

REGULAR MEETING

January 20, 2005

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, January 20, 2005 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 (absent)

Others identified: PO Healy (CPD)

POLICE REPORTS – Read and noted.

JUSTICE REPORT - Read and noted.

MINUTES –Trustee Malcolm motioned to approve with corrections the minutes of the **12/16/04 Regular meeting**, seconded by Trustee Tarapata and so approved.

Trustee Tarapata motioned to approve with corrections the minutes of the **12/23/04 Special meeting**, seconded by Trustee Malcolm and so approved.

Discussion- STORMWATER MANAGEMENT – At the request of the Village Engineer, the Board has been reviewing the enforcement and penalties section of the stormwater management law. Trustee Tarapata would like to set a public hearing date for the next regular meeting to make minor amendments. Trustee Tarapata noted that the village needs someone to do the enforcement. It can be the village Engineer or a designee.

Trustee Tarapata made a motion to amend Local Law # 10 of 2004, Stormwater Management and Erosion Control by holding a public hearing on 2/17/05, seconded by Trustee Morgan and so moved.

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

NOES: None

Discussion – OFFICE RENTAL/LEASE – Mayor Esmay noted that there are new tenants who wish to occupy the 2nd floor office in the village hall recently vacated by Linda Christopher who left to fill the Family Court Judge position and can no longer be a practicing attorney. The Board decided they would be willing to give a 5 year lease but would accept a 1 year also. Other items that the Board would want included are 1 month security, 3 parking spaces, signage to be approved by the Village Planning Board, insurance (carry liability insurance naming the village as additionally

Board, insurance (carry liability insurance naming the village as additionally insured) The Board instructed the Village Attorney Lewis to draw up a lease for review and approval by the Board.

TREASURER'S REPORT – Submitted for review.

VOUCHERS – Read and approved for payment.

VILLAGE ELECTION:

Inspectors of Election – Trustee Morgan made a motion to appoint the following Inspectors of Election for the March 15, 2005 Village Election Per Election Law §15-116(1) and to pay them \$12.00 per hour : Beatrice Wanamaker, Gloria Hill, Anne Donzella, and Isobel Weiner, seconded by Trustee Smith and so approved.

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

NOES: None

Other items discussed:

Village Budget: Mayor Esmay requested all Board members to review line items for upcoming budget. On 3/15/05 the Tentative Budget is due and the final is due 5/15/05. The Tentative Budget Public Hearing is to be held by 4/21/05.

Trustee Tarapata recently attended a workshop on Stormwater Management that was excellent and extremely informative. Trustee Tarapata noted that the Board may want to address the issue of impervious surface. The Board can require permeable pervious surface on parking lots, driveways, etc., allowing water to drain through. Stormwater retention areas can be placed within parking lots, using “islands” as sites for retention.

Mayor Esmay noted that Jerome Muhlenberg of 107 Larchdale Avenue had attended the workshop meeting on 1/13/05 and submitted a letter regarding flooding problems. (letter attached)

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

The meeting was adjourned at 8:25 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

**Jerome Muhlenberg
107 Larchdale Avenue
Upper Nyack, NY 10960**

January 13, 2005

Michael Esmay, Mayor and Board of Trustees
Village of Upper Nyack
North Broadway
Upper Nyack, NY 10960

Subject: A public letter and call for action from a family beset by flooding problems

Dear Mayor Esmay and Board Members:

This is my third letter on the topic of drainage since July of 2001. Our nightmare began after the construction of the Marydell home and grew far worse upon the Badi project's stripping of the forest west of Midland Avenue. We have spent over \$6,000 dollars on drainage improvements in our yard, not to mention cleanup costs and aggravation of repeated basement flooding. In late September of this year I seriously injured my back while hauling sandbags in the midst of the flood shown in the attached photographs, necessitating an operation scheduled for next week. My wife and I cannot plan trips away from the area on any occasion beyond the five-day weather forecast for fear of flooding in our absence. In the span of nearly four years, the only response from the Village has been a recent stop-gap placement of sandbags on the south side of Larchdale Avenue, and these now have been removed due to legitimate objections of my neighbor to their ugly appearance and the probability that they will be ruptured during winter snowplowing.

ONE OF OUR WORST FLOODS WAS IN THE MONTH OF FEBRUARY. WHAT IS THE VILLAGE GOING TO DO TO PROTECT US FROM FLOODING THIS WINTER AND BEYOND? RESORTING TO THE "STUDY" MODE IS NOT AN ACCEPTABLE RESPONSE.

We demand the following actions:

1. As a temporary measure to ward off flooding from the Marydell run-off and the “artesian” storm sewer, the Village MUST install a curb of at least 6 inches in height along the south side of Larchdale. A temporary stone curb where the sandbags used to be would satisfy the aesthetic and practical requirements at a modest cost.
2. The Badi mess MUST be addressed without delay, including restoration of the stream on the south side of their property to its former course and the construction of suitable holding ponds or catch basins to contain the excess run-off until the storm sewer can “catch up” during heavy rains.
3. A new and much larger storm sewer on the south side of Larchdale, adequate to carry the run-off from the entire hillside, is an UNAVOIDABLE NECESSITY. Further procrastination in this matter is not acceptable.
4. The Marydell run-off needs to be kept on the Marydell side and directed into the drainage ditch on that side. A drainage pipe that ends in their yard needs to be extended to the drainage ditch. These are relatively minor changes that nonetheless would produce a major reduction in the chances of our yard being flooded.

This is enough for now. Please respond to our anguish and our long-overdue right to remedies for an untenable situation.

Respectfully submitted,

Jerome Muhlenberg & Marsha Kellar

Cc: Craig and Bridget Bottrill

Cc: Walter Lee

Photocopies, please, to all relevant Village officials

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

Village

of Upper Nyack

Local Law No. 14 of the year 2004

A local law Adding Section 9, Article III, General provisions to the Zoning Code
(Insert Title)

by adding a slope formula; Adding Section 10, Article III General Provisions of the Zoning Code by adding a provision prohibiting flag lots; Amending definition of structure contained in Article II, Section 2, Definitions; Amending Article III of General Regulations 7:5 Restoration. Board of Trustees

Be it enacted by the of the
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

Village

Upper Nyack

as follows:

VILLAGE OF UPPER NYACK, NY

Local Law #14 of 2004

Environmentally Sensitive Areas

a.) Slope formula

Whereas much of the undeveloped land in the Village includes steep slopes, often characterized by shallow soils over bedrock, and

Whereas the cutting and filling operations necessary to build on these slopes often destroys the vegetative cover and disrupts the established natural drainage pattern, leading to erosion and damage to downhill properties, and

Whereas the Village of Upper Nyack is listed as an "Automatically Designated Urbanized Area" under Phase II of the Stormwater Management and Erosion and Sediment Control (SPDES) and, as such, must develop, implement and enforce a stormwater management program, and

Whereas part of that stormwater management program includes runoff control during and after construction, and

Whereas reduction of development density on steep slopes is one proven means to reduce runoff and erosion and to assure the safety and well-being of Village residents,

(If additional space is needed, attach pages the same size as this sheet, and number each.)