

**Village of Wesley Hills
Planning Board – January 29, 2020**

Present: Chairwoman-Vera Brown, Joe Moskowitz, Rachel Taub, Israel Shenker (left early), David Katznelson-First Alternate, 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: None

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

APPROVE 9/25/19 PLANNING BOARD MINUTES.

Vera Brown motioned to approve the 9/25/19 Planning Board minutes, seconded by Israel Shenker. Upon vote, this motion carried unanimously.

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.

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.

John Atzl, the Applicant's Engineer, appeared before the Board along with Heshey Seeman, the Applicant, and presented a site plan dated 11/19/19, last revised 1/8/20, showing a proposed generator in the rear of the shopping center. Mr. Atzl stated that the 'Do Not Enter' sign has been reinstalled on the signpost, the island striping has been completed, and Mr. Worch, the Contractor, met with the Village Fire Inspector and received a clean email in regards to the generator's placement.

Chairwoman Brown questioned if the Village Professionals had any concerns regarding the revised plan? Matt Trainor stated that the refuse enclosures were proposed to be removed during the previous site plan approval. Mr. Trainor stated that the enclosures were removed; however, the refuse containers remain.

John Atzl stated that the Applicant would prefer the containers to remain as is because they are currently being used to collect garbage. Mr. Atzl stated that the shopping center does not have many dumpsters or trash compactors.

Chairwoman Brown questioned if the Village Professionals agreed with keeping the existing refuse containers? The Village Professionals agreed as the Fire Inspector did not have any comments regarding the placement of the containers.

Jeff Osterman questioned if the proposed generator has an enclosure? John Atzl stated that he is unsure, however the generator is up to code and the specs were submitted to the Village.

Jeff Osterman stated that the Applicant is proposing a large, loud generator, which must be run periodically. He said that the regular maintenance running should occur only during the daytime hours to minimize disturbance.

Chairwoman Brown stated that since the property is located on a State road, the application was sent out for GML review to numerous agencies. Ms. Brown stated that the Board cannot make a decision until review letters are received from the Rockland County Planning Department and New York State DOT.

Israel Shenker made a motion to adjourn the application to February 26, 2020, seconded by Rachel Taub. Upon vote, this motion carried unanimously.

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.

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

Sam Levin, the Applicant's husband, appeared before the Board and presented a site plan dated 11/17/19, last revised 1/22/20, 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. Mr. Levin stated that the required variances were granted at the last Zoning Board of Appeals meeting and that they have no intention of disturbing the stream.

Chairwoman Brown questioned Matt Trainor, the Village Engineer, and Jeff Osterman, the Village Planner, if they have any concerns regarding the application? Matt Trainor answered no. Jeff Osterman stated that the plans do not include a planting plan.

Sam Levin stated that they are not planting any new trees and will only remove the trees that need to be removed in order to build the new structure.

Chairwoman Brown asked if any member of the public wished to speak. No one wished to speak.

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

Lon Lieberman made a motion to approve the following resolution, seconded by Rachel Taub:

Resolution #20-4

SCHWARTZ WETLANDS PERMIT

WHEREAS, Heather Schwartz has applied for a Wetlands Permit for authorization to construct a new house within 100 feet of the boundary of a freshwater wetland, on premises located on the westerly side of Roble Road, known as 5 Roble Road and designated on the Town of Ramapo Tax Maps Section 41.06, Block 1, Lot 19; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on January 29, 2020, 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 an adverse impact on any wetland;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a new house within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan for such lot entitled "Building Permit Plan for Schwartz – 5 Roble Road, Village of Wesley Hills – Rockland County – New York" prepared by Civil Tec Engineering & Surveying PC, dated November 17, 2019 and last revised January 22, 2020, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the; letter of Brooker Engineering, PLLC dated January 27, 2020, a copy of which letter is attached to this Resolution and made a part hereof.
2. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of variances for the proposed action on the subject lot.

Upon vote, this motion carried unanimously.

CONTINUATION OF 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 stated that the Planning Board will not accept or address any personal attacks or derogatory comments to the Board members or residents. Ms. Brown stated that the Planning Board can only address comments and concerns regarding safety, parking, lighting, screening, drainage, and noise.

