



ZONING BOARD OF APPEALS MEETING MINUTES

October 29, 2025 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

ROLL CALL

MEMBERS PRESENT:

Chairman Jonathan Gewirtz
Member Stefanie Collantes
Member Barry Rozenberg
Member Stuart Zelmanovitz
Member Randi Marlin

ABSENT:

Ad Hoc Anita Hajioff

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Camille Guido-Downey, Village Clerk
Stephanie Caputo, Secretary to the Planning and Zoning Boards

CALL TO ORDER

Chairman Gerwitz opened the meeting at 7:30 pm.

Chairman Gerwitz acknowledged the passing of Board Member Richard Weinberger. He served on the Board for over 30 years, half of which he was the Chairman. Chairman Gerwitz cited Mr. Weinberger's service to the Village, and he will be missed.

PUBLIC HEARING

1. The Application submitted by Alan and Debra Rosenstock Legacy Trust 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 building coverage of .138 instead of the maximum permitted of .1256 and total side yard of 53.8 feet instead of the minimum required of 60 feet.

The subject premises are situated on the west side of Laura Lane north of Charlotte Drive known as 3 Laura Lane, designated on the Tax Map as Section

41.08 Block 2 Lot 25, in an R-35 Zoning District.

Chairman Gewirtz read the public hearing notice into the record.

Lenny Mortner, the Applicant's representative, was present and affirmed to tell the truth. Mr. Mortner is requesting variances for a proposed addition to a single family home that was purchased in August 2025.

Doris Ulman, Village Attorney, stated that there may be an error in the bulk table and noted that there is no vicinity map on the plot plan. Ms. Ulman questioned when the garage and shed were constructed on the property and requested the Applicant to provide a history of the property for the next meeting.

Chairman Gewirtz stated there may be a typo in the letter dated September 10, 2025, from the Building Inspector and requested clarification of the proposed numbers.

Randi Marlin made a motion to adjourn this application until the November 12, 2025, meeting, with a scheduled site visit on November 9, 2025, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

2. The Application submitted by Nancy Rubin on behalf of Abraham Spira for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence, inground swimming pool and cabana having a building coverage of .1228 instead of the maximum permitted of .10 and the variance previously granted of .113, impervious surface ratio of .29 instead of the maximum permitted of .25, side yard of 22 feet for the cabana instead of the minimum required of 25 feet, total side yard of 46.6 feet instead on the minimum required 60 feet and rear yard of 7.0 feet for the inground swimming pool instead of the minimum required of 15 feet.

The subject premises are situated on the east side of Charlotte Drive, approximately 1,200 feet west of Deerwood Road, known as 4 Charlotte Drive, designated on the Tax Map as Section 41.08 Block 1 Lot 35, in an R-35 Zoning District.

Chairman Gewirtz read the Public Hearing Notice into the record.

Jerry Steinfeld, Applicant's Builder, was present and affirmed to tell the truth. Mr. Steinfeld stated that the Applicant is requesting a variance for the cabana overhang that wasn't included in the first ZBA appearance.

Doris Ulman stated that when the Applicant appeared in 2020, they told the Board they would move the swimming pool back 15 feet so they would not need a variance for the

pool. On the current plot plan, there seems to be several changes and discrepancies that need to be clarified, such as the pool location, cabana with overhang and the locations of such.

Chairman Gewirtz noted that it sounds like things have been built in violation of what was approved the last time. Chairman Gewirtz asked if anyone from the public would like to speak

Sharon Abrams, 3 Charlotte Dr, was present via zoom and affirmed to tell the truth. Ms. Abrams stated that the structure has been built and fits the property perfectly and does not agree that anything on the site should be made larger.

Chairman Gewirtz explained that the applicant is here to legalize the construction that was already built and there is no new construction proposed.

Jerry Fisch, 2 Jodi Court was present and affirmed to tell the truth. Mr. Fisch questioned what the procedure is if the variances are not granted.

Chairman Gewirtz answered that the applicant would have to comply with the laws.

Stuart Zelmanovitz made a motion to adjourn this application to November 12, 2025, with a scheduled site visit on November 9, 2025, seconded by Barry Rozenberg. Upon vote, this motion was carried unanimously.

3. The Application submitted by Sam Yurowitz for variances from the provisions of Section 230-17 Attachment I and Section 230-34D(2) and (4) 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 driveway having building coverage of .135 instead of the maximum permitted of .10 and the variance previously granted of .127, front yard impervious surface ratio of .26 instead of the maximum permitted of .20, driveway width of 25 feet instead of the maximum permitted of 12 feet and driveway gradient of 4.23% in the first 20 feet from the curb instead of the maximum permitted of 3%.

The subject premises are situated on the north side of Glenbrook Road approximately 100 feet east of Moccasin Place, known as 21 Glenbrook Road, designated on the Tax Map as Section 41.11 Block 1 Lot 64, in an R-35 Zoning District.

