

**Village of Wesley Hills
Planning Board – January 4, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Albert Tew, Lon Lieberman, Vanessa Caren, Joshua Scheinberg-First Alternate (arrived late), Joseph Zupnik-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Matt Trainor-Village Engineer, Jonathan Lockman-Village Planner, Tara Roberts-Deputy Village Clerk

Absent: Neal Wasserman

The meeting was called to order by Chairwoman Brown, at 7:35 p.m.

CONTINUATION OF THE 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 read this item into the record. Chairwoman Brown stated that the Zoning Board of Appeals has granted the variance sought by this applicant. In addition, Chairwoman Brown noted that there has been an updated review letter submitted by Brooker Engineering.

Stanley Mayerfeld, architect for the applicant, was present. Mr. Mayerfeld stated that this property had no recorded wetlands but it was later discovered that one existed. Mr. Mayerfeld stated that his client sought and was granted a front yard variance in order to be permitted to move the house further from the wetlands.

Chairwoman Brown asked Matt Trainor, the Village Engineer, for his comments. Mr. Trainor asked to have the changing grade noted and revised plans submitted. In addition, Mr. Trainor confirmed that there would be an above-ground rain garden constructed on this property instead of a drywell system. Mr. Trainor approves that plan. Mr. Trainor asked that the floodway be delineated on an updated plan.

Chairwoman Brown asked Jonathan Lockman, the Village Planner, for his comments. Mr. Lockman stated that he would suggest that the floodplain be designated in a different color on the plans so that it is easily distinguished.

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

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

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

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

Resolution # 23-1
GINSBERG WETANDS PERMIT

WHEREAS, Dvora Naomi Ginsberg has applied for a Wetlands Permit for authorization to construct a one-family dwelling, driveway, and patios within 100 feet of a freshwater wetland on premises 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; and

WHEREAS, a public hearing on said application was held by the Planning Board on October 26, 2022 and was continued on January 4, 2023, at which times all members of the public wishing to speak had an opportunity to be heard; and

WHEREAS, on December 14, 2022, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting a variance for front yard setback for the proposed project; and

WHEREAS, the Planning Board has determined that the proposed action will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), for the reasons that the proposed plan allows for the reasonable use of the applicant's property while limiting the amount of the disturbance within the 100-foot buffer area to that necessary to allow the proposed activities, there will be no additional net runoff resulting from the proposed activities, and the proposed activities will not have any adverse impact on any wetland;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a one-family dwelling, driveway, and patios within 100 feet of the boundary of a freshwater wetland, as shown on the plot plan entitled as "Plot Plan for 6 Vanessa Drive, Village of Wesley Hills-Rockland County-New York" prepared by Civil Tec Engineering & Surveying PC, dated June 16, 2022 and last revised December 21, 2022, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated January 4, 2023, a copy of which letter is attached to this Resolution and made a part hereof.

Upon vote, this motion carried unanimously.

**CONTINUATION OF THE PUBLIC HEARING ON THE APPLICATION OF
SARELCO LLC FOR FINAL PLAT APPROVAL FOR A FOUR LOT SUBDIVISION.**

Affecting property located on the west 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 read this item into the record. Chairwoman Brown noted that there have been two agreements drafted and signed by the applicant and Pomona Country Club. Further, there is an updated review letter from the Village Engineer. Simon Zarour, the applicant, and his attorney, Ryan Karben, were present. In addition, Paul Gdanski, engineer for the applicant, was present. Mr. Karben stated that he is thankful to the Board and counsel, and the Pomona Country Club and their counsel. Mr. Karben stated that his client's goal has been to work in a way that fosters harmony with the neighbors. Mr. Karben stated that no variances are required for this project and that he focused on working out any issues found prior to appearing before the Board.

Matt Trainor confirmed that language is in the agreement between the Country Club and the contractor regarding trees and construction access. In addition, Matt Trainor asked if construction entrances had been requested. Paul Gdanski stated that there are four (4) proposed but if there is a concern, he can do just one (1).

Chairwoman Brown asked if anyone from the Board wanted 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 close the public hearing, seconded by Lon Lieberman. Upon vote, this motion carried unanimously.

Lon Lieberman made a motion to approve the following resolution approving a four (4) lot subdivision, seconded by Albert Tew.

Resolution # 23-2
231 McNAMARA ROAD SUBDIVISION

WHEREAS, a formal application from Sarelco LLC for approval of a final plat entitled "Final Plat for 231 McNamara Road, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated August 27, 2021 and last revised October 28, 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 on November 2, 2022; and

WHEREAS, a duly advertised public hearing was held on said application and final plat at the Village Hall, 432 Route 306, Wesley Hills, New York on November 30, 2022, and was continued on January 4, 2023, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, the preliminary plat for the proposed subdivision 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, and the proposed final plat does not differ from the preliminary plat in any significant detail and therefore the final plat has not been referred to the Rockland County Department of Planning for additional review; and

WHEREAS, heretofore on October 26, 2022, by Resolution #22-42, this Board determined that the proposed subdivision will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA), and no change has been made in the final subdivision plat which would alter such determination; and

WHEREAS, the requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning Board or, in her absence, the Deputy Chairman, is hereby authorized to endorse such approval on said plat upon compliance by the applicant with the following conditions. This conditional approval shall expire 180 days from the date of this Resolution if the applicant has not complied with such conditions, unless the applicant shall have obtained from this Planning Board an extension of such time of conditional approval pursuant to the provisions of said Subdivision Regulations.

1. Modification of Subdivision Plat and Construction Plans

-The following modification to the subdivision plat and construction plans shall be required:

a. The plat and construction plans shall incorporate all changes depicted on the revised plat dated December 29, 2022.

b. The plat and construction plans shall be revised to comply with all conditions set forth in the letter of Brooker Engineering, PLLC dated January 3, 2023, a copy of which letter is attached to this Resolution and made a part hereof.

c. A note shall be added to the plat stating that the owners of Lots 2, 3, and 4 shall be required to become members of Pomona Country Club, Inc. and shall be obligated to pay the applicable maintenance assessments issued against those lots by Pomona Country Club, Inc.

2. Compliance with Conditions of Rockland County Department of Planning- The developer shall comply 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 this Resolution and made a part hereof.

3. Compliance with Conditions of Rockland County Highway Department-The developer shall comply 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. Compliance with Conditions of Rockland County Health Center for Environmental Health- The developer shall comply with all conditions set forth in the letter of Rockland County Health Center for Environmental Health dated November 7, 2022, a copy of which letter is attached to this Resolution and made a part hereof.
5. Compliance with Conditions of Rockland County Sewer District No.1- The developer shall comply 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.
6. Compliance with Requirements of Pomona Country Club – The developer shall comply 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. As requested therein by Pomona Country Club, the permanent capping of the preexisting water line and elimination of the valve box shall be completed to the satisfaction of the Village’s engineering consultant prior to the commencement of any other construction work related t this subdivision.
7. Repairs to Streets Within Pomona Country Club – The developer shall be responsible for the repair of any damage to Pomona Lane or East Lane caused by the construction f this subdivision.
8. Agreement – Prior to the endorsement of the final plat by the Chairman of the Planning Board, a document shall be prepared, in form satisfactory to the Village Attorney, and shall be executed by the applicant and Pomona Country Club, Inc., providing that the provisions of the prior Agreement between Pomona Country Club, Inc. and Joseph and Arline Bila dated September 20, 1996 and recorded in the Rockland County Clerk’s Office as Instrument ID# 1996-00018780 are superseded and are replaced by the provisions of such new document. Such new document shall be recorded in the Rockland County Clerk’s Office simultaneously with or prior to the recording to the subject subdivision plat.
9. Additional Documents Required – Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall prepare and deliver to the Village of Wesley Hills all legal documents required by the Subdivision Regulations in form suitable for recording and satisfactory to the Village Attorney. Such documents shall include, without limitation, deeds establishing the private easements as shown on the plat. The deeds conveying to the Village of Wesley Hills and the County of Rockland respectively the interests in real property as shown on the plat shall set forth that such conveyances are for general municipal purposes and shall be accompanied by a title insurance binder showing clear title and a paid bill from the title company.

10. Fees – Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall deliver to the Village of Wesley Hills full payment of all outstanding consultant review fees and inspection fees, in addition to the recreation fee as determined by Resolution #22-42.
11. Letter of Credit Waived – Because there are no required public improvements, no letter of credit shall be required to be filed prior to the signing of the plat by the Chairman of the Planning Board.
12. Waiver – The Planning Board hereby waives the following requirements of the Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or in proximity of the subdivision.

Upon vote, this motion carried unanimously.

CONSIDERATION OF THE APPLICATION OF CONGREGATION KHAL CHASIDIM FOR REVISED SITE PLAN APPROVAL FOR A NEIGHBORHOOD GATHERING.

Affecting property located on the west side of Martha Road approximately 220 feet from the intersection of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#41.14-1-66. Subject property is located at 15 Martha Road.

Chairwoman Brown read this item into the record. Ira Emanuel, attorney for the applicant, was present. Mr. Emanuel stated that a dialogue with the Board of Trustees has recently occurred regarding the arch and shrubbery in the Village right-of-way. Mr. Emanuel stated that an agreement has been drafted between his client and the Village, however, the authorized signatory for the Congregation is out of the country until next week so signing has been delayed. Chairwoman Brown stated that she would like a copy of the agreement prior to the public hearing on this matter, and Ira Emanuel agreed.

Mr. Emanuel stated that handicapped parking on the street, Martha Road, had been proposed. The Village Board had considered this proposal and decided against the on-street parking, in part because this would be precedent setting.

Chairwoman Brown asked why there was no lift inside the structure. Mr. Emanuel stated that it would be difficult to fit at this point according to the applicant's architect.

Joseph Zupnik asked what brought the issues at this site to the forefront. Mr. Emanuel stated that a compliance issue brought the property to the attention of the Village.

Matt Trainor asked the status of drainage on the site. Mr. Emanuel stated that there are a number of drainage concerns that are currently being reviewed and addressed.

The material to be used for the handicapped spot was discussed. Mr. Emanuel stated that there are 30 spaces required for a special permit. For this site, some of those are off-site. Frank Brown stated that the Wesley Hills Zoning Law states that required parking spaces are not

permitted in the front yard, but that there is no prohibition of additional parking in the front yard so long as the parking requirement has been satisfied outside of the front yard.

Mr. Emanuel stated that the playground equipment being proposed is commercial grade. Further, Mr. Emanuel stated that the applicant will need to comply with the setback requirements, as it is more than 100 square feet. Chairwoman Brown noted that this equipment is proposed to be closer to the property line than recreation area for camps, schools, and/or neighborhood clubs even though the equipment is comparable in size. Chairwoman Brown noted that there is more room on the westerly side of the property, however Mr. Emanuel stated that there is a grading issue.

Chairwoman Brown noted that the original narrative did not include a commercial sized playground. Mr. Emanuel responded that this play area is not intended for public use. Mr. Emanuel stated that there will be a fence and gate and that he will revise the narrative and add them to the plot plan.

Jonathan Lockman stated that the plan indicates that the applicant intends to remove the dogwoods and other trees. Mr. Lockwood advised that this would have a large effect, especially due to the front yard parking spot.

Frank Brown stated that it is his understanding that the shed that had been previously shown on the plans has been removed. Further, Mr. Brown stated that it was his recollection that this shed was the cause of the placement of the playground near the southerly border of the property. Mr. Brown queried if the placement could now be revisited. Mr. Emanuel stated that he will confirm with his client.

Jonathan Lockman inquired why 2 structures were needed for children. Mr. Emanuel stated that he was unsure but believed that it was an aesthetic choice but he was unsure of the child population. The Deputy Village Clerk asked if the applicant planned to light the playground area. Mr. Emanuel stated that lighting was not planned. Mr. Emanuel further stated that there was no plan for after dark usage. Chairwoman Brown stated that the narrative should state that there would be no children's parties in the playground. Mr. Emanuel agreed.

Frank Brown stated that the applicant needs a revised site plan. In addition, it was agreed that a revised special permit is required to address the proposed addition of the playground. These two structures would be the two accessory structures on the property, pervious material should be used in the playground area, and drainage needs to be reviewed. Mr. Emanuel stated that he will confer with his client and report back to the Board.

CONTINUATION OF THE 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 read this item into the record. In advance of this meeting, a request had been made by the applicant's attorney to adjourn this hearing to the January 25, 2023 meeting. Chairwoman Brown made a motion to adjourn this application to the January 25, 2023 meeting, seconded by Joseph Zupnik.

Resolution #23-4

CONGREGATION TRISK TOLNA, INC. SPECIAL PERMIT AND SITE PLAN

WHEREAS, the Planning Board is conducting a public hearing on the application of Congregation Trisk Tolna, Inc. for approval of a special permit and site plan approval for a neighborhood gathering on premises located on the northerly side of Glenbrook Road known as 33 Glenbrook Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 24, which public hearing was opened on October 26, 2022; and

WHEREAS, after hearing the applicant and the public on that date, the Planning Board adjourned the public hearing until its meeting on January 4, 2023 in order to give the applicant sufficient time to submit additional and revised documents to the Planning Board; and

WHEREAS on December 29, 2022, the applicant's representative advised the Planning Board in writing that it would not have its revised submissions prepared in time for the meeting on January 4, 2023 and therefore requested that the public hearing on its application be adjourned until the next Planning Board meeting on January 25, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the public hearing on the aforementioned application shall be adjourned until the 25th 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.

CONSIDERATION OF REQUEST FOR EXTENSION OF TIME FOR FOURTEEN-LOT SUBDIVISION APPROVAL FOR AMS ACQUISITIONS. 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 read this item into the record. Chairwoman Brown stated that the attorney for this applicant has requested an extension in time for the filing of the plat for a subdivision. Chairwoman Brown made a motion to approve the following Resolution granting an extension of time, seconded by Vanessa Caren.

Resolution #23-3

AMS ACQUISITIONS SUBDIVISION

WHEREAS, on July 27, 2022, by Resolution #22-22, the Planning Board approved the final plat entitled "Final Subdivision Plat 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", and

WHEREAS, the period of conditional subdivision approval heretofore granted to the said subdivision will expire on January 23, 2023, and

WHEREAS, the applicant's attorney has advised the Planning Board that the filing of the said plat cannot be accompanied by that expiration date,

NOW, THEREFORE, BE IT RESOLVED, that the period of conditional subdivision approval heretofore granted to the said subdivision is hereby extended until April 23, 2023.

Upon vote, this motion carried unanimously.

APPROVE 11/30/22 PLANNING BOARD MINUTES.

Lon Lieberman made a motion to approve the 11/30/22 Planning Board minutes, seconded by Joseph Zupnik. Upon vote, this motion carried unanimously.

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

Respectfully Submitted,
Tara Roberts