

**Village of Wesley Hills
Planning Board – January 26, 2022
ZOOM MEETING**

Present: Chairwoman-Vera Brown, 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, Tara Roberts-Deputy Village Clerk

Absent: Israel Shenker

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

**CONTINUED PUBLIC HEARING ON THE APPLICATION OF JOSEPH KARASH
FOR WETLANDS PERMIT AND A CLEARING/FILLING/EXCAVATION PERMIT.**

Affecting the property located at the northerly side of Glenbrook Road and the southerly side of Forshay Road known as 39 Glenbrook Road. Designated on the Town of Ramapo Tax Map as Parcel ID #41.10-2-21.

Anthony Celentano, engineer for the applicant, was present. Mr. Celentano stated that Mr. Karash was not aware that there was a need for a clearing and filling permit. Mr. Celentano stated that he was hired to assist with the leveling plans. Mr. Celentano further stated that Mr. Karash would comply with all the items in the review letter from Brooker Engineering.

Mr. Celentano stated that the plan was to create a more level backyard. The homeowner added fill and renovated the front walk and driveway.

Chairwoman Brown asked the Village professionals and the Board members if they had any comments.

Matt Trainor stated that the Wesley Hills Code Inspector confirmed that the erosion control measures are in good standing. Jeff Osterman stated that he was satisfied.

Chairwoman Brown asked if there was anyone from the public that wanted to be heard. No one wanted to be heard.

Vera Brown made a motion to close the public hearing, seconded by Lon Lieberman. Upon vote, this motion passed unanimously.

Frank Brown read the resolution pertaining to the wetlands permit approval. Vera Brown made a motion to approve the resolution, seconded by Neal Wasserman.

**Resolution #22-1
KARASH WETLANDS PERMIT**

WHEREAS, Joseph Karash has applied for a Wetlands Permit for authorization to re-grade the rear yard and to remove trees within one hundred feet of the boundary of a freshwater wetland, on premises located on the northerly side of Glenbrook Road, known as 39 Glenbrook Road and designated on the Town of Ramapo Tax Maps as Section 41.10, Block 2, Lot 21; 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 December 1, 2021 and was continued via Zoom meetings noticed to the public and available to the public on December 22, 2021 and January 26, 2022, 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 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 re-grading of the rear yard and removal of trees within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan entitled as "Proposed Site Plan for 39 Glenbrook Road, Town of Ramapo, Rockland County, Wesley Hills, New York" prepared by Anthony R. Celentano P.E. dated November 2, 2020 and last revised November 29, 2021, subject to the following conditions:

1. There shall be compliance with conditions 1 through 9 and 12 set forth in the letter of Brooker Engineering, PLLC dated December 27, 2021, a copy of which letter is attached to this Resolution and made a part thereof.
2. Erosion control devices shall be re-installed as shown on the said plot plan, to the satisfaction of the Village Engineer, and shall be continuously maintained until the completion of the project.

Upon vote, this motion passed unanimously.

Frank Brown read the resolution pertaining to filling and excavation. Lon Lieberman made a motion to approve the resolution, seconded by Vanessa Caren.

Resolution # 22-2
KARASH FILLING AND EXCAVATION PERMIT

WHEREAS, a formal application from Joseph Karash for a clearing, filling and excavation permit for filling and regrading on property located on the northerly side of Glenbrook Road, known as 39 Glenbrook Road and designated on the Town of Ramapo Tax maps as Section 41.10, Block 2, Lot 21, was received by the Planning Board and was referred to

the Village Engineer for review and report pursuant to Section 95-4C(1) of the Code of the Village of Wesley Hills (the Clearing, Filling and Excavation Law), and

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

NOW, THEREFORE, BE IT RESOLVED, that said application for a filling and excavation permit is hereby approved for the creation of the revised topography shown on the plot plan entitled "Proposed Site Plan for 39 Glenbrook Road, Town of Ramapo, Rockland County, Wesley Hills, New York", dated November 2, 2020 and last revised November 29, 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 \$1,200.00, as determined by the Village Engineer.
2. A performance bond or equivalent security (escrow cash or a letter of credit as approved by the Board of Trustees) shall be provided by the applicant in the amount of \$9,000.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village prior to the continuation of additional construction activities.
3. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated December 27, 2021, a copy of which letter is attached to this Resolution and made a part hereof.
4. The erosion control devices shall be properly installed and continuously maintained until the completion of the project.
5. Certification, to the satisfaction of the Village Engineer, shall be provided to document that the work as depicted on said plot plan has been completed.
6. All work required hereby, including topsoil, and seeding, shall be completed no later than June 30, 2022, to the satisfaction of the Village Engineer.

Upon vote, this motion passed unanimously.

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 there was a revised plan that had been submitted to the Board, dated January 5, 2022. Chairwoman Brown requested that the changes to the plans be described. Amy Mele, attorney for the applicant, was present. Ms. Mele noted that none of the changes to

the project affected the two (2) cul-de-sacs. Pathways were changed from sidewalk to gravel. All other changes were technical.

Chairwoman Brown stated that the Planning Board is the primary organization responsible to review SEQRA and that Part II of the Environmental Assessment Form would be reviewed. She stated that Jeff Osterman, the Village Planner, would read each question, provide his response, and explain the response. Chairwoman Brown would then confirm for each question that the Board and Village professionals did not have any concerns with the proposed response.

Jeff Osterman stated that the applicant completes Part I of the Environmental Assessment Form stating the potential impact. Part II takes information from Part I and allows the Board to review and note potential concerns. Part III has two possible outcomes:

1. The project has significant environmental impacts and needs an environmental impact statement that addresses them.
2. A negative declaration that the project will have little adverse impact, with an explanation that justifies that determination.

#1 (Impact on Land) -Yes-When polled, the Board unanimously agreed with this response. There was discussion with the Village Engineer and Village Planner regarding question 1(a), as Zachary Chaplin from Stonefield believed this question should be a “no”. Jeff Osterman inquired about how far down the test had gone, Mr. Chaplin responded to bedrock. It was agreed that the answer to that question should be changed to “no.”

#2 (Impact on Geological Features) -No- Jeff Osterman stated that there were no unique or unusual landforms on the site. When polled, the Board unanimously agreed with this response.

#3 (Impact on Surface Water) -Yes-Question (d) is the only item with possible moderate to large impact- When polled, the Board unanimously agreed with this response.

#4 (Impact on groundwater) -No-Mr. Osterman stated that the Village was not aware of any issues. Chairwoman Brown clarified that this was in part due to the fact that the proposed subdivision would be serviced by public water and sewer. Mr. Osterman agreed and further stated that if these homes were to be on septic or wells, there may be issues to address. When polled, the Board unanimously agreed with this response.

#5 (Impact on Flooding) -No-Mr. Osterman stated that there was no flood plain issue. When polled, the Board unanimously agreed with this response.

#6 (Impact on Air) -No-Mr. Osterman stated that this question is designed for commercial projects exclusively. When polled, the Board unanimously agreed with this response.

#7 (Impact on Plants and Animals) -Yes- Mr. Osterman stated that question (a) is a yes because of the timber rattlesnake. Question (h) refers to eliminating ten or more acres of forest; therefore this is a yes. Neal Wasserman asked if question (b) should be a yes because of the potential

reduction in the wildlife population. Mr. Osterman agreed that this should be a yes. When polled, the Board unanimously agreed with this response.

#8 (Impact on Agricultural Resources) -No-This question pertains to agriculture (farmland). Mr. Osterman stated that this does not apply, as the property has not been farmland for many years. When polled, the Board unanimously agreed with this response.

#9 (Impact on Aesthetic Resources) -No-Mr. Osterman stated that this question does not apply to this project. When polled, the Board unanimously agreed with this response.

#10 (Impact on Historic and Archeological Resources) -No-Mr. Osterman stated that the Planning Board has not received any information suggesting a historical resource. In addition, this property does not fall in the State mapping program.

Matt Trainor stated that the stone walls are around the perimeter of the property. Many of these will be left intact. Many of those located in the middle of the property will not be saved. Amy Mele stated that there are stone walls throughout Rockland County and, if they were treated as historic resources, all EAFs would need to be responded to with a “yes.” Ms. Mele further stated that in the past, when reviewing the subdivision, lots 5, 1 and 2 have stone walls. If these walls were saved, the subdivision would not be able to move forward. Vanessa Caren stated that she would be interested in preserving the external perimeter walls. This would not impact Lots 12,8,5,1 or 4. David Katznelson requested clarification. Mr. Katznelson would like to ensure that the conversation was about items of value. Mr. Katznelson stated that if the walls create an impact on drainage, water management, etc. he is open to continued dialogue, otherwise he believes that the plan to remove the interior walls is satisfactory.

Frank Brown stated that he does not believe that it is reasonable to sacrifice the project for a wall in the absence of any information indicating that the wall has historic significance. Mr. Brown stated that he would recommend trying to protect the walls that are at the perimeter.

Chairwoman Brown agreed. When polled, the Board unanimously agreed with this response and the response remains a “No.”

#11 (impact on Open Space and Recreation) -No- Mr. Osterman stated that the site does not function as a recreational resource. When polled, the Board unanimously agreed with this response.

#12 (Impact on Critical Environmental Areas) -No-Mr. Osterman stated that he does not believe that New York has designated the area as a “critical environmental area”. When polled, the Board unanimously agreed with this response.

#13 (Impact on Transportation) -Yes-Mr. Osterman believes that this item should be discussed. Mr. Osterman stated that he is comfortable answering no for questions a-e but added language in f regarding the additional truck traffic and bigger vehicles in the area due to the proposed ongoing construction. When polled, the Board unanimously agreed with this response.

#14 (Impact on Energy) -No- When polled, the Board unanimously agreed with this response.

