

TOWN BOARD  
GARNERVILLE, NY  
MARCH 13, 2017

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, March 13, 2017, 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 (Absent)
Councilman	John J. Gould
Councilman	Hector L. Soto

**ADOPTION OF MINUTES**

**137-17** **ADOPTION OF MINUTES - TOWN BOARD MEETING OF FEBRUARY 27, 2017** as submitted by the Town Clerk and on motion by Councilman Cancel, seconded by Councilman Gould, was unanimously adopted.

**PAYMENT OF BILLS**

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

**138-17** **RESOLVED**, that bills numbered 622 through 796 in the amount of \$716,311.70 and Highway bills numbered 123 through 152 in the amount of \$12,977.18 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

None.

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, March 13, 2017 at 8:05 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 (Absent)
Councilman	John J. Gould
Councilman	Hector L. Soto

**PUBLIC HEARING – TO ADOPT LOCAL LAW NO 1 – 2017 TO AMEND THE ZONING ORDINANCE OF THE TOWN OF HAVERSTRAW**

Supervisor Phillips announced that this Public Hearing was being held to consider adopting a Local Law to amend the zoning ordinance of the Town of Haverstraw. The Town Clerk read the proof of publication.

William M. Stein, Town Attorney, stated we will open the Public Hearing tonight and receive public comment and then adjourn the Public Hearing until April 24, 2017.

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Steve Silverberg, Consulting Attorney stated that the purpose of this amendment is to address the need for a new use and additional flexibility in managing residential properties for religious (gatherings) uses. The Town Board is aware that it is required to accommodate religious uses while balancing the need to maintain public safety. The proposed regulations are intended to apply to religious organizations wishing to meet regularly in a single-family house. The existing minimum bulk requirements for religious uses, yard and setback restrictions and parking requirements are nearly impossible to meet for most single-family homes intended to be used for small religious gatherings. This local law provides procedures that will conform to the International Fire Code and the International Property Maintenance current New York State Uniform Code requirements for places of religious worship, while permitting the review of the specific details of an application to the Town Planning Board for determination of the occupancy requirements, required parking, as well as a general assessment of the suitability of the proposed activity to the particular location. Specific conditions may be attached as part of the special permit approval. This permits the flexibility for the Planning Board to match the use in a specific location to appropriate requirements to address safety in residential neighborhoods perceived need to the special permit requirements.

**PUBLIC PARTICIPATION**

The overwhelming number of residents stated their concerns with religion gathering places in a residential single family home, and they were concerned about the safety of their neighborhoods. They also said they would reserve their comments on tax exemptions for public participation. The following residents asked numerous questions regarding the amendments to the zoning ordinance the Town Board intends to adopt, specifically about the requirements for a gathering place special permit, parking, busing, and fire building code regulations:

Brenda Silen, 16 Lea Court, Garnerville, NY

Martin Lyons, 2 Hobbs Court, Pomona, NY

Connie Criscuolo, 6 Balsam Road, Garnerville, NY

Cynarra Rivera, 21 Poplar Road, Garnerville, NY

Laura Montemarano, 20 Oakley Blvd, Garnerville, NY

Mary Murdock, 426 Country Club Lane, Pomona, NY

Eric Goldstein, 36 Poplar Road, Garnerville, NY

Mary Meehan, 7 Poplar Road, Garnerville, NY

Patty Coughlin, 23 Nytko Drive, Pomona, NY

Rivkie Feiner, 75 Remsen Avenue, Monsey, NY

Michael Malta, 11 Woodridge Drive, Garnerville, NY

James Randt, 9 Woodridge Drive, Garnerville, NY

Susan Filgueras, 47 Samsondale Avenue, West Haverstraw, NY

Daniel Callaghan, 34 Poplar Road, Garnerville, NY

Karen Boucher, 8 Phillis Drive, Pomona, NY

Alison Vallabhanini, 423 Country Club Lane, Pomona, NY

Patricia Rozycki 4 Stonecrest Drive, Thiells, NY

Darla Perrotto, 5 Balsam Road, Garnerville, NY

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Diane Mendez, 19 Valley Drive, Thiells, NY

Gwendolyn Eskinazi, 1 Dr. Marquise Drive, Thiells, NY

Arthur Ceratti, 8 Michael Court, Stony Point, NY

**BOARD MEMBERS**

No comment.

**ADJOURNMENT**

The Public Hearing was adjourned and will remain open until the Town Board Meeting of April 24, 2017 at 8:05 p.m.

**SCHEDULE PUBLIC HEARING - TO SET 2017 BOWLINE POINT PARK  
SEASON RATES AT THE TOWN OF HAVERSTRAW**

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

**139-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO SET THE 2017 BOWLINE POINT PARK SEASON RATES AT THE TOWN OF HAVERSTRAW. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, MARCH 27, 2017 AT 8:05 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.**

**APPOINTMENT OF CHARLES ZABA TO THE POSITION OF TEMPORARY  
ASSESSOR**

The following resolution was offered and unanimously adopted by all of the Town Board Members.

**140-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPOINTS CHARLES J. ZABA OF POMONA, NEW YORK TO THE POSITION OF TEMPORARY ASSESSOR, EFFECTIVE FROM MARCH 20, 2017 THROUGH JULY 1, 2017 AND BE IT FURTHER**

**RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, AND MR. ZABA SHALL RECEIVE AN ANNUAL SALARY OF \$85,000.00 PRO RATA.**

**AUTHORIZATION FOR SUPERINTENDENT OF HIGHWAYS TO ENTER INTO AN  
AGREEMENT WITH AAA COOLERATION SERVICE, INC.**

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

**141-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES GEORGE WARGO, SUPERINTENDENT OF HIGHWAYS, ENTER INTO AN AGREEMENT WITH AAA COOLERATION SERVICE, INC. OF GARNERVILLE, NEW YORK TO PROVIDE PREVENTATIVE**

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**MAINTENANCE SERVICES TO THE HEAT-A/C SYSTEMS AT THE HIGHWAY DEPARTMENT, ON A QUARTERLY BASIS, AT AN ANNUAL COST OF \$1,985.00.**

**RESOLUTION TO REQUEST A PUBLIC HEARING AND INVESTIGATION BY NEW YORK STATE DEPARTMENT OF STATE IN ORDER TO ADOPT A NON-SOLICITATION ORDER**

The following resolution was offered and unanimously adopted by all of the Town Board Members.

**142-17 WHEREAS: THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HAS RECEIVED NUMEROUS COMPLAINTS OF HARASSING ACTIVITY BY CERTAIN REAL ESTATE BROKERS; AND**

**WHEREAS: THERE IS SIGNIFICANT EVIDENCE OF CERTAIN REAL ESTATE BROKERS SENDING MULTIPLE UNSOLICITED COMMUNICATIONS TO HOMEOWNERS, INCLUDING LETTERS, POSTCARDS AND EVEN KNOCKING ON DOORS URGING HOMEOWNERS TO SELL THEIR HOMES, WHEN THERE HAS BEEN NO INDICATION BY HOMEOWNERS OF AN INTEREST IN SELLING THEIR HOMES; AND**

**WHEREAS: AS A RESULT, THE TOWN OF HAVERSTRAW HAS PRINTED SIGNS FOR HOMEOWNERS INDICATING THAT SUCH SOLICITATIONS ARE UNWANTED; AND**

**WHEREAS: THE CONTINUED HARASSING AND UNINVITED SOLICITATIONS COME WITH IMPLIED THREATS OF LOSS OF VALUE TO THOSE UNWILLING TO SELL NOW, BEFORE THEIR NEIGHBORHOOD CHANGES, AND**

**WHEREAS: THE ACTIVITIES DESCRIBED TO THE MEMBERS OF THE TOWN BOARD AMOUNT TO THE CLASSIC DEFINITION OF BLOCK BUSTING, WHICH IS DEFINED AS “THE PRACTICE OF PERSUADING OWNERS TO SELL PROPERTY CHEAPLY BECAUSE OF THE FEAR OF PEOPLE OF ANOTHER RACE OR CLASS MOVING INTO THE NEIGHBORHOOD, AND THUS PROFITING BY RESELLING AT A HIGHER PRICE”; AND**

**WHEREAS: SUCH ACTIVITIES ARE CREATING FEAR AND ANXIETY AMONG PROPERTY OWNERS IN THE TOWN OF HAVERSTRAW;**

**NOW THEREFORE, BE IT**

**RESOLVED: THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY CALLS UPON THE NEW YORK STATE DEPARTMENT OF STATE, TO INVESTIGATE THE ACTIVITIES BEING CONDUCTED IN THE TOWN OF HAVERSTRAW AND SURROUNDING COMMUNITIES AND TO HOLD A PUBLIC HEARING AND CONDUCT AN INVESTIGATION PURSUANT TO REAL PROPERTY-LAW SECTION 442-H AND TO THEN ADOPT A NON-SOLICITATION ORDER PREVENTING SOLICITATION IN THE UNINCORPORATED AREA OF THE TOWN OF HAVERSTRAW; AND**

**IT IS FURTHER RESOLVED THAT THE SUPERVISOR IS REQUESTED TO COMMUNICATE THIS RESOLUTION AND THE SENSE OF THIS BOARD TO THE NEW YORK STATE DEPARTMENT OF STATE’S DIVISION OF NEW YORK REAL ESTATE LICENSING.**

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**SCHEDULE PUBLIC HEARING - TO CONSIDER ADOPTING LOCAL LAW NO. 2 –  
2017 – TO AMEND CHAPTER 123 OF THE TOWN CODE OF THE TOWN OF  
HAVERSTRAW ENTITLED, “PEDDLING AND SOLICITING”**

The following resolution was offered and unanimously adopted by all of the Town Board Members.

