

**MINUTES OF THE BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE
NOVEMBER 29, 2018**

The Board of Trustees of the Village of Chestnut Ridge convened in regular session November 29, 2018 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

GRANT VALENTINE - DEPUTY MAYOR

HOWARD COHEN - TRUSTEE

RICHARD MILLER - TRUSTEE

PAUL VAN ALSTYNE - TRUSTEE

WALTER SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - VILLAGE CLERK

1. **Pledge of Allegiance.**
2. **Mayor's report.**
 - Sunday with the Mayor, on December 2nd at Bulldog Coffee Roasters 12:00-2:00 p.m.
 - Next Special Meeting possibility of being moved from December 20th to January 15th.
 - Planners can use the extra time.
 - This way you can enjoy the holiday and all that comes with it; comradery with family and friends.
 - Our regular Village Board Meeting will still be held on Thursday, December 20th, at 8:00 p.m.
3. **Open Floor: public discussion of Agenda Items.**
Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:
 - Stated concerns with the law as written presently.
 - Felt it still may have lacked clarity required to prevent Building Inspector from continuing to misinterpret code and allow new construction without required 2-car garages.
 - Stated some members of Planning Board expressed this concern, even with modified version.
 - Felt important Board understand situations at two properties that motivated these amendments; 2 Samuel Rd., and 10 Lillian Drive; two of now four distinct scenarios that have occurred.
 - Concerned whether the current text of the amendments would have prevented the situations at two other properties; 2 N. Cheryl St., in same neighborhood where another one-story home did not have garage and was not demolished.
 - Its' total square footage was doubled by addition of a second floor and no 2-car garage was added.
 - Regarding 25 Eagle St., high ranch had a 2-car garage as of last July (according to Google street view), which now has constructed a garage-like structure attached to and covering up the 2-car garage.
 - New garage is only 210 square feet, less than half of a 2-car indoor garage and cannot hold two cars.
 - Building Inspector approved this construction and gave them Permit.
 - Homeowner had been cited for previous violations in November, 2017.
 - House renovations; addition of in-ground pool and fence with expired Building Permit and expired temporary Certificate of Occupancy.
 - Current Permit Application was improperly filled out; existing and total square footage, but was approved by Building Inspector.
 - Board should realize that Building Inspector's continued misinterpretation of this Code will potentially impact many existing houses in the future given rate of home sales and renovations.
 - Speaking of one-story homes with one-car garages or no garages on Lillian Drive, Samuel Rd. and also Bell Lane, Brookview Blvd., Gottlieb Dr., Paul Ct., etc.
 - Asked for attention to text of these amendments to ensure none of the four properties would have been approved under its' terms.
 - If planning to vote on law tonight, asked to confirm this for the record before voting.

- Felt last Special Meeting was unproductive and that residents squandered their allotted time attacking and antagonizing Mayor and Board.
 - Felt residents restated previous gripes instead of using opportunity to show Board serious problems with specific provisions of proposed law.
 - Felt Board needed to hear them, and would provide best basis for Board to stop what they're doing and reconsider.
 - Written comments filed in public record; Monday night's Planning Board workshop Max Stach and Jonathan Lockman made remarks about some comments and how they responded to them with the August 29th changes.
 - Mr. Stach stated based on comments received about safety issues; walking between and from participating neighbors' driveways to place of worship; they added rule about having 750 feet of one-side on-street parking requirement for using neighbor's driveways.
 - Realized in proposed law term "off-site parking" does NOT include on-street parking.
 - Apart from 750 ft. rule, law does not address on-street parking.
 - The chief negative consequence neighbors are seeing and dealing with; at four informal places of worship the Village is allowing to operate, contrary to current Zoning Code, and one illegally with a Certificate of Occupancy as demonstrated at the third Public Hearing.
 - Regarding public comments that Mr. Stach said motivated change; I thought he was referring to 639 one-page form letters submitted by ultra-religious community last July
 - The letter specifically asked that "the entire parking requirement for an Neighborhood Place of Worship wasn't about this.
 - They asked that the entire parking requirement for a Neighborhood Place of Worship be off-site on separate property within 1,500 feet if owned by same party owning the Place of Worship.
 - The Board did not grant that specific request.
 - Responded with compromise of adding 750 feet single side on-street rule.
 - Maybe Mr. Stach was referring to some other comments and the Board ignored this request in the 639 resident form letters entirely.
 - Regarding new, submitted six-page form letter from 635 residents opposed to law; hoped Trustees read letter and will give deliberation.
 - Hoped Board appreciated careful effort made to justify concerns.
 - Stated Board should expect many letters in next month or two.
 - Stated all persons; households with children, sons/daughters with elderly parents, friends sharing housing costs, everyone will be affected by proposed Zoning amendments.
 - Thought Rockland County Planning Dept. was only outside agency sent August 29th revisions of proposed law.
 - Stated Rockland County Planning Dept. in GML review of October 18, 2018 recommended Board make nine modifications.
- Complained residents installed video cameras on poles in right of way zone; facing outward; 4 Raymond Avenue, 8 Sparrow Avenue, 17 Eagle Street.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Close the Open Floor public discussion on Agenda Items.

