

Village of Wesley Hills
Planning Board-July 26, 2006

The meeting was called to order by Marshall Katz at 7:45 P.M.

Present: Marshal Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg.

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

Absent: Marvin Finker-First Alternate, Uri Kirschner-Second Alternate.

REQUEST FOR A REVISION TO A PREVIOUSLY APPROVED SUBDIVISION ENTITLED IMA SUBDIVISION. Affecting property located on the easterly side of Wesley Chapel Road. Known as Tax Parcel ID#s 41.9.1.21.1,2 and 3 on the Ramapo Tax Map. Meryl Troddler, attorney, and Joseph Zazon, applicant, appeared.

Mrs. Troddler said that Mr. Zazon purchased an existing subdivision and Mr. Zazon then ran a water easement across lot 1 of the subdivision in favor of lots 2 and 3. Mr. Zazon then had to go before the Zoning Board of the Village because the easement effected the lot size. A variance was subsequently granted to allow for the easement.

Mr. Selig said that he received a resolution from Doris Ulman, attorney for the Zoning Board of Appeals of the Village of Wesley Hills. Mr. Selig said that after review he finds that the pervious owner created the water easement without obtaining the required permission.

Liz Winzinger said that Mr. Acker (the previous owner of the subdivision) owns a house on Tranquillity Road. Ms. Winzinger said that Mr. Acker (without approval) ran the water line through lot 1 of the subdivision. Ms. Winzinger said that Mr. Zazon had to appear before the ZBA for lots 2 and 3 because trees were cut down beyond the clearing limit line. Ms. Winzinger then said that when the plot plan came in for lot 1, the water easement was shown. Ms. Winzinger reviewed and denied the survey. Ms. Winzinger then said that the applicant was advised that they must return to the ZBA due to the reduction in lot size.

Mr. Selig said that the subdivision is now more desirable because it is served by public water. Mr. Selig then said that after a review of the Resolution given to him by the ZBA, he doesn't feel that the Planning Board needs to take any further action on the matter.

CONTINUATION OF THE PUBLIC HEARING ON THE SKETCH PLAT APPLICATION OF KWILECKI ENTERPRISES & MACCABEE CONSTRUCTION INC. FOR A 21 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. Paul Savad, attorney, Steve Sparaco, engineer, Terri Hahn, planner, Dave Kwilecki and Dan Kwilecki, applicants, appeared.

Mr. Katz said that Mr. Kwilecki is still before the Village Board regarding their proposed zone change.

A motion was made by Vera Brown and seconded by Don Isenberg to continue the application.

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

SKETCH PLAT APPLICATION FOR A PROPOSED TWO LOT SUBDIVISION ENTITLED SCHEINER SUBDIVISION. Affecting property located on the south side of Grandview Avenue, 445' west of Forshay Road. Known as Tax parcel ID# 41.14-1-55 on the Ramapo Tax Map. Mark Kurzmann, attorney and Bill Young, engineer, appeared for the applicant.

Mr. Kurzmann said that the applicant wants to subdivide the property and leave the existing house on lot #1. Mr. Kurzmann then said that the driveway for lot #2 will be placed on Lot #1. Mr. Kurzmann said that the applicant will have to apply for a rear yard variance in order to keep the house on lot #1. Mr. Kurzmann then said that the lot area (after the reduction in lot size due to the driveway) would be approximately 44,000 square feet and the rear lot would be smaller. Mr. Kurzmann said that there is a private road that abuts Lot #1 but he is unsure of the history of the private road. Mr. Kurzmann said that the neighboring lot had a pool installed and it would be very unlikely that they would subdivide in the near future.

Ms. Winzinger said that the original subdivision (CM Homes) which created the rear lot, was approved by the Town of Ramapo. Ms. Winzinger then said that the original design showed a temporary "T" turnaround. Ms. Winzinger discussed the private street and said that perhaps the private street should continue through to the rear lot. Liz Winzinger said that it must be shown who will maintain the private road and if the applicant has secured permission from Mr. Fromm (owner of Lot 1) to access the private street. Mr. Kurzmann said that they do not have permission from Mr. Fromm for use of the street. Ms. Winzinger discussed the width for the private road. Ms. Winzinger then said that the lot area for lot#1 appears to be incorrect because it appears that the applicant did not include the existing easement in their calculations. Ms. Winzinger said that her main concerns are the configuration of the roads and if the neighboring lot comes in for a subdivision, how will it impact the area. Ms. Winzinger then said that they would prefer two separate driveways coming off a cul-de-sac bulb, and that the existing "T" turnaround is illegal and must be changed.

