



## **ZONING BOARD OF APPEALS MEETING AGENDA**

**December 20, 2023 at 7:30 PM**

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

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

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### **CALL TO ORDER**

### **ROLL CALL**

### **PUBLIC HEARING**

- 1.** Public hearing on the application submitted 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) 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 and cabana rear yard of 17 feet instead of the minimum required of 50 feet and the variance previously granted of 18 feet.

The subject premises are 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 41.1·0 Block 1 Lot 24. in an R-35 Zoning District.

- 2.** Public hearing on the the application submitted by Michael and Adina Finkelstein for a variance from the provisions of Sections 230- 14O(4)(a) to permit the construction, maintenance and use of a cabana having rear yard of 22.5 feet instead of the minimum required of 50 feet.

The subject premises are situated on the east side of Dike Drive at the intersection with Roven Road, known as 12 Dike Drive, designated on the Tax Map as Section 41.06 Block 1 Lot 41, in an R-35 Zoning District.

### **DISCUSSIONS**

- 3.** Discussion regarding Local Law amending the Zoning Code of the Village of Wesley Hills in relation to the regulation of sign permits.

### **APPROVAL OF MINUTES**

- 4.** November 15, 2023

### **ADJOURNMENT**

**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 }

Nancy Rubin being <sup>affirm</sup> ~~duly sworn~~, deposes and  
 says that he/she is the applicant in the matter of an application before the  
 Village of Wesley Hills Planning Board affecting property located at  
7 Ardley Place, Wesley Hills, Town of Ramapo,  
 Rockland County, New York.

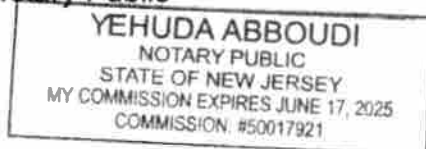
That on the 29<sup>th</sup> day of November 2023, he/she posted the  
 posters provided by the Planning Board of the Village of Wesley Hills  
 giving notice of the hearing on this application in a conspicuous place  
 visible from every street along the frontage of the plot affected by this  
 application.

[Signature]

Sworn to before me this

29<sup>th</sup> day of November 2023

[Signature]  
 Notary Public



NOV 17 2023

7 Ardley Place, Monsey, NY 10952

VILLAGE OF WESLEY HILLS

November 16th, 2023

Attached you will find an application to the Zoning Board of Appeals for the above address.

A variance was granted for minimum side yard for accessory structure for 18 feet instead of the minimum required 25 feet. There was a mistake in the field where the crew misunderstood the variance and thought it was 15 feet from the side lot line, not 18 feet.

Additionally, a variance was granted for minimum rear yard for accessory structure for 18 feet instead of the minimum required 50 feet. This was also a mistake in the field where the crew misunderstood the variance and thought it was 17 feet from the rear lot line, not 18 feet.

Another variance was granted for minimum side yard for 20.3 feet instead of the required 25 feet. It is now 19.9 feet and we are requesting a variance.

These require an application to the ZBA as we are requesting variances of Section 230-17 of the Village Code.

What is noted as the pool patio on the east side is in truth a stepping stone area with roughly 90% grass. The stepping stones are impervious however they are considered in the engineers calculations. The Village maximum for impervious surface ratio is .25 while the actual is .36 and we are therefore requesting a variance for this as well.

## PART I

Name of Municipality VILLAGE OF WESLEY HILLS Date 11/13/23

*Please check all that apply:*

|                                                                                               |                                                 |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Planning Board                                                       | <input type="checkbox"/> Architectural Board    |
| <input checked="" type="checkbox"/> Zoning Board of Appeals                                   | <input type="checkbox"/> Historical Board       |
| <input type="checkbox"/> Municipal Board                                                      |                                                 |
| <input type="checkbox"/> Subdivision                                                          | <input type="checkbox"/> Pre-preliminary/Sketch |
| <input type="checkbox"/> Number of Lots                                                       | <input type="checkbox"/> Preliminary            |
| <input type="checkbox"/> Site Plan                                                            | <input type="checkbox"/> Final                  |
| <input type="checkbox"/> Special Permit                                                       | <input type="checkbox"/> Conditional Use        |
| <input type="checkbox"/> Zoning Code Amendment                                                | <input type="checkbox"/> Zone Change            |
| <input checked="" type="checkbox"/> Variance * <i>(Fill out <b>Part II</b> of this form.)</i> |                                                 |

**Project Name:** \_\_\_\_\_

Applicant: Nancy Rubin, Project Manager Phone # 845-424-0244  
Address 16 Squadron Blvd, New City NY 10956  
Street Name & Number (Post Office) State Zip code

Property Owner: Mark Schwartz + Goldie Slater Phone # 718-288-1653  
Address 7 Ardley Place, Monsey NY 10952  
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: Civil Tec Phone # 845-547-2241  
Address 139 Lafayette Ave, Suffern, NY 10901  
Street Name & Number (Post Office) State Zip code

Attorney: N/A Phone # \_\_\_\_\_

Address \_\_\_\_\_

| Street Name & Number | (Post Office) | State | Zip code |
|----------------------|---------------|-------|----------|
|----------------------|---------------|-------|----------|

**Contact Person:** Nancy Rubin Phone # 845-424-0244  
**Address** 16 Squadron Blvd, New City NY 10956  
 Street Name & Number (Post Office) State Zip code

**Tax Map Designation:**Section 41-10 Block 1 Lot(s) 24

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Location: On the South side of Ardley,  
700 feet left of Wilder.Acreage of Parcel 36,542 SF Zoning District R-35School District East Ramapo Postal District 10952**Project Description:** (If additional space required, please attach a narrative summary.)We are applying to the ZBA for variances for the following:Side yard for accessory structure, rear yard for accessory  
structure, side yard and impervious surface ratio.The narrative attached goes into deeper detail.**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? Yes

If so, list case number, name, date, and the board you appeared before.

This project appeared twice previously before the ZBA.See attached resolutions. The public hearings were held on5/19/21,  
6/16/21,  
and  
11/16/22.

List tax map section, block &amp; 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."

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

1. That the variances are not substantial, each one being less than 20% of the requirement;
2. That there is no feasible alternative to granting the variances since the architect has testified that the entire design of the residence would be changed if the height were reduced;
3. That the reason for the variance is the flat roof, i.e., if the residence had a gabled roof the Village definition of height would be complied with;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the environment has been identified.

**Item #9 –Public Hearing- Mark Schwartz and Goldie Slater  
7 Ardley Place**

Chairman Schwab read the public hearing notice into the record. Mark Schwartz, homeowner, was present and affirmed to tell the truth. Mr. Schwartz stated that there had been a site visit of his property last weekend. Mr. Schwartz agreed that the driveway should not be 20 feet wide. Mr. Schwartz stated that the current plan states that the driveway is 15.9 feet wide.

Doris Ulman asked why the need for the four (4) additional feet than currently exist. Mr. Schwartz stated that it is current difficult to get out of the driveway, requiring a K-turn to exit in many situations. Mr. Schwartz stated that this request is purely a practical matter.

Chairman Schwab asked if anyone from the public wished to be heard. No one wished to be heard.

Chairman Schwab asked if anyone from the Board wished to be heard. Stefanie Collantes-Bouvry stated that this seemed to be a reasonable request.

Chairman Schwab made a motion to close the public hearing, seconded by Stefanie Collantes-Bouvry. Upon vote, this motion carried unanimously.

Dennis Dale made a motion to approve this application, seconded by Carole Anderson. Upon vote, this motion carried unanimously.

In the Matter of the Application of  
Nancy Rubin as Project Manager for  
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 had been made to the Zoning Board of Appeals of the Village of Wesley Hills by Nancy Rubin as Project Manager for Mark Schwartz and Goldie Slater for a variance from the provisions of Section 230-34(D)(4) to permit a new circular driveway that is 20 feet wide instead of the maximum permitted of 12 feet wide, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 19, 2022, which hearing was continued on November 16, 2022, and

WHEREAS, the applicant, Mark Schwartz, appeared in person and testified as follows:

That the driveway is bordered by a wall on each side so that the maximum width of 12 feet is less than 12 and makes it difficult for cars to turn around to leave the driveway;

That applicant has reduced the request for the variance and is now requesting that the circular driveway be permitted at 16 feet wide;

That members of the Zoning Board of Appeals visited the site and noted that the existing 12 foot wide driveway does not permit vehicles to turnaround in order to exit 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 that no SEQRA determination is required, and be it further

RESOLVED, that the application submitted by Nancy Rubin as Project manager for Mark Schwartz and Goldie Slater for a variance from the provisions of Section 230-34(D)(4) of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a circular driveway having a width of 16 feet instead of the maximum permitted of 12 feet is hereby approved, and be it further

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

1. That the way this driveway is constructed, the 12-foot width impedes the ability to turnaround to drive out of the property;
2. That there is no feasible alternative to granting the variance because of the safety issue;
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 #8 –Public Hearing- Gartenberg  
8 Villa Lane**

*Insert B*

In the Matter of the Application of  
Mark and Goldie Schwartz  
Premises situated on the south side of Ardley Place  
approximately 250 feet east of Astor Place, known as  
7 Ardley Place, designated on the Tax Map as Section  
41.20 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 Mark and Goldie Schwartz 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 a single family residence and cabana having a side yard of 20.3 feet instead of the minimum required of 25 feet on the west side of the property, a side yard of 15.9 feet instead of the minimum required of 25 feet on the east side of the property, rear yard of 16.2 feet instead of the minimum required of 50 feet, total side yard of 58.4 feet instead of the minimum required of 60 feet, building coverage of .134 instead of the maximum permitted of .12 and front yard impervious surface ratio of .28 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing was held by the Zoning Board of Appeals on May 19, 2021, which hearing was continued on June 16, 2021, and

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

That after the site visit and at the request of the Board, the applicant has revised the site plan 1) to install pervious pavers in the majority of the driveway so that the variance for front yard impervious surface ratio has been eliminated and 2) to move the cabana two feet further from the side and rear property lines so that the variances for the cabana have been reduced to 18 feet from the side property line and 18 feet from the rear property line;

That applicant has retained Yost Design Landscape Architects who have prepared a landscaping plan to reduce or eliminate any potential impacts on adjacent properties;

That the cabana is only 450 square feet of which 175 square feet is open porch so that the impact of the building will be minimal since there will be substantial open space within the side and rear yards;

That the next door neighbor has requested that the cabana be placed in the proposed location so that it is not intrusive;

That only one corner of the cabana is 18 feet from the property lines since the building will be placed on an angle; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the structures; and

WHEREAS, no one appeared in opposition to the application and applicant submitted several letters in support;

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 Mark and Goldie Schwartz 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 a single family residence and cabana having one side yard of 20.3 feet for an open decorative archway instead of the minimum required of 25 feet, having the other side yard of 18 feet instead of the minimum required of 25 feet for a cabana, rear yard of 18 feet instead of the minimum required of 50 feet for the cabana, total side yard of 58.4 feet instead of the minimum required of 60 feet and building coverage of .134 instead of the maximum permitted of .12 is hereby approved, subject to the condition that applicants install and maintain landscaping in accordance with the landscaping plan prepared by Yost Design Landscape Architecture dated November 16, 2020, and be it further

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

1. That none of the variances are substantial except for the rear yard variance for the cabana and, because the cabana will be constructed on a slant, only one corner of the cabana will be 18 feet from the property line; in addition the entire front on the cabana will be open porch so that only 275 square feet of the cabana will encroach into the rear yard;
2. That because of the clearing limit line that prevents construction throughout much of the rear yard of the property and the need to have the cabana in close proximity to the pool, the space within which the cabana can be placed is very limited;
3. That the landscaping plan provides adequate screening to limit the impacts on adjacent properties;
4. That the Zoning Board of Appeals appreciates applicants' efforts to reduce the size and number of variances and the submission of a revised site plan that eliminates the need for the front yard impervious surface variance and reduces the size of the side and rear yard variances for the cabana;
5. That the benefit to the applicant by granting the variances is substantial whereas no evidence of detriment to adjacent properties or to the community has been identified.

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, Nancy Rubin, hereby depose and say that all the  
above statements contained in the papers submitted herewith are true.

Mailing Address

Nancy Rubin  
16 Squadron Blvd  
New City, NY 10956  
NR

SWORN to before this

16th day of November, 2022

[Signature]  
Notary Public

**YEHUDA ABOUDI**  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES JUNE 17, 2025  
COMMISSION: #50017921

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.

|                                               |                                               |
|-----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> State or County Road | <input type="checkbox"/> State or County Park |
| <input type="checkbox"/> Long Path            | <input type="checkbox"/> County Stream        |
| <input type="checkbox"/> Municipal Boundary   | <input type="checkbox"/> County Facility      |

List name(s) of facility checked above. \_\_\_\_\_

### Applicant's Signature and Certification

State of New York  
County of ~~Rockland~~ <sup>NY</sup> SS.:  
Town/Village of Wesley Hills

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

Mailing Address

Nancy Rubin  
16 Squadron Blvd  
New City, NY 10956  
NR

SWORN to before this

16th day of November, 2022

[Signature]  
Notary Public

YEHUDA ABBOUDI  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES JUNE 17, 2025  
COMMISSION #50017921

**Affidavit of Ownership/Owner's Consent**

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

I, Mark Schwartz being duly sworn, hereby  
 depose and say that I reside at: 7 Ardley Place, Monsey, NY 10952

in the county of Rockland in the state of NY.

I am the \* \_\_\_\_\_ owner in fee simple of premises located at:

7 Ardley Place, Monsey, NY 10952

described in a certain deed of said premises recorded in the Rockland County Clerk's  
 Office in Liber \_\_\_\_\_ of conveyances, page \_\_\_\_\_.

Said premises have been in my/its possession since 19 2020. Said premises are  
 also known and designated on the Town of Ramapo Tax Map as:  
 section 41.10 block 1 lot(s) 24

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

7 Ardley Place  
Monsey, NY 10952

SWORN to before this

10<sup>th</sup> day of October, 20 23

Virginia M. Smith  
 Notary Public

\* 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

VIRGINIA M. SMITH  
 Notary Public, State of New York  
 My Commission Expires Dec 15, 2026

## Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)

County of Rockland) SS.:

Town/Village of Westley Hills)

I, Nancy Rubin, 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

Nancy Rubin

116 Squadron Blvd Suite 104

New City, NY 10956

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 the Town/Village of  
(Board, Commission or Agency)  
Westley Hills, Rockland County, New York:

Application, petition or request is hereby submitted for:

- (☒) Variance or modification from the requirement of Section 230-17;  
 ( ) 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 We are requesting variances due to fact that we are looking for less side yard, rear yard for accessory structure, side yard for accessory structure and additional impervious surface ratio.

3. Premises affected are in a R-35 zone and from the town of Westley Hills tax map, the property is know as Section 41-10, Block, 1, Lot(s) 24.

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 N/A
- 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 \_\_\_\_\_.

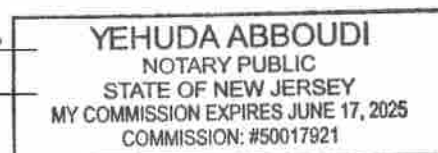
I, Nancy Rubin, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address

Nancy Rubin  
16 Squadron Blvd  
New City, NY 10958 *NR*

SWORN to before this

16th day of March, 2023  
[Signature]  
 Notary Public



**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    }  
 VILLAGE OF WESLEY HILLS } SS:

Mark Schump being duly sworn, deposes and

says that he/she resides at 7 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

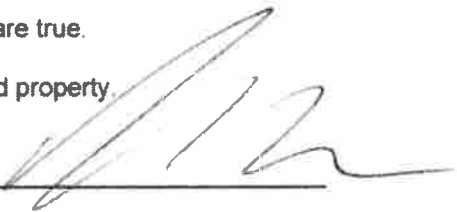
in the Village of Wesley Hills, and designated on the Town of Ramapo

Map as Section No. 41.10 Lot No. 24 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.

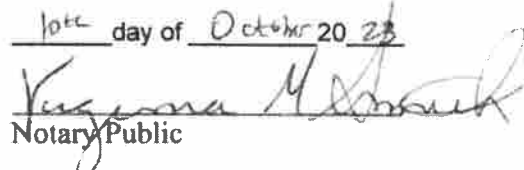
Owner: 

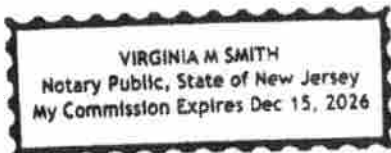
Address: 7 Ardley Place

Monsey, NY 10952

Sworn to before me this

10th day of October 2023

  
 Notary Public



Town/Village of Wesley Hills

I, Nancy Robin being duly sworn <sup>affirms</sup> deposes and says that he is the applicant, agent or attorney for applicant, in the matter of the petition before the Zoning (board) in the town/village of Westey Hills affecting property located at 7 Ardley Place, 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.

| SECTION/BLOCK/LOT | NAME | ADDRESS |
|-------------------|------|---------|
|-------------------|------|---------|

See attached.

SWORN to before this

16th day of November, 2023

  
\_\_\_\_\_  
Notary Public

YEHUDA ABOUDI  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES JUNE 17, 2025  
COMMISSION: #50017921

## **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

Nancy Rubin  
APPLICANT

11/13/23  
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 \_\_\_\_\_;
- ☐ 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 \_\_\_\_\_

For additional impervious surface ratio and for less  
rear to accessory, side to accessory and side yard.



Staples.

04A-U1

label size 1" x 2-5/8" compatible with Avery® 5160/8160

11/41.10-1-41  
SHIMOFF WARREN & ROBIN  
188 WILLOW TREE RD  
MONSEY, NY 10952

11/41.10-1-42  
WILLOW TREE TRUST  
PH1203  
9401 COLLINS AVENUE  
SURFSIDE, FL 33154

11/41.10-1-40  
KING ARICKA  
186 WILLOW TREE RD  
MONSEY, NY 10952

11/41.10-2-2  
HAMERMAN JACOB  
32 WILDER ROAD  
MONSEY, NY 10952

11/41.10-1-35  
MARKOWITZ HILLEL & RUTH  
5 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-36  
SCHWARTZ ARON Z  
6 SOUNDVIEW DR  
SPRING VALLEY, NY 10977

11/41.10-1-38  
OFFMAN FREDERICK &  
DEBORAH  
16 ASTOR PL  
MONSEY, NY 10952

11/41.10-2-45.3  
ONE HUNDRED FIFTY SIX  
WILLOW TREE ROAD LLC  
2 WILDER ROAD  
MONSEY, NY 10952

11/41.10-1-29  
REISS DANIEL P & BLANCHE  
6 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-52  
GOLDBRENNER ASHER &  
ALIZA  
19 ASTOR PLACE  
MONSEY, NY 10952

11/41.10-1-49  
KATZ ISRAEL & DASYA  
13 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-48  
HIDALGO NELSON D &  
GARCENIA G  
11 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-25  
STERNBUCH MICHEL & TZIPPY  
9 ARDLEY PLACE  
MONSEY, NY 10952

11/41.10-1-13  
KLEIN JEFFREY A & CHERYL  
6 VILLA LA  
MONSEY, NY 10952

11/41.10-1-34  
LIPSCHITZ NEAL & SUSAN J  
3 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-32  
RIEDER SHIMON  
1 WOODCREST RD  
WESLEY HILLS, NY 10952

11/41.10-2-45.1  
LEVINSON SAM & MICHELLE  
2 WILDER ROAD  
MONSEY, NY 10952

11/41.10-1-30  
HERSZFELD LEGACY TRUST  
4 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-27  
MATHIOS RACHELLE  
10 WOODCREST RD  
WESLEY HILLS, NY 10952

11/41.10-2-45.2  
CSYKB 1-20 TRUST  
8 WILDER RD  
MONSEY, NY 10952

11/41.10-1-39  
RIEDER SHIMON &  
FRIEDMAN NICOLE  
14 ASTOR PLACE  
MONSEY, NY 10952

11/41.10-1-47  
WIZMAN KAREN ANNE &  
WIZMAN ELIEZER JOEL  
12 ASTOR PL  
MONSEY, NY 10952

11/41.10-2-59  
ACS REAL ESTATE TRUST  
1 CARTER LA  
MONSEY, NY 10952

11/41.10-1-33  
1 WILDER LLC  
C/O BEN LEV  
18039 BURBANK BLVD  
ENCINO, CA 90316

11/41.10-1-50  
ROSENBERG SAMUEL L  
15 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-37  
STEWART JEFFREY M &  
ELIZABETH  
9 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-51  
MITTEL YAAKOV & REBECCA  
17 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-31  
GREENBLATT JACOB & RACHEL  
2 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-28  
HAAS JOSEPH & BATSHEVA  
8 WOODCREST RD  
MONSEY, NY 10952

11/41.10-1-20  
ROSENFELD YITZCHOK  
2 ARDLEY PL  
MONSEY, NY 10952

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04A-U1

Staples.

04A-U1

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11/41.10-1-54  
SUN CAPITAL PROPERTIES  
LLC  
C/O ROBERT RAVIT  
23 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-26  
BALBAN MORTON & HILDA  
22 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-23  
FELBERMAN SARA D  
5 ARDLEY PL  
MONSEY, NY 10952

11/41.10-1-24  
SCHWARTZ MARK &  
SLATER GOLDIE  
7 ARDLEY PL  
MONSEY, NY 10952

11/41.10-1-5  
LAST IRA & VIVIAN  
26 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-6  
EGENHAUSER JACK & LINDA  
28 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-9  
NACHFOLGER ISRAEL &  
MIRIAM  
3 VILLA LANE  
MONSEY, NY 10952

11/41.10-1-2  
LNMD GROUP REALTY LLC  
C/O ROBERT RAVIT  
23 ASTOR PLACE  
MONSEY, NY 10952

11/41.10-1-15  
HOLTZBERG SHLOMO A &  
MOLLIE N  
35 WILDER RD  
MONSEY, NY 10952-7126

11/41.06-1-75  
TWERSKY GITTEL  
9 VILLA LA  
MONSEY, NY 10952

11/41.10-2-58  
WEINER ALFRED J + DORIS R  
3 CARTER LA  
MONSEY, NY 10952

11/41.10-1-21  
MELOHN JOSEPH ALEXANDER  
& ROSEMARIE RICKY  
1 ARDLEY PL  
MONSEY, NY 10952

11/41.10-1-53  
STILLMAN NORMAN A +  
MARILYN  
21 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-10  
PANCER AVROM & BASTZION  
1 VILLA LANE  
MONSEY, NY 10952

11/41.10-1-4  
RUBINSTEIN ARYE  
25 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-18  
BALLOU MARY K  
C/O KASEY SCHMID  
70 NELSON RD  
MONROE, NY 10950

11/41.10-1-17  
BALLOU MARY K  
C/O KACEY SCHMID  
70 NELSON RD  
MONROE, NY 10950

11/41.10-1-8  
KOPCIEL ELIEZER TRUST  
7 VILLA LA  
MONSEY, NY 10952

11/41.10-1-14  
GARTENBERG GARY N & MALKI  
A  
8 VILLA LA  
MONSEY, NY 10952-1020

11/41.06-1-76  
34 ASTOR PLACE REALTY LLC  
32 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-11  
DOBERMAN ALAN & CHERYL  
4 ARDLEY PL  
MONSEY, NY 10952

11/41.10-1-22  
MARKOWITZ BARRY & IDA  
3 ARDLEY PL  
WESLEY HILLS, NY 10952

11/41.10-2-61  
GOLD ABRAHAM  
1 CARTER LANE  
WESLEY HILLS, NY 10952

11/41.10-1-19  
ROSENFELD YITZCHOK  
4 CARTER LANE  
MONSEY, NY 10952

11/41.10-1-12  
JACOBS SANFORD & STACY  
4 VILLA LA  
MONSEY, NY 10952

11/41.10-1-3  
WOLFSET BRADLEY S &  
ESTHER  
27 ASTOR PL  
MONSEY, NY 10952

11/41.10-1-16  
BALLOU MARY K  
C/O KASEY SCHMID  
70 NELSON RD  
MONROE, NY 10950

11/41.10-1-7  
GREENSTEIN-DEUTSCH ALIZA  
30 ASTOR PLACE  
MONSEY, NY 10952

11/41.10-1-1  
WIEDER DEVORAH  
31 ASTOR PL  
MONSEY, NY 10952

11/41.06-1-72  
LEBOVICS JACOB & DEBORAH  
10 VILLA LANE  
MONSEY, NY 10952

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Staples.

04A-U1

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11/41.06-1-78  
NUSSEN MARK & GILA T  
33 ASTOR PL  
MONSEY, NY 10952

11/41.09-1-15  
RAMAPO TOWN OF  
237 RT 59  
SUFFERN, NY 10901

Staples.

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04A-U1

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

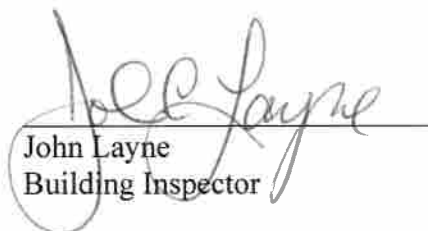
Dated: October 24, 2023  
Tax Parcel ID: 41.10-1-24  
Address: 7 Ardley Place  
Applicant: Rubin/Schwartz & Slater

**BUILDING AND ZONING DEPARTMENT:**

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

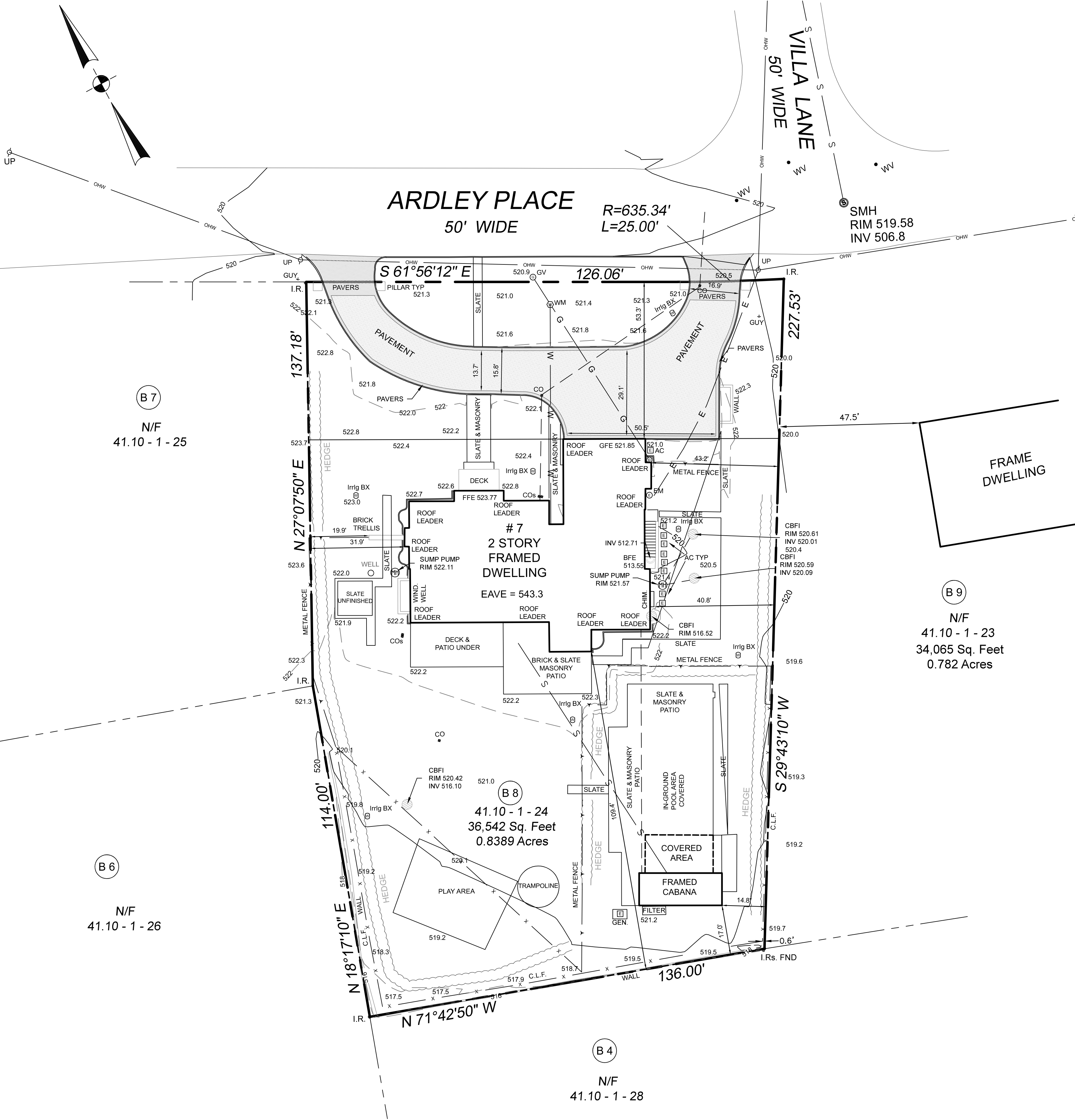
- Minimum side yard of 25 feet, proposing 19.9 feet
- Minimum side yard for accessory structure of 25 feet, proposing 14.8 feet
- Minimum rear yard for accessory structure of 50 feet, proposing 17 feet
- Maximum impervious surface ratio of 0.25, proposing 0.36
- Maximum front yard impervious surface ratio of 0.20, proposing 0.46

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



SURVEY NOTES:

- 1. IT IS A VIOLATION OF THE STATE EDUCATION LAW SECT 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY ONLY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED SEAL ARE A VALID ORIGINAL PRODUCT OF THE LAND SURVEYOR. THIS SURVEY IS PREPARED ONLY FOR THE PARTIES AND PURPOSE INDICATED HEREON ANY CLAIM FOR LIABILITY SHALL NOT EXCEED THE AMOUNT OF THE AGREEMENT ANY EXTENSION OF USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT HOLDS THE SURVEYOR HARMLESS FOR UNAUTHORIZED USE BY OTHER PARTIES PERSONS OR GOVERNMENTAL APPROVALS AND RENDERS THIS SURVEY MAP NULL & VOID. THIS SURVEY MAP IS SUBJECT TO AN ACCURATE ABSTRACT OF TITLE.
- 2. THIS SURVEY MAP IS BASED ON AN ACTUAL FIELD SURVEY CONDUCTED FOR A SPECIFIC PURPOSE AND IS BASED ON SPECIFIC CONTRACTUAL REQUIREMENTS FOR THIS TRANSACTION. USE OF THIS MAP FOR SURVEY INSPECTION UPDATES IS STRICTLY PROHIBITED. THIS MAP MAY NOT BE COPIED IN WHOLE OR IN PART, THIS MAP MAY NOT BE USED FOR OTHER PURPOSES OR TRANSACTIONS. THIS MAP MAY NOT BE SOLD, RENTED, LEASED, PHOTOCOPIED, ENLARGED, REDUCED, TRACED OR TRANSFERRED IN ANY OTHER WAY WITHOUT THE PRIOR WRITTEN CONSENT OF A CIVIL TEC ENGINEERING & SURVEYING PC REPRESENTATIVE WHO'S SIGNATURE & SEAL APPEAR HEREON.
- 3. VERTICAL DATUM IS NAVD88.
- 4. ALL NONE VISIBLE UNDERGROUND UTILITIES (SUCH AS GAS, ELECTRIC, WATER AND OTHERS), SANITARY CONNECTIONS AND DRAINAGE CONNECTIONS ARE SHOWN AS PER CONTRACTOR, AND OR SHOWN AS PER PROPOSED PLAN AS PER THE TOWN ENGINEER'S REQUEST.

| Lot Coverage              |           |
|---------------------------|-----------|
| Driveway (pavers)         | 512 SF    |
| Driveway (pavement)       | 3,031 SF  |
| Dwelling                  | 4,151 SF  |
| Decks                     | 575 SF    |
| Brick & Slate Patio       | 585 SF    |
| Stairs                    | 120 SF    |
| Pool/Pool Patio           | 1,924 SF  |
| Cabana/Covered Area       | 645 SF    |
| Walkways & Arch           | 1,336 SF  |
| Pool Equipment            | 137 SF    |
| Garbage & Utilities       | 58 SF     |
| Pillars                   | 36 SF     |
| Total                     | 13,074 SF |
| Total Impervious Coverage |           |
| 13,074 SF/36,542 SF       | 0.36      |

IMPERVIOUS IN FRONT YARD:  
3,955 SF

AREA OF FRONT YARD: 8,583 SF

FRONT YARD IMPERVIOUS RATIO:  
3,955 SF IMPERVIOUS/8,583 SF AREA OF FRONT YARD = 0.46  
0.46 > 0.2

BUILDING COVERAGE CALCULATION FROM ARCHITECT:  
1.5 STORY @ 1,957 SF + 2.5 STORY @ 2,895 SF TOTAL = 4,852 SF

4,852 SF = ACTUAL BUILDING COVERAGE  
1,957/4,852 = 0.4 X 0.05 = 0.02 + 0.10 = 0.12  
36,542 SF X 0.12 = 4,385 MAXIMUM ALLOWABLE BUILDING COVERAGE

PROVIDED BUILDING COVERAGE  
HOUSE 4,151 SF + CABANA & COVERED AREA 645 SF = 4,796 SF

4,796 SF/36,542 SF = 0.131  
VARIANCE WAS GRANTED FOR 0.134  
0.131<0.134 SO OK

NO STEEP SLOPES

PARKING CALCULATION:  
SINGLE FAMILY HOME REQUIRES 2 SPACES  
2 GARAGE SPACES PROVIDED

| Bulk Requirements: R-35 Single Family Residence |               |                   |                |                 |                                    |                                  |                |                       |                |                                  |                |                               |                                          |
|-------------------------------------------------|---------------|-------------------|----------------|-----------------|------------------------------------|----------------------------------|----------------|-----------------------|----------------|----------------------------------|----------------|-------------------------------|------------------------------------------|
|                                                 | Min. Lot Area | Min. Lot Frontage | Min. Lot Width | Min. Front Yard | Min. Side Yard                     | Min. Side Accessory >100 SF      | Min. Side Pool | Min. Total Side Yards | Min. Rear Yard | Min. Rear Accessory >100 SF      | Min. Rear Pool | Max. Impervious Surface Ratio | Max. Front Yard Impervious Surface Ratio |
| Required                                        | 35,000 SF     | 100 FT            | 125 FT         | 50 FT           | 25 FT                              | 15 FT                            | 15 FT          | 60 FT                 | 50 FT          | 50 FT                            | 15 FT          | 0.25                          | 0.2                                      |
| Actual                                          | 36,542 SF     | 162.2 FT          | 159.9 FT       | 53.3 FT         | 19.9 FT                            | 14.8 FT                          | 16.6 FT        | 60.7 FT               | 109.4 FT       | 17 FT                            | 15.3 FT        | 0.36                          | 0.46                                     |
| Variance                                        | No            | No                | No             | No              | Granted 20.3 FT/ Variance Required | Granted 18 FT/ Variance Required | No             | Granted 58.4 FT       | No             | Granted 18 FT/ Variance Required | No             | Yes                           | Yes                                      |

VARIANCES GRANTED BY ZBA ON JUNE 16, 2021



VICINITY MAP  
1" = 300'

REFERENCES

- 1. BEING SECTION 41.10, BLOCK 1, LOT 24 OF THE VILLAGE OF WESLEY HILLS AND TOWN OF RAMAPO TAX MAPPING.
- 2. LOT DESCRIBED BY DEED IN INSTRUMENT NO. 2006 AT PAGE 59187 AT THE ROCKLAND COUNTY CLERKS OFFICE.
- 3. BEING LOT 8 IN BLOCK B ON A MAP ENTITLED "SECTION ONE OVERLOOK ESTATES", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON JULY 8, 1964 IN BOOK 68 ON PAGE 41 AS MAP NUMBER 3252.
- 4. TOTAL AREA = 36,542 SQUARE FEET OR 0.838 ACRES.

| DATE                                                                                      | ISSUE | DESCRIPTION            | REVISIONS |
|-------------------------------------------------------------------------------------------|-------|------------------------|-----------|
|                                                                                           |       | S.B.L. 41.10-1-23 & 24 |           |
| ZBA PLAN<br>FOR<br>7 ARDLEY PLACE<br>VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK |       |                        |           |
| CIVIL TEC Engineering & Surveying PC                                                      |       | DATE:                  | 11/27/23  |
| 139 Lafayette Avenue, 2nd Fl.<br>Suffern, NY 10901<br>P 845.547.2241 - F 845.547.2243     |       | DRAWN BY:              | WPD       |
| 111 Main Street<br>Chester, NY 10918<br>845.610.3621                                      |       | CHKD BY:               | SPD/RB    |
| Civil Engineering & Land Surveying Services that Build Communities<br>www.Civil-Tec.com   |       | JOB No.                | 3779      |
| Rachel B. Barese, P.E.<br>N.Y. Lic. No. 90143                                             |       | SCALE:                 | 1"=20'    |
|                                                                                           |       | DWG No.                | 1 OF 24   |

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

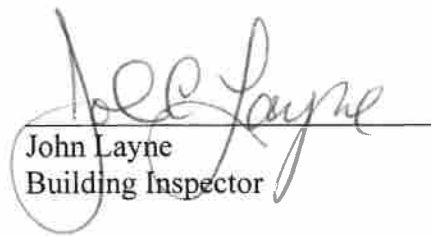
Dated: October 24, 2023  
Tax Parcel ID: 41.10-1-24  
Address: 7 Ardley Place  
Applicant: Rubin/Schwartz & Slater

**BUILDING AND ZONING DEPARTMENT:**

Please be advised that your application for a building permit for the construction of a new single-family home, patio, and cabana 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 of 25 feet, proposing 19.9 feet
- Minimum side yard for accessory structure of 25 feet, proposing 14.8 feet
- Minimum rear yard for accessory structure of 50 feet, proposing 17 feet
- Maximum impervious surface ratio of 0.25, proposing 0.36
- Maximum front yard impervious surface ratio of 0.20, proposing 0.46

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



DEC 6 1923

VILLAGE OF WESLEY HILLS



## Building Department

**From:** Sara Markovits <saram@everestequity.com>  
**Sent:** Wednesday, December 6, 2023 11:53 AM  
**To:** Building Department  
**Subject:** 7 Ardley Place - application for additional variances  
**Attachments:** 3779- 18 x 24 Partial As-Built\_OPT 2.pdf; Screenshot 2023-12-04 at 11.32.49 AM; Screenshot 2023-12-04 at 11.33.22 AM

Good morning,

Thank you for taking the time to show me the application submitted for 7 Ardley Place on Monday. I am the owner of 5 Ardley place for the past 17 years, and the variances requested mostly effect my property and boundary lines. Last year, I was in touch with your department (I will forward a copy of my email with your department separately since it was undeliverable attached here) since there was a file map discrepancy discovered when reviewing the surveys for my property at 5 Ardley Place and the Schwartzes' property at 7 Ardley Place. After much back and forth with them and our engineers (Anthony Celentano and Civiltek), we agreed to a compromise in December 2022 to adjust the property lines according to the PDF map attached. I am attaching a screenshot of my whatsapp conversation with the owner of 7 Ardley Place at the time.

The application submitted for additional variances to your department is concerning to me for a few reasons:

- The map attached to the application was updated in May 2023, and yet it still reflects their original survey property lines and square footage. This is not accurate, and therefore the calculations included in the application are not accurate. Any updated maps submitted after January 2023 need to reflect the agreed upon changes that were discussed. There should also be proof of filing of the new map with the county clerk provided to avoid any future issues.
- At the end of the summer, a pipe connected to their pool was gushing water from under the fence at 7 Ardley Place and caused a large area of damage to my property. I informed the Schwartzes of the issue on September 5, and it took a long time for that leak to be repaired – the damage to my property has still not been repaired despite numerous follow ups.
  - The damage to their pipe was only able to be accessed for repair from my property.
  - I'm worried the proximity to my property (this particular pipe ends under the fence) of their pool and equipment also leaves me open to future damage.
- Since the agreed upon compromise, the Schwartzes have still planted bushes over the property line.

