

The Village of Wesley Hills
Village Board Meeting-July 21, 2009

The meeting was called to order by Mayor Goldsmith at 7:14 P.M.

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

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

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

RESOLUTION #52-09

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills on May 27, 2009, 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, Marion Ben-Jacob-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 Ed McPherson to approve the following resolution.

RESOLUTION # 53-09

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills on June 23, 2009, 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, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

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

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

RESOLUTION # 54-09

WHEREAS, Bradley Wolfset, the owner of a parcel of real property designated on the Town of Ramapo Tax Map as Section 41.10, Block 1, Lot 3, has applied to the Board of Trustees of the Village of Wesley Hills for a refund of a portion of a building permit fee

previously paid to the Village of Wesley Hills based upon the value of construction at said premises initially established at \$295,000.00, and

WHEREAS, the Building Inspector of the Village of Wesley Hills has determined the original fee assessed herein in the sum of \$2,920.00 should be reduced to \$2,370.00,

NOW, THEREFORE, BE IT RESOLVED, that the Village Treasurer is hereby directed to remit the sum of \$550.00 to Bradley Wolfset, forthwith, for such refund.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-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 #55-09

WHEREAS, Yehoshua Monczyk, the owner of a parcel of realty designated on the Town of Ramapo Tax Map as Section 41.10, Block 2, Lot 19, has applied to the Board of Trustees of the Village of Wesley Hills for a refund of an overpayment heretofore made on his 2009 Village tax, and

WHEREAS, the Treasurer of the Village of Wesley Hills has confirmed that the Village tax for the aforementioned property was paid twice,

NOW, THEREFORE, BE IT RESOLVED, that the Village Treasurer is hereby directed to remit the sum of \$518.77 to Yehoshua Monczyk forthwith for such refund.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-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 #56-09

WHEREAS, the Board of Trustees of the Village of Wesley Hills, effective, April 22, 2009, adopted a revised Village of Wesley Hills Fee Schedule, and

WHEREAS, the Board of Trustees of the Village of Wesley Hills has determined to add to said Fee Schedule a new section 14(c) and new sections 22 & 23 dealing with wireless communication services facilities,

NOW, THEREFORE, BE IT RESOLVED, that the Fee Schedule for the Village of Wesley Hills be and the same is hereby amended in the form annexed hereto, effective the date hereof, a copy of which amended/revised Village of Wesley Hills Fee Schedule is annexed hereto and made a part hereof.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-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 #57-09

WHEREAS, Omnipoint Communications, Inc., has applied to the Planning Board of the Village of Wesley Hills for a special permit and approval of a site plan for a wireless communication services facility on premises located on the westerly side of Route 306 and the southerly side of Willow Tree Road, known as 475 Route 306 and designated on the Town of Ramapo Tax Map as Section 41.11, Block 1, Lot 18, and

WHEREAS, by Resolution No. 09-15, the Planning Board of the Village of Wesley Hills has recommended to the Board of Trustees of the Village of Wesley Hills that the proposed wireless communication services facility be located on the Village Hall property instead of the originally proposed site for the reason that, based upon all presently available information, the Village Hall site would be superior with reference to the following factors:

1. The Village Hall site would offer better potential for future co-location;
2. The Village Hall site would offer better coverage potential to the applicant;
3. The Village Hall site would be a safer location in that it would offer a greater opportunity to design the monopole so that, in the event of a structural failure, it would fall on the site;
4. The Village Hall site would minimize the need for and extent of variances under Zoning Law sections 6.9.14f and 6.9.14o; and
5. The Village Hall site would be a safer location in that, in the event of a structural failure, the monopole would not fall on gasoline pumps, and

WHEREAS, the Board of Trustees of the Village of Wesley Hills has considered the available locations for the wireless communications services facility requested by Omnipoint Communications, Inc., and concurs with the findings of the Planning Board of the Village of Wesley Hills as set forth in the Planning Board's Resolution No. 09-15,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Village Attorney be and the same are hereby authorized to enter into negotiations for a proposed lease for a wireless communication services facility on the premises of the Village Hall of the Village of Wesley Hills.

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

RESOLUTION # 58-09

WHEREAS, Jade Abstract Company, Inc., on behalf of Angelo Regina & Ann Regina, owners of a parcel of real property designated on the Town of Ramapo Tax map as Section 41.11, Block 1, lot 93, has applied to the Board of Trustees of the Village of Wesley Hills for a refund of a portion of the fee heretofore paid for a C.O. and violation search, and

WHEREAS, Jade Abstract Company, Inc., has cancelled the aforementioned request for a C.O. and violation search,

NOW, THEREFORE, BE IT RESOLVED, that the Village Treasurer is hereby directed to remit the sum of \$100.00 to Jade Abstract Company, Inc., forthwith for such refund.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-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 Ed McPherson to approve the following resolution.

RESOLUTION #59-09

RESOLVED, that general fund claims #27 through #50 in the aggregate amount of \$155,662.56, as set forth in Abstract #7/09 dated July 21, 2009, 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, Howard Richman-yes, Marion Ben-Jacob-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 # 60-09

RESOLVED, that parks and recreation fund claim #196 in the amount of \$2,594.92, as set forth in Abstract # PR 4/09 dated July 21, 2009, a copy of which 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, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

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

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

Joel Eisenreich discussed the escrow that the Village has in place for all applicants that are appearing before the Planning, Zoning or Village Boards. Mr. Eisenreich said that the congregation he is speaking for Shaar Hashamayin (which already has an application before the Planning Board), had no knowledge of the escrow requirement. Mr. Eisenreich then said that it is difficult to raise monies for escrow.

Mayor Goldsmith and the Board members discussed the posting of escrow in detail. Mayor Goldsmith said that the amount of escrow is determined by the Village Engineer and the Village Consultant and the fees are set due to the amount of time that the consultants feel that they will need to spend on reviews of the application, visiting the sites, etc.

Mr. Eisenreich said that he doesn't feel that the escrow requirement should be retroactive. Mayor Goldsmith said that the Village has absorbed the fees for too long and is isn't fair to the taxpayers in the Village to pay for inspections and reviews that applicants should be paying for.

Mayor Goldsmith and the Board members said that they feel that the escrow should apply to all projects (both under construction and new projects) and that they cannot make any exceptions to the law as proposed.

Ben Selig said that there were public hearings before the law was passed and there were several opportunities for the public to come and express their opinions.

After further discussion it was decided to leave the law as passed.

At this time Mayor Goldsmith then discussed 120 East Willow Tree with the Board members. Mayor Goldsmith said that a resident called and said that there were school buses coming and going on the property. Mayor Goldsmith then said that the Village called the Health Department (due to the concern of many children using the pool), and the Health Department went out to investigate the site and found many violations. Mr. Schechter was advised by the Health Department that he was to stop allowing the pool to be used by the public as there are violations and permits that must be corrected and obtained before he can continue the use of his private pool as a public pool.

A discussion began regarding Lime Kiln Park. Mayor Goldsmith said that there are many people using the park and he has noticed an increase in litter especially on Fridays and Mondays. It was decided to ask the Ascape Landscaping Company to come on Fridays and Mondays to do the garbage disposal.

At this time a motion was made by Howard Richman and seconded by Marion Ben-Jacob to go into executive session to discuss pending litigation.

Mayor Goldsmith announced the return of the Board from Executive Session and that no vote was taken during Executive Session.

A motion was made by Brett Bekritsky and seconded by Marion Ben-Jacob to adjourn the meeting.

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