

**Village of Wesley Hills
Planning Board – May 24, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Lon Lieberman, Albert Tew, Neal Wasserman, 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, Alicia Schultz-Deputy Village Clerk

Absent: Vanessa Caren

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. Neither the applicant nor its representative was present.

Frank Brown stated that there has been no communication with the applicant and the public hearing must be adjourned.

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

RESOLUTION #23-15
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 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 a 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 submission 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; and

WHEREAS, the applicant failed to present any revised submissions prior failed to present any revised submissions to the Planning Board meeting on April 26, 2023 and the applicant did not appear at that meeting, whereupon the Planning Board on its own initiative adjourned the public hearing until May 24, 2023 and the applicant again failed to present hearing any revised submissions prior to the Planning Board meeting on May 24, 2023 and did not appear at that meeting ;

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

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF CONGREGATION KHAL CHASIDIM FOR AN AMENDED SITE PLAN AND SPECIAL PERMIT. Affecting property located on the west side of Martha Road, 260 feet South 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, and Bill Johnson, applicant's engineer, were present. Ira Emanuel stated that he met with the Zoning Board of Appeals on May 17, 2023, and they have a site visit set up for June 11, 2023. Mr. Emanuel asked if the Planning Board could conduct its site visit at the same time. Mr. Emanuel stated that the site plan was previously for a Synagogue, and the applicant would like to add playground equipment including a rope tower at the side of the property. Mr. Emanuel also stated that a handicapped parking space is needed in the front of the building as well, as there is already a ramp there for handicapped access.

Chairwoman Brown noted that because the proposed fence around the playground equipment is only 4 feet high, children can easily climb over it. Chairwoman Brown questioned why the structure has to be so close to the neighbors. Lon Lieberman asked if this is a proposed playground or if it is presently there. Bill Johnson replied, it is proposed. Albert Tew asked how much screening there will be. Ira Emanuel and Mr. Johnson both answered, 10 feet high when planted. Mr. Emanuel passed out diagrams. Lon Lieberman asked if the playground could be moved to the rear of the Synagogue. Mr. Johnson answered no, there is a level spreader there. Mr. Lieberman asked, can it be re-engineered? Matt Trainor, Village Engineer asked why it was so close to the property lines. Mr. Johnson answered the Congregation would prefer the noise away from the services, as it will only be used during times of services. Mr. Emanuel stated that all this information is in his narrative. Frank Brown, Deputy Village Attorney stated that a condition of the special permit is that the neighborhood gathering will be operated in compliance

with the representations in the narrative summary dated January 22, 2020, which he read. Ira Emanuel stated that the applicant will abide by that condition.

Lon Lieberman asked if there is any proposed lighting? Mr. Johnson answered there is none at this current time because lights are not to be used during services. Chairwoman Brown stated that the narrative must reflect this fact and asked if there will be adult supervision at all times when children are using the playground. Mr. Emanuel answered yes, at all times.

Jonathan Lockman, Village Planner, asked if the application had been referred for GML review and if so, both ZBA and Planning Board should have the same answers. The answer was not yet, because a public hearing was not yet scheduled. Matt Trainor noted that there is a sidewalk in the right of way. Ira Emanuel stated that it will be moved. Bill Johnson stated he thought it was approved by the Building Inspector.

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

RESOLUTION #23-16
CONGREGATION KHAL CHASIDIM REVISED SPECIAL PERMIT & REVISED SITE
PLAN

RESOLVED, that a public hearing on the application of Congregation Khal Chasidim for approval of revisions to a special permit and approval of a 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, 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.

Upon vote, this motion was carried unanimously.

PUBLIC HEARING 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 man-made retention pond on the adjacent property (88.8 feet away) which is triggering this request.

Chairwoman Brown asked if the proposed construction will have an impact on the environment over time in the future. Kevin Patton, applicant's engineer, was present and stated that there will be a sump pump for seepage and there should be no effect on the wetlands. Mr. Mayerfeld added that it should have little to no effect on the wetlands and pointed out that the underground sports court is essentially 70 feet from the wetlands. Jonathan Lockman asked if the structures could be

placed further away from the wetlands. Mr. Mayerfeld said that the intention was to locate them furthest from the traffic on Route 306. Lon Lieberman questioned how big will the HVAC system be, where it would be placed, and how much noise it would emit to the neighbors?

Matt Trainor stated that although he has no problems with Mr. Patton's presentation, he wants to see some concrete numbers about the rate of transmissivity, but he can do an inspection mid-construction if approved. Stanley Mayerfeld stated that they will adhere to all of the stipulations set by the Planning Board. Jonathan Lockman asked how much seepage would be needed during construction.

Chairwoman Brown asked Matt Trainor and Jonathan Lockman if they recommended adjourning the public hearing for additional information or approving a Wetlands Permit at this time with appropriate conditions. They replied that an approval at this time could be granted with conditions that would protect the wetlands.

Lon Lieberman made a motion to approve the following resolution, seconded by Albert Tew:

RESOLUTION #23-17
ROZENBERG WETLANDS PERMIT

WHEREAS, Kenneth Rozenberg has applied for a Wetlands Permit for authorization to construct a one-family dwelling and underground sports court, 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 on premises located on the westerly side of Route 306 known as 531 Route 306, and designated on the Town of Ramapo Tax Map as Section 41.07, Block 1, Lot 21; and

WHEREAS, a public hearing on said application was held by the Planning Board on May 24, 2023, at which time all members of the public wishing to speak had an opportunity to be heard; and

WHEREAS, on February 15, 2023, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting a variance for total side 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 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, it is reasonably anticipated that the proposed activities will not have any adverse impact on any wetland, and a condition of this resolution is that if any adverse impact should occur, remediation measures will be imposed promptly;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such construction of a one-family dwelling and underground sports court, 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, as shown on the plot plan entitled as "Plot Plan of 531 Rt. 306 for Rozenberg, located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York" prepared by Sparaco & Youngblood, PLLC, dated November 22, 2022 and last revised May 3, 2023, subject to the following conditions:

1. There shall be compliance with all conditions set forth in the letters of Brooker Engineering, PLLC dated May 12, 2023, copies of which letters are attached to this Resolution and made a part hereof.
2. An inspection by a qualified geotechnical engineer shall be performed during excavation for the foundation to verify that there is no significant transmission rate of groundwater. The geotechnical engineer shall provide a certification confirming that conclusion at that time. In the event that any adverse impact is found at that time, construction work shall be halted, and the applicant shall return to the Planning Board for consideration of appropriate mitigation measures. A note shall be added to the plot plan stating this condition.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF ROCKLAND TREE EXPERT CO., INC. DBA IRA WICKES/ARBORISTS FOR AN AMENDED SITE PLAN AND SPECIAL PERMIT. Affecting property located on the South side of McNamara Road, 0 feet West of Union Road. Designated on the Town of Ramapo Tax Map as Parcel ID#42.13-1-22. Subject property is located at 11 McNamara Road.

Before opening discussion on this matter, Chairwoman Brown stated that when this applicant previously appeared before the Planning Board many years ago when the Planning Board granted a special permit and site plan approval, both she and Frank Brown were asked by a neighbor, Neal Marcus, to recuse themselves because they were using Wickes Arborists for tree services on their property. Although neither one felt that this presented a conflict of interest that would preclude impartiality, both Vera Brown and Frank Brown did recuse themselves so that the Planning Board's discussion would not be tainted. It is now many years since they have used Wickes for tree services, and therefore there is no longer even an appearance of a conflict. Therefore they are not recusing themselves from consideration of the current application. Albert Tew also stated that he had used Wickes for tree services several years ago, but he is not using them now and does not need to recuse himself either.

Chairwoman Brown read this item into the record. Ira Emanuel, applicant's attorney, and Rhonda Smith, applicant's engineer, were present. Mr. Emanuel stated that there is a long-standing history with the Wickes Arborists and the Village of Wesley Hills.

As previously approved by the Planning Board, this property had one vehicular entrance on McNamara Road and no entrance on the Union Road/New Hempstead Road frontage. In litigation, the Appellate Division invalidated the previous site plan approval because there was no actual access on both major roads. Therefore, in this application, the revised site plan is

adding an emergency access driveway from Union Road/New Hempstead Road. The proposed additional access would only be an emergency driveway for emergency service vehicles, would have a locked crash gate with a Knox box or similar device, and would not be used for other purposes. In addition, a variance for excess impervious surface is needed.

Jonathan Lockman, Village planner, stated his concern that trees that have to be removed should be identified on the revised plans. Neal Wasserman stated that five trees had already been removed for overnight parking spaces. Ira Emanuel pointed out that the Board had made a negative declaration under SEQRA at the time of the 2009-2010 decision, asked if the Board can still rely on that determination, and said he would defer to the Board's decision.

Frank Brown stated that the reason that direct access onto Union Road/New Hempstead Road had not been included in the previous site plan was for traffic safety considerations. The access driveway for the site would have to be between the busy intersections with McNamara Road and Grandview Avenue and across from Fairway Oval. Having an additional regular access point in this location, with heavy truck traffic entering Union Road/New Hempstead Road there, could exacerbate traffic problems. However, under the current proposal, that access would not ordinarily be used and would only be available in limited emergency situations. Jonathan Lockman added that an emergency driveway should be considered practical access. Matt Trainor read his review memo, dated May 23, 2023, into the record. Rhonda Smith stated that gravel will be underneath the paved road. Mr. Trainor stated that would not be impervious, as stated on their application.

Albert Tew made a motion to approve the following resolution, seconded by Lon Lieberman:

RESOLUTION #23-18
WICKES ARBORISTS SPECIAL PERMIT & SITE PLAN

RESOLVED, that a public hearing on the application of IJJ, LLC for approval of a special permit and a site plan for an arborist service on premises located on the southerly side of McNamara Road and the westerly side of Union Road known as 11 McNamara Road and designated on the Town of Ramapo Tax Map as Section 42.14, Block 1, Lot 22, will be held before the Planning Board of the Village of Wesley Hills on the 26th day of July, 2023 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Upon vote, this motion was carried unanimously.

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

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

RESOLUTION #23-19
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; and

WHEREAS, this Board previously reported to the Board of Trustees on a similar version of such proposed local law on January 25, 2023 by Resolution #23-6;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby reiterates its recommendation expressed therein for the same reasons expressed therein; 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.

Upon vote, the motion carried unanimously.

APPROVE 4/26/23 PLANNING BOARD MINUTES.

Albert Tew made a motion to approve the 4/26/23 Planning Board minutes, seconded by Vera Brown. 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,
Alicia Schultz