

**MINUTES OF THE BOARD OF TRUSTEES**  
**THE VILLAGE OF CHESTNUT RIDGE**  
**DECEMBER 10, 2015**

**The Board of Trustees of the Village of Chestnut Ridge convened in regular session  
On December 10, 2015 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**

**GRANT VALENTINE                      -                    TRUSTEE**

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**ABSENT:**

**WALTER R. SEVASTIAN                -                    VILLAGE ATTORNEY**

**PRESENT:**

**FLORENCE A. MANDEL                 -                    RECORDING SECRETARY**

**1. Pledge of Allegiance**

**2. Mayor's report.**

- Thank you for coming out tonight.
- We have the Village Treasurer, Village Clerk and Trustees.
- We will dispense with the Mayor's Report tonight.
- There is the Foster Church tour for us this Saturday. It will be nice to see the end result..

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

**No one from the public wished to speak.**

**Motion to Close the Open Floor Public Discussion on Agenda Items only.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

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

**4. Approval of Minutes of Previous Meeting, November 19, 2015.**

**MOTION:** Trustee Valentine

**SECOND:** Trustee Cohen

**The Board was polled and voted 4-0 to approve the Village Board Minutes of November 19, 2015.**

**5. Public Hearing** to consider amendment to Local Law #20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to amend Article XIV, entitled "Administration and Enforcement", to add provisions pertaining to requiring certain applicants to establish escrow accounts to cover the cost of expenses incurred by the Village of Chestnut Ridge for professional review of land use applications.

**Motion to Close the Public Hearing. No one in the audience.**

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board was polled and voted 4-0 to Close the Public Hearing to consider amendment to Local Law #20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to amend Article XIV, entitled "Administration and Enforcement.**

**6. Resolution No. 2015-95: Resolution adopting Local Law.**

**WHEREAS**, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of Local Law #20 of 1987, the Zoning Law of the Village of Chestnut Ridge to amend the provisions regarding escrow accounts to cover

the cost of expenses incurred by the Village of Chestnut Ridge for professional review of land use applications;

**WHEREAS**, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on December 12, 2015;

**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 prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to the Village of Chestnut Ridge Planning Board for review and comment;

**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 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 a “Type II” action merely 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 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 preliminarily classified as a Type II action which is not subject to SEQRA.

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 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 amendment to the Zoning Code Zoning Code merely 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 administration of escrow monies held to

**BE IT FURTHER RESOLVED**, that amendment to Local Law #20 of 1987, the Zoning Law of the Village of Chestnut Ridge, Article XIV, entitled “Administration and Enforcement”, adding provisions pertaining to requiring certain applicants to establish escrow accounts to cover the cost of expenses incurred by the Village of Chestnut Ridge for professional review of land use applications, is hereby adopted.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board was polled and voted 4-0 to adopt Resolution No. 2015-95.**

**7.Public Hearing** to consider an amendment to Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge”, prohibiting overnight parking in the Village between the hours of 12:00 am and 6:00 am.

**Motion to Close Public Hearing on Vehicle and Traffic Law. No one in the audience.**

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board was polled and voted 4-0 to close the Public Hearing on Vehicle and Traffic Law.**

**8. Resolution No. 2015-96:**

**WHEREAS**, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment to Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge”, pertaining to the hours of permitted overnight parking in the Village (prohibiting overnight parking in the Village between the hours of 12:00 am and 6:00 am).

**WHEREAS**, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on December 12, 2015;

**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;

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

That the proposed Village Code amendment was a “Type II” action merely 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 any other agency, and was preliminarily classified as a Type II action which is not subject to SEQRA.

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 Village Code and its magnitude:

- a. That the proposed amendment to the Village Code amendment merely 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 permitted hours of overnight parking in the Village has no environmental impact.

**BE IT FURTHER RESOLVED**, that the amendment to Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge”, amending the hours of permitted overnight parking within the Village, is hereby adopted.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board was polled and voted 4-0 to approve Resolution No. 2015-96.**

**9. Resolution No. 2015-97:**

**RESOLVED**, that David M. Murdock is hereby appointed as a member of the Zoning Board of Appeals for a term to expire April of 2016.

**MOTION:** Trustee Valentine

**SECOND:** Deputy Mayor Brock

**The Board** was polled and voted **4-0** to appoint David M. Murdock as a member of the Zoning Board of Appeals.

**10. Resolution No. 2015-98:**

**RESOLVED**, that Ally A. Thorne is hereby appointed as an alternate member of the Zoning Board of Appeals for a term to expire April 0f 2016.

**MOTION: Trustee Cohen**

**SECOND: Deputy Mayor Brock**

**The Board** was polled and voted **4-0** to appoint Ally A. Thorne as a member of the Zoning Board of Appeals.

**Resolution No. 2015-99: Abstract of Audited Claims.**

**RESOLVED**, that General Fund Claims set forth on pages 1 through 3 in the aggregate amount of \$108,291.30 as set forth on Abstract No. 2015-12 dated December 10, 2015 as submitted by the Village Treasurer, are hereby approved.

**MOTION: Deputy Mayor Brock**

**SECOND: Trustee Valentine**

**The Board** was polled and voted 4-0 to **Approve the Abstract of Audited Claims.**

**OPEN FLOOR PUBLIC DISCUSSION:**

**Mayor Presti:**

Let the record reflect we have one resident in the audience, Ronald Miller.

No one from the public wished to speak.

**Motion to Close the Open Floor Public Discussion.**

**MOTION: Deputy Mayor Brock**

**SECOND: Trustee Valentine**

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

**Motion to Adjourn the Village Board Meeting.**

**MOTION: Deputy Mayor Brock**

**SECOND: Trustee Cohen**

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

**MEETING ADJOURNED: 8:05 P.M.**

**Respectfully submitted,**

**Florence A. Mandel  
Village Clerk**

Local Law # \_\_\_ of 2015

To amend Local Law #20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to amend Article XIV, entitled “Administration and Enforcement”; to add provisions pertaining to requiring certain applicants to establish escrow accounts to cover the cost of expenses incurred by the Village of Chestnut Ridge for professional review of land use applications.

Legislative Intent

Responsible government is reflected in responsible growth within a responsible tax base. Where there are municipal expenses that are non-general in nature as well as specific to a land use matter, the specific applicant seeking certain permits or approvals should be responsible for payment of those specific or other non-general expenses incurred by the Village that would otherwise be paid by the taxpaying public. To minimize the burden of government to the Village taxpayers from such costs, expenses or other charges that the Village incurs in specifically reviewing any applications or petitions or otherwise enforcing the rights of the Village, all such specific and non-general costs and expenses should be paid by the applicant (or other person or entity responsible involved) in all situations except applications or petitions for matters involving the construction of a

owner occupied one or two-family residence only (applications made relative to non-owner occupied one or two family residences shall be subject to this Local Law).

Text of amendment to local law:

Zoning Law Article XIV shall be amended to add a new section XIV (17), entitled “Escrow Accounts to cover specific and non-general costs and expenses”, as follows:

(17)(a). Applicability. Any and all such specific and non-general costs or expenses incurred by the Village in reviewing any application or petition for any zone change, special permit, license, franchise agreement, site plan, subdivision, variance, SEQRA review, amendments to any approved map or tax map or text of the Village Code, as well as any other submissions to the Village Board of Trustees, the Village Zoning Board of Appeals or Village Planning Board, ARB, or CDRC or otherwise enforcing the rights of the Village regarding a specific applicant or property owner which require the use or employment of Village Counsel, Special Legal Counsel, Bond Counsel, Transactional Counsel or other legal advice or representation, planning consultants, zoning consultants, engineers, experts, accountants, appraisers or other professionals or persons that may be deemed reasonably necessary by the Village to review, act upon or otherwise provide advice on any such matter shall be charged to and paid solely by the applicant or petitioner as well as property owner involved or other person seeking relief or otherwise responsible to the Village that makes such specific and non-general action or review by the Village appropriate or necessary.

(b). Escrow Account. The payment of such costs shall be deducted from an escrow account to be established at the time any such application is made, in amount determined by the Village in accordance with the Village's fee schedule or as determined by Resolution of the Village Board of Trustees. Such escrow account must be maintained in an amount sufficient to pay such fees or costs at the time they are incurred and must be replenished as directed by the Village Treasurer. No land use application shall be placed on an agenda for consideration or approval unless the escrow account is up to date, and no building permit or certificate of occupancy shall issue until all applicable costs referenced in this local law have been paid in full.

