

SPECIAL MEETING
PUBLIC HEARING
June 30, 2005

A Special Meeting of the Board of Trustees of the Village of Upper Nyack was held at the village hall on Thursday, June 30, 2005 at 7:00 PM.

Those present: Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata

Others identified: Keith Cornell Esq., Alan Binger Esq., Barry MacCartney, Winston Perry, Jacques De Camp, Robert Buckhout, Orville Mann, Janet Hosking, Mary Beck, Elizabeth DeMaggio, Robert Helmke, Sally Mann

A record of the proceedings was taken by Trustee Tarapata and also by a court reporter from Rockland & Orange Reporting and an original transcript is on file in the office of the Village Clerk.

OLD STONE CHURCH

Mayor Esmay began the meeting by informing the public of the purpose of the special meeting public hearing. The Mayor further explained that the public hearing is required as part of the eminent domain procedure. The meeting was opened for public comments.

Those who spoke:

Mr. Winston Perry, Village Historian; Janet Hosking, Former Upper Nyack resident, Mayor Esmay, Trustees Anderson, Malcolm, Morgan & Tarapata; Residents: Jacques De Camp, Robert Buckhout, Mary Beck, Robert Helmke, Sally Mann; Keith Cornell representing the Village of Upper Nyack; Alan Binger representing Beth Am Messiah; Orville Mann representing Nyack College; Elizabeth DeMaggio-Beth Am Messiah

Most who spoke were in favor of the acquisition and certainly all were in favor of the building being preserved. Specific comments are noted in the transcript.

After all comments were made, Trustee Morgan made a motion to close the public hearing, seconded by Trustee Malcolm and unanimously approved.

Trustee Morgan made a motion that the Village of Upper Nyack declares itself lead agency in the SEQRA process, seconded by Trustee Anderson and unanimously approved.

Trustee Tarapata proposed the following Resolution which was seconded by Trustee Morgan and on a call for a vote unanimously approved.

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

NOES: None

WHEREAS, the Board of Trustees determined to explore the acquisition of the “Old Stone Church” at 347 North Broadway in the Village of Upper Nyack through the process of eminent domain due to a general concern about the preservation of the site as an historic building, the fact that based upon an investigation, there is no known owner of the building, the concern that the property is falling into disrepair and the need to provide public places for use by the public, and

WHEREAS, the Board of Trustees held a special meeting on June 9, 2005 for the purpose of scheduling a public hearing pursuant to the Eminent Domain Procedure Law (“EDPL”) to review the public use to be served by a proposed acquisition of the so-called “Old Stone Church” at 347 North Broadway, Upper Nyack, New York, and

WHEREAS, a public hearing was duly noticed in the Rockland Journal News on each of five successive days not less than ten days nor more than thirty days prior to a hearing scheduled June 30, 2005 as required by Sections 202 of the EDPL, and

WHEREAS, the Board of Trustees, in exploring the acquisition of the Old Stone Church is mindful of the legal requirements of the EDPL (i) to provide an opportunity for public participation in the planning of public projects necessitating the exercise of eminent domain and (ii) to give due regard to the need to acquire property for public use as well as the legitimate interests of private property owners, local communities and the quality of the environment and to promote and facilitate recognition and careful consideration of those interest, and

WHEREAS, a public hearing was duly called, noticed and held at the Village Hall of the Village of Upper Nyack on June 30, 2005 at 7:00 PM, and

WHEREAS, the Board of Trustees declared itself the lead agency for the purposes of an environmental review pursuant to the State Environmental Quality Review Act ("SEQRA") and considered whether the proposed acquisition is a Type II action and having determined that the proposed acquisition is akin to Type II actions requiring no further review, and indeed, does not meet the definition of an "action" because no physical activities, such as construction or activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure are involved and,

WHEREAS, the purpose of the proposed acquisition and other pertinent information, including its location, property description and neighboring parcels were outlined at the hearing, and

WHEREAS, the public in attendance at the hearing was given a reasonable opportunity to present any oral or written statement and to submit other documents concerning the proposals, and

WHEREAS, a record of the hearing was kept, and

WHEREAS, after the conclusion of the hearing the Board of Trustees made its determination and findings concerning the proposed acquisition as follows:

1. the public use, benefit or purpose to be served by the proposed acquisition is: to provide for the protection and preservation of the property and make it available for public use and enjoyment so as to enhance the community spirit in the Village by providing a gathering and meeting place which can be made available for meetings, recreation, weddings, public meetings, and private use on a user fee basis;
2. the location of the premises is 347 North Broadway, Upper Nyack and no other sites were reviewed as potential acquisitions due to the unique nature of the proposed site;
3. there will be no negative effect on the environment and residents as a result of an acquisition;
4. other relevant factors considered were: the desire to assure that the premises is preserved in its current site, except for needed

maintenance and repairs, due to the unique historic and aesthetic qualities of the property, and

NOW THEREFORE, based upon the above –referenced determinations and findings the Board of Trustees hereby resolves:

1. that pursuant to EDPL §204 determines that the acquisition of the Old Stone Church pursuant to the EDPL procedures is in the public's interest and the Old Stone Church shall be so acquired in accordance with law; and
2. that the Village Clerk shall duly publish a synopsis of the determination and finding as required by EDPL §204 by publishing such synopsis in at least two successive issues of the Rockland Journal News, including therein a statement regarding the factors relied upon for this determination and that copies of the determination and findings will be forwarded upon written request without cost
3. that special counsel, Cornell & Cornell, LLP, shall proceed with the requisite legal procedures to complete the acquisition.

Trustee Tarapata made a motion to close the meeting, seconded by Trustee Anderson and so moved.

The meeting was adjourned at 9:07 PM

Respectfully submitted,

Trustee Tarapata