

**Village of Wesley Hills
Planning Board – October 26, 2022
Village Hall**

Present: Chairwoman-Vera Brown, Neal Wasserman, Vanessa Caren, Joshua Scheinberg-First Alternate, Joseph Zupnik-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Matt Trainor-Village Engineer (by phone), Tara Roberts-Deputy Village Clerk

Absent: Albert Tew, Lon Lieberman, Jeff Osterman-Village Planner

The meeting was called to order by Chairwoman Brown, at 7:40 p.m.

**Village of Wesley Hills
Zoning Board of Appeals
Wednesday, October 26, 2022
7:30 P.M.**

MEMBERS PRESENT:

Richard Weinberger
Mordechai Schwab, Chairman
Dennis Dale
Jonathan Gewirtz
Stefanie Collantes, Ad Hoc

MEMBERS ABSENT:

Carole Anderson
Randi Marlin, Ad Hoc

OTHERS PRESENT:

Doris Ulman, Assistant Village Attorney

Chairman Schwab called the meeting to order at 7:42 p.m.

JOINT PUBLIC HEARING ON THE APPLICATION OF CONGREGATION TRISK TOLNA, INC FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL FOR A NEIGHBORHOOD GATHERING. Affecting property located on the northerly side of Glenbrook Road approximately 300 feet west of Moccasin Place. Designated on the Town of Ramapo Tax Map as Parcel ID# 41.10-2-24. Subject property is located at 33 Glenbrook 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. Richard Weinberger stated that the Zoning Board members had recently conducted a site visit on this property. Chairman Schwab read this item into the record and stated the variances that the applicant is seeking. John Atzl, engineer for the project, and Ryan Koyithara, architect for the applicant, were present and affirmed to tell the truth. Chairwoman Brown stated that the Planning Board had received a site plan dated September 30, 2022, a review by the Village Engineer dated October 12, 2022 which

included 33 items. The Planning Board previously adopted Resolution # 22-34 which declared the Planning Board the lead agency for the SEQRA review of this application. In addition, Chairwoman Brown stated that an updated narrative has been submitted today for both Boards to consider.

Matt Trainor stated that stormwater is the focus of the concerns referenced in his review letter. Mr. Trainor stated that there are 8 items that are required to move forward: Items 2, 3, and 10 which concern parking and traffic safety, and 16, 20, 31, 32, and 33 which concern stormwater.

Frank Brown, attorney for the Planning Board, stated that no action can be taken until the SEQRA review has been completed. Any concerns related to SEQRA must be resolved before a decision of environmental significance can be made. Mr. Brown further stated that the Zoning Board of Appeals is unable to make a decision until the Planning Board has completed its SEQRA review and made a determination of significance.

Matt Trainor stated that the original narrative statement was cursory and did not include enough detail. Mr. Trainor stated that there is the need to address: offsite parking to abide by the 17 space requirement, perc testing, rain garden, calculations of perc tests, peak flow rates are not indicated.

Ryan Koyithara stated that the lower level of the structure is currently used as a minor neighborhood gathering. Mr. Koyithara stated that there is a mikvah proposed for both men and women and that parking is proposed in the rear of the property.

John Atzl stated that the Rabbi does not have a car. With this in mind, the Congregation may seek a variance from the requirement of two spaces for the residence.

Chairwoman Brown asked what the expected population is for the congregation. Mr. Koyithara stated that the maximum expected during the week is 10 people per week for the mikvah, 20 people twice a day for the neighborhood gathering and a maximum of 40 people on the Sabbath. Chairwoman Brown asked if Mr. Atzl and Mr. Koyithara believed that 15 spaces would be sufficient for the congregation. Both responded yes. Stefanie Collantes asked how many spaces are available now. Mr. Koyithara stated that none are available at this time, that street parking and neighbors' driveways are currently being utilized. Joseph Zupnik stated that this property backs up to Willow Tree Park and suggested that overflow parking could be there.

Doris Ulman stated that the survey for this property done in 2000 indicates that the front yard is 40 feet, but currently the front yard is 32 feet. Ms. Ulman asked if Mr. Atzl knew how the change occurred. Mr. Atzl stated that he does not know. Ms. Ulman asked that Mr. Atzl research this concern prior to the next meeting.

Doris Ulman stated that there is a metal container on the east property line. John Atzl stated that he believes that this belongs to the neighbor and he will request that they remove it.

