

MINUTES OF THE BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE
MARCH 19, 2015

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on March 19, 2015 at 8:00 P.M. at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR.	-	MAYOR
JOAN BROCK	-	DEPUTY MAYOR
GRANT VALENTINE	-	TRUSTEE
WALTER R. SEVASTIAN	-	ATTORNEY
FLORENCE A. MANDEL	-	RECORDING SECRETARY

ABSENT	-	TRUSTEE COHEN
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1. Pledge of Allegiance

2. Mayor's report.

- **Congratulations to Deputy Mayor Brock and Trustee Valentine on their being elected yesterday. We had a little less than 400 voters come out. We should be proud that voters came out to show that they want to be involved in the process.**
- **Our special event with a heavy heart but with pleasure we call up Marisa Stewart. Unfortunately due to changes going on, we are losing Marisa.**
- **Mayor presented a plaque to Marisa - Presented to Marisa Stewart in recognition of her many years of service to the Village of Chestnut Ridge. First as a member of the Zoning Board and then as a Trustee on the Village Board. Her insight and dedication will be solely missed. Mayor Rosario Presti, Jr. Deputy Mayor Brock, Trustee Howard Cohen, Trustee Grant Valentine**
- **Mayor thanked Marisa for her service and wished Marisa good luck.**

3. Approval of Minutes of Previous Meeting of February 12, 2015.

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

The Board was polled and voted 3-0 to adopt the Minutes of February 12, 2015.

4. Open Floor Public Discussion on Agenda Items

Richard Mitzner – 810 Chestnut Ridge Rd., Chestnut Ridge, NY 10977:

• **Agenda Item 5: Asked is the recently created Regional Shopping Zone on Schoolhouse Rd., across from Sephar Lane also considered a Neighborhood Shopping Zone?**

• **Whatever happens with the NS Zone, Neighborhood Shopping Center doesn't affect the Regional? Asked if that was correct?**

Mayor Presti:

• **It is different and has nothing to do with Artis. You are correct.**

Richard Mitzner:

• **Agenda Item 7: Asked questions on the Amendment and what effect it would have.**

Mayor Presti:

• **Asked Mr. Mitzner to put the questions in writing and the Village Attorney would get back to him.**

Richard Mitzner:

- Asked if the section you are amending now which is section 8, article 12, Section 15 what you do there?
- If it was changing anything of what currently exists of Section 9 and Section 10?

Attorney Sevastian:

- This is changing as set forth on the Agenda. There is a copy of the proposal of that law.
- It is amending the Zoning Code as pertains to the Landscape contractor use in the LO/PI zone districts. No other part.

Richard Mitzner:

- Asked were Landscapers contractors permitted by right or as a Conditional Use in the LO and PI Zoning Districts prior to Local Law I of 2011?

Mayor Presti:

- Mayor Presti deferred that question as he believed it had to do with current litigation with the Village.

Richard Mitzner:

- Paragraph D of the same Agenda item refers to outdoor storage of mulch being prohibited in the LO and PI zone except when in compliance with site plan development.
- Asked does that mean that outdoor stocking piling of mulch by a landscaper contractor is permitted in Residential zones?

Mayor Presti:

- Stated law is pretty clear as to what it means.

Richard Mitzner:

- Past several years there has been major stock piling of biodegradable leaves and grass by landscaper/landscapers on Hungry Hollow Rd., just bordering the Thruway.
- The stockpiling is being done not by the owner of that property but by the owner of the adjacent property who happens to be a landscaper.
- Mr. Mitzner stated he liked what the new law is doing but said it seems that because there has been no enforcement perhaps it's exempt?
- Questioned that the same thing you won't allow on a LO or PI zone is being allowed on a residential property.

Mayor Presti:

- Stated that was a fair question.

Mr. Mitzner:

- Asked that it be looked into it. It's about 300 feet berm and ranges in height between 4 feet and eight feet right on the Thruway.

Close the Public Portion of the meeting on Agenda Items only.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Close the Public Portion of the meeting on Agenda items.

5. a. Continuation of Public Hearing on proposed local law entitled "A Local Law Amending Local Law No. 20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to add 'Assisted Living Residences' as a permitted use in the NS Zoning District".

(Ira Emanuel, Esq. was unable to appear. Public Hearing was adjourned for the evening).

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Adjourn the Public Hearing on Artis Senior Living until April 16, 2015 at 8:00 p.m.

6. a. **Public Hearing on Tentative Budget for fiscal year 2015/2016.**

Mayor Presti:

- Asked Marvin Nyman to give a brief summary of what is going on with the budget.

Marvin Nyman: Financial Consultant:

- Mr. Nyman gave an overview of what he considered to be the most important points of the budget.
- Page 6: There is in the Tentative Budget a proposed tax increase of 1.56%. That is amount of increase that is allowable under the NYS guidelines of the Tax Cap Laws.
- By the Village staying within that tax cap increase of 1.56%, the residents will receive rebates from the State of what is basically equivalent to 1.56 %. Had we gone over, the residents would not receive those rebates.
- Page 6: Summary of the employees of the Village, not including consultants. The employees received 2-1/2% for the clerical staff only.

Page 5: Revenue Tax: Line A – 3003 – The Village is projecting it is going to receive \$145,000.00 from NYS, Chips (Consolidated Highway Improvements Funds).

- **In the current fiscal year and the next fiscal year there is major roadway improvement in the Village.**
- **The Village took out a Bond this past year of \$995,000.00 for Highway improvements and by adding this \$145,000.00 the Village will spending approximately 1.15 million dollars in Highway improvements.**

Page 4 – Expenditure A9710 – Debt Service – payment of \$50,000.00 for Bond. Principal: \$50,000.00, plus Bond Interest \$31,929.00 = Total of \$81,929.00. It is the first pay down of the fifteen year Bond for Highway improvements.

Page 3 – Section 5 –A5110 - Street Maintenance \$520,000.00 budgeted with the Town of Ramapo. Contract has not increased. Below expenditures.

- **Should we not expend all that money it will be carried over to 2016.**

A 3620 – Safety Inspection –

- **Using Town of Ramapo. Going forward, the Village has its own Code Inspector but will continue with the Town for its Building Inspector and Fire Inspector.**

Steven Slackman – 30 Sephar Lane, Chestnut Ridge, New York 10977:

- **Asked if we base salary of Trustees and members of the Boards on attendance.**

Mayor Presti: No.

- **Thanked Marvin Nyman and Lise Chanin for putting together the Budget.**
- **Tried to be fair with staff at 2-1/2% salary increase. Last year 1% increase. Some years staff received no increase. Increase on the conservative side. We appreciate the staff.**
- **New Code Enforcement officer not here one year – will receive no increase.**
- **Receptionist position –adjusted hours -maintaining her salary, receives no increase.**
- **We will need to correct the Code Enforcement line.**

Walter Sevastian – Village Attorney:

- **We are adjourning until April 16, 2015.**

Marvin Nyman:

- **Any line can be changed. That will change several lines.**

b. Motion to Adjourn the Public Hearing on the Budget until April 16, 2015.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 3-0 to Adjourn the Public hearing on the Budget until April 16, 2015.

- 7. Resolution No. 2015-18. (a) Declaring the Village Board’s Intent to be Lead Agency for the purpose of a SEQRA review of a proposed local law entitled “Amendments to Zoning Code Article XII, entitled “Conditional Use and Special Permit Standards”, specifically as pertains to Landscape Contractors (Article XII, Section 15 of the Zoning Code of the Village of Chestnut Ridge), (b) authorizing a G.M.L. referral to the Rockland County Planning Board for comment on the proposed local law, and (c) scheduling a Public Hearing on the proposed local law for the regularly scheduled Village Board meeting to be held on May 21, 2015 at 8:00pm.**

PROPOSED AMENDMENTS TO ZONING CODE ARTICLE XII,
ENTITLED “CONDITIONAL USE AND SPECIAL PERMIT
STANDARDS”, SPECIFICALLY AS PERTAINS TO LANDSCAPE
CONTRACTORS (ARTICLE XII, SECTION 15)

Zoning Code Article XII, Section 15, shall be amended to read as follows:

(new text in italics – some text remains intact but renumbered)

15. Landscape Contractors.

Landscape Contractors shall be permitted in the LO and PI Zoning Districts subject to Conditional Use approval and subject to the following additional conditions:

- A. No equipment shall be parked or stored out of doors *except in compliance with a Site Development Plan approved by the Planning Board*. Equipment shall include but not be limited to mowers, snow plows, bobcats, wood chippers, compressors, backhoes, front end loaders, forklifts, etc.
- B. Vehicles shall not be permitted to idle on site for more than five (5) minutes.
- C.

(1) Noise generated in the operation of the business or due to the use of vehicles or equipment, shall not exceed 60 dB(A) during the hours of operation permitted under subsection (K) herein.

(2) The measurement of any sound or noise referenced in this subsection shall be made with a sound level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified, and in no case on public or private streets.

D.

(1) Outdoor storage of leaves, yard waste, wood, branches, debris or similar items generated in connection with the business shall be prohibited.

Outdoor storage of mulch generated in connection with the business shall be prohibited except in compliance with a Site Development Plan approved by the Planning Board.

(2) No debris or material from job sites or from demolition shall be brought to the site or stored on the site or stored in any vehicles on the site. Such debris or material shall include but not be limited to concrete, stone, paving materials, asphalt, masonry materials, wood, brick, or metals.

(3) Storage of materials which could be hazardous to the environment such as chemicals, road salt, or other similar materials shall be stored ***in compliance with a Site Development Plan approved by the Planning Board***, and a manner to insure that it will not impact on the environment. The method of storage shall also be subject to approval of the County Department of Health, Fire Inspector or other governmental agencies having jurisdiction over the premises.

(4) Storage of materials used in connection with the landscape contractor business operated on the site such as, but not limited to, mulch, gravel, sand, stone, brick, pavers, railroad ties, shall be in the rear of the property only,

but not in any required yard, ***and in compliance with a Site Development Plan approved by the Planning Board.***

(5) No materials shall be stored at a height in excess of 6 feet nor stored in such manner as to be visible from a residential zoning district or from the street.

E. No unlicensed or dismantled vehicles shall be parked or stored out of doors nor shall any vehicles or equipment be repaired or serviced out of doors.

F. Landscape contractors shall maintain an office for the operation of its business on the lot. Such office shall be a minimum of 200 square feet.

G. All vehicles and/or equipment not required to be parked or stored indoors shall be parked or stored in ***an area designated on the Site Development Plan approved by the Planning Board***, and adequately screened so as not to be visible from any street or adjoining property.

H. The Planning Board shall require sufficient landscaping to be installed and maintained to screen the use from adjoining properties and from the street.

I. The Planning Board may require the site or any part thereof to be screened with a 6 foot high solid fence. A solid self-closing gate shall be provided and closed after each entry and exit to and from the site. The gate shall be locked at night. The fence design shall be subject to approval by the Planning Board.

J. The storage of diesel fuel, gasoline or biodiesel in above ground or underground storage tanks shall be prohibited. Only the use of State approved gasoline or diesel cans not exceeding 5 gallons may be stored for daily use.

K. There shall be no operation between 9 P.M and 7 A.M. except for office operations, and snow plowing operations during the winter months.

L. No chipping, mulching, processing, and/or wood cutting activities, including splitting tress or branches into firewood shall be permitted on site nor shall firewood storage of sale be permitted on the site.

M. Landscape contractors shall not be permitted on any lot that abuts, adjoins and/or is adjacent to or across the street from a residential zoning district, nor within 200 feet of the perimeter of any property within said residential zoning district.

N. There shall be no odors emanating from the site nor detectable across any property line.

This Local Law shall be effective immediately upon filing with the Secretary of State.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to adjourn until May 21, 2015.

8. Resolution No. 2015-19 – Resolution approving Agreement for \$230.00 with B&B Pool and Spa Center to service the fountain at the Village Park.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 3-0 to adopt Resolution No. 2015-19.

9. Resolution 2015-20 – Resolution adopting a Disaster Preparedness Emergency Policy for the Village of Chestnut Ridge.

The Chestnut Ridge Village Board of Trustees, as the legislative body of an incorporated village in the State of New York, pursuant to Village Law 4-412, hereby adopts a Disaster Preparedness Emergency Policy designed to ensure the public safety and welfare during storm or other emergency conditions which may cause the danger to the life or property of the residents of the Village of Chestnut Ridge.

New York State Executive Law Article 2-B, § 24, entitled “Local state of emergency; local emergency orders by chief executive,” provides a framework for the declaration of a State of Emergency in the Village of Chestnut Ridge in the event of

a disaster, catastrophe, or similar public emergency within the territorial limits of the Village.

The purpose of this policy is to set forth the process to be implemented to declare a local state of emergency in the event of a public emergency in the Village of Chestnut Ridge.

1. The Mayor, as chief executive officer of the Village, in the event of a public emergency or in the event of reasonable apprehension thereof, shall have the power, pursuant to Executive Law § 24, to proclaim a “Local State of Emergency” within any part or all of the territorial limits of the Village of Chestnut Ridge.

2. A declaration of a Local State of Emergency shall remain in effect for a period not to exceed thirty (30) days or until rescinded by the Mayor, whichever comes first.

3. Following the declaration of a Local State of Emergency, the Mayor may promulgate local Emergency Orders to protect life or property or to bring the emergency situation under control as authorized under the Executive Law. Such Emergency Orders shall be effective from the time and in the manner prescribed in the Order, and shall be published as soon as practicable in the Journal News and transmitted to radio and television media for publication and broadcast. Such Orders may be amended, modified or rescinded by the Mayor during the pendency of the State of Emergency, but shall cease to be in effect five (5) days after promulgation or upon declaration that the State of Emergency no longer exists, whichever is sooner. The Mayor may extend such Orders for additional periods not exceeding five days each during the pendency of the Local State of Emergency.

4. The proclamation of the Local State of Emergency and Local Emergency Orders of the Mayor shall be executed in quadruplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the Village Clerk’s Office, the Office of the County Clerk, the Office of the Secretary of State and the State Office of Emergency Management within the division of Homeland Security and Emergency Services.

Adopted at a regularly scheduled meeting of the Chestnut Ridge Village Board of Trustees on March 19, 2015.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to adopt Resolution No. 2015-20.

10. Resolution 2015-21 – Resolution approving Abstract of Audited Claims.

• Deputy Mayor Brock –

•Asked what the difference was between delivery charge for street lights and the power supply for street lighting?

Lise Chanin – Treasurer

- The energy supplier bills separately from Orange and Rockland. Orange and Rockland owns the poles and wires.
- Liberty Power is the energy supplier which is delivered through the wires of Orange and Rockland.

Trustee Brock –

- Questioned amounts of the lighting bills.

Lise Chanin –

- Stated currently negotiating to move it over to another supplier.

Trustee Brock

Resolved that General Fund claims set forth of pages 1-4 in the aggregate amount of \$154,975.83 as submitted by the Village Treasurer be hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 3-0 to adopt Resolution No. 2015-21.

OPEN FLOOR PUBLIC DISCUSSION

Richard Mitzner – 810 Chestnut Ridge Rd., Chestnut Ridge, NY 10977

- Vanick Properties Inc. stipulation– money owed to the Village– around \$74,000.00.
- Received a copy of the signed agreement.
- Agreement to be paid on the 15th of each month.
- Stated he saw two checks; Dec. 31, 2014 for \$14,000.00; Feb. 23, 2015 for \$10,000.00.
- Asked if payment was made in January?
- Asked about March 15 2015 - \$10,000 due according to the signed agreement.

Mayor Presti:

- **Stated he is behind in his payments.**

Mr. Mitzner:

- **Stated that was unacceptable and that it took a long time to get an Agreement.**

Mayor Presti:

- **Stated the Village will be exercising legal remedies available to us.**

Mr. Mitzner:

- **Asked are there any punitive damages involved?**

Mayor Presti:

- **Stated there are no punitive damages.**
- **Stated Village did obtain Attorney's fees for having to file suit and things of that nature. That is part of the total judgment that is being paid to the Village.**

Mr. Mitzner:

- **Stated another way taxpayers that could benefit taxpayers was the property down there (by proposed Regional Shopping Center) was virtually 96% tax exempt as an Agricultural exemption owned by the LLC's and Tony Guese.**
- **Stated he has been bringing this up for five or six years.**
- **Stated no reason why the Village cannot do their due diligence.**
- **Stated the Town Assessor would love to have the Village's support.**
- **Asked if there was any intention of going down to the properties (by where Regional Shopping Center would be) and telling him what Agricultural work was going on?**

Mayor Presti:

- **Stated right now the property is paying the taxes it is paying.**

There is nothing pending in regard to the Village to appeal or to object to the current assessment.

Richard Mitzner:

- It was decided that there was hazardous material there and was supposed to be removed. It would be done when the project started. The contamination is still there.

- Mr. Burns is always alleging his well water is being contaminated. It flows from the Regional Shopping Center that way.

- Since this project hasn't started, to at least have the contaminated waste removed?

Mayor Presti:

- That project has not been abandoned. Based upon the approvals given to the application one of the conditions was to environmentally remediate the property.

Depending on the next chapter, whether it's abandoned or it continues will determine how the Village proceeds from there.

Right now it is an active application; it's an active development and a condition of the approval is for the applicant to remediate according to law.

Mr. Mitzner:

The zone change has not been finalized yet because payments have not been made. It has not been changed to the Regional Shopping Center. I thought that could not be done until all fees were paid.

Attorney Sevastian: The Zone change is filed. The suit was after that.

Mayor Presti:

- If there are fees outstanding it may not get final permits and things of that nature.

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, New York 10977

- Complained about the pot holes and why they have not been addressed.

- On Lancaster Lane, a storm drain collapsed.

- Stated when you come out about 4 feet or 5 feet into the road, it's collapsed.

- It's not a pot hole; it's what could be the beginning of a major collapse.

- Stated he reported it before the winter.

- Asked if there are plans to do the whole road?

- Wanted to know why it hasn't been addressed?

Lise Chanin:

- **Stated it has been reported to the Town of Ramapo.**
- **The engineer is in the process of getting in contact with him.**

Mayor Presti:

- **Martin Spence is now involved in getting Ramapo involved.**
- **Now that the weather is starting to dry up, the pot holes will be dry and they can address them; they cannot repair them when they are wet.**

Marc Levine:

Stated someone put a cone in it and now there is nothing there.

MOTION TO CLOSE THE PUBLIC MEETING

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 3-0 to Close the Public Meeting.

Motion to Adjourn:

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 3-0 to Adjourn.

MEETING ADJOURNED: 8:40 P.M.

Respectfully submitted,

Florence A. Mandel

Village Clerk

