

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
November 14, 2006

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

Mayor Frankl opened the meeting at 8:00 P.M. Public hearing was opened at 8:05 P.M. regarding the amendment to the Noise Pollution Control Law. The Village Clerk confirmed that the legal notice for the public hearing had been published. Trustee Goldsmith said that the proposed Section I gave the police officer discretion as to what was unreasonable. He also felt that Section 6M was too restrictive for daytime noise. Deputy Mayor Mc Pherson said that if Trustee Goldsmith has concerns they should be addressed. Mrs. Taub was before the Board and said she agreed with Trustee Goldsmith that it was too restrictive for daytime music. Mayor Frankl asked if Trustee Goldsmith could come up with language to answer his concerns. Frank Brown suggested striking the Section 6 and then passing the remainder of the law. Trustee Gantshar made a motion to delete Section 6. Trustee Goldsmith seconded the motion and the motion was carried with 4 ayes and 1 nay from Deputy Mayor Mc Pherson.

Trustee Goldsmith made the following resolution:

**RESOLUTION 124-06**

WHEREAS, the Board of Trustees of the Village of Wesley Hills has held a public hearing on the proposed local law entitled "A Local Law Amending Local Law No. 11 of 1984, to Revise the Noise Pollution Control Law of the Village of Wesley Hills to Impose Regulations on Plainly Audible Sounds",

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby makes the following modifications to said proposed local law:

- (1) Section 6 of said proposed local law is hereby deleted:
- (2) Section 7 of said proposed local law is hereby renumbered as Section 6 thereof and is hereby modified to add a new Subsection M to Local Law No. 11 of 1984 instead of a new Subsection N; and

(3) Section 8 of said proposed local law is hereby renumbered as Section 7 thereof; and

BE IT FURTHER RESOLVED, that the proposed local law entitled "A Local Law Amending Local Law No. 11 of 1984, to Revise the Noise Pollution Control Law of the Village of Wesley Hills to Impose Regulations on Plainly Audible Sounds", as so modified by this Resolution, is hereby approved and enacted as Local Law No. 6 of 2006.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 5 ayes and 0 nays.

Mayor Frankl opened the public hearing portion of the meeting. Trustee Gantshar asked Mayor Frankl to address the Rochelle Lane problem regarding snow plowing. The Mayor informed the Board that the Village can contract to have the roads plowed. He said that he would prefer to have the Town plow and have Mr. Menche pay them. Mayor Frankl will contact the Highway Department and try to see if those arrangements can be made. Trustee Goldsmith said that the Village has to have a contingency plan in place in case Mr. Menche doesn't fulfill his responsibility. Mr. Brown suggested to find a contractor that has the ability and agree with them on the terms of a contract. Letter to be sent to Mr. Menche saying that we are going to enter into a contract and letting him know what the cost is going to be. Discussion was held on the construction trailer parked on the property along Rochelle Lane. Trustee Gantshar asked Frank Brown to see if there is anything that can be done about getting the trailer removed.

The public hearing regarding the amendment to 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 8:30 P.M.

Mr. Brown asked Mr. Selig to discuss the Planning Board resolution which indicates that the Planning Board recommends that the Village Board determine that the proposed action will not have a negative impact on the environment. Mr. Selig gave a brief update on the Planning Board's review.

Mr. Paul "Savad was before the Village Board and gave a short background on this project. He said that he and the applicant were here to proceed with the application and ask for a negative declaration so they can continue with the sketch plat approval.

Mayor Frankl stated that some of the Village Board members have expressed some concerns. Deputy Mayor Mc Pherson has reviewed the environmental assessment report and has five areas of concern. (1) He is concerned about the retention ponds with fountains. He wanted to know who would be responsible to maintain the ponds. He suggested that the developers be responsible until the homeowner association is put together. Mr. Savad said that the developer will be responsible for all maintenance problems. Mr. Brown said that it was his understanding that it is the intention to make the homeowners association responsible for the ponds and fountains. Deputy Mayor Mc Pherson said that he hoped the homeowners would not have to shut down the fountains at the order of the Rockland County Health Department. Mr. Savad asked Mr. Brooker to speak to the problem. Mr. Brooker advised he would rather have fish put in the pond. He had an issue with how the fountains would work and would the homeowners association decide after a while not to maintain the pond. Mr. Selig said that if it was determined in the approval process that this is a problem then the Planning Board will place a notation on the subdivision map that it would be the responsibility of the property owners. Mr. Brooker said that if the homeowners do not maintain the ponds and fountains then the mitigation should be established.

Deputy Mayor Mc Pherson stated that his next concern is the issue of uncontrolled petroleum waste on the property from an old car repair business located on the site. He believes that a substantial amount of oil dumped. Deputy Mayor Mc Pherson said that he had made arrangements with a former employee of the auto repair shop to walk the site and have him indicate where the oil was dumped. He said that he would then show the applicant and the problem would have to be investigated and remediate.

Mr. Kwilecki was before the Board and he said that he had hired a firm and that mitigation was done in two spots on the site. Mr. Sparaco's representative said that if oil was discovered during construction it would have to be mitigated also.

Deputy Mayor Mc Pherson also had concerns regarding the connection from the retention basins to the sewers on Route 306. His concern was storm water run off because the property is at the bottom of a hill. Mr. Brooker described how the water run off is determined and how the applicant can deal with it.

Mayor Frankl expressed concerns regarding the existing house on the site. There were reported problems of people in the house. Mr. Kwilecki said he personally boarded up the property. He was advised that a police report had been made and the police investigated and found two people on the property. Mr. Kwilecki guaranteed that the property will be closed again tomorrow.

Trustee Goldsmith asked about the sanitary sewer pipes to be upgraded and when would the Village know about this. Mr. Brooker advised that this is in the design process. He stated that the Town reviews the sewer plans before construction.

Trustee Goldsmith asked if there will always be water in the retention ponds. Mr. Brooker said that EPA requirements are that they are wet ponds. Deputy Mayor Mc Pherson asked if vegetation will be planted. Mr. Brooker said there would be vegetation planted. Mr. Brooker again stated that he would like to have fish in the ponds along with the fountains.

Trustee Goldsmith said that the impervious surface of the development will be 31.6%. He asked how does that compare to the rest of the Village. Mr. Brooker said that the Village does not have any that thing that compares to that density. Mr. Selig reminded the Board that the applicant asked to increase the impervious surface and was denied.

Trustee Goldsmith discussed criteria that it would be appropriate to have that type of zoning change. He does not agree that this is the only property that would be used for zone change. Mr. Savad said that he did not think the Board would be setting a precedent for this type of zone change on other properties.

Trustee Gantshar stated that at a meeting with the man from American Investments the threat of R-13 was brought up on the Lime Kiln School property.

Mr. Brown said that he would like to offer three choices for this matter:

1. Feel that the EAF report, as presently written, is adequate for acceptance and declare a negative declaration.
2. Feel that the report is inadequate and cannot be fixed right now and either direct the applicant to correct, or direct Jeff Osterman or Brian Brooker to review and adjourn the meeting.
3. The Board could adopt a resolution giving a negative declaration and then accept the EAF as modified.

Mr. Finker was before the Village Board. He wanted to know what the streetscape would look like from Village Green. Was concerned if the interior house could be seen from Village Green and what they would look like. Mr. Savad said that the landscape design has not been approved and will be done during the planning process. Mr. Finker stated he was concerned regarding the

numbering of the houses on Village Green. He was told that was the responsibility of E911.

A poll of the Board was taken. Trustee Richman said that he wants more information on the oil question raised by Deputy Mayor Mc Pherson. Trustee Gantshar said that he too was concerned with the oil concern and not ready to give a negative declaration. Trustee Goldsmith said that he was ready to vote. Mayor Frankl said that he was ready to vote. Deputy Mayor Mc Pherson wants to continue the hearing. He was concerned with the fountains and oil issues. He would like to work on identifying oil contamination.

Mr. Brown advised the Board that if they are going to continue the hearing, they should point out the specific portion of the EAF that are of concern so they can be addressed. Mr. Kwilecki asked the Board to declare a negative declaration and accept the EAF with notations. Mr. Selig said if the negative declaration is issued this month or next month it is important to note that the applicant is under continuing review. If the applicant would consent to allow for an edited negative declaration and continue to be under review he and Mr. Brown can draft general language to amend the EAF and have it for next meeting. Mr. Brown advised that the Board understand that a negative declaration would mean they believe that it is not possible to remediate any adverse impacts. Mr. Brown said that he was reluctant to draft the language tonight. He advised if the Board want to adjourn the hearing for tonight and have Mr. Selig and himself come back with language he would feel more comfortable. Trustee Richman made the following resolution:

**RESOLUTION 125-06**

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 December 12, 2006 at 8:00 P.M.

The resolution was seconded by Trustee Gantshar and so carried with 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 126-06**

RESOLVED, that the Minutes of the respective meetings of the Board of Trustees of the Village of Wesley Hills on October 10, 2006 and

November 7, 2006, as submitted by the Village Clerk, 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 5 ayes and 0 nays.

Mr. Selig reported to the Board that he had no update to report on the lawsuit and NYMIR issue.

Mayor Frankl opened the floor for discussion.

Mr. Finker was before the Board. He reported that Rabbi Bush had nine garbage pails out. He wanted to know if the Village was paying for his garbage removal. It will be investigated. Mr. Finker also was informed that about the advertisement for wig sales in the house across from him and that the Code Enforcement Officer had been instructed to issue a notice.

Trustee Goldsmith made the following resolution:

**RESOLUTION 127-06**

WHEREAS, the Village Treasurer has returned the 2006 Village of Wesley Hills Assessment Roll and Warrant, and has delivered to this Board an account of the unpaid taxes, which sets forth the sum of \$20,037.41, exclusive of interest, as the total amount of taxes unpaid (\$21,640.43 inclusive of interest), and

WHEREAS, this Board has compared the account of unpaid taxes with the original tax assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby finds and certifies that the account of unpaid taxes is correct and that the total amount of taxes unpaid is \$20,037.41 exclusive of interest (\$21,640.43 inclusive of interest).

The resolution was seconded by Trustee Richman and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 128-06**

RESOLVED, that the Board of Trustees hereby requests that the Town of Ramapo Highway Department reinstall the street name sign "Pomona Road" on the southwest corner of the intersection of Pomona Road with Route 306 and that the Town of Ramapo Highway Department remove the arrow from the street name sign "Old Pomona Road" on the northeast corner of the same intersection.

The resolution was seconded by Trustee Richman and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 129-06**

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 plat was filed in the Rockland County Clerk's Office on August 18, 1988, in map book 109, at page 67, as map #6235, subject to the recording of the Deeds conveying title of such real property to the Village of Wesley Hills:

- (a) extension of Deerwood Road;
- (b) Cara Drive;
- (c) extension of Hillside Court;
- (d) shade tree easements along all boards;
- (e) sight easements over Lots 13, 17, 20, 21, and 24;
- (f) temporary turnaround easement over Lots 23 and 24;
- (g) 20' wide drainage easement over Lots 9, 10, 11, and 12; and
- (h) 50' wide conservation easement over Lots 4,5,6,7, and 9.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 130-06**

RESOLVED, that general fund claims #137 through 165 in the aggregate amount of \$80,691.83, as set forth in Abstract #11-06 dated November 14, 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 Trustee Richman and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 131-06**

RESOLVED, that parks and recreation fund claim #179 in the amount of \$722.50, as set forth in Abstract #PR5-06 dated November 14, 2006, a copy of which abstract of audited claim is made a part of the Minutes of the Board is hereby approved.

The resolution was seconded by Trustee Richman and so carried with a vote of 5 ayes and 0 nays. Notation for the record was made by Trustee Gantshar that he is not in favor of supporting lawsuits outside the Village limits.

Trustee Goldsmith said that Mr. Brooker has seen the plans for the walking path on Arcadian but has not given his final approval. He has made changes to the original plans and they are being adjusted accordingly. Mr. Brown asked if the walking path is on Village owned property or does it include property on Pompeian Heights and do we need to go back to talk with the Town to use their property to make a continuous path. Mr. Goldsmith to investigate.

Trustee Goldsmith discussed the letter from the Rockland County Highway Department asking about roundabouts. Mr. Brooker was shown the artist conception for the proposed roundabout. He said that he had no objections to the roundabout shown on the drawing but suggested clearly marked pedestrian crossing lanes and said that sidewalks leading up to the roundabout would be the best choice.

Trustee Goldsmith asked about sidewalks on Forshay to Grandview or a walking lane. Trustee Goldsmith reported that the residents he contacted would go along with a walking lane. The Village Engineer stated that it was his opinion that the safest way to protect pedestrians is to have a raised curb. Trustee Gantshar said

that he feels strongly that a raised curb and sidewalk is the only reliable option and feel that he cannot recommend anything else. Trustee Richman said that if we mandated sidewalks to people who didn't want them it is not fair. Trustee Goldsmith said that he wants to get the benefit without adding additional costs to the residents. A poll was taken as to what the Board feels should be done as follows: Trustee Goldsmith, walking path; Trustee Richman, sidewalks; Deputy Mayor Mc Pherson, walking path; Trustee Gantshar, sidewalks; and Mayor Frankl, sidewalks.

Discussion ensued regarding plowing of sidewalks. Trustee Gantshar wanted to have the cost of plowing the sidewalks carried by taxes of the whole village.

Trustee Gantshar made the following resolution:

**RESOLUTION 132-06**

RESOLVED, in response to the letter of the Rockland County Superintendent of Highways dated November 8, 2006, that the Board of Trustees of the Village of Wesley Hills recommends the Construction of a roundabout at the Forshay Road/Willow Tree Road/Wilder Road intersection, and

BE IT FURTHER RESOLVED, that the Village Engineer will contact the County Superintendent of Highways with specific design recommendations therefore.

The resolution was seconded by Trustee Richman and so carried with a vote of 5 ayes.

Trustee Gantshar made the following resolution:

**RESOLUTION 133-06**

RESOLVED, in response to the letter of the Rockland County Superintendent of Highways dated November 8, 2006, that the Board of Trustees of the Village of Wesley Hills recommends the installation of sidewalks along Forshay Road from Grandview Avenue to Willow Tree Road.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes (Mayor Frankl, Deputy Mayor Mc Pherson, Trustee Gantshar, and Trustee Richman) and 1 nay by Trustee Goldsmith.

Trustee Goldsmith said that he had gotten a letter from the state regarding the side walk project along Route 306 to take place in 2009/2010. Mayor Frankl noted that all the telephone poles are on the west side of Rt. 306 and would have to be moved if the sidewalk were placed on that side. Trustee Goldsmith said that he was told no further resolution was required other than the one already submitted by the Village Board. Trustee Richman said that we need to send a letter stating strong local support on this project.

Trustee Gantshar asked if Hunter's Run could stay private. Frank Brown told him that was not an option. Trustee Gantshar said that he had a copy of the contract with Environment Construction that the developer was going to sign so that the road could be dedicated.

Trustee Gantshar made a motion to adjourn and was seconded by Trustee Richman and the meeting was so adjourned at 11:11 P.M.

Respectfully submitted,  
Julie Pagliaroli  
Village Clerk