

**Village of Wesley Hills
Planning Board – October 28, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:33 p.m.

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

Also Present: Frank Brown-Deputy Village Attorney, Liz Mello-Village Engineer, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk, Michael Bontje-Village Consultant

Absent: Ester Ben-Dov-Shucht-First Alternate

PUBLIC HEARING ON THE FINAL PLAT APPLICATION OF STEVEN KRIESBERG FOR A PROPOSED TWO-LOT SUBDIVISION ENTITLED BELMAR ESTATES. Affecting property located on the north side of Belmar Court. Known as Tax Parcel ID#32.14-1-2 on the Ramapo Tax Map.

Mark Kurzmann, Esq. represented the applicant and explained to the Board the reason for re-submitting the final plat that had previously been approved.

Marshall Katz confirmed with Janice Golda that the public hearing was published, mailed and posted. Marshall Katz opened the public hearing and asked if anyone wished to speak and no one wished to speak.

Marvin Finker motioned to close the public hearing. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes.

Motion Approved and public hearing closed.

Marshall Katz motioned to re-approve the final plat with the identical conditions that were imposed when originally approved. Vera Brown seconded.

Resolution #09-21

WHEREAS, on June 25, 2008, by Resolution #08-14, conditional subdivision approval was granted to the subdivision known as Belmar Estates, affecting property on the southerly side of Route 202 and the northerly side of Belmar Court, designated on the Town of Ramapo Tax Map as Section 32.14, Block 1, Lot 2, in an R-50 District, which conditional approval was subsequently extended until June 20, 2009, and

WHEREAS, such conditional approval expired without the signing of the final plat for such subdivision due to uncertainty concerning the actual boundary of the subject property with Belmar Court, which uncertainty was not known to the applicant at the time of

final plat approval, and thereafter the applicant advised this Board that he intended to re-submit the subdivision plat for approval as soon as possible after resolution of such uncertainty, and

WHEREAS, on June 24, 2009, by Resolution #09-16, this Board granted permission to the applicant to proceed directly to a public hearing on final approval of the re-submitted plat, with approval of the sketch plat and the preliminary plat deemed to have been granted, provided that (1) the complete re-submitted application for approval of such final plat would be filed with the Village Clerk no later than August 23, 2009 and (2) the re-submitted final plat would be identical in all material respects with the previously approved final plat, except for any alterations that were necessitated by the resolution of the uncertainty concerning the street boundary of the said property, and

WHEREAS, Steven Kreisberg has complied with both conditions by filing, on August 20, 2009, a formal application for re-approval of a final plat entitled "Subdivision Plat, Belmar Estates, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated September 6, 2006 and last revised August 20, 2009, prepared by Sparaco Engineering & Land Surveying, PC, which plat is identical to the previously approved final plat except for the addition of a new Note 33 explaining the location of the street boundary, and

WHEREAS, a duly advertised public hearing was held on said application and final plat at the Village Hall, 432 Route 306, Wesley Hills, New York on October 28, 2009, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on July 18, 2007, the Zoning Board of Appeals of the Village of Wesley Hills granted a variance for such subdivision subject to conditions set forth therein, both of which have been satisfied or are required to be satisfied by the conditions of this Resolution, and

WHEREAS, said final plat had been referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated April 18, 2008, the Rockland County Department of Planning notified this Planning Board that it had approved the final plat for such subdivision subject to conditions set forth therein, and

WHEREAS, heretofore on June 25, 2008, by Resolution #08-13, this Planning Board determined 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 no change has been made in the final subdivision plat which would alter such determination, and

WHEREAS, the requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning Board or, in his absence, the Deputy Chairman, is hereby authorized to endorse such approval on said plat upon compliance by the applicant with the following conditions. This conditional approval shall expire 180 days from the date of this Resolution if the applicant has not complied with such conditions, unless the applicant shall have obtained from this Planning Board an extension of such time of conditional approval pursuant to the provisions of said Subdivision Regulations.

1. Modification of Subdivision Plat and Construction Plans

- The following modifications to the subdivision plat and construction plans shall be required:

- a. The plat and construction plans shall comply with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variance.
- b. Staking of the westerly property line to confirm, to the satisfaction of the Village's planning consultant, that the proposed landscaping plan is appropriate for the site and complies with the requirements of the aforementioned decision of the Zoning Board of Appeals.

2. Compliance with Conditions of Rockland County Department of Planning –

The developer shall comply with all conditions set forth in the letter report of the Rockland County Department of Planning dated April 18, 2008, a copy of which letter report is attached to this Resolution and made a part hereof.

3. Compliance with Conditions of Rockland County Department of Health

- The developer shall obtain the approval of the Rockland County Department of Health concerning mosquito control, and shall comply with any conditions of such approval.

4. Covenant – An executed covenant shall be prepared, in form satisfactory

to the Village Attorney, providing for the maintenance of the common driveway serving Lots 1 and 2 equally by the owners of those lots. Such covenant shall be recorded in the Rockland County Clerk's Office simultaneously with the filing of the plat.

5. Maintenance Agreement – An executed agreement between the property

owner and the Village shall be prepared, in form satisfactory to the Village Attorney, providing for the maintenance of the detention system serving said subdivision, which agreement shall be recorded in the Rockland County Clerk's Office simultaneously with the filing of the plat.

6. Letter of Credit Waived – Because there are no required public improvements,

no letter of credit shall be required to be filed prior to the signing of the plat by the Chairman of the Planning Board.

7. Money in Lieu of Recreation Land – 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, an 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 per lot 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.

8. Additional Documents Required - Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall prepare and deliver to the Village of Wesley Hills all legal documents required by the Subdivision Regulations in form suitable for recording and satisfactory to the Village Attorney. The deeds conveying to the Village of Wesley Hills and the Town of Ramapo the interests in real property as shown on the plat shall set forth that each such conveyance is for general municipal purposes and shall be accompanied by a title insurance binder showing clear title and a paid bill from the title company.

9. Waiver - The Planning Board hereby waives the following requirements of the Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or in proximity of the subdivision.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes.

Motion Approved

APPLICATION CONTINUATION FOR VERIZON WIRELESS FOR A SPECIAL PERMIT AND SITE PLAN FOR A WIRELESS COMMUNICATIONS SERVICES FACILITY. Affecting property located on the west side of Spook Rock Road 370' north of Joy Road. Known as Tax Parcel ID#41.5-1-23.

Daniel Nottes, Esq. representing the applicant gave a brief overview and update on the site plan revisions resulting from the October 7, 2009 TAC meeting with the Village consultants, Liz Mello, Village Engineer and Village Planner Jeff Osterman, which included, but not limited to, relocating the monopole 20 feet further north into the wooded property, reducing the number of trees to be removed by about 50% and adding screening in the front. Liz Mello asked that the 100 foot pole be expandable and Marshall Katz also confirmed that the pole will be in the style of a faux tree, will have the option for additional co-location, and will be collapsable within property lines.

Mr. Nottes informed the Board that there will be a balloon test on November 16, 2009 with a raindate of November 18, 2009. Mr. Nottes requested a public hearing for the December 2, 2009 meeting. Liz Mello asked for a list of where pictures will be taken and recommended

notifying the Palisades Interstate Park Commission and Rockland County Division of Environmental Resources.

Marvin Finker asked Mr. Nottes to explain the maintenance responsibility for the trees south of the site should there be future antennae interference affecting radio transmission, which he did. Mr. Nottes submitted to the Board the Drainage Report dated October 8, 2009 together with the Supplemental Drainage Report dated October 27, 2009.

Marshall Katz motioned to adopt the following resolution. Vera Brown seconded.

Resolution #09-22

RESOLVED, that a public hearing on the application of New York SMSA Limited Partnership d/b/a Verizon Wireless for a special permit and site plan approval for a wireless communication services facility on premises located on the westerly side of Spook Rock Road known as 15 Spook Rock Road and designated on the Town of Ramapo Tax Map as Section 41.5, Block 1, Lot 23, will be held before the Planning Board of the Village of Wesley Hills on the 2nd day of December, 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, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

Motion Approved

APPLICATION FOR CONGREGATION BAIS YAKOV YOSEF OSTROW FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL FOR A SYNAGOGUE ADDITION TO A SINGLE FAMILY RESIDENCE. Affecting property located on the southwest corner of the intersection of Skylark Drive and Ridgeway Terrace. Known As Tax Parcel ID#41.16-1-79.

Todd Rosenblum of Adaptive Architecture along with Anthony Celantano, Engineer, represented the applicant. Mr. Rosenblum reviewed the revisions to the site plan resulting from the September 10, 2009 and October 7, 2009 TAC meetings with the Village Engineer, Liz Mello, and the Village Planner, Jeff Osterman. Mr. Rosenblum explained that this project has a residential component and that it is not on a major road, and therefore potential options for off-site and on-street parking become available under the Neighborhood Gathering Law. Mr. Rosenblum gave a brief overview of the latest plans. Mr. Rosenblum explained that the men's Mikvah which presently exists in the rabbi's residence will only be used, at most, for a couple of Rabbi Schik's male friends. Marshall Katz asked Mr. Rosenblum to include the Mikvah specifics in the application narrative.

Marshall Katz asked if the multipurpose room will be used/rented by outside groups for functions and Mr. Rosenblum responded he was not sure and will verify this with the rabbi. Marshall Katz stated it is important that the multi-purpose room be used only in conjunction with the synagogue and not a public facility. Mr. Rosenblum described the present screening

which includes, but not limited to, a 6-foot stockade fence, large pine trees, significant screening in between, and also a tremendous hill.

Marshall Katz asked why the street is being used to meet the minimum parking requirement? Mr. Rosenblum explained that Rabbi Schik felt a medium to large parking lot along with lights would be more of an impact on the neighbor(s). Marshall Katz responded that he wanted to get public comments on the proposed parking from neighbors at the hearing before deciding on this plan option. Marshall Katz responded that if the Board approves parking on one side of the street then they would have to approve no parking on the other side of the street. Todd Rosenblum replied that the neighbor across the street submitted a letter in favor of the project and also allowed use of their driveway for 4 parking spaces. Marvin Finker commented about the unusually large funeral recently on Charlotte Drive and how it impacted the residential neighborhood and Todd Rosenblum responded an event of such magnitude is a rare occurrence. It was confirmed that the on street parking spaces are not for overnight parking but rather short term, e.g., an hour in the morning and an hour in the evening.

Jeff Osterman reviewed with the Board his October 24, 2009 memo. One item is to have alternative parking options in case it becomes required following the public hearing. Marshall Katz suggested developing some methodology of how to insure off-site parking. Liz Mello reviewed her October 28, 2009 comment letter with the Board which indicates satisfaction with the 10/12/09 plans and requests a percolation and deep hole test. A site visit was scheduled for November 8, 2009 at 9:30 a.m. Todd Rosenblum recapped that they will show an alternative on-site parking lot location, adding a sidewalk and at the site visit review landscaping, fencing and lighting. Since the project is just under the maximum 25% impervious surface ratio now, Todd Rosenblum stated any additional on-site parking would require an additional special use permit. Marshall Katz reminded Mr. Rosenblum to submit the specific usage details for the existing Mikvah and Liz Mello requested that this info also be forwarded to the Rockland County Health Dept. Janice Golda confirmed that the plans were sent to the Village of New Hempstead for comments as requested by the Rockland County Municipal Planning Board.

Marshall Katz motioned to adopt the following resolution. Don Isenberg seconded.

