



ZONING BOARD OF APPEALS MEETING MINUTES

March 19, 2025, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

MEMBERS PRESENT:

Jonathan Gewirtz, Chairman
Richard Weinberger, Member
Stuart Zelmanovitz, Member
Randi Marlin, Member
Barry Rozenberg, Ad Hoc

ABSENT:

Stefanie Collantes-Bouvry, Member
Anita Hajioff, Ad Hoc

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Alicia Schultz, Deputy Village Clerk

Chairman Gewirtz opened the meeting at 7:35 pm followed by a roll call.

ITEM #1- PUBLIC HEARING – 38 Willow Tree Road

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Ahuva Katz Chems for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of an addition to a single-family residence, garage, inground pool and cabana having a side yard of 22.8 feet instead of the minimum required of 30 feet and total side yard of 52.8 feet instead of the minimum required of 75 feet.

The subject premises are situated on the north side of Willow Tree Road approximately 700 feet west of State Route 306, known as 38 Willow Tree Road, designated on the Tax Map as Section 41.07 Block 2 Lot 33, in an R-50 Zoning District.

Todd Rosenblum, applicant's architect, was present and was affirmed to tell the truth. Mr. Rosenblum stated that the applicant is proposing an addition to include a play/family room. Mr. Rosenblum added that the property is a large piece of property, but it is very narrow.

Chairman Gewirtz questioned how wide the addition is going to be and if this is the only variance required.

Mr. Rosenblum answered it is going to be 15 feet in width and yes, this is the only variance needed.

Chairman Gewirtz made a motion to adjourn this application to the April 24, 2025, meeting and further schedule a site visit on April 6, 2025, seconded by Richard Weinberger. Upon vote, this motion carried unanimously.

ITEM #2- PUBLIC HEARING – 22 BUENA VISTA ROAD

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Shoshana Kohn for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 41.5 feet instead of the minimum required of 50 feet, side yard of 9.6 feet instead of the minimum required of 30 feet, total side yard of 35 feet instead of the minimum required of 75 feet, building coverage of .175 instead of the maximum permitted of .108, impervious surface ratio of .255 instead of the maximum permitted of .20 and front yard impervious surface ratio of .265 instead of the maximum permitted of .15.

The subject premises are situated on the south side of Buena Vista Road approximately 500 feet west of Cains Road, known as 22 Buena Vista Road, designated on the Tax Map as Section 32.19 Block 1 Lot 45, in an R-50 Zoning District.

Jay Unger & Shoshana Kohn, the applicants/owners of the home, were present and affirmed to tell the truth. Ms. Kohn stated that they are proposing an addition to the home, realizing they are requesting multiple variances as the original home was designed as a bungalow. Mr. Unger stated that they have (6) children and a set of parents in a 1400 square-foot home, and it is getting very cramped. Mr. Unger added that they are building 500 square feet and a deck atop their current first floor. He stated that they tried to purchase additional property, but their neighbors wouldn't sell to them. Chairman Gewirtz requested elevations be submitted to the Zoning Board and stated the area labeled "porch" must state if it is covered.

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

Yehudah Shtaygrud, 1 Cains Road, stated that he is in support of the application, especially because a lot of the neighboring houses are becoming enlarged in similar ways.

Jack Klein, 17 Buena Vista Road, stated that his family lineage goes back over a century in this area and knows the houses were originally very small and the neighboring properties have been adding square footage to the interior of their homes.

Chairman Gewirtz made a motion to adjourn this application to the April 24, 2025 meeting and further schedule a site visit on April 6, 2025, seconded by Richard Weinberger. Upon vote, this motion carried unanimously.

ITEM #3 – CONTINUED PUBLIC HEARING – 4 KENTOR LANE

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Yisroel Sandel for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single-family residence having a front yard of 40 feet instead of the minimum required of 50 feet and rear yard of 20.4 feet instead of the minimum required of 50 feet.

The subject premises are situated on the south side of Kentor Lane approximately 200 feet east of Route 306, known as 4 Kentor Lane, designated on the Tax Map as Section 41.11 Block 2 Lot 36, in an R-35 Zoning District.

