

The minutes of the Village of Haverstraw Planning Board Meeting held on Thursday, August 3rd, 2017, beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	Joseph Natale, Chairman	- Present
	Gil Carlevaro	- Present
	Diogenes Dominguez	- Present
	Edwin Molina	- Present
	Danny Scaffidi	- Present
	Dennis Michaels, Village Atty.	- Present
	Ruben Berrios, Bldg. Inspector	- Present
	Liz Mello, Engineer	- Present
	Beverly Swift, Admin. Asst.	- Present

Joseph Natale: Chairman Natale opened the meeting by switching the agenda to start with the Verizon Wireless proposal.

Mike Sheridan, Esq., Snyder & Snyder LLP: Counselor Sheridan was there representing NYSMSA Limited Partnership d/b/a Verizon Wireless. They are proposing a wireless facility to be located at 87-89 Route 9W. At a previous meeting with the Planning Board, there was an issue with regard to a County Memo that stated a Use Variance was required. Counselor Sheridan spoke to a County representative who in turn spoke with both the Building Inspector, Ruben Berrios and Village Engineer, Liz Mello informing them that a Use Variance was **not** required and he submitted documentation to the Board to that effect.

Joseph Natale: Chairman Natale inquired if everyone on the Board had reviewed the documents and were prepared to discuss the proposal; all were prepared.

Gil Carlevaro: Mr. Carlevaro inquired about an item on the APT Engineering Report which showed the gas line painted to match the building. He feels that would be unsafe for a propane line especially in the case of an emergency situation. He feels it should be plainly marked that it is a live gas line.

Liz Mello, Engineer: Ms. Mello mentioned that she brought that up at a TAC Meeting also and everyone, including the Fire Inspector, felt it should definitely be painted yellow designating it is an active gas line because even if the main valve is shut off there would still be pressure in that pipe. This would at least make our local fire department and any visiting fire departments aware of the situation.

Mike Sheridan, Esq.: Counselor Sheridan agreed to advise his clients to go along with any suggestions the Board made. He is also agreeable to making that a condition of the approval and does not see it being a problem. He wants the Board to be completely satisfied that everything will be done with safety in mind. Besides the County submissions, he mentioned that they also submitted an application to the New Jersey Trail Conference and the Health Department which takes care of other issues. Counselor Sheridan also requested them to revisit the AF, which is 5.2 acres now instead of 5.01 acres. He believes the only outstanding items are the visuals from the trail which are being completed and will be available for the Public Hearing on September 7th.

Dennis Michaels, Esq., Village Attorney: Counselor Michaels mentioned that the Board legally issued its "Notice of Intent" to become Lead Agency,

therefore by September 7th, 30 days would have fully passed so the Board would be in a position to form an Environmental Review and render an Environmental Determination. He also mentioned that Max Stach is already anticipating assisting the Planning Board in its review and preparing documents, along with Part II of the Environmental Assessment Review and guide the Board with any environmental concerns with the assistance of Liz Mello if needed. Once a Negative Declaration is issued, if appropriate, meaning that the Board would find no potential significant adverse environmental impacts, then the application is deemed complete from a procedural standpoint at which time the Board can make a decision on the application. He reminded the Board that they will be issuing a Special Use Permit and as the County pointed out there are sections in the Village Code that he will get to the Board as there is criteria that must be considered as part of any Special Use Permit application, which he believes the TAC team is already addressing.

Liz Mello: Ms. Mello inquired where they are with the resolution of some of the comments made by the Village consultants, such as supplemental information.

Mike Sheridan, Esq.: Counselor Sheridan believes the consultants are satisfied with everything they have received.

Liz Mello: Ms. Mello then commented that the Board had spoken about painting of the roof and inquired if the clients are willing to do that.

Mike Sheridan, Esq.: Counselor Sheridan did speak with his clients about that and he feels there might be an issue with additional painting. He pointed out that when it snows no-one will be able to see the painting. He did, however, go back to previous submissions indicating where issues lay with the antennas, which is really the 1 square foot area in front of the 2 center antennas of each section, where signage will be placed.

Liz Mello: Ms. Mello inquired if the signage will be in both English and Spanish, as are other cell towers in the Village. She mentioned that a concern of the TAC team was the location of the equipment and its proximity to the only roof access and that anyone who may be working on other equipment on the roof for the nursing home would have to walk around the antennas, which is the only way they can go and also there is the screen wall where the FCC required signage regarding a "No Go Zone". She suggested painting a 1 foot wide yellow stripe around that wall on the roof to let people know that they should not enter that area. The concern is not the people coming to work on the antennas, but the other people that may have to go on the roof of the building to repair other things such as the air conditioning, etc. Adding the yellow paint would be a further indication that this is not an area that anyone should enter, because unfortunately that is the only area on the roof where there is shade.

Mike Sheridan, Esq.: Counselor Sheridan stated that his clients are good with the signage in both English and Spanish, however, one of the reasons he is concerned about the striping is when there is snow on the roof no-one will be able to see any of the painted areas, however, Ms. Mello pointed out that the other 9 months of the year they will.

Liz Mello: Ms. Mello then displayed the plans pointing out to the Board specific areas of concern with resolutions for the problems to make it extremely clear to anyone needing roof access that these are danger zones.

Danny Scaffidi: Mr. Scaffidi inquired how high the walls would be, to which Ms. Mello responded it would be an 8 foot addition to the existing walls.

Joseph Natale: Chairman Natale inquired about the waiver for the cash deposit.

Mike Sheridan, Esq.: Counselor Sheridan explained that they are looking for a waiver until the building permit stage of the project

Dennis Michaels, Esq.: Counselor Michaels suggested to the Board that they make that a condition of the approval, whether or not it would be a condition prior to issuance of the Building Permit or prior to issuance of the Certificate of Occupancy (C.O.). That decision would be left to the Building Inspector whether or not he believes it would be appropriate.

Liz Mello: Ms. Mello explained that what is required is that the clients post 125% of the removal cost of any equipment, which is something the Village typically does for any cell phone application. She does understand Counselor Sheridan's request to wait until after it is approved, however, it is something that the Village requires in case for any reason the cell company goes out of commission, the Village would like to be able to remove the equipment.

Joseph Natale: Chairman Natale then introduced the next item on the agenda inviting Ryan Nasher to come forward to present the application.

Ryan Nasher, Engineer with the firm of Atzl, Nasher & Zigler, P.C.: Mr. Nasher presented the application of Gary & Yvette Martino. He distributed some documentation to the Board with reference to this application pointing out locations and what the applicant wants to do, which basically is to merge his lot (Lot #1) with the pool section of his mother's (deceased) lot (Lot #2) which he inherited from her. He explained that there is a wall next to the pool area, which is built along the neighbor's property. He referred to a map to show the wall, which is right on the property line and was built many years ago. It is totally backfilled to the top of the exterior wall of the garage. He mentioned that the wall was built without a permit and does have issues.

Liz Mello: Ms. Mello mentioned that last year, before the Variance application, 2 of his neighbors complained about issues with this property. She and the Building Inspector went to look at the property to assess the situation. There was 1 neighbor with the garage where the wall was built against the garage and they were concerned about the structural integrity of the garage, which is also old. The 2nd complaint was from Mr. Plassart regarding the drainage situation at his business. He has dry wells under the parking lot of his business that he installed as part of his site plan and he is seeing water washing out the soil and clogging his drainage system. She and the Building Inspector found that the wall is substandard and is leaning against the garage wall, which is now in very bad shape and is a big concern. The plans that the applicant is showing involves a sub-division, to change the property line on Lot #2 and take the entire pool area from that lot and adjoining it to Lot #1. They received variances, but there was not enough lot area. She believes those variances have now expired. The concern the Village has is how do you remove that wall and all the fill, stating that there has to be a plan to ensure the integrity of that neighbor's garage, which may have been compromised by that wall. The applicant needs to devise a plan on how to support that wall, because the garage wall is failing and leaning on the retaining wall and once that is removed the neighbor is going to have a big problem.

Ryan Nasher: Mr. Nasher stated that they did not look at the exterior wall of the garage and did not do any study for the structure integrity.

Liz Mello: Ms. Mello feels what needs to happen is for the neighbors to get together because the neighbor did not want the wall to begin with and was not happy about the wall pushing against their garage and now the plan is to take that wall away from their garage, so hopefully they will work with the applicant to examine the garage and make sure it is structurally sound and if not determine how to protect it from any damage.

Ryan Nasher: Mr. Nasher explained that the reason for removing the wall is to build a new wall with cement blocks that would be more structurally sound, with reinforcements at the back that will allow for access for any repairs, etc. that may need to be done. A safety fence will be installed at the top of the wall, which is approximately 6.5 feet, to prevent anyone from falling.

Liz Mello: Ms. Mello is concerned about the grade of the new wall because a low point is being created. She was out there after a rain storm and the property between the pool and the wall runs down along the property line and makes its way to a shed and then to the commercial property below.

Ryan Nasher: Mr. Nasher will look into the drainage concerns, but he feels it is really a gradual slope going to the applicant's property.

Liz Mello: Referring to the map, Ms. Mello pointed out that the lot is draining across the property line alongside of the garage and is ending up on Mr. Plassart's property. Ms. Mello mentioned that originally it was recommended that the applicant install a berm because this drainage is an ongoing concern. She pointed out on the plan where the water currently breaches the neighbor's property between the shed and the garage and then continues down to the commercial property's parking lot every time it rains. Again, pointing out on the plan, she suggested where a dry well could be installed to keep the water on site, which would work out well for the applicant with his gardens, etc.

Ryan Nasher: Mr. Nasher responded that Ms. Mello made a good point and they will look into it. They were considering directing the flow of water into a basin on New Main Street if possible.

Liz Mello: Ms. Mello suggested putting in a linear system to hold units rather than putting in a big dry well, which would have to be 10 feet away from the foundation. She believes there are basins in the street, but is not sure how close they are to the applicants property or how deep they are, but she has a feeling they are not very deep in that area because of the slope in the road.

Ryan Nasher: Mr. Nasher will look into that problem and try to come up with something practical that will take care of the water situation.

Joseph Natale: Chairman Natale inquired whether or not the sub-division has been completed.

Liz Mello: Ms. Mello responded that the sub-division is not done and until this Board approves the sub-division, the property line changes do not exist and a variance cannot be considered or approved until the sub-division is complete.

Joe Natale: It is Chairman Natale's inclination that Mr. Martino wants to combine the 2 lots.

Dennis Michaels, Esq.: To clarify this application for the Board, Counselor Michaels stated that there are currently 2 existing lots that Mr. Martino wants to change the property lines on. If this application is approved, there would still be 2 tax lots, they are not creating 1 new lot. All that is happening is a lot line change, which is shifting so the pool instead of being on the Hillside Avenue lot will be on the New Main Street lot. They just want to reconfigure the lot boundaries.

Joe Natale: Chairman Natale questioned if Mr. Martino owns both of the lots, because he was under the impression that he had sold his mother's house.

Dennis Michaels, Esq.: Counselor Michaels replied Mr. Martino owns both properties; they are simply shifting the pool area from one lot to the other and then eventually he will sell his mother's house.

Danny Scaffidi: Mr. Scaffidi feels the Board needs to see more details for the footings and drainage, which are not shown on the plans.

Liz Mello: Ms. Mello explained it is just not shown in a typical cross section, however, looking closer at the plans she noticed it is there with a leader to it, but is very hard to see. She also suggested if any remedial work is needed on the garage that his client should talk to his neighbor to see if they can come to some kind of agreement to enter their property in order to see what is really going on with the garage. If need be, the Building Inspector can escort them there. Pointing out on the map, her fear is that the back wall of the garage is not stable and by going inside they would be able to see if block has shifted on the garage, which is currently not in great shape either and it is not a sophisticated building. From the outside it looks like a floor was put down, which may be a 6 foot floating slab, sides put up and a tin roof attached. The new wall and the garage will have a small alleyway between them. Ms. Mello suggested that the next time they come in to bring some of the pictures so the Board could visualize the whole project better. She will also look through the pictures that she took and bring in anything that she feels might be beneficial to clarifying the area for the Board.

Ryan Nasher: Mr. Nasher will try to get his client to talk with the neighbor to allow them to go on their property to check out the garage and its integrity and try to make things right by bringing in an engineer to check out the structure. It is really hard to tell without being able to go in and walk around whether or not it is stable, so this way they would know for sure what has to be done, therefore Mr. Martino has to let his neighbors know that he is trying to do what is right for both parties.

Dennis Michaels, Esq.: Counselor Michaels stated that the Board is not yet in the position with this application to send out a Notice of Intent to declare lead agency, also inquiring if Mr. Nasher would be revising the plan. If everything is all ready by September 7th, the Board will be in a position to send out the Notice of Intent to declare lead agency on the project.

Ryan Nasher: Mr. Nasher will be revising the plan utilizing suggestions of the Board and Liz Mello.

Liz Mello: Ms. Mello also mentioned that the client needs to change the application to demolishing and reconstructing a retaining wall. In the brief description section of the application under "Proposed Action" should read lot line change, removal of existing and construction of new retaining wall and resubmit it at the September meeting and be on the agenda for that meeting.

She suggested that he get as much done with the plans, working out the grading, etc. in order for the plans to be done enough for the Board to declare their intent to be Lead Agency. She and Mr. Nasher would stop by the property following the meeting, so he can better put into perspective the suggestions that were made.

With no further business to be conducted by the Planning Board, Chairman Natale entertained a motion to adjourn the meeting.

RESOLUTION #

Motion by: Gil Carlevaro

Seconded by: Diogenes Dominguez

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift, Senior Steno Clerk
September 15, 2017