Doris Ulman asked if pavers could be used for the walkway. Mr. Atzl stated that they can and agreed to have the plans revised prior to the next meeting.

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

Frieda Gelbman
31 Glenbrook Road

Ms. Gelbman was present and affirmed to tell the truth. Ms. Gelbman stated that she lives to the east of this property and believes that the metal container has been removed. Ms. Gelbman stated that she is concerned about privacy in her backyard and is particularly concerned about the parking lot. Ms. Gelbman stated that her rear porch is in the line of sight of the windows for the congregation. Ms. Gelbman stated that there is currently no privacy for her on her deck, as the trees that are currently on the property line are too short to provide screening. John Atzl stated that the proposed landscaping plan includes screening at the parking lot including a solid wall of arborvitae on the east side that are 6-8 feet tall. Mr. Atzl stated that the trees that are currently there are 5 feet tall. Mr. Atzl suggested that blinds/shades could be added to the upper windows of the congregation. Mr. Koyithara stated that he would review and advise at the next meeting.

Neal Wasserman asked how high the trees should need to be in order to provide screening. Ms. Gelbman stated that the current trees are approximately 4 feet short. Based on the average tree growth of one foot per year, Mr. Wasserman stated that there would be no screening for four years. Mrs. Gelbman stated that they have privacy in their yard but not in the house.

Chairwoman Brown suggested that a site visit be conducted at 31 Glenbrook to understand the neighbor's concerns.

Ms. Gelbman also stated that she is concerned about noise and light coming from the site, from the parking lot in particular. John Atzl stated that the lighting proposed is a zero foot candle, directed down and dark sky compliant.

William Hirshfeld
37 Glenbrook Road

Mr. Hirshfeld was present and affirmed to tell the truth. Mr. Hirshfeld stated that he lives down the street from this site to the west. Mr. Hirshfeld stated that the intensity of the needs of this site concerns him. Mr. Hirshfeld stated that he agrees that one side of the street parking should be implemented. Mr. Hirshfeld stated that he is concerned with sound and light emitting from this site.

Chairwoman Brown stated that there is not enough information before the Boards to make a decision at tonight's meeting. Responses to the Village Engineer, a more robust narrative, and updating the name on the documents for consistency are needed.

Chairman Schwab suggested that the applicant work with the neighbors to address their concerns prior to the next meeting.

Chairwoman Brown made a motion for the Planning Board to adjourn this hearing to the January 4, 2023 Planning Board meeting, seconded by Joseph Zupnik. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion for the Zoning Board of Appeals to adjourn this hearing to the January 18, 2023 Zoning Board meeting, seconded by Chairman Schwab. Upon vote, this motion carried unanimously.

Jonathan Gewirtz made a motion for the Zoning Board of Appeals to adjourn the meeting, seconded by Stefanie Collantes. Upon vote, this motion carried unanimously.

At this time the Zoning Board of Appeals members left the meeting.

PUBLIC HEARING ON THE APPLICATION OF THE VILLAGE GREEN SHUL FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL FOR A NEIGHBORHOOD GATHERING. Affecting property locates on the southerly side of Village Green approximately 250 feet East of NYS Route 306. Designated on the Town of Ramapo Tax Map as Parcel ID#41.11-2-17. Subject property is located at 4 Village Green.

Chairwoman Brown opened the public hearing and confirmed with the Deputy Clerk that the notice of public hearing had been properly published and posted . Chairwoman Brown stated that she is in receipt of a request to adjourn the hearing to the November 30, 2022 meeting, because the applicant also has a pending application for variances before the Zoning Board of Appeals. Neal Wasserman made a motion to adjourn the hearing to the November 30th meeting, seconded by Vanessa Caren.

Resolution # 22-36
VILLAGE GREEN SHUL SPECIAL PERMIT AND SITE PLAN

WHEREAS, by Resolution #22-31, the Planning Board scheduled a public hearing on the applications of Village Green Shul for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Village Green known as 4 Village Green and designated on the Town of Ramapo Tax Map as Section 41.11, Block 2, Lot 17, to be held before the Planning Board of the Village of Wesley Hills on the 26th day of October, 2022; and

WHEREAS, a Notice of Public Hearing for such date has been published and posted, and therefore the public hearing has been opened; and

WHEREAS, by email submitted to the Building Department on October 19, 2022, the applicant has requested that the Planning Board adjourn the public hearing on its application until November 30, 2022, because of the pendency of its application to the Zoning Board of Appeals for variances that are required for the proposed project as depicted on the proposed site plan;

NOW, THEREFORE, BE IT RESOLVED, that the public hearing on the aforementioned applications shall be adjourned until the 30th day of November, 2022 at 7:30 P.M., 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 KHAL CHASIDIM OF WESLEY HILLS FOR A SPECIAL PERMIT AND SITE PLAN APPROVAL FOR A NEIGHBORHOOD GATHERING. Affecting property located on the east side of Deerwood Road 0 feet north of East Willow Tree Road, known as 2 Deerwood Road, designated on the Tax Map as Section 41.12 Block 1 Lot 4. Subject property is located at 2 Deerwood 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. Todd Rosenblum, architect for the applicant, was present. Mr. Rosenblum stated that this property has been issued a building permit for a new single-family home. Mr. Rosenblum stated that the homeowner is currently proposing a neighborhood gathering in the basement of the residence. Mr. Rosenblum stated that the Fire Inspector's review letter has been received. Mr. Rosenblum stated that this residence is proposing the following parking: a 1 car garage, 2 spaces on the south side and the remaining spots in the parking lot.

Mr. Rosenblum stated that he would propose no parking, and no parking signs on the west side of Deerwood Road, from the northwest corner of the intersection of Deerwood and East Willow Tree Roads to the first driveway and on the east side of Deerwood Road from the northeast corner of the intersection of Deerwood and East Willow Tree Roads to the driveway of the house to the north of the proposed gathering.

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.

Jonathan Beren
3 Deerwood Road

Mr. Beren stated that he would like clarification about the proposed location of the parking signs. In addition, Mr. Beren stated that he is concerned about the safety and the quality of the neighborhood where it pertains to this project.

Mr. Rosenblum stated that all cars will pull out of the driveway and parking lot head first and the line of sight will be fine, especially with the implementation of the no parking area. Mr. Rosenblum reiterated that no social hall is proposed and that this site will primarily be used for Sabbath and the High Holidays. Further, Mr. Rosenblum stated that the congregation at 5 Ridgeway Terrace accommodates a maximum of 157 seats, and they have, in comparison to this property, 4 on-site parking spaces and 25 off-site spaces. Mr. Rosenblum stated that Khal Chasidim accommodates up to 79 people, and has 17 spaces, 1 for every 4.5 seats. Mr.

Rosenblum stated that the congregation at 16 Charlotte Drive accommodates up to 279 seats and they have 17 spaces-1 for every 9.5 seats. 1 Harriett Lane, Mr. Rosenblum stated, accommodates up to 228 people and they have 35 parking spaces, 1 per 6.5 seats.

Mr. Beren asked how many spots will be on-site. Mr. Rosenblum stated 10. Mr. Beren reiterated that this project will change the neighborhood. Mr. Rosenblum stated that each neighborhood gathering changes a neighborhood. However, Mr. Rosenblum stated that the applicant is trying to be sensitive to his neighbors while providing a safe environment for congregants to pray.

Frank Brown asked if Mr. Rosenblum had obtained written permission from the neighbors to offer their driveways for parking. Mr. Rosenblum stated that he did have this information. In addition, Mr. Rosenblum submitted approximately fifty (50) letters of support.

Neal Wasserman made a motion to close the public hearing, seconded by Joseph Zupnik. Upon vote, this motion carried unanimously.

Chairwoman Brown made a motion to approve the following resolution approving the special permit for a neighborhood gathering, seconded by Vanessa Caren.

Resolution # 22-37

KHAL CHASIDIM OF WESLEY HILLS SPECIAL PERMIT

WHEREAS, Khal Chasidim of Wesley Hills has applied for a special permit for a neighborhood gathering on premises located on the easterly side of Deerwood Road and the northerly side of East Willow Tree Road known as 2 Deerwood Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 1, Lot 4; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on October 26, 2022, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, the Planning Board has considered the Environmental Assessment Form and supporting documentation submitted by the applicant;

