

**INCORPORATED VILLAGE OF PIERMONT**  
**BOARD OF TRUSTEES MEETING**  
**June 4, 2019**

Present: Mayor Bruce Tucker, Deputy Mayor Blomquist, Trustee Rob Burns, Trustee Ivanya Alpert, Trustee Nate Mitchell, Walter Sevastian, Esq. -Village Attorney and Jennifer DeYorgi - Village Clerk-Treasurer.

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

**Item #1 – Approval of Meeting Minutes**

Trustee Mitchell made a motion to approve the minutes for May 19, 2019. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #2 – Approval of Warrant**

Deputy Mayor Blomquist made a motion to approve Warrant #052219 in the amount of \$2,624.95, Warrant# 052319 in the amount 36,370.71 and Warrant# 060419 in the amount of \$7,4039.85 for a grand total of \$46,435.51. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays.

**Item #3 – Department Reports**

**Department of Public Works -** Highway Superintendent Tom Temple stated he turned in his monthly report for May and went over his fiscal year totals. 782.14 tons of garbage collected. 115.55 tons of rubbish collection. 104 tons of spoils, 18.83 tons of brush, 7.89 tons of bagged leaves, loosed leaves 88.32 tons. 8.79 tons of metal (which they recycle) and yard waste 4.44 tons. The DPW open house will be held on June 22<sup>nd</sup> at the DPW Garage from 9am to noon.

**Police Department** – Chief Michael O’Shea stated they are doing the “Buckle Up New York” Grant, which has been very successful. They are at about 98% compliance. They are now doing speeding and moving violations. The Mayor and the Traffic Committee came up with the Community Police Division which will start this Saturday and will focus on quality of life and violation on Main Street. Stop signs, public drinking and parking enforcement.

**Building Department** - Building Inspector Charles Schaub stated some of the restaurants are not keeping up with their hood cleanings and their ansul systems. The minimum is 6 months and when he goes to do the inspection (they only do a yearly inspection) he is finding that some of the restaurants let it go way over, which is a violation. He thinks the Board should look at the restaurants doing 6-month inspections to match up with the ansul systems and the hood cleaning because some of them are not doing it until he shows up. It is a safety issue for the restaurant, especially when there is housing above the restaurant. He asked for the Fire Department’s input.

**Parks Department** – Dan Sherman was not present.

**Fire Department** – Chief Dan Goswick, Jr. was not present.

**Item #4 - Old Business**

Village Clerk-Treasurer had no old business to discuss.

Village Attorney had no old business to discuss.

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Mayor Tucker asked Tom Temple if Ken DeGennaro every got him what he needed for the Boat Ramp? Tom Temple stated no. Village Clerk-Treasurer stated she will email Ken.

Deputy Mayor Blomquist had no old business to discuss.

Trustee Alpert had no old business to discuss.

Trustee Burns had no old business to discuss.

Trustee Mitchell had no old business to discuss.

**Item# 5 New Business**

Village Clerk-Treasurer had no new business to discuss.

Mayor Tucker had no new business to discuss.

Village Attorney stated we had a flood event on 9W and he worked with the Building Inspector today to take whatever remedies are available under the Village Code with regard to the property owner's non-compliance with his site development plan. The next court date is tomorrow night and he doesn't think they will be in by then, so they will probably be in by the next court day. He intended on recovering any costs outlaid by the Village, which wasn't much. He continues to work with Charlie on code compliance issues and see what we can do to better handle flooding events and compliance with site development, he believes the language needs tweaking. Mayor Tucker stated the Building Inspector mentioned we need to adjust some of our codes. Village Attorney stated he will be working on that. Village Attorney stated our code calls for a stormwater management officer, which is usually the Village Engineer and he believes that Ken DeGennaro is our Stormwater Management Officer, and he doesn't believe there are any fees associated with that.

Trustee Mitchell clarified it was suggested Brooker Engineering replace the applicant/developers SWPPP from the consultant. Currently, the developer is supposed to pay for a SWPPP Inspection on a weekly basis, but it is unclear if they have been doing it reliably. Our Village Engineer, Ken DeGennaro, suggested that his company, Brooker Engineering, take it over from them. There will be a fee to the applicant. Building Inspector stated this will give him and Ken more control in the flooding areas. Village Attorney stated this will be handled by the Planning Board and escrow while site development plan is proceeding. When you come up with a SWPPP. Building Inspector stated Ken has stepped in and done some inspections up at the property because of what has been going on and that will get billed through the Planning Board escrow fees, but it will get add to the applicant's costs. Village Attorney stated there is a mailbox at the Tweed site with a mailbox that says "SWPPP" where the weekly reports are supposed to go. If our engineer produced the reports, we would have a much better grip on a) what is happening on the sight and b) whether the applicant actually reads the reports and takes action to implement any shortfalls that may exist with respect to the SWPPP itself. Building Department stated he thinks the compliance end would be easier to deal with. Mayor Tucker this is something to pursue as quickly as possible as this situation is not getting any better. It has been two years since he clear-cut.

Trustee Burns had no new business to discuss.

Trustee Alpert stated Chamber of Commerce was requesting to put up signs for Bastille Day. She knows there is a no sign policy. She asked if we could give an exception this one time since it is a Village event? She understands we do not want random business signs, but this is for a Village event. Mayor Tucker stated he has no issue with it, as did Trustee Burns. Trustee Burns stated he thought they always had signs up for Bastille Day. Mayor Tucker stated they did, but we have really cracked down on signs. Deputy Mayor Blomquist made a motion to waive "no-signs" for

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this event. The motion was seconded by Trustee Burns and so carried with a vote of 5 ayes and 0 nays. Trustee Alpert stated she will let the Chamber of Commerce know.

Deputy Mayor Blomquist had no new business to discuss.

Trustee Mitchell had no new business to discuss.

**Item #6 Other Non-Agenda Items:**

None.

**Item #7 Resolution appointing Leah Hoffman as Sustainability Coordinator for the Village of Piermont**

Mayor Tucker stated we did not retain the services of our former coordinator. Leah has stepped up to take over the position as Sustainability Coordinator as required as we continue our search to become a Climate Smart Community.

Trustee Mitchell made a motion to appoint Leah Hoffman as Sustainability Coordinator for the Village of Piermont. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

**Item #8 Official Swearing in of James Hurley to Provisional Police Sergeant**

Chief O'Shea thanked the Board, the Clerk's office and the taxpayers who support them. Without them, they would not be the police department they have. He believes at this point, they have the best police department they have ever had. Sergeant Hurley has gotten the computer system up and running and has taken over the IT duties. He does the job of a Sergeant and a Lieutenant and he couldn't say enough good things about him. Chief O'Shea said it is an honor to be a Police Officer in Piermont. Chief O'Shea recognized Carrie Ciganik Chief ADA and Joey Gottlieb for their help and dedication. He also recognized Officer Troy, Officer Dicembri and Officer Leuthner, PBA President. He also recognized Supervisor Livsy from the Town of Highland.

Mayor Tucker swore in James Hurley as Police Sergeant to the Piermont Police Department.

**Item #9 Swearing in of Peter Boutros to Police Detective**

Chief O'Shea stated Peter Boutros is being promoted to Police Detective. He came from the City of Beacon. In one week, he had 5 heroin arrests. When he started midnights, we realized what a problem we had, we weren't seeing snorting, but injecting. He led the County and was recognized the State of New York for drunk driving arrests. People do not realize that drunks kill 11,000 people a year. The first officer ever from Piermont to be recognized by New York State MADD.

Mayor Tucker swore in Peter Boutros as Police Detective to the Piermont Police Department.

**Item #10 Swearing in of new Full Tim Police Officer**

Chief O'Shea stated they have been wanting to diversify the police department and they have been working for a female police officer and they found Shannon. Her Department spoke so highly of her. She too makes a lot of arrests. We want enforcement, but we also want discretion

and that is what she is known for, being smart. It is so important having a representation of the whole Village.

