

**Village of Wesley Hills
Planning Board – July 26, 2023
Village Hall**

Present: Chairwoman-Vera Brown, Albert Tew, Neal Wasserman, Vanessa Caren, Lon Lieberman, Joseph Zupnik- Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Matt Trainor-Village Engineer, Jonathan Lockman-Village Planner, Alicia Schultz-Deputy Village Clerk

Absent: Joshua Scheinberg- First Alternate

The meeting was called to order by Chairwoman Brown, at 7:35 p.m.

CONTINUED DISCUSSION ON 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. Karen Arent, the applicant's Landscape Architect, was present. Ms. Arent stated that changes had been made to the project since the previous meeting. Ms. Arent stated that they added deciduous plants by the conservation easement, which are better for screening, and adhered to the other changes that the Planning Board suggested at the previous meeting. Ms. Arent requested that the applicants be granted the permit prior to the perc test being done, as it is very expensive, and they already have a SWPPP in the front yard, but unfortunately, they cannot connect that SWPPP to the back due to the slope and grade of the property. Matt Trainor stated that the required soil tests and perc test for drainage were not performed when asked to be done before this meeting, and he is not comfortable granting a permit without the perc test.

Mr. Trainor stated that the roof and driveway runoff should be moved from the side yard to the front yard. Chairwoman Brown stated that the heavy rains lately have proved that drainage is extremely important. Ms. Arent stated that they will schedule the perc test and hopefully have it done by the next Planning Board meeting scheduled for August 30, 2023. Ms. Arent questioned if it was alright to plant the deciduous trees, as it is the time of year to plant them. Chairwoman Brown answered that yes, they can plant the trees now, since it is the time of year to do so. Jonathan Lockman stated that the applicant has adhered to all his comments.

Neal Wasserman, who previously recused himself on this application, stated that his home is downhill from the property. He questioned if Matt Trainor is comfortable with their drainage system, being there has been a lot of damage lately in the area due to heavy rains. Mr. Trainor answered that they have to complete the perc test and make the changes he recommended in his memo dated July 5, 2023.

Chairwoman Brown made a motion to adjourn this matter to the August 30, 2023 Planning Board meeting if they are ready and have submitted the updates needed, or else for the next Planning Board meeting after the required information is submitted, seconded by Albert Tew.

Upon vote, this motion was carried unanimously.

APPROVE 6/28/23 PLANNING BOARD MINUTES.

Vanessa Caren made a motion to approve the 6/28/23 Planning Board minutes, seconded by Neal Wasserman. Upon vote, this motion was carried 5-0. Lon Lieberman abstained.

PUBLIC HEARING ON THE APPLICATION OF 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.

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. Rachel Barese, the applicant's Engineer, was present Ms. Barese and stated that there is a long-standing history with the Wickes Arborists and the Village of Wesley Hills. Ms. Barese stated that they are in receipt of the Rockland County Highway Department's review letter, questioning why the road is needed. Chairwoman Brown answered it was because the Appellate Division ordered it. Ms. Barese stated that they have been trying to contact the Rockland County Highway Department to no avail.

As previously approved by the Planning Board, this property had one vehicular entrance on McNamara Road and no entrance on the Union Road/New Hempstead Road frontage. In litigation, the Appellate Division invalidated the previous site plan approval because there was no actual access on both major roads. Therefore, in this application, the revised site plan is adding an emergency access driveway from Union Road/New Hempstead Road. The proposed additional access would only be an emergency driveway for emergency service vehicles, would have a locked crash gate with a Knox box or similar device, and would not be used for other purposes. In addition, a variance for excess impervious surface is needed. Matt Trainor read his comments from his May 23, 2023 letter and stated that he had no issues with the emergency exit road being built. Jonathan Lockman mentioned the rain garden as well. Mr. Lockman stated that if they had less parking, they might not need a variance.

Mr. Lockman further mentioned that there needs to be a lead agency for the SEQRA review of this application. Chairwoman Brown stated that the Planning Board should be lead agency. Frank Brown stated that all of the agencies must be notified that the Planning Board will be the lead agency for this project.

Chairwoman Brown asked if anyone from the public would like to speak.

Mr. Neal Marcus was present and stated that this has been an ongoing issue for 20 years, and the applicant was denied by the Appellate Court.

Frank Brown stated that the Appellate Court stated the applicant needed practical access to Union Road.

Mr. Marcus questioned if there is going to be practical access with locks.

Ira Emanuel, the applicant's Attorney, was present and answered yes, there will be a Knox box and it will only be used for emergency services.

Frank Brown questioned Matt Trainor if the Village usually accepts grass creed as pervious surface. Matt Trainor answered yes, it is considered pervious.

Lon Lieberman questioned what practical access means. Frank Brown responded that "practical" became irrelevant once the appellate court made its decision that there must be a real second entrance.

Ira Emanuel stated that they will be adopting some changes to the application.

Jonathan Lockman stated that since the applicants will also be going in front of the Zoning Board, that someone needs to be lead agency for the project. Frank Brown stated that the Planning Board would be lead agency for the project.

Lon Lieberman made a motion to approve the following resolution, seconded by Albert Tew:

Resolution # 23-27
WICKES ARBORISTS SPECIAL PERMIT & SITE PLAN

WHEREAS, IJJ, LLC has applied for approval of a special permit and a site plan for an arborist service on 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,

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.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF REQUEST OF AMS ACQUISITIONS FOR PUBLIC HEARING FOR REVISED APPROVAL OF FOURTEEN-LOT SUBDIVISION. Affecting property located on 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. Ira Emanuel, the applicant's Attorney, was present and stated that the applicant has been before the Planning Board previously and has amended its plans and would like a public hearing set for the August 30, 2023 meeting, assuming that the revised plans will be submitted by August 7, 2023.

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

Resolution # 23-28
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 Resolution# 23-26 the Planning Board extended the period of conditional subdivision approval heretofore granted to the said subdivision until October 20, 2023, and the said final plat has not yet been recorded, and

WHEREAS, the applicant has requested that the Planning Board approve a revision to the said final plat for the purpose of relocating certain drainage easements and facilities, but without changing the location of the streets or lot boundaries as shown on said plat,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing on said application for approval of a revised final plat will be held before the Planning Board of the Village of Wesley Hills on the 30th day of August, 2023 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills, on condition that such proposed revised final plat shall have been filed with the Village no later than August 7, 2023.

Upon vote, this motion was carried unanimously.

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

Respectfully Submitted,
Alicia Schultz