

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

DECEMBER 15, 2016

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on December 15, 2016 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

JOAN BROCK TRUSTEE

HOWARD COHEN - TRUSTEE

RICHARD MILLER - TRUSTEE

GRANT VALENTINE - TRUSTEE

WALTER SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

- **Pledge of Allegiance.**
- **Mayor's report.**
- Had Sunday with the Mayor on December 4, 2016.
- A few people came out to chat which is always nice.
- Was accompanied by Trustee Cohen.
- Complaints from last Village Board Meeting were followed up on:
- **9 Appledale Ln.** –For Sale signed has been removed.
- **4 Badger Ct.** –We issued a violation for trash.
- They were given a ten day compliance period.
- There were never seven cars on the lawn at the time of inspection.
- On December 4th at time of inspection there were four cars on the driveway.
- On December 7th at time of inspection there were two cars on the driveway.
- We tried to do an interior inspection, but no one was home.
- We will continue to follow up.

3. Open Floor: public discussion of Agenda Items.

No one from the public wished to speak.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **5-0** to Close the **Open Floor Public Discussion** on Agenda Items only.

4. Approval of Minutes of Previous Meeting, November 17, 2016.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **5-0** to approve the **Minutes of November 17, 2016.**

5 a. Public Hearing to amend Local Law No. 12 of 1987, “Architectural Review Board”, as pertains to notice and posting of applications.

MOTION: Trustee Cohen

SECOND: Trustee Miller

- **Trustee Cohen:** Passing this resolution is the result of the people participating in the meeting. Somebody mentioned why is this happening and I ended up saying “this renovation should have been going to the Architectural Review Board and counsel corrected me and said it’s not statutory. It had always been the procedure when there was major renovations going through an existing residence that the Building Inspectors themselves would require it; but it was not statutory, so now it is.

- Howie thanked the community for bringing this issue to their attention and it's good that they do these things so that we can enact legislation that will help improve the community.

The Board was polled and voted **5-0** to **amend Local Law No. 12 of 1987, "Architectural Review Board"** as pertains to notice and posting of applications.

5 b. Resolution No. 2016-87 - to adopt the amendment Local Law No. 12 of 1987, "Architectural Review Board", as pertains to notice and posting of applications. Local Law No. 12 of 1987 – Architectural Review Board

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of Local Law #12 of 1987, entitled the "Architectural Review Board", to amend the provisions regarding noticing of applications and the scope of review for the Architectural Review Board;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on December 15, 2016;

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.

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 posting notice of public meetings, and expanding the types of construction which require ARB approval, has no effect on the environment.

BE IT FURTHER RESOLVED, that amendment to Local Law #12 of 1987, entitled the “Architectural Review Board”, by adding provisions to said law relative to posting notice of meetings, and expanding the type of construction that requires ARB approval, is hereby approved as follows:

Local Law No. 12 of 1987 –Architectural Review Board

...

Section 7

The requirements of Section 6A of this local law shall apply to a building permit for the construction of a new building or structure, or an alteration or addition to any building or other structure affecting the exterior of said building or structure where the cost of such alteration or addition is estimated by the Building Inspector to exceed five thousand (\$5,000.00) dollars, except that alterations or additions to existing single family detached residences shall be exempt from these requirements unless alteration or addition increases the gross floor area of the home by more than 40%.

...

Section 8

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C. Notice: For matters heard pursuant to Section 6A of this local law, the applicant shall submit, together with the plans required under Section 8A of this local law, and affidavit setting forth the names and addresses of all owners of property situated within 500 feet of the lot for which the application has been made and declaring that such names and addresses are correct as within the knowledge of the applicant and as shown on the latest tax assessment roll maintained by the Town of Ramapo. The applicant shall also provide the Clerk to the Architectural Review Board with addressed letter sized envelopes to the addresses of the properties within 500 feet, stamped with adequate first class postage to facilitate said Clerk mailing notices, at least 7 days prior to the meeting at which the Architectural Review Board will consider the application. The notices shall indicate the lot for which the application has been made, and the date, time and location of the meeting.

...

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 **adopt the amendment Local Law No. 12 of 1987.**

6. Resolution No. 2016-88: Approving Road Maintenance Agreement with the Town of Ramapo (\$508,332.00).

RESOLVED that the contract with the town of Ramapo for Highway services for the period of January 1, 2016 through December 31, 2017 at a cost not to exceed \$508,332.00 is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to adopt Resolution No. 2016-88 Road Maintenance Agreement with the Town of Ramapo.

7. Resolution No. 2016-89: Approving agreement with Turner Miller Group for the production of the Red Schoolhouse Road Corridor Land Use Plan (\$22,500.00).

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to **approve agreement with Turner Miller Group** for the production of the **Red Schoolhouse Road Corridor Land Use Plan (\$22,500.00).**

8. Resolution No. 2016-90 authorizing Village Clerk to publish an Election Notice setting forth the polling place for the March 21, 2017 Village election, and the hours the polls will be open.

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted **5-0** to adopt **Resolution No. 2016-90.**

9. Resolution 2016-91 to retain Terry A. Rice, Esq. to continue to provide legal services on a matter of pending litigation.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to adopt **Resolution No. 2016-91.**

10. Terry Rice, Esq. to continue to provide legal services on a matter of pending litigation.

RESOLVED that Terry A. Rice shall be retained to continue to provide the Village with legal Services relative to the pending matter of 30 Sephar Lane Corp. and Steve's Lawns, Inc. v. the Village of Chestnut Ridge, et al.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to adopt **Resolution No. 2016-91.**

11. Resolution 2016-92 to authorize the Mayor to sign an Amended Restrictive Covenant relative to the Artis Senior Living LLC Assisted Living Residence Development.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **5-0** to adopt **Resolution No. 2016-92 Amended Restrictive Covenant relative to Artis Senior Living LLC.**

WHEREAS, the Village Board has previously approved a Special Permit for Artis Senior Living LLC to construct and operate an Assisted Living Residence in the Village of Chestnut Ridge, and

WHEREAS, the Planning Board has granted conditional Site Plan approval for the project, and

WHEREAS, the Village Board wishes to amend and continue an existing Restrictive Covenant which provides screening to the rear of the development.

THEREFORE BE IT RESOLVED that the Mayor is authorized the amended Restrictive Covenant upon the approval of its terms by the Village Attorney.

12. Resolution 2016-93 approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$138,590.594e as set forth on Abstract No. 2016-12 dated December 15, 2016, as submitted by the Village Treasurer, are hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

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

13. Open Floor: Public Discussion.

Anthony Sharan – 868 Chestnut Ridge Rd., Chestnut Ridge, NY 10977:

- States as he did his walk, property opposite the Garden State on Red Schoolhouse Rd.; wanted to know what they were doing.

Mayor Presti:

- Explained it was the Walsky sub-division and they were doing soil testing.
- Mr. Walsky passed away and his daughter was taking over.
- Mayor Presti stated there is no construction going on.

- State he had concerns from residents regarding the traffic control.

Trustee Cohen:

- Stated he got a call traffic was stopped in both directions for about one half hour.

Bruce Goldstein – 2 Weiss Terrace, Chestnut Ridge, NY 10977:

- Wanted update on 640 Chestnut Ridge Rd.
- Stone house, being used as a multi-family house.
- Three families living there; three door bells, people living in basement; families using different doors to enter and leave.
- Bedroom windows are fogged up and it looks like they are cooking up in their bedrooms.
- Stated he didn't know if it was sub-divided.
- Stated he went back to the Planning Board Minutes from July 10th and January 7th.
- There are commercial vehicles there.
- They are doing work in the middle of the night on the Gould property.

Mayor Presti:

- Stated it's difficult to prove it is three separate families living in there.
- They may say they're all related; brothers, sisters, etc.
- It is illegal if three separate families.

Trustee Cohen;

- Several families can share a home as long as they all have access.
- There cannot be locks on the doors, separate cooking facilities, etc.
- Must all have access to whole house.

Motion to Close the Open Floor Public Discussion.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to **Close** the **Open Floor Public Discussion.**

Motion to Adjourn Meeting and go into Executive Session.

MOTION: Trustee Valentine

SECOND: Trustee Miller

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

MEETING ADJOURNED: 8:23 P.M.

EXECUTIVE SESSION ENDED: 9:10 P.M.

Respectfully submitted:

Florence A. Mandel
Village Clerk

