

Village of Wesley Hills
Planning Board-November 28, 2007

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

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg, Marvin Finker, Uri Kirschner-First Alternate.

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

Absent: Ester Shucht-Second Alternate.

REQUEST FOR EXTENSION OF TIME FOR FILING OF THE ABRAMSON SUBDIVISION. Affecting property located on the north side of Pomona Lane, 1,200 feet west of McNamara Road. Known as Tax Parcel ID# 32.20-1-42 on the Ramapo Tax Map.

Mr. Selig said that the applicant has requested an additional ninety days to complete her application.

Mr. Katz asked if there were any comments from the Board members regarding the request.

As there were none, a motion was made by Marvin Finker and seconded by Vera Brown to approve Resolution #07-11:

WHEREAS, by Resolution #07-08 of the Planning Board of the Village of Wesley Hills dated June 27, 2007, the applicant was granted conditional approval of the subdivision plat subject to a number of conditions, and

WHEREAS, the applicant has indicated that as of this date, the applicant has been unable to satisfy all of said conditions, it is

RESOLVED, that the period of conditional subdivision approval heretofore granted be and the same is hereby extended up to and including December 27, 2007.

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

PUBLIC HEARING ON THE APPLICATION OF KWILECKI ENTERPRISES & MACCABEE CONSTRUCTION, INC. FOR A SINGLE FAMILY DWELLING. Affecting property located on the north side of Village Green, 30' from the intersection of Route 306. Known as Tax Parcel ID# 41.11-2-4 on the Ramapo Tax Map. Dan Kwilecki, applicant, appeared.

Mr. Katz said that the Board is basically reviewing the design of the house to be sure that the dwelling will not be excessively similar or dissimilar to nearby homes.

Mr. Kwilecki said that the house would be approximately 5,600 square feet in size and would be constructed in the Nantucket style home. Mr. Kwilecki then said that the roof would be covered in rustic green asphalt shingles and that the siding will be covered in a buckskin colored shake vinyl siding. Mr. Kwilecki then said that the wainscoting would be spaulding and the brick area would also be colored spaulding. The windows and the soffits will be green aluminum. Mr. Kwilecki then said that the garage doors would be aluminum clad garage doors and will also be green.

Mr. Osterman and Ms. Mello then discussed the height of the building.

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

As no one from the public wished to speak, a motion was made by Uri Kirschner and seconded by Marvin Finker to close the public hearing.

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

Mr. Selig read the decision for the Kwilecki matter into the record.

A motion was made by Marshall Katz and seconded by Don Isenberg to approve the decision as written.

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

CONTINUATION OF THE SPECIAL PERMIT APPLICATION OF AHAVAT YISOREL. Affecting property located on the north side of East Willow Tree Road, opposite of Rainbow Court. Known as Tax Parcel ID# 41.8-1-47 on the Ramapo Tax Map. Isidor Friedenber, attorney, and Steve Sparaco, engineer, Stuart Weinberger, appeared for the applicant.

Mr. Friedenber said that they would like Neg Dec granted so that the applicant can continue the application at the ZBA.

Mr. Sparaco said that he has provided a five foot sidewalk on the front of the property and that the curb islands in the parking lot will be angled as requested by the Board. Mr. Sparaco then said that the conceptual mikvah is now shown and the plans now reflect the extra parking spaces and the handicapped places are now shown.

Liz Winzinger said that she wants the applicant to create a maintenance agreement for the Village to insure that the proposed underground drainage system is maintained properly.

Ms. Winzinger then discussed a memo from the Fire Inspector and that the Fire Inspector wants 155 parking spaces on site.

Jeff Osterman said that he would like the handicapped parking spaces connected to the sidewalk.

Marshall Katz, the Board members, and Ben Selig discussed the following issues; the proposed number of parking spaces, the possibility of placing no parking signs on Rainbow Court, the fact that the application was already approved for SEQRA and that the Planning Board is lead Agency on the application.

A motion was made by Vera Brown and seconded by Uri Kirschner to approve the following Resolution:

WHEREAS, by Resolution #04-7 of the Planning Board of the Village of Wesley Hills, it was resolved that such application and proposed project was 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 declare itself Lead Agency, for the purpose of conducting a coordinated review,

NOW, THEREFORE, BE IT RESOLVED, that the application be referred to the Zoning Board of Appeals of the Village of Wesley Hills for the purpose of consideration of required variances.

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

PUBLIC HEARING ON THE APPLICATION OF DAVID LICHTENSTEIN FOR A WETLANDS PERMIT. Affecting property located on the west side of Grand Park Drive, 400 feet north of the intersection of Grandview Avenue. Known as Tax Parcel ID# 41.14-1-6 on the Ramapo Tax Map. Known as Tax Parcel ID# 41.14-1-6 on the Ramapo Tax Map. Ira Emanuel, attorney, Robert Sherwood, Landscape Architect and Rhonda Smith, engineer, appeared for the applicant.

Mr. Sherwood discussed his mitigation plan with Mr. Katz and the Board members. Mr. Sherwood said that he is proposing to plant deciduous trees in the low lying areas and allow the area to revegetate itself. Mr. Sherwood then said that along the grade change area (which was the area most disturbed), he is proposing to plant a large variety of wetlands shrubbery and he would like to create a simple stone wall along the clearing line, approximately 6" in height and approximately 12" to 18" wide to mitigate any further disturbance in the wetlands.

Mr. Osterman said that he feels that the stone wall is a good idea and he feels that it would stop the cultivated area from encroaching into the wetlands area.

Ms Mello said that the area of disturbance is approximately 26,750 square feet.

Marshall Katz asked if the Board members had any comments. Mr. Finker was concerned that the construction of the proposed rock wall will further disturb the area. Mr. Sherwood said that they will work from the back forward and will not create any further disturbance.

Marshall Katz asked if anyone from the public wished to speak.

There were no comments from the public.

A motion was made by Marshall Katz and seconded by Marvin Finker to approve the following resolution:

WHEREAS, David Lichtenstein has heretofore applied for an obtained a wetlands permit for authorization to construct a portion of a new house, basement level swimming pool, terrace, porch, rock wall and a portion of the driveway within 100 feet of the boundary of a freshwater wetland, on premises located on the westerly side of Grand park Drive, 400 feet north of the intersection of Grandview Avenue, designated on the Town of Ramapo Tax Maps as Section 41.14-1-6 by Resolution #04-9 of the Planning Board of the Village of Wesley Hills, and

WHEREAS, David Lichtenstein has admitted violating the wetlands law of the Village of Wesley Hills as is more particularly set forth in the letter of Brooker Engineering, PLLC, dated May 23, 2007, a copy of which letter is annexed hereto and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, that David Lichtenstein is required to perform restoration work on the said lot in order to protect the said wetlands, as follows:

1. The restoration work to be performed shall be in accordance with and as set forth on the "Landscape Mitigation Plan, Lichtenstein Residence", dated October 30, 2007, which plan is referred to as drawing number. "Drawing Number LMP-1" and related correspondence from Robert M. Sherwood addressed to Marshall Katz, Chairman, Village of Wesley Hills Planning Board, received by the Village of Wesley Hills along with the aforementioned Mitigation Plan on November 2, 2007.

2. The plantings and other improvements presently shown on said plan shall be completed no later than July 1, 2008.

BE IT FURTHER RESOLVED, that no civil fine for such Wetlands Law Violation is hereby imposed at the present time, but the Planning Board expressly reserves the right to impose such a civil fine pursuant to Section 11A of Local Law No. 16 of 1984 in the event that either the required restoration work or the required erosion control measures are not fully implemented and completed by the respective dates required hereinabove.

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

PUBLIC HEARING ON THE APPLICATION OF YESHIVA OHR REUVEN TO CONSTRUCT A HIGH SCHOOL BUILDING FOR PHASE TWO OF A PREVIOUSLY APPROVED SITE PLAN. 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 Kurzman, attorney, David Mayerfeld, architect, and Rabbi Rudinsky, applicant, appeared.

Mr. Katz said that when the application was previously approved phase two of the school was also approved. Mr. Katz then said that the application is now before the Planning Board for architectural review only.

Mr. Selig read a letter that he wrote (the letter was very detailed in why the application before the Planning Board and very specific in what the applicant is permitted to do) to the Village, dated October 16, 2007, into the record. Mr. Selig said that the any changes to the currently approved special permit use will require a new application to the Planning Board.

Mr. Mayerfeld presented Mr. Katz and the Board members renderings of the proposed building. Mr. Mayerfeld said that the new building will replicate (exactly) the colors and style of the existing building. The color will be taupe, there will be a charcoal grey strip, and the stucco will be a sand color. Mr. Mayerfeld then said that the new building will have fewer skylights than the existing building and there will be dormers (which will be used for storage).

Mr. Katz asked the Board members if they had any comments on the application.

There were no comments from the Board members.

Mr. Katz asked if anyone from the public wished to comment on the application.

The following members of the public spoke: Charles Levy, 99 Spook Rock Road, Mario Pensa, 299 Grandview Avenue, Cindy Paul, Linda Drive, Cathy Rodowsky, 112 Spook Rock Road, Ann Walter, 2 Carroll Drive,

The following issues of the public were addressed in great detail by Mr. Katz, the Board members and Mr. Selig: the time lapse between the first application and the present application (Mr. Selig again explained that the applicant was pre-approved years ago for the 2nd stage), if there were any code changes since the original application was approved, (Mr. Selig said that the original narrative statement remains binding any deviance from the original application will require an amendment to the original special permit), if the applicant has exceeded the originally approved amount of students, (at this time Mr. Selig read a portion of the original narrative and resolution into the record), if additional

parking will be required (Mr. Mayerfeld said that all the parking that was required was built when the original building was constructed), if camps are running in the summertime (Rabbi Rudinsky said that at times he runs a study program in the summer), the hours that the school operates (Rabbi Rudinsky said that school starts at 8:30 A.M., and then study hall continues after hours, at times study hall continues to 10 or 10:30 P.M.), (who conducts inspections on the site, who verifies the hours of operation of the school, Mr. Selig said that if there are violations or any question that the special permit is in violation, the Village should be informed at the time of the violation, Mr. Selig then said that to his knowledge, there have been no complaints that have been presented to the Village regarding the school, that many inspections will be required during the construction of phase 2, the fact that the Village encourages any resident to come in or call the Village with any complaints or violations that they might observe, the public was then told that the Village would pursue these calls and that the Village is more than willing to address any and all concerns,

A motion was made by Uri Kirschner 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, Uri Kirschner-yes.

After further discussion, a motion was made by Uri Kirschner and seconded by Don Isenberg to approve the architectural design of phase two of Yeshiva Ohr Reuven with the conditions that all 1) foundation surfaces be covered to with stucco or vinyl to within 18" of grade two) All exterior finishes and colors for phase two will be identical to phase one construction..

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

At this time Marshall Katz discussed the pending applications with the Board members.

After further discussion, a motion was made by Marshall Katz and seconded by Don Isenberg to adjourn the meeting.