

TOWN BOARD  
GARNERVILLE, NY  
AUGUST 14, 2017

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, August 14, 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**

**305-17 ADOPTION OF MINUTES - TOWN BOARD MEETING OF JULY 10, 2017 AND SPECIAL TOWN BOARD MEETING OF AUGUST 8, 2017** as submitted by the Town Clerk and on motion by Councilman Cancel, seconded by Councilman Soto, were unanimously adopted.

**PAYMENT OF BILLS**

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

**306-17 RESOLVED**, that bills numbered 2347 through 2578 in the amount of \$1,153,439.91 and Highway bills numbered 424 through 467 in the amount of \$96,558.61 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

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

**307-17 RESOLVED**, that the Highway Department Operation Report for the month of July 2017 has been submitted and is hereby accepted.

**PUBLIC HEARING – CONSIDER PETITION FOR AMENDMENT TO THE ZONING CODE AND MAP**

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, August 14 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

Supervisor Phillips announced that this Public Hearing was being held to consider adopting a Local Law to amend the zoning code and map of the Town of Haverstraw.

The Town Clerk read the proof of publication.

**PRESENTATION BY TOWN ATTORNEY WILLIAM M. STEIN**

Town Attorney William M. Stein stated that the Town Board received a petition by WW Best, LLC for the property located at 18 Thiells Mount Ivy Road, and located on the Town of Haverstraw Tax Map as Section 25.14, Block 3, Lot 34 requesting that the property, which the Applicant owns, be rezoned from the R (Residential)-15 District to the C (Commercial) District.

George Behn, Building Inspector, stated that the commercial line would be moved north about 500 feet to include this property in the C-District.

Michael Kauker, Planning Consultant stated that he reviewed the application and prepared a Negative Declaration. This notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law. It is an Unlisted Action, Under the SEQRA Act, and recommended the Town Board adopt this Negative Declaration. The Town Board of the Town of Haverstraw, as lead agency, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**PUBLIC PARTICIPATION**

The following residents addressed their questions and concerns to the Town Board regarding the proposed law, including topics such as safety, permitted uses, possible Town tax revenue and impact to traffic:

Joseph Klein, 20 Thiells Mt. Ivy Road, Pomona, NY

Kim Slanka, 51 Country Club Lane, Pomona, NY

Allan Fallick, 34 Country Club Lane, Pomona, NY

Sheila Fallick, 34 Country Club Lane, Pomona, NY

Gina A Colasacco, 12 Country Club Lane, Pomona, NY

Linda Acevedo, 85 Country Club Lane, Pomona, NY

Robert Castro, 63 Country Club Lane, Pomona, NY

Barbara Hunken, 58 Country Club Lane, Pomona, NY

John Reo, 56 Country Club Lane, Pomona, NY

Nancy M Laiosa, 58 Country Club Lane, Pomona, NY

Susan Sperring, 69 Country Club Lane, Pomona, NY

**CLOSE HEARING**

**308-17** On motion by Councilman Cancel, seconded by Councilman Soto, unanimously adopted, the Public Hearing was closed.

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**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 6 OF 2017**  
**AMENDMENT TO THE TOWN ZONING MAP**

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

Application of WW Best, LLC (the “Applicant”)  
18 Thiells Mount Ivy Road, Haverstraw, NY (the “Property”)  
Section 25.14, Block 3, Lot 34  
R-15 (Medium-Density Residence) Zoning District

**309-17** WHEREAS, pursuant to Town of Haverstraw Zoning Code (“Zoning Code”) §167-110 the Applicant submitted a Petition to the Town of Haverstraw Town Board (“Town Board”) requesting that the Property, which the Applicant owns, be rezoned from the R-15 District to the C (Commercial) District, and

WHEREAS, the Property contains a single 2-story, 8,000 square foot structure that has been operating as a professional office building pursuant to a use variance that was granted in 1982, and

