

**Village of Wesley Hills  
Planning Board – January 7, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:40 p.m.

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Marvin Finker, Uri Kirschner, William Fried, Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Liz Mello-Village Engineer, Janice Golda-Deputy Village Clerk

Absent: Don Isenberg, Ester Ben-Dov-Shucht – First Alternate, Jeff Osterman-Village Planner

**DECISION ON THE APPLICATION OF DALZELL MANAGEMENT FOR A REVISION TO A PREVIOUSLY APPROVED SITE PLAN.** Affecting property located on the west side of Route 306, at the corner of East Willow Tree Road. Known as Tax Parcel ID#41.11-1-19 on the Ramapo Tax Map.

John Atzl, engineer/surveyor, and Richard Sena of Dalzell Management represented the applicant. Frank Brown read the January 5, 2009 response letter from the Rockland County Dept. of Planning. Mr. Brown referenced Item #2 related to the reduction of parking spaces and explained there seems to be a misunderstanding on the part of the Rockland County Dept. of Planning. Mr. Brown stated that there was no waiver issued when the original site plan was approved. The original site plan parking calculations required 252 spaces and per plan 254 were being provided. Mr. Brown read the Zoning Law on waivers for parking spaces and he stated that if the proposed site plan is for fewer than 252 spaces, it is only the Zoning Board of Appeals who can authorize with a variance.

Marshall Katz explained that if the site plan is approved at this meeting, it would be contingent upon receipt of the required variance from the Zoning Board of Appeals. Mr. Atzl confirmed that presently there are 238 spaces with a proposed further reduction of 7. Mr. Atzl confirmed that the revised plan dated December 15, 2008 includes relocation of the compactor pad, the addition of no parking/fire zone signs, and the other Board requested signage changes.

Vera Brown motioned to adopt the following resolution. William Fried seconded.

**Resolution #09-1**

WHEREAS, Wesley Hills Center L.L.C. has applied to the Planning Board for approval of a revised site plan for premises known as Wesley Hills Plaza and located at 455 Route 306, designated on the Town of Ramapo Tax Map as Section 41.11, Block 1, Lot 19, and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on March 26, 2008, at 7:30 P.M., and was continued on April 30, 2008, June 25, 2008, July 23, 2008, August 27, 2008, and December 3, 2008, at which times all interested parties present were given an opportunity to be heard, and

WHEREAS, said revised site plan was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and

WHEREAS, by letter report dated January 5, 2009 the Rockland County Department of Planning notified this Board that it had approved the proposed revised site plan subject to conditions set forth therein,

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined in the State Environmental Quality Review Act (SEQRA) for the reasons that (1) no additional construction is proposed, (2) the project is limited to relocation of refuse containers and revision of the internal traffic pattern to enhance traffic safety, and (3) there are no other potentially significant adverse environmental impacts that are foreseeable from the proposed project, and

BE IT FURTHER RESOLVED, that the waivers and reductions pursuant to Sections 7.2.4, 10.10.2.1, and 10.10.3.1 of the Zoning Law of the Village of Wesley Hills, as set forth in Resolution # 91-5 dated March 27, 1991 granting approval to the previous site plan for the said premises, shall remain in full force and effect for the reasons set forth in that resolution, and

BE IT FURTHER RESOLVED, that said site plan application is hereby approved for the site plan entitled "Site Plan of Property for Wesley Hills Center L.L.C.: Village of Wesley Hills, Rockland County, New York", dated August 20, 2007 and last revised December 15, 2008, prepared by Atzl, Scatassa & Zigler, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letter report of the Rockland County Department of Planning dated January 5, 2009.
2. The applicant shall obtain a variance from the parking requirement from the Zoning Board of Appeals. This approval shall not take effect in the absence of such variance.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

**Motion Approved**

**DISCUSSION ON THE REQUEST BY WESLEY PLAZA FOOD CORP., d/b/a MEAL MART, AND WESLEY KOSHER SUPERMARKET TO REVISE THE WESLEY SHOPPING CENTER'S PREVIOUSLY APPROVED SITE PLAN.**

Affecting property located on the west side of Route 306, at the corner of East Willow Tree Road. Known as Tax Parcel ID#41.11-1-19 on the Ramapo Tax Map.

Ryan Karben, Esq., represented the applicants. Mr. Karben explained that the present violations before the Village Court are for storage/refrigeration units in the rear of Meal Mart and Wesley Kosher Supermarket. Mr. Karben indicated these units were not part of the original site plan and are "to be removed" on the revised site plan that was approved at this meeting. Mr. Karben confirmed that Dalzell Management consented to his clients' application to re-evaluate these storage units. Mr. Karben stated that he had preliminary conversations with Liz Mello, Frank Brown and Jeff Fortunato about contemplating changes to the recently approved site plan and it was suggested he work with the Village Technical Advisory Committee (TAC) to assess feasible solutions. Mr. Karben indicated that he is aware that the Village's primary concern is safety/traffic flow with the fire/loading zones in the rear.

Marshall Katz explained that if the shopping center can operate the way it is supposed to with some reasonable configuration for these storage units, then it could be considered. If not, it is a dead issue. Liz Mello recommended doing a site visit during the TAC meeting to assess the clients' proposed placement of these units since there are deliveries going on all day long. Mr. Karben informed the Board that the existing hydraulic lift behind Wesley Kosher Supermarket was not shown on the recently approved site plan and that one of the storage units is much smaller than indicated on the plan. Liz Mello stated that any changes related to this application would require creating a new revised site plan.

