

SPECIAL MEETING

January 28, 2021

7:00 PM

A Special meeting of the Board of Trustees of the Board of Trustees of the Village of Upper Nyack was held via videoconference on Thursday, January 28, 2021 at 7:00 PM.

Board members participating: Mayor Tarapata, Trustees Dodge, Epstein, Esmay & Rothchild

Village Clerk Carol G. Brotherhood, Noelle C. Wolfson, Esq., Consulting Attorney
Attendance by roll call.

A special meeting of the Board of Trustees was held to discuss the annexation of properties on North Highland Avenue and to set a public hearing for March 9, 2021 as a joint meeting of the Upper Nyack Board of Trustees and Town of Clarkstown Town Board to consider the annexation.

The EAF was reviewed at the meeting of 1/21/2021 and filed with the petition for annexation.

The Village of Upper Nyack will act as lead agency and send notice to the Town of Clarkstown Town Board.

Resolution: Notice of Intent to declare lead agency (attached)

Motion by Trustee Epstein

Seconded by Trustee Rothchild and so moved.

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

NOES: None

Resolution: Scheduling a joint public hearing with respect to the annexation of properties to the Village of Upper Nyack (attached)

Motion by Trustee Rothchild

Seconded by Trustee Esmay and so moved.

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

NOES: None

Set PH to adopt LL #4 of 2021 (change to Official Map changing annexed properties to LO zone classification)

Motion by Trustee Rothchild to set public hearing for March 18, 2021 to consider a proposed local law amending the "Official Zoning Map of the Village of Upper Nyack" to include five parcels of land to be annexed into the Village and to locate

such parcels in the Village's Laboratory Office (LO) Zoning District.

Seconded by Trustee Esmay and so moved.

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

NOES: None

The Board briefly discussed upcoming Grievance Day on Feb 18, 2021 from 4-8 PM and explained the process to new Trustee Epstein.

Trustee Epstein made a motion to adjourn the Special Meeting of the Board, seconded by Trustee Dodge and so moved. The meeting was adjourned at 7:30 PM

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

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk

VILLAGE OF UPPER NYACK BOARD OF TRUSTEES
RESOLUTION

NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE SEQRA REVIEW OF THE ANNEXATION OF PROPERTY FROM THE UNINCORPORATED PORTION OF THE TOWN OF CLARKSTOWN INTO THE VILLAGE OF UPPER NYACK AND THE ADOPTION OF A LOCAL LAW APPLYING A VILLAGE ZONING DESIGNATION TO SUCH PROPERTY SHOULD ANNEXATION BE APPROVED.

WHEREAS, on January 20, 2021 a petition (the "Annexation Petition") to annex the properties located at 554 N. Highland Avenue, Upper Nyack, NY; 536 N. Highland Avenue, Upper Nyack, NY; 530 N. Highland Avenue, Upper Nyack, NY; 520 N. Highland Avenue, Upper Nyack, NY; and 500 N. Highland Avenue, Upper Nyack, NY, more particularly described on the Clarkstown Tax Map as 59.12-1-15, 59.12-1-16, 59.12-1-17, 59.12-1-18, 59.12-1-19 (the "Annexation Properties") was submitted to the Town Board of the Town of Clarkstown by the owners thereof and was also filed with the Village; and

WHEREAS, the annexation petitioners have submitted a Short Environmental Assessment Form ("EAF") in support of the Annexation Petition and the application of Village zoning to the Annexation Property should annexation be approved pursuant to the New York State Environmental Quality Review Act ("SEQRA");

WHEREAS, based on a review of the EAF, the proposed action is classified as an UNLISTED Action under SEQRA because the total acreage of the Annexation Properties is approximately 11.38 acres, which falls below the Type I thresholds for annexation petitions and zoning amendments in 6 NYCRR 617.4.(SEQRA list of Type I actions);

WHEREAS, based on a review of the EAF and the Annexation Petition the Town Board of the Town of Clarkstown is an Involved Agency in the SEQRA review of the Action because its approval will be required for the proposed annexation to proceed; and

WHEREAS, the Village Board of Trustees proposes a coordinated review of this Action pursuant to the SEQRA Regulations section 6 NYCRR 617.6.

NOW THEREFORE be it:

RESOLVED, that the Village Board of Trustees of the Village of Upper Nyack hereby classifies the Action as an UNLISTED action under SEQRA and declares its intent to serve as Lead Agency for the SEQRA Coordinated Review of this Action. The Village Clerk is hereby authorized to circulate a Lead Agency Notice and supporting documentation to the Town Board of the Town of Clarkstown as an Involved Agency in this SEQRA review. Involved agencies shall be given 30 days from the date of transmittal of the Lead Agency Notice to consent to the Village Board of Trustees serving as Lead Agency in the SEQRA review of this Action or challenge such Lead Agency designation.

BOARD OF TRUSTEES OF THE VILLAGE OF UPPER NYACK
RESOLUTION

SCHEDULING A JOINT PUBLIC HEARING WITH RESPECT TO ANNEXATION OF
PROPERTIES TO THE VILLAGE OF UPPER NYACK WITH RESPECT TO TAX MAP NO.
59.12-1-15, 59.12-1-16, 59.12-1-17, 59.12-1-18, 59.12-1-19

WHEREAS, a petition dated January 19, 2021, was received by the Village of Upper Nyack from Jaber Nidal, SSM Holdings LLC, Kemp Realty Inc. and NY Motorworks LLC (now known as Torrent Motorworks LLC) as owners of properties located at 554 N. Highland Avenue, Upper Nyack, NY; 536 N. Highland Avenue, Upper Nyack, NY; 530 N. Highland Avenue, Upper Nyack, NY; 520 N. Highland Avenue, Upper Nyack, NY; 500 N. Highland Avenue, Upper Nyack, NY, more particularly described on the Clarkstown Tax Map as 59.12-1-15, 59.12-1-16, 59.12-1-17, 59.12-1-18, 59.12-1-19 seeking annexation of said property to the Village of Upper Nyack, and

WHEREAS, the petition of Jaber Nidal, SSM Holdings LLC, Kemp Realty Inc. and NY Motorworks, LLC will also be presented to the Town Board of the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that pursuant to Article 17, Section 704 of the General Municipal Law, the Town Board of the Town of Clarkstown shall hold a joint public hearing with the Village Board of Trustees of the Village of Upper Nyack, in Room 301 of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and/or via teleconference, by dialing (845) 639-2150 or (845) 207-0875 (these phone numbers are subject to change. Please go to the Town of Clarkstown Calendar at <https://town.clarkstown.ny.us/home> before the start of the meeting to confirm) on March 9, 2021, at 7:00 p.m., or as soon thereafter as possible, and be it

FURTHER RESOLVED, that the Village Clerk shall prepare a notice indicating the time, place and purpose of such hearing, and shall cause the same to be published in the official newspaper and posted in the manner provided by law and shall file proof thereof in the Office of the Village Clerk.

Dated: January 28, 2021