of the ramp in connection with the proposed expanded parking lot and addition(s) added to the plan.

Chairwoman Collantes-Bouvry questioned if anyone from the public would like to speak.

Nobody from the audience chose to speak.

Chairwoman Collantes-Bouvry stated that at the site visit on December 8, 2024, the need for the expanded parking lot and ADA ramp was understood. Chairwoman Collantes-Bouvry stated that the applicant must maintain adequate screening for the headlights throughout the use of the expanded parking lot.

Chairwoman Collantes-Bouvry made a motion to approve the application, subject to the adequate screening and Rockland County GML letters, seconded by Randi Marlin:

1. Rockland County Planning Department memo, dated 11/4/2024
2. Rockland County Highway Department memo, dated 10/21/2024
3. Rockland County Health Department memo, dated 10/24/2024
4. Rockland County Sewer District #1 memo, dated 10/23/2024
5. Town of Ramapo Department of Public Works memo, dated 11/6/2024

In the Matter of the application of
Congregation Ahavas Yitzchak
Premises situated on the west side of Forshay Road
0 feet north Parker Blvd, known as 73-Forshay Road,
Designated on the Tax Map as Section 41.18 Block 1 Lot
12 In an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Congregation Ahavas Yitzchak 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 and parking area to a neighborhood gathering facility having a front yard of 31.9 feet instead of the minimum required of 50 feet, side yard of 7 feet instead of the minimum required of 25 feet and impervious surface ratio of .58 instead of the maximum permitted of .25, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 30, 2024, which hearing was continued on November 20, 2024 and December 18, 2024, and ·

WHEREAS, the applicant appeared by its engineer, who testified as follows:

That variances for front yard of 31.9 feet and impervious surface ratio of .56 were granted to the applicant on July 17, 2019 and a one year extension of time granted on August 18, 2021;

That due to COVID and other delays all of the work has not been completed;

That the building is finished and has been constructed with a front yard of 31.9 feet as originally requested; the parking lot has not yet been constructed so that an impervious surface ratio of .58 is needed for the parking lot and an ADA compliant ramp on the side of the building requiring a side yard variance of 7 feet is also requested;

That construction will be concluded in two phases with most of the parking lot and the ramp in Phase I and a patio and small addition to the building in Phase II;

That applicant does not expect its congregation to increase substantially but the improvements are necessary for current use; and

WHEREAS, members of the Zoning Board of Appeals visited the site and observed the areas to be completed for the ramp and parking lot; and

WHEREAS, no one appeared in opposition to the application;

NOW, THEREFORE, IT IS HEREBY DETERMINED that the proposed action is an unlisted action and the Zoning Board of Appeals has previously accepted the Wesley Hills Planning Board as Lead Agency and the Planning Board has previously made a negative declaration with respect to said application, and be it further

RESOLVED, that the application submitted by Congregation Ahavas Yitzchak 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 and parking area to a neighborhood gathering facility having front yard of 31.9 feet instead of the minimum required of 50 feet, side yard of 7 feet instead of the minimum required of 25 feet and impervious surface ratio of .58 instead of the maximum permitted of .25 is hereby granted, subject to the following variances:

1. That screening be installed, maintained on a regular basis and replaced as needed at the side and rear of the property to shield adjoining properties from headlights and other impacts resulting from use of the ramp and parking lot;
2. Letter from Rockland County Planning Department dated November 4, 2024;

3. Letter from Rockland County Highway Department dated October 21, 2024;
4. Letter from Rockland County Health Department dated October 24, 2024;
5. Letter from Rockland County Sewer District No. 1 dated October 23, 2024;
6. Letter from Town of Ramapo Dept of Public Works dated November 6, 2024,
and be it further

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

1. That the Zoning Board of Appeals recognizes that applicant is a House of Worship and is entitled to "special status" pursuant to determinations made by the New York State Court of Appeals;
2. That the parking lot is necessary for safety purposes to deter vehicles from parking on Forshay Road, a heavily travelled County road;
3. That the Wesley Hills Planning Board has previously determined that the drainage for the property meets the zero net runoff requirement of the Village;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties nor to the community has been identified.

Upon vote, the motion was carried unanimously.

ADJOURNMENT

Chairwoman Collantes-Bouvry made a motion to adjourn the meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

Respectfully submitted,
Alicia Schultz