



## ZONING BOARD OF APPEALS MEETING MINUTES

June 18, 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:

Stefanie Collantes, Acting Chairwoman  
Richard Weinberger, Member  
Randi Marlin, Member  
Anita Hajioff, Ad Hoc

### MEMBERS ABSENT:

Jonathan Gewirtz, Chairman  
Barry Rozenberg, Ad Hoc  
Stuart Zelmanovitz, Member

### 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 – 38 Willow Tree Road

Chairwoman Collantes 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.

Todd Rosenblum, the applicant's architect, was present and affirmed to tell the truth. Mr. Rosenblum stated that the Board has seen this property recently, as the applicant was granted a side yard variance and a total side yard variance for an addition to the home in April 2025. Mr. Rosenblum stated that the building permit for the cabana was issued in December 2024, and the approved plan shows the square footage of the cabana at 2,337 square feet. Mr. Rosenblum stated that when the application for the addition was being reviewed by the Village Engineer, one of their comments was that the Village Code reads that an accessory building is not to be more than 900 square feet in size without Zoning Board approval, and an accessory structure is to be no more than 2,500 square feet without Planning Board approval. Mr. Rosenblum stated that the Building Inspector mistakenly issued the permit under the "accessory structure" definition as opposed to the "accessory building" definition, as stated in the Inspector's referral letter to the Zoning Board. Mr.

Rosenblum stated that the structure has been under construction for (6) months, and the foundation and framing of the cabana were completed by February 2025. Mr. Rosenblum reminded the Board that this is a larger property, so the accessory structures/buildings are not on top of each other, the applicant owns the neighboring property, and the properties to the front and rear of the home are a church and a wooded area. Mr. Rosenblum added that this is not a self-created hardship, that the applicant was issued a permit for this project by the Village, commenced construction and was surprised to learn of the discrepancy with their application.

Doris Ulman reads Section 230-14O(5) and (6) of the Code into the record. Ms. Ulman stated that the difference between them is that a building has walls (i.e. cabana, shed) and a structure does not (i.e. pool, sports court).

Chairwoman Collantes stated that the site visit previously conducted by the Zoning Board was not a complete walk through of the property, and they did not focus on the construction of the cabana; therefore, the Board will schedule a site visit for July 13, 2025.

Chairwoman Collantes questioned if anyone from the public would like to speak.

Nate Samuels, 7 Steinway Court, was present and affirmed to tell the truth. Mr. Samuels stated that he was also in front of the Zoning Board recently for a project on his home. Mr. Samuels believes that this application for a cabana is outrageous in size, that the inspector issued the permit with the knowledge that the cabana was to be considered a building rather than a structure, and approving the application for an accessory building of this size would set a precedent for larger buildings being constructed which opens the door for multi-family housing in the Village.

Chairwoman Collantes read the Building Inspector's referral letter to the Board dated May 28, 2025, into the record.

Chairwoman Collantes questioned if anyone else 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 July 16, 2025 meeting and schedule a site visit for July 13, 2025, seconded by Anita Hajioff. Upon vote, this motion carried unanimously.

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

Chairwoman Collantes 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. Mr. Mayerfeld asked the Board to override paragraph (1) of the Rockland County Planning Department letter because applicant is using pervious pavers wherever feasible.

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

Chairwoman Collantes questioned if anyone from the public would like to speak.

No one from the public chose to speak.

Chairwoman Collantes made a motion to approve the following resolution and to override paragraph (1) of the Rockland County Planning Department letter, seconded by Anita Hajioff:

In the Matter of the Application of  
Moshe Lichtenstein on behalf of Four Grand Park LLC  
Premises 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

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills by Moshe Lichtenstein on behalf of Four Grand Park LLC 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 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% 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 May 21, 2025, which hearing was continued on June 16, 2025, and

**WHEREAS**, the applicant appeared by his architect and his engineer, who testified as follows:

That the impervious surface ratio variances requested are small because applicant is using pervious pavers wherever feasible;

That the 3% slope of the driveway starts at 13 feet instead of 20 feet and does not create any safety problems;

That there will be no increase in water runoff resulting from the project and the applicant will comply with all recommendations of the Village Engineer, and

**WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed the location of the proposed driveway, and

**WHEREAS**, the Village Engineering Consultant issued a letter stating that the proposed driveway slope of 3% in the first 13 feet instead of the first 20 feet from the edge of curb is insignificant and will not create safety or drainage hazards; and

**WHEREAS**, the applicant submitted several letters in support of the application and no one appeared in opposition,

**NOW, THEREFORE: IT IS HEREBY DETERMINED** that the proposed action is a Type II action and no SEQRA determination is required, and be it further

**RESOLVED**, that the application submitted by Moshe Lichtenstein on behalf of Four Grand Park LLC 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 and semicircular 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% instead of the maximum permitted of 3%, site grading plan C-030.00 dated May 5, 2025, is hereby approved, subject to the following:

1. GML review letter from the Rockland County Department of Planning dated June 11, 2025 except that the Zoning Board of Appeals overrides Paragraph 1 of such letter because the applicant has used pervious pavers where feasible and the impervious surface ratio variances requested are minimal;
2. Rockland County Sewer District No. 1 review letter dated May 12, 2025;
3. Rockland County Center for Environmental Health letter dated June 18, 2025; and be it further

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

1. That the impervious surface ratio variances requested are minimal and the applicant is using pervious pavers where feasible;
2. That the Village Engineering Consultant has advised the Board that the slope differential is minimal and the Board has viewed the slope on site and agrees with the Engineer's opinion;
3. That no environmental or ecological detriment to neighboring properties or to the community has been identified or alleged;
4. That the benefit to the applicant by granting the variances is substantial whereas no detriment to adjoining properties or to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

### **ITEM #3- CONTINUED PUBLIC HEARING – 91 Spook Rock Road**

Chairwoman Collantes 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 for safety purposes and straightened to include, for one lot only, and contributes to the larger variance.

Chairwoman Collantes questioned if anyone from the public would like to speak.

No one from the public chose to speak.

Chairwoman Collantes stated that the increased impervious surface ratio is for improving the driveway and parking area, and made a motion to approve the following resolution, seconded by Randi Marlin:

In the Matter of the Application of  
Jacob Fried

Premises 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

**WHEREAS**, application has been made to the Zoning Board of Appeals of the Village of Wesley Hills 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 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, and

**WHEREAS**, after due notice, a public hearing was held on April 24, 2025, which hearing was continued on May 21, 2025 and June 16, 2025, and

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

That this lot is a flag lot that was part of a two lot subdivision that was approved and received variances in 2017;

That the original driveway is being widened for safety and straightened so that it is completely on the applicant's lot;

That the turnaround/parking area is being enlarged to accommodate an enclosed garbage area;

That the front yard variance is caused by the construction of a roof over the existing stairs and will not extend the front of the existing residence;

Although this lot is not visible from the street the applicant will provide extensive screening; and

**WHEREAS**, members of the Zoning Board of Appeals visited the site and viewed the existing and proposed improvements; and

**WHEREAS**, no one appeared in opposition to the application,

**NOW, THEREFORE, IT IS HERREBY 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 Jacob Fried for variances from the provisions of Section 23017 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 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 are hereby granted subject to the following conditions:

1. Compliance with Rockland County Planning Department GML review letter dated May 8, 2025;
  2. Compliance with Rockland County Highway Department letter dated April 8, 2025;
  3. Compliance with Rockland County Sewer District No. 1 letter dated April 11, 2025;
- And be it further

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

1. That the front yard variance is minimal and does not increase the footprint of the existing residence;
2. That the front yard impervious surface ratio is only a 7% increase over the existing and serves both the front lot at 89 Spook Rock and the rear lot at 91 Spook Rock so that its impact is no greater than if there were two separate driveways for the two lots;
3. That if not for the long driveway there would be no need for the overall impervious surface ratio variance;
4. That no environmental or ecological impacts to adjoining properties or to the neighborhood has been identified;
5. That the benefit to the applicant by granting the variances is substantial whereas no detriment to the neighborhood has been identified.

Upon vote, this motion carried unanimously.

#### **ITEM #4- APPROVAL OF MINUTES – APRIL 24, 2025**

Chairwoman Collantes made a motion to approve the Zoning Board of Appeals minutes of April 24, 2025, seconded by Anita Hajioff. Upon vote, this motion carried unanimously.

#### **ADJOURNMENT**

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

Respectfully submitted,  
Alicia Schultz