

**VILLAGE OF SPRING VALLEY  
VILLAGE BOARD  
OCTOBER 16, 2023 8:48 PM**

Present: Mayor Simon  
Deputy Mayor Grossman  
Trustee Eisenbach  
Trustee Gross

Absent: Trustee Clerina

Also Present: Village Attorney Darius Chafizadeh

Village Clerk Montgomery read the roll call.

Assemblage saluted the flag led by Trustee Gross

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**Resolution No. T-235-10.16.23**

WHEREAS, Mayor Simon and the members of the Spring Valley Board of Trustees have reviewed bills to be paid reflecting such expenditures, and

WHEREAS, Abstracts require the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the payment of the bills of the Village of Spring Valley set forth below and authorizes the Treasurer of the Village of Spring Valley to pay such bills, with the exceptions noted below.

**APPROVAL OF ABSTRACTS**

**GENERAL FUND 2023/9**

Amount \$83,836.20

Claim #'s 56061037 thru 56061233

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

**POST AUDITED GENERAL ABSTRACT 2023/9**

Amount \$160,088.17

Claim #'s 56061036 thru 56061223

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-236-10.16.23**

Moved by Mayor Simon, Seconded by Trustee Gross

**RESOLUTION APPROVING SECTION 8 ABSTRACT # 832**

WHEREAS, Section 8 requests approval of Abstract # 832

and;

WHEREAS, such requests require the approval of The Board of Trustees, Village of Spring Valley;

NOW, THEREFORE, BE IT

RESOLVED, that Section 8's request for approval of Abstract #832 is hereby approved.

<b>SECTION 8</b>	<b>AMOUNT</b>
Abstract #832	\$19,611.25

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-237-10.16.23**

Moved by Trustee Gross, Seconded by Mayor Simon

**ADOPTION OF SECTION 8 RECORD RETENTION SCHEDULE**

WHEREAS, the Village Section 8 Office wanted to ensure that it is properly retaining documents in accordance with the required retention laws; and

WHEREAS, the Village Section 8 Office engaged the Nelrod Company to prepare a Records Retention Policy; and

WHEREAS, the Nelrod Company has prepared a proposed Records Retention Policy which has been reviewed by the Village Attorney.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and adopts the Village of Spring Valley Section 8 Program Records Retention Policy which was prepared by the Nelrod Company.

Section 2. The Village Board authorizes the Village staff to take whatever actions necessary to employ the Records Retention Policy for use by the Section 8 Office.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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No one present wishing to speak during public participation.

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**SENATOR EUGENE LEVY MUNICIPAL PLAZA  
200 NORTH MAIN STREET  
SPRING VALLEY, NEW YORK 10977**

**Resolution No. V 2024 10.16.24**

**Moved by Deputy Mayor Capomano, Seconded by Thomas Clavin**

**ADJUDICMENT OF PUBLIC HEARING ON  
APPLICATION SEEKING A SPECIAL USE PERMIT TO  
CONSTRUCT A FOUR (4) STORY BUILDING AT 29-31  
GINGER AVENUE**

**WHEREAS**, the applicant seeks a special permits to construct a four (4) story building at 29-31 Ginger Avenue; and

**WHEREAS**, this matter has been on the Village Board's agenda a number of times, without adequate documentation being provided to the Village Board; and

**WHEREAS**, the applicant has notified the Village Board that prior to the next meeting it will provide all materials at which time the public hearing can be continued and a vote on the application taken.

**NOW, THEREFORE**, it is hereby resolved by the Board of Trustees as follows:

**Resolution 1:** This Village hereby motion and affirm such and every "Whereas" paragraph above adjourns the public hearing on this application to the November 13, 2024 Village Board meeting, which will be the last meeting this matter will be on the Village Board's agenda; either being withdrawn or a vote taken thereon.

**Resolution 2:** This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote as well and, which resulted as follows:

On Roll

Mayor Simon	Yes
Deputy Mayor Capomano	Yes
Thomas Clavin	Absent
Thomas Capomano	Abstained
Thomas Simon	Yes

Passed: December 10, 2024

Exh. A



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

100 Robert L. Yeager Health Center

50 Sandburn Road, Building 1

Orangetown, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
Acting Commissioner

**Richard M. Schiavo**  
Deputy Commissioner

September 21, 2023

Spring Valley Village Board  
200 N. Main Street  
Spring Valley, NY 10977

Tax Data: 57.40-1-23

57.40-1-22

57.40-1-21

Re: GENERAL MUNICIPAL LAW REVIEW: Section 233.1 and 59

Map Date: 03/21/2023

Date Review Received: 08/22/2023

### Item: VALLEY HEIGHTS APARTMENTS (SEF C-3756) (SV-037F)

A special permit application to allow the construction of a 24-unit apartment building on 1.3 acres in the R-2 zoning district and PRD overlay district. There is an existing 24-unit structure to the north of where the building will be constructed, which will be maintained for a total of 45 units. A total of 68 parking spaces are proposed with 30 parking spaces to be located on the lot 57.10-1-6 in the Town of Clarkstown. A 1,000 square-foot playground area is also proposed on the Clarkstown parcel. Variances are required from the Spring Valley Zoning Board of Appeals (ZUB) for front yard, side yard, floor area ratio, number of units per acre, and two principal buildings maximum. A special permit is also required from the Clarkstown ZBA to allow the expansion of parking over a district boundary. Site plan approval is required from the Clarkstown and Spring Valley Planning Boards. The three Main Spring Valley will be merged.

Southeast corner of Clinton Street and Bethune Boulevard and north side of White Street, less than 15 feet east of the intersection of Turner Court

### Reason for Referral:

Town of Clarkstown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Chapter 1, the Commissioner of Planning hereby:

**\*Disapprove**

1. Permitting development that does not comply with the applicable bulk and density standards can set an undesirable land use precedent and result in the overutilization of individual sites. The PRD overlay district permits a maximum density of 18 dwelling units per acre. While the proposal includes a density of 38.9 units per acre, exceeding the maximum allowance by 116%. The floor area ratio (FAR) is 23% greater than the permitted maximum. The front and side yards are 80% deficient by 38%. The ability of the existing infrastructure to accommodate proposed residential density in oversized developments is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. While the Rockland County Planning Department recognizes its need for additional housing, the proposed project requires excessive relief from the Village's zoning regulations and introduces a much density. The special permit must be denied and

**VALLEY HILL/SPRING VALLEY AREA (SEE MAP) (CV 2372)**

10. The Town of Clarkstown has received the proposal and is required by that jurisdiction to review the proposed development within the town's municipal boundary to ensure the consistency of the proposal with the town's New York State Comprehensive Zoning Ordinance. The purpose of Section 23-104, 23-105 and 23-106 shall be to help protect the community and county-wide planning, zoning, site plan and subdivision considerations to the extent of neighboring municipalities and agencies having jurisdiction. Each review may include inter-municipally and county-wide considerations with respect to the responsibility of various land uses with one another, traffic considerations characterizing various land uses in relation to the amount of traffic within certain land masses and the adequacy of existing and proposed transportation facilities, and the protection of community character as regards predominant land uses, population density, and the relation between residential and commercial areas. In addition, Section 23-104 was enacted to encourage the coordination of land use development and population among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The Town of Clarkstown may be given the opportunity to review the proposal and its impact on community character, traffic, water quality and quantity, drainage, sewerage, noise and existing water courses. The staff of the countywide zoning board shall also identify impact that Town of Clarkstown may be considered and independently addressed, as well as any additional concerns about the proposal.

11. The proposal includes a total of 88 parking spaces, which is exactly the minimum number of parking spaces required for the 11 dwelling units. 20 of those parking spaces are located on a parcel within Clarkstown's jurisdiction with the minimum parking requirement is contained upon the plan approved from the Clarkstown Planning Board and submitted to the Board of Supervisors from the Clarkstown Zoning Board of Appeals. The applicant must certify that all required spaces have been granted by the Town of Clarkstown to form any parking permits are needed for construction on the Spring Valley parcel.

12. On March 13 and September 14, 2022 meetings, the Rockland County Planning Board mentioned concerns about the water circulation and emergency vehicle access to the new building. The parking area on the Clarkstown parcel included two one-way street access while the proposed parking area on Clark's Valley is one two-way street. The southern level within the Clarkstown parcel is only accessible while flow towards the direction of the emergency vehicle approach. There will however the likelihood of conflict between a potential vehicle and an emergency vehicle entering the site, which will likely cause against traffic flow. Alternatively, if an emergency vehicle will to reverse was the flow of traffic, they would need to actively determine reverse turn onto the northbound and southbound corners of the Clarkstown Parcel. While the parking area is within Clarkstown's jurisdiction, the traffic responsibility will through emergency access to the emergency side of the department in Spring Valley. The parking area they be reconfigured and in the back maneuver along Clark's Parcel.

13. In March 2021, our department found documents on a site with for a future project in which a parking lot would be located on a parcel in Clarkstown on the by a commercial development located on an adjacent lot in the village of Spring Valley. The site plan included a map that the parcel was to be owned by one entity and that emergency vehicle access would be prohibited. At a meeting on September 14, 2022 between the applicant and the Rockland County Planning Department, the applicant stated that they intended to implement a situation of this nature. A deed restriction shall be imposed, and a future owner should be included on the site plan for the proposal to establish the responsibility of the Clarkstown parcel while it is used for apartment complex. The Rockland County Planning Board also expressed the need for this deed restriction.

14. Section 226-22A of the Village Zoning Code prohibits the installation of accessory off-street parking for any parking area of more than four spaces, from being located closer than 25 feet from the intersection of any two designated streets. The proposed driveway in the proposed parking area is in close proximity to the intersection of White Street and Turner Court, which may require a variance. Since the parking lot is located along Clark's Valley is a driveway is developed for emergency access, the person driveway will be the primary point of ingress and egress for 24 potential spaces, which includes the 80 spaces in Clarkstown. If any additional variances required, the TPA application must be reviewed, reviewed, and forwarded to our department for review as required under the New York State General Municipal Law.

15. The village shall be notified with the findings of the July 24, 2023 Traffic & Parking Assessment Report by the Rockland Legislature and that the proposed development will not hamper traffic along road nearby.

VALLEY HEIGHTS APARTMENTS (SEE C-3755) (SM-1074)

25. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement affirming the recommendations to modify or disapprove, and the stated reasons for the land use board's decision.

28 The following additional comments are offered solely as observations and are not part of our Council Municipal Law (CML) review. The Board may have already addressed these points or may disregard them without any formal vote under the CML process:

28. The CIMI Referral Form indicates that the application requires approval from the ZBA, Village Board, and Planning Board. However, Page 1 of the Village of Spring Valley Application Review Form only indicates that the application is going submitted before the ZBA for an on-site review. The Application Review Form must indicate all land use boards and agencies pertaining to the proposal.

28.2 The actual building height proposed must be indicated on the bulk table, rather than "4-40 FT." The bulk table still applies in other sections.

2300. If the Village does intend to encourage being granted for the maximum density in districts that permit 18 units per acre, consideration should be given to revising the zoning code to increase the maximum allowed density.

David A. Halutz  
Acting Commissioner of Planning

cc: Mayor John Sarno, Spring Valley  
Rockland County Department of Health  
Rockland County Sewer District No. 1  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District

Blotfield Farmhouse & Design  
Town of Clarkston Planning Board  
June 10, 2019 PM

Joseph Green, Glen Ridge, N.J.

**Sequoia County Planning Board Minutes**

NY 98 General Municipal Law Section 259 requires each city to annually place one or more agreements and resolutions on the ballot for the voters' consideration. The City is currently in the process of reviewing the current City Charter to ensure the validity of Article 22 of the New York State and Municipal Law. The City is also in the process of reviewing the current City Charter to ensure the validity of Article 22 of the New York State and Municipal Law. The City is also in the process of reviewing the current City Charter to ensure the validity of Article 22 of the New York State and Municipal Law.

[illegible]

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We warrant to New York State General Services Law § 205(4)(a), the governing body that is a public authority, that we have not and will not, in the course of performing the foregoing work, use confidential information in a manner that is inconsistent with the purposes for which the information was disclosed, unless such use is authorized by the governing body or its designated representatives.

EMANUEL LAW P.C.

100 M. D'Aniello, Jr. Drive, Spring Valley, NY 10977  
Tel: 516-466-1100 Fax: 516-466-1101

EDWARD B. BROWN  
JAMES M. BROWN  
JAMES M. BROWN  
JAMES M. BROWN  
JAMES M. BROWN

October 12, 2023

Mayor and Board of Trustees  
Village of Spring Valley  
250 N. Main Street  
Spring Valley, NY 10977

Re: Valley Heights Apartments

Dear Mayor Simon and Trustees:

We represent the applicant in the above matter, which seeks to build an addition to an existing 24 unit apartment building at the site. The proposed project would add 24 units of new, quality housing to the Bethune Boulevard area. It would also add parking spaces, bringing the on-site parking ratio to two spaces for each of the existing 48 units.

The site is already in the PRD overlay zone, thus laying the groundwork for multi-family housing. The Planning Board has granted a negative declaration under SEQRA. The applicant now seeks the required special permit for residential housing.

The project was referred to the Rockland County Planning Department solely because of its proximity to the Town of Clarkstown. No county or state facilities are affected. The Department disapproved the project in a letter dated September 21, 2023. The applicant's responses are below.

As an initial matter, we note that the Department's disapproval does not cite any impacts on the Town of Clarkstown, who, however, The Department objects to the proposed density of the project, which, the applicant admits, is greater than permitted by right. However, the proposed density is in keeping with other projects in the immediate area, all of which received variances to allow the additional density.

While it is preferable to address communitywide density issues by means of a zoning amendment (as noted in Comment 2023, below), the Department may not lawfully ignore the pattern of development that already exists in the area, nor may it lawfully ignore the necessary basis for granting necessary variances.

*Permitting development that does not comply with the applicable bulk and density standards can set an undesirable land use precedent and result in the amendment of individual sites. The PRD overlay district permits a maximum density of 12 dwelling*



units per acre, while the proposal includes a density of 34.9 units per acre, exceeding the maximum allowance by 105%. The floor area ratio (FAR) is 88% greater than the permitted maximum. The front and side yards are both deficient by 55%. The ability of the existing infrastructure to accommodate increased residential density in overserved developments is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. While the Rockland County Planning Department recognizes its need for additional housing, the proposed project requires excessive relief from the Village's zoning regulations and introduces too much density. The special permit must be denied and the second building reduced in scale since the existing 24 unit apartment building already is already at the maximum permitted density and the new building is an overdevelopment of the site.

The Department reaches its conclusion as to additional density, which needs an area variance, without considering the balancing test required by New York law. Instead, by fiat, it deems the density to be too great.

In doing so, it ignores the pattern of development in the area. In later comments, the Department refers to a meeting held with it on September 14, 2020, and relies on statements made at that meeting. However, it fails to note that the applicant presented proof of similar density in the immediate area, a copy of which is submitted as Exhibit 1. The Department completely ignored that proof. Instead, it has retreated to its standard policy of disapproving variances irrespective of their validity under the law.

**The applicant asks that this comment be overridden.**

*2 Special permit uses are, by definition, subject to a higher standard of review. The Village Board must be satisfied that the proposal conforms to the general standards of Section 255-BY of the Spring Valley Zoning Code, along with the specific standards for multifamily dwellings found in Section Sub 27.1, and additional use requirements in Section A-6B. This application does not satisfactorily comply with all applicable standards, two of which are described below. The special permit must be disapproved.*

The Department seeks to impose its own standards on the elected Board of Trustees.

**The applicant asks that this comment be overridden.**

*3 Section A-6B (1) of the Village Code indicates that a buffer, with the minimum dimension of the respective required yard, may be a condition for any use in the PRD overlay district subject to special permit approval by the Village Board. The site adjoins three parcels within the Town of Clarkstown's Medium High Density Residence (H-10 zoning) district to the east. These parcels include one and two-family dwellings. Additionally, the site adjoins one and two family dwellings within Spring Valley in the north and southwest. The proximity of the parking area and proposed building to the*

*surrounding property lines prevents a landscaped buffer from being implemented. Such a buffer could otherwise help to mitigate the visual and auditory impacts of the proposed 24-unit apartment building and its parking area. The physical inability to provide even a smaller landscaped buffer or buffer demonstrates a gross overdevelopment of the subject property. The special permit application must be denied and the second apartment building reduced in scale.*

The Department ignores the fact that the buffer is *not* a requirement of the special permit. Again, it seeks to usurp the Board's discretionary authority. The applicant is willing to add screening to protect neighboring properties. This is a site plan issue, and the details will be worked out with the Planning Board.

**The applicant asks that this comment be overridden.**

*4 Section 866.31.1D. of the special permit provisions states that "nothing hereinabove relieves a developer from compliance with the Zoning Code requirements regarding maximum units per acre and floor area ratio," further emphasizing the importance of not deviating from those standards. Multifamily dwellings in the PRD district are permitted 18 units per acre and a maximum FAR of 0.8. The proposed building includes 28 units (or 36.9 units per acre) and an FAR of 0.80, exceeding the permitted maximums by 100% and 33%, respectively. As stated above, the special permit must be denied and the second building reduced in scale.*

The Department continues to ignore the law. Village Law § 7-725-B.3 expressly provides that applicants for special permits may apply for area variances. The application for an area variance must be reviewed according to the balancing test set forth in State law. The Department ignores this requirement, as well. Where the necessary variances should be granted is exclusively in the purview of the Zoning Board of Appeals, and not the Department.

**The applicant asks that this comment be overridden.**

*5 At their July 13 and September 14 2023, meetings, the Rockland County Planning Board raised several of these concerns related to the proposals in Clarkstown and Spring Valley, respectively. The Board indicated that traffic, emergency vehicle access, and environmental impacts cannot be properly evaluated unless both applications are reviewed as one project. When returning the Clarkstown application at their July 13th meeting the Planning Board requested the opportunity to review the applications for the Spring Valley parcels and the Clarkstown parcel simultaneously.*

Comment noted

*The following comments address our additional concerns about the proposal:*

*6 Section 855-29.17. of the Spring Valley zoning regulations allows the Village Board to determine whether units with four or more bedrooms in multifamily dwellings will exceed*

*excess density and create the need for additional parking. During a meeting between the Rockland County Planning Department and the applicant on September 14, 2022, the applicant informed the Planning Department that the building will comprise market rate, two-to-three-bedroom units. The applicant must assure the Village Board that the units will include no more than three bedrooms, as four or more bedrooms may require additional parking spaces, which the site cannot accommodate.*

The applicant has agreed that, in this project, no unit will have more than three bedrooms. However, the Village Board has the authority to determine the maximum number of bedrooms in a unit, not the Department.

**The applicant asks that this comment be overridden.**

*7 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.*

The applicant will comply with all applicable regulations.

*8 A review must be completed by the Rockland County Office of Fire and Emergency Services, Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that the site is designed in a safe manner and there is sufficient access to, and maneuverability on, the site for emergency vehicles.*

The applicant will comply with all applicable regulations.

*9 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained.*

The applicant will comply with all applicable regulations.

*10 The Town of Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. The proposal also involves the connection to a parcel within the Town. New York State General Municipal Law states that the purposes of Sections 239-1, 239-m and 229-a shall be to bring pertinent inter community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential uses. In addition, Section 239-m was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.*

*The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.*

document noted. As this project includes land in both the Village of Spring Valley and the Town of Clarkstown, the Town has independent approval authority.

*11 The proposal includes a total of 96 parking spaces, which is exactly the minimum number of parking spaces required for the 48 dwelling units. 30 of those parking spaces are located on a parcel within Clarkstown. Compliance with the minimum parking requirement is contingent upon site plan approval from the Clarkstown Planning Board and special permit approval from the Clarkstown Zoning Board of Appeals. The applicant must certify that all required approvals have been granted by the Town of Clarkstown before any building permits are issued for construction on the Spring Valley parcels.*

As stated to the Department in the applicant's September 14, 2023, meeting, the applicant intends to complete the review process in Spring Valley before seeking approvals in Clarkstown. Any approvals in Spring Valley will be conditioned upon the needed Clarkstown approvals.

*12 At their July 18 and September 14, 2023 meetings, the Rockland County Planning Board mentioned concerns about the vehicle circulation and emergency vehicle access to the new building. The parking area on the Clarkstown parcel includes two one-way travel aisles while the proposed parking area in Spring Valley is for two-way traffic. The southern travel aisle on the Clarkstown parcel is only sixteen-feet-wide and flows towards the direction of the emergency vehicle entrance. This will increase the likelihood of conflict between a passenger vehicle and an emergency vehicle entering the site, which will likely drive against traffic flow. Alternatively, if an emergency vehicle was to traverse with the flow of traffic, they would need to achieve extremely narrow turns near the northeastern and northwestern corners of the Clarkstown Parcel. While this parking area is within Clarkstown's jurisdiction, the inefficient configuration will disrupt emergency access to the eastern side of the apartment in Spring Valley. The parking area must be reconfigured and a fire truck maneuverability plan provided.*

This is a site plan issue. The Department's proposal elevates the (hopefully) rare need for emergency access above the daily usage of the parking area. If the circulation pattern was reversed, then vehicles entering the Clarkstown parking area would need to make a left turn upon entering the area. This creates a continuing conflict with vehicles exiting the area.

Instead, as designed, vehicles entering the Clarkstown parking area do not need to turn. Vehicles exiting this area will make a right turn after stopping. There is no conflict.

Further, emergency access may also be needed for vehicles exiting onto Second Avenue. The current configuration provides straight access to Second Avenue, as opposed to the multiple turning maneuvers that the Department's proposal requires.

The applicant will review the turning radii to ensure that emergency vehicles can negotiate its proposed circulation pattern.

**The applicant asks that this comment be overridden.**

*13 In March 2023, our department issued comments on a site plan for a similar project in which a parking lot would be installed on a parcel in Clarkstown for use by a commercial development located on an adjacent lot in the Village of Spring Valley. The site plan included a map note that the parcels were to be owned by one entity and that conveyance of one parcel without the other was prohibited. At a meeting on September 14, 2023 between the applicant and the Rockland County Planning Department, the applicant stated that they intended to implement a stipulation of this nature. A deed restriction shall be imposed, and a similar note should be included on the site plan for this proposal to prohibit the subordination of the Clarkstown parcel while it serves this apartment complex. The Rockland County Planning Board also emphasized the need for the deed restriction.*

The applicant will provide the requested deed restriction, as it had agreed to do.

*14 Section 255-35A. of the Village Zoning Code prohibits the entrance or exit of accessory off street parking for any parking area of more than four spaces from being located closer than 75 feet from the intersection of any two designated street lines. The southern driveway to the proposed parking area is in close proximity to the intersection of White Street and Turner Court, which may require a variance. Since the parking lot entrance along Second Avenue in Clarkstown is designated for emergency access, the southern driveway will be the primary point of ingress and egress for 74 proposed spaces, which includes the 80 spaces in Clarkstown. For any additional variances required, the XBA applications must be revised, resubmitted, and forwarded to our department for review, as required under the New York State General Municipal Law.*

Comment noted.

*15 The Village shall be satisfied with the findings of the July 21, 2023 Traffic & Parking Assessment Report by Stonefield Engineering and that the proposed development will not hamper traffic along local roads.*

Comment noted

*16 An FAR calculation must be provided on the site plan to verify its accuracy. This calculation must include a floor-by-floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If a greater variance is needed for FAR, the variance application must be submitted and the public hearing notice must be reissued. Any application that is rejected due to an increase in FAR must be sent to this department for review.*

The applicant will provide such FAR calculations on the Village, not the Department, register.

**The applicant asks that this comment be overridden.**

*17 The proposed garbage enclosure is less than ten feet from the northern property boundary. This will create a visual and sanitary nuisance for the adjoining single and two-family residences and must not be permitted. The garbage enclosure must be relocated where it can be conveniently accessed without encroaching into the required yards.*

This is a site plan issue, not a special permit issue. We note that the proposed location is approximately 50 feet from the nearest existing house at 56 Clinton Street. Any other location would be (a) closer to an existing residence and (b) inaccessible for pickup.

**The applicant asks that this comment be overridden.**

*18 The applicant shall consider using plants that are native to New York for the proposed landscaping. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website <https://www.dec.ny.gov/public/44890.html>.*

This is a site plan issue. The applicant does not object to the use of native plants.

*19 Sheet C-3 (Lighting Plan) indicates that the intensity of the lighting will extend across property lines into the adjoining residential lots. Additional shielding and lower intensity light fixtures should be used so that the candle lumens does not exceed 0.1 at any property lines.*

This is a site plan issue. The applicant will adjust the lighting to avoid spillover greater than 0.1 lumens.

*XII Live evergreen landscaping, a berm, or solid fence must be provided in front of the parking spaces facing the edge of the property to shield headlights from shining into the adjacent residential properties.*

**This is a site plan issue. The applicant will provide a shield.**

*B1 The New York State Climate Leadership and Community Protection Act (the Climate Act), has a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal is the promotion of electric vehicles. The proposed improvements to this property present an opportunity to advance this goal through the inclusion of electric vehicle charging stations. The use of the subject site makes it ideal for the siting of electric vehicle chargers. With United States automakers predicting that approximately one half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the residents of the associated site. This department urges the Town and the applicant to take advantage of this opportunity and explore the installation of this important infrastructure on the site.*

**Comment noted.**

*22 Based on the DE/Cinfo Locator <https://giservices.dec.ny.gov/gis/dil/> the subject site is a 'Disadvantaged Community' (DAC). These areas, as designated under the Climate Act, are those that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low-and moderate-income households. This department recommends that the Village Board recognize this designation and the disproportionate impacts of climate change on this community caused by greater development coverage and less green space, and take steps to address them locally. As part of a DAC, the urgency is heightened to invest and take action to advance the goals of the Climate Act.*

**Comment noted. The proposed project will provide better housing opportunities, together with additional parking and green space, all of which are consistent with the goals of the Climate Act.**

*B3 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.9.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.*

**Comment noted. This requirement does not apply until the building is built and occupied. It is wholly irrelevant to the matter before the Board.**

*B4 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the board and board must file a report with the County Commissioner of Planning of the final action taken. If*

*the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.*

Comment noted.

*25 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project, 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.*

Comment noted.

*26 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote under the GML process:*

*26.1 The GML Referral Form indicates that the application requires approval from the ZBA, Village Board, and Planning Board. However, Page 1 of the Village of Spring Valley Application Review Form only indicates that the application is being submitted before the ZBA for review and action. The Application Review Form must indicate all land use board and approvals pertaining to the proposal.*

Separate application forms were submitted to the Board of Trustees, the Planning Board and the ZBA. Each application form identified the appropriate body. The applicant does not know what was sent to the Department, but the submitted forms were correct.

