

Village of Nyack

9 North Broadway, Nyack, NY 10960

Meeting of the Village Board of Trustees

October 9, 2025 7:30 pm

YouTube meeting livestream access link (public comment is in-person only):

www.nyack.link/youtube

- 1. Pledge of Allegiance.**
- 2. Mayor Rand's Remarks and Comments from the Village Board of Trustees**
- 3. Public Comment on Any Topic (1-3 minutes depending on the quantity of speakers)**
- 4. Presentation:** Matt Schiering, Dominican University, Business Survey re: Street Fairs
- 5. Public Hearings**

8:00 PM Consider Amending Chapter 360 (Zoning) of the Code of the Village of Nyack so as to Add, to the Use-Specific Standards, Certain Provisions Regarding Adaptive Reuse of Eligible Religious and/or Educational Buildings and Uses

8:05 PM Consider Amending VON Code §28-2 so as to change date of BOT's Annual Meeting (i.e., organizational meeting) to the first Monday in December

8:10 PM Consider Amending VON Code 238 Noise, to specify conditions under which gas powered leaf blowers may be used, according to size of property, month, day and time of day.

- 6. Adoption of Minutes – Minutes 9/10/25**

- 7. Action Items**

THE DRAFT RESOLUTIONS SET FORTH BELOW ARE FOR CONSIDERATION BY THE VILLAGE BOARD OF TRUSTEES ("BOARD"), WHICH RESOLUTIONS MAY BE APPROVED, OR MAY NOT BE APPROVED, OR MAY BE APPROVED WITH MODIFICATION(S), OR MAY BE TABLED WITHOUT ANY ACTION BEING TAKEN BY THE BOARD – THEIR INCLUSION IN THIS AGENDA IS NOT, IN ANY WAY, DETERMINATIVE OF A DECISION, IF ANY, TO BE MADE BY THE BOARD.

7.1 Resolution No. 2025-168 Resolution of the Nyack Village Board accepting audited voucher summary

WHEREAS, the Audited Voucher Summary was presented to the Nyack Village Board of Trustees at its regularly scheduled meeting of October 9, 2025.

RESOLVED, that General Fund Claims set forth on pages 1 through 18 in the below-listed amounts are approved for payment:

General Fund– \$358,266.81
Parking Fund – \$7,114.66
Water Fund – \$15,958.16
Capital Projects Fund – \$157,302.45

7.2 Resolution No. 2025-169 Resolution of the Nyack Village Board to Rescind Resolution 2025-142 that Approved a Contract with Clayton Construction replacement of windows on second floor of Village Hall

WHEREAS, the contract was found to be in violation of section 7(a) the Village's Procurement Policy, prohibiting contracts in which Village employees have an interest,

RESOLVED, Resolution 2025-142 is hereby rescinded.

7.3 Resolution No. 2025-170 Resolution of the Nyack Village Board to install a handicap parking space on Gail Drive

RESOLVED, the Board of Trustees of the Village of Nyack approves installation of an additional handicap parking space on Gail Drive.

7.4 Resolution No. 2025-171 Resolution of the Nyack Village Board to approve installation of two additional streetlights on Sixth Ave

RESOLVED, pending approval from O&R, the Village will install two additional streetlights on Sixth Ave between Francis and Central Streets.

7.5 Resolution No. 2025-172 Resolution of the Nyack Village Board to approve a permit application from DJ Morgana Zilarra for a music event in Memorial Park, Sunday, October 12, 3-6 PM

RESOLVED, the Board of Trustees of the Village of Nyack approves a permit application from DJ Morgana Zilarra for a three hour dance music event at the Gazebo in Memorial Park, on

October 12, 3-6 PM, to coincide with the upcoming ACADA street fair, pending applicant providing sufficient certificate of liability insurance.

7.6 Resolution No. 2025-173 Resolution of the Nyack Village Board to determine the construction of the Memorial Park Shoreline Pathway is a Type II project pursuant to the State Environmental Quality Review Act and therefore exempt from environmental review under SEQRA

WHEREAS, the Village has NYS grant funds to design and build a shoreline path from the Park's gazebo north to the Inlet Bridge, connecting Memorial Park to the Village Walkway in the Marina, and this 570 linear foot pathway will be enhanced with new landscaping, seating and overlook areas, improved lighting, and designated spaces for public art, memorials, and other site amenities, a project that is in alignment with the Village's Nyack Comprehensive Plan, the Memorial Park Master Plan and is a high priority on the list of the Village's Local Waterfront Revitalization projects, and

WHEREAS, the Shoreline currently has a loose gravel surface, which is not adequate for ADA access. The project will resurface the shoreline area and install permeable pavers, ADA-complaint benches, picnic tables, park amenities and a Public Art Pad for installations. The Project is being designed by Weston & Sampson landscape architects in coordination with a project advisory committee composed of village staff and park stakeholders, and

WHEREAS, the Village secured funding from the New York State Department of State in the amount of \$412,276 to develop the Memorial Park Shoreline Pathway. The Village Board of Trustees recognized the importance of including saline-resistant landscaping to increase the stability of the shoreline and make it more resilient to frequently occurring heavy rain events, sea level rise and storm surge. An additional \$139,092.00 will be provided as a village match with construction expected to begin in late 2025 or early 2026, and

WHEREAS, the Village of Nyack Board of Trustees is convinced that the enhancement and protection of the waterfront is essential to the revitalization of the Village of Nyack. The project will provide the final segment of uninterrupted pathway connecting the Village's waterfront and the historic adjacent business district. The Memorial Park section of the shoreline pathway will better stabilize the shoreline and connect the park to the recently constructed Marina pathway, provide enhanced and uninterrupted access to the river, and contribute to Nyack's revitalization and position as a regional tourist destination, and

WHEREAS, in accordance with Part 617 of the SEQRA Regulations, there being no other SEQRA Involved Agency besides the Nyack Village Board, the Village Board hereby Declares itself to be the Lead Agency in the environmental quality review of the proposed land use action, as per SEQRA Regulation 6 NYCRR §617.6(b)(5)(v), and

Whereas, the Village Planner prepared a recommended SEQRA Narrative dated 9/22/25 to be considered by the Village Board. The SEQRA determination indicated that the Memorial Park Shoreline Pathway was a Type II action based on 617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.” The total footprint of the pathway is less than 3,000 sf., and, therefore, no further SEQRA review is required, and

Whereas, the Village Board, after reviewing the Local Waterfront Revitalization Program (“LWRP”) *Waterfront Assessment Form*, prepared and recommended by the Village Planner, dated 9/22/25 determined that the proposed action is consistent with Chapter 342 and the policies of the LWRP. Specifically, the proposed action furthered Policies: 1, 2A, 19, 21, 24, and 25A.: See policies below:

1. RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.; 2A. PRESERVE AND RETAIN EXISTING WATER DEPENDENT USES IN THE COASTAL AREA.

19. . PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER RELATED RECREATION RESOURCES AND FACILITIES.

21. WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST.,

24. PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE AS IDENTIFIED ON THE COASTAL AREA MAP.

25A PROTECT AND ENHANCE VIEWS FROM ROUTE 9W, TALLMAN PLACE, FOURTH AVENUE, SECOND AVENUE, FIRST AVENUE, AND MEMORIAL PARK.

NOW, THEREFORE, based on all of the documentation and information before the Village Board, and the findings and determinations made herein;

BE IT RESOLVED, that the construction of the Memorial Park Shoreline Pathway is considered a Type II action pursuant to the State Environmental Quality Review Act based on 617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.” The total footprint of the pathway is less than 3,000 sf. “Type II” Action means that it’s exempt from environmental review under SEQRA.

BE IT FURTHER RESOLVED, that Joe Rand, as Mayor of the Village of Nyack, is authorized and directed to complete any required documents and implement the tasks under Contract C1002625 with the Department of State, Office of Planning and Development. The Village agrees that it will fund its portion of the cost of the Project.

7.7 Resolution No. 2025-172 Resolution of the Nyack Village Board to approve appointments to the Nyack Quarter Millennial 250th Anniversary Committee

RESOLVED, the Board of Trustees of the Village of Nyack approves the Mayor's nomination of the following individuals to volunteer on the Nyack Quarter Millennial 250th Anniversary Committee:

Joe Carlin, Trustee, Committee Chair, Liaison to Board of Trustees
Minerva Parker - Parks Commission / Nyack Library Liaison
Paul Adler - Fundraising for Special Events
Tristan Dunnigan - Chamber of Commerce Liaison
Brianne Higgins - Music Liaison
Timothy Morales - Marketing Specialist
Ann Marie Tlsty - VON Liaison
Mark Mangan - Event Coordinator
Thomas Schneck - Visit Nyack

7.8 Resolution No. 2025-173 Resolution of the Nyack Village Board to approve a permit application from John Vitale to use Memorial Park lower lawn for girls flag football practice

RESOLVED, the Board of Trustees of the Village of Nyack approves a permit application from John Vitale, Flag Football practice for 10 girls, 7-8 years old, Wednesdays and Fridays, 4 PM-5:15 PM, through October 26, 2025, pending applicant providing sufficient certificate of liability insurance.

7.9 Resolution No. 2025-174 Resolution of the Nyack Village Board to approve a Publication of a Competitive Bid for the Construction of Drainage Improvements on High Avenue

RESOLVED, in consideration of the fact that the Village has obtained grant funding from FEMA for to replace drainage on High Avenue, including a 10% match from the General Fund and Weston and Sampson/Brooker Engineering has developed design and bid specifications, the Board of Trustees of the Village of Nyack approves the publication of the completed bid package as soon as possible, subject to review by the Village Attorney, and with a deadline for responses as per recommendation of Village Engineer.

7.10 Resolution No. 2025-175 Resolution of the Nyack Village Board to amend §28-2, of Chapter 28 (Elections), of the Code of the Village of Nyack, so as to change the date of the Trustees's Annual Meeting to the first Monday in December of each year.

At 8:05 PM, during a regular meeting of the Board of Trustees of the Village of Nyack ("Village"), convened on October 9, 2025 ("Public Hearing date"), the below-described Public

Hearing was (i) opened, *or* (ii) was opened at, and continued from, a prior meeting (or meetings), *or* (iii) was opened at, continued from, and closed at, a prior meeting (or meetings); and the following Resolution was duly offered and seconded, to wit:

WHEREAS, the Village Board of Trustees (“Village Board”) is the duly elected legislative body of the Village, and authorized to adopt Local Laws amending the Village Code, including amendments to the provisions embodied in Chapter 28 (Elections) thereto.

WHEREAS, the Village Board has published a Notice of Public Hearing in the Journal News, digitally posted said Notice on the Village’s website, and physically posted the Notice on the Village’s official bulletin board, in accordance with NYS Municipal Home Rule Law §20, with regard to proposed text amendments to the Village Code, which amendments are summarized as follows: the proposed Local Law, if adopted by the Village Board, will amend Village Code §28-2, so as to change the date of the Village Board’s Annual Meeting (a/k/a re-organizational, or organizational, meeting) to the first Monday in December of each year, instead of the first Monday of January of each year (or the first Tuesday, if the first Monday is January 1), the purpose and intent of which change is to comport with NYS Village Law §3-302(1), and with the recommendations of the New York State Conference of Mayors and Municipal Officials (NYCOM) as instructed in the *NYCOM Handbook for Village Officials* (Revised March 2023); which Local Law is appended hereto, made a part hereof and marked as “ATTACHMENT B.”

WHEREAS, a copy of the proposed Local Law was provided to the Village Board, in accordance with NYS Municipal Home Rule Law §20.

WHEREAS, following compliance with all public notice requirements as mandated by the applicable NYS statute(s) and the Village Code, and distribution of the proposed Local Law to the Village Board as per NYS Municipal Home Rule Law §20(4), on the Public Hearing date the Village Board (i) opened, *or* (ii) previously opened at a prior meeting, and held open/continued, *or* (iii) previously opened and held open/continued, and closed, at a prior meeting (or meetings), a Public Hearing on the proposed Local Law.

WHEREAS, the Village Board finds, after reviewing the proposed Local Law, and after hearing from the Village Attorney, the Village Clerk and the Village Administrator, that this Local Law will modify Village Code §28-2 so as to comport with NYS Village Law §3-302(1), and with the recommendations of the *NYCOM Handbook for Village Officials* (2023), and will be a more pragmatic, sensible and logical date for the Annual Meeting, such as, for example, allowing recently elected Mayors and Trustees, rather than outgoing Mayors and Trustees, to appoint Village officials, officers and board members who will function during the upcoming year(s).

NOW, THEREFORE, based on all of the documentation and information before the Village Board, and the findings and determinations made herein;

BE IT RESOLVED that the Village Board finds that this Local Law will fulfill, or be a significant step toward achieving, its legislative intents and purposes, and that the Village Board hereby adopts the Local Law in the form and substance as appended hereto as “ATTACHMENT B,” and as same may have been amended “by-hand” during the Public Hearing.

7.11 Resolution No. 2025-176 Resolution of the Nyack Village Board of Trustees to amend §238-4 (Prohibited noises) and §238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack, so as to add an exception (exemption), from the prohibition of gasoline-powered leaf blowers, for very large lot size properties only during certain times of the year, days of the week and hours of the day.

At 8:10 PM, during a regular meeting of the Board of Trustees of the Village of Nyack (“Village”), convened on October 9, 2025 (“Public Hearing date”), the below-described Public Hearing was (i) opened, *or* (ii) was opened at, and continued from, a prior meeting (or meetings), *or* (iii) was opened at, continued from, and closed at, a prior meeting (or meetings); and the following Resolution was duly offered and seconded, to wit:

WHEREAS, the Village Board of Trustees (“Village Board”) is the duly elected legislative body of the Village, and authorized to adopt Local Laws amending the Village Code, including amendments to the provisions embodied in Chapter 238 (Noise) thereto.

WHEREAS, the Village Board has published a Notice of Public Hearing in the Journal News, digitally posted said Notice on the Village’s website, and physically posted the Notice on the Village’s official bulletin board, in accordance with NYS Municipal Home Rule Law §20, with regard to proposed text amendments to the Village Code, which amendments are summarized as follows: the proposed Local Law, if adopted by the Village Board, will amend Village Code §238-4 and §238-5 so as to add an exception (i.e., exemption), from the prohibition against gasoline-powered leaf blowers, for very large lot size properties, and only during certain times of the year, days of the week and hours of the day; which Local Law is appended hereto, made a part hereof and marked as “ATTACHMENT C.”

WHEREAS, a copy of the proposed Local Law was provided to the Village Board, in accordance with NYS Municipal Home Rule Law §20.

WHEREAS, following compliance with all public notice requirements as mandated by the applicable NYS statute(s) and the Village Code, and distribution of the proposed Local Law to the Village Board as per NYS Municipal Home Rule Law §20(4), on the Public Hearing date the Village Board (i) opened, *or* (ii) previously opened at a prior meeting, and held open/continued, *or* (iii) previously opened and held open/continued, and closed, at a prior meeting (or meetings), a Public Hearing on the proposed Local Law.

WHEREAS, the Village Board finds, after reviewing the proposed Local Law, and after hearing from affected property owners/managers, Village residents, and business operators in the

Village, that these amendments are pragmatically necessary, until such future time that battery-powered leaf blowers are substantially improved and available, so as to enable very large properties to clear their land of fallen leaves and vegetation, which has been very difficult to accomplish with the currently available battery-powered leaf blowers, which amendments are a practical balancing of ameliorating the unavoidable hardships of these property owners, and preserving and protecting the quality of life of Village residents and businesses, and their guests, invitees and customers, and the tourists of the Village (“legislative intents and purposes”).

NOW, THEREFORE, based on all of the documentation and information before the Village Board, and the findings and determinations made herein;

BE IT RESOLVED that the Village Board finds that this Local Law will fulfill its legislative intents and purposes, and that the Village Board hereby adopts the Local Law in the form and substance as appended hereto as “ATTACHMENT C,” and as same may have been amended “by-hand” during the Public Hearing.

7.12 Resolution No. 2025-177 Resolution of the Nyack Village Board to approve a permit application from Morgana Brennan for a street closure on South Broadway for the Spirit of South Broadway event on October 17, 2025.

RESOLVED, the Board of Trustees of the Village of Nyack approves an application from Morgana Brennan of Modern Druid to close South Broadway from Hudson Ave to Murray’s Deli driveway, for a Halloween “Spirit of Nyack South Broadway” event, Friday, October 17, 2025, from 5 PM to 9:30 PM, and contributes \$500 to the cost of DPW labor, contingent on event sponsor providing a valid certificate of liability insurance naming the Village of Nyack.

8. Department Reports to the Village Board of Trustees (based on availability).

- 8.1 – Orangetown Police Department
- 8.2 - Village Attorney
- 8.3 – Village Administrator
- 8.4 - Village Clerk

9. Old Business

- 9.1 250th Anniversary of July 4, 1776, organizing committee
- 9.2 Nyack Rat Control Project

10. New Business

- 10.1 Nyack Outdoor Fitness Park
- 10.2 Use of Cannabis Sales Tax Funds for a PT social work contract
- 10.3 Use of NYS Office of Children and Family Services (OCFS) \$30K grant to fund Nyack youth access to sports and recreation via free tuition at the YMCA

11. Communications

- 11.1 Grand Fondo NY “Thank you” letter and plaque

12. Public Comment

13. Executive Session

14. Adjournment