Chairman Gewirtz read the public hearing notice into the record.

Sam Yurowitz, 21 Glenbrook Drive, owner, was present and affirmed to tell the truth. Mr. Yurowitz stated that when construction was completed they did not realize the deck and driveway were built over the allocated building coverage and other variance. Mr. Yurowitz stated that they made the driveway larger to permit one car to park and the other one to go

around it.

Doris Ulman stated that this property was an average density lot and has a separate bulk table from the Town of Ramapo. Ms. Ulman noted that the ZBA granted building coverage .127 previously.

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

No one from the public wished to speak.

Stefanie Collantes made a motion adjourn this application to November 12, 2025, with a scheduled site visit on November 9, 2025, seconded by Randi Marlin. Upon vote, this motion was carried unanimously.

CONTINUED PUBLIC HEARING

4. The Application submitted by Maier Arm for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single-family residence, inground swimming pool and pickleball court having front yard of 48.5 feet for the residence instead of the minimum required of 50 feet, front yard of 16.4 feet for the pickleball court instead of the minimum required of 50 feet, impervious surface ratio of .28 instead of the maximum permitted of .25, front yard impervious surface ratio of .29 instead of the maximum permitted of .20 and building coverage of .103 instead of the maximum permitted of .10.

The subject premises are situated on the north side of Rockwood Lane approximately 1100 feet west of Cains Road, known as 37 Rockwood Lane, designated on the Tax Map as Section 32.19 block 2 lot 4.10 in an R-50 Zoning District.

Chairman Gerwitz read the public hearing notice into the record.

Stanley Mayerfeld, the Applicant's Architect, was present and affirmed to tell the truth. Mr. Mayerfeld stated that a site visit occurred on October 19 and the Applicant has moved the pickleball court from the front yard to the rear, which alters the variances being requested. Mr. Mayerfeld stated that the following variances were eliminated. A new plot plan has been submitted showing the following deletions:

1. Front yard of 16.4 feet for the pickleball court instead of the minimum required of 50 feet
2. Front yard impervious surface ratio of .29 instead of the maximum permitted of .20.
3. Change to impervious surface ratio of .264

Doris Ulman stated she didn't see the setback from the side property line to the pickleball court.

Benny Silber, Silber Construction, was present and affirmed to tell the truth and answered that he would get the side setback footage as soon as possible. Mr. Silber stated that the Applicant will be making an application to the Planning Board to move the line of disturbance which will allow more area for construction, including a walkway.

Chairman Gerwitz stated that the line of disturbance makes it difficult to work with and if that line is moved the variance could be reduced.

Barry Rozenberg questioned if the pickleball court is a standard size.

Benny Sibling answered yes.

Doris Ulman stated that we are dealing with a front yard of 48.5 feet, an impervious surface ratio of .264 instead of .25 and building coverage of .103 instead of .10.

Mr. Mayerfeld stated he would like to keep the original request for impervious surface ratio at .28 to construct a walkway if the pickleball court is constructed at the rear of the property.

Chairman Gerwitz asked if anyone from the public wished to speak:

No one wished to speak.

Barry Rozenberg made a motion to close the public hearing, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

Barry Rozenberg made a motion to grant the following variances:

Front yard of 48.5 feet for the residence;
Impervious surface ratio of .264
Building coverage of .103

Subject to the condition that the impervious surface ratio will be increased to .28 if the line of disturbance is moved by the Planning Board and the walkway to the pickleball court is constructed, seconded by Stefanie Collantes

**In the Matter of the Application of
Maier Arm
Premises situated on the north side of Rockwood Lane
Approximately 1100 feet west side of Cains Road
Known as 37 Rockwood Lane, designated on the
Tax Map as Section 32.19 Block 2 Lot 4.10, in an
R-50 Zoning District**

WHEREAS, Application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Maier Arm for variances from the provisions of Section 230-17 Attachment 1 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 pickleball court having front yard of 48.5 feet for the residence instead of the minimum required of 50 feet, impervious surface ratio of .28 instead of the maximum permitted of .25, front yard impervious surface ratio of .29 instead of the maximum permitted of .20 and building coverage of .103 instead of the maximum permitted of .10, and

WHEREAS, after due notice, a public hearing on said application was held on September 17, 2025, which hearing was continued on October 29, 2025, and

WHEREAS, the Applicant appeared by his architect and contractor, who testified as follows:

That during the subdivision process, the Wesley Hills Planning Board created a large area of this lot as a clearing limit line so that the buildable area is smaller than on the average 50,000 square foot lot,

That the applicant is willing to move the pickleball court out of the front yard and place it behind the house;

That the applicant will apply to the Planning Board to move the clearing limit line to enable the pickleball court to be placed in that area,

