

**INCORPORATED VILLAGE OF PIERMONT
BOARD OF TRUSTEES MEETING
JULY 30, 2015
(Rescheduled from July 21, 2015)**

Present: Mayor Christopher Sanders, Deputy Mayor Mark Blomquist, Trustee Steven Silverberg, Trustee John Gallucci, Jr., Trustee Lisa DeFeciani, Walter Sevastian, Esq.-Village Attorney, Jennifer DeYorgi- Village Clerk-Treasurer

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

Mayor Sanders opened the floor for public comment.

Public Comment

Bob Samuels noted a few months ago a condo owner complained about the weeds along the North Shore Walkway. Mr. Samuels asked the Board to get together with the Homeowners Association and clean up the weeds as it is interfering with the beauty and the view. Mayor noted that maintenance of the wall is not the Village's responsibility, it is the Homeowners' Association. Mayor Sanders will reach out to the HOA to discuss.

Sally Savage noted the anniversary of the filming of the Purple Rose of Cairo on October 4, 2015. She would like to have a hanging exhibit installed in Village Hall which would be used for the 30th Anniversary art work and can be used by the others in Village as well as the Village Board in the future. Mrs. Savage provided copies of the exhibit railing system for the Board to review. She will also provide a copy for Tom Temple.

Susan Cohen related for the second time on her street that the new trimmer was there, she is not sure if it's being used properly or if the blades are not sharp enough but the tree branches get broken. Her neighbor Mr. DeLoach asked DPW not to cut the shrubbery on his property and they cut them anyway. The machine is smelly, loud, maybe the blades are not sharp enough because it rips and tears through everything. There was a blower used afterwards and debris was blowing everywhere.

Ms Tapley officially complained about the film truck parked adjacent to her backyard spewing diesel fumes for three full days in early July until 9pm every night. It was so bad that people were not able to sit in their yards or go in their pools. She understands that it was permitted to be in the north parking lot and there were issues so it was moved to her area. She does not feel that anyone would think it was reasonable to have that truck parked there for three days. The Goswick Pavilion and parking lot D are constant sources of pollution and noise. The Pavilion rental should have restrictions. Parking Lot D constantly has tour buses idling in the lot all day. Mayor Sanders stated that regarding the Filming Permits it was originally on tonight's agenda but the agenda became so long that it was moved to the August 18th meeting. It will be discussed what is on our film permit application, what's allowed, what do we need to do in terms of staging over night. Goswick Pavilion typically does not allow generators unless specifically approved by the Board, Mayor Sanders will look into the Pavilion application as well.

Item #2 – Approval of Meeting Meetings

Mayor Sanders asked that the request for a public hearing in item #9 Widening Piermont Avenue (Phil Griffin) be stricken from the July 16th Minutes. It was a late evening when this item was discussed and believes it is in error. The Mayor and the Trustees agreed to strike that from the record.

Trustee Gallucci Jr. made a motion to approve the minutes of June 16th 2015 with the noted correction. The motion was seconded by Trustee Silverberg and was so carried with a vote of 5 ayes and 0 nays.

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Trustee Gallucci Jr. made a motion to approve the minutes of July 1st, 2015 as presented. The motion was seconded by Trustee Silverberg and was so carried with a vote of 4 ayes and 1 abstain (Trustee DeFeciani was not present at the July 1st meeting).

Department Reports:

Building Department - Building Inspector, Charles Schwab reported he has been called in to the office a few times this past month for fires and problems. He submitted a short note to the board regarding Austin's Special Permit application.

Department of Public Works - Highway Superintendent, Thomas Temple noted he had turned in his department report for June. He reported on the closure of Ash Street to repair the storm drain. The DPW originally thought it was water or sewer related and that's why the road was closed for two days. The DPW is also continuing with pavement markings and drainage work on Piermont Avenue. Trustee Silverberg stated that the "S" turn on Ash Street is dangerous with a lot of brush and asked if they can they cut back the brush a little bit further (approx. 10ft.). Tom Temple stated that the guardrail is in the way of cutting the brush.

Police Department Chief O'Shea reported the Police Department is continuing with bicycle enforcement and has some additional patrols on the weekends, which have been very successful and will continue through the summer. Commercial vehicle enforcement is continuing as well and will continue through August and September. Chief O'Shea would like to ask the Board's permission to surplus the 2009 Charger on Auctions International (this item was added to the August 18th Agenda).

Fire Department - Chief Danny Goswick - Not Present

Item #4 Review Terms For Lease Proposal with Piermont Historical Society

Mayor Sanders reported that the Village Attorney had prepared a draft of the lease, which was previewed by the Mayor and Deputy Mayor. They spoke with Barbara Scheulen, who is now the chairperson of the PHS, to discuss the proposed provisions of the lease. Mayor Sanders outlined some of the items they discussed: The Purpose of the Village engaging with the PHS as caretakers for the structure; that the Village would install an alarm system for fire and theft protection; the PHS would provide for a review of their annual financials prepared by an accounting professional conforming to GAAP standards; the PHS would be the primary user of the space and the Village/landlord would have access upon reasonable notice for any third party use, (individuals or groups with like purpose as the PHS); and establishing how often the PHS would open up to the general public - Mrs. Scheulen said the PHS would commit to open up the Train Station at least 10x per year.

The lease term was a big issue discussed at the last meeting, there were Board members that felt that a three-year lease was sufficient instead of five years, others thought that one-year agreement would be appropriate. In order to not have to go through this process every year the Board will be reviewing their performance yearly and after three years, if the PHS are good tenants, performing to their purpose, taking care of the building and they are providing services to the Village residents then there will be an option to continue the lease term to for a full five years.

Trustee Silverberg has an issue with a five year lease. He stated that all the dialogue started about a year and a half ago due to concerns about the cost to the Village to maintain the train station. He is against a five-year lease, the way he reads the contract it looks like at the end of the three years as long as the PHS is paying the rental/maintenance fee and opening up the train station 10 times a year they will be entitled to continue for another two years. Trustee Silverberg does not feel we should tie the village's hands and have to give the PHS a year's

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notice to vacate. He suggested making this a three-year agreement and review it after the initial two-year period. Deputy Mayor Blomquist is in agreement with Trustee Silverberg, Trustee Gallucci Jr and Trustee DeFeciani also agree. Mayor Sanders asked the Village Attorney to draft up the changes to lease.

Motion to authorize Mayor to enter into an agreement/lease with the PHS by Trustee Silverberg and seconded by Trustee DeFeciani and was so carried with a vote of 5 ayes and 0 nays.

Item #5 Continuation of Public Hearing 7:30pm Special Permit Application Pier 701 for continuation and expansion of use in the WF2 Zoning district.

Mr. Scarmato appeared on behalf of the applicants and stated that, subsequent to last month's meeting both he and his client have reviewed all the comments and made some changes that he would like to present in response to some of the comments.

First the parking, Mr. Scarmato displayed a drawing of the parking lot. There was concern that there were parking spaces that could not be used without the valet. There are 83 blue spaces which are allocated to the Marina. The Marina will take up approximately 40 spaces with boats during certain times of the year. They have a good case for 91 unobstructed parking spaces without valet. The valet has been moved in approx. 200 feet to allow for traffic safety. Mr. Scarmato has received some feedback from Village residents that they see an improvement with the traffic on Piermont Avenue. The parking spaces meet the requirement of 10ft x 20 ft, however in looking at parking lots around the Village there are very few that meet the 10ft x 20 ft requirement. Also discussed is a left turn being made from southbound on Piermont Avenue, which is not allowed by vehicle traffic law, the valet has been directing people to loop around. Regarding the noise issue, Mr. Scarmato stated that his client understands that people live in the neighborhood and he wants to be a good neighbor. His client has spent the time, effort and money to hire a professional noise analysis engineering company. They set up a noise study which was conducted after eliminating live amplified music outdoors. Microphone systems were set up on the deck, inside the restaurant, on Piermont Avenue on the South and one on a neighbor's home at 345 Hudson Terrace. Each microphone recorded approximately 170 continuous hours (including the weekend). The findings are such that the restaurant makes no more intrusion than buses, planes flying overhead, or vehicles on the street. Mr. Scarmato noted his client will continue to monitor the noise level from time to time, but his client has a right to run his business. There is a certain amount of noise from any business operating on the waterfront and his client is asking for cooperation from the public. The owner of the Marina found a letter referencing a Special Permit from 2002 acknowledging a request from the Lighthouse Restaurant for 270 seats. Nothing has changed on the site since that time although there has been a change of tenancy. There were some restrictions in that document and his client is not adverse to reasonable restrictions that would keep him in business, bring business to the Village and spill over from Pier 701 into other restaurants enhances the business of the other restaurants in the community. Mr. Scarmato believes that Pier 701 is an important income generator for the Village and would expect that the Board recognizes this. Requesting 267 seats, whatever amount of occupancy is approved, during the summer there is no seating within the restaurant during the day or even in the evening on a warm day he is asking the Board to allow a flexible allocation of the seating, so if you permit less than the full amount they would like to be able to close certain areas in the dining room and take advantage of deck and beach area. The sound engineer made a number of recommendations that Pier 701 is fully prepared to act on, first is fencing of the north and south side of the property they believe that adding solid panels on the inside to the existing open weave fence will greatly help with the noise transmission. It was also recommended that they install a solid 8ft. fence instead of a 6ft fence, Pier 701 is open to this suggestion but it would require a variance from the Village. They are open to other reasonable restrictions on the property. Mayor Sanders asked Mr. Scarmato to clarify that his client would like to proceed with the request for the expansion with 267 seats? Mr. Scarmato replied yes, that's what in the original request and what was reviewed in the last Village Board meeting. Mayor Sanders stated that the original request is asking for 272 seats,

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Mr. Scarmato confirmed that the request is for 272 seats and they are open to the Village Board's reasonable discretion.

Trustee DeFeciani asked Chief O'Shea about the valet service being moved back. Chief O'Shea stated that he and Officer Brown met with the staff regarding the parking issue. Chief O'Shea also stated that the valet is doing a great job and he reviewed the traffic complaints and there has only been one complaint since they made these changes. Trustee DeFeciani inquired about Pier 701 using the Knights of Columbus for parking. Mr. Whitton explained that he rents the Knights of Columbus parking lot and explained that the valet is using the parking lot for an additional 30 valet parking spaces. Mr. Whitton explained that if the Pier 701 parking lot fills up they use the Knights of Columbus lot. They close off the full lot and a valet stays in the front to direct traffic to the next lot. Village Attorney Sevastian stated that the extra parking is probably helpful; notwithstanding the seat occupancy, the total number of real human beings in the restaurant may be different.

Trustee DeFeciani also asked Chief O'Shea about the noise, since the elimination of live music outdoors, have there been any noise complaints in the past month? Chief said there were four complaints as opposed to 30 in prior months. Chief O'Shea also stated that the four noise complaints were made during closing.

Deputy Mayor Blomquist was looking at the five separate items they had listed for noise control and asked if they had a chance to look at the Draft Special Permit - there are some conditions in it that if there are any noise ordinance violations issued the Special Permit can be revoked. Mr. Scarmato stated that included in the noise study was a scale of noise levels in decibels. If the Board is reasonable with their noise level recommendations then his client can live with that. Mr. Scarmato also stated the he has first hand personal knowledge on how a Marina operates, how the boats are stacked, etc.

Trustee Gallucci Jr. commended Pier 701 for the improvement they have made with the parking plan. Trustee Gallucci Jr. stated that they still have the issue with the 83 spaces in a Marina that has 100 boat slips. They have to address what is there, not what is in use. He feels that the Board needs to address this to ensure that there are enough spaces for Pier 701 and the Marina to use. There is not enough parking for their proposed plan of 272 seats. Trustee Gallucci Jr. pointed out that Mr. Scarmato mentioned that he submitted an old letter to the owner of the Lighthouse Restaurant that there was an approval for 270 seats. Respectfully, he feels that the letter should be read again because the way he reads it, it's what the Board had been told, not what was approved and there are substantial restrictions over and above on that. Trustee Gallucci Jr. stated that the letter reflects what the Board was told and not what the Board approved and that is a critical distinction.

Trustee Silverberg followed up on what Trustee Gallucci Jr. was saying and went on to quote the letter states the deck is for diners only, there are to be no people standing waiting for tables. He also agrees with Trustee Gallucci Jr. regarding the parking/marina issues and perhaps they would need a variance and there will be some restrictions. Trustee Silverberg also commended Pier 701 for submitting a parking layout that is realistically laid out and he heard as well that there has been a significant improvement in the noise level and he feels that Pier 701 is showing good faith that they are trying to resolve the issues. Trustee Silverberg feels that there has to be very clear restrictions on the Special Permit. A conviction of violations of the Special Permit can bring Pier 701 back in front of the board and that does not necessarily mean revoking the special permit.

Mayor Sanders wanted to clarify that they have 160 seats total for the deck, 40 seats being requested for the beach area and 33 seats around the Tiki bar. Mr Scarmato asked for flexibility on the seating during seasons. Village Attorney Sevastian asked if there was a condition that limited amount of bodies and not about where they are in the restaurant, can Pier 701 live with that (Mr. Scarmato replied yes). Mayor Sanders stated that he stopped by Pier 701 on Saturday night noting it was a very busy night at the restaurant. The restaurant was packed on the deck and the Tiki Bar. There was no one on the beach area which the Mayor thanked them for recognizing that they

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don't have approval for use of the beach area yet, in spite of it being a very alluring feature for the restaurant. There was approximately two tables inside the restaurant with people, so he feels that they are looking at roughly 200 people if they pack the deck, Tiki bar and beach area.

Mr. Scarmato does not know why the valet had a need to use the Knights of Columbus parking lot when there should have been plenty of spots available in the marina. Village attorney Sevastian stated that it is difficult because they are coming and asking to operate a business but the standard and the code is that you get three seats per parking space but that ignores reality. It may be better to consider how many people are there as opposed to how many seats.

Mr. Anthony Fowler stated that if they are looking for a 45% increase in seating and they are maxed out at 150 permanent seats with no real information as to what the maximum occupancy is, he assumes they are not violating the fire code. The lot has been full since the changes have been made. But to increase seating capacity by 45% at a time when they are already filling up the parking lot and using extra parking is absurd and he does not even know why this is being discussed. Mr. Fowler stated that perhaps the real reason for the extremely excessive request is to try and defend against some of the reasonable requests that have been made and ignored for the last three years regarding the other conditions that are on the site. He stated that there is a petition with 60 friends and neighbors on Hudson Terrace and Piermont Avenue that object to any intensification of the use, but also no more amplification of sound. He was there in March 2014 when the applicant wrongly assumed that they could blast music but only until 11pm. At that March meeting the applicant assured the Board that he was working diligently to prevent any sound from escaping from his business location. There have been complaints after that February meeting so forgive me as one of those 60 who signed the petition that I don't take on faith that representation. Last night it was Tom Petty's Running on a Dream that I heard from my porch at 11:23pm, I love Tom Petty and I would have played Last Dance with Mary Jane instead, but the point is I don't want that choice made for me and this applicant feels free with amplified music to play as damn well loud as he pleases. Once the Special Permit is granted with any loophole like you can listen to TV, well you know what the DJ program starts at 9:30pm, look at the website it was very interesting no live music on pre-recorded, so now it's not live music it's pre-recorded music, oh I guess that the DJ program that starts at 9:30pm on Saturday and Sunday. Does a DJ play softly, no, it's loud it must be that's the draw. This has become a middle-aged bar/nightclub. It's clear from the conduct, the music program, the time of day, the drunken conversations that continue outside until 1:00am. I hear very reasonable sounding presentation like the fact that airplanes might have decibels that are higher than what has been recorded during the strategic retreat in the past month. Well so what, my 9 year old stated "but a plane goes by, he just plays music all the time", that's such an obvious point but what we hear is "oh it's all been fixed" and comparatively the buses make more noise. If the amplified music is kept at the level and only played as often as the buses go by then I'm fine with that.

Mrs. Ann Putko stated she appreciates the decrease in noise during the last month. On Sunday she called the police because a workman was using a leaf blower to clean the parking lot of 701. On Sunday's we get to be outside without a leaf blower and other lawn equipment going off. She would like to ask that they wait until the permitted time which is after 12Noon. Please be cognizant of the regulations they are important to the residents.

Mr. Peter Kuiper – 696 Piermont Avenue, noted the music noise has been decreased since there are no more live bands outside or inside, however the patron noise that goes on in and outside of the restaurant especially after closing time at 1-2am and is still definitely still there. The concern is that if they expand on the use and increase the occupancy obviously that is going to double the complaints. Yes, perhaps the restaurant has been on better than normal behavior but then again if the use is expanded it will further increase the noise.

Mr. Anthony Riso, Orchard Terrace, noted the applicant did what I expected they were going to do with the sound engineering report, and how the sound was going to be reduced. It's all smoke and mirrors because if there was a

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permit issued, it's not going to be well monitored. Who is going to monitor the sound 9-10pm at night when they get a heavy metal band. This is going to be uncontrollable, the only answer to outdoor music is to have none because it not going to be verifiable. He is giving a reference of other operations in the Village, if there was one other restaurant that had out door music he would have used that as a reason. If they have a permit to do this, then the next restaurant is going to come in and use this argument. It has to be halted at this time, no outdoor music is acceptable in a residential area. At the last meeting there were enough people who spoke out about how incompatible this is being in a residential area and being able to enjoy your own outdoor area without outdoor music. They cannot be trusted to keep it within a sound level that's acceptable because it's not verifiable so the only answer to outdoor music is none anywhere in the Village starting right now.

Mr. Frank Holahan, 160 Hudson Terrace, presented a petition to the Village Clerk. He also provided a copy to Mr. Scarmato and Village Attorney Sevastian. Trustee Silverberg asked Mr. Holahan to summarize what the petition contained. Mr. Holahan stated that the petition was signed by 60+ residents of the Village urging the Board to deny the application entirely and it sets forth the reasons, which has been expressed by all the residents. He has a suggestion for the Board, this property is a problem in its current use we would all be utterly naïve to think that in the past six weeks that there has been a certain lowering of noise of the objective issues like music, parking, etc, this isn't anything but strategic on Pier 701's part. The intended use of this property is clear, it's intended to be a nightclub with a Tiki bar in the middle of a residential neighborhood. He suggests the Board denies in every respect the application to expand and intensify the use. Let this business demonstrate over the course the next year his capacity to be the good neighbor that his counsel says it wants to be. This Board has the authority to revoke the existing Special Permit, we are not suggesting that this happen yet, but, let him continue the restaurant use, abandon any amplified music, don't allow any exterior music, don't allow any exterior restaurant use. Let him demonstrate the capacity to be a good neighbor like the other restaurants in the Village who close at 10-10:30pm. This use is inappropriate to the Village and entirely inappropriate to the neighborhood. He is asking the Board to deny the Special Permit.

Mrs. Tammy Kuiper, 696 Piermont Avenue, submitted a letter to the Board in anticipation of tonight's meeting. There's one thing she feels the applicant needs to understand, no one here wants to see someone out of a job, there are good hard working people that work in the restaurant and it is not their fault for the mismanagement and the problems that have occurred. We are not trying to shut the restaurant down, we would like to see it flourish in such a way that it accentuates the community and she wanted to get it out there because she feels it has been misunderstood. We have also noticed the improvement, the problem is still the evenings when people are leaving. She is sure it's the staff and even Mr. Whitton himself who is outside and that's when we call the police although we don't call the police every time. One of the things that has not been addressed and it really concerns us is closing time. Last meeting it was brought up but she has not heard anything from the applicant explaining closing time to her satisfaction. Saying that a business closes at 10 or 11pm that's when we shut down the kitchen, but the problem is it's not closed at 10 or 11pm there is no last call there is no time the kitchen is shut down and the lights flicker like last call at a bar. There are very polite ways to ask patrons to leave. She should not be woken up at 3am, she is two of the noise complaints, one was at 3am and one was at 12Midnight which has to do with people outside talking. They mentioned other restaurants on the water and she knows who they are referring to and that tent is empty and silent by 11pm. They don't have staff or people out there, it's closed, it's quiet. In fact if there was silence at 11pm we all wouldn't be here. There were a number of other issues in her letter, please consider everything she put in her letter. She feels some serious considerations need to be made on how this business is being managed and how can we set restrictions for the business to be managed responsibly so that we can offer jobs and entertainment and a benefit to the community and not have the impediment on everyone's head.

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Mr. Scarmato read out loud the restaurants hours of operation as listed below and handed it in as public record:

	<u>Kitchen Hours</u>	<u>Last Call</u>
Monday	12PM to 10PM	12AM
Tuesday	12PM to 10PM	12AM
Wednesday	12PM to 10PM	12AM
Thursday	12PM to 10PM	1AM
Friday	12PM to 1AM	2 AM
Saturday	12PM to 1AM	2AM
Sunday	11:30AM to 10PM	12AM

Trustee DeFeciani asked if the last call includes the outdoor Tiki bar, Mr. Scarmato replied yes. Mr. Scarmato stated that they were also aware of a petition being gathered and his client also accumulated support from his patrons and so he has collected a large volume of people signing a petition in support of him. There are at least 84 Piermont residents who support the application. Mr. Holahan asked what the petition says and Mr. Scarmato replied that they support Pier 701's application, Mr. Scarmato also stated that the Special Permit application is public and Mr. Holahan can FOIL the information.

Trustee Silverberg thinks that there are some important constraints that people need to understand the Village Board has. This is an existing business, as a special permit use it's considered a permitted use in the area and the question is what appropriate conditions can we set. The suggestion was made that we not take any action on this and wait a year to see if they are good neighbors. He personally thinks that would be abdicating our responsibility to set some conditions now, we have a draft resolution from our attorney which requires that this is renewable annually so we can set some conditions now and still do what the public wants and look at it again in one year. If they are not abiding by the conditions or if those conditions are not working then we can revise the conditions or revoke the special permit at that point. In addition, I heard some snickering about the hours of operation and in reality we cannot close them down before 4am due to the liquor law. We can restrict the outdoor usage before 4am and that is what the Board intends to do if the Board adopts what is being suggested by the Village of Attorney. So within in the context of all of those things I think the public needs to understand what the Board has to look at and what the Board has to do. He has some suggestions on the proposed resolution.

Mr. Frank Holahan – asked if he understands correctly that prior to the completion of the public hearing a resolution or a draft special permit was prepared. Trustee Silverberg replied that the Village Attorney drafted conditions and circulated a copy to the Village Board to consider. Trustee Silverberg stated that the Board can make changes to the draft, it's just something to think about. Mr. Holahan asked if the public can review the draft document, Trustee Silverberg stated that it is not a debate between the public and Board. The public has been allowed to speak about the applicant and the Board will take it under consideration. Trustee Silverberg also stated that based upon the public comment he has several suggestions for the draft. Village Attorney Sevastian stated that this is a continued public hearing and there is some language in front of the Board to consider but they don't have to accept it, he also stated that Mr. Holahan is entitled to see any document that is maintained by the Village Board. Mr. Holahan stated that if he were on the Board he would want the public to see the draft and he would welcome the public's input. Again Mr. Holahan asked to see the draft resolution, Village Attorney Sevastian replied that Mr. Holahan can see it as soon as it turns into something the Board is actually going to approve. Village Attorney Sevastian stated that in the interest in moving this to some type of conclusion he circulated some language for the Board to review in order to move this forward. Trustee Silverberg stated that the Board is looking to put some controls on Pier 701 and they can't do so until they make a decision. Village Attorney Sevastian told Mr. Holahan to think about the fact that there is a CO that say 150 seats, there's no limit on occupancy, there's bands playing outside, there's no conditions in place that says they can't have bands outside there's just a noise ordinance and as someone pointed out, enforcement of a noise ordinance is not easy. It would be different if there was a document in place, an actual Special Permit that stated actual conditions

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on what they can and cannot do (i.e. this is the number of people you can have here, no outdoor music, not open windows, etc.). Once the Board sets forth some conditions these issues can be enforced, this is not to pull the wool over the public eyes. To have enforceable conditions is good for the public, the Board as well as the applicant. Village Attorney Sevastian stated that Mr. Holahan can see the draft resolution as soon as the Board states what they want it to say other than framework.

Mr. Anthony Fowler, 688 Piermont Ave. asked if there is a suggestion that moving amplified music live or DJ's inside. They are already strategically locating it inside and yet live amplified music as it's intended to do has a way of permeating an area. Even in the winter he can hear live music as if the door were open. The Board said, he believes in February 2014 keep your music on your own property, don't let it project to your neighbors. He suggests they soundproof their location so that he is not imposed on and unable to use their yards. He is also interested in looking at the draft because he feels like there are good faith remedies proposed to cure a mischief and he's afraid that they are not going to cure the problem. Mr. Fowler said that there is no information available on how many people can occupy the restaurant and mentioned there is a petition to object to any amplified music. At the February meeting it was stated that the applicant would keep the sound down and he did not. It has become a middle aged bar/night club. If there's a suggestion to move live music inside it can still be heard by the residents. He suggests they sound proof the location so that the residents can use their yards.

Mrs. Meg Fowler 688 Piermont Ave. asked since they can't regulate the liquor being served can they restrict the kitchen hours? She believes she heard that the kitchen closes at 1am and she believes that all the other restaurants in town close their kitchens at 10pm. So, are they allowed to restrict that? Mayor Sanders stated that he does not believe that the Board can restrict when the kitchen closes, the only thing they put controls on is outdoor use. Village Attorney Sevastian stated that outdoor services can be restricted not how the business operates on land. That's why a Special Permit allows the Board the ability to impose more conditions than are normal in the land use process, and he thinks the Board recognizes that. The Village Attorney does not believe that the Board can put on a special permit when a restaurant has to close their kitchen. There are other restaurants in the Village that maybe don't do the same kind of business that Pier 701 does but when you give a special permit to use that will carry to the next owner. That's why you want something solid in place because if the next owner comes in and decides he is going to run a different kind of business, he's going to have cart blanche if there is nothing in place. Piermont is a small municipality and the existing language in the special permit he thinks can be stronger and he thinks that when an applicant comes in and says he wants to amend a special permit it gives the board an opportunity to make something more enforceable and easier to work for the Building Dept. and the Police because the alternative of doing nothing is having to rely on the good faith of the applicant. At the end of the day, he does not believe you can just put someone out of business. She also stated her opinion that Pier 701 is at capacity now with parking and current seating. Is there going to be an increase in parking if there's an increase in seating? What is going to change? Mayor Sanders stated that the challenge seems to be seats versus overall occupancy and there may already be 272 people there -150 are sitting down and the remainder are standing up. If that's the case, is the Board moving forward to providing an overall occupancy permit or are they potentially creating even a larger group of people with as many as they can fill up the beach area. Mr. Scarmato stated that there were a number of boats scattered around the parking lot. Can the kitchen closing be restricted? Mayor Sanders stated that the only restrictions that can be placed is on the outdoor use.

Mrs. Ann Puder, Bay Street, asked what will happen if the Knights of Columbus is sold what would Pier 701 do with losing a significant number of parking spaces? They would need a plan for parking if the property is sold.

Mayor Sanders thanked the Village Attorney and stated that the Board has heard a great deal of public comment over the past two evenings and it's up to the Board to deliberate on what they are going to do next. Trustee Silverberg made a motion to close the public hearing at 9:32pm. The motion was seconded by Trustee Galucci Jr. and was so carried with a vote of 5 ayes and 0 nays.

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Mayor Sanders stated that there is an establishment that has a Certificate of Occupancy issued in 2002 noting the permitted use as a bar and indoor / outdoor restaurant with an occupancy of 150 persons, which was included the original packet submitted by Mr. Scarmato. So we have been talking about a restaurant that they believed to have a special permit for 150 seats or 150 persons and where they go with the next is a big difference. The Village Attorney does not know how that jives with the 2002 memo with 270 seats but that doesn't mean much because it's tied to the parking. Trustee Galucci Jr. pointed out that there is no record that it was ever approved it was just a letter stating what the owner represented to the Board. Mayor Sanders agreed with Trustee Gallucci Jr. and went on to say that there is no record that shows this was ever approved. Trustee DeFeciani asked the Building Inspector what the fire code is for a maximum number people allowed, Building Inspector Charlie Schaub said that he will have to look into what is written but estimating the restaurant, the deck the beach it may be closer to 400 people. Building Inspector Schaub stated that they are not close to exceeding the fire code with the existing chairs that they have in each area. Trustee Silverberg stated that they are asking for 272 but they really only have 74 parking space because they have to allocate 100 to the boat slips, so it comes to about 222 people which is more or less splitting the difference between what was there before and what they are asking for. They do have enough parking spaces for that number so Trustee Silverberg thinks that it is not an unreasonable number if the Board puts other restrictions on the outside usage.

Trustee Gallucci Jr. stated that whatever the number of occupancy is put in place, it has to be seasonal. They have not discussed the fact that the indoor restaurant is for 109 people. Clearly there is a much larger use during the spring/summer season due to the outdoor use. The Village code states that there should be one parking space per three people. The Village code also states that the parking spaces need to be 10x20, then, Trustee Gallucci Jr. stated that if the Board is going to have Pier 701 comply with that parking space size then the whole Village will need to comply as well. Perhaps the code that states three persons for one parking space may need to be changed as well, but that is for another day and time. Trustee Gallucci stated how many cars actually have three people when they go to a restaurant and in reality he does not think that it is what really works and complies with restaurants? No. How many of us go with three people in our car? If it's four people you usually have two cars, but that's what the law is and that's what we are stuck with, good, bad or indifferent. We cannot expect the applicant to live by old village rules and then not have the village abide by them as well. If he has the parking then the question is whether or not you want to permit the occupancy. He has a CO for 150, Mr. Scarmato may argue something else, but it looks like 150. Do you want to expand it seasonally? If he complies with the parking then he has met that condition. Then why wouldn't the Board permit it? The Board can't say because the parking is insufficient because our code says it is. The Board members have looked at this and believe that there has to be reasonable restrictions on it but this restaurant and marina have been there for as long as Trustee Gallucci Jr. can remember. He is entitled to have a business, he has come and asked for an expansion of it and he can meet the parking requirements for 150 seats plus.

Mayor Sanders stated that he is also coming up with 222 seats / occupants. Mr. Scarmato has 83 Marina parking spaces and he needs to add 17 more to comply. Mayor Sanders asked how the Village Board is going to enforce this? Village Attorney Sevastian stated that the reality is that the number of seats right now is 150 and there's 300 people in there, it doesn't make any sense to increase the seats and have 500 people in there. But you have an occupancy limit recognizing that this is a special permit use in and near a residential district that's an objective number that can be enforced, and given the number of seats the applicant shows on his plan it may not even be an issue. Mayor Sanders said that they are currently showing 200 seats with the deck, the Tiki bar and the beach and possibly another 22 seats inside in summer time. Village Attorney Sevastian stated that this is why the Board needs to recognize seasonal use there's a difference in the number of people that patronize the restaurant depending on the season. Trustee Gallucci Jr. stated that it also affects the parking because the marina removes the boats and stores them in the parking area, so to him the representation was that there's a 109 in door in winter (mid-October to mid- May).

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And he is requesting 272 and the maximum he can get is 222 in total from mid- May to October. Trustee Silverberg stated that the board needs to look at occupancy numbers not seats. Their outdoor plan shows 200 seats.

Trustee Silverberg has the following comments and suggestions on the proposed draft conditions: On page 2, whereas clause total occupancy at premises should include a bar area where seating is not necessary. Page 3 talking about spring/summer running from May 15th to October 15th, winter occupancy should start on October 16th and start spring on May 14th. In Paragraph three it talks about the Building Inspector checking parking and it states that it must meet the standards of the village code, 5i talks about noise, it should read no music shall be played on the outside of the premises, 5ii all windows and doors to the premises must be kept closed when music of any nature is being played. 6 – there will be valet parking services available during all hours of operation, seven days a week during spring/summer season. Add section 9 – to minimize the noise that they implement the recommendations of their engineer's July 17th report including that they apply for a variance to put in an 8ft fence. Add section 10 – require that staff when leaving be cognizant of the noise.

Deputy Mayor and Trustee DeFeciani agree with Trustee Silverberg. She is concerned that the outdoor seating should be allowed up to 10 pm only. The Bistro closes at 12midnight on the weekend (Friday and Saturday). There should be an established time to limit outdoor use at a certain time at night. Does the board want to put in place that the deck be cleared by a certain time. Trustee Gallucci would not be inclined to make the owner move everyone inside. It should be reviewed again next year.

Mayor Sanders question in terms of any music out on the deck (for example - live bands, acoustic bands, DJ's, recorded ambient music playing on a stereo system). Trustee Silverberg feels that they should eliminate any kind of music outside since it's so difficult to control at any time; or if they wanted to do it with no amplified music at all and then no music after a certain hour; then maybe that can be considered. Trustee Gallucci Jr. thinks it's unreasonable to not allow any type of music at all especially since there is a noise ordinance in place for the Village. Any music on the deck should not be audible past the property line at any time. Mayor Sanders stated perhaps there should be earlier last call for outdoors. Mayor Sanders stated that if there are going to be bands they need to be inside with all windows and doors closed, there should be no audible noise past the property line. He does not know how to get to the issue of so many people outside late at night; if last call is at 2am on a Friday and Saturday night outside, then certainly people are going to be there until 3am finishing up their drinks and then the staff will be outside cleaning up. We do need to address this issue whether it be an earlier last call for outside which will then pull everybody from outside to the inside. Trustee Silverberg stated that again the suggestion that there should be no service after a certain hour, the Draft said 10pm Sunday through Thursday and 11pm on Friday and Saturday, which includes bar service outside. Mayor Sanders and Trustee Gallucci Jr. both agree that you can stop serving the outdoor area but you cannot restrict someone from going in and getting a drink and having it outside. Trustee Gallucci Jr. feels that it's reasonable to give the applicant an opportunity to have people on the deck, having a drink and conversation and that those things can be mitigated. If it doesn't go well we are at the end of July and hopefully this will be done in August. Then we will have September, as well, to see how this all works out. Then they will be back before the Board to renew his special permit next year, and if it doesn't work and there's still 50 to 60 objections against him, then the Board can add more restrictions.

Trustee Silverberg made a motion to approve the Special Permit to permit 222 person occupancy during the summer season, 109 in winter season, with the conditions of no live music outside the premises, no amplified music outside the premises that can be heard past the property line, all windows and doors of the premises be kept closed when music of any nature is being played inside the premises. Implement the recommendation of the sound engineer including installation of exterior fences. All outdoor food and beverage service should be stopped Sunday thru Thursday at 11pm, Friday-Saturday at 12midnight. All patrons waiting for valet services after 10pm must wait inside the premises. Valet service seven days a week during all hours of operation during the summer. Annual renewal of special permit.

The motion was seconded by Trustee Galucci Jr. and was so carried with a vote of 5 ayes and 0 nays.

***SPECIAL PERMIT APPLICATION OF DENNIS WHITTON
PREMISES: 701 PIERMONT AVENUE, PIERMONT, NY
APPLICATION TO CONTINUE AND AMEND A SPECIAL PERMIT FOR A
RESTAURANT USE AT THE PREMISES***

RESOLUTION OF THE VILLAGE OF PIERMONT BOARD OF TRUSTEES

WHEREAS, Dennis Whitton (the "Applicant"), on behalf of 701 Restaurant/Marina, has applied to amend an existing Special Permit to permit additional outdoor seasonal occupancy at the outdoor dining area (the rear patio and riverfront area) of the Pier 701 Restaurant; the premises being located at 701 Piermont Avenue, Piermont, NY (Tax Map 75.39/2/11), lying within the WFII Zoning District;

WHEREAS, the Application seeks to permit "a total gross occupancy of 272 seats" during the Spring/Summer season, and "109 seats" during the Winter season.

WHEREAS, the documents considered by the Village Board contained in the application for the Special Permit for additional outdoor seasonal occupancy seating plan were:

- 1) A Site Plan, designated as drawing entitled "Pier 701 Seating", prepared by Robert Hoene, Architect, job no.1532, dated 4/28/2015 and last revised on 5/18/2015 (attached to the Special Permit Application, dated June 12, 2015).*
- 2) A "Combined Parking Plan" prepared by Stephen F. Hoppe, L.S., entitled "Map of Property for # 695-701 Piermont Avenue", file no. 2990-14, dated July 20, 2015.*
- 3) A "Noise Testing and Monitoring Report" prepared by Onsite Acoustic Testing dated July 17, 2015.*
- 4) The Applicant's original written Special Permit Application, dated June 12, 2015, together with supporting documentation.*
- 5) The Applicant's letter of July 20, 2015, supplementing the original Special Permit Application, together with narrative and supporting documentation.*
- 6) A "Petition Re: Application of Pier 701", submitted by a member of the public at the July 30, 2015 Public Hearing.*
- 7) A "Petition" submitted by the Applicant at the July 30, 2015 Public Hearing.*

WHEREAS, Village Code § 210-70, entitled "Standards for special permits", provides that a Special Permit Uses, such as the restaurant use in the WFII Zoning District, "shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards as set forth herein and stated in the use and bulk regulations in addition to all other

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requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case”;

WHEREAS, *Village Code § 210-76 (A) & (B), entitled “Issuance of special permits”, authorizes the Board of Trustees to place conditions on a grant of a Special Permit to, inter alia, protect the public health, safety and welfare;*

WHEREAS, *the Applicant has previously appeared before the Planning Board on a referral from the Village Board to discuss the proposed amendment of the Special Permit;*

WHEREAS, *The Piermont Village Board has reviewed the Planning Board's recommendations, and held public hearings on the application on June 16, 2015 and July 30, 2015;*

WHEREAS, *concerns from residents of the neighborhood raised at the Public Hearings were generally focused on noise (both from patrons and music), and parking/traffic concerns (the Chief of Police also stated that the parking queue to the parking lot has caused traffic issues on Piermont Avenue);*

WHEREAS, *the Village Board acknowledges that there has been a restaurant use existing at the premises for a number of years, and also recognizes that the premises is in close proximity to several residential properties such that noise and traffic generated at the premises have the potential to have an adverse impact on Village residents;*

WHEREAS, *the Applicant’s narrative describes the seasonal nature of riverfront dining, and the application specifically identifies that the occupancy at the premises will vary to a substantial degree between the Spring/Summer and Winter seasons;*

WHEREAS, *the Village Board acknowledges that there is in fact a reasonable basis to distinguish the occupancy at the premises on a seasonal basis, and is desirous of balancing the Applicant’s request to amend the existing Special Permit with the concerns of the Village residents expressed at the public hearings in considering the application;*

WHEREAS, *the Board of Trustees finds and determines that the total occupancy permitted at the premises, which includes a bar area where seating is not necessary, as distinguished from the mere seating capacity as shown on the drawings submitted with the application, is relevant to assessing the noise and traffic generated at the premises, since the number of people actually permitted to occupy the premises may far exceed the number of seats at the restaurant;*

WHEREAS, *the Village Board finds and determines that Special Permit itself, and the conditions placed on the grant thereof, must be based upon, and set forth, the total number of people actually permitted to occupy the premises (given seasonal fluctuation) to adequately reflect the true impact the Special Permit use has on the surrounding area and Village as a whole;*

WHEREAS, *the Village Board determines that it is in the best interests of the residents of the Village of Piermont to have a clearly defined Special Permit for the restaurant use at the premises in place, with specific and objectively enforceable conditions designed to protect, to the maximum extent possible, (given that the use is in fact permitted at the premises), the health, safety and welfare of Village residents;*

THEREFORE BE IT RESOLVED, Village Board of the Village of Piermont declares itself Lead Agency for the purpose of review of the proposed action under the provisions of Article 8 of the Environmental Conservation Law, and finds that the proposed Special Permit amendment constitute an “Type II” action under the Environmental Conservation Law 617.5(b)(1) & (c)(15), (17), (19), (27) & (31), since the application seeks solely to amend a previously existing Special Permit, and

BE IT FURTHER RESOLVED, that upon the application of Dennis Whitton on behalf of 701 Restaurant/Marina, and pursuant to Piermont Village Code 210-76 (B), an amendment to the previously existing Special Permit to permit additional seasonal occupancy the outdoor dining at the rear patio and riverfront areas of the premises located at 701 Piermont Avenue is ***GRANTED*** to the extent set forth hereinbelow by the Village of Piermont Board of Trustees on the following terms and conditions:

1. “Spring/Summer Occupancy” at the premises shall be defined as May 15th through October 15th in any year while the Special Permit is in effect.

“Winter Occupancy” at the premises shall be defined at October 16th through May 14th in any year while the Special Permit is in effect.

2. Notwithstanding any other law rule or regulation to the contrary, the total occupancy permitted at the premises while the Special Permit is in effect shall be:

(i) “Spring/Summer Occupancy” shall be 222.

(ii) “Winter Occupancy” shall be 109.

3. Seasonal Occupancy is permitted only if the Applicant notifies the Building Inspector that the applicant intends to begin seasonal service; and the Building Inspector performs an onsite inspection to confirm the additional parking spaces required, as shown on the parking plan submitted with the Special Permit application, are clear, meet the standards of the Village Code, and available for use. The seasonal increase in occupancy between the Spring/Summer and Winter seasons is not permitted until such certification is received by the Applicant in writing from the Building Inspector.

4. The required number of parking spaces for the Seasonal Occupancy permitted under the Special Permit as shown on the Parking Plan, which must be certified by the Building Inspector, are:

i. For 100 boat slips, 100 parking spaces to satisfy the parking requirement of 1 space per slip.

ii. For “Winter Occupancy”, 37 parking spaces to satisfy a Special Permit “Winter Occupancy” parking requirement of 1 space per 3 persons.

iii. For “Spring/Summer Occupancy”, 75 parking spaces to satisfy a Special Permit “Spring/Summer Occupancy” parking requirement of 1 space per 3 persons.

5. The Applicant shall comply with the Village Noise Ordinance, and control the noise emanating from the dining areas on the premises so as not to disturb adjoining property owners. Any conviction for a violation of the noise ordinance shall be deemed a prima facie violation of the conditions of the Special Permit.

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The following conditions specifically related to noise are imposed on the grant of the Special Permit:

- i. No live music shall be played on the outside of the premises, whether on the deck, the riverfront area, or on any other exterior portion of the premises.*
 - ii. Amplified music shall not be audible past the property line at any time.*
 - iii. All windows and doors to the premises must be kept closed when music is being played inside the premises.*
 - iv. Outdoor service shall cease Sunday through Thursday at 11:00 pm, and at 12:00 midnight on Friday and Saturday.*
 - v. All patrons waiting for valet service after 10:00 pm on any night shall wait inside of the premises.*
- 6. In order to mitigate any traffic concerns on Piermont Avenue, it is a specific condition of the Special Permit that the Applicant utilizes Valet parking services at the restaurant during all hours of operation, seven (7) days a week, during the "Spring/Summer Occupancy" period.*
- 7. That the Special Permit shall be renewed annually pursuant to the provisions of Piermont Village Code 210-76 (B).*
- 8. That the Applicant shall implement the recommendations of its acoustic engineer as set forth in the "Noise Testing and Monitoring Report" prepared by Onsite Acoustic Testing dated July 17, 2015, including seeking a variance for the erection of exterior fencing to mitigate noise associated with outdoor dining.*
- 9. That the Applicant shall ensure that all staff exercises a reasonable degree of care when leaving the premises to reduce noise that may disturb the neighbors.*
- 10. That the Building Inspector shall issue a Special Permit to the Applicant, in a format reviewed by the Village Attorney, and attach the Village Board's Resolution containing the conditions placed on the grant of the Special Permit.*

Adopted at the regularly scheduled meeting of the Board of Trustees on July 30, 2015.

Item #6 Public Hearing 7:45pm to Modify and/or abolish Commissions

Moved to August 18th Agenda

Item #7 Public Hearing 8:00pm Special Permit Application for Austin's Restaurant

Deputy Mayor Blomquist made a motion to open the Public Hearing at 9:45pm. The motion was seconded by Trustee DeFeciani and was so carried with a vote of 5 ayes and 0 nays.

The applicants' attorney Mr. Sciarretta stated that they were before the Board on May 19th with a proposal for an expansion of the existing restaurant which included a request to extend the front awning to include posts and to also fill in a parking space in the front of the restaurant. His client has decided to remove his request for awning posts and they will not be removing a parking space in front leaving it as is. They have decided to go with two wall mounted flush

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awnings that will extend out two feet in the back and four feet in the front and they are extended along the facade of the business. The owners of the restaurant are still 13 Roundtree Inc., the shares were bought by Mr. Pavlicek and the entity is still the same. They have modified the original plan from May 19th. The occupancy CO states 156 seats indoor maximum, including bar area, tea room and main restaurant, and 30 seats on the outside. They want to flush mount the awning and want to add sliding/opening accordion windows in the front and the rear of the restaurant. The applicant is proposing to install awning out back and install a 4ft window to serve Italian ices. They removed seating in back. They were before the Planning Board on July 16th at which time they were referred back to the Village Board for determination on the Special Permit. They went through 10 items at the Planning Board meeting:

1. Existing awning with posts and extension is changing to a flush mount awning and they are removing the posts. Outdoor tables will be moved in leaving a 5ft. wide walkway. The current seating area on the plan was made better by moving the tables closer to the restaurant making it ADA compliant.
2. Noise ordinance – the Planning Board has asked Austin’s to comply with the noise ordinance. Mr. Sciarretta has asked the Board to make other restaurants in the same district comply as well.
3. Accordion windows in the front and the rear, they are not changing the use of what is there. They would like to be able to open the windows on a nice day.
4. One of the issues that was not raised at the May 19th meeting which was brought up at the Planning Board is that the applicant is looking to install 2 TV’s outdoors which would be muted and under the awning. The discussion at the Planning Board was that they were split on the presence of outdoor televisions but they all agreed that if they are permitted they should be muted and closed captioned. Village Attorney Sevastian asked Mr. Sciarretta if there are any other restaurants that have outdoor televisions, he replied that Confetti’s has their television inside but it can be seen from outside. Mr. Sciarretta said the business model is a Sports Bar and there is another Austin’s in New City which is more of a Sports Bar. In Piermont they are trying to be more like a restaurant but there is still the sports element that is part of the business model for the restaurant.
5. The Planning Board was pleased about existing awning being removed.
6. Pedestrian sidewalk should be 5ft. in width located along the curb of the sidewalk- Outdoor dining is less than what Slattery’s had, which will make it less crowded.
7. Extending the awning over the proposed accordion windows on the west side in the rear and the front
8. The Board would like to know if the Village has a prohibition on chain food/service establishments, Mr. Sciarretta did not see anything on this issue.
9. The Board is uncertain if the Rita’s window and awning should be installed in the rear of the building. They do have Rita’s which is part of their business model. They would like to sell Rita’s Ices through a service window in the back. This is a special permit and we have all heard a lot tonight about conditions and about a year to determine is something is going to work or not. Obviously they are willing to have a condition that is reasonable in order to at least get it up and running to see if it works under the special permit for the year or whatever time frame the Board puts on it.
10. The Planning Board is okay with the proposed Austin’s awning in the rear of the restaurant over the accordion windows. Just to summarize he believes the Austin’s awnings are okay in the front and the rear. The issue becomes the Rita’s service window and Rita’s awning in the back. In terms of the configuration again, in May if you recall we were going to fill in a parking space at the front, which we will no longer be doing and we did away with the awning posts because Gallery Moderne had an issue with pole being right near their door.

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The Planning Board made notes about the smokers. He is aware that the owner of the Gallery wanted something done about that and he wanted the ashtray moved away from his Gallery.

Trustee Gallucci Jr. has a question regarding the outdoor seating. The Planning Board suggested pushing it back and having it basically enclosed by something. What objection does Austin's have to that plan? Mr. Sciarretta stated that as long as Austin's can configure 30 people outside they are fine. Mr. Pavlecik stated that they are not opposed to the Planning Board's suggestion it's just that some people would like to sit in the sun. Trustee Silverberg asked how many tables will be in front of the other storefront? Mr. Sciarretta answered none, there will be no tables under the extended awning. There will be no tables at all to the left side of Austin's front entrance there will only be tables on the right side.

Mayor Sanders asked Mr. Sciarretta how many seats are inside the restaurant. Mr. Sciarretta said the overall seating is counted at 150 but the seating plan needs to be modified. The occupancy for the interior restaurant is 156 people according to the CO. Mr. Sciarretta stated that there is a bar and there will be patrons standing at the bar. Mayor Sanders asked how the 156 compares to what is on the CO. Building Inspector Charlie Schaub stated that he does not believe there is an exact number on the old CO's. Mr. Sciarretta stated that he did look through the records and they could not find a CO that actually gives a number. There was a building permit and application when they extended the restaurant but it did not give a number. Trustee Gallucci Jr. asked for copies of the old CO's and the number counts. Building Inspector Charlie Schaub stated that they put a number on the new CO (156 seats max) because that is what the fire code allows in the restaurant. There was no prior count from Slattery's restaurant. Trustee Gallucci Jr. was trying to establish what was there before and if there is enough parking and he asked if they have a parking count. Building Inspector Charlie Schaub stated that all of the restaurants have grown since the parking plan was done. Trustee Gallucci Jr. stated that is the point, each time a business grows there should be an update parking plan to ensure that the parking is sufficient. Mr. Sciarretta stated that with 156 interior seats and 30 exterior seats for a total of 186 seats they need a total of 62 parking spaces as required by code.

Trustee Silverberg is concerned that whatever the Board grants the applicant will they actually comply. His reason behind this is that they were before the Board in May, we talked about extending the awning into that parking area they were told that they could not do that now. So instead what they have been doing is they put out a temporary awning, blocked the parking space and part of the sidewalk to sell ices. They were told several times that they should not be doing that and yet they continue to do so. They installed TV's outside without getting approval to do so, they also did work in the bathrooms without approval because they misrepresented to the Building Department what they were looking to do. If the Board grants approvals for this applicant, are they going to abide by the conditions that are set or are they just going to do whatever they want once they get the approval. Mr. Sciarretta stated that his clients must comply and in all fairness there was a transition period but going forward they have to comply and if they don't the Board can take any action necessary. But they want to be good neighbors and they want to cooperate and succeed. Mr. Pavilcek stated that he thought that Rita's is an extension of his business and therefore he could put the ice cart out there. He had submitted a Peddler's License but the Board told him he did not need it. Trustee Silverberg corrected Mr. Pavilcek and stated that the Board advised him that he did not need a Peddler's Permit to sell ices during village events. He was not given permission to have an ice stand in front of his business every weekend and they were told on numerous occasions by the Building Inspector that they do not have permission to do so. Trustee Silverberg also pointed out that even if they thought they had permission (which they did not), they should not have been doing it after the Building Inspector told them repeatedly not to do it.

Village Attorney Sevastian asked what the proposed hours were for the Rita's ices window at the back of the restaurant. Mr. Sciarretta stated that the window would be seasonal and hours were not determined.

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Mayor Sanders asked the Village Attorney to help the Board understand what is actually being requested. They have an existing restaurant that does not have an established number of seats which was expanded, they have outdoor seating and an awning that does not seem to have ever been approved and now, under the “same” ownership (with a transfer of shares) the applicant is asking to make changes to the existing business, claiming the seats stay the same but they are here for a special permit. Village Attorney Sevastian stated that now this gives the Board an opportunity to address the use that’s going on there and on some objective basis put some conditions on there going forward so that it can be enforceable. Trustee Gallucci Jr. has not heard if there is a special permit or a CO for the addition to the restaurant. Trustee Gallucci Jr. said that if they are there for an amendment to a special permit then there should be a special permit, but as far as he knows there is no special permit. From what Trustee Gallucci Jr. hears there’s a CO for the original restaurant with unknown numbers of seats, then that restaurant was expanded into an adjoining space which there’s no record of, and there’s awnings and outdoor seats which appeared the same way. So we are working with an original CO from the original restaurant, and the applicant is now coming before us for a special permit to legalize the expansion into the adjoining space and to permit the existing awning with an expansion and more in the rear. Mr. Sciarretta stated that they inherited what was there whether you call it pre-existing or non-conforming, etc. Trustee Gallucci Jr. is trying to go off of what the Village has to work from. Trustee Silverberg explained that 13 Roundtree is there without a special permit and the Board understands that and wants fix it so when the applicant walks out they have what they need and all the right paperwork is done. Village Attorney Sevastian agreed that it all has to be put in a special permit.

Mr. Sciarretta expressed that he did try to go through the Building Department files and see what is there, but for 13 Roundtree to have to re-create years of what has happened is not fair to the applicant. Trustee Gallucci Jr. said they are not asking him to re-create anything, this is an application, they are applying for all those spaces to be used, occupancy for the awning and everything else. Submit the necessary application with the necessary documentation the same as the Board requires of Pier 701. Village Attorney Sevastian feels that Trustee Gallucci Jr. is right, their application should encompass what they want - 156 people inside 30 people outside- show that they can comply with the requirements, which are minimal in that zoning district other than the parking, and the Board can entertain a direction that can be given in terms of drafting something so this can be moved forward. Mr. Sciarretta said it’s important because we are getting towards the end of the summer and he wants to get them up and running and be able to put in the Italian Ices.

Trustee Silverberg suggested that Mr. Sciarretta talk about some of the things they are asking for so that they can give some guidance to the Village Attorney and then the application has to be modified to be consistent to what they are asking for, then it can be done.

Mayor Sanders opened up the floor for public comment at 10:24pm

Ms. Margaret Grace mentioned she sent a letter to the Board. Austin’s did not ask the Board back in May but they mentioned it to the Planning Board that they want to install outdoor televisions on the sidewalk in Flywheel Park. Then they actually installed two outdoor televisions on the sidewalk in Flywheel Park. She would beseech the Board to look at outdoor televisions as something that is not appropriate for a sidewalk area that is used by the residents and the general public, especially in place of really rare visual beauty that is like a real treasure. There are going to be 10 or 11 televisions inside, so she doesn’t think the Village needs to accommodate this. She feels that the illumination of flickering lights from the TV’s, the sound and also the cheering during sports events in Flywheel Park would be a disaster for the quality of peaceful enjoyment while strolling around Piermont. She would be very happy not to see any outdoor televisions in any of the sidewalk cafes in Piermont. She hopes that this is something the Board takes into consideration, in terms of mechanisms she’s glad to see that there’s an opportunity for an attachment for special permits for requirements because the thought of televisions hanging outside the cafes in the Village is something she wants to see avoided.

Mr. Frank Holahan wants to echo Margaret's comments about the outdoor televisions - it just seems to be an inappropriate use and it's a slippery slope. He gets the clear message that the Board wants to accommodate business in town and try to balance a vibrant commercial district with traditional residential aspects of the community, but he would encourage the Board to think long and hard about the television use because of the reasons expressed by Margaret.

Mr. Joseph Emrani, part owner of the View on the Hudson and also Piermont Landing Property. First and foremost he would like to wish Austin's restaurant success. The purpose of his objection is only to protect his business and not to take anything away from Austin's. The only objection he has to their application is the window in the back for Rita's Ices, because that particular window is directly in front of his entrance. As everyone knows, he is in the catering business and first impression to him is everything as the guests walk in. The first impression of what they get from his restaurant is having Ices in front of his restaurant, bicycles, cars, etc. Not to mention that every morning he has become a garbage collector, he has to collect all the papers, all the cups and all the garbage and if someone tells his "Don't worry Joseph I will clean it everyday" I have heard that before, so it's not going to happen. Village Attorney Sevastian asked Mr. Emrani if they are selling ices in the back now, Mr. Emrani replied no but that's the plan and as it is he collects garbage every day and if that happens he will be cleaning up ten times more garbage. The other objection that he has is that by allowing more business to go on in the back you are changing the flow of the traffic. Right now the traffic in town is in the front, but to allow that kind of activity opens up other businesses to other things as well. Another business may say "well if they are selling ices why can't I sell hot dogs, why can't I sell something else". The back of the galleries become very active, never mind that the back of that street is the only way that the Fire, Police and emergency vehicles come so you don't want to make that particular street more congested that it already is. Basically that's his objection and he is not objecting for them to have Rita's Ices and as I said in the beginning I wish them success, but they can sell the Rita's Ices in the front. But by selling the ices in the back it interferes with his business.

He has been in the village for over 18 years and he's not accusing anyone and he's not saying if there were or not permits and he's not trying to be accusatory but somehow a gallery did become a restaurant overnight. How this happened he does not know. Village Attorney Sevastian asked Mr. Emrani how many years ago did that happen, Mr. Emrani said if he had to guess maybe 7 or 8 years ago. The Village Attorney asked if when they made that change did they put seats in there, did it become part of the other space? Mr. Emrani said originally was supposed to be two. Mr. Emrani said he is not there to say if it was or it wasn't but it was very suspicious.

Mr. Daniel Spitzer, on behalf of the planning board, would like to add a few comments. The Board of Trustees received a letter from the Planning Board and he would like to reiterate a few points in the letter. He believes he heard that a row of outdoor seats was removed, but there are still 3 rows of outdoor seats as of yesterday. One of the concerns mentioned by the Planning Board is the narrow sidewalk space between the outer and the present two rows of seats. While it may be ADA compliant, what you are really dealing with is a public sidewalk and the Planning Board felt that it was insufficient space to invite those people who walk around the Flywheel to walk comfortably through and therefore people will be walking on the road and so the three rows of seats serves as an obstruction. If that is reduced to two row of seats that will be good but then I am not sure how they will accommodate their request for 30 seats outside. We did not see a seating plan with two rows, they were shown a plan with three rows of seats.

Planning Board issue number two is the present awning which sits on poles and he believes they have been there for a long time. The Planning Board asked the Building Inspector if there was an approval for an awning which is actually supported by sidewalks. All the other awnings which Mr. Spitzer has seen in the Village are cantilevered off the buildings and therefore can be pulled back both for access, cleaning, emergency services, etc. This awning is supported by four or five poles which are attached to the sidewalk. We actually asked the

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applicant if he would consider putting in a cantilevered awning, apparently that is very expensive and it is very windy over there.

Planning Board issue number three is with televisions. There are mounting brackets outside at the moment and he presumes everyone has seen them. The Planning Board was split, 3 members felt that outdoor televisions were completely inappropriate and two members were of the feeling that maybe they were appropriate. However the Planning Board was unanimous in feeling that if there were televisions outside there should be no volume.

Mayor Sanders stated that, in reviewing all of this information, there are several issues popping up especially the fact that although there is history there is nothing documented so it's a struggle to figure out how to move forward. It was mentioned to the Building Inspector when this first came up that they were looking to take away a parking space in the front, and we asked him to confirm the available parking there. Charles Schaub said he came across a letter from Piermont Plaza Realty which would be very interesting to look at. It states which restaurants have which spaces, the letter is dated November 6, 1996. At that point the Landing Steakhouse is listed at 95 seats, so already we are saying it's really 156. Pasta Amore was set at 170 and I don't know what Confetti has these days. There's a whole list of places that list seats that supposedly exist and I have no idea what CO is where and what kind of parking exists. I know the applicants come in with pre-existing non-conforming information and that makes it difficult to move forward looking at seats and what do you base it on. Have we looked at what parking is actually available on the Landing? Charlie Schaub stated that he went into all of the restaurants right now from the numbers that are out there they would need about 460-470 parking spaces to accommodate all of the businesses out there and he believes that when he did the parking assessment five years ago that Mr. Griffin has 384 spaces out there including Parking Lot D. So right now according to Charlie's numbers they would be short on the parking. Charlie said he made a color coded map of all the parking and it shows who it belongs to (i.e. Mr. Griffin, the Village, etc.). There was a total number on what the Village Business District B has, but never put a total number out there for those businesses because the restaurants have all grown. In anticipation of tonight, Mr. Griffin stated that he has a new parking plan with 512 parking spaces including Parking Lot D which he submitted to the Village Board.

Village Attorney Sevastian suggested that the Board should do the same thing as Pier 701, issue a special permit based on going forward that memorializes based on what is there. Trustee Silverberg said that will save a lot of aggravation in the future. Mayor Sanders said to be fair, if we are going to memorialize 156 seats as part of the special permit, they need to know that the parking exists. The Building Inspector said the other question is do we hold this applicant to a 10x20 parking space because that's what's in the code.

There seems to be a question as to how big each parking space is? 10ft x 20ft? The parking spaces throughout the Village may not be a consistent size. The Building Inspector should look into this issue. Trustee Silverberg has seen other municipalities have modified their parking space size to 9x18 to allow for more parking spaces. Mayor Sanders asked to put this on the August 18th Agenda, to begin the discussion on modifying the parking space size.

Trustee Silverberg noted he has issue with the TV sets, even if they are muted with sports playing, people will shout when a home run is hit and he does not feel that it's appropriate, particularly since there are people living above. Trustee Silverberg objects to having television sets outdoors. He is also concerned with selling ices in the back of the restaurant and the traffic flow issues in the back. He would like them to think about selling the ices in the front from a window, not blocking the sidewalk.

Trustee Gallucci Jr. agrees with Trustee Silverberg about the back of the restaurant and people are pretty locked in back there and it will be difficult. What is appropriate with the awning colors especially since the Rita's Ices awning is red and white? Mayor Sanders feels that the back of the restaurant is in the middle of nowhere and questions the idea to have a Rita's Ice window at the back of the restaurant. Mr. Sciarretta stated that there is a breezeway where people can walk

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through from the front to the back of the building. Trustee Silverberg is concerned that there are no people in the back and there's no seating out there now so why would they put that Rita's Ices window in the back. Trustee Gallucci Jr. said that naturally when people get ice cream they tend to hang around and that is a concern. Mayor Sanders is curious as to why Austin's is even looking to put a window at the back of the restaurant where there is no foot traffic at all. The Mayor does not want them putting signs out in front "Rita's Ices" around back. Mr. Pavilcek stated that he would advertise the Rita's Ices but there is an attraction to Rita's they had a grand opening in New City and there was 250 people waiting outside at 3:00AM. Rita's is a known product and people come looking for it. Trustee Silverberg said they really need to look into having the Rita's Ices in the front because he would have a real problem with it in the back.

Mayor Sanders thinks the accordion windows are a fine idea. But he is agreeing with the Board and does not think the outdoor televisions are appropriate. In looking at the front, the way they have it set up, it looks like less tables than Slattery's had out there but, I'd be willing to look at this because what I'm seeing is the encroachment of the awning that was put up there out of the blue, if you sink poles in the ground it's really expanding the footprint of the building because now you have a permanent structure and that happened without any approval. Your proposed awning is terrific and if it cantilevered across the building that would be a terrific look and then put four tops out along the curb because now you have created the nice central walkway that's unimpeded by these poles. Mayor Sanders does not have a problem with Rita's Ices in the back.

The applicant's attorney asked the Village Board if they would consider the Rita's ices in front of the store, although that was not the plan. They would like to see if it could work. Trustee Silverberg feels that if the Rita's was sold in the front of the restaurant the owners would be more likely to clean up the trash because it's in the front of their store. Trustee Silverberg is not opposed to them having Rita's in the front as long as they don't wind up with all kinds of different signs and awnings outside. Mr. Sciarretta stated that although his client had not anticipated additional expenses for a cantilever awning they would be willing to look into the cost just to clean up the place and make it look nice.

Deputy Mayor Blomquist stated that he would have a problem with the outdoor televisions in front and it sets a bad precedent for all the restaurants in Flywheel Park. He does not have a problem with them putting Rita's Ices in the back although he would rather see it in the front.

Trustee DeFeciani agrees with everyone else that it would be better to have Rita's in the front although she doesn't have a problem with it in the back, maybe no awning in the back for the Rita's window.

Mr. Sciarretta stated that in speaking to his client and in an interest to move this forward, it would be possible if they put Rita's in the front do away with the back, do the awning in the front instead of the rear and get rid of the televisions. Perhaps he could work with Village Attorney Sevastian to work on some type of resolution to move this forward at the next board meeting on August 18th (Mr. Sciarretta will be away) so he would like to get something tonight to get this moving. To review what is being requested, the façade with the windows in the front and the rear and if we can find a way to do the Rita's window in the front we will. Trustee Gallucci Jr. stated that the Board needs something submitted to them, we have an original plan and what's on that plan has been modified. Mr. Sciarretta said the Board has the modified plan, what they don't have is if they put Rita's in the front, the accordion windows are the same and then at least they can get started on something moving forward. Mr. Pavilcek stated that he is willing to install a retractable awning and remove the poles from the sidewalk, especially since he already spent so much money already. Trustee Silverberg would like to have the Village Attorney draft something that they can all look at instead of making decisions on the fly tonight.

The board agreed that the accordion windows could proceed to be installed without a special permit. The Building Inspector stated that Austin's did not need to put the accordion windows on the special permit, he just felt that because they were doing so much other stuff just the Board should be aware. Trustee Silverberg advised Mr. Sciarretta to get a permit from The Building

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Inspector before they do the windows. Also agreed is that Austin's can sell Rita's Ices in front without blocking sidewalk no Rita's tent awning. Trustee Silverberg would like to see the plan.

Mayor Sanders wants it read into the records that the Village Board has reviewed plans for Austin's, 5 Roundhouse Road by Peter Clements Architect signed, sealed and dated 4/30/2015 (5 pages). Also an Inter Office memo from Village Building Inspector dated July 30, 2015, an opinion by the Planning Board dated July 16, 2015 (multiple pages), a note from Wilson Elser/Attorney Lino Sciarretta dated July 29, 2015 (this also shows the windows as well). Also, the parking plan submitted by Mr. Griffin and the FOILED documents that Mr. Sciarretta presented to the Board from the 13 Round Tree Building Department file.