WHEREAS, with the Petition the Applicant also submitted a Short Environmental Assessment Form (“EAF”), Part 1 pursuant to the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, as the only application is for an amendment to the zoning map and under State and Local law the Town Board is the only body authorized to take such action, the Town Board is the only involved agency under SEQRA, and

WHEREAS, the Petition was circulated to all interested agencies pursuant to SEQRA and for referral in accordance with NY General Municipal Law § 239-l, -m and more than thirty days have passed since the Petition was circulated, and

WHEREAS, the Town Board held a duly noticed public hearing on the application at its regular meeting on August 14, 2017, and the Applicant and members of the public having had an opportunity to speak on the application, the public hearing was closed on August 14, 2017, and

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby declares itself lead agency under SEQRA for this Unlisted action, and

BE IT RESOLVED, , that the Town Board hereby adopts the annexed SEQRA Negative Declaration finding that the proposed amendment requires no further environmental review, and

BE IT FURTHER RESOLVED, the findings of this Board are as follows:

1. The rezoning of this Property as commercial is appropriate as it is located immediately north of the current boundary line for the C district and it has been operating with professional offices, uses permitted in the C district, pursuant to the use variance issued in 1982. This Board is of the opinion that it was an error for this Property to ever be zoned residential.

1. The purpose of seeking the zone change is to make the building space more marketable by permitting additional uses that are allowed in the C (Commercial) District and that are related to the professional office use that has existed on the Property for over 35 years.

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2. Having the Property be in the C District is beneficial to the Town as it will create the opportunity to have businesses that will contribute to the Town's tax revenue.
3. Even though the rezoning of the property as commercial would allow additional uses beyond the currently permitted professional office use pursuant to the 1982 use variance, the Applicant represented to the Town Board that it does not currently intend to change any of the existing uses in the building. The Applicant has indicated that there are existing leases for professional office uses with multiple years left on the leases. In addition, the Applicant also owns and operates a business on the premises called Dini Wigs, which sells wigs by appointment only for both medical and aesthetic purposes. It is possible that Dini Wigs may expand into other portions of building in the future.
4. As there are no proposed changes in the use of the building as part of this application, there will be no impacts to public health, safety and welfare over and above what currently exists in the area. In the future, if the Applicant seeks to renovate, modify or expand the site plan of the building to change any of the uses in the building, the Applicant will be required to obtain site plan approval from the Planning Board in accordance with Town Code § A173-2. This will give the Planning Board the opportunity to review any proposed changes to the structure and take into consideration any potential impacts to the public health, safety and welfare as set forth in Town Code § A173-3.
5. In response to the NY General Municipal Law referral, the Rockland County Department of Planning ("County Planning") recommended disapproval of the application on the grounds that the current professional office uses existing in the building are not permitted in the C District. This Board conclusively finds that this determination was made in error because the use chart for the C District available electronically is set forth on two pages and on the second page it identifies as a permitted use: "offices: professional, governmental and business." Therefore, it appears to be an oversight that led to the conclusion that said uses are not permitted. The County Planning letter stated that "while the parcel is located directly north of the existing C zoning district boundary, and an extension of the zone to include this parcel might seem appropriate, the C zoning district does not permit professional office uses, either by right or as a special permit of the Zoning Board of Appeals or Town Board." As County Planning was of the opinion the zone change was appropriate but for the fact that the professional office uses were not permitted, and in fact the professional office uses are permitted, the Town Board is of the opinion that but for the oversight in the permitted uses table County Planning would be amenable to the zone change.

BE IT FURTHER RESOLVED, in accordance with NY General Municipal Law the Town Board, by a supermajority vote, overrides the disapproval recommendation of County Planning in light of the oversight regarding the fact that professional uses are permitted in the C District and directs the Town Clerk to send County Planning a certified copy of this resolution explaining the reason for the override, and

BE IT FURTHER RESOLVED, the requested zone change of the Property from R-15 to C District is hereby granted and the Town zoning map will be modified accordingly to change the boundary of the C District to include the Property.

Dated as of August 14, 2017

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Supervisor

In Favor: 4  
Opposed: 0  
Abstain: 0  
Absent: 1

**STATE ENVIRONMENTAL QUALITY REVIEW  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**Project Name: WW Best, LLC (18 Thiells Mt. Ivy Road)**

**Date: August 14, 2017**

**Lead Agency: Town Board**

Town of Haverstraw  
One Rosman Road  
Garnerville, NY 10923

**Prepared by: Michael D. Kauker, PP, AICP**

Kauker & Kauker, LLC  
356 Franklin Ave.  
Wyckoff, NJ 07481  
(201) 847-2900

This notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law.

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.

**Name of Action:** WW Best, LLC (18 Thiells Mt. Ivy Road)

**SEQR Status:** Unlisted Action

**Conditioned Negative Declaration:** No

**Description:** Proposed amendment to zoning map to extend the C Commercial Zone to the north along the west side of Thiells Mt. Ivy Road to include the property (currently located in the R-15 district) known as 18 Thiells Mt. Ivy Road also identified in the tax records as Tax Id. 25.14-3-34.

**Location:** 18 Thiells Mt. Ivy Road (Tax Id. 25.14-3-34), Town of Haverstraw, Rockland County, New York.

**Reasons Supporting This Determination:**

1. The proposed map change is not anticipated to result in any adverse environmental impacts for the following reasons.
2. The subject property is located immediately adjacent to the C – Commercial District and is located along Thiells Mt. Ivy Road which is an appropriate location for the uses permitted in that district.
3. In addition the property is already developed with an existing building and parking area and has been historically used for office and other non-residential uses for many years.
4. Furthermore the proposed action would not result in any of the following:
  - a) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
  - b) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
  - c) The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
  - d) The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
  - e) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
  - f) A major change in the use of either the quantity or type of energy;
  - g) The creation of a hazard to human health;

h) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

i) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

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**APPROVAL OF EMPLOYMENT CONTRACT WITH TOWN OF HAVERSTRAW P.B.A.**

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

**310-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO EXECUTE AN EMPLOYMENT CONTRACT WITH THE TOWN OF HAVERSTRAW P.B.A.**

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND THE COUNTY OF ROCKLAND –REIMBURSEMENT OF LAW ENFORCEMENT OVERTIME FOR COUNTER-TERRORISM TRAINING**

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

**311-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE HOWARD T. PHILLIPS, JR., SUPERVISOR, TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT FOR OVERTIME FOR COUNTER-TERRORISM TRAINING UNDER THE STATE HOMELAND SECURITY PROGRAM (SHSP) AND LETPP HOMELAND SECURITY GRANT PROGRAM FOR THE PERIOD SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016, IN THE AMOUNT OF \$35,602.00 FOR THE TOWN OF HAVERSTRAW POLICE DEPARTMENT.**

**AWARD OF RFP NO. 9 – 2017 – REPLACEMENT OF MONITORING WELL MW-15A AT THE HAVERSTRAW SANITARY LANDFILL**

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

**312-17 RESOLVED, UPON THE RECOMMENDATION OF ORION B. COOK, P.E., CONVERSE CONSULTANTS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD RFP NO. 9-2017 FOR THE REPLACEMENT OF MONITORING WELL MW-15A AT THE SANITARY LANDFILL TO TRI-STATE DRILLING TECHNOLOGIES, INC. OF LEVITTOWN, NEW YORK, THE LOWEST QUOTE, AT A COST OF \$2,900.**

**INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF HAVERSTRAW REGARDING THE REGIONAL INVESTIGATIVE RESOURCE CENTER**

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

**313-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF ROCKLAND REGARDING THE REGIONAL INVESTIGATIVE RESOURCE CENTER FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2017.**

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**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND  
DASNY - STATE AND MUNICIPAL FACILITIES PROGRAM GRANT**

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

**314-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A GRANT DISBURSEMENT AGREEMENT WITH DASNY TO OBTAIN A STATE AND MUNICIPAL FACILITIES PROGRAM (“SAM”) GRANT FOR VARIOUS ROAD RESURFACING IN THE SUM OF \$300,000.**

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND DASNY - STATE AND  
MUNICIPAL FACILITIES PROGRAM GRANT**

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

**315-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A GRANT DISBURSEMENT AGREEMENT WITH DASNY TO OBTAIN A STATE AND MUNICIPAL FACILITIES PROGRAM (“SAM”) GRANT FOR THE CONSTRUCTION OF A DOG PARK IN THE SUM OF \$100,000.**

**APPOINT ISABELA HICKEY- POLICE DISPATCHER FULL TIME**

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

**316-17 RESOLVED, THAT UPON THE RECOMMENDATION OF PETER MURPHY, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT ISABELA HICKEY OF WEST HAVERSTRAW, NEW YORK TO THE POSITION OF POLICE DISPATCHER, FULL TIME FOR THE TOWN OF HAVERSTRAW POLICE DEPARTMENT EFFECTIVE AS OF AUGUST 15, 2017 , AND BE IT FURTHER**

**RESOLVED, THAT THIS NOMINATION IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, SHALL SERVE A PROBATION PERIOD OF TWENTY SIX (26) WEEKS AND MS. HICKEY SHALL RECEIVE A YEARLY SALARY OF \$36,000.00 PRO RATA.**

**SCHEDULE PUBLIC HEARING – TO CONSIDER ADOPTING LOCAL LAW NO. 7-  
2017**

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

**317-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO CONSIDER ADOPTING A LOCAL LAW REGULATING GARAGES IN ALL RESIDENTIAL DISTRICTS IN THE TOWN OF HAVERSTRAW. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, SEPTEMBER 25, 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.**

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**AGREEMENT BETWEEN MUNICIPAL AUDIT SERVICES, LLC AND THE TOWN OF  
HAVERSTRAW**

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

**318-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MUNICIPAL AUDIT SERVICES, LLC OF PORT WASHINGTON, NEW YORK TO CONDUCT A CABLE TV COMPANY AUDIT OF THE TOWN OF HAVERSTRAW SERVICE ACCOUNTS AND TO SEEK REFUNDS ON BEHALF OF THE TOWN OF HAVERSTRAW. THE FEE TO MUNICIPAL AUDIT SERVICES, LLC WILL BE FORTY-FIVE PERCENT (45%) OF ANY AMOUNTS THAT ARE RECOVERED.**

**PUBLIC PARTICIPATION**

Noel Rappaport, Lewis Drive, Garnerville, NY, stated the County is finally doing something about passing a Legislation to regulate taxicabs in the County including the Town of Haverstraw and would like the Town to support this effort.

Supervisor Phillips stated that the Town will write a letter to the County endorsing the Legislation.

Robert Castro, 63 Country Club Lane, Pomona, NY stated that the siren from the Hillcrest Firehouse on Thiells Mt. Ivy Road has gotten louder in the past years and asked the Supervisor if he can reach out to the Fire Chief about lowering the siren.

Supervisor Phillips stated that he will reach out to the Chief and inquire if it is possible to reduce the decibel and frequency of the siren.

**ADJOURNMENT**

**319-17** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Adeline D'Amelio, Mary Connaughton, James G. Cappucciono, Brian E. Joyce, Raymond A. Lynch, Carmen Sanchez, Gloria M. DePascale, Adelina Resto, Debra DiFiore, James F. Kralik, Sgt. Owen Lennon, Theresa Della Rocca, and Valerie C. Bialek and who recently passed away. A motion was made by Councilman Cancel, seconded by Councilman Soto, and unanimously adopted and the Town Board Meeting was adjourned.

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**RAQUEL VENTURA**  
Town Clerk