



PLANNING BOARD MEETING AGENDA

November 29, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

Phone: 845-354-0400 | Fax: 845-354-4097

CALL TO ORDER

ROLL CALL

CONTINUED PUBLIC HEARING

- 1. APPLICATION SUBMITTED BY 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.
- 2. APPLICATION SUBMITTED BY DEERWOOD TRUST ON BEHALF OF ORAH MONCZYC FOR A SPECIAL USE PERMIT FOR HOME BUSINESS.** Affecting property located on the west side of Deerwood Road Designated on the Town of Ramapo Tax Map as Parcel ID#41.08-1-25. Subject property is located at 19 Deerwood Road.

DISCUSSIONS

- 3. APPLICATION SUBMITTED BY NANCY RUBIN ON BEHALF OF MARK NUSSEN FOR A CLEARING/FILLING/EXCAVATING PERMIT.** Affecting property located on the west side of Astor Place, 0 feet from the intersection of Ardley Place. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-78. Subject property is located at 33 Astor Place.
- 4. APPLICATION SUBMITTED BY YITZCHOK WIEDER FOR A WETLANDS PERMIT.** Affecting property located on the west side of Tranquility Road, 575 feet south of Joy Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.09-1-28. Subject property is located at 49 Tranquility Road.
- 5. RECOMMENDATION TO BOARD OF TRUSTEES ON PROPOSED ZONING LAW AMENDMENT.**

APPROVAL OF MINUTES

- 6. October 25, 2023**

ADJOURNMENT



Memorandum

To: Village of Wesley Hills Planning Board

From: Jonathan T. Lockman, AICP

Re: IJJ, LLC, dba Ira Wickes, Arborist, 11 McNamara Road
SBL# 42.14-1-22

Date: May 22, 2023

cc: Matthew Trainor, P.E., Village Engineer
Frank Brown, Esq., Planning Board Attorney
Alicia Schultz, Deputy Village Clerk
John Layne, Building Inspector
Ira Emanuel, Esq., for the Applicant
Rachel Barese, P.E., for the Applicant

Received and reviewed for this memorandum:

- Application for Site Plan/Special Permit, for IJJ LLC, dated March 20, 2023.
- Narrative Summary, re: Rockland Tree Expert Co., Inc., by Ira Emanuel, Esq., Emanuel Law P.C., dated March 16, 2023.
- Water Quality Assessment, by Environmental Management Ltd., and Geovation Engineering, P.C., dated March 30, 2007.
- Document entitled "Copy of Best Management Plan for preparation and storage of plant health materials, Exhibit 4," with transmittal letter, submitted by James Wickes, dated August 3, 2006 (contains NYSDEC Publication DSHM-PES-05-03 Pesticide Storage Guidelines, with latest revisions August 11, 2005).
- Resolutions 10-16 Negative Declaration, 10-17 Special Permit, and 10-18 Site Plan, of the Planning Board of the Village of Wesley Hills
- Stipulation of Settlement, Justice Court, Village of Wesley Hills, in re: "People of the State of New York v. Ira Wickes Arborist/Ira F. Wickes Jr. and Esther Wickes, signed September 8, 2004.
- Supreme Court of the State of New York, Appellate Division: Second Judicial Department, In the Matter of Neil Marcus, appellant v. Planning Board of the Village of Wesley Hills, et al., Decision and Order, dated November 24, 2021.
- Site Plan Set, 5 Sheets, for Ira Wickes Arborists, stamped by Rachel Barese, P.E., Civil Tec Engineering and Surveying PC, dated December 7, 2022, as follows:
 - o 1, Site Plan
 - o 2, Existing Condition Plan
 - o 3, Grading, Drainage & Utilities Plan
 - o 4, Landscaping & Erosion Control Plan
 - o 5, Details

Project Summary

The subject application is for a site plan approval and special permit for an existing Arborist operation. The Village of Wesley Hills Planning Board approved a site plan and special permit in May of 2010. However, the project was subject to a legal challenge. The SC Appellate division, 2nd Department annulled the approvals on November 24, 2021. The Court annulled the approvals because of the lack of a practical access to a second major road, and impervious surfaces in excess of 0.25 (25%). The applicant's attorney has provided a comprehensive history of the case in the Narrative Summary, should the Board wish to understand further details.

The 2.21-acre subject lot is located in the R-35 District at the southwest corner of McNamara Road (C.R. 67) and Union Road (C.R. 80). The applicant is proposing to continue to use the existing two-story concrete block commercial building as well as the two-story frame dwelling that already existing on the property. In response to the Court's first objection to the 2010 approvals, a new proposed feature is a grasscrete emergency gated fire access drive off of Union Road. In response to the Court's second objection to the 2010 approvals, the applicant will apply for a ZBA variance for the excess impervious surfaces. (In its 2010 approvals, the Planning Board relied upon the interpretation that the excess impervious surface was a legally nonconforming preexisting condition for which a variance was not required – and the Court did not agree.)

A aerial photograph of the site (from Google Maps, 2023) is shown below for reference.



Zoning Comments

1. A ZBA variance will be required for impervious surface ratio as proposed at 0.46.

Planning Comments

2. We have no problem with the gated emergency access drive connecting the east parking area to Union Road. We believe this would satisfy the condition of the Court decision without any undue adverse impact to Union Road. The grasscrete installation will provide a lawn appearance and will not add impervious surfaces to the site.
3. We appreciate the gravel removal west of the main driveway and restoration of the stream bank with the installation of the "proposed landscape berm." Please provide details of the height and plant materials proposed for this berm feature as part of the landscape plan (which were not included on sheet 3).
4. We note that on sheet 3 a rain garden is proposed east of the main driveway. We note that on existing conditions sheet 4, about a dozen large trees (including one 24" and one 16") are located within this rain garden area but are not shown as "to be removed." Typically when a rain garden is constructed, and underdrain system must be installed, which would require the clearing of all existing vegetation. Please clarify what will happen to the large existing trees if a rain garden is installed in this area indicated.
5. We note that in the northeast area of the Arborist parking lot (closest to the existing dwelling), the removal of five trees (two are 14" diameter) is proposed, to make way for two overnight truck parking spaces. Could these not be placed on an already cleared and disturbed part of the site? Please provide additional information on the parking demand for the various types of vehicles proposed to be parked on the site. Are 29 automobile parking spaces needed? Are truck parking spaces needed? Please consider whether the gravel parking area expansion proposed, as compared to the existing gravel area, is necessary for the proposed operations. If proposed additional parking can be reduced, it will lessen the size of the ZBA variance need for the impervious surfaces ratio.

GML/SEQRA Comments

6. GML review of the project by the Rockland County Planning Department will be needed as the site fronts on two County roads. The project application must be circulated to the Village of New Hempstead for their review and comments per GML 239-nn.
7. Before the previous approval of this project, by resolution 10-16, the Planning Board granted a negative declaration of environmental significance for this unlisted action. We will defer to the opinion of the Planning Board Attorney regarding how re-affirming this Negative Declaration should be handled, given the Court's holding in this case.

Please let me know if you have any questions or comments regarding this review.



RECEIVED

AUG - 4 2023

The Village of New Hempstead **VILLAGE OF WESLEY HILLS**
The Planning Board

108 Old Schoolhouse Rd. • New City, NY 10956
• (845) 354-8100 • FAX (845) 354-7121 •

8/1/2023

VILLAGE OF WESLEY HILLS
432 ROUTE 306
WESLEY HILLS, NY 10952

RE: GML RESPONSE-11 MCNAMARA RD.-42.13-1-22

Dear Board Members,

The Village of New Hempstead has reviewed the above referenced proposal. Attached please find the comments provided by the Village Planner, John Lange with Lange Planning and Consulting.

Thank you for providing us with the opportunity to respond to this project. Please keep us informed of all developments in this project.

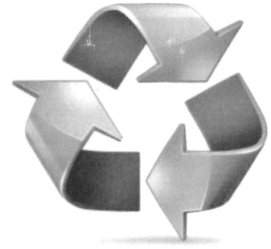
All the best,

Allison Weinraub
Village Clerk-Treasurer

108 Old Schoolhouse Rd. • New City, NY 10956
• (845) 354-8100 • FAX (845) 354-7121 •

Lange Planning and Consulting

Land Use, Environment, & Sustainability Planning



Date: July 31, 2023

To: Mayor Abe Sicker
 CC: Mr. Mel Poliakoff - Planning Board Chairman,
 Village of New Hempstead

Ref: Ira Wickes Arborist - Special Permit Application

Mayor and Chairman,

As requested, this office has reviewed the following documents as a basis for preparing this review letter. This is in response to the Rockland Count GML letter which noted that the Village should review the proposal for impacts to community character, traffic, water quality and quantity, drainage, stormwater and sanitary sewer service. The documents are:

1. July 24th 2023 GML review letter from the Rockland County Planning Department
2. Set of Plans dated July 18th 2023 consisting of 5 sheets from CivilTech Engineering
3. A short form EAF dated November 22, 2022 from CivilTech Engineering
4. A project narrative from Ira Emanuel dated March 16, 2023 consisting of 8 pages
5. A Stormwater Summary dated December 2022 prepared by CivilTec Engineering

General Comments:

The site is located on 2.2 acres in an R-35 zone. It borders two county roads, MacNamara Road and New Hempstead Road. The current application is the result of changes from existing law suits and Village changes to the Special Permit

Environmental Comments:

The narrative provided noted that a full EAF form was provided. However, only a short form (3 page) EAF was provided. Although the County GML asked for the Village of New Hempstead to review the impact of traffic, no traffic information was provided.

The narrative noted that this operation has been in existence since 1972. It noted that despite planning approval from the Town of Ramapo, the use has never been a legally permitted use. As such a stipulation agreement between the Wickes Family and the Village Board was created which the Village Board would "consider" the adoption of an amendment to the Zoning Law which permitted arborist services, landscape services and wholesale nurseries in the Village. The amendment, Local Law 3 of 2006 was adopted on June 13, 2006. The special permit conditions listed on the plans included the following:

Lange Planning and Consulting
 1511 Yellow Sand Lane, Odenton Md. 21113

SPECIAL PERMIT NOTES (CONDENSED):

1. OVERNIGHT PARKING LIMITED TO NOT MORE THAN
 7 LIGHT DUTY TRUCKS
 13 MEDIUM DUTY TRUCKS
 7 HEAVY DUTY TRUCKS
 1 VERY HEAVY DUTY TRUCK
 OF WHICH NO MORE THAN 13 CAN BE PARKED OUT OF DOORS
2. NOISE LEVELS SHALL CONFORM TO R.C. DEPT. OF HEALTH STANDARDS
3. NOT MORE THAN 400 CY OF MULCH AND/OR WOOD CHIPS SHALL BE STORED AT THE PREMISES
4. NOT MORE THAN 50 CY OF GRAVEL AND/OR STONE SHALL BE STORED AT THE PREMISES
5. OPERATING HOURS AT THE PREMISES SHALL NOT EXCEED THE FOLLOWING:
 WHOLESALE NURSERY: 7:00AM TO 6:30PM MONDAY THROUGH FRIDAY
 8:00AM TO 3:30PM SATURDAY
 CLOSED SUNDAY
 OFFICE: 7:00AM TO 8:30PM MONDAY THROUGH FRIDAY
 8:00AM TO 5:00PM SATURDAY
 CLOSED SUNDAY
6. COMMERCIAL TRUCKS AND OTHER EQUIPMENT MAY BE STARTED
 OUT OF DOORS BETWEEN NOV 1 AND APR 15 NOT BEFORE 7:30AM
 OUT OF DOORS BETWEEN APR 16 AND OCT 31 NOT BEFORE 8:00AM
 INDOORS ALL YEAR NOT BEFORE 7:00AM
 WARM UP TIMES SHALL NOT EXCEED 30 MINUTES
7. EXCEPTIONS TO NOTE 6 ARE PROVIDED IN THE STIP. OF SETTLEMENT.
 7 LIGHT DUTY TRUCKS

A review of the Rockland County GIS aerial and the Google Earth aerial of the site noted the following:

1. A large frontend loader
2. A second earth moving machine
3. Fourteen other trucks of various sizes
4. Existing site has no hard surface pavement
5. Existing site has no curbs
6. Existing site has access only to McNamara Road.

Evidence of these conditions is presented below:

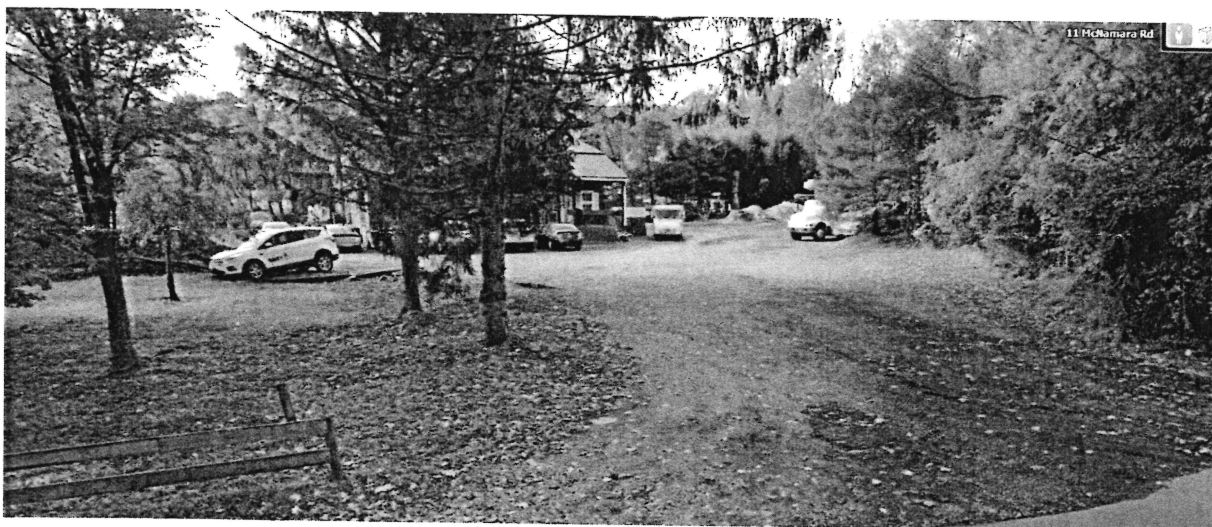


Figure 1 - Site entrance on McNamara Road



Figure 2 - Existing Conditions Google Earth Aerial

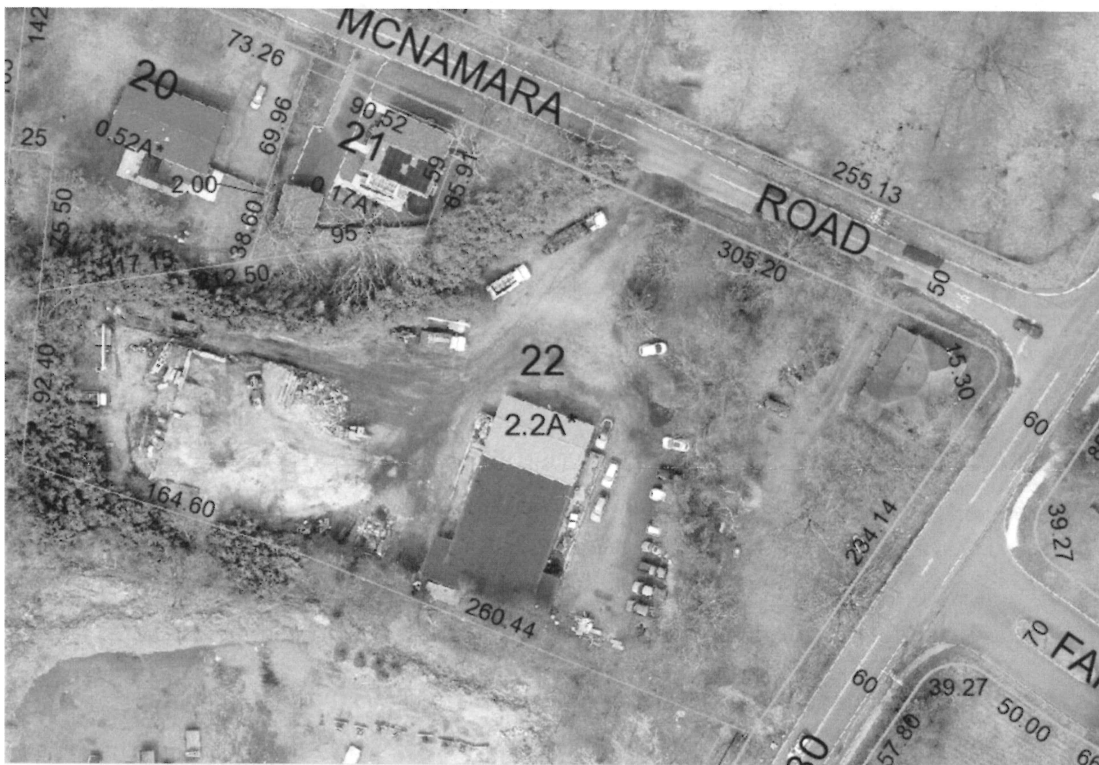


Figure 3 - RCPD Aerial showing heavy earth moving equipment

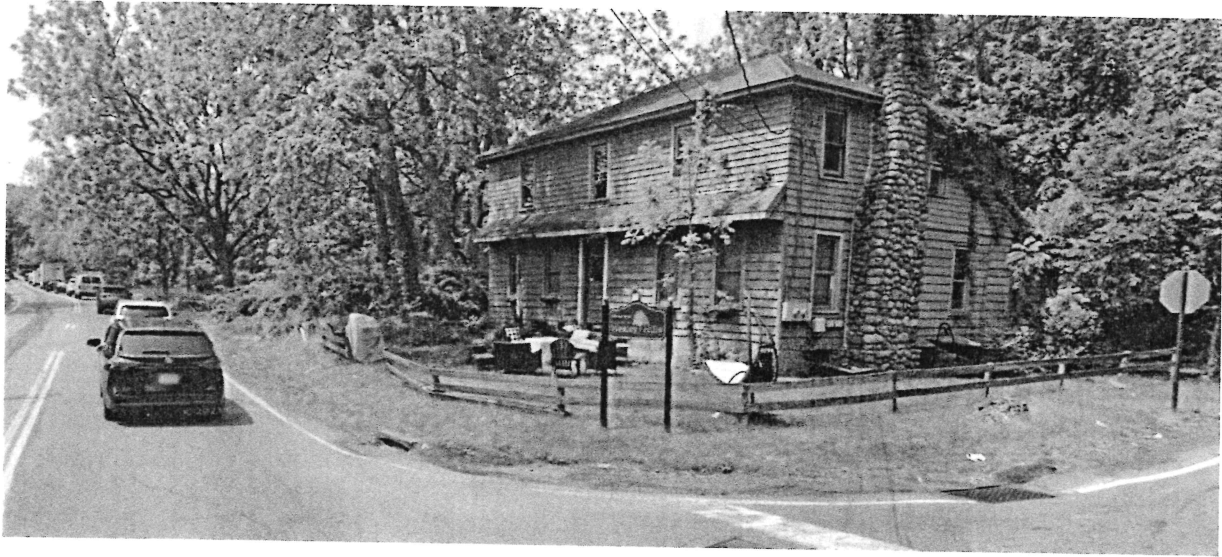


Figure 4 - Intersection of New Hempstead Road and McNamara Road – Note heavy traffic on New Hempstead

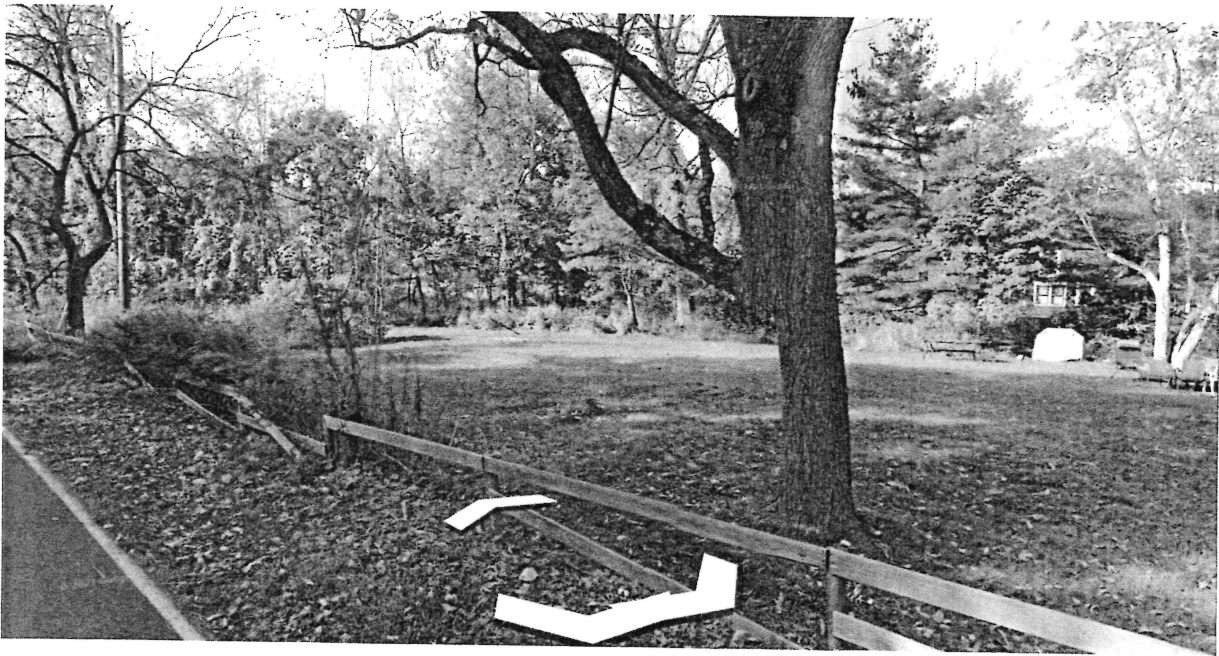


Figure 5 - No access from New Hempstead Road

Based upon this office's review of all of the documents provided LPC offers the following comments:

1. Traffic needs to be assessed with the number of daily vehicles projected and the impacts on the county roads determined. I could not find any information regarding ingress and egress trips or peak rates.
2. Did the design for the rain garden include percolation tests or was it based on theoretical constructs. I would recommend percolation tests to be completed

3. The emergency access should align with Fairway Oval on New Hempstead Road for better traffic flow.
4. Did Rockland County Department of Highways comment on the emergency access connection?
5. Although the plans show lines demarking parking spaces, gravel surfaces will not preserve the lines. How will the spaces be maintained?
6. The concept of gravel as the travel way surface is not ideal. Did the Village consider more permanent paving? Permanent curbs are proposed.
7. The use of gravel as the surface for mixing and moving materials seems inappropriate as it will not last, nor will it maintain drainage under active conditions.
8. It appears that the rain garden will be draining a significant area as the elevation for the property all show a slope forward to the rain garden. The distance exceeds 100 linear feet or runoff. Will this small rain garden be sufficient?
9. No details were provided for the proposed landscaping berm; the elevation is lower than the nearby 486 contour line.
10. As mentioned in the narrative, granting of this special permit will travel with the property. Is this what the Village of Wesley Hills desires as the long term (forever) use of the property? It appears to me that an interim solution rather than a permanent solution might be a better alternative.

Should you have any questions regarding any of these comments, please do not hesitate to contact me.

Kind regards,



John F. Lange

Village Planning Consultant

EMANUEL LAW P.C.

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*
Counsel to Freeman & Loftus, RLLP

Four Laurel Road
New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

September 21, 2023

Alicia Schultz
Planning Board
Village of Wesley Hills
432 Route 306
Wesley Hills, NY 10952

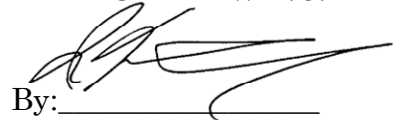
Re: Rockland Tree Expert Co, d/b/a Ira Wickes/Arborists

Dear Ms. Schultz:

We represent the applicant in the above matter. The Planning Board continued the public hearing to its September 27 meeting at which it was to discuss the EAF Part III. We will not be ready for a discussion at that time.

Please ask the Board to continue the public hearing to the October meeting.

Very truly yours,
EMANUEL LAW P.C.



By: _____
Ira M. Emanuel, Esq.

Cc: Client

PLANNING BOARD
Village of Wesley Hills
Rockland County, New York

Resolution# 23-30

WICKES ARBORISTS SPECIAL PERMIT & SITE PLAN

WHEREAS, Rockland Tree Expert, Inc. d/b/a Ira Wickes, Arborist made application for approval of a special permit and a site plan for the use of 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 42.13, Block 1, Lot 22 as an arborist service in or about 2006; and

WHEREAS, on May 26, 2010, this Board granted said application; and

WHEREAS, judicial review of this Board's grant of approvals was sought, resulting in a decision by the Appellate Division, Second Department annulling the said approvals (Matter of Marcus v. Plannina Board of the Villaae of Wesley Hills, Case Nos. 2017-05963 and 2017-12184); and

WHEREAS, the Appellate Division in said decision remitted the matter to this Board with a directive to issue new determinations denying the said applications for the reasons set forth in its decision;

NOW, THEREFORE, BE IT RESOLVED, that such previous application of Rockland Tree Expert, Inc. d/b/a Ira Wickes, Arborist for approval *Of* a special permit and site plan heretofore made as set forth above is hereby denied for the following reasons, as determined by the Appellate Division: (1) failure to provide actual access to a second major road as a consequence of incorrectly deciding that potential practical access to a second major road was sufficient to satisfy the requirement of the Zoning Law for practical access thereto, and (2) having an impervious surface ratio greater than the maximum ratio permitted by the Zoning Law; and

BE IT FURTHER RESOLVED, that nothing herein shall be deemed to prevent the applicant from reapplying for said approvals of

revised plans that are consistent with the decision of the Appellate Division.

Dated: August 30, 2023

EMANUEL LAW P.C.

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*
Counsel to Freeman & Loftus, RLLP

Four Laurel Road
New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

October 17, 2023

Alicia Schultz
Planning Board
Village of Wesley Hills
432 Route 306
Wesley Hills, NY 10952

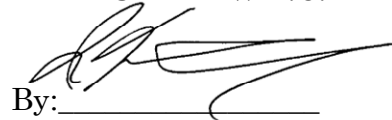
Re: Rockland Tree Expert Co, d/b/a Ira Wickes/Arborists

Dear Ms. Schultz:

We represent the applicant in the above matter. The Planning Board continued the public hearing to its October 25 meeting at which it was to discuss the EAF Part III. We will not be ready for a discussion at that time.

Please ask the Board to continue the public hearing to the November meeting.

Very truly yours,
EMANUEL LAW P.C.



By: _____
Ira M. Emanuel, Esq.

Cc: Client

STATE ENVIRONMENTAL QUALITY REVIEW NOTICE OF INTENT TO BECOME LEAD AGENCY

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Village of Wesley Hills hereby indicates its intent to assume Lead Agency status for the below-referenced project.

Involved Agencies objecting to the Village of Wesley Hills assuming Lead Agency status for this action must inform the Board in writing within 30 days at the address below:

Contact Person: Vera Brown, Chairman
Village Hall
432 Route 306
Wesley Hills, NY 10952
(845) 354-0400

Title of Action: IJJ LLC d/b/a Wickes/Arborists
Site Plan & Special Permit Application for Existing Operation

Date: July 26, 2023

SEQR Status: Unlisted

Description of Action:

The subject application is for a site plan approval and special permit for an existing Arborist operation. The Village of Wesley Hills Planning Board approved a site plan and special permit in May of 2010. However, the project was subject to a legal challenge. The SC Appellate division, 2nd Department annulled the approvals on November 24, 2021. The Court annulled the approvals because of the lack of a practical access to a second major road, and impervious surfaces in excess of 0.25 (25%).

The applicant is proposing to continue to use the existing two-story concrete block commercial building as well as the two-story frame dwelling that already exist on the property. In response to the Court's first objection to the 2010 approvals, a new proposed feature is a grasscrete emergency gated fire access drive off of Union Road. In response to the Court's second objection to the 2010 approvals, the applicant will apply for a ZBA variance for the excess impervious surfaces. (In its 2010 approvals, the Planning Board relied upon the interpretation that the excess impervious surface was a legally nonconforming preexisting condition for which a variance was not required – and the Court did not agree.)

Location: The 2.21-acre subject lot is located in the R-35 District at 11 McNamara Road, at the southwest corner of McNamara Road (C.R. 67) and Union Road (C.R. 80).

Application and Background Documents

The application and background documents may be found at this link:

<https://bit.ly/3qbx3XW>

If paper copies are preferred, please contact the Village of Wesley Hills Building Department, Alicia Schultz, at (845) 354-0400 or buildingdept@wesleyhills.org

Involved Agency Circulation: This notice is being sent to the following Involved Agencies:

Variances

Wesley Hills Zoning Board of Appeals
Village Hall
432 Route 306
Wesley Hills, NY 10952

Sewer Hookups, Water Hookups, Road Opening

Town of Ramapo DPW/Highway Department
16 Pioneer Avenue
Tallman, NY 10982

Sewer Hookups

Rockland County Sewer District #1
4 Route 340
Orangeburg, NY 10962

Sewer Extension, Mosquito Control

Rockland County Health Dept
Robert L. Yeager Health Center
50 Sanatorium Rd, Bldg D
Pomona, NY 10970

Driveway

Rockland County Highway Department
23 New Hempstead Road
New City, NY 10956

Interested Agency Circulation: This notice is being sent to the following Interested Agencies:

Rockland County Department of Planning
50 Sanatorium Road, Building T
Pomona, NY 10970

Rockland County Drainage Agency
23 New Hempstead Road
New City, New York 10956

Fire Inspector, Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952-1221

ACTUAL SIZE

Village of Wesley Hills Public Hearing Notice

PLEASE TAKE NOTICE that a Public Hearing will be held by the Planning Board of the Village of Wesley Hills on the 25th day of October, 2023 at 7:30 PM at the Village Hall, 432 Route 306, Wesley Hills, New York 10952, to consider the application submitted by Orah Monczyc for authorization to allow a home business to be located in the existing basement of a single family home.

The subject premises is situated on the westerly side of Deerwood Road, approximately 150 feet north of Charlotte Drive, known as 19 Deerwood Road, designated on the Town of Ramapo Tax Maps as Section 41.08, Block 1, Lot 25, in an R-50 Zoning District.

Copies of the aforesaid application are available for public review at the office of the Deputy Village Clerk, Village of Wesley Hills, 432 Route 306, Wesley Hills, New York 10952 between the hours of 9 AM and 4 PM Mondays through Fridays, exclusive of holidays.

Date: Wesley Hills, New York
September 29, 2023

Alicia Schultz
Deputy Village Clerk
Village of Wesley Hills

1x10-5/27047

PLANNING BOARD
Village of Wesley Hills Rockland County, New York

RESOLUTION# 23-34
MONCZYC SPECIAL PERMIT

RESOLVED, that a public hearing on the application of Deerwood Trust on behalf of Orah Monczyc for a special permit for a home business for property located on the westerly side of Deerwood Road, known as 19 Deerwood Road and designated on the Town of Ramapo Tax Maps as Section 41.08, Block 1, Lot 25, will be held before the Planning Board of the Village of Wesley Hills on the 25th day of October, 2023 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Dated: September 27, 2023

September 28, 2023

Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952



BROOKER ENGINEERING
a division of Weston & SampsonSM

74 Lafayette Avenue, Suite 501, Suffern, NY 10901
Tel: 845.357.4411

Attn: Alicia Schultz, Deputy Village Clerk

Re: 33 Astor Place
Clearing/Filling/Excavation Application Review

Dear Ms. Schultz,

Our office has reviewed the Planning Board submission package and previous materials for the above-referenced project which includes the following documents:

- Application for Clearing, Filling, Excavation of Land, dated March 1, 2023, prepared by LY Contractors.
- Plot Plan set entitled "Plot Plan for 33 Astor" last revised September 20, prepared by Civil Tec Engineering & Surveying PC.
- Drywell Calculations last revised September 2023, prepared by Civil Tec Engineering & Surveying PC.
- Response Letter, dated September 20, 2023, prepared by Civil Tec Engineering & Surveying PC.

