

**Village of Wesley Hills
Planning Board – October 23, 2019**

Present: Chairwoman-Vera Brown, Joe Moskowitz, Rachel Taub, Alexandra Wren, 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: Israel Shenker, David Katznelson-First Alternate

The meeting was called to order by Chairwoman, Vera Brown, at 7:30p.m.

WETLANDS PERMIT APPLICATION OF SAMUEL AND GAIL HARTSTEIN.

Affecting property located on the west side of Roble Road approximately 140 feet from the intersection of Ari Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#32.18-2-33. Subject property is located at 11 Roble Road.

Chairwoman Brown opened the public hearing and confirmed with Sydney Aliseo that the public hearing notice was published, posted, and mailed.

John Atzl, of Atzl, Nasher & Zigler P.C., the Applicant's Engineer, appeared on behalf of the Applicant and presented to the Board a site plan dated August 21, 2019, last revised October 1, 2019. The plan shows a proposed pool located on the rear of the property. Mr. Atzl confirmed that the Applicant will not encroach on the existing conservation easement located on the property. Mr. Atzl stated that Samuel Hartstein, the Applicant, contacted the NYSDEC and was informed that a protection of waters permit is not needed.

Chairwoman Brown questioned Matt Trainor, the Village Engineering Consultant, if he had any concerns regarding the application? Matt Trainor answered no. Mr. Trainor confirmed that the conservation easement must remain untouched.

Jeff Osterman, the Village Planner, advised the Applicant to install permanent markers such as boulders to clearly define the perimeter of the conservation easement to avoid any encroachment.

John Atzl stated that he will comply with all items on the Village Engineer's letter dated September 17, 2019.

Chairwoman Brown asked if anyone from the public wished to speak? Jay Pepper, 12 Roble Road, was present and stated that he is a neighbor of Mr. Hartstein and is in support of the application.

Rachel Taub made a motion to close the public hearing, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Alexandra Wren made a motion to approve the following resolution, seconded by Lon Lieberman:

Resolution # 19-44

HARTSTEIN WETLANDS PERMIT

WHEREAS, Samuel Hartstein and Gail Hartstein have applied for a Wetlands Permit for authorization to construct a swimming pool and patio within 100 feet of the boundary of a freshwater wetland, on premises located on the westerly side of Roble Road, known as 11 Roble Road and designated on the Town of Ramapo Tax Maps as Section 32.18, Block 2, Lot 33; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on October 23, 2019, at 7:30P.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 construction, there will be no additional net runoff resulting from the proposed construction, and the proposed construction will not have any adverse impact on any wetland;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a swimming pool and patio within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan for such lot entitled "Samuel & Gail Hartstein, Village of Wesley Hills, Rockland County, New York, Site Plan For Proposed Pool" prepared by Atzl, Nasher & Zigler, P.C., dated August 31, 2019 and last revised October 1, 2019, subject to the following conditions:

1. There shall be compliance with all requirements set forth in the letter of New York State Department of Environmental Conservation dated October 16, 2019, a copy of which letter attached to this Resolution and made a part hereof.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated September 17, 2019, a copy of which letter is attached to this Resolution and made a part hereof.

Upon vote, this motion carried unanimously.

SKETCH PLAT APPLICATION OF AYDEN ROCK HOLDINGS LLC FOR A THREE LOT SUBDIVISION. Affecting property located on the west side of McNamara Road at the southwesterly intersection of Pomona Road. Designated on the Town of Ramapo Tax Map as Parcel ID #33.17-2-1. Subject property is located at 1 East Lane.

Steve Sparaco, Sparaco & Youngblood, PLLC., Applicant's Engineer, appeared before the Board and presented a subdivision sketch plat dated September 25, 2019. Mr. Sparaco stated that the Village previously approved 1 East Lane for a 2-lot subdivision in 2017. However, the final plat was never filed and the approval has expired. Mr. Sparaco stated that the Applicant, Yaakov Spaeth, is currently proposing a 3-lot subdivision. Steve Sparaco stated that he will comply with all of the Village Engineer's comments on the letter from Brooker Engineering, PLLC., dated October 21, 2019. Mr. Sparaco stated that the height of the buildings written on the plan does not reflect the actual height, as the homes were only placed on the plan to show that the lots are capable of having buildings of that size. The applicant was advised that an application to build an actual house that exceeds the permissible height would have to be referred to the Zoning Board of Appeals for a variance. Mr. Sparaco acknowledged that but stated that a house could be built with no variance needed. Mr. Sparaco stated that testing was done, and it was determined that the soil is permeable. However, an additional test will be scheduled in the following weeks to ensure the property is consistently permeable.

Jeff Osterman, Village Planner, questioned the width of the right of way of the adjacent streets. Steve Sparaco answered that the right of way of Pomona Road and McNamara Road are 50 feet wide.

Steve Sparaco stated that pre-treatment measures were taken, and a separation hood will be included on the future plans.

Chairwoman Brown questioned Steve Sparaco if the walkway to Pomona Road proposed on lot 3 will be included on the plans. Mr. Sparaco answered yes.

Chairwoman Brown questioned if the Village Professionals had any concerns? Matt Trainor answered no and stated that all comments can be addressed during preliminary review. Steve Sparaco agreed.

Frank Brown, the Village Attorney, questioned whether the Board would like to hold a simultaneous public hearing for the preliminary plat and final plat applications? The Board granted permission for both public hearings for preliminary and final plat approval to be held simultaneously.

Chairwoman Brown made a motion to approve the following resolution, seconded by Lon Lieberman:

Resolution # 19-45

1 EAST LANE SUBDIVISION

WHEREAS, a formal application from Ayden Rock Holdings, LLC for approval of a sketch plat entitled "Preliminary 3-Lot Subdivision Plat of 1 East Lane Location in the Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated September 25, 2019, prepared by Sparaco & Youngblood, PLLC, affecting property on the southerly side of Pomona Road, the easterly side of East Lane, and the westerly side of McNamara Road, designated on the

Town of Ramapo Tax Map as Section 33.17, Block 2, Lot 1, in an R-35 District, was considered by the Planning Board at its regular meeting on October 23, 2019,

NOW, THEREFORE, BE IT RESOLVED, that said sketch plat is hereby approved, subject to the following condition:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated October 21, 2019, a copy of which letter is attached to this Resolution and made a part hereof.

Upon vote, this motion carried unanimously.

APPROVE 8/28/19 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 8/28/19 Planning Board minutes, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

APPROVE 9/25/19 PLANNING BOARD MINUTES.

Vera Brown noted that it is not appropriate to vote on the approval of the September 25, 2019 Planning Board minutes because too few of the members who were present at that meeting are also present at this meeting.

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

Respectfully Submitted,
Sydney Aliseo