

TOWN BOARD  
GARNERVILLE, NY  
APRIL 22, 2013

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, April 22, 2013 at 7:00 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**

**216-13 ADOPTION OF TOWN BOARD MEETING MINUTES OF APRIL 8, 2013,** submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

**PAYMENT OF BILLS**

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

**217-13 RESOLVED,** that bills numbered 1,196 through and including 1,381 in the amount of \$608,476.68 be and they are hereby paid; and Highway Vouchers numbered 198 through and including 226 in the amount of \$7,911.20 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

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

**218-13 RESOLVED, THAT THE POLICE ACTIVITY REPORT FOR THE MONTH OF FEBRUARY 2013 HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED.**

**CLOSE CAPITAL PROJECT – WALKING PATH AND AMENITIES AT BOWLINE POINT PARK**

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

**219-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MICHAEL COTIER, PARK DIRECTOR, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE WALKING PATH AND AMENITIES AT BOWLINE POINT PARK, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$65,000.00 OF WHICH \$45,343.42 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT AND \$19,656.58 WILL BE TRANSFERRED BACK TO THE GENERAL FUND.**

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**CLOSE CAPITAL PROJECT – POOL DECK EXPANSION AT BOWLINE POINT  
PARK**

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

**220-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MICHAEL COTIER, PARK DIRECTOR, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE POOL EXPANSION AT BOWLINE POINT PARK, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$95,000.00 OF WHICH \$85,733.59 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT AND \$9,266.41 WILL BE TRANSFERRED BACK TO THE GENERAL FUND.**

**CLOSE CAPITAL PROJECT – 2009 ROADWAY RESURFACING PROGRAM**

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

**221-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE 2009 ROADWAY RESURFACING PROGRAM, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$500,000.00 OF WHICH \$497,835.29 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT AND \$2,164.71 WILL BE TRANSFERRED BACK TO THE GENERAL FUND.**

**CLOSE CAPITAL PROJECT – 2010 BELGIUM BLOCK CURB**

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

**222-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE 2010 BELGIUM BLOCK CURB, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$425,000.00 OF WHICH \$386,033.95 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT AND \$38,966.05 WILL BE TRANSFERRED BACK TO THE GENERAL FUND.**

**CLOSE CAPITAL PROJECT – RESURFACE AND RETILE MAIN POOL AT  
BOWLINE POINT PARK**

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

**223-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MICHAEL COTIER, DIRECTOR OF PARKS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT TO RESURFACE AND RETILE MAIN POOL AT BOWLINE POINT PARK, AND BE IT FURTHER**

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**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$150,000.00 OF WHICH \$136,839.90 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT AND \$13,160.10 WILL BE TRANSFERRED BACK TO THE GENERAL FUND.**

**RFQ NO. 6-2013 – BLACK MULCH – BOWLINE POINT PARK**

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

**224-13 RESOLVED, THAT THREE (3) REQUEST FOR QUOTES WERE SUBMITTED TO MICHAEL COTIER, PARK DIRECTOR, FOR BLACK MULCH AT BOWLINE POINT PARK, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFQ TO MULCH RIGHT INC. OF GOSHEN, NEW YORK, THE LOWEST QUOTE, AT A COST OF \$22.00 PER YARD. THIS REPLACEMENT OF PLAYGROUND SAND WAS NECESSARY DUE TO DAMAGE CAUSED BY HURRICANE SANDY. THE TOWN IS REQUESTING REIMBURSEMENT FROM FEMA.**

**RFQ NO. 7-2013– ELKAY RECESSED WALL MOUNT WATER COOLER**

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

**225-13 RESOLVED, THAT THREE (3) REQUEST FOR QUOTES WERE SUBMITTED TO MICHAEL COTIER, PARK DIRECTOR, FOR AN ELKAY RECESSED WALL MOUNT WATER COOLER AT BOWLINE POINT PARK, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFQ TO GLOBAL INDUSTRIAL OF PORT WASHINGTON, NEW YORK, THE LOWEST QUOTE, AT A COST OF \$2,409.80.**

**RFQ NO. 8-2013– TWO NEW ID SOFTWARE PACKAGES FOR ID CARDS**

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

**226-13 RESOLVED, THAT THREE (3) REQUEST FOR QUOTES WERE SUBMITTED TO MICHAEL GAMBOLI, DIRECTOR OF FINANCE FOR ID MAKE SOFTWARE PACKAGES FOR THE TOWN OF HAVERSTRAW GOLF AND BOWLINE ID CARDS, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFQ TO IDVILLE OF GRAND RAPIDS, MICHIGAN, THE LOWEST QUOTE, AT A COST OF \$6,798.00.**

**SURPLUS FIELD CONTROLLERS AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE**

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

**227-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF CALVIN FOWX, GREENS KEEPER, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SALE OF NINE (9) SURPLUS**

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**FIELD CONTROLLERS FROM THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE AT A PRICE OF \$4,500.00 TO JOHN MOTYCKA OF SKUNGAMAUG CLUBS, INC. OF COVENTRY, CT.**

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND CORNELL COOPERATIVE EXTENSION**

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

**228-13 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION TO PROVIDE EDUCATIONAL SERVICES FOR THE 2013 PHASE 2 STORMWATER EDUCATION PROGRAM, EFFECTIVE APRIL 1, 2013 THROUGH MARCH 31, 2014 AT A COST OF \$5,440.00.**

**SCHEDULE PUBLIC HEARING – TO CONSIDER THE ISSUANCE OF SPECIAL PERMITS TO UNITED WATER NEW YORK, INC.**

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

**229-13 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF SPECIAL PERMITS TO UNITED WATER NEW YORK, INC. TO CONSIDER THE ISSUANCE OF SPECIAL PERMITS TO UNITED WATER NEW YORK, INC. FOR 555-571 BEACH ROAD IN HAVERSTRAW, NEW YORK FOR 1. PUBLIC UTILITY USE IN PIO DISTRICT (167L-ATTACHMENT 12-COLUMN 4 NO. 1, PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS; AND 2. SPECIAL PERMIT FOR WATER TANKS OWNED AND OPERATED BY A PUBLIC UTILITY (167-381, TOWN BOARD APPROVAL), AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD HEREBY REFERS THE APPLICATIONS FOR THE SPECIAL PERMITS TO THE PLANNING BOARD FOR THEIR REVIEW AND RECOMMENDATIONS. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, MAY 13, 2013 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 WITH BLUEPAY PROCESSING, LLC**

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

**230-13 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH BLUEPAY PROCESSING, LLC OF NAPERVILLE, IL TO PROVIDE CREDIT CARD PROCESSING FOR THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE.**

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**NOMINATE CONTINGENT PERMANENT POLICE OFFICER SEAN CAMPBELL**  
**FULL TIME**

The following resolution was approved by the full Town Board.

231-13 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY NOMINATE SEAN CAMPBELL OF GARNERVILLE, NEW YORK TO THE POSITION OF FULL TIME POLICE OFFICER CONTINGENT PERMANENT FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THIS NOMINATION IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

**NOMINATE CONTINGENT PERMANENT POLICE OFFICER MICHAEL SMITH**  
**FULL TIME**

The following resolution was approved by the full Town Board.

232-13 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY NOMINATE MICHAEL SMITH OF POMONA, NEW YORK TO THE POSITION OF FULL TIME POLICE OFFICER CONTINGENT PERMANENT FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THIS NOMINATION IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

**NOMINATE CONTINGENT PERMANENT POLICE OFFICER WALTER VEGA FULL**  
**TIME**

The following resolution was approved by the full Town Board.

233-13 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY NOMINATE WALTER VEGA OF POMONA, NEW YORK TO THE POSITION OF FULL TIME POLICE OFFICER CONTINGENT PERMANENT FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THIS NOMINATION IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

**NOMINATE CONTINGENT PERMANENT POLICE OFFICER MICHAEL LUPO**  
**FULL TIME**

The following resolution was approved by the full Town Board.

234-13 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY NOMINATE MICHAEL LUPO OF GARNERVILLE, NEW YORK TO THE POSITION OF FULL TIME POLICE OFFICER CONTINGENT PERMANENT FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THIS NOMINATION IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

TOWN BOARD  
GARNERVILLE, NY  
APRIL 22, 2013

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, April 22, 2013 at 7:10 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 Gould
Councilman	Hector L. Soto

### **PUBLIC HEARING – UNITED WATER SPECIAL PERMITS**

Supervisor Phillips announced that this Public Hearing is being held for the purpose of considering the issuance of special permits to United Water New York, Inc. for 710 Beach Road in Haverstraw, New York to: 1. Allow the use of a public utility substation; and 2. Reduce the width of the buffer requirements for the intake facility discussing the issuance of special permits for United Water New York. The Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

### **PRESENTATION BY SAMEET MASTER, PROJECT MANAGER & ROBERT J. ALESSI, ESQ. UNITED WATER NEW YORK, INC.**

Thank you Mr. Supervisor, and honorable members of the Board.

My name is Sameet Master; I am United Water's Project Manager for the Haverstraw Water Supply Project. I would like to take the opportunity to address United Water's site plan and sub-division application for the **Intake Pump Station**.

As you know, the Public Service Commission ordered United Water in 2006 and again in 2010 to have a new long term supply online by the end of 2015 to meet Rockland County's long-term water supply needs.

In 2007 United Water in a submission to the PSC selected the Haverstraw Water Supply Project at the long-term water supply project.

In 2008 United Water submitted a preliminary Draft Environmental Impact Statement to the Department Environmental Conservation for the Haverstraw Water Supply Project which commenced the State Environmental Quality Review process. This robust mechanism, known as SEQRA, is overseen by the DEC, the lead agency on this Project.

In early 2012, the experts at the DEC deemed the DEIS "complete" and issued draft permits. They initiated a public comment period, and the public had the opportunity to attend two public hearings and submit written comments.

United Water is currently working with the DEC to prepare a Final EIS, and is looking to continue the local approval process in an effort to obtain permits and approvals to commence construction by May 31, 2013, pursuant to the PSC's order.

With respect to comments related to progressing the local approvals before the SEQRA process is complete, United Water is currently working with the DEC to prepare a Final EIS, and is looking to continue the local approval process in an effort to obtain permits and approvals to commence construction by May 31, 2013, pursuant to the PSC's order.

Finally, NYSDEC's SEQRA review process for the Project remains ongoing and will not be complete until NYSDEC issues its SEQRA "findings". There is, however, no requirement that United Water wait until after NYSDEC completes the SEQRA process to file local land use

applications. Indeed, the law is the opposite. Agencies' normal procedures for review and approval of an action "shall run concurrently" with the SEQRA process.

United Water submitted separate land use applications to the Town of Haverstraw for the Intake and Water Treatment Plant sites because they are two separate parcels currently owned by different entities. UWNY has submitted to the Town of Haverstraw all plans necessary for comprehensive consideration of the pending land use applications.

Intake PS site is unique with a majority of it under water and non-confirming with the Town zoning law.

Intake PS:

- Is approximately 25-feet tall, and less than 1,200-square feet.
- Will house pumps for pumping river water to the water treatment plant.
- Have a 6-ft tall chain link fence on the property line for security purposes.
- Have landscaping to provide screening (primarily on the North and South sides of the site) and balance the security needs of the facility.
- There is minimal runoff from the site due to infiltration and porous pavers. All runoff will flow by sheet flow to the river.
- Have access via shared driveway with U.S. Gypsum.
- The Pump Station is unmanned, but will be visited by United Water personnel daily.

**Flood elevation:** United Water has given careful consideration to protecting the Intake Pump Station from storms, particularly in the wake of Superstorm Sandy. The Intake Pump Station is designed pursuant to the New York State Sanitary Code, which requires that pumping stations be elevated to a minimum of 3 feet above the 100-year flood elevation, or three feet above the highest recorded flood elevation, whichever is higher. The highest recorded flood elevation for this area is based on the Federal Emergency Management Agency ("FEMA") records for the Haverstraw Bay area, with the highest observed water surface elevation determined to be at elevation 9.6 feet. Therefore, to be conservative, UWNY has used a high water level elevation of 10 feet. The Intake Pump Station design accounts for this elevation and the possibility of future sea level rise, and therefore, has a finished floor elevation of 13 feet, or 3.4 feet above the highest recorded flood elevation. In addition, the structure will be concrete and constructed in accordance with all applicable federal, state, and local regulations for a structure in this location.

Thank You for the opportunity to discuss these items.

### **Robert J. Alessi, Esq. Comments**

#### **I. Summary**

- As part of the Haverstraw Water Supply Project, United Water has applied to the Town Board for two special permit uses for the Intake Site.
- **First**, United Water needs permission from the Town Board under Town Code § 167-19 to construct a **public utility substation**.

- **Second**, United Water needs a reduction of the buffer around for special permit uses from 50 feet to 20 feet (Town Board can grant under column 9, number 3 of the Table of General Use Requirements in CR zoning district).

## **II. Public Utility Substation**

### **A. Town Code § 167-19**

- Town Code § 167-19 allows Town Board to “grant a special permit for the construction of a public utility substation.”
- “Public utility substations” are defined in Section 167-3(c) of the Town Code as a “local facility designed and intended for the control of the distribution of electricity and/or gas or other local utility service.”
- Distribution of water is plainly a “utility service” under the Town Code, New York State statutory law, and the everyday meaning of the term. *See, e.g.*, Town Code § 167-3(c) (defining “utility poles, lines, and towers” to include “poles, lines and towers used as part of a system for the transmission of... water”); New York Public Service Law §§ 2(23), 89-a (defining “utility company” and “public utility company” to include any entity subject to the Public Service Law, which includes entities such as United Water that sell, furnish and distribute water for domestic, commercial and public purposes).
- Because the Intake Pump Station will be a facility that controls the distribution or transmission of water for public purposes, it is a “public utility substation” under Town Code § 167-3(c).
- Town Code § 167-19(A) states that public utility substations “shall serve the area of the Town of Haverstraw and/or immediately adjacent communities.” As part of the HWSP, the Intake Pump Station will serve Haverstraw and the vast majority of the rest of Rockland County.
- United Water has requested variances from the ZBA from the requirements of Town Code § 167-19(B) and (C) for minimum lot area and setback requirements.
- Town Code § 167-19(D) states there “shall be adequate off-street parking, but in no case less than two parking spaces.” The Intake Pump Station property will have two parking spaces.

### **B. Table of General Use Requirements**

- Intake is the Commercial Recreation (CR) zoning district. Pursuant to column 4 of the Table of General Use Requirements in CR zoning district, use by special permit of the Town Board includes:

“Public Utility substations housed in buildings that harmonize with the character of the neighborhood and have adequate fencing, safety devices and screening. Public utility substations are subject to § 167-19.”

- **Harmonize with Character of Neighborhood:**

- As noted above, Intake Pump Station is a “public utility substation,” which is a use permitted in the CR zoning district with a special permit.
- Inclusion of a permitted use in a zoning ordinance “is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood.” *North Shore Steak House, Inc. v. Bd. of Appeals of Incorporated Village of Thomaston*, 30 N.Y.2d 238, 243 (1972).



- USG used Property for commercial/industrial purposes, although USG has suspended its operations in light of current economic downturn.
  - Appearance of Intake Pump Station building (1,100 square feet) will incorporate architectural features of the adjacent marina and nearby residential homes. Pump Station building architectural design fits the character of the nearby marina and serves as a transition from the existing industrial nature of the Site to nearby residential areas.
  - Intake Pump Station would restore, revitalize, and redevelop this now underutilized industrial portion of the waterfront for a use that would be compatible with the surrounding area, which includes the Haverstraw Marina, the USG conveyer structure, and a nearby residential area.
  - Intake Pump Station would be designed to minimize its appearance as an industrial structure and be aesthetically suitable to its setting.
  - With a compatible design and with the little daily activity (e.g., employee trips or deliveries), the Intake Pump Station would harmonize with surrounding uses and would not be detrimental to adjoining properties.
- Adequate Fencing/Safety Devices: The Intake Pump Station property will be surrounded by a six-foot chain-link fence. A retaining wall will also surround three sides of the Intake Pump Station.
- Screening:
- Half the Property would be vegetated, and arborvitaes and other landscaping will be used to screen the Intake Pump Station from view.
  - The chain-link fence and wall around the property will also provide screening.

### **III. Buffer Reduction to 20 Feet**

A. Column 9, number 3 of the Table of General Use Requirements in CR zoning district states:

“Buffer areas of 50 feet shall be required for special permit uses, except that the [ZBA] or Town Board may reduce width of buffer areas to no less than 20 feet where local conditions indicate that protection for neighboring properties may be reasonably provided. Such buffer areas shall be permanently landscaped and maintained in harmony with the landscaping or natural growth in the neighborhood.”

- United Water is requesting that the buffer area requirement be reduced to 20 feet pursuant to this section.
- Intake Pump Station design provides protection for neighboring properties. Pumps themselves will be housed in the building, which will be partially surrounded by a retaining wall, and fully surrounded by a six-foot chain-link fence.
- Buffer area will be permanently landscaped with arborvitaes. All landscaping would be maintained and dead plant materials or other damaged landscaping items shall be replaced. The landscaping would be consistent with and in harmony with the design of the building and the natural growth of the neighborhood.

**IV. General Factors for Granting a Special Permit Use Under Town Code § 167-14**

A. In addition to the specific section of the Town Code relating to public utility substations (167-19), Section 167-14 provides general provisions governing all special permit uses.

B. Town Code § 167-14(A) and (C) state that “in considering an application for a special permit for any use as provided in Columns 3 and 4 of the Use Table, the... Town Board shall take into account the following” [ten] factors, and that “prior to its determination of any application for a special permit use... the Town Board shall request and review a recommendation from the Planning Board” as to the ten factors. United Water will submit further information on the ten factors to the Planning Board which will then make a recommendation to the Town Board which will include an analysis of the ten factors as applied to the Pump Station.

United Water has provided most all of the information contemplated by the ten factors to the Zoning Board and Planning Board in recent hearings and meetings before them but will provide the information in a manner more tailored to the ten factors.

**PUBLIC PARTICIPATION**

Supervisor Phillips stated that for anyone opposing the Desalinization Plant this is not a hearing for that. We are not voting yes or no tonight for the Desalinization Plant. This public hearing is for the issuance of a special permit to allow the use of a public utility substation and to reduce the width of the buffer requirements for the intake facility. If you stray off you will be ruled out of order. We have had numerous public meetings and public comments. This has been the most thoroughly reviewed application in the history of Rockland County. Please keep your comments to what we are here for tonight.

Gil Hawkins, 123 Nap Terrace, Leone NJ & Fisherman’s Association stated that he was concerned about the storage of chemicals on the site – sodium hypochlorite. Mr. Hawkins asked to enter into the record his printout on sodium hypochlorite.

Gil Hawkins, 123 Nap Terrace, Leone NJ & Fisherman’s Association stated that the conveyor at Gypsum extends out into the water. Who owns the rights to that pipe and conveyor? Who has the riparian rights for the conveyor?

Susan Filgueras, 87 Mott Farm Road, Tomkins Cove asked why are we separating the permits – do they not work together? It’s really a case of segmentation.

Supervisor Phillips stated it is duly noted.

Susan Filgueras, 87 Mott Farm Road, Tomkins Cove stated that the drawings were not signed by the engineer who drew them. Are there drawings signed by a certified engineer? Also, diesel fuel is expensive – why can’t the generator run on natural gas which is safer. It will be put right next to the river. I have to question that. Does the building inspector agree or disagree with this?

Supervisor Phillips stated that the applicant has the right to request a permit. The Town Board will inform the Planning and Zoning Boards and the Building Inspector who will advise.

George Patonovik, 597 Old Gate Hill Road, Stony Point, NY asked if the proposed use was compatible for the zone. In the Town Code section 167-19(e) states that utility substations to be dedicated to the Town whether it’s compatible. The applicant states it will be.

Supervisor Phillips stated it will be duly noted.

George Patonovik, 597 Old Gate Hill Road, Stony Point, NY asked what impacts will this have on the boathouse and the proposed 6 trees to shield the property which are totally inadequate.

Lori Seaman, New City stated that she would like to adopt the comments as her own. She stated that the proposal is not accurate and complete. The United Water report is useless and incomplete.

Supervisor Phillips stated that this application should stand on its own at this public hearing.

Kevin Wagner, Oradell, NJ stated that we need to build the substation and is in favor of it.

Paul Sabino, Country Club Lane, Pomona stated that he was in favor of the water plant.

Lynn Teger, Haverstraw not in favor.

John Maria, New City stated that he was in favor of the project.

Al Samuels, President & CEO of Rockland Business Associates stated that he was an advocate of this project and is in favor.

James Sepinski, 36 N. Wayne stated that we need to get something done here and was in favor.

Suzanne Keirman, Pomona not in favor.

Sandy Leftkowitz, Congers stated that she was opposed.

Sara Kressman, W. Nyack stated she was not in favor.

#### **ADJOURNMENT**

**235-13** On motion by Councilman Gould and seconded by Councilman Cancel, unanimously adopted, the Public Hearing was adjourned and will remain open until the next Town Board Meeting of May 13, 2013 at 8:00 p.m.

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**KAREN L. BULLEY**  
Town Clerk

TOWN BOARD  
GARNERVILLE, NY  
APRIL 22, 2013

**ADJOURNMENT OF REGULAR TOWN BOARD MEETING**

**236-13** A motion was made by Councilman Gamboli, seconded by Councilman Cancel to adjourn the Regular Town Board Meeting.

**CONVENE TO A JOINT SESSION OF THE TOWN BOARD AND  
POLICE COMMISSION**

**237-13** A motion was made by Commissioner Gamboli, seconded by Commissioner Soto to convene as Police Commission and Town Board.

POLICE COMMISSION/TOWN BOARD  
GARNERVILLE, NY  
APRIL 22, 2013

The Town Board of the Town of Haverstraw met jointly as Police Commission and Town Board of the Town of Haverstraw on Monday, April 22, 2013 at 7:15 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:

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

**TERMINATION OF GML 207-C BENEFITS FOR EMPLOYEE NO. SYS006489**

**The following resolution was approved by the full Town Board members and Police Commission.**

**238-13** **WHEREAS**, a hearing was requested pursuant to the Town of Haverstraw Police Department Line of Duty Injury Procedure relating to Employee No. SYS006489; and

**WHEREAS**, hearings were held before the Honorable Alfred C. Cava, the independent hearing officer selected to hear the matter; and

**WHEREAS**, the hearing officer heard testimony and took evidence on the question(s) before him, has rendered a decision and forwarded a complete copy of the record, together with his findings of fact and recommendations to the Town Board for its consideration; and

**WHEREAS**, the Town Board has reviewed the record together with the findings of fact and recommendations of the hearing officer;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Haverstraw, sitting as the Police Commission, hereby adopts the findings of fact and recommendations of the hearing officer in his decision dated April 5, 2013 and determines that Employee No. SYS006489 was able to return to full duty as of November 16, 2011; and

**BE IT FURTHER RESOLVED** that the Chief of Police is hereby directed to notify Employee No. SYS006489 of this determination and take all actions consistent with this determination relative to the employment status of said employee including, but not limited to, the termination of benefits pursuant to General Municipal Law Section 207-c effective immediately.

**ADJOURNMENT OF THE POLICE COMMISSION/TOWN BOARD MEETING**

239-13 On motion by Commissioner Gamboli, seconded by Commissioner Cancel, unanimously adopted, the Police Commission Meeting was adjourned.

240-13 **RECONVENED TO REGULAR TOWN BOARD MEETING**

On motion by Councilman Gould, seconded by Councilman Soto the Regular Town Board Meeting was reconvened.

**PUBLIC PARTICIPATION**

Rob Morgese, Police Officer stated that he has been a police officer in the Town of Haverstraw for 16 years and has been out with an injury for two years, which has really affected him and his family. My entire family is here and I want to apologize to my family publically to my father and my wife for the way that I have been acting these past two years. I have done some silly things and I apologize publically for them. I apologize to the board and to Mr. Supervisor for acting the way I did at my interview. I want to apologize to Lt. Lund.

Supervisor Phillips stated that we would like to offer you the opportunity to speak to the board.

George Patonovik, 597 Old Gate Hill Road, Stony Point, NY with the proposed desalination plant, is the JRSB capable of handling the quantity of water? Can it handle it?

Supervisor Phillips stated that we will have Pat Brady, Engineer of JRSB answer that. We can sit down and meet with him anytime.

**ADJOURNMENT TO TAKE A FIVE MINUTE RECESS**

241-13 On motion by Councilman Gould, seconded by Councilman Gamboli, unanimously adopted, the Town Board Meeting was adjourned for a five minute recess.

242-13 **RECONVENED TO REGULAR TOWN BOARD MEETING**

On motion by Councilman Cancel, seconded by Councilman Soto the Regular Town Board Meeting was reconvened.

**8:00 P.M. - PRESENTATION OF MEDAL OF VALOR TO  
ANDREW KOLESAR**

The Town of Haverstraw honored volunteer firefighter Andrew Kolesar as the first recipient of the Town of Haverstraw Medal of Valor. The following events took place:

1. **PRESENTATION OF COLORS BY THE  
TOWN OF HAVERSTRAW POLICE COLOR GUARD  
VILLAGE OF WEST HAVERSTRAW VOLUNTEER HOSE COLOR  
GUARD  
ESCORTED BY THE ROCKLAND COUNTY POLICE EMERALD  
SOCIETY PIPES AND DRUMS**
2. **PLEDGE OF ALLEGIANCE**
3. **NATIONAL ANTHEM  
PERFORMED BY ERAINA COLLAZO**
4. **INVOCATION  
FATHER JAMES McKENNA, SBD, DIRECTOR OF MARIAN SHRINE**
5. **INTRODUCTION OF DIGNITARIES**
6. **GUEST SPEAKERS  
JOHN RAMUNDO, MAYOR OF THE VILLAGE OF WEST HAVERSTRAW  
GORDON WREN, DIRECTOR OF ROCKLAND COUNTY FIRE AND  
EMERGENCY SERVICES**
7. **READING OF EVENTS BY CHIEF GEORGE ZAYAS**
8. **READING OF PROCLAMATION BY SUPERVISOR**
9. **PRESENTATION OF MEDAL OF VALOR AND PLAQUE TO  
ANDREW KOLESAR**
10. **BENEDICTION BY REVEREND WARREN BRANDT**
11. **RETIRING OF COLORS**
12. **REFRESHMENTS IN LOBBY**

**RESOLUTION**

The following resolution was approved by all of the Town Board members.

243-13       Whereas, the Town of Haverstraw Town Board and its residents wish to recognize extraordinary and courageous acts of bravery from its citizens in protecting the lives and welfare of the Haverstraw community; and

Whereas, these self-less lifesaving occurrences are uncommon and rare and are normally performed by emergency responders, who on a daily basis do not hesitate in answering to calls for help and place themselves in harm's way; and

Whereas, with no thought for their own safety or well-being but only the concern for those in danger, these individuals risk their lives to save others and thus should be recognized, applauded and honored by their fellow citizens; and

TOWN BOARD  
GARNERVILLE, NY  
APRIL 22, 2014

**Whereas, volunteer firefighter and former Chief, Andrew Kolesar of the Volunteer Hose Co. No. 2 of the West Haverstraw Fire Department, distinguished himself by immediately responding to the call of distress from a fellow firefighter, who was in a life-threatening situation, risking his own life to protect that of Captain Patterson's, rescued him from a smoke-filled house, going above the call of duty and demonstrating the extreme bravery and heroism thereby saving the life of a brother firefighter and displaying the finest tradition of our volunteers, and was therefore proper and fitting that he was awarded the distinguished title of New York State Volunteer Firefighter of the Year 2012; now therefore, be it**

**Resolved, that I Howard T. Phillips, Jr. and the members of the Haverstraw Town Board by the virtue of the authority vested in me as Supervisor of the Town of Haverstraw, do hereby bestow upon Andrew Kolesar the Town of Haverstraw Medal of Valor on this 22<sup>nd</sup> day of the month of April in the year of 2013.**

### **ADJOURNMENT**

**244-13** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Mildred M. Campoli, Nina Homenko, Angelo R. Rivera and Dorothy Rose Standish, who recently passed away. The Town Board members further extended their condolences and sympathy to the families. Therefore, a motion was made by Councilman Cancel, seconded by Councilman Gamboli, unanimously adopted; the Town Board Meeting was adjourned.

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**KAREN L. BULLEY**  
Town Clerk