

**Village of Wesley Hills
Planning Board – March 28, 2018**

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

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

Also Present: Frank Brown-Deputy Village Attorney, Brian Brooker and Matt Trainor-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Alexandra Wren

PUBLIC HEARING ON THE FINAL PLAT APPLICATION OF BASSIE HURWITZ FOR A TWO-LOT SUBDIVISION. Affecting property located on the west side of Spook Rock Road approximately 700 feet north of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#40.16-1-10.2

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

Mark Kurzmann, Esq. and Steve Sparaco of Sparaco Engineering appeared on behalf of the applicant. Mr. Kurzmann reviewed the proposed two-lot subdivision and the issue of screening to increase privacy for the next-door neighbor located at 87 Spook Rock Road. Mr. Kurzmann explained that the next-door neighbors, Mr. & Mrs. Lovi, approved their screening proposal plan last revised 3/28/18 that includes planting of 20 Norway Spruce trees approximately 8' to 10' high spaced approximately 12 feet apart on center with half of the trees on Lot #2 of the Hurwitz Subdivision and half on the Lovi's property. The trees will be maintained by the applicant for the first year, and afterwards the maintenance responsibility for the trees on the Lovi's property will pass to them. Mr. Kurzmann also explained that the request of the Rockland County Highway Department in its letter dated 11/30/17 concerning the dedication of a road widening strip is in progress. The deed had previously been done by the predecessor owner but apparently that deed was not filed by the County.

Jeff Osterman confirmed that the neighbor is in agreement with the proposed planting plan and is aware of the grading plan and elevation of the proposed dwelling.

The Board discussed installing the trees after the new dwelling is constructed and before a certificate of occupancy is issued. The Board also informed the applicant's representative that permission will be needed to work on the Lovi property when planting is scheduled.

Vera Brown asked if anyone from the public wished to speak. No one wished to speak.

Vera Brown motioned to close the public hearing. Rachel Taub seconded.

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

Motion approved and public hearing closed.

Marilyn Blocker motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #18-7

WHEREAS, a formal application from Bassie Hurwitz for approval of a final plat entitled “Subdivision Plat for Hurwitz Located in the Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, dated November 28, 2016 and last revised January 16, 2018, prepared by Sparaco & Youngblood, PLLC, affecting property on the westerly side of Spook Rock Road, designated on the Town of Ramapo Tax Map as Section 40.16, Block 1, Lot 10.2, in an R-50 District, was received by the Planning Board on January 16, 2018, 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 March 28, 2018, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on November 15, 2017, the Zoning Board of Appeals of the Village of Wesley Hills granted variances for such subdivision subject to conditions set forth therein, all of which have been satisfied or are required to be satisfied by the conditions of this Resolution, and

WHEREAS, said final plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 11, 2017, the Rockland County Department of Planning notified this Planning Board that it had approved the final plat for such subdivision subject to recommended modifications set forth therein, and

WHEREAS, heretofore on January 24, 2018, by Resolution #18-3, this Planning Board determined that the proposed subdivision will not have a significant impact on 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 requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning Board or, in her 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 Planting & Erosion Control Plan shall incorporate all changes depicted on the revised plan dated March 28, 2018.
- b. The plat and the Planting & Erosion Control Plan shall both be revised to add a note stating that a certificate of occupancy for the house to be constructed on Lot 2 shall not be issued until implementation of all of the plantings shown on the Planting & Erosion Control Plan.
- c. The plat and construction plans shall comply with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.

2. Compliance with Conditions of Rockland County Department of Planning – The developer shall comply with all recommended modifications set forth in the letter report of the Rockland County Department of Planning dated December 11, 2017, a copy of which letter report is attached to this Resolution and made a part hereof.

3. Compliance with Conditions of Rockland County Sewer District No. 1 – The developer shall comply with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated November 12, 2017, a copy of which letter is attached to this Resolution and made a part hereof.

4. Compliance with Conditions of Town of Ramapo Department of Public Works – The developer shall comply with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated November 28, 2017, a copy of which letter is attached to this Resolution and made a part hereof.

5. Compliance with Conditions of Rockland County Department of Health – The developer shall comply with all conditions set forth in the letter of Rockland County Department of Health dated December 1, 2017, a copy of which letter is attached to this Resolution and made a part hereof.

6. Covenant – An executed covenant shall be prepared, in form satisfactory to the Village Attorney, providing for the maintenance of the common driveway equally by the owners of Lots 1 and 2. Such covenant shall be recorded in the Rockland County Clerk's Office simultaneously with the filing of the plat.

7. Letter of Credit Waived – Because there are no required public improvements, no letter of credit shall be required to be filed prior to the signing of the plat by the Chairman of the Planning Board.

8. Waiver – The Planning Board hereby waives the following requirements of the

Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or in proximity of the subdivision.

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

Motion Approved

WETLANDS PERMIT APPLICATION OF BASHIE WAINHAUS TO CONSTRUCT A POOL, PATIO AND POOL FENCE WITHIN THE 100-foot BUFFER. Affecting property located on the west side of Skylark Drive approximately 945 feet from the intersection of Ridgeway Terrace. Designated on the Town of Ramapo Tax Map as Parcel ID#41.16-1-87.

Robert Ball, president of Westrock Pools, appeared on behalf of the applicant. Mr. Ball explained to the Board that he received a building permit in November 2017. When he began to excavate he was notified that there was a Wetlands issue and he had to stop construction. He explained that Torgerson Environmental Sciences, landscape engineers, submitted an updated Wetlands plan which showed that the proposed project is within the 100 foot buffer of the wetlands.

Brian Brooker, Village Engineer, explained that the pool is not within the wetlands but rather within the Village's regulated 100 foot buffer area.

Jeff Osterman, Village Planner, recommended looking at the area beyond the active area of the pool and identifying any delineation needed with grading due to the wetlands. He suggested a Board site visit prior to the public hearing. The Board decided to do a site visit on Sunday, April 15 at 11 a.m.

Vera Brown motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-8

RESOLVED, that a public hearing on a Wetlands Permit application by Bassie Wainhaus for property located on the northerly side of Skylark Drive, known as 42 Skylark Drive and designated on the Town of Ramapo Tax Maps as Section 41.16, Block 1, Lot 87, for authorization to construct a swimming pool, patio, and pool fence within 100 feet of the boundary of a freshwater wetland, will be held before the Planning Board of the Village of Wesley Hills on the 25th day of April, 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, Rachel Taub-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes, Israel Shenker-Abstain

Motion Approved

CONGREGATION DERECH EMES APPLICATION TO REVISE A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE. Affecting property located on the east side of Wilder Road approximately 228 feet north of Carter Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#41.10-2-3.

Yaakov Mittel of Congregation Derech Emes and Stanley Mayerfeld of Mayerfeld Architects appeared on behalf of the application. Mr. Mayerfeld reviewed the proposed plan and compared it with the existing structure and layout. As part of the Congregation's second phase of development, the plan is to keep the existing structure with a new addition and add more parking. Frank Brown informed Mr. Mittel that the existing special permit will need to be revised because the parking requirement will be enlarged based on the proposed expanded usage.

The Board discussed the significant number and size of trees on the property. Mr. Mittel explained that the area involved with their proposed expansion was cleared of the trees which were in poor condition. He said the remaining trees will remain.

The Board discussed the needed variances and explained that a referral to the ZBA and also scheduling a public hearing for the Planning Board can be coordinated at the same time. The Planning Board will also establish lead agency status for a coordinated SEQRA review with the ZBA, but the application cannot be approved until the necessary variances are granted.

Brian Brooker of Brooker Engineering informed the Board that drainage reports were not included with the recent plan submissions. Mr. Brooker stated that perc tests, soil calculations, and proposed drainage systems need to be evaluated in the Planning Board application process.

The Board discussed existing parking requirements and proposed parking related to the Congregation's religious usage needs and their proposed multi-use needs.

Frank Brown, Planning Board attorney, read the four conditions that the Planning Board has applied to neighborhood gatherings' special permits and the parking requirements, relating to the use of social halls exclusively by bona fide members of the congregation. The applicant has no objection to any of those conditions.