NOW, THEREFORE, BE IT RESOLVED, based upon such consideration, informal site inspection by Board members, and the representations of the applicant concerning the proposed use of the premises (including the absence of a social hall and the representation that the use of the subject premises will not include night religious education courses), 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 following reasons: (1) the proposed project is not anticipated to cause an increase in peak stormwater runoff, and (2) the proposed number of on-site and off-site parking spaces will be sufficient for the applicant's intended use, appropriate no parking zones will be established on Deerwood Road and adequate sight distance has been demonstrated taking into consideration those no-parking zones; and

BE IT FURTHER RESOLVED, that said application for a special permit for a neighborhood gathering is hereby granted, subject to the following conditions:

1. The neighborhood gathering shall be operated in strict conformance with the representations set forth in narrative statement submitted by the applicant dated August 22, 2022, a copy of which document is attached to this Resolution and made a part hereof. The applicant's statement therein that "there is no intention" for there to be night education classes shall be deemed to be a specific representation that no such use shall occur.
2. 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 17 parking spaces, including 9 spaces as shown on the applicant's site plan and 8 off-site spaces, will be sufficient for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character. That determination is based on the applicant's representations concerning its presently intended operation of the neighborhood gathering. Therefore, pursuant to section 230-26G (1) (f) of the Code of the Village of Wesley Hills and pursuant to the discretion granted to the Planning Board by section 230-26G of the Code of the Village of Wesley Hills:
 - a. The Planning Board allows 2 parking spaces at 96 East Willow Tree Road, 2 parking spaces at 91 East Willow Tree Road, and 4 parking spaces at 2 Mark Drive to count towards satisfaction of the parking requirement, provided that all times the Village shall have in its files written permission for such parking executed by all then current owners of the said respective lots. Each year during the month of January, the then operator of the neighborhood gathering shall file such written permission with the Village. If such filing is not made, the Village shall notify the operator; and in the event of failure to file such written permission within 30 days of such notification, the permission for such off-site parking shall be deemed to have been revoked. If at any time the ownership of any of the said lots shall change for any reason whatsoever, the then operator of the neighborhood gathering, within 30 days of such change in ownership, shall submit to the Village a new document in writing giving permission for such parking, executed by all of the then current owners of that lot; and, in the event of a failure to provide such new permission document, the permission for such parking to continue on that lot shall be deemed to have been revoked. If at any time any of the owners of any of the said lots shall revoke such permission for any reason whatsoever, or shall be deemed (pursuant to the provisions of either of the two previous sentences) to have revoked such permission, the parking spaces on that lot will no longer be counted towards satisfaction of the parking requirement, and the then operator of the neighborhood gathering on the subject premises, within 30 days of such revocation or deemed revocation, shall apply to the Planning Board for a modification of this special permit, which application must show the provision of all

- of the parking spaces no longer counted in a replacement location deemed adequate and sufficient by the Planning Board.
- b. In the event that permission to use any other lot for off-site parking is revoked or deemed to be revoked in accordance with the provisions of paragraph 2a hereinabove, and if the then operator of the neighborhood gathering on the subject premises shall fail to apply to the Planning Board for a modification of this special permit to show the provision of all of the parking spaces no longer counted in a suitable replacement location in accordance with the requirements of paragraph 2a hereinabove, then the special permit shall be deemed to be revoked.
 - c. The Planning Board reserves the authority, at any time hereafter during the duration of this special permit, if it shall have determined that a genuine issue has arisen concerning the sufficiency of the parking requirement to enable the neighborhood gathering to continue to operate in a manner that is consistent with public safety and neighborhood character, and on notice to the then owner of the subject premises and the then operator of the neighborhood gathering on said premises, to adopt a resolution directing the then owner of the subject premises and the then operator of the neighborhood gathering on said premises to appear before the Planning Board at a subsequent public hearing for a consideration of whether the special permit shall be revised to require additional parking spaces.
3. There shall be compliance with all conditions set forth in the memorandum of Brooker Engineering, PLLC dated September 16, 2022, a copy of which memorandum is attached to this Resolution and made a part hereof.
 4. The special permit use shall be operated, at all times, in full compliance with the requirements of the Noise Pollution Control Law of the Village of Wesley Hills (chapter 140 of the Code of the Village of Wesley Hills).
 5. If, at any time during the duration of this temporary special permit, the Planning Board shall determine that the light emanating from the subject property is excessive, the applicant shall appear before this Board for approval of a plan to mitigate that situation, including new lighting, landscaping, window treatments, and/or other techniques.
 6. Vehicles associated with the special permit use shall not back out onto Deerwood Road. A sign shall be added, to the satisfaction of the Village's engineering consultant, stating that drivers shall turn around in the driveway and exit onto Deerwood Road facing forward.

