

REGULAR MEETING
November 18, 2004

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

Those present: Mayor Esmay, Trustees, Morgan, Smith & Tarapata, Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village Treasurer Barry MacCartney (absent), Trustee Malcolm (absent)
Others identified: PO Healy (CPD), Kier Levesque

POLICE REPORTS – Read and noted. Officer Healy noted that there were a few minor accidents and 2 larcenies reported. Many V&T tickets written. It was noted by Board members and agreed by Officer Healy that the traffic monitors are working to slow traffic down.

JUSTICE REPORT - Read and noted.

APPEALS - RELIEF FROM MORATORIUM

- 1) Maren & Andrew Robertson, 410 Tompkins Avenue
(Appeals application #13 of 2004) Tax ID# 60.13-2-36

Kier Levesque appeared before the Board representing Robertson. He noted that the applicant wishes to build an addition; no variances are required; does not exceed lot coverage.

After a brief discussion, Trustee Morgan made a motion: concerning Robertson, 410 Tompkins Avenue, given that it is a modest addition, that no zoning variances are required, that lot coverage will remain within the standards, therefore a waiver is granted from the moratorium on building applications, Seconded by Trustee Smith and so approved.

AYES: Mayor Esmay, Trustees Smith, Morgan & Tarapata

Absent: Trustee Malcolm

- 2) David & Carole Klugman, 104 Lewis Drive
(Appeals application #14 of 2004) Tax ID # 60.5-2-17

Kier Levesque, Architect representing Klugman, noted relief was being sought to enlarge his deck by 296 sq. ft, no variances are required.

Trustee Morgan made a motion: concerning David & Carole Klugman, 104 Lewis Drive, for a 296 sq. ft. addition to their existing deck, given that the application requires no zoning variance, does not increase impervious surface, a waiver of the moratorium on building applications is granted, seconded by Trustee Tarapata and so approved.

AYES: Mayor Esmay, Trustees Morgan, Smith, and Tarapata
ABSENT: Trustee Malcolm

MINUTES –Trustee Tarapata motioned to approve with corrections the minutes of the **10/21/04 Regular meeting**, seconded by Trustee Smith and so approved.

Trustee Tarapata made a motion to ratify the appointment of Joseph Scarmato from alternate member of the Zoning Board of Appeals to member to fill the unexpired term of Regina Kelly until March of 2006, seconded by Trustee Morgan and so moved.

Trustee Morgan made a motion to set a public hearing date of 12/16/04 for local law #14 of 2004 to consider the adoption of proposed revisions to the 1962 Zoning Ordinance of the Village of Upper Nyack, seconded by Trustee Smith and so moved.

The Village Clerk will publish the notice in the newspaper and post on the village website.

Trustee Morgan made a motion that the Village of Upper Nyack Board of Trustees declares itself lead agency for the environmental review of the proposed changes to the zoning ordinance, seconded by Trustee Tarapata and unanimously approved.

Trustee Morgan made a motion that the proposed zoning revisions are consistent with the Village Comprehensive Plan and so are covered by the Generic EIS for the Plan and that no significant adverse environmental impacts will result from the proposed amendment to the Zoning Ordinance, a short EAF was completed, seconded by Trustee Tarapata and so moved.

PROCUREMENT POLICY – Trustee Tarapata made a motion to amend the existing Procurement Policy adopted June 17, 1993 by adding 9. Non-emergency expenditures of more than \$10,000 shall be approved by a majority (3 members) of the Board, seconded by Trustee Smith and with no further discussion it was so approved.

AYES: Mayor Esmay, Trustees Smith, Morgan and Tarapata

NOES: 0

ABSENT: Trustee Malcolm

TREASURER'S REPORT – Treasurer MacCartney was not in attendance. The report will be placed in the Trustees folders and available for review at the next workshop.

VOUCHERS – Read and approved for payment.

FRONT STREET DRAINAGE – Trustee Smith made a motion to accept the bid from Cal Mart Enterprises Inc. for the lump sum price of \$11,111.00 for the Front Street Drainage Extension project, seconded by Trustee Tarapata and so approved.

Anke Schmidt of 323 Front Street will reimburse the Village of Upper Nyack \$4,499.00 as agreed to be able to tie into the drainage pipe being installed.

Various matters brought up for discussion by the Village Attorney.

- 1) The Village Attorney told the Board of Trustees he had received a phone call from the Town of Orangetown, Deputy Town Attorney. The Town is currently being sued by the Villages of Nyack & South Nyack for disproportionate taxing for sewer use. These Villages pay tax for use of the sewer treatment but must bear the cost for repair to the sewer pipes. The Town residents pay tax but it includes treatment and repairs. All are in discussion regarding the forming of a sewer district. Village Attorney Lewis will attend an informational meeting on Monday to hear the details of the plan. He will forward all information to the Village Clerk.
- 2) Verizon Franchise Agreement. Verizon representative would like to meet with the Board at the next workshop meeting to present a plan for Verizon to offer cable access to its customers. The Board requested the Attorney to review what the current agreement is with Cablevision and has no objection to the competition.

County of Rockland Office of Consumer Protection sent a letter to the Building Inspector regarding requiring contractors (electrical, plumbing, & home improvement) to submit their current license numbers and copies of their license when applying for a building permit. We already comply and the Clerk will mail copies of our permit to the County.

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

The meeting was adjourned at 9:50 PM.

The Village Clerk left the meeting

Trustee Morgan made a motion to go into executive session to discuss contractual legal matters, seconded by Trustee Smith and so moved.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk