

Public Comments for November 16, 2021

Mayor Tursi said that this is to continue the public hearing of LL5. As you may or may not know, the village updated the code regarding the Master Plan & Zoning issues within the village. This was put together by a committee that was created by Mayor Flanagan.

When we took office, it was still going on. That committee submitted its plan to the village, at the end of 2019.

January 2020, it was approved, but some items were left out or that should have been put in, to protect the village from development in areas that didn't see fit to be, such as a school.

Right now, a school can be put anywhere. The idea is to keep it out of residential and have it on route 17.

Otis Mann- 151 Sixth Street, we don't need any more schools in Hillburn.

Mayor Tursi added as it stands right now, a school can be placed anywhere in this village and the same for a house of worship. We are trying to restrict it a little bit more by putting them in areas that are not in residential areas. That's the whole idea of changing the premise in this and updating it. I'm opening up to public comments, don't want any wild comments, we are going to keep it civil.

-Patricia Osterhoudt- 159 Sixth Street- stated that when the Village started the Master Plan, she remembered that she sat in a couple of those meetings because it was open to the public. The committee was selected from Hillburn. The village took out a BOND to pay the people, who developed the Master Plan with the committee. They had conversations about schools and religious buildings. They had conversations that took a couple of years. Were those people that were hired to develop the Master Plan and the committee requested to come back to ask if it needs to be changed. The Master Plan was developed, paid for, and discussed, but now it is being changed.

-Mayor Tursi responded that the committee submitted their ideas and plans, and it was approved. At the time, there was a different law firm representing the village.

-Patricia Osterhoudt added that the Master Plan had a completely different law firm separate from the village. The village paid extra for those people for their expertise, to come in and do this for the village. Why isn't the Village going back to those people to ask what those conversations were? Why aren't they fixing it for us instead of going by a Rockland County lawyer, who says that this needs to be in there, and is not an expert on the Master Plan and maybe has a conflict of interest being he's a Rockland County lawyer. It isn't against him, but it's just the way it works in such a small county. Has the Master Plan committee been reached, some are sitting here tonight?

-Mayor Tursi responded, no.

-Patricia Osterhoudt, asked if before this is put in and approved, why aren't the people hired and the committee being revisited, otherwise, it would be a waste of money to pay somebody else to do this, our lawyer when it was paid for.

-Attorney Rice said First, I'm not being paid anything additional, for doing this. Second, my specialty has been zoning for 45 years. I'm a professor at Fordham University School of Law, and zoning is my bread and butter, so I know this stuff. Also, the fact that I'm a Rockland County law, doesn't mean anything. I give objective advice, and I've done that throughout my whole career. But, because the issue was raised, the Mayor is going to bring it up shortly. We have a proposal from Silverberg Zalantis, LLC, who is also a land-use attorney. They can review what is proposed, and give an opinion to the board, whether or not they concur with my opinion. I don't think this is necessary, but to give the public a comfort level, that's what is being proposed. Further to the fact, there was a committee that was involved. The people hired to develop the Master Plan took the ideas of the committee that worked very hard, but some issues were not addressed or were addressed in a way that did not comport with New York state laws. Again, the Mayor will bring up that another law firm will take a look at this because the issue has been raised, and we'll see what they have to say.

-Patricia Osterhoudt asked are you going to call back that committee?

-Mayor Tursi responded no.

-Patricia Osterhoudt asked are you going to ask the people that prepared this, why this is not correct?

-Mayor Tursi questioned why would we have them come back.

-Patricia Osterhoudt said because something was prepared incorrectly.

-Mayor Tursi added the people hired took the recommendation of the committee and a survey that went out, but only a few people responded to the survey.

-Patricia Osterhoudt questioned if we know what was discussed at the beginning regarding these issues.

-Mayor Tursi responded No, I was not there, I was not involved at that point, it was 2019 and the Master Plan was already in process.

-Patricia Osterhoudt asked why they weren't calling back the committee to find out.

-Mayor Tursi responded it doesn't matter what they talked about then because it doesn't apply to what we have to do now. We came into the office and found out it wasn't properly done, this is to protect the village. We aren't selling the village out. The committee submitted their plan and now some things need to be amended.

-(A person) said: the Master Plan is getting amendments and the people aren't getting what was said before 2019, maybe there was a reason.

-Patricia Osterhoudt added that maybe those reasons will affect those amendments you want to include.

-Mayor Tursi said that according to the land-use attorney that was hired, with years of experience and Nelson Pope & Voorhis, provisions should be added to keep schools in a certain area. If left out, a school could go everywhere in the village. This is to protect the village.

-Patricia Osterhoudt said if the amendment allows a school on Route 17, then the illegal school that has been there for years would be grandfathered. How is that going to affect that non-school there?

-Robin Miele, Clerk-Treasurer, clarified that it's a dormitory.

-Dwayne Perry, 13 Boulder Avenue, stated that he has concerns about the many sacred spots that could be destroyed. He added that his grandmother stood up for everybody, such as blacks, natives, women, etc. His father helped liberate the case of medics.

He carries a picture to remind him of the pain and horror. He has been having ceremonies in his house for years. Also, have others here, if that is going to be allowed by one group, he respectfully requests that the Board allow each Ramapough Indians' home as a sacred place of worship. We have been praying as refugees, in our homeland. The RLUPA, please make sure that whatever group, this is assigned to, that the same rights are given to the Ramapough people. It's best to be consistent. This is our land. If it wasn't for Ramapough's past, and his ancestors, there wouldn't have been a successful outcome to the revolution. The Ramapoughs past is technically, the back door to the new meaning of providence. Without the Ramapoughs' past, the British would not have reinforced their troops. The Ramapough were the first to have been enslaved in this country.

Currently, the Ramapoughs are suffering to stand on their own two feet. He thanked Mayor Tursi, for his efforts in what he did previously. (Referring to the preservation of Split Rock)

He added that he is terrified that what is left of the mountains would be destroyed. Also, make sure to include the Ramapough in everything that is being added. He had wondered for years why he hadn't received a tax break.

-Mayor Tursi responded it states an entity or congregation, such as Jewish, Catholics, Muslim, it could be any religion, Ramapough Nation.

-Dwayne Perry requested that he be notified when the law passes and that it be posted by the fountain and everywhere else.

-Robin Miele, Clerk-Treasurer, stated that notices are duly posted.

-Dwayne Perry, said that the point is that the majority of the people in this village are senior citizens and don't go online to find out what is happening, or walk by the village door to see what is posted there. Maybe the Village Board could take a step back and tell people around town so that they aren't in the dark.

-Mayor Tursi responded that the Village Board meets twice a month.

-Dwayne Perry added that the village already has a school there, where would another school be allowed.

-Mayor Tursi said that right now schools could be put anywhere.

-Dwayne Perry questioned who prompted this, Terry did you? Weirdly, no one prompts it and you are doing this.

-Mayor Tursi stated that at this time a school could go anywhere in the village, including next to anybody's house, if these laws aren't added.

-Village Attorney Rice added that as he had said in one of the previous meetings, the New York State court of appeal has made it very clear that schools cannot be excluded. In addition to not excluding schools, it can be a special permit use, to evaluate whether, or not it would have any deleterious impact on public safety or health. Then it can be denied, or alternately impose conditions to delegate the use. No attorney who studies land use will say it differently. In Federal court, it would be a losing battle.

-Dwayne Perry asked about all the taxes lost in the tax base. How could the village be sued, on layaway?

Attorney Rice leaves meeting at 7:45PM

-Susan Shapiro stated that she is representing Chief Dwayne Perry and the Ramapough Nation. This is very confusing, this law is being enacted because a school can be placed anywhere right now. The law that is being proposed allows it in every single zone. A school can be in R6, R9, R60; this is what this document says. Then Mr. Rice says that the court of appeal says that it's best to require a use permit, but this law doesn't say that, it says it is done by right. Mr. Rice is trying to protect you from RLUPA, but you don't need it because it's already in your laws. The new law is going to allow schools only on Route 17, but that isn't what this law says. This law says it's allowed in every residential district. You say one thing, Mr. Rice says another thing and this document says another. Almost every village, for example, the Town of Ramapo, Sloatsburg, Stony Point, and many more have adopted a special use permit for religious school and the house of worship. Why is this village doing it differently? Why not by a special permit use. What are the benefits to this community to not have any oversight of a religious school?

What happens if a religious school comes in, and there's not enough parking, buffers requirements for the noise, lighting?

-Mayor Tursi responded that they have to go to the Planning Board.

-Susan Shapiro said no, they don't because it is as right and not a special use permit. This is how Mr. Rice wrote it, despite what he said. So apparently, you don't know what it says. There should be set back, buffering requirements even the GML states there should be parking requirements. Also, the village code 250-52 special permit, and 250-53 Special permit requirements, explains the reasons that there should be oversight for the public safety and welfare, buffering for the noise, but why isn't there a special use permit.

-Susan Shapiro asked why is the definition for the floor area being changed to allow people to live in the basement and attics. When basements and attics are used for livable space, a fatality occurs repeatedly. Why would this village want to take on that liability and endanger the people who live here and the neighbor, the firefighters, it is dangerous.

-Mayor Tursi responded that's Chapter 250-3 FLOOR AREA OF BUILDING, GROSS for basement and attics are if they have egresses. It doesn't have to say it because it's a NYS fire code.

-Susan Shapiro said that people aren't being required to have water sprinklers.

-Mayor Tursi stated that people don't have to have water sprinklers in their homes. As long as it's NYS fire code approved and goes through the Planning process. If they have two egresses, it's legal. I'm not going to require people to install an automatic sprinkler in their own homes.

-Susan Shapiro read aloud the portion of Introductory Local Law No. 5 that defines Place of Worship/Neighborhood:

PLACE OF WORSHIP, NEIGHBORHOOD - A portion of a one-family detached residence used exclusively for the conduct of organized religious services. No school or outside catering is permitted. At least 75% of the membership must live within a three-quarter (3/4) mile radius of the neighborhood place of worship. The bulk requirements shall be the use group for the one-family detached residence in which the neighborhood place of worship is located. No more than one neighborhood place of worship per parcel shall be permitted.

She stated that this is an irrational standard. Will the Village be inspecting it to make sure that each house of worship is having 75% membership; people can move away? And this law doesn't provide any parking requirement.

-Mayor Tursi responded it has to go through the planning processes.

-Susan Shapiro added the way it's being approved as a right. Not the planning process.

-Mayor Tursi asked her where does it say that?

-Susan Shapiro said that when it doesn't say special use permit, it's as right. Why isn't the village doing it as a special use permit? The bulk requirements should be higher for religious uses than they are for residential because a house of worship will have more people using the place than a single family home, but it doesn't have any additional bulk requirements. Mr. Rice has the same bulk requirements as a single family home. The county's GML says that the village is not requiring any educational religious certification. Does the village of

Hillburn want a bunch of unqualified religious uses or schools? A nursing school requires education from New York State.

-Mayor Tursi said he is only concerned with Hillburn. Airmont was sued three times, New York State requires it, and not the village.

-Susan Shapiro said that in the village code it says that it needs to be New York State approved for the education department. Why wouldn't every education require the same certification?

-Mayor Tursi added that it would go in front of the planning board.

-Susan Shapiro stated that the village shouldn't adopt this because it is 250-3, but that's not the proper section it would be 250-7.

-Robin Miele, Clerk-Treasurer, explained that The GML stated that it needed to be changed which has been corrected.

-Mayor Tursi said that Susan Shapiro was looking at an old copy. The new copies were received yesterday.

-(Someone) said: that the group that is moving in here should try to be part of the community and not change the community. This doesn't fit well, because they are trying to change the community. You are only considering what the attorney says.

-Mayor Tursi said that another law firm is being contracted to review it.

-Eleanor De Graw, 10a Park Avenue, stated that she was part of the committee that worked on the Master Plan for two years. The members listened to two different attorneys, along with Bonnie Franson, that were involved with the committee. The committee took their opinions and the facts as what was best for the village. Now all of the sudden the village wants to change something that the committee worked on for so long. Especially all the people that came out to so many Saturdays meetings and spent hours. The committee asked for input from everybody, but only a handful of questionnaires were returned. There were Public Hearings, but nobody came out. Now, two attorneys' words weren't good enough and it has to be changed.

Why wasn't it done that way, to begin with?

-Robin Miele, Clerk-Treasurer stated that there are copies here available and they are simply to address the GML

-(Someone) stated: that they just learned that on Route 17, is not a school, have they received a fine or anything?

-Mayor Tursi responded that in 2002 he believes that it was.

- Robin Miele, Clerk-Treasurer added that they were brought to court and fined.

-Mayor Tursi said that certain things were done without a permit. They are dormitories and a portion is a synagogue.

-Someone asked if health inspections or any other inspections are made?

-Robin Miele, Clerk-Treasurer: health inspections are made by the County of Rockland and the fire/building inspector performs yearly fire inspections. They are tax-exempted under the non-profits entity. Annual renewal applications are required for approval.

-Smith stated that he is staying in Chief Perry's house, his grandfather. He heard that evrus were being put up and could have banners.

-Mayor Tursi responded yes, but that has nothing to do with this public hearing. Mayor Tursi stated that recently, the village has had an inquiry about putting a school in a residential area; this is what we are trying to avoid.

Attorney Rice returns to the meeting at 8:20PM

Motion to adjourn the public hearing to December 16, by Trustee Tarantino and Trustee O'Blenis