

BOARD OF TRUSTEES

OF THE
VILLAGE OF CHESTNUT RIDGE
["Zoom" Platform]

Regularly Scheduled Village Board meeting of March 26, 2020*

**Please note date change*

8:00 pm

**277 Old Nyack Turnpike
Chestnut Ridge, New York 10977**

PRESENT

ROSARIO PRESTI, JR.

MAYOR

GRANT VALENTINE

DEPUTY MAYOR

CHAIM ROSE

TRUSTEE

PAUL VAN ALSTYNE

TRUSTEE

WALTER S. SEVASTIAN

**VILLAGE
ATTORNEY**

ABSENT

RICHARD MILLER

TRUSTEE

FLORENCE A. MANDEL – phone in

VILLAGE CLERK

1. Pledge of Allegiance.
2. Mayor's report.
 - Village Hall closed to the public; any questions call; Village continues to operate.
 - Village needs to carry on its charge to keep government running, evidenced by being here tonight; room set up with plenty of social distancing.
 - System set-up in V/Hall vestibule for pick-up and delivery of items.
 - April 7th workshop is cancelled.
 - April 23rd next Public Board Meeting; usually re-organization meeting, will try to it keep light; have two Special Permit applications pending, applicants may be here on April 23rd; also, hope to adopt Budget.
 - Garbage to be picked-up throughout entire Village on Tuesday, April 7th.
 - Check the web-site or call regarding future meeting dates and Village operation questions.
 - Appointment re: vacant Trustee position: due to the retirement of Trustee Howard Cohen, honor and a privilege to appoint Chaim Rose as Village Trustee to fill vacancy; Chaim Rose has been a resident of the community for a number of years, recently member of the Architectural Review Board; as a gesture of welcome, seek to affirm appointment:
 - **MOTION TO AFFIRM:** Deputy Mayor Valentine
 - **SECOND:** Trustee Van Alstyne
 - Voted **3-0**

Trustee Rose: Thank you everybody very much. I look forward to working with you.

3. Approval of Minutes of Previous Meeting, February 27, 2020.

MOTION: Trustee Valentine

SECOND: Trustee Van Alstyne

The Board was polled and **voted 3-0 (1 Abstention: Trustee Rose)** to adopt Village Board Minutes of February 27, 2020.

4. Resolution No. 2020-14 Resolution affirming Chaim Rose as Village Trustee for a term to expire April 2021.

RESOLVED, that the Mayor's appointment of Chaim Rose as Village Trustee for a term to expire in April of 2021 is hereby approved.

- **Mr. Shimon Z. Rose – 9 Zachary Court, Chestnut Ridge, NY 10977** - wished his brother Chaim Rose good luck...we love you.
- **Mr. Joel Friedman – 6 Amber Ridge Road, Chestnut Ridge, NY 10977** - wished Chaim Rose good luck on his appointment...will definitely be an asset to the Village.

5. 2020 Village of Chestnut Ridge CDBG Public Hearing.

Motion to Open the CDBG Public Hearing.

Mayor Presti:

- No items pending.
- Village staff/Village Engineer to keep Village apprised for potential projects.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board voted **4-0** to open the Public Hearing on the **CDBG Public Hearing.**

Motion to Close the Public Hearing on the COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board voted **4-0** to close the Public Hearing on the CDBG.

6. *[On Agenda for continuing Public Hearing purposes only]*

- Public Hearing on Tentative Budget for fiscal year June 1, 2020 through May 31, 2021.

Mayor Presti: Gives explanations with what's gone on with the Budget.

- Taxes will be raised from 5% vs. 2% because of increases without accompanying revenues.
- On an average tax bill of \$500, 2% = \$10.00; on an average tax bill of \$500, 5% = \$25.00.
- Still one of the lowest Villages.
- Explained why appropriating funds from the Village's surplus balance; when Village established, every ton of garbage that went to the transfer station, the Village was paid a host fee, for a number of years, approx. \$150,000.00 to \$200,000.00, according to the Treasurer; every year for a number of years, taxes went down; then taxes stayed the same for a period of time.
- Lost the transfer station revenues of \$150,000.00 to \$200,000.00 due to changes arising out of new County Solid Waste regulations.
- About ten or eleven years ago taxes started going up.
- Concern re: rebates tied to the CAP.
- By raising taxes beyond CAP, would have affected STAR/loss of STAR Rebate.
- Because of revenues saved in previous years, able to put money in the bank and utilize appropriated surplus to a minimum.
- As we approach this Budget year, the STAR Rebate no longer tied to CAP.
- Plan is to reduce the need to appropriate from surplus.
- General insurance for the Village up ten or eleven percent; health insurance, approximately 2%
- Town of Ramapo Highway Agreement up 20% after years of no increase.

- Some anticipated revenues down, reduced our ability to generate surplus.
- Eliminated line item re: Deputy Building Inspector; eliminated line item for third Code Enforcement position, which would have been part-time.
- Now have one full-time Building Inspector position; one full-time Code Enforcement position and one part-time Code Enforcement position; will reduce the salary line which will in-turn reduce the need to look to our surplus and by raising taxes just a couple of points above the CAP (i.e. from under 2% to 5%), back on track to increase our surplus.
- The C/Virus will have an effect on sales tax revenue; people cannot shop, but may be balanced by internet sales which are now taxed.
- Safety inspections another area that might be affected by Virus.
- Will be able to do site inspections in May, not April.
- Staff increase of 2.25%; some staff higher adjustment.

Anthony Shaut – 23 Menocker Drive, Chestnut Ridge, N.Y. 10977:

- In a couple of years, change in the surplus, not having to dip into unappropriated surplus.
- Are there still going to be continuance of 5% every year?

Mayor Presti:

- Proposing 5% with this budget.
- Building fees may increase, and we recognize a little more revenue than we anticipated.
- Village is experiencing some good build out.
- Next year could start seeing an increase.
- Next year it could be 4%, 3%; depending on what happens fiscally; plan is to draw on less and less surplus.

Anthony Shaut – 23 Menocker Drive, Chestnut Ridge, N.Y. 10977.

- Does make sense to me.

Mayor Presti:

- No longer affects **STAR** Rebate.
- Albany can change their minds and say, we can attach rebate to **CAP** again.
- There is only so much we can anticipate, may have to find more savings.

Carol Jacobs – 55 Spring Hill Terrace, Chestnut Ridge, N.Y., 10977.

- Asked if there is a difference in tax rate if a development is on it; is it worth more?
- Development of houses, versus development of shopping center?
- Have we had increases; large houses being built vs. small houses?
- People making improvement to homes?

Mayor Presti:

- Tax rate proposed: 12.05.
- Developed land generates more tax revenue than undeveloped land.

Walter Sevastian – Village Attorney:

- Tax revenue based upon the value of the property.

Mayor Presti:

- Value of property: shopping mall look at rents, revenue derived; vacant property with trees or property with a warehouse, will vary.
- Taxes received re: residential vs. commercial development: ten-acre property sub-divided into ½ acre lots for residences, allow for roads, etc., maybe eight houses, won't generate the same as neighborhood shopping mall.
- We send Ramapo Tax Assessor lists; addresses, changes, etc.; Ramapo Tax Assessor will eventually re-assess taking into account improvement to new homes; results in increase in tax revenue.
- If unable to raise CAP, and unable to generate additional surplus, may have to sacrifice Village services.

Motion to Continue the Public Hearing on the Tentative Budget Until April 23, 2020.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted **4-0** to close the Public Hearing on the Tentative Budget.

- **Resolution No. 2020-15** Resolution continuing Public Hearing on Tentative Budget until April 23, 2020.
- **RESOLVED** that the Public Hearing on Tentative Budget for fiscal year June 1, 2020 through May 31, 2021 is continued until April 23, 2020.

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

The Board was polled, and voted **4-0** to continue until April 23, 2020.

7. *[On Agenda for continuing Public Hearing purposes only]*

Public Hearing for Special Permit Application of Threefold Educational Foundation and School – west side of Hungry Hollow Road (66.16-1-4 & 56) - request for a Special Permit for a new school of general instruction building (the “Otto Specht School”).

Motion to Continue Public Hearing for Special Permit Application of Threefold Educational Foundation and Otto Specht School until April 23, 2020.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Rose

The Board was polled and voted **4-0** to close Public Hearing until April 23, 2020.

- **Resolution No. 2020-16.** Resolution continuing Public Hearing until April 23, 2020
- **RESOLVED** that the Public Hearing on the Special Permit Application of Threefold Educational Foundation and School is continued until April 23, 2020.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Rose

The Board was polled and voted to Close and continue the Public Hearing until April 2020.

8. *[On Agenda for continuing Public Hearing purposes only]*

Public Hearing for Special Permit Application of Yeshivas Ohr V'Daas – 972 Chestnut Ridge Road - request for a Special Permit for a school for special education with a student body not to exceed 80 students.

Motion to continue Public Hearing Special Permit Application of Yeshivas Ohr V'Daas – 972 Chestnut Ridge Road - request for a Special Permit for a school for special education with a student body not to exceed 80 students

MOTION: Deputy Mayor Valentine

SSECOND: Trustee Van Alstyne

The Board was polled **4-0** to close the Public Hearing Special Permit Application of Yeshivas Ohr V'Daas – 972 Chestnut Ridge Road - request for a Special Permit for a school for special education with a student body not to exceed 80 students.

- **Resolution No. 2020-17 -** Resolution continuing Public Hearing until April 23, 2020, Yeshivas Ohr V' Daas is continued until April 23, 2020.
- **RESOLVED** that the Public Hearing on the Special Permit Application of Yeshivas Ohr V' Daas is continued until April 23, 2020.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted **4-0** to close the Special Permit Application of Yeshivas Ohr V'Daas is continued until April 23, 2020.

9. Public Hearing to consider adopting Local Law #1 of 2020, a Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on March 26, 2020;

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 found as follows:

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

That the proposed 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 preliminarily classified as a Type II action which is not subject to SEQRA.

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

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

- a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Village Code with a view to identifying potential environmental concerns.
- b. That the proposed amendment to the Zoning Code Zoning Code merely constitutes the adoption of a regulation, policy, or procedure in a local legislative decision with no effect on the environment (NYCRR 617.5(c)), and therefore constitutes a Type II Action under SEQRA, and that no further action is required under SEQRA.

BE IT FURTHER RESOLVED, that Local Law #1 of 2020, a local law Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c; is hereby adopted.

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

The Board was polled and voted to **4-0** to approve Local Law #1 of 2020.

Resolution No. 2020-18 Adopting local law.

Local Law No. 1 of 2020

VILLAGE OF CHESTNUT RIDGE LOCAL LAW NO. 1 OF 2020

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

BE IT ENACTED by the Village Board of the Village of Chestnut Ridge, Rockland County, New York (“Village Board”) as follows:

Section 1. Legislative Intent. It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge (“Village”) and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority. This Local Law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Village to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the Village Board.

Section 3. Tax Levy Limit Override. The Village Board is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability. If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its

application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date. This Local Law shall take effect immediately upon filing with the Secretary of State.

10. Resolution No. 2020-19 approving Abstract of Audited Claims

RESOLVED, that General Fund Claims set forth on pages 1 through 5 in the aggregate amount of \$483,496.37 as set forth on Abstract No. 2020-3 dated March 26, 2020, as submitted by the Village Treasurer, are hereby approved.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Rose

The Board was polled and voted **4-0** to approve the Abstract of Audited Claims.

11. Motion to Adjourn Meeting.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Rose

The Board was polled and voted **4-0** to adjourn the Meeting.

MEETING ADJOURNED: 8:52 p.m.

Respectfully submitted,

Florence A. Mandel

Village Clerk

Resolutions:

1. Resolution No. 2020-14. Resolution appointing a Village Trustee for a term to expire April 2021.

RESOLVED, that the Mayor's appointment of Chaim Rose as Village Trustee for a term to expire in April of 2021 is hereby approved.

2. Resolution No. 2020-15. Resolution continuing Public Hearing on the Tentative Budget until April 23, 2020.

RESOLVED that the Public Hearing on Tentative Budget for fiscal year June 1, 2020 through May 31, 2021 is continued until April 23, 2020.

3. Resolution No. 2020-16. Resolution continuing Public Hearing Special Permit Application of Threefold Educational Foundation and School until April 23, 2020.

RESOLVED that the Public Hearing on the Special Permit Application of Threefold Educational Foundation and School of is continued until April 23, 2020.

4. Resolution No. 2020-17. Resolution continuing Public Hearing Special Permit Application of Yeshivas Ohr V'Daas until Aril 23, 2020.

RESOLVED that the Public Hearing on the Special Permit Application of Threefold Educational Foundation and School of is continued until April 23, 2020.

5. Resolution No. 2020-18. Resolution adopting Local Law #1 of 2020, a local law Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

WHEREAS, the Village Board of the Village of Chestnut Ridge has noticed a Public Hearing with regard to the adoption of adopting Local Law #1 of 2020, a local law Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on March 26, 2020;

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 found as follows:

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

That the proposed 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 preliminarily classified as a Type II action which is not subject to SEQRA.

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BE IT FURTHER RESOLVED, that Local Law #1 of 2020, a local law Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Chestnut Ridge and to allow the Village to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c;, is hereby adopted.

6. Resolution No. 2020-19 – Resolution approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through ___ in the aggregate amount of \$ _____ as set forth on Abstract No. 2020-3 dated _____, as submitted by the Village Treasurer, are hereby approved.

Local Law:

Local Law No. 1 of 2020

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