

**INCORPORATED VILLAGE OF PIERMONT**  
**BOARD OF TRUSTEES METING**  
**September 9, 2008**

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

Absent: Trustee Joan Gussow

Mayor Sanders called the meeting to order at the Piermont Public Library and led everyone in the Pledge of Allegiance.

The Mayor advised those present that the continuation of the Environmentally Sensitive Sites had been moved to September 23, 2008 due to the fact that the meeting was being held in the library which would not accommodate a large number of residents.

Public Comment:

Tim Bartz and Vanessa Saunders – owners of Bunbury's at 460 Piermont Avenue explained that the space was very small and he and his wife are considering moving the business across the street to 453 Piermont Ave (formerly Elements Spa). The building has a dry basement for storage and more space for seating. Mr. Bartz asked if the Village Board would have any objection to the concept of the move. He also asked if he would be able to transfer the grandfathered seating to the new location; could he expand with 20 more seats acknowledging that paring would be a consideration; could he get approval for outdoor seating for 4 tables (included in the 20 additional seats he is requesting); would he be able to use the existing parking spot "Spa Only" as "Bicycles Only".

Mayor Sanders asked for clarification - current seating is 19 – requesting to add 20 more seats – only 1 parking space available.

Mr. Bartz advised that the new location was 200 sq. ft. larger with the majority of it being in the front. Currently, the kitchen is the major space.

Walter Sevastian explained that the Village wouldn't object to any move but that there were zoning regulations that apply. He stated that the Village would need a site plan including use and number of tables. Mr. Sevastian suggested Mr. Bartz make an immediate application for the occupancy due to the fact that time was of the essence to the business. The Building Inspector would advise if he needs variances to achieve his goal. Mr. Sevastian added that the parking may require variances from the Zoning Board of Appeals.

Ms. Saunders advised the Board that Bob Hoene has prepared a plan with bulk tables and Mr. Sevastian, again, suggested it be submitted to the Building Inspector.

Mayor Sanders asked for the Board member's opinions.

Trustee Audie Moran thinks it is a wonderful idea and that they may need 8 more parking spaces. She did not know if the same rules that apply to a restaurant also apply to a coffee shop.

Trustee Fred Devan advised that in principal he is in favor of the move but that zoning requirements need to be addressed.

Trustee Mark Blomquist had no objections but advised them to meet with the appropriate Boards for necessary approvals.

In theory, the Board is in favor of the concept.

The Village Attorney further advised that the use is permitted by right, however, if they can't comply with the parking regulations they need to state what the code requires and what you can provide.

Dennis Hardy – thanked the Board for the sidewalk on Ash Street. Mr. Hardy had sent an email regarding the signs that were recently installed by Phil Griffin restricting parking as well as blocking a street, both of which are in violation of the site plan that reads “an additional 100 parking spaces are to be provided to ease the parking on Piermont Avenue”. Mr. Hardy asked that the Board please ask Mr. Griffin to remove the signs immediately.

Mayor Sanders replied that this Board has the oversight for approvals and Mr. Griffin is in violation by installing the signs.

Bob Samuels asked if there was any progress regarding the trees taken down by Mr. Griffin. He was told that the Board was taking care of that.

Bud Ayers – 9W resident – rescheduling of the public hearing on Environmentally Sensitive Sites was a good thing. He thanked the Mayor and Board members who attended their meeting the prior evening, but feels that Piermont still holds responsibility for some of the drainage issues up the hill on Rt. 9W and that the residents are seeking everyone's help and looking for financial assistance in moving some of the drainage.

Mayor Sanders has been in contact with the State and County Highway and was told that the berms were installed to protect houses from flooding but water will find a new place to run. He added that the whole 9W stormwater system needs to be addressed by the State.

David Gerhardt sent a letter to the Board regarding drainage at his business on Piermont Avenue and commented that he is concerned with the bottom of the hill. He added that the sidewalk helped in that Piermont Avenue water stayed on Piermont Avenue.

The Mayor said that there was a drainage repair scheduled but that utilities were in the way and the Village Engineer is looking into having the utilities moved. This will all be part of a larger drainage plan.

Dave Ebeling - 482 Piermont Avenue – questioned Sidewalk Bistro serving food in the back area when it should be drinks only, there is also parking issues, permits for the walk-in freezer were not applied for, outdoor lighting was not permitted and motorcycles not being ticketed while parking all day in a 2-hour parking spot.

Mayor Sanders replied that he has spoken with the Building Inspector and he is investigating all of these issues.

Walter Famular – 7 Hovey Lane – spoke with reference to the barrier at the end of Hovey Land. He advised the Board that the Town of Orangetown stated that the 40 ft right of way is private, not theirs and in 1998 the Piermont Fire Chief said that if the barrier is left it will be a safety issue for emergency vehicles. Mr. Famular presented letters and pictures to the Board and also survey maps that do not indicate this right of way as a dead end. He requested a meeting with the Mayor before this goes to court.

Mayor Sanders replied that the Board had asked for this paperwork and now that the Board has it a meeting with the Mr. Famular and Village representatives within the next couple of weeks.

With reference to the AT & T Cell Tower application, the Mayor advised that Comments from the Piermont Planning Board have been received and the Village Board needs to Declare Lead Agency and set a Public Hearing.

John Furst – Cuddy & Feder - responded to the Planning Board's comments and would like to move their application forward with an appearance before the Zoning Board of Appeals to issue a use variance.

The application came in under the former Building Inspector and should have been heard earlier. AT & T will be undertaking some design work in order to have changes to blend into the cupola.

Mayor Sanders advised that there are violations on the intended property. The Board intends to set a Public Hearing this evening, however, if these violations are not cleared by then the Board will continue the Public Hearing. An applicant cannot get approvals when violations are outstanding.

When asked if alternative sites were reviewed, Mr. Furst replied that the end of the Pier was an option they looked into but radio frequency problems existed. This information is not their report.

Dennis Hardy asked where the property owner was since this is in a special permit district and there are violations.

The Village Attorney advised that Mr. Griffin gave the applicant permission to proceed.

A motion to declare lead agency with reference to the AT&T Cell Tower application was made by Trustee Devan and seconded by Trustee Moran. Upon vote the motion carried.

A motion was made by Trustee Moran to schedule a Public Hearing with reference to Site Development Plan – AT&T Cell Tower Application – for October 21, 2008 at 8:30 p.m. The motion was seconded by Trustee Blomquist and upon vote the motion carried.

RESOLUTION NO. 909A-08

VILLAGE OF PIERMONT

TITLE: Authorization to enter into an Agreement with the Town of Ramapo for Temporary Building Inspection and Code Enforcement Services

Motion, to authorize the Village of Piermont to enter into an Agreement with the Town of Ramapo for Temporary Building Inspection and Code Enforcement Services and to authorize Mayor Chris Sanders to sign same.

This resolution was moved by Trustee Fred Devan and seconded by Trustee Audie Moran.

Upon vote, the motion carried unanimously.

The Village Attorney advised that an application for a Special Permit was made by the Lighthouse and the application was referred to the Piermont Planning Board for comments which have been received. The Village Board requested a change to the reference to amplified music and to add that the Special Permit is to be renewed annually. Mr. Sevastian prepared a resolution (attached) which covers both of the Board's concerns.

The Mayor advised that there may be a violation concerning the front window of the restaurant being filled with neon signs; the parking lot to the north has boats/trailers stored there and this should be a parking area for the restaurant and that storage is not permitted in WF2.

David Ascher, Attorney for the Lighthouse – asked that the Special Permit for the Outdoor Service Bar be approved at this meeting and the violations will be addressed at another date.

Trustee Devan made a motion to approve a Resolution to amend the Special Permit for the Lighthouse restaurant with reference to the Outdoor Service Bar. The motion was seconded by Trustee Blomquist and upon vote the motion carried.

The Rockland County Office of Community Development (CDBG) has asked the Village to appoint a Citizen Advisory Committee for the 2009 Program. The Mayor requested recommendations and moved the appointments to the meeting of September 23, 2008.

Trustee Moran made a motion to authorize Mayor Christopher Sanders to sign and file an application for funds not to exceed \$9,000 from the Hudson-Fulton-Champlain Quadricentennial Grant Program. The motion was seconded by Trustee Blomquist. Upon vote the motion carried.

Procurement Policy – State has been considering increases to the Purchase/Public Works Contracts. The changes are due in the Fall and could be increased to \$500,000.

Investment Policy – The State has indicated that the current policy meets the needs of the Village. Trustee Mark Blomquist will investigate some options.

Vehicle Policies – after review the suggestion was made to add a provision regarding no access to vehicles other than those listed in the Policy.

Cell Phone Policies – after review by the Board it was agreed that the current policy was sufficient.

Internet Access Policies – the only computer policy is in the Police Department; a policy is needed Village-wide to, at a minimum, cover email and clarification on the “assumption of privacy”. The Village Attorney will develop language. The Police Department and Richard Stark will email sample policies and suggestions to Mr. Sevastian. This will be readdressed at a later date.

Trustee Blomquist made a motion to approve the minutes of August 12, 2008. The motion was seconded by Trustee Devan. Upon vote the minutes were approved 3-1 with Trustee Moran abstaining and Trustee Gussow absent.

Trustee Moran made a motion to approve the minutes of August 19, 2009. The motion was seconded by Trustee Devan. Upon vote the minutes were approved with Trustee Gussow absent.

Trustee Devan made a motion to approve the Warrant in the amount of \$298,719.74. The motion was seconded by Trustee Blomquist. Upon vote the Warrant was approved.

Mayor Sanders requested that a review of finances for the quarter June through August be put on the agenda of the September 23, 2008 meeting and again for each successive quarter.

Old/New:

Trustee Moran had been asked to review the needs of the Building Department and has spoken with both Building Inspectors to ascertain how many hours might be needed.

Assistant Building Inspector Rick Oliver works 14 hours/week and Larry Picarello works 20 hours a week. Rick Oliver advised that after another 5 weeks, the Assistant Building Inspector’s hours could cut to 10 hours per week. Trustee Moran provided some cost estimates for different scenarios of how best to staff the Department. (copy attached)

Mayor Sanders stated that the question becomes how long does the Village continue with the Ramapo Agreement or should the Village look at hiring someone once there is a vacancy. He also questioned the impact on the budget. The Mayor further stated that he felt that the current arrangement should continue for as short a time as possible.

The Mayor asked the Village Attorney to contact the Community Playgroup regarding the new lease for June 1, 2008. Currently, the Village is holding their June check and they have not paid July, August or September.

Westchester Property Management has requested that a no biking sign be stenciled on Paper Street. The Board approved and asked Al Bartley to look into the sign.

A request was made for fireworks and a wedding at the View on November 28, 2008. The Police Chief stated that they would need to be 500 Ft. from a building according to law. The request was turned down.

Trustee Gussow entered the meeting at approximately 10:00 p.m.

Trustee Devan made a motion to enter into an Agreement with the County of Rockland for reimbursement of Police Overtime for participating in the County REACT Team. The motion was seconded by Trustee Gussow. Upon vote the motion was approved.

Trustee Devan made a motion to authorize the Justice Court to submit a grant application in the amount of \$11,749. The motion was seconded by Trustee Moran. Upon vote the motion carried.

Trustee Devan made a motion to approve the FY2008 Subrecipient Agreement with the Rockland County Office of Community Development for the ADA Curb Cuts award of \$1,000. The motion was seconded by Trustee Blomquist. Upon vote the motion carried.

Trustee Moran reported that she has been working with Dan Sherman regarding plantings on Ash Street. Al Bartley will get quotes.

Mayor Sanders advised that he had received a phone call from a resident on Ash Street complaining about chickens and roosters running wild. Chief O'Shea asked that they be contacted and told to come into the Police Station and file a formal complaint.

The Building Department has been searching for and discovering missing files but that this is not a good use of time for Rick Oliver. The Mayor recommended having Ron Olson come in for 2 days at a cap of \$800 to do further searching. Trustee Devan made a motion to pay Ron Olson a cap of \$800 to come into Village Hall for 2 days if needed and to charge the Building Department budget line. The motion was seconded by Trustee Gussow. Upon vote the motion carried.

Al Bartley reported that drainage work was begun on Franklin Street, Bellavista is finishing up the sidewalks, Tilcon will start paving on September 15, 2008, Bridge Street is on schedule, there were only 3 trees down during the storm, skating pond silt remediation is ready to begin and he will contact M & T Bank with reference to drop-curbs for handicap accessibility.

Chief O'Shea praised Officer Cyril Kerr for a great job in the Naclerio arrest.

Trustee Joan Gussow made a motion to adjourn the meeting. The motion was seconded by Trustee Fred Devan. Upon vote the meeting adjourned at 10:40 p.m.