Steve Sparaco, the Applicant's Engineer, appeared before the Board and stated that the plans have not changed since the last meeting on January 8, 2020. Mr. Sparaco stated that the Applicant is proposing 13 onsite parking spaces, 7 parking spaces located on the street, and 17 additional offsite parking spaces.

Todd Rosenblum, the Applicant's Architect, stated that the proposed first floor has seating for male Congregants along with extra seating for possible overflow underneath the Mezzanine. Mr. Rosenblum stated that on the proposed second floor, there will be a section of seating for 34 women. Todd Rosenblum stated that the basement will have a multipurpose room with a warming kitchen that will not be used for cooking, that will hold a maximum of 75 people. Mr. Rosenblum stated that the Applicant is sensitive to the neighborhood's concerns and has given the structure a more residential feel in the front of the building. Mr. Rosenblum presented to the Board a rear elevation plan which will be submitted to the Village within the next week.

Joe Moskowitz questioned if the outdoor lighting is more residential or commercial? Steve Sparaco stated that there is one light post located in the parking lot, which is required. However, it is facing the structure.

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

Fred Newmark, 77 South Parker Drive, appeared before the Board and questioned the correlation between the number of Congregants listed on the revised narrative and the proposed amount of seating? Todd Rosenblum stated that the amount of seating is determined by the square footage of the room. Mr. Rosenblum stated that the law allows 1 person per 15 square feet. Todd Rosenblum stated that the Applicant would like to build on the existing foundation and therefore has more square footage to calculate. In addition, Mr. Rosenblum stated that the attendance in Shuls fluctuate, therefore the overflow seating is available if need be. Todd stated that majority of the Congregants are within walking distance of the Shul, therefore, the season and weather play a big factor in the number of people attending.

Mendel Silberberg, 206 Grandview Ave, appeared before the Board and stated that at the first meeting the Applicant proposed a plan with fewer seats and a small library. After hearing the comments from the neighbors, the Applicant removed the library and provided more overflow seating. Mr. Silberberg asked the Board to determine the parking requirement.

Chairwoman Brown stated that the parking requirement will be determined based on the proposed use listed in the revised narrative.

Mark Kurzmann, the Applicant's Attorney, appeared before the Board and stated that the narrative has been revised. Mr. Kurzmann stated that the narrative states that in the future, if

there are any problems in regards to parking, the Applicant will appear before the Planning Board again.

Chairwoman Brown questioned how often there are more than 20 cars parked at the current Synagogue on Grand Park Drive? Mark Kurzman stated that there have never been more than 5 to 10 cars parked at the location at a time because a majority of the Congregants are within walking distance of the Shul.

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

- Sheree Newmark – 70 S Parker Drive
- Joel Rothman – 2 Thorn brook Lane
- Ben Katz – 9 Martha Road

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

- Silvia Silberberg – 206 Grandview Avenue
- Moshe Lichtenstein – Grand Park Drive
- Mark Geller – 57 Wesley Chapel Road

Janice Golda, 16 Martha Road, appeared before the Board and requested that the Board require a breakdown of operational hours as previously required by other neighborhood gatherings in the Village of Wesley Hills. Chairwoman Brown stated that it is not necessary to require a list of hours because this is a different type of neighborhood gathering, as they have stated that they will only be gathering on Fridays and Saturdays and occasional specified Holidays.

The Applicant requested a decision from the Planning Board in reference to the 13 onsite parking spaces that is currently being proposed. Chairwoman and Board members agreed that the proposed 13 onsite parking spaces as shown on the proposed site plan are sufficient for that site plan to be sent to other agencies for review.

Frank Brown stated that the Application must go out for GML review before a decision can be made.

Lon Lieberman made a motion to adjourn the public hearing to February 26, 2020, seconded by Israel Shenker. Upon vote, this motion carried unanimously.

WETLANDS PERMIT APPLICATION OF ISSAC YITZCHOK WEIDER. Affecting property located on the west side of Tranquility Road, approximately 400 feet from the intersection of Joy Road. Designated on the Town of Ramapo Tax Map as Parcel ID #41.09-1-28. Subject property located 49 Tranquility Road.

