

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
July 22, 2008

Present: Mayor Christopher Sanders, Deputy Mayor Fred Devan, Trustees Joan Gussow, Audie Moran, Mark Blomquist, Walter Sevastian, Esq.-Village Attorney, Denise Ehrhart-Village Clerk-Treasurer

Mayor Sanders called the meeting to order and led everyone in the Pledge of Allegiance.

Public Comment:

Margaret Grace had written to the Board regarding the trees that were cut down in Flywheel Park. Ms. Grace wanted to remind the Board that the landscape design was part of the approved Site Plan.

Dennis Hardy had also called the Mayor, Building Inspector and Police Department when he saw the trees being cut down. Mr. Hardy feels that this is part of a larger problem of Mr. Griffin ignoring Village ordinances for his own benefit and said something must be done.

Trustee Devan stated that the Board will not forget about this and is researching what can be done legally.

Elyse Knight thanked the Mayor and Trustees with reference to what the Board is trying to do in the Village. She was also present to support John Angelis who will be talking about the property next door to her which is overrun by garbage and vermin.

Walter Sevastian commented that after a violation has been ignored, the Court will issue a warrant for a second appearance. If it becomes an emergency, the Village can clean up the property at its own expense and the cost will become a lien on the property.

Elyse Knight gave the Board copies of an article about “optical illusion” speed bumps and asked if they could be tried on the Pier.

Richard Stark thanked everyone in the room for coming to the meeting regardless of their issue. The sidewalk schedule available at this meeting, states that the contractor starts at 7 a.m. and he commented that the recent legislation prevents homeowners from starting at 7 a.m. Mr. Stark asked the Board to reconsider how the time is applied to residents if contractors are permitted to start work this early.

The Village Attorney advised that law does not apply to the Village but the Board could consider asking contractor to start later.

Ms. Foster asked the Boards what the yellow powder is sprinkled in different spots in Kane Park. The Highway Supervisor will check into this.

Mayor Sanders recognized the presence of County Legislator Connie Coker and the Mayor of So. Nyack, Patricia DuBow.

A Public Hearing on a proposed amendment regarding Environmentally Sensitive Sites was continued to this meeting. Mayor Sanders set ground rules and explained that he would accept comments from any one who wished to speak, that there would be a limit of 2 minutes, and that each person may speak only once.

The Mayor stated that there was a lot of input at the Ad Hoc Code Committee meeting but the Village Board had not yet received those comments or a new draft of the legislation. The Mayor opened the floor for public comment.

Felix Vaughn – 669 route 9W - representing the Upper Piermont Property Owners Alliance (UPPOA) – commented that the “100” year storm has become yearly and asked what can be done about the flooding. The UPPOA does not agree with laws that do harm to, or punish, the innocent. Article 19 will affect all residents above and below the trail. Mr. Vaughn further commented that homes on non-conforming lots cannot be rebuilt after a disaster or would eliminate rebuilding entirely. Mr. Vaughn asked why those existing homes are not grandfathered. This legislation was influenced by other municipalities and it is not always right to follow suit. Mr. Vaughn asked for factual and material evidence of the need for this legislation. Property values will be affected if resident’s rights are taken away. The UPPOA requested representation on the Ad Hoc Code Committee since there was no resident on that committee living above Route 9W. Mr. Vaughn said that the legislation should be put on hold.

Pat Esgate 733 Rt. 9W – displayed pictures taken during and after a storm stating that the largest part of the drainage problem starts with the County. All the water from the top of the mountain runs into the drainage easement. The flooding starts from a poorly maintained drainage easement and is not caused by people living on the mountain.

Mayor Sanders thanked Pat Esgate for her presentation especially since there is representation from the County tonight. He added that the Piermont DPW does their best to clean the drains on Rt. 9W even though this is not their responsibility.

Trustee Gussow said that she has met with Al Bartley and the County. The rebuilding of 9W is what is required.

Pat Esgate commented that a rebuilding design is in place with drainage improvements. Could the Board, as the representative body, work at this repair instead of legislation to harm the residents?

Klaus Jacob – several years ago he testified in the Town of Orangetown when the issue of slope came up. From a scientific point of view, every inch of development increases the water flow. It is misrepresentation that building on the slopes does not contribute to the flooding problem and the Village needs to deal with the problem for the whole village.

Rich Ellis – more building means more runoff if not properly engineered. Mr. Ellis stated that the only water in his basement was Floyd. He feels that the bigger issue is rights being taken away from residents above Rt. 9W and not the residents below which is not fair.

Don Woody – Tweed Boulevard – the Village needs a third party engineer to solve this issue.

Elyse Knight – if people want representation on the Boards they should run for office and not only show concern when a problem affects them personally. She stated that the Village shouldn't raise taxes for engineer studies and the UPPOA should pay for it themselves.

Basil Konstantinidis stated that the water comes from Rockland Cemetery not Tweed Boulevard and runs out on to Rt. 9W dragging everything with it. He went to the County to request the repair but they said they had no money. He personally installed a pipe that temporarily repaired the problem. When more flooding occurred, the County cleared a clog in an old pipe which caused more flooding. The easement is all dirt and \$200,000 to \$300,000 could repair this problem. Over \$700,000 in sidewalks is not responsible considering this huge problem requiring repair.

Lyll Gorenstein - 191 Tweed Boulevard – this legislation will decrease property values and tax revenues will be depleted – enacting this law will not solve the problem, it will still exist.

Board comments:

Trustee Devan - serious flooding was just discussed but this is not what this law is about, it is a zoning issue and flooding is a totally different subject.

Trustee Gussow – there is a feeling that this is aimed at a certain group of residents. Zoning regulations have been broken and the issue is what kind of slope can be build on without causing problems for other residents.

Trustee Moran – stated that she does not know exactly what is in the proposed legislation and would not vote for it if it included issues voiced this evening. She further said that most residents in attendance have never been to a Village Board meeting. She advised not to become a Board member to take care of a personal issue.

Trustee Blomquist stated that he lives on the hill and experienced horrendous flooding during Floyd. This legislation is not punitive. The problems grew over a number of years and will take time to solve.

Mayor Sanders commented that there is a feeling that this is punitive to a certain group of people. This is not steep slope legislation only; it is Environmentally Sensitive Sites, which includes Watercourses, Wetlands and Flood Plains as well. Anyone who reads the current code will see that a slope of 25% or greater cannot be disturbed. The Ad Hoc Committee thought this was prescriptive enough and the Village is trying to improve this section of the code.

Trustee Devan made a motion to acknowledge the SEQRA Negative Declaration – Notice of Determination of Non-Significance – declaring the Amendments to Chapter 210 of the Piermont Code as an Unlisted Action and that they will have no environmental impact. The motion was seconded by Trustee Gussow and upon vote the motion carried.

The Board consensus was to continue this hearing to September 9, 2008 at 8:15 p.m.

Mayor Sanders noted that August 5, 2008 is the next Ad Hoc Committee meeting and advised that although this is a public meeting the Chairperson does not need to permit public comments.

Roberta Ebert commended the Board for their patience and preparedness on this issue.

Continuation of Public Hearing on proposed amendments to “Definitions” was scheduled for this evening. The land use attorney changed some of the definitions originally submitted.

Public Comment – NONE

Board Comment – NONE

Trustee Gussow made a motion to close the Public Hearing. The motion was seconded by Trustee Moran. Upon vote the Public Hearing was closed.

Trustee Moran made a motion to adopt Amendments to Definitions and Word Usage. The motion was seconded by Trustee Devan. Upon vote the motion carried.

Marianna’s Boutique applied for a special permit to request the relocation of an existing sign to 510 Piermont Avenue. Trustee Gussow made a motion to approve the Special Permit. The motion was seconded by Trustee Blomquist. Upon vote the motion carried.

Aubrey Flowers applied for a special permit to move a sign from one side of the building to the other at 510 Piermont Avenue. Trustee Gussow made a motion to approve the Special Permit. The motion was seconded by Trustee Devan and upon vote the motion carried.

Linda Sawyer – 466 Piermont Avenue – requested a special permit for a tag sale for a period of six (6) months beginning this Saturday, July 26, 2008. Trustee Devan made a motion to approve the special permit for 6 months. The motion was seconded by Trustee Gussow. Upon vote the motion carried.

The Building Inspector wrote a memo to the Village Board regarding Property Maintenance violations at 706 Piermont Avenue. The Mayor and Village Board have received many letters and requests from residents to do something about this issue. The owners of the property will be in court July 23rd and the Mayor asked that the prosecutor for the Village not be lenient. The Village Attorney advised that, if after this court hearing, the violations are ignored, the Building Inspector can declare an emergency and the Village can proceed to do the clean up and place a lien on the property.

Trustee Blomquist made a motion to move forward with the clean up at 706 Piermont Avenue, if the owner does not appear in court and ignores the violations, in an amount not to exceed the cost of \$750.00. The motion was seconded by Trustee Gussow and upon vote the motion carried unanimously.

Property maintenance violations also exist at 768 Piermont Avenue. Again, the Mayor asked the prosecutor for the Village to not be lenient in court tomorrow night. Trustee Gussow made a motion to move forward with the clean up at 768 Piermont Avenue, if the owner does not appear in court and ignores the violations, not to exceed \$750.00. The motion was seconded by Trustee Moran. Upon vote the motion carried unanimously.

The Board discussed increasing the Village Umbrella Insurance Policy from \$1,000,000 to \$5,000,000 and the Board consensus was positive. Trustee Moran recommended it be raised to \$10,000,000. Trustee Gussow made a motion to increase the Umbrella Insurance Policy to \$5,000,000 at a total expense of \$9,155.30. The motion was seconded by Trustee Devan. Upon vote the motion carried.

The Board discussed designation of the Rockland Road Bridge environs as a Piermont Heritage Area. The following resolution was moved by Trustee Gussow and seconded by Trustee Devan. Upon vote the resolution carried unanimously.

WHEREAS, the Piermont Village Board recognizes that the Rockland Road Bridge and the area surrounding the Bridge has historical significance in Piermont and the Hudson Valley Region, and

WHEREAS, the Piermont Village Board is undertaking to seek funding to restore and preserve the Rockland Road Bridge and its environs, and

WHEREAS, the Piermont Village Board has authority under the Landmark Preservation provisions of the Village Code to designate Village owned property with historic significance as Public Heritage Areas.

THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Piermont hereby resolves and declares the publicly owned property consisting of the Rockland Road Bridge and any publicly owned land located adjacent to the Bridge as a Public Heritage Area, and

BE IT FURTHER RESOLVED that the Piermont Village Board will budget and seek further funding to preserve the Rockland Road Bridge and its environs as a Public Heritage Area.

The Assistant Fire Chief's new vehicle has arrived and Trustee Blomquist is recommending that the Red 2003 Durango be declared surplus. A motion by Trustee Blomquist to surplus the Red 2003 Durango and place on auction was seconded by Trustee Devan. Upon vote the motion carried.

Trustee Moran made a motion to approve the Board Meeting minutes of June 24, 2008 and the Special Meeting minutes of July 10, 2008. The motion was seconded by Trustee Blomquist. Upon vote the minutes were approved.

Trustee Devan made a motion to approve the warrant in the amount of \$626,159.36. The motion was seconded by Trustee Gussow and upon vote the warrant was approved.

Trustee Moran reported that she had spoken with Thom Kleiner about installing a 4 way stop sign at Ferdon Avenue and William Street.

The owner of 322 Hudson Terrace wrote a letter to the Village Board with reference to heavy runoff from Bungalow Lane. The Mayor will meet with the DPW Supervisor to discuss this matter further.

The Village has received a letter from a Sparkill resident who would like the barrier at the end of Hovey Lane removed. Two other residents of Hovey Lane wrote to ask that it be left up.

Al Bartley advised that Hovey Lane was built as a dead end street. The Board had discussed this issue in the past and has, again, agreed to leave the barrier in place.

Walter Sevastian asked if the bicycle rack at Bunbury's was being taken in at night as agreed upon. Al Bartley advised that sometimes it is taken in and sometimes it is left out. Mr. Sevastian told the Board that he would prepare another letter indicating that this matter will be revisited and possibly revoke permission for the bicycle rack to be placed in the parking space outside of the coffee shop.

DPW Supervisor advised that the work to replace the sidewalks would begin August 4, 2008. Also, due to the resurfacing of roads, all road opening permits from O & R and United Water would be denied unless an emergency exists.

Al Bartley requested an extension of time through August for the Seasonal Laborer the Board had previously approved due to the injury of James Goswick who will be out for four (4) weeks. Trustee Devan made a motion to approve the Seasonal Laborer additional four (4) weeks at a cost not to exceed \$3,500. The motion was seconded by Trustee Gussow. Upon vote the motion carried unanimously.

A motion was made by Trustee Moran to enter Executive Session to discuss Personnel Matters and Personnel History. The motion was seconded by Trustee Gussow. Upon vote the Board entered Executive Session.

Trustee Devan made a motion to exit Executive Session. The motion was seconded by Trustee Moran. Upon vote the motion carried.

A motion by Trustee Gussow to adjourn the meeting was seconded by Trustee Devan. Upon vote the meeting was adjourned.