

TOWN BOARD
GARNERVILLE, NY
DECEMBER 10, 2024

The Town Board of the Town of Haverstraw met at a Regular Meeting on Tuesday, December 10, 2024 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	Ralph W. Kirschkel
Councilman	Johnny Ortiz (Absent)

ADOPTION OF MINUTES

523-24 ADOPTION OF MINUTES OF THE TOWN BOARD MEETING OF NOVEMBER 26, 2024 as submitted by the Town Clerk and on motion by Councilman Cancel, seconded by Councilman Gamboli were unanimously adopted.

PAYMENT OF BILLS

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

524-24 RESOLVED, that bills numbered 3501 through 3704 in the amount of \$429,623.28 (\$108,747.81– 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.

525-24 RESOLVED, that the Town Board of the Town of Haverstraw does hereby accept the Police Department Activity Report for the month of November 2024.

PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW NO. 8 – 2024

The Town Board of the Town of Haverstraw held a Public Hearing on Tuesday, December 10, 2024 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	Ralph W. Kirschkel
Councilman	Johnny Ortiz (Absent)

Supervisor Phillips announced that this Public Hearing was being held to consider adopting Local Law No. 8 of 2024 initiated by petition of Lapa Holdings, LLC to rezone the rear portion of the property known as 321 Route 202 (Tax Lot Nos. 25.19-2-19 and -20) from the R-40 Zoning District to the C Zoning District.

The Deputy Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

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PRESENTATION BY MR. FRANK PHILLIPS, ATTORNEY FOR THE APPLICANT

Mr. Frank Phillips, representative of the applicant gave a brief presentation of the proposed project and the request for the rezone of the rear portion of the property.

PUBLIC PARTICIPATION

Supervisor Phillips stated to let the record note that no public comment was offered.

CLOSE PUBLIC HEARING

526-24 On motion by Councilman Kirschkel and seconded by Councilman Cancel unanimously adopted, the Public Hearing was closed.

RESOLUTION – ADOPTING LOCAL LAW # 8 OF 2024 – AMENDING THE TOWN ZONING MAP

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

527-24 WHEREAS, LAPA HOLDINGS, LLC (“APPLICANT”) SUBMITTED A SITE PLAN APPLICATION TO THE PLANNING BOARD TO REDEVELOP THE PROPERTY LOCATED AT 321 ROUTE 202 (TAX LOT NUMBERS 25.19-2-19 AND -20) (THE “PROPERTY”) WITH A TWO-STORY OFFICE BUILDING, PARKING, VEHICULAR ACCESS TO ROUTE 202, A RETAINING WALL AND OTHER SITE IMPROVEMENTS (THE “PROJECT”); AND

WHEREAS, THE APPLICANT SUBMITTED AN APPLICATION TO THE ZONING BOARD FOR TWO AREA VARIANCES RELATED TO THE PROJECT: (I) THE NUMBER OF PARKING SPACES AND (II) THE DISTANCE OF THE VEHICULAR ACCESS FROM THE LOT LINE; AND

WHEREAS, THE PROPERTY IS SPLIT BETWEEN TWO ZONING DISTRICTS WITH THE MAJORITY OF THE PROPERTY ABUTTING ROUTE 202 BEING IN THE C (COMMERCIAL) DISTRICT WHERE THE PROJECT IS A PERMITTED USE; HOWEVER, THE REAR PORTION OF THE PROPERTY, WHICH WILL CONTAIN SOME OF THE PARKING AND RETAINING WALLS FOR THE PROJECT, IS LOCATED IN THE R-40 ZONING DISTRICT; AND

WHEREAS, THE APPLICANT SUBMITTED A ZONING PETITION TO THE TOWN BOARD REQUESTING THAT THE TOWN BOARD REZONE THE PORTION OF THE PROPERTY THAT IS R-40 TO THE C DISTRICT TO BE CONSISTENT WITH THE REMAINDER OF THE PROPERTY AND THE PROJECT; AND
WHEREAS, THE PLANNING BOARD SERVED AS LEAD AGENCY FOR A COORDINATED REVIEW OF THIS UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) AND ISSUED A NEGATIVE DECLARATION AT ITS NOVEMBER 13, 2024 MEETING DETERMINING THE PROJECT DOES NOT HAVE THE POTENTIAL FOR ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS; AND

WHEREAS, CONCURRENT WITH ADOPTING THE SEQRA NEGATIVE DECLARATION, AT ITS NOVEMBER 13, 2024 MEETING THE PLANNING BOARD ISSUED A ZONING REPORT TO THE TOWN BOARD PURSUANT TO TOWN ZONING CODE § 167-108(B) PROVIDING A FAVORABLE RECOMMENDATION ON THE PROPOSED REZONING; AND

WHEREAS, THE ZONING PETITION WAS REFERRED TO THE ROCKLAND COUNTY DEPARTMENT OF PLANNING (“COUNTY PLANNING”) IN

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ACCORDANCE WITH GENERAL MUNICIPAL LAW § 239-M (“GML”), IN RESPONSE TO WHICH THE TOWN BOARD RECEIVED A RESPONSE FROM COUNTY PLANNING DATED OCTOBER 7, 2022 RECOMMENDING CERTAIN “MODIFICATIONS,” AND ARE ADDRESSED AS FOLLOWS:

- 1. THE PLANS HAVE BEEN CORRECTED TO IDENTIFY THE TOWN OF RAMAPO AS THE ABUTTING PROPERTY OWNER. THE APPLICATION MATERIALS WERE SENT TO THE TOWN OF RAMAPO BUT NO COMMENTS HAVE BEEN RECEIVED WITH OVER 30 DAYS HAVING ELAPSED.**
- 2. THE APPLICANT HAS COORDINATED WITH NYS DEPARTMENT OF TRANSPORTATION ON THIS APPLICATION AND HAS PROVIDED SAID COMMUNICATIONS TO THE TOWN, WHICH HAS BEEN REVIEWED BY THE TOWN’S TRAFFIC ENGINEERING CONSULTANT.**
- 3. THE APPLICANT CONSULTED WITH APPLICABLE ROCKLAND COUNTY DEPARTMENTS AND HAS REDESIGNED THE PROPOSED RETAINING WALL IN RESPONSE TO THOSE COMMENTS.**
- 4. IF NOT ALREADY DONE, AS A CONDITION OF THIS APPROVAL, THE APPLICANT SHALL COMPLY WITH ANY OUTSTANDING REQUIREMENTS FROM ROCKLAND COUNTY CENTER FOR ENVIRONMENTAL HEALTH AND OBTAIN ANY NECESSARY PERMITS AND APPROVALS PRIOR TO OBTAINING A BUILDING PERMIT.**
- 5. AS A CONDITION OF THIS APPROVAL, THE APPLICANT SHALL CONSULT WITH THE NEW YORK-NEW JERSEY TRAIL CONFERENCE AND ADDRESS ANY COMMENTS OR CONCERNS RAISED.**
- 6. THE APPLICANT IS SEEKING AN AREA VARIANCE FROM THE ZONING BOARD RELATED TO THE AMOUNT OF PARKING FOR THE PROJECT.**
- 7. THE PROPOSED PLANS COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AS IT RELATES TO THE MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES.**
- 8. THE PROPOSED PARKING AREAS ARE SETBACK 25 FEET FROM THE RESIDENTIALLY-ZONED PROPERTY IN THE TOWN OF HAVERSTRAW. THE TOWN OF HAVERSTRAW DOES NOT CONTROL THE TOWN OF RAMAPO’S ZONING; HOWEVER, THE ABUTTING PROPERTY IN THE TOWN OF RAMAPO IS A PARK THAT DOES NOT HAVE RESIDENTIAL USES AND THE TOWN OF RAMAPO DID NOT PROVIDE ANY COMMENTS ON THIS APPLICATION.**
- 9. THE APPLICANT IS SEEKING AN AREA VARIANCE FROM THE ZONING BOARD RELATED TO THE DISTANCE OF THE VEHICULAR ACCESS FROM THE PROPERTY LINE.**
- 10. THE APPLICANT HAS REVISED THE BULK TABLE TO REFLECT THE REQUIRED SIDE YARD SETBACKS.**
- 11. THE APPLICANT HAS REVISED THE PLANS TO INCLUDE A NET LOT AREA CALCULATION.**
- 12. BY WAY OF THIS RESOLUTION, THE BOARD IS GRANTING THE ZONE CHANGE SUCH THAT THE ENTIRE PROPERTY IS IN THE C (COMMERCIAL) DISTRICT. HOWEVER, THE PROPOSED PLANS COMPLY**

