

MINUTES OF THE BOARD OF TRUSTEES

VILLAGE OF CHESTNUT RIDGE

JUNE 20, 2019

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on June 20, 2019 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - MAYOR

GRANT VALENTINE - DEPUTY MAYOR

HOWARD COHEN - TRUSTEE

PAUL VAN ALSTYNE - TRUSTEE

WALTER SEVASTIAN - VILLAGE ATTORNEY

ABSENT

RICHARD MILLER - TRUSTEE

ABSENT

**FLORENCE MANDEL - VILLAGE CLERK
RECORDING SECRETARY**

PRESENT

**LISE CHANIN - TREASURER, DEPUTY
VILLAGE CLERK
ALTERNATE RECORDING
SECRETARY**

1. Pledge of Allegiance.

2. Mayor's report.

- Mayor welcomed everyone.
- Our village tax bills went out; people are starting to pay.
- Our Treasurer was able to keep it all together for us.
- We appreciate folks being prompt in sending in their payments.
- June, July and August, no Sundays with the Mayor; summer respite.
- Our picnic is September 8th; that will be my September meeting.
- Hope to see you all there at the picnic on Sunday, September 8, 2019.

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

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- Stated no information on the Village burial remains and filming.
- LED fixtures, assumed being done for efficiency.
- These lights can be extremely bright; residents requested them like the ones used in Brooklyn.
- Will residents have some say as far as the brightness is concerned?

Mayor Presti:

- Information will be on the Website; this is to set up a Public Hearing.
- In regard to the burial, we found out through an event that we do not have a local law that prohibits burying human remains on one's own premises.
- As a result of that event, that triggered us to ask the Village Attorney to draft a Village Law that human remains cannot be buried in the Village.
- Entities filming in the Village; we discovered our law could have been improved a little bit as far as fees, and things of that nature.
- The law was probably put together when the Village was first evolving.
- The purpose of the lighting is as a result of line of sight issues; that folks in particular areas, issues because of the grade.
- The Village Engineer determined particular areas could use the lights; we will be vigilant as far as the brightness is concerned.

Attorney Sevastian:

- There is no process; we are putting a process in place.

Motion to Close the public discussion on Agenda Items only.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 4-0 to Close the Open Floor Public Discussion.

4. Approval of Minutes of Previous Meeting, May 16, 2019.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 4-0 to approve the Village Board Minutes of May 16, 2019.

5. a. Mayor appoints Constantino Blasioli as Code Enforcement Officer II, full time, at a rate of \$35 per hour.

b. Resolution No. 2019-53 approving Mayor's appointment.

RESOLVED to appoint Constantino Blasioli to the position of Code Enforce Officer II, full time, at a rate of \$35 per hour.

- **Mayor Presti** – Mr. Blasioli now has gained the experience that County Personnel required. He will take the Code Enforcement test and hopefully he will be made a permanent position

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to approve appointment of Constantino Blasioli as Code Enforcement Officer II, full time.

6. Resolution No. 2019-54. Resolution to schedule Public Hearing for July 18, 2019 at 8:00 on a local law to amend the Property Maintenance Code regarding regulating the burial of human remains in the Village of Chestnut Ridge.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to Approve scheduling **Public Hearing** on a local law to amend the Property Maintenance Code regulating the burial of human remains in the Village of Chestnut Ridge.

7. Resolution No. 2019-55. Resolution to schedule Public Hearing for July 18, 2019 at 8:00 on a local law to amend the Village Code regarding regulating filming in the Village of Chestnut Ridge.

MOTION: Trustee Cohen

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to **Approve** scheduling Public Hearing on a local law to amend the Village Code regarding regulating filming in the Village of Chestnut Ridge.

8. Resolution N. 2019-56 – Resolution to ratify retaining Special Counsel to defend the matter of Kogut, Goodman, Asselbergs /CUPON v. Chestnut Ridge (Federal Ct. Action) at an hourly rate of \$250.00 per hour.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Valentine

The Board was polled and voted 4-0 to approve scheduling Public Hearing on a local law to amend Village Code regulating filming.

9 .**Resolution No. 2019-57** – Resolution to authorize the Mayor to consent to the Rockland County Agriculture and Farmland Protection Board to be lead agency for a SEQRA review of a project to establish a county-wide agricultural district (Village properties: 101 Ackertown Road, 80 Ackertown Road, 259-283 Hungry Hollow Road,163-185 Hungry Hollow Road, 286-294 Hungry Hollow Road).

MOTION: Deputy Mayor Valentine

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to consent to the Rockland County Agriculture and Farmland Protection Board to be lead agency for to be lead agency for a SEQRA review of a project to establish a county-wide agricultural district (Village properties: 101 Ackertown Road, 80 Ackertown Road, 259-283 Hungry Hollow Road,163-185 Hungry Hollow Road, 286-294 Hungry Hollow Road).

10. **Resolution No. 2019-58** – Resolution approving the purchase of LED streetlight fixtures from Orange & Rockland in the amount of \$4,056.00 (for Crooked Hill & Hungry Hollow Roads).

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 4-0 to Approve the purchase of LED streetlight fixtures from Orange & Rockland in the amount of \$4,056.00 (for Crooked Hill & Hungry Hollow Roads).

11. **Resolution No. 2019-59** – Resolution approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 2 in the aggregate amount of \$110,554.11 as set forth on Abstract No. 2019-6 dated June 210, 2019_, as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Cohen

SECOND: Trustee Van Alstyne

The Board was polled and voted 40 to Approve the Abstract of Audited Claims.

12. Open Floor: Public Discussion.

Lee March Grayson_– 52 Wilshire Drive, Chestnut Ridge, NY 10977.

- **Thought fee of \$250.00 an hour for Attorney was outrageous.**
- **Thought should be bid out for services.**
- **That’s how it’s done in New Jersey.**

Mayor Presti:

- You are incorrect, Mr. Grayson.
- Attorney's fees do not have to bid; they are considered professional services.
- 1. With a law suit, the complexity and when you have to answer; we do not have thirty, sixty, ninety days to go out for bids.
- You do not have to bid Attorney services; period, end of story.

Attorney Sevastian:

- OJC verses Chestnut Ridge.
- It did seek damages, therefore, it is covered by insurance.
- Kogut, Asselberg, Cupon, Goodman which was framed in a way that it didn't seek damages; therefore, the Village has to defend it; it is not covered by insurance.
- There is a commonality of issues, since our insurance is covering the other case, it makes sense to use a firm versed in the issue, that doesn't have to start from scratch and is familiar with it.
- We are attempting to compel our insurance company to defend it.
- Maybe somewhere down the road that will happen.

Lee March Grayson – 52 Wilshire Drive, Chestnut Ridge, New York 10977:

- Need ordinance that prohibits the wholesale slaughter of trees; what are you guys doing about it?
- The bright lights are getting brighter.
- Garbage in the streets, why can't new neighbors pick up their garbage?
- Speeding buses, hasn't been resolved.
- Young children unattended, standing in the middle of the street with traffic, no parents, this happened Friday.
- Very upset with the proposal of Red Schoolhouse Rd.
- There was a public meeting one or two years ago; we broke into groups, to talk Use about the planned Use of different properties; including the 28.3 acres that's now proposed to be a Yeshiva.
- You are taking twenty-three acres of property off the tax rolls, depriving revenue which means the public will have to pay for this; why wasn't the public informed about these plans for the property.
- What environmental studies were done before this proposal was made; was done?
- What about Stormwater run-off, excessive use of electricity, water, traffic studies, and the impact it's going to have on the Community?
- To be very blunt; how many Yeshivas do we need in Chestnut Ridge?
- They are not paying taxes.
- Would like an answer to what's been going on?

Walter Sevastian – Village Attorney:

- Sir, this is private property, someone bought it and put a Land-Use application in.
- Why weren't you informed what some private citizen wants to do with his property; maybe because you don't know them, neither was the Village.
- People are allowed to come to the Village and ask for approval of use of Land Use construction of land.

- That's what Zoning is all about.
- If someone wants to construct something on land, whether it's a Yeshiva or a Pizza Parlor they have to go to Planning, and follow through our process
- In that Zoning district, as in most Zoning districts, because of State law schools are allowed by right.
- You're asking that question, like the Village Board did something to you; this is a Land Use application.
- Are people supposed to be excluded from using their land, it doesn't make any sense.
- I represent the Board, so when I hear those comments, I have to respond.

Lee March Grayson – 52 Wilshire Drive, Chestnut Ridge, New York 10977:

- I was asking the Board who I pay taxes to, not the Board Attorney.
- The Board is supposed to represent me and all of us.

Mayor Presti:

- The Village Attorney responded to you with what people can do regarding their property.
- I am trying to answer your question.
- The Village Attorney answered your question.

Trustee Howie:

- You should listen to the Village Attorney.

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, New York 10977:

- Just for review a year ago the 23.8 acres of Walsky property was sold, Red Schoolhouse Rd. and De Salvo to an LLC.
- It has now come before the CDRC to process an Educational campus, with dormitories, 1,400 students, seventeen school buses, 6 days a week, and on national holidays and will likely be 100% exempt for property taxes and school taxes.
- Was the Board directly involved in the review and final approval in any way for sale?
- And we have no say in that; we never do.

Mayor Presti:

- We have no say; they come before respective Land Use Board and they make their pitch.
- The Board of Trustees has no extra ability to say "yes, you can do what you can do."

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, New York 10977:

- There is a great deal of large-scale development being planned or proposed for Red Schoolhouse Rd.
- Wellington Educational Campus, another Yeshiva up to 1,000 students that abuts the Middle School, on 10 acres.
- Corporate Farmers Park, warehouse buildings, loading decks, totaling 151,000 square feet, on 14.5 acres right next to the Thruway entrance ramp. and will have daily big truck traffic in and out.

- **Red Schoolhouse House Rd., Corridor Project for which, informally, a massive build out proposal was prepared and seen; for shopping center, mixed used, retail commercial buildings, day care community center, multi-story apartments, residential brownstones all south of the overpass on both sides of road.**
- **Will any of this development to be allowed to be approved, let alone commence, before review, public input and final adoption of the Comprehensive Plan?**

Mayor Presti:

- **Not necessarily tied to the Comprehensive Plan; but yes it will be up for public hearings and review for the public.**

Jerry Liebelson - 31 Midway Rd., Chestnut Ridge, New York 10977:

- **Do you perceive there will be an updated traffic study done on Red Schoolhouse Rd. and do you expect in light of these proposals, assuming that they get developed as such; the road will have to first be significantly widened and traffic lights installed on every intersection and, if so, who is going to pay for that?**
- **Do you think Red Schoolhouse Rd. will be essential?**

Mayor Presti:

- **My presumption is that there is going to have to be some type of infrastructure improvement with regard to any development that's probably going to probably impact the area, if it impacts it the way it does.**
- **Usually, the cost is born by the developer; the Village is not going to take on something such as that.**
- **Depending on the roadway, the developer may contact the prospective State/ County Agencies to see if there is some type of cooperative agreement that could be made; because sometimes there are plans that the County or State has on the Boards themselves that they may be looking to improve certain roadways**
- **They basically pull the trigger in the area, they may be able to do some kind of joint enterprise.**
- **It is a presumption that if you are going to be increasing traffic, that there is going to have to be infrastructure improvement; the Village will not be responsible for any of that expense.**
- **That was brought out when it was Village Green was going to do something.**
- **Red School House is essential; it is a County Highway, a small portion, is State roadway too.**
- **The State /County will not allow its' roadway to have 25 lbs. on a 10 lb. bag so to speak.**
- **Because of the Thruway, it is State roadway too, a small portion.**

Trustee Cohen:

- **As part of the approval for the shopping center, one of the conditions for the shopping center, was the entrance to the Northbound Thruway be approved.**
- **There were several proposals at the time to do it; those were conditions that were part of that approval.**

Jerry Liebelson – 31 Midway Rd., Chestnut Ridge, NY 10977:

- **Corporate Commerce Park right there; which is proposing warehouses, loading docks and a lot of big truck traffic right there.**

Trustee Cohen:

- **The traffic study for that time for that project showed that intersection was close to failure between the hours of 4:30 p.m. and 6:30 p.m.**
- **You have a Fire District there and an Ambulance Squad there and if they need to get access, for emergency there is no way to do if there is a backlog on Schoolhouse Rd.**
- **It is essential that infrastructure improvement be made subject to approval.**

Ann Cutignola – Planner - represents Tim Miller Associates – 10 North Street, Cold Spring, NY 10516

- **We are the Planning Consultants,**
- **Equestrian Estates Project - not the shopping center; but the land across the street.**
- **We have submitted our actual application.**
- **There is a lot of study that needs to be done; there's a traffic issue out there.**
- **What we are looking for is for the Board to do is go through the information that has been submitted; and to get to a point of initiating the appropriate studies so that we can move forward.**

Mayor Presti:

- **We did receive the binders.**
- **Process for us next is it goes to the Planner.**
- **The Planner gets a whack at it in addition to our review.**
- **Then there is a process as far as hearings are concerned and things of that nature.**
- **Thank you, Ann, for coming out to reinforce that.**

Linda Amann – 3111 N. Highland Avenue, Chestnut Ridge, New York 10977:

- **Wanted to know what was going on with the Code violations?**
- **Roadside schooling that is happening at that address.**
- **It is a death trap that you allow sixty-five people to enter two times a day.**
- **There are only two ways of egress in that building.**
- **Stated being put on notice, what would happen there and to the Firemen too?**
- **Believe they removed internal staircase into the basement.**
- **People go out front door, and around back to get into basement; who would do that?**

Mayor Presti:

- **There is no issue with the grass; not in violation at 312 N. Highland.**
- **We cannot address ticks in one's backyard.**
- **The village prosecutor is addressing the building code.**
- **If you see folks on the side of the road, in the public right-away, you need to call the Ramapo Police.**

- We will follow up on your comments.

Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, New York 10977:

- Budget – \$50,000,000 a year to Ramapo Highway Department for maintenance.
- Ladies in the office forward the complaints; forward it, forward it, forward it.
- Hole across the street from my house, been there since August, down about 7 feet.
- Ramapo’s answer – put a cone next to it.
- Down on Craftwood and Applewood took one year and a half to fix.
- Appledale and Grotke Rd., throw some sand in it.
- I can stand here and list all the problems in the Village.
- Tony Sharan was on top of everything.
- They plow the snow, do a great job.
- Are private individuals allowed to install egrue wires across public street; nobody can give me an answer.
- This one goes from Private property, across a public street, onto private property.
- The Code Enforcer says I don’t know what to do about that.
- 1 Craftwood, Appledale and Craftwood and Wallace.
- All the houses, but you can’t cross a public highway.
- Two by four, on one property 1 Craftwood, on the pole across to the other side of the street.

Mayor Presti:

- I would respectfully disagree.
- When a complaint comes in to the Village Clerk or the receptionist they usually follow up pretty quickly with regard to Ramapo
- The Village Clerk is usually pretty good in doing her follow up.
- What I suggest is give Ms. Mandel that list, I assure you that list will be addressed.
- Sometimes they can’t get to it immediately, they may be doing a project in the immediate vicinity, and nine and one half out of ten the job gets done, maybe not as fast as you would like it to, but the job gets done.
- Please follow up with the Village Clerk; we will make sure they do something.
- Egrues are usually on private property.
- I am not familiar of where you are talking about.
- Nine out of ten times, the egrues are usually somehow associated with Orange and Rockland facilities and Orange and Rockland gives them the go ahead to do that.

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

- Neighborhood getting full of garbage on the streets.
- Please take a minute to look at the pictures; I know it’s not the homeowner, the grass is mowed.
- Appledale Lane – entrance to our beautiful park, tenants put garbage, been there for weeks.
- At times I pick it up, Mr. Cunningham picks it up, we all pick it up.
- I called Village Hall.
- Village Hall addressed it.

Mayor Presti:

- **When you see the garbage, and you call Village Hall we usually send someone.**
- **So, it's addressed.**

Aney Paul – Rockland County Legislature – District 40.

- **Happy to meet you all.**

Mayor Presti:

- **First time was the picnic.**
- **Thank you for coming to the Village and Good Luck!**

Motion to Close the Public Hearing.

MOTION: Trustee Cohen

SECOND: Trustee Van Alstyne

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

Motion to Go into Executive Session – Pending Litigations: Dupuy v. Village of Chestnut Ridge (Fair Housing Complaint); OJC v. Village of Chestnut Ridge (Federal Ct. Action); Kogut et, al v. Chestnut Ridge (Article 78 Proceeding); Kogut/CUPON v. Chestnut Ridge (Federal Ct., Action).

MOTION: Trustee Van Alstyne

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to Enter into Executive Session.

MEETING ADJOURNED: 8:34 P.M.

EXECUTIVE SESSION ADJOURNED: 9:05 P.M.

Respectfully submitted,

**Florence A. Mandel
Village Clerk
Recording Secretary**

Motion to Close the Open Floor Public Discussion.

MOTION:

SECOND:

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

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

MOTION:

SECOND:

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

13. Executive Session – Pending Litigation: Dupuy v. Village of Chestnut Ridge (Fair Housing Complaint); OJC v. Village of Chestnut Ridge (Federal Ct. Action); Kogut et. al v. Chestnut Ridge (Article 78 Proceeding); Kogut/CUPON v. Chestnut Ridge (Federal Ct. Action).

Respectfully submitted,

**Florence A. Mandel
Village Clerk
Recording Secretary**

1. Pledge of Allegiance.

2. Mayor's report.
3. Open Floor: public discussion of Agenda Items.
4. Approval of Minutes of Previous Meeting, May 16, 2019.
5.
 - a. Mayor appoints Constantino Blasioli as Code Enforcement Officer II, full time, at a rate of \$35 per hour.
 - b. **Resolution No. 2019-53** approving Mayor's appointment.
6. **Resolution No. 2019-54.** Resolution to schedule Public Hearing for July 18, 2019 at 8:00 on a local law to amend the Property Maintenance Code regarding regulating the burial of human remains in the Village of Chestnut Ridge.
7. **Resolution No. 2019-55.** Resolution to schedule Public Hearing for July 18, 2019 at 8:00 on a local law to amend the Village Code regarding regulating filming in the Village of Chestnut Ridge.
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9. **Resolution No. 2019-57** – Resolution to authorize the Mayor to consent to the Rockland County Agriculture and Farmland Protection Board to be lead agency for a SEQRA review of a project to establish a county-wide agricultural district (Village properties: 101 Ackertown Road, 80 Ackertown Road, 259-283 Hungry Hollow Road, 163-185 Hungry Hollow Road, 286-294 Hungry Hollow Road).

10. **Resolution No. 2019-58** – Resolution approving the purchase of LED streetlight fixtures from Orange & Rockland in the amount of \$4,056.00 (for Crooked Hill & Hungry Hollow Roads).
11. **Resolution No. 2019-59** – Resolution approving Abstract of Audited Claims.
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