

Minutes of the regular meeting of the Village of Nyack Board of Trustees held at 7:30 pm on Thursday, December 19th, 2013 at Nyack Village Hall, 9 N. Broadway, Nyack New York

Hon. Jen Laird presiding:

PRESENT:	Jen Laird-White	Mayor
	Louise Parker	Trustee
	Doug Foster	Trustee
	Don Hammond	Trustee
	Marie Lorenzini	Trustee

ALSO PRESENT:	Walter Sevastian	Village Attorney
	Jim Politi	Village Administrator
	Steve Knowlton	Special Counsel
	Mary E. White	Village Clerk

PLEDGE OF ALLEGIANCE

NYACK THANKS.....

ADOPTION OF MINUTES

Regular meeting –November 21, 2013

Minutes were approved as presented with a motion from Trustee Hammond, seconded by Trustee Parker. Motion passed by unanimous vote.

Public Comment: *(discussion of Agenda Items only – 3 minute time limit)*

Action Items:

Resolution No. 2013-78 Resolution approving the extension of current license agreement between the Village and the Nyack Marketing Association.

Deferred to 1/9/2014 for additional information.

Resolution No. 2013-79 Resolution approving the modification of lease between the Village and the River Club, Inc. to permit the installation of a deck on the premises.

Moved by Trustee Lorenzini, seconded by Trustee Foster to adopt as presented. Motion passed by unanimous vote.

Resolution No. 2013-81 Resolution to award contract to de-silt/de-snag the Nyack Creek culvert and stream channel.

Moved by Trustee Lorenzini, seconded by Trustee Foster to adopt as presented. Motion passed by unanimous vote.

Public Comment: *(Open Public Discussion/any topic – 3 minute time limit)*

Nyack Library – Waiver of Subdivision fees

J. Marino/E. Michael Growney made a presentation to the Board requesting a waiver of subdivision fees (\$5,000) in connection with new site plan to re-draw lot lines. After discussion, and comments from members of the Board and others present, the request was denied based on the following roll call vote: Yes-none; No- Mayor Laird-White, Trs. Parker, Foster, Hammond, Lorenzini.

Public Hearing(s):

At 8:05pm, Trustee Parker moved, Trustee Hammond seconded motion to go into Executive session to discuss amending Village Code to include a law, entitled “Damage Flood Prevention”, pertaining to the standards designed to reduce potential flood damage applicable to certain construction projects within the Village of Nyack.

Resolution No. 2013-80 Resolution approving amendments to Chapter 263 of the Village Code pertaining to Property Maintenance.

Trustee Hammond made a motion to adopt the amendments as presented. Trustee Lorenzini seconded the motion and it passed unanimously.

At 8:10pm, after discussion, Trustee Parker moved, Trustee Hammond seconded motion to close the Executive session

Old Business

Land Use Technical Committee (*LUTC*)

Trustee Lorenzini made a motion, Trustee Hammond that the Village Board of Trustees circulate its’ Notice of Intent to declare itself Lead Agency for the purpose of a SEQRA review of all legislative changes coming out of the LUTC. The motion passed unanimously. The Village Attorney was directed to send out the Notice once the legislation is drafted, and to take all steps necessary to commence the adoption process for the legislation recommended by the LUTC.

Department Reports to the Board

- Orangetown Police Department

Mayor Laird-White gave a brief report.

- Village Administrator

- *At 8:04pm, Trustee Parker moved to approve an Executive session to discuss matter of personnel. Trustee Hammond seconded the motion and it passed unanimously.*

Reports were given on the following:

- FEMA process/status*
- Emergency Generator*
- Budget process*
- New Year’s Eve fireworks*

- Village Attorney

- Village Clerk

- Correspondence from Orangetown P.D. pertaining to street fairs, Mayor Laird White will acknowledge receipt.

- Orangetown Recreation Department's offer of reduced movie tickets. Thanks to W. Demarest for his efforts to include the Village.

Communications

New Business

M. Olive- Request for proposed 'German Beer Garden' was referred to the Building Department for process.

Public Comment: *(Open Public Discussion/any topic – 3 minute time limit)*

Comments from the Board of Trustees

Executive Session (if any)

At 8:37pm, Trustee Parker moved to go into Executive Session to discuss a matter of personnel. Trustee Hammond seconded the motion and it passed unanimously.

At 9:12pm, it was moved by Trustee Parker, seconded by Trustee Lorenzini to come out of Executive Session. Motion passed unanimously.

Adjournment.

There being no further business, nor anyone present wishing to be heard, Trustee Lorenzini moved to close the regular meeting. Trustee Hammond seconded the motion and it was passed unanimously at 9:13pm.

