

REGULAR MEETING

April 14, 2005

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, April 14, 2005 at 7:00 PM.

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

Others identified: William McDowell, Robert Helmke, William Rauschenberg, Ronen Stern, Sherry L. Maragliano, Russ Wooley, Cathy & Joseph Heider, Rose Ann Collins

MINUTES – Trustee Morgan made a motion to accept the minutes of the Regular meeting of 3/17/05, seconded by Trustee Tarapata and so moved. AYES: Mayor Esmay, Trustees Malcolm, Morgan & Tarapata NOES: None

Trustee Morgan made a motion to accept the minutes of the Annual meeting of 4/05/05, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Morgan & Tarapata NOES: None Trustee Malcolm abstained as he was not present at the Annual meeting.

POLICE REPORTS – Read and noted. Officer Healy noted there were some minor accidents.

JUSTICE REPORT - Read and noted.

TREASURER'S REPORT – Not available tonight.

VOUCHERS – Read and approved for payment.

PUBLIC HEARING – 7:30 PM Local Law # 2 of 2005

The Village Clerk read the public hearing notice.

Mayor Esmay noted the Board was petitioned by the Heider family of 316 North Broadway because of cars being parked to the east of their driveway prohibiting plowing and street sweeping and making access difficult. The Board has considered establishing a Parking Authority.

The Mayor opened the public hearing for comment from the Board. Trustee Anderson asked if the Board could discuss other issues or only the parking. Trustee Anderson added that maybe the area on either side of the Heider driveway could be marked off to be kept clear. It seems prohibitive to have no parking and lose valuable parking spaces.

Mayor Esmay wondered if residents of School Street use that area to park?

Trustee Anderson noted that there may be residents of the apartments on Broadway and Castle Heights that use that area to park.

The Mayor opened the public hearing for public comment.

Those who spoke: William Rauschenberg, Joseph Heider, Rose Ann Collins, Dorina Maragliano, Ronen Stern, Howard Scher

William Rauschenberg, 104 School Street had a petition signed by all the residents of School Street with the following requests or suggestions for School Street parking: 1) Make all or a portion of the street one way 2) Paint lines to designate parking and “no parking” areas 3) Issue permits to residents of the street

Mr. Rauschenberg also noted that the residents of 318 North Broadway, who were not in attendance, had requested School St. be made one way from Highmount to North Broadway.

Mr. & Mrs. Heider of 316 North Broadway suggested maybe it should be no parking on days of snow removal and street sweeping.

Mayor Esmay took a “straw poll” of those residents in attendance and all were in favor of School St. being a one way street.

Trustee Morgan noted that the row houses were built before motor vehicles were in existence, so parking spaces were not provided.

Rose Ann Collins, 105 School St., when on record stating she agreed with Mr. Rauschenberg. Residents do not want to lose the parking spaces. Cars from other areas are parking there.

Trustee Tarapata asked how many row houses there were or how many spaces were needed?

Mr. Rauschenberg noted 12 spaces with generous spacing or 14 spaces if packed in.

When Trustee Malcolm asked how often cars from other areas were parking there he was told every night.

Mr. Heider, 316 North Broadway, thanked Mr. Rauschenberg for his work in gathering signatures and submitting the petition. He also noted that whatever the Board did in amending the law to allow the parking on School St. seems to have created the problem whereby other residents have learned it is okay to park there.

Trustee Morgan suggested making the street one way from Highmount Ave. to North Broadway and paint the designated parking and “no “ parking spaces and see how that works.

Mayor Esmay stated that the Board would be unable to pass on anything at this time because the issues discussed and items requested were not published in the public hearing notice.

Dorina Maragliano, 109 School St., who had just arrived, and who had lived there her whole life, thought designating the street one way towards N. Broadway would be the safest because the curve on Highmount creates a blind spot.

Mayor Esmay noted that the Fire Dept. would be asked for an opinion of the parking and other issues discussed. The Board would also consult with a traffic consultant.

With further discussion by residents, Ronen Stern of 108 School St. would like to have at minimum, 1 spot for each house or 1 per car.

Howard Scher, 103 School St., worried that there may not be a spot if “overflow” cars from other streets were to park there.

Trustee Morgan made a motion to close the public hearing on Local Law #2 of 2005, seconded by Trustee Anderson and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata
NOES: None

Trustee Anderson made a motion to withdraw from consideration Local Law #2 of 2005, seconded by Trustee Tarapata and so moved.

AYES: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata
NOES: None

Trustee Malcolm believes a plot plan should be created and yellow lines painted on Broadway a certain distance in each direction from School St. Mayor Esmay noted that no public hearing will be set at this time until such a plan can be drawn up and approved by the residents before it is presented for a public hearing. All of the Board of Trustee members agreed.

PUBLIC HEARING – TENTATIVE BUDGET –

The Clerk read the public hearing notice.

The Mayor opened the hearing to the public.

Treasurer MacCartney made note that all the numbers from the Town of Orangetown Sewer Dept. are not available yet.

Trustee Malcolm and Mayor Esmay have been in discussion with Ron Delo of the Orangetown Sewer Dept. All have agreed to use our Assessor's numbers. Orangetown claims the village was underbilled last year. It was noted that if a district was formed it would benefit the village and may reduce the bill by 75 %.

Treasurer MacCartney stated that there is an agreement based on a court decision as to how the village pays. This cannot be changed without a new court order and agreement that is mutually agreed upon.

Mayor Esmay and Trustee Malcolm attended the public hearing on the sewer district and noted that it will likely be in place by January.

Mayor Esmay opened the public hearing for public comment.

Robert Helmke, 641 North Broadway, asked if a resident would be required to pay even if they had a septic system.

Treasurer MacCartney stated that the law in place requires it.

Trustee Morgan made a motion to close the public hearing on the Tentative Budget, seconded by Trustee Malcolm and so moved.

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

NOES: None

Treasurer MacCartney noted that the tax rate is set once the budget is passed.

Trustee Tarapata made a motion that the Board of Trustees adopts the Tentative Budget as presented with the change to the Consultant Law line from \$20,000 to 25,000, seconded by Trustee Morgan and so moved.

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

After a brief discussion, Trustee Morgan made a motion that the Board holds a public hearing to consider the adoption of Local Law # 2 of 2005, amending Article VI Board of Architectural Review of the 1962 Zoning Ordinance of the Village of Upper Nyack on May 19, 2005, seconded by Trustee Tarapata and after continued discussion, it was so moved.

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

NOES: None

Mayor Esmay indicated to the Board he had appointed James Sarna, 305 Fairview Ave., as alternate member of the Zoning Board of Appeals and requested the Board ratify the appointment.

Trustee Morgan made a resolution to ratify the appointment of James Sarna to the Zoning Board of Appeals as an alternate member, seconded by Trustee Malcolm and so moved.

AYES: Trustees Anderson, Malcolm, Morgan, & Tarapata

NOES: None

Trustee Malcolm made a motion that the Village of Upper Nyack notify the Town of Orangetown of its intent to join the consolidated Town of Orangetown sewer district subject to an inter-municipal agreement, seconded by Trustee Morgan and so moved.

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

NOES: None

Trustee Anderson made a motion to declare the obsolete computer equipment surplus, seconded by Trustee Tarapata and so moved.

AYES: All NOES: None

Trustee Anderson made a motion to donate surplus computer equipment to PCRenew 501(3) (c) Non Profit organization that refurbishes computer equipment and donates to needy organizations, seconded by Trustee Tarapata and so moved.

AYES: All NOES: None

Trustee Tarapata made a motion to adjourn seconded by Trustee Malcolm and so moved at 9: 35 PM.

Respectfully submitted,

Carol G. Brotherhood
Village Clerk