

**Village of Wesley Hills
Planning Board – January 8, 2020**

Present: Chairwoman-Vera Brown, Joe Moskowitz, Rachel Taub, Israel Shenker (left early), Lon Lieberman-Second Alternate

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

Absent: Jeff Osterman-Village Planner, Alexandra Wren, David Katznelson-First Alternate

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

WETLANDS PERMIT APPLICATION OF HEATHER SCHWARTZ. Affecting property located on the west side of Roble Road, approximately 300 feet north of the intersection with Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID #41.06-2-19. Subject property located at 5 Roble Road.

Sam Levin, the Applicant, appeared before the Board and presented a site plan dated 11/17/19, last revised 12/17/19, showing a proposed single-family dwelling. Mr. Levin stated that the lot is undersized and that there is a stream located on the rear of the property which triggers the need for a wetlands permit. Mr. Levin stated that a clean letter was received from the DEC dated 10/1/19.

Chairwoman Brown informed the Board that majority of the project is located within the wetlands buffer. Frank Brown stated that any work done on this property will require a wetlands permit due to the presence of a stream in the rear and side of the property.

Sam Levin stated that they appeared before the ZBA on 12/18/19 for the required variances and are scheduled for a public hearing on 1/15/20. Mr. Levin stated that their Engineer will address all of the comments from the Village Engineer's letter dated 12/26/19 at the next meeting should the Board wish to schedule a public hearing.

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

Israel Shenker made a motion to approve the following resolution, seconded by Rachel Taub.

**Resolution # 20-1
SCHWARTZ WETLANDS PERMIT**

RESOLVED, that a public hearing on a Wetlands Permit application by Heather Schwartz for property located on the westerly side of Roble Road, known as 5 Roble Road and designated on the Town of Ramapo Tax Maps as Section 41.06, Block 1, Lot 19, for authorization to construct a new house within 100 feet of the boundary of a freshwater wetland. Will be held before the Planning Board of the Village of Wesley Hills on the 29th day of January, 2020 at 7: 30P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Upon vote, this motion carried unanimously

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

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 confirmed that the plans have not changed since the last meeting. Steve Sparaco stated that a full EAF form and a SWPPP were submitted to the Village along with a memo dated 12/11/19 addressing the GML review letter's comments. Steve Sparaco stated that the Applicant will comply with all of the comments listed on the GML review letters received as of 1/8/20.

Matt Trainor, the Village Engineer, questioned why the response letter from Sparaco & Youngblood, PLLC, dated 12/11/19, did not include the letter from DPW? Steve Sparaco stated that the letter was not received during that time.

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

Phillis McPherson, 15 East Lane, questioned why the proposed driveway is located on East Lane, a private road, and not Pomona Road? Chairwoman Brown stated that Pomona Road is a County Road and stated that the Rockland County Highway Department would require the driveway to be located on the private street due to traffic safety concerns.

Ed McPherson, 15 East Lane, expressed his concerns regarding the road maintenance fee that must be paid by the homeowner due to the connection to East Lane.

Frank Brown, the Village Attorney, stated that a note can be included on the plot to ensure that the homeowner is aware of the road maintenance fee.

Mr. O'Connor, 18 Pomona Lane, expressed his concerns regarding light pollution due to the size of the project. Joe Moskowitz assured the resident that in the future, should he find any problems in regards to light pollution, the Village will send the Code Enforcement Officer to the property to inspect.

Mr. O'Connor requested that the Board adjourn the application in order to allow time to collect letters from neighbors disapproving the application. Frank Brown stated that the size of the homes that are being proposed will be within the Zoning Law requirements and that the Planning Board is only reviewing the 3-lot subdivision. The Planning Board does not have jurisdiction to approve or disapprove the proposed houses in a 3-lot subdivision.

Israel Shenker stated that the property is restricted by the Zoning Law of the Village of Wesley Hills.

Lenny Amdurer, 32 East Lane, expressed his concerns regarding landscaping. Steve Sparaco showed the resident the planting plan and described which trees would remain and which would be removed.

Mr. Amdurer questioned the maximum height of the building? Mr. Sparaco stated that they will follow the height requirement in the Zoning Law.

