

SPECIAL MEETING

October 24, 2019

7:00 PM

A Special meeting of the Board of Trustees of the Board of Trustees of the Village of Upper Nyack was held at the Village Hall on Thursday, October 24, 2019, at 7:00 PM.

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

Absent: Trustee Dodge

The Board held a special meeting to set a public hearing for a temporary moratorium on new special permit applications.

The Green Committee of Upper Nyack gave a presentation regarding the use of leaf blowers and discussed with the Board a proposed law to limit the use of leaf blowers.

Members of the Green Committee (An advisory and advocacy group made up of Upper Nyack residents working toward the environmental health and resiliency of the village in the face of climate change) appeared before the Board to make a presentation specifically regarding the use of leaf blowers in the village. Mr. McWilliams had a power point presentation that covered topics such as noise, air pollution and health impacts to residents from the use of leaf blowers. Also presented were solutions such as local laws governing time for usage, switching from gas to electric, encouraging landscapers to use electric or manual tools, encourage mulching of leaves. Some additional topics discussed were seasonal use restrictions, time of day restrictions, decibel limits. Consideration would be given to emergency responders in performance of their duties.

Mayor Tarapata noted to all attending that the proposal was created by the citizens committee. Nothing has been reviewed or deliberated by the Village Board. This would be a local law enacted by the Village Board and would be in a different form.

Those who spoke on the subject of leaf blowers and noise:

David McWilliams, Diana Greenwald, Robert Picardi, Marion Shaw, Russ Rizner, Beverly Colgan, John Colgan, Win Perry, Fran Marton, Jerry Marton, Mort Korn, Jeffrey Epstein, Hilarie Blumenthal

What was noted or discussed: Recommendations of World Health Organization regarding limit of decibels of noise; chronic noise and how it can affect people with autism; limits for time of year; hours and duration of use; portable or permanent devices to monitor noise (Mayor noted the village does not have a full time Code Enforcement Officer and noise monitoring devices have to be calibrated and used by someone certified for the equipment) education (put on web site to get a broader reach of

knowledge to the public) possibility of eliminating or just regulating use of gas blowers; education to public; self-enforcement; reward is a quieter environment which is positive reinforcement and not just laws and enforcement;

The Board of Trustees who spoke on the subject:

Trustee Esmay asked the committee how these types of regulations have worked in other municipalities.

Mr. McWilliams noted that they have worked well. It takes a paradigm shift.

Trustee Rothchild noted the Board had been discussing this for a while and the proposal seems reasonable and it could be phased in. Grateful that the public brought it forward.

Trustee Diamond: Enjoyed the discussion and information but nothing to add

Trustee Esmay noted the subject has been discussed for a long time and it is about time to move the discussion forward.

Mayor Tarapata mentioned that the village was looking to be consistent with neighboring villages and had thought we would be able to piggy back with Nyack but they didn't pass anything.

The information can be posted on the Village web site or the Green Committee can post to Google Drive.

No draft proposal will be posted at this time. The Village Board of Trustees will discuss at the November 14, 2019 workshop.

Temporary Moratorium of new special permit applications-

Discussion: As the Comprehensive Plan Committee continues the work of updating the comprehensive plan, the Board discussed the need for a temporary moratorium on new special permit applications.

There were some questions specific to an existing special permit and the Mayor emphasized that the moratorium would be for NEW applications.

The residents who reside next to or near the boatyard asked some questions regarding the special permit that is in place and the use of the crane at that site. Mayor Tarapata and Village Attorney Lewis noted that there has been no resolution of the Article 78's for the property in question.

Those who spoke: Mort Korn, Fran Marton, and Jerry Marton

PUBLIC HEARING – TEMPORARY MORATORIUM

Trustee Esmay made a motion to set a public hearing on November 21, 2019, for a temporary moratorium on any new special permit applications, seconded by Trustee Diamond and so moved.

AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild

NOES: None

ABSENT: Trustee Dodge

Trustee Esmay made a motion to adjourn the Special Meeting of the Board, seconded by

Trustee Rothchild and so moved. The meeting was adjourned at 8:44 PM
AYES: Mayor Tarapata, Trustees Diamond, Esmay & Rothchild
NOES: None
ABSENT: Trustee Dodge

Respectfully submitted,

Carol G. Brotherhood
Village Clerk