

## REGULAR MEETING

April 20, 2006

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 20, 2006 at 7:00 PM.

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

**Others identified:** William McDowell, Peter Lang, and Alan Englander

POLICE REPORTS – Read and noted. PO Barone notified the Board of several complaints received with incidents of identity theft by phone. The caller was calling to verify information for an account and asked for social security numbers.

Mayor Esmay requested that traffic counters be placed on North Midland Ave. between Old Mountain and Birchwood to monitor the number of cars and speed on North Midland Ave.

JUSTICE REPORT - Read and noted.

MINUTES – Trustee Morgan made a motion to accept the minutes of the Regular meeting of March 16, 2006, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Malcolm, Morgan & Tarapata NOES: None

Trustee Tarapata made a motion to accept the minutes of the Annual meeting of 4/3/06, seconded by Trustee Morgan and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata NOES: None

### STREET CLOSING REQUESTS:

Nyack Chief's Inspection Parade – After a brief discussion, Trustee Tarapata made a motion to grant permission for the Nyack Chief's Inspection parade to line up and pass through Upper Nyack on October 7, 2006 at 2 PM with the following conditions: East/West access at Old Mtn. Rd. must remain open, requisite insurance, porta-johns, provide for own clean-up, adhere to the Upper Nyack open container law, seconded by Trustee Anderson and so moved with all in favor.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata  
NOES: None

Empire Hook & Ladder Co. #1 – Trustee Morgan made a motion to grant the request of Empire Hook & Ladder Co. #1 to close North Broadway from lower Castle Heights Ave. to lower Birchwood on 10/7/06 from 3 PM until 11 PM subject to requisite insurance, adherence to **ordinances 5.6** (no outdoor amplified public address system from 11 PM until 8 AM) and **5.9** (Open Containers in Public Places), seconded by Trustee Malcolm and so moved.

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

NOES: None

PUBLIC HEARING – Local Law # 1 of 2006 – 7:30 PM

Amending Ordinance 6.5 Tree Maintenance & Management Operations

The clerk read the public hearing notice.

The Mayor opened the hearing.

Mayor Esmay noted that the change in the law was prompted by a new homeowner who could not remove hazardous trees without going to the Planning Board because it involved a sewer line and not just a septic line. The Board wanted to add the option that the Planning Board could require the planting of trees to mitigate drainage problems. There was no further discussion by the Board.

Mayor Esmay asked if there were any comments from the public.

Alan Englander, 118 Lexow Ave., spoke in favor of the law and feels the intent is good and the law has been beneficial and works well with the new SPEDES law.

Trustee Tarapata noted that the County Legislature has commended the village for its effort in complying with the SPEDES requirements.

Trustee Tarapata made a motion to close the public hearing, seconded by Trustee Morgan and all were in favor.

Trustee Tarapata made a motion to adopt the amendments as discussed, seconded by Trustee Anderson and so moved.

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

NOES: None

Trustee Tarapata made a motion to modify the Standard Schedule of Fees by increasing specific fees and to hold a public hearing at the next regular meeting of 5/15/06, seconded by Trustee Morgan and all in favor with none opposed.

PUBLIC HEARING – TENTATIVE BUDGET – 7:40 PM

The Clerk read the public hearing notice.

The Mayor opened the public hearing. The Mayor noted that this budget has been worked on over the last three months and the increase is not large and the Board feels it is a fiscally responsible budget.

Trustee Malcolm noted that most of the increases came from outside sources over which the village has little control such as Orangetown sewer costs, increase in the NYS Retirement costs. The Board works very hard to keep costs low and work efficiently.

Mayor Esmay opened the hearing for public comment.

William McDowell, 122 Old Mountain Rd., asked what the total budget was? Treasurer answered it was \$1,461,250.00.

Alan Englander told the Board how pleased he was with their efforts and how they show great concern for the residents.

The Mayor thanked the Treasurer.

Treasurer MacCartney thanked the Board for their careful planning and the building of a new DPW building with all new heavy equipment without raising taxes.

Trustee made a motion to close the public hearing, seconded by Trustee Anderson and so moved with all in favor.

Trustee Anderson made a motion to adopt the Tentative Budget for 2006-2007 as presented, seconded by Tarapata and so moved.

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

NOES: None

TREASURER'S REPORT – Submitted for review.

VOUCHERS – Read and approved for payment.

### ZONE TEXT AMENDMENT

The Board discussed a proposed zone text amendment. The text was drawn up by Robert Geneslaw with input from the Village Board and Planning Board.

Village Attorney Lewis noted SEQRA would have to be done if the total acreage is 25 acres or more. Mr. Lewis also asked what the total acreage is in the OB and in the LO Zones? The attorney noted that the Board may be able to go with the generic environmental review already done for the Comprehensive Plan under SEQRA. The Board then discussed not considering the LO zone. The Board requested the village clerk to send the revised version of the text to the Rockland County Planning Board, giving them 30 days to respond to the village. The Board asked that the Zone Text amendment also be sent to the Clarkstown Planning Board, State DOT, and Nyack Planning Board.

After a brief discussion, Trustee Tarapata made a motion that the Board holds a public hearing to consider the adoption of Local Law # 2 of 2006, Zone Text Amendment, amending Article IV, Section 15:03(c) and Article VII Cluster Development of the 1962 Zoning Ordinance of the Village of Upper Nyack on June 8, 2006 at 7:30 PM, seconded by Trustee Morgan and it was so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan, & Tarapata  
NOES: None

Notification Policy- held over for next months meeting. Trustee Anderson will read over the policy regarding the minimum security requirements and report back to the Board.

New DPW – Trustee Malcolm noted the following items that have been completed or are near completion:

- Salt shed has been stained
- Water line almost complete. Minor adjustments need to be made to valves. Cal Mart must uncover for United Water and Health Dept. to view.
- Met with Alan Schulman (GC Eastland Const.) on Thursday AM to discuss final timetable to finish the project. Issues about final payment and money being held back were discussed.

Other Business:

William McDowell of Old Mountain Rd. wanted to discuss with the Board the water course that runs down Old Mountain Rd. (known as Crumbie's Glen) behind his house. There have been incidents of debris that has fallen into the waterway and caused a retaining wall collapse and cause the water to overflow the bank and wash away his property.

Trustee Tarapata is working with the county to create a GIS official map of all the water courses in the village. The Board is also discussing a maintenance agreement of the water courses.

Trustee Tarapata will walk the property with Mr. McDowell, along Old Mountain Rd. stream to identify some the dead and hazardous trees.

Trustee Malcolm made a motion to adjourn seconded by Trustee Anderson and so moved at 9:27 PM.

Respectfully submitted, Carol G. Brotherhood, Village Clerk