

**Village of Wesley Hills  
Planning Board – May 25, 2022  
ZOOM MEETING**

Present: Chairwoman-Vera Brown, Lon Lieberman, Albert Tew, Neal Wasserman-First Alternate, Joshua Scheinberg-Second Alternate

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

Absent: Vanessa Caren

The meeting was called to order by Chairwoman Vera Brown, at 7:30p.m. Chairwoman Brown stated that she wanted the Board to designate a Deputy Chairman of the Board. Lon Lieberman was nominated and upon unanimous vote was named the Deputy Chairman of the Planning Board.

**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.

Chairwoman Brown stated that the attorney for the applicant has requested a postponement to the June meeting in advance of this meeting, because its plans would not be ready. Chairwoman Brown made a motion to adjourn the public hearing to the June meeting, seconded by Neal Wasserman.

Resolution #22-13  
CONGREGATION KOL YAKOV SPECIAL PERMIT AND SITE PLAN

WHEREAS, by Resolution # 22-6, the Planning Board scheduled 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, to be held before the Planning Board of the Village of Wesley Hills on the 27<sup>th</sup> day of April, 2022; and

WHEREAS, the applicant subsequently advised the Planning Board that it would not have its revised plans prepared in time for that meeting and requested that the public hearing on its application be adjourned until May 25, 2022, whereupon the Planning Board adopted Resolution # 22-9 adjourning the public hearing in accordance with that request; and

WHEREAS, on May 17, 2022, the applicant advised the Planning Board in writing that it would not have its revised plans prepared in time for the meeting on May 25, 2022 and therefore requested that the public hearing on its application be adjourned until June 29, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the public hearing on the aforementioned application shall be adjourned until the 29<sup>th</sup> day of June, 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 the request of the applicant.

Upon vote, this motion carried unanimously.

**PUBLIC HEARING ON 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 opened the public hearing and confirmed with the Deputy Clerk that the notice of public hearing had been properly published and posted. Tara Roberts stated that it had been. Chairwoman Brown stated that new plans were submitted within one day of the meeting and that a review of these plans were not possible prior to this meeting. The Chairwoman requested that future submissions be made available with more time.

Paul Baum, attorney for the applicant, was present. Mr. Baum stated that the applicant had been before the Zoning Board of Appeals and been granted a height variance for the fence. Further, Mr. Baum stated that a new landscaping plan had been submitted for the sports court that exceeds 2,500 square feet. Mr. Baum stated that there is adequate screening around the court and the lighting plan has been updated so no lights would exceed the .01 threshold.

Brian Brooker, Village Engineer, stated that the sports court is in the back of the property and that it was noted that the property drains to the rear of the property. However, no pipes lead to the detention basin. The plan indicates that the drainage leads to Martha, however it is difficult to read the plans.

Chairwoman Brown stated that any plan received today or yesterday will not have been reviewed. Paul Baum stated that Paul Gdanski stated that the newest submission addressed the drainage concerns.

Chairwoman Brown asked if the Village Planner had any comments. Mr. Osterman asked to confirm if these were two lots. Mr. Baum responded that they have been made one by a lot line disclaimer.

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

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

Chairwoman Brown made a motion to adjourn this public hearing to the June meeting, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

**PUBLIC HEARING ON THE APPLICATION OF LY CONTRACTOR, INC. ON BEHALF OF DAVID & SHOSHANA WANOUNOU FOR A WETLANDS PERMIT FOR CONSTRUCTION OF AN ADDITION TO AN EXISTING HOUSE, A POOL, AND A PATIO, AND LANDSCAPING WITHIN 100 FEET OF THE BOUNDARY OF A FRESHWATER WETLAND.** Affecting property located on the east side of Marisa Drive, approximately 300 feet north of Soundview Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-51. Subject property is located at 12 Marisa Drive.

Chairwoman Brown opened the public hearing and confirmed with the Deputy Clerk that the notice of public hearing had been properly published and posted. Tara Roberts stated that it had been.

Levy (Isaac) Steinfeld from LY Contractors and the homeowner, David Wanounou, were present and described the application.

Chairwoman Brown asked if the Village Engineer had any comments. Brian Brooker stated that the end of the pool is a sufficient distance from the head wall and most of his concerns have been addressed. Frank Brown stated that he needed some clarification, as in the Minutes from the April meeting submission of revised plans were required with better legibility. In addition, large defects to the plan were noted. Mr. Brooker stated that he was working from the February 22, 2022 plans. Chairwoman Brown stated that Matt Trainor had previously noted that these plans were illegible. Frank Brown stated that a modified application had been required, to encompass the full scope of the project, in addition to updated plans that showed all work. Mr. Brown stated that the current plans do not show the edge of the buffer. Neither revised plans nor a revision of the application have been submitted.

Mr. Brown stated that he strongly recommended that the Board does not make a decision and that the Board await the submission of the updated plans. Mr. Brooker stated that this decision is at the discretion of the Planning Board, as they need to be satisfied with the documents that have been submitted. Mr. Brown stated that both Matt Trainor and members of the Planning Board had previously stated that new plans were needed. Chairwoman Brown stated that the application needs to be revised and resubmitted.

Mr. Wanounou stated that the pool is half full and that he would like the opportunity to put in all of the mechanicals, as this is a large investment for him. Mr. Brown stated that it was unfortunate that the pool contractor had not disclosed the need for a wetlands permit from the beginning, as all of the work currently proposed is in the wetlands buffer. Mr. Wanounou stated that he had used all reputable contractors for the pool, including an engineer. Frank Brown stated that there is currently a Stop Work Order for exterior work on this site. Mr. Wanounou stated that the mechanicals will be on the other side of the wetlands. Mr. Brooker stated that the plans do not show the location of this equipment. Mr. Steinfeld noted that the equipment would be on the north side of the property. Mr. Brooker and Mr. Brown stated that this is still within the wetlands buffer.

Jeff Osterman asked if there was a pool fence up. Mr. Wanounou stated that there was orange fencing, but not a permanent pool fence. Mr. Osterman stated that even if the pool were fully operational, it would not be in a safe state. Mr. Wanounou stated that he had ordered an electric cover, as children's safety is of concern to him.

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

Lon Lieberman stated that he wished the Board was in a position to assist, but he is unsure what to do, as he did not believe that he had adequate information to make a decision. Mr. Wanounou stated that this was a standard pool with a standard fence. Mr. Lieberman stated that he understood but that from the application on there were administrative missteps and that a Stop Work Order was currently in effect.

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

Zelda Pepper  
5 Charlotte Drive

Mrs. Pepper stated that her property is behind Mr. Wanounou's. She further stated that drainage should be into the storm sewer and not into the backyard. Mrs. Pepper requested clarification regarding where the drainage pipes were. Mr. Brooker stated that the water will drain to the storm sewer. Once the work is complete, the finished work needs to be shown on as-built plan. If the water is not traveling the appropriate way, there will be no certificate of occupancy issued.

Frank Brown stated that there was an email from Matt Trainor to the Building Department dated April 21, 2022 stating that there was:

1. A stop work order in effect.
2. Silt fencing was down and needed attention to mitigate the erosion into the stream
3. Evidence of pumping groundwater during the pool installation onto Mrs. Pepper's property.

Mr. Brown stated that it was Matt Trainor's opinion that the conditions that Mrs. Pepper expressed were not a permanent situation. Mrs. Pepper stated that she was relieved.

Sharon Abrams  
3 Charlotte Drive

Ms. Abrams stated that she did not receive a public hearing notice and that work continues even with Stop Work Order. In addition, Ms. Abrams stated that when it runs, her family's property gets mud puddles. Mr. Wanounou stated that the stop work order only pertains to outside work, so the interior work continues.

Sharon Kaminetzky  
3 Marisa Drive

Ms. Kaminetzky stated that she has not seen anything negative but is concerned about drainage in general. Mr. Wanounou stated that Ms. Kaminetzky had his word that drainage would not be an issue. Chairwoman Brown stated that this was one of the reasons why a modified application and plans was requested that depicted what was actually happening at the site.

Mr. Brooker stated that there was a concern with having a pool with water but no fence. Mr. Wanounou stated that having water in the pool helped stabilize it. Chairwoman Brown asked the consequences of draining the pool. Mr. Brooker stated that if the pool was emptied, ground water pressure from below could cause the pool to float up out of the ground, and that if you are going to fill the pool instead, which would be the only way the filtration system works, you may as well finish the work to avoid mosquito breeding. Otherwise, mosquito dunks and fish can be utilized.

