

**Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at
7:00 pm on Thursday, March 16, 2023 held as a hybrid meeting.**

PRESENT	Karen Tarapata Michael Esmay Jeffrey Epstein Kennon Rothchild III Laurie Dodge	Mayor Deputy Mayor Trustee Trustee Trustee
ALSO PRESENT	Georgia Grandstaff Christopher Kelly Richard Fortunato	Village Clerk Clarkstown Village Treasurer
ABSENT -		

Meeting called to order at 7:00 pm.

- **Police Report (attached).**
 - **Code Enforcement Officer Report (attached).**
 - **Zoning Inspector Report (attached).**
 - **Treasurer Report (attached).**
- **Discussion:** Mayor discussed a sidewalk grant application that requires a land survey on Old Mountain Road. Village will hire Jay Greenwell.

Motion to move \$18,500.00 from surplus to contracts planning account 8020.40 for sidewalk survey of Old Mountain Road from Midland Avenue to 9W for sidewalk project grant made by Trustee Esmay, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

Abstain:

- **Approve minutes from February 16th, 2023 and February 23, 2023..**

Motion to approve the minutes from the February 16th, 2023 Regular Meeting of the Board of Trustees made by Trustee Epstein , seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Motion to approve the minutes from the February 23, 2023 Special Meeting of the Board of Trustees made by Trustee Rothchild, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **212 Kuyper Drive right-of-way fencing approval.**

Discussion: Resident is seeking right-of-way lease agreement with the Village for fencing at his residence.

Motion to approve fencing and right-of-way lease agreement with 212 Kuyper pending permit approval and the caveat that the Village is not responsible for the maintenance or repair made by Trustee Rothchild, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Public Hearing for proposed Local Law #4 of 2023 repealing and replacing Village of Upper Nyack Local Law #7 of 202 regulating parking on Village Streets in the Village of Upper Nyack.**

Discussion: This law seeks to alleviate narrow intersection during dropoff/pickup times at Upper Nyack Elementary School.

Motion to open public hearing on proposed Local Law #4 of 2023 repealing and replacing Local Law #7 of 2022 made by Trustee Dodge, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Discussion and Public Comment: None.

Motion to close the Public Hearing for proposed Local Law #4 of 2023 made by Trustee Rothchild, seconded by Trustee Esmay, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Motion to adopt proposed Local Law #4 of 2023 made by Trustee Dodge, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Introduce proposed Local Law #5 of 2023 and set public hearing.**

Discussion: Proposed Local Law #5 of 2023 will be an update to the Uniform Code Enforcement Law following the newly adopted Zoning Law (Local Law #1 of 2023).

Motion to set public hearing for proposed Local Law #5 of 2023 for April 20th, 2023 made by Trustee Esmay, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Resolution to approve Goosetown Bazaar on June 11, 2023.**

Motion to approve the Goosetown Bazaar on June 11, 2023 subject to proof of insurance and neighbor notification made by Trustee Epstein , seconded by Trustee Dodge, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Resolution to approve new Schedule of Fees.**

Motion to approve new Schedule of Fees made by Trustee Esmay, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Approval of Tax Assessment recommendations.**

Discussion: The Village received four tax grievance requests this year. The Village Assessor, Cathay Conklin, has presented her recommendations regarding these four cases.

Motion to approve accept the recommendations of the Tax Grievance Committee made by Trustee Epstein, seconded by Trustee Dodge , and so accepted.

On Call for a Vote:

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

NOES:
Abstain:

- **Budget Discussion**

- **Discussion:** Village Treasurer, Richard Fortunato, summarized some aspects of the proposed budget. Taxes will go up 1.88%.

Motion to set the Public Hearing for the 2023-24 Budget for April 20, 2023 made by Trustee Esmay, seconded by Trustee Rothchild, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

- **Adjournment**

Motion to adjourn the Regular Meeting of the Board of Trustees made by Trustee Rothchild, seconded by Trustee Epstein, and so accepted.

On Call for a Vote:

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

NOES:

Abstain:

Meeting Adjourned at 8:20 pm.

Upper Nyack Village Board Meeting March , 2023

February 14, 2023- March 16, 2023

Area Checks: All "checks" continue on a daily basis

School Checks: Upper Nyack Elementary

Cultural and Religious: All checks continue

MVA's: 0 w/ injury

0 w/o injury

Abandoned Vehicle – 0

Alarms 15

6 Burglary

5 Fire- False/no issue

2 Medical (same residence-excusable/no issue)

2 Panic

Animal Incidents - 0

Assistance- 1 (lift assistance)

Burglary 1 (Unoccupied foreclosure house just purchased)

Criminal Mischief 1 (neighbor taken for evaluation)

Dog Incident- 0

Dumping- 0

Fire 3

Frauds 1 (\$29,000 Fraudulent checks)

These types of incidents include:

- Dent Repair
- Driveway Paving
- Roofing Repair
- Diversion Burglaries, sometimes posing as utility workers
- Tech Support
- Online Dating
- Lottery & Sweepstakes
- Insurance/Financial Fraud

Highway Condition- 0

Juveniles – 0

Larceny - 1 (\$50,000 paintings from residence owner recently deceased)

Larcenies from vehicles – 0

Medical Calls – 8

Ordinance- 1 (Parking- condition corrected)

Property damage – None

Recycle – None (occurring throughout the town)

Stolen Vehicle – 0

Robberies: None

Trespass None

Speed complaints

N. Broadway by Upper Nyack Elementary School

Upper Birchwood

Old Mountain

Castle Heights Eastbound from Midland Ave

V&T – 1 Parking condition corrected

Additional Calls in Town

Frauds- amazon, virtual interview- received check- check was fraudulent, paypal, facebook apartment rental, fraudulent carmax loan, geek squad scam

Stolen Vehicles- 0

Catalytic Converters- 0

Drug Related Information:

County-wide Overdoses 2023 YTD – 47, resulting in 9 death (37 survived)

Clarkstown 2023 YTD – 9 resulting in 3 deaths (6 survived)

Finding fentanyl in Marijuana

PO Niles Davies

PO Chris Kelly

845-639-5980

n.davies@clarkstownpd.org

c.kelly@clarkstownpd.org

VILLAGE OF UPPER NYACK – ZONING INSPECTOR
 MONTHLY REPORT OF ACTIVITIES
 MONTH OF FEBRUARY 2023

PERMIT AND CERTIFICATE REVIEWS

<u>Type</u>	<u>Received</u>	<u>Approved</u>	<u>Denied</u>
Building Permits	4	2	0
Certificate of Occupancy	0	0	0
Certificate of Compliance	0	1	0

FEES COLLECTED

Permits/Certificates	\$ 1,264.39
Board Applications	\$ 2,200.00
Total Fees	\$ 3,464.39

LAND USE BOARD INITIAL REVIEWS

Planning Board	1
Zoning Board	1

ORDERS AND NOTICES

Violations/Order to Remedy	0
Stop Work Order	0
Appearance Tickets	0
Other	0

ZONING INSPECTIONS 0

OTHER ISSUES

Village of Upper Nyack
Balance Sheet
As of March 16, 2023

	Mar 16, 23
ASSETS	
Current Assets	
Checking/Savings	
NY Class-Capital Projects 002	619,294.70
NY Class-General Fund 001	1,291,712.09
Webster-General Operating 693	197,359.48
Webster-General Payroll 706	71,312.03
Webster-Trust & Agency Fund714	7,646.48
Total Checking/Savings	2,187,324.78
Total Current Assets	2,187,324.78
TOTAL ASSETS	2,187,324.78
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due To/From Other Funds	
Capital Projects Fund Payable	604,038.00
Trust & Agency Fund Payable	7,624.00
Total Due To/From Other Funds	611,662.00
Security Deposit - Rent	2,000.00
Total Other Current Liabilities	613,662.00
Total Current Liabilities	613,662.00
Total Liabilities	613,662.00
Equity	
3950 Unappropriated Fnd Balance	1,521,203.50
Net Income	52,459.28
Total Equity	1,573,662.78
TOTAL LIABILITIES & EQUITY	2,187,324.78

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through March 16, 2023

	Jun 1, '22 - Mar 16, 23	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Income			
1001 Real Property Tax	2,128,184.28	2,170,000.00	-41,815.72
1090 Int./Pen. Taxes	2,379.17	4,000.00	-1,620.83
1130 Gross Utility Fees	51,452.74	30,000.00	21,452.74
2110 Zoning Fees	1,230.00	1,000.00	230.00
2115 Planning Board Fees	6,080.00	6,000.00	80.00
2401 Interest Earnings	46,098.51	4,000.00	42,098.51
2410 Office Rental	19,350.00	25,000.00	-5,650.00
2555 Co & Violations Search	7,025.00	10,500.00	-3,475.00
2560 Road Opening Permit	1,350.00	2,000.00	-650.00
2590 Building Permits	22,169.99	30,000.00	-7,830.01
2591 Tree Permit	2,340.00	3,000.00	-660.00
2595 Cable TV Permits	0.00	30,000.00	-30,000.00
2770 Other Revenue	61,561.53	30,000.00	31,561.53
2771 Clarkstown - Bulk Pickup	44,580.00	38,000.00	6,580.00
3001 State Aid	124,040.46	310,000.00	-185,959.54
3002 NYS - CHIPS	113,424.99	100,000.00	13,424.99
3005 R.C. - Mortgage Tax	38,638.39	55,000.00	-16,361.61
3006 R.C. - Sales Tax	27,286.00	40,000.00	-12,714.00
3600 Sewer Rent	47,909.49	50,000.00	-2,090.51
4000 Transfer from Surplus	0.00	60,000.00	-60,000.00
Total Income	<u>2,745,100.55</u>	<u>2,998,500.00</u>	<u>-253,399.45</u>
Total Income	<u>2,745,100.55</u>	<u>2,998,500.00</u>	<u>-253,399.45</u>
Gross Profit	<u>2,745,100.55</u>	<u>2,998,500.00</u>	<u>-253,399.45</u>
Expense			
1325 FINANCE			
1325.01 Treasurer Services	37,937.62	49,500.00	-11,562.38
Total 1325 FINANCE	<u>37,937.62</u>	<u>49,500.00</u>	<u>-11,562.38</u>
1355 ASSESSMENT			
1355.40 Assessor Services	0.00	8,000.00	-8,000.00
Total 1355 ASSESSMENT	<u>0.00</u>	<u>8,000.00</u>	<u>-8,000.00</u>
1410 VILLAGE CLERK			
1410.01 Village Clerk	45,295.88	60,000.00	-14,704.12
1410.02 Village Clerk- Asstnt 2	47,387.50	60,000.00	-12,612.50
1410.03 Village Clerk- Asstnt 1	48,370.77	57,500.00	-9,129.23
1410.41 Supplies	4,785.71	8,000.00	-3,214.29
1410.43 Postage	413.95	1,000.00	-586.05
1410.44 Legal Advertizing	4,818.00	6,000.00	-1,182.00
1410.45 Public Information	0.00	1,000.00	-1,000.00
1410.47 Telephone	2,376.70	3,000.00	-623.30
1410.49 Contractual Services	28,316.51	30,000.00	-1,683.49
1410.50 Meetings / Seminars	75.00	500.00	-425.00
1410.51 Promotion / Good Will	10,098.87	10,000.00	98.87
Total 1410 VILLAGE CLERK	<u>191,938.89</u>	<u>237,000.00</u>	<u>-45,061.11</u>
1420 LEGAL			
1420.40 Attorney Contractual	87,420.87	120,000.00	-32,579.13
Total 1420 LEGAL	<u>87,420.87</u>	<u>120,000.00</u>	<u>-32,579.13</u>
1440 ENGINEERING			
1440.40 Engineer Contractual	28,694.25	40,000.00	-11,305.75
Total 1440 ENGINEERING	<u>28,694.25</u>	<u>40,000.00</u>	<u>-11,305.75</u>

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through March 16, 2023

	<u>Jun 1, '22 - Mar 16, 23</u>	<u>Budget</u>	<u>\$ Over Budget</u>
1450 ELECTIONS			
1450.40 Elections Contractual	0.00	500.00	-500.00
Total 1450 ELECTIONS	0.00	500.00	-500.00
1620 VILLAGE HALL			
1620.20 Equipment	13,606.24	20,000.00	-6,393.76
1620.40 Cleaning	3,004.99	3,000.00	4.99
1620.41 Heating	2,889.16	3,500.00	-610.84
1620.42 Electric	3,472.90	3,000.00	472.90
1620.44 Repairs	62,193.66	15,000.00	47,193.66
1620.47 Water	271.68	440.00	-168.32
Total 1620 VILLAGE HALL	85,438.63	44,940.00	40,498.63
1630 BROADWAY GARAGE			
1630.51 Heating	450.05	500.00	-49.95
1630.52 Electricity	618.30	500.00	118.30
1630.54 Repairs	0.00	1,500.00	-1,500.00
1630.57 Water	161.89	300.00	-138.11
Total 1630 BROADWAY GARAGE	1,230.24	2,800.00	-1,569.76
1640 STONE MEETING HOUSE			
1640.42 Utilities	2,706.65	6,000.00	-3,293.35
1640.44 Repairs & Maintenance	132,327.33	95,000.00	37,327.33
1640.56 Contractual Misc.	4,305.31	2,000.00	2,305.31
Total 1640 STONE MEETING HOUSE	139,339.29	103,000.00	36,339.29
1660 RIVER HOOK PRESERVE			
1660.10 Utilities	1,679.86	1,500.00	179.86
1660.20 Repair and Maintenance	33,223.50	50,000.00	-16,776.50
1660.30 Supplies	1,310.22	3,000.00	-1,689.78
Total 1660 RIVER HOOK PRESERVE	36,213.58	54,500.00	-18,286.42
1910 INSURANCE			
1910.10 Insurance	48,126.10	55,000.00	-6,873.90
Total 1910 INSURANCE	48,126.10	55,000.00	-6,873.90
3620 BUILDING/CODE ENFORCEMENT			
3620.10 Building Inspector Svc	27,343.69	35,000.00	-7,656.31
3620.41 Supplies	4,191.86	2,000.00	2,191.86
3620.48 Training	975.00	500.00	475.00
Total 3620 BUILDING/CODE ENFORCEME...	32,510.55	37,500.00	-4,989.45
5110 HIGHWAY DEPARTMENT			
5110.01 Highway Svcs Personnel	214,331.97	192,260.00	22,071.97
5110.02 Highway Svcs OverTime	0.00	50,000.00	-50,000.00
5110.20 Equipment	67,143.15	10,000.00	57,143.15
5110.41 Truck Maintenance	19,077.45	20,000.00	-922.55
5110.42 Truck Fuel	11,659.89	10,000.00	1,659.89
5110.43 Equip Maintenance	2,214.93	5,000.00	-2,785.07
5110.44 Road Repair/Maint.	25,886.26	25,000.00	886.26
5110.45 Contr. Road Repair	406,683.98	370,000.00	36,683.98
5110.46 Building Repair	9,234.10	10,000.00	-765.90
5110.47 Telephone	145.54	500.00	-354.46
5110.48 Utilities	10,967.34	10,000.00	967.34

Village of Upper Nyack
Profit & Loss Budget vs. Actual
June 1, 2022 through March 16, 2023

	Jun 1, '22 - Mar 16, 23	Budget	\$ Over Budget
5110.49 Training	2,915.00	1,000.00	1,915.00
5110.52 Tree Safety	2,400.00	10,000.00	-7,600.00
5110.53 Supplies	4,248.57	6,000.00	-1,751.43
5110.57 Catch Basin Repair	33,212.27	6,000.00	27,212.27
5110.59 Cablevision	659.41	1,000.00	-340.59
5110.61 Contr. Service	8,955.17	12,000.00	-3,044.83
Total 5110 HIGHWAY DEPARTMENT	819,735.03	738,760.00	80,975.03
6560 PAYROLL EXPENSES			
6566 Soc.Sec / Medicare	35,991.85	44,600.00	-8,608.15
6567 Unemployment	3,112.59	2,000.00	1,112.59
6569 Payroll Service	3,784.30	3,800.00	-15.70
9010 State Retirement	47,942.00	68,000.00	-20,058.00
9040 Workers Compensation	13,478.90	20,000.00	-6,521.10
9060 Health Insurance	144,208.71	180,000.00	-35,791.29
9061 Medicare Reimbursement	6,741.60	9,000.00	-2,258.40
Total 6560 PAYROLL EXPENSES	255,259.95	327,400.00	-72,140.05
8020 PLANNING / ARB			
8020.10 Planning Personnel	42,888.06	53,600.00	-10,711.94
8020.40 Planning Contractual	1,800.00	4,000.00	-2,200.00
Total 8020 PLANNING / ARB	44,688.06	57,600.00	-12,911.94
8120 SEWER SYSTEM			
8120.42 Pumphouse Utilities	5,159.09	4,000.00	1,159.09
8120.44 Repair & Maint.	13,882.00	15,000.00	-1,118.00
8120.60 Treatment	226,198.27	436,000.00	-209,801.73
8120.70 Pump Station Debt Svc	16,147.82	28,000.00	-11,852.18
Total 8120 SEWER SYSTEM	261,387.18	483,000.00	-221,612.82
8130 REFUSE COLLECTION			
8130.40 Refuse Contractual	245,127.23	260,000.00	-14,872.77
Total 8130 REFUSE COLLECTION	245,127.23	260,000.00	-14,872.77
9600 BONDS & BANS			
9614 Open Space Bond - Prin	90,000.00	90,000.00	0.00
9615 Open Space Bond - Interest	68,693.80	70,000.00	-1,306.20
9616 Refunding Bond - Principle	165,000.00	165,000.00	0.00
9617 Refunding Bond - Interest	53,900.00	54,000.00	-100.00
Total 9600 BONDS & BANS	377,593.80	379,000.00	-1,406.20
Total Expense	2,692,641.27	2,998,500.00	-305,858.73
Net Ordinary Income	52,459.28	0.00	52,459.28
Net Income	52,459.28	0.00	52,459.28

Code Enforcement Report

2/17/23-3/16/23

1. Several noise complaints from the Van Houten area.
2. Continued to work with the maintenance company for a vacant house.
House now locked up with no entry access.
3. Working with residents about excessive noise created by neighboring animals.
4. Continued to monitor special permits.
5. Working with residents concerning garbage and recycling receptacles left out
6. Working with a local business to keep their property clean of garbage.
7. Working with a local business to remove unregistered vehicles off their property.
8. Calls concerning early use of gas-powered leaf blowers. Leaf blowers are permitted until May 15th
9. Continued work on the MS4 waste water map
10. Working on keeping the sidewalks clear of snow and ice after a winter storm

DRAFT
VILLAGE OF UPPER NYACK
Local Law #4 of 2023

Be it enacted by the Board of Trustees of the Village of Upper Nyack as follows:

ARTICLE 1. TITLE

A Local Law repealing and replacing Village of Upper Nyack Local Law #7 of 2022 regulating parking on Village streets in the Village of Upper Nyack.

ARTICLE 2. PURPOSE

The purpose of this Local Law is to repeal the existing regulations in Village of Upper Nyack Local Law #7 of 2022, and adopt the regulations contained herein as Upper Nyack Ordinance 2.2., Parking of Vehicles.

**ARTICLE 3. REPEAL AND REPLACEMENT OF LOCAL LAW #7 OF 2022
(ORDINANCE 2.2)**

Village of Upper Nyack Local Law #7 of 2022 is hereby repealed in its entirety and replaced with the following:

ORDINANCE 2.2

- (a) No vehicle shall be parked or left standing on any Village street, excepting the south side of School Street, between the hours of 3AM and 6AM except utility or emergency vehicles in the fulfillment of their duties.
- (b) No vehicle shall be parked, or left standing, within fifteen (15) feet of any street intersection or fire hydrant in the Village.
- (c) No vehicle shall be parked or left standing other than parallel with the edge of the street heading in the direction of traffic and with front and rear wheels not more than six inches from the curb, except where otherwise indicated by appropriate signs and markings installed or designated by the Clarkstown Police Department.
- (d) [Section Reserved]

(e) No vehicle shall be parked or left standing in any of the following locations, with the exception of emergency vehicles in the performance of emergency services and delivery vehicles while in the process of making deliveries in proximity to such locations:

- i. On the east and west sides of state highway Route 9W from the dividing line between the Village of Nyack and the Village of Upper Nyack to the intersection of Route 9W and Christian Herald Road;
- ii. On Van Houten Street, Lower Castle Heights Avenue east of North Broadway, or the east side of Ellen Street from Castle Heights Avenue to Van Houten Street;
- iii. On the north side of School Street;
- iv. On Larchdale Avenue;
- v. On North Midland Avenue north of Kuyper Drive;
- vi. On Lewis Drive;
- vii. On Bexman Green;
- viii. On the west side of North Broadway from the north property line of the Upper Nyack School to lower Birchwood Avenue;
- ix. On the west side of North Broadway from Castle Heights Avenue to a point 350 feet north from 8 am to 4 pm, Monday through Friday, from September 1st through June 30th;**
- x. On the west side of North Broadway from Nyack Beach State Park to Old Mountain Road;
- xi. On the east side of North Broadway from Old Mountain Road to Nyack Beach State Park;
- xii. On the east side of North Broadway for 225 feet south from the southern corner of Tompkins Court and North Broadway and for 100 feet north from the northern corner of Tompkins Court and North Broadway;
- xiii. On both sides of Birchwood Avenue for 225 feet from North Broadway, between the hours of 8 a.m. and 9:30 a.m. and 2:30 p.m. and 4 p.m. Monday through Friday from September 1st through June 30th;
- xiv. On both sides of Birchwood Avenue, within 45 feet of the corner of Birchwood Avenue and North Midland Avenue;

- xv. On both sides of Locust Drive, within 45 feet of the corner of Locust Drive and North Broadway;
 - xvi. On both sides of Locust Drive, within 45 feet of the corner of Locust Drive and North Midland Avenue;
 - xvii. On the south side of Lexow Avenue, within 45 feet of the corner of Lexow Avenue and North Broadway;
 - xviii. On the north side of Lexow Avenue within 125 feet of the corner of North Broadway;
 - xix. On both sides of Lexow Avenue, within 45 feet of the corner of Lexow Avenue and North Midland Avenue;
 - xx. On the north end of Daisy Street, at the dead end;
 - xxi. On the west side of North Midland Avenue from the corner of Highmount Avenue south for a distance of 58 feet;
 - xxii. In front of any active business or residential driveway without the permission of the owner.
- (f) [section reserved]
- (g) No vehicle shall be operated or parked on any public street in the Village without a current registration and inspection.
- (h) Any vehicle violating this Local Law may be towed away at the owner's expense in addition to any fine being levied.
- (i) Parking of a vehicle in any area that is designated as a "handicapped" parking space without a valid handicapped parking permit or license plates is prohibited.
- (j) Except as otherwise set forth below, any person violating the provision of this Local Law shall be liable for a fine not exceeding \$50.00 for a first offence and \$ 75.00 for the same offence within any 24-month period.

- i. Any person violating the provision of Ordinance 2.2(i)(parking in a handicapped space without a handicapped permit or license plate) shall be liable for a fine not exceeding \$125.00 for a first offense and \$175.00 for the same offense within any 24-month period.

- (k) No person shall park or cause to be parked, any bus designated for carrying more than ten (10) persons on a public street or the public right of way except during active loading and unloading of passengers except for school buses dropping off or picking up students from the Upper Nyack Elementary School.

- (l) No vehicles shall be parked in the public right of way or on a public street during a posted snow emergency declared by the Mayor of the Village of Upper Nyack except in the designated parking places set aside for homes without driveways on the south side of School Street and the west side of Front Street north of Highmount Avenue.

ARTICLE 4. SEPARABILITY

Should any section, sentence or provision of this Local Law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this Local Law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

ARTICLE 5. REPEALER AND EFFECT ON OTHER LAWS

Upon the filing of this Local Law, Local Law #7 of 2022 of the Village of Upper Nyack shall be repealed.

Except as otherwise stated in this Article 5, nothing in this Local Law shall be construed to vary or modify the provisions of any other general or Local Law or to authorize the violation thereof. Where there is a conflict between this Local Law and any other applicable law the more restrictive law shall control.

ARTICLE 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.