#15 (Impact on Noise, Odor, and Light) -Yes- Regarding 15b, Mr. Osterman stated that there is a school nearby. Further, believes that blasting will be impactful to the surrounding area including the school. Mr. Osterman does not believe that odor will be an issue. 15e should be responded to with “no”. When polled, the Board unanimously agreed with this response.

#16 (Impact on Human Health) -No- Mr. Osterman stated that there would be no adverse impact on health from exposure to contaminants. When polled, the Board unanimously agreed with this response.

#17 (Consistency with Community Plans) -No-Mr. Osterman stated that this is a single-family subdivision, therefore not an issue. When polled, the Board unanimously agreed with this response.

#18 (Consistency with Community Character) -No-Mr. Osterman stated that the surrounding structures are single family residences. Therefore this subdivision is not a conflict. When polled, the Board unanimously agreed with this response.

Mr. Osterman stated that the next step is for the Village Engineer, Attorney, and himself to address the “yes” responses and a draft a resolution.

Chairwoman Brown stated that she would like to work to save more trees without changing the lots, specifically Lots 3 to 4, the rear of 10, 6 and 11 and the boundary of 11 and 14.

Amy Mele stated that AMS will provide responses to the Village regarding truck load and blasting.

Matt Trainor stated that he had requested that usable space be moved to the rear of the lots. This may move the boundary of the tree save line. Mr. Trainor stated that this will also assist with clearing and filling needs in the future.

Chairwoman Brown asked if anyone from the public wished to be heard.

Robert Waitman-19 Powder Horn was present. Mr. Waitman requested clarification as to what information the public could have access to regarding this project. Mr. Waitman specifically asked about the revised plan and Part 2 of the EAF. Chairwoman Brown stated that all documents pertaining to this project were available at Village Hall.

Amy Mele stated that this process has been going on for a long time. They have met with community members and made changes based on their recommendations. Ms. Mele asked if the Board would consider a special meeting in early February to continue working toward a negative SEQRA declaration and preliminary approval.

Chairwoman Brown asked for feedback from the Board.

Lon Lieberman asked why the exception to the regular Planning Board schedule was needed. Ms. Mele responded that she would like to address any outstanding issues in a timely manner to ensure there are no delays.

Neal Wasserman stated that with a construction timeline of a year, he is not convinced that two weeks will make a substantial impact.

Lon Lieberman stated that he understands that this is a long process. However, he agrees that two weeks is not substantial and further that the developer is not in jeopardy of missing a season or impacted by a holiday.

Amy Mele stated that it was her belief that a negative SEQRA declaration would have been received at this meeting. She stated that she understands that the project has changed but is concerned that if there is an issue at the February meeting, the matter will be delayed to March.

Lon Lieberman disagreed. He reiterated that a new subdivision takes time and that changes to the plan for the subdivision were based on outcry from the community. He further stated that a financial hardship to the developer has not been shown.

David Katznelson stated that there had been delays in the past by the applicant in submissions to the Board.

Chairwoman Brown agreed with the concerns brought by the members of the Board. Chairwoman Brown stated that she would like to avoid setting the precedent of additional meetings. Further, Ms. Brown felt that time was important to allow both the Board and the public to review the recently submitted information.

Goldie Kigler-17 Powder Horn Drive-Ms. Kigler was present and stated that she appreciated the comments regarding the saving of trees. She explained that her reason for having an interest in trees is because the more trees we take down the more she believes we contribute to climate change. In addition, Ms. Kigler was concerned about drainage issues.

Zac Chaplin stated that around the perimeter of the project is where most of the trees will be saved-mostly near Lots 6,7,9,10, and that silt fencing will be put up to protect those areas.

David Katznelson made a motion to adjourn this public hearing to the February 23rd meeting, seconded by Vanessa Caren. Upon vote, this motion carried unanimously.

Lon Lieberman made a motion to approve the following resolution, seconded by Neal Wasserman.

Resolution # 22-3
AMS ACQUISITIONS SUBDIVISION

WHEREAS, the Planning Board has reviewed the comments received from the public at the public hearing on the application of 15 Terrace Road, LLC for approval of a preliminary plat

1/26/2022

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, as well as Part 1 of the Full Environmental Assessment Form submitted and revised by the applicant; and

WHEREAS, at the direction of the Planning Board a draft of Part 2 of the Full Environmental Assessment Form has been prepared by the planning constant to the Planning Board and has been reviewed and discussed by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the said draft of Part 2 of the Full Environmental Assessment Form dated January 25, 2022 subject to the inclusion of the following changes; (1) the answer to Question 1a shall be changed from “Yes” to “No”; (2) the answer to Question 7b shall be changed from “No” to “Yes”; and (3) the answer to Question 15e shall be “No”.

Upon vote, this motion passed unanimously.

APPROVE 12/1/21 PLANNING BOARD MINUTES.

Vanessa Caren made a motion to approve the 12/22/21 Planning Board minutes, seconded by Neal Wasserman. Upon vote, this motion carried unanimously.

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

Respectfully Submitted,
Tara Roberts