Chairwoman Brown asked the Board how they would like to proceed. Neal Wasserman asked if sand could be used to solve the issue. Mr. Brooker stated that that would solve the issue but would be tough to remove and clean up. Frank Brown asked if the mud in the Abrams backyard could be related to this project. In addition, Mr. Brown suggested that perhaps Brooker Engineering investigate. Frank Brown suggested that Mr. Wanounou reach out to the Building Inspector to ask what work would be permitted to stabilize the site.

Beth Selter  
15 Marisa Drive

Ms. Selter asked if the wetlands was only the stream. Chairwoman Brown stated that the wetlands are the stream and 100 feet away is considered the buffer. In this case, none of the work is in the wetlands, just in the buffer. Frank Brown stated that this is part of why the Board had requested updated plans. These plans would indicate soil and vegetation to assess the actual boundary of the wetlands. Ms. Selter stated that it was her belief that the stream was man-made to assist with drainage. Frank Brown clarified that wetlands designation and the regulations are not limited to what naturally occurs.

Ilana Perles  
Former owner of 12 Marisa Drive

Ms. Perles stated that there was no Wetlands Permit for the nearby subdivision. Mr. Brown stated that the work on the plat is noted and acts as the Wetlands Permit, as stated in the Wetlands Law.

Mrs. Kaminetzky asked why a rain garden was employed. Levy Steinfeld stated that the rain garden would be used for the runoff of water. Brian Brooker stated that a rain garden is one of the best water management practices to utilize, especially with the high ground water. Drywells would have been another option.

It was suggested that the applicant meet with the Building Inspector and the Village Engineer to determine whether the Stop Work Order could be revised to allow continued work on the pool to

make the conditions safe but without the issuance of a certificate of occupancy that would allow the pool to be used.

Chairwoman Brown made a motion to adjourn this public hearing to the June meeting, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

**PUBLIC HEARING ON THE APPLICATION OF YESHOSHUA MONCZYK FOR A PERMIT FOR CLEARING, FILLING OR EXCAVATION OF LAND AND A WETLANDS PERMIT.** Affecting property located on the north side of Glenbrook Road, approximately 85 feet from County Highway 81/ Forshay Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.10-2-19. Subject property is located at 43 Glenbrook Road.

Chairwoman Brown opened the public hearing and confirmed with the Deputy Village Clerk that this application has been properly posted and mailed. Tara Roberts stated that it had been.

Yeshoshua Monczyk, applicant, was present. Mr. Monczyk stated that he agreed with and would adhere to all of the recommendations from the relevant agencies. However, he was still awaiting a response from the New York State DEC. Mr. Monczyk stated that he had been informed that the DEC would be visiting his site the week of June 16<sup>th</sup>.

Chairwoman Brown asked Brian Brooker what his concerns were. Mr. Brooker would like to understand how the erosion will be controlled during the stone removal and where and how many stones will be moved. Mr. Brooker stated that he had spoken to a representative from the DEC regarding this site. He was informed that the DEC would like to see a plan and visit the site before they grant approval. Mr. Brooker also stated that it had come to his attention that some of the stone was in a neighbor's property. Mr. Monczyk stated that he owned the adjacent property. Mr. Brooker suggested that perhaps both addresses should be listed on the permit. Mr. Brooker asked if the rocks would be removed or used elsewhere. Mr. Monczyk stated that they would be used to build the walls around the pool. Mr. Brooker stated that he believes that Mr. Monczyk will be required to obtain a Nationwide permit to be submitted to the Army Corps. of Engineers.

Joshua Scheinberg asked if the DEC would provide a review letter after their review and site visit. Brian Brooker stated that there would be a permit application and a permit granted, often with conditions. In addition an erosion control plan would be required.

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

Chairwoman Brown made a motion to adjourn this public hearing to the July meeting, seconded by Neal Wasserman. Upon vote, this motion was passed unanimously.

**APPROVE 4/27/22 PLANNING BOARD MINUTES.**

Neal Wasserman made a motion to approve the 4/27/22 Planning Board minutes, seconded by Chairwoman Brown. Upon vote, this motion carried unanimously.

PB  
5/25/22

approval

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

Respectfully Submitted,  
Tara Roberts