

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

OCTOBER 19, 2017

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on October 19, 2017 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

JOAN BROCK - DEPUTY MAYOR

HOWARD COHEN - TRUSTEE

RICHARD MILLER - TRUSTEE

GRANT VALENTINE - TRUSTEE

WALTER R. SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

1. **Pledge of Allegiance.**

2. **Mayor's report.**

- Welcomed everyone to the October 19, 2017 regular Village Board Meeting for the Village of Chestnut Ridge.
- At the regular Sunday with the Mayor a few people stopped by.
- Appreciate people coming out to chat.
- In concert with the Corridor Study, we are having the Charrette Workshop.
- The Planners will be at the Fire House on Monday, October 30, 2017 at 7:30 p.m.
- Opportunity to talk about planning for the Red Schoolhouse Rd. Corridor and to see what would be the best way to proceed.
- This is an ongoing process.
- With regard to what people view as the Master Plan; we are not doing a Master Plan.
- Once we do that we will identify another section of the Village.
- We will do this in pieces; it's a lot to do.

3. **Open Floor: Public discussion of Agenda Items only.**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Close the Open Floor Public Discussion.

4. **Approval of Minutes of Previous Meeting, September 13, 2017.**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Approve the Minutes of September 13, 2017.

5. Public Hearing on the Application of the Coptic Orthodox Diocese of New York and New England for a Special Permit to construct a new church and related education building, at the premises located at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-1-59, 60), in the R-40 Zoning District).

- We had an opportunity to hear the applicant at the last Board meeting with the applicant.
- We have a representative from the Coptic Church here if there are any further questions.

Motion to Close the Public Hearing on the Special Permit Application.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to Close the Public Hearing on the Special Permit Application.

Resolution No. 2017-81: to conditionally approve Special Permit Application of the Coptic Orthodox Diocese of New York and England.

Mayor Presti:

- Complying with all conditions of the Planning Board, Zoning Board, Architectural Review Boards.
- Submitting a Traffic Control Plan.
- Permit is renewable every five years, without further application, provided certain conditions are met.

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 Coptic Orthodox Diocese of New York and New England (the “Applicant”), a New York State religious corporation, to construct a new church and related education building, at the premises located at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-1-59, 60), in the R-40 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 July 6, 2017, 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 August 29, 2017, the Chestnut Ridge Zoning Board of Appeals (“Zoning Board”) adopted a Resolution granting the applicant area variances for setback, road frontage, and building height (which determination is made a part hereof and incorporated by reference hereto), and
- WHEREAS, on October 19, 2017, after due public notice, the Chestnut Ridge Board of Trustees held a public hearing on the Special Permit Application, and
- WHEREAS, referrals of 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 by the Planning Board, 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, the Board finds:
 - (a) That the proposed use is appropriate and in keeping with the orderly development of the R-40 Zoning District, and not detrimental to the site or adjacent properties. This finding is based in part upon 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 Approval (which determination is made a part hereof and incorporated by reference hereto), as well as the detailed findings of the Zoning Board made in its Resolution dated August 29, 2017.

- 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 detailed review and provisions contained in the Planning Board's Preliminary Site Plan Approval. Most significantly, the full 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. 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 was not significant, and did not warrant off site improvements. As such, the Village Board finds that the pedestrian access to the site is acceptable.
- (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 Planning Board's Preliminary Site Plan Approval, as well as the detailed findings of the Zoning Board made in its Resolution dated August 29, 2017. The landscaping plan was reviewed by an independent landscape architect retained by the Village, who, based on his modifications to the original plan, was satisfied with the landscaping. Given the location of the building on the site, and the proposed landscaping, 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.
- (d) That the proposed 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 the use permitted “by right” at the premises, residential development, would be more intensive in terms of the use of the aforementioned community services and resources than the proposed religious use. The Site Plan application reveals that there may be Special Event occurrences at the site from time to time, and that the Applicant will be required to have traffic control personnel on site during such events. Given that the proposed use appears to be less intense 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 Coptic Church, Inc. for a Special Use Permit to establish a “Church or similar place of worship”, and to construct such new church and related education building, at the premises located at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-1-59, 60), in the R-40 Zoning District), **is hereby granted**, subject to the following conditions:
 - 1. Compliance with all conditions prescribed by the Planning Board during the Site Plan review process.
 - 2. Compliance with all conditions of the Zoning Board Resolution of August 29, 2017.
 - 3. Obtaining approval from, and compliance with any and all conditions imposed by the Architectural Review Board.
 - 4. The Applicant shall be required to submit a written Traffic Control Plan to the Village Clerk at least seven (7) days prior to Special Event occurrences at the site.
 - 5. 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.
 - 6. 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
 - In the event that either this condition on renewal is not met, the Applicant shall be required to submit a plan to the Village Board to remedy the non-compliance (regarding #6(a), and also demonstrating that the traffic capacity at the site does not negatively impact nearby properties.
 - 7. Hours of operation will generally be in conformity with those stated in the Application for the Special Permit; Normal Worship and Sunday School – Sundays 8 am to 1:00 pm; Social events, church meetings, youth groups, etc. – Weekdays and weekend, 2-3 times a week (TBD), 4-9 pm; Nursery School – Weekdays 6 am to 7 pm. The Coptic Church has key observances throughout the year.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to approve **Special Permit Application**.

6. Public Hearing to consider a local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled “Site Development Plan Review” regarding an expiration date for Final Approved Site Development Plans.

Mayor Presti:

- If the Applicant doesn’t do what they are supposed to do in accordance with the Final Development Site Plan within a certain amount of time there is a sunset period and then they would have to come back again and start basically all over again.
- We appreciate the Planning Board’s efforts with regard to keeping that on their radar.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to **Close the Public Hearing on Site Development Plans**.

6. Resolution No. 2017-82:

- Resolution to adopt Local Law #3 of 2017 local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled “Site Development Plan Review” regarding an expiration date for Final Approved Site Development Plans.
- WHEREAS, the Village of Chestnut Ridge Planning Board referred a proposed local law to the Board of Trustees which would provide for an expiration date for Approved Final Site Development Plans which are not submitted to the Planning Board Chair for signature in a timely fashion.
- WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of the Zoning Code with respect to the proposed amendments to Sections 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled “Site Development Plan Review” regarding an expiration date for Final Approved Site Development Plans.
- WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held at a regularly scheduled meeting of the Board of Trustees on October 19, 2017;
- WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);
- WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);
- WHEREAS, at least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing,

the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine Environmental significance) pursuant to G.M.L. Section 239-m;

- WHEREAS, the comments of the Rockland County Planning Board dated June 8, 2017 approved the proposed local law without recommending any changes;
- WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:
 - That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.
 - That the proposed Zoning Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).
 - That the proposed Zoning Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.
 - That the proposed Zoning Code amendment was a preliminary classified as an “Type II” under SEQRA consisting of a change to the regulatory scheme in place in the Village pertaining to filing Approved Final Site Development Plans with no environmental impact.
 - That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);
- **THE BEFORE BE IT RESOLVED**, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Zoning Code and their magnitude:
 - a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.
 - b. That the proposed amendments to the Zoning Code constitute a legislative act to amend existing regulations in the Village Code; and that the amendments at issue, mainly administrative in nature pertaining to the timing of the submission of a Final Site Development Plan for approval, have no significant impact (adverse or otherwise) on the environment based on the criteria contained in NYCRR 617.7(c) and NYCRR 617.5(c) (27)), and are therefore not subject to review under SEQR
- **BE IT FURTHER RESOLVED** that Local Law #3 of 2017 local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled “Site Development Plan Review” regarding an expiration date for Final Approved Site Development Plans, is hereby approved as drafted.

Local Law #3 of 2017

A Local Law to amend section 4 and 5 of Article IX of the Village of Chestnut Ridge Zoning Code to provide for an expiration date of Approved Final Site Development Plans

Article IX, Sections 4 and 5, of the Village of Chestnut Ridge Zoning Code shall be amended as follows (new text in italics):

4. Final site development plan review.
 - A. Notwithstanding the provisions of Section 7-725 of the Village Law of the State of New York, no application for final site development plan review shall be submitted by an applicant prior to approval or approval with modifications of a preliminary site development plan application for the site. The final site development plan application shall contain all modifications and conditions required by the Planning Board in its preliminary approval.
 - B. An application for the final site development plan review shall be made in the same manner as prescribed for preliminary review as set forth in Section 3 hereinabove and in the site development plan rules and regulations.
 - C. Final site plan approval shall expire one (1) year from the date of the resolution approving the final site plan unless the final site development plan that complies with the conditions of the final approval is submitted for signing and filing as set forth in subsection 5 below prior to said one (1) year period. The Planning Board may, in its discretion, grant a six (6) month extension of the expiration period for good cause shown, not to exceed two (2) such extensions. Final site plan approvals granted prior to the date of this local law shall expire one (1) year from the date of the adoption of this local law unless the approved final site development plan is submitted for signing and filing as set forth in subsection 5 below. Final site plan approvals granted prior to the date of this local law shall be subject to the same extensions by the Planning Board as set forth above.

5. Signing and Filing.

Upon submission of the approved Final Site Development Plan with modifications required by the Planning Board in its final form, and upon satisfaction of any conditions imposed in such approval, and after review by the appropriate Village

departments, agencies and consultants, may be submitted for final signature by the Chairperson of the Planning Board who shall sign the approved site development plan and file one copy with the Building Inspector. No site plan shall be signed, however, until all public hearing posters have been returned to the Secretary to the Planning Board.

This local law shall be effective upon filing with the Secretary of State.

MOTION: Trustee Valentine

SECOND: Trustee Cohen

The Board was polled and voted 3-0 to approve Resolution for adopting Local Law on Site Development Plan Review.

Resolution No. 2017-83:

6. Public Hearing to consider to adoption of a new local law entitled “Rental Registry Law for the Village of Chestnut Ridge” relative to regulating rental properties in the Village of Chestnut Ridge.

Deputy Mayor Brock:

- Asked what are the conditions if someone doesn’t send back the Rental Registry Form?

Attorney Sevastian:

- They will have to really file for it when they have something to do in the Village.
- We can put their application on hold and they will be subject to a fine of up to five thousand dollars for violating the Local Law and penalties as well.
- Prior to this we had an agent for service to track them down.
- When they don’t file it is very difficult to track them down.

Trustee Cohen:

- What if they don’t choose to apply for this Registry and there is a violation on the property?
- If they are in a violation can they still avoid coming into Court?

Attorney Sevastian:

- Then we have to treat it like a regular violation.
- When property changes hands there is usually, not always, a Title Search done, a Violation Search to make sure the builder has approval.
- I wanted to make it a condition, but there is no provision in the State statute that allows us to do that.
- Every LLC has on file an agent for service of process.
- If they don’t answer that, the State can dissolve them by operation of State statute.
- If they dissolve the LLC, it’s not an entity; if they try to sell they can’t enter into a deed, they can’t file taxes, it’s a problem.
- We have to find them to get them here.

Motion to Close the Public Hearing on Rental Registry Law.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to Close the Public Hearing on Rental Registry Law.

Resolution No. 2017-83. Resolution adopting Local Law on Rental Registry.

Resolution to adopt Local Law # 4 of 2017, to amend the Village Code of the Village of Chestnut Ridge to adopt a new chapter entitled “Rental Registry Law for the Village of Chestnut Ridge,” relative to regulating rental properties in the Village of Chestnut Ridge.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adoption of a new chapter entitled “Rental Registry Law for the Village of Chestnut Ridge,” relative to regulating rental properties in the Village of Chestnut Ridge;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on October 19, 2017;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Zoning Code and its magnitude:

a. That the proposed amendment to the Zoning Code Zoning Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the requirement of registering rental property in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that adoption of a new local law, entitled “Rental Registry Law for the Village of Chestnut Ridge,” is hereby approved as drafted.

Local Law # 4 of 2017, a local law to establish a “Rental Registry” process in the Village of Chestnut Ridge.

Chapter . Housing Standards

Article . Rental Registry

§ . Legislative intent; purpose.

A.

This article shall be known and referred to as the Rental Registry Law of the Village of Chestnut Ridge.

B.

The Village Board of the Village of Chestnut Ridge recognizes that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the Village of Chestnut Ridge. The state and local framework for regulation of multifamily or multiple dwelling buildings is in many and various respects not applicable to one- and two-family dwellings which are offered and utilized as non-owner-occupied residential rental dwelling units. The intent of this chapter is to create a registry to the offering for rental of dwelling units in one-and two-family residential buildings, so as to facilitate the enforcement of New York Building and Fire Codes as well as the Village Code of Chestnut Ridge in relation thereto in order to protect the public health, safety and welfare of the people of the Village of Chestnut Ridge and to achieve the following beneficial purposes:

(1)

The protection of the character and stability of residential areas;

(2)

The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and

(3)

The preservation of the value of land and buildings throughout the Village of Chestnut Ridge.

§ _____. Definitions.

For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

IMMEDIATE FAMILY MEMBER

A parent, child, sibling, spouse, grandparent, domestic partnership.

LANDLORD and OWNER

Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

OWNER-OCCUPIED

A.

SINGLE-FAMILY RESIDENCES

For any rental property to be considered owner-occupied, the owner must prove that all individual title owners (including immediate family members) or all owners, partners, or shareholders of a corporation or other legally organized entity, actually have their principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of all individual owners, all partners, or all shareholders.

B.

TWO FAMILY RESIDENCES

The primary residential living unit of the owner is located within the rental property.

C.

At the request of the Village of Chestnut Ridge, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner-occupied.

PROPERTY MAINTENANCE

The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

RENTAL PROPERTY

Any house, structure, building or complex which contains a residential rental unit other than owner-occupied houses, structures or buildings.

RENTAL UNIT

Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to an individual or family units.

RESIDE

To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

TENANTS

Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

§ _____ . Registration of rental dwellings; applicability.

A.

Every owner of a one-family dwelling unit or a two-family dwelling unit in the Village of Chestnut Ridge, as defined in this chapter, who is engaged in rental occupancy of such premises shall register within 90 days of the effective date of this article on a form approved by the Village of Chestnut Ridge.

B.

It shall be unlawful and a violation of this article for any person or entity who owns or operates a dwelling unit within the Village of Chestnut Ridge to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy after the effective date of this chapter without having registered said dwelling with the Building Department, except as provided herein.

C.

For the purposes of this article, "rent" shall mean a return to the owner or lessor of money, property or other valuable consideration for use or occupancy of a dwelling unit.

D.

This article shall not apply to hotels and motels when operating for their intended purpose within the meaning of state law and local zoning laws; hospitals, congregate care housing for seniors, assisted living for seniors, nursing homes and similar living arrangements; apartment houses, registered multiple dwellings, garden apartments, public housing owned and operated by governmental agencies; registered boardinghouses and registered rooming houses.

§ _____ . Registration exemptions.

A.

This article shall not be construed to require the registration of any residential rental premises in the Village of Chestnut Ridge so long as the owner of record maintains a bona fide occupancy of a dwelling unit on such premises.

B.

The occupancy of a room or rooms by an owner of record without self-contained living, cooking, sleeping and sanitary facilities shall not constitute sufficient bona fide occupancy to qualify for the exemption in this section.

C.

In no case may more than one residential rental premises qualify for the exemption in this section by any one owner of record.

D.

Unless owner-occupied, a corporation or any other organized legal entity shall not be eligible for an exemption under this article.

§ _____ . Registry form, filing, and fee.

A.

It shall be the responsibility of the owner of each residential rental premises which is subject to the provisions of this chapter to timely file a registry application form with the Building Department for each premises, which form shall require the following information:

(1)

The name, address and telephone number and email address of the owner of record of the residential rental premises intended for rental occupancy.

(2)

The street address and Tax Map description of the premise containing the dwelling unit(s).

(3)

A description and location of the premises, including number of rooms, exits and stories, bathrooms and kitchens, and a sketch of each floor layout with dimensions, as well as lot size, drawn to scale.

(4)

Designation of an agent for notification and service of process where required by this chapter.

(5)

A statement of the owner attesting to the truth of matters asserted in the application and that to the best of the owner's knowledge no violations of village, county or state laws exist on the premises being registered.

(6)

Such additional information as the Building Department or Code Enforcement Officers or the Village Board of the Village of Chestnut Ridge deems appropriate to the carrying out of the requirements and intent of this chapter.

B.

The application shall be reviewed by the Building Inspector or his/her designee for adequacy. Should the Building Department determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the filing provisions of this chapter.

C.

It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in the registry application has become outdated or for any reason is no longer accurate.

D.

Every approved application shall be valid for two years and shall be given a registry number by the Building Department which shall be valid for two years from the date of issuance. A copy of the approved application with the approval stamp of the Building Department, in original ink, issued to the property owner after satisfactory inspection of residential occupancy, shall be necessary to lawfully rent any residential premises in the Village of Chestnut Ridge.

E.

The Village Board of the Village of Chestnut Ridge shall set the application and/or inspection fee by resolution which may be amended from time to time.

§ _____ . Designation of agent by owner.

A.

Every owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Rockland shall designate an agent who maintains a bona fide residence in the County of Rockland. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.

B.

A designated agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.

C.

No owner who designates an agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ _____ . Broker's/agent's responsibility.

A.

Broker's/agent's responsibility prior to listing. It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any broker or agent to list, solicit, advertise, exhibit, show or otherwise offer for lease, rent or sale on behalf of the owner any dwelling unit for which a current rental permit has not been issued by the Building Inspector or his/her designee. It shall be the broker's or agent's duty to verify the existence of a valid rental registration before acting on behalf of the owner.

B.

It shall be unlawful and a violation of this chapter to accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Village of Chestnut Ridge where no valid rental registration has been issued as required under this chapter.

C.

In the event that a person convicted of a violation of this section shall have been a real estate broker or salesperson licensed by the State of New York, at the time such violation was committed, the

Village Clerk shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and make complaint thereto against such licensee on behalf of the Village of Chestnut Ridge, pursuant to the provisions of Article 12-A of the Real Property Law.

§ _____ . Inspection requirements.

A.

The Building Inspector or his/her authorized agent shall make provisions for the biennial inspection of each residential rental premises which is subject to the provisions of this chapter and shall notify each owner/landlord of each rental premises as to the time and place of such inspection. The inspection shall be for the purposes of determining compliance with Chapter ____ of the Village Code and other applicable laws and shall expressly include in each instance the determination of the presence of functioning and proper placement of smoke and carbon monoxide detectors as well as fire extinguishers pursuant to the provisions of state law and this Code.

B.

Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation of this chapter of the Village Code shall be remedied by the owner within 10 days of the issuance of such report. Failure to bring any dwelling into conformance with such report within 10 days of the issuance of such report shall constitute a violation of this chapter.

§ _____ . Application for search warrants.

At the request of the Inspecting Officer, the Village Attorney is authorized to make application to Justice Court of the Village of Chestnut Ridge or any other court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, Building Inspector, Fire Inspector or Code Enforcement Officer in order to conduct an inspection of any premises believed to be subject to the registry jurisdiction of this article. The Inspecting Officer may seek a search warrant whenever the owner or occupant fails to allow inspection of any rental dwelling unit where there is reasonable cause to believe that a violation of this article or a violation of the New York Uniform Fire Prevention and Building Code or of any code of the Village of Chestnut Ridge has occurred after due notice has been sent by ordinary United States mail. The application for a search warrant shall in all respects comply with applicable laws of the State of New York.

§ _____ . Public access to records.

Nothing in this article shall prevent any member of the public, prospective tenant or any resident of the Village of Chestnut Ridge from determining whether any particular rental property has been registered pursuant to this article. The general public shall have full access to said landlord registration statements upon filing of the proper Freedom of Information Act application.

§ _____ . Penalties for offenses.

A.

Any person or entity that shall violate any of the provisions of this article or who fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by:

(1)

A fine of not less than \$3,500 and not exceeding \$5,000 upon conviction of a first offense.

(2)

A fine of not less than \$7,000 nor more than \$10,000 for a conviction of the second of two offenses, both of which were committed within a period of five years.

(3)

A fine of not less than \$10,000 nor more than \$15,000 for a conviction of the third of three offenses, all of which were committed within a period of five years.

B.

Each week a violation continues shall be deemed a separate offense subjecting the offender to additional weekly fines in the amount equaling the original fine.

C.

The Village Board of the Village of Chestnut Ridge may amend the penalties by resolution.

§ _____ . Nonpayment of penalties.

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided by law, the property covered by this article will be assessed for the unpaid penalties and shall be collected in the same manner and time as Village taxes.

This local law shall be effective upon filing with the Secretary of State.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **5-0** to approve the **Rental Registry Law**.

8. Public Hearing to consider to adoption of a new local law entitled “Entity Disclosure Law for the Village of Chestnut Ridge” relative to regulating real property owned by corporate entities within the Village of Chestnut Ridge.

Motion to Close the Public Hearing on the Entity Disclosure Law.

MOTION: Deputy Cohen

SECOND: Trustee Brock

The Board was polled and voted **5-0** to **Close the Public Hearing on the Entity Disclosure Law**.

4. Resolution No. 2017-84

Resolution to adopt Local Law #5 of 2017, to amend the Village Code of the Village of Chestnut Ridge to adopt a new chapter entitled “Entity Disclosure Law for the Village of Chestnut Ridge” relative to regulating real property owned by corporate entities within the Village of Chestnut Ridge.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adoption of a new chapter entitled “Entity Disclosure Law for the Village of Chestnut Ridge” relative to regulating real property owned by corporate entities within the Village of Chestnut Ridge.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on October 19, 2017;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Zoning Code and its magnitude:

a. That the proposed amendment to the Zoning Code Zoning Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the requirement of disclosing identities of corporate principals seeking land use approvals in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that adoption of a new local law, entitled “Entity Disclosure Law for the Village of Chestnut Ridge”, is hereby approved as drafted.

Local Law # 5 of 2017, a local law to establish an “Entity Disclosure” process in

connection with the issuance of approvals in the Village of Chestnut Ridge.

Section 1.

Chapter ___ of the Code of the Village of Chestnut Ridge is amended by adding a new Article, designated as Article ___ entitled "Entity Disclosure", to read as follows:

§___

Legislative Findings and Intent.

The Village Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all privately held and/or non- publicly traded entities making land use applications before the Village to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties.

The Village finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications can be promoted by enactment of this Local Law to require all privately held and/or non- publicly traded entities making land use applications to supply information as to all limited and general members, shareholders, officers and directors or any other authorized persons having control over such privately held entities who apply for approval from the Village. Such disclosure will inform the public and the Village concerning the names of individuals with a vested interest in land uses applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the code.

Section 2.

§____ Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them.

AUTHORIZED PERSON-Any person who is authorized to act or does act either alone or in conjunction with others, on behalf of an entity, or who has authority to direct, control or influence the entity in any manner.

APPLICANT-The legal, beneficial and equitable owner(s) of property seeking approval(s) by one or more land use board(s) of the Village, including the Village Board where applicable, in a land use application, including but not limited a contract purchaser or holder of an option to purchase such property, and a person or entity authorized to make an process such a land use application on behalf of a legal, beneficial or equitable owner of property.

ENTITY-A limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, "doing business as" name or venture, association or non-publicly traded corporation.

LAND USE APPLICATION-An application form and supporting documents submitted by an applicant for review and approval of a building permit, certificate of occupancy, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, or any other permit, approval or certificate required, necessary or requested for the development of land or construction.

