

**Village of Wesley Hills
Planning Board – April 26, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Albert Tew, Lon Lieberman, 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: None

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

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. Anthony Celentano, Applicant's Engineer, and Arnold Heinemann, Applicant's contractor, were present and presented to the Board that the Applicant will be combining three lots into one and building one home. Mr. Celentano stated that landscaping and the SWPPP concerns have been revised to reflect the changes by the Village Engineer. Matt Trainer, Village Engineer, stated that he is still concerned about the retaining wall, construction entrance and separating out Lot 28 in the SWPPP that was in the previous approval. Mr. Trainer requested a detailed construction timeline and noted that the Applicant did revise the landscaping plan and it is acceptable. Mr. Trainer advised the Applicant to review the NYSDEC SW manual to ensure that they provide a global analysis that is now required.

Lon Lieberman made a motion to approve the following resolution, seconded by Vera Brown:

RESOLUTION #23-12
SILBER CLEARING, FILLING AND EXCAVATION PERMIT

WHEREAS, on November 12, 2020, by Resolution # 20-30, the Planning Board approved the application of Mark Silber and Miryam Silber for a clearing, filling and excavation permit for filling and regrading on property located on the westerly side of Powder Horn Drive, known as 28, 32, and 34 Powder Horn Drive and designated on the Town of Ramapo Tax Maps as Section 32.19, Block 2, Lots 44, 45, and 46; and

WHEREAS, the said Resolution #20-30 authorized clearing, filling, and excavation in relation to one single-family dwelling on 28 Powder Horn Drive (Tax Lot 44 referred to above) and one single-family dwelling on 32-34 Powder Horn Drive (Tax Lots 45 and 46 referred to above, which were then to be combined into a single tax lot by the filling of a lot line disclaimer); and

WHEREAS, the said Resolution # 20-30 also authorized a retaining wall and related filling that affected all three Tax Lots 44, 45, and 46 referred to above; and

WHEREAS, subsequent to the granting of the permit by the said Resolution #20-30, authorized tree clearing occurred on 28 Powder Horn Drive (Tax Lot 44 referred to above), but no filling has occurred nor has construction of the retaining wall approved thereby been commenced, nor has the aforementioned lot line disclaimer been filed; and

WHEREAS, subsequent to the granting of the permit by the said Resolution #20-30, Mark Silber and Miryam Silber sold the lot known as 28 Powder Horn Drive (Tax Lot 44 referred to above) to an unrelated party and purchased the adjacent lot to the north known as 36 Powder Horn Drive as designated on the Town of Ramapo Tax Maps as Section 32.19, Block 2, Lot 47; and

WHEREAS, as a result of the sale of Tax Lot 44 and the purchase of Tax Lot 47 referred to above, Mark Silber and Miryam Silber have altered their plans to develop the site, requiring a modification of the permit granted by the said Resolution # 20-30; and

WHEREAS, the current revised plans do not include filling or a retaining wall on Tax Lot 44 referred to above but confine all clearing, filling, and excavation operations to Tax Lots 45, 46, and 47 referred to above; and

WHEREAS, because clearing has occurred on Tax Lot 44 pursuant to the permit granted by the said Resolution #20-30, that permit must be amended to (a) recognize that the clearing on Tax Lot 44 was done based upon prior approval by the Planning Board and (b) modify the other provisions of that permit to recognize and refer to the new plans submitted by Mark Silber and Miryam Silber for Tax Lots 45, 46, and 47; and

WHEREAS, the Planning Board has received a formal application from Mark Silver and Miryam Silber to so amend the clearing, filling and excavation permit for clearing, filling and regrading on property located on the westerly side of Powder Horn Drive, known as 32, 34, and 36 Powder Horn Drive and designated on the Town of Ramapo Tax Maps as Section 32.19, Block 2, Lots 45, 46, and 47, which application was referred to the Village Engineer for review and report pursuant to Section 95-4C (1) of the Code of the Village of Wesley Hills (the Clearing Filling and Excavation Law); and

WHEREAS, the Planning Board has received the report of the Village Engineer and has considered said application;

NOW, THEREFORE, BE IT RESOLVED, that the said Resolution # 20-30 hereby is amended as follows; (1) that portion of Resolution #20-30 which approved only the clearing for 28 Powder Horn Drive (Tax Lot 44 referred to above), as shown on the approved plot plan titled "Planimetric & Fill Plan (Sheet 1 of 6) for Lots 3, 4, & 5, Powder Horn Drive Located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated August 7, 2020 and last revised September 16, 2020, prepared by Sparaco & Youngblood, PLLC, is continued and reaffirmed; and (2) the remaining portions of Resolution # 20-30, including any provisions

pertaining to 28 Powder Horn (Tax Lot 44 referred to above) but not related to the clearing of said lot are hereby repealed and replaced with the terms and conditions set forth hereinbelow; and

BE IT FURTHER RESOLVED, that said application of Mark Silber and Miryam Silber for an amended clearing, filling and excavation permit is hereby approved for the creation of the revised topography shown on the plot plan titled “Grading Plan for 36 Powder Horn Rd, 32.19-2-45, 46, 47, Located in the Village of Wesley Hills, Rockland County, New York”, dated March 1, 2022 and last revised April 10, 2023, prepared by Paul Gdanski, PE, PLLC, subject to the following conditions and modifications:

1. The applicant shall pay a non-refundable application fee in the amount of \$2,150.00, as determined by the Village Engineer.
2. A performance bond of equivalent security (escrow cash or a letter of credit as approved by the Board of Trustees) shall be provided by the applicant in the amount of \$331,000.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village prior to the continuation of additional construction activities.
3. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated April 21, 2023, a copy of which letter is attached to this Resolution and made a part hereof.
4. Prior to the commencement of the construction of the retaining wall, the applicant shall submit to the Village Engineer a certification signed by a licensed professional engineer stating that he or she has reviewed the plans for that specific wall on the specific subject site and has determined that such retaining wall will be safe.
5. The applicant shall provide an independently certified soil analysis report of the contents of the fill, which report may be shared by the Village with any adjacent property owner who requests it.
6. The erosion control devices shall be properly installed and continuously maintained until the completion of the project.
7. Landscaping shall be installed as shown on the plan titled “Silber Residence” and “Retaining Wall Planting Plan”, prepared by KVR Landscape Design and Construction, dated April 20, 2022, and last revised April 10, 2023.
8. The retaining wall to be constructed shall be as depicted in the Diamond Pro Pin System Retaining Wall brochure with the Sable Blend color.
9. Certification, to the satisfaction of the Village Engineer, shall be provided to document that the work as depicted on said plot plan has been completed.
10. All work required hereby, including topsoil, and seeding, shall be completed no later than one year after the commencement of construction of the retaining wall, to the satisfaction of the Village Engineer.

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. Prior to the meeting, the Applicant's representative has requested an adjournment to the May 24, 2023 meeting. Because this is not a public hearing, no motion to adjourn consideration of the application is necessary.

CONSIDERATION OF THE WETLANDS PERMIT APPLICATION OF LARRY & SARAH KATZ. Affecting property located on the north side of Judith Lane approximately 605 feet from the intersection of Martha Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.18-1-6. Subject property is located at 16 Judith Lane.

Chairwoman Brown read this item into the record. Anthony Celentano, Applicant's Engineer, was present and stated that Applicant is seeking approval for the construction of a pool, patio, and basketball court to be located in the 100' wetlands buffer area. Mr. Celentano stated that this property has received a wetlands permit previously for the construction of the home. Village Engineer and Village Planner stated that they only received revised plans today and have not had time to review the revised plans today and have not had time to review the revised plans. Mr. Lockman stated that because the entire rear yard of the property is a wetlands buffer, shifting the location of the pool, patio, and wall closer to the home and away from the stream, if possible, would lessen the potential impact on the wetlands.

Mr. Celentano stated that he will review shifting the location with the client and questioned if a clearing and filling permit is also needed or does that fall under the building permit process? Jonathan Lockman answered that once the area of disturbance is shown on a plan, we can make a better decision.

Vera Brown noted that the Planning Board needs to protect the wetlands. The law was created for a reason. Joshua Scheinberg agreed with Ms. Brown and stated that the pool, patio and retaining wall are too close to the stream. Lon Lieberman and Albert Tew also agreed with the Chairwomen and Mr. Scheinberg. Neal Wasserman questioned if the pool will be chlorinated and does the Board need to be concerned that the Applicant may discharge into the stream as that will create an environmental safety issue. Mr. Lockman stated that is a valid concern especially if there is a pool leak.

Albert Tew made a motion to approve the following resolution, seconded by Neal Wasserman:

RESOLUTION #23-13
KATZ WETLANDS PERMIT

RESOLVED, that a public hearing on a Wetlands Permit application by Larry Katz and Sarah Katz for property located on the northerly side of Judith Lane, known as 16 Judith Lane and designated on the Town of Ramapo Tax Maps as Section 41.18, Block 1, Lot 6, for

authorization to construct a swimming pool, sports court, related patio and retaining wall, and associated land grading and drainage improvements within 100 feet of the boundary of a freshwater wetland, will be held before the Planning Board of the Village of Wesley Hills on the 28th day of June, 2023 at 7:30 p.m., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills, on condition that no later than June 7, 2023 the applicant shall submit revised plans addressing the issues raised by the Village's engineering consultant in his review letter dated April 3, 2023 and the Village's planning consultant in his memorandum dated April 14, 2023.

Upon vote, this motion was carried unanimously.

CONSIDERATION ON THE WETLANDS PERMIT APPLICATION OF KENNETH ROZENBERG. Affecting property located on the west side of Route 306 approximately 700 feet from the intersection of Pomona Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.07-1-21. Subject property is located at 531 Route 306.

Chairwoman Brown read this item into the record. Stanley Mayerfeld, Applicant's Architect, was present and stated that his client purchased the lot and wants to build a new house and underground roller hockey rink. Mr. Mayerfeld stated that a wetlands permit is required as there is a manmade retention pond on the adjacent property (88.8 feet away) which is triggering this request. Mr. Mayerfeld provided the following documents to the Board and Village Professionals:

1. Response to Village Planner's review memo dated 4/14/23.
2. Response to Village Engineer's review memo dated 4/20/23.
3. Subdivision map for "Scott".
4. Water hydraulic report prepared by Kevin Patton, P.E. dated January 20, 2022.
5. AST Engineering plans dated 8/12/22, 9 pages.
6. Mayerfeld Architectural plans dated 4/26/23, 9 pages.

Matt Trainer, Village Engineer, stated that this is a unique application as there will be a subterranean basement and he is concerned with the high-water table. Mr. Trainer requested a map showing the area of disturbance. Mr. Mayerfeld stated that the report provided shows that there is no dewatering required and will provide the requested plan. Mr. Trainer stated that he will review the documents submitted tonight and report back to the Board.

Jonathan Lockman questioned the size of the hockey rink and the height of the ceiling, and noted that he presumes that the Applicant is placing the hockey rink underground to avoid a variance. Stanley Mayerfeld stated that his client is an expert in roller hockey rinks and the standard size is what he is requesting. Mr. Mayerfeld stated that a 20' high ceiling is not unreasonable as normal basement ceilings are 9-10 feet high.

Frank Brown, Deputy Village Attorney, requested the Applicant to revise the 1st page of the application to include reference to the hockey rink.

Albert Tew made a motion to approve the following resolution, seconded by Vera Brown:

RESOLUTION #23-14
ROZENBERG WETLANDS PERMIT

RESOLVED, that a public hearing on a Wetlands Permit application by Kenneth Rozenberg for property located on the westerly side of Route 306, known as 531 Route 306 and designated on the Town of Ramapo Tax Maps as Section 41.07, Block 1, Lot 21, for authorization to construct a house and underground hockey rink, portions of which are within 100 feet of the boundary of a freshwater wetland, and associated land grading improvements within 100 feet of the boundary of a freshwater wetland, will be held before the Planning Board of the Village of Wesley Hills on the 24th day of May, 2023 at 7:30 p.m., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills, on condition that no later than May 8, 2023 the applicant shall submit a revised application form that includes the proposed hockey rink in the description of the proposed activity.

Upon vote, this motion was carried unanimously.

APPROVE 3/22/23 PLANNING BOARD MINUTES.

Albert Tew made a motion to approve the 3/22/23 Planning Board minutes, seconded by Vera Brown. Upon vote, this motion was carried unanimously.

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. Neither the Applicant nor its representative were present. Vera Brown made a motion to adjourn this hearing to the May 24, 2023, meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

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

Respectfully Submitted,
Camille Guido-Downey