

REGULAR MEETING

September 24, 2008

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Wednesday, September 24, 2008 at 7:00 PM. (Note: meeting was held on an alternate night)

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

Absent: Trustee Diamond

Others identified: William Fay, Supervisor of Public Works, Guy Gebbia, Ronnie Rugys, William Friedrich, Nora Pereira, Alan Friedberg, Karen Olsen, Susan McWhinney, Julie Wendholt, Debbie Weck, Carol Curto, Shari Fishberg, Lisa Lockwood, Susan D'Ornellas, Maria Palmer, Mirian Rivera, Ermino D'Agastino, Ann E. Gallo, Debra Krikun, Robert Melomo, Margaret Picardi (not all in attendance signed in)

MINUTES – Trustee Morgan motioned to accept the minutes of the **8/21/08 Regular meeting**, seconded by Trustee Anderson, so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Sarna

NOES: None

ABSENT: Trustee Diamond

POLICE REPORTS – Officer not in attendance due to change of meeting date.

JUSTICE REPORT - Read and noted.

GLENBROOK RD. RESIDENTS

Re: Sale of Commercial Property on Route 9W/Roseland Rd. owned by the Village of Upper Nyack.

Several residents of Glenbrook Rd. and other residents of the village, came before the Board to voice their concerns over the sale of this property. Several residents of Glenbrook were under the impression that it would never be sold. Those who spoke voiced concerns regarding use of the property and what could be built at that location, drainage, tree removal, over development, residential as opposed to commercial use of the property, what would be allowed, concern over selling village property in a down market, what is actually being proposed for the lot?

Residents who spoke: Nora Pereira, Ronnie Rugys, Debra Krikun, Lisa Lockwood, Karen Olsen, Jeffrey Friedberg, Guy Gebbia, Debra Weck, William Friedrich, Michael Sperling, Giselle Garcia Shelley, Robert Picardi, Margaret Melomo

Mayor Esmay noted that the Board began the process of selling the property long before the changes in the economy. The Village began working with a Realtor. Requests for proposals from developers and architects were sought. The property is zoned commercial in the 1962 Zoning but has probably been commercial for 100 years. The Board made a change to the Office Business zone and added a provision to allow for residential uses. The two proposals received are for residential use. The Board will evaluate these proposals. When the new Dept. of Public Works building was built, the sale of the other property was always part of the plan. Mayor Esmay said he did not know where the idea that the property would never be sold came from.

Trustee Sarna noted that residents can buy the land and put it into conservation. The Board must do what is best for all the residents. It would be in the best interest of the residents if that property remains taxable.

Trustee Morgan noted that the Board is not in the business of selling property so this is a novel activity. We are looking for the maximum return. If and when the property is sold, any proposals for development will be subject to a review process at a public hearing by the Planning Board and the public will be able to comment on that review.

Trustee Sarna stated that this was the first Board meeting held since the proposals were received. Trustee Sarna received the email that was circulating asking people to show up at the meeting to protest the development of the property. The Mayor and the Board are trying to improve communication with the residents and encouraged residents to contact the village hall with questions or concerns.

Trustee Morgan also noted that with the residential use that was added to the zoning code includes a provision that, the Planning Board could set conditions under a special permit.

Trustee Anderson wanted to comment on the discussion of the 9W property and tried to reassure the residents that it is a commercially zoned property and with the Special Permit review the Planning Board has more ability to set restrictions and controls as to the use of the property.

Karen Olson asked with the Sept. 15th deadline and having only received two proposals was it possible that neither proposal would be accepted?

All the Board members indicated that yes, that could happen.

Mayor Esmay noted that Attorneys at NYCOM (New York Conference of Mayors) were contacted and questioned about the Village subdividing the property into 4 lots and were told it should not be done and would be spot zoning and may be a conflict.

Guy Gebbia, 110 Locust Dr., also owns the property at 221 Glenbrook Rd., wondered if there had ever been a drainage study in the village and specifically on Glenbrook? The Mayor noted there had been about 5 years ago. Critical areas were identified. The village needs money to correct those problem areas and has slowly been doing minor

drainage work. The retention pond located on the upstream school property is not functioning properly. Senator Morahan was contacted and made a monetary commitment but the project is in limbo. It has to be worked out with the two entities, the village and the school district.

A general discussion of traffic, speed control and safety followed.

FARM ALLIANCE RESOLUTION

Trustee Sarna made a motion that the Board of Trustees adopt a resolution in support, seconded by Trustee Anderson as follows:

WHEREAS, the Rockland Farm Alliance is a grass roots organization of farmers and other Rockland residents who are interested in preserving and promoting sustainable farming within Rockland County,

NOW THEREFORE, BE IT SO RESOLVED that the Board of Trustees of the Village of Upper Nyack supports the Rockland Farm Alliance and projects that provide for the planning and implementation of programs to maintain existing farms and to encourage new farms to be established within Rockland County, and on a call for a vote:

AYES: Mayor Esmay, Trustees Anderson, Morgan & Sarna

NOES: None

ABSENT: Trustee Diamond

NYACK HOSPITAL FOUNDATION – 18TH Annual 10k Run and 5k Walk

Trustee Morgan made a motion that the Board of Trustees approve the request of the Nyack Hospital Foundation for their annual 10k run and 5k walk to be held on November 22, 2008 from 8 am until 12 noon, contingent upon receipt of their Certificate of Insurance, and that the Village Clerk issue a letter of approval, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Sarna

NOES: None

ABSENT: Trustee Diamond

TREASURER'S REPORT – Read and noted. Treasurer MacCartney was not available to attend. The State Report has been received from the auditor and is ready for review and filing.

VOUCHERS – Read and approved for payment.

Mayor Esmay asked the Board to read over the two Roseland Road proposals and be ready to discuss at the next workshop meeting on 10/09/08.

Richard Kroll, 202 Birchwood Ave., wanted to address the Board on the issue of a neighbor who took down a large, seemingly healthy tree on his property. Mr. Kroll

found this very upsetting and wanted to review the regulations that are in place. He would like to see Upper Nyack try to keep its trees and the wooded look as much as possible. After he reviewed the ordinance, Mr. Kroll thought it seemed contradictory and does not offer adequate protection to the residents. It is too broad and easy for residents to remove trees. Mr. Kroll believes the law needs to be scrutinized and requests that the Board take another look at the law.

Trustee Sarna will review the law and make suggestions to the Board and will put information into the newsletter for residents.

Russ Wooley, Castle heights Ave., asked when the Board would review the Roseland Rd. proposals. Mayor Esmay noted on 10/09/08.

Village Attorney Lewis noted that some discussion may fall under the contract or negotiations and may not be discussed in public.

The Mayor noted that the Board can express an opinion or recommendation to the Planning Board concerning development plans. The Village Board can deal directly only with the price offered.

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

The meeting was adjourned at 9:40 PM.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Sarna

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk