



## Memorandum

**To:** Lon Lieberman, Chairman  
Members, Village of Wesley Hills Planning Board

**From:** William C. Brady, AICP  
Gerard Chesterman

**Re:** Friedman – 12A Martha Road Special Permit and Site Plan  
SBL# 41.14-1-62; R-50 Zoning District

**Date:** April 18, 2025

**cc:** Stewart Strow, P.E., Village Engineer  
Bruce Minsky, Esq., Planning Board Attorney  
Alicia Schultz, Deputy Village Clerk  
John Layne, Building Inspector  
Mark Friedman, Applicant

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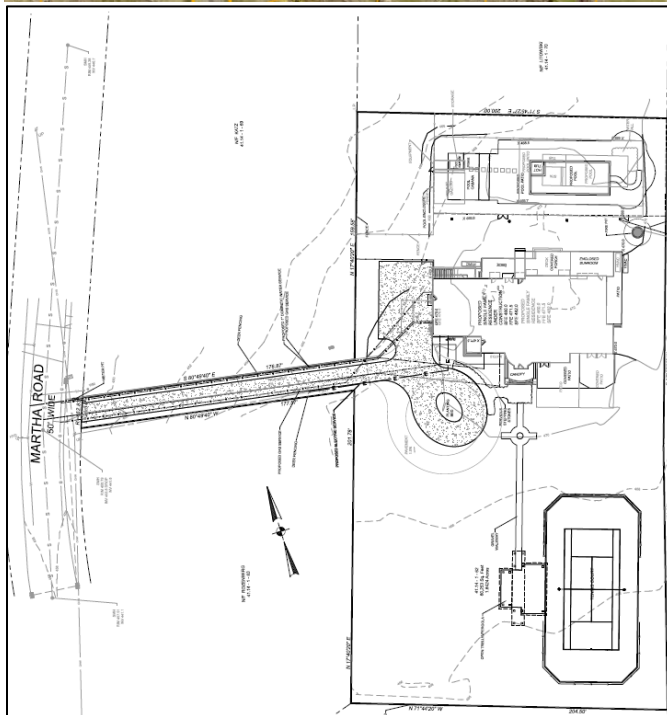
### Received and reviewed for this memorandum:

- Village of Wesley Hills Special Permit Application, 12A Martha Road, prepared and signed by Mark Friedman, dated March 6, 2025
- Narrative Summary, prepared and signed by Ira M. Emanuel, Esq., dated March 18, 2025
- Short Environmental Assessment Form Part 1, prepared and signed by Civil Tec Engineering & Surveying PC, dated March 19, 2025
- Site Plan for 12A Martha Road, prepared and unsigned by Civil Tec Engineering & Surveying PC:
  - Dated July 6, 2020:
    - DWG No. 1 of 5: Survey Map
  - Dated December 7, 2020, last revised November 15, 2021:
    - DWG No. 2 of 5: Building Permit Plan Approved 2021
  - Dated December 7, 2020, last revised January 17, 2025:
    - DWG No. 3 of 5: Building Permit Plan
  - Dated October 28, 2024, last revised January 17, 2025
    - DWG No. 4 of 5: Overall Plan
  - Dated July 21, 2021, last revised January 17, 2025
    - DWG No. 5 of 5: Building Permit Plan

### Project Summary

The applicant is currently constructing a new single-family home; the existing home was demolished. The new home was approved with a swimming pool, patios and a gazebo. The applicant has revised their plans in several ways since their previous approvals. A tennis court with an open trellis/pergola is newly proposed in the southeast corner of the property which triggers the need for a special permit. Special permits also require approved site plans.

The site is on a flag lot on the east side of Martha Road, approximately 350 feet from Grandview Avenue in an R-50 zone.



Other changes include a newly proposed pool cabana (a gazebo was previously approved), and a reconfigured circular driveway turnaround and parking pad. The pool will be slightly closer to the new

house, however a cabana is now proposed and the pool patio will remain approximately the same size as previously approved.