Mayor Tucker swore in Shannon Hansen to position of full time Police Officer to the Piermont Police Department.

**Item #11 Discussion on request from owner of 505 Piermont Avenue to purchase Village property**

Mayor Tucker stated this is a request to see if whether the Board is open to selling a piece of property that is a part of the Piermont Avenue right of way. This was formerly used as part of Gerhardt's Garage for parking and the one owner is interested in purchasing it. He has pictures of the area, which he showed the Board. He believes we have four options: 1. We can sell him the property, in which the applicant will pay for an appraisal. Essentially whatever the appraisal comes in at is what the selling price will be. The Village a) get a lump sum and b) collecting taxes on that piece of property. 2) We could take it over and turn it into parking spaces such as the previous Board did with the diagonal parking and could probably get 9 or 10 parking spaces. But, we would have to leave some sort of egress for him to get his cars in and out. Village Attorney stated every street that fronts a public road is entitled to a means of egress, so we would have to speak to him about that. Mayor Tucker stated 3) we could lease it to him, in which case we would come up with an amount and the Village would get a yearly fee for him to use it, but we still retain domain over it. 4) we leave it as it is, but he doesn't believe that is a good option.

Trustee Burns asked if we lease it, do we miss out on taxes?

Village Attorney stated it would really be a license instead of a lease. Piermont Avenue is unusual, in his experience. Most roads are 50 feet and paved 30. Piermont Avenue is 80 feet wide and paved 30. There is still a wide area on either side that belongs to the Village. On the Eastside of Piermont Avenue where most of the buildings are, most buildings encroach into that area that the Village owns that is part of the street that has never been paved. The theory is that the Village could always take it back as they did with the area right across from the old Turning Point Area. When the surveys came in they realized they owned it and they put the diagonal parking in. In Gerhardt's it pushes the Village property further into his lot, almost to the face of his building if you look at the measurements. When the prior owner of the Community Market came in and wanted to reconfigure their entrance, they came before the Village Board and said they wanted to encroach further into the right of way and were given a license to do so. The State Law says the Board of Trustees made by resolution provide for the laying out, altering, widening, narrowing, or discontinuing or accepting the dedication of a street in the Village. And in order to do that you have to adopt a resolution where there is a public hearing on it and explain what you are doing. If you are going to take action, such as selling, you have to have a public hearing. If you are going to do a license, it is on the agenda, but no public hearing.

Trustee Burns asked if we have any similarities between other municipalities between what they did.

Village Attorney stated most of what he has dealt with is not on the main drag and a lot of buildings already sitting in the right of way, it is when there is an old paper road. Someone comes in (like the alleyway). He has seen municipalities get the appraisal and offer it to either person on either side of the road. Essentially, under that section of the law, the Board can, by resolution, do whatever it wants with its streets. The case law says if you are going to get rid of it, it essentially has to be useless as a right of way, that you are never going to widen Piermont Avenue for traffic to and from there, which is probably true.

Mayor Tucker stated Trustee Alpert mentioned putting park benches in that space as well. We could make it more of a pedestrian space if we didn't want to sell it as well.

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Building Inspector Schaub stated the applicant would like to maintain the grass area where the monument is on Ash Street side of his building and the landscaping on the front.

Trustee Burns asked, once we have an appraisal, we are bound by it? We cannot say it is an insufficient amount of money and decided not to sell it?

Village Attorney stated they can do that. Until they do a resolution, there is nothing. He thinks it is reasonable to know what the consideration is before you make a determination on what you are going to do. If the Board reaches the consensus to sell the property, they can only sell it for the appraised value. If they want to pay for an appraisal, do it, but there are no guarantees. If the appraisal comes back and says it is worth \$100, it may have more value to the Board as more parking, park benches or greenspace.

Member of the public asked if we know what he wants to do with the property? Mayor Tucker stated he believes he wants to maintain what it is right now, a parking lot for his building (his office) during the day and at night he leases it to Sidewalk Bistro for customers to park. He is not talking about building on it.

