

MINUTES BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

JUNE 16, 2016

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on May 21, 2016 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, Jr. - MAYOR

JOAN BROCK - DEPUTY MAYOR

HOWARD COHEN - TRUSTEE

RICHARD MILLER - TRUSTEE

GRANT VALENTINE - TRUSTEE

WALTER R. SEVASTIAN - VILLAGE ATTORNEY

FLORENCE A. MANDEL - RECORDING SECRETARY

1. Pledge of Allegiance.

2. Mayor's report.

- Held a moment of silence in regard to the shooting and tragedy in Orlando, Fla.
- Had Sunday with the Mayor on June 5, 2016.
- Mayor thanked Trustee Cohen for keeping him company and joining in the discussion.
- Mayor stated a few people came out.
- We did have a site visit afterwards.
- The Fellowship Community will be celebrating their 50th Anniversary on July 3, 2016.
- There is a flyer posted in Village Hall.
- There will be an ice-cream bar.
- It will take place from 2 p.m. to 5 p.m.
- The Fellowship Community has been very active and very good citizens with us in the Village.
- Mr. John Tosloskie donated two flags to the Village.
- Mr. Tosloskie was very generous when he heard another resident asking about a new flag for the flag pole.
- We had another new flag ready to go up on the flag pole.
- Mr. Tosloskie in his generosity had one flag having had been a Veteran and another flag was given to him that actually flew in Afghanistan and Kirkuk in Iraq which is in our meeting room underneath the portrait of Mayor Jerry Kobre.
- There is a display case along with a letter explaining a little bit of the history behind the flag.
- Again, a belated and hearty thank you to Mr. Tosloskie on behalf of the Village for such a nice gesture.

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

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

- Commented she didn't understand what's on the Agenda items.
- Claimed she didn't plan for that.

Mayor Presti:

- Explained Artis Senior Living has been before the Planning Board for quite some time.
- This has been an application which has been processed.
- As part of the Special Permit Process Ira Emanuel, Attorney for the applicant is going to give us a description which is part of the Special Permit process.

Motion to Close the Public Discussion on Agenda Items Only.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The **Board was polled** and voted 4-0 to close the **Public Discussion on Agenda Item.**

4. Approval of Minutes of Previous Meeting, May 19, 2016.

The Board was polled and voted 4-0 to adopt the **Minutes of May 19, 2016.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

The Board was polled and voted 4-0 to adopt the Minutes of May 19, 2016.

5. Public Hearing – to consider a Special Permit Application.

a. Public Hearing to consider the Special Permit Application of Artis Senior Living LLC to permit an Assisted Living Residence at the premises identified on the tax maps of the Town of Ramapo as parcels 63.16-1-34 (Chestnut Ridge Road 300 feet south of Red Schoolhouse Road), located within the Village of Chestnut Ridge, New York, in the NS Zoning District.

Mayor Presti:

- We have the Attorney Ira Emanuel here and Stuart Strow, Engineer for the applicant.
- Before a Special Permit application comes before the Board of Trustees there is a certain protocol.
- There are certain requirements in accordance with the Village regulations which they must meet before a Special Permit will be granted.
- A Special Permit is being granted as opposed to a variance in that the Permit is being considered as they don't need a variance for this particular use.
- It is usually set in the Village regulations as to what type of uses would be considered in a Special Permit.

Walter Sevastian – Village Attorney:

- This property, 801 Chestnut Ridge Rd. is located in the NS Zoning District.
- Showed drawing which depicted actual property.
- NS is neighborhood shopping for the front portion of the property which fronts Chestnut Ridge Rd. and residential R-40 Zoning District, 5-1/2 acre site.
- Proposed Assistant Living Residence, memory care; taking care of people who are declining with Alzheimer.
- Process just gives overall approval for a Special Permit issued by the Board of Trustees.
- The details; access, parking, turn around, layout is something done in front of the Planning Board.
- The Applicant goes to the Planning Board.
- They review the Environmental Impact; in terms of traffic, views, whatever the State says is relevant in the Environmental Impact.
- The Planning Board comes to a determination on whether that has an impact or not.
- There is a Negative Declaration that was issued by the Planning Board; so they review the impact, read the traffic studies, view all the documents submitted to them.

- They came out with a Neg. Dec. which means that in their opinion there is no significant adverse environmental impact in establishment of this use at that location.
- Armed with that the applicant comes to the Village Board to review the special permit factors and they are determined to walk through those tonight.
- If the Board looks favorably on that application for a Special Permit, it goes back to the Planning Board for final detail approval by the Planning Board.
- A lot of times this Boards condition on a Special Permit on ratification in case something changes.
- They are considering the Special Permit on what's being presented tonight.
- Sometimes in the planning process things get tweaked.
- If you were to familize yourself with these plans, there is a Bulk table.
- The Bulk table is on line.
- The Bulk table shows what the Zoning Code requires in terms of dimensional requirements; how tall it can be, how close to the yard it can be, how much parking is required, what the applicant intends to provide.
- You will see this is something that doesn't require a variance.
- Sometimes applicants' applications do require variances and you have to go to an additional Zoning Board but that's not the case.
- What I would expect to happen tonight is the applicant will present, explain his project to the Village Board in the contents of the Special Permit factors and then after it's done; they'll be back in front of the Planning Board.

Ira Emanuel, Attorney for the Applicant:

- I have with me Stuart Strow, Professional Engineer for the applicant.
- We contacted the Village with respect to this application in December, 2013.
- It took two and a half years to get where we are now.
- During that time we have been working with the Village's Boards, the Village's consultants to come up with a plan that meets the needs of the applicant, meets the needs of the respective residents that will be living here and also meets the needs of the Village.
- I want to reiterate with respect to what we are seeking here and what we are not seeking here.
- We are seeking a Special Permit from this Board.
- Means that the Board has made a determination that this is a use which is appropriate for this location if certain conditions are met.
- Those conditions are laid out in the Zoning Code
- They are set forth in the narrative.
- No variances are required by this Plan.
- We meet all the Bulk requirements and all the use requirements by the Zoning Board.
- We are not looking for any exceptions.
- We are not looking for any special favors.
- We are looking to get approval for something that complies with the requirements of the zoning code.

- The property we are talking about is approximately five acres in size, opposite Da Vinci's. It a vacant piece of parcel between Farmer Jones and The Barn.
- The front half of the property is zoned NS, neighborhood shopping which is the same zoning you see along Chestnut Ridge Rd.
- The back of the property is zoned R-40 meaning single family residence on one acre lots, 1,000 square foot lots.
- Because of that sign and because of a declaration a convenient that was put on that property a number of years ago, we have complied with the development to the NS portion of the lot.
- We are using only about the front half of the lot for development.
- The back half of the lot will remain as it is with the exception of a small amount of some sort of intrusions, pipes, walls, etc.; but all the activity will be on the front NS portion of the lot with the rear acting as a buffer.

Stuart Strowe – Brooker Engineering – 74 Lafayette Avenue, Suffern, NY 10901:

- The building is a single story building.
- It has 64 rooms for each resident.
- Common facilities kitchen, activity room that are shared.
- Thirty two parking spaces provided in the front of the building in accordance with the zoning code which requires one half space per resident.
- All of the setbacks front, rear and side is complied with in respect to the bulk requirements.
- He showed map.
- The Planning Board requested additional parking to be used as an overflow.
- There was concern on holidays.
- That area will not be paved, but will have the appearance of grass made of a porous material.
- It's closed off except when needed by the facility.
- Facility is entirely enclosed with a fence around the entire perimeter of the building.
- There are some walking paths around the perimeter which are an important component of the care the residents receive.
- Their security is of utmost concern.
- The paths are very well landscaped and attractive.
- There is a zoning line that runs through the middle of that property.
- We respected all of the bulk requirements of the NS Zoning District while preserving that area.
- There is a little area that is well over two acres that will remain undisturbed.
- There is a stream that goes through that area.
- Wetlands are included in that area.
- That is part of why the convenient was put in place to protect that area.
- We are not touching that with the very small exception of a sewer connection.
- There is actually a sewer that runs through the wetlands.
- There will be a slight disturbance.
- The fence will be vinyl, six and one half foot solid fence, lattice on the top.

- Fence has been chosen to blend in; probably matching the color of the building, not white.

Ira Emanuel – Attorney for the applicant.

- There are certain conditions that need to be met in order to be granted a Special Permit.
- Those conditions are laid out in your Zoning Code.
- There should be a minimum of lot area of 25,000 square feet in the NS Zone of the property; the front portion.
- We have 117,000 plus square feet. We exceed that.
- There should be no dwelling in the basement; there is none.
- Assisted living units should not contain cooking facilities; they will not.
- There will be a central kitchen.
- No unit should contain more than two bedrooms.
- These are all individual, single units.
- All units will have access to the interior part of the building.
- Doesn't have the old style motel look. This is for safety and imperative to us as well.
- Shall not exceed the height of 25 feet or two stories, whichever is less.
- We are less than twenty feet in one story.
- Each unit has to have its' own bathroom. It does.
- We do provide a main kitchen area, dining, exercise area.
- Minimum distance from any facility to any interior driveway shall be 15 feet from bedroom. We comply with that.
- The use table one half parking spaces for each unit. We exceed that.
- These people are memory impaired who will be living there and do not drive.
- We do not need a parking space for each resident.
- We need parking spaces for the staff; for visitors.
- We have provided extensive studies to this Board and the Planning Board as to the national trends for this type of facility and also the trends for this particular operator; including graphs that show peak hours, including overlap of staff during turnover, etc. and we are thoroughly convinced that the minimum of thirty two parking spaces are sufficient.
- Because we have the room and because we have the ability and because everyone was so concerned we have provided eleven additional parking spaces in that green area for overflow parking for employees if there is a need.
- There are other matters with respect to permitted uses; laundry, medical infirmary, that sort of thing is permitted.
- Driveway will be lighted appropriately.
- Landscaping will be provided to be appropriate.
- Loading areas; we worked extensively with the Planning Board to figure out the appropriate loading area and how the trucks can get in and out; garbage trucks, delivery trucks and emergency services.

- We have received approval from the NYS Department of Transportation. Chestnut Ridge Rd., known as state Rt. 45. It's their road. If they don't like what is going on, it doesn't get a permit.
- We have got approval from the Fire Department. They are happy.

Walter Sevastian – Village Attorney:

- Any decision that this Board makes we should condition it on County Planning.

Mayor Presti:

- Other agencies are also reviewing the site and the use.
- If there is any approval that comes to be, it's always going to be subject to whatever those other agencies have to say whether it be County Planning, the State, Sewer, Water.

Walter Sevastian – Village Attorney:

- Specifically in the comments that were received by the Planning Board; NYS Department of Transportation, County of Rockland, Department of Highways, Health Department, Rockland County Sewer District, comply with the NYS Uniform Fire Prevention and Building Code.

Ira Emanuel – Attorney for the applicant:

- We still have to return back to the Planning Board once we get a Special Permit from you.
- We have to get preliminary site Plan approval and then Final Site Plan approval.

Mayor Presti:

- When we go back to that respective Board there will be public notices; there will be public hearings with regard to what's going on so folks will have another opportunity to question, to see what type of fine tuning is happening with regard to the design; whether it be lighting, landscaping so there is still opportunity for folks to lay in with regard to the physical layout.

Trustee Cohen:

- Since we don't have preliminary site plan approval from the Planning Board the design, layout and operation of the site has not been established with preliminary.
- Do you for see any changes to the physical layout and operation of the site that would be altered with preliminary?

Ira Emanuel –Attorney for the applicant:

- Nothing significant. A drain pipe may shift.
- Your Planning Board is a very careful and thorough Board.
- They would have not issued a Neg. Dec. if they were not comfortable with the plan.

- This plan has been thoroughly reviewed by everybody in the Village up until this point.
- We don't anticipate any substantiate change.

Trustee Cohen:

- Should there be a substantiate change; we would want to review that later on.

Mayor Presti:

- That would normally be part of our Resolution of approval that if there are any changes, from this moment now until you go before the Planning Board, then you would come back here to advise us of any changes to make sure that it really hasn't affected the flavor and the concept that everyone would have felt comfortable with.

Walter Sevastian- Village Attorney:

- The way it's been worded is ratification; that if there is any substantiate changes for the Planning Board to turn back here to ratify the Special Permit subject to the public comments of the Board at the end of this presentation would make a determination on whether they feel comfortable that the Special Permit factors touched on by the attorney have been met and I can work on a Resolution.

Mayor Presti:

- Again, that's done as various fail safes so that will not be presented as one type of application theoretically approving that concept and then it being approved and then being changed without having us found out.
- Throughout the process there are going to be many stops usually the project ends up going in the direction that is beneficial to everyone.

Ira Emanuel – Attorney

- If it offers you any comfort this is basically the same plan we have been working on with the Village since December, 2013.
- There have been tweaks here and there, we've added additional parking, etc. but it's basically the same layout.

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

- Who is the facility open to?
- Is the facility going to be tailored to the residents; kosher, not be beyond the dietary restrictions?

Mayor Presti:

- It is going to be private pay; individuals that have memory loss, dementia.
- It is going to be unique to memory loss.
- Each quadrant will be a different theme; it's supposed to assist the residents.

Ira Emanuel -Attorney:

- It will be available to all people; all colors, all faiths, all ethnicities

- Artis Senior Living is out of McClain, Virginia.
- They are in the process of building these memory care facilities in the Northeastern, United States.

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

- Asked for description on map.

John Guadagnino – 5 Continental Ct., Chestnut Ridge, NY 10977:

- Asked will the walking path be in a residential area and will it be lit?
- With those types of patients, I think that area should be lit.

Stuart Strowe- Engineer for applicant:

- It's lit with very low mushroom type of lighting with caps.
- Lighting above entrance.

Mayor Presti:

- From a safety perspective that's a concern and something they will have to comply with.
- They have to be certified as far as the facility is concerned.
- They will have to be held to whatever standard is required with safe lighting.

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

- Nice that there will be trees.
- Read there was a problem and with sewage going down to Saddle River.

Mayor Presti:

- There has never been a problem with regard to Chestnut Ridge with regard to sewage by Saddle River.
- You may be alluding to something that might have happened in Airmont in the vicinity of Hillside and the pumping station about sewage backing up there.
- We have no problem and no issues with the sewer.

Trustee Cohen:

- I believe the Sewer District has signed off on this.

Ira Emanuel – Attorney for the applicant:

- Yes

Carol Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, NY 10977:

- Wanted to know about the entry; the visibility into that area.

Stuart Strow – Engineer for the applicant.

- Parking lot has one entrance.
- Defined driveway is 24 feet wide.

- Explained site distance; when you look both ways how far you can see in either direction.
- South – approximately 600 feet, north toward Red School house Rd., at least 500 feet.
- The speed limit on the road dictates how far you need to see when you come out of the driveway.
- These numbers far exceed the minimum that we need to come out of this driveway
- The New York State Department of Transportation looks at it.

Diana Corbin – 6 Aberdeen Avenue, Chestnut Ridge, NY 10977:

- Wanted to know the impact on the Wetlands.

Stuart Strow – Engineer for the applicant.

- The rear of the property runs through the wetlands.
- Stream runs along the property lines
- There are trees.
- There is an existing sewer line that runs through.
- We are adding pipe, connecting to that sewer line.
- Sewer barely in the Wetlands.
- Wetlands are protected.
- One tenth is allowed to be disturbed (43,000 square feet).
- When you install sewer lines you might have to excavate.
- A Nationwide Permit allows for utility connections so long as the area is restored after the work is done.
- That’s what we are proposing here.
- A couple of sewers there that might have to be moved to make the connection.

Nancy Mazis – 6 Janna Ct., Chestnut Ridge, NY 10977:

- Concerned about the run off of the water.

Mayor Presti:

- Mr. Strow will address the retaining wall.
- The law now is that anything that gets developed is supposed to have zero runoff.
- The property itself is supposed to catch the water; disseminate it in the proper way or it can’t go through.

Stuart Strow – Engineer for the applicant:

- The wall referred to is at the rear of the proposed building.
- It is 24feet high.
- The floor has to be level.
- What it is essentially doing is raising the rear of the property up to get it level with the road.
- Talked about vegetation that will obscure the wall; natural condition.
- We are still working on the details.

Walter Sevastian:

- You have to have approved site plans.

Mayor Presti:

- A lot of times an applicant and/or the Planning Board will request a review by a landscape architect to make sure what is being proposed is appropriate for all concerned.
- Want to make sure that those looking at the property; it will not be a negative.
- It behooves them to make it a tastefully, secure facility.
- There will be someone watching to make sure the area is secure.

Trustee Cohen:

- The next time they go to the Planning Board it will be to secure preliminary.
- Usually the landscaping is toward the end and you will have another opportunity to see what's going on before final site plan approval.

Deputy Magoli – 49 Spring Hill Terrace, Chestnut Ridge, NY 10977:

- Questioned whether they are going to study the wetlands.
- Stated may not think it is invasive and concerned about the species.

Stuart Strow – Engineer for the applicant

- Assured him they are concerned about the landscaping and will look carefully at that.

Mayor Presti:

- The list of species that is approved by the State is on the Master list.
- Explained that's why the applicant and the Planning Board have their Landscape Architect who could say that it is not appropriate for the area.
- The experts will review and then there will be an expert to review the expert.

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

- Wanted to verify this is taxable.
- Was concerned Building Inspector works twenty two hours?
- Do we have the manpower?
- It sounds like a full time job that all these specifications are going to be done properly.

Mayor Presti:

- One hundred per cent taxable.
- We have the manpower.
- You also have the applicant's professionals who are overseeing the job that are supposed to be certifying what's going on.
- Not so much the Building Inspector, but we have the Village Engineer who is going to go out and make sure that there are certain requirements that are met.

- The Village Engineer is not limited to twenty two hours a week.
- The Village Engineer is available when he’s needed.
- He is billed to the applicant.
- We have the proper supervisory personnel to oversee projects such as this.

Motion to Close the Public Hearing on Artis Senior Living.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and **voted 4-0 to Close the Public Hearing on Artis Senior Living.**

b. Resolution 2016-53 – Motion to direct Village Attorney to draft an approval Resolution for consideration at the July Village Board meeting.

RESOLVED that the Village Attorney is to Consider Special Permit Application. Directed to prepare a Resolution of approval for the Special permit for Artis Senior Living LLC for consideration at the regularly scheduled July 2016 Village Board meeting.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **5-0 to draft a Resolution regarding Special Permit Application of Artis Senior Living.**

Mayor Presti: Voiced the following on Item #6:

This came about by a concern of folks knocking on doors if they want to sell their house; now merchandising is part of this law.

6. Public Hearing – to consider the adoption of 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: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **5-0 to amend Local Law #5 of 1987 as pertains to the definition of “Merchandising”.**

b. Resolution No. 2016-54 – to Approve Local Law #2 of 2016.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of 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”, and

WHEREAS, a Public Hearing on the adoption of this proposed amendment to the Village Code was held on June 16, 2016; and

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); and

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

That the proposed Village Code amendment was a “Type II” action merely 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.

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 Board has reviewed the EAF prepared in relation to the proposed amendments to the Village Code with a view to identifying potential environmental concerns.
- b. That the proposed amendment to the Village Code merely 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 definition of “merchandising” in the context of a peddler’s license has no environmental impact.

BE IT FURTHER RESOLVED, that amendment to 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”, is hereby adopted.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **5-0** to **Approve Local Law #2 of 2016**.

7. **Resolution No. 2016-55.**

RESOLVED, that Daisha Lawson is hereby appointed to the part time position of Clerk-Typist in the Building Department, effective June 2, 2016.

MOTION: Trustee Cohen

SECOND: Trustee Grant

The Board was polled and voted 5-0 to Approve Resolution No. 2016-55.

8. **Resolution No. 2016-56. Resolution to designate the office of the Mayor as the Village Historian.**

- Every year the Village appoints a Village Historian.
- The Village Historian is actually the contact person.
- It's usually nice when the Village Historian is a resident of the Village.
- Not necessarily me.
- It is a task for the Office of the Mayor to oversee if there is any need of any type of historical information, background, things of that nature.
- The Mayor can appoint an agent; possibly Village staff to interact with the Village Historian.

RESOLVED, that the Office of the Mayor of Chestnut Ridge is hereby designated as Village Historian.

MOTION: Trustee Miller

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to Approve Resolution No. 2016-56.

9. **Resolution No. 2016-57.**

Resolution to authorize the Mayor to sign the MS4 Municipal Compliance Certification Form and Annual Report and authorizing the Village Engineer to file the same with New York State.

RESOLVED that the Village of Chestnut Ridge's 2016 MS4 Annual Report is hereby approved, and be it further

RESOLVED, that the Village Engineer is hereby authorized to file the 2016 MS4 Annual Report with the appropriate State agencies as required by law.

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

The Board was polled and voted 5-0 to Approve Resolution No. 2016-57.

10. **Resolution No. 2016-58. Approving Abstract of Audited Claims.**

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of **\$162,765.45** as set forth on **Abstract No. 2016-6** dated **June 16, 2016** as submitted by the **Village Treasurer**, are hereby **approved**.

Trustee Cohen:

- Questioned Par Pharmaceuticals and Ambulance Corps on Abstract if part of escrow?

Walter Sevastian – Attorney

- Many of the fees paid associated with the project would monitor that.
- We have the Village Engineer do the monitoring and we pay him.
- We get the money from the applicant up front and we hire him so he is working for us and not the applicant.
- When you see engineering fees; they get paid out of the escrow accounts or a fee charged up front.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

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

11. **Open Floor: Public Discussion.**

Sharon Bass – 10 Beckett Ct., Chestnut Ridge, NY 10977:

- Complained about people not taking care of their lawns and cleaning their property.
- Complained about people getting food deliveries and the wind blowing the cartons all over.

Deputy Mayor Brock:

- Explained how it works when someone reports an overgrown lawn.
- **Mayor Presti:**
- Explained eventually we get to it; we need everyone’s eyes and ears and to let us know.
- If it happens on a regular basis we will address it.
- We’ve had it in the newsletter.
- If new folks move in and they don’t know they get told.
- In addition, when the garbage carter comes around, they have letters in their truck.
- If they see things going on, they leave a letter with the property owner
- Seven out of ten times we get compliance; not 100% of the time.
- We get the complaint; we try to work on it.

Carol Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, NY 10977:

- Asked if there was a rule a house has to have garage?

Trustee Cohen:

- A number of years ago we had a number of people who were converting a garage into living space.
- We passed a law they had to have at least one garage.
- We then realized if they started with two and replacing it with one was not sufficient.

- We amended the law if you had a two car garage and you wanted to use that for living space, you had to provide another garage of equal size.
- Before that law was passed there were a number of people who had building permits and converted their homes that were grandfathered so they are not required to do that.

Carol Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, NY 10977:

- Questioned house on Route 45 and Spring Hill Terrace; they have a Building Permit and her understanding was they converted the garage to a spa and now the house has no garage.
- Wanted to know how they got a Building Permit to convert the garage to a spa and now there is no garage?
- They have it posted on the window.

Trustee Miller – 8 Eagle Street, Chestnut Ridge, NY 10977:

- Questioned how she knew that was a Building Permit?
- Did you observe they are using the garage as a spa?

Mayor Presti:

- Anytime you see someone with a permit in their window and you want to know exactly you are welcome to review the Building file.

Carol Jacobs:

- Corner of Route 45 and Spring Hill Terrace has a two car garage that was built many years ago with the intention of it being a manufacturing plant and he didn't get a permit.
- It is now a synagogue.
- Across the street from that complained about all the garbage; plates, cups, etc.
- Stated didn't know whether from a resident or the garbage collector; it shouldn't be there.

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

- Complimented Village that the lawn was mowed after notice was given.
- 6 Badger Ct., owned by Yeshiva of New Square is a slum.
- They were given a ten day notice by the Village.
- They did move the trailer off the lawn.
- Had a television still on front lawn.
- Complained recycle bins are left all over.
- 15 Appledale Lane; grass over 10" high.
- Stated the Village losing its character.
- Stated the Village has to take a stand.

Mayor Presti:

- The Building Inspector and the Code Enforcer also drive around the Village.
- We can't be all places all the time.

- When you bring something up, we send them out.

Magoli Dupuy – 49 Spring Hill Terrace, Chestnut Ridge, NY 10977:

- Wanted speed bumps on Spring Hill Terrace
- Complained about school buses speeding.

Mayor Presti:

- As a traffic control device, speed bumps are not looked upon very favorably with regard to the Police Department.
- We have a liaison in the Ramapo Police Department who we will notify.
- They will actually sit in your driveway if you give them permission.
- We had a resident who complained of speeders on Crooked Hill Rd.
- The Ramapo Police Department liaison asked if he could contact the resident and have resident give the o.k. and have the patrol car sit in their driveway.
- He sat in their driveway, issued at least one ticket and some warnings.
- So they do that.
- Mr. Sandak yelled out they don't do that.
- Mayor Presti told Mr. Sandak it happened three days ago and it is available to us and we do that.
- Speed bumps are dangerous to other people that drive through them.
- It is hard for the plows to plow the roadway; things of that nature.
- We will let the liaison know what's going on and they will send someone out.

John Guadagnino – 5 Continental Ct., Chestnut Ridge, NY 10977:

- Stated the communication between Chestnut Ridge and the Ramapo Police has to get a little stronger.

Mayor Presti:

- Since I've been the Mayor anytime and every time I've asked anything of the Ramapo Police Department they've been pretty quick.
- I've never had a problem.
- I apologize on their behalf but I never had a problem

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

- Complained she had a problem all winter with a bus speeding.
- She called Ramapo Police and complained three times before they showed up.
- Stated perhaps the Mayor had more power.
- Concerned about the trees being taken down regardless of the construction.
- Went to the Village of Montebello because they have a tree ordinance.
- Stated there is an incredible amount of construction going on in the Village; some legitimate, some without permits.
- Stated the Village had a very small staff that's charged with doing a lot of work in the Village.
- I got a document from the State called, Land Lease Moratorium, which suggests it is possible in the Village to take a step back, take a look at the construction and

the type of construction and maybe slow the process down so that regulations in the Village are met so we in the Village are not upset when we see things happening.

Mayor Presti:

- This is Land Use Plan that is used periodically used in instances where there is a tidal wave going one.

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

- Complained there is a four story building.

Mayor Presti:

- There is no four story building permitted in the Village of Chestnut Ridge.
- We allow two and one half stories.
- They will continue to be watched to make sure they are abiding by the permit that was taken out by the Village.

Walter Sevastian – Village Attorney:

- The issue when you look at height and stories is how they are defined in the code.
- If you have a question on height and the definition of stories with respect for a specific property you go and look at the plans.
- They have plans here for the Artis Senior Center they are developing.
- There is a bulk table on page one and that defines how it happens.
- It is checked by the Building Department to make sure it is built in accordance with our code.
- Some of it has to do with the slope of the land as well.

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

- Complained about a huge pile of dirt behind her home and wanted to know how long it's going to be there.

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

- Commented about a huge cavity that has been taken out of the earth; the depth of the hole.
- Nine foot basement.
- Stated additional excavation behind the nine feet in order to put footings.
- How many feet down is the permit because what she is seeing is the depth of two stories in a house that is already finished.
- Stated the hole is the size of two stories.

Mayor Presti:

- Trustee Cohen and I stood on the deck and spoke with the Building Inspector.
- The Building Inspector assures me that what is going on at the property, based upon the plans that are submitted before the Village and the professionals that are auditing that construction as of now they confide with the Building regulations.

- As the construction continues, we will continue to audit it.
- What makes that property unique is that the topography to that area is that it slopes.
- The property is so far back that it appears the property behind is very close up because of the way the footprint is.
- It makes the appearance appear a lot larger than it is.

Nancy Mazis – 6 Janna Ct., Chestnut Ridge, NY 10977:

- You have to know there are a lot of corners being cut with construction.
- Mr. Grasso of twenty years ago assured me my property was fine; but my property sunk.
- Concerned about the Assisted Living and attaching to the sewer.
- Questioned whether school buses are allowed to come down a Cul de Sac at 6 p.m. on a Sunday?

Mayor Presti:

- We have our own Building Inspector who lives in the Village and you can say has skin in the Village.

Mayor Presti:

- The buses are allowed to be on the road; it's a public road.
- They are not allowed to be speeding.
- The Ramapo Police Department has approximately one hundred, twenty officers on staff.
- The Village of Chestnut Ridge usually has three or four designated cars.
- That is why we try to have police stationed in different areas.
- They cannot stay in one spot all day; they try to alternate their presence.
- We will put that on the list.

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

- Asked about 15 Appledale Lane; the grass.
- 45 Grotke; burned up home is a disaster for two years.
- On corner of Appledale and Grotke people hang out after dusk; they sit in their cars and drink beer.

Mayor Presti:

- Ramapo Police Department has spoken to me about that.
- They are aware of it.

Nancy Guadagnino -5 Continual Court. Chestnut Ridge, NY 10977:

- East Ramapo never allowed their buses to go down Cul-de-Sacs because if a car was parked they'd have to back up or make a K-turn.
- Stated she didn't know why the law changed.
- Stated a safety issue for people living there, children playing there.

Deputy Mayor Brock:

- Law did not change.

Mayor Presti:

- There are other buses.
- Chestnut Ridge Transportation is a little bit different.

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

- Stated at the last meeting we talked about accommodating the “Modern family”.
- We talked about the need to have this because the Village was being inundated with requests for variances.
- This was one of the ways to care for those requests coming in.
- I asked for an appointment for how many variances we received.
- What is the history of the variances?
- We talked about the statistics and how important it is to understand the need of statistical information.
- Complained she was not greeted very nicely; actually mocked.
- Called a few days later.
- Complained same person, same type of unfriendly response when she asked for an appointment to talk about the variances she was referring to.

Deputy Mayor Brock

- Asked if she spoke to the Building Department?

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

- Stated Building Department didn't call her back.
- Requested to talk to Florence.
- Commented she is always so nice to her.

Mayor Presti:

- You need to make an appointment with the Building Inspector or you can call Village Hall.
- Lise is nice too also.
- You have to go to the bookends.

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

- We were talking about the amount of volume of these requests that were coming in that really are driving the need for all of this amending of the law.
- Stated she was reading the Land, Use Moratorium and one of the reasons you want to adopt a moratorium is to prevent rush to development, prevent inefficient growth, address new kind of use, prevent hasty decisions that would be a disadvantage to landowners and the public, prevent immediate construction that might be inconsistent with a future plan.
- We have had people submit plans and later we find out it's something else.
- 2 Hawk Street comes right to mind.

- I encourage the Village to really think about putting in a moratorium.
- I believe if we are taking all these actions to amend all these laws have we really taken a step back and assessed where we are going?

Mayor Presti:

- My limited knowledge of moratoriums usually deals with a larger scale development.
- It is not going to deal with someone who wants to renovate their home.
- You alluded to a couple of instances that are individual homes; which perhaps have taken liberties with certain regulations.
- A moratorium is not going to address people breaking the law.
- A moratorium is going to stop a larger scale development.
- A negative on a moratorium as far as the planners are concerned; once you open up that for business you have people waiting in the wings that you have all that is going to happen all at once.
- That is something that is utilized in certain particular instances; but it is an idea that is worth discussing.
- We have a new Planner on Board and this is something we will discuss with the Planner.

Trustee Cohen:

- In our thirty years, at the beginning of our Village we have had one moratorium with the cell phone towers.
- We passed a moratorium for six months and we researched it.
- Extended it for an additional six months.
- Within that year period we came up with a cell phone law that guided where and how cell phone towers are located.
- We had every non- profit looking to use their property as a revenue user to put a cell phone tower.
- Once we were able to establish a law on cell phone towers, we removed the moratorium.
- We have three in the Village now and the last one was looking to be built but never consummated their plan.
- That was taken under advisement and we made proper use of the moratorium.
- As the Mayor said, we will discuss it with our Planners, and see how it applies.
- See if this is a tool we need to implement or is there a better way to deal with the problem.

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

- It feels like we are being choked by LLC's and new residents that are coming into the Village; it's almost like a strategy.
- We are being forced to act in a way that perhaps we wouldn't be acting if we had the appropriate time to breathe and actually say "no".
- We cannot approve this, "no" we cannot give you this variance, "no" we are stopping for six months and here's why; we will see you in six months

- If feels like a cloak and dagger.

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

- Stated she thought we had a leak in the Board Room as the tile was stained.
- Was concerned about mold.

Fran Kaufman – 44 Eastbourne Drive, Chestnut Ridge, NY 10977:

- Clarification on garbage.
- There are a lot of new people.
- The norm has become that the garbage cans are in the street.
- Wanted a notice sent out.
- Wanted people ticketed if their garbage cans are left in the street.

Mayor Presti:

- We try to remind folks what the rules are.

Deputy Mayor Brock:

- In many other villages people were used to bring their garbage down to the street so they still do it.
- We do say in our newsletter, you can put the garbage by your garage.
- They will come up your driveway and pick it up.
- We encourage people to keep their garbage by their garage.

Trustee Miller:

- I've always been concerned about people leaving their garbage by the road.
- They don't have a satellite truck.
- What I've seen on my own street is they drag it down to the street and they leave it there.

Trustee Valentine:

- Is it possible for the Code Enforcement officer to remind people to leave it up by the garage because it is a safety issue?

Mayor Presti:

- We can follow up with the carter.

Trustee Brock:

- They take my garbage out of the cans.

Resident didn't give his name.

- Wanted a monthly notice to remind people.

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

- I will ask you to take a hard look at all its activity, everything in its entirety; a very strong stand on what the future of what this Village is going to look like.

- I have seen a significant decline in fourteen years in the way the Village looks; the way it appears from curb side.
- Complained her taxes just go up and up.

Richard Miller – 6 Eagle Ct., Chestnut Ridge, NY 10977:

- I have been on the Zoning Board and the Zoning Board Chairman for twenty three years.
- There was not an onslaught of Zoning variances.
- We have been very careful on the Zoning Board with variances we have given out.
- We recently gave out one that had an increase in the floor ratio.
- We have denied variances when people have tried to expand on the side.
- Neighbors come in and say they have no problem with it.
- The law requires us to grant variances in certain conditions that are appropriate.
- If variances are too great, that is a way for the Zoning Board to deny a variance.
- Whether there is another way of achieving the result, we suggest that to people.
- I am concerned about people who are building without permits.
- If you see a building without a permit, tell us about it.
- If you think they are building something they shouldn't be building, that's why we are here.
- We are open Village to anyone who wants to come in as long as they obey the laws.

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

- Stated she thinks she can speak for her neighbors as well as herself; she loves the diversity in the Village.
- I've worked with Everett and Russell and it has been a wonderful experience.
- There are many occurrences happening too much; homes are being converted, changed.

Walter Sevastian- Attorney:

- We just fined somebody \$12,000 for living in a house without a CO.
- We are very active in pursuing people who are building illegally, but we need your help going after them.

Deputy Mayor Brock:

- I want my street to look beautiful.
- I call when I see lawns not being taken care of.

Trustee Grant:

- I walk the Village every day. I work for you. You are my boss. You have to tell me. I respond to you.

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

- Wanted to know about getting feedback from Village; that they went there and physically looked at the house.
- There are six cars parking on the lawn, garbage all over.

Mayor Presti:

- As a practical matter, you would call back the Building Inspector or the Code Enforcement officer.
- There may be something going on that you don't know about.

Mike Sandik – 18 Blue Jay Street, Chestnut Ridge, NY 10977:

- Questioned why the basement on Swallow wasn't filled in?
- On 2 Hawk Street, I was told it was going to be a one room addition.

Mayor Presti:

- We addressed that last month.
- There was some fault on a couple of different levels in regard to that construction; that's why there is a **“Stop Work Order”** on that.
- The Village Attorney is in contact with the property owner's attorney and they are going to work on it.

Walter Sevastian – Attorney:

- A **“Stop Work Order”** they have they have specific information they have to provide; which I believe they want to do, but not until that is provided.

Mike Sandik – 18 Blue Jay Street, Chestnut Ridge, NY 10977:

- Complained he had a tremendous eye sore next door to him; wanted village to send someone over there to clean the dirt up in the meantime.

Walter Sevastian – Village Attorney

Explained cannot go on his property; there is a **Stop Work Order**.

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

640 Chestnut Ridge Rd; appears to be a Boarding house.

Wrote a letter to the owner.

Wrote a letter to the Planning Board.

It was supposed to be a one family home.

There are three to four construction trucks in the driveway at all times.

At least ten kids live in that house.

Complained garbage is out all over.

They don't take it in.

Stated a lot of houses have no numbers on either their house or mailbox.

Suggested we issue fines to them.

Wanted to know why we didn't hire a Building Inspector who was certified and had good experience behind him.

- **Deputy Mayor Brock:**

- Stated we do have that law because of the emergency vehicles; you had to have a number of your house or mailbox
- 4 Weiss Terrace has no number.

Mayor Presti:

- We hired a Building Inspector from the County list which is provided to the Villages.
 - He is qualified by the County to take the job.
 - Mr. Gliniecki scored #1 on the test.
 - The State of New York says, once you hire an individual so long as they are going to classes, they are technically considered a Certified Building Inspector.
 - However, because he was still training, we then had support as far as physically going out to inspect certain properties.
 - That became a problem because when you contract out it is not the same as when you have somebody in house on their own.
 - So, in November when we hired Mr. Gliniecki, as much as we had him helped, we had him being shadowed by people to train him.
 - He was doing what he needed to do.
 - You are not going to hire somebody on a part-time basis who is fully certified and going to hit the ground running.
 - We have no issue with Mr. Gliniecki.
 - He is doing a wonderful job and he is doing what he is supposed to be doing for the Village.
- Mayor Presti thanked everyone for coming out for the evening and wished all the dads a Happy Father's Day.
- **Edward Sheridan – 46 Pascaek Rd., Pearl River, New York 10965** did filming of the Village Board Meeting.

Move to Adjourn the Public portion of the meeting and go into Executive Session:

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to **Close** the **Public portion of the meeting**.

Regular Meeting Adjourned: 10:20 P.M.

Motion to Adjourn Executive Session.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **5-0** to **Close** the **Executive Session**.

Executive Session adjourned: 11:15 P.M.

Respectfully submitted,

**Florence A. Mandel
Village Clerk**

Motion to Close the Open Floor Public Discussion.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to Close the Open Floor Public Discussion and Go Into Executive Session.

Board Meeting Adjourned: 10:20 P.M.

12. Motion to Adjourn Executive Session.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Adjourn Executive Session.

Executive Session Adjourned: 11:15 P.M.

Respectfully submitted:

Florence A. Mandel
Village Clerk

Executive Session Adjourned: 11:15 P.M.

Respectfully submitted:

Local Law #2 of 2016 (**Resolution # 2016-54**)

A local law to amend 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”.

(new text in italics)

Local Law to amend Local Law #5 of 1987, entitled “Regulating, Licensing and Restricting Peddlers, Vendors and Solicitors in the Village of Chestnut Ridge”.

...

Section 3. Definitions

...

MERCHANDISING – Selling, bartering or trading, or offering to sell, *purchase*, barter or trade any goods, wares, commodities, *services*, *property (real or personal)*, or other merchandise, including periodicals and books.

...

Effective Date.

The local law shall be effective immediately upon filing with the Secretary of State.

Village Board Minutes – June 16, 2015