

When: February 17, 2022, 08:00 PM Eastern Time (the US and Canada)
Topic: Village of Upper Nyack Board of Trustees Regular Meeting
Where: Old Stone Meeting House, 357 North Broadway, Upper Nyack, NY
10960.

To participate virtually:

Please click this URL to join. <https://us02web.zoom.us/j/88002436609>
Passcode: 176195

Or One tap mobile:

+19294362866,,88002436609#,,,,*176195# US (New York)

Village of Upper Nyack
Board of Trustees
REGULAR MEETING AGENDA
February 17, 2022
8:00 PM

1. Minutes – Special Meeting – February 10, 2022
2. Police Reports
3. Code Enforcement Officer Report
4. Treasurer’s Report
5. Discussion: General Ordinance Updates
6. Resolution of Approval: Gran Fondo New York, May 15, 2022
7. Consider Resolution Authorizing the Settlement of The Article 78 Proceeding/Action Captioned MENUCHA OF NYACK LLC v. ASSESSOR OF THE TOWN OF CLARKSTOWN, ET AL., INDEX NO. 035206/2020

Executive Session: Discussion Pending legal matters

And any other business that the Mayor or Trustees wish to bring before this Board
Any other business that comes before this Board

1. Minutes – Special Meeting – February 10, 2022

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Minutes of the special meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, February 10, 2022 held virtually via Zoom

PRESENT	Karen Tarapata Michael Esmay Laurie Dodge Kennon Rothchild III Jeffrey Epstein	Mayor Deputy Mayor, Trustee Trustee Trustee Trustee
ALSO PRESENT	Heather Candella Noelle C. Wolfson, ESQ Dennis Letson	Village Clerk Village Land Use Attorney Village Engineer

Meeting called to order at 7:07 PM

Minutes – Workshop Meeting – January 6, 2022

Motion to approve January 20, 2022 Minutes of the Special Meeting by Trustee Dodge, seconded by Trustee Rothchild, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, Epstein and Dodge

NOES:

ABSTAIN:

ABSENT: Trustee Esmay

Resolution – Consider resolution adopting a negative declaration of environmental significance for the proposed zoning law and land use laws

The second item on the agenda is the consideration of a resolution adopting a Negative Declaration of Environmental Significance for the proposed Zoning Law, Subdivision Law, Planning Board Law and Stormwater Management Law of the Village of Upper Nyack.

A draft of the resolution is included in your packets and was posted on the Village’s website.

RESOLUTION ADOPTING NEGATIVE DECLARATION

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF proposed local laws # 11 of 2021 (Zoning law) (to be renumbered local law # 5 of 2022), # 2 of 2022 (subdivision law), # 3 of 2022 (Planning Board Law) and # 4 of 2022 (Stormwater management law) of the Village of Upper Nyack.

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt the above-referenced Local Laws (collectively, the “Land Use Local Laws”); and

WHEREAS, the adoption of the Land Use Local Laws is a Type 1 Action under the New York State Environmental Quality Review Act (“SEQRA”) and the Board of Trustees is the only involved agency in the adoption of the Land Use Local Laws (the “Action”); and

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WHEREAS, the Members of the Board of Trustees have received and reviewed the Full Environmental Assessment Form, Parts 1, 2, and 3 with exhibits (collectively, the “EAF”) prepared for the Action; and

WHEREAS, the EAF was reviewed and discussed at a public hearing on the proposed Zoning Law on January 20, 2022, at which time members of the public were provided with an opportunity to make comments. Prior to that hearing, the EAF was made available to the public on the Village’s website and at Village Hall; and

WHEREAS, copies of the EAF and the proposed Land Use Local Laws were circulated to the Rockland County Department of Planning, the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments were received from those agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts a Negative Declaration of Environmental Significance for the Action pursuant to SEQRA based on the information and the reasons stated in the EAF Parts 1, 2 and 3 and the exhibits thereto, which have been reviewed by the Board of Trustees and are incorporated herein, and authorizes the Mayor, or her designated agent, to complete and execute the EAF Part 3 and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Mayor, or her designated agent, to take such further steps as may be necessary to discharge the Board of Trustees’ responsibilities under SEQRA.

Trustee Rothchild motioned to approve the resolution adopting a negative declaration of environmental significance with respect to the adoption of the proposed Zoning Law, Subdivision Law, Planning Board Law and Stormwater Management Law of the Village of Upper Nyack and to waive the reading of such resolution. Trustee Dodge seconded, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, Epstein and Dodge

NOES:

ABSTAIN:

ABSENT: Trustee Esmay

7:15 PM Continuation of Public Hearing – proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack.

The Village Clerk read the public hearing notice.

Prior to the last session of the public hearing, revisions were made to the proposed law based on comments from Rockland County Planning and members of the public. The proposed local law was circulated back to Rockland County Planning and to various other agencies, 30 days have passed since that referral, and the Village did not receive any comments.

There have been no changes to the version of the law that was provided on January 6 and that was open to public comment on January 20.

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The Zoning Map (section 3.2 of the Zoning Law) separates the land in the Village into 10 separate zoning districts – seven residential zoning districts of varying densities and bulk requirements and three commercial districts, the Marine Business (MB) district, which applies to one property located at 1 Van Houten Street, the Village Center (VC) district, which applies to the properties around Village Hall at the intersection of North Broadway and Castle Heights Avenue, and the Office Business (OB) district which is located on the east and west sides of Route 9W for most of the length of Route 9W through the Village. In addition to these underlying zoning districts, the Zoning Map locates two overlay districts—the Hudson River Overlay district, which applies to the properties located between North Broadway and the Hudson River, and the OB Residential Overlay district, which applies to the properties on the east side of Route 9W in the OB district that were developed pursuant to the residential special use permit in the 1962 zoning law.

Trustee Epstein moved to open the public hearing for proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack. Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

ABSENT: Trustee Esmay

There were no comments from the public.

Trustee Epstein moved to close the public hearing for proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack. Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING THE PROPOSED REPEAL AND REPLACEMENT OF THE VILLAGE’S ZONING LAW

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and
WHEREAS, proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack (the “Proposed Zoning Law”) was introduced to the Board of Trustees at its meeting of November 18, 2021; and

WHEREAS, the Proposed Zoning Law as originally proposed and as revised (revision date January 3, 2022) were posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and were also available for review in the Village Clerk’s office; and

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WHEREAS, the original text of the Proposed Zoning Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m in or around November 2021; and

WHEREAS, duly noticed public hearings on the Proposed Zoning Law were held on December 9, 2021, December 16, 2021, January 20, 2022 and February 10, 2022; and

WHEREAS, by letter dated December 14, 2021 the Rockland County Department of Planning commented on the Proposed Zoning Law; and

WHEREAS, in response to comments made by members of the public and the Rockland County Department of Planning the Proposed Zoning Law was revised (revision date January 3, 2022); and

WHEREAS, on January 6, 2022, copies of the Proposed Zoning Law as revised were circulated to the Rockland County Department of Planning, the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments were received from such agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Zoning Law as revised and in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Zoning Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Zoning Law and related land use laws (collectively, the "Action"), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, following the adoption of the Negative Declaration the duly noticed public hearing on the Proposed Zoning Law was continued and all who wished to comment on the Proposed Zoning Law at the public hearing were afforded the opportunity to do so and the public hearing was closed; and

WHEREAS, the Board of Trustees finds that the adoption of the Proposed Zoning Law is in the best interest of the Village.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Proposed Zoning Law, as revised January 3, 2022 as drafted. This local law will be renumbered to be known and designated as Local Law # 5 of 2022.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

Trustee Esmay moved to adopt proposed Local Law # 11 of 2021, A Local Law repealing and replacing the Zoning Ordinance of the Village of Upper Nyack, adopted January 18, 1962, last amended on April 13, 2021 by Local Law No. 3 of 2021, commonly known as the 1962 Zoning Ordinance of the Village of Upper Nyack. Trustee Dodge seconded, and so adopted.

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On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

7:30 PM Public Hearing - proposed Local Law # 2 of 2022, Village of Upper Nyack Subdivision Law

The Village Clerk read the public hearing notice.

At the January 20th meeting, this law was introduced to the Board. It is a local law that will provide for the procedural requirements that will apply when a party wishes to change the lot lines of an existing lot in the village to create new lots or alter the boundaries of the existing lots. The substantive requirements that apply to the lots are generally found in the zoning law, and the subdivision law, for the largely provides the procedural mechanism for subdivision review. It also provides roadway standards for new subdivision roads.

There have been no changes to the version of the law that was provided to the public on January 6 and that was posted on the Village website. The local law was sent to Rockland County Planning and several other agencies for review, the 30-day comment period provided has passed, and the Village has not received any comments from the referral agencies.

Trustee Esmay moved to open the public hearing for proposed Local Law # 2 of 2022, Village of Upper Nyack Subdivision Law. Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

There were no comments from the public.

Trustee Rothchild moved to close the public hearing for proposed Local Law # 2 of 2022, Village of Upper Nyack Subdivision Law. Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 2 OF 2022, THE SUBDIVISION LAW OF THE VILLAGE OF UPPER NYACK
WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and
WHEREAS, proposed Local Law # 2 of 2022, the Village of Upper Nyack Subdivision Law (the “Proposed Subdivision Law”), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Subdivision Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Subdivision Law were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing

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Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Subdivision Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Subdivision Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

WHEREAS, the Proposed Subdivision Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Subdivision Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Subdivision Law; and

WHEREAS, all who wished to comment on the Proposed Subdivision Law at the public hearing were afforded the opportunity to do so and the public hearing was closed; and

WHEREAS, the Board of Trustees finds that the adoption of the Proposed Subdivision Law is in the best interest of the Village.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts Village of Upper Nyack Local Law #2 of 2022, the Subdivision Law of the Village of Upper Nyack, as drafted.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

Trustee Epstein moved to adopt proposed Local Law # 2 of 2022, Village of Upper Nyack Subdivision Law. Trustee Esmay seconded, and so adopted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

7:45 PM Public Hearing - proposed Local Law # 3 of 2022, Village of Upper Nyack Planning Board Law

The Village Clerk read the public hearing notice.

At the January 20th meeting, this law was introduced to the Board. It is a local law that will provide for the structure and authority of the Village’s Planning Board.

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There have been no changes to the version of the law that was provided to the public on January 6 and that was posted on the Village website. The local law was sent to Rockland County Planning and several other agencies for review, the 30-day comment period provided has passed, and the Village has not received any comments from the referral agencies.

Trustee Dodge moved to open the public hearing for proposed Local Law #3 of 2022, the Planning Board Law of the Village of Upper Nyack. Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

There were no comments from the public.

Trustee Rothchild moved to close the public hearing for Local Law #3 of 2022, the Planning Board Law of the Village of Upper Nyack. Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 3 OF 2022, THE PLANNING BOARD LAW OF THE VILLAGE OF UPPER NYACK

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the “Board of Trustees”) is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 3 of 2022, the Village of Upper Nyack Planning Board Law (the “Proposed Planning Board Law”), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Planning Board Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Planning Board Law as revised were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

WHEREAS, on January 6, 2022 copies of the Proposed Planning Board Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Planning Board Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

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WHEREAS, the Proposed Planning Board Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Planning Board Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Planning Board Law; and

WHEREAS, all who wished to comment on the Proposed Planning Board Law at the public hearing were afforded the opportunity to do so and the public hearing was closed.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Village of Upper Nyack Local Law # 3 of 2022, the Planning Board Law of the Village of Upper Nyack, as drafted.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

Trustee Dodge moved to adopt proposed Local Law #3 of 2022, the Planning Board Law of the Village of Upper Nyack. Trustee Epstein seconded, and so adopted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Resolution: Approval of A Bid on South Nyack Dump Truck with Plow

Trustee Rothchild motioned to approve the resolution to bid \$80,000 total on the South Nyack DPW International Truck. Trustee Esmay seconded and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, Epstein, and Dodge

NOES:

ABSTAIN:

Resolution- Surplus Excess Equipment from Department of Public Works

Trustee Esmay motioned to approve the resolution to surplus excess equipment from the Department of Public Works: KM 80000TEDD 4 Ton Trailer and 2017 Mack Truck. Trustee Epstein seconded and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, Esmay, Epstein, and Dodge

NOES:

ABSTAIN:

8:00 PM Public Hearing - proposed Local Law # 4 of 2022, Village of Upper Stormwater Management Law.

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The Village Clerk read the public hearing notice.

At the January 20th meeting, this law was introduced to the Board. It is a local law that provides for the regulation of stormwater management and erosion control in the Village. Currently the Village's stormwater management and erosion control regulations are included in the Zoning Law, this local law makes minor modifications to those existing regulations and moves them to a separate local law.

There have been no changes to the version of the law that was provided to the public on January 6 and that was posted on the Village website. The local law was sent to Rockland County Planning and several other agencies for review, the 30-day comment period provided has passed, and the Village has not received any comments from the referral agencies.

Trustee Rothchild moved to open the public hearing for proposed Local Law # 4 of 2022, Village of Upper Stormwater Management Law. Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

There were no comments from the public.

Trustee Dodge moved to close the public hearing for proposed Local Law # 4 of 2022, Village of Upper Stormwater Management Law. Trustee Rothchild, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK ADOPTING LOCAL LAW # 4 OF 2022, THE STORMWATER MANAGEMENT LAW OF THE VILLAGE OF UPPER NYACK

WHEREAS, the Board of Trustees of the Village of Upper Nyack (the "Board of Trustees") is the duly elected legislative body of the Village of Upper Nyack and is authorized to adopt Local Laws; and

WHEREAS, proposed Local Law # 4 of 2022, the Village of Upper Nyack Stormwater Management Law (the "Proposed Stormwater Management Law"), was introduced to the Board of Trustees at its meeting of January 20, 2022; and

WHEREAS, the Proposed Stormwater Management Law was referred to the Rockland County Department of Planning pursuant to General Municipal Law Section 239-m on January 6, 2022 and no comments on the proposed local law were provided by the Rockland County Department of Planning; and

WHEREAS, on January 6, 2022, copies of the Proposed Stormwater Management Law as revised were circulated to the Palisades Interstate Park Commission, the Rockland County Division of Environmental Resources, the New York State Department of Transportation, the New York-New Jersey Trail Conference, the Village of Nyack Housing Authority, the Town of Clarkstown and the Village of Nyack, those agencies were provided with a 30-day review and comment period, and no comments have been received from those agencies; and

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WHEREAS, on January 6, 2022 copies of the Proposed Stormwater Management Law in its final form were placed on the tables of the members of the Board of Trustees and, due to the COVID pandemic, personally delivered to the homes of the Trustees; and

WHEREAS, the Proposed Stormwater Management Law was posted on the Village of Upper Nyack Website under a prominently displayed link tab labeled “Zoning Code Update” <https://www.uppernyack-ny.us/zoning-code-update> and was also available for review in the Village Clerk’s office; and

WHEREAS, the Proposed Stormwater Management Law is consistent with the Village of Upper Nyack Comprehensive Plan dated April 20, 2021; and

WHEREAS, by resolution of even date herewith the Village Board of Trustees, as the only involved agency in the SEQRA review of the Proposed Stormwater Management Law and related land use laws (collectively, the “Action”), has adopted a Negative Declaration thereby concluding the SEQRA review of the Action; and

WHEREAS, on February 10, 2022 a duly noticed public hearing was held to consider the adoption of the Proposed Stormwater Management Law; and

WHEREAS, all who wished to comment on the Proposed Stormwater Management Law at the public hearing were afforded the opportunity to do so and the public hearing was closed.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Board of Trustees of the Village of Upper Nyack hereby adopts the Village of Upper Nyack Local Law # 4 of 2022, Proposed Stormwater Management Law, as drafted.

RESOLVED FURTHER, that the Village Clerk shall enter said local law in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws.

Trustee Rothchild moved to adopt proposed Local Law # 4 of 2022, Village of Upper Stormwater Management Law. Trustee Esmay seconded, and so adopted.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSTAIN:

Executive Session

Trustee Esmay moved to open the Executive Session to discuss to pending legal matters at 8:05 PM, Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Trustee Rothchild moved to end Executive Session to discuss to pending legal matters at 8:16 PM, Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

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Adjournment – Trustee Dodge motioned to adjourn the meeting, Trustee Rothchild seconded and so adjourned.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Rothchild, Esmay, Epstein, and Dodge

NOES:

ABSTAIN:

Meeting was adjourned at 8:17 PM

2. Police Reports

3. Code Enforcement Officer Report

4. Treasurer's Report

Village of Upper Nyack
Balance Sheet
As of February 17, 2022

	Feb 17, 22
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	606,253.75
NY Class-General Fund 001	1,408,168.89
Webster-General Operating 693	196,107.71
Webster-General Payroll 706	177,897.02
Webster-Trust & Agency Fund714	8,888.13
Total Checking/Savings	2,397,315.50
Total Current Assets	2,397,315.50
TOTAL ASSETS	2,397,315.50
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	8,874.00
Total Due To/From Other Funds	612,912.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	614,912.00
Total Current Liabilities	614,912.00
Total Liabilities	614,912.00
Equity	
3950 Unappropriated Fnd Balance	1,406,902.89
Net Income	375,500.61
Total Equity	1,782,403.50
TOTAL LIABILITIES & EQUITY	2,397,315.50

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through February 17, 2022

	Jun 1, '21 - Feb 17, 22	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Income			
1001 Real Property Tax	2,099,501.94	2,130,000.00	-30,498.06
1090 Int./Pen. Taxes	5,772.89	1,800.00	3,972.89
1130 Gross Utility Fees	21,774.75	32,000.00	-10,225.25
2110 Zoning Fees	1,600.00	1,000.00	600.00
2115 Planning Board Fees	2,580.84	6,000.00	-3,419.16
2401 Interest Earnings	593.08	4,000.00	-3,406.92
2410 Office Rental	19,350.00	24,000.00	-4,650.00
2555 Co & Violations Search	8,775.00	10,500.00	-1,725.00
2560 Road Opening Permit	5,250.00	2,000.00	3,250.00
2590 Building Permits	23,073.19	35,000.00	-11,926.81
2591 Tree Permit	3,009.00	2,550.00	459.00
2595 Cable TV Permits	25,954.40	30,000.00	-4,045.60
2770 Other Revenue	46,696.08	30,000.00	16,696.08
2771 Clarkstown - Bulk Pickup	0.00	36,000.00	-36,000.00
3001 State Aid	111,538.13	150,000.00	-38,461.87
3002 NYS - CHIPS	0.00	100,000.00	-100,000.00
3005 R.C. - Mortgage Tax	50,726.36	60,000.00	-9,273.64
3006 R.C. - Sales Tax	26,192.00	35,000.00	-8,808.00
3600 Sewer Rent	53,604.35	50,000.00	3,604.35
4000 Transfer from Surplus	0.00	62,000.00	-62,000.00
Total Income	2,505,992.01	2,801,850.00	-295,857.99
Total Income	2,505,992.01	2,801,850.00	-295,857.99
Expense			
1325 FINANCE			
1325.01 Treasurer Services	33,920.00	48,000.00	-14,080.00
Total 1325 FINANCE	33,920.00	48,000.00	-14,080.00
1355 ASSESSMENT			
1355.40 Assessor Services	0.00	8,000.00	-8,000.00
Total 1355 ASSESSMENT	0.00	8,000.00	-8,000.00
1410 VILLAGE CLERK			
1410.01 Village Clerk	32,426.63	52,000.00	-19,573.37
1410.02 Village Clerk- Asstnt 2	28,609.26	45,000.00	-16,390.74
1410.03 Village Clerk- Asstnt 1	42,075.00	55,800.00	-13,725.00
1410.20 Equipment	8,968.24	5,000.00	3,968.24
1410.41 Supplies	12,572.67	5,000.00	7,572.67
1410.43 Postage	264.61	1,000.00	-735.39
1410.44 Legal Advertizing	7,600.00	4,500.00	3,100.00
1410.45 Public Information	469.07	1,000.00	-530.93
1410.47 Telephone	2,431.37	2,000.00	431.37
1410.49 Contractual Services	51,274.72	30,000.00	21,274.72
1410.50 Meetings / Seminars	475.00	500.00	-25.00
1410.51 Promotion / Good Will	40.00	250.00	-210.00
Total 1410 VILLAGE CLERK	187,206.57	202,050.00	-14,843.43
1420 LEGAL			
1420.40 Attorney Contractual	82,176.96	90,000.00	-7,823.04
Total 1420 LEGAL	82,176.96	90,000.00	-7,823.04
1440 ENGINEERING			
1440.40 Engineer Contractual	15,612.50	40,000.00	-24,387.50
Total 1440 ENGINEERING	15,612.50	40,000.00	-24,387.50

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through February 17, 2022

	Jun 1, '21 - Feb 17, 22	Budget	\$ Over Budget
1450 ELECTIONS			
1450.40 Elections Contractual	0.00	500.00	-500.00
Total 1450 ELECTIONS	0.00	500.00	-500.00
1620 VILLAGE HALL			
1620.20 Equipment	6,287.69	16,000.00	-9,712.31
1620.40 Cleaning	2,250.00	2,000.00	250.00
1620.41 Heating	2,576.48	2,500.00	76.48
1620.42 Electric	2,101.95	4,000.00	-1,898.05
1620.44 Repairs	2,282.68	46,000.00	-43,717.32
1620.47 Water	241.38	350.00	-108.62
Total 1620 VILLAGE HALL	15,740.18	70,850.00	-55,109.82
1630 BROADWAY GARAGE			
1630.51 Heating	294.90	500.00	-205.10
1630.52 Electricity	528.76	500.00	28.76
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	158.24	300.00	-141.76
Total 1630 BROADWAY GARAGE	981.90	2,800.00	-1,818.10
1640 STONE MEETING HOUSE			
1640.42 Utilities	2,128.59	2,000.00	128.59
1640.44 Repairs & Maintenance	20,776.13	10,150.00	10,626.13
1640.56 Contractual Misc.	1,324.29	1,000.00	324.29
Total 1640 STONE MEETING HOUSE	24,229.01	13,150.00	11,079.01
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	723.38	1,500.00	-776.62
1660.20 Repair and Maintenance	29,229.96	55,000.00	-25,770.04
1660.30 Supplies	779.38	3,000.00	-2,220.62
Total 1660 RIVER HOOK PRESERVE	30,732.72	59,500.00	-28,767.28
1910 INSURANCE			
1910.10 Insurance	45,152.38	55,000.00	-9,847.62
Total 1910 INSURANCE	45,152.38	55,000.00	-9,847.62
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	27,248.39	34,000.00	-6,751.61
3620.20 Equipment	0.00	2,000.00	-2,000.00
3620.41 Supplies	907.72	1,000.00	-92.28
3620.48 Training	350.00	500.00	-150.00
Total 3620 BUILDING/CODE ENFORCEME...	28,506.11	37,500.00	-8,993.89
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	152,717.51	187,000.00	-34,282.49
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	4,089.25	10,000.00	-5,910.75
5110.41 Truck Maintenance	18,257.63	20,000.00	-1,742.37
5110.42 Truck Fuel	5,859.38	10,000.00	-4,140.62
5110.43 Equip Maintenance	4,543.70	5,000.00	-456.30
5110.44 Road Repair/Maint.	21,918.47	25,000.00	-3,081.53
5110.45 Contr. Road Repair	281,938.40	312,000.00	-30,061.60
5110.46 Building Repair	8,262.57	10,000.00	-1,737.43
5110.47 Telephone	88.74	500.00	-411.26
5110.48 Utilities	8,590.88	10,000.00	-1,409.12

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2021 through February 17, 2022

	Jun 1, '21 - Feb 17, 22	Budget	\$ Over Budget
5110.49 Training	0.00	1,000.00	-1,000.00
5110.52 Tree Safety	14,550.00	6,000.00	8,550.00
5110.53 Supplies	3,175.60	6,000.00	-2,824.40
5110.57 Catch Basin Repair	1,612.52	10,000.00	-8,387.48
5110.59 Cablevision	559.52	1,000.00	-440.48
5110.61 Contr. Service	8,954.78	10,000.00	-1,045.22
Total 5110 HIGHWAY DEPARTMENT	535,118.95	673,500.00	-138,381.05
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	27,239.59	42,500.00	-15,260.41
6567 Unemployment	1,735.79	2,000.00	-264.21
6569 Payroll Service	3,093.80	3,500.00	-406.20
9010 State Retirement	66,714.00	60,000.00	6,714.00
9040 Workers Compensation	12,999.58	20,000.00	-7,000.42
9060 Health Insurance	116,183.88	160,000.00	-43,816.12
9061 Medicare Reimbursement	5,221.80	7,000.00	-1,778.20
Total 6560 PAYROLL EXPENSES	233,188.44	295,000.00	-61,811.56
8020 PLANNING / ARB			
8020.10 Planning Personnel	40,830.27	58,000.00	-17,169.73
8020.40 Planning Contractual	9,450.00	20,000.00	-10,550.00
Total 8020 PLANNING / ARB	50,280.27	78,000.00	-27,719.73
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	4,691.72	3,000.00	1,691.72
8120.44 Repair & Maint.	0.00	15,000.00	-15,000.00
8120.60 Treatment	253,519.66	432,000.00	-178,480.34
8120.70 Pump Station Debt Svc	16,148.82	28,000.00	-11,851.18
Total 8120 SEWER SYSTEM	274,360.20	478,000.00	-203,639.80
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	176,448.44	240,000.00	-63,551.56
Total 8130 REFUSE COLLECTION	176,448.44	240,000.00	-63,551.56
9600 BONDS & BANS			
9610 DPW Building Bond - Prin	0.00	65,000.00	-65,000.00
9611 DPW Building Bond Interest	0.00	30,000.00	-30,000.00
9612 Various Purpose Bond Prin	0.00	110,000.00	-110,000.00
9613 Various Purp Bond Interest	20,059.38	40,000.00	-19,940.62
9614 Open Space Bond - Prin	90,000.00	90,000.00	0.00
9615 Open Space Bond - Interest	73,193.80	75,000.00	-1,806.20
9616 Refunding Bond - Principle	201,755.55	0.00	201,755.55
9617 Refunding Bond - Interest	11,828.04	0.00	11,828.04
Total 9600 BONDS & BANS	396,836.77	410,000.00	-13,163.23
Total Expense	2,130,491.40	2,801,850.00	-671,358.60
Net Ordinary Income	375,500.61	0.00	375,500.61
Net Income	375,500.61	0.00	375,500.61

5. Discussion: General Ordinance Updates

6. Resolution of Approval: Gran Fondo New York, May 15, 2022



Gran Fondo New York
5114 Kennedy Blvd West #16
West New York, NJ 07093
917-656-2005
info@gfny.com
nyc.gfny.com

January 27, 2022

Mayor Karen A. Tarapata
Clerk Heather Candella
Village of Upper Nyack
328 North Broadway
Upper Nyack, NY 10960



Chief Jeffrey Wanamaker
Lieutenant Kenneth Smith
Clarkstown Police Department
20 Maple Avenue
New City, NY 10956

Dear Mayor Tarapata, Heather, Chief Wanamaker, Lieutenant Smith,

On March 12, 2020 GFNY took what seemed to some as a drastic step to postpone GFNY 2020 to 2021. At the time it seemed like we are too cautious but there was a lot unknown and uncertain. After 10 years of operating GFNY and working closely together, you may know we take great care and detail to organize safe and well-organized events.

GFNY carefully established Covid Safety Measures and adapted them to our event operations. Cycling is the most covid-safe sport due to being an outdoor sport and bikes due to their size naturally create social distancing. GFNY returned to racing in August 2020 and has since then held races in the US (Florida and New Mexico), France, Italy, Ecuador, Mexico, Peru, Chile and Uruguay, while, as always, adapting to local requirements for event organization, but also adhering to each host city's and region's covid regulations. We are so excited to hold the 10th edition of our hallmark event, GFNY World Championship, on May 15, 2022.

Because the developments of Covid19 are continuously changing, we plan to hold several preparatory calls and meetings ahead of the GFNY World Championship race: in February, March and April with all authorities to plan all safety measures to apply for May 15th.

GFNY was established in 2010 and the first race was held in 2011. We thank you and your colleagues for your support of GFNY over the past eleven years. Without your support and the close collaboration with a multitude of local agencies, the event would not be possible. Year after year, GFNY is praised as the best cycling event in the world, and a key element of this world-class athlete experience is the dedication and professionalism of every person who works the event.

Same as in the past eleven years, we will pay the related police overtime fees to cover the expenses of the event. We also make donations to all the local Volunteer Ambulance Corps who assist with the event.

As part of the organizational and permit process, we are working with all agencies and jurisdictions along the GFNY course, which usually include: PANYNJ, NJ DOT, NYS DOT, Palisades Interstate Park Commission, Harriman State Park, Rockland County, Fort Lee, Englewood Cliffs, Edgewater, Alpine, every town in Rockland County: Orangetown, Clarkstown, Haverstraw, Ramapo and Stony Point and many Rockland County Villages.

We will provide the Village of Upper Nyack with a Certificate of Insurance in March 2022.

Clarkstown Police at GFNY

GFNY requests assistance from Clarkstown Police to control traffic to enable the cyclists to ride on a traffic-moderated course for May 15, 2022. We plan a similar route as GFNY 2019 and we will be coordinating the route safety and logistics details with Lt Smith of Clarkstown PD.

Route Marking

GFNY crew will begin marking the route of GFNY starting Wednesday, May 4, 2022. Signs will include temporary road marking for turns, signs at eye level that mark turns or caution, mile markers (every 20 miles), aid station signs, water-based paint road markings and some sponsored fence signs where permitted. As in the past years, all signs will be posted in areas that do not affect visibility of the roads/intersections/traffic. All signs will be removed by Monday, May 16, 2022.

Background About the Event

- **MEDIA:** Cyclists from all over the world attend the event and it receives global media coverage from 33 cycling magazines in 17 languages. National tv, newspaper and magazine media have covered the event.
- **COURSE:** The event starts on the George Washington Bridge, travels along Route 9W and up to Bear Mountain, the featured climb of the event. The event finishes on Hudson Terrace in Fort Lee, NJ. The event showcases the George Washington Bridge, charming towns in NY/NJ and beautiful nature.
- **HEALTH BENEFITS:** GFNY promotes and reinforces healthy lifestyles for the participants and spectators. Holding participatory events such as this encourages people to set goals and develop healthy habits, get in shape and become healthier, and experience the great outdoors.
- **CHARITY:** GFNY makes donations to non-profits based in NY/NJ who provide volunteers at GFNY aid stations, pre-race registration or the finish village. Some GFNY riders choose to raise funds for their chosen causes as part of their participation in GFNY.
- **ECONOMIC IMPACT:** GFNY holds free weekly group rides for registered participants to prepare for the event utilizing the GFNY route and supporting local bakeries, coffee shops, bike shops and other local businesses. For race day, we source local products and services from area businesses.
- **TOURISM:** Dozens of tour operators bring hundreds of riders and families to the NY/NJ region. Thousand of other GFNY riders and families book their travel individually and boost sales at local businesses like hotels, restaurants, transportation companies and stores.

Conclusion

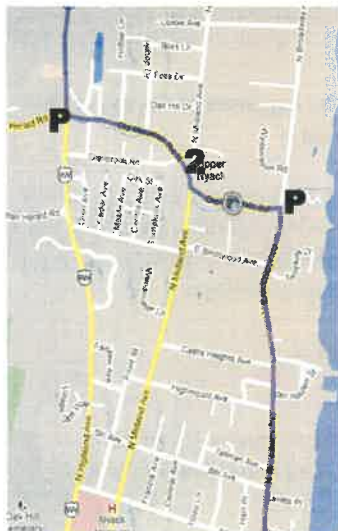
Please let me know if we can answer additional questions pertaining to the event. I can be reached at 917-656-2005 or at info@gfny.com. The event’s website is nyc.gfny.com.

We look forward to working with you in organizing a safe and successful event.

Warm regards,



Lidia Fluhme
Founder and Race Organizer
Gran Fondo New York



Route in Upper Nyack

Route	Mile (approx)	First cyclist	Last cyclist
Continue on North Broadway	22	7:50	9:30
Left onto Old Mountain Road	22	7:50	9:30
Right onto 9W	22	7:50	9:30

7. Consider Resolution Authorizing the Settlement of The Article 78 Proceeding/Action Captioned MENUCHA OF NYACK LLC v. ASSESSOR OF THE TOWN OF CLARKSTOWN, ET AL., INDEX NO. 035206/2020

**RESOLUTION AUTHORIZING THE SETTLEMENT OF THE ARTICLE 78
PROCEEDING/ACTION CAPTIONED *MENUCHA OF NYACK LLC v. ASSESSOR OF
THE TOWN OF CLARKSTOWN, ET AL.*, INDEX NO. 035206/2020**

WHEREAS, Menucha of Nyack LLC (“Petitioner”), commenced an Article 78 Proceeding/Declaratory Judgment Action captioned *Menucha of Nyack LLC v. Assessor of the Town of Clarkstown*, et al., Index No. 035206/2020, seeking a declaratory judgment and monetary damages (the “Action”) against Respondents Assessor of Town of Clarkstown, Board of Assessment Review of Town of Clarkstown, Town of Clarkstown, the Village of Upper Nyack, and Nyack Union Free School District; and

WHEREAS, Petitioner’s claims are based upon the contention that its property, located at 601 North Broadway in the Village, Tax Map Parcel ID 60.10-1-11 (“Property”), should be exempt from taxation; and

WHEREAS, the Village made a motion to dismiss the Action; and

WHEREAS, by decision and order of Hon. Robert M. Berliner, J.S.C., dated May 27, 2021, the Supreme Court, Rockland County denied the Village’s motion to dismiss; and

WHEREAS, the Village has filed a notice of appeal/ been granted leave to appeal the denial of its motion to dismiss the Action but has not yet perfected its appeal; and

WHEREAS, Menucha, the Town, the Village, and the School District (including all special districts and levying units) are desirous of settling the above-captioned proceedings (along with other Real Property Tax Law Article 7 proceedings involving the Town and School District to which the Village was not a party); and

WHEREAS, it is in the best interest of the Village to avoid the uncertainty and expenses of continual litigation by entering into a Stipulation of Settlement and Discontinuance (“Stipulation”) of the Action. The members of the Board of Trustees have reviewed the Stipulation in its full text; and

WHEREAS, the material terms of the settlement can be summarized as follows:

1. The Stipulation will be So-Ordered by a Justice of the Supreme Court, Rockland County and shall include a directive to the Clerk of the Court to vacate, in total, the decision and order of Hon. Robert M. Berliner, J.S.C., dated May 27, 2021.

2. The Village will recognize that the current use of the Property qualifies for a real property tax exemption pursuant to Real Property Tax Law §462 and shall place the Property on Village Roll Section 8, as fully exempt property effective for the 2019 Village assessment year for the Village under RPTL §462 and all provisions maintained therein (it is noted that the Property was already placed in Roll Section 8 for tax years 2021 and 2022 based on Petitioner's application for an RPTL §462 exemption in those years); it being the intention of the Village to continue to grant such exemption for so long as the use of the Property qualifies for it; and

3. The Village will refund Petitioner the amounts paid as Village taxes, excluding Village Special District taxes, for tax years 2019 and 2020, in the amount of \$12,750.77 in full settlement of the Action.

THEREFORE, BASED ON THE FOREGOING, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK:

1. That the settlement of the Action is hereby authorized and approved upon the terms and conditions herein stated and that Hocherman Tortorella & Wekstein, LLP, counsel for the Village in this Action is hereby authorized to sign the Stipulation and all other documents necessary to effectuate such settlement on the Village's behalf; and
2. All municipal officials of the Village shall be directed to make necessary notations, changes, amendments and/or corrections and to take such actions necessary to implement this settlement.