

Village of Upper Nyack
Board of Trustees
REGULAR MEETING AGENDA
December 16, 2021
7:00 PM

1. Minutes – Regular Meeting – November 18, 2021, Special Meeting – December 9, 2021
2. Police Reports
3. Treasurer’s Report
4. Report from Joule Community Power
5. **Adjournment of Continued Public Hearing:** Application for Temporary Moratorium Variance, 350 North Highland Avenue, to January 20, 2022 Regular Meeting
6. **7:30 PM Public Hearing - 536 Highland Ave LLC – Application for Temporary Moratorium Variance, 536 North Highland Avenue, Village of Upper Nyack (SBL 59.12-2-1 & 59.12-1-16 (Upper Nyack)).** Application for a variance from the temporary moratorium on commercial or residential land use applications for property located in the office business (OB) district, laboratory office (LO) district and the R-4 residential district that abuts the 9W corridor. (see Local Laws 1 of 2020 and 8 of 2021 as extended), to allow the applicant to pursue land use approvals necessary to convert an existing restaurant to office space. The Property is in the LO Zoning District.
7. **7:45 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.
8. Set 2022 Holiday Schedule
9. Discussion: Village Hall Copier Lease
10. 2022 Election Resolutions
11. Discussion: Procurement policy amendment
12. Discussion: Grant Application for River Hook Project
13. Set Public Hearing for Code Enforcement Law
14. Proposed Changes to Employee Handbook
15. Resolution - Standard Work Day and Reporting Resolution (RS2417-A)

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 – Regular Meeting – November 18, 2021, Special Meeting – December 9, 2021

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Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, November 18, 2021 held virtually via Zoom

PRESENT	Karen Tarapata	Mayor
	Michael Esmay	Deputy Mayor, Trustee
	Laurie Dodge	Trustee
	Jeffrey Epstein	Trustee
	Kennon Rothchild III	Trustee
ALSO PRESENT	Heather Candella	Village Clerk
	Richard D. Fortunato	Treasurer
	Noelle C. Wolfson, ESQ	Village Land Use Attorney
	Lt. JoAnne Fratianni	Clarkstown Police
	PO Niles Davies	Clarkstown Police

ABSENT

Meeting called to order at 7:03 PM

Minutes – Regular Meeting – October 21, 2021

Motion to approve October 21, 2021 Minutes of the Regular Meeting by Trustee Epstein, seconded by Trustee Dodge, and so approved.

On Call for a Vote:

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

NOES:

ABSTAIN: Trustee Rothchild

Police Reports

One (1) Motor Vehicle Accident (MVA), with no injury on Castle Heights Ave. Two (2) animal calls: N. Broadway, injured deer – unfounded; N. Midland, sick fox – fox ran off. One (1) burglary: Foss Dr – Possible rear door entry between 9:00 AM and 6:00 PM hours. One (1) Fraud/Scam: changes to mobile phone account, and money taken from Chase account, Coinbase. One (1) larceny: Oak Hill Dr - larceny of checks from mailbox. One (1) sound ordinance call at the Boat Yard. Three (3) suspicious incidents: Suspicious Incident: Highmount Av – open garage; abandoned house, suspicious person – Highmount Ave, party sitting on rock – identified as Verizon worker; suspicious person, N. Broadway – person who knocked on door, gone on arrival. County-wide overdoses 2021 YTD - 324, resulting in 56 deaths (268 survived). Clarkstown overdoses 2021 YTD - 97, resulting in 15 deaths (82 survived). Finding fentanyl in Marijuana. School, area, cultural, and religious checks are ongoing.

Treasurer's Report

The Treasurer asked the Board for a Resolution to pay the interest of \$35,471.88 on the Public Improvement Bond, due December 15, 2021.

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Trustee Esmay made a motion to adopt the Resolution to pay the \$35,471.88 on the Public Improvement Bond, Trustee Dodge seconded, and so approved.

On Call for a Vote:

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

NOES:

The total \$30,461.83 in delinquent tax payments have been relieved to Rockland County, 14 delinquent tax payers.

Public Works Building Serial Bonds were refinanced bond at 1.2% as expected.

Resolution for Approval: Modification of SAM Grant – Old Stone Meeting House

Trustee Epstein moved to approve the modification to the matching funds for the SAM Grant pertaining to the Old Stone Meeting House from \$80,000.00 to \$82,107.00. Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

NOES:

Resolution for Approval: Nyack Community Ambulance Corps Annual Snowflake 5k

The Nyack Community Ambulance Corps is requesting to hold their Ninth Annual Snowflake 5k race/walk on January 2, 2022, 10:00 – 11:30 AM.

Trustee Dodge moved to approve the Nyack Community Ambulance Corps Ninth Annual Snowflake 5k on January 2, 2022, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT:

Resolution for Approval: Accept gift from Friends of River Hook of three six-foot teak park benches

Trustee Rothchild moved approve the gift of three six-foot teak park benches from the Friends of River Hook to be placed on the River Hook Preserve, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

7:30 PM Continuation of Public Hearing – Yeshivath Viznitz Dkhal Torath Chaim Inc. – Application for Temporary Moratorium Variance, 350 North Highland Avenue, Village of Upper Nyack (SBL 59.16-2-3 (Upper Nyack)) Application for a variance from the temporary moratorium on land use applications, including special use permit applications, for the subject property, which is located on Route 9W in the OB (Office Business) Zoning District (*see* Local Laws 1 of 2020 and 3 of

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2020 as extended), to allow the applicant to pursue the necessary land use approvals to use the subject property as a school.

Trustee Rothchild moved to adjourn the public hearing until December 16, 2021, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

Discussion: Parking Violation Fees

Mayor Tarapata is working with PO Davies of the Clarkstown PD, and the Clarkstown Town Court on updating the Village's parking tickets. The Village's parking fees are less than what Clarkstown charges per violation.

Trustee Esmay inquired where the money from the parking violation goes within the Village. Mayor Tarapata said she would research.

Mayor Tarapata noted the incorrect amount for parking violation fees are reflected on the current tickets, and that parking tickets will be updated to reflect what is outlined in the General Ordinance of a parking violation cost of \$35, and \$50 for parking in front of a fire hydrant.

Set public hearing date for Proposed Zoning Law

Trustee Epstein motioned to set the public hearing for the proposed Zoning Law for the December 9, 2021 Special Meeting of the Board of Trustees. Trustee Dodge seconded and so moved.

On Call for a Vote:

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

NOES:

Discussion: Application for Temporary Moratorium Variance, 536 N Highland Avenue

Trustee Rothchild motioned to set the public hearing for the Application for Temporary Moratorium Variance, 536 N Highland Avenue for the December 16, 2021 Regular Meeting of the Board of Trustees. Trustee Epstein seconded and so moved.

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

NOES:

Resolution for Approval: Old Stone Meeting House Audio / Visual Equipment

Trustee Epstein moved approve the quote from B&H for \$5,468.53 for installation and maintenance not to exceed \$10,000 by Louis Rampersad of audio and visual equipment at the Old Stone Meeting House, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

NOES: Trustee Dodge

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Executive Session

Trustee Esmay moved to open the Executive Session to discuss to pending legal matters at 7:55 PM, Trustee Dodge seconded, and so moved.

On Call for a Vote:

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

NOES:

Trustee Esmay moved to end Executive Session to discuss to pending legal matters at 8:45 PM, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

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

On Call for a Vote:

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

NOES:

Meeting was adjourned at 8:45 PM

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Minutes of the special meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, December 9, 2021 held virtually via Zoom

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

ABSENT

Meeting called to order at 7:01 PM

Resolution for Approval: Nyack High School Ecology Club Event hosted by Friends of River Hook

Trustee Esmay moved to approve the Nyack High School Ecology Club Event hosted by Friends of River Hook, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Dodge

7:15 PM 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.

Village Clerk read the public notice.

Village Land Use Attorney, Noelle C. Wolfson gave a presentation of proposed zoning law changes and updates (slides attached.)

Maeve Tooher spoke regarding her written comments (attached.)

Tico Lemoine thanked the Board and requested the Board consider charging stations for electric vehicles.

There were no further comments from the public.

Trustee Rothchild moved to adjourn the public hearing to the Regular Meeting on December 16, 2021, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

Set 2022 Holiday Schedule

The Board discussed the 2022 Holiday Schedule for Village Employees. The Board tabled the decision until the Regular Meeting on December 16, 2021.

Employee Handbook Amendments

The Board discussed possible changes to the gift policy for Village employees. The Board also discussed elimination of snow blackouts for vacation time for DPW employees. Discussion of changing employee vacation time to be given out annual at the start of the year, instead of accrued by start date. Discussion on changes to health insurance contributions from the Village to retirees. The Board tabled the decision until the Regular Meeting on December 16, 2021.

Introduction of Code Enforcement Law

Village Land Use Attorney, Noelle C. Wolfson outlined the need for a Code Enforcement Law within the Village, this would include authorizing of the Code Enforcement Officer to issue appearance tickets.

Adjournment of Public Hearing: Yeshivath Viznitz Dkhal Torath Chaim Inc. –Application for Temporary Moratorium Variance, 350 North Highland Avenue, Village of Upper Nyack (SBL 59.16-2-3 (Upper Nyack))

Savad Churgin, Council for the Applicants requested adjournment of the public hearing to January 20, 2022 (attached.)

Trustee Epstein moved to adjourn the public hearing until the January 20, 2022 Regular Meeting, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

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

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, and Dodge
NOES:
ABSENT: Trustee Rothchild

Meeting was adjourned at 8:24 PM

2. Police Reports

3. Treasurer's Report

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 16, 2021

	Jun 1 - Dec 16, 21	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	16,865.58	32,000.00	-15,134.42
2110 Zoning Fees	1,200.00	1,000.00	200.00
2115 Planning Board Fees	1,850.00	6,000.00	-4,150.00
2401 Interest Earnings	402.01	4,000.00	-3,597.99
2410 Office Rental	15,050.00	24,000.00	-8,950.00
2555 Co & Violations Search	7,425.00	10,500.00	-3,075.00
2560 Road Opening Permit	5,250.00	2,000.00	3,250.00
2590 Building Permits	17,353.94	35,000.00	-17,646.06
2591 Tree Permit	2,709.00	2,550.00	159.00
2595 Cable TV Permits	16,980.40	30,000.00	-13,019.60
2770 Other Revenue	28,304.53	30,000.00	-1,695.47
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	-0.33	60,000.00	-60,000.33
3006 R.C. - Sales Tax	12,831.00	35,000.00	-22,169.00
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	2,396,638.44	2,801,850.00	-405,211.56
Total Income	2,396,638.44	2,801,850.00	-405,211.56
Expense			
1325 FINANCE			
1325.01 Treasurer Services	24,960.00	48,000.00	-23,040.00
Total 1325 FINANCE	24,960.00	48,000.00	-23,040.00
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	26,197.19	52,000.00	-25,802.81
1410.02 Village Clerk- Asstnt 2	21,208.90	45,000.00	-23,791.10
1410.03 Village Clerk- Asstnt 1	34,650.00	55,800.00	-21,150.00
1410.20 Equipment	9,885.40	5,000.00	4,885.40
1410.41 Supplies	11,725.14	5,000.00	6,725.14
1410.43 Postage	150.51	1,000.00	-849.49
1410.44 Legal Advertizing	5,036.00	4,500.00	536.00
1410.45 Public Information	469.07	1,000.00	-530.93
1410.47 Telephone	1,702.45	2,000.00	-297.55
1410.49 Contractual Services	36,508.93	30,000.00	6,508.93
1410.50 Meetings / Seminars	0.00	500.00	-500.00
1410.51 Promotion / Good Will	40.00	250.00	-210.00
Total 1410 VILLAGE CLERK	147,573.59	202,050.00	-54,476.41
1420 LEGAL			
1420.40 Attorney Contractual	56,933.98	90,000.00	-33,066.02
Total 1420 LEGAL	56,933.98	90,000.00	-33,066.02
1440 ENGINEERING			
1440.40 Engineer Contractual	10,497.50	40,000.00	-29,502.50
Total 1440 ENGINEERING	10,497.50	40,000.00	-29,502.50

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 16, 2021

	Jun 1 - Dec 16, 21	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	8,419.67	16,000.00	-7,580.33
1620.40 Cleaning	1,650.00	2,000.00	-350.00
1620.41 Heating	1,338.05	2,500.00	-1,161.95
1620.42 Electric	1,622.05	4,000.00	-2,377.95
1620.44 Repairs	1,742.68	46,000.00	-44,257.32
1620.47 Water	189.46	350.00	-160.54
Total 1620 VILLAGE HALL	14,961.91	70,850.00	-55,888.09
1630 BROADWAY GARAGE			
1630.51 Heating	138.25	500.00	-361.75
1630.52 Electricity	368.07	500.00	-131.93
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	118.68	300.00	-181.32
Total 1630 BROADWAY GARAGE	625.00	2,800.00	-2,175.00
1640 STONE MEETING HOUSE			
1640.42 Utilities	1,210.11	2,000.00	-789.89
1640.44 Repairs & Maintenance	3,490.46	10,150.00	-6,659.54
1640.56 Contractual Misc.	1,007.85	1,000.00	7.85
Total 1640 STONE MEETING HOUSE	5,708.42	13,150.00	-7,441.58
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	543.65	1,500.00	-956.35
1660.20 Repair and Maintenance	26,149.86	55,000.00	-28,850.14
1660.30 Supplies	779.38	3,000.00	-2,220.62
Total 1660 RIVER HOOK PRESERVE	27,472.89	59,500.00	-32,027.11
1910 INSURANCE			
1910.10 Insurance	45,233.29	55,000.00	-9,766.71
Total 1910 INSURANCE	45,233.29	55,000.00	-9,766.71
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	21,227.54	34,000.00	-12,772.46
3620.20 Equipment	0.00	2,000.00	-2,000.00
3620.41 Supplies	151.72	1,000.00	-848.28
3620.48 Training	0.00	500.00	-500.00
Total 3620 BUILDING/CODE ENFORCEME...	21,379.26	37,500.00	-16,120.74
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	106,319.01	187,000.00	-80,680.99
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	3,693.99	10,000.00	-6,306.01
5110.41 Truck Maintenance	15,997.45	20,000.00	-4,002.55
5110.42 Truck Fuel	4,489.24	10,000.00	-5,510.76
5110.43 Equip Maintenance	3,929.94	5,000.00	-1,070.06
5110.44 Road Repair/Maint.	6,527.05	25,000.00	-18,472.95
5110.45 Contr. Road Repair	281,914.41	312,000.00	-30,085.59
5110.46 Building Repair	7,135.65	10,000.00	-2,864.35
5110.47 Telephone	37.29	500.00	-462.71
5110.48 Utilities	4,456.72	10,000.00	-5,543.28

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1 through December 16, 2021

	Jun 1 - Dec 16, 21	Budget	\$ Over Budget
5110.49 Training	0.00	1,000.00	-1,000.00
5110.52 Tree Safety	4,200.00	6,000.00	-1,800.00
5110.53 Supplies	2,429.59	6,000.00	-3,570.41
5110.57 Catch Basin Repair	1,612.52	10,000.00	-8,387.48
5110.59 Cablevision	419.64	1,000.00	-580.36
5110.61 Contr. Service	6,111.77	10,000.00	-3,888.23
Total 5110 HIGHWAY DEPARTMENT	449,274.27	673,500.00	-224,225.73
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	20,080.65	42,500.00	-22,419.35
6567 Unemployment	247.84	2,000.00	-1,752.16
6569 Payroll Service	2,227.08	3,500.00	-1,272.92
9010 State Retirement	66,714.00	60,000.00	6,714.00
9040 Workers Compensation	7,654.00	20,000.00	-12,346.00
9060 Health Insurance	87,284.84	160,000.00	-72,715.16
9061 Medicare Reimbursement	3,861.00	7,000.00	-3,139.00
Total 6560 PAYROLL EXPENSES	188,069.41	295,000.00	-106,930.59
8020 PLANNING / ARB			
8020.10 Planning Personnel	31,332.13	58,000.00	-26,667.87
8020.40 Planning Contractual	5,850.00	20,000.00	-14,150.00
Total 8020 PLANNING / ARB	37,182.13	78,000.00	-40,817.87
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	3,405.51	3,000.00	405.51
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	273,073.99	478,000.00	-204,926.01
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	116,050.35	240,000.00	-123,949.65
Total 8130 REFUSE COLLECTION	116,050.35	240,000.00	-123,949.65
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
Total 9600 BONDS & BANS	183,253.18	410,000.00	-226,746.82
Total Expense	1,602,249.17	2,801,850.00	-1,199,600.83
Net Ordinary Income	794,389.27	0.00	794,389.27
Net Income	794,389.27	0.00	794,389.27

Village of Upper Nyack
Balance Sheet
As of December 16, 2021

	Dec 16, 21
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	606,199.67
NY Class-General Fund 001	1,808,065.58
Sterling-General Operating 693	208,548.44
Sterling-General Payroll 706	184,502.57
Sterling-Trust & Agency Fund714	8,887.90
Total Checking/Savings	2,816,204.16
Total Current Assets	2,816,204.16
TOTAL ASSETS	2,816,204.16
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	794,389.27
Total Equity	2,201,292.16
TOTAL LIABILITIES & EQUITY	2,816,204.16

4. Report from Joule Community Power

5. **Adjournment of Continued Public Hearing:** Application for Temporary Moratorium Variance, 350 North Highland Avenue, to January 20, 2022 Regular Meeting

SAVAD CHURGIN
ATTORNEYS AT LAW

Paul Savad (1941-2020)
Joseph A. Churgin

Of Counsel
Susan Cooper
Donna Sobel

55 OLD TURNPIKE ROAD – SUITE 209
(Rt. 59 & THRUWAY EXIT 14)
NANUET, NEW YORK 10954

(845) 624-3820
Fax: (845) 624-3821

December 6, 2021

By Email: village.clerk@uppernyack-ny.us

Heather Candella, Village Clerk
Village of Upper Nyack
328 North Broadway
Upper Nyack, New York 10960

RE: Yeshivath Viznitz Dkhal Torath Chaim Inc. – Special Use Permit Application
350 North Highland Avenue, Village of Upper Nyack, Town of Clarkstown
SBL 59.16-2-3 and 59.16-1-11

Dear Ms. Candella:

As you are aware, we represent Yeshivath Viznitz Dkhal Torath Chaim Inc., the new owner of the above referenced property.

In connection with our client's Special Permit Application and request that the moratorium not apply, we respectfully request an adjournment of our appearance on the December 9, 2021 public hearing agenda to the Board of Trustees' January 20, 2022 meeting.

Please advise at your earliest convenience.

Very truly yours,



JOSEPH A. CHURGIN
JAC/mc

cc: Noelle C. Wolfson, Esq. (by email: n.wolfson@htwlegal.com)
Yeshivath Viznitz Dkhal Torath Chaim Inc.

7. **7:30 PM Public Hearing - 536 Highland Ave LLC – Application for Temporary Moratorium Variance, 536 North Highland Avenue, Village of Upper Nyack (SBL 59.12-2-1 & 59.12-1-16 (Upper Nyack))**. Application for a variance from the temporary moratorium on commercial or residential land use applications for property located in the office business (OB) district, laboratory office (LO) district and the R-4 residential district that abuts the 9W corridor. (see Local Laws 1 of 2020 and 8 of 2021 as extended), to allow the applicant to pursue land use approvals necessary to convert an existing restaurant to office space. The Property is in the LO Zoning District.

**VILLAGE OF UPPER NYACK
BOARD OF TRUSTEES
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be held on **Thursday, December 16, 2021 at 7:30pm**, or as soon as practical thereafter, before the Upper Nyack Board of Trustees, to take such action as may come before said Board:

536 Highland Ave LLC – Application for Temporary Moratorium Variance, 536 North Highland Avenue, Village of Upper Nyack (SBL 59.12-2-1 & 59.12-1-16 (Upper Nyack))
Application for a variance from the temporary moratorium on commercial or residential land use applications for property located in the office business (OB) district, laboratory office (LO) district and the R-4 residential district that abuts the 9W corridor. (*see* Local Laws 1 of 2020 and 8 of 2021 as extended), to allow the applicant to pursue land use approvals necessary to convert an existing restaurant to office space. The Property is in the LO Zoning District.

Due to the COVID-19 pandemic, the Board of Trustees will not be meeting in person. In accordance with Chapter 417 of the Laws of 2021 signed by the New York State Governor Kathy Hochul suspending certain provisions of the New York State Open Meetings Law, the meeting will be held via videoconferencing and a transcript will be provided at a later date. The public will have the opportunity to see and hear the meeting live and provide comments.

To access the meeting: **Please visit the Village’s website for the meeting link and registration information.**

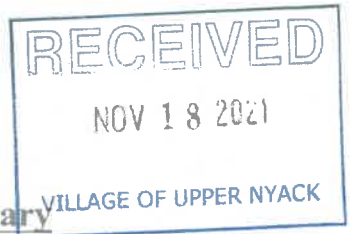
A meeting agenda, plans, application materials, and other information will be posted on the Village’s website -- <https://www.uppernyack-ny.us/> in advance of the meeting.

Copies of the applications are available for public inspection in Village Hall during regular business hours, 9am-12noon.

Comments and questions can also be provided via email before the meeting to Heather Candella, Village Clerk at village.clerk@uppernyack-ny.us.

Dated: November 29, 2021
Heather Candella, Village Clerk

Village of Upper Nyack
328 North Broadway
Upper Nyack, NY 10960
(845) 358-0084 Fax (845) 358-0741



**Application pursuant to Section IV of the Temporary
Moratorium Law, Local Law # 3 of 2020**

Request to seek waiver from the Village Board of Trustees

If 1) it is necessary to avoid unusual or unnecessary hardship to the property owner; 2) is consistent with the health, safety and general welfare of the Village; and 3) if granted, is not inconsistent with the intent of the Moratorium law.

Applicant 536 Highland Avenue LLC

Address: 237 Mountainview Drive Monroe, NY 10950

Telephone: 845-538-6250

Email: simonk@pmhvaccorp.com

Address of property (if different from above) 536 N Highland Avenue, Nyack, NY 10960

Reason for Waiver: This is just meant for interior renovation only for Office - usage

If the applicant is not the owner of the property, an authorization letter from the owner must be submitted that allows someone, on the property owners behalf, to apply for the waiver from the moratorium law on land use applications as set forth in Section IV of Local Law # 3 of 2020.

Signature of Applicant: 

OFFICIAL USE ONLY

Received by: _____ Date: _____

Public Hearing Held: _____

Relief granted: _____ Yes _____ No Date: _____

KIER B. LEVESQUE ARCHITECT

49 Third Avenue Nyack, New York 10960 845-358-2359

November 17, 2021

Village of Upper Nyack Board of Trustees

Re: 536 N. Highland Ave.
Upper Nyack, NY 10960

Job # 202161

Mayor Trapata,

This application is for a waiver from the Temporary Moratorium Law #3 of 2020. The grounds for the waiver are based upon this project as a change of use and interior renovation. The current second floor use is restaurant banquet hall, and we are proposing a change for the second floor only to offices. The proposed use is an allowable use under the zoning code. As the site plan indicates we will need a parking variance for the change in use. There are no other variances required for this project.

If the waiver is granted it would allow this project to move forward through the land use board process starting with the planning board. We will be requesting a referral to the ZBA for the parking variance, and then return to the planning board for final approval.

Please call if there are any questions or any additional submission requirements for this meeting.

Yours truly,


Kier B. Levesque R.A.



Email kblevesque@optonline.net

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NOV 18 2021
VILLAGE OF UPPER NYACK

PRECISION MECHANICAL CORP.

536 N. HIGHLAND AVE. (RT.9W)
UPPER NYACK, NEW YORK 10960

INDEX TO DRAWINGS

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A2 SECOND FLOOR PLAN N/F
NIDAL JABER



UNKNOWN OWNER

TL 59.12-1-12.1
N/F

TL 59.12-1-17
N/F
SSM HOLDINGS LLC

TL 59.12-2-2
N/F
SSM HOLDINGS LLC

NY LIC# 15938

KIER B. LEVESQUE, RA
ARCHITECT
49 THIRD AVENUE
NYACK, NEW YORK 10960
845-358-2359

BULK REQUIREMENTS				
REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	
ZONE DISTRICT: LO				
USE: NON-CONFORMING RESTAURANT				
PRINCIPAL BUILDING:				
LOT AREA, MIN. S.F.	50,000	78,064 +/-	36,646	NO CHANGE
LOT STREET FRONTAGE	150	178.93		NO CHANGE
LOT DEPTH	NONE	86/90		NO CHANGE
FRONT SETBACK	25	1.8		NO CHANGE
SIDE SETBACK	15	90.2/13.8*		NO CHANGE
SIDE YARD TOTAL	30	104		NO CHANGE
REAR SETBACK	15	57.8		NO CHANGE
MAX. FAR	.5 (+/- 18,323)	.21 (7,834)		NO CHANGE
MAX. BUILDING HEIGHT	3 STORIES / 35'	2/ <40'		NO CHANGE
MAX. IMPERVIOUS SURFACES	80% (29,317)	60% (22,009)		NO CHANGE

41 EXISTING PARKING SPACES
59 PARKING SPACES REQUIRED
VARIANCE REQUIRED

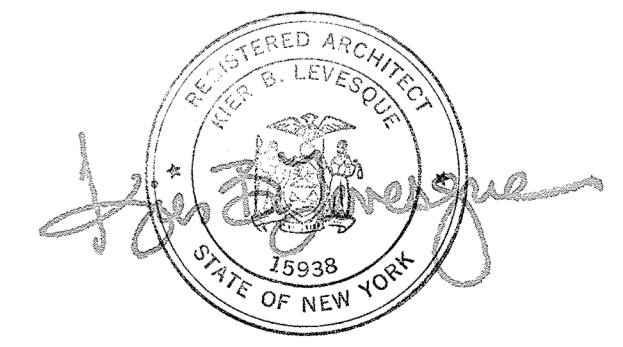
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TOTAL REQUIRED FOR RESTAURANT = 50

SECOND FLOOR GROSS FLOOR AREA 3,022 GSF
USEABLE FLOOR SPACE 1,832

PARKING 1,832 / 200 = 9.16
9 SPACES REQUIRED FOR OFFICE USE

① SITE PLAN
② 1 INCH = 20 FEET

TAX MAP NUMBER: SECTION 59.12 BLOCK 2 LOT 1 & 59.12-1-16
THE INFORMATION ON THIS DRAWING WAS TAKEN FROM A SURVEY FOR:
DAVID LEBOWITZ
BY: ATZIL, NASHER & ZIGLER P.C.
ENGINEERS-SURVEYORS-PLANNERS
NEW CITY, NY 10956
DATED: AUGUST 23, 2021 REV. 9/7/21



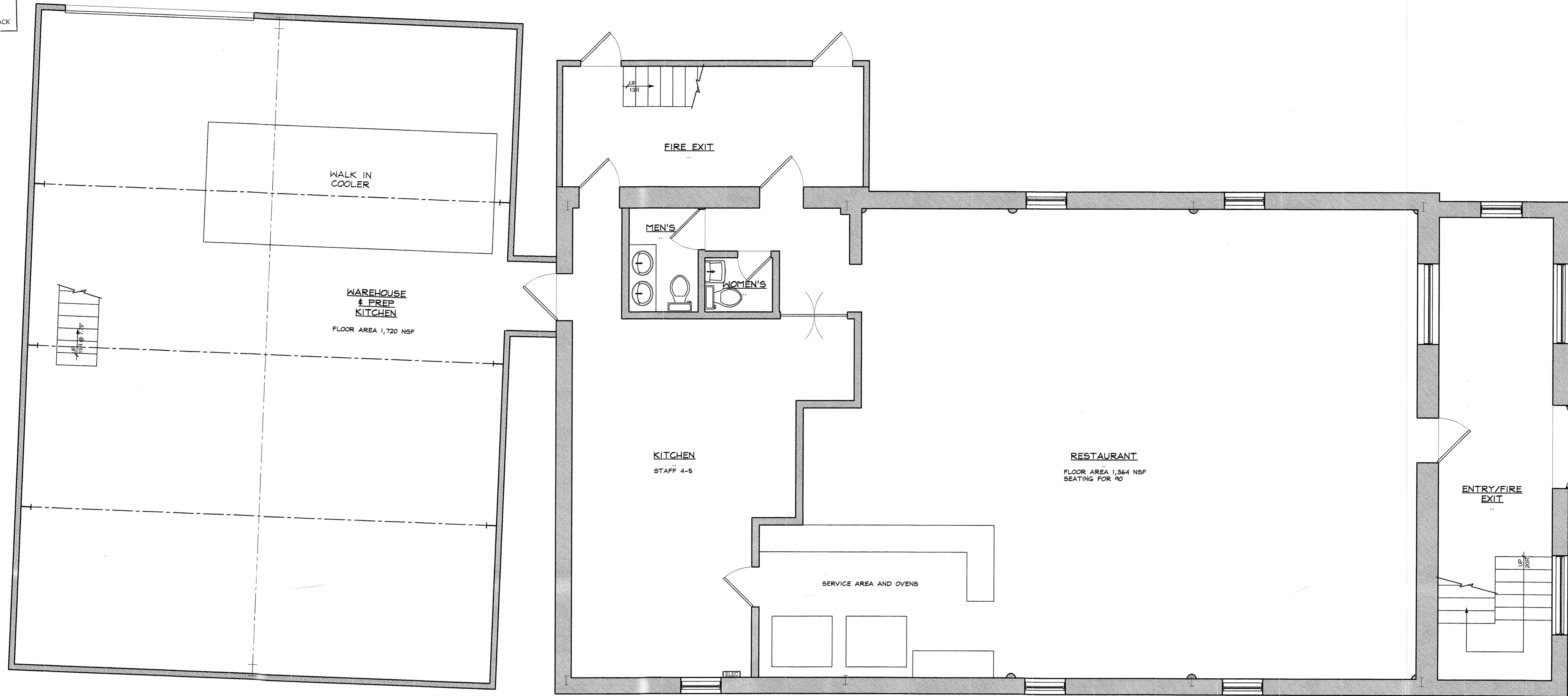
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NOVEMBER 17, 2021
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 3,022 GSF
 WAREHOUSE GROSS FLOOR AREA
 1,720 GSF
 TOTAL GROSS BUILDING FLOOR AREA
 7,834 GSF

1 FIRST FLOOR PLAN
 1/4" = 1 FOOT

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	EXISTING STUD WALL TO REMAIN
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PRECISION MECHANICAL CORP.
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 Upper Nyack, N.Y. 10960

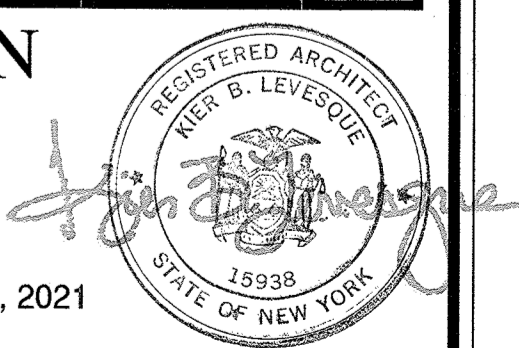
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KIER B. LEVESQUE, R.A.
 ARCHITECT
 49 THIRD AVENUE
 NYACK, NEW YORK 10960
 845-358-2359

FLOOR PLAN

SCALE AS SHOWN
 DATE NOVEMBER 17, 2021
 JOB NO. 202161
 REVISIONS: SHEET NO.

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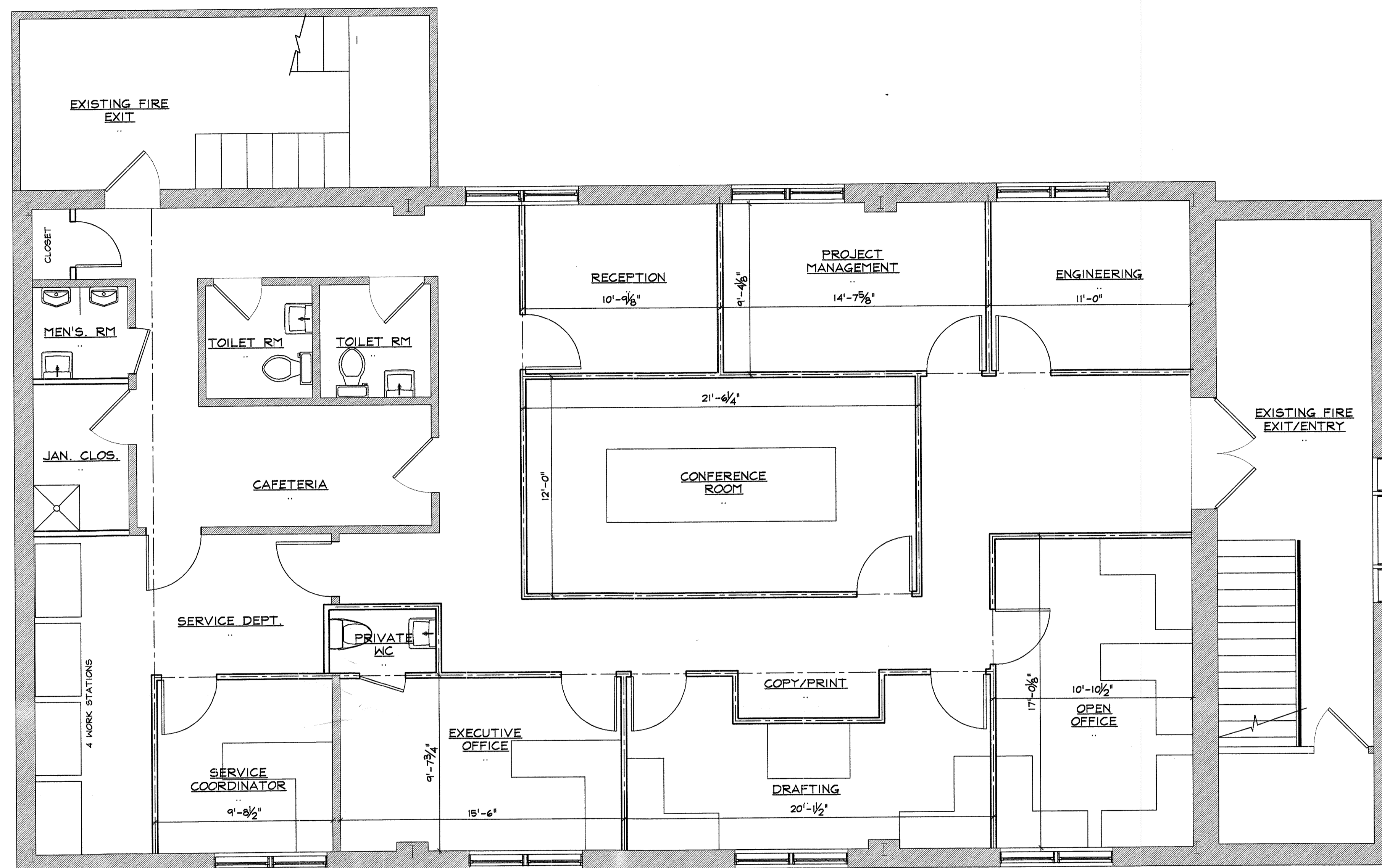
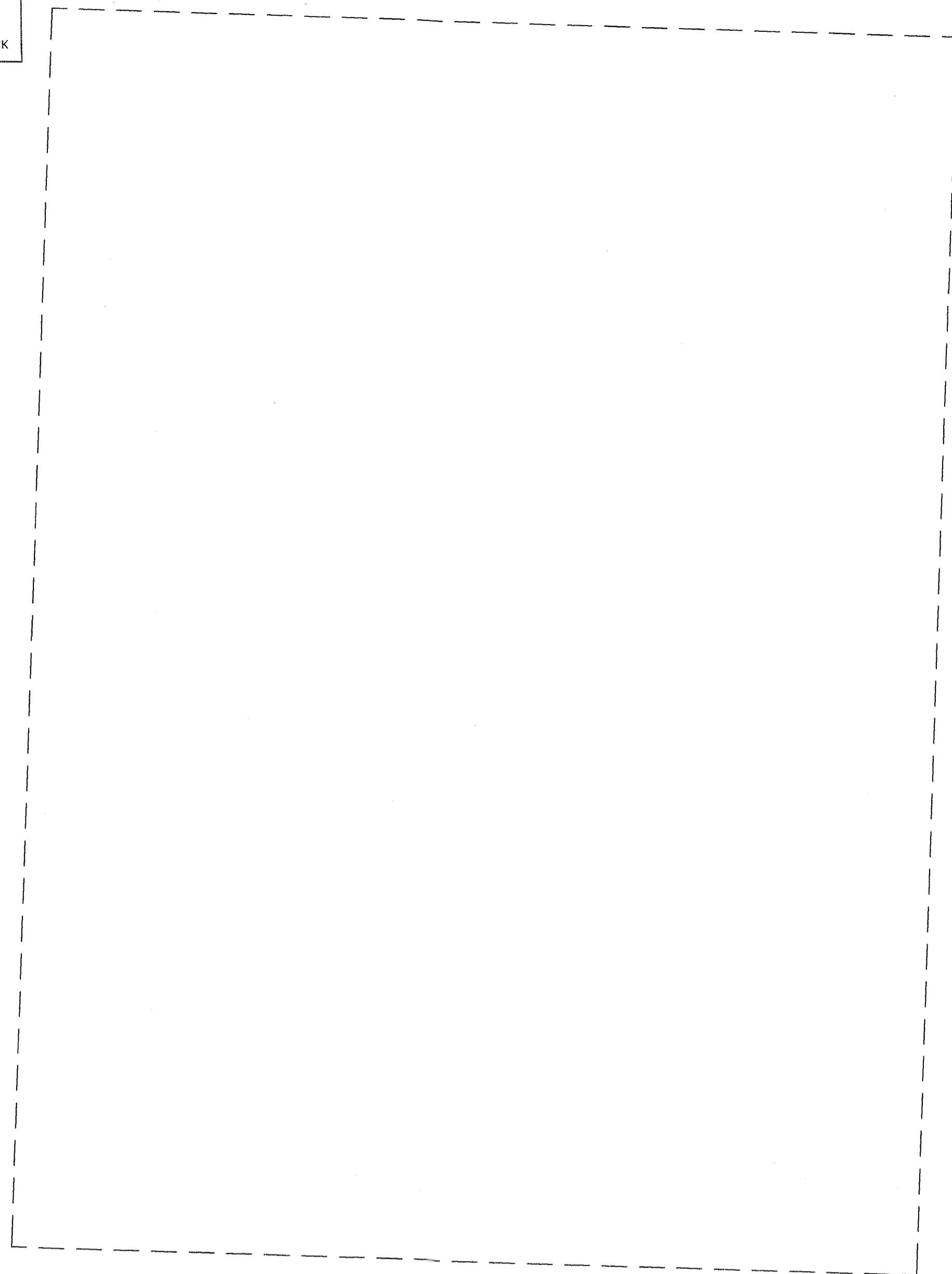
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VILLAGE OF UPPER NYACK



SECOND FLOOR GROSS FLOOR AREA 3,022 GSF
USEABLE FLOOR SPACE 1,832
PARKING 1,832 / 200 = 9.16
9 SPACES REQUIRED FOR OFFICE USE

1 PARTIAL FLOOR PLAN
A2 1/4" = 1 FOOT

PRECISION
MECHANICAL CORP.
536 North Highland Ave.
Upper Nyack, N.Y. 10960

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NY LICENSE # 15938

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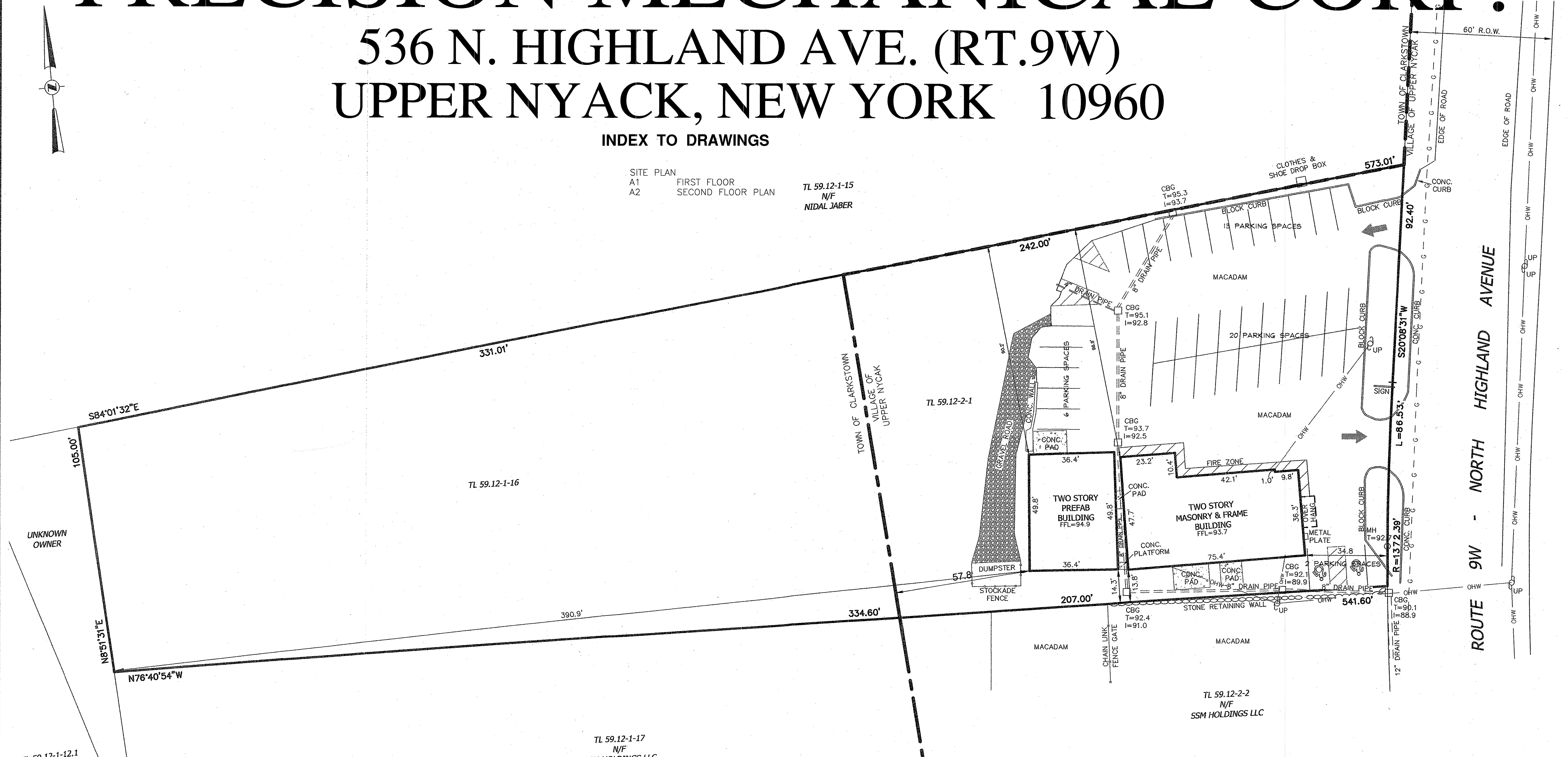
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NY LIC# 15938

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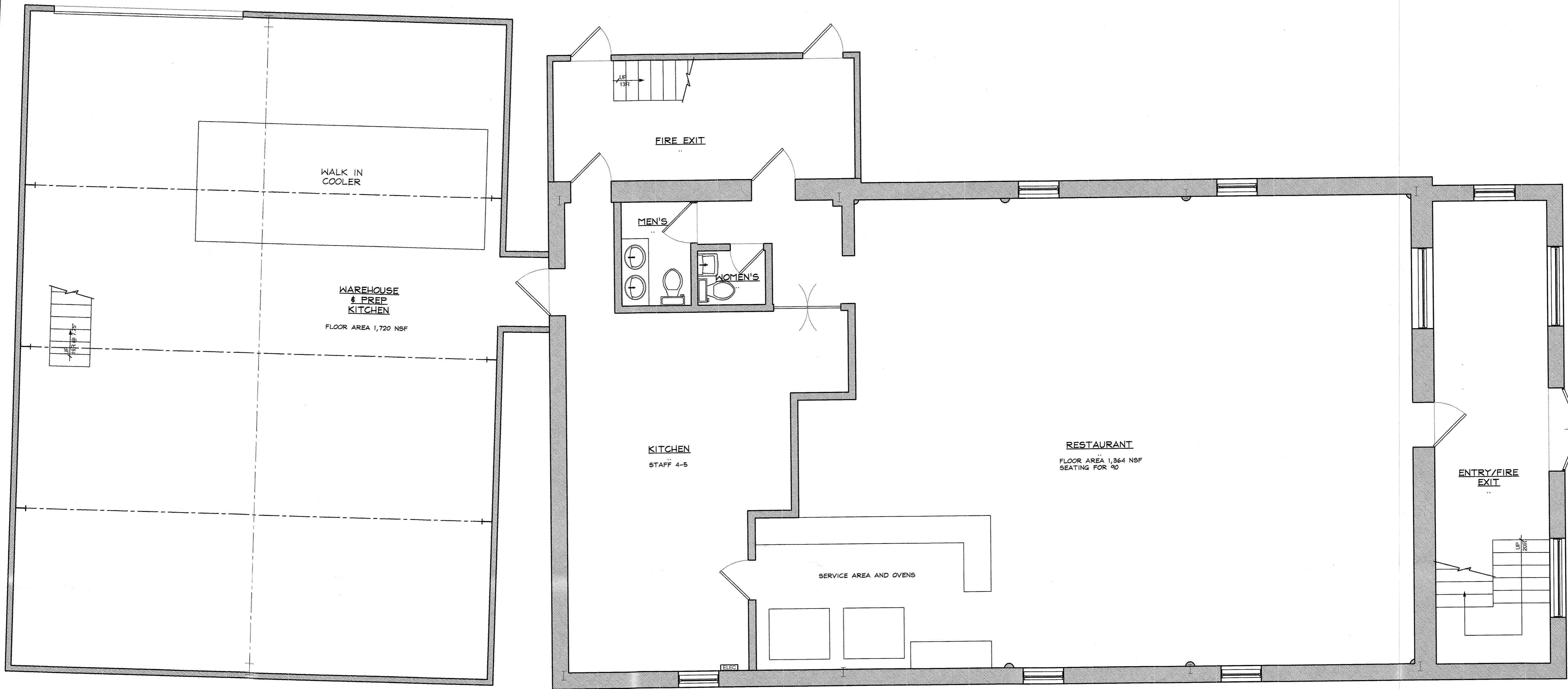
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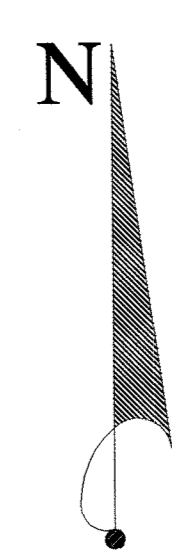


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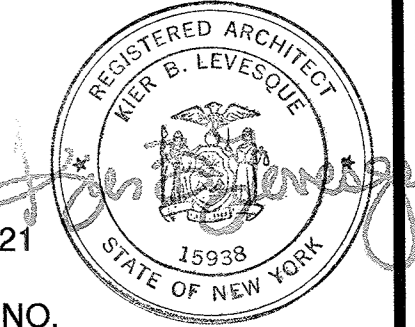


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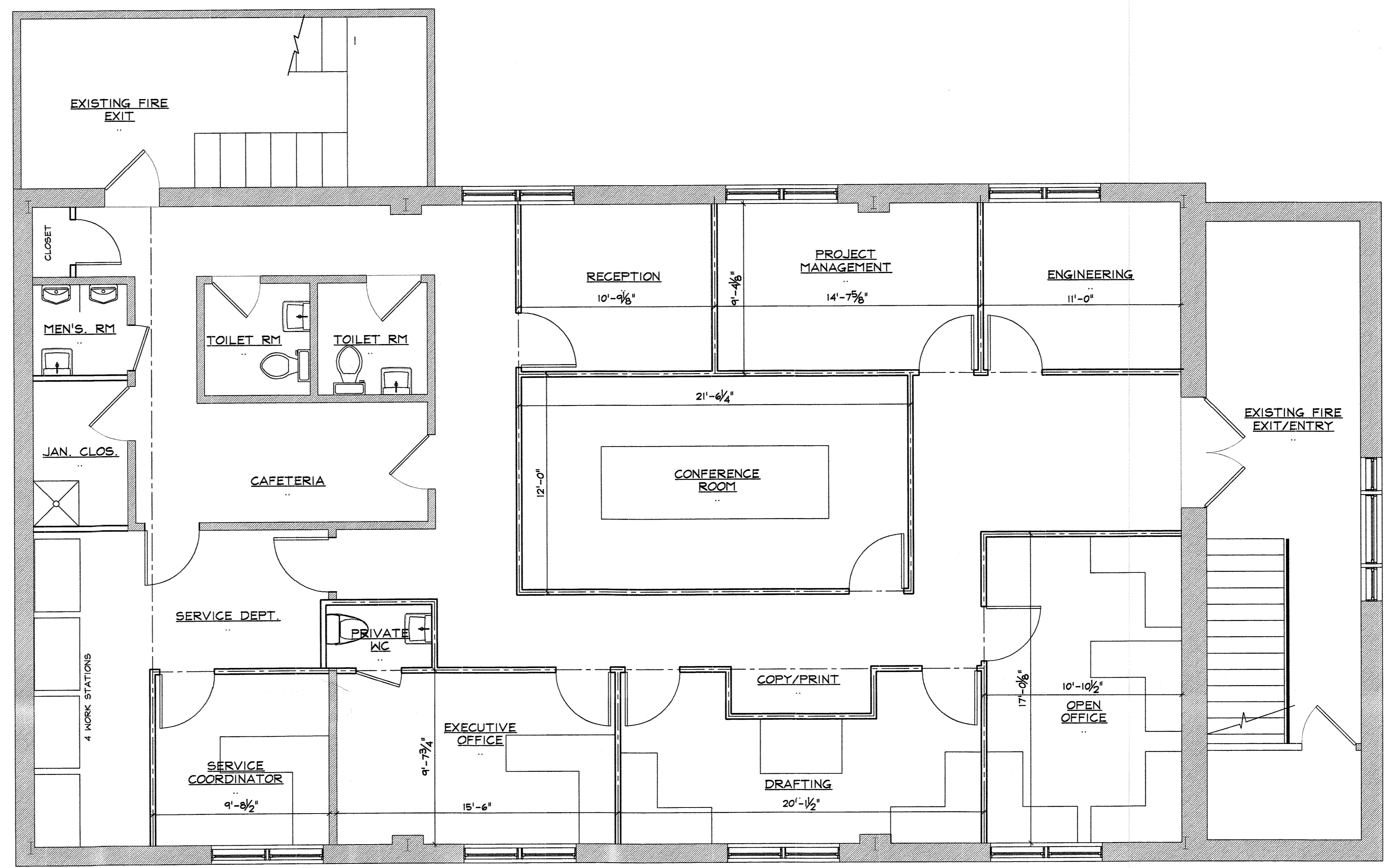
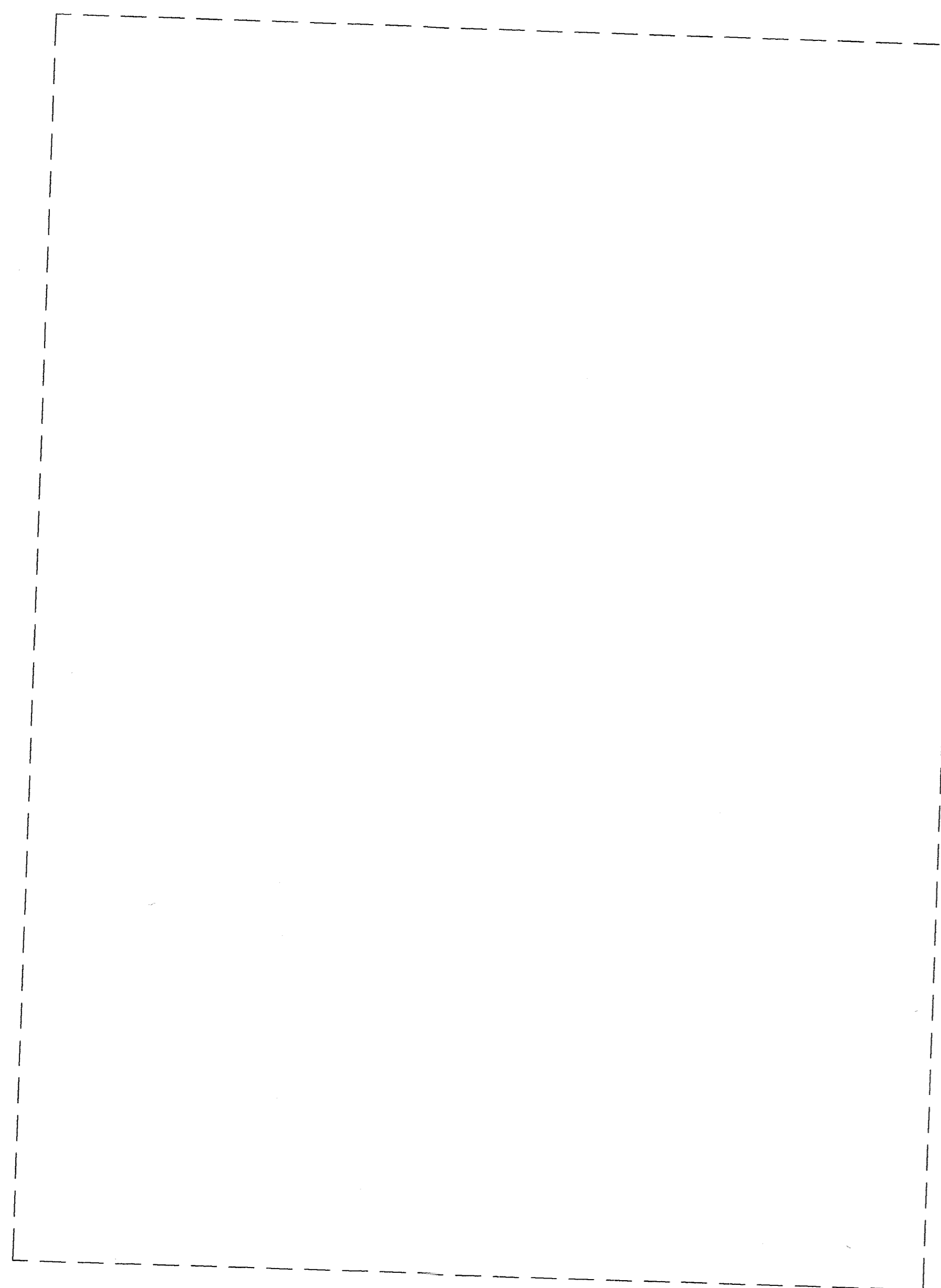
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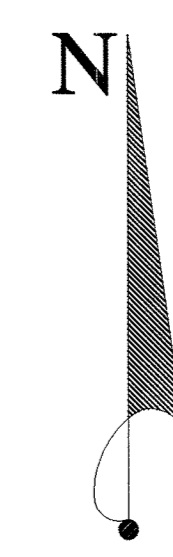
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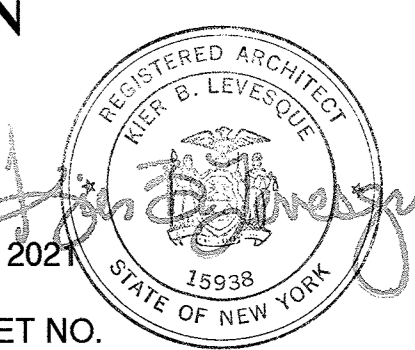
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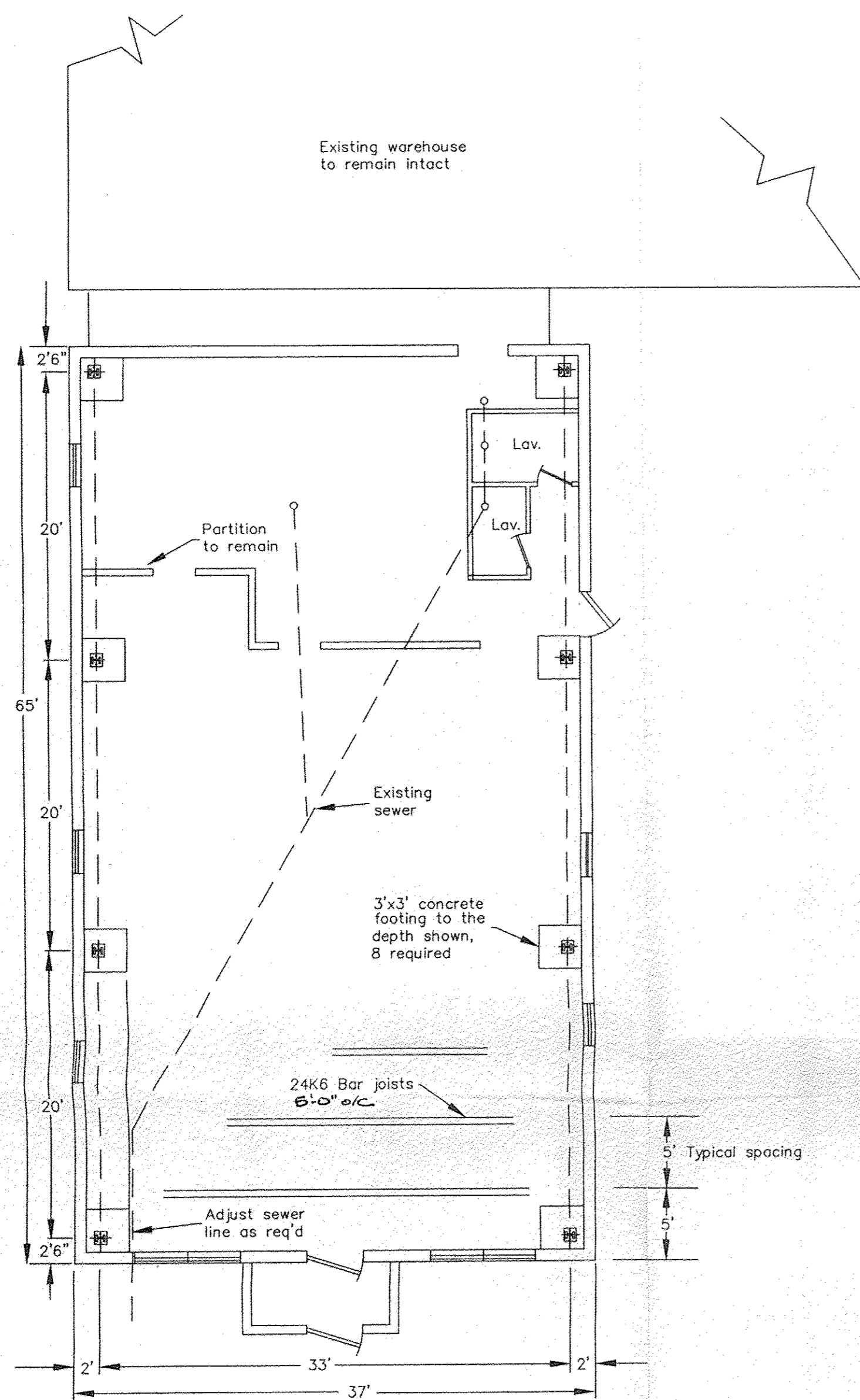
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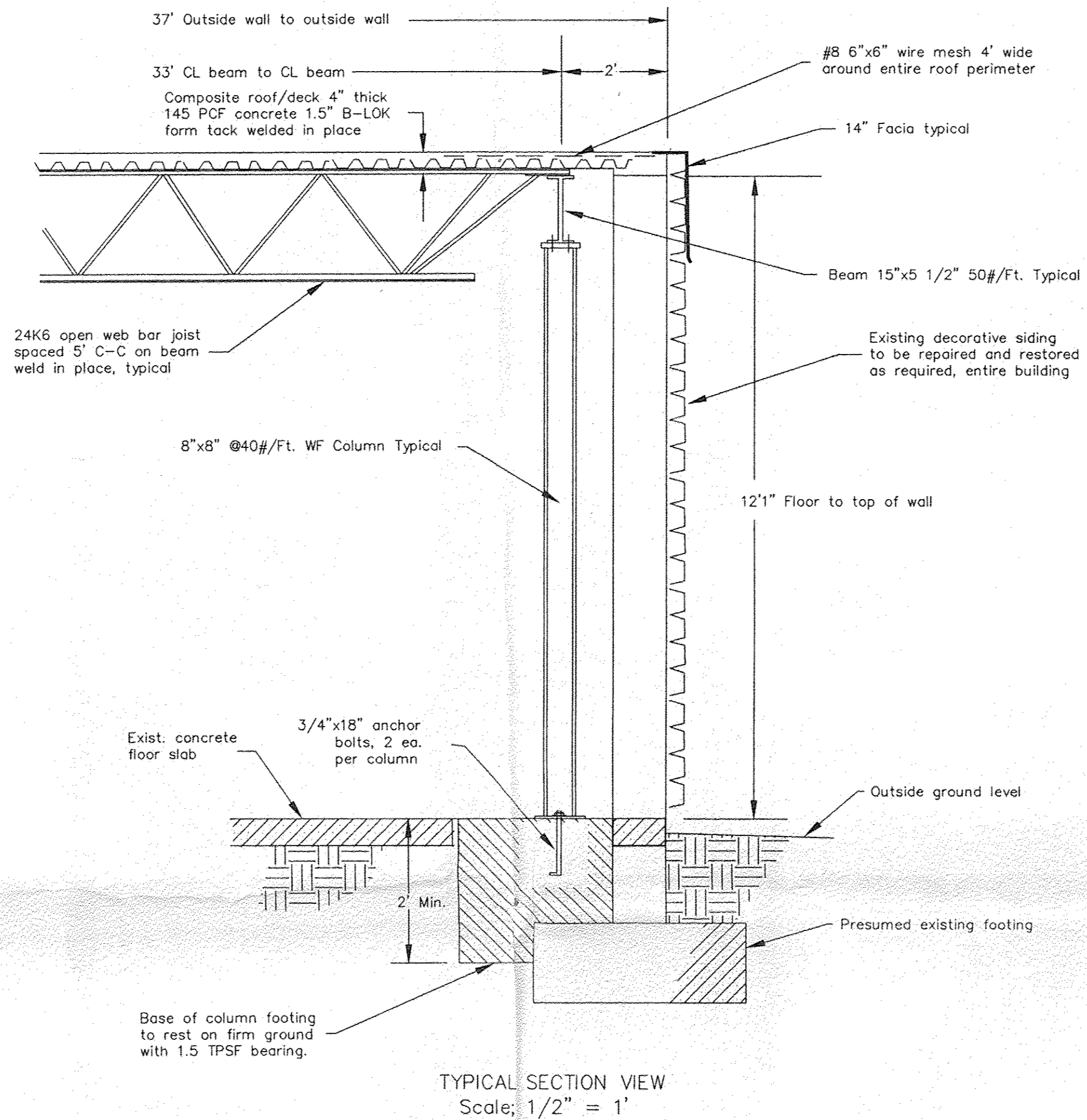
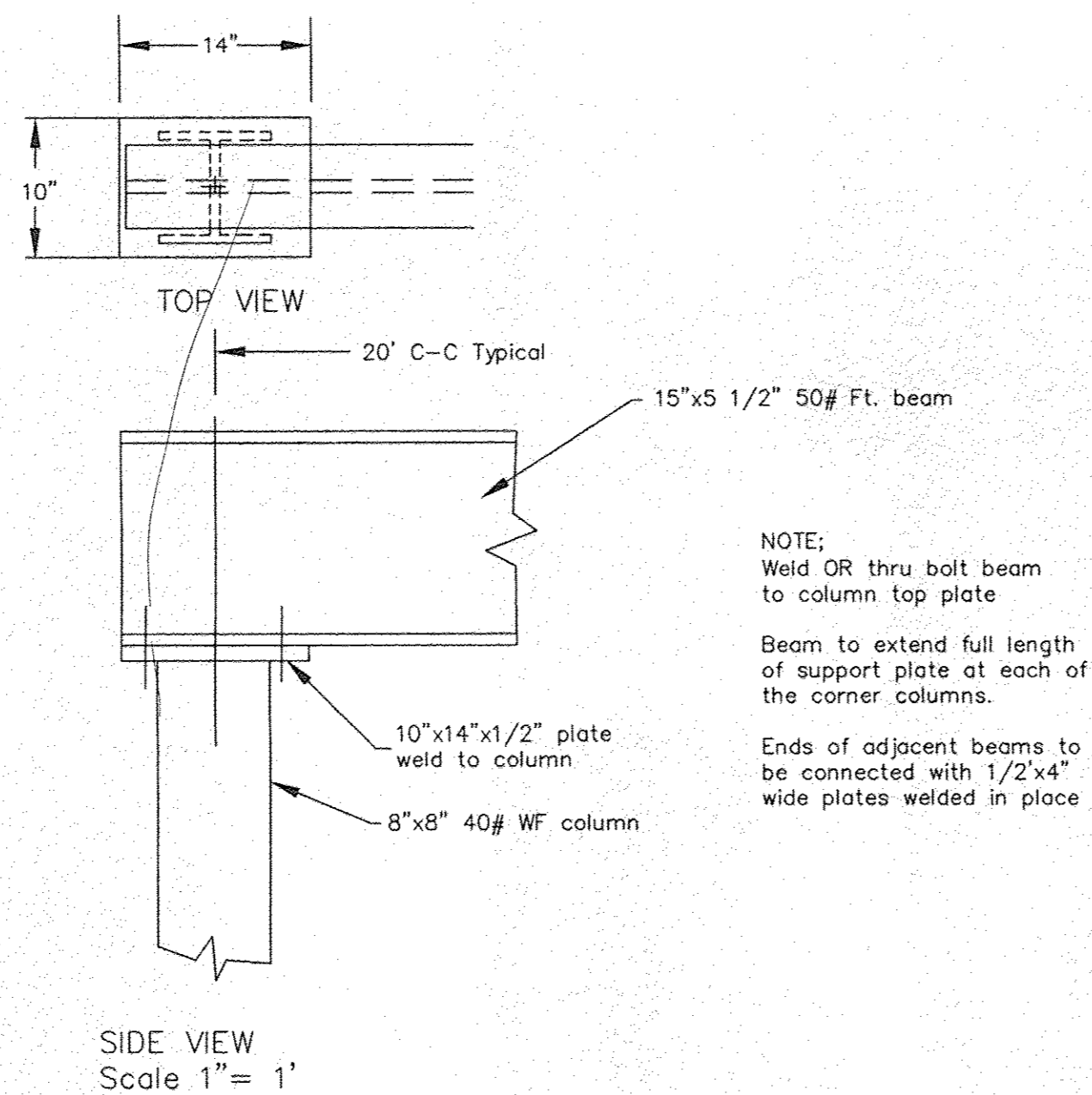
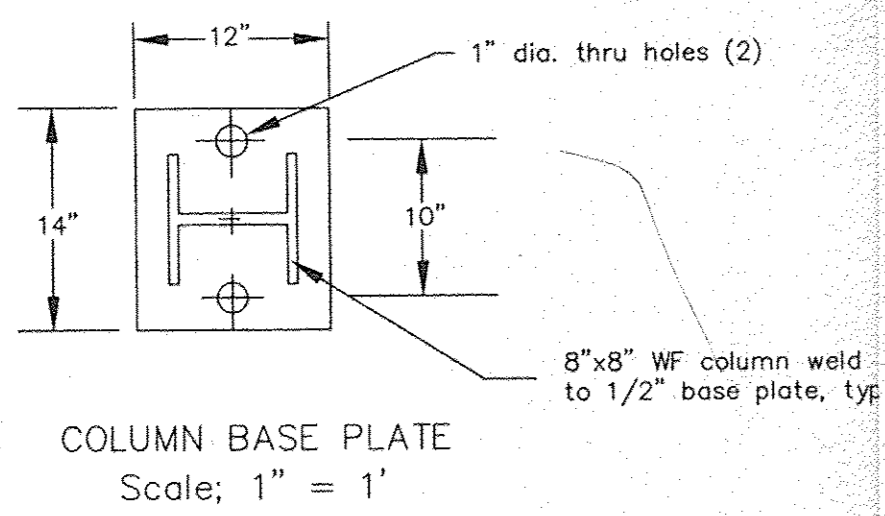
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A-2





GROUND FLOOR PLAN VIEW
Scale; 1/8" = 1'



CONSTRUCTION NOTES

GENERAL:

1. The work set forth in this repair and restoration drawing is for the interior of the fire damaged block building including the removal of interior wall and ceiling covering and a change of the roof support to a clear span design.
2. All construction to be within the outline of the existing walls with no additions to be made or change in height.
3. All interior fire or water damaged material to be removed from the site for replacement.
4. Interior non-bearing walls or partitions to be replaced, as needed.
5. There will be no changes in occupancy, use as a restaurant or the parking accommodations resulting from this restoration.

ROOF/DECK DESIGN:

1. The existing roof supporting members to be removed and replaced with a clear span composite concrete roof/deck supported by steel columns, standard beams and open web bar joists.
2. The supporting columns to be bolted to new concrete footings placed in holes cut into the existing floor slab
3. The supporting beams are to be fastened to the top of the supporting columns as shown on the detailed view.
4. The bar joists to be fastened to the support beams, as noted.
5. Upon completion, the roof/deck shall be waterproofed with a membrane. **WITH POSITIVE DRAINAGE.**

INSULATION:

1. Solid R-19 grade panel insulation to be bonded to the underside of the roof/deck support panes and between the wall covering panels and the exterior block walls.

INTERIOR FINISH:

1. The interior walls to be 1.2" sheetrock fastened to 1"x4" battens that are fastened to the interior block face.
2. The freestanding ceiling shall be covered with 5/8" type "X" fire resistant panelling fastened to 2"x4" battens supported by the bar joist
3. The supporting columns are to be enclosed in framed 1/2" sheetrock

ELECTRICAL:

1. All damaged wiring and fixtures to be removed and replaced, as needed.
2. Ceiling light fixtures to be recessed fluorescent pan type.
3. Wall mounted power outlets to be installed per code.
4. Wall mounted EXIT signs to be placed at the entry doorways.
5. Wall mounted emergency lighting fixtures to be provided.
6. All wiring to meet current Underwriters Code standards.

MASONRY:

1. All footing concrete to be 3000 psi Portland Cement.
2. Roof/deck slab to be 147 psf concrete with reinforcing as shown

ACCEPTED
Subject to compliance with the N.Y. State Building Code and all applicable laws, ordinances and regulations and subject to all inspections at the discretion of construction.
By: *[Signature]*
BUILDING INSPECTOR
DATE: Dec 6, 2000

[Signature]
11/25/00

ROOF REPAIR & RESTORATION

CASA DEL MARE RESTAURANT

536 Route 9W
Upper Nyack, NY

RECEIVED
NOV 29 2000
VILLAGE OF UPPER NYACK

November 25, 2000

SHEET

1 of 1

6. **7:30 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.

**NOTICE OF CONTINUED
PUBLIC HEARING**

**VILLAGE OF UPPER NYACK
328 North Broadway
Upper Nyack, New York 10960**

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Upper Nyack will hold a public hearing on **December 16, 2021 at 7:30 PM**, or as soon as practical thereafter, to consider the adoption of 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.

Due to the COVID-19 pandemic, the Village Board of Trustees will not be meeting in person. In accordance with Chapter 417 of the Laws of 2021 signed by the New York State Governor Kathy Hochul suspending certain provisions of the New York State Open Meetings Law, the meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have the opportunity to see and hear the meeting live and provide comments.

A meeting agenda will be posted on the Village's website- <https://www.uppernyack-ny.us/>

To access the meeting: **Please visit the Village's website for the meeting link and registration information.**

The text of the proposed Local Law is available on the Village's Website at <https://www.uppernyack-ny.us/zoning-code-update>.

Comments and questions can also be provided via email before the meeting to Heather Candella, Village Clerk at village.clerk@uppernyack-ny.us

Dated: December 10, 2021
Heather Candella
Village Clerk

8. Set 2022 Holiday Schedule

Discussion: replace the November Election Holiday with a March Village Election holiday

9. Discussion: Village Hall Copier Lease



Village of Upper Nyack
Via email Jill Sinnott

December 8, 2021

Jill

Here is a simple one page explanation of what we are looking at for the color copier and printers,

The Konica KC300i as the main machine to replace the existing Konica 308 B&W We will include all onsite service, parts labor and toner for 5,000 black and 100 color pages per month. The prints will only be counted quarterly to smooth out peaks and valleys Color coverage price is 6 cents per print and black is 1 cent per print

The copier will come with a stand and an internal fax board.

The desktop printers are the Kyocera KY2040P B&W printers They are included in the service contract. In this deal we will include four (4) Kyocera printers.

Delivery and installation included

60 month Lease \$304.90/month

If you have any questions please give me a call 212-616-6822

Sincerely,

Frank Somma

COPIER COMPARISON

Current Lease

Cost: \$188.19 Expires: 9/22

Includes:

KC300i Main Printer

Currently own cheap fax

Currently own color printer, no copying

Currently we own 3 desktop printers B&W

Toner and service

2,500/month B&W (we don't usually go over)

Toner for fax, desktop(3), color \$888 1 year

Proposed Lease

\$304.30 60-month lease

(service portion \$56 has a 3.5% increase/yr)

Same printer but with color and fax option

Desktop Printer (4; Donna, Janet, Jill, Heather)

Desktop printer is 5" wider and twice as deep as current printer with a slightly lower profile

Note: new same desktop printer from Amazon is \$675

Toner, service, set-up of all new printers

5,000/month B&W copies billed quarterly

(higher because it will include all printers)

100/month color copies

10.2022 Election Resolutions

2022 Election matters for Resolution:

Resolution for no separate registration day in 2022, Election Law §15-118(3).

Motioned:

Seconded:

Ayes:

Noes:

Resolution for Village of Upper Nyack, Village Election, to be held in the Village Hall on Tuesday, March 15, 2022 from 12 Noon until 9 PM as per Election Law §15-104(3), 2022, Election Law §15-118(3).

Motioned:

Seconded:

Ayes:

Noes:

Resolution to appoint three Inspectors of Election, for the March 15, 2022 Village Election, per election law §15-116(1), and pay them \$15.00 per hour. Formal appointments of named individuals, will occur once the Village receives the list of certified inspectors of election from Rockland County.

Motioned:

Seconded:

Ayes:

Noes:

11. Discussion: Procurement policy amendment

Goods Purchased through County Shared Services

Adoption of Procurement Policy

WHEREAS, Section 104-b of the General Municipal Law requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of General Municipal Law, Section 103 of any other law; and

WHEREAS, comments have been solicited from those officers of the village involved with procurement; now, therefore, be it

RESOLVED, that the Village Board of the Village of Upper Nyack does hereby adopt the following procurement policies and procedures;

1. Every prospective purchase of goods and services shall be evaluated to determine the applicability of General Municipal Law, Section 103. Every Village Officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other village departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.
2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or; b) public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law, Section 103. (**amended November 15, 2012**)
3. **All estimated purchases of :**
 - a) Less than the amount established for formal bid under GML Section 103 but greater than \$3,000 require a written proposal from three (3) vendors.
 - b) Less than \$3,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from two (2) vendors.
 - c) Less than \$1,000 are left to the discretion of the Purchaser. (**amended October 18, 2018**)

All estimated public works contracts of:

- d) Less than the amount established for formal bid under the GML Section 103 but greater than \$10,000 require proposals from 3 contractors.
- e) Less than \$10,000 but greater than \$3,000 require proposals from 2 contractors.
- f) Less than \$3,000 but greater than \$500 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors and the written/fax/oral quotes have been requested and the written/fax/oral quotes offered. All information gathered in complying with this procedure shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. (**amended October 18, 2018**)

4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the village and its taxpayers to make an award to other than the low bidder. If a bidder is deemed not responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

5. A good faith effort shall be made to obtain the required number of proposals. If the Purchaser is unable to obtain the required number of proposals, the Purchaser shall document the attempt made. In no event shall the inability to obtain the proposals be a bar to the procurement.

6. Except when directed by the Village Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

Acquisition of professional services

Emergencies

Sole source situations

Goods purchased from agencies for the Blind or Handicapped

Goods purchased from correctional facilities

Goods purchased from other governmental agency

Goods purchased at auction

Goods Purchased through County Shared Services

7. The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Village of Upper Nyack or any officer or employee thereof.

8. The Village Board shall annually review policies and procedures.

9. Expenditures of more than \$10,000 shall be approved by a majority (3 members) of the Board (**amended 11/18/04**)

Adopted: June 17, 1993

By the Village Board of Trustees

AYES: 3 NOES: 0

Amended: November 18, 2004

By the Village Board of Trustees

AYES: 1 NOES: 0 ABSENT: 1

Amended: November 15, 2012

By the Village Board of Trustees

AYES: 5 NOES: 0

Amended: October 18, 2018

By the Village Board of Trustees

AYES: 4 NOES: 0 ABSENT: 1

12. Discussion: Grant Application for River Hook Project

Practice Grant – River Hook

The Practice Grant seeks to open access and expand approaches to landscape architecture and design by funding individuals and groups committed to alternative practices. Grants are awarded to applicants working to develop land-based* practices and is offered in support of applied research and realized projects.

The Practice Grant aims to expand ...

- The community of landscape designers and builders by providing opportunity to individuals and groups currently excluded from professional practice
- The methods of how landscapes are built by investigating alternative approaches and techniques for design, construction, and management
- The temporal framework of landscape projects by prioritizing projects that work in synch with landscape time, in alignment with soil, air, water and plant cycles

We believe valuable landscape practices exist outside the profession of landscape architecture. The Practice Grant was initiated to encourage these alternative forms of land-based practices by providing funding and a network of support and exchange to Grantees. The Practice Grant aims bridge the gap between applied, and often informal land-based practices and professional practice.

For any questions please contact grant@practicelandscape.com

Eligibility

Applicants from all career stages who are dedicated to the field of landscape are welcome to apply. This includes but is not limited to those working in landscape architecture and design, landscape ecology, landscape planning, and landscape gardening. Applicants must indicate a description of the project in relation to a land-based practice; an accredited landscape architecture degree or professional license is not required.

Timeline

Proposal due: January 24, 2022 Grantee selection: February 2022 Project completion: December 2022

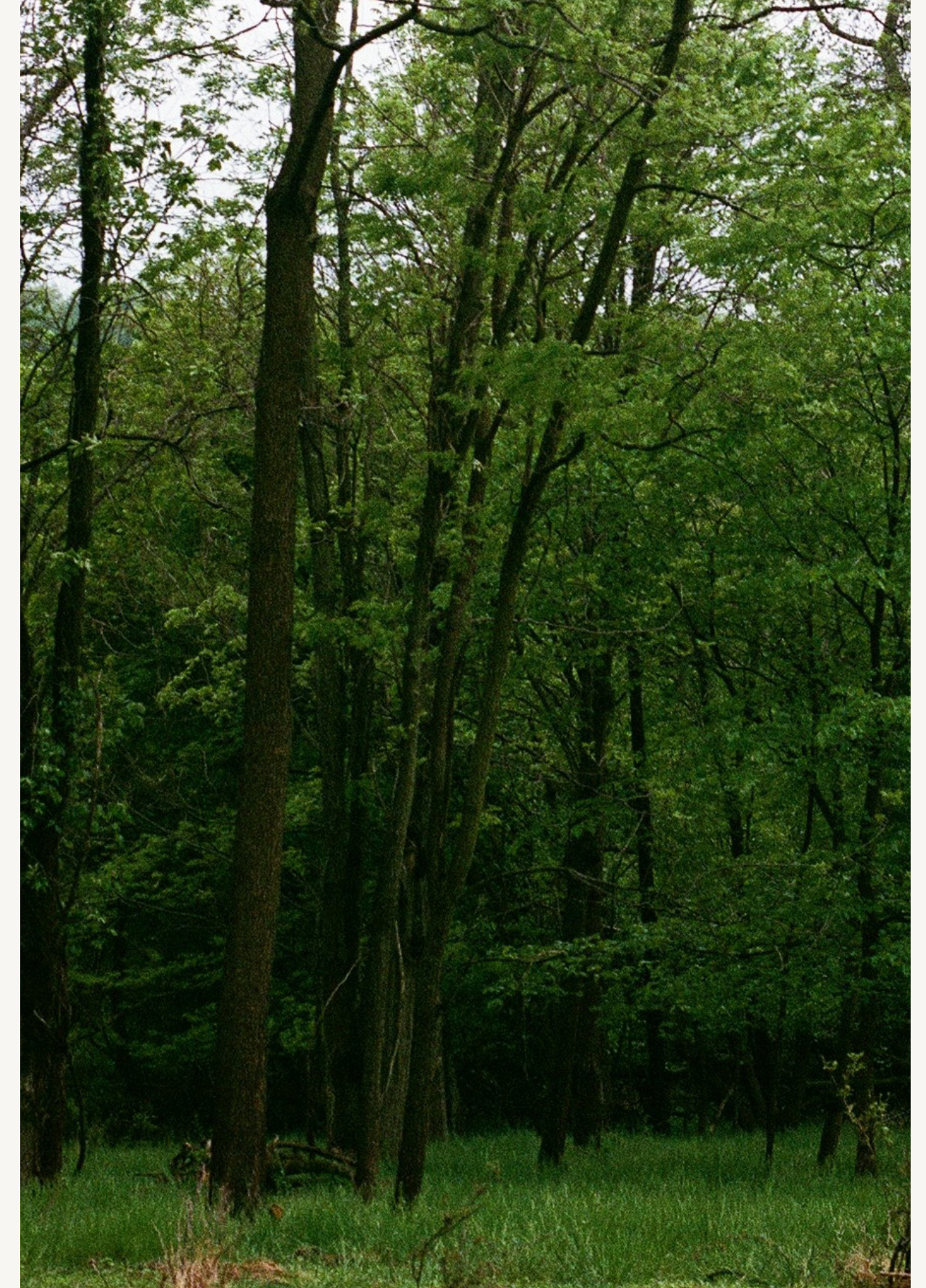
The Practice Grant awards from \$2,000 to \$20,000 in project funding.

**Land-based practices include any applied research that is tied to the land itself. To practice is to repeat, to do, to act. It encompasses action and embraces momentum.*

Spring House



gate, playground









CONCEPT DESIGN

PLAYGROUND DESIGN INTENT 3 4 5 9 10

The play area will continue the design language of natural materials. It will meet all ADA requirements and will be suitable for 30 or more children to play at one time. The play equipment will focus on two key age groups: ages 2-5 and 5-12. Aside from the main play area, two smaller destinations nestled in the woods will encourage play in the surrounding woods. Connectors between the main and smaller play areas will be punctuated with activity elements including stepping “logs” and “mushroom tops.” Benches placed at the perimeter of the play spaces create comfortable areas for supervision and rest. A lawn picnic area sits adjacent to the play space.

DESIGN PRECEDENTS



KEY DESIGN ELEMENTS

- 1 Nature Playground with Boulder Scramble
- 2 Forest Play Trail with Secondary Play Nodes
- 3 Picnic Grove
- 4 Flora + Fauna Statues
- 5 Connection to Children's Trail Loop
- 6 Seating at Play Edges for Supervision or Resting

PICNIC GROVE ADJACENT TO PLAY AREA

TYPE II PAVEMENT

NATIVE PLANTINGS

SEMICIRCULAR TREE BENCHES

BIRD'S NEST

PLAYGROUND WITH ENGINEERED WOOD FIBER PLAY SURFACING

BOULDER SCRAMBLE

CONNECTION TO CHILDREN'S TRAIL LOOP

FLORA + FAUNA STATUES WITH INTERPRETIVE SIGNAGE

EXISTING TREE (TYPICAL)

FLORA + FAUNA STATUES

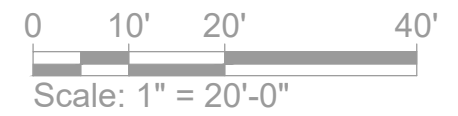
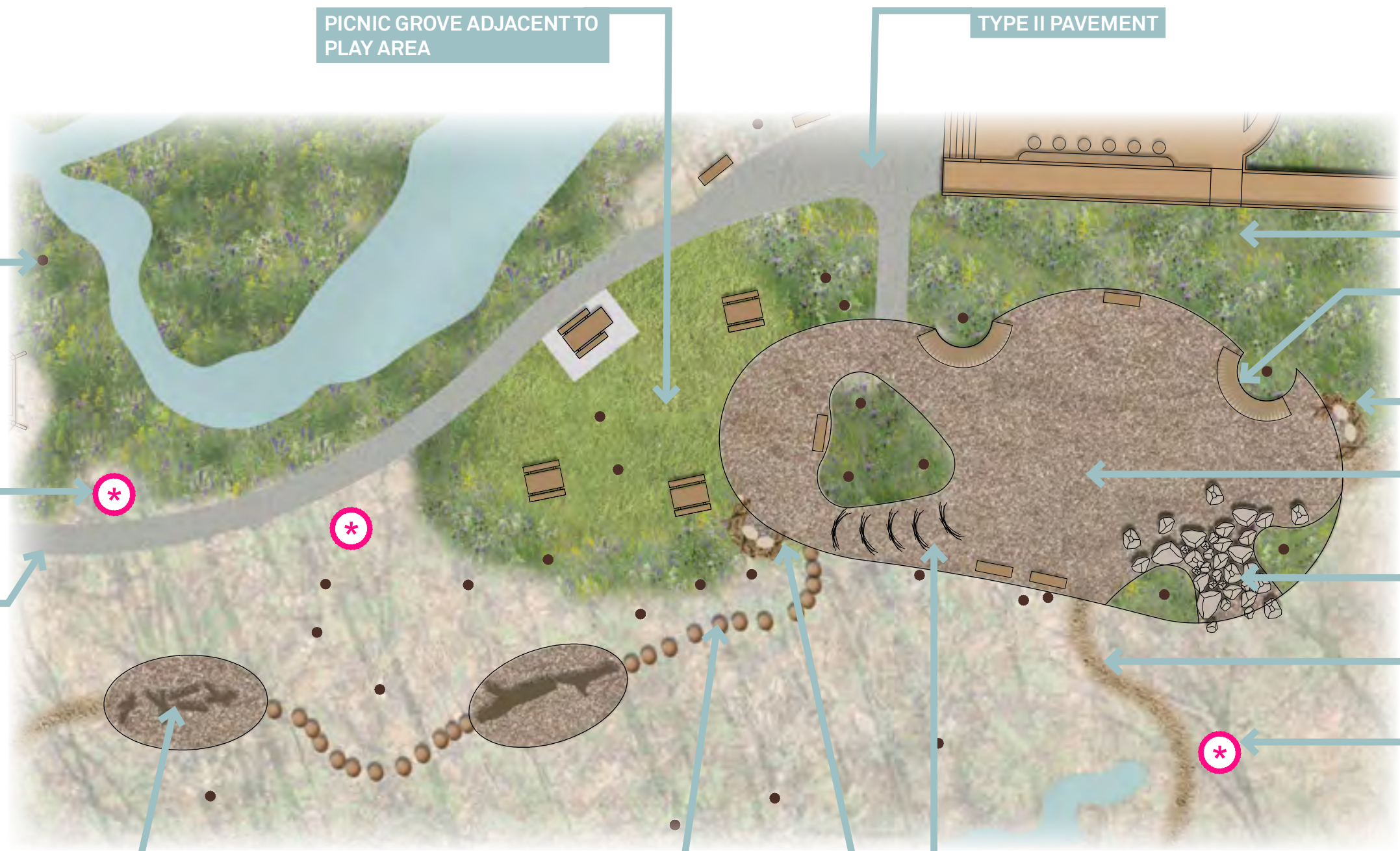
PATHWAY CONNECTION TO OUTDOOR CLASSROOM

SECONDARY PLAY NODES TO ENCOURAGE CHILDREN TO MOVE THROUGHOUT THE WOODS

FOREST PLAY TRAIL TO BE CONNECTED WITH ACTIVITY ELEMENTS

WILLOW HOOPS

BIRD'S NEST







13. Set Public Hearing for Code Enforcement Law

VILLAGE OF UPPER NYACK
Local Law __ of 2022

Be it enacted by the Board of Trustees of the Village of Upper Nyack as follows:

SECTION 1. TITLE

A Local Law authorizing certain public servants of the Village of Upper Nyack to issue appearance tickets.

SECTION 2. PURPOSE

The purpose of this Local Law is to authorize certain public servants of the Village of Upper Nyack to issue and serve appearance tickets in connection with violations of state statutes, local laws, ordinances or rules and regulations of the Village which the public servants are authorized or required to enforce.

SECTION 3. DEFINITIONS

APPEARANCE TICKET. An appearance ticket is a written notice issued and subscribed by a police officer or other Village official or employee set forth in Section 4 of this Local Law, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense. A notice conforming to such definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law as a summons or by any other name or title.

SECTION 4. PERSONS AUTHORIZED TO ISSUE APPEARANCE TICKETS

The following public servants of the Village of Upper Nyack are hereby authorized to issue and serve an Appearance Ticket with respect to violation of a state statute, a local law, ordinance, rule or regulation of the Village of Upper Nyack that such public servants are, respectively, required or authorized to enforce:

1. The Code Enforcement Official, the Building Inspector, Code Enforcement Officer, or any assistant or deputy code enforcement official, code enforcement officer or building inspector;
2. The Village's Zoning Inspector;
3. The Village Engineer; or
4. The Clarkstown Police Department.

SECTION 5: METHOD OF SERVICE OF APPEARANCE TICKET

An Appearance Ticket, other than one issued for a traffic infraction relating to parking, must be served personally, except that an Appearance Ticket issued for the violation of a local zoning ordinance or local zoning law, or of a building or sanitation code may be served in any manner authorized for service under section 308 of the civil practice law and rules

SECTION 6. FILING OF ACCUSATORY INSTRUMENT

Any person authorized by SECTION 4 of this Local Law to issue appearance tickets shall, at or before the time such appearance ticket is returnable, file or cause to be filed with the local criminal court in which it is returnable a local criminal court accusatory instrument charging the person named in such appearance ticket with the offense specified therein.

SECTION 7. AUTHORITY

This Local Law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law and Article 150 of the Criminal Procedure Law. .

SECTION 8. SEPARABILITY

Should any section, sentence or provision of this Local Law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this Local Law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

SECTION 9. EFFECT ON OTHER LAWS

Nothing in this Local Law shall be construed to vary or modify the provisions of any other general or Local Law or to authorize the violation thereof.

SECTION 10. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

14. Proposed Changes to Employee Handbook

Proposed changes to the Employee Handbook for 2022

Outstanding issues -

Section 6: Page 14: Delete reference to gifts entirely – it is in the ethics declaration

Section 8:

Page 21: Election Day holiday: change to a late winter holiday instead?

Page 26: Retiree Health Insurance – What percentage of retiree health insurance will the Village provide? How many years will an employee have to work to be eligible for retiree health insurance?

15. Resolution - Standard Work Day and Reporting Resolution (RS2417-A)