



ZONING BOARD OF APPEALS MEETING MINUTES

April 24, 2025, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

MEMBERS PRESENT:

Stefanie Collantes, Acting Chairwoman
Richard Weinberger, Member
Stuart Zelmanovitz, Member
Anita Hajioff, Ad Hoc

ABSENT:

Jonathan Gewirtz, Chairman
Randi Marlin, Member
Barry Rozenberg, Ad Hoc

OTHERS PRESENT:

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

Chairwoman Collantes opened the meeting at 7:30 pm followed by a roll call.

ITEM #1- PUBLIC HEARING – 29 East Lane

Chairwoman Collantes read the following public hearing notice into the record:

Application submitted by Ilana Rosen 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 detached garage having a front yard of 8.1 feet instead of the minimum required of 50 feet on Hillcrest Road, a front yard of 14.4 feet instead of the minimum required of 50 feet on East Lane and front yard impervious surface ratio of .263 instead of the maximum permitted of .20 on Hillcrest Road.

The subject premises are situated on the west side of East Lane approximately 400 feet south of Pomona Road, known as 29 East Lane, designated on the Tax Map as Section 42.05 Block 1 Lot 4, in an R-35 Zoning District.

Ilana Rosen, the applicant, was present and affirmed to tell the truth. Ms. Rosen stated that they live in Pomona Country Club, which is a private, quiet, unique community. Her property has TWO (2) front yards as there is Hillcrest Road, a paper road that only exists for mapping purposes, along the southern property line, and East Lane travels along their western property line. Ms. Rosen stated

that her current garage, and portion of her property, is on the opposing side of the street. Ms. Rosen added that she was proposing to turn the current garage into a yoga/fitness studio for herself, and to build an additional garage closer to the home that can be used as intended to store their vehicles. Ms. Rosen stated that this construction will not have any impact on the neighboring properties and noted that this increases her property value.

Doris Ulman stated that a revised plot plan was referenced in a memo from Ms. Rosen's attorney Paul Baum, however no hard copies of said revised plan have been submitted to the Village for review and must be submitted at least a week prior to the May Zoning Board meeting. Ms. Ulman stated that the application must be amended to change the front yard impervious surface ratio request from .263 to .367.

Chairman Collantes read the following review letters into the record:

1. Rockland County Center for Environmental Health, dated 4/14/2025
2. Rockland County Sewer District #1 memo, dated 3/13/2025
3. Rockland County Planning Department, dated 4/3/2025

Chairman Collantes questioned why the current garage is on the opposing side of the street.

Ms. Rosen answered that the building is over 100 years old and was thought to be a carriage house.

Chairman Collantes made a motion to adjourn this application to the May 21, 2025, meeting and further schedule a site visit on May 18, 2025, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

ITEM #2- CONTINUED PUBLIC HEARING – 38 Willow Tree Road

Chairwoman Collantes 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 a 15 x 10 foot addition to include a play/family room. Mr. Rosenblum stated that this was the only area of the house and property where the addition made sense. Mr. Rosenblum added that the property is a narrow large piece of property, and there is no impact on the neighboring home that the applicant also owns. Mr. Rosenblum stated that at the site visit, it was noted that the neighboring house is still 100 feet away from where the addition will be placed and it was apparent that there is no impact to the only neighboring property. Mr. Rosenblum stated that there are no letters of support as the remaining (3) sides of the property are all bordered on land or street.

Stuart Zelmanovitz stated that he noted at the site visit that the impact on the direct neighboring property is de minimus and does not believe this addition would have much impact to the neighborhood.

Chairwoman Collantes stated that at the site visit, it was noted that the property was very spacious, it is on a main road and is properly fenced for such traffic and does not believe the addition would have any impact on the neighboring home owned by the applicant, or the church across the street.

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

Nobody from the audience chose to speak.

Chairwoman Collantes made a motion to close the public hearing, seconded by Anita Hajioff. Upon vote, this motion was carried unanimously.

Chairwoman Collantes made a motion to approve the following resolution, seconded by Anita Hajioff:

In the Matter of the Application of

Ahuva Katz Chems

Premises situated on the north side of Willow Tree Road approximately 700 feet west of NYS 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

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills 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, inground swimming 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, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on March 19, 2025 which hearing was continued on April 24, 2025, and

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

That although this is a very large property it is narrow and deep as are most of the other properties in this neighborhood;

That because of the configuration of the existing house the location of the proposed addition is the only feasible location for the addition;

That the adjacent property east of the subject property is also owned by applicant and is the only property affected by the variance;

That the house on the aforesaid adjacent property is 100 feet from the proposed addition;
And

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

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the proposed location of the addition and its potential effect on the adjacent property,

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 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, inground swimming 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, plot plan dated September 29, 2022 prepared by Paul Gdanski, P.E., as last revised November 30, 2022, is hereby granted, and be it further

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

- I. That the property, although large, is not as wide as most properties of similar size, thereby restricting the width of the residence and making it difficult to design needed additions;
2. That the property is on a main road and the only neighboring property affected by the addition is to the east of the subject property, is owned by applicant and the house on that property is approximately 100 feet away from the addition;
3. That the addition is small and will not impact adjoining properties or the neighborhood;
4. That no potential environmental or ecological impacts resulting from the granting of the variances have been identified;
5. 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 – 22 BUENA VISTA ROAD

Chairwoman Collantes 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 a second story addition to the home, realizing they are requesting multiple variances that were preexisting, as the original home was designed as a bungalow. Mr. Unger added that they are building 500 square feet and a deck atop their current first floor to square out the home and make it a 2-story dwelling for their rapidly growing and extended family. Mr. Unger stated that at the site visit, the Board was questioning why this property would be considered in an R-50 zone, as it is a very dense lot

Chairwoman Collantes stated that at the site visit it was noted that the lot was very undersized, is only 16,000 square feet, needs multiple preexisting variances as the home is 100+ years and should be in an R-15 Zone instead of an R-50 Zone. Chairwoman Collantes stated that the application calls for (9) variances, (6) preexisting and (3) partial preexisting as they are slightly increasing those variances.

Doris Ulman stated that this subdivision was created almost 100 years ago by the Town of Ramapo and the lots were very small in size.

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

Nobody from the audience chose to speak.

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

Chairwoman Collantes made a motion to approve the following resolution with amendments, seconded by Anita Hajioff:

In the Matter of the application of
Shoshana Kohn
Premises 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

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills 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 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, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on March 19, 2025, which hearing was continued on April 24, 2025, and

WHEREAS, the applicant appeared in person and with the co-owner of the property and testified as follows:

That the lot is part of a subdivision that was created in 1927 and is only 16,000 square feet although it is in what is now an R-50 zoning district;

That applicant would like to construct a second story 582 square foot addition and deck to the existing house;

That most of the requested variances are pre-existing for the original house;

That applicant tried to purchase the adjoining lot but the neighbor did not want to sell; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the site conditions and location of the proposed 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 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 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, plot plan prepared by Paul Gdanski, P.E. dated October 16, 2024, is hereby approved, 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, most of them are pre-existing and are caused by the municipal rezoning of this neighborhood from R-15 to R-50;
2. That the variances are for a second story addition to the pre-existing house, will not exceed the height limitations of the Code and will not cause environmental or ecological impacts to the neighborhood or to the community;
3. That there is no feasible alternative to the variances in as much as the addition on the second story has the least impact of any other placement on the lot;
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 #4– CONTINUED PUBLIC HEARING – 57 E. WILLOW TREE ROAD

Chairwoman Collantes 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.

Pablo Umansky the applicant, was present and affirmed to tell the truth. Mr. Umansky 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. Mr. Umansky's family is expanding, and the family needs some extra space. Mr. Umansky stated that the accessory building (garage) has been on the property for several years without variances being needed, has a C of O. Mr. Umansky stated that he purchased the house as it is and was never made aware of any variances being needed. Mr. Umansky stated that there will be no detriment to the neighboring property or the community as the additions are very small. Mr. Umansky noted that the next-door lot is vacant, and they have support of the rear home. He asked that Paul Baum's letter dated April 17, 2025 be considered for amendments to the application.

Mr. Umansky passes out revised plans for the Board to review.

Doris Ulman stated that the Zoning Law only allows for (2) accessory buildings and there is a garage, shed and pergola on the property, so they should amend their application to include a

variance for accessory buildings. Ms. Ulman stated that their application should be amended to include side yard of 15 feet instead of the minimum required of 25 feet as well.

Moshe Gross, the applicant's contractor, stated that they have reduced the size of the original plan by 100 sq. feet and requests that the application be amended to review the change in numbers and number of variances.

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

Nobody from the audience chose to speak.

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

Stuart Zelmanovitz noted that the neighboring properties are doing similar work to their homes and are finding structures and items that needed variances and Certificates of Occupancy that were granted without variances, prior to their owning the home that they had no prior knowledge of.

