

**Village of Wesley Hills
Planning Board – July 22, 2009**

The meeting was called to order by Marshall Katz, Chairman, at 7:40 p.m.

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

DECISION ON THE SPECIAL PERMIT AND SITE PLAN 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.

Mr. David Kanegis of 132 E. Willow Tree Road requested re-opening of the public hearing. Marshall Katz motioned to re-open the public hearing. Marvin Finker seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes

Motion Approved

Mr. Kanegis confirmed that the Board received his July 14, 2009 e-mails. Mr. Kanegis expressed concern about the decision to keep the location of the driveway on the west side of the synagogue. Mr. Kanegis believes it is more unsafe where it presently is proposed and that the Board overlooked the fast moving cars traveling down E. Willow Tree Road toward Rt. 306 when cars are exiting from the proposed driveway. Marshall Katz asked the Village consultants, Liz Mello and Jeff Osterman, to address these concerns and explain the reasons for the proposed driveway location which they did in detail. Frank Brown also re-iterated the Board members findings from the May 17, 2009 site visit. Mr. Kanegis asked the Board to travel down E. Willow Tree Road toward Rt. 306 on a clear day and Marshall Katz responded he drives that way every day. William Fried said he lives on E. Willow Tree Road and drives the road everyday. Mr. Fried said with the proposed driveway elevation plus the height of a car, visibility will be above the mailbox.

Marshall Katz asked Bill Johnson of Sparaco Engineering to explain how the proposed driveway elevation will affect the ability to see compared to Mr. Kanegis' driveway. Mr. Johnson responded that the proposed driveway that will be elevated slightly more than the existing road will have better visibility. As far as the relationship between Mr. Kanegis' driveway and the driveway of his client, he does not know what Mr. Kanegis' driveway even looks like and that they do not have nor did they do a profile of the whole roadway.

Mr. Johnson said what was done was a site distance study which does not require a profile of the road. Mr. Johnson stated that his best professional guess estimate is that there should not be a serious problem between his client's driveway and Mr. Kanegis' driveway. Ester Ben-Dov-Shucht told Mr. Kanegis that she understands his concern once the driveway is raised.

Todd Rosenblum commented that if they relocated the proposed driveway to the other side, that there are items that will limit site distance that are beyond the synagogue's control, i.e., a stone wall, telephones poles, and vegetation that are not on the synagogue's property. Mr. Rosenblum stated they would lose about 80 ft. (about 25%) of the site distance (reaction time) looking up towards Deerwood Road if the driveway is relocated to the east side. Mr. Johnson said the measured site distance at the existing location is 250 ft. to the east whereas the proposed location is 360 ft. which is a 110 ft. differential.

Marshall Katz polled the Board on the driveway issue. All Board members concurred with the location of the proposed driveway on the west side. Mr. Kanegis respectfully disagreed. Leonard Perles of 12 Marissa Drive suggested to the Board that in the future they keep hearings open to the public until the end when all issues have been completed.

Jeff Osterman reviewed the planting plan stating although it is somewhat limiting, it is the best that can be done. The Board then proceeded to review and discuss at length possible overflow parking options. Frank Brown read and explained Alternative A and Alternative B. Mr. Brown explained that in the Alternative A option, the Planning Board indefinitely reserves the authority to require that something has to be done about the additional parking. The possible need for additional parking could be identified either by independent observation by a Village official or by a complaint that is investigated by a Village official. If a possible problem is identified, the Village official then brings the matter before the Planning Board at an open meeting. A majority of the Planning Board would then have to vote to consider the matter further at a subsequent public hearing, on notice to the Congregation and the property owner. Alternative B requires at some point, which the Planning Board would determine at the time of the Special Permit approval, that the overflow parking has to be implemented. The owner/applicant does have the opportunity to come before the Board at any time prior to that date to demonstrate lack of need which would then trigger an extension and/or waiver.

Marshall Katz polled the Board and the consensus was in the direction of Alternative A but with some designated timeline for review by the Board. The following residents spoke on the overflow parking alternatives: Meryl & Jeffrey Troodler of 3 Arcadian Drive, Michael Chasen of 23 Deerwood Road, Eve & Irwin Hollander of 1 Van Winkle Road, Jeffrey Levin of 19 Charlotte Drive and Joel Eisenreich of 12 Rochelle Lane. Questions/concerns including, but not limited to, were: define the trigger for implementation, how future Boards will handle this issue, would there be a public hearing, the process now on handling parking complaints, language not to include the term revocation, etc. Leonard Perles asked if there is any other issue that is pending on this application other than the parking and the response was no, except for the architectural details.

Marshall Katz motioned to close the public hearing. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes. The public hearing was closed.

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

Resolution #09-17

WHEREAS, Ahavat Yisrael of Wesley Hills, Inc. has applied to the Planning Board for a special permit 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; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on April 22, 2009 at 7:30 P.M., and was continued on June 24, 2009 and July 22, 2009, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, the Planning Board has considered the Environmental Assessment Form and supporting documentation submitted by the applicant;

NOW, THEREFORE, BE IT RESOLVED, based upon such consideration and a site inspection by Board members, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED, that said application for a special permit for a neighborhood gathering is hereby granted, subject to the following conditions:

1. The neighborhood gathering shall be operated in conformance with the representations set forth in the letter submitted to the Planning Board by Todd Rosenblum, AIA dated March 10, 2009.

2. Pursuant to section 6.9.8a.6 of the Zoning Law of the Village of Wesley Hills, the Planning Board has determined that the provision of 29 parking spaces, as shown on the applicant's site plan, will be sufficient for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character. That determination is based on the applicant's representations concerning its presently intended operation of the neighborhood gathering. However, the Planning Board recognizes that subsequent events (including, but not limited to, expanding membership of the Congregation and increased intensity of use of the premises) may cause the need for a larger parking requirement to arise in the future. Therefore, pursuant to sections 6.9.8a.6 and 6.9.8a.8 of the Zoning Law:

a. The Planning Board reserves the authority, at any time within seven years after issuance of the certificate of occupancy for the proposed new building, if it shall have determined that a genuine issue has arisen concerning the sufficiency of the parking

requirement to enable the neighborhood gathering to continue to operate in a manner that is consistent with public safety and neighborhood character, and on notice to the then owner of the subject premises and the then operator of the neighborhood gathering on said premises, to adopt a resolution directing the then owner of the subject premises and the then operator of the neighborhood gathering on said premises to appear before the Planning Board at a subsequent public hearing for a consideration of whether the special permit shall be revised to require additional parking spaces.

b. At such subsequent public hearing, the Planning Board shall have the authority to revise the special permit to require not more than 30 additional parking spaces, provided that it shall allow a reasonable time thereafter for the construction of any improvements necessary to satisfy such additional parking requirement.

c. The Planning Board's authority to require additional parking spaces shall not include the authority to revoke the special permit.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes

Motion Approved

Todd Rosenblum submitted architectural details which are: roof shingle color, Asian wood, vinyl siding color - beige, base stucco color - mocha cream, doors – stained wood, windows the same color as the doors.

Marvin Finker motioned to adopt the following resolution. Vera Brown seconded.

Resolution #09-18

WHEREAS, Ahavat Yisrael of Wesley Hills, Inc. has applied to the Planning Board for approval of a site plan 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; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on April 22, 2009, at 7:30 P.M., and was continued on June 24, 2009 and July 22, 2009, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on July 22, 2009, by Resolution #09-17, this Board determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, heretofore on July 22, 2009, by Resolution #09-17, this Board granted a special permit for such proposed neighborhood gathering;

NOW, THEREFORE, BE IT RESOLVED, that said site plan application is hereby approved for the site plan entitled "Ahavat Yisrael of Wesley Hills, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated June 27, 2006 and last revised July 21, 2009, prepared by Sparaco Engineering & Land Surveying, PC, subject to the following conditions:

1. Compliance with all conditions set forth in the letter of the Town of Ramapo Department of Public Works intended to be dated April 8, 2009 (but actually dated, erroneously, April 8, 2008), a copy of which letter is attached to this Resolution and made a part hereof.

2. Compliance with any conditions that may be imposed by the Town of Ramapo Department of Public Works upon completion of its sanitary sewer review.

and BE IT FURTHER RESOLVED, that the architectural plans entitled "Ahavat Yisrael of Wesley Hills, 126 East Willow Tree Road, Wesley Hills, New York", dated March 6, 2009, prepared by Adaptive Architecture, are hereby approved, subject to incorporation of the materials presented to the Planning Board on July 22, 2009 and described in the Minutes of this meeting.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes

Motion Approved

PUBLIC HEARING CONTINUATION ON THE SPECIAL USE PERMITS AND SITE PLAN APPLICATION FOR CONGREGATION SHA'AR 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.

Marshall Katz informed the public that Harry Junger of 65 East Willow Tree Road withdrew his objections to the planting and lighting plan in a memo dated June 25, 2009. The Planning Board visited the site on June 28, 2009 and noted that the vegetation at the site was fairly thick and Mr. Junger seemed satisfied with the planting plan. Marshall Katz referenced Chris Kear's July 14, 2009 memo regarding the request for the 50' fire apparatus turnaround and the response by Mr. Rosenblum was that the plans were modified to include this request. Liz Mello confirmed with Mr. Johnson of Sparaco Engineering that the clearing limit line was verified and that the grading plan was also revised.

Marvin Finker stated at the site visit that it was explained that the back area of the property could be utilized for future parking if necessary and he asked why this could not be incorporated into the plans at this time. Mr. Elliot Lasky explained that because of stormwater laws it was important to be within the one acre of land disturbance requirement and secondly because of the added expense.

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

Todd Rosenblum submitted architectural drawings which are: real brick sides, stucco – color mesa del sol (brownish cream color), no siding, roof shingle – color natural timber, Pella residential windows and doors will be a corresponding color to the stucco.

Marshall Katz motioned to close the public hearing. William Fried seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes. The public hearing was closed.

William Fried motioned to adopt the following resolution. Vera Brown seconded.

Resolution #09-19

WHEREAS, Congregation Sha’ar Hashamayim has applied to the Planning Board for a special permit for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designated on the town of Ramapo Tax Map as Section 41.12, Block 2, Lot 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 June 24, 2009, and was continued on July 22, 2009, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, the Planning Board has considered the Environmental Assessment Form and supporting documentation submitted by the applicant;

NOW, THEREFORE, BE IT RESOLVED, based upon such consideration and a site inspection by Board members, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

BE, IT FURTHER RESOLVED, that said application for a special permit for a neighborhood gathering is hereby granted, subject to the following conditions:

1. The neighborhood gathering shall be operated in conformance with the representations set forth in the letters submitted to the Planning Board by Todd Rosenblum, AIA dated January 7, 2009 and May 13, 2009.

2. Pursuant to section 6.9.8a.6 of the Zoning Law of the Village of Wesley Hills, the Planning Board has determined that the provision of 40 parking spaces, as shown on the applicant’s site plan, will be sufficient for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character. That determination is based on the applicant’s representations concerning its presently intended operation of the neighborhood gathering. However, the Planning Board recognizes that subsequent events (including, but not limited to, expanding membership of the Congregation

and increased intensity of use of the premises) may cause the need for a larger parking requirement to arise in the future. Therefore, pursuant to sections 6.9.8a.6 and 6.9.8a.8 of the Zoning Law:

a. The Planning Board reserves the authority, at any time within seven years after issuance of the certificate of occupancy for the proposed new building, if it shall have determined that a genuine issue has arisen concerning the sufficiency of the parking requirement to enable the neighborhood gathering to continue to operate in a manner that is consistent with public safety and neighborhood character, and on notice to the then owner of the subject premises and the then operator of the neighborhood gathering on said premises, to adopt a resolution directing the then owner of the subject premises and the then operator of the neighborhood gathering on said premises to appear before the Planning Board at a subsequent public hearing for a consideration of whether the special permit shall be revised to require additional parking spaces.

b. At such subsequent public hearing, the Planning Board shall have the authority to revise the special permit to require not more than 20 additional parking spaces, provided that it shall allow a reasonable time thereafter for the design and construction of any improvements necessary to satisfy such additional parking requirement.

c. The Planning Board's authority to require additional parking spaces shall not include the authority to revoke the special permit.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes

Motion Approved

Vera Brown motioned to adopt the following resolution. Marvin Finker seconded.

Resolution #09-20

WHEREAS, Congregation Sha'ar Hashamayim has applied to the Planning Board for approval of a site plan for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 2, Lot 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 June 24, 2009 at 7:30 P.M., and was continued on July 22, 2009, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on July 22, 2009, by Resolution #09-19, this Board determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, heretofore on July 22, 2009, by Resolution #09-19, this Board granted a special permit for such proposed neighborhood gathering;

NOW, THEREFORE, BE IT RESOLVED, that said site plan application is hereby approved for the site plan entitled “Congregation Sha’ar Hashamayim, Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, dated January 7, 2009 and last revised July 20, 2009, prepared by Sparaco Engineering & Land Surveying, PC, subject to the following conditions:

1. Compliance with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated June 8, 2009, a copy of which letter is attached to this Resolution and made a part hereof.

2. Compliance with any conditions that may be imposed by the Town of Ramapo Department of Public Works upon completion of its sanitary sewer review.

and BE IT FURTHER RESOLVED, that the architectural plans entitled “Congregation Sha’ar Hashamayim, 71 East Willow Tree Road, Wesley Hills, New York”, dated January 6, 2009 and last revised May 13, 2009, prepared by Adaptive Architecture, are hereby approved, subject to incorporation of the materials presented to the Planning Board on July 22, 2009 and described in the Minutes of this meeting.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Ester Ben-Dov-Shucht-Yes, William Fried-Yes

Motion Approved

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 200 feet from the intersection of Lime Kiln Road. Known as Tax Parcel ID#41.5-1-23.

Leslie Snyder, Esq. represented the applicant and gave an overview of the application to the Board. Ms. Snyder brought Mr. Ron Jackson, as engineer from EBI RJS Group, Inc. Consulting, who developed the site plan and a radio frequency consultant, Anthony Wells, who submitted all the data to the Village telecommunications consultant, Mr. Ronald Graiff. Ms. Snyder explained that her client is seeking a special permit and site plan approval to construct a wireless communications services facility at 15 Spook Rock Road known as the Antrim Playhouse. Ms. Snyder explained the telecommunications facility would be designed to appear like a tree and located in the wooded area to the rear.

Verizon Wireless’s primary objective is to fill the coverage gap primarily along Route 202. Ms. Snyder explained that the reason this site was selected was due to the topography, the proximity to Route 202, and a non-essentially needed property creating the least impact on the area. The two sites presently in Verizon’s inventory are 7 Mark Drive and the Lime Kiln Road site (Mitch Miller property) and neither of these sites will provide the needed coverage along Route 202. The Spook Rock Road site will be available for co-location with the

potential for three additional carriers. Ms. Snyder indicated that they meet all the setbacks, a health report was submitted to show all FCC criteria was met for radio frequency emissions, and the site will be secure with an alarm monitoring system 24 hours a day. The facility is unmanned which will not create any additional traffic or parking issues, not create any environmental impact because there is no water or sewage, and not have exterior lighting except for an equipment sensor.

Ms. Snyder confirmed that the additional information requested by Mr. Graiff was submitted with cover letters dated July 13, 2009 and July 20, 2009. Ms. Snyder requested scheduling a public hearing.

Mr. Ronald Graiff, the Village telecommunications engineer, gave a detailed overview and explained all the materials in depth to the Board that was submitted by the applicant. Leslie Snyder informed the Board that the drive test is considered a trade secret and is being submitted under confidential purposes and requests return of the documentation following review. Ms. Snyder said if Mr. Graiff stated, as the Village consultant, that he saw, reviewed and verified the drive test, and also that the Board saw it, that would be acceptable for purposes of the record. If someone insisted on keeping the documentation, then they would have to permit it. Ms. Snyder said she would submit the drive test documentation to Janice Golda, Deputy Village Clerk, under the caveat provided. Mr. Graiff responded that this was the only time he had encountered this proprietary information constraint with Verizon.

Mr. Graiff summarized that with the proposed facility at 15 Spook Rock Road, the future use at the "Mitch Miller" property and co-location at the future Village Hall site, all of Verizon's coverage needs in the Village would be met. Mr. Graiff informed the Board that one important issue in its decision is the proposed 100 foot faux tree. Mr. Graiff recommends that the structure design and below ground foundations be able to support an additional extension of 20 feet of monopole structure cantilevered on top of the existing monopole in order to allow antennas for 3 additional carriers at 90 feet, 110 feet and 120 feet above ground. He also recommends that the faux tree monopole have the cone (top of the tree) and the leader branch be removable so that when 20 feet is added, 10-12 foot branches can be attached with tiny branches at the top to allow for better tapering of the tree.

Liz Mello reviewed with the Board and the applicant the ten items listed in her July 22, 2009 comment letter, one of which was the removal of 70-80 trees. Ms. Mello made alternative recommendations to save some trees and suggested a TAC meeting along with a site visit to review the site plan with all consultants and the landlord or a representative prior to the next Planning Board meeting.

Jeff Osterman asked when does the Board want or need to see the site? Leslie Snyder also commented that there will be a balloon test done also. Marshall Katz responded after the TAC meeting and the proposal is re-sited, then the Board could schedule a site visit prior to the public hearing. Leslie Snyder requested being scheduled for the August 2009 Planning Board meeting to submit a revised site plan and a tree survey.

Marvin Finker asked Ms. Snyder for a drawing of what the tower would look like at the new site during the summer and wintertime. Mr. Snyder responded she would try by using other existing locations. The Board then discussed the choices of faux trees. Marvin Finker had a question on 911 calls in Rockland County made on the cell phone going to an answering service and not directly to the police. The Verizon radio frequency consultant responded that the routing process is set up locally since Verizon has the capability to go direct to emergency services.

APPROVE JUNE 24, 2009 PLANNING BOARD MINUTES

Marvin Finker motioned to approve the June 24, 2009 Planning Board minutes. Vera Brown seconded.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, William Fried-Yes

Motion Approved

Meeting adjourned at 11:26 p.m.