All persons wishing to be heard have been heard, Israel Shenker made a motion to close the public hearing, seconded by Rachel Taub. Upon vote, this motion carried unanimously.

Israel Shenker made a motion to approve the following resolution, seconded by Rachel Taub.

Resolution # 20-2
1 EAST LANE SUBDIVISION

WHEREAS, a formal application from Ayden Rock Holdings, LLC for approval of a preliminary plat entitled "Preliminary 3 Lot Subdivision Plat of 1 East Lane Located in the Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated September 25, 2019 and last revised November 12, 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 received by the Planning Board on November 14, 2019, and

WHEREAS, a duly advertised public hearing was held on said application and preliminary plat at the Village Hall., 432 Route 306, Wesley Hills, New York on December 4, 2019, and was continued on January 8, 2020, at which times all interested parties present were given an opportunity to be heard, and

WHEREAS, said preliminary plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 23, 2019, the Rockland County Department of Planning notified this Planning Board that it had approved the preliminary plat for such subdivision subject to recommended modifications set forth therein,

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed subdivision will not have a significant impact on the environment as defined in the New York State Environment Quality Review Act (SEQRA), and hereby issues a Negative Declaration in accordance with SEQRA, because the increased vehicular traffic, water demand, and use of sewer capacity resulting from the construction of only two new residences will not cause any significant adverse impacts, the proposed drainage system will result in zero net increase in stormwater runoff, no new streets are required for the subdivision, and it had been established that the proposed project will not interfere with any sensitive historic or archeological resources, and

BE IT FURTHER RESOLVED, that said preliminary plat is hereby approved subject to the following conditions:

1. Compliance with all recommended modifications set forth in the letter report of the Rockland County Department of Planning dated December 23, 2019, a copy of which letter report is attached to this Resolution and made a part hereof.
2. Compliance with all conditions set forth in the letter of Rockland County Department of Health dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
3. Compliance with all conditions set forth in the letter of Rockland County Highway Department dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.

4. Compliance with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated November 22, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
5. Compliance with all conditions set forth in the letter of Town of Ramapo Department of Public Works dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
6. Compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated December 19, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
7. Compliance with condition 3 set forth in the letter of Pomona Country Club dated December 4, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
8. Addition of a note to the plat stating that the owners of Lots 1 and 3 shall be required to pay their respective pro rata shares of fees assessed by Pomona Country Club for the maintenance of East Lane.

And BE IT FURTHER RESOLVED, that the Planning Board finds that a proper case exists for requiring that additional parklands be suitably located for playground and other recreational purposes within the Village of Wesley Hills. The proposed development will result in an increased resident population, an increased use of existing recreational facilities, and an increased demand for additional recreational families within the Village of Wesley Hills. The Planning Board further finds that a park of adequate size cannot be properly located on the subject property due to environmental and topographic constraints and inadequate public access. Therefore, in lieu of a dedication of land for park and recreation purposes, a recreation fee of \$10,000.00 shall be paid to the Village of Wesley Hills for two lots only (because said subdivision shall result in the creation of only two additional residences). Such fees shall be paid at or prior to the time of signing of the plat by the Chairman of the Planning Board.

Upon vote, this motion carried unanimously.

Israel Shenker made a motion to approve the following resolution, seconded by Rachel Taub.

Resolution # 20-3
1 EAST LANE SUBDIVISION

WHEREAS, a formal application from Ayden Rock Holdings, LLC for approval of a final plat entitled "Preliminary 3 Lot Subdivision Plat of 1 East Lane Located in the Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated September 25, 2019 and last revised November 12, 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 received by the Planning Board on November 14, 2019, and

WHEREAS, a duly advertised public hearing was held on said application and final plat at the Village Hall., 432 Route 306, Wesley Hills, New York on December 4, 2019, and was continued on January 8, 2020, at which times all interested parties present were given an opportunity to be heard, and

WHEREAS, said final plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 23, 2019, the Rockland County Department of Planning notified this Planning Board that it had approved the final plat for such subdivision subject to recommended modifications set forth therein, and

WHEREAS, heretofore on January 8, 2020, by Resolution # 20-2, this Planning Board determined that the proposed subdivision will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and no change has been made in the final subdivision plat which would alter such determination, and

WHEREAS, the requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning board or, in her absence, the Deputy Chairman, is hereby authorized to endorse such approval on said plat upon compliance by the applicant with the following conditions. This conditional approval shall expire 180 days from the date of this Resolution if the applicant has not complied with such conditions, unless the applicant shall have obtained from this Planning Board an extension of such time of conditional approval pursuant to the provisions of said Subdivision Regulations.

