

**Village of Wesley Hills
Planning Board – May 23, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:36 p.m.

Present: Vera Brown-Chairman, Alexandra Wren, Joe Moskowitz-First Alternate,
Marilyn Blocker-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Brian Brooker and Matt Trainor-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Rachel Taub, Israel Shenker

PUBLIC HEARING ON THE SPECIAL PERMIT APPLICATION OF LEVI KAPLAN FOR A HOME BUSINESS. Affecting property located on the west side of Doe Drive approximately 114 feet from the intersection of Fawn Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#32.18-1-56.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Mr. Levi Kaplan of 9 Doe Drive appeared on behalf of the application. Mr. Kaplan explained that he is a psychotherapist and works fulltime in Monroe, NY. Several clients prefer a more private setting and that is the reason he is applying for a home business special permit. Mr. Kaplan proposes to meet with clients one at a time on the lower level of his home in a space that is 243 square feet. The home office would be used Monday-Thursday in the evening between 7:30 and 9:30 p.m. and occasionally on Friday and Sunday during the day between 9:00 a.m. and 1:00 p.m. He estimates seeing no more than 5 to 10 clients a week. Mr. Kaplan stated that the existing larger-than-average driveway, 23 feet wide with a turnaround area that is 43 feet wide, can accommodate multiple cars at a time, allowing vehicles to maneuver in and out without interference. Mr. Kaplan stated that his clients will not park on the public street. Village Engineer, Brian Brooker, confirmed that, based on Mr. Kaplan's measurements, the driveway is more than adequate. Mr. Kaplan proposes an unlighted sign that complies with the Zoning Law requirements.

Vera Brown opened the public hearing and asked if anyone wished to speak.

Jeffrey Nulman, 14 Glenbrook Road, asked if operation times will be extended if the business increases. Mr. Kaplan replied that he is employed fulltime elsewhere and, if additional hours were needed, he will return to the Planning Board for a revised permit. The Board explained to Mr. Nulman that the application narrative with the operation description details is what the Board considers in the approval process. Frank Brown, Planning Board attorney, also explained that if there is non-conformance with this application's narrative, and the Village receives a

complaint, Village procedure is to investigate and determine if there is a violation of the home business special permit.

Irene Schwartz, 1 Fawn Lane, stated that some patients arrive early and some stay late. She is also concerned that a home office will make neighboring homes less desirable. Mr. Kaplan replied that there will be space to accommodate any parking overlap.

Michaëlle Louissaint, 12 Doe Drive, wanted to confirm that client parking will be in Mr. Kaplan's driveway and not on the street or in her driveway. Mr. Kaplan confirmed.

Frank Brown explained that a special permit should be granted as long as the applicable required standards set forth in the Village Zoning Law are satisfied. Once the applicant demonstrates he/she can satisfy the standards of the Zoning Law for a special permit, then the permit is allowed and cannot be denied, although the Planning Board can attach appropriate conditions.

Lochie Musso, 228 Willow Tree Road, asked if this home business permit transfers to new owners. The Board explained that if a new homeowner is a psychotherapist and follows the same operational conditions approved by the Planning Board in this special permit, it could transfer. Any other type of home business would not be eligible for transfer to new owners.

Stanley Mayerfeld, 17 Bruck Court, stated that the applicant is following proper procedures by applying for a home business permit from the Planning Board.

The Board asked the public if any of the business hours or anything else would be a problem. Ms. Louissaint asked about the Sunday hours. Ms. Schwartz expressed concern about this special permit opening the door to other home businesses on the block. Mr. Nulman expressed concern about increased traffic in the area.

Frank Brown read the Zoning Law provisions concerning home businesses regarding the generation of round trips and explained that this application conforms to the requirements.

Vera Brown asked if anyone else wished to speak. No one wished to speak.

Alexandra Wren motioned to close the public hearing. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.
Motion Approved

The Board further discussed parking, appointment schedules, and minimizing overlapping.

Marilyn Blocker motioned to adopt the following resolution. Joe Moskowitz seconded.

Resolution #18-19

WHEREAS, Levi Kaplan has applied to the Planning Board of the Village of Wesley Hills for a special permit for a home business for the property located on the westerly side of Doe Drive, known as 9 Doe Drive and designated on the Town of Ramapo Tax Maps as Section 32.18, Block 1, Lot 56; and

WHEREAS, a public hearing on said application was held by the Planning Board on May 23, 2018, at which time all members of the public wishing to speak had an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined in the State Environmental Quality Review Act (SEQRA) for the reasons that (1) there will be no external modifications to the building or other construction on the site, (2) the applicant is proposing a reasonable and small number of non-resident visits and hours of operation of the proposed home business, and (3) there are no other potentially significant adverse environmental impacts that are foreseeable from the proposed project so long as it is operated in conformance with the requirements of the Zoning Law of the Village of Wesley Hills and the conditions imposed hereinbelow; and

BE IT FURTHER RESOLVED, that said application for a special permit for a home business for a psychologist's office is hereby granted, subject to the following conditions:

1. The home business shall be operated in conformance with the representations set forth in the narrative statement of Levi Kaplan which was submitted to the Village as part of the subject application dated March 14, 2018, except as modified by the following additional requirement.
2. No parking of patient vehicles shall be allowed on Doe Drive at any time.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.
Motion Approved

PUBLIC HEARING ON THE WETLANDS PERMIT APPLICATION OF ALLEN & EDITH GROSS. Affecting property located on the south side of Willow Tree Road approximately 600 feet from the intersection of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#41.14-1-7.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Stanley Mayerfeld of Mayerfeld Architecture and Steve Griggs of Landscape Architects appeared on behalf of the applicant.

