

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
July 11, 2006

PRESENT: Mayor R. Frankl  
Deputy Mayor E. Mc Pherson  
Trustee D. Goldsmith  
Village Attorney, F. Brown  
Deputy Village Attorney, B. Selig  
Village Clerk J. Pagliaroli

ABSENT Trustee D. Gantshar  
Trustee H. Richman

Meeting was called to order by Mayor Frankl at 8:10 P.M.

The first item on the agenda was the continuation of the public hearing on the proposed amendment to the Zoning Law concerning amendment of the Zoning Map was opened at 8:12 P.M. Mr. Brown discussed the need to change the zoning law amendment because of the recent change to the Zoning Law regarding the floor area ratio. The floor area ratio was removed from the law and was replaced with a maximum building coverage requirement, and the building height measurements were changed. He advised the Board that the proper thing to do would be to close the public hearing. Mr. Kwilecki asked about the definition of height. Mr. Brown described the new way height would be measured according the change in the code. The applicant's attorney stated that the applicant had no problem with the changes to the code. Trustee Goldsmith made the following resolution:

**RESOLUTION 82-06**

WHEREAS, the Board of Trustees has held a 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:", which public hearing was opened on November 15, 2005 and has been adjourned sequentially until July 11, 2006, and

WHEREAS, among other things, such proposed local law included the establishment of a maximum floor area ratio for the proposed new R-20 and R-13 Zoning Districts, and

WHEREAS, during the pendency of the public hearing on the adoption of such proposed local law, on May 23, 2006 this Board adopted Local Law No. 2 of 2006, 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 Permitted Size of Dwellings”, which eliminated the maximum floor area ratio requirement from the Zoning Law, replaced it with a maximum building coverage requirement, revised the definition of building height and modified the maximum height requirement accordingly and set forth a new maximum exposed building height requirement, but no such new or revised requirements could be set forth in such law for the proposed new R-20 and R-13 Zoning Districts because such districts do not presently exist, and

WHEREAS, it is therefore necessary to modify the proposed local law that would establish such new R-20 and R-13 Zoning Districts so that they will include dimensional requirements for each such District that will be consistent with the current Table of Dimensional Requirements as amended by said Local Law No. 2 of 2006, and

WHEREAS, the Village Attorney, at the request of this Board, has prepared such a modified proposed local law, bearing the same title, which proposed local law is subject to a public hearing which will be opened on July 11, 2006 immediately following the adoption of this resolution, and

WHEREAS, the only respects in which such modified proposed local law differs from the proposed local law which is the subject of the current public hearing are that the new dimensional requirements are substituted for the prior dimensional requirements in a manner that will allow the construction of dwellings of approximately the same size,

NOW, THEREFORE, BE IT RESOLVED, that the public hearing on such proposed local law currently under consideration is hereby closed, and

BE IT FURTHER RESOLVED, that the Board of Trustees declines to adopt such proposed local law because of its intent to consider in its place the adoption of such modified proposed local law, and

BE IT FURTHER RESOLVED, that all actions already taken for the purpose of the review of such proposed local law pursuant to the State Environmental Quality Review Act (SEQRA) shall be deemed to be equally applicable to the review of such modified proposed local law, for the reason that the potential environmental consequences of the adoption of such modified proposed local law will be substantially the same.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes, 0 nays and 2 absent.

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" was opened at 8:25 P.M.

Mr. Savad, Attorney for Mr. Kwilecki, was before the board. Mr. Savad showed the Village Board the plan layout of the subdivision, which he said the Planning Board prefers. He stated that the Village's impervious surface ratios do not work in the R-13 district and it was not noted at the time the stipulation was made. The present impervious surface ratio is .25. Mr. Savad asked the Board to increase the impervious surface ratio to .35 and submitted a letter outlining this request. Mr. Sparaco was before the Board with the plan submitted with the stipulation and showed the plan preferred by the Planning Board. He stated that the applicant believes this is a minor change. The applicant asked the Village to accommodate this request from the minor change that has not adverse effect on drainage or health, safety or welfare of the community. Terri-Ann Hahn of LADA, PC was before the Board for the applicant. Mr. Brown advised the Board that the Village Board cannot adopt a negative declaration until the Planning Board signs off on the subdivision plans. He further advises that the public hearing must be adjourned. He advised that as far as the impervious surface request is concerned that was the Board's decision. Mr. Brown advised if the Board increases the impervious surface ratio the public hearing should be readvertised because it is great change. Mr. Brown said that the need for more impervious surface looked at on a lot by lot basis. Mr. Savad said that Mr. Sparaco came up with the calculations on a lot by lot basis. Trustee Goldsmith said that he believed smaller houses are what is needed in the Village. Trustee Goldsmith said that he did not feel the stipulation should be changed. The applicant asked to come back with further calculations. Mayor Frankl asked if there were any comments from the public. None were forthcoming. Trustee Goldsmith made the following resolution:

