

**Village of Wesley Hills  
Planning Board – May 26, 2021  
ZOOM**

Present: Chairwoman-Vera Brown, Israel Shenker, David Katznelson, Lon Lieberman, Albert Tew, Vanessa Caren-First Alternate, Neal Wasserman-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Jeff Osterman-Village Planner, Matt Trainor-Village Engineer, Camille Guido-Downey-Village Clerk

Absent: None

The meeting was called to order by Chairwoman Vera Brown, at 7:30p.m.

**CONTINUED PUBLIC HEARING ON THE APPLICATION OF AMS ACQUISITIONS FOR PRELIMINARY PLAT APPROVAL FOR A PROPOSED 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.

Chairwomen Brown stated that this is a continued public hearing from last month. Since last month, the Planning Board Members conducted a scheduled site inspection. As a result of such inspection, the Planning Board Members concluded that it is feasible to consider a different layout of lots and streets that would utilize a full connection to Rockwood Lane instead of just the emergency connection. This does not mean that the Planning Board decided to endorse said layout, this only means that such layout should be considered as said connection can be made safely. The Applicant understands that this change would require significant redesign of possible alternative layouts and would not be able to present those layouts to the Board at this meeting. Therefore, the Applicant has submitted an email request for an adjournment from this meeting to the following meeting.

Vera Brown made a motion to approve the following resolution, seconded by Israel Schenker:

**Resolution #21-7**  
**AMS Acquisitions Subdivision**

**RESOLVED**, that the public hearing on the application of 15 Terrace Road, LLC for approval of the preliminary plat 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 is hereby adjourned until June 30, 2021 upon request of the applicant.

Upon vote, this motion carried unanimously.

Chairwomen Brown stated that since this item was adjourned, the Board will not be discussing the merits of the application and stated that the Planning Board does want to hear comments

from the residents in reference to the plan when submitted. For any resident that would like to submit comments please include your name and address for the record.

**PUBLIC HEARING ON THE WETLANDS PERMIT APPLICATION OF SHIMON ROSENBERG.** Affecting property located on the west side of Marcus Drive approximately 250 feet from the intersection of Village Green. Designated on the Town of Ramapo Tax Maps as Parcel ID# 41.12-1-40. Subject property is located at 12 Marcus Drive.

Chairwoman Brown questioned if the public hearing was properly noticed? Camille Guido-Downey, Village Clerk, answered yes.

Shimon Rosenberg, Applicant was present and stated that he hired a gardener to clean up and remove brush from behind his home and he did not know the property lines and that it is a protected area. Brush was removed in the wetlands area and brush was also removed from the conservation easement. As a result of the removal of the brush, the Applicant stated that his engineer and wetlands specialist has submitted a restoration plan which includes 3 trees and 19 shrubs which will assist with the functionality of the wetlands. Mr. Rosenberg stated that based on the Planning Board meeting last month, when he was advised to include all proposed activities within the buffer area to the plot plan, he added the removal of trees on his side yard, the extension of the rear deck and permission to fill the depression in the rear as that activity is located within the 100' buffer area.

Chairwomen Brown asked Matt Trainer, Village Engineer if he has any comments about the application. Mr. Trainer stated he issued a review letter dated 5/14/2021 and stated that the encroachment is minor and in time the disturbance will restore itself and the plantings proposed will support that. The existing depression in the yard is less than 1' and has no effect on the wetlands, buffer area or easement. The extension of the deck does not affect the wetlands due to the overall size of the property. A silt fence should be installed as the applicant will be doing grading, and that should be installed between the wetlands and the grading. The encroachment into the conservation easement needs to be reviewed and the mitigation measures approved by the Village Board.

Vera Brown stated that she is concerned with raising the elevation of the yard and what are the implications for the wetlands area? Matt Trainer answered that the grading is outside the wetlands and is in the buffer area. There is no impact. Vera Brown questioned if Jeff Osterman, Village Planner has any comments on the proposal plan? Jeff Osterman, Village Planner answered no and that the plan submitted is fine and the area will restore itself over time.

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

Howard Richman, 9 Kentor Lane was present and stated that he lives on the other side of the conservation easement and stream. Mr. Richman stated he received notice of the public hearing based on his own action and he never received notice in the mail. He later found out that his notice was returned to the Village as it had no postage. Mr. Richman is concerned about the regrading. Mr. Richman stated that he has no objection to the deck. Mr. Richman stated that he

has not read anything in the record that states that the disturbance was minor. Mr. Richman stated that he and his neighbors deal with flooding from the stream and the Town of Ramapo does not clean the stream out which backs up with debris and garbage. Mr. Richman stated that by increasing the grading or changing any elevation of the property it may cause increased flooding. Mr. Richman added that he saw the work when it started and told the worker to stop and was ignored. Vera Brown stated that she is also concerned about flooding, but that the Village's experts have advised that the proposed work will not make the flooding worse.

Chairwomen Brown questioned if there were any other notices returned for no postage? Camille Guido-Downey, Village Clerk answered no.

Vera Brown stated that on the plat plan, the regrading is not minor, the grade goes from 568' to 571'. Matt Trainor stated that he has addressed that in his letter, and he assumed it was an error on the plot plan. The error makes it look as though it is proposed to raise the grade more than actually is intended.

Ari Manheimer, the Applicant's Engineer, was present and stated that he will submit revised plans with the new grading numbers as per the Village Engineer's request as the elevations shown on the plot plan were erroneous. Mr. Manheimer stated that by adjusting the grade the water will move via a sheet flow as opposed to the current swale. Matt Trainor and Jeff Osterman agreed and stated that the improvements will make the situation better and not worse. Matt Trainor stated there will be no negative impacts from this change. Howard Richman stated that he is concerned that it will get worse and there is already an issue with the makeshift bridge and all the debris. Matt Trainor stated there will be no change to the stream from the proposed work.

Vera Brown made a motion to approve the following resolution, seconded by Israel Schenker:

**Resolution # 21-8**  
**Rosenberg Wetlands Permit**

**WHEREAS**, Shimon Rosenberg has applied for a Wetlands Permit for authorization to implement a mitigation plan for the restoration of a disturbed area within a freshwater wetland, to construct a replacement deck which is larger in size than the existing deck, to re-grade the yard, and to remove dead or dying trees within 100 feet of the boundary of a freshwater wetland, on premises located on the westerly side of Marcus Drive, known as 12 Marcus Drive and designated on the Town of Ramapo Tax Maps as Section 41.14, Block 1, Lot 40; and

**WHEREAS**, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York via a zoom meeting noticed to the public and available to the public on May 26, 2021, 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 and the restoration of vegetation on the said property while limiting the amount of disturbance within the 100-foot buffer area to that necessary to allow the proposed activities, there will be no additional net runoff resulting from the proposed activities, and the proposed activities will not have any adverse impact on any wetland;

**NOW, THEREFORE, BE IT RESOLVED**, that a Wetlands Permit is hereby granted for such restoration of a disturbed area within a freshwater wetland, construction of a replacement deck which is larger in size than the existing deck, re-grading of the yard, and removal of dead or dying trees within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan designated as "Wetland Mitigation Plan" prepared by MEY Associates, LLC dated March 22, 2021 and last revised May 3, 2021, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated May 14, 2021 a copy of which letter is attached to this Resolution and made a part hereof.
2. Erosion control devices shall be installed, to the satisfaction of the Village Engineer, between the area of re-grading and the delineated margin of the wetlands.
3. The plot plan shall be revised to change the finished elevation contours after the proposed re-grading from 573', 572', and 571' to 572', 570', and 568' respectively.
4. A Wetlands Permit application fee of \$550.00 shall be paid.

Upon vote, this motion carried unanimously.

Frank Brown clarified that the Planning Board is granting a wetland permit only. The conservation easement is owned by the Village and the restoration plan for the conservation easement needs to be approved by the Village Board. This matter is further in the Justice Court for the Village.

Village Clerk directed the Applicant/Engineer to submit to her copies of the revised plan for Village Board discussion at its June 2021 meeting.

**DISCUSSION ON THE APPLICATION OF AYALA BARNETT FOR A CLEARING/FILLING/EXCAVATING PERMIT.** Affecting property located on the west side of Wilder Road approximately 594 feet from the intersection of Lime Kiln Road and Wilder Road. Designated on the Town of Ramapo Tax Map as Parcel ID# 41.06-1-67. Subject property is located at 45 Wilder Road.

