

**Village of Wesley Hills  
Planning Board – December 3, 2008**

The meeting was called to order by Marshall Katz, Chairman, at 8:10 p.m.

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

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

Absent: Vera Brown – Deputy Chairman, Ester Ben-Dov-Shucht – First Alternate, William Fried – Second Alternate

**PUBLIC HEARING CONTINUATION 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.

Richard Sena represented Dalzell Management. Marshall Katz gave an overview of the compactor site visit conducted by himself and Board member William Fried. Mr. Katz explained that pickups would be scheduled 2 to 3 times a week, the noise was not much different than the present pickup process, the odor was minimal and contained within the unit, and there was no leakage. Chairman Katz stated that he was impressed with the cleanliness of the process. Marshall Katz questioned whether there was adequate space in the designated location of the compactor for the truck to back in and pick up the container. Mr. Sena responded that the vendor claims it could be done and the Board asked for confirmation from the vendor.

Don Isenberg and the Board made additional recommendations for signage including but not limited to changing the incoming Willow Tree entrance sign to read “No Deliveries” versus “No Commercial Traffic” so customers for the stores who drive commercial vehicles can park. Liz Mello also suggested eliminating the “Do Not Enter” sign at the north entrance. Marvin Finker asked if all the tenants have access to the rear loading zone and Mr. Sena responded yes.

Marvin Finker questioned the stop sign in the internal parking area before making a left turn to approach Rt. 306 only to find out the exit will allow only a right turn. Mr. Finker also asked whether there would be any signage going west from Village Green into the shopping center. Mr. Finker also informed Mr. Sena that there are deliveries going on in the front. Mr. Sena replied that once the revised site plan is approved and implemented, all tenants will be notified and non-compliances fined.

Liz Mello asked Mr. Sena for an update on the maintenance items and he responded the painting, stucco, uneven pavers and fence repairs, column rust, etc. have been done and the re-paving and landscaping upgrade will be done in the spring.

Liz Mello asked if there will be a specified period of time established for the landlord to get the metal containers removed, the signage and fire zones in place, etc? Frank Brown responded that the items that were never approved on the previous site plan and are now in Village Court as violations should not have a time limit. The items that were previously approved on the site plan but are now going to be removed will have a time frame within the resolution.

Resident Marvin Finker, 7 Village Green, asked whether a crosswalk across Rt. 306 to a sidewalk along the existing shopping center driveway can be incorporated from Village Green? Marshall Katz and Liz Mello stated there would be a negative impact on parking spaces and grassy areas. Steve Abrams, Village Code Enforcement Officer, asked if the site plan should include the locations of the restrictive parking signage, e.g., fire lanes, loading zones, etc.? Marshall Katz responded this information should be indicated on the site plan. Frank Brown explained that all recommendations should be incorporated into the final plan by the January 7, 2009 Planning Board meeting.

Marshall Katz motioned to close the public hearing.

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

**Motion Approved**

The Board decided to reserve decision on the application until the next meeting of the Board on January 7, 2009.

Marshall Katz asked Mr. Sena about the December 1, 2008 letter from Mr. Glickel, Esq. regarding Meal Mart's pursuit to revise the site plan. Mr. Sena responded that the landlord is not approving their request but believe the tenant should be entitled to due process.

**PRELIMINARY AND FINAL PLAT APPLICATION 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.

Mr. John Atzl, engineer for Mr. Moskowitz, confirmed that their appearance is to request a public hearing for the preliminary and final plat application. Frank Brown confirmed that the applicant had not previously requested a simultaneous preliminary and final public hearing which can be submitted at this meeting for Board approval. Mr. Atzl confirmed that all revisions requested to date have been made to the submitted (last revised 11/5/08) plan. Marshall Katz confirmed that Note 22 should be removed. Mr. Katz questioned the Bulk Table maximum front yard impervious surface calculation of 0.01 and Liz Mello confirmed that this sliver of impervious surface was an area of Mrs. Partridge's driveway situated on the other lot.

Liz Mello asked about landscaping which was delegated to the Planning Board during the Zoning Board process. Mr. Atzl responded they intend to erect a 6' high solid vinyl fence which was requested by some of the neighbors during the Zoning Board hearing. Marshall Katz recommended that the proposed fence and/or the landscaping plan should be shown on the plat prior to Planning Board approval. Liz Mello suggested waiting until feedback is received from the January public hearing. Marvin Finker confirmed with Mr. Atzl that the stone wall was not coming down and that the proposed fence will be erected along the side of the wall on the applicant's property. Mr. Moskowitz also informed the Board that the existing stone wall that meanders along the property line is in disarray and at the Zoning Board hearing many neighbors indicated they preferred removal. Marshall Katz suggested waiting for public input at the Planning Board's public hearing in January.

Jeff Osterman commented that with the amount of work being done on Lot 1 to create Lot 2, there should be some type of device to let that happen, e.g., do the work before the plat is filed or an easement. Mr. Moskowitz responded that as part of the construction contract, the contractor has rights to do what is necessary to facilitate the job. Mr. Atzl responded that as the owner Mrs. Partridge will be the filer of the plat in the county clerk's office. Jeff Osterman asked to see a copy of the contract.

The Board granted Mr. Moskowitz's request to have a simultaneous public hearing on the preliminary and final plat applications on January 7, 2009. Mr. Atzl asked if the minor revisions requested at this meeting could wait until input from the upcoming public hearing and the Board agreed.

**PUBLIC HEARING ON THE PRELIMINARY PLAT AND FINAL PLAT APPLICATIONS FOR ALLAN VERMETTE FOR A PROPOSED TWO-LOT SUBDIVISION.** Affecting property located on the east side of Route 306, approximately 130 feet south of Forest Glen Court. Known as Tax Parcel ID#32.19-2-18 on the Ramapo Tax Map.

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

Mark Kurzmann, Esq., representing applicant Allan Vermette, gave an overview of the application and stated all requested variances were granted by the Zoning Board except for two. As a result of the two denials, an accessory structure (garage) will have to be removed and the driveway will be wider than originally preferred in order to meet the Fire Inspector's requirement. Mr. Kurzmann stated that all requirements by the Zoning and Planning Boards along with the various local and state agencies have been satisfied. Mr. Bill Johnson of Sparaco Engineering reviewed Brooker Engineering's October 27, 2008 comments indicating all items have been addressed.

Marshall Katz questioned the accuracy of Bulk Table items 11 and 12 and Mr. Johnson explained it may be due to the removal of the garage. Liz Mello referred to the December 1,

2008 Rockland County Dept. of Planning's comments (Item #2) that the side setbacks are incorrect as shown on the north side of both properties. Liz Mello stated the side setback should be 25 feet, but the total side setbacks should be 60 feet, and the plan shows 25 feet on both sides which needs to be corrected before filing and Mr. Johnson agreed to adjust. Frank Brown confirmed that the resolution will include compliance with all of the Rockland County Dept. of Planning December 1, 2008 comments.

Mark Kurzmann made a request that the demolition of the existing building (garage) be held in abeyance pending the issuance of the building permit. Marshall Katz recommended hearing from the public first.

Mr. Pagliaro, 11 Hillside Terrace, requested the removal of the garage. Mr. Pagliaro is also dissatisfied with a proposed building of 8,700 sq. ft on a 35,000 sq. ft. lot of which almost 6,000 ft. is a long driveway. Mr. Johnson of Sparaco Engineering explained that the driveway configures 20% of the lot. Mr. Pagliaro stated that the garage building has to come down to be in compliance with the Zoning Board of Appeals. Liz Mello responded that for engineering purposes the applicant was asked to show the maximum size house that can be built on the plat and what is shown on the plan at this time is not an actual proposed house. Marshall Katz mentioned the Village did change the law on maximum building coverage a few years ago and Mr. Pagliaro questioned the Village's judgment to allow construction of 8,700 sq. ft. homes.

Frank Brown responded the Village Board wanted to encourage the ability to build larger houses because that is what the public wanted. Mr. Pagliaro asked how many homes have increased to 8,700 sq. ft. since this law was passed and Mr. Brown responded he did not have this information at hand. Mr. Brown explained to Mr. Pagliaro that a Zoning Law amendment which is not a district change requires only that public notices be advertised but not individually sent to neighboring properties (within 500 to 750 feet) because the amendment affects the entire Village, not just a particular property or group of properties. Mr. Brown explained that the Planning Board does not have the jurisdiction and/or the discretion not to exercise the rights under the law as amended. Mr. Brown explained that the Village Board sets the law, the Planning Board enforces existing law, and the Zoning Board grants exceptions if appropriate.

Nancy Canals, 4 Forest Glen Court, asked if this is a one-family house? Marshall Katz and Frank Brown responded yes since it has to be within the Zoning Law. Mrs. Canals asked if there is going to be screening? Marshall Katz asked Mrs. Canals to show the Board where her property is situated on the plat and Liz Mello then showed her where the screening was being planned along her property borders.

Marshall Katz and the Board denied Mr. Kurzmann's earlier request to hold up the demolition of the garage until the building permit is issued. Mr. Katz explained completion should be within the 6-month window, along with any extensions, prior to filing of the final plat.

Jeff Osterman asked Mr. Johnson to explain the drainage plan. Mr. Johnson explained the swale details and stated the drainage mitigation is zero net increase. Mr. Osterman also questioned the building location of the water line due to the width of the driveway. Liz Mello suggested a temporary construction easement. Mr. Johnson asked what if the work is done now and Mr. Osterman responded this will resolve the problem and eliminate the need for a temporary easement.

Mr. Pagliaro asked how the structure will affect the drainage. Mr. Katz responded that the drainage system is designed on the property so that there will be zero net increase from what exists now.

Frank Brown pointed out a discrepancy in the plat Bulk Table for Lot 1 (Column 11) versus the data referenced in the ZBA resolution. Mr. Kurzmann said it appears to be a typographical error. Jeff Osterman asked about feedback from the NYSDOT and Mr. Johnson responded that they answered all of their comments in a letter dated June 13, 2008 and submitted a full drainage report and to date have received no response. Frank Brown said Item #1 in the December 1, 2008 letter from the Rockland County Dept. of Planning covers compliance with any NYSDOT requirements.

Marshall Katz motioned to close the public hearing. Uri Kirschner seconded.  
Marshall Katz-Yes, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes  
**Motion Approved**

Marshall Katz motioned to adopt the following resolution. Marvin Finker seconded.  
**Resolution #08-27**

WHEREAS, a formal application from Allan Vermette for approval of a preliminary plat entitled "Subdivision Plat, Vermette Subdivision, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated October 17, 2007 and last revised November 6, 2008, prepared by Sparaco Engineering & Land Surveying, PC, affecting property on the easterly side of Route 306, designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 18, in an R-35 District, was received by the Planning Board on November 7, 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 December 3, 2008, at 8:00 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on July 31, 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, and

WHEREAS, said preliminary plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 1, 2008, the Rockland County Department of Planning notified this Planning

Board that it had approved the preliminary plat for such subdivision subject to conditions set forth therein,

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 landscaping plan 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 report of the Rockland County Department of Planning dated December 1, 2008, a copy of which letter report is attached to this Resolution and made a part hereof.
2. Compliance with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated December 1, 2008, a copy of which letter is attached to this Resolution and made a part hereof.
3. Compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variance.
4. Addition of a temporary construction easement over Lot 1 to permit the construction of the subdivision improvements.
5. Correction of column 11 of the Bulk Table to remove reference to a variance for impervious surface ratio for Lot 1, which variance was not granted.

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, 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 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, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes  
**Motion Approved**

Marshall Katz made a motion to adopt the following resolution. Don Isenberg seconded.  
**Resolution #08-28**

WHEREAS, a formal application from Allan Vermette for approval of a final plat entitled "Subdivision Plat, Vermette Subdivision, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated October 17, 2007 and last revised November 6, 2008, prepared by Sparaco Engineering & Land Surveying, PC, affecting property on the easterly side of Route 306, designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 18, in an R-35 District, was received by the Planning Board on November 7, 2008, 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 December 3, 2008, at 8:00 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on July 31, 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, and

WHEREAS, said final plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 1, 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 December 3, 2008, by Resolution #08-27, 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. A temporary construction easement shall be added over Lot 1 to permit the construction of the subdivision improvements.
- c. Column 11 of the Bulk Table shall be corrected to remove reference to a variance for impervious surface ratio for Lot 1, which variance was not granted.

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 December 1, 2008, a copy of which letter report is attached to this Resolution and made a part hereof.

3. Compliance with Conditions of Rockland County Sewer District No. 1 – The developer shall comply with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated December 1, 2008, a copy of which letter is attached to this Resolution and made a part hereof.

4. 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.

5. 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.

6. 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, Don Isenberg-Yes, Marvin Finker-Yes, Uri Kirschner-Yes

**Motion Approved**

**PUBLIC HEARING CONTINUATION ON THE APPLICATION TO REVISE THE PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR YESHIVAS OHR REUVEN INCREASING THE NUMBER OF ENROLLED ON-SITE STUDENTS TO 380 FROM PREVIOUS MAXIMUM OF 238.**

Affecting property located on the northwesterly side of Grandview Avenue, at the intersection of Spook Rock Road. Known as Tax Parcel ID#'s 40.16-1-17 & 18 on the Ramapo Tax Map.

