

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

DECEMBER 20, 2018

**The Board of Trustees of the Village of Chestnut Ridge convened in regular session
December 20, 2018 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge,
NY 10977.**

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

GRANT VALENTINE - DEPUTY MAYOR

RICHARD MILLER - TRUSTEE

PAUL VAN ALSTYNE - TRUSTEE

ABSENT:

HOWARD COHEN TRUSTEE

PRESENT:

WALTER SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - VILLAGE CLERK

1. Pledge of Allegiance

2. Mayor's report:

- Welcomed everyone.
- Report will be brief.
- Had coffee with the Mayor on December 2nd and scheduled to have the next one on Sunday, January 6, 2019, noon to 2 p.m.
- Mayor thanked Bull Dog Coffee Roasters for allowing him the space to meet with the people.

Mayor goes over issues/complaints from last Village Board Meeting of November 29, 2018.

- **The tandem trailer**, I believe, Mr. Sherman had brought up. The maximum length of the trailer is thirty-five feet and needs to be on the driveway. If it's longer than thirty-five feet and not on the driveway, Code Enforcement will do what they need to do.
- **Regarding 681 Chestnut Ridge Rd./ Gould property**: Code Enforcement again is on track with violations that are open at that location.
- They are aware of the violations and proceeding appropriately through Village Justice Court.
- **Jacqueline Rd.** and number of vehicles/trucks parked on the lawn.
- There was a previous violation earlier in the year.
- Now, again Code Enforcement will follow up and issue new violation for the car in the yard and approximately in ten days see if another violation has to be issued.
- **681 Chestnut Ridge Rd., Gould property sign**.
- There was no Planning Board approval for that sign but it was just a number sign. At this point, I don't know if there is any issue.
- Further down the road **Sapphire Adventures** was a different situation and would have had to receive Planning Board approval.
- **25 Eagle**; the two-car garage that is smaller than a conventional two-car garage.
- There is an issue with roof supports to run electrical lines.
- Building Department is waiting for additional information with regard to those supports.
- I don't think there is going to be additional work done there until Code Enforcement is satisfied with the boring holes.
- The garage may be small than what some people would like to see, but it is a two-car garage.
- **Cameras** – the fact that they are in the right away.
Village Attorney will follow up with property owners; emphasize the fact they are in the right away; to see if there is any work that has to be done. Technically, those structures would have to be removed. They would acknowledge that would be the case. If they do not acknowledge that and not agree to the fact that it is in the right of way and that they have responsibility; if

there is any type of injury and we would need access to the property; then we would bring them into Justice Court.

- **312 N. Highland** -has on its' radar. Code Enforcement asks for a little bit more time. They are in the process of addressing the complaints with regard to what's going on there.
- It isn't a good idea for me to say anything further. I don't want to do anything to prejudice what Code Enforcement is in the process of doing.

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

- No one from the Public wished to speak.

MOTION: Trustee Miller

SECOND: Deputy Valentine

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

4. **Approval of Minutes of Previous Meeting, November 29, 2018.**

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 4-0 to Approve the Village Board Minutes of November 29, 2018.

5. **Resolution No. 2018-94.**

Resolution accepting dedication of Godwin Terrace (Ackertown Development Subdivision), and to release of remainder of posted Completion Bond (less \$2,515.17).

WHEREAS, the Village Engineer has advised the Village Board that the road known as Godwin Terrace in the Ackertown Development Subdivision has been completed in accord with the construction standards set forth in the Village Code; and

WHEREAS, the Village Engineer has calculated a sum to be deducted from the Completion Bond relating to a loss of CHIPS funding based on the current service life of Godwin Terrace.

THEREFORE BE IT RESOLVED that the Village Board accepts the offer of dedication of Godwin Terrace, and authorizes the Mayor to sign documents required for the conveyance; and

BE IT FURTHER RESOLVED that the Village Board authorizes the release of the Completion Bond posted by the developer, less the sum of \$2,515.17 due to the present service life of the roadway (and the loss of CHIPS funding occasioned thereby).

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 4-0 to Approve Resolution No. 2018-94.

6. **Resolution No. 2018-95:**

Resolution approving Orange & Rockland’s request for road opening permit for work to be performed in the winter on Haller Crescent.

WHEREAS, the Village of Chestnut Ridge typically does not issue road opening permits for work to be performed in winter months; and

WHEREAS, Orange & Rockland has requested a road opening permit for work to be performed in the winter months on Haller Crescent to upgrade gas and electric facilities.

RESOLVED, that Orange & Rockland’s request for a road opening permit for work to be performed in the winter months on Haller Crescent to upgrade gas and electric facilities is granted, subject to the utility complying with the conditions that: (a) No work is performed before January 1, 2019, (b) That all trenches are paved at the end of each work day (no steel plates), and (c) That spring paving be done in compliance with the Village regulations.

Mayor Presti:

- **The Village Engineer will be keeping an eye on and supervise.**

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to Approve Resolution No. 2018-95.

7. Resolution No. 2018-96:

Resolution approving Mars International freight transportation as the company to package and return the Copystar equipment to the leasing company.

RESOLVED that based on quotes received by the Village Treasurer, Mars International freight transportation is approved to package and return the Village’s Copystar equipment to the leasing company at a cost of \$190.00.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine:

The Board was polled and voted 4-0 to Approve Resolution No. 2018-96.

8. Resolution No. 2018-97.

Resolution to continue Public Hearing on proposed Local Law regulating Places of Public Assembly and Houses of Worship.

RESOLVED that the Public Hearing on the Local Law under consideration regulating Places of Public Assembly and Houses of Worship is adjourned until January 15, 2019 from 7:30 pm – 10:00 pm at the Chestnut Ridge Middle School, 892 NY-45, Chestnut Ridge, NY 10977.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to Approve Resolution No. 2018-97.

9. Resolution No. 2018-98.

RESOLVED that the Village Clerk is authorized to publish notice setting forth the (1) Polling Place for the March 19, 2019 Village Election, (2) the hours during which the polls are open, (3) the names and addresses of candidates, offices, and term nominated for, and (4) an abstract of any proposition. Election Law 15-104(3)(c) and 15-104(4).

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 4-0 to Approve Resolution No. 2018-98.

10. Discussion on formation of Citizen's Advisory Committee for Community Development Block Grant project proposal submissions.

Mayor Presti:

- **In the past, the Village has not fell within the perimeters in economics in regard to the guide lines to get funding from Community Development. Now, we are advised there is a section of the Village that now would basically be in those perimeters.**
- **Come the spring, we will have to get a couple of people on the committee and again we will audit to see what's available from Community Development funds and see if there is a project in the Village; what is available for community funds.**
- **I think we need to formally set a committee for January.**

Attorney Sevastian:

- **We are in the Consortium.**
- **We are too late for this year.**
- **We didn't know we had a section.**
- **The dynamics of it is the Committee is formed.**
- **It is supposed to be representative of the community; in terms of elderly, income levels, gender, race.**
- **That Committee can meet as many times as they want, but they've got to have at least two formal meetings.**
- **They can look at projects within the eligible area, can give that to the Committee; or any other Not for Profit in your community could actually propose a project in the affected area.**
- **That Committee then reports to the Board.**
- **The Board has an official Public Hearing, where they would rank the project, if any that they get.**
- **Send it to Community Development and, if Community Development had the money, would fund the project.**
- **At this time when you find out we may be eligible for some money the Board members can come up with people who they think would be interested on serving on the committee.**

Mayor Presti:

- The funds are limited to the area, basically a residential area.
- We will get the Village Engineer involved also with regard to specifically identifying the area that is in the perimeters of Community Development to locate the areas that may be available.
- He can recommend potential project.
- Then he can sit on the committee.

Attorney Sevastian:

- It is interesting how they define 42.6 % of the people residing in the block.
- Split up these blocks in advance that are considered low to moderate income relative to Rockland County's area median income is high; it's over \$100,000.00.

Mayor Presti:

- We barely made the percentage on the economics.

Trustee Miller:

- Would like a one-page summary of what the requirements are.

Attorney Sevastian:

- I will be happy to send you an e-mail.

Mayor Presti:

- We can refer the map over to the Village Engineer.
- Have the Village Engineer identify the area that is designated for Community Development, potential funds, and then we can take it from there.
- Map came from the County.
- Village Engineer to be kept in the loop.

Deputy Mayor Grant:

- Asked if assessment was done every year?

Attorney Sevastian:

- The County designates blocks in advance; just areas in advance.
- Every year they analyze income levels in those areas and they said that in that particular area this year you got to a number that's above 42.6 % of people earning a certain percentage of the area median income.

Mayor Presti:

- The County wanted to know what our status was in regard to a hearing on Community Development?
- We haven't had one because, up-to-date, we haven't been advised there was an area that would actually be eligible.
- They responded with, "you are now eligible, and this is the area".
- It is a very isolated area.

- An area, that if we are able to get funding, we'll try to do it.
- I think we need the Village Engineer to survey the area so we know what we are talking about and what we could possibly do there.
- Assessment done every year; it's really a snapshot, but there is no harm.

Attorney Sevastian:

- The one I knew about in Chestnut Ridge was for the ramp, handicapped access.

Mayor Presti:

- The bathroom.
- So, we will anticipate a memo.
- You could also make sure the Village Engineer is in the loop and we will take it from there.

11. Resolution No. 2018-99. Resolution approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages **1 through 3** in the aggregate amount of **\$141,895.79** as set forth on **Abstract No. 2018-12** dated **December 20, 2018**, as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 4-0 to Approve Resolution No. 2018-99.

12. Open Floor: Public Discussion.

Joel Friedman, - 6 Amber Ridge Rd., Chestnut Ridge, NY 10977:

- Asked about large sign on Chestnut Ridge road where the new home for memory impaired is being built.
- Stated opposite side the shoulder is very wide, and there is a big sign that says "trucks entering road way".
- Complained when he comes out of Amber Ridge Rd., trying to make a left, he can't see the cars coming from the other side, right to left.
- Asked if they can move sign?
- Village Clerk will talk to the Building Dept.; they can go out and tell the contractor.
- I noticed a little classified ad, I'm looking to rent a room;
- The other says, house sharing; \$500.00 a room.
- Is house sharing considered converting a single family to a multi-family?

Mayor Presti:

- You could forward those articles to Village Clerk and our Code Enforcement will look into it.

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

- Asked when the updated House of Worship Resolution would ready?

- Asked what is going on with the burned-out house on Williams Rd?
- Stated it's being used as an auto repair shop; people are working on it all the time.

Mayor Presti:

- We will have the updated House of Worship Resolution as soon as we get it from the Planner.
- It will obviously be before the January 15th meeting.
- My understanding is that they were having issues with the insurance.
- So long as the house is in a fairly safe condition and not harboring rodents, we've given people a little more time.
- We will have Code Enforcement check it out then.
- If it's been more than 1-1/2 yrs. 2 yrs. we will have to look into that.
- If it's not being maintained a little bit better, we can start citing them.

Akiva Zentman - 1 Samuel Rd., Chestnut Ridge, New York 10977:

- Seven-year-old son who is Autistic and has Cerebral Palsy.
- Complained that S. Pascack Rd., is very, very dark, curvy, hilly.
- Father wants to walk with son or push him in his stroller, it is impossible.
- Requesting a sidewalk.
- Expand the boarder, shoulder of the road; something.
- People walk their dogs.

Mayor Presti:

- S. Pascack Rd. is a County Rd., so the County is in charge of the road.
- Regarding putting sidewalks, everybody in that area would basically have to petition the Village and then you would have to pay for them.
- All those property owners would be assessed for whatever it would cost if we weren't able to get Grant money,
- Those people would have to care for them, shovel them, plow them, so it's a responsibility to have sidewalks.
- If all the residents are on board with it along that way, we would look into it.
- It's just too expensive to put sidewalks on S. Pascack Rd. and mess around with the road.
- Perhaps you could go to a County Legislature meeting and ask them if they could do something there.

Trustee Miller:

- It is a very dangerous road; but it's not our road.
- I wish the County would expand it a little; it troubles me as well.
- You walk on there at night; do you wear reflectors?

- It's a narrow road; it's curvy, it's hilly.
- The Village has rejected sidewalks almost every time it has come up; aesthetically, etc.
- In New York City you see it a lot; they have lost a lane on a lot of the Avenues because they have reserved lanes for bike riding, skating; things dangerous to walkers.
- It would be nice if the County could extend the highway another five, six feet over to give walkers a chance.

Akiva Zentman – 1 Samuel Rd., Chestnut Ridge, New York 10977:

- The property in front of these homes; doesn't belong to the Village?

Trustee Miller:

- The County has an easement on the part.

Mayor Presti:

- The County has a right to that property; however, they have to pay for it.
- So, if the County would expand the road, or put sidewalks there; they would have to compensate the homeowners for the property that they are taking away from them.
- Now it's going to cost to acquire the property to put whatever the improvement is, a shoulder, a sidewalk.
- Now you have to pay for the improvement itself, the material itself; asphalt, concrete.
- Who is going to maintain it?
- The Village doesn't have a Building Department to maintain it.
- The County is not going to shovel it, plow it.
- It becomes the home owner's liability.
- I'm not saying there isn't equipment that can't plow or shovel sidewalks.
- The sidewalks that you see in the Village now, were either required over development.
- In Commercial areas, in particular, commercial developers would come into the Village, and they would go before the Planning Board.
- The Planning Board would say, "o.k. you have to now continue the sidewalk where it left off".
- Now it becomes that commercial owner's responsibility now to take care of that sidewalk.
- The sidewalks that are existing either were before the Village and it came with the house or development or it was required for additional development in the Village and that property owner assumed the responsibility to maintain it.

Akiva Zentman – 1 Samuel Rd., Chestnut Ridge, New York 10977:

- Asked about the bull dozer going on Old Nyack; that's from homeowners paying for it?

Mayor Presti:

- That's not the Village.
- We plow our driveway and we shovel the walk-in front of Village Hall and at the park; that's all we do.
- Maybe it's the resident who pays their landscaper to plow.

Akiva Zentman – 1 Samuel Rd., Chestnut Ridge, New York 10977:

- Brought up Remsen Rd.

Mayor Presti:

- Remsen Rd. is not Chestnut Ridge.
- Remsen Rd. may be unincorporated Monsey, which would be Ramapo.
- Ramapo assumes that responsibility because it's their road.
- Example: Wesley Hills put in sidewalks, a large improvement.
- It cost them a couple of thousand dollars.
- That property belongs to the Village of Wesley Hills, so they pay Ramapo to clean those sidewalks.
- We pay Ramapo to plow our streets.
- What Ramapo does is they maintain the Village property roads for a fee of \$42, 000.00 a month.
- I don't know if in Wesley Hills owns the sidewalks or the property owners own the sidewalks?
- I am telling you about Chestnut Ridge.
- Chestnut Ridge only maintains Chestnut Ridge property.
- The only sidewalks we maintain is at the park.
- If we were to put in sidewalks, we're not going to accept the liability and/or the responsibility for that.
- The homeowners would not only be losing property for this improvement, they would also have to maintain it.

Attorney Sevastian:

- Every road is paved a certain way.
- Typically, the roadway itself, it's called the right-a-way, but it's the road, it's wider.
- For most streets in regular sub-divisions streets paved 30' wide, its' a 50' right of way; 10 extra feet on both sides, that's part of the road, owned by the municipality. on either side.
- Most people don't know what their survey says.