That the result of removing the pickleball court, the 16.4 foot front yard variance and the front yard impervious surface ratio variance will be eliminated,

That with the removal of the pickleball court, the impervious surface ratio variance is reduced to .264, but the applicant requests that the .28 variance remain so that a walk can be installed if the pickleball court is constructed, and

WHEREAS, Members of the Zoning Board of Appeals visited the site and viewed the clearing limit line area and the proposed relocation of the pickleball court as well as the proposed placement of the residence,

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

RESOLVED, that the Application submitted by Mair Arm for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills is hereby determined as follows:

1. That the front yard variance to 48.5 feet for the residence instead of 50 feet is granted;
2. That the building coverage of .103 instead of .10 is granted;
3. That the impervious surface ratio of .264 is granted with the condition that in the event the Wesley Hills Planning Board grants the request to move the clearing limit line and the pickleball court is constructed at the rear of the property with the walkway, the variance will be increased to .28 and be it further

RESOLVED, that the Zoning Board of Appeals hereby makes the following FINDINGS OF FACT:

1. That the applicant has been extremely cooperative in removing the pickleball court from the front of the property, thereby eliminating the need for two large variances;
2. That the variances granted are not substantial in that each of them is less than 10%;
3. That there is no feasible alternative for the variances due to the reduction of building envelope caused by the clearing limit line;
4. That no damage to the environment or the ecology has been identified;
5. 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 carried unanimously.

5. The Application submitted by Eliyahu Feig for variances from the provisions of Section 230-17 Attachment I and Section 230-14L(3) and (4) of the Code of the Village of Wesley Hills, to permit the construction, maintenance and use of a single family residence, inground swimming pool and cabana having impervious surface ratio of .273 instead of the maximum permitted of .20, front yard impervious surface ratio of .167 instead of the maximum permitted of .15, building coverage of .111 instead of the maximum permitted of .106, rear yard for the cabana of 23.5 feet instead of the minimum required of 50 feet and side yard of 1.5 feet for the wall instead of the minimum required of 7.9 feet.

The subject premises are situated on the north side of Maurice Lane approximately 251 feet west of Steinway Court, known as 5 Maurice Lane, designated on the Tax Map as Section 32.18 Block 1 Lot 5, in an R-50 Zoning District.

Chairman Gewirtz read the the public hearing notice into the record.

Stanley Mayerfeld, Applicant's Architect, was present and affirmed to tell the truth. Mr. Mayerfeld provided the Board a revised plan which reflects a decrease in impervious

surface from .273 to .231 by using pavers. The Applicant has also moved the cabana closer to the house, which changes the rear yard setback from 23.5 feet to 26 feet.

Chairman Gewirtz stated that a site visit was conducted on October 19 and the Board noticed the challenges of the property. Mr. Gerwitz questioned if the homeowner spoke to the neighbor?

Eliyahu Feig, owner, was present and affirmed to tell the truth. Mr. Feig stated that he spoke to the neighbor twice and stated that Mr. Schoenberger's main concern is the cabana being too close to his property line. Mr. Feig noted that the existing shed from the 1980's is 10x20 and closer to the property line.

Benny Silber, Silber Construction, was present and affirmed to tell the truth. Mr. Silber stated he had a conversation with Mr. Gdanski, Applicant's Engineer, to make sure that this site meets the minimum requirements for drainage for the proposed cabana.

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

Ilan Schoenberger, 1 Belmar Court, was present and affirmed to tell the truth. Mr. Schoenberger provided the Board with a letter dated October 28, 2025, stating why he opposes the requested variances. Mr. Schoenberger stated he had a conversation with Mr. Feig about moving the cabana and expressed his concern about having no privacy. Mr. Schoenberger stated that Mr. Feig said he wouldn't move the cabana. Mr. Schoenberger stated that if he had to go against the one variance that disturbs him, he would go against all the variances. Mr. Schoenberger provided to the Board a picture of the shed from the 1980s, which was there before his house was built.

Chairman Gewirtz stated that the members looked at the privacy issues when they visited the site and noted that the Applicant agreed to install evergreen plants along the lot line.

Rhoda Schoenberger, 1 Belmar Court, was present and affirmed to tell the truth. Mrs. Schoenberger stated that the existing shed blended with trees and Mr. Feig is proposing is no comparison. Mrs. Schoenberger stated that she had been living with the sound of construction, and she feels that having the cabana built close to the lot line would be noisy with people going in and out. Mrs. Schoenberger is concerned that it will destroy her property with the lack of privacy and devalue the property.

Stanley Mayerfeld stated that any noise would be from the pool. The cabana is only used for the bathroom and changing room. If the concern is about privacy, there are no windows facing the neighbor's property. Mr. Mayerfeld stated that the whole back of the pool would be lined with evergreen trees. Mr. Mayerfeld stated that the Board has approved cases where the pool was as close as 15 feet to the property line.

