

**Village of Wesley Hills
Planning Board – January 24, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:34 p.m.

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

CLEARING, FILLING OR EXCAVATION PERMIT APPLICATION CONTINUATION OF BARAK JACOBV. 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 45.

Barak Jacobov and John Atzl of Atzl, Nasher & Zigler, P.C., appeared on behalf of the application. Mr. Atzl reviewed the application details and explained that the requested revisions to the proposed remediation plan were submitted and that the erosion controls were installed as required.

Mr. James Licata, Esq., attorney for Joseph Streicher, the adjacent neighbor to the north affected by the fill, asked about the silt fencing and whether it needs to be re-inspected. Mr. Licata explained that his client accepts the remediation plan as submitted, will allow access to his client's property, and that his client will also have access to Mr. Jacobov's property to stake out boundary lines. Mr. Jacobov agreed. Mr. Licata also requested a written report by the Village engineer monitoring the remediation work in progress and a final report that the job is completed as approved along with a final as-built plan for the records.

Brian Brooker, Village Engineer, recommended that the first seeding be completed by June 1, 2018 for germination and re-seeding determination.

The Board was informed that the Village Building Inspector confirmed that 110 E. Willow Tree Road is a single-family dwelling. The Board also discussed security options (performance bond, escrow, or letter of credit) to ensure that the work will be completed as approved.

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

Resolution #18-2

WHEREAS, a formal application from Barak Jacobov for a clearing, filling and excavation permit for filling and regrading on property located on the northerly side of East

Willow Tree Road, known as 110 East Willow Tree Road and designated on the Town of Ramapo Tax Maps as Section 41.08, Block 1, Lots 44.1 and 45, was received by the Planning Board and was referred to the Village Engineer for review and report pursuant to Section 4B of the Clearing, Filling and Excavation Law of the Village of Wesley Hills, and

WHEREAS, the Planning Board has received the report of the Village Engineer and has considered said application, and

WHEREAS, the Planning Board has received confirmation that Joseph Streicher, the owner of the adjacent lot to the north designated on the Town of Ramapo Tax Maps as Section 41.08, Block 1, Lot 44.2, on which fill had been deposited without the said owner's consent, consents to the proposed plot plan insofar as it involves remediation work on his lot,

NOW, THEREFORE, BE IT RESOLVED, that said application for a filling and excavation permit is hereby approved for the creation of the revised topography shown on the plot plan entitled "Barak Jacobov, Village of Wesley Hills, Rockland County, New York, Existing Site", dated December 6, 2017 and last revised January 8, 2018, prepared by Atzl, Nasher & Zigler, P.C., subject to the following conditions and modifications:

1. The applicant shall pay a non-refundable application fee in the amount of \$1,050.00, as determined by the Village Engineer.
2. A performance bond or equivalent security (escrow cash or a letter of credit as approved by the Board of Trustees) shall be provided by the applicant in the amount of \$20,000.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village no later than February 14, 2018.
3. The erosion control devices proposed on the Erosion & Sediment Control Plan shall be installed to the satisfaction of the Village Engineer no later than January 29, 2018 and shall be continuously maintained until the completion of the project.
4. The applicant must allow a surveyor or engineer retained by Joseph Streicher to access the applicant's property for the purpose of staking out markers along their common property line.
5. Certification, to the satisfaction of the Village Engineer, shall be provided to document that the remediation work as depicted on said plot plan has been completed.
6. All work required hereby shall be completed no later than July 1, 2018, as determined by the Village Engineer.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

PUBLIC HEARING ON THE PRELIMINARY 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, applicant's engineer, reviewed the application details with the Board and public. It was explained that this was a two-acre lot near Spook Rock Road and Grandview Avenue with an existing house in the front. The applicant wants to divide the lot into two lots with the existing house remaining on the front lot and driveway access provided to the rear flag lot, which is the reason for variances which were all granted.

Mr. Kurzmann explained that the driveway will be owned by Lot 2 only and said that the subdivision conforms to neighboring properties and the character of the area. It was explained that there is no public sewer service available and that the septic system will be modified and moved which has been approved by the Rockland County Health Department.

Mr. Sparaco informed the Board that all referral agency requirements have been addressed and/or satisfied and that the sight distance measurements have been confirmed as acceptable.

Brian Brooker, Village Engineer, and Jeff Osterman, Village Planner, had no further comments.

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

Rachel Lovi, 87 Spook Rock Road, explained that she just recently moved in to the area and then received a public hearing notice about her next door neighbor's subdivision application. She said that they moved into the area because of the existing privacy and the distant front setback and did not understand why these lots were substantially reduced in a R-50 zone which requires 50,000 square feet per lot. The Board explained that the lot size was affected by the needed access driveway and the dedicated a strip of land for the right-of-way and that the Board of Appeals already had granted variances for the reduced lot size and dimensions. Mrs. Lovi said she was upset that this subdivision was granted with a reduced lot size and asked about screening options between her property and Lot 2 because she has a pool in her rear yard which is now very private. Mr. Sparaco informed Mrs. Lovi that they will be adding approximately 6 more evergreens to the existing 4 evergreens and Mrs. Lovi asked for more privacy. The Board suggested the option of staggering additional evergreens on Mrs. Lovi's property to fill in the gaps. Mr. Kurzmann said he would agree to the additional staggered similar evergreens as long as the maintenance of those trees after the first year will not be a continuing obligation for the applicant or the lot buyer. The Board suggested that the applicant's representative meet with Rafi and Rachel Lovi to discuss landscaping options and then return to the Planning Board.

Jeff Osterman, Village Planner, explained that the house depicted on the proposed plat does not represent the actual location of the proposed dwelling, which will not be known until the owner of Lot 2 is ready to build at which time the Village building department can notify the Lovi's.

Mr. & Mrs. Lovi will be contacted with the date of the next Planning Board meeting.

Vera Brown asked if anyone else wished to speak. No one wished to speak.

Alexandra Wren motioned to close the public hearing. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved and the public hearing was closed.

Vera Brown motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #18-3

WHEREAS, a formal application from Bassie Hurwitz for approval of a preliminary plat entitled "Subdivision Plat for Hurwitz Located in 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 preliminary plat at the Village Hall, 432 Route 306, Wesley Hills, New York on January 24, 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 preliminary 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 preliminary plat for such subdivision subject to recommended modifications set forth therein,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines 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 hereby issues a Negative Declaration in accordance with SEQRA, because the increased vehicular traffic, water demand, and use of only one new residence will not cause any significant adverse impacts, the proposed drainage system will result in zero net increase in stormwater runoff, and adequate sight distance has been demonstrated, and

BE IT FURTHER RESOLVED, that said preliminary plat is hereby approved subject to the following conditions:

1. Compliance 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.

2. Compliance 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.

3. Compliance with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated November 29, 2017, a copy of which letter is attached to this Resolution and made a part hereof.

4. Compliance 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.

5. Compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.

and BE IT FURTHER RESOLVED, that the Planning Board finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Village of Wesley Hills. The proposed development will result in an increased resident population, an increased use of existing recreational facilities, and an increased demand for additional recreational facilities within the Village of Wesley Hills. The Planning Board further finds that a park of adequate size cannot be properly located on the subject property due to environmental and topographic constraints and inadequate public access. Therefore, in lieu of a dedication of land for park and recreation purposes, a recreation fee of \$5,000.00 shall be paid to the Village of Wesley Hills for one lot only (because the said subdivision shall result in the creation of only one additional residence). Such fee shall be paid at or prior to the time of signing of the plat by the Chairman of the Planning Board.

Vote: Vera Brown-Yes, Rachel Taub-Abstain, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

**PUBLIC HEARING ON THE 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.**

Affecting existing utility poles located 1) on the north side of Charlotte Drive approximately 113' west of the intersection of Park Terrace and 2) on the west side of Deerwood Road approximately 156' south of the intersection of Charlotte Drive.

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

Ron Graiff, P.E., Village Telecommunications Engineer, conferenced in via telephone which was audible to all in attendance.

Christopher Fisher, Esq., of Cuddy + Feder LLP, Gregory Sharpe of Crown Castle, and Brenden Clerkin of Crown Castle appeared on behalf of the application.

Mr. Fisher informed the Board that this project started over one year ago and that the public hearing notice territory included all residents within 750 feet of the designated utility poles proposed as the two DAS nodes. Mr. Fisher presented to the Board a visual picture of the node cabinet mounted on a pole. Part of the application documentation included a radio frequency compliance assessment by Pinnacle Telecom Group dated August 8, 2016. Mr. Fisher explained that due to increased network demand and the inadequate cellular system built years ago, more infrastructure is needed and the proposed two nodes will remedy a significant gap in Verizon Wireless' service in the 2100MHz band, which is the frequency band deployed by Verizon Wireless that is the least robust frequency band for signal strength penetration when compared to lower band frequencies. The two locations proposed are adjacent to 35 Charlotte Drive and 15 Deerwood Road. Mr. Fisher further discussed with the Board the technical node details and justification. He also explained that the proposed DAS nodes can accommodate up to a minimum of one additional carrier and up to a maximum of two additional carriers contingent on the type of equipment each carrier were to deploy. DAS node height, distance from structures and future DAS needs were discussed.

Mr. Fisher stated that the Village Zoning Law now requires a special use permit and that the two proposed nodes will look the same in color, size, and design as the first 21 nodes approved in the Village last year.

The Board asked if a need has been demonstrated for the proposed nodes and Ron Graiff, the Village Radio Frequency Consulting Engineer, having reviewed the submitted data, determined as stated in his January 2, 2018 report that there is insufficient coverage in the proposed areas and that the two nodes are justified.

The Board asked about radio frequency emission compliance and Ron Graiff, after reviewing the applicant's reports and analyses, concluded that the proposals are in compliance although he would have preferred a more recent Wesley Hills site specific analyses versus the generic one submitted dated August 2016 for Rockland County.

The Board, Greg Sharpe, and Ron Graiff discussed in detail the radio frequency submitted data report along with the emission standards and requirements.

Frank Brown, Planning Board attorney, read the specific Village Zoning Law special permit conditions to the Board and Village consultants to determine requirement compliance. The relevant conditions were discussed and it was determined that they were satisfied.

Board members asked questions about safety and proposed doing RF emission exposure measurements by an outside firm after installation of the nodes. Mr. Graiff explained to the Board that the submitted Pinnacle RF Compliance Assessment Report, page 6, Figure 1 (vertical radiation pattern of the antenna) offers some comfort regarding safety concerns. Mr. Graiff also informed the Board that he has been asked by the Village to do RF measurement testing the next time he is in the local area. The Board and Mr. Fisher were in favor of the planned testing. Mr.

Graiff also requested being accompanied by a representative of the Village, a citizens' group, or someone from the adjacent neighborhood when this testing is conducted to ensure integrity of measurements taken.

Frank Brown explained to the Board that the Village Wireless Telecommunication Zoning Law states that the DAS operator is responsible for periodic monitoring of the RF emissions and is required to notify the Village of any facilities in non-compliance and to cease the non-compliant node operation until remedied.

Vera Brown opened the public hearing and asked if anyone wished to speak. No one wished to speak.

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

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved and the public hearing was closed.

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

Resolution #18-4

WHEREAS, Crown Castle NG East, LLC has applied to the Planning Board of the Village of Wesley Hills for a special permit for two wireless telecommunications facilities (distributed antenna systems) located respectively on the northerly side of Charlotte Drive and the westerly side of Deerwood Road; and

WHEREAS, a public hearing on said application was held by the Planning Board on January 24, 2018, at which time all members of the public wishing to speak had 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); and

WHEREAS, the Village's radio frequency consulting engineer has reviewed the application and has reported to the Planning Board that the applicant has demonstrated a justification for both of the proposed wireless telecommunications facilities and that the applicant has demonstrated compliance with the applicable FCC standards with respect to human exposure to radio frequency energy; and

WHEREAS, the Planning Board is satisfied that the application has demonstrated compliance with all applicable standards set forth in Section 230-26M(5) and Section 230-26M(6) of the Code of the Village of Wesley Hills;

NOW, THEREFORE, BE IT RESOLVED, that said application for a special permit for the aforementioned two wireless telecommunications facilities (distributed antenna systems) as depicted on the Node Placement plans for the Node Location titled "15 Deerwood Road, Wesley Hills, NY" and the Node Location titled "35 Charlotte Drive, Wesley Hills, NY" respectively,

each prepared by HBK Engineering, LLC and each dated April 21, 2017 and last revised October 30, 2017, is hereby granted.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

Vera Brown motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #18-5

WHEREAS, Crown Castle NG East, LLC has applied to the Planning Board of the Village of Wesley Hills for approval of a site plan for two wireless telecommunications facilities (distributed antenna systems) located respectively on the northerly side of Charlotte Drive and the westerly side of Deerwood Road; and

WHEREAS, a public hearing on said application was held by the Planning Board on January 24, 2018, at which time all members of the public wishing to speak had 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); and

WHEREAS, heretofore on January 24, 2018, by Resolution #18-4, this Board granted a special permit for such proposed wireless telecommunications facilities;

NOW, THEREFORE, BE IT RESOLVED, that said site plan application is hereby approved for the Node Placement plans for the Node Location titled “15 Deerwood Road, Wesley Hills, NY” and the Node Location titled “35 Charlotte Drive, Wesley Hills, NY” respectively, each prepared by HBK Engineering, LLC and each dated April 21, 2017 and last revised October 30, 2017.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

CONSIDERATION OF REVISION TO CONDITIONS OF APPROVAL FOR PREVIOUSLY APPROVED 1 EAST LANE SUBDIVISION.

Vera Brown, Chairman, explained to the Board that a previously submitted letter of requirements from the Pomona Country Club dated February 22, 2017, has been revised and a request to update the previously approved conditions for the 1 East Lane Subdivision was submitted in a letter dated January 2, 2018. Ms. Brown also explained that a previous request by the applicant

on November 29, 2017 to remove the sidewalk to the mailbox requirement for Lot 2 from the subdivision plat notes was denied by Rockland County E-911.

Alexandra Wren read into the record the submitted Pomona Country Club letter dated January 2, 2018.

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

Resolution #18-6

WHEREAS, on March 22, 2017, by Resolution #17-6, the Planning Board approved the final plat entitled “Subdivision Plat of 1 East Lane Located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, and

WHEREAS, condition 7 of such subdivision approval required compliance with all conditions set forth in the letter of Pomona Country Club dated February 22, 2017, but Pomona Country Club has now requested a different condition, to which the applicant East Lane, LLC has acquiesced,

NOW, THEREFORE, BE IT RESOLVED, that condition 7 of Resolution #17-6 is hereby revised to read as follows: “7. The developer shall comply with conditions 1 through 3 set forth in the letter of Pomona Country Club dated February 22, 2017, a copy of which letter is attached to this Resolution and made a part hereof. The developer also shall comply with that portion of condition 4 set forth in said letter that pertains to preservation and maintenance of the existing stone wall along East Lane. The developer shall not be required to comply with that portion of said condition 4 that refers to the planting of an evergreen screen, and in lieu thereof the developer shall be required to install all of the landscaping depicted on the Planimetric Plan for the said subdivision dated December 13, 2016 and last revised December 12, 2017.”

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

Vera Brown motioned to close the meeting. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Meeting adjourned 10:05 p.m.

