

**MINUTES OF THE BOARD OF TRUSTEES
THE VILLAGE OF CHESTNUT RIDGE
JULY 16, 2015**

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on July 16, 2015 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
GRANT VALENTINE	-	TRUSTEE

PRESENT:

WALTER R. SEVASTIAN	-	VILLAGE ATTORNEY
FLORENCE A. MANDEL	-	RECORDING SECRETARY

1. Pledge of Allegiance.

2. Mayor's report -

- We made it through tax collection time.
- We had a very good response as far as people paying their taxes.

3. Open Floor: Public discussion on Agenda Items:

- No one from the public wished to speak on Agenda Items.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

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

4. Approval of Minutes of Previous Meeting, June 18, 2015.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to **Approve the Minutes of June 18, 2015.**

5. a. Public Hearing on proposed local law to amend Local Law No. 13 of 1987, entitled "Vehicle and Traffic Law of the Village of Chestnut Ridge" regarding weight limits on certain local roads.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to **approve a Public Hearing** on proposed **Local Law.**

b. Resolution No. 2015-66. Resolution to approve local law to amend Local Law No. 13 of 1987, entitled "Vehicle and Traffic Law of the Village of Chestnut Ridge."

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of the Village Code with respect to the weight limits on roads in the Village of Chestnut Ridge as set forth in Local Law No. #13 of 1987; and

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on July 16, 2015; 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 Code requirements; and

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

- A. That the proposed Village Code amendment was preliminary classified as a “TYPE II” action under SEQRA as an amendment to an existing local law, rule or regulation
- B. 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 determines that the proposed legislation limited to regulations pertaining to property maintenance within the Village of Chestnut Ridge constitutes a TYPE II action under SEQRA in that it will have no demonstrable environmental impact, requiring no further action under SEQRA.

AND BE IT FURTHER RESOLVED, the Village the Board of Trustees adopts Local Law #1 of 2015, the amendments to Local Law #13 of 1987, entitled “Vehicle and Traffic Law of the Village of Chestnut Ridge,” with regard to the weight limits on streets owned by the Village of Chestnut Ridge.

* **The text of the local law is as follows:**

BE IT ENACTED by the Board of Trustees of the Village of Chestnut Ridge as follows:
To amend Local Law No. 13 of 1987,

A Local Law entitled Vehicle & Traffic Law of the Village of Chestnut Ridge.

Local Law #2 of 2015

Section 6.

A.

FIVE TON VEHICLES EXCLUDED.

- A. No truck, tractor, tractor-trailer combination, commercial bus, or any other motorized vehicle having a total gross weight, inclusive of cargo and occupants, equal to, or greater than, ten thousand (10,000 LBS) shall operate on any street or highway within the Village of Chestnut Ridge, other than those designated as State or County highways, and the following:

Chestnut Ridge Road, Pascack Road, Crooked Hill Road, Old Nyack Turnpike and Red Schoolhouse Road.

B. **EXCEPTIONS:** Notwithstanding the foregoing, this section shall not apply as to:

(1) School buses engaged in the transport of children and/or students to, and from, schools, or, in the departure and return from their depot for said purposes:

(2) Buses used for the transport of the elderly or handicapped;

(3) Vehicles in transit to, or from, a destination within the Village, IF, the use of other than the roads and highways designated in “A” above, is a matter of Actural Necessity (as defined in Section 3, above).

Section One. Legislative Intent. It is the intent of this local law to allow the Village of Chestnut Ridge to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c

Section Two. Authority. This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60) of said governing body.

Section Three. Tax Levy Limit Override. The Board of Trustees of the Village of Chestnut Ridge, County of Rockland, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section Four. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date. This local law shall take effect immediately upon filing.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to amend the **Local Law No. 13 of 1987**.

6. Resolution No. 2015-67:

Resolution to schedule Public Hearing for August 20, 2015 at 8:00 pm on the Special Permit Application of Congregation Ohr Mordechai relative to the premises known as 2 Madeline Terrace, Chestnut Ridge, NY 10977 (tax designation 62.8-1-19).

*** Trustee Cohen will not be at the Public Hearing on August 20, 2015.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to adopt **Resolution No. 2015-67.**

Resolution No. 2015-68:

7. a. Mayor appoints Paul Shapiro as member of the Zoning Board of Appeals for a term to expire April 2016.

b. **Resolution No. 2015-68** approving Mayor's appointment.

* Put on hold. Paul Shapiro. Will re-visit. Paul Shapiro relocating to Florida. Will not be a resident.

8. **Resolution 2015-69.** Resolution approving one tax certiorari settlement refund in the total amount of \$902.07 to Triboro Holdings LLC.

*** FOR FIVE YEARS.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 to approve one tax certiorari settlement.

9. Resolution No. **2015-70.** Resolution to authorize the hiring of a part-time temporary summer seasonal employee at a rate not to exceed \$10 per hour.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve **Resolution No. 2015-70.**

10. Resolution No. **2015-71.** Resolution to refund six duplicate tax payments to a lender's tax escrow service in the total amount of \$3,803.41.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve **Resolution No. 2015-71.**

11. Resolution No. 2015-72. Resolution to refund overpayment of taxes in the amount of \$387.39.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to adopt **Resolution No. 2015-72.**

12. Resolution No. 2015-73:

Resolution authorizing payment of Superior Waste’s June and July Invoices.

WHEREAS, the Village’s waste hauler Superior Waste & Carting, Inc. submitted invoices for payment for services rendered while the Village Treasurer was on vacation, and

WHEREAS, SUPERIOR HAS REQUESTED THAT THE Village Board resolve to pay the outstanding invoices in July so as to avoid an extended delay in payment.

RESOLVED, that the Village Treasurer is authorized to pay the invoices submitted by the Village’s carter Superior Waste dated: (1) July 13, 2015 (for \$11,673.60 in tipping fees through July 11, 2015), (2) July 2, 21015 (for \$23,461.96 for June tipping fees), and (3) dated July 6 1, 2015 (for \$24,378.90 for July collection fees).

BE IT FURTHER RESOLVED that all payments to be made on invoices shall be subject to a completion of an audit by the Treasurer of the invoices submitted by Superior Waste, and an offset for any payments included in the July 2015 Abstract of Audited Claims.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to adopt **Resolution No. 2015-73.**

Resolution No. 2015-74:

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$98,895.13 as set forth on Abstract No. 2015-7 dated July 17, 2015, as submitted by the Village Treasurer are hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to Approve **Resolution No. 2015-74:**

13. Open Floor: Public Discussion

Fabienne Jean – 889 Chestnut Ridge Rd., Chestnut Ridge, NY 10977:

- Asked about things going on in the Village.

Mayor Presti:

- Told Fabienne Jean to leave her e-mail address; that we do an e-mail blast
- Asked if she received a copy of the last newsletter
- Told her to leave her telephone number.
- Told Fabienne Jean to go onto our web-site to see current events; see what the various Boards are doing.
- You can look at the most recent meeting minutes; what applicants are before the Board.

Fabienne Jean:

- Asked about the Edmund Gould Academy property sale.

Mayor Presti:

- The property was purchased.
- The owner has not proposed anything official about what they decided to do with it.
- It is a mixed zoned; part residential, currently zoned for one acre single family zone.
- Zoned commercial type (warehouse).
- They were in contact with the Village last year.
- They are paying their taxes and keeping the property nice and clean.

Maria Monteaqudo – 37 Ross Lane, Chestnut Ridge, New York 10977:

- Thanked Grant Valentine for helping Dexter Park neighborhood with upgrading Children’s Park; the benches, the gazebo, etc.
- Thanked Mayor and Trustees for assisting her with research on Chestnut Ridge.
- Working on a follow-up for the Chestnut Ridge Village newspaper.

Mayor Presti:

- Told Maria to have information for newsletter ready not later than the second week of August.

Maria Monteaqudo:

- Concerned with vandalism in Children’s Park.
- A park attendant said there would be increased Police presence.

Mayor Presti:

- The Town of Ramapo has control over the Children’s Park.
- Staffing will not allow them to be there all the time.
- If you see something you need to call the Ramapo Police.
- We always have Police presence. There has been no reduction in police presence.
- The Ramapo Police are very good.
- If for some reason we need extra police presence they would do that, but obviously they need to spread it out.

Maria Monteaqudo:

- There has been hear-say about the road paving.
- How may the village notify the residents?
- Residents don’t know where to park their cars; they can’t get out of their driveways.

Mayor Presti:

- Before work is done, the Village Engineer in coordination with the contractor does try to notify the residents; sometimes by posting a sign,
- There is a list in Village Hall.
- If it is a matter of time and you need to see when it is going to happen there is a list chronology, this street, this street and this street.

- I don't think it is posted on the web-site as sometimes the order changes due to necessity. We can't tell you tomorrow the pavers are coming.
- If you see they are milling, if storm drains are being repaved, usually paving follows.
- We never pave an entire neighborhood at the same time. There are a multitude of logistical concerns that need to be addressed.
- One street will go into another. We pave as a matter of priority.
- When you pave, you're creating a little bit of an inconvenience.
- We pave the streets as they absolutely need to be paved.
- We try to pave on a schedule.
- Paving usually good for approximately twenty-five years.

Maria Monteaqudo:

- Residents are being approached by non-real estate agents wanting to buy their house.
- Is there some agency we can be referred to?
- Several residents let them in their house with a camera.

Mayor Presti:

- There is no law against someone ringing your bell and asking if you would you like to sell your house?
- Tell them no and ask them to leave your property.
- If they continue to come and harass you, call the Ramapo Police.
- There is no agency that I am aware of.
- You can post a sign on your house, not for sale.
- No means no.
- There is no substitute for common sense.

Trustee Valentine:

- I think we talked about solitation laws; how that could be something we could take a look at.
- I mentioned to Maria to have a conversation with the Police and ask them if there is something they can do.

Mayor Presti:

- It's not solicitation within the definition of the law.
- They are not selling you encyclopedias. They are not selling you concrete. They are not coming around to pave your driveway.
- There is no law against asking you if you want to sell your house.
- If the Sheriff has something going on, that would be welcome.

Trustee Cohen:

- One addition to the park is the baseball field.
- The New City Stars has travel teams. All ages from 8 years old to 12 years old.
- They took over the maintenance and improvements of the baseball field.
- They put up new fences; graded the infield.
- Issue with lights. The Town of Ramapo was supposed to fix the lights.

Heather Doyle - 31 Balmoral Drive, Chestnut Ridge, New York 10977:

- Questioned how a Special Permit works.
- Is the application on line?
- Keeps up with the Village minutes.
- Do we get to review the application and any paper work so that we can ask appropriate questions?

Mayor Presti:

You might want to request to look at the Application file; this way you'll have the background. Then they'll have the narrative.

Attorney Sevastian:

- Lise may be able to put up the narrative, but not the drawings.

Mayor Presti:

- We will see what we can put on there.
- Just so you understand the process of the Special Permit:
- A Special Permit they are entitled to do what they want to do.
- The Special Permit legitimizes within certain parameters.
- They still would need to get certain approval from the Planning Board, the Zoning Board, any Town or County agencies that also have jurisdiction over the development.
- The Special Permit process is just one step in a road map of stops along the way.
- The Special Permit could go:
- The Application is in order as the law is right now.
- You are entitled to the Permit you are requesting.
- However, the condition attached to this permit, so that the Permit is a valid Permit would be you could go before the Planning Board and get the appropriate approval.
- You could go before the Zoning Board and get the appropriate approval.
- If you live with 500 feet of the premises you are going to get a certified mail notification.
- If you are outside of that radius you would have follow on the web-site of the Village to know when the next meetings are.
- The Planning Board will have meetings, charts, experts representing the applicant.
- You will be allowed to question the experts and the applicant as they present their part of the application on the Planning Board, the Zoning Board and possibly the Architectural Review Board.

Heather Dole:

- Is that Special Permit application approved prior to the Public Hearing or is that something they are asking for and does not get approved until after the Public Hearing?

Mayor Presti: You have to have the Public Hearing first.

Heather Dole:

- So it doesn't mean it will get approved?

Mayor Presti:

- A Special Permit from what they are asking to do by law is permitted.
- The process is the hearing allows them to come, make a presentation so people are aware of what they are going to be proposing.
- If what they are proposing is so outside of the parameters of what is permitted in the Special Permit law, the Board can say no.
- If what they present to the Village Board is in the parameters and the confines of what the Board permits then we say yes.
- That doesn't mean tomorrow they are going to break ground.

Deputy Mayor Brock:

- They can't do anything before they get Planning Board approval.

Mayor Presti:

- They need to go before the Planning Board for site plan approval.
- They need to go before the Zoning Board for any variances.
- Special Permit, instead of initially going before the Zoning Board to say, I want to build this use on the property. The Zoning Board would have to say, is that use permitted there?
- In this particular instance, the Special Permit says basically your use is permitted, but there is going to be some conditions for you to use it that way.
- The Special Permit process begins that process of saying do you comply with all those conditions?
- As soon as you don't, well, then you don't meet the parameters of the permit and you have to say no.

Heather Dole:

- Is there an expiration date for the Special Permit that they received?
- Is there something else they have to do to continue it or is it in perpetuity and can they have it forever?

Attorney Sevastian:

- You can require Special Permits to be periodically renewed.
- It's granted.
- You have four conditions.
- It comes up for renewal.
- You haven't violated those conditions; it gets renewed.
- It essentially says that the use is permitted in the Zoning district, but recognizes that these types of uses are different than maybe from what is typical in the district and can have an impact on neighbors so allows you to put conditions on it.
- If you meet those conditions, then the permit is automatically renewed.
- If you don't, theoretically the permit can be withheld, revoked.

Heather Dole:

- If their Special Permit continued to go on, does it make it any more likely that someone else would?

- The reason I ask is that I could see that coming into my neighborhood, based on some of the houses around them, and I would be extraordinarily opposed to that.

Mayor Presti:

- This is not precedent setting to that degree.
- What a Special Permit process says is that the use is permitted.
- You don't necessarily have to go for a use variance for it.
- After that you still have to comply with certain conditions and parameters to basically incorporate or activate that use.
- The fact that this Special Permit could be approved on Madeline Terrace doesn't necessarily affect your neighborhood positively or negatively.
- Someone next week could request a Special Permit at 12 Balmoral for that type of use or at 1 Mark Lane for that type of use.
- This does not necessarily open a flood gate. This is always there. This has always been there. It is not a Village Law. It is a Federal Law.

Trustee Cohen:

- I live on Madeline Terrace.
- The applicant in this case has been before the Planning Board for five years.
- He has invested a lot of money in this project.
- We are looking forward to having the finished product done.
- Most of the people in the neighborhood look to the finished product as an asset.

Deputy Mayor Brock:

- The Federal Law is the RLUPA Law.
- It is very hard to stop any religious use in a neighborhood.
- You can limit the size of the building.
- You can indicate what you need for the parking.
- You can indicate what you need for lighting or lack of lighting, all of these things.
- But to stop in the United States a religious land use is almost impossible.
- This is a Federal Law. It's Not a State Law, not a Village Law, not a Town Law but a Federal Law.

Mayor Presti:

- We tell you this so that you know what the process is.
- The Board is not pre-disposed one way or the other.
- There are laws within which every municipality must govern.
- This is not unique to Chestnut Ridge.
- It's happening in Woodcliff Lake; a multitude of Towns; Bergen County, Rockland County.
 - Just because a use may be protected within the Federal confines of the Constitution it doesn't mean you can just say, I'm protected, so here it is. There are still procedures that need to be followed.
- There may be a use although promoted where it started and where it ends may be totally different.

- The way the laws are now you cannot stop anyone from practicing their religion in the neighborhood.
- There are parameters they need to follow. It's a very transparent process that you have opportunity to come, ask questions, object, say you like it, whatever you want to do.
- The system is set for interaction just as you want to do.

Attorney Sevastian:

- Anybody can make an application for a Special Permit.
- The law allows them to make that application.
- Nobody can control who buys and who makes land use applications.

Trustee Valentine:

- The Zoning Board and Planning Board have parameters they are going to follow.

Mayor Presti:

- For Example, you asked about the length of a Special Permit.
- We granted a Special Permit not too long ago for a use.
- It was renewable in five years.
- Perhaps the use grows beyond what they thought was going to happen.
- They would need to do certain things to adjust for that growth. That's the fail safe.
- You need to get educated to the process. Once you do you may feel more comfortable

Trustee Cohen: As it worked its way through the process, neighbors understand.

Maria Monteaqudo:

- Foster Church:
- I looked on the Web-site and did a web search.
- It indicates the church is located in Great Britain. There are many locations there.
- There is no web-site that directs anybody here to Foster Church.

Mayor Presti:

- There is a separation between Church and State.
- We are not supposed to give contact information for church worship, leadership, etc.
- Their Web-sites are their web sites.
- Come to Village Hall,
- Their application is on file.
- Foil their folder.
- You can call up the founding members.
- They have been very accommodating to the neighbors immediately surrounding Foster Church.
- There is freedom of speech and religion.

Fabienne Jean:

- How do you protect the Village?
- I heard we are supposed to protect nature.

Mayor Presti:

- Our Village zoning has not changed.
- We have very little commercial zoned property in the Village.
- Most homes in the Village have to be on a 1/2 acre of property, some are on an acre.
- There are some that can be on a 1/3 acre of property.
- There are no schools being built in Chestnut Ridge.
- Schools are outside the zoning process.
- The Village was established in 1986 to keep its Zoning integrity and to make sure it stays a residential neighborhood with a lot of space and for a lot of people to enjoy.

Motion to Close the Public Hearing

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to Close the Public Hearing

Motion to Adjourn Meeting

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 4-0 to Adjourn the Meeting:

MEETING ADJOURNED: 8:46 P.M.

Respectfully submitted:

**Florence A. Mandel
Village Clerk**