

REGULAR MEETING

July 15, 2004

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, July 15, 2004 at 7:00 PM.

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

Others identified: Kier Levesque, Craig & Brigit Botrill, Susan Frazier,
Ann Brooks, and Linda Bean

MINUTES –Trustee Morgan motioned to approve with corrections the minutes for the meetings of **3/18/04**(regular meeting), **4/15/04**(regular meeting), **4/22/04**(continuation of public hearing), **5/20/04**(regular meeting), **5/27/04**(special meeting), and **6/17/04 (regular meeting)**
Seconded by Trustee Smith and on the call for a vote: AYES: 3 NOES: 0

POLICE REPORTS – Read and noted. Officer Healy reported that it was a quiet month. There was a report of mailbox larceny but mailbox was recovered. A second mailbox, marked #206 found and held in the evidence room at Clarkstown Police station.

JUSTICE REPORT - Read and noted.

TREASURER’S REPORT – The report was submitted for review. Read and noted. Trustee Morgan made a motion to accept the Treasurer’s Report, seconded by Trustee Smith and so moved.

VOUCHERS – Read and approved for payment.

APPEALS – RELIEF FROM MORATORIUM –

1) Susan Frazier, 334 North Broadway (appeals application #10)
Property location #7 Tompkins Court
Ms. Frazier appeared before the Board to request relief from the moratorium to proceed to the Planning Board for site plan approval of a new residence in an approved subdivision. Ms. Frazier noted she had been to the Planning Board but had changed architects and was then subject to the moratorium.

Trustee Morgan made a motion that the Board grant relief from the moratorium given the unique situation on this site created by average

density, no variances are needed with the percentages shown, The site is part of an already approved subdivision approved and drainage defined by that subdivision plan, there is no downhill neighbor to be impacted by the drainage, zoning code revisions contemplated are unlikely to affect this property, seconded by Trustee Smith and so approved.

AYES: Deputy Mayor Tarapata, Trustees Morgan and Smith (3)

NOES: 0

2) Brigit & Craig Bottril, 109 Larchdale Avenue

(Appeals application #11)

Mr. & Mrs. Bottrill are looking to build a porch addition of 366 sq. feet, no variances, well below lot coverage as identified on the architects drawing

Trustee Morgan made a motion that given the proposal is a 366 sq. ft. front porch with no significant changes to site grading and the proposal is within the building envelope, no variances are required, and building is supported by piers will minimize the excavation impact and it is unlikely to be affected by proposed changes to the zoning ordinance, seconded by Trustee Smith and on a call for a vote:

AYES: Deputy Mayor Tarapata, Trustees Morgan and Smith (3)

NOES: 0

ANNUAL STORMWATER REPORT OF 2003 – Deputy Mayor & Trustee Tarapata read the Executive summary of the stormwater report (attached)

LOCAL LAW #10 OF 2004 – PUBLIC HEARING – The Clerk read the public hearing notice regarding the SPDES General Permit. Deputy Mayor Tarapata opened the public hearing.

Deputy Mayor Tarapata noted to the public that any ¼ acre of disturbance will require erosion control. Any construction disturbance requires erosion control practices and an agreement with the municipality.

Public comment was encouraged and Ann Brooks, Ellen Street, a landscaper and designer applauded the Board for their efforts in addressing this issue.

Linda Bean, Radcliff Drive, requested a copy of the law to read over but had no questions.

Trustee Smith made a motion to close the public hearing, seconded by Trustee Morgan and so moved.

Trustee Morgan made a motion that the Board of Trustees adopt Local Law # 10 of 2004 also known as “Stormwater Management and Erosion Sediment Control” and hereby amending the 1962 Zoning

Ordinance of the Village of the Upper Nyack, seconded by Trustee Smith and on a call for a vote:

AYES: Deputy Mayor Tarapata, Trustees Morgan and Smith

NOES: 0

NYACK HOSPITAL FOUNDATION 10K RUN & 5K WALK

A request was received from the Nyack Hospital Foundation for approval of their 14th Annual run walk which goes through the Village of Upper Nyack. After a brief discussion, Trustee Smith made a motion that the Board grant its permission to allow the Nyack Hospital Foundation to hold it's fundraiser on Saturday, November 20, 2004 from 8 AM until 12 Noon and to provide the village with a certificate of insurance naming the Village as additionally insured, seconded by Trustee Morgan and so approved. The clerk was instructed to send them a letter of approval.

VOLKSSPORT CLUB WALK – After a brief discussion, Trustee Smith made a motion to allow the Volkssport Club Walk to proceed through the Village of Upper Nyack on September 5, 2004 and that they provide the Village with a certificate of insurance, seconded by Trustee Morgan and so approved.

RESOLUTION –Check cashing-Bank of New York

Trustee Smith made a motion that the Board accepts the agreement with the Bank of New York check cashing policy allowing employees to cash their paychecks even if they do not hold an account with the Bank of New York and at no fee to the employee, seconded by Trustee Morgan and so moved.

AYES: Deputy Mayor Tarapata, Trustees Morgan and Smith

NOES: 0

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

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk