

## REGULAR MEETING

June 16, 2005

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, June 16, 2005 at 7:00 PM.

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

**Other's identified:** PO Ross-CPD, Walter Lee, Jerome Muhlenberg, Martin Wortendyke, Nadine Castro, Michael Castro, Craig Bottrill

The Mayor and Board of Trustees requested the Village Attorney explain to Michael & Nadine Castro, who are currently applying to the Planning Board for a two lot subdivision, what direction they may have to take with regards to the access to the roadway. They will be required to go to the Zoning Board of Appeals for a variance from the requirements of Section 7-736(2) of the New York State Village Law. Their lots will access onto Jewett Road which is a private road.

### POLICE REPORT – Read and noted

Trustee Malcolm requested more of a police presence during the morning commute where drivers tend to speed down Old Mountain Rd. to Broadway. Resident Walter Lee complained about young kids drinking late at night on Larchdale Ave. PO Ross suggested to Mr. Lee to always call the front desk and report it.

### JUSTICE REPORT – Read and noted.

### PUBLIC HEARING-Local Law #2 of 2005 – Amending Article VI, Architectural Harmony-Board of Architectural Review

Mayor Esmay opened the public hearing.

The Village Clerk read the public hearing notice.

Mayor Esmay asked Trustee Tarapata to give some background as to why the Board was amending this law. Trustee Tarapata noted that it was the request of the Architectural Review Board to receive applications for review sooner in the process to protect the quality of the neighborhood.

Trustee Tarapata highlighted some of the changes: 1) application would go to the ARB sooner 2) 5 year appointment to the Board for members 3) attendance requirement

As no one from the public wish to speak on this matter, Trustee Morgan made a motion to close the public hearing, seconded by Trustee Tarapata and so moved. AYES: All NOES: None

Trustee Morgan made a motion that the Board of Trustees repeal Article VI Architectural Harmony-Board of Architectural Review from the 1962 Zoning Ordinance of the Village of Upper Nyack and replace it with an amended Article VI –Architectural Harmony- Architectural Review also known as Local Law #2 of 2005, seconded by Trustee Tarapata and with no further discussion it was so moved with a call for a vote:

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

LARCHDALE DRAINAGE - Several residents of Larchdale Ave. (Jerome Muhlenberg, Walter Lee & Craig Bottrill) requested to speak to the Board about the continuing drainage issues on Larchdale.

The Board noted to the residents that some Board members would be meeting with LMS (firm that is conducting a drainage study in the village) next week and would have better details about their findings.

Walter Lee, Larchdale Ave., presented a letter from the former owner of his house from 1996 discussing the drainage problems that continue there now. The residents also complained about the snow fence that they feel is not protecting the public and deer are becoming impaled on it. They want it removed.

Mr. Bottrill requested that sandbags be removed also.

Trustee Tarapata noted that the engineer for the project known as the “Badi subdivision” has notified the village that work they were requested to do is now complete and the Village can go back and proceed with village drainage on Larchdale.

LMS will prioritize projects that need to be done.

Mr. Lee and Mr. Muhlenberg wondered if the applicant had done all the required improvements according to the approved map and the minutes.

Mr. Muhlenberg believes that the Larchdale storm sewer pipe is not large enough.

Letters from Mr. Muhlenberg and Mr. Rossi (former resident) attached.

MINUTES – Trustee Morgan motioned to accept the minutes as corrected of the Regular meeting of 5/19/05, seconded by Trustee Tarapata and so moved.

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

Trustee Morgan motioned to accept the minutes as corrected of the Special meeting of 6/09/05, seconded by Trustee Tarapata and so moved.  
 AYES: Trustees Anderson, Malcolm, Morgan & Tarapata NOES: None  
 ABSTAIN: Mayor Esmay (not in attendance at meeting)

**RESOLUTION** – For Former Trustee David Smith

Motion by Trustee Tarapata and seconded by Trustee Morgan and unanimously approved. Resolution attached.

