

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

FEBRUARY 16, 2017

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on February 16, 2017 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

JOAN BROCK - DEPUTY MAYOR

RICHARD MILLER - TRUSTEE

GRANT VALENTINE - TRUSTEE

ABSENT

HOWARD COHEN - TRUSTEE

WALTER SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

1. Pledge of Allegiance.

2. Mayor's report.

- **Mayor welcomed everyone to the February 16, 2017 Board of Trustees, Village of Chestnut Ridge Board Meeting; thanked all for braving the cold.**
- **Update - 681 (Edmund Gould property).**
- Had a hearing before Judge Christopher two weeks ago.
- Due back in Court on March 1, 2017 with regard to a follow-up.
- Judge wasn't inclined to order injunction at that point; there was still a possibility.
- Village Attorney had to send a rather lengthy punch list to the Court to confirm what was needed; such as Building permits, things of that nature.
- Mayor thanked Village Attorney, Village staff; Building Inspector, Code Enforcement official and Fire Inspector.
- It nice to have a good team behind you.
- But not for their able abilities and efforts; because of them this is where we are at.
- Mayor commented would not have been able to put before the Court such a comprehensive complaint as we did.
- Hopefully we will continue to progress as far as that property is concerned.
- **Regarding 750 Chestnut Ridge Rd.** – application that's been submitted to Building Inspector for site plan.
- It is in the process of being reviewed by the Building Inspector with regard to completeness.
- **I am advised by Code Enforcement that there are appearance tickets.**
- **If they haven't been signed already they are in the process of being signed for a March 8, 2017 date in Village Justice Court.**
- **We are in Supreme Court in New City; once that's resolved we'll be in a position to process matters in Justice Court.**
- **The appearance tickets and violations that will eventually be heard in Justice Court can end up getting held off.**
- **We are not going to be pursuing matters in two different courts.**
- **So we are not necessarily giving up our right to do anything in Justice Court; as a practical matter we'll do little bites as they say.**
- **I am advised by Code Enforcement that there are appearance tickets; that if they haven't been signed off on they are for a March 8th date in Village Justice Court.**
- **That being the first date, if you're willing to go to watch; that will probably be the first date that you will see any activity.**
- **The Sandpaper Paper -640 would be on the same evening as the appearance tickets of March 8, 2017, the first appearance; they might not even show.**
- **If they have counsel they can end up speaking with the prosecutor and/or the Village Attorney.**
- **We had a lot of people concerned with properties that had fires as well as zombie properties.**
- **We do not have that many properties; however, there are a number of them.**
- **I asked the Village Attorney to look into drafting a revision with our property maintenance code that would basically give a certain amount of time to a property**

owner who had a fire or a property owner who was in the process of being foreclosed on, etc.

- This is as a result of folks coming to us and identifying the properties that are in the Village.
- After that time the Village would be allowed to sight that property for maintenance violations if the house or a structure is not brought up to habitable conditions; the Village would be allowed to bring it to Justice Court.
- If it's a zombie property and we have a hard time tracking down the owner; we have the ability to post, we have the ability to apply fines to outstanding taxes.
- I have the Village Attorney looking into that to make sure we are not running into any other laws that may prohibit us from doing that.
- It does give us the ability to rein in on.
- We still run into these properties racking up fines.
- It is the cost of doing business; there is a cut off, especially if you're fining them one hundred, two hundred dollars a day, it's going to add up and hopefully you're going to get some action.
- This is after a reasonable amount of time.
- Obviously, if you're house is foreclosed on you're having trouble.
- We are not looking to hurt a property owner, but there comes a point in time where the Village has to do something about it.
- The Village Attorney will get back to us with regard to a proposed draft on revisions.
- This is as a result of folks coming to us and identifying the properties that are in the Village.
- As much as our Code Enforcement does go and visit and tries to keep an eye on what's going on this additional methodology of trying to control and making sure folks are keeping up on their property, is a way to move forward.

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

No one from the public wished to speak on Agenda Items only.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

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

4. Approval of Minutes of Previous Meeting, January 19, 2017.

MOTION: Trustee Miller

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to **Approve** the **Minutes of January 19, 2017.**

5. Resolution No. 2017-8 awarding the contract for the annual maintenance of emergency generators at the Village's municipal buildings to Valentine Electric of Blauvelt, New York in the amount of 885.00.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board of Trustees was polled and voted 4-0 to approve Resolution No. 2017-8.

6 Resolution No. 2017-9 authorizing the Village Clerk to publish notice setting forth the (1) Polling Place for the March 21, 2017 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) abstract of any proposition. Election Law 15-104(3)(c) and 15-104(4).

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to approve Resolution No. 2017-9.

7. Resolution No. 2017-10 to authorize the Village Clerk to circulate drafts of legislation regarding Site Plan expiration, and Sky Plane legislation, to the Planning Board for review and comment upon completion of the legislation by the Village attorney.

- **Trustee Miller: Would it be appropriate to put a time limitation on the Planning Board to review the site plan?**
- **Attorney Sevastian: I haven't finished the drafting yet. The reason I wanted the Board to entertain a Resolution now is so that when I'm done, we can just go there.**
- **They have a 60 day window.**
- **It's got to come before this Board for discussion; sometimes it bounces back and forth.**
- **Might as well get the ball rolling.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to approve Resolution No. 2017-10.

8. Resolution No. 2017-11 approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$321,365.76 as set forth on Abstract No. 2017-2 dated February 16, 2017 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 approved Resolution No. 2017-11.

9. Open Floor: Public Discussion.

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

- **Sandpaper Factory – March 8, 2017; what is the matter?**
- **I reported a trailer in the back parking lot.**
- **Mayor Presti:**

There are commercial vehicles that shouldn't be there.

- They may be considering that trailer to be an improper vehicle.
- **Ed Sherring – 46 Pascack Rd., Chestnut Ridge, NY 10977:**
- Questioned 267 Red Schoolhouse Rd., as being occupied now.
- Tony Gaess' properties will all be sold.
- I went to the Village to foil any work permits; I got a blank piece of paper.
- There is an operation going on there.
- Back in 2013 it was rezoned shopping center.
- Now it looks like it back to its former use
- I couldn't find an updated zoning map.
- I was wondering what's going on.

Mayor Presti:

- Isn't that the old Sylvan Pool property?
- In speaking with the Building Inspector they have a permit.
- Believe it's being leased by an outfit for training salesmen to sell cars.
- The Building Inspector was at the site.
- My understanding is that they are legitimate to be there.
- All they have to do is clean up the property and address which was by one point an alleged environmental issue that possibly has been remedied by the asphalt.
- Vanick has nothing to do with this.
- Vanick property is lying fallow; separate and apart.
- .Whoever develops the Vanick property will have to clean it up
- I will have the Building Inspector again follow up with you concerning that particular portion of the Sylvan Pool property.
- There were no permits two weeks ago.

Hilda Kogut – 20

Pine Knoll Ct., Chestnut Ridge, NY 10977:

- Wanted to speak about the Gould property.
- The third party that appeared at the court.
- The establishment of the Rabbinical college.
- Reflected on the outcome of the Court proceeding.
- Raised issue that she felt some of the important issues that the Village had identified as problems were never entered into the record.
- Asked if the Mayor could be there at the next hearing so that nothing falls through the cracks.
- There was no comment about the six or seven buses going into the school every day.

- When she heard the Rabbi talk about the transportation issue at the school, and knew there were six or seven buses every day, there was no comment about that; she stated she was distressed.

Mayor Presti:

- I guess Walter and I can speak about it.
- The Court had a completed record of what was going on.
- As I am not the attorney by record, it would not be normal to sit at the counsel table.
- I wouldn't mind sitting as second chair.
- Mr. Sevastian did what he needed to do with regard to that.
- That's something that we can discuss.
- There were eighteen pages.
- The presumption is with respect to the Court, that the Judge read the papers.
- With regard to the multitude of issues that were there, the Judge had them in front of her.
- From the structural integrity of the bridges, to the possibility of asbestos, right down to them put in heating and ventilation, electrical, plumbing, to the dormitories without licensed contractors.
- As you witnessed yourself, I think the Judge kind of jumped through some hoops of almost having to address those issues.
- I got the impression that she was hard pressed to turn out the girls, even though the hardship was self imposed as far as the school was concerned.
- In a belt and suspenders approach, that's when she directed our Village Attorney to do this eighteen page thesis with regard to what's going on there.
- So the Court has been appraised now a second time perhaps as to the deficiencies as to what we see is going on in that school.
- Because the Judge didn't necessarily agree with us two weeks ago, doesn't mean she is necessarily not going to agree with us on March 1, 2017 or if we have to go back on March 15, 2017 again.
- I am going to say the Judge is going to want to see how credible the property owner is as far as saying; we are doing what needs to be done.
- We are going to have to wait and see.
- The Village Attorney has been in contact with the Attorney for the property owner.
- Their position is they are coming up with the same excuses and the same comments they had before the Judge; that these are issues with the site plan and things of that nature.
- They're not.
- RLUPA is always in the room.
- We will address that if we have to; with regard to the Rabbinical college.

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

- I understand that there is no way to know whether the judge actually reviewed all of that material.

Attorney Sevastian:

- This litigation is filed for a specific reason; a summons and complaint.
- In order to get there, there is always strategy involved.
- Part of the strategy is to understand what the Judge wants to see; understanding what the other side says they're going to do within a certain time frame so that maybe you can receive the results that you seek in your lawsuit in ways that aren't necessarily as straight forward as the complaint asks for.
- Lawyers make judgment calls in the way they think results can be had; and they don't always succeed.

Mayor Presti:

- We are not attacking the Village Attorney.
- I wasn't concerned that there were more necessarily suits on their side than on our side.
- There is a process; there are certain things we can't discuss in public.
- There is a strategy
- I think the Village Attorney in concert with our staff is doing what they're supposed to be doing.
- Regarding the Rabbinical College; the Judge said you better start working on the site plan.
- To date there is not a site plan with the Village of Chestnut Ridge.
- Which means to me there is not supposed to be any Rabbinical College activity on that property
- Mayor asked Counsel if that was a correct assumption.

Attorney Sevastian:

- She asked specifically whether the other buildings 14 and 15 were being occupied?
- She was told no.
- She said you'd better start working on a site plan if you want to.
- It would be a difficult argument for the defendants in this case to come in and say, "well, now we've occupied them.
- We have to see how it goes.

Mayor Presti:

- I would think from a strategy perspective from their end comes March I, 2017 we say, Judge you told them to submit a site plan.
- Not only didn't they submit a site plan there are young men sleeping in the building.
- That's going to be a problem, but that's not happening.

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

- Asked how the Rabbinical College could even have standing there.
- Asked what were they even doing there?
- Asked how could they have brought that issue when that wasn't even part of it?

Attorney Sevastian:

- The defendants in this lawsuit are Chestnut Ridge Ventures, LLC. and two schools.
- We had information that one school is operating in building nine and one school is operating in buildings fourteen and fifteen.
- When I heard that that morning, it was the first time I heard it.
- Apparently the school they want to establish there is post secondary.
- These cases have a lot of moving parts.
- I am not going to tell you there is not legal issues on all sides.
- How you get the results you want in any litigation is not only a case of straight forwardness; it is a case of strategy and putting yourself in a position to succeed.
- It may not be in the first succmish, it may not be in the second.

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

- Asked does the Village allow for a dormitory?
- What else would they need to have besides a site plan?

Mayor Presti:

- Proper building permits and approvals.
- As I understand it to be there is one building that is approved as a dormitory building; and that was used as a dormitory when Edmund Gould was in full operation.
- What they're trying to do is convert buildings that were not used as dormitories to dormitories.
- That is going to be a change of use.
- That it may require a variance with regard to the Zoning Board in addition to site plan.

Attorney Sevastian:

- It's hard to know what exact approvals are required until you get an application that tells you what's going to happen, so we are kind of doing it backwards.

Elliot Goodman – 8 Ulman Terrace, Chestnut Ridge, New York 10977:

- Stated large families with many children are moving into the Village.
- Stated eight or more buses coming in the morning and coming back in the afternoon.
- Complained that eight or nine school buses and taxi cabs are honking their horns riding up and down the street.
- Buses roaring up the street, the taxis even more obnoxious.
- Stated he's spoken to bus drivers and taxis; buses pull up to houses and lean on the horn.
- Did research on the noise law; the law is very specific.
- The intention of the law is to maintain a nice, peaceful quiet town, so people can enjoy living in a place like this.
- It says no person can use the horn in the Town of Chestnut Ridge except in an emergency situation.

