

**Village of Wesley Hills
Planning Board – December 4, 2019**

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

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

PUBLIC HEARING OF THE APPLICATION FOR AYDEN ROCK HOLDINGS, LLC FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR A PROPOSED THREE-LOT SUBDIVISION. Affecting property located at the intersection of McNamara Road and Pomona Road. Designated on the Town of Ramapo Tax Map as Parcel ID #33.17-2-1. Subject property located at 1 East Lane.

Chairwoman Brown questioned if the public hearing was properly noticed? Sydney Aliseo, Deputy Village Clerk, answered no; due to the holiday, the publication of the public hearing notice occurred 6 days before the meeting and therefore is not within the required 10 days. The mailing and posting of the public hearing notice was timely however.

Frank Brown stated that the public hearing will have to be continued on January 8th, and the continuation of the public hearing must be re-noticed in order for the public hearing to be legal. Because several members of the public were present and wished to be heard, it was decided that the Board would hear their comments at this meeting and then adjourn the public hearing without taking a vote on the application.

Steve Sparaco, the Applicant's Engineer, appeared before the Board and presented a subdivision plat dated 9/25/19, last revised 11/12/19. Mr. Sparaco stated that 1 East Lane is an oversized lot with 2.8 acres. Mr. Sparaco stated that the previous owner of the property received Planning Board approval for a 2-lot subdivision. However, the plat was never filed, and the approval therefore has expired. Mr. Sparaco explained that the new owner is currently proposing a 3-lot subdivision that does not require variances. Steve Sparaco stated that a percolation test was completed on the property and a report has been sent to the Village Engineer for his review.

Matt Trainor, the Village Engineering Consultant, stated that a SWWP must be submitted along with the full EAF form as per the Rockland County Health Department letter dated 12/2/19.

Chairwoman Brown questioned Matt Trainor, the Village Engineering Consultant, if he had any concerns regarding drainage? Matt Trainor answered no.

Steve Sparaco stated that the Applicant will comply with all comments on the letters received from the Rockland County Highway Department, the Rockland County Sewer District, the Village Engineer, and the Rockland County Health Department.

Chairwoman Brown asked if anyone from the public wished to speak?

Phillis McPherson, 15 East Lane, appeared before the Board and questioned the placement of the proposed driveway located on East Lane. Steve Sparaco stated that Pomona Road is a County Road and stated that the Rockland County Highway Department would require a driveway to be located on the private street due to traffic concerns.

Mrs. McPherson expressed her concerns regarding road maintenance, as East Lane is a private road that is maintained by the homeowners who use it. Mrs. McPherson stated that Pomona Country Club wants to ensure that the outstanding fees and future maintenance fees are paid. Frank Brown, the Village Attorney, stated that the Planning Board cannot require the homeowner to pay a maintenance fee.

Yaakov Spaeth, the Applicant, appeared before the Board and assured the members of the Pomona Country Club that the outstanding fees for the road maintenance will be paid in full.

Ed McPherson, 15 East Lane, questioned where location of the sewer connection is? Steve Sparaco stated that they will connect to a sewer line located on McNamara Road which extends to Pomona Road.

Eileen O'Connor, 18 Pomona Lane, questioned whether the existing stone wall will remain intact? Steve Sparaco stated that the stone wall will remain as is, except that a portion will be cut out in order to install a driveway.

Mr. O'Connor stated that he and others at the Pomona Country Club are concerned with the character of neighborhood changing as sometimes mega mansions are constructed which is out of character for this neighborhood.

Joe Moskowitz stated that if the Pomona Country Club has concerns regarding the Application, they should organize the neighbors and appear before the Board.

Yaakov Spaeth stated that the style of the home will be consistent with the neighborhood.

Leonard Amdurer, 32 East Lane, questioned whether the property will be cleared? Steve Sparaco stated that trees will only be removed where needed. The Planting Plan identifies which trees will be removed and which ones will remain.

Jeff Osterman, The Village Planner, stated that the Board cannot require the properties to pay the maintenance fee for a private homeowner's association and placing a note on the plat would not be beneficial.

Chairwoman Brown made a motion to adjourn the Public Hearing to January 8th, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

SKETCH PLAT APPLICATION OF AMS ACQUISITIONS FOR A FOURTEEN-LOT SUBDIVISION. Affecting property located at the easterly end of Jeremy Court and the Westerly end of Rockwood Lane. Designated on the Town of Ramapo Tax Map as Parcel ID #32.19-2-4. Subject property is located at 15 Terrace Road.

Ira Emanuel, the Applicant's Attorney, appeared before the Board and presented a plan dated 9/13/19 showing a proposed 14 lot subdivision. Mr. Emanuel stated that the property is located in an R-50 zone but is surrounded by undersized lots. Mr. Emanuel stated that the benefit of utilizing an average density procedure, is to allow the protection of the wetlands that currently exist on the property.

Zachary Chaplin, the Applicant's Engineer, appeared before the Board and stated that due to the topography, an average density plat would be most beneficial to both the Applicant and the Village. Mr. Chaplin stated that the average density procedure would reduce the minimum lot area from 50,000 square feet to 40,000 square feet but would not increase the number of lots.

Ira Emanuel stated that the Applicant is proposing a path from Beatrice Road and Rockwood Lane to Sikorsky Park.

Chairwoman Brown asked the Village Professionals if they had any concerns regarding the request for 14 lots.

Matt Trainor answered no, however, the plan can be adjusted to better protect the wetlands on an average density plat. Jeff Osterman agreed and stated that there is enough acreage to adjust the lot lines if need be.

Frank Brown informed the Board that the application must be seen by the Village Board in order to fully review the application. Mr. Brown requested the applicant to change cluster development on the plan to average density. The Planning Board cannot approve an average density subdivision without prior authorization from the Village Board.

Joe Moskowitz made a motion to approve the following resolution, seconded by Chairwoman Brown:

Resolution #19-46

AMS ACQUISITIONS SUBDIVISION

WHEREAS, a formal application from AMS Acquisitions LLC for approval of a subdivision plat entitled "AMS Acquisitions Proposed Residential Subdivision, Section 32.19, Block 2, Lot 4, 15 Terrace Road, Village of Wesley Hills. Town of Ramapo, Rockland County, New York" has been presented to this Board, which subdivision application requests approval of an average density layout, and

WHEREAS, this Board has considered a sketch layout of a conventional subdivision on the subject site prepared and submitted by the applicant, which contains 14 lots which purport to

conform to the normally applicable minimum area requirements of the Zoning Law of the Village of Wesley Hills,

NOW, THEREFORE, BE IT RESOLVED, that said proposed subdivision application is hereby referred to the Board of Trustees, pursuant to Sections 230-66 and 230-71 of the Code of the Village of Wesley Hills, for authorization to use the average density procedure for a maximum of 14 lots, together with a recommendation from this Board that such authorization be granted for the reasons that the average density procedure would result in preservation of an open space area and wetlands area which would be a benefit to the Village.

Upon vote, this motion carried unanimously.

Ira Emanuel requested the Planning Board to be lead agency for SEQRA purposes.

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

Resolution #19-47

AMS ACQUISITIONS SUBDIVISIONS

WHEREAS, AMS Acquisitions LLC has applied for approval of a subdivision utilizing the average density procedure for premises located at the easterly end of Jeremy Court, the westerly end of Rockwood Lane and Terrace Road, and the southerly end of Beatrice Road and designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 4,

NOW, THEREFORE, BE IT RESOLVED, that such application and proposed project is hereby determined to be a Type I 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.

Upon vote, this motion carried unanimously.

APPLICATION OF CONGREGATION KHAL CHASIDIM OF WESLEY HILLS FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING. Affecting property located on the west side of Martha Road approximately 220 feet from the intersection of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#41.14-1-66. Subject property is located at 15 Martha Road.

Todd Rosenblum, the Applicant's Architect, appeared before the Board and presented a site plan dated 11/12/19 showing a proposed neighborhood gathering. Mr. Rosenblum stated that the Congregation is only gathering on Fridays, Saturdays, and major Jewish Holidays. Todd Rosenblum stated that majority of the Congregants live in close proximity to the property and that as per Jewish Law, driving is prohibited on Friday nights and Saturdays. Mr. Rosenblum

stated that the Applicant will not be renting out any portion of the property for celebrations. Todd Rosenblum stated that the Applicant appeared before the T.A.C. committee and was informed that a parking lot must be included on the plans as per the Village Code.

Steve Sparaco, the Applicant's Engineer, appeared before the Board and stated that the Applicant is proposing 13 onsite parking spaces, 7 parking spaces on the road, and 4 offsite parking spaces located on the neighboring property. Mr. Sparaco stated that due to the required parking lot, the Applicant is requesting that the Planning Board grant a special permit to increase the required impervious surface ratio.

Matt Trainor stated that the drainage appears to be sufficient.

Numerous residents appeared before the Board and expressed their concerns regarding the Application and discussed details with the Board.

Frank Brown informed the residents that this is not a public hearing and that the neighbors will be informed when the application is ready for the public hearing. Frank Brown and Vera Brown reminded the Board members and the public that the proposed use of a Congregation is a religious use which is entitled to deference under the RLUIPA statute. If the public has concerns in reference to the parking, lighting, landscaping, etc., those concerns can be addressed at the public hearing.

Chairwoman Brown requested that the Applicant accurately revise the narrative to correctly show the number of Congregants in order to properly determine the parking requirement. In addition, Chairwoman Brown requested a list of major Jewish Holidays to be included on the narrative summary, including indicating on which Holidays driving would be permitted.

Frank Brown stated that in order to increase the impervious surface requirement the Applicant must submit an additional application for a special permit to the Planning Board.

Jeff Osterman encouraged the Applicant to meet with the neighbors to discuss the application prior to the public hearing.

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

Resolution #19-48

CONGREGATION KHAL CHASIDIM SPECIAL PERMIT AND SITE PLAN

RESOLVED, that a public hearing on the applications of Congregation Khal Chasidim for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the westerly side of Martha Road known as 15 Martha Road and designated on the Town of Ramapo Tax Map as Section 41.141, Block 1, Lot 66, and for increased impervious surface on the said premises, will be held before the Planning Board of the Village of Wesley Hills on the 8th day of January, 2020 at 7:30P.M., at the Village Hall, located at 432 Route 306 in

PB
12/4/19

Approved 1/8/20

the Village of Wesley Hills.

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.

APPROVE 10/23/19 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 10/23/19 Planning Board minutes, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

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

Respectfully Submitted,
Sydney Aliseo