

5. No parking associated with the special permit use shall be allowed on Wilder Road.
6. The existing structure on the site must be vacated, and its certificate of occupancy shall be revoked, 4 weeks after issuance of the certificate of occupancy for the new structure on the site. The existing structure on the site shall be demolished within 8 weeks thereafter.

and BE IT FURTHER RESOLVED, that this Board hereby overrides, and compliance shall not be required with, the following modifications set forth in said letter report of the Rockland County Department of Planning for the reasons set forth hereinbelow:

- (a) Modification 5, because the high groundwater level on and in the vicinity of the site makes the use of permeable pavers to be impractical;
- (b) Modification 12, because that modification contradicts the requirement of the Rockland County Highway Department dated July 3, 2018; and
- (c) Modification 13, because that modification contradicts Section 230-54B(10) of the Code of the Village of Wesley Hills which establishes exterior lighting requirements for special permit uses in the Village, and the applicant must comply with the Village's requirements.

and BE IT FURTHER RESOLVED, that the architectural plans entitled "Cong. Derech Emes, 34 Wilder Rd., Village of Wesley Hills, NY", dated May 20, 2018, prepared by Mayerfeld Architecture PLLC, are hereby approved, subject to incorporation of the materials presented to the Planning Board on August 28, 2019 and described in the Minutes of that meeting.

Upon vote, this motion carried unanimously.

CONTINUED PUBLIC HEARING ON THE APPLICATION OF ANSHEI CHESD FOR A SPECIAL PERMIT FOR A NEIGHBORHOOD GATHERING AND SITE PLAN APPROVAL TO CONSTRUCT A SYNAGOGUE. Affecting property located on the south side of Lime Kiln Road. Designated on the Town of Ramapo Tax Map as Parcel ID#41.06-1-26. Subject property located at 62 Lime Kiln Road.

Bill Johnson, the Applicant's Engineer, appeared on behalf of the Applicant and presented a revised site plan dated 7/16/19 last revised on 8/5/19 and revised Architectural plans dated 8/7/19.

Chairwoman Brown questioned the changes made to the plans? Mr. Johnson answered that the revised plans include a phasing plan showing the use of the property throughout the steps of the process. Mr. Johnson stated that in phase one, the existing building will remain in use and the rear of the property will have a gravel area in which the Congregants will be able to park their vehicles and access the Synagogue. Bill Johnson stated that the area of disturbance will be staked out and a fence will be placed prior to construction. Mr. Johnson stated that the footing drains for the Rabbi's residence are shown on the revised plans. As per the Village Planner's request, Mr.

Johnson stated that specifications of the lights are 3,220 lumens. Bill Johnson stated that the landscaping will be completed in the second phase of construction and that the Architectural plans show the grading of the handicap ramps.

Matt Trainor questioned the height of the retaining wall? Bill Johnson stated that the notes on the plans show the height.

Jeff Osterman questioned whether there would be ADA access throughout phase one? Bill Johnson answered yes, through the main entrance.

Jeff Osterman stated that the lighting requirement is 8' and the Applicant must ensure that the light pole is not knocked down. Stanley Mayerfeld, the Applicant's Architect, stated that a boulder can be placed in front of the light pole.

Stanley Mayerfeld stated that there are 35 onsite parking spaces. Mr. Mayerfeld stated that the Congregation across the street has offered to share a portion of their parking lot for large functions.

Frank Brown questioned if the Board was satisfied with the number of parking spaces? The Board answered yes.

Chairwoman Brown questioned if anyone from the public wished to speak. No one wished to speak.

Chairwoman Brown made a motion to close the Public Hearing, seconded by Rachel Taub. Upon vote, this motion carried unanimously.

Lon Lieberman made a motion to approve the following resolution, seconded by Alexandra Wren:

Resolution # 19-36

ANSHEI CHESSED INC. SPECIAL PERMIT

WHEREAS, Anshei Chesed Inc. has applied for a special permit for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26, and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on January 9, 2019, and was continued on February 27, 2019, March 27, 2019, May 1, 2019, June 26, 2019, July 24, 2019, and August 28, 2019, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, said application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and by letter

report dated January 22, 2019, the Rockland County Department of Planning notified this Planning Board that it had approved the application subject to conditions set forth therein; and

WHEREAS, heretofore on May 1, 2019, by Resolution # 19-21, this Board determined that the proposed project will not have a significant impact on the environment as defined by the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on June 13, 2019, the Zoning Board of Appeals of the Village of Wesley Hills granted variances for such application subject to conditions set forth therein, all of which have a satisfied or are required to be satisfied by the conditions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that said application for a special permit for a neighborhood gathering is hereby granted, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. The neighborhood gathering shall be operated in conformance with the representations set forth in the narrative summary submitted to the Planning Board by the applicant dated December 19, 2018, a copy of which document is attached to this Resolution and made a part hereof.
3. There shall be compliance with conditions 1 through 8, 10 through 12, and 14 through 25 set forth in the letter report of the Rockland County Department of Planning dated January 22, 2019, a copy of which letter report is attached to this Resolution and made a part hereof.
4. There shall be compliance with all conditions set forth in the letter of the Rockland County Sewer District No. 1 dated February 8, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
5. There shall be compliance with conditions 1 and 3 through 5 set forth in the letter of the Rockland County Highway Department dated January 24, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
6. There shall be compliance with all conditions set forth in the memorandum of Brooker Engineering, PLLC dated August 19, 2019, a copy of which memorandum is attached to this Resolution and made a part hereof.
7. There shall be compliance with all conditions set forth in the letter of Town of Ramapo Department of Public Works dated August 1, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
8. There shall be compliance with all conditions set forth in the letter of the Rockland County Office of Fire and Emergency Services dated December 31, 2018, a copy of which letter is attached to this Resolution and made a part hereof.

9. No parking associated with the special permit use shall be allowed on Lime Kiln Road.
10. Pursuant to section 230-26G(1)(f) of the Code of the Village of Wesley Hills (formerly sections 6.9.8a.6 of the Zoning Law of the Village of Wesley Hills), the Planning Board hereby determines that the provision of 57 parking spaces, including 24 of which may be located off-site, as shown on the applicant's site plan and as referred to in the applicant's aforementioned narrative summary, will be sufficient for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character. That determination is based on the applicant's representations concerning its presently intended operation of the neighborhood gathering. Therefore, pursuant to section 230-26G(1)(f) of the Code of the Village of Wesley Hills and pursuant to section 230-26G(1)(g) of the Code of the Village of Wesley Hills (which sets forth discretion which the Planning Board is authorized to consider exercising pursuant to the aforementioned variances granted by the Zoning Board of Appeals):
 - a. The Planning Board allows 4 parking spaces on Lot 41.06-1-62, 4 parking spaces on Lot 41.06-1-27, 4 parking spaces on Lot 41.06-1-47, 4 parking spaces on Lot 41.06-1-46, 4 parking spaces on Lot 41.06-1-48, and 4 parking spaces on Lot 41.16-1-45 to count towards satisfaction of the parking requirement, providing that at all times the Village shall have in its file written permission for such parking executed by all then current owners of the said respective lots. Each year during the month of January, the then operator of the neighborhood gathering shall file such written permission with the Village. If such filing is not made, the Village shall notify the operator; and in the event of failure to file such written permission within 30 days of such notification, the permission for such off-site parking shall be deemed to have been revoked. If at any time the ownership of any of the said lots shall change for any reason whatsoever, the then operator of the neighborhood gathering, within 30 days of such change in ownership, shall submit to the Village a new document in writing giving permission for such parking, executed by all of the then current owners of that lot; and, in the event of a failure to provide such new permission document, the permission for such parking to continue on that lot shall be deemed to have been revoked. If at any time any of the owners of any of the said lots shall revoke such permission for any reason whatsoever, or shall be deemed (pursuant to the provisions of either of the two previous sentences) to have revoked such permission, the parking spaces on that lot will no longer be counted towards satisfaction of the parking requirement, and the then operator of the neighborhood gathering on the subject premises, within 30 days of such revocation or deemed revocation, shall apply to the Planning Board for a modification of this special permit, which application must show the provision of all of the parking spaces no longer counted in a replacement location deemed adequate and sufficient by the Planning Board.
 - b. In the event that permission to use any of the said lots for off-site parking is revoked or deemed to be revoked in accordance with the provisions of paragraph 10a

hereinabove, and if the then operator of the neighborhood gathering on the subject premises shall fail to apply to the Planning Board for a modification of this special permit to show the provision of all of the parking spaces no longer counted in a suitable replacement location in accordance with the requirements of paragraph 10a hereinabove, then the special permit shall be deemed to be revoked.

- c. The Planning Board reserves the authority, at any time within seven years after issuance of the certificate of occupancy for the entire proposed new building, if it shall have determined that a genuine issue has arisen concerning the sufficiency of the parking requirement to enable the neighborhood gathering to continue to operate in a manner that is consistent with public safety and neighborhood character, and on notice to the then owner of the subject premises and the then operator of the neighborhood gathering on said premises, to adopt a resolution directing the then owner of the subject premises and the then operator of the neighborhood gathering on said premises to appear before the Planning Board at a subsequent public hearing for a consideration of whether the special permit shall be revised to require additional parking spaces.
11. 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.
12. The kiddush room shall be used only for celebratory events for bona fide members of the applicant's congregation. As agreed to by the applicant, any person who purports to become a "member" of the congregation for a temporary period only that is restricted to the date of such event and/or a short period of time around such date shall not be deemed to be a bona fide member, for the purposes of enforcing this condition. However, this condition shall not apply to celebratory events held on occasions when driving is not permitted.
13. The kiddush room may not be used as a commercial catering facility, which is not a permitted use in the R-50 Zoning District, and its availability for such use shall not be advertised in any manner.
14. No truck or any vehicle designed to serve as a mobile commercial kitchen for catering purposes shall be allowed to idle on the site for a continuous period of more than 10 minutes.
15. No generator shall be used on the site except for emergency situations when power is lost.

and BE IT FURTHER RESOLVED, that this Board hereby overrides, and compliance shall not be required with, the following modifications set forth in said letter

report of the Rockland County Department of Planning for the reasons set forth hereinbelow:

- (a) Modification 9, because that modification contradicts Section 230-54B(10) of the Code of the Village of Wesley Hills which establishes exterior lighting requirements for special permit uses in the Village, and the applicant must comply with the Village requirements; and
- (b) Modification 13, because the high groundwater level on and in the vicinity of the site make the use of permeable pavers to be impractical.

Upon vote, this motion carried unanimously.

Stanley Mayerfeld presented to the Board the architectural rendering of the proposed project. Mr. Mayerfeld stated that building will include a stucco siding with black steel windows. Mr. Mayerfeld stated that the Synagogue has existing natural landscaping screening.

Chairwoman Brown questioned if the Board had any comments? The Board did not have any comments.

Rachel Taub made a motion to approve the following resolution, seconded by Chairwoman Brown:

Resolution # 19-37

ANSHEI CHESED, INC. SITE PLAN

WHEREAS, Anshei Chesed, Inc. has applied to the Planning Board for approval of a site plan for a neighborhood gathering on premises located on the southerly side of Lime Kiln Road known as 62 Lime Kiln Road and designated on the Town of Ramapo Tax Map as Section 41.06, Block 1, Lot 26, and

WHEREAS, a duly advertised public hearing was held on said application at the Village Hall, 432 Route 306, Wesley Hills, New York, on January 9, 2019, and was continued on February 27, 2019, March 27, 2019, May 1, 2019, June 26, 2019, July 24, 2019, and August 28, 2019, at which times all interested parties present were given an opportunity to be heard; and

WHEREAS, said site plan application was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law sections 239-1 and 239-m, and by letter report dated January 22, 2019, the Rockland County Department of Planning notified this Planning Board that it had approved the application subject to conditions set forth therein; and

WHEREAS, heretofore on May 1, 2019, by Resolution # 19-21, this Board determined that the proposed project will not have significant impact on the environment as defined by the State Environment Quality Review Act (SEQRA); and

WHEREAS, on June 13, 2019, the Zoning Board of Appeals of the Village of Wesley Hills granted variances for such application subject to conditions set forth therein, all of which have been satisfied or are required to be satisfied by the conditions of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby exercises the discretion granted to it by Section 230-53C(1) of the Code of the Village of Wesley Hills to determine that the 25-foot buffer screening requirement shall be waived along the westerly and northerly lot lines of the subject premises because the proposed vegetation to be installed will satisfy the same purpose; and

BE IT FURTHER RESOLVED, that said application for approval of a site plan is hereby granted for the site plan entitled "Phase I & Phase II Planimetric Plan for Anshei Chesed located in Village of Wesley Hills, Town of Ramapo, Rockland County, New York", prepared by Sparaco & Youngblood, PLLC, dated July 16, 2019 and last revised August 5, 2019, subject to the following conditions:

1. There shall be compliance with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. There shall be compliance with conditions 1 through 8, 10 through 12, and 14 through 25 set forth in the letter report of the Rockland County Department of Planning dated January 22, 2019, a copy of which letter report is attached to this Resolution and made a part hereof.
3. There shall be compliance with all conditions set forth in the letter of the Rockland County Sewer District No.1 dated February 8, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
4. There shall be compliance with conditions 1 and 3 through 5 set forth in the letter of the Rockland County Highway Department dated January 24, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
5. There shall be compliance with all conditions set forth in the memorandum of Brooker Engineering, PLLC dated August 19, 2019, a copy of which memorandum is attached to this Resolution and made a part hereof.
6. There shall be compliance with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated August 1, 2019, a copy of which letter is attached to this Resolution and made a part hereof.
7. There shall be compliance with all conditions set forth in the letter of the Rockland County Office of Fire and Emergency Services dated December 31, 2018, a copy of which letter is attached to this Resolution and made a part hereof.
8. No parking associated with the special permit use shall be allowed on Lime Kiln Road.

and BE IT FURTHER RESOLVED, that this Board hereby overrides, and compliance shall not be required with, the following modifications set forth in said letter report of the Rockland County Department of Planning for the reasons set forth hereinbelow:

- (a) Modification 9, because that modification contradicts Section 230-54B(10) of the Code of the Village of Wesley Hills which establishes exterior lighting requirements for special permit uses in the Village, and the applicant must comply with the Villages requirements; and
- (b) Modification 13, because the high groundwater level on and in the vicinity of the site makes the use of permeable pavers to be impractical.

And BE IT FURTHER RESOLVED, that the architectural plans entitled “Anshei Chesed, Village of Wesley Hills, Rockland County, NY”, dated August 7, 2019, prepared by Mayerfeld Architecture PLLC, are hereby approved, subject to incorporation of the materials presented to the Planning Board of August 28, 2019 and described in the Minutes of that meeting.

Upon vote, this motion carried unanimously.

CLEARING/FILLING/EXCAVATION PERMIT APPLICATION OF SHIMON AND SHIFRA KREISEL. Affecting property located on the west side of Wilder Road. Designated on the Town of Ramapo Tax Map as Parcel ID#32.14-1-3.5. Subject property located at 85 Wilder Road.

John Atzl, the Applicants’ Engineer, appeared on behalf of the Applicants and presented a site plan dated 5/2/19 showing how the Applicants plan on filling their backyard to create a flat, more usable space. Mr. Atzl stated that the chain link fence will be removed from the Conservation Easement as per the Village Engineer’s comments.

Chairwoman Brown questioned if the Village Professionals had any concerns? Matt Trainor answered yes and stated that the maximum slope allowable is 1:2.

John Atzl stated that the plans will be revised to show the correct slope.

Jeff Osterman stated that the stockade fence in the Conservation Easement must be removed.

John Atzl stated that the fence will be removed.

Jeff Osterman stated that the grading is close to the Conservation Easement and he wants to ensure that the line is staked out.

Alexandra Wren made a motion to approve the following resolution, seconded by Vera Brown:

Resolution # 19-38

KREISEL FILLING AND EXCAVATION PERMIT