The Board agreed to the applicants' request for a TAC meeting.

**PUBLIC HEARING ON THE PRELIMINARY AND FINAL PLAT APPLICATIONS FOR SOL MOSKOWITZ FOR A PROPOSED TWO-LOT SUBDIVISION.** Affecting property located on the north side of East Willow Tree Road, 330 feet west of Deerwood Road. Known as Tax Parcel ID#41.08-1-44 on the Ramapo Tax Map.

Marshall Katz confirmed with Janice Golda that all public notices were published, mailed and posted. Marshall Katz opened the public hearing and asked if anyone wished to speak. No person wished to speak.

John Atzl, of Atzl, Scatassa & Zigler, P.C., and Sol Moskowitz represented the application. Marshall Katz asked Mr. Moskowitz to submit a planting plan that meets the approval of the Village Engineer and the Village Planner. Mr. Moskowitz responded that due to area limitations a fence would be installed at which time Vera Brown suggested that he erect one that is reasonably attractive.

Frank Brown confirmed to the Planning Board that a landscaping plan was a condition (#5) stipulated in the Zoning Board of Appeals' decision on the approved variance. Liz Mello read the requirements stated in the December 4, 2008 letter from the Town of Ramapo Department of Public Works which need to be satisfied. Liz Mello stated the preliminary plan can be approved at this meeting but the outstanding items need to be addressed prior to final approval.

Marshall Katz motioned to close the public hearing for preliminary plat approval. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes.

**Motion Approved**

Marshall Katz motioned to adjourn the public hearing for final plat approval until January 28, 2009. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes.

**Motion Approved**

Uri Kirschner motioned to adopt the following resolution. William Fried seconded.

**Resolution #09-2**

WHEREAS, a formal application from Sol Moskowitz and Vilma Partridge for approval of a preliminary plat entitled "Moskowitz, Village of Wesley Hills, Rockland County, New York, Subdivision Plat", dated February 27, 2007 and last revised November 5, 2008, prepared by Atzl, Scatassa & Zigler, P.C., affecting property on the northerly side of East Willow Tree Road designated on the Town of Ramapo Tax Map as Section 41.08, Block 1, Lot 44, in an R-35 District, was received by the Planning Board on November 12, 2008, and

WHEREAS, a duly advertised public hearing was held on said application and preliminary plat at the Village Hall, 432 Route 306, Wesley Hills, New York on January 7, 2009, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on April 8, 2008, the Zoning Board of Appeals of the Village of Wesley Hills granted a variance for such subdivision subject to conditions set forth therein, all of which have been satisfied or are required to be satisfied by the conditions of this Resolution,

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed subdivision will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and hereby issues a Negative Declaration in accordance with SEQRA, because the increased vehicular traffic, water demand, and use of sewer capacity resulting from the construction of only one new residence will not cause any significant adverse

impacts, the proposed drainage system will result in zero net increase in stormwater runoff as well as some mitigation of existing drainage problems, and the proposed fence and plantings will shield adjoining properties from visual impacts associated with the vehicular use of the proposed new driveway, and

BE IT FURTHER RESOLVED, that said preliminary plat is hereby approved subject to the following conditions:

1. Compliance with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated December 4, 2008, a copy of which letter is attached to this Resolution and made a part hereof.
2. Compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variance.
3. Elimination of Note 22 from the plat.
4. Addition of a temporary grading and work easement in favor of Lot 2 over Lot 1.

and BE IT FURTHER RESOLVED, that the Planning Board finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Village of Wesley Hills. The proposed development will result in an increased resident population, and increased use of existing recreational facilities, and an increased demand for additional recreational facilities within the Village of Wesley Hills. The Planning Board further finds that a park of adequate size cannot be properly located on the subject property due to environmental and topographic constraints and inadequate public access. Therefore, in lieu of a dedication of land for park and recreation purposes, a recreation fee of \$5,000.00 shall be paid to the Village of Wesley Hills for one lot only (because the said subdivision shall result in the creation of only one additional residence). Such fee shall be paid at or prior to the time of signing of the plat by the Chairman of the Planning Board.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

**Motion Approved**

**APPLICATION OF ESTHER LEMPEL FOR A WETLANDS PERMIT.**

Affecting property located on the south side of Rockwood Lane. Known as Tax Parcel ID#32.19-2-20.2 on the Ramapo Tax Map.

David Leiser of Jada Construction and Morton Lempel represented the applicant. Mr. Leiser gave an overview of the application and Liz Mello, Village Engineer, reviewed her January 2, 2009 comment letter addressing regrading of the rear yard and untested landfill. The Village Engineer expressed satisfaction with the present plot plan.

Marshall Katz motioned to adopt the following resolution. Marvin Finker seconded.

**Resolution #09-3**

RESOLVED, that a public hearing on a Wetlands Permit application by Esther Lempel for property located on the southerly side of Rockwood Lane, designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 20.2, for authorization to construct a new residence and regrade the rear yard within 100 feet of the boundary of a freshwater wetland, will be held before the Planning Board of the Village of Wesley Hills on the 28<sup>th</sup> day of January, 2009 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

**Motion Approved**

**APPROVE 12/3/08 PLANNING BOARD MINUTES.**

Marshall Katz motioned to approve the December 3, 2008 Planning Board minutes.

Marvin Finker seconded.

Vote: Marshall Katz-Yes, Marvin Finker-Yes, Uri Kirschner-Yes

**Motion Approved**

Meeting adjourned 8:55 p.m.