

**Village of Wesley Hills
Planning Board – October 27, 2021
ZOOM MEETING**

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

Also Present: Frank Brown-Deputy Village Attorney, Jeff Osterman-Village Planner, Matt Trainor-Village Engineer, Tara Roberts-Deputy Village Clerk

Absent: Albert Tew

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.

Chairwoman Brown stated that this a previously scheduled continuation of the public hearing and that the applicant, through its attorney, has requested a further adjournment to the December 1, 2021 meeting.

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

Resolution # 21-23
AMS ACQUISITIONS SUBDIVISION

RESOLVED, that the public hearing on the application of 15 Terrace Road, LLC for approval of a 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 Map as Section 32.19, Block 2, Lot 4 is hereby adjourned until December 1, 2021 upon the request of the applicant.

Upon vote, this motion was passed unanimously.

PUBLIC HEARING ON THE APPLICATION OF JOSEPH MAUSE FOR SPECIAL PERMITS FOR INCREASED IMPERVIOUS SURFACE FOR A SPORTS COURT AND FOR AN ACCESSORY STRUCTURE IN EXCESS OF 2,500 SQUARE FEET. Affecting property located on the east side of Sherri Lane, 500 feet north of Skylark Drive. Designated on the Town of Ramapo Tax Map as Parcel ID #41.16-1-29. Subject property is located at 6 Sherri Lane.

Chairwoman Brown opened the public hearing. Chairwoman confirmed with the Deputy Clerk that the notice of public hearing had been properly published and posted and that the applicant's

variance application before the Zoning Board had been approved. Tara Roberts stated that it had.

Mr. and Mrs. Mause and Todd Rosenblum, architect for the applicant, were present.

Todd Rosenblum stated that the contradictory details regarding the lighting had been removed from the Yost (the applicant's landscape architect) plans. Mr. Rosenblum stated that letters of support from neighbors have been submitted to the Board. In addition, Mr. Rosenblum stated that he has worked with Paul Gdanski to address the items in the most recent Brooker Engineering review letter.

Chairwoman Brown asked Matt Trainor, Brooker Engineering, if he had any comments. Mr. Trainor stated that the drainage design is good and the plan is clean.

Chairwoman Brown asked Jeff Osterman if he had any comments. Mr. Osterman clarified that there is lighting on the plan for the basketball court.

Chairwoman Brown asked if the Board had any questions. They did not.

Chairwoman Brown asked if anyone from the public would like to speak. No one did.

Vera Brown made a motion to close the public hearing, seconded by Israel Shenker. Upon vote, this motion was passed unanimously.

Frank Brown stated that there will be two resolutions, one for each of the two special permits. Mr. Brown clarified that this will be treated as an unlisted item for SEQRA review instead of a Type II action because of the potential for a negative impact to the environment because of the lighting. Lon Lieberman made a motion to approve the following resolution, seconded by David Katznelson:

Resolution #21-24
MAUSE SPECIAL PERMIT

WHEREAS, Joseph Mause and Karen Mause have applied to the Planning Board of the Village of Wesley Hills for a special permit for an accessory structure in excess of 2,500 square feet (a sports court) for property located on the easterly side of Sherri Lane, known as 6 Sherri Lane and designated on the Town of Ramapo Tax maps as Section 41.16, Block 1, Lot 29, as required by Section 230-14O (4) (b) of the Code of the Village of Wesley Hills; and

WHEREAS, a public hearing on said application was held by the Planning Board on October 27, 2021 via a Zoom meeting noticed to the public and available to the public, at which time all members of the public wishing to speak had an opportunity to be heard; and

WHEREAS, on October 20, 2021, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting variances for the proposed project subject to certain

conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project is an Unlisted Action which will not have a significant impact on the environment as defined in the State Environmental Quality Review Act (SEQRA) for the reasons that the Village Engineer has determined that stormwater runoff from the proposed sports court can be accommodated without damaging neighboring or downstream properties and the proposed landscaping and lighting plans will result in sufficient dissipation of light at the property lines in order to screen adjacent properties from adverse effects of the proposed lighting; and

BE IT FURTHER RESOLVED, that said application for a special permit for an accessory structure in excess of 2,500 square feet (a sports court), as depicted on the plot plan entitled "Planning Board Plot Plan for Mause, Village of Wesley Hills, Town of Ramapo, Rockland County, New York" prepared by Paul Gdanski P.E., PLLC, dated May 11, 2021 and last revised October 17, 2021, is hereby granted, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated October 18, 2021, a copy of which letter is attached to this Resolution and made a part thereof.
3. There shall be compliance with the accompanying landscaping plans entitled "Mause Residence, 6 Sherri Lane, Wesley Hills, NY 10977" prepared by Yost Design Landscape Architecture, dated June 22, 2021 and last revised October 18, 2021.
4. Compliance with all standards and requirements set forth in the Zoning Law that pertain to exterior lighting on the subject lot.

Upon vote, this motion was passed unanimously.

Vanessa Caren made a motion to approve the following resolution, seconded by Lon Lieberman:

Resolution #21-25
MAUSE SPECIAL PERMIT

WHEREAS, Joseph Mause and Karen Mause have applied to the Planning Board of the Village of Wesley Hills for a special permit for increased impervious surface on premises located on the easterly side of Sherri Lane, known as 6 Sherri Lane and designated on the Town of Ramapo Tax maps as Section 41.16, Block 1, Lot 29; and

WHEREAS, a public hearing on said application was held by the Planning Board on October 27, 2021 via a Zoom meeting noticed to the public and available to the public, at which time all members of the public wishing to speak had an opportunity to be heard; and

WHEREAS, heretofore on October 27, 2021, by Resolution #21-24, this Board determined that the increased impervious surface will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on October 20, 2021, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting variances for the proposed project subject to certain conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that said application for a special permit for increased impervious surface to allow an impervious surface ratio of 0.357, as depicted on the plot plan entitled "Planning Board Plot Plan for Mause, Village of Wesley Hills, Town of Ramapo, Rockland County, New York" prepared by Paul Gdanski P.E., PLLC, dated May 11, 2021 and last revised October 17, 2021, is hereby granted, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated October 18, 2021, a copy of which letter is attached to this Resolution and made a part hereof.

Upon vote, this motion was passed unanimously.

RECOMMENDATION TO THE VILLAGE BOARD ON PROPOSED AMENDMENT TO THE ZONING LAW.

The Planning Board members, Frank Board, and Jeff Osterman discussed the proposed local law, the Board of Trustees minutes referring it to the Planning Board, the intended purpose of the law, the problems that the Board of Trustees wanted to address, and whether the text of the law would successfully and narrowly address those problems. There were concerns about the need for the law and whether it would unintentionally prohibit activities that should be permitted (for example, by including non-resident family members and friends of the property owner who are invited guests of the property owner within the definition of prohibited transient users).

Mr. Brown stated that the Board may want to consider a stand-alone law instead of an amendment to the Zoning Law. This stand-alone law could impose fines and clearly state that the owner of the property is responsible along with the occupant for any problems that may arise. Mr. Osterman stated that this would be like a public nuisance law.

Israel Shenker made a motion to approve the following resolution, seconded by Lon Lieberman:

Resolution #21-26

RECOMMENDATION CONCERNING PROPOSED AMENDMENT TO ZONING LAW

WHEREAS, the Board of Trustees of the Village of Wesley Hills is considering the adoption of a proposed local law entitled “A Local Law Amending the Code of the Village of Wesley Hills to Prohibit Short Term Occupancies”; and

WHEREAS, the Board of Trustees has referred such proposed local law to this Board for review and report pursuant to Section 230-76 of the Code of the Village of Wesley Hills, and this Board has thereupon considered such proposed local law;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby recommends that such proposed local law not be adopted because this Board believes that the proposed law incorporates an overbroad and unreasonable approach to the problem set forth in Section 1 thereof. This Board recommends to the Board of Trustees that the problem should not be addressed by an amendment to the Zoning Law. Instead this Board recommends the adoption of a separate local law which is specifically tailored to the regulation of those activities which can cause a danger or nuisance, without regard to whether or not the person causing such problem is the property owner or another person occupying the property with the owner’s permission and without regard to whether or not such occupancy is for money or other consideration. Such a separate law should include a provision that the property owner shall in all events be equally liable for violations of the provisions thereof in addition to the separate liability of the transient users, if any. Such a separate law also should include a provision imposing severe and escalating penalties on the property owner for violations thereof.

And BE IT FURTHER RESOLVED, that if the Board of Trustees nevertheless determines to proceed with the consideration of this Zoning Law amendment, such proposed local law should be modified in the following respects, in order to avoid inconsistencies between the proposed new provisions and certain existing provisions within the Zoning Law:

- (1) The following existing provisions of the Zoning Law should be deleted: (a) the definitions of “roomer” and “rooming unit” in Section 230-5 of the Code, and (b) the item “Keeping of 1 roomer in a one-family detached dwelling” in the list of Accessory Uses contained in the Schedule of Use Regulations set forth in Section 230-16 of the Code. It is the opinion of this Board that those provisions are in conflict with the proposed new definition of Transient Use, which would be prohibited.
- (2) The new provision set forth in Section 3 of such proposed local law should be incorporated into the Code as a new Subsection AA of Section 230-14 instead of as a new Subsection C of Section 230-16.
- (3) The definition of “TRANSIENT USE” set forth in Section 2 of such proposed local law should be revised in such manner that it does not prohibit the property owner who is residing in the dwelling unit from having overnight guests. As presently written, that definition could be interpreted to prohibit such short-term “use or occupancy” of a portion of the dwelling unit “by a person or person not the property owner”;

PB
10/27/2021

approved 12/1/21

And BE IT FURTHER RESOLVED, that a copy of this Resolution, which shall be deemed to be a report of this Board, shall be transmitted to the Board of Trustees forthwith.

Upon vote, this motion was passed unanimously.

APPROVE 10/6/21 PLANNING BOARD MINUTES.

Lon Lieberman made a motion to approve the 10/6/21 Planning Board minutes, seconded by Israel Shenker. Upon vote, this motion carried unanimously.

Israel Shenker made a motion to adjourn the meeting, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Tara Roberts