

The minutes of the Board of Assessment Review Meeting on Tuesday February 18, 2014 beginning at 5:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Absent
	Trustee Dominguez	- Present
	Trustee Watson	- Absent
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting explaining that the Board of Trustees also serves as the Board of Assessment review and that today, Tuesday February 18th from 5:00 pm through 9:00 pm the Board would be available to hear anyone wishing to present their assessment grievance.

Village Assessor Edye McCarthy: Ms. McCarthy presented the Board with her work paper detailing the property owners who have filed grievances with the Village between January 1st and the present. She explained to the Board that she reviews the documentation presented to her by the Grievance applicants, meets with them if they so choose, and makes site visits when necessary.

There being no members of the Public wishing to speak and no property owners wishing to present their grievance the Board continues with their workshop until 7:55 pm and then the Regular scheduled Board meeting, making themselves available to anyone coming in for grievances.

No property owners attended for grievance purposes.

Regular Meeting of the Village of Haverstraw Board of Trustees on Tuesday, February 18th, 2014, beginning at 8:00 PM.

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Absent
	Trustee Dominguez	- Present
	Trustee Watson	- Present
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting with the first Public Participation inviting the public to ask questions or make comments.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine would like the Board to speak with someone from Tilcon who might be able to discuss any height standards they must adhere to with their piles which he feels are already too high. He also thought this might be a conservation issue. Mr. Levine feels it just keeps getting worse.

Mayor Kohut: The Mayor responded that the Board has had discussions with Mr. Cooney from Tilcon with regard to that issue. He informed Mr. Levine that there is evidently nothing that restricts them from adding to the height of the piles. Mr. Cooney also stated that when sales for the silt are down, the piles are higher than in a good functioning market when the piles go down. The Mayor informed Mr. Levine that he has checked with DEC (Department of Environmental Conservation) who informed him there is nothing in the permit that gives them any control over the piles at Tilcon. He then mentioned that Tilcon is considering seeding the piles to control the dust situation. The Mayor

stated that the silt is a bi-product of their production process and is a product that Tilcon sells in good market times.

Andy Maniglia: Mr. Maniglia informed the public that it is a product they can sell for use as “certified road bed” when highways are being resurfaced or installed.

Larry Levine: Mr. Levine then brought up the survey previously conducted at Harbors, where there were approximately 45 responses out of the 800 residents occupying Harbors. He feels it might be time to do another survey, which this time may produce a completely different response than the original. He requested the Board see if a new survey would be doable.

Mayor Kohut: With no further input from the floor, the Mayor continued with the evenings agenda.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: The Mayor informed the public that Counselor Hood is away, however, he did request a Public Hearing be scheduled with regard to “interference with public thoroughfares”, mainly the throwing of snow into the streets. The Mayor reported that currently there is nothing in the Village law that prohibits that action but there is a DOT law for that purpose, which the Board might like to make a part of Village law.

Emily Dominguez: Trustee Dominguez suggested making some of the streets “one way” due to the amount of snow that has hit the Village this year.

Mayor Kohut: The Mayor informed the Board that the DPW removed a lot of snow from some of the Village streets that day, which actually widened the streets.

Francisco Batista: Trustee Batista feels that this is an issue that needs to be addressed because of all the snow this year and most residents not having anywhere to put the snow when removing it from their sidewalks and driveways.

Mayor Kohut: The Mayor mentioned that it is against the law to throw snow into the street. It should be thrown somewhere on the homeowners property. Throwing snow into the street is dangerous and illegal.

Mayor Kohut entertained a motion to schedule a Public Hearing on March 3rd at 8:05 PM, with regard to “interfering with public thoroughfares”.

RESOLUTION #46-2014

Motion by: Emily Dominguez

Seconded by: Terence Watson, Jr.

Motion Carries: All

VILLAGE TREASURER, Judith Curcio: Ms. Curcio had nothing to report.

MAYOR’S REPORT, Mayor Kohut: The Mayor reported the following budget adjustments submitted for approval by Joseph Modafferi, Village Accountant:

<u>ACCOUNT NAME</u>	<u>ACCOUNT #</u>	<u>INCREASE</u>	<u>DECREASE</u>
Engineer Ferry	A.1440.0410	\$27,500.00	
Contingent	A.1990.0400		\$27,500.00
Special Events	A.6360.0400	\$ 200.00	
Contingent	A.1990.0400		\$ 200.00
On Street Parking			
Contractual	A.3320.0400	1,000.00	
On Street Parking	A.3320.0200		1,000.00
Central Communications			
Village Hall	A.1650.0400	3,000.00	
Contingent	A.1990.0400		3,000.00
Judgments & Claims	A.1930.0400	10,000.00	
Contingent	A.1990.0400		10,000.00
Law Personnel	A.1420.0100	7,620.00	
Contingent	A.1990.0400		7,620.00

Mayor Kohut entertained a motion to approve the above budget adjustments as stated.

RESOLUTION #47-2014

Motion by: Emily Dominguez
 Seconded by: Terence Watson, Jr.
 Motion Carries: All

The Mayor received a letter from the Quisqueya Sports Club thanking the Board for the support they and the Village staff display to the community. They then requested permission to raise the Dominican Flag on Wednesday, February 27th, at Village Hall, in celebration of Dominican Independence Day.

Mayor Kohut entertained a motion to approve the raising of the Dominican Flag as stated above.

RESOLUTION #48-2014

Motion by: Emily Dominguez
 Seconded by: Francisco Batista
 Motion Carries: All

The Mayor then requested a Public Hearing be scheduled for March 3rd at 8:10 PM regarding a "Special Permit" for 2 Dr. Girling Drive to permit an auto repair shop on site. This request has been reviewed by the Planning Board, who has referred them back to the Village Board with a positive recommendation.

Mayor Kohut entertained a motion to schedule a Public Hearing as stated above.

RESOLUTION #49-2014

Motion by: Emily Dominguez
 Seconded by: Terence Watson, Jr.
 Motion Carries: All

The Mayor received a request from a former firefighter who is now permanently disabled and has applied to receive his pre-entitlement disability aid from the LOSAP program for firefighters; estimated at \$8,400.00. This has been

recommended by Penflex, administrators of the program, and must receive Board approval.

Mayor Kohut entertained a motion to have Penflex forward a check to the disabled firefighter in the amount of his entitlement.

RESOLUTION #51-2014

Motion by: Emily Dominguez
Seconded by: Terence Watson, Jr.
Motion Carries: All

The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – Trustee Rafael Bueno: In the absence of Trustee Bueno, the Mayor submitted the following application for admittance to the Haverstraw Fire Department:

Edward Reyes Non-resident Relief Hose Company #3

His application is complete and duly notarized.

Mayor Kohut entertained a motion to accept Mr. Reyes into Relief Hose Company #3.

RESOLUTION #52-2014

Motion by: Emily Dominguez
Seconded by: Terence Watson, Jr.
Motion Carries: All

There was nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson: Trustee Watson read the following report submitted by George White, Superintendent of Public Works, as of February 18th, 2014:

The DPW has been plowing snow and performing major snow storm clean-up operations from snow storms on February 3rd and February 13th.

Trustee Watson had nothing further to report.

Both Mayor Kohut and Trustee Dominguez added that the DPW has been doing an outstanding job keeping the streets and roadways in the Village clean of snow and debris. The Mayor also mentioned that the department has worked endlessly since the previous Thursday without a day off, to keep the Village functioning. The Mayor and the Board thanked the DPW staff for their hard work dedicated service to the Village.

YOUTH & FAMILY SERVICES - Trustee Francisco Batista: Trustee Batista gave the following report of activities at the Community Center:

Continued to open the doors to the center for the children during the snow storms.

Homework Program – The Center continues with its Homework Program for approximately 63 children.

Caught Being Good: This program was unable to take place this month, but will be conducted in combination with the March program.

Trustee Batista had nothing further to report.

BUILDINGS & CODE ENFORCEMENT - Trustee Emily Dominguez: Trustee Dominguez read the following report submitted by the Building Inspector, Ruben Berrios, for the period of February 3rd through February 14th, 2014:

Rental property inspections	-	0
Municipal searches	-	3
Miscellaneous inspections	-	22
Construction inspections	-	3
Complaints	-	14
Violations & tickets	-	1
Permits & C.O.'s	-	1

Trustee Dominguez then requested approval of the Board for the Building Inspector, Ruben Berrios and the Fire Inspector, Patrick McNamee to attend a New York State DOT Conference on April 29th through May 1st at the Fire Training Center in Pomona at a cost of \$275.00 per person.

Mayor Kohut entertained a motion to send both the Building and Fire Inspectors to a conference as stated above.

RESOLUTION #53-2013

Motion by: Terence Watson, Jr.
Seconded by: Emily Dominguez
Motion Carries: All

Trustee Dominguez had nothing further to report.

MINUTES: The Mayor presented the minutes of the Regular Board Meeting of December 16th for approval by the Board.

Mayor Kohut entertained a motion to approve the above stated minutes as written.

RESOLUTION #54-2014

Motion by: Emily Dominguez
Seconded by: Francisco Batista
Motion Carries: All

OLD BUSINESS

Andy Maniglia: Mr. Maniglia inquired if the Board was ready to make a decision with regard to GDC's application, mentioning that members of the TAC committee were also present at this meeting and would answer any additional questions or comments from the public.

Francisco Batista: Trustee Batista feels it would be beneficial to meet with the community before approving GDC's request, mentioning that the residents have not seen the changes made to the parking.

Andy Maniglia: Mr. Maniglia mentioned that the TAC committee agrees with the changes to the parking and feels they are much better than the original layout and it is not a requirement for the residents to see the changes because GDC has already passed all the requirements for the request.

Gentleman (No name given): He explained that they took into consideration comments, etc. from the Public Hearing and made changes that they feel will be favorable to Harbors residents. They have included 26 additional parking spaces since the second Public Hearing and that does not include the five given to the Village, which would make a total of 31 additional spaces.

Mayor Kohut: Subject to the resolution that has been drafted by the applicant, to be approved by the Village Attorney and subject to the changes the Board reviewed that day along with the subdivision that has yet to be finalized, with issues such as signage for parking spaces to be resolved at a future date. The resolution reads as follows:

RESOLUTION # 42-2014

RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW IN CONNECTION WITH THE APPLICATION OF HARBORS HAVERSTRAW, LLC FOR SUBDIVISION PLAT APPROVAL OF PROPOSED DEVELOPMENT AT "LAND USE AREA A" (SITE A/PHASE 1) OF THE DOWNTOWN WATERFRONT REDEVELOPMENT PROJECT (SECTION 27.18, BLOCK 1, LOTS 1.2 & 1.10); IN CONNECTION WITH THE SITE PLAN APPLICATION FOR RIVERSIDE APARTMENTS AND THE WATERFRONT UNITS; AND IN CONNECTION WITH AN AMENDMENT TO SECTION 241-21.1B (1)(a)(1)[a] AND SECTION 241-21.1B (1)(b)(1)[a] OF THE VILLAGE OF HAVERSTRAW WATERFRONT PLANNED DEVELOPMENT DISTRICT ZONE (WPD).

WHEREAS, in July, 1999, Ginsburg Development Companies, LLC ("GDC") (formerly MGD Holdings, LLC ("MGD")) informally proposed a public/private redevelopment project (the "Project") within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot :20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, .81, 82, 83, 84, 85; Section No 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the "Project Area"); and

WHEREAS, the Board of Trustees of the Village of Haverstraw ("Village Board") is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law ("GML") authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation

Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a "substandard or unsanitary" area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate GDC (formerly MGD) as the "qualified and eligible sponsor" of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the "Additional Parcels" and collectively with the Project Area, the "Project Area") was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act ("SEQRA") for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the "Zoning Ordinance") and to the Zoning Map of the Village (the Project and all such other actions collectively, the "Proposed Actions"); and

WHEREAS, on September 14, 2000, the Village and GDC (formerly MGD) executed a certain "Interim Development Agreement" dated as of August, 2000, which generally sets forth the obligations of the Village and of GDC with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as "Type 1" under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6 N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns

with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1 WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public

hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed Village of Haverstraw Waterfront Consistency Review Law to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests, in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State ("NYSDOS") for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement ("FEIS") for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal ("DHCR") review the Project "in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply" to the Project, specifically with regard to execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration together with the Village's "Response to Comments - Village of Haverstraw Local Waterfront Revitalization Program"; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board's consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village's May 5, 2003 "Response to Comments," and indicated that it required the FEIS to be amended to make the "Response to Comments" and the revised LWRP a part of the FEIS and subject to the ten day "waiting" period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and “Response to Comments” to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village’s “Response to Comments” and;

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised draft LWRP and the Village’s “Response to Comments” a part of the FEIS and issuing a Notice of Completion of the FEIS as so amended; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, Harbors Haverstraw, LLC (the “Developer”) is a related entity of GDC (formerly MGD) and is the successor in interest to GDC; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement (“LADA”) between the Village and the Developer and of the “Redeveloper’s Statement for Public Disclosure” of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as part of the Project; and

WHEREAS, on August 5, 2003, the Village Board: (a) adopted its written findings statement under SEQRA for the Project and all of the Proposed Actions (the “Findings”); (b) adopted the LWRP; (c) enacted the Village of Haverstraw Waterfront Consistency Law; (d) adopted the Waterfront Urban Renewal Plan; (e) enacted the Zoning Amendments; (f) adopted its findings and determinations under the EDPL; (f) designated Harbors Haverstraw, LLC as the qualified and eligible sponsor of the Project; and (g) approved the LADA; and

WHEREAS, on August 11, 2003, the Developer submitted an application (the “Application”) to the Village Board for site plan approval on “Land Use Area A” of “Phase I” of the Project consisting of twenty (20) buildings containing four hundred and ninety (490) dwelling units in the aggregate and a clubhouse with common facilities (collectively, the “Residential Facilities”), together with related infrastructure and amenities; and

WHEREAS, on August 11, 2003, the Village Board duly referred the Application to the Planning Board for its review and advisory report pursuant Section 245.21-1(D)(3) of the Zoning Ordinance and for a determination of consistency with the policies of the LWRP pursuant to the Village of Haverstraw Waterfront Consistency Review Law; and

WHEREAS, on September 16, 2003, the Planning Board held a duly noticed optional public hearing on the Application; and

WHEREAS, on September 22, 2003, the Planning Board transmitted to the Village Board its advisory report on the Application and its determination that the Application is consistent with the policies of the LWRP, and

WHEREAS, on October 8, 2003, the Village Board held a duly noticed public hearing on the Application; and

WHEREAS, on October 16, 2003, the Village Board granted site plan approval for Phase 1 of the Project, subject to the findings and conditions enumerated in said resolution; and

WHEREAS, pursuant to the Local Waterfront Consistency Law, the subdivision applications were referred to the Waterfront Advisory Committee for report and recommendation regarding the consistency of the proposed subdivision with the Village's Local Waterfront Revitalization Program ("LWRP"); and

WHEREAS at its meeting on April 12, 2004, the Waterfront Advisory Committee determined that the proposed subdivision applications are consistent with the LWRP and issued a report to the Village Board regarding same; and

WHEREAS, pursuant to §245-21.1(D)(2)(b) the Village Board of Trustees is the approval authority for subdivision applications in the WPD Waterfront Planned Development District; and

WHEREAS, on or about September 21, 2013, the Applicant submitted a Conceptual site plan for Harbors Riverside and Waterfront Units Project to the Village Board of Trustees for its review and referral to the Village Planning Board. The Village Board of Trustees requested additional studies and review by its Technical Advisory Committee, which led to additional changes to the Conceptual site plan by the Applicant; and

WHEREAS, on January 4, 2014 the Village Board of Trustees unanimously referred the aforementioned proposed zoning amendment, site plan and subdivision plat to the Village Planning Board for review and recommendation;

WHEREAS, on or about January 7, 2014, following extensive review by the Village TAC and modification by the Applicant, the Applicant submitted a site plan for Harbors Riverside and the Waterfront Units and a final Subdivision Plat for Harbors Haverstraw, LLC to the Board of Trustees for review and referral to the Planning Board concurrently with the Village Board's review of the Applicant's subdivision application pursuant to §245-21.1(D)(3), and

WHEREAS, on or about January 7, 2014 and pursuant to Section 241-21.1B (1)(a)(1)[a] the Applicant submitted a zoning amendment (Petition) to increase the permissible dwelling unit density at Land Use Area from 490 dwelling units to 544 dwelling units and simultaneously reduce the density at Land Use Area B from 250 dwelling units to 196 dwelling units pursuant to Section 241-21.1B (1)(b)(1)[a] to the Village Board of Trustees; and

WHEREAS, the Planning Board, at its meeting on January 6, 2014, unanimously voted to positively recommend to the Village Board of Trustees that the subdivision, site plan and zoning amendment applications and petitions be approved; and

WHEREAS, on January 27, 2014, the Village Board affirmed upon review of a Part 1 EAF, traffic report, schoolchild generation data, affordable housing accounting, architectural renderings as well as the original findings for this project that the schoolchild generation estimated in the original environmental impact statement have been significantly overestimated as compared with actual conditions; that parking demand and traffic as considered in the DGEIS has also been overestimated based on actual conditions; that even with reassignment of density from Site B to Site A, the proposed project will be within the thresholds and impact levels estimated within the original DGEIS; and that no new impacts not considered in the DGEIS are anticipated or have been identified. Further the Village Board found that pursuant to and consistent with the purpose, goals and objectives of Article 8 of the Environmental Conservation Law and 6 NYCRR 617 (SEQR), the Village has considered the Environmental Impacts of the proposed changes to the plan for Site A and finds that

the project changes are not likely to result in increased environmental impacts as compared with the plan that was the subject of State Environmental Quality Review Findings Statement to Approve the Haverstraw Waterfront Redevelopment Project adopted on August 6, 2003, that the proposed project impacts are anticipated to be within the thresholds and impact levels estimated within the original DGEIS, and no new impacts not considered in the DGEIS are anticipated or have been identified.

WHEREAS, on January 27, 2014 and February 3, 2014 the Village Board held duly noticed public hearings on the above stated applications and zoning amendment (petition) at which numerous residents from the public presented their comments and opinions on the proposed actions; and

WHEREAS, on February 17, 2014 at the regularly scheduled meeting of the Board of Trustees, the Applicant, the Board of Trustees and the TAC discussed the proposed site plan, zone change and subdivision at the meeting permitted public comment on the matter from those attending;

NOW THEREFORE BE IT RESOLVED, as follows:

For consideration and review, the Applicant has submitted the following documentation, drawings, plans and maps for review and approval by the Village TAC, Planning Board and Board of Trustees:

APPLICATION FORMS

- *PB Application Form dated 10/1/2013
- *SEQR Long Form EAF dated 10/1/2013
- *Letter from Maser Consulting dated 10/31/13 regarding traffic
- *Letter from Maser Consulting dated 11/26/13 regarding traffic
- *Letter from Orange and Rockland dated 12/13/13 regarding willingness to serve the site
- *Letter from JRSB dated 12/23/13 regarding available capacity to serve the additional units
- *Letter from Andrew Maniglia dated 12/9/13 regarding school children generation
- *Sanitary Pump Station Certification Letter dated 7/10/13
- *Drainage Analysis dated 9/16/13
- *ORU Coordination dated 10/15/13
- *List of Addresses within 500 ft to be notified of Public Hearing
- *Letter from Johnson and Urban regarding water pressure and fire protection systems, dated, 8/27/2013
- *Letter from Andrew Maniglia regarding TAC Comments and Rockland County Planning Department Revisions, dated 9/20/2013
- *Memorandum from Andrew J. Maniglia regarding Affordable Housing Accounting, December 14, 2013
- *Petition for Zoning Amendment, dated January 7, 2014.

Civil Engineering Plan Sheets (Tectonic):

- *T-101 - Coversheet, 02/20/14
- *C-102 - Site Plan & Zoning, 02/20/14
- *C-103 - Drainage & Grading Plan, 02/20/14
- *C-104 - Water & Sewer Plan, 02/20/14
- *C-105 - Road Layout & Parking Plan, 02/20/14
- *C-150 - Grading & Drainage Enlarged Plan, 02/20/14
- *C-151 - Grading & Drainage Enlarged Plan, 02/20/14
- *C-152 - Grading & Drainage Enlarged Plan, 01/23/14
- *C-153 - Water/Sewer/Utility/Lighting Enlarged Plan, 02/20/14
- *C-154 - Water/Sewer/Utility/Lighting Enlarged Plan, 02/20/14
- *C-155 - Water & Sewer Enlarged Plan, 01/23/14
- *C-156 - Road Layout & Parking Enlarged Plan, 02/20/14
- *C-157 - Road Layout & Parking Enlarged Plan, 02/20/14
- *C-158 - Road Layout & Parking Enlarged Plan, 02/20/14
- *C-203 - Stage 3 Erosion Control Plan, 02/20/14

*C-401 - Details, 9/6/13

*Amended Subdivision Plat prepared by AS&Z, dated 2/20/14

The following is a list of the Architectural drawings:

1. Riverside – SK1 Garage Floor Plan, 1/31/2014
2. Waterfront A – SK1 Building Plans, 12/12/2013
3. Waterfront A – SK2 Building Elevations, 12/12/2013
4. Waterfront B, C, D – SK1 Building Plans and Elevations, 12/12/2013
5. Riverside and Waterfront Buildings – PL1 Landscape Plan, 12/16/2013
6. Landscape Plan Building A Elevation-PL 2, 12/16/2013
7. Architectural plans for Riverside Building prepared by Appel Design Group, A-1.2 thru A-2.2, 1/31/2014.

BE IT FURTHER RESOLVED THAT:

The Village Board has carefully reviewed the Amended Site Plan and finds that it complies with the criteria contained in the Section 245.21.1 WPD Waterfront Planned Development District zone, (Added 8-11-2003 by L. L. No. 2-2003);

1. The Village Board finds that the amendment is consistent with the public health, welfare and safety, and promotes the orderly and efficient development of the Village's land resources.

2. The Village Board finds that the site development plan criteria established by Section 245-21.1, et seq. are satisfied by the Amended Site Development Plan application and Revised Final Site Plans dated February 21, 2014 as follows:

Traffic Access: The method of accessing the site remains primarily unchanged from the previously Approved Plan, with the exception that more units will now be accessed from Harbor Pointe Drive. Additionally, one emergency egress and ingress has been added from north of Site A from Dr. Girling Drive. This emergency road has been reviewed and approved by the Village Fire Inspector. The Village Board finds that this proposed access point is adequate, but not excessive in size.

Parking: The amended parking plan February 18, 2014 provides 84 spaces reserved for Riverside residents in a one level parking garage below the Riverside residential building; 71 surface off-street surface parking spaces reserved for Riverside residents; 36 individual garage spaces reserved for Waterfront residents aligned behind 36 individual driveway spaces reserved for Waterfront unit residents; 17 surface off-street parking spaces reserved for Waterfront residents; and 28 "unassigned" surface off-street parking spaces that will be identified as "visitor" spaces, which will not be reserved or assigned to any particular resident and will be available to any resident or the public.

Five of the surface off-street parking spaces reserved for Waterfront residents are located in stalls previously owned and used for unrestricted public parking. Because of this five "replacement" public off-street parking spaces are being provided to the Village southeast of the intersection of Harbor Pointe Drive and Riverfront Lane.

The 272 new off-street parking spaces proposed to be constructed are adequate to accommodate the needs of the 154 proposed apartments (a ratio of 1.768). In addition, the 272 new spaces are consistent with the original parking requirement for the project which required that each of the studio units provide for 1.0 parking space, each one-bedroom unit provide for 1.5 parking spaces, and each unit with two or more bedrooms provide for 2.0 parking spaces, whereby the proposed 7 studio units, 72 one-bedroom and 75 two-bedroom units would require 265 parking spaces. Further, the site-wide parking requirement will now be 992 spaces with 1,075 off-street spaces provided in addition to the Village's approximately 170 public spaces located on-street and in the three public parking courts at Edgewater Lane, Lagoon Lane and Bosun's Lane.

Both the residential spaces and the non-residential spaces comply with the requirements of the WPD District. While some parking spaces located within the Riverside Building Garage are deeper than typical and may in the future be assigned for multiple vehicles by the building owner/operator, the Village recognizes each of these deep spaces as only one space for the purpose of meeting the Village's parking requirements and only one tandem parking space has been approved in the Riverside Building Garage and is identified as parking space A49 and A50 on the Garage Floor Plan for the Riverside Building.

The Village Board finds that the parking provided will prevent the parking of vehicles on public streets. As described above, the circulation system within the site is adequate to provide safe accessibility to all of the off street parking and the total off-street parking requirement is hereby increased for Site A to 992 spaces (with 1,075 spaces actually provided by the Applicant).

Development: The Village Board finds that the existing roads and utility services within the area of the project site are capable of serving the project. The Applicant must construct, at its own expense, whatever infrastructure is needed to the project as determined by the Village Engineer and its designated representatives. Furthermore, the Village Board finds that in an increase in density from 490 units to 544 units provides little appreciable impact to Site A and as a result allows the completion of Site A to be effectuated. The corresponding reduction in density at Site B from 250 dwelling units to 196 dwelling units compensates for any overcrowding that may occur as a concern of the existing residents.

3. The Village Board believes, and hereby finds, that the Riverside Apartment and Waterfront Units Site Plan will be beneficial, not only to the waterfront area, but also to the surrounding properties and, indeed, the entire Village of Haverstraw. The Village Board finds that the amendment is consistent with the public health, welfare and safety, and promotes the orderly and efficient development of the Village's land resources.

4. Based upon the foregoing specific site plan factors (as amended), the Village Board finds that the public health, safety and welfare and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular will be protected.

5. As a condition of this approval, the Applicant will work closely and in consultation with the VOH Fire Inspector to review and repair the existing drafting station originally installed at Site A adjacent to the Hudson River. The appliance is non-functioning and the Applicant will study the matter with the Fire Inspector and repair it to working order.

6. Accordingly, the Amended Site Development Plan application and Revised Final Site Plan, Revised Final Subdivision Plan, and Petition to Amend Section 241-21.1B (1)(a)(1)[a] to increase the permissible dwelling unit density at Land Use Area A from 490 dwelling units to 544 dwelling units and simultaneously reduce the density at Land Use Area B from 250 dwelling units to 196 dwelling units pursuant to Section 241-21.1B (1)(b)(1)[a] are hereby approved by the Village Board.

7. The Land Acquisition and Development Agreement between the Village of Haverstraw and the Applicant provides for a Leaseback Agreement of underwater lands from the Village to the Applicant. Specifically, Section 9(1)(b)(3) of the LADA requires that at that issuance of the final Certificate of Occupancy for the last unit at Land Use Area A, the Applicant shall donate to the Village land below the mean high water line in Land Use Area A ("Land Under Water"). The Village shall immediately thereafter lease such Land Under Water back to the Applicant for a term of ten years at a cost of \$10,000.00 per annum. As a condition of this approval, the Applicant shall donate such Land Under Water and enter into the leaseback agreement with the Village, simultaneously with the issuance of a Building Permit for any Site A Waterfront Unit or Site B residential unit.

8. The regular maintenance of the Harbor Point Rotary (adjacent to the Public Promenade Park) and Lot 11 shall be the responsibility of the same entity that is responsible for the maintenance of the Promenade on SBL 27.18-1-1.11. The removal of the Harbor Pointe Drive Rotary, construction of parking spaces on Lot 11, installation of grading and landscaping shall be subject to the review and approval of the Village Consulting Engineer and the Village Consulting Planner. Such construction shall commence prior to the issuance of any Building Permit for any of the Waterfront Units at Site B.

9. Public Improvements Phasing – The Applicant will proceed with all necessary and approved site work associated with the site plan in the public realm, including but not limited to the removal of the Harbor Pointe Drive Rotary, construction of parking spaces on Lot 11, and corresponding grading and landscaping. All public realm improvements shall be completed to the satisfaction of the Village Consulting Engineer and before the first certificate of occupancy is issued for the Riverside Apartment Building.

10. Municipal Easements will be recorded to the satisfaction of the Village Attorney guaranteeing that the five existing parking spaces (as of the date of this Resolution) on Lot 9 and the former Lot 10 will be available for use by the general public until Lot 11 is constructed, including the five proposed public parking spaces on that lot as shown on the approved plans.

11. The Applicant will clearly mark twenty three parking spaces in Lot 2, which shall be labeled for “Visitors” and the Applicant will clearly mark five parking spaces in Lot 1, which shall be labeled for “Visitors” and these spaces shall be made available to the public and not assigned for exclusive use to any current or future resident. All public parking spaces within the Edgewater Lane, Lagoon Court and Bosun's Lane Parking Lots as well as the five proposed parking spaces on Lot 11 shall be clearly identified as Public parking in a manner satisfactory to the Village Planning Consultant in consultation with the Village Consulting Engineer.

Introduced By: Trustee Watson
Seconded By: Trustee Dominguez

A roll call vote for approval of the application of Harbors Haverstraw LLC as stated above was recorded as follows:

Mayor Michael Kohut	Yes
Deputy Mayor Francisco Batista	No
Trustee Rafael Bueno	Absent
Trustee Emily Dominguez	Yes
Trustee Thomas Watson Jr.	Yes

There being 3 votes in favor of the motion the Mayor declared the motion carried and the Resolution adopted.

Mayor Kohut entertained a motion to approve the revised site plan, subject to changes as seen today by the Board & the sub-division amendments.

RESOLUTION #42-2014

Motion by: Terence Watson, Jr.
Seconded by: Emily Dominguez

Mayor Kohut: The Mayor requested a Roll Call vote as follows:

Trustee Batista	- No
Trustee Bueno	- Absent
Trustee Watson	- Yes
Trustee Dominguez	- Yes
Mayor Kohut	- Yes

Clerk/Treasurer Judy Curcio: Ms. Curcio announced the motion passes with a majority of 3 "YES" votes, with 1 Trustee absent and 1 "No" vote.

Mayor Kohut:

NEW BUSINESS

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Larry Levine: Mr. Levine mentioned he read an article in the Rockland County Times about what the Village is planning for the area known as Civile's in Emeline Park. He requested an update on that subject.

Mayor Kohut: The Mayor responded that the Board was supposed to meet with a potential applicant but due to the snow storm that meeting was cancelled. The Board is scheduled to meet with them the upcoming Thursday. He mentioned that there may also be a second prospect for the space. If so, then the Board would wait to receive proposals to see what would be right for that location. If nothing comes of those meetings, the Board may engage a realty firm being used for another property to market the site. The original interested party lost his financing and the deal fell through.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the regular Board meeting and the meeting of the Board of Assessment Review.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #55-2014

Motion by: Emily Dominguez

Seconded by: Terence Watson, Jr.

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
March 3rd, 2014