

TOWN BOARD
GARNERVILLE, NY
JUNE 13, 2011

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, June 13, 2011 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

On Roll Call the following members answered to their names:

Supervisor	Howard T. Phillips, Jr.
Councilman	Isidro Cancel
Councilman	Vincent J. Gamboli
Councilman	John J. Gould
Councilman	Hector L. Soto

PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW TO AMEND CHAPTER 167

Supervisor Phillips stated that the purpose of this Public Hearing is to discuss amending Chapter 167 of the Code of the Town of Haverstraw by adding a Country Commercial Business District.

PRESENTATION BY STEVE SILVERBERG, PLANNING & ZONING ATTORNEY

Mr. Silverberg stated that this Local Law is to amend Chapter 167 of the Town Code to create a special permit use called Country Commercial Development to allow environmentally appropriate local small businesses to exist in a mixed-use zoning serving local neighborhoods. Please see Local Law No. 2-2011.

PUBLIC PARTICIPATION

None.

BOARD MEMBERS

No Comment.

CLOSE HEARING

235-11 On motion by Councilman Gould, seconded by Councilman Gamboli, unanimously adopted, the Public Hearing was closed.

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 2 OF 2011
AMENDING THE TOWN ZONING CODE

On motion by Councilman Soto, seconded by Councilman Cancel, unanimously adopted, the Public Hearing was closed.

236-11 RESOLVED, that the Town Board declares itself lead agency pursuant to the State Environmental Quality Review Act (SEQRA) and finds this to be a TYPE I action under SEQRA, and be it further

RESOLVED, that the Town Board hereby adopts the annexed SEQRA Negative Declaration finding that the proposed amendment requires no further environmental review, and this notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law, and be it further

RESOLVED, that the Town Board of the Town of Haverstraw, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared:

Description: The proposed action consists of the consideration and adoption of a proposed local law, which would amend the zoning ordinance by creating a new zoning district called the Country Commercial Business District, which would allow by special permit a single or two story attached retail or service retail businesses which is limited to include a: bakery, barber shop, convenience store, china and giftware store, clothing store, deli, florist, floral decorating, hair salon, jewelry store, picture framing, pharmacy, sporting goods, furniture, shoe, health care and beauty aids and video rental stores. The structure may also include a single accessory apartment above the first-floor commercial use.

Location: Town of Haverstraw, Rockland County, New York. Along fully improved State or County roads in all zoning districts except the R-40 and R-120 Districts

Reasons Supporting This Determination:

1. The proposed zoning amendment, which would permit as by a special permit the uses identified above in every zoning district, except the R-40 and R-120 districts, in the Town of Haverstraw, is not anticipated to result in any adverse environmental impacts for the following reasons.
2. The proposed action is not site specific and is generic in nature and the amendment of the ordinance does not actually result in the actual development of a site but permits the development of a site to occur for the uses identified above. Therefore, it is not anticipated that the change in zoning would result in a substantial impact on the environment.
3. Any potential impacts resulting from the proposed use would only be realized when a specific site is developed. It is anticipated that a separate environmental review will be performed and that all of the potential impacts related to the development of a site for a will be fully reviewed when a specific application is made.
4. The Town of Haverstraw has also adopted appropriate controls in order to regulate the size, setbacks and other requirements related to the construction of the uses identified above which will adequately help to mitigate any potential impacts that may result from the development of said use.
5. It is not anticipated that any of the criteria as described in §617.7(c)(1)(i –xii) would be significantly impacted as a result of the zone change, and

BE IT FURTHER RESOLVED, that for the foregoing reasons the Town Board hereby adopts Local Law No. 2 of 2011 as amended.

JOSEPHINE E. CARELLA
Town Clerk

LOCAL LAW NO. 2 OF 2011

A LOCAL LAW OF THE TOWN OF HAVERSTRAW AMENDING CHAPTER 167 OF THE CODE OF THE TOWN OF HAVERSTRAW BY ADDING A COUNTRY COMMERCIAL BUSINESS DISTRICT

Be it enacted by the Town Board of the Town of Haverstraw as follows:

SECTION 1. Purpose:

The purpose of this local law is to create a special permit use called Country Commercial Development to allow environmentally appropriate local small businesses to exist in a mixed-use zoning serving local neighborhoods.

SECTION 2. Amendment to Chapter 167

Chapter 167 (Zoning) of the Haverstraw Code is amended by adding to Section 167-3 (Word Usage and Definitions) the following definitions in appropriate alphabetical order:

COUNTRY COMMERCIAL:

- A. A single or two story attached retail or service retail businesses which is limited to include a: bakery, barber shop, convenience store, china and giftware store, clothing store, deli, florist, floral decorating, hair salon, jewelry store, picture framing, pharmacy, sporting goods, furniture, shoe, health care and beauty aids and video rental stores.

SECTION 3. Country Commercial Uses

Chapter 167 (Zoning) of the Haverstraw Code is amended to create a new Section 167-37.3, to read as follows:

- a. A Country Commercial Use as designated by special permit issued by the Town Board subject to the following restrictions:
1. Permitted in all zoning districts with the exception of the R-120 and R-40 Districts.
 2. Any such business establishment must have frontage on a fully improved state or county road.
 3. The minimum lot area required for a use permitted in this section shall be 17,500 square feet.
 4. If not specifically regulated in this section, the proposed use shall comply with all other applicable bulk requirements of the underlying zoning district in which the property is located, as contained in the Table of General Bulk Requirements.

5. The principal structure shall not exceed 2000 square feet of building area (inclusive of finished and unfinished interiors) and may include a single accessory apartment above the first-floor commercial use, provided that this single accessory use has a valid certificate of occupancy, does not exceed 900 square feet and is otherwise permitted use in the Zoning District where the parcel of land is located.
 6. The accessory apartment is required to have a minimum of 2 parking spaces and the retail establishment is required to have a minimum of 4 parking spaces per 1,000 square feet of gross floor area (GFA), with at least one handicapped parking space included among the required spaces. Specifically, the dimensions of the at grade parking spaces shall be for each standard space (18 feet length, 9 feet width and 24 feet aisle width) and for each handicapped space (18 feet length, 9 feet width and 8 feet access aisle width).
 7. All parking areas shall be suitably screened and buffered as determined by the Planning Board during site plan review.
 8. The use must be both environmentally appropriate and compatible with a low density, suburban or rural residential environment as determined in the sole discretion of the Town Board.
 9. The building shall be designed so that it appears residential in nature and is compatible with existing residential structures in the area.
 10. All buildings are required to have a pitched roof and flat roofs are not permitted.
 11. All uses permitted under this section shall be referred to the Architectural Review Board.
- b. In addition to the particular requirements for such use (as delineated at subdivision a above) as determined in their sole discretion the Planning Board as part of a site plan review may require sight easements, fences, safety devices, landscaping, screening, access roads and or buffer areas to the adjacent neighboring area.

SECTION 4. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts or parts.

SECTION 5. Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

TOWN BOARD
GARNERVILLE, NY
JUNE 13, 2011

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, June 13, 2011 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

The meeting was opened with the Pledge of Allegiance.

On Roll Call the following members answered to their names:

Supervisor	Howard T. Phillips, Jr.
Councilman	Isidro Cancel
Councilman	Vincent J. Gamboli
Councilman	John J. Gould
Councilman	Hector L. Soto

ADOPTION OF MINUTES

237-11 TOWN BOARD MEETING MINUTES OF MAY 23, 2011; submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

Councilman Soto offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

238-11 RESOLVED, that bills numbered 1,671 through and including 1,924 in the amount of \$393,005.29 be and they are hereby paid; and Highway Vouchers numbered 302 through and including 338 in the amount of \$26,233.32 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

239-11 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF APRIL 2011.

ADOPTION OF POLICY FOR PUBLIC ACCESS TO MEETINGS FOR THE TOWN OF HAVERSTRAW

Councilman Soto offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

240-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY ADOPTS THE ATTACHED POLICY REGARDING PUBLIC ACCESS TO MEETINGS FOR THE TOWN OF HAVERSTRAW.

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**RETAINER AGREEMENT WITH MERCEDES GREENLEAF, NURSE AND TOWN
OF HAVERSTRAW**

Councilman Gould offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

241-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY RETAIN THE SERVICES OF MERCEDES GREENLEAF OF GARNERVILLE, NEW YORK AS A NURSING CONSULTANT TO REVIEW DAY CAMP APPLICATIONS, AS PER ROCKLAND COUNTY HEALTH DEPARTMENT RULES, FOR THE TOWN OF HAVERSTRAW'S DAY CAMP PROGRAM AT A PAY RATE OF \$30.00 PER HOUR.

**AWARD OF RFP NO. 8-2011 – PURCHASE OF SCORECARDS FOR THE PHILIP J.
ROTELLA MEMORIAL GOLF COURSE**

Councilman Gamboli offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

242-11 RESOLVED, THAT THREE (3) REQUEST FOR PROPOSALS WERE SUBMITTED TO MICHAEL LAUDIEN, GOLF PRO, TO SUPPLY 40,000 SCORECARDS FOR USE AT THE PHILIP J. ROTELLA GOLF COURSE, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFP NO. 8-2011 TO GOLF ASSOCIATES OF ASHEVILLE, NORTH CAROLINA THE LOW BIDDER, AT A PRICE OF \$1,550.00.

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND J & J COMPUTING,
INC./DBA FIREWORKS EXTRAVAGANZA**

Councilman Soto offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

243-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH J & J COMPUTING, INC./DBA FIREWORKS EXTRAVAGANZA, OF OTISVILLE, NEW YORK FOR THE PURPOSE OF PROVIDING A FIREWORKS DISPLAY ON SATURDAY, JULY 2, 2011, WITH A RAIN DATE OF SUNDAY, JULY 3, 2011, AT BOWLINE POINT PARK, AND BE IT FURTHER

RESOLVED, THAT THE COST OF SAID AGREEMENT SHALL NOT EXCEED \$40,000.

SCHEDULE PUBLIC HEARING TO CHANGE LOCAL LAW HEALTH BENEFITS

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

244-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO CONSIDER ADOPTING A LOCAL LAW TO AMEND CHAPTER 34 RETIREMENT-HEALTH INSURANCE BENEFITS OF THE TOWN CODE. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, JUNE 27, 2011 8:00 P.M. AT THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, AND BE IT FURTHER

TOWN BOARD
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RESOLVED, THAT THE TOWN CLERK SHALL PUBLISH SAID NOTICE AND ALL PERSONS ARE INVITED TO ATTEND AND WILL BE HEARD BY THE BOARD.

**AMENDMENT OF EMERGENCY OPERATIONS PLAN FOR THE TOWN OF
HAVERSTRAW**

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

245-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE AMENDMENTS TO THE EMERGENCY OPERATIONS PLAN DATED JUNE 2011.

CHANGE OF TOWN BOARD MEETING DATES

Councilman Gamboli offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

246-11 RESOLVED, THAT THERE WILL BE ONLY ONE TOWN BOARD MEETING FOR THE MONTHS OF JULY AND AUGUST AND THE SCHEDULE IS AS FOLLOWS:

**MONDAY, JULY 18, 2011 AT 8:00 P.M.
MONDAY, AUGUST 15, 2011 AT 8:00 P.M.,**

AND BE IT FURTHER

RESOLVED, THAT THE SECOND TOWN BOARD MEETINGS FOR JULY AND AUGUST HAVE BEEN CANCELLED.

**SCHEDULE PUBLIC HEARING - TO SET 2011 BOWLINE POINT PARK SEASON
RATES AT THE TOWN OF HAVERSTRAW'S**

Councilman Gould offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

247-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO SET THE 2011 BOWLINE POINT PARK SEASON RATES AT THE TOWN OF HAVERSTRAW. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, JUNE 27, 2011 AT 8:00 P.M. AT THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, AND BE IT FURTHER

RESOLVED, THAT THE TOWN CLERK SHALL PUBLISH SAID NOTICE AND ALL PERSONS ARE INVITED TO ATTEND AND WILL BE HEARD BY THE BOARD.

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND CASSON
CONTRACT APPRAISAL SERVICES**

Councilman Gould offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

248-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CASSON VALUATION SERVICES, LLC OF PORT JERVIS, NEW YORK FOR APPRAISAL AND CONSULTING SERVICES FOR THE STATE LANDS TAX CERTIORARI AT A FEE NOT TO EXCEED \$18,000.00.

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**AUTHORIZATION TO EXECUTE THE AMENDED AGREEMENT FOR 2010 WITH
THE ROCKLAND COUNTY NARCOTICS TASK FORCE**

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

249-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE HOWARD T. PHILLIPS, JR., SUPERVISOR TO EXECUTE THE AMENDED AGREEMENT FOR 2010 WITH THE ROCKLAND COUNTY NARCOTICS TASK FORCE FOR REIMBURSEMENT OF A POLICE OFFICER ASSIGNED TO ROCKLAND COUNTY NARCOTICS TASK FORCE FOR THE PERIOD OF JANUARY 1, 2010 TO DECEMBER 31, 2010 IN THE SUM OF \$20,455.00.

RELEASE OF RETAINAGE TO INGANNAMORTE & SON CONTRACTORS

Councilman Gamboli offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

250-11 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOSEPH CARUSO, PE, OF MASER CONSULTING, PA OF CHESTNUT RIDGE, NEW YORK, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY RELEASES THE RETAINAGE IN THE AMOUNT OF \$3,180.00 TO INGANNAMORTE & SON CONTRACTORS REGARDING WOODRIDGE DRIVE DRAINAGE IMPROVEMENTS.

PUBLIC PARTICIPATION

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated that she called regarding the workshop and was told that there was no workshop today.

Supervisor Phillips stated that we cancelled tonight's workshop because we didn't have anything on for workshop. You tell people that we don't have scheduled workshop meetings. The reason you're not familiar with workshop meetings is the fact that you have never come before to our workshop or Town Board meetings.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated that she never told anyone that you don't have scheduled workshop meetings. What I said is that when I went to the one workshop meeting, the first one, and that was at 7:00 PM I was told that the workshop meeting was from 7:00 PM to 8:00 PM. The week after I called and asked what time the meeting was. It took three girls to ask when the workshop was. I was told if you want to know, come in and find out yourself. No workshops are on the web site.

Supervisor Phillips stated that I read your blog. I would like to review it with you.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated I just wanted to know about the workshop.

Supervisor Phillips stated that the workshop is at 6:00 PM on Town Board Meeting nights, if there is material to discuss. If there is nothing to discuss, there is no workshop. We have had workshops since 1983. You also referred on your blog that we spoke about unimportant matters at workshop.

Supervisor Phillips stated that I can assure you that any time we have a discussion that involves using taxpayers' funds, it is important or using the Police Department it is important, or any Town function that the public is attending it is important. You blogged that what we discussed is unimportant.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated I came to a Town meeting and waited 45 minutes to discuss road paving and fireworks. I will be recording the meetings. I don't have to tell you every time. At the last school budget meeting the reserve is still on the table. Have there been any discussions since then?

Supervisor Phillips stated I do not believe in using additional reserves. When we reviewed the financial report it showed that they used \$647,000 out of the \$15 million dollars in reserves year ending June 30, 2010. You have to budget more closely. The only way to build up reserves is to over budget expenditures and underestimate revenue. To continue to use reserves is a fool's game. Budget expenses and estimate revenues more accurately.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated that your recommendation is not to use any more reserves?

Supervisor Phillips stated that you have to estimate expenditures and revenues accurately.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated that at the last school board meeting Debbie Gatty said that the issue of reserves is still on the table.

Supervisor Phillips stated to go from \$42 million dollars to \$84 million dollars how did you get there in five years? The only way is by overestimating expenditures or underestimating revenues or both. You have to stop overestimating expenditures and underestimating revenue.

Lynn Teger, 5 Simenovsky Drive, Haverstraw, NY stated that it should be budgeted instead of dipping into reserves.

ANNOUNCEMENTS

The Watch Fire and Memorial Day Service went well.

The 4th of July Fireworks Celebration is scheduled for July 2nd with a rain date of July 3rd.

The summer concerts series will begin after that on every Thursday evening at 7:30 pm at Bowline Point Park.

The Youth Board had a boat trip yesterday. It was a nice trip and well attended. A lot of the kids from the Villages attended.

The 3-mile run went well. We will be able to give approximately \$9,000.00 to each of the families.

The boaters at the Haverstraw Marina are amazed at what we have to offer to the public.

ADJOURNMENT

251-11 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of James F. Lowe; Thomas Dolan; Jose Peña, Sr.; Donna A. Lasofsky and Marie R. DeLaney, who recently passed away. Supervisor Phillips, the Town Board members and the Elected Officials further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Gamboli, seconded by Councilman Soto the Town Board Meeting to adjourn the meeting.

JOSEPHINE E. CARELLA
Town Clerk