



PLANNING BOARD MEETING MINUTES

February 28, 2024 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, Albert Tew, Lon Lieberman, Neal Wasserman, Vanessa Caren, Joshua Scheinberg- First Alternate, Joseph Zupnik- Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Eve Mancuso-Village Engineer, Jonathan Lockman, Alicia Schultz-Deputy Village Clerk

Chairwoman Brown stated that both she and Frank Brown, the Deputy Village Attorney, are retiring from their duties at the Village at the end of March. Chairwoman Brown stated that Lon Lieberman, who has 11 years on the Planning Board, will be taking over as Chairman.

CONTINUED DISCUSSION ON THE 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, 600 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.

Lon Lieberman read this item into the record. Paul Baum, the applicant's Attorney, Rachel Barese, the applicant's Engineer, as well as Mark Nussen, the applicant, were present. Paul Baum stated that they have been working on this project for almost a year, and he believes they have turned in all of the requested items and documents needed for the application to be approved.

Eve Mancuso stated that the applicant still has outstanding items that need to be completed for the application. Ms. Mancuso stated that the fill that was brought onto the site needs to be tested by a private laboratory, and they have been requesting this information since September 2023, accompanied by a certification letter stating that the soil that was brought onto the site is not contaminated. Ms. Mancuso stated that the applicant also needs to provide retaining wall details. Paul Baum questioned if the application could be approved upon the condition that they get the requested items done, prior to the issuance of the building permit. Mr. Nussen also asked if they could receive approval on the condition that they complete the items requested. Chairwoman Brown read Ms. Mancuso's statement from the Minutes of the November 29, 2023 Planning Board meeting that the soil that has been brought into the site must be tested by an independent tester, and they must specify where each specimen is coming from as there are 3 different addresses in the application, including an industrial site.

Joseph Zupnick made a motion to approve the application on the condition that the required items are completed prior to issuance of a building permit, seconded by Albert Tew. Upon vote, the motion was denied 5-0.

Chairwoman Brown made a motion to adjourn the discussion until the March 27, 2024 meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

CONTINUED DISCUSSION ON APPLICATION SUBMITTED BY ZAHAV GROUP FOR REVISION OF THE FINAL PLAT KNOWN AS THE HURWITZ SUBDIVISION.

Affecting property located on the westerly side of Spook Rock Road, approximately 750 feet north of the intersection of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID #40.16-1-10.2. Subject property is located at 89 and 91 Spook Rock Road.

Lon Lieberman read this item into the record. Kamran Amona, the applicant, was present and stated that his request is for the removal of note #32 on the final for the Hurwitz subdivision, which stated that the plantings along the border between 91 and 87 Spook Rock Road, would have to be planted prior to the issuance of a Certificate of Occupancy for the new house at 91 Spook Rock Road. Mr. Amona stated that the current owners of 87 Spook Rock Road are not the same owners who originally owned the property when the final plat was created, and the new neighbors would like a different landscaping plan than the one that was approved with the subdivision plat. Chairwoman Brown stated that at the site visit, the owner at 87 Spook Rock Road was informed that if they would like a different landscaping plan than the one that was approved, they must present revised landscaping plans and an estimate for the proposed plantings, and the fees due for the revised landscaping cannot exceed the amount that would have been sufficient to implement the landscaping plan that had been approved for the Hurwitz Subdivision.

Abraham Ruttner, 87 Spook Rock Road, was present and stated that he would like to plant 20' trees, as his landscapers said with a good irrigation system, planting 20' trees in this area is possible. Mr. Ruttner stated that he has spoken to the new owner of the property at 91 Spook Rock Road as well, and he does not want the plantings as described on the final plat done on his property either, and would no longer like to work with Mr. Amona on the project on his property.

Frank Brown gave history regarding the approved subdivision and stated that the Planning Board can either remove note #32 on the final plat regarding the plantings at 87 Spook Rock Road or can change the note to substitute a different landscaping plan preferred by Mr. Ruttner. The money that the Village is holding in escrow from Mr. Amona that were to be spent on the original landscaping plan could be used for Mr. Ruttner's chosen landscaping plan. Mr. Amona stated that \$4,800 was to be spent on the 10 trees that were to be planted at 87 Spook Rock Road. Eve Mancuso stated that the amount that the applicant placed in escrow for the plantings is \$7,500.

Vanessa Caren made a motion to provide Mr. Ruttner at 87 Spook Rock Road with a credit for landscaping up to \$7,500 from the escrow account on the project, seconded by Albert. Upon vote, the motion carried 3-2.

Frank Brown stated that the owners of 89 & 91 Spook Rock Road both signed indemnity agreements that authorized the landscaping and any other work that was on the final plat, including allowing the Village to use the escrow funds for the work on their lots.

Mr. Brown stated that the escrow agreement would have to be amended and Mr. Amona needs to come back with a new plan/as is survey, showing no trees on the property at 87 Spook Rock Road, and exactly what is to be planted and/or removed at 91 Spook Rock Road.

Joseph Zupnick stated that Mr. Amona needs to come back with 3 different quotes from Rockland County Licensed contractors with what the fees are for 8-10 Norway Spruces, take the average and give Mr. Ruttner a credit for that amount.

Albert Tew made a motion to retract the previous motion, seconded by Lon Lieberman. Upon vote, the motion carried unanimously.

Chairwoman Brown made a motion to adjourn the discussion until the March 27, 2024 meeting, seconded by Lon Lieberman. Upon vote, this motion was carried unanimously.

APPROVAL OF MINUTES- January 28, 2024

Lon Lieberman made a motion to approve the January 28, 2024 minutes, seconded by Joshua Scheinberg. Upon vote, this motion was carried 5-0. Vanessa Caren & Joseph Zupnick abstained.

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