

MINUTES OF THE BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE
SEPTEMBER 28, 2017

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on September 28, 2017 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

ABSENT:

WALTER R. SEVASTIAN	-	VILLAGE ATTORNEY
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PRESENT:

FLORENCE A. MANDEL	-	RECORDING SECRETARY
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1. Pledge of Allegiance.

2. Mayor's report.

- Mayor had the opportunity to attend the Fireman's Parade.
- They did a great job.
- We should be very proud of the Fireman in the Village in addition to the six divisions.
- It was a very nice day and they were very hospitable.
- They put on a very nice show and presentation.
- Had chance to see what equipment they have.
- Can't thank the Fireman enough for what they do.
- They had beautiful fireworks at the end.
- Very nice that they invited the Village staff and Trustees to attend.
- They presented the Village with a nice American Flag in a beautiful box at the Village Picnic on September 17, 2017 thanking the Village for accommodating the parade and the event.
- We had our picnic on September 17th.
- Nicely attended once everyone was there.
- Thought that everyone had a good time.
- The petting zoo, unofficial mascot is that little donkey who almost went on Appledale Lane.
- We thank everyone for their contributions to the Village to help with the picnic.
- The Historical Society of Rockland County is going to do a historical tour of Chestnut Ridge on Saturday, October 17th; site in Chestnut Ridge, Duryea Farms, Threelock, Dexter Park, Children's Park
- October 1st is Sunday with the Mayor for folks who want to come out and chat.

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

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

- Wanted to know when Resolutions were passed?
- If Resolutions pass, how long before they take effect?

Mayor Presti:

- Once Resolutions pass it is almost immediate.
- We had a little bit of a bump in the road in regard to the Public Notices being published, and so we are going to keep open items 6, 8 and 9; until October 19, 2017; item #6 – Site Development Plan Review, item #8 – Rental Registry Law for the Village of Chestnut Ridge, item #9 – Entity Disclosure Law for the Village of Chestnut Ridge.

Motion to Close the public discussion on Agenda items only.

MOTION: Trustee Miller

SECOND: Trustee Cohen

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

Agenda Items only.

4. Minutes of Previous Meeting, August 17, 2017 Approval of Minutes.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 4-0 with Mayor Presti abstaining as he was not present on August 17th, to Approve the Minutes of August 17, 2017.

MAYOR PRESTI INTRODUCED COPTIC CHURCH:

5. Presentation of the Application of the Coptic Orthodox Diocese of New York and New England for a Special Permit to construct a new church and related education building, at the premises located at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-1-59, 60), in the R-40 Zoning District).

Terry Rice, Esq. – Rice & Amon – 4 Executive Blvd., Suffern, NY 10930

- This is the second go around. We got fairly along in the process about ten years; for various reasons did not proceed with it. We are back with I believe an approved product.
- Church is on an 11 acre site, 52, 000 square feet; 2 story, main worship space with a mezzanine with a maximum capacity for approximately 800 people. Not expected to be utilized very often.
- Lower level will house the church's social activity space.
- Nursery for approximately 70 children.
- Church will be connected to a two story educational building, Sunday school classes, nursery school.
- Entrance located on Chestnut Ridge Rd. serviced by a 24 foot wide, two way road.
- A gated entrance from Lynn Drive will be used only as an access for emergency purposes.
- Parking for 192 vehicles in the main parking area located at the west end of the site with an additional land bank area on the north and south sides of the Church and Education Building in case it is needed in the future.
- Back in 2007, 2008, 2009 project received preliminary site plan and sub division approval from the Planning Board.
- They received Negative Declaration of SEQRA.
- The tall bell tower toward the entrance has been eliminated.
- The church footprint has a few minor changes as far as layout.
- The domes and roof profile has changed consistent with accordance to the Coptic religion.
- Barrel vaulted ceiling in the main church.
- The Church is set on an east – west axis in conformance with basic Christian Orthodox planning tradition.
- Design of church implements the tenants of religion.

- There is a main dome which is part of the religious beliefs.
- The design of the seating space is designed to incorporate that.
- Two lower domes which are different than the main design located in the front of the church.
- Twelve windows below the main dome representing the twelve disciples of Christ.
- Two lower sanctuary domes.
- Widest part of the property has been designed for visual aspects of it with a significant amount of landscaping.
- Applicant obtained new Negative Declaration.
- Received approval of all variances that were necessary.
- At this point the Planning Board can't grant preliminary site plan approval until the Special Permit is obtained by this Board.
- Going through various discussions grant approval.
- We are hopeful for approval for Special Permit from this Board

Steven L. Grogg, Sr. Vice President McLaren Engineering Group.

- You'll see the church sitting up on the hill.
- Parking to the back of the church building.
- We've provided buffering and sufficient landscaping.
- There are two lots; there is a residential lot.
- There is a single family house off of Lynn drive.
- The gate is emergency entrance only.
- All access to the property is from Chestnut Ridge Rd.
- Showed diagram of elevation of building.
- The barrel roof of the structure is the same height – 44.25 feet.
- The height of the large dome is about 7 feet higher than the original; but we did get approval.
- There was a 54 foot bell tower Main roof barrel 44.25 feet, large dome 61 feet.
- We are putting in a driveway.
- The Firemen will either have keys, a lock box which they would have access to.
- Parent driven; nursery is pre-school.

Deputy Mayor Brock:

- "Yes, there will be a drop off by the nursery school".

Mayor Presti:

- We will have them come back on October 19th; give a wrap up of the presentation.
- You will have another opportunity.

Resolution No. 2017-69 to Schedule a Public Hearing on the Special Permit Application of the Coptic Orthodox Diocese of New York and New England.

RESOLVED that a public Hearing is scheduled for October 19, 2017 at 8:00 pm to consider a Special Permit to construct a new church and related education building, at the premises located

at 9 Lynn Drive and 711 Chestnut Ridge Road, Chestnut Ridge, NY 10977 (tax designations 63.09-1-59, 60), in the R-40 Zoning District).

The Board was polled and voted 5-0 to schedule a Public Hearing on Special Permit Application of the Coptic Orthodox Diocese of New York and New England and to Approve Resolution No. 2017-69.

MOTION: Deputy Mayor Brock

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Close the Presentation, approve Resolution No. 2017-69 and schedule again for October 19, 2017.

6. Public Hearing to consider a local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled "Site Development Plan Review" regarding an expiration date for Final Approved Site Development Plans.

Resolution No. 2017-70. Resolution adopting Local Law #2 (Site Development Plan).

Resolution to adopt Local Law ___ of 2017 local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled "Site Development Plan Review" regarding an expiration date for Final Approved Site Development Plans.

Mayor Presti:

- **Hold open for October 19th.**
- For one year with two six month extensions.

WHEREAS, the Village of Chestnut Ridge Planning Board referred a proposed local law to the Board of Trustees which would provide for an expiration date for Approved Final Site Development Plans which are not submitted to the Planning Board Chair for signature in a timely fashion.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to an amendment of the Zoning Code with respect to the proposed amendments to Sections 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled "Site Development Plan Review" regarding an expiration date for Final Approved Site Development Plans.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held at a regularly scheduled meeting of the Board of Trustees on September 28, 2017;

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

WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, At least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine Environmental significance) pursuant to G.M.L. Section 239-m;

WHEREAS, the comments of the Rockland County Planning Board dated June 8, 2017 approved the proposed local law without recommending any changes;

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

That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617.6[a][I][i]) as an "Action".

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

That the proposed Zoning Code amendment did not involve one or more other agencies (NYCRR §617.6[a][I][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 Zoning Code amendment was a preliminary classified as an "Type II" under SEQRA consisting of a change to the regulatory scheme in place in the Village pertaining to filing Approved Final Site Development Plans with no environmental impact.

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 amendments to the Zoning Code and their magnitude:

- a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.
- b. That the proposed amendments to the Zoning Code constitute a legislative act to amend

existing regulations in the Village Code; and that the amendments at issue, mainly administrative in nature pertaining to the timing of the submission of a Final Site Development Plan for approval, have no significant impact (adverse or otherwise) on the environment based on the criteria contained in NYCRR 617.7(c) and NYCRR 617.5(c)(27)), and are therefore not subject to review under SEQR

BE IT FURTHER RESOLVED that Local Law #2 of 2017 local law to amend Section 4 and 5 of Article IX of the Zoning Code of the Village of Chestnut Ridge, entitled "Site Development Plan Review" regarding an expiration date for Final Approved Site Development Plans, is hereby approved as drafted. **HOLD OPEN TO OCTOBER 19TH**.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to hold open until October 19, 2017.

[LOCAL LAW ATTACHED] #2, (SITE PLAN DEVELOPMENT)

7. **Public Hearing to consider a local law to amend the Zoning Code of the Village of Chestnut Ridge, Article VI, entitled "Supplementary Regulations", as pertains to modified Floor Area Ratio Requirements for Single Family Residences with Deep Cellars.**

Mayor Presti:

- Sent out letters for various comments to various agencies according to law.
- New applications and for new construction only.
- Law is actually expanding .05 thru inspection and application from the building department.
- It may be structurally challenging to the floor area ratio to accommodate.

Edward Sheridan - 46 Pascack Rd., Pearl River, New York 10965:

- Wanted to know if the local law would affect any pre-existing homes?

Trustee Cohen:

- New project would be a new application.
- Doesn't affect any existing home.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Close the Public Hearing on Supplementary Regulations as pertains to Floor Area Ratio.

7. Resolution No. 2017-71

Resolution No. 2017-71

Resolution to adopt Local Law #2 of 2017, to amend the Zoning Code of the Village of Chestnut Ridge, Article VI, entitled “Supplementary Regulations”, as pertains to modified Floor Area Ratio Requirements for Single Family Residences with Deep Cellars.

WHEREAS, the Chestnut Ridge Village Board referred a proposed local law to the Village Planning Board regarding a proposal to modify the definition of Gross Floor Area in the Zoning Code to encourage property owners in residential zoning districts seeking to exceed existing Floor Area limits when undertaking construction projects to add the additional floor area predominantly below grade

WHEREAS, the Village Planning Board recommended modifications to the proposed legislation to limit the scope of the proposed changes;

WHEREAS, the Village Board of the Village of Chestnut Ridge adopted the Planning Board’s recommendation, and has noticed a Public Hearing with regard to an amendment of Zoning Code Article VI, entitled “Supplementary Regulations”, as pertains to modified Floor Area Ratio Requirements for Single Family Residences with Deep Cellars.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held at a regularly scheduled meeting of the Board of Trustees on September 28, 2017;

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

WHEREAS, at least 10 days prior to the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, At least 30 days before prior to the initial Public Hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, affected sections of the Village Code, the EAF & materials necessary to determine Environmental significance) pursuant to G.M.L. Section 239-m;

WHEREAS, the comments of the Rockland County Planning Board dated June 17, 2016 have been addressed by amending the proposed local law to mandate that any additional living space added pursuant to the local law’s provisions fully comply with the provisions of the New York State Fire and Building Code.

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

That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.

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

That the proposed Zoning 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 Zoning Code amendment was a preliminary classified as an “Unlisted Action” under 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 amendments to the Zoning Code and their magnitude:

- a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.
- b. That the proposed amendments to the Zoning Code will not result in an immediate impact on the physical construction of any existing projects pending before any land use Board (or other approval agency) in the Village of Chestnut Ridge as specifically relates to the quality of land, water, or air affected by such project. Furthermore, the proposed amendments to the Zoning Code will not result in any substantial adverse change to the existing ground or surface water quality or quantity in any future land use application.
- c. That the proposed amendments to the Zoning Code do not in any substantive way diminish the site plan review powers of the Planning Board.
- d. That the findings of the Planning Board, as well as those of the Rockland County Department of Planning are incorporated in to this resolution by reference.

BE IT FURTHER RESOLVED, the Village the Board of Trustees, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Zoning Code find and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Zoning Code.
- 2) That the Village Board of Trustees, based upon the text of the local law as referred to the Board by the Planning Board, the record created at the public hearing, the Village Board’s review of the site plan elements and the current review process contained in the Village Code, finds and determines that the proposed modification to the process to account for increases to the floor area in the R-35, R-25, and R-15 zoning districts will have no adverse effect on the environment that cannot be mitigated through the Site Development Plan review process.
- 3) That the Village Board of Trustees therefore issues a “Negative Declaration” under SEQRA.

BE IT FURTHER RESOLVED that the proposed local law amending the Zoning Code of the Village of Chestnut Ridge, Article VI, entitled “Supplementary Regulations”, as pertains to modified Floor Area Ratio Requirements for Single Family Residences with Deep Cellars, is hereby approved as drafted.

Local Law #2 of 2017

A Local Law to amend Zoning Code Article **VI** of the Zoning Ordinance of the Village of Chestnut Ridge entitled “Supplementary Regulations, to allow for an increase in Floor Area Ratio of residential Single-family detached homes under certain conditions.

A provision shall be added to Zoning Code Article VI, "Supplementary Regulations", as follows: (New text in italics)

5. Modified Floor Area Ratio Requirement for Single-Family Detached Residences with Deep Cellars

A. Where a single-family detached home is proposed to be constructed with a cellar in an R-35, R-25, or R-15 zoning district, the Building Inspector shall increase the maximum required floor area ratio by 0.05 if the following conditions are met:

(1) The Cellar must be contained entirely within the first floor footprint;

(2) The Cellar ceiling must at no point be more than three feet above finished grade of the ground adjoining the building and the first floor elevation must at no point be more than four feet above finished grade of the ground adjoining the building, except that the installation of window wells and exterior stairwells is permitted so long as the finished grade of the ground adjoining the window wells and stairwells is no more than three feet lower than the ceiling of the basement at any point;

(3) The average finished grade adjoining the building may be no more than five feet higher than the lowest curb elevation adjoining the lot;

(4) The first floor of the residence must not contain more than 40% of the total gross floor area of the building;

(5) Any floor area in a structure added pursuant to the provisions of this section must fully comply with the provisions of the New York State Fire and Building Codes.

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



PLANNING BOARD
Allan Rubin, Chairman
Marc Levine, Deputy Chairman
Myrna Arin
Antonio Luciano
Jeff Wasserman

December 1, 2016

Hon. Rosario Presti, Esq., Mayor
Hon. Members, Village Board of Trustees
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

RE: Proposed Local Law to Amend Zoning Code Definitions of "Cellar," "Story," and "Gross Floor Area"

Dear Hon. Madam and Sirs:

The Planning Board of the Village of Chestnut Ridge has reviewed the above referenced proposed local law #1 of 2016 referred via letter dated October 11, 2016. The Planning Board recommends AGAINST adoption of the proposed local law as currently drafted. While the Planning Board believes that in certain circumstances some limited relief is warranted to allow for slightly larger homes, the proposed code as currently drafted would require the Building Inspector to approve the construction of additions, alterations and new or replacement homes that could be grossly out of character with existing neighborhoods.

The Planning Board believes that the existing floor area ratio (FAR) of 0.2 in most residential zoning districts and 0.25 in the R-15 already allows very large homes relative to the average existing Village home. These existing FARs allow for 10,000 square foot homes on conforming minimum size lots in the RR-50, 8,000 square foot homes in the R-40; 7,000 square feet in the R-35; 5,000 square feet in the R-25 and 3,750 square feet in the R-15. Additionally, the Village contains a range of larger lots throughout all districts, which would permit even larger homes. For example, a 16,000 square foot home could be constructed on a two-acre lot in the R-35.

A reasonable mechanism to allow for larger homes for larger families may make sense under certain circumstances. However, the proposed amendments could result in unintended and potentially deleterious effects including but not limited to:

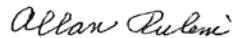
1. Individuals grading up the land around their homes to qualify existing ground floors as "cellars" in ways that look obviously artificial and out of character with the area topography;

2. Individuals adding an additional story(ies) to existing homes that do not match the architecture of the existing home resulting in odd or ungainly looking homes and contrasting significantly with the neighborhood;
3. Individuals expanding their home parallel to the road¹ so that these new structures are much longer along the street with smaller than typical side yards than existing structures, affecting the essential character of the neighborhood;
4. Individuals converting existing two-story homes into ranch-style homes over cellars, accommodating the full FAR within one-story with matching cellar space beneath, thereby essentially doubling the permissible square footage of the home²;

Given that the proposed amendments are integrated into the definitions of the code, future home expansion or construction will not require review by any land use Board with discretionary authority. Instead the Building Inspector will be required to approve any building permit that meets the proposed definition. This allows for no subjective determination to be made that the relief being given under this provision would not impact the neighborhood.

In summary, the Planning Board feels that persons with larger families are already able to find adequately sized lots in the Village that will allow adequately sized homes under current FAR standards. It is understood that zoning cannot foresee every potential application, and therefore the Zoning Board of Appeals offers some relief for larger homes to be built in unique circumstances. Finally, the Board believes that an alternative code provision that allows for larger home expansions subject to land use board review would be preferable to the proposed amendments, which provide no safeguard against unintended adverse impacts.

Very Truly Yours
VILLAGE OF CHESTNUT RIDGE PLANNING BOARD



Allan Rubin, Chairman

cc:\ Walter Sevastian, Esq. - Village Attorney
Paul Baum, Esq. - Planning Board Attorney
Florence Mandel - Village Clerk

¹ A residential building typically maintains one dimension at around 30 to 50 feet to allow all internal habitable spaces to have exterior window area to meet building code occupancy standards. This means that as buildings are increased in floor area, they are likely to grow in width or depth, but not both.

² For example a 5,000 square foot two-story home could add an additional story to increase size to 7,500 square feet, but it could also add an addition horizontally and adjust grades around the building to increase size to 10,000 square feet.

[Planning Board recommendation and Local Law attached]

MOTION: Trustee Miller

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to Close the Public Hearing to consider a local law to amend the Zoning Code of the Village of Chestnut Ridge, Article VI, entitled “Supplementary Regulations”, as pertains to modified Floor Area Ratio Requirements for Single Family Residences with Deep Cellars.

Resolution No. 2017-71 adopting Local Law #2 – September 28, 2017

MOTION: Trustee Miller

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to Adopt Local Law #2 – Supplementary Regulations FAR

Resolution No. 2017-72 – adopting Local Law. Hold over until October 19th.

Resolution to adopt Local Law #___ of 2017, to amend the Village Code of the Village of Chestnut Ridge to adopt a new chapter entitled “Rental Registry Law for the Village of Chestnut Ridge,” relative to regulating rental properties in the Village of Chestnut Ridge.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adoption of a new chapter entitled “Rental Registry Law for the Village of Chestnut Ridge,” relative to regulating rental properties in the Village of Chestnut Ridge;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held on September 28, 2017;

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that adoption of a new local law, entitled “Rental Registry Law for the Village of Chestnut Ridge,” is hereby approved as drafted.

[Local law attached]

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, NY 10977:

- Wanted to clarify numbers eight and number nine.
- Number eight is for rental only and number nine for any corporate ownership?
- If a corporation started buying up individual homes and accumulating them, they have to register in case we have maintenance problems?
- Wanted to make sure it wasn't only for rentals because we do have corporations accumulating homes.

Mayor Presti:

- Theoretically, you would have to be doing both a disclosure and rental registry as a corporation as opposed to you, Marc Levine, who just wanted buy a home to rent it out.

Deputy Mayor Brock:

- You want to have not just the name.

Paul Van Alstyne– 81 Summit Rd., Chestnut Ridge, NY 10977:

- Law has a lot of teeth.
- A Realtor could have their license subject to a claim if they break the rule.
- Thought it would be a good idea to connect with the Board of Realtors.
- The base fine is \$3,500.00.
- The regular guy in the street, he sees that, wow!
- Hopefully they will pay attention.
- You put in they have to live in Rockland County.
- What is the registration fee going to be?
- A lot of people have a Land Trust.
- Didn't see anything mentioned there.
- This is pertaining to Building Permits, new construction and ownership.
- When somebody has a property that they are renting they have to fill all this out and provide all this.

Trustee Cohen:

- We want to know who is the owner and it has to stay current.

Mayor Presti:

- Lawyers never like to reinvent the wheel.
- We are not known for high fees.

- We will probably do an audit for what other communities are charging and will probably have a consensus.
- Not supposed to be a revenue maker.
- The key is for accountability.
- We need to see who the principals are within the law.
- Full disclosure as who the principals are in the land trust.
- A disclosure is also for conflict of interests.
- Who are the principals with the trust?
- Different than a rental registry.
- If they are not in Rockland County they have to have someone that is.
- Standard operating procedure; realtors are supposed to know that.
- You're still going to have to fill out rental registry registration and a rental entity disclosure, who are the principals in the corporation.

Deputy Mayor Brock:

- Follow the rules and it won't cost you a dime.
- You want to have not just the name as a corporation.

Trustee Cohen:

- On rental properties we want to know who represents the owner.

Mayor Presti:

- Any entity.
- By law they have to have a name the agent.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to hold over new local law, entitled "Rental Registry Law.

8. Public Hearing to consider the adoption of a new local law entitled "Entity Disclosure Law for the Village of Chestnut Ridge" relative to regulating real property owned by corporate entities within the Village of Chestnut Ridge.

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

- Asked question on Resolution No. 2017-73.
- Regarding corporate entities, what about a religious entity?

Trustee Miller:

- So there is no misunderstanding, the Entity Disclosure liability corporation

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to Hold Open the Public Hearing on the "Entity Disclosure

Law". until October 19, 2017.

9. **Resolution 2017-74. Resolution to approve an agreement with "B&B Pools" to winterize the water feature in the Village Park for the amount of \$305.00.**

MOTION: Trustee Valentine

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve agreement with "B&B Pools.

10. **Resolution 2017-75. Resolution pursuant to Local Law #13 of 1987, entitled "Vehicle and Traffic Local Law of the Village of Chestnut Ridge", implementing street parking regulations on Hubert H. Humphrey Drive.**

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to Approve implementing street parking regulation on Hubert H. Humphrey Drive.

11. **Resolution 2017-76. Resolution approving Agreement with Bullet Security, Inc. in the amount of \$395.00 to connect the 500 Building to 44 Control.**

Mayor Presti:

- **In the past it's always been a rental building.**
- **We are going to be utilizing the 500 building for Village purposes.**
- **Not fiscally prudent for us to use as a Rental Building.**
- **We will keep information, records, etc. in there.**
- **The Village needs the extra space.**

RESOLVED that an Agreement with a current Village vendor Bullet Security, Inc. to connect the 500 Building to 44 Control is hereby approved.

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2017-76.

12. **Resolution 2017-76. Resolution approving Agreement with Bullet Security, Inc. in the amount of \$395.00 to connect the 500 Building to 44 Control.**

RESOLVED that an Agreement with a current Village Vendor Bullet Security, Inc. to connect the 500 Building to 44 Control is hereby approved.

MOTION: Trustee Cohen

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2017-76.

13. Resolution 2017-77:

Resolution amending 2017-2018 Landscaping and Snowplowing contract with All County Property Management Inc.

WHEREAS, the Village Clerk has previously sought proposals for professional services regarding landscaping and snowplowing of municipal property, and

WHEREAS, All County Property Management Inc. submitted the lowest responsible proposal and the Village Board would like to continue the contract for the 2017-2018 season.

THEREFORE, BE IT RESOLVED That the Mayor is authorized to execute a contract with Pro-cut Lawns and Landscaping for Landscaping and Snowplowing of municipal property at a total cost of \$10,850.00 (plus snow removal at the Village property will be billable on a per storm basis), subject to the approval of the contract terms by the Village Attorney.

MOTION: Trustee Miller

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to approve Resolution No. 2017-77.

14. Resolution 2017 -78. Resolution approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 4 in the aggregate amount of \$160,534.20 as set forth on Abstract No. 2017-9 dated September 28, 2017, 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. 2017-78.

15. Open Floor: Public Discussion.

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

- **Asked if the different department heads of the different Boards, Building, Zoning, and Planning Board meet together with the Board of Trustees so it is not in isolation?**

MAYOR PRESTI:

- **I think when I was on the Planning Board we got together with the Board of Trustees once or twice.**
- **The Zoning Board I don't recall really ever getting together.**
- **It's a good question, however nine out of ten times we don't do that because they're really independent Boards in that we respect what each Board does.**
- **We would normally meet if there is some type of issue that needs to be discussed.**
- **If there are issues that need to be brought back to the respective boards, the fact that the Village Attorney is also the Zoning Board attorney, and also the ARB Attorney, and the Planning Board Attorney, Paul Baum will speak to one another and they'll get back to us.**

- I think we're pretty good with regard to communication amongst the Boards.

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

- Didn't think it would be disrespectful to meet with the different departments.
- Felt it would help with transparency and everyone would be on the same page.
- Claimed after she attended a Village Board Meeting and they came up with a decision she attended a meeting at another Board and they didn't know what was going on.
- Felt if the different Boards were working in isolation, the people would be losing.

Mayor Presti:

- They are not departments.
- If the Board of Trustees does something, our result, the product of our discussion is filtered to the Boards.
- With all due respect to the Boards, maybe one or two of the Board members don't move as fast as the other Board members or the chair was.
- It's not like we do anything and they we put it on the side and eventually pass it along to the Boards.
- I understand what you are saying and it is something for us to consider.

Trustee Miller:

- As past Chairman of the Zoning Board, I would have opposed any set meeting or periodically with the Board of Trustees.
- We are not influenced by the Board of Trustees or what any other Board does.
- We have to work independently.
- The worst thing is that if anyone said because they didn't like a decision that we collusion with the other Boards of Trustees; It would be a very bad practice.
- As past Chairman of the Zoning Board I knew exactly what was going on.

Deputy Mayor Brock:

- I went to a Zoning Board meeting I was very truthful as a resident.
- I never once used my title.
- It's very important that each Board remain independent and not to influence any other Board.
- Someone could say, "Oh, you didn't like it because it's around the corner from you, so you went and you told the Zoning Board what you want them to do".
- We have to be very careful not to have meetings that seem like we are trying to influence.
- When you have meetings with all the Boards, they look at you as if you're saying, "this is what we want you to do."
- We are trying to do something with the Red Schoolhouse Corridor.
- We will have meetings to see what the best planning or zoning for that, is, not because we are trying to influence a particular project; you have to be very careful.

Trustee Cohen:

- We don't work in isolation because all the agendas, minutes and decisions of all the Boards

are circulated amongst ourselves.

- When a Board makes a decision and it's immortalized in their minutes, it's published on the web-site.
- We get e-mails with the various Board agendas, minutes and decisions; so we stay up-to-date with what's going on with the other Boards.
- Anytime we are considering a Resolution, we pass it onto the Planning Board for their input.
- Not only their input, but the Planner and our Attorneys all have access to this information.
- We get feedback.
- We have discussions amongst ourselves about differences of opinion and where it is going,
- When push comes to shove, it's always the independent Boards that make the decisions.

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, NY 10977:

- We don't work in isolation, but each Board has their own opinions.
- We can't know every single detail.

Trustee Grant:

- We have different people come in and speak to us.
- I think your comment is a good comment.
- I think the Mayor said we'd take a look at that and see where it goes.

Mayor Presti:

- For a meeting to run efficiently one person needs to speak at one time.
- This Board goes to great pains to make sure everyone has an opportunity to speak.
- Although we try to limit it for five minutes, I think people know we allow them to speak as long as they need to speak.
- If you feel like I blew up, I apologize for that.
- We cannot have a meeting where multiple people are speaking at the same time.
- I respect when someone speaks to me and I listen and when I respond I would expect the same.
- People cannot speak at the same time, it clouds the record and it makes a problem.
- If I cut you off prematurely, you are welcome to come back and finish your thought.

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

- Before anyone gets cut off they need to be allowed to finish what they have to say; and then there would be no need for the gavel and people need to keep their temper.
- People tried to interrupt me before, and I had to give the hand single, because I need to say what I have to say.

Mayor Presti:

- As the Chair, I run the meeting, so if I need you to "Stop", then for a moment you need to "Stop".
- So we stop talking over each other and we pick up the conversation where it needs to be picked up.

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, NY 10977:

- Someone handed me a packet from the Assessor's office with our tax exemptions.
- In reviewing it there are certain parcels that stand out as questionable; that have 100% tax exemptions.
- I feel as the Trustees you should look into this.
- I'm not going to be specific as to which properties, but the exemptions are for educational purposes.
- The reason why I question the educational exemptions are that an educational facility cannot exist in this Village, with a Special Permit and possibly the Planning Board approval.
- I come to a lot of these meetings, and I haven't seen this many Special Permits issued for educational uses, but yet these educational facilities are getting 100% exemption.

Mayor Presti:

- That is because the properties that you make reference to are owned by an educational institution.
- The disconnect that's being made is your presumption that if its owned by an educational institution there is a school going on in that dwelling; that is not the case.
- For instance, when Edmund Gould was in full swing there were two or three houses in my neighborhood that were owned by the Edmund Gould facilitation.
- They had staff in them; a Vice Principal, administrative person here and there.
- The properties were owned by Edmund Gould, and they were an educational facilitation, so they were able to obtain 100% tax exemption.
- The Vice Principal, who lived across the street from me, was not having classes in his home, was living in a home and had 100% tax exemption because the home was owned by Edmund Gould, and educational facility.
- To explain to you, Scott Schedler who has returned to the Town of Ramapo as the Assessor has a procedure and it was interpreted for less than a year when he left Clarkstown and returned.
- The Exemption Law is pre-set by NYS statute.
- When an entity makes an application for an exemption Mr. Schedler, number 1 looks who the entity is what they propose doing with that property.
- If it's an educational institution or a religious institution what are you using the property for?
- Part of the make a process is then what happens, I believe, every year they need to renew that application for exemption.
- What Mr. Schedler is in the midst of doing now is modifying that application process just a tad to have the applicant flesh out a little more as who is in those respective buildings.
- Yes, we have a Vice Principal, we have a Rabbi, we have a visiting Rabbi, whatever the case may be.
- So, Mr. Schedler does the initial vetting in accordance with State statute.
- If there is any question, with regard to the property and or its use, then Mr. Schedler would connect Lise Chanin, as Deputy Clerk, Village Treasurer.
- Lise would do her vetting, with regard to the property where is it located, what is the application for.
- If need be, then the Treasurer brings in the Building Inspector.

- Mr. Building Inspector, what's going on with this property?
- If there is issue or something going on with that property that is being applied for or being represented in that application for an exemption, and the Village doesn't have a record for, then the Building Inspector gets sent out. That's the process.
- So, you will see properties owned by the Salvation Army (not to pick on them), but we have houses owned by the Salvation Army and they have their staff living in there. They are not carrying on Salvation Army business in the Village.
- By the NY Statue they are entitled to the exemption they get.
- If there is a Congregation that owns a particular parcel on Wallace and they are getting a religious exemption of 100% and they have that letter filed by the Town of Ramapo that says they having a Rabbi living there, they are entitled to that exemption.
- If ABC Educational Institution has a house on Balmoral Drive and that's where they're housing their school principal living there, they are entitled to that exemption.
- That might be the disconnect when you see ABC carrying on classes on that property.

Marc Levine:

- You referred to Gould; Gould had their own school district.
- I would say any of the properties owned by the school district didn't have Village jurisdiction.
- But the rest of Gould came before the Village for site plan, possibly special permit, and was a legal entity.
- Such as Threefold Foundation; we have a full site plan for Threefold Foundation.
- If any new properties are added to Threefold and taken off the tax rolls, my feeling is they shouldn't be unless those properties are added to the site plan.
- I don't know what's going on these individual properties. They are marked as Educational and educational uses require special permit from the Village.
- That's what the exemption is for.

Mayor Presti:

- If educational use is going on in that building,
- Exemption is set by State statue.
- If you feel that's not legit, there's nothing we can do about that.
- Coptic Church; that house on Lynn Drive is not part of their site plan, they kept it separate.
- That's going to be an exempt property owned by a religious institution because they are going to have the Bishop living there.
- How about the Salvation Army house?

Marc Levine:

- Either going to be part of the site plan which would take them off the tax rolls or it would probably be listed as a parsonage and there is a Church to go along with it.
- I don't have a clue as to why the Salvation Army can be listed as a parsonage and get an exemption.

Mayor Presti:

- Because the State statue says it can.

Lise Chanin, Village Treasurer.

- I read through the statute.
- Like many laws they refer back to this one.
- If you have an issue, you go back to Section 4, a .24 which talks about parsonage.
- They own these properties.
- Part of the compensation for people who work for them is the housing is provided free of charge.
- Salvation Army, they are probably a non for profit.
- Most of the money goes to help people.
- It's the same idea as a parsonage.
- At the State level, the State law calls it a clergy residence (a residence for a non-profit).
- So the educational unit can be over in Wesley Hills, but the house they own is in Chestnut Ridge.
- It allows them the full exemption for a home they own, there is a little section in there, for further definition, it refers you to that for what you are allowed to do.

Marc Levine – 14 Lancaster Lane, Chestnut Ridge, NY 10977:

- So you are saying, just because the Assessor has it as an educational uses, it doesn't need a Special Permit.

Mayor Presti:

- What I am saying is if it's classified as educational owned premises, the assessor says, "why is it classified as an educational owned premises; who is in there?"
- That means the owner has to say we are housing our Principal in there.
- If they say we have our teacher in there who is teaching third grade, then it goes to the Village.
- There is a school going on in this home.
- Do they have a CO for it?
- If there is a particular use and they're looking for an exemption, Mr. Schedler will follow up with the Village to ask, "is there a permit for that use"?
- If they are applying under a use provision of some sort.
- The statute empowers the assessor to make the initial assessment of the parcel.
- He takes it as far as he can take it based on what is presented to him and based on the supporting documentation that is given to him by the applicant.
- Then he follows up with the Village and then there is a periodic review or renewal for that exemption.
- The Village would get that packet each year and the Village would get those exemptions.
- I would go through it and speak to the Treasurer and say, "I didn't know this was going on."
- Let's say a property has a school exemption because they are probably carrying on school.
- Are there buses dropping off and picking up kids, kids with back packs; is there unusual activity going on and being reported by the neighborhood?
- We rely on the community to let us know what is going on as it is impossible to patrol every house, every day, minute.
- I say this with love in my heart; our Village doesn't hesitate to call me.
- If there activities like that going on in the Village, we would probably know.

Deputy Mayor Brock:

- It's a loop hole.
- Is your question, should we rely on Scott Schedler?

Mayor Presti:

- He's got more skin in the game, making sure these taxes are being paid.
- Because the town taxes verses the Village taxes, is a big nut.
- When it came to tax assessment, Mr. Schedler has been viligent in what he does.
- That's what the law allows them to do.

Marc Levine:

- Church, synagogue or Mosque provide housing for their Priest, Rabbi, etc.
- Didn't believe it should automatically be tax exempt.
- Parsonages, where is the religious institution behind them; they don't exist.
- People are just taking their houses off the tax rolls because they're clergy.
- I think the Village or Trustees should question them.
- That the educational uses do they have to meet local zoning.

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

- In 2005, 2007 and 2009 I would go to all the meetings down at Ramapo.
- 3,143 counties that make up the fifty states.
- The three highest tax counties are one Westchester, number two Rockland and number three Nassau County.
- Every time we take someone off the tax rolls, we have to foot the bill.
- I know a pastor in Spring Valley. A church that had 100% tax exemption; then the clergy wasn't in there and they rented out the house to just a family paying no tax collecting over \$3,000 a month and I found out this was mushrooming all over the place.
- I share Marc's frustration; this should be scrutinized.

Mayor Presti:

- That would not happen now to that degree.
- The following year when they go to renew their exemption, they have to certify that their Clergy is still there and not terminated.
- They may be able to get out of paying taxes for the remainder of that year.

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

- Is there a ratio for the amount of tax exemptions allowed in the area?
- Is there a way to challenge this?
- Complained about buses flying through the neighborhood.

Mayor Presti:

- There may be a way to have you pay something,
- We have a very good relationship with the Ramapo Police.
- They may put up a speed trailer; 9 out of 10 times the speed slows down.
- We do try to respond as best as we can; we can't be everywhere all the time.

- We did send a letter to East Ramapo, we try at different levels.

Deputy Mayor Brock

- Get the name and bus number.
- The Village Clerk will often call the school.
- Once they passed universal busing, they can stop at every driveway.

Trustee Miller:

- We are very attuned to it; it's in my neighborhood, it's all over.

Paul Van Alstyne – 81 Summit Rd., Chestnut Ridge, NY 10977:

- I think the pressure has to be applied to the State.
- I don't have a quarrel with a legitimate person.
- We should ask our State Representative to help us out on that, not the Village.
- How much vetting is the Tax Assessor willing to do on these properties?
- We need to do it at the Assessor level and push the State on it.

Mayor Presti:

- The Village has a very good relationship with the Tax Assessor.
- The non profits have a better lobby than everybody else.

Richard Cunningham – 10 Appledale Ln., Chestnut Ridge, NY 10977:

- Thanked the Board for Rocky Rd. the bushes were trimmed.
- Complained about parts of the Village going downhill; people are leaving things all over.
- People are buying these houses, leaving toys, garbage, cardboard boxes, fertilizer bags, etc.
- 16 Appledale Lane is a disaster.

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

- On the Gould property are we up to speed with all the permits?

Mayor Presti:

- According to the Court order, we are following the dictates of the Court.
- As we go along, the proper building applications and permits are being made to the Building Inspector.
- As we go various CO's are being issued for the various buildings.
- They are following the dictates of the Court as well.
- We are trying to be as thorough as we can.

Motion to Close the Open Floor Public Discussion.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

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

Motion to Adjourn and Go Into Executive Session.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

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

MEETING ADJOURNED: 9:43 P.M.

EXECUTIVE SESSION ADJOURNED:

Respectfully submitted,

Florence A. Mandel

Village Clerk

Local Law #1 of 2017

A Local Law to amend Zoning Code Article VI of the Zoning Ordinance of the Village of Chestnut Ridge entitled "Supplementary Regulations, to allow for an increase in Floor Area Ratio of residential Single-family detached homes under certain conditions.

A provision shall be added to Zoning Code Article VI, "Supplementary Regulations", as follows: (New text in italics)

1. Modified Floor Area Ratio Requirement for Single-Family Detached Residences with Deep Cellars

A. Where a single-family detached home is proposed to be constructed with a cellar in an R-35, R-25, or R-15 zoning district, the Building Inspector shall increase the maximum required floor area ratio by 0.05 if the following conditions are met:

(i) The Cellar must be contained entirely within the first floor footprint;

(1) The Cellar ceiling must at no point be more than three feet above finished grade of the ground adjoining the building and the first floor elevation must at no point be more than four feet above finished grade of the ground adjoining the building, except that the installation of window wells and exterior stairwells is permitted so long as the finished grade of the ground adjoining the window wells and stairwells is no more than three feet lower than the ceiling of the basement at any point;

(2) The average finished grade adjoining the building may be no more than five feet higher than the lowest curb elevation adjoining the lot;

(3) The first floor of the residence must not contain more than 40% of the total gross floor area of the building;

(4) Any floor area in a structure added pursuant to the provisions of this section must fully comply with the provisions of the New York State Fire and Building Codes.

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

LOCAL LAW #_OF 2017, A LOCAL LAW TO ESTABLISH A "RENTAL
REGISTRY" PROCESS IN THE VILLAGE OF CHESTNUT RIDGE.

Chapter ____ . Housing Standards

Article ____ . Rental Registry

§ ____ . Legislative intent;

purpose. A.

This article shall be known and referred to as the Rental Registry Law of the Village of Chestnut Ridge.

IL

THE VILLAGE BOARD OF THE VILLAGE OF CHESTNUT RIDGE RECOGNIZES THAT THE
RENTAL OF

dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the Village of Chestnut Ridge. The state and local framework for regulation of multifamily or multiple dwelling buildings is in many and various respects not applicable to one- and two-family dwellings which are offered and utilized as non-owner-occupied residential rental dwelling units. The intent of this chapter is to create a registry to the offering for rental of dwelling units in one-and two-family residential buildings, so as to facilitate the enforcement of New York Building and Fire Codes as well as the Village Code of Chestnut Ridge in relation thereto in order to protect the public health, safety and welfare of the people of the Village of Chestnut Ridge and to achieve the following beneficial purposes:

ill_

The protection of the character and stability of residential areas;

fil

The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and

fil

The preservation of the value of land and buildings throughout the Village of Chestnut Ridge.

§ _____ . Definitions.

For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

IMMEDIATE FAMILY MEMBER

A parent, child, sibling, spouse, grandparent, domestic partnership.

LANDLORD AND OWNER

Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

OWNER-OCCUPIED

SINGLE-FAMILY RESIDENCES

For any rental property to be considered owner-occupied, the owner must prove that all individual title owners (including immediate family members) or all owners, partners, or shareholders of a corporation or other legally organized entity, actually have their principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of all individual owners, all partners, or all shareholders.

TWO FAMILY RESIDENCES

The primary residential living unit of the owner is located within the rental property.

At the request of the Village of Chestnut Ridge, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner-occupied.

PROPERTY MAINTENANCE

The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

RENTAL PROPERTY

Any house, structure, building or complex which contains a residential rental unit other than owner-occupied houses, structures or buildings.

RENTAL UNIT

Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to an individual or family units.

RESIDE

To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

TENANTS

Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

§ . Registration of rental dwellings; applicability.

Every owner of a one-family dwelling unit or a two-family dwelling unit in the Village of Chestnut Ridge, as defined in this chapter, who is engaged in rental occupancy of such premises shall register within 90 days of the effective date of this article on a form approved by the Village of Chestnut Ridge.

IL

It shall be unlawful and a violation of this article for any person or entity who owns or operates a dwelling unit within the Village of Chestnut Ridge to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy after the effective date of this chapter without having registered said dwelling with the Building Department, except as provided herein.

H

For the purposes of this article, "rent" shall mean a return to the owner or lessor of money, property or other valuable consideration for use or occupancy of a dwelling unit.

LL

This article shall not apply to hotels and motels when operating for their intended purpose within the meaning of state law and local zoning laws; hospitals, congregate care housing for seniors, assisted living for seniors, nursing homes and similar living arrangements; apartment houses, registered multiple dwellings, garden apartments, public housing owned and operated by governmental agencies; registered boardinghouses and registered rooming houses.

§ . Registration exemptions.

This article shall not be construed to require the registration of any residential rental premises in the Village of Chestnut Ridge so long as the owner of record maintains a bona fide occupancy of a dwelling unit on such premises.

IL

The occupancy of a room or rooms by an owner of record without self-contained living, cooking, sleeping and sanitary facilities shall not constitute sufficient bona fide occupancy to qualify for the exemption in this section.

H

In no case may more than one residential rental premises qualify for the exemption in this section by any one owner of record.

II_:

Unless owner-occupied, a corporation or any other organized legal entity shall not be eligible for an exemption under this article.

§ _____ . Registry form, filing, and fee.

It shall be the responsibility of the owner of each residential rental premises which is subject to the provisions of this chapter to timely file a registry application form with the Building Department for each premises, which form shall require the following information:

ILL

The name, address and telephone number and email address of the owner of record of the residential rental premises intended for rental occupancy.

ill_

The street address and Tax Map description of the premise containing the dwelling unit(s).

FIL

A description and location of the premises, including number of rooms, exits and stories, bathrooms and kitchens, and a sketch of each floor layout with dimensions, as well as lot size, drawn to scale.

FIL

Designation of an agent for notification and service of process where required by this chapter.

ill_

A statement of the owner attesting to the truth of matters asserted in the application and that to the best of the owner's knowledge no violations of village, county or state laws exist on the premises being registered.

® -

Such additional information as the Building Department or Code Enforcement Officers or the Village Board of the Village of Chestnut Ridge deems appropriate to the carrying out of the requirements and intent of this chapter.

The application shall be reviewed by the Building Inspector or his/her designee for adequacy. Should the Building Department determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the filing provisions of this chapter.

h

It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in the registry application has become outdated or for any reason is no longer accurate.

IL

Every approved application shall be valid for two years and shall be given a registry number by the Building Department which shall be valid for two years from the date of issuance. A copy of the approved application with the approval stamp of the Building Department, in original ink, issued to the property owner after satisfactory inspection of residential occupancy, shall be necessary to lawfully rent any residential premises in the Village of Chestnut Ridge.

IL

The Village Board of the Village of Chestnut Ridge shall set the application and/or inspection fee by resolution which may be amended from time to time.

§ _____ . Designation of agent by owner.

&_

Every owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Rockland shall designate an agent who maintains a bona fide residence in the County of Rockland. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.

IL

A designated agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.

H

No owner who designates an agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ _____ . Broker's/agent's responsibility.

&_

Broker's/agent's responsibility prior to listing. It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any broker or

agent to list, solicit, advertise, exhibit, show or otherwise offer for lease, rent or sale on behalf of the owner any dwelling unit for which a current rental permit has not been issued by the Building

Inspector or his/her designee. It shall be the broker's or agent's duty to verify the existence of a valid rental registration before acting on behalf of the owner.

1L

It shall be unlawful and a violation of this chapter to accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Village of Chestnut Ridge where no valid rental registration has been issued as required under this chapter.

H

In the event that a person convicted of a violation of this section shall have been a real estate broker or salesperson licensed by the State of New York, at the time such violation was committed, the Village Clerk shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and make complaint thereto against such licensee on behalf of the Village of Chestnut Ridge, pursuant to the provisions of Article 12-A of the Real Property Law.

§ _____ . Inspection requirements.

The Building Inspector or his/her authorized agent shall make provisions for the biennial inspection of each residential rental premises which is subject to the provisions of this chapter and shall notify each owner/landlord of each rental premises as to the time and place of such inspection. The inspection shall be for the purposes of determining compliance with Chapter _____ of the Village Code and other applicable laws and shall expressly include in each instance the determination of the presence of functioning and proper placement of smoke and carbon monoxide detectors as well as fire extinguishers pursuant to the provisions of state law and this Code.

1L

Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation of this chapter of the Village Code shall be remedied by the owner within 10 days of the issuance of such report. Failure to bring any dwelling into conformance with such report within 10 days of the issuance of such report shall constitute a violation of this chapter.

§ _____ . Application for search warrants.

At the request of the Inspecting Officer, the Village Attorney is authorized to make application to Justice Court of the Village of Chestnut Ridge or any other court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, Building Inspector, Fire Inspector or Code Enforcement Officer in order to conduct an inspection of any premises believed to be subject to the registry jurisdiction of this article. The Inspecting Officer may seek a search warrant whenever the owner or occupant fails to allow inspection of any rental dwelling unit where there is reasonable cause to believe that a violation of this article or a violation of the New York Uniform Fire Prevention and Building Code or of any code of the Village of Chestnut

Ridge has occurred after due notice has been sent by ordinary United States mail. The

application for a search warrant shall in all respects comply with applicable laws of the State of New York.

§ _____ . Public access to records.

Nothing in this article shall prevent any member of the public, prospective tenant or any resident of the Village of Chestnut Ridge from determining whether any particular rental property has been registered pursuant to this article. The general public shall have full access to said landlord registration statements upon filing of the proper Freedom of Information Act application.

§ _____ . Penalties for offenses.

&_

Any person or entity that shall violate any of the provisions of this article or who fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by:

QL

A fine of not less than \$3,500 and not exceeding \$5,000 upon conviction of a first offense.

iii.

A fine of not less than \$7,000 nor more than \$10,000 for a conviction of the second of two offenses, both of which were committed within a period of five years.

FIL

A fine of not less than \$10,000 nor more than \$15,000 for a conviction of the third of three offenses, all of which were committed within a period of five years.

IL

Each week a violation continues shall be deemed a separate offense subjecting the offender to additional weekly fines in the amount equaling the original fine.

H

The Village Board of the Village of Chestnut Ridge may amend the penalties by resolution.

§ _____ . Nonpayment of penalties.

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided by law, then the property covered by this article will be assessed for the unpaid penalties and shall be collected in the same manner and time as Village taxes.

LOCAL LAW # OF 2017, A LOCAL LAW TO ESTABLISH AN "ENTITY
DISCLOSURE" PROCESS IN CONNECTION WITH THE ISSUANCE OF APPROVALS
IN THE VILLAGE OF CHESTNUT RIDGE.

Section 1.

Chapter of the Code of the Village of Chestnut Ridge is amended by adding a new Article, designated as Article_ entitled "Entity Disclosure", to read as follows:

§_

Legislative Findings and Intent.

The Village Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all privately held and/or non- publicly traded entities making land use applications before the Village to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties.

The Village finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and

transparent government and land use applications can be promoted by enactment of this Local Law to require all privately held and/or non-publically traded entities making land use applications to supply information as to all limited and general members, shareholders, officers

and directors or any other authorized persons having control over such privately held entities who apply for approval in the Village. Such disclosure will inform the public and the Village concerning the names of individuals with a vested interest in land use applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the code.

Section 2.

§ Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them.

AUTHORIZED PERSON-Any person who is authorized to act or does act either alone or in conjunction with others, on behalf of an entity, or who has authority to direct, control or influence the entity in any manner.

APPLICANT-The legal, beneficial and equitable owner(s) of property seeking approval(s) by one or more land use board(s) of the Village, including the Village Board where applicable, in a land use application, including but not limited a contract purchaser or holder of an option to

purchase such property, and a person or entity authorized to make an process such a land use application on behalf of a legal, beneficial or equitable owner of property.

ENTITY-A limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, "doing business as" name or venture, association or non-publically traded corporation.

LAND USE APPLICATION-An application form and supporting documents submitted by an applicant for review and approval of a building permit, certificate of occupancy, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, or any other permit, approval or certificate required, necessary or requested for the development of land or construction.

§__ Requirement for disclosure

A. A land use application for land development or construction within the Village that lists an entity as the owner or applicant shall complete an Entity Disclosure Statement in a form approved by the Village Board from time to time by resolution, and provide all information required in said form. Said Entity Disclosure Statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Village.

B. In the event that, prior to issuance of a Certificate of Occupancy for any project under this article, a project that has previously received approval is in any manner transferred, whether by transfer of the property

or transfer of the management and/or operation of the original Entity making application to another Entity, the transferring Entity shall notify the Village and such succeeding Entity must fully comply with this article before any work on the project shall be permitted to proceed. It shall be the responsibility of both the applicant and the Entity to which transfer is being made, to notify the Village of any such transfer.

C. Said Entity Disclosure Statement shall apply to any land use applications, approvals or permission sought from the Building Inspector, Village Board, Village Planning Board, Village Zoning Board of Appeals, and the Architectural Review Board. The Village shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision map, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed Entity Disclosure Statement signed and either a sworn to or affirmed and submitted with said application to the respective Board.

D. An Entity Disclosure Statement is not required for any of the following activities:

1. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles.

2. Construction of accessory structures, other than garages, not in excess of 300 square feet.
3. Construction of outdoor decks, sidewalks, or porches;
4. Construction of outdoor swimming pools;
5. Installation of fences;
6. Interior or exterior remodeling of a single family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
7. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
8. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
9. Construction of a private shed not exceeding 300 square feet.

10. Other minor improvements to dwellings or residential lots with an existing

certificate of occupancy, after the Building Inspector has conferred with the Village Board, and the Village Board has rendered a determination that the improvement is minor in nature so as to constitute an exception to the Entity Disclosure filing.

Section 3.

§__ Penalties for offenses

A. Where an Entity or its representative(s) refuses or fails to provide the information required under this Local Law, the further processing of such application and any work related thereto ("the application") shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with the provisions of this Local Law. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another Entity during a pending suspension of the application under the Local Law, the application shall remain suspended until such time as the succeeding Entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this Local Law. The Building Inspector is authorized to issue a Stop Work order on any project where an application has been suspended under this Local Law.

B. Any Entity or representative of an Entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the

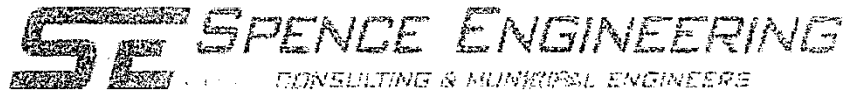
Village of a change in ownership shall, in addition to the suspension of any pending application as set forth in subdivision A above, be subject to a fine not exceeding \$5,000 for a violation of this Local Law. The Village Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this Local Law.

C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.

D. Civil Penalty: In addition to those penalties prescribed by herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for a civil penalty of not more than \$3,000.00 for each offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village. In any such proceeding to collect a civil penalty, the Village shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Village for expenditures for attorneys employed or appointed by the Village.

Section 4. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.



June 28, 2017

Mayor Presti and Village Board
Village of Chestnut Ridge
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Re: Review of Street Parking at Hubert H-Humphrey Drive, Village of Chestnut Ridge

Dear Mayor Presti and Board,

This office serves as Village Engineer for the Village of Chestnut Ridge.

We have been asked to review street parking conditions at Hubert H. Humphrey Drive. Our review includes discussion with Tony Sharan, Town of Ramapo Highway Department Superintendent. We offer the following:

HHD is a Village Road from Red Schoolhouse Road to where the Drive bends in the NE direction to access the residential community. The roadway serves the residential developments. There are grass islands that provide one way traffic on the west end where no parking is permitted and no changes are proposed.

At the end of the islands the road pavement width between curbs is 33' which is generous and it tapers to 26' at the east limits. On the North side there is a stretch of curbing with no driveways or drop , where on the South side there are driveways to access residential units. Our observations reveal that landscaping trucks/trailers use street parking to service the areas during the day. The residential units generally have sufficient parking on site for normal usage. Currently, there is one sign along the North side that restricts parking.

Parking on one side of the street (North) is recommended for parking. This will provide some street parking and minimize conflicts with driveways etc. No Parking signs should be added to limit parking where street tapers to 26' at the east limits and where the dumpster area is at the west limits.

I have attached a sketch for support information.

Upon your review and action, we can contact the TOR for signage field revisions.

Very truly yours,

-

Martin K. Spence, PE

- c. Florence Mandel, Village Clerk
Walter Sevastian, Village Attorney
Lise Chanin, Village Treasurer

1 of 2

86£ Allendale Road, Saddle River NJ 07458 Phone: (201) 934-0300 Fax: (201) 934-0320

Visit us @ www.spenceengineer.com

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