Mr. Mark Kurzman, Esq., representing Yeshivas Ohr Reuven, requested approval of their special use permit subject to the approval of the proposed amendment to the Zoning Law that is on the Village Board agenda for December 16, 2008. Mr. Kurzman said if the pending law does not pass, he will proceed to the Zoning Board of Appeals. Mr. Kurzman referenced Brooker Engineering's November 24, 2008 escrow letter specifically Item #3 regarding missing lights. Mr. Kurzman proposes to file an application to revise the site plan to remove the missing light fixtures.

Marshall Katz asked if anyone from the public wished to speak. No person wished to speak. Marshall Katz motioned to close the public hearing. Uri Kirschner seconded.

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

For the record the Planning Board is aware that the Village Board has scheduled a public hearing on December 16, 2008 on a Zoning Law amendment which would accommodate the increased number of students.

Marshall Katz motioned to adopt the following resolution. Uri Kirschner seconded.

**Resolution #08-29**

WHEREAS, on September 8, 1994, by Resolution #94-22, the Planning Board granted a special permit for a school on premises located on the northwesterly side of Grandview Avenue, known as 259 Grandview Avenue and designated on the Town of Ramapo Tax Map as Section 40.16, Block 1, Lots 17 and 18, which special permit was subsequently revised on June 28, 2000 by Resolution #00-17 and on June 25, 2008 by Resolution #08-15; and

WHEREAS, Yeshivas Ohr Reuven has applied to the Planning Board for a further revision to that special permit to allow an increase in the maximum number of students from 238 to 380; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on October 29, 2008, and was continued on December 3, 2008, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, pursuant to the provisions of Section 6.9.11a of the Zoning Law of the Village of Wesley Hills presently in effect, the maximum student population that would be allowed on the site is 238, but the Board of Trustees of the Village of Wesley Hills is

considering an amendment to that section of the Zoning Law which, if adopted, would increase the maximum student population to 438, and a public hearing on such amendment has been scheduled to take place before the Board of Trustees on December 16, 2008; and

WHEREAS, said application complies with all general standards for special permits set forth in Section 6.5 of the Zoning Law of the Village of Wesley Hills and also all individual standards for schools set forth in Section 6.9.11 of said Zoning Law (if such amendment to the Zoning Law is adopted by the Board of Trustees); and

WHEREAS, heretofore on October 29, 2008, by Resolution #08-24, this Planning Board determined that the proposed project and increase in the maximum number of students will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that said application for revisions to the existing special permit to allow an increase in the maximum number of students from 238 to 380 is hereby granted, subject to the following condition:

1. This revision to the special permit shall not take effect unless and until the Board of Trustees adopts an amendment to the Zoning Law of the Village of Wesley Hills allowing a maximum student population of at least 380 students on the site.

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

**Motion Approved**

Frank Brown revisited Mr. Kurzmann's previous request to eliminate the 23 bollard lights from the present Yeshivas Ohr Reuven site plan through a revised site plan application. Mr. Brown informed the Board it is within their discretion to determine that such revision doesn't require a public hearing and recommends following this direction because it does not affect the public. Marshall Katz concurred. Mr. Brown informed the Board that it is the Village Board who will handle any escrow adjustment following a recommendation from the Planning Board. Marshall Katz questioned the adequacy of lighting in the parking area. Jeff Osterman confirmed with Rabbi Rudinsky that the lights were originally proposed by the applicant's engineer. Rabbi Rudinsky indicated they were not designed to survive where located, very expensive to replace, and the neighbors had complained about the excessive lighting. Marshall Katz replied he would stop by one evening to assess the lighting situation.

**REQUEST FOR EXTENSION OF TIME FOR FILING OF THE BELMAR ESTATES SUBDIVISION.** 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 requested a 6-month extension for filing of the Belmar Estates subdivision map.

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

**Resolution #08-30**

RESOLVED, that the period of conditional subdivision approval heretofore granted to the subdivision known as Belmar Estates is hereby extended until June 20, 2009.

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

**Motion Approved**

**APPROVAL OF 10/29/08 PLANNING BOARD MINUTES.**

Marshall Katz motioned to approve the 10/29/08 Planning Board minutes. Marvin Finker seconded.

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

**Motion Approved**

Meeting adjourned 10:45 p.m.