

REGULAR MEETING

January 21, 2021

The Regular meeting of the Board of Trustees of the Village of Upper Nyack was held Thursday, Thursday, January 21, 2021 at 7:00 PM. In accordance with the Executive Order 202.87, this meeting was held by video/teleconference. The meeting was recorded and transcribed.

Those participating: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

Village Clerk Carol G. Brotherhood, Village Treasurer Richard D. Fortunato

Others identified: PO Kennedy; PO N. Davies; Sgt. D. Burke- CPD
Jilliana Sinnott, William Fay, Noelle Wolfson

MINUTES – Regular Meeting, December 17, 2020

Trustee Dodge made a motion to accept the minutes, as amended, for the **12/17/2020 Regular meeting**, seconded by Trustee Rothchild and so approved.

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

NOES: None

POLICE REPORTS – Sgt. Burke joined the Zoom meeting and introduced himself to the Board (A 24-year veteran of the force. Has been a Sgt. for 6.5 years and joined Special Operations in September) PO Niles Davies presented the CPD report to the Board. The following was noted or discussed:

190 calls for service; 4 Motor Vehicle accidents (2 Riverton & N Highland – no injuries) (2 Christian Herald & N Highland – 1 no injuries, 1 minor injuries)
21 burglar and fire alarms; 35 medical emergencies; 2 domestics (verbal); 14 area checks; 63 cultural and religious checks; 3 fraud or ID theft calls (DMV text message linked to apple pay account with a scam phone number)

Check on overnight parking. Will keep “no parking” signs on Locust and move to the other side with help of DPW.

6 Parking summonses & 2 Uniform Traffic tickets

Report of an EDP near Birchwood Ave. Behavioral Dept. responded.

Mayor Tarapata commented that the CPD behavioral dept. does an excellent job in these cases.

Town of Clarkstown: 5 overdoses, 5 survived

Rockland County: 22 overdoses: 19 survived, 3 deaths

TREASURER’S REPORT – Treasurer Fortunato noted the financial statement and Audited financial statement for year ending May 31, 2020 had been emailed to the Board for review. Regarding the audit: recommendation management letters were

still being worked on. Report is consistent with year-end financial report done by Treasurer Fortunato, given to the Board in July.

Discussed: Cash disbursements for projects (painting village hall, drainage on Palmer, railings for village hall and legal expenses)

Resolution by Board to increase Medicare reimbursement for Medicare Part B to \$148.50 per month.

Motion by Trustee Esmay

Seconded by Trustee Epstein and so moved.

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

NOES: None

CHIPS in the amount of \$128,984.14 due to the Village.

Rental checks have been received on schedule.

W2s and 1099s have been sent out.

VOUCHERS – Read and approved for payment.

Mayor Tarapata noted that Nyack News & Views did an article on the Upper Nyack DPW. Can be seen online. Great reporting

Twenty Years of Service Certificate

The Board of Trustees made a special presentation to William Fay, Department of Public Works with a Twenty Year Certificate of Public Service. Mayor Tarapata read the certificate and the Board also presented William with a new Leatherman tool.

The Mayor and Board members offered their thanks and congratulations to Billy for the great job he has done for the Village for all these years. They commented he was the Village's infrastructure expert having repaired most of the catch basins in Upper Nyack. They also referred to Billy as the Village's weatherman.

Appointment of Karen Olson as Vice Chair of the Planning Board

Mayor Tarapata announced to the Board that Ellen Simpson had resigned from the Planning Board and that the Mayor had appointed Karen Olson as Vice Chair of the Planning Board. The Board ratified the appointment with a motion by Trustee Esmay, seconded by Trustee Dodge and so moved.

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

NOES: None

The Board discussed the recent accidents and damage to guiderails, which are not in the Village's insurance schedule. The DPW have been tasked with creating a list and cost estimate of all guiderails in the Village. The information will be provided to the Village's insurance company for a quote for coverage.

Mayor Tarapata looked at some Flashing LED Stop Signs but found them to not be very bright or visible during the daylight. Not useful to the village at this time.

7:30 PM Public Hearing – Tree Preservation Law – Local Law # 1 of 2021

Village Clerk read the public hearing notice.

The Mayor read and introduction for the law.

Mayor Tarapata:

This is a proposed local law to replace the existing Tree Maintenance and Management Regulations currently in the Village's Zoning Law.

The current law regulates the removal of Significant Trees in the Village. It defines a Significant Tree as Any tree with a trunk diameter that equals or exceeds 16" at Breast Height in general good health, of such species as achieves a canopy spread of forty or more feet in diameter upon maturity. Depending upon the reason and scope of the tree removal, tree removal permits are issued administratively by the Building Inspector or by the Planning Board.

The draft Comprehensive Plan recommends that the Village consider comprehensive legislation regarding the regulation of trees. It recommends, among other things, consolidating the Village's tree management regulations and the Community Forestry regulations, applying more stringent regulations to tree removal applications, adopting comprehensive protocols for the planting of street trees, and regulating or providing guidance for the types of tree that should be planted in the Village. Developing these regulations following the continued review and adoption of the Comprehensive Plan and the zoning law changes that will be necessary to implement its terms will take time and careful analysis.

In the meantime, there are many mature and valuable trees that fall below the thresholds of the current definition of Significant Tree that in many circumstances can be removed for any reason with no administrative review. Once removed, these mature trees are not easily or quickly replaced. The purpose of the legislation presented tonight is to redefine what constitutes a Significant Tree to cast a broader net of trees subject to review prior to their removal to be more protective of the environment during the period before the more comprehensive tree regulations contemplated by the Comprehensive Plan can be developed.

As currently proposed the local law would expand the types of trees subject to review prior to their removal to include trees with a diameter at breast height of 12 inches or greater generally, or 8 inches or greater on steep slopes. Removal of trees in a significant stand of trees, meaning 5 or more trees of the same species that form the same dripline, with a diameter of 6 inches or greater would also be subject to review before they can be removed.

While the law subjects more trees to review before they can be removed, it does not impose a broad prohibition on the removal of trees. It recognizes that tree removal is appropriate and necessary in many circumstances to allow for the safe and reasonable use of property. The law tries to balance the preservation and protection of mature trees with the right to use private property in a reasonable manner.

The law also seeks to clarify the administrative procedures and standards that apply to tree removal applications and provides a mechanism for enforcement and penalties for offense.

The proposed local law has been distributed to the Board members and was posted on the Village's website for public review. The Village Forester has reviewed the proposed draft of the law and has provided a comprehensive set of comments, which are also on the Village's website.

I expect that we will want to consider some revision to the draft of the local law currently proposed to incorporate the Village Forester's suggestions. It would be helpful to have feedback from the members of the board and comments from the public so we can provide a comprehensive revision for further consideration by the Board.

In terms of process, before we open the hearing we must review the SEQRA Environmental Assessment Form that was circulated with Local Law, formally classify the matter before us as an Unlisted Action under SEQRA, review Part II of the Environmental Assessment Form that was circulated with Local Law, and, if we feel like we are able to, adopt a determination of significance.

SEQRA- Noelle Wolfson explained the reason for the SEQRA review. The Board reviewed answered the questions on Part II of the EAF.

Trustee Rothchild made a motion that the Board declare this an unlisted action and make a negative declaration under SEQRA, seconded by Trustee Esmay and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Trustee Epstein made a motion to open public hearing, seconded by Trustee Esmay and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

The Village Clerk read into the record referrals from Rockland County Dept. of Planning and the Town of Clarkstown Planning Board.

Both deemed the law for local determination. Mayor Tarapata noted that the public hearing will not be closed this evening and will be continued to the next regular meeting. The comments of the Village Arborist will be incorporated into the law.

Draft Comprehensive Plan Continuation of Public Hearing opened on June 25, 2020

Mayor Tarapata noted to the public participating on the Zoom meeting that the Board had incorporated comments received at that hearing.

Maeve Tooher, of Tooher & Barone submitted a letter to the village, which she summarized.

The Board discussed the comments and how those items are considered in the Comprehensive Plan update. The Board discussed further unique characteristics in each district and how there is a description for each district in the plan reflecting the uniqueness. The comprehensive plan will be reflected in the zoning ordinance. The goal is to complete and adopt by June of 2021. The committee will continue fact gathering, finalize the plan, adopt SEQRA and hold a public hearing to finally adopt the plan and then incorporate into the zoning ordinance.

Trustee Rothchild made a motion that the Board close the public hearing on the draft comprehensive, seconded by Trustee Esmay and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Mayor Tarapata stated the Board would continue to keep the temporary moratorium laws in place while continuing the draft comprehensive plan update.

SET PUBLIC HEARINGS FOR TEMPORARY MORATORIUM LAWS

Local Law #2 of 2021 Extension of 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

Motion to set a public hearing on February 18, 2021 by Trustee Dodge, seconded by Trustee Rothchild and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Local Law #3 of 2021 – Extension of duration of the temporary moratorium on commercial or residential special use permits and special use permit renewal applications

Trustee Esmay made a motion to set a public hearing on February 18, 2021, seconded by Trustee Dodge and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Annexation petitions have been delivered to the Town of Clarkstown for the Town's January 26, 2021 meeting, The Village Board will hold a special meeting on 1/28/2021 at 7:00 pm to set the public hearing for the joint meeting on March 9, 2021. The Village Clerk will publish and post meeting notice.

Amend Schedule of Fees for ARB & PB appearances

Discussion of fees for Planning Board applications and the appearance before the Architectural Review Board and the change in the law requiring additional appearances to the ARB.

Trustee Epstein made a motion that the Board increase the appearance before the Planning Board from \$250 to \$300 for the first two appearances, seconded by Trustee Dodge and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Bids – Installation of radiant heating at the DPW Building at 545 N Highland Ave

The Bid opening was held on 1/19/2021

Bid: Installation of radiant heating in the Upper Nyack DPW Garage

January 19, 2021, 11:00 AM

Those present: Carol G. Brotherhood, Village Clerk; Board Secretary, Jill Sinnott;

Others identified: No one from the public attended due to Covid-19.

The Notice to Bidders was placed on NY Contract Reporter.

One sealed bid(s) were (was) received, opened and read aloud as follows:

Bidders

A.V.L. Contractors, Inc.
53 Trenton Rd.
Fishkill, NY 12524

Bids

\$20,188.00

Bidding was closed at 11:02 AM

Respectfully submitted, Carol G. Brotherhood, Village Clerk

Discussion: the installation of the new heating should save the Village about 30% per year. The new unit will give a considerable savings for energy and be more environmentally efficient. The unit will heat the building more uniformly and increase the comfort of the workers. No need to remove the old heaters. Trustee Esmay made a motion to accept the bid of A.V.L. Contractors, Inc. for \$20,188.00 to install radiant heating at the DPW garage at 545 N Highland Ave., contingent upon professional qualifications of the contractor, seconded by Trustee Rothchild and so moved.

VOTE: AYES: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild
NOES: None

Discussion-

Deer crossing: Mayor Tarapata received a petition from residents of Highmount

Ave. who are concerned about several near accidents at the intersection of Highmount and North Midland Ave. where deer are frequently crossing. They are requesting a “deer crossing” sign be installed to warn drivers. Because of the number of deer that come down from the park and pass throughout the Village, the Board discussed placing warning signs about deer at the entrances to the Village. Preserve – Southside of driveway – Bamboo: Prices have been obtained for the removal of the bamboo that range from \$5,000 to \$16,000. A barrier may need to be put in place to try and contain any future growth. \$10,000 is cost for disposal of the bamboo laden soil. The Board further discussed whether the DPW could remove it?

Shipyard building- Trustee Rothchild has observed that a large dock like structure is being built at the shipyard. He asked whether the Village can inquire what they are building and if it’s for another entity? Trustee Esmay believes it’s being built for another entity.

Trustee Esmay made a motion to adjourn, seconded by Trustee Epstein and so moved.

The meeting was adjourned at 9:00 PM.

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

NOES: None

Respectfully submitted,

Carol G. Brotherhood,
Village Clerk