

REGULAR MEETING  
February 16, 2017

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, February 16, 2017 at 8:00 PM.

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

**Absent:** Trustee Nye

**Others identified:** PO Paul Valerio-CPD, Ted L'Estrange, and Hilarie Blumenthal

Ted L'Estrange of Otisville NY appeared before the Board to speak to them about Falun Dafa, a spiritual organization in China that is being persecuted by the People's Republic of China. The persecution includes forced organ harvesting. Mr. L'Estrange is looking to inform the public and asking the Board to pass a resolution in support of the organization.

Mayor Tarapata noted the Board would like to review the materials and would probably consider a resolution. The Mayor will get back in touch with Mr. L'Estrange to indicate what level of support the Board can provide.

POLICE REPORTS – PO Valerio appeared before the Board to present the report.  
9 V&T and 15 parking summonses

Majority of calls were 911 and medical emergency.

The CPD performs school checks (at least 1 per day). Done randomly so no pattern is established.

Incidents: Larceny of computer from unlocked car on Front St.; Identity theft (recommended to do annual credit check); Theft of catalytic converters, usually between the hours of 11 pm & 4 am, taking only about 4 minutes to remove. In the Spring CPD will be doing VIN etching of vehicles to add another level of identification to cars.

TREASURER'S REPORT – Submitted for review

Treasurer Fortunato noted that at the meeting of March 16, 2017 will be a budget workshop and the tentative budget is set for a public hearing on April 20<sup>th</sup>, 2017.

Resolution to remove former Mayor as signatory on village accounts.

Trustee Esmay made a motion that Jeffrey Hindin be removed as a signer on all bank accounts and to add the new Mayor, Karen Tarapata, seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

VOUCHERS – Read and approved for payment.

7:30 PM – Public Hearing Local Law # 1 of 2017

Public hearing for Proposed Zone Text Amendment, amending section 10 by adding a new section 10.7 and amending section 11 by adding a new section 11.8, allowing multiple residential structures to be constructed on oversized lots, subject to certain conditions.

Village Clerk read the public hearing notice.

Trustee Diamond made a motion to open the public hearing, seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

Trustee Esmay addressed the Board that the amendment arose as a result of the application for the building permit to build on the former MacCartney property and while under Planning Board review, the existing boathouse was converted to a residence and the applicant was looking to convert the garage into living space. The Building Inspector could not approve multiple houses on one lot as it is not in line with the village zoning code.

Trustee Esmay, Building Inspector Roy Wanamaker, PB Chairman Pfaff, Dennis Letson all met to draft legislation to cover situations like this that are existing, allowing property owners to maintain what exists. Density is not increased by this amendment and the residence is limited; limited to family.

There are several properties in the R-1 and R-2 zone that have similar situations. Because the Village had not received referrals from all notified parties, and they have 30 days to respond, the Board decided to continue the public hearing.

Trustee Diamond made a motion to continue the public hearing to the next regular meeting or a later date, as soon as practical, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

MINUTES – Trustee Rothchild motioned to approve the minutes of the 1/19/17 **Regular meeting**, seconded by Trustee Diamond and so approved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

Trustee Rothchild motioned to approve the minutes of the **2/9/17 Special meeting**, seconded by Trustee Diamond and so approved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

Dan Caprara, Town Board member from the Town of Clarkstown, came to introduce himself to the Village Board, as he is the town Council member representing Upper Nyack under the new ward system. Maps have been drawn up and on March 7, 2017 the proposal will be before the Town Board.

**SNOW REMOVAL COMPLAINT** - Hilarie Blumenthal, of 300 Ellen Street appeared before the Board, and presented a letter addressing the lack of snow and ice removal from sidewalks by residents in the village. Some property owners are habitual offenders. As a dog walker who is frequently out walking, she sees a lot of offenders of the law. Would like to see the length of time for the removal reduced from 24 hrs. to 12 hrs. Also would like a more constructive notification system either to the Community PO or the Village to notify the offenders and to enforce the law that is in place.

Mayor Tarapata will contact Officer Valerio and get a copy of the Clarkstown law and agrees snow removal law warrants further discussion and possible amendment by the Board.

**COMP ALLIANCE** – Comp Alliance has offered the option to Villages with June 1 fiscal years to change their policy cycle. The Village Clerk will ask the Treasurer to contact Comp Alliance and if advantageous to the village, make the change.

#### **REGISTRAR OF VITAL STATISTICS**

As per Mayor Tarapata, the Village Clerk, Carol G. Brotherhood, will be reappointed as Registrar, for a term of four (4) years to April 2021.

Trustee Esmay motioned to ratify, seconded by Trustee Rothchild and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

#### **EXECUTIVE SESSION**

**8:40 PM** - Trustee Esmay motioned for the Board to enter into executive session, seconded by Trustee Rothchild, and it was so moved. On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

**Discussion:** Village Attorney Lewis updated the Board on the Article 78 against the Zoning Board of Appeals for a recent decision. The answer has been filed and the court date is March 8, 2017.

**9:10 PM** – Trustee Esmay made a motion that the Board exit executive session, seconded by Trustee Diamond and with no further discussion and a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

#### COMPREHENSIVE PLAN UPDATE COMMITTEE

Mayor Tarapata, Trustee Esmay, PB Chair William Pfaff and Village Engineer Dennis Letson began preliminary discussion re: revising the Comprehensive Plan. A committee is being formed and they are creating a budget.

Mayor informed the Board she would be meeting with Supervisor Hoehmann on 2/17/17. One item she would be discussing would be the Lighting district and some street light outages that were not being repaired timely.

Discussion of the web site moved to March agenda

Trustee Diamond made a motion to adjourn seconded by Trustee Rothchild and it was so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Nye

The meeting was adjourned at 9:27 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk