

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
May 20, 2008**

Present: Mayor Christopher Sanders, Deputy Mayor Fred Devan, Trustees Audie Moran, Mark Blomquist, Joan Gussow, Village Attorney Walter Sevastian, Esq., Deborah Arbolino, Clerk to the Boards

Absent: None

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

Public Comment:

Michael Miller HOA President of Piermont Landing stated that the seawall repairs are complete and the walkway can be re-opened; that the heavy equipment is gone and the signs and permits have been removed.

Mayor Sanders stated that Al Bartley, Supervisor of the Department of Works will open the walkway tomorrow.

Susan Cohen, 19 Elm Street stated that she and her husband wanted to be clear on the use of the back patio at the new French Bistro, formerly the Sidewalk Café; that they do not want to deal with the noise that was generated by the previous owner; and asked that the new owners adhere to the previous agreement. She distributed a copy of the original agreement to the Board.

Fred Cohen , 19 Elm Street, wanted reassurance that there would not be large outdoor parties using the rear patio, stating that the noise generated by the previous owner was unbearable.

Ludger Celestin, new owner of the French Bistro reassured the Cohens' that he would abide by the previous approval.

Richard Stark, Franklin Street, stated that he would like to thank the Board for instituting the new policy of making available a copy of the Board's package for the public to view; and asked if these items could be made available electronically to the best extent possible.

Mayor Sanders replied that as they will make them available as much as possible.

Public Hearing scheduled for June 3, 2008

Mayor Sanders made a motion to change the schedule for the Public Hearing to amend Village Code Section 190-39.1, Schedule XIA, entitled “No Parking Certain Hours”, to commence at 8:30 P.M. on June 3, 2008, which motion was seconded by Trustee Moran and carried unanimously.

Special Permit “Sidewalk Bistro”

Ludger Celestin, owner of the French Bistro, stated that the request is to change the awnings from the original color to red.

Trustee Moran made a motion to approve the red awnings; which motion was seconded by Deputy Mayor Devan and carried unanimously.

Public Hearing Environmentally Sensitive Sites

Trustee Moran made a motion to open the Public Hearing on Environmentally Sensitive Sites, which motion was seconded by Trustee Gussow and carried unanimously.

Mayor Sanders stated that the code revision committee has been working on revising the steep slope legislation since early 2007; that the current legislation states that slopes of 25% or greater can not be touched; that the new legislation is more prescriptive and the code revision committee has reviewed other legislation, borrowing from others and revising to craft this legislation. Mayor Sanders turned the presentation over to Trustee Gussow.

Trustee Gussow invited the audience to take copies of the proposed zoning code amendment. Trustee Gussow stated that the members of the public that regularly attend Village Board meetings know that the code revision committee has been working diligently over a period of time to revise this section of the code to protect visual quality of the Village and the sensitive environment of the Village; and that the slope reductions would be applied as explained on page one of the handout which uses a lot in the R-20 zoning district as an example; that her job to night is to walk you through the annotations and make sure that everything is clear and take comments from the audience; that the Rockland County Planning letter did not negatively comment on the proposed legislation; that there is an existing steep slope law that is not always paid attention to; that it says “No land having a slope equal or greater than a 25%

slope shall be developed or disturbed except for conservation measures or measures intended to remove debris that inhibits the functioning of a swale, natural vegetation and topography shall be retained to stabilize soil and reduce the volume of storm water”; that there have been some buildings constructed in defiance of that legislation; that the proposal strengthens the regulatory nature of the code and makes it applicable to all land use actions and increases Planning Board authority; that the object is to protect the environmentally sensitive areas and see houses built that are appropriate to the hillside on which they are constructed; that the box under legislative intent points out the objectives of the sensitive sites legislation; that the article is intended to provide the Zoning and Planning Boards the ability to accomplish protecting the environmentally fragile areas of Piermont by establishing set back limits for sensitive water features, by providing clear definitions of sensitive slopes, by setting limitations on “buildable area” of steep slope sites, limiting permanent disruption of the steep slope caused by erection of buildings driveways, terraces and other permanent changes to the slope and limiting the transitory disruption of the steep slopes generated by construction; that there are four slope definitions that are used throughout the legislation; that they are limited slope, moderately steep slope, very steep slope and extremely steep slope; that the percentage of lot reduction is directly related to the slope gradient; that when these percentages are applied to the illustrated lot it reduces the floor area ratio permitted on said lot, but does not reduce the actual lot size; and that the comments from Rockland County Planning and the Piermont Planning Board will be taken into consideration along with the public comments tonight.

Public Comment:

Pat Esgate, 733 Route 9W, spoke as a private citizen, stating that she appreciates all of the work that the code clean up committee has put into the proposed legislation; that the description is leaving out critical items of the proposed legislation; that she questions if there is a reduction in lot area; that she has concerns with the current four levels of slope, especially the jump from 15% to 60%; that at least one more level should be added to this section; that she has a concern regarding driveways and how they are not considered separately from the four levels of slope; that what could happen under the present proposal is that a house could be built but not a driveway; that the section involving the Clausland Ridge line and limiting colors and lighting on this area but not anywhere else in the Village seems arbitrary; that she agrees that the Village needs slope legislation and she believes that smaller houses are a better solution on slopes but if the legislation makes it impossible for someone to subdivide 1 ½ acres for two small houses to be built than one super large house is going to be built on same 1 ½ acres.

Amilee Moody, 162 Tweed Boulevard, stated that she appreciates that the Board is concerned with the aesthetics of the Village and keeping the pristine environment; that it is one thing to preserve the environment and another to deny the inevitability of building; that the style of houses are changing; that people do want larger houses today; that it seems that the Board wants to cling to their preferred aesthetic character but this seems slightly arbitrary and an imposition to property owners; that preserving the stability of the environment could be accomplished with advanced technology; that there is a way to build without eradicating the use of taxpayers property; that the technology is at our disposal and can be used to build on steep slopes; that reducing the size of lot is a concern that could be considered a taking of land.

Richard Stark, Franklin Street, stated that this proposal is very complex and not easy to understand; and inquired if any study has been conducted to see how this formula works on real Piermont properties.

Rod Johnson, 22 Stevenson Street stated that he is on the code clean up committee and a member of the Planning Board; that he can think of an example that would show the need for this legislation and that would be the Bergstol property; that they built a 14 foot wall filled it in and a storm hit and blew out the wall causing fill to slide down from Route 9W all the way to the river; that the new legislation is being considered to avoid that type of incident; that 100 year storm effects are felt on the mountainside and affect the properties below them; that flooding and floodplains are not only next to water ways; that shallow soil repels water downhill and the FEMA Maps show flood hazards on hillsides.

Walter Sevastian, Village Attorney, stated that the Village Board has a responsibility to make sure that the land being developed does not have a negative effect on surrounding properties; that the Board is responsible for the health safety and welfare of the community; that the applicant always has the opportunity to apply for a variance if they can prove that their proposal will not have negative effect and get relief; that the intent of this legislation is to limit the effect that the development of steep slopes causes to the surrounding areas; that the comments from the public, Rockland County Planning's comments and the comments from the Village Planning Board are all going to be sent to the ADHOC committee for their consideration; and that the Board should make a motion to declare itself Lead Agency for purposes of this proposal.

Trustee Gussow made a motion to declare the Village Board Lead Agency pursuant to Part 617 of the regulations pertaining to Article 8 (State Environmental Quality Review Regulation), which motion was seconded by Deputy Mayor Devan and carried unanimously.

Mayor Sanders stated that many good points were made tonight and they will be considered.

The comments from Rockland County Planning, the Piermont Planning Board and the hearing tonight will be forwarded to the AdHoc Code Revision Committee for consideration at their next meeting scheduled for June 23, 2008. The proposed legislation should also be forwarded to the Village of Grandview and Town of Orangetown for review and comment. The Public hearing is continued to the July 22, 2008 meeting of the Board of Trustees at 8:15 p.m.. No further notice will be provided for this continued hearing.

New York Cycle Club

Ellen Jaffee, New York Cycle Club, stated that this is the club's annual charity ride; that in the past years the club has taken advantage of the Piermont Bicycle Connection hospitality; that they have stopped there in previous years for drinks, snacks and use of their bathrooms; that as generous as that has been it is still problematic; that this year they would like to make Piermont a real stop; that there are three routes; that everything starts and ends in Manhattan; that there is a 50, 60 and 100 mile race; that they would like to route everything to Piermont, entering through Ferdon and leaving on Piermont Avenue; that recycle a bicycle and education and transportation alternatives are benefiting from the charity this year; that by using the pavilion the traffic could be averted away from the business section of the Village; that this could open dialogue with the Village between the cyclists and the residents; that civility is critical along with obeying traffic laws; that last year there were over 400 riders; that the riders are staggered and would arrive in the Village beginning at around 8:30 A.M to 2:30 P.M.; that they will not be using River Road and they are planning to route them west and north to Rockland Lake; that they can provide cycling marshals; that they would like to set up an appointment as soon as possible to discuss charges with the Chief O'Shea because they have a limited budget and this may put them entirely out of the running.

Mayor Sanders stated that diverting the riders away from the business district would be a good thing; that he would ask that the riders be more civil to improve relationships with the residents; that the increase in traffic may require more police presence; that these items can be discussed between the cycle club and Chief O'Shea; and that he understands that these events bring many new people into the Village on week-ends and that residents have mixed feelings about them, but they also help the business district and without that kind of marketing for the Village the business district might have shuttered doors which no one wants to see. He also noted that the Village has no legal authority to keep bicyclists, regardless of their number, from passing through the Village.

Chief Michael O'Shea questioned how many riders would be involved and over what time period; that adding 400 additional riders plus the thousand normal riders that pass through the Village will probably require officers assigned especially for this event; that he would like to talk to someone from the club and discuss traffic rules and such; that many of the riders coming through Piermont ride 2 or 3 abreast and this causes many problems; that volunteers from the Cycle Club cannot enforce traffic regulations; that police officers would be necessary for that; and a discussion between the club and himself should be scheduled as soon as possible.

Trustee Moran asked if the rider's route included Route 9W and inquired of the Chief O'Shea if that would pose a problem.

Deputy Mayor Devan stated that the deposit fee for the pavilion is \$500.00 and the rental fee is \$300.00.

Public Comment:

Bill Grasso, 301 Cottonwood Court; stated that he agrees with the Police Chief and asked if the Village was getting paid for this; that many of the cyclists coming through Piermont ride 2 or 3 abreast; that many are very rude and he wouldn't appreciate this event unless the Village is getting a financial windfall.

Roberta Ebert, Harbor Cove, asked if it would be possible to enlist people from the cycle club to police themselves and she would request that they walk the bikes across intersections instead of riding.

Pat Esgate, 733 Route 9W, asked if the bicyclists are going to be routed onto Route 9W; that they do not belong up there; that she lives on Route 9W and many times riders wind up asking for help on Route 9W.

Dennis Hardy, 305 Ash Street, asked if the Village established a new policy for renting the pavilion; that he thought it was for use by residents only.

Deputy Mayor Devan made a motion to permit the event on September 20, 2008 with a \$500.00 deposit fee, a \$300.00 rental fee and a possible police fee; which motion was seconded by Trustee Moran and carried unanimously.

Piermont Historical Society and “The Belle Kelley House”

Walter Sevastian, Village Attorney stated that he has the proposed two year lease for the Belle Kelley house; that the proposed rent will be the cost of the proposed improvements which are estimated to be about \$100,000.00; that the Historic Society will be responsible for the carrying costs of the utilities and will have to carry their own insurance with the Village named on it; that the utility bills will be sent to the Village and the clerk will be responsible for forwarding the bill to the Historic Society within ten days of receipt.

Deputy Mayor Devan made a motion to approve the two year lease with the understanding that the Historic Society will be responsible for the estimated \$100,000.00 worth of improvements; that the Historic Society will provide insurance for the building and name the Village on the policy and that the Historic Society shall be financially responsible for the utility bills for the building, which motion was seconded by Trustee Moran and carried unanimously.

Creation of Policy with reference to interior inspections for the purposes of C/O's, Violations etc.

Walter Sevastian, Village Attorney, stated that 90% of municipalities do not conduct interior inspections as part of their municipal title search requests; that the title search would state that a municipal review of the files indicate that there are no violations and no onsite inspection was performed; that the question of interior inspections was brought up because some property owners have requested onsite interior inspections; that performing onsite interior inspections should be limited to improvements that were done after the latest certificate of occupancy was issued; that he is advising the Board that generally the title search request can be satisfied with a municipal review of files that clearly states that no onsite inspection was performed; that if a homeowner requests an onsite interior inspection there should be an additional charge and clear language that states exactly what the interior inspection is limited to; and that he will draft a form letter with the specifications and charges of \$250.00 for a municipal record search and \$350.00 for an interior onsite inspection and municipal record search.

Bob Samuels stated that he is pleased that the Board listened to the public and responded appropriately.

Richard Stark stated that he agrees with the Village Attorney that a municipal record search is sufficient; that Orangetown does not perform interior onsite inspections and that Clarkstown only performs them when there is an agreement between the seller and purchaser and the owner requests it.

Rich Ellis stated that Haverstraw and South Nyack do interior onsite inspections; that the Village building inspector was performing onsite inspections on every house was sold in Piermont; that a lawsuit was filed because of this practice in January or February; and that he would like to know if the building inspector's hours were increased for this reason.

Trustee Blomquist stated that he thinks Walter Sevastian's proposal is a great idea and that the responsibility for sufficient due diligence in these transactions lies with the purchaser, and that it would be best to minimize the Village's involvement.

Mayor Sanders asked the Village Attorney to draft a form letter with all of the appropriate language to satisfy a municipal record search and any owner requested onsite inspection and stated that this proposal satisfies any request that could be made for a municipal search.

Trustee Moran asked if this information is available through a F.O.I.L. request.

Trustee Gussow stated that the limited interior inspection at the request of the owner and the municipal record search at different charges are fine.

Deputy Mayor Devan stated that he would move to approve Walter Sevastian's suggestion but will wait until the draft form letters are presented.

Discuss Bond Resolution for Settlement of Tax Certiorari involving Paradise Harbor H.O.A. and Harbor Cove

Walter Sevastian stated that a settlement figure has been reached for the tax certiorari for the years 2004-2005 and 2005 -2006 for Paradise Harbor; that the settlement amount is \$212,956.00; that this amount is \$100,000.00 less than the previous offer; that the settlement amount was reached after considering the fair market value from David Hagstrom and the appraisal by William Beckman; that this settlement does not include Harbor Cove; that he expects the settlement amount for Harbor Cove to be reached soon; that he does not have the stipulation in front of him which is required by the Bonding Council so at this point the Board can't make a resolution but he wanted to publicly advise the Board of the settlement amount and explain that he has asked the Attorney for Harbor Cove if the same percentage for reduction can be used on that property. That the

money will go to the Board of Directors and they will decide how the money is given out to the property owners. He explained to the residents that it is not legal for the Village to plow a private road and that if they wanted services like that they would have to deed over the road to the Village.

Public comment:

Bob Samuels asked if there are other law suits pending because of the new taxing method; and stated that the property owners of the castle on Castle Road pay more taxes than anyone else and they live on a private road.

Dennis Hardy stated that as a landing resident there are still inequities in services and he is hopeful that the Village Board can resolve that problem.

Roberta Ebert asked for clarification on why Harbor Cove is not settling.

Richard Esnard stated that when people buy property in a private community they maintain their own area.

William Grosso stated that he has lived in Rockland for thirty years and purchased 301 Cottonwood three years ago; that he would like to know why the road is not plowed by the Village.

Community Playgroup Lease

Walter Sevastian stated that he has the lease for the Piermont Playgroup which includes a clause that the Village be given reasonable access to the building; that the expenses to run the building are \$2094.92 and that would get split with PAL; that the amount for the rent would be \$1,047.46 per month plus fair market value can add 20% to that amount; so the proposed rent would be \$1,249.93; and that he can add more to paragraph 12 to ensure access to the building for any work that may need to be done for the clerks office.

Chief O'Shea stated that the back classroom use to be used by PAL; that they let the community Playgroup use it when their enrollment was larger; and that they show that back area as part of their leased are on Schedule A of the plans submitted.

Continue Review and Update of Procurement and Investment Policies

This item was continued until the June 24, 2008 Village Board meeting.

Appoint Caryn Manne as interim Receiver of Taxes

Deputy Mayor Devan made a motion to appoint Caryn Manne as interim Receiver of Taxes which motion was seconded by Trustee Blomquist and carried unanimously.

Minutes

Trustee Blomquist made a motion to approve the minutes of May 6, 2008, which motion was seconded by Deputy Mayor Devan and carried unanimously.

Warrant

Deputy Mayor Devan made a motion to approve the warrant #052008 in the amount of \$7,671.91 which motion was seconded by Trustee Moran and carried unanimously.

Old/New Business:

Richard Starke stated that it was pleasant that the minutes were available promptly.

Mayor Sanders stated that the dedication of the Belle Kelley House should be placed on the July 24, 2008 meeting.

Walter Sevastian asked the Board to if they would like to waive the right of refusal on the sale of 306 Ash Street from Michael G. Weinmann to Phillip Gosset (S.B.L. 75.55 / 1 / 1.3/60). Deputy Mayor Devan made a motion to waive the right of refusal, which motion was seconded by Trustee Moran.

Department Reports

Chief O' Shea reported that the 2007 overtime report has been distributed to the Mayor and Deputy Mayor; that he also submitted a Special Events overtime list with amounts for the year 2007; that the special events can be costly for example the Emerald Society event cost \$1,200.00 and the McHugh Event cost \$2,000.00; that this type of overtime should not be confused with overtime that cannot be helped because of an arrest or investigation of a crime.

Al, Bartley, Supervisor, Department of Public Works, reported that the new playground equipment is installed with the mulch; that the new P.A L. bleachers are installed; that they are safe for everyone; that he would like permission to purchase three new signs for the remaining three parks that do not have signs; that each sign is available for \$1,000.00 each installed; that normally the chard for the same signs would be \$1,250.00 and a charge of \$500.00 for installation; that by purchasing them now the Village would save \$750.00 per sign.

Deputy Mayor Devan made a motion to approve the purchase of the three signs at a cost of \$1,000.00 per sign installed for a total of \$3,000.00 to be paid for out of the Parks budget; which motion was seconded by Trustee Moran and carried unanimously.

A motion to adjourn the meeting at 11:30 P.M. was made by Deputy Mayor Devan, seconded by Trustee Gussow and carried unanimously.

Distribution:
Mayor and Trustees
Village Attorney and Assistant Attorney
Police Chief
Justice Laura Weiss
Court Clerk
Fire Chief
Building Department (2)
Fire Inspector
Village Engineer
Planning and Zoning Boards