

**Village of Wesley Hills  
Planning Board – March 23, 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, Matt Trainor-Village Engineer, Tara Roberts-Deputy Village Clerk

Absent: Israel Shenker, Jeff Osterman-Village Planner

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

**APPROVE 2/23/22 PLANNING BOARD MINUTES.**

David Katznelson made a motion to approve the 2/23/22 Planning Board minutes, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Upon vote, this motion was passed unanimously.

**CONSIDERATION OF THE APPLICATION OF CONGREGATION KOL YAKOV FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL FOR A NEIGHBORHOOD GATHERING.** Affecting property located on the west side of Wilder Road, approximately 170 feet north of Ardley Place. Designated on the Town of Ramapo Tax Map as Parcel ID #41.10-1-19. Subject property is located at 29 Wilder Road.

Ira Emanuel, Esq., represents the applicant and was present for the meeting. Shimon Rieder, the principal member of 29 Wilder LLC (the owner of the subject property), was present as well. Mr. Emanuel explained that there is no resident in the house at this time. There are approximately 25 active members of the congregation at this point, and they are seeking a place to gather both on weekdays and Sabbath. Mr. Emanuel understands the requirement for 20 parking spaces. The applicant is planning on using this site on a temporary basis, approximately 18 months, until a more permanent home is found.

Mr. Emanuel then shared his screen to provide an explanation of the survey and the needs of the property. Mr. Emanuel stated that (1) there is no proposed new construction, (2) he believes that no variances will be needed from the bulk table, (3) the parking area may be a concern, and therefore (4) the gravel area may need to be re-worked. He believes that this would be a Type II action.

Chairwoman Brown asked if Matt Trainor had any questions or comments. Mr. Trainor is concerned about 20 cars having the ability to fit in the proposed space. Mr. Trainor calculated 14 cars on the gravel area and 2 in the garage-leaving 4 unallocated. Mr. Trainor stated that the fire department may have a concern with the width of the entrance, as it is 17 feet wide at its narrowest part.

Matt Trainor stated that topography, maximum grade of driveway, landscaping, ADA access and curbing are not clearly noted on the current plan.

Mr. Trainor asked when the gravel area had been constructed. Mr. Rieder stated that it had been approximately two years ago. Mr. Trainor inquired if a building permit had been obtained. Mr. Rieder was unsure. Mr. Trainor stated that if the gravel area needed to be expanded, more runoff would be expected.

Mr. Emanuel stated that the applicant would provide topography and have their engineer review drainage.

Mr. Rieder stated that all of the congregants live within ½ mile, therefore everyone walks to the site.

Frank Brown stated that a variance may be needed for the parking spaces. Because the lot is located on a major road, if all of the parking spaces required by the Planning Board (at least 20) cannot be accommodated on-site, a variance would be necessary in order to use off-site spaces. Mr. Emanuel stated that 4 or more vehicles can fit on the apron, the applicant could expand the gravel area, or the applicant will go to the Zoning Board of Appeals for a variance.

Chairwoman Brown asked if anyone from the Board wanted to be heard. Albert Tew asked if two cars could pass side by side in the driveway and if there was any plan to widen the driveway. Ira Emanuel responded that this was a typical residential driveway and would probably not be wide enough for 2 cars to be side by side. Mr. Emanuel stated that if the driveway was found to be an emergency/fire department concern, the applicant would look at options. Vera Brown stated that the Board will follow the advice of the fire department.

Neal Wasserman asked how realistic it was to believe that cars would be pulling in and out of the garage and therefore whether the Planning Board should consider these spots. He further inquired if it was safe to have cars parked in the garage, as this space could be used as a route to evacuate in the case of an emergency. Ira Emanuel responded that this is a house of worship where someone comes first and someone leaves last, a clergyman for example. This person would be best suited for the garage spots. The applicant would defer to the fire department for guidance on emergency egress.

Matt Trainor stated that a 24 foot wide driveway may be required for a segment of the driveway if not the entire length.

Lon Lieberman asked what the provisions concerning termination of the temporary special permit would look like. If we were to experience COVID for another 10 years, could the temporary status of this permit extend for a decade? What would the triggers be for the applicant to come back before the Board? Chairwoman Brown stated that the resolution would state the provisions of the permit. Frank Brown stated that the expiration date would be stated in the resolution approving the special permit, and the resolution could require the applicant to re-apply for an extension at least 2 months prior to the expiration date. David Katznelson asked what the

mechanism would be to ensure that the Village enforces the expiration of the permit. Chairwoman Brown asked the Deputy Village Clerk to confirm the process.

It was agreed that a subsequent submission of a revised site plan would be made by April 6, 2022 by the Applicant. If not received, an adjournment will be requested.

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

Resolution # 22-6  
CONGREGATION KOL YAKOV SPECIAL PERMIT AND SITE PLAN

RESOLVED, that a public hearing on the applications of Congregation Kol Yakov for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the westerly side of Wilder Road known as 29 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 1, Lot 19 will be held before the Planning Board of the Village of Wesley Hills on the 27<sup>th</sup> day of April, 2022 at 7:30 P.M., via a Zoom meeting available to the public (or, if a Zoom meeting on that date is not authorized, at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills).

Upon vote, this motion carried unanimously.

**CONSIDERATION OF THE APPLICATION OF RALPH RIEDER FOR A SPECIAL PERMIT TO PERMIT THE CONSTRUCTION OF A SPORTS COURT WHICH WILL EXCEED 2,500 SQUARE FEET.** Affecting properties located at the south side of Judith Lane, approximately 500 feet east of Martha Road. Designated on the Town of Ramapo Tax Map as Parcel ID #42.18-1-24 and 42.18-1-25. Subject property is located at 15&17 Judith Road.

Chairwoman Brown read the item into the record. Chairwoman Brown stated that this involves the reverse of subdivision, making two lots into one.

Paul Baum was present to represent the Applicant. Mr. Baum stated that there had been construction of a new home at 15 Judith Lane, and construction of a pool house and sports court proposed at 17 Judith Lane. These two properties had been listed under two separate owners' names. This has been clarified, there is now the same owner, and a lot line disclaimer has been filed.

Mr. Baum stated that the Applicant is seeking a special permit to construct a sports court greater than 2500 square feet. In addition, the impervious surface is proposed at .339, which requires an additional special permit to exceed the maximum allowed of .25. The Applicant is aware that they will need to go before the Zoning Board of Appeals for the fence around the court.

Mr. Baum stated that the attorney for the Zoning Board of Appeals has interpreted this application to involve a resubdivision which would first have to be approved by the Planning Board. He is seeking a waiver from the Subdivision Regulations if that interpretation is correct. Chairwoman Brown asked if Matt Trainor had any objection to that waiver and he did not.

Chairwoman Brown made a motion to waive the subdivision regulation, seconded by Lon Lieberman.

Resolution #22-7  
RIEDER SPECIAL PERMIT

WHEREAS, Ralph Rieder has applied to the Planning Board for special permits for (1) an accessory structure (sports court) larger than 2,500 square feet and (2) increase impervious surface for property located on the southerly side of Judith Lane, known as 15-17 Judith lane and designated on the Town of Ramapo Tax Maps as Section 41.18, Block 1, Lots 24 and 25; and

WHEREAS, the proposed project necessarily includes the disclaimer of the lot line between the two aforementioned lots, but a literal application of the definition of “Resubdivision” set forth in Section 193-9 of the Code of the Village of Wesley Hills would include the proposed project as a resubdivision because it includes a “change of existing property lines” that is not “a minor land exchange or transfer” as also defined in Section 193-9 of the Code of the Village of Wesley Hills; and

