

**Village of Wesley Hills
Planning Board – January 9, 2019**

The meeting was called to order by Vera Brown, Chairman, at 7:33 p.m.

Present: Vera Brown-Chairman, Alexandra Wren, Joe Moskowitz-First Alternate, David Katznelson-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: Uri Kirschner, Rachel Taub, Israel Shenker

PUBLIC HEARING ON THE 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.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

John Atzl of Atzl, Nasher & Zigler P.C. appeared on behalf of the applicant. Mr. Atzl informed the Board that their landscape engineer, Mr. Torgerson, is applying to the NYSDEC for a permit due to the stream located on the property. Mr. Atzl explained that the plans were updated per Village engineering's comments and that the drainage system was revised following a failed perc test.

Matt Trainor, Village Engineer, confirmed that the only open item is the drainage calculations and that the revised design is satisfactory.

Jeff Osterman, Village Planner, confirmed with Mr. Atzl that there are no other identified wetlands on the property other than the stream.

Vera Brown opened the public hearing and asked if anyone wished to speak. No one wished to speak.

Vera Brown motioned to close the public hearing. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.
Motion Approved and the public hearing was closed.

Vera Brown motioned to adopt the following resolution. Alexandra Wren seconded.

Resolution #19-1

WHEREAS, Chaim Adler has applied for a Wetlands Permit for authorization to disturb land within 100 feet of the boundary of a freshwater wetland in connection with the construction of a new house on premises 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; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on January 9, 2019, at 7:30 P.M., at which times 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 construction, there will be no additional net runoff resulting from the proposed construction, and the proposed construction will not have any adverse impact on any wetland;

NOW, THEREFORE, BE IT RESOLVED, that a Wetlands Permit is hereby granted for such disturbance of land within 100 feet of the boundary of a freshwater wetland in connection with the construction of a new house, as shown on the plot plan for such lot entitled "Chaim Adler, Village of Wesley Hills, Rockland County, New York, Site Plan" prepared by Atzl, Nasher & Zigler, P.C., dated January 10, 2018 and last revised December 21, 2018, subject to the following condition:

1. There shall be compliance with all conditions set forth in the letter of Brooker Engineering, PLLC dated January 7, 2019, a copy of which letter is attached to this Resolution and made a part hereof.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.
Motion Approved

PUBLIC HEARING ON THE WETLANDS PERMIT APPLICATION OF ABRAHAM KALKER. 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.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Abraham Kalker appeared on behalf of the application. Mr. Kalker explained that he wants to construct a small 289 square-foot addition to his dwelling which extends approximately 3 feet into the 100-foot buffer to the wetlands.

Village Engineer, Matt Trainor, informed the Board that there is no grading or NYSDEC permit involved with this proposed addition.

Village Planner, Jeff Osterman, informed the Board that there is no adverse impact.

Vera Brown opened the public hearing and asked if anyone wished to speak. No one wished to speak.

Vera Brown motioned to close the public hearing. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.
Motion approved and the public hearing was closed.

Joe Moskowitz motioned to adopt the following resolution. David Katznelson seconded.

Resolution #19-2

WHEREAS, Abraham Kalker and Toby Kalker have applied for a Wetlands Permit 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, on premises 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; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York on January 9, 2019, at 7:30 P.M., at which times 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 construction, there will be no additional net runoff resulting from the proposed construction, and the proposed construction 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 an addition to an existing house, a portion of which addition is within 100 feet of such wetland, as shown on the plot plan for such lot entitled "Residential Addition & Renovations for Mr. and Mrs. Kalker, Roble Road, Wesley Hills, Rockland County, New York" prepared by John J. Gilchrist, Architect, dated September 29, 2018 and last revised November 5, 2018.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.
Motion Approved

CONTINUATION OF THE 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 during his appearance at the November 28, 2018 Planning Board meeting, it was decided that since his client now wanted to add a pool, the plot plan should be updated and resubmitted for review, which was done.

Matt Trainor informed the Board that the wetlands being disturbed is under the Army Corps of Engineers' (ACOE) threshold for a permit.

Jeff Osterman asked why this proposed pool disturbance is within the actual wetlands. Mr. Spaeth replied that his client is trying to expand the backyard and NYS code allows disturbance up to 10% of an acre. Mr. Osterman asked if there was somewhere else on the lot where this pool could be located outside of the actual wetlands. Mr. Spaeth explained that his client would like to get full use of his property within the rules, but it is tight already due to about 30 feet of wetlands that cannot be used. Mr. Spaeth explained that had he known there was a wetlands issue prior to the issuance of the building permit, he may have made other decisions. Frank Brown, Village Attorney, explained that the timing of the building permit is irrelevant.

