



## PLANNING BOARD MEETING AGENDA

March 27, 2024 at 7:30 PM

432 Route 306, Wesley Hills, NY 10952

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

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### CALL TO ORDER

### CONTINUED PUBLIC HEARING

- 1. CONTINUED PUBLIC HEARING ON THE APPLICATION SUBMITTED BY 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.

### DISCUSSIONS

- 2. CONTINUED DISCUSSION 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, 0 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.
- 3. CONTINUED DISCUSSION ON THE 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 Spook Rock Road.
- 4. DISCUSSION:** Recommendation to Board of Trustees on proposed Zoning Law Amendment.
- 5. 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.

### APPROVAL OF MINUTES

- 6.** February 28, 2024

### ADJOURNMENT

January 3, 2024

Village of Wesley Hills Planning Board  
432 Route 306  
Wesley Hills, NY 10952

Attn. Chair Brown and Honorable members of the Planning Board

Re: Wickes Arborists – 11 McNamara Road  
Response to Site Plan and Special Permit Review comments

Dear Chair Brown,

The following are in response to comments prepared by Brooker Engineering, PLLC dated May 23, 2023.

- 1. Special Permit notes are provided in a condensed format. We defer to the Planning Board Attorney if this is an acceptable format. Expanded info does not appear to be provided in the latest narrative.**

Response: Comment Noted.

- 2. Our office takes no objection to the location of additional access to Union Road for emergency services.**

Response: Comment Noted.

- 3. Existing material storage containment areas appear not to be in conformance with the Village code. Four 100 cubic yard containers are depicted on the plans and described in the narrative. Code allows a maximum of 25 CY for stone/gravel per container and 50 CY per container for other materials.**

Response: The Stipulation of Settlement provides the storage of 400 cubic yards of mulch and/or woodchips in storage structures with a 100 cubic yard capacity. No storage of stone and/or gravel is proposed.

- 4. Confirmation is requested by the applicant that gravel is a suitable finished surface for ADA parking & accessible route area.**

Response: The ADA compliant parking spaces and accessible route are now being proposed to have concrete pavement.

- 5. Further information is requested for the intended method of parking space delineation. Striping paint may not be suitable for permanent markings on a gravel surface.**

Response: The markings on the plans are to demonstrate there is enough room for the proposed parking spaces. Painted striping will not be done on the gravel surface. The parking is primarily for employee parking which can be monitored.

- 6. Proposed concrete curb limits to be confirmed. Previous plan set included only a limited area of concrete curb along the border of the rain garden to convey and pretreat stormwater runoff.**

**Civil Tec Engineering & Surveying P.C.**

139 Lafayette Avenue, 2<sup>nd</sup> Floor, Suffern, NY 10901 Tel 845.547.2241 Fax 845.547.2243

111 Main Street, Chester, NY 10918 Tel 845.610.3621

[Civil-Tec.com](http://Civil-Tec.com)

Response: The Concrete curb is to be installed along the border of the rain garden to channel the flow into the rain garden through the pretreatment structures. The remaining concrete curbing has been removed.

- 7. Discussion is requested for the parking and material storage area to the southwest in regard to sufficient traffic maneuverability. Conflicts may exist for ‘heavy duty’ and ‘very heavy duty’ trucks.**

Response: The company exists, and the use of heavy duty and very heavy-duty trucks occurs on a regular basis. Any conflicts are resolved internally.

- 8. Our office defers to the Building Inspector / ZBA if minor driveway modifications triggers requirements of 230-34-C for a blacktop or comparable surface for at least 50 feet from the right-of-way on McNamara Road.**

Response: Comment noted.

- 9. Various site plan elements appear to be absent from the previously approved site plan, including but not limited to:**

- a. “No left turn for trucks” signage
- b. Fire zone signage
- c. Proposed fence limits
- d. Block wall adjustments (or note current heights)
- e. Lighting Plan

**A thorough review shall be performed to confirm all previously approved site plan elements have been incorporated to the new plans.**

Response: A thorough review of the approved site plan was performed, and revisions were made to the plans.

#### **Grading, Drainage, Utilities Plan**

- 10. Grading detail is limited. Additional spot grades shall be provided to demonstrate:**

- a. Maximum pitch of 2% at ADA spaces is achieved.
- b. Positive discharge to catch basins/flo-gard prefilters.

Response: Additional spot grades have been provided to clarify the proposed grading in the named areas.

- 11. Additional drop curbs appear necessary to accommodate proposed configuration of catch basins/flo-gard prefilters. Outlet of catch basin to be clarified. Detail suggests a piped overflow is needed. Grading/inverts to be confirmed.**

Response: An additional Drop curbs and an additional flo-gard pre-filter have been proposed. The overflow has been designed to flow overland in a grass swale to McNamara Road drainage system. An underdrain is not required in the rain garden if the soil infiltration rate is not sufficient. If soil testing determines an underrating is required, we will design it before construction.

- 12. It is unclear why a catch/basin/flo-gard is not provided for the northern most curb cut near the entrance of McNamara.**

Response: A flo-gard unit has been proposed in the northern most curb cut location.

- 13. The discharge point for the underdrain system and domed overflow riser are absent from the plan. Overflow invert, underdrain invert, and discharge location & invert shall be provided.**

Response: Overflow has been designed to flow overland in a grass swale to McNamara Road drainage system.

### **Landscaping & Erosion Control Plan**

- 14. Various landscaping plan elements appear to be absent from the previously approved site plan, including but not limited to:**

- a. Raised bed planting schedule**

Response: Raised Bed planting schedule is provided.

- b. Bamboo Plantings (show existing and proposed limits if necessary)**

Response: Bamboo plantings have been removed from the details and planting schedules. Native Rain Garden plants have been indicated.

- c. Trees to be relocated**

Response: Trees to be relocated have been labeled.

- d. Rain garden planting schedule**

Response: The Rain Garden Planting schedule is provided.

- 15. It is noted that the proposed scope of work appears to be under an acre of disturbance and therefore a SWPPP is not required. Approximate disturbance area shall be noted.**

Response: The Limits of Disturbance has been indicated and the area of disturbance is 27,297 s.f.

### **Details**

- 16. Grass-crete detail/cross section to be provided.**

Response: Additional Details have been provided.

- 17. Range of rain garden soil media/stone depths to be removed and replaced with actual design depths. Elevations to be indicated on detail including domed riser, top of bank, mulch, soil media, stone, and underdrain inverts.**

Response: Additional Details are provided.

- 18. All applicable details from previously approved plans shall be transferred and incorporated into the new plan set.**

Response: Additional Details are provided.

The following are in response to comments prepared by Nelson Pope Voorhis dated May 22, 2023.

### Zoning Comments

**1.A ZBA variance will be required for impervious surface ratio as proposed at 0.46.**

Response: Comment noted.

### Planning Comments

**2. We have no problem with the gated emergency access drive connecting the east parking area to Union Road. We believe this would satisfy the condition of the Court decision without any undue adverse impact to Union Road. The grasscrete installation will provide a lawn appearance and will not add impervious surfaces to the site.**

Response: Comment noted.

**3. We appreciate the gravel removal west of the main driveway and restoration of the stream bank with the installation of the “proposed landscape berm.” Please provide details of the height and plant materials proposed for this berm feature as part of the landscape plan (which were not included on sheet 3).**

Response: Additional details have been provided.

**4. We note that on sheet 3 a rain garden is proposed east of the main driveway. We note that on existing conditions sheet 4, about a dozen large trees (including one 24” and one 16”) are located within this rain garden area but are not shown as “to be removed.” Typically when a rain garden is constructed, and underdrain system must be installed, which would require the clearing of all existing vegetation. Please clarify what will happen to the large existing trees if a rain garden is installed in this area indicated.**

Response: The existing trees in the rain garden location will be removed. The trees to be removed have been indicated on the plans.

**5. We note that in the northeast area of the Arborist parking lot (closest to the existing dwelling), the removal of five trees (two are 14” diameter) is proposed, to make way for two overnight truck parking spaces. Could these not be placed on an already cleared and disturbed part of the site? Please provide additional information on the parking demand for the various types of vehicles proposed to be parked on the site. Are 29 automobile parking spaces needed? Are truck parking spaces needed? Please consider whether the gravel parking area expansion proposed, as compared to the existing gravel area, is necessary for the proposed operations. If proposed additional parking can be reduced, it will lessen the size of the ZBA variance need for the impervious surfaces ratio.**

Response: The location of the two overnight parking spaces was requested by the planning board during the previous approval process. The car parking spaces are required for employee parking.

### GML/SEQRA Comments

**6. GML review of the project by the Rockland County Planning Department will be needed as the site fronts on two County roads. The project application must be circulated to the Village of New Hempstead for their review and comments per GML 239-nn.**

Response: Comment noted.

**7. Before the previous approval of this project, by resolution 10-16, the Planning Board granted a negative declaration of environmental significance for this unlisted action. We will defer to the opinion of the Planning Board Attorney regarding how re-affirming this Negative Declaration should be handled, given the Court's holding in this case. Please let me know if you have any questions or comments regarding this review.**

Response: Comment noted.

The following are in response to comments prepared by Lange Planning and Consulting dated July 31, 2023.

- 1. Traffic needs to be assessed with the number of daily vehicles projected and the impacts on the county roads determined. I could not find any information regarding ingress and egress trips or peak rates.**

Response: A traffic study is being prepared to address the comment.

- 2. Did the design for the rain garden include percolation tests or was it based on theoretical constructs. I would recommend percolation tests to be completed.**

Response: Percolation tests have not been completed. The minimum percolation rate was used for design purposes. Percolation and soil logs will be provided when available.

- 3. The emergency access road should align with Fairway Oval on New Hempstead Road for better traffic flow.**

Response: The emergency access road has been widened to 26 feet wide as requested by the Fire inspector and realigned to be compatible with Fairway Oval. Traffic flow was not a consideration for this access is only for emergency access use and not for traffic.

- 4. Did Rockland County Department of Highways comment on the emergency access connection?**

Response: Rockland County Department of Highway's comments and responses are attached.

5. **Although the plans show lines demarking parking spaces, gravel surfaces will not preserve the lines. How will the spaces be maintained?**

Response: The car parking spaces are primarily for employee parking. Painted parking spaces are not required. The lines are for design purposes.

6. **The concept of gravel as the travelway surface is not ideal. Did the Village consider more permanent pavement? Permanent curbs are proposed.**

Response: The gravel parking area has been in use for many years and works well for this use. The permanent curbs are only located around the rain garden to funnel the stormwater through the pretreatment structures.

7. **The use of gravel as the surface for mixing and moving materials seems inappropriate as it will not last, nor will it maintain drainage under active conditions.**

Response: The material storage units detail provides a concrete floor. The mixing and moving of materials has been an ongoing activity for many years without any major problems.

8. **It appears that the rain garden will be draining a significant area as sufficient elevation for the property all show a slope forward to the rain garden. The distance exceeds 100 linear feet of runoff. Will this small rain garden be sufficient?**

Response: The rain garden is large enough to provide water quality volume for the project. Rain Garden calculations are attached.

9. **No details were provided for the proposed landscaping berm, the elevation is lower than the nearby 486 contour line.**

Response: The grading has been revised and more details have been provided.

10. **As mentioned in the narrative, granting of this special permit will travel with the property. Is this what the Village of Wesley Hills desires as the long term (forever) use of the property? It appears to me that an interim solution rather than a permanent solution might be a better alternative.**

Response: Comment noted.

The following are in response to comments prepared by Wesley Hill Fire Inspector dated July 10, 2023.

- 1 – **I would look for the access road to be 26 feet wide. I know on the proposal it shows 20 feet wide, however with the size of the fire trucks and the fire load at this location I would ask kindly to consider the extra width for the fire service.**

Response: The Grasscrete Emergency Access Road has been widened to 26 feet wide.

- 2 – **The crash gate on the property line would require a Knox Box lock on this so the F.D would be able to open at their discretion**

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Response: A Knox Box has been noted on the site plan.

**3 – The parking lot be re-done with the appropriate Fire Zones and parking spots allowing for the Fire Department to operate accordingly.**

Response: The Fire zones and signage has been located on the site plan.

**4 – Confirm the correct Fire Department is on the proposed drawings.**

Response: The Fire Department has been revised.

**5 – Make sure the road is not on top of a septic tank.**

Response: The abandoned septic tank is in the front yard of the existing house and not in the location of the Emergency access road.

The following are in response to comments prepared by Rockland County Sewer District #1 dated July 24, 2023.

**1. The sanitary sewers from this site are connected to the District's sewer system.**

- a. **Upon review of this application, the District has determined that an impact fee is required, in accordance with Section 502A and 1317 of the Rockland County Sewer Use Law as last amended in 2010.**

Response: Comment noted.

- b. **Approval of this application for an emergency access road onto a 96,083 s.f. lot in the R-35 District,**

- i. **To which tax rolls dating back to 2012 assign two (2) sewer units,**  
ii. **Which contains a commercial structure with a landscaping business, and**  
iii. **Which contains a residential structure with a two-family dwelling,**

**will result in one (1) additional sewer unit. Therefore, the applicant must submit a check in the amount of one thousand eight hundred fifty dollars (\$1850.00) payable to Rockland County Sewer District #1 within thirty (30) days of Planning Board approval.**

Response: Comment noted.

- c. **If the use or occupancy of the property exceeds three (3) units (e.g. with additional dwelling units), the District will further review and the owner will have to pay an additional impact fee.**

Response: Comment noted.

- d. **We request that the Planning Board notify the District upon approval of the project.**

Response: Comment noted.



- 2. As this is a non-residential project, Rockland County Sewer District No. 1's "Commercial/Non-residential Wastewater Questionnaire" and the County Planning Information Certification must be submitted to and approved by this office for the landscaping business. The business owner must sign the Wastewater questionnaire.**

Response: The "Commercial/Non-residential Wastewater Questionnaire" will be submitted when appropriate.

The following are in response to comments prepared by Rockland County Center for Environmental Health dated July 17, 2023.

- 1. Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.**

Response: The Mosquito Breeding suppression Application will be made when applicable.

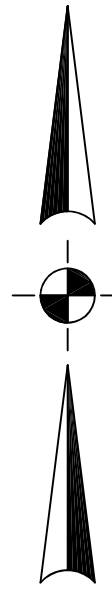
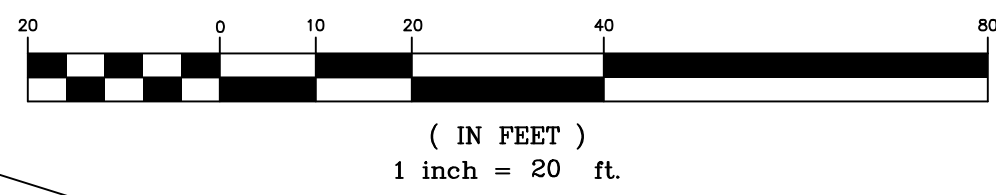
The following are in response to comments prepared by Rockland County Highway Department in an email dated September 5, 2023.

- The proposed emergency access shall be gated and closed unless there would be an emergency at the site. The Village will have to enforce it to mitigate the potential traffic congestion issues and promote traffic safety in the area.**

Response: Comment noted.

The responses to the comments prepared by Rockland County Planning Department dated July 24, 2023, were prepared by the applicant's attorney, Ira M. Emanuel, Esq., and are attached.

GRAPHIC SCALE



42.13 - 1 - 20  
N/F 17 McNAMARA HOLDINGS LLC

42.13 - 1 - 21  
N/F SPIRA

42.13 - 1 - 22  
96,083 Sq. Feet  
2.206 Acres

42.13 - 1 - 23.5  
N/F J SCHENKMAN REALTY LLC

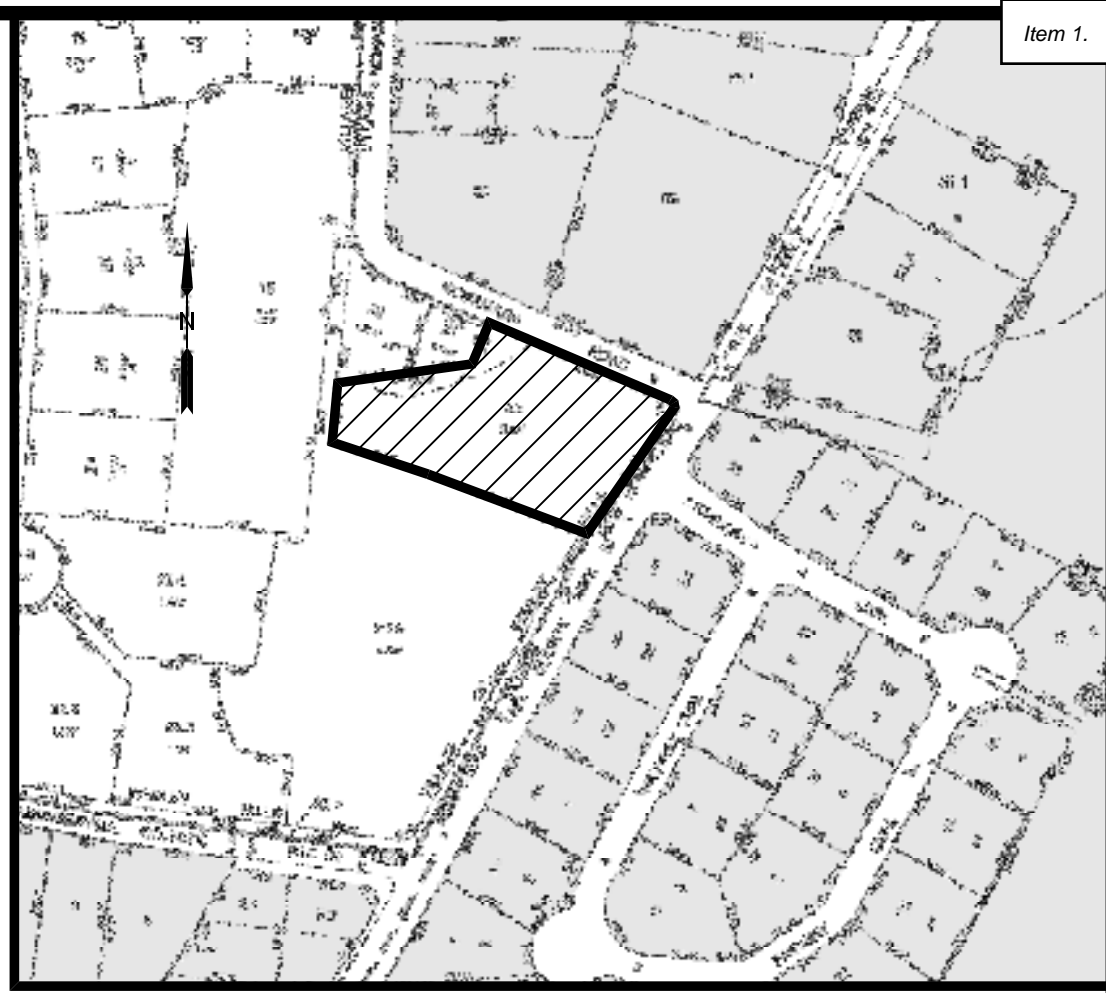
LOT AREA CALCULATIONS:  
GROSS LOT AREA 96,083 SF  
NET LOT AREA  
96,083 SF - 50% DSL (3,417 SF) = 94,374 SF

Bulk Requirements: R-35 Zone												
	Min Lot Area	Min Lot Frontage	Min Lot Width	Min Effective Square, Side	Min Front Yard	Min Side Yard	Min Total Side Yards	Min Rear Yard	Max Impervious Surface Ratio	Max Front Yard Impervious Surface Ratio	Max Building Coverage	Max Exposed Building Height
Required	35,000 SF**	100 FT	125 FT	125 FT	*100 FT/50 FT	*50 FT/25 FT	*120 FT/60 FT	*100 FT/50 FT	0.25	0.2	0.1	2.5 stories/ 25 FT
Existing	96,083 SF Gross	550 FT	300 FT	> 125	0 FT***	11.3 FT***	N/A	50 FT	0.48	0.18	0.08	2 STY < 25'
Proposed for Arborist	91,078 SF Net	550 FT	300 FT	> 125	130 FT	11.3 FT***	N/A	224.3 FT	0.41	0.05	0.06	1 STY < 25'
Proposed for Residence	91,078 SF Net	550 FT	300 FT	> 125	5.3 FT***	171.8 FT	N/A	436.6 FT	0.05	0.12	0.02	2 STY < 25'
Proposed totals	91,078 SF Net	550 FT	300 FT	> 125	5.3 FT	11.3 FT	N/A	224.3 FT	(1) 0.46	0.17	0.08	2 STY < 25'

\* Required/Allowed  
\*\* 2 acres required for arborist special permit use  
\*\*\* Pre-existing condition  
(1) Variance Required

DRAINAGE EASEMENT  
TO THE VILLAGE OF  
WESLEY HILLS  
PER FILED MAP #7413

- SPECIAL PERMIT NOTES (CONDENSED):
- OVERNIGHT PARKING LIMITED TO NOT MORE THAN 7 LIGHT DUTY TRUCKS  
13 MEDIUM DUTY TRUCKS  
7 HEAVY DUTY TRUCKS  
1 VERY HEAVY DUTY TRUCK  
OF WHICH NO MORE THAN 13 CAN BE PARKED OUT OF DOORS
  - NOISE LEVELS SHALL CONFORM TO R.C. DEPT. OF HEALTH STANDARDS
  - NOT MORE THAN 400 CY OF MULCH AND/OR WOOD CHIPS SHALL BE STORED AT THE PREMISES WITHIN STORAGE STRUCTURES. EACH STRUCTURE SHALL NOT EXCEED 100 CUBIC YARDS CAPACITY.
  - NOT MORE THAN 50 CY OF GRAVEL AND/OR STONE SHALL BE STORED AT THE PREMISES. NO GRAVEL AND/OR STONE STORAGE IS PROPOSED
  - OPERATING HOURS AT THE PREMISES SHALL NOT EXCEED THE FOLLOWING:  
WHOLESALE NURSERY:  
8:00AM TO 6:30PM MONDAY THROUGH FRIDAY  
CLOSED SUNDAY  
OFFICE:  
8:00AM TO 5:00PM MONDAY THROUGH FRIDAY  
CLOSED SUNDAY
  - COMMERCIAL TRUCKS AND OTHER EQUIPMENT MAY BE STARTED OUT OF DOORS BETWEEN NOV 1 AND APR 15 NOT BEFORE 7:30AM INDOORS ALL YEAR NOT BEFORE 7:00AM  
WARM UP TIMES SHALL NOT EXCEED 30 MINUTES
  - EXCEPTIONS TO NOTE 6 ARE PROVIDED IN THE STIP. OF SETTLEMENT.  
7 LIGHT DUTY TRUCKS



VICINITY MAP  
1" = 300'

- SITE PLAN NOTES:
- THIS IS LOT SECTION 42.13 BLOCK 1 LOT 22 AS SHOWN ON THE TOWN OF RAMAPO TAX MAPS.
  - AREA OF TRACT: 2.21 ACRES
  - ZONE: R-35
  - USE: ARBORISTS
  - RECORD OWNER: IJJ, LLC  
11 McNAMARA ROAD  
SPRING VALLEY, NY 10977
  - APPLICANT: SAME AS ABOVE
  - FIRE DISTRICT: MOLESTON FIRE DISTRICT
  - SCHOOL DISTRICT: EAST RAMAPO
  - WATER DISTRICT: VEOLIA WATER
  - SEWER DISTRICT: ROCKLAND COUNTY SEWER DISTRICT NO. 1
  - DATUM: NAVD83
  - ALL UTILITIES SHALL BE INSTALLED UNDERGROUND. ELECTRIC SERVICE SHALL BE CONDUIT OF NOT LESS THAN 2 INCH DIAMETER.
  - THERE ARE NO COVENANTS, DEED RESTRICTIONS, EASEMENTS OR OTHER RESERVATIONS OF LAND RELATIVE TO THIS SITE EXCEPT AS SHOWN ON THIS PLAN, SUBJECT TO THE FINDINGS OF A COMPLETE AND UP TO DATE TITLE SEARCH.
  - NO SIGN(S) OTHER THAN THOSE SHOWN ON THIS DRAWING ARE PERMITTED WITHOUT PRIOR APPROVAL OF THE PLANNING BOARD. TENANTS ARE TO BE ADVISED OF THIS CONDITION.
  - THE UNDERSIGNED, OWNER AND/OR APPLICANT, AS A CONDITION OF APPROVAL OF THIS SITE PLAN, HEREBY AGREES TO COMPLETE THE WITHIN SITE DEVELOPMENT PLAN AS DRAWN AND ALL IMPROVEMENTS AS SHOWN THEREON AS CONDITION OF THE ISSUANCE OF A BUILDING PERMIT. THE APPLICANT/OWNER IS AWARE THAT NO CHANGES IN THIS PLAN MAY BE MADE UNLESS APPROVED BY THE PLANNING BOARD.

APPLICANT	DATE	OWNER	DATE
17.	PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AN AS-BUILT LANDSCAPING DRAWING SHALL BE SUBMITTED TO THE BUILDING INSPECTOR, PLANNING BOARD, AND DEPARTMENT OF PUBLIC WORKS WHICH IS CERTIFIED BY A LANDSCAPING ARCHITECT LICENSED TO PRACTICE IN THE STATE OF NEW YORK. SAID CERTIFIED LANDSCAPING DRAWING SHALL INDICATE THE DEGREE OF COMPLETION OF SAID LANDSCAPING IMPROVEMENTS IN ACCORDANCE WITH THE APPROVED SITE PLAN.		
18.	PLANS ARE BASED ON FIELD ENGINEERING DATA AND CERTIFIED HERETO.		

LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR DATE: BOUNDARY AND TOPOGRAPHIC SURVEYS ARE FROM ACTUAL FIELD MEASUREMENTS UNDER THE DIRECTION OF STEPHEN DOLSON, PLS COMPLETED ON MAY 2022.  
19. ALL ENCROACHMENTS SHALL BE RELOCATED.

01/03/24 REV 1 AS PER CONSULTANTS COMMENTS

DATE: 01/03/24  
ISSUE: REV 1  
DESCRIPTION: S.B.L. 42.13 - 1 - 22  
REVISIONS:

**SITE PLAN FOR IRA WICKES ARBORISTS**  
VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK

**CIVIL TEC Engineering & Surveying PC**  
139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901  
P 845.547.2241 - F 845.547.2243

55 Brookside Avenue  
Chester, NY 10918  
845.610.3621

Civil Engineering & Land Surveying Services that Build Confidence  
www.Civil-Tec.com

DATE: 12/07/22  
DRAWN BY: RB/LT  
CHKD BY: RB/LT  
JOB No.: 4131  
SCALE: 1"=20'  
DWG No.: 1 OF 10

Rachel B. Barese, P.E.  
N.Y. Lic. No. 90143

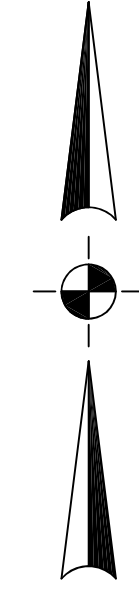
REFERENCES

- BEING SECTION 42.13, BLOCK 1, LOT 22 OF THE VILLAGE OF WESLEY HILLS AND TOWN OF RAMAPO TAX MAPPING
- LOT DESCRIBED BY DEED IN INSTRUMENT NO. 2002 AT PAGE 3705 AT THE ROCKLAND COUNTY CLERKS OFFICE.
- REFERENCE: A MAP ENTITLED "FLOWERS ESTATES" FILED IN THE ROCKLAND COUNTY CLERKS OFFICE ON FEBRUARY 14, 2001 IN BOOK 121 ON PAGE 45 AS MAP NUMBER 7413.
- TOTAL AREA = 96,083 SQUARE FEET OR 2.206 ACRES.

