

REGULAR MEETING
December 16, 2004

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, December 16, 2004 at 7:00 PM.

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

Others identified: PO Healy (CPD), Florence Katzenstein, Liz Altman, Jerry Marton, Ronnie Rugys, Robert Helmke

Public Hearing-Local Law #14 of 2004-

The Mayor instructed the Village Clerk to read the public hearing notice. Mayor Esmay noted that the proposed zoning code revisions and environmental form (SEQRA) had been sent to the Rockland County Planning Board, Town of Clarkstown Planning Board, Nyack Planning Board, State DOT, and the Palisades Interstate Park Commission. The Clerk noted to date comments had been received from the Rockland County Planning Board, Town of Clarkstown Planning Board and State DOT.

Mayor Esmay commented that the best information and review had been received from the Rockland County Planning Board. The Board of Trustees will review all comments.

Trustee Morgan noted that the changes made were in conformance with the Village Comprehensive Plan. Zoning is the tool to bring the comprehensive plan into being.

Mayor Esmay also noted that the Board's approach was to make changes in "small increments" that the Board could handle.

Mayor Esmay then opened the hearing to the public and asked for public comment.

Ronnie Rugys, 218 Glenbrook Rd., asked if an idea she had heard, that the Village owned property across from her home on Glenbrook Rd., might be changed from commercial to residential?

Mayor Esmay answered that the current revisions do not apply to that question. The Board decided not to make any zone changes at this time. The Board may be addressing that in the future.

Liz Altman, 513 North Broadway, asked for a recap of the proposed changes.

Trustee Morgan was asked by the Mayor to give a synopsis of the changes. Trustee Morgan noted the following changes: 1) Definitions were placed in one section 2) Restoration of non-conforming use is permitted 3) Removal of the restriction on the smallest (or minimum) sq. feet size 4) 75 ft. buffer remains between commercial and residential but the Planning Board cannot reduce it. 5) Foundation certificate may be required. 6) Slope formula added and pertaining to residential and commercial. 7) Standards for Flag Lots (in the past the ZBA had no guidelines when requested to grant a flag lot as a means of relief) Flag lots can have safety issues such as emergency vehicle access.

Zoning District density and the zoning map remain unchanged.

Mayor Esmay asked if there were any more comments from the public. Trustee Morgan made a motion to close the public hearing on residential zoning revision, seconded by Trustee Smith and so moved.

Mayor Esmay told the audience that the Board would like to review the comments of the Rockland County Planning Board in regards to the Zoning changes, but would like to take care of some other village business first and will start by hearing from PO Healy regarding the police report.

POLICE REPORTS – Read and noted. Officer Healy noted the number of summonses was down and that there were a few minor accidents. There was an assault at the Summit School with 2 students and 1 was arrested.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Tarapata motioned to approve with corrections the minutes of the **11/18/04 Regular meeting**, seconded by Trustee Smith and so approved.

TREASURER’S REPORT – Submitted for review.

VOUCHERS – Read and approved for payment.

LARCHDALE DRAINAGE PROJECT -Report re: ditch on Larchdale Ave. Trustee Morgan investigated the ditch on the North side of Larchdale Ave. which he noted in some sections was as deep as five feet. After discussion, the Board approved the purchase and installation of a fence along the ditch to prevent anyone from falling into the ditch. Trustee Malcolm will research the cost of wooden slat snow fencing instead of plastic.

MOCK TRIAL TEAM – The Board reviewed an annual request from Dr. Duncan Lee who oversees the Nyack High School Mock Trial Team for use of the meeting room for practice.

Trustee Tarapata made a motion to allow the Nyack High School Mock Trial Team use of the village hall meeting room for practice sessions, and that they provide the village with a certificate of insurance, naming the village as additionally insured, seconded by Trustee Morgan and so approved.

On call of the vote: **Ayes:** Mayor Esmay, Trustees Malcolm, Morgan, Smith and Tarapata. **Noes:** None

VILLAGE ELECTION:

No Registration Day: Trustee Morgan made a motion that there will be no separate registration day in 2005, Election Law §15-118(3), seconded by Trustee Tarapata and so moved.

Polling Place & Hours: Trustee Morgan made a motion that the Village of Upper Nyack, Village Election, will be held in the Village Hall on Tuesday, March 15, 2005 from 12 Noon until 9 PM as per Election Law §15-104(3), seconded by Trustee Tarapata and so moved.

LOCAL LAW #14 OF 2004 (Continued)

The Board reviewed each recommendation from the Rockland County Planning Board. Copy of the recommendations and action noted in the local law file.

Village Clerk read the Town of Clarkstown Planning Board letter dated 12/03/05.

The New York State DOT: The Board noted that NYS DOT provisions or standards on Route 9W override local ordinances. Applicants must comply with the State DOT.

Trustee Morgan made a motion that the Board of Trustees adopt the additions and amendments to the Zoning Ordinance as specified in the public notice for the public hearing of 12/16/04 and further amended in discussions following the public hearing, seconded by Trustee Tarapata and with no further comments and upon a call for a vote:

AYES: Mayor Esmay, Trustees Malcolm, Morgan, Smith and Tarapata.

NOES: None

Discussion by the Board:

1) Trustee Malcolm noted to all Board members that he had placed a memo re: Orangetown Sewer Dept. for discussion at a workshop.

Mayor Esmay noted that the Town of Orangetown has approached the village to consolidate with Nyack, South Nyack and Orangetown in the formation of a sewer district. Trustee Malcolm will be meeting with Supervisor Kleiner and Ron Delo to discuss the idea further.

2) Grease traps to be checked at commercial businesses on Route 9W.

3) Blinn retaining wall- Village Attorney Lewis explained the situation to the Board about a wall that was approved by the Planning Board but not built according to the approved plan and that a Stop Work order was ignored. The matter is now before the Village Justice Court. The village's authority is based on building outside of approved plans that had been approved by the Planning Board.

Trustee Tarapata made a motion that a Special Meeting be held on Thursday, December 23, 2004 at 7:00 PM, to evaluate bids for the Oak Street Drainage project, seconded by Trustee Smith and so moved.

The Board will have a report by Lawler, Matusky & Skelly as to the viability of the plan.

Robert Helmke, North Broadway, asked if there was any further information on the sidewalk project.

The Mayor stated that the village has had the property surveyed to see what exists and the Board will review and discuss what the next step will be.

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

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk