

**INCORPORATED VILLAGE OF PIERMONT**  
**BOARD OF TRUSTEES MEETING**  
**May 18, 2010**

Present: Mayor Christopher Sanders, Deputy Mayor Mark Blomquist, Trustees Joan Gussow, Audie Moran, Steven Silverberg, 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 reminded the Board of the grand opening of the dog run on Saturday, May 22, 2010 at 3:00 p.m. Ms. Grace also asked the Board if there was any objection to include merchants within the Village to use the dog run even though they do not live in Piermont.

Board consensus was in favor of allowing merchants to use the dog run.

A request was also made for the Village to install a garbage can or dog clean up station. The committee is currently using a broken mower to maintain the dog run but hopes the Village will handle maintenance in the future. The Mayor advised that it was up to the committee to maintain. The Mayor also thanked the volunteers who worked on the dog run for a great job.

Ray Icobelli, representing the Blauvelt Lions Club, requested to hold their Apple Fest on Sunday, September 26, 2010. He is working with the Police Chief to get a scoreboard for the ball field and will also make a donation to the library.

Mayor Sanders said that last year the event could have been charged road closing fees but that the Village Board considered this a Village event with no charges. He then mentioned a request for a swing to accommodate a handicap child in Kane Park. Mr. Icobelli said that would not be a problem.

Trustee Silverberg made a motion to declare the Apple Fest on Sunday, September 29, 2010 a Village event not subject to fees. The motion was seconded by Trustee Gussow and upon vote the motion carried.

Richie Stark had budget questions on hospitalization and retirement.

The hospitalization was for health care for active employees and for retirees. Retirement was based on salaries.

Elizabeth Curtin of 455 Piermont Avenue moved in at beginning of March into a building owned by Frank Comito. Major construction & demolition is ongoing and she went to the building department to discuss the amount of damage to the unit including plumbing, ceiling collapse and asbestos. The Building Inspector said this was a landlord tenant issue. Ms. Curtin called the Dept. of Health and was told it was not a legal apartment and they wrote up violations to the landlord. In addition, her brand new car in Lot D was damaged by a pickax.

Walter Sevastian advised that it is not the Board's position to advise anyone of their legal rights. If this is a property maintenance issue, an individual may go to the building department who will shut it down but cleaning up is out of the Villages hands.

The Mayor said that the building department should take action on this apartment to determine if it is legal and habitable. The landlord should take responsibility for cleaning up any asbestos. Other than that the Board can do nothing.

Ms. Curtain said that the apartment was grandfathered in and would like someone other than Mr. Charlie to come. She also filed a police report about someone tampering with her mailbox. She was again told this was a tenant/landlord issue.

Robert Wright, a parent from the Community Playgroup questioned court outcome on the eviction.

Walter Sevastian said that Mark Goldstein appeared and consented to the warrant of eviction on May 28, 2010 and payment of the \$12,787. The location will be vacant at that point. The Sheriff will complete the eviction and once vacant it is in the Board's control.

Mayor Sanders stated that the Board is moving past the current tenant and that the premise will be available on June 1 to a new tenant. The Board is not looking to eliminate this type of service, merely the current tenant.

Walter Sevastian further advised that the parent's issue to take over the playgroup does not enter into the eviction proceeding. Any viable tenant can come to the Board. The case against the current entity is complete. The parents would need to look at re-licensing, teachers and insurance issues.

The Mayor said he spoke to Assemblywomen Ellen Jaffe and she put him in touch with the Rockland County YMCA to possibly become the new tenant and run a preschool.

Trustee Moran made a motion to open a Public Hearing on a moratorium on the enforcement of off-street parking. The motion was seconded by Trustee Gussow. Upon vote the public hearing was opened.

The Village Attorney explained that if a business establishes a use in the Business B district, there is no real parking and nothing in the code providing relief. The Village Board is proposing a payment in lieu of parking. Further, as in the case of the Sidewalk Bistro, there is nothing in the code for 3<sup>rd</sup> party parking leases; the Library needed a variance for their own parking so they cannot lease spaces to anyone. The Board is proposing a moratorium on enforcement of Village Code Section 210-68.

Public Comment: NONE

Trustee Blomquist said that before anything goes in place we need a moratorium and we need to establish a fee.

Trustee Moran agreed that the Board needs to establish a fee.

Trustee Silverberg is happy with the draft of the law. He does not want to determine a fee by what someone else charges but by the cost of the development of the parking lot.

Trustee Gussow said that business already have spaces they are leasing to meet requirements and need to pay for what they can't provide.

Mayor Sanders questioned is this fee would affect current businesses or new businesses.

Walter Sevastian advised that it would affect any new use, change of occupancy or expansion of a business. Mr. Sevastian gave the example of the Bistro's lease with the library currently equals \$188.38 per space per year.

The North Parking Lot will have 70 spaces 10 of which are the Library's leaving 60 spaces. That portion is costing \$300,000 or 60 spaces at \$5,000 per space.

Trustee Silverberg said that in 2002 the Village leased 8 spaces to the Rowing Club for \$2,500 per year or \$312 per space; \$500 per year sounds reasonable.

Trustee Gussow said that the numbers seem high and that the spots are not unique to locations paying for them.

Trustee Moran said there should be no expectation for businesses to spend 100% of the cost of the new spaces and we don't know the life of the lot. Businesses are struggling and we need to be reasonable.

Fred Devan commented that he thinks the PPU is 15+ years and also suggested the use of spaces in Lot D.

The Mayor said that the Board is not looking at particular lots, just to offer relief to the Village businesses.

Richie Stark added that Lot D is free and needs to be looked at. He feels that the Board should not base any fee on the cost of a particular parking lot to provide lease amounts.

Trustee Gussow does not want to create more parking lots but have enough money for the cost of maintenance of current parking.

Trustee Silverberg stated that this action would allow relief to businesses with changes of use for parking they don't have. He is proposing \$350 per space per year.

The owner of the Sidewalk Bistro asked about businesses needing seasonable parking not full year parking.

Curt Lowey advised that higher fees will deter businesses ability to stay open.

Ms. Curtain added that Residents pay \$120 per year for parking spaces and asked if it could be same for businesses.

Richie Stark said that residents already pay for road and lot maintenance in their taxes.

Rockland County Department of Planning approves action.

Trustee Gussow said that as opposed to Trustee Silverberg, the cost of \$200-\$250 per year is too high.

Trustee Moran said that \$240 per year is \$20 per month and wouldn't like to see it any higher.

Trustee Silverberg made a motion to close the Public Hearing. The motion was seconded by Trustee Moran and upon vote the hearing was closed.

Trustee Blomquist suggested \$250 per space.

Trustee Silverberg felt \$240 for seasonable purposes would be easier.

Trustee Moran recommended \$20 per month.

Trustee Moran made a motion for the Moratorium to be amended as agreed with \$240 and Section 2B. The motion was seconded by Trustee Blomquist. Upon vote the motion was approved.

The following motion was made by Mayor Sanders and seconded by Trustee Gussow.

In the Matter of the Amendment to Section 210-68 of the Zoning Code of the Village of Piermont:

WHEREAS, the Village Board of the Village of Piermont has noticed a Public Hearing with regard to an amendment of the Zoning Code with respect to the adoption of a temporary Moratorium on the application of the minimum parking standards set forth in Village Code section 210-68 to the Business B Zoning District in the Village of Piermont;

WHEREAS, a Public Hearing on the adoption of these proposed amendments to the Zoning Code was held on May 20, 2010;

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, at least 10 days prior to the closure of the public hearing referrals of the proposed amendments to the Zoning Code were furnished to various parties pursuant to Village Law Section 7-706 (2)(a), (b), (c), (d);

WHEREAS, at least 60 days prior to the closure of public hearing referrals of the proposed amendments to the Zoning Code were furnished to the Village of Piermont Planning Board for review and comment;

WHEREAS, at least 30 days before prior to the closure of the public hearing a referral was made to the Rockland County Planning Department (including the Notice of Public Hearing, the proposed law, and the EAF, pursuant to G.M.L. Section 239-m);

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

1. That the proposed Zoning Code amendment was subject to SEQRA (NYCRR §617 et seq) as an “Action”.
2. That the proposed Zoning Code amendment did not involve a Federal agency (NYCRR §617.6[a][1][ii]).
3. That the proposed Zoning 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.
4. That the proposed Zoning Code amendment was not located within an agricultural district (NYCRR §617.6[a][6]).
5. That the proposed Zoning Code amendment was a preliminary classified as an Type II Action exempt from further SEQRA review as a moratorium on the ministerial acts of the building inspector in applying the off-street parking requirements in the Business B Zoning District (NYCRR§617.5[c][19]).
6. That the Village Board of Trustees published its intention 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:

- a. That the Board has reviewed the EAF prepared in relation to the proposed amendments to the Zoning Code with a view to identifying potential environmental concerns.
- b. That the proposed adoption of a temporary Moratorium on the application of the minimum parking standards set forth in Village Code section 210-68 to the Business B Zoning District is not subject to review under SEQRA, since the temporary moratorium on the ministerial act of the building inspector applying the minimum parking requirements to the Business B Zoning District is exempt from SEQRA review under NYCRR§617.5[c][19].
- c. That the Rockland County Planning Department approved the proposed local law, finding that the proposed law would have no negative impact on nearby municipalities, County or State Roads, County Parks, or to County Drainage systems.

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby adopted the proposed local law to establish a Moratorium on the application of the minimum parking standards set forth in Village Code section 210-68 to the Business B Zoning District pending the completion of legislation to modify the minimum parking requirements for the Village of Piermont, and directs the Village Attorney to file the adoption resolution with the Village Clerk.

Upon vote the resolution carried unanimously.

The Piermont Historical Society is preparing an audit of Historic Sites in the Village of Piermont. Rich Esnard advised that there will be an informal presentation at the June 8, 2010 meeting.

Dan Sherman made a brief presentation on the Kiosks to be placed on the Pier. It will be a standard kiosk made of pressure treated moss green lumber. There will be a display in paint, vinyl graphic and sections carved in shallow relief on a concrete foundation.

The Village Clerk will confirm the location of the \$5,000 grant funds. The contractor has requested a deposit of half of the cost. Trustee Blomquist made a motion to move \$2,500 to parks from contingency for the payment. The motion was seconded by Trustee Silverberg. Upon vote the motion carried.

The Sidewalk Bistro has applied for special permit for seasonal outdoor seating and will pay the Village fee for parking on a seasonal basis from April to November: \$2,880 for 18 spaces.

The following resolution was moved by Trustee Moran and seconded by Trustee Gussow:

WHEREAS, Ludger Alain LLC (the "Applicant") has, at the direction of the Piermont Building Inspector, filed an application to renew a Special Permit for outdoor seating in the rear of the restaurant known as the Sidewalk Bistro during the 2010 summer season;

WHEREAS, The Applicant's restaurant is located at 482 Piermont Avenue, Piermont, New York, in the Business B Zoning District;

WHEREAS, the Applicant was previously issued a Special Permit for outdoor dining in the rear of the restaurant by the Board of Trustees on April 7, 2009, which Special Permit consisted of a modification of a prior Special Permit dated May 2, 2000 (the Special Permit from May 2, 2000 authorized outdoor dining in the front of the restaurant and limited service in the rear of the restaurant);

WHEREAS, Piermont Village Code 210-76 (B) mandates that Special Permit renewal applications be granted unless the Piermont Building Inspector determines that the conditions set forth in the grant of the original Special Permit are not being complied with;

WHEREAS, the Piermont Building Inspector has written the Board of Trustees to advise that the Applicant could not satisfy the conditions on the grant of the existing Special Permit, specifically as to the provision of 18 parking spaces for the dining in the rear of the restaurant (the Applicant had provided a lease for the 18 spaces when he received the existing Special Permit, the Building Inspector determined that the provision of off-site parking spaces to satisfy a parking requirement is not permitted under the Code);

WHEREAS, the Village Board of Trustees recently adopted a temporary Moratorium which provides, inter alia, that the parking requirements applicable to the Business B Zoning District may be met with a payment in lieu providing the actual spaces;

WHEREAS, the Applicant has indicated that it wishes to avail itself of the fee in lieu of parking to satisfy the parking requirements associated with the Special Permit request;

THEREFORE BE IT RESOLVED, that the Piermont 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);

BE IT FURTHER RESOLVED, that the Village Board of Trustees undertakes a SEQRA review of the proposed Special Permit renewal application and finds as follows:

That the Special Permit renewal application is a Type II Action under NYCRR 617.5 (19) since the Village Board is required to renew the Special Permit based on the Building Inspector's determination that the conditions of the original Special Permit can be complied with.

BE IT FURTHER RESOLVED, that the application to renew the Special Permit for outdoor seating in the rear of the restaurant known as the Sidewalk Bistro during the 2010 summer season is granted pursuant to the provisions of Village Code section 210-76 with the following conditions:

- a. The Special Permit shall be renewed annually.
- b. The Applicant shall control the noise emanating from the dining area in the rear of the premises so as not to disturb adjoin property owners.
- c. The Applicant shall be bound by all of the provisions of the Temporary Moratorium referenced in the Resolution.
- d. The Applicant shall continue to be bound by all other conditions of the previous Special Permits issued by the Village Board, with the exception of the required parking for the rear dining area.

Upon vote the resolution carried unanimously.

The Board reviewed the new Letters of Understanding which contained some changes:

Part Time Clerk to the Boards will be given 2 (two) 17hour weeks of vacation; Deputy Clerk will have an amendment to the salary schedule reflecting the 1.75% increase;

The Building Inspector will have in increase to 30 hours per week, vacation days have increased and will be based on a 6 hour day and there is no car allowance.

Trustee Blomquist made a motion to authorize the Mayor to sign the Letters of Understanding as presented. The motion was seconded by Trustee Gussow. Upon vote the motion carried 4 to 1. Trustee Silverberg voted against the agreements because on principle the Board should not be entering into memoranda with employees.

Trustee Gussow made a motion to approve the minutes of May 4, 2010. The motion was seconded by Trustee Silverberg and upon vote the minutes were approved.

Trustee Blomquist moved to approve the warrant in the amount of \$38,291.05. The motion was seconded by Trustee Moran and upon vote the warrant was approved.

The Village Attorney reported that he was working on extending the lease for the Skating Pond and will report further at a later date.

Tom Temple, Ken DeGennaro, Mark Blomquist, Dan Goswick and Bob Hoene had a meeting about the Fire Department building for the end of the Pier. It will be block and the slab should be poured in July.

Phase IV paving will include some roads removed from Phase III. Tom Temple will work with the Village Engineer and may be ready for the June meeting. This work will be included in a bond.

In honor of Memorial Day a street sign will be put up for Louie Caputo.

Tom Temple reported that the work at the end of the Pier is completed. Grandview has accepted a bid for back door garbage pick up for 3 years.

Trustee Moran made a motion to enter Executive Session to discuss contractual matters. The motion was seconded by Trustee Gussow and upon vote the Board entered Executive Session.

Trustee Gussow made a motion to exit Executive Session. The motion was seconded by Trustee Silverberg and upon vote the motion carried.

The Mayor mentioned a possible Retirement Incentive before the Legislature. The Village Clerk will research and get further information.

Trustee Moran made a motion to adjourn. The motion was seconded by Trustee Gussow and upon vote the meeting adjourned at 10:15 p.m.