Stanley Mayerfeld, the Applicant's Architect, appeared before the Board and presented a site plan dated 8/23/19 showing an addition requiring a wetlands permit. Mr. Mayerfeld stated that

there are two plans with two different options for the proposed addition. Option 1 proposes the addition to be placed over the existing paved driveway. Option 2 proposes the addition to be placed over the existing deck. Mr. Mayerfeld stated that any excess water will shed into the existing lake in the rear of the property.

Matt Trainor, the Village Engineer, stated that for option 2, the Applicant must reach out to the DEC to determine if an additional permit is needed.

Chairwoman Brown questioned the Village Professionals if they had any concerns regarding either of the options? Matt Trainor stated that both options are viable. However, option 2 has less disturbance.

Stanley Mayerfeld stated that the Applicant would like to move ahead with option number 2.

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

Resolution # 20 – 5

WIEDER WETLANDS PERMIT

RESOLVED, that a public hearing on a Wetlands Permit application by Yitzchok Wieder for property located on the westerly side of Tranquility Road, known as 49 Tranquility Road and designated on the Town of Ramapo Tax Maps as Section 41.09, Block 1, Lot 2.8, for authorization to construct an addition to a house within 100 feet of the boundary of a freshwater wetlands, as depicted on the plot plan designated as “Plot Plan Opt 2” prepared by Mayerfeld Architecture PLLC, will be held before the Planning Board of the Village of Wesley Hills on the 26th day of February, 2020 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.

DISCUSSION ON THE APPLICATION SUBMITTED BY CONGREGATION BAIS YAKOV YOSEF OSTROW FOR A REVISED SITE PLAN. Affecting property located on the southwest corner of the intersection of Skylark Drive and Ridgeway Terrace. Designated on the Town of Ramapo Tax Map as Parcel ID#41.16-1-79. Subject property is located at 5 Ridgeway Terrace.

Israel Shenker recused himself from consideration on this application, because he is a member of the Applicant Congregation, and left the meeting at this time.

Todd Rosenblum appeared before the Board and presented a site plan dated 11/12/19. Mr. Rosenblum stated that there are two phases of the plan. Todd Rosenblum stated that phase 1 consists of a 120 square foot two story addition to the residential portion of the building together with the addition of an emergency generator. Todd Rosenblum stated that phase 2 of the plan

proposes a Mikvah renovation to install a bathroom, changing room, lobby area and new showers.

Chairwoman Brown questioned if the proposed addition shown on the phase 1 plan is located exclusively in the residential portion of the house and is exclusively for the use of the residents? Todd Rosenblum answered yes, the dining room.

Todd Rosenblum requested that the Board approve phase 1 of the plan tonight as the addition and generator are only in the residential portion of the building.

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

Resolution #20-6

CONGREGATION BAIS YAKOV YOSEF OSTROW REVISED SITE PLAN

WHEREAS, on February 24, 2010, by Resolution #10-7, the Planning Board approved a site plan for a neighborhood gathering on premises located on the westerly side of Ridgeway Terrace and the southerly side of Skylark Drive known at 5 Ridgeway Terrace and designated on the Town of Ramapo Tax Maps as Section 41.16, Block 1, Lot 79, and on June 27, 2012, by Resolution #12-24, the Planning Board approved a revision to said site plan, and on August 26, 2015, by Resolution #15-18, the Planning Board approved a further revision to said site plan; and

WHEREAS, Congregation Bais Yakov Yosef Ostrow has applied to the Planning Board for two further revisions to that site plan, one of which affects only the residential use on the site and is depicted on the site plan entitled "Proposed Addition Phase 1, Cong. Bais Yakov Yosef Ostrow, Town of Ramapo, Rockland County, Wesley Hills, New York", dated December 30, 2015 and last revised December 19, 2019, prepared by Anthony R. Celentano P.L.S., and the other of which affects the special permit use on the site and is depicted on the site plan entitled "Proposed Addition Phase 2, Cong. Bais Yakov Yosef Ostrow, Town of Ramapo, Rockland County, Wesley Hills, New York", dated December 30, 2015 and last revised December 19, 2019, prepared by Anthony Celentano P.L.S.;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, in exercise of its discretion pursuant to Section 230-46F of the Code of the Village of Wesley Hills, hereby determines that a public hearing on the Phase 1 site plan is unnecessary because the revision depicted on that plan is minor and does not affect or impact upon the special permit use in any manner; and

BE IT FURTHER RESOLVED, that it is hereby determined that the proposed changes to the site plan as depicted on the Phase 1 site plan will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA) because such change involves only a 120 square foot addition to the footprint of the residence; and

BE IT FURTHER RESOLVED, that said revised site plan application is hereby approved for the aforementioned site plan entitled “Proposed Addition Phase 1, Cong. Bais Yakov Yosef Ostrow, Town of Ramapo, Rockland County, Wesley Hills, New York”.

Upon vote, this motion carried unanimously.

Todd Rosenblum stated that a variance is required for the front yard setback and that an application was made out to the Zoning Board of Appeals pending the Planning Board’s referral.

Chairwoman Brown stated that the application must go out for GML review.

Chairwoman Brown made a motion to approve the following resolution, seconded by Rachel Taub:

Resolution #20-7

CONGREGATION BAIS YAKOV YOSEF OSTROW REVISED SITE PLAN

WHEREAS, Congregation Bais Yakov Yosef Ostrow has applied for a revised special permit and approval of a revised site plan for a neighborhood gathering on premises located on the westerly side of Ridgeway Terrace and designated on the Town of Ramapo Tax Map as Section 41.16, Block 1, Lot 79; and

WHEREAS, the proposed revised site plan entitled “Proposed Addition Phase 2, Cong. Bais Yakov Yosef Ostrow, Town of Ramapo, Rockland County, Wesley Hills, New York” cannot be approved without the granting of the following variances: front yard along Skylark Drive (40.3’ instead of 50’) and maximum building coverage (0.17 instead of 0.15);

NOW, THEREFORE, BE IT RESOLVED, that the applicant is hereby referred to the Zoning Board of Appeals for a consideration of its application for the necessary variances.

Upon vote, this motion carried unanimously.

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

Resolution #20-8

CONGREGATION BAIS YAKOV YOSEF OSTROW REVISED SPECIAL PERMIT AND
REVISED SITE PLAN

RESOLVED, that a public hearing on the applications of Congregation Bais Yakov Yosef Ostrow for (1) approval of a revised special permit, (2) approval of a revised site plan entitled “Proposed Addition Phase 2, Cong. Bais Yakov Yosef Ostrow, Town of Ramapo, Rockland County, Wesley Hills, New York”, dated December 30, 2015 and last revised December 19, 2019, prepared by Anthony Celentano P.L.S., and (3) a special permit for increased impervious surface, all for a neighborhood gathering on premises located on the westerly side of Ridgeway Terrace and the southerly side of Skylark Drive known as 5

Ridgeway Terrace and designated on the Town of Ramapo Tax Map as Section 41.16, Block 1, Lot 79, will be held before the Planning Board of the Village of Wesley Hills on the 26th day of February, 2020 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.

Lon Lieberman made a motion to approve the following resolution seconded by Rachel Taub:

Resolution #20-9

CONGREGATION BAIS YAKOV YOSEF OSTROW REVISED SPECIAL PERMIT AND
REVISED SITE PLAN

WHEREAS, Congregation Bais Yakov Yosef Ostrow has applied for (1) approval of a revised special permit, (2) approval of the revised site plan entitled "Proposed Addition Phase 2, Cong. Bais Yakov Yosef Ostrow", and (3) a special permit for increased impervious surface, all for a neighborhood Gathering on premises located on the westerly side of Ridgeway Terrace and the southerly side of Skylark Drive known as 5 Ridgeway Terrace and designated on the Town of Ramapo Tax Map as Section 41,16, Block 1, Lot 79,

NOW, THEREFORE, BE IT RESOLVED, that such applications and the proposed project are hereby determined to be Unlisted Actions 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.

Chairwoman Brown made a motion to adjourn the meeting to February 26, 2020, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Sydney Aliseo