

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

PLEDGE OF ALLEGIANCE

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

Joseph Natale: Chairman Natale opened the meeting with a Public Hearing with regard to NYSMSA Limited Partnership d/b/a Verizon Wireless. They are proposing a wireless facility to be located at 87-89 Route 9W, Tax Lot #27.17-1-11.2. Chairman Natale read the "Notice of Public Hearing". He then declared the Public Hearing open.

Mike Sheridan, Esq., Snyder & Snyder LLP: Counselor Sheridan is the attorney representing NYSMSA Limited Partnership d/b/a Verizon Wireless. Utilizing the plans, he pointed out and explained details of specific areas pertaining to the site, noting that it does not obstruct the view of the Hudson River and cannot be seen from most vantage points in the Village. He then mentioned that the visuals, which the County requested, have been completed and are a part of the package the Board received.

Liz Mello, Engineer: Ms. Mello pointed out on the Sketch Plan Exhibit B of the Visuals package, the roof of the building showing the section where the Board requested a 1 foot stripe be painted around the section where the antenna is located, which will further eliminate any risk hazards.

Dennis Michaels, Esq., Village Attorney: Counselor Michaels inquired if Counselor Sheridan has received a more recent Rockland County Planning Department GMO letter where the "Use Variance" was removed other than the one dated July 17th.

Mike Sheridan, Esq.: Counselor Sheridan responded that there was another letter issued with regard to that matter on July 24th, which had no additional comments.

Dennis Michaels, Esq.: Before this application is deemed complete, Counselor Michaels informed the Board that there needs to be a SEQRA Environmental Review conducted before any decision can be made.

Chairman Joseph Natale: Chairman Natale invited the public to make comments or ask questions at this time.

WOMAN, 6 Mountain Court: She inquired whether the cell tower is going to be on top of the Nursing Home or in the Parking Lot.

Mike Sheridan, Esq.: Counselor Sheridan responded that it is not a cell tower, it is a cell site facility which will be located on the roof of the building at 87-89 Route 9W. It will actually be 12 antennas on the existing elevator hook-up, which will extend an additional 8 feet higher. There will not be any additional

equipment and everything will be located at the back of the building where nothing will be visible from the street and there will be minimal difference in appearance.

Janet Miller, 10 Mountain Court: Ms. Miller inquired if any of the employees in this building have been notified that this work is being done.

Mike Sheridan, Esq.: Counselor Sheridan stated it would be up to the owner to notify the employees and he did not know if that had been done.

Janet Miller: Ms. Miller then inquired if there would be any radiation hazards because she is a cancer survivor and is afraid of any hazardous debris in the air. She then informed Mr. Sheridan that she works at the facility and was not notified about this, mentioning also that the Union is going to file a grievance.

Dennis Michaels, Esq.: Counselor Michaels introduced Michael Russo, Civil Engineer, who works with the Village on behalf of the Planning Board. He suggested that Mr. Russo briefly explain radio frequency emissions to the public to clarify this issue, informing the public that Mr. Russo is a consultant for the Planning Board who guides and counsels them through this type of application. He does not work for the applicant.

Michael Russo: Mr. Russo is a Civil Engineer and also a Health Risk Assessor, employed by HDR, Environmental Engineers and Consultants. He explained that HDR works on behalf on many municipalities in Rockland and Orange County's. He gave a brief overview of what is being proposed stating that within the reports that have been submitted to the Board for review is information and analysis on the radio frequency emissions, which, for this application, are well within FCC regulations. On the visual assessments, he pointed out to the public that this is not a cell tower (a free standing shape made to look like a tree). He stated that this application follows the Village's wireless ordinance according to the Zoning Code, Chapter 221, which guides applicants like Verizon, Sprint, AT&T, etc., explaining that there are specific guidelines in the Zoning Code that must be adhered to. His company performs a 3rd party review on that. He explained that this application is for an 8 foot extension off the penthouse, the tallest part of that building, where the antennas will be placed and will not be visible from Route 9W due to the angle of the building. He pointed out on the plans where the 12 antennas would be installed and mentioned they will be surrounded by a transparent wall. Photo simulations show that the antennas will be shielded from most views from anywhere in the Village. He, the Village Engineer and the Village Planning Consultant have put together several recommendations, which would also be conditions for approval of this application, including health and safety, FCC compliance, radio frequency emissions, signage, etc., which the Board may or may not wish to entertain. He also mentioned that the Building Inspector is well aware of what has to be done to ensure a healthy environment for all the residents of the Village. He then pointed out that all wireless facilities are FCC regulated and are focused on health and safety based criteria. The FCC has a health based criteria that allocates spectrum for AM/FM radios, censorship and wireless communications. Part of the criteria includes the number of antennas and the direction they are pointed to, etc. He explained that the current antenna sites have to continue to be split due to the excess number of people currently utilizing the wireless network. He mentioned that power levels are less now than when this type of system was first employed 20 years ago, therefore, instead of building new towers, the rooftop facilities make the most sense for the radio frequency. He explained that the information provided as part of this application mentioned the need for this additional site, which all

parties agree with to continue offering the public the best coverage and service. Mr. Russo then informed the public that Verizon does not have any cell sites in the Village at the current time. This would provide the Village with excellent supplemental coverage along the 9W corridor, the entire waterfront and downtown area. The objective to splitting cell sites is providing additional capacity and service, which is mandated by the FCC. He then mentioned that they did look into the FCC health based criteria, which has been reviewed and updated through the years, and the emissions from this site would be about 2% due to the building materials used in this building. Safeguards have also been put into place for anyone that might have to go on the roof for repairs, etc. According to the property owner, this rooftop is very well controlled. In summary, he feels the application is comprehensive and follows the code.

Theodore Best, 6 Mountain Court: Mr. Best inquired about the size of wires and specific equipment that will be installed at this site.

Michael Russo: Mr. Russo is not sure about the size of the wires, but informed the public that this application does meet all FCC requirements, with the wiring capabilities based on the maximum possible; called an "Effective Radiated Power Level". He then informed the public that Verizon is licensed for full frequency at this site and with the frequency calculations verified for general public maximum risk exposure, the maximum calculated for this site is less than 2% at any area off this roof. He mentioned also that there is an emergency generator located at the back to assure its constant working ability.

Theodore Best: Mr. Best inquired if there are any other similar sites in the Village, to which Mr. Russo responded, the Central Presbyterian Church is a comparable site with 3 different carriers having antennas at that location. He requested copies of some of the documentation.

Woman: Requested a copy of the health report and was told to contact the Building Department Secretary.

Dennis Michaels, Esq., Village Attorney: Counselor Michaels pointed out that health effects cannot be a basis to deny an application, and in Mr. Russo's review the application meets all the applicable federal and local regulations and guidelines. He then informed the public that all municipalities are obligated to make records available to the public through the Freedom of Information Law (FOIL), however, unless records are simply going to be viewed at the municipality, there is a fee attached to any paperwork requested. He also explained that the applicant is a separate entity and does not have to disclose any information to the public.

Woman: Raised the question about health risks not being a reason for denial of the application.

Michael Russo: Mr. Russo explained that the FCC regulations include all risk factors and as long as the applicant meets all those regulations the application can move forward.

Dennis Michaels, Esq.: Counselor Michaels stated that the next step of this application process is the Environmental Review. For the record, Max Stach, one of the Village Planners, prepared the Environment Review, which Counselor Michaels read aloud, mentioning that the public could obtain a copy of this review through a "FOIL". In brief, Mr. Stach found that there were no critical environmental impacts related to this application. He then reported that Mr. Stach prepared a "Negative Declaration" which he presumes in his expert

opinion, he feels that the proposed land use action will pose “NO” significant adverse environmental impact. He then read the reasons listed for affirming the “Negative Declaration”.

Liz Mello: A question arose regarding the view of the antennas during the different seasons, to which Ms. Mello reported there are a couple of places where the building can be seen looking down from the mountainside, but to the untrained eye there would not be any difference.

Dennis Michaels, Esq.: Counselor Michaels inquired if Ms. Mello had anything additional she wanted to add to the Village Planners comments in the “Negative Declaration” to which she responded “no, she was in complete agreement with their findings”. Counselor Michaels was now comfortable with the Planning Board Chairman to entertain a motion to adopt the findings of the Environmental Review, Environmental Assessment Forms (Parts 2 and 3) and the Negative Declaration prepared by Max Stach as of September 1st, 2017.

Joseph Natale: Chairman Natale entertained a motion to accept the findings of Max Stach as stated by Village Counsel Dennis Michaels.

RESOLUTION #22-2017

Motion by: Diogenes Dominguez
Seconded by: Danny Scaffidi
Motion Carries: All

Dennis Michaels, Esq.: Counselor Michaels informed the Board that if they are satisfied with all the determinations, including any recommendations set forth on pages 16 through 18 as conditions of approval from Mr. Russo’s report of September 1st, 2017 to the Planning Board, that they could now vote on the application.

Joseph Natale: Chairman Natale inquired if Counselor Sheridan was in agreement with the findings to which he responded “he had no objections”.

Dennis Michaels, Esq.: Counselor Michaels inquired if there were any objections from the Village Engineer to which Ms. Mello responded “no, that all the recommendations she has made in the past have been incorporated into the above stated documents.

Woman: She inquired if any other locations were considered for these cell antennas and if the Nursing Home is going to be compensated for having these cell antennas on their roof.

Dennis Michaels, Esq.: Counselor Michaels informed Mr. Sheridan that the Board has is not involved in any compensation issues, therefore he is not obligated to answer the question.

Mike Sheridan, Esq.: Counselor Sheridan responded that it is a private agreement between the owner and Verizon. As for the location, this was viewed physically as the best location for coverage in this area.

Joseph Natale: Chairman Natale entertained a motion to close the Public Hearing.

RESOLUTION #23-2017

Motion by: Diogenes Dominguez
Seconded by: Danny Scaffidi

Motion Carries: All

Dennis Michaels, Esq.: Counselor Michaels inquired if the Board was ready to render a decision on the Verizon applications to which the Board responded "yes". He then stated the motion read "to approve the Verizon applications, as submitted, with the conditions set forth on Pages 16 through 18 of Michael Russo's September 1st, 2017 report to the Planning Board, specifically beginning at the top of Page 16, entitled "Recommendations" and everything following that through the top of Page 18 which is the end of the Report".

Joseph Natale: Chairman Natale entertained a motion to approve the Verizon applications as stated above by Village Attorney, Dennis Michaels.

RESOLUTION #24-2017

Motion by: Edwin Molina

Seconded by: Diogenes Dominguez

Motion Carries: All

ROLL CALL VOTE

Joseph Natale, Chairman	- Yes
Diogenes Dominguez	- Yes
Edwin Molina	- Yes
Danny Scaffidi	- Yes

Joseph Natale: Chairman Natale announced the motion is approved with a majority vote of the Board.

Joseph Natale: Moving forward with the nights agenda, Chairman Natale invited John Atzl to speak on behalf of his clients Gary & Yvette Martino.

John Atzl, Atzl, Nasher & Zigler: Mr. Atzl introduced his client Gary Martino, informing the Board that he was there the previous month with regard to a subdivision of property located at 150 New Main Street. At the suggestion of Counselor Michaels, he brought the Deed for the 2 parcels for the Board. He mentioned that he and Mr. Martino recently met with the Village Engineer and the Building Inspector who suggested that the Martino's provide drainage to help negate any flooding issues for the Car Wash adjacent to the Martino property. The reason they did not do that is because the water is not the Martino's runoff. It is coming from the west side of Hillside Avenue crossing the road and running through Mr. Martino's property and down to the Bricktown Car Wash. To move the project along, they have added drainage facilities to the project, therefore, they have relocated the retaining wall that was constructed against a garage to the East and have also amended the Environmental Assessment Form, which was requested and the application because of the proposed changes done to the property. The reason for their appearance that night was to request the Planning Board to declare itself Lead Agency and possibly schedule a Public Hearing for the following month. He also would like to schedule a site visit with the Board, the Building Inspector and Mr. Martino to check out the runoff situation.

Dennis Michaels, Esq.: Counselor Michaels stated that procedurally they did present their request to the Board to become Lead Agency, therefore, at this time the Board can establish itself as Lead Agency. If the Board feels it has enough information, the Board could render an Environmental Determination that night and based upon reports received from Max Stach and Stu Turner,

Village Planners, they are recommending a “Negative Declaration”, therefore, he suggested the Board do that at this meeting.

Liz Mello: Ms. Mello mentioned she spoke with Ryan Nasher at the last meeting and she recommended that in the street to prevent any clogging from occurring that they change the spec to 15 inches instead of 12. They also spoke about the integrity of the timber retaining wall that is proposed to come out and any effect its construction may have on the masonry block wall of the neighbor’s garage. She also noted that efforts would be made by Mr. Martino to contact his neighbor to get access to the garage and make a determination on its structural integrity. She inquired if that has occurred or if any contact whatsoever has taken place.

John Atzl: Mr. Atzl responded that has not yet happened, but they should have an answer by next month’s meeting.

Liz Mello: Ms. Mello felt that removing the wall without visually seeing what needs to be done could have a negative impact on the entire project, therefore, she suggested they contact the neighbor as soon as possible. She also suggested installing a berm to fill in the gap between the garage and where the grade starts to drop, which seems to be where the water is escaping onto Mr. Pusart’s property. She would also like to have the road closure detail added to the Plan because of the asphalt repair. She believes the DPW has formally filed for road opening permits, but she will speak to Robert Drexler, DPW Superintendent, to see what has to be done in this type of instance.

John Atzl: Mr. Atzl had no problem with any of the requests. He mentioned ZBA variances were approved the previous year.

Dennis Michaels, Esq.: Counselor Michaels informed Mr. Atzl that in order to be on the agenda for a Public Hearing the following month, everything would have to be sent to the County for their review. He inquired if any member of the public wished to address their concerns about this application. With no response from the public, as counsel for the Board, he proposed the following motion:

“That pursuant to SEQRA, the proposed application for Gary Martino & Yvette Martino request an approval for sub-division/lot line change including erosion control and retaining wall design at 11 Hillside Avenue, Tax Map #26.60-1-20 and 150 New Main Street, Tax Map #26.60-1-21, Haverstraw, New York hereby classified unlisted action #617.7 of New York State Rules and Regulations, NYCRR, no other agency other than the Village Planning Board and Zoning Board for the Village of Haverstraw and the Rockland County Department of Planning will have any involvement in the review process pursuant to NYCRR #617.7 and the Planning Board hereby declares itself as Lead Agency”.

Chairman Natale entertained a motion to be Lead Agency in the application for Gary & Yvette Martino as recited above by Counsel.

RESOLUTION #25-2017

Motion by: Edwin Molina

Seconded by: Danny Scaffidi

Motion Carries: All

Dennis Michaels, Esq.: Counselor Michaels then read the final summary from the memo to the Planning Board prepared by Village Planners Stuart Turner and Max Stach.

Based upon the views stated in the memo by the Village Planners, Counselor Michaels prepared a Negative Declaration motion for the Board as follows:

“ I make a motion that pursuant to NYCRR §617.7, the Planning Board will be Lead Agency for the reasons articulated in the Village Planners, Stuart Turner and Maximilian Stach’s August 28th, 2017 memorandum to the Planning Board with a recommendation to the Village Engineer, Elizabeth Mello, being stated on the record that the Planning Board at the September 7th, 2017 meeting, which reasons are summarized in this motion hereby determines that the proposed action will not have any significant adverse environment impact and the draft of the Environmental Impact Statement will not be prepared based on the following summary: The Planning Board findings that the proposed action will not create a material impact on zoning regulations, will not result in a change in user intensity use of land, will not impact the quality of existing community, will not have an impact on the environmental characteristics that will cause the establishment any impact on the environmental area, if any, will not result in an adverse change in existing level of traffic, or affect existing infrastructure for mass transit, biking and walking, will not cause an increase in use of energy, will not cause impact on any public or private water supplies or public property or wastewater treatment facilities, will not impair the character and quality of any important historical or archeological architecture or historic resources, will not result in an average change in natural resources, will not result in an increase in the potential for erosion, flooding or drainage problems, because it will not result in an increase for potential erosion, flooding or drainage problems on the grounds and on the basis that the Village Engineers requirements will be satisfied and met by the applicant and will not create a hazard to environmental resources or human health, therefore, pursuant to SEQRA, the Planning Board issues a Negative Impact Declaration that there will be no significant adverse environmental impacts.

Motion was entertained to approve the Negative Impact Declaration as cited above by Counsel.

RESOLUTION #26-2017

Motion by: Diogenes Dominguez
Seconded by: Edwin Molina
Motion Carries: All

Joseph Natale: Chairman Natale and the Board will discuss a date for the Public Hearing. A site visit will also be scheduled. He then continued with the night’s agenda introducing Counselor Zachary Mintz speaking in regard to establishing Special Permit Use Criteria.

Dennis Michaels, Esq.: Counselor Michaels explained that Counselor Mintz is working with the Board to make specific changes to the existing Local Law for Special Permit Use Criteria.

Zachary Mintz, Esq. of Zarin & Steinmetzk: Counselor Mintz stated that the Village is looking to define and add requirements to uses that are already defined in the Village Code, including schools of general instruction, schools of special instruction, places of worship, places of general assembly, schools with accessory housing and residential places of housing to add specific

definitions to the Zoning Code. He mentioned that many of these places currently exist in the Village, but are not regulated; therefore, the Village wants to take every preventive measure going forward so as future uses come into the Village, there will be set criteria that would have to be followed. The concept is to make the uses blend in as much as possible with the character of the neighborhoods as they already exist.

- 1) §245-14 M. SCHOOLS OF GENERAL INSTRUCTION: Must be designed to fit in with the harmony of the neighborhood, including places for children to play, landscape buffering, parking and roadway requirements. Existing schools have been grandfathered in; therefore, they will not be affected.
- 2) §245-14 N. SCHOOLS OF SPECIAL INSTRUCTION: Will be similar for vocational schools, etc. The difference is that they are allowed in additional zones.
- 3) §245-14 O. SCHOOLS WITH ACCESSORY HOUSING: This will assure that any school with accessory housing, no more housing will be allowed than that of a normal lot size.
- 4) §245-14 P. SCHOOLS OF WORSHIP: This has similar requirements the schools have. Essentially landscaping buffers will be put in as well as making sure lighting will not affect neighbors. Parking management plans will be in effect for “high holy days” so it will not interfere with the community.
- 5) §245-14 Q. ACCESSORY HOUSING FOR PLACES OF WORSHIP: Depending on the size of the lot and the district you’re in, you’ll have the same amount of housing units that you otherwise would’ve had on that parcel. It will have limited hours of operation, no outdoor music etc.
- 6) §245-14 R. PLACES OF GENERAL ASSEMBLY: It will have limited hours of operation, no outdoor music etc.
- 7) §245-14 R. RESIDENTIAL PLACES OF WORSHIP: Strictly for smaller structures only, specifically under 1400 square feet. This will only allow a limited amount of worshippers.

Liz Mello: Liz brought up several questions regarding this matter. She wanted to know how it relates into our existing use of right for highway business districts such as social halls, meeting rooms, convention halls and catering facilities; whether it’s commercial or a nonprofit while being conscious of the written law. Liz also mentions under adult student housing on pg.19 the term used was town homes which currently isn’t being used. She asked if the purpose of this was to replace emi attached homes for condominium purposes

Zachary Mintz, Esq. of Zarin & Steinmetzk: We didn’t want there to be redundancy or ambiguity as to what use would be allowed. Specifically Column B #3 he mentions they deleted it and replaced some wording for that very reason.

Liz Mello: Liz also mentions under adult student housing on page 19 the term used was town homes which currently isn’t being used in our code. What is being used is semi attached single family residences for condominium purposes. Liz questioned if that would be replaced with town homes? In the

PRD the wording that's used is multifamily residences for condo worship, single family attached residences for condominium cooperative ownerships, etc. R1-T allows for single family detached residences, single family attached residences and single family semi-attached residences. There's no town house listed there.

Zachary Mintz, Esq. of Zarin & Steinmetzk: The intent is not to replace town homes with semi attached single family residences for condominium purposes, but mentioned he would follow up with the wording used. They will work on clearing up that information on the applicant's level as well as the board's level.

Joseph Natale entertains a motion to recommend the adoption of latest version of the proposed local law with the suggestion that the terminology of uses be consistent between the new law and the bulk table in the existing code.

RESOLUTION #27-2017

Motion by: Danny Scaffidi
Seconded by: Diogenes Dominguez
Carries: All

Joseph Natale: Chairman Natale invited the first Change of Use applicant to come forward: A & P Transportation, Nicolas Diaz, 5 Main Street. **27.46-2-13**

For the record there was no party present for this application.

Joseph Natale: Chairman Natale invited the second Change of Use applicant to come forward: AAA Taxi, Manuel Rodriguez, 76-78 Route 9W. **26.52-1-30**

Manuel Rodriguez: Currently resides in 55 Conklin, Haverstraw, NY and notes he's been living in the Village for more than 30 years. He's here to present a new location for the AAA Taxi on 76 Route 9W on the second floor. He explains there will be no need for walk in services due to having a system where a radio dispatch is no longer needed. When speaking with the broker she explained the property has space for up to 20 parking spots and Mr. Rodriguez would need at most two.

Liz Mello: Liz asked Mr. Rodriguez to clarify what parking access he has on the property.

Manuel Rodriguez: Mr. Rodriguez says he only has access to the parking where the new location resides; this isn't including where the deli is located.

Joseph Natale: Asked Mr. Rodriguez how many cabs run out of his office business?

Manuel Rodriguez: Mentions he currently has 12 cars in use but they never reside at the office space; the drivers own their vehicles and take it home. When Mr. Rodriguez gets a call, he dispatches a message to the system using a code. From there, they're able to manage a system to determine which car can do perform that specific pick up. Mr. Rodriguez also mentions he has been running this company for three years now in his current location.

The Planning board agrees that this change of use shouldn't be an issue.

Joseph Natale entertains a motion to approve the Change of Use application for 76-78 Route 9W for a Taxi Service.

RESOLUTION #28-2017

Motion by: Diogenes Dominguez
Seconded by: Danny Scaffidi
Carries: All

ROLL CALL VOTE

Joseph Natale, Chairman	- Yes
Diogenes Dominguez	- Yes
Edwin Molina	- Yes
Danny Scaffidi	- Yes

Joseph Natale: Chairman Natale invited the final