

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

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**For the Regularly Scheduled Board meeting of January 21, 2021**

**8:00 pm – conducted via Zoom (due to COVID-19)**

**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**

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**WALTER SEVASTIAN**

**VILLAGE ATTORNEY**

**FLORENCE A. MANDEL**

**VILLAGE CLERK**

**CHESTNUT RIDGE VILLAGE BOARD**  
**VILLAGE BOARD MEETING AGENDA**

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For the Regularly Scheduled Board meeting of January 21, 2021 - 8:00 pm

277-279 Old Nyack Turnpike

Chestnut Ridge, New York 10977

On March 7, 2020, in Executive Order No. 202.1, Governor Cuomo suspended, and subsequently extended the suspension, of 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 January 21, 2021 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

URL/ID: <https://zoom.us/j/7560798481>

**MEETING AGENDA:**

1. Pledge of Allegiance.
2. Mayor's report.
  - Pandemic update

### **3. Open Floor: public discussion of Agenda Items.**

Held until end of meeting.

### **4. Approval of Minutes of Previous Meeting, December 17, 2020**

**MOTION:** Trustee Miller

**SECOND:** Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Village Board Minutes of December 17, 2020.

### **Continuation of Public Hearing on the Codification:**

#### **Mayor Presti:**

- Discussion regarding December 17<sup>th</sup> hearing in connection with the Codification; continued explanation of the hearing and codification process and circumstances surrounding the CUPON memorandum addressing objections to the codification; continued discussion addressing the fact the Village never did receive the memorandum due to the sender submitting the memorandum to the wrong email domain; reminder Ms. Ballek is not repository for the Village-related communication, additional reminder of what the Village email domain is and confirmation as a courtesy to CUPON the hearing was extended; additionally, the Village Attorney would address comments/questions brought forth, i.e. definition of family, lighting, prohibiting burial of human remains.

#### **Walter Sevastian – Village Attorney:**

- Purpose of a Codification is not to create new legislation, taking existing Village regulations/resolutions and edit to workable format; continued explanation codification not a change the Zoning Code, Village's Local Law, legislation, and/or resolutions.
- Regarding the definition of family, makes the writing clearer, essentially the same; not trying to do anything nefarious.
- When the Comprehensive Plan is completed, there will be significant update to the Village Code.
- With respect to the comments addressing lights, good example of "legislation" that would be new legislation, codification not changing lighting requirements.
- Regarding prohibiting burial of human remains, in there.
- Additional items addressed: when this local law gets adopted, it gets sent to General Code; changes in fees included; purpose of a public hearing is to raise concerns of the people; codification is allowed under the law.

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

- Stated he had nothing to do with the CUPON letter; I am not the author of the Coupon letter which seemed to be implied, I was addressing issues with the Codification.
- Brought up issues with Human Remains; was not in the last Agenda; you have added it since.
- I have now had time to review with the extension of the one month.

- Asked what is the difference between an Ordinance and a Local Law?
- Stated the Village Attorney has specifically explained Family issues; removal of constraint with unrelated persons; not concerned with the cooking facilities.
- Concerned the Building Inspector or Code Enforcement Officers cannot get access into the home unless invited in by the homeowner; stated the Village was not willing to get a search warrant regarding number of unrelated people living in a home, i.e., 270 N. Highland Avenue and will have little recourse or relief from the impact; this means only at a fire would this be brought out, i.e., 26 S. Pascack Rd.
- What is the process to have the Board amend Village law regarding lighting to make it applicable to all homes in a residential neighborhood; and if it is adopted, would existing homes, now in violation, be required to adjust their lighting; this is another problem rapidly spreading throughout the Village, and it sounds like Code Enforcement could readily enforce.

**Mayor Presti:**

- Three quarters of what said has to do with Legislation or changing current law, as opposed to the Codification process.
- If we want to get into the lighting law, we would have to have a law to change it; if there is anyone in violation, they would have notice that the law changed; they have to be given an opportunity to remedy the alleged violation.

**Walter Sevastian – Village Attorney:**

- Local Laws are Local Laws; you can see them in the files as adopted by the Village.
- Sometimes when Local Laws are amended, increasing fines, fees, may be considered an ordinance, just a matter of semantics.

**Mr. Asselberg – 6 Crown Ct., Chestnut Ridge, New York 10977:**

- Question from letter – what is repealed; if nothing repealed, would somebody say so?
- If there are two or three things minor, would somebody tell us?

**Mayor Presti:**

- In addressing Mr. Asselberg’s statement defining the Mayor’s explanation of extending the Public Hearing due to the CUPON memorandum as a “diatribe,” stated Mr. Asselberg was the first one to say the Mayor was wrong that he did receive CUPON comments; Village had a right to defend itself.
- We understand everyone has a right to speak; everyone has right to voice their opinion; do not have a right to walk over staff, do not have a right to do it in an unprofessional or accusatory manner.
- The revision/repeal language referenced is general boilerplate in all legislation as far as repeal; nothing being repealed in the codification, standard language in all legislation, every bill that is passed in the Legislature, every Court, every Ordinance, every Local Law that is passed.

**Walter Sevastian – Village Attorney:**

- There is nothing omitted in the Local Laws

**Lee March Grayson – 52 Wilshire Drive, Chestnut Ridge, NY 10977:**

- With respect to lighting, ask that the Board consider including businesses in residential neighborhoods; aware that businesses have all sorts of trucks and cars.
- Neighborhoods where bright lights are really a nuisance.
- Hoping the ordinance could be drafted in a way that would include those types of situations.
- Regarding family, concerned about the wording, it seems to me it would invite multiple families to live in the same house and to engage in a relationship.
- It would invite for overcrowding.
- I hope there will be an ordinance to prohibit the burial of human remains.

**Mayor Presti:**

- Prohibition re: burial of human remains is in the codification, not an issue.
- The Village Attorney addressed family and lighting.

**Motion of Close the Public Hearing on the Public Hearing on the Codification.**

**MOTION:** Deputy Mayor Valentine

**SECOND:** Trustee Van Alstyne

The Board was polled and voted 5-0 to close the Public Hearing.

**5. Resolution No. 2021-2** – Resolution to adopt a local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge into a municipal code to be designated the “Code of the Village of Chestnut Ridge”.

**WHEREAS** public hearings were held the 17<sup>th</sup> day of December, 2020, and January 21, 2021 by the Board of Trustees of the Village of Chestnut Ridge, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

**WHEREAS** at said public hearing the Board of Trustees considered the enactment of proposed Local Law No.1-2021, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE”; and

**WHEREAS** all interested persons were given an opportunity to be heard with respect to the enactment of said local law (referrals of the local law to adjacent municipalities and the

Rockland County Department of Planning (RCDOP) were made, and formatting suggestions from the RCDOP have been wholly incorporated into the local law);

**WHEREAS** the Village Board hereby adopts the Negative Declaration under SEQRA prepared by the Village Attorney, and finds that the adoption of this local law would not result in any adverse environmental impacts for the reasons stated in the Full Environmental Impact form;

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 1-2021 be enacted as follows:

**A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE**

ARTICLE I

**Adoption of Code**

**§1-1. Legislative intent.**

In accordance with Subdivision 3 of §20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge, as codified by General Code, and consisting of Chapters 1 through 290, together with an Appendix, shall be known collectively as the “Code of the Village of Chestnut Ridge,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Village of Chestnut Ridge” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Chestnut Ridge, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of §1-3 below.

**§1-3. Repealer.**

A. Repeal of inconsistent enactments. Except as provided in §1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local

law are hereby repealed as of the adoption and filing of this local law as set forth in §1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Chestnut Ridge which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The Board of Trustees of the Village of Chestnut Ridge has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

(1) Local Law No. 17-1987, regarding publication of local laws, adopted May 28, 1987.

**§1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in §1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Chestnut Ridge prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Chestnut Ridge or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Chestnut Ridge.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Chestnut Ridge.

E. Any local law or ordinance of the Village of Chestnut Ridge providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Chestnut Ridge or any portion thereof.

F. Any local law or ordinance of the Village of Chestnut Ridge appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Chestnut Ridge or other instruments or evidence of the Village's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law or ordinance adopted subsequent to August 20, 2019.

**§1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Chestnut Ridge and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of Chestnut Ridge by impressing thereon the Seal of the Village of Chestnut Ridge, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Village of Chestnut Ridge” or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Village to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§1-8. Code book to be kept up-to-date.**



It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Chestnut Ridge required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of Chestnut Ridge in any manner whatsoever which will cause the legislation of the Village of Chestnut Ridge to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§1-11. Changes in previously adopted legislation; new provisions.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Chestnut Ridge, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor non-substantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Nomenclature changes.

(1) Throughout the Code, the terms "Code Inspector" and "Code Enforcement Consultant" are amended to read "Code Enforcement Officer."

(2) Throughout Chapter 290, Zoning, the term "site plan" is amended to read "site development plan."

**§1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Chestnut Ridge, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§1-1 to 1-13, inclusive.

**§1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Village of Chestnut Ridge  
Code Adoption Local Law**

**Schedule A**

**Specific Revisions at Time of Adoption of Code**

**Fees**

In the following sections, fee amounts were removed from the Code and replaced with reference to the Village Fee Schedule:

§13-23B(6)

§146-2C

§146-4

§158-11B

§191-7

§194-6A

§231-4B

§270-12F

**Chapter 13, Boards and Bureaus.**

**Article II, Traffic Violations Bureau.**

A. Section 13-17A is amended as indicated:

*The Traffic Violations Bureau shall be authorized to dispose of any violations of the traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as "speeding" or a misdemeanor or felony, and to adjudicate the liability of owners for violations of Vehicle and Traffic Law §1111-d, regarding red traffic indicators.*

B. The definition of "owner" in §13-23A is amended as indicated:

*Any person, corporation, partnership, firm, agency, association, lessor, or organization who, at the time of the issuance of a notice of violation, is the beneficial or equitable owner of such vehicle; or has title to such vehicle; or is the registrant or coregistrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or uses such vehicle in its vehicle renting and/or leasing business; or (5) is an owner of such vehicle as defined in Section 128 or subdivision (a) of Section 121 of the Vehicle and Traffic Law of the State of New York.*

## **Chapter 25, Ethics, Code of.**

A. The first sentence of the definition of "interest" in §25-2 is amended as indicated:

*A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a business or professional transaction with the Village of Chestnut Ridge.*

B. Section 25-3A is amended as indicated:

*Gifts. No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift or accept or receive any gift having a value of ~~\$25~~ \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, from any person, firm or corporation which, to his knowledge, is interested directly or indirectly in any manner whatsoever in business or professional dealings with the Village or any agency thereof or who has any matter under consideration by any board, commission or agency of the Village, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.*

C. Original Sec. 3m is repealed.

D. Section 25-6 is amended as indicated:

*The Mayor of the Village of Chestnut Ridge shall cause a copy of this chapter to be distributed to every officer and employee of the Village within 30 days after the effective date hereof. Each officer and employee elected or appointed thereafter or nominated for officer shall be furnished a copy before entering upon the duties of his/her office or employment or within 10 days after nomination. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.*

## **Chapter 107, Alarms.**

Section 107-5 is amended to read as follows:

*A. Any alarm use or alarm installer who is found guilty of a violation of § 107-4 of this chapter shall be punished by a fine not to exceed \$500 for each violation.*

*B. An excessive amount of false alarms in any calendar year shall constitute a violation of this section. For purposes of this section, the term "excessive" shall mean more than two false alarms in a calendar year (January 1 through December 31). An appearance ticket charging a violation of this section may be issued by the Village of Chestnut Ridge Fire Inspector. The fine schedule for a conviction under this section shall be as follows:*

- (1) A fine of \$300 for three false alarms.*
- (2) A fine of \$600 for four false alarms.*
- (3) A fine not to exceed \$2,000 for a conviction of having more than five false alarms in a calendar year.*
- (4) A fine not to exceed \$3,000 for a conviction of having more than six false alarms in a calendar year.*
- (5) A fine not to exceed \$4,000 for a conviction of having more than seven false alarms in a calendar year.*
- (6) A fine not to exceed \$5,000 for a conviction of having more than eight false alarms in a calendar year.*
- (7) A fine not to exceed \$6,000 for a conviction of having more than nine false alarms in a calendar year.*
- (8) A fine not to exceed \$10,000 for a conviction of having more than 10 false alarms in a calendar year.*
- (9) A fine not to exceed \$11,000 for a conviction of having more than 11 false alarms in a calendar year.*
- (10) A fine not to exceed \$12,000 for a conviction of having more than 12 false alarms in a calendar year.*
- (11) A fine not to exceed \$13,000 for a conviction of having more than 13 false alarms in a calendar year.*
- (12) A fine not to exceed \$14,000 for a conviction of having more than 14 false alarms in a calendar year.*
- (13) A fine not to exceed \$15,000 for a conviction of having more than 15 false alarms in a calendar year.*

## **Chapter 111, Alcoholic Beverages.**

### **Article I, Public Consumption.**

Section 111-2 is added to read as follows:

§111-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

*INTENT TO CONSUME* – Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

*OPEN BOTTLE, CAN OR OTHER CONTAINER* – Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

**Chapter 118, Building Code Administration and Enforcement.**

Section 118-1 is amended as indicated:

*The Board of Trustees of the Village of Chestnut Ridge hereby adopts and accepts the applicability of the New York State Uniform Fire Prevention and Building Code for the Village of Chestnut Ridge as the official Building Construction Code of the Village for the purposes set forth therein and as it may be amended from time to time.*

**Chapter 122, Buildings, Numbering of.**

Section 122-3.

A. The following lead-in statement is added:

*Address numbers required by this chapter shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code. In addition:*

B. Subsection B is amended as indicated:

*All numbers shall be made of a durable and clearly visible material, reflective for nighttime visibility, and shall be in a contrasting color to the building or place upon which they are affixed.*

**Chapter 126, Buildings, Unsafe.**

Section 126-2 is added to read as follows:

§ 126-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

*DANGEROUS OR UNSAFE BUILDING – Includes, but is not limited to:*

*A. Any building, shed, fence or other man-made structure which is dangerous or unsafe to the public health and welfare because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants thereof or neighboring structures.*

*B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.*

*C. Any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.*

*D. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and/or frequented by children or other persons who are not lawful occupants of the structure.*

### **Chapter 133, Clearing, Filling and Excavation**

A. Section 133-15D is amended as indicated:

*The certificate of insurance shall show liability coverage, ~~with limits of liability for bodily injury or property damage of at least \$4,000 in such amounts and by such company or companies as may be approved by the Village Attorney~~ and shall specify that explosion, collapse, and underground hazards are included in such coverages.*

B. In §133-22, the defined term "building, accessory" is amended to read "structure, accessory."

### **Chapter 153, Fire Prevention.**

Section 153-16A is amended as indicated:

*Premises identification. New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property in accordance with Chapter 122, Buildings, Numbering of, of the Village Code. These numbers shall contrast with their background. The numbers should be at least four inches in height if the building is 50 feet or less from the street, and at least eight inches in height if the building is more than 50 feet from the street and if possible made of a reflective material for night time visibility.*

## **Chapter 182, Noise.**

Section 182-4D is amended to add the word "boundary" to the end of the subsection.

## **Chapter 194, Peddling and Soliciting.**

- A. The definition of "merchandising" in §194-3 is amended as indicated: "Selling, purchasing, bartering or trading..."
- B. Sections 194-4B and 194-10 are amended to update the reference to the New York State Home Solicitation Act to read "Door-to-Door Sales Protection Act found in Personal Property Law Article 10-a, §425 et seq."
- C. Section 194-6B(1) is amended to revise the term "crippled" to read "disabled."

## **Chapter 199, Property Maintenance.**

### **Article I, Debris Control.**

Section 199-2, the definition of "dumpster, container, compactor or enclosure"; §199-3; and §199-6B and C are amended to revise the phrase "nuisance, hazard, debris" to read "public nuisance, health hazard, debris."

### **Article II, Elimination of Obstructions at Intersections.**

Section 199-9 is amended to revise "20 feet" to read "25 feet."

## **Chapter 203, Property Registration.**

### **Article II, Rental Registry.**

Section 203-17A is amended to change "Chapter \_\_\_ of the Village Code" to read "Chapter 153, Fire Prevention, of the Village Code."

## **Chapter 221, Signs.**

### **Article I, Posting on Public Property.**

- A. In §221-4, the lead-in paragraph is amended as indicated:

*Notwithstanding the provisions of §221-3 of this article, temporary political signs, temporary garage sale signs and temporary signs of any educational, charitable, philanthropic or religious organization relating to a specific event, fund-raising drive, or similar campaign shall be*

*permitted to be posted on public property, provided that the procedures and limitations set forth in this section are followed.*

- (1) Section 221-4A is amended to change "Village Clerk-Treasurer" to read "Village Clerk."

#### **Chapter 226, Site Development Plans.**

- A. Section 226-6B(3)(e), Standard Landscape Note (3), is amended to remove the term "Eeeseey grow" and to update "American Association of Nurserymen" to read "American Nursery and Landscape Association."
- B. Section 226-7A(5)(c) is amended to delete the phrase "or Expoxy-Rok."

#### **Chapter 238, Solid Waste.**

In §238-2, the definition of "trash" is amended in the lead-in paragraph to revise "maximum weight of 60 pounds" to read "maximum weight of 30 pounds." Subsection (2) of that definition is amended to revise "no more than 60 pounds per piece" to read "no more than 30 pounds per piece."

#### **Chapter 243, Stormwater Management.**

##### **Article I, Illicit Discharges and Connections to Storm Sewer System.**

Section 243-13 is amended as indicated:

*Any person receiving a notice of violation may appeal the determination of the SMO to the (Town Board/Village Board of Trustees/County Entity) within 15 days of its issuance...*

#### **Chapter 249, Streets and Sidewalks.**

##### **Article II, Excavations.**

Original Sec. 11, Supersession of other laws; authority, is repealed.

#### **Chapter 254, Subdivision of Land.**

- A. Section 254-1 is amended to add the following sentence to the end of the section:

*The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations in applying this chapter.*

- B. Sections 254-11.



- (1) Subsection B(1) is amended to revise the term "60 days" to read "62 days."
- (2) Subsection C is amended to revise the term "60 days" to read "62 days" and to revise the phrase "Within 10 days of the approval of a preliminary plat" to read "Within five days of the approval of a preliminary plat."
- (3) Subsection D(1) is amended as indicated in the last sentence: "Such letter of credit shall be in an amount ~~at least two times~~ equal to the estimated cost of construction of such public improvements."

C. Section 254-12.

- (1) Subsection A(5) is amended to revise "10 days' notice" to read "notice in accordance with Village Law §7-728."
- (2) Subsection A(6)(b) is amended as indicated:

*The applicant shall deliver a deed to all such lands in proper form for recording, together with a title policy for the Village of Chestnut Ridge in a sum not less than ~~\$10,000~~ \$20,000, which ~~sum~~ policy shall be ~~determined~~ reviewed by the Village Attorney before signing of the final subdivision plat.*

- (3) Subsection C is amended as indicated: "... a public hearing for a meeting of the Planning Board to be held at least four weeks after the date of submission of the application within 62 days after the submission of a complete application."

- (4) Subsection D.

- (a) The second sentence is amended to revise the term "60 days" to read "62 days."
- (b) The second-last sentence is amended as indicated: "The Planning Board, upon written request of the applicant, may extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof."

D. In §254-14B, the first sentence is amended as indicated: "... at the time of application for final subdivision approval in an amount equal to twice the estimated cost of all improvements not constructed, ..."

E. Section 254-16 is ratified to read as follows:

*Where utilities required by the Planning Board are to be installed by a public utility company or improvement district, the Planning Board may accept assurance from the public utility company or improvement district, in writing, that such installations will be furnished by the company or improvement district within a specified period of time and in accordance with the approved construction plans.*

F. Section 254-34.

- (1) The original term "official submittal date" is repealed.

(2) The term "road, commercial or industrial" is amended as indicated: "A road which serves, or is designed to serve, commercial or industrial properties exclusively."

## **Chapter 260, Taxation.**

### **Article I, Utility Tax.**

A. Section 260-2A is amended to update the statutory reference to Article 3B of the Public Service Law to Transportation Law §170 et seq.

B. Section 260-11A is amended as indicated: "The tax imposed by this article shall be charged against and be paid by the utility and ~~shall not~~ may be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility."

### **Article II, Exemption for Property Improvements for Disabled Persons.**

A. Section 260-19 is amended to read as follows:

*Pursuant to the provisions of §459 of the New York State Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled and who resides on the premises at least 10 months per year, or a member of the resident owner's household who is physically disabled, if such member resides in the real property.*

B. Section 260-25 is added to read as follows: "An exemption granted under this article is extinguished on transfer of title on the premises in question."

C. Section 260-26 is added to read as follows: "This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after May 1, 1984."

D. Section 260-27 is added to read as follows: "Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000 and shall be disqualified from further exemption for a period of five years."

### **Article VIII, Cold War Veterans Exemption.**

A. Section 260-55.

(1) The definition of "latest class ratio" is amended to read as follows:

*The latest final class ratio established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12.*

(2) The definition of "latest state equalization rate" is amended as indicated in the first sentence: "The latest final state equalization rate or special equalization rate established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12 ~~twelve~~ of this chapter."

## **Chapter 270, Vehicles and Traffic.**

### **Article I, General Provisions.**

A. Section 270-7D is amended as indicated:

Establishment and marking of Fire zones. The Board of Trustees of the Village of Chestnut Ridge is hereby authorized pursuant to the authority granted under Section 1640-a of the Vehicle and Traffic Law of the State of New York to determine and establish appropriate fire lanes in all shopping centers in accordance with Chapter 153, Fire Prevention, §153-14, of the Village Code. Thereupon, the Mayor of the Village of Chestnut Ridge shall cause to be erected or installed adequate signs, markings, and other devices to delineate said fire lanes. Signs, markings and other devices erected or installed on such privately owned premises shall be at the cost of the owner and may be billed for and collected in the same manner as set forth in Subsection A(1) hereinabove.

### **Article II, Street-Specific Traffic Regulations.**

This article is amended in its entirety to read as follows:

#### **§ 270-15. Definitions and word usage.**

*For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.*

*PARK — The placing, deposit or leaving of any motor vehicle unattended for any period of time.*

*PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.*

#### **§ 270-16. Parking prohibited.**

*It shall be unlawful for any person to park any motor vehicle in any of the following public roads or rights-of-way in the Village of Chestnut Ridge, or on any other portion of said public road or right-of-way:*

<i><b>Name of Street</b></i>	<i><b>Side</b></i>	<i><b>Location</b></i>
<i>State Route 45, also known as "Chestnut Ridge Road"</i>	<i>East or west</i>	<i>Entire length</i>

**§ 270-17. Suspension of regulations.**

*The Mayor of the Village of Chestnut Ridge is hereby authorized to suspend the provisions of this article if the Mayor determines that such suspension is in the interests of the public for holidays, special events or other good cause.*

**§ 270-18. Violations and penalties.**

*Each and every violation of this article shall be punishable in the same manner as a parking violation and shall be subject to the same penalties as any other parking violation.*

**§ 270-19. Enforcement.**

*The Code Enforcement Consultant and Code Inspector of the Village of Chestnut Ridge and any police officer of the Town of Ramapo are hereby authorized to issue appearance tickets for violation of this article.*

**Chapter 277, Wetlands.**

A. Section 277-8 is amended as indicated:

*Review of the determination of the Planning Board shall be, within a period of 30 days after the filing thereof, pursuant to the provisions of Title 11 of Article 24 of the Environmental Conservation Law of the State of New York or pursuant to the provisions of Article 78 of the Civil Practice Law and Rules with respect to the properties designated on the State Wetlands Map or otherwise regulated by the state.*

B. Section 277-11.

(1) Subsection A is amended to change the penalty amount from \$3,000 to \$11,000.

(2) Subsection D is amended in the first two sentences as indicated:

*In addition to the above civil fine, any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than ~~\$500~~ \$2,000 nor more than ~~\$1,000~~ \$4,000. For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine of not less than ~~\$1,000~~ \$4,000 nor more than ~~\$2,000~~ \$7,000 or a term of imprisonment of not less than 15 days nor more than six months, or both.*

**Chapter 290, Zoning.**

A. §290(11) is amended to add subsection S as follows:

*S. Permitted burial of human remains. Notwithstanding inconsistency with any general law relating to the burial of human remains, it shall be a violation of this Chapter to:*

i. Bury human remains on any property in the Village of Chestnut Ridge, other than on a property with an approved Site Development Plan and Special Permit authorizing its use as a Cemetery. This provision shall supersede any contrary provision of any conflicting general law.

B. Section 290-25A is amended as indicated:

*Where a lot in an LO or PI District abuts a residential zoning district, the Planning Board may, in its discretion, require additional protections of distance, landscape material...*

C. Sections 290-36, 290-47A, and 290-53 are amended to update the reference to Village Law §7-725 to read "§7-725-a."

D. Section 290-39A (1) is amended as indicated:

*Freestanding signs. A drawing showing elevation view, dimensions of sign, sign area, dimensions of support, location of sign on site, method, source and location of illumination, colors, setback from designated street line, materials and text of sign. (All sides of a sign shall be counted in determining sign area. Only one side of a sign shall be counted in determining sign area.)*

E. Section 290-46C is amended to change "60 days" to read "62 days."

F. Section 290-56, the lead-in paragraph, is amended as indicated: "No person shall maintain a swimming pool unless it complies with the requirements of the New York State Uniform Fire Prevention and Building Code and the safeguards set forth herein are observed:"

G. Sections 290-73A(7), 290-73B(7), and 290-75G are amended to read as follows: "See the Table of General Use Requirements, included as an attachment to this chapter."

H. Section 290-79C is amended as indicated: "Assisted living units shall not contain cooking facilities. Units shall not be used as apartments for transient tenants; units shall not contain more than two bedrooms, a separate living area and bathroom and shall not be connected by interior doors in groups of more than two. No unit shall contain more than two bedrooms."

I. Section 290-83 is amended as indicated:

*This article applies to lots, buildings, structures and nonbuilding uses lawfully in existence on the effective date of this article or any amendments thereto. The lawful use of any such premises, or uses or structures existing on the effective date of this article or any amendment thereto may be continued although neither such use or structure conforms, nor the bulk or parking requirements of the same complies, with the requirements, except as hereinafter follows.*

J. Section 290-103B is added to read as follows:

B. Alternate members.

(1) In addition to regular members appointed and serving as per Subsection A, the Village Board shall appoint two temporary alternate members to the Board of Appeals to serve as

provided herein. Said alternate members shall attend all meetings of the Board, and the Chairman of the Board of Appeals shall designate the alternate members as acting members as necessary when absence of regular members of the Board or a conflict of interest of regular members of the Board would otherwise prevent seven members of the Board from considering any pending matter. The alternate members shall be so designated on a rotating basis so that each alternate member shall be afforded an equal opportunity to serve, except that the Chairman shall designate the alternate member with the longer remaining term if the particular matter is likely to continue beyond the current official year. Once designated to serve on a particular matter before the Board, the alternate member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Board of Appeals and all laws, statutes and regulations shall apply and be applied with equal force and effect. Alternate members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Village Board.

(2) Both alternate members shall serve two-year terms expiring at the end of the official year except in the first year of the application of this chapter, to stagger the terms, one alternate member shall be appointed for one year and one for two years. Their successors shall be appointed for a term of two years after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board for the unexpired term. The Village Board shall have the power to remove any alternate member of the Board of Appeals for cause, after a public hearing if one is requested.

(3) Although both alternate members of the Board of Appeals shall attend all meetings of the Board of Appeals, they shall have no power to participate in any actions of the Board of Appeals except as provided herein.

K. Section 290-105B is amended as indicated: "Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the Village Clerk and Building Inspector by case number within ~~a reasonable period of time~~ five business days after its adoption."

L. Section 290-108.

(1) Subsection B is amended to change "45 days" to read "62 days."

(2) Subsection C, second sentence, is amended as indicated: "The decision of the Village Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant."

M. Section 290-113A (6) is added to read as follows:

*The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this subsection shall not apply to the granting of area variances.*

N. Section 290-116.

(1) The definition of "assisted living residence" is amended in the first sentence as indicated: "Those residences as defined in Chapter X, Assisted Living Residences, of the ~~NYS Public Health Law~~ New York Codes, Rules and Regulations Part 1001 and the Public Health Law Article 46-B and shall not include any services specifically excluded in the New York State Public Health Law."

(2) The definition of "assisted living unit" is amended as indicated:

*Private or semiprivate rooms in an assisted living residence, which may be in the form of a studio or may consist of one or two bedrooms, with a separate living area along with a bathroom consisting of a bath and/or shower and one toilet.*

(3) The definition of "community residence facility" is amended to revise the term Office of Mental Retardation and Developmental Disabilities to read "Office for People with Developmental Disabilities."

(4) The definition of "dormitory" is amended to change "Single-family" to read "One-family" in the beginning of the fourth sentence.

(5) The definition of "family" is amended to read as follows:

*One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities and access to all parts of the dwelling unit. A roomer, boarder or lodger shall not be considered a member of the family.*

(6) The definition of "road, industrial service" is amended to revise the term "LO-R" to read "PO-R." and to update the reference to §52F to read "§290-18E."

(7) The definition of "supermarket" is amended as indicated: "A large form of the traditional grocery store, generally for self-service, offering a wide variety ..."

MOTION: Deputy Mayor Valentine

SECOND; Trustee Van Alstyne

The Board was polled and voted 5-0 to adopt a local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge into a municipal code to be designated the "Code of the Village of Chestnut Ridge".

**6. Resolution No. 2021-3** – Resolution to approve 2021 Fueling Agreement with the Town of Ramapo

**RESOLVED** that the contract with the town of Ramapo for fueling services at a cost exempt of taxes for the period of January 1, 2021 through December 31, 2021 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Trustee Van Alstyne

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2021-3.

**7. Resolution No. 2021-4** – Resolution to approve 2021 Highway Maintenance Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Highway services for the period of January 1, 2021 through December 31, 2021 at a cost not to exceed \$605,000.00 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 5-0 to Approve Resolution No. 2021-4.

**8. Resolution No. 2021-5** – Resolution to approve 2021 Dog Control Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Dog Control services for the period of January 1, 2021 through December 31, 2021 at a rate of \$50.00 per hour is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2021-5.

**9. Resolution No. 2021-6** – Resolution to approve Year to Date Budget modifications in the amount of \$51,020.00.

**RESOLVED**, that year to date budget modifications in the amount of \$51,020.00, as detailed by the Village Treasurer (schedule attached), are hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-6



10. **Resolution No. 2021-7-** Resolution to appoint Julie Golding as a Member of the Architectural Review Board for a term to expire April 2021.

**RESOLVED**, that the Mayor's appointment of Julie Golding as a member of the Architectural Review Board for a term to expire April 2021 is hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-7.

11. **Resolution No. 2021-8** - Resolution approving Abstract of Audited Claims.

**RESOLVED**, that General Fund Claims set forth on pages 1 through 3 in the aggregate amount of \$ 125,795.59 as set forth on Abstract No. 2021-1 dated January 21, 2021 as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-8.

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

**Anthony Shaut – 23 Mouacdie Drive, Pearl River, New York 10965:**

- Asked what the modification on the budget obtains to?
- Asked if there was any up-date on the Comprehensive Plan or Traffic Study.

**Lise Chanin: Treasurer**

- The modification is to adjust the budget at the end of the year for the State of New York; accounts adjusted; aggregate number; there were probably about fifteen, twenty items, small amounts; transferring money from one place to the other.

Mayor Presti:

- The Comprehensive Plan is still moving along, trying to incorporate both, and waiting to review the Traffic Study; conversation between the Planner and the traffic consultant to get a final version of the Traffic Study shortly.

**Mr. Asselbergs – 6 Crown Ct., Chestnut Ridge, New York 10977:**

- Understood the Town of Ramapo is responsible for review of the roads and the Stormwater System.
- Understood there was a survey done in March
- The Village Engineer conducted this survey in what roads needed to be maintained.
- Asked if there was a record kept?

- Will the Village concur with the Town of Ramapo and the Village Engineer?

**Mayor Presti:**

- Every year the Village Engineer does a road survey regarding all the roads in the Village; the Village Engineer recommends what roads to be paved; usually a five, ten or more-year plan regarding what roads to be paved, repaired.
- As far as the annual review by the Town of Ramapo; Mr. Spence and Mr. Brinn speak periodically and determine what needs to be done.

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

- Asked what he needed to do as a resident to amend Village Code in connection with lighting; is there a process to follow for this; can I have a response from the Board if you would consider this?

**Mayor Presti:**

- The Village would speak to the Planner or Engineer.

**Julie Golding - 4 Matthew Drive, Chestnut Ridge, New York 10977:**

- Thanked Mayor Presti, and the Village Board of Trustees for her appointment to the ARB
- Stated she is looking forward to working together with everyone in public service.

**Mayor Presti:**

Thank you to Julie, and welcomed her to the Village team.

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

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

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

13. **Motion to Adjourn the Meeting.**

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

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

MEETING ADJOURNED: 8:50 P.M.

Respectfully submitted,

Florence A. Mandel  
Village Clerk

Recording Secretary

Attorney Sevastian: No updates on litigation at this time.

Executive Session – Pending Litigation: OJC v. Village of Chestnut Ridge (Federal Ct. Action); Cogut et. al v. Chestnut Ridge (Article 78 Proceeding); Cogut/CUPON v. Chestnut Ridge (Federal Ct. Action); Cogut et. al. v. Chestnut Ridge (Declaratory Judgment action); 107 Vogel LLC v. Village of Chestnut Ridge (State Court Article 78).

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

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**For the Regularly Scheduled Board meeting of January 19, 2021**

**8:00 pm – conducted via Zoom (due to COVID-19)**

**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**

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**WALTER SEVASTIAN**

**VILLAGE ATTORNEY**

**FLORENCE A. MANDEL**

**VILLAGE CLERK**

**CHESTNUT RIDGE VILLAGE BOARD**  
**VILLAGE BOARD MEETING AGENDA**

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For the Regularly Scheduled Board meeting of January 21, 2021 - 8:00 pm

277-279 Old Nyack Turnpike

Chestnut Ridge, New York 10977

On March 7, 2020, in Executive Order No. 202.1, Governor Cuomo suspended, and subsequently extended the suspension, of 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 January 21, 2021 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

URL/ID: <https://zoom.us/j/7560798481>

**MEETING AGENDA:**

1. Pledge of Allegiance.

2. Mayor's report.

- Welcome to the January 21, 2021 Village Board Meeting.
- There is nothing new to report regarding the pandemic.
- Everybody is waiting to hear about making appointments for their shots.

### **3. Open Floor: public discussion of Agenda Items.**

Held until end of meeting.

### **4. Approval of Minutes of Previous Meeting, December 17, 2020**

**MOTION:** Trustee Miller

**SECOND:** Deputy Mayor Valentine

**The Board was polled and voted 5-0 to Approve Village Board Minutes of December 17, 2020.**

#### **Continuation of Public Hearing on the Codification:**

##### **Mayor Presti:**

- At our December 17<sup>th</sup> meeting we had opened up the hearing for consideration of the Codification and explained what the process was all about.
- Mayor Presti reviewed the discussion of what took place at the December 17, 2020 Village Board Meeting regarding letter from the COUPON Committee allegedly sent to the Village, which was not received by the Mayor.
- Upon further discussion, when Mayor Presti said he didn't get it, he was flat out told he was wrong.
- Letter had gone to Mary Ballak, Planning Secretary, who had been out that day.
- Ms. Ballak is the Planning, Zoning, ARB secretary; received that memo.
- She is not the repository for the Village.
- We were accused of being redundant or changing things without proper procedure.
- As a courtesy, what the Village Board ended up doing is to continue the public hearing until today so that you'd have a continued opportunity to discuss the Codification.
- We are not making any new laws with the Codification, it's very clear and very apparent.
- Example: Code Inspector becomes Code Enforcement Official.
- Why anyone would think we would want to keep certain language; like not change crippled to disabled, instead of bringing our legislation up to current.
- The Village Attorney will address some comments; definition of family, lighting, Prohibiting Burial.

##### **Walter Sevastian – Village Attorney:**

- The purpose of a Codification is not to create new legislation; it's to take existing Village regulations and existing Village resolutions and edit and get it in a more workable format.
- It is fair game within a Codification to modify things.
- It's not a vehicle to change the Zoning Code.
- In my opinion, it was reflected in the Schedule attached to the Local Law, things that are based on the Village's Local Law, legislation and resolutions.
- The definition of family had changed; there was an existing definition of family in the Code.

- Existing resolutions and make the writing clearer; I think the result is essentially the same.
- A housekeeping unit, required clearer access throughout the house, and separate facilities.
- When the Codification took place, this was a grievance.
- It was a pretty big undertaking going from file to file, changed over the years, submitting those to general code, and there was back and forth between myself and the editors; discussing the fact that there was a Village resolution that struggles with these issues.
- I was not trying to do anything nefarious.
- When the Comprehensive Plan is completed, there will be significant update to the Village Code.
- For my own purposes, I have a list of items that I think the Planner should consider.
- The definition of family is legally to be modified in the Codification process.
- With respect to the lights, that's a good example of legislation that will be new legislation.
- There wasn't anything in there, that would address that issue.
- That's something that would be new as opposed to taking what exists.
- The Burial is in there; when you are going back and forth in general code, and producing what is finally going to be adopted, on the physical web-site the burial law wasn't in there.
- When this local law gets adopted, it gets sent to General Code.
- Over the years, fees have changed; that's in there.
- The purpose of a public hearing is to raise concerns of the people.
- The Codification is a result of what's allowed under the law.

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

- Stated he had nothing to do with the COUPON letter; I am not the author of the Coupon letter which seemed to be implied.
- I was addressing issues with the Codification
- Brought up issues with Human Remains; was not in the last Agenda; you have added it since.
- I have now had time to review with the extension of the one month.
- Asked what is the difference between an Ordinance and a Local Law?
- Stated the Village Attorney has specifically explained Family issues; removal of constraint with unrelated persons.
- I was not concerned with the cooking facilities.
- The Building Inspector or Code Enforcement Officers cannot get access into the home unless invited in by the home owner.
- Stated the Village was not willing to get a search warrant regarding number of unrelated people living in a home; such as 270 N. Highland Avenue and will have little recourse or relief from the impact.
- This means only at a fire would this be brought out; i.e. 26 S. Pascack Rd.
- What is the process to have the Board amend Village law to make it applicable to all homes in a residential neighborhood; and if it is adopted, would existing homes, now in violation, be required to adjust their lighting?
- This is another problem rapidly spreading throughout the Village, and it sounds like Code Enforcement could readily enforce.

**Mayor Presti:**

- Three quarters of what you said really have to do with Legislation or changing current law, as opposed to the Codification process.
- If we want to get into the lighting law, we have to have a law to change it.
- If there is anyone in violation, they would have notice that the law changed.
- They have to be given an opportunity to remedy the alleged violation.

**Walter Sevastian – Village Attorney:**

- Local Laws are Local Laws; you can see them in the files as adopted by the Village.
- Sometimes when Local Laws are amended; increasing fines, fees, allowing them to take action which may be considered an ordinance
- It's just a matter of semantics.

**Mr. Asselbergs – 6 Crown Ct., Chestnut Ridge, New York 10977:**

- Question from letter – what is repealed; if nothing repealed, would somebody say so?
- If there are two or three things minor, would somebody tell us?

**Mayor Presti:**

- Stated Mr. Asselbergs was the first one to say the Mayor was wrong; that he did receive your comments.
- Village had a right to defend itself.
- We understand everyone has a right to speak; everyone has right to voice their opinion.
- They do not have a right to walk over staff, they do not have a right to do it in an unprofessional or accusatory manner.
- The revision you speak about is a general provision in all legislation as far as repeal.
- There is nothing that we are repealing in that Codification; it is standard language that is in every legislation, every bill that is passed in the Legislator, every Court, every Ordinance, every Local Law that is passed,

**Walter Sevastian – Village Attorney:**

- There is nothing omitted in the Local Laws

**Lee March Grayson – 52 Wilshire Drive, Chestnut Ridge, NY 10977:**

- With respect to lighting, ask that the Board consider include businesses in residential neighborhoods; aware that businesses have all sorts of trucks and cars.
- Neighborhoods where bright lights are really a nuisance.
- Hoping the ordinance could be drafted in a way that would include those types of situations.
- With regard to family, concerned about the wording, it seems to me it would invite multiply families to live in the same house and to engage in a relationship.
- It would invite for overcrowding.
- I hope there will be an ordinance to prohibit the burial of human remains.



**Mayor Presti:**

- Burial is in the law, not an issue.
- The Village Attorney addressed family and lighting.

**Motion of Close the Public Hearing on the Public Hearing on the Codification.**

**MOTION:** Deputy Mayor Valentine

**SECOND:** Trustee Van Alstyne

**The Board was polled and voted 5-0 to Close the Public Hearing.**

**5. Resolution No. 2021-2** – Resolution to adopt a local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge into a municipal code to be designated the “Code of the Village of Chestnut Ridge”.

**WHEREAS** public hearings were held the 17<sup>th</sup> day of December, 2020, and January 21, 2021 by the Board of Trustees of the Village of Chestnut Ridge, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

**WHEREAS** at said public hearing the Board of Trustees considered the enactment of proposed Local Law No.1-2021, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE”; and

**WHEREAS** all interested persons were given an opportunity to be heard with respect to the enactment of said local law (referrals of the local law to adjacent municipalities and the Rockland County Department of Planning (RCDOP) were made, and formatting suggestions from the RCDOP have been wholly incorporated into the local law);

**WHEREAS** the Village Board hereby adopts the Negative Declaration under SEQRA prepared by the Village Attorney, and finds that the adoption of this local law would not result in any adverse environmental impacts for the reasons stated in the Full Environmental Impact form;

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 1-2021 be enacted as follows:

**A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE**

ARTICLE I

**Adoption of Code**

**§1-1. Legislative intent.**

In accordance with Subdivision 3 of §20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge, as codified by General Code, and consisting of Chapters 1 through 290, together with an Appendix, shall be known collectively as the “Code of the Village of Chestnut Ridge,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Village of Chestnut Ridge” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Chestnut Ridge, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of §1-3 below.

**§1-3. Repealer.**

A. Repeal of inconsistent enactments. Except as provided in §1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in §1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Chestnut Ridge which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The Board of Trustees of the Village of Chestnut Ridge has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

- (1) Local Law No. 17-1987, regarding publication of local laws, adopted May 28, 1987.

**§1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in §1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Chestnut Ridge prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Chestnut Ridge or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Chestnut Ridge.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Chestnut Ridge.
- E. Any local law or ordinance of the Village of Chestnut Ridge providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Chestnut Ridge or any portion thereof.
- F. Any local law or ordinance of the Village of Chestnut Ridge appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Chestnut Ridge or other instruments or evidence of the Village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law or ordinance adopted subsequent to August 20, 2019.

**§1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause,

sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Chestnut Ridge and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of Chestnut Ridge by impressing thereon the Seal of the Village of Chestnut Ridge, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Village of Chestnut Ridge” or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Village to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§1-8. Code book to be kept up-to-date.**

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Chestnut Ridge required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of Chestnut Ridge in any manner whatsoever which will cause the legislation of the Village of Chestnut Ridge to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§1-11. Changes in previously adopted legislation; new provisions.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Chestnut Ridge, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor non-substantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Nomenclature changes.

(1) Throughout the Code, the terms "Code Inspector" and "Code Enforcement Consultant" are amended to read "Code Enforcement Officer."

(2) Throughout Chapter 290, Zoning, the term "site plan" is amended to read "site development plan."

**§1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Chestnut Ridge, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§1-1 to 1-13, inclusive.

**§1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Village of Chestnut Ridge  
Code Adoption Local Law**

**Schedule A**

## **Specific Revisions at Time of Adoption of Code**

### **Fees**

In the following sections, fee amounts were removed from the Code and replaced with reference to the Village Fee Schedule:

§13-23B(6)

§146-2C

§146-4

§158-11B

§191-7

§194-6A

§231-4B

§270-12F

### **Chapter 13, Boards and Bureaus.**

#### **Article II, Traffic Violations Bureau.**

A. Section 13-17A is amended as indicated:

*The Traffic Violations Bureau shall be authorized to dispose of any violations of the traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as "speeding" or a misdemeanor or felony, and to adjudicate the liability of owners for violations of Vehicle and Traffic Law §1111-d, regarding red traffic indicators.*

B. The definition of "owner" in §13-23A is amended as indicated:

*Any person, corporation, partnership, firm, agency, association, lessor, or organization who, at the time of the issuance of a notice of violation, is the beneficial or equitable owner of such vehicle; or has title to such vehicle; or is the registrant or coregistrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or uses such vehicle in its vehicle renting and/or leasing business; or (5) is an owner of such vehicle as defined in Section 128 or subdivision (a) of Section 121 of the Vehicle and Traffic Law of the State of New York.*

### **Chapter 25, Ethics, Code of.**

A. The first sentence of the definition of "interest" in §25-2 is amended as indicated:

*A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a business or professional transaction with the Village of Chestnut Ridge.*

B. Section 25-3A is amended as indicated:

*Gifts. No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift or accept or receive any gift having a value of ~~\$25~~ \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, from any person, firm or corporation which, to his knowledge, is interested directly or indirectly in any manner whatsoever in business or professional dealings with the Village or any agency thereof or who has any matter under consideration by any board, commission or agency of the Village, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.*

C. Original Sec. 3m is repealed.

D. Section 25-6 is amended as indicated:

*The Mayor of the Village of Chestnut Ridge shall cause a copy of this chapter to be distributed to every officer and employee of the Village within 30 days after the effective date hereof. Each officer and employee elected or appointed thereafter or nominated for officer shall be furnished a copy before entering upon the duties of his/her office or employment or within 10 days after nomination. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.*

## **Chapter 107, Alarms.**

Section 107-5 is amended to read as follows:

*A. Any alarm use or alarm installer who is found guilty of a violation of § 107-4 of this chapter shall be punished by a fine not to exceed \$500 for each violation.*

*B. An excessive amount of false alarms in any calendar year shall constitute a violation of this section. For purposes of this section, the term "excessive" shall mean more than two false alarms in a calendar year (January 1 through December 31). An appearance ticket charging a violation of this section may be issued by the Village of Chestnut Ridge Fire Inspector. The fine schedule for a conviction under this section shall be as follows:*

*(1) A fine of \$300 for three false alarms.*

*(2) A fine of \$600 for four false alarms.*

*(3) A fine not to exceed \$2,000 for a conviction of having more than five false alarms in a calendar year.*

- (4) *A fine not to exceed \$3,000 for a conviction of having more than six false alarms in a calendar year.*
- (5) *A fine not to exceed \$4,000 for a conviction of having more than seven false alarms in a calendar year.*
- (6) *A fine not to exceed \$5,000 for a conviction of having more than eight false alarms in a calendar year.*
- (7) *A fine not to exceed \$6,000 for a conviction of having more than nine false alarms in a calendar year.*
- (8) *A fine not to exceed \$10,000 for a conviction of having more than 10 false alarms in a calendar year.*
- (9) *A fine not to exceed \$11,000 for a conviction of having more than 11 false alarms in a calendar year.*
- (10) *A fine not to exceed \$12,000 for a conviction of having more than 12 false alarms in a calendar year.*
- (11) *A fine not to exceed \$13,000 for a conviction of having more than 13 false alarms in a calendar year.*
- (12) *A fine not to exceed \$14,000 for a conviction of having more than 14 false alarms in a calendar year.*
- (13) *A fine not to exceed \$15,000 for a conviction of having more than 15 false alarms in a calendar year.*

## **Chapter 111, Alcoholic Beverages.**

### **Article I, Public Consumption.**

Section 111-2 is added to read as follows:

#### *§111-2. Definitions.*

*As used in this article, the following terms shall have the meanings indicated:*

*INTENT TO CONSUME – Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.*

*OPEN BOTTLE, CAN OR OTHER CONTAINER – Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.*



## **Chapter 118, Building Code Administration and Enforcement.**

Section 118-1 is amended as indicated:

*The Board of Trustees of the Village of Chestnut Ridge hereby adopts and accepts the applicability of the New York State Uniform Fire Prevention and Building Code for the Village of Chestnut Ridge as the official Building Construction Code of the Village for the purposes set forth therein and as it may be amended from time to time.*

## **Chapter 122, Buildings, Numbering of.**

Section 122-3.

A. The following lead-in statement is added:

*Address numbers required by this chapter shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code. In addition:*

B. Subsection B is amended as indicated:

*All numbers shall be made of a durable and clearly visible material, reflective for nighttime visibility, and shall be in a contrasting color to the building or place upon which they are affixed.*

## **Chapter 126, Buildings, Unsafe.**

Section 126-2 is added to read as follows:

*§ 126-2. Definitions.*

*As used in this chapter, the following terms shall have the meanings indicated:*

*DANGEROUS OR UNSAFE BUILDING – Includes, but is not limited to:*

*A. Any building, shed, fence or other man-made structure which is dangerous or unsafe to the public health and welfare because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants thereof or neighboring structures.*

*B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.*

*C. Any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.*

*D. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and/or frequented by children or other persons who are not lawful occupants of the structure.*

### **Chapter 133, Clearing, Filling and Excavation**

A. Section 133-15D is amended as indicated:

*The certificate of insurance shall show liability coverage, ~~with limits of liability for bodily injury or property damage of at least \$4,000 in such amounts and by such company or companies as may be approved by the Village Attorney~~ and shall specify that explosion, collapse, and underground hazards are included in such coverages.*

B. In §133-22, the defined term "building, accessory" is amended to read "structure, accessory."

### **Chapter 153, Fire Prevention.**

Section 153-16A is amended as indicated:

*Premises identification. New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property in accordance with Chapter 122, Buildings, Numbering of, of the Village Code. These numbers shall contrast with their background. The numbers should be at least four inches in height if the building is 50 feet or less from the street, and at least eight inches in height if the building is more than 50 feet from the street and if possible made of a reflective material for night time visibility.*

### **Chapter 182, Noise.**

Section 182-4D is amended to add the word "boundary" to the end of the subsection.

### **Chapter 194, Peddling and Soliciting.**

A. The definition of "merchandising" in §194-3 is amended as indicated: "Selling, purchasing, bartering or trading..."

B. Sections 194-4B and 194-10 are amended to update the reference to the New York State Home Solicitation Act to read "Door-to-Door Sales Protection Act found in Personal Property Law Article 10-a, §425 et seq."

C. Section 194-6B(1) is amended to revise the term "crippled" to read "disabled."

## **Chapter 199, Property Maintenance.**

### **Article I, Debris Control.**

Section 199-2, the definition of "dumpster, container, compactor or enclosure"; §199-3; and §199-6B and C are amended to revise the phrase "nuisance, hazard, debris" to read "public nuisance, health hazard, debris."

### **Article II, Elimination of Obstructions at Intersections.**

Section 199-9 is amended to revise "20 feet" to read "25 feet."

## **Chapter 203, Property Registration.**

### **Article II, Rental Registry.**

Section 203-17A is amended to change "Chapter \_\_\_ of the Village Code" to read "Chapter 153, Fire Prevention, of the Village Code."

## **Chapter 221, Signs.**

### **Article I, Posting on Public Property.**

A. In §221-4, the lead-in paragraph is amended as indicated:

*Notwithstanding the provisions of §221-3 of this article, temporary political signs, temporary garage sale signs and temporary signs of any educational, charitable, philanthropic or religious organization relating to a specific event, fund-raising drive, or similar campaign shall be permitted to be posted on public property, provided that the procedures and limitations set forth in this section are followed.*

(1) Section 221-4A is amended to change "Village Clerk-Treasurer" to read "Village Clerk."

## **Chapter 226, Site Development Plans.**

A. Section 226-6B(3)(e), Standard Landscape Note (3), is amended to remove the term "Eeeseey grow" and to update "American Association of Nurserymen" to read "American Nursery and Landscape Association."

- B. Section 226-7A(5)(c) is amended to delete the phrase "or Expoxy-Rok."

### **Chapter 238, Solid Waste.**

In §238-2, the definition of "trash" is amended in the lead-in paragraph to revise "maximum weight of 60 pounds" to read "maximum weight of 30 pounds." Subsection (2) of that definition is amended to revise "no more than 60 pounds per piece" to read "no more than 30 pounds per piece."

### **Chapter 243, Stormwater Management.**

#### **Article I, Illicit Discharges and Connections to Storm Sewer System.**

Section 243-13 is amended as indicated:

*Any person receiving a notice of violation may appeal the determination of the SMO to the (Town Board/Village Board of Trustees/County Entity) within 15 days of its issuance...*

### **Chapter 249, Streets and Sidewalks.**

#### **Article II, Excavations.**

Original Sec. 11, Supersession of other laws; authority, is repealed.

### **Chapter 254, Subdivision of Land.**

- A. Section 254-1 is amended to add the following sentence to the end of the section:

*The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations in applying this chapter.*

- B. Sections 254-11.

(1) Subsection B(1) is amended to revise the term "60 days" to read "62 days."

(2) Subsection C is amended to revise the term "60 days" to read "62 days" and to revise the phrase "Within 10 days of the approval of a preliminary plat" to read "Within five days of the approval of a preliminary plat."

(3) Subsection D(1) is amended as indicated in the last sentence: "Such letter of credit shall be in an amount ~~at least two times~~ equal to the estimated cost of construction of such public improvements."

- C. Section 254-12.

(1) Subsection A(5) is amended to revise "10 days' notice" to read "notice in accordance with Village Law §7-728."

(2) Subsection A(6)(b) is amended as indicated:

*The applicant shall deliver a deed to all such lands in proper form for recording, together with a title policy for the Village of Chestnut Ridge in a sum not less than ~~\$10,000~~ \$20,000, which ~~sum~~ policy shall be ~~determined~~ reviewed by the Village Attorney before signing of the final subdivision plat.*

(3) Subsection C is amended as indicated: "... a public hearing for a meeting of the Planning Board to be held at least four weeks after the date of submission of the application within 62 days after the submission of a complete application."

(4) Subsection D.

(a) The second sentence is amended to revise the term "60 days" to read "62 days."

(b) The second-last sentence is amended as indicated: "The Planning Board, upon written request of the applicant, may extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof."

D. In §254-14B, the first sentence is amended as indicated: "... at the time of application for final subdivision approval in an amount equal to twice the estimated cost of all improvements not constructed, ..."

E. Section 254-16 is ratified to read as follows:

*Where utilities required by the Planning Board are to be installed by a public utility company or improvement district, the Planning Board may accept assurance from the public utility company or improvement district, in writing, that such installations will be furnished by the company or improvement district within a specified period of time and in accordance with the approved construction plans.*

F. Section 254-34.

(1) The original term "official submittal date" is repealed.

(2) The term "road, commercial or industrial" is amended as indicated: "A road which serves, or is designed to serve, commercial or industrial properties exclusively."

## **Chapter 260, Taxation.**

### **Article I, Utility Tax.**

A. Section 260-2A is amended to update the statutory reference to Article 3B of the Public Service Law to Transportation Law §170 et seq.

B. Section 260-11A is amended as indicated: "The tax imposed by this article shall be charged against and be paid by the utility and ~~shall not~~ may be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility."

## **Article II, Exemption for Property Improvements for Disabled Persons.**

A. Section 260-19 is amended to read as follows:

*Pursuant to the provisions of §459 of the New York State Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled and who resides on the premises at least 10 months per year, or a member of the resident owner's household who is physically disabled, if such member resides in the real property.*

B. Section 260-25 is added to read as follows: "An exemption granted under this article is extinguished on transfer of title on the premises in question."

C. Section 260-26 is added to read as follows: "This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after May 1, 1984."

D. Section 260-27 is added to read as follows: "Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000 and shall be disqualified from further exemption for a period of five years."

## **Article VIII, Cold War Veterans Exemption.**

A. Section 260-55.

(1) The definition of "latest class ratio" is amended to read as follows:

*The latest final class ratio established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12.*

(2) The definition of "latest state equalization rate" is amended as indicated in the first sentence: "The latest final state equalization rate or special equalization rate established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12 ~~twelve~~ of this chapter."

## **Chapter 270, Vehicles and Traffic.**

**Article I, General Provisions.**

A. Section 270-7D is amended as indicated:

Establishment and marking of Fire zones. The Board of Trustees of the Village of Chestnut Ridge is hereby authorized pursuant to the authority granted under Section 1640-a of the Vehicle and Traffic Law of the State of New York to determine and establish appropriate fire lanes in all shopping centers in accordance with Chapter 153, Fire Prevention, §153-14, of the Village Code. Thereupon, the Mayor of the Village of Chestnut Ridge shall cause to be erected or installed adequate signs, markings, and other devices to delineate said fire lanes. Signs, markings and other devices erected or installed on such privately owned premises shall be at the cost of the owner and may be billed for and collected in the same manner as set forth in Subsection A(1) hereinabove.

**Article II, Street-Specific Traffic Regulations.**

This article is amended in its entirety to read as follows:

**§ 270-15. Definitions and word usage.**

*For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.*

*PARK — The placing, deposit or leaving of any motor vehicle unattended for any period of time.*

*PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.*

**§ 270-16. Parking prohibited.**

*It shall be unlawful for any person to park any motor vehicle in any of the following public roads or rights-of-way in the Village of Chestnut Ridge, or on any other portion of said public road or right-of-way:*

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
<i>State Route 45, also known as "Chestnut Ridge Road"</i>	<i>East or west</i>	<i>Entire length</i>

**§ 270-17. Suspension of regulations.**

*The Mayor of the Village of Chestnut Ridge is hereby authorized to suspend the provisions of this article if the Mayor determines that such suspension is in the interests of the public for holidays, special events or other good cause.*

**§ 270-18. Violations and penalties.**

*Each and every violation of this article shall be punishable in the same manner as a parking violation and shall be subject to the same penalties as any other parking violation.*

**§ 270-19. Enforcement.**

*The Code Enforcement Consultant and Code Inspector of the Village of Chestnut Ridge and any police officer of the Town of Ramapo are hereby authorized to issue appearance tickets for violation of this article.*

### **Chapter 277, Wetlands.**

A. Section 277-8 is amended as indicated:

*Review of the determination of the Planning Board shall be, within a period of 30 days after the filing thereof, pursuant to the provisions of Title 11 of Article 24 of the Environmental Conservation Law of the State of New York or pursuant to the provisions of Article 78 of the Civil Practice Law and Rules with respect to the properties designated on the State Wetlands Map or otherwise regulated by the state.*

B. Section 277-11.

(1) Subsection A is amended to change the penalty amount from \$3,000 to \$11,000.

(2) Subsection D is amended in the first two sentences as indicated:

*In addition to the above civil fine, any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than ~~\$500~~ \$2,000 nor more than ~~\$1,000~~ \$4,000. For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine of not less than ~~\$1,000~~ \$4,000 nor more than ~~\$2,000~~ \$7,000 or a term of imprisonment of not less than 15 days nor more than six months, or both.*

### **Chapter 290, Zoning.**

A. §290(11) is amended to add subsection S as follows:

*S. Permitted burial of human remains. Notwithstanding inconsistency with any general law relating to the burial of human remains, it shall be a violation of this Chapter to:*

*i. Bury human remains on any property in the Village of Chestnut Ridge, other than on a property with an approved Site Development Plan and Special Permit authorizing its use as a Cemetery. This provision shall supersede any contrary provision of any conflicting general law.*

B. Section 290-25A is amended as indicated:

*Where a lot in an LO or PI District abuts a residential zoning district, the Planning Board may, in its discretion, require additional protections of distance, landscape material...*

C. Sections 290-36, 290-47A, and 290-53 are amended to update the reference to Village Law §7-725 to read "§7-725-a."



D. Section 290-39A (1) is amended as indicated:

*Freestanding signs. A drawing showing elevation view, dimensions of sign, sign area, dimensions of support, location of sign on site, method, source and location of illumination, colors, setback from designated street line, materials and text of sign. (~~All sides of a sign shall be counted in determining sign area.~~ Only one side of a sign shall be counted in determining sign area.)*

E. Section 290-46C is amended to change "60 days" to read "62 days."

F. Section 290-56, the lead-in paragraph, is amended as indicated: "No person shall maintain a swimming pool unless it complies with the requirements of the New York State Uniform Fire Prevention and Building Code and the safeguards set forth herein are observed."

G. Sections 290-73A(7), 290-73B(7), and 290-75G are amended to read as follows: "See the Table of General Use Requirements, included as an attachment to this chapter."

H. Section 290-79C is amended as indicated: "Assisted living units shall not contain cooking facilities. Units shall not be used as apartments for transient tenants; units shall not contain more than two bedrooms, a separate living area and bathroom and shall not be connected by interior doors in groups of more than two. No unit shall contain more than two bedrooms."

I. Section 290-83 is amended as indicated:

*This article applies to lots, buildings, structures and nonbuilding uses lawfully in existence on the effective date of this article or any amendments thereto. The lawful use of any such premises, or uses or structures existing on the effective date of this article or any amendment thereto may be continued although neither such use or structure conforms, nor the bulk or parking requirements of the same complies, with the requirements, except as hereinafter follows.*

J. Section 290-103B is added to read as follows:

B. Alternate members.

(1) In addition to regular members appointed and serving as per Subsection A, the Village Board shall appoint two temporary alternate members to the Board of Appeals to serve as provided herein. Said alternate members shall attend all meetings of the Board, and the Chairman of the Board of Appeals shall designate the alternate members as acting members as necessary when absence of regular members of the Board or a conflict of interest of regular members of the Board would otherwise prevent seven members of the Board from considering any pending matter. The alternate members shall be so designated on a rotating basis so that each alternate member shall be afforded an equal opportunity to serve, except that the Chairman shall designate the alternate member with the longer remaining term if the particular matter is likely to continue beyond the current official year. Once designated to serve on a particular matter before the Board, the alternate member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Board of Appeals and all laws, statutes and regulations shall apply and be applied

with equal force and effect. Alternate members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Village Board.

(2) Both alternate members shall serve two-year terms expiring at the end of the official year except in the first year of the application of this chapter, to stagger the terms, one alternate member shall be appointed for one year and one for two years. Their successors shall be appointed for a term of two years after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board for the unexpired term. The Village Board shall have the power to remove any alternate member of the Board of Appeals for cause, after a public hearing if one is requested.

(3) Although both alternate members of the Board of Appeals shall attend all meetings of the Board of Appeals, they shall have no power to participate in any actions of the Board of Appeals except as provided herein.

K. Section 290-105B is amended as indicated: "Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the Village Clerk and Building Inspector by case number within ~~a reasonable period of time~~ five business days after its adoption."

L. Section 290-108.

(1) Subsection B is amended to change "45 days" to read "62 days."

(2) Subsection C, second sentence, is amended as indicated: "The decision of the Village Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant."

M. Section 290-113A (6) is added to read as follows:

*The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this subsection shall not apply to the granting of area variances.*

N. Section 290-116.

(1) The definition of "assisted living residence" is amended in the first sentence as indicated: "Those residences as defined in Chapter X, Assisted Living Residences, of the ~~NYS Public Health Law~~ New York Codes, Rules and Regulations Part 1001 and the Public Health Law Article 46-B and shall not include any services specifically excluded in the New York State Public Health Law."

(2) The definition of "assisted living unit" is amended as indicated:

*Private or semiprivate rooms in an assisted living residence, which may be in the form of a studio or may consist of one or two bedrooms, with a separate living area along with a bathroom consisting of a bath and/or shower and one toilet.*

(3) The definition of "community residence facility" is amended to revise the term Office of Mental Retardation and Developmental Disabilities to read "Office for People with Developmental Disabilities."

(4) The definition of "dormitory" is amended to change "Single-family" to read "One-family" in the beginning of the fourth sentence.

(5) The definition of "family" is amended to read as follows:

*One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities and access to all parts of the dwelling unit. A roomer, boarder or lodger shall not be considered a member of the family.*

(6) The definition of "road, industrial service" is amended to revise the term "LO-R" to read "PO-R." and to update the reference to §52F to read "§290-18E."

(7) The definition of "supermarket" is amended as indicated: "A large form of the traditional grocery store, generally for self-service, offering a wide variety ..."

MOTION: Deputy Mayor Valentine

SECOND; Trustee Van Alstyne

The Board was polled and voted 5-0 to adopt a local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge into a municipal code to be designated the "Code of the Village of Chestnut Ridge".

**6 . Resolution No. 2021-3** – Resolution to approve 2021 Fueling Agreement with the Town of Ramapo

**RESOLVED** that the contract with the town of Ramapo for fueling services at a cost exempt of taxes for the period of January 1, 2021 through December 31, 2021 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Trustee Van Alstyne

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2021-3.

7. **Resolution No. 2021-4** – Resolution to approve 2021 Highway Maintenance Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Highway services for the period of January 1, 2021 through December 31, 2021 at a cost not to exceed \$605,000.00 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Van Alstyne

The Board was polled and voted 5-0 to Approve Resolution No. 2021-4.

8. **Resolution No. 2021-5** – Resolution to approve 2021 Dog Control Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Dog Control services for the period of January 1, 2021 through December 31, 2021 at a rate of \$50.00 per hour is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

The Board was polled and voted 5-0 to Approve Resolution No. 2021-5.

9. **Resolution No. 2021-6** – Resolution to approve Year to Date Budget modifications in the amount of \$51,020.00.

**RESOLVED**, that year to date budget modifications in the amount of \$51,020.00, as detailed by the Village Treasurer (schedule attached), are hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-6

10. **Resolution No. 2021-7**- Resolution to appoint Julie Golding as a Member of the Architectural Review Board for a term to expire April 2021.

**RESOLVED**, that the Mayor's appointment of Julie Golding as a member of the Architectural Review Board for a term to expire April 2021 is hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-7.

**11. Resolution No. 2021-8 - Resolution approving Abstract of Audited Claims.**

**RESOLVED**, that General Fund Claims set forth on pages 1 through 3 in the aggregate amount of \$ 125,795.59 as set forth on Abstract No. 2021-1 dated January 21, 2021 as submitted by the Village Treasurer, are hereby approved.

MOTION: Trustee Miller

SECOND: Deputy Mayor Valentine

The Board was polled and voted 5-0 to Approve Resolution No. 2021-8.

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

**Anthony Shaut –Menocker Drive, Chestnut Ridge, New York 10977:**

- Asked what the modification on the budget obtains to?
- Asked if there was any up-date on the Comprehensive Plan or Traffic Study.

**Lise Chanin: Treasurer**

- The modification is to adjust the budget at the end of the year to the State of New York.
- Ones that are over are adjusted, one's that are under are adjusted.
- It's the aggregate number; there were probably about fifteen, twenty items, small amounts.
- We had to move money from one place to the other.

Mayor Presti:

- The Comprehensive Plan is still moving along.
- We are trying to incorporate both and waiting to review the Traffic Study.
- We are trying to ducktail those two.
- The Traffic Consultant and the Planner; there is conversation between them and we are hoping to be getting a final version of the Traffic Study shortly.

**Mr. Asselbergs – 6 Crown Ct., Chestnut Ridge, New York 10977:**

- Understood the Town of Ramapo is responsible for review of the roads and the Stormwater System.
- Understood there was a survey done in March
- The Village Engineer conducted this survey in what roads needed to be maintained.
- Asked if there was a record kept?
- Will the Village concur with the Town of Ramapo and the Village Engineer?

**Mayor Presti:**

- Every year the Village Engineer does a road survey regarding all the roads` in the Village.

- The Village Engineer will recommend what roads will be paved; there is usually a five, ten or more- year plan; what roads will be paved, repaired.
- As far as the annual review by the Town of Ramapo; Mr. Spence and Mr. Brinn speak periodically and determine what needs to be done.

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

- Asked what he needed to do as a resident to amend Village Code?
- Is there a process to follow for this; can I have a response from the Board if you would consider this?

**Mayor Presti:**

- That’s probably something we would want to speak to the Planner or Engineer.
- I doubt it will be that fast, but you are welcome to.

**Julie Golding - 4 Matthew Drive, Chestnut Ridge, New York 10977:**

- Thanked Mayor Presti, and the Village Board of Trustees for her appointment to the ARB
- Stated she is looking forward to working together with everyone in public service.

**Mayor Presti:**

Thank you, Julie, and welcomed her to the team.

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

MOTION: Trustee Van Alstyne

SECOND: Deputy Mayor Valentine

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

**13. Motion to Adjourn the Meeting.**

MOTION: Deputy Mayor Valentine

SECOND: Trustee Miller

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

MEETING ADJOURNED: 8:50 P.M.

Respectfully submitted,

Florence A. Mandel

Village Clerk

Recording Secretary

Attorney Sevastian: No updates on litigation at this time.

Executive Session – Pending Litigation: OJC v. Village of Chestnut Ridge (Federal Ct. Action); Cogut et. al v. Chestnut Ridge (Article 78 Proceeding); Cogut/CUPON v. Chestnut Ridge (Federal Ct. Action); Cogut et. al. v. Chestnut Ridge (Declaratory Judgment action); 107 Vogel LLC v. Village of Chestnut Ridge (State Court Article 78).

**Resolutions**

1. **Resolution No. 2021-2.** Resolution to adopt a local law to provide for the codification of the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge into a municipal code to be designated the “Code of the Village of Chestnut Ridge”.

**WHEREAS** public hearings were held the 17<sup>th</sup> day of December, 2020, and January 21, 2021 by the Board of Trustees of the Village of Chestnut Ridge, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

**WHEREAS** at said public hearing the Board of Trustees considered the enactment of proposed Local Law No.1-2021, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE”; and

**WHEREAS** all interested persons were given an opportunity to be heard with respect to the enactment of said local law (referrals of the local law to adjacent municipalities and the Rockland County Department of Planning (RCDOP) were made, and formatting suggestions from the RCDOP have been wholly incorporated into the local law);

**WHEREAS** the Village Board hereby adopts the Negative Declaration under SEQRA prepared by the Village Attorney, and finds that the adoption of this local law would not result in any adverse environmental impacts for the reasons stated in the Full Environmental Impact form;

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 1-2021 be enacted as follows:

**A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF CHESTNUT RIDGE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE VILLAGE OF CHESTNUT RIDGE**

ARTICLE I

**Adoption of Code**

**§1-1. Legislative intent.**

In accordance with Subdivision 3 of §20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Chestnut Ridge, as codified by General Code, and consisting of Chapters 1 through 290, together with an Appendix, shall be known collectively as the “Code of the Village of Chestnut Ridge,” hereafter termed the “Code.”

Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Village of Chestnut Ridge” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter



number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Chestnut Ridge, and it is the intention of said Board of Trustees that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of §1-3 below.

**§1-3. Repealer.**

A. Repeal of inconsistent enactments. Except as provided in §1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in §1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Chestnut Ridge which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The Board of Trustees of the Village of Chestnut Ridge has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

- (1) Local Law No. 17-1987, regarding publication of local laws, adopted May 28, 1987.

**§1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in §1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Chestnut Ridge prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Chestnut Ridge or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Chestnut Ridge.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Chestnut Ridge.

E. Any local law or ordinance of the Village of Chestnut Ridge providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Chestnut Ridge or any portion thereof.

F. Any local law or ordinance of the Village of Chestnut Ridge appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Chestnut Ridge or other instruments or evidence of the Village's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.

M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.

N. Any local law or ordinance adopted subsequent to August 20, 2019.

#### **§1-5. Severability.**

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **§1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Chestnut Ridge and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be

certified by the Village Clerk of the Village of Chestnut Ridge by impressing thereon the Seal of the Village of Chestnut Ridge, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Village of Chestnut Ridge” or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Village to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§1-8. Code book to be kept up-to-date.**

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Chestnut Ridge required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board of Trustees to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§1-9. Sale of Code book; supplementation.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

**§1-10. Penalties for tampering with Code.**

Any person who alters or tampers with the Code of the Village of Chestnut Ridge in any manner whatsoever which will cause the legislation of the Village of Chestnut Ridge to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§1-11. Changes in previously adopted legislation; new provisions.**

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Chestnut Ridge, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Nomenclature changes.

(1) Throughout the Code, the terms "Code Inspector" and "Code Enforcement Consultant" are amended to read "Code Enforcement Officer."

(2) Throughout Chapter 290, Zoning, the term "site plan" is amended to read "site development plan."

**§1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Chestnut Ridge, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§1-1 to 1-13, inclusive.

**§1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Village of Chestnut Ridge  
Code Adoption Local Law**

**Schedule A**

**Specific Revisions at Time of Adoption of Code**

**Fees**

In the following sections, fee amounts were removed from the Code and replaced with reference to the Village Fee Schedule:

§13-23B(6)

§146-2C

§146-4

§158-11B

§191-7

§194-6A

§231-4B

§270-12F

### **Chapter 13, Boards and Bureaus.**

#### **Article II, Traffic Violations Bureau.**

A. Section 13-17A is amended as indicated:

*The Traffic Violations Bureau shall be authorized to dispose of any violations of the traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as "speeding" or a misdemeanor or felony, and to adjudicate the liability of owners for violations of Vehicle and Traffic Law §1111-d, regarding red traffic indicators.*

B. The definition of "owner" in §13-23A is amended as indicated:

*Any person, corporation, partnership, firm, agency, association, lessor, or organization who, at the time of the issuance of a notice of violation, is the beneficial or equitable owner of such vehicle; or has title to such vehicle; or is the registrant or coregistrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or uses such vehicle in its vehicle renting and/or leasing business; or (5) is an owner of such vehicle as defined in Section 128 or subdivision (a) of Section 121 of the Vehicle and Traffic Law of the State of New York.*

### **Chapter 25, Ethics, Code of.**

A. The first sentence of the definition of "interest" in §25-2 is amended as indicated:

*A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a business or professional transaction with the Village of Chestnut Ridge.*

B. Section 25-3A is amended as indicated:

*Gifts. No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift or accept or receive any gift having a value of ~~\$25~~ \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, from any person, firm or corporation which, to his knowledge, is interested directly or indirectly*

*in any manner whatsoever in business or professional dealings with the Village or any agency thereof or who has any matter under consideration by any board, commission or agency of the Village, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.*

C. Original Sec. 3m is repealed.

D. Section 25-6 is amended as indicated:

*The Mayor of the Village of Chestnut Ridge shall cause a copy of this chapter to be distributed to every officer and employee of the Village within 30 days after the effective date hereof. Each officer and employee elected or appointed thereafter or nominated for officer shall be furnished a copy before entering upon the duties of his/her office or employment or within 10 days after nomination. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.*

## **Chapter 107, Alarms.**

Section 107-5 is amended to read as follows:

*A. Any alarm use or alarm installer who is found guilty of a violation of § 107-4 of this chapter shall be punished by a fine not to exceed \$500 for each violation.*

*B. An excessive amount of false alarms in any calendar year shall constitute a violation of this section. For purposes of this section, the term "excessive" shall mean more than two false alarms in a calendar year (January 1 through December 31). An appearance ticket charging a violation of this section may be issued by the Village of Chestnut Ridge Fire Inspector. The fine schedule for a conviction under this section shall be as follows:*

*(1) A fine of \$300 for three false alarms.*

*(2) A fine of \$600 for four false alarms.*

*(3) A fine not to exceed \$2,000 for a conviction of having more than five false alarms in a calendar year.*

*(4) A fine not to exceed \$3,000 for a conviction of having more than six false alarms in a calendar year.*

*(5) A fine not to exceed \$4,000 for a conviction of having more than seven false alarms in a calendar year.*

*(6) A fine not to exceed \$5,000 for a conviction of having more than eight false alarms in a calendar year.*

*(7) A fine not to exceed \$6,000 for a conviction of having more than nine false alarms in a calendar year.*

*(8) A fine not to exceed \$10,000 for a conviction of having more than 10 false alarms in a calendar year.*

*(9) A fine not to exceed \$11,000 for a conviction of having more than 11 false alarms in a calendar year.*

*(10) A fine not to exceed \$12,000 for a conviction of having more than 12 false alarms in a calendar year.*

*(11) A fine not to exceed \$13,000 for a conviction of having more than 13 false alarms in a calendar year.*

*(12) A fine not to exceed \$14,000 for a conviction of having more than 14 false alarms in a calendar year.*

*(13) A fine not to exceed \$15,000 for a conviction of having more than 15 false alarms in a calendar year.*

## **Chapter 111, Alcoholic Beverages.**

### **Article I, Public Consumption.**

Section 111-2 is added to read as follows:

#### *§111-2. Definitions.*

*As used in this article, the following terms shall have the meanings indicated:*

*INTENT TO CONSUME – Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.*

*OPEN BOTTLE, CAN OR OTHER CONTAINER – Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.*

## **Chapter 118, Building Code Administration and Enforcement.**

Section 118-1 is amended as indicated:

*The Board of Trustees of the Village of Chestnut Ridge hereby adopts and accepts the applicability of the New York State Uniform Fire Prevention and Building Code for the Village*

of Chestnut Ridge as the official Building Construction Code of the Village for the purposes set forth therein and as it may be amended from time to time.

**Chapter 122, Buildings, Numbering of.**

Section 122-3.

A. The following lead-in statement is added:

*Address numbers required by this chapter shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code. In addition:*

B. Subsection B is amended as indicated:

*All numbers shall be made of a durable and clearly visible material, reflective for nighttime visibility, and shall be in a contrasting color to the building or place upon which they are affixed.*

**Chapter 126, Buildings, Unsafe.**

Section 126-2 is added to read as follows:

*§ 126-2. Definitions.*

*As used in this chapter, the following terms shall have the meanings indicated:*

*DANGEROUS OR UNSAFE BUILDING – Includes, but is not limited to:*

*A. Any building, shed, fence or other man-made structure which is dangerous or unsafe to the public health and welfare because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants thereof or neighboring structures.*

*B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.*

*C. Any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.*

*D. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and/or frequented by children or other persons who are not lawful occupants of the structure.*



## **Chapter 133, Clearing, Filling and Excavation**

A. Section 133-15D is amended as indicated:

*The certificate of insurance shall show liability coverage, ~~with limits of liability for bodily injury or property damage of at least \$4,000 in such amounts and by such company or companies as may be approved by the Village Attorney~~ and shall specify that explosion, collapse, and underground hazards are included in such coverages.*

B. In §133-22, the defined term "building, accessory" is amended to read "structure, accessory."

## **Chapter 153, Fire Prevention.**

Section 153-16A is amended as indicated:

*Premises identification. New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property in accordance with Chapter 122, Buildings, Numbering of, of the Village Code. These numbers shall contrast with their background. The numbers should be at least four inches in height if the building is 50 feet or less from the street, and at least eight inches in height if the building is more than 50 feet from the street and if possible made of a reflective material for night time visibility.*

## **Chapter 182, Noise.**

Section 182-4D is amended to add the word "boundary" to the end of the subsection.

## **Chapter 194, Peddling and Soliciting.**

A. The definition of "merchandising" in §194-3 is amended as indicated: "Selling, purchasing, bartering or trading..."

B. Sections 194-4B and 194-10 are amended to update the reference to the New York State Home Solicitation Act to read "Door-to-Door Sales Protection Act found in Personal Property Law Article 10-a, §425 et seq."

C. Section 194-6B(1) is amended to revise the term "crippled" to read "disabled."

## **Chapter 199, Property Maintenance.**

### **Article I, Debris Control.**

Section 199-2, the definition of "dumpster, container, compactor or enclosure"; §199-3; and §199-6B and C are amended to revise the phrase "nuisance, hazard, debris" to read "public nuisance, health hazard, debris."

**Article II, Elimination of Obstructions at Intersections.**

Section 199-9 is amended to revise "20 feet" to read "25 feet."

**Chapter 203, Property Registration.**

**Article II, Rental Registry.**

Section 203-17A is amended to change "Chapter \_\_\_ of the Village Code" to read "Chapter 153, Fire Prevention, of the Village Code."

**Chapter 221, Signs.**

**Article I, Posting on Public Property.**

A. In §221-4, the lead-in paragraph is amended as indicated:

*Notwithstanding the provisions of §221-3 of this article, temporary political signs, temporary garage sale signs and temporary signs of any educational, charitable, philanthropic or religious organization relating to a specific event, fund-raising drive, or similar campaign shall be permitted to be posted on public property, provided that the procedures and limitations set forth in this section are followed.*

(1) Section 221-4A is amended to change "Village Clerk-Treasurer" to read "Village Clerk."

**Chapter 226, Site Development Plans.**

A. Section 226-6B(3)(e), Standard Landscape Note (3), is amended to remove the term "Eeeseey grow" and to update "American Association of Nurserymen" to read "American Nursery and Landscape Association."

B. Section 226-7A(5)(c) is amended to delete the phrase "or Expoxy-Rok."

**Chapter 238, Solid Waste.**

In §238-2, the definition of "trash" is amended in the lead-in paragraph to revise "maximum weight of 60 pounds" to read "maximum weight of 30 pounds." Subsection (2) of that definition is amended to revise "no more than 60 pounds per piece" to read "no more than 30 pounds per piece."

## **Chapter 243, Stormwater Management.**

### **Article I, Illicit Discharges and Connections to Storm Sewer System.**

Section 243-13 is amended as indicated:

*Any person receiving a notice of violation may appeal the determination of the SMO to the (Town Board/Village Board of Trustees/County Entity) within 15 days of its issuance...*

## **Chapter 249, Streets and Sidewalks.**

### **Article II, Excavations.**

Original Sec. 11, Supersession of other laws; authority, is repealed.

## **Chapter 254, Subdivision of Land.**

A. Section 254-1 is amended to add the following sentence to the end of the section:

*The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations in applying this chapter.*

B. Sections 254-11.

(1) Subsection B(1) is amended to revise the term "60 days" to read "62 days."

(2) Subsection C is amended to revise the term "60 days" to read "62 days" and to revise the phrase "Within 10 days of the approval of a preliminary plat" to read "Within five days of the approval of a preliminary plat."

(3) Subsection D(1) is amended as indicated in the last sentence: "Such letter of credit shall be in an amount ~~at least two times~~ equal to the estimated cost of construction of such public improvements."

C. Section 254-12.

(1) Subsection A(5) is amended to revise "10 days' notice" to read "notice in accordance with Village Law §7-728."

(2) Subsection A(6)(b) is amended as indicated:

*The applicant shall deliver a deed to all such lands in proper form for recording, together with a title policy for the Village of Chestnut Ridge in a sum not less than ~~\$10,000~~ \$20,000, which ~~sum~~ policy shall be ~~determined~~ reviewed by the Village Attorney before signing of the final subdivision plat.*

(3) Subsection C is amended as indicated: "... a public hearing for a meeting of the Planning Board to be held at least four weeks after the date of submission of the application within 62 days after the submission of a complete application."

(4) Subsection D.

(a) The second sentence is amended to revise the term "60 days" to read "62 days."

(b) The second-last sentence is amended as indicated: "The Planning Board, upon written request of the applicant, may extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof."

D. In §254-14B, the first sentence is amended as indicated: "... at the time of application for final subdivision approval in an amount equal to twice the estimated cost of all improvements not constructed, ..."

E. Section 254-16 is ratified to read as follows:

*Where utilities required by the Planning Board are to be installed by a public utility company or improvement district, the Planning Board may accept assurance from the public utility company or improvement district, in writing, that such installations will be furnished by the company or improvement district within a specified period of time and in accordance with the approved construction plans.*

F. Section 254-34.

(1) The original term "official submittal date" is repealed.

(2) The term "road, commercial or industrial" is amended as indicated: "A road which serves, or is designed to serve, commercial or industrial properties exclusively."

## **Chapter 260, Taxation.**

### **Article I, Utility Tax.**

A. Section 260-2A is amended to update the statutory reference to Article 3B of the Public Service Law to Transportation Law §170 et seq.

B. Section 260-11A is amended as indicated: "The tax imposed by this article shall be charged against and be paid by the utility and ~~shall not~~ may be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility."

### **Article II, Exemption for Property Improvements for Disabled Persons.**

A. Section 260-19 is amended to read as follows:

*Pursuant to the provisions of §459 of the New York State Real Property Tax Law, an improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled and who resides on the premises at least 10 months per year, or a member of the resident owner's household who is physically disabled, if such member resides in the real property.*

B. Section 260-25 is added to read as follows: "An exemption granted under this article is extinguished on transfer of title on the premises in question."

C. Section 260-26 is added to read as follows: "This article shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after May 1, 1984."

D. Section 260-27 is added to read as follows: "Any person convicted of making a willful or false statement in the application for exemption under this article shall be punished by a fine of not more than \$1,000 and shall be disqualified from further exemption for a period of five years."

### **Article VIII, Cold War Veterans Exemption.**

A. Section 260-55.

(1) The definition of "latest class ratio" is amended to read as follows:

*The latest final class ratio established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12.*

(2) The definition of "latest state equalization rate" is amended as indicated in the first sentence: "The latest final state equalization rate or special equalization rate established by the New York State Commissioner of Finance pursuant to Real Property Tax Law Article 12 ~~twelve~~ of this chapter."

### **Chapter 270, Vehicles and Traffic.**

#### **Article I, General Provisions.**

A. Section 270-7D is amended as indicated:

Establishment and marking of Fire zones. The Board of Trustees of the Village of Chestnut Ridge is hereby authorized pursuant to the authority granted under Section 1640-a of the Vehicle and Traffic Law of the State of New York to determine and establish appropriate fire lanes in all shopping centers in accordance with Chapter 153, Fire Prevention, §153-14, of the Village Code. Thereupon, the Mayor of the Village of Chestnut Ridge shall cause to be erected or installed adequate signs, markings, and other devices to delineate said fire lanes. Signs, markings and

other devices erected or installed on such privately owned premises shall be at the cost of the owner and may be billed for and collected in the same manner as set forth in Subsection A(1) hereinabove.

**Article II, Street-Specific Traffic Regulations.**

This article is amended in its entirety to read as follows:

**§ 270-15. Definitions and word usage.**

*For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.*

*PARK — The placing, deposit or leaving of any motor vehicle unattended for any period of time.*

*PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.*

**§ 270-16. Parking prohibited.**

*It shall be unlawful for any person to park any motor vehicle in any of the following public roads or rights-of-way in the Village of Chestnut Ridge, or on any other portion of said public road or right-of-way:*

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
<i>State Route 45, also known as "Chestnut Ridge Road"</i>	<i>East or west</i>	<i>Entire length</i>

**§ 270-17. Suspension of regulations.**

*The Mayor of the Village of Chestnut Ridge is hereby authorized to suspend the provisions of this article if the Mayor determines that such suspension is in the interests of the public for holidays, special events or other good cause.*

**§ 270-18. Violations and penalties.**

*Each and every violation of this article shall be punishable in the same manner as a parking violation and shall be subject to the same penalties as any other parking violation.*

**§ 270-19. Enforcement.**

*The Code Enforcement Consultant and Code Inspector of the Village of Chestnut Ridge and any police officer of the Town of Ramapo are hereby authorized to issue appearance tickets for violation of this article.*

**Chapter 277, Wetlands.**

A. Section 277-8 is amended as indicated:

*Review of the determination of the Planning Board shall be, within a period of 30 days after the filing thereof, pursuant to the provisions of Title 11 of Article 24 of the Environmental Conservation Law of the State of New York or pursuant to the provisions of Article 78 of the Civil Practice Law and Rules with respect to the properties designated on the State Wetlands Map or otherwise regulated by the state.*

B. Section 277-11.

(1) Subsection A is amended to change the penalty amount from \$3,000 to \$11,000.

(2) Subsection D is amended in the first two sentences as indicated:

*In addition to the above civil fine, any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than ~~\$500~~ \$2,000 nor more than ~~\$1,000~~ \$4,000. For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine of not less than ~~\$1,000~~ \$4,000 nor more than ~~\$2,000~~ \$7,000 or a term of imprisonment of not less than 15 days nor more than six months, or both.*

## **Chapter 290, Zoning.**

A. §290(11) is amended to add subsection S as follows:

*S. Permitted burial of human remains. Notwithstanding inconsistency with any general law relating to the burial of human remains, it shall be a violation of this Chapter to:*

*i. Bury human remains on any property in the Village of Chestnut Ridge, other than on a property with an approved Site Development Plan and Special Permit authorizing its use as a Cemetery. This provision shall supersede any contrary provision of any conflicting general law.*

B. Section 290-25A is amended as indicated:

*Where a lot in an LO or PI District abuts a residential zoning district, the Planning Board may, in its discretion, require additional protections of distance, landscape material...*

C. Sections 290-36, 290-47A, and 290-53 are amended to update the reference to Village Law §7-725 to read "§7-725-a."

D. Section 290-39A(1) is amended as indicated:

*Freestanding signs. A drawing showing elevation view, dimensions of sign, sign area, dimensions of support, location of sign on site, method, source and location of illumination, colors, setback from designated street line, materials and text of sign. ~~(All sides of a sign shall be counted in determining sign area.~~ Only one side of a sign shall be counted in determining sign area.)*

E. Section 290-46C is amended to change "60 days" to read "62 days."

F. Section 290-56, the lead-in paragraph, is amended as indicated: "No person shall maintain a swimming pool unless it complies with the requirements of the New York State Uniform Fire Prevention and Building Code and the safeguards set forth herein are observed:"

G. Sections 290-73A(7), 290-73B(7), and 290-75G are amended to read as follows: "See the Table of General Use Requirements, included as an attachment to this chapter."

H. Section 290-79C is amended as indicated: "Assisted living units shall not contain cooking facilities. Units shall not be used as apartments for transient tenants; units shall not contain more than two bedrooms, a separate living area and bathroom and shall not be connected by interior doors in groups of more than two. No unit shall contain more than two bedrooms."

I. Section 290-83 is amended as indicated:

*This article applies to lots, buildings, structures and nonbuilding uses lawfully in existence on the effective date of this article or any amendments thereto. The lawful use of any such premises, or uses or structures existing on the effective date of this article or any amendment thereto may be continued although neither such use or structure conforms, nor the bulk or parking requirements of the same complies, with the requirements, except as hereinafter follows.*

J. Section 290-103B is added to read as follows:

B. Alternate members.

(1) In addition to regular members appointed and serving as per Subsection A, the Village Board shall appoint two temporary alternate members to the Board of Appeals to serve as provided herein. Said alternate members shall attend all meetings of the Board, and the Chairman of the Board of Appeals shall designate the alternate members as acting members as necessary when absence of regular members of the Board or a conflict of interest of regular members of the Board would otherwise prevent seven members of the Board from considering any pending matter. The alternate members shall be so designated on a rotating basis so that each alternate member shall be afforded an equal opportunity to serve, except that the Chairman shall designate the alternate member with the longer remaining term if the particular matter is likely to continue beyond the current official year. Once designated to serve on a particular matter before the Board, the alternate member shall have the same powers and duties as regular members of the Board until that matter is concluded. Any determination by the Board consisting of alternate members shall have the same weight and be entitled to the same authority as the act or deed of the regular Board of Appeals and all laws, statutes and regulations shall apply and be applied with equal force and effect. Alternate members appointed pursuant to this section shall be paid for their respective services as fixed by resolution of the Village Board.

(2) Both alternate members shall serve two-year terms expiring at the end of the official year except in the first year of the application of this chapter, to stagger the terms, one alternate member shall be appointed for one year and one for two years. Their successors shall be appointed for a term of two years after the expiration of the terms of their predecessors in office.



If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board for the unexpired term. The Village Board shall have the power to remove any alternate member of the Board of Appeals for cause, after a public hearing if one is requested.

(3) Although both alternate members of the Board of Appeals shall attend all meetings of the Board of Appeals, they shall have no power to participate in any actions of the Board of Appeals except as provided herein.

K. Section 290-105B is amended as indicated: "Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the Village Clerk and Building Inspector by case number within ~~a reasonable period of time~~ five business days after its adoption."

L. Section 290-108.

(1) Subsection B is amended to change "45 days" to read "62 days."

(2) Subsection C, second sentence, is amended as indicated: "The decision of the Village Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant."

M. Section 290-113A(6) is added to read as follows:

*The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this subsection shall not apply to the granting of area variances.*

N. Section 290-116.

(1) The definition of "assisted living residence" is amended in the first sentence as indicated: "Those residences as defined in Chapter X, Assisted Living Residences, of the ~~NYS Public Health Law~~ New York Codes, Rules and Regulations Part 1001 and the Public Health Law Article 46-B and shall not include any services specifically excluded in the New York State Public Health Law."

(2) The definition of "assisted living unit" is amended as indicated:

*Private or semiprivate rooms in an assisted living residence, which may be in the form of a studio or may consist of one or two bedrooms, with a separate living area along with a bathroom consisting of a bath and/or shower and one toilet.*

(3) The definition of "community residence facility" is amended to revise the term Office of Mental Retardation and Developmental Disabilities to read "Office for People with Developmental Disabilities."

(4) The definition of "dormitory" is amended to change "Single-family" to read "One-family" in the beginning of the fourth sentence.

(5) The definition of "family" is amended to read as follows:

*One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities and access to all parts of the dwelling unit. A roomer, boarder or lodger shall not be considered a member of the family.*

(6) The definition of "road, industrial service" is amended to revise the term "LO-R" to read "PO-R." and to update the reference to §52F to read "§290-18E."

(7) The definition of "supermarket" is amended as indicated: "A large form of the traditional

2. **Resolution No. 2021-3** – Resolution to approve 2021 Fueling Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for fueling services at a cost exempt of taxes for the period of January 1, 2021 through December 31, 2021 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

3. **Resolution No. 2021-4** – Resolution to approve 2021 Highway Maintenance Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Highway services for the period of January 1, 2021 through December 31, 2021 at a cost not to exceed \$605,000.00 is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

5. **Resolution No. 2021-5** – Resolution to approve 2021 Dog Control Agreement with the Town of Ramapo.

**RESOLVED** that the contract with the town of Ramapo for Dog Control services for the period of January 1, 2021 through December 31, 2021 at a rate of \$50.00 per hour is hereby approved, and be it further

**RESOLVED**, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

6. **Resolution No. 2021-6** – Resolution to approve Year to Date Budget modifications in the amount of \$51,020.00.

**RESOLVED**, that year to date budget modifications in the amount of \$51,020.00, as detailed by the Village Treasurer (schedule attached), are hereby approved.

7. **Resolution No. 2021-7** - Resolution to appoint Julie Golding as a Member of the Architectural Review Board for a term to expire April 2021

**RESOLVED**, that the Mayor’s appointment of Julie Golding as a Member of the Architectural Review Board for a term to expire April 2021 is hereby approved.

8. **Resolution No. 2021-8** - 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. 2021-1 dated \_\_\_\_\_, as submitted by the Village Treasurer, are hereby approved.