

REGULAR MEETING

November 19, 2009

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, November 19, 2009 at 7:00 PM.

Those present: Mayor Esmay, Trustees, Diamond, Hindin, Morgan & Sarna
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney (**absent**)

Others identified: PO Landry (CPD), PO Davies (CPD), Daniel Wolff (President Van Houten Landing Neighborhood Association), Michael Barna, Eugene Brown, Winston Perry Jr., Jeffrey Grand, Lesley Geary, Fran Marton, Fritz Krieger, Lisa Sokolov, Norwell Therien, Jerome Marton, Sonya Wong, Thelma Huber, Jan Degenshein,

POLICE REPORTS – Read and discussed. No major incidents to report.

JUSTICE REPORT – Not Available

TREASURER'S REPORT – Not available.

VOUCHERS – Read and approved for payment.

DEER- Jeffrey Grand, 208 Lexow Ave., requested to speak to the Board regarding his concern of the increase in the number of deer in the village. Mr. Grand asked the Board if the village could do a mailing to all residents to find out what their concerns might be and hold a future meeting to discuss the deer problem.

Mayor Esmay said the village residents could be polled; ideas could be discussed as to what is available to the village to deal with the problem; in the past residents were split on the idea of slaughtering the deer.

MINUTES –Trustee Sarna made a motion to accept the minutes of the **Special meeting** of 9/24/09, seconded by Trustee Morgan and so approved.

AYES: Trustees Diamond, Hindin, Morgan & Sarna

NOES: None ABSTAIN: Mayor Esmay

Trustee Morgan made a motion to accept the minutes of the **Regular meeting 10/15/09**, seconded by Trustee Sarna and so approved.

AYES: Mayor Esmay, Trustees Hindin & Morgan

NOES: None ABSTAIN: Trustees Diamond & Sarna

BOND RESOLUTIONS

Mayor Esmay explained that the village would be bonding money to do work related to sewer repair and continuing drainage work.

Milling and Resurfacing of Midland Avenue from the Nyack line to Old Mountain Road: Bond Resolution to authorize the issuance of \$175,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/33034) authorizing the issuance of \$175,000 serial bonds for the Milling and Resurfacing of Midland Avenue from the Nyack line to Old Mountain Road, seconded by Trustee Hindin and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Replacement of curbs and sidewalks on Midland Avenue: Bond Resolution to authorize the issuance of \$75,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/33034) authorizing the issuance of \$75,000 serial bonds for the replacement of curbs and sidewalks on Midland Avenue, seconded by Trustee Diamond and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Construction of Sewer Improvements: Bond Resolution to authorize the issuance of \$105,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/33034) authorizing the issuance of \$105,000 serial bonds for the construction of sewer improvements, seconded by Trustee Diamond and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Construction of Drainage Improvements: Bond Resolution to authorize the issuance of \$70,000 Serial Bonds

Trustee Morgan made a motion that the Board of Trustees adopt a resolution as prepared by Hawkins, Delafield & Woods (File Designation 2078/33034) authorizing the issuance of \$70,000 serial bonds for the construction of drainage improvements, seconded by Trustee Sarna and so moved.

On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

ZONE TEXT AMENDMENT

Mayor Esmay noted that the Board would be continuing the SEQRA process as it relates to the zone text amendment. The Mayor asked Trustee Morgan to speak on the subject.

Trustee Morgan noted that the Village Board proposed to be lead agency for the SEQRA review process. No notified agencies responding wish to be lead agency, therefore:

Trustee Morgan made a motion that the Board of Trustees declare itself lead agency under SEQRA for the proposed zone text amendments in the LO, VC and MB commercial zoning districts, seconded by Trustee Sarna and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

When questioned by resident Daniel Wolff if the residents could question or discuss lead agency, Trustee Morgan explained that the Board was following the SEQRA process.

Trustee Morgan made a motion that the Board request the Village Engineer, Dennis Letson to complete the Long Environmental Assessment Form for the proposed Zone Text Amendments and to make available to the public, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Mr. Wolff addressed the Board and noted that members of the public were there to encourage the Board not to move forward.

Trustee Morgan stated that the Board should complete the process.

Mayor Esmay asked if there was anyone in the audience who would like to speak regarding the proposals.

Those who spoke: Daniel Wolff (President Van Houten L, Sonya Wong, , Fran Marton, Jerry Marton

The residents who spoke voiced their concerns that the Board seemed to be moving too quickly, not enough information for residents and maybe other opinions out there that should be heard.

Trustee Morgan noted several things could occur:

- 1) Board has the option of withdrawing the proposal
- 2) A full environmental impact statement may be necessary
- 3) may not have enough information to go forward.

The Board informed the public present that the SEQRA process would need to be completed. A precedent had been set by permitting residential use by special permit in the OB zone. This raised the question of whether the zoning ordinance should give similar rights to owners in other zones. The B1 commercial district was divided into separate districts to create zones (MB, OB, LO & VC) as a recognition of what existed.

Before that any commercial use could happen.

Trustee Morgan also noted that the EAF findings will determine if the three zones need to be considered separately.

Trustee Morgan made a motion that a public hearing be held on December 10, 2009 at 7:00 pm at the Upper Nyack Elementary School to discuss the environmental review under SEQRA for the proposed zone text amendments, seconded by Trustee Diamond and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Trustee Morgan made a motion that a public hearing be held on January 14, 2010 at 7:00 pm at a location to be determined, if necessary to continue the process of the review of the proposed zone text amendments, seconded by Trustee Hindin and so moved.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Members of the public attending the meeting left at 8:30 pm

Trustee Morgan made a motion that the Board enter into executive session to discuss a contract extension and threatened litigation, seconded by Trustee Sarna and so moved. Board of Trustees moved to executive session.

Trustee Morgan made a motion to end the Executive Session, seconded by Trustee Sarna and so moved. And with all in agreement the meeting was adjourned at 9:15 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Trustee Morgan made a motion to adjourn, seconded by Trustee Sarna and so moved.

And with all in agreement the meeting was adjourned at 9:16 PM.

AYES: Mayor Esmay, Trustees Diamond, Hindin, Morgan & Sarna

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk