

**Village of Wesley Hills
Planning Board – October 6, 2010**

The meeting was called to order by Marshall Katz, Chairman, at 8:05 p.m.

Present: Marshall Katz-Chairman, Don Isenberg, Marvin Finker, Uri Kirschner,
Rachel Taub-First Alternate, Ruth Ivey-Second Alternate

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

Absent: Vera Brown-Deputy Chairman

PUBLIC HEARING ON THE APPLICATION FOR CHAIM SAPERSTEIN FOR A SPECIAL USE PERMIT FOR A HOME BUSINESS. Affecting property located on the south side of Glenbrook Road approximately 590' from the intersection of Moccasin Place. Known as Tax Parcel ID#41.11-1-72.

Marshall Katz reviewed some details with Mr. Chaim Saperstein and clarified a number of items that were submitted on the narrative.

Marshall Katz confirmed with Janice Golda that the public hearing notice was posted, published and mailed.

Marshall Katz opened the public hearing and asked if anyone wished to speak. No one wished to speak.

Marshall Katz motioned to close the public hearing. Marvin Finker seconded.
Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes,
Rachel Taub-Yes.

The motion to close the public hearing was approved.

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

Resolution #10-30

WHEREAS, Chaim Saperstein has applied to the Planning Board of the Village of Wesley Hills for a special permit for a home business for property located on the southerly side of Glenbrook Road, known as 8 Glenbrook Road and designated on the town of Ramapo Tax Maps as Section 41.11, Block 1, Lot 72, and

WHEREAS, a public hearing on said application was held by the Planning Board on October 6, 2010, at which time all members of the public wishing to speak had an opportunity to be heard,

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) there will be no external modifications to the building on the site, (2) the Planning Board will impose appropriate limits on the number of non-resident visits and hours of operation of the proposed home business, and (3) there are no other potentially significant adverse environmental impacts that are foreseeable from the proposed project so long as it is operated in conformance with the requirements of the Zoning Law of the Village of Wesley Hills and the conditions imposed hereinbelow; and

BE IT FURTHER RESOLVED, that said application for a special permit for a home business for a graphic design and advertising business is hereby granted, subject to the following conditions:

(1) The second sentence of the fifth paragraph of the narrative letter of Chaim Saperstein, dated September 15, 2010, shall be revised to read as follows: "Since few clients come to our offices, and our consultants will park in our existing driveway, there will be no impact on street parking."

(2) The third sentence of the sixth paragraph of said narrative letter shall be revised to read as follows: "Up to six client meetings, each of which shall generate no more than three client vehicles, will be held in our offices per month."

(3) A sentence shall be added to said narrative letter stating that no signs are proposed for the said home business.

(4) The home business shall be operated in strict compliance with the narrative letter of Chaim Saperstein, on behalf of Sapphire Advertising, dated September 15, 2010, as modified in accordance with the foregoing conditions, a copy of which revised letter is attached to this Resolution and made a part hereof.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, Rachel Taub-Yes.

Motion Approved

PUBLIC HEARING CONTINUATION FOR CONGREGATION ATERES ROSH FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING, A SPECIAL PERMIT TO INCREASE IMPERVIOUS SURFACE TO 0.40, AND SITE PLAN APPROVAL FOR A SYNAGOGUE ADDITION TO A SINGLE FAMILY RESIDENCE. Affecting property located on the south side of Charlotte Drive

approximately 50 feet west of the intersection of Bruck Court. Known as Tax Parcel ID#41.08-2-50.

Todd Rosenblum represented the applicant. Anthony Celantano, engineer for the applicant, was also present.

Rachel Taub informed the Board that she is a member of Congregation Ateres Rosh and believes she could be objective regarding this application. Frank Brown responded that there would be a conflict of interest. Rachel Taub replied that she will recuse herself from voting on this application.

Todd Rosenblum confirmed that he received the variances requested from the Zoning Board of Appeals and then addressed the September 27, 2010 comments from Brooker Engineering. Mr. Rosenblum updated the Board regarding comments/responses from the municipal agencies, and a rendering of the synagogue was presented.

Marshall Katz reviewed the proposed walkways with Mr. Rosenblum who explained that the walkways were determined around a grading issue and he also pointed out that men and women congregants entering the site are required to use different paths. Mr. Katz questioned why the decision was made to use large light posts which cover a wider area versus low bollard lights along pathways. Mr. Rosenblum explained that the goal was to choose a fixture that looks residential versus the commercial looking bollards. Jeff Osterman responded that the lighting design review would come toward the end of the application process and after the Brooker Engineering comments are addressed. Mr. Osterman said that the landscaping and lighting would be addressed after straightening out utilities and basic components.

Liz Mello discussed the no-parking signs proposed for the north side of Charlotte Drive from Deerwood Road to one lot past Bruck Court. Ms. Mello suggested adding the proposed location of these signs to the vicinity map for the Planning Board to review and discuss. Marshall Katz asked Liz Mello for clarification on the NYSDOT's distance requirements between signs and she replied it's generally around 100 feet and Anthony Celantano said that the Town of Ramapo prefers 180 feet. Liz Mello recommended that the sign locations be specific on the plans to prevent confusion when it is time to get the resolution approved by the Village Board. Liz Mello also recommended a demolition plan. Since the existing dwelling and Mikvah will remain in use during construction, the pedestrian and construction areas should be safely separate. Ms. Mello continued to review other items referenced in the September 27, 2010 engineering comment letter. Jeff Osterman explained that until the utilities are worked out, the lighting and landscaping cannot be 100% planned and proceeded to discuss various lighting and landscaping options. The Board also discussed lighting options.

Marshall Katz asked if anyone from the public wished to speak. No one wished to speak.

Todd Rosenblum said that they would be prepared with architectural samples at the next meeting.

Marvin Finker motioned to adjourn the public hearing until the October 27, 2010 meeting. Marshall Katz seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, Ruth Ivey-Yes. (Rachel Taub recused herself)

Motion Approved

PUBLIC HEARING CONTINUATION ON THE APPLICATION FOR CHAIM DAHAN AND SEPHARDIC CONGREGATION OF ROCKLAND FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING, A SPECIAL PERMIT TO INCREASE IMPERVIOUS SURFACE TO 0.40, AND SITE PLAN APPROVAL FOR A SYNAGOGUE ADDITION TO A SINGLE FAMILY RESIDENCE. Affecting property located on the south side of Lois Lane at the intersection of Route 306. Known as Tax Parcel ID#41.15-2-21.

Todd Rosenblum, architect, represented the applicant.

Marshall Katz asked Mr. Rosenblum to give an update on the application. Mr. Rosenblum explained that since many of the public's concerns were related to traffic safety issues, the applicant hired a traffic engineer, Bernard Adler, of Adler Consulting to conduct a traffic study.

Mr. Bernard Adler, a NYS licensed engineer, gave a synopsis of his professional experience in traffic engineering and then presented an overview of his study and a written report to the Board. Mr. Adler explained that he gathered the data from two locations, 1) the existing synagogue location at 360 Route 306 and 2) at the intersection of Lois Lane and Route 306. The traffic counts were gathered from 6:30 a.m. to 9 a.m. and 4 p.m. until 6:30 p.m. during the month of September. Mr. Adler said the timeframe for peak hours on Route 306 are between 8 a.m. to 9 a.m. and between 5:15 p.m. and 6:15 p.m. and with that information he determined how well the intersection works. The measure is qualitative, called level of service, which is a grade system based on the delay of all the vehicles through the intersection and how long it takes. Mr. Adler said that the number of vehicles coming out of Lois Lane onto Route 306 during peak hours were 2 or 3 cars causing no significant delays in getting onto Route 306.

Mr. Adler explained that the following variables were included but not limited to: potential future developments (11) in the vicinity increasing volume on Route 306 by about 15%, background growth of about 1%, no-build conditions (anticipated roadway conditions in 2012), volumes from the existing synagogue during peak hours, and anticipated increased vehicle volumes (50%) generated from the full capacity proposed synagogue. From a traffic impact perspective, Mr. Adler assessed minimal added delays. Mr. Adler also explained that the congregation is in discussions with the Village, etc. about possible overflow parking alternatives, e.g., use of the Village Hall parking lot with shuttle service for those occasions when demand would be higher. Mr. Adler stated, in his professional opinion, it would be preferable to have access off of Lois Lane to provide additional sight distance towards the intersection of Grandview Avenue. Mr. Adler said parking for

weekday services could be accommodated on-site and higher volume during events could be accommodated on Lois Lane or an off-site location. Marshall Katz stated that with 2-3 cars observed coming out of Lois Lane and with Lois Lane being a very quiet street having a large number of children, a significantly increased volume of cars, e.g., from 2 or 3 to 20 more cars, would make Route 306, in his opinion, the preferable access/exit point. Marshall Katz confirmed with Mr. Adler that his recommendation that Lois Lane is preferred does not mean access/exit would not work on Route 306. Mr. Adler replied that is correct but he also informed the Board that the State is very careful in allowing additional curb cuts onto their State highway which they try to restrict where possible. Mr. Katz explained that the neighbors are proposing zero parking on Lois Lane and requesting no-parking signs along the full length of the street even though this also restricts parking for residents living on the street. Mr. Rosenblum challenged whether all the neighbors were on board with this proposal and submitted pictures of parked cars on the block. Jeff Osterman commented that in addition to the increased flow on the street, the difficulty is that cars have to turn around to get out, resulting in using residents' driveways.

Uri Kirschner questioned Mr. Adler's data regarding 2-3 cars out of Lois Lane during peak hours considering school buses and people going to work and also asked for an opinion on Route 306 impact with atypical synagogue activity. Frank Brown clarified with Mr. Adler the data submitted in his traffic study during peak hours which reported 18 cars coming out of Lois Lane onto Route 306 traveling north and 16 cars traveling south and an additional 10 vehicles turning from Route 306 onto Lois Lane. Mr. Adler responded that the 2-3 cars he referred to initially were the number of cars coming out of the synagogue and that the numbers quoted in the study were the cars coming out of Lois Lane. Marshall Katz said that the Board needs time to carefully review the submitted traffic study and will submit questions at the next meeting. Marvin Finker, a resident of Village Green, expressed a concern about auxiliary parking at the Village Hall and using Village Green for departing cars.

Marshall Katz called the remaining names signed up to speak from the May 26, 2010 Planning Board meeting.

Michael Shucht, 388 Route 306, asked the Board that once the traffic study is done, who assumes liability if the project proceeds forward based on this study. Frank Brown responded there is no liability here. Mr. Shucht pointed out that neighbors previously submitted pictures of traffic on a typical day and that the data in the study does not represent a typical day. Mr. Shucht commented that the cars on the street from a neighbor's party supported the determination that cars, as well as a possible fire truck, would have difficulty, if at all, in turning around because of cars parked on the street. Mr. Shucht explained that usually congregants arrive at various times but generally leave at the same time which will cause a nightmare on the street.

Letitia Dahan, 378 Rt. 306, commented on the difference between traffic from a full parking lot, e.g., tonight's meeting, to a full parking lot on a weekly basis. Ms. Dahan stated that the neighbors would not be concerned if the existing structure were shelled out for a temple there but the proposed plans are for a structure much larger with a catering

capacity for 450 people which a congregation generally uses for financial support. Ms. Dahan said future catered events, etc. need to be calculated in the traffic study. Ms. Dahan said the shuls in the area do not compare to the proposed capacity of this temple. Marshall Katz clarified that Mr. Adler was not comparing traffic from this shul to the other area shuls but rather included traffic generated from other shuls to analyze future impact on local roads. Ms. Dahan asked if a survey was done of how many cars were parked for Rosh Hashanah and Yom Kippur? Mr. Adler responded no.

Ms. Dahan introduced her architect, Linda Delnoble Menzie of Park Ridge, NJ. Ms. Menzie said she wanted to follow up on the item of a buffer since there was no response from the Board at the last meeting in May. Ms. Menzie read the Zoning Law requiring at least a 25 ft. buffer for a non-residential use. Frank Brown explained that the Village Zoning Law provides the Board with the discretion to waive this buffer and accept an alternative option, e.g., vegetation, fence, etc. Marshall Katz explained that the Board has not addressed the site plan buffer yet because they are not at that point in the process. Ms. Dahan replied that any buffer, vegetation or other, will not allow room for the parking lot. Ms. Menzie read Zoning Law Section 10.10.3.1 stating: "This requirement may be waived by the Planning Board in situations where it determines that large distances, topographic features, or existing vegetation satisfy the same purpose." Ms. Menzie said this is not the case and Frank Brown replied that "existing" vegetation does not mean it has to be there at the time the application was submitted and/or approved but rather that the vegetation must be implemented. Ms. Dahan said there was not room for vegetation and Mr. Brown replied the Planning Board hasn't discussed what it will require yet. Marshall Katz explained that until the site plan layout is determined, the Board can't determine how it will handle the buffer requirement.

Jeff Osterman explained that the applicant proposes a plan to the Board and the Village consultants for review, the community presents feedback at the public hearing, and at some level in the process the Planning Board makes a determination and this point in the process has not yet been reached. Ms. Dahan requested following the Village ordinance and implementing a 25 ft. buffer between the shul and her property line. Marshall Katz explained that all input will be considered before a determination is made by the Board and all efforts will be made to accommodate all parties. Ms. Menzie said that in her experience an applicant would have to seek a variance if the proposed plan does not meet the Zoning Law. Marshall Katz replied the first step is to determine what the Planning Board will consider for approval and if variances are needed, the applicant is directed to the ZBA. Frank Brown stated that the buffer requirement would not be within the Zoning Board's jurisdiction but rather it is under the Planning Board's discretion. Ms. Dahan referred to an accident on Remsen Avenue where a child playing was injured by a car in a shul's parking lot and that there was no buffer between the properties.

Mordecai Light, 3 Lois Lane, residing adjacent to the property, said the preliminary numbers from the traffic study seem to be all over the place and questioned the number of cars reported in the study coming out of Lois Lane onto Route 306. Lois Lane is a quiet residential street with no outlet and nowhere for cars to turn around with many children walking.

Dennis Roscia, 5 Lois Lane, asked for clarification regarding the traffic study's evaluation of overflow parking. Mr. Adler replied that there would be no parking on the cul-de-sac on Auburn Court and parking on only one side of the street. Mr. Roscia brought up the problems on Auburn Court in the wintertime and how the snow is piled up on both sides of the street, eliminating the possibility of street parking at those times.

Ken Landau, 2 Lois Lane, said based on Village law all parking spaces have to be taken first on the site of the structure before seeking other locations. Mr. Landau stated what this means is that on extraneous days with high demand for parking spaces, cars would be required to check the structure's parking lot first before proceeding to alternate spaces and more often than not people don't know availability until they drive into the structure's lot, and that is one of the reasons why residents prefer access from Route 306. Mr. Landau submitted a May 28, 2010 letter from the NYSDOT responding to the preliminary site plan which was to close the existing access to Route 306 allowing for additional parking which would then require backing out onto the State road which would be unacceptable. Mr. Landau said that prior to Adler Consulting taking on this project, he had spoken to Mr. Adler about traffic and the visual sight distance coming out from Windmill onto Route 306 which is less than the sight distance coming north on the other side and therefore assumes that the state would have no problem with sight distance if the access were on Route 306. Mr. Adler also discussed the timing of buses and the potential impact when all 26 cars exit the site at the same time. Mr. Landau said the plans have not yet been modified to include the location of the dumpsters and potential sidewalks. Mr. Rosenblum replied that they are waiting for a comprehensive list of comments and direction from the Board before proceeding with updating the plans because one comment may affect another comment.

Mr. Landau asked that when plans are revised, will the public have time to give feedback? Marshall Katz replied that the public hearing will not be closed until the plans are close to the approval stage and any remaining changes will not affect the public. Marshall Katz confirmed to Mr. Landau that there will eventually be a new version of the plan. Mr. Landau asked for clarification on the impervious surface calculations and Liz Mello responded that they have not run those numbers yet because the site plan is still in the development stage subject to Board and public feedback. Ms. Mello also referenced the Village Fire Inspector's May 12, 2010 comment letter which relates to requirements for no parking signs.

Mr. Landau asked how the zero net runoff will be managed when it comes to snow removal from the site since the only place to push the snow is onto his property or onto the street and he does not see any drainage location for the runoff? Liz Mello responded that there, most likely, would be a drainage system added to the roadway once an updated site plan is developed. Mr. Landau referenced Zoning Law 6.9.8(5) stating: "In its review of applications for neighborhood gatherings in non-residential structures, the Planning Board may increase the maximum building height (feet) by a factor not exceeding 25%. However, the Planning Board shall not have authority to increase the maximum exposed building height." Mr. Landau said this law does not pertain to residential structures with an attached

non-residential synagogue and presently the current height of the proposed structure is 39 feet. Mr. Brown said Mr. Landau's comments are correct.

Mr. Landau also pointed out that the applicant's comparison to other shuls when calculating the number of parking spaces does not account for the size of the other lots and that the other shuls are on much larger parcels plus have smaller sanctuaries. This proposed sanctuary is approximately 3000 sq. ft. which seems incongruous. Mr. Landau said the calculation used for the sanctuary was 1 person for every 15 feet equaling 236 people but there were no numbers given for the lower level which, because there is no 1/15 rule, could have 400+ people and suggests giving a total occupancy number and not just occupancy within the sanctuary. Mr. Landau said it is not uncommon to have multiple prayer groups or other gatherings going on at the same time. Mr. Landau explained that the group home (Jawonio) across the street has a parking lot in the front of the facility.

Mr. Landau was told by the Village Building Inspector that State code requires 3 direct access/exits from the downstairs basement. The proposed plans do not meet this requirement nor is there handicap access out should there be a fire which results in the automatic shutdown of the limited use elevator.

Todd Rosenblum replied that as far as fire safety any commercial building with a level below grade has to provide an emergency exit for someone with a disability to an area of refuge and that the stairwells and lobby are fire-rated plus the entire building has a full sprinkler system. There is no anticipation of wheeling out a handicap person from the lower level. Mr. Rosenblum explained that he participated in the neighborhood gathering law committee and doesn't believe the intent and way it was written was to limit height restrictions to non-residential structures only. Mr. Brown said that for the moment the law means what the law says and any changes would have to be implemented by the Village Board. Mr. Brown says he recalls that this height exception was discussed and designed for stand-alone facilities and not residential facilities attached to non-residential facilities. Mr. Rosenblum said that the site plan did have a 5 ft. buffer with a proposed fence but this will be re-addressed following feedback from the Board and public comments. Mr. Rosenblum explained that parking in the front was an early proposal but the Village consultants preferred the change. Mr. Rosenblum confirmed that the maximum capacity and occupancy is 280 people and the congregation does not plan on becoming a catering hall. Mr. Rosenblum revised his statement on total occupancy to approximately 230 people.

Mr. Landau replied that according to NYS law the Fire Inspector will post the maximum occupancy for each room. Marshall Katz explained to the public that should the facility transfer and use changes occur to the original application and narrative, the new owners would have to come back before the Planning Board.

Mr. Shucht asked how a Zoning Law is changed and Marshall Katz replied that the law change(s) would be submitted to the Village Board for review and feedback, a public hearing held, and a determination made to adopt, modify, or not adopt.

Mr. Adler replied to the question raised by the public as to whether traffic data was collected on Rosh Hashanah and Yom Kippur. Mr. Adler said he was assured there is no

traffic during these holy days and Marshall Katz responded that there would be traffic in advance and afterwards. Mr. Adler addressed questions including but not limited to: number of families using the synagogue, access from Route 306, the distance between the driveway and the stop line from Lois Lane and access to Route 306, and people leaving the synagogue at the same time.

Marvin Finker asked Mr. Adler if there are any figures in general on how the traffic differs within the first hour after sundown on Saturday nights, Rosh Hashanah, Yom Kippur, and other holy days when all the synagogues are letting out at the same time. Mr. Adler responded that the Institute of Transportation Engineers does not document data for these holy days.

Mr. Rosenblum informed the Board that they will be able to comply with the law on the 25 ft. height requirement.

Marshall Katz motioned to adjourn the hearing until October 27, 2010. Don Isenberg seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Rachel Taub-Yes, Ruth Ivey-Yes.

Motion Approved

APPROVE 8/25/10 PLANNING BOARD MINUTES

Don Isenberg motioned to approve the 8/25/10 Planning Board minutes. Ruth Ivey seconded.

Vote: Marshall Katz-Yes, Don Isenberg-Yes, Rachel Taub-Yes, Ruth Ivey-Yes.

Motion Approved

Meeting adjourned 10:50 p.m.

