

REGULAR MEETING  
MINUTES  
JUNE 17, 2021

The regular meeting of the Board of Trustees of the Village of Upper Nyack was held via videoconferencing on Thursday, June 17, 2021 at 7:00 PM. In accordance with the Executive Order signed by Governor Andrew Cuomo, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

**Those participating:** Mayor Karen Tarapata, Trustees Michael Esmay, Laurie Dodge, Jeffrey Epstein, Ken Rothchild, Village Clerk Heather Candella, Village Treasurer Rich Fortunato, Village Land Use Attorney Noelle C. Wolfson

**Others identified:** Sgt. Burke – CPD; Board Secretary Jillana Sinnott

POLICE REPORTS – Sgt. Burke presented the CPD report to the Board. The following was noted and discussed: MVA at the intersection of North Broadway and Old Mountain Road, no injuries. Two hit and runs reported at 300 North Broadway with minor damages. A few animal complaints were reported during the last month, one being a bear sitting, bear walked off on its own, another call of a sick fox call and sick raccoon. CPD responded to complains of uptick in commercial vehicle traffic. Reports of door-to-door scams throughout the county, scammers will knock on doors of residents and offer car repair, paving, roofing repairs, etc. Two noise ordinance violation complaints this month regarding the Field Club, both determined to be unfounded. Loud music complaint at North Midland Ave and Birchwood Ave CPD responded to suspect’s house and music volume was lowered without an issue. One more noise ordinance complaint regarding a leaf blower on Glenbrook road, which was deemed unfounded. One suspicious call came in as reported gunshots that turned out to be the fireworks display in Nyack. School, area, cultural, and religious checks are ongoing  
Town of Clarkstown, 56 OD, 10 deaths.  
Rockland County, 167 OD, 32 deaths.

Larry Nathanson, Village Resident, asked Sgt. Burke of his understanding of the Village’s noise ordinance law and the permit required law for anyone to be playing loud music and decibel level, as the noise complaints at the Nyack Field Club were considered unfounded. Sgt. Burke suggested he

speak with CPD PO Niles Davies, as he is the Village's Community Police Officer and is more familiar. Sgt. Burke provided PO Davies' contact information.

Trustee Esmay asked Sgt. Burke whether the sick animal complaints were rabies related. Sgt. Burke stated the animal control officer took the sick animals to the county health center, and did not receive confirmation that it was rabies related.

TREASURER'S REPORT – Trustee Esmay made a motion to authorize the Treasurer to pay the Public Improvement Bond (Sewer Tax) to principal and \$20,059.38 in interest due July 15, 2021, seconded by Trustee Epstein and so moved.

On call for a vote:

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

NOES: None

To date the Village has collected \$1,314,000 of Village Taxes, 62% of the total.

MINUTES – Trustee Esmay made a motion to accept the minutes for the Regular Meeting, May 20, 2021 seconded by Trustee Rothchild and so approved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

ABSTAIN: Trustee Dodge

MINUTES – Special Meeting, June 10, 2021 as amended, Trustee Dodge and Trustee Esmay seconded, and so approved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

DISCUSSION: LED STOP SIGNS AT CASTLE HEIGHTS AND NORTH BROADWAY – Mayor Tarapata discussed the University of Minnesota study regarding the use of LED stop signs at intersections leading to less motorists running the stop sign. The study found that there were 10.6 clear

stops for every driver after installation compared with 4.2 before installation. Two signs would cost approximately \$3,000. Trustee Rothchild mentioned the hit-and-run accidents Sgt. Burke had mentioned earlier in the meeting adds to this concern. Mayor Tarapata will request a materials sheet from the DPW to review brands and types of LED stop signs. Trustee Dodge noted the uptick in faster drivers and pedestrians walking in the road.

#### 7:30 PM CONTINUATION OF PUBLIC HEARING – SOUND LAW

Heather Candella, Village Clerk read the public hearing notice.

Village Land Use Attorney, Noelle C. Wolfson, summarized the changes in the proposed law. The latest version of the proposed law includes a definition section that defines terms used in the ordinance. References to “noise” in this ordinance were removed in place of sound and where it can and can't be audible. The animals provision was modified slightly to conform to the use of the new definitions and the use involving heavy machinery.

Larry Nathanson, Village Resident, asked what the limitations for private clubs. Mayor Tarapata referred to the section of the law covering music and noise producing during the hours of 10:00 AM to 10PM, and that loudspeakers should not be audible from 300 feet. Mr. Nathanson stated the Nyack Field Club is more than 300 feet away from his residence, and when there is a movie playing on the Field Club property, he is able hear it well over any decimal level from his own property. Mr. Nathanson requested the 10:00 PM limit be moved down to 8:00 PM stating the Nyack Field Club noise is violating his right to quiet.

Mayor Tarapata read the referral letters from the Rockland County Department of Planning and the Town of Clarkstown. The Rockland County Department of Planning suggested the exceptions section shall include a provision for the testing of emergency generators, Village Land Use Attorney, Noelle C. Wolfson confirmed this suggestion to the county could be added without having to send out again for referral.

Bill Ryan, Village Resident noted his neighbors test generators weekly, proposed intervals for generator testing. Village Land Use Attorney, Noelle C. Wolfson noted adding this provision would delay the vote. Mr. Ryan stated he would rather not delay the vote due to the requested provision.

There were no further comments from the public.

Trustee Epstein moved to close the public hearing, Trustee Esmay seconded, and so it was moved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

Trustee Rothchild motioned to adopt Local Law # 6, A Local Law regulating Sound within the Village of Upper Nyack, with the suggested modifications from the Rockland County Department of Planning, Trustee Esmay seconded.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

7:45 PM PUBLIC HEARING – ARCHITECTURAL REVIEW LAW OF THE VILLAGE OF UPPER NYACK, REPEALING LOCAL LAW #6 OF 2020 (ARCHITECTURAL REVIEW LAW)

The Village Clerk read the public hearing notice for the Architectural Review Law of the Village Of Upper Nyack, Repealing Local Law #6 of 2020 (Architectural Review Law).

Mayor Tarapata read a review of the proposed changes to the law: The Planning Board would continue to review site and subdivision plans and architecture reports as well as review site and subdivision plans coming before the Planning Board. The Architecture Review Board (ARB) will review structures and buildings that require a building permit, but does not need Planning Board approval. The ARB will not review fences unless they require an area variance or are part of a larger project requiring Planning Board review. The ARB would not review exterior paint or staying color unless the work is part of a larger project that requires an ARB review.

The new law, would require neighbor notices be sent five days before the first ARB hearing, but would not require neighbor notices for subsequent hearings on the same project. The proposed changes to this law aligns with

definitions with those in the Village Zoning Code.

Mayor Tarapata read the referral letter from the Rockland County Department of Planning.

Trustee Epstein moved to open the public hearing, Trustee Dodge seconded, and so it was moved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

Jillana Sinnott, Board Secretary, asked for clarification regarding neighbor notifications no longer sent meetings after the first.

Village Land Use Attorney, Noelle C. Wolfson, highlighted in Section 3.2.8.2.3 of the law, as the Village advises applicants to post the notice sign for every 50 feet of frontage and currently the law reads that on the property least one more than one notice is directed, there is a proposed change to that section to conform with the practice of posting every 50 feet.

Mayor Tarapata read the SEQRA review for the law.

Trustee Rothchild motioned to adopt negative declaration under SEQRA for this proposed law. Trustee Esmay seconded, and so moved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

There were no further comments from the public.

Trustee Esmay moved to close the public hearing, Trustee Dodge seconded, and so it was moved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

Trustee Epstein motioned to adopt Local Law # 7, Architectural Review

Law of The Village Of Upper Nyack, repealing Local Law # 6 of 2020 (Architectural Review Law) with the minor modification to Section 3.2.8.2.3 regarding the location of the notice signs, Trustee Rothchild seconded.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

### APPROVAL OF PAINTING BID FOR OLD STONE MEETING HOUSE IMPROVEMENTS

Painter (A&J Construction) was procured under the shared services contract with the County, as such the Village does not have to go out to bid for the project. Bid includes painting of the Old Stone Meeting House as well as touch-ups at Village Hall. Bid total from A&J Construction is \$ 7,750.00.

Additionally Mayor Tarapata is putting together a grant package to send to Senator Reichlin-Melnick for Old Stone Meeting House improvements to make it usable year-round for meetings and community events.

A bid from Mil-Mart Electric to replace lighting in the Old Stone Meeting house was received for \$1,500.00.

Trustee Esmay motioned to approve the bid from A&J Construction for painting of the Old Stone Meeting House and Village Hall touchups for \$7,750.00. Trustee Epstein seconded, and so approved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

Trustee Rothchild motioned to approve the bid from Mil-Mart Electric for lighting improvements at the Old Stone Meeting House for \$1,500.00, Trustee Dodge seconded, and so approved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

### SEQRA – COMPREHENSIVE PLAN, RESOLUTION DECLARING

## LEAD AGENCY STATUS AND ADOPTING A NEGATIVE DECLARATION

Trustee Esmay motioned to declare Lead Agency Status and a Negative Declaration. Trustee Rothchild seconded, and so approved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

## COMMUNITY SOLAR UPDATE

Mayor Tarapata announced that up until now residents have been able to sign up for Community Solar and receive a 10% discount on their electric bill. National Power has put out a request that all Community Solar be given to National Power to administer, with the idea of the savings gained from Community Solar to be put towards reducing the bills of those living with low income by providing \$10 a month towards their electric bill. This would take the right away from any municipality right to have a local Community Solar component to the CCA to offer to residents. Joule request the Village to send a letter, along with all the other members of our CCA all the other municipalities to the public service Commission asking them to turn down this petition from NYSERDA and National Power.

The plan from NYSERDA and National Power would be to take over all State solar farms, both current and future.

Mayor Tarapata has been in contact with the CCA groups, and is drafting a letter of to be approved by the Board stating the Village would like the public service commission to turn down this petition, and maintain the right to craft a solar program for Village residents.

## RESOLUTION TO ACCEPT CONTRIBUTIONS FROM FRIENDS OF RIVER HOOK GIFTS

The hilltop at the preserve where wildflowers were planted in 2020 needs to be cut six inches in order for the plants to thrive, as invasive grasses grow faster. The Friends of River Hook has offered to donate having AJ Florist Landscaping do a one-time cut of six inches, and again next year.

Trustee Esmay motioned to accept the landscaping gift from the Friends of River Hook. Trustee Epstein seconded.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

A local artist has offered to paint the River Hook Sheep Logo on the tarps on the hillside free of charge.

Trustee Epstein motioned to accept the gift from The Friends of River Hook to paint the tarps. Trustee Dodge seconded and so it was moved.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein & Trustee Rothchild

NOES: None

### EXECUTIVE SESSION

Trustee Dodge moved to go into Executive Session to discuss legal matters. Trustee Rothchild seconded the motion, and so moved.

On call for a vote:

AYES: Mayor Karen Tarapata, Trustees Esmay, Dodge, Rothchild & Epstein

NOES: None

Board made a resolution to obtain council to pursue an appeal, the motion was passed.

Trustee Rothchild moved to end the Executive Session to discuss pending litigation. Trustee Dodge seconded the motion, and so moved.

On call for a vote:

AYES: Mayor Karen Tarapata, Trustees Esmay, Dodge, Rothchild & Epstein

NOES: None

Trustee Esmay close the meeting. Trustee Rothchild seconded and so it was accepted.

On call for a vote:

AYES: Mayor Tarapata, Trustee Dodge, Trustee Esmay, Trustee Epstein &



Trustee Rothchild  
NOES: None

The meeting was adjourned at 9:07 PM.

Respectfully submitted,

Heather Candella  
Village Clerk