§____ Requirement for disclosure

A. A land use application for land development or construction within the Village that lists an entity as the owner or applicant shall complete an

Entity Disclosure Statement in a form approved by the Village Board from time to time by resolution, and provide all information required in said form. Said Entity Disclosure Statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Village.

B. In the event that, prior to issuance of a Certificate of Occupancy for any project under this article, a project that has previously received approval is in any manner transferred, whether by transfer of the property or transfer of the management and/or operation of the original Entity making application to another Entity, the transferring Entity shall notify the Village and such succeeding Entity must fully comply with this article before any work on the project shall be permitted to proceed. It shall be the responsibility of both the applicant and the Entity to which transfer is being made, to notify the Village of any such transfer.

C. Said Entity Disclosure Statement shall apply to any land use applications, approvals or permission sought from the Building Inspector, Village Board, Village Planning Board, Village Zoning Board of Appeals, and the Architectural Review Board. The Village shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision map, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed Entity Disclosure

Statement signed and either a sworn to or affirmed and submitted with said application to the respective Board.

D. An Entity Disclosure Statement is not required for any of the following activities:

1. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles.
2. Construction of accessory structures, other than garages, not in excess of 300 square feet.
3. Construction of outdoor decks, sidewalks, or porches;
4. Construction of outdoor swimming pools;
5. Installation of fences;
6. Interior or exterior remodeling of a single family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
7. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
8. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
9. Construction of a private shed not exceeding 300 square feet.
10. Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Village Board, and the Village Board has rendered a determination that the

improvement is minor in nature so as to constitute an exception to the Entity Disclosure filing.

Section 3.

§____ Penalties for offenses

A. Where an Entity or its representative(s) refuses or fails to provide the information required under this Local Law, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with the provisions of this Local Law. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another Entity during a pending suspension of the application under the Local Law, the application shall remain suspended until such time as the succeeding Entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this Local Law. The Building Inspector is authorized to issue a Stop Work order on any project where an application has been suspended under this Local Law.

B. Any Entity or representative of an Entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the Village of a change in ownership shall, in addition to the suspension of any pending application as set forth in subdivision A above, be subject to a fine not exceeding \$5,000 for a violation of this Local Law. The Village Building

Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this Local Law.

C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.

D. Civil Penalty: In addition to those penalties prescribed by herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for a civil penalty of not more than \$3,000.00 for each offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village. In any such proceeding to collect a civil penalty, the Village shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Village for expenditures for attorneys employed or appointed by the Village.

Section 4. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

9. Resolution No. 2017-85 - Approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 2 in the aggregate amount of \$113,862.06 as set forth on Abstract No. 2017-10 dated October 19, 2017, as submitted by the Village Treasurer.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to approve the Abstract of Audited Claims.

10. Open Floor: Public Discussion.

Hilda Kogut – 20 Pine Knoll Ct., Chestnut Ridge, NY 10977:

- Four Pine Knoll Ct. property not mowed since July.
- Suggested put together about ten particular items for new residents they should be aware of that are important to new homeowners and to the Village.
- Offered her time to help out and knock on the new resident's door with the materials.
- Complained when she had Foiled documents was surprised she was only given fifteen minutes to review information.
- Wanted to know if that was a consistent policy for everyone.

Mayor Presti:

- I had prepared a letter about eighteen months ago whenever we get notice of a new property owner moving into the Village, we give them a **Hot Sheet**, basically a **“Welcome Packet”**, of what they should be aware of; the last newsletter, garbage calendar, etc.
- It's given to them when they come in.
- The requirements for Foil is basically set by State statute.
- I think possibly we don't have staff available for a longer period of time.
- We have to notify you in a certain number of days and then make available the documents to you within a certain number of days if we have them.
- Tell them you are going to need more the fifteen minutes time and you can do it at another date and would they have the availability for you for a longer period of time, perhaps 30 minutes or so.
- You shouldn't have to come in again, if you can come in at a later date for a longer amount of time.

Bruce Goldsmith - 2 Weiss Terrace, Chestnut Ridge, NY 10977:

- Stone House – three or four commercial trucks parked there.
- It was cleared up about a year ago, now they are there again.
- Seen some of the mail being put back which told him there was more than one family living there; believed possibly three or more families living there.

Edward Sheridan – 46 Pascack Rd., Chestnut Ridge, NY 10977:

- Wanted a building moratorium for six months.
- Wanted codes fixed.
- Claimed we didn't even have a definition of what a garage is.
- Something needs to be done to protect the residents.

Mayor Presti:

- When you do a Corridor Study you look at everything.
- A moratorium is not always the route to go; you may think so.
- We are not in the situation where we have Village laws stagnant.
- I would take issue where you state out statutes are old, they are not.
- State statute pre-empts the Village.
- You saw today we updated three laws.
- This Board has discussed it and will continue to discuss it.
- A building moratorium doesn't stop people from lying.
- Moratoriums are used in very particular situations.
- Building moratoriums are issued because a Village has not updated their Zoning Laws.
- A building moratorium creates other issues.

Trustee Cohen:

We had one moratorium for cell towners.

- We passed a law within a one-year period and we got one six-month extension.
- After that we decided where the cell phone towers should be.
- Other people who needed one were then told to go onto the pole.

Deputy Mayor Brock:

- Nobody has ever used the laws the way they did at 27 Eldorado Drive did.
- When we found out what was done, we changed the law so there won't be another 27 Eldorado Drive.

Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, NY 109877:

- Are we going to have a moratorium on Red Schoolhouse Rd.

Mayor Presti:

- Whatever is being proposed there, they will have to abide by the laws.
- We will re-visit each section.
- The corridor study is the way to do that.
- You cannot zone a school out of your Village.
- They will have to abide by traffic laws, etc.
- Our Master Plan, while it hasn't been revisited in a while, we may find the way the zoning is there may stay that way, no change.

Linda Amann – 311 N. Highland Avenue, Chestnut Ridge, NY 10977:

- Concerned about an illegal conversion of a home at 312 N. Highland Avenue across the street from her.
- Stated there are 50 to 60 people there all the time going in and out.
- A lot of contractors there.

- Doing conversions to home without a permit.
- Code enforcement went there and said they didn't see anything.
- Stated she felt people were living there in the basement.

Mayor Presti:

- People have the right to worship there.
- If you feel there are conversions to the home that should not be there, we can have our Code Enforcement officer go there.
- If you feel there is a safety issue you can call the Ramapo Police Department.
- The Village of Chestnut Ridge does not have their own Police Department.

Hilda Kogut – 20 Pine Knoll Ct., Chestnut Ridge, NY 10977:

- Wanted to know if the Village charges a fee to the applicant for coming to our professionals.
- Are we at the low end?
- Wouldn't object to a full-time Code Enforcement officer.

Mayor Presti:

- There is a \$250.00 appearance fee.
- When our professionals have to review, the applicant has to post an escrow.
- It is not costing the Village anything.
- The Planning Board Chairman is very vigilante.

Trustee Miller:

- We have two part-time Code Enforcement Officers.

Robert Rogers – 14 Balmoral Drive, Chestnut Ridge, NY 10977:

- Wanted to know if there was a limit on having garage sales and how often could you have them?

Linda Amann – 311 N. Highland Avenue, Chestnut Ridge, NY 10977:

- 312 N. Highland still has a for sale sign up; was sold last May.

Mayor Presti:

- We will check into it.
- We would have to pass a Village law regarding garage sales.

Linda Amann – 311 N. Highland Avenue, Chestnut Ridge, NY 10977.

- Wanted to know how long a For Sale sign can remain after the home is sold.
- 312 N. Highland was sold in February; the sign is still up.

Mayor Presti:

- Usually allowed to remain for approximately two weeks.

Motion to Adjourn meeting and go into Executive Session.

MOTION: Trustee Miller

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Adjourn the Meeting at 8:38 P.M.

Executive Session Ended: 9:11 P.M.

Respectfully submitted,

**Florence A. Mandel
Village Clerk**