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

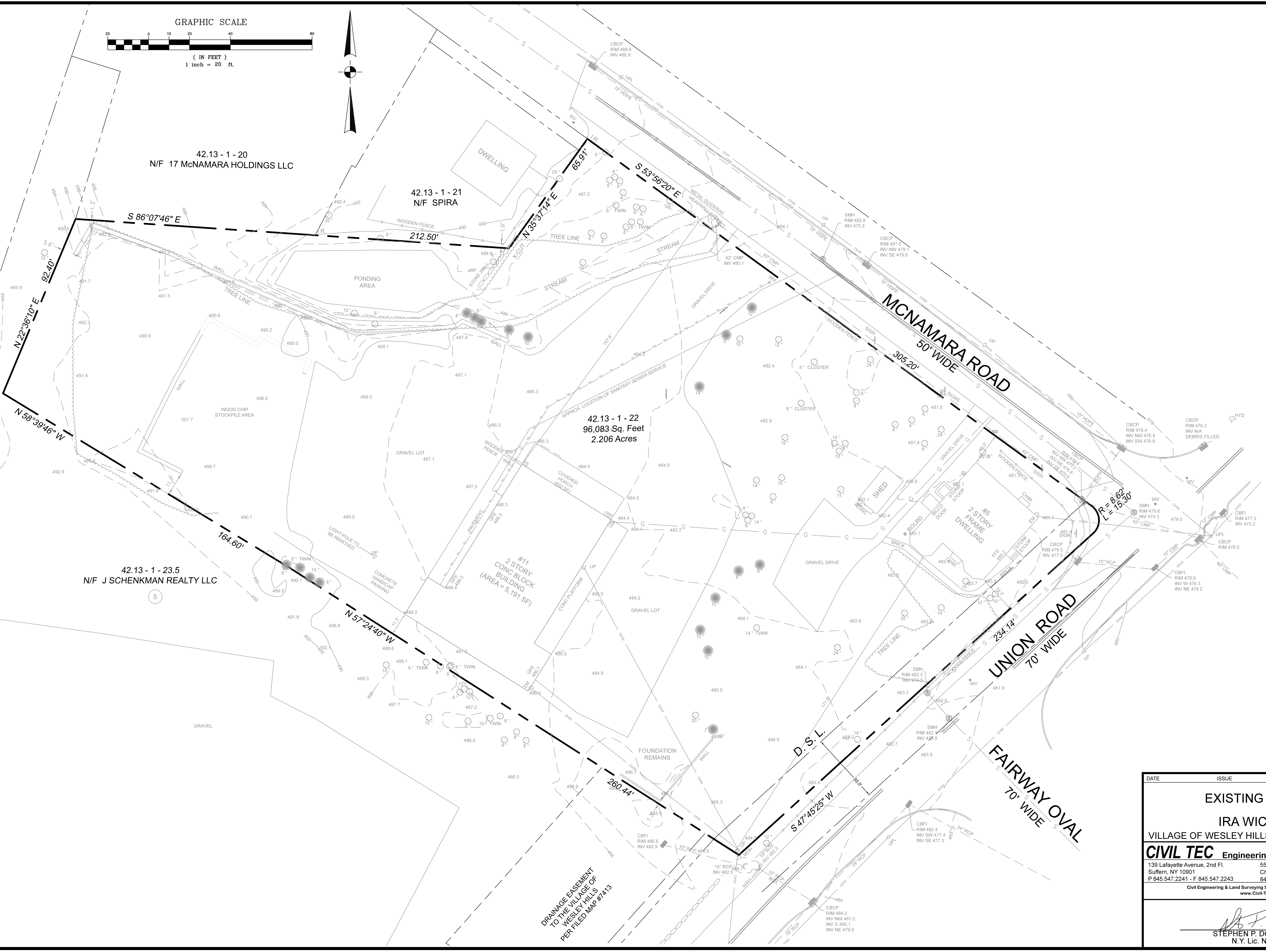


42.13 - 1 - 20  
N/F 17 McNAMARA HOLDINGS LLC


42.13 - 1 - 21  
N/F SPIRA

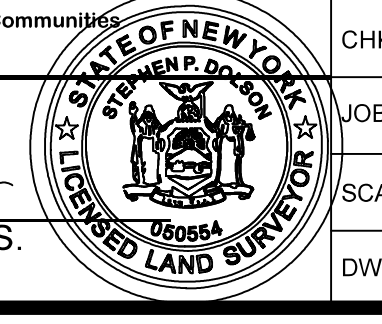
42.13 - 1 - 22  
96,083 Sq. Feet  
2.206 Acres

42.13 - 1 - 23.5  
N/F J SCHENKMAN REALTY LLC



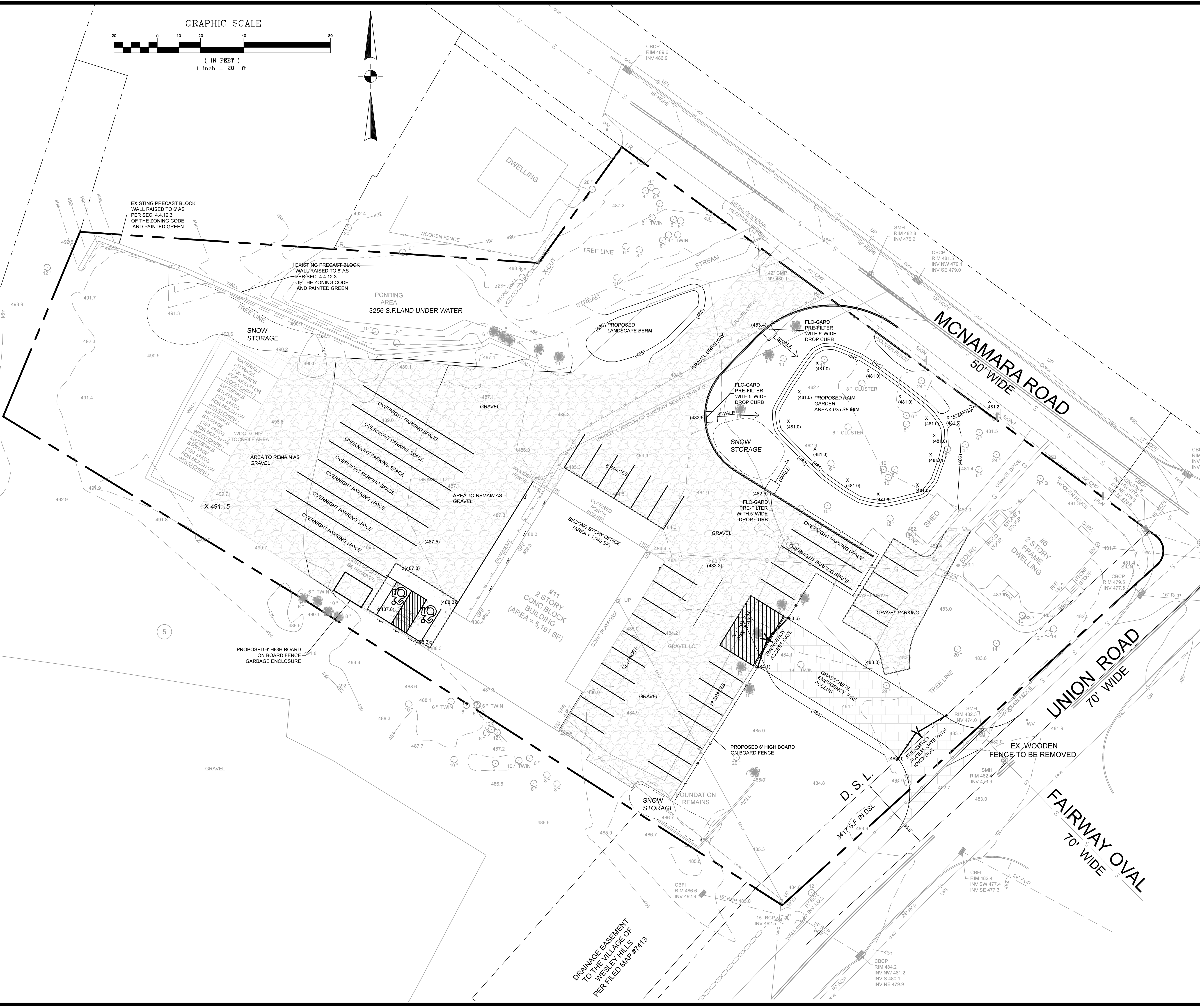
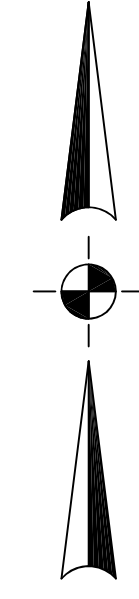
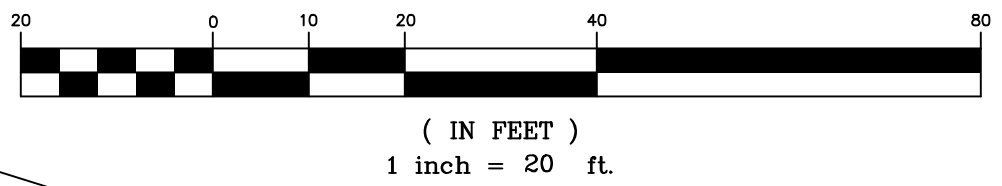
DRAINAGE EASEMENT  
TO THE VILLAGE OF  
WESLEY HILLS  
PER FILED MAP #7413

DATE	ISSUE	DESCRIPTION	REVISIONS
S.B.L. 42.13 - 1 - 22			
<b>EXISTING CONDITIONS PLAN</b>			
FOR			
<b>IRA WICKES ARBORISTS</b>			
VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK			
<b>CIVIL TEC Engineering &amp; Surveying PC</b>			DATE: 12/07/22
139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901 P 845 547 2241 - F 845 547 2243		55 Brookside Avenue Chester, NY 10918 845 610 3621	DRAWN BY: RB/LT
Civil Engineering & Land Surveying Services that Build Communities www.Civil-Tec.com			CHKD BY: RB/LT
 <b>STEPHEN P. DOLSON, P.L.S.</b> N.Y. Lic. No. 50554			JOB No. 4131
			SCALE: 1"=20'
			DWG No. 2 OF 11



- NOTES
- CONTRACTOR TO VERIFY LOCATION, SIZE AND INVERTS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
  - CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES AND HAVE ALL UTILITIES FIELD LOCATED BY RESPECTIVE UTILITY COMPANY AND SHALL ASSUME FULL RESPONSIBILITY AND SHALL BE SOLELY RESPONSIBLE FOR MAINTAINING CONTINUOUS UTILITY SERVICE AND REPAIRS TO ANY DAMAGE.
  - ALL EXISTING OFF-SITE PAVEMENT, FENCES, CURBS, WALKS AND OTHER FACILITIES DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST.
  - EXISTING UTILITIES THAT ARE TO BE REMOVED AND/OR REPLACED SHALL BE REMOVED AND LEGALLY DISPOSED OF BY THE CONTRACTOR.
  - PROJECT SAFETY AND TRAFFIC MAINTENANCE ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
  - UTILITIES AND UTILITY STRUCTURES WHOSE LOCATIONS ARE UNKNOWN MAY BE AFFECTED BY THE PROPOSED WORK. UPON FINDING SUCH UTILITIES, THE CONTRACTOR'S RESPONSIBILITY SHALL BE TO NOTIFY THE OWNER AND MAINTAIN THE UTILITIES IN WORKING ORDER UNTIL THEIR DISPOSITION IS RESOLVED.
  - CONTRACTOR TO COORDINATE WITH ALL COMPANIES TO ASSURE ADEQUATE SUPPLY AND SCHEDULING OF NEW SERVICE, WHERE REQUIRED, TO FIT THE CONSTRUCTION SCHEDULING AND SEQUENCE TO ASSURE NO DAMAGE OR DISTURBANCE TO COMPLETED WORK.
  - ALL NEW UTILITY SERVICE CONNECTIONS, INCLUDING LINES AND EQUIPMENT FOR PROVIDING POWER AND/OR COMMUNICATIONS, ARE TO BE INSTALLED UNDERGROUND.
  - THE EXTENT OF THE CONSTRUCTION AND DISTURBANCE AREAS SHALL BE THE MINIMUM REQUIRED TO PERFORM THE CONTRACT WORK, WITH AS MINIMAL EFFECT ON ADJACENT AREAS AS POSSIBLE.
  - ALL HOUSE CONNECTIONS TO BE 6" DIA. SDR-35.
  - ALL GAS & ELECTRIC UTILITIES PER ORANGE & ROCKLAND UTILITY REQUIREMENTS.

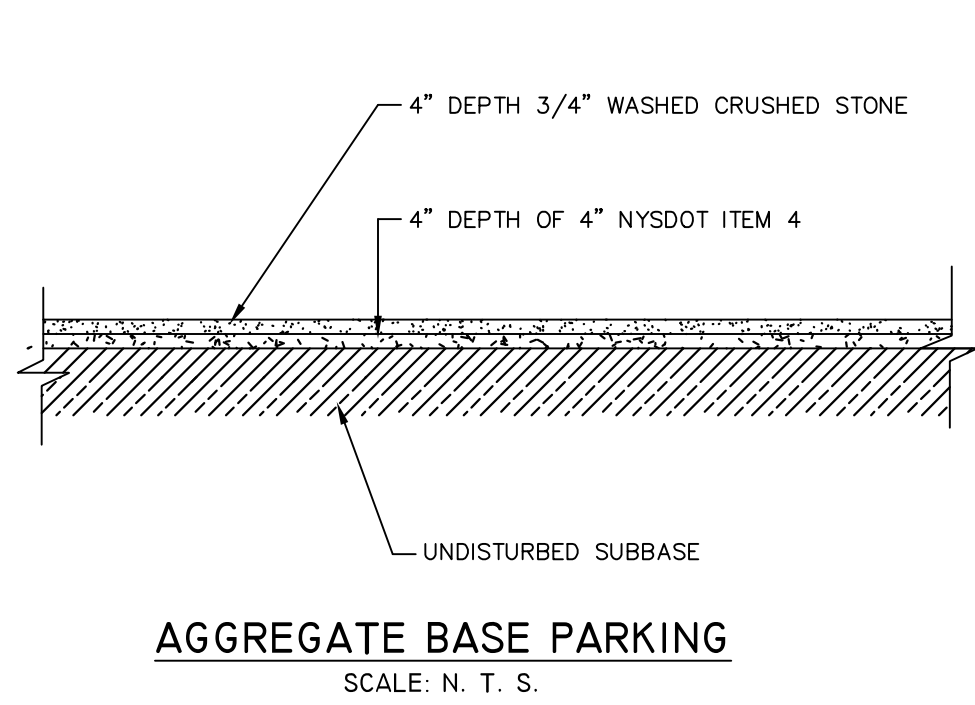
GRAPHIC SCALE



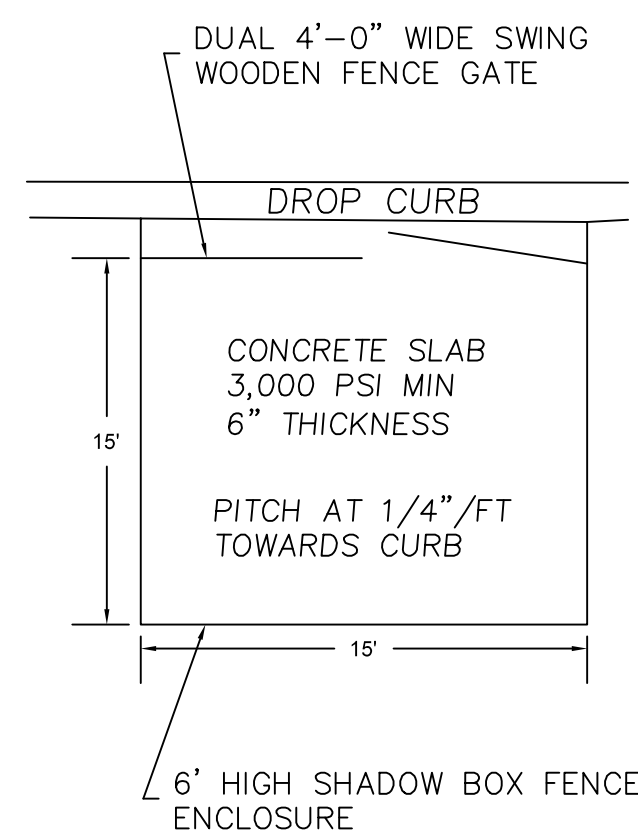
01/03/24	REV 1	AS PER CONSULTANTS COMMENTS	
DATE	ISSUE	DESCRIPTION	REVISIONS
S.B.L. 42.13 - 1 - 22			
<b>GRADING, DRAINAGE &amp; UTILITES PLAN</b>			
FOR <b>IRA WICKES ARBORISTS</b>			
VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK			
<b>CIVIL TEC</b> Engineering & Surveying PC		DATE:	12/07/22
139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901 P 845.547.2241 - F 845.547.2243		55 Brookside Avenue Chester, NY 10918 845.610.3621	DRAWN BY: RB/LT
Civil Engineering & Land Surveying Services that Build Confidence www.Civil-Tec.com			
			CHKD BY: RB/LT
			JOB No. 4131
			SCALE: 1"=20'
			DWG No. 3 OF 12

DRAINAGE EASEMENT  
TO THE VILLAGE OF  
WESLEY HILLS  
PER FILED MAP #7413

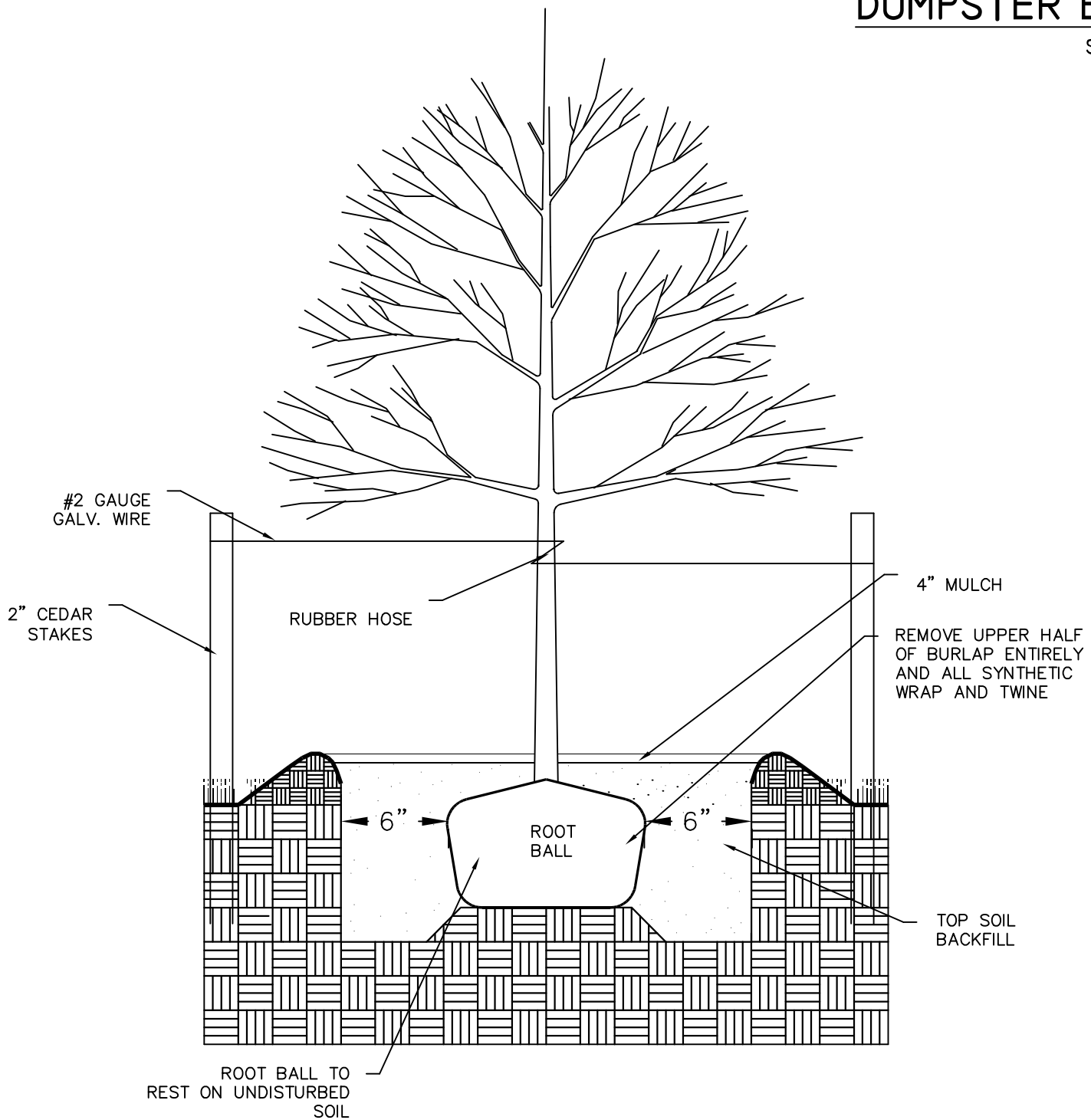




**AGGREGATE BASE PARKING**  
SCALE: N. T. S.

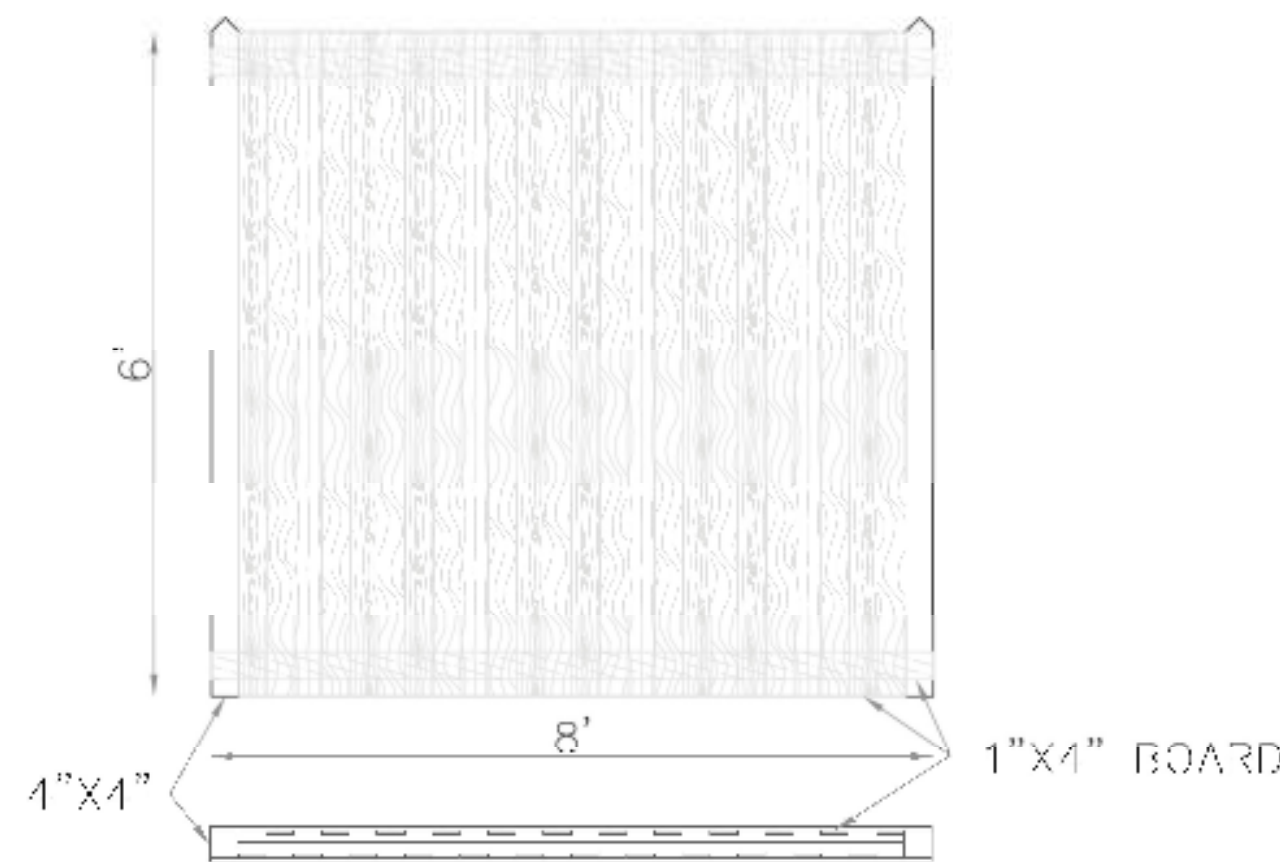


**DUMPSTER ENCLOSURE DETAIL**  
SCALE: N. T. S.

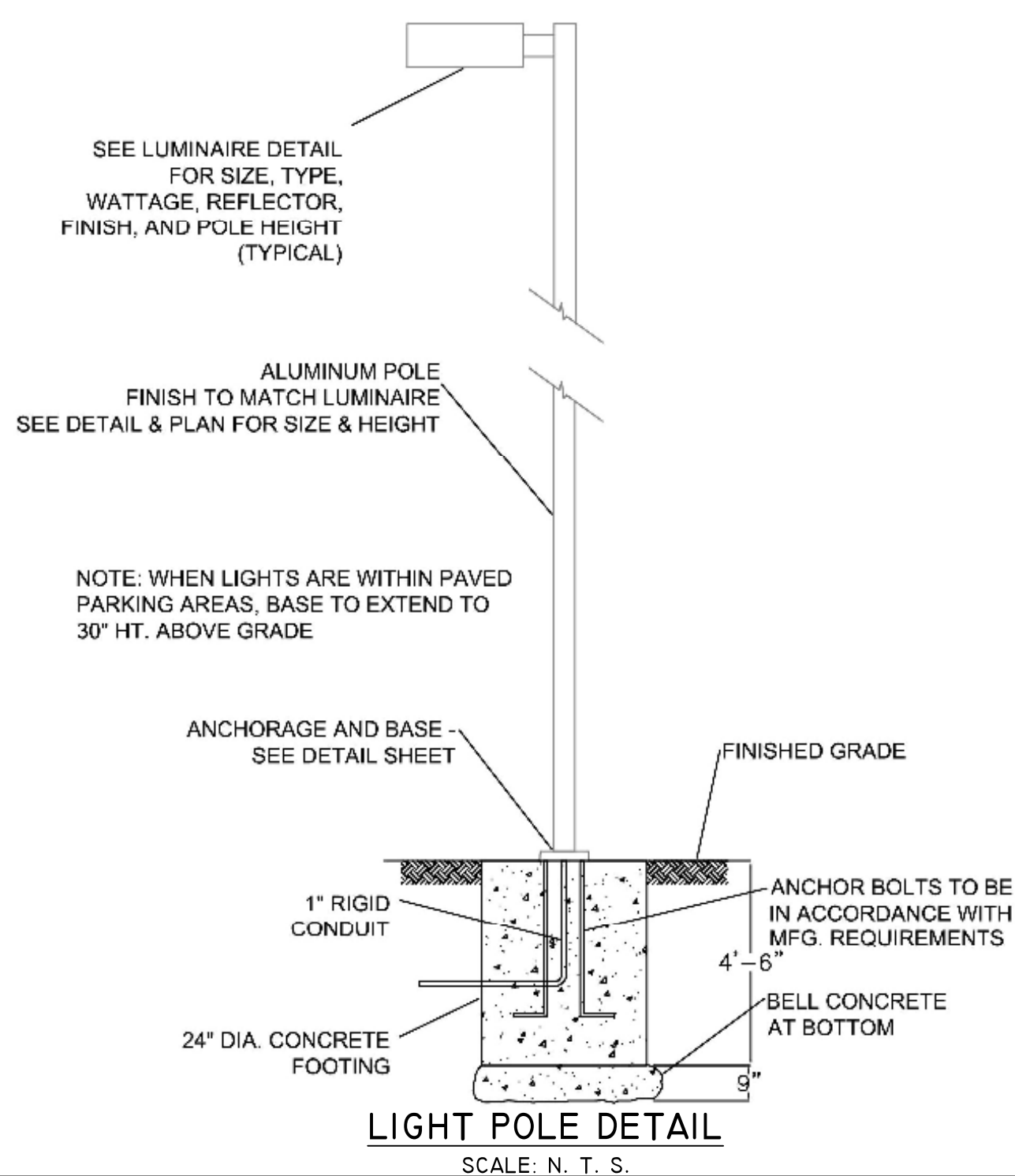


**TREE PLANTING DETAIL**  
SCALE: N. T. S.

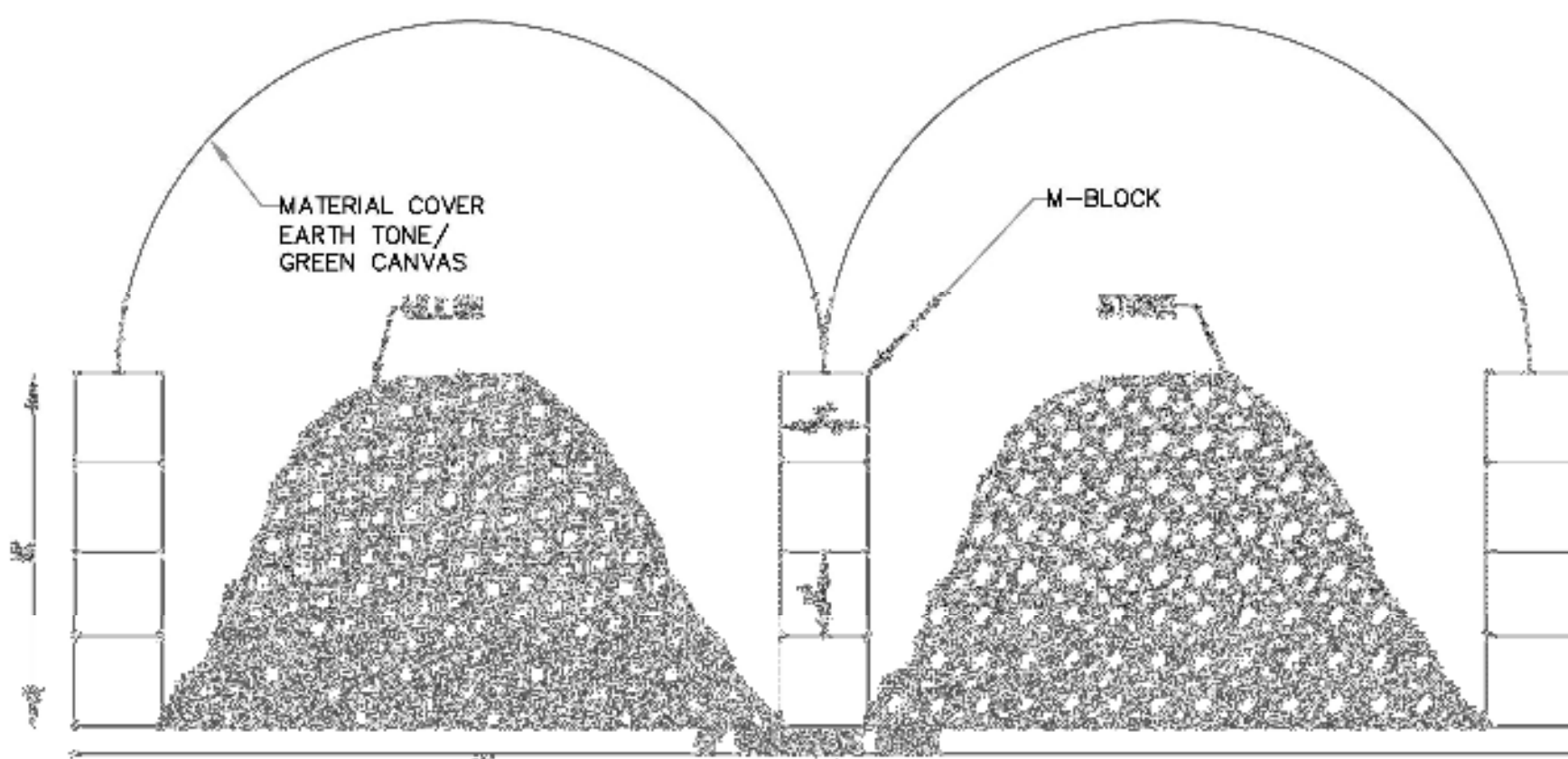
- NOTES:
1. EXCAVATE A HOLE THAT IS 12" WIDER & 6" DEEPER THAN THE ROOTBALL.
  2. REMOVE ANY STRINGS TIED AROUND TRUNK OR STEM BUT LEAVE BURLAP IN TACT.
  3. TOPSOIL MIX FOR BACKFILL TO BE 2 PARTS TOPSOIL, 1 PART SAND & 1 PART HUMUS.
  4. BUILD DEPRESSION AROUND PLANT & FILL WITH MULCH.
  5. STAKE ALL TREES WITH 2" CEDAR STAKES.



**SHADOW BOX FENCE DETAIL**  
SCALE: N. T. S.



**LIGHT POLE DETAIL**  
SCALE: N. T. S.



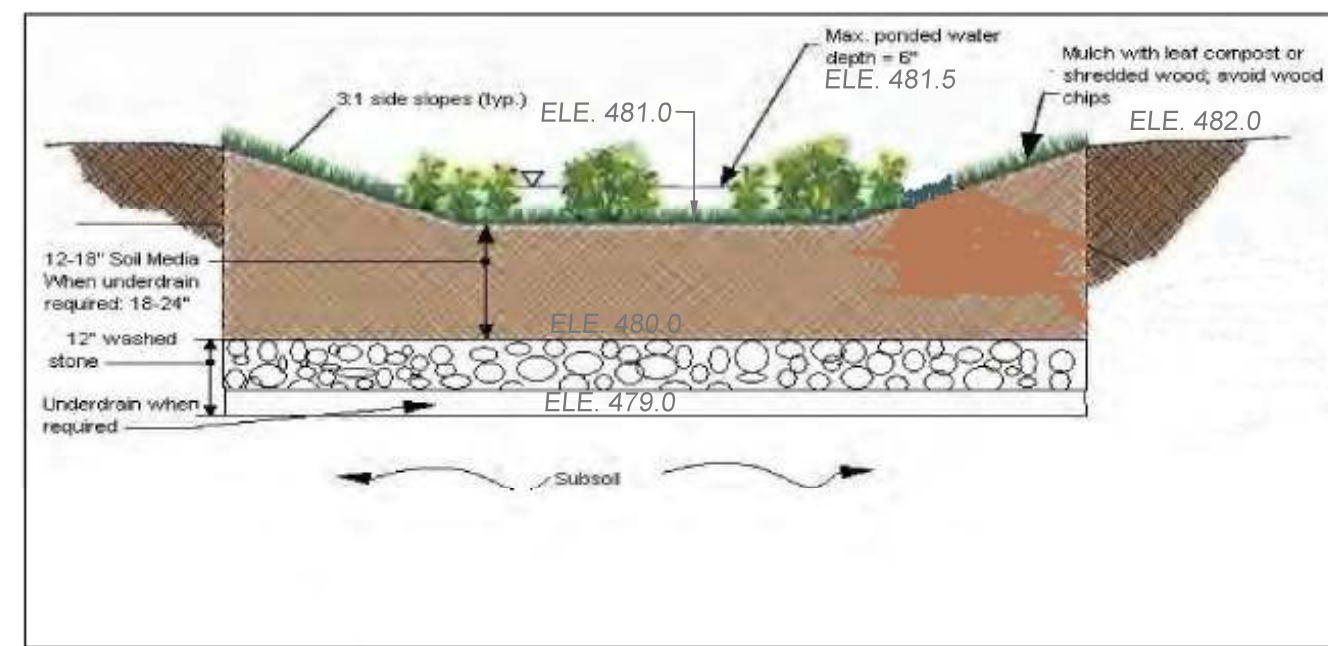
**MATERIAL STORAGE DETAIL**  
SCALE: N. T. S.

Table 5.41 Suggested Rain Garden Plant List

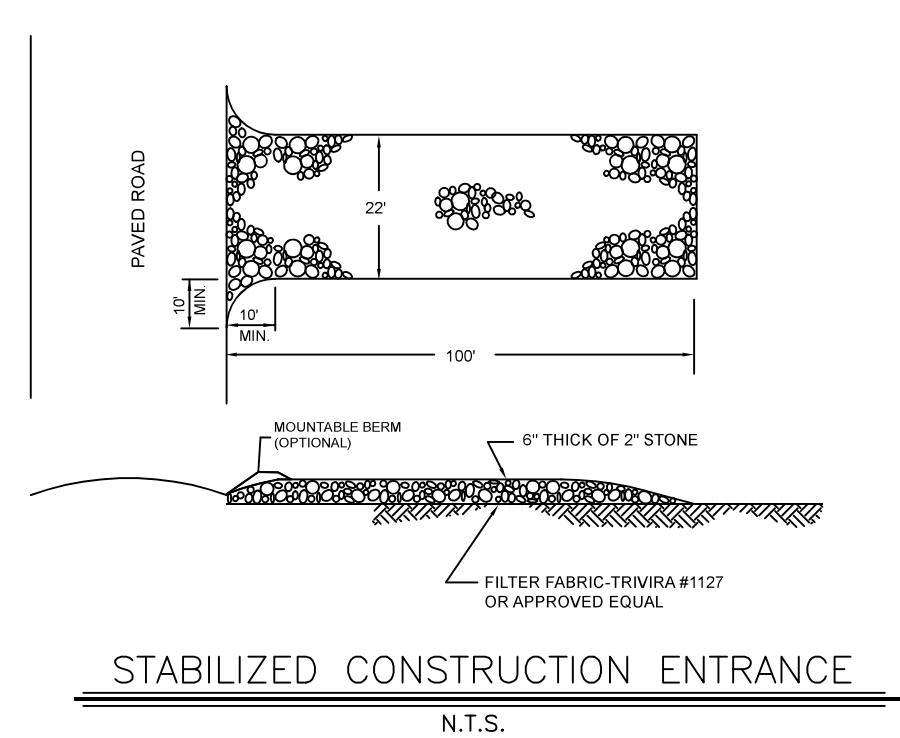
Shrub	Tree	Therapeutic Plant
Witch Hazel	Chinese Elm	
Thornless Blackberry	Osage Orange	
Blackberry	Callery Pear	
Blueberry	Red-Twig Dogwood	
Arbutus	Wild Blackberry	
Viburnum dentatum	Sweetgum	
Witch-hazel	New England Aster	
Alnus incana	Aster novae-angliae	
Red Outer Dogwood	Iceberg Spruce	
Cornus racemosa	Green and Gold	
Sweet Peppercorn	Spotted Joe-Pye Weed	
C. coccinea	Agastache	
	Switch Grass	
	Black-eyed Susan	
	Overlark Yellow	
	Black-eyed Susan	
	Wild Blackberry	
	Manisuris	
	Red Top	
	Andromeda	

Adapted from NYSDOT Construction Specifications, Document, Final 2010 Edition - Garden

Figure 5.41 Profile of a typical rain garden

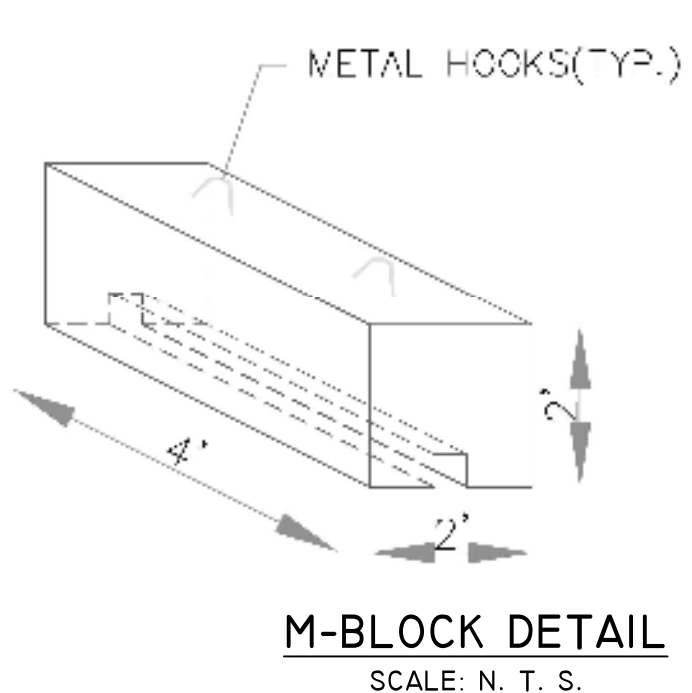


**RAIN GARDEN DETAIL**  
SCALE: N. T. S.

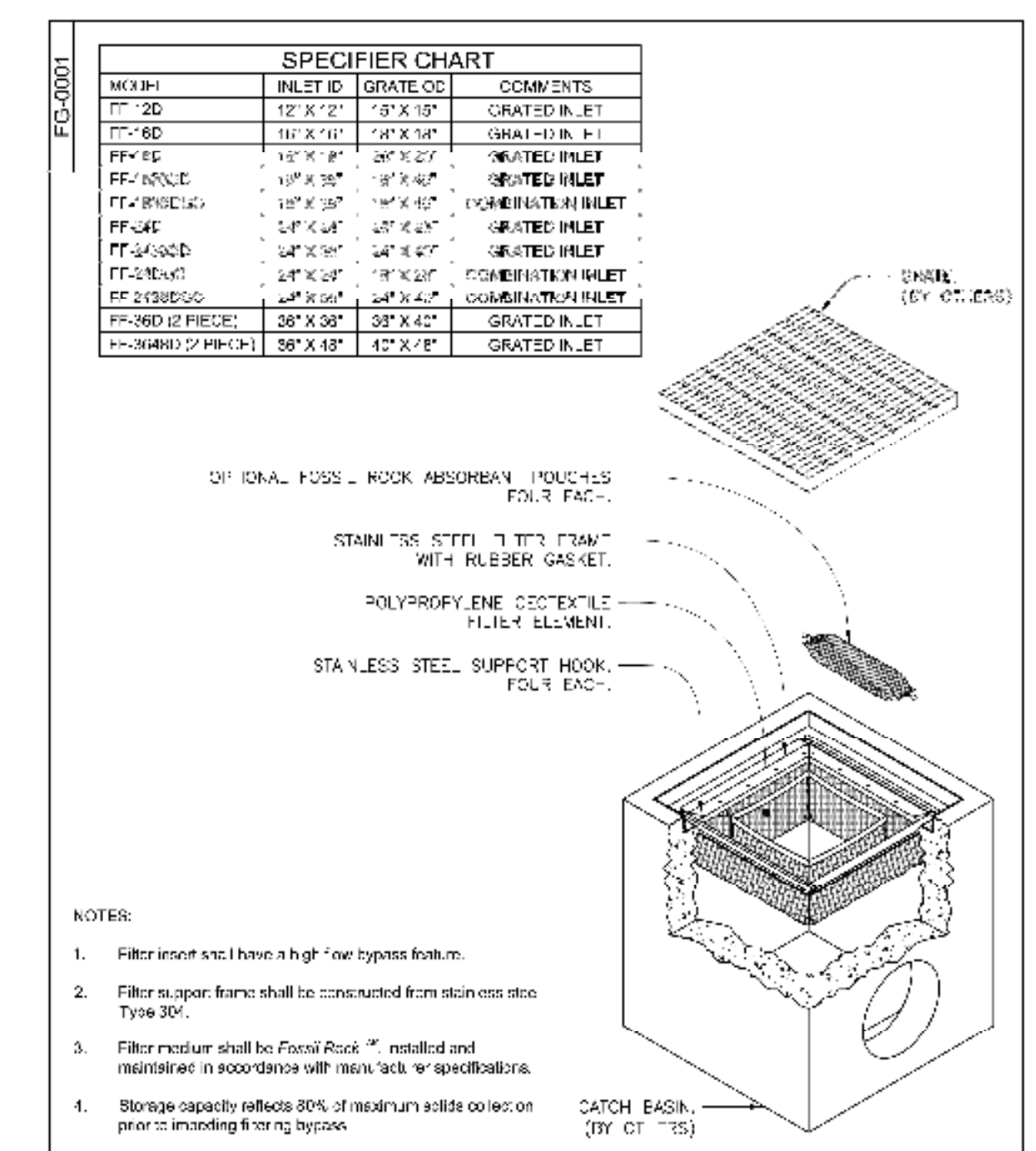


**STABILIZED CONSTRUCTION ENTRANCE**  
N.T.S.

- CONSTRUCTION SPECIFICATIONS
1. STONE SIZE - USE 2 INCHES STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
  2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
  3. THICKNESS - NOT LESS THAN 6 INCHES.
  4. WIDTH - 12 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY FOUR FEET IF SINGLE ENTRANCE TO SITE.
  5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
  6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
  7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
  8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING AFTER EACH RAIN.
  9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

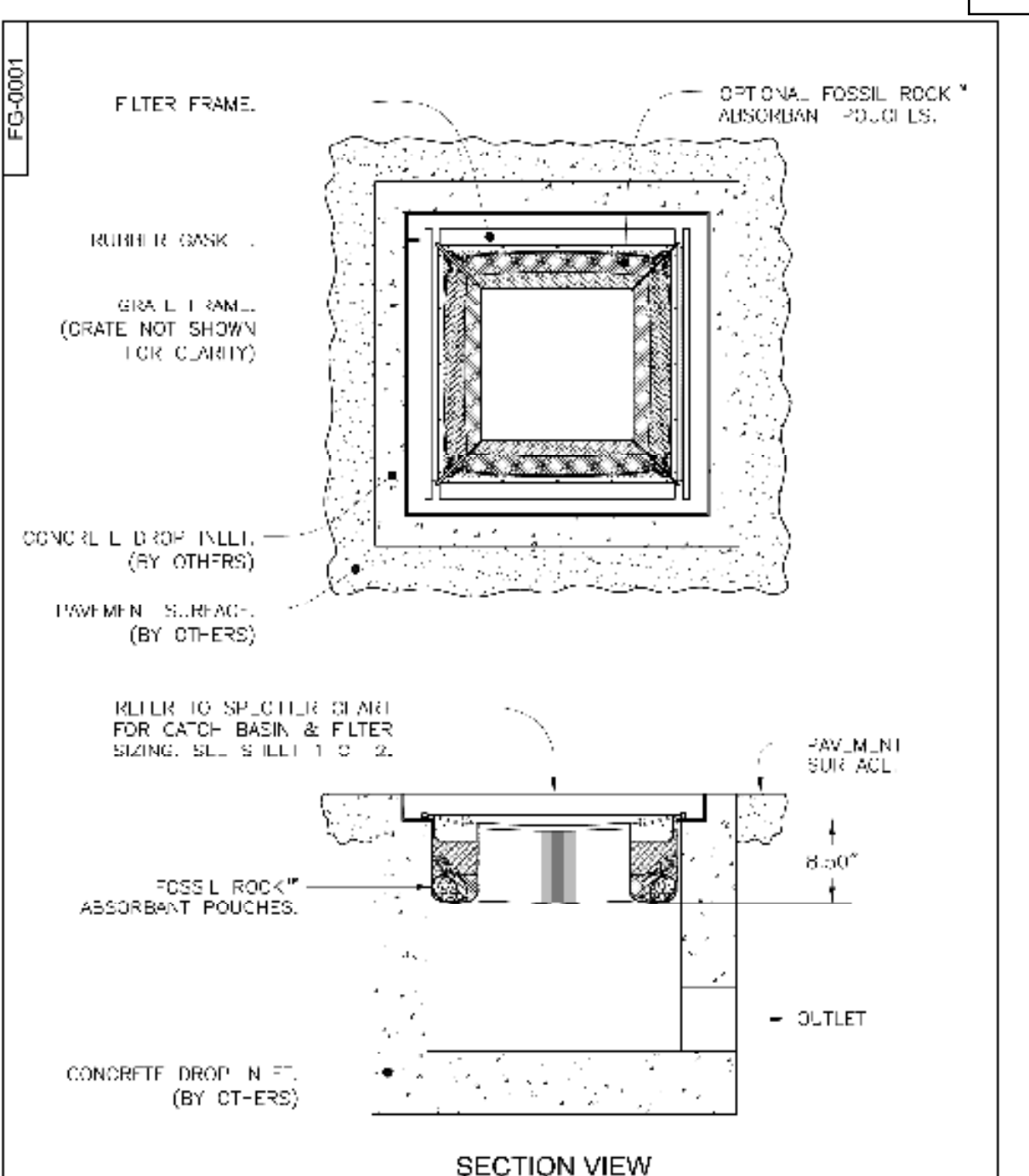


**M-BLOCK DETAIL**  
SCALE: N. T. S.



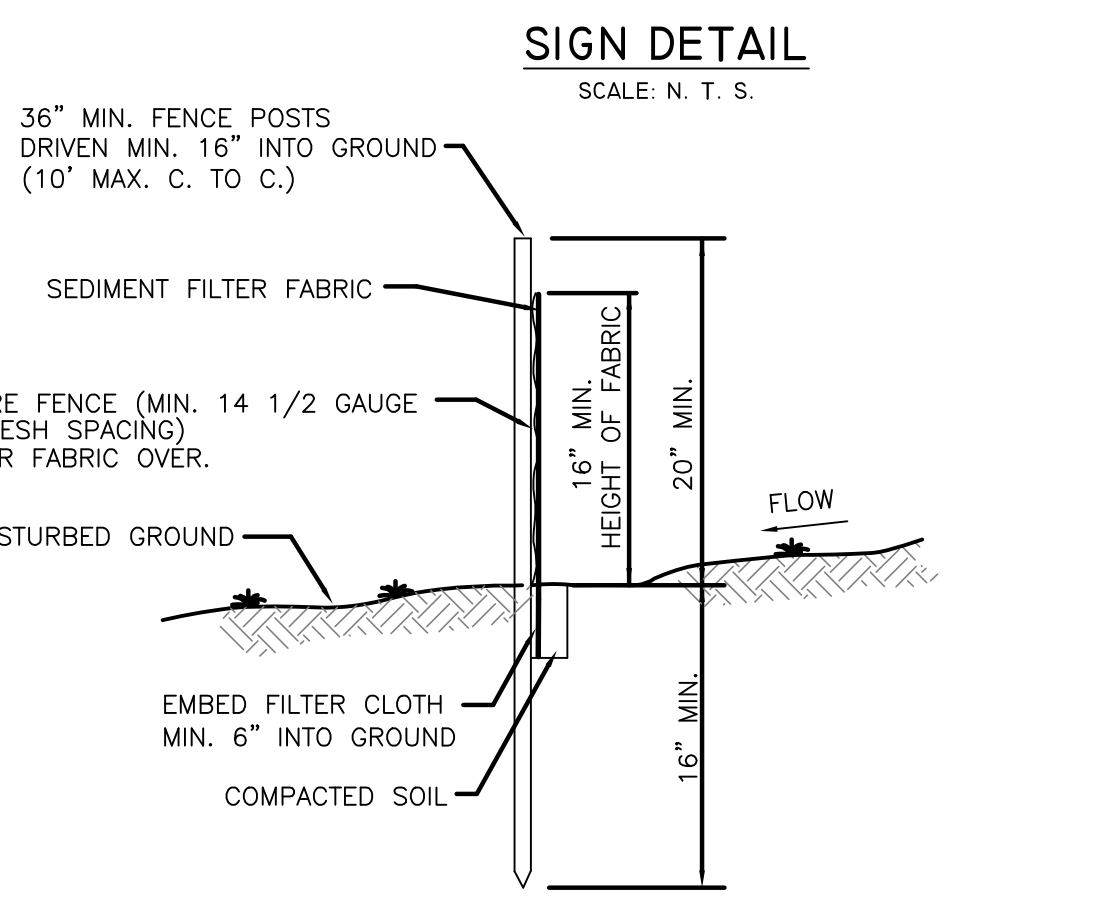
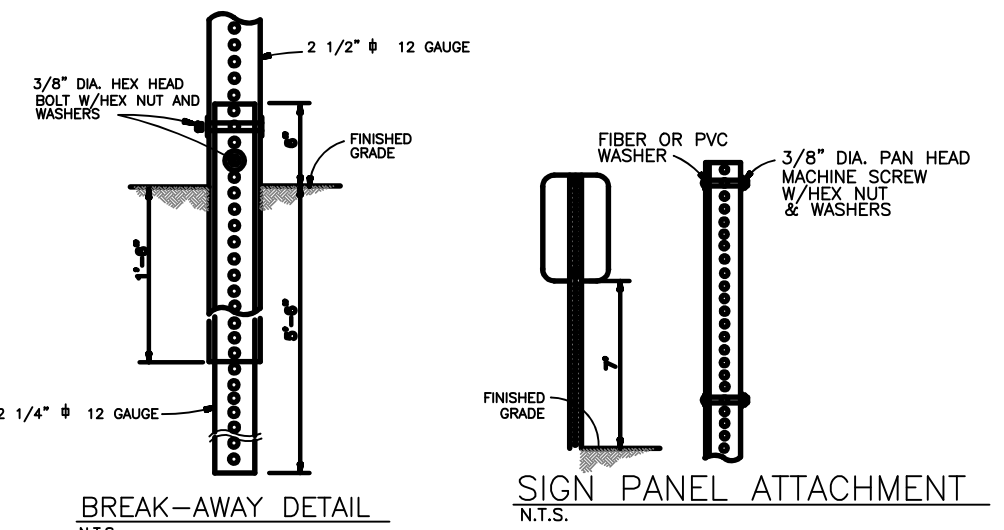
- NOTES:
1. Filter insert shall have a high flow bypass feature.
  2. Filter support frame shall be constructed from stainless steel Type 304.
  3. Filter medium shall be Fossil Rock, installed and maintained in accordance with manufacturer's specifications.
  4. Storage capacity reflects 20% of maximum available on prior to installing the bypass.

**FloGard®** Catch Basin Insert Filter Grated Inlet Style  
**Oldcastle®** Stormwater Solutions



**FloGard®** Catch Basin Insert Filter Grated Inlet Style  
**Oldcastle®** Stormwater Solutions

**RESERVE PARKING**  
**NO PARKING NO STANDING FIRELANE**  
**PERMIT REQUIRED**



**SIGN DETAIL**  
SCALE: N. T. S.

- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
  2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION.
  3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.
  5. POST TO BE STEEL EITHER "T" OR "U" TYPE OR 2" HARDWOOD.
  6. FILTER CLOTH TO BE MIRAFI 100X STABILINKA T140N OR APPROVED EQUAL.
  7. PREFABRICATED UNIT - GEOFAB. ENVIROFENCE OR APPROVED EQUAL.

**SECTION SILT FENCE**  
N.T.S.

01/03/24 DATE  
REV 1 ISSUE  
AS PER CONSULTANTS COMMENTS DESCRIPTION

S.B.L. 42.13 - 1-22  
**DETAILS FOR IRA WICKES ARBORISTS VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK**

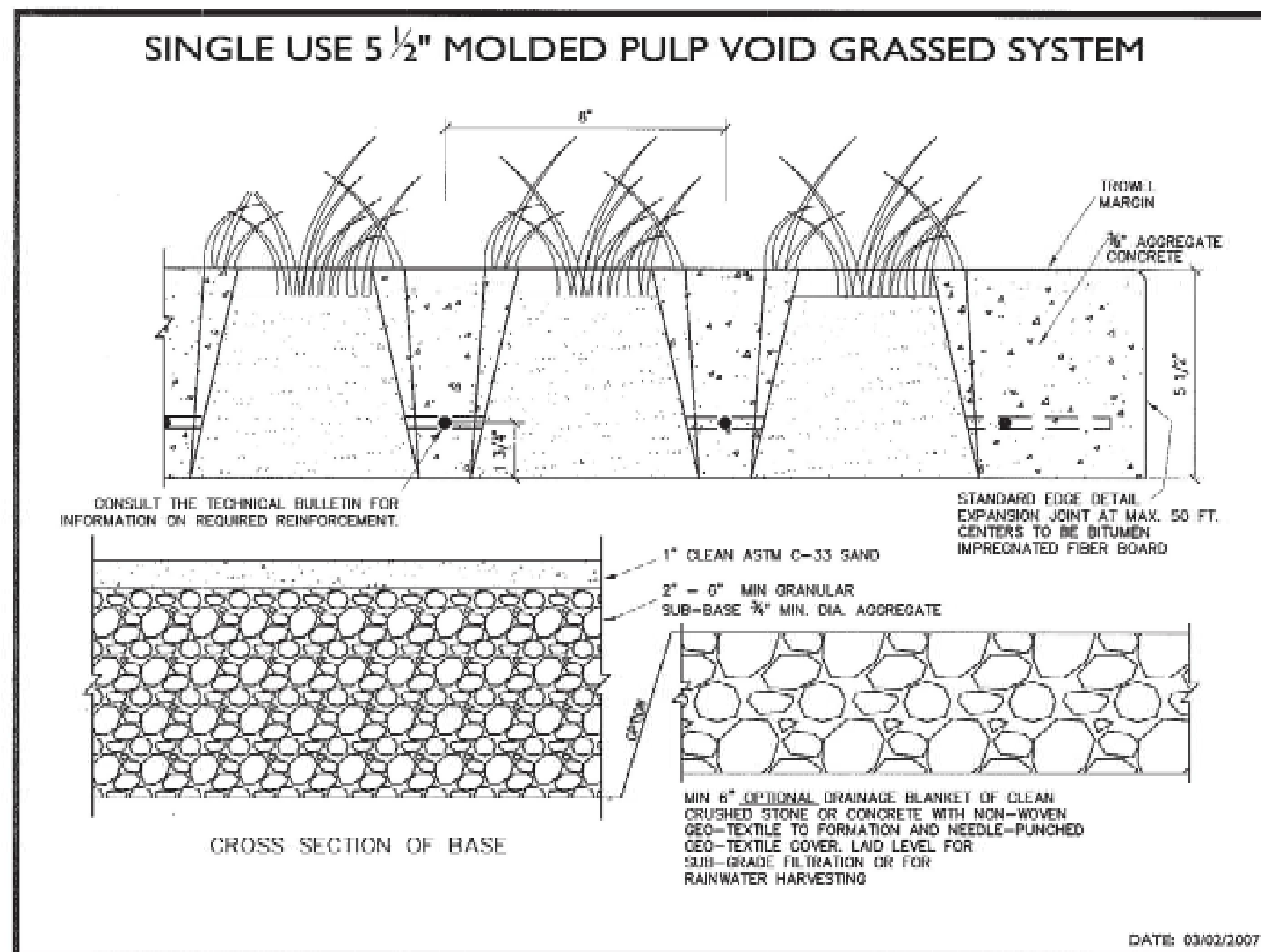
**CIVIL TEC Engineering & Surveying PC**  
139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901  
P 845.547.2241 - F 845.547.2243

55 Brookside Avenue  
Chester, NY 10918  
845.610.3621

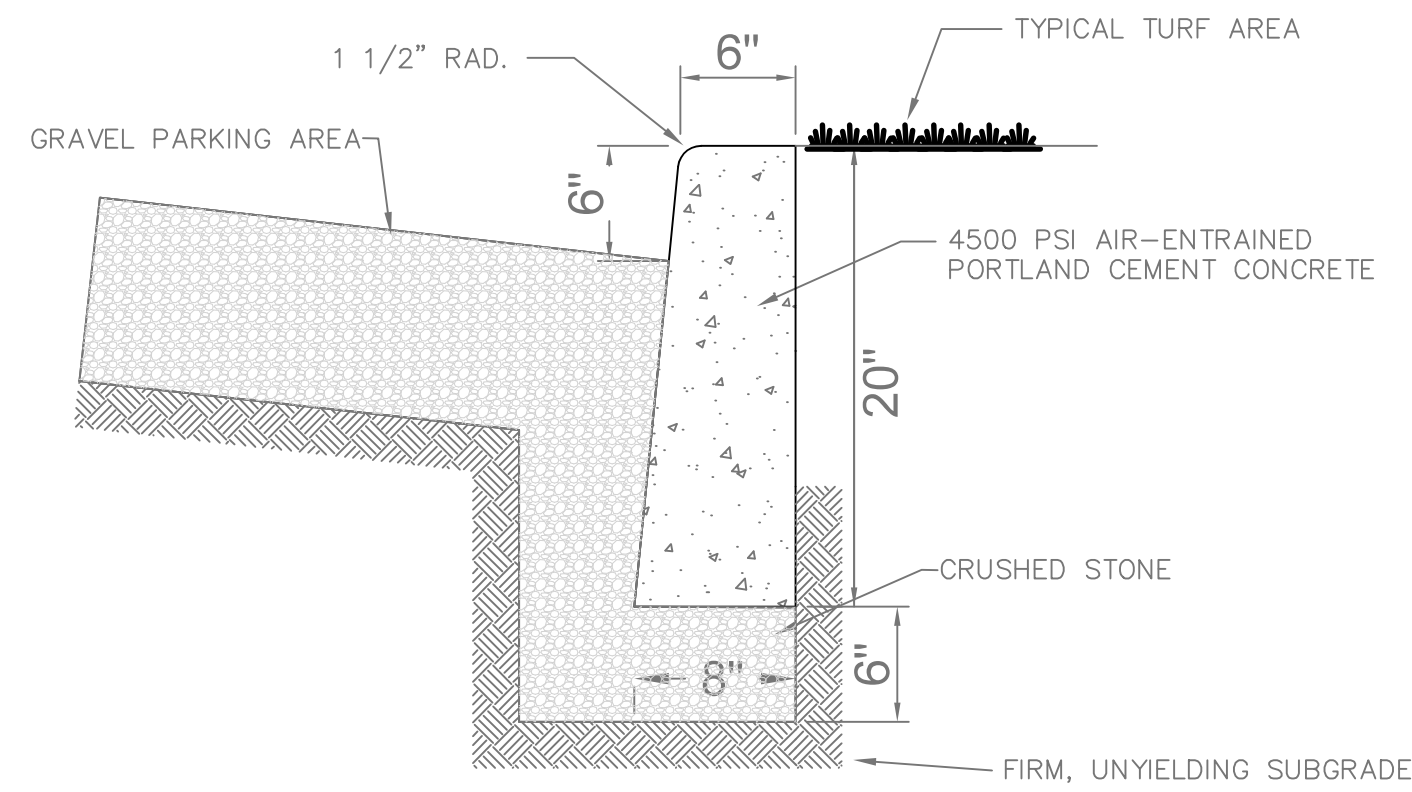
Civil Engineering & Land Surveying Services that Build Confidence  
www.Civil-Tec.com

DATE: 12/07/22  
DRAWN BY: RB/LT  
CHKD BY: RB/LT  
JOB No.: 4131  
SCALE: 1"=20'  
DWG No.: 5 OF 14

Rachel B. Barese, P.E.  
N.Y. Lic. No. 90143

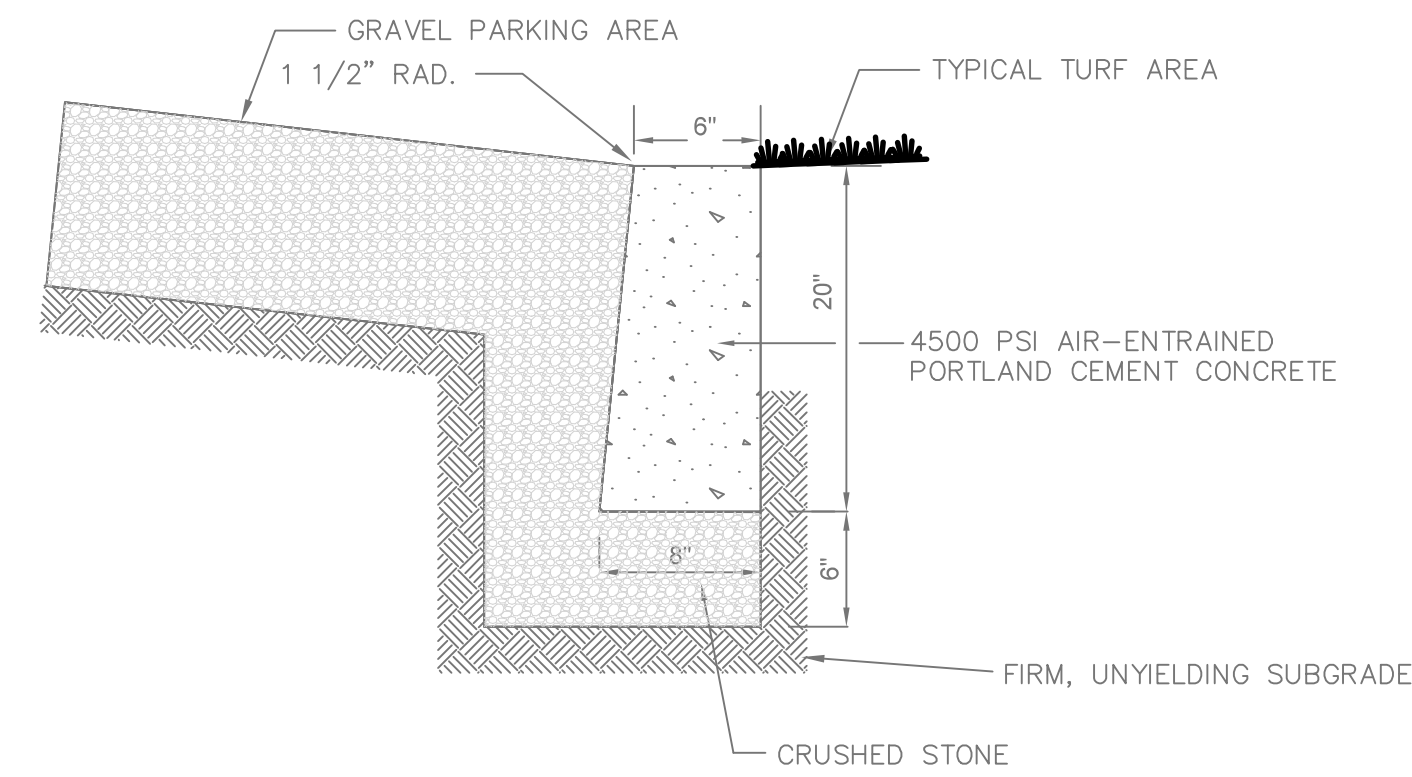


**GRASSCRETE PERVIOUS PAVEMENT DETAIL**  
SCALE: N. T. S.



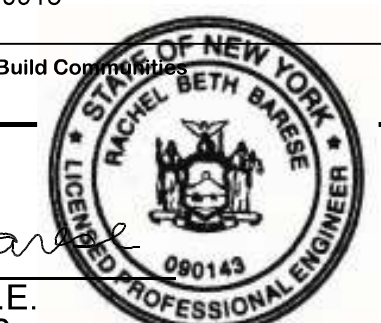
NOTE: PROVIDE EXPANSION JOINT AT 20'-0" MAX.

