

REGULAR MEETING

October 18, 2007

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, October 18, 2007 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata, Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney

Others identified: PO Landry(CPD), Elaine Smollin, William McDowell, Jock DeCamp, Robert Helmke, Jennifer Marraccino, James Cason, Brian Cason, Jennifer Hatch, Sue Smith, Pamela Koether, Shannon Dedyo, Michael Lagana, Kerry Lagana, Laurie Dodge

POLICE REPORTS – Submitted for review by Officer Landry. 13 parking tickets were issued as well as a few speeding and failure to stop at the stop sign on N. Midland. Officer Landry also noted that the computer program had been fixed making for a more readable report.

JUSTICE REPORT - Read and noted.

William McDowell, 121 Old Mountain Rd. had a series of items he wanted to discuss with the Board while Officer Landry was present.

- 1) Series of complaints regarding the crossings guards at Broadway and Birchwood and Broadway and Castle Heights
- 2) PTA/Parents- Complaints about habitual parking in the no parking zone in front of the Old Stone Church during drop off & pick up at the elementary school
- 3) School zone speed limit – Posted 15mph during school hours.

PO Landry noted that information is always given to the area cars regarding problems or issues to be looked into. PO Landry assured the parents present that he would speak to Sgt. Baumann and pass on the request of residents for increased enforcement. A car is always assigned to Upper Nyack.

Michael Lagana, 3 Bexman Green, stated that it was his understanding that when the Clarkstown Police Dept. absorbed the Upper Nyack Dept. that there was to be a car in the village 24 hours a day, 7 days a week.

Since no member of the Board or Officer Landry had any agreement on hand they would look into it.

Mayor Esmay said there is always a car assigned to the area. Mayor Esmay quoted some recent statistics he had read that noted that Upper Nyack was one of the safest areas in Rockland County. Mayor Esmay met in the spring with Supervisor Gromack and the Chief of Police regarding these issues and asked for more police presence in Upper Nyack.

Village Attorney Lewis noted that by law when the Upper Nyack police disbanded the Town, by law, had to take over and that a written agreement may not exist. It can be looked up.

Jennifer Marraccino, 115 Wydendown Road, as a resident and the PTA President at the Elementary School, she is always open to a proactive solution and communicating to the parents. They want to help.

Barry MacCartney, Treasurer and resident of Upper Nyack asked if Auxiliary police are available?

PO Landry noted that they do house checks, traffic control and are sometimes in unmarked vehicles. They are volunteers.

7:30 PM PUBLIC HEARINGS: Local Law#5 of 2007

Proposed Local Law #5 of 2007: Amending Article V, Section 16:66 Standard Schedule of Fees

Mayor Esmay opened the public hearing.

The Clerk read the public hearing notice for proposed local law # 5 of 2007.

Mayor Esmay noted the reason for considering this law was to bring the fees up to date and in line with the Town of Clarkstown and other towns and villages. This was reiterated by the Village Attorney.

There was no further questions or discussion from the Board.

The Mayor opened the hearing for public comment.

Robert Helmke, North Broadway, questioned if the expansion of the zoning increased the work load of the Boards?

Mayor Esmay noted that the current Boards are great; applications are more complicated with needs for consultants, lawyers and experts.

Trustee Morgan noted that the village was adding a part-time Building Inspector to help cover the work load.

The Board wants the fee schedule to reflect the work performed for the applicant.

As there were no more questions or comments from the public, the Mayor asked for a motion to close the public hearing.

Trustee Anderson made a motion to close, seconded by Trustee Tarapata and all approved:

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Tarapata made a motion to amend the Schedule of Fees as proposed, seconded by Trustee Anderson and unanimously approved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

TREASURER'S REPORT- Submitted for review.
VOUCHERS - Read and approved for payment.

William McDowell, 121 Old Mountain Rd., came before the Board and noted he had approached the Board about a year ago about the installation of a sidewalk on the south side of lower Birchwood. What has the board done since?

Mayor Esmay noted that the Board has discussed and the projected cost is \$75,000 to \$100,000. The village will be selling the property on 9W to put the village in a better position financially so that this and other projects may be considered. The Board will have the property along Birchwood surveyed and have already contacted a surveyor. It would be considered in the 2008-09 budget. The Board will look into bonding or use State grants that may be available.

Jennifer Marracchino inquired as to what is the process and how can money be obtained. The PTA is working on gathering information. Can money be sought from Supervisor Gromack?

Trustee Tarapata noted that Senator Morahan would be the one to inquire about money. She also noted that money can be promised but it can take a long time to actually get that money.

Ms. Marracchino stated that the PTA wants to work hand-in-hand with the village or go to the legislatures office , looking for action.

Trustee Malcolm noted that the Board has been proactive. The Mayor and a Trustee met with the Supervisor and Police Chief regarding enforcement and are looking into getting the property surveyed. The Board is in agreement that the safety of the children using that street is paramount.

William McDowell thanked the Board for their time and and is grateful that the Board has elevated this priority of a sidewalk.

Mr. McDowell also wanted to note that there have been some issues with the crossing guards with habitual lateness and absences at Birchwood and Broadway. There has been difficulty with police response.

Village Attorney Lewis noted that the Statutory Law of the State of New York, the Village must use the Town of Clarkstown Police services. The Village cannot hire private security or contract with an outside police force. The Village can meet with the Supervisor and Police Chief to go over facts and figures.

Laurie DeCamp, 349 North Broadway, noted her concern to the Board of the number of large undeveloped properties in the village. Is there a moratorium in place. She would like to keep commercial properties from being built in residential properties.

Trustee Morgan noted that there is a Moratorium in place until January. Based on the Comprehensive Plan the Board will look to modify the zoning ordinance for Places of

Assembly like worship, private clubs. The Board will need to hold a public hearing. They will look at issues of the number of people, safety and public health and parking. The Village may have difficulty in not allowing a particular group to buy or use their land. The Board is trying to create standards for places of assembly.

The Board carried on a discussion with the public assembled about land use regulations and what is allowed in various zones in the village. It was noted that a public hearing would be held and the Proposed Zone Text Amendments would be available for the public once the public hearing notice is published. It will be in the legal notice section of the paper as well as on the village web site.

Shannon Dedeyo, 413 North Broadway, wondered if there was a limit on the number of tax exempt entities?

Trustee Morgan noted that a property owner must apply and qualify for tax exempt status.

Trustee Anderson noted to the audience assembled that the Board is listening. The Board has been working on the zoning, talking to the police, speaking with the Superintendent of Schools on safety issues. It doesn't happen overnight. It takes time and the Board has been working on these issues.

MINUTES –Trustee Morgan motioned to accept the minutes of the **10/18/07 Regular meeting**, seconded by Trustee Malcolm and so moved

VOTE: AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata.

NOES: None

APPOINTMENTS-

Mayor Esmay noted that the village had been notified by County Personnel that Mr. Letson's application was approved.

Trustee Tarapata made a motion to appoint Dennis Letson as Assistant Building Inspector (PT) and with no further discussion, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay. Trustees Anderson, Malcolm, Morgan & Tarapata

NOES: None

Mayor Esmay noted that he had received a letter of Resignation from Trustee Malcolm and that Trustee Tarapata would not run again.

Trustee Malcolm thanked the Mayor and the Board for all their help and the Mayor and Board in turn thanked Trustee Malcolm for his countless volunteer hours on many projects especially the new Dept. of Public Works building.

Trustee Anderson made a motion to accept with regret, the resignation of Trustee Peter

Malcolm as of December 1, 2007 and to thank him for his dedicated service to the Village of Upper Nyack, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan and Tarapata

NOES: None

Trustee Tarapata tendered her resignation.

Trustee Morgan made a motion to accept with regret and appreciation, the resignation of Trustee Karen Tarapata as of December 1, 2007 and to thank her for her dedicated service to the Village of Upper Nyack, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan

NOES: None

Trustee Tarapata made a motion to ratify the appointment of James Sarna, effective December 1, 2007 to serve out the unexpired term of Trustee Malcolm on the Board of Trustees, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Anderson made a motion to ratify the appointment of Joseph Diamond, effective December 1, 2007 to serve out the unexpired term of Trustee Tarapata on the Board of Trustees, seconded by Trustee Malcolm and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

PUBLIC HEARING - Trustee Tarapata made a motion to hold a public hearing on Thursday, November 29, 2007 to consider adopting the zone text amendment for Places of Assembly under the Village of Upper Nyack Zoning Ordinance, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Trustee Anderson made a motion to adjourn seconded by Trustee Tarapata and so moved. The meeting was adjourned at 9:55 PM.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan and Tarapata

NOES: None

Respectfully submitted,

Carol G. Brotherhood

Village Clerk