

**Village of Wesley Hills
Planning Board – July 25, 2018**

The meeting was called to order by Vera Brown, Chairman, at 8:01 p.m.

Present: Vera Brown-Chairman, Rachel Taub, Uri Kirschner, Israel Shenker (left at 9 p.m.), Joe Moskowitz-First Alternate (left at 10:30 p.m.)

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

Absent: Alexandra Wren, Marilyn Blocker-Second Alternate

PUBLIC HEARING ON THE APPLICATION OF SHA'AR HASHAMAYIM TO REVISE A PREVIOUSLY APPROVED SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND A PREVIOUSLY APPROVED SITE PLAN FOR A SYNAGOGUE.
Affecting property located on the south side of East Willow Tree Road at the intersection of Rochelle Lane. Designated on the Ramapo Tax Map as Parcel ID#41.12-2-2.

Vera Brown, Planning Board Chairman, explained that the reason for a joint public hearing with the Zoning Board of Appeals was that the application required approvals of both Boards, the ZBA would benefit from the advice of the Planning Board's engineering consultant, and a joint hearing would be more convenient for the applicant and interested members of the public.

Richard Weinberger, Chairman of the ZBA, explained the Zoning Board of Appeals procedures.

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

Vera Brown informed the applicant that they are waiting for an updated report from the Village Fire Inspector regarding the turnaround requirement.

Matt Trainor, Village Engineer, reviewed his July 25, 2018 report with the Board including, but not limited to, updating the site plan, grading, landscaping and lighting, and drainage.

Frank Brown explained the details of the Congregation's application to expand the synagogue's on-site parking capacity and to revise the special permit use. Mr. Brown stated that because of the proposed parking lot expansion, the impervious surface ratio increased, and as a result, a variance is required from the ZBA because the ratio exceeds the Planning Board's approval authority. Mr. Brown also explained that any action like this requires a review and determination under the State Environmental Quality Review Act (SEQRA). For ease of process, the Planning Board decided that it would be the lead agency for purposes of doing a

coordinated environmental review under the SEQRA process and that its decision will bind both the Planning Board and the Zoning Board of Appeals on the issue of environmental significance.

Mr. Brown explained that the reason for a joint public hearing is due to the applicant having to bounce back and forth to both Boards, and a simultaneous meeting and public hearing would be easier for the applicant, the Boards, and the public. Upon determination of a negative SEQRA declaration as required by the Planning Board, the next step would be for the ZBA to thereafter evaluate granting of the variance, and lastly back to the Planning Board for approval consideration of the revised special use permit and revised site plan application.

Elliot Lasky, 10 Rockingham Road, appeared on behalf of the application and explained that in 2009 he coordinated the permit and building approval processes for the Congregation, which happened to be the Village's first stand-alone synagogue following adoption of its newly revised Village Zoning Law.

Mr. Lasky explained that since 2009, the Congregation has had significant growth and it is functioning morning, day, and night, including learning programs, which now requires expansion of its parking capacity. This application proposes 53 individual spaces on-site instead of the previously approved 40 stacked spots. He said the Congregation is looking today for a negative declaration (SEQRA) as an unlisted action and requests conditional approval contingent on the ZBA's approval of the required variance. Mr. Lasky stated that with the holidays in September, construction scheduling is critical.

Bill Johnson of Sparaco Engineering, Stanley Mayerfeld of Mayerfeld Architects, and Shraga Faskowitz, Trustee for the Congregation, also appeared on behalf of the application.

The Planning Board confirmed that the submitted revised plans include a one-way traffic pattern in the parking lot. The Board also asked for more details in the submitted narrative with respect to the social hall activity used by members for religious and social use. Mr. Lasky stated that the use of the social hall is meant for use by Congregation members only and that during the week the Congregation does not allow use by non-members. However, at times based on the day and time, there can be overlaps due to the schedules of religious and social activities. Rachel Taub stated that during the day there is a Bris at the synagogue almost every day of the week.

Mr. Lasky stated that, to the best of his knowledge, the Planning Board does not have the legal authority to mandate closing the use of the social hall to non-members. Frank Brown explained that the Planning Board has no interest in saying whether it can or cannot be operated in a specific manner, but it does have the responsibility to determine the adequacy of parking based on need and activity for the proposed site.

Matt Trainor, Village Engineer, reviewed his July 25, 2018 engineering report with the Board and discussed the Right of Way (ROW) issue, grading, lighting, and drainage among other things.

Richard Weinberger, chairman of the ZBA, requested copies of all the Village consultant reports that were submitted to the Planning Board and copies of the original special use permit approved

by the Planning Board in 2009. Frank Brown instructed the clerk to forward Resolution #09-19 dated 7/22/09 and Resolution #09-20 dated 7/22/09 to Mr. Weinberger and the ZBA.

Rachel Taub asked if the proposed parking is adequate, because Rochelle Lane is frequently impacted by overflow cars. Just this week an ambulance could not get through because of cars parked on both sides of the street. Mr. Lasky replied that they are not suggesting that this proposal will satisfy all parking needs for all social occasions and religious activity and that they are looking into adjacent properties for potential parking options. The proposed plan is the best option that is economically feasible to maximize on-site parking, given the topography and drainage.

Shraga Faskowitz, 14 Mark Drive, stated that the bid to construct the proposed expansion exceeds a full year of the Congregation's budget and that they are not in a position to invest more at this time. Mr. Faskowitz submitted letters of support from neighboring residents: Nathan and Rochelle Neuberger, 2 Mark Drive; David and Elaine Zelmanovic, 4 Mark Drive; Don and Tzivya Abikzer, 6 Mark Drive; Miriam Sternhell, 3-4 Tamrak Drive.

Mr. Lasky stated there is no need to further revise any items listed on the original 2009 narrative beyond the submitted narrative addendum dated July 6, 2018. Vera Brown stated that the Planning Board's intention is to address parking, particularly during special events.

The Board recommended parking signs and enforcement and suggested that the Congregation's representative in charge of reserving the shul could ensure that traffic guards are included in the reservation agreement to control traffic. A question of who controls parking on the public street was asked, and Frank Brown replied that it is only the Village Board that can make decisions about the placement of "No Parking" signs on the street. He also explained that there is a difference between occasional need for street parking due to activities of residents and regular need for such parking due to regular activities of a special permit use.

Mr. Brown discussed the special permit conditions that the Planning Board has included in its approvals for permits for other neighborhood gatherings. Mr. Brown read an e-mail from Mayor Katz regarding overflow parking which suggests 1) the Congregation reach out to the Ramapo Police Dept for temporary "No Parking" signs which they do provide for the community and 2) have a parking attendant directing vehicles where best to park. Mr. Weinberger also suggested getting feedback from the Fire Department to assess street parking and public safety.

Mr. Lasky agreed, as did the Board, that usage of the shul should be restricted to persons within community parameters only, e.g., within a certain radius. The Board was in favor of temporary no parking signage, parking guards, and setting community parameters for special event use.

Dennis Dale, ZBA member, suggested using the Wesley Hills Shopping Center and/or St. Boniface Church parking lots for overflow parking.

Goldy Netz, 8 Roble Road, stated that the more shuls the better but the issue is safety. She said that some local shuls do hire guards, which worked very well, and some also notify neighbors

about an upcoming event. She said that she understands the need for a congregation to rent out the hall, but safety is the priority.

Vera Brown asked if anyone else from the public wished to speak. No one else wished to speak.

Mr. Brown recommends the following: 1) the applicant do whatever is necessary, in writing, to satisfy the engineering consultant's requirements, 2) the Planning Board can then adopt a SEQRA negative declaration, 3) the ZBA, if appropriate, can grant the variance, and 4) the applicant can submit a revised narrative statement in advance of the next Planning Board meeting addressing all discussed conditions. Mr. Lasky respectfully agreed.

Mr. Faskowitz stated that he can't see why a conditional approval cannot be granted tonight. The Village consultants replied that at this time the site detention infiltration system information provided is not adequate to rely on and as a result, it is premature for issuing a negative declaration that is required by SEQRA.

Doris Ulman, Esq., ZBA attorney, explained that any ZBA consideration will first need a negative declaration and the revised narrative before their next meeting. Jonathan Gerwitz said he sees no need to do another joint meeting.

Vera Brown motioned to adjourn the Planning Board meeting and public hearing until August 22, 2018.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, Israel Shenker-Absent.

Motion approved and public hearing adjourned until August 22, 2018. The ZBA also adjourned its portion of the public hearing.

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.

Stanley Mayerfeld of Mayerfeld Architects and Yaakov Mittel, representative of the Congregation, appeared on behalf of the application.

The Chairman of the ZBA opened the ZBA public hearing. Mr. Weinberger informed the Board and the applicant that the ZBA will do a site visit on August 19, 2018.

Vera Brown confirmed with Janice Golda that the Planning Board public hearing is a continuation that was previously published, posted and mailed.

