

Village of Wesley Hills
Planning Board-June 27, 2007

The meeting was called to order by Marshall Katz, Chairman, at 7:37 P.M.

Present: Marshall Katz-Chairman, Marvin Finker, Uri Kirschner-First Alternate, Ester Shucht-Second Alternate.

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

Absent: Vera Brown-Deputy Chairman, Allan Fialkoff, Don Isenberg.

PUBLIC HEARING ON THE FINAL PLAT APPLICATION OF NANCY ABRAMSON FOR A PROPOSED TWO LOT SUBDIVISION. Affecting property located on the north side of Pomona Lane, 1,200' 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 he complied with all the engineering comments.

Mr. Katz asked Liz Mello if she had any comments.

Ms. Mello said that her office is satisfied.

Mr. Katz then read letters from the Rockland County Sewer District, Ramapo Building and Planning Department, The Rockland County Health Department, and the Town of Ramapo Highway Department.

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

Bill Sweet, 11 Park Lane asked how many lots and homes there would be. Mr. Katz told him there would be two lots with one new home and the existing home on the property.

As there were no further comments, a motion was made by Marshall Katz and seconded by Uri Kirschner to close the public hearing.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.

A motion was made by Marvin Finker and seconded by Ester Shucht to adopt Resolution #07-08:

WHEREAS, a formal application from Nancy Abramson for approval of a final plat entitled "Subdivision of Property for Abramson, Village of Wesley Hills, Town of Ramapo, County of Rockland, State of New York", dated February 24, 2006, and revised

August 9, 2006, December 4, 2006, April 4, 2007, and May 29, 2007, prepared by Jay A.Greenwell, P.L.S., LLC, affecting property located on the north side of Pomona Lane, 1,200 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 received by the Planning Board on June 7, 2007, 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 June 27, 2007, at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on February 28, 2007, the Zoning Board of Appeals of the Village of Wesley Hills granted variances 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 May 30, 3007, by Resolution #07-05, 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, heretofore on May 30, 2007, by Resolution #07-06, this Planning Board granted approval to the preliminary subdivision plat for the aforesaid subdivision, and

WHEREAS, by letter dated April 25, 2007, the Town of Ramapo, Building, Planning and Zoning Department indicated it had no comments with respect to the subject subdivision, and

WHEREAS, by letter dated May 3, 3007, the County of Rockland Department of Health confirmed its approval of the subsurface disposal system for the proposed subdivided lot and further indicated that the applicant must obtain from the Rockland County Department of Health, appropriate permits, prior to drilling a new well, and

WHEREAS, by letter dated May 21, 2007, the Town of Ramapo, Department of Public Works confirmed that a sanitary sewer review is required prior to final subdivision approval, and

WHEREAS, by letter dated June 13, 2007, the County of Rockland, Department of Highways, indicated that the proposed action would have no foreseeable adverse effect upon county roads in the area, 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 conditions, unless the applicant shall have obtained from the 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 modification to the subdivision plat and construction plans shall be required:

- a. The plat and construction plans shall comply with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated May 21, 2007, a copy of which letter is attached to this Resolution and made a part hereof, and any modifications of such conditions that may be made by said Department of Public Works.
- b. The plat and construction plans shall comply with all conditions set forth in the letter of the County of Rockland Department of Health dated May 3, 2007, a copy of which letter is attached to this Resolution and made a part hereof, and any modifications of such conditions that may be made by the said Rockland County Department of Health.

2. 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.

3. Money in Lieu of Recreation Land – The Planning Board finds that a proper case exists for requiring those additional parklands is suitably located for playground and other recreational purposes within the Village of Wesley Hills. The proposed development will result in an increased resident population, an increased use of existing recreational facilities, and an increased demand for additional recreational facilities within the Village of Wesley Hills. The Planning Board further finds that a park of adequate size cannot be properly located on the subject property due to the environmental and topographic constraints and inadequate public access. Therefore, in lieu of a dedication of land for park and recreation facilities, a recreation fee of \$5,000.00 per lot shall be paid to the Village of Wesley Hills for one lot only (because the said subdivision shall result in the creation of only one additional residence). Such fee shall be paid at or prior to the signing of the plat by the Chairman of the Planning Board.

4. 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.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.

Mr. Greenwell then asked if there was any way to reduce the money in lieu of land fee.

Mr. Selig said that the Village Board passed a Resolution increasing the required amount for money in lieu of land fees and that there is no way that the amount could be reduced.

AMENDMENT TO RESOLUTION #07-07 GRANTING PRELIMINARY APPROVAL TO KWILECKI ENTERPRISES & MACCABEE CONSTRUCTION INC., FOR A 20 LOT SUBDIVISION DATED MAY 30, 2007. 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.

Mr. Selig said that the Village Board amended the local law with regard to money in lieu of land. Mr. Selig then said that this provision is now required on preliminary plat approval rather than final plat approval.

Mr. Selig then said that this information was communicated both to Mr. Savad (attorney for the applicant) and to Mr. Sparaco (engineer for the applicant) in letter form. Mr. Selig said that this Resolution is a reassertion of the previously approved preliminary plat Resolution #07-07 and the proposed Resolution is 07-07(a). Mr. Selig then said that the only change to the Resolution is the addition of the language with regard to the money in lieu of land clause.

After further discussion, a motion was made by Ester Shucht and seconded by Uri Kirschner to adopt Resolution #07-07(a):

WHEREAS, a formal application from Kwilecki Enterprises and Maccabee Construction for approval of a preliminary plat entitled "The Willows, Village of Wesley Hills" prepared by Sparaco Engineering & Land Surveying, P.C., affecting property 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 Tax Parcel ID#'s 41.11-2-6-9-11-12 and

WHEREAS, a duly advertised public hearing was held on said application and preliminary plat at the Village Hall, 432 Route 306, Wesley Hills, New York, on 4/26/06 at 7:30 P.M. and was continued on 5/30/06, at which times all interested parties present were given an opportunity to be heard, and

WHEREAS, the Village Board of the Village of Wesley Hills by Resolution No. 10-07 determined 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).

WHEREAS, the Village Board of the Village of Wesley Hills by Resolution No. 11-07 granted a zone change for the subject property to R20 as to the four (4) lots fronting on Village Green and to R15 as to the balance of the lots, and

WHEREAS, the Planning Board of the Village of Wesley Hills by Resolution No. 07-01 resolved that the application for sketch plat approval for said subdivision be granted, and

WHEREFORE, the Planning Board of the Village of Wesley Hills by Resolution #07-07 resolved that said preliminary plat be approved subject to the following conditions:

1. Incorporation of all changes depicted on the revised plat and construction drawings last revised 5/16/07.
2. Finalization of a required drainage easement with the Wesley Hills Shopping Center and related drainage plan for connection to the Willow Tree Brook to the satisfaction of the Village of Wesley Hills engineer.
3. Approval of the New York State Department of Transportation for proposed drainage involving the required road crossing of Route 306.
4. Finalization of Storm Water Pollution Prevention Plan to the satisfaction of the Village Engineer of the Village of Wesley Hills.
5. Compliance with all conditions set forth in the memorandum of the County of Rockland Department of Planning dated 5/21/07, a copy of which memorandum is attached to this Resolution and made a part hereof.
6. Lots 12 and 13 are determined by the Planning Board of the Village of Wesley Hills as to the two (2) subdivision lots for which no building permits will be issued for until all required improvements are fully completed to the satisfaction of the Village Engineer and dedicated to the Village of Wesley Hills.
7. A determination by the Planning Board of the Village of Wesley Hills as to whether “No parking” signs should be added to Greg Sikorsky Drive and/or to Willows Drive,

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid preliminary approval granted by Resolution 07-07, of the Planning Board of the Village of Wesley Hills be and the same is hereby amended as follows to add the following provision,

BE IT FURTHER RESOLVED that the Planning Board finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Village of Wesley Hills. The proposed development will result in an increased resident population, an increased use of existing recreational facilities, and an increased demand for additional recreational facilities within the Village of Wesley Hills. The Planning Board further finds that a park of adequate size cannot be properly located on the subject property due to environmental and topographic constraints and inadequate public access. Therefore, in lieu of a dedication of land for

park and recreation purposes, a recreation fee of \$5,000.00 per lot shall be paid to the Village of Wesley Hills for each lot shown on the said subdivision plat. Such fee shall be paid at or prior to the time of signing of the plat by the Chairman of the Planning Board.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.

At this time Jay Saunders of 16 Village Green asked for clarification of the SPDES permit process, and if the permit is not approved what would the next step be for the Village, (at this time Ms. Mello explained in great detail to Jay Saunders and the Board members the SPEDES permit application).

Mr. Saunders requested a private meeting with the Village Engineer to explain the process in more detail, Mr. Saunders was advised by Mr. Selig and Mr. Katz that if he wanted more detail he must seek outside professional help just as the applicant must.

PUBLIC HEARING ON THE FINAL PLAT APPLICATION OF KWILECKI ENTERPRISES & MACCABEE CONSTRUCTION, INC. FOR 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.

At this time Mr. Katz read an E-mail from Mr. Kwilecki requesting a one-month adjournment into the record.

A motion was made by Marshall Katz and seconded by Marvin Finker to adjourn the public hearing to the July 25, 2007 meeting.

The following vote was taken: Marshall Katz-yes Marvin Finker-yes, Uri Kirschner-yes Ester Shucht-yes.

CONTINUATION OF THE PUBLIC HEARING ON THE SPECIAL PERMIT AND SITE PLAN APPLICATION 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. Ira Emanuel, attorney, John and Jim Wickes, applicants, appeared.

At this time Mr. Osterman reviewed in great detail, part two of the environmental portion of the application with Mr. Katz, the Board members, Mr. Selig and Ms. Mello. Mr. Osterman explained that there were various responses on the application that will help determine if there is any environmental impact on the site. The following items were discussed, the trucks, the mulch piles, visual impact, odors, the storage of chemicals on site and other issues relating to the environmental impact questionnaire.

After further discussion Mr. Selig said that it appears the Board feels that the items with the potentially greatest impact are numbers 4, 5, 7, 11, 15, 17, 18, 19 and 20 on the questionnaire.

Mr. Katz and the Board members agreed with Mr. Selig.

Mr. Emanuel requested to appear at the next TAC meeting to discuss in greater detail how best to address the Environmental Impact Statement with the consultants.

At this time Mr. Katz asked if there was anyone from the public who wished to speak.

The following members of the public spoke: Neil Marcus, 32 McNamara Road, Susan Mair 17 McNamara Road, Ruth Ivy, 11 Rockingham Road

The following issues of the public were addressed by Mr. Katz and the Board members in great length: if the business could be moved to a different location, (Mr. Marcus began to discuss his Court case and was strongly advised that the Planning board is to discuss the merits of the special permit application, not the case before the Court). (Mr. Marcus continued to read his memo into the record). Mr. Selig again reminded Mr. Marcus that his memo is basically referring to his case pending in the New City Court system. Mr. Marcus continued reading his memo into the record. At this time Mr. Selig referred to the local law #3 of 2006 that mandates the Board consider the Special Permit application. Mr. Selig asked Mr. Marcus to keep his comments within the confines of the special permit application not the pending court case. Ms. Mair discussed the following concerns: health risks, vibrations from the trucks, (at this time Ms. Mair discussed a health issue she has with the Board and said that she feels that the dust from the Arborists may be a contributing factor). The public continued with comments regarding trucks exiting onto McNamara Road, the possibility of reconfiguring the driveway to mitigate the trucks making a wide turn onto McNamara Road.

After further discussion, Mr. Katz asked if there were any further comments from the public.

As there were no further comments, a motion was made by Marshall Katz and seconded by Ester Shucht to adjourn the public hearing to July 25, 2007 meeting.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.

APPEARANCE OF DAVID LICHTENSTEIN FOR ENCROACHMENT IN THE WETLANDS AND WETLANDS BUFFER. Affecting property located on the west side of Grand Park Drive, 325 feet from the intersection of Grandview Avenue. Known as Tax Parcel ID# 41.14-1-6 on the Ramapo Tax Map. Ira Emanuel, attorney and Rhonda Smith from Leonard Jackson Associates, appeared for the applicant.

Mr. Emanuel said that the original contractor dropped the floor elevation approximately 1.7', which in turn meant the drain pipes were dropped and the pipes had to run a longer distance in order to reach daylight. Mr. Emanuel then said that any deviation from the plans that were approved should have definitely appeared before the Board for approval. Mr. Emanuel said that some of the trees that were removed were dead or dying. Mr. Emanuel said that he is looking for direction to correct the violations that the applicant has created.

Mr. Katz asked Ms. Mello for her comment.

Ms. Mello said that when her office received the final survey for the property, they went out to look at the site. Ms. Mello then said that there were many changes that were not approved i.e. amount of disturbance, the clearing limit line, the dry wells are missing and the oil grit separator is not shown on the plan. Ms. Mello then said that her office wants an "as built" that has all the information that was required on the approved site plan and additionally a comparison that shows the original clearing limit line was. Ms. Mello said that the contractor basically installed a dirt road around the property to access the pool area and there was a tile-cutting machine for the work on the roof. Liz Mello said that in some areas there appears to be fill in excess of seven feet from what was originally approved and a walking path was installed in the wetlands to access the adjoining property.

Mr. Emanuel said that they would address any and all changes that the Village requires.

After further discussion regarding the disturbance and how best to proceed with the application it was decided to adjourn the matter until a new "as built" is provided.

A motion was made by Uri Kirschner and seconded by Marvin Finker to approve the April 25, 2007 minutes.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.

A motion was made by Marshall Katz and seconded by Uri Kirschner to adjourn the meeting.

The following vote was taken: Marshall Katz-yes, Marvin Finker-yes, Uri Kirschner-yes, Ester Shucht-yes.