



BOARD OF TRUSTEES MEETING MINUTES

July 11, 2023, at 7:00 PM

432 Route 306, Wesley Hills, NY 10952

Phone: 845-354-0400 | Fax: 845-354-4097

MEMBERS PRESENT: Marshall Katz, Mayor
Ed McPherson, Deputy Mayor
Ruth Ivey, Trustee
Milton Schwartz, Trustee
Yisroel Cherns, Trustee

MEMBERS ABSENT: None

OTHERS PRESENT: Ben Selig, Village Attorney
Camille Guido - Downey, Village Clerk-Treasurer

Mayor Katz opened the meeting at 7 pm followed by the pledge of allegiance.

APPROVAL OF MINUTES

RESOLUTION #91-23

Yisroel Cherns made a motion to approve the minutes of June 6, 2023, seconded by Ruth Ivey. Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. Upon vote, this motion was carried unanimously.

PUBLIC HEARINGS - Public Hearing on the Code of the Village of Wesley Hills entitled, “A Local Law Amending the Code of the Village of Wesley Hills to revise the Zoning Law in relation to the Regulation of Cabanas.”

Trustee Cherns made a motion to open the public hearing, seconded by Trustee Schwartz. Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. Upon vote, this motion was carried unanimously.

Mayor Katz stated that the Zoning Board of Appeals suggested the creation of this local law for the Village Board's consideration as they felt that there were several requests for variance for cabanas. The law was drafted by the ZBA with the help of Todd Rosenblum and Stanley Mayerfeld, both Architects in the Village.

Todd Rosenblum, 22 Arcadian Drive stated that anyone can build a cabana as of right if the size is under 100sf and 1/3 set back which is 8.3 feet from the lot line. The issue that arose in the ZBA is that swimming pools are allowed to be fifteen feet from the lot line and from an architectural standpoint, it is

difficult to design a pool fifteen feet from the property line and a cabana twenty-five feet as they both are married together.

Robert Cherofsky, 234 Willow Tree Road stated that he has an extremely difficult neighbor and stated that his use as of right to enjoy his property has been decreased by a neighbor. Mr. Cherofsky stated that the lot lines should not be reduced as of right.

Jerry Fisch, 2 Jodi Court was present and stated that he is concerned with the proposed law as he has a neighbor that has a very long driveway and a narrow lot. His neighbor's pool is next to his deck, and he can hear and see all the activities of his neighbor which are disruptive to him. Mr. Fisch stated that having a pool fifteen feet is a problem and adding cabanas is further a concern with noise and sight. Mr. Fisch noted that noise further carries into his home.

Joshua Scheinberg, 12 Kentor Lane was present and stated that he feels that the proposed law does not allow for a remedy through the ZBA. The ZBA holds public hearings which allow residents to provide their input so the Board can address any concerns neighbors may have. The ZBA received more applications for variances for cabanas during COVID.

Yisroel Cherns questioned if Mr. Scheinberg is not supporting the law or just the side yard footage?

Joshua Scheinberg answered the law, and he feels that neighbors should have the opportunity to be heard.

David Schwalb, 11 Marcus Drive was present and stated that the Village's impervious surface and development coverage requirements make the Village an undesirous location compared to other neighboring municipalities. Cabanas should not count towards development coverage.

Todd Rosenblum answered that cabanas are handled the same as a covered porch or a deck that is 6 feet in height.

David Schwalb, 11 Marcus Drive stated that having a high development coverage makes homes noncompetitive for the area.

Mayor Katz stated that he disagrees with Mr. Schwalb.

Todd Rosenblum stated that while he assisted with the development of the law, the applications before the ZBA are reduced and feels that the law is not needed at the current time.

Rita Joachim, 21 Tammy Road was present and stated that she is concerned as in the law it states, "habitable space" and that term implies that people can use their cabana as a guest home or living space.

Ben Selig stated that he is not concerned with the use of "habitable space".

Michael Kram, 6 Suhl Lane stated that the law needs to have teeth for residents that do not adhere to the law.

Mayor Katz stated that in the proposed law there is a definition for cabana.

Stanley Mayerfeld, 17 Bruck Court was present and thanked the residents who attended tonight and said that when developing this law they really tried to consider all the angles to have a balance on everyone's behalf. Mr. Mayerfeld stated that he agrees with Mr. Rosenblum's statement that the law is not needed at the current time as ZBA cases should be reviewed case by case.

Yisroel Cherns stated that he feels that if the law were changed to twenty-five feet that would be acceptable.

Ruth Ivey, 11 Rockingham Road offered the following comments as a resident and not as a Trustee. Ms. Ivey stated that she does not support this law. Ms. Ivey stated that she has also experienced a terrible situation with her neighbor as he installed two cabanas just a few feet from her property line with windows facing her yard. Each day she sees people dressing and undressing and it is ruining her quality of life having the cabanas and pool so close to her property line. Ms. Ivey stated that she feels that the ZBA should have reviewed this placement and they did not as she was advised by the Village Attorney that it was not necessary, which she believes is false, along with the actions of the Building Inspector.

Stanley Mayerfeld stated that he has never had a bad experience with the Village Attorney or the Building Inspector and that is not the image of the Village.

Robert Cherofsky, 234 Willow Tree Road stated that he has had the same experience as Ms. Ivey.

Mayor Katz stated that after hearing all the comments from the public at this meeting, his opinion has shifted.

Ed McPherson stated that he would be ok if screening was provided.

Ruth Ivey stated that she feels that every pool should be required to go to ZBA for a review.

Yisroel Cherns made a motion to close the public hearing, seconded by Milton Schwartz. Upon vote, this motion was carried unanimously.

Milton Schwartz made a motion to approve the proposed law as is, seconded by Yisroel Cherns:

Roll Call:

Ivey - No

Cherns - Yes and would also consider an amendment to twenty-five feet set back.

Schwartz - Not at the current time as applications before the ZBA have slowed down and this item should be tabled.

McPherson - Not at this time, should be tabled.

Katz - No

This motion did not pass.

Yisroel Cherns questioned if any member would reconsider this law if the setback were changed from 15' to 25'. Trustee Schwartz and Trustees McPherson answered yes.

RESOLUTIONS/DISCUSSIONS

RESOLUTION #92-23

Resolution approving the Agreement with U-Audit Associates for Auditing Services on Revenues.

Trustee Schwartz made a motion to approve the following resolution, seconded by Trustee Cherns:

WHEREAS, from time to time the Village of Wesley Hills audits the cable franchise, gross receipts, electricity, and gas revenues, and

WHEREAS, the New York Conference of Mayor's Association has vetted several companies and recommends that municipalities use the services of U-Audit Associations to perform those auditing services for the Village.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the Village of Wesley Hills is hereby authorized to sign such an agreement dated 6/10/23 with U-Audit Associates, a copy of which agreement is attached to the Minutes.

Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. This motion was carried unanimously.

Resolution approving abstracts of audited claims.

RESOLUTION #93-23

Trustee Cherns made a motion to approve the following resolution, seconded by Trustee Schwartz:

RESOLVED, that the general fund claims, #20,904 through #21,003 in the aggregate amount of \$512,909.97 as set forth in Abstract #7/23 dated July 11, 2023, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. This motion was carried unanimously.

Resolution approving transfer of funds.

RESOLUTION #94-23

Trustee Cherns made a motion to approve the following resolution, seconded by Trustee Schwartz:

RESOLVED, that the transfers in the aggregate amount of \$500,000.00 as set forth in Abstract #7/23 dated July 11, 2023, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. This motion was carried unanimously.

REPORTS-MAYOR

Lois/Auburn Court Street Lights

Mayor Katz stated that he has sent invitation letters to the residents to attend the July 25th workshop to discuss the petition for streetlights on Lois & Auburn Court.

Survey

Mayor Katz stated that he shared with the Board the preliminary results of the survey. Mayor Katz is pleased with the turnout of 752 responses.

Upcoming Meetings

August 8 Regular meeting
August 22 Workshop meeting

REPORTS-VILLAGE CLERK/TREASURER

Camille Guido-Downey reported the following:

Taxes: The Village collected 92% of taxes and there is \$74,278.94 outstanding.

Complaints: The Village received twenty-eight complaints and there were no complaints about work without a permit.

Projects: Village Hall renovation has started. There are three change orders to be considered as per the request of the Judge. Board Members are in favor of the proposed changes. The Arcadian & Sherri Lighting project is almost complete. Delivery of the lights is expected this week. Project is projected to be completed within the next two weeks.

Paving: Paving is 98% complete. There is a small punch list of items that the Village Engineer is handling.

ADJOURNMENT

Trustee Schwartz made a motion to adjourn, seconded by Trustee Cherns. Voting Yea: Mayor Katz, Deputy Mayor McPherson, Trustee Ivey, Trustee Cherns, Trustee Schwartz. Upon vote, this motion was carried unanimously.

Respectfully Submitted,
Camille Guido-Downey