

MINUTES OF THE BOARD OF TRUSTEES  
VILLAGE OF CHESTNUT RIDGE  
JULY 21, 2016

---

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on June 16, 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.

- Welcomed everyone to the meeting.
- Had an opportunity to attend the **Fellowship Community's 50th Anniversary**.
- They had a beautiful event.
- As a result of a contest, one of the people built a structure, a wall.
- Flowers a nice addition to the facility.
- Congratulated the Fellowship on the big reveal; that beautiful piece in the middle of their green meadow.
- Check our Web-site; we did receive restricted water restrictions because of the drought.
- Depending upon your house number, odd, even things of that nature, your water is going to be a little bit restricted.
- No washing your driveway, cars, etc. unless you go to a public car wash.
- Check the web-site as to things you should, should not be doing to conserve water.

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

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

- Questioned procedure on Artis Senior Living?
- The last time we were here you referred them to the Planning Board.
- At the Planning Board they asked to be adjourned; and then you had to give them the Special Permit and then they had to go back?
- Why were they on the agenda for the Planning Board?

### **Mayor Presti:**

- Mayor Presti explained that after they are here with regard to the Special Permit, they have to go to the Planning Board.
- They have to go through the site plan process and things of that nature.
- Depending on what happens at the Planning Board, they may have to report back to us
- Whether they'll be able to proceed depending upon how different the plan progresses.
- They thought they would have their Special Permit by that time and that is why they were on the Planning Board agenda.

## Motion to Close the Open Floor on Agenda Items only.

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board** was polled and voted **5-0** to Close the **Open Floor on Agenda Items**.

## 4. Approval of Minutes of Previous Meeting, June 16, 2016.

**MOTION:** Trustee Miller

**SECOND:** Trustee Valentine

**The Board** was polled and voted **5-0** to Approve the Minutes of June 16, 2016.

## 4. Resolution 2016-59 :

**Granting 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.**

WHEREAS, an application under Zoning Code Articles XVI and XVII has been made to the Board of Trustees of the Village of Chestnut Ridge by Artis Senior Living LLC (“Applicant) to build a 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 (a portion of the site is zoned R-40, and the R-40 portion is to remain largely undisturbed and subject to a conservation easement), and

WHEREAS, after due notice to all involved and interested agencies, the Village of Chestnut Ridge Planning Board (“Planning Board”) declared itself Lead Agency for SEQRA purposes, and on June 2, 2016, the Planning Board determined that the proposed project would not have a significant adverse impact on the environment and rendered a Negative Declaration under SEQRA (which determination is made a part hereof and incorporated by reference hereto), and

WHEREAS, the application met all applicable use and bulk regulations in the Village of Chestnut Ridge Zoning Code, therefore the Applicant was not required to seek relief from the Chestnut Ridge Zoning Board of Appeals, and

WHEREAS, on June 16, 2016, after due public notice, the Chestnut Ridge Board of Trustees held a public hearing on the Special Permit Application (the Minutes of the June 16, 2016 Village Board Meeting are attached hereto and incorporated into this Resolution by reference), and

WHEREAS, referrals of the Special Permit Application pursuant to the provisions of the General Municipal Law (Rockland County Planning Department), and other interested agencies were made, and the public and such agencies have had opportunity to be heard and have submitted comments thereon, all of which have been reviewed and considered by the Board of Trustees, and

WHEREAS, a review of the Special Permit Application was made by the Rockland County Department of Planning under a referral pursuant to the applicable provisions of the General Municipal Law, and

WHEREAS, based upon the Village Board’s consideration of the record before it in the context of determining the conformity of the proposed use and proposed development to the conditions and standards set forth in the Village Zoning Law, the Board finds:

- (a) That the proposed use is appropriate and in keeping with the orderly development of the NS Zoning District, and not detrimental to the site or adjacent properties. This finding is

based in part upon the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, the Planning Board's Preliminary Site Plan Approval, and the Applicant's drawings submitted to the Village Board in connection with the Special Permit Application.

- (b) That the proposed use and the nature and intensity of the operations involved, when considered in connection of the site layout, provide for safe pedestrian and vehicular access to and from the site. This finding is made, in part, upon the detailed review and provisions contained in the Planning Board's Preliminary Site Plan Approval. Most significantly, the full traffic impact study submitted in the Part III Environmental Impact Form (part of the Planning Board's SEQRA review of the Site Plan), was reviewed and commented upon by the Village Engineer. In light of the approval condition set forth below mandating compliance with conditions of the Planning Board's Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable.

With respect to pedestrian movement, the Planning Board found that the level of pedestrian activity to and from the site from the abutting street was not significant, and did not warrant offsite improvements. As such, the Village Board finds that the pedestrian access to the site is acceptable, and the pedestrian circulation within the site for the residents of the facility is similarly adequate.

- (c) That the location and height of the building proposed by the Applicant, and the attendant improvements to the site, such as fences and landscaping, will not hinder or discourage the development or use of adjacent land or buildings. In making this Finding, the Village Board has again relied upon, in part, the SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan, and the detailed review and provisions contained in the Planning Board's Preliminary Site Plan Approval. Most significantly, the record reveals that the Applicant is seeking to construct a 32,000 +/- square foot single story building located in the center of the 5.45 acre project site, which fronts a State Highway (Route 45), and is generally surrounded by office/warehouse/industrial uses (notably, there is extensive landscaping and an existing conservation easement to screen it from the residential neighborhood to the south (which neighborhood is fully developed with residential uses). Furthermore, the portion of the lot which closest to the residential neighborhood is zoned R-40 (approximately 2.76 acres), and will serve as a buffer by remaining largely undisturbed and subject to a conservation easement.

The landscaping plan will be reviewed by a landscape architect during the final site plan review process. Given the location of the building on the site, and the proposed landscaping (together with the conservation easement), the Village Board finds that the proposed improvements associated with the establishment of the use will have little or no effect on the development of adjacent properties.

- (d) That the proposed use will not require additional public facilities or services (such as water, sewer, police and schools), or create a fiscal burden on the Village greater than those associated with uses permitted by right. In making this finding, the Village Board notes that the use is

permitted “by right” at the premises, and would have no greater burden on public facilities than those other uses permitted in this commercial center of the Village. Based upon those findings, the Village Board finds that the impact of granting the Special Permit will not be overly burdensome on community services.

NOW, THEREFORE, BE IT RESOLVED that the application submitted by Artis Senior Living LLC to build a 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, **is hereby granted**, subject to the following conditions:

1. Compliance with all conditions prescribed by the Planning Board during the Site Plan review process.
2. Compliance with all of the recommended modifications contained in the General Municipal Law Review conducted by the Rockland County Department of Planning.
3. Compliance with any and all approvals obtained from the Architectural Review Board.
4. Upon reasonable notice, the Applicant shall grant access to Village employees or agents for the purpose of determining compliance with the requirements or conditions of the Special Permit
5. The Applicant shall make a subsequent appearance before the Village Board after final Site Plan Approval is obtained from the Planning Board, and after ARB approval has been received, for the purpose of ratifying the grant of the Special Permit so that the Village Board may ascertain whether any changes to the project resulting from the review of the Village land use boards as designated in conditions #1, 2 and 3 of this approval affect the determination made by the Village Board on the Special Permit factors set forth hereinabove.
6. The Special Permit shall be renewable every five (5) years, which renewal shall be made without further application to the Village Board provided that:

(a) The Building Inspector provides the Village Board with a Memorandum confirming that all conditions of the Special Permit are being complied with at the time of renewal.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board was polled and voted 5-0 to approve Resolution No. 2016-59.**

5. **Resolution 2016-60** to refund \$3,409.10 in duplicate tax payments.  
**Resolution authorizing the refund of the property taxes resulting from the duplicate payments made by tax escrow services.**

RESOLVED that Corelogic Real Estate Tax Service be refunded the referenced amounts due to duplicate payments made:

<b>63.17-1-17</b>	<b>\$428.70</b>
-------------------	-----------------

<b>63.14-3-14</b>	<b>\$455.76</b>
<b>68.6-2-58</b>	<b>\$580.26</b>
<b>56.19-1-14</b>	<b>\$549.40</b>
<b>63.6-1-40</b>	<b>\$735.69</b>
<b>63.13-2-71</b>	<b>\$659.29</b>

**MOTION: Trustee Cohen**

**SECOND: Deputy Mayor Brock**

**The Board was polled and voted 5-0 to approve Resolution No. 2016-60.**

6. **Resolution 2016-61** to refund an erroneous \$42.65 tax late payment.  
**RESOLVED that Accumatch Tax Service be refunded \$42.65 which was erroneously paid in addition to the base tax bill.**

**MOTION; Trustee Cohen**

**SECOND; Deputy Mayor Brock**

**The Board was polled and voted 5-0 to approve Resolution No. 2016-61.**

7. **Resolution 2016-62** to schedule a Public Hearing for September 15, 2016 at 8:00 pm to amend Local Law No. 22 of 1987, the Property Maintenance Code, as pertains to landscaping maintenance, debris and litter on private property.

- **Attorney Sevastian:**
- **The September 22, 2016 to take place on September 15, 2016.**
- **We need to amend the Resolution to September 15, 2016.**
- **Mayor Presti:**
- **Able to amend the law to say once the violation notice is posted on the property the Village can go and mow the lawn and then just bill the property owner.**
- **Makes the logistics a little bit simpler.**

**MOTION: Trustee Grant**

**SECOND: Trustee Cohen**

**The Board was polled and voted 5-0 to approve Resolution No. 2016-62.**

8. **Resolution 2016-63** to schedule a Public Hearing for September 15, 2016 at 8:00 pm to amend Local Law No. 5 of 1987, entitled “Regulating, Licensing and Restricting Peddlers, Vendors and Solicitors”, as pertains to licensing requirements, restrictions on licenses, and the duration of licensing.

- **Trustee Miller abstained from voting.**

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

**The Board** was polled and voted **4-0** to approve Resolution No. 2016-63.

9. **Resolution 2016-64** to appoint Edward M. Manning III as a Member of the Zoning Board of Appeals through April, 2019.

**Mayor Presti:**

- Mr. Manning was serving as an Alternate.
- We had a vacancy.
- One of the regular members moved out of the Village.
- We are moving Mr. Manning up to regular status.

**MOTION:** Trustee Miller

**SECOND:** Trustee Grant

**The Board** was polled and voted **5-0** to approve **Resolution No. 2016-64**.

10. **Resolution 2016-65** to appoint Michael C. Grossman as Alternate Member of the Zoning Board of Appeals through April, 2020.

**Mayor Presti:**

- Mr. Grossman is a resident of the Village for a number of years since I believe the year 2000.
- Very interested in what's going on in the Village.
- I had an opportunity to speak with him.
- I believe he will be a true asset to the Village.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Miller

**The Board** was polled and voted **5-0** to approve **Resolution No. 2016-65**.

11. **Resolution 2016-66 Approving Abstract of Audited Claims.**

- Deputy Mayor Brock questioned the amount of money spent.
- So this money is not just going out, it is from the bond.

**Mayor Presti:**

- A lot of paving was being done and a lot of the money is coming from the Paving Bond and Chips money.
- **Lise Chanin – Treasurer** – It's coming from the Bond and a portion of the money is coming from New York State reimbursement for Capital improvement.

RESOLVED, that General Fund Claims set forth on pages 1 through 5 in the aggregate amount of \$98,112.49 as set forth on Abstract No. 2016-7 dated July 21, 2016, as submitted by the Village Treasurer, are hereby approved.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board** was polled and voted **5-0** to approve **Resolution No. 2016-66**.

**12. Open Floor: Public Discussion.**

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

- Thanked the Board for having Badger Street cleaned up.
- Commented on Zombie homes – they have been mowing the lawns regularly now.
- Questioned how long a “For Sale” sign or “Whoops, It’s Gone” sign can be left on a front lawn after house is sold?
- Complained signs are left four months.

**Mayor Presti:**

- Two to four weeks.
- Stated there are signs left at 14 and 15 Appledale Lane, Badger St.

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

- Complained about speeding buses.
- Was told to call police.
- Stated buses coming around 8:30 a.m. and 8:30 p.m. and 6:00 p.m. in the evening.
- Stated she saw the police.

**Trustee Cohen:**

- Asked if she knew name on the bus?

**Mayor Presti:**

- We have been in contact with the Ramapo Police Department.
- Explained that unfortunately we do not have our own Police department and staffing needs with the Town of Ramapo, we have to rely on the Town of Ramapo Police to send a patrol car when it is available.
- They have been sitting there.
- We will continue to be in contact with our community liaison.
- We had a complaint about N. Highland, Scotland Rd., S. Pascack and they have been sitting there.
- They will put the trailers periodically in different locations.
- They can’t be everywhere all the time.
- Mayor stated he will let them know.

**Trustee Miller:**

- If you have an I-phone, take a video.

**Ed Sheridan – 46 Pascack Rd., Chestnut Ridge, NY 10977:**

- A lot of things going on in the Village.
- The Mayor of Montebello has advocated a moratorium on building in Montebello and Ramapo.



- Last meeting you mentioned a Planning company with a Master Plan and a step back.

**Mayor Presti:**

- I will be addressing that.

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

- I am living next to a mess at 2 Hawk Street.
- Can anything happen to clean that mess up?

**Mayor Presti:**

- They have a “Stop Work Order” and were told not to go anywhere near that property.

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

- Speaking to Mr. Sheridan’s comments, I really believe Village should put a moratorium on building.
- It’s a great way for us to put a hold on what’s happening on the over growth here.
- Brought a copy of the Larchmont newspaper article.
- Stated on Fridays Monsey Trails drops people off with suitcases at 2 and 3 Spring Hill Terrace.
- I see cars and vans parked all over two and three apart on the lawns.

**Mayor Presti:**

- I would send some of our people there and give them a little education.

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

- With regard to 3 Spring Hill Terrace, last time I was here, I asked the question about a garage being a requirement to a house.
- How could a Building Permit be issued where they are converting a garage to a spa and now the house has no garage?

**Deputy Mayor Brock:**

- I spoke to the Building Inspector.
- On the plans there is definitely going to be a two car garage.
- We have a law that says if you convert any garage to a living space, you must put a two car garage; it doesn’t have to be attached.
- If they build a two car garage, it must be used as a garage.
- Questioned if it could be used as a meeting room.

**Mayor Presti:**

- The way the plans that are submitted to the Village, it appears they will be able to do that within the perimeters of the property.
- I don’t know how many people use their garage for their cars; I do.
- The plans are saying it’s a garage; it is a garage.
- Whether you are going to have your filing cabinets in there, your lawn equipment, your tractors; if you have tables and chairs, you are in a gray area.

- There are currently no applications pending for that address.
- As of yesterday afternoon the Building Department does not have any application for any type of sub division, any type of site plan or any type of zoning at 38 Wilshire Blvd.
- There is no application for a permit to sub divide, to re-construct or pending.
- They may be emptying that house and they are allowed to do that without a permit.
- My suggestion is when you see something like that bulletin circulating; believe half of what you read, and nothing of what you hear.

**Deputy Mayor Brock:**

- I had a dumpster put on my property as I wanted to clean out my basement.
- It doesn't mean I was dividing my property, asking for a sub-division, or expanding my house.
- Until you see something being done other than stuff from the house being dumped into the dumpster there is nothing being done that's illegal.

**Walter Sevastian – Village Attorney:**

- If you buy a piece of property and put in a Land Use application to sub-divide everybody has a right to do that; it doesn't mean you're going to be successful in that application, but you have a right to do that.
- If someone puts a flyer out saying this is going to be sub divided, the Village can't say you can't sub divide.
- The Village of Chestnut Ridge by law entertains every application for a land use; be it an addition in a side yard, sub division on any piece of property, construction of a commercial building, construction of an Alzheimer's Assisted Living.

**Lee Grayson – 52 Wilshire Blvd., Chestnut Ridge, NY 10977:**

- We got the paper on 38 Wilshire Blvd.
- I have every reason to believe what it says is going to happen.
- On our street there are several "Stop Work Orders".
- A lot of work is being done and the property is going downhill.
- It makes no sense to build a house in a back yard where there is a house; that's going to open the flood gates to change the entire neighborhood.
- We live in a community where there is a lot of space, that's why we want to live here.
- There are buses speeding.
- People are not maintaining their property; toys are in the street.
- You drive around the corner from Wilshire, the street is blocked off.
- People are circumventing the laws when it comes to the house.
- I think the Board should take notice.

**Deputy Mayor Brock:**

- In our Zoning Code an area is zoned for a certain amount.
- My house is on an R-25, I can put one house because that's what it's zoned for.
- If you're in a neighborhood it is zoned for a particular amount.
- You can put one house on a property that's zoned for that amount of square feet.

**Mayor Presti:**

- I understand what your worry is.
- You have to also understand that the Village has regulations addressing what you can put on a particular parcel.
- In this particular instance, if this property owner wants to go before the Planning Board to sub divide their property, not only are they going to have to go before the Planning Board, they will have to go before the Zoning Board to get approved variances.
- You are making the assumption they are going to get whatever they want and walk away, no problem.
- I have not seen that.
- I've lived in this Village since 1995.
- Applicants come before the respective Boards and all boards are conscientious and they are thorough.
- They follow the Village regulations in accordance with the law.
- Just because you apply for it doesn't mean you are going to get it.
- The Village regulations state that you can only put 10 lbs. in a 10 lb. bag and to date that is what we are trying to do.
- Are there going to be some people who play fast and loose with the law, yes there will be.
- That's why we have a Building Department and a Code Enforcement Officer and they look and they follow up.

**Lee Grayson – 52 Wilshire Blvd., Chestnut Ridge, NY 10977:**

- Wanted to know whether Building Inspector or Code Enforcement Officer go during the evening when the work is being done.

**Mayor Presti:**

- We have three full time employees in this Village.
  - Our Code Enforcement Officer and Building Inspector are part-time employees that work during the day because that is when most of the work in the Village is being done.
  - Are there some people who like to do mid night construction?
  - You are 100% correct.
  - You have to call the Police as there is no one in Village Hall.
  - If you call Village Hall and leave a message we send the Building Inspector out to go check on it.
  - We are in the process now of trying to periodically have the Building Inspector or Code Enforcer Officer work off hours.
  - I cannot tell you when as that would defeat the whole purpose.
  - I assure you that they are going to be working other then 9 a.m. to 3 p.m.
  - We do appreciate your concern; we are all on the same page.
- 
- **Amit Shah – 18 Midway Rd., Chestnut Ridge, NY 10977:**
  - Complained of school buses going really fast.
  - Potholes on Midway Rd.

**Mayor Presti:**

- We are going to continue to monitor it.

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

- Wanted to know how long a permit is good for?
- 9 Oriole has a big ditch and there is no fence around it.

**Mayor Presti:**

- A permit is good for two years from when they apply for the permit.
- If they want to extend it they have to give a reason why.
- What happens is they have to pay the appropriate fees to renew it.
- We have to re-inspect.
- In all fairness, sometimes things take longer than expected.
- We will look into that to see what the safety requirements are.

**Trustee Cohen:**

- It's expensive to extend it; there are fees.

**David Halpern – 20 Midway Rd., Chestnut Ridge, NY 10977:**

- Wants Speed Bumps.
- I think the concern having snow plows go over the bumps is less of a concern than having a child get hit.

**Mayor Presti:**

- We will consider it but I will state again, from a traffic safety and planning standpoint, speed bumps are not looked upon positively, currently.
- In Montebello, they are removing some of them.

**Walter Sevastian:**

- In Nyack, they put them on High Avenue.
- A lot of people hit them and we get a lot of complaints.
- It is very difficult for people who live next to them.

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

- I will keep an eye on midnight construction.
- Bring it to the attention to the Building Inspector and Code Enforcement Officer.
- Does the Village have a Fire Inspector?
- 750 Chestnut Ridge Rd. had an issue with the possibility there was no sprinkler system.
- I remember leaving a message for Adam Peltz.

**Mayor Presti:**

- Our Building Inspector is certified to do Fire Inspection.
- As we speak, we are in the midst of interviewing for our own Fire Inspector.
- It's been very difficult to find someone.
- I would hope in a couple of weeks, we will have a person devoted just to Fire Inspection.

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

- Wanted to know if we had any knowledge of the house on Appledale Lane and Grotke Rd?

**Dominick Tannariello – 14 Midway Rd., Chestnut Ridge, NY 10977:**

- Is it legal for school bus to make a U turn in the middle of the street?

**Mayor Presti:**

- According to the traffic laws of New York State I am told by the Police it is not illegal.

**Barbara Spieler – 4 Eldorado Drive, Chestnut Ridge, NY 10977:**

- I know there was a “Stop Work Order” on that massive house.
- I was told there was a loop hole. That was the answer I was given.
- How did it go through that the front of the house was allowed to be taken down, when it was only an addition?
- This huge basement is being built to get through in terms of the way it looks for the people in back and on the side.
- I would call it a small town piece of property.
- The builder or the general contractor told me he was leaving the front up and then he was allowed to take it down.
- Complained about the buses telling one another that there is a cop watching everyone speed; complained about the trucks.

**Mayor Presti:**

- The basement is being built according to plans that are legal currently.

**Walter Sevastian – Village Attorney:**

- I’ve said this before; Zoning in any municipality is about uses, dimensions; how big you can go, how close to the side, how close to the rear.
- In Chestnut Ridge you’re very fortunate to have larger properties.
- When you go to build something on a property you develop a site plan.
- It’s sort of like an aerial drawing of a property.
- There is a building envelope; you take the closest you can get from the front, to the side, to the rear.
- People come in and put in an application to build within that envelope; it is legal.
- You are asking a question of why the Zoning laws were written like they are.
- Over the years zoning laws can get amended.
- But the basic dimensional requirements that exist in Chestnut Ridge have been there for a long time.
- In past times, when people came to build houses, maybe they didn’t take advantage of the full building envelope.
- As time goes on, people read the law, they do what the law allows; they push the limits of the law in all real estate transactions.

**Trustee Miller:**

- I've seen this in a lot of neighborhoods where a lot of the homes that have been there originally become tear downs.
- The property is worth a lot more than the home.
- The home is not satisfying the people that can now afford it.
- They actually build within the entire envelope.
- I was Chairman of the Zoning Board we were very careful to look at houses.
- The Zoning Board is there to grant relief from the Zoning code.
- But you have to show good cause.
- That good cause entails you show a number of factors.
- One is you won't create a radical change to the neighborhood; that is only one factor.
- There are other factors that the Zoning Board considered before they approved a variance for a home.
- I've seen a number of homes being built, larger and larger; I understand it.
- A lot of homes were built small and did not take advantage of what they could have done.
- You could have 5,000, 6,000 square foot homes you've never seen before.
- My last case before I came on this Board, there was an expert that came in and identified a number of homes in excess of 5,000 square feet; all legal.
- We had the foresight to say we want certain side lots open, back lots open, front lot opens so that you had open air; that's what is important to the Village.

**Deputy Mayor Brock:**

- I spoke to the Building Inspector and he said to me that the contractor called him and showed him when he saw the original foundation of the house; it was not done with a steel structure which is an absolute violation of our code.
- In order to get the whole foundation up to the standard of our code, he had to take that down, the façade in order to put in the steel foundation.
- I spoke to the Building Inspector and said, what you must make sure is when you build that the front of that house it looks like a single family home as it did before so that it fits into the neighborhood.
- He assured me it would done that way because that is what the plans said.
- He goes out periodically to check that site.
- I complain as you do; I do all the complaining that you are doing right now.
- He said it will take about two and one half weeks; the dirt pile will be gone because the foundation will have been put in.
- Believe me our concern is your concern.

**Trustee Cohen:**

- That new house has to be built up to current standards.
- Our Zoning code calls for that house to go before the Architectural Review Board so that it conforms to the neighborhood.

**Barbara Spieler – 4 Eldorado Drive, Chestnut Ridge, NY 10977:**

- Asked why an amendment isn't looked into that can stop these massive structures?

**Mayor Presti:**

- Sure, we change the Zoning code and that means probably half of the folks here in this room are going to be in violation of the Zoning code.
- That means anytime they want to build a deck, an addition to their home, any type of construction, they are going to have to go before the Zoning Board because now their homes are considered in violation, non conforming.
- If people want to build their house that says they can have a 4,000 square foot home or a 5,000 square foot home, that is their right, they can do that.
- The fact that the house is bigger than what was there before, that is the nature of the beast.
- I'm sorry you don't like to see this, but technically it is in accordance with the law.
- If we change the law that says from now on the biggest house you could build is 2,500 feet, anytime you want to do something to your house and you have a 3,000 square foot house you have to apply to the Zoning Board.
- You're not going to like that. It's not that easy.
- That means when you go to sell your house, there may be a problem because you're not in conformance with the Zoning law.
- You are taxed accordingly for it; they will live in the house they want at their size; that is their right.
- They will live in accordance to the law.

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

- Is this property at the present time still built as a one family house (27 Eldorado Drive)?
- I wake up every day listening to the noise and constant banging.

**Mayor Presti:**

- No variances; right now they have the appropriate permits and the application for the permit is that it is a single family home.
- The Building Inspector checks periodically; the way they are progressing.
- We cannot anticipate that someone is doing something right now and in three weeks they are going to do something else, so we should do something about it right now; we cannot do that.
- All we can do is follow the law; making sure that the law is being enforced equally to everyone and we do the best that we can do to inspect.
- There are going to be some people who play fast and loose with the law, sure.

**Allan Berger – 8 Amber Ridge Rd., Chestnut Ridge, NY 10977:**

- What is being built across from M&T Bank?
- Thought there was no notices.
- Asked if the Orthodox population was involved in the Faist Ambulance Corps?
- Complained about the buses telling one another that there is a cop watching everyone speed; complained about the trucks.
- Asked if the Board knew anything about the Gould property?

**Mayor Presti:**

- The Town of Ramapo bought that property and gave them the property.

- They are going to put up a new structure and knock down the old one.
- The squad is comprised of ethnic gender backgrounds.
- The Gould property is in the waiting stage.
- There are no applications pending.
- The developer, as I understand it, is still trying to figure out what they want to do.

**Trustee Miller:**

- There were some conditions that they really have to service this Village.
- This will be their primary village.
- They will service other villages.
- There were a lot of notices that went out to the surrounding area.
- I was Chairman of the Zoning Board when they came before us.
- I think it was the most variances we've ever granted in any application.
- There was so much public support for it; so much good that it does to the area.
- We kind of said this is an exception to the rule; we would not do this ordinarily.
- They service the community so well.
- It is going to be a state of art facility; they explained everything that is going into it.
- Way beyond what they have now because they don't have the room.

**Trustee Cohen:**

- One of the founders of the Village, a former Planning Board member, a Zoning Board member, and Trustee was a founder of the Faist Ambulance Corps.; I would say in the early 1970's.
- It came to my rescue on one occasion and many of our neighbor's rescues.
- The squad is an essential part of our Village and they are looking to expand and become more effective.

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

- Questioned the May Village Board Minutes.
- Stated it talks about construction having three feet above ground and six feet or five feet below ground.
- Various places it talks about a requirement of three feet above ground.
- Questioned if it is three feet above ground she envisioned a room three feet above ground and stated that was illegal.
- Stated you can't get out of a three foot window.
- Questioned if it's three feet above ground and you have five feet below ground you have to get up five feet to get out of a window three feet.
- Stated her house has a three foot window on elevation like that.
- Stated she was grandfathered in, so she would not have to change her window until she did any kind of construction.

**Attorney Sevastian – Village Attorney:**

- There are other ways you can construct things to get access out; even subterranean.
- You can have a bigger window that's partially above ground, partially below; sort of a little vestibule area dug and you can get out that way.



- The context of your question is; there is a proposal to look at the local law that deals with work area of a house counts as square footage for the purpose of a calculation of floor, area ratio.
- That was a draft of the law circulated to Rockland County and now to other municipalities looking at perhaps allowing people to add space to their home so that maybe it would reduce the mass that's built above ground.
- If that was allowed, that law is not a law; it just a draft going around to get input from Planners, from Planning Board Members, from County, The Village of Airmont waved it.
- If such a space was to be constructed we would have to comply with the New York State Building and Fire code and that ingress and egress that you're talking about.
- There are other ways to do it other than crawling up from the inside and jumping out a three foot window.
- They can construct ways out now that probably didn't exist before.

**Trustee Miller:**

- We were trying to come up with a definition of floor, area, ratio that would solve a number of problems; but if it is going to be living space down there it has to comply with the requirements of living space.

**Walter Sevastian – Village Attorney:**

- County Planning looked at the law; they thought the concept was a good idea.
- But if you're going to do it, you are going to have to comply with the NYS Building and Fire Code.

- **Motion to Close the Open Floor Public Discussion.**

- Trustee Cohen
- Trustee Valentine

**The Board was polled and voted 5-0 to Close the Open Floor Public Discussion.**

**Motion to Adjourn Meeting and Go Into Executive Session.**

- **Trustee Cohen**
- **Deputy Mayor Brock**
- **The Board was polled and voted 5-0 to Adjourn the Meeting and enter into Executive Session.**

**MEETING ADJOURNED: 9:15 P.M.**

**EXECUTIVE SESSION ENDED: 9:40 P.M.**

**Respectfully submitted:**

**Florence A. Mandel  
Village Clerk**

Motion to Close the Open Floor Public Discussion.

MOTION:

SECOND:

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

Motion to Adjourn the Regular Meeting and Go Into Executive Session.

MOTION:

SECOND:

The Board was polled and voted 5-0 to Adjourn the Meeting and go into Executive Session.

14. Executive Session – Discussion of Pending Litigation.

15. Motion to Adjourn.

---