Three variances were approved by the Zoning Board of Appeals for the previous plan. These include:

<u>Dimension</u>	<u>Required</u>	<u>Approved</u>
Rear yard (swimming pool and poolhouse)	50ft min	33ft
Impervious surface ratio	0.20 max	0.26
Front yard impervious surface ratio	0.15 max	0.169

The changes to the plan, as well as the already constructed location of the new home, trigger the need for a new set of variances; some variances are required due to additional, enlarged or reconfigured structures, driveways and parking areas. The new set of variances include:

<u>Dimension</u>	<u>Required</u>	<u>Proposed</u>
Side yard (pool cabana)	30 ft min	25 ft
Rear yard (already constructed new house – SE corner)	33 ft min	31.9 ft
Impervious surface ratio	0.20 max	0.36
Front yard impervious surface ratio	0.15 max	0.23
# of accessory structures (pool, cabana, tennis court, pergola)	2 max	4

**Special Permit:** a special permit is required for the newly proposed tennis court and enclosure area, proposed as 7,200 sf, as it is an accessory use greater than 2,500 sf (see discussion below on special permit standards).

### **Special Permit Comments**

1. The applicant's attorney provides a discussion of how the newly proposed tennis court complies with the several special permit requirements of § 230-22 General Standards. These standards, and the applicant attorney's notes, are as follows:

All special permit uses shall comply with the following standards, in addition to the site plan standards of Article X of this chapter. The Planning Board shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.

A. The location and size of the special permit use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located. **Note: the applicant's attorney notes that three other nearby homes with tennis court enclosures of 6,800 sf, 5,300 sf., and 7,400 sf.**

B. The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit use will not hinder or discourage the appropriate development and use of adjacent land and buildings. **Note: the applicant's attorney notes that the proposed tennis court "is located in a corner of the subject**

property, within bounds and away from the remainder of the developed area of the property. Yard variances are not needed for the tennis court.”

C. Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted uses not requiring a special permit. **Note: the applicant’s attorney notes, “Tennis courts are similar to other sports courts with bouncing balls, such as half-court basketball courts (900sf)<sup>15</sup> or pickleball courts (1600sf)<sup>16</sup>. Neither require a special permit as they are smaller than 2500sf.”**

D. Parking and loading areas will be of adequate size for the particular special permit use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety. **Note: the applicant’s attorney notes that no additional parking or loading areas are required.**

E. The special permit use will not result in diminution of the value of property in the neighborhood or a change in the character of the neighborhood in which the use would be situated. **Note: the applicant’s attorney notes, “The proposed tennis court is in keeping with amenities associated with larger, more expensive homes now being built.”**

While the subject site is large and the proposed tennis court requires no setback variances, we recommend that the Planning Board consider reducing the size of the tennis court enclosure, and consider the need for additional landscaping to minimize noise and visual impacts to the adjacent residences.

#### Submission Comments

2. As the application progresses, please:
  - a. Please note the size of the proposed tennis court enclosure area of 7,200 sf on the plans.
  - b. While the submitted plans appear to note the locations of existing and proposed trees, please submit a landscaping plan for the site.
  - c. Include a legend on the site plan so that all the features are clearly recognizable. (e.g. existing trees, trees to be removed, various surfaces, etc.)
  - d. If possible, more clearly show impervious versus pervious surfaces such as gravel or grass areas.
  - e. Please note the surface under the pergola (paved, grass, gravel, etc.)
  - f. Please call out the several newly requested variances on the Bulk Table.
  - g. Provide more detail on the site’s proximity to a nearby stream or waterbody, as noted in the SEAF, 13.a.

#### Planning Comments

3. To minimize the amount of impervious surfaces at the property, consider reducing the size of the driveway and parking pad, the size of the proposed pool patio, and the utilization of porous concrete, gravel and pavement where applicable.
4. We defer to the Village engineer on drainage impacts on the site.

**SEQRA and GML Comments**

5. We recommend that the proposed be listed as an Unlisted action.
6. Due to the property's proximity to Grandview Avenue (County Route 80), the boundary with the Town of Ramapo and the Village of Montebello, this application will need to be referred to the Rockland County Planning Department as required under General Municipal Law § 239-m and -nn.