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13. WITH THE REAR YARD SETBACK REGULATIONS OF THE MORE RESTRICTIVE R-40 DISTRICT WHERE THE REAR PORTION OF THE PROPERTY WAS LOCATED DURING THIS APPLICATION PROCESS.
14. THE APPLICANT IS SEEKING CERTAIN AREA VARIANCES FROM THE ZONING BOARD RELATED TO THE BULK REGULATIONS.
15. ANY PROPOSED SIGNAGE SHALL COMPLY WITH THE TOWN CODE AND/OR RECEIVE NECESSARY APPROVALS.
16. ALL LOCAL LAWS ARE FILED WITH THE NYS DEPARTMENT OF STATE. AS A CONDITION OF THIS RESOLUTION, THE APPLICANT SHALL SEND THE LOCAL LAW TO THE ROCKLAND COUNTY GIS DIVISION.
17. THE SITE PLAN AND AREA VARIANCE APPLICATIONS HAVE BEEN SENT TO COUNTY PLANNING AND RESPONSES RECEIVED, WHICH WILL BE ADDRESSED BY THE PLANNING BOARD AND ZONING BOARD, RESPECTIVELY.
18. NONE OF THE CONDITIONS OF THE COUNTY PLANNING GML REVIEW REQUIRE AN OVERRIDE.
19. AS A CONDITION OF THIS RESOLUTION, THE APPLICANT SHALL COMPLY WITH ROCKLAND COUNTY EXECUTIVE ORDER 01-2017.
20. AS A CONDITION OF THIS RESOLUTION, THE APPLICANT SHALL ENSURE THE RETAINING WALLS ARE DESIGNED, SIGNED AND SEALED BY A LICENSED NEW YORK STATE PROFESSIONAL ENGINEER AND BE IN COMPLIANCE WITH THE NYS FIRE PREVENTION AND BUILDING CODE.

WHEREAS, THE TOWN BOARD HELD A DULY-NOTICED PUBLIC HEARING ON LOCAL LAW #8 OF 2024 AT ITS MEETING ON DECEMBER 10, 2024, AND MEMBERS OF THE PUBLIC HAVING THE OPPORTUNITY TO ATTEND AND BE HEARD, THE PUBLIC HEARING WAS CLOSED ON DECEMBER 10, 2024; AND

NOW THEREFORE,

BE IT RESOLVED, THE TOWN BOARD HEREBY ADOPTS LOCAL LAW #8 OF 2024 TO AMEND THE TOWN OF HAVERSTRAW ZONING MAP TO PLACE THE REAR PORTION OF 321 ROUTE 202 (THAT IS CURRENTLY IN THE R-40 ZONING DISTRICT) IN THE C ZONING DISTRICT FOR THE SOLE PURPOSE OF CONSTRUCTING THE OFFICE BUILDING AND RELATED IMPROVEMENTS THAT WAS ANALYZED BY THE PLANNING BOARD AND CULMINATED IN THE NOVEMBER 13, 2024 NEGATIVE DECLARATION UNDER SEQRA; 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 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.

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**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND MONTEFIORE
NYACK HOSPITAL EMPLOYEE ASSISTANCE PROGRAM**

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

528-24 RESOLVED, UPON THE RECOMMENDATION OF THE TOWN BOARD OF THE TOWN OF HAVERSTRAW THE SUPERVISOR IS HEREBY AUTHORIZED TO ENTER INTO AN AGREEMENT WITH NYACK HOSPITAL FOR THE PURPOSES OF PROVIDING TO THE TOWN EMPLOYEES AN EMPLOYEE ASSISTANCE PROGRAM, AND BE IT FURTHER

RESOLVED, THAT SAID AGREEMENT SHALL COMMENCE ON JANUARY 1, 2025 AND EXPIRE ON DECEMBER 31, 2025, AND BE IT FURTHER

RESOLVED, THAT SAID AGREEMENT SHALL BE AT A TOTAL COST OF \$8,200.

BUDGET ADJUSTMENTS FOR PERIOD ENDING IN NOVEMBER 30, 2024

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

529-24 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$1,070,000.00, FROM THE PART-TOWN FUND IN THE AMOUNT OF \$60,000.00 AND FROM THE HIGHWAY PART-TOWN FUND IN THE AMOUNT OF \$60,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING IN NOVEMBER 30, 2024 (SEE ATTACHED BUDGET ADJUSTMENTS).

Town of Haverstraw
Budget Adjustments
For period ending 11-30-2024

<u>Fund</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Debit</u>	<u>Credit</u>
GENERAL FUND				
	Engineering Contractual	A-1440-0400	\$ 75,000.00	
	Buildings Contractual	A-1620-0400	\$ 15,000.00	
	Parks Equipment	A-7110-0200	\$ 35,000.00	
	Parks Contractual	A-7110-0400	\$ 30,000.00	
	Spec Rec - Golf Personal Services	A-7150-0100	\$ 100,000.00	
	Youth Board Contractual	A-7310-0400	\$ 5,000.00	
	Hospital & medical Insurance	A-9060-0800	\$ 400,000.00	
	Leases - Principal	A-9788-0600	\$ 10,000.00	
	Capital Projects	A-9950-0900	\$ 400,000.00	
	Elections Contractual	A-1450-0400		\$ 135,000.00
	Attorney Contractual	A-1420-0400		\$ 50,000.00
	Environmental Control	A-8090-0400		\$ 85,000.00
REVENUE ACCT	Interstet & Earnings	A-0000-2401		\$ 800,000.00
			\$ 1,070,000.00	\$ 1,070,000.00

<u>Fund</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Debit</u>	<u>Credit</u>
Part- Town Fund				
	Safety Inspection Personal Services	B-3620-0100	\$ 40,000.00	
	Youth Program Personal Services	B-7310-0100	\$ 10,000.00	
	Planning Contractual	B-8020-0400	\$ 10,000.00	
REVENUE ACCT	Building Department Permit Fees	B-0000-1520		\$ 20,000.00
REVENUE ACCT	Interest & Earnings	B-0000-2401		\$ 40,000.00
			\$ 60,000.00	\$ 60,000.00

<u>Fund</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Debit</u>	<u>Credit</u>
Highway Part- Town Fund				
	General Repairs Contractual Expense	DB-5110-0400	\$ 60,000.00	
	General Repairs Personal Services	DB-5110-0100		\$ 60,000.00
			\$ 60,000.00	\$ 60,000.00

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ADOPTION OF SEWER ASSESSMENT ROLL FOR THE YEAR 2024 AND THE ESTABLISHMENT OF SEWER RENT RATES FOR SEWER DISTRICT NO. 1 FOR THE YEAR 2025

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

530-24 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ADOPT THE SEWER ASSESSMENT ROLL FOR THE YEAR 2024 AND ACCEPTS THE ESTABLISHMENT OF SEWER RENT RATES FOR SEWER DISTRICT NO. 1, TOWN OF HAVERSTRAW FOR THE YEAR 2025.

CLOSE CAPITAL PROJECT – MILLING AND PAVER-PLACED SURFACE TREATMENT - CEDAR LANE AND BIRCH DRIVE, TOWN OF HAVERSTRAW

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

531-24 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF SUPERINTENDENT OF HIGHWAYS J. BART GORDON, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE MILLING AND PAVER-PLACED SURFACE TREATMENT - CEDAR LANE AND BIRCH DRIVE, TOWN OF HAVERSTRAW CAPITAL PROJECT, AND BE IT FURTHER

RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$160,000.00 FROM THE HIGHWAY DB FUND OF WHICH \$141,534.36 WAS EXPENDED LEAVING A BALANCE OF \$18,465.64 WHICH WILL BE TRANSFERRED BACK TO THE HIGHWAY DB FUND AS AN INTERFUND TRANSFER.

AUTHORIZATION TO REIMBURSE AUTO INSURANCE DEDUCTIBLE – REPAIR VEHICLE DAMAGED BY THE JULY 17, 2024 STORM AT BOWLINE POINT PARK

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

532-24 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES TO REIMBURSE MR. LUIS GOMEZ THE AMOUNT OF \$1000.00 FOR THE AUTO INSURANCE DEDUCTIBLE PAID FOR THE REPAIRS TO MR. GOMEZ'S 2022 FORD EXPLORER VEHICLE DAMAGED IN THE JULY 17, 2024 STORM AT BOWLINE POINT PARK.

ACCEPTANCE OF LETTER OF RETIREMENT – WILLIAM MARSALISI, JR.

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

533-24 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT THE LETTER OF RETIREMENT FOR MOTOR EQUIPMENT OPERATOR II OF THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT, WILLIAM MARSALISI, JR. EFFECTIVE FEBRUARY 26, 2025.

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**ACCEPTANCE OF LETTER OF RESIGNATION – GREGG LAWLESS, TOWN OF
HAVERSTRAW ZONING BOARD OF APPEALS**

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

534-24 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT THE LETTER OF RESIGNATION FOR TOWN OF HAVERSTRAW ZONING BOARD OF APPEALS AS CHAIRMAN AND MEMBER GREGG LAWLESS, EFFECTIVE IMMEDIATELY AS OF DECEMBER 8, 2024.

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND THE VILLAGE OF
WEST HAVERSTRAW**

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

535-24 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF WEST HAVERSTRAW FOR THE USE OF THE TOWN OF HAVERSTRAW POOL FACILITIES AT BOWLINE POINT PARK BY THE STAFF AND CAMPERS WHO PARTICIPATE IN THE 2024 VILLAGE SUMMER DAY CAMP AND TO PROVIDE SWIM INSTRUCTION AND OTHER WATER SAFETY OVERSIGHT TO THE CAMP PARTICIPANTS AS SPECIFIED IN THE AGREEMENT, AND BE IT FURTHER

RESOLVED, THAT THE VILLAGE OF WEST HAVERSTRAW SHALL PAY THE TOWN OF HAVERSTRAW THE SUM OF \$1,200 FOR THE 2024 SEASON.

PUBLIC PARTICIPATION

Angela Hunea, Long Island, NY expressed her support for the proposed Haverstraw Chair Factory Project to the Board.

Mary Rodriguez, Stony Point, NY stated that she is in favor of the proposed Haverstraw Chair Factory Project and asked the Board to consider supporting the project.

Supervisor Phillips stated that the Board is considering all the aspects of the proposal.

ANNOUNCEMENTS

The Town of Haverstraw Youth Board has scheduled the following trips for 2024 and 2025: The Town of Haverstraw Annual trip to see the Christmas Spectacular Show (December 11, 2024), Disney on Ice “Encanto & Frozen” (January 2, 2025), The Outsiders at Broadway (February 20, 2025), and The Addams Family at Eisenhower Hall (March 30, 2025). For more information please call Town Hall at 845-429-2200.

The Town of Haverstraw’s Holiday Decoration Contest is happening on Monday, December 16th. Please call Town Hall for more information.

We would like to wish our residents a happy holiday season and a peaceful and prosperous New Year!

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ADJOURNMENT

536-24 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Mary Stephina (De Vico) Echeveria, Laura Hooghuis, and Ocean Jay Torres who recently passed away. A motion was made by Councilman Cancel, seconded by Councilman Gamboli, and unanimously adopted and the Town Board Meeting was adjourned.

APRIL COBB
DEPUTY TOWN CLERK