Upon vote, this motion carried unanimously.

Neal Wasserman made a motion to approve the following resolution granting site plan approval, seconded by Joseph Zupnik.

Resolution # 22-38

KHAL CHASIDIM OF WESLEY HILLS SITE PLAN

WHEREAS, Khal Chasidim of Wesley Hills has applied to the Planning Board for approval of a site plan for a neighborhood gathering on premises located on the easterly side of Deerwood Road and the northerly side of East Willow Tree Road known as 2 Deerwood Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 1, Lot 4; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on October 26, 2022, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on October 26, 2022, by Resolution # 22-37, 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, on April 26, 2022 and August 17, 2022, the Zoning Board of Appeals of the Village of Wesley Hills adopted resolutions granting variances for the proposed project subject to certain conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution;

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 northerly lot line of the subject premises because the proposed fencing and vegetation to be installed will satisfy the same purpose; and

BE IT FURTHER RESOLVED, that said application for approval of a site plan is hereby granted for the site plan titled "Site Plan for Khal Chasidim of Wesley Hills, Village of Wesley Hills-Rockland County-New York", prepared by Civil Tec Engineering and Surveying PC, dated June 15, 2022 and last revised August 16, 2022, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. There shall be compliance with all conditions set forth in the memorandum of Brooker Engineering, PLLC dated September 16, 2022, a copy of which memorandum is attached to this Resolution and made a part hereof.

Upon vote, this motion carried unanimously.

Joseph Zupnik made a motion to approve the following resolution granting the special permit for increased impervious surface, seconded by Vanessa Caren.

Resolution # 22-39
KHAL CHASIDIM OF WESLEY HILLS SPECIAL PERMIT

WHEREAS, Khal Chasidim of Wesley Hills has applied for a special permit for increased impervious surface on premises located on the easterly side of Deerwood Road and the northerly side of East Willow Tree Road known as 2 Deerwood Road and designated on the Town of Ramapo Tax Map as Section 41.12, Block 1, Lot 4; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on October 26, 2022, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on October 26, 2022, by Resolution # 22-37, this Board determined that the proposed neighborhood gathering on the subject premises 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 it is hereby determined that the proposed increased impervious surface also will not have a significant impact on the environment as defined in SEQRA for the reason that the Village Engineer has determined that stormwater runoff from the increased impervious surface can be accommodated without damaging neighboring or downstream properties; and

BE IT FURTHER RESOLVED, that said application for a special permit for increased impervious surface to allow an impervious surface ratio of 0.3, as depicted on the site plan titled "Site Plan for Khal Chasidim of Wesley Hills, Village of Wesley Hills – Rockland County – New York", prepared by Civil Tec Engineering and Surveying PC, dated June 15, 2022 and last revised August 16, 2022, is hereby granted.

Upon vote, this motion carried unanimously.

Chairwoman Brown made a motion to approve the following resolution recommending no parking signs on Deerwood Road, seconded by Neal Wasserman.

Resolution # 22-40
RECOMMENDATION FOR NO PARKING SIGNS

WHEREAS, the Planning Board has considered the application of Khal Chasidim of Wesley Hills for a special permit for a neighborhood gathering on premises located on the easterly side of Deerwood Road and the northerly side of East Willow Tree Road known as 2 Deerwood Road, and

WHEREAS, in its review of such application the Planning Board has formed the opinion that it is unsafe to allow parking along portions of the easterly and westerly sides of Deerwood Road for any purpose at any time, so as to avoid impediments to safe traffic flow on that street and on East Willow Tree Road,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby recommends to the Board of Trustees, and hereby requests, that the Board of Trustees adopt a resolution

directing the installation of “No Parking” signs prohibiting parking on the easterly side of Deerwood Road from the intersection of East Willow Tree Road to the driveway serving the house on the lot that is adjacent to the north of the aforementioned neighborhood gathering and on the westerly side of Deerwood Road from the intersection of East Willow Tree Road to the driveway serving the house known as 96 East Willow Tree Road. The Planning Board recommends that the specific placement and design of the signs should conform to the requirements of the Town of Ramapo Highway Department.

Upon vote, this motion carried unanimously.

PUBLIC HEARING ON THE APPLICATION OF DVORA GINSBERG FOR A WETLANDS PERMIT FOR CONSTRUCTION OF A SINGLE-FAMILY HOME.

Affecting property located on the east side of Vanessa Drive, approximately 450 feet south of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.07-2-21. Subject property is located at 6 Vanessa 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. Chairwoman Brown stated that she is in receipt of a request to adjourn this item to the January 4, 2023 meeting because the applicant also has a pending application for variances before the Zoning Board of Appeals. Joseph Zupnik made a motion to reschedule this item to the January 4th meeting, seconded by Chairwoman Brown.

Resolution # 22-41
GINSBERG WETLANDS PERMIT

RESOLVED, that the public hearing on a Wetlands Permit application by Dvora Naomi Ginsberg for property located on the easterly side of Vanessa Drive known as 6 Vanessa Drive, designated on the Town of Ramapo Tax Map as Section 41.07, Block 2, Lot 21, for authorization to construct a one-family dwelling, driveway, and patios within 100 feet of a freshwater wetland, shall be adjourned until the 4th day of January, 2023 at 7:30 P.M., 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 SARELCO LLC FOR PRELIMINARY PLAT APPROVAL FOR A FOUR LOT SUBDIVISION. Affecting property located on the east side of McNamara Road 0 feet north of Pomona Lane. Designated on the Town of Ramapo Tax map as Section 33.17 Block 2 Lot 6. Subject property is located at 231 McNamara 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. Paul Gdanski, engineer for the applicant was present. Mr. Gdanski stated that this is a 4 lot subdivision and that the last time

the applicant was before the Board they received sketch plat approval. Mr. Gdanski stated that these homes will need to connect to the sewer on McNamara Road.

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

Phyllis McPherson
15 East Lane

Mrs. McPherson was present and stated that she lives two lots south of the proposed subdivision. Mrs. McPherson asked why the decision was made to hook into the sewer at McNamara Road. Mr. Gdanski stated that he had explored connecting with the Village of New Hempstead but the connection would have been much farther away.

Matt Trainor stated that Mr. Gdanski should communicate with Veolia regarding the water connection. In addition, Mr. Trainor requested that Mr. Gdanski provide a narrative to him concerning the catch basins. Mr. Trainor stated that at this point he is comfortable with a negative declaration for SEQRA.

Kenneth Rozenberg
3 Cains Road

Mr. Rozenberg was present and was concerned about the potential effect on this subdivision on drainage for his property.

Mr. Gdanski stated that there is a landscaping plan that shows intended plantings. Mr. Gdanki stated that there are no protected trees that have been identified at this time. In addition, Mr. Gdanki stated that there are no historical sites of significance are noted on the property.

Marilyn Gambardella
199,199a and 205 McNamara Road

Ms. Gambardella was present and stated that she owns the properties adjacent to the subject property. Ms. Gambardella is also the current President of the Pomona Country Club. Ms. Gambardella is concerned that the roadway is passable and safe during construction and that there will be no impediment to emergency vehicle passage during that time. Ms. Gambardella stated that she would also like to ensure that any damage to the roadway be repaired by the developer. Frank Brown recommended that the Country Club have their attorney review the agreement with the applicant to ensure that this is included in that document. Further, Mr. Brown referenced the 1999 agreement with the previous owners of the subject property and that a revised document at the Rockland County Clerk's office may be warranted. Mr. Brown stated that the September 22, 2022 letter from the Pomona Country Club to Sarelco LLC giving permission to use the roadway would potentially be an appropriate place to add language regarding damage to the roadway.

Shimon Zarour
231 McNamara Road

Mr. Zarour is the owner of 231 McNamara and the builder. Mr. Zarour stated that all of the utilities would be hooked up off of McNamara Road. Mr. Zarour stated that he is willing to post bonds.

Chairwoman Brown confirmed with the Village Engineer that he believed there was sufficient information for a vote. Mr. Trainor confirmed that he believed the applicant was ready.

Chairwoman Brown made a motion to close the public hearing, seconded by Neal Wasserman. Upon vote, this motion carried unanimously.

Chairwoman Brown made a motion to approve the following resolution granting preliminary plat approval, seconded by Joseph Zupnik.

