

The Village of Wesley Hills
Village Board Meeting-January 5, 2010

The meeting was called to order by Mayor David Goldsmith, at 7:04 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 # 1-10

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills, on December 1, 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 Ed McPherson and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION # 2-10

RESOLVED that the minutes of the Board of Trustees of the Village of Wesley Hills, Special Meeting, on December 22, 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.

Mayor Goldsmith discussed with the Board members, the request for a reduction in the amount of escrow held by the Village for the Eisenreich property, and the reasons that the escrow was in place. Mayor Goldsmith told the Board members that there was a tree house constructed without a building permit and that the tree house is too close to the side yard, (this will have to go the Zoning Board of Appeals for review and or approval), the fact that the landscaping was not completed and other issues that need to be completed. Mayor Goldsmith then said that the Village received a letter from the office of Brian Brooker regarding the items that were completed, so that the Engineer has approved a

partial refund of the escrow being held. Mayor Goldsmith then discussed with the Board members, an icing condition that occurred on Wesley Chapel Road. Mayor Goldsmith said that it appears that the water was coming from the Eisenreich property. Mayor Goldsmith said that he requested that the Village Engineer investigate the situation. It was determined (after inspection by the Village Engineer) that the water was running from the Eisenreich project onto Wesley Chapel Road and was causing a significant build up of ice on the road. Mayor Goldsmith said that the ice build up created a very dangerous situation. Mayor Goldsmith said that Tony Sharan (Superintendent of Ramapo Highway Department) called to advise the Mayor of the dangerous amount of ice on the road and the Mayor Told Mr. Sharan to do whatever he needed to do re: sanding of the road, salting etc., to insure the safety of persons traveling on Wesley Chapel Road, and that any expense incurred to the Ramapo Highway Department, due to the runoff from the Eisenreich property, should be billed directly to the homeowner.

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

RESOLUTION #3-10

WHEREAS, on June 26, 2009, Avery Eisenreich and Toby Eisenreich executed an escrow agreement providing for the issuance by the Village of Wesley Hills of temporary Certificates of Occupancy for the dwelling house under Building Permit No. 2902, the pool house under Building Permit No. 2964 and the pool under Building Permit No. 3044, located at 52 Wesley Chapel Road in the Village of Wesley Hills (identified on the Town of Ramapo Tax Map as Section 41.13, Block 1, Lot 32.1) before the completion of all construction items and,

WHEREAS, on December 11, 2009, the aforesaid Avery Eisenreich and Toby Eisenreich submitted an application to the Wesley Hills Zoning Board of Appeals for an existing tree house at the aforementioned premises, and

WHEREAS, the aforesaid Avery Eisenreich and Toby Eisenreich have submitted a request to the Board of Trustees of the Village of Wesley Hills for a reduction of the amount of escrow in the amount of \$58,900.00, resulting in a revised escrow amount of \$159,500.00,

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby authorized to refund out of the escrow deposit heretofore held by the Village of Wesley Hills in the sum of \$218,400.00, the sum of \$58,900.00, and

BE IT FURTHER RESOLVED, that in accordance with the aforementioned letter of the Village Engineer of the Village of Wesley Hills dated November 13, 2009, that the temporary Certificates of Occupancy for the dwelling house, pool house and pool which, by the terms of the original escrow agreement dated June 26, 2009, were to have expired

at 12:00 midnight on October 30, 2009, be and the same are hereby extended until 12:00 midnight on May 30, 2010.

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.

Mayor Goldsmith asked if anyone from the public wished to be heard on the proposed local law amending Local Law No. 1 of 1989 regarding alternate Members to the Board of Appeals.

As there were no comments from the public, a motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the following resolution.

RESOLUTION #4-10

RESOLVED, that the proposed local law entitled “A Local Law Amending Local Law NO. 1 of 1989, to Provide for the Appointment of Two Alternate Members of the Board of Appeals to Serve in the Event of Absences or Disqualifications of Regular Members” is hereby approved and enacted as Local Law No. 1 of 2010.

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 David Goldsmith, appointed William Fried as Second Alternate Member of the Board of Appeals for the balance of the term expiring in April, 2010.

Mayor Goldsmith said that he spoke with Marshall Katz (Chairman of the Planning Board) and Richard Weinberger (Chairman of the Zoning Board) about the new alternates that were appointed to their respective Boards.

A motion was made by Brett Bekritsky and seconded by Ed McPherson to approve the following resolution.

RESOLUTION #5-10

RESOLVED, pursuant to Election Law Section 15-104, that the next general Village election shall be held on March 16, 2010, and the polling place for such election for the entire Village of Wesley Hills shall be the Village Hall, 432 Route 306, and that the hours during which the polls shall be open shall be from 6:00 A.M. to 9:00 P.M.

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.

REOLUTION #6 -10

RESOLVED, that the Village of Wesley Hills shall become a member of, “Keep Rockland Beautiful” and the Village Clerk be and same is hereby authorized to complete the membership application associated with Keep Rockland Beautiful and to disburse to Keep Rockland Beautiful the sum of \$50.00 as and for the membership dues.

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

RESOLUTION #7-10

RESOLVED, that general funds claims # 162 through # 182 in the aggregate amount of \$105,991.37, as set forth in Abstract # 1/10 dated January 5, 2010, a copy of which abstract of such audited claim 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 ayes.

At this time Mayor Goldsmith told the Board members that the Court requested that they have their own fax machine. After discussing the matter Mayor Goldsmith and the Board members feel that the cost of a dedicated fax line etc. would incur unnecessary expense to the Village.

Mayor Goldsmith asked Ben Selig if there was a decision on the matter before Judge Berliner. Mr. Selig said that there has been no decision yet

Mayor Goldsmith discussed with the Board members a meeting he had with Richard Sena (property manager) for the Wesley Kosher Shopping Center. Mayor Goldsmith said that the plans Mr. Sena has are a bit different from the approved plans that are on file in Village Hall. Mayor Goldsmith said that he requested that Mr. Sena provide the Village with a letter that Mr. Sena said that he received from the New York State DOT, Mayor

Goldsmith then said that he told Mr. Sena the Only change the Village wanted was that no left turn be permitted (traveling north ion Route 306) into the Shopping Center. Mayor Goldsmith said that he would get in touch with the owners of the Office Building next door through the Shopping Center to see if they would permit a “break away” chain to be placed at the rear of the office complex, to prevent people from turning into the office building to enter the Shopping Center parking area.

Mayor Goldsmith and the Board members then discussed the fact that it appears that trucks are parking illegally in the Shopping Center, and the trucks are occupying spaces that should be used for customers.

Mr. Selig then said that he is still waiting for a decision from Judge Nicolai as to the merits of the main case as well as a decision from the Appellate Division in which the property owner is seeking to amend Judge Nicolas prior decision concerning the necessity for an insurance company surety bond.

Mr. Selig then told the Mayor and the Board members that he received fully executed copies of the contract from T-Mobile for the proposed cell tower to be located at Village Hall. Mayor Goldsmith and the Board members briefly discussed the proposed application.

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, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.