

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
JANUARY 9, 2007

PRESENT: Deputy Mayor E. Mc Pherson  
Trustee D. Goldsmith  
Trustee D. Gantshar  
Trustee H. Richman  
Village Attorney F. Brown  
Village Clerk J. Pagliaroli

ABSENT: Mayor R. Frankl

The meeting was called to order by Deputy Mayor Mc Pherson at 8 P.M.

The first item on the agenda is the public hearing on the proposed local law to revise the Zoning Law to establish two new zoning districts and to amend the Zoning Map. Deputy Mayor Mc Pherson asked if anyone present would like to address the proposition. There were no comments forthcoming. Trustee Goldsmith made the following resolution:

**RESOLUTION 1-07**

RESOLVED, that the public hearing on 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 to Establish Two New Zoning Districts and to Amend the Zoning Map of the Village of Wesley Hills" is hereby adjourned until February 6, 2007 at 8:00 P.M.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 2-07**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on December 12, 2006, with corrections, be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes and 0 nays.

Trustee Gantshar asked that the entire letter from Mr. Gromack's office regarding sidewalks be added to the December 12<sup>th</sup>, 2006 minutes.

Deputy Mayor Mc Pherson asked that the letter suggested by the Village Clerk regarding the drainage work be send to the residents on Skylark.

Deputy Mayor Mc Pherson said that he would like to attend the workshop being held by the Rockland County Fire Chiefs Association regarding false alarms to be held on Monday, January 29<sup>th</sup> at 7:00 p.m. The Village Clerk will respond for Mr. Mc Pherson.

Deputy Mayor Mc Pherson opened the meeting for discussions:

Mr. Jay Rosenstein was before the Board. He discussed the demolition and reconstruction of the single family residence next to his home. He informed the Board that he was at the previous meeting of the Architectural Review Board regarding the modular home at 14 Skylark. After the project began, the house was set back an additional 30 feet. He said that this was done by the Village Engineer without a site visit. His concern is that the new house can look into his back yard. He asked that perhaps the Board could require some screening between the new house and his. He said that this should be done because the neighbors did not have an opportunity to discuss this change because it was done after the public hearing. Deputy Mayor Mc Pherson asked how this could be done. Mr. Brown said that this was the last application under the old Architectural Review Board law; so it is still under the regulations of the Architectural Review Board. This did not change the exterior of the building but the location. Mr. Abrams, former Chairman of the Architectural Review Board, was before the Board. He said that screening would have been a concern of the Board in review of the plans. Mr. Brown said that this should have been sent back to the Architectural Review Board and if the Village wanted to they could tell the owner that this permission was done in error and could have them correct the change in order to get a certificate of occupancy. The Board could also ask the Architectural Review Board to reconvene for one more time or this Board could send the application to the Planning Board. Trustee Goldsmith asked if this type of change could be done by the Village Engineer. Mr. Brown said that it could not. Trustee Goldsmith asked if this happened now, who would be determining the placement of the building. Mr. Brown said if it is in the building envelope no one. Mr. Goldsmith said that he would not have a problem urging the builder to put in the planting but not forcing them to do so. Deputy Mayor Mc Pherson said that we could have Brian Brooker's office write the builder's engineer saying that in exchange for the relocation we are going to require screening to be planted. He suggested that they put into the letter that they were looking only at the engineering issues and failed to recognize that the Architectural Review Board approval would be needed for the location of the house. Mr. Abrams is to visit the site and advise the Board as to what he felt would be required by the

Architectural Review Board. If they get a response that screening will be planted than the Board can get an escrow agreement so that they can move into the house and give a time limit for the planting to be done (sometime in April). Trustee Gantshar said that he would not want to threaten withholding a certificate of occupancy.

Mrs. Miriam Gurowsky from 26 Buena Vista Road was before the Board. She said that a tree is falling down on her property and she believed it was coming from the walking path owned by the Village. Mr. Abrams discussed his findings and asked the Board who was responsible for removing the dead tree since it was on Beatrice Road. Mr. Brown said that the road was never dedicated and it was a matter of law that it is the responsibility of the property owner on either side of the paper street. After reviewing the map, Mr. Brown said that the tree is not located on the Village right-of-way. Trustee Goldsmith asked if there is a tree on someone's property in the shade tree easement, is the owner responsible to remove the tree? Mr. Brown said it is the responsibility of the owner. Deputy Mayor Mc Pherson asked if Mrs. Gurowsky had spoken to the own of the property and said she had not. Deputy Mayor McPherson suggested that Mrs. Gurowsky speak to the owner of the property to have the tree removed before it falls and causes damage.

Mr. Marcus was before the Board. He stated he had several issues. The Board asked him to wait until Item #8 was discussed. He said he wanted to discuss open government foil requests and accuracy. He was again asked to wait.

Trustee Gantshar made the following resolution:

**RESOLUTION 3-07**

WHEREAS, the land behind the Lime Kiln Elementary School has been owned by the East Ramapo Central School District for many years, extending long before the incorporation of the Village of Wesley Hills, during which time that land has been kept in its natural wooded condition and has been used by schoolchildren for nature trails and nature study, and

WHEREAS, that land therefore is well established as a valuable community resource,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Wesley Hills hereby requests that the Board of Education of the East Ramapo Central School District act to ensure that the said land

remains forever green for its use by area students for future generations to come, and

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to forward a copy of this resolution to the Board of Education of the East Ramapo Central School District forthwith.

The resolution was seconded by Trustee Goldsmith and was carried with the following vote: Deputy Mayor Mc Pherson aye, Trustee Gantshar, aye, Trustee Goldsmith, aye and Trustee Richman, aye. There were no nay votes. Trustee Gantshar asked that a copy of the resolution be forwarded to Mr. St. Lawrence, Chairman of the Legislature, The County Executive, Hon. K. Zebrowski, Hon. T. Morahan, Director of the Department of Environment for the County, Hon. I. Schoenberger, Superintendent of Schools and Mr. R. Steiner. Mr. Steiner was before the board and said thank you for passing the resolution.

Trustee Richman made the following resolution:

**RESOLUTION 4-07**

RESOLVED, that the Board of Trustees hereby accepts the offer of dedication to the Village of Wesley Hills, for general municipal purposes, of the following parcels of and interests in real property as shown on the plat for the subdivision known as "Timberline Estates", which subdivision plat was filed in the Rockland County Clerk's Office on December 3, 2001, in map book 122, at page 8, as map #7476, subject to the execution by the developer of said subdivision of an Agreement concerning the future repair of damage to such real property and the completion of the remaining subdivision improvements, in form satisfactory to the Village Attorney, and further subject to the recording of the Deeds conveying title of such real property to the Village of Wesley Hills:

- (a) Rochelle Lane;
- (b) 5' wide shade tree easements along all roads;
- (c) sight easements over Lots 1 and 16;
- (d) 8.5' wide road widening strip along northerly side of East Willow Tree Road.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays. Trustee Gantshar asked how does this impact on the "artwork/junk" problem on the property. Mr. Brown said that this has no bearing on that matter.

Trustee Gantshar made the following resolution:

**RESOLUTION 5-07**

WHEREAS, on December 13, 2006 Hudson Search, LLC paid \$150.00 to the Village of Wesley Hills as a violation search fee for premises located at 12 North Sherri Lane, and

WHEREAS, on December 19, 2006, Hudson Search, LLC canceled the said violation search, after some clerical work related to such request had been undertaken, and Hudson Search, LLC has requested reimbursement of said violation search fee, thereby requiring the Village to incur legal expenses incidental to the processing of such request,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$75.00, which represents the excess portion of such violation search fee that was paid, shall be refunded by the Village of Wesley Hills to Hudson Search, LLC, and

BE IT FURTHERE RESOLVED, that the Village Treasurer is hereby directed to make payment accordingly.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays.

Frank Brown asked to address the Board on the next issue. He gave the Board the background on the adoption of the regulations on the Village Access Officer, the Village Clerk, and the manner for appeal or protest. The appeal or protest should be sent to the Village Board. Mr. Brown instructed the Board that this appeal is for a FOIL request dated October 23, 2006 from Mr. Marcus. Mr. Marcus was before the board. He stated that this Board conducted review and declared themselves lead agency. He said that the first step is to classify an action. He stated that the response to his FOIL request was inaccurate. Discussion was held by the Board regarding the matter.

Trustee Richman made the following resolution:

**RESOLUTION 6-07**

WHEREAS, pursuant to Section 2 of the Regulations for Public Access to Records of the Village of Wesley Hills, adopted by the Board of Trustees

of the Village of Wesley Hills on March 8, 1983 by Resolution #22-83, the Village Clerk is the records access officer, and

WHEREAS, on October 19, 2006, Neil Marcus presented a written request to the Village Clerk, pursuant to the Freedom of Information Law, for a copy of "Any documentation that identifies the type of action reviewed under SEQRA for the amended Local Law for 'Special Permit' uses, i.e., lead agency classification of type of action reviewed under SEQRA", and

WHEREAS, on October 23, 2006, the Village Clerk responded to Neil Marcus in writing, advising him that the only such documents relating to his request had been previously delivered to him (on July 31, 2006), and

WHEREAS, on November 13, 2006, Neil Marcus presented a written appeal of such determination to the Village Clerk, and

WHEREAS, pursuant to Section 7 of said Regulations for Public Access to Records of the Village of Wesley Hills, the Board of Trustees is the body designated to hear appeals from denial of access to records, and

WHEREAS, the Village Clerk has forwarded the appeal of Neil Marcus to the Board of Trustees, and the Board of Trustees thereupon has considered such appeal and has heard testimony that no such record exists that has not already been delivered to him,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby confirms that determination of the Village Clerk and hereby denies the appeal of Neil Marcus, and

BE IT FURTHER RESOLVED, that the Village Clerk shall transmit copies of this resolution to Neil Marcus and to the New York State Committee on Public Access to Records forthwith.

The resolution was seconded by Trustee Goldsmith and was so carried with a vote of 4 ayes (Deputy Mayor McPherson, Trustee Richman, Trustee Goldsmith and Trustee Gantshar) and 0 nays.

Mr. Marcus wanted to discuss general issues regarding the FOIL requests. He said he has encountered problems accessing records which is in violation of the open government law. Mr. Marcus read an opinion from New York State on Open Government. Mr. Steiner was before the Board. He spoke in defense of the Trustees. He said he always found them to be open and forthright. He was upset that the Village has to spend money on frivolous lawsuits. Mr. Weinberger

was before the Board. He said he was amazed at hearing the time the Village has expended regarding these FOIL requests. He asked if anyone had evaluated how much it has cost the Village. He said that it appears that someone who makes so many FOIL requests is abusing the system and urged the Village Board to put an end to the abuse of process. He said he believed that the courts have a right to determine the abuse of the process.

Trustee Goldsmith made the following resolution:

**RESOLUTION 7-07**

WHEREAS, the Code Inspector of the Village of Wesley Hills has determined that the parcel of real property known as 7 Rochelle Lane and identified on the Town of Ramapo Tax Map as Section 41.08, Block 2, Lot 58.7, is being maintained in violation of Local Law No. 4 of 1984, entitled "A Local Law to Require the Maintenance of Private Properties Free of Litter"; and

WHEREAS, pursuant to such Local Law, the Code Inspector caused a Notice of Violation, dated April 20, 2006, to be served upon the last known owner of such parcel of property, which Notice gave such owner until April 30, 2006, being ten days after the service of such Notice, to correct such violation; and

WHEREAS, the said owners failed to correct such violations by April 30, 2006, and such violation continues to exist;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of said Local Law No. 4 of 1984 a public hearing shall be held before the Board of Trustees of the Village of Wesley Hills, on the 6<sup>th</sup> day of February, 2007 at 8:00 p.m., at the Village Hall, 432 Route 306 in the Village of Wesley Hills, to determine whether the continuation of such violation is aesthetically offensive or constitutes a public nuisance or a public health hazard, at which hearing citizens, including the said owner, shall have an opportunity to be heard with respect to such violation, and

BE IT FURTHER RESOLVED, that notice of the time and place of such public hearing shall be given by the Village Clerk to the said owner by certified mail in the manner provided by said Local Law, shall be published by the Village Clerk in the official Village newspaper, and shall be posted

on the real property alleged to be maintained in violation of said Local Law.

The resolution was seconded by Trustee Richman and so carried with 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 8-07**

RESOLVED, that a special meeting of the Board of Trustees of the Village of Wesley Hills shall be held on February 6, 2007 at 8:00 P.M. at the Village Hall, 432 Route 306, for the following purposes:

- (1) Continuation of public hearing on proposed amendment to Zoning Law and consideration of such proposed law;
- (2) public hearing pursuant to Local Law No. 4 of 1984; and
- (3) such other matters as may properly be brought before the Board of Trustees.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes and 0 nays.

Trustee Gantshar made the following resolution:

**RESOLUTION 9-07**

RESOLVED, that general fund claims #195 through 220 and 222 through 223 in the aggregate amount of 80,218.18, as set forth in Abstract #1-07 dated January 9, 2007, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith asked about the mandatory training for Planning Board and Zoning Board Members. The discussion was held as to the required four hours. Mr. Brown will discuss at the next meeting.

Trustee Goldsmith said that homeowners along Lime Kiln Road have expressed concern about the Water Company property located on the corner of Lime Kiln and Route 306. He informed the Board that it was ascertained that the United

Water had cut down some trees and put in an access road in order to do some well maintenance.

David Goldsmith made a motion to adjourn. The motion was seconded by Deputy Mayor Mc Pherson and the motion was so carried.

Respectfully submitted,

Julie Pagliaroli  
Village Clerk