Doris Ulman stated that the requested variance is almost 50%, which is larger than

anything the Board has ever approved.

Yisroel Cherns, 38 Willow Tree Road, was present and affirmed to tell the truth. Mr. Cherns stated he supports this Application.

Chairman Gewirtz made a motion to adjourn the item until the end of the meeting, so that Mr. Feig and Mr. and Mrs. Schoenberger can discuss the plans.

6. Application submitted by Ahuva Katz Cherns for an interpretation of Section 230-14O(5) of the Code of the Village of Wesley Hills, and if appropriate, for a variance from the provisions of Section 230-14O(5) of the Code of Wesley Hills, to permit the maintenance and use of a cabana that is 2,337 square feet instead of the maximum permitted of 900 square feet. To be adjourned.

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.

Chairman Gerwitz read the public hearing notice into the record.

Doris Ulman stated that this item is to be adjourned due to the fact that this property is still in court proceedings.

Chairman Gewirtz made a motion to adjourn this application until December 29, 2025, seconded by Stefanie Collantes. Upon vote, this motion was carried unanimously.

7. The Application submitted by IJJ, LLC-John Wickes 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 an arborist facility having impervious surface ratio of .46 instead of the maximum permitted of .25.

The subject premises are situated on the south side of McNamara Road 0 feet west of Union Road, known as 11 McNamara Road, designated on the Tax Map as Section 42.13 Block 1 Lot 22, in an R-35 Zoning District.

Chairman Gewirtz read the public hearing notice into the record.

Ira Emanuel, the Applicant's Attorney, was present and affirmed to tell the truth. Mr. Emanuel stated he wasn't at the site visit and was told there was a discussion about further reduction of impervious surfaces by removing the concrete from under the storage bins. Mr. Emanuel stated that Rhonda Smith, Applicant's Engineer, has reached out to the Village Engineer, and was told the concrete was needed.

Doris Ulman stated that she had received a similar letter from the Village Engineer about the concrete. Ms. Ulman stated that she read the Negative Declaration issued by the Planning Board from February 2025 and there are Village Wetlands on the property, i.e. the pond and stream. She has not yet received a response from the Village Planner as to why the Planning Board has not considered a wetlands permit. She recommends that this item should be adjourned until the next meeting. Ms. Ulman stated that the stream and pond are Village wetlands, not state. The Village law does not permit any construction within 100 feet of the wetlands unless the Planning Board issues a permit. There is parking and a driveway within 100 feet that are part of the impervious surface calculations.

Mr. Emanuel stated that there is nothing stopping this Board from granting the variance. If we do not get a site plan, then the variance would not be good. Any approval would be condition on a wetlands permit. In 2014, the site plan was approved, and they were never asked to apply for a wetlands permit.

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

Jesse Marcus, 20 McNamara Road, was present and affirmed to tell the truth. Mr. Marcus asked the Engineer, what the calculation for the total square footage of impervious surface is?

Rhonda Smith, Civil Tech Engineering, was present and affirmed to tell the truth. Ms. Smith stated that the arborist area impervious square footage is 37,277 and the square footage for the house is 4,728.

Neil Marcus, 46 John St New City, was present and affirmed to tell the truth. Mr. Marcus wanted to make sure the Board received the handout dated October 29, 2025. Mr. Marcus presented a highlighted site plan to the Board and described the different areas. Mr. Marcus provided handouts to the Board which he obtained from the GIS portal and described each page.

Mr. Emanuel stated that the site plan was developed by a New York State licensed surveyor and GIS gives an estimate of square footage.

Doris Ulman stated that the Planning Board has addressed flooding by requiring a rain garden. Ms. Ulman stated that she had received a letter from the Village Planner, and wanted to have a conversation with him about the wetlands.

Jim Wickes, owner of Chester, New York, was present and affirmed to tell the truth. Mr. Wickes gave a brief description of his family lineage within the Town. Mr. Wickes stated that they made an appeal for an expansion of operations, and it was denied. The Village Board came up with a stipulation agreement with requirements, and they can apply for a special permit.

Randi Marlin made a motion to adjourn this application until the December 29, 2025, meeting as per the Applicants request, seconded by Stefanie Collantes. Upon vote, this motion was carried unanimously.

Item # 5- FEIG - 5 Maurice Drive

Chairman Gewirtz stated that the Board and the Applicant are not ready to make a decision on this application at this time. Chairman Gewirtz made a motion to adjourn this application until November 12, 2025, seconded by Stuart Zelmanovitz. Upon vote, this motion was carried unanimously.

DISCUSSIONS

APPROVAL OF MINUTES

8. September 17, 2025

Barry Rozenberg made a motion to approve the Zoning Board of Appeals Minutes of September 17, 2025, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

ADJOURNMENT

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

Respectfully submitted,
Stephanie Caputo