

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

FEBRUARY 21, 2019

**The Board of Trustees of the Village of Chestnut Ridge convened in regular session located
at**

*****Meeting to be held on the 21st day of February, 2019, at 7:30 pm
at the Chestnut Ridge Middle School, 892 Chestnut Ridge Rd,
Chestnut Ridge, New York 10977*****

PRESENT:

ROSARIO PRESTI, JR.	-	MAYOR
GRANT VALENTINE	-	DEPUTY MAYOR
HOWARD COHEN	-	TRUSTEE
PAUL VAN ALSTYNE	-	TRUSTEE
RICHARD MILLER	-	TRUSTEE

PRESENT:

WALTER SEVASTIAN	-	VILLAGE ATTORNEY
FLORENCE A. MANDEL	-	VILLAGE CLERK

1. Pledge of Allegiance.

2. Mayor's report.

Issues from our last Village Board Meeting of January 7, 2019.:

- **Bellows Lane Property** – with regard to that, Building Department, Code Enforcement has followed up and are in the midst generating the appropriate violations.
- **25 Eagle St.** – The property does have a Building Permit with a 2-car garage. There is a photo with two vehicles on file in Village Hall; both parked in the garage simultaneously showing it is a legal and legitimate two car garage.
- **24 Pine Knoll Ct.**, questions regarding unregistered vehicles; a violation with an order to correct has been issued.
- **16 Pine Knoll St.** two commercial vehicles at a residential location with an order to issue; property is in violation.
- **1 Karow Ct.**, in a state of **no activity**; items from an engineering prospective need to be addressed before anything can be done.
- **RV, also on Pine Knoll Ct.**, there is an application pending for variance for the 38' vehicle to be parked where only a 35' vehicle can park.
- **This, I think covers what we discussed at the last meeting.**

3. Open Floor: Public discussion of Agenda Items on House of Worship Law.

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

- For the benefit of my fellow residents here tonight, and for the Board members as well, I will state some notable facts about what this proposed law will and will not do.
- I ask that the Village's Planning Consultant correct me if anything I say is not correct.
- Law deals with three kinds of parking; on-site, off-site, and on-street parking...
- Off-site **does NOT** include parking on the street.
- Parking on the street and on nearby blocks by people using a place of worship or a residential gathering place will not be restricted, except where there are parking signs that prohibit parking.
- In one case, for residential gathering places only, parking is only allowed on one side of the street within 750 feet, if the gathering place opts to use some off-site parking.
- The daily and nightly parking and street congestion neighbors have been putting up with on Spring Hill Terrace, and near other informal places of worship will almost certainly continue, and potentially on both sides of the street.
- A specific classification in the law, for homes up to 10,000 sq. ft., with or without residents, who actually live there, and most importantly, able to have accessory facilities and functions, namely: social halls (for parties, engagement and wedding receptions, etc.), classrooms, offices, gymnasiums, indoor recreation bath and shower facilities.
- A neighborhood place of worship could reside in any of the residential zoning districts, on lots as small as .574 acres in a R-25 zone.
- This law allows an NPW to be the home right next door to you and have any of those activities, every day and night of the week, in addition to clogging the streets with parking.
- That is why 640 residents strongly requested in their submitted letters and the Planning Board of this village recommended to the Board of Trustees sitting before you that the NPW classification be omitted entirely from law.

- The Board of Trustees ignored that request by residents and shut out the Planning Board from any formal review and comment on all subsequent drafts of the law.
- I have three related questions to ask the Board regarding your vote tonight on the Places of Worship:
- Is this the very same version of the proposed law you will be voting on tonight? **YES**
- Will the exact text of document be submitted, without any changes, to the Secretary of State and subsequently incorporated into existing village code, should you adopt the law tonight? **YES**
- Is it true that any subsequent changes to this text can only occur after the March 19th election; and after the two elected Trustees are seated on the Board?

Mayor Presti:

- The law can change when a Trustee or two Trustees make a motion and then second that motion, we re-visit the law; there is a vote we can modify the law.
- There is a procedure; it would be the exact same procedure that took place with this law.
- We would have a GML review, it would have to go to the various County agencies and have to be sent to the neighboring town and villages.

Magali Dupuy – 49 Spring Hill Terrace, Chestnut Ridge, NY 10977.

- **Draft 5** – It allows for classrooms/religious; it doesn't specify for children or adults?
- We are also affecting our neighbors that go beyond Chestnut Ridge; at least 8,500 public school students.
- Services may be held between 12 a.m. to 6 a.m.
- What about the people who have to go to work?
- People coming up and down the street carrying on.
- Who is my neighbor?
- Neighbors do not infringe on other neighbors' rights.

Mayor Presti:

- You are confusing the type of schools that's being permitted in the House of Worship as opposed to regular schools.
- State Law will determine whether or not you're a legitimate school if you have 10 acres.
- Parking in the rear, selling items; that was a recommendation brought up by the Foster Church.
- It's not a business; that churches and other houses of worship do, that's not nefarious.
- The schools we have here is not similar to the Coptic Church School, the Foster Church in that if they want to have religious classes, whether adults or children they could have that.
- With regard to enforcement questions that has been a problem before I was a Mayor.
- As we talk about the new Budget, the Building Department will be increased by one Full-Timer, a Full Time Code Enforcement and a part time Code enforcement.
- The hope is with more personnel we will address the enforcement issues.
- There are other denominations that start early; they asked us to not take that away from them.

Magali Dupuy - 49 Spring Hill Terrace, Chestnut Ridge, New York 10977:

- It is not specific as to what kind of school; you are not specifying religious school.

Mayor Presti:

- What I believe you're losing track of is when applicant A goes before the Planning Board, they are going to have a very clear narrative of what will be transpiring on that property as a House of Worship.
- They will be questioned by the Planning Board, what kind of schools they are talking about; 1, 2 or 3.
- They are going to be **committing in writing** by the plans they are submitting exactly what they are talking about.

Walter Sevastian:

- It does say exactly what type of schools they are.
- A school of general instruction is not considered an accessory use; will be required to be standard use.
- It is not just a religious instruction; it's a school.
- That's a different use than one of the uses of assembly law.

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

- There are people who are unhappy about this House of Worship resolution.
- I want to exercise my concern and register my distaste of how this house of worship resolution was enacted in February, 2018.
- I resent my tax dollars were spent to benefit one segment of the population and didn't advise the rest of us with the ramifications of this law.

Mayor Presti:

- Just as we had suggestions for our Parade Law, suggestions for Special events, suggestions for Entity disclosure, Rental Registry; that gets started off with a conversation.
- Usually what will happen, I'll talk to the Planner; "o.k. we have a request with regard to a Rental Registry Law".
- The Planner will do some preliminary research; come back to the Board of Trustees or we may go to the Village Attorney; "o.k. Mr. Village Attorney, we seem to be having a lot of parcels made into entities as opposed to individuals.
- What can you do to better track the accountability with regard to the new owners?
- Obviously, you can't talk to an LLC.
- The Village Attorney does some work and says this is what you can do.
- It is possible that there will be a delay of 1, 2 or maybe 3 months until the law is actually drafted and then it is promulgated and the public, and published for everyone to see and comment on.
- With regard to our House of Worship Law, the engineer that was retained by the OJC contacted the Planner and said, look, we have a suggestion.
- The Planner, as part of his job, makes a telephone call, the Planner, then will ask is this something the Board of Trustees would like me to look into and address.

- If it is something we said yes; it doesn't require a resolution to do that.
- That's part of everyday government.
- The Planners did what the Planners do; they came up with a road map.
- The OJC, they provided what they felt a model of was that they needed.
- The Planner reviewed it and came up with what he felt in written form would be a plan and then he presented it in written form in February, 2018.
- That's how the official process starts
- That triggers the review, that triggers the determination to the proposed law to the various agencies, town, county to make sure that everyone has the ability to review.
- It's been about one year since the official unveiling of the law which is not unusual.
- For almost a year now this has been out in the open to the Village.
- We've had four hearings.
- We've have had people come to Village Board meetings to voice their opinion one way or another.
- We've had professionals submit their written submissions; we've had oral submissions.
- The fact that you don't like your tax dollars, for the sake of argument; there too addressing that,
- To my knowledge when we've had laws that address the Village, we've never had focus groups, we never went out had pilot meetings with folks; we've had public hearings.
- Mr. Mayor, we need to have a law with regard to tree cutting; I am not going to establish mini committees to talk about it.
- What we would do is draft a law, listen to those comments and then we will proceed accordingly.
- It is rare that a potential law is going to trigger a focus group; it just doesn't happen that way.
- Otherwise, government would come to a grinding halt.

Attorney Sevastian:

- Article 17 in the Zoning Code, Amendments in the Zoning code; and it describes how there can be amendments in the law, by the recommendation of the Planning Board.
- Someone sent a petition in, and said there ought to be law.
- It's on the record and on the web-site.
- Generally, the genesis how laws get written, be it for places of assembly, be it for Entity Disclosure; someone makes a petition, someone says there ought to be law. for disclosure.
- It's drafted and the very purpose of the public hearings that are held are for people to give input to that law.
- The last public hearing on the particular local law that's being considered right now; there was an attorney who spoke at the public hearing who said this was a substantially watered-down version of the original law that was presented.
- If that was his characterization of the final version, that's in front of the Board.
- I would prefer to think of a substantially watered-down version to be a version that took into account the comments that the public related to the substance of the law, Planning Board, comments of the County, and the various other agencies and including the technical memos from the Planner.

- That's how laws get developed and it's hard particularly in emotional situations.
- People kind of get away from that to voice other displeasure; wading through that having read every transcript and every letter that was submitted to try to pull out comments that were good to incorporate into the final version is something that is part of the municipal laws.
- Making legislation is like making sausage, not everything makes it in, but a lot of stuff.

Jeffery Wasserman – 365 S. Pascack Rd., Chestnut Ridge, New York 10977:

- As a member of The Planning Board when the Planning Board has a new application the Planning Board hears in a public setting the applicant's reason for wanting what's desired; as to why they are seeking approval.
- That's what's missing here from the Village Board.
- This applicant should have come to a public meeting and made a presentation and educated the Village as to why they have a desire to do the law.
- To bring laws to Chestnut Ridge, the Board chooses to approve the poorly drafted and clearly House of Worship variances and justify them with false claims; that Federal and New York State law requires them; those claims are simply not true.
- I am disappointed that Village Board ignored the recommendations of my own Planning Board and is ready to strip the Zoning Board of its' diligent and important function.
- This Village has a wonderful history that includes all types of diversity and it's recognized by all residents.
- The Village Board has an opportunity tonight to celebrate and proposing to include all residents in the Comprehensive Plan.
- The Board tonight can vote to approve these amendments motivated by the belief that they can avoid a law suit by the O.J.C.
- Our residents deserve more from this Board and why would you approve amendments by the one group that asked for them and is threatening to sue the Village.
- Our current code allows for House of Worship and our has not violated the law in any way.
- As a member of the Planning Board, I always ask myself two questions:
- Have I listened to all of the testimony and do I understand the law or the code; then I go with my conscience.
- Before you move forward with your vote, I'd like to ask each Board member five questions:
 - 1) Do you think that the Village of Chestnut Ridge has a history or current practice of discriminating against religious uses or groups?
 - 2) Do you think that the Village Zoning Board and Planning Board have prevented residents from practicing religious worship?
 - 3) Do you think the Village. Board or any Board has been arbitrary or discriminatory in their decision-making process?
 - 4) Do you think the Village Zoning laws have been in violation of the Federal statute since the law was passed in 2000?
 - 5) Has each Board Member personally and thoroughly reviewed all testimony and letters from residents in support and in opposition of this proposed amendment?

- Passage of this will likely continue the community diverseness created by this Board and the Village could very well get sued; and I or anyone else doesn't want to see that happen.
- If you Mayor and Trustees have answered yes to any of these questions, you shouldn't approve the proposed amendment.
- Rather than dividing and creating fear in all residents, this Board should be stressing the importance of unifying our Village.
- This Board's actions on this issue are only some of the issues why Anthony Shaut and myself are running for the two Village seats.
- Anthony and I look forward to continuing our honest, civil and respectful campaign.

Attorney Sevastian:

- There is litigation pending right now, and I would instruct and inform our Board not to make comments on the record whether they believe they have or have not discriminated against people.
- Admitting or framing issues for people who are contemplating suite or have filed suite against the Village of Chestnut Ridge in a public forum is probably a really bad idea.

Mayor Presti:

- Mr. Wasserman, at the very beginning you talked about the fact that laws are brought to the attention of the Board of Trustee at Public Meetings and then we will vote; that is an incorrect.
- Not every law that this Village ultimately drafts and passes is triggered by someone coming to a Village Board and saying we need to do this or we have a need for that.
- You have to stay ahead of the curve, you are not doing crisis management; you are doing preventative maintenance; what are other communities doing, what is going on?
- There are certain matters that are brought to our attention at public meetings and we run forward with it.
- There are a lot of comments made at Planning Board meetings saying the Village should do this or should do that.
- If it had a little bit of meat to it, we may have a meeting with the Village Trustees and they would hear us out.
- They may say, that's a great suggestion, but right now we cannot do anything.
- I was on the Planning Board nine years.
- My recollection of when I was on the Planning Board people would hear us out.
- They would say, that's a great suggestion, but we can't do it now.
- I have not been approached by any of the Boards; ARB, Planning Review Board, Planning Board or Zoning Board with regard comments made at their Boards saying we have a need to do this; because if we did, we would consider it.
- What we will probably do is we will try to be more communicative with the Boards; so that the Village Trustees stay ahead of the curve; we are not going to wait for the Board to come to us.
- Your comment of stripping the Zoning Board of its' authority is totally untrue.
- We do not govern by variance, we govern by zoning code and the laws.
- The Zoning Board of justice will not be losing any power.

- If someone is outside the perimeters of the proposed law, they will have to go to the Zoning Board for approval.
- If, as a matter of right, which the religious use is, and there are no bulk issues with regard to the application, there is going to be an application process going before the Planning Board.
- We did take some of the Planning Board's suggestions into consideration.
- The fact that the Board brought up items that also fell outside the perimeters, that is not what the Planning Board was supposed to be doing.
- There were some comments that the Planning Board felt you shouldn't be doing this, but you know what, the Village Trustees feel you should do that.
- So, we drafted a law that said Planning Board you are going to oversee this.
- If, the Planning Board, feels they can't do that, I would hope that they would let us know that and then we will find people who can.
- The fact is, we have the Law and you folks on the respective Boards have to follow the law.
- We had this conversation, Mr. Wasserman; you had said, whatever the law is, we are going to follow that; I hold that to all the Boards that they will follow the law regardless of their personal position one way or the other.
- We are not taking authority away from anyone.
- Once this law, if it is passed this evening, it is going to follow the same process as any other application before any other Boards; the Planning Board, Zoning Board, ARB Board will take.
- There will be no short cuts, there will be full vetting, there will be a full opportunity for folks to come and speak on it, and then the Board will look at the application; does the application abide by it or it does not?
- We are not doing anything different than what we have always done.
- You spoke about a community in the Village; well, this will address certain needs of the community in the Village.
- There are others, other denominations who come, will have the same guidelines, fair play for anyone, anyone of any denomination is going to be following the same rules.

Anthony Shaut – 23 Menocker Drive, Chestnut Ridge, NY 10977:

- Asked for some clarification of hours; off hours, timeline.
- Is that on the Zoning Board doable when you want to use it outside the scope of these amendments?
- Is that for Zoning Board approval when you want to use it more than three times.

Attorney Sevastian:

- My recollection is others came in; more than one denomination came in and said we do have some worship nights; midnight mass, or be some midnight service or some other name of some other name of some other rite.
- I, being raised a Catholic, have no idea.
- They may say there may be times when we are worshipping at hours than are off hours, so an alteration is made to the law, that we may need to put limits on that.

- You may say it's arbitrary, but regularly scheduled, more than three times you've got to go to the ZBA and get approval to do it.
- For the Community Place of Worship, larger places of worship, there is not a lot that has changed of what we have now and what we have now, other than codifying certain restrictions on lessening impacts on neighboring properties that weren't codified before.

Anthony Shaut – 23 Mouacdie Drive, Chestnut Ridge, New York 10965:

- That variance is for regularly scheduled uses between the hours of 12 and 6.
- There's no limit to outside the hours of 12 and 6.
- Outside the regular worship time there are social gatherings and others things permitted under the Zoning classification?

Mayor Presti:

- As we carried on with other denominations in the Village; whether it be The Mosque, Foster Church, soon to be Coptic Church,

Anthony Shaut – 23 Moonachie Drive, Chestnut Ridge, New York 10965::

- Some of those organizations you mentioned are on larger pieces of property.
- You have small lots next to small lots up until midnight to 6 a.m. in the morning that you don't have with other denominations

Mayor Presti:

- Actually, we do; you cannot restrict *when* folks gather for prayer; because the law says you can't.
- What happens is because you have a smaller parcel of property; the number of people allowed is scaled down.
- The Foster Church is on five acres of property; at any given time, you can have 750 to 800 people if they choose to do that.
- If you are on an R-15 or an R-25 piece of property, the structure that you build will be guided by the Fire Code, the Building Code and things of that nature.
- You are not going to have 750 people on an R-25; you cannot do that.

Attorney Sevastian:

- Part of what's been observed by me, at least, and, I think and by the majority of the Board during the course of the Public Hearings on this proposed local law; there are laws that apply to everybody.
- There's a fundamental difference with municipalities through neutral laws; laws that apply to everybody.
- Some of it boiled down to people saying, "look, these Houses of Worship do not belong in Residential neighborhoods"; and that's not the law.
- Reasonable people can differ whether that is a just state of the law or a reasonable state of the law.
- Frankly, when those cases started getting decided, and the statues started getting drafted, that legislators really envisioned a particular denomination in homes verses traditional

buildings with worship of particular denominations, versus traditional buildings of larger size and larger lots.

- Those decisions are there and there made and the Village is bound by them; you the l. walk a razor's edge in trying to balance accommodation versus protection of neighboring properties.
- I think one of the things that was overlooked even by the professionals who review the law that is in front of the Village Board at this time, there is a lot more codified protections which try to help screen neighbors from impacts be it assembly or religious uses that simply don't exist in the current code.
- To try to navigate that difficult balance and I think some of these questions are cerebral analysis; what were they thinking of when they said religious uses are inherently beneficial to neighborhoods, regardless of impact on neighbors, regardless of traffic, regardless on impact of taxes, but that's the law, so we have to live with this.

Anthony Shaut – 23 Mouacdie Drive, Chestnut Ridge, New York 10965:.

- You talked about focus groups and discussions that you didn't have before this law came into play.
- You talked about drawing up a road map; not that I think there would be a substantial difference; but having everyone else included and having these focus groups.
- You saw the diversviness early on; you could have changed course.
- Maybe, I am doing this wrong; maybe we need to go back to the drawing table, and have everybody offer their sides and educate all sides.
- All members of this community understand
- a) why certain members need certain things.
- Why other members feel might be somewhat potent to them.
- What's that middle ground that could work for all sides.
- But, nstead, you left it to this Village to come here and interpret a legal document and draw their own conclusions to it and come and offer their point of view, most of which didn't get feedback until you drafted the law.
- Then, those same residents had to interpret it for themselves, not the way it should have been done.
- If the process had went about differently, I think it could have been different tonight amongst all members of the community.
- Assuming this law is passed tonight what is going to be done to educate our Building Department.

Mayor Presti:

- Once this law is passed, we will sit down with the Building Dept, Code Enforcement Dept. and probably Planning Boards and Zonings Boards and make sure they are aware.
- I will address this has been going on for one year; we have exhibits, transcripts, of four meetings, written exhibits from professionals on both sides of the issue, we've have 867 letters, 643 letters basically telling us their opinion of what should be done, what should not be done.
- We've been carrying on a focus group for one year.
- Whether you consider this to be or not to be a focus group, that's your proactive.

- There has not been one person who was not been allowed to speak,
- There has not been one person who has been stifled.
- I understand there is a lot of emotion.
- The last thing this Board can be accused of is ramming through this.

Lee Grayson – 52 Wilshire Drive, Chestnut Ridge, New York 10977:

- I moved here because of the diverseness, lots of the different groups; I never would have thought of imposing our way of life on our neighbors' reality of life, how our neighbors would have lived.
- The certain reality is the current law is unenforceable.
- I have no idea how we are going to enforce the new law.
- Where I live, and nearby at 3 Spring Hill Terrace, parking on the street, destructions of streets.
- I literally have neighbors who have taken out every single tree.
- I have asked the Board for an ordinance for trees, just as Clarkstown.
- If you're talking about preserving the character of the neighborhood, why would you not want to have a tree law?
- Alleged day care centers going on, construction vehicles on nights and on Sundays where is enforcement; bright lights at night?
- This is the reality on the ground.
- I make my remarks as a concerned citizen.
- Some of you pay a lot of money in property taxes; these are not remarks from somebody who we are not ignorant, arrogant or belligerent which, I think is very offensive; whether it comes from our Mayor or our Board.
- I am going to ask the Board to think what will this law do; it is going to adversely affect property values; property values will go down, people will move out.
- You're changing this Village, and ultimately destroying it.
- It's one thing to not have an ordinance, it's another thing to be influenced by one small group and change the way of life for everyone in this Village.

Sabrina Martin – 2 Amber Rd., Chestnut Ridge, NY 10977:

- November 29, 2018- Page.4 said it had recommendations from the Planning Board regarding the law.
- I don't believe that was a true statement.
- You don't have any comments from the Planning Board that approve this.

Mayor Presti:

- Asked Ms. Martin to clarify her statement.
- Mayor Presti explained that's from the County Planning Board.
- Our Planning Board didn't get it. yet; it's a different Planning Board

Walter Sevastian:

- We don't carry the Minutes of the Board meetings with us.
- The Clarkstown Planning Board sent in comments.

- The Chestnut Ridge Planning Board had commented on other potential laws; Entity Disclosure, Rental Registry; I'm not sure they referred to that.

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

- It's very clear what the question referred to.
- We don't have any comments from the County or your Planning Board that they specifically approved the Zoning law.
- You should have the Village record that states appropriately.
- You have a document here that's saying things that are not true.
- The question was; what are the recommendations from the Planning Board.
- Last month at the Village Board Meeting there was consideration for a Comprehensive Plan.
- When asked why you were considering a Comprehensive was; "well, this is what the community wants.
- Came up with this after we proposed the House of Worship Law; well, the community wanted it so you would take into consideration as a whole the entire Village.
- Once the Comprehensive Plan was developed, we then could have placed amendments to our Comprehensive Plan that would consider the Houses of Worship.
- So, it's not just let's have a Comprehensive Plan for the sake of having a Comprehensive Plan.
- The recommendation, which came from your Chestnut Ridge Planning Board, which most of the Village concurs; come up with a Comprehensive Plan occurs, and then make amendments to the law; then take into consideration of the Village, the character of the Village, the environmental concern, health and well-being, the quality of life, etc.
- What you are doing right now, is voting, without having a Comprehensive Plan; so why make a statement last month as if you were truly taking into consideration what the Village wanted and you actually aren't.
- To put this law in place, before a Comprehensive Plan, is putting the cart before the horse.

Mayor Presti:

- I have said this in the past, and I'll say it again, this Village was established in 1986 did not have a Comprehensive Plan.
- I was on the Planning Board for nine years, we did not have a Comprehensive Plan.
- Other than once or twice, the Planning Board said, you know what, we should have a Comprehensive Plan; that was the last time any of the Boards recommended it.
- Not one Village resident, to my recollection, since I've been a Planning Board has ever brought up the fact that we need to have a Comprehensive Plan.
- What happened was, we said, "instead of the doing the whole Village at once, which at the time I thought would be a little too much because for fifteen years, the Village hadn't considered it.
- I figured let's do a phase at the time.
- So, we came up with the Red Schoolhouse Rd. Corridor Study; we got about three quarters done and then we have our House of Worship Law.

- Folks started saying, you know, what, we need a Comprehensive Plan, we need a Comprehensive Plan.
- It's not like we said we weren't going to do it; we would do it in phases.
- So, we decided to do the entire Village at once; we already have a portion done before we started with the Red Schoolhouse Rd. Corridor study; we will move forward with that.
- The House of Worship Law and the Comprehensive Plan do not go together as everyone seems to think.
- The right to House of Worship is separate and apart from any Comprehensive Plan...
- The Comprehensive Plan is basically your Zoning Law.
- There is never going to be a Zoning Law that says you cannot worship here, and a Comprehensive Plan will never say that and will not do that.
- The Comprehensive Plan will address all of Village Codes; the Comprehensive Plan will try to update; a Comprehensive Plan will try to address the vacant property that may still exist or large parcels that can be put together so we can plan accordingly.
- When the Village was established in 1986 the dynamics back then were a little bit different, to fast forward to now; so that's why you do a Comprehensive Plan.
- Nobody says you can't do one before the other, nobody says you cannot do it stimulatingly; it's a matter of administration within the Village, and we are going to do a Comprehensive Plan.
- The House of Worship Law will not be affected; just as the Comprehensive Plan
- You may not agree with my explanation, but that is the law.
- With regard to your first question, without having the meeting minutes in front of me, with the context of the question being asked, I still say that our Village Planning Board did not send us a memo stating we support the House of Worship Law, that's a memo going back to May.
- We understand that they had certain suggestions and certain reservations and revisions that they wanted us to do.
- There are other Planning Board agencies, County Planning, neighboring Clarkstown, Orangetown; that also submitted comments.
- I am sorry if I didn't articulate it properly,

Bernard McCullom – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- I think you were talking and comparing them to the five-acre churches.
- I heard you say that we were going to have to hire four or five more enforcement people in order to make this all work.
- From a money standpoint, what provides your budget for something like this?

Mayor Presti:

- That's the total.
- Right now, we are planning our Budget for next year.
- Part of that Budget is to increase a Full Time, Deputy Building Inspector, to increase a Full-Time Code Enforcement Official.

Bernard McCullom – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- What monies do you project is this going to cost the Village?

Mayor Presti:

- We pay the Building Inspector \$35.00 an hour; the Code Enforcement \$25.00 an hour; thirty-hour work week.
- Benefits approximately \$120,000; I don't have the numbers in front of me.

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- And this is because the House of Worship Law?

Mayor Presti:

- Has nothing to do with House of Worship Law.
- This is for Building Department, Code Enforcement.

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- So, it's going to happen anyway.
- We're going to be incurring this as part of our budget every year.
- If we incorporate the House of Worship, how many houses of worship can we expect in two years?

Mayor Presti:

- **That's the proposal.**
- **Yes, and I've had folks ask to do that.**

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- We are already the third highest taxes in the country
- If we incorporate the House of Worship Law, how many houses of worship can we expect will be in place in two years?

Mayor Presti:

- I believe between 16 and 18.

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- If they apply for exemptions, no matter what religious group they are, and they come off the tax rolls, what's the impact?

Mayor Presti:

- Average Village Tax - \$700.00 a parcel.
- The Town and School is separate.

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- The fact of the matter is, at least in the inception of this, we are going to incur significant higher taxes; it's possible it will get much bigger.
- You said the letters were about equal.

Mayor Presti:

- **I am going to venture a guess; there were probably more letters against.**

Bernard McCullon - 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- I heard you say there was no Comprehensive Plan ever.
- In my opinion based on everything I heard, if you consider the financial implication, if you consider there is no overwhelming majority to do this law, the fact that you have enforcement problems already which are going to be extremely compounded by the inception of this law and new zoning, it strikes me a little more thought needs to go into this from the standpoint of the need, the cost, not today, but the projected cost of doing this.
- I have not heard one thing so far from both sides, that says that this is something that is so important to do; I don't understand why we need a House of Worship Law based on the numbers.

Mayor Presti:

- We don't have laws based on rules; just because there is a group of people who don't feel as though a law is necessary or required.
- There are folks who don't support the House of Worship law.
- You say there is no need; the Village Trustees felt there is a need.
- Right now, we have one worship law, 5 acres of more; and we feel that we need more than that.
- The Village Attorney has pointed out we are already in litigation because of that 5 acres rule solely.
- For probably three or four years, as a result of various Board of Trustees meeting;
- We had folks saying, if our taxes have to come up so long as we know that code enforcement is doing what they need to be doing, so I took that into account.
- I don't have the numbers in front of me right now, but if I asked you, if I said would you pay 5% more on your village taxes for us to add a Full-Time Building Inspector and Full Time Code Enforcement Inspector what would you say yes, 5%?

Ben McCullon 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- Potentially, I would say yes, but what I would say is maybe you ought to get the people who are doing this to do their job to start with.

Mayor Presti:

- That's a point well taken.
- We have two Code Enforcement people who work 17-1/2 each.
- I am not going to be able to oversee a Village of our type, of our size with two part time Code Enforcement officials; it can't happen.
- I have one Full-Time Building Inspector.
- In addition to him also legally being able to do inspections he also has to administer Building Permits, he also has to work in concert with the other inspections going on, violation searches, things of that nature.
- I do not have the personnel to cover the entire village.
- So, that's why we are saying why don't we do it this way.

- I inherited a Building Department of two part-time code enforcement people and one Building Inspector when I took over as Mayor.
- I am going to try to improve upon that.
- I understand we don't want to throw money out, we want to work smarter.

Bernard McCullon – 726 S. Pascack Rd., Chestnut Ridge, New York 10977:

- I agree with you we should have better code enforcement.
- I would suggest this year that you correct what's not working now before you enter with an agreement where you already have people.
- All I've seen here is an inability to do the job today, yet, we are trying to build a bigger problem;
- I think you might want to take a look at this decision.
- After you have a good building enforcement and zoning law, then you re-introduce the house of worship law.

Attorney Sevastian:

- You do know that Houses are Worship are permitted right now under our current Zoning law; and every single residential zoning district in which they will be permitted under the proposed local law.
- It's the same residential zoning districts.
- Are other districts involved; Commercial districts, there hasn't been much talk about that,
- In terms of where they can go today, as where they can go tomorrow, if this law passes, there is no difference.
- There is different bulk requirement applicable today, that would change the route they would have to go to get established, whereas under the new law there will be different bulk requirements applicable, but there will also be other aspects of the new law codified that will have to satisfied to put a house of worship in.
- That balance is something that's going to be tested going forwarded.
- It is unfair to say, all of a sudden, you're allowing houses of worship in ninety percent of the village limited to residential, you're allowing it in 100% of the residential area to do it.
- Guess what; they already are.
- One of the main purposes of this law from day one, in a memo with the Planner, is to recognize while we do allow houses of worship, I write in a lot of residential districts presently, the code needs to meet in terms of board review, establishment and enforcement on an on-going basis.

Motion to Close the meeting on public portion of Agenda Items only:

MOTION: Deputy Mayor Valentine

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Close the Meeting on Agenda Items only.

4. Approval of Minutes of Previous Meeting, January 17, 2019.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve the Village Board Meeting Minutes of January 17, 2019.

5. Resolution No. 2019-12. Resolution to approve proposed local law amending the Zoning Code of the Village of Chestnut Ridge as pertains to the regulation of Places of Public Assembly and Houses of Worship – Local Law #1 of 2019.

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2019-12 on proposed Local Law I Amending the Zoning Code of the Village of Chestnut Ridge.

Mayor Presti: There is Motion on the table, I will give the Trustees an opportunity to speak.

Trustee Van Alstyne:

- **There's been a lot of misinformation, exaggeration, associated with the House of Worship Law process.**
- **I think the House of Worship Law has been handled the same way as the Parade Law, Garage Law, Rental Registry Law, Entity Disclosure Law.**
- **As for these laws, they were written, public hearings were held, and the laws were adopted, exactly the same process as the House of Worship Law.**
- **The process is the same no matter who suggests the law.**
- **Village Code provides that a citizen has the right to ask legislators to amend to Zoning code; for that matter, any code provision of Village law. no matter who they are.**
- **I think that's fair, don't you?**
- **Unfortunately, the opposition to the House of Worship Law has wasted their time at the public meetings, and did not add constructive criticism.**
- **The House of Worship Law applications will be handled like any other land/use application.**
- **First step being, meeting with the Community Development Committee and Review Committee.**
- **The Village Planner, Assistant Village Attorney for Planning, and the Village Consulting Engineer; they are experts in this field.**
- **The applicant moves onto either Planning or the Zoning Board of Appeals.**
- **This is the exact same process that's been in force since 1986.**
- **The purpose of the House of Worship Law is to give reasonable and legal guidelines to Village Boards as fair and public process; that's a good thing, isn't it?**
- **During public hearings the House of Worship Law, a couple of irresponsible comments were made by the opposition to the law.**
- **These comments are from the public record and part of the resolution we are considering tonight.**
- **Mr. Wasserman, saying RLUPA has not been adequately tested in our Village, so I don't see the need for the extent of the purposed amendments, meaning the House of Worship Law.**
- **Mr. Wasserman implies, wait until they test our law, meaning suing us.**

- The records show municipalities lose these local cases and pay astronomical awards for attorney fees and damages.
- This means tax increases, that's unnecessary tax increases.
- This is contrary to the best interests of the Village as a whole.
- Mr. Shaut, "adopting land regulations that conform to the Comprehensive Plan provide significant protection for such regulations.
- For your information, a Comprehensive Plan that restricts constitutionally protected rights is illegal and will not protect the Village from lawsuits.
- Pomona, Airmont, and Clifton, New Jersey are examples of how municipalities have ignored federal laws and lost at a huge cost to taxpayers.
- Laws must be progressive, they must represent all individuals.
- The Board of Trustees has the responsibility to change laws to meet the current needs of all people.
- We should embrace progressive laws; shouldn't we?
- Reading a recent Journal News article about Cupon, Michael Miller is quoted, "we don't tolerate bigotry, hatred against anyone".
- He has also said, "he is so conscious of bigotry and hate, that Cupon has specific also so condemnation in its charter".
- I agree with Michael Miller, and I personally, am not a religious bigotry; unfortunately, some members of our community are.
- Certainly, we all agree that bigotry and hatred have no place in Chestnut Ridge.
- I hope you can find it in our collective parts to be tolerant of our fellow Chestnut Ridge residents; after all, they're neighbors.
- People from outside our Village has also weighed in on our House of Worship Law.
- Representatives from Clarkstown and Orangetown are stoking the plains of bigotry and hate for one reason or another; their own political advancement.
- Serve America Movement is also trying to advance their own radical agenda using Chestnut Ridge as a pawn.
- Clarkstown and Orangetown politicians and the serve America Movement, don't live here; don't know the Village, don't belong here; Chestnut Ridge residents know the Village,
- Chestnut Ridge residents know the Village, not these outsiders.
- I believe Chestnut Ridge residents should decide their own, not these outsiders.
- In conclusion, The House of Worship Law is a fair law for all Chestnut Ridge residents.

Trustee Miller:

I've been a Village resident for forty-three years; not just a resident, I've served the Village as a Trustee, we have a responsibility to spend your money wisely.

We have had excellent representation on this matter.

We understand case law; it has been said this has no place in the community.

Courts have said that Houses of Worship are beneficial to the neighborhood.

You don't have to accept that; we've also heard other things.

There was a case, a number of years, ago that went to the Court of Appeals and then the Supreme Court.

Every objection we heard, we know it will be rejected.

One of the responsibilities of the Village is not to get embroiled in cases we cannot win.

As a Trustee, I am not here to let my money go to lawsuits that cannot be won.
All my life, I've handled which lawsuits are worth it, and which aren't.
I cannot argue against religious uses; in a fully built-up residential neighborhood.
Now, I can make an argument on the law that is what we are doing is right.
From our point of view, what we think is right, ours, from the point of view of our
reputation in the Village and from the point of view of some of the residents.
My neighbors are special.
Every house that was sold, has been purchased by members of the Orthodox Jewish
Community, lovely neighbors.
It's a pleasure to see the children on the streets; the bikes, it a wonderful thing.
We should do more regarding the school buses that are speeding; I agree, but that doesn't
mean we don't welcome residents with children.
We are notifying the Police.
Even if the law did not provide what it does; even if the law would permit us to say no, we
would not go along with it.
We have a community of people that need places of worship that they can walk to.
It's just not right how people in the community can forget that.
You say house values will decline; thanks to the OJC my house value went up.
I am worried about the exact same thing that everyone is worried about.
I don't care what religion they are; I understand there is a part of the community that
requires neighborhood and residential houses of worship.
I walk around, introduce myself, the Orthodox people, all say to me, don't change the
Village, keep it the same way.
Their needs are consistent because they have no objective to destroy the Village.
They are and will help us; Residential Houses of Worship will look like every other house.
And, because of what we are doing, we will have order to the chaos.
You can't stop me from having people come to my house and watch a football game.
I am not a religious Jew; I drive, when I have to go to synagogue, but I understand people
who can't.
I am going to make sure all Village residents are accommodated and in the best way we can
so that we maintain and not destroy this Village.

Deputy Mayor Valentine:

- I've raised four children and have six grandchildren,
- In one of my meetings here a twenty-five year old woman came up to me from Balmoral Drive.
- I walk every day; I talk to my neighbors on a regular basis; help people with their groceries; in fact, some people walk with me.
- There are people with hidden agendas.
- Folks hold meetings and come from Stony Point, Orangetown, other places.
- It is time for us to stand together.
- I worked on the Planning Board, almost twelve years.
- I think I've done my job in public service.
- My wife tells me, can't you say no to something?
- I took an Oath to the Constitution to uphold everyone's rights; based on law, not on opinions, misguided notions.

- I just came back from the State capital of Albany last week.
- We cannot close our ears.
- Fear and exaggeration don't represent.
- The idea of America is not one religion.
- I have read the legislation, I've read all of that.

Trustee Cohen:

- The Village Board has worked very hard going through the process with a fine-tooth comb, following the law, to pass a law that is needed in this Village.
- It provides for development, obviously in need, where people are left to build houses of worship without the guidance to follow Village law.
- We've had a lot of comments about this law for over a year.
- We've taken all these comments and adjusted the law numerous times in order to accommodate and due process to all the Village and get their opinions.
- Now, it's time to act upon this law and I think it's time to do that at this moment.
- This is a very complicated law with a lot of moving parts, and we have to be aware of any expected consequences.
- This Village, as always, will take the best interests of the Community at heart, and we will be looking to see what works and what doesn't.
- We will be ready to act upon the functioning of this law as time goes by.
- It will take a lot of diligence and patience until our Boards understands how this functions.
- As you heard from the Planning Board today, and our Village Board we will be working hard to see that this law is effective and just.
- And, we stand ready to make any changes to that goal.

Mayor Presti:

- I think the Trustees covered the road map from day one.
- We've had an opportunity to hear all sides.
- I understand this was a very passionate issue.
- Unfortunately, it has triggered a prejudice and a hate.
- Go on line and look at the resolution and foot notes.
- You stood at that microphone, it's in black and white and I say look at the transcripts.
- We have tried to thoroughly address everything; numerous public meetings.
- Folks to speak at Board meetings.
- The attacks upon each other, the animosity at these meeting is awful.
- I understand a lot of folks here don't like the law, and I understand that, but there is no need to attack the Trustees.
- The Trustees have worked hard to walk the middle line to hear all residents.
- Any personal criticism against them is not called for.
- We have four sets of hearing transcripts, including the shout outs.
- You can hear the transcripts, including the shout outs.
- That being said, we have a Motion on the floor.

The Board was polled and voted 5-0 to Approve Resolution No. 2019-12 on proposed Local Law I Amending the Zoning Code of the Village of Chestnut Ridge.

6. Resolution No. 2019-13:

Resolution to adopt the Department of Labor updated Sexual Harassment Policy requirements for municipalities.

RESOLVED that the Village of Chestnut Ridge adopts “the Village of Chestnut Ridge Sexual Harassment Policy” on file in the Village Clerk’s Office.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 5-0 to adopt Resolution No. 2019-13.

7. Resolution No. 2019-14:

To surplus computer equipment for disposal.

RESOLVED that the Village’s Dell Disc Drive DW576D1, and Dell Disc Drive 6MLD851, are hereby declared surplus for disposal by the Village of Chestnut Ridge.

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2019-14.

8. Resolution No. 2019-15 approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$140,269.15 as set forth on Abstract No. 2019-2 dated February 21, 2019, as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Cohen

SECOND: Trustee Miller

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

Open Floor: Public Discussion:

Note: RECORDING EQUIPMENT STOPPED RECORDING 9:35 P.M. - OUT OF OUR CONTROL:

Marc Levine – 14 Lancaster Ln, Chestnut Ridge, New York 10977:

- Grew up here in the Village.
- Upset; residents including myself moved into residential sub-divisions.
- Afraid of huge buildings.
- Change character of neighborhood.

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

- 25 Eagle Street – 1 car garage – sent pictures.
- On basis of two cars – Do you recall seeing a permit?
- Permit application for one car garage.
- Pay attention to street parking.
- Petition every resident on block.

Mayor Presti:

- When you have guests over, whatever case may be.

Attorney Sevastian:

- You are talking about public streets.
- In local law, parking restrictions very visible.

Hilda Kogut – 20 Pine Knoll Rd. Chestnut Ridge, New York 10977:

- Insulted and very sad.

William Ballinger – 3 Pamela Drive, Chestnut Ridge, New York 10977:

- Wanted someone assigned to work nights.
- Should be someone to contact when work going on at night.

Anthony Shaut – 23 Mouacdie Drive, Chestnut Ridge, New York 10965

- We needed to plead and beg.
- Because of the election you came up with a Comprehensive Plan.
- You said you are wasting our time.
- Some comments must be collective.

Trustee Valentine

- I stood up and said here how things should be to unify the Village.
- You changed one specific fact.

• **Jonathan Corbin – 6 Aberdeen Avenue, Chestnut Ridge, New York 10977:**

- We live in the same neighborhood.
- You are fear mongering.
- Journal News article – provocative; remarks smeared us.
- We've forgotten our original mission – no bigotry.
- Cupon meeting I attended.

- Ill- chosen words.

Jeff Wasserman – 365 S. Pascack Rd., Chestnut Ridge, New York 10977:

- When did decision come about?
- When was it made public?

Mayor Presti:

- As a result, we were going to ask the Planner.
- Transparent and in the public eye.

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

- Statement - Hidden agenda.

Trustee Valentine

- Citizen Agenda
- Are you suggesting our Comprehensive Plan was a hidden Agenda?
- Means you are provocative.

Comments and meeting ended. Complete Noise, Chaos and Commotion.

The Board was polled to Close the Meeting.

MOTION: Trustee Miller

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Adjourn the Meeting.

MEETING ADJOURNED; 10:00 P.M.

Respectfully submitted;

Florence A. Mandel

Village Clerk

Recording Secretary

10. Open Floor: Public Discussion.
11. Executive Session – Pending Litigation (Travelers Claim No. FEP1782).
12. Motion to Adjourn.

1. Resolution No. 2019-12.

Resolution to approve Local Law #1 of 2019, proposed local law amending the Zoning Code of the Village of Chestnut Ridge as pertains to the regulation of Places of Public Assembly and Houses of Worship.

[Resolution provided separately; Exhibits to Resolution are available on the Village website.]

2. Resolution No. 2019-13.

Resolution to adopt the Department of Labor updated Sexual Harassment Policy requirements for municipalities.

RESOLVED that the Village of Chestnut Ridge adopts “the Village of Chestnut Ridge Sexual Harassment Policy” on file in the Village Clerk’s Office.

3. Resolution No. 2019-14.

Resolution No. 2019-14 to surplus computer equipment for disposal.

RESOLVED that the Village's Dell Disc Drive DW576D1, and Dell Disc Drive 6MLD851, are hereby declared surplus for disposal by the Village of Chestnut Ridge.

4. Resolution No. 2019-15 approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through ___ in the aggregate amount of \$ _____ as set forth on Abstract No. 2019-2 dated _____, as submitted by the Village Treasurer, are hereby approved.