

The Board of Trustees

December 17, 2020

Village of Chestnut Ridge, New York 10977

Mary Balleck, Board Secretary

Via email: bdsecretary@chestnutridgevillage.org

RE: **Resolution No. 2020-66.** 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"

This letter is submitted on behalf of Citizens United to Protect Our Neighborhood of Chestnut Ridge regarding Resolution 2020-66 which is on the Agenda of the December 17, 2020 Village Board Meeting. The first paragraph summarizes New York Governor Cuomo's Executive Order No. 202.1 wherein the Village Board is permitted to take actions in meetings held remotely provided the public has the ability to **view or listen** to such recorded proceedings. Item 7 on the Agenda is to adopt Resolution 2020-66 the text of which is attached to the Agenda which may be beyond the scope of NYS Order No. 202.1

The first Whereas in the resolution states that a public hearing was held on December 17, 2020 and that public notice of such public hearing was given as required. Where was such public notice provided? Notice of a Village Board meeting is not the same as for a public hearing. Further, the format of the Village Board Meetings provides for public discussion on Agenda Items 3 and 9. This does not constitute a public hearing. It is not clear whether the Village Board intends to vote on Resolution 2020-66 at the December 17, 2020 Village Board Meeting which is not a public hearing. Therefore the third Whereas stating that all members of the public were given an opportunity to be heard with respect to Resolution No. 2020-66 is not accurate.

Notwithstanding the absence of a public hearing, this letter provides preliminary summary comments as follows:

ARTICLE

1-2 States that any former laws, ordinances and resolutions that are omitted are deemed repealed. The Village should provide the public with the comprehensive list of any such omission.

1-3A The language is unclear and undecipherable. Better drafting required.

1-4N States that laws, ordinances and resolutions after August 20, 2019 are not repealed. The Village should provide a list of these items.

1-6 The Code should be available digitally as well as the written copy.

1-9 The Code should be available to the public at no cost digitally.

25B Has two thresholds (\$25 and \$75) for gifts to Village employees. Should be one or the other.

25-6 Should include a written acknowledgement from each office that they have received and read the Code.

243 Illicit discharges notices/violations to the Storm Sewer System can be appealed to the Village Board. The Village Board is not an adjudicating body and should not have authority over such matters. The term Storm Sewer System is non-sensical. The Storm Water drainage system is separate and distinct from the Sewer System which is a County asset. Further, illicit discharges can occur into wetlands, watersheds, tributaries, streams etc.

253C3 Planning Board must have hearings within 62 days of submission of a "Complete Application". Who and how and when is it determined that an application is complete?

254-12A(6b) Lists \$10,000 and \$20,000 as the amount due to Village for subdivision. Should be one or the other. Has the Planning Board had an opportunity to comment on the new timelines. Rather than limit Planning Board timelines, the regulations should put clear requirements on applicants who frequently come to meetings with new information and filings. The process is backwards.

270-16 Appears there is only one road in the Village where parking is prohibited – Route 45 which is a County Road. It is inconceivable that there is only one road where parking is prohibited.

270-17 The Mayor can suspend provisions without restrictions, time frames, reasons etc without public input or notice. Other than for clear emergency situations, this should be a Village Board decision with written applications and reasons for such suspension of Village rules

277A Amends 277-8 with an unintelligible sentence. Why only 30 days to determine.

277-8(D) has multiple fine amounts listed. Should be one or the other.

290-H Amends 290-83 to allow alternate members for the Board of Appeals. This is brand new law and does not fit within the intent of this resolution.

290-L Amends 290-113A(6) to exempt farm area boundaries in an agricultural zoning district from granting of area variances. It is very specific. The Village should explain the purpose of this new law and explain where it applies.

Article XVIII Amends the definition of Family. This is again new law, not codification of current law. The Legislative Intent in Article 1-1 clearly does not contemplate such new law, even when reading Article 1-2 which adds the proviso "substantively" the same as current law.

The Board should not be voting on this resolution at tonight's Board Meeting as there has been no public hearing for full discussion and vetting of the Code which includes new laws, regulations and ordinances that go beyond the stated intent of Resolution 2020-66.

Hilda Kogut, Chairperson

Citizens United to Protect Our Neighborhood of Chestnut Ridge