

JOINT MEETING
Town of Clarkstown and Village of Upper Nyack
March 9, 2021

A joint meeting of the Town of Clarkstown and the Board of Trustees of the Village of Upper Nyack was held Tuesday, March 9, 2021 at 7:00 PM. In accordance with the Executive Order 202.94, this meeting was held by video/teleconference at Town Hall in Room 301 of the Town of Clarkstown, 10 Maple Ave., New City, NY. The meeting was recorded and transcribed.

The roll call was given by Justin Sweet, Town Clerk. Present at the meeting were Town Supervisor George Hoehmann, Councilman Frank Borelli, Michael Graziano, Patrick Carroll and Donald Franchino (representing Wards 1-4) and Deputy Town Attorney Paul Schofield, Joe Simoes-Town Planner
Roll Call was then given by Carol G. Brotherhood, Village Clerk. Present at the meeting was Mayor Karen Tarapata.

Those participating via teleconference: Trustees Dodge, Esmay & Rothchild Noelle Wolfson, Esq., Carol G. Brotherhood, Heather Candella

Absent: Trustee Epstein

The pledge of allegiance was recited.

The Village Clerk read the Village's public hearing notice into the record.
Mayor Tarapata read a statement as to the purpose of the annexation request.
Statement by Mayor Karen Tarapata to the Joint Meeting of the Town of Clarkstown and the Village, March 9, 2021.

The Village of Upper Nyack is proposing to annex properties in Clarkstown that are adjacent to properties in Upper Nyack border that are in the same ownership. The properties in Upper Nyack have access and frontage along Route 9W and have developed businesses or attempted to develop ancillary parking.

In general, properties within Clarkstown are restricted from development because of steep topography. They can however provide bulk area for development with Upper Nyack.

Currently, development of these properties require review and approval of the land use boards in Clarkstown and Upper Nyack. Upper Nyack is best suited to review the development of these properties as the flat developable area is within the Village boundaries and the potential impacts of any development would be limited to Upper Nyack residents.

With the properties annexed into Upper Nyack, property owners would apply to the land use boards in one municipality, namely Upper Nyack. Under General Municipal Law, the Rockland

County Planning Department would require Upper Nyack to refer any development proposal to the Town of Clarkstown, who would in turn, provide their advisory opinion at no cost to an applicant. An applicant would avoid paying for application and building fees to two municipalities, along with the fees associated with the land use professionals (engineers, attorneys, etc.) they would hire to represent them in front of two sets of municipal land use boards.

The tax implications to the Town are minimal and the proposed annexation will encourage economic development and redevelopment that benefits both communities.

How would annexation provide a public benefit?

Commercial development is encouraged along Route 9W by both the Village's existing Comprehensive Plan and the updated Comprehensive Plan nearing completion. Upper Nyack has limited areas for commercial development. The 9W corridor, being a state road, is the most appropriate place for our business district.

Because the annexation parcels are commonly owned with the Village parcels, it is anticipated that, over time, the commonly owned parcels will be developed in an integrated manner, so that the flatter more usable portions of the Annexation parcels can be used in conjunction with the Village parcels.

Because of the topography, access to the annexation properties will be on 9W and not over any town roads. Due to these topographic constraints, development in closed proximity to residentially-zoned parcels will be avoided. Village regulations designed to protect environmentally sensitive features of the properties, such as steep slopes, Stormwater management and tree preservation will be enforced.

We see this annexation as creating the potential for smart economic development in the Village.

Motion for Supervisor Hoehmann to Chair the meeting: Trustee Esmay

Second: Trustee Dodge

On a call for a vote: AYES: Mayor Tarapata, Trustees Dodge, Esmay & Rothchild

NOES: None ABSENT: Trustee Epstein

The Town Clerk read the public hearing notice.

Motion to open the public hearing: Councilman Graziano

Second: Councilman Carroll

AYES: All. Motion carries 5-0

Representing the Town of Clarkstown, the following spoke:

Joe Simoes, Town Planner; John Noto, Town Assessor; Paul Schofield, Deputy Town Attorney. A map was shown to illustrate the area being annexed and showing very little developable land in the Town. The Town Board agreed to allow Upper Nyack Board to act as lead agency and accept the negative declaration. The Town of Clarkstown Planning Board reviewed the annexation documents and on February 3, 2021 recommended in favor of the annexation. The Rockland County

Sewer District did not object to the annexation. The tax implication of annexing the 5 parcels (15-19) was \$2,300 less to the Town but the revenue will be made up by other additional assessments being added to the Town roll. The Zoning Laws of Upper Nyack take precedent over these lots. No services would change for these properties. The Board will listen to the public to determine if it is in the best interest of the public to move forward.

No questions from the Town or Village Boards to Joe Simoes, John Noto or Paul Schofield.

There were no questions from members of the Town Board or Village Board

Supervisor Hoehmann noted that the Town meeting was taking place in Town hall in Clarkstown in a room that had been sanitized using fog machines and masks were required and the number of those in attendance was limited. Additional sanitizing materials were available.

Mayor Tarapata gave an additional brief summary. The request was initiated by the owner of the property on the corner of N Highland Ave and Christian Herald Rd. After having recently purchased the property, discovered the portion of his property in the Town was landlocked. The owner contacted the Mayor who in turn contacted Joe Simoes to inquire about the process of annexation. The Mayor spoke to the other business owners and all agreed that they would like to become involved and propose the annexation to the Town. Mayor Tarapata noted she was interested to hear from the public to see if they had anything to add that had not been thought of.

No one online (teleconference) wished to speak.

Those who spoke publically:

Matthew Brenner, New City – Comments: Village government is interfering with land owner's rights; Mr. Brenner sees no reason for Village Government to exist; Residents of Upper Nyack have two weeks to submit a petition to dissolve; May have been necessary 150 years ago but no longer.

Supervisor Hoehmann noted that there was no one online and no one in the audience who wished to speak.

The public hearing was closed and a five (5) day public comment period left open when the public can submit comments to the Town of Clarkstown.

Motion: Councilman Graziano

Second: Councilman Carroll

Motion carries 5-0

Village of Upper Nyack

Motion: Trustee Rothchild

Second: Trustee Dodge

AYES: Mayor Tarapata, Trustees Dodge, Esmay & Rothchild

NOES: None ABSENT: Trustee Epstein

Trustee Rothchild made a motion to adjourn, seconded by Trustee Dodge and so moved.

The meeting was adjourned at 7:35 PM.

AYES: Mayor Tarapata, Trustees Dodge, Esmay & Rothchild

NOES: None ABSENT: Trustee Epstein

Supervisor Hoehmann thanked the Board members.

The Supervisor also thanked Mayor Tarapata for her work with the Town.

Respectfully submitted,

Carol G. Brotherhood,
Village Clerk