

REGULAR MEETING
September 19, 2019

The Regular monthly meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, September 20, 2018 at 7:00 PM.

Those present: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothschild
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis
Treasurer Richard Fortunato

Those who spoke: Timothy Rode, Albert Lemoine, Kevin Skelly, Rosanna Dimico, Jeffrey Epstein, Chad Schindler, Jillana Sinnott

TREASURER'S REPORT- Treasurer submitted report for review.

Treasurer Fortunato noted the AUD had been filed with the State (8/23/19). The year-end financials were distributed to the Board.

NY CLASS - \$4,929 in interest for August 2019.

Delinquent village taxes: 16 remain unpaid. Final Notices will go out in the beginning of October and after October 31st the list will go to the County for payment and re-levy.

CHIPS reimbursement was received in the amount of \$72,700

Discussion- Improve record keeping of vacation and sick pay for all employees. There will be a new form for keeping track that will be filed with the Village Clerk.

VOUCHERS - Read and approved for payment.

POLICE REPORTS – PO Kennedy presented the report to the Board.

160 calls for service; 3 motor vehicle accidents (1 with injury and 2 without); 25 medical emergencies; 10 school checks; 4 parking tickets and 24 uniform traffic tickets (speeding, stop sign, equipment violations, 1 DWI, 2 moving violations)

SCAMS reported: IRS, Social Security calls for payment via gift cards

Chase & TD Bank have reported transfers out of bank accounts. Small amounts are transferred out and then a large sum. It may be initiated through orders online.

Suggest using credit cards only (not debit) for online orders.

Overdoses: Rockland County 152 resulting in 8 deaths

Clarkstown 44, 8 deaths

Halloween Thursday, October 31, 2019 – The Board requested Auxiliary support and street closures, as was done last year, for the safety of children and families out trick or treating in Upper Nyack and at the Fire House PO Kennedy will relay the request to Lt Smith

Trustee Dodge inquired if bike riders were required to obey the rules of the road?

Trustee Dodge reported bikers not stopping at stop signs. PO Kennedy will pass the info on to officers doing area checks.

Discussion: Vehicles parked too close to driveways. DPW will paint out on either side of the driveways on Castle Heights, where a complaint originated.

2018 MS4-SPDES REPORT- Not available

Appointment: Mayor Tarapata appointed Cynthia Turner as member of the Planning Board. Ms. Turner had previously been an alternate member. Trustee Esmay motioned to ratify the appointment, seconded by Trustee Diamond and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

RESOLUTION –Cornell Cooperative Extension Rockland County 2019 –Stormwater II Education Program Agreement

Trustee Dodge made a motion that the Village of Upper Nyack renew its participation in the Cornell University Cooperative Extension 2019 Stormwater Education Program and with the signing by the Mayor, authorize payment of the \$1200 annual fee, seconded by Trustee Rothchild and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

7:30 PM Public Hearing

The Village clerk read the notice of public hearing.

Mayor Tarapata noted the public hearing is being held to discuss waiver for relief from the temporary moratorium on land use applications in the OB, LO and R-4 zoning districts abutting Route 9W. The village is in the process of updating the comprehensive plan and waivers must be sought so uses are not inconsistent with future uses along the 9W corridor.

Trustee Rothchild motioned to open the public hearing to consider waiver of the temporary moratorium, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Timothy B. Rode, of Zarin & Steinmetz, appeared representing NY Motorworks, LLC, contract purchasers of 500 N Highland Ave, Upper Nyack, NY

The applicant's attorney submitted post office receipts and affidavit of mailing prior to the public hearing and by the required deadline.

The notice of public hearing was also published in the Journal news and posted on the village's message board.

Mr. Rode introduced the contract purchasers, Mr. Albert Lemoine and Mr. Ariel Elia. A site plan was submitted with the understanding that it would not preclude a full site plan and environmental review by the planning board.

Mr. Rode requested the waiver for his clients based on the provisions of the temporary moratorium law under Section IV Appeal Provisions paragraph a)

The Mayor opened the hearing to anyone who wished to speak.

Those who spoke:

Mr. Lemoine, Kevin Skelly, Jeff Epstein, Rosanna Demico, Chad Schindler

The public who commented were concerned about increased activity at the site and noise. Several people commented that they had not been notified of the meeting. One person was a resident of Valley Cottage and was not on the list. The Village Clerk explained the notification process for the moratorium only required notification of the abutting property owners and by regular mail. The notification process for the planning board would require anyone within 200' of the property from the Village of Upper Nyack to be notified.

Mr. Skelly, tenant of the property for 28 years asked to address the Board and public. Mr. Skelly described his years of service to the public at that location and the difficulty of having to leave. The Board thanked him for being a good neighbor.

Mr. Lemoine spoke to the public assembled stating he was glad they came out. Mr. Lemoine noted they would be seeking to build a new building and be mindful of the abutting neighbors and plans to keep the commercial operation mostly to the northern end of the property. Mr. Lemoine noted that he also desires to be a good neighbor.

Trustee Rothchild motioned to close the public hearing, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Discussion by the Board:

The Village Attorney directed the Board to review the provisions in the law to consider the waiver.

- 1) Could cause undue hardship if a waiver was not granted as approval of

comprehensive plan is 8-9 months away from completion

- 2) It will not be inconsistent with comprehensive plan committee discussion
- 3) Will not affect the health, safety and welfare of the village. Based on these findings:

Trustee Rothchild made a motion that the Board grant the waiver from the temporary moratorium law to allow the contract purchaser (NY Motorworks LLC) to move forward with an application to the Planning Board, seconded by Trustee Diamond and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Jillana Sinnott appeared before the Board to ask permission for her daughters Girl Scout Troop use of the OSMH for the remainder of the school year. An application has been submitted and insurance will be provided. Ms. Sinnott will check with the Village Clerk as to dates and availability. The Board was pleased to have the troop making use of the facility

MINUTES – Trustee Esmay motioned that the Board approve the minutes of the Regular meeting of **07/18/19**, seconded by Trustee Rothchild and so moved.

AYES: Trustees Diamond Esmay & Rothchild

NOES: None ABSTAIN: Mayor Tarapata & Trustee Dodge (absent from meeting on 7/18/19)

Trustee Dodge motioned that the Board approve the minutes of the Regular meeting of **08/15/19**, as amended, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge Esmay & Rothchild

NOES: None

Trustee Diamond motioned that the Board approve the minutes of the Special meeting of **09/12/19**, seconded by Trustee Dodge and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

EXECUTIVE SESSION:

8:24 PM The Board voted to enter executive session

Motion: Trustee Esmay

Second: Trustee Rothchild

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Discussed: painting bids & prevailing wage contracts, pending legal matters

9:11 PM The Board voted to exit executive session

Motion: Trustee Esmay

Second: Trustee Diamond

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Painting Proposal bids – due to prevailing wage contracts, the Board decided to reject all bids and would be put out for public bid in the near future.

After discussion, the Board decided not to grant on street parking permission for Inner Landing Festival event being held at Nyack Beach State Park on November 1, 2, & 3 2019.

Trustee Diamond made a motion to adjourn, seconded by Trustee Dodge and so moved. The meeting was adjourned at 9:20 PM.

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild

NOES: None

Respectfully submitted,

Carol G. Brotherhood