

Village of Wesley Hills
Planning Board Meeting-October 25, 2006

The meeting was called to order by Marshall Katz, Chairman, at 7:41 P.M.

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

Also Present: Ben Selig-Deputy Village Attorney, Liz Winzinger-Village Engineer, Jeff Osterman-Village Planner, Barbara Cartaya-Deputy Village Clerk.

1. REQUEST FOR EXTENSION OF TIME ON CONDITIONAL SUBDIVISION
APPROVAL FOR THE SUBDIVISION KNOWN AS HARRY JUNGER
SUBDIVISION.

Mr. Selig said that on October 15, 2006 Ira Emanuel, attorney for the applicant, requested in letter form an extension of time to allow for completion of the paperwork regarding the necessary easements.

As there were no objections from Mr. Katz or the Board members, a motion was made by Marshall Katz and seconded by Vera Brown to adopt Resolution #06-07:

WHEREAS, by Resolution #06-4 of the Planning Board of the Village of Wesley Hills dated May 24, 2006, the applicant was granted conditional approval of the subdivision plat subject to a number of conditions and

WHEREAS, the applicant has indicated that the one outstanding condition remains open, namely, item number 2 in said Resolution and

WHEREAS, the applicant has indicated that the applicable covenant has been prepared and is awaiting signature by the adjoining land owners, it is hereby

RESOLVED, that the period of conditional subdivision approval heretofore granted in connection with this subdivision is hereby extended until February 22, 2007.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.

CONTINUATION OF THE PUBLIC HEARING ON THE SKETCH PLAT
APPLICATION OF KWILECKI ENTERPRISES & MACCABEE CONSTRUCTION
FOR A 20 LOT SUBDIVISION. Affecting property located on the east side of Route 306, -0- feet from the intersection of Village Green. Known as Tax Parcel ID#'s 41.11-2-6-9-11-12 on the Ramapo Tax Map. Steve Sparaco, engineer, Terri Hahn, planner, Paul Savad, attorney, Dave & Dan Kwilecki, applicants appeared.

Ms. Hahn said that the requested revisions to the EAR have been added to the report. Terri Hahn said that the applicant hired a separate firm to test the soil for contaminants

and that two locations were found to be contaminated. Ms. Hahn then said that the soil was removed and she presented a receipt to the Board that detailed the work done and reflected payment of same.

Marshall Katz, the Board members, and Mr. Selig then discussed the following issues with the applicant: asbestos removal (Ms. Cartaya said that before the houses are demolished a certificate from a licensed engineer must be presented to the Building Department proving that there is no asbestos present or that it was removed in the proper manner before the house can be demolished), who will maintain the pond and the pump, how far the soil was tested to be sure that all contamination was removed (Ms. Hahn said that they go down as far as needed to achieve a measurement of parts per million of contamination in the soil), Mr. Kwilecki said that there was one small area that was affected and that was remediated Mr. Kwilecki then said that the soil at the rear of the garage the remediation was more extensive but that the area has now tested well within the permissible amount.

Mr. Katz asked if there were any comments from the public.

The following member of the public spoke: Dr. Saunders, 16 Village Green.

The following issues were addressed in detail by Mr. Katz and the Board members: the retention pond, if the existing level of the ground water before and after storms was ever checked, (Dr. Saunders said that the ground water is always at street level), who will maintain the pump in the detention basin, (Mr. Katz said that the issue of the pump will be discussed in preliminary plat stage and the Board will discuss the different options at that time), if the State agencies and sewer department were contacted, (Mr. Katz said that the State for the road was contacted, the County Sewer Department was contacted and the Fire Department was contacted for their comments).

Mr. Sparaco said that they checked to a level of 10 to 12 feet at three or four sights on the property and found no ground water. Mr. Sparaco then said that a perk test was also conducted and there were no problems found.

Mr. Katz asked Ms. Winzinger if her office agreed with Mr. Sparacos' comments.

Ms. Winzinger said that they agreed with Mr. Sparcaos' comments.

After further discussion, a motion was made by Vera Brown and seconded by Don Isenberg to close the public hearing.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.

At this time Mr. Selig asked both Mr. Osterman and Ms. Winzinger if they have reviewed and are satisfied with the EAR report that is before the Planning Board.

Mr. Osterman said that he is satisfied with the report.

Ms. Winzinger stated that she was satisfied with the report.

Mr. Selig said that the function of the Planning Board at this time is merely of an advisory nature.

A motion was made by Marshall Katz and seconded by Marvin Finker to adopt Resolution #06-08:

WHEREAS, Kwilecki Enterprises & MacCabee Construction, Inc., have applied to the Planning Board for Sketch Plat approval for a 21 lot subdivision, which application was later amended seeking approval of a 20 lot subdivision on premises located on the east side of Route 306, -0- feet from the intersection of Village Green, designated on the Town of Ramapo Tax Map as Section numbers 41.11-2-6-9-11-12 and,

WHEREAS, pursuant to Resolution #06-02 of the Planning Board of the Village of Wesley Hills, a Public Hearing for review of the proposed Sketch Plat application and its impact on the environment pursuant to SEQRA was held before the Planning Board of the Village of Wesley Hills on the 22nd day of February, 2006 and continued to the 22nd day of March, 2006, the 26th day of April, 2006, the 24th day of May, 2006, the 28th day of June, 2006, the 26th day of July, 2006, the 23rd day of August 2006, the 27th day of September, 2006, and the 25th day of October, 2006, and

WHEREAS, the Board of Trustees of the Village of Wesley Hills by Resolution #101-05 dated November 15, 2005, determined that there would be a coordinated review with the Board of Trustees pursuant to SEQRA with the Board of Trustees acting as the lead agency, and

WHEREAS, the Planning Board of the Village of Wesley Hills, has made a site specific review of the proposed Sketch Plat application and its impact upon the environment pursuant to SEQRA, and

WHEREAS, the applicant submitted to the Planning Board of the Village of Wesley Hills an Environmental Assessment Report dated June 1, 2006, which Environmental Assessment Report was revised and re-submitted September 6, 2006, and further revised and re-submitted on October 11, 2006, which Environmental Assessment Report, as revised, addresses and evaluates all environmental concerns expressed by the public, members of the Planning Board of the Village of Wesley Hills and the Planning Consultant of the Village of Wesley Hills as well as the Village Engineer of the Village of Wesley Hills, and

WHEREAS, after comprehensive review of the aforementioned Environmental Assessment Report and, more particularly, the third revision thereof, the Village Engineer and the Village Planner have expressed satisfaction with the scope and depth of the said Environmental Assessment Report, be it

RESOLVED, that the Planing Board of the Village of Wesley Hills recommends to the Village Board of the Village of Wesley Hills that the Village Board determine that the proposed subdivision will not have a significant impact upon the environment as defined in the New York State Environmental Quality Review Act (SEQRA).

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.

CONTINUATION OF THE SKETCH PLAT APPLICATION OF NANCY ABRAMSON FOR A PROPOSED TWO LOT SUBDIVISION. Affecting property located on the north side of Pomona Road, 1200' west of McNamara Road. Known as Tax Parcel ID# 32.20-1-42 on the Ramapo Tax Map. Jay Greenwell, engineer, and Nancy Abramson, applicant, appeared.

Mr. Greenwell said that the roads are owned and maintained by the Pomona Country Club Association and that no services are provided either by the Village of Wesley Hills or the Town of Ramapo. Mr. Greenwell said that the width of the road (which is of concern to the Village Engineer) has always been 14 feet and that there may be a possibility of extending Pomona Lane along West Lane to create a new road along the side of the property. Mr. Greenwell said that he and Mrs. Abramson met with the President and several members of the Pomona Country Club Board with regard to the possibility of widening the existing roads. The members of the club decided that there is no way that they want to widen the existing roads, because they want the area to remain as it now exists. Mr. Greenwell then discussed a letter from Chris Kear, Fire Inspector for the Village of Wesley Hills, and Tim Wren stating that (to date) there has been no problem fighting fires in the area. Mr. Greenwell then said that one of the primary reasons that the Pomona Country Club does not want to enlarge the roads is because they do not want (although they have stated on record they do not have a problem with Ms. Abramson's proposal) to encourage further subdividing of the properties. Mr. Greenwell then requested that the Board consider this subdivision as a unique case due to the hardship in that Mrs. Abramson must live in a single story dwelling with an attached garage and she would like very much to stay in the area.

A lengthy discussion began between Marshall Katz, the Board members, Ben Selig, Liz Winzinger and Jeff Osterman regarding the existing road size, the need for the Planning Board and the Fire Inspector to meet with the Pomona Country Club Board before any decisions are made on this proposal, the possibility of creating an easement along West Lane, and the importance of conducting the meeting with the Pomona Country Club Association before permitting any further development of the area.

Mr. Katz polled the Board members to see if they wanted to continue with the application

All the Board members agreed to continue with the application.

Mr. Greenwell said that (as requested) he provided the grading on lot 2 so that there are no longer swales on the northerly side of the property. Jay Greenwell then said that he is now showing the erosion control on lot 2 and the front yard impervious surface is now included on the plan.

After further discussion, a motion was made by Uri Kirschner and seconded by Marshall Katz to adopt Resolution # 06-09:

WHEREAS, a formal application from Nancy Abramson for approval of a Sketch Plat entitled "Sketch Plat prepared for Abramson, Village of Wesley Hills, Town of Ramapo, Rockland County, State of New York", dated February 24, 2006, and revised August 9, 2006, prepared by Jay A. Greenwell, P.L.S., LLC, affecting property located on the north side of Pomona Lane, 1200 feet west of McNamara Road, designated on the Town of Ramapo Tax Map as Tax Parcel ID# 32.20-1-42 in an R-35 District, was considered by the Planning Board at its regular meeting on October 25, 2006, and

WHEREAS, the approval of such project will require the grant of certain variances by the Zoning Board of Appeals of the Village of Wesley Hills, and

WHEREAS, the applicant consents to an extension as to SEQRA if so required by the Zoning Board of Appeals of the Village of Wesley Hills, it is hereby

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 it is

FURTHER RESOLVED, that the Planning Board hereby declares it is lead agency pursuant to SEQRA for the purposes of conducting an uncoordinated review, and it is

FURTHER RESOLVED, that such application for sketch plat approval be and the same is hereby granted subject to the granting of required variances by the Zoning Board of the Village of Wesley Hills as well as the revision of the bulk table set forth on said sketch plat in order that the specification for maximum floor area ratio be changed to a specification for maximum building coverage and that an additional specification be added for maximum exposed building height.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes Don Isenberg-yes, Marvin Finker-yes.

A motion was made by Marshall Katz and seconded by Don Isenberg to approve the May 24, 2006 minutes.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.

A motion was made by Don Isenberg and seconded by Marshall Katz to approve the June 26, 2006 minutes.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes.

A motion was made by Marvin Finker and seconded by Marshall Katz to approve the August 23, 2006 minutes.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.

Mr. Katz and the Board members discussed the November 22, 2006 meeting date.

Mr. Katz and the Board members decided to change the date to November 29, 2006.

A motion was made by Marshall Katz and seconded by Don Isenberg to adjourn the meeting.

The following vote was taken: Marshall Katz-yes, Vera Brown-yes, Don Isenberg-yes, Marvin Finker-yes.