1. Modification of Subdivision Plat and Construction Plans – The following modifications to the subdivision plat and construction plans shall be required:
 - a. The plat and construction plans shall be revised to the extent necessary to achieve compliance with all conditions set forth hereinbelow.
 - b. A note shall be added to the plat stating that the owners of Lots 1 and 3 shall be required to pay their respective pro rata shares of fees assessed by Pomona Country club for the maintenance of East Lane.
2. Compliance with Conditions of Rockland County Department of Planning – The developer shall comply with all recommended modifications set forth in the letter report of the Rockland County Department of Planning dated December 23, 2019, a copy of which letter report is attached to this Resolution and made a part hereof.
3. Compliance with Conditions of Rockland County Highway Department – The developer shall comply with all conditions set forth in the letter of Rockland County Highway Department dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
4. Compliance with Conditions of Rockland County Sewer District No. 1 – The developer shall comply with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated November 22, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
5. Compliance with Conditions of Town of Ramapo Department of Public Works – The developer shall comply with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.

6. Compliance with Conditions of Rockland County Department of Health – The developer shall comply with all conditions set forth in the letter of Rockland County Department of Health dated December 2, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
7. Compliance with Conditions of Pomona Country Club – The developer shall comply with condition 3 set forth in the letter of Pomona Country Club dated December 4, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
8. Modification of Stormwater Pollution Prevention Plan (SWPPP) – The SWPPP shall be modified to comply with all conditions set forth in the letter of Brooker Engineering, PLLC dated December 19, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
9. Letter of Credit Waived – Because there are no required public improvements, no letter of credit shall be required to be filed prior to the signing of the plat by the chairman of the Planning Board.
10. Additional Documents Required – Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall prepare and deliver to the Village of Wesley Hills all legal documents required by the Subdivision Regulations in form suitable for recording and satisfactory to the Village Attorney. The deeds conveying to the Village of Wesley Hills and Rockland County respectively the interests in real property as shown on the plat shall set forth that such conveyance is for general municipal purposes and shall be accompanied by a title insurance binder showing clear title and a paid bill from the title company.
11. Fees – Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall deliver to the Village of Wesley Hills full payment of all outstanding consultant review fees and inspection fees, in addition to the recreation fee as determined by Resolution #20-2.
12. Waiver – The Planning Board hereby waives the following requirements of the Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or proximity of the subdivision.

Upon vote, this motion carried unanimously.

PUBLIC HEARING ON THE 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.

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

Mark Kurzmann, the Applicant's Attorney, appeared before the Board and presented a site plan dated 11/21/19. Mr. Kurzman stated that the Applicant is proposing to renovate the existing dwelling into an operating Synagogue. Mark Kurzmann stated that this is an informal "boutique" Shul with a small number of Congregants. Mr. Kurzmann stated that the design of the Synagogue will be in character with

the residential neighborhood with a small parking lot that can be used if need be. Mark Kurzmann stated that the Synagogue has no intention to grow and will only meet on Fridays, Saturdays, and early Sundays. Mr. Kurzmann stated that a large number of parking spaces are not needed as a majority of the members live within short walking distance of the Shul and driving is not permitted on Friday night or Saturday in the Jewish religion. Mr. Kurzmann stated that if need be, the Applicant will provide a larger parking lot to meet the parking requirement that is determined by the Planning Board.

Steve Sparaco, the Applicant's Engineer, stated that the hydraulic analysis was submitted to the Village. Mr. Sparaco stated that pervious pavers cannot be used due to the high-water table. Mr. Sparaco stated that the Applicant is proposing 17 offsite parking spaces within 300 feet of the site.

Chairwoman Brown questioned the use of the multipurpose room? Mark Kurzmann stated that the multipurpose room will be used for Kiddush with a warming kitchen. However, no cooking will be done on the property and the room will not be used for parties or events.

