

**BOARD OF TRUSTEES
OF THE
VILLAGE OF CHESTNUT RIDGE**

For the Regularly Scheduled Board meeting of June 18, 2020

8:00 pm

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

PRESENT

ROSARIO PRESTI, JR.

MAYOR

GRANT VALENTINE

DEPUTY MAYOR

RICHARD MILLER

TRUSTEE

CHAIM ROSE

TRUSTEE

PAUL VAN ALSTYNE

TRUSTEE

WALTER SEVASTIAN

VILLAGE ATTORNEY

FLORENCE A. MANDEL

VILLAGE CLERK

P On March 7, 2020, in Executive Order No. 202.1, Governor Cuomo suspended certain provisions of the Open Meeting Law to permit a Village Board to meet and take actions authorized by law without permitting in public in-person access and authorizing such meeting to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. The Village will be activating a remote meeting platform for the Thursday, May 21, 2020 Village Board meeting, which will enable residents to watch a livestream of the meeting and comment on the Zoom platform in compliance with the Executive Order:

Phone in: 646-568-7788

ID#: 756-079-8481

1. Pledge of Allegiance

2. Mayor's report.

- Mayor welcomed everyone to June 18, 2020.
- In accordance with executive order 2021, while we are suspending public presence in Board room, we are utilizing Zoom platform so that you can join us by phone.
- We will hold all questions to the end, except for the Public Hearing where everyone will be able to ask a question.
- Unfortunate circumstance, the Fellowship Community on May 31st, twelve units in their Pine Lodge; they are being relocated on site.
- There is some information on our Web-site in their efforts to try to raise some funding as their insurance may not cover all the damage.
- Relating to Foils – we will resume allowing people to make an appointment, one a day, to come in and view the file.
- Must wear masks and gloves, and social distance at one end of conference table.
- Please keep dogs on leashes and pick up after them. A dog bit someone twice.
- Our Comprehensive Plan has been meeting; scheduled again on July 28th, the last meeting of the committee.
- After that our Planners will basically put together a draft of that plan based upon the comments they've got thus far.
- At the end of the year, we will have a meeting to review the Comprehensive Plan.
- That would be the time to weigh in.

3. Open Floor: Public discussion of Agenda Items.

Held public discussion until the end.

4. Approval of Minutes of Previous Meeting, May 21, 2020

MOTION: Trustee Valentine

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve the Minutes of May 21, 2020.

5. Resolution No. 2020-36. Resolution of Village Board to declare its intent to declare itself Lead Agency for the purpose of a SEQRA review of the Equestrian Estates zone change petition and circulate a Notice of Intent to involved and interested agencies.

WHEREAS, The Village of Chestnut Ridge Board of Trustees is in receipt of a petition for amendment of the Zoning Law of the Village of Chestnut Ridge, and a petition for mapping of a Planned Unit Development for the construction of a mixed-use residential development consisting of 84 2-bedroom market-rate rental apartments; 62 market-rate 3-bedroom semi-attached condominium units for sale; and 118 predominantly 2-bedroom Senior Housing rental units, 45,500 square foot retail/commercial space, and community amenities to be connected to existing municipal water and sewer service on a 39.6 acre parcel east of Red Schoolhouse Road approximately one-quarter mile south of the Garden State Parkway Extension; and

WHEREAS, The Board of Trustees finds that the application is subject to the requirements of 6 NYCRR 617 (SEQR); and

NOW THEREFORE BE IT RESOLVED, That the Board of Trustees notices its intent to declare lead agency, pursuant to SEQR for the purpose of undertaking coordinated review; and

BE IT FURTHER RESOLVED, that the action is preliminarily classified as Type 1, pursuant to SEQR; and

BE IT FURTHER RESOLVED, that the Board of Trustees directs the Clerk of the Village of Chestnut Ridge to distribute a Notice of the Village Board's Intent along with a copy of the EAF Part 1 and petitions, map and supporting documentation received by the project sponsor, to the following involved and interested agencies: (1) Chestnut Ridge Planning Board, (2) Chestnut Ridge Zoning Board, (3) Town of Ramapo DPW, (4) Rockland County Sewer District #1, (5) Town of Ramapo Highway Department, (6) Rockland County Highway Department, (7) Rockland County Department of Health, (8) Rockland County Department of Planning, (9) New York State Thruway Authority, (10) US Army Corps of Engineers.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2020-36

6. Resolution No. 2020-37. Resolution of Village Board to enter into an Agreement with five potential developers of projects in the Red Schoolhouse Road corridor area for the purpose of establishing an escrow account, funded by the developers, for a Traffic Analysis of the combined impact of the potential developments, and to identify traffic improvement mitigation measures to address the identified impacts.

RESOLVED that the Mayor is authorized to execute an Agreement with five potential developers of projects in the Red Schoolhouse Road corridor area for the purpose of establishing an escrow account, funded by the developers, for a Traffic Analysis of the combined impact of the potential developments, and to identify traffic improvement mitigation measures to address the identified impacts, subject to the approval of its form by the Village Attorney.

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2020-37.

7.Resolution No. 2020-38. Resolution of Village Board to issue a Request for Proposals (RFP) for the preparation of an Area Traffic Study for Red Schoolhouse Road from Williams Road to the New Jersey State line, with responses due on July 23, 2020.

RESOLVED that the Village Planner is authorized to issue and RFP an Area Traffic Study for Red Schoolhouse Road from Williams Road to the New Jersey State line.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted and 5-0 to Approved Resolution No. 2020-38.

8. Resolution No. 2020-39. – Resolution Adjourning Special Permit Application of Threefold Educational Foundation and School until August 20, 2020.

- **Mr. Licata, Esq.**
- Requested a consensus of the Board to hear his application for his client.
- Requested client hear it was voted on tonight; subject to ZBA approval.
- We will have to come back.
- We do not have to advertise again.

Attorney Sevastian:

- They are not finished with the Zoning Board of Appeals.
- The Board relies heavily on those decisions from Planning and Zoning Boards.

Mayor Presti:

- Up until Monday we were told you were to go to the ZBA first.
- Our Agenda reflected it was to be adjourned until August
- Past practice applicants did not come to our Board until have been to all the other Boards.
- Village Board voted to do another time.

RESOLVED that the Public Hearing for the Special Permit Application of Threefold Educational Foundation and School – west side of Hungry Hollow Road (66.16-1-4 & 56) for a new school of general instruction building (the “Otto Specht School”) is continued until August 20, 2020.

9. a. 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.

Adjourned until August 20, 2020.

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to approve Public Hearing for Special Permit Application of Yeshivas Ohr V'Daas.

Resolution No. 2020-40.

- **WHEREAS**, an application under Zoning Code Articles XVI and XVII has been made to the Board of Trustees of the Village of Chestnut Ridge by Congregation Ahavas Yisrael (the “Applicant”), for approval of a New York State accredited school for special needs children aged 5-21, with a maximum of 80 students, at the premises known as 972 Chestnut Ridge Road, Chestnut Ridge, NY 10952 (tax designation 67.08-1-73) , in the R-25 Zoning District, and
- **WHEREAS**, the Village of Chestnut Ridge Planning Board (“Planning Board”) declared itself Lead Agency for SEQRA purposes during the preliminary site development plan review process commenced simultaneously with the Special Permit Application, and on September 5, 2019, the Planning Board determined that the proposed project was a Type II action under SEQRA (which determination is made a part hereof and incorporated by reference hereto), and
- **WHEREAS**, on June 18, 2020, after due public notice, the Chestnut Ridge Board of Trustees held a public hearing on the Special Permit Application, and
- **WHEREAS**, referrals of the Special Permit Application pursuant to the provisions of the General Municipal Law (Rockland County Planning Department), and other interested agencies (N.Y.S. DOT) were made, and the public and such agencies have had opportunity to be heard and have submitted comments thereon, all of which have been reviewed and considered by the Board of Trustees,
- **WHEREAS**, based upon the Village Board’s consideration of the record before it in the context of determining the conformity of the proposed use and proposed development to the conditions and standards set forth in the Village Zoning Law, the Board finds:
- **(A) That the proposed use is appropriate and in keeping with the orderly development of the R-25 Zoning District, and not detrimental to the site or adjacent properties.**
This finding is based upon:

- 1. The SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan; and the Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020 (which recommendation was made in response to a referral of the Special Permit Application to the Planning Board as required under the Zoning Code, and is made a part hereof and incorporated by reference hereto);
- 2. The detailed review and decision of the Chestnut Ridge Zoning Board of Appeals (ZBA) in its decision of February 25, 2020 granting certain area variances to the Applicant (the ZBA’s decision is made a part hereof and incorporated by reference hereto – most specifically with respect to its findings that no detriment to nearby properties nor undesirable change to the neighborhood would result from the proposed use at the premises), and
- 3. Based upon the Village Board members’ familiarity with the long-standing prior use of the premises, to wit, that:
 - i. The structure located at the premises is existing, and will not be enlarged or substantively modified in connection with the current application;
 - ii. A school use exclusively for special needs children has been operating at the premises for approximately 20 years,
 - iii. That a prior use (“synagogue with classrooms”) has been in existence at the premises for approximately 30 years before that (there was testimony at the public hearing before the ZBA that the prior use at the premises had a synagogue with 400 congregants, and 120 children in classrooms three days per week), and
 - iv. Based upon the location of the premises, on a State Highway.

(B) That the proposed use and the nature and intensity of the operations involved, when considered in connection of the site layout, provide for safe pedestrian and vehicular access to and from the site. This finding is based upon:

- 1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020,
- [In light of the condition set forth below mandating compliance with conditions of the Planning Board’s Final Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable].
- 2. The longstanding prior use of the property familiar to the Village Board, which appears to have been, at times, more intense than that proposed by the Applicant, and
- 3. The New York State DOT’s review of the project (dated November 19, 2019 in connection with the ZBA application), wherein they stated that the impact of the project on the adjacent State Highway would be “minimal”.
- **(C) That the location and height of the building proposed by the Applicant, and the attendant improvements to the site, such as fences and landscaping, will not hinder or**

discourage the development or use of adjacent land or buildings. This finding is based upon:

- 1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020, and
- [In light of the condition set forth below mandating compliance with conditions of the Planning Board’s Final Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable].
- 2. Given the pre-existing location of the building on the site, and the proposed landscaping (as supplemented in the Applicant’s submission to the Planning Board), the Village Board finds that the proposed improvements associated with the establishment of the use will have little or no effect on the development of adjacent properties.
- **(D) That the proposed use will not require additional public facilities or services (such as water, sewer, police and schools), or create a fiscal burden on the Village greater than those associated with uses permitted by right.** This finding is based upon:
 - 1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020, and
 - 2. The Village Board’s knowledge that the proposed use has been in operation at the site for many years, and the lack of any evidence that there would be a demonstrable increase or burden on public facilities should the Special Permit be granted. Therefore, the Village Board finds that the impact of granting the Special Permit will not be overly burdensome on community services.
- **NOW, THEREFORE, BE IT RESOLVED** that the Application of Congregation Ahavas Yisrael for a New York State accredited school for special needs children aged 5-21, with a maximum of 80 students at the premises known as 972 Chestnut Ridge Road, Chestnut Ridge, NY 10952 (tax designation 67.08-1-73) , in the R-25 Zoning District, and, **is hereby granted**, subject to the following conditions:
 - 1. Obtaining Final Site Plan Approval and compliance with all conditions prescribed by the Planning Board during the Site Plan review process.
 - 2. Compliance with all conditions placed on the grant of the variances by the Zoning Board of Appeals.
 - 3. Compliance with the following conditions on the grant of the Special Permit, as recommended by the Planning Board and ZBA:
 - (i) The number of students at the school shall not exceed 80 – this condition was expressly agreed to by the Applicants.
 - (ii) That the school shall be limited to a school for special needs children as accredited by NYS - this condition was expressly agreed to by the Applicants.
 - (iii) Hours of operation shall be limited to Monday through Friday from 6Am to 9:30 PM; with occasional weekend functions limited to no more than 4 times per calendar year and limited to 9:30 AM to 5:00 PM.

- 4. Compliance with the comments designated as “additional concerns” contained in the General Municipal Law Review conducted by the Rockland County Department of Planning dated March 20, 2020, specifically comments numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. Compliance with these items shall be addressed in the Final Site Plan review process before the Planning Board, and shall be subject to the sound discretion of the Planning Board in conducting its Site Plan Review (such that should the Planning Board decide to override any of those “additional concerns”, no further appearance before the Village Board regarding the Special Permit shall be required). [Note: The Village Board reviewed the October 25, 2019 Site Plan in connection with the Special Permit Application – Comment #16].
- 5. Compliance with any review and comments based upon a review of the project by the Rockland County Sewer District No. 1 – this item shall be addressed in the Final Site Plan review process before the Planning Board.
- **AND BE IT FURTHER RESOLVED** that the Village Board hereby overrides the “Disapproval” recommendation of the Rockland County Planning Board in its review of March 20, 2020 (specifically comments numbered 1, 2 and 3), based upon the following reasons:
 - i. The Village Board concurs with both the Planning Board and the ZBA that the Rockland County Planning Department’s characterization of the proposed use as “more intense than what is currently existing” (comment #1) is incorrect based upon the historical record of the use of the property (a synagogue with a large congregation and active school for several decades), and the uncontested fact that the special needs school has been operating at the premises for approximately 20 years. Furthermore, as noted by the Planning Board in its recommendation to approve the Special Permit (3/5/2020), conditions on the grant of the Special Permit, the Site Plan, and on the variances are designed to minimize impacts on the surrounding neighborhood.
 - ii. While the R-25 zoning district is designed for low intensity residential use, the location of the subject premises (on NYS Highway Route 45) lends itself to a more intensive use than a residential use, which has indeed existed for approximately 50 years at the premises (comment #2).
 - iii. The characterization of the cumulative impacts of the bulk deficiencies of the premises in comment #3 ignore the historical use of the premises. As noted by the ZBA, the precedential impact of the grant of the bulk variances is minimized by the long term existence of the current use and its more intense predecessor use, as well as the conditions placed on the grant of the variance (limited number of students, type of school, and subject to the terms of the Village Board Special Permit). Similarly, in granting the Special Permit, the conditions attached to the approval and the location and history of use at the premises compel the Village Board to find that the projected impacts described in comment #3 are inapplicable.

- iv. Therefore, the Rockland County Planning Department’s additional concerns in their review have either been addressed in conditions to this approval, will be addressed in the Site Plan process before the Planning Board (this approval is conditioned upon complying with the Final Site Plan approval to be issued by the Planning Board), or are overridden (specifically comments numbered 1, 2 and 3 are overridden).
- **AND BE IT FURTHER RESOLVED** that this Resolution shall serve as the report of final action of the Village Board with regard to overriding the above noted recommendations of the Rockland County Department of Planning pursuant to General Municipal Law §239-m(6) and in accordance with Rockland County Executive Order No. 01-2017.
- **BE IT FURTHER RESOLVED** that this Resolution shall serve as the report of final action of the Village Board with regard to overriding the above noted recommendations of the Rockland County Department of Planning pursuant to General Municipal Law §239-m(6) and in accordance with Rockland County Executive Order No. 01-2017.
- **AND BE IT FURTHER RESOLVED** that the Village Clerk is directed to send a copy of this Resolution to the Rockland County Department of Planning

Morton Silberberg, Esq;

- Praised the Planning Board and how they helped.
- Planning Board gave them various ideas.
- Gave a background on school.

Trustee Miller: Question on finding under A; of R-25 A.

- Concerned about that finding.
- Questioned the phase; eliminate the phase

Andrew Ritter – 7 Weiss Terrace, Chestnut Ridge, NY 10977

- What year did it start as a Special Needs School?

Morton Silverberg

- Founded 27 years ago, located at Chestnut Ridge Rd., 20 years ago.
- Neighbors having issues with exhaust coming into their houses; cannot open windows.

Mayor Presti:

- Would like to follow up issue with idling issue so we can be a good neighbor.

Motion to Close the Public Portion of the Hearing on 972 Chestnut Ridge Rd.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2020-40.

Motion to Approve Special Application.

Trustee Rose

Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Special Application subject to change the Trustee Miller had suggested.

10. **Resolution No. 2020-41.** Approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 2 in the aggregate amount of \$ 126,020.53 as set forth on Abstract No. 2020-6 dated June 18, 2020, as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Rose

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2020-41.

Open Floor Comments from the Public:

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

- Understands village will start making appointments when County goes to Phase III.
- On agreement for Traffic Study – Ahavas Yisrael – north of Williams Rd.
- Concerned what would happen if Yeshiva for 1,000 students was built; would double traffic.
- The impact with the busing would be sufficient.
- Would they end up being denied?
- Was any attempt made to let them know a traffic study was being done?
- Word going around we are losing our Code Enforcer.

Attorney Sevastian:

- People under SEQUA and under State level regulations
- Municipality cannot deny the use of land.
- They can impose mitigation on applicants to the extent the law allows them.
- Generally speaking, a municipality cannot tell someone you cannot use land that is permitted under zone.

Mayor Presti:

- We have personnel available for Code Enforcement and personnel available to oversee Building Applications, etc.
- Our Fire Inspector can also do certain Code Enforcement.
- Complaints have to go through the Village Clerk.

Mr. Shaut – 23 Menockie Drive, Chestnut Ridge, NY 10977:

- Stated Comp. Plan pretty clear on high density housing.

- Stated what Equestrian proposing is exactly what a large majority of our residents are against.
- Why is it even being considered at this point?
- Felt we were wasting tax payer money if we didn't consider what the majority of the people were against.

Mayor Presti:

- The survey for the Comp Plan is a survey.
- The percentages that you are articulating are not quite as weighted as you articulate them to be.
- Our Planner is very much aware of the survey.
- There is no harm in doing their study and making their pitch in what they are proposing to do.
- Not proposing high density housing; they are proposing Senior Citizen housing; maybe 200 units.
- Don't consider that to be very negative as far as Chestnut Ridge is concerned; seniors, they need a place to live.
- If they want to rent in a two-story building, how can we deny that?
- There are other things that people want to do that would zone $\frac{3}{4}$ of the Village, which would be non-conforming uses.
- If you want to build a deck, you'd have to go to the Zoning Board first.
- The Board of Trustees has 8,300 people we need to take into consideration.
- That survey is not the be all and the end all.

Walter Sevastian - Attorney:

- Chestnut Ridge is predominately a single- family village.
- The Planner has been saying for a period of time, starting with Red Schoolhouse Corridor Study, the Zoning along that corridor hasn't been really been effective.
- There hasn't been a whole lot of uses established there that benefit the village as a whole.
- You look at a Comprehensive Plan as to what happens in the future.
- Guys that do planning a project out into the future consider all types of development.
- I think they are going to distill everything into it.
- Land won't lay undeveloped forever.
- If land uses do not permit the development of land, the values of land suffer.
- Then uses that may not be beneficial to the surrounding area may jump in not beneficial to anyone.
- It up to the Planner to try to balance; if you have a Zone that hasn't produced a large use of land.

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

- Stated too many people living in this area will cause people to get sicker.
- Stated a lot of people want to move up here.
- We need to think about the health of the people, not just land assessment

- Mayor Presti:
 - High density just means you are looking at seven houses to an acre; not talking about high rise, or mid rises.
 - People think as high-density housing, 12 story buildings; that the furthest thing that is going on with the Planners.

Motion to Close the Public Portion of the Meeting.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Close the Public Portion of the Meeting.

Deputy Mayor Valentine

- There are many hidden heroes in Chestnut Ridge.
- We want to pay homage and recognize Mr. Elliot J. Moritz; resident since 1971.
- Incorporated honorary resolution by referencing signed resolution.

Motion to Adjourn.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 5-0 to Adjourn the Meeting.

MEETING ADJOURNED: 9:01 P.M.

Respectfully submitted,

Florence A. Mandel
Village Clerk
Recording Secretary

Resolutions:

1. **Resolution No. 2020-36.** Resolution of Village Board to declare its intent to declare itself Lead Agency for the purpose of a SEQRA review of the Equestrian Estates zone change petition and circulate a Notice of Intent to involved and interested agencies.

WHEREAS, The Village of Chestnut Ridge Board of Trustees is in receipt of a petition for amendment of the Zoning Law of the Village of Chestnut Ridge, and a petition for mapping of a Planned Unit Development for the construction of a mixed-use residential development consisting of 84 2-bedroom market-rate rental apartments; 62 market-rate 3-bedroom semi-attached condominium units for sale; and 118 predominantly 2-bedroom Senior Housing rental units, 45,500 square foot retail/commercial space, and community amenities to be connected to existing municipal water and sewer service on a 39.6 acre parcel east of Red Schoolhouse Road approximately one-quarter mile south of the Garden State Parkway Extension; and

WHEREAS, The Board of Trustees finds that the application is subject to the requirements of 6 NYCRR 617 (SEQR); and

NOW THEREFORE BE IT RESOLVED, That the Board of Trustees notices its intent to declare lead agency, pursuant to SEQR for the purpose of undertaking coordinated review; and

BE IT FURTHER RESOLVED, that the action is preliminarily classified as Type 1, pursuant to SEQR; and

BE IT FURTHER RESOLVED, that the Board of Trustees directs the Clerk of the Village of Chestnut Ridge to distribute a Notice of the Village Board's Intent along with a copy of the EAF Part 1 and petitions, map and supporting documentation received by the project sponsor, to the following involved and interested agencies: (1) Chestnut Ridge Planning Board, (2) Chestnut Ridge Zoning Board, (3) Town of Ramapo DPW, (4) Rockland County Sewer District #1, (5) Town of Ramapo Highway Department, (6) Rockland County Highway Department, (7) Rockland County Department of Health, (8) Rockland County Department of Planning, (9) New York State Thruway Authority, (10) US Army Corps of Engineers.

2. **Resolution No. 2020-37.** Resolution of Village Board to enter into an Agreement with five potential developers of projects in the Red Schoolhouse Road corridor area for the purpose of establishing an escrow account, funded by the developers, for a Traffic Analysis of the combined impact of the potential developments, and to identify traffic improvement mitigation measures to address the identified impacts.

RESOLVED that the Mayor is authorized to execute an Agreement with five potential developers of projects in the Red Schoolhouse Road corridor area for the purpose of establishing an escrow account, funded by the developers, for a Traffic Analysis of the combined impact of the potential developments, and to identify traffic improvement mitigation measures to address the identified impacts, subject to the approval of its form by the Village Attorney.

the potential developments, and to identify traffic improvement mitigation measures to address the identified impacts, subject to the approval of its form by the Village Attorney.

3. **Resolution No. 2020-38.** Resolution of Village Board to issue a Request for Proposals (RFP) for the preparation of an Area Traffic Study for Red Schoolhouse Road from Williams Road to the New Jersey State line, with responses due on July 23, 2020.

RESOLVED that the Village Planner is authorized to issue and RFP an Area Traffic Study for Red Schoolhouse Road from Williams Road to the New Jersey State line.

4. **Resolution No. 2020-39.** – Resolution Adjourning Special Permit Application of Threefold Educational Foundation and School.

RESOLVED that the Public Hearing for the Special Permit Application of Threefold Educational Foundation and School – west side of Hungry Hollow Road (66.16-1-4 & 56) for a new school of general instruction building (the “Otto Specht School”) is continued until August 20, 2020.

5. **Resolution No. 2020-40.** Resolution approving 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.

WHEREAS, an application under Zoning Code Articles XVI and XVII has been made to the Board of Trustees of the Village of Chestnut Ridge by Congregation Ahavas Yisrael (the “Applicant”), for approval of a New York State accredited school for special needs children aged 5-21, with a maximum of 80 students, at the premises known as 972 Chestnut Ridge Road, Chestnut Ridge, NY 10952 (tax designation 67.08-1-73) , in the R-25 Zoning District, and

WHEREAS, the Village of Chestnut Ridge Planning Board (“Planning Board”) declared itself Lead Agency for SEQRA purposes during the preliminary site development plan review process commenced simultaneously with the Special Permit Application, and on September 5, 2019, the Planning Board determined that the proposed project was a Type II action under SEQRA (which determination is made a part hereof and incorporated by reference hereto), and

WHEREAS, on June 18, 2020, after due public notice, the Chestnut Ridge Board of Trustees held a public hearing on the Special Permit Application, and

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

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

(A) That the proposed use is appropriate and in keeping with the orderly development of the R-25 Zoning District, and not detrimental to the site or adjacent properties. This finding is based upon:

1. The SEQRA Negative Declaration made by the Planning Board in connection with the pending Site Development Plan; and the Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020 (which recommendation was made in response to a referral of the Special Permit Application to the Planning Board as required under the Zoning Code, and is made a part hereof and incorporated by reference hereto);
2. The detailed review and decision of the Chestnut Ridge Zoning Board of Appeals (ZBA) in its decision of February 25, 2020 granting certain area variances to the Applicant (the ZBA’s decision is made a part hereof and incorporated by reference hereto – most specifically with respect to its findings that no detriment to nearby properties nor undesirable change to the neighborhood would result from the proposed use at the premises), and
3. Based upon the Village Board members’ familiarity with the long standing prior use of the premises, to wit, that:
 - i. The structure located at the premises is existing, and will not be enlarged or substantively modified in connection with the current application;
 - ii. A school use exclusively for special needs children has been operating at the premises for approximately 20 years,

iii. That a prior use (“synagogue with classrooms”) has been in existence at the premises for approximately 30 years before that (there was testimony at the public hearing before the ZBA that the prior use at the premises had a synagogue with 400 congregants, and 120 children in classrooms three days per week), and

iv. Based upon the location of the premises, on a State Highway.

(B) That the proposed use and the nature and intensity of the operations involved, when considered in connection of the site layout, provide for safe pedestrian and vehicular access to and from the site. This finding is based upon:

1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020,

[In light of the condition set forth below mandating compliance with conditions of the Planning Board’s Final Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable].

2. The long standing prior use of the property familiar to the Village Board, which appears to have been, at times, more intense than that proposed by the Applicant, and

3. The New York State DOT’s review of the project (dated November 19, 2019 in connection with the ZBA application), wherein they stated that the impact of the project on the adjacent State Highway would be “minimal”.

(C) That the location and height of the building proposed by the Applicant, and the attendant improvements to the site, such as fences and landscaping, will not hinder or discourage the development or use of adjacent land or buildings. This finding is based upon:

1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020, and

[In light of the condition set forth below mandating compliance with conditions of the Planning Board’s Final Site Plan review of the project, the Village Board finds that the vehicular traffic access to and from the site, as well as emergency access to the site, are acceptable].

2. Given the pre-existing location of the building on the site, and the proposed landscaping (as supplemented in the Applicant’s submission to the Planning Board), the Village Board finds that the proposed improvements associated with the establishment of the use will have little or no effect on the development of adjacent properties.

(D) That the proposed use will not require additional public facilities or services (such as water, sewer, police and schools), or create a fiscal burden on the Village greater than those associated with uses permitted by right. This finding is based upon:

1. The Planning Board’s review and recommendation to approve the Special Permit Application dated March 5, 2020, and
2. The Village Board’s knowledge that the proposed use has been in operation at the site for many years, and the lack of any evidence that there would be a demonstrable increase or burden on public facilities should the Special Permit be granted. Therefore, the Village Board finds that the impact of granting the Special Permit will not be overly burdensome on community services.

NOW, THEREFORE, BE IT RESOLVED that the Application of Congregation Ahavas Yisrael for a New York State accredited school for special needs children aged 5-21, with a maximum of 80 students at the premises known as 972 Chestnut Ridge Road, Chestnut Ridge, NY 10952 (tax designation 67.08-1-73) , in the R-25 Zoning District, and, **is hereby granted**, subject to the following conditions:

1. Obtaining Final Site Plan Approval and compliance with all conditions prescribed by the Planning Board during the Site Plan review process.
2. Compliance with all conditions placed on the grant of the variances by the Zoning Board of Appeals.
3. Compliance with the following conditions on the grant of the Special Permit, as recommended by the Planning Board and ZBA:
 - (i) The number of students at the school shall not exceed 80 – this condition was expressly agreed to by the Applicants.
 - (ii) That the school shall be limited to a school for special needs children as accredited by NYS - this condition was expressly agreed to by the Applicants.
 - (iii) Hours of operation shall be limited to Monday through Friday from 6Am to 9:30 PM; with occasional weekend functions limited to no more than 4 times per calendar year and limited to 9:30 AM to 5:00PM.
4. Compliance with the comments designated as “additional concerns” contained in the General Municipal Law Review conducted by the Rockland County Department of Planning dated March 20, 2020, specifically comments numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. Compliance with these items shall be addressed in the Final Site Plan review process before the Planning Board,

and shall be subject to the sound discretion of the Planning Board in conducting its Site Plan Review (such that should the Planning Board decide to override any of those “additional concerns”, no further appearance before the Village Board regarding the Special Permit shall be required). [Note: The Village Board reviewed the October 25, 2019 Site Plan in connection with the Special Permit Application – Comment #16].

5. Compliance with any review and comments based upon a review of the project by the Rockland County Sewer District No. 1 – this item shall be addressed in the Final Site Plan review process before the Planning Board.

AND BE IT FURTHER RESOLVED that the Village Board hereby overrides the “Disapproval” recommendation of the Rockland County Planning Board in its review of March 20, 2020 (specifically comments numbered 1, 2 and 3), based upon the following reasons:

i. The Village Board concurs with both the Planning Board and the ZBA that the Rockland County Planning Department’s characterization of the proposed use as “more intense than what is currently existing” (comment #1) is incorrect based upon the historical record of the use of the property (a synagogue with a large congregation and active school for several decades), and the uncontested fact that the special needs school has been operating at the premises for approximately 20 years. Furthermore, as noted by the Planning Board in its recommendation to approve the Special Permit (3/5/2020), conditions on the grant of the Special Permit, the Site Plan, and on the variances are designed to minimize impacts on the surrounding neighborhood.

ii. While the R-25 zoning district is designed for low intensity residential use, the location of the subject premises (on NYS Highway Route 45) lends itself to a more intensive use than a residential use, which has indeed existed for approximately 50 years at the premises (comment #2).

iii. The characterization of the cumulative impacts of the bulk deficiencies of the premises in comment #3 ignore the historical use of the premises. As noted by the ZBA, the precedential impact of the grant of the bulk variances is minimized by the long term existence of the current use and its more intense predecessor use, as well as the conditions placed on the grant of the variance (limited number of students, type of school, and subject to the terms of the Village Board Special Permit). Similarly, in granting the Special Permit, the conditions attached to the approval and the location and history of use at the premises compel the Village Board to find that the projected impacts described in comment #3 are inapplicable.

iv. Therefore, the Rockland County Planning Department’s additional concerns in their review have either been addressed in conditions to this approval, will be addressed in the Site Plan process before the Planning Board (this approval is conditioned upon complying with the Final Site Plan approval to be issued by the Planning Board), or are overridden (specifically comments numbered 1, 2 and 3 are overridden).

AND BE IT FURTHER RESOLVED that this Resolution shall serve as the report of final action of the Village Board with regard to overriding the above noted recommendations of the Rockland County Department of Planning pursuant to General Municipal Law §239-m(6) and in accordance with Rockland County Executive Order No. 01-2017.

AND BE IT FURTHER RESOLVED that the Village Clerk is directed to send a copy of this Resolution to the Rockland County Department of Planning.

6. Resolution No. 2020-41. 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. 2020-6 dated _____, as submitted by the Village Treasurer, are hereby approved.