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

**TREASURER’S REPORT** – Treasurer MacCartney discussed the following with the Board: surplus cash, sewer bill and cost of the DPW building. Treasurer MacCartney requested to make adjustments to the budget. (chart below)

Trustee Morgan made a motion to allow the Treasurer to make the recommended adjustments within the confines of the budget, seconded by Trustee Tarapata and it was so moved as follows:

**JUNE 16, 2005 TREASURER’S REPORT - MAY 2005**

**Transfer of money within the 2004 – 2005 Budget.**

<b>Amount</b>	<b>From</b>	<b>To</b>
<b>\$3,600</b>	<b>A1990 Contingency</b>	<b>A1420 Law</b>
<b>\$2,000</b>	<b>A1990 Contingency</b>	<b>A1440 Engineering</b>
<b>\$ 150</b>	<b>A1990 Contingency</b>	<b>A1450 Elections</b>
<b>\$ 750</b>	<b>A1990 Contingency</b>	<b>A3620 Building/ Code Enforcement</b>
<b>\$3,000</b>	<b>A1990 Contingency</b>	<b>A5142 Snow Removal</b>
<b>\$9,500</b>	<b>Balance in A1990 Contingency after transfer will be \$3,620</b>	

**Adjustments to the budget to be funded from surplus.**

<b>\$39,500</b>	<b>A3900 Surplus</b>	<b>A8120.44 Sewer R&amp;M (Pump replacement)</b>
<b>\$30,00</b>	<b>A3900 Surplus</b>	<b>A8540 Drainage (Castle Heights / Petersen’s)</b>

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

NOES: None

VOUCHERS – Read and approved for payment.

SCHOOL STREET BLOCK PARTY – Temporary Street Closing Request -

Trustee Malcolm made a motion to approve, seconded by Trustee Anderson, and so moved, subject to Certificate of Insurance and to authorize the Superintendent of Public Works to provide sawhorses.

AYES: All            NOES: None

School Street- Proposed Parking Changes-Update from Trustee Anderson

Trustee Anderson submitted a draft for the changes to the street and discussion followed regarding parking, speed and direction of the traffic flow.

Trustee Anderson made a motion to set a public hearing on July 21, 2005 for the proposed amendments to Ordinance 2.1 & 2.2, Regulation of Vehicles, of the 1965 Code of General Ordinances, seconded by Trustee Tarapata and so moved.

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

NOES: None

Update – New DPW Building- Trustee Malcolm reported to the Board that The structural shop drawings will be done next Friday. The pre-engineer drawings were handed in today. The building will definitely be delivered by July 8, 2005. The under-slab and utilities will be in this week.

DPW-TRUCK-SURPLUS – Trustee Tarapata made a motion that the Board of Trustees agrees to declare as surplus the 1998 Chevy 3500 series truck, seconded by Trustee Morgan and so moved.

An ad will be placed in the paper for sale of the truck.

The Board of Trustees reviewed a sign request from a Clarkstown Police Officer. The Board will not place any of the signs at this time as they review all signage in the village.

Trustee Tarapata made a motion to adjourn seconded by Trustee Morgan and so moved. The meeting was adjourned at 9:50 PM.

Respectfully submitted,

Carol G. Brotherhood  
Village Clerk

# RESOLUTION

WHEREAS, David J. Smith has been a member of the Upper Nyack community for 41 years and

WHEREAS, he and his wife Sylvia raised their daughters in Upper Nyack and

WHEREAS, he was elected Trustee in 1997 and

WHEREAS, he faithfully devoted innumerable hours to the maintenance and furtherance of the quality of life in the Village for 8 years as Trustee and

WHEREAS, he sat on the Board in 2004 when the greatest number of laws were passed in a single year in the entire history of the Village,

BE IS RESOLVED,

that the Board of Trustees of the Village of Upper Nyack take this opportunity to express its appreciation and gratitude to David for his services to the Village through his thoughtful and intelligent participation in the deliberations of the Board.

Motion made by Trustee Karen Tarapata, seconded by *Vin Morgan* and passed unanimously

This 16<sup>th</sup> day of June, 2005.

*Michael Esmay*

Michael Esmay, Mayor

*Karen Tarapata*

Karen Tarapata, Deputy Mayor

*Vincent Morgan*

Vincent Morgan, Trustee

*Peter Malcolm*

Peter Malcolm, Trustee

*James Anderson*

James Anderson, Trustee