

Village of Wesley Hills
Village Board Meeting-December 16, 2008

The meeting was called to order by Mayor Goldsmith at 7:06 P.M.

Present: David Goldsmith-Mayor, Ed McPherson-Deputy Mayor, Marion Ben-Jacob-Trustee, Howard Richman-Trustee, Brett Bekritsky-Trustee.

Also Present: Frank Brown-Deputy Village Attorney, Barbara Cartaya-Village Clerk.

Absent: Ben Selig-Village Attorney.

Mayor Goldsmith opened the public hearing on the proposed change to Local Law No. 14 of 1984 of the Village of Wesley Hills concerning the minimum lot area required for schools.

Mayor Goldsmith said that the proposal is not out of line and after researching the schools in the area he found that the proposed new law would fall somewhere in between what is now existing for schools in the area.

Frank Brown then said that an environmental study was conducted by the Village planner and based on the Environmental Assessment Form prepared by the Planner there would be no adverse effect by the increase as proposed.

Mayor Goldsmith opened the floor to the public.

The following members of the public spoke: Mario Pensa, 299 Grandview Avenue.

Mr. Pensa asked if the proposed changes in the law reflect the growth in the community.

Mayor Goldsmith said that the proposal was in keeping with the existing schools in the community.

Mayor Goldsmith asked if there were any further comments from the public, as there were no further comments, a motion was made by Howard Richman and seconded by Marion Ben-Jacob to close the public hearing.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

A motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the following resolution:

RESOLUTION # 105-08

WHEREAS, the Village Attorney, at the request of this Board prepared a proposed local law amending the Zoning Law of the Village of Wesley Hills, entitled "A Local Law

amending Local Law No. 14 of 1984, as Amended, to Revise the Zoning Law of the Village of Wesley Hills Concerning the Minimum Required Lot Area for Schools”, and

WHEREAS, the Village’s planning consultant, at the request of this Board, prepared an Environmental Assessment Form dated November 18, 2008, reviewing the environmental impacts of the proposed local law if adopted, which Form has been reviewed by this Board, and

WHEREAS, the Board of Trustees has received and reviewed the letter report of the Rockland County Department of Planning dated December 16, 2008 submitted pursuant to General Municipal Law sections 239-1 and 239-m, and

WHEREAS, a public hearing on such proposed local law was held before the Board of Trustees on December 16, 2008,

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the enactment of such proposed local law will not have a significant effect on the environment as defined in SEQRA for the reasons set forth in said Environmental Assessment Form, and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby determines that there already has been full compliance with the recommendation set forth in said letter report of the Rockland County Department of Planning because the proposed local law has been referred to each of the municipalities mentioned therein, and those municipalities have had over a month to raise any concerns and instead each of them has failed to respond, and

BE IT FURTHER RESOLVED, that the proposed local law entitled “A Local Law Amending Local Law No. 14 of 1984, as Amended, to Revise the Zoning Law of the Village of Wesley Hills Concerning the Minimum Required Lot Area for Schools” is hereby approved and enacted as Local Law No. 3 of 2008.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

At this time Mayor Goldsmith opened the public hearing on the proposed change to Local Law No. 14 of 1984 concerning neighborhood gatherings.

Mayor Goldsmith said that the Village saw that the existing laws weren’t meeting the wants of the community and that the Board decided that changes were needed to address those concerns.

Mayor Goldsmith then said that for over a year there has been a cross section of Village residents working together and that the proposed change to the local law is the end result of that work.

Howard Richman (who sat on the committee) said that there were several informal meetings with representatives of all segments of the community and that this proposal of the law is the final product of 13 months of work.

Mayor Goldsmith said that perhaps there are misconceptions about the law and Mayor Goldsmith then said that the Committee, the Board members and he were trying to create a compromise that would be acceptable to the entire Village. Mayor Goldsmith said that Jeff Osterman (Planner for the Village of Wesley Hills) conducted an environmental study and said that, based on the Environmental Assessment Form prepared by the Planner, there would be no adverse environmental impact.

Frank Brown then discussed the comments from the Rockland County Department of Planning. Mr. Brown said that the Planning Department has requested that the Village submit the proposed law to the County Highway Department. Mr. Brown then said that there has been no response from any of the adjacent municipalities that were notified of the proposed change to the law.

Mr. Brown then said that this law is for any gathering that might occur and that the law will be the same for any assembly or gathering. Mr. Brown discussed the different types of gatherings and said that the only use that would require special permit approval from the Planning Board is for a neighborhood gathering as defined in the law.

Mr. Brown then explained in detail the different types of uses. Frank Brown said that a minor neighborhood gathering would be a permitted accessory use. In order to be considered to be a minor neighborhood gathering, it must take place in a house, the house must be used on a regular basis, and the space used cannot exceed 750 feet, or 15% of the floor area and that the dwelling must comply with New York State Building Codes. Mr. Brown said that a neighborhood gathering either is not in a private house or uses more of the space in the house than is permitted for a minor neighborhood gathering, and that this use would require a special permit from the Planning Board. Mr. Brown said that the structure must comply with New York State Building Codes and all zoning regulations. Frank Brown said that the Planning Board may grant up to a 25% increase in height but they cannot increase the size of the building. Mr. Brown said that the maximum building coverage permitted is 15% and that the minimum parking requirement is for 15 parking spaces and if the structure is a mixed use the parking requirement would be 20. Mr. Brown said that the Planning Board could allow for on street parking (never would be permitted on a major road or cul-de-sac) on a road that is at least 30 feet wide.

Mayor Goldsmith asked if anyone from the public wished to speak.

The following people wished to be heard: Richard Weinberger, 40 Skylark Drive, Mario Pensa, 299 Grandview Avenue, Ari Senter, 1 Charlotte Drive

The following issues were discussed: parking in front of houses, (Mr. Brown said that when there are applications before the Planning Board the parking issues will be reviewed and the public can address their concerns to the Planning Board), how will the Village control the additional traffic, vehicles etc., if this will create more of a commercial feel in the neighborhood, if the lot size would be part of the consideration in the application.

After further discussion, a motion was made by Howard Richman and seconded by Brett Bekritsky to close the public hearing.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

At this time Mayor Goldsmith, the Board members and Frank Brown discussed the proposed changes to the law, the portion of the house that can be used, the number of times in a week for the use and the fact that if 15% of the house is used it must be in accordance with New York State Code.

Frank Brown said that the intent of the law is to get some control over the larger uses.

Mayor Goldsmith and the Board members decided to withhold their decision until the January 13, 2009 meeting to allow time for comments from the Rockland County Highway Department.

A motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION # 106-08

RESOLVED, that the Minutes of the respective meetings of the board of Trustees of the Village of Wesley Hills on November 4, 2008 and November 18, 2008, as submitted by the Village Clerk, be approved, and that the reading of such Minutes be waived.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Marion Ben-Jacob and seconded by Howard Richman to approve the following resolution.

RESOLUTION #107-08

RESOLVED, that effective immediately, the compensation of the Fire Inspector shall be at the rate of \$20.00 per hour.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Ed McPherson and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION #108-08

WHEREAS, the inter-governmental agreement heretofore entered into between the Village of Wesley Hills and the Town of Ramapo for the provision of snow removal, highway maintenance, and storm drainage system maintenance services by the Town to the Village will expire on December 31, 2008, and

WHEREAS, the Town Attorney has drafted an agreement for the provision of such services by the Town to the Village during the calendar year 2009, a copy of which agreement is made a part of the Minutes of this Board,

NOW, THEREFORE, BE IT RESOLVED, that the said agreement is hereby approved, and

BE IT FURTHER RESOLVED, that the Village of Wesley Hills enter into such agreement with the Town of Ramapo, and that the Mayor is hereby authorized to sign such agreement on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION #109-08

RESOLVED, that general fund claims # 197 through # 219 in the aggregate amount of \$99,830.25, as set forth in Abstract # 12-08 dated December 16, 2008, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION #110-08

RESOLVED, that parks and recreation fund claim # 201 in the amount of \$3,480.00 as set forth in Abstract # PR 7-08 dated December 16, 2008, a copy of which abstract of audited claim is made a part of the Minutes of this Board, is hereby approved.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

At this time Mayor Goldsmith said that he has been looking into the possibility of contracting the highway maintenance with a private company to maintain the roads etc. in the Village. Mayor Goldsmith said that he would have the company come in and give their presentation to the Board.

After further discussion, a motion was made by Howard Richman and seconded by Marion Ben-Jacob to adjourn the meeting.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-yes, Brett Bekritsky-yes.