**RESOLUTION 83-06**

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 August 8, 2006 at 8:00 P.M., and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby confirms, in accordance with its preceding resolution, that all actions already taken for the purpose of the review of the previous proposed local law bearing the same title pursuant to the State Environmental Quality Review Act (SEQRA) shall be deemed to be equally applicable to the review of such proposed local law, and shall be incorporated into such review, including the determination that the Board of Trustees shall be the Lead Agency for the purpose of conducting a coordinated review of the adoption of such proposed local law and the related subdivision plat entitled “The Willows” pursuant to SEQRA.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 84-06**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on June 13, 2006, as submitted by the Village Clerk, be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Deputy Mayor Mc Person and so carried with a vote of 3 ayes and 0 nays.

Frank Brown advised the Board that the Planning Board has some issues as to the transfer of the Architectural Review Board’s responsibilities to them. Mr. Ben Selig stated that the Planning Board had indicated it’s willingness to accept the responsibility of the ARB but has concern about the types of buildings that will be under the purview of the Planning Board in this new role. Mr. Selig asked why only a house in a subdivision and not just any new house. Discussion was held regarding the original law that governed the ARB and the new proposed law which had separate criteria. Deputy Mayor McPherson wants to refer the question to Jeff Osterman. Trustee Goldsmith asked if this were part of the zoning, wouldn’t the Building Inspector make the decision? After further discussion the Board felt they should hold the proposed resolutions until the other two Trustees were present and, if necessary, the language could be fined tuned.

Trustee Goldsmith made the following resolution:

**RESOLUTION 85-06**

RESOLVED, that general fund claims #33 through 52 in the aggregate amount of \$80,810.99, as set forth in Abstract #7-06 dated July 11, 2006, 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 Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 86-06**

RESOLVED, that the parks and recreation fund claim #175 in the amount of \$624.00, as set forth in Abstract #PR 2-06 dated July 11, 2006, a copy of which abstract of audited claim is made a part of the Minutes of this Board, is hereby approved.

The resolution as seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Discussion was held on Tony Sharon's suggestion that it might be possible to build a swale for the Buena Vista drainage problems. Trustee Goldsmith wants to have the engineer meet with Tony Sharon on the site and discuss this.

Mayor Frankl informed the Board that Mr. Gold on Windward Lane has asked to review the noise law because they are having trouble with a new neighbor. Copies of the correspondence from Mr. Gold were given to Mr. Brown.

Discussion was held on the 20 acre parcel next to the Lime Kiln School. Mayor Frankl said that he has started a campaign to have people sign letters for open space. The Board was given a copy of the letter.

Deputy Mayor Mc Pherson wanted to make sure that the Building Permit Fees were in line for the smaller lots being requested by Mr. Kwilecki. It was also his feel that the School Board had no right to sell the property.

Trustee Goldsmith made the following resolution:

**RESOLUTION 87-06**

WHEREAS the Village of Wesley Hills is in receipt of a request from the County of Rockland creating Tobacco Free Parks and Playgrounds; and

WHEREAS the Village of Wesley Hills agrees to the adoption of the following resolution to create Tobacco Free Zones at local parks; and

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, everyday and estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment:

THEREFORE, the Board of Trustees of the Village of Wesley Hills in the County of Rockland, in the State of New York resolves as follows:

That the following area be so designated as a Tobacco Free Zone:  
Gregory Sikorsky Park; and

BE IT FURTHER RESOLVED, that signs shall be posed at said park that smoking is prohibited in said park, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the Rockland County Commissioner of Health, the Rockland County Executive and the Rockland County Legislature.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes 0 nays and 2 absent.

Trustee Goldsmith made a motion to enter into executive session to discuss legal matters. The motion was seconded by Deputy Mayor Mc Pherson and so carried.

Motion was made to reopen the public meeting with a notation that no action was taken in the executive session and was seconded by Deputy Mayor Mc Pherson and so carried. Trustee Goldsmith made a motion to adjourn and was seconded by Deputy Mayor Mc Pherson and so carried.

Respectfully submitted,

Julie Pagliaroli, Village Clerk