

**Village of Wesley Hills
Planning Board – September 27, 2017**

The meeting was called to order by Vera Brown, Chairman, at 7:40 p.m.

Present: Vera Brown-Chairman, Uri Kirschner, Rachel Taub, Israel Shenker, Joe Moskowitz-First Alternate, Marilyn Blocker-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Liz Mello-Village Engineer, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Alexandra Wren

PUBLIC HEARING ON THE ARCHITECTURAL REVIEW APPLICATION OF RIFKI EICHORN. Affecting property located on the south side of Soundview Drive approximately 100 feet from the intersection of Marisa Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-47.4

Vera Brown confirmed with Janice Golda that the public hearing notice was published, mailed and posted.

Rifki Eichorn, applicant, and Stanley Mayerfeld, architect, appeared on behalf of the application.

Stanley Mayerfeld explained that the architectural review is for a single family home.

The architectural for the proposed dwelling are:

Roof:	GAF Sovereign (Charcoal)
Siding:	Hardiplank (Monetary Taupe)
Trim:	Aztek (White)
Windows:	Andersen (Black)

Yaakov Spaeth, the subdivision developer, informed the Board that the proposed dwelling's exterior is totally different from the other two dwellings presently under construction.

Liz Mello, Village Engineer, explained to Mr. Mayerfeld that the proposed plans include four below grade bedrooms and that the building plans should include egress windows, window wells, and dedicated staircases. An updated grading plan should be submitted for review during the building permit process. Ms. Mello clarified to the Board that these items do not affect the exterior appearance of the dwelling or the architectural review process.

Jeff Osterman, Village Planner, suggested that the applicant straighten out the proposed driveway.

Vera Brown opened the public hearing and asked if anyone wished to speak.

Anna Barko, 6 Marisa Drive, discussed her concern about privacy as her rear yard with a pool abuts the side yard of the proposed dwelling which sits on a hill above her property. The Board explained that the proposed dwelling meets all zoning dimensional requirements. Ms. Mello explained to Ms. Barko that there is approximately 67 feet between her house and the proposed dwelling and that Ms. Barko's rear yard meets Ms. Eichorn's sideyard. Ms. Barko also asked about drainage and Ms. Mello explained that the proposed drainage system for the new dwelling includes proposed swales that will drain water away from Ms. Barko's property. Ms. Barko explained that the tall trees between the two properties were removed for construction. Rifki Eichorn informed the Board that she will work with Ms. Barko to address privacy concerns with landscaping and screening options.

Israel Shenker motioned to close the public hearing. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes

Motion Approved and the public hearing was closed.

Israel Shenker motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #17-18

WHEREAS, Rifki Eichorn has applied to the Planning Board pursuant to Section 230-36E(5) of the Code of the Village of Wesley Hills for approval of architectural plans for a new dwelling on Lot 4 of the North Wesley Hills Estates Subdivision, which lot is located on the southerly side of Soundview Drive and is designated on the Town of Ramapo Tax Map as Section 41.8, Block 1, Lot 47.4; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on September 27, 2017, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, the proposed action is defined as a Type II Action requiring no further review under the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the architectural plans for the dwelling on said lot entitled "Eichhorn Residence, 4 Soundview Drive, Village of Wesley Hills NY", dated August 28, 2017, prepared by Mayerfeld Architecture, PLLC, are hereby approved.

Vote: Vera Brown-Yes, Uri Kirschner-Abstain, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

PUBLIC HEARING ON THE APPLICATION OF EMILY BURNBAUM FOR A SPECIAL PERMIT FOR A TENNIS COURT. Affecting property located on the westerly side of East Lane at the intersection of Pomona Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#32.20-1-37.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Aaron Cohen, Esq., appeared on behalf of the applicant. Mr. Cohen explained that the court is undersized and the lighting was revised and reviewed a number of times to meet the requirements of the Code of the Village.

Liz Mello recommended delineating clearing limit lines clearly on the property to avoid the need for a NYSDEC permit and Mr. Cohen said that the silt fencing is already installed.

Jeff Osterman asked if there is a manufacturer's catalog available to show the intensity of the proposed light fixtures. Mr. Cohen replied that he did not know any details and that he paid a professional to design the lighting details. Joe Moskowitz said at this point there is no evidence that the source of illumination is compliant and does not travel beyond the property lines per Village Zoning Law. He said the manufacturer can certify compliance based on the angle of the light cone. Mr. Osterman said there is also the option of a skirt (shade) placed on the light fixture to control glare, and along with the shorter poles, the likelihood of illumination going beyond the property line decreases.

Vera Brown opened the public hearing and asked if anyone wished to speak.

Robert Thomases, 20 Pomona Lane, stated that the lighted area around the tennis court is large, and that there is also a proposed pool on the property. The Board explained that there will be four light poles on the corners. Mr. Thomases explained that the area used to be very rural and that was the reason he moved into the community. He asked that the Planning Board consider the future and determine the planned character of this area and whether it will be urban, suburban, or rural. Mr. Thomases said he does not want the area to become suburban. The Board confirmed that the Pomona Country Club pool is in use but not lighted.

Jerry McCormick, 19 Pomona Lane, said he was concerned about traffic that could be created and said there is a curfew of 6 p.m. now as the community pool is not lighted. He asked about the time limit for outdoor lighting and the Board explained that it is 10 p.m. Mr. McCormick said that the life expectancy of a tennis court is about 10 years. Mr. McCormick also said that he objected to the original address of 3-5 Farm Lane being changed to 18 East Lane by RC Emergency Services because there is an 18 Pomona Lane already in the area which he said can cause confusion. He questioned the proposed well and septic system which he thought the Pomona Country Club had restricted at sale to Town sewer and water and the Village Engineer responded that the Rockland County Health Department has approved both the proposed well and proposed septic system.

Frank Brown, Planning Board attorney, explained that this public hearing is related to the tennis court only and the potential impact on the neighborhood. He also read the lighting law Section 230-14Z explaining requirements and constraints. Mr. Brown explained that the applicant has fulfilled all Board requests and zoning requirements related to this permit application.

Janet DiLorenzo, 3 East Lane, asked about light shields and also asked why the tennis court is smaller than average. Mr. Cohen explained that the reason was to prevent the need to apply for a SWPPP permit from the NYSDEC which regulates land disturbance of one acre or more. Ms. DiLorenzo said that the Pomona Country Club has a Board of Directors and that anyone from the public speaking here today on this application does not represent club's Board of Directors. She wants to extend a welcome to her new neighbors to the community.

Mr. Thomases said that the lighting vendor should certify that the fixtures are compliant to the Village Code. Mr. Cohen objected and the Board explained that the plot plan for building a house is not the same as a site plan for a special permit from the Planning Board, which does have extra provisions and criteria required in the Zoning Law. It was explained that the proposed lighting for the tennis court will be facing towards the proposed dwelling and that in the rear there is no house to the right, and to the left is the Country Club's pool house and barn. The Board discussed lighting specifics and examples.

Mr. Cohen said that the landscaping plans are in progress and will be submitted for review by the Village's engineering consultant before installation, especially the screening on the westerly side that is required by the Board and, as requested, will include trees with a minimum height of 6 feet and are deer-resistant.

Mr. Thomases asked what could be seen in the daylight and the Board responded four poles around the court.

Israel Shenker motioned to close the public hearing. Rachel Taub seconded.
Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes.
Motion Approved and the public hearing was closed.

Uri Kirschner motioned to adopt the following resolution. Israel Shenker seconded.

Resolution #17-19

WHEREAS, Emily Burnbaum has applied to the Planning Board of the Village of Wesley Hills for a special permit for an accessory structure in excess of 2,500 square feet (a tennis court) for property located on the westerly side of East Lane and the southerly side of Pomona Lane (also known as Farm Lane), known as 18 East Lane and designated on the Town of Ramapo Tax Maps as Section 32.20, Block 1, Lot 37, as required by Section 230-140(4)(b) of the Code of the Village of Wesley Hills, and

WHEREAS, a public hearing on said application was held by the Planning Board on September 27, 2017, at which time all members of the public wishing to speak had an opportunity to be heard, and

WHEREAS, said special permit application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and by letter report dated September 11, 2017, the Rockland County Department of Planning

notified this Planning Board that it had approved the preliminary plat for such subdivision subject to recommended modifications set forth therein,

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined in the State Environmental Quality Review Act (SEQRA) for the reason that the Village Engineer has determined that stormwater runoff from the increased impervious surface can be accommodated without damaging neighboring or downstream properties and appropriate landscaping will be required to screen adjacent properties from adverse effects of the proposed lighting; and

BE IT FURTHER RESOLVED, that said application for a special permit for an accessory structure in excess of 2,500 square feet (a tennis court), as depicted on the plot plan entitled “Revised Plan, #18 East Lane, Town of Ramapo, Rockland County, Wesley Hills, New York” prepared by Anthony R. Celentano, P.L.S., dated August 23, 2016 and last revised August 9, 2017, is hereby granted, subject to the following conditions:

