



PLANNING BOARD MEETING MINUTES

September 27, 2023 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

CALL TO ORDER

Present: Chairwoman-Vera Brown, Lon Lieberman, Albert Tew, Neal Wasserman, Joshua Scheinberg- First Alternate

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

Absent: Vanessa Caren, Joseph Zupnik- Second Alternate, Jonathan Lockman-Village Planner

PUBLIC HEARING ON APPLICATION OF AMS ACQUISITIONS FOR REVISED APPROVAL OF FOURTEEN-LOT SUBDIVISION. Affecting property located on the Westerly end of Rockwood Lane and Easterly end of Jeremy Court. 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 opened the public hearing and confirmed with the Deputy Village Clerk that the Notice of Public Hearing had been properly published and posted. Amy Mele, the applicant's attorney, and Zachary Chaplin, applicant's engineer, were present. Ms. Mele stated that the applicant submitted a revised plat with minor relocation of drainage easements to mitigate drainage issues and satisfy the prospective purchasers of three lots. Matt Trainor stated that he has no objection to the application. Ms. Mele noted that she and the applicant are aware there are issues ongoing with a handful of neighbors' properties flooding due to the construction from the project.

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

Shira Prince and Robert Waitman, 19 Powder Horn Drive, stated that they have had tens of thousands of dollars' worth of damage done to their property for the first time in decades due to the work being done on this project. Ms. Prince stated that the contractor and representatives have been to visit her and stated they would fix damage, but they have yet to repair it. Ms. Prince stated she sees they are trying to fix current issues but would like to know what the long-term plan is to prevent drainage problems in the future.

Jonathan Gross, 15 Rockwood Lane, stated that he has also had flooding issues for the first time in 31 years of living at this property.

Fred Jilleba, 21 Powder Horn Drive, stated that he has also had flooding issues for the first time in years of living at this property.

Pablo Espinal, 5 Cains Road, stated that he has also had flooding issues for the first time in years of living at this property.

Zach Chaplin stated that there is a SWPPP in place and they should have the issues resolved by early 2024. Mr. Chaplin showed the affected neighbors the plan for the water runoff.

Naomi Gross, 15 Rockwood Lane, stated they never indicated they were removing all the trees near her property and have removed more trees overall than stated on the approved plans.

Ms. Mele stated that she will convey all grievances to her client and understands that approval is not feasible while having numerous issues with the adjoining neighbors.

Chairwoman Brown made a motion to adjourn the public hearing until the October 25, 2023 meeting, seconded by Albert Tew. Upon vote, this motion was carried unanimously.

PUBLIC HEARING ON APPLICATION SUBMITTED BY ABY EAST, LLC FOR REAPPROVAL OF THE 1 EAST LANE SUBDIVISION. Affecting property located at the intersection of McNamara Road and Pomona Road. Designated on the Town of Ramapo Tax Map as Parcel ID #33.17-2-1. Subject property is located at 1 East Lane.

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. Todd Rosenblum, the applicant's architect, was present. Mr. Rosenblum stated that he received the County Planning Department's letter today, which states that a long Environmental Assessment Form must be completed by the applicant, and he therefore requested that the public hearing be adjourned to the October 25, 2023 meeting.

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

Marilyn M. Gambardella, Pomona Country Club Board of Directors, Co-President, was present and questioned where the utilities for the properties are coming from. She also stated that the applicant is past due on fees owed to the Pomona Country Club, because the property has access on East Lane, which is privately owned. Ms. Gambardella also questioned if the historical stone wall facing Pomona Road from 1 East Lane is to remain. Mr. Rosenblum answered that the utilities are coming from McNamara Road and Pomona Road which are County roads, and that he will have a conversation with his client and make them aware they must become current with the fees associated, and that the stone wall facing Pomona Road is to remain.

Phyllis McPherson, 15 East Lane, was present and stated that the past-due money issues are not going to help their chances of making a good rapport with the neighbors.

Chairwoman Brown made a motion to adjourn the public hearing until the October 25, 2023 meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

CONTINUATION OF THE APPLICATION OF NANCY RUBIN ON BEHALF OF MARK NUSSEN FOR A CLEARING/FILLING/EXCAVATING PERMIT. Affecting property located on the west side of Astor Place, 625 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.

Chairwoman Brown read this item into the record. Paul Baum, the applicant's attorney, and Rachel Barese, applicant's engineer, were present. Mr. Baum stated that the applicant has addressed the concerns raised by the Village Engineer and Village Planner, and the revised plans were scaled back a lot, including a reduction of 8,000 cubic yards of fill. Mr. Baum stated that the topography of the property leaves no good solution, so they are proposing to build tiered walls in order to utilize space not previously being used. Mr. Baum requested a site visit, to be done on October 22, 2023 at 3:00PM. The Board stated that the neighbors on each side of the property at 31 and 35 Astor Place respectively, should be made aware of said site visit.

Matt Trainor stated that the whole yard has been scaled back significantly. Frank Brown read Jonathan Lockman's letter stating that changing the plan would benefit the neighbors. Mr. Baum showed the Board that without the current plan, the applicant would have to use more fill and lose a lot of usable space. Ms. Barese added that changing the plan further would require the applicant to walk down 40 feet to their pool, and, in her opinion, there would be no benefit.

Chairwoman Brown made a motion to adjourn the application until the October 25, 2023 meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

CONTINUATION OF 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, applicant's Landscape Architect was present. Ms. Arent stated that they have revised the plans and addressed all major concerns from the Village professionals and completed the PERC test with positive results. Matt Trainor stated that they received the positive PERC test results, and he has no objection to the current plans.

Neal Wasserman, who previously recused himself on this application, questioned if they were on the same drainage system as the recently approved Powder Horn subdivision. Matt Trainor answered no, it is on a different system and all the water runoff will be infiltrated into the ground. Matt Trainor also stated that a condition of the approval of the application could be an agreement requiring proper maintenance of the storm water infrastructure shown on the plans and required by the SWPPP, which agreement would have to be approved and signed before the new house on the lot could be occupied.

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

RESOLUTION# 23-32
HOLZBERG FILLING AND EXCAVATION PERMIT

WHEREAS, a formal application from Basya Holzberg for a clearing, filling and excavation permit for filling and regrading on property located on the westerly side of Powder Horn Drive, known as 28 Powder Horn Drive and designated on the Town of Ramapo Tax Maps as Section 32.19, Block 2, Lot 44, was received by the Planning Board and was referred to the Village Engineer for review and report pursuant to Section 95-4C(l) of the Code of the Village of Wesley Hills (the Clearing, Filling and Excavation Law), and

WHEREAS, the Planning Board has received the report of the Village Engineer and has considered said application,

NOW, THEREFORE, BE IT RESOLVED, that said application for a filling and excavation permit is hereby approved for the creation of the revised topography shown on the plot plan titled "Drainage Plan for 28 Powder Horn Rd, 32.19-2-44, Located in the Village of Wesley Hills, Rockland County, New York", dated May 30, 2023 and last revised August 21, 2023, prepared by Paul Gdanski, PE, PLLC, and as shown on the site plan titled "The Holzberg Residence, 28 Powder Horn Drive, Wesley Hills, New York", dated May 31, 2023 and last revised September 11, 2023, prepared by Karen Arent Landscape Architect, subject to the following conditions and modifications:

1 . The applicant shall pay a non-refundable application fee in the amount of \$1,700.00, as determined by the Village Engineer.

2 . A performance bond or equivalent security (escrow cash or a letter of credit as approved by the Board of Trustees) shall be provided by the applicant in the amount of \$128,000.00, as determined by the Village Engineer, on condition that such security shall be provided to the Village prior to the continuation of construction activities.

3 . There shall be compliance with all conditions set forth within the letter of Brooker Engineering dated September 21, 2023, a copy of which letter is attached to this Resolution and made a part hereof.

4 . The applicant shall provide an independently certified soil analysis report of the contents of the fill, which report may be shared by the Village with any adjacent property owner who requests it.

5 . The erosion control devices shall be properly installed and continuously maintained until the completion of the project.

6 . A certificate of occupancy shall not be issued for the house to be constructed on the subject property until approval and execution of an agreement

concerning the perpetual maintenance of the storm water infrastructure to be constructed.

7. Certification, to the satisfaction of the Village Engineer, shall be provided to document that the work as depicted on said plot plan has been completed.

8. All work required hereby, including topsoil and seeding, shall be completed no later than one year after the commencement of construction of the retaining wall, to the satisfaction of the Village Engineer.

Upon vote, the motion carried 4-0, Neal Wasserman did not vote because of his recusal.

CONSIDERATION OF REQUEST FOR ARCHITECTURAL PLAN REVIEW SUBMITTED BY VILLAGE GREEN SHUL. The subject premises are situated at the southerly side of Village Green known as 4 Village Green and designated on the Town of Ramapo Tax Map as Parcel ID #41.11-2-17.

Chairwoman Brown read this item into the record. Todd Rosenblum, the applicant's architect, was present. Mr. Rosenblum showed the Board samples of all materials to be used for Architectural review.

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

RESOLUTION# 23-33
VILLAGE GREEN SHUL SITE PLAN

WHEREAS, on November 30, 2022, by Resolution# 22-44, the Planning Board granted site plan approval to Village Green Shul for a neighborhood gathering on premises located on the southerly side of Village Green known as 4 Village Green and designated on the Town of Ramapo Tax Map as Section 41.11, Block 2, Lot 17; and

WHEREAS, in said Resolution the approval of the architectural plans for the proposed building was reserved until a future meeting of the Planning Board; and

WHEREAS, the applicant has submitted such architectural plans, which have been reviewed by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the architectural plans entitled "4 Village Green", dated September 5, 2023, are hereby approved, subject to the following condition:

1. If, at any time within one year of the issuance of a certificate of occupancy for the new structure on the subject lot, the Planning Board shall determine that the light emanating from the subject property is excessive, the applicant shall appear before this Board for approval of a revised landscaping plan and/or window treatments.

Upon vote, the motion carried 4-0, Joshua Scheinberg abstained.

CONSIDERATION OF THE APPLICATION OF DEERWOOD TRUST ON BEHALF OF ORAH MONCZYC FOR A SPECIAL PERMIT FOR A HOME BUSINESS. Affecting property located on the westerly 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.

Chairwoman Brown read this item into the record. David Mayerfeld, the applicant's architect, was present and stated Ms. Monczyc is a single mother and would like to use her basement as a salon for income. Mr. Mayerfeld stated that the applicant will not have more than one client at a time, there is plenty of parking, and they are not planning to post any signage.

Matt Trainor stated that he had no objections to the application. Frank Brown stated that the applicant needs to comply with Jonathan Lockman's review letter and submit new plans prior to the public hearing, to be scheduled for October 25, 2023.

Neal Wasserman made a motion to approve the following resolution, seconded by Joshua Scheinberg:

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.

Upon vote, this motion was carried unanimously.

APPROVAL OF MINUTES- 7/26/2023

Chairwoman Brown made a motion to approve the July 26, 2023 minutes, seconded by Lon Lieberman. Upon vote, the motion carried 4-0, Joshua Scheinberg abstained.

APPROVAL OF MINUTES- 8/30/2023

Chairwoman Brown made a motion to approve the August 30, 2023 minutes, seconded by Lon Lieberman. Upon vote, the motion carried 3-0, Albert Tew and Joshua Scheinberg abstained.

CONSIDERATION OF REQUEST FOR EXTENSION OF TIME FOR FINAL PLAT APPROVAL FOR A FOUR-LOT SUBDIVISION FOR SARELCO, LLC. Affecting property located on the westerly side of McNamara Road 0 feet north of Pomona Lane designated on the Town of Ramapo Tax Map as Section 33.17, Block 2, Lot 6. Subject property is located at 231 McNamara Road.

Frank Brown stated that he was contacted by the applicant requesting an extension of their final plat approval to allow additional time for the necessary legal documents to be submitted.

Chairwoman Brown made a motion to approve the following resolution, seconded by Lon Lieberman:

RESOLUTION# 23-35
231 McNAMARA ROAD SUBDIVISION

WHEREAS, on January 4, 2023, by Resolution# 23-2, the Planning Board approved the final plat entitled "Final Plat for 231 McNamara Road, Village of Wesley Hills, Town of Ramapo, Rockland County, New York", which period of conditional subdivision approval was previously extended until October 1, 2023, and

WHEREAS, the applicant has advised the Planning Board that the filing of the said plat cannot be accomplished by that expiration date,

NOW, THEREFORE, BE IT RESOLVED, that the period of conditional subdivision approval heretofore granted to the said subdivision is hereby further extended until December 29, 2023.

Upon vote, this motion was carried unanimously.

ADJOURNMENT

Chairwoman Brown made a motion to adjourn the meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

Respectfully Submitted,
Alicia Schultz