Resolution # 22-42
231 McNAMARA ROAD SUBDIVISION

WHEREAS, a formal application from Sarelco LLC for approval of a preliminary plat entitled "Plat for 231 McNamara Road, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated August 27, 2021 and last revised September 16, 2022, prepared by Paul Gdanski P.E., PLLC, affecting property located on the westerly side of McNamara Road, the easterly side of East Lane, and the northerly side of Pomona Lane, designated on the Town of Ramapo Tax Map as Section 33.17, Block 2, Lot 6, in an R-35 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 October 26, 2022, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, said preliminary plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated October 24, 2022, the Rockland County Department of Planning notified this Planning Board that it had approved the preliminary plat for such subdivision subject to recommended modifications set forth therein,

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed subdivision is an Unlisted Action which will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and hereby issues a Negative Declaration in accordance with SEQRA, because the increased vehicular traffic, water demand and use of sewer capacity resulting from the construction of only three new residences (each of which will have its own driveway access on a private road) will not cause any significant adverse impacts, and the proposed drainage system will result in zero net increase in stormwater runoff, and

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

1. There shall be compliance with all recommended modifications set forth in the letter report of the Rockland County Department of Planning dated October 24, 2022, a copy of which letter report is attached to the Resolution and made a part hereof.
2. There shall be compliance with all conditions set forth in the letter of Rockland County Health Center for Environmental Health dated August 22, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
3. There shall be compliance with all conditions set forth in the letter of Rockland County Highway Department dated October 11, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
4. There shall be compliance with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated October 20, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
5. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated October 11, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
6. There shall be compliance with all conditions set forth in the letter of Pomona Country Club dated September 16, 2022 and the email from Jan M. Hilgeman, President of Pomona Country Club dated October 24, 2022, copies of which letter and email are attached to this Resolution and made a part hereof.
7. The repair of any damage to Pomona Lane or East Lane caused by the construction of this subdivision shall be the responsibility of the applicant.

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, 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 three lots only (because the said subdivision shall result in the creation of only three additional residences). 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 carried unanimously.

CONSIDERATION OF THE APPLICATION OF ARNOLD HEINEMANN FOR A CLEARING/FILLING/EXCAVATING PERMIT. Affecting properties located on the West side of Powder Horn Dr. Designated on the Town of Ramapo Tax Map as Parcel ID#32.19-2-45, 32.19-2-46, and 32.19-2-47. Subject properties are located at 32 Powder Horn Drive, 34 Powder Horn Drive, and 36 Powder Horn Drive.

Chairwoman Brown read this item into the record. Amy Mele, attorney for the applicant, and Paul Gdanski, engineer for the application, were present. Ms. Mele stated that this project originally covered 28, 32 and 34 Powder Horn Drive. The land owner is requesting a clearing/filling/excavating permit to prepare the properties for a new single family residence. The project, Ms. Mele explained, has shifted north to 32, 34, and 36 Powder Horn Drive. The applicant was previously granted a clearing, filling, excavating permit for the original addresses. They have returned due to the shift in the project location.

Neal Wasserman stated that this project backs up to his property.

Chairwoman Brown asked what work has been done since the original permit was approved. Paul Gdanski stated that trees have been removed.

Chairwoman Brown asked for clarification between lot and address for these properties:

Lot 44-28 Powder Horn Drive-this address now removed
Lot 45-32 Powder Horn Drive
Lot 46-34 Powder Horn Drive
Lot 47-36 Powder Horn Drive-now adding this address

Ms. Mele stated that additional information is needed on this project including: how the soil would be tested, a special permit for the construction of the sports court, confirming the material and integrity of the retaining walls, information on remediating the work that has already begun at 28 Powder Horn Drive, etc. Chairwoman Brown stated that the Board would be interested in conducting a site visit on a Sunday when available. Ms. Mele stated that she would provide available dates.

APPROVE 8/24/22 PLANNING BOARD MINUTES.

Joseph Zupnik made a motion to approve the 8/24/22 Planning Board minutes, seconded by Chairwoman Brown. Upon vote, this motion carried unanimously.

APPROVE 9/22/22 PLANNING BOARD MINUTES.

Joseph Zupnik made a motion to approve the 9/22/22 Planning Board minutes, seconded by Chairwoman Brown. Upon vote, this motion carried unanimously.

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

PB
10/26/22

approved

Respectfully Submitted,
Tara Roberts