

**Village of Wesley Hills
Planning Board – September 25, 2019**

Present: Chairwoman-Vera Brown, Israel Shenker, Joe Moskowitz, David Katznelson-First Alternate

Also Present: Frank Brown-Deputy Village Attorney, Matt Trainor-Village Engineer, Sydney Aliseo-Deputy Village Clerk

Absent: Jeff Osterman-Village Planner, Rachel Taub, Alexandra Wren, Lon Lieberman-Second Alternate

The meeting was called to order by Chairwoman, Vera Brown, at 7:35p.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#31.18-2-33. Subject property is located at 11 Roble Road.

Samuel Hartstein, the Applicant, appeared before the Board and presented a site plan dated August 21, 2019 showing a proposed pool located on the rear of his property.

Chairwoman Brown questioned Matt Trainor, Village Engineer, if the application is ready to be scheduled for a public hearing? Matt Trainor answered yes.

Matt Trainor stated that an email was received from Brian Drumm of the New York State DEC stating that an Article 15 Protection of Waters Stream Disturbance is not required for the construction of the pool as proposed.

David Katznelson made a motion to approve the following resolution, seconded by Chairwoman Brown:

Resolution # 19-41

HARTSTEIN WETLANDS PERMIT

RESOLVED, that a public hearing on a Wetlands Permit application by Samuel Hartstein and Gail Hartstein for property 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, for authorization to construct a swimming pool and patio within 100 feet of the boundary of a fresh water wetland, will be held before the Planning Board of the Village of Wesley Hills on the 23rd day of October, 2019 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Upon vote, this motion carried unanimously.

CONSIDERATION OF MODIFICATION OF CONDITIONS OF A CLEARING/FILLING/EXCAVATION PERMIT 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. Subject property located at 120 E Willow Tree Road.

Frank Brown, the Village Attorney, stated that the application received approval from the Planning Board on March 27, 2019, at which time the Applicant, Ed Schechter, was required to post security in the amount of \$14,000, as determined by the Village Engineer, to ensure the completion of the project. Mr. Brown stated that Ed Schechter subsequently advised the Village Clerk that he was unable to post the escrow due to the large size of the amount and requested a reduction. Mr. Brown stated that the Applicant submitted an estimate to the Village from his Contractor in the amount of \$3,200. Frank Brown stated that the Village Engineer determined that the escrow can be reduced to \$4,800, which is 150% of the estimate that was provided. Mr. Brown questioned if the Board Members agreed with the reduction? The Board Members agreed.

Vera Brown asked when the project should be completed by? Matt Trainor, the Village Engineering Consultant, answered that due to the season, the Applicant should be given until May of 2020 to complete the topsoil and seeding to ensure it achieves germination.

Ed Schechter, the Applicant, appeared before the Board and requested that the application fee be reduced as well. Matt Trainor stated that the application fee cannot be reduced as the fee is set by the Village's Fee Schedule and is determined by the amount of work being completed.

David Katznelson made a motion to approve the following resolution, seconded by Chairwoman Brown:

Resolution # 19-42

SCHECHTER FILLING AND EXCAVATION PERMIT

WHEREAS, on March 27, 2019, by Resolution #19-16, the Planning Board granted a clearing, filling and excavation permit to Yehuda Schechter 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, and

WHEREAS, the work authorized by that permit has not been performed because the applicant did not deliver a performance bond or equivalent security in the amount of \$14,000.00, as required by that Resolution, and

WHEREAS, the Village Engineer has determined, based upon new information received by him, that a reduced amount of security will be sufficient to ensure the proper completion of the proposed project,

NOW, THEREFORE, BE IT RESOLVED, that said Resolution # 19-16 is hereby modified in following respects:

1. Condition 2 specified in said Resolution shall be revised to require that 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 \$4,800.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village prior to the commencement of construction activities.
2. Condition 6 specified in said Resolution shall be revised to require that all required work, including topsoil and seeding, shall be completed no later than May 1, 2020.

Upon vote, this motion carried unanimously.

KHAL ZICHROEN MICHOEL RESOLUTIONS AMENDING CONDITIONS OF SPECIAL PERMIT AND SITE PLAN APPROVAL. Affecting property located on the north side of Grandview Avenue approximately 100 feet from the intersection of Melaney Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.15-1-38. Subject property is located at 153 Grandview Avenue.

Chairwoman Brown stated that the application came before the Planning Board in 2015 and received Special Permit and Site Plan approval. Chairwoman Brown stated that David Leventhal, 25 Moccasin Place, had concerns regarding his privacy and attended the public hearings to voice his concerns. The Applicant was required to plant 19 10' high Eastern Red Cedar trees along the rear property line to provide screening. Chairwoman Brown stated that upon the Village Engineer's final inspection it was determined that although new trees were planted, some of the existing trees had been removed without authorization. As per the Village Engineer, the landscaper advised the Applicant that the new trees would not survive within the dense area of existing trees. Chairwoman Brown stated that some Board Members completed inspections at both Mr. Leventhal's property and Khal Zichroen Michoel's property. Chairwoman Brown stated that the Board must come to an agreement regarding the screening and the resolution granting site plan approval must be amended because it is no longer possible for the Applicant to comply with the Landscaping Plan that was part of the original site plan approval.

Chairwoman Brown questioned who the owner is of the property near the fence on the northern side? Matt Trainor answered, based on the as-built survey submitted by KZM, it is a part of Mr. Leventhal's property.

Chaim Ishakis, the Applicant, appeared before the Board and stated that the trees that were removed were either dead or in poor condition. Mr. Ishakis stated that due to the necessary removal of trees, 10' trees with greater girth were planted instead of the required 8' trees to provide more screening for the neighboring property. Mr. Ishakis stated that if the existing trees were not removed, the new trees would die within two years.

David Leventhal, 25 Moccasin Place, stated that the Synagogue is beautiful and has no concerns regarding the number of trees planted. However, Mr. Leventhal stated that he had other concerns regarding his privacy. Mr. Leventhal stated that in previous meetings, the Applicant had assured

him that frosted windows would be installed on the northern side of the synagogue, but those were not the windows in place.

Chairwoman Brown stated that the frosted windows were discussed at the meeting of the Zoning Board of Appeals in 2014, as appears from its Minutes, but they were not discussed at the prior Planning Board meetings.

Chaim Ishakis stated that two-pane windows have been installed with an internal blind to satisfy Mr. Leventhal's concerns.

Mr. Leventhal stated that there is a possibility that the blinds are left open and expressed his concerns regarding his privacy.

Chaim Ishakis stated that the Congregation will leave the blinds in the closed position permanently on the north side and will remove the mechanism in the blinds that allows the blinds to be put up or down. Board Members were receptive to that idea. Mr. Leventhal disagreed with Mr. Ishakis.

Nathan Spiegel, 18 Hastings Road, stated that the northern side of the sanctuary in the synagogue is strictly for the women, whose seats would be facing the south, away from the windows and the Leventhal property. Mr. Spiegel stated that majority of the Congregation is male, and women only attend in large numbers on the High Holidays.

Chairwoman Brown verified with the Applicant that in synagogues, the male Congregants face the east and therefor will not be facing Mr. Leventhal's property.

Mr. Leventhal and the Board Members reviewed the plans.

Mark Mindick, 16 Amsterdam Avenue, stated that the Congregation will provide screening and ensure Mr. Leventhal's privacy by using a frost spray on the windows on the northern side of the building along with keeping the blinds closed.

Frank Brown stated that a condition can be implemented to require the Congregation to use the frost spray and keep the blinds down for a period of time until the foliage provides enough screening to satisfy the Village Engineer. The Board Members agreed.

David Leventhal requested the condition be for 5 years. The Board Members disagreed with Mr. Leventhal because it could not be known with certainty how quickly the new trees would grow.

Chaim Ishakis requested that the Board implement a condition that requires the Village Engineer to visit the site yearly to determine whether the foliage provides enough screening.

The Board Members agreed.

David Katznelson made a motion to approve the following resolution, seconded by Israel Shenker:

Resolution # 19-43

KHAL ZICHRON MICHOEL SITE PLAN

WHEREAS, on April 29, 2015, by Resolution #15-6, the Planning Board granted to Khal Zichron Michoel approval of a site plan for a neighborhood gathering on premises located on the northerly side of Grandview Avenue known as 153 Grandview Avenue and designated on the Town of Ramapo Tax Map as Section 41.15, Block 1, Lot 38, subject to conditions stated therein; and

WHEREAS, sheet 3 of that site plan, entitled “Planimetric Plan for Khal Zichron Michoel located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, dated July 8, 2014 and last revised March 23, 2015, prepared by Sparaco & Youngblood, PLLC, is a “Planting & Lighting Plan” which depicts, among other things, the then-existing trees that were approved for removal and the trees that were required to remain; and

WHEREAS, during the course of construction of the project the following five trees that were shown on said Planting & Lighting Plan as remaining instead were removed by the applicant’s landscaping contractor without the notification or permission of the Planning Board, based upon the opinion of that contractor that the new Eastern Red Cedar trees that were required to be planted in that area would not have survived without the removal of those then-existing trees: T29, T32, T34, T40 and T41; and two additional trees (T42 and T45) shown as remaining have died and should be removed; and

WHEREAS, the Planning Board Members have determined, based upon inspection of the affected area, that the newly planted Eastern Red Cedar trees provide sufficient screening along the northerly boundary of the subject property, so long as Khal Zichron Michoel complies with its representations made at the Planning Board meeting on September 25, 2019 that it will spray-frost the northerly-facing windows in the sanctuary and will leave the internal blinds in a closed position for at least a one-year period after issuance of the certificate of occupancy;

NOW, THEREFORE, BE IT RESOLVED, that Resolution #15-6 hereby is revised to be deemed to approve the Planting & Lighting Plan modified by the removal of the seven aforementioned trees; and

BE IT FURTHER RESOLVED, that the Planning Board Reserves the right, annually, to determine that Khal Zichron Michel (or any successor congregation) shall be required to continue to comply with its representations concerning window treatments for an additional year, until such time as the Planning Board determines that the growth of the new Eastern Red Cedar trees provides sufficient privacy screening as to render such window treatments to be unnecessary.

Upon vote, this motion carried unanimously.

PB
9/25/19

Approved 1/29/2020

Vera Brown noted that it is not appropriate to vote on the approval of the August 28, 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 Israel Shenker. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Sydney Aliseo