Chairwoman Collantes made a motion to amend the application in accordance with the requested changes and to approve the following resolution upon the condition that the applicant is to submit revised plans to show the correct adjusted setbacks, seconded by Stuart Zelmanovitz:

In the Matter of the Application of
Pablo Umansky
Premises situated on the south side of 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

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Pablo Umansky for variances from the provisions of Sections 230-17 Attachment I and 230-140(a)(4) and (5) 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 side yard of 11.5 feet instead of the minimum required of 25 feet, building coverage of .12 instead of the minimum required of .10, impervious surface ratio of .35 instead of the maximum permitted of .25 and an accessory building (garage) that is 1,340 square feet instead of the maximum permitted of 900 square 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 April 24, 2025, and

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

That applicant intends to construct a 687 square foot addition at the side and rear of the house;

That there are two parts to the addition, i.e., one story of 610 square feet at the rear of the home and 105 square feet with terrace addition to the master bedroom at the side of the house;

That the addition will not impact the adjoining property because there is a 25-foot wide right of way adjoining applicant's property that serves the property to the rear of applicant's property, and

WHEREAS, during the course of the public hearing it became evident that, prior to the applicant's ownership and over the course of several years, certificates of occupancy had been mistakenly issued by the Village by prior building inspectors, although variances were needed for some of the construction, and

WHEREAS, letters were received in favor of and 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, the right of way and other conditions of the property, and

WHEREAS, at the request of a neighbor, applicant moved the addition further from the side property line and requested that the application be amended to permit a side yard of 15 feet instead of the original 11.5 feet, and

WHEREAS, in addition, the applicant requested that the application be amended to include the following variances for pre-existing construction:

Rear yard variance for metal shed that has a rear yard of 19.5 feet instead of the minimum required of 50 feet;

Rear yard variance for basketball court that has a rear yard of 11.5 feet instead of the minimum required of 15 feet;

Three buildings on the lot (garage, shed and pergola) instead of the maximum number permitted of two,

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

RESOLVED, that the application submitted by Pablo Umansky for variances from the provisions of Sections 230-17 Attachment I and 230-14O(a)(4) and (5) of the Code of the Village of Wesley Hills is hereby amended to include a variance from the provisions of Section 230-140 (a)(6) and to include the following additional variances: rear yard for shed of 19.5 feet instead of the minimum required of 50 feet, rear yard for basketball court of 11.5 feet instead of the minimum required of 15 feet and to permit three accessory buildings on the lot (garage, gazebo and shed) instead of the maximum

permitted of two, and be it further

RESOLVED, that the application submitted by Pablo Umansky for variances from the provisions of Sections 230-17 Attachment land 230-14O(a)(4),(5) and (6) 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 to correct certain certificates of occupancy previously issued having side yard of 15 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. accessory building (garage) of 1,340 square feet instead of the maximum permitted of 900 square feet, rear yard for shed of 19.5 feet instead of the minimum required of 50 feet, rear yard for basketball court of 11.5 feet instead of the minimum required of 15 feet and to permit three accessory buildings on the lot instead of the maximum permitted of two, is hereby approved on condition that a revised plot plan be submitted showing correct setbacks and bulk table, and be it further

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

- I. That there is no feasible alternative to granting the variance since the need is for the enlargement of the bedroom which is on the south side of the house;
2. That the addition will not be a detriment to adjoining properties or to the neighborhood since it is small and is adjacent to a 25 foot wide right of way that will never have construction;
3. That the interests of justice require the approval of variances to correct prior errors made by prior building inspectors in issuing certificates of occupancy to prior owners in violation of the Village Zoning Code;
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, this motion was carried 3-1. Richard Weinberger was opposed

ITEM #5 – CONTINUED PUBLIC HEARING – 18 ROVEN ROAD

Chairwoman Collantes 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 to tell the truth. Mr. Brodie stated that at the last meeting there was a question regarding the sewer system on the property and to keep the sewer system as it is, they would have to raise the home unless they install septic pump(s). Mr. Brodie obtained a letter from his plumber stating the necessity for the height variance for raising the dwelling.

Chairwoman Collantes read the letter of support from the plumber, Menashe Gutman at 6 Carter Lane, into the record.

Mr. Brodie stated that he has a family of 9, and due to the ages of his children, everyone really needs their own space. Mr. Brodie stated that due to the size and shape of their lot, they would need variances regardless in order to enlarge the home and construct a swimming pool. Mr. Brodie added that they are going to use pervious pavers to eliminate the need for the impervious surface variances, which leave them with only THREE (3) variances required for the revised plot plan.

Doris Ulman stated that the Village Engineer inspected the property at the Board's request and reported back to the Village that the drainage plan needs to be revised to include additional drywells on the property if variances are approved, and that should help mitigate the current runoff affecting the property. She also stated that the rear setback variance for the house and the pool are not required because of the definition of rear lot line.

Mr. Feinberg, the applicant's architect was present and affirmed. Mr. Feinberg stated that the applicant will install measures to mitigate the water drainage issues, including the additional drywells requested by the Village Engineer. Mr. Feinberg stated that he and the applicant revised the plan to lessen the impact of the variances on the neighborhood and reduced the request from FIVE (5) variances to THREE (3).