Respectfully submitted,
Mary E. White,
Village Clerk

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on December 19, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:
Resolution No. 2013-79

RESOLUTION OF THE NYACK VILLAGE BOARD TO APPROVE MODIFICATION OF THE LEASE BETWEEN THE VILLAGE OF NYACK AND THE RIVER CLUB, INC. TO PERMIT THE INSTALLATION OF A DECK ON THE LEASED PREMISES

WHEREAS, the Village of Nyack (the "Village") currently leases a portion of its property commonly known as the Village of Nyack Marina to the River Club, Inc. (the "tenant"), by a lease dated February 6, 1984 (said lease being modified and extended by an instrument dated October 29, 1997), and

WHEREAS, the tenant has approached the Village to inquire whether it would be permitted to add an improvement to the premises consisting of a deck to be installed on the south side of the existing structure at the premises to accommodate outdoor dining; and

WHEREAS, the Village Board is supportive of the proposal, subject to the submission and approval of detailed plans and specifications of the proposed deck and a detailed description of the hours and operation of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Village Board is supportive of The River Club, Inc's plan to install a deck at the leased premises, subject to the following:

1. The tenant shall prepare and submit plans (including a statement as to the hours of operation of the deck) to the Village of Nyack Building Department for approval through the land use process set forth in the Village Code.
2. The tenant shall provide a copy of the approved plans to the Village Attorney, together with a calculation of the additional square footage associated with the deck installation, and enter into a lease modification to increase the rent due the Village under the lease in an amount to be determined by adding the rent attributable to the additional square footage (at the current rent per square foot) to the base rent due under the lease.
3. The Mayor executing, upon the review and advice of the Village Attorney, the modification

agreement reflecting the terms of this Resolution.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Laird-White	[x]	[]	[]	[]
Trustee Parker	[x]	[]	[]	[]
Trustee Hammond	[x]	[]	[]	[]
Trustee Foster	[x]	[]	[]	[]
Trustee Lorenzini	[x]	[]	[]	[]

Mary E. White, Village Clerk

RESOLUTION OF THE VILLAGE OF NYACK BOARD OF TRUSTEES

STATE OF NEW YORK
COUNTY OF ROCKLAND: VILLAGE OF NYACK

-----X

In the Matter of the amendments to Chapter 263
Of the Code of the Village of Nyack as pertains to
Property maintenance

RESOLUTION
No. 2013-80

-----X

WHEREAS, the Village Board of the Village of Nyack has noticed a Public Hearing with regard to proposed amendments to the standards applicable to property maintenance within the Village of Nyack.

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Village Code was held at a regularly scheduled meeting of the Board of Trustees held on April 19, 2012,

WHEREAS, at least 10 days prior to the initial Public Hearing notification of same was published in the Rockland County Journal News pursuant to Village Law 7-706(1);

WHEREAS, the Village Board of Trustees had made and published initial SEQRA review of the proposed amendments and found as follows:

That the proposed Village Code amendments were subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Action”.

That the proposed Village Code amendment did not involve a Federal agency (NYCRR

§617.6[a][1][ii]).

That the proposed Village Code amendment did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

That the proposed Village Code amendment had a preliminary classification as a Unlisted action under SEQRA.

5. That it was the intention of the Village Board of Trustees to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the proposed amendments to the Village Code and their magnitude:

a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Code with a view to identifying potential environmental concerns.

BE IT FURTHER RESOLVED, the Village the Board of Trustees, based upon the findings

made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the proposed amendments to the Village Code find and determine that:

- 1) The Village Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed amendments to the Village Code.
- 2) That this action shall not have any significant impact upon the environment that can not be mitigated.
- 3) That the Nyack Village Board makes and adopts a “Negative Declaration” under the provisions of SEQRA, finding and determining that the action will have no negative effect on the environment.

BE IT FURTHER RESOLVED, the Village the Board of Trustees approves the amendments to Chapter 263 of the Village Code as proposed.

This resolution was adopted by a unanimous resolution of the Board of Trustees at the regular meeting of the Board on December 19, 2013.

RESOLUTION OF THE NYACK VILLAGE BOARD

A regular meeting of the Nyack Village Board was convened on December 19, 2013, at 7:30 p.m.

The following resolution was duly offered and seconded, to wit:
Resolution No. 2013-81

**RESOLUTION OF THE NYACK VILLAGE BOARD
TO AWARD THE CONTRACT TO DE-SILT/DE-SNAG THE NYACK
CREEK CULVERT AND STREAM CHANNEL**

WHEREAS, the Village of Nyack has previously advertized a public bid for the public works project known as the “De-Silt/De-Snag of the Nyack Creek Culvert and Stream Channel,” and

WHEREAS, the responses to the bid were reviewed and evaluated by the Nyack Village Clerk and Nyack Village Engineer, and

WHEREAS, the lowest responsible bidder was Cal-Mart Enterprises, with a total base bid price of \$74,447.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NYACK VILLAGE BOARD AS FOLLOWS:

That the Nyack Village Board hereby awards the contract for the public works project known as the “De-Silt/De-Snag of the Nyack Creek Culvert and Stream Channel,” to Cal-Mart Enterprises, subject to the negotiation of an acceptable contract in the amount of \$74,447.00 by the Village Attorney with the vendor.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Laird-White	[x]	[]	[]	[]
Trustee Parker	[x]	[]	[]	[]
Trustee Hammond	[x]	[]	[]	[]
Trustee Foster	[x]	[]	[]	[]
Trustee Lorenzini	[x]	[]	[]	[]

Mary E. White, Village Clerk