WHEREAS, the Planning Board believes that such an interpretation of the term “Resubdivision” was never intended to apply to a project that includes only the mere disclaimer of a lot line between two adjacent lots, because the result of a disclaimer is a reduction rather than an increase in the number of existing lots, whereas the purpose of the Subdivision Regulations is to regulate the division of a lot or lots into a larger number of lots; and

WHEREAS, Section 193-6 of the Code of the Village of Wesley Hills authorizes the Planning Board to modify the requirements of the Subdivision Regulations in the interest of “substantial justice” where (1) such modification does not adversely affect the public interest and (2) such modification will avoid “extraordinary hardship” that would result from “strict compliance” with the provisions of the Subdivision Regulations; and

WHEREAS, the Planning Board believes that the subject application is a proper case for it to exercise its authority to modify the application of the Subdivision Regulations because no public interest will be served by requiring the applicant to prepare, obtain approval of, and record a revised subdivision plat that shows the two aforementioned lots as a single lot;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that (1) a correct interpretation of the spirit and intent of the Subdivision Regulations requires that a disclaimer of a lot line should not, in and of itself, be included in the definition of a “resubdivision”, (2) the disclaimer of the lot line between the two aforementioned lots therefore shall not be treated as a “resubdivision”, and (3) to the extent that a literal interpretation of the Subdivision Regulations would require the applicant to obtain approval of a revised subdivision plat, the Planning Board hereby waives that requirement.

Upon vote, this motion carried unanimously.

Frank Brown stated that if the Board would like to seek to change the Subdivision Regulations to clarify the definition of “resubdivision” to exclude a disclaimer, a memo would be drafted to begin the process. The Board decided that this problem was so infrequent that it could be dealt with on a case by case basis, so an amendment to the law was unnecessary.

Paul Baum requested a public hearing to discuss the sports court over 2,500 square feet and the impervious surface. Chairwoman Brown asked how far the fence and court would be from the south and west property line. Mr. Baum stated that they would be 15 feet from the south property line and more than 15 feet from the west property line. Chairwoman Brown asked if there was a drainage easement on this lot. Mr. Baum confirmed that there is. Matt Trainor stated that the easement appears to be approximately half on the subject property and half on the next property. Chairwoman Brown asked Matt Trainor to confirm that the Applicant has met the setback requirements. Mr. Trainor confirmed that they have.

Matt Trainor stated that the lighting plan is illegible. It appears to be in conformance but blurry. Further, Mr. Trainor stated that the plan needs to be more legible, i.e. text work, utility lines are difficult to discern, etc. Frank Brown stated that it is also difficult to ascertain where the west lot line is. Matt Trainor stated that the lines on the plan are all the same color and thickness, a legend may be needed. Mr. Trainor stated that the setbacks need to be shown better on the plan. A clearer revised plan will have to be submitted before the public hearing.

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

Chairwoman Brown made a motion to schedule a public hearing on this application in May, giving this Applicant time to appear before the Zoning Board of Appeals, seconded by Lon Lieberman.

Resolution #22-8  
RIEDER SPECIAL PERMIT

RESOLVED, that a public hearing on the application of Ralph Rieder for special permits for (1) an accessory structure (sports court) larger than 2,500 square feet and (2) increased impervious surface for property located on the southerly side of Judith Lane, known as 15-17 Judith Lane and designated on the Town of Ramapo Tax Maps as Section 41.18, Block 1, Lots 24 and 25, will be held before the Planning Board of the Village of Wesley Hills on the 25<sup>th</sup> day of May, 2022 at 7:30 P.M., via a Zoom meeting available to the public (or, if a Zoom meeting on that date is not authorized, at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills).

Upon vote, this motion carried unanimously.

David Katznelson made a motion to adjourn the meeting, seconded by Albert Tew. Upon vote, this motion carried unanimously.

Respectfully Submitted,

PB  
3/23/2022  
Tara Roberts

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