- They say, “it’s my property”, and they put their mailbox there, a basketball hoop there; their driveway apron there, some trees there, they might put a security camera there, but they don’t own that.
- If that’s enough property for a municipality to utilize to put in a sidewalk or widen the road someday, if it’s necessary for more traffic, or reasons, the municipality will use that.
- I think what the Mayor tried to point out earlier, if it’s a County road, it’s the same way.
- The pavement is a certain width, and the County owns lands on either side of it.
- If it’s enough for them to put a sidewalk in and you can convince them to do it, then they could put it in.
- So, they are not going to pay you to put a sidewalk in front of your house, if they own the land already.
- However, there is a State Law, and it’s a really interesting law, that says municipalities, by passing a local law, and Chestnut Ridge has it, Nyack, where I work has it, Piermont has it, Rockland County has it.
- Municipalities can pawn off the maintenance and the liability for sidewalks on adjacent property owners and they routinely do that because personal injury lawyers are everywhere.
- If you slip and fall on a side walk, the County doesn’t want to get sued because they answered your request and put it in.
- So, it’s up to the homeowner to maintain it, shovel it, do everything.
- Typically, thirty feet is paved and it’s a fifty foot right of way.
- Communities like Chestnut Ridge where it is uniformed sub-divisions; that’s the majority of the cases.
- On a County Rd., it would be the County.

Trustee Miller:

- On Route 45 they took down all the mailboxes; then put them up again.

Mayor Presti:

- When the State did the reconstruction on Route 45, Chestnut Ridge Rd., they had to go into their right of way; anything, structures, landscaping that was in the right of way, had to get taken out and was gone.
- If you were the property owner and put a retaining wall there, bushes, trees, mailbox, it had to come out.
- Mailboxes, they probably gave you your mailbox back, but not the trees, shrubs, because it shouldn’t have been there to begin with.
- The rule of thumb is; 10 feet from the curb up for the right of way.

Akiva Zentman – 1 Samuel Road, Chestnut Ridge, New York 10977:

- So, you're saying, even though it's owned by the County, you are responsible.

Mayor Presti:

- You still have to mow the lawn, you have to clean your driveway apron, even though it's in the ten foot right of way, that technically belongs to the town.
- That's how it is with municipalities because from a governmental standpoint, the government can't do everything.
- So, they're not going to mow the first ten feet of their right of way.

Trustee Miller:

- Try to convince the County to extend the road.
- You don't want the sidewalk.

Akiva Zentman:

- Asked if the County just extended the road, the liability is on the County?

Mayor Presti:

- If you need a target, the target, would be have the County widen the road.
- The County Legislature meets in New City.
- You could touch base with the Superintendent. of County Highway.
- Let them know that there is a group within the Village that would feel there is need to widen the road, and then take it from there.
- The Village Clerk can help you out with the contact information.

Trustee Miller:

- Perhaps get a petition together.
- Mail carriers are very happy we violate the County Highway.
- Utility companies have to move the poles.

Attorney Sevastian:

- It is interesting, how it ties in to what we were talking about before.
- That extra ten feet, everybody uses it, but whatever you used it for, if it's ever going to get widened, everything has to go.

Joel Friedman – 11 Fox Hill Rd., Chestnut Ridge, New York 10977:

- Asked about the Hungry Hollow Bridge, by the Thruway.

Mayor Presti:

- My understanding is they are soliciting bids and going to have a Public Hearing.
- Trying to find a venue that could accommodate the number of people they anticipate getting.

- The State asked if our boardroom would be available for a hearing?
- I said, we can't accommodate a large number of people.
- Their procedure is they going to have a hearing with regard to that.
- From experience, they award the bid; nothing will start until the spring.
- I would say it will take at least a year, if not two.
- They do keep us appraised, as best as they can.
- Because it's the State, and there are so many levels of bureaucracy; I don't want to make excuses, but that's the process.

Motion to Close the Open Floor Public Discussion

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

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

Motion to Adjourn the Meeting:

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

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

MEETING ADJOURNED: 8:41 P.M.

Respectfully submitted,

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

