

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

OCTOBER 18, 2018

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on October 18, 2018 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR.	-	MAYOR
RICHARD MILLER	-	TRUSTEE
PAUL VANALSTYNE	-	TRUSTEE

ABSENT:

GRANT VALENTINE	-	DEPUTY MAYOR
HOWARD COHEN	-	TRUSTEE

PRESENT:

WALTER SEVASTIAN	-	VILLAGE ATTORNEY
FLORENCE A. MANDEL	-	VILLAGE CLERK

1. Pledge of Allegiance.

2. Mayor's report.

- **Sunday, November 4, 2018, noon to 2 p.m. Bulldog Café on Chestnut Ridge Rd will be the next Sunday with the Mayor.**
- **We have confirmed the continuation of the Special Meeting of Houses of Worship and Assembly for November 20th at 7:30 p.m. at the Chestnut Ridge Junior High.**
- **The Principal will be speaking to us to remind us that we should all be on special good behavior.**

- **3. Open Floor: public discussion of Agenda Items.**

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- **Regarding the Zoning Code – Resolution No. 2018-80: Indoor Accessory Parking – Assuming the amendment is adopted as written, and before it is filed with the Secretary of State, if any building plans are submitted to the Building Inspector that would involve a significant renovation that would trigger the 50% condition, would that change?**
- **I know that 2 Samuel and 10 Lillian, they remain.**

Mayor Presti:

- **There is no grandfathering.**

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- **Similar kind of thing, demolish it down and build a two- story structure.**
- **Would the Building Inspector deny that approval?**

Walter Sevastian – Village Attorney:

- **There is no retroactive enforcement.**
- **The law has to be changed to take effect; that is why the Code is getting amended.**

Mayor Presti:

- **It is based on the Building Inspector's interpretation.**
- **The Building Inspector is aware of what the law has been historically in the past, and why the law is being amended to clarify it,**
- **I cannot tell you how it is going to be treated.**
- **I can believe it will be dealt with accordingly.**

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- **Can residents submit letters if they felt a property is being approved that should not?**

Mayor Presti:

- **What we are doing to date; if you have issues with certain properties are running afoul, if you feel we are not addressing them as they should be, say it, and we will see what's going on.**

Resident – What is the time frame from the time something becomes a law?

Attorney Sevastian:

- **Immediately upon filing with the Secretary of State.**

Mayor Presti:

- **If we have a meeting on the November 29th and it gets filed the next day, theoretically it's passed.**

No one from the public wished to speak.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

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

4. Approval of Minutes of Previous Meeting of September 20, 2018.

- **Village Board Minutes of September 20, 2018 not voted on this evening.**
- **Three Trustees present at this meeting of October 18, 2018.**
- **Mr. Van Alstyne was not appointed a Trustee yet at that time so could not vote on the Village Board Minutes of September 20, 2018.**
- **Minutes of September 20, 2018 Village Board Meeting were held over and will be voted and passed on November 29, 2018 at the next Village Board Meeting.**

5. Resolution No. 2018-80:

RESOLVED that a Public Hearing is scheduled for November 15, 2018 at 8:00 pm to consider amending the Zoning Code provisions relating to the provision of Indoor Accessory Parking for single family residences undergoing renovations.

MOTION: Trustee Van Alstyne

SECOND: Trustee Miller:

- **The Board was polled and voted 3-0 to schedule a Public Hearing for November 15, 2019 at 8:00 p.m.**

6. Resolution No. 2018-81.

RESOLVED that the Village Board accepts the annual Justice Court audit for fiscal year June 1, 2017 through May 31, 2018, and directs the Village Clerk to submit the report to the New York State Office of Court Administration.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

- **The Board was polled and voted 3-0 to accepts the annual Justice Court audit for fiscal year June 1, 2017 through May 31, 2018.**

7. Resolution No. 2018-82.

RESOLVED that Resolution the hourly rate for Court Security (CJ Security) to \$50.00 per hour is hereby approved.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

The Board was polled and voted 3-0 to approve the hourly rate for Court Security to \$50.00 per hour.

8. Resolution 2018-83.

RESOLVED that the Village Board approves the renewal of an Agreement with Pro Cut Lawns and Landscaping for landscaping and snow removal from Village Property for the 2018-2019 season at a per storm price basis, and for 2019 Landscaping services

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

The Board was polled and voted 3-0 to Approve renewal of agreement with Pro Cut lawns Landscaping and Contracting, Inc. for 2018-2019 snow removal services.

9. Resolution 2018-84.

RESOLVED that the Village Board directs the Village Clerk to refer the Red Schoolhouse Road Corridor Plan to the Rockland County Planning Department and other interested agencies pursuant to the requirements of the General Municipal Law.

MOTION: Trustee Van Alstyne

SECOND: Trustee Miller

The Board was polled and voted 3-0 to approve to refer the Red Schoolhouse Road Corridor Plan to the Rockland County Planning Department and other interested agencies pursuant to the requirements of the General Municipal Law.

10. Resolution 2018-85.

RESOLVED that the Village Board approves the Mayor's appointment David Silverstein as a member of the Architectural Review Board for a term to expire in April of 2020.

- Mr. Silberstein has been a resident of the Village for many years. He is an engineer. I believe he will be a good fit.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

The Board was polled and voted 3-0 to approves the Mayor's appointment of David Silverstein.

11. Resolution No. 2018-86.

RESOLVED that the Village Board approves the Letter of Credit submitted in connection with the Piazza Subdivision.

MOTION: Trustee Van Alstyne

SECOND: Trustee Miller

The Board was polled and voted **3-0** to **approve the Letter of Credit** submitted in connection with the Piazza Subdivision.

Resolution No. 2018-87.

RESOLVED that the Village Board approves an Agreement in the amount of \$5,100.00 with **John Witt Construction, Inc. for repair to the Gazebo at the Village Park.**

- **Gazebo in dire need. Hopefully it will be done before the winter.**

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

The Board was polled and voted **3-0** to **approve** an Agreement in the amount of \$5,100.00 with John Witt Construction, Inc. for repair to the Gazebo at the Village Park.

12, Resolution No. 2018 -88. Resolution approving Abstract of Audited Claims.

RESOLVED, that **General Fund Claims** set forth on pages **1 through 3** in the **aggregate amount of \$140,340.99** as set forth on **Abstract No. 2018-10** dated **October 18, 2018** submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

The Board was polled and **voted 3-0** to **Approve the Abstract of Audited Claims.**

13. Open Floor: Public Discussion.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- On the Places of Worship Law, revisions made to the law as of August 29th and were sent out to Rockland County Planning Department; any other agencies?
- No plan to run this by the Planning Board either?

Attorney Sevastian:

- General Municipal Law requires to send back to County Planning.
- Other agencies will be notified of the adjourned date for the Public Hearing.
- There is no legal requirement to send it back to them for comments for revisions.
- No need to run by Planning Board.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- I understand the Village Engineer is co-reviewing the plans; from what I understand it was mostly for inconsistencies; he is not reviewing it fully from a Building Inspector prospective.
- Where do we stand with these building plans; there was some red marking done, is the homeowner asked to resubmit the plans?
- 1 Karow Ct., there was a sense of clarity tonight.

Walter Sevastian – Village Engineer:

- After this, I met with the Building Inspector and the two Code Enforcement officials in regard to two issues;
- 1- Status of plans, construction on the premises as you know and discussed at meetings in the past, there was a Stop Work Order put in place regarding the work there and the homeowner was instructed to re-submit plans to deal with the fill and the structure itself. There's been some back and forth between the Building Inspector, the Engineer and the Design Professionals for the owner.
I don't believe they are completed as of this time.
The Stop Work Order remains in effect.
The Village Engineer is going to weigh in on all the plans where he feels he has to.
- 2- With respect to Use Issue, I met with the Code Enforcement officers and we discussed, not only that property, but follow up with that and we will be preceding how they use the premises as opposed to what they are constructing there.

Mayor Presti:

- Now it's going to be before the Justice Court, so we can't discuss it exactly in detail now.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- I am familiar with the file. I have seen nothing has been re-submitted with the actual building plans itself.
- It is continuing.
- Meanwhile, no new construction.
- What is the code about having storage containers; whether big, regular pods if people are planning to move, or the same kind of thing?
- Single family residences that has a three-car garage has two storage containers parked outside the garage; how long can they be there for, what is the purpose?

Mayor Presti:

- We had this instances in the past, because people were having periodic sales on the property which they are not permitted to do.
- We will have to reconcile where it is, what's going on there and why.
- If they are moving and using it for temporary storage, that's one thing.
- If it's there on a regular, long term basis that's another thing.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- If it was truly a single- family residence with a truly three car garage.
- The address is 3 Spring Hill Terrace.
- I'm a little more concerned.

Mayor Presti:

- The Rabbi did notify the Village and the pod maybe related to that.
- It was based on the celebration.
- Private party, not using the street.

Mr. Raphael Kalikstein - 18 Lyncrest Drive in unincorporated Ramapo.

- They had a Court Order removing us from the tax role.
- I submitted it to the lady that takes care of the tax bill and she says I have to talk to a lawyer.

Attorney Sevastian:

- A Court Order doesn't say to remove it from the Village tax role; a Court Order refers to two other tax rolls.

Raphael Kalikstein – 18 Lyncrest Drive in unincorporated Ramapo.

- First paragraph says, I am 100% exempt.
- Second paragraph said that to get a refund.

Mayor Presti:

- Not going to be able to answer it now here.
- If you have an Attorney he should be speaking to the Village Attorney.

Trustee Miller:

- What is your interest in this property?
- Are you a lawyer or are you represented by Counsel?

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

- I am providing to you copies of letters signed by residents in the Village of opposition with the Houses of Worship.
- I am hoping the Village will combine these with the many others that have come in.

Mayor Presti:

- It will be made part of the record.

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

- I wanted to ask about 750 Chestnut Ridge Rd., Chestnut Ridge, NY.
- In August, 2017, I don't know the exact name of the shul, the Building Inspector, Fire Inspector issued a letter recommending that they not be granted either a Certificate of Use, or Certificate of Occupancy.
- It's still being used, it's still being occupied.
- As recently as last week there was another adjournment.

- How can this continued to be used in its current state, if it's been modified, if it's been improved, is it made habitual, what is the status?

Attorney Sevastian:

- This is a Zoning Board application for a Use Variance; to permit the use of public units in a commercial building as a place of assembly.
- The Zoning Board entertained the application; sent the applicant to a design professional to say if you can meet the NYS Building and Fire Codes that will be useful in our consideration
- The applicant then withdraw their Zoning Board application.
- The Justice Court case was commenced thereafter.
- The applicant is interposed with defense in the Justice Court level consisting of a Certificate of Use and a Fire Safety Compliance Certification that was issued by the then Fire Inspector for the Village, Mr. Peltz; that's the pending matter in front of the Justice Court.
- They have a motion to dismiss the case based on the fact that they have permission to use the space purporting to be issued by the Village.
- That case is going to be tried.
- It's next on for December 12th.
- I don't think that will be the trial date, but that's when it's on.

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

- Does the Court, Judge have a copy of that letter that was issued on August, 2017 from the Village.

Attorney Sevastian:

- No, it's part of the ZBA record.
- When they were first cited for a municipal it, regarding use or any other aspect.
- If you file an appeal of the decision of an administrative official that gets you there; the Zoning Board says you illegally converted the garage.
- If you submit a Zoning Board application to legalize the garage, that stays the prosecution.
- It was stopped.
- But when it was withdrawn, then the prosecution kicked up again.
- It's not part of the Court record.

Mayor Presti:

- It's set down for trial.

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

- As a resident of the Village who watches what happens at 3 Spring Hill Terrace, in the morning, in the night, on the weekend; I don't know if you are aware there can be 30, 40 vehicles, vans on Spring Hill Terrace.
- This happens on a regular basis.
- Accessory use, I don't know what that entitles in terms of that garage.
- This is not what any of us bargained for.
- Is the Village going to take any action for those of us that live in this neighborhood?
- I walk my dog; I have to watch I am not going to get nailed by these vehicles.
- They pull out very quickly whatever they do on a Thursday night.
- If you would like me to bring pictures that will show you what's happening, I can do that as well.

Mayor Presti:

- If there are motor vehicle violations that are occurring, parking violations, parking illegally, the Ramapo Police Department is supposed to ticket them.
- If the street is being overly occupied, because of the use that's going on over there, that's another story, another situation which our Code Enforcement will look into.
- We don't have staff at night.
- We have to do what we can do with the tools that we have.
- Motor Vehicle reports to Ramapo.
- If there are things going on in the evening, you've got to let us know; when, the time and then we will forward it to Code Enforcement.
- Send it to the Village Clerk or the Building Department.