4. Approval of Minutes of Previous Meeting, October 18, 2018.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Village Board Minutes of October 18, 2018.

5. a. Public Hearing for November 29, 2018 at 8:00 on a local law to amend the Zoning Code to expand the requirement to provide indoor accessory parking for single family residences to situations where a single-family residence is significantly enlarged, rebuilt, or renovated.

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, NY 10977:

- Asked if we had the recommendations from the Planning Board?

Mayor Presti:

- The Planning Board said they approved the law.
- They had no recommendations in regard to any modifications or revisions in regard to the proposed law.
- Their sole comments were with regard to how we are going to calculate the value in regard to assessing the fifty percent.
- We will be able to work that into the policy with regard to the enforcement of the law.
- We will follow up with a particular property with regard to 25 Eagle if it does and things of that nature.
- The Village Attorney had an opportunity to vet the law and to make sure it would be enforceable.
- We need to put the law on the books and then we will deal with enforcement when the appropriate time comes.

Frank White – 5 Sparrow Avenue, Chestnut Ridge, New York 10977:

- Complained about inspectors allowing things to continue to go on.

Motion to Close the Public Hearing on the Law.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Close the Public Hearing.

b. Resolution No. 2018-89.

Resolution to adopt Local Law No.7 of 2018 local law to amend Article XIII of the Zoning Code of the Village of Chestnut Ridge, entitled “Nonconforming Uses, Buildings or Lots”.

WHEREAS, the Village Board of Trustees has proposed a local law to expand the requirement to provide indoor accessory parking for single family residences to situations where a single-family residence is significantly enlarged, rebuilt or renovated.

WHEREAS, the Village Board has noticed a Public Hearing for November 29, 2018 for such amendments to the Zoning Code (Article XIII of the Zoning Code of the Village of Chestnut Ridge, “Nonconforming Uses, Buildings or Lots”);

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 November 29, 2018;

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 November 5, 2018 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 the parking requirements in the Village which do not affect the environment.

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 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 themselves at issue, requiring the provision of off-street parking spaces for substantially renovated single family dwellings, 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)), particularly since any new site development plan would require a site specific SEQRA review), and therefore the Village Board determines that the adoption of the local law itself will have no negative environmental impact a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the and adopts a Negative Declaration of Environmental Significance under SEQRA.

BE IT FURTHER RESOLVED that Local Law #7 of 2018 local law to amend Article XIII of the Zoning Code of the Village of Chestnut Ridge, entitled “Nonconforming Uses, Buildings or Lots”, is hereby approved as drafted.

Zoning Code with a view to identifying potential environmental concerns.

6. Resolution No. 2018-89

Resolution to adopt Local Law No. 7 of 2018 local law to amend Article XIII of the Zoning Code of the Village of Chestnut Ridge, entitled “Nonconforming Uses, Buildings or Lots”.

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);

[Local Law # 7 of 2018 attached].

A local law to amend Article XIII of the Zoning Code of the Village of Chestnut Ridge.

Amend Article XIII of the Zoning Law of the Village of Chestnut Ridge as shown below. Proposed additions to language are shown as underlined in red. Proposed deletions are shown in red. All other language is proposed to remain unchanged.

ARTICLE XIII

Nonconforming Uses, Buildings or Lots

1. Applicability of Article.

This Article applies to lots, buildings, structures and nonbuilding uses lawfully in existence on the effective date of this local law. The lawful use of any such premises, uses or structures existing on the effective date of this local law may be continued although neither such use or structure conforms, nor the bulk or parking requirements of the same complies with the requirements, except as hereinafter follows.

2. Nonconforming buildings, structures, parking or lots.

A. Residential buildings or structures. Any existing one or two-family residential building or structure, or building accessory thereto, made noncomplying as to bulk by this local law or any amendment thereof, shall be permitted to comply with the yard setback requirements as specified for the highest residential district having the same or less lot width. In no event, however, shall the yard and setback requirements of any lot be less than the requirements for the R-15 District. No front setback may in any event be closer to the designated street line than the existing established setback. For any existing building or structure on a lot having less than a one hundred-foot lot width, the minimum standards will be the same as those specified in paragraph E of this section.

B. Residential indoor parking. Where construction, enlargement, expansion, renovation or reconstruction of principal or accessory structures is proposed on a one-family lot, and where the cost of construction exceeds 50% of the last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land thereof, the lot shall comply with the indoor parking requirements as described in the Table of General Use Requirements for the zoning district in which it is located. In order to preclude the possibility of homeowners segmenting construction to avoid compliance, the construction cost shall include the value of current proposed construction or renovation as stated in the building permit application, as well as the value of any other building permits issued for improvements on the lot within the previous five years.

C. Nonresidential buildings, structures or lots. Normal maintenance and repair, structural alteration in, or reconstruction or enlargement of, a building or structure with noncomplying bulk or parking requirements is permitted if the same does not increase the degree of or create any new noncomplying bulk or parking in such building or structure or lot.

D. Two (2) or more adjoining noncomplying subdivision lots, regardless of ownership, in a subdivision approved by the Chestnut Ridge (or previously Town of Ramapo) Planning Board shall have three (3) years from the date of filing with the office of the County Clerk to obtain a building permit. Two (2) or more adjoining noncomplying lots in a subdivision approved by the Planning Board and filed with the office of the County Clerk more than three (3) years prior to the effective date of this local law, or meeting the equivalent requirement of the Town of Ramapo for the three-year period prior to the enactment of this local law, and in the same ownership, shall not be eligible to receive a building permit. Said subdivision or part thereof shall be resubmitted to the Village Planning Board for approval in accordance with the applicable provisions of this local law. Any lot in a subdivision approved by the Village Planning Board after the effective date of this local law, but which is made noncomplying as to bulk by any future amendments of this local law, shall have three (3) years from the date of filing to obtain a building permit.

E. Noncomplying lots.

(1) A residential lot, separated from any other land in the same ownership and noncomplying as to bulk, whether or not located in and part of a subdivision plat approved by the Planning Board and filed in the office of the County Clerk, and which has a minimum lot width of one hundred (100) feet, may be used for a one-family detached residence, provided that such use shall comply with the bulk and parking requirements as specified in the highest residential district having the same or less lot width. For all

residential lots having less than one hundred (100) feet of lot width, the following minimum requirements shall apply:

(a) The minimum width of one (1) required side setback shall be twenty (20) feet for lots in the RR-50, R-40 and R-35 Districts; fifteen (15) feet for lots in the R-25 District; and ten (10) feet for lots in the R-15 District.

(b) The total width of both required side setbacks may be reduced nine (9) inches for each foot that the lot width is less than that specified in the Bulk Table.

(c) The minimum front and rear setbacks shall be thirty (30) feet.

(d) The minimum lot width and lot frontage shall be seventy-five (75) feet.

(e) The maximum building height shall be twenty-five (25) feet.

(2) For all nonresidential lots having less than one hundred (100) feet of lot width, the following minimum requirements shall apply:

(a) The minimum width of each required side setback shall be twenty (20) feet in the LO and PI Districts and ten (10) feet in the PO and NS Districts, except that where any setback abuts a residential district, the normal requirements for setbacks, yards and buffers shall apply.

(b) The total width of both required side setbacks may be reduced nine (9) inches for each foot that the lot width is less than that specified for the Table of Bulk Requirements.

(c) The minimum front and rear setbacks shall be thirty (30) feet for lots in the PO and NS Districts and fifty (50) feet for lots in LO and PI Districts.

(d) The minimum lot width and lot frontage shall be seventy-five (75) feet.

(e) The maximum building height shall be thirty-five (35) feet.

F. A lot shall not be considered noncomplying with respect to the front setback or front yard requirements of this local law if said condition is the result of a street right-of-way widening reservation or dedication, whether in fee or easement, required by the Planning Board at the time of subdivision or site development plan approval.

3. Additional considerations. (Amended August 18, 2011, Local Law No. 1 of 2011)

A. Repair and alterations. Normal maintenance, repair or alteration of a building or structure occupied by a nonconforming use is permitted if it does not extend the nonconforming use. No extension, alteration or enlargement shall be made in a building or structure occupied by a nonconforming use, nor in a nonconforming nonbuilding use except:

(1) When required pursuant to an order of a court of competent jurisdiction.

(2) To adapt the building or structure to a conforming use.

B. Change of use. Any nonconforming use may be changed to any conforming use or, on application to and with the approval of the Board of Appeals, to any use which the Board of Appeals deems to be more similar in character with the uses permitted in the district in which said change of use is proposed. Any

nonconforming building, structure or nonbuilding use may be changed to a conforming use, regardless of whether the newly created conforming use is noncomplying as to bulk, subject to approval by the Board of Appeals, subject to the same general considerations applicable to the granting of special permits and subject to site development plan approval.

C. Cessation of use. If active and continuous operations are not carried on in a nonconforming use during a continuous period of one (1) year, the building or land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. The time period set forth herein shall be tolled for any cessation of use pursuant to a court order.

D. Damage and destruction or demolition. A building or structure occupied by a nonconforming use or noncomplying as to bulk or parking requirements, damaged by fire or other causes including demolition, to the extent of fifty percent (50%) or greater of the last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land thereof, shall not be repaired or rebuilt except in conformity with the requirements of this local law, including parking requirements. Any building, structure or any part thereof occupied by a nonconforming use or noncomplying as to bulk or parking requirements, which is damaged to an extent less than fifty percent (50%) of last full value as shown in the records located in the Town Assessor's office, excluding the assessed valuation of the land, may be repaired, provided that a building permit is obtained within one (1) year after such damage; otherwise such building, structure or part thereof shall thereafter be occupied only by a conforming use and shall comply with the bulk and parking requirements of this local law.

E. Nonconforming open storage yards, outdoor display. Any nonconforming open storage yard or any outdoor display or storage of merchandise which is nonconforming may be continued for one (1) year after the effective date of this local law.

F. Nonconforming industrial uses. In any residential district, any nonconforming industrial use which is permitted in the PI District may be continued for eight (8) years after the effective date of this provision of the Ramapo Zoning Law (the preceding effective zoning control) or twenty-eight (28) years after the initial establishment of such use or an addition thereto that adds fifty percent (50%) or more to the real value of such use, whichever is the longer period, provided that, after the expiration of that period, such nonconforming use shall then be terminated.

G. Modification by Board of Appeals. If an application is made at least six (6) months before the expiration of the period prescribed for termination of a nonconforming use or noncomplying bulk, and the Board of Appeals shall find that the period prescribed is unreasonable or inadequate for the amortization of the special value of the property resulting from such nonconforming use or noncomplying bulk, then the Board of Appeals may grant such an extension of the period prescribed as it shall deem to be reasonable and adequate for such amortization, provided that no such period of extension shall exceed one hundred percent (100%) of the period prescribed and that such extension may be granted only once for any use.

H. Continued use after termination date is a violation. The continuation of a nonconforming use or noncomplying bulk after the termination date fixed for the same shall constitute a violation of this local law.

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

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Local Law No. 7 of 2018.

7. **Resolution No. 2018-90.** To authorize the Mayor and three Trustees to execute the abstract of unpaid taxes for submission to Rockland County for re-levy.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alostne

The Board was polled and voted 5-0 to Approve Resolution No. 2018-90.

8. Resolution No. 2018-91.

RESOLVED that the Village Board approves the meeting schedule for the Village and land use Boards for 2019 and directs the Village Clerk to provide the same to the Rockland Journal News.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2018-91.

9. Resolution No. 2018-92.

Resolution approving the Planning Board's proposed regulation regarding escrow requirements for informal reviews before the Planning Board and CDRC.

WHEREAS, the Planning Board adopted procedural rules requiring applicants seeking an informal review of a project before the Planning Board or CDRC to post a \$5,000 escrow for professional review fees at its meeting on November 1, 2018 (based on the time involved with review of informal proposals); and

WHEREAS, Zoning Code Article XX(1)(C)&(D) requires the Village Board to review and approve Planning Board procedures and rules at a Village Board meeting held within 60 days of the rules adoption by the Planning Board.

RESOLVED that the Village Board hereby approves the Planning Board's escrow rule for informal review of Planning Board and CDRC applications.

MOTION: Trustee Cohen

SECOND: Trustee Van Alostne

The Board was polled and voted 5-0 to Approve Resolution No. 2018-92.

10. Resolution No. 2018-93 Approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 5 in the aggregate amount of \$333,175.66 as set forth on Abstract No. 2018-10 dated November 29, 2018, as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Miller

SECOND: Trustee Cohen

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

Open Floor Public Discussion.

Hal Sherman – 8 Pine Knoll Ct., Chestnut Ridge, New York 10977:

- Complained about trailer, recreational vehicle tandem wheels, over 35 foot in length, parked in the driveway.
- I have called, e-mailed Code Enforcement and no response; to this date it is still there.
- I submitted a report in July; numerous times I've called, e-mailed Code Enforcement, and the Building Inspector.
- July submitted a written report; Oct. 26, Oct. 29, Oct. 30 Nov. 6, Nov. 13, Nov. 15th, Nov. 28th.
- Submitted a picture of the trailer, over 35 feet, tandem wheels should not be allowed.
- Complained about enforcement; 986 Chestnut Ridge Rd., he's got a construction company, a plowing company and he has a commercial, tandem wheeled truck parked on his driveway.
- One Jacqueline there are a number of vehicles, trailers parked on the lawn.
- Mr. O'Donnell complained to me I had my car parked on the lawn so my driveway could be plowed; but it seems not going around anywhere else.

Mayor Presti:

We will follow up.

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

- 986 Chestnut Ridge Rd., on numerous occasions I brought it to the attention of the Village.
- Next door there is a business with a tandem truck where the man washes cans.
- 631/681 Chestnut Ridge Rd., which is the Gould property; hung a new sign up;
- Didn't recall any request to have Planning Board approve it.
- Brought it to the attention of Code Enforcement and Planning Board, sign still there.
- At last Village Board Meeting asked Mr. Sevastian about 750 Chestnut Ridge Rd.
- Mr. Sevastian made a reference to an older document issued by Adam Peltz and is being used in defense of the 750 application.
- I would like to ask where the copy of that letter is from Mr. Peltz?
- I foiled the plans; everything relating to the House of Worship.

Mayor Presti:

- We were contracting with Ramapo.
- At the time we didn't have our own Building Inspector/Fire Inspector.
- I don't know why that document didn't stay in the Village.
- I will have the Village Attorney track down that document.
- During defense of the case we will need a copy of that document.

- It's still in Court.
- If and when it becomes part of the file; you should get it when we get it.

Attorney Sevastian:

- We can do reciprocal demands to produce most of the time.
- The prosecutor is allowed to ask for it.
- Two documents, Certificate of Use and Certificate of Fire Safety.

Trustee Cohen:

- Asked if it had Commercial plates?
- Our Code calls for Commercial vehicles.

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

- 312 N. Highland wanted to know how paperwork was coming along?
- Complained never available when people are using it.
- Fourteen cars there.
- Had picture of basement area where people are entering twice a day.
- A sliding glass door has been added in the back and air conditioner unit has been added.
- People come as early as 6:30 a.m., gone by 8:30 a.m. and at night they come 7:30 p.m. to 8:00 p.m. and leave as late as 11:30 p.m. except on Friday night they come earlier.

Attorney Sevastian:

- We need to have physical observations for place being used.
- We need to make ourselves available.

Trustee Miller:

- Took advantage of HOW meeting and had police write down hours people come.
- Don't know what they've done about it.

