

**Village of Wesley Hills
Planning Board – June 28, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Albert Tew, 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, Alicia Schultz- Deputy Village Clerk

Absent: 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. Amy Miele, applicant's attorney was present. Ms. Miele stated that the applicant would like to withdraw their application and will resubmit at a later date.

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

RESOLUTION #23-20
CONGREGATION TRISK TOLNA, INC. SPECIAL PERMIT AND SITE PLAN

WHEREAS, the Planning Board has been 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, 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 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; and

WHEREAS, the applicant failed to present any revised submissions prior to the Planning Board meeting on April 26, 2023 and 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 any revised submissions prior to the Planning Board meeting on May 24, 2023 and did not appear at that meeting, whereupon the Planning Board on its own initiative adjourned the public hearing until June 28, 2023; and

WHEREAS, subsequently the applicant advised the Planning Board in writing that it wishes to withdraw its pending applications with the intention of submitting revised applications in the future;

NOW, THEREFORE, BE IT RESOLVED, that said applications of Congregation Trisk Tolna, Inc. are hereby dismissed at the request of the applicant, and the public hearing thereon is hereby closed.

Upon vote, this motion was carried unanimously.

PUBLIC HEARING ON 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 opened the public hearing and confirmed with the Deputy Village Clerk that the notice of public hearing had been properly published and posted. Amy Miele, applicant's attorney, Bill Johnson, applicant's engineer, and Todd Rosenblum, applicant's architect, were present. Amy Miele stated that a week prior, the application to the Zoning Board for variances, was approved, and she read into the record the usage letter from her office dated June 14, 2023. Ms. Miele stated they would like to install a playground on the side of the property and are also proposing a handicapped parking space in front of the building. Ms. Miele stated that the playground will be surrounded by a four-foot fence, have security cameras, and be locked when not in use. Ms. Miele passes out pictures from the June 11, 2023 site visit to the Board.

Bill Johnson stated that three new drywells were added to the property. Mr. Johnson added that the screening for the playground should be more than adequate, as the trees they are planting will grow 2 to 6 feet per year and will grow to be about 40 feet tall and will completely obstruct the view of the playground in a few years. Amy Miele consented that they will comply with any and all requests from the different County Departments. Jonathan Lockman and Matthew Trainor stated that they do not have any new comments for this property since their last review letters.

Chairwoman Brown questioned why there is no concrete curb at the new handicapped parking area. Mr. Johnson stated that it was not needed as there is sufficient water run off without one and Mr. Trainor agreed.

Chairwoman Brown opened up the meeting to the public.

Janet Winter, 11 Martha Road, stated that she currently has no privacy because of the trees they previously removed. Mr. Johnson answered that to his knowledge the trees were damaged. Mrs. Winter stated she would like taller trees planted. Mr. Johnson answered the trees are planted at seven feet tall. Chairwoman Brown questioned if a fence could be installed in the meantime. Mr. Johnson answered that anything over eight feet is not within the Village Code. Joseph Zupnik stated that he had the same situation with his neighbors and the issue was remedied within one to two years.

Janice Golda, 16 Martha Road, stated that she is concerned that on more than one occasion, the applicant has not followed the plans approved by the Village and she would like to know that someone is overseeing that the conditions approved are being met. Frank Brown stated that once a special permit is approved, it is up to the Code Inspector and Building Inspector to make sure Village Code is being followed.

Mrs. Golda stated that she is concerned that there will not be proper supervision of the children on the playground equipment. Chairwoman Brown stated that one of the conditions is that there must be adult supervision while children are using the equipment. Mrs. Golda questioned if there are any other Shuls in the Village with such equipment and how will it be monitored? The answer was no. Amy Miele answered that the playground will have cameras and a fence that will be locked when not in use. Neal Wasserman questioned if there was something that could be done temporarily to screen the area while the trees grow. Amy Miele answered that the best course of action is to get the project going. Vanessa Caren questioned if there are cameras on the property now and if they are easily accessed. The answer was yes. Joshua Scheinberg questioned if a temporary 20 foot fence could be put it. Bill Johnson answered that it would not be feasible. Jonathan Lockman stated that there are already 19 trees, 6 to 8 feet tall being proposed and that is excellent screening.

Chairwoman Brown made a motion to close the public hearing, seconded by Albert Tew.

Chairwoman Brown made a motion to approve the following resolution, seconded by Vanessa Caren:

RESOLUTION #23-21
CONGREGATION KHAL CHASIDIM REVISED SPECIAL
PERMIT

WHEREAS, on February 26, 2020, by Resolution# 20-13, the Planning Board granted a special permit 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, Congregation Khal Chasidim has applied to the Planning Board for approval of a revision to such special permit to allow the addition of a playground on the said premises; and

WHEREAS, a duly advertised public hearing has been held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on June 28, 2023, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, said application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and by letter report dated June 15, 2023, the Rockland County Department of Planning notified this Planning Board that it had approved the application subject to conditions set forth therein; and

WHEREAS, on June 21, 2023, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting variances for front yard setback, side yard setback, and rear yard setback for the proposed playground, and for maximum front yard impervious surface ratio, subject to certain conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution; and

WHEREAS, heretofore on February 26, 2020, by Resolution# 20-12, this Board determined that the proposed project (without the proposed revision presently under consideration) will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on March 22, 2023, by Resolution# 23-11, the Planning Board determined that such application and proposed project is an Unlisted Action as defined in the State Environmental Quality Review Act (SEQRA), with the determinations of the environmental significance to be made separately by the Planning Board and the Zoning Board of Appeals in an uncoordinated review; and

WHEREAS, the Planning Board has considered the Environmental Assessment Form and supporting documentation submitted by the applicant;

NOW, THEREFORE, BE IT RESOLVED, based upon such consideration, a site inspection by Planning Board members, and the representations of the applicant concerning the proposed use of the playground, it is hereby determined that the proposed revisions to the previously approved project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA), for the following reasons: (1) the proposed revisions are not anticipated to cause an increase in peak stormwater runoff, and (2) the proposed revisions are not anticipated to cause any increase in traffic or demand for parking spaces because the applicant has represented and has promised that the playground will be used only on Saturday mornings and religious holidays when the synagogue already has been approved for use; and

BE IT FURTHER RESOLVED, that said application for a revised special permit for a neighborhood gathering is hereby granted, subject to the following conditions:

1. Except as stated herein to the contrary, the neighborhood gathering shall be operated in strict conformance with all conditions set forth in Resolution# 20-13 granting the original special permit, all of which conditions the applicant has acknowledged remain in full force and effect.

2. The neighborhood gathering shall be operated in strict conformance with the representations set forth in the narrative summary submitted to the Planning Board by Mark J. Kurzmann, Esq. on behalf of the applicant dated January 22, 2020, a copy of which document is attached to this Resolution and made a part hereof, including in particular the portion thereof titled "Scope of Activity at the Site", and as modified by the representations set forth in the letter of Ira M. Emanuel, Esq. addressed to the Planning Board and Zoning Board of Appeals dated June 14, 2023, and except as further supplemented by authorization for the use of the proposed playground on Saturday mornings and religious holidays as stated in the letter of Ira M. Emanuel, Esq. addressed to the Planning Board dated June 22, 2023, copies of which letters are attached to this Resolution and made a part hereof.

3. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.

4. There shall be compliance with all conditions set forth in the letter report of the Rockland County Department of Planning dated June 15, 2023, a copy of which letter report is attached to this Resolution and made a part hereof.

5. There shall be compliance with all conditions set forth in the letter of the Rockland County Center for Environmental Health dated June 26, 2023, a copy of which letter is attached to this Resolution and made a part hereof.

6. There shall be compliance with all conditions set forth in the letter of the Rockland County Highway Department dated April 28, 2023, a copy of which letter is attached to this Resolution and made a part hereof.

7. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated May 18, 2023, a copy of which letter is attached to this Resolution and made a part hereof, except that as to condition 4 thereof the Planning Board hereby waives the requirement set forth in Section 230-32B of the Code of the Village of Wesley Hills for concrete curbing for the proposed handicap parking space.

8. Responsible adult supervision is required at all times that the proposed playground is in use.

9. The proposed playground shall be monitored by a camera and locked securely at all times when it is not authorized to be used pursuant to the terms of this Resolution.

Upon vote, this motion was carried unanimously.

Albert Tew made a motion to approve the following resolution, seconded by Vanessa Caren:

RESOLUTION# 23-22
CONGREGATION KHAL CHASIDIM REVISED SITE
PLAN

WHEREAS, on June 28, 2023, by Resolution # 23-21, the Planning Board granted a revised special permit 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, Congregation Khal Chasidim has applied to the Planning Board for approval of a revised site plan for the said neighborhood gathering; and

WHEREAS, a duly advertised public hearing has been held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on June 28, 2023, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, said application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and by letter report dated June 15, 2023, the Rockland County Department of Planning notified this Planning Board that it had approved the application subject to conditions set forth therein; and

WHEREAS, on June 21, 2023, the Zoning Board of Appeals of the Village of Wesley Hills adopted a resolution granting variances for front yard setback, side yard setback, and rear yard setback for the proposed playground, and for maximum front yard impervious surface ratio, subject to certain conditions set forth therein, all of which are required to be satisfied by the conditions of this Resolution; and

WHEREAS, heretofore on June 28, 2023, by Resolution #23-21, this Board determined that the proposed revision to the neighborhood gathering will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby exercises the discretion granted to it by Section 230- 53C(l) of the Code of the Village of Wesley Hills to determine that the 25-foot buffer screening requirement shall be waived along the southerly and westerly lot lines of the subject premises in the vicinity of the proposed playground because the proposed vegetation will satisfy the same purpose; and

BE IT FURTHER RESOLVED, that said application for approval of a revised site plan is hereby granted for the site plan titled "Revised Planimetric Plan for 15 Martha Road, Located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated October 17, 2022 and last revised April 10, 2023, prepared by Sparaco & Youngblood, PLLC, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. There shall be compliance with all conditions set forth in the letter report of the Rockland County Department of Planning dated June 15, 2023, a copy of which letter report is attached to this Resolution and made a part hereof.
3. There shall be compliance with all conditions set forth in the letter of the Rockland County Center for Environmental Health dated June 26, 2023, a copy of which letter is attached to this Resolution and made a part hereof.
4. There shall be compliance with all conditions set forth in the letter of the Rockland County Highway Department dated April 28, 2023, a copy of which letter is attached to this Resolution and made a part hereof.
5. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated May 18, 2023, a copy of which letter is attached to this Resolution and made a part hereof, except that as to condition 4 thereof the Planning Board hereby waives the requirement set forth in Section 230-32B of the Code of the Village of Wesley Hills for concrete curbing for the proposed handicap parking space.

Upon vote, this motion was carried unanimously.

Albert Tew made a motion to approve the following resolution, seconded by Vanessa Caren:

RESOLUTION # 23-23
CONGREGATION KHAL CHASIDIM
SPECIAL PERMIT

WHEREAS, Congregation Khal Chasidim has applied for a revised special permit for increased impervious surface 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, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on June 28, 2023, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, heretofore on June 28, 2023, by Resolution# 23-21, this Board determined that the proposed project, including the proposed increased impervious surface, will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that said application for a special

permit for increased impervious surface to allow an impervious surface ratio of 0.31, as depicted on the site plan entitled "Revised Planimetric Plan for 15 Martha Road, Located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York", dated October 17, 2022 and last revised April 10, 2023, prepared by Sparaco & Youngblood, PLLC, is hereby granted.

Upon vote, this motion was carried unanimously.

PUBLIC HEARING ON THE WETLANDS PERMIT APPLICATION OF LARRY AND 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 opened the public hearing and confirmed with the Deputy Village Clerk that the notice of public hearing had been properly published and posted. Anthony Celentano, applicant's engineer, was present and stated that the homeowners have a revised site plan from what was originally approved by the Planning Board. Mr. Celentano stated that the applicant would like to build a basketball court and needs variances for impervious surface ratio. Jonathan Lockman stated that they moved the pool back enough so that it is now at a good distance from the wetlands. Matt Trainor agreed that moving the pool satisfied his comments from his review letter.

Vanessa Caren made a motion to close the public hearing, seconded by Chairwoman Vera Brown.

Neal Wasserman made a motion to approve the following resolution, seconded by Chairwoman Vera Brown:

RESOLUTION #23-24
KATZ WETLANDS PERMIT

WHEREAS, Larry Katz and Sarah Katz have applied for a Wetlands Permit 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 on premises 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; and

WHEREAS a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on June 28, 2023, at which time all interested parties present were given an opportunity to be heard; 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 upon satisfaction of the comments of the Village's engineering consultant, 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 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, as shown on the plot plan designated as "ZBA Plan for 16 Judith Lane, 41.18-1-6, Located in the Village of Wesley Hills, Rockland County, New York" prepared by Paul Gdanski, PE, PLLC, dated October 2, 2022 and last revised May 29, 2023, subject to the following conditions:

1. This approval is subject to the granting of all necessary variances for the proposed construction shown on said plot plan by the Zoning Board of Appeals and compliance with all conditions that may be imposed by the Zoning Board of Appeals in connection with the granting of such variances. Any revision of the plot plan subsequent to action by the Zoning Board of Appeals will require a revision to the Wetlands Permit.
2. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated June 27, 2023, a copy of which letter is attached to this Resolution and made a part hereof.
3. A Wetlands Permit application fee of \$800.00 shall be paid.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF BASYA HOLZBERG FOR A CLEARING/FILLING/EXCAVATING PERMIT. Affecting property located on the west side of Powder Horn Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#39.19-2-45. Subject property is located at 28 Powder Horn Drive.

Chairwoman Brown read this item into the record. Neal Wasserman recused himself, as his property is adjacent to this property. Karen Arent, the applicant's landscape architect, was present. Ms. Arent stated that they revised the plan and moved the pool and retaining wall to be in compliance with the Planning Board and Village requirements.

Matt Trainor stated that the required soil tests for drainage were not performed where asked and they need to investigate the proposed drainage system in the front yard. Mr. Trainor stated that the roof and driveway runoff should be moved from the side yard to the front yard. Jonathan Lockman stated there are no septic systems or wells in the area, so a note so stating must be added to the plan. Neal Wasserman questioned if there will be access to the toxicity tests if more fill needs to be brought in for the project. Chairwoman Brown stated that they need to amend the plan with all of Matt Trainor's and Jonathan Lockman's comments before the next Planning Board meeting.

Chairwoman Brown made a motion to adjourn this matter to the July 26, 2023 Planning Board meeting if they are ready and have submitted the updates needed, seconded by Albert Tew.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF REQUEST FOR EXTENSION OF TIME FOR FINAL PLAT APPROVAL FOR A FOUR-LOT SUBDIVISION FOR SARELCO, LLC. Affecting property located on the east 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. Shimon Zarour was present. The applicant requested a 90 day extension to make the appropriate changes required by the resolution previously made by the Planning Board.

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

RESOLUTION #23-25
231 McNAMARA ROAD SUBDIVISION

WHEREAS, on January 4, 2023, by Resolution# 23-2, the Planning Board approved the final plat entitled "Final Plat for 231 McNamara 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 July 3, 2023, and

WHEREAS, the applicant has advised the Planning Board that the filing of the said plat cannot be accomplished 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 October 1, 2023.

Upon vote, this motion was 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. Neither the applicant nor the applicant's representative were present. The applicant requested a 90 day extension to make the appropriate changes required by the resolution previously made by the Planning Board.

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

RESOLUTION # 23-26
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 Resolutions # 23-3 and 23-9 the Planning Board successively extended the period of conditional subdivision approval heretofore granted to the said subdivision until July 22, 2023, and

WHEREAS, the applicant's attorney has advised the Planning Board it is possible 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 October 20, 2023.

Upon vote, this motion was carried unanimously.

APPROVE 5/24/23 PLANNING BOARD MINUTES.

Albert Tew made a motion to approve the 5/24/23 Planning Board minutes, seconded by Neal Wasserman. Upon vote, this motion was carried 5-0. Vanessa Caren abstained.

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

Respectfully Submitted,
Alicia Schultz