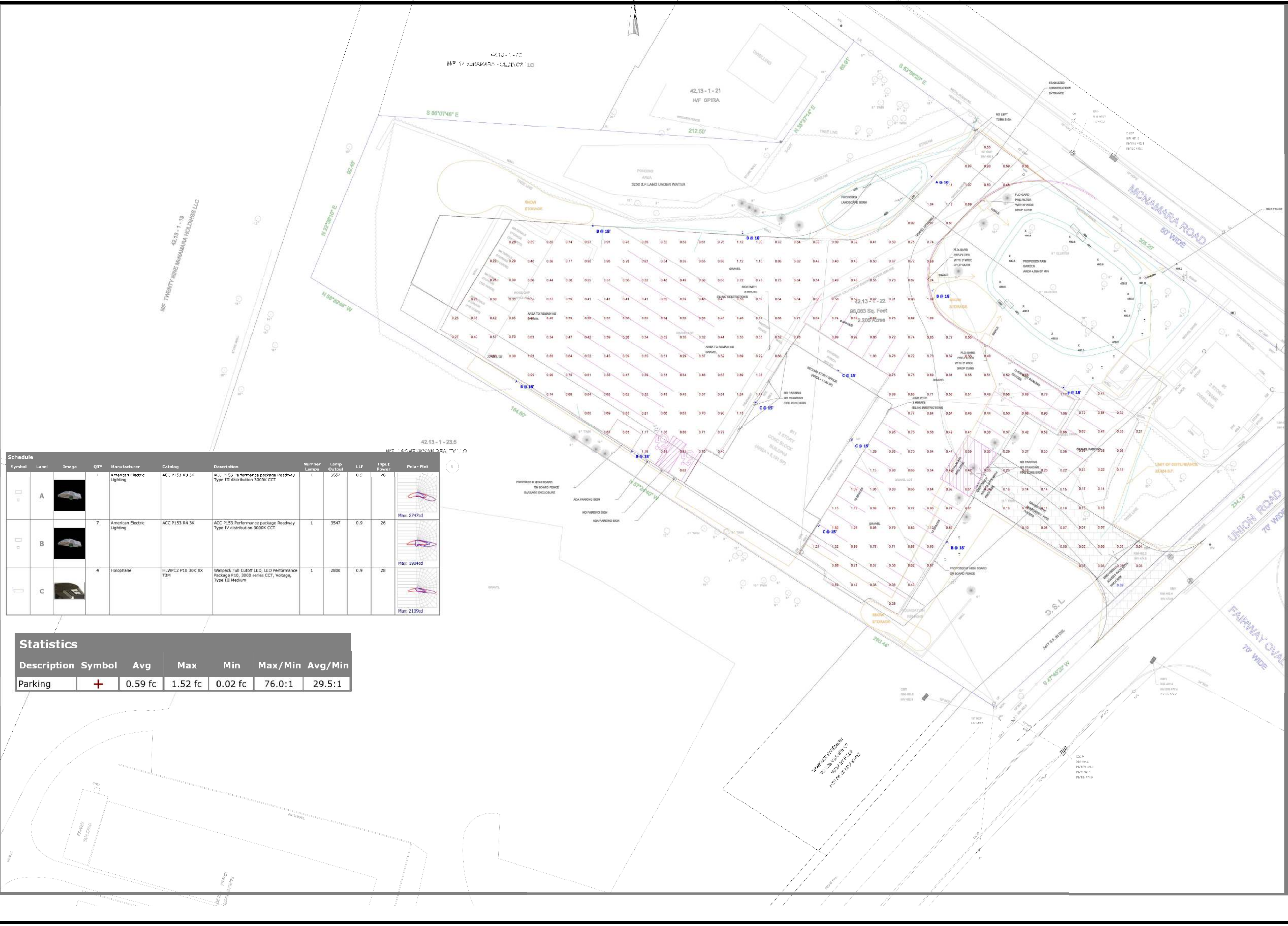
**CONCRETE CURB DETAIL**  
NOT TO SCALE



**CONCRETE DROP CURB DETAIL**  
NOT TO SCALE

DATE	ISSUE	DESCRIPTION	REVISIONS
S.B.L. 42.13 - 1 - 22			
<b>DETAILS</b>			
FOR			
<b>IRA WICKES ARBORISTS</b>			
VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK			
<b>CIVIL TEC</b> Engineering & Surveying PC		DATE:	01/03/24
139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901 P 845.547.2241 - F 845.547.2243	55 Brookside Avenue Chester, NY 10918 845.610.3621	DRAWN BY:	RB/LT
Civil Engineering & Land Surveying Services that Build Communities www.Civil-Tec.com		CHKD BY:	RB/LT
<i>Rachel B. Barese</i>		JOB No.	4131
Rachel B. Barese, P.E. N.Y. Lic. No. 90143		SCALE:	1"=20'
		DWG No.	6 OF 15





Symbol	Label	Image	QTY	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power	Polar Plot
	A		1	American Electric Lighting	ACC P153 R3 3K	ACC P153 Performance package Roadway Type III distribution 3000K CCT	1	3652	0.5	76	
	B		7	American Electric Lighting	ACC P153 R4 3K	ACC P153 Performance package Roadway Type IV distribution 3000K CCT	1	3547	0.9	26	
	C		4	Holophane	HLWPC2 P10 30K XX T3M	Wallpack Full Cutoff LED, LED Performance Package P10, 3000 series CCT, Voltage, Type III Medium	1	2800	0.9	28	

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking	+	0.59 fc	1.52 fc	0.02 fc	76.0:1	29.5:1

11 McNamara Rd

Designer  
 Date 10/11/2023  
 Scale Not to Scale  
 Drawing No.





## Memorandum

**To:** Village of Wesley Hills Planning Board

**From:** Jonathan T. Lockman, AICP

**Re:** IJJ, LLC, dba Ira Wickes, Arborist, 11 McNamara Road  
 SBL# 42.14-1-22

**Date:** January 11, 2024

**cc:** Matthew Trainor, P.E., Village Engineer  
 Frank Brown, Esq., Planning Board Attorney  
 Alicia Schultz, Deputy Village Clerk  
 John Layne, Building Inspector  
 Ira Emanuel, Esq., for the Applicant  
 Rachel Barese, P.E., for the Applicant

---

### Received and reviewed for this memorandum:

- Responses to GML Review, Letter from Ira Emanuel, Esq., Emanuel Law P.C., to Planning Board, Application for Site Plan/Special Permit, for IJJ LLC, dated January 3, 2024.
- Responses to Brooker and NPV memoranda, Village of New Hempstead/John Lange, Wesley Hills Fire Inspector, RC Sewer District #1, RC Center for Environmental Health, and RC Highway Dept.; from CivilTec Engineering + Surveying, dated January 3, 2024.
- Site Plan Set, 7 Sheets, for Ira Wickes Arborists, stamped by Rachel Barese, P.E., Civil Tec Engineering and Surveying PC, dated December 7, 2022, with latest revision date of January 3, 2024, as follows:
  - 1, Site Plan
  - 2, Existing Condition Plan
  - 3, Grading, Drainage & Utilities Plan
  - 4, Landscaping & Erosion Control Plan
  - 5, 6, Details
  - 7, Lighting Plan (by Visual, dated October 11, 2023)

### Project Summary

The subject application is for a site plan approval and special permit for an existing Arborist operation. The Village of Wesley Hills Planning Board approved a site plan and special permit in May of 2010. However, the project was subject to a legal challenge. The SC Appellate division, 2<sup>nd</sup> Department annulled the approvals on November 24, 2021. The Court annulled the approvals because of the lack of a practical access to a second major road, and impervious surfaces in excess of 0.25 (25%). The applicant's attorney has provided a comprehensive history of the case in the Narrative Summary, should the Board wish to understand further details.

The 2.21-acre (gross) subject lot is located in the R-35 District at the southwest corner of McNamara Road (C.R. 67) and Union Road (C.R. 80). The applicant is proposing to continue to use the existing two-story concrete block commercial building as well as the two-story frame dwelling that already exists on the property. In response to the Court’s first objection to the 2010 approvals, a new proposed feature is a grasscrete emergency gated fire access drive off Union Road. In response to the Court’s second objection to the 2010 approvals, the applicant will apply for a ZBA variance for the excess impervious surfaces. (In its 2010 approvals, the Planning Board relied upon the interpretation that the excess impervious surface was a legally nonconforming preexisting condition for which a variance was not required – and the Court did not agree.)

**Zoning Comments**

1. A ZBA variance will be required for impervious surface ratio as proposed at 0.46.

**Planning Comments**

2. Regarding comment 2 of our previous memorandum dated May 22, 2023, **we have no problem with the gated emergency access drive connecting the east parking area to Union Road.** We believe this would satisfy the condition of the Court decision without any undue adverse impact to Union Road. The grasscrete installation will provide a lawn appearance and will not add impervious surfaces to the site. **A comment letter was received from the Fire Inspector dated July 10, 2023, and the latest design on sheet 1 of the site plan set indicates it will be 26 feet in width as requested.**
3. Regarding comment 3 of our previous memorandum, we appreciate the gravel removal west of the main driveway and restoration of the stream bank with the installation of the “proposed landscape berm.” As requested, the height and plant materials proposed for this berm feature are now indicated on the landscaping plan (sheet 4), and our comment has been resolved.
4. Regarding comment 4 of our previous memorandum, the tree removals required for the construction of the proposed rain garden are now shown, and our comment has been resolved.
5. Regarding comment 5 of our previous memorandum, the proposed removal of five trees to make way for two overnight truck parking spaces, remains on the plans, as requested by the Planning Board. Our comment has been resolved.

**GML/SEQRA Comments**

6. GML review of the project by the Rockland County Planning Department was required as the site fronts on two County roads. The project application was also circulated to the Village of New Hempstead for their review and comments per GML 239-nn.

**A GML review letter was received, dated July 24, 2023.** The applicant’s attorney has provided responses to comments in a letter dated January 3, 2024. **The applicant has not requested the Planning Board to override any of the GML comments.**

**A comment letter from the Village of New Hempstead was received, dated August 1, 2023,** prepared by Village Planner John Lange. The applicant’s engineer has provided responses to

comments in a letter dated January 3, 2024. **New Hempstead's comments have been addressed, except for the requested traffic study and percolation tests, which have not yet been conducted.**

7. Before the previous approval of this project, by resolution 10-16, the Planning Board granted a negative declaration of environmental significance for this unlisted action. At the last Planning Board meeting where this matter was discussed on July 26, 2023, the applicant promised an EAF Part III submittal reviewing the previous neg dec and its supporting background documents and updating any of the supporting documentation that needed new, refreshed information to reflect any changed conditions since 2016. The applicant indicated that a new traffic study will be undertaken, in response to comments from New Hempstead (see comment 6 above). **Please submit a part III SEQRA document as discussed.**

Please let me know if you have any questions or comments regarding this review.

#### Items Submitted on or about July 21, 2023

- Responses to RC Highway Dept., from Rhonda Smith, CivilTec Engineering + Surveying, dated July 13, 2023.
- Letter from Elizabeth Mello, P.E., Rockland County Center for Environmental Health, dated July 17, 2023.
- Site Plan Set (identical to those submitted in May 2023), 5 Sheets, for Ira Wickes Arborists, stamped by Rachel Barese, P.E., Civil Tec Engineering and Surveying PC, dated December 7, 2022, as follows:
  - 1, Site Plan
  - 2, Existing Condition Plan
  - 3, Grading, Drainage & Utilities Plan
  - 4, Landscaping & Erosion Control Plan
  - 5, Details

#### Items Reviewed for our Previous Memorandum, dated May 22, 2023

- Application for Site Plan/Special Permit, for IJJ LLC, dated March 20, 2023.
- Narrative Summary, re: Rockland Tree Expert Co., Inc., by Ira Emanuel, Esq., Emanuel Law P.C., dated March 16, 2023.
- Water Quality Assessment, by Environmental Management Ltd., and Geovation Engineering, P.C., dated March 30, 2007.
- Document entitled "Copy of Best Management Plan for preparation and storage of plant health materials, Exhibit 4," with transmittal letter, submitted by James Wickes, dated August 3, 2006 (contains NYSDEC Publication DSHM-PES-05-03 Pesticide Storage Guidelines, with latest revisions August 11, 2005).
- Resolutions 10-16 Negative Declaration, 10-17 Special Permit, and 10-18 Site Plan, of the Planning Board of the Village of Wesley Hills
- Stipulation of Settlement, Justice Court, Village of Wesley Hills, in re: "People of the State of New York v. Ira Wickes Arborist/Ira F. Wickes Jr. and Esther Wickes, signed September 8, 2004.

- Supreme Court of the State of New York, Appellate Division: Second Judicial Department, In the Matter of Neil Marcus, appellant v. Planning Board of the Village of Wesley Hills, et al., Decision and Order, dated November 24, 2021.
- Site Plan Set, 5 Sheets, for Ira Wickes Arborists, stamped by Rachel Barese, P.E., Civil Tec Engineering and Surveying PC, dated December 7, 2022, as follows:
  - 1, Site Plan
  - 2, Existing Condition Plan
  - 3, Grading, Drainage & Utilities Plan
  - 4, Landscaping & Erosion Control Plan
  - 5, Details



## Memorandum

**To:** Village of Wesley Hills Planning Board

**From:** Jonathan T. Lockman, AICP

**Re:** IJJ, LLC, dba Ira Wickes, Arborist, 11 McNamara Road  
 SBL# 42.14-1-22

**Date:** May 22, 2023

**cc:** Matthew Trainor, P.E., Village Engineer  
 Frank Brown, Esq., Planning Board Attorney  
 Alicia Schultz, Deputy Village Clerk  
 John Layne, Building Inspector  
 Ira Emanuel, Esq., for the Applicant  
 Rachel Barese, P.E., for the Applicant

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### Received and reviewed for this memorandum:

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### Project Summary

The subject application is for a site plan approval and special permit for an existing Arborist operation. The Village of Wesley Hills Planning Board approved a site plan and special permit in May of 2010. However, the project was subject to a legal challenge. The SC Appellate division, 2<sup>nd</sup> Department annulled the approvals on November 24, 2021. The Court annulled the approvals because of the lack of a practical access to a second major road, and impervious surfaces in excess of 0.25 (25%). The applicant’s attorney has provided a comprehensive history of the case in the Narrative Summary, should the Board wish to understand further details.

The 2.21-acre subject lot is located in the R-35 District at the southwest corner of McNamara Road (C.R. 67) and Union Road (C.R. 80). The applicant is proposing to continue to use the existing two-story concrete block commercial building as well as the two-story frame dwelling that already existing on the property. In response to the Court’s first objection to the 2010 approvals, a new proposed feature is a grasscrete emergency gated fire access drive off of Union Road. In response to the Court’s second objection to the 2010 approvals, the applicant will apply for a ZBA variance for the excess impervious surfaces. (In its 2010 approvals, the Planning Board relied upon the interpretation that the excess impervious surface was a legally nonconforming preexisting condition for which a variance was not required – and the Court did not agree.)

An aerial photograph of the site (from Google Maps, 2023) is shown below for reference.



### Zoning Comments

1. A ZBA variance will be required for impervious surface ratio as proposed at 0.46.

### Planning Comments

2. We have no problem with the gated emergency access drive connecting the east parking area to Union Road. We believe this would satisfy the condition of the Court decision without any undue adverse impact to Union Road. The grasscrete installation will provide a lawn appearance and will not add impervious surfaces to the site.
3. We appreciate the gravel removal west of the main driveway and restoration of the stream bank with the installation of the “proposed landscape berm.” Please provide details of the height and plant materials proposed for this berm feature as part of the landscape plan (which were not included on sheet 3).
4. We note that on sheet 3 a rain garden is proposed east of the main driveway. We note that on existing conditions sheet 4, about a dozen large trees (including one 24” and one 16”) are located within this rain garden area but are not shown as “to be removed.” Typically when a rain garden is constructed, and underdrain system must be installed, which would require the clearing of all existing vegetation. Please clarify what will happen to the large existing trees if a rain garden is installed in this area indicated.
5. We note that in the northeast area of the Arborist parking lot (closest to the existing dwelling), the removal of five trees (two are 14” diameter) is proposed, to make way for two overnight truck parking spaces. Could these not be placed on an already cleared and disturbed part of the site? Please provide additional information on the parking demand for the various types of vehicles proposed to be parked on the site. Are 29 automobile parking spaces needed? Are truck parking spaces needed? Please consider whether the gravel parking area expansion proposed, as compared to the existing gravel area, is necessary for the proposed operations. If proposed additional parking can be reduced, it will lessen the size of the ZBA variance need for the impervious surfaces ratio.

### GML/SEQRA Comments

6. GML review of the project by the Rockland County Planning Department will be needed as the site fronts on two County roads. The project application must be circulated to the Village of New Hempstead for their review and comments per GML 239-nn.
7. Before the previous approval of this project, by resolution 10-16, the Planning Board granted a negative declaration of environmental significance for this unlisted action. We will defer to the opinion of the Planning Board Attorney regarding how re-affirming this Negative Declaration should be handled, given the Court’s holding in this case.

Please let me know if you have any questions or comments regarding this review.

**STATE ENVIRONMENTAL QUALITY REVIEW  
NOTICE OF INTENT TO BECOME LEAD AGENCY**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Village of Wesley Hills hereby indicates its intent to assume Lead Agency status for the below-referenced project.

Involved Agencies objecting to the Village of Wesley Hills assuming Lead Agency status for this action must inform the Board in writing within 30 days at the address below:

**Contact Person:** Vera Brown, Chairman  
Village Hall  
432 Route 306  
Wesley Hills, NY 10952  
(845) 354-0400

**Title of Action:** IJJ LLC d/b/a Wickes/Arborists  
Site Plan & Special Permit Application for Existing Operation

**Date:** July 26, 2023

**SEQR Status:** Unlisted

**Description of Action:**

The subject application is for a site plan approval and special permit for an existing Arborist operation. The Village of Wesley Hills Planning Board approved a site plan and special permit in May of 2010. However, the project was subject to a legal challenge. The SC Appellate division, 2<sup>nd</sup> Department annulled the approvals on November 24, 2021. The Court annulled the approvals because of the lack of a practical access to a second major road, and impervious surfaces in excess of 0.25 (25%).

The applicant is proposing to continue to use the existing two-story concrete block commercial building as well as the two-story frame dwelling that already exist on the property. In response to the Court's first objection to the 2010 approvals, a new proposed feature is a grasscrete emergency gated fire access drive off of Union Road. In response to the Court's second objection to the 2010 approvals, the applicant will apply for a ZBA variance for the excess impervious surfaces. (In its 2010 approvals, the Planning Board relied upon the interpretation that the excess impervious surface was a legally nonconforming preexisting condition for which a variance was not required – and the Court did not agree.)

**Location:** The 2.21-acre subject lot is located in the R-35 District at 11 McNamara Road, at the southwest corner of McNamara Road (C.R. 67) and Union Road (C.R. 80).



**Application and Background Documents**

The application and background documents may be found at this link:

<https://bit.ly/3qbx3XW>

If paper copies are preferred, please contact the Village of Wesley Hills Building Department, Alicia Schultz, at (845) 354-0400 or [buildingdept@wesleyhills.org](mailto:buildingdept@wesleyhills.org)

**Involved Agency Circulation:** This notice is being sent to the following Involved Agencies:

**Variances**

Wesley Hills Zoning Board of Appeals  
Village Hall  
432 Route 306  
Wesley Hills, NY 10952

**Sewer Hookups, Water Hookups, Road Opening**

Town of Ramapo DPW/Highway Department  
16 Pioneer Avenue  
Tallman, NY 10982

**Sewer Hookups**

Rockland County Sewer District #1  
4 Route 340  
Orangeburg, NY 10962

**Sewer Extension, Mosquito Control**

Rockland County Health Dept  
Robert L. Yeager Health Center  
50 Sanatorium Rd, Bldg D  
Pomona, NY 10970

**Driveway**

Rockland County Highway Department  
23 New Hempstead Road  
New City, NY 10956

**Interested Agency Circulation:** This notice is being sent to the following Interested Agencies:

Rockland County Department of Planning  
50 Sanatorium Road, Building T  
Pomona, NY 10970

Rockland County Drainage Agency  
23 New Hempstead Road  
New City, New York 10956

Fire Inspector, Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952-1221



**RECEIVED**

AUG - 4 2023

The Village of New Hempstead **VILLAGE OF WESLEY HILLS**  
The Planning Board

---

108 Old Schoolhouse Rd. • New City, NY 10956  
• (845) 354-8100 • FAX (845) 354-7121 •

**8/1/2023**

VILLAGE OF WESLEY HILLS  
432 ROUTE 306  
WESLEY HILLS, NY 10952

**RE: GML RESPONSE-11 MCNAMARA RD.-42.13-1-22**

Dear Board Members,

The Village of New Hempstead has reviewed the above referenced proposal. Attached please find the comments provided by the Village Planner, John Lange with Lange Planning and Consulting.

Thank you for providing us with the opportunity to respond to this project. Please keep us informed of all developments in this project.

All the best,

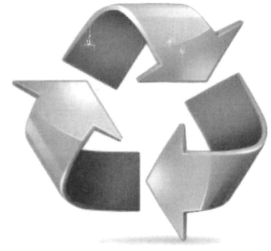
Allison Weinraub  
Village Clerk-Treasurer

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108 Old Schoolhouse Rd. • New City, NY 10956  
• (845) 354-8100 • FAX (845) 354-7121 •

# Lange Planning and Consulting

Land Use, Environment, & Sustainability Planning



Date: July 31, 2023

To: Mayor Abe Sicker  
 CC: Mr. Mel Poliakoff - Planning Board Chairman,  
 Village of New Hempstead

Ref: Ira Wickes Arborist - Special Permit Application

Mayor and Chairman,

As requested, this office has reviewed the following documents as a basis for preparing this review letter. This is in response to the Rockland Count GML letter which noted that the Village should review the proposal for impacts to community character, traffic, water quality and quantity, drainage, stormwater and sanitary sewer service. The documents are:

1. July 24<sup>th</sup> 2023 GML review letter from the Rockland County Planning Department
2. Set of Plans dated July 18<sup>th</sup> 2023 consisting of 5 sheets from CivilTech Engineering
3. A short form EAF dated November 22, 2022 from CivilTech Engineering
4. A project narrative from Ira Emanuel dated March 16, 2023 consisting of 8 pages
5. A Stormwater Summary dated December 2022 prepared by CivilTec Engineering

### General Comments:

The site is located on 2.2 acres in an R-35 zone. It borders two county roads, MacNamara Road and New Hempstead Road. The current application is the result of changes from existing law suits and Village changes to the Special Permit

### Environmental Comments:

The narrative provided noted that a full EAF form was provided. However, only a short form (3 page) EAF was provided. Although the County GML asked for the Village of New Hempstead to review the impact of traffic, no traffic information was provided.

The narrative noted that this operation has been in existence since 1972. It noted that despite planning approval from the Town of Ramapo, the use has never been a legally permitted use. As such a stipulation agreement between the Wickes Family and the Village Board was created which the Village Board would "consider" the adoption of an amendment to the Zoning Law which permitted arborist services, landscape services and wholesale nurseries in the Village. The amendment, Local Law 3 of 2006 was adopted on June 13, 2006. The special permit conditions listed on the plans included the following:

Lange Planning and Consulting  
 1511 Yellow Sand Lane, Odenton Md. 21113

SPECIAL PERMIT NOTES (CONDENSED):

1. OVERNIGHT PARKING LIMITED TO NOT MORE THAN  
7 LIGHT DUTY TRUCKS  
13 MEDIUM DUTY TRUCKS  
7 HEAVY DUTY TRUCKS  
1 VERY HEAVY DUTY TRUCK  
OF WHICH NO MORE THAN 13 CAN BE PARKED OUT OF DOORS
2. NOISE LEVELS SHALL CONFORM TO R.C. DEPT. OF HEALTH STANDARDS
3. NOT MORE THAN 400 CY OF MULCH AND/OR WOOD CHIPS SHALL BE STORED AT THE PREMISES
4. NOT MORE THAN 50 CY OF GRAVEL AND/OR STONE SHALL BE STORED AT THE PREMISES
5. OPERATING HOURS AT THE PREMISES SHALL NOT EXCEED THE FOLLOWING:  
WHOLESALE NURSERY: 7:00AM TO 6:30PM MONDAY THROUGH FRIDAY  
8:00AM TO 3:30PM SATURDAY  
CLOSED SUNDAY  
OFFICE: 7:00AM TO 8:30PM MONDAY THROUGH FRIDAY  
8:00AM TO 5:00PM SATURDAY  
CLOSED SUNDAY
6. COMMERCIAL TRUKS AND OTHER EQUIPMENT MAY BE STARTED  
OUT OF DOORS BETWEEN NOV 1 AND APR 15 NOT BEFORE 7:30AM  
OUT OF DOORS BETWEEN APR 16 AND OCT 31 NOT BEFORE 8:00AM  
INDOORS ALL YEAR NOT BEFORE 7:00AM  
WARM UP TIMES SHALL NOT EXCEED 30 MINUTES
7. EXCEPTIONS TO NOTE 6 ARE PROVIDED IN THE STIP. OF SETTLEMENT.  
7 LIGHT DUTY TRUCKS

A review of the Rockland County GIS aerial and the Google Earth aerial of the site noted the following:

1. A large frontend loader
2. A second earth moving machine
3. Fourteen other trucks of various sizes
4. Existing site has no hard surface pavement
5. Existing site has no curbs
6. Existing site has access only to McNamara Road.