The applicant, Yisroel Sandel, was present and affirmed to tell the truth. Mr. Sandel stated that at the site visit they showed the Board where the proposed addition is going to be and they wanted to enlarge the home to fit with the changing neighborhood.

Chairman Gewirtz read letters of support from the following addresses:

- | | | |
|------------------|-------------------|------------------|
| 1. 2 Kentor Lane | 2. 3 Kentor Lane | 3. 6 Kentor Lane |
| 4. 8 Kentor Lane | 5. 10 Kentor Lane | |

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

Lily Bernstein, 6 Kentor Lane, stated that she would prefer the deck be at the back of the house and not on the side of the house facing her home, as the screening for the deck is lower than the deck itself.

Chairman Gewirtz questioned if the property will be partially screened.

Mr. Sandel answered that he has no neighbors to the rear of the property, as the property to the rear is park land and a stream, so he will be planting arborvitae along the side of their property for screening to accommodate his neighbors. The porch at the front prevents the house from looking like a barracks

Barry Rozenberg stated he is concerned that if we grant the variance so close to the lot line, what is stopping them from going all the way to the lot line.

Randi Marlin stated that they need a larger variance than previously granted by 7.4 feet, which is substantial when discussing percentages of the allowable.

Richard Weinberger stated that during the site visit, he noted that the foliage was adequate for the type of screening required and should be maintained as such.

Chairman Gewirtz read an email in objection to the application from Howard Richman, 65 S. Liberty Drive, into the record.

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

No one else from the public chose to speak on this application.

Chairman Gewirtz made a motion to close the public hearing, seconded by Stuart Zelmanowitz. Upon vote, the motion carried unanimously.

Chairman Gewirtz stated that at the site visit, it was noted that the lot is an unusual shape, and where the 26-foot-wide extension is proposed is really the best place to extend the dwelling due to the shape of the lot and dwelling. Chairman Gewirtz added that he believes the revisions to the home will be adding value to their property, as well as surrounding properties in the neighborhood.

Stuart Zelmanowitz made a motion to approve this application with the condition that the screening will be maintained, seconded by Randi Marlin:

In the Matter of the Application of
Yisroel Sandel
Premises situated on the south side of Kentor
Lane approximately 200 feet east of Route 306, known

as 4 Kentor Lane; designated on the Tax Map as Section 41.11
Block 2 Lot 36, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Yisroel Sandel for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 40 feet instead of the minimum required of 50 feet and rear yard of 20.4 feet instead of the minimum required of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 19, 2025, which hearing was continued on March 19, 2025, and

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

That the lot is very wide but only 130 feet deep which creates the need for the front and rear yard variances;

That there is parkland behind the property so neighbors will not be affected by the addition;

That applicant has installed screening along the front and side of the property; and

WHEREAS, several neighbors appeared in support of the application and the neighbor to the east stated she does not want the addition close to her property, and

WHEREAS, one neighbor sent a letter in opposition to the application, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the area of the proposed addition;

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 Yisroel Sandel for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 40 feet instead of the minimum required of 50 feet and rear yard of 20.4 feet instead of the minimum required of 50 feet is hereby granted subject to the following conditions:

1. That the plantings at the front and east side of the property shall be maintained in their current condition;
2. That GML review letters from Rockland County Planning Department, Rockland County Highway Department and Rockland County Sewer District No. 1 shall be complied with, and be it further

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

1. That although the variances are substantial they are caused by the shape of the lot which does not have adequate depth and by the applicant's desire to comply with neighbor's requests;

2. That the property to the rear is parkland and will not be impacted by the variance;
3. That existing screening provides a natural buffer which will be maintained pursuant to the condition imposed on the variances;
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, the motion carried unanimously.

ITEM #4 – CONTINUED PUBLIC HEARING – 6 HASTINGS ROAD

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Nancy Rubin on behalf of Avrohom Orzel for variances from the provisions of Section 230-17 Attachment I and Section 230-14O(4)(a) 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 other structures having building coverage of .14 instead of the maximum permitted of .10, impervious surface ratio of .40 instead of the maximum permitted of .25, front yard impervious surface ratio of .24 instead of the maximum permitted of .20, side yard setback of 14.5 feet to the swimming pool instead of the minimum required of 15 feet and rear yard setback of 14.7 feet to the swimming pool instead of the minimum required of 15 feet.

The subject premises are situated on the north side of Hastings Road approximately 750 feet east of Forshay Road, known as 6 Hastings Road, designated on the Tax Map as Section 41.14 Block 1 Lot 35, in an R-35 Zoning District.

Stanley Mayerfeld, Architect, was present and affirmed to tell the truth. Mr. Mayerfeld stated that the family is seeking to construct a new home with a pool for themselves and extended family. Mr. Mayerfeld stated that the family revised the proposed plans, the patio and driveway specifically, to significantly reduce the variances proposed. Mr. Mayerfeld stated that they reduced the impervious surface ratio from previously requested .40 to now .27, where .25 is allowed, building coverage from previously requested .14 to now .132, where .10 is allowed, and the front yard impervious surface ratio variance requested dropped off. Mr. Mayerfeld stated that the home across the street, as well as a few other homes in the neighborhood, constructed an addition very similar to the proposed dwelling, so they are keeping up with the appearance of the neighborhood.

Doris Ulman questioned what the two structure items are to the east of the proposed pool area.

Mr. Mayerfeld answered that those are just pillars that will be removed from the plan.

Ms. Ulman questioned how large the shed to the west of the pool area is.

Mr. Mayerfeld answered that the shed is to be removed, as is the shed in the middle of the proposed driveway and will have the shed next to the pool labeled as well. Mr. Mayerfeld stated that the pool area will be revised, as it currently shows variances being needed.

Ms. Ulman stated that the revised plan also needs to show proper distances to the lot lines from the pool and patio.

Mr. Mayerfeld stated that the applicant is also considering a brick wall surrounding the property, however that would increase their building coverage again, and they would have to come back to the Zoning Board for an additional variance.

Chairman Gewirtz stated that the brick wall would adhere to the design of the surrounding properties but increase the building coverage variance request from .132 to roughly .137.

Chairman Gewirtz read letters of support from the following addresses:

1. 28 Glenbrook Rd
2. 32 Glenbrook Rd
3. 4 Hastings Road
4. 7 Hastings Road
5. 9 Hastings Road
6. 10 Hastings Road
7. 12 Hastings Road

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

No one else from the public chose to speak on this application.

Randi Marlin made a motion to close the public hearing, seconded by Stuart Zelmanowitz. Upon vote, the motion carried unanimously.

Stuart Zelmanowitz questioned how many variances are now needed.

Chairman Gewirtz answered there are (2) variances proposed at the current time: impervious surface ratio of .27, where .25 is allowed and building coverage of .132 where .10 is allowed. Chairman Gewirtz stated that they did reduce their initial impervious surface proposal significantly, as it was originally .40, reduced the building coverage request by a small percentage and the front yard maximum impervious surface ratio variance request no longer exists.

Stuart Zelmanowitz made a motion to approve this application, seconded by Randi Marlin:

In the Matter of the Application of
Nancy Rubin on behalf of Avrohom Orzel
Premises situated on the north side of Hastings Road
Approximately 750 feet east of Forshay Road, known as 6 Hastings
Road, designated on the Tax Map as Section
41.14 Block 1 Lot 35, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Nancy Rubin on behalf of Avrohom Orzel for variances from the provisions of Section 230-17 Attachment I and Section 230-14O(4)(a) of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence, swimming pool and other structures having building coverage of .14 instead of the maximum permitted of .10, impervious surface ratio of .40 instead of the maximum permitted of .25, front yard impervious surface ratio of .24 instead of the maximum permitted of .20, side yard setback of 14.5 feet to the swimming pool instead of the minimum required of .15 feet and rear yard setback of 14.7 feet to the swimming pool instead of the minimum required of 15 feet, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 19, 2025, which hearing was continued on March 19, 2025, and

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

That he is new to the project and has redesigned a portion of it so that the side and rear setback variances for the swimming pool and the front yard impervious surface ratio variance are no longer needed and they have reduced the impervious surface *ratio* to .27 and the building coverage to .132;

That the building coverage variance is required because of the square footage of the proposed residence; there are no other buildings proposed;

That the redesign of the project has been able to provide an impervious surface ratio of .27 which requires a very small variance; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the area of the proposed construction; and

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

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

RESOLVED, that the application submitted by Nancy Rubin on behalf of Avrohom Sandel is hereby amended by deleting the requested variances for front yard impervious surface ratio, side setback and rear setback and by amending the requested variances for building coverage from .14 to .132 and impervious surface ratio from .40 to .27, and be it further

RESOLVED, that the application submitted by Nancy Rubin on behalf of Avrohom Sandel 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 swimming pool having building coverage of .132 instead of the maximum permitted of .10 and impervious surface ratio of .27 instead of the maximum permitted of .25 are hereby granted, subject to the condition that a new plot plan be submitted that is in compliance with this decision, and be it further

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

1. That the applicant is to be commended for redesigning the project to reduce and eliminate the need for substantial variances;
2. That although the building coverage variance is large the variance is caused by the square footage of the proposed residence and not by extraneous buildings;
3. That the impervious surface ratio variance is not substantial in relation to the requirement in that it is less than 10% of the requirement;
4. That the design of the project is in keeping with other properties in the neighborhood;
5. That the benefit to the applicant by granting the variances is great whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, the motion carried unanimously.

ITEM #5 – CONTINUED PUBLIC HEARING – 16 AMSTERDAM AVENUE

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Mark Mindick for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single

family residence and deck having front yard of 38.6 feet on Amsterdam Avenue instead of the minimum required of 50 feet, 29.7 feet on Jodi Court instead of the minimum required of 50 feet and building coverage of .154 instead of the maximum permitted of .10.

The subject premises are situated on the south side of Amsterdam Avenue 0 feet west of the intersection with Jodi Court, known as 16 Amsterdam Avenue, designated on the Tax Map as Section 41.11 Block I Lot 45, in an R-35 Zoning District.

Stanley Mayerfeld, Architect, was present and still under oath. Mr. Mayerfeld stated that the variances requested are on the larger side and there was a similar plan with variances granted in front of the Zoning Board in 2019, that was never built. Mr. Mayerfeld stated that this is an undersized lot by 10,000 square feet, and the variances requested are not much greater than the previously granted variances;

	<u>Proposed</u>	<u>Prev. Approved</u>	<u>Allowed</u>
Front yard-Amsterdam Av	38.6'	40.4'	50'
Front yard-Jodi Ct	29.7'	37.9'	50'
Side yard	21.2'	24.6'	25'
Max. Building Coverage	0.154	0.12	0.10
Max. Impervious Surface	0.307	0.307 (no change)	.25

Chairman Gewirtz stated that at the site visit, it was noted that it an undersized corner lot and the variances needed for the proposed addition and deck are not much different than the previously variances approved by the Zoning Board. Chairman Gewirtz added that the proposed addition and deck should not have any impact on the neighboring properties, especially with proper screening.

Chairman Gewirtz read letters of support from the following addresses:

1. 1 Jodi Court
2. 1 Jodi Court
3. 11 Amsterdam Av
4. 15 Amsterdam Av
5. 17 Amsterdam Av
6. 19 Amsterdam Av
7. 21 Amsterdam Av

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

No one from the public chose to speak on this application.

Chairman Gewirtz made a motion to close the public hearing, seconded by Richard Weinberger. Upon vote, the motion carried unanimously.

Stuart Zelmanowitz made a motion to approve this application with the condition that the screening for the pool will be maintained, seconded by Richard Weinberger:

In the Matter or the Application of
 Mark Mindick
 Premises situated on the south side of Amsterdam
 Avenue 0 feet from the intersection with Jodi Court,
 Known as 16 Amsterdam Avenue, designated on the Tax Map as
 Section 41.11 Block 1 Lot 45, 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 Mindick 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 deck to a single family residence having front yard of 38.6 feet on Amsterdam Avenue instead of the minimum required of 50 feet, front yard of 29.7 feet on Jodi Court instead of the minimum required of 50 feet, side yard of 21.2 feet instead of the minimum required of 25 feet,, building coverage of .154 instead of the maximum permitted of .10 and impervious surface ratio of .307 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 February 19, 2025, which hearing was continued on March 19, 2025, and

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

That variances were granted for the construction of an addition in April 2019 but due to unforeseen circumstances the addition was not constructed and those variances have expired;

That the current request is slightly larger than the one in 2019 for front yard, side yard and building coverage but is the same for impervious surface ratio because the applicant is using some pervious pavers in order to keep that variance the same ratio;

That the existing residence is a ranch style residence which, by its nature, requires a larger footprint than a two story residence;

That the lot is odd-shaped and undersized which makes it difficult to design a residence that meets the needs of growing families without the necessity for variances; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed existing as well as proposed conditions, and

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

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 Mindick 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 deck to a single-family residence having a front yard of 38.6 feet on Amsterdam Avenue instead of the minimum required of 50 feet, a front yard of 29.7 feet on Jodi Court instead of the minimum required of 50 feet, side yard of 21.2 feet, instead of the minimum required of 25 feet, building coverage of .132 instead of the maximum permitted of .10 and impervious surface ratio of .307 instead of the maximum permitted of .25, plot plan dated August 18, 2024 as last revised March 19, 2025, is hereby granted subject to the condition that existing screening at the pool area shall be maintained in its present condition, and be it further

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

1. That although the variances are large, the lot is an odd-shaped undersized lot which makes it difficult to enlarge the residence without the need for variances, particularly because the existing residence is a ranch-style residence;
2. That variances were granted to applicant in 2019 for an addition to the residence but that addition was not constructed and the variances have expired;

3. That the proposed construction is similar to other properties in the area;
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, the motion carried 4-1. Chairman Gewirtz was the opposing vote.

ITEM #6 – CONTINUED PUBLIC HEARING – 57 E. WILLOW TREE ROAD

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Pablo Umansky for variances from the provisions of Section 230-17 Attachment I and Section 230-14O(a)(4) and (5) of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a two story addition and terraces to a single family residence having a side yard of 11.5 feet instead of the minimum required of 25 feet, building coverage of .12 instead of the maximum permitted of .10, impervious surface ratio of .35 instead of the maximum permitted of .25 and an accessory building (garage) that is 1340 square feet instead of the maximum permitted of 900 square feet.

The subject premises are situated on the south side of East Willow Tree Road approximately 175 feet west of Arcadian Drive, known as 57 East Willow Tree Road, designated on the Tax Map as Section 41.12 Block 2 Lot 4, in an R-35 Zoning District.

Paul Baum, applicant's attorney, and Pablo Umansky the applicant, were present and affirmed. Paul Baum stated that the property is located in an R-35 zone and is a single-family home. The applicant would like to construct a small one floor addition to the rear of the home in the amount of 610 sf and another small addition of 105 sf to the master bedroom with terrace adding 1% to the impervious surface for the property. The applicant's family is expanding, and the family needs some extra space. Mr. Baum stated that the accessory building (garage) has been on the property for several years without variances being needed, has a C of O and is not a part of the application. Mr. Umansky stated that he purchased the house as it is and was never made aware of any variances being needed.

Doris Ulman stated that the revised plans and past C of O seem to show an enlarged garage from what was originally constructed and cannot explain why, since a variance was needed, that a C of O was approved. Mr. Baum presented the Certificate of Occupancy dated March 1, 2006

Mr. Baum stated that there will be no detriment to the neighboring property or the community as the additions are very small. Mr. Baum noted that the next-door lot is vacant, and they have support of the rear home.

Chairman Gewirtz read a letter of support from 2 Tamrak Drive.

Chairman Gewirtz read a letter of opposition from the owner of 3 & 4 Tamrak Drive.

Chairman Gewirtz noted at the walk through that the property & home are not small, but the applicant is asking for almost a 60% variance in the side yard, it is more of a luxury than a necessity and he is not convinced that the addition cannot be built a different way needing less or no variances, especially since the lot itself is not unique in any way with a hill or odd shape.

Mr. Baum stated that there will be no detriment to the neighboring property and this project does not change the character of the neighborhood. Mr. Baum noted again that the next-door lot is vacant, and they have support from their neighbors.

Pablo Umansky stated that when the garage was built if variances were needed, perhaps there was a problem reviewing the As Built or the contractor had an issue with something, perhaps the C of O was issued when laws were different, and he would like to correct what was mistakenly done. Mr. Umansky stated that the part of the proposed addition in question is only one-story tall and the part of the addition that is two stories does not encroach into the side setback. Mr. Umansky stated that there is a road on the opposite side of the property, and this is a unique property that should be considered for approval.

Chairman Gewirtz made a motion to adjourn this application to the April 24, 2025 meeting, seconded by Barry Rozenberg. Upon vote, this motion carried unanimously.

ITEM #7 – CONTINUED PUBLIC HEARING – 9 MARCUS DRIVE

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Nancy Rubin on behalf of Kenneth and Tamar Schaum for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having total side yard of 59.9 feet instead of the minimum required of 60 feet, building coverage of .12 instead of the maximum permitted of .10, impervious surface ratio of .409 instead of the maximum permitted of .25 and front yard impervious surface ratio of .269 instead of the maximum permitted of .20.

The subject premises are situated on the east side of Marcus Drive approximately 300 feet south of Village Green, known as 9 Marcus Drive, designated on the Tax Map as Section 41.12 Block 1 Lot 37, in an R-35 Zoning District.

Kenneth Schaum, the owner, was present and affirmed to tell the truth. Mr. Schaum stated that his family is proposing three additions to the existing home, including extending his kitchen towards his current patio, dining room towards his current front porch and enclosing a rubber roof that has been giving them nothing but problems over the years. One addition is two stories which will accommodate a larger kitchen area and second floor bedroom. The second bump out is squaring off the rear deck area by 6-7 feet to enlarged dining area. We are also proposing a covered porch area to the front entrance of the home.

Chairman Gewirtz noted at the site visit that the property is heavily screened and these are not large variances. Chairman Gewirtz questioned how the bulk table came to be what it currently is.

Mr. Schaum answered that variances were granted in 2006 for this property.

Chairman Gewirtz read letters of support from the following addresses:

1. 8 Marcus Drive
2. 11 Marcus Drive

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

No one from the public chose to speak on this application.

Randi Marlin made a motion to close the public hearing, seconded by Richard Weinberger. Upon vote, the motion carried unanimously.

Randi Marlin made a motion to approve this application with the condition that the screening for the property will be maintained, seconded by Stuart Zelmanowitz:

In the Matter of the Application of
Kenneth and Tamar Schaum
Premises situated on the east side of Marcus Drive Approximately
300 feet south of Village Green, known
As 9 Marcus Drive, designated on the Tax Map as Section
41.12 Block 1 Lot 37, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Kenneth and Tamar Schaum for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having total side yard of 59.9 feet instead of the minimum required of 60 feet, building coverage of .12 instead of the maximum permitted of .10, impervious surface ratio of .409 instead of the maximum permitted of .25 and front yard impervious surface ratio of .269 instead of the maximum permitted of .20, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on February 19, 2025, which hearing was continued on March 19, 2025, and

WHEREAS, the applicants appeared in person and testified as follows:

That one addition is two stories and will provide a larger kitchen and second floor bedroom; they will also cover the existing front porch and square off the rear deck by adding on to the dining room;

That the impervious surface ratio and front yard impervious surface ratio variances which are stated in the public hearing notice are not needed because those were previously granted and are existing conditions ;

That the additional space is needed to accommodate the needs of his family;

That the front porch cover will correct an existing leaking roof condition; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the areas of the proposed additions, and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED 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 Kenneth and Tamar Schaum for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single-family residence having total side yard of 59.9 feet instead of the minimum required of 60 feet and building coverage of .12 instead of the maximum permitted of .10, impervious surface ratio of .409 instead of the maximum permitted of .25 and front yard impervious surface ratio of .269 instead of the maximum permitted of .20, and be it further

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

1. That the variances are not substantial in relation to the requirement as each variance is less than 20%;
2. That the additions are not detrimental to the neighborhood but will enhance the aesthetics of the existing residence;
3. That no evidence of detriment to the environment or the ecology has been identified;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood or to the community has been identified.

Upon vote, the motion carried unanimously.

ITEM #8 – CONTINUED PUBLIC HEARING – 18 ROVEN ROAD

Chairman Gewirtz read the following public hearing notice into the record:

Application submitted by Elana Motechin for variances from the provisions of Sections 230-17 Attachment I and 230-140(4)(a) to permit the construction, maintenance and use of a single family residence and inground swimming pool having a rear setback of 30 feet instead of the minimum required of 35 feet, building coverage of .34 instead of the maximum permitted of .10, building height of 28.9 feet instead of the maximum permitted of 25 feet, impervious surface ratio of .43 instead of the maximum permitted of .25, swimming pool side setback of 7.4 feet instead of the minimum required of 15 feet and swimming pool rear setback of 8.3 feet instead of the minimum required of 15 feet.

The subject premises are situated on the north side of Roven Road 0 feet from the intersection with Carefree Lane, known as 18 Roven Road, designated on the Tax Map as Section 41.06 Block 1 Lot 38, in an R-50 Zoning District.

Barnett Brodie, 8 Carter Lane was present and affirmed. Mr. Brodie stated he is the owner of the property with his wife. Mr. Brodie was affirmed to tell the truth.

Chairman Gewirtz read a letter of support from the neighbor at 12 Carefree Lane.

Mr. Brodie stated that in order to keep his sewer system as is, he would have to raise his home, unless they install septic pump(s). Mr. Brodie stated that he would rather not go that route as this property has had issues with their sewage pumps ever since they bought the property. Mr. Brodie had a plumber submit a certification letter stating as such and submitted “Ellington vs. Zoning Board; 1990” for reference.

Doris Ulman stated that the case that Mr. Brodie is citing, Ellington vs. Zoning Board, is in no way related to this case.

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

Daniel & Mrs. Sachs @ 3 Baker Lane were present and affirmed. Mrs. Sachs has concerns, as they have always had water issues on their property, knows grading will change and knows that there is supposed to be no net runoff when building a new addition, but states that the low lying land is in a drainage easement where no work can be done on their own and the Town has done a poor job of maintaining it. Mrs. Sachs is also concerned with how high above her property the construction is and would like adequate screening placed to address this issue. Mr. Sachs believes that the drainage system should be addressed as mosquitos are starting to hang around the sitting water and they are concerned that more water from this proposed addition at 18 Roven Road will create even more of a concern as any overage will have nowhere else to go except onto their property.

Doris Ulman stated that the Village Engineer should inspect the area and report back to the Village who can then let the Town know what needs to be done in order to correct the drainage issues in the area.

Chairman Gewirtz reminded the applicant although it is an undersized lot, it is “grandfathered in” at the current status, but any changes to the current plan requires variances.

Yehuda Rothschild, 16 Roven Road, is the next-door neighbor and they are in support of this application and believes this construction will enhance the neighborhood.

Doris Ulman stated that the applicant must have updated plans prior to the next meeting.

Mr. Feinberg, the applicant’s architect was present and affirmed. Mr. Feinberg stated that the applicant is proposing to raise the home from the curb level, so as to not have water draining onto neighboring properties and are installing measures to mitigate the water drainage issues. Mr. Feinberg stated that he and the applicant will revise the plan and submit the revisions to the Zoning Board prior to the next meeting.

Jeffrey Nulman, 14 Glenbrook Road, was present and affirmed. Mr. Nulman questioned if they were building a development.

Chairman Gewirtz responded that they are demolishing the home currently on the property and building a new larger home on the property.

Mr. Nulman states that he is also concerned about the drainage issues as he has family who live in the area in question.

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

Chairman Gewirtz made a motion to adjourn this application to the April 24, 2025 meeting, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

ITEM #9- APPROVAL OF MINUTES – JANUARY 15, 2025

Chairman Gewirtz made a motion to approve the Zoning Board of Appeals minutes of January 15, 2025, seconded by Stuart Zelmanowitz. Upon vote, this motion carried unanimously.

ADJOURNMENT

Chairman Gewirtz made a motion to adjourn the meeting, seconded by Barry Rozenberg. Upon vote, this motion carried unanimously.

Respectfully submitted,
Alicia Schultz