(c). Nature of costs. Any such costs paid or incurred by the Village that are reasonable and customary in the County of Rockland regarding the foregoing shall be charged to and paid by the applicant as well as property owner involved provided that the applicant as well as property owner involved are seeking a benefit or other relief or approval from the Village, and further provided that said costs are necessary expenditures, and not expenditures for the convenience of a Board in fulfillment of its own decision-making responsibilities.

(d). Maximum legal expense. Notwithstanding anything else set forth in this section, any legal costs billed against an escrow account established pursuant to this local law shall be reasonable in amount and shall not exceed five (5%) percent of the cost of the fair market

value of the estimated cost of construction or the infrastructure and other site improvements involved in said application.

(e). Appeal Rights. The person or entity required to pay said costs pursuant to this Local Law has a right to contest any obligation to pay any or all of such costs or fees by notifying the Village in writing within 30 days of being advised of such cost or the obligation to pay. The Village shall properly supply written documentation to the person or entity from whom such costs are sought to be paid. That person or entity has thirty (30) days from the date of transmittal of such documentation to object in writing to part or all of the costs or fees sought to be paid to the Village. If within that thirty (30) day period of time the entity or person objects to payment of some or all of the cost or fees to be imposed, the person or entity shall file in writing a detailed appeal to the Village Board of Trustees specifying the basis for any objection to said payment. Within ninety (90) days of the date of receipt of the appeal, the Village Board of Trustees shall determine the appeal and decide what costs or fees, if any, shall be paid by the person or entity making the appeal. In the event that the Village Board of Trustees requires payment of some or all of the costs or fees to be imposed, the person or entity shall have the right to file an appeal to the Supreme Court for the County of Rockland pursuant to Article 78 to challenge any such determination by the Village Board. Where a person or entity objects to any payment by the filing of an Article 78 proceeding, such amount shall remain in, but not be deducted from escrow until such time as the Supreme Court for the County of Rockland makes a determination regarding the same, if such an Article 78 proceeding is brought by the person or entity regarding said costs. In the event the escrow is insufficient to cover any disputed amount, the applicant must replenish the escrow account with an amount sufficient to cover the disputed expense (in addition to any other ongoing expenses) until such dispute is resolved or otherwise determined by the Supreme Court for the County of Rockland. After any review by the Rockland County Supreme Court, the applicant or other entity shall have a right to pursue an appeal to the Appellate Division, Second Department. Notwithstanding the same, the amount determined to be due from the applicant by the Rockland County Supreme Court shall be deducted from escrow, or paid by the applicant if the escrow is insufficient, unless a stay from a Court of competent jurisdiction is issued restraining the Village from regarding making such payment.

(f). Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

(g). Additional Rights of Village. Nothing herein shall diminish or eliminate the right of the Village to obtain reimbursement of costs or expenses as provided for in any other law, rule or regulation.

(h). Alternative Agreements. Nothing herein shall prohibit the Village and any applicant from entering into an agreement as to the payment of professional fees where such application is unique or otherwise different and where the amount of an escrow for payment of reasonable costs may be difficult to ascertain. If the parties do not mutually assent to a written agreement concerning such fees in said situation, then provisions of this local law shall control.

(i) Effective Date. This Local Law shall take effect upon filing with the Secretary of State and shall apply to all applications or matters for which final approvals have not already been granted by the Village.

Local Law # \_\_\_ of 2015 (**Resolution # 2015-96**)

To amend Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge”, prohibiting overnight parking in the Village between the hours of 12:00 am and 6:00 am.

Text of amendment to local law:

Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge”, Section 11 (A)(2) (“Prohibited Acts”), shall be amended to read as follows:

Section 11. Prohibited Acts; Exceptions

A. The following acts are hereby prohibited:

...

(2) All-night parking, which is hereby defined as parking between the hours of 12:00 a.m. and 6:00 a.m. during the period from November 1 to April 1, inclusive of parking of commercial vehicles between the hours of 12:00 a.m. and 6:00 a.m. during the period from January 1 through December 31 of each year. This prohibition shall be in addition to any other prohibition elsewhere herein or by resolutions of the board of Trustees.

...

Effective Date. This Local Law shall take effect upon filing with the Secretary of State.