

**Village of Wesley Hills
Planning Board – August 22, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:39 p.m.

Present: Vera Brown-Chairman, Rachel Taub, Alexandra Wren, Joe Moskowitz-First Alternate

Also Present: Frank Brown-Deputy Village Attorney, Brian Brooker and Matt Trainor-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Israel Shenker, Marilyn Blocker-Second Alternate

PUBLIC HEARING CONTINUATION ON THE APPLICATION OF CONGREGATION SHA'AR HASHAMAYIM TO REVISE A PREVIOUSLY APPROVED SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE. Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Designated on the Ramapo Tax Map as Parcel ID#41.12-2-2.

Vera Brown opened the continuation of the public hearing.

Stanley Mayerfeld of Mayerfeld Architects appeared on behalf of the applicant.

Vera Brown asked about the unresolved drainage requirements discussed at the last meeting. Matt Trainor, Village Engineer, explained that the drainage issue was resolved with the addition of a larger storage/retention drainage system and with this improved proposed drainage he can now recommend the SEQRA negative declaration.

Jeff Osterman, Village Planner, confirmed that he has no remaining issues and can recommend the SEQRA negative declaration.

Vera Brown motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-28

WHEREAS, Congregation Sha'ar Hashamayim has applied to the Planning Board for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 2, Lot 2, and

WHEREAS, by Resolution #18-25, the Planning Board declared itself to be the Lead Agency for the purposes of conducting a coordinated review of the proposed project pursuant to the State Environmental Quality Review Act (SEQRA),

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined in SEQRA, for the following reasons:

(1) The proposed expanded parking area depicted on the proposed revised site plan is not anticipated to cause any additional adverse impact on the environment, because the applicant's drainage report demonstrating a zero-net increase in peak stormwater runoff has been accepted as satisfactory by the Village's engineering consultant.

(2) The proposed expanded use of the subject premises can be accommodated by the expanded number of on-site parking spaces, and the proposed revised design of the parking area will provide an improved and safer vehicular circulation than that which presently exists on the site.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

Alexandra Wren motioned to adjourn the public hearing until later after the applicant meets with the ZBA. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Public hearing adjourned.

PUBLIC HEARING CONTINUATION ON THE APPLICATION OF CONGREGATION DERECH EMES TO REVISE A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE. Affecting property located on the east side of Wilder Road approximately 228 feet north of Carter Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#41.10-2-3.

David Mittel and Joseph Markowitz of Congregation Derech Emes and Stanley Mayerfeld of Mayerfeld Architects appeared on behalf of the application.

Vera Brown opened the continuation of the public hearing.

Mr. Mayerfeld described the existing house and the proposed addition. He also explained that the proposed on-site parking is a total of 40 spaces (38 for the neighborhood gathering, 2 for the residence), the proposed fence on the south side will be solid vinyl, and that the existing trees in the rear will remain along with planting some additional trees. Frank Brown explained that the required 25-foot buffer can be modified by the Planning Board if it is satisfied that sufficient mitigating factors exist or are to be provided.

Matt Trainor informed the Board that the requested drainage information and updates were provided by the applicant's engineer and that he can recommend a SEQRA negative declaration.

Jeff Osterman confirmed that he is satisfied and can recommend a negative declaration.

Joe Moskowitz motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-29

WHEREAS, Congregation Derech Emes has applied to the Planning Board for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the easterly side of Wilder Road known as 34 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 3, and

WHEREAS, by Resolution #18-11, the Planning Board declared itself to be the Lead Agency for the purposes of conducting a coordinated review of the proposed project pursuant to the State Environmental Quality Review Act (SEQRA),

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the proposed project will not have a significant impact on the environment as defined in SEQRA, for the following reasons:

(1) The proposed expanded parking area depicted on the proposed revised site plan is not anticipated to cause any additional adverse impact on the environment, because the applicant's drainage report demonstrating a zero-net increase in peak stormwater runoff has been accepted as satisfactory by the Village's engineering consultant.

(2) The proposed expanded structure and facilities depicted on the proposed revised site plan are not anticipated to cause any additional adverse impact on the environment, because the expanded number of on-site parking spaces will be sufficient for the applicant's intended use, the site is located on a County road which has adequate capacity for the additional traffic that may be generated, and adequate sight distance has been demonstrated.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

The Board discussed Brooker Engineering's 8/17/18 letter, Rockland County Department of Planning 7/12/18 letter, and Rockland County Highway's 7/3/18 letter with the applicant. Mr. Mittel addressed all questions including the proposed walkway issues.

Matt Trainor informed the Board that the site plan's drafting issues were incomplete, a sustainable maintenance program for the detention system was incomplete, and a completed sanitary review by the Ramapo DPW was not yet received.

Jeff Osterman and Brian Brooker discussed the retaining wall, landscaping, and lighting and recommended a professional landscaper to design the landscaping and lighting plan. Mr. Osterman stated that the lighting should not spill over onto neighboring properties. He also said that the Rockland County Department of Planning's requirements on lighting will have to be overridden based on the Village Zoning Law.

Due to the remaining open items, Joe Moskowitz motioned to adjourn the public hearing until October 3, 2018. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.
Motion Approved

REQUEST FOR RESCHEDULING OF THE PUBLIC HEARING ON THE APPLICATION OF CONGREGATION ANSHEI CHESD FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL TO CONSTRUCT A SYNAGOGUE. Affecting property located on the south side of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-26.

The applicant, Anshei Chesed, requested rescheduling of the public hearing for this application because of extensive redesign of the proposed shul.

Vera Brown motioned to adopt the following resolution. Alexandra Wren seconded.

Resolution #18-30

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26; and

WHEREAS, on March 28, 2018, by Resolution #18-13, the Planning Board scheduled a public hearing on such application for May 23, 2018, based on the applicant's estimate that it would be able to provide revised plans in time for such hearing, and, on May 23, 2018, by Resolution #18-22 adopted at the applicant's request because it was unable to provide such revised plans, the Planning Board re-scheduled said public hearing for June 27, 2018; and

WHEREAS, on June 27, 2018, by Resolution #18-26, the Planning Board re-scheduled a public hearing on such application for August 22, 2018, based on the applicant's request because it was unable to provide such revised plans and its estimate that it would be able to provide revised plans in time for such re-scheduled public hearing; and

WHEREAS, on August 22, 2018 the applicant advised the Planning Board that it still has not had sufficient time to complete and submit the necessary revised plans, and therefore notice of such public hearing has never been advertised; and

WHEREAS, the applicant has advised the Planning Board that it intends to submit the revised plans, when they are completed, for review at a TAC meeting prior to such public hearing;

NOW, THEREFORE, BE IT RESOLVED, at the request of and with the consent of the applicant, that the public hearing on such application is hereby rescheduled for October 24, 2018.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

PUBLIC HEARING CONTINUATION ON THE APPLICATION OF CONGREGATION SHA'AR HASHAMAYIM TO REVISE A PREVIOUSLY APPROVED SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE. Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Designated on the Ramapo Tax Map as Parcel ID#41.12-2-2.

Vera Brown re-opened the public hearing for Congregation Sha'ar Hashamayim's application. Frank Brown confirmed that the requested variances were granted by the ZBA.

Representatives for the Congregation discussed with the Board the submitted revised narrative. The Board also discussed at length options to manage overflow parking during high volume events. It was discussed that the police department would assist in an occasional situation but not on a regular basis. The Congregation was not in favor of a commitment to use a parking attendant because of unreliability. Restricting parking to only one side of Rochelle Lane was also discussed. Rachel Taub said that No-Parking signs on one side would penalize the residents of Rochelle Lane. Elliot Lasky stated that the Congregation is willing to take necessary measures, e.g., placement of cones, to protect public safety. He said he is aware of the fire and safety hazards of street parking on both sides.

Shraga Faskowitz, a Congregation Trustee, explained that they are going to create a provision and some visual pdf aids as part of their online rental application agreement explaining to the applicant the parking obligations required for use of their facility for special events, including where and where not to park.

Vera Brown asked if the Board had any questions. There was none. Ms. Brown asked if the public had any questions. There was none.

Frank Brown reviewed the alternatives that were discussed with the Congregation.

- 1) A parking attendant was considered not practical by the Congregation.
- 2) Designating overflow parking to specific locations, e.g., Wesley Hills Shopping Center, St. Boniface Church, was considered not practical by the Congregation.
- 3) No-Parking signs on Rochelle Lane was considered not practical due to the opposition of the residents of Rochelle Lane.
- 4) Reservation of the right to review conditions by the Planning Board if the proposed parking lot expansion does not relieve congestion was considered not practical by the Congregation because congregants are investing in a costly expansion project to resolve the existing parking problem and a re-visiting condition indicates that the problem might still be there.

Mr. Lasky stated that the Village Board has the power to establish No-Parking zones on public streets in the interest of public safety. Mr. Faskowitz explained that the Congregation is investing in the expansion of the parking lot to improve conditions and does not see a reason for a secondary review.

The Board explained that if the expanded parking lot, proposed street cones, and the Congregation's rental agreement provisions on parking locations do not resolve the issues on Rochelle Lane, the Village will have to impose No-Parking zones and/or require a parking guard.

Vera Brown asked if anyone from the public wished to speak. No one wished to speak.

Vera Brown motioned to close the public hearing. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion approved and the public hearing was closed.

Alexandra Wren motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-31

WHEREAS, heretofore on July 22, 2009, by Resolution #09-19, the Planning Board granted a special permit for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 2, Lot 2, subject to compliance with 2 conditions set forth therein; and

WHEREAS, Congregation Sha'ar Hashamayim has applied to the Planning Board for approval of a revised special permit which would modify those conditions; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on July 25, 2018, and was continued on August 22, 2018, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on August 22, 2018, by Resolution #18-28, 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 application for revisions to said special permit for a neighborhood gathering is hereby granted in the following respects:

1. Condition 1 of the previous special permit is hereby revised to require that the neighborhood gathering shall be operated in conformance with the representations set forth in the letters submitted to the Planning Board by Todd Rosenblum, AIA dated January 7, 2009 and May 13, 2009, as modified by the narrative statement of Congregation Sha'ar Hashamayim dated August 22, 2018.

2. Condition 2 of the previous special permit is hereby deleted and replaced by

the following statement: Pursuant to Section 230-26G(1)(f) of the Code of the Village of Wesley Hills, the Planning Board has determined that the provision of 53 parking spaces, as shown on the applicant's revised site plan, will be sufficient for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character.

and BE IT FURTHER RESOLVED, that said revisions to such special permit are granted subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated August 17, 2018, a copy of which letter is attached to this Resolution and made a part hereof.

2. The applicant shall include in its rental agreements a provision notifying the renter that guests must park only on the west and north sides of Rochelle Lane and may not park on the east and south sides, and that the renter is expected to notify all guests at the subject event that compliance with that parking restriction is required. To facilitate that, the applicant will include a link on its website with directions for overflow parking.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes

Motion Approved

Alexandra Wren motioned to adopt the following resolution. Rachel Taub seconded.

Resolution #18-32

WHEREAS, heretofore on July 22, 2009, by Resolution #09-20, the Planning Board granted approval of a site plan for a neighborhood gathering on premises located on the southerly side of East Willow Tree Road known as 71 East Willow Tree Road and designed on the Town of Ramapo Tax Map as Section 41.12, Block 2, Lot 2; and

WHEREAS, Congregation Sha'ar Hashamayim has applied to the Planning Board for approval of a revised site plan for the said premises; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on July 25, 2018, and was continued on August 22, 2018, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on August 22, 2018, by Resolution #18-28, 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); and

WHEREAS, heretofore on August 22, 2018, by Resolution #18-31, this Board granted a revised special permit for such neighborhood gathering; and

WHEREAS, the revisions to the existing site plan sought by the applicant herein could not be granted without action by the Zoning Board of Appeals of the Village of Wesley Hills to

grant a variance from the requirement for maximum impervious ratio, and heretofore on August 22, 2018, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting the necessary variance subject to any conditions to be imposed by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby exercises the discretion granted to it by Section 230-53C(1) of the Code of the Village of Wesley Hills to determine that the 25-foot buffer screening requirement shall be waived along the easterly lot line of the subject premises because the proposed vinyl decorative fence shown on the said site plan will satisfy the same purpose, particularly in light of the written approval provided to the Planning Board by the owner of the adjacent lot to the east of the subject premises;

and BE IT FURTHER RESOLVED, that said site plan application is hereby approved for the site plan entitled “Parking Site Plan for Cong. Sha’ar Hashamayim Located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, dated June 14, 2018 and last revised August 8, 2018, prepared by Sparaco & Youngblood, PLLC, subject to the following condition:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated August 17, 2018, a copy of which letter is attached to this Resolution and made a part hereof.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes

Motion Approved

APPROVE 6/27/18 AND 7/25/18 PLANNING BOARD MINUTES

Vera Brown motioned to approve the 6/27/18 Planning Board minutes. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes

Motion Approved

Rachel Taub motioned to approve the 7/25/18 Planning Board minutes. Vera Brown seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes

Motion Approved

Rachel Taub motioned to adjourn the meeting. Alexandra Wren seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes

Motion Approved

Meeting adjourned 9:25 p.m.