Mr. Young said that if the Board wants the driveway extended it would severely impact the front lot and the same is true for the rear lot. Mr. Young then said that the plan now shows the forced main and he will move the water line over. Bill Young then said that the size of the lot appears to be compatible with existing lots.

Mr. Selig said that note 10 must be changed, maximum height (due to a revision in the zoning law) and exposed building height must be added to the plan.

Jeff Osterman said that he would like the applicant to submit a topography photo that shows where the existing structures are and the surrounding lots because it would help the Board decide the placement of driveways, easements etc. Mr. Osterman then said that the road that will service the subdivision should not be a separate parcel and it is too hard to ensure that taxes are paid on a separate parcel etc.

At this time Mr. Selig asked Mr. Kurzmann (before the next meeting) to provide a copy of the deeds of conveyance (regarding the easement) to him for review.

SPECIAL PERMIT APPLICATION OF AHAVAT YISRAEL. 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. Isidor Friedenber, attorney, appeared for the applicant.

Mr. Friedenber said that the congregation serves about 50 members but hopes to continue to grow to a maximum of 226 members. Mr. Friedenber then said that the congregants will walk to the synagogue on holidays and the Sabbath so that the most parking spaces that will be needed is about 45 spaces. Additionally, the applicant will have to make application to the ZBA for a side yard variance and possibly for a front yard variance.

Mr. Osterman said that there is a major design issue with the driveway. Mr. Osterman said that the driveway should line up with Rainbow Court due to safety issues and the driveway should be cleared more because the driveway is practically hidden from East Willow Tree Road.

A discussion began between Marshall Katz, the Board members, Jeff Osterman, Ms. Winzinger and Mr. Rosenblum regarding the placement and configuration of the driveway, safety issues i.e.; the approach to the existing driveway is very poor and it is much safer where it is now shown, if there are to be (maximum) 226 members, how many parking spaces should be required, the layout of the site, how many parties etc. will be held, if classes will be conducted, the proposed mikvah be included in the application, a traffic study must be conducted, planting plan, lighting plan etc. be submitted.

At this time Mr. Rosenblum presented the floor plan to Mr. Katz and the Board members for review.

REQUEST BY DANIEL AND PHYLLIS FURMAN TO RECOMMEND RELEASE OF ESCROW TO THE VILLAGE BOARD.

Marshall Katz asked Ms. Winzinger if the work was completed on the property.

Ms. Winzinger said that all the work is completed, but she wants an as built survey submitted for review before releasing all the escrow.

A motion was made by Marshall Katz and seconded by Vera Brown to adopt Resolution #06-06:

WHEREAS, By Resolution #05-13, the Planning Board of the Village of Wesley Hills granted the application of Daniel Furman for a clearing, filling and excavating permit for premises located on the north corner of Astor Place, known as Tax Parcel ID# 41.6-1-79 on the Ramapo Tax Map.

WHEREAS, an escrow agreement was entered into on September 23, 2005, pursuant to which the applicant, Daniel Furman and Phyllis Furman, deposited with the Village of Wesley Hills, the sum of \$11,250.00 to be held in escrow pursuant to the terms of said escrow agreement, a copy of which is annexed hereto and,

WHEREAS, the Village Engineer of the Village of Wesley Hills has determined that all the conditions and requirements set forth in Planning Board Resolution #05-13 have been complied with by the applicant subject to submission to and approval by the Village Engineer of an as built drawing it is hereby

RESOLVED, that the Planning Board of the Village of Wesley Hills recommends to the Village Board of the Village of Wesley Hills that the escrow fund in the sum of \$11,250.00 be released and returned to the applicant, Daniel Furman as follows; \$7,000.00 at the present time and the balance upon submission of an as built drawing to and approval of same by the Village Engineer.

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

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

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