*26.2 The actual building height proposal must be indicated on the bulk table, rather than "< 20 FT." The bulk table shall not include estimations.*

Architectural plans have not yet been completed

*26.3 If the Village sees a trend in variances being granted for the maximum density in districts that permit 18 units per acre, consideration should be given to revising the zoning code to increase the maximum allowed density*

Comment noted.



Valley Heights Apartments

Page 10

The applicant asks that the Board override the Department's disapproval and comments 1, 2, 3, 4, 6, 12, 16, and 17.

Very truly yours,  
EMANUEL LAW P.C.

  
By \_\_\_\_\_  
Ira M. Emanuel, Esq.

Cc: Client

**Resolution No. T-239-10.16.2023**

Moved by Mayor Simon, Seconded by Deputy Mayor Gross

**RESOLUTION GRANTING SPECIAL PERMIT  
FOR VALLEY HEIGHTS APARTMENT  
TO ADD A SECOND 24 UNIT MULTI-FAMILY BUILDING**

WHEREAS, Alzee Realty, LLC and a related entity G II Alzee Realty, LLC (hereinafter collectively the “Applicant”) is the owner of 6 and 12 Bethune Boulevard, as well as 11 White Street, Spring Valley, New York 10977 (Tax Lot Nos. 57.40-1-21, 22, and 23) (the “Property”), presently Valley Heights Apartments, a 24-unit apartment building is located at 12 Bethune Boulevard. The Applicant which obtained title to the properties at 6 Bethune Boulevard and 11 White Street seeks to build a new apartment building having a 9,000 sq. ft. footprint with 24 units and new parking on the recently acquired parcels; and

WHEREAS, the Properties are located in an R-2 Zoning District with a PRD Zoning Overlay; and

WHEREAS, Chapter 60 of the Spring Valley Code, entitled “Affordable Housing” requires that every multi-family housing development include “a minimum of 15% of the dwelling units in said development as affordable housing units”; and

WHEREAS, the Applicant has agreed to put in seven (7) units of affordable housing with three (3) in the existing building and four (4) in the new building which shall be affordable units, as the term “affordable” is currently defined Spring Valley Code § 60-3; and

WHEREAS, prior to the issuance of any building permit for the project, the Applicant will report to the Village Section 8 Office which of the seven (7) units will be designated as the affordable housing units, and submit all necessary paperwork as may be requested by the Village Section 8 Office, from time to time, in order to ensure that such units remain affordable; and

WHEREAS, a memorandum pursuant to General Municipal Law §§ 239-L and 239-M, dated August 17, 2022, has been received from the Rockland County Planning Department (see a copy annexed hereto as **Exhibit “A”**), and by letter dated October 12, 2023 (see a copy annexed hereto as **Exhibit “B”**), the Applicant has requested overrides of County’s disapproval and items 1, 2, 3, 4, 6, 12, 16, and 17 thereof; and

WHEREAS, the Board of Trustees has found a sufficient basis for the requested overrides, based on Applicant’s attorney’s letter, dated October 12, 2023 (**Exhibit “B”**), and the presentation by Applicant at the public hearing held with respect to the subject application; and

WHEREAS, on October 16, 2023, a duly noticed public hearing on the subject matter was opened and closed.

NOW, THEREFORE, BE IT RESOLVED, that the application to grant a Special Permit for the expansion of Valley Heights Apartments by adding a second multi-family building to include and additional 24-units, is granted; and it is further

RESOLVED, that pursuant to the requirements of Chapter 60 of the Spring Valley Code, the granting of said permit is conditioned on the construction of seven (7) units of affordable housing, with three (3) units located in the existing building and four (4) units located in the new building, which shall be affordable units, as the term “affordable” is currently defined in section 60-3 of the Spring Valley Code; and it is further

RESOLVED, that prior to the issuance of any building permit for the project, the Applicant will report to the Village Section 8 Office which of the seven (7) units will be designated as the affordable housing units, and the Applicant or its successors, assigns and the like, will submit all necessary paperwork as may be requested by the Village Section 8 Office, from time to time, in order to ensure that such units remain affordable; and it is further

RESOLVED, that the disapproval and items 1, 2, 3, 4, 6, 12, 16, and 17 of the Rockland County Planning Department’s August 17, 2023 memorandum (**Exhibit “A”**), be and hereby are overridden for the reasons set forth in the Applicant’s letter, dated October 12, 2023 (**Exhibit “B”**), and it is further

RESOLVED, that the Applicant, when appearing before the Village Zoning Board of Appeals will not represent that the Village Board was in favor of all variances and that the Zoning Board of Appeals should not be swayed by any action of the Village Board in carrying out its duties.

#### On Roll

Mayor Simon	Yes
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes

Dated: October 16, 2023

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**Resolution No. T-240-10.16.23**

Moved by Trustee Gross, Seconded by Mayor Simon

**RESOLUTION AUTHORIZING THE RENEWAL CONTRACT OF  
REGINALD ANDERSON AS CONFIDENTIAL ASSISTANT**

WHEREAS, within the Village of Spring Valley, New York (“Village”) there comes from time-to-time a need to hire certain personnel for purposes of allowing the Village to carry out its municipal duties to protect the health, safety and welfare of the Village Residents; and

WHEREAS, the Village Board of Trustees (“Village Board”) in January of 2023 hired Reginald Anderson for a period of 3 months with a compensation cap of \$22,750.00; and

WHEREAS, the Village thereafter renewed Mr. Anderson’s contract for additional contract terms in April, June and September of 2023; and

WHEREAS, the Village Board of Trustees (“Village Board”) wishes to renew the contract of Confidential Assistant (the “Position”) to the Mayor with Reginald Anderson; and

WHEREAS, the Village Board desires the renewal of any such employment of Reginald Anderson to that position until December 4, 2023 with a compensation cap for such period to be the prorated amount of the prior agreements which previously provided for a cap of \$22,750 for the three (3) month periods previously approved, which is that amount of a prorated annual compensation in the amount of Ninety-One Thousand Dollars (\$91,000) (whichever shall first occur);

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above.

Section 2. The Village Board authorizes the Village Mayor to execute a contract extension with Mr. Anderson which will expire on December 4, 2023 as approved by the Village Attorney in order to retain Anderson for the purposes and time, as well as compensation stated above.

Section 3. This Resolution shall take effect immediately.

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-241-10.16.23**

Moved by Trustee Gross, Seconded by Mayor Simon

**RESOLUTION ACCEPTING THE RESIGNATION OF  
BRIAN WAGNER FROM THE VILLAGE OF SPRING  
VALLEY EFFECTIVE OCTOBER 11, 2023**

WHEREAS, Brian Wagner has been employed by the Village in various capacities and departments; and

WHEREAS, Brian Wagner has submitted a letter of resignation; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above.

Section 2. The Village Board accepts the resignation of Brian Wagner effective October 11, 2023.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-242-10.16.23**

Moved by Trustee Gross, Seconded by Mayor Simon

**APPROVAL OF PARKING SIGNS FOR THE  
VILLAGE’S PARKING LOT AT 200 N. MAIN STREET**

WHEREAS, the Village of Spring Valley and Valley Square, LLC jointly own and operate a parking lot located at 200-240 North Main Street in Spring Valley (hereinafter the “Parking Lot”); and

WHEREAS, there have been a number of issues with the public’s use of the Parking Lot, including, but not limited to, the parking of abandoned or unregistered vehicles, commercial

vehicle's being parked overnight, vehicles being advertised for sale and mechanical work being done; and

WHEREAS, the Village wishes to address these issues by posting "No Overnight Parking," "No Commercial Vehicle Parking," and "No Unauthorized Parking" signs which let vehicle owners know that violation thereof will result in their vehicles being towed at their expense.

WHEREAS, the Village wishes to post warning signs and allowing a towing company to enforce the parking issues at the Parking Lot, with vehicles being towed at the owner's expense; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above and authorizes the posting of: "No Overnight Parking," "No Commercial Vehicle Parking," and "No Unauthorized Parking" signs which let owners know that violation thereof will result in their vehicles being towed at their expense.

Section 2. The Village Board authorizes the Village staff to take whatever actions necessary to post the above mentioned signs including authorizing a tow company to enforce the parking violations.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-243-10.16.23**

Moved by Trustee Gross, Seconded by Deputy Mayor Grossman

**RESOLUTION ISSUING AN UNFAVORABLE  
RECOMMENDATION AS TO EXCLUSIVE KITCHEN'S  
APPLICATION TO SELL WINE AND BEER FOR ON  
PREMISES CONSUMPTION AT 156 NORTH MAIN  
STREET, UNIT 4 IN SPRING VALLEY**

WHEREAS, the Village has received notice that Exclusive Kitchen, with its place of business located at 156 North Main Street, Unit 4 in Spring Valley has sought a liquor license to sell wine and beer for on premises consumption; and

WHEREAS, the Village Chief of Police has provided a report which details a number of issues and incidents at the above listed property requiring police intervention; and

WHEREAS, due to the large number of police calls to the above listed property the Village Board will **not** give a favorable recommendation as to the applicants request for a liquor license; and

WHEREAS, the Village Board is open to withdrawing this unfavorable recommendation if the applicant were to present measures which can be employed by the applicant at the property to ensure the public health, safety and welfare, while also reducing the number of incidents requiring police assistance.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and issues an **unfavorable** recommendation as to the applicant’s request for a liquor license at 156 North Main Street, Unit 4 Spring Valley. However, the Village Board is open to reconsidering this determination if the applicant were to present measures at the next Village Board workshop on November 13<sup>th</sup>, which can be employed by the applicant to ensure the public health, safety and welfare, while also reducing the number of incidents requiring police assistance at the property.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-244-10.16.23**

Moved by Trustee Gross, Seconded by Mayor Simon

### **ACCEPTANCE OF \$13,130 GRANT UNDER THE NEW YORK STATE POLICE TRAFFIC SERVICES PROGRAM**

WHEREAS, the Village has applied to the New York State Governor’s Traffic Safety Committee for grant funding under the Police Traffic Services Program; and

WHEREAS, the Village has been awarded a \$13,130.00 grant under the New York State program with \$3,476 being awarded for Seat Belt Mobilization Enforcement and \$9,654 being awarded for Regular Police Traffic Services Enforcement.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby accepts \$13,130.00 grant funding under the New York State Police Traffic Services Program and authorizes Village staff to take whatever steps necessary to secure and use such grant funds.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-245-10.16.23**

Moved by Trustee Gross, Seconded by Deputy Mayor Grossman

**ACCEPTANCE OF THE 2024 CHILD SAFETY SEAT  
PROGRAM GRANT IN THE AMOUNT OF \$1,320.00**

WHEREAS, the Village has applied for grant funding under the New York Governor's Traffic Safety Committee's 2024 Child Safety Seat Program; and

WHEREAS, the funding under this program can be used to purchase child safety seats for residents of the community who cannot afford to purchase one on their own, training for our certified safety seat technicians and other related equipment necessary to run our program.