Evidence of these conditions is presented below:

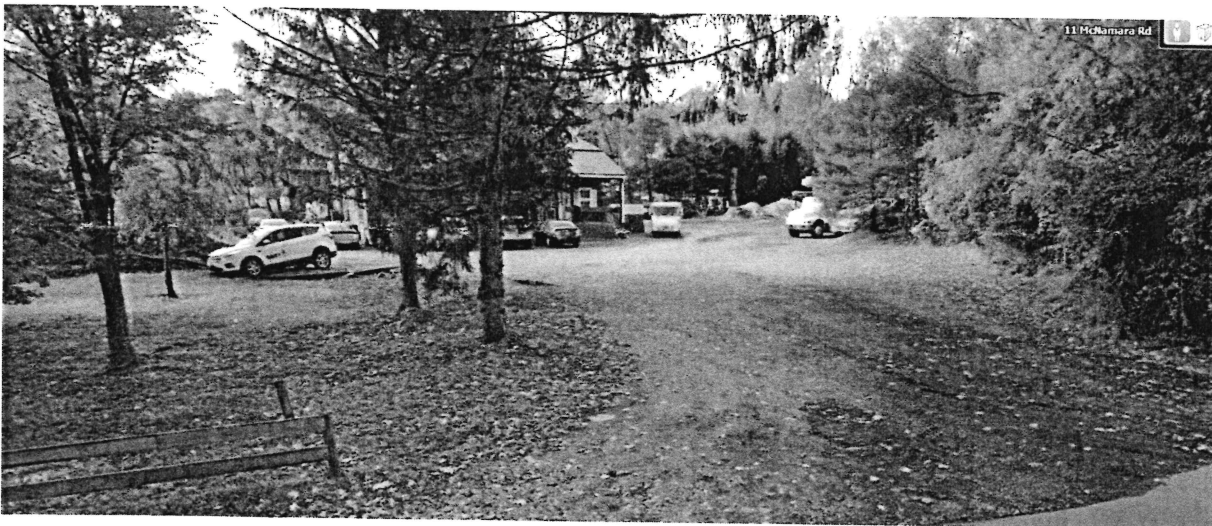


Figure 1 - Site entrance on McNamara Road



Figure 2 - Existing Conditions Google Earth Aerial

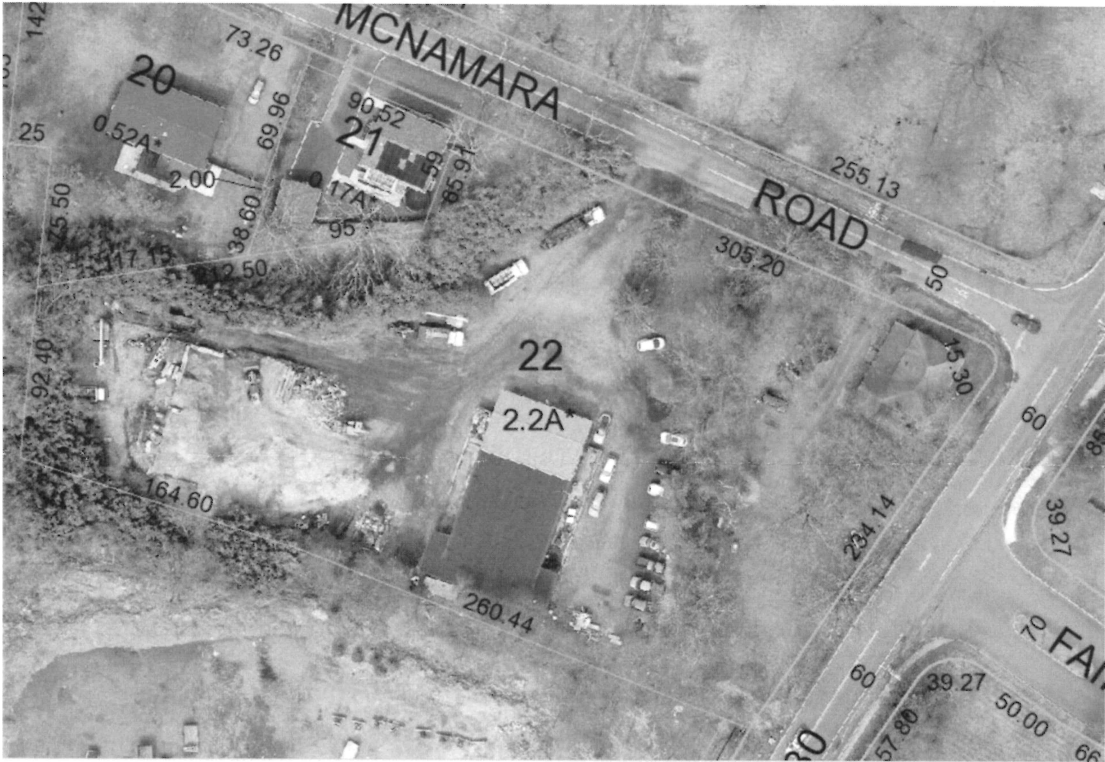


Figure 3 - RCPD Aerial showing heavy earth moving equipment

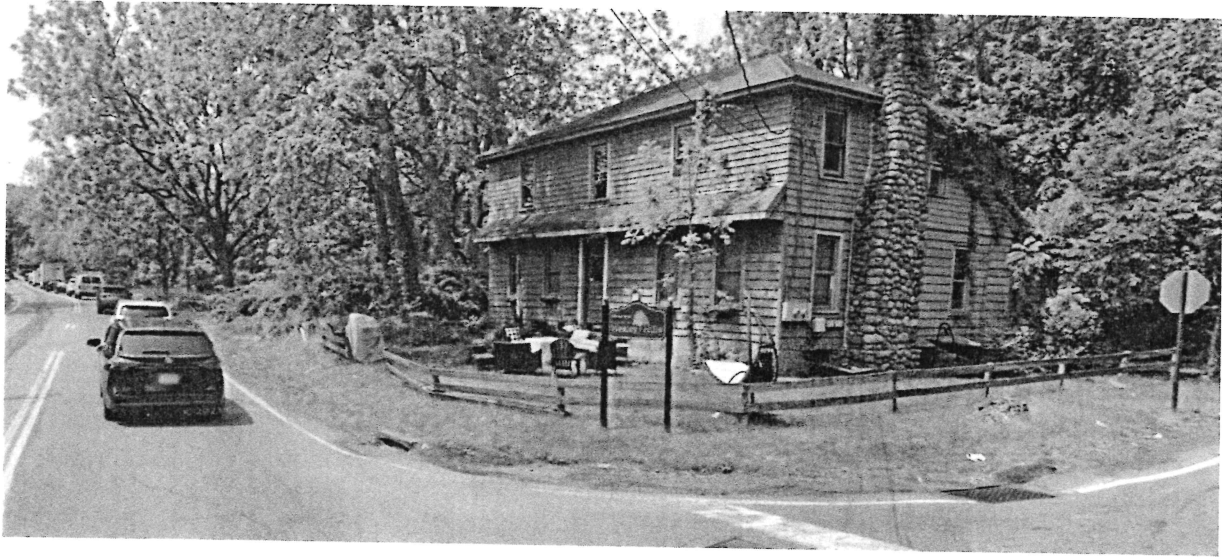


Figure 4 - Intersection of New Hempstead Road and McNamara Road – Note heavy traffic on New Hempstead

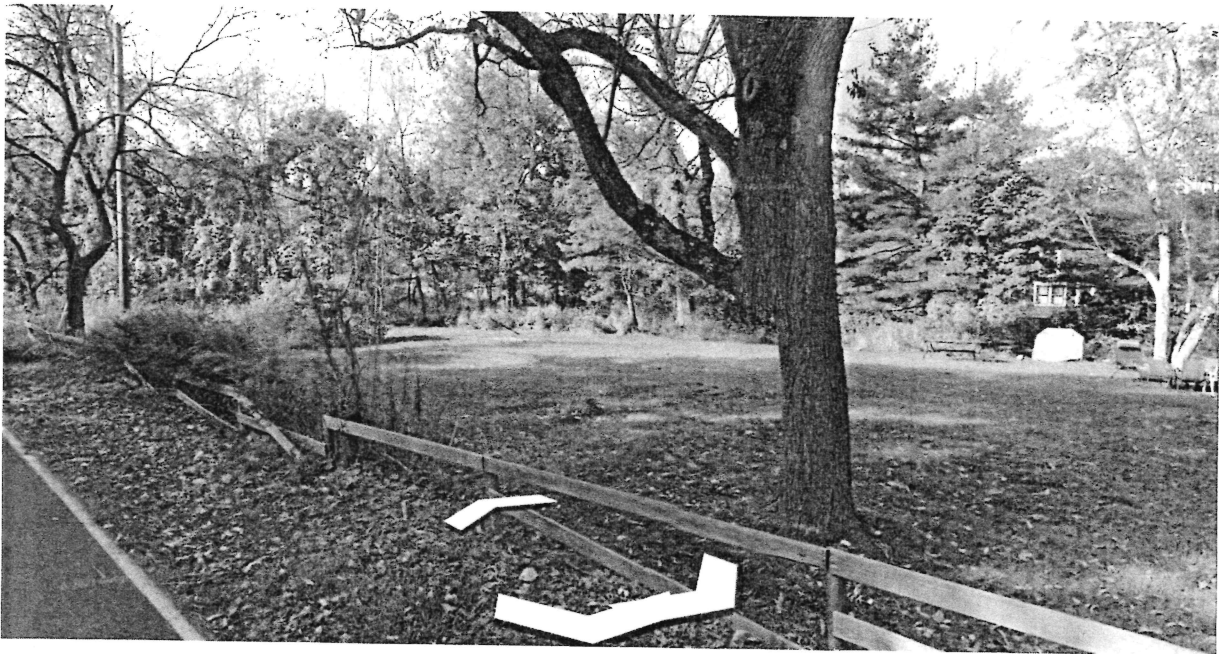


Figure 5 - No access from New Hempstead Road

Based upon this office’s review of all of the documents provided LPC offers the following comments:

1. Traffic needs to be assessed with the number of daily vehicles projected and the impacts on the county roads determined. I could not find any information regarding ingress and egress trips or peak rates.
2. Did the design for the rain garden include percolation tests or was it based on theoretical constructs. I would recommend percolation tests to be completed

3. The emergency access should align with Fairway Oval on New Hempstead Road for better traffic flow.
4. Did Rockland County Department of Highways comment on the emergency access connection?
5. Although the plans show lines demarking parking spaces, gravel surfaces will not preserve the lines. How will the spaces be maintained?
6. The concept of gravel as the travel way surface is not ideal. Did the Village consider more permanent paving? Permanent curbs are proposed.
7. The use of gravel as the surface for mixing and moving materials seems inappropriate as it will not last, nor will it maintain drainage under active conditions.
8. It appears that the rain garden will be draining a significant area as the elevation for the property all show a slope forward to the rain garden. The distance exceeds 100 linear feet or runoff. Will this small rain garden be sufficient?
9. No details were provided for the proposed landscaping berm; the elevation is lower than the nearby 486 contour line.
10. As mentioned in the narrative, granting of this special permit will travel with the property. Is this what the Village of Wesley Hills desires as the long term (forever) use of the property? It appears to me that an interim solution rather than a permanent solution might be a better alternative.

Should you have any questions regarding any of these comments, please do not hesitate to contact me.

Kind regards,



John F. Lange

Village Planning Consultant





**EMANUEL LAW P.C.**

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*  
*Counsel to Freeman & Loftus, RLLP*

Four Laurel Road  
 New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

January 3, 2024

Planning Board, Village of Wesley Hills  
 432 Route 306  
 Wesley Hills, NY 10952

Re: Rockland Tree Experts Co., Inc., d/b/a Ira Wickes/Arborists

Dear Members:

We represent the applicant in the above matter, which seeks approval of a site plan and special permit to continue an arborist/landscaping service at the subject site. The Rockland County Planning Department issued a GML review dated July 24, 2023, which recommended modifications to the project. The review was triggered by the site's proximity to two County roads (Union Rd/New Hempstead Rd and McNamara Rd) and the Village of New Hempstead.

The applicant's responses follow.

*1 Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. The Village shall be satisfied that the arborist service, landscape surface, and wholesale nursery complies with the general standards for special permit uses outlined in Section 230-22, as well as the individual standards and requirements listed in Section 230-26N.*

The applicant's narrative addresses the special permit requirements.

*2 Section 230-26N(2) requires the proposed use to have frontage on, and practical access to, two major roads. Standard access to the site is via McNamara road and emergency access will be provided from Union Road. Since "practical access" is not defined in the Village Code, the Planning Board shall be assured that this requirement is met for the site.*

Comment noted.

*3 Section 230-26N(12) prohibits the grinding or chipping of trees, branches, and stumps; preparation of mulch or other material resulting from the decomposition of organic material; storage of mulch produced elsewhere except in compartments and areas expressly designated for such storage and in amounts in compliance with Subsection N(6); and the on-site retail sale of plants or other materials. The project narrative states*

*the site complies with the first three restrictions, but does not address the retail sale of plants and other materials. The Planning Board shall be assured that no on-site sales of these materials will occur.*

There will be no on-site retail sales.

*4 Section 230-26N(13) states that the applicant must demonstrate that the proposed activities will not result in a degradation of surface water or groundwater quality by the submission of a water quality assessment. The project narrative indicates the assessment was prepared in January 2005. The Planning Board shall determine whether this is sufficient, or if a new one must be prepared since over 15 years have passed since the previous assessment was prepared.*

Comment noted.

*5 The applicant shall satisfactorily address the comments made by the Rockland County Highway Department in their letter dated June 13, 2023.*

The applicant responded to the Rockland County Highway Department by letter dated July 17, 2023 (copy attached). The applicant will continue to work with the Department to resolve differences.

*6 As per their letter dated July 17, 2023, application is to be made to the Rockland County Department of Health for review of the stormwater management system to ensure compliance with the County Mosquito Code.*

Agreed.

*7 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern and eastern property lines of the site. New York State General Municipal Law states that the purposes of Sections 239-I, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.*

*The Village of New Hempstead must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage,*

*stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.*

Comment noted. The Village of New Hempstead submitted comments in a letter dated August 1, 2023.

*8 Section 230-26N(7) of the Village's zoning regulations states "The preparation of all plant health materials shall be conducted in an environmentally safe manner on the premises in accordance with all other relevant laws and regulations." The application, storage, or sale of pesticides requires licenses from the New York State Department of Environmental Conservation (NYSDEC). More information can be found at <https://www.dec.ny.gov/permits/96354.html> and <https://www.dec.ny.gov/regulations/8527.html>. The Village must be assured that all necessary licenses from the NYSDEC have been obtained if any pesticides are to be used, stored, or sold on the site.*

The applicant possesses all necessary NYSDEC licenses for storage of pesticides on-site (copies attached). No pesticides are sold or applied on-site.

*9 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Erosion and Sediment Control.*

Comment noted.

*10 There shall be no net increase in the peak rate of discharge from the site at all design points.*

The applicant has submitted drainage calculations showing compliance with this standard.

*11 A total of 28 standard parking spaces are proposed, with one accessible space included. As required by the Americans with Disabilities Act (ADA), parking areas with 26 - 50 spaces must provide at least two accessible spaces, one of which must be van-accessible. An additional accessible space must be provided to comply with ADA standards.*

An additional accessible parking space has been added to the right of the existing proposed space near the southwestern corner of the building.

*12 Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.*

Snow storage has been shown in three locations: in the western portion of the site, adjacent to the materials storage bins and opposite the building entrance, and at the southeastern corner of the site.

*13 The garbage enclosure to the west of the accessible space appears to encroach into the southernmost truck space. The enclosure must be relocated, or the truck spaces redesigned, so that there are no conflicts.*

The garbage enclosure has been redesigned to eliminate any conflicts.

*14 No SEQRA documentation was provided with this application. When our department reviewed the site plan and special permit in February 2010, a Full Environmental Assessment Form was submitted. Updated SEQRA documents must be submitted.*

A short EAF was submitted with the initial application materials. As the action is an Unlisted action under SEQRA, a short EAF is acceptable.

*15 The project narrative references several sections of the Village Zoning Code, such as Sections 4.3.7 and 6.9.16. This is a former version of the Code and it is no longer structured in this manner. The Zoning Code is now Chapter 230 of the Village Code. The project narrative must be corrected to reference the current Code.*

Subsequent versions of the narrative will refer to new code numbers. The substance of the code sections cited has not changed.

*16 No lighting plan was provided. If any new lighting is proposed, a lighting plan shall be submitted that demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.*

No new lighting is proposed.

*17 If any new signage is proposed, it must be shown on the site plan and conform to Section 230-26N(11). If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).*

Comment noted.

*18 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).*

Comment noted.

*19 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.*

Comment noted.

*20 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.*


Comment noted.

*21 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:*

*21.1 Section 230-17B of the Village Code, as posted online at [ecode360.com](http://ecode360.com), indicates arborist services, landscape services, and/or wholesale nurseries are a permitted special permit use in the R-50, R-20, and R-15 zoning districts, but not the R-35 zoning district. This shall be corrected.*

The applicant has no control over the content of online code postings by or on behalf of the Village. This is an internal Village administration matter.

Very truly yours,  
EMANUEL LAW P.C.

  
By: \_\_\_\_\_  
Ira M. Emanuel, Esq.

Cc: Client

PLANNING BOARD  
 Village of Wesley Hills  
 Rockland County, New York

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. Plannina Board of the Villaae of Wesley 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.

Dated: August 30, 2023

January 11, 2024

Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952

Re: 33 Astor Place  
Monsey, NY, 10952  
Tax Lots: 41.06-1-78

The attached plot plan has been revised based on comments received. Below please find a comment by comment response.

Comments from Nelson Pope Voorhis dated November 27, 2023

1. The applicant and structural engineer have provided information about the wall.
2. The landscaping plan has been revised.
3. Comment noted.
4. Comment noted.
5. Comment noted.

Comments from Brooker Engineering PLLC dated November 28, 2023

1. The contractor provided a certified letter regarding the wood chippings.
2. The contractor will provide soil test results.
3. A structural engineer provided the wall design.
4. The structural engineer has now provided specific wall details. The fence has been moved 1' behind the wall.
5. The area with pavers will all be on fill so there will be no separation issues with groundwater or bedrock. The fill will be anywhere from 4' to 14' above existing grade. A note has been added that the fill under the pervious pavers must be at least 1" per hour to meet the design specifications. A percolation test done in the front yard in 2022 found bedrock at 5' with no signs of bedrock and a second location had no signs of bedrock or groundwater to a depth of 9'. I have attached the test results from 2022 now for reference.
6. The calculation has been revised to assume no infiltration through the side walls. The number of drywells remains the same.
7. Comment noted.
8. Comment noted.
9. Comment noted.
10. Comment noted.

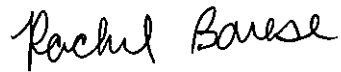
In addition, we have added photographs of the type of wall that will be constructed. The fence was moved off of the wall and will be behind the wall. It will be a chainlink fence. The



landscape architect's plan shows landscaping to go with the fence for screening. The fence is now called to be 4' high.

Please contact this office with any additional questions or concerns. I can be reached by email at [rbarese@civil-tec.com](mailto:rbarese@civil-tec.com) or at (845) 547-2241.

Thank you.  
Sincerely,



Rachel Barese, P.E.  
President



VICINITY MAP  
1" = 300'

NOTE: VILLAGE ENGINEER TO BE NOTIFIED 48 HOURS PRIOR TO DRAINAGE INSTALLATION AND WITNESS/APPROVED.

IMPERVIOUS IN FRONT YARD:  
1,207 SF (DRIVEWAY)  
TOTAL: 1,207 SF

AREA OF FRONT YARD: 7,928 SF

FRONT YARD IMPERVIOUS RATIO:  
1,207 SF IMPERVIOUS/7,928 SF = 0.152

BUILDING COVERAGE CALCULATION  
2,313 SF + 603 SF DECK + 70 SF MASTER DECK = 2,986 SF  
BUILDING COVERAGE  
2,986 SF / 35,028 SF = 0.085

0.085 < 0.10 SO OK

AVERAGE GRADE BASED ON THE ROAD IS  
(536 + 534) / 2 = 535.0

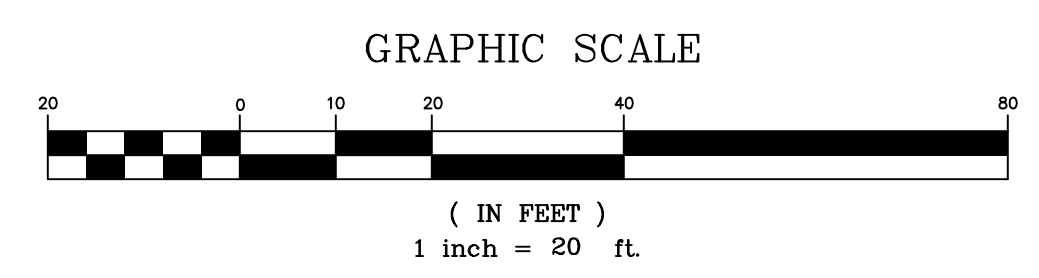
LOT COVERAGE:

DRIVEWAY	2,824 SF
DWELLING	2,313 SF
DECKS/WALKWAY/STEPS/WALLS	1,819 SF
POOL	975 SF
TOTAL	7,731 SF

TOTAL IMPERVIOUS COVERAGE:  
7,731 SF/35,028 SF = 0.221



5 - 1,000 GAL DRYWELLS  
5'-0" X 6'-7" BY  
PRECAST CONCRETE SALES CO  
OR APPROVED EQUAL  
RIM 536.0  
INV IN 534.5  
BASE 529.42  
18" STONE SURROUND



Bulk Requirements: R-35 Single Family Detached Residence

	Min Lot Area	Min Lot Frontage	Min Lot Width	Min Front Yard	Min Side Yard	Min Total Side Yards	Min Rear Yard	Max Impervious Surface Ratio	Max Front Yard Impervious Surface Ratio	Max Building Coverage	Max Height	Max Exposed Building Height	
Required	35,000 SF	100 FT	125 FT	50 FT	25 FT	60 FT	50 FT	0.25	0.20	0.10	25 FT	2.5 Stories	40 FT
Proposed	35,028 SF	158.5 FT	158.5 FT	50 FT	39.7 FT	85.5 FT	58.3 FT	0.221	0.152	0.085	23 FT	2.5 Stories	39.5 FT

REFERENCES

- BEING SECTION 41.06, BLOCK 1, LOT 78 OF THE VILLAGE OF WELSEY HILLS AND TOWN OF RAMAPO TAX MAPPING.
- LOT DESCRIBED BY DEED IN INSTRUMENT NO. 2010 AT PAGE 22659 AT THE ROCKLAND COUNTY CLERKS OFFICE.
- BEING LOT 10 IN BLOCK E ON A MAP ENTITLED "SECTION TWO OVERLOOK ESTATES IN WESLEY CHAPEL, TOWN OF RAMAPO, ROCKLAND COUNTY, NEW YORK", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON JULY 25, 1966 IN BOOK 72 ON PAGE 1 AS MAP NUMBER 3480.
- TOTAL AREA = 35,028 SQUARE FEET OR 0.804 ACRES.

DATE	ISSUE	DESCRIPTION	REVISIONS
JANUARY 3, 2024	REV 14		REV PER VILLAGE'S COMMENTS
SEPTEMBER 20, 2023	REV 13		REV PER VILLAGE'S COMMENTS
AUGUST 3, 2023	REV 12		REV PER CLIENT
JULY 26, 2023	REV 11		REV PER VILLAGE'S COMMENTS
JUNE 9, 2023	REV 10		REV PER VILLAGE'S COMMENTS
MARCH 20, 2023	REV 9		REV PER VILLAGE'S COMMENTS
FEBRUARY 24, 2023	REV 8		REV PER LANDSCAPE ARCHITECT
OCTOBER 17, 2022	REV 7		REV PER ARCHITECT
SEPTEMBER 21, 2022	REV 6		REV PER ARCHITECT
JUNE 21, 2022	REV 5		REV PER ARCHITECT
MARCH 25, 2022	REV 4		REV PER VILLAGE ENGINEER'S COMMENTS
MARCH 25, 2022	REV 3		REV PER VILLAGE ENGINEER'S COMMENTS
JANUARY 20, 2022	REV 2		ADD UTILITIES, DRAINAGE, & SOIL EROSION CONTROLS
JULY 26, 2021	REV 1		REV PER NEW BUILDING FOOTPRINT

S.B.L. 41.06-1-78  
**PLOT PLAN**  
FOR  
**33 ASTOR PLACE**  
VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK

**CIVIL TEC** Engineering & Surveying PC

DATE: 6/29/21

139 Lafayette Avenue, 2nd Fl. 111 Main Street  
Suffern, NY 10901 Chester, NY 10918  
P 845.547.2241 - F 845.547.2243 845.610.3621

Civil Engineering & Land Surveying Services that Build Confidence  
www.Civil-Tec.com

DRAWN BY: DC

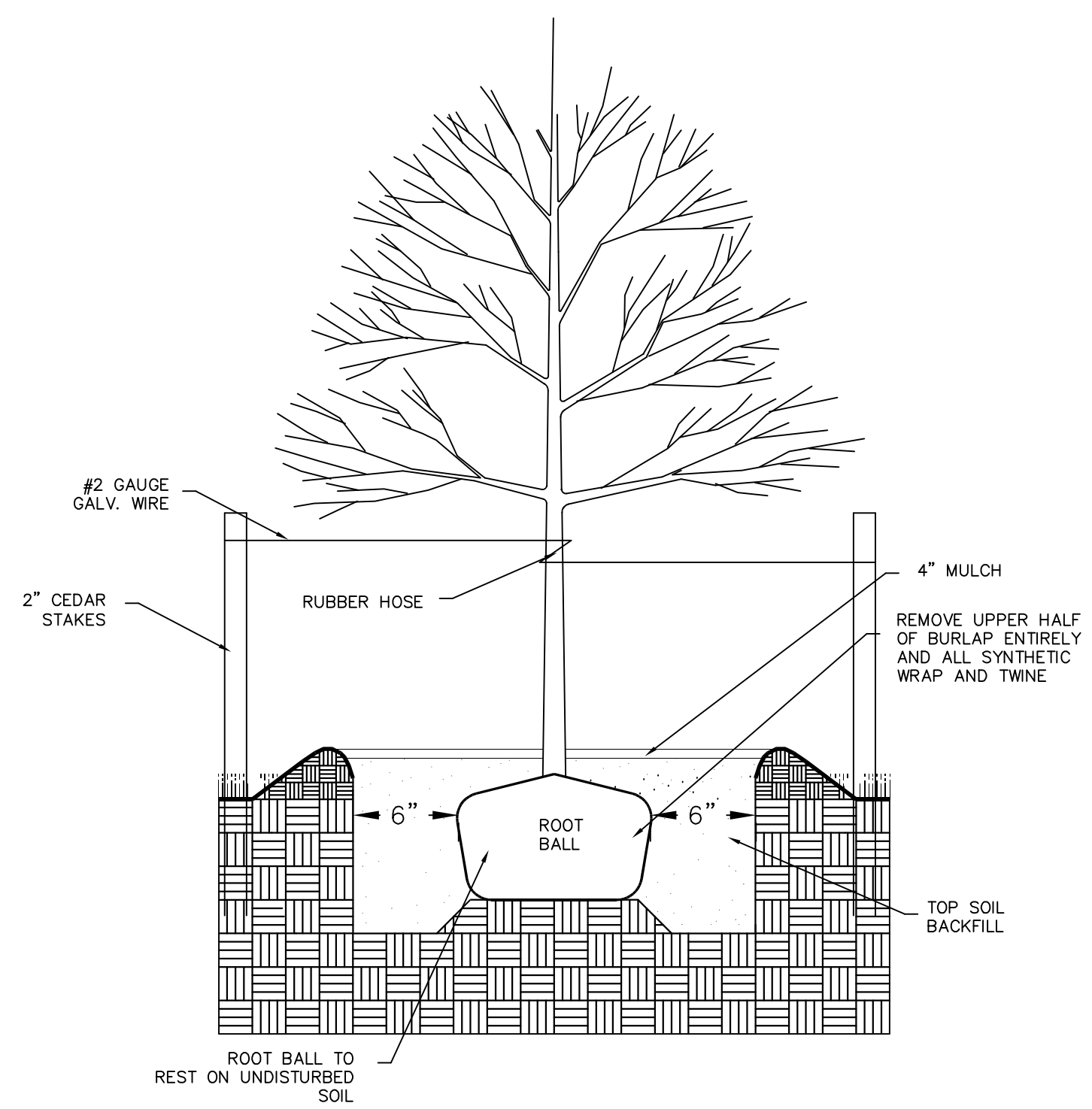
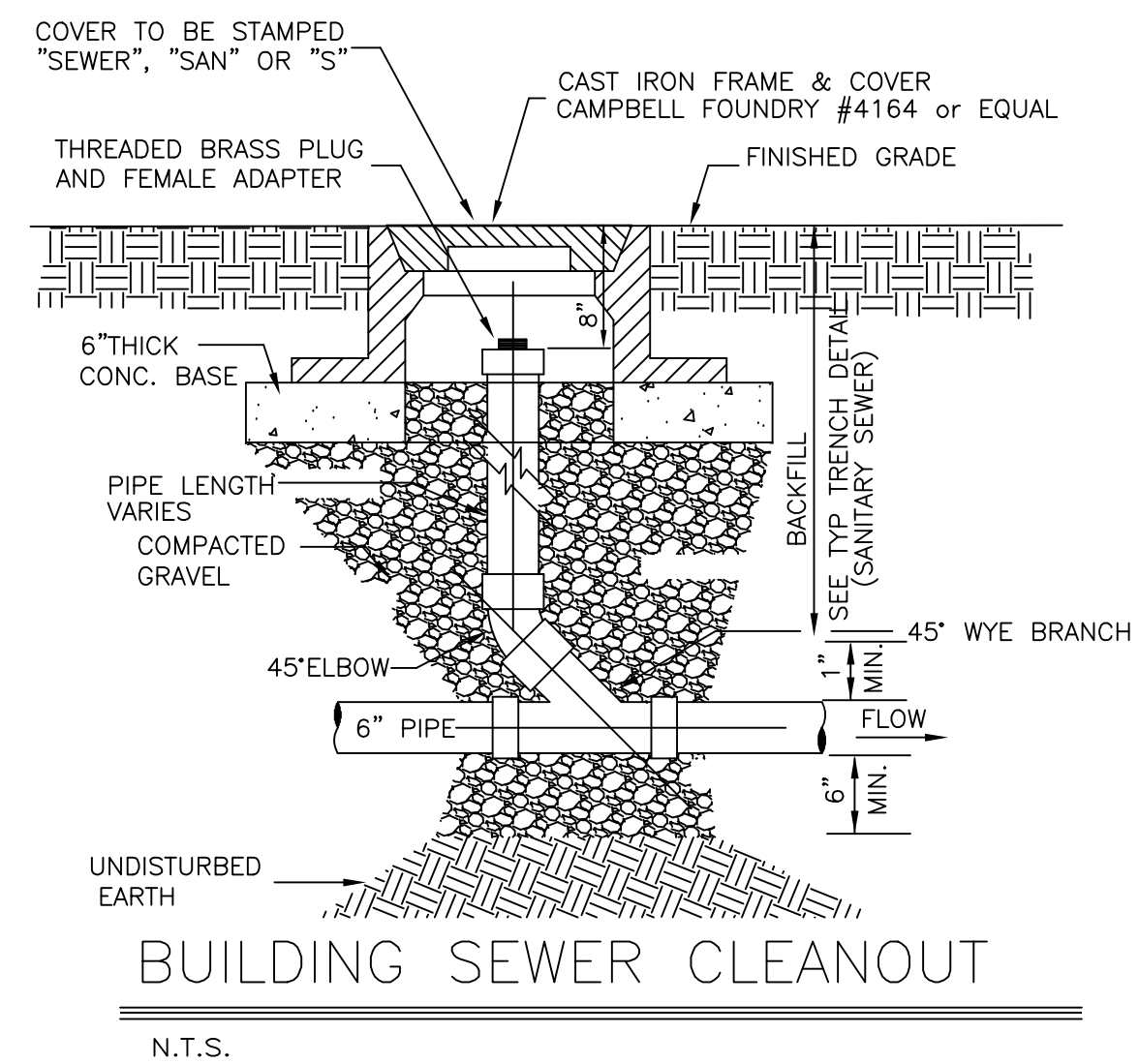
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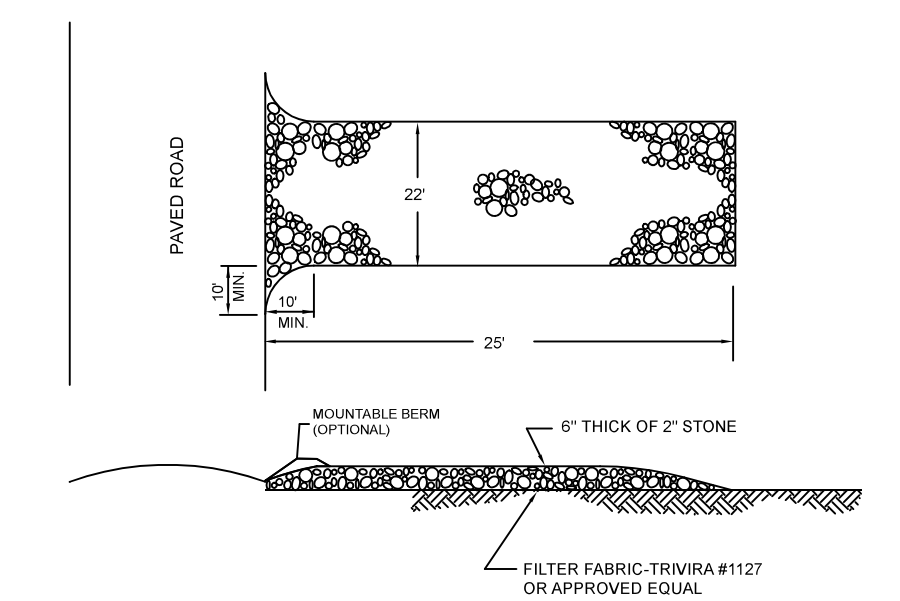
SCALE: 1"=20'

DWG No. 1 OF 42

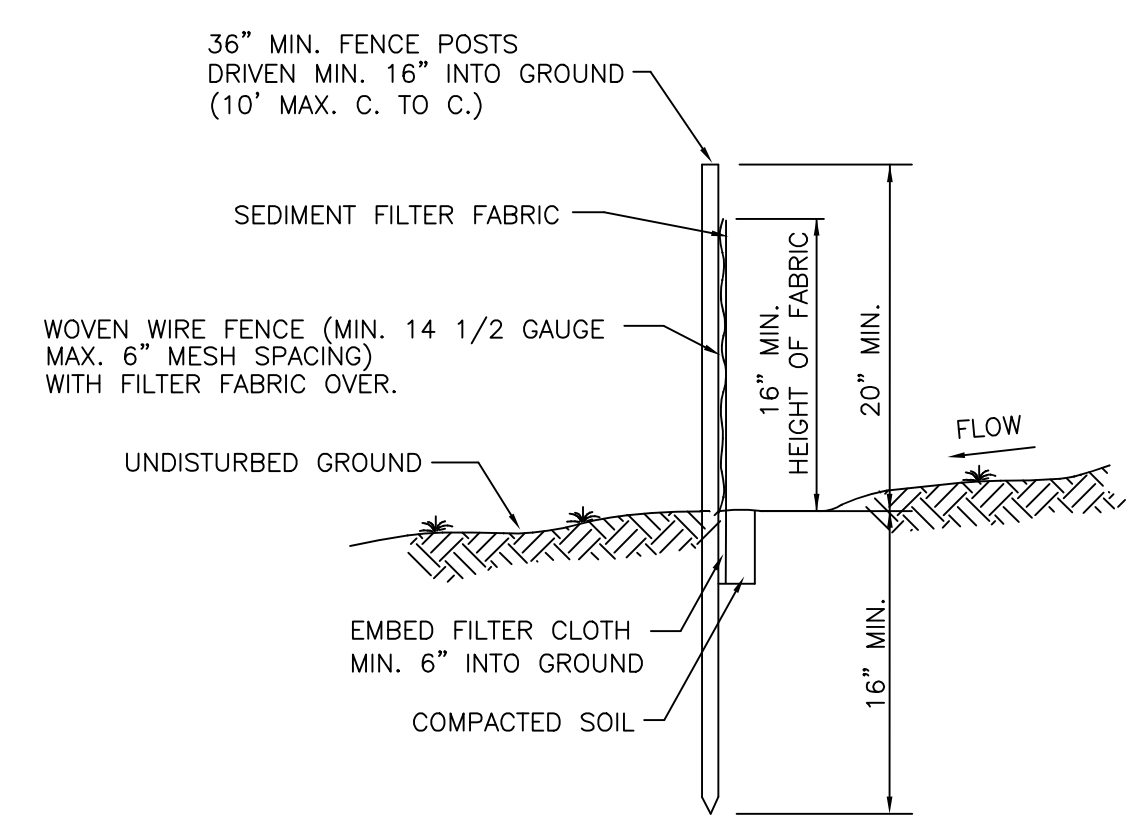
Rachel B. Barese, P.E.  
N.Y. Lic. No. 90143



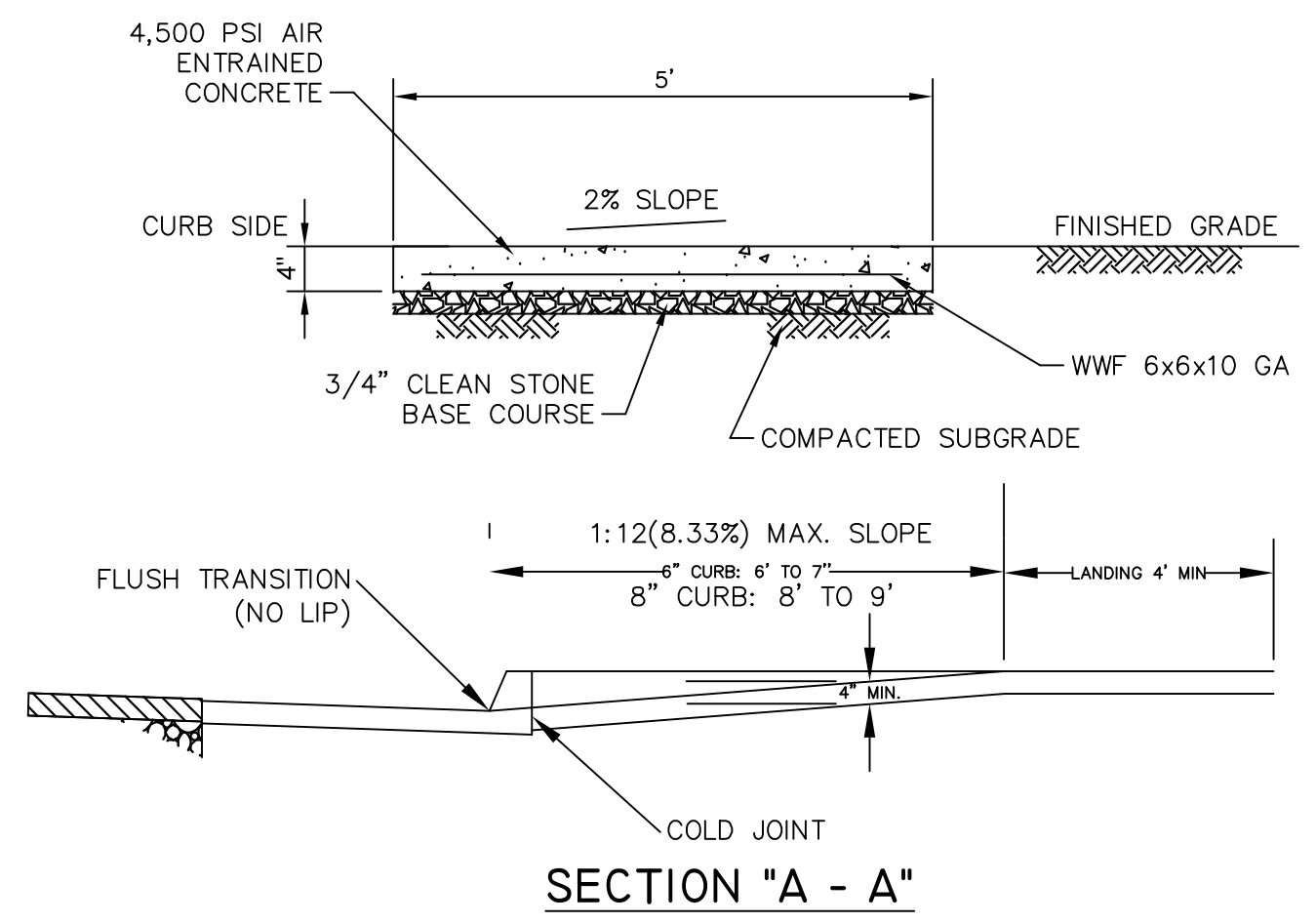
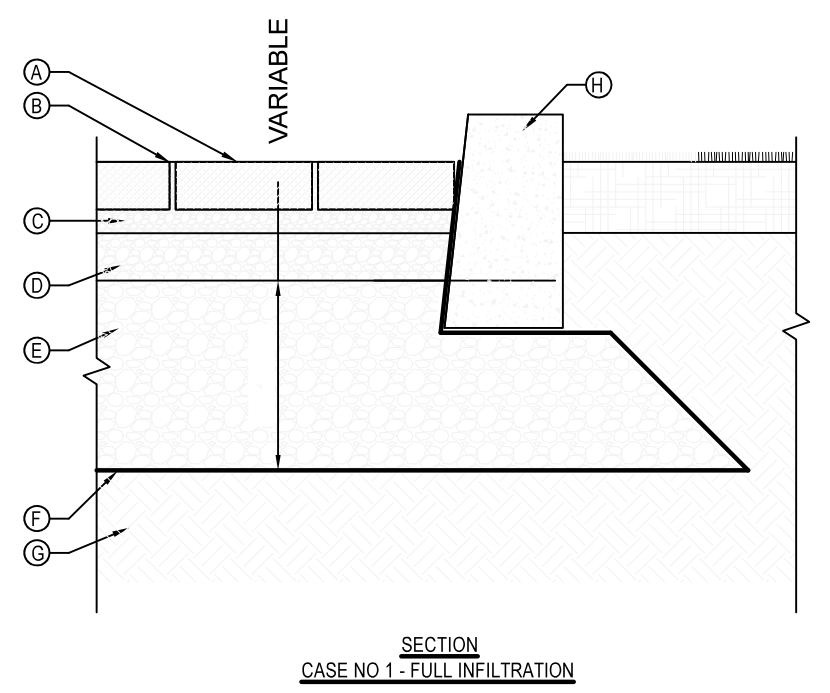
- NOTES:
- EXCAVATE A HOLE THAT IS 12" WIDER & 6" DEEPER THAN THE ROOTBALL.
  - REMOVE ANY STRINGS TIED AROUND TRUNK OR STEM BUT LEAVE BURLAP IN TACT.
  - TOPSOIL MIX FOR BACKFILL TO BE 2 PARTS TOPSOIL, 1 PART SAND & 1 PART WOOD.
  - BUILD DEPRESSION AROUND PLANT & FILL WITH MULCH.
  - STAKE ALL TREES WITH 2" CEDAR STAKES.



- CONSTRUCTION SPECIFICATIONS**
- STONE SIZE - USE 2 INCHES STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
  - LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 25 FOOT MINIMUM LENGTH WOULD APPLY).
  - THICKNESS - NOT LESS THAN 6 INCHES.
  - WIDTH - 12 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY FOUR FEET IF SINGLE ENTRANCE TO SITE.
  - FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
  - SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
  - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
  - WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING.
  - PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.



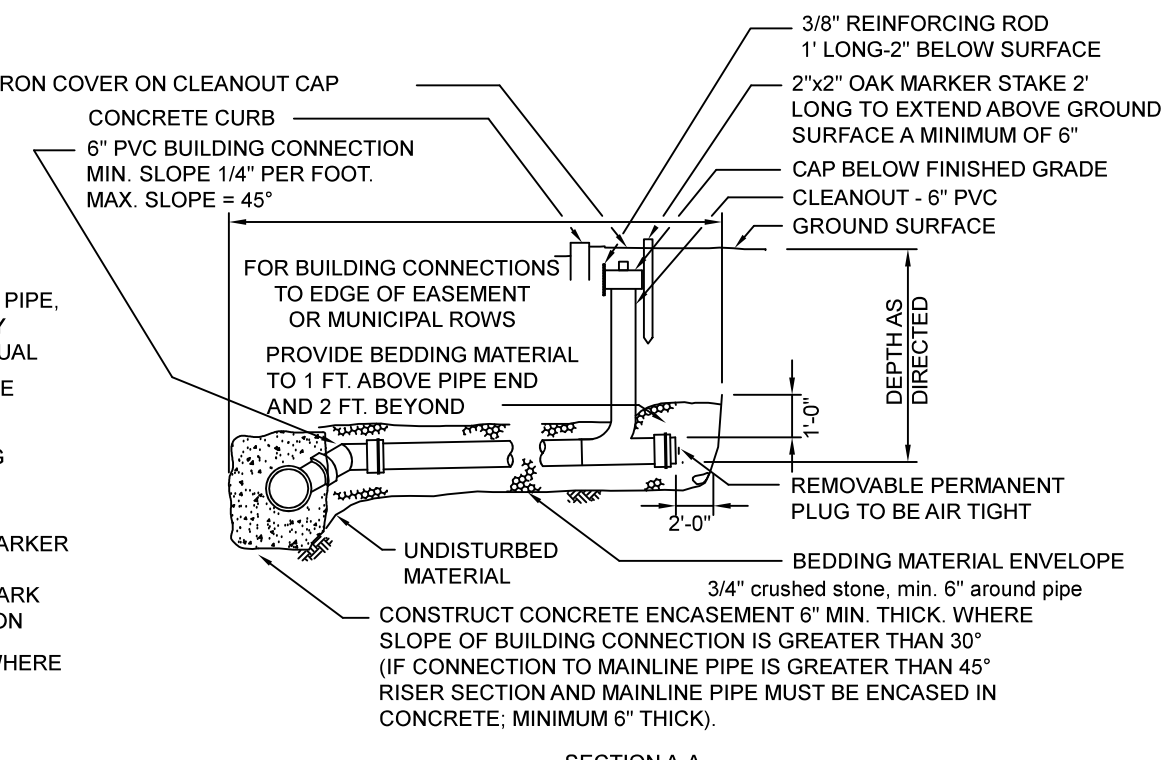
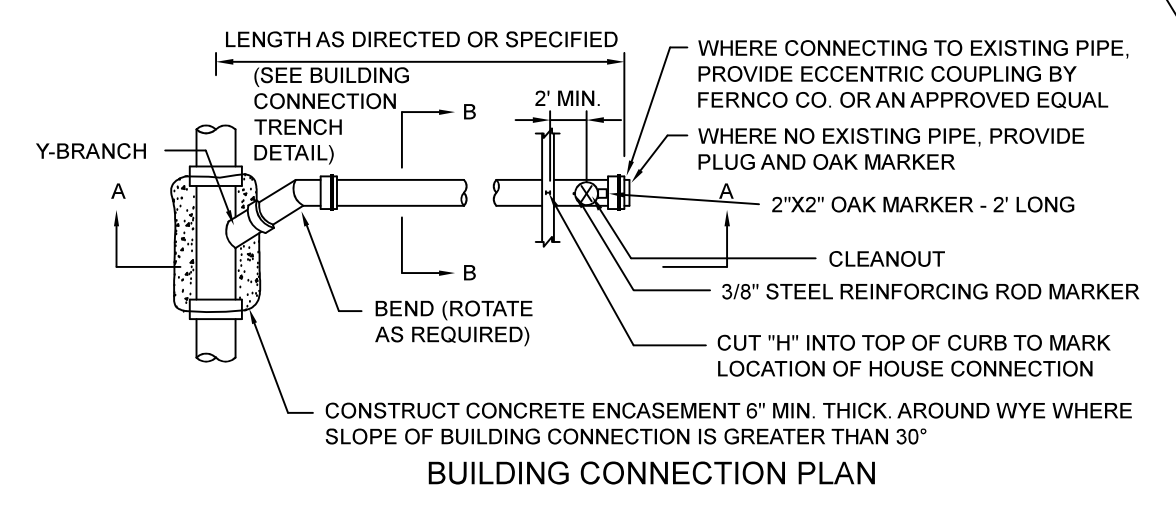
- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE**
- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
  - FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.
  - POST TO BE STEEL EITHER "T" OR "U" TYPE OR 2" HARWOOD.
  - FILTER CLOTH TO BE MIRAFI 100X STABILINKA T140N OR APPROVED EQUAL.
  - PREFABRICATED UNIT - GEOFAB, ENVIROFENCE OR APPROVED EQUAL.



- LEGEND:**
- PERMEABLE PAVER FROM TECO-BLOC, BLU 60 MM
  - JOINT FILLING MATERIAL, NO. 8 CONFORMING TO ASTM D 448
  - BEDDING COURSE, 2" (50 MM) THICK NO. 8 STONE CONFORMING TO ASTM D 448
  - BASE COURSE, 4" (100 MM) THICK NO. 57 STONE CONFORMING TO ASTM D 448
  - SUBBASE COURSE, THICKNESS AS PER DESIGN NO. 2 STONE CONFORMING TO ASTM D 448
  - GEOTEXTILE
  - SUBGRADE
  - EDGE RESTRAINT
- NOTES:**
- INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
  - DO NOT SCALE DRAWING.
  - THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
  - ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
  - CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT [www.CADdebits.com/info](http://www.CADdebits.com/info) AND ENTER REFERENCE NUMBER 958-007.
  - FILL UNDER THE PERMEABLE PAVERS MUST HAVE AN INFILTRATION RATE OF AT LEAST 1" PER HOUR.



- NOTES:
- ALL EXISTING SOIL FROM PLANTING PITS SHALL BE REMOVED AND PITS SHALL BE BACKFILLED WITH A MIXTURE OF ONE PART PEAR-HUMUS, ONE PART MANURE TO FOUR PARTS TOPSOIL.
  - ALL PLANTS AND WORKMANSHIP SHALL BE GUARANTEED FOR ONE YEAR AFTER FINAL ACCEPTANCE AND COMPLETION OF WORK.
  - ALL PLANT MATERIAL SHALL BE NURSERY GROWN AND CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN'S "AMERICAN STANDARD FOR NURSERY STOCK," CURRENT EDITION.
  - ALL PLANT BEDS SHALL CONTAIN 3" MIN SHREDDED BARK MULCH ON LANDSCAPE FILTER FABRIC. HOLES FOR PLANTS SHALL BE 2X DIAM. OF ROOTBALL AND MIN 6" DEEPER THAN THE DEPTH OF THE BALL.
  - THE TOWN SHALL BE NOTIFIED 48 HOURS PRIOR TO PLANTING FOR AN INSPECTION OF PLANT MATERIALS.
  - ALL DISTURBED AREAS OUTSIDE MULCH BEDS AND SAUCERS SHALL BE SEEDED, UNLESS OTHERWISE NOTED.
  - ANY EXISTING TREES SHOWN TO REMAIN WHICH ARE REMOVED DURING CONSTRUCTION SHALL BE REPLACED WITH A 3" CALIPER TREE AS DIRECTED BY THE TOWN.
  - LAWN AREA PREPARATION PER 1,000 SF:  
90 LBS HAY MULCH  
15 LBS 5-10-10 FERTILIZER, 50% SLOW RELEASE  
70 LBS GRANULATED LIMESTONE
- SEED MIXTURE:
- 30% TALL FESCUE
  - 30% RED FESCUE
  - 20% BLUE GRASS
  - 20% RYEGRASS



**PLAN VIEW**  
**ELEVATION**

**NOTES:**

- CONCRETE TO TEST 4000 PSI @ 28 DAYS
- STEEL REINFORCEMENT-ASTM-A-615
- SECTION A - 370 GALLONS 6'-0" ACROSS BOTTOM WEIGHT - 2,000 LBS.
- SECTION B - 630 GALLONS 6'-7" ACROSS BOTTOM WEIGHT - 4,050 LBS.
- LOAD RATING - HS20
- 18" STONE SURROUND, 12" STONE UNDER THE DRYWELL

Precast Concrete Sales Co. 123 Route 303 Valley Cottage, N.Y. 10989 Tel. (845) 268-4949 - Fax (845) 268-4376		
CONT.	JOB	
5'-0" x 6'-7" DRYWELL TWO SECTIONS		
DATE	DRAWN BY	DRAWING NO.
02/09	AT	705-A/B

- EROSION CONTROL & SEDIMENT NOTES**
- A TEMPORARY SEEDING SHALL BE APPLIED TO DISTURBED AREAS THAT ARE LEFT BARE FOR 15 DAYS UNLESS CONSTRUCTION WILL BEGIN WITHIN 30 DAYS. IF CONSTRUCTION IS SUSPENDED OR COMPLETED, AREAS SHALL BE SEEDING DOWN OR MULCHED IMMEDIATELY.
  - STRUCTURAL MEASURES MUST BE MAINTAINED TO BE EFFECTIVE. IN GENERAL, THESE MEASURES MUST BE PERIODICALLY INSPECTED TO INSURE STRUCTURAL INTEGRITY, DETECT VANDALISM DAMAGE, AND FOR CLEANING AND REPAIR WHENEVER NECESSARY.
  - DURING CONSTRUCTION, ALL STRUCTURES SHALL BE INSPECTED WEEKLY AND AFTER EVERY RAIN.
  - AFTER CONSTRUCTION, INSPECTION SHALL BE MADE AT LEAST SEMI-ANNUALLY AND AFTER EVERY RAIN.
  - THE STORM DRAIN INLET STRUCTURES SHALL BE PROTECTED WITH A FILTER BERM UNTIL THE AREA IS STABILIZED WITH VEGETATION OR THE BASE COURSE OF PAVEMENT IS INSTALLED.
  - CONSIDER LIMITING LAND DISTURBANCE TO ONLY THAT AREA NECESSARY FOR DEVELOPMENT.
  - THE MACADAM SURFACE SHALL BE SWEEPED "BROOM CLEAN" AT THE END OF EACH DAY DURING THE CONSTRUCTION PHASE OF THE SIDEWALKS AND CURB.
  - A STABILIZED CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT ALL POINTS WHERE A DISTURBED AREA MEETS AN IMPERVIOUS SURFACE, THIS INCLUDES ALL NEW DRIVEWAY CONNECTIONS ALONG THE NEW ROADWAY.
  - CONSTRUCTION EQUIPMENT SHALL BE LIMITED TO THOSE AREAS WITHIN THE SILT FENCE SEDIMENT PROTECTION. AT THE CONCLUSION OF CONSTRUCTION OPERATIONS, THE AREA COMPACTED BY MACHINERY SHALL BE DICED OR OTHERWISE LOOSENEED TO A DEPTH OF 12 INCHES PRIOR TO FINAL GRADING WITH TOPSOIL AND SEEDING.

JANUARY 3, 2024	REV 14	REV PER VILLAGES COMMENTS
SEPTEMBER 20, 2023	REV 13	REV PER VILLAGES COMMENTS
AUGUST 3, 2023	REV 10	REV PER CLIENT
JULY 26, 2023	REV 9	REV PER VILLAGES COMMENTS
JUNE 9, 2023	REV 8	REV PER VILLAGES COMMENTS
MARCH 20, 2023	REV 7	REV PER VILLAGES COMMENTS
FEBRUARY 24, 2023	REV 6	REV PER LANDSCAPE ARCHITECT
OCTOBER 17, 2022	REV 5	REV PER ARCHITECT
SEPTEMBER 21, 2022	REV 4	REV PER ARCHITECT
JUNE 21, 2022	REV 3	REV PER ARCHITECT
MARCH 29, 2022	REV 2	REV PER VILLAGE ENGINEER'S COMMENTS
MARCH 25, 2022	REV 1	REV PER VILLAGE ENGINEER'S COMMENTS

S.B.L. 41.06-1-78

**DETAILS**

**FOR**

**33 ASTOR PLACE**

**VILLAGE OF WESLEY HILLS - ROCKLAND COUNTY - NEW YORK**

**CIVIL TEC Engineering & Surveying PC**

DATE: 1/14/22

139 Lafayette Avenue, 2nd Fl. Suffern, NY 10901  
P 845.547.2241 - F 845.547.2243

111 Main Street Chester, NY 10918  
845.610.3621

Drawn by: DC

Checked by: RB/LT

Job No: 3955

Scale: 1"=20'

DWG No: 2 OF 43

www.Civil-Tec.com

Rachel B. Barese, P.E.  
N.Y. Lic. No. 90143



## Memorandum

**To:** Village of Wesley Hills Planning Board

**From:** Jonathan T. Lockman, AICP

**Re:** Nancy Rubin, 33 Astor Place – Clearing, Filling or Excavation Permit  
 SBL# 41.06-1-78

**Date:** November 27, 2023

**cc:** Eve Mancuso, P.E., Village Engineer  
 Frank Brown, Esq., Planning Board Attorney  
 Alicia Schultz, Deputy Village Clerk  
 John Layne, Building Inspector  
 Rachel Barese, P.E., CivilTec, for the Applicant

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### Received and reviewed for this memorandum:

- Wall Plan for 33 Astor Place, stamped by Paul Gdanski, P.E., dated 11/5/23.
- Landscape Plan for Nussen Residence, unstamped, by Blythe M. Yost, ASLA, Yost Design Landscape Architecture, dated April 23, 2022.

### Project Summary

The subject application is for a Clearing, Filling and Excavation Permit, under Chapter 95 of the Village Code. The subject lot is in the R-35 District on the west side of Astor Place, north of the intersection with Ardley Place. The applicant proposes to tear down and replace a two-story residence and add fill behind retaining walls, to create relatively flat yards and pool and patio areas.

### Planning Comments

1. No details have been provided on the texture and color of the retaining wall materials so the Board may consider how the walls will appear to be abutting properties, as requested in our prior memorandum dated September 26, 2023. Please provide photographs of the specified Cambridge Sigma 8 Wall Modular Concrete Units.
2. We note that fencing is being proposed at the tops of the retaining walls, and landscaping is only proposed at the bottom of the walls. Please consider a more aesthetic choice for fencing other than 2" wire chain link that is specified in the Gdanski plan. Also, please consider adding some plantings at the top of each wall to soften the look of the fencing, as viewed from neighboring properties.
3. We approve of the Thuya Green Giant trees specified at the bottom of the walls, as well as the Hedia Helix shrubs and Picea trees. The proposed ivy will help mitigate the views of the wall materials. We will defer to the Village Engineer regarding the wall construction specifications.

**SEQRA/GML Comments**

4. The project is for the replacement of a house on an approved lot, which typically is considered a type II action, requiring no SEQRA review. The Planning Board should categorize the type of action if it has not done so already.
  
5. This action is located more than 500 feet from Lime Kiln and Wilder Roads, the nearest County facilities. The adjacent wooded land is owned by the Town of Ramapo and not by the State or County. Therefore, we believe this application is not required to be sent to Rockland County Planning Department for GML review.

**Items Reviewed for our previous memorandum dated September 26, 2023:**

- Cut and Fill Calculations, by CivilTec, dated August 10, 2023.
- Cut and Fill Calculations, by CivilTec, dated February 28, 2023.
- Response to NPV and Brooker comments, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated September 20, 2023.
- Drywell Calculations, prepared by CivilTec Engineering and Surveying, dated January 2022, revised September 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, dated June 29, 2021, with latest revision date of September 20, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items Reviewed for our previous memorandum dated September 5, 2023:**

- Response to NPV and Brooker comments, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated August 11, 2023.
- Drywell Calculations, prepared by CivilTec Engineering and Surveying, dated January 2022, revised August 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, dated June 29, 2021, with latest revision date of August 3, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items Reviewed for our previous memorandum dated March 31, 2023:**

- Response to Planner Comments letter, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated March 20, 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, with latest revision date of March 20, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items reviewed for our previous memorandum, dated March 8, 2023:**

- Application for Clearing, Filling or Excavation of Land, signed March 1, 2023.
- Drainage Calculations, by CivilTec Engineering, dated February 2023.
- Site Plan Set, 2 Sheets, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, last revised February 24, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details



# BROOKER ENGINEERING

a division of Weston & Sampson

74 Lafayette Avenue, Suite 501, Suffern, NY 10901  
Tel: 845.357.4411

November 28, 2023

Village of Wesley Hills  
Planning Board  
432 Route 306  
Wesley Hills, New York 10952

Attn: Alicia Schultz, Deputy Village Clerk  
Re: 33 Astor Place  
Clearing/Filling/Excavation Application Review

Dear Planning Board Members,

Our office has reviewed the submission of documents in support of the above captioned project consisting of:

1. Plan entitled "Wall Plan for 33 Astor Place", prepared by Paul Gdanski, PE, dated 11/5/23, 1 sheet.
2. Plan entitled " Nussen Residence Screen Planting Plan", prepared by Yost Design, dated April 23, 2022, sheet L-701. Our office offers the following comments:

### General

1. During prior site visits, our office observed large stockpiles of wood chippings which appeared to be subsequently backfilled. Permanent backfilling of wood chippings will result in prolonged settlement of the earth. Our office recommended exposure and relocation to prevent risk of shear failure of slopes. Our office requests a certification letter from the contractor stating that the wood chippings were not used as backfill and removed from the site, as suggested in the applicant's response letter.
2. Due to the large import of soil from varying sources outside of the Village, we recommend the soil be tested in accordance with 375 Soil Test Parameters for Residential Use. The chain of command in collecting samples shall be adhered to and the results submitted.
3. Structural design and calculations, and specifications shall be submitted for the proposed retaining walls and reviewed by our office prior to the start of retaining wall construction. Certification of completed retaining walls to be provided prior to the issuance of a C.O.

### Plot Plan

4. A standard detail for a Cambridge Sigma 8 wall has been provided. The detail does not indicate the proposed fence on top of the retaining wall as shown on the Civil Tec Plan. The discrepancy shall be resolved.
5. Pervious pavers are proposed in the rear yard; however, the previous response letter discussed high bedrock in the rear yard. Infiltration in fill is permitted, subject to minimum separation and testing requirements. Consideration as pervious area is not recommended if minimum requirements are not met. Applicant has responded that 'the pavers will all be fill so there will be

no separation issues with groundwater' This does not address insitu bedrock separation or insitu soil testing. We request the following criteria be provided as per NYS DEC guidance to be considered pervious:

- a. Insitu/natural soil layer below infiltration system has an infiltration rate greater than or equal to the 0.5 in/hr
- b. Ground water and bedrock levels in insitu/natural soil should be two to three feet below grade
- c. Fill material is an engineered fill that is tested after placement (by geotechnical firm) and demonstrated to be equivalent to a soil material acceptable for the installation of an infiltration system (i.e. infiltration rate greater than or equal to 0.5 inches /hr, etc.). Infiltration rate of fill material should be similar infiltration rate as insitu/existing soil.
- d. If there is a difference in the infiltration rates between the fill and insitu/native soil, the designer should use the more conservative (i.e. slower infiltration rate) when determining whether the infiltration system will dewater (exfiltrate) within the required 48 hours (see Section 6.3.2 "Conveyance" of the Design Manual).
- e. Required vertical separation distances to groundwater/bedrock are maintained
- f. Required horizontal separation distances to surface waters, wells, etc. are maintained
- g. There is adequate fill along the edges of the infiltration system to prevent seeps/breakouts
- h. As per guidance from the new draft NYS DEC Stormwater Management Design Manual, infiltration facilities proposed on naturally steep slopes require additional analysis. A slope stability / global stability analysis of the retaining wall shall be provided from a structural or geotechnical engineer.

**This remains to be addressed – soil test results to be submitted**

#### Drainage Calculations –

6. As per comment 8 of our previous memo dated September 14, 2023, our office takes partial exception to the drainage design methodology. Drywell storage is sized to accommodate increase in runoff for the entire property, however, only the roof runoff is currently proposed to be conveyed to the system. Drainage areas should be delineated to differentiate between detained and bypass runoff. Our office suggests SCS method modeling to compare the pre clearing conditions to the future proposed conditions for accurate sizing of storage facilities and to verify a zero-net increase in peak runoff. Applicant has responded that 'other impervious area is offset by the prior development onsite so there is no net increase overall.' This shall be demonstrated in the drainage calculations/report.

Applicant has responded that 'the site will also be aided by leveling the property which will slow down the water as it runs across the property. In the past, the yard was very sloped where in the future it will have level tiers.

While we don't disagree with this statement, the response given does not address the original comment. Please provide updated drainage calculations/report to demonstrate that area bypassing the drywell system is offset by the prior development onsite.

**This remains to be addressed**

Recommended fees and dates are as follows:

7. Clearing/filling application fee: \$1,000 based on additional disturbance area of approximately 19,000 square feet.
8. Performance bond: \$118,000
9. Installed and proposed erosion control devices shall be maintained throughout construction.
10. We recommend final stabilization, including topsoil and seed, be completed no later than twelve months after commencement of retaining wall construction.

Sincerely,

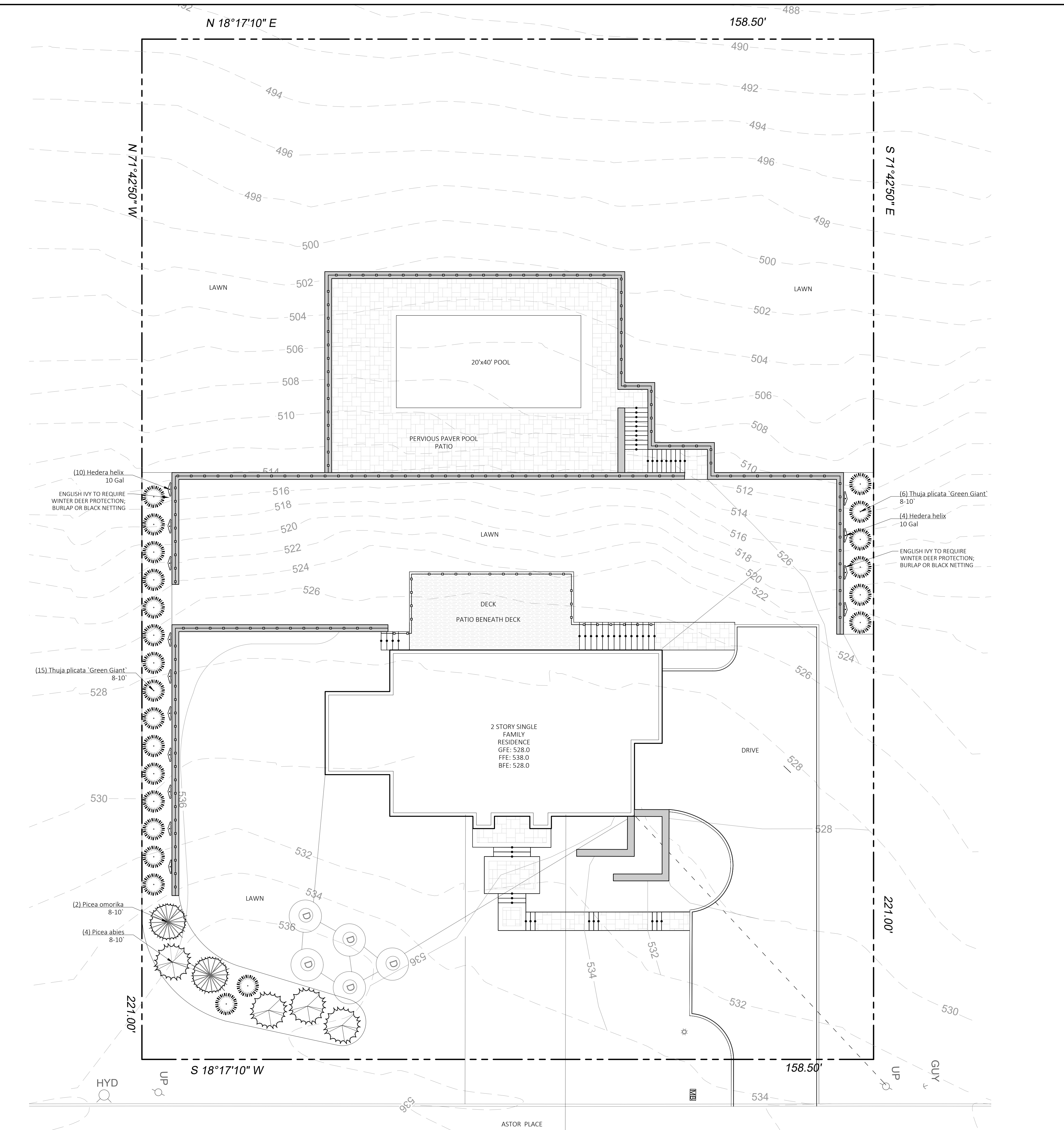


WESTON & SAMPSON, PE, LS, LA, Architects, PC  
Eve Marie Mancuso, P.E.  
Principal Engineer

CC: CC. Jonathan Lockman, AICP – Village Planner  
Frank Brown, Esq.- Planning Board Attorney  
Camille Guido-Downey – Village Clerk  
John Layne – Building Inspector  
Paul Gdanski, PE – applicants Engineer

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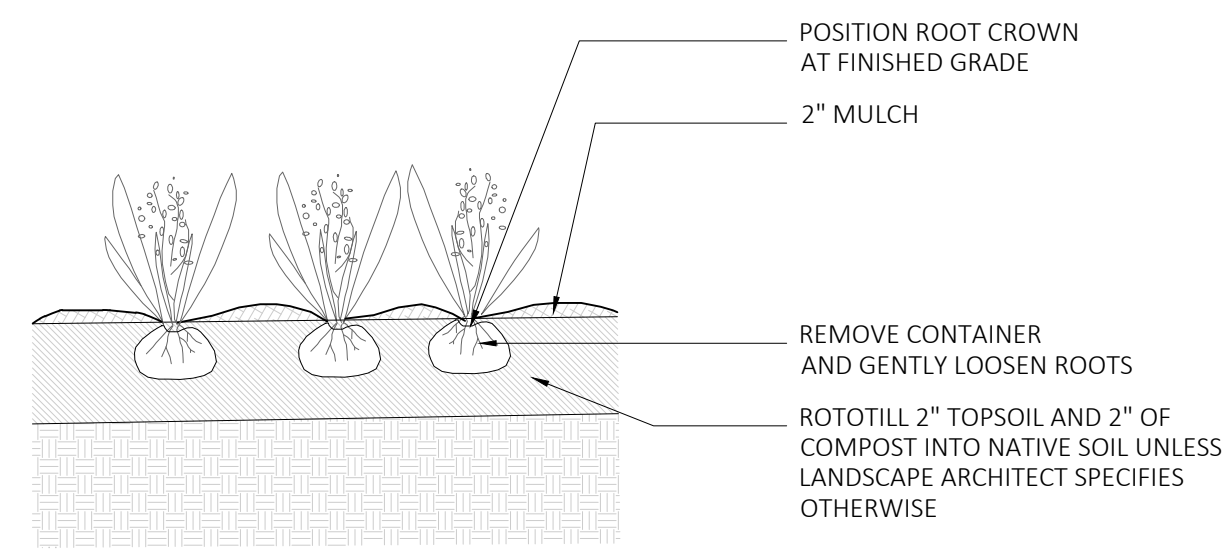
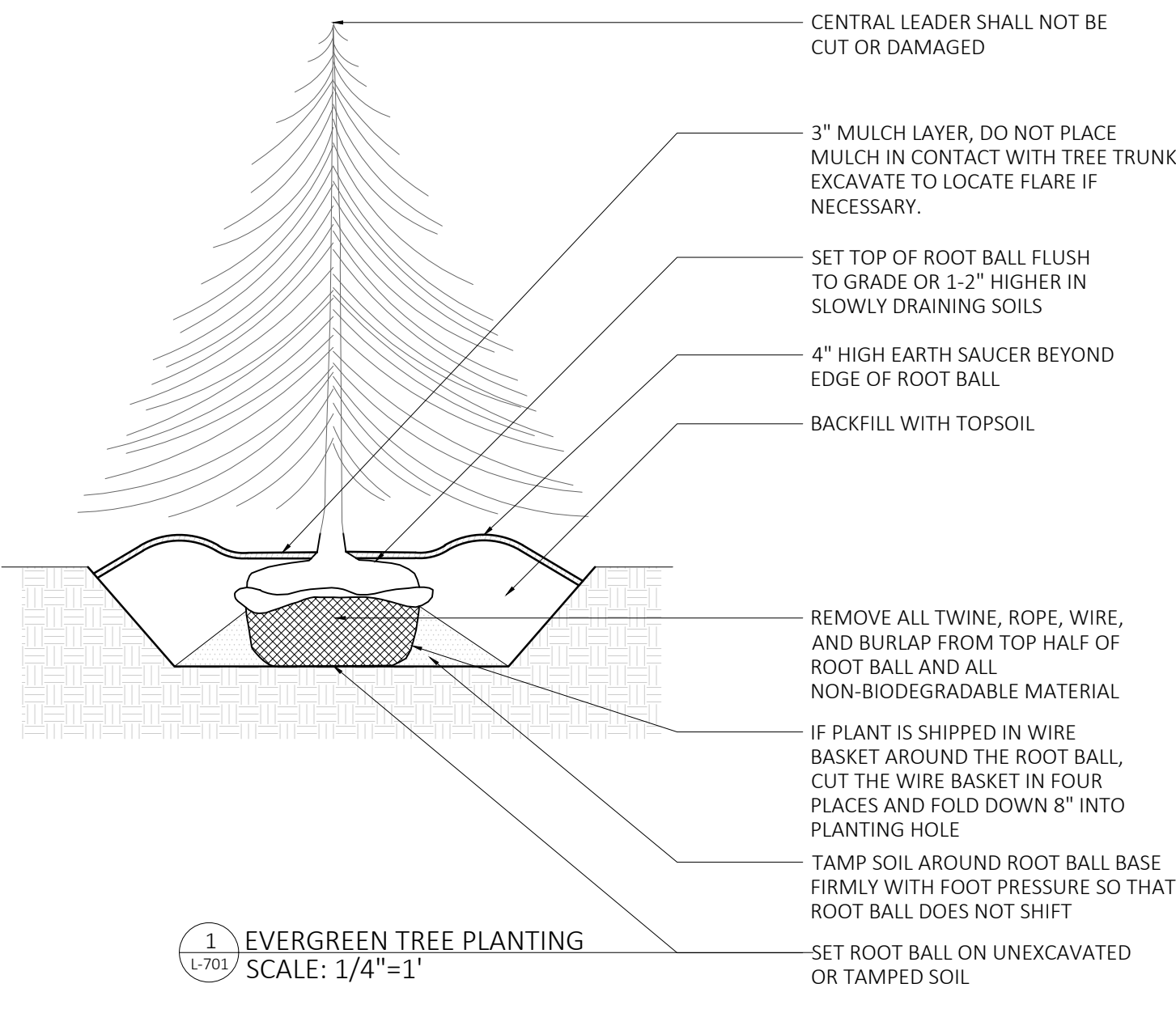




PLANT SCHEDULE

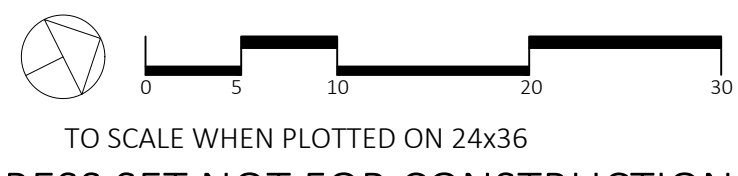
SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE
<b>TREES</b>			
	4	Picea abies / Norway Spruce	8-10'
	2	Picea omorika / Serbian Spruce	8-10'
	23	Thuja plicata 'Green Giant' / Western Red Cedar	8-10'
<b>VINES</b>			
	14	Hedera helix / Common Ivy	10 Gal

PLANTING IMAGES



2 VINE PLANTING SCALE: 1/2"=1'

1 EVERGREEN TREE PLANTING SCALE: 1/4"=1'



TO SCALE WHEN PLOTTED ON 24x36  
PROGRESS SET NOT FOR CONSTRUCTION

**33 Astor Place  
Village of Wesley Hills  
Percolation/Deep Tests  
March 22, 2022**

Test performed by Devin Crichlow, signed off by Rachel Barese, P.E.

**Location 1**

**Deep Test:**

**0'-1.5' topsoil**

**1.5'-5' Brown/red silt/clay with stones 1" – 6"**

**Bedrock reached at 5'**

**No signs of groundwater**

**Location 2**

**Deep Test:**

**0'-1.5' topsoil**

**1.5'-9' Brown/red silt/clay with stones 1" – 6"**

**No signs of bedrock or groundwater**

24" perc test at 5'

Run 1 – 55 minutes

Run 2 – 55 minutes

Run 3 – 55 minutes



**Civil Tec Engineering & Surveying P.C.**

139 Lafayette Avenue, 2<sup>nd</sup> Floor, Suffern, NY 10901 Tel 845.547.2241 Fax 845.547.2243  
55 Brookside Avenue, Chester, NY 10918 Tel 845.610.3621

[Civil-Tec.com](http://Civil-Tec.com)



## Memorandum

**To:** Village of Wesley Hills Planning Board

**From:** Jonathan T. Lockman, AICP  
 Aaron M. Kardon, AICP

**Re:** Nancy Rubin, 33 Astor Place – Clearing, Filling or Excavation Permit  
 SBL# 41.06-1-78

**Date:** February 2, 2024

**cc:** Eve Mancuso, P.E., Village Engineer  
 Frank Brown, Esq., Planning Board Attorney  
 Alicia Schultz, Deputy Village Clerk  
 John Layne, Building Inspector  
 Rachel Barese, P.E., CivilTec, for the Applicant

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### Received and reviewed for this memorandum:

- Letter from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, with responses to NPV and Brooker comments, dated January 11, 2024.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, dated June 29, 2021, with latest revision date of January 3, 2024, as follows.
  - 1 – Plot Plan
  - 2 – Details
- Drywell Calculations and Soils Tests for 33 Astor Place, by CivilTec Engineering, dated January 2022, revised September 2023.
- Construction Plan, 1 sheet, Proposed Walls for 33 Astor Place, unstamped by Thomas W. Skrable P.E., dated November 17, 2023
- Landscape Plan for Nussen Residence, Sheet L-701, stamped by Blythe M. Yost, ASLA, Yost Design Landscape Architecture, dated April 23, 2022, and revised through December 6, 2023.

### Project Summary

The subject application is for a Clearing, Filling and Excavation Permit, under Chapter 95 of the Village Code. The subject lot is in the R-35 District on the west side of Astor Place, north of the intersection with Ardley Place. The applicant proposes to tear down and replace a two-story residence and add fill behind retaining walls, to create relatively flat yards and pool and patio areas.

### Planning Comments

1. Regarding comment #1 of our previous memorandum dated November 27, 2023, the applicant has provided the following photographs of the Cambridge Sigma 8 Wall Modular Concrete Units

on the revised plans on page 1. The proposed wall coloring will be an off white/grey color with a rough course texture.



2. In response to comment #2 of our prior memorandum, in the new wall construction plan set by Skrable, the applicant has removed the wire fence detail. (A wire fence had been specified and shown on the previously submitted wall construction plan by Gdanski.) The newest landscape plan by Yost shows fencing and has added plantings at the top and bottom of each wall to soften the look of the fencing.

The specified plantings on the Yost Landscaping Plan comply with our previous memorandum comment although it is unclear what type of fence the applicant is going to install instead of the 2' mesh wire fabric fence specified in November. **Please provide the specifications of the fencing which is shown on the landscaping plan.** We will defer to the Village Engineer regarding the wall construction specifications.

### SEQRA/GML Comments

3. The project is for the replacement of a house on an approved lot, which is considered a type II action, requiring no SEQRA review. The Planning Board should categorize the type of action if it has not done so already.
4. This action is located more than 500 feet from Lime Kiln and Wilder Roads, the nearest County facilities. The adjacent wooded land is owned by the Town of Ramapo and not by the State or County. Therefore, we believe this application is not required to be sent to Rockland County Planning Department for GML review.

**Items Reviewed for our previous memorandum dated November 27, 2023:**

- Wall Plan for 33 Astor Place, stamped by Paul Gdanski, P.E., dated 11/5/23.
- Landscape Plan for Nussen Residence, unstamped, by Blythe M. Yost, ASLA, Yost Design Landscape Architecture, dated April 23, 2022.

**Items Reviewed for our previous memorandum dated September 26, 2023:**

- Cut and Fill Calculations, by CivilTec, dated August 10, 2023.
- Cut and Fill Calculations, by CivilTec, dated February 28, 2023.
- Response to NPV and Brooker comments, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated September 20, 2023.
- Drywell Calculations, prepared by CivilTec Engineering and Surveying, dated January 2022, revised September 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, dated June 29, 2021, with latest revision date of September 20, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items Reviewed for our previous memorandum dated September 5, 2023:**

- Response to NPV and Brooker comments, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated August 11, 2023.
- Drywell Calculations, prepared by CivilTec Engineering and Surveying, dated January 2022, revised August 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, dated June 29, 2021, with latest revision date of August 3, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items Reviewed for our previous memorandum dated March 31, 2023:**

- Response to Planner Comments letter, from Rachel Barese, P.E., Civil Tec, to Village of Wesley Hills, re: 33 Astor Place, dated March 20, 2023.
- Site Plan Set, 2 Sheets, for 33 Astor Place, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, with latest revision date of March 20, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

**Items reviewed for our previous memorandum, dated March 8, 2023:**

- Application for Clearing, Filling or Excavation of Land, signed March 1, 2023.
- Drainage Calculations, by CivilTec Engineering, dated February 2023.
- Site Plan Set, 2 Sheets, stamped by Rachel Barese, P.E., CivilTec Engineering & Surveying PC, last revised February 24, 2023, as follows.
  - 1 – Plot Plan
  - 2 – Details

3348 Route 208, Campbell Hall, NY 10916

Phone: 845-496-1600 Fax: 845-496-1398

12960 Commerce Lake Drive, A14, Fort Myers, FL 33913

42 Day Farm Road, West Stockbridge, MA 01266

1813 State Route 7, Harpursville, NY 13787

<b>Client:</b>	M&T Excavation	<b>Project:</b>	25 Highview
<b>Item:</b>	Import Fill	<b>Project Number:</b>	221291
<b>Source:</b>	2 Perrins Peak Road	<b>Lab Number:</b>	22-1223B
<b>Date Sampled:</b>	9/23/2022	<b>Sampled By:</b>	Client
<b>Date Tested:</b>	9/24/2022	<b>Tested By:</b>	Mark D'Apice

<b>GRADATION (SIEVE ANALYSIS) OF SOIL OR AGGREGATE</b>
Test Method(s): ASTM D422, C136, C117; AASHTO T88, T27, T11

Lab Number	Sample Type	Sampling Location	Specification
22-1223B	Import Fill	Stockpile	No Specification

Sieve Size		% Retained	% Passing	Spec. % Pass
mm	Inches			
50.0 mm	2"	0.0	100	
37.5 mm	1 1/2"	0.0	100	
25.0 mm	1"	3.6	96	
19.0 mm	3/4"	3.1	93	
12.5 mm	1/2"	3.6	90	
9.5 mm	3/8"	2.1	88	
6.3 mm	1/4"	4.2	83	
4.75 mm	#4	2.4	81	
2.36 mm	#8	6.1	75	
1.18 mm	#16	7.7	67	
0.600 mm	#30	11.3	56	
0.300 mm	#50	13.6	42	
0.150 mm	#100	12.1	30	
0.075 mm	#200	8.4	22	
Pan		21.8		

Comments:

Minus #200 by wash-sieve method.

*Emily J. Rodriguez*

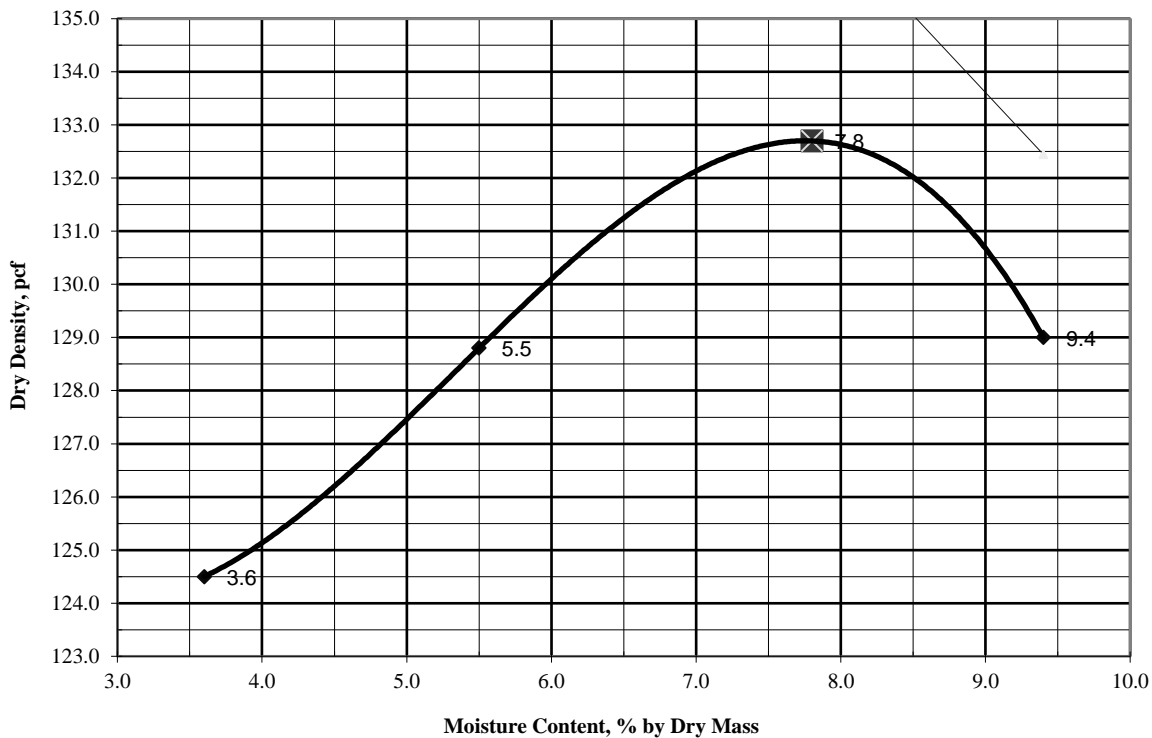
Report Reviewed By:

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PDF

CLIENT:	M&T Excavation	PROJECT NO.:	221291
PROJECT:	25 Highview	LAB NUMBER:	22-1223B
TEST METHOD:	ASTM D 1557 'Modified Proctor'	Method:	B
SOIL ID NUMBER:	2		
ITEM:	Import Fill		
SOURCE:	2 Perrins Peak Road		
SOIL DESCRIPTION:	Brown Silty Sand w/ Gravel; 49% Sand; 29% Gravel; 22% Silt		
DATE SAMPLED:	9/23/2022	SAMPLED BY:	Client
DATE TESTED:	9/24/2022	TESTED BY:	Mark D'Apice

## REPORT OF MOISTURE DENSITY RELATIONSHIP



Individual Test Points	
Percent Moisture	Dry Density
3.6	124.5
5.5	128.8
7.8	132.7
9.4	129.0

Uncorrected Maximum Dry Density: 132.7 lb/cu. ft.  
 Uncorrected Optimum Moisture Content: 7.8 %  
 Specific Gravity of Soils \*: 2.65  
 Percent Oversize Particles: 12.4 %  
 Specific Gravity of Oversize\*: 2.67

<b>Corrected* Maximum Dry Density:</b>	<b>136.1</b>	<b>lb/cu. ft.</b>
<b>Corrected* Opt. Moisture Content:</b>	<b>7.0</b>	<b>%</b>

*\*\*Corrected for oversize, when oversize particles exceed 5% of sample.*

Emily J. Rodriguez

Report Reviewed By:

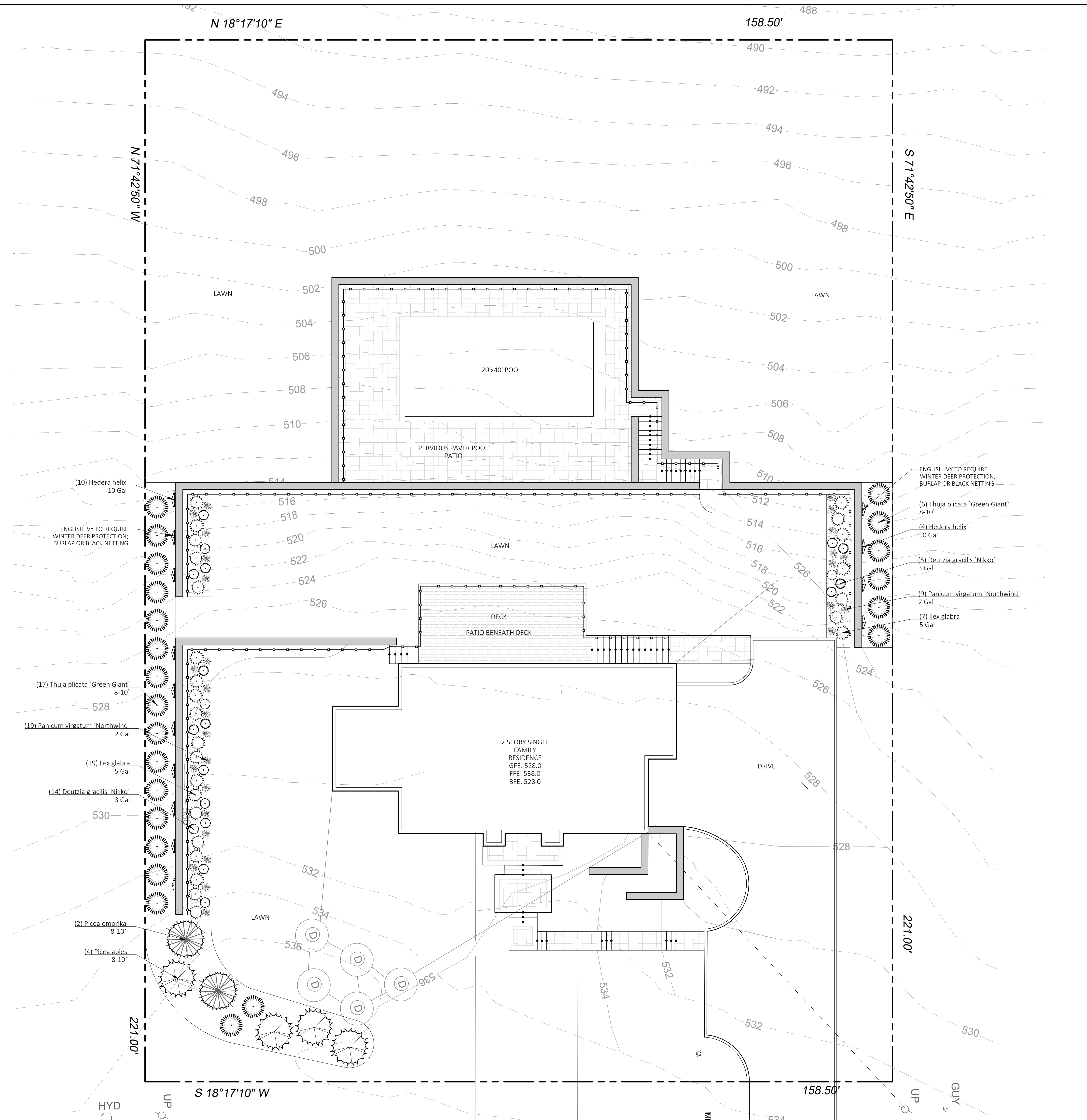
\*Specific Gravity of Soils Estimated and Specific Gravity of Oversize Estimated.

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The results in this report relate only to the items inspected or tested.

PDF

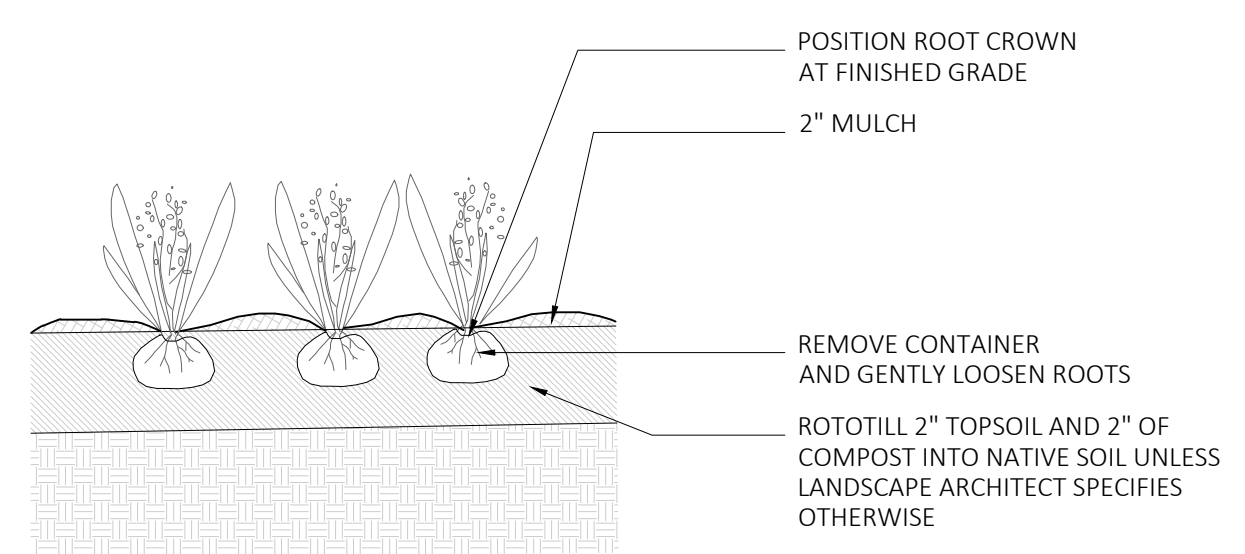




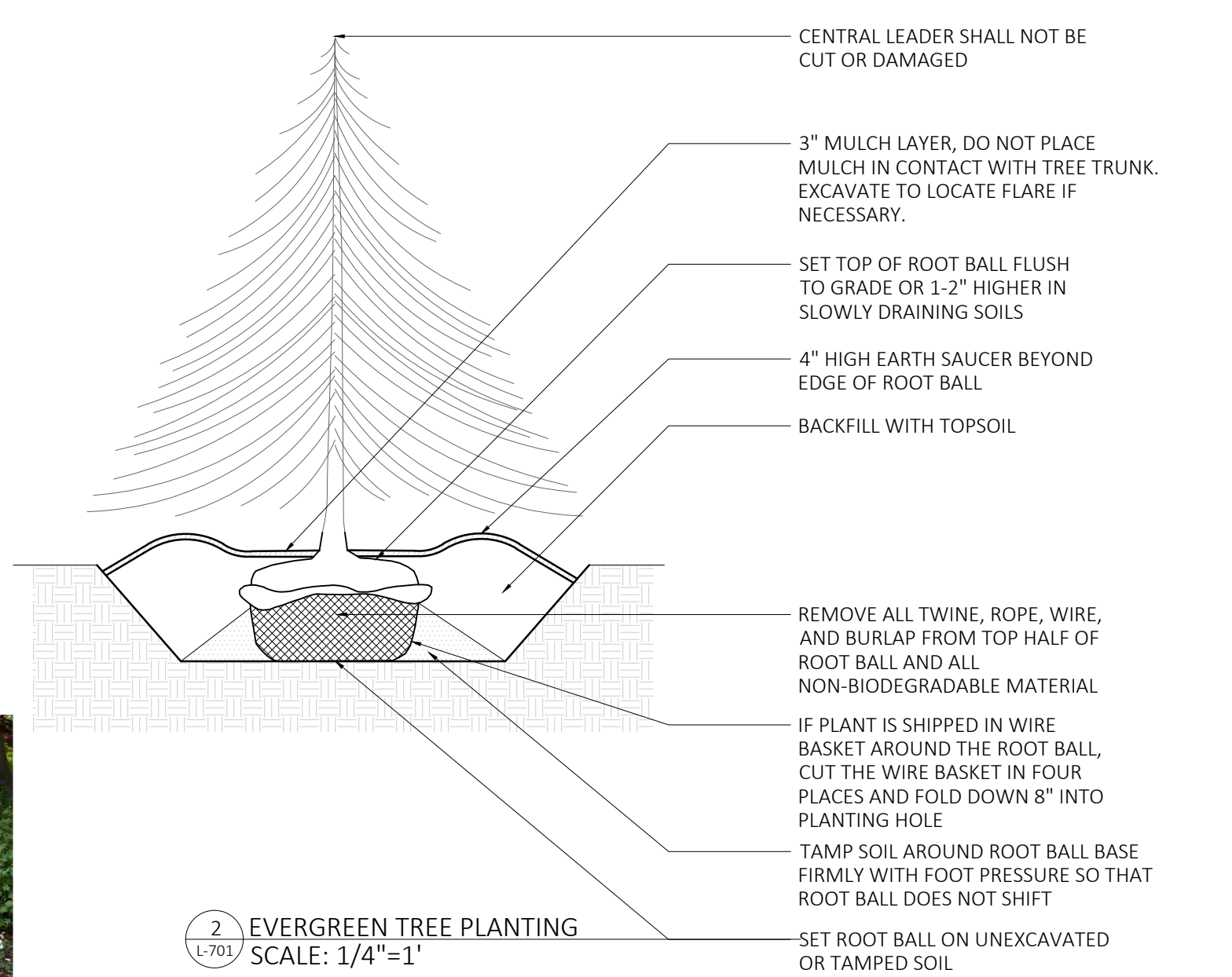
**PLANT SCHEDULE**

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>				
	4	<i>Picea abies</i>	Norway Spruce	8-10'
	2	<i>Picea omorika</i>	Serbian Spruce	8-10'
	23	<i>Thuja plicata</i> 'Green Giant'	Western Red Cedar	8-10'
<b>SHRUBS</b>				
	19	<i>Deutzia gracilis</i> 'Nikko'	Slender Deutzia	3 Gal
	26	<i>Ilex glabra</i>	Inkberry Holly	5 Gal
<b>GRASSES</b>				
	28	<i>Panicum virgatum</i> 'Northwind'	Switch Grass	2 Gal
<b>VINES</b>				
	14	<i>Hedera helix</i>	Common Ivy	10 Gal

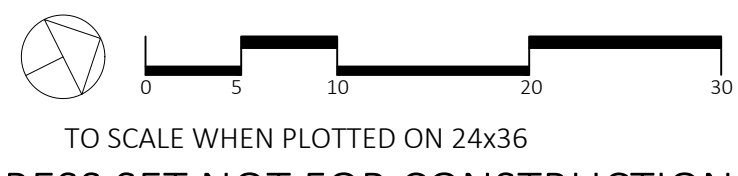
**PLANTING IMAGES**



1 VINE PLANTING  
SCALE: 1/2"=1'



2 EVERGREEN TREE PLANTING  
SCALE: 1/4"=1'



PROGRESS SET NOT FOR CONSTRUCTION

**L-701**

SHEET NO.

**SCREEN PLANTING PLAN**

DATE: APRIL 23, 2022  
 DRAWN BY: AVM  
 JOB NO.: 042622  
 SCALE: 1"=10'  
 FILENAME: 2023\_1108 Nussen

REVISIONS:  
 12/06/2023

**NUSSEN RESIDENCE**  
 33 ASTOR PLACE  
 WESLEY HILLS, NY, 10952

SURVEYOR:

**YOUST DESIGN**  
 LANDSCAPE ARCHITECTURE

178 Elizabeth St.  
 Pearl River, NY 10965  
 p 845.365.4955 | 914.361.4473  
 yostdesign.com

received (w/ 1/3/2024  
PB meeting

Item 3.

*Zahav Group Inc.*

**Phone:** 845-596-4471

**Email:** kamranamona@gmail.com

Village of Wesley Hills Planning Board  
432 Route 306  
Wesley Hills, NY

January 3, 2024

Dear Chair and Members of Planning Board,

As per the site plan for 89b/91 Spook Rock Road, I need to plant ten 8-10 foot trees, with spacing of 12 feet, on the adjacent property.

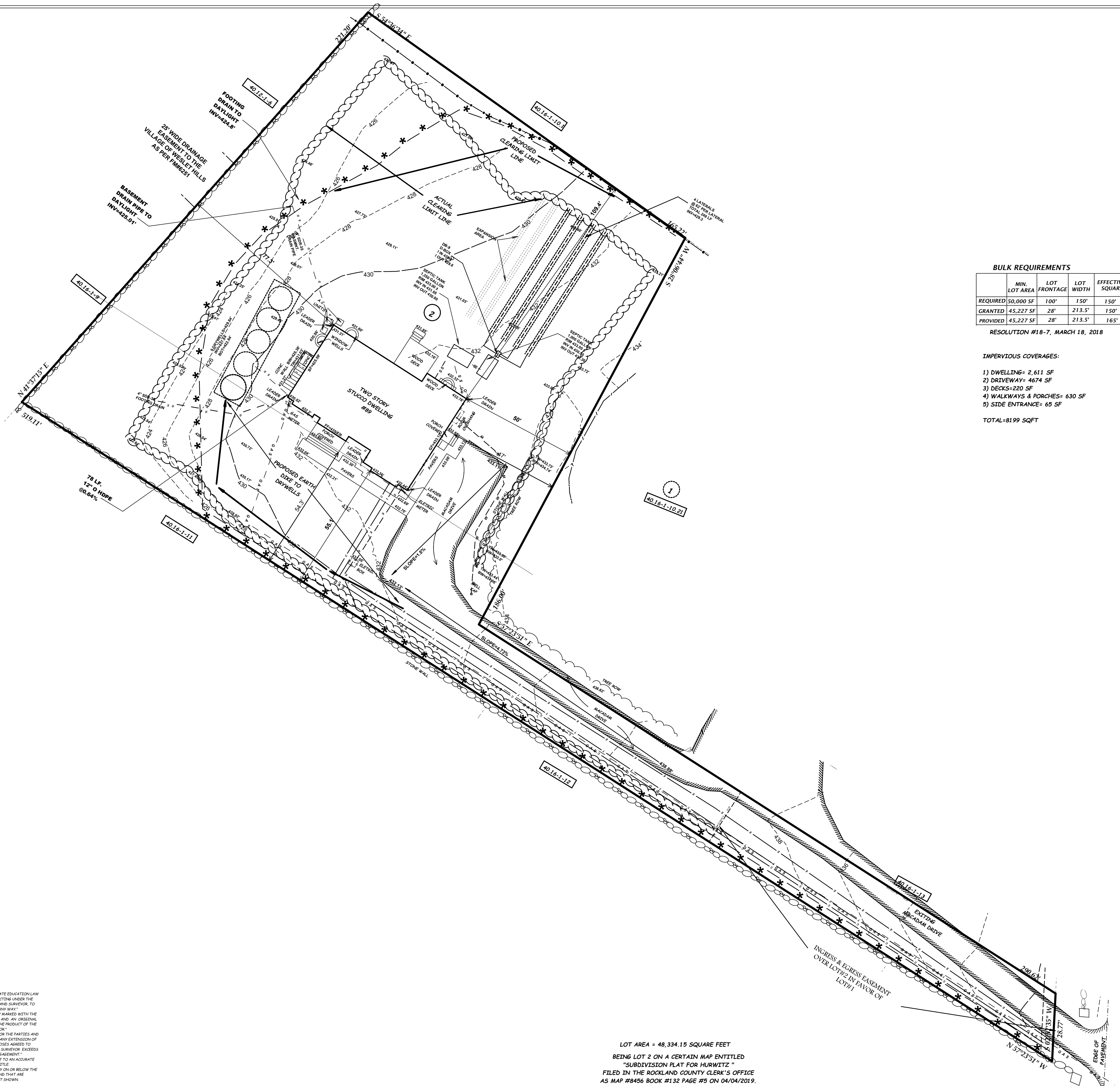
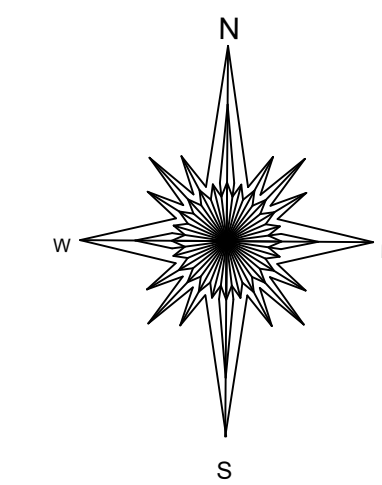
Adjacent to the location where I need to plant these trees, a row of existing trees occupies one side, while the other side has a playground. The available space between the existing trees and the playground measures 63 feet. Considering the prescribed spacing of 10-12 feet, the maximal number of trees that can be accommodated in this section is estimated to be between 6-7.

At the time that I had planned to plant those trees, it was conveyed to me by the Village of Wesley Hills that the owner of property does not want those trees and he wants to replace them with five 20-foot-long trees. The property owner has expressed willingness to cover the associated costs and the price differential.

Adapting the plan to include 20-foot-long trees necessitates the use of heavy equipment for digging, potentially causing damage to the existing aged driveway and landscaping. Moreover, due to the substantial weight of these trees, a crane may be required, incurring additional expenses.

Sincerely,

Kamran Amona



**BULK REQUIREMENTS**

**ZONE: R-50 SINGLE FAMILY RESIDENTIAL**

	MIN. LOT AREA	LOT FRONTAGE	LOT WIDTH	EFFECTIVE SQUARE	FRONT YARD	SIDE YARD	TOTAL SIDE YARDS	REAR YARD	MAXIMUM IMPERVIOUS SURFACE	FRONT YARD IMPERVIOUS	BUILDING COVERAGE	MAXIMUM BUILDING HEIGHT FEET	MAXIMUM EXPOSED BUILDING HEIGHT
REQUIRED	50,000 SF	100'	150'	150'	50'	30'	75'	50'	0.20	0.15	0.10	2 1/2	25'
GRANTED	45,227 SF	28'	213.5'	150'	50'	55'	174.3'	83'	0.20	0.38	0.10	2 1/2	<25'
PROVIDED	45,227 SF	28'	213.5'	165'	54.3'	47'	124.3'	109.4'	0.18	0.15	0.06	2	<25'

RESOLUTION #18-7, MARCH 18, 2018

**IMPERVIOUS COVERAGES:**

- 1) DWELLING= 2,611 SF
- 2) DRIVEWAY= 4674 SF
- 3) DECKS=220 SF
- 4) WALKWAYS & PORCHES= 630 SF
- 5) SIDE ENTRANCE= 65 SF

TOTAL=8199 SQFT

FRONT YARD IMPERVIOUS = 1596 SF / 10,615 SF= 0.15

BUILDING COVERAGE = (104+2,611 SF) / 45,227 SF= 0.06

LOT AREA = 48,334.15 SQUARE FEET  
 BEING LOT 2 ON A CERTAIN MAP ENTITLED  
 "SUBDIVISION PLAT FOR HURWITZ"  
 FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE  
 AS MAP #8456 BOOK #132 PAGE #5 ON 04/04/2019.

NOTE:  
 "IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR TO ALTER IN ANY WAY OR ALTER IN ANY WAY ANY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR."  
 "THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREIN. ANY EXTENSION OF THE USE BEYOND THE PURPOSES AGREED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT."  
 THIS SURVEY MAP IS SUBJECT TO AN ACCURATE ABSTRACT OF TITLE.  
 EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE SURFACE OF THE GROUND THAT ARE NOT VISIBLE ARE NOT SHOWN.

**FINAL SURVEY FOR  
 91 SPOOCK  
 ROCK RD**

TOWN OF RAMAPO, ROCKLAND COUNTY  
 REV 11/8/23  
 SUFFERN, NEW YORK

OCTOBER 4, 2023 SCALE: 1" = 20'

0 20 40 60

ANTHONY R. CELENTANO P.L.S.  
 31 ROSMAN ROAD  
 THIELLS, N.Y. 10984  
 845 429 5290 FAX 429 5974

*Anthony R. Celentano* LIC#50633

**Village of Wesley Hills  
Planning Board – March 28, 2018**

The meeting was called to order by Vera Brown, Chairman, at 7:33 p.m.

Present: Vera Brown-Chairman, Rachel Taub, Israel Shenker, Joe Moskowitz-First Alternate, Marilyn Blocker-Second Alternate

Also Present: Frank Brown-Deputy Village Attorney, Brian Brooker and Matt Trainor-Village Engineers, Jeff Osterman-Village Planner, Janice Golda-Deputy Village Clerk

Absent: Uri Kirschner, Alexandra Wren

**PUBLIC HEARING ON THE FINAL PLAT APPLICATION OF BASSIE HURWITZ FOR A TWO-LOT SUBDIVISION.** Affecting property located on the west side of Spook Rock Road approximately 700 feet north of Grandview Avenue. Designated on the Town of Ramapo Tax Map as Parcel ID#40.16-1-10.2

Vera Brown confirmed with Janice Golda that the public hearing notice was published, posted and mailed.

Mark Kurzman, Esq. and Steve Sparaco of Sparaco Engineering appeared on behalf of the applicant. Mr. Kurzman reviewed the proposed two-lot subdivision and the issue of screening to increase privacy for the next-door neighbor located at 87 Spook Rock Road. Mr. Kurzman explained that the next-door neighbors, Mr. & Mrs. Lovi, approved their screening proposal plan last revised 3/28/18 that includes planting of 20 Norway Spruce trees approximately 8' to 10' high spaced approximately 12 feet apart on center with half of the trees on Lot #2 of the Hurwitz Subdivision and half on the Lovi's property. The trees will be maintained by the applicant for the first year, and afterwards the maintenance responsibility for the trees on the Lovi's property will pass to them. Mr. Kurzman also explained that the request of the Rockland County Highway Department in its letter dated 11/30/17 concerning the dedication of a road widening strip is in progress. The deed had previously been done by the predecessor owner but apparently that deed was not filed by the County.

Jeff Osterman confirmed that the neighbor is in agreement with the proposed planting plan and is aware of the grading plan and elevation of the proposed dwelling.

The Board discussed installing the trees after the new dwelling is constructed and before a certificate of occupancy is issued. The Board also informed the applicant's representative that permission will be needed to work on the Lovi property when planting is scheduled.

Vera Brown asked if anyone from the public wished to speak. No one wished to speak.

Vera Brown motioned to close the public hearing. Rachel Taub seconded.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes.

Motion approved and public hearing closed.

Marilyn Blocker motioned to adopt the following resolution. Joe Moskowitz seconded.

### **Resolution #18-7**

WHEREAS, a formal application from Bassie Hurwitz for approval of a final plat entitled “Subdivision Plat for Hurwitz Located in the Village of Wesley Hills, Town of Ramapo, Rockland County, New York”, dated November 28, 2016 and last revised January 16, 2018, prepared by Sparaco & Youngblood, PLLC, affecting property on the westerly side of Spook Rock Road, designated on the Town of Ramapo Tax Map as Section 40.16, Block 1, Lot 10.2, in an R-50 District, was received by the Planning Board on January 16, 2018, and

WHEREAS, a duly advertised public hearing was held on said application and final plat at the Village Hall, 432 Route 306, Wesley Hills, New York on March 28, 2018, at 7:30 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on November 15, 2017, the Zoning Board of Appeals of the Village of Wesley Hills granted variances for such subdivision subject to conditions set forth therein, all of which have been satisfied or are required to be satisfied by the conditions of this Resolution, and

WHEREAS, said final plat was referred to the Rockland County Department of Planning for review pursuant to General Municipal Law section 239-n, and by letter report dated December 11, 2017, the Rockland County Department of Planning notified this Planning Board that it had approved the final plat for such subdivision subject to recommended modifications set forth therein, and

WHEREAS, heretofore on January 24, 2018, by Resolution #18-3, this Planning Board determined that the proposed subdivision will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and no change has been made in the final subdivision plat which would alter such determination, and

WHEREAS, the requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning Board or, in her absence, the Deputy Chairman, is hereby authorized to endorse such approval on said plat upon compliance by the applicant with the following conditions. This conditional approval shall expire 180 days from the date of this Resolution if the applicant has not complied with such conditions, unless the applicant shall have obtained from this Planning Board an extension of such time of conditional approval pursuant to the provisions of said Subdivision Regulations.

1. Modification of Subdivision Plat and Construction Plans – The following modifications to the subdivision plat and construction plans shall be required:
  - a. The Planting & Erosion Control Plan shall incorporate all changes depicted on the revised plan dated March 28, 2018.
  - b. The plat and the Planting & Erosion Control Plan shall both be revised to add a note stating that a certificate of occupancy for the house to be constructed on Lot 2 shall not be issued until implementation of all of the plantings shown on the Planting & Erosion Control Plan.
  - c. The plat and construction plans shall comply with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variances.
2. Compliance with Conditions of Rockland County Department of Planning – The developer shall comply with all recommended modifications set forth in the letter report of the Rockland County Department of Planning dated December 11, 2017, a copy of which letter report is attached to this Resolution and made a part hereof.
3. Compliance with Conditions of Rockland County Sewer District No. 1 – The developer shall comply with all conditions set forth in the letter of Rockland County Sewer District No. 1 dated November 12, 2017, a copy of which letter is attached to this Resolution and made a part hereof.
4. Compliance with Conditions of Town of Ramapo Department of Public Works – The developer shall comply with all conditions set forth in the letter of the Town of Ramapo Department of Public Works dated November 28, 2017, a copy of which letter is attached to this Resolution and made a part hereof.
5. Compliance with Conditions of Rockland County Department of Health – The developer shall comply with all conditions set forth in the letter of Rockland County Department of Health dated December 1, 2017, a copy of which letter is attached to this Resolution and made a part hereof.
6. Covenant – An executed covenant shall be prepared, in form satisfactory to the Village Attorney, providing for the maintenance of the common driveway equally by the owners of Lots 1 and 2. Such covenant shall be recorded in the Rockland County Clerk’s Office simultaneously with the filing of the plat.
7. Letter of Credit Waived – Because there are no required public improvements, no letter of credit shall be required to be filed prior to the signing of the plat by the Chairman of the Planning Board.
8. Waiver – The Planning Board hereby waives the following requirements of the

Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or in proximity of the subdivision.

Vote: Vera Brown-Yes, Israel Shenker-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes, Rachel Taub-Abstain

**Motion Approved**

**WETLANDS PERMIT APPLICATION OF BASHIE WAINHAUS TO CONSTRUCT A POOL, PATIO AND POOL FENCE WITHIN THE 100-foot BUFFER.** Affecting property located on the west side of Skylark Drive approximately 945 feet from the intersection of Ridgeway Terrace. Designated on the Town of Ramapo Tax Map as Parcel ID#41.16-1-87.

Robert Ball, president of Westrock Pools, appeared on behalf of the applicant. Mr. Ball explained to the Board that he received a building permit in November 2017. When he began to excavate he was notified that there was a Wetlands issue and he had to stop construction. He explained that Torgerson Environmental Sciences, landscape engineers, submitted an updated Wetlands plan which showed that the proposed project is within the 100 foot buffer of the wetlands.

Brian Brooker, Village Engineer, explained that the pool is not within the wetlands but rather within the Village's regulated 100 foot buffer area.

Jeff Osterman, Village Planner, recommended looking at the area beyond the active area of the pool and identifying any delineation needed with grading due to the wetlands. He suggested a Board site visit prior to the public hearing. The Board decided to do a site visit on Sunday, April 15 at 11 a.m.

Vera Brown motioned to adopt the following resolution. Rachel Taub seconded.

**Resolution #18-8**

RESOLVED, that a public hearing on a Wetlands Permit application by Bassie Wainhaus for property located on the northerly side of Skylark Drive, known as 42 Skylark Drive and designated on the Town of Ramapo Tax Maps as Section 41.16, Block 1, Lot 87, for authorization to construct a swimming pool, patio, and pool fence within 100 feet of the boundary of a freshwater wetland, will be held before the Planning Board of the Village of Wesley Hills on the 25<sup>th</sup> day of April, 2018 at 7:30 P.M., at the Village Hall, located at 432 Route 306 in the Village of Wesley Hills.

Vote: Vera Brown-Yes, Rachel Taub-Yes, Joe Moskowitz-Yes, Marilyn Blocker-Yes, Israel Shenker-Abstain

**Motion Approved**

December 1, 2023

Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952



Attn: Alicia Schultz, Building Department

Re: 91 Spook Rock Road  
As-built Review (x2)

Dear Ms. Schultz,

Our office has reviewed the "Final Survey for 91 Spook Rock Rd.," prepared by Anthony Celentano, P.L.S. last revised November 8, 2023 and additional documentation provided by the Applicant. A site visit was last performed on November 27, 2023. At this time, we do not recommend the issuance of a Certificate of Occupancy. We offer the following comments:

1. Front yard, side yard, and rear yard to be designated as they were in the approved Plot Plan. As-built survey to designate the same yards as approved. Front yard, side yard, and total side yard to be reviewed and corrected in the Bulk Table. The covered porch on the eastern face of the dwelling appears to encroach into the front yard setback. The Applicant has indicated that the cover over this porch can be easily removed. If the Applicant chooses to keep the covered porch, this non-conformance requires a variance and is referred to the Zoning Board of Appeals for further consideration.
2. Our approximate calculations indicate a greater area for the macadam driveway within the front yard. Front yard impervious ratio and maximum impervious surface calculations to be revised/confirmed to include the macadam driveway/front yard area as it was for the approved Plot Plans. A variance may now be required.
3. The macadam drive shown on the survey appears to encroach the property to the north, Tax Lot #40.16-1-10.21. Approved subdivision plans also included partial removal of pavement on Lot#1. It is noted that a letter from the neighboring property has been provided indicating that they agree to have a portion of the driveway for the subject property remain on their property. However, the driveway has been constructed differently than that of which is shown on the approved "Subdivision Plat for Hurwitz". Our office believes that the driveway should be reconstructed as it was proposed, or the project return to the Planning Board to record any necessary easements for the driveway encroachment. Our office defers to the Village Attorney regarding the appropriate course of action.
4. As requested in our final approval letter dated November 22<sup>nd</sup>, 2021:
  - a. All the plantings shown on the Planting and Erosion Control Plan from the approved planting plan for "Subdivision Plat for Hurwitz" shall be installed. Our site visit noted insufficient landscaping in regards to quantity, species, and sizes.

It appears that there has been disturbance beyond the approved clearing limit line near the northwest corner of the property. It appears that approximately twelve (12) trees that were proposed to remain appear to have been removed. The Applicant has indicated that the trees removed were dead prior to construction and other trees on the property (originally proposed to be removed) were protected due to field changes. Our office recommends an as-built tree survey be provided once the final landscaping and planting are implemented to determine if sufficient screening is provided to neighboring properties. A reappearance before the Planning Board may be necessary for revised plans and consideration for additional landscaping. Our office defers to the Village regarding the appropriate course of action.

5. As-built survey to be updated to reflect only installed drainage items. The survey appears to have carry-over from the proposed footing/basement drainpipe location and inverts.
6. Earthen berm to be installed with positive conveyance of runoff from the installed driveway to the drywell. As-built survey to be updated with installed location of berm and additional/updated topography to demonstrate positive conveyance and as-built conditions once installed.



- 7. Please note that Certificate of Approvals for individual sewage disposal systems for Tax Lot #40.16-1-10.21 and Tax Lot #40.16-1-10.22 prepared by Rockland County Department of Health dated November 2, 2023 have been provided to our office; however, signed copies of the original were not included. Please provide signed copies of the original document for our records.
- 8. Final landscaping including topsoil, seeding and fine grading to be completed. The drywell grate plug is to remain and all erosion control measures to remain/be installed and maintained until final landscaping is completed.
- 9. Silt fence has been installed immediately along the downslope perimeter of the site. Silt fence to be maintained until final stabilization is achieved.
- 10. Please note that a Certificate of Compliance for Water Well Permit WW-21-049 prepared by Jeremy Erlich of Rockland County Department of Health dated November 7, 2023 has been provided to our office.
- 11. Please note that a drainage certification letter prepared by Anthony Celentano, P.E., dated November 8, 2023 has been provided to our office.

*Devon Palmieri*

Should the Applicant wish to seek a front yard variance and modification to the driveway, they should do so as soon as possible with applications to the appropriate Board (Items #1 & 2 noted below). Should the Building Department be prepared to issue a Temporary Certificate of Occupancy at this time, we recommend that the applicant first be required to post the following escrow:

1. Macadam Driveway Relocation or Planning Board Approval	\$5,000
2. Front Yard Setback Variance or Removal of Cover Above Porch	\$2,500
3. Plantings as per Approved Subdivision Planting Plan or Planning Board Approval	\$15,500
4. Final landscaping, including topsoil, seeding, fine grading. Installation of earthen berm along south of property.	\$5,500
5. Revised As-built Survey	<u>\$4,000</u>
<b>Total</b>	<b>\$32,500</b>

We recommend that the weather dependent work (Item #3 & 4 noted above) be completed by May 30, 2023. Once the work is completed, applicable documentation provided, and revised as-built is submitted, our office will verify compliance.

Sincerely,

*Devon Palmieri*

WESTON & SAMPSON, PE, LS, LA, Architects, PC  
Devon Palmieri, EIT  
Engineer III

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December 11, 2023

Village of Wesley Hills  
432 Route 306  
Wesley Hills, New York 10952



**BROOKER ENGINEERING**  
a division of Weston & Sampson<sup>SM</sup>

74 Lafayette Avenue, Suite 501, Suffern, NY 10901  
Tel: 845.357.4411

Attn: Alicia Schultz, Building Department

Re: 91 Spook Rock Road  
Revised As-built Review (x2)

Dear Ms. Schultz,

Our office has reviewed the "Final Survey for 91 Spook Rock Rd.," prepared by Anthony Celentano, P.L.S. last revised November 8, 2023 and additional documentation provided by the Applicant. A site visit was last performed on November 27, 2023. At this time, we do not recommend the issuance of a Certificate of Occupancy. We offer the following comments:

1. Front yard, side yard, and rear yard to be designated as they were in the approved Plot Plan. As-built survey to designate the same yards as approved. Front yard, side yard, and total side yard to be reviewed and corrected in the Bulk Table.
2. Our approximate calculations indicate a greater area for the macadam driveway within the front yard. Front yard impervious ratio and maximum impervious surface calculations to be revised/confirmed to include the macadam driveway/front yard area as it was for the approved Plot Plans. A variance may now be required.
3. The macadam drive shown on the survey appears to encroach the property to the north, Tax Lot #40.16-1-10.21. Approved subdivision plans also included partial removal of pavement on Lot#1. It is noted that a letter from the neighboring property has been provided indicating that they agree to have a portion of the driveway for the subject property remain on their property. However, the driveway has been constructed differently than that of which is shown on the approved "Subdivision Plat for Hurwitz". Our office believes that the driveway should be reconstructed as it was proposed, or the project return to the Planning Board to record any necessary easements for the driveway encroachment. Our office defers to the Village Attorney regarding the appropriate course of action.
4. As requested in our final approval letter dated November 22<sup>nd</sup>, 2021:
  - a. All the plantings shown on the Planting and Erosion Control Plan from the approved planting plan for "Subdivision Plat for Hurwitz" shall be installed. Our site visit noted insufficient landscaping in regards to quantity, species, and sizes.

It appears that there has been disturbance beyond the approved clearing limit line near the northwest corner of the property. It appears that approximately twelve (12) trees that were proposed to remain appear to have been removed. The Applicant has indicated that the trees removed were dead prior to construction and other trees on the property (originally proposed to be removed) were protected due to field changes. Our office recommends an as-built tree survey be provided once the final landscaping and planting are implemented to determine if sufficient screening is provided to neighboring properties. A reappearance before the Planning Board may be necessary for revised plans and consideration for additional landscaping. Our office defers to the Village regarding the appropriate course of action.

5. As-built survey to be updated to reflect only installed drainage items. The survey appears to have carry-over from the proposed footing/basement drainpipe location and inverts.
6. Earthen berm to be installed with positive conveyance of runoff from the installed driveway to the drywell. As-built survey to be updated with installed location of berm and additional/updated topography to demonstrate positive conveyance and as-built conditions once installed.
7. Please note that Certificate of Approvals for individual sewage disposal systems for Tax Lot #40.16-1-10.21 and Tax Lot #40.16-1-10.22 prepared by Rockland County Department of Health dated November

- 2, 2023 have been provided to our office; however, signed copies of the original were not included. Please provide signed copies of the original document for our records.
8. Final landscaping including topsoil, seeding and fine grading to be completed. The drywell grate plug is to remain and all erosion control measures to remain/be installed and maintained until final landscaping is completed.
  9. Silt fence has been installed immediately along the downslope perimeter of the site. Silt fence to be maintained until final stabilization is achieved.
  10. Please note that a Certificate of Compliance for Water Well Permit WW-21-049 prepared by Jeremy Erlich of Rockland County Department of Health dated November 7, 2023 has been provided to our office.
  11. Please note that a drainage certification letter prepared by Anthony Celentano, P.E., dated November 8, 2023 has been provided to our office.

Should the Applicant wish to seek a modification to the driveway, they should do so as soon as possible with applications to the appropriate Board (Item #1 noted below). Should the Building Department be prepared to issue a Temporary Certificate of Occupancy at this time, we recommend that the applicant first be required to post the following escrow:

1. Macadam Driveway Relocation or Planning Board Approval	\$5,000
2. Plantings as per Approved Subdivision Planting Plan or Planning Board Approval	\$15,500
3. Final landscaping, including topsoil, seeding, fine grading. Installation of earthen berm along south of property.	\$5,500
4. Revised As-built Survey	<u>\$4,000</u>
<b>Total</b>	<b>\$30,000</b>

We recommend that the weather dependent work (Item #2 & 3 noted above) be completed by May 30, 2023. Once the work is completed, applicable documentation provided, and revised as-built is submitted, our office will verify compliance.

Sincerely,

*Devon Palmieri*

WESTON & SAMPSON, PE, LS, LA, Architects, PC  
 Devon Palmieri, EIT  
 Engineer III

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