

REGULAR MEETING
March 19, 2009

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

Those present: Mayor Esmay, Trustees, Diamond, Morgan & Sarna

Absent: Trustee Anderson

Village Clerk: Carol G. Brotherhood

Village Attorney: Robert P. Lewis Esq.

Village Treasurer: Barry MacCartney

Others identified: PO Landry, Jeffrey Hindin, Joseph Menschik, Jerry Greenberg, Patricia Greenberg, Burt Dorfman, Jesse Dorfman, Michael Slattery, Daryl Slattery

POLICE REPORTS – Officer Landry informed the Board that the number of tickets written has increased in the past month and there were several car larcenies.

JUSTICE REPORT - Read and noted.

MINUTES - Regular Meeting – Trustee Morgan motioned to accept the minutes of 2/19/09, seconded by Trustee Sarna and with no further discussion it was so approved.

AYES: Trustees Diamond, Morgan and Sarna

NOES: 0

ABSENT: Trustee Anderson

ABSTAIN: Mayor Esmay

TREASURER'S REPORT – Report submitted for review. The Tentative Budget public hearing will be held on 4/16/09 at the regular meeting. Treasurer MacCartney informed the Board that the Rockland County Solid Waste Management Authority has taken over operation of the transfer station and will now be charging dumping fees for debris (not leaves or brush). The charges are in effect now and will increase village costs.

VOUCHERS – Read and approved for payment.

ZONE TEXT AMENDMENT – Laboratory Office (LO) ZONE

Michael & Daryl Slattery (Slattery Moving & Storage) went before the Zoning Board of Appeals on March 17, 2009 and were granted a Use Variance with conditions. They appeared before the Planning Board on March 18, 2009 and were granted site plan approval with conditions. They are appearing now before the Village Board of Trustees and are looking for long term, additional allowed uses in an LO zone. The Slattery's would like to broaden or change the zone because there are no special permit uses allowed.

Village Attorney Lewis read the allowed uses in the LO and OB zones. VA Lewis noted

that most businesses in the LO Zone have use variances or are grandfathered.

Mayor Esmay explained the logic of the Board at the time the zones were set up was that the Board was looking to keep the zone uses quieter, with more offices that would be close to the hospital.

Attorney Lewis noted the board of Trustees could consult with the Planning Board.

Trustee Morgan suggested a joint meeting of the Board of Trustees and the Planning Board.

Trustee Sarna noted that issues were discussed at last month's meeting and there was concern about where trailers and containers would be.

Attorney Lewis noted that those were items (trailers, employee parking) covered at the Planning Board public hearing on the site plan

All members of the Board were in agreement to consider the zone text amendment.

Village Attorney Lewis noted the procedure that would be followed:

The Board of Trustees will meet with the Planning Board and ask for advice and recommendation.

Any changes in the text would be drafted, maybe employing a consultant.

A public hearing is held with the Board of Trustees presenting the amended text.

If the Board adopts the changes, once filed with the State, it becomes law.

Joseph Menschik, 209 Wanamaker Lane, appeared before the Board to express his frustration that at the recent meeting of the Planning Board, the applicant/owner of the property behind Mr. Menschik's, did not present what the Planning Board asked for.

After a brief discussion, Village Attorney Lewis recommended Mr. Menschik wait until the Planning Board and Building Inspector make a final determination before he ask for a ZBA interpretation.

ROSELAND ROAD/ROUTE 9W PROPERTY-

Attorney Burton Dorfman came before the Board representing the bidder, Mr. Donahey and Jesse Dorfman of Carrickmore, regarding the village owned property at Route 9W and Roseland Road. Mr. Dorfman noted that he also represents Howard Hellman who bid but is no longer interested.

Attorney Dorfman noted that since Carrickmores bid was submitted, the real estate market is down substantially. They are looking for a way to make this project move forward and are ready to hire consultants. IT is difficult to get financing for townhouses and condos. Would like to move forward with 16 units instead of 14. The per unit (sq. ft.) price changes but still pay same price.

The Board's concern is that the proposal was accepted in Sept. of 2008, the contract was sent in Nov. of 2008 and at this point the property has been tied up for months. Would like it to move forward.

Board will discuss the contract in executive session.

FINES ASSOCIATED WITH NO PARKING ZONES

Trustee Morgan made a motion to hold a public hearing on April 16, 2009 for the purpose of adjusting fines for traffic infractions, seconded by Trustee Diamond and so moved a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None

ABSENT: Trustee Anderson

EXECUTIVE SESSION- Trustee Morgan made a motion and Trustee Sarna seconded to allow the Mayor and Board to move into executive session to discuss a settlement of a lawsuit and a rental contract. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None

ABSENT: Trustee Anderson

Trustee Morgan made a motion to end the Executive Session, seconded by Trustee Sarna and so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None

ABSENT: Trustee Anderson

Trustee Morgan made a motion to the regular meeting at 10:00 PM, seconded by Trustee Diamond and it was so moved. On a call for a vote:

AYES: Mayor Esmay, Trustees Diamond, Morgan & Sarna

NOES: None

ABSENT: Trustee Anderson

Respectfully submitted,

Carol G. Brotherhood
Village Clerk