

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

MAY 17, 2018

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on May 17, 2018 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

JOAN BROCK - DEPUTY MAYOR BROCK

HOWARD COHEN - TRUSTEE

GRANT VALENTINE - TRUSTEE

ABSENT:

RICHARD MILLER - TRUSTEE

WALTER SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

1. **Pledge of Allegiance.**

2. **Mayor's report:**

- Had opportunity of attending a Shared Services Meeting with the Town of Ramapo with regard to Grant money; very productive meeting.
- Ever since I was a Trustee and Mayor, with the changing of the administration they've been very responsive to the Villages; this needs to be said, understandably, they have a tough road to ahead to change of what people think about them. and they are trying.
- Had Sunday with the Mayor in May and one more on June 3rd.
- No Sunday with the Mayor meetings in July and August; hope to resume in September.
- Thanked Trustee Cohen and Building Inspector Mr. Gliniecki. They've been accompanying me to these meetings, which is appreciated. They don't have to come out.
- Correction last month, I articulated incorrectly regarding 7 Imperial Lane, Chestnut Ridge. There was no issue, the place was clean; it was a problem with their garbage not being picked up.

Mayor reviewed complaints from previous Village Board Meeting of April 26, 2018.

- **2 Samuel Road**, they never had a garage, they are not required to have one, they are grandfathered.
- **10 Lillian Drive** – had a one car, that's all they are required to have.
- **32 Spring Hill Terrace** - Property inspected by the Village Code Inspector with the realty/maintenance agent. It is a one family dwelling leased to one family. Property needs to be cleaned up and owner needs to address extra kitchen in basement. No safety issues seen. Property has been cited. They are being kept on the radar.
- **312 N. Highland Avenue** – No change from last month. Two complaints still open from April, 2018. Stop work order has been posted.
- **311 N. Highland Avenue** – No complaints or violations posted for this property.
- **8 Hamilton Ln.** Construction has ceased due to financial constraints. Building Department has reached out to the owner to better close up and secure the property. Building Permit was issued August, 2017 and is still open.
- **39 Summit Road** - Building Permit issued for addition of two bedrooms, one bathroom and one playroom to basement and one bathroom to first floor. Interior work only. Outside work limited to maintenance and painted.
- **3 Ronwood Rd.** – Licensed contractors making repairs. Conditional **Stop Work Order** to allow repair plumbing systems only.
- **1 Lisa Lane** – Fence installed without permit. Interior work done was to repair plumbing damaged by frost. Property cited for installation of a new entry door at garage and installation of fence; Building Permit was required.
- **24 Keith Drive** – Building Permit did expire; resident has submitted new site plan and applied for a new Building Permit. Property was cited. Being kept on the radar.
- **20 Orchard Ct.,** Property cited for parking on lawn and local law #22. Inspection May 15, 2018 shows that property needs maintenance and is still in violation. A **Violation and Order to Correct** was issued. An **Appearance Ticket for Village Court** will be issued for July date.

- In addition, 326 Highland Avenue – Property was cited for a Commercial Truck and unregistered vehicles in the rear yard. The vehicles in violation have been removed. Still some issues with maintenance of the property. Code Enforcement following up on this location Will be following up on this location for condition of the property

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

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

- In reference to Local Law #6 – to amend Local Law #4 of 1999, authorizing a tax exemption for Volunteer Firefighters and Ambulance Workers, to modify the Exemption percentage schedule as authorized by State Law.
- Do members of the Haverim qualify for tax exemption?

Mayor Presti:

- If they live in the Village, and they comply with the regulations of the statue, yes; I think it's around 10%.

Walter Sevastian – Village Attorney:

- It is an incorporated Voluntary Service; you are entitled to the exemption.

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

MOTION: Trustee Cohen

SECOND: Trustee Valentine

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

4. Approval of Minutes of Previous Meeting, April 26, 2018.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to Approve Village Board Minutes of April 26, 2018.

5. Resolution No. 2018-50 – Resolution to authorize the Mayor to sign the Stormwater MS4 Municipal Compliance Certification Form and Annual Report.

RESOLVED that the Village of Chestnut Ridge's 2017 MS4 Annual Report is hereby approved, and be it further

RESOLVED, that the Mayor is authorized to sign and the Village Engineer is hereby authorized to file the 2018 MS4 Annual Report with the appropriate State agencies as **required by law.**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to Authorize Mayor to sign Stormwater MS4 Municipal Compliance Certification Form and Annual Report.

6. Resolution No. 2018-51:

a. Mayor appoints Ally A. Thorne as Zoning Board of Appeals member for a term to expire April 2023.

RESOLVED that the Mayor's appointment of Ally A. Thorne as Zoning Board of Appeals member for a term to expire April 2023, is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to re-appoint Ally Thorne member to Zoning Board of Appeals, for a term to expire April 23, 2023

7. **Resolution No. 2018-52** – Resolution pursuant to General Municipal Law section 85 to authorize the imposition of a \$20 service charge for dishonored checks tendered to the Justice Court.

RESOLVED that the Village Board of Trustees, pursuant to section 85 of the General Municipal Law, hereby impose a \$20 service charge for dishonored checks tendered to the Justice Court.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to authorize Resolution No. 2018-52; imposition of a \$20.00 service charge for dishonored checks to Justice Court.

8. **Public Hearing on a Local Law to amend Local Law #15 of 1987, authorizing a Senior Citizens Tax Exemption, to modify the annual Income/Exemption Percentage schedule as authorized by State Law.**

Resolution No. 2018-53:

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #15 of 1987), providing for a partial Senior Citizen Tax Exemption;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

- a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for Senior Citizens residing in the Village of Chestnut Ridge has no effect on the environment.

Motion to Close the Public Hearing Authorizing Senior Citizens Tax Exemption.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to Close the Public Hearing Authorizing Senior Citizens Tax Exemption.

BE IT FURTHER RESOLVED, that an amendment of Local Law #15 of 1987, authorizing a Senior Citizen Tax Exemption, is hereby approved as:

[Local law #15 of 1987 shall be amended to read]:

A local law PROVIDING FOR THE GRANTING OF PARTIAL TAX EXEMPTION FROM REAL ESTATE TAXATION FOR VILLAGE PURPOSES TO CERTAIN

PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER.

Section 1. Property Exempt.

All real property owned by persons 65 years of age or over shall be exempt from Village of Chestnut Ridge taxes in accordance with a graduated schedule, as provided for in § 467 of the Real Property Tax Law, provided also that the requirements set forth in Section 2 below are complied with.

Section 2. Qualifications for exemption.

In order to qualify for an exemption, the following requirements must be met:

A.

All of the owners of real property must be 65 years of age or over on the date the application is filed. However, where said property is owned jointly by a husband and wife, only one spouse must be 65 years of age or over on the date of filing the application. Any person otherwise qualifying under this section shall not be denied an exemption if he becomes 65 years of age after taxable status date and before December 31 of the same year.

B.

Title to the property shall have been vested in the owner of the property or, if more than one, in all of the owners, for at least 24 consecutive months prior to the date the application is filed; provided, however, that in the event of the death of either a husband or wife in whose name title of property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 months, provided further that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 24 months, and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and

taken by eminent domain or other involuntary proceeding, except a tax sale, and further provided that where a residence is sold and replaced with another within one year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section.

C.

The property must be used exclusively for residential purposes and occupied in whole or in part by the owner or owners and constitute the legal residence of the owner or owners.

D.

Pursuant to § 467 of the Real Property Tax Law, the percentage of the assessed valuation of real property which is exempt from taxation will be determined on the basis of annual income in accordance with the graduated schedule set forth below. "Annual income" refers to the income of the owner or the combined income of all of the owners for the income tax year immediately preceding the date that the application is filed. Where title of the property is vested in either a husband or wife, annual income is the combined income of the husband and wife. In computing net rental income or net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. Such income shall include social security and retirement benefits, interest, dividends, total gains from sale or exchange of a capital asset in the same tax year, net rental income, salary or earnings, and net income from self-employment but shall not include a return of capital, gifts or inheritances received during the twelve-month period and medical and prescription drug expenses that are not reimbursed or paid by insurance. Veteran's disability compensation shall not be included in the calculation of income limits for the partial tax exemption contained in § 467 of the Real Property Tax Law.

Effective July 1, 2009

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Less than \$29,000	50%
\$29,000 but less than \$30,000	45%
\$30,000 but less than \$31,000	40%
\$31,000 but less than \$32,000	35%
\$32,000 but less than \$32,900	30%
\$32,900 but less than \$33,800	25%
\$33,800 but less than \$34,700	20%
\$34,700 but less than \$35,600	15%
\$35,600 but less than \$36,500	10%
\$36,500 but less than \$37,400	5%

E.

Ownership is limited to dwellings with three or fewer dwelling units or ownership of a single dwelling unit where title is vested in the owner in a dwelling containing four or more dwelling units and the dwelling unit is separately assessed to the individual owner or owners and to trailers or mobile homes which are separately assessed to the owner or owners of the property.

Exemptions are not available to corporations, to persons leasing property or to an owner or owners of property with an interest less than a life estate or to cooperative ownership where title is held by a corporation.

Section 4. Application for exemption; late filing.

An application for an exemption pursuant to this article must be made by the owner or all of the owners of the property on forms prepared by the Town Assessor's office, and the application

must be filed in the Assessor's office on or before taxable status date.

A.

In the event the owner, or all of the owners, of property which has received an exemption pursuant to § 467 of the Real Property Tax Law on the preceding assessment roll fail to file the application pursuant to § 467 on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

B.

Any person who has been granted an exemption pursuant to this article on five consecutive completed assessment rolls shall not be subject to the application requirements set forth above and shall be automatically granted an exemption pursuant to this article on such subsequent assessment roll; provided, however, that when tax payment is made by such person, a sworn affidavit on forms prescribed by the State Board of Real Property Services must be included with such payment which shall state that such person continues to be eligible for such exemption. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to § 551-a of the Real Property Tax Law.

Section 5. Amount of exemption.

Upon the determination by the Assessor that the requirements of this article have been met, the exemption shall be allowed in accordance with a graduated schedule, as provided for in § 467 of the Real Property Tax Law, for property which so qualifies. The exemption does not apply to special ad valorem levies or special assessments.

Section 6. Burden of proof.

The burden of proof is upon the applicant to show eligibility pursuant to this article and the rules and regulations of the Town Assessor.

Section 7. Cooperative apartment property.

A.

Legislative intent. The Real Property Tax Law provides senior citizens owning "qualifying real property" with a tax exemption. The scope of "qualifying residential real property" did not include cooperative apartments owned by senior citizens. Section 467 of the Real Property Tax Law has been amended to permit towns, by adoption of a local law, to include cooperative housing within the meaning of "qualifying residential real property."

B.

Eligible property. Pursuant to § 467 of the Real Property Tax Law, the percentage of cooperative shares owned by senior citizens in a cooperative apartment corporation shall be eligible to be included in "qualifying residential real property" for the purposes of determining eligibility for a senior citizen's real property tax exemption.

Section 8. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000.00 and shall be disqualified from further exemption for a period of five years.

This Local Law shall take effect immediately.

Motion to adopt Local Law #4 Authorizing Senior Citizen Tax Exemption.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to adopt Local Law #4 – Partial Tax Exemptions for certain persons 65 or older.

9. Public Hearing on a Local Law to amend Local Law #2 of 2001, authorizing a tax exemption for persons with Disabilities and Limited Incomes, to modify the eligibility and annual Income/Exemption Percentage schedule as authorized by State Law.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #2 of 2001), providing for a partial tax exemption for persons with Disabilities and Limited Incomes;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for persons with Disabilities and Limited incomes residing in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that an amendment of Local Law #2 of 2001, authorizing a partial tax exemption for income qualified persons with disabilities, is hereby approved as:

Motion to Close the Public Hearing on Local Law #5- authorizing a tax exemption for persons with Disabilities and Limited Incomes.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to Close the Public Hearing on Local Law #5 authorizing a tax exemption for persons with Disabilities and Limited Incomes.

Resolution No. 2018-54 to adopt Local Law #5.

A local law ENTITLED A LOCAL LAW INCREASING THE INCOME LIMITATIONS FOR ELIGIBILITY FOR TAX EXEMPTIONS TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOMES.

Section 1. Purpose.

The purpose of this article is to exempt from real property taxes property owned by certain physically disabled persons, as authorized by § 459 of the New York State Real Property Tax Law.

Section 2. Grant of exemption.

Pursuant to the provisions of § 459 of the New York State Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement, if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled and who resides on the premises at least 10 months per year or a member of the resident owner's household who is physically disabled, if such member resides in the real property.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MEMBER OF HOUSEHOLD

A blood relative of the family.

Section 4. Applicability.

Such exemption shall apply to improvements constructed prior to the effective date of this article.

Section 5. Validity of Exemption.

An exemption granted under this article is valid for one year and must be reapplied for on a

year-to-year basis.

Section 6. Effect of Transfer of Title.

An exemption granted under this article is extinguished on transfer of title on the premises in question.

Section 7. Effect of Transfer of Title.

This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after May 1, 1984.

Section 8. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000.00 and shall be disqualified from further exemption for a period of five years.

This Local Law #5 shall take effect immediately.

Motion to Adopt Local Law #5 for Tax Exemptions for Persons with limited income and disabilities.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 Adopt Local Law #5 for Tax Exemptions for Persons with limited income and disabilities.

10. Public Hearing on a Local Law to amend Local Law #4 of 1999, authorizing a tax exemption for Volunteer Firefighters and Ambulance Workers, to modify the Exemption Percentage schedule as authorized by State Law.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #4 of 1999), providing for a partial tax exemption for persons who are volunteer firefighters or volunteer ambulance workers;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for persons who are volunteer firefighters or ambulance corps members residing in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that an amendment of Local Law #4 of 1999, authorizing a Volunteer Firefighter/Ambulance Corps member tax exemption, is hereby approved as.

Motion to Close Public Hearing on Authorizing a Volunteer Firefighter/Ambulance Corps member tax exemption.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to Approve Resolution No. 2018-55.

Resolution No. 2018-55 to adopt Local Law #6.

[Local law #4 of 1999 shall be amended to read]:

A local law AUTHORIZING A TEN PERCENT REAL ESTATE TAX EXEMPTION FOR VOLUNTEER FIREMAN AND VOLUNTEER AMBULANCE CORPS MEMBERS

Section 1. Purpose.

The State Real Property Tax Law § 466-A permits a village to grant a partial tax exemption on real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or to such enrolled member and their spouse. Said partial exemption can be 10% of the assessed value of such property for all Village and special district purposes.

Section 2. Grant of exemption.

An exemption of 10% of assessed value of property owned by an eligible person as set forth below is hereby granted from taxation with respect to Village and special district charges. In no event shall the exemption exceed \$3,000 multiplied by the latest state equalization rate for the Town.

Section 3. Eligibility.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, volunteer fire department, or incorporated voluntary ambulance service residing in the Village provided that:

A.

The applicant resides in the Village, which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

B.

The property is the primary residence of the applicant;

C.

The property is used exclusively for residential purposes; provided, however, that in the event

any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

D.

The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. The applicant must submit proof of such certification together with the application for an exemption.

Section 4. Grant of lifetime exemption.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service shall be granted the ten-percent exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village.

Section 5. Application.

Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the State Board of Real Property Services.

Section 6. No diminution of benefits.

No applicant who is a volunteer fire fighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

Section 7. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exempt.

Motion to Adopt Local Law #6 authorizing a Ten Percent Real Estate Tax Exemption for Volunteer Fireman and Volunteer Ambulance Corps members.

MOTION: Deputy Mayor Brock
SECOND: Trustee Valentine

The Board was polled and voted 4-0 to Adopt Resolution Approving Local Law #6.

11. Resolution No. 2018-56: Resolution approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$125,098.69 as set forth on Abstract No. 2018-5 dated May 17, 2018, 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 Approve the Abstract of Audited Claims.

12. Open Floor: Public Discussion.

Linda Amann – 311 N. Highland Ave., Chestnut Ridge, NY 10977:

- Spoke about 312 N. Highland.
- Property was sold on April 18, 2018.
- It was her understanding that when you buy a house, you also buy the violations.
- Provided Tom O'Donnell with deed and person who it was transferred to.
- Hoping he reposted signs on side and back doors.

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

- Is it true and necessary by law that the enforcement of the ZBA ruling on the “so called” garage must be put on hold until the law suit they are filing against the Village and the ZBA is processed in Court or settled; or is this just a decision by the Board of Trustees not to enforce the ruling?

Mayor Presti:

- As soon as the lawsuit is filed, and since part of the allegations in the lawsuit the Village is alleged to have improperly enforced the law, everything and anything by Court rule is stayed.
- The Board of Trustees does not have that kind of power.

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

- Regarding signatures of 1 Karow Ct., wanted it to be known for the record there were eighty-three signatures of homeowners and residents.
- Is it also now required that every site survey, architectural plan and permit application plan be signed and by Village Engineer, in addition to the Building Inspector signature?

Mayor Presti:

- No, because by law that doesn't have to be.
- The Village Engineer is a Consultant.
- The Building Inspector signs.
- If there is a difference in opinion, they work it out.
- This is to see if this will alleviate some of the questions and issues brought to the Village.

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

- Stated Mayor said some parts of the paper boarded on slander, and you advised people to be very careful what they were signing.
- Was there something charged or alleged that bordered on slander?
- You didn't shed any details on what you felt bordered on slander, you are not being detailed.
- Wanted to know, since he was the author of the letter and had a lawyer review it, could he be informed what part of the complaint the Mayor considered borderline slander.

Mayor Presti:

- It is not my position to give you legal advice.
- Whatever you do, you do at your own peril.
- You paid an Attorney; I suggest you talk to your Attorney

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

- 2 Samuel Rd., you said it was grandfathered.
- 2 Samuel and 10 Lillian were virtually demolished down to the ground.
- Because a prior structure didn't have a garage, a new structure doesn't need one either?

Walter Sevastian – Village Attorney;

- The short answer is Yes.
- If a prior structure didn't have a garage, they are not required to put one.

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

- There was a review of the proposed Zoning changes that was submitted to you by an independent land planner submitted to you by an Attorney.
- The finding in that document said these changes would affect 90% of the Village.
- The main recommendation was, therefore, there should be a Type I SEQRA action declared.
- Do we wait for a June 28th meeting to hear anything about this?

Walter Sevastian – Village Attorney:

- The law has been referred out.
- The Village Board has to declare itself Lead Agency for the purpose of SEQRA review.

- The Type I action is applicable because of the geographical area of land affected by the Zone change.
- Any real amendment to the Zoning Code is going to exceed the geographical area of land.
- That review is going to be done by the Village Board and the Village Planner; he's going to prepare the Environmental Assessment forms that the Village looks at when they consider this law.
- Planners can disagree over the impact of a particular law and property.
- Just because it's a Type I doesn't mean it goes to an Environmental Impact statement.
- They take a hard look at the evidence in front of them.
- They make a determination of significance that the Planner paid by someone other than the Planner of the Village.
- Maybe it will have some impact, maybe it won't.

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

- The Village doesn't have a Comprehensive Plan.

Walter Sevastian – Village Attorney:

- Our Zoning Code is our Plan; it is the equivalent.
- It talks about what you're planning and what's permitted.

Robert Rogers – 14 Balmoral Drive, Chestnut Ridge, NY 10977:

- Complained of excessive speeding with school buses.
- Wanted some sort of surveillance with Police.
- Complained of garage sales being constant at 7 Balmoral Drive.

Mayor Presti:

- I will ask the Village Attorney to review the regulations regarding number of garage sales allowed to have.
- May send Code Enforcement on a more regular basis; maybe do it daily or pass by every other day and write up a violation.

Paul Bateman – 6 Angela Ct., Chestnut Ridge, NY 10977:

- Houses go up for sale, they are sold, rented, then maintenance stops on the property.
- Two families or three families are sometimes living in the house.

Mayor Presti:

- Call the Village; they have a Complaint Book and log.
- This way you know it's being received and that it's being addressed.
- As a matter of fairness, we will give them a Letter to Correct, and if they don't clean it up they will get a violation.

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

- Wanted to know where we stood regarding hiring of another Code Enforcement Officer.

Mayor Presti:

- We have Mr. O'Donnell whose Code Enforcement, and the Building Inspector who can also do Code Enforcement.
- We are looking to hire a Full-Time Code Enforcer.
- We had to order a list from County Personnel.
- A few people responded they are interested; a few people responded they are not.
- Currently we have an ad in the Journal News with regard to the position.
- We are up to three potential candidates.
- Probably middle of June we will start interviewing.

Motion to Close the Open Floor Public Discussion.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

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

Motion to Go Into Executive Session:

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to Go into Executive Session.

Respectfully submitted,

Florence A. Mandel

Village Clerk

MEETING ADJOURNED: 8:42 P.M.

EXECUTIVE SESSION ENDED: 9:04 P.M.

13. Executive Session – Pending Litigation: Margiotta v. Village of Chestnut Ridge ZBA; Chestnut Ridge v. Chestnut Ridge Associates, Kediahas Aharon v. Village of Chestnut Ridge.
14. **Motion to Adjourn.**

Resolutions

1. Resolution No. 2018-50

RESOLVED that the Village of Chestnut Ridge’s 2017 MS4 Annual Report is hereby approved, and be it further

RESOLVED, that the Mayor is authorized to sign and the Village Engineer is hereby authorized to file the 2018 MS4 Annual Report with the appropriate State agencies as required by law.

2. Resolution No. 2018-51

a. Mayor appoints Ally A. Thorne as Zoning Board of Appeals member for a term to expire April 2023.

RESOLVED that the Mayor’s appointment of Ally A. Thorne as Zoning Board of Appeals member for a term to expire April 2023, is hereby approved.

3. Resolution No. 2018-52:

RESOLVED that the Village Board of Trustees, pursuant to section 85 of the General Municipal Law, hereby impose a \$20 service charge for dishonored checks tendered to the Justice Court.

4. Resolution No. 2018-53:

Public Hearing on a proposed local law to grant a Real Property Tax exemption for Senior Citizens.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #15 of 1987), providing for a partial Senior Citizen Tax Exemption;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for Senior Citizens residing in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that an amendment of Local Law #15 of 1987, authorizing a Senior Citizen Tax Exemption, is hereby approved as:

[Local law #15 of 1987 shall be amended to read]:

A local law PROVIDING FOR THE GRANTING OF PARTIAL TAX EXEMPTION FROM REAL ESTATE TAXATION FOR VILLAGE PURPOSES TO CERTAIN PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER.

Section 1. Property Exempt.

All real property owned by persons 65 years of age or over shall be exempt from Village of Chestnut Ridge taxes in accordance with a graduated schedule, as provided for in § 467 of the Real Property Tax Law, provided also that the requirements set forth in Section 2 below are complied with.

Section 2. Qualifications for exemption.

In order to qualify for an exemption, the following requirements must be met:

A.

All of the owners of real property must be 65 years of age or over on the date the application is filed. However, where said property is owned jointly by a husband and wife, only one spouse must be 65 years of age or over on the date of filing the application. Any person otherwise qualifying under this section shall not be denied an exemption if he becomes 65 years of age

[Local law #15 of 1987 shall be amended to read]:

A local law PROVIDING FOR THE GRANTING OF PARTIAL TAX EXEMPTION FROM REAL ESTATE TAXATION FOR VILLAGE PURPOSES TO CERTAIN PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER.

Section 1. Property Exempt.

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Section 2. Qualifications for exemption.

In order to qualify for an exemption, the following requirements must be met:

A.

All of the owners of real property must be 65 years of age or over on the date the application is filed. However, where said property is owned jointly by a husband and wife, only one spouse must be 65 years of age or over on the date of filing the application. Any person otherwise qualifying under this section shall not be denied an exemption if he becomes 65 years of age after taxable status date and before December 31 of the same year.

B.

Title to the property shall have been vested in the owner of the property or, if more than one, in all of the owners, for at least 24 consecutive months prior to the date the application is filed; provided, however, that in the event of the death of either a husband or wife in whose name title of property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 months, provided further that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of

ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 24 months, and provided further that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, and further provided that where a residence is sold and replaced with another within one year and is in the same assessment unit, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section.

C.

The property must be used exclusively for residential purposes and occupied in whole or in part by the owner or owners and constitute the legal residence of the owner or owners.

D.

Pursuant to § 467 of the Real Property Tax Law, the percentage of the assessed valuation of real property which is exempt from taxation will be determined on the basis of annual income in accordance with the graduated schedule set forth below. "Annual income" refers to the income of the owner or the combined income of all of the owners for the income tax year immediately preceding the date that the application is filed. Where title of the property is vested in either a husband or wife, annual income is the combined income of the husband and wife. In computing net rental income or net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. Such income shall include social security and retirement benefits, interest, dividends, total gains from sale or exchange of a capital asset in the same tax year, net rental income, salary or earnings, and net income from self-employment but shall not include a return of capital, gifts or inheritances received during the twelve-month period and medical and prescription drug expenses that are not reimbursed or paid by insurance. Veteran's disability compensation shall not be included in the calculation of income limits for the partial tax exemption contained in

§ 467 of the Real Property Tax Law.

Effective July 1, 2009

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Less than \$29,000	50%
\$29,000 but less than \$30,000	45%
\$30,000 but less than \$31,000	40%
\$31,000 but less than \$32,000	35%
\$32,000 but less than \$32,900	30%
\$32,900 but less than \$33,800	25%
\$33,800 but less than \$34,700	20%
\$34,700 but less than \$35,600	15%
\$35,600 but less than \$36,500	10%
\$36,500 but less than \$37,400	5%

E.

Ownership is limited to dwellings with three or fewer dwelling units or ownership of a single dwelling unit where title is vested in the owner in a dwelling containing four or more dwelling units and the dwelling unit is separately assessed to the individual owner or owners and to trailers or mobile homes which are separately assessed to the owner or owners of the property. Exemptions are not available to corporations, to persons leasing property or to an owner or owners of property with an interest less than a life estate or to cooperative ownership where title

is held by a corporation.

Section 4. Application for exemption; late filing.

An application for an exemption pursuant to this article must be made by the owner or all of the owners of the property on forms prepared by the Town Assessor's office, and the application must be filed in the Assessor's office on or before taxable status date.

A.

In the event the owner, or all of the owners, of property which has received an exemption pursuant to § 467 of the Real Property Tax Law on the preceding assessment roll fail to file the application pursuant to § 467 on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed before the taxable status date, with the Assessor on or before the date for the hearing of complaints.

B.

Any person who has been granted an exemption pursuant to this article on five consecutive completed assessment rolls shall not be subject to the application requirements set forth above and shall be automatically granted an exemption pursuant to this article on such subsequent assessment roll; provided, however, that when tax payment is made by such person, a sworn affidavit on forms prescribed by the State Board of Real Property Services must be included with such payment which shall state that such person continues to be eligible for such exemption. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to § 551-a of the Real Property Tax Law.

Section 5. Amount of exemption.

Upon the determination by the Assessor that the requirements of this article have been met, the

exemption shall be allowed in accordance with a graduated schedule, as provided for in § 467 of the Real Property Tax Law, for property which so qualifies. The exemption does not apply to special ad valorem levies or special assessments.

Section 6. Burden of proof.

The burden of proof is upon the applicant to show eligibility pursuant to this article and the rules and regulations of the Town Assessor.

Section 7. Cooperative apartment property.

A.

Legislative intent. The Real Property Tax Law provides senior citizens owning "qualifying real property" with a tax exemption. The scope of "qualifying residential real property" did not include cooperative apartments owned by senior citizens. Section 467 of the Real Property Tax Law has been amended to permit towns, by adoption of a local law, to include cooperative housing within the meaning of "qualifying residential real property."

B.

Eligible property. Pursuant to § 467 of the Real Property Tax Law, the percentage of cooperative shares owned by senior citizens in a cooperative apartment corporation shall be eligible to be included in "qualifying residential real property" for the purposes of determining eligibility for a senior citizen's real property tax exemption.

Section 8. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000.00 and shall be disqualified from further exemption for a period of five years.

This Local Law shall take effect immediately.

5. Resolution No. 2018-54:

Public Hearing on a proposed local law to grant a Real Property Tax exemption for persons with Disabilities and Limited Incomes.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #2 of 2001), providing for a partial tax exemption for persons with Disabilities and Limited Incomes;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for persons with Disabilities and Limited incomes residing in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that an amendment of Local Law #2 of 2001, authorizing a partial tax exemption for income qualified persons with disabilities, is hereby approved as:

[Local law #2 of 2001 shall be amended to read]:

A local law ENTITLED A LOCAL LAW INCREASING THE INCOME LIMITATIONS FOR ELIGIBILITY FOR TAX EXEMPTIONS TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOMES.

Section 1. Purpose.

The purpose of this article is to exempt from real property taxes property owned by certain physically disabled persons, as authorized by § 459 of the New York State Real Property Tax Law.

Section 2. Grant of exemption.

Pursuant to the provisions of § 459 of the New York State Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement, if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled and who resides on the premises at least 10 months per year

or a member of the resident owner's household who is physically disabled, if such member resides in the real property.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MEMBER OF HOUSEHOLD

A blood relative of the family.

Section 4. Applicability.

Such exemption shall apply to improvements constructed prior to the effective date of this article.

Section 5. Validity of Exemption.

An exemption granted under this article is valid for one year and must be reapplied for on a year-to-year basis.

Section 6. Effect of Transfer of Title.

An exemption granted under this article is extinguished on transfer of title on the premises in question.

Section 7. Effect of Transfer of Title.

This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after May 1, 1984.

Section 8. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exemption

under this article shall be punished by a fine of not more than \$1,000.00 and shall be disqualified from further exemption for a period of five years.

This Local Law shall take effect immediately.

6. Resolution No. 2018-55:

Public Hearing on a proposed local law to grant a Real Property Tax exemption for persons who are volunteer Firefighters or Ambulance Corps members

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adopt amendments to the existing Code chapter (Local Law #4 of 1999), providing for a partial tax exemption for persons who are volunteer firefighters or volunteer ambulance workers;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on May 17, 2018;

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and finds as follows:

That the proposed Village Code amendment was a “Type II” action constituting the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)).

That the proposed Village Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment was preliminarily classified as a Type II action which is not subject to SEQRA. See (NYCRR 617.5(c)(27)).

That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendment to the Village Code and its magnitude:

a. That the proposed amendment to the Village Code constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)(27)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA. Specifically, the adoption of tax exemptions for persons who are volunteer firefighters or ambulance corps members residing in the Village of Chestnut Ridge has no effect on the environment.

BE IT FURTHER RESOLVED, that an amendment of Local Law #4 of 1999, authorizing a Volunteer Firefighter/Ambulance Corps member tax exemption, is hereby approved as.

[Local law #4 of 1999 shall be amended to read]:

A local law AUTHORIZING A TEN PERCENT REAL ESTATE TAX EXEMPTION FOR VOLUNTEER FIREMAN AND VOLUNTEER AMBULANCE CORPS MEMBERS

Section 1. Purpose.

The State Real Property Tax Law § 466-A permits a village to grant a partial tax exemption on real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or to such enrolled member and their spouse. Said partial exemption can be 10% of the assessed value of such property for all Village and special district purposes.

Section 2. Grant of exemption.

An exemption of 10% of assessed value of property owned by an eligible person as set forth below is hereby granted from taxation with respect to Village and special district charges. In no event shall the exemption exceed \$3,000 multiplied by the latest state

equalization rate for the Town.

Section 3. Eligibility.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, volunteer fire department, or incorporated voluntary ambulance service residing in the Village provided that:

A.

The applicant resides in the Village, which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

B.

The property is the primary residence of the applicant;

C.

The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

D.

The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. The applicant must submit proof of such certification together with the application for an exemption.

Section 4. Grant of lifetime exemption.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service shall be granted the ten-percent exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village.

Section 5. Application.

Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the State Board of Real Property Services.

Section 6. No diminution of benefits.

No applicant who is a volunteer fire fighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

Section 7. Penalties for offenses.

Any person convicted of making a willful or false statement in the application for exempt