1. Compliance with recommended modifications 1 through 4 and 6 through 9 set forth in the letter report of the Rockland County Department of Planning dated September 11, 2017, a copy of which letter report is attached to this Resolution and made a part hereof.
2. Compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated September 8, 2017, a copy of which letter is attached to this Resolution and made a part hereof.
3. Compliance with the accompanying Lighting Plan entitled “Cohen Residence, 18 East Lane, Wesley Hills, NY 10901” prepared by Yost Design Landscape Architecture, dated September 5, 2017.
4. Compliance with all standards and requirements set forth in the Zoning Law that pertain to exterior lighting on the subject lot.
5. Planting of additional arborvitae trees with a minimum height of 6 feet, of a deer-resistant variety, along the westerly property line to shield the view of the tennis court from the adjacent Tax Lot 32.20-1-36, to the satisfaction of the Village’s engineering consultant.

and BE IT FURTHER RESOLVED, that this Board hereby overrides, and compliance shall not be required with, modification 5 set forth in said letter report of the Rockland County Department of Planning for the reason that the aforementioned modification 5 contradicts Section 230-14Z(1) of the Code of the Village of Wesley Hills which establishes exterior lighting requirements for all residential lots in the Village, and the applicant must comply with the Village’s requirements.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes.

Motion Approved

REQUEST OF WESLEY HILLS ESTATES LLC FOR A RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES TO REDUCE THE LETTER OF CREDIT FOR THE REQUIRED SITE IMPROVEMENTS REMAINING FOR THE NORTH WESLEY HILLS ESTATES SUBDIVISION.

Jack Spaeth discussed the remaining public improvements and the original cost estimate that required a letter of credit for \$350,000. After the Villages's engineering consultant reviewed the site, the cost estimate per the engineering consultant's 9/26/17 report for the incomplete public improvements, which includes but is not limited to curbing, site stabilization, and infiltration system cleanout, was calculated at \$74,738.

The Board discussed in detail an amount needed in reserve funds to adequately cover the remaining public improvements and determined that \$85,000 would be adequate in light of the fact that no certificates of occupancy can be issued until all improvements other than final wearing course are completed.

Israel Shenker motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #17-20

WHEREAS, Wesley Estates LLC has requested in writing that the Planning Board authorize a reduction in the amount of the outstanding letter of credit issued to the Village of Wesley Hills by Greater Hudson Bank on December 8, 2016 to ensure the completion of the required public improvements for the subdivision known as North Wesley Hills Estates pursuant to Section 193-15D(2) of the Code of the Village of Wesley Hills, based upon the completion of certain of such required improvements, and

WHEREAS, Brooker Engineering, PLLC, the Village's engineering consultant, has advised the Planning Board, by letter dated September 26, 2017, that sufficient improvements have been completed to its satisfaction to warrant a reduction of such letter of credit from \$350,000.00 to \$85,000.00,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby recommends to the Board of Trustees that it hold a public hearing on such requested reduction in the amount of such letter of credit, pursuant to the Subdivision Regulations as set forth in the Code of the Village of Wesley Hills, and thereafter approve such reduction, based upon such recommendation of the engineering consultant.

Vote: Vera Brown-No, Uri Kirschner-recuse, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

REQUEST FOR EXTENSION OF TIME FOR FILING OF THE 1 EAST LANE TWO-LOT SUBDIVISION. Affecting property located on the west side of McNamara Road at the southwesterly intersection of Pomona Road. Designated on the Ramapo Tax Map as Parcel ID#33.17-2-1.

Jack Spaeth, developer, per a September 26, 2017 e-mail, requested an extension of time for filing of the 1 East Lane two-lot subdivision. Mr. Spaeth said that he is almost complete with the necessary paperwork for filing of the approved plat but needs a little more time.

Israel Shenker motioned to adopt the following resolution. Vera Brown seconded.

Resolution #17-21

RESOLVED, that the period of conditional subdivision approval heretofore granted to the subdivision known as 1 East Lane is hereby extended until March 20, 2018.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes.

Motion Approved

APPROVE 5/8/17 PLANNING BOARD MINUTES.

Rachel Taub motioned to approve the 5/8/17 Planning Board minutes. Vera Brown seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Marilyn Blocker-Yes

Motion Approved

APPROVE 8/30/17 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 8/30/17 Planning Board minutes. Uri Kirschner seconded.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Joe Moskowitz-Yes

Motion Approved

Meeting adjourned 10:04 p.m.