Steve Saffer, Applicant's Representative was present and stated that a plan was submitted for Clearing/Filling permit for 45 Wilder Road and requested the Board to consider said application.

Chairwomen Brown asked Jeff Osterman, Village Planner if he has any comments about the application. Jeff Osterman answered no, there is plenty of room on the property. Chairwomen Brown asked Matt Trainer, Village Engineer if he has any comments about the application. Matt Trainor answered that he submitted a review letter dated 5/17/2021 which summarizes the situation and his concerns. Mr. Trainor stated that the applicant was advised during construction that a permit may be needed, and it turns out that the Applicant brought in two times the allowed

amount of fill. A wetland permit was already applied for and granted. The Applicant also constructed a 6-foot retaining wall without permission that needed to go thru an additional review process. Mr. Trainor stated that the outstanding items are the Building Inspector's issue with the front yard parking area and confirmation from the RC Highway Department that all its conditions are met. Vera Brown questioned if any items proposed damage the environment? Matt Trainor answered that the disturbance limit was adhered to by the Applicant, but the issue is the amount of fill that was brought in which required a 6-foot retainer wall in the rear yard. Drainage structures were all installed as per the Village's request and stormwater runoff is fine. Chairman Brown questioned if this plan had originally been proposed with the mediation measures proposed, would you have approved the plan? Matt Trainor answered yes, however, the front yard parking would have been addressed.

Steve Saffer stated that everything was supplied to the Village addressing the County Highway's concerns. Matt Trainor stated that it was difficult to decipher the email chain as they requested the curb to be removed and further requested a new curb along Wilder Road be installed. Mr. Trainor stated that he can not confirm if the curb has been installed. Mr. Saffer stated that everything was complete and will resubmit for review.

Lon Lieberman made a motion to approve the following resolution, seconded by Albert Tew:

**Resolution # 21-9**  
**Barnett Filling & Excavation Permit**

**WHEREAS** a formal application from Ayala Barnett for a clearing, filling and excavation permit for filling and regrading on property located on the westerly side of Wilder Road, known as 45 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.6, Block 1, Lot 67, was received by the Planning Board and was referred to the Village Engineer for review and report and pursuant to Section 95-C(1) of the Code of the Village of Wesley Hills (the Clearing, Filling and Excavation Law), and

**WHEREAS** on January 30, 2019, by Resolution # 19-7, the Planning Board approved a Wetlands Permit for construction activities on the said premises and the current application is for approval of additional construction activities that have been performed on the said premises but which were not proposed or approved in the prior application, and

**WHEREAS** the Planning Board has received the report of the Village Engineer and has considered said application,

**NOW THEREFORE BE IT RESOLVED**, that said application for the filling and excavation permit is hereby approved for the creation of the revised topography, including construction of retaining walls, shown on the plot plan entitled, "Final Survey for 45 Wilder Rd, Town of Ramapo, Rockland County, Village of Wesley Hills, New York", dated May 21, 2020 and last revised April 26, 2021, prepared by Anthony R. Celentano, P.E. subject to the following conditions and modifications:

1. The applicant shall pay a non-refundable application fee in the amount of \$1,050.00, as determined by the Village Engineer.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated May 17, 2021, a copy of which letter is attached to this Resolution and made a part hereof.

Upon vote, this motion carried unanimously.

**HOME BUSINESS APPLICATION OF SCOTT DEMBITZER FOR A OCCUPATIONAL THERAPY OFFICE.** Affecting property located on the north side of Sherri Lane approximately 919 feet from the intersection of Rockingham Road. Designated on the Town of Ramapo Tax Map as Parcel ID# 41.16-1-13. Subject property is located at 27 Sherri Lane.

Scott Dembitzer was present and stated that his wife is an occupational therapist and over time clients were interested in a private setting and also it is easier for his wife to work from home as she has all her supplies at home and would not need to transport her large therapy bag. The home is over 6,000 square feet and the basement is unused, so it makes sense to use that space for her home office. The basement area to be used for the home office is roughly 450 square feet and there are not more than 8 visits per day. There are no deliveries, activity is indoors, no external displays, hours are M-Th 9:30-3:30. There is an existing large driveway that is 45 x 70 feet which can accommodate 6 cars. Mr. Dembitzer stated that he wants this operation to be small as this is their home. A portion of the lower level is used for a gym and the driveway is used as a basketball court for the family.

Vera Brown questioned if there will be any employees on a regular basis? Mr. Dembitzer answered that there are a few employees, but they don't visit the home, they are sent out to other clients. Mr. Dembitzer stated that his wife works part-time and if she is not seeing patients at the home, one employee might come here to see a client. There may be one or two cars at any given time.

Chairwomen Brown questioned if Jeff Osterman, Village Planner has any comments? Jeff Osterman questioned how the basement rooms will be used for the home office and he wants to ensure that the applicant is under the 500 square feet requirement. Mr. Dembitzer answered that there is an entry area/waiting area, new room #1 is a therapy room, and new room #2 is her office. Jeff Osterman questioned if the storage room is a part of the operation? Mr. Dembitzer answered that no, it is a storage room for the house and separate from the home business. Chairwomen Brown questioned if the driveway allows for vehicles to turn around so that they will not have to back out of the driveway? Mr. Dembitzer answered yes. Israel Shenker stated that he lives around the block and the driveway is large and there is enough room to turn around.

Chairwomen Brown asked Matt Trainor if he has any comments. Matt Trainor stated that he is concerned with the walkway that is located down the front yard to the roadway and that will encourage clients to park in the street and walk up the walkway. Mr. Dembitzer stated that all the clients are advised to park in the driveway and walk around. Jeff Osterman suggested a new walkway be connected to the existing walkway from the driveway. Mr. Dembitzer stated that the



walkway connection would look off and it would require him to apply to the ZBA for a variance. Mr. Dembitzer stated that all clients are required to park in the driveway and walk.

Frank Brown clarified that the space included in this home business application is only the entry area, new room #1, new room #2, bathroom area and hallway between new room #1 and room #2, which appears to satisfy the 500 square feet maximum requirement. Matt Trainor and Jeff Osterman agreed.

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

**Resolution # 21-10**  
**Dembitzer Special Permit**

**RESOLVED**, that a public hearing on the application of Howard Scott Dembitzer and Rebekah Dembitzer for a special permit for a home business for property located on the northerly side of Sherri Lane, known as 27 Sherri Lane and designated on the Town of Ramapo Tax Maps as Section 41.16, Block 1, Lot 13, will be held before the Planning Board of the Village of Wesley Hills on the 30<sup>th</sup> day of June 2021 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.

Village Clerk stated that she has received a email request from the Applicant Rockland Gospel Halls requesting an adjournment from the June meeting to the July 2021 meeting.

Chairwomen Brown made a motion to approve the following resolution, seconded by Albert Tew:

**Resolution # 21-11**  
**Rockland Gospel Halls, Inc. Special Permit and Site Plan**

**WHEREAS**, by Resolution # 21-15, the Planning Board scheduled a public hearing on the applications of Rockland Gospel Halls, Inc. for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Wesley Chapel Road known as 1 Wesley Chapel Road and designated on the Town of Ramapo Tax Map as Section 41.09, Block 1, Lot 30, to be held before the Planning Board of the Village of Wesley Hills on the 30<sup>th</sup> day of June, 2021; and

**WHEREAS**, the applicant has advised the Planning Board that it will not have its revised plans prepared in time for that meeting and has requested that the public hearing on its application be held on July 28, 2021 instead; and

**WHEREAS**, a Notice of Public Hearing has not yet been published or posted;

**NOW, THEREFORE BE IT RESOLVED**, that Resolution # 21-5 is hereby rescinded, and

**BE IT FURTHER RESOLVED**, that the public hearing on the aforementioned application shall be held before the Planning Board of the Village of Wesley Hills on the 28<sup>th</sup> day of July, 2021 at 7:30 pm, at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Upon vote, this motion carried unanimously.

**APPROVE 4/28/21 PLANNING BOARD MINUTES.**

Chairwoman Brown motioned to approve the 4/28/21 Planning Board minutes, seconded by David Katznelson. Upon vote, this motion carried unanimously.

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

Respectfully Submitted,  
Camille Guido-Downey