

**Village of Wesley Hills
Planning Board – March 25, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:34 p.m.

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg, Uri Kirschner, Ester Ben-Dov-Shucht-First Alternate, William Fried-Second Alternate

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

Absent: Marvin Finker

UPDATE: SPECIAL PERMIT AND SITE PLAN APPLICATION AND PUBLIC HEARING CONTINUATION OF ROCKLAND TREE EXPERTS CO. INC., D/B/A 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.

Jeff Osterman confirmed that the consultant's work has begun on the studies but no written report is received yet. Mr. Osterman estimated that a written report should be received in approximately 3 weeks and ready to submit for the April 22, 2009 Planning Board meeting but no later than the May 27, 2009 Planning Board meeting. Marshall Katz asked if there were any questions, and no one responded.

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' west of Deerwood Road. Known as Tax Parcel ID#41.08-1-44 on the Ramapo Tax Map.

Mr. John Atzl, of Atzl, Scatassa & Zigler, P.C. and Sol Moskowitz represented the application. Mr. Atzl confirmed that the Town of Ramapo Dept. of Public Works approved the sewer plans and he explained the plan for a 6 foot fence. Frank Brown questioned the timeline for the work/grading which requires a temporary easement on Lot #1.

Marshall Katz asked the public if anyone wished to speak. No person wished to speak. Marshall Katz motioned to close the public hearing. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes

Motion Approved

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

Resolution #09-8

WHEREAS, a formal application from Sol Moskowitz and Vilma Partridge for approval of a final plat entitled “Moskowitz, Village of Wesley Hills, Rockland County, New York, Subdivision Plat”, dated February 27, 2007 and last revised November 5, 2008, prepared by Atzl, Scatassa & Zigler, P.C., affecting property on the northerly side of East Willow Tree Road designated on the Town of Ramapo Tax Map as Section 41.08, Block 1, Lot 44, in an R-35 District, was received by the Planning Board on November 12, 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 January 7, 2009, at 7:30 P.M., and was continued on March 25, 2009, at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on April 8, 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, heretofore on January 7, 2009, by Resolution #09-2, 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 condition, 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. The plat and construction plans shall incorporate all revisions depicted on the final plat for said subdivision last revised February 24, 2009.

- c. A note shall be added to the plat stating that the “Temporary Grading & Work Easement” on Lot 1 will expire upon issuance of a certificate of occupancy for the house constructed on Lot 2.

2. File Notation - The Village Clerk shall include a note in the lot file for Lot 1 referencing the “Temporary Grading & Work Easement”.

3. 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.

4. 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 deed conveying to the Village of Wesley Hills the interests in real property as shown on the plat shall set forth that 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.

5. 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, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes

Motion Approved

PUBLIC HEARING ON THE APPLICATION FOR ROEI GAMIL FOR A WETLANDS PERMIT. Affecting property located on the north side of Willow Tree Road approximately 1000’ west from the intersection of Route 306. Known as Tax Parcel ID#41.7-2-35 on the Ramapo Tax Map.

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

Marshall Katz asked Liz Mello if she was able to ascertain how much of the conservation easement was disturbed and she responded no.

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

Jeff Osterman confirmed with Mr. Gamil that he was cancelling implementation of the circular driveway. Frank Brown suggested staking the boundary of the conservation easement for a site visit. Liz Mello stated that the only record on the disturbance of the easement is from a May 30, 2008 visit by a member of the Brooker Engineering staff. Marshall Katz scheduled a Board site visit for March 29, 2009 at 10 a.m. Liz Mello

commented that at the site visit a comparison can be made relative to the neighbors' easement property line.

Frank Brown reminded the Board that with the entire conservation easement located within the wetlands buffer, any regrading work that was done by the applicant the Planning Board on its own could order remediation. Vera Brown requested the presence of the Village Engineer at the site visit. Jeff Osterman recommended waiting to issue a resolution until after the site visit.

Marshall Katz adjourned the public hearing until the April 22, 2009 Planning Board meeting.

PUBLIC HEARING ON THE APPLICATION OF AVERY AND TOBY EISENREICH FOR A SPECIAL PERMIT FOR TWO LARGE ACCESSORY STRUCTURES IN EXCESS OF 2500 SQ. FT. Affecting property located on the east side of Wesley Chapel Road, 775' north from the intersection of Grandview Avenue. Known as Tax Parcel ID#41.13-1-32.1 on the Ramapo Tax Map.

Mark Kurzmann, Esq. represented the applicant. Also present were the applicants' architects, Michael Brandes and Donato Maselli, and engineer, Robert Moschello P.E.

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

Mr. Kurzmann gave an overview of the application stating the property is over 4 acres and the submitted application is to construct a pool/patio of 3,818 sq. ft and a sports court which is 7,500 sq. ft. Mr. Kurzmann confirmed that construction issues stemming from operational challenges on the ground and structure complexities continue to be addressed.

Mr. Brandes explained the status of construction and Liz Mello questioned the erosion control issues. Mr. Brandes responded that all erosion control measures are being monitored on an ongoing basis throughout the multitude of construction activity. Liz Mello suggested washing down the truck tires before traveling back to the road. Mr. Brandes asked the Village Engineer to meet on site to go over the erosion control specifics. Jeff Osterman questioned the drainage on the second driveway. Mr. Moschello responded there will be a grass paver system which has an underground plastic grid filled with sand for water storage capacity and on top a layer of topsoil for grass which will mitigate runoff. Mr. Osterman questioned drainage in the winter when the ground is frozen and Mr. Moschello responded with a description of the property drainage system. Marshall Katz asked the Village Engineer, Ms. Mello, if she is satisfied that there is zero net runoff and she responded yes.

Residents Ruth and Fred Wright, 62 Wesley Chapel Road, expressed concern about the drainage towards their property and want assurance that the drainage is controlled. Mr. Wright also expressed concern about the significant raised elevation level (15-20 ft) and the amount of silt coming down from the property which never occurred prior. Liz Mello responded that should there be a problem with runoff even after the construction is completed, the homeowner can be called back in to correct the issue. Mr. Brandes suggested

to Mr. Wright to meet on the property to show him where the runoff concerns are located. Mr. Wright also questioned the staked line near his property that was recently placed by the applicants' surveyor and Mr. Brandes responded he would check into it. Mrs. Wright asked if the sport court would be lighted and Marshall Katz responded that the Village does not allow lighting on the court. Marshall Katz explained that the Village will stay on top of all runoff issues before and after construction. Vera Brown asked about screening on the southern end and Mr. Brandes responded there is a significant planting plan and a deer fence proposed for the property.

Marshall Katz closed the public hearing.

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

Resolution #09-9

WHEREAS, Avery Eisenreich and Toby Eisenreich have applied to the Planning Board of the Village of Wesley Hills for a special permit for two accessory structures each in excess of 2,500 square feet (an outdoor tennis/basketball court and an outdoor pool patio) for property located on the easterly side of Wesley Chapel Road, known as 52 Wesley Chapel Road and designated on the Town of Ramapo Tax Maps as Section 41.13, Block 1, Lot 32.1, and

WHEREAS, a public hearing on said application was held by the Planning Board on March 25, 2009, 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 reason that the Village Engineer has determined that stormwater runoff from the increased impervious surface can be accommodated without damaging neighboring or downstream properties; and

BE IT FURTHER RESOLVED, that said application for a special permit for two accessory structures in excess of 2,500 square feet (an outdoor tennis/basketball court and an outdoor pool patio), as depicted on the plot plan entitled "Eisenreich Residence, Block 41.13-1, Lot 32.1, Village of Wesley Hills, Rockland County, N.Y." prepared by Gladstone Design, Inc. and Robert E. Moschello, P.E., dated November 17, 2006 and last revised February 10, 2009, is hereby granted, subject to the following condition:

(1) Addition of further drainage improvements as may be required in the sole discretion of the Village's engineering consultant after inspection during a rain event.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes.

Motion Approved

CONTINUATION OF THE SPECIAL PERMIT APPLICATION OF AHAVAT YISRAEL TO CONSTRUCT A SYNAGOGUE. Affecting property located on the north side of East Willow Tree Road, opposite Rainbow Court. Known as Tax Parcel ID#41.8-1-47 on the Ramapo Tax Map.

Todd Rosenblum, architect, and Steve Sparaco, engineer, were present for the applicant. Ari Fishkind represented the synagogue. Todd Rosenblum explained that with the recent change in the Neighborhood Gathering Law, no variances are needed and there are only minor changes to the site plan.

Marshall Katz commented that the plans have a much better parking setup than the plans previously seen from Shaar Hashamayim. Todd Rosenblum responded that they want to remain under the one acre rule for economic reasons and in comparison to the two existing synagogues in the Village, Ahavat Yisrael is smaller but has more parking. Mr. Rosenblum also mentioned that the congregation will be installing a sidewalk.

In response to the Village Engineer's March 19, 2009 comment letter, Mr. Sparaco responded that he will comply with all comments and he addressed two primary items which were 1) drainage will be redesigned as an infiltration system and, 2) maintaining a temporary structure during construction by removing the deck. Mr. Rosenblum informed the Board that the congregation wished to continue using a small house on the premises until the synagogue is completed at which time the small house will be demolished. Liz Mello commented that during construction, a safe access should be in place to the small house for the congregants.

Jeff Osterman stated there was insufficient lighting and would like to see a planting plan, a sidewalk on the other side of the driveway and also from the sidewalk to the building. Frank Brown asked if a mikvah previously mentioned in a 2007 application narrative is still being considered and Todd Rosenblum responded no. Marshall Katz asked about the siding and Mr. Rosenblum responded it will be a combination of stucco and vinyl siding.

Marshall Katz motioned to adopt the following resolution. Vera Brown seconded.
Resolution #09-10

RESOLVED, that a public hearing on the application of Ahavat Yisrael of Wesley Hills, Inc. for a special permit and site plan approval for a neighborhood gathering on premises located on the northerly side of East Willow Tree Road known as 126 East Willow Tree Road and designated on the Town of Ramapo Tax Map as Section 41.08, Block 1, Lot 47, will be held before the Planning Board of the Village of Wesley Hills on the 22nd day of April, 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, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes.

Motion Approved

APPROVE 2/25/09 PLANNING BOARD MINUTES.

Uri Kirschner motioned to approve the February 25, 2009 Planning Board minutes. Don Isenberg seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes

Motion Approved

Meeting adjourned 9:15 p.m.