

**Village of Wesley Hills  
Planning Board – November 28, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:32 p.m.

Present: Vera Brown-Chairman, Uri Kirschner, Rachel Taub, Alexandra Wren, Joe Moskowitz-First Alternate, Marilyn Blocker-Second Alternate.

Also Present: Frank Brown-Deputy Village Attorney, Brian Brooker and Matt Trainor-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Israel Shenker

The Planning Board decided that, because of the upcoming holiday period, the next two meetings will take place on January 9, 2019 and January 30, 2019 respectively.

**ADJOURNMENT OF THE PUBLIC HEARING CONTINUATION ON THE APPLICATION OF CONGREGATION DERECH EMES TO REVISE A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE.** Affecting property located on the east side of Wilder Road approximately 228 feet north of Carter Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#41.10-2-3.

Frank Brown, Planning Board attorney, explained to the Board that at a TAC meeting on November 7, 2018, the Congregation advised that it was considering a potential major change in direction for their proposed synagogue plan which would entail demolishing the existing structure and constructing a new building. As a result, they needed some time to evaluate all their options and will notify the Board whether they will continue with the existing application or withdraw the current application and start a new application.

Uri Kirschner motioned to approve the following resolution. Rachel Taub seconded.

**Resolution #18-35**

WHEREAS, the Planning Board is conducting a public hearing on the application of Congregation Derech Emes for approval of a revised special permit and a revised site plan for a neighborhood gathering on premises located on the easterly side of Wilder Road known as 34 Wilder Road and designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 3; and

WHEREAS, on October 3, 2018 the public hearing on such application was adjourned until October 24, 2018 to give the applicant an opportunity to submit revised plans responding to the comments received from the Village's engineering consultant and the Town of Ramapo Department of Public Works; and

WHEREAS, the applicant has requested that the Planning Board not continue its review of the latest revised plans and instead has advised the Planning Board that it is considering the submission of new plans that would alter the configuration of the proposed project;

NOW, THEREFORE, BE IT RESOLVED, that the public hearing is hereby adjourned until February 27, 2019, in order to provide the applicant with sufficient time to determine whether it wishes to proceed with the present application or to withdraw such application and substitute a revised application.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

**Motion Approved**

**WETLANDS PERMIT APPLICATION OF CHAIM ADLER.** Affecting property located on the west side of Roble Road approximately 613 feet from the intersection of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#32.18-2-31.

John Atzl of Atzl, Nasher, & Zigler P.C., appeared on behalf of the applicant. Mr. Atzl explained that although there are no officially identified wetlands on the property, there is an identified stream, and, land disturbance associated with construction of the proposed single family dwelling taking place within the 100 foot buffer requiring a Village Wetlands permit. A recent perc test also indicates that the proposed drainage system will need to be revised from an infiltration system to a holding system but it will not drastically change the submitted plans.

The Village consultants were asked for comments. There were no comments.

Mr. Atzl asked the Board why the public hearing process is not included with this meeting and was informed that the standard Planning Board process is to review the application and plans first and if the plans are ready to go forward, a public hearing is then scheduled.

Vera Brown motioned to adopt the following resolution. Uri Kirschner seconded.

**Resolution #18-36**

RESOLVED, that a public hearing on a Wetlands Permit application by Chaim Adler for property located on the westerly side of Roble Road, known as 7 Roble Road and designated on the Town of Ramapo Tax Maps as Section 32.18, Block 2, Lot 31, for authorization to disturb land within 100 feet of the boundary of a freshwater wetland in connection with the construction of a new house, will be held before the Planning Board of the Village of Wesley Hills on the 9<sup>th</sup> day of January, 2019 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

## **Motion Approved**

**WETLANDS PERMIT APPLICATION OF ABRAHAM KALKER.** Affecting property located on the west side of Roble Road approximately 30 feet from the intersection of Ari Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#32.18-2-35.

Abraham Kalker, 7 Roble Road, appeared on behalf of the application. Mr. Kalker explained to the Board that he wants to do a very small addition to his home which will encroach into the 100-foot buffer by about 3 feet. He stated that he had thought that the conservation easement on the property was the only restricted area. Mr. Brooker did not see any issue with the construction of this small addition.

Alexandra Wren motioned to adopt the following resolution. Joe Moskowitz seconded.

## **Resolution #18-37**

RESOLVED, that a public hearing on a Wetlands Permit application by Abraham Kalker and Toby Kalker for property located on the westerly side of Roble Road, known as 17 Roble Road and designated on the Town of Ramapo Tax Maps as Section 32.18, Block 2, Lot 35, for authorization to construct an addition to an existing house, a portion of which addition is 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 9<sup>th</sup> day of January, 2019 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

## **Motion Approved**

**WETLANDS PERMIT APPLICATION OF 45 WILDER LLC.** Affecting property located on the west side of Wilder Road approximately 594 feet from the intersection of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-67.

Jack Spaeth of Pomona Enterprises appeared on behalf of the application. Mr. Spaeth explained that he submitted all the required building permit paperwork and received an approved permit to construct a single family dwelling on 45 Wilder Road. After construction commenced, he was then informed that after further review of the property, wetlands were identified and a wetlands permit is required. Mr. Spaeth explained that the proposed under-construction dwelling is further away from the wetlands than the previous demolished dwelling. Mr. Spaeth stated that due to the unexpected chain of events, he requests permission to continue construction while going through the Wetlands permit process.

Brian Brooker, Village Engineer, recommended to the applicant that if there are any plans to fill and grade this property, or plans for a future pool, to include these intentions in the submitted plans being reviewed for this permit application which would prevent having to return to the

Planning Board in the future. Mr. Spaeth said he will also apply to the ACOE (Army Corps of Engineers).

Mr. Brooker informed the Board that wetlands data was not always recorded on subdivision maps, which makes the research process difficult. He said that until someone expert in the field physically investigates the vegetation, water table, hydrology, etc., wetlands identification is complex due to the lack of accurate data.

The Board discussed allowing construction and the Village consultants explained that there is no concern about construction continuing for the house only but there should be no grading done. The Board recommended that the applicant update his proposed plans and resubmit for the January 9, 2019 meeting at which time, if those plans are acceptable, the Board will schedule a public hearing for the January 30, 2019 Planning Board.

**REQUEST OF WESLEY HILLS ESTATES LLC FOR A RECOMMENDATION TO THE VILLAGE BOARD OF TRUSTEES TO REDUCE THE LETTER OF CREDIT FOR THE REQUIRED SITE IMPROVEMENTS REMAINING FOR THE NORTH WESLEY HILLS ESTATES SUBDIVISION.**

Jack Spaeth of Wesley Hills Estates LLC appeared on behalf of the application.

The consultants discussed the allowed percentage used to calculate the reduction amount and confirmed that it is 200% of the wearing course (\$32,000) and 150% of the as-built drawings and monumentation (\$4,000).

Marilyn Blocker motioned to adopt the following resolution. Rachel Taub seconded.

**Resolution #18-38**

WHEREAS, Wesley Estates LLC has requested in writing that the Planning Board authorize a further reduction in the amount of the outstanding letter of credit issued to the Village of Wesley Hills by Greater Hudson Bank on December 8, 2016 to ensure the completion of the required public improvements for the subdivision known as North Wesley Hills Estates pursuant to Section 193-15D(2) of the Code of the Village of Wesley Hills, based upon the completion of certain of such required improvements, and

WHEREAS, Brooker Engineering, PLLC, the Village's engineering consultant, has advised the Planning Board, by letter dated September 26, 2017, that sufficient improvements have been completed to its satisfaction to warrant a further reduction of such letter of credit from the currently reduced amount of \$85,000 to \$36,000.00,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby recommends to the Board of Trustees that it hold a public hearing on such requested reduction in the amount of such letter of credit, pursuant to the Subdivision Regulations as set forth in the Code of the

Village of Wesley Hills, and thereafter approve such reduction, based upon such recommendation of the engineering consultant.

Vote: Vera Brown-Yes, Uri Kirschner-recused, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

**Motion Approved**

**APPLICATION OF CONGREGATION ANSHEI CHESSED FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL TO CONSTRUCT A SYNAGOGUE.** Affecting property located on the south side of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-26.

Steve Sparaco of Sparaco Engineering, Jay Pepper and Rabbi Twerski of Congregation Anshei Chesed appeared on behalf of the application.

Mr. Sparaco reviewed the proposed plans for a synagogue, a rabbi's residence and a Mikvah, and a total of 59 on-site and off-site parking for a congregation of approximately 60 families. Mr. Sparaco requests some feedback from the Planning Board on building layout, on-site and off-site parking, etc. before proceeding to the ZBA for the various needed variances. As explained, keeping the size of the project to less than an acre of disturbance will prevent the need for a SWPPP permit.

The Board discussed on-site parking capacity, the process to determine parking adequacy, maximum building capacity, off-site parking capacity and special events. Rabbi Twerski of the Congregation informed the Board that he has secured an agreement with Congregation Tiferes Yisrael of 57 Lime Kiln Road to use their parking lot for any overflow parking situations. The Board Chairman stated that a signed agreement from Congregation Tiferes Yisrael will be needed for the permit records. Rabbi Twerski said that the Congregation Tiferes Yisrael's parking lot will add another 29 spaces for overflow parking.

The Board informed the applicant that, along with the other variances, an additional variance will be needed from the Zoning Board of Appeals for the proposed off-site parking because Lime Kiln Road is a major road. The Board also said that a letter of satisfaction of the proposed plan is needed from the Village Fire Inspector. The applicant and Board discussed the sequencing of construction which will be in stages. The Board also recommended that the applicant discuss with the ZBA the two proposed principal uses for the synagogue and the rabbi's residence on one lot. Matt Trainor, Village Engineer, reviewed the items on the proposed plans that need to be addressed. The applicant was informed to submit permission letters from the off-site residents identifying the number of parking spaces available for use.

The applicant requested a public hearing.

Joe Moskowitz motioned to adopt the following resolution. Uri Kirschner seconded.

### **Resolution #18-39**

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26; and

WHEREAS, on March 28, 2018, by Resolution #18-13, the Planning Board scheduled a public hearing on such application for May 23, 2018, based on the applicant's estimate that it would be able to provide revised plans in time for such hearing, and, on May 23, 2018, by Resolution #18-22 adopted at the applicant's request because it was unable to provide such revised plans, the Planning Board re-scheduled said public hearing for June 27, 2018; and

WHEREAS, on June 27, 2018, by Resolution #18-26, the Planning Board re-scheduled a public hearing on such application for August 22, 2018, based on the applicant's request because it was unable to provide such revised plans and its estimate that it would be able to provide revised plans in time for such re-scheduled public hearing; and

WHEREAS, on August 22, 2018, by Resolution #18-30, the Planning Board re-scheduled a public hearing on such application for October 24, 2018, based on the applicant's request because it was unable to provide such revised plans and its estimate that it would be able to provide revised plans in time for such re-scheduled public hearing; and

WHEREAS, the applicant subsequently advised the Planning Board that it did not want the public hearing to take place until the tentative revised plans had been reviewed at a TAC meeting and then by the Planning Board, after which it would finalize such revised plans, and therefore notice of such public hearing has never been advertised; and

WHEREAS, the revised plans were reviewed at a TAC meeting held on November 7, 2018 and have now been reviewed by the Planning Board at its current meeting;

NOW, THEREFORE, BE IT RESOLVED, at the request of and with the consent of the applicant, that the public hearing on such application is hereby rescheduled for January 9, 2019.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes

**Motion Approved**

Vera Brown motioned to adopt the following resolution. Uri Kirschner seconded.

### **Resolution 18-40**

WHEREAS, Anshei Chesed, Inc. has applied for a special permit and site plan approval for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road

known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26; and

WHEREAS, the proposed site plan cannot be approved without the granting of the following variances: total side yard (66.9' instead of 75'), rear yard (18.2' instead of 50'), maximum building coverage (0.20 instead of 0.15), maximum impervious surface ratio (0.59 instead of 0.25), and maximum front yard impervious surface ratio (0.67 instead of 0.20); and

WHEREAS, the applicant has proposed the use of existing parking facilities at six residences in proximity to the site for overflow parking in order to satisfy the parking requirement that will be determined by the Planning Board pursuant to Section 230-26G(1)(f) of the Code of the Village of Wesley Hills, but, because the subject premises is located on a Major Road as defined in Section 230-5 of the Code and because one of the six off-site locations is more than 100 yards from the periphery of the subject lot, the special permit cannot be approved for such a parking arrangement without the granting of variances from the provisions of Section 230-26G(1)(g) and Section 230-26G(1)(g)(4) of the Code;

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.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

**Motion Approved**

**REQUEST OF EMILY BURNBAUM FOR REVISION OF A PREVIOUSLY APPROVED SPECIAL PERMIT FOR AN ACCESSORY STRUCTURE IN EXCESS OF 2500 SQUARE FEET (LIGHTED TENNIS COURT).** Affecting property located on the westerly side of East Lane at the intersection of Pomona Lane. Designated on the Town of Ramapo Tax Map as Parcel ID#32.20-1-37.

Aaron Cohen, Esq., 18 East Lane, appeared on behalf of the applicant.

Mr. Cohen explained to the Board that the applicant neglected to include in the permit application the industry-recommended 10-foot fence around the approved sports court. Also due to the grading and elevations of the property where the sports court is located, the lighting contractor recommended 15-foot and 20-foot poles instead of the approved 12-foot poles. He stated that the foliage on the property will eventually grow and screen the poles. Mr. Cohen submitted a letter dated 10/17/18 from the closest neighbor, Gde Arsa Artha of 7 Farm Lane, stating no visual issue with the installed lighting.

Mr. Cohen also informed the Board that the installed 10-foot fence is higher than allowed by the Village Zoning Law but this fence will also be covered once the arborvitae plantings mature. The Board asked Mr. Cohen why the original application was presented to the Board as a lighted tennis court, which is what was published during the public hearing process. Mr. Cohen replied that they added basketball hoops which does not require a special permit. Ms. Brown stated that

there is a difference between the two sports, one of which is the number of people involved, e.g., tennis involves a maximum of 4 people and basketball can have 10. The Board confirmed that it is the size of the structure that determines the requirement for a Planning Board permit, not the use, but each sport may require different lighting, fencing, and plantings.

The Board Chairman stated that the Board has two options due to the applicant's changes to the approved plan, either to consider the changes requested or not to consider the changes requested. If the Board chooses to consider the changes, the applicant will have to secure variances from the ZBA and the Planning Board will schedule a public hearing.

Mr. Cohen asked if he installed a few feet of land around the pole to reduce the height measurement, could that work. Mr. Brown first clarified that the Zoning Law involving the height of the light pole applies to residences not commercial property. Secondly the measurement of the height, as explained in the Zoning Law definition, for example, with building height, is the vertical distance measured from the average existing grade.

After discussion, the consensus of the Board is to consider the changes requested by the applicant.

Vera Brown motioned to adopt the following resolution. Rachel Taub seconded.

#### **Resolution #18-41**

WHEREAS, Emily Burnbaum has applied for approval of revision of certain of the conditions of a special permit granted on September 27, 2017, by Resolution #17-19, for an accessory structure in excess of 2,500 square feet (a sports court) for property located on the westerly side of East Lane and the southerly side of Pomona Lane, known as 18 East Lane and designated on the Town of Ramapo Tax Maps as Section 32.20, Block 1, Lot 37; and

WHEREAS, the proposed revisions cannot be approved without the granting of the following variances: maximum height of light poles (15' and 20' instead of 12' as required by Section 230-14Z(4) of the Code of the Village of Wesley Hills), and fencing in excess of the maximum height permitted by Section 230-14L of the Code of the Village of Wesley Hills;

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.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

#### **Motion Approved**

Uri Kirschner motioned to adopt the following resolution. Alexandra Wren seconded.



## **Resolution #18-42**

RESOLVED, that a public hearing on the application of Emily Burnbaum for revision of certain of the conditions of a special permit granted on September 27, 2017, by Resolution #17-19, for an accessory structure in excess of 2,500 square feet (a sports court) for property located on the westerly side of East Lane and the southerly side of Pomona Lane, known as 18 East Lane and designated on the Town of Ramapo Tax Maps as Section 32.20, Block 1, Lot 37, will be held before the Planning Board of the Village of Wesley Hills on the 30<sup>th</sup> day of January, 2019 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

### **Motion Approved**

The Board will do a site visit at the same time one is scheduled by the ZBA.

## **APPROVE 10/3/18 PLANNING BOARD MINUTES.**

Alexandra Wren motioned to approve the 10/3/18 Planning Board minutes. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion Approved.

Vera Brown motioned to adjourn the meeting. Uri Kirschner seconded.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Meeting adjourned at 9:45 p.m.