



ZONING BOARD OF APPEALS MEETING MINUTES

May 15, 2024, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

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

ABSENT: Jonathan Gewirtz, Chairman

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

Chairwoman Collantes-Bouvry opened the meeting at 7:30 pm.

ITEM #1 –CONTINUED PUBLIC HEARING – 1 VILLA LANE- PANCER

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Kalman Herschkowitz, the applicant's expeditor, was present and affirmed. Mr. Herschkowitz stated that this addition is 1000 square feet on the side of the house but fronting on Ardley Place and if placed anywhere else could cause damage to the home. Mr. Herschkowitz mentioned that they are a family of 11, so they need more space to dwell. Mr. Herschkowitz stated that they are only requesting a single variance for front yard of 12.2', as the minimum allowed is 50' and the applicant is proposing 37.8' with this addition.

Chairwoman Collantes-Bouvry questioned if the front porch addition sticks out and is not flush with the rest of the front of the home and is going to remain that way. Mr. Herschkowitz stated that it is going to remain the way it is on the proposed plans, as it would be more aesthetically pleasing. Mr. Herschkowitz added that it does not require a variance as they are within the allowed setbacks for the property.

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

Nobody from the audience chose to speak.

Chairwoman Collantes-Bouvry made a motion to close the public hearing, seconded by Stuart Zelmanowitz. Upon vote, this motion was carried unanimously.

Randi Marlin made a motion to approve the application, seconded by Anita Hajioff:

In the Matter of the Application of
Avrom and Bastzion Pancer
Premises situated on the west side of Villa Lane
0 feet from the intersection with Ardley Place,
known as 1 Villa Lane, designated on the Tax Map
as Section 41.10 Block 1 Lot 10, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Avrom and Bastzion Pancer for a variance from the provisions of Section 230- 17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard on Ardley Place of 37.8 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 the 17¹ day of April, 2024, which hearing was continued on May 15, 2024, and

WHEREAS, the applicants appeared by their representative, who testified as follows: That the applicants have a family of 11 and the existing house is too small for them;

That the addition is 1000 square feet on the side of the existing residence and is in the only location feasible and that requires only one variance;

That only one corner of the addition is 37.8 feet from the front property line; the balance of the addition is further away from the front line;

That the addition cannot be moved further back because if it is placed anywhere else it could cause damage to the home; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the addition; 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 Avrom and Bastzion Pancer for a

variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of an addition to a single family residence having a front yard of 37.8 feet instead of the minimum required of 50 feet is hereby approved, and be it further

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

1. That there is no feasible alternative to granting the variance since the applicant's representative has stated that the addition could cause damage to the existing residence if placed anywhere else;
2. That the addition is far from the adjacent property and will not adversely affect adjoining properties or the neighborhood;
3. That no environmental or ecological detriment 'Will result from the granting of the variance;
4. That this is a comer lot and will not change the character of the neighborhood;
5. That the benefit to the applicant by granting the application is substantial whereas no detriment to adjacent properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

ITEM #2 –CONTINUED PUBLIC HEARING –6 TERRACE ROAD-BUCHINGER

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Kevin Conway, Esq., the applicant's attorney, and Mr. Buchinger, the applicant, were present and affirmed. Mr. Conway stated the property is an undersized lot and a handful of items on the bulk table are preexisting nonconforming, as the lot is about half the average size lot for the R-50 zone. Mr. Conway stated that the lots in the surrounding area are mostly undersized lots and require variances. Mr. Conway stated that the following variances are needed: front yard on Terrace Road of 23.1 feet instead of the minimum required of 50 feet, a front yard on Serven Road of 24.5 feet instead of the minimum required of 50 feet, front yard impervious surface ratio on Terrace Road of .159 instead of the maximum permitted of .15 and building coverage of .125 instead of the maximum permitted of .10.

Chairwoman Collantes-Bouvry stated that during the very well staked out site visit, that the existing nonconforming variances are apparent, and the additional variances are understandable. Mendy Ortnier of Fast Forward Permits, the applicant's expeditor, was present and affirmed. Mr. Ortnier stated that they were responsible for marking out the site for the May 5, 2024 site visit. Barry Rozenberg questioned if there was going to be any screening on Serven Road. Mr. Ortnier responded, yes there will be screening along that front yard area.

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

Jeffrey Nulman, 14 Glenbrook Road, questioned why the variances for this application are large.

Chairwoman Collantes-Bouvry answered that most were pre-existing conditions of the property, and the lot is an undersized lot, therefore the variances are on the larger side.

Doris Ulman stated that the Town of Ramapo approved a subdivision with lots of 5,000 square feet in 1921, this property is a combination of FIVE (5) of those lots, and the applicant is going to demo the current home to rebuild it with the same footprint.

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

Nobody else from the public chose to speak.

All parties wishing to be heard having been heard, Randi Marlin made a motion to close the Public Hearing, seconded by Barry Rozenberg. Upon vote, this motion was carried unanimously.

Richard Weinberger made a motion to approve the application, subject to compliance with the following Rockland County agency letters, seconded by Barry Rozenberg:

1. Town of Ramapo Department of Public Works
2. Rockland County Department of Planning
3. Rockland County Sewer District #1
4. Rockland County Center of Environmental Health

In the Matter of the Application of
David Buchinger

Premises situated on the north side of Terrace
Road 0 feet from the intersection with Serven
Road, known as 6 Terrace Road, designated
on the Tax Map as Section 32.19 Block 1 Lot
53, in an R-50 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by David Buchinger 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 front yard on Terrace Road of 23.1 feet instead of the minimum require of 50 feet, front yard on Serven Road of 24.5 feet instead of the minimum required of 50 feet, front yard impervious surface ratio on Terrace Road of .159 instead of the maximum permitted of .15 and building coverage of .125 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 April 17, 2024, which hearing was continued on May 15, 2024, and

WHEREAS, the applicant appeared in person, by his attorney, his architect and his

contractor, and testified as follows:

That the existing house will be demolished and a new residence constructed on the existing footprint;

That the lot is non-conforming at only 24,914 square feet;

That all of the lots in this neighborhood are undersized;

That applicant is aware of the necessity to keep variances at a minimum and almost all of the setbacks for the new residence are the same as pre-existed for the existing residence;

That the placement of the new residence is at the request of applicant's neighbor, who asked that the distances between houses remain the same;

That most of the impervious surface in the front yard are for the driveway and the covered front porch;

That applicant is proposing screening along the front yard at Terrace Road; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the size of the lot, neighboring lots and the pre-existing building; 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 David Buchinger 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 front yard on Terrace Road of 23.1 feet instead of the minimum required of 50 feet, front yard on Serven Road of 24.5 feet instead of the minimum required of 50 feet, front yard impervious surface ratio on Terrace Road of .159 instead of the maximum permitted of .15 and building coverage of .125 instead of the maximum permitted of .10 are hereby granted, subject to the following conditions:

1. Installation of trees as shown on the plot plan dated March 11, 2024 and continued maintenance of said trees;

2. Compliance with GML review letter from Rockland County Department of Planning dated April 16, 2024;

3. Compliance with letter from Rockland County Sewer District No. I dated April 16, 2024;

4. Compliance with letters from Rockland County Center for Environmental Health dated April 17, 2024 and April 29, 2024;

5. Compliance with letter from Town of Ramapo Department of Public Works dated April 15, 2024, and be it further

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

1. That the Zoning Board of Appeals takes judicial notice of the fact that the lots in this area were created by subdivision by the Town of Ramapo in 1927 and that five of those lots were merged by the original owner to construct the pre-existing residence; that all of the lots in the neighborhood are undersized;

2. That although the setback variances are substantial, applicant had no alternative to the placement of the house because of the size of the lot and the intent to keep the new residence on the same footprint as the existing so as not to impact on the neighbor's property;

3. That there will be no adverse impact on the character of the neighborhood;

4. That there will be no adverse impact on the environment or the ecology of the area;

5. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the neighborhood has been identified.

Upon vote, this motion was carried unanimously.

ITEM #3 – CONTINUED PUBLIC HEARING – 5 GLENBROOK ROAD- POMERANZ

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Todd Rosenblum, the applicant's architect, was present and affirmed. Mr. Rosenblum stated that at the site visit, the Board noticed that this property is an oddly shaped lot and that the neighboring properties have similar side yard setbacks. The variances required are, side yard of 20 feet instead of the minimum required of 25 feet, total side yard of 53.6 feet instead of the minimum required of 60 feet and building coverage of .122 instead of the maximum permitted of .115. The fourth variance originally sought, front yard of 40 feet instead of the minimum required of 50 feet, has been eliminated due to the fact that the old Town of Ramapo approved plot plan, much like the last application, has a front yard setback "grandfathered in" at 40 feet.

Chairwoman Collantes-Bouvry read letters of support for the following addresses:

1. Sara Lichtenstein, 32 Glenbrook Road
2. Sam Yurowitz, 21 Glenbrook Road

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

Nobody from the audience chose to speak.

All parties wishing to be heard having been heard, Chairwoman Collantes-Bouvry made a motion to close the Public Hearing, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

Stuart Zelmanovitz made a motion to approve the application, seconded by Randi Marlin:

In the Matter of the Application of
Norman Pomeranz
Premises situated on the north side of Glenbrook
Road approximately 260 feet west of Van Winkle
Lane, known as 5 Glenbrook Rd, designated on
the Tax Map as Section 41.11 Block 1 Lot 57, in an
R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Norman Pomeranz 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 20 feet instead of the minimum required of 25 feet, total side yard of 53.6 feet instead of the minimum required of 60 feet and building coverage of .122 instead of the maximum permitted of .115, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on April 17, 2024, which hearing was continued on May 15, 2024, and

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

That this lot, like most other lots in the Glenbrook Road neighborhood, is narrower than lots in other R-35 neighborhoods;

That the side yard variance is required at only one point where the property narrows and the rest of the residence is more than 25 feet from the side property line;

That the total side yard variance is caused by the same narrowness as stated above;

That the building coverage variance is minimal, being less than 10%;

That the front yard variance stated in the Public Hearing Notice is not needed because the Town of Ramapo established the front yard requirement at 40 feet when the subdivision was approved; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the residence; and

WHEREAS, several neighbors submitted 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 Norman Pomeranz 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 20 feet instead of the minimum required of 25 feet, total side yard of 53.6 feet instead of the minimum required of 60 feet and building coverage of .122 instead of the maximum permitted of .115 is hereby approved, and be it further

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

1. That this lot, like others in the Glenbrook Road neighborhood is narrower than most lots in the R-35 Zoning District;
2. That the need for the side yard and total side yard variances is caused by the narrowness of the lot and, in this case, at only one point, and will not change the character of the neighborhood;
3. That because of the above, the variances will not cause detriment to adjoining properties or to the neighborhood;
4. That no evidence of environmental or ecological detriment has been identified;
5. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

ITEM #4 – CONTINUED PUBLIC HEARING – 2 ARDLEY PLACE- ROSENFELD

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Paul Baum, the applicant's Attorney, as well as Mr. & Mrs. Rosenfeld, the applicants, were present and affirmed. Mr. Baum stated that at the March 20, 2024 meeting the building height variance was granted, and they have remaining variances for impervious surface ratio of .30 instead of the maximum permitted of .25 and rear yard for the pool of 11.5 feet instead of the minimum required of 15 feet. Mr. Baum stated the applicant had a traffic/sight analysis done, to determine whether the trees in the County right-of-way must be moved, as stated in the Rockland County Highway Department's letter, and they determined that TWO (2) trees must be removed. Mr. Baum added that the Certificate of Occupancy for the pool was issued in summer of 2023,

even though the Village Engineer stated that the property needed variances after doing their review.

Goldy Rosenfeld stated that the reason they changed their plans so hastily was due to the fact that as they were putting in their pervious pavers, her neighbor informed them that the pavers got very hot in the summer. Mrs. Rosenfeld stated that she had to make an on-the-spot decision to change her patio materials and was not aware that she had to check with her engineer if it changed the bulk table and needed review from the Building Inspector.

Doris Ulman questioned if the fence height was approved by the County Highway Department. Mr. Baum stated that he has not received notice from the County as of yet and submitted an amended application for the fence height variance.

Richard Weinberger read the following review letters into the record:

1. Rockland County Highway Department, dated January 16, 2024
2. Rockland County Center of Environmental Health, dated January 26, 2024
3. Rockland County Department of Planning, dated January 19, 2024
4. Village Engineering Department (Brooker Engineering), dated April 5, 2024

Chairwoman Collantes-Bouvry made a motion to approve the impervious surface and pool rear yard variances only, seconded by Stuart Zelmanovitz:

In the Matter of the Application of
Goldy Rosenfeld
Premises situated on the north side of
Ardley Place known as 2 Ardley Place,
designated on the Tax Map as Section
41.10 Block 1 Lot 20, in an R-35 Zoning
District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Goldy Rosenfeld 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 maintenance and use of a single family residence and inground swimming pool having building height of 26.18 feet instead of the maximum permitted of 25 feet, impervious surface ratio of .30 instead of the maximum permitted of .25 and rear yard for the pool of 11.5 feet 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 21, 2024, which hearing was continued on March 20, 2024, April 17, 2024 and May 15, 2024, and

WHEREAS, on March 20, 2024 the Zoning Board of Appeals granted the variance to permit the height of the residence to be 26,18 feet instead of the maximum permitted of 25 feet, and

WHEREAS, as stated in the decision of March 20, 2024 members of the Zoning Board of Appeals visited the site and viewed the conditions relating to this application, and

WHEREAS, at the public hearing held on May 15, 2024 the applicant appeared in person and by her attorney and testified as follows:

That applicant owns the property to the rear of 2 Ardley as well as the property that is the subject of this application;

That the rear yard variance for the pool is to accommodate the pool patio which was enlarged in order to construct a diving board for the pool;

That the property at the rear of 2 Ardley and adjacent to the pool is owned by applicant and, if that property is ever sold, applicant agrees to install dense screening so that any potential impact will be eliminated;

That the pool itself is more than 15 feet from the rear property line;

That applicant had intended to install pervious pavers in order to eliminate the need for the impervious surface variance but was told by a neighbor that the pavers retain heat and become very hot in the summer and difficult to walk on;

That applicant's representatives have contacted the Rockland County Highway Department for permission to maintain the fence on County property in its present location but has not yet had a response from the County;

That applicant's property is on a corner lot adjacent to Ardley Place and Wilder Road;

That Wilder Road is a heavily travelled County Road and the 6 foot high fence was installed to reduce the noise from the Road and for aesthetic purposes; 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 Goldy Rosenfeld is hereby amended to add thereto a request for a variance from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the maintenance and use of a 6 foot high fence which is 4 feet from the property line with Wilder Road instead of the maximum permitted height of 4 feet, and be it further

RESOLVED, that the application submitted by Goldy Rosenfeld for variances from the provisions of Section 230-17 Attachment I and Section 230-140(4)(a) to permit the maintenance and use of an inground swimming pool having a rear yard of 11.5 feet instead of the minimum required of 15 feet and impervious surface ratio of .30 instead of the maximum

permitted of .25 is hereby granted subject to the following conditions:

1. That if the property at the rear of 2 Ardley is ever sold the applicant will install dense screening, the height, number and type of tree to be determined by the Building Inspector;
2. Compliance with the GML review letter from Rockland County Planning Department dated January 19, 2024;
3. Compliance with Rockland County Highway Department letter dated January 16, 2024
4. Compliance with Rockland County Center for Environmental Health letter dated January 26, 2024;
5. Compliance with letter from Brooker Engineering dated April 25, 2024; and be it further

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

1. That the variances only impact the property to the rear which is owned by applicant and will be shielded by dense screening in the event the property is sold;
2. That no environmental or ecological detriment to adjoining properties or to the neighborhood has been identified;
3. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjacent properties or to the community has been identified.

Upon vote, this motion was carried unanimously.

Chairwoman Collantes-Bouvry made a motion to amend the application to add a height variance for the fence to be 6 feet instead of the required 4 feet, and to adjourn the fence variance portion of the application to the June 18, 2024 meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #5 – CONTINUED PUBLIC HEARING – 7 ARDLEY PLACE- SCHWARTZ

Chairwoman Collantes-Bouvry read the public hearing notice into the record.

Doris Ulman stated that Isaac Steinfeld, the applicant's contractor, has submitted an email requesting an adjournment to the June 18, 2024 meeting. Ms. Ulman stated that the Board will have a workshop regarding this application prior to the next meeting.

Chairwoman Collantes-Bouvry made a motion to adjourn this application to the June 18, 2024 meeting, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

ITEM #6 – AMENDMENT FOR WIEDER – 49 TRANQUILITY ROAD- WIEDER

Doris Ulman stated that the prior resolution from the April 17, 2024 minutes for Isaac Wieder at 49 Tranquility Road needs to be amended.

Chairwoman Collantes-Bouvry made a motion to approve the amended resolution, seconded by Randi Marlin:

RESOLVED, that the decision made by the Zoning Board of Appeals on April 17, 2024 for premises known as 49 Tranquility Road is hereby amended by adding thereto a paragraph to follow the first **RESOLVED** paragraph, to read as follows:

RESOLVED, that this decision is subject to compliance with the GML review letter to be received from the Rockland County Planning Department.

Upon vote, this motion was carried unanimously.

ITEM #7 - APPROVAL OF MINUTES – APRIL 17, 2024

Barry Rozenberg asked that the decisions for 53 Grandview Avenue and 49 Tranquility Road be amended by removing findings that the variances are not substantial. The minutes for the April 17, 2024 meeting will be reviewed at the June meeting.

ADJOURNMENT

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

Respectfully submitted,
Alicia Schultz