The applicant suggested a site visit for the Board to review the property and the existing wetlands. Mr. Osterman pointed out that wetlands do not have to have standing water. The site visit was scheduled for January 20, 2019 at 10:30 a.m.

Vera Brown motioned to adopt the following resolution. David Katznelson seconded.

Resolution #19-3

RESOLVED, that a public hearing on a Wetlands Permit application by 45 Wilder LLC for property located on the westerly side of Wilder Road, known as 45 Wilder Road and designated on the Town of Ramapo Tax Maps as Section 41.06, Block 1, Lot 67, for authorization to construct a new house, a portion of which is within 100 feet of the boundary of a freshwater wetland, and to construct a swimming pool partly within a freshwater wetland and partly 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 30th 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, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.

Motion Approved

**PUBLIC HEARING ON THE APPLICATION OF CONGREGATION ANSHEI CHESED
FOR 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.

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Steve Sparaco of Sparaco Engineering, Jay Pepper and Rabbi Twerski of Congregation Anshei Chesed appeared on behalf of the application. Mr. Sparaco informed the Board that the plans were updated per Village engineering comments and the Fire Inspector's requirements which includes a 22-foot-wide driveway.

Jay Pepper informed the Board that he has letters from the neighbors confirming use of their properties for proposed off-site parking.

Frank Brown reviewed the previously approved Planning Board resolution listing the specific variances required. Mr. Brown also discussed the two proposed separate structures and whether one structure is ancillary to the other or whether the two structures are considered two principal structures requiring a variance. Based on his discussion with Doris Ulman, the ZBA attorney, it was determined that it is two principal structures requiring a variance which the Congregation should also apply for in their application to the ZBA. Should the two structures be connected, e.g., breezeway, etc., then a variance may not be required. Mr. Brown also discussed sequencing of the construction and recommends a site plan that is staged so that occupation of any structure at all times is legal within the Village Zoning law. Mr. Brown also explained that per his discussion with the ZBA attorney, it was also determined that the Planning Board will become the lead agency for the purpose of conducting a coordinated review.

David Katznelson motioned to adopt the following resolution. Vera Brown seconded.

Resolution #19-4

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,

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), and

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to be the Lead Agency pursuant to SEQRA for the purpose of conducting a coordinated review.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.

Motion Approved

Matt Trainor, Village Engineer, reviewed his report letter dated January 8, 2019.

Vera Brown opened the public hearing and asked if anyone wished to speak.

Judith Guterl, 53 Wilder Road, asked about the proposed lighting inside and outside of the proposed shul because of concern about light shining into residents' homes. Joe Moskowitz explained that per our Village Zoning law, the exposed luminaire is not allowed beyond the property line and if properly shielded, should not be a problem.

Todd Rothman, owner of Deerkill Day Camp located at 54-56 Wilder Road, said no one from the Congregation contacted him about this project. The Board confirmed that he received the public hearing notice. Mr. Rothman said he reviewed the proposed plans and is concerned about drainage due to the significant increase in impervious surface. He would like to get details of the drainage plans because the brook on his property frequently overflows. Mr. Rothman submitted a list of questions related to added traffic, parking, visual impact, loss of privacy, environmental impact, and timing of the construction. Mr. Rothman submitted a written detailed list of questions dated January 9, 2019 which was submitted into the records. Steve Sparaco explained the drainage system to Mr. Rothman, which includes an underground detention system on site. Mr. Sparaco stated that there will be zero net discharge from the site.

Mr. Sparaco also explained that the land disturbance on the project is less than an acre and will not require a NYSDEC Stormwater Pollution Prevention Plan permit (SWPPP). Mr. Sparaco explained that the applicant is in discussion regarding parking options for special events and high holy days. Mr. Sparaco confirmed there is no sidewalk proposed at this time. Mr. Rothman expressed concern about safety and potential accidents.

Rabbi Twerski of Congregation Anshei Chesed explained that he lives on Wilder Road and, having witnessed accidents at the intersection of Wilder Road and Lime Kiln Road, he contacted the Village about a traffic light. He said he was told by Mayor Katz that there have been numerous studies conducted that determined that installing a flashing traffic light at this intersection will not prevent the problem of drivers running stop signs.

Mr. Rothman asked whether the planned shul is in anticipation of increasing the membership or if it is for the existing membership. Rabbi Twerski said their congregation is established with adequate parking on site and that the larger shul with increased parking is primarily for special events in the Kiddush room.

Nathaniel Samuels, 7 Steinway Court, said he has an issue with the overflow parking on the roads generated from Deerkill Day Camp which is dangerous and chaotic.

Stanley Mayerfeld of Mayerfeld Architects said that the Village consultants and the congregation representatives worked very hard to design a parking plan to prevent potential issues and concerns. Mr. Mayerfeld said the majority of the parking will be on site, unlike the off-site parking with Deerkill Day Camp.

Vera Brown stated that all these issues will be addressed in the SEQRA process.

Martin Schwartz, 22 Timber Trail, stated that he doesn't understand why this proposed two-story shul is more of a problem to neighborhood character when the shul across the street at 57 Lime Kiln is a two-story structure as well.

The Board explained that there is proposed screening and suggested Mr. Rothman review the proposed landscaping plan. Mr. Rothman said he would appreciate the opportunity and said that he also went through a similar Planning Board process and learned that not reaching out to the neighbors during his application process was not beneficial.

Gary Greenstein, 8 Roven Road, said that there are many people in the room today that are in support of this application and he apologized for not stopping by at the camp.

Vera Brown motioned to adjourn the hearing until the February 27, 2019 meeting. Alexandra Wren seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes. Motion approved and the public hearing adjourned until February 27, 2019.

CLEARING/FILLING/EXCAVATION PERMIT APPLICATION OF DONI BRODIE.

Affecting property located on the northeasterly side of Soundview Drive approximately 300 feet from the intersection of Marisa Drive. Designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-47.3.

Doni Brodie, 7 Soundview Drive, appeared on behalf of the application. Mr. Brodie explained to the Board that he would like to raise the existing grade of his backyard to create a more level terrain due to the steep drop in the rear.

Matt Trainor and Jeff Osterman discussed the details of the proposed regrading. Mr. Trainor stated there should not be any negative impact on neighboring properties. The Board asked the applicant to submit letters of satisfaction for the proposed plan from the adjacent neighbors.

Jack Spaeth, owner of 6 Soundview Drive, said that he is also submitting a Clearing/Filling permit application for 6 Soundview and explained that during development of this subdivision, the objective was to limit the soil disturbance of the lot(s) to prevent the need for SWPPP permits.

Vera Brown recommended continuing the review of the application at the January 30, 2019 Planning Board meeting after receiving the neighbors' letters. The applicant agreed.

HOME BUSINESS APPLICATION OF AVIGAYIL SCHEINERMAN FOR A WIG

SALON. Affecting property located on the west side of Fieldcrest Drive approximately 850 feet from the intersection of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#41.14-1-15.

Mark Kurzmann, Esq. appeared on behalf of the applicant.

Mr. Kurzmenn explained that his client lives at 5 Fieldcrest Drive and is applying for a special use permit to operate a wig salon home business. The wig salon room is approximately 200 square feet in size in a 15,000 square foot residence with an entrance through a grade-level side door. Mr. Kurzmenn stated that the business is a low impact and low visibility operation. The operation hours are Sunday through Thursday between 9:30 a.m. and 4:30 p.m. and occasionally on Fridays and in the evenings from 7:30-9:00 p.m. This home business will generate no more than eight non-resident visits or round trips per day and no more than three client vehicles at the site at any time. Mr. Kurzmenn showed the Board a property map where cars can park on site and said his client would prefer no further paving. The Board asked for more details on the submitted map regarding customer parking. Mr. Kurzmenn said there is no signage planned. The Board discussed screening and a fire safety inspection.

Vera Brown motioned to adopt the following resolution. Alexandra Wren seconded.

Resolution #19-5

RESOLVED, that a public hearing on the application of Avigayil Scheinerman for a special permit for a home business for property located on the westerly side of Fieldcrest Drive, known as 5 Fieldcrest Drive and designated on the Town of Ramapo Tax Maps as Section 41.14, Block 1, Lot 15, will be held before the Planning Board of the Village of Wesley Hills on the 27th day of February, 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, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.

Motion Approved

APPROVE 11/28/18 PLANNING BOARD MINUTES

Joe Moskowitz motioned to approve the 11/28/18 Planning Board minutes. Alexandra Wren seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes.

Motion Approved

Vera Brown motioned to adjourn the meeting. Joe Moskowitz seconded.

Vote: Vera Brown-Yes, Alexandra Wren-Yes, Joe Moskowitz-Yes, David Katznelson-Yes.

Meeting adjourned 9:15 p.m.

