

## REGULAR MEETING

March 18, 2004

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, March 18, 2004 at 7:00 PM.

**Those present:** Mayor Esmay, Trustees Malcolm, Morgan, Smith, & Tarapata, Village Clerk Carol G. Brotherhood, Village Attorney Lewis, Village Treasurer: MacCartney (absent)

**Others identified:** List Attached

MINUTES – The Board held off discussion until later in the meeting.

PUBLIC HEARING – LOCAL LAW #6 2004 – Temporary Moratorium on Development of Property Located in Residential Districts of 2004.

The Clerk read the public hearing notice.

Mayor Esmay read from a prepared statement outlining the reason behind the moratorium and review of the zoning but was interrupted by the large and unruly crowd of people who had gathered at the Village Hall came in response to an anonymous flier that had been mailed to Upper Nyack residents. The meeting room was filled beyond its legal capacity.

Trustee Tarapata made a motion to continue the public hearing in a location and time as soon as possible to accommodate the number of people who requested to be heard, seconded by Trustee Morgan and so moved.

At that point, the Village Board continued their regular meeting and the majority of those present left the meeting. A few residents remained.

MINUTES - Special Meeting, 2/12/04- Trustee Tarapata motioned to approve with corrections, seconded by Trustee Morgan and so moved.

Regular Meeting, 2/26/04 – Trustee Tarapata motioned to approve with corrections, seconded by Trustee Morgan and so moved.

POLICE REPORTS – Officer Healy was not present at the Village Board's request.

JUSTICE REPORT - Read and noted.

TREASURER'S REPORT – The report was submitted for review. The Treasurer will be at the next workshop of the Board on 3/25/04.

VOUCHERS – Read and approved for payment.

REQUEST FOR STREET CLOSING - Trustee Morgan made a motion to allow the closing of North Broadway between Castle Heights Avenue and Birchwood Avenue for the Upper Nyack Elementary PTA Goosetown Bazaar from 9 am until 3 pm on Saturday, May 15<sup>th</sup>, 2004 and that they provide a Certificate of Insurance naming the village as additionally insured, seconded by Trustee Tarapata and unanimously approved.

PUBLIC HEARING - Trustee Tarapata made a motion to set a public hearing on 4/15/04 to consider adoption of the “SPDES General Permit for Stormwater Discharges from Construction Activity,” seconded by Trustee Morgan and unanimously approved.

The Board invited the remaining public to speak on any matters they may be concerned about.

Louis Tharp, 515 North Midland Avenue told the Board he and his partner got married in San Francisco and wondered if the Village of Upper Nyack would recognize that union in regards to Village business? Mr. Tharp will get a copy of the resolution that Nyack passed for the Board to review and the Board agreed. Mr. Tharp stated that it would be clearly symbolic. He thanked the Board.

Russ Wooley, real estate agent, thanked the Board for continuing the meeting to another place and felt it was the right thing to do. The Village Attorney agreed.

Ronnie Rugys, 218 Glenbrook Rd., was concerned about the hostility of the people in attendance at the meeting. Ms. Rugys wondered if the Board could request written comments prior to the meeting to see what the concerns are, as a way to start a dialog about what people feel their village should be.

Alan Englander, 118 Lexow Avenue, expressed sympathy to the Board for the way they were treated tonight. Feels the Board is doing the right thing. Mr. Wooley inquired whether the agendas were posted on the village website and was told they are posted.

Dorothy Cucksey, 510 Hudson View Road, felt there was not enough notice and the perception is that the Board is not listening or caring about the residents.

Village Attorney Lewis thought the Board needs some type of public relations notice to the entire village presenting the position of the Board. The Board agreed this was a good idea. Mr. Lewis also noted that the zoning laws are in place to maintain value of individual property.

Robert Helmke, 641 North Broadway, responded to the Village Attorney's statement about zoning laws. Feels it is good that there is interest by the public and that there are laws in place. Noted to the Board he is available to serve on any board.

Mr. Lewis explained that the Village Board are the legislators of the village, passing laws. The Planning, Zoning and Architectural Review Boards are appointed by the Mayor and are autonomous and have staggered appointments of 5 years each.

Russ Wooley wondered if when the Moratorium was over if the Board could consider forming a Technical Assistance Committee (TAC) (made up of PB, ZBA, ARB, and Building Insp. & VE) to review plans prior to the process before the Boards to help streamline the process. Trustee Tarapata noted that she and the Mayor had already been discussing this to see if would work.

Ronnie Rugys inquired whether the traffic pattern was being studied for the proposed building on Route 9W. (Courtyard of Upper Nyack)

Village Attorney Lewis noted the applicant was required to hire a traffic engineer to do a study at specific locations within the village. The village will then be able to use those studies for other purposes without spending taxpayer money.

Ronnie Rugys also inquired whether any further information was available regarding the 9W/Chrisitan Herald Rd. intersection?

Trustee Tarapata noted that the State DOT is supposed to install a cross signal (push button) like the one at Birchwood. She will follow up to see what the progress is.

The Mayor was asked what the progress was with Petersen's Boatyard acquisition by the Town.

Mayor Esmay noted that the environmental review was moving forward and the Board had passed a motion supporting the Town's acquisition with the understanding that they will follow local village zoning codes.

There was further discussion and it was noted that an advisory committee on residential zoning revision was working to create a working document that would then be presented to the Board of Trustee for review at a public hearing.

The moratorium is a tool to use while the working document is created. The Mayor noted that the Board was not given a chance to speak.

Linda Bean, Radcliff Drive, questioned, why a moratorium?

Village Attorney Lewis stated that it puts the village in status quo while review of the zoning changes is done. This was done in the 80's into the 90's but it dragged on too long. The Board will use the info from the Boards to deal with areas that have always created difficult drainage problems. Trustee Morgan noted that the Board is looking to make an adjustment to be more responsible to the needs of today.

Mayor Esmay added that it is a limited approach. The Zoning Ordinance is a tool to implement the Comprehensive Plan. The Plan is an outline and you adjust the tools to make it work.

Ronnie Rugys would like to petition the village to consider changing the commercial village property on 9W to a residential zone.

Mayor Esmay indicated that for the foreseeable future it will remain commercial but they could submit a petition at any time.

Robert Helmke, 641 North Broadway, questioned if an application was submitted to the planning board and has been reviewed and then must go back, how do you avoid litigation?

Trustee Morgan stated that litigation is a decision of the person who brings suit.

Trustee Tarapata read the list of exemptions and the appeals process that would be in place during the moratorium.

Trustee Morgan motioned to adjourn at 8:45 PM, seconded by Trustee Tarapata and it was so moved.  
Respectfully submitted,

Carol G. Brotherhood  
Village Clerk