

**Village of Wesley Hills
Planning Board – March 22, 2023
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, Jonathan Lockman-Village Planner, Camille Guido-Downey-Village Clerk-Treasurer

Absent: Albert Tew, Lon Lieberman

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 April 26, 2023, meeting. Joseph Zupnik made a motion to adjourn this application to the April 26, 2023, meeting, seconded by Chairwoman Brown:

**Resolution # 23-8
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 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, January 25, 2023, and February 22, 2023, respectively in order to give the applicant sufficient time to submit additional and revised documents to the Planning Board; and

WHEREAS, after further presentation by the applicant at the continuation of the public hearing on February 22, 2023, and a discussion of the additional information that was needed by the Planning Board, the Planning Board adjourned the public hearing until March 22, 2023, and

WHEREAS, on March 7, 2023, the applicant's engineer advised the Planning Board in writing that it would not have its revised submissions prepared in time for the meeting on March

22, 2023, and therefore requested that the public hearing on its application be adjourned until the next Planning Board meeting on April 26, 2023;

NOW, THEREFORE BE IT RESOLVED, that the public hearing on the aforementioned application shall be adjourned until the 26th day of April, 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 was 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 Drive 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. Paul Gdanski, Applicant's Engineer, was present and stated that the following items were provided to the Board for this review: site plan, clearing and filling plan, landscaping plan, and retaining wall color options. Mr. Gdanski stated that he is requesting that the Board review the colors of the retaining wall and advise which color they would like. Chairwomen Brown pointed out that this latest submission came in too late to have been reviewed by the Board's consultants.

Joshua Scheinberg stated that during the summer you will not see the retaining wall because of existing vegetation, and he feels that either color would work. However he would select the gray color because it would blend better with the tree trucks visible in winter.

Vanessa Caren stated that she would select the gray color also.

Joseph Zupnik agreed with the other members.

Matt Trainer stated that he will review the landscaping and drainage plan submitted and noted that the applicant needs to amend the NYSDEC stormwater permits to remove lot #28. Mr. Gdanski stated that he will work out the legalities with Frank Brown and submit amended paperwork as soon as possible.

Chairwoman Brown advised the Board that this is not a public hearing but a discussion item. The Board has selected the gray color for the retaining wall and Frank Brown noted that the color selection needs to be reflected on the landscaping plan. Applicant will be placed on the April 26, 2023 agenda.

CONSIDERATION OF REQUEST FOR EXTENSION OF TIME FOR FOURTEEN-LOT SUBDIVISION APPROVAL FOR AMS SUBDIVISION. 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. In advance of this meeting, a request had been made by the applicant's attorney for the extension. Neal Wasserman made a motion to approve the following resolution, seconded by Vanessa Caren:

Resolution # 23-09
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, by Resolution #23-3 the Planning Board extended the period of conditional subdivision approval heretofore granted to the said subdivision until April 23, 2023, and

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

NOW, THEREFORE, BE IT RESOLVED, that the period of conditional subdivision approval heretofore granted to the said subdivision is hereby further extended until July 22, 2023.

Upon vote, this motion was carried unanimously.

APPROVE 2/22/23 PLANNING BOARD MINUTES.

Neal Wasserman made a motion to approve the 2/22/23 Planning Board minutes, seconded by Vanessa Caren. Upon vote, this motion was carried unanimously (Zupnik abstained).

CONTINUED DISCUSSION ON 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, Applicant's attorney, was present. Chairwoman Brown read the following statement into the record:

"I need to make a statement for the record. Yesterday afternoon I received an email at my office email address that relates to this application. Before I discuss the contents of this email I want to make two points; (1) communications with me relating to pending matters before the Planning Board should be submitted through the Village's Building Department email address and not to my personal or my office email address; and (2) any correspondence that I do receive related to a Planning Board matter will become part of the Village's file on that matter as opposed to being treated as a private correspondence.

The email in question was sent to me by Janice Golda and it was forwarding an email that apparently was sent to the members of the Congregation of this Shul. The following is the text of that email:

“Dear members of the Shul,

An important matter will be discussed at tomorrow night’s Wesley Hills Planning Board meeting regarding our Shul’s playground. We have been working to install this playground for months, and despite having one of the highest tax rates in the nation, there is still no other playground for our children within a half-mile radius. This makes the installation of this playground essential for the well-being of our community.

Unfortunately, the Village has been putting up many obstacles in our efforts to build a safe and fun environment for our children. However, as spring arrives, we would like to get the playground equipment installed and have this special place for our children finished and available. The Planning Board has expressed concerns that the playground will become a neighborhood destination, but we want to assure them that we will keep the site locked and only allow our children to use it on Shabbos when the Shul is having services.

We need your help in letting the Village know how important this playground is for our children’s physical well-being and socialization. Please attend the meeting tomorrow night, Wednesday, March 22, at 8:30 pm, and show your support by letting the Planning Board know how much this playground means to you and our community.

Your presence and support at the meeting will be greatly appreciated!”

Before we go further, I have to point out that some of the statements contained in that email are factually incorrect. In particular I refer to the statement that “the Village has been putting up many obstacles” to the Congregation’s efforts to install the playground. To the contrary, the Village has been making every effort to expedite this application, but the following facts are undeniable:

- (1) As the applicant’s attorney has acknowledged at Planning Board meetings, this application involves both a revision to the Congregation’s approved site plan and a revision to the Congregation’s approved special permit, because there was absolutely no reference to a playground in the previous site plan or special permit.
- (2) Those proposed revisions both require a public hearing including a referral to the Rockland County Department of Planning pursuant to New York’s General Municipal Law.
- (3) As of this date, and despite several months of appearances before the Planning Board and adjournments requested by the applicant, the applicant has yet to submit a formal site plan which is to be the subject of the public hearing that the Planning Board will hold. The Planning Board has been specifically requested by the applicant’s attorney not to schedule a public hearing yet because it is premature”.

Ira Emanuel stated that he is not disputing the facts that Chairwoman Brown stated but he explained that certain people are impatient with the process. Mr. Emanuel stated that drainage was discussed at the last meeting. There was concern that the drainage system was not installed properly. It has been confirmed that the correct system was installed, and it was installed

correctly. An inspection report dated 3/21/2023 was submitted. The size and location of the playground equipment was also discussed at the last meeting. Mr. Emanuel stated that the size is what it is as the equipment is already purchased. Further the location was selected to keep the playground area away from the congregation. There is screening proposed along the boundary line and it surrounds the playground. Mr. Emanuel stated that the neighbor to the south has stated that they have no issue with the proposed plan. Chairwoman Brown stated that a letter from that neighbor should be submitted. Mr. Emanuel agreed. Mr. Emanuel stated that variances are needed and the Applicant is seeking a referral to the Zoning Board of Appeals for front yard, side yard, rear yard, and impervious surface ratio variances.

Jonathan Lockman stated that it is not clear in the record whether this is a SEQRA Type II action or an unlisted action, and whether there should be a coordinated or uncoordinated review. Ira Emanuel stated that he believes that this application should be an uncoordinated review. If a coordinated review with the Planning Board as the lead agency, there would be at least a one-month delay. Frank Brown and Board Members discussed coordinated review versus uncoordinated review and it was determined that it would be a uncoordinated review.

Joseph Zupnik made a motion to approve the following resolution, seconded by Chairwomen Brown:

RESOLUTION #23-10
CONGREGATION KHAL CHASIDIM SPECIAL PERMIT AND SITE PLAN

WHEREAS, Congregation Khal Chasidim has applied for approval of a revised special permit and revised site plan for a neighborhood gathering on premises located on the westerly side of Martha Road known as 15 Martha Road and designated on the Town of Ramapo Tax Map as Section 41.14, Block 1, Lot 66; and

WHEREAS, the proposed revised site plan cannot be approved without the granting of variances for front yard, side yard, rear yard, and maximum impervious surface ratio;

NOW, THEREFORE BE IT RESOLVED, that the applicant is hereby referred to the Zoning Board of Appeals for a consideration of its application for the necessary variances.

Upon vote, this motion was carried unanimously.

Joseph Zupnik made a motion to approve the following resolution, seconded by Chairwomen Brown:

RESOLUTION #23-11
CONGREGATION KHAL CHASIDIM SPECIAL PERMIT & SITE PLAN

WHEREAS, Congregation Khal Chasidim has applied for approval of a revised special permit and revised site plan approval for a neighborhood gathering on premises located on the westerly side of Martha Road known as 15 Martha Road and designated on the Town of Ramapo Tax Map as Section 41.14, Block 1, Lot 66; and

WHEREAS, the application in its current form requires the approval of variances by the Zoning Board of Appeals as specified in the preceding Resolution # 23-10;

NOW, THEREFORE BE IT RESOLVED, that such application and proposed project is hereby determined to be an Unlisted Action as defined in the State Environmental Quality Review Act (SEQRA), with the determinations of environmental significance to be made separately by the Planning Board and the Zoning Board of Appeals in an uncoordinated review.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF NANCY RUBIN ON BEHALF OF MARK NUSSEN FOR A CLEARING/FILLING/EXCAVATING PERMIT. Affecting property located on the west side of Astor Place, 625 feet from the intersection of Ardley Place. Designated on the Town of Ramapo Tax as Parcel ID # 41.06-1-78. Subject property is located at 33 Astor.

Chairwomen Brown read this item into the record. No one was present on behalf of 33 Astor Place.

Joseph Zupnik made a motion to adjourn, seconded by Chairwomen Brown. Upon vote, this motion was carried unanimously.

Respectfully Submitted,
Camille Guido-Downey