Mr. Mayerfeld recapped the intent of the applicant to dredge the pond on the property which has not been kept up over the years and has built up with weeds, silt, debris, etc. Instead of draining the pond, the proposed Dino Six Filtration System will dredge approximately one foot of material from the pond, which is designed for minimum disturbance of the water column. He explained that the entire process takes about one month to totally clean the pond water.

Brian Brooker, Village Engineer, informed the applicant that the NYS Department of Environmental Conservation (NYSDEC) should be involved. Mr. Griggs replied that he is getting a DEC permit and a copy will be forwarded upon receipt.

Vera Brown opened the public hearing and asked if anyone wished to speak.

Jeffrey Nulman, 14 Glenbrook Road, asked about any potential impact on the ecological systems. Mr. Griggs said the proposed fountain will keep the water moving, which improves the ecology. Mr. Nulman asked how a drought would affect the fountain's operation. Mr. Griggs replied if there is no water, the fountain will shut off.

Lochie Musso, 228 Willow Tree Road, said she lives in the area since 1964 and expects this will help water to flow more evenly and reduce the supporting stream overflow.

Vera Brown read into the record four letters from neighbors in support of this proposed project.

Vera Brown asked the public if anyone else wished to speak. No one wished to speak.

Joe Moskowitz motioned to close the public hearing. Vera Brown seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

Vera Brown motioned to adopt the following resolution. Alexandra Wren seconded.

Resolution #18-20

WHEREAS, Allen Gross and Edith Gross have applied for a Wetlands Permit for authorization to dredge a pond within 100 feet of the boundary of a freshwater wetland on premises located on the southerly side of Willow Tree Road, known as 219 Willow Tree Road and designated on the Town of Ramapo Tax Maps as Section 41.14, Block 1, Lot 7; 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 23, 2018, at 7:30 P.M., at which times 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 dredging activity, there will be no additional net runoff resulting from the proposed activity, and the proposed activity will not have any adverse impact on any wetland;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such dredging activity in the pond shown on the plot plan for such lot entitled "Minor Site Plan for 219 Willow Tree Road, Section 41.14, Block 1, Lot 7, Village of Wesley Hills, Rockland

County, Wesley Hills, New York” prepared by Maser Consulting P.A., dated February 13, 2018 and last revised April 4, 2018, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated April 24, 2018, a copy of which letter is attached to this Resolution and made a part hereof.

2. The dredging activity shall be performed in compliance with the description of such work set forth in the Wetlands Permit application dated March 27, 2018.

3. The applicant shall obtain any New York State Department of Environmental Conservation permit that is necessary and shall comply with all conditions of such permit.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

REQUEST FOR ADJOURNMENT OF THE PUBLIC HEARING CONTINUATION 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.

Alexandra Wren motioned to adopt the following resolution. Vera Brown seconded.

Resolution #18-21

WHEREAS, the Planning Board is conducting a public hearing on the application of Congregation Derech Emes 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, at the public hearing conducted on April 25, 2018, it was determined that a re-design of the proposed drainage system was necessary as a result of an unsuccessful percolation test on April 23, 2018; and

WHEREAS, the applicant has advised the Planning Board that it has not had sufficient time to submit the necessary revised plans;

NOW, THEREFORE, BE IT RESOLVED, at the request of and with the consent of the applicant, that the public hearing is hereby adjourned until June 27, 2018.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker- Yes.

Motion Approved

REQUEST FOR THE RESCHEDULING OF THE PUBLIC HEARING 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.

Joe Moskowitz motioned to adopt the following resolution. Vera Brown seconded.

Resolution #18-22

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26; and

WHEREAS, on March 28, 2018, by Resolution #18-13, the Planning Board scheduled a public hearing on such application for May 23, 2018, based on the applicant's estimate that it would be able to provide revised plans in time for such hearing; and

WHEREAS, on May 14, 2018 the applicant advised the Planning Board that it has not had sufficient time to submit the necessary revised plans, and therefore notice of such public hearing has never been advertised;

NOW, THEREFORE, BE IT RESOLVED, at the request of and with the consent of the applicant, that the public hearing on such application is hereby rescheduled for June 27, 2018.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved

APPROVE 1/3/18 PLANNING BOARD MINUTES.

Alexandra Wren motioned to approve the 1/3/18 Planning Board minutes. Vera Brown seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

APPROVE 4/25/18 PLANNING BOARD MINUTES.

Joe Moskowitz motioned to approve the 4/25/18 Planning Board minutes. Vera Brown seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes

Motion Approved

Meeting adjourned 8:45 p.m.

