

**Village of Wesley Hills
Planning Board – January 3, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:33 p.m.

Present: Vera Brown-Chairman, Alexandra Wren, Marilyn Blocker-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Liz Mello and Zack Kamm-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Rachel Taub, Israel Shenker, Joe Moskowitz- First Alternate

CLEARING, FILLING OR EXCAVATION PERMIT APPLICATION OF BARAK JACOBOW. Affecting property located on the northerly side of East Willow Tree Road between Rainbow Court and Deerwood Drive and designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-44.1 and 41.08-1-45.

John Atzl, of Asher, Nasher & Zigler P.C., and Barak Jacobow, homeowner, appeared on behalf of the application. Mr. Atzl explained that Mr. Jacobow owns both lots #41.08-1-44.1 (110 East Willow Tree Rd) and 41.08-1-45 (114 East Willow Tree Rd). Mr. Atzl informed the Board that his client, Mr. Jacobow, did not realize that he needed a permit to bring in fill and that the fill brought in exceeded over 2,000 cubic yards and as a result, he was issued a violation notice by the Village. Mr. Atzl explained to the Board what needs to be done to remediate the fill that has encroached onto the neighbor's property, Joseph Streicher, in the rear yard and that the proposed remediation plan will reduce the fill amount to about 927 cubic yards.

The Board requested ownership documentation for the property.

Jeff Osterman, Village Planner, asked the purpose for this regrading and it was explained that Mr. Jacobow wanted to level the area for his children to play. Mr. Osterman also asked why the driveway in the rear is to be removed and the response by Mr. Atzl was to gentle the slope.

Frank Brown, Planning Board attorney, informed the Board that when the Moskowitz Subdivision was approved, the ZBA granted a variance to extend the 2-family status of the dwelling at 110 East Willow Tree Rd until the owner, Mrs. Partridge, vacated the premises, at which time the dwelling would revert back to single-family status. Mr. Brown explained that the Village Building Inspector needs to confirm that the existing dwelling structurally meets single-family criteria before any permit can be issued by the Board.

Zack Kamm, Village Engineer, requested a restoration plan and immediate stabilization of the soil. The rear neighbor, Joseph Streicher, will need to give formal permission to the applicant to allow the remediation work to be done, and also the applicant must allow Mr. Streicher's

engineer to stake their property line. The Streichers must agree to the proposed remediation plan as adequate. John Atzl and Barak Jacobov agreed to all requests and requirements.

James D. Licata, Esq., attorney for Joseph Streicher, informed the Board 1) that his client's engineer was refused access to Mr. Jacobov's property to stake out markers along property lines, which is necessary to identify the boundary of his client's property; 2) that he wants documentation as to where the fill material came from and consists of; and 3) that the proposed remediation plan is reviewed and accepted by his client. After discussing drainage concerns, Mr. Licata was informed by Mr. Atzl that a letter would be submitted from a drainage engineer stating that there will be zero net runoff onto his client's property. Once the proposed remediation plan is received and approved, the Board requires an acceptance letter from Joseph Streicher for the proposed remediation plan and also a confirmation letter when the work is complete. Mr. Licata confirmed that Mr. Streicher will be removing the concrete stone wall.

The Board adjourned the application until January 24, 2018 assuming both parties agree to the proposed plan, which is due by January 16, 2018.

APPLICATION OF CROWN CASTLE NG EAST, LLC FOR TWO DISTRIBUTED ANTENNA SYSTEMS (DAS) ON TWO EXISTING UTILITY POLES IN THE VILLAGE OF WESLEY HILLS RIGHTS-OF-WAY ALONG CHARLOTTE DRIVE AND DEERWOOD ROAD.

Mr. Christopher Fisher, Esq., of Cuddy and Feder LLP, gave an overview of the proposed DAS locations and configuration and explained that the equipment box is about 42" tall and 2' in width and the antenna is about 14" and is cylindrical. The one nearest to Village Hall is located on a utility pole near the Wesley Hills Shopping Center on NYS Route 306. Mr. Fisher explained that due to increased demand on the telecommunication network, the concept is to build more infrastructure to make cell phone equipment service more reliable. He informed the Board that presently there are about 20 DAS nodes throughout the Village of Wesley Hills rights-of-way. He also explained that previously the Village exempted these facilities but the Zoning Law now requires a special permit. The Board asked about the radio frequency emissions, and he said the submitted RF report with the application is the same as the one submitted when the original locations that were approved by the Village Board last year and that the report shows compliance with all required standards. The Board asked for some visual presentations for the public at the hearing.

Vera Brown motioned to adopt the following resolution. Alexandra Wren seconded.

Resolution #18-1

RESOLVED, that a public hearing on the application of Crown Castle NG East, LLC for a special permit for two wireless telecommunications facilities (distributed antenna systems) and site plan approval therefor located respectively on the northerly side of Charlotte Drive and the westerly side of Deerwood Road, will be held before the Planning Board of the Village of

Wesley Hills on the 24th day of January, 2018 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Marilyn Blocker-Yes.

Motion Approved

APPROVE 11/29/17 PLANNING BOARD MINUTES.

Alexandra Wren motioned to approve the 11/29/17 Planning Board minutes. Marilyn Blocker seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Marilyn Blocker-Yes.

Motion Approved

Meeting adjourned 8:15 p.m.