

INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES METING
October 21, 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:

Pat Esgate – 733 Rt. 9W advised that Board that she had a petition to read into the record of this meeting with reference to the drainage issues. A copy of the petition is attached.

Rich Esnard was asked by Alan Eighman of the Sidewalk Bistro to address the Board. As part of the Quadricentennial, he would like to have a Bastille Day festival on Piermont Avenue between Ash Street and Tate Avenue and would like to have this area of the main street blocked off on June 12, 2009. This is a request for the Board to consider this event. This item will be on the November 18 agenda for further discussion.

Mayor Sanders stated that the merchants have been working on projects to celebrate the Quadricentennial.

Denise Montforte asked is there has been any resolution on the barrier on Hovey Lane.

Village Attorney, Walter Sevastian, explained that the Village has been examining all of the legal documents and it is apparent that the language in the deeds gives right of ways to residents. When a Municipal Board makes this type of decision it should be based on record and not arbitrary facts; there are judgment calls to be made. He would like to draft a resolution for the next meeting. Mr. Sevastian advised that two (2) other attorneys have contacted him and a Judge may end up deciding this matter in Court.

Mayor Sanders said that this issue this should be an agenda item on November 18.

The Mayor told everyone in attendance that due to Election Day the Board has scheduled a meeting for Thursday, November 6, 2008.

Richie Stark – was aware that a review of the Final Audit is on the agenda. For record, we are potentially facing serious economic times; since the last Board meeting Dow dropped 400 points. Economists are predicting a recession and the Village needs to make decisions now to plan for Village finances in the future; we need to be cautious with any economic commitment. Mr. Stark thanked everyone for coming and thanked the Board for a job well done.

Trustee Fred Devan referred to item #6 - Review of Audit. He advised that the final audit was not available yet. Mr. Devan would like to wait for the final audit and asked to have this on the agenda of November 18, 2008.

Dennis Hardy represented the YUDA Condominiums and advised that the application for a new sign was denied by the Building Inspector. The sign will be placed right in the middle of the breezeway.

Walter Sevastian stated that the Village Board has jurisdiction over signage.

Trustee Gussow made a motion to approve the Special Permit for a sign at the YUDA Condominiums. The motion was seconded by Trustee Devan and upon vote the motion carried.

Trustee Devan made a motion to authorize the Village Clerk to submit the Unpaid Taxes for 2008 to the Rockland County Dept. of Finance as of November 1, 2008. The motion was seconded by Trustee Moran. Upon vote the motion carried.

Vehicle Policies were reviewed. Trustee Blomquist said that several times a year the Fire Department travels beyond the 20 mile radius allowed for the purpose of training. This will be added to the policy.

The 20 mile limit will also be added to #9 per Mayor Sanders.

Trustee Gussow made a motion to approve the Vehicle Policies as amended. The motion was seconded by Trustee Devan. Upon vote the motion carried.

Cell Phone Policies were also review. Trustee Moran moved to approve the policies as written. The motion was seconded by Trustee Devan. Upon vote the motion carried.

Trustee Devan made a motion to approve the minutes of October 7, 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 \$259,906.42. The motion was seconded by Trustee Moran. Upon vote the warrant was approved.

Trustee Moran made a motion to open the Public Hearing on the Cingular Wireless Cell Tower Application. The motion was seconded by Trustee Gussow. Upon vote the Public Hearing was opened.

Representatives gave an overview of the proposed wireless communication facilities on Roundhouse Road. The equipment will be internal to the building except for the cupola. They were asked to do a better job of hiding the panels being mounted on each of the columns.

The floor was opened to the public:

Dennis Hardy stated that currently there are two (2) existing violations on the property in question. Trees were cut down and signage was put up. Most cell phone antennas are stand alones and these are 6 ft. from someone's bedroom and we don't know if that is a health hazard. Mr. Hardy asked the Village to collocate this tower to another location where the Village Board will derive the benefit and not a private property owner.

Bob Samuels said he agreed with Mr. Hardy on violations matter. The Village has struggled with this land owner for quite some time and for him to take down trees and put up signage is outrageous.

Rich Esnard said that he agrees with Bob Samuels and Dennis Hardy.

Dennis Hardy said he knows federal legislation supersedes local legislation but what stops other carriers from applying for towers on other buildings. He added that this was not a permitted use by right in the Riverfront District West.

Walter Sevastian advised that it was a site plan application in that district. The Telecommunications Act of the Federal Government greatly reduces the scrutiny on this type of application; these antennas are so non-intrusive, the need is high and health issues cannot be used to deny an application. This application needs to go to the Zoning Board and the Village needs to declare Lead Agency. However, no permit will be issued until the violations are cleared up. The signs Mr. Griffin put up are not a violation.

Dennis Hardy commented that there had been 22 Public Hearing on Piermont Landing, 100 parking spaces were to be dedicated to ease congestion on Piermont Avenue and those signs are contrary to the easement agreement.

Maureen O'Connell asked if the ruling was the same as the one that relates to satellites. The Attorney advised that it was a little different.

The Cingular Attorney said that AT&T is trying to be a good citizen with the plan presented and that antennas on an existing building are preferred to a new tower. He also said that legally the ZBA needs a SEQRA determination.

Trustee Devan made a motion to declare the Village of Piermont Lead agency. The motion was seconded by Trustee Gussow. Upon vote the motion carried.

The Village also needs to declare a neg dec that the project will not have any adverse consequences, and EAF was submitted by the applicant. Walter Sevastian further advised that Piermont doesn't have legislation regarding this type of application.

Trustee Moran said that the property owner was issued violations for the trees he cut down and replanted smaller trees than was hoped for; an additional tree on the perimeter of the North East corner was never replanted. In addition, there were also some trees around the flagpole were also cut down. The Building Inspector today issued new violations on those trees and on the dumpster also giving 5 days to rectify.

Rich Esnard commented that the trees were not replanted according to the original design.

Trustee Gussow asked if there was any way of mitigating the downward direction of the radio waves and was told this was not an issue since the waves do not travel in a downward direction.

Bob Samuels said Mr. Griffin should be held to the site plan planting design.

The Mayor stated that the representatives for Cingular are presenting their plan with comments from the Planning Board and if the violations were not cleared up, the public hearings would continue until that is done.

Maureen O'Connell said that the ZBA has stringent requirements to be met with this application. The Village Attorney advised that was not the case on this type of application where the Federal Government is involved.

Trustee Devan declared a Negative Declaration with reference to the Cingular application for a Cell Tower. The motion was seconded by Trustee Moran. Upon vote the motion carried.

Mayor Sanders advised that the Public Hearing would be held open and continued to November 18, 2008 at 8:15 p.m.

Additional comments included that six (6) columns are shown on the Gazebo but there are actually eight and will all be done. Also the fiberglass panels can be cleaned easily.

The Mayor stated that the Environmentally Sensitive Sites legislation was reviewed over several Public Hearings with the last one on October 7, 2008 and he asked the trustees to review the final proposed legislation.

Walter Sevastian told the Board that the Village had adopted a negative declaration on this in August/September 2008.

The Mayor asked for Board comments:

Trustee Devan had no comment.

Trustee Blomquist appreciates all the input and the time spent on this issue. He added that when you develop something it creates runoff making the real problem drainage. Not knowing how long it will take to correct the drainage, this legislation is a stopgap solution. The Board needs to look at this again when the drainage mediation issue is addressed.

Trustee Moran really wondered how many people knew what the code was when they moved here referring, asked if they would have bought their homes and if there has been any negative impact on the development of their property. This legislation gives more leeway. Article 19 does not take away any rights and Ms. Moran supports it as written.

Trustee Gussow agrees with Trustee Moran. To have a law on the books that is always overwritten does not make sense. This legislation is more liberal. On page 5, take out reference to minimum lot area.

Mayor Sanders echoed the comments from the Board and said that this effort that has taken 18 months to craft. The intent is to give applications some prescriptive measures regarding developing on slopes of greater than 25%. Statutory authority needs to be changed, to correct conflict or inconsistency with other provisions of the code. The Mayor said that the Board needs to set a public hearing to change Sec 210-79(B), 174-11(A), 174-17.1, and 174-17-2.

Trustee Gussow made a motion to adopt the Environmentally Sensitive Sites legislation as amended. The motion was seconded by Trustee Blomquist. The roll was called for the vote:

Trustee Devan - yes
Trustee Gussow - yes
Trustee Moran - yes
Trustee Blomquist - yes
Mayor Sanders - yes

Upon vote the motion carried unanimously and the amendments to the Environmentally Sensitive Sites was adopted.

Walter Sevastian stated that the Train Station Lease was emailed to Bill Elson when questioned by Mayor Sanders.

Mayor Sanders said that the Village needs to approach the Historical Society for \$750 for the burglar alarm and \$22 per month for maintenance.

The Community Playgroup Lease has been signed and they are paid through August. In a letter received today, they advise that they will be paid in full by the end of November.

The Ferdon Mill Pond will be placed on the November 6 Agenda for further discussion.

Trustee Devan made a motion to declare Mayor Christopher Sanders as the official representative with reference to the Municipal Lot grant from the DEC. The motion was seconded by Trustee Blomquist. Upon vote the motion carried.

The Town of Ramapo Agreement for Building Department services expires on October 31, 2008 and we will need to extend it to the end of December. So moved by Trustee Gussow and seconded by Trustee Moran. Upon vote the motion carried.

A mailing will be made to advise surrounding neighbors, Fire Department and the Rowing Club about the meeting of November 6, 2008 for discussion of the North Parking Lot plans.

Trustee Gussow made a motion to adjourn. The motion was seconded by Trustee Devan. Upon vote the meeting adjourned at 9:45 p.m.