

SPECIAL MEETING

April 2 2020

7:30 PM

A Special meeting of the Board of Trustees of the Village of Upper Nyack was held via teleconference on Zoom on Thursday, April 2, 2020, at 7:30 PM.

Those present: Mayor Tarapata, Trustees Diamond, Dodge, Esmay & Rothchild
Village Clerk Carol G. Brotherhood, Village Attorney Robert P. Lewis, Village
Treasurer Richard Fortunato

Those who spoke: Maeve Tooher, Noelle Wolfson, Hilarie Blumenthal

The special meeting was held as a continuation of the public hearing for the “temporary moratorium on commercial or residential special use permit and special permit renewal applications” pending review and amendment of the Comprehensive Plan and related zoning laws.

Mayor Tarapata invited anyone from the public who wished to speak.

Maeve Tooher, appeared at the public hearing, representing Goosetown Environmental Action (GEA). Sent a letter to the Board on March 26, 2020. She addressed her concerns to the Board for her clients concerning the renewal of the special permit for the shipyard and the possibility of the creation of a non-conforming use.

The Village Clerk read the public hearing notice.

Mayor Tarapata noted in the absence of case law the Village believes a moratorium in place is in the best interest of the Village during the Comprehensive Plan and new zoning code adoption process.

Maeve Tooher noted that with renewals the case law is limited. With new permits there is case law that shows it could lead to non-conforming use. As the comprehensive plan is a guide to inform the code, changes in the language in the zoning code is where problems might arise.

Mayor Tarapata noted the Comprehensive Plan recommends performance standards. The uses are not changing in the Marine Business District. To add performance standards to the acceptable uses will not leave the village in peril.

Noelle Wolfson agreed with the Mayor.

Maeve Tooher stated the distinction is the renewal and its limited authority. And how it

is interpreted.

Noelle Wolfson stated that the renewal is still required at the close of the moratorium. That will not change.

The Board discussed outstanding renewals for special permits.

The Mayor asked if anyone else from the public wished to speak.

Hilarie Blumenthal, Ellen St., questioned what part of the process is flawed? The Board knew this very important renewal was coming up and wondered why the new special permit process was not in place? Was it because some applicants were not ready?

Mayor Tarapata said the entire special permit process was being reviewed not just one individual property. The committee wants to scrutinize the process. With the draft comprehensive plan being reviewed and the zoning code, this is the right time to address the process.

Hilarie Blumenthal asked again if it was not just that some applicants were not ready.

Mayor Tarapata stated that the Boatyard neighborhood is not satisfied with the special permit process.

Ms. Blumenthal said yes.

No one else requested to speak.

The Mayor called for a motion to close the public hearing.

Trustee Dodge made a motion to close the public hearing, seconded by Trustee Diamond and it was so moved.

On a call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge, Esmay and Rothchild

Mayor Tarapata asked if there were any other comments from the Board.

Trustee Rothchild was appreciative of Maeve Tooher and the GEA submission to the Board of the letter. His concerns were answered. Trustee Rothchild would like the Village to be protected from the possibility, no probability, of legal issues. He was confident that the draft and then the final comprehensive plan and zoning revisions would help.

Trustee Esmay noted his strong feeling that the law would not create a non-conforming

use. Maybe the special permit process did not go as well as it should have gone. His hope is the village can do better in the future for all special permit projects.

With no further discussion, Trustee Esmay made a motion that the Board adopt Local Law # 3 of 2020, a temporary moratorium on commercial or residential special use permit and special permit renewal applications” pending review and amendment of the Comprehensive Plan and related zoning laws, seconded by Trustee Dodge and so moved.

On ca call for a vote:

AYES: Mayor Tarapata, Trustees Diamond, Dodge & Esmay

NOES: Trustee Rothchild

Treasurer Fortunato noted he will post the tentative budget to the website on Monday, April 6, 2020.

Trustee Esmay made a motion to adjourn the Special Meeting of the Board, seconded by Trustee Dodge and so moved. The meeting was adjourned at 8:30 PM.

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

NOES: None

Respectfully submitted,

Carol G. Brotherhood
Village Clerk