- Complained it drives him crazy.
- Was so happy living here before this last year.

Deputy Mayor Brock:

- Asked as far as the buses are concerned, is it the same time every day?

Elliot Goodman:

- There is a definite pattern.
- I called Florence.
- Florence invited me to come here tonight.
- I always wondered what town these laws are even enforceable.
- What is the means we have to enforce these laws?

Mayor Presti:

- First of all, Mr. Goodman, the noise ordinance law is there.
- A good portion of the law has to do with construction; people doing certain work around their homes.
- With regard to motor vehicle noise; that is a different story.
- The Village of Chestnut Ridge doesn't have its own police department.
- If this is happening on a regular basis folks have to call the Police Department.
- If you're not getting any relief from the Police Department, then we need you to note the date and time, take a picture of the license plate of the taxi cab or buses.
- We don't have a staff we can station on your street and watch the buses that come in and are beeping.
- Mr. Goodman stated he would volunteer to do that.
- Mayor Presti stated we would pass that along to the Ramapo Police Department and usually what they try to do is follow up with the bus company; they say, "look, the people in the neighborhood are getting ticked off with the noise; either you have to stop or we're going to go down there and start issuing tickets.
- Six out of seven times it usually stops; other times it doesn't.
- I think if you follow up with the specifics I mentioned; if you are able to provide us with some of those things that you mention and we follow up with them, I think you will get a little more compliance than you're getting now.
- Mr. Goodman, you're here for the right reasons and we will follow up with your issues.
- Just pass it along to Florence, the Village Clerk.

Deputy Mayor Brock:

- I think if they see an officer there they will know you are serious.

Bruce Goldstein:

- How do people find out about March 1, 2017?
- Didn't want people going to Court if it was going to be adjourned.

Mayor Presti:

- Don't want a lot of people called to the Judge's chambers.

- If it was going to be adjourned, it would usually be adjourned by the day before.
- If there is any change, we will leave word at Village Hall; otherwise, the presumption is it's on for March 1, 2017.

Chris Van Schaick: Chief of South Spring Valley Fire House.

- One concern that I know the Fire Department has along with the Fireman is 681; is the bridges that are going on the north and southbound entrances of the property.
- The Code Enforcement and Kim, (Fire Inspector), have been doing a great job in the way of fire problems we could have.
- It's been addressed to me from Ed Day's office and also the County coordinator's office Gordon Wren's office that the Village can contact them and have their structural engineers check the stability of the bridges.
- There would no cost to the Village, but it has to be requested by you, Mayor or the Building Department.

Mayor Presti:

- We were made aware of that Chief.
- Part of our follow up from the hearing that we had two weeks ago with regard to the Court, is that the property owner is responsible to provide to the Court a licensed engineer report to show the structural integrity of those bridges; that are able to handle the equipment that the Fire Department has.
- The property owner has not been very cooperative as far as in allowing any inspectors on that property.
- It's nice that the County wants to do that on their nickel, but that should be at the owner's expense and they are the ones that have to back it up.
- It's very generous of the County to have to back it up, but it's not the County's responsibility to do that.

Chris Van Schaick:

- Stated we are all made aware of the situation and if we wait for somebody to do something, and a problem happens, especially if anything happens to my Fire guys, it's on me and anyone else who knows about it.
- We were told years ago the only way to do a test on that bridge was the deconstruction of the bridge
- There are other ways of doing it; not just an x-ray, not just visually looking at it.
- It's for safety; it's on record; you guys have been made aware.
- My guys and three hundred school preschool girls.
- Tax papers equipment that keeps on going over that bridge.

Mayor Presti:

- Your concern is duly noted.
- There is a procedure we need to follow to get where we are going with that, and we are following it.

Motion to Close the Public portion of the meeting.

MOTION: Deputy Mayor Brock

SECOND: Trustee Miller

The Board was polled and voted **4-0** to **Close the Public Portion of the Meeting.**

Motion to Adjourn Meeting and Go Into Executive Session.

MOTION: Deputy Mayor Brock

SECOND: Trustee Miller

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

MEETING ADJOURNED: 8:43 P.M.

EXECUTIVE SESSION ADJOURNED: 8:58 P.M.

Respectfully submitted:

Florence A. Mandel

Village Clerk