**143-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW NO. 2 – 2017 TO AMEND CHAPTER 123 OF THE TOWN CODE OF THE TOWN OF HAVERSTRAW ENTITLED, “PEDDLING AND SOLICITING” TO ADD A “NO KNOCK” REGISTRY AND OTHER CHANGES TO THE LAW. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, MARCH 27, 2017 AT 8:10 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.**

**PUBLIC PARTICIPATION**

Jack Vasquez, 4 Baisley Circle, Garnerville, NY stated that the practice of blockbusting is happening frequently in his neighborhood. Mr. Vasquez has received many soliciting letters from a particular real estate company and has had people knocking on his door. Mr. Vasquez is very concerned that his house will lose value because of this company’s tactics to instill fear into the homeowners in his neighborhood.

William M. Stein, Town Attorney stated that the Town cannot pass a law that says that real estate brokers cannot send you mailers, brochures, letters or call you. The Town does have an anti-solicitation law that has been in effect for many years which says that homeowners can put up a sign on their door or window that meets exactly the language of the Code. If you display that sign a solicitor cannot knock on your door and if they do, you have the right to call the police department. In regards to the bombardment of letters, mailers, brochure and letters, the New York State Department of State has a Division of Real Estate Licensing which regulates real estate agencies and brokerages. There is a provision in the law that states that “If, after a public hearing and a reasonable investigation, the Secretary of State determines that the owners of residential real property within a defined geographic area are subject to intense and repeated solicitations by real estate brokers and salespersons or others to place their property for sale with such real estate brokers or salespersons, or otherwise to sell their property, and that such solicitations have caused owners to reasonably believe that property values may decrease because persons of different race, ethnic, social, or religious backgrounds are moving or are about to move into the neighborhood or geographic area, the Secretary of State may adopt a rule, to be known as a nonsolicitation order, directing all real estate brokers, salespersons and other persons regularly engaged in the trade or business of buying and selling real estate to refrain from soliciting residential real estate listings or otherwise soliciting the sale of residential real estate within the subject area.”

Supervisor Phillips asked the residents who are experiencing aggressive solicitation by real estate brokers to send a letter detailing their specific experience and attach any letters, mailings or brochures they have received. This information will be forwarded to the New York State Department of State Division of Real Estate Licensing to help with the investigation.

Patricia Lacour, 52 Dunnigan Drive, Pomona, NY asked what is the timeframe to send in feedback about the constant letters and soliciting by a real estate company.

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Supervisor Phillips replied that residents should send the information as soon as possible.

Raul Colarte, 7 Hobbs Court, Pomona, NY stated that he has also been receiving letters and would like to know who to send them to.

Supervisor Phillips replied that residents can send the letters to Town Hall or by email.

Michael Malta, 11 Woodridge Drive, Garnerville, NY asked if he has a “no trespassing” sign posted on his house, can he press charges on solicitors who come on his property.

William M. Stein, Town attorney replied that he may not press charges because commercial speech is protected under the Constitution and if a person has a Hawking and Peddling License that person is allowed to come and knock on your door. The homeowner is allowed to take the less restrictive means which is to display a sign with specific language on it as indicated in our “Anti-Solicitation Law.” Only then solicitors are not allowed to knock on your door even if they have a permit.

Brenda Silen 16 Lea Court, Garnerville, NY asked what would be the time frame of this investigation and is there anything the residents can do to expedite it.

William M. Stein, Town Attorney replied that we cannot expedite the investigation but that we should send in all the information as soon as possible.

Gwendolyn Eskinazi, 1 Dr. Marquise Drive, Thiells, NY asked about the requirements to qualify for a tax exemption if a residential home has a portion of it used as a gathering place. Ms. Eskinazi also stated that she has received numerous real estate solicitation letters and people knocking on her door.

Ashley Randt, 9 Woodridge Drive, Garnerville stated that she is concerned about having to take on a tax burden if other houses in her community are eligible for a tax exemption.

John O’Shaughnessy, Assessor stated that there is no partial tax exemption for a residential house that has a portion of it used as a gathering place. In order for a house to qualify for a tax exemption, it has to be owned by a religious organization, a member of the clergy has to live there, and it must be used exclusively as a house of worship. The member of the clergy cannot make any significant outside income.

Salvatore Pugliese, 7 Margaret Lane, Thiells, NY asked if there is a limit of how many houses can be tax exempt in the Town of Haverstraw, and how is Haverstraw going to police if houses are really eligible.

Supervisor Phillips stated that if a house meets the criteria you cannot deny the tax exemption. Our Assessor, John O’Shaughnessy will oversee the process.

### **ADJOURNMENT**

**144-17** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight’s meeting in memory of Gloria Ester Stalter, Mary Joan Ahokas, Robert J. Hussey, Derli Rosas, Emilda Abreu and Gerard Benderoth who recently passed away. A motion was made by Councilman Gould, seconded by Councilman Soto, and unanimously adopted and the Town Board Meeting was adjourned.

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**RAQUEL VENTURA**  
Town Clerk