

**Village of Wesley Hills
Planning Board – February 4, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:45 p.m.

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg, 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

Absent: Marvin Finker, Ester Ben-Dov-Shucht – First Alternate

UPDATE: 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 update.

Marshall Katz read into the record the January 27, 2009 memo from Ira Emanuel, Esq. and accepted by Ben Selig, Village Attorney, recapping the 1/23/09 TAC meeting. The memo summarizes that Potenta Environmental Consultants, LLC will be the consultants for the applicant (Wickes) and that the Village has retained B. Laing Associates as its reviewing consultant. The applicant has agreed to conduct testing at its property for Air Quality, Noise, and Vibration following agreement between the consultants on appropriate methodology and standards for measuring. The TAC meeting will reconvene on February 12, 2009 for a status update with the intent to have a report for review by the Planning Board at its meeting on March 25, 2009. Jeff Osterman informed the Board that a conference call between the consultants is scheduled for February 6, 2009 to discuss methodology.

Marshall Katz confirmed receipt of a letter dated 1/27/09 from Neil Marcus and reviewed some of the comments with Liz Mello, Village Engineer, and Jeff Osterman, Village Planner, one of which was a concern about performing testing during the winter season and the impact of cold weather. Marshall Katz made a request that our consultants, B. Laing Associates, respond to this concern and recommend whether testing should be conducted in the spring when weather is warmer and the business activity fully operational.

Mr. Marcus added that the standards being developed should reflect actual conditions that will be allowed during the special permit uses. Mr. Marcus also requested that testing include measuring nitrogen oxide and Marshall Katz asked Jeff Osterman to have the consultants consider this request.

PUBLIC HEARING ON THE APPLICATION OF ESTHER LEMPEL FOR A WETLANDS PERMIT. Affecting property located on the south side of Rockwood Lane 300 feet from the intersection of Hunters Run and Rockwood Lane. Known as Tax Parcel ID#32.19-2-20.2 on the Ramapo Tax Map.

Mr. Morty Lempel represented the applicant.

Marshall Katz confirmed with Janice Golda that the public hearing was posted, published, and mailed. Mr. Katz confirmed with Liz Mello that the plans were ready for approval. Frank Brown asked whether the Board will require establishing a demarcation line on the property and upon recommendation from the consultants, the Board agreed it was not necessary.

Marshall Katz opened the public hearing and no person wished to speak.

Marshall Katz motioned to close the public hearing and William Fried seconded.
Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes, William Fried-Yes

Vera Brown motioned to adopt the following resolution. Don Isenberg seconded.

Resolution #09-04

WHEREAS, Esther Lempel has applied for a Wetlands Permit for authorization to construct a new residence and regrade the rear yard within 100 feet of the boundary of a freshwater wetland, on premises located on the southerly side of Rockwood Lane, designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 20.2, and

WHEREAS a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on February 4, 2009, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, the Planning Board has determined that the proposed action will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), for the reasons that the proposed plan allows for the reasonable use of the applicant's property while limiting the amount of disturbance within the 100-foot buffer area to that necessary to allow the proposed construction, and the proposed construction will not have any adverse impact on any wetland,

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a new residence and regrading of the rear yard within 100 feet of such wetland, as shown on the plot plan for such lot bearing revision date December 11, 2008.

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

Motion Approved

SPECIAL USE PERMITS AND SITE PLAN APPLICATION FOR CONGREGATION SHAAR HASHAMAYIM TO CONSTRUCT A SYNAGOGUE.

Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Known as Tax Parcel ID#41.12-2-2 on the Ramapo Tax Map.

Todd Rosenblum of Adaptive Architecture represented the applicants. Mr. Rosenblum gave an overview of the application and stated that this is the first project initiated under the recently revised "Neighborhood Gathering Law 6.9.8". Mr. Rosenblum stated that the property is large enough with 1.41 acres, it is a standalone structure with no residential component, and that there is no request for variances. Mr. Rosenblum said they are requesting (2) special use permits, one permit is for the neighborhood gathering itself and the second permit is for an excess of the 0.25 maximum impervious surface ratio which the Planning Board has the authorization to approve up to 0.40. Mr. Rosenblum stated that the application is also requesting an increase of the maximum building height by 16% pursuant to 6.9.8.5 of the Village Zoning Law.

Steve Sparaco of Sparaco Engineering gave an overview of the site plan which involves less than one (1) acre of disturbance which complies with the NYSDEC Stormwater laws. Mr. Sparaco explained that the site plan consists of 32 parking spaces and stacking, extensive landscaping and drainage retention system. Mr. Sparaco distributed updated plans to the Board in response to Brooker Engineering's 1/21/09 comment report.

Jeff Osterman requested an explanation on pedestrian access to the site due to the location on a main road. Mr. Eliot Lasky, representing the applicant, responded that there is a sidewalk directly across the street from the property between Arcadian and Mark Drive. Liz Mello confirmed that there are no present plans to construct a sidewalk in front of this property. The Village has plans to supplement the existing sidewalk presently on the north side of East Willow Tree Road. Mr. Rosenblum stated to construct a sidewalk in front of the congregation's property on East Willow Tree Road would have minimal benefit and instead recommended a striped crosswalk on the pedestrian side coming from both directions. The Board continued the discussion on the most appropriate place to site a crosswalk on East Willow Tree Road and suggested that a flashing light be placed at the crosswalk.

Jeff Osterman raised concern about the parking lot lighting and the need for superior lighting on the west side because of the proximity to the property line. Mr. Osterman recommended either reducing the intensity of the lighting or increasing the landscaping. Marshall Katz also raised the question about the close proximity of the bollard lights to the driveway and the potential for damage by passing traffic. Mr. Osterman recommended a TAC meeting to work through site plan details. Mr. Sparaco agreed.

Vera Brown asked about additional landscaping on Willow Tree Road due to the large size of the building and Mr. Sparaco responded that there is an underground retention system that he can't plant over. Frank Brown also asked that the neighboring houses be noted on the site plan. Jeff Osterman asked for confirmation of maximum occupancy and Mr. Rosenblum responded approximately 280. Frank Brown confirmed that there is a minimum requirement for 20 parking spaces and that the Planning Board has the discretion to require more. Mr. Rosenblum responded with comparative information on approved parking spaces for two other synagogues in the Village stating that this application is in excess. Marshall Katz

replied that based on his observation of the parking situation at the two similar sized synagogues in the Village, the parking volume is consistently overflowing. Liz Mello also mentioned that we don't ordinarily approve stack parking. Mr. Rosenblum also stated that the Village has an overnight parking law that the congregation will have to comply with or be ticketed. Mr. Rosenblum also mentioned that the building is presently designed for growth since it is larger than what is needed for the congregation at this time. Jeff Osterman asked if the present plan is safe for the congregants and Mr. Rosenblum responded as safe as it can be on this street. Saul Horowitz of 21 Rochelle Lane questioned whether East Willow Tree Road is safe in general and that years ago he proposed to the Village putting blinking yellow lights and yield to pedestrian signs to make the street safer.

Marshall Katz asked for input from the Board on parking spaces and stacking. William Fried responded that he is satisfied with the number of parking spaces because there will not be enough accommodation for all cars regardless of the number of spaces and he is okay with stacking. Uri Kirschner responded that he has no problem with stacking but Willow Tree Road is a nightmare and although he understands the issue with a sidewalk to nowhere, he prefers having it because of his concern for children and safety near the road. Mr. Kirschner stated he would be in favor of allowing a higher impervious surface ratio to support more parking spaces. Don Isenberg said his major concern is safety and the sidewalk issue and stacking seems to be the only option but prefers extending parking. Vera Brown is agreeable with stacking but requests an approximation of the number of people anticipated for various functions to better assess parking allocation. Mr. Lasky responded on a Saturday the estimate is about 70-80 people with about 15 cars and on a weekday approximately 18-20 per day.

Mr. Lasky stated they are amenable to concerns and are willing to put in extra parking spaces as long as it is under the one acre of disturbance. Mr. Lasky also stated that a neighbor Mr. Aschkenasy of 4 Mark Drive volunteered to allow a right of way easement as long as he lives there. Frank Brown requested a census to be marked on the map of congregants' locations to assess walking patterns.

Marshall Katz recapped that safety, parking, sidewalks, crosswalk, landscaping and outside architecture require further review and confirmed a TAC meeting for February 12, 2009 at 9 a.m.

SKETCH PLAT APPLICATION CONTINUATION OF MARSEL AMONA FOR A PROPOSED TWO-LOT SUBDIVISION. Affecting property located on the west side of New York State Route 306, 740 feet north of Grandview Avenue. Known as Tax Parcel ID#41.15-1-25 on the Ramapo Tax Map.

Mr. Marsel Amona informed the Board that the Zoning Board approved all requested variances. Some conditions include the driveway has to be moved to bypass preserved trees, lighting shall be shaded downward to reduce glare across any property line, the width of the driveway shall be reduced to the minimum width required by the Fire Inspector and 6-foot tall evergreen trees shall be planted on two foot-berms along the rear property line, the species and spacing to be determined by the Planning Board. Mr. Amona did not re-submit updated plans to the Planning Board for final sketch review and approval. He was asked to

prepare those updated plans and then return to the Planning Board for possible sketch plat approval.

Liz Mello also requested that the Rockland County Municipal Planning Board receive a copy of the updated preliminary plat as well as the NYSDOT with a letter referencing the changes.

APPLICATION OF AVERY & TOBY EISENREICH FOR A SPECIAL PERMIT FOR TWO LARGE ACCESSORY STRUCTURES. Affecting property located on the east side of Wesley Chapel Road, 375' north from the intersection of Grandview Avenue. Known as Tax parcel ID#41.13-1-32.1 on the Ramapo Tax Map.

Mr. Mark Kurzmann, Esq., represented the applicant and gave an overview of the application which includes a request for a special permit for two large accessory structures on the applicant's property which consists of 4.2 acres. The first accessory structure is a basketball/tennis court (7,500 sq. ft) and the second is a pool patio which is approximately 3,818 sq. ft. Mr. Kurzmann stated no variances are required and there will be no adverse impact on the environment. Marshall Katz asked about outdoor lighting and Mr. Kurzmann responded it is not permitted which Liz Mello confirmed.

Mr. Kurzmann commented that issues related to a retaining wall and erosion control measures are being addressed by the architect/contractor and Liz Mello responded that the erosion controls are a work in process. Mr. Kurzmann also referenced a February 2, 2009 update letter and revised plans from the applicant's architect/engineer which had not been received prior to this Board meeting.

Marshall Katz asked the consultants for comments and Liz Mello responded with a request for additional information on drainage and also the grass-crete used for the secondary driveway. Mr. Kurzmann replied that the February 2, 2009 comment letter responded to some issues. Liz Mello confirmed that presently there are building permits issued for the house, the pool and the cabana.

The applicant is rescheduled for the February 25, 2009 Planning Board meeting.

REQUEST FOR ADJOURNMENT ON THE PUBLIC HEARING CONTINUATION ON THE 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.

Pursuant to Mr. Moskowitz's 1/22/09 written request for an adjournment, Vera Brown motioned to adjourn the public hearing continuation on this application to the February 25, 2009 Planning Board meeting. Don Isenberg seconded.

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

Motion Approved

APPROVE 1/7/09 PLANNING BOARD MINUTES.

Marshall Katz motioned to approve the January 7, 2009 Planning Board minutes. Vera Brown seconded.

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

Motion Approved

Meeting adjourned 10:10 p.m.