Building Inspector stated he currently has a permit to restore the outside of the building to make it look like the old gas station. He is renovating the back part of the building to new offices, but not changing the footprint. He is just doing restoration and renovation.

Village Attorney stated if you did a licensing agreement, you would put in there that it is your property, and nothing could be constructed, etc.

Trustee Alpert stated they have been talking for months and months in traffic committee for ways to rethink Main Street and what we want as a Village, how do we want to use our land, do we need parking, do we need greenspace? We just hired somebody to help us figure it out and she doesn't feel like this is the time to be giving away land when we don't actually know what we want as a big concept and we need to figure out a master plan for Main Street before we start chipping away pieces of it to real estate.

Mayor Tucker stated he would be inclined to go back and tell the interested party that if he is interested in purchasing the property, we are interested in selling it, but we couldn't make a decision until we see the appraisal. It doesn't bind us to anything. It is probably good to see what that land is worth.

Trustee Burns stated, in keep with what Trustee Alpert said, what is the possibly of doing both? Where he put the chains up leaves a lot of room in front where we could still put benches. Could we still sell him from the chain back to the building line?

Mayor Tucker and Trustee Mitchell stated that is currently all he is asking for.

Member of the public asked Mayor Tucker to describe what the interested party wants?

Mayor Tucker stated showed a picture and described same.

Trustee Alpert asked if we were to lease, how do we set a lease for that?

Trustee Mitchell asked what we charged the Community Marketed for their license?

Village Attorney stated we didn't charge them.

Mayor Tucker stated we come up with a yearly figure? Village Attorney stated yes, you can base it on some comparables in terms of parking space numbers you use in town and go from there. Or you can consult with a real estate professional.

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Trustee Burns asked if the appraiser could also give us a figure for the lease? Village Attorney stated you could ask them.

Mayor Tucker stated the Village hires the appraiser and they pay for it.

Joey Gottlieb asked if, since it is accessible from the street, would you have to bid it out? What is someone wanted to buy it instead of leasing parking spaces?

Village Attorney stated he doesn't know that you want someone coming in and establishing a commercial parking use there.

Trustee Alpert stated we could lease it for parking.

Village Attorney stated now we are talking about something different, charging people to park on the streets. You can do that, but it has to be a systematic parking plan, like metered parking. He doesn't think you could take 6 parking spaces and sell them to the highest bidder.

Mayor Tucker stated if Daoud came to them and said he was paying David for this area to park cars at night, how about he cuts a deal with the Village instead?

Building Inspector stated that is not a legal use in the downtown area parking lot. Now you are getting into zoning issues.

Trustee Mitchell stated, if we put new spots there, they could be put into our Fee In Lieu of Parking inventory and we charge a fee for their theoretical use.

Mayor Tucker stated we get \$250 per spot for a year for FILOP. If we were to get 8 spots, that would be \$2,000 a year. Is it worth it?

Trustee Burns stated, before we make any decision, we need to go to him and tell him if he is interested, we need an appraisal and ask the appraiser what the value would be to license/lease it.

Village Attorney stated the last time he communicated on this was with the owner's lawyer. Does he want the Board to send a written communication saying that you have inquired about the purchase of this land, and the Village may be interested. We are going to get quotes for an appraisal, if you could deposit the sum in escrow to pay for an appraisal and get back to you.

Trustee Burns asked if we can word it as a "non-binding appraisal".

Village Attorney stated yes, this is the cost of doing business for someone who wants to acquire the property.

Trustee Burns stated if you make an improvement to the property, it is the value of the property.

Trustee Alpert stated he doesn't have to combine the properties if he doesn't want to.

Mayor Tucker stated this would be a separate lot and he doesn't have to combine with his existing lot.

Building Inspector stated they could make it part of the condition that he merges this property with the other lot.

Trustee Mitchell asked that he is not interested in buying the portion the is under his building? Just the portion which is the apron?

Mayor Tucker stated yes. Why would he want to buy the property under his building?

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Trustee Mitchell stated so he would own the property he is building on.

Village Attorney stated he probably doesn't need to. There are sections in the Village Law that say if there is improvement and constructive in the right of way and it has been there, and the Village hasn't moved to tell somebody to rip it down, he probably has the ability to leave it where it stands.

Trustee Burns asked if it was adverse possession?

Village Attorney stated you cannot get adverse possession against a municipality.

Daniel Spitzer asked what time frame does the Village have to ask someone who has invaded the right of way to tell them to remove it?

Village Attorney stated it depends on if its a right of way or other improvement. It is a period of years.

Mayor Tucker stated he is going before the Planning Board to get permission to keep the bollards.

Building Inspector stated he is taking every avenue to correct the problem. He can ask the Board if he wants to put something in the right of way, like fences, which he will do before the Planning Board.

Trustee Mitchell asked Building Inspector if he issued a violation for him doing the work in the right of way?

Building Inspector Schaub stated he asked him for an Order of Remedy, so now he is moving forward on that.

Trustee Mitchell stated, so, no.

Building Inspector Schaub stated, not a violation, an Order of Remedy.

Daniel Spitzer stated the Planning Board will probably want to table this until there is some direction from the Board of Trustees.

Village Attorney stated there are two things at issue. The site itself and site development plan, which he would have to get permission from the Planning Board to change. And permission to use someone else's property, which in the case is the Village's. If you want to leave an improvement that you constructed on, you have to ask the Village to do it. The Village now as essentially said he has to fix it because it is on our right of way. It needs Village Board permission if he was going to leave those two things there, either way.

Trustee Alpert asked if we have any idea how much they would appraise that property for?

Village Attorney stated he has no idea; however, he would not expect a lot. It is worth more to the Village than to anyone else.

Trustee Alpert stated if they are going to come back with an estimate that is so low that we are never going to do it, is it really worth making them go down this path?

Building Inspector asked what the alley appraisal came to?

Mayor Tucker stated that appraisal came to about \$28,000.

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Village Attorney stated that is different, as it is value to a lot because it is a side yard and would be part of any setback.

Building Inspector stated it also changes the bulk on this lot. It is the biggest thing that adds value to it. You would have to look at the setbacks and the FAR and that is where it will have its value.

Mayor Tucker stated he believes this is roughly 1500 sq. ft., but it is right on Piermont Avenue, so is that more valuable or less valuable.

Village Attorney stated you cannot really use it for anything. It is valuable to the Village because we could use it to install parking and it is valuable to him to increase lot size for FAR.

Trustee Burns stated for aesthetics purposes as well.

Daniel Spitzer stated he needs to buy the property to protect his interest in his present property. Otherwise, if something would happen in front of him, which would obstruct him, he could lose much of his Piermont Avenue frontage.

Village Attorney stated he thinks he would have a very good case to say if he has had a garage there and was going to use it as a means to get in and out of his garage, that the Village couldn't block that off, by improving the right of way to do that.

Mayor Tucker stated he is not sure he is using the roll up doors.

Building Inspector stated he is going to use the back for garage doors.

Village Attorney stated he thinks the Planning Board should look at his application and they can make anything they do conditional upon getting approval from the Village Board. Planning Board is much better thinking of these things from a planning perspective.

Mayor Tucker asked Village Attorney to give the Board's message to their interested party's attorney as previously discussed above.

**Item #12 Public Comment**

**Daniel Spitzer** - With the flowers have come lawn signs. He would like to try and address through the Planning Board how to deal with the lawn sign issue. A lawn sign that is for an event in Piermont sponsored by the Library, Historical Society or the Village itself, maybe there should be a certain number of lawn signs that should be put out on private property. He finds when they are inundated with non-political lawn signs from outside the Village, right now you have green and white ones from Orangetown event, those do not belong here and signs that go up on telephone poles. People rip them down. Some of them are on public property. They can ask the Planning Board to come up with some guidelines, if they wish. Mayor Tucker asked that the Planning Board come up with some guidelines.

**Alan Sherman** – Most of you are aware there is a music club in Tallman State park and if you live on the Pier, like he does, every Friday and Saturday night you get music blaring in your home. It is really annoying. It has been going on for about a year. He understands the Village does not have direct jurisdiction over this club as it is in Tallman State Park and falls under State jurisdiction, but he was wondering if there is anything that can be done or anything influence with the owner. Himself and his neighbors have reached out to the owner and have pretty much been told to get lost. The response has not been neighborly at all, they are pretty unhappy about it and they are looking at all sorts of avenues. He asked if there was anything this Village Board can do?

Trustee Alpert stated this came up before and she thought they moved the speakers around?

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Mr. Sherman stated the speakers are still facing directly toward Piermont. You cannot really hear the music so much if you are on Main Street, but if you go out on the Pier on a Friday or Saturday night, you have music. He is a big music fan, but he likes to go see music when he likes to go see it. On a Friday or Saturday night the music is bouncing off the buildings. He has to keep his windows shut to keep the noise down. They have complained to the Parks Department and they are going to escalate this as high as they have to. He is hoping this Board can help.

Village Attorney asked him if he called the Town of Orangetown? Mr. Sherman stated they have no jurisdiction as it is a State Park.

Hank Skalka stated he has called the Park Police and they say it is a Town issue. He knows it is not because he has spoken to people here and they say it is a State Park. It is like a ping pong ball. It is extremely loud out there.

Village Attorney stated, in his opinion, it is a use of property within the Town of Orangetown. The State isn't exempt from laws. You have a noise ordinance in the Town. That property is in the Town and somebody is using property. From the Village's standpoint, maybe an elected official should call and tell them you are getting complaints from residents from noise emanating from the Town, could they have their Building Department look at it? He has never researched the issue, but he doesn't understand why a licensee (which is what he is) is exempt from the law just because he is located in a state park.

Mayor Tucker stated he will call Orangetown Supervisor Chris Day tomorrow and ask him.

Building Inspector will also speak to the code enforcer at the Town of Orangetown.

Mr. Skalka stated he walks his dog over in Tallman all the time and he saw it before Mr. Proseida took it over and put it back together. It is a wonderful place. He did a great job with it. He is also a musician and for venues for live music, he is all for more of them. They are not trying to shut it down.

Mr. Sherman stated they are not trying to shut it down, they are just trying to get them to respect them as neighbors and get a response back. He has called and written and spoke to them directly and the response has pretty much been "get lost".

Mayor Tucker stated there is no doubt he can also reconfigure the speakers.

Mr. Sherman stated the speakers are facing directly toward Piermont there is no sound barrier, it goes directly toward the Pier across the water and it is really loud.

Mr. Skalka suggested he move the music to the other side of the pool maybe? He has spent a lot of time in the Caribbean and sound travels across water like nobody's business. If he points out toward the water, next people he would be hearing from were Dobbs Ferry.

Mayor Tucker suggested the speakers facing the mountain.

Mr. Skalka stated that might work, but he is just going to have to ask people to turn it down. He plays in clubs and the club owner says turn down or you don't work here anymore.

Mayor Tucker stated in this case, he has been there, when you are there, it is not really loud.

Mr. Skalka says he knows people who have been there who have left because it was so loud they couldn't stand to be in the place.

Member of the public stated maybe if you are playing in the band, maybe it is not that loud.

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Mayor Tucker stated, in general, he understands the concept of sound travelling over water. He will speak to Chris Day and also call Mr. Proveda a call.

**Hank Skalka, 201 DeVries** - He agreed with Chief O'Shea that we have a good department and we are lucky to have our own department. It makes a big difference and is a good investment of our money. He further congratulated the officers.

**Item #13 Adjournment**

Trustee Burns made a motion at 8:33 pm to adjourn. The motion was seconded by Trustee Alpert and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted,

Jennifer DeYorgi  
Clerk-Treasurer