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

- For Mr. Sevastian; at the last meeting you were going to meet with Mr. O'Donnell; I'd like to know what's going on?
- It's been over a year now.

Attorney Sevastian – Village Attorney:

- Similar discussion with respect to Code Enforcement at that specific property.
- We are really dealing with Use as opposed to building construction at this point.
- Putting together Building Department, code enforcement observations will result in filing with the Court with the appropriate paper work; simultaneously, with 1 Karow Ct.
- I understand they have the prior owner in Court.
- We are going to rely on the observations that were made after; at our meeting a week ago, this past Tuesday.
- That's what has to happen.
- We are working toward filing the paperwork.

Raphael Kalikstein – 18 Lyncrest Drive in unincorporated Ramapo.

- ~~Synagogues have to be in walking distance for religious people~~ to be able to stay in the neighborhood if we are to live together.
- Supposed to be able to accommodate people.
- Religious people care about their neighbors.
- If I ever meet them, I will tell them to be extra careful and to make the neighbors happy.

Mayor Presti:

- We appreciate that.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, New York 10977:

- These accounts that you have heard about 3 Spring Hill Terrace, these speak directly to the proposed places of worship law and the whole issue to allow off-site parking of any kind.
- You will be hearing more about this from hundreds of residents in a similar pile like that, although it will be a six- page letter and going into details.
- I hope that this input you receive before the next hearing will kind of get you thinking; we are not saying you can't have a residential place of worship but it is more appropriate to have all the parking on the site even if it means the whole lot becomes a parking lot, you then have to require it to be screened in.
- This issue of expanding the activity of these places of worship beyond the footprint of the actual property; I am sure you understand what I mean by that., you are opening up a can of worms.

Motion to Close the Open Floor Public Discussion.

MOTION: Trustee Miller

SECOND: Trustee Van Alstyne

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

Motion to Adjourn

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 3-0 to Adjourn the Village Board Meeting.

MEETING ADJOURNED: 8:37 P.M.

Respectfully submitted,

**Florence A. Mandel
Village Clerk
Recording Secretary**

Record

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

MOTION:

SECOND:

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

14. Motion to Adjourn.

MOTION:

SECOND:

The Board was polled and voted 3-0 to Adjourn the Meeting.

MEETING ADJOURNED:

Respectfully submitted,

**Florence A. Mandel
Village Clerk**

1. Resolution No. 2018-80.

RESOLVED that a Public Hearing is scheduled for November 15, 2018 at 8:00 pm to consider amending the Zoning Code provisions relating to the provision of indoor accessory parking for single family residences undergoing renovations.

2. Resolution No. 2018-81.

RESOLVED that the Village Board accepts the annual Justice Court audit for fiscal year June 1, 2017 through May 31, 2018, and directs the Village Clerk to submit the report to the New York State Office of Court Administration.

3. Resolution No. 2018-82.

RESOLVED that Resolution the hourly rate for Court Security (CJ Security) at \$50.00 per hour is hereby approved.

4. Resolution No. 2018-83.

RESOLVED that the Village Board approves the renewal of an Agreement with Pro-Cut Lawns and Landscaping for landscaping and snow removal from Village Property for the 2014 -2015 season at a per storm price basis.

5. Resolution No. 2018-84.

RESOLVED that the Village Board directs the Village Clerk to refer the Red Schoolhouse Road Corridor Plan to the Rockland County Planning Department and other interested agencies pursuant to the requirements of the General Municipal Law.

6. Resolution No. 2018-85.

RESOLVED that the Village Board approves the Mayor's appointment David Silberstein as a member of the Architectural Review Board for a term to expire in April of 2020.

7. Resolution No. 2018-86.

RESOLVED that the Village Board approves the Letter of Credit submitted in connection with the Piazza Subdivision.

8. Resolution No. 2018-87.

RESOLVED that the Village Board approves an Agreement in the amount of \$5,100.00 with John Witt Construction, Inc. for repair to the Gazebo at the Village Park.

9.. Resolution No. 2018-88.

RESOLVED, that General Fund Claims set forth on pages 1 through ___ in the aggregate amount of \$_____ as set forth on Abstract No. 2018-10 dated _____, as submitted by the Village Treasurer, are hereby approved.