

**Village of Wesley Hills
Planning Board – January 25, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Albert Tew, Neal Wasserman, 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:

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

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 representative to adjourn this hearing to the February 22, 2023 meeting. Albert Tew made a motion to adjourn this application to the February 22, 2023 meeting, seconded by Vanessa Caren.

Resolution # 23-5
CONGREGATION TRISK TOLNA, INC. SPECIAL PERMIT AND SITE PLAN

WHEREAS, the Planning Board is conducting a public hearing on the applications 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 successively adjourned the public hearing until its meetings on January 4, 2023 and January 25, 2023 respectively in order to give the applicant sufficient time to submit additional and revised documents to the Planning Board; and

WHEREAS, on January 23, 2023, the applicant's representative again advised the Planning Board in writing that it would not have its revised submissions prepared in time for the meeting on January 25, 2023 and therefore requested that the public hearing on its application be adjourned until the next Planning Board meeting on February 22, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the public hearing on the aforementioned application shall be adjourned until the 22nd day of February 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 THE APPLICATION OF MARK AND MIRIAM SILBER 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, was present. Ms. Mele stated that there was a decrease in the height of the retaining wall for this project, which has been shifted to the north. The site at 28 Powder Horn has been eliminated from this project and 36 Powder Horn has been added. Ms. Mele recommended that a balloon test be conducted so that the Board can see the proposed height of the wall. Chairwoman Brown stated that she will want to be able to see what the wall would look like from the perspective of neighbors at the end of Timber Trail and Roble Road.

Chairwoman Brown advised the Board that this is not a public hearing, but it differs from other filling permits because a major wall is being proposed. Chairwoman Brown polled the Board and confirmed that all agree that the adjacent neighbors to the west should be notified of the balloon test and public hearing schedule.

Chairwoman Brown noted that there has been extensive clearing on the site at 28 Powder Horn and recommended that this property owner be added as an applicant. Ms. Mele stated that she is unsure if there is a relationship between the current applicant and the owner at 28 Powder Horn. Ms. Mele stated that she would work with Mr. Emanuel on this concern.

Ms. Mele stated that she will work with her engineer and the applicant to prepare for the balloon test and will contact the Village with additional details when they become available.

RECOMMENDATION TO THE BOARD OF TRUSTEES CONSIDERING PROPOSED ZONING LAW AMENDMENT REGARDING CABANAS.

The Board discussed the proposed zoning law amendment. Board members had many concerns including but not limited to screening, lack of GML review, lack of interaction with neighbors and general public, and the belief that each situation is unique and should be evaluated on its own merits. The Board requested that the Deputy Village Clerk ascertain how many applications for cabanas the Zoning Board of Appeals hears regarding cabanas in a 6 month timeframe so that they can judge the impact of this law. Lon Lieberman made a motion to recommend that the proposed law not be adopted, seconded by Albert Tew. Upon vote, this motion carried unanimously.

Resolution # 23-6

RECOMMENDATION CONCERNING PROPOSED AMENDMENT TO ZONING LAW

WHEREAS, the Board of Trustees of the Village of Wesley Hills is considering the adoption of a proposed local law entitled “A Local Law Amending the Code of the Village of Wesley Hills, to Revise the Zoning Law in Relation to the Regulation of Cabanas”; and

WHEREAS, the Board of Trustees has referred such proposed local law to the Planning Board for review and report pursuant to Section 230-76 of the Code of the Village of Wesley Hills, and this Board has thereupon considered such proposed local law;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby recommends that such proposed local law not be adopted for the following reasons:

1. This Board believes that the existing side yard setback requirements serve an important purpose in protecting neighboring properties from numerous potential adverse impacts and should not be reduced as a matter of right.
2. While this Board recognizes that in appropriate circumstances a reduction in the customary side yard setback may be justified for a particular cabana, this Board also believes that is important for the Zoning Board of Appeals to assess those circumstances separately for each application.
3. By allowing all cabanas to be located as close as 15 feet from a rear lot line and/or a side lot line as a matter of right (provided that the other conditions set forth in the proposed local law are met), the proposed local law ignores the fact that each proposal presents its own unique characteristics such as, without limitation, the topography of the subject lot and the adjacent lot and the location of existing and proposed structures on each such lot.
4. By doing so, the proposed law eliminates the opportunity for any review and consideration of such factors as they apply to any particular proposed cabana. The proposed law deprives affected neighbors of the opportunity to bring potential adverse effects to the attention of the Zoning Board of Appeals and to discuss possible remediation measures (such as landscaping or other screening) that would reduce such adverse effects. The proposed law also eliminates the opportunity to receive input from other agencies and municipalities in each instance where a referral of a variance application would otherwise be required by the General Municipal Law.
5. For the foregoing reasons, this Board believes that each application for a reduced side yard or rear yard setback for a cabana should continue to be evaluated on a case-by-case basis, in the context of an application for a dimensional variance; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, which shall be deemed to be a report of this Board, shall be transmitted to the Board of Trustees forthwith.

PB
1/25/23

approved

APPROVE 1/4/23 PLANNING BOARD MINUTES.

Chairwoman Brown made a motion to approve the 1/4/23 Planning Board minutes, seconded by Lon Lieberman. 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