Mr. Sciarretta wanted to make one more comment, they will deal directly with the Building Inspector regarding the windows, but with respect to Rita's they are going to try to reconfigure this and try to get the Rita's window out front but in the interim would it be possible to sell the Rita's Ices from the cart in the front? Trustee Silverberg stated that as long as they are not taking up the parking space with the temporary awning, Mr. Sciarretta said that they will not take up that parking space or block the sidewalk and they will not put out the awning. Mayor Sanders agreed, the Rita's Ice cart, Yes; the pop up tent awning, No. It will be noted in the minutes that this is not an official approval.

Trustee DeFeciani made a motion to continue the public hearing for Austin's Restaurant on August 18, 2015 at 8:00pm. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #8 Review request from 2 Kings Pizza for outdoor seating

Mayor Sanders apologized to the applicant for having them wait so long. Mr. Joseph Bruno appeared before the Board to get approval for outdoor seating. Trustee Silverberg stated that they need to look at the parking, as he recalled when the Board originally approved the pizza place they were given a certain number of fee in lieu of parking spaces based on the number of tables and chairs, so the Board needs to see if this plan changes the parking spaces needed. Mr. Bruno stated that they currently have ten parking spaces grandfathered in and they will need three additional spaces. Mr. Bruno stated that they would really like to be able to have outdoor dining. Trustee Gallucci Jr. stated that the plan Mr. Bruno submitted is such an improvement over what they saw from the previous owner, the problem is that Mr. Bruno has the benefit of ten parking spaces that he pays for but that was before the law was changed to limit Fee in Lieu of Parking to nine spaces. Mr. Bruno now needs thirteen parking spaces and Trustee Gallucci Jr. does not know how you can change the law to allow for the Village to sell him three more spaces. The Building Inspector pointed out to the Board that they have the old Planning Board minutes so that they would have something to look at because they were not sure if he needs to go back to the Planning Board. Mayor Sanders spoke about when the Pizza place was first established, it was supposed to be drive up and delivery only with no parking, then the following year it became a pizza restaurant and needed ten parking spots. At that point they were given the ten spots and then the Board created a limit. Mayor Sanders agreed with Trustee Gallucci Jr. in that the proposed plan is far better than anything they have seen and this proposal is for outdoor seating with no music and no televisions. Mr. Bruno said that the additional eight seats will really help and the proposed plan will enhance the front of the business as well.

Trustee Silverberg explained that the Village cannot rent them anymore spaces because of the limit of nine spaces. Private parking can be purchased within the boundaries of Business District B. 2 Kings Pizza are scheduled to go to the Planning Board on August 10th.

Trustee Silverberg made a motion to set a public hearing on August 18th, 2015 at 7:30pm. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Item #9 Review request from Clearwater to dock at the end of the Pier

Trustee Silverberg made a motion to authorize the Clearwater Vessel to dock in Piermont on Friday, September 18th through Sunday morning, September 20th. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Item #10 Review request for additional hours for Justice Court Clerk

Trustee DeFeciani does not feel comfortable discussing this matter during the public meeting and requested this item be moved to Executive Session.

Item #11 - Approval of Resolution for the Mayor to execute a contract with the Department of State for the Local Waterfront Revitalization Program Update

Trustee Silverberg made a motion to authorize the Mayor to sign the resolution to execute a contract with the NY Department of State for the LWRP update. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #12 – Approval of Warrant

Deputy Mayor Blomquist made a motion to approve Warrant #052915 in the amount of \$8,748.25, Warrant #062515 in the amount of \$112,811.09, Warrant #063015 in the amount of \$10,460.00, Warrant #070915 in the amount of \$14,666.27 and Warrant #072115 in the amount of \$473,538.40 for a grand total of \$620,224.01. The motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Item #13 – Old/New Business

Village Attorney Sevastian received a call from the owner's attorney from the lot where the house burned down on Kinney. They are requesting that the Village deed the land over to them. The Village Attorney denied this request, stating the Village will consider giving them an easement for ingress and egress. The property owner wants to follow up on that offer, the Village Attorney asked the Board for permission to draft up something so he can show it to the Board. The board asked Mr. Sevastian to proceed with this draft.

Mr. Griffin called the Village Attorney to inquire about the plan for across the street, which was put on the Agenda for August 18th. Mayor Sanders stated that the Village needs Ken DeGennaro to attend the August 18th meeting.

Trustee DeFeciani – met with a Professor from Cornell who was part of the architectural landscape design department. He was considering Piermont for an incoming Fall class for a pilot study project. She spent two hours taking him around the Village but ultimately they decided not to use Piermont. One of the items that came up while touring the Village is that the skating pond is a mess and filled with muck and something needs to be done about it. Tom Temple stated that it is a very shallow pond with limited water feeding into it. Trustee Gallucci Jr. asked if Orangetown was asking about a plan to take out two feet of the pond so that there is a greater flow? Tom Temple responded that Orangetown is considering a project with an upstream property owner, Howard Dean, who has requested to move the wall to make the stream move by faster.

Trustee DeFeciani was contacted by the River Rowing Association of Nyack who toured the Community Center to explore possibly renting it for training from November to March from

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5:30am-7am. Chief O'Shea said that if they are looking to leave equipment there, they would basically be shutting down PAL because there would be no room for the kids. Trustee DeFeciani will have someone reach out to Chief O'Shea to discuss further.

Deputy Mayor Blomquist received and distributed the new Lighthouse Proposal. It looks like it's coming in three times the size of what is currently there. They are proposing putting in public restrooms in the base of it because the first twelve feet cannot be used since it's in the flood plain. Deputy Mayor Blomquist asked them for renderings on what it will look like vs. the other drawings. He's working on that and hopefully they will have something next month. It's a first proposal, the one good thing about it is they are paying for everything and there will be an extra \$25,000 per year in revenue coming to the Village. Trustee Gallucci Jr. asked if they are going to give the visuals on existing height on whatever it is, Deputy Mayor Blomquist stated that is what he has asked them for. Trustee Gallucci Jr. was asking about the flag poles with cellular service because it is at least more tasteful looking and would tie in with the memorial that's already there. Deputy Mayor Blomquist stated that their existing antenna is in Nyack on the other side of the bridge and they are maxed out in terms of capacity.

Trustee Gallucci Jr. – Nothing to add

Trustee Silverberg – Nothing to add

Mayor Sanders noted he had recently spoken with Betsy Blair of the NYS DEC about the next steps for the Marsh Plan. The DEC is reviewing notes from the four fact-finding meetings and are exploring concepts thinking about what's appropriate. The first step after reviewing the four meetings would be to devise a set of objectives for the Marsh mitigation. Betsy is reviewing that on her end with the DEC and reviewing with Ed McGowen of NYS Parks. Certainly they have made substantial changes to the original plan and they are looking to get back to us in September. He would like to see the various members sit down and understand what these proposals are and what they are planning to do. The Mayor's guess is that it will involve keeping untouched a fair amount of the Sparkill Creek area - both north and south of the Creek, and anything that they would be doing would probably be in the middle of the Marsh.

Mayor Sanders noted that Dan Duthrie is working with the Town of Orangetown and South Nyack to perform a cost benefit analysis for purchasing their street lights. He charges \$500.00 for his evaluation. One of the upsides for the Village in determining what it actually costs to buy our lights would then be to proceed maybe into looking at LED lights. Currently, getting LED from O&R would not save the Village any money. Trustee Silverberg is reviewing a contract with a company in Yonkers called Lumins, they basically set it up, they convert it to LED, they do a financing agreement but supposedly the savings offsets the finance agreement and at the end of seven years you own it free and clear and at that point you could work out a maintenance with them or do your own maintenance.

Trustee Silverberg made a motion to approve the Mayor to sign a letter of engagement with Dan Duthrie to perform a cost benefit analysis in an amount not to exceed \$500.00 to allow us to explore the savings in purchasing our street lights. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Mayor Sanders was also contacted by the Stormwater Consortium. They want the village to participate in a grant opportunity; they are finalizing a grant application and need two signature pages from each MS-4 Consortium. It is at no cost to the Village.

Trustee Silverberg made a motion for the Mayor to sign off on a grant opportunity with Stormwater Consortium. The Motion was seconded by Trustee Gallucci Jr. and so carried with a vote of 5 ayes and 0 nays.

Mayor Sanders also informed the Board that Senator Carlucci has initially approved \$100,000 for the Village to repair the foundation of the Train Station. Mayor will ask Brooker

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Engineering to draft bid specs on this project and to advertise the bid. Charlie said David Sirios and Ed Cook already provided initial estimates for the Train Station repair.

Item #14 – Executive Session – Update on Continuing Litigation and Personnel Discussion

Trustee Gallucci Jr. made a motion at 11:44pm to enter into executive session to discuss legal matters. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Trustee Gallucci Jr. made a motion at 12:20am to exit executive session. The motion was seconded by Trustee DeFeciani and so carried with a vote of 5 ayes and 0 nays.

Trustee Gallucci Jr. made a motion to terminate James Goswick's employment effective immediately. The motion was seconded by Deputy Mayor Blomquist and so carried with a vote of 5 ayes and 0 nays.

Item #15 – Adjournment

Trustee Gallucci Jr. made a motion at 12: 21am to adjourn. The motion was seconded by Trustee Silverberg and so carried with a vote of 5 ayes and 0 nays.

Respectfully submitted
Jennifer DeYorgi
Clerk-Treasurer