



PLANNING BOARD MEETING MINUTES

August 30, 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, Joshua Scheinberg- First Alternate

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

Absent: Albert Tew, Neal Wasserman, Vanessa Caren, Joseph Zupnik- Second Alternate

CONSIDERATION OF REQUEST OF AMS ACQUISITIONS TO RESCHEDULE THE PUBLIC HEARING 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 read this item into the record. Ira Emanuel, the applicant's attorney, was present. Mr. Emanuel stated that the applicant was unable to submit the necessary revised plat and supporting documents in time for this meeting and would like to schedule a public hearing on the matter for the next Planning Board meeting on September 27, 2023.

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

RESOLUTION # 23-29 **AMS ACQUISITIONS SUBDIVISION**

WHEREAS, on July 26, 2023, by Resolution# 23-28, the Planning Board scheduled a public hearing on an application for approval of a revision of the final plat titled "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", to be held on August 30, 2023, on condition that such proposed revised final plat shall have been filed with the Village no later than August 7, 2023, and

WHEREAS, the applicant was unable to satisfy that condition, and no proposed revised final plat was filed with the Village on or before August 7, 2023, and

WHEREAS, the applicant therefore has requested that the Planning Board reschedule such public hearing until the next meeting of the Planning Board,

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 27th day of September, 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 September 5, 2023.

Upon vote, this motion was carried unanimously.

CONTINUED 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 read this item into the record. Ira Emanuel, the applicant's attorney, and Rhonda Smith, applicant's engineer, were present. Mr. Emanuel stated that the applicant has been advised by the Village Fire Inspector that they need to revise their plans for the proposed emergency driveway, as it needs to be widened to accommodate the size of emergency vehicles.

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 either major road. 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.

Chairwoman Brown stated that the Planning Board had received a letter from the adjacent Village of New Hempstead which included 10 comments and concerns, and those comments would have to be considered and addressed. Chairwoman Brown asked if anyone from the public would like to speak.

Neal Marcus, 46 John Street New City, NY was present and stated that this has been an ongoing issue for 20 years, and the applicant was denied by the Appellate Court. Mr. Marcus stated that they have been running an "illegal" business for almost 50 years on the property and passed out some information regarding the property. Frank Brown stated that if the special permit application is denied, the owner will have one year to shut down and relocate. Ira Emanuel stated that the Village Board believed the continuation of the applicant's business in its present location, subject to numerous conditions, was in the overall public interest, which is the reason that the Village entered into a Justice Court stipulation on September 8, 2004, and subsequently amended the Zoning Law. Ira Emanuel stated the applicant has continued to operate in

compliance with the conditions of the stipulation and Zoning Law, and the applicant has every right to submit a revised application to the Village that conforms to the Court decision.

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

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. Planning Board of the Village of Weslev 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.

Upon vote, this motion was carried unanimously.

The Board members discussed with Jonathan Lockman and Matt Trainor the additional information that is needed in order for the Board to proceed with its environmental review pursuant to SEQRA. Ira Emanuel stated that it would take at least two months to produce the updated reports.

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

CONSIDERATION OF THE APPLICATION OF 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.

Chairwoman Brown read this item into the record. Neither the applicant nor its representative was present.

Chairwoman Brown made a motion to adjourn this matter to the September 27, 2023 Planning Board meeting, seconded by Lon Lieberman.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF CONGREGATION TRISK TOLNA FOR A SPECIAL USE PERMIT AND SITE PLAN FOR A NEIGHBORGOOD GATHERING AND MIKVAH. Affecting property located on the north side of Glenbrook Road Designated on the Town of Ramapo Tax Map as Parcel ID#41.10-2-24. Subject property is located at 33 Glenbrook Road.

Chairwoman Brown read this item into the record. Neither the applicant nor its representative was present. Frank Brown stated that prior to the meeting, Amy Mele, applicant's attorney, requested a postponement until after a TAC meeting scheduled with the Village professionals next week, on September 6, 2023.

REQUEST OF 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 located at 1 East Lane.

Chairwoman Brown read this item into the record. This subdivision was previously approved in 2020, but the plat was never signed and filed, and the approval time had lapsed. Todd Rosenblum, the applicant's architect, was present. Mr. Rosenblum requested permission to proceed directly to a public hearing on the updated final plat, because it was identical to the previously approved plat (except for the name of the current owner).

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

RESOLUTION # 23-31
ABY EAST, LLC SUBDIVISION

WHEREAS, on January 8, 2020, by Resolution# 20-3, conditional subdivision approval was granted to the subdivision known as 1 East Lane Subdivision, and

WHEREAS, such conditional approval has expired without the signing of the final plat for such subdivision due to the failure of the then owner of the subject property to submit the necessary legal documents for signing in satisfactory form within the period of conditional final approval as extended, and

WHEREAS, in the intervening time period the subject property, in its unsubdivided form, has been sold to a new owner, ABY East LLC, and

WHEREAS, ABY East LLC has applied to this Board for re- approval of the said subdivision, and the re-submitted plat appears to be identical in all respects to the previously approved plat except for the incorporation of any changes necessary to satisfy the requirements of this Board as set forth in Resolution# 20-3,

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby grants permission to the applicant to proceed directly to a public hearing on final approval of the re-submitted plat, with approval of the sketch plat and the preliminary plat deemed to have been granted, provided that:

1. A complete re-submitted application for approval of such final plat, correctly identifying the owner and applicant, shall be filed with the Village Clerk.
2. The re-submitted final plat shall be identical in all material respects with the previously approved final plat, except for any alterations that are necessitated in order to comply with the conditions set forth in Resolution# 20-3 and for the identification of the current owner and applicant.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF STATION GLO FOR GULF GAS STATION FOR A SIGN PERMIT. Affecting property located on the west side of Route 306 Designated on the Town of Ramapo Tax Map as Parcel ID#41.11-1-18. Subject property is located at 475 Route 306.

Chairwoman Brown read this item into the record. John LeClerc, the applicant's project manager, was present. Mr. LeClerc handed out present and proposed pictures of the project to the Board. Jonathan Lockman stated that if the illumination is less than or equal to what it currently is, and if the square footage is less than or equal to what it currently is, then his office has no objection to the application. Mr. Lockman stated that we need revised plans to show said information prior to the next meeting.

Chairwoman Brown made a motion to adjourn this matter to the September 27, 2023 Planning Board meeting, seconded by Lon Lieberman.

Upon vote, this motion was carried unanimously.

CONSIDERATION OF THE APPLICATION OF MENACHEM LANDWIRT FOR CHAI PIZZA FOR A SIGN PERMIT. Affecting property located on the west side of Route 306 Designated on the Town of Ramapo Tax Map as Parcel ID#41.07-2-28. Subject property is located at 481 Route 306.

Chairwoman Brown read this item into the record. Menachem Landwirt, the applicant, was present. Jonathan Lockman stated that we need more detailed plans showing measurements for better review of the application prior to the next meeting. Matt Trainor stated the applicant also needs to show the measurement of the building's façade, versus the square footage of signage. Jonathan Lockman stated that if the square footage is less than or equal to what it currently is, then his office has no objection to the application. Matt Trainor stated he also has no objection.

Chairwoman Brown made a motion to adjourn this matter to the September 27, 2023 Planning Board meeting, seconded by Lon Lieberman.

Upon vote, this motion was carried unanimously.

APPROVAL OF MINUTES- 7/26/2023

Chairwoman Brown stated that there are not enough Board members present to approve the July 26, 2023 minutes and it shall be done at the September meeting.

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