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

The following residents appeared before the Board in opposition to the application and expressed their concerns regarding traffic, lighting, noise, safety and the truthfulness of the submitted narrative:

- Harvey Katz – 10 Martha Road
- Fred Newmark – 70 S Parker Drive
- Sheree Newmark – 70 S Parker Drive
- Janice Golda – 16 Martha Road
- Karen Katz – 10 Martha Road
- Janet Winter – 11 Martha Road

The following residents appeared before the Board in support of the application:

- Bruwen Cohen – 223 Monsey Road
- Esther Greenfield – 1 Grand Park Drive
- Silvia Silberberg – 206 Grandview Avenue
- Abraham Silberberg – 206 Grandview Avenue
- Mark Silberberg – 206 Grandview Avenue

Mark Kurzmann submitted a revised vicinity map and first floor plan to the Board.

David Lichtenstein, the Applicant, appeared before the Board and stated that majority of the Congregants are elderly and need a Synagogue within walking distance of their home. Mr. Lichtenstein stated that he will comply with all comments from the Board in regards to parking, lighting, and architecture to ensure the happiness and privacy of the neighbors.

Frank Brown and Chairwoman 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.

Mark Kurzmann stated that majority of the Congregants reside within walking distance of the Shul, and therefore the Applicant would prefer a smaller parking lot that is more consistent with a residential neighborhood.

Rachel Taub questioned how the parking requirement is determined? Frank Brown stated that that the requirement is determined by the usage and the size of the multipurpose room. Chairwoman Brown stated that the multipurpose room must be taken into consideration when calculating the required number of parking spaces despite the members living within walking distance. Chairwoman Brown stated that the Board will not be able to determine the requirement until the newly submitted narrative summary dated 1/8/20 is reviewed.

Frank Brown stated that the General Municipal Law review letter from the Rockland County Department of Planning must be received and considered before the Planning Board makes its decision on the application.

Chairwoman Brown made a motion to adjourn the Public Hearing to January 29, 2020, seconded by Joe Moskowitz. Upon vote, this motion carried unanimously.

DISCUSSION ON THE APPLICATION SUBMITTED BY WESLEY HILLS CENTER LLC FOR A REVISED SITE PLAN. Affecting property located on the west side of Route 306, at the corner of East Willow Tree Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.11-1-19. Subject property located at 455 Route 306.

Aaron Worch, the Applicant's Contractor, appeared before the Board and presented a site plan dated 11/19/19 showing a proposed generator in the rear of the shopping center. Mr. Worch stated that the only change to the existing site plan is the proposed generator. Mr. Worch stated that a generator would be beneficial to the supermarket as many residents go there when power is lost.

Chairwoman Brown explained to the Board that though the project is minor, Planning Board approval for a revised site plan is necessary to ensure that the plans on file match the existing conditions on the site.

Aaron Worch stated that the majority of the items on the Village Engineer's letter dated 12/16/19 are minor items that were from the previous approval and will be addressed and fixed at the next meeting.

Chairwoman Brown questioned if the generator is a fire hazard? Mr. Worch answered no, the wall behind the generator is concrete and the garbage is located a safe distance away from the generator. Mr. Worch stated that the generator is windproof, fireproof and waterproof.

The Planning Board members waived a Public Hearing on the revised site plan because the project is minor and the only change made to the site plan is the proposed generator.

Frank Brown stated that the application will need to go out for review by other agencies in order to properly approve the application.

Matt Trainor stated that the Fire Inspector and the Code Enforcement Officer must be given the opportunity to comment on the application, as the rear of the property has numerous amounts of debris.

Mr. Worch stated that the rear of the property has been cleaned and the pallets have been removed to remedy the existing violation. Mr. Worch stated that he will speak to the Applicant's Engineer in regards to item #8 on the Village Engineer's letter.

Frank Brown stated that the Applicant must submit a revised plan and a revised narrative summary.

PB
1/8/20

Approved 1/29/2020

Chairwoman Brown made a motion to adjourn the application to January 29, 2020, seconded by Lon Liberman. 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 12/4/19 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 12/4/19 Planning Board minutes, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Chairwoman Brown made a motion to adjourn the meeting to January 29, 2020, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Sydney Aliseo