

Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, October 21, 2021 held virtually via Zoom

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

Meeting called to order at 7:00 PM

Police Reports

Two (2) MVAs occurred within the Village this month. One (1) with injuries at Route 9W and Christian Herald Road, one (1) with no injuries at Nyack High School. Two (2) animal calls, one (1) injured deer, and one (1) dog barking. Two (2) fraud and ID scams occurred, both credit card related. Several noise ordinance reports from the Van Houten Area. One (1) stolen vehicle on Kuyper Drive, Officer Davies reminded residents to lock their vehicles doors and to not leave their key fobs in their vehicles. One (1) report of a suspicious vehicle in the driveway of a house on North Midland Avenue, vehicle was gone by the time units responded. School, area, cultural, and religious checks are ongoing.

The Clarkstown Police Department will provide Auxiliary units for the Halloween street closure on October 31, 2021 for Castle Heights Avenue from Midland to North Broadway, and on North Broadway from Castle Heights Avenue to Highmount Avenue.

Treasurer Report

15 properties with Village taxes totaling \$32,299.99 are unpaid and will be sent to Rockland County for collection after November 1, 2021. The Treasurer requested a provisional resolution from the Board to pay \$14,100 in principle for the Public Works Bond, in case the refinancing of the bond does not receive approval.

Trustee Dodge moved to approve the provisional resolution to pay \$14,100 in principle for Public Works Bond in the event the refinancing not receiving approval in time, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Appoint Pat Esgate to Planning Board

Mayor Tarapata moved to ratify the appointment Pat Esgate to the Village Planning Board.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Summit School Event “Fall Fest” – October 22, 2021, Rain date: October 25, 2021

Trustee Epstein moved to approve the Summit School Fall Fest on October 22, 2021 with a raindate of October 25, 2021, Trustee Dodge seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Establish Position of Code Enforcement Officer 1 – Full Time

Trustee Epstein made a resolution to establish the position of Code Enforcement Officer 1, Trustee seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Appoint Michael J. Nolan as Code Enforcement Officer

Trustee Esmay made a resolution to appoint Michael J. Nolan to the position of Code Enforcement Officer 1, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Girl Scouts Event at River Hook Preserve – Veterans Day, November 11, 2021

Mayor read a letter from Village Resident Jen Marraccino requesting to use the River Hook Preserve on Veterans Day, November 11, 2021 from 11:00 AM to 5:00 PM to hold a charity event with an obstacle course provided that they deliver proof of insurance.

Trustee Dodge made a resolution approve the Girl Scout Troop 40705 consisting of 50 fifth-graders to hold an obstacle course at the River Hook preserve on Veterans Day, November 11, 2021, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Appoint James Sarna as Village Consulting Attorney

The Mayor asked the Board to ratify James Sarna as a Consulting Attorney for the Village. The Board agreed.

Minutes – Regular Meeting – September 23, 2021

Motion to approve September 23, 2021 Minutes of the Regular Meeting by Trustee Epstein, seconded by Trustee Esmay, and so approved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Discussion: Audio & Visual Equipment for Old Stone Meeting House

The Board reviewed two estimates for audio and visual equipment for the Old Stone Meeting House, one from B&H Photo Video totaling \$5,468.53 and one from USIS for \$39,566.00. The Board discussed the differences provided in each estimate, and concluded a decision could not be made until both estimates outline the same products and services. The Mayor proposed that the Board meet at a later date to review updated estimates and the needs of the AV equipment for the Old Stone Meeting House with the Village's IT Consultant, Louis Rampersad.

7:30 PM Public Hearing – Local Law to modify the no parking zone on North Broadway to prohibit parking or standing of vehicles on the west side of North Broadway from the Nyack Beach State Park to Old Mountain Road and on the East Side of North Broadway from Old Mountain Road to the Nyack Beach State Park

Mayor Tarapata noted the concerns of the residents for the parking needed on North Broadway for school pickup.

The Village Clerk read the public hearing notice.

Trustee Esmay moved to open the public hearing, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

There were no comments from the public

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

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Trustee Epstein moved to amend the Law to modify the no parking zone to prohibit parking or standing of vehicles on the west side of North Broadway from the Nyack Beach State Park to Old Mountain Road and on the East Side of North Broadway from Old Mountain Road to the Nyack Beach State Park.

Trustee Dodge seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

7:45 PM 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 2020 as extended), to allow the applicant to pursue the necessary land use approvals to use the subject property as a school.

The Village Clerk read the public hearing notice.

Mayor introduced the application and the outlines for approval of the temporary moratorium.

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

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Joseph Churgin, Attorney, representing Yeshivath Viznitz Dkhal Torath Chaim Inc. spoke on the behalf of his client's application requesting the Board allow them to go before the Planning Board. His client wishes to use the property as a school of approximately 300 students aged six to 14. Proposed operating hours are Monday through Thursday from 7:30 AM to 5:30 PM, Friday and Sunday the students would attend half day. Mr. Churgin anticipates the majority of the students would arrive by bus with approximately 10% arriving by carpool. Mr. Churgin stated that under New York State Law and Federal Law, religious uses are given preference in front of local Boards.

Mayor Tarapata asked Mr. Churgin if the building department files on the property have been reviewed by his firm and client, Mr. Churgin stated they had not. Mayor Tarapata noted the 1994 special use

permit granted for the property was for 118 college-aged seminary students, and noted the application Yeshivath Viznitz Dkhal Torath Chaim Inc. submitted to go before the Board stated the property would be used for 150 college-aged students, not 300 students aged six to 14.

Mayor Tarapata asked Mr. Churgin if the applicants have been in touch with the Department of Transportation regarding bussing and traffic as Nyack High School is changing their exit ways to Route 9W.

Trustee Dodge expressed concerns over the traffic issues of 300 children opposed to the original number proposed, as well as the age of students being younger than college age.

James Marshall, Nyack Public School Board Member, expressed concern over traffic flow without a traffic study by the Department of Transportation and the status of building code.

Eva Peskas, resident, seconded Mr. Marshall's concerns.

Glenna Marra, resident, expressed concern over the age range of 6-14 of the children. Asked if the NYS Department of Education is aware of the proposed use of the property.

Shirley Lasker Fox, resident, expressed concern over the environment and safety of the building for the 6-14-year age range of children, and the amount of days of week the school would be in use.

Lee Walker, resident, resides across the property expressed the concern in the change to the number of students that will use the facility, effect on traffic, and stormwater.

Henry Minnerop, resident, asked to confirm the approval process of the relief of moratorium. Village Land Use Attorney, Noelle C. Wolfson outlined the process.

Mr. G Kramer, resident, expressed opposition to the application without further traffic and environmental studies, and reviewing current codes.

Darcy Castelerio, resident, expressed concern over the number of students and age of students.

Paul Wannamaker, resident, asked if the applicant is the same party who purchased the campus in South Nyack, and if the Mayor has been in contact with the South Nyack Board and Fire Inspectors.

James Marshal, resident, shared Mr. Wannamaker's concerns

Mr. Churgin agreed to return to the continued public hearing at the November Regular Meeting with a more complete written narrative describing the proposed use and a schedule of how the applicant intends to proceed

Trustee Esmay moved to adjourn the public hearing until the November 18, 2021 Regular Meeting, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Executive Session

Trustee Esmay moved to go into executive session to discuss to pending legal matters, Trustee Epstein seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Trustee Dodge moved to end executive session to discuss to pending legal matters, Trustee Esmay seconded, and so moved.

On Call for a Vote:

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

NOES:

ABSENT: Trustee Rothchild

Adjournment – Trustee Epstein motioned to adjourn the meeting, Trustee Dodge 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 9:07 PM