



ZONING BOARD OF APPEALS MEETING MINUTES

December 29, 2025 at 7:30 PM
432 Route 306, Wesley Hills, NY 10952
Phone: 845-354-0400 | Fax: 845-354-4097

CALL TO ORDER

Chairman Gewirtz opened the meeting at 7:45pm.

ROLL CALL

MEMBERS PRESENT: Chairman Jonathan Gewirtz
Member Stuart Zelmanovitz
Ad Hoc Anita Hajioff

ABSENT:

Member Randi Marlin
Member Stefanie Collantes
Member Barry Rozenberg

OTHERS PRESENT:

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

CONTINUED PUBLIC HEARING

1. 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 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, was present and affirmed to tell the truth. Mr. Yurowitz stated he

prepared a new narrative for the Board. Mr. Yurowitz stated that the deck is higher than the required 36 inches by a few inches and that all work has been completed and professionally landscaped.

Chairman Gewirtz stated that one of the variances is not needed.

Doris Ulman stated that the driveway width variance is not needed. Ms. Ulman stated that she had made a mistake with the driveway variance and apologized to Mr. Yurowitz.

Chairman Gewirtz stated that if the deck was not above the 36 inches required, then a variance would not be required.

Chairman Gewirtz asked if anyone from the public wished to speak.

No one from the public wished to speak.

Stuart Zelmanovitz stated he would like the driveway to be made visually appealing.

Chairman Gewirtz stated that he would like to see planters along the driveway and add dirt around the deck which will eliminate the variance needed.

Chairman Gewirtz made a motion to close the Public Hearing, seconded by Anita Hajioff.

Chairman Gewirtz made a motion to approve the Application, contingent on planters lining the driveway and raising the grade beneath the deck, seconded by Stuart Zelmanovitz. Upon vote, this carried unanimously.

In the Matter of the application of

Sam Yurowitz

Premises situated on the north side of Glenbrook

Road approximately 100 feet east of Moccasin Place

Known as 21 Glenbrook Road, designated on the Tax

As Section 41.11, Block 1, Lot 64, in an R-35 Zoning District

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Sam Yurowitz for variances from the provisions of Section 230-17 Attachment I and Section 230-34(2) and (4) of the Code of the Village of Wesley Hills to permit the maintenance and use of a single family residence and driveway having a 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 .20, driveway width of 25 feet instead of the maximum permitted of 12 feet and a driveway gradient of 4.23% instead of the maximum permitted of 3% and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on October 29, 2025, which hearing was continued on November 12, 2025, and December 29, 2025, and

WHEREAS, the applicant appeared in person and testified as follows:

That the Building Coverage variance is needed because of the deck which is only a few inches higher than 3 feet above grade;

The applicant will raise the grade of the land beneath the deck and will request that the building coverage variance be withdrawn;

That the driveway width and front yard impervious surface ratio variances result because the applicant has a two-car garage and wanted to be able to use both spaces without the need to move one car or the other;

That the 4.23% gradient is the natural slope of the land at the front of the property; and

WHEREAS, the attorney for the Board reported that the Wesley Hills Zoning Law does not require a maximum driveway width of 12 feet and so that variance is not required, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed the substantial width of the driveway; and

WHEREAS, several members of the public gave letters in support of the application and no one spoke in opposition,

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 is hereby amended by removing the request for the driveway width variance and the building coverage variance, and be it further

RESOLVED, that the application submitted by Sam Yurowitz for variance 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 maintenance and use of a single family residence and driveway having front yard impervious surface ratio of .26 instead of the maximum permitted of .20 and driveway gradient of 4.23% in the first 20 feet from the curb instead of the maximum permitted of 3% is hereby approved on condition that applicant will install a row of plantings along the entire length of the driveway from the curb to a point 6 feet from the house to mitigate the visual width of the driveway, said plantings to be subject to the approval of the Building Inspector for compliance with this decision, and be it further

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

1. That the Zoning Board of Appeals takes judicial notice of the fact that this lot is part of an average density subdivision of small lots approved by the Town of Ramapo before the establishment of the Village;
 2. That because of the size of the lot it is difficult for property owners to comply with R-35 impervious surface and building coverage maximums;
 3. The installation of plantings will mitigate the visual impact of the blacktop;
 4. That the applicant has explained the benefit to his family's use of property by granting the variances and no detriment to the neighborhood or to the community has been identified.
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2. 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. 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 Gewirz read the Public Hearing Notice into the record.

The members of the Zoning Board declared that a Building Coverage variance is no longer required, because the deck is less than 3 feet above grade.

3. 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, Applicant's Attorney, was present and affirmed to tell the truth. Mr. Emanuel stated the last time they were here was October 29, 2025 and there was concern about whether a wetlands permit was needed. Mr. Emanuel stated that the Wesley Hills Planning Board addressed wetlands in its 2010 decision.

Rhonda Smith, Civil Tech Engineer, was present and affirmed to tell the truth. Ms. Smith stated that they have eliminated 12 parking spaces to reduce the impervious surface, reducing the variance to .44 along with rain gardens.

Chairman Gewirtz read a letter of support into the record:

Deborah Munitz, 5 Rose Hill Road, Suffern, NY sent a letter in support of this application.

Chairman Gewortz asked if anyone from the public wished to speak.

Neil Marcus, 46 John St New City, was present and affirmed to tell the truth. Mr. Marcus provided a brief history of the state fresh water wetland law that was updated in January 2025. Mr. Marcus provided the board with handouts which he described each page. Mr. Marcus wanted to make sure that the Board had been given the correct information before making a decision. Mr. Marcus also feels that having this type of work ruins the character of the neighborhood.

Deborah Munitz, 5 Rose Hill Rd, was present and affirmed to tell the truth. Ms. Munitz stated that she had sent an email in support of this application. Ms. Munitz stated that she has served on ROSA 4 since 2011 and the statements in her letter are made from her personal knowledge and research. Ms. Munitz feels that there are enough findings that support the granting of this variance.

Gorden Wren, 3 Rockwood Ln, was present and affirmed to tell the truth. Mr. Wren stated that he has lived in Wesley Hills all of his life. Mr. Wren stated that he is in favor of this application.

Stuart Zelmanovitz made a motion to close the Public Hearing, seconded by Anita Hajioff.

Chairman Gewirtz stated that if the variance should be granted and if the DEC change affects the application, then it would be up to the Planning Board.

Doris Ulman, Assistant Village Attorney, stated that there is a court order approving stipulations that were agreed to by the then Village Trustees for the Wickes use of the property.

Stuart Zelmanovitz made a motion to approve the Application, seconded by Anita Hajioff. Upon vote, this vote carried unanimously.

**In the Matter of the Application of
IJJ, LLC – Ira Wickes
Premises 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**

WHEREAS, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by IJJ, LLC – Ira Wickes Arborist 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 service having impervious surface ratio of .46 instead of the maximum permitted of .25, and

WHEREAS, after due notice, a public hearing on said application was held by the Zoning Board of Appeals on September 17, 2025, which was continued on October 29, 2025, and December 29, 2025; and

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

That the applicant received Special Permit and site plan approval from the Wesley Hills Planning Board in 2010 for an arborist use, which approval was overturned by the Appellate Division of the State Supreme Court in 2017 for abusing its discretion by, among other things, approving a site plan that was in violation of the Wesley Hills Zoning Law in that the impervious surface ratio for the use was

.44 instead of the maximum permitted of .25;

That the applicant re-applied to the Wesley Hills Planning Board for Special Permit and site plan approval and received a coordinated negative declaration on February 26, 2025;

That thereafter the applicant applied to the Zoning Board of Appeals for the impervious surface variance that is presently before the Board;

That the surface of the property is packed gravel, is used primarily for the parking of the applicant's vehicles and storage of materials and has remained substantially the same for more than 54 years;

That applicant will improve drainage and aesthetics at the site by installing rain gardens and other water retention facilities, and

WHEREAS, members of the Zoning Board of Appeals visited the site and viewed existing conditions thereon; and

WHEREAS, a former neighbor appeared in opposition to the application alleging , among other things, 1) that the use is in violation of the Village Zoning Law; 2) that there are State and Village wetlands on the site that have not been addressed by any governmental agency; 3) that the impervious surface ratio is actually greater than .46 and the applicant's engineer has not included some surfaces in her calculations; and

WHEREAS, the applicant agreed to remove 12 parking spaces from the site, thereby reducing the impervious surface ratio to .44, and

WHEREAS, several persons appeared in support of the application,

NOW, THEREFORE, BE IT RESOLVED, that the application submitted by IJJ, LLC- Ira Wickes,Arbonist, for a variance from the provisions of Section 230-17 Attachment I of the Code of Wesley Hills to permit the maintenance and use of an arborist facility having an impervious surface ratio of .46 is hereby amended by reducing said request to .44, and be it further

RESOLVED, that the amended application for an impervious surface variance of .44 is hereby granted, subject to approval of Special Permit and site plan by the Wesley Hills Planning Board and compliance with all GML review letters, and be it further

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

1. That the Arborist services are expressly permitted in the R-35 Zoning District subject to Special Permit approval by the Wesley Hills Planning Board pursuant to Village Code Section 230-26N. This application arises in the context of an application to the Planning Board for Special Permit and site plan approval;
2. That the Zoning Board of Appeals takes judicial notice of the Stipulation of Settlement and Court Order in 2004 that created the arborist use as a Special Permit use in the R-35 Zoning District;
3. That the Planning Board, as Lead Agency under SEQRA, granted a negative declaration on May 26, 2010(Resolution No, 10-16) which was reaffirmed on February 26, 2025 (Resolution

- No. 25-2);
4. That uncontroverted testimony exists in the record that the impervious surface of the property has not significantly changed since 1972;
 5. That the alleged difficulty results from a pre-existing physical condition and the needs of the applicant;
 6. That although the impervious surface variance is substantial, water runoff will be mitigated by the drainage system and rain gardens to be constructed on site which will improve conditions on the property;
 7. That the Village Planner has reported that the wetlands on the property are Village, not State wetlands, and the Planning Board addressed the wetlands issue in its negative declaration decision of 2010;
 8. That the variance granted reflects a reduction in the magnitude of the variance sought and is the minimum variance needed to provide the relief sought by the applicant;
 9. That the Wesley Hills Planning Board has determined that no substantial environmental or ecological issues will result from approval of the use;
 10. That the benefit to the applicant by granting the variance is substantial in that it cannot function without the parking areas on site whereas there is no new detriment to the neighborhood or to the community by granting the variance.

4. 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 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, Applicants contractor, was present and affirmed to tell the truth. Mr. Steinfeld stated they are asking for new variances for the pool and cabana that have already been built. Mr. Steinfeld stated that the Building Inspector approved the permit for the cabana that was constructed

Chairman Gewirtz read letters of support into the record.

Michael Sussholz of 28 Charlotte Dr, supports this application.
Mr. & Mrs. Perkowski of 13 Charlotte Dr, supports this application.
Susan Rosenberg of 1 Charlotte Dr, supports this application.
Eliot Trainer of 9 Charlotte Dr, supports this application.

Nik Davidson of 11 Charlotte Dr, supports this application.
Samuel Book, MD of 15 Deerwood Road, supports this application.
Mr. & Mrs. Muller of 17 Deerwood Road, supports this application.
Yoav Stern of 18 Charlotte Dr, supports this application.
Mr. Mendel Rosen of 26 Charlotte Drive, supports this application.
Israel Dahan of 20 Charlotte Dr, supports this application.
Moshen Rosenberg of 6 Charlotte Dr, supports this application.

Chairman Gewirtz asked if anyone from the public wished to speak.

No one wished to speak.

Ms. Ulman stated that the previous variance granted was for the cabana, which was 375 sq feet and now the cabana is larger at 765 sq feet, which now changes the impervious surface along with the building coverage.

Chairman Gewirtz stated that the cabana is double the size.

Mr. Steinfeld stated that the side yard is very narrow and reminded the board that the neighbor, Mrs. Abrams is in favor of this application.

Chairman Gewirtz stated that this is not the first time that people have obtained variances, only to completely ignore them and construct something completely different. Chairman Gewirtz stated that there are 3 members present tonight, and he needs more guidance from other members.

Ms. Ulman stated that she will review the approved building permit.

Chairman Gewirtz made a motion to adjourn this application until January 21, 2026, seconded by Stuart Zelmanovitz. Upon vote, this carried unanimously.

5. 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.

To be adjourned

Chairman Gewirtz made a motion to adjourn this item until April 22, 2026, seconded by Stuart Zelmanovitz. Upon vote, this carried unanimously.

DISCUSSIONS

6. Letter received from the attorney for Jay Court Subdivision to abandon the September 2025 variance.

The Board received a letter from the attorney for th applicant to abandon the September 25, 2025, variances,

WHEREAS, Pomona Enterprises Corp. on behalf of Jay Court Holdings LLC, received subdivision approval for the resubdivision of a three-lot subdivision into two lots at premises known as 106 East Willow Tree Road, 108 East Willow Tree Road and 2 Charlotte Drive, in the Village of Wesley Hills, and

WHEREAS, in conjunction therewith, on September 17, 2025, the Zoning Board of the Village of Wesley Hills granted variances to the resubdivided Lot No. 1 to permit frontage of 35 feet on East Willow Tree Road and frontage of 86 feet on Charlotte Drive, and

WHEREAS, the attorney for the owner of said lots has informed the Zoning Board of Appeals that the owner has abandoned the resubdivision and is also abandoning the variances granted on September 17, 2025, and

WHEREAS, the attorney for the owner has also informed the ZBA that the subdivision had not been filed with the Rockalnd County Clerk,

THEREFORE, BE IT RESOLVED, that based upon information provided to the Zoning Board of Appeals by the attorney for the owner of premises known as 106 East Willow Tree Road, 110 East Willow Tree Road and 2 Charlotte Drive, the resolution and variances granted by the Zoning Board of Appeals to these properties on September 17, 2025, is hereby vacated and declared to be null and void.

7. Discussion of the Proposed Zoning Law Amendment Regarding Sidewalks.

Camille Guido-Downey, Village Clerk, was present. Ms. Downy stated that the Village of Wesley Hills never legalized this section of the code, and they never had a prior notice for litigation. The Board had no comment regarding the local law.

APPROVAL OF MINUTES

8. November 12, 2025

Anita Hajioff made a motion to accept the Zoning Board of Appeals minutes, seconded by Stuart Zelmanovitz, subject to a correction on page 2. Upon vote, this motion carried unanimously.

9. EXECUTIVE SESION

Chairman Gewirts made a motion to adjourn to Executive Session to discuss litigation, seconded by Stuart Zelmanovitz. Upon vote, this motion carried unanimously.

ADJOURNMENT

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

Respectively submitted,

Stephanie Caputo
Secretary to the Planning and Zoning Boards