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

Daniel & Mrs. Sachs @ 3 Baker Lane were present and affirmed. Mr. Sachs stated he is very concerned with the water issues on their property from the new construction and is happy to hear the Village Engineer is helping to ensure the drainage in the area is corrected. Mrs. Sachs stated that she has spoken with the applicant and has been assured that adequate screening will be placed on the property. Mrs. Sachs is also glad to hear that the drainage system is going to be addressed, as mosquitoes are starting to hang around the sitting water and they are concerned that more water from this proposed construction at 18 Roven Road will create more problems, especially because the Town of Ramapo does not maintain the drainage system in the area very well at all.

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

Nobody from the audience chose to speak.

Chairwoman Collantes made a motion to close the public hearing, seconded by Anita Hajioff. Upon vote, this motion was carried unanimously.

Chairwoman Collantes noted that the lot is smaller in size than others in the zoning district and oddly shaped, that neighboring properties are doing similar work to their homes and that the applicant has come to an agreement with the neighbor regarding screening. Chairwoman Collantes

also added that the application now needs THREE (3) variances when the original application called for SIX (6) and that the applicant has agreed to comply with the Village Engineer's requirement for additional drainage on the plan.

Chairwoman Collantes made a motion to approve the following resolution upon the condition that the applicant complies with all recommendations of the Village Engineer and submits revised plans to show the additional drainage requested by the Village Engineer, seconded by Anita Hajioff:

In the Matter of the application of
Elana Motechin
Premises 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

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Elana Motechin for variances from the provisions of Sections 230-17 Attachment I and 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 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; 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 April 24, 2025, and

WHEREAS, the applicant appeared by the co-owner of the property, their architect and engineer, who testified as follows:

That this is an odd-shaped lot and was created by average density subdivision by the Town of Ramapo in 1973 before the establishment of the Village of Wesley Hills;

That pursuant to the Zoning Law definition, the rear lot line is an artificial line at least 10 feet long that is parallel to the front lot line;

That the house was designed so as to comply with the setbacks originally enacted by the Town of Ramapo Planning Board for the subdivision;

That the building coverage variance is unavoidable because the house is 5,000 square feet and is necessary for applicant's family which consists of 9 persons;

That the height variance is small and is necessary for the natural flow of sewage from the house to the sewer; that if the variance is not granted applicant will be required to install pumps which are inefficient, break regularly and unexpectedly, with damage caused by raw sewage;

That applicant will install pervious pavers thereby eliminating the need for the impervious surface ratio variance; and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the shape of the property and the proposed location of the house and swimming pool; and

WHEREAS, applicant submitted letters in support of the application and one neighbor appeared and stated that the area has flooding and standing water on a regular basis and they are concerned that the construction will add to the flooding; and

WHEREAS, the Village Engineering Consultant visited the site and recommended that additional dry wells be installed on the subject property and the applicant agreed to comply with all recommendations of the Village Engineering Consultant;

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 Elana Motechin for variances from the provisions of Sections 230-17 Attachment I and 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 and inground swimming pool is hereby amended by eliminating the request for variances for rear yard, swimming pool rear yard and impervious surface ratio, and be it further

RESOLVED, that the application submitted by Elana Motechin for variances from the provisions of Sections 230-17 Attachment I and 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 and inground swimming pool having a height that is 28.9 feet instead of the maximum permitted of 25 feet, building coverage of .34 instead of the maximum permitted of .10 and swimming pool side yard of 7.4 feet instead of the minimum required of 15 feet, plot plan prepared by Yosef Portnoy, P.E. dated January 1, 2024, as last revised March 11, 2025, is hereby approved with the condition that applicant shall comply with all recommendations made by the Village Engineering Consultant relating to this property, and be it further

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

1. That applicant is to be commended for using pervious pavers to reduce water runoff from the property and to reduce the number of variances needed for the project;
2. That the height variance is less than 20% and is needed to permit the natural flow of sewage from the proposed house to the municipal sewer;
3. That although the building coverage variance is large there is nothing that contributes to it other than the size of the residence which is needed for applicant's large family;
4. That compliance with all recommendations made by the Village

- Engineering Consultant should alleviate any potential water runoff so that this project should not increase flooding in the neighborhood;
5. That the benefit to the applicant by granting the variances is substantial whereas no specific detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously

ITEM #6- APPROVAL OF MINUTES – FEBRUARY 19, 2025

Richard Weinberger made a motion to approve the Zoning Board of Appeals minutes of February 19, 2025, seconded by Stuart Zelmanowitz. Upon vote, this motion carried unanimously.

ADJOURNMENT

Chairwoman Collantes made a motion to adjourn the meeting, seconded by Anita Hajioff. Upon vote, this motion carried unanimously.

Respectfully submitted,
Alicia Schultz