

**Village of Wesley Hills
Planning Board – February 23, 2022
ZOOM MEETING**

Present: Chairwoman-Vera Brown, David Katznelson, Israel Shenker, 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:

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 there was a revised construction sitework phasing plan that had been submitted to the Board, dated February 2, 2022. Chairwoman Brown stated that in addition, Part II of the Environmental Assessment Form had been approved at the last Planning Board meeting, and as a result Jeff Osterman has prepared a draft of a Part III narrative statement, which supports a negative declaration. Chairwoman Brown asked that Jeff Osterman, Village Planner, summarize the form.

Mr. Osterman explained that Part II of the EAF identified potential significant impacts from this project. The narrative statement explains how those impacts are to be mitigated. Mr. Osterman spoke about

- Grading
- blasting and the measures that the applicant will utilize to deal with blasting while following the Village's requirements regarding blasting, including that this work will only be done from 10am-12pm.
- wetlands-1 in the south and 1 in the north of the property
- plants and animals-You cannot touch, kill or move a rattle snake and must create an "encounter plan".
- Transportation-this portion describes how the Board and the applicant came to the plan that now exists, i.e. parking, school busses, cul-de-sacs.
- Construction-construction plan, hours of operation, strategy to address effects on neighboring properties

Chairwoman Brown asked if Matt Trainor would like to add or change anything to the narrative statement. He did not.

Chairwoman Brown asked if anyone on the Board would like to be heard. No one wished to raise issues or make any additions or revisions to the narrative statement.

Chairwoman Brown asked if anyone from the public wished to be heard. No one wished to be heard.

Chairwoman Brown asked if the applicant had any comments on the narrative. Amy Mele, Esq, stated that the applicant appreciates the time of the Board and the Village officials.

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

Lon Lieberman made a motion to approve the following resolution, seconded by Vera Brown.

Resolution #22-4
AMS ACQUISITIONS SUBDIVISION

WHEREAS, on January 26, 2022, by Resolution #22-3, the Planning Board approved Part 2 of the Full Environmental Assessment Form which had been prepared by the planning consultant to the Planning Board; and

WHEREAS, the planning consultant has prepared a draft of a narrative statement that addresses each of the potential impacts identified in the aforementioned Part 2, which document is titled "Village of Wesley Hills, Determination of Environmental Significance (Negative Declaration), Narrative Statement, AMS Subdivision" and is dated February 17, 2022, and the Planning Board has reviewed that draft document;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves and adopts the said draft of the narrative statement; and

BE IT FURTHER RESOLVED, based upon the said narrative statement, a site inspection by Board members, and the documents submitted by the applicant, it is hereby determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA), for the reasons set forth in the said narrative statement.

Upon vote, this motion was passed unanimously.

Chairwoman Brown asked if Matt Trainor or Jeff Osterman had any comments that would affect approval of the preliminary plat. Mr. Osterman stated no. Mr. Trainor stated that there is a drainage easement through Lots 6 and 7 which might be relocated towards the rear lot lines. Mr. Trainor stated that this can be taken care of prior to final approval.

Chairwoman Brown confirmed that the applicant was aware that the Board would abide by the recommendation of Hillcrest Fire Department. Amy Mele confirmed.

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

Resolution #22-5

AMS ACQUISITIONS SUBDIVISION

WHEREAS, a formal application from 15 Terrace Road, LLC for approval of a preliminary plat entitled "Preliminary Plat Subdivision prepared for 15 Terrace Road, LLC, Section 32.19, Block 2, Lot 4, 15 Terrace Road, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated April 15, 2021 and last revised (during the pendency of the public hearing) January 5, 2022, prepared by Stonefield Engineering & Design, affecting property 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, in an R-50 District, was received by the Planning Board; 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 April 28, 2021, at 7:30 P.M., via a Zoom meeting noticed to the public and available to the public, and was continued via a Zoom meeting noticed to the public and available to the public on May 26, 2021, in-person meetings on June 30, 2021, July 28, 2021, and August 25, 2021 and Zoom meetings noticed to the public and available to the public on October 27, 2021, December 1, 2021, December 22, 2021, January 26, 2022, and February 23, 2022, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on February 23, 2022, by Resolution #22-4, this Board determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA);

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

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated January 26, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
2. Pursuant to its authority set forth in Section 193-6 of the Code of the Village of Wesley Hills, the Planning Board hereby waives strict compliance with the design standard for maximum length of cul-de-sacs set forth in Section 193-24 of the Code for the reason that the design of lots and streets as shown on the proposed plat is preferable to a design incorporating shorter cul-de-sacs because it makes possible the elimination of a road connection between Jeremy Court and Rockwood Lane that would enable through traffic between those streets and Powder Horn Drive.
3. The following revisions shall be made to the plat and associated construction plans;

- a) The width of the walking path dedication area connecting Jeremy Court and Rockwood Lane shall be reduced to 20 feet or the amount that may be requested by the Fire Inspector, whichever shall be greater.
 - b) The tree removal plan (sheet C-13) shall be modified to enlarge the tree protection area to include additional healthy trees of significant size wherever it is practical to do so.
 - c) The notation concerning the issuance of building permits and certificates of occupancy shall be moved from the site plan (sheet C-3) to the plat and shall be revised to identify the 2 hold back lots.
4. An executed covenant shall be prepared, in form satisfactory to the Village Attorney, providing for the future maintenance of the underground drainage facilities to be constructed within the proposed subdivision (other than ordinary stormwater drainage improvements within the rights-of-way of Jeremy Court, as extended, and Rockwood Lane, as extended) equally by the owners of all 14 lots within the subdivision. Such covenant shall be recorded in the Rockland County Clerk's Office simultaneously with the filing of the plat. The specific terms of such covenant shall be determined at the time of approval of the final plat for the proposed subdivision. Such terms shall include the following: (a) an initial amount (to be specified) shall be deposited with the Village in a segregated escrow account, which account shall be used exclusively for the maintenance of the aforementioned drainage facilities; (b) the Village shall contract with a contractor of its choice to maintain the aforementioned drainage facilities on a regular basis and shall pay for such work from the said escrow account; (c) such contractor shall be permitted to enter any and all of the drainage easements shown on said subdivision plat to perform all necessary maintenance work without liability to itself or the Village for trespass (although such entry shall be upon reasonable notice to the owners of the affected subdivision lots); (d) whenever the balance in the said escrow account shall be reduced below a specified amount, the Village shall notify the then current owners of each of the 14 subdivision lots that the owner of each lot shall be required to deposit into the aforementioned escrow account an amount equal to 1/14 of the amount necessary to restore the escrow account balance to its initial amount; (e) if the owner of any subdivision lot shall fail to deposit the specified amount within a specified reasonable time, that amount shall be added to the next Village Tax bill for the affected lot as a special assessment and thereupon shall be subject to collection as part of the Village Tax assessed against that lot; and (f) the terms of such covenant shall be perpetual and shall run with the land and shall be binding upon any persons or entities that shall at any time become the owners of any of the subdivision lots.

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,

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approved

and an increased demand for additional recreational facilities 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 \$5,000.00 shall be paid to the Village of Wesley Hills for each lot shown on the plat. Such fee 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 was passed unanimously.

APPROVE 1/16/22 PLANNING BOARD MINUTES.

Vera Brown made a motion to approve the 1/26/22 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