WHEREAS, the Village has been awarded a \$1,320.00 grant under the New York State program.

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby accepts \$1,320.00 grant funding under the New York Governor's Traffic Safety Committee's 2024 Child Safety Seat Program and authorizes Village staff to take whatever steps necessary to secure and use such grant funds.

Section 2. This Resolution shall take effect immediately.



The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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Deputy Mayor Grossman read the September 2023 Spring Valley Police Report into the record.

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**Resolution No. T-246-10.16.23**

Moved by Trustee Gross, Seconded by Deputy Mayor Grossman

**AUTHORIZATION TO PAY KEANE & BEANE, P.C.  
\$42,967.50 FOR SERVICES RENDERED**

WHEREAS, Keane & Beane, P.C. has represent the Village in various legal matters; and

WHEREAS Keane & Beane, P.C. has rendered services totaling \$42,967.50 under invoices submitted for: May, June, July and August 2023; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and authorizes payment of Keane & Beane, P.C. in the amount of \$42,967.50 for services rendered between May and August of 2023.

Section 2. The Village Board authorizes the Village staff to take whatever actions necessary to make the above detailed payment.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-247-10.16.23**

Moved by Trustee Gross, Seconded by Deputy Mayor Grossman

**AUTHORIZATION TO PAY WHITEMAN OSTERMAN &  
HANNA, LLP \$31,557.70 FOR SERVICES RENDERED**

WHEREAS, Whiteman Osterman & Hanna, LLP has represent the Village in working with New York State on issues involving the Village Building Department; and

WHEREAS Whiteman Osterman & Hanna, LLP has rendered services totaling \$31,557.70 under invoices submitted for: July, August and September 2023; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and authorizes payment of Whiteman Osterman & Hanna, LLP in the amount of \$31,557.70 for services rendered between July and September of 2023.

Section 2. The Village Board authorizes the Village staff to take whatever actions necessary to make the above detailed payment.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-248-10.16.23**

Moved by Trustee Gross, Seconded by Deputy Mayor Grossman

**AUTHORIZATION TO PAY HARRIS BEACH, PLLC  
\$40,928.52 FOR SERVICES RENDERED**

WHEREAS, Harris Beach, PLLC was retained to represent the Village in various legal matters identified under Invoices: 8934500, 8934501, 8934502, 8934504, 8934505, 8934506, and 8934508; and

WHEREAS Harris Beach, PLLC has rendered services totaling \$40,928.52 under Invoices: 8934500, 8934501, 8934502, 8934504, 8934505, 8934506 and 8934508; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and authorizes payment of Harris Beach, PLLC in the amount of \$40,928.52 for services rendered under Invoices: 8934500, 8934501, 8934502, 8934504, 8934505, 8934506 and 8934508.

Section 2. The Village Board authorizes the Village staff to take whatever actions necessary to make the above detailed payment.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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**Resolution No. T-249-10.16.23**

Moved by Mayor Simon, Seconded by Deputy Mayor Grossman

**AUTHORIZATION TO PAY DENNIS LYNCH \$8,975.00  
FOR SERVICES RENDERED BY HIM AND MARK  
BLANCHARD**

WHEREAS, Dennis Lynch was retained to represent the Village in various legal matters;  
and

WHEREAS, Dennis Lynch has enlisted Mark Blanchard to assist him on handling various  
Village Matters, with services rendered totaling \$8,975.00; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph  
above and authorizes payment of Dennis Lynch in the amount of \$8,975.00 for services rendered.

Section 2. The Village Board authorizes the Village staff to take whatever actions  
necessary to make the above detailed payment.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call,  
which resulted as follows:

On Roll

Mayor Simon	Yes
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Abstained

Dated: October 16, 2023

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**Resolution No. T-250-10.16.23**

Moved by Deputy Mayor Grossman, Seconded by Trustee Gross

**SUBMISSION OF LETTER TO MAYOR SIMON REQUESTING  
A WRITTEN RECOMMENDATION TO SETTLE THE COLLECTIVE  
NEGOTIATIONS DISPUTE WITH THE CSEA LOCAL 1000 UNION**

WHEREAS, the Trustees of the Village Board have prepared correspondence pursuant to NY Civil Service Law § 209 requesting that the Mayor provide a recommendation to settle the collective negotiations dispute with CSEA Local 1000 after the Fact-Finder's report was rejected; and

WHEREAS, the Trustees of the Village Board request that this letter also be sent via overnight and email to Lawrence Sparber of CSEA; and

NOW, THEREFORE, it is hereby resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above, submits the Trustees' letter to the Mayor and instruct Village staff to also send a copy via overnight and email to Lawrence Sparber of CSEA.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Abstained
Deputy Mayor Grossman	Yes
Trustee Clerina	Absent
Trustee Eisenbach	Yes
Trustee Gross	Yes

Dated: October 16, 2023

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At 10:37 pm Trustee Gross moved to adjourn the Village Board meeting, Seconded by Deputy Mayor Grossman, carried by all present.