

Village of Wesley Hills  
Village Board Meeting-January 13, 2009

The meeting was called to order by Mayor David Goldsmith at 7:05 P.M.

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

Also Present: Ben Selig-Village Attorney, Barbara Cartaya-Village Clerk.

Absent: Marion Ben-Jacob-Trustee.

Mayor Goldsmith A motion was made by Howard Richman and seconded by Ed McPherson to approve the following resolution.

RESOLUTION # 01-09

RESOLVED, that the minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on December 16, 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, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 4 ayes and 0 nays.

Mayor Goldsmith discussed the comments from the County of Rockland Highway Department (regarding the proposed change in the neighborhood gathering law) with the Board members. Mayor Goldsmith suggested that the Village (which now issues overnight parking permits for residents) not allow any permits under any circumstances from November 15, through April 15.

Mayor Goldsmith discussed the Neighborhood Gathering Law with the Board members. Mayor Goldsmith said that there was a minor change to the proposed law. In that for minor gatherings (occupying less than 750') may meet three times per week and that the larger neighborhood gatherings (over 750 sq. ft.) may meet once a week and require a special permit.

After further discussion regarding parking issues (Mayor and the Board said that this will be a Planning Board issue at the time of special permit application) a motion was made by Howard Richman and seconded by Ed McPherson to approve the following resolution.

RESOLUTION # 02-09

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 Regulation of Neighborhood Gatherings”, 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 and the approval 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 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 Regulation of Neighborhood Gatherings” is hereby modified in the following respects:

- (a) Section 2 thereof shall be revised to add the following phrase at the end of the definition of “Minor Neighborhood Gathering”: “for more than two weeks in a year”.
- (b) Section 3 thereof shall be revised to add the following sentence at the end of The definition of “Neighborhood Gathering”: “For the purpose of this definition, the phrase “on a regular basis” shall mean such use for one or more days in a week for more than two weeks in a year”.
- (c) Section 5 thereof shall be modified to revise Section 4.4.24.2 of Local Law No. 14 of 1984 to add the phrase “all applicable building codes of New York State, including, without limitation”, so that such section shall read as follows: “The building containing the minor neighborhood gathering shall comply with all requirements of all applicable building codes of New York State, including, without limitation, the Residential Code of New York State and the Existing Building Code of New York State”.
- (d) In compliance with recommended modification 3 set forth in said letter

report of the Rockland County Department of Planning, Section 5 thereof shall be modified to revise Section 4.4.24.4 of Local Law No. 14 of 1984 to add phrase “within the Village of Wesley Hills and”, so that the first sentence of such section shall read as follows: “All required parking spaces must be provided on the lot on which minor is located and/or on other lots within the Village of Wesley Hills and within 100 yards of the lot on which the minor neighborhood gathering is located, with the permission of the owners of such lots.”

- (e) In compliance with recommended modification 3 set forth in said letter report of the Rockland County Department of Planning, Section 8 thereof shall be modified to revise Section 6.9.8a.7 of Local Law No.14 of 1984 to add the phrases “within the Village of Wesley Hills and” “with the permission of the owners of such lots”, so that subdivision (d) contained in the last sentence of such section shall read as follows: “(d) parking on other lots within the Village of Wesley Hills and within 100 yards of the lot on which the neighborhood gathering is located, with the permission of the owners of such lots”.
- (f) Section 14 thereof shall be revised to read as follows: “This Local law shall effect immediately, but no violations for failure to comply with its provisions shall be deemed to occur until six months after the date it is filed in the Office of the Secretary of State.”

BE IT FURTHER RESOLVED, that the Board of Trustees hereby determines that there already has been full compliance with the following numbered recommendations of modification set forth in said letter report of the Rockland County Department of Planning: 1 and 2, in that a favorable review has been received from the Rockland County Highway Department and no comments have despite notice to all of them and ample opportunity for them 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 Regulation of Neighborhood Gatherings”, as so modified, is hereby approved and enacted as local law No. 1 of 2009.

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

The vote was carried with a vote of 4 ayes and 0 nays.

A motion was made by Howard Richman and seconded by Brett Bekritsky to approve the following resolution.

RESOLUTION # 03-09

RESOLVED, that the Intermunicipal Agreement for the creation of a Regulate Stormwater Consortium, a copy of which is made a part of the Minutes of this Board, is hereby approved and adopted; and the mayor is hereby authorized to indicate the approval of said Intermunicipal Agreement for the creation of a Regulated Stormwater Consortium on said document on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-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 Brett Bekritsky to approve the following resolution.

RESOLUTION # 04-09

WHEREAS, Yeshivas Ohr Reuven has heretofore filed an application for a zoning variance concerning its property located at 259 Grandview Avenue, Wesley Hills, New York, and

WHEREAS, Yeshivas Ohr Reuven has heretofore paid a fee in the sum of \$350.00 in connection with its application for a variance to the Village of Wesley Hills Zoning Board of Appeals, and

WHEREAS, passage by the Village of Wesley Hills of Local law No. 3 of 2008 has eliminated the need for the aforesaid variance, and

WHEREAS, the said application to the Zoning Board of Appeals has been withdrawn prior to the taking of any action by the Zoning Board of Appeals with respect to said Application, and

WHEREAS, Yeshivas Ohr Reuven has made application to the Board of Trustees of the Village of Wesley Hills for a refund of the aforementioned fee in the sum of \$350.00,

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby directed to Remit the said refund in the sum of \$350.00 to Yeshivas Ohr Reuven forthwith.

The following vote was taken: mayor Goldsmith-yes, Ed McPherson-yes, Howard Richman-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 4 ayes and 0 nays.

A motion was made by Ed McPherson and seconded by Howard Richman to approve the following resolution.

RESOLUTION # 05-09

RESOLVED, that the proposal for the continuation of the license/maintenance agreement for the Court Room Program with Service Education, Inc. for February 2009 through January 2010, a copy of which is made a part of the Minutes of this Board, is hereby approved; and the Mayor is hereby authorized to indicate the approval of such continuation on said document on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-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 Brett Bekritsky to approve the following resolution.

#### RESOLUTION #06-09

RESOLVED, that general fund claims #220 through #242 in the aggregate amount of \$104,915.79 as set forth in Abstract # No. 1/09 dated January 13, 2009, a copy of which abstract is made a part of the Minutes of this Board are hereby approved.

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

Mayor Goldsmith discussed a letter received from the Rockland County Department of Planning regarding the proposed change to the traffic pattern at the Wesley Kosher Shopping Center. Mayor Goldsmith said that Dalzell Corporation (the management company for the shopping center), gave permission to Meal Mart and Wesley Kosher to apply to the Planning Board to permit storage containers located at the rear of the Property.

Mayor Goldsmith then said that a homeowner of Thornbrook Lane requested that the Village accept dedication of the road to the Village. Mayor Goldsmith discussed a letter from Liz Winzinger, engineer for the Village, and in that letter Ms. Winzinger stated that there were many criteria that must be completed before the road could be accepted.

Mayor Goldsmith and the Board discussed the difficulties in accepting the road, due to condition of the road etc. and additionally, one of the major stumbling blocks is that the road is only 20 feet wide and the required width for a road is 24 feet.

At this time Ben Selig discussed the lawsuit that was served on the Village and the Code enforcement officer. Mr. Selig said that ERA was served by the Village due to an improperly maintained pool. Mayor Goldsmith said that there was a safety issue because the pool gate wasn't locked and that many attempts were made to contact the homeowner but because the homeowner never responded, the Village then issued the summons to the realtor.

Ben Selig said that that the realtor went to Court and the court proceeding was withdrawn but MLS decided to proceed with the lawsuit against the Village. Mr. Selig said that he spoke with Dan Bertolino and they are working on coming to an agreement to satisfy all parties.

After further discussion, a motion was made by Howard Richman and seconded by Brett Bekritsky to adjourn the meeting.

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