

PLANNING BOARD  
Village of Wesley Hills  
Rockland County, New York

Resolution# 23-30

WICKES ARBORISTS SPECIAL PERMIT & SITE PLAN

WHEREAS, Rockland Tree Expert, Inc. d/b/a Ira Wickes, Arborist made application for approval of a special permit and a site plan for the use of premises located on the southerly side of McNamara Road and the westerly side of Union Road known as 11 McNamara Road and designated on the Town of Ramapo Tax Map as Section 42.13, Block 1, Lot 22 as an arborist service in or about 2006; and

WHEREAS, on May 26, 2010, this Board granted said application; and

WHEREAS, judicial review of this Board's grant of approvals was sought, resulting in a decision by the Appellate Division, Second Department annulling the said approvals (Matter of Marcus v. Plannina Board of the Villaae of Wesley Hills, Case Nos. 2017-05963 and 2017-12184); and

WHEREAS, the Appellate Division in said decision remitted the matter to this Board with a directive to issue new determinations denying the said applications for the reasons set forth in its decision;

**NOW**, THEREFORE, BE IT RESOLVED, that such previous application of Rockland Tree Expert, Inc. d/b/a Ira Wickes, Arborist for approval *OF* a special permit and site plan heretofore made as set forth above is hereby denied for the following reasons, as determined by the Appellate Division: (1) failure to provide actual access to a second major road as a consequence of incorrectly deciding that potential practical access to a second major road was sufficient to satisfy the requirement of the Zoning Law for practical access thereto, and (2) having an impervious surface ratio greater than the maximum ratio permitted by the Zoning Law; and

BE IT FURTHER RESOLVED, that nothing herein shall be deemed to prevent the applicant from reapplying for said approvals of

revised plans that are consistent with the decision of the Appellate Division.

Dated: August 30, 2023