

Wesley's World

Village of Wesley Hills

August 2011



Reflectors

Please remember to wear reflectors when walking in the dark. They are available free of charge to Village residents at the Village Hall.

Wesley Hills Day Sunday September 18th

Antrim Playhouse

The Antrim Playhouse will be celebrating its diamond jubilee season this year. Entertaining local audiences for 75 years with quality productions. It's in the neighborhood at 15 Spook Rock Road. The new season starts in September. The scheduled shows are Biloxi Blues, Antrim Antics, Dial M for Murder, Arsenic and Old Lace, A Chorus Line, and Of Mice and Men. Performances are Friday and Saturday evenings at 8:00 PM and Sunday afternoons at 2:00 PM. Prices are very reasonable, with discounts for seniors and students. Consider becoming a member of Antrim for the low cost of \$99. This gives you a ticket to all six productions with an additional savings of more than \$20 over the individual show prices. The playhouse also offers special performances for fundraisers. For more information visit their website at: www.antrimplayhouse.com.

Inside This Issue

- 1 Reflectors
- 1 Antrim Playhouse
- 1 Reminders
- 1 Public Hearing
- 2 Lawsuit recap and update
- 3 Lawsuit recap and update (continued)
- 3 Sidewalk update
- 3 Library
- 3 Drainage alert
- 4 **Wesley Hills Day**
- 4 Emails
- 4 TOR Supersaver Tickets

Reminders

Overnight parking is prohibited in the Village all year long. No vehicles may be parked on any public street from 2:00 AM to 6:00 AM. For the months of April through November temporary overnight parking permits can be obtained at the Village office at the discretion of the Village Clerk.

Trash bins should be left at the house, next to the garage. Bulk items and recycling bins must be left at the curb. All bins should be put out for collection by 6:00 AM on pickup day. Please do not leave bins at the curb on non-pickup days.

Please make sure to clean up after your pet when walking on public property. Dogs must be kept on a leash at all times when not on your private property. Please do not allow your dog to walk or relieve itself on or in front of other people's properties.

Hazardous materials should not be put out with your trash or brought to Village Hall. Hazardous waste and electronics may be dropped off at the Rockland County Solid Waste Authority at Fire Training Center in Pomona. The facility is open from 8:00 AM to 1:00 PM Monday through Friday and some weekends. See <http://www.co.rockland.ny.us/health/EI/hhw.htm> for a list of dates and acceptable items.

The Village noise law allows construction equipment to be used only during the hours of 8:00 AM to 9:00 PM on weekdays, and 10:00 AM to 6:00 PM on weekends and legal holidays. See the entire law for more details on the Documents page of the Village website at: <http://www.wesleyhills.org/main/documents.htm>

Before doing any type of construction, call the Village and speak with the Building Department to find out if any permits are required (845-354-0400).

Public Hearing

At 7:00 PM on September 6th a public hearing will be held at the Village Board meeting to discuss proposed changes to Village zoning laws. For a full description of the proposed changes and to see the existing law, see the Documents page of the Village website: <http://www.wesleyhills.org/main/documents.htm>

Lawsuit recap and update

In 2004 the Villages of Wesley Hills, Chestnut Ridge, Montebello and Pomona, initiated a lawsuit against the Town of Ramapo and its Planning Board, as well as the developer of the proposed adult student housing project on Grandview Avenue, currently know as 'Mosdos Chofetz Chaim'. The court told the developer that any construction would be done at his own risk due to the ongoing litigation.

The original litigation was brought by the "Villages" because of alleged violations of the New York State Environmental Quality Review Act (SEQRA) for the proposed project by the Town of Ramapo's Planning Board. Many environmental concerns were raised at the public hearing held before the Town of Ramapo's Planning Board including traffic issues, the impact on water supply, sewer capacity and the detrimental impacts on the residential character of the community. In September of 2007 the Supreme Court of the State of New York (Hon. Francis A. Nicolai, Justice) granted the Villages' application for a temporary restraining order prohibiting the Town of Ramapo from issuing any certificates of occupancy for the partially completed project. In February 18, 2010, Judge Nicolai granted the petition brought by the Villages under SEQRA. He found that "the Planning Board failed to identify all relevant areas of environmental concern, failed to take the required 'hard look' at those areas of environmental concern and failed to make a written 'reasoned elaboration' of the basis for its determination". In addition, the Court directed that the matter be sent back to the Planning Board for the preparation of an Environmental Impact Statement in accordance with SEQRA. An Environmental Impact Statement would ensure that all legitimate environmental concerns would be evaluated. Unfortunately, the Town of Ramapo has consistently refused to undertake a full environmental review as required by New York State Law and mandated by the Supreme Court.

In August of 2009 the developer asked the Court for a modification to the Temporary Restraining Order to allow occupancy by 16 families arriving from Israel. He claimed that the families would be "homeless" if they were not allowed to move into the site. On August 25, 2009 Judge Nicolai modified the restraining order to permit the developer of the project to apply for Certificates of Occupancy for 16 units at the site as well as allowing the 16 families' use of the synagogue on the property. As a condition of this modification, Judge Nicolai required that the developer post a \$75,000.00 insurance bond to potentially compensate the Villages for their costs in the event of a final decision that the project was illegal. The Villages did not oppose the modification and took no action to prevent the 16 families from moving in to the site.

It was determined that the Town of Ramapo and developer did not abide by the instructions of the court. The Planning Board issued a negative declaration and more than 16 families began occupying the site. Subsequently, the Villages presented an application to Judge Nicolai to seek enforcement, by way of a contempt order, of the Judges' prior order.

In a 15-page decision of Judge Nicolai, dated June 15, 2011, the Court made the following determinations:

1. That the Villages' application to hold the Town of Ramapo and the Town of Ramapo Planning Board in civil contempt of Judge Nicolai's prior order was granted;
2. That the Town of Ramapo shall be fined and shall be responsible to pay the Villages the amount of the Villages' reasonable attorneys' fees, costs and expenses in connection with the application for contempt;
3. That the Villages' reasonable attorneys' fees, costs and expenses are to be determined at a hearing to be held before Judge Nicolai;

Lawsuit recap and update (cont.)

4. That the Town of Ramapo Planning Board's failure to comply with Judge Nicolai's prior order was deemed to be a continuing contempt such that the Town of Ramapo shall be fined for the Planning Board's contempt in an amount of \$250.00 per day to commence on or about June 17, 2011, unless, within 45 days of that date the Town of Ramapo's Planning Board purges its contempt by nullifying all of its actions in contravention of Judge Nicolai's prior order undertaken by the Planning Board on February 28, 2011, including the issuance of a negative declaration, site plan approval and special permits for the project and directed that the status quo pursuant to the Judge's prior Court Order be maintained;

5. That the Town of Ramapo's issuance of Certificates of Occupancy for use at the subject premises in excess of the initially-allowed 16 units be nullified in order to ensure that any units occupied in excess of the originally-allowed 16 be vacated; and

6. After the passage of the aforementioned 45-day period without compliance of both the Town of Ramapo and the Town of Ramapo's Planning Board, that the matter be set down for a further hearing to determine the amount of the fine that has accumulated and what, if any, additional sanctions are to be imposed against the Town of Ramapo.

From the beginning, the Village of Wesley Hills, together with the other Villages, wanted only to ensure that the development of the project at the Nike Site be undertaken in full compliance with all applicable environmental concerns. This is specifically what the State Environmental Quality Review Act mandates and the Villages simply sought to enforce compliance with State Law. This litigation would not have been necessary had the Town of Ramapo and its Planning Board followed the mandates of the State Environmental Quality Review Act. It is hard to understand why such compliance was not undertaken from the beginning. The Village of Wesley Hills is hopeful that the costs and expenses incurred as a result of this extended litigation, which was caused solely by the failure of the Town of Ramapo to comply with SEQRA, will be reimbursed to the Villages.

The complete text of Judge Nicolai's Decision and Order is available for your review at the Village of Wesley Hills' website (<http://www.wesleyhills.org/main/documents.htm>). The Village welcomes any further questions with respect to the status of this matter

Sidewalk update

The Route 306 sidewalk project is moving along and on schedule to begin construction in May of 2012. The funds have been allocated and the state has been notifying and starting to work with homeowners along Route 306 whose properties may be affected.

The Forshay Road sidewalk and roundabout project is further along. The Plans and homeowner negotiations are complete but it is still awaiting allocation of Federal funds in order to start construction. The current target date is the end of 2012.

Library

Did you know that you can do more than just drop off your library books at the Village Hall? You can pick up your Finkelstein Library items here as well. Just put the item on hold, and when you get notification that it is ready, call the library and ask them to deliver it to Wesley Hills. It will usually be delivered within 24 hours to the locker in front of the Village Hall. Enter the last 7 digits of your library card, and the locker with your items will pop open. For more information call the library at 845-352-5700 extension 243 (or 237 for the children's reference desk).

Drainage alert

Everything that enters the storm sewers eventually makes its way back into our drinking water. If you see any unusual items being discharged from properties into the storm sewers, including excessive dirt or mud from active job sites, please notify the Village immediately at 845-354-0400.

VILLAGE OF WESLEY HILLS

432 ROUTE 306
WESLEY HILLS, NY 10952

PRSRT STD
U.S. POSTAGE PAID
PERMIT #70
MONSEY, NY 10952

August 2011 NEWSLETTER

Mayor
Dep. Mayor
Trustee
Trustee
Trustee

David Goldsmith
Edward McPherson
Howard Richman
Marion Ben-Jacob
Brett Bekritsky

Wesley Hills Day

at Willow Tree Park on Sunday, September 18th

from 12-4 pm.

We still want your Emails

We would like to thank all those residents that have sent us their email addresses. The Village email list is now over 800 names. If you have not already done so, please send your email address to mayor@wesleyhills.org, so we can add you to the Village email list. Please let us know if your email address has changed.

TOR Supersaver tickets

Transport of Rockland (TOR) supersaver bus tickets can now be purchased at the Village Hall. A packet of 10 round trip tickets costs \$11.00. That is a 33% discount off the regular single ticket price. Visit the website www.co.rockland.ny.us/PublicTrans for information about bus routes and schedules.