



ZONING BOARD OF APPEALS MEETING MINUTES

August 13, 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
Richard Weinberger, Member
Stuart Zelmanovitz, Member
Barry Rozenberg, Ad Hoc

MEMBERS ABSENT:

Randi Marlin, Member
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 - 20 POWDER HORN DRIVE

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.

Kim Sippel, the applicant's architect, was present and affirmed. Mr. Sippel stated that the applicant is currently constructing an addition to the single-family home on the property and would like to construct a front porch that requires a 4-foot variance. The existing house is 52 feet from the front property line, and this cannot be changed. Mr. Sippel stated that this front porch addition poses no detriment to the neighboring

properties, this is a relatively minor variance request and would like to request that the Board waive the site visit.

Chairman Gewirtz explained to Mr. Sippel that the Board does not waive site visits for any projects, no matter how minor they may be.

Richard Weinberger questioned if the applicant has any letters of support from the neighboring properties.

Mr. Sippel replied that he does not have any letters of support from the neighbors.

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 September 17, 2025 meeting and schedule a site visit for September 14, 2025, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

ITEM #2- PUBLIC HEARING - 11 McNAMARA ROAD

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, submitted a request to the Village to adjourn the item to September's agenda, as the posters for the property were not picked up and posted the required minimum (10) days prior to the meeting date.

Chairman Gewirtz made a motion to adjourn this application to the September 17, 2025 meeting, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

ITEM #3- PUBLIC HEARING – 2 CHARLOTTE DRIVE/106 & 110 EAST WILLOW TREE ROAD

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.

Amy Mele, the applicant's attorney, was present and affirmed. Ms. Mele stated that the applicant has applied to the Planning Board to change a 3-lot subdivision into a 2-lot subdivision and received a denial letter from the Building Inspector stating that they needed variances for lot frontage on one of the newly developed lots. Ms. Mele added that the Village Code permits lot frontage to be 50 feet in a cul de sac.

Rachel Barese, the applicant's engineer, was present and affirmed. Ms. Barese stated that there is no change to the lot frontage on Charlotte Drive, and the lot frontage on East Willow Tree Road is larger than in the prior subdivision as they are combining the frontage of the flag lot for 106 & 110 East Willow Tree Road.

Jack Spathe, the applicant's contractor, was present and affirmed. Mr. Spathe stated that the application does not need anything different than a regular building application from the Building Inspector.

Chairman Gewirtz explained that any changes to pre-existing variances require new variances and reminded Mr. Spathe that the denial letter from the Building Inspector is what brought this application to the Zoning Board.

Stefanie Collantes questioned if the public will have access to Charlotte Drive from the East Willow Tree Road access point. Mr. Spathe replied that there will be no public access to Charlotte Drive from East Willow Tree Road via these properties, as the applicant will be putting up a gate which is to only be utilized by emergency personnel.

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

Sharon Abrams, 3 Charlotte Drive, was present and affirmed. Ms. Abrams stated that the neighborhood is highly concerned with the drainage issues that the property has had constantly over the years.

Mr. Spathe replied that the plans entail a brand-new drainage system that will improve the drainage concerns that are shared by the applicant.

Fradly Makowsky, 9 Deerwood Road, was present and affirmed. Ms. Makowsky stated that her property has backed up onto these properties for 25 years, the properties have steadily been in disarray and would like the Village to make sure they keep the property up to Code.

Mr. Spathe stated that the project will ensure to be handled in a satisfactory manner, and there will be screening added all along the property line so regardless, the property will not be as visible to the neighboring properties as in the past.

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

No one else from the public chose to speak.

Chairman Gewirtz made a motion to adjourn this application to the September 17, 2025 meeting and schedule a site visit for September 14, 2025, seconded by Stuart Zelmanvitz. Upon vote, this motion carried unanimously.

ITEM #4- CONTINUED PUBLIC HEARING – 38 WILLOW TREE ROAD

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

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 the Village 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.

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.

Doris Ulman stated that there is a lawsuit against the Zoning Board of Appeals regarding the application and she has told the Court that no hearing will be held until a decision is made by the Court.

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

ITEM #5- DISCUSSION TO ADD GML STATEMENT TO ZONING BOARD APPLICATION

Chairman Gewirtz made a motion to approve the following resolution, seconded by Stefanie Collantes:

RESOLVED, that the attached statement shall be added to all ZBA applications so that every owner agrees in advance to comply with all GML review letters.

Upon vote, this motion carried unanimously.

ITEM #6- APPROVAL OF MINUTES – JUNE 18, 2025

Stefanie Collantes made a motion to approve the Zoning Board of Appeals minutes of June 18, 2025, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

ADJOURNMENT

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

Respectfully submitted,
Alicia Schultz

STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS::
VILLAGE OF WESLEY HILLS)

_____ (print full name of owner) being duly sworn, deposes and says:

That (he)(she) is the owner of the property that is the subject matter of this application.

That (he)(she) agrees that (he)(she) and (his)(her) agents will comply with all recommendations made by the Rockland County Planning Department, the Rockland County Highway Department and all other review agencies relating to this application unless such recommendations are overridden by the Wesley Hills Zoning Board of Appeals.

(Sign full name of owner before Notary Public)

Sworn to before me this

____ day of _____ 2025

(Notary Public)