

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

OCTOBER 15, 2015

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on October 15, 2015 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

JOAN BOCK - DEPUTY MAYOR

HOWARD COHEN - TRUSTEE

GRANT VALENTINE - TRUSTEE

WALTER R. SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

1. Pledge of Allegiance.

2. Mayor's report.

- Mayor welcomed everyone..
- I will keep my report brief.
- I had Sunday with the Mayor on October 4th.
- It is back to the first Sunday of the month at the American Bulldog Café.
- It is always nice for folks to come out and tell me things both negative and positive; and I'm getting positive; a little negative but always followed up with positive.

3. Open Floor: public discussion of Agenda Items.

- No one from the public wished to speak.

Motion to Close the Open Floor public discussion of Agenda Items only.

MOTION: Trustee Valentine

SECOND: Trustee Cohen

The Board was polled and voted **4-0** to **Close the Open Floor Public Discussion on Agenda Items only.**

4. Approval of Minutes of August 20, 2015.

- Trustee Cohen abstained as he was absent from the August 20, 2015 Village Board Meeting.

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

The Board was polled and voted **3-0** to **Approve the Minutes of August 20, 2015.**

Approval of Minutes of Previous Meeting, September 17, 2015.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve the **Village Board Minutes of September 17, 2015.**

5. Resolution No. 2015-83

Resolution to conditionally approve the Special Permit Application of Congregation

▪ **Mayor Presti asked for a Motion for discussion –**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted for **4-0** for a **motion for discussion.**

Deputy Mayor Brock:

▪ Wanted to make sure that all conditions were read by the Attorney for the Applicant and the Applicant and they are in agreement with it before taking a vote.

Mayor Presti:

▪ Asked Attorney Sevastian if he had the opportunity to speak to Mr. Klein, Attorney for the Applicant based upon the meeting minutes?
▪ Confirmed that everything in this Resolution reflects the meeting minutes of September.17, 2015.

Attorney Sevastian:

▪ Yes, this Resolution reflects the meeting minutes of September 17, 2015.

Michael Klein – Klein & Klein P.C. - Montebello, New York

▪ My only question is related to membership in the Congregation; members of the Congregation and attendees at the site.

Mayor Presti:

▪ My recollection is number of members, cars.
▪ It came from you. That's where we got it from.
▪ If they are attending services, are they considered a member?

Michael Klein

▪ I have no problem representing that we will not have more than seventy attendees at any one time.

Mayor Presti:

▪ That's fair enough.

Michael Klein

▪The Applicant is agreeable to the conditions of the Resolution.
▪ We appreciate your time and effort and Mr. Sevastian to draft this.
▪ We appreciate the opportunity to appear before the Board and the time the Board took.

Ohr Mordechai relative to the premises known as 2 Madeline Terrace, Chestnut Ridge, NY 10977 (tax designation 62.8-1-19).

WHEREAS, an application under Zoning Code Articles XVI and XVII has been made to the Board of Trustees of the Village of Chestnut Ridge by Rabbi Isumer Rosenbaum (the “Applicant”), a New York State religious corporation, for a Special Permit to establish a “Church or similar place of worship”, specifically a Synagogue (and mikvah), as well as a residence for its’ officiating clergyman (a rabbi and his immediate family), to be known as the Congregation Ohr Mordechai, at the premises located at 2 Madeline Terrace, Chestnut Ridge, NY 10977 (tax designation 62.8-1-19) , in the R-25 Zoning District, and

WHEREAS, after due notice to all involved and interested agencies, the Village of Chestnut Ridge Planning Board (“Planning Board”) declared itself Lead Agency for SEQRA purposes, and on February 15, 2015, the Planning Board determined that the proposed project would not have a significant adverse impact on the environment and rendered a Negative Declaration under SEQRA (which determination is made a part hereof and incorporated by reference hereto), and

WHEREAS, on May 26, 2015, the Planning Board forwarded a report on the status of its Site Plan Review process undertaken prior to its referral to the Village Board of Trustees for consideration of the Special Permit, and

WHEREAS, on September 17, 2015, after due public notice, the Chestnut Ridge Board of Trustees held a public hearing on the Special Permit Application, and

WHEREAS, the Applicant appeared by his attorney Michael L. Klein, Esq., and testified as to the following facts associated with the Special Permit use (reflected in the minutes of the public hearing which are wholly incorporated by reference into this Resolution), and which were specifically relied upon by the Board of Trustees in making its decision on the Special Permit application, as follows:

- a. That there would be 10 – 30 regular congregants at the synagogue.
- b. That there would be a maximum of 70 congregants at the premises during the Sabbath, which number reflects the maximum number of congregants permitted on site for the number of parking spaces provided.
- c. That with respect to parking, there would be no cars on Friday night, Saturday morning and holidays since congregants are not permitted to drive and would have to walk. Baruch Feder, the Gabbi, testified that it is anticipated that there would only be 16 cars maximum on site at any time.

d. That the mikvahs on the premises were for the use of the congregants only, not for use by people other than those who pray at the synagogue; that is, the men of the congregation take a ritual bath before praying, and the number of woman coming to the mikvah would be very small.

e. That the current State day care license for the premises expires once the building is removed, and that there would be no day care in the newly constructed facility.

f. That Bar Mitzvahs and Weddings would not be held at the facility, but rather at catering halls.

g. That religious services typically end no later than midnight.

WHEREAS, referrals of the previous Site Plan Application and the Special Permit Application pursuant to the provisions of the General Municipal Law (Rockland County Planning Department), and other interested agencies (Rockland County Highway and Drainage Departments, and N.Y.S. DEC) were made, and the public and such agencies have had opportunity to be heard and have submitted comments thereon, all of which have been reviewed and considered by the Board of Trustees,

WHEREAS, a review of the Special Permit Application was made by the Rockland County Department of Planning under a referral pursuant to the applicable provisions of the General Municipal Law.

WHEREAS, based upon the Village Board's consideration of the record before it in the context of determining the conformity of the proposed use and proposed development to the conditions and standards set forth in the Village Zoning Law, and based upon the presumed accuracy of the factual testimony presented by the applicant and its representatives, the Board finds:

(a) That the proposed use is appropriate and in keeping with the orderly development of the R-25 Zoning District, and not detrimental to the site or adjacent properties. This finding is based in part upon the accuracy of the representations made by the Applicant at the Public Hearing, the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, and the detailed review and provisions contained in the Planning Board's Preliminary Site Plan consideration, dated February 5, 2015 (which determination is made a part hereof and incorporated by reference hereto).

Furthermore, in finding that the proposed Special Permit use is appropriate and not detrimental to the adjacent properties, the Village Board is cognizant of the treatment religious uses receive under applicable New York Law (religious institutions are presumed to be "beneficial to the public welfare"), and under applicable Federal Law (a

prohibition against land use regulations which impose substantial burdens upon religious exercise) (42 U.S.C. 2000cc(b)).

(b) That the proposed use and the nature and intensity of the operations involved, when considered in connection of the site layout, provide for safe pedestrian and vehicular access to and from the site. This finding is made, in part, upon the accuracy of the representations made by the Applicant at the Public Hearing, and the detailed review and provisions contained in the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, the detailed review and provisions contained in the Planning Board's Preliminary Site Plan consideration dated February 5, 2015. Most significantly, the traffic impact study submitted in the Part III Environmental Impact Form (part of the Planning Board's SEQRA review of the Site Plan), was reviewed and commented upon by the Village Engineer and will be finalized during the final Site Plan review conducted by the Planning Board. In light of the condition set forth below mandating compliance with conditions of the Planning Board's Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable.

With respect to pedestrian movement, the Planning Board found that the level of pedestrian activity walking to the site is adequate given the change made by the Applicant to the configuration and access of the Site, and did not warrant offsite improvements. As such, the Village Board finds that the pedestrian access to the site is acceptable. The Applicant is encouraged to protect its nighttime pedestrian congregants by utilizing reflective outerwear.

(c) That the location and height of the building proposed by the Applicant, and the attendant improvements to the site, such as fences and landscaping, will not hinder or discourage the development or use of adjacent land or buildings. In making this Finding, the Village Board has again relied upon, in part, the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, the detailed review and provisions contained in the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, and the detailed review and provisions contained in the Planning Board's Preliminary Site Plan consideration dated February 5, 2015. Most significantly, the record reveals that the Applicant is seeking to construct a new building with approximately 3500 square feet of residential space, and approximately 6400 square feet of space dedicated to the religious use at the project site (including basement ritual bath space), with an extensive landscaping to screen it from the surrounding neighborhood (which neighborhood is fully developed with residential). Given the location of the building on the site, the Village Board finds that the proposed improvements associated with the establishment of the use will have little or no effect on the development of adjacent properties, particularly if the

Planning Board gives careful consideration to the landscaping and lighting at the site during the completion of the Site Plan review process.

(d) That the proposed Special Permit use will not require additional public facilities or services (such as water, sewer, police and schools), or create a fiscal burden on the Village greater than those associated with uses permitted by right. In making this finding, the Village Board notes that there is no evidence that the proposed Special Permit use would overburden existing service providers, or be more intensive in terms of the use of the aforementioned community services and resources than use permitted “by right” at the premises, residential development. Given that the proposed Special Permit use does not appear to utilize significantly more services than the residential use of the property permitted by right, the Village Board finds that the impact of granting the Special Permit will not be overly burdensome on community services.

NOW, THEREFORE, BE IT RESOLVED that the application submitted by Rabbi Isumer Rosenbaum for a Special Use Permit to establish “Church or similar place of worship”, specifically a Synagogue (and mikvah), as well as a residence for its officiating clergyman (a rabbi and his immediate family), to be known as the Congregation Ohr Mordechai, at the premises located at 2 Madeline Terrace, Chestnut Ridge, NY 10977 (tax designation 62.8-1-19) , in the R-25 Zoning District, **is hereby granted**, based upon the presumed accuracy of the factual testimony presented by the applicant and its representatives, subject to the following conditions:

1. Obtaining Final Site Plan Approval and compliance with all conditions prescribed by the Planning Board during the Site Plan review process, including but not limited to finalized pedestrian and traffic safety installations, landscaping plans, and lighting plans associated with the Special Permit use at the premises.
2. Obtaining all required Variances from the Zoning Board of Appeals.
3. Compliance with all conditions of the Architectural Review Board during its review of the project.
4. The Applicant shall make a subsequent appearance before the Village Board after preliminary Site Plan Approval, after all required variances have been obtained from the ZBA, and after ARB approval has been received; for the purpose of ratifying the grant of the Special Permit so that the Village Board may ascertain whether any changes to the project resulting from the review of the Village land use boards as designated in conditions #1, 2 and 3 of this approval affect the determination made by the Village Board on the Special Permit factors set forth hereinabove.
5. Compliance with all of the comments designated as “additional concerns” contained in the General Municipal Law Review conducted by the Rockland County Department of

Planning dated September 2, 2105 - this item shall be addressed in the Site Plan review process before the planning Board.

6. Compliance with the comments contained in the review conducted by the Rockland County Department of Highways dated August 13, 2015 – this item shall be addressed in the Site Plan review process before the planning Board.

7. Compliance with the comments contained in the review conducted by the Town of Ramapo Department of Public Works dated July 28, 2015 – this item shall be addressed in the Site Plan review process before the planning Board.

8. Compliance with any review and comments based upon a review of the project by the Rockland County Sewer District No. 1 – this item shall be addressed in the Site Plan review process before the planning Board.

ADDITIONAL Special Permit Conditions consistent with those imposed on similar Special Permits issued for religious land use in Chestnut Ridge:

9. Upon reasonable notice, the Applicant shall grant access to Village employees or agents for the purpose of determining compliance with the requirements or conditions of the Special Permit.

10. The Special Permit shall be renewable every five (5) years, which renewal shall be made without further application to the Village Board provided that:

(a) The Building Inspector provides the Village Board with a Memorandum confirming that all conditions of the Special Permit are being complied with at the time of renewal, and

(b) The Applicant submits a written certification that the membership of the Congregation, his/its successor and or assigns, has not exceeded 70 members, as evinced by regular attendance at weekly services by over 70 people.

In the event that either of these conditions on renewal are not met, the Applicant shall be required to submit a plan to the Village Board to remedy the non-compliance (regarding #9(a), or demonstrating that the traffic capacity at the site does not negatively impact nearby properties (regarding #9(b)) by a traffic control plan acceptable to the Planning Board being submitted to the Village Board for its review at the time of the renewal of the Special Permit.

11. Hours of operation will generally be in conformity with those stated in testimony at the public hearing, namely, that services would typically end by midnight.

BE IT FURTHER RESOLVED, that based upon the presumed accuracy of the representations of the Applicant at the Public Hearing, the finding made by the Village

Board of Trustees regarding the factors associated with the grant of a Special Permit set forth in the Chestnut Ridge Zoning Cods, as considered and set forth hereinabove, the Planning Board's referral and SEQRA findings, and in finding that the proposed Special Permit use is appropriate and not detrimental to the adjacent properties (the Village Board is cognizant of the treatment religious uses receive under applicable New York Law, and under applicable Federal Law (42 U.S.C. 2000cc(b)), and based upon the law, the recommendation of the Rockland County Planning Department to the extent that it is inconsistent with this Resolution, is overridden.

▪ **Mayor Presti:**

Based upon the comments from the applicant's consul the revision proposed as discussed modifying the 10B with regard to seventy attendees, revising members and also the following paragraph regarding 10A and then further down 10B.

▪ **Motion to Amend the Special Permit Resolution.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **4-0** to **Amend the Special Permit Resolution.**

▪ **Motion for Resolution No. 2015-83 as Amended to Approve the Special Permit Application for Congregation Ohr Mordechai.**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to **Approve Resolution No. 2015-83.**

6. Resolution No. 2015-84:

RESOLVED, that Stanley L. Waldbaum is hereby appointed as a member of the ZoningBoard of Appeals for a term to expire April of 2017.

▪ Mayor thanked Mr. Waldbaum for volunteering his service to the Village.

▪ Appreciates his being on the Zoning Board and what he will bring to it.

MOTION: Trustee Valentine

SECOND: Trustee Cohen

The Board was polled and voted **4-0** to approve **Resolution No. 2015-84.**

7. Resolution No. 2015-85:

RESOLVED, that Russell Gliniecki is hereby appointed as a member of the Zoning Board of Appeals for a term to expire April of 2016.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

- Mayor thanked Mr. Gliniecki for his opportunity to serve on the Zoning Board and looks forward to his input on the Zoning Board of Appeals.
- Asked the Village Clerk along with the Village Treasurer to reach out to Mr. Waldbaum and Mr. Gliniecki to sign the Oath Book and to come in to take care of necessary paper work for them to be part of the Board.

The Board was polled and voted **4-0** to approve **Resolution No. 2015-85.**

8. Resolution No. 2015-86. Resolution to direct the Village Clerk to refer Zoning text amendments regarding escrow accounts associated with the professional review of land use applications to the land use boards and the Rockland County Department of Planning.

WHEREAS, the Village Board of Trustees is considering an amendment to the Zoning Code to require that all expenses incurred by the Village of Chestnut Ridge in connection with the profession review of certain land use applications be paid from an escrow account funded by the applicant.

