



ZONING BOARD OF APPEALS MEETING MINUTES

September 17, 2025, at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

MEMBERS PRESENT:

Jonathan Gewirtz, Chairman
Stefanie Collantes, Member
Barry Rozenberg, Ad Hoc
Anita Hajioff, Ad Hoc

MEMBERS ABSENT:

Stuart Zelmanovitz, Member
Richard Weinberger, Member
Randi Marlin, Member

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney
Alicia Schultz, Deputy Village Clerk
Camille Guido-Downey, Village Clerk
Stephanie Caputo, Secretary to the Planning & Zoning

Chairman Gewirtz opened the meeting at 7:30 pm.

Howard Richman introduces himself as the Village Attorney for Wesley Hills starting October 1, 2025, and welcomed anyone to contact him should they need to.

ITEM #1- PUBLIC HEARING – 5 MAURICE LANE

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

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.

David Mayerfeld Sr., Architect was present and affirmed to tell the truth. Mr. Mayerfeld stated that the Applicant is requesting variances for the construction of a home, pool, and cabana. The following variances are being requested:

Total 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.
Side yard of 1.5 feet for the wall instead of the minimum required of 7.9 feet.

Chairman Gewirtz read three letters of support from the following addresses:

1. 1 Steinway Court
2. 3 Steinway Court
3. 6 Maurice Ln

Doris Ulman asked about the height of the walls and the size of the cabana.

David Mayerfeld answered that the cabana is 10.8 x 16, and the proposed pergola has been removed from the plan.

Chairman Gewirtz stated that the Board will visit the site and asked what structures are on the site and if any of the projects have been started.

David Mayerfeld answered the pool and cabana are proposed.

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

Ilan Schoenberger, 1 Belmar Court, was present and affirmed to tell the truth. Mr. Schoenberger stated he was never contacted by the homeowner and described his concerns. He is present to oppose the project stating that the cabana is too close to his property. He feels that the lot is too small for all of the structures and suggested that the pool be turned parallel to the house to reduce the variances. Mr. Schoenberger provided the Board with pictures from his backyard facing 5 Maurice. The pictures show what looks like fresh dirt that was placed on the slope and why were not dry wells installed? Mr. Schoenberger further requested landscape screening to be installed to create a buffer. Mr. Schoenberger questioned why this property should have less stringent setbacks and no proposed buffers? Mr. Schoenberger requested the Board to perform a more detailed EAF. Mr. Schoenberger reminded the Board of the zoning law and the showing that the Applicant is required to make for the Board's consideration.

No one else from the public chose to speak.

Chairman Gewirtz made a motion to adjourn this application to the October 29, 2025 meeting and schedule a site visit for October 19, 2025, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

ITEM #2- PUBLIC HEARING – 37 ROCKWOOD LANE

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

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.

David Mayerfeld, Architect for the Applicant, was present and affirmed to tell the truth. Mr. Mayerfeld is asking for variances for a single-family residence, in ground swimming pool and pickleball court.

Chairman Gewirtz questioned why are there no lot lines shown on the vicinity map and why is everything pushed up to the front of property?

Doris Ulman asked why the pickleball court is pushed forward. Doris Ulman requested that the Applicant submit a letter from their Engineer explaining why the project was designed as it is.

Benny Silber, Silber Construction, Applicant's Builder were present and affirmed to tell the truth. Mr. Silber described the property to the Board and stated that this is a new home in the recently approved subdivision. There are 13 other lots that will be constructed.

Stefanie Collantes asked if the pickleball court could be moved?

Benny Silber answered that the Applicant's Engineer had reviewed the site and had tried to relocate the pickleball court and this was the only location that was acceptable.

Barry Rozenberg stated that he is aware of water issues on the site.

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

No one from the public chose to speak.

Stefanie Collantes made a motion to adjourn this application to the October 29, 2025 meeting and schedule a site visit for October 19, 2025, seconded by Barry Rozenberg. Upon vote, this motion carried unanimously.

ITEM #3- PUBLIC HEARING – 11 MCNAMARA RD

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

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.

Ira Emanuel, the Applicant's Attorney, was present and stated that this site has been operating in the same location since 1972 and the Applicant is seeking a variance for impervious surface. The impervious surface is packed gravel. This Application is currently before the Village Planning Board and has been reviewed by the County as part of the GML. The Village's Planning Board did a review of the environmental impact and declared a neg dec in February 2025.

Ronda Smith, Applicant's Engineer, was present and affirmed to tell the truth. Ms. Smith presented the proposed plan described the area where the Applicant is proposed to remove fill. Ms. Smith also showed the rain garden which was added for water quality.

Doris Ulman questioned if the Planning Board did a coordinated review?

Ira Emanuel answered yes.

Chairman Gewirtz questioned if there has been increase in the operation of the business?

Ira Emmanuel stated that there has been an increase in the intensity of the use.

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

Neil Marcus, 46 John Street New City, was present and affirmed to tell the truth. Mr. Marcus gave the Board a quick history of the site and stated that this property has been under litigation for the past 25 years. Mr. Marcus reminded the Board of open violations on the property that have not been addressed and feels that this Board should not hear the Application while there are open violations. Mr. Marcus provided copies of his emails to the Clerk and Board and described each page of his handout. Mr. Marcus stated that over the years the use has expanded, for example in 2007 the impervious surface ratio was .48 without the residence. Mr. Marcus also stated that the wetlands on the property were changed without a Village permit.

Mario Pensa, 299 Grandview Ave, was present and affirmed to tell the truth. Mr. Pensa stated that he is in favor of this Application.

John Ruel, 46 Schoolhouse Road, was present and affirmed to tell the truth. Mr. Ruel stated that he supports the Application.

Gary Greenstein, 8 Roven Road was present and affirmed to tell the truth. Mr. Greenstein stated that he supports the Application.

Stefanie Collantes made a motion to adjourn this application to the October 29, 2025 meeting and schedule a site visit for October 19, 2025, seconded by Anita Hajioff. Upon vote, this motion carried unanimously.

ITEM #4- CONTINUED PUBLIC HEARING – 20 POWDERHORN DR

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

Application submitted by Brett & Eva Kotch 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 a front porch having a front yard of 46 feet instead of the minimum required of 50 feet.

The subject premises are situated on the west side of Powder Horn Drive approximately 450 feet north of Ari Drive, known as 20 Powder Horn Drive, designated on the Tax Map as Section 32.19 Block 2 Lot 40, in an R-50 Zoning District.

Chairman Gewirtz stated that a site visit occurred on Sunday, September 14, 2025, at this location. The following Board Members attended the visit: Chairman Gewirtz, Deputy Chairwoman Collantes, Barry Rozenberg, Stuart Zelmanovitz and Village Attorney Doris Ulman.

Kim Sipple, Architect for the Applicant was present and affirmed to tell the truth. Mr. Sipple described the property, and the addition was recently completed. Mr. Sipple stated that the property owner wanted to have a covered roof over the front porch for weather protection. By adding that roof overhang it created an encroachment into the front yard, and a variance is being requested.

Chairman Gewirtz read the following letters of support into the record:

1. 24 Powderhorn Dr
2. 31 Powderhorn Dr.

Barry Rozenbeg stated that he understands the need for the covered porch, however he is concerned that pushing structures closer to the road takes away from the look of the neighborhood.

Stefanie Collantes stated that she understands the need for a covered front porch to protect from the weather.

Chairman Gewirtz summarized that the proposed variance is not a substantial variance as it is only for the covered porch. 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 close the public hearing, seconded by Stefani Collantes. Upon vote, this motion carried unanimously.

Anita Hajioff made a motion to approve the application of Brett & Eva Kotch 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 a front porch having a front yard of 46 feet instead of the minimum required of 50 feet, seconded by Stefanie Collantes.

**In the Matter of the Application of
Brett and Eva Kotch
Premises situated on the west side of Powder Horn
Drive approximately 450 feet north of Ari Drive,
known as 20 Powder Horn Drive, designated on the
Tax Map as Section 32.19 Block 2 Lot 40, in an
R-50 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Brett and Eva Kotch 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 a front porch having a front yard of 46 feet instead of the minimum required feet of 50 feet, and

WHEREAS, after due notice, a public hearing on said application was held on August 13, 2025 which was continued on September 17, 2025, and

WHEREAS the architect for the applicant appeared and testified as follows:

That the house was designed without a front porch and is currently under construction.

That the owners now realize that a front porch is necessary to protect deliveries and people from the rain;

The front porch will only cover the opening at the front door, will extend over the existing front steps, and will not extend the full length of the front of the residence; and

WHEREAS members of the Zoning Board of Appeals visited the site and viewed the area of the placement of the proposed front porch; and

WHEREAS, no one appeared in opposition to the application and letters were submitted in support,

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 Brett and Eva Kotch 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 a front porch having a front yard of 46 feet instead of the minimum required of 50 feet is here by approved, and be it further

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

1. That the variance is not substantial in relation to the requirement in that it is less than 10% of the requirement.
2. That no environmental or ecological detriment has been identified as a result of the granting of the variance;
3. That the front porch will increase the aesthetics of the residence;
4. That the benefit to the applicants by having a place to shield persons and packages from the rain is substantial whereas no detriment to neighboring properties or to the community has been identified.

Upon vote, this motion carried unanimously.

ITEM # 5- CONTINUED PUBLIC HEARING – 106 EAST WILLOW TREE RD

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

Application submitted by Pomona Enterprises Corp on behalf of Jay Court Holdings, LLC on appeal of a determination of the Building Inspector or, in the alternative, for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit a two lot subdivision, proposed Lot No. 1 having lot frontage of 35 feet on East Willow Tree Road and 86 feet on Charlotte Drive instead of the minimum required of 100 feet on each of said roads.

The subject premises are situated on the north side of East Willow Tree Road approximately 305 feet west of Deerwood Road, known as 106 East Willow Tree Road/ 2 Charlotte Drive, designated on the Tax Map as Section 41.08 Block 1 Lot 35, in an R-35 Zoning District.

Chairman Gewirtz stated that a site visit occurred on Sunday, September 14, 2025, at this location. The following Board Members attended the visit: Chairman Gewirtz, Deputy Chairwoman Collantes, Barry Rozenberg, Stuart Zelmanovitz and Village Attorney Doris Ulman.

Ira Emanuel Attorney for Applicant was present. Mr. Emanuel stated that the Village Planning Board has approved this subdivision. During the check print review, the Village's Building Inspector stated that a variance was needed for street frontage. The Applicant has requested an interpretation from the ZBA and in the interest of saving time also applied for the requested variances. Mr. Emanuel stated that the Applicant and himself feel that the requested variance is not needed, this was an approved three-lot subdivision that has been resub divided into two-lots.

Doris Ulman stated that she has reviewed the Code and agrees with the Building Inspector that the requested variance is needed because the resub division created two new lots, replacing the prior three lot subdivision.

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

No one from the public wished to speak.

Chairman Gewirtz questioned if there will be traffic from this property exiting onto Willow Tree Road.

Rhonda Smith, Applicant's Engineer, answered that there is a proposed gate on the Willow Tree entrance that is only used for emergency access.

Chairman Gewirtz stated that during the site visit, the builder was present and stated that the entrance on East Willow Tree is going to be gated and used for emergencies only.

Chairman Gewirtz made a motion to approve the Application of Pomona Enterprises Corp on behalf of Jay Court Holdings, LLC for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit a two lot subdivision, proposed Lot No. 1 having lot frontage of 35 feet on East Willow Tree Road and 86 feet on Charlotte Drive instead of the minimum required of 100 feet on each of said roads, seconded by Stefanie Collantes.

**In the Matter of the Application of
Pomona Enterprises Corp. on behalf of
Jay Court Holdings LLC
Premises situated on the north side of East Willow Tree Road
Approximately 305 feet west of Deerwood Road,
Known as 106 East Willow Tree Road/2 Charlotte Drive
designated on the Tax Map as Section 41.08 Block 1 Lot 35, in an R-35 Zoning District**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Pomona Enterprises Corp. on behalf of Jay Court Holdings LLC for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit a two-lot subdivision, Lot No. 1 having frontage of 35 feet on Willow Tree Road and 86 feet on Charolette Drive instead of the minimum requirement of 100 feet on each of said roads, and

WHEREAS after due notice, a public hearing on said application was held by the Zoning Board of Appeals on August 13, 2025, which hearing was continued on September 17, 2025, and

WHEREAS the applicant appeared by its attorney, who testified as follows:

That the entire property of this subdivision was originally a three-lot subdivision but the current owner resub divided the property into two lots;

That after the two-lot subdivision was approved by the Wesley Hills Planning Board the Building Inspector determined the Lot No. 1 had less road frontage than required in that the frontage on East Willow Tree Road is 35 feet and the frontage on Charlotte Drive is 86 feet;

That the frontage on East Willow Tree Road is larger than what was previously approved in the three-lot subdivision and the frontage on Charlotte Drive was substantially the same;

That the property is on the bulb of the cul de sac on Charlotte Drive and the Village Zoning Law permits reduced frontages on the bulb;

That the frontage on East Willow Tree Road will not be used on a regular basis, is for emergency access only and will have a gate to restrict access; and

WHEREAS members of the Zoning Board of Appeals visited the site and viewed the proposed frontages, 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 Pomona Enterprises Corp. on behalf of Jay Court Holdings LLC on appeal of a determination of the Building Inspector or, in the alternative, for variances from the provisions of Section 230-17 Attachment I of the Code of the Village of Wesley Hills, to permit a two lot subdivision, Lot No 1 having a lot frontage of 35 feet on East Willow Tree Road and 86 feet on Charlotte Drive instead of the minimum required of 100 feet on each of the said Roads is hereby approved, and be it further

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

1. That the Building Inspector's denial was correct (although not timely) because the two lots fronting on East Willow Tree Road have different road frontages in the new two lot subdivisions than they had in the prior 3-lot subdivision and because the frontage on Charlotte Drive has changed slightly;
2. That the new frontages are an improvement over the prior three-lot subdivision;

3. That no detriment to the ecology or to neighboring properties has been identified;
4. That although the variances are substantial they are an improvement over the preexisting frontages for the two lots;
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.

ITEM #6- APPROVAL OF MINUTES – JULY 16, 2025

Barry Rozenberg made a motion to approve the Zoning Board of Appeals Minutes of July 16, 2025, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

Camille Guido-Downey thanked Alicia Schultz for being the secretary for the Planning and Zoning Board for the past 2 years and introduced Stephanie Caputo as the new part time employee for the Village of Wesley Hills.

ADJOURNMENT

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

Respectfully submitted,
Stephanie Caputo