

**MINUTES OF THE BOARD OF TRUSTEES  
VILLAGE OF CHESTNUT RIDGE  
MAY 19, 2016**

---

**The Board of Trustees of the Village of Chestnut Ridge convened in regular session on May 19, 2016 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.**

**PRESENT:**

<b>ROSARIO PRESTI, JR.</b>	<b>-</b>	<b>MAYOR</b>
<b>JOAN BROCK</b>	<b>-</b>	<b>DEPUTY MAYOR</b>
<b>HOWARD COHEN</b>	<b>-</b>	<b>TRUSTEE</b>
<b>GRANT VALENTINE</b>	<b>-</b>	<b>TRUSTEE</b>

---

**ABSENT:**

<b>RICHARD MILLER</b>	<b>-</b>	<b>TRUSTEE</b>
-----------------------	----------	----------------

**PRESENT:**

<b>WALTER R. SEVASTIAN</b>	<b>-</b>	<b>VILLAGE ATTORNEY</b>
<b>FLORENCE A. MANDEL</b>	<b>-</b>	<b>RECORDING SECRETARY</b>

## **1. Pledge of Allegiance.**

## **2. Mayor's report.**

- Welcomed everyone to the meeting.
- Had an opportunity to go to the Carnival on Saturday over at the Fire House.
- The ambulance building is also in the midst of going up.
- Public Safety is moving ahead in Chestnut Ridge
- E-mail blast or web-site following our road paving; streets that are on schedule to be paved.
- June 5<sup>th</sup> over at the American Bulldog is Sunday with the Mayor.

## **3. Open Floor: Public discussion of Agenda Items.**

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

- Requested resolution to protect home owners from the assault of the Realtors; fine be increased to \$1,000. from \$500.00.

### **Attorney Sevastian:**

- Stated fine has been increased to \$1,000.

### **Attorney Sevastian explained:**

- There is a local law and legislature statement that the Board has put out with the proposed local law that does lay it out reasonably simply what we are talking about..
- Most Zoning Codes including the Chestnut Ridge Zoning Code have a calculation for permitted floor area that is allowed in a new home.
- When you buy a home on a lot or if it's a vacant lot there is a building envelope; the bulk requirements in the code, the dimension.
- You can only build so close to the front, to the side, this high; those things protect set backs from neighbors.
- Chestnut Ridge has larger lots so those are important things to maintain.
- When someone goes to construct a new home or demolishes an old home and builds a new one the first thing you see on the survey of the land is a building envelope. Usually it is pretty big. It's unusual when houses are built out to that envelope.
- One of the things we restrict is floor area ratio; how many square feet of livable space you're allowed to put on a new lot.
- That calculation is made by the size of the lot and the size of the home.
- What is happening in the Village now in front of the Zoning Board of Appeals is a lot of people are coming in for variances from the floor area ratio calculation because they have bigger families and they want more room for their families to live.
- It very difficult for the Zoning Board to grant one of those variances because once you do that then other people will come in and site those variances going forward.
- The reality is big families need space to live.
- What the Board is weighing is, you should see this in the Legislature Statement is maintaining the dimensional requirements side yards, rear yards, height so that no one builds anything that isn't dimensionally under the code but allowing for more floor area within the foot print of the house itself.
- This is a draft that is a proposal.

- The law requires it be sent out to the County, Planning Board, and Planner to get comments.
  - Three feet above ground, 6 ft. or 5 ft. below ground, still meet the fire code for ingress and egress but stay within the footprint of the house above, that would be a way to get additional living area without blowing out the sides of the house and without going over the height requirements.
  - It could be a way to accomplish allowing for more floor area but maintaining the character of the Village by means of the dimensional requirements of the code by just going down essentially.
  - The new text is on page 4 to 5 in **Bold** and *italics*.
  - What this amendment does if you were to look at it would be to allow for cellar space.
  - A single level down, not more than one level down, located in a building within a residential zoning district and the building would have to fully comply with all the other bulk requirements.
  - You couldn't go out more, couldn't go more toward the back that is required by the law. ▪ ▪
  - The portion of the building that is below grade has less than three feet of ceiling height above grade. Not any deeper than nine feet and its located fully within the footprint of the main level immediately above it.
  - It would be a way to increase the floor area.
  - I tried to think of what those applications would look like in the context of this text amendment. Because this would still be considered a story in the home, a floor area within the home, it's not like you're going to have four levels where you would normally have three; it would just give someone the opportunity dealing with roof lines, maybe you could go down and have more useable space.
  - This is a balancing act and it gets sent out to design professionals.

**Mayor Presti:**

- There will be an additional hearing once we get that back.
- What the Village is trying to do is to reconcile the fact that if you want to use additional basement space for your family, you will be able to do that so long as it stays with certain perimeters and it still abides by building and fire codes.
- We are not having people go sub-terrain; there is still going to be certain perimeters.
- Those folks who did not have a full basement and want to have a full basement without having to get a variance to do that they will be permitted to do so.
- That is part of what the Village Attorney is getting at.
- We are going to send it out and see what County Planning have to say.
- You will be invited back and if you have anything further to say about it, you would be welcome to discuss it.
- No multi families; its still a single family home.
- If you have a crawl space now and want to have a full basement, you'll be able to have a full basement.
- Nine feet is the maximum for the basement, not more than nine feet.

**Ben Mccullom –726 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- Questioned new house only?

- So someone could come in and request their basement be dug out from underneath the house?
- Typically basements are used for game rooms, etc.
- Are you going to stipulate the use of the basement?

**Mayor Presti:** If you are in a home where the use is presumed to be a single family residence, if that's what you mean by stipulation by you taking out a permit saying, "I want to expand my basement", you are basically confirming that you're using the house as a single family dwelling.

**Ben Mccullom – 726 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- Does that mean you can put kitchens and bathrooms and as many bedrooms as you want downstairs?
- How many people living in a house?

**Attorney Sevastain.**

- Never.
- There are standards that have to be complied with by the NYS Building Code, a certain width and depth.
- If you read the Legislature statement, the law is what the law is. If you see consistent applications requesting the same thing, the Legislature Body looks at the law and says maybe we can find a way to accomplish the purpose of what people seek without adversely affecting the area.

**Ben Mccullom – 726 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- How does the community give its input on this?

**Attorney Sevastain:**

- This local law is not on the Board to be adopted.
- The process under the law is it gets drafted and sent out for professional comments.
  - The Board can amend it; then they schedule it for a public hearing,
  - Notices are posted, people come in and do essentially what you are doing now.

**Mayor Presti:**

- We will get a report from the Planning Board.
- We will get a report from our Village Planner.
- We will get a report from County Planning.

Explained:

- The Village Planner is educated in what is the plan for the community to accomplish or continue the quality of life that is around you that is legal.
- That is basically the reflection of what the community is all about..
- We have a Village Planner on staff. They are going to us their opinion.
- The County Planning has their professionals. They are going to do the same thing.
- The Planning Board will give us their review by Board members. They will also have an opportunity to give us their opinion. This is what they do.

**Deputy Mayor Brock:**

- These are professional licensed people.

**Trustee Cohen:**

- When we have a public hearing before we vote “yea” or “nay” you will hear what all these agencies say and we will get your input and then we act accordingly.

**Deputy Mayor Brock:**

- Then we first may re-write the whole law again.

**Mayor Presti:**

- It is a process.
- It is not a done deal.

**Charlotte Sorger – 21 Briar Ct., Chestnut Ridge, NY 10977:**

- This is a new idea of basements being dug out.
- Questioned any limitation where there is new excavation at the present time?
- Is there any limitations on the basements being dug today, yesterday and the day before?

**Attorney Sevastian:**

- If you look at the Legislature statement there is a limit on how many square feet you can have in a house.
- Provided they comply with the New York State building code regarding ingress and egress they can use it as a living space.
- What this local law would allow you to do is use that as livable space and not count toward your overall number.
- It would allow you to maintain those two stories above grade as living space.
- Right now you couldn't use the dug out foundation (the below grade) as livable space unless you got a variance.
- People are coming in seeking those variances over and over.
- Is the law accommodating?

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Is there anything being addressed toward trees.
- We are seeing a lot of trees being taken down changing the character of the neighborhood.
- Can trees be considered part of the Legislation that a property owner must maintain some trees and maintain existing landscaping?
- Stated there are trees that are hundreds of years old that will be taken down if a lot of over construction.

**Mayor Presti:**

- Stated trees are not part of this legislation.

**Claudi Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Can we consider this and can we introduce this?
- Stated a lot of character in the Village is from our landscaping including the trees.

**Mayor Presti:**

- The Village has not become the type of Village where we are going to tell folks what they can or cannot do with their trees.
- Explained when it comes to larger subdivisions and developments the developer must submit a landscape and tree plan before they start clear cutting anything.
- They have to save the best trees they can save.
- They have to note it and if for some reason they take it down they have to replace it with the same size and caliber that they removed.
- Once you as a homeowner move into that house, if you decided you want to trim that tree back or you don't want that tree anymore, because you want to have lawn and not trees, that's your prerogative as a homeowner.
- When you are dealing with large scale developments and sub-divisions we do deal with that and we do try to preserve the trees.
- When they developed Wanamaker Ct., they made sure the developer left certain trees so that there was a buffer behind.
- Once you move in, and there was that nice, big Oak that has now become diseased they would be able to take it down.
- We too have addressed trees on property when it comes to overall development.

**Claudia Gollub: 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Concerned with some of the new construction that has taken place; stated when she drives by there was beautiful landscaping and trees that added to the character of the Village and now they are not there anymore.

**Mayor Presti:**

- If you're knocking down a home you are knocking down everything.
- They go before the Architectural Review Board to make sure the elevation of the home is going to blend in with the community,
- Deal with regard to materials used on the home; certain type of landscaping and buffers.
- We as a Village, so long as you are keeping the property neat and clean we are not going to tell you what type of flowers or whether you can have an Oak tree or a Japanese Maple.
- We understand what you are getting at; you want to make sure.
- Stated they are landscaping once the house is finished; so obviously there is going to be a little bit of a transition.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Questioned item #7 on Agenda regarding scheduling of a Public Hearing regulating, Licensing and Restricting Peddlers, Vendors and Solicitors; wanted to know if it included Real Estate Agents?
- Does this include phone calls, e-mails, mailers?
- Nothing can be done if someone constantly harasses you on the telephone?

**Mayor Presti:**

- Village cannot control that.

**Attorney Sevastian:**

- You can call the police.
- Aggravated harassment is a Class A Misdemeanor.
- This is just a small amendment defining what a Merchandiser is

**Ron Miller – 8 Eagle Street, Chestnut Ridge, NY 10977:**

- The laws today involving ingress and egress are a very good thing.
- We are looking to make it safe.

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

- Maybe the Village would want to look at Montebello’s law; before you take a tree down you fill out an application, look at the tree, pay a fee and have to put the tree back.

**Deputy Mayor Brock:**

- If you want to put a pool in and take down the trees in the backyard you want me to tell you that you can’t put a pool in?

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

- Questioned #7 Solicitation Law; what will happen during election season; we have to knock on doors.

**Mayor Presti:**

- Doesn’t apply to charitable, Jehovah’s witnesses, political; only for solicitation.
- There is a first amendment prohibiting politics; constitutional protection.

**Richard Boyce – 8 Capricorn Lane, Chestnut Ridge, NY 10977:**

- Questioned “Modern Family”?

**Attorney Sevastian:**

- When you write a Legislative statement suggesting Legislature intent, and I happened to write this, I think the geniis of this is realistic people coming to the Village with bigger families.
- More common now than they had been.

**Magali Dupay – 49 Spring Hill Terrace, Chestnut Ridge, NY 10977:**

- What happens if someone decides to build up?

**Walter Sevastian:**

- The idea in what makes the Village the Village is the maintenance of those required side yards, maintenance of those required rear yards, maintenance of the height.
- It appears to be less of an impact to go down one level than it would be to go out.
- What this law requires is if you want to take advantage of going down one level not counting it as your floor area, you have to be within the bounds of the house above, there cannot be any other variances.

**Magail Dupay – 49 Spirng Hill Terrace, Chestnut Ridge, NY 10977:**

- If in addition to going down, you go out?

**Mayor Presti:**

- The law says you cannot do that.
- That's considered illegal.
- The Building Inspector goes there.
- A **Stop Work Order** is issued.
- You go to Village Justice Court.
- Professionals have to be spoken to and it has to be corrected what they are doing incorrectly.
- They have to build within their footprint, the legal rightful perimeters.

**Deputy Mayor Brock:**

- You can expand your house and still keep within the borders of the envelope.

**Magail Dupay – 49 Spring Hill Terrace, Chestnut Ridge, NY 10977:**

- What if it is done anyway?

**Walter Sevastian:**

- You could be made to take it down if it is done anyway.

**Andrea Ritter – 7 Weiss Terrace, Chestnut Ridge, NY 10977**

- Was curious to know if the Building Inspector comes to the site and inspects the building as its being built.

**Mayor Presti:**

- The inspector will visit the site on a periodic basis depending on the phase of it; it maybe for footings, maybe for the foundation.
- We now have our Building Inspector in house.
- He is available on a regular basis.
- He also tours the Village to make sure people aren't constructing with a midnight constructor.
- The Building Inspector will come because there are certain phases when you apply for a permit you have to let the Building Inspector know.
- If you're pouring concrete you have to check the footings; you have to check the perimeters as far as the foundation plan is concerned.
- They have to stake it to make sure this is where the outside footprint is going to be.
- If your plans say the footprint is 40 x 30 and I am measuring 60 x 50 there is a problem here and I'm going to stop it right then and there.
- He is not full-time; five days a week, five hours a day.
- We were contracting out and basically the Building Inspector was about twenty hours a month.
- The Building Inspector employed by the Village left and it was very difficult to find a competent, certified individual so we contracted out. Now that's finished.

**•Attorney Sevastian:**

- The application itself has the inspections; the framing, electrical, the plumbing,
- There is a checklist.



- We didn't have as much time in that we had to put in a lot of activity in a very short period of time.
- Now we have the flexibility of being more thorough.

**Andrea Weiss – 7 Weiss Terrace, Chestnut Ridge, NY 10977:**

- Who came up with this?

**Mayor Presti:**

- The floor ratio was brought up to us by the Zoning Board because they were starting to see more and more Zoning applications requesting this type of relief and it is their job to report back to the Village Trustees.
- You are not supposed to plan your Village by variances; you should have rules and regulations, not variances.
- So they were doing their job by saying you need to look at this and do something about it.

**Attorney Sevastian:**

- The Zoning Board reported a number of variances.
- The Board discussed it.
- I wrote the actual physical legislation.
- FAR .8, that means people are building the biggest house they possibly can within the limited rear and sides yards.
- The idea behind this is not to increase the Floor, Area, Ratio. .2 is still .2.
- The floor area is going down, not up.

**Robert Reina – 529 S. Pascack Rd., Chestnut Ridge, NY 10977**

- Stated he didn't see families having four or five kids anymore.
- Stated that was back in the fifties.
- Who are we doing all these changes for; to accommodate who?

**Mayor Presti:**

- This law is not geared to any particular family or organization.
- The law is just what it is; the law is supposed to be fluid.
- The laws are supposed to reflect the diversity of the community.
- If we are seeing from aboard that there has been a lot of activity in a particular area, we are not doing our job if we don't revisit the laws.
- We are not changing anything for any particular individual or any individual group.

**Attorney Sevastian:**

- When a Zoning Board gives a variance for additional living area, it's a very natural question to ask the applicant.
- The applicant says I have eight kids, I have ten kids, I have twelve kids.

**Trustee Grant:**

- Even if you don't have a larger family, if you have parties down there.
- Think of it as a safety issue.

**Mayor Presti:**

- The Board of Trustees represents everyone in the Village; all 8,500 people equally.

**Harold Bernhardt – 533 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- You are saying you can go down nine feet.
- Lets say you have 2,000 ft. of living space and now you're going to drop it down to 3,000 square feet, what about the taxes here?
- People dig out; nobody knows about it, there are no building permits.

**Attorney Sevastian:**

- When you sell your house, the title company on behalf of the new people, if they find that you've got to fix it.

**Deputy Mayor Brock:**

- If I found there was a piece of equipment on my neighbor's property and I don't see any permit in the window, I would call the Village and they would send somebody out there.

**Mayor Presti:**

- The whole idea is we have laws that we have to try to enforce.
- We have laws; if you're not doing it the right way.
- If you are saying they don't follow the laws, they really don't care about it, they are going to try to do this under the radar, then they are going to do it under the radar regardless.
- This is something at least we have teeth in our law; it is saying if you are not doing it the right way you are going to be fined.
- We are going to try to stop people from doing illegal things, but we can't watch people 24 hours a day, 7 days a week.
  - You see something going on, you have to call us. We don't know what's going on 2 o'clock in the morning. There is nothing we can do about it.
  - You're worried about people breaking the law; what are we going to do about it; we are going to fine them.
  - We are going to use the law to make sure that they correct what they are doing wrong.

**Harold Bernhardt – 533 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- Are people going to have to account for 3,000 square feet of space or 2,000 square feet of living space.

**Attorney Sevastian:**

- If they need more living space, their assessment should go up.
- If you do it illegally, the Assessor never gets it.
- When you take out a building permit, you get a Certificate of Occupancy.
- One of them goes to the Assessor.
- They are very happy to come out and reassess properties. That's what they do.

**Mayor Presti:**

- They will be taxed accordingly.
- When you apply for a permit, part goes to the Town.

- They are aware of the reconstruction going on.
- If it warrants increasing your assessment you're going to have an increase in your taxes.

**Trustee Cohen**

- People who violate the law we generally find out about it and take them into court.
- This is so people can accommodate their needs and live within the law.
- When you put an addition on your home, it goes to the Assessor's office.
- It's a good thing for the Village because it increase our tax base.

**John Guy – 22 Carlisle Rd., Chestnut Ridge, NY 10977:**

- I should probably buy a house if I have ten children to accommodate ten children.
- Don't want the Village to become a metropolis.

**Mayor Presti:**

- You are absolutely right that we don't change the law for any particular individual or any particular group.
- For instance, you live in a Cul-de-Sac or a neighborhood that didn't really have any children and now all of a sudden a lot of families moved in.
- I am not talking about recently; I am talking about ten, fifteen years ago.
- Perhaps we need to change the speed limit, in that particular area, or put up signs, warnings that there are children in the area.
- We are going to change the law to accommodate for the needs of those individuals.
- The law is not static, the law is to change.
- We understand totally what you are talking about.
- Everyone on this Board, everyone in this room moved into the Village of Chestnut Ridge for the same reason, because it is a bedroom community. Not multi-family housing. Single family homes, for the most part on ½ acre pieces of property that are well kept.
- That is still the philosophy and that is still what is going on with regard to the policy and the rules and regulations.

**Ron Miller – 8 Eagle Street, Chestnut Ridge, NY 10977:**

- People have always had basements, except high ranches.
- We had finished basements in the Village.
- What is so bad about having a finished basement?

**Bernard Mccullom – 726 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- What is the increase percentage wise that is driving the need for this law?

**Attorney Sevastian:**

- Larger, growing families need space to accommodate them.
- What the Zoning Board sees is an increase in this type of application; it has to be for the same relief.
- In Chestnut Ridge the lots are over size, very attractive and you do want to keep it that way.
- If you come and look at applications to tear down, reconstruction, you see the Building Envelope.
- Most homes don't go to that envelope.

- If you look in the law, it actually mentions that in the Legislature Statement.
- What the Board is trying to do is encourage that envelope.
- What is the character of the Village; if you look at the purpose zoning codes it does talk about maintaining that rural character zone.
- If you can figure out a law that encourages people not to go as big as they can possibly go, then maybe you're doing something purposeful.
- Your direct question, I don't know what the numbers are; 100% more, 200%, more, 300% more; the numbers aren't that big.
- Some of the applications, the way the law is now, you can build a pretty big house within that envelope at it is now.
- If you get a law that kind of discourages that, it would be helpful.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Can we get percentages over the course of five or ten years that have come into the Zoning Board?

**Attorney Sevastian:**

- You'd have to look at the total number of applications in the Building Department to get a true flavor of what's going on.

**Mayor Presti:**

- Come to the Building Department.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- We have builders and LLC's purchasing homes.
- Whose moving in that is an actual resident?
- Feels like being bought by corporations and individuals that are looking to turn us into a profit margin or profit line on their corporate holdings.

**Harold Bernhard – 533 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- If someone buys a house next to me and they knock it down, ½ acre, what is the limits of the square footage of that house that can be built next door to me considering that they can go three stories now.

**Attorney Sevastian:**

- It would depend on what Zoning District you're in.
- The FAR is .20.
- Whatever the number is within the dimensional set backs.

**Harold Bernhardt – 533 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- My house is 42 feet long.
- If the size of the lot is eighty feet long, and they can go back 60 feet, so you can have a house 2,200 square go to 5,000 square feet, legally.

**Mayor Presti:**

- By going down, you may not go to eighty feet.

**Harold Bernhard -533 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- They can still go down; they can go out and back.

**Attorney Sevastian:**

- You could go out to your Building envelope.
- When the Building envelope was created, that was considered what was acceptable to the town.
- What you don't want them to do is go beyond that.
- Theoretically, it encourages people to go down.

**Glen Arber – 10 Haller Crescent, Chestnut Ridge, NY 10977:**

- Would this help to keep the house intact and go down?
- Would this option help having so many of those variances having to be dealt with.
- By this law, does that mean people don't have to get it approved?
- What are you talking about?
- How does this change?

**Attorney Sevastian:**

- It doesn't change anything with review of the phasing of the construction.
- What it would do is how people could design homes so they wouldn't have to come to the Zoning Board and say your law says I can do X, I want to do Y.
- You want people to build within the code.
- The theory is you want them to go down.
- You're lessening the impact then people going out.
- These are complex questions; that is why they get referred out to the professionals.
- It would allow design professionals to do something more reasonable by going down, not out.

**Deputy Mayor Brock:**

- They still have to go through the same approvals.

**Joseph Wielder – 20 Briar Ct., Chestnut Ridge, NY 10977:**

- Questioned 9 ft.
- The ground level slopes.

**Attorney Sevastian:**

- The most it can be is 9 ft.
- It has got to be less than 3 feet above grade.

**Avia Wilder – 20 Briar Ct., Chestnut Ridge, NY 10977:**

- Complained about the noise from the contractors; her quality of life.
- Complained about the Village offering her no protection.

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

- Questioned the “new, Modern Family”.
- Are there minimum parking requirement enhanced with the size of the house?

**Mayor Presti:**

- You're still going to be able to park on your driveway as we don't have on the street parking.

**Attorney Sevastian:**

- It's the use of the house that counts.

**Claudia Gollub -2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- When we have a law that allows for more living space and a larger family that has more cars, can our Village accommodate all the extra traffic; the school bus route, all the pressure on our infrastructure, are we built for that?
- What are we doing to our infrastructure?
- Our roads which are disgusting now.
- What are we doing to our infrastructure by putting in this Modern Family Legislation.

**Mayor Presti:**

- We are still a Village that has Zoning that encourages single family homes.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- You have to understand that if you are instituting a law to accommodate a larger family, there is more water, more garbage, more traffic. There is more pollution, there is more consumption. The entire downstream effect of so much more population; we are 8,000 today.
- What are we estimating our pollution is going to go to with this law?

**Attorney Sevastian:**

- Any time a Board takes an action what the Planners do is they prepare an Environmental Assessment Form and they study things like impacts on traffic.
- I'm not a Traffic Engineer.
- Deal with intersections, ex number of cars more per intersection
- You cannot adopt legislation that says we are only going to take people with four members in a family.

**Claudio Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- What are we doing if we have to upgrade our infrastructure to accommodate what could be?
- 12,000 residence Village.
- I don't think our Village can take it.

**Trustee Cohen:**

- We are five square miles.
- We are not encouraging more people to come in here by building multi family homes.
- You still have to have minimum, 2,500 square feet.
- With 2,500 square feet you can get a larger home than most of the homes that exist today.
- With 8,000 people we could probably go to double that and still have an under populated Village.
- The people who have 2,500 square foot lot and have larger families we can accommodate that.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- We are a small Village.
- One road going in one direction, one road going in the other direction.
- We don't have a lot of double lines for traffic.
- Does our infrastructure need to be changed in order to accommodate the extra pollution; the extra capacity that we are proposing by making available to larger, modern families not at the expense of the taxpayer?

**Deputy Mayor Brock:**

- If the County Planner thought we didn't have enough of a water supply, or we didn't have enough roads they would tell us in a letter.
- We have 35 miles of roads.
- The potholes will be fixed.
- Right now this law is not going to affect the infrastructure of the community.

**Mayor Presti:**

- You are not a Planner.
- I am not a Planner.
- That is something that the Planner will take up.

**Andrea Ritter – 7 Weiss Terrace, Chestnut Ridge, NY 10977:**

- Encouraging people to do down.
- This is to discourage people from going out.

**Mayor Presti:**

- It is an alternative to going to the maximum building envelope.
- We are exploring what to do to address the particular situation.
- We are going to vet it with our Planner.
- If the comments coming back say perhaps you're getting into an area that you don't want to get into, we will proceed accordingly as I mentioned previously.
- If we find this is not the way to do it, we will not do.

**Motion to Close the Open Floor Public Discussion on Agenda Items only.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

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

**4. Approval of Minutes of Previous Meeting, April 14, 2016.**

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

**The Board** was polled and voted **4-0** to **approve** the **Minutes of April 14, 2016.**

**5. Resolution No. 2016-48:**

**Resolution to appoint Mary E. Ballek to the full time position of Secretary – Planning Board, Zoning Board, and Building Department, at an annual salary of \$35,000.00, effective May 12, 2016.**

**MOTION:** Trustee Valentine

**SECOND:** Deputy Mayor Brock

**The Board was polled and voted 4-0 to appoint Mary E. Ballek as Secretary, Planning Board, Zoning Board and Building Department.**

**6. Resolution No. 2016-49:**

**Resolution to refer proposed Local Law #1 of 2016, a Local Law to amend Article XVIII of the Zoning Code of the Village of Chestnut Ridge, entitled “Word Usage”, as pertains to the definitions of “Gross Floor Area” and “Story”, to the Planning Board and the Rockland County Department of Planning for review and comment.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board was polled and voted 4-0 to adopt Resolution No. 2016-49.**

**7. Resolution No. 2016-50:**

**Resolution to schedule a Public Hearing regarding Local Law #2 of 2016, a Local Law to amend Local Law #5 of 1987, entitled “Regulating, Licensing and Restricting Peddlers, Vendors and Solicitors in the Village of Chestnut Ridge”, as pertains to the definition of “Merchandising”.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board was polled and voted 4-0 to adopt Resolution No. 2016-50.**

**8. Resolution No. 2016-51:** Resolution to appoint Turner Miller Group as the Village Planning Consultant.

**WHEREAS, the Village Board has solicited proposals for a Village Planning Consultant in accord with the Village’s procurement policy;**

**RESOLVED, that the Village Board authorizes the Mayor to sign an Agreement with the Turner Miller Group to provide Planning Consultant services to the Village of Chestnut Ridge for the balance of fiscal year 2016-2017, based on the rate schedule set forth the group’s proposal dated April 12, 2016.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board was polled and voted 4-0 to adopt Resolution No. 2016-51.**



**9. Resolution No. 2016-52:**

**RESOLVED, that General Fund Claims set forth on pages 1 through 5 in the aggregate amount of \$171,096.29 as set forth on Abstract No. 2016-5 dated May 19, 2016, as submitted by the Village Treasurer, are hereby approved.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board** was polled and voted **4-0** to adopt **Resolution No. 2016-52.**

**10. Open Floor: Public Discussion.**

**Anthony Sharan – Pioneer Avenue – Tallman, NY 10982.**

- Paving project has started; milling Ehret Dr., Keith Dr., Margetts.
- Summit tomorrow and maybe Sutin Place
- The State job is going out to bid.
- We expect a turn around in probably forty five days and that was back in April. That should be starting July or August.
- The Thruway overpass, Scotland Hill that should be done starting this year.
- There is a big bear running around the Village.
- Flag is torn outside Village Hall.

**Mayor Presti:**

- For the record, the flag that was there was there for twenty seven years.
- I replaced it three years ago.
- We will replace it.

**Mike Sandak - 18 Blue Jay Street, Chestnut Ridge, NY 10977:**

- What is happening with 2 Hawk Street?
- Why did it get that far?

**Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, NY 10977:**

- Brought up Zombie laws bought up by LLC's.
- Lawns not being mowed and houses that were burned down.
- Why can't someone find out who's the owner and get this done?

**Mayor Presti:**

- We are starting to do that.
- The homes that have burned down and are still owned by the same people, they are waiting to hear from their insurance company so they can re-build.
- We don't have that many Zombie homes.

**Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, NY 10977:**

- You have three on Grotke Rd.

**Mayor Presti:**

- That's my mistake.
- What we do, the law is very specific.
- We have to make sure we serve the owner properly.
- Once we serve the owner, we go and we check the law.
- There are certain incidences perhaps the Village does not want to get involved in maintaining the property, because now we might potentially have a liability problem with regard to what we are facing.
- We put them in violation as far as the Building code is concerned, and then they have fines which they will eventually have to pay in Village Justice Court.

**Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, NY 10977:**

- What about the rats running around and if they bite a child?

**Mayor Presti:**

- I haven't seen any rats, Mr. Cunningham, but I am sure it could possibly be.
- If we saw one we would send the Zoning official or Building Inspector out there.
- If you see a rat call the Board of Health and the Board of Health would take care of it.

**Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, NY 10977:**

- Wanted to know rules for professional trailers and trucks in private home, 6 Badger, we have pictures.

**Mayor Presti:**

- One commercially registered vehicle in your driveway.
- The Village Clerk will send him out tomorrow.

**Andrea Ritter – 7 Weiss Terrace, Chestnut Ridge, NY 10977:**

- Stated couldn't find minutes for meetings.

**Mayor Presti:**

- My understanding is that all Zoning Board, Planning Board and ARB minutes are there, with the exception, possibly for April and possibly for March; maybe one or two of the Planning Board meetings.
- Other than that there is every meeting on the Web-site.

**Attorney Sevastian:**

- Sometimes there is no meeting.

**Mayor Presti:**

- We are not having any difficulty pulling up the minutes on our Web-site.
- We interviewed four Planners last week.
- Mr. Geneslaw, who is our Planner since 1986, has decided to retire.
- Turner, Miller Group was the successful candidate.
- The Planner deals with Village regulations.
- The Master Plan with regard to any future development in the Village, it is done in a prudent zoning manner and in accordance with the laws of the Village.

- They have to be paid.

**Attorney Sevastian:**

- When a Planner gets a referral on a Site Plan Application there is an escrow account established from the applicant, and the applicant will come in with his own version of what he thinks is going to happen with respect to site plan, environmental effects, traffic, safety, etc. but the Village uses the applicants money to pay their expense, so some of it is offset.
- When he looks at this proposal of the law.

**Andrea Ritter -7 Weiss Terrace, Chestnut Ridge, NY 10977:**

- Questioned what the Abstract was?

**Mayor Presti:**

- Monthly bills.

**John Tosloskie – 1009 Chestnut Ridge Rd., Chestnut Ridge, NY 10977:**

- Thanked the Mayor and the Board of Trustees for all the work they have done on behalf of the Village.

**Jose Pena – 7 Appledale Lane, Chestnut Ridge, NY 10977:**

- Concerned about the home on Appledale Lane. and Grotke Rd.
- Questioned how long does the home have to remain standing; and Mr. Cunningham said about the rats.
- Concerned about the Zika Virus with the lawns not cut.
- Complained about the Realtor signs still being up after house is sold.
- Understood they are only allowed a certain number of days; when he called some came down but others are up for longer period of times.

**Mayor Presti:**

- Appledale Lane and Grotke Rd., I did mention to our Zoning Code and is still owned by the same people.
- The policy is usually two or three weeks from after the sale.
- Our Zoning enforcement official does make the rounds and he tries to keep a list of when these houses were sold and how long the sign is up.
- Unfortunately, sometimes we miss it.
- If you see a few, give us a call and Everette will be out there.

**Charlotte Sorger – 21 Briar Ct., Chestnut Ridge, NY 10977:**

- Complained her house shakes because of the machinery.
- Wanted to know about the noise ordinance; feels the vibrating.
- When there are renters with apparently more than one family, how does one go about finding out if the second occupant is related to the first one?

**Mayor Presti:**

- 8 a.m. to 7 p.m. are the laws as far as construction.

**Attorney Sevastian:**

- Domestic power tools – 8 a.m. to 10 p.m.
- That’s the noise ordinance.
- What the Code Enforcer has to do is make observations, add them up and if they ever get to a level where you can argue to a Judge that someone is doing something wrong as far as occupancy, then you bring a charge.
- You look for separate electric meters, illegal installations of additional appliances, second kitchens,
- It has to be something that is built up over time, it’s not easy.

**Mayor Presti:**

- We don’t have free access to an individuals home.
- There is still the right to privacy that people don’t have to let you in.
- There is constitutional protection.

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

- Houses that put out significant amounts of trash.
- Ten or eleven cars in driveway with different license plates...
- When they open their door I can see there are some adjustments with doors.
- I am going to bring it to the attention of the Village.
- How much trash could we accumulate between Thursday and Friday (April 22<sup>nd</sup>), the Passover holidays.
- Requested to know how much money the Village paid for the special pick-up.
- I probably would have put out trash if I knew there was going to be an extra pick-up.
- My tax dollars went to this

**Mayor Presti:**

- Mayor stated, “you know what”, tomorrow I am going to write a check to the Village of Chestnut Ridge and I am going to cover the extra trash pick-up for Passover.

**Claudi Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Questioned 2 Fox Hill Rd., is a single family home.
  - The inspector found fourteen urinals there.
- Why would a single family home need fourteen urinals?
- What was their intent?
- Did they get approval for a House of Worship.
- Why are we allowing them to continue for it to be a House of Worship?

**Mayor Presti:**

- Because they lied to the Village.
- They are going to use that there for a public assembly for a house of worship.
- There is no law that says you cannot worship in your home.
- So if an individual wants to build a structure that is going to be for public assembly then there is going to be different codes that are going to apply for public assembly than for ones personal use.
- This individual as I understand it to be first applied to the Village under personal use.

- Then it was determined it would be for public assembly.
- Now they have to abide by the construction codes for public assembly.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Now that is going to be used for public assembly and we have a five acre minimum in the Village, Houses of Worship, why are we allowing this to continue?

**Mayor Presti:**

- That is the presumption.
- My silence should not be taken as consent or agreement.

**Attorney Sevastian:**

- No one's allowing anything to continue.
- They have a **“Stop Work Order”**
- They are deemed based on observations of the Building Department to be building something they are not approved for.
- Then they have to re-apply and apply for approval. That's what has to happen.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- Are we allowing flexibility with their re-application with 5 acre minimum that's required?

**Attorney Sevastian:**

- We are talking about a whole different question; Religious Land Use.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- If its going to public assembly and its going to be used for a house of worship, and we have a minimum of five acres and now they have to re-apply what are the possibilities?

**Attorney Sevastian:**

- What are the possibilities of somebody getting a variance from Zoning to accommodate a Religious use, a very strong possibility.
- If you are studying RLUPA than you are asking a rhetorical question.
- What RLUPA says is a local government cannot pass a Zoning Law that will substantially interfere with someone's exercising of their religious rites.
- It has been interpreted that a house of worship is an exercise of religious rites, obviously.
- You can't use your laws and put a substantial burden on that.
- Compelling government interests aren't defined in the code.
- The Courts have said, traffic, isn't a compelling government interest, property values aren't a compelling interest, stress on services isn't compelling government interests.
- These are very difficult laws to deal with from a local municipal land use prospective.
- Essentially, the Federal Laws allow people trying to establish religious uses to override local Zoning to a large extent.
- So what municipalities do if they follow the law is try to get the best project that's possible given what the state of the law is today.
- There is one on Madeline Terrace that was bought as a regular single family home.

- An applicant came in and said I want to make it a house of worship and a home, but the size of the house of worship is greater than 50% of the use,
- Therefore, it qualified as a house of worship.
- Went through all the Boards; Planning, Zoning, everything and was designed so that it complies with New York Safety and Fire Codes.
- This is about the best you are going to do.

**Claudia Gollub -2 Sunny Ridge Ct., Chestnut Ridge, NY 10977:**

- So a person can buy a single family home anywhere in Chestnut Ridge and apply for a permit, whether its private or public, assembly house of worship; on any block, any location, anywhere..

**Attorney Sevastian:**

- A person can buy any property in the United States of America and apply, yes.
- You could look for a bar in a residential neighborhood; not a permitted use.
- But when you try to establish a bar in a residential neighborhood it doesn't have the protection of the Federal law as it does for religious land use.

**Claudia Gollub – 2 Sunny Ridge Ct., Chestnut ridge, NY 10977:**

- Asked what are the tax implications?

**Attorney Sevastian:**

- It can erode a tax base if many tax exempt religious uses are established.
- According to the Federal Government and the Circuit Courts not a compelling governmental interest.
- Religious uses are deemed under the law have an inherent beneficial effect to communities.
- That protection under the law in New York is long standing.

**Ben McCullom– 726 S. Pascack Rd., Chestnut Ridge, NY 10977:**

- What about parking?
- What about the impact on the land; are there environmental concerns?

**Attorney Sevastian:**

- When you apply to do anything on any piece of property and you apply for what you are actually going to build and you go through the Board, they address all those factors.
- When you apply to do a religious use, the scrutiny is less, because there is an inherently beneficial effect of these things the law presumes.
- Different religions require different things and the law doesn't treat them differently.

**Trustee Cohen:**

- 2 Madeline Terrace went before our village for I think eight years.
- 2 Madeline Terrace wanted to put a driveway out onto Hungry Hollow Rd., on a curb, but the County saw the plans and said, no way, it's dangerous.
- Their engineer said it complies with site distance; a technicality on paper everybody realized didn't work.
- They denied it and the people who wanted the Congregation came up with another plan.
- Their people would be the ones pulling out on a blind curve onto Hungry Hollow Rd.

- Reason, you don't want to cause an accident or be in an accident.
- They went through a project that everybody can live with.
- The applicants put in a lot of money on doing it right.

**Deputy Mayor Brock:**

- Bill Clinton had a law passed that was done with a Church in the Mid-West that a community tried to stop from coming into the community.
- This RLUPA Federal Law tied the hands of all the communities over the whole United States.
  - It's not that this Board feels that everything that is happening should be happening.
  - It's that this Board, like every other Board in the United States, has had its hands tied like every other Board by this Federal Law.
- All we can ask is to ascribe to the perimeters that are allowed on their property and that it is done in a safe way.
  - When they don't do something in a safe way, a **Stop Work Order** is issued immediately.

**Attorney Sevastian:**

- A lot of laws are passed that people don't agree with; there are good laws and bad laws.
- Smart lawyers read laws and find ways for their clients to utilize them to their advantage.
- If an elected official is in a position that they can sponsor a bill that can define things such as governmental interests as traffic, eroding property values, eroding the tax base, if that was in the law that would allow municipalities to give more weight to those things when considering an application in front of them.
- When they are not in the law, it's left to the Judges to pick them law.
- The Mamaroneck case got hit for twelve million dollars.
- You have got to go to your elected officials and say, "how do we fix these laws"?

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

- Asked how do we define a house of worship as opposed to what I am seeing in the Village; meetings on Friday night, Saturday afternoon and Saturday night,
- There is a lot of these places; 750 Chestnut Ridge Rd., there is at least 100 people.
- There is nothing identifying it.

**Mayor Presti:**

- The Building Inspector is looking into that to see what is going on.

**Deputy Mayor Brock:**

- 2 Briar Ct, every morning at 6:45 a.m.
- This is a single family house, functioning as a single family house.
  - Twenty five people would worship every morning and then they would leave.
  - Then it moved to Matthew.
  - Nobody is off the tax rolls.
  - You cannot stop that.
  - You can park on any street in Chestnut Ridge between April and November.

**Move to Close the Open Floor Public Meeting.**

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

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

**11. Motion to Adjourn Meeting and go into Executive Session – Personnel/employment history matters, and update of pending litigation.**

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

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

**MEETING ADJOURNED: 10:06 P.M.**

**EXECUTIVE SESSION ADJOURNED: 10:45 P.M.**

**Respectfully submitted:**

**Florence A. Mandel  
Village Clerk**