

**Village of Wesley Hills  
Planning Board – July 24, 2019**

Present: Chairwoman-Vera Brown, 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, Sydney Aliseo-Deputy Village Clerk

Absent: Alexandra Wren, Israel Shenker

The meeting was called to order by Chairwoman, Vera Brown, at 7:35p.m.

**PUBLIC HEARING CONTINUATION ON THE 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.

Morton Silverberg Esq. and Rachel Barese, Civil Tec Engineering and Surveying, appeared on behalf of the Applicant and stated that the Applicant is requesting final approval from the Planning Board in order to pave the parking lot before the winter season.

Frank Brown, Village Attorney, stated that item #7 on the Stormwater Maintenance Agreement submitted by Rachel Barese dated 6/27/19 may need to be altered. Frank Brown questioned the proposed amount of \$5,000 dollars and the limited five-year period and suggested that a small amount be held indefinitely to ensure future compliance with the maintenance requirement, to the Village's satisfaction.

Mr. Silverberg stated that the Congregation intends to comply and that an escrow is unnecessary. The Congregation agrees that if it fails to comply, the Village can perform the necessary maintenance work and levy the expense against the Congregation as a tax assessment.

Lon Lieberman stated that a five-year period does not guarantee future compliance.

Rachel Taub stated that the Congregation has a good reputation with the Village.

Frank Brown stated that if the Applicant does not comply with the Stormwater Maintenance Agreement then the Village will have the authority to complete any necessary maintenance work and bill the Congregation. Mr. Silverberg agreed.

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

Chairwoman Brown made a motion to close the Public Hearing, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Chairwoman Brown made a motion to approve the following resolution, seconded by Rachel Taub.

Resolution# 19-29

**CONGREGATION AHAVAS YITZCHOK REVISED SITE PLAN**

**WHEREAS**, heretofore on December 10, 2003, by Resolution # 03-18, the Planning Board granted 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**, Congregation Ahavas Yitzchok of Wesley Hills has applied to the Planning Board for approval of a further revised site plan for the said premises; and

**WHEREAS**, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on May 1, 2019, and was continued on May 29, 2019, June 26, 2019, and July 24, 2019, at which times all interested parties present were given an opportunity to be heard; and

**WHEREAS**, said site plan application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-l and 239-m, and by the letter report dated June 11, 2019, the Rockland County Department of Planning notified this Planning Board that it had approved the site plan subject to recommended modifications set forth therein; and

**WHEREAS**, heretofore on June 26, 2019, by Resolution # 19-26, this Board determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, on July 17, 2019, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting variances for the proposed project subject to certain conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby exercises the discretion granted to it by Section 230-53C(1) of the Code of the Village of Wesley Hills to determine that the 25-foot buffer screening requirement shall be waived along the northerly, westerly, and the southerly lot lines of the subject premises because the proposed vegetation to be installed will satisfy the same purpose;

**AND BE IT FURTHER RESOLVED**, that said site plan application is hereby approved for the site plan entitled "Site Plan for Cong. Ahavas Yitzchok- 73 Forshay Road, Village of Wesley Hills, Rockland County, New York" dated January 13, 2019 and last revised June 14, 2019, prepared by Civil Tec Engineering & Surveying PC, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the resolution of the Zoning Board of Appeals of the Village of Wesley Hills granting variances for the project.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated June 17, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
3. There shall be compliance with recommended modifications 1 through 7, 10, and 14 through 16 set forth in the letter report of the Rockland County Department of Planning dated June 11, 2019, a copy of which letter report is attached to this Resolution and made a part hereof.
4. There shall be compliance with all conditions set forth in the letter of Rockland County Sewer District #1 dated June 25, 2019, a copy of which letter is attached to this Resolution and made part hereof.
5. The Stormwater Control Facility Maintenance Agreement shall be modified in the following respects, to the satisfaction of the Village Attorney, and, as so modified, shall be executed by the Applicant: (a) paragraphs 7 and 8 shall be eliminated; (b) paragraphs 9 and 10 shall be renumbered 7 and 8; and (c) the renumbered paragraph 7 shall be revised to state that if the Village incurs any maintenance expenses, it is authorized to assess those expenses against the subject property and to collect them as a special assessment on the next Village tax bill, and that the applicant will not contest such an assessment in any way for any reason, including without limitation its tax-exempt status.

**AND BE IT FURTHER RESOLVED**, that this Board hereby overrides, and compliance shall not be required with, the following modifications set forth in said letter report of the Rockland County Department of Planning for the reason set forth hereinbelow:

- (a) Modification 8, because the pedestrian pathway will most often be used at times that congregants are not permitted to drive, and the unnecessary continuation of the pathway through the parking area will result in the loss of more useful parking spaces;
- (b) Modification 9, because that modification contradicts Section 230-54B(10) of the Code of the Village of Wesley Hills which establishes exterior lighting requirements for special permit uses in the Village, and the applicant must comply with the Village's requirements;
- (c) Modification 11, because the high groundwater level on and in the vicinity of the site make the use of permeable pavers to be impractical; and
- (d) Modifications 12 and 13, because the Planning Board believes that the proposed design of the parking area is more rational considering the

anticipated use of the site (in light of the facts that most users will arrive at approximately the same time as each other and will leave at a different time that is approximately the same for each of those users), while avoiding either an unnecessary reduction in the number of parking spaces or an unnecessary increase in the impervious surface ratio.

Upon vote, this motion carried unanimously.

**CONTINUED PUBLIC HEARING ON THE APPLICATION OF CONGREGATION DERECH EMES 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. Subject property located at 34 Wilder Road.

David Mattel appeared on behalf of the Applicant and presented a revised plan dated 7/10/19 showing how the Applicant plans on utilizing the property while temporarily having two principal structures. David Mattel stated that all drainage concerns have been addressed and the Applicant received ZBA approval for the required variances on 7/17/19.

Chairwoman Brown asked Matt Trainor, the Village's Engineering Consultant, to verify that all drainage concerns have been resolved? Matt Trainor answered yes.

Joe Moskowitz questioned what changes were made to the plan? Matt Trainor answered that the new plan has zero overflow onto the neighboring properties.

Chairwoman Brown asked the Village Professionals if it is appropriate for the Planning Board to issue a Negative Declaration approval at this time? Matt Trainor answered yes. Jeff Osterman answered yes.

David Katznelson made a motion to approve the following resolution, seconded by Lon Lieberman:

Resolution # 19-30

**CONGREGATION DERECH EMES NEGATIVE DECLARATION APPROVAL FOR A REVISED SPECIAL PERMIT AND SITE PLAN**

**WHEREAS**, Congregation Derech Emes has applied to the Planning Board 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**, on August 22, 2018, by Resolution # 18-29, the Planning Board determined that the proposed project would not have a significant impact on the environment as defined on the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, subsequently the applicant submitted revised plans which, in the opinion of the Planning Board, are sufficiently different from the originally submitted plans that a new review of those plans was required to evaluate whether the proposed project, as so revised, would have a significant impact on the environment as defined in SEQRA; and

**WHEREAS**, the Planning Board has considered the applicant's revised Narrative Summary dated May 15, 2019, the revised site plan and associated Grading and Drainage Plan and Soil Erosion and Sediment Control Plan prepared by Maser Consulting, P.A., dated May 7, 2019 and last revised July 10, 2019, and the associated Drainage Report dated July 9, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, based upon such consideration, it is hereby determined that the proposed project as so revised will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA), for the following reasons:

1. The proposed expanded parking area depicted on the proposed revised site plan is not anticipated to cause any additional adverse impact on the environment, because the applicant's Drainage Report demonstrating a zero-net increase in peak stormwater runoff has been accepted as satisfactory by the Village's engineering consultant.
2. The proposed new structure and facilities depicted on the proposed revised site plan are not anticipated to cause any additional adverse impact on the environment, because the expanded number of on-site parking spaces will be sufficient for the applicant's intended use, the site is located on a County road which has adequate capacity for the additional traffic that may be generated, and adequate sight distance has been demonstrated.

Upon vote, this motion carried unanimously.

David Mattel requested the Board to consider issuing the final special permit and site plan approvals as the drainage concerns have been addressed in the new plan.

Matt Trainor stated that the revised plans were submitted less than a week before the meeting and therefore he has not had adequate amount of time to review the plans. Mr. Trainor stated that a phasing plan must be submitted to ensure safe access to the property and adequate parking at all times during the construction process. Matt Trainor stated that therefore the amount of parking spaces during each phase must be included on the plan as well.

Mr. Mattel stated that the only changes that were made to the plans were those requested by the Village Engineer.

Frank Brown stated that the Village cannot accept documents that are submitted less than three weeks before the meeting if its consultants advise that they have insufficient time to review them.

Mr. Mattel expressed his frustration with the Village and the Village Engineer regarding how long the process is taking.

Frank Brown stated that an approval can be given subject to any and all comments made by the Village Professionals, but only if the conditions are not too substantial.

Rachel Taub stated that the Applicant has been working with the Planning Board for months and an approval should be given with conditions.

Joe Moskowitz stated that a T.A.C meeting benefits the Applicant and should occur prior to the Planning Board meeting so then the Applicant can make changes to the plan based upon the Village Professionals' comments. Mr. Moskowitz stated that the process should not change, and that approval must wait for review from the Village Professionals. David Katznelson agreed.

Jeff Osterman stated that an approval with conditions should not be given as the approval would then be dependent on Matt Trainor and the comments he provides. Mr. Osterman stated that approvals with conditions of this magnitude are too complicated.

Vera Brown polled the Board in reference to the approval of the application of Derech Emes subject to any comments made by the Village Engineer.

Upon Vote: Vera Brown, nay, Joe Moskowitz, nay, David Katznelson, nay, Lon Lieberman, nay, Rachel Taub, yay.

Motion failed 4 to 1.

Frank Brown stated that the parking requirement must be discussed at the next Planning Board meeting, because the new parking requirement must be specified in the resolution granting revised special permit approval.

David Mattel stated that the parking requirement will be kept until the new building is in place.

Frank Brown stated that no events can occur while the parking lot is incomplete. Mr. Brown requested that the Applicant submit a revised narrative.

Mr. Mattel agreed to comply and stated that the Congregation has a positive reputation with the Village.

Mr. Mattel agreed that the "event room" can only be used on holidays and days in which cars are not being driven.

The Board Members agreed.

Vera Brown suggested that the Applicant be in contact with the Village Engineer to address all comments that have not been discussed.

Sydney Aliseo presented to the Board an anonymous letter received by a concerned resident regarding Congregation Derech Emes stating that the character of the neighborhood is being

threatened due to size of the structure proposed in the Application. The Board decided that a name and address must be submitted along with the complaint for it to be considered or the resident must appear before the Board to voice his or her concerns. Otherwise the Board will disregard the comment.

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

Joe Moskowitz made a motion to adjourn the Public Hearing until August 28th, seconded by David Katznelson. Upon vote, this motion carried unanimously.

**PUBLIC HEARING ON THE APPLICATIONS OF TZVEE ROTBERG FOR A WETLANDS PERMIT AND A CLEARING/FILLING/EXCAVATING PERMIT.**

Affecting property located on the west side of Wilder Road approximately 1245 feet from the intersection of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-71. Subject property located at 37 Wilder Road.

Tzvee Rotberg, the Applicant, appeared before the Planning Board and stated that he is looking to level his backyard by clearing trees and leveling out the dirt areas for his children to play.

Chairwoman Brown questioned if the Public Hearing was properly noticed. Sydney Aliseo, Deputy Village Clerk, answered yes.

Chairwoman Brown questioned if the Village Professionals had any comments. Matt Trainor answered no. Jeff Osterman answered no.

Chairwoman Brown asked if anyone from the Board or from the public wished to speak. No one wished to speak.

Vera Brown made a motion to close the Public Hearing, seconded by Rachel Taub. Upon vote, this motion carried unanimously.

Joe Moskowitz made a motion to approve the following resolutions, seconded by Lon Lieberman:

Resolution #19-31  
**ROTBERG WETLANDS PERMIT**

**WHEREAS**, Tzvee Rotberg and Miriam Rotberg have applied for a Wetlands Permit for authorization to disturb land and change topography within 100 feet of the boundary of a freshwater wetland on premises located on the westerly side of Wilder Road, known as 37 Wilder Road and designated on the Town of Ramapo Tax Maps as Section 41.06, Block 1, Lot 71; and

**WHEREAS**, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on July 24, 2019, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard; and

**WHEREAS**, the Planning Board has determined that the proposed action will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), for the reasons that the proposed plan allows for the reasonable use of the applicant's property while limiting the amount of disturbance within the 100-foot buffer area to that necessary to allow the proposed project and that the associated Clearing, Filling, and Excavation Permit will require the continuous maintenance of sufficient erosion control devices throughout the project, so that the proposed project will not have any adverse impact on an wetland;

**NOW, THEREFORE, BE IT RESOLVED**, that a Wetlands Permit is hereby granted for such disturbance of land and change of topography within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan for such lot entitled "Plan for 37 Wilder Rd., Town of Ramapo, Rockland County, Wesley Hills, New York", prepared by Anthony R. Celentano, P.E., dated April 29, 2019 and last revised June 13, 2019.

Upon vote, this motion carried unanimously.

Resolution # 19-32

**ROTBERG FILLING AND EXCAVATION PERMIT**

**WHEREAS**, a formal application from Tzvee Rotberg and Miriam Roberg for a clearing, filling and excavation permit for filling and regrading on property located on the westerly side of Wilder Road, known as 37 Wilder Road and designated on the Town of Ramapo Tax Maps as Section 41.06, Block 1, Lot 71, 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 "Stabilization Plan for 37 Wilder Rd., Town of Ramapo, Rockland County, Wesley Hills, New York", dated April 29, 2019 and last revised June 13, 2019, prepared by Anthony R. Celentano, P.E., subject to the following conditions and modifications:

1. The applicant shall pay a non-refundable application fee in the amount of \$500.00, 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 \$8,000.00, 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 all conditions set forth in the letter of Brooker Engineer, PLLC dated June 18, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
4. The currently installed erosion control devices shall be continuously maintained until the completion of the project.
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 30, 2019, as determined by the Village Engineer.

Upon vote, this motion carried unanimously.

**CONTINUED PUBLIC HEARING ON THE APPLICATION OF 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. Subject property located at 62 Lime Kiln Road.

Stanley Mayerfeld, the Applicant's Architect, appeared on behalf of the Applicant and presented a revised site plan dated 7/16/19. Mr. Mayerfeld stated that the Applicant received approval from the Zoning Board of Appeals and is currently requesting final approval from the Planning Board.

Matt Trainor stated that the plans were submitted less than a week before the meeting and therefore he has not had enough time to review the plans in their entirety.

Jeff Osterman questioned the specifications of the lights? Bill Johnson, the Applicant's Engineer, stated that he does not have the information, however, he will provide the Board with the specifications of the lights at the next Planning Board meeting. Jeff Osterman stated that the lighting must not illuminate past the property line.

Frank Brown stated that a determination must be done at the next meeting regarding the parking space requirement.

Stanley Mayerfeld requested that the Congregation allow members in the community to hold events at the synagogue. Vera Brown asked how they are defining community. The Board discussed this without reaching a decision. Rachel Taub stated that the neighbor of the Applicant is most affected.

Jeff Osterman questioned whether the back door will be accessible in phase two of construction? Stanley Mayerfeld answered yes.

Frank Brown requested Architectural plans, which must be approved by the Planning Board at the time of site plan approval.

Chairwoman Brown questioned if anyone from the public wished to speak. No one wished to speak.

Chairwoman Brown made a motion to adjourn the Public Hearing until August 28th, seconded by David Katznelson. Upon vote, this motion carried unanimously.

**APPLICATION OF JOE FARKAS FOR A CLEARING/FILLING/EXCAVATING PERMIT.** Affecting property located on the west side of Belmar Court. Designated on the Town of Ramapo Tax Map as Parcel ID#32.14-1-2.1. Subject property located at 3 Belmar Court.

Bill Johnson, the Applicant's Engineer, appeared on behalf of the Applicant and presented a Fill Plan dated 5/1/2019. Mr. Johnson stated that the Applicant is looking to regrade his property. Mr. Johnson stated that there is over an acre of disturbance and that proper silt fences and erosion control measures will be in place throughout the project.

Vera Brown asked if anyone from the public wished to speak.

Michael Calka, 6 Belmar Court, stated that his property was damaged due to running water during construction on 3 Belmar Court.

Bill Johnson stated that the running water was caused by a clogged storm drain, not from the construction on the property. Mr. Johnson stated that drainage control measures are in place and that the overflow is flowing away from Mr. Calka's property.

Chairwoman Brown questioned if the proposed fill plan improves the current drainage issues. Matt Trainor answered yes.

Michael Calka disagreed with Matt Trainor and stated that there is extensive damage to his driveway and the cause is from the running water. Matt Trainor stated that the flow of water is deceiving, and the damage was not caused by the fill on the subject property.

Chairwoman Brown stated that Mr. Calka's property damage is a civil matter that does not affect the decision of the Planning Board.

Michael Calka questioned whether the silt fence would be replaced. Mr. Johnson answered yes.

Lon Lieberman made a motion to approve the following resolution, seconded by David Katznelson:

Resolution # 19-33  
**FARKAS FILLING AND EXCAVATION PERMIT**

**WHEREAS**, a formal application from Joe Farkas for a clearing, filling and excavation permit for filling and regrading on property located on the westerly side of Belmar Court, known as 3 Belmar Court and designed on the Town of Ramapo Tax Maps as Section 32.14, Block 1,

Lot 2.1, 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, "Site Fill Plan, Lot 1 of Belmar Estates located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated May1, 2019 and last revised May 7, 2019, prepared by Sparaco & Youngblood, PLLC, subject to the following conditions and modification:

1. The applicant shall pay a non-refundable application fee in the amount of \$745.00, 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 \$15,000.00, security shall be provided to the Village prior to the continuation of construction activities.
3. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated May 16, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
4. The currently installed erosion control devices shall be properly reinstalled and continuously maintained until the completion of the project.
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 August 30, 2019, as determined by the Village Engineer.

Upon vote, this motion carried unanimously.

**APPROVE 6/26/19 PLANNING BOARD MINUTES.**

Vera Brown motioned to approve the 6/26/19 Planning Board minutes, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

David Katznelson made a motion to adjourn the meeting, seconded by Chairwoman Brown. Upon vote, this motion carried unanimously.

Respectfully submitted,

PB  
7/24/19

Approved 8/28/19

Sydney Aliseo