In order to avoid any further issues with these neighbors, I respectfully request that no variances affecting my property be approved by the zoning board until these items have been addressed. Thank you for your assistance,

Sara Felberman  
 845-323-1392



EVEREST  
EQUITY

**Sara Markovits**  
 Vice President



845.675.4014 | F: 845.230.8682



[saram@everestequity.com](mailto:saram@everestequity.com)

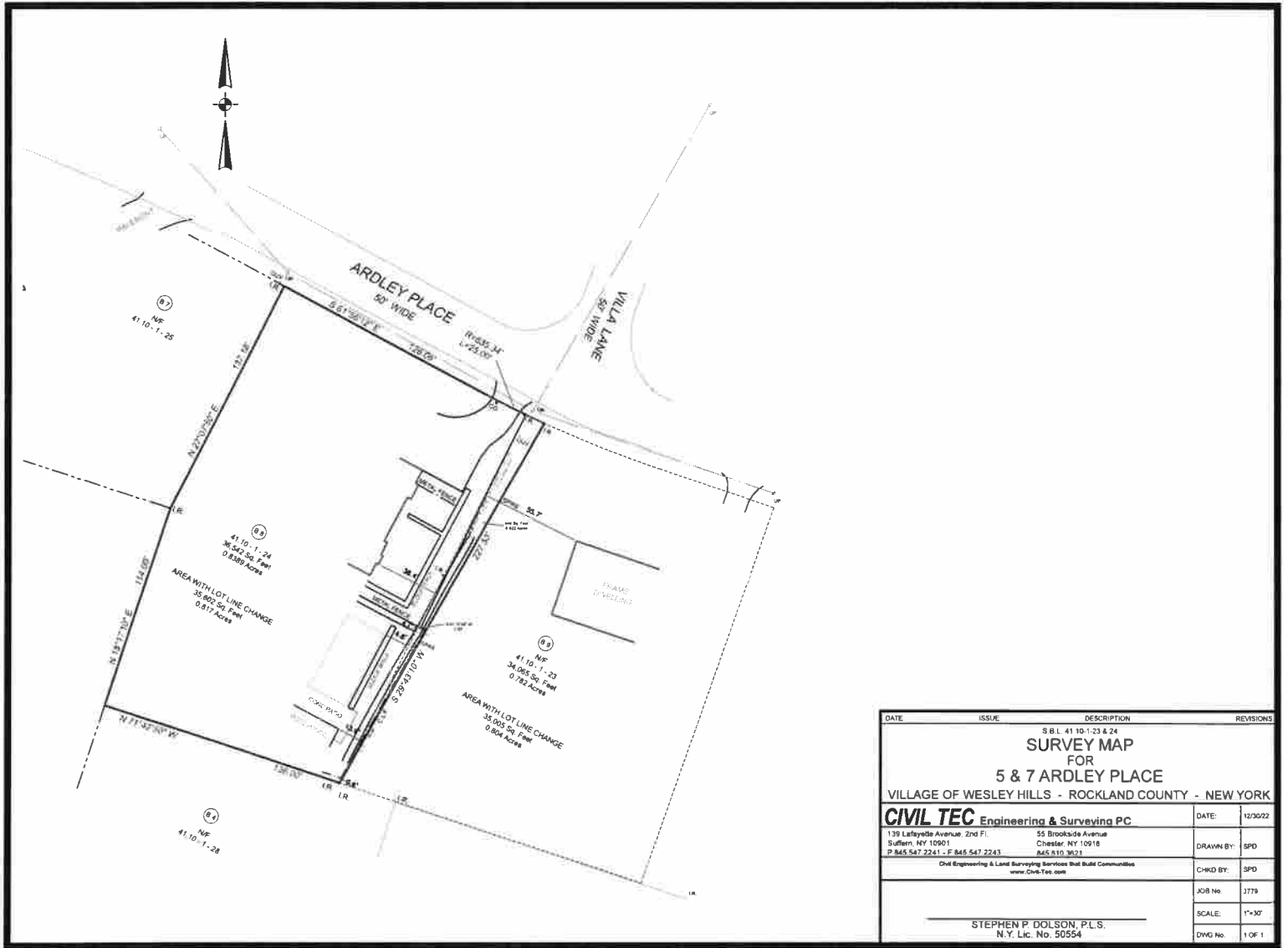


[www.everestequity.com](http://www.everestequity.com)

BUILDING DEPT.

DEC 6 2023

VILLAGE OF WESLEY HILLS



| DATE                                                                                    | ISSUE | DESCRIPTION | REVISIONS      |
|-----------------------------------------------------------------------------------------|-------|-------------|----------------|
| S.B.L. 41.10-1-23 & 24                                                                  |       |             |                |
| SURVEY MAP                                                                              |       |             |                |
| FOR                                                                                     |       |             |                |
| 5 & 7 ARDLEY PLACE                                                                      |       |             |                |
| VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK                                    |       |             |                |
| <b>CIVIL TEC</b> Engineering & Surveying PC                                             |       |             | DATE: 12/30/22 |
| 139 Lafayette Avenue, 2nd Fl.<br>Suffern, NY 10901<br>P: 845.547.2241 - F: 845.547.2243 |       |             | DRAWN BY: SPD  |
| 55 Brookside Avenue<br>Chandler, NY 10918<br>845.810.3021                               |       |             | CHKD BY: SPD   |
| Civil Engineering & Land Surveying Services That Build Communities<br>www.Civil-Tec.com |       |             | JOB No: 3779   |
| STEPHEN P. DOLSON, P.L.S.<br>N.Y. Lic. No. 50554                                        |       |             | SCALE: 1"=30'  |
|                                                                                         |       |             | DWG No: 1 OF 1 |

**Building Department**

---

**From:** Sara Markovits <saram@everestequity.com>  
**Sent:** Friday, December 9, 2022 8:41 AM  
**To:** Building Department  
**Subject:** Survey - 5 Ardley Place  
**Attachments:** LETTER.pdf; FILEDMAP.pdf; MAP#2.pdf; 5 ARDLY Site plan revised.pdf

Good morning,

Please see attached survey and supporting analysis for 5 Ardley Place. The neighbors and their contractor received this on Monday as well, but they've kept working on the property regardless... Please call me with any questions at 845-323-1392. Thank you,

Sara Felberman

## CELENTANO SURVEYING PLLC

31 ROSMAN ROAD THIELLS, NY 10984 PHONE: (845)429-5290 FAX: (845)429-5974

December 5, 2022

**Re: 5 AND 7 ARDLEY PLACE  
WESLEY HILLS, NY**

**Subject: FILE MAP DISCREPANCIES**

BUILDING DEPT.

#5 Ardley Place Deed of Record reads Lot #9 filed map 3252

DEC 6 2023

#7 Ardley Place Deed of Record read Lot#8 filed map 3252

VILLAGE OF WESLEY HILLS

Filed map from County attached

There are discrepancies on the filed map. The line of dispute is the Westerly line of #5 Ardley with the Easterly line of #7 Ardley Place. The decision to be made was either hold the distances along Ardley Place on the filed or the bearing shown on the file map because one did not agree with the other. I chose to hold the filed map distances along the street line for the following reasons:

1) The projection of the line as shown on the filed map is closer to the Westerly line of Villa lane as shown. If you project the bearing of the side line you end up in the middle of the Right of Way.

2) Using a protractor and measuring the angle on the filed map comes out to be approximately 98 degrees. This agrees with holding the distances along the road line.

Using the sideline bearing you compute an angle of approximately 101 degrees

3) If you proportional scale the distance along the road line they agree with the filed map.

4) By holding the distances along the road line you are in more conformances with the areas on the filed map. If you hold the side line bearing then #5 Ardley is only 34,064 sqft and would require a Variance for Lot area in the R-35 Zone. I feel the intention of this subdivision was to make all complying lots without variances.

Sincerely,



Anthony Celentano





# 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 20th day of December, 2023 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted 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) 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 t

minimum required of 25 feet and the variance previously granted of 18 feet and cabana rear yard of 17 feet instead of the minimum required of 50 feet and the variance previously granted of 18 feet.

The subject premises are 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 a

Section 41.1-0 Block 1 Lot 24. 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, Ne

York 10952 between the hours of 9 A.M. and 4 P.M. Mondays through Fridays, exclusive of holidays.

Dated: Wesley Hills New York  
November 29, 2023  
Camille Guido-Downey  
Village Clerk/Treasurer  
Village of Wesley Hills

1x12-7/27147

## 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 20th day of December, 2023 at 7:30 P.M. at the Village Hall, 432 Route 306, Wesley Hills, New York 10952 to consider the application submitted by Michael and Adina Finkelstein for a variance from the provisions of Sections 230-14O(4)(a) to permit the construction, maintenance and use of a cabana having rear yard of 22.5 feet instead of the minimum required of 50 feet.

The subject premises are situated on the east side of Dike Drive at the intersection with Roven Road, known as 12 Dike Drive, designated on the Tax Map as Section 41.06 Block 1 Lot 41, 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  
November 29, 2023

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

1x12-7/27148

287

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

Municipality: Village of Wesley Hills

Date Sent: October 23, 2023

Board:      Planning      ZBA X Town/Village Meeting Date: December 5, 2023

File Name Local Law #3 of 2023-Sign Permits  
Contact Person Camille Guido-Downey, Village Clerk  
Village of Wesley Hills  
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  
X Adjacent Municipality --- Town of Ramapo, Montebello, New Hempstead, Pomona  
     Other

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

239 (n):

239 (l) & (m):      Site Plan      Variance      Special Permit      Zone Change/Amendment  
X Other – Please list A Local Law amending the Zoning Code of the Village of  
Wesley Hills in relation to the regulations of Sign Permits.

Location of Parcel(s) Village of Wesley Hills

Acreage of Parcel (s)                     

Existing Sq. Footage                                      Proposed Sq. Footage                                     

The Property in Question Lies Within 500 Feet of:

- |                                      |                                               |
|--------------------------------------|-----------------------------------------------|
| <u>    </u> County Road              | <u>    </u> State Road, Thruway, or Parkway   |
| <u>    </u> County Stream            | <u>    </u> State Park                        |
| <u>    </u> County Park              | <u>    </u> Village, Town, or County Boundary |
| <u>    </u> County or State Facility | <u>    </u> The Long Path                     |

Map      Block      Lot(s)      Map Date:                      Current Zoning:

**Brief Project Description: A Local Law amending the Zoning Code of the Village of Wesley Hills in relation to the regulations of Sign Permits.**

**Variances Needed (*if applicable*)**

**Required**

**Provided**

*Rockland County Department of Planning 9/13*

*{G:\All\GML\GML Referral Form}*

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF  
WESLEY HILLS, TO REVISE THE ZONING LAW IN RELATION  
TO PROCEDURES FOR THE REGULATION OF SIGN PERMITS.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESLEY  
HILLS, as follows:

Section 1. Section 230-64 of the Code of the Village of Wesley Hills  
is hereby amended to delete the final sentence thereof relating to  
approval of the Planning Board prior to the issuance of certain sign  
permits.

Section 2. This local law shall take effect ten days after  
publishing, posting and filing with the Secretary of State.



## ZONING BOARD OF APPEALS MEETING MINUTES

November 15, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

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### CALL TO ORDER

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

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

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

Chairman Gewirtz read the public hearing notice into the record. Ira Emanuel, the attorney for the applicant, was present and affirmed. Mr. Emanuel 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. Mr. Emanuel stated that after discussions with the Board at the site visit, the homeowners have changed the plans to do away with the subdivision and the variances for Ms. Guadino at 95 Forshay Road and are now seeking a variance for Accessory structure rear yard of 15.7 feet, when the minimum required is 50 feet, and impervious surface ratio of .33 when existing is .32.. The proposed cabana is 30' x 13' and is 12 feet in height. Mr. Emanuel sent a letter to the Village with responses to the Rockland County agency letters and has no problem complying with the requests from said agencies.

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

No one had comments.

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

Doris Ulman stated that the applicant will need to amend the application, and remove

Ms. Guadino at 95 Forshay Road from the application, change the maximum impervious surface ratio previously approved of .32 to .33, compliance with the Rockland County Planning Department letter dated November 8, 2023, and attest that all bright lighting will be adjusted downward. Ms. Ulman added that the applicant has been in front of the Board for over 3 years and has been complying with the conditions the Village has set forth.

Stuart Zelmanovitz made a motion to approve the amended application, subject to compliance with the following Rockland County agency letters, seconded by Randi Marlin.

1. Rockland County Planning Department review memo dated November 8, 2023
2. Rockland County Highway Department review memo dated October 19, 2023
3. Town of Ramapo Department of Works review memo dated November 13, 2023

In the Matter of the Application of  
Eli Amsterdam  
Premises situated on the east side of Suhl Lane  
approximately 250 feet north of Grandview  
Avenue, known as 8 Suhl Lane, designated on the  
Tax Map as Section 41.14 Block 1 Lot 27.3, in an  
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Eli Amsterdam on behalf of himself and Mona Guardino to permit the resubdivision of two lots and the maintenance and use of a cabana on premises known as 8 Suhl Lane requiring several variances on both the Amsterdam and Guardino lots, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on July 19, 2023, which hearing was continued ON August 16, 2023, September 20, 2023, October 18, 2023 and November 15, 2023, and

WHEREAS, the applicant appeared in person and by his attorney, who testified as follows:

That the applicant has had several applications before the Board in an attempt to reduce the size of the variance needed for the cabana;

That the cabana was originally placed on a foundation that was legally constructed 9 feet from the rear property line and applicant did not know that the cabana needed to be 50 feet from the rear property line;

That the current application by Mr. Amsterdam on behalf of himself and Ms. Guardino permits the cabana to be 25 feet from the rear property line but creates several variances for the Guardino property;

That at the request of the Zoning Board of Appeals Mr. Amsterdam has moved the cabana further from the rear property line so that the need for the resubdivision no longer exists;

That as a result, Mr. Amsterdam now requests that the application be amended to remove the Guardino property from the application and to amend the application to request a rear yard variance of 15.7 feet for the cabana and impervious surface ratio of .33;

That at the request of a neighbor the applicant the reduced the size of the cabana to 400 square feet and the height to 12 feet; and

WHEREAS, members of the Zoning Board of Appeals visited the site on two occasions and viewed the original location of the cabana and the proposed new location; and

WHEREAS, no one appeared in opposition to the amended application,

NOW, THEREFORE 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 Eli Amsterdam on behalf of himself and Mona Guardino for variances to permit the resubdivision of two lots is hereby amended by deleting the Guardino property from the application, by deleting the request for resubdivision of the Amsterdam and Guardino properties and by amending the requested variances so that the only variances requested in this amended application are for the cabana on the Amsterdam property to be 15.7 feet from the rear property line and for impervious surface ratio of .33 on the Amsterdam property, and be it further

RESOLVED, that the amended application submitted by Eli Amsterdam to permit the maintenance and use of a cabana having a rear yard of 15.7 feet instead of the minimum required of 50 feet and impervious surface ratio of .33 instead of the existing ratio of .32 is hereby granted, subject to the following conditions:

1. That the size of the cabana shall be no larger than 30' x 13' and shall be no higher than 12 feet in height;
2. That all outside lighting shall be shaded downward;
3. Compliance with the GML review letter from Rockland County Planning Department dated November 8, 2023;
4. Compliance with Rockland County Highway letter dated October 19, 2023;
5. Compliance with Town of Ramapo Dept of Public Works letter dated November 13, 2023, and be it further

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

1. That although the variance is substantial there is no other feasible location for the cabana and the size and height of the cabana have been reduced to lessen its visual impact;
2. That environmental impacts, if any, will be minimal inasmuch as the foundation for the cabana has already been installed and has been in place for some time;
3. That the benefit to the applicant by granting the variances is substantial and any potential detriment to adjoining properties or to the neighborhood is minor and has been addressed.

Upon vote, this motion was carried unanimously.

## **Item #2- Continued Public Hearing-Mark Martin- 428 Route 306**

Chairman Gewirtz read the public hearing notice into the record. Todd Rosenblum, the applicant's Architect, was present and affirmed. Mr. Rosenblum stated that they are seeking the following variances:

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

Mr. Rosenblum stated that the property is oddly located and on a flag lot. Mr. Rosenblum stated that at the site visit, Barry Rozenberg questioned how much of the impervious surface was from the driveway. Mr. Rosenblum answered that it takes up 5% of the impervious surface, so the request would be much smaller for that variance, if not for the elongated flag lot driveway. Mr. Rosenblum also stated that the applicant is putting in a walkway for the neighbors to walk to their local Shuls which adds to the need for the impervious surface ratio. Mr. Rosenblum stated that the proposed front door does not face the main roadway. Mr. Rosenblum added that the neighboring property to the west faces south, and the proposed front door would face the side of the neighboring house if they built it to face the main roadway as recommended by the Rockland County Planning Department, and it would create more variances. Mr. Rosenblum stated that Mr. Layne has provided a memo stating that he disagrees with the Planning Department and approves of the proposed front door facing south, as opposed to west towards Route 306. Mr. Rosenblum added that CivilTec will make sure the drainage achieves zero net runoff.

Ms. Ulman explained that the County Planning letter is not concerned with the front of the house but believes that the front of the lot should be the west side of the property, not the south side.

Chairman Gewirtz read the following letters of support:

- |                    |                    |                  |
|--------------------|--------------------|------------------|
| 1. 4 Earl Court    | 2. 6 Earl Court    | 3. 430 Route 306 |
| 4. 4 Village Green | 5. 8 Village Green | 6. 3 Kentor Lane |

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

No one had comments.

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

Chairman Gewirtz made a motion to approve the amended application, subject to compliance with the following agency letters, seconded by Richard Weinberger.

1. Rockland County Sewer District No. 1 review memo dated October 10, 2023
2. Rockland County Health Department review memo dated October 13, 2023
3. New York State Dept. of Transportation review memo dated September 22, 2023
4. Rockland County Planning Department review memo dated October 4, 2023 but overrides Paragraphs 1, 2 and 6 of said letter for the following reasons:

- A. Paragraph 1 of said letter is overridden because there is no legal authority for the Department's use of the westerly property line as the front lot line. The Wesley Hills Zoning Law defines "LOT LINE, FRONT" as "Any lot line separating the lot from the street." The only portion of the subject lot that separates it from the street is the 50 foot wide flag. Therefore, the applicant's use of the southern property line as the front lot line in order to minimize the number of variances required is no less valid than is the Planning Dept's use of the west property line as the front lot line.
- B. Paragraph 2 of said letter is overridden because it is difficult to avoid an impervious surface ratio variance when considering a flag lot. It should be noted that the flag portion of this lot accounts for 5% of the total impervious surface. In addition, the applicant is paving a walk for his neighbors to use to walk to the synagogue on Village Green which accounts for an additional 2%. This is a safety issue and avoids the necessity for people to walk on the heavily travelled Route 306.
- C. Paragraph 6 of said letter is overridden because the largest portion of impervious surface proposed on this lot is for the driveway and turnaround areas. These types of areas do not do well with pervious pavers since the pavers tend to get dirty when used in vehicle areas and, if not maintained, create drainage problems.

In the Matter of the Application of  
Mark Martin

Premises situated on the east side of Route 306  
across from Windmill Drive, known as 428 Route  
306, designated on the Tax Map as Section 41.11  
Block 2, Lot 21, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Mark Martin 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 a single family residence, in-ground swimming pool and cabana having rear yard of 15 feet instead of the minimum required of 50 feet, total side yard of 52.7 feet instead of the minimum required of 60 feet and impervious surface ratio of .33 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 18, 2023, which hearing was continued on November 15, 2023, and

WHEREAS, the applicant appeared by his architect, who testified as follows:

That the property is a flag lot with 50 foot frontage on Route 306 and a 351 foot long flag to the main portion of the lot;

That the project consists of demolition of the existing house, construction of a new single-family residence, swimming pool, cabana and a walkway for neighbors to walk to the synagogue on Village Green and not have to walk along the dangerous roadway of Route 306;

That facing the front of the proposed house to the south provides the most privacy for

applicant and his neighbors and permits the least number of variances for the project;

That applicant is proposing to use the south property line as the front yard, with the north property line as the rear yard and the east and west lines as side yards;

That although the impervious surface ratio is large, 5% of it is caused by the flag portion or the lot and 2% is for the walkway for neighbors, leaving 26% or 1% more than permitted for discretionary pavement; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the placement of the front of the residence, the proposed walkway and the flag portion of the lot, and

WHEREAS, no one appeared in opposition to the application and several neighbors sent letters in support,

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

RESOLVED, that the application submitted by Mark Martin 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 a single-family residence, inground swimming pool and cabana having rear yard of 15 feet instead of the minimum required of 50 feet, total side yard of 52.8 feet instead of the minimum required of 60 feet and impervious surface ratio of .33 instead of the maximum permitted of .25 is hereby granted subject to the following:

1. Rockland County Sewer District No. 1 letter dated October 10, 2023;
2. Rockland County Health Dept Review letter dated October 13, 2023;
3. NYS Dept of Transportation Review letter dated September 22, 2023;
4. Rockland County Planning Dept GML review letter dated October 4, 2023 but overrides Paragraphs 1, 2 and 6 of said letter for the following reasons:
  - A. Paragraph 1 of said letter is overridden because there is no legal authority for the Department's use of the westerly property line as the front lot line. The Wesley Hills Zoning Law defines "LOT LINE, FRONT" as "Any lot line separating the lot from the street." The only portion of the subject lot that separates it from the street is the 50 foot wide flag. Therefore, the applicant's use of the southern property line as the front lot line in order to minimize the number of variances required is no less valid than is the Planning Dept's use of the west property line as the front lot line.
  - B. Paragraph 2 of said letter is overridden because it is difficult to avoid an impervious surface ratio variance when considering a flag lot. It should be noted that the flag portion of this lot accounts for 5% of the total impervious surface. In addition, the applicant is paving a walk for his neighbors to use to walk to the synagogue on Village Green which accounts for an additional 2%. This is a safety issue and avoids the necessity for people to walk on the heavily travelled Route 306.
  - C. Paragraph 6 of said letter is overridden because the largest portion of impervious surface proposed on this lot is for the driveway and turnaround areas. These types of areas do not do well with pervious pavers since the

pavers tend to get dirty when used in vehicle areas and, if not maintained, create drainage problems.

and be it further

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

1. That this lot, although large for the District, loses its use for approximately 18,000 square feet to the flag portion of the lot;
2. That although the impervious surface ratio is large, the variance would be minimal except for the driveway and walkway pavements;
3. That no environmental or ecological detriment to the neighborhood has been identified;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion was carried unanimously.

### **Item #3- Continued Public Hearing-Baruch and Cheryl Fruchthandler- 21 Amsterdam Avenue**

Chairman Gewirtz read the public hearing notice into the record. Stanley Mayerfeld, the applicant's Architect, was present and affirmed. Mr. Mayerfeld stated that they would like to amend the application and remove the front yard impervious surface ratio variance. Mr. Mayerfeld stated that at the site visit, it was noted that this neighborhood has lots that are smaller in size than required, and that is why there are multiple variances being proposed. Mr. Mayerfeld added that there have been numerous variances granted to the neighboring properties for similar requests. Chairman Gewirtz stated that he did note at the site visit that the lot is about 80% of what an average lot size is in an R-35 Zoning District and it appears to be an average density lot.

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

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

Stefanie Collantes-Bouvry questioned if it was intentional that the front of the home is to be narrower than the rear of the home.

Mr. Mayerfeld answered, yes it was intentionally designed that way to avoid additional variances.

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

No one had comments.

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

Stuart Zelmanovitz made a motion to approve the amended application, removing the maximum front yard impervious ratio variance request, seconded by Stefanie Collantes-Bouvry.

In the Matter of the Application of  
Baruch and Cheryl Fruchthandler  
Premises situated on the north side of Amsterdam  
Avenue approximately 270 feet north of Jodi Court,  
known as 21 Amsterdam Avenue, designated on the  
Tax Map as Section 41.11 Block 1 Lot 38, in an  
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Baruch and Cheryl Fruchthandler 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 a single family residence having side yard of 21 feet instead of the minimum required of 25 feet, total side yard of 46 feet instead of the minimum required of 60 feet, front yard impervious surface ratio of .209 instead of the maximum permitted of .20 and building coverage of .128 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 18, 2023, which hearing was continued on November 15, 2023, and

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

That this is an undersized lot as are most of the lots in this neighborhood;

That the existing house will be demolished and a new two-story residence constructed to meet the needs of applicants' large family;

That the front of the house has been modified so that applicants have been able to eliminate the need for a front yard impervious surface ratio variance and applicants request an amendment to the application to remove the request for a front yard impervious surface ratio variance;

That the existing house has a side yard of 24.8 feet which is now proposed to be 21 feet and an existing total side yard of 50.8 feet which is now proposed to be 46 feet; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed existing and proposed conditions, 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 SEQRA determination is required, and be it further

RESOLVED, that the request to amend the application to remove the request for a front

yard impervious surface ratio variance is granted, and be it further

RESOLVED, that the application submitted by Baruch and Cheryl Fruchthandler 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 a single family residence having a side yard of 21 feet instead of the minimum required of 25 feet, total side yard of 46 feet instead of the minimum required of 60 feet and building coverage of .128 instead of the maximum permitted of .10 is hereby granted, 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 takes judicial notice of the fact that this lot is probably an average density lot created prior to the incorporation of the Village and that side yards on average density lots were usually permitted by the Town of Ramapo to be smaller than required in the R-35 Zoning District;
2. That the variances requested are not substantial, only one being slightly more than 20% of the requirement;
3. That the construction of a new home on this lot will benefit the neighborhood and the surrounding properties;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjacent properties or to the community will result from this decision.

Upon vote, this motion was carried unanimously.

#### **Item #4- Approval of Minutes – October 18, 2023**

Chairman Gewirtz made a motion to approve the October 18, 2023 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