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

Resolution #18-9

WHEREAS, Congregation Derech Emes has applied for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the easterly side of Wilder Road known as 34 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 3; and

WHEREAS, the proposed revised site plan cannot be approved without the granting of the following variances: side yard (20' instead of 25'), maximum impervious surface ratio (0.61 instead of 0.25), and maximum front yard impervious surface ratio (0.24 instead of 0.20);

NOW, THEREFORE, BE IT RESOLVED, that the applicant is hereby referred to the Zoning Board of Appeals for a consideration of its application for the necessary variances.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes

Motion Approved

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

Resolution #18-10

RESOLVED, that a public hearing on the application of Congregation Derech Emes for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the easterly side of Wilder Road known as 34 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 3, will be held before the Planning Board of the Village of Wesley Hills on the 25th day of April, 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, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

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

Resolution #18-11

WHEREAS, Congregation Derech Emes has applied for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the easterly side of Wilder Road known as 34 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 3,

NOW, THEREFORE, BE IT RESOLVED, that such application and proposed project is hereby determined to be an Unlisted Action as defined in the State Environmental Quality Review Act (SEQRA), and

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to be the Lead Agency pursuant to SEQRA for the purposed of conducting a coordinated review.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes

Motion Approved

**CONGREGATION ANSHEI CHESED APPLICATION FOR A SPECIAL USE PERMIT
FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL FOR A**

SYNAGOGUE. Affecting property located on the south side of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-26.

Stanley Mayerfeld of Mayerfeld Architects, Jay Pepper and Rabbi Twerski of Congregation Anshei Chesed and Steve Sparaco of Sparaco Engineering appeared on behalf of the application.

Mr. Mayerfeld reviewed the proposed site plan. This site is in an R-50 zone. He explained that there will be a new structure and also a rabbi residence and upon completion the existing structure will be removed. There was a discussion that included proposed on-site (32) and off-site (25) parking, a walking path, drainage, existing constraints with red rock in the soil, and the proposed 2,865 square foot building. The applicant wants the Board's opinion on the proposed site layout before finalizing plans.

Jeff Osterman stated that on the two sides and in the rear of the property, there is no room to plant any screening and that he has not seen the actual design of the building. Mr. Osterman also stated that the driveway is next to the neighbor's property and a review should be conducted regarding an easement option because the driveway is right up to the property line. Rabbi Twerski explained that adjacent neighbors are amenable to potential easement options.

Rabbi Twerski also submitted a letter from Congregation Tiferes Yisrael of 57 Lime Kiln Road allowing usage of their parking lot when available and not in use.

Vera Brown asked Jeff Osterman if a TAC meeting would clear up the discussed options and details and he responded yes.

The Board discussed lead agency and a coordinated review with the ZBA and the SEQRA process.

Joe Moskowitz motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-12

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26; and

WHEREAS, the proposed site plan cannot be approved without the granting of the following variances: front yard (48.3' instead of 50'), total side yard (60.4' instead of 75'), maximum building coverage (0.24 instead of 0.15), and maximum impervious surface ratio (0.63 instead of 0.20); and

WHEREAS, the applicant has proposed the use of existing parking facilities at six residences in proximity to the site for overflow parking in order to satisfy the parking requirement that will be determined by the Planning Board pursuant to Section 230-26G(1)(f) of the Code of the Village of Wesley Hills, but, because the subject premises is located on a Major

Road as defined in Section 230-5 of the Code, the special permit cannot be approved for such parking arrangement without the granting of a variance from the provisions of Section 230-26G(1)(g) of the Code;

NOW, THEREFORE, BE IT RESOLVED, that the applicant is hereby referred to the Zoning Board of Appeals for a consideration of its application for the necessary variances.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes

Motion Approved

Joe Moskowitz motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-13

RESOLVED, that a public hearing on the application of Anshei Chesed, Inc. for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26, will be held before the Planning Board of the Village of Wesley Hills on the 23rd day of May, 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, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes

Motion Approved

Joe Moskowitz motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-14

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26,

NOW, THEREFORE, BE IT RESOLVED, that such application and proposed project is hereby determined to be an Unlisted Action as defined in the State Environmental Quality Review Act (SEQRA), and

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to be the Lead Agency pursuant to SEQRA for the purpose of conducting a coordinated review.

Vote: Vera Brown-Yes, 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 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.

Yaakov Spaeth, applicant for the 1 East Lane Subdivision, requested via e-mail dated March 6, 2018 an extension of time for filing of the plat due to complications with the dedication of the ROW strip of land required by the Rockland County Highway Department.

Marilyn Blocker motioned to adopt the following resolution. Israel Shenker seconded.

Resolution #18-15

RESOLVED, that the period of conditional subdivision approval heretofore granted to the subdivision known as 1 East Lane is hereby extended until June 18, 2018.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes

Motion Approved

APPROVE 1/24/18 PLANNING BOARD MINUTES.

Rachel Taub motioned to approve the 1/24/18 Planning Board minutes. Vera Brown seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes

Motion Approved

Meeting adjourned 9:23 p.m.