

**Village of Wesley Hills
Planning Board – March 27, 2019**

The meeting was called to order by Vera Brown, Chairman, at 7:31 p.m.

Present: Vera Brown-Chairman, Rachel Taub, Joe Moskowitz, David Katznelson-First Alternate, Lon Lieberman-Second Alternate

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

Absent: Alexandra Wren, Israel Shenker

PUBLIC HEARING CONTINUATION ON THE APPLICATION OF CONGREGATION ANSHEI CHESD FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL TO CONSTRUCT 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.

Jay Pepper appeared on behalf of the applicant Congregation Anshei Chesed.

Mr. Pepper explained to the Board that the Zoning Board of Appeals informed the Congregation at their last appearance that a decision on variances cannot proceed forward until the Planning Board, as Lead Agency, issues a negative declaration as required under SEQRA (State Environmental Quality Review Act).

Vera Brown asked Matt Trainor, Village Engineer, whether there was any feedback or submissions provided by the applicant in response to referral agency comments and the January 2019 engineering report. Mr. Trainor replied no.

The Board explained that any potential traffic, drainage, or other environmental issues must be considered and resolved first before a negative declaration can be issued. Once the environmental issues and public concerns identified by the Planning Board are resolved, the Board can proceed with the negative declaration process.

The issues raised by the following letters must be addressed:

- 12/28/18 -Town of Ramapo Department of Public Works
- 12/31/18 -Rockland County Office of Fire and Emergency Services
- 12/31/18 -Rockland County Department of Health
- 1/8/19 -Rockland County Highway Department
- 1/22/19 -Rockland County Department of Planning
- 1/24/19 -Rockland County Sewer District
- 1/8/19 -Brooker Engineering Report Letter

1/9/19 -Deerkill Day Camp (Rothman) Memo

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

Vera Brown motioned to adjourn the public hearing until May 1, 2019. Rachel Taub seconded. Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.
Motion Approved

CLEARING/FILLING/EXCAVATION PERMIT APPLICATION OF YEHUDA SCHECHTER. Affecting property located on the north side of East Willow Tree Road approximately 565 feet from the intersection of Marisa Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-46.

Yehuda Schechter appeared on behalf of the application and explained to the Board that he wants to build a small play area for his family.

Jeff Osterman, Village Planner, said that the 0.9 disturbed area is very close to the one-acre limit that would trigger a stormwater prevention plan.

Matt Trainor, Village Engineer, stated that he wants the clearing limit line delineated on the property to prevent encroachment into the one acre boundary that would necessitate a stormwater plan and permit (SWPPP). Mr. Trainor informed the Board that the proposed plan by Torgersen Landscape Architects last revised March 7, 2019 is satisfactory.

David Katznelson motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #19-16

WHEREAS, a formal application from Yehuda Schechter 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 120 East Willow Tree Road and designated on the Town of Ramapo Tax Maps as Section 41.08, Block 1, Lot 46, was received by the Planning Board and was referred to the Village Engineer for review and report pursuant to Section 95-4C(1) of the Code of the Village of Wesley Hills (the Clearing, Filling and Excavation Law), and

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

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 "Schechter Residence, 120 East Willow Tree Road, Wesley Hills, N.Y., Rear Yard Improvements", dated January 7, 2019 and last revised March 7, 2019, prepared by Robert G. Torgersen, Landscape Architect, subject to the following conditions and modifications:

1. The applicant shall pay a non-refundable application fee in the amount of \$2,075.00, 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 \$14,000.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village prior to the commencement of construction activities.
3. There shall be compliance with conditions #1 through 3 set forth in the letter of Brooker Engineering, PLLC dated March 26, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
4. Erosion control devices shall be installed to the satisfaction of the Village Engineer prior to the continuation of construction activities and shall be continuously maintained until the completion of the project. Installation of the erosion control devices shall be completed as soon as possible, and in any event no later than April 12, 2019.
5. Certification, to the satisfaction of the Village Engineer, shall be provided to document that the work as depicted on said plot plan has been completed.
6. All work required hereby, including topsoil and seeding, shall be completed no later than September 1, 2019, as determined by the Village Engineer and modified by the Planning Board.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Motion Approved

APPLICATION OF CONGREGATION AHAVAS YITZCHOK OF WESLEY HILLS TO REVISE A PREVIOUSLY APPROVED SITE PLAN. Affecting property located on the west side of Forshay Road approximately 450 feet from the intersection of S. Parker Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.18-1-12.

Rachel Barese of Civil Tec Engineering and Surveying appeared on behalf of the applicant.

Ms. Barese informed the Board that the existing synagogue located at 73 Forshay Road is primarily looking to expand their parking lot and add a handicap ramp for their existing congregation. The Congregation also wants to add a temporary modular structure in the rear corner of the property for overflow from the main building for small study groups until such time that the Congregation decides they are prepared to enlarge the existing structure. Ms. Barese explained that they are in the process of getting neighbor letters of approval to the proposed plan. There will be a new underground detention facility to achieve zero net runoff. The proposed plan will require variances. Comment/report letters received to date include:

3/14/19 - Rockland County Highway Department
3/14/19 - Rockland County Sewer District No. 1
3/6/19 - Village of Wesley Hills Fire Inspector Report
3/26/19 - Brooker Engineering Report

The Board discussed the location of the proposed modular structure and the need for a specific plan for when the temporary term limit for the modular structure will expire. A timeline should be spelled out in the narrative for the modular structure. The modular structure will have to comply with all Building Code requirements.

Ms. Barese explained that the biggest need is on-site parking for the existing congregants before determining any expansion. She estimates 36 months for the temporary modular structure before the Congregation is able to determine need and cost for a permanent addition to the existing structure. There will be a need for variances, but, before proceeding to the Zoning Board of Appeals, the applicant wants feedback from the Planning Board first as lead agency for the SEQRA review process, and then the applicant can continue the process simultaneously with the ZBA.

The Board discussed the 3/14/19 Rockland County Highway Department's concerns and Ms. Barese explained that she would respond to them that the parking lot expansion is intended for the existing congregants as opposed to additional members.

David Katznelson motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #19-17

RESOLVED, that a public hearing on the application of Congregation Ahavas Yitzchok of Wesley Hills for approval of a revised site plan for a neighborhood gathering on premises located on the westerly side of Forshay Road known as 73 Forshay Road and designated on the Town of Ramapo Tax Map as Section 41.18, Block 1, Lot 12, will be held before the Planning Board of the Village of Wesley Hills on the 1st day of May, 2019 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, David Katznelson-Yes, Lon Lieberman-Yes.

Motion Approved

David Katznelson motioned to adopt the following resolution. Vera Brown seconded.

Resolution #19-18

WHEREAS, Congregation Ahavas Yitzchok of Wesley Hills has applied for approval of a revised site plan for a neighborhood gathering on premises located on the westerly side of

Forshay Road known as 73 Forshay Road and designated on the Town of Ramapo Tax Map as Section 41.18, Block 1, Lot 12; and

WHEREAS, the proposed site plan cannot be approved without the granting of the following variances: side yard (0' instead of 25'), rear yard (10' instead of 50'), and maximum impervious surface ratio (0.58 instead of 0.48, as previously granted by the Zoning Board of Appeals on November 19, 2003);

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, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Motion Approved

David Katznelson motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #19-19

WHEREAS, Congregation Ahavas Yitzchok of Wesley Hills has applied for approval of a revised site plan for a neighborhood gathering on premises located on the westerly side of Forshay Road known as 73 Forshay Road and designated on the Town of Ramapo Tax Map as Section 41.18, Block 1, Lot 12,

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, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Motion Approved

APPLICATION OF CONGREGATION SHA'AR HASHAMAYIM TO REVISE A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE. Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Designated on the Ramapo Tax Map as Parcel ID#41.12-2-2.

Shraga Faskowitz, Congregation Sha'ar Hashamayim project representative, appeared on behalf of the applicant.

Mr. Faskowitz explained to the Board that the drainage plan that was previously approved was redesigned by a second engineer to be more cost effective for the Congregation's budget and will also preserve some very old trees in the front of the property. As a result of the change in design by a different engineer, the Congregation was informed that this revision requires re-approval of the previously approved site plan.

Frank Brown, Esq., explained that although approval of this redesigned drainage system requires re-approval of the site plan, the Planning Board has the discretion to decide that a public hearing is not necessary.

Matt Trainor, Village Engineer, stated he is satisfied with the proposed drainage system. Jeff Osterman asked the Village Engineer to submit a written satisfaction letter for the records.

David Katznelson motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #19-20

WHEREAS, heretofore on August 22, 2018, by Resolution #18-32, the Planning Board granted approval of a revised site plan for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 2, Lot 2; and

WHEREAS, Congregation Sha'ar Hashamayim has applied to the Planning Board for approval of a revision to the portion of that revised site plan for the said premises that depicts the drainage system for the site; and

WHEREAS, pursuant to the discretion granted to it by Section 230-46F of the Code of the Village of Wesley Hills, the Planning Board has determined that it is not necessary to conduct a public hearing on such application because the proposed revision to the site plan relates only to the design of an underground drainage system, the Village's engineering consultant is satisfied that the revised drainage system will be as effective as the previously approved drainage system, and the revised drainage system will not have any visual or other impacts on any neighboring property;

NOW, THEREFORE, BE IT RESOLVED, that said site plan application is hereby approved to the extent that the Grading and Drainage Plan dated March 4, 2019, prepared by Advanced Design Group, is substituted for that portion of the Grading & Utility and Erosion & Sediment Control Plan that was incorporated into the previously approved site plan which depicts the stormwater conveyance and detention system for the subject site.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Motion Approved

PUBLIC HEARING CONTINUATION ON THE APPLICATION OF EMILY BURNBAUM TO REVISE A PREVIOUSLY APPROVED SPECIAL PERMIT FOR AN ACCESSORY STRUCTURE IN EXCESS OF 2500 SQUARE FEET. 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.

Aaron Cohen, Esq. appeared on behalf of the applicant. Mr. Cohen informed the Board that the Zoning Board of Appeals granted variances for 15 foot light poles and a 10-foot high fence and that he is returning to the Planning Board to get approval of this revision to the previously approved site plan.

Vera Brown requested an updated site plan which shows all the changes from the previous site plan that have been or will be made, including the height of the light poles, the fences, and the revised screening. Mr. Cohen asked if he could get the approval now subject to the condition that the updated site plan be submitted and confirmed a match. The Board said they wanted the updated plan submitted and reviewed before the approval vote.

The Board discussed lighting illumination beyond the property line under Section 230-54B. Mr. Cohen explained that he was told by the ZBA and the Planning Board that the lighting law requirements that apply to his residential property are under Section 230-14Z and not under Section 230-54B. He said that all his lights, as required by the Zoning Law, will be angled downward to prevent the lights from crossing the property lines of his property.

Mr. Cohen was asked to submit an updated site plan to the satisfaction of the Village engineer which the Board could approve at the next meeting. Mr. Cohen was informed it would not be necessary to appear before the Board on May 1, 2019 for the approval process to be completed.

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

Vera Brown motioned to close the public hearing. David Katznelson seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Motion approved and the public hearing was closed. The Board will reserve its decision until after the revised site plan is submitted and reviewed.

APPROVE 2/27/19 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 2/27/19 Planning Board minutes. David Katznelson seconded.

Vote: Vera Brown-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.
Motion Approved

Vera Brown motioned to adjourn the meeting. David Katznelson seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, David Katznelson-Yes, Lon Lieberman-Yes.

Meeting adjourned 9 p.m.