



## ZONING BOARD OF APPEALS MEETING MINUTES

May 21, 2025, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

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**MEMBERS PRESENT:**

Jonathan Gewirtz, Chairman  
Stefanie Collantes, Member  
Richard Weinberger, Member  
Stuart Zelmanovitz, Member  
Randi Marlin, Member  
Barry Rozenberg, Ad Hoc  
Anita Hajioff, Ad Hoc

**OTHERS PRESENT:**

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

Chairman Gewirtz opened the meeting at 7:30 pm followed by a roll call.

**ITEM #1- PUBLIC HEARING – 91 Spook Rock Road**

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

Application submitted by Jacob Fried 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 covered porch, pavers and deck having front yard of 47 feet instead of the minimum required of 50 feet, impervious surface ratio of .29 instead of the maximum permitted of .20 and front yard impervious surface ratio of .42 instead of the maximum permitted of .15.

The subject premises are situated on the west side of Spook Rock Road, known as 91 Spook Rock Road, designated on the Tax Map as Section 40.16 Block 1 Lot 10.2, in an R-50 Zoning District.

Paul Baum, the applicant's attorney, was present and affirmed to tell the truth. Mr. Baum stated that this lot was brought into existence due to a subdivided lot and is a flag lot. Mr. Baum stated that the subdivision itself was granted variances and the lot is slightly undersized. Mr. Baum stated that the flag lot driveway is rather long, was widened, and contributes to the larger variance.

Doris Ulman stated that the requirement for front yard impervious surface ratio allowed in an R-50 Zone is .15, the applicant is requesting .42, and .37 was approved for the subdivision in November 2017. Ms. Ulman questioned why the increase from the approved .37 to the proposed .42.

Mr. Baum responded that the applicant straightened the driveway to ensure that the driveway was entirely on the applicant's property.

Ms. Ulman questioned why the large parking area in front of the house is needed.

Mr. Baum stated that the pavers installed were more extensive and other changes were made since originally approved, as the plan switched hands and the original developer is no longer involved in the project. Mr. Baum stated that he will have to check with the Village Engineer if the pavers and the deck are considered to be pervious or impervious surfaces. Mr. Baum added that this property is set back from the road and is to be properly screened by landscaping, and the home in front of their flag lot. Mr. Baum added that they will be installing a total of SIX (6) drywells for their drainage system, so zero net runoff is attained.

Jacob Fried, the applicant, was present and affirmed to tell the truth. Mr. Fried stated that he has a rather large family and they have THREE (3) to FOUR (4) cars parked in the driveway during the week and they have a larger driveway for turning radii due to all the vehicles.

Richard Weinberger read the following review letters into the record:

1. Rockland County Center for Environmental Health, dated 5/19/2025
2. Rockland County Sewer District #1 memo, dated 4/11/2025
3. Rockland County Planning Department, dated 5/8/2025
4. Rockland County Highway Department, dated 4/8/2025

Mr. Baum stated that they will comply with and create a response letter for the County memos prior to the next Zoning Board meeting.

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

No one from the public chose to speak.

Chairman Gewirtz made a motion to adjourn this application to the June 18, 2025, meeting and further schedule a site visit on June 8, 2025, seconded by Randi Marlin. Upon vote, this motion carried unanimously.

## **ITEM #2- PUBLIC HEARING – 4 Grand Park Drive**

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

Application submitted by Moshe Lichtenstein on behalf of Four Grand Park LLC for variances from the provisions of Section 230-17 Attachment I and Section 230 34D(2) of the Code of the Village of Wesley Hills to permit the construction, maintenance and use of a single family residence and semi-circular driveway having impervious surface ratio of .203 instead of the maximum permitted of .20, front yard impervious surface ratio of .255 instead of the maximum permitted of .24 and driveway gradient of 12% for the first 20 feet instead of maximum permitted of 3%.

The subject premises are situated on the east side of Grand Park Drive approximately 160 feet north of Grandview Avenue, known as 4 Grand Park Drive, designated on the Tax Map as Section 41.14 Block 1 Lot 9, in an R-50 Zoning District.

Stanley Mayerfeld, the applicant's architect, was present and affirmed to tell the truth. Mr. Mayerfeld stated that the proposed plan requires THREE (3) variances for the driveway, as they need to shift and grade the slope of the semi-circular driveway.

Jorel Vaccaro, the applicant's engineer, was present and affirmed to tell the truth. Mr. Vaccaro stated that this driveway is a bit hilly, so the variance requesting the 12% slope where 3% is allowed for the first 20 feet. Mr. Vaccaro stated that this change to the original approval was due to the skew and shape of the driveway. Mr. Vaccaro added that the driveway is 11 feet wide all the length the drive.

Doris Ulman questioned where the gradient increase is along the driveway.

Mr. Vaccaro stated that it begins at 13 feet instead of 20 feet, which also gives room for activity on the driveway.

Richard Weinberger read the following review letters into the record:

1. Rockland County Sewer District #1 memo, dated 5/12/2025

Mr. Mayerfeld stated that they will comply with and create a response letter for the County memo prior to the next Zoning Board meeting.

Chairman Gewirtz read letters of support from the following addresses:

1. 1 Grand Park Drive
2. 3 Grand Park Drive
3. 5 Grand Park Drive
4. 6 Grand Park Drive

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

No one from the public chose to speak.

Randi Marlin made a motion to adjourn this application to the June 18, 2025, meeting and further schedule a site visit on June 8, 2025, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

### **ITEM #3- CONTINUED PUBLIC HEARING – 29 East Lane**

Chairman Gewirtz 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.

Paul Baum, the applicant's attorney, was present and affirmed to tell the truth. Mr. Baum stated that this lot is located in Pomona Country Club, which is a private, quiet, unique community. Mr. Baum stated the 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. Mr. Baum stated that the current garage, and portion of the property, is on the opposing side of the street. Mr. Baum added that the applicant was proposing to turn the current garage into a yoga/fitness studio and to build an additional garage closer to the home that can be used as intended. Mr. Baum stated that this construction will not have any impact on the neighboring properties, as Hillcrest Road is a paper road, lined with trees and has never been built upon. Mr. Baum stated that

the impervious surface is only increasing by 300 square feet as the garage is proposed to be built upon the current driveway that exists.

Chairman Gewirtz stated that he noticed when he visited the site, that you cannot see past the trees on paper street Hillcrest Road, and there is no access to McNamara Road from the end of East Lane.

Doris Ulman stated that a revised plan has been recently submitted to the Village for review and the plan had to go to the County for GML review, and we must give them a full THIRTY (30) days to respond. Ms. Ulman stated that the application must be amended to change the front yard impervious surface ratio request from .263 to .367.

Mr. Baum stated that the application is in a private community, and he does not believe there is any regional impact to the public community, and the revisions requested by the Rockland County Planning Department have been satisfied. Mr. Baum stated that due to the fact that this is a garage going over existing pavement and they complied with the County's requirements

Richard Weinberger read the following review letter into the record:

1. Rockland County Planning Department, dated 4/3/2025

Stuart Zelmanovitz stated that it is at the applicant's own risk to not comply with the County requirements, as the applicant has stated they have already returned what the County has requested, he sees no problem with moving ahead with a decision on this application.

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

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

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

Chairman Gewirtz stated that East Lane is in a private community, with an abundant amount of screening, the proposed placement of the garage seems to be the best place to construct it, the current garage is not convenient and is across the street from the dwelling. Chairman Gewirtz added that technically since Hillcrest Road is a paper street lined with ample trees and bushes, it is a side yard as opposed to a front yard.

Chairman Gewirtz made a motion to approve the following resolution upon the condition that the Rockland County Planning Department has no further comments for the revised plan submitted, seconded by Stuart Zelmanovitz:

In the Matter of the application of

Ilana Rosen

Premises 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

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills 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 on Hillcrest Road instead of the minimum required of 50 feet, a front yard of 14.4 feet on East Lane instead of the minimum required of 50 feet and front yard impervious surface ratio of .263 on Hillcrest Road instead of the maximum permitted of .20, and

**WHEREAS**, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on April 24, 2025, which hearing was continued on May 21, 2025, and

**WHEREAS**, the applicant appeared in person and by her attorney, and testified as follows:

That this property is in the Pomona Country Club, a private development with a Homeowners Association;

That East Lane is a private street and Hillcrest Road is a paper street that has never been constructed;

That there is an existing garage, but it is across the street from the residence and approximately 250 feet away;

That due to an error in interpretation the front yard impervious surface ratio on Hillcrest Road is actually .367, not the .263 stated above, and the application should be amended to reflect this difference;

That although the front yard impervious surface ratio variance is very large, .329 of it currently exists so that the increase for the garage is only 300 square feet; and

**WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed existing conditions and the proposed placement of the garage, 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 Ilana Rosen is hereby amended to reflect a front yard impervious surface ratio on Hillcrest Road of .367 instead of the maximum permitted of .20, and be it further

**RESOLVED**, that the 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 on Hillcrest Road, instead of the minimum required of 50 feet, a front yard of 14.4 feet on East Lane instead of the minimum required of 50 feet and front yard impervious surface ratio of .367 on Hillcrest Road instead of the maximum permitted of .20 is hereby approved, subject to compliance with the GML review letters from Rockland County Planning Department dated April 3, 2025, Rockland County Sewer District No. 1 dated March 13, 2025, Rockland County Department of Health dated April 14, 2025 and Rockland County Highway Department, and be it further

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

1. That Hillcrest Road is a paper road owned by the Pomona Country Club Homeowners Assn. and has never been developed or paved;
2. That because of the above the proposed garage affects Hillcrest Road as more of a side yard than a front yard and will not impact traffic; in addition Hillcrest Road creates a buffer between the subject property and the adjoining property so that the garage will not impact the adjoining property;
3. That because the proposed garage will be constructed on the existing driveway the increase in front yard impervious surface ratio is minimal and has no impact because, as stated above, Hillcrest Road is not an existing road and is not used as a road;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to neighboring properties or to the community has been identified.

Upon vote, this motion carried unanimously

#### **ITEM #4- APPROVAL OF MINUTES – MARCH 19, 2025**

Chairman Gewirtz made a motion to approve the Zoning Board of Appeals minutes of March 19, 2025, with the (2) amendments; including changing the Chairman's name where it was incorrect and removing a statement that was not made by a resident, seconded by Stuart Zelmanowitz. Upon vote, this motion carried unanimously.

#### **ADJOURNMENT**

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

Respectfully submitted,  
Alicia Schultz