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

- I have video for 312 N. Highland; fifty-nine people; has everything, time, date.
- Friday night service, Saturday morning services.
- Often there late at night, some kind of study every night.
- Line of cars, varies in length.
- Over the summer, double rows of cars.
- You can see exactly from the street; separate women's entrance; there leaves no doubt.
- Felt at last meeting residents squandered their time to show the Board the serious problems with specific provisions of this proposed law.
- It provides the Board the best basis to stop what you're doing and reconsider.
- At Monday night's Planning Board workshop there were two Planning Consultants; Max Stach and Jonathan Loch made some particular remarks and how they responded to the August 29th law.

- Mr. Stach said based on comments they received they added the rule of having 750 feet of one side on street parking as a requirement for using other neighbor's driveways.
- This is when I realized that in the proposed law the term "off-site parking" does not include "on street" parking.
- Apart from that 750 foot. rule, the law does not address on-street parking at all.
- Mr. Stach confirmed that.
- That's the chief negative consequence that neighbors are seeing and dealing with now at four informal places of worship the Village is allowing to operate contrary to current Zoning Code, and one illegally without a Certificate of Occupancy.
- At first, I thought Mr. Stach was referring to the 639 one-page form letters submitted in July from the ultra-religious community; but the ultra-religious community letters were not about this at all.
- They asked that entire parking requirement for a neighborhood place of worship be off-site on a separate property within 1,500 feet if owned by the same party owning the place of worship.
- The Board did not grant this request.
- Brings me to newly submitted six-page form letter 635 other residents opposed to this law.
- I hope the Trustees have read this letter in its' entirety.
- I expect many more of these letters to be filed in the next month or two.
- Representative of majority of 2,400 households in Chestnut Ridge, not just 700 of them.
- Residents will be impacted every day by these proposed Zoning amendments.
- Why not solicitate your Planning Board's comments for those changes as well?
- Is it true if you don't make all the County's nine recommended modifications that a super majority of the Board will be required to adopt the law?

Attorney Sevastian:

- Letter went out to the other agencies besides Rockland County Planning.

Carole Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, New York 10977:

- FYI – I am submitting five pages of places you can go to in Monsey area that you can pray; morning prayers, afternoon prayers, evening prayers; times, where to go.
- It includes two places in Chestnut Ridge.

Sabrina Martin – 2 Ronwood Rd., Chestnut Ridge, New York 10977.

- In regard to the last meeting there was an opportunity for the Board to respond after everyone spoke.
- Signed paper, but meeting was adjourned so it was not an opportunity for her to speak.
- Her concern was comment made by the Mayor; "we cannot kick this can down the road".
- Felt usually term used when someone or an organizational group of people are trying to deliberately delay a process or deliberately not address a process.
- Took offense to issue being identified "kick can down the road".

- This is our Village; our livelihood; indication implies there is a need to hurry up and get this done.
- We are talking about changing Zoning Laws that would have an impact over ninety percent of our Village, why hurry up and get this done?
- Comments made by two members indicated there was a need for this law; for certain members of the community as they have a need to be able to walk to their houses of worship.
- Needed help understanding why there are references in the law with regards to try and figure out parking.
- If we are creating residential houses of worship so that people can walk; to try and figure out parking; why do we need parking other than what we normally have outside home?

Mayor Presti:

- With regard to my comment, kicking the can down the road, this matter has been going on for a while now.
- We are at a point where while you may feel I used it in the wrong term in the wrong way; it goes the other way also.
- If and when we get all the information before us, and if we can make a decision, we are going to make a decision.
- If we can't make a decision; we won't.
- We are moving with deliberate speed, quoting a Supreme Court Justice.
- We are doing so within the perimeters of the law.
- Why do you need parking; with certain structures, if it's going to be/have public assembly over a certain number you need the required parking?
- That's Building Code; we are not making this up.
- If you have a home, half a home, half a house of worship where you are praying in your home you are going to have to comply with Building Code.

Attorney Sevastian:

- Very bad planning, to allow any use of land, regardless of what it is, without designated parking.
- Doesn't mean everyone is going to live nearby.
- To approve a use without off street parking from a Planning view, is probably a bad idea.

Trustee Cohen:

- Walking for houses of worship is on the Sabbath and holidays.
- On way to work, after work, in the evenings; people stop off; therefore, parking is required.
- Zoning Law applies to home office as well.
- The Board will have to mull over and decide whether there is to be parking on and off site.

Trustee Valentine:

- We will not kick the can; that is something we won't do.
- We/I not rushing to judgement.
- We/I will make sure we have all the information.

Attorney Sevastian:

- Religious land use/legitimate religion you're practicing there has to be some accommodation for the municipality.
- A lot of the comments I hear are not anti-religious land use; they are anti-frequency of the religious land use which is really interesting.
- Some religions are more frequent in their observances than others.
- But that doesn't entitle them to any less of an ability to practice it without an undue burden or substantial burden put in their way.
- How that balances out in Legislation is difficult, and it can get done, it can be wrong, it can be done and required to be modified based on facts on the ground.
- I thought the phrase anti-frequency as opposed to anti-religious was a really interesting idea.

Sabrina Martin – 2 Ronwood Ct., Chestnut Ridge, New York 10977:

- Listening to your responses, it was apparent to her this was a very complicated process.
- Didn't think anyone concerned about repeated use of a particular area; are anti-frequency.
- Wanted to bring to attention the amount of congestion that is occurring at a home, N. Highland, in a residential neighborhood.
- Felt this would not be a concern if a public assembly type of facility was not placed in an area where people come home and want peace and quiet in a bedroom community.

Attorney Sevastian:

- I live in a place; St. Ann's Church, Grace Church, a Baptist Church and a Pentecostal Church are all within 200 yards of my house and Sunday is a pain in the neck; but that's pretty much it.
- When you are talking about introducing houses of worship into residential neighborhood it goes further than that, goes into a home, it seems different.
- But if that's the way a legitimate religion practices, it has to be accommodated.

Sabrina Martin – 2 Ronwood Rd., Chestnut Ridge, New York 10977:

- If my home was on Schoolhouse Rd., that means I bought a home on a main road and other things are going to occur.
- Felt a Comprehensive Plan; taking time was the answer.

Mayor Presti:

- If you live in the Birds and there are no lots there other than residential dwellings, it doesn't mean if someone wants to practice their religion in a residential area than they can't.

Attorney Sevastian:

- How do you balance what's there and exercise religion; it's really, really difficult.

Trustee Miller:

- There are no lots in the Birds.
- The Trustees understood it exactly how the Mayor meant, we are not going to prolong this and do what we have to do.

Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, New York 10977:

- Felt Appledale Lane has become an Indianapolis 500.
- Been observing this for quite a while.
- Police sitting there; you see a cop, you have to go slow.
- Something has to be done; was throwing this out to the Board, not going to let issue die.
- The Ramapo Police are not there twenty-four hours a day.

Mayor Presti:

- We do not have our own Police Department.
- We report this to the Ramapo Police.
- We do not say it's o.k. for people to speed.
- It's in other parts of the Village and other parts of the Town of Ramapo as well.
- We will try to do the best that we can do to address it.
- Police set up speed trailers, people pay attention to the law, and unfortunately, then go back the other way when the speed trailers are gone.
- We don't like the fact people are speeding in your neighborhood.

Steven Slackman – 30 Sephar Lane, Chestnut Ridge, New York 10977:

- Development of the Corridor project saw on financial break out you paid approximately \$3,700.00 to the Planner.
- Who will be reimburse us for the fees?
- Stated he had clients in the Village and were offended when addressed "you people".
- Stated he felt Police were degraded.

Mayor Presti:

- Equestrian Estates activity has nothing to do with the Red Schoolhouse Corridor, it is separate.
- If you looked at the bill, there is escrow with regard to Equestrian Estates.
- Then there is the regular Village fee for the Red Schoolhouse Corridor.
- The Planner will have on there \$1,750.00 from escrow; the money for Red Schoolhouse corridor comes from Village funds.

Attorney Sevastian:

- Equestrian Estates is a petition for a text amendment.
- Any work done in petition for a text amendment they have to reimburse the Village for.

Trustee Miller:

- Had opportunity to speak to Ramapo Police at the Special meeting.
- Pointed out their failings; they were not degraded.
- My comments were taken very well by them.
- Stated they are not there when we need them.
- They stated, “will try to do a better job regarding speeding”.
- They told me they just hired thirty more officers.
- They felt my comments were appropo.
- Sometimes you have to attack but in the right way.
- I also complimented them.

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

- Complained three properties in the Birds installed cameras on poles in the right of way zone facing outward to record people and activity on the street.
- Properties are 4 Raymond Avenue, 8 Sparrow Avenue, 17 Eagle Street and just heard Oriole.
- The pole for 8 Sparrow Avenue bears a sticker from a private security company.
- Spoke to Ramapo Police and Town Highway Department.
- Said they are not responsible for these cameras.
- Submitted a code complaint with photos for the camera at 4 Raymond Avenue, exactly a month ago, but heard nothing.
- Aren’t these camera installations illegal situated in the right of way zone?
- Are they otherwise allowed by some kind of special or conditional permit and has the Board issued permits to these properties for that use?
- What is the legality of a homeowner installing a camera solely for recording activity on a public street?
- These are not doing surveillance of the home and property itself.

Mayor Presti:

- With regard to right a way location, the poles and camera should not be in the right away and danger to the motoring public.
- Code Enforcement is talking with the property owners to have them removed; otherwise, they will have a violation against them.
- You are entitled to have surveillance; that is your constitutional right to have security on your property.
- Doesn’t matter where they want to face it; it’s their camera.
- On their house; they can point it upward, they can look at UFO’s, they can do that too.
- The Constitution applies all the way around.

Steven Slackman – 30 Sephar Lane, Chestnut Ridge, New York 10977:

- Sometimes in Law you refer to it as place of worship, sometimes refer to it as residential gathering place.

- How do you differentiate?
- Can I list my items on line with twenty staff as a Residential gathering place?

Attorney Sevastian:

- I refer to the law as House of Worship Law.
- There are three tiers of facilities in it
- Residential gathering place, Neighborhood, and Community Houses of Worship.
- Size, whose living in it, occupancy.
- Using it for a business is something else.

Mayor Presti:

- That's a business, Mr. Slackman.
- You're not going to be running a business in a neighborhood gathering place as an Amazon distribution center.
- That's an at-home business; you have certain permitting perimeters.
- You're not gathering to worship, you're not gathering for a book club, you are not gathering to pray, you are gathering to work.
- My neighbor, Mr. Burn's is it a business with all the landscapers; is he gathering for a place of worship or gathering for a place of business?

Carole Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, New York 10977:

- When you put this Law together or this change together are you factoring into it any limits to the number of such places of worship that can be on a particular block, a particular area, in a particular amount of space?

Mayor Presti:

- Constitutionally you cannot do that.
- The Constitutional protections for all religions; say you cannot limit them.
- It's not a nail place, a book store; you cannot say you can only have one every 1,500 feet.
- If you want to worship in your home and you are a legitimate religious entity you can do that.
- We can't say you can only establish your religious establishment on a County Rd., or a State Rd.; we cannot do that.
- It can be anywhere in the neighborhood; the Constitution says you cannot limit the number; you can't say only one every so many feet.
- That's a violation of the Constitution, where an Attorney would just be drooling; in regard to that it would be hitting the lottery for an Attorney.

Attorney Sevastian:

- That market, theoretically, is going to drive how many places of worship exist in an area, because there are not enough people to worship.

Mayor Presti:

- We are not going to go down that road, counsel.
- We tried to address the supply and demand.

Attorney Sevastian:

- When you look at an analysis of the Local Law and the impact it's going to have, it's a good idea to look at communities that may have specific laws, and see what's a reasonable worst-case scenario that you see there?
- What a reasonable worse-case scenario that's happening under what we have now?
- That incremental increase or decrease is something that is legitimate for a municipality to look at; particularly in the context of Environmental Review Impact.
- Increase between what you have and what you propose when you're talking about amending the Zoning Code is really all you can look at because you don't have specific applications.
- When an application is made there will be a SEQRA review of it.

Carole Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, New York 10977:

- How would you like to have Sundays seven days a week?

Frank White – 5 Sparrow Avenue, Chestnut Ridge, New York 10977:

- Complained to the Board and wanted everyone to be fair.
- Didn't want someone to have the edge over him.
- Stated the Board told him they didn't want law suits.

Motion to Close the Public portion of the Meeting.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Close the Public portion of the Meeting.

Motion to Go into Executive Session.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Close the Meeting and go into Executive Session.

MEETING ADJOURNED: 9:05 P.M.

EXECUTIVE SESSION: 9:35 P.M.

Respectfully submitted,

Florence A. Mandel

Village Clerk

Recording Secretary

