

**VILLAGE OF SPRING VALLEY  
VILLAGE BOARD  
SEPTEMBER 3, 2024 8:35 PM**

Present: Mayor Simon  
Trustee Gross 9:03pm  
Trustee Smith

Absent: Deputy Mayor Eisenbach  
Trustee Grossman

Also Present: Attorney Chafizadeh

Village Clerk Montgomery read the roll

Assemblage saluted the flag led by Trustee Gross

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**Resolution No. T-201-09.3.24**

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 2024/7**

Amount \$64,538.77

Claim #'s 56063875 thru 56063948

Moved by Mayor Simon, Seconded by Trustee Smith, Trustee Gross Yes, Trustee Grossman & Deputy Mayor Eisenbach Absent

**POST AUDITED GENERAL ABSTRACT 2024/7**

Amount \$153,473.15

Claim #'s 56063876 thru 56063950

Moved by Mayor Simon, Seconded by Trustee Gross, Trustee Smith Yes, Trustee Grossman & Deputy Mayor Eisenbach Absent

Dated: September 3, 2024

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## **Public Participation:**

Nitzia DeCosta expressed that the taxi driver extremely reckless in Spring Valley.

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The applicant of 56-58 Rose Avenue appeared to continue their public hearing for a Special Permit to increase the number of units. Mayor Simon moved to adjourn to the September 17, 2024 meeting, seconded by Trustee Gross, Trustee Smith, yes and Deputy Mayor Eisenbach & Trustee Grossman absent.

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## **Resolution No. T-202-9.3.2024**

Moved by Mayor Simon, Seconded by Trustee Gross

### **LOCAL LAW CREATING VILLAGE CODE CHAPTER 210 REGULATING BILLBOARDS WITHIN THE VILLAGE**

WHEREAS, the Village has the authority to regulate its Zoning Code in an effort to promote and protect the public health, welfare and safety; and

WHEREAS, the Village Code currently does not regulate billboards; and

WHEREAS, the Village Board wishes to adopt Chapter 210 of the Village Code to enhance the health, safety and welfare of the Village.

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and creates Village Code Chapter 210, Sections 210-1 through 210-5 as follows:

#### **Chapter 210. Billboards**

##### **§ 210-1. Legislative Intent.**

The purpose of this Billboard chapter is to promote and protect the public health, welfare and safety by regulating Billboards of all types. It is intended to encourage the use of Billboards as a means of communication, protect property values, protect and enhance the aesthetic environment and enhance the Village's ability to attract sources of economic development and growth.

##### **§ 210-2. Title.**

This chapter shall hereafter be known and cited as the “Billboard Law.”

##### **§ 210-3. Definitions.**

#### **BILLBOARD**

A sign for a business, profession, activity (commercial or noncommercial), commodity or service not on the premises where the sign is located.

## **BILLBOARD, DIGITAL**

Any Billboard displaying images controlled by electronic communication.

### **§ 210-4. Billboards.**

A. Permits. No Billboard shall be erected or maintained without the proper permit.

B. General regulations.

- (1) Illumination. A Billboard may be illuminated, provided that all light sources shall be designed, shielded, arranged and installed to confine or direct all illumination to the surface of the Billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties. Billboards may contain or include such public service information as time, date, temperature, weather or similar information. This regulation shall not prohibit Digital Billboards, as defined in this chapter. However, Digital Billboards may not display more than one message every eight seconds and comply with all State and Federal Regulations. Also, Digital Billboards shall be made available to Village, County and State emergency services in case of emergency or for such matters as Amber Alerts, up to a maximum of 10%, at a discounted rate to be agreed upon with the billboard operator
- (2) Digital display brightness shall be as follows:
  - a. No digital Billboard shall be permitted if its brightness is such that it interferes with the effectiveness of a traffic control device.
  - b. Maximum brightness levels for each digital Billboard shall not exceed 0.2 foot-candles over ambient light levels measured within 150 feet of the Billboard. Each Billboard must guarantee that the Billboard has been preset to automatically adjust the brightness to these levels or lower.
- (3) Attachment to buildings prohibited. No Billboard shall be erected on or attached to any building.
- (4) Moving, fluttering or revolving devices prohibited. No Billboard or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices.
- (5) Size. No Billboard face shall exceed an area of 1200 square feet
- (6) Height. The height of the Billboard, measured from the street level to the bottom of the sign, shall be no less than 15 feet and no more than 75 feet above the average existing grade level, starting from the street toward which the sign is intended to display messaging.

- (7) Permit number. Every Billboard shall bear the permit number and name of the permit holder and/or owner of the land upon which the Billboard is erected, prominently and permanently affixed on the face thereof. A proper space shall be reserved in the lower left-hand corner of the permit plaque where the annual permit inspection tag shall be affixed. This annual permit tag shall be issued by the Building Department or their designee. This annual permit tag shall be affixed to the Billboard by the owner and/or applicant.
- (8) Maintenance required. A Billboard and its structure shall be maintained, including the change of the advertising message, the repairing and replacing of component parts and the performance of other acts as incident to the upkeep of the Billboard.
- (9) No Billboard shall display advertising matter of an indecent or obscene nature.
- (10) No Billboard shall confuse, mislead or resemble any government Billboard.

#### C. Location

- (1) Any and all Billboards or advertising device as set for in Public Authorities Law 361-a must comply with Public Authorities Law 361-a.
- (2) A maximum of 5 Billboards shall be permitted to exist within the village
- (3) Billboards shall be permitted as principal uses in the PLI, PO, GB & HB zones only.-
- (4) Digital Billboards shall be separated from each other by a distance of at least 1400 feet when on the same road and facing the same direction, and static Billboards shall be separated by a distance of 1000 feet when on the same road and facing the same direction, except that two such Billboards may be arranged on an angle or back-to-back. The distance between a static and Digital Billboard shall also be 1000 feet when on the same road and facing the same direction. All Billboards must comply with NYDSOT regulations and regulation of the Federal Highway Administration.
- (5) Billboards shall not be permitted within 200 feet of any public park, playground, cemetery or structure within a residential zone.
- (6) No Billboard shall be constructed, erected or altered within 660 feet of the edge of the right-of-way of any primary arterial roadway, unless permission is granted by the NYS DOT and/or NYS Thruway Authority. Normal maintenance of the structure and modification of copy shall be exempted from the aforementioned prohibitions.

#### D. Construction specifications.

- (1) Billboards shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code.

(2) Each application for the erection of a Billboard shall be accompanied with a detailed set of structural plans bearing the seal of a licensed engineer or architect registered to practice in the State of New York.

(3) All electrical work shall be in accordance with the standards of the Village Electrical Inspector or any party properly deputized by the Village Electrical Inspector.

E. Billboard permit required; restoration; revocation of permit; removal of certain Billboards.

(1) Billboard permit required. After the effective date of this article and except as otherwise herein provided, no person shall erect or maintain any Billboard as defined herein without first obtaining a Billboard permit from the Building Department. The process for obtaining a permit is as follows:

(a) Application for zoning verification. Application for a Billboard zoning verification must first be made to the Building Department, in writing, in duplicate, upon forms prescribed and provided by the Building Department. The Building Department will issue its verification to the applicant and any relevant Village Board.

(b) Application for site plan review. No permit shall be issued for any new Billboard unless the applicant has obtained site plan approval from the Village Planning Board. All variances must be obtained prior to the issuance of any building permit.

(c) Application for Billboard permit. Application for the permit must be made in writing upon forms prescribed and provided by the Building Department, and shall include the following:

[1] A detailed drawing showing a description of the construction details of the Billboard position of lighting or other extraneous devices; a location plan showing the position of the Billboard on the site and its position in relation to nearby buildings or structures and to any private or public street or highway and its height.

[2] Written consent of the owner of the land on which the Billboard is to be erected in the event that the applicant is not the owner thereof.

[3] An electrical permit, from the Village Electrical Inspector or an electrical inspection agency approved by the Village Electrical Inspector, issued for said Billboard.

[4] The current fee established for the same by resolution of the Village Board. This fee and approval constitute the first-year annual fee and renewal permit.

[5] Other such information as required by the Building Department.

(d) Issuance of permit. It shall be the duty of the Building Department to issue a permit for the erection of a proposed Billboard, provided that:

[1] The proposed Billboard has received Planning Board approval.

[2] The proposed Billboard is in compliance with all the requirements of this article, as well as all other laws and ordinances of the Village of Spring Valley.

(e) Issuance of annual renewal permit. Each Billboard permit shall be renewed with the Building Department in accordance with the following regulations:

[1] Application for an annual permit shall be made within 60 calendar days after the first day of January.

[2] The applicant shall submit any changes in ownership of the Billboard or property and an affidavit stating that the same has been changed on the Billboard itself.

[3] Fees. The fee for an annual permit shall be in accordance with the fee schedule adopted by the Village Board.

(2) Replacement or restoration of an existing Billboard. Nothing in this article shall prevent the replacement or restoration of an existing Billboard or its supporting structure which has been destroyed or which has been deemed by the applicant to be in need of replacement. Such replacement or restoration shall be permitted, provided that the billboard face following the replacement or restoration is to the identical specifications, size, location and appearance as existed prior to said replacement or restoration.

(3) Revocation of permits. Building Department shall revoke such Billboard permit 30 days after written notice has been given to the owner on record of said Billboard for any one of the following conditions, provided that said condition has not been corrected within the fourteen-day period:

(a) Failure to obtain the annual permit within the first 60 calendar days of the new year.

- (b) Failure to submit proper information in regard to changes in ownership of Billboards.
- (c) Failure to complete construction within 365 days (1 calendar year) of date of issuance of the building permit.
- (d) Failure to affix the permit number and necessary names.
- (e) Failure to obtain permission from the Building Department to structurally alter the Billboard.
- (f) Failure to maintain any Billboard in accordance with the judgment of the Building Department of the Village of Spring Valley. This would include, but not be limited to, the following:

[1] That the structure be free from all hazards, such as faulty wiring, loose fastening or supports, etc.

[2] That the structure remain safe, secure and in no way a menace to the public.

[3] That the structure be maintained in a clean, neat condition.

(4) Removal of certain Billboards.

- (a) Any Billboard not licensed or for which the permit has been revoked under the provisions of this article or that has a discontinued use for 6 months or more must be removed within 30 days after written notification to the Billboard owner and/or landowner. In the event that said Billboard is not removed within the specified time limit, the Village of Spring Valley may remove said Billboard and assess all costs and expenses incurred in said removal against the Billboard owner and/or the owner of the land on which said Billboard is located.
- (b) To remove a licensed Billboard one must first obtain a demolition permit for such removal from the Building Department.
- (c) The Building Department may cause any Billboard which is a source of immediate peril to persons or property to be removed summarily and without notice.

G. Review and appeal. Any person aggrieved by any decision of the Building Department relative to the provisions of this article shall have the right to have the Commissioner of Code Enforcement request that Zoning Board of Appeals hear the appeal of such decision and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.

## **§ 210-5. Enforcement and Penalties.**

A. The provisions of this article shall be primarily administered and enforced by the Building Department, which shall have the power to make necessary inspections.

B. No Billboard Permit shall be approved by the Building Department except in compliance with the provisions of this article or Zoning Board of Appeals, as applicable.

C. Appearance tickets. The Building Department and each Code Enforcement Officer are authorized to issue appearance tickets for any violation of this chapter, or any notice or order issued by the Building Department under this chapter. Any person who shall fail to comply with a written notice or order of the Building Department within the time fixed for compliance therewith and any person who shall knowingly violate any of the applicable provisions of this chapter shall be punishable by a fine of not more than \$1,000, in addition to any other penalties provided by law. Each day that a violation continues shall be deemed a separate offense.

Section 2. If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. The Village Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

Section 4. This resolution shall be effective 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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024



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The Applicant for Tacos Picantes Rancheros appeared to discuss their unfavorable recommendation from SVPD. The applicant was advised that the Village Board would reach out to the SV Police Chief then the matter was adjourned until 9/7/24.

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**Resolution No. T-203-9.3.2024**

Moved by Trustee Gross, Seconded by Mayor Simon

**APPROVAL OF NON-PROFIT FEE WAIVER REQUEST  
FOR CHODAE COMMUNITY CHURCH TO USE THE  
KURTZ CENTER AT THE REDUCED RATE OF \$75.00**

WHEREAS, the Village charges community groups \$150.00 to use the Kurtz Center for 2 hours; and

WHEREAS, the Chodae Community Church, a not-for-profit entity has sought to use the Kurtz Center for two (2) hours on September 14, 2024, at the reduced not-for-profit rate of \$75.00; and

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves Chodae Community Church’s use of the Kurtz Center, for two (2) hours on September 14, 2024 at the reduced not-for-profit rate of \$75.00.

Section 2. The Board requires that Chodae Community Church provide insurance in accordance with the Village’s requirements and requires that Chodae Community Church provide the Village with a letter of recommendation from the prior municipality whose facilities it previously used.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-204-9.3.2024**

Moved by Trustee Gross, Seconded by Mayor Simon

**AUTHORIZATION TO REFUND FAST FORWARD PERMITS IN THE  
AMOUNT OF \$962.33 FROM THE ZONING BOARD OF APPEALS  
ESCROW ACCOUNT**

WHEREAS, the Fast Forward Permits deposited monies in the Village's Escrow Account relative to 39 Columbus Avenue's application before the Zoning Board of Appeals; and

WHEREAS, such escrow monies totaling \$962.33 are no longer need.

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

Section 1. The Village Board hereby ratifies and affirms each and every "WHEREAS" paragraph above and approves the refund of \$962.33 to Fast Forward Permits relative to 39 Columbus Avenue's Zoning Board of Appeals application.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-205-9.3.24**

Moved by Trustee Gross, Seconded by Mayor Simon

**AUTHORIZATION TO PAY DENNIS LYNCH, ESQ. IN THE  
AMOUNT OF \$11,525.00 FOR SERVICES RENDERED IN  
THE ROSE ZAMOR MATTER**

WHEREAS, the Village has retained Dennis Lynch to provide legal services in the Rose Zamor matter; and

WHEREAS, Dennis Lynch, Esq. has submitted invoice(s) totaling \$11,525.00.

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the payment of \$11,525.00 to Dennis Lynch for services rendered in the Rose Zamor matter.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-206-9.3.2024**

Moved by Trustee Gross, Seconded by Trustee Smith

### **AUTHORIZATION TO RENEW THE ROCKLAND COUNTY FIRE MUTUAL AID PLAN**

WHEREAS, the Village has taken part and approved the Rockland County Mutual Aid Plan for a number of years; and

WHEREAS, a proposed renewal has been submitted to the Village and has been recommended by the Village’s Fire officials.

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the renewal of the Rockland County Fire Mutual Aid Plan.

Section 2. The Board directs staff to take whatever steps necessary to effectuate said plan.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-207-9.3.2024**

Moved by Gross, Seconded by Trustee Smith

**RESOLUTION ACCEPTING THE RETIREMENT OF  
ELSIE CHERON EFFECTIVE SEPTEMBER 30, 2024**

WHEREAS, Elsie Cheron has served as the Village Court Clerk for a number of years; and

WHEREAS, Ms. Cheron has submitted retirement papers, to be effective September 30, 2024.

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 accepts Ms. Cheron’s retirement, effective September 30, 2024.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

**Resolution No. T-208-9.3.24**

Moved by Trustee Gross, Seconded by Mayor Simon

**AUTHORIZATION TO PROMOTE LAUREN PSAROS AS  
A PERMANENT DATA ENTRY OPERATOR II, EFFECTIVE  
SEPTEMBER 3, 2024**

WHEREAS, from time to time the Village has staffing needs which are seasonal in nature;  
and

WHEREAS, the Village has received notification that Lauren Psaros passed the Rockland  
County Examination for Data Entry Operator II; and

WHEREAS, the Village Board wishes to promote Lauren Psaros to the permanent position  
of Data Entry Operator II, effective September 3, 2024.

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 appoints Lauren Psaros to the permanent position of Data  
Entry Operator II.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-209-9.3.2024**

Moved by Trustee Gross, Seconded by Trustee Smith

**RESOLUTION APPROVING MODIFICATIONS TO THE DUTIES OF THE  
VILLAGE’S DIRECTOR OF BUILDING AND PUBLIC WORKS**

WHEREAS, the Village has a variety of Civil Service titles; and

WHEREAS, the Village has sought to modify the duties listed for the Director of Building and Public Work Civil Service title.

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 authorizes the amendment of the duties of the Director of Building and Public Works in line with the attached form prepared for submission to Rockland County Civil Service, which is annexed hereto as **Exhibit “A.”**

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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**Resolution No. T-210-9.3.24**

Moved by Mayor Simon, Seconded by Trustee Gross

**RESOLUTION SETTING A PUBLIC HEARING TO  
CONSIDER A PROPOSED LOCAL LAW ADOPTING A  
NINETY (90) DAY MORATORIUM ON THE APPROVAL OF  
CANNABIS ESTABLISHMENTS WITHIN THE VILLAGE  
OF SPRING VALLEY**

WHEREAS, the Village Zoning Code currently does not adequately regulate cannabis establishments within the Village; and

WHEREAS, the Village wishes to study the potential regulation of cannabis establishments and establishing a ninety (90) day moratorium during such period; and

WHEREAS, a public hearing is required to adopt such a local law.

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 schedules a public hearing, to be held at Village Hall, 200 North Main Street, Village of Spring Valley, New York on the 17th day of September 2024 to hear all interested parties and citizens regarding a proposed Local Law adopting a moratorium on the approval of cannabis establishments within the Village for ninety (90) days. Said hearing may be adjourned from time to time as necessary.

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 Eisenbach	Absent
Trustee Grossman	Absent
Trustee Gross	Yes
Trustee Smith	Yes

Dated: September 3, 2024

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At 9:16 pm Trustee Gross moved to adjourn the Village Board meeting, Seconded by Trustee Smith and carried by all.