

**Village of Wesley Hills
Planning Board – September 24, 2008**

The meeting was called to order by Marshall Katz, Chairman, at 8:15 p.m.

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

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

Absent: Don Isenberg

APPLICATION TO REVISE 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.

Mark Kurzmann, Esq., representing Yeshivas Ohr Reuven, presented an overview of the application. Mr. Kurzmann introduced David Mayerfeld, architect, Philip Grealy of John Collins Engineers who conducted the traffic study and Edward Potenta of Potenta Environmental Consultants who conducted the air quality/noise studies.

Mr. Kurzmann confirmed that there will not be any change to the exterior physical site plan. Mr. Kurzmann stated that the Village's local law is restrictive and not adequate for their (Yeshivas Ohr Reuven) needs. He explained that in 1990's the Village tracked a non-binding public school standard at which time the NYS Education Dept. recommended a minimum of 10 acres for schools in non-urban areas. Since 1998 the State Education Dept. has downgraded the number to 3 acres for elementary schools. Presently the additional children are being bused to off-site rented facilities at a significant expense.

Marshall Katz asked Mr. Kurzmann if the previously discussed plantings replacement has been completed and he responded he believes the plantings are in process and the fence has been repaired.

Mr. Kurzmann stated that the state standard requires 20 sq. ft per pupil and at that rate Yeshivas Ohr Reuven is at a 3:1 ratio and he asks for reasonableness with this request in context to other yardsticks. Marshall Katz stated that the Village law is the binding authority, the State Building Code is mandated, and state standards are planning tools.

Frank Brown confirmed the reason for the application process to begin with the Planning Board is because this Board, with the assistance of the Village Engineer and Village Planner, is better able to deal with the environmental review. Jeff Osterman, Village Planner,

recommends the submission of the SEQRA Environmental Assessment (long form) before the public hearing.

Dr. Philip Grealey of John Collins Engineers gave an overview of the traffic study. He stated the original studies were done in 1993-94 and using the same intersections they looked at 1) how traffic has developed, 2) how traffic at the school has materialized, and 3) what the traffic would be with the expansion. Dr. Grealey stated the submitted report dated September 8, 2008 projected up to 180 students in this study which is conservatively high compared to what will actually occur. He did recommend some clearing of vegetation at the intersections studied (Grandview/Spook Rock, Grandview/School Driveway, Grandview/Rt 202) which would improve visibility. Dr. Grealey stated the Grandview/Rt 202 intersection is difficult during peak hours, especially a left turn. Any recommendations can be coordinated with Rockland County since Grandview is a county road. Dr. Grealey corrected the last column in Table 2 Appendix B to read "Build" instead of "No-Build". Jeff Osterman asked even though there is no drastic change in operating levels of service, was any intersection impacted? Dr. Grealey stated the only delay change was during the morning peak hours at the Grandview/Spook Rock intersection. Dr. Grealey explained that in his 9/8/08 report he submitted an analysis of the 1993-94 volumes projected at that time versus what actually occurred. Marshall Katz noted that the student population is significantly less than the previously approved 238 number. Jeff Osterman asked if age of students is a factor and Dr. Grealey responded that there potentially could be different trip rates.

Edward Potenta of Potenta Environmental Consultants gave an overview on air quality and noise related to traffic and activities on site. Mr. Potenta stated that the NYSDEC accepts the NYSDOT methodology which is called the Environmental Procedures Manual (EPM) to evaluate traffic related air quality impacts. Mr. Potenta stated that Route 202 had the major impact of traffic from the site. Mr. Potenta said it is a two-step process, 1) review the key intersections that are impacted by the traffic generated by this facility and address the levels of service and operating conditions at these intersections and see how they change; and 2) capture criteria - looking at a variety of emissions scenarios. Four out of the five intersections operated at levels that excluded them from further consideration for air quality. The Grandview/Rt 202 intersection operated at a level that triggered further study for air quality although the EPM states that any intersection that is maintained under stop sign control need not be analyzed for air quality impacts. Therefore, based on the NYSDOT-EPM requirements, these intersections that were considered critical for traffic are not considered critical for air quality. Mr. Potenta did go further and studied the on-site traffic emissions, e.g., vehicles entering/exiting, idling, etc. and the findings were well below air quality standards. Mr. Potenta informed the Board that there were no situations found at either intersections or on-site that would create a potential air quality issue and the location for the analysis was conducted at the nearest residence to the north of the school traffic circle.

Marvin Finker asked Mr. Potenta if the sizes of the buses and type of fuel was calculated in the analysis and the response was yes and he also added that the particulate levels emitted by buses are significantly lower than the levels of carbon monoxide. Mr. Potenta stated that in the eyes of the state of environmental impact, carbon monoxide is the major pollutant emission. Mark Kurzman confirmed that for the most part buses do not park on premise.

Jeff Osterman asked if there was any on-site testing for air quality and Mr. Potenta responded that this is not generally done for air quality because there would have to be 3-6 months of relative data gathered in order to be meaningful.

Mr. Potenta said the noise study used the Rockland County Dept. of Health standard which states that the maximum permissible sound levels at residential land use should be 65 decibels during daytime (7 a.m. to 10 p.m.) and 55 decibels at nighttime (10 p.m. to 7 a.m.). Mr. Potenta informed the Board that there are no standards and/or regulation for the unamplified human voice, e.g., yelling, screaming, playing, etc. Measurements were done at two locations: 1) near the circular driveway and 2) near the rooftop ventilation equipment and the rear playarea in the west corner. Mr. Potenta stated that all measurements conducted complied to existing standards. Jeff Osterman asked where the receptors were placed at the two locations. Mr. Potenta clarified that 65 decibels is equivalent to normal conversation of unamplified voice approximately 3 feet apart.

Frank Brown confirmed that if the Planning Board is deemed the lead agency and it is a coordinated review, the SEQRA determination made by the Planning Board will bind the Zoning Board of Appeals so the Planning Board SEQRA review would have to be completed before the Zoning Board can make its own determination.

Marshall Katz motioned to adopt the following resolution. Vera Brown seconded.

Resolution #08-21

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;

NOW, THEREFORE, BE IT RESOLVED, that such application and proposed project is hereby determined to be an Unlisted Action as defined in the State Environmental Quality Review Act (SEQRA), and

BE IT FURTHER RESOLVED, that the Planning Board hereby declares itself Lead Agency pursuant to SEQRA for the purpose of conducting a coordinated review.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Marvin Finker-Yes, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes

Motion Approved

Marvin Finker motioned to adopt the following resolution. Ester Ben-Dov-Shucht seconded.
Resolution #08-22

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;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing on the application of Yeshivas Ohr Reuven for a revised special permit to allow such increase in the maximum number of students will be held before the Planning Board of the Village of Wesley Hills on the 29th day of October, 2008 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, Marvin Finker-Yes, Uri Kirschner-Yes, Ester Ben-Dov-Shucht-Yes

Motion Approved

APPROVAL OF AUGUST 27, 2008 PLANNING BOARD MINUTES

Marshall Katz motioned to approve the August 27, 2008 Planning Board minutes. Vera Brown seconded.

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

Motion Approved

Meeting adjourned 10:10 p.m.

