

Village of Wesley Hills  
Planning Board-October 2, 2007

The meeting was called to order by Donald Isenberg at 7:40 P.M.

Present: Donald Isenberg, Marvin Finker, Ester Shucht-First Alternate.

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

Absent: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Uri Kirschner.

CONTINUATION OF THE PUBLIC HEARING ON THE FINAL 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, Dave and Dan Kwilecki, applicants, appeared.

Mr. Sparaco read a letter dated October 2, 2007, from the DOT, granting approval for the changes made to the plat. Mr. Sparaco then said that he has received approval from the County of Rockland Health Department, dated September 6, 2007, United Water Department, and a letter from Paul Gadanski, Town of Ramapo DPW approving the updated plan.

Mr. Selig said that at the last meeting there were three major concerns. One was the DOT "happiness" letter, that the parking note be amended to reflect that no parking be permitted along either side of Greg Sikorsky Drive within 150' of Route 306. Mr. Selig then said that he sent a letter to Mr. and Mrs. Babayov on Route 306 requesting that they grant permission to construct the sidewalk in front of their house. At this time Ms. Mello said that she met with Mr. Sparaco and Ms. Russo from the NYS DOT and they came to a compromise that the sidewalk will be constructed in the NYS right-of-way and will not require the homeowner's permission. Ms. Mello said that the sidewalk would be reduced from 5 feet to 3 or 4 feet in front of the Babayov property.

At this time Ms. Mello said that the letter of credit amount for the final wearing course and the sidewalk cost would be \$231,000.00.

Mr. Selig said that he has received the proposed Homeowners Association paperwork and that everything seems to be in order. Mr. Selig said that he has reviewed the proposed easement across the shopping center property and it appears to be in order. Mr. Selig then read a letter approving the Homeowners Association dated August 13, 2007 from Nancy J. Haber, Assistant Attorney General of the State of New York, into the record.

Mr. Isenberg asked Ms. Mello if she had any further comments.

Ms. Mello said that her office is satisfied.

Mr. Isenberg asked if the Board members had any further comments.

The Board members had none.

Mr. Isenberg then asked if anyone from the public wished to speak.

There were no comments from the public.

Marvin Finker made a motion seconded by Esther Shucht to close the public hearing.

The following vote was taken: Don Isenberg-yes, Marvin Finker-yes, Esther Shucht-yes.

A motion was made by Marvin Finker and seconded by Esther Shucht to approve Resolution #07-09:

WHEREAS, a formal application from Kwilecki Enterprises and Maccabee Construction for approval of a final plat entitled "The Willows, Village of Wesley Hills" prepared by Sparaco Engineering & Land Surveying, P.C., dated July 11, 2007, and last revised September 24, 2007, 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, partly in an R-20 District and partly in an R-15 District, was received by the Planning Board on September 24, 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 7:30 P.M., and continued on July 25, 2007, August 29, 2007, and October 2, 2007, at which times all interested parties were given an opportunity to be heard, and

WHEREAS, the Village Board of the Village of Wesley Hills on February 6, 2007, after a coordinated review, 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), and no change has been made in the final subdivision plat which would alter such determination, and

WHEREAS, the Village Board of the Village of Wesley Hills by Resolution No. 11-07 granted a zone change for the subject property located to R-20 as to the four (4) lots fronting on Village Green and to R-15 as to the balance of the lots, and

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

WHEREAS, 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, and

WHEREAS, the Planning Board of the Village of Wesley Hills by Resolution No. 07-07 (A) resolved that a proper case exists for requiring that additional park lands be suitably located for playground and other recreational purposes within the Village of Wesley Hills and that the proposed development will result in an increased resident population, and increased use of existing recreational facilities, and an increased demand for additional recreational facilities within the Village of Wesley Hills. The Planning Board further found that a park of adequate size cannot be properly located on the subject property due to environmental and topographic constraints and inadequate public access and that, therefore in lieu of a dedication of land for park and recreation purposes, a recreation fee of \$5,000.00 per lot is to be paid to the Village of Wesley Hills for each lot on the said subdivision plat and that such fee shall be paid at or prior to the signing of the plat by the chairman of the Planing Board;

NOW, THEREFORE, BE IT RESOLVED, that the final subdivision plat is hereby approved subject to the following conditions, and that the chairman of the Planning Board 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 this 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 modifications to the subdivision plat and construction plans shall be required:

- a. The plat shall incorporate all changes depicted on the revised plat bearing revision date September 24, 2007.
- b. The Note number 44 on the subdivision plat shall be amended to read as follows, "No parking signs shall be placed along both sides of Greg Sikorsky Drive within 150 feet of the intersection of Greg Sikorsky Drive and Route 306".
- c. The plat and construction plans shall comply with conditions set forth in the memorandum of Brooker Engineering PLLC, dated July 23, 2007, a copy of which is attached to this Resolution and made a part hereof.

2. Compliance with conditions of Rockland County Department of Planning. – The developer shall comply with all conditions set forth in the letter report sent to this Board by the Rockland County Department of Planning pursuant to its General Municipal Law Review dated July 5, 2007, a copy of which is attached to this Resolution and made a part hereof.

3. Compliance with Conditions of the State of New York Department of Transportation – The developer shall comply with all conditions set forth on the letter report sent to this board by the State of New York Department of Transportation dated October 2, 2007, a copy of which is attached to this resolution and made a part hereof

4. Drainage Easement - An executed drainage easement shall be prepared, in form satisfactory to the Village Attorney, providing for required drainage with the Wesley Hills Shopping Center.

5. Indemnification Agreement – An executed agreement shall be prepared, in form satisfactory to the Village Attorney, indemnifying and holding harmless the Village of Wesley Hills from and against all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from the performance of construction work within Willows Road, the cul-de-sac and Greg Sikorsky Drive between the time that the Board of Trustees shall have accepted the offer of dedication for Willows Road and Greg Sikorsky Drive and the time that the construction of improvements within Willows Road and Greg Sikorsky Drive shall have been completed to the satisfaction of the Village Engineer.

6. Construction of Improvements – The developer shall construct, install, and maintain all required improvements in accordance with the approved subdivision plat and construction plans. Said improvements are to be completed to the satisfaction of the Planning Board.

In order to obtain the endorsement of the Planning Board Chairman on the plat prior to the completion of all required improvements, the developer may file letters of credit with the Village of Wesley Hills as specified below to ensure completion of all such improvements. All letters of credit to be delivered by the developer to the Village of Wesley Hills and shall be irrevocable and shall be from a bank having an office on Rockland County and having capital on the minimum amount of \$50,000,000.

- a. if the developer chooses to file a letter of credit pursuant to Section 4.11 of the Subdivision Regulations of the Village of Wesley Hills, such letter of credit shall be in the amount of \$827,962.50. The said letter of credit shall authorize payment to the Village of Wesley Hills upon sight drafts accompanied by the written certification of the Planning Board Chairman that the required improvements other than the final road wearing courses have not been completed to the satisfaction of the Village Engineer within three years from the date of this Resolution. Such sight drafts shall be in the aggregate amount of all expenses incurred by the Village for the provision of such improvements. In the event the developer has elected to deposit cash with the Village of Wesley Hills in lieu of such letter of credit, the Village shall be authorized to pay for the expenses of provision of such improvements out of such cash, and any excess cash remaining after the completion of such final improvements shall be returned to the developer.

7. Additional Documents Required – Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall prepare and deliver to the Village of Wesley Hills all legal documents required by the Subdivision Regulations in form suitable for recording and satisfactory to the Village Attorney. The deeds conveying to the Village of Wesley Hills and the Town of Ramapo respectively the interests in real property as shown on the plat shall set forth that such conveyance is for general municipal purposes and shall be accompanied by a title insurance binder showing clear title and a paid bill from the title company.

The following vote was taken: Don Isenberg-yes, Ester Shucht-yes, Marvin Finker-yes.

**DISCUSSION ON A RECOMMENDATION TO THE VILLAGE BOARD FOR AN AMENDMENT TO THE LOCAL ZONING CODE REGARDING UNREGISTERED AND UNINSPECTED VEHICLES.**

Mr. Selig said that there is a Village Law that limits the amount of unregistered vehicles on a homeowner's property to one. Mr. Selig then said that the Village is trying to limit the amount of vehicles that homeowners have on their property because there are homeowners in the Village that have 10 or 15 vehicles on their property and the Board feels that the homeowner should have all the vehicles inspected as well as registered.

Mr. Isenberg and the Board members discussed the proposed amendment to the local law.

A lengthy discussion began between Mr. Isenberg and the Board members regarding the proposal.

A motion was made by Don Isenberg and seconded by Ester Shucht to adopt Resolution #07-10:

WHEREAS, the Village Board of the Village of Wesley Hills by Resolution 98-07 has proposed to amend Section 4.4.18, a copy of which amendment is annexed hereto, to provide that, "In all residential districts, the storage of not more than one recreational vehicle or boat, or not more than one vehicle that is either unregistered or lacking a currently valid inspection sticker, shall be permitted, so long as such vehicle or boat is stored only within a rear yard. No stored vehicle or boat shall exceed 35 feet in length." and

WHEREAS, the aforementioned proposed local law amendment was the subject of a discussion before the Planning Board of the Village of Wesley Hills on October 2, 2007,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Village of Wesley Hills recommends that the aforementioned amendment be adopted by the Village Board of the Village of Wesley Hills.

The following vote was taken: Don Isenberg-yes Marvin Finker-yes, Ester Shucht-yes.

A motion was made by Don Isenberg and seconded by Ester Shucht to adjourn the meeting.

The following vote was taken: Don Isenberg-yes, Marvin Finker-yes, Ester Shucht-yes.