RESOLVED, that the Village Clerk is directed to forward a Draft of the proposed legislation to the Village land use boards for review and comment, and to the Rockland County Department of Planning pursuant to the applicable provisions of the General Municipal Law.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve **Resolution No. 2015-86.**

9. Resolution No. 2015-87. Resolution to approve the renewal of an Agreement with Pro-Cut Lawns and Landscaping for landscaping and snow removal from the Village Park and Village Property for the 2015 -2016 season.

WHEREAS, the Village Clerk has sought proposals for professional services regarding landscaping and snow removal from municipal property, and

WHEREAS, the Village of Chestnut Ridge is desirous renewing the contract with Pro-cut Lawns and Landscaping for landscaping and snow removal from the Chestnut Ridge Park and municipal properties, upon the same terms, price, and conditions as the prior contract.

THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute a contract with Pro-cut Lawns and Landscaping for landscaping and snow removal from Village property subject to the approval of the Village Attorney.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to Approve **Resolution No. 2015-87.**

10. Resolution No. 2015-88. Resolution to schedule a Public Hearing for November 19, 2015 at 8:00 pm to determine whether the property maintenance violations at 10 Balmoral Drive constitute a public nuisance, and to provide notice to the property owner that the conditions will be corrected by the Village and the cost assessed and collected on the Village tax bill.

RESOLVED, that a Public Hearing will be held on November 19, 2015 at 8:00 pm to determine whether the property maintenance violation at 10 Balmoral Drive constitute a public nuisance, and to provide notice to the property owner that the conditions will be corrected by the Village and the cost assessed and collected on the Village tax bill

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to Approve **Resolution No. 2015-88.**

11. Resolution No. 2015-89:

RESOLVED, that **General Fund Claims** set forth on pages **1** through **3** in the aggregate amount of **\$142,604.99** as set forth on **Abstract No. 2015-10** dated October 15, 2015, as submitted by the **Village Treasurer**, are **hereby approved.**

MOITON: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to Approve **Resolution No. 2015-89.**

12. Open Floor: Public Discussion.

Anthony Sharan – Pioneer Avenue, Tallman, New York 10982

- Stated the cost of Asphalt is \$3.00 more than last year.
- Stated some of the roads might need another type of treatment.
- Stated he would like to see the Village look into doing something else.
- There is asphalt, oil and chip, micro pave.
- There is a problem with water getting into roadway.

Trustee Cohen:

- Asked what would be best for certain roads?

Mayor Presti:

▪ As we get ready for next season, the streets that are part of the next phase, we will talk to Martin Spence, our Village Engineer to see if there is an alternate means for some of the streets as opposed to asphalt.

- Mayor stated he appreciated Anthony Sharan's heads up.
- It is a point well taken.
- As the next phase begins that will be part of the equation.

Anthony Sharan:

- Brought up the condition of the flags.

Mayor Presti:

- We bought new flags two years ago May.
- We will have to look into it and see if we still have our contacts.
- Asked Anthony Sharan if he would dispose of the old flags.

Anthony Sharan:

- Complained about people cutting down trees and leaving it.

Mayor Presti:

- New people may not know the rules.
- Old timers do know the rules

Trustee Cohen

- Brought up potholes on 19 Madeline.
- Several large potholes on Becket Court..

Anthony Sharan:

- Stated he would look into it next week.

Motion to Close the Open Floor Public Discussion.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to **Close the Open Floor Public Discussion.**

13. Motion to Adjourn

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to **Adjourn** and go into **Executive Session.**

MEETING ADJOURNED: 8:20 P.M.

The Board was polled and voted **4-0** to **Adjourn the Meeting.**

EXECUTIVE SESSION ADJOURNED: 8:44 P.M.

Respectively submitted,

Florence A. Mandel

Village Clerk