

**TOWN OF ORANGETOWN
SPECIAL TOWN BOARD MEETING MINUTES
March 29, 2022**

This meeting was opened at 4:05 pm. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:

Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny
Councilperson Brian Donohue

Also Present:

Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
Jane Slavin, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator

Pledge of Allegiance to the Flag

Supervisor Teresa M. Kenny explained that this Special Town Board meeting is to accept deeds from the Village of South Nyack. When the Village dissolves, the Town of Orangetown inherits the properties that the Village owns, except for any properties that the Village has sold. The Town is also "Accepting the Assignment and Assumption Agreements" for the Village Hall and the Sale of 65 Brookside (DPW). The Town will be starting fresh with any zone changes. There will be public hearings, notice to the county and environmental reviews.

**RESOLUTION NO. 155
OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Summary of Public Comments:

Christine DeLillo, South Nyack, believes the opposition is, if the DPW property does not get sold. Many of the residents are going to be stuck with paying the Legacy Tax.
Faith Elliott, South Nyack, said residents have been subjected to scare tactics, untruths, quick & dirty EISs and treatment that residents are being punished. She is opposed to the sale of the Village Hall and the DPW property. She is concerned about safety, quality of life and legalities.
Kathy Tappenden, Celeste Dumas, Olivia Thomas, Katherine Carson Adams, South Nyack; are concerned about the zone change and the sale of the DPW lot. A trucking company does not

belong in a residential neighborhood and residents would lose the lot for off-street parking. A trucking company would reverse the nature of a residential neighborhood.

**RESOLUTION NO. 156
ENTER EXECUTIVE SESSION**

RESOLVED, at 4:30 pm, the Town Board entered Executive Session to discuss personnel-related matters.

Supervisor Teresa M. Kenny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 157
RE-ENTER STBM**

RESOLVED, at 5:00 pm, the Town Board re-entered the Special Town Board Meeting.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Summary of Public Comments – Continued:

Kevin Phillips, S. Nyack, asked if the Town is taking ownership of both the DPW lot and the Municipal lot next to it. He also submitted emails between S. Nyack and himself (see attachment).

SK Bailey, formerly Deputy Mayor of the Village of South Nyack, sent an email with his comments (see attachment).

**RESOLUTION NO. 158
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 159
ACCEPT QUIT CLAIM DEEDS FROM VILLAGE OF SOUTH NYACK**

WHEREAS, the voters of the Village of South Nyack elected to dissolve the Village and the Village Board of the Village of South Nyack has adopted a plan for dissolution effective March 31, 2022 pursuant to General Municipal Law Article 17-A; and

WHEREAS, as part of the dissolution plan, the Village wishes to transfer, via quit claim deed, the following properties (with description) to the Town of Orangetown, as of March 31, 2022,

RESOLUTION NO. 159 – Continued

NOW THEREFORE BE IT RESOLVED that, pursuant to New York GML Article 17-A and the dissolution plan adopted by the Village of South Nyack, the Town Board hereby accepts the following property via quit claim deed from the Village of South Nyack, and authorizes the Supervisor or her designee to execute any and all documents necessary to implement the terms of this resolution.

Brookside Ave	66.53-3-6.1	Parking Lot
131 S Franklin St	66.53-2-24	Franklin St. Park
90 Depot Pl	66.45-2-21	Municipal Park
95 S Franklin St	66.45-2-22	Municipal Park by Fire House
101 S Franklin St	66.45-2-24	Municipal Park
115 Piermont Ave	66.46-2-12	Towt Park/Town Sewer Dock
315 S Broadway	66.77-1-38	Sitting Area
Piermont Ave	66.78-1-30	Bus Stop-former Pump Stn
282 S Broadway	66.62-1-28	Open Space near Village Hall
Elizabeth Street Park	66.69-1-23	Elizabeth St. Park/Dog Park
Rte 9W	66.77-1-6	Municipal Park-Esposito Trail

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 160

AUTHORIZE EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENT SOUTH NYACK VILLAGE HALL / SALE OF 65 BROOKSIDE

WHEREAS, pursuant to New York General Municipal (“GML”) Law Article 17-A and a dissolution plan adopted by the Village of South Nyack (“the Village”) dated July 30, 2021, the Village will officially dissolve as of March 31, 2022; and,

WHEREAS, the Town of Orangetown (“the Town”) shall formally serve as the Village’s successor municipality as of April 1, 2022; and,

WHEREAS, the Village entered into a contract dated February 23, 2022 to sell the property at 282 S. Broadway, South Nyack, New York 10960 (S/B/L 66.70–1-21), known as the South Nyack Village Hall property (“South Nyack Village Hall”), to Richard DeMan or his corporate assignee for the sum of \$615,050.00; and,

WHEREAS, the Village also entered into a contract dated January 11, 2022 to sell the property at 65 Brookside Avenue S., South Nyack, New York 10960 (S/B/L 66.53-3-6.1 and 66.53-3-6.2), known as the South Nyack Department of Public Works property (“South Nyack DPW Property”), to Durso Trucking Services Inc. for the sum of \$1,651,000.00; and,

WHEREAS, the sale and closing of the above referenced properties has not to date been consummated,

NOW THEREFORE BE IT RESOLVED that in accordance with the relevant provisions of New York GML Article 17-A and the dissolution plan as adopted by the Village of South Nyack pursuant thereto, the Town hereby agrees to enter into an Assignment and Assumption Agreement with the Village with respect to the contracts of sale for the above referenced properties, to the extent they are not otherwise transferred or sold prior to March 31, 2022 by the Village, and

BE IT FURTHER RESOLVED, that pursuant to the Assignment and Assumption Agreement, the Town hereby agrees to accept quit claim deeds from the Village for the properties, to the extent they are not transferred or sold prior to March 31, 2022, and the net

RESOLUTION NO. 160 - Continued

proceeds of any sale of the properties by the Town that occurs on or before April 1, 2027, shall be assigned to the South Nyack legacy account established in accordance with NY GML Article 17-A to pay outstanding debts and liabilities of the dissolved Village and as otherwise authorized by law, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee shall be authorized to execute the Assignment and Assumption Agreement and any other documents necessary to implement the purposes of this resolution.

BE IT FURTHER RESOLVED that to the extent this Resolution involves an agreement for the conveyance of real property by the Town, pursuant to Town Law §64(2), **this resolution is subject to permissive referendum.**

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

RESOLUTION NO. 161

AUTHORIZE SUBSTITUTION OF COUNSEL / SOUTH NYACK v. YESHIVA VIZNITZ DKHAL CHAIN, INC./ ROCKLAND INDEX NO. 031081/2021 / RETAINER AGREEMENT / KEANE & BEANE, PC

WHEREAS, the Village of South Nyack, through its outside counsel Bleakely Platt & Schmidt, LLP, White Plains, New York, commenced an action under Rockland County Index No. 031081/2021 entitled The Village of South Nyack v. Yeshiva Viznitz Dkhal Chaim, Inc. with respect to the use and occupancy of certain properties located in the Village by the named defendant, and

WHEREAS, the Village is undergoing a dissolution process pursuant to New York General Municipal Law (NY GML) Article 17-A and adopted a dissolution plan on or about July 30, 2021 whereby the Village will dissolve as of March 31, 2022; and

WHEREAS, NY GML §788 dictates in pertinent part that no action for or against the local government entity to be dissolved shall abate by reason of its dissolution, and

WHEREAS, a conflict exists such that Bleakely Platt & Schmidt, LLP cannot continue in its representation of the former Village and/or Town as successor to the Village,

RESOLVED, that effective April 1, 2022, the Town Board authorizes the retention of the firm of Keane & Beane, P.C. to substitute as counsel for the plaintiff and represent the Town as successor municipality in the matter of The Village of South Nyack v. Yeshiva Viznitz Dkhal Chaim, Inc., Rockland County Index No. 0310817/2021 at the rate of \$275 per hour and as otherwise set forth under the terms and conditions of the retainer agreement provided, upon review and approval of the Town Attorney's Office, and authorizes the Supervisor or her designee to execute any and all documents necessary to implement the purposes of this resolution.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 162
APPROVE / ESTABLISH POSITION OF SECRETARY, PLANNING AND ZONING BOARDS
(EXEMPT) / OBZPAE / EFFECTIVE MARCH 30, 2022**

RESOLVED, in accordance with the approval by the Rockland County Commissioner of Personnel dated 03/25/2022, the Town Board hereby establishes the position of Secretary, Planning and Zoning Boards (Exempt) in the Office of Building Zoning, Planning, Administration and Enforcement (OBZPAE) effective 03/30/2022.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari,
Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 163
APPOINT / SOKUNA MAM / SECRETARY, PLANNING AND ZONING BOARDS (EXEMPT) /
OBZPAE / EFFECTIVE APRIL 4, 2022**

RESOLVED, the Town Board hereby appoints Sokuna Mam to the position of Secretary, Planning and Zoning Boards (Exempt) in the Office of Building Zoning, Planning, Administration and Enforcement (OBZPAE), effective April 4, 2022, at a salary of \$55,000.00.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari,
Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 164
RE-ENTERED EXECUTIVE SESSION**

RESOLVED, at 5:19 pm, the Town Board re-entered Executive Session to discuss personnel-related matters.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari,
Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 165
RE-ENTERED STBM / ADJOURN**

RESOLVED, at 6:20 pm, the Town Board re-entered the Special Town Board Meeting and adjourned.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari,
Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Rosanna Sfraga, Town Clerk

From: Teresa Kenny
Sent: Tuesday, March 29, 2022 3:43 PM
To: SK Bailey <s.kaye.bailey@gmail.com>; Orangetown Supervisor <supervisor@orangetown.com>; Gerald Bottari <gbottari@orangetown.com>; Paul Valentine <pvalentine@orangetown.com>; Thomas Diviny <tdiviny@orangetown.com>; Brian Donohue <bdonohue@orangetown.com>
Cc: Rosanna Sfraga <rsfraga@orangetown.com>
Subject: RE: March 29 meeting

Hi SK,

I am happy to reference your e-mail/letter and have it added to the "record", but will not be reading the entire thing tonight. It is not a practice I want to get into and if you do for one, must do for all.

Speaking for myself, and why I am so frustrated with the Village Board, is that the Town is now required to step in as a seller to contract to which we had nothing to do with negotiating. I have reservations about the contract and, should the Board grant a zone change and it be challenged by the neighbors, I think there is a chance of the neighbors being successful. A Town or Village cannot commit or make a determination on a zone change without first having hearings and SEQRA. Unfortunately, the Town has now been thrown into a mess created by the Village and has to see if we can clean it up.

With that said, I always appreciate your thoughts and comments.

Teresa M. Kenny
Town Supervisor
Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

From: SK Bailey <s.kaye.bailey@gmail.com>
Sent: Tuesday, March 29, 2022 1:10 PM
To: Teresa Kenny <TKenny@orangetown.com>; Orangetown Supervisor <supervisor@orangetown.com>; Gerald Bottari <gbottari@orangetown.com>; Paul Valentine <pvalentine@orangetown.com>; Thomas Diviny <tdiviny@orangetown.com>; Brian Donohue <bdonohue@orangetown.com>
Subject: March 29 meeting

Could you please read this letter into the record of the 4pm meeting this afternoon?

29 March 2022

Dear Supervisor Kenny and members of the Town Board,

With reference to the South Nyack DPW property/parking lot:

I write to ask that upon Orangetown's assumption of the former South Nyack village area you immediately proceed to close on the contract initiated with Durso Trucking on January 11, 2022. Issues raised about spot zoning or environmental concerns are specious both factually and legally. This area has been a commercial district for more than 80 years. Further, uses which would be permitted pursuant to the contract with Durso Trucking are a significant reduction in objectionable activities both in regards to environmental impact and actions which might disturb residential habitation.

As regards questions involving parking:

I was formerly Deputy Mayor of the Village of South Nyack and was on the board when the so-called "municipal parking lot" was established. At that time the area of Brookside Avenue was

populated almost exclusively by low income residents. It was the intention of the board to try to alleviate the financial impact of the restrictive parking laws upon these residents in hopes of maintaining a diverse community. Accordingly, little consideration was given as to whether the token fee actually covered the cost associated with providing the space and absolutely no thought was devoted to whether it represented a fair market value for the space. This is important to note because there are residents in other areas of South Nyack which do not have off-street parking and the village has not provided them with tax payer supported parking.

Mr. Durso has apparently stated that he will make parking available to residents of the immediate area who do not have off-street parking. However, he has no intention of providing this space at a loss and this appears to be the basis of the objections to this sale. The people who have benefited by this below market value parking arrangement demand that it be continued despite the fact that the houses in this area have doubled or tripled in value in recent years. They have even suggested that simply foregoing the \$1.6 million which would be realized in the purchase would not have any material effect on the rest of the South Nyack taxpayers. In fact, the legacy costs are front-loaded and will result in significant tax increases in the immediate future without the cushion provided by the sales of the village properties. Therefore, it would be entirely unfair to the overwhelming majority of South Nyack taxpayers to withdraw from this contract for the exclusive benefit of the residents of approximately 15 properties.

In view of the foregoing, I would respectfully ask the Orangetown Town Board to proceed with this sale without delay.

Yours,
SK Bailey
225 South Boulevard
South Nyack, NY

From: kpsp7@aol.com,
To: bonnie.christian@SouthNyack.NY.gov,
Cc: jill.schwarz@SouthNyack.NY.gov,
Subject: Re: DPW closing?
Date: Sun, Feb 27, 2022 10:51 am

Madam Mayor,

I am writing you personally to ensure that you are aware of two facts:

1 - Please do not assume I have any economic interest in offering to buy the Brookside parking lot. I have no desire to take on the responsibilities of managing such an entity. Rather, my passion is consumed with buying and staffing "safe houses" for victims of human trafficking. I have made the offer simply to give the BOT another option. Please know that if you have any other better option for retaining the needed parking, I am all-in for another option that does NOT include Durso Trucking.

Unfortunately, it is well documented that Durso's last 3 purchases of properties, where the zoning did not meet his needs, did not deter him from buying the property and using it in complete disregard of the law. The residents of South Nyack simply will not stand for Durso Trucking making this the 4th such resource for his ever expanding empire.

This is NOT personal, yet, it is just business for Durso - until he actually lays out the \$1.6 million - and finds out his money/property is tied up in litigation over the next several years. Then all of us will experience his wrath - both you and I and anyone else he perceives as having deceived him.

The court will place the sale in escrow and no one, not S Nyack, not Orangetown, not Durso, no one will be able to use the property until the court makes a final ruling - and that includes the Rockland County Supreme Court, then the Court of Appeals, then...

2 - My understanding from my colleagues who have decades of professional, real estate experience inform me that the BOT can simply walk away from the Durso contract as soon as the 30 day grace period expires after the closing to be scheduled "on or before January 31st". If the board is unable to meet the conditions spelled out in the offer by then, there is no legal liability to compel the continuation or consummation of the agreement.

I know you and the trustees never signed-up for this whole dissolution process.

I know this has been a huge burden to be carrying and that April 1 will be a chance to start living a "normal life" again. Until then, please know you all are in my daily prayers.

Kevin Phillips
914-882-7729

3/29/22, 1:26 PM

Re: DPW closing? next public hearing?

From: bonnie.christian@SouthNyack.NY.gov,
To: kpsp7@aol.com,
Cc: jill.schwarz@SouthNyack.NY.gov,
Subject: Re: DPW closing? next public hearing?
Date: Thu, Feb 17, 2022 12:43 pm

Dear Dr. Phillips ,
We have been informed by Mr. Adler of your offer . As you are aware , the Village is in contract with Durso Trucking .
Thank you,
Bonnie Christian

Sent from my iPhone

On Feb 17, 2022, at 12:30 AM, Kevin Phillips <kpsp7@aol.com> wrote:

Madam Mayor Bonnie,

Paul Adler has informed me that a closing has been scheduled to consummate the deal to sell the DPW to Durso Trucking.

Is this true? If so, when is the closing?

I want you to know that I re-submitted my offer to buy the parking lot simply to give the BOT another alternative. Please know that if you all have a better way of preserving the parking lot for residents, then I am fine with it. I do not aspire to own a parking lot. I simply want to give you an option for meeting the very real needs of our community.

I would love to chat with you about this process.

When can we talk?

Kevin Phillips
Owner, 58 Brookside Avenue, South Nyack, NY
914-882-7729

3/29/22, 1:30 PM

Re: DPW Parking lot battle?

From: kpsp7@aol.com,
To: bonnie.christian@SouthNyack.NY.gov,
Subject: Re: DPW Parking lot battle?
Date: Thu, Jan 20, 2022 4:09 pm

I am well aware of the timing.
How is the board going to protect our property values when all of these properties are now destined for foreclosure?
Maybe a better question is how will the board resolve an obviously bad decision that will destroy a neighborhood that is dependent on that parking?

-----Original Message-----

From: Bonnie Christian <bonnie.christian@SouthNyack.NY.gov>
To: Kevin Phillips <kpsp7@aol.com>
Sent: Thu, Jan 20, 2022 2:38 pm
Subject: Re: DPW Parking lot battle?

Dear Dr. Phillips,
Your offer came in AFTER we were already in contract to sell to Durso Trucking . We can't now breach that contract.
Best,
Bonnie Christian
Sent from my iPhone

On Jan 20, 2022, at 1:40 PM, Kevin Phillips <kpsp7@aol.com> wrote:

Madam Mayor,

I spoke with John Durso yesterday seeking a peaceful resolution that preserves the parking area for residents. Our attorney says it would take an amended offer on Durso's part, a simple property line change on our part, and the cash offer that Paul Adler received on Saturday.

John Durso said no. He is not "respectful" of our neighborhood nor is he willing to even try to resolve this amicably. I tried to help him understand that all he needs to do is amend his purchase offer to not include the parking lot. He said no. He has every intention of turning our streets into a commercial alley for 18 wheelers.

The DPW has never been offered or "listed" as a residential property and in not doing so, the board excluded the residential investors who would take an interest. My understanding is that the board has been following Paul Adler's advise and this is a mistake. Paul Adler is only concerned with one person - Paul Adler. His demeanor at the January 11, 2022 meeting demonstrates that he is confident that he has "sold the board his bill of goods" and the board has developed an unwarranted sense of trust. Adler can "sell snow to a snowman". Paul Adler wants to make the quickest sale that puts the quickest commission in his pocket.

Were you personally contacted with the cash offer to buy the parking lot above the appraised value since Saturday? Paul Adler wrote, "the seller rejected the offer". If you did not say no to this offer, who else has the authority to say no without public acknowledgement of the offer?

Kevin

-----Original Message-----

From: Bonnie Christian <bonnie.christian@SouthNyack.NY.gov>
To: Kevin Phillips <kpsp7@aol.com>
Cc: danny@dannyzolli.com <danny@dannyzolli.com>; steeks60@gmail.com <steeks60@gmail.com>
Sent: Sat, Jan 15, 2022 12:45 pm
Subject: DPW Parking lot battle?

Dear Dr. Phillips,

The Village Board is obliged on account of the dissolution vote to sell all Village assets. We're also losing all control over our local zoning. Countless problems have resulted from the dissolution, and the Board is doing all it can to mitigate these problems. As for our DPW property, not even one residential developer showed interest when we put it on the market. We were nonetheless required to sell the property, so we entered into a contract with a commercial company that is well-respected in the County and whom we trust will be equally respectful to Brookside neighbors. The reputation of the purchaser was a big part of our decision to sell to it.

As for the parking situation, we have accommodated our residents for years and would have continued to do so if it were not for the dissolution.

Going forward, while we're still in office through March 31, we're meeting regularly with Orangetown to do all we can to smooth the transition and advocate for everyone affected by the dissolution. Our hope is that Orangetown will step in our shoes and provide the best representation and services possible.

I'm so sorry for all you and the Brookside residents are going through right now. The change is painful for all of us.

Best,
Bonnie Christian

From: Kevin Phillips <kpsp7@aol.com>
Date: January 14, 2022 at 8:07:12 PM EST
To: Bonnie Christian <bonnie.christian@southnyack.ny.gov>
Cc: danny@dannyzolli.com, steeks60@gmail.com
Subject: DPW Parking lot battle?
Reply-To: Kevin Phillips <kpsp7@aol.com>

Madam Mayor Bonnie,

As the residents around me are saying and your repeated responses to me prove, **YOU ARE NOT LISTENING.**

This request for your attention has **NOTHING** to do with a refund of the paltry parking fees.

This request has everything to do with the destruction of our community and the significant loss of property values when the Brookside neighborhood returns to being the slums it was in the 1970's.

I assume you will be hearing from channel 12 in the next few days as they were interviewing residents today and seem to be preparing to air a piece on the insensitivity of the board to the needs of the village as you all **ARE NOT LISTENING!!!**

Love to chat with you so as to see a peaceful resolution before money is wasted by the village, town, and residents on this upcoming court battle.

Kevin Phillips, Ed.D.
Owner, 58 Brookside Avenue
914-882-7729

-----Original Message-----

From: Bonnie Christian <bonnie.christian@SouthNyack.NY.gov>
To: Kevin Phillips <kpsp7@aol.com>
Sent: Fri, Jan 14, 2022 12:39 pm
Subject: Re: coffee?

Good morning Mr. Phillips,

3/29/22, 1:30 PM

Re: DPW Parking lot battle?

So sorry for the misunderstanding . We were selling both the parking lot and the DPW property together .We are currently in contract.
Again, we will be notifying those folks who have their cars in the lot as to when they will need to remove them and will return any monies owed.
Stay warm ,
Bonnie Christian

Sent from my iPhone

On Jan 11, 2022, at 3:11 PM, Kevin Phillips <kpsp7@aol.com> wrote:

Thank you. I did not receive the email so I would love to receive it.

Concerning the parking - I know the sale is moving along on the DPW property and yet I would love to discuss options on saving the parking area that is vital to the many renters on the street.

-----Original Message-----

From: Bonnie Christian <bonnie.christian@SouthNyack.NY.gov>
To: Kevin Phillips <kpsp7@aol.com>
Sent: Tue, Jan 11, 2022 3:05 pm
Subject: Re: coffee?

Good afternoon Mr. Phillips
I sent out a Mayor's Update yesterday concerning our meeting tonight and the taxation by Orangetown. If you did not receive it , please let me know and I will send it to you. As you will see any unanswered questions you might have after reading the explanations should be directed to the Orangetown Assessor , Brian Kenney.
We will be sending out letters to those folks who have paid for parking spaces in the current parking lot on Brookside Ave as to when their cars have to be removed and will be reimbursing any monies owed them at the time.
Thank you,
Bonnie Christian

Sent from my iPhone

On Jan 11, 2022, at 2:44 PM, Kevin Phillips <kpsp7@aol.com> wrote:

Dear Mayor,

I would love to chat with you sometime soon concerning 2 topics:
the double taxation by the town on our first 6 months of 2022 and
the loss of the Brookside parking area.

When are you available to chat?

Kevin Phillips, Ed.D.
Owner, 58 Brookside Avenue
914-882-7729

Village of South Nyack

Rockland County, N.Y.

Incorporated 1878

BONNIE R. CHRISTIAN
MAYOR

282 S. BROADWAY
SOUTH NYACK, NY 10960
(845)358-0287

Dear Property Owner,

As many of you know the Village of South Nyack electorate voted to dissolve the Village government and the effective date of dissolution is **March 31, 2022**. At that time there will no longer be a Village government and services will be provided by the Town of Orangetown. The Village Board of Trustees will continue to govern through March 31, 2022, and Village Hall operations will remain operational through March 31, 2022.

The Village Board and staff are working to shut down Village operations as the Town transitions to deliver the services. We want to keep you updated on the transition and the changes in service that will be occurring. Please note that as part of the transition process, **Police and Public Works services** are the first services to transition to the Town and these transitions are effective **January 1, 2022**.

<p>Police Services</p> <p>Effective January 1, 2022, the Town of Orangetown will be providing law enforcement services in the Village of South Nyack and there will no longer be a South Nyack Police Department. For all emergencies, please continue to dial 9-1-1. All other non-emergency inquiries should be made to the Town of Orangetown Police Department at 845-359-3700.</p> <p>All current Village codes, rules and regulations will remain in effect at least through March 31, 2022. This includes all Village speed limits and on-street parking regulations.</p>
<p>Public Works Services</p> <p>Effective January 1, 2022, the Village Department of Public Works will no longer exist, and the <u>Town of Orangetown Highway Department</u> will be providing services.</p> <p>For the period January 1 through March 31, 2022, it will be important to review the following information on services:</p> <ul style="list-style-type: none"> • Snow plowing on Village streets - Town Highway effective January 1st • Pothole repair – Town Highway effective January 1st • Street Maintenance – Town Highway effective January 1st • Sidewalk Clearing – Village property owners will continue to be responsible to remove snow and ice and any other debris from sidewalks abutting their property in accordance with Village Code at least through March 31, 2022.

<p>Public Works Services Continued</p> <ul style="list-style-type: none"> • Crosswalk Clearing - Property owners will be responsible to clear crosswalks abutting their property pursuant to Village Code. • Yard Waste Pick Up – Town Highway will be sending out information on their pick-up schedule which starts in March. <p>Any issues with Town Highway services should be directed to the Town Highway Department at 845-359-6500</p>
<p>Refuse Pick-Up</p> <ul style="list-style-type: none"> • Refuse Pick Up by the Village’s sanitation contractor will remain in effect through March 31, 2022. • Effective April 1, 2022, it will be necessary for Village residents to make arrangements for private pick-up of their refuse. The Town of Orangetown Sanitation Commission will be sending Village households information on providers and rates sometime in the near future.
<p>Recycling Pick-Up</p> <ul style="list-style-type: none"> • Recycling Pick Up through the Village agreement with the County will remain in effect through March 31, 2022. • Effective April 1, 2022, the Town of Orangetown will be responsible for recycling collection. The Town Highway Superintendent will be sending out the schedule for recycling pick-up that will be effective April 1, 2022.
<p>White Goods Pick Up</p> <ul style="list-style-type: none"> • During the period 1/1/22-3/31/22 there will be no pick up of white goods, electronics or metals. • Effective April 1, 2022, residents will be responsible to contract with a private hauler and bulk item pick up (which includes white goods) is included in that contract. Effective April 1, 2022, contact your new private contractor for listing of acceptable items, maximum number of items and pick up schedules.
<p>Bulk Item Pick Up</p> <ul style="list-style-type: none"> • Bulk items will continue to be picked up by the Village vendor through March 31, 2022. • Effective April 1, 2022, residents will be responsible to contract with a private hauler and bulk item pick up is included in that contract. Effective April 1, 2022, contact your private contractor for listing of acceptable items, maximum number of items and pick up schedules.
<p>Parks</p> <p>The Town of Orangetown Parks Department will be responsible for the maintenance of the Village Parks effective January 1, 2022. Issues relative to Park Maintenance after January 1, 2022, should be directed to 845-359-6503.</p>

All other Village services will continue through **March 31, 2022**. This includes the Village Clerk/Registrar functions, the Planning Board, the Zoning Board of Appeals, the Building Department, and the Village Justice Court. Additional transition updates relative to these services will be made available as we get closer to March 31, 2022.

The Town determined that it did not have a need for Village Hall or the Village DPW properties. The Village Board of Trustees and staff are working on disposition of these Village assets. To date we have engaged a realtor to facilitate the marketing and sale of Village Hall, the DPW facility and the municipal parking lot. In addition, an auctioneer has been engaged to sell Village vehicles and equipment with an auction planned for early 2022. The proceeds of all the sales will all be used to reduce outstanding Village liabilities.

It is important for Village property owners to remember that they will see an increase in their January of 2022 Town tax bill but that they will NOT receive a Village tax bill in June of 2022. Should you have any questions or need additional information on the transition, please do not hesitate to contact us.

Best wishes to all for a healthy and happy holiday season.

Sincerely,

Bonnie R. Christian
Mayor

South Nyack debt payment plan will become Orangetown's job; what it means for taxpayers



Steve Lieberman

Rockland/Westchester Journal News

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SOUTH NYACK – The village's failure to close the sale of government property to pay off debt before dissolution will leave the job to Orangetown and could raise taxes for local residents.

Village officials have acknowledged the sale of the Department of Public Works complex on Brookside Avenue will not happen before April 1, when the village government is dissolved in favor of Orangetown.

Village officials expected the sale of Village Hall for \$615,000 and the DPW building and a parking lot for \$1.66 million would cover the village's debt. The village also is selling off trucks and equipment to raise money for the Legacy District to pay the government debt.



South Nyack: What lingering DPW sale could mean for village debt, taxpayers' burden

South Nyack Village Hall: Plans call for a bike shop, cafe with \$61.5K sale

Dissolution report: South Nyack property owners would see tax savings.

Mayor Bonnie Christian said if the village doesn't sell both properties, the residents' liability will increase by \$2.1 million. Former village residents would pay extra to cover the debt.

While the sale of Village Hall property is scheduled for completion before April 1, sale of the DPW property to a trucking company stalled. The Board of Trustees, in the face of Brookside Avenue residential opposition, attempted to redo a proposed zone change facilitating the sale and canceled a public hearing. Residents also have hired a law firm to challenge the zone change in court.

Christian said the board will let the clock run out on selling the DPW property and parking lot.

"Unfortunately, we have faced a genuine time crunch given our pending dissolution," Christian told residents.

"It seems that there is still work to be done to refine the rezoning plan, and we just do not have the time."

Christian said the board hopes "Orangetown will continue this work so as to arrive at a solution that benefits what will be the Hamlet of South Nyack and protects the people in the neighborhood of our former Department of Public Works building."

Orangetown Supervisor Teresa Kenny and board members were not pleased with being left to decide the zone change opposed by many residents and potentially deal with any legal action.

Kenny said the South Nyack board's inaction means the Town Board will have to step in as the seller of the DPW property. She said Orangetown will be governed by the terms of the sale to Durso Trucking that the town didn't negotiate, "nor to which we necessarily share the same interests of the current Village Board."

While the Town Board would apply the net proceeds toward satisfying the village's legacy costs, Kenny said, "We do not want to become entangled in lengthy and time-consuming litigation to defend the zone change."

"Our obligation is to do what is best for all the residents of Orangetown, including the residents of the soon-to-become Hamlet of South Nyack, and that is what we intend to do," she said.

Orangetown Attorney Robert Magrino will get updated details from South Nyack Village Attorney James Birnbaum on the status of the sales, Kenny said. The Town Board will meet before April 1.

While Orangetown is not legally held to the Legacy District, residents and officials believe there's a responsibility to the residents. The village also is selling off trucks and other equipment and has completed a \$1 transfer of the Depot Place firehouse to the Nyack Fire District.

"We're hopeful that Village Hall will be closing before the end of the month," Birnbaum said. "We have every reason to believe we can pay off our bond debt and we want to satisfy our general obligations with the DPW building sale."

Both sides of the DPW were brought to the Orangetown Town Board during a meeting this week. A residents spoke about the costs to residents of not closing on the DPW sale.

Some Brookside Avenue residents are concerned about Durso Trucking operating in the residential neighborhood, contending it would decimate the housing values and neighborhood, according to a flyer distributed by brooksideparkingsouthnyack.com. They claim 18- to 24-wheel trucks would inundate the streets and take up street parking.

Christian has said the sale contract would include operating hours, there would be no large-sized trucks and no street parking for the vehicles.

The residents have dubbed the spot zoning to accommodate the sale as illegal and an environmental review was needed. The group contracted with the South Nyack law firm of Feerick Nugent MacCartney.

Residents also are concerned about losing 26 parking spaces in the municipal lot next to the DPW building that's part of the sale. Residents pay a nominal fee to the village, but Christian said Durso has agreed to provide the parking for an undisclosed fee.

South Nyack voters put themselves in the hands of the Orangetown government when they overwhelmingly supported dissolving their government on Dec. 17, 2020. The main issues were high taxes, rising costs, and private school yeshivas operating at the former Nyack College campus.

Steve Lieberman covers government, breaking news, courts, police, and investigations. Reach him at sliieberm@lohud.com. Twitter: [@lohudlegal](https://twitter.com/lohudlegal). Read more [articles](#) and [bio](#). Our local coverage is only possible with support from our readers.

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DAVID J. RESNICK
KEVIN F. HOBBS
MICHAEL K. STANTON, JR.

February 22, 2022

Via Email: jill.schwarz@southnyack.ny.gov
& bonnie.christian@southnyack.ny.gov

Mayor Bonnie Christian
Village of South Nyack
282 South Broadway
South Nyack, NY 10960

Re: Proposed creation of a RGLSO zoning district in the Village & impose an
RGLSO zoning district upon 282 So. Broadway (Former Village Hall).

Dear Mayor Christian and Village Trustees:

This office represents the residents and the concerned citizens of the Village of South Nyack regarding the above referenced matter. Please submit this letter to the Board of Trustees and make the same a part of the public record at the continued Public Hearing to be conducted before the Village of South Nyack Board of Trustees (BOT) scheduled for Tuesday February 22, 2022 at 7:30 P.M. This Public Hearing was continued from January 25, 2022.

According to the "Notice of Hearing", your Board is seeking to classify the proposed action as "Unlisted" under SEQRA and establish a new Residential General & Limited Service & Professional Office (RGLSO) zoning district for the Village and thereafter rezone the soon to be vacant Village Hall building and property at 282 South Broadway as RGLSO. At this continued meeting the BOT intends to classify this action as "Unlisted" under SEQRA.

It is respectfully submitted that it is improper to classify this action as "Unlisted". This action will likely have Village and Town-wide adverse environmental impacts which will need to be identified by the Lead Agency and eliminated or mitigated. This Board should classify the action as "Type I" under SEQRA. The creation of the RGLSO zoning district introduces commercial and business uses which were previously prohibited or highly regulated in the

existing RG-6 district which borders the current Village Hall. The residential neighborhood near Village Hall is well established with larger homes. The proposed RGLSO zoning district will allow commercial uses into the Village which previously had been prohibited. The former governmental use of the building and site is not synonymous with the use of the property for a commercial for-profit business. A commercial venture on the site will cause numerous adverse environmental impacts upon the existing residential neighborhood, including increased traffic, extended hours and days of operation and increased light and noise pollution. Section 9 of the proposed Local Law impermissibly precludes site plan review by the planning board.

Of significant concern is the proposed novel use in the RGLSO zone allowing for the sales and rental of electric bicycles (E-bikes), electric scooters and shared mobility devices. Although certain e-bikes were legalized in NYS in April 2020, the Village of South Nyack has not yet regulated e-bike and electric scooter uses in the Village (upon information and belief, based upon my review of the Village Code). The State law allows the local municipality (each city, town or village) by local law or ordinance to further regulate the time, place and manner of the operation of bicycles with electric assist including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by riders. The existing local pedestrian and bicycle "rail trails" currently prohibit the use of any motorized vehicles upon those paths. The paths within the Village connect to the paths in neighboring municipalities and in the Town of Orangetown. The use of electric scooters and e-bikes on pedestrian trails and paths will likely adversely impact the health and safety of pedestrians and children using these paths throughout the Town and Village. Before this Board considers establishing this new zoning district, it should carefully examine and seriously consider the likely environmental impacts of e-bikes upon the Village residents and motoring public and enact legislation regulating the use and operation of these electric bikes and scooters in the Village.

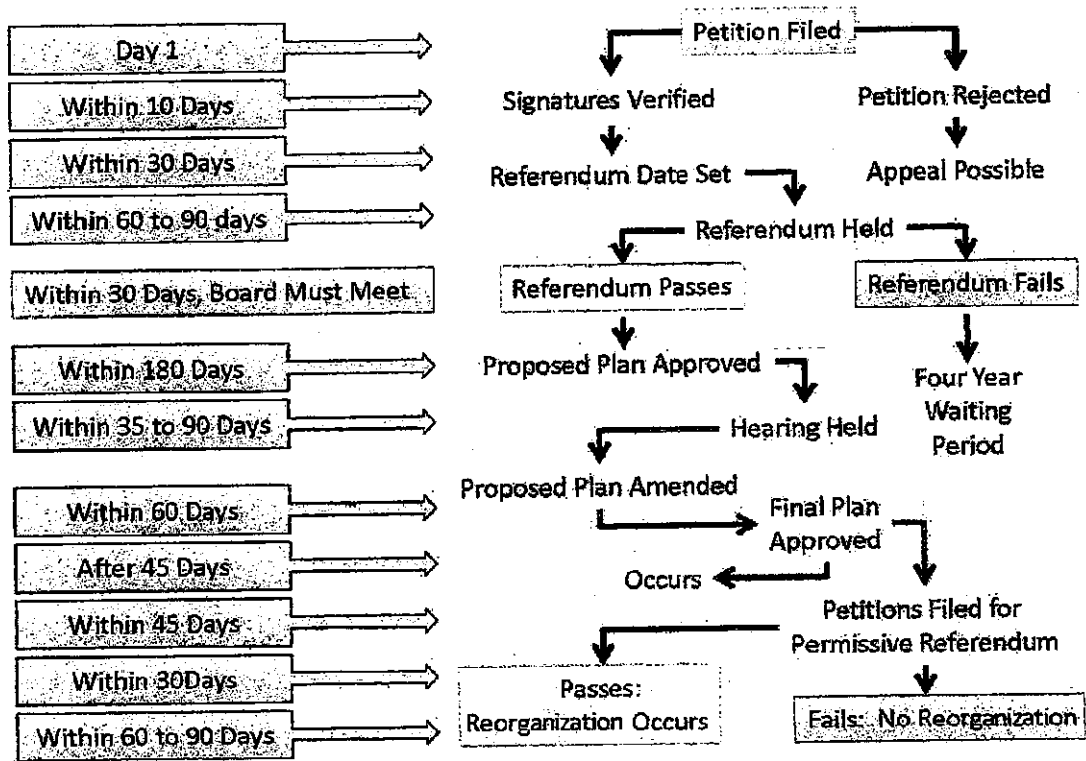
This Board is respectfully referred to 6 NYCRR 617.7 (c) regarding "criteria for determining significance". The Board at a minimum must require the preparation of a full Environmental Assessment Form for this proposed action. All surrounding municipalities must be included in the GML referral circulation as all these municipalities will be adversely impacted by this legislation, particularly the Town of Orangetown.

Based upon the significant adverse environmental impacts the creation of this new RGLSO zoning district will have upon the residents of the Village of South Nyack and Town of Orangetown this Board should conclude that an Environmental Impact Statement will be required. This Board should prepare a draft scope and thereafter schedule a public scoping session. It is further respectfully submitted that this Board should not move forward and enact this Local Law unless and until legislation is enacted by the Village BOT regulating the use and operation of these e-bikes and electric scooters within the Village.

12/17/2020 SN VOTERS 508-292 - Yes to DISSOLUTION
 NYS Article 17-A - Process outlined below - copied from
 SN Bill website

The Dissolution Process

Voter-Initiated



Updated February 9, 2021



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March 25, 2022

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A Special Town Board Meeting (STBM) of the Town Board of the Town of Orangetown will be held Tuesday, March 29, 2022, 4:00 pm at Town Hall, 26 Orangeburg Rd., Orangeburg, NY. The purpose of this meeting is to discuss and possibly vote on acceptance of assignment of contract from the Village of South Nyack for the DPW building and acceptance of deed transfers from the Village of South Nyack (public comment will be allowed) and in Executive Session discuss personnel-related matters.

Respectfully yours,

Rosanna Sfraga
Town Clerk

Cc Supervisor
Town Board
Town Attorney
Post (2)