Resolution #09-23

RESOLVED, that a public hearing on the application of Congregation Bais Yakov Yosef Ostrow for a special permit and site plan approval for a neighborhood gathering on premises located on the westerly side of Ridgeway Terrace and the southerly side of Skylark Drive known as 5 Ridgeway Terrace and designated on the Town of Ramapo Tax Map as Section 41.16, Block 1, Lot 79, will be held before the Planning Board of the Village of Wesley Hills on the 2nd day of December 2, 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, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes.

Motion Approved

APPROVE JULY 13, 2009 PLANNING BOARD MINUTES.

Marshall Katz motioned to approve the July 13, 2009 Planning Board minutes. William Fried seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Uri Kirschner-Yes, William Fried-Yes

Motion Approved

APPROVE JULY 22, 2009 PLANNING BOARD MINUTES.

Vera Brown motioned to approved the July 22, 2009 Planning Board minutes. William Fried seconded.

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

Motion Approved

APPROVE SEPTEMBER 23, 2009 PLANNING BOARD MINUTES.

Don Isenberg motioned to approve the September 23, 2009 Planning Board minutes. Uri Kirschner seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

Motion Approved

At this point, Vera Brown and Frank Brown left the meeting.

SPECIAL PERMIT AND SITE PLAN APPLICATION AND PUBLIC HEARING CONTINUATION OF ROCKLAND TREE EXPERTS CO. INC., D/B/A IRA WICKES FOR AN EXISTING ARBORIST SERVICE. Affecting property located on the south side of McNamara Road, -0- feet west from the intersection of Union Road. Known as Tax Parcel ID#42.13-1-22 on the Ramapo Tax Map.

Due to prior recusal, Frank Brown and Vera Brown did not participate in this application. Present for this application: Ben Selig, Village Attorney.

Marshall Katz summarized the status of the application up to this point. Mr. Katz also reviewed and summarized the Village consultant Michael Bontje's October 23, 2009 response memo to Mr. Marcus' submitted documentation on air quality standards. Marshall Katz reviewed and summarized Mr. Bontje's October 23, 2009 response to Mr. Marcus' submitted documentation on odor and vibration. Mr. Bontje was asked to clarify his comments on odor and he responded that Village Zoning Law 4.5.6 states "No land use shall be permitted which emits any discernible odor outside the building or facility in which the use is conducted" which he interprets as a kind of process being conducted inside a building, e.g., industrial creation of a product or transference of certain ingredients to another product which does not occur in this case.

Mr. Bontje explained that the building in this application is being used for administrative purposes or maintenance of trucks which is not a "process" inside the building and consequently does not apply in this case. Mr. Bontje informed the Board that outside odors are a highly variable constituent where different people are affected at different levels depending on, for example, time of day, conditions of health, etc. The same odor may get completely different responses, e.g., smoke from an outdoor grill. Mr. Bontje explained that

most odor ordinances relate to processes, for example, industrial type processes converting raw goods into another product.

William Fried asked Mr. Bontje about odor from a diesel truck and Mr. Bontje replied that there is an odor but based on the existing local ordinance, it is not inside a building and therefore does not apply. Marshall Katz explained it would be up to the Board to decide on how to deal with this even though there is no existing code or quantitative test to consider.

Ben Selig, Village attorney, asked Marshall Katz to itemize for the record all the documentation submitted by Mr. Marcus which has been reviewed, commented on and/or responded to, e.g., by Village consultant, as opposed to documents submitted for the first time. Mr. Katz replied that all the informative materials submitted by Mr. Marcus on pesticides are not site-specific to the Wickes' property and the pesticides that are being handled on the applicant's site. Mr. Katz explained that the Board recognizes pesticides are bad and have been assured by the Village Fire Inspector, the Rockland County Health Dept. and our Village experts that the Wickes' are handling the pesticides properly to protect the public health. Regarding all documentation submitted on wood dust, Mr. Katz explained that said impact is minimized by not allowing chipping operations on site and enclosing mulch in covered bins. Regarding all documentation submitted on diesel emissions and particulate matter, Mr. Katz explained that testing was conducted on the site to prove levels are below what they should be. Regarding all documentation submitted on health and safety, Marshall Katz explained it did not specifically address the applicant's site. The documentation submitted on Mobil 6.2 was addressed in B. Laing Associates' October 26, 2009 response. Documentation submitted by Mr. Marcus referencing the Rockland County Municipal Planning Board comments on water quality, although not specific to the Wickes' property, was previously addressed. The documentation submitted by Mr. Marcus referencing comments from the Village Fire Inspector and the Village of New Hempstead were previously addressed.

Marshall Katz explained that the documentation submitted by Mr. Marcus relating to the associated zoning law is not under the Planning Board's responsibility during this application process. Mr. Katz informed the Board that the undated letter from Dr. Melanie Rie, Rockland Community College Dept. of Science, referencing a "history of pesticide contamination" did not identify how this statement came about since there is no history of contamination in the Village record. Ira Emanuel, Esq., attorney for Wickes, responded that he is not aware of any record of pesticide contamination and did not know where this information came from.

Mr. Marcus informed the Board that his expert witnesses could not attend the meeting. Mr. Marcus stated that the standards of compliance under discussion are based on 2.5 particulate matter calculations done by the consultants and he questioned whether the model used is the right type for this application. Mr. Marcus read excerpts from an EPA Federal Bulletin dated 3/10/06 relating to limitations of the MOBILE 6.2 model for hotspot localized analysis. Mr. Bontje re-clarified that the standard that applies in the State of New York is the Environmental Procedures Manual of the NYSDOT. MOBILE 6.2 is the model used by the NYSDOT which applies to "idle" and "non-idle" emissions and they used the tables provided in the current standard for the State of New York which is also the standard used by the

DEC. Mr. Bontje informed the Board that models are always under review and he is not aware of any rulemaking by the state on this model or from the EPA that they are replacing this model. Mr. Bontje re-confirmed that standards have been met by a wide margin even when environmentally conservative factors are added in due to underestimation or overestimation.

Mr. Bontje asked Mr. Marcus if the EPA Federal Bulletin dated 3/10/06 referenced at this meeting is one of the documents previously submitted or has yet to be submitted. Mr. Marcus replied the document has not yet been submitted to the Board. Marshall Katz summarized that the studies presently conducted followed NYS standards at this time and Mr. Marcus says we should be testing by standards not yet accepted by NYS.

Marvin Finker and Don Isenberg said we should accept existing standards and Marvin Finker was satisfied with the studies considering the conservative factors used. William Fried asked Mr. Bontje if he would be comfortable if his mother lived next door to this property and Mr. Bontje replied absolutely.

Mr. Marcus continued to express his concerns about the impact on public health and mentioned that 5 of his neighbors died of cancer which he said is not normal. Mr. Marcus asked the Board to evaluate the environmental health impacts from proposed as well as previously allowed uses on this property by conducting a health risk assessment as part of the full environmental impact statement. Marshall Katz asked Liz Mello and Jeff Osterman what is a health assessment review and they responded they have never heard of this being done. Marshall Katz explained that the Board's responsibility is to determine whether the impacts are on the level that require concern and whether we need to protect from this level. Mr. Katz explained that various testing has been done and the level(s) of impact do not justify denial by SEQR. Mr. Marcus disagreed.

Marshall Katz asked Mr. Marcus to provide a definition of his referenced health assessment review. Mr. Marcus responded that the purpose of SEQR is to take a look at impacts that might potentially affect any of the environmental criteria listed in 6.7, e.g., if there is a release of chemicals from a fire, or chemicals get into the water supply, or diesel emissions, what is the potential impact on the neighborhood. Marshall Katz responded that the Board has to determine if all handling meets the requirements of NYS, EPA, and federal laws and whether testing has been done to cover all relevant areas.

Ben Selig, Village attorney, informed the Board that the environmental reviews conducted were designed to be site specific to the use of this property, and everything Mr. Marcus has submitted point in the direction of potential environmental impacts which are not the issue. The issue before this Board is not whether emissions can be detrimental to the health and safety of the community but rather whether the utilization of this property, on a site specific basis, is in fact, defacto detrimental. Mr. Selig suggested to Mr. Marcus and anyone who would like to be heard in opposition to this application to point this Board in a direction of anything site specific that demonstrates that the use of this property in the manner in which it is proposed and/or continues to be used, in fact, presents a potential environmental hazard in violation of applicable standards.

Marshall Katz clarified that SEQR is a very qualitative review and the Board was not comfortable making a decision purely on a qualitative basis and therefore chose to get additional quantitative testing conducted specific to this site which is one of the factors in our SEQR review. The Board will determine very soon, either this month or next month, whether this application has met the standards. Mr. Marcus repeated that he has submitted sufficient information that impacts associated to this site have serious potential health risks and the reason for requesting a full health assessment. Marshall Katz asked Mr. Marcus to write up the definition and specifics of this requested full health assessment.

Jeff Osterman stated that the history of the SEQR law tries to identify what each individual Board in any community in NYS will have to consider to evaluate a project of any kind covering any conceivable project from a single family house to a nuclear power plant. It is not the intention of SEQR, in Mr. Osterman's opinion, to ignore standards or not to use them. Marshall Katz stated that based on the thorough process conducted on this application, including the SEQR review, that the Board is ready to move forward with the application process. Mr. Katz informed Mr. Marcus that any remaining issues be submitted to this Board prior to the next meeting which will then be discussed and if the Board is satisfied with SEQR at that point, a negative declaration will be issued and will move forward with finishing the site plan.

Mr. Marcus stated when the EPA states there is no safe level of diesel emissions in terms of public safety and the Board looks at that and it's OK, that is a problem. Marshall Katz responded that the diesel emissions from trucks traveling on McNamara and Union Roads had a higher impact on the area than from the trucks on the applicant's site. Mr. Katz explained if the Board finds negative declaration, then the Board cannot deny moving forward with this application under the existing Village laws. Mr. Marcus raised the question about a comprehensive plan for the Village and its zoning laws and Mr. Selig responded this issue is not for consideration before this Board. Mr. Marcus stated if this Board intends to continue on that line of reasoning by not using any independent evaluation of what's taking place and not recognizing that zoning law has been compromised by manipulation of zoning within the Village and its residents have been specifically affected in this area, then you (Board) are not doing your job. Marshall Katz responded, "point taken" but if the Board chooses to ignore the zoning laws of this Village, then the Board is not doing their job either because it is our job to follow the zoning law as this Board does not create law.

Ira Emanuel, Esq., stated there has been a tremendous amount of information that has been presented to this Board by all participants in this application and respectfully request the public hearing be closed. Mr. Marcus said "we are not finished". Marshall Katz recommends a TAC meeting to review all the details covered and needed for the SEQR declaration and the site plan itself in order to go forward. Mr. Emanuel asked, in order to prevent continuous delays due to Mr. Marcus' ongoing promises, that a time limit be established for final submissions. Marshall Katz responded they should be finished next month unless something unusual arises.

Ben Selig said he will not be available for the scheduled meeting on December 2 and requested a special meeting for November 23 at 8:00 p.m. The Board agreed.

Janice Golda asked for a deadline for submissions prior to the meeting and it was decided the deadline would be November 16. Ira Emanuel asked if there is no new information being brought with respect to his area of involvement, will Mr. Bontje be required to attend? Mr. Selig said if Mr. Marcus could get his material submitted with sufficient time in advance to be reviewed, a determination could be made as to whether or not Mr. Bontje's participation will be required. Marshall Katz agreed.

Marvin Finker motioned to continue the public hearing at a special meeting on November 23 at 8:00 p.m. Uri Kirschner seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, William Fried-Yes

Motion Approved

Meeting adjourned 10:06 p.m.