A new single-family dwelling is under construction at the subject property. Applicant completed clearing operations of the parcel and commenced fill import outside of the scope of the original approval. Applicant is now seeking to import fill and create a rear yard that is leveled and tiered with retaining walls. Latest plans reflect a significant reduction in the amount of fill proposed to be delivered to the site. Our office offers the following comments:

General

1. During prior site visits, our office observed large stockpiles of wood chippings which appeared to be subsequently backfilled. Permanent backfilling of wood chippings will result in prolonged settlement of the earth. Our office recommended exposure and relocation to prevent risk of shear failure of slopes. Our office requests a certification letter from the contractor stating that the wood chippings were not used as backfill and removed from the site, as suggested in the applicant's response letter.
2. Structural design and calculations shall be submitted for the proposed retaining walls and reviewed by our office prior to the start of retaining wall construction. Certification of completed retaining walls to be provided prior to the issuance of a C.O.
3. The amount of fill and construction limits have been significantly reduced as compared to the prior plan. We defer to the Planning Board for further consideration of the scope of the project as it relates to the character of the surrounding neighborhood. We concur with comment #4 in the Village Planner's September 26, 2023 memo that there is room for improvement for tiered configuration of retaining walls, especially along walls facing the residential neighbors to the north and south of the site.

Plot Plan

4. Retaining wall details and specifications to be provided.
5. Pervious pavers are proposed in the rear yard; however, the previous response letter discussed high bedrock in the rear yard. Infiltration in fill is permitted, subject to minimum separation and testing requirements. Consideration as pervious area is not recommended if minimum requirements are not met. Applicant has responded that 'the pavers will all be fill so there will be no separation issues with groundwater' This does not address insitu bedrock separation or insitu soil testing. We request the following criteria be provided as per NYS DEC guidance to be considered pervious:
 - a. Insitu/natural soil layer below infiltration system has an infiltration rate greater than or equal to the 0.5 in/hr

- b. Ground water and bedrock levels in situ/natural soil should be two to three feet below grade
- c. Fill material is an engineered fill that is tested after placement (by geotechnical firm) and demonstrated to be equivalent to a soil material acceptable for the installation of an infiltration system (i.e. infiltration rate greater than or equal to 0.5 inches /hr, etc.). Infiltration rate of fill material should be similar infiltration rate as in situ/existing soil.
- d. If there is a difference in the infiltration rates between the fill and in situ/native soil, the designer should use the more conservative (i.e. slower infiltration rate) when determining whether the infiltration system will dewater (exfiltrate) within the required 48 hours (see Section 6.3.2 "Conveyance" of the Design Manual).
- e. Required vertical separation distances to groundwater/bedrock are maintained
- f. Required horizontal separation distances to surface waters, wells, etc. are maintained
- g. There is adequate fill along the edges of the infiltration system to prevent seeps/breakouts
- h. As per guidance from the new draft NYS DEC Stormwater Management Design Manual, infiltration facilities proposed on naturally steep slopes require additional analysis. A slope stability / global stability analysis of the retaining wall shall be provided from a structural or geotechnical engineer.

Drainage Calculations

6. As per comment 8 of our previous memo dated September 14, 2023, our office takes partial exception to the drainage design methodology. Drywell storage is sized to accommodate increase in runoff for the entire property, however, only the roof runoff is currently proposed to be conveyed to the system. Drainage areas should be delineated to differentiate between detained and bypass runoff. Our office suggests SCS method modeling to compare the pre clearing conditions to the future proposed conditions for accurate sizing of storage facilities and to verify a zero-net increase in peak runoff. Applicant has responded that 'other impervious area is offset by the prior development onsite so there is no net increase overall.' This shall be demonstrated in the drainage calculations/report.

Applicant has responded that 'the site will also be aided by leveling the property which will slow down the water as it runs across the property. In the past, the yard was very sloped where in the future it will have level tiers.

While we don't disagree with this statement, the response given does not address the original comment. Please provide updated drainage calculations/report to demonstrate that area bypassing the drywell system is offset by the prior development onsite.

Recommended fees and dates are as follows:

7. Clearing/filling application fee: \$1,000 based on additional disturbance area of approximately 19,000 square feet.
8. Performance bond: \$118,000
9. Installed and proposed erosion control devices shall be maintained throughout construction.
10. We recommend final stabilization, including topsoil and seed, be completed no later than twelve months after commencement of retaining wall construction.

Sincerely,



WESTON & SAMPSON, PE, LS, LA, Architects, PC

Matthew Trainor, P.E.
Senior Project Engineer

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