Mr. Mittel explained that the Congregation wants to do an addition to the current structure and expand on-site parking capacity. Mr. Mittel presented the plans. Mr. Mayerfeld, architect, explained that the existing structure is a high ranch and that the Congregation has a previously approved special permit and site plan. Joseph Markowitz, a trustee on the Congregation's Board, also stated that they want to keep the existing building and expand it with an addition and more on-site parking.

Mr. Weinberger motioned to adjourn the ZBA portion of the public hearing until August 22, 2018 in order to adequately review all the requested application documentation and agency requirements. At this point the ZBA members left to continue their meeting in a different room.

Stanley Mayerfeld said that with the proposed new addition, there are also 41 on-site parking spaces proposed.

Uri Kirschner stated he agrees with the proposed layout plan.

Matt Trainor, Village Engineer, reviewed his July 25, 2018 report with the Board including but not limited to, identifying the designated street line on the site layout plan, submitting a comprehensive drainage report, addition of another variance, grading and the proposed retaining wall, landscaping and lighting, and the fire truck turnaround.

The applicant and Board discussed the Rockland County Highway's July 3, 2018 report letter addressed to the Zoning Board of Appeals

Jeff Osterman, Village Planner, and the Board suggested a TAC meeting to work out engineering's remaining open items and to review the proposed landscaping and lighting plan in detail.

Brian Brooker, Village Engineer, explained that the Planning Board has discretion to determine whether the requirements regarding landscaping and buffering, lighting intensity, and the extent of the impervious ratio comply with the Village's Zoning Law, which may not be consistent with the Rockland County Planning Department requirements. If the Planning Board decides not to incorporate any of the County's recommendations, it must do so by a super-majority vote and must explain its reason for overriding the County.

Uri Kirschner motioned to adjourn the public hearing until August 22, 2018. Joe Moskowitz seconded.

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

Motion Approved.

PUBLIC HEARING ON THE ARCHITECTURAL REVIEW APPLICATION OF DAVID HAMBURGER TO CONSTRUCT A SINGLE FAMILY DWELLING. Affecting property located on the north side of Rockwood Lane approximately 200 feet from the intersection of Route 306. Designated on the Ramapo Tax Map as Parcel ID#32.19-2-23.

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

Todd Rosenblum of Adaptive Architecture appeared on behalf of the applicant.

Mr. Rosenblum presented a rendering of the proposed dwelling along with the following architectural details for the proposed traditional style dwelling:

Siding/Shakes	-	James Hardy (Cobblestone)
Windows/Doors/Trim	-	White
Stone	-	Eldorado Stone (Montecito Cliffstone)
Roof	-	Tamko (Rustic Black)

Mr. Rosenblum confirmed the height of the dwelling at 23.2 feet and stated that the maximum per code is 25 feet. This lot is the last vacant lot in the Highland Farms Subdivision.

Jeff Osterman stated that the house was well done. Matt Trainor informed the Board that the land disturbance is creeping very close to the one-acre requirement for a SWPPP permit and will need to be monitored closely during construction. The Board confirmed there were no conservation easements on this lot.

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

Dorothy McNamara, 9 Old Pomona Road, informed the Board that the previous owner of this lot used to take care of the maintenance of the property and that there are questionable trees that are falling down that need to be addressed.

Mr. Rosenblum replied that he would notify the developer and homeowner.

Vera Brown asked if anyone else wished to speak. No one else wished to speak.

Vera Brown motioned to close the public hearing. Uri Kirschner seconded.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes.

Motion approved and the public hearing was closed.

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

Resolution #18-27

WHEREAS, David Hamberger has applied to the Planning Board pursuant to Section 230-36E(5) of the Code of the Village of Wesley Hills for approval of architectural plans for a new dwelling on Lot 1 of the Highland Farms Subdivision, which lot is located on the northerly side of Rockwood Lane, is known as 4 Rockwood Lane, and is designated on the Town of Ramapo Tax Map as Section 32.19, Block 2, Lot 23; and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on July 25, 2018, at which time all interested parties present were given an opportunity to be heard; and

WHEREAS, the proposed action is defined as a Type II Action requiring no further review under the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the architectural plans for the dwelling on said lot entitled “Hamburger Residence, 4 Rockwood Lane, Wesley Hills, New York”, dated June 12, 2018, prepared by Adaptive Architecture, are hereby approved.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes.

Motion Approved

Uri Kirschner motioned to adjourn the meeting. Rachel Taub seconded.

Vote: Vera Brown-Yes, Uri Kirschner-Yes, Rachel Taub-Yes.

Meeting adjourned 10:45 p.m.