

TOWN BOARD
GARNERVILLE, NY
MARCH 8, 2021

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, March 8, 2021 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	Johnny Ortiz

ADOPTION OF MINUTES

113-21 ADOPTION OF MINUTES - TOWN BOARD MEETING OF FEBRUARY 22, 2021 as submitted by the Town Clerk and on motion by Councilman Cancel, seconded by Councilman Gamboli were unanimously adopted.

PAYMENT OF BILLS

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

114-21 RESOLVED, that bills numbered 591 through 702 in the amount of \$451,050.60 (\$83,420.89 Highway Department) audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

115-21 RESOLVED, that the Police Department Activity Report for the month of January 2020 has been submitted and is hereby accepted.

**PRESENTATION OF PLAQUE IN HONOR OF BLACK HISTORY MONTH –
PASTOR JAMES FURMAN**

PRESENTATION OF PLAQUE – ORLANDO NUNEZ

**CONTINUATION OF PUBLIC HEARING - TO CONSIDER THE APPLICATION OF
OAK TREE APARTMENTS, LLC**

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, March 8, 2021 at 7:05 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
Councilman	John J. Gould
Councilman	Johnny Ortiz

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Supervisor Phillips announced that this is a continuation of a Public Hearing to consider the application of Oak Tree Apartments, LLC for a text amendment to the town of Haverstraw Code to create the LA-17 multi-family residential zoning district and a zone change to apply the LA-17 zoning district to the applicant's property in order to construct a 228-unit residential development with related improvements.

PRESENTATION BY WILLIAM M. STEIN, TOWN ATTORNEY

William M. Stein, Town attorney stated that representatives for the applicant are present to address any questions or concerns the public may have.

PUBLIC PARTICIPATION

The following residents asked questions regarding the proposed law and amendments to the zoning ordinance the Town Board intends to adopt:

Nick Colella, Riverglen Drive, Thiells, NY

Keith Shikowitz, Havervale Lane, Garnerville, NY

CLOSE PUBLIC HEARING

116-21 On motion by Councilman Gamboli and seconded by Councilman Cancel. unanimously adopted, the Public Hearing was closed.

ADOPTING ZONING TEXT AMENDMENT AND ZONE CHANGE- OAK TREE APARTMENTS LLC; TOWN OF HAVERSTRAW TAX MAP PARCELS 26.09-2-8 AND 26.05-1-42

117-21 WHEREAS, THE APPLICANT OAK TREE APARTMENTS LLC ("APPLICANT") SUBMITTED A PETITION FOR A ZONE CHANGE TO THE TOWN OF HAVERSTRAW TOWN BOARD ("TOWN BOARD") REQUESTING THE TOWN BOARD ADOPT A ZONING TEXT AMENDMENT TO CREATE A NEW MULTI-FAMILY RESIDENTIAL ZONING DISTRICT IN THE TOWN AND THEN REZONE THE APPLICANT'S PROPERTY SHOWN ON THE TOWN TAX MAP AS SECTION 26.09, BLOCK 2, LOT 8 AND SECTION 26.05, BLOCK 1, LOT 42 (THE "PROPERTY") TO SAID DISTRICT; AND

WHEREAS, THE APPLICANT PROPOSES TO CONSTRUCT ON THE PROPERTY A 228-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH 69 STUDIOS, 87 ONE-BEDROOM UNITS AND 72 TWO-BEDROOM UNITS IN FOUR, THREE-STORY BUILDINGS AND RELATED PARKING, AMENITIES AND SITE IMPROVEMENTS, WHICH WOULD REQUIRE SITE PLAN APPROVAL FROM THE PLANNING BOARD; AND

WHEREAS, RENTAL HOUSING IN UNITS THAT ARE SMALLER AND MORE AFFORDABLE THAN TRADITIONAL, SINGLE-FAMILY HOMES ARE IN SHORT SUPPLY WITHIN THE TOWN AND THIS PROJECT WOULD INCREASE THE SUPPLY; AND

WHEREAS, PURSUANT TO TOWN ZONING CODE § 167-108(B), THE TOWN BOARD REFERRED THE PROPOSED ZONING AMENDMENTS TO THE PLANNING BOARD FOR ITS REVIEW AND REPORT, WHICH THE PLANNING BOARD CONSIDERED IN CONJUNCTION WITH ITS ENVIRONMENTAL REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") AS LEAD AGENCY FOR A COORDINATED REVIEW OF THIS TYPE I ACTION; AND

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WHEREAS, AT ITS JANUARY 13, 2021 MEETING, THE PLANNING BOARD ADOPTED A NEGATIVE DECLARATION FINDING THE PROPOSED PROJECT DOES NOT HAVE THE POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND THUS ENDING THE SEQRA PROCESS; AND

WHEREAS, IN ACCORDANCE WITH ZONING CODE § 167-108(B), AT ITS JANUARY 13, 2021 MEETING THE PLANNING BOARD ADOPTED A RESOLUTION ISSUING A REPORT TO THE TOWN BOARD ON THE PROPOSED ZONING AMENDMENTS BEING REQUESTED BY THE APPLICANT; AND

WHEREAS, IN SUPPORT OF ITS APPLICATION, THE APPLICANT SUBMITTED AN AMENDED PETITION FOR ZONE CHANGE (2021) DATED FEBRUARY 8, 2021 WITH A PROPOSED LOCAL LAW CONTAINING THE ZONING AMENDMENTS AS WELL AS THE FOLLOWING PLAN SETS:

- 1. ARCHITECTURAL PLANS PREPARED BY POSKANZER SKOTT ARCHITECTS DATED DECEMBER 9, 2019 CONSISTING OF (1) LOCATION PLAN (SHEET A-000), (2) SITE PLAN COMPARISON (SHEET A-100), (3) SITE PLAN (SHEET A-101), (4) SNOW STORAGE (SHEET A-101S), (5) STREET VIEWS (SHEET A-102), (6) BUILDING “A” – PLANS, ELEVATIONS & SECTION (SHEET A-103), (7) BUILDING “B” – PLANS, ELEVATIONS & SECTION (SHEET A-104), (8) BUILDING “C” – PLANS, ELEVATIONS & SECTION (SHEET A-105), (9) BUILDING “D” – PLANS, ELEVATIONS & SECTION (SHEET A-106), (10) UNIT LAYOUTS (SHEET A-107), (11) COMMUNITY BUILDING (SHEET A-107A), (12) 3D VIEWS (SHEET A-107B), (13) AERIAL VIEWS (SHEETS A-108 AND A-109), (14) LOCATION PLAN COMPARISON (SHEET A-110), (15) THREE PAGES OF RENDERINGS OF VARIOUS PORTIONS OF THE PROPOSED DEVELOPMENT (COLLECTIVELY, THE “ARCHITECTURAL PLANS”);**
- 2. ENGINEERING PLANS PREPARED BY SPARACO & YOUNGBLOOD, PLLC DATED FEBRUARY 6, 2020 CONSISTING OF (1) OVERALL WORKING PLAN, (2) OVERALL GRADING AND UTILITY PLAN, (3) OVERALL EROSION & SEDIMENT CONTROL PLAN, (4) PLANIMETRIC PLAN-1 AND PLANIMETRIC PLAN-2, (5) GRADING & UTILITY PLAN-1 AND GRADING & UTILITY PLAN-2 (6) PROFILE-1, PROFILE-2 AND PROFILE-3 (7) EXISTING CONDITIONS, (8) DETAILS (SHEET 1), DETAILS (SHEET 2) AND DETAILS (SHEET 3), (9) KEY MAP (COLLECTIVELY, THE “ENGINEERING PLANS”); AND**
- 3. LANDSCAPING PLANS PREPARED BY YOST DESIGN LANDSCAPE ARCHITECTURE DATED OCTOBER 4, 2019 AND LAST REVISED DECEMBER 5, 2019 CONSISTING OF (1) PLANTING PLAN, (2) PLANTING PLAN – QUADRANT 1, (3) PLANTING PLAN – QUADRANT 2, (4) PLANTING PLAN – QUADRANT 3, (5) PLANTING PLAN – QUADRANT 4 (COLLECTIVELY, THE “LANDSCAPING PLANS”).**

HEREINAFTER THE ARCHITECTURAL PLANS, THE ENGINEERING PLANS AND THE LANDSCAPING PLANS ARE COLLECTIVELY REFERRED TO AS THE “APPROVED PLANS.”

WHEREAS, THE TOWN BOARD HELD A DULY NOTICED PUBLIC HEARING ON THE PROPOSED ZONING AMENDMENTS AT ITS FEBRUARY 22, 2021 MEETING, WHICH PUBLIC HEARING WAS CONTINUED TO THE TOWN BOARD’S MARCH 8, 2021 MEETING WITH WRITTEN COMMENT BEING RECEIVED BY THE TOWN CLERK UNTIL THE END OF BUSINESS ON FRIDAY, MARCH 5, 2021, AND MEMBERS OF THE PUBLIC HAVING THE OPPORTUNITY

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TO ATTEND THE PUBLIC HEARING AND SUBMIT WRITTEN COMMENTS, THE PUBLIC HEARING WAS CLOSED ON MARCH 8, 2021; AND

WHEREAS, THE TOWN BOARD COMPLIED WITH THE REFERRAL REQUIREMENTS OF NEW YORK GENERAL MUNICIPAL LAW §§ 239-L AND -M AND THE STATUTORY TIME PERIOD TO PROVIDE COMMENTS HAS ELAPSED, AND

WHEREAS, IN RESPONSE TO THE GENERAL MUNICIPAL LAW REFERRALS THE TOWN BOARD RECEIVED A RESPONSE FROM THE ROCKLAND COUNTY DEPARTMENT OF PLANNING (“COUNTY PLANNING”) DATED AUGUST 14, 2019 RECOMMENDING DISAPPROVAL AND CONTAINING 11 COMMENTS, WHICH ARE ADDRESSED AS FOLLOWS:

- 1. THE PLANNING BOARD REVIEWED THE ZONING AND PROVIDED A REPORT TO THE TOWN BOARD WITH ITS ANALYSIS AND RECOMMENDATIONS AND IN DOING SO OPINED THAT THE PROPOSED ZONING AMENDMENTS WOULD NOT CONSTITUTE SPOT ZONING BASED UPON THE FOLLOWING ANALYSIS:**

“SPOT ZONING’ IS THE SINGLING OUT OF A SMALL PARCEL OF LAND FOR A USE CLASSIFICATION TOTALLY DIFFERENT FROM THAT OF THE SURROUNDING AREA, FOR THE BENEFIT OF THE OWNER OF SUCH PROPERTY AND TO THE DETRIMENT OF OTHER OWNERS.” *STAR PROPERTY HOLDING, LLC V. TOWN OF ISLIP*, 164 A.D.3D 799, 802 (2D DEP’T 2018). THE PLANNING BOARD DOES NOT BELIEVE THIS PROJECT WOULD SATISFY ANY OF THESE FACTORS. THE PROPERTY IS LOCATED IN A RESIDENTIAL AREA AND IS SURROUNDED BY OTHER RESIDENTIAL USES. THE PROPERTY, BEING MORE THAN 14 ACRES, IS NOT A SMALL PARCEL AND IS SUBSTANTIALLY LARGER THAN THE NEARBY PROPERTIES DEVELOPED WITH SINGLE-FAMILY RESIDENCES. THERE ARE ALSO OTHER MULTI-FAMILY RESIDENTIAL USES IN CLOSE PROXIMITY TO THE SUBJECT PARCEL (FOREST DRIVE, CRESCENT DRIVE, HILLSIDE TERRACE AND CRYSTAL HILL DRIVE) AND MULTI-FAMILY USES OF SIMILAR DENSITY TO THE PROPOSED DEVELOPMENT ALREADY EXIST IN THE TOWN. IN ADDITION, THE SUBJECT PARCEL CURRENTLY CONSISTS OF 55 SINGLE- AND MULTI-FAMILY HOMES THAT ARE RUNDOWN. THE REZONING WILL BE A BENEFIT TO THE SURROUNDING PROPERTIES AS IT WILL ALLOW THE DEMOLITION OF THESE EXISTING SUBSTANDARD DWELLING UNITS AND THE REDEVELOPMENT OF THE SITE WITH CONSIDERABLE SITE IMPROVEMENTS, INCLUDING VISUAL IMPROVEMENTS WITH LANDSCAPING/SCREENING AND CAREFUL CONSIDERATION OF THE PLACEMENT OF THE STRUCTURES AND FACILITIES ON THE PROPERTY, MORE THAN SUFFICIENT PARKING, AND DRAINAGE IMPROVEMENTS THAT WILL BENEFIT THE NEIGHBORING PROPERTY OWNERS AT LOWER ELEVATIONS THAT CURRENTLY ENDURE FLOODING AND OTHER DRAINAGE RELATED ISSUES. THE APPLICANT HAS IDENTIFIED SIX PARCELS THAT MEET THE LOT SIZE AND PROXIMITY TO ROUTE 202 PROPOSED AS CRITERIA FOR THE ZONE TEXT AMENDMENT, ONE OF WHICH IS CURRENTLY DEVELOPED AS A TRAILER PARK AND ONE OF WHICH IS FULLY DEVELOPED AS MULTI-FAMILY RESIDENTIAL.

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IN ADDITION, THE REZONING IS PART OF A WELL-CONSIDERED PLAN CALCULATED TO SERVE THE GENERAL WELFARE OF THE COMMUNITY. *STAR PROPERTY HOLDING, LLC V. TOWN OF ISLIP*, 164 A.D.3D 799, 802 (2D DEP'T 2018). IN ADDITION TO THE SITE IMPROVEMENTS DISCUSSED ABOVE, THE PROPOSED OT-18 DISTRICT [NOW THE LA-17 DISTRICT] AND REZONING OF THE PROPERTY WILL PROVIDE SMALLER UNITS CONSISTING OF STUDIOS, ONE BEDROOMS AND TWO BEDROOMS WHERE SUCH UNITS ACCOMMODATE POPULATIONS SUCH AS MILLENNIALS AND EMPTY-NESTERS WHO ARE SEEKING AFFORDABLE HOUSING IN SMALLER SPACES, WHICH THE TOWN HAS FOUND TO BE IN SHORT SUPPLY. THIS MULTI-FAMILY ZONE IS ALSO CONSISTENT WITH OTHER RECENT ZONING AMENDMENTS/DEVELOPMENTS ALONG THE ROUTE 202 CORRIDOR, TO WHICH THE PROPERTY IS IN CLOSE PROXIMITY.

COUNTY PLANNING FURTHER NOTED THAT “[A]S STATED IN THE PETITION, THE LOT AREA REQUIREMENT AND SPECIAL SITE CONDITION REQUIREMENTS LIMIT THE ZONE’S IMPLEMENTATION ELSEWHERE WITHIN THE TOWN OF HAVERSTRAW, WHICH IS EXPLICITLY CHARACTERISTIC OF SPOT ZONING. EVEN THE NAME ‘OT-18’ INDICATES THAT THE PROPOSED DISTRICT IS INTENDED FOR A SINGLE SITE.”

IN ORDER TO ADDRESS THIS OBSERVATION, THE TOWN BOARD PROPOSED CERTAIN MODIFICATIONS TO THE DRAFT LOCAL LAW SUBMITTED BY THE APPLICANT, INCLUDING CHANGING THE NAME OF THE ZONE TO THE LA-17 LUXURY APARTMENT ZONING DISTRICT AND REMOVING THE SPECIAL SITE CONDITIONS TO BE ELIGIBLE FOR THE ZONE. THIS WILL ALLOW OTHER PARCELS WITHIN THE TOWN THAT MEET THE MINIMUM LOT SIZE REQUIREMENT OF 10 ACRES TO BE ELIGIBLE TO BE ZONED FOR THE LA-17 DISTRICT, SHOULD THE TOWN BOARD DECIDE TO CONSIDER SUCH APPLICATION AND DETERMINE, AFTER A SITE SPECIFIC REVIEW AND ANALYSIS, THAT SAID PARCEL AND THE PROPOSED DEVELOPMENT THEREON COMPLY WITH THE LA-17 DISTRICT REQUIREMENTS AND IS APPROPRIATE IN THE PROPOSED LOCATION.

2. THIS APPLICATION WAS REFERRED TO THE VILLAGE OF WEST HAVERSTRAW, WHICH HAD THE OPPORTUNITY TO PROVIDE WRITTEN COMMENTS DURING THE LENGTHY REVIEW PROCESS OF THIS APPLICATION AND ALSO HAD THE OPPORTUNITY TO ATTEND PUBLIC HEARINGS HELD BY BOTH THE PLANNING BOARD (PRIOR TO ISSUING ITS SEQRA DETERMINATION) AND THE TOWN BOARD (AS PART OF THE ZONING AMENDMENT APPLICATION). THE VILLAGE DID NOT SUBMIT ANY COMMENTS TO THE TOWN BOARD AS PART OF THIS APPLICATION. HOWEVER, DURING THE PLANNING BOARD’S SEQRA REVIEW, THE MAJORITY OF THE COMMENTS RAISED BY THE VILLAGE AND ITS RESIDENTS RELATED TO EXISTING DRAINAGE ISSUES ON THE SITE AND THE EFFECTS IT HAS ON NEIGHBORING PROPERTIES AND THE IMPACT OF THIS REDEVELOPMENT ON DRAINAGE.

AT THE TOWN BOARD’S FEBRUARY 22, 2021 PUBLIC HEARING, THE APPLICANT’S ENGINEER, STEVEN SPARACO, P.E. MADE A FULL PRESENTATION TO THE BOARD ABOUT THE STORMWATER MANAGEMENT PLAN AND ESTABLISHED THAT NOT ONLY WOULD THERE NOT BE ANY ADVERSE IMPACTS ON DRAINAGE TO THE PROPERTY OR OFF-SITE LOCATIONS, INCLUDING IN WEST HAVERSTRAW, BUT THE PROPOSED PLANS WOULD ACTUALLY

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IMPROVE EXISTING CONDITIONS. THIS ASSESSMENT HAS BEEN CONFIRMED BY THE TOWN'S CONSULTING ENGINEER DURING THE PLANNING BOARD'S SEQRA REVIEW.

IN ITS NEGATIVE DECLARATION, THE PLANNING BOARD NOTED THE FOLLOWING:

THE APPLICANT HAS SUBMITTED A STORMWATER MANAGEMENT PLAN AND SUPPORTING CALCULATIONS IN COMPLIANCE WITH THE NYSDEC AND THE TOWN CODE SUFFICIENT TO SUPPORT THE MITIGATION OF THE INCREASE IN STORMWATER PEAK RATE OF RUNOFF GENERATED FROM THE PROJECT PROPOSAL. THE APPLICANT SHOWS ADEQUATE CAPACITY AND CONVEYANCE WITH AN ON-SITE COLLECTION SYSTEM AND (2) BEST MANAGEMENT PRACTICE FACILITIES IN THE NORTHWESTERLY AND SOUTHEASTERLY PORTIONS OF THE SITE RESPECTIVELY TO MITIGATE OFF-SITE IMPACTS.

LASTLY, WEST HAVERSTRAW WILL CONTINUE TO HAVE THE OPPORTUNITY TO REVIEW AND COMMENT ON THE SITE PLAN APPLICATION THAT WILL CONTINUE BEING REVIEWED AND CONSIDERED BY THE PLANNING BOARD AFTER ADOPTION OF THE ZONING AMENDMENTS.

- 3. THE APPLICATION MATERIALS WERE SENT TO THE ROCKLAND COUNTY DIVISION OF ENVIRONMENTAL RESOURCES BY CERTIFIED MAIL WITH PROOF OF RECEIPT AND MORE THAN 30 DAYS HAVE ELAPSED WITHOUT A RESPONSE.**
- 4. AS A CONDITION OF THIS APPROVAL, THE APPLICANT WILL BE REQUIRED TO ADDRESS AND/OR COMPLY WITH ALL COMMENTS MADE BY THE ROCKLAND COUNTY DEPARTMENT OF HEALTH IN THEIR LETTER OF AUGUST 13, 2019, TO THE EXTENT THE APPLICANT HAS NOT ALREADY DONE SO.**
- 5. THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROVIDED A RESPONSE TO THE GML REFERRAL BY EMAIL DATED APRIL 30, 2020 NOTING THAT "THE PROPOSED PROJECT DOES NOT ABUT A STATE SYSTEM."**
- 6. AS A CONDITION OF THIS APPROVAL, THE APPLICANT WILL BE REQUIRED TO ADDRESS AND/OR COMPLY WITH ALL COMMENTS MADE BY THE ROCKLAND COUNTY HIGHWAY DEPARTMENT IN THEIR LETTER OF JULY 31, 2019, TO THE EXTENT THE APPLICANT HAS NOT ALREADY DONE SO.**
- 7. THE APPLICANT SUBMITTED A REVISED ENVIRONMENTAL ASSESSMENT FORM, PART 1 REFLECTING THE ACCURATE PROPOSED UNITS PER ACRE AND THE SEQRA NEGATIVE DECLARATION ADOPTED BY THE PLANNING BOARD MADE CLEAR THAT THE APPLICANT WAS PROPOSING A MAXIMUM RESIDENTIAL DENSITY OF 18 UNITS PER ACRE. AS PART OF THE TOWN BOARD'S REVIEW OF THE APPLICANT'S PROPOSED ZONE TEXT AMENDMENT, AND AT THE RECOMMENDATION OF THE PLANNING BOARD, THE TOWN BOARD REDUCED THE MAXIMUM PERMITTED DENSITY TO 17 UNITS PER ACRE.**
- 8. THE TOWN CODE AND THE ZONE TEXT AMENDMENT ADOPTING THE LA-17 ZONING DISTRICT ADEQUATELY ADDRESS**

9. LANDSCAPING, BUFFERING FROM ADJACENT PROPERTIES, OUTDOOR RECREATION SPACE AND RESTRICTIONS ON ILLUMINATION THAT MAY IMPACT ADJACENT PROPERTIES.

THE TOWN CODE REQUIRES SITE PLAN REVIEW FOR ANY BUILDING PERMIT APPLICATION FOR CONSTRUCTION OR USE “OTHER THAN A DETACHED, SINGLE-FAMILY RESIDENCE OR FOR STRUCTURES ACCESSORY THERETO” OR UNLESS IT IS “IN CONFORMITY WITH A SITE DEVELOPMENT PLAN APPROVED BY THE PLANNING BOARD” (TOWN CODE § A173-1). ACCORDINGLY, ANY PROPOSED PROJECT TO BE DEVELOPED IN THE LA-17 ZONING DISTRICT WILL NECESSARILY REQUIRE SITE PLAN APPROVAL. THE SITE PLAN REGULATIONS PROVIDE THAT PRIOR TO FINAL SITE PLAN APPROVAL THE APPLICANT MUST SHOW ON THE PLANS “[P]ROPOSED LOCATION OF ALL OUTDOOR LIGHTING FIXTURES (SMALL DRAWING, IN ELEVATION) AND THE REQUIRED MAP NOTE TO ASSURE PREVENTION OF GLARE BEYOND PROPERTY BOUNDARIES” (TOWN CODE § A173-11(B)(8)). IN ADDITION, WHEN THE TOWN SUBMITS SITE PLAN APPLICATIONS TO COUNTY PLANNING FOR ITS REVIEW, A CONSISTENT COMMENT IS THE REQUIREMENT “TO LIMIT FIELDS OF ILLUMINATION TO LESS THAN 0.1 LUMENS AT THE PROPERTY LINE,” WHICH COMMENT THE PLANNING BOARD IS REQUIRED TO COMPLY WITH UNLESS THE APPLICANT CAN PROVIDE A JUSTIFICATION FOR THE PLANNING BOARD TO OVERRIDE THAT COMMENT. THE SITE PLAN REGULATIONS ALSO REQUIRE THAT PRIOR TO GRANTING FINAL SITE PLAN APPROVAL, THE PLANS MUST SHOW THE “[L]OCATION OF BUFFERING, SCREENING AND LANDSCAPED AREAS FOR BUILDING, PARKING, RECREATION AND OTHER FACILITIES” (TOWN CODE § A173-11(B)(7)). THEREFORE, LIGHTING, BUFFERING AND LANDSCAPING WILL BE SUFFICIENTLY ADDRESSED BY THE PLANNING BOARD IN THE PERFORMANCE OF ITS STATUTORY DUTIES AS PART OF SITE PLAN REVIEW AND IT IS NOT NECESSARY FOR THE TOWN BOARD TO PUT SPECIFIC RESTRICTIONS ON THESE ITEMS AND INSTEAD DEFERS TO THE EXPERTISE OF THE PLANNING BOARD TO ASSESS, ANALYZE AND REGULATE THE SITE PLAN ISSUES ON A SITE-SPECIFIC BASIS.

WITH RESPECT TO RECREATION, THE FINAL VERSION OF THE LOCAL LAW ADOPTED BY THIS BOARD PROVIDES THAT “[E]ACH DEVELOPMENT SHALL PROVIDE ONSITE RECREATION FACILITIES THROUGH THE INCORPORATION OF ONE OR MORE OF THE PERMITTED ACCESSORY USES SET FORTH IN SUBSECTION 1 [CLUB HOUSES; POOLS, WALKING TRAILS; PLAYGROUND; DOG PARKS; GYMS; TENNIS COURTS; RECREATIONAL FACILITIES; BUSINESS LOUNGES; BIKE ROOMS] AS DETERMINED BY THE PLANNING BOARD AS PART OF SITE PLAN REVIEW.”

10. THE FINAL VERSION OF THE LOCAL LAW ADOPTED BY THIS BOARD INCLUDES IN THE TABLE OF GENERAL BULK REQUIREMENTS AS A FOOTNOTE THAT THE MAXIMUM FLOOR AREA RATIO SHALL BE .6 (REDUCED FROM THE .75 PROPOSED BY THE APPLICANT).

11. BASED UPON THE RESPONSES TO COMMENTS 1-9, THE TOWN BOARD DOES NOT BELIEVE IT IS NECESSARY TO OVERRIDE ANY OF COUNTY PLANNING’S RECOMMENDED MODIFICATIONS. HOWEVER, TO THE EXTENT COUNTY PLANNING RECOMMENDED DISAPPROVAL OF THIS APPLICATION AND THE TOWN BOARD IS APPROVING THE APPLICATION, THE TOWN BOARD ADOPTS THIS RESOLUTION BY A

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12. SUPERMAJORITY VOTE AND WILL FILE A COPY OF THIS RESOLUTION WITH COUNTY PLANNING, WHICH RESOLUTION SETS FORTH THE REASONS FOR THE TOWN BOARD'S ACTIONS.

13. THE APPLICANT SHALL COMPLY WITH THE REQUIREMENTS OF EXECUTIVE ORDER 01-2017.

WHEREAS, SAID LOCAL LAW HAS BEEN ON THE DESKS OF THE MEMBERS OF THE TOWN BOARD FOR AT LEAST SEVEN DAYS, EXCLUSIVE OF SUNDAY, PRIOR TO THE ADOPTION OF THIS RESOLUTION, AND

NOW THEREFORE,

BE IT RESOLVED, THE TOWN BOARD HEREBY ADOPTS LOCAL LAW NO. 1 OF 2021 TO AMEND THE TOWN OF HAVERSTRAW ZONING CODE TO ESTABLISH THE NEW LA-17 LUXURY APARTMENT MULTI-FAMILY RESIDENTIAL ZONING DISTRICT; AND

BE IT FURTHER RESOLVED, THE TOWN BOARD HEREBY REZONES THE PROPERTY DESIGNATED AS SECTION 26.09, BLOCK 2, LOT 8 AND SECTION 26.05, BLOCK 1, LOT 42 ON THE TAX MAP OF THE TOWN OF HAVERSTRAW AS LA-17 AND THE TOWN ZONING MAP SHALL BE AMENDED ACCORDINGLY, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THIS RESOLUTION IS ADOPTED IN ACCORDANCE WITH THE APPROVED PLANS. WHILE CHANGES MAY BE MADE TO THE PLANS AS DETERMINED TO BE NECESSARY AND APPROPRIATE BY THE PLANNING BOARD AS PART OF SITE PLAN REVIEW, TO THE EXTENT ANY CHANGES ARE MADE TO THE PLANS TO INCREASE THE TOTAL NUMBER OF UNITS OR THE TOTAL NUMBER OF BEDROOMS BEING PROPOSED OR IN ANY MANNER THAT WOULD BE LESS PROTECTIVE OF THE ENVIRONMENT OR THE NEIGHBORING PROPERTIES, THE APPLICANT MUST MAKE AN APPLICATION TO THE TOWN BOARD FOR AMENDED APPROVAL OF THE REZONING OF ITS PROPERTY TO THE LA-17 ZONING DISTRICT.**
- 2. THE APPLICANT SHALL COMPLY WITH ALL OF THE CONDITIONS SET FORTH IN THIS RESOLUTION'S DISCUSSION OF THE RESPONSE TO COUNTY PLANNING'S COMMENTS. IF THE APPLICANT FAILS TO DO SO, THE APPLICANT MUST MAKE AN APPLICATION TO THE TOWN BOARD FOR AMENDED APPROVAL OF THE REZONING OF ITS PROPERTY TO THE LA-17 ZONING DISTRICT.**

BE IT FURTHER RESOLVED, TO THE EXTENT NECESSARY, THE TOWN BOARD, BY A SUPERMAJORITY VOTE, OVERRIDES COUNTY PLANNING'S COMMENTS 1 AND 8 AND THE RECOMMENDATION THAT THE APPLICATION BE DISAPPROVED FOR THE REASONS STATED IN THIS RESOLUTION'S DISCUSSION OF COUNTY PLANNING'S COMMENTS AND THE BOARD AND ITS STAFF AND CONSULTANTS SHALL COMPLY WITH COUNTY PLANNING'S COMMENT 10 FOR REPORTING SAID OVERRIDES TO COUNTY PLANNING; AND

BE IT FURTHER RESOLVED, THE TOWN CLERK IS DIRECTED TO ENTER SAID LOCAL LAW IN THE MINUTES OF THIS MEETING INTO THE LOCAL LAW BOOK FOR THE TOWN OF HAVERSTRAW; TO PUBLISH SAID MINUTES IN A NEWSPAPER PUBLISHED IN THE TOWN, IF ANY, OR IN SUCH NEWSPAPER PUBLISHED IN THE COUNTY IN WHICH SUCH TOWN MAY BE LOCATED HAVING A CIRCULATION IN SUCH TOWN, AND AFFIDAVITS OF SAID

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PUBLICATION SHALL BE FILED WITH THE TOWN CLERK; AND TO FILE A COPY OF SAID LOCAL LAW WITH THE SECRETARY OF STATE OF NEW YORK. BY ROLL CALL VOTE.

AYES:

**SUPERVISOR HOWARD T. PHILLIPS JR,
COUNCILMAN ISIDRO CANCEL
COUNCILMAN JOHN J. GOULD
COUNCILMAN VINCENT GAMBOLI
COUNCILMAN JOHNNY ORTIZ**

NOES: --

THE ORDER WAS DECLARED ADOPTED.

TOWN OF HAVERSTRAW

LOCAL LAW NO 1 OF 2021

A local law amending Chapter 167 of the Code of the Town of Haverstraw, the Zoning Local Law of the Town of Haverstraw, establishing a new zoning district, LA-17 and mapping rezoning property designated as Section 26.09, Block 2 and Lot 8 and Section 26.05, Block 1, Lot 42 on the Tax Map of the Town of Haverstraw LA-17

BE IT ENACTED by the Town Board of the Town of Haverstraw, as follows:

Section 1: Section 167-5(A) of the Code of the Town of Haverstraw, Establishment of districts; Map; Boundaries,” is amended to provide as follows:

A. The Town of Haverstraw is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite its title:

Symbol	Title
R-120	Rural Residence District
R-40	Low-Density Residence District
R-25	Low-Density Residence District
R-15	Medium-Density Residence District
RG	General Residence District
RMH	Mobile Home Residence District
CR	Commercial Recreation District
PO	Professional Office District
C	Commercial District
PIO	Planned Industrial Office District
WRD	Waterfront Recreation Development District
PDD	Planned Development District
LA-17	Luxury Apartment Multi-Family Residential District

Section 2. Chapter 167 of the Code of the Town of Haverstraw is amended to add thereto, “Attachment “14”, to provide as follows:

<u>District Permit</u>	<u>Uses Permitted by Right</u>	<u>Uses by Special Permit</u>	<u>Uses by Special</u>
		<u>of Zoning Board of</u>	<u>of Town Board, Subject</u>

Appeals, Subject to to Article V
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Article V

LA-17	Multi-family dwellings at a density not to exceed 17 units per acre	None	None
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Permitted Accessory Uses

1. Club houses; pools; walking trails; playground; dog parks; gyms; tennis courts; recreational facilities; business lounges; bike rooms.
2. Accessory parking.

Permitted Accessory Signs

As approved by the Planning Board

Off-Street Parking

2 spaces per dwelling unit

Additional Use Regulations

1. The units shall be limited to studio, one-bedroom and two-bedroom units.
2. Permitted Accessory Uses are for use only by residents and their invited guests.
3. Each development shall provide onsite recreation facilities through the incorporation of one or more of the Permitted Accessory Uses set forth in subsection 1 as determined by the Planning Board as part of the site plan review.

Section 3. Chapter 167 of the Code of the Town of Haverstraw, Attachment “2”, the Table of General Bulk Requirements, is amended by adding thereto the following:

<u>District</u>	<u>Group</u>	<u>Uses</u>	<u>Minimum Lot</u>	<u>Minimum</u>	<u>Minimum</u>
	<u>Minimum Lot</u>		<u>Area (square</u>	<u>Lot Width</u>	<u>Frontage (feet)</u>
			<u>(feet)</u>	<u>(feet)</u>	
LA-17	U	All permitted	10 acres	150	130
			<u>Required Total</u>	<u>Required Rear</u>	<u>Maximum</u>
			<u>Side Yard Width</u>	<u>Yard Depth</u>	<u>Building</u>
			<u>(feet)</u>		<u>Height (feet)</u>
			70	35	40
			<u>Maximum Density</u>	<u>Maximum Building</u>	<u>Maximum Total Lot</u>
			<u>(per acre)</u>	<u>Coverage (percent)</u>	<u>Coverage (percent)</u>
			17 units	N/A ^e	50%

NOTES:

^e The maximum Floor Area Ratio (FAR) shall be .6.

Section 4. Real property designated as Section 26.09, Block 2 and Lot 8 and Section 26.05, Block 1, Lot 42 on the Tax Map of the Town of Haverstraw is hereby rezoned and designated as being in the LA-17 zoning district and the Zoning Map shall be amended accordingly.

Section 5. This Local law shall take effect immediately upon filing with the Secretary of State.

TOWN BOARD
GARNERVILLE, NY
MARCH 8, 2021

AWARD OF TOWN OF HAVERSTRAW BID NO. 2-2021 FOR FERTILIZER, SEED FOR DIVOT MIX AND ROUGH PERIMETER FERTILIZER FOR THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

118-21 RESOLVED, UPON THE RECOMMENDATION OF CHRISTOPHER DYROFF, GREENSKEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF Haverstraw DOES HEREBY AWARD THE BID FOR FERTILIZER, SEED FOR DIVOT MIX AND ROUGH PERIMETER FERTILIZER FOR THE PHILIP J. ROTELLA GOLF COURSE FOR THE 2021 GOLF SEASON TO THE FOLLOWING COMPANY, THE LOW BIDDER:

WESTCHESTER TURF SUPPLY

FERTILIZER W/ WEED CONTROL	\$104.00/BAG
ROUGH FERTILIZER	\$24.00/BAG
GREENS FERTILIZER	\$63.00/BAG
FAIRWAY FERTILIZER	\$44.00/BAG
SEED FOR DIVOT MIX	\$123.00/BAG

AWARD OF TOWN OF HAVERSTRAW BID NO. 3-2021 – BID NO. 3 – 2021 FOR BUNKER SAND, ORGANIC GREEN BAGGED DIVOT SAND, DIVOT MIX, TOP DRESSING AND HEAT TREATED TOP DRESSING SAND FOR THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

119-21 RESOLVED, UPON THE RECOMMENDATION OF CHRISTOPHER DYROFF, GREENSKEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF Haverstraw DOES HEREBY AWARD BID NO. 3 – 2021 FOR THE PROVISIONS OF FOR BUNKER SAND, ORGANIC GREEN BAGGED DIVOT SAND, DIVOT MIX, TOP DRESSING AND HEAT TREATED TOP DRESSING SAND TO BE UTILIZED AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE DURING THE 2021 GOLF SEASON TO THE FOLLOWING COMPANY, THE LOW BIDDER:

CARRIERE MATERIALS

BUNKER SAND	\$58.00/YARD
DIVOT MIX	\$135.00/YARD
TOP DRESSING	\$80.50/YARD
HEAT TREATED TOP DRESSING	\$90.50/YARD

TOWN BOARD
GARNERVILLE, NY
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**AWARD OF TOWN OF HAVERSTRAW BID NO. 4 – 2021 FOR CHEMICALS FOR
THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE**

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

120-21 RESOLVED, UPON THE RECOMMENDATION OF CHRISTOPHER DYROFF, GREENS KEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF Haverstraw DOES HEREBY AWARD THE BID FOR THE PROVISIONS OF CHEMICALS FOR THE PHILIP J. ROTELLA GOLF COURSE FOR THE 2021 GOLF SEASON TO THE FOLLOWING COMPANIES, THE LOW BIDDERS:

METRO TURF

ZAP DEFOAMER	\$132.00/BOX
T-NEX	\$657.00/CASE
CHIPCO 26019	\$304.00/CASE
STRESS MASTER “UTE”	\$142.00/CASE
DITHIOPYR L	\$814/CASE
<u>SITE ONE</u>	
INSTRATA	\$810.00/CASE
QUALIPRO CHLORPYRIFOS 4E	\$309.52/CASE

WESTCHESTER TURF SUPPLY

4-4-5 IRON \$95.00/CASE

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND TAMBLIN
ENGINEERING, PLLC**

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

121-21 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH TAMBLIN ENGINEERING, PLLC OF MANLIUS, NEW YORK FOR THE PURPOSE OF PROVIDING PROFESSIONAL SERVICES FOR THE STORMWATER PHASE II GENERAL PERMIT REQUIREMENTS FOR THE MS4 FOR A LUMP SUM FEE OF \$34,500.00.

AGREEMENT BETWEEN FINESSE BAND AND THE TOWN OF HAVERSTRAW

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

122-21 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FINESSE BAND OF WOODMERE, NEW YORK FOR THE PURPOSE OF PROVIDING MUSICAL ENTERTAINMENT FOR THE TOWN OF HAVERSTRAW’S CONCERT IN THE PARK AT BOWLINE POINT PARK FOR FRIDAY, JULY 2, 2021 WITH RAIN DATE SATURDAY, JULY 3, 2021 FROM 7:00 P.M. – 9:30 P.M. AT A COST OF \$8,500.

TOWN BOARD
GARNERVILLE, NY
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**AWARD OF RFQ NO. 3-2021- PURCHASE OF ONE (1) VMS WITH CRUISER LT
SOLAR POWERED TRAILER FOR THE TOWN OF HAVERSTRAW POLICE
DEPARTMENT**

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

123-21 RESOLVED, THAT THREE (3) RFQs WERE SUBMITTED TO PETER MURPHY, CHIEF OF POLICE, FOR THE PURCHASE OF ONE (1) VMS WITH CRUISER LT SOLAR POWERED TRAILER FOR THE TOWN OF HAVERSTRAW POLICE DEPARTMENT, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD DOES HEREBY AWARD RFQ NO. 2-2020 TO TRAFFIC LOGIX CORPORATION OF SPRING VALLEY, NEW YORK, THE LOWEST QUOTE, IN THE AMOUNT OF \$11,449.00.

AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND MOHAWK ENERGY PARTNERS LLC TO CONDUCT UTILITY AUDIT

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

124-21 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MOHAWK ENERGY PARTNERS LLC OF NYACK, NEW YORK FOR UTILITY BILL AUDITING SERVICES TO SEEK REFUNDS ON BEHALF OF THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THE RATES WILL BE AS PER THE TERMS OF THE AGREEMENT.

APPOINTMENT OF ANDREW RAFFERTY, LABORER FOR THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT

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

125-21 RESOLVED, THAT UPON THE RECOMMENDATION OF GEORGE WARGO, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT ANDREW RAFFERTY OF HAVERSTRAW, NEW YORK TO THE POSITION OF LABORER, FULL TIME FOR THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT AT A SALARY OF \$28.65 PER HOUR, EFFECTIVE MARCH 8, 2021, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL AND MR. RAFFERTY SHALL SERVE A PROBATION PERIOD.

PUBLIC PARTICIPATION

Nick Colella, Riverglen Drive, Thiells, NY asked if the Marina has been appraised for a possible sale and how much did it appraise for.

William M. Stein, Town Attorney stated that the Town is still working out the terms of the appraisal and the terms of a non-disclosure agreement.

TOWN BOARD
GARNERVILLE, NY
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ANNOUNCEMENTS

We would like to commend our Highway and Parks Departments for maintaining our roads clean and safe during the past winter storms that have affected our area.

For more information on the Covid-19 vaccine please call Town Hall at 845-429-2200, visit the Rockland County Health Department website or call the Rockland County Covid-19 Call Center at **845-238-1956**.

ADJOURNMENT

126-21 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of James M. O'Donnell, Virgilio Reyes, Ana Estela, Thomas Jude McCarthy, Daniel A. Serino, Jr., Irene M. Smith, Marguerite J. Brown and Bob Izzo. A motion was made by Councilman Ortiz, seconded by Councilman Gamboli and unanimously adopted and the Town Board Meeting was adjourned.

MARISOL CANCEL
DEPUTY TOWN CLERK