

**Village of Wesley Hills
Planning Board – December 2, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:42 p.m.

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

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

Absent: Ester Ben-Dov-Shucht-First Alternate, William Fried-Second Alternate

PUBLIC HEARING ON THE APPLICATION 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 feet north of Joy Road. Known as Tax Parcel ID#41.5-1-23.

Marshall Katz informed the public that due to the overcapacity crowd attending this meeting that the hearing for this application would be adjourned to a later date at a location that can accommodate the crowd. Someone from the audience suggested that some people voluntarily leave so 50 people can remain and the hearing could continue. Mr. Katz informed the public that everyone should have the opportunity to be heard. Should the Board not proceed properly through the application process because people don't want it, there would be a problem with the courts and the law.

Marshall Katz was informed by Mayor Goldsmith that the rescheduled meeting date and related notices would be posted on the Village of Wesley Hills website and will also distribute notices and information directly to anyone on the Village e-mail list. Someone from the audience made a request that the applicant file a copy of the plans in the Suffern and Finkelstein libraries and the applicant agreed. Marshall Katz asked the public present for the hearing to place their names and e-mail addresses on the signup sheet so they could receive Village notifications on this project.

Someone from the public remarked that the public hearing notices from the Village were sent out 3-5 days prior to the meeting. Janice Golda, Deputy Village Clerk, confirmed that the notices were mailed on November 17, 2009 (15 days prior to the meeting) which coordinated with the public notice published in the newspaper on November 18th which follows standard procedure. Frank Brown, Village attorney, confirmed that the requirement is that notices be "mailed" 10 days prior to the hearing. Janet Burnet, 20 Spook Rock Road, stated that as a practical matter some people received the notices on the Friday before the Thanksgiving holiday and were away for the holiday week. Marshall Katz responded that since the hearing is not proceeding tonight everyone will have additional time. Another suggestion from the

public is not to schedule this meeting when a Rockland County Planning meeting is also scheduled. A member of the public requested that for those who can't make the next meeting because they may be away to indicate on the signup sheet that there is no need for a tower.

Someone from the public asked if the hearing should be opened up and if there is a statutory problem with time limits and rescheduling. Leslie Snyder, Esq., representing the applicant, suggested the public hearing be opened and then adjourned for a specific date. Frank Brown agreed and asked the applicant to indicate for the record a consent to the adjournment and Ms. Snyder complied. Frank Brown explained that the law states when the hearing has to be started, not when it has to be completed.

Marshall Katz confirmed with Janice Golda that the meeting was duly mailed, published and posted and then officially opened the public hearing. Janice Golda informed the public that the Village website www.wesleyhills.org can also be used as a means of getting information on Planning Board applications as well as other Village matters.

Leslie Snyder, Esq. informed the Board that the crane test (positioning a crane at the exact location of the proposed tower) is proposed for Friday, December 4, 2009 at 8 a.m. to 10 a.m. Marshall Katz explained to the audience that when the balloon test was conducted on November 16, 2009, the balloon was flown at the height of the tower but could not be flown from the proposed location of the tower. Someone in the audience asked if the crane test could be done on the weekend when people aren't working and also if it is possible not to remove any vegetation and Leslie Snyder responded yes to both questions. Someone asked how far will the crane be from the Antrim building and Ms. Snyder responded several hundred feet and that there is a stake there now.

Marshall Katz informed the audience that the application is proposing a 100 ft. tower with the potential for expansion to 120 ft. for co-location. Janet Burnet asked if there could be a rescheduling of the balloon test because no one had been notified that this test was going to happen and stated that the photographs taken indicated there were a number of properties dramatically affected in a very negative way and that those homeowners were not home to allow the testers to go onto their property or into their houses to see what the views would be like. Marshall Katz explained that the planned crane test, which would be as high as the tower, would be more accurate because during the balloon test the wind kept popping the balloons causing relocation away from the exact site. Leslie Snyder explained no trees will be removed for the crane test and the applicant's engineer explained that the top of the crane will be over the spot where the top of the tower will be.

Marshall Katz asked Leslie Snyder to reschedule the crane test for a Sunday and notifications would go out to those who provide e-mail addresses on the signup sheet. Someone asked if this would add revenue to this area and if so how much. Marshall Katz responded he is not aware of revenue details between Verizon and Antrim since it is not part of the application process. The only revenue for the Village would be taxes generated following assessment. A question was asked if there are any other cell towers going up in the Village and Marshall Katz responded there is one pending for Omnipoint/T-Mobile proposed for the Village Hall

property which is still going through the early stages of the process. Mayor Goldsmith confirmed that no lease has been executed which is required prior to proceeding through the application approval process.

Marshall Katz explained how the Planning Board application process works, e.g., special use permits, and that nothing happens or gets signed off on without a public hearing. Mr. Katz was asked if he was comfortable with Verizon Wireless's application and he responded that the Board was comfortable enough to bring it to a public hearing. Marshall Katz explained that the first requirement for the Board in a cell tower application is to determine if there really is a gap and if there is, can there be co-location on an existing tower to solve the gap. The applicant submits an application and the Village consultant, Mr. Ronald Graiff, confirms the gap and testing methodology. A comment from the audience was that Verizon claims on their website that there is full coverage in this particular area. Mr. Katz responded when there is an official meeting, he will ask Verizon to answer that question.

Someone asked whether the tower could be located at Kakiat Park and Marshall Katz said that question could be posed to Verizon at the next meeting. A question was asked by the public if the Sikorsky application for a cell tower was a matter for public record and Marshall Katz replied that it was and that the minutes are posted on the Village website and tapes of all meetings are also available in the Village office.

Helen Tabblefield Anderson, 29B Brown Avenue, Rosendale, NY, a member of Triple Spiral, stated she worships across the street from the proposed location of the tower and asked "please do not do this".

Based on occupancy issues in the room, Mr. Katz motioned to adjourn the public hearing until the January 27, 2010 Planning Board meeting which will be at either the Lime Kiln or Grandview Elementary School. Vera Brown seconded.

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

Motion Approved

Public hearing adjourned until January 27, 2010 and Marshall Katz informed the public that notification would be forthcoming once the location is confirmed.

PUBLIC HEARING ON THE 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, architect, represented the application. Mr. Rosenblum explained that to date there have been (2) TAC meetings and (1) Planning Board meeting on this application. Marshall Katz confirmed with Janice Golda that the notices were mailed, published and posted. Mr. Rosenblum was asked to give an overview of the application to the public which he did.

Mr. Rosenblum introduced Anthony Celantano, engineer for the applicant, and also Alan Schwartz of the congregation's building committee. Mr. Rosenblum explained that the congregation is currently using the basement of Rabbi Schik's home which they have outgrown and propose an addition on the left side of the property facing Ridgeway Terrace.

Mr. Rosenblum explained that the congregation is applying for a special use permit under the new Neighborhood Gathering Law. Prayer services are Sunday through Friday for approximately 1 hour in the morning and 1 hour in the evening, on the Sabbath for 2 hours in the morning and 1 ½ hours at the end of the day, as well as services on the Jewish holidays.

Mr. Rosenblum explained the proposed addition is approximately 3,500 sq. ft. on the first floor and is comprised of a 2,000 sq. ft. main sanctuary that seats approximately 150 people.

Additionally, there is a men's lobby, a men's bathroom, rabbi's office and a staircase to the lower level and on the other side a women's lobby and bathroom and another staircase to the lower level. Because the property slopes in the back, there is a walkout basement from the current house and the basement to the addition will be similar. Mr. Rosenblum stated that in the basement there would be a multi-purpose room for celebrations after prayer services, e.g., bar-mitzvah, etc., along with additional bathrooms, etc. The multi-purpose room will be used by the congregants only. The front exterior of the proposed addition will be stucco and cultured stone and the current dwelling's exterior will be renovated to match while the back and side exteriors will be vinyl. Due to the steep incline on Ridgeway Terrace, the dwelling is screened from the street because it is set down from the road but there will be additional screening added as well.

Mr. Rosenblum explained that parking is the major concern on the project and the Neighborhood Gathering Law provides numerous options: on-street parking, on-site parking, and parking on adjacent lots within 100 yards of the property. Mr. Rosenblum stated that the house directly across the street will allow parking for 4 cars, the existing house has parking for 2 cars and also the driveway will be widened to allow parking for 2 additional cars, the property immediately adjacent will allow parking for 4 cars for a total of 12 parking spaces along with on-street parking. Mr. Rosenblum explained that following the Planning Board site visit, a request was made to relieve on-street parking and design an alternative for on-site parking which was done allowing for 12 parking spaces on-site and 8 offsite spaces for a total of 20. The on-street option allowed for 19 spaces.

Mr. Rosenblum informed the public that water runoff would drain into a series of drywells to prevent any concern about flooding and achieve the zero net runoff requirement. Marshall Katz introduced Frank Brown, Village attorney, Jeff Osterman, Village Planner, and Liz Mello, Village Engineer and then opened the public hearing.

Venecia Land, 30 Skylark Drive (behind 5 Ridgeway), expressed concern over parking especially in the back of the property, drainage, congestion, and how a few parking spaces will accommodate 150 people and if there is on-site parking, she would like to have a fence for screening. Todd Rosenblum responded that during the week there are about 20 people not 150. The 150 number is the maximum and primarily for high holidays and that most members walk on the Sabbath while during the week there is significantly less attendance. Alan Schwartz, spokesman for the synagogue, stated they tell all their members to avoid parking on the street

and there are about 8-10 cars per service during the week and it is managed very well. Marshall Katz also explained that the Village does not allow overnight parking on the street. Ms. Land asked how long to complete the project and Todd Rosenblum replied following application approval and construction drawings, the actual construction period could be approximately 6 months. Uri Kirschner asked Ms. Land if she preferred on-street parking and she replied yes but it is not accommodating because the street is a dead end and on a hill.

James Samuel, 32 Skylark Drive, wanted to know if this expansion is going through regardless of what is said at this hearing and Marshall Katz replied only if this Board says yes after evaluating all the details. Mr. Samuel said his concern is also street parking and the impact on aesthetics in the neighborhood and there's no stop sign to safely control traffic. He questioned how does this affect taxes and Mr. Katz responded the congregation is already classified as exempt so there will be no change.

Joe DelBiondo, 38 Skylark Drive, has a problem with vans and trucks parking on the corner of Ridgeway and Skylark Drive because it is a blind spot and traffic coming down Ridgeway Terrace making a left into Skylark is dangerous. Marshall Katz replied that during this process no parking signs can be required and Liz Mello, Village engineer, agreed and will talk to Tony Sharan of the Ramapo Highway Dept. about the discussed Stop sign.

Dennis Dale, 25 Skylark Drive, expressed concern about the size of the planned addition. Mr. Dale asked about buffers between property lines and how the proposed parking lot will affect setbacks. Mr. Rosenblum responded that the building setbacks are in compliance with Village zoning laws and that driveways do not require setbacks under the law but the proposed parking lot will have an approximately 10 ft. buffer and also pine tree screening. Mr. Dale agreed with the no parking area issues previously raised by the neighbors.

Alan Schwartz, 36 Sherri Lane, stated the congregation has no objection to "no parking" street signs and that members are discouraged from parking near the corner. He explained the existing basement space layout isn't appropriate for services and the reason for the addition decision. Mr. Schwartz explained that although seating for the new addition is for 150, presently there is on average about 40 congregants attending Sabbath services, about 60 people on holidays and during the week 15-20 people and generally 8-10 cars parked. Mr. Schwartz mentioned that the new space will have furniture such as, bookshelves, tables, chairs, etc. for the congregants so the maximum seating will be for about 50 people and they don't anticipate reaching the 150 maximum capacity or that parking will increase from what exists now.

Martin Meisels, 29 Skylark, expressed concern about parking also but believes the synagogue will be a great asset to the community. Vera Brown asked Mr. Meisels if he preferred parking on the street or on site and he replied on site.

Yechiel Rubin, 6 Ridgeway Terrace, stated he is one homeowner providing 4 parking spaces in his driveway. Marshall Katz responded that one question the Board has to consider is how to handle these commitments should the present homeowner(s) move.

Ethan Halpert, 1 Earl Court, expressed the importance of this expansion because those residents who want to worship in a culturally similar synagogue have to walk substantial distances due to Bais Yakov Yosef Ostrow's limited space and this expansion would allow for an improved and enhanced quality of life in the community.

Erwin and Marla Levin, 23 Skylark Drive, asked the Board not to consider street parking due to many observed near misses. Mr. Levin asked that since 90% of the dwelling is for residential use, except for the downstairs synagogue, shouldn't the house be partially taxable? Frank Brown replied that the Town of Ramapo is the tax assessing unit and the section of a statute called Real Property Tax Law deals with exemptions for religious institutions, some of which may be full and some may be partial. Mr. Levin stated he had made a request about 3 years ago for a stop sign at the corner of Sherri Lane and Skylark Drive.

Leah Rubin, 6 Ridgeway Terrace, informed the Board that her recollection of when the stop sign issue was previously reviewed a number of years back, the finding was that it would be more dangerous because of the steep incline. Also the steep incline sign that used to be there is missing. Liz Mello was asked by the Board to check into the signs discussed here with the Ramapo Highway Dept.

Chaim Wolf, 6 Baldwin Court, thanked the Board for hearing the application and stated he is a congregant and it is very important to the congregation to grow with the community and will do whatever is required to achieve this expansion.

Mr. DelBiondo asked if there is another synagogue on Tammy Road? Marshall Katz responded he is not aware of this and there is no application before this Board. Erwin Levin asked if there is any foreseeable problem with water drainage and sewage? Anthony Celantano replied there is underground storage connected to the municipal system to achieve the zero net runoff requirement and the Dept of Public Works submitted comments to follow regarding the sewage system. Marshall Katz explained that the zero net increase requirement means that once built not one more drop of water will leave the property in a rainstorm than leaves today and new drainage systems capture even more water.

Mr. Samuel asked why if the usage is for about 60 people maximum why is there a need for 3,500 sq. ft. and the response was it is a growing congregation and that the current synagogue space will be used as the Rabbi's dwelling only.

Marvin Finker asked Todd Rosenblum that assuming this application goes through and considering the issues with parking on the street, what is the plan to handle construction vehicles? Mr. Rosenblum responded that if the parking lot in the back is required, the construction vehicles could use the proposed lot or on the site itself. Mr. Finker asked if the tradesman could be required to park off site? Marshall Katz replied that no parking signs would solve the problem. Vera Brown asked how many spaces can be placed on site to reach maximum? Liz Mello responded to be within the .40 impervious surface requirement, all 20 spaces could be located on site and still be within the special permit parameters. Mr. Schwartz commented the congregation wanted to keep the property as green as possible plus have a playground for Rabbi Schik's children. Vera Brown suggested 12 now with the option of 4

more spaces if there is an issue. Anthony Celantano confirmed that drainage can be designed over capacity to handle additional spaces if needed in the future.

Mr. Levin asked if there is adequate financing to complete the project and Mr. Schwartz responded that when they are ready to build, they will have the funds prior to construction. Don Isenberg asked why the 36' oak tree is slated for removal versus the one closest to the patio and Mr. Rosenblum responded that the root structure would most likely be damaged during construction excavation affecting the tree's survival but they would make a note to try and save it. A question was asked about the incline on the property and whether it would be filled in or leveled off and the response was there would be a drainage swale but they are not removing the hill.

Uri Kirschner commented that he was not in favor of the additional 4 spaces on the property now because of the impact on the neighbor's property. Marshall Katz asked for confirmation that the existing Mikvah in the house is for the rabbi's private use only and not for the congregation. Mr. Schwartz clarified that the Mikvah is the rabbi's private Mikvah and a number of members use it with the rabbi's permission, generally on Friday afternoons, and it is limited to them and the extent of the use. Marshall Katz asked Todd Rosenblum if the requested check valve was installed which Mr. Rosenblum confirmed and he also said he submitted an updated narrative dated November 2, 2009 with details for the record.

Marshall Katz requested that the applicant submit a revised set of plans that include the additional on-site parking changes, lighting, landscaping/fencing and drainage to be submitted for review by January 4, 2009. Jeff Osterman recommended putting the back parking lot on the east side instead of the west side which would allow for a deeper buffer and also save the pine tree and Todd Rosenblum agreed. Liz Mello also recommended designing a turnaround.

Marvin Finker motioned to adjourn the public hearing until January 6, 2009. Vera Brown seconded.

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

Motion Approved

APPROVE 10/28/09 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 10/28/09 Planning Board minutes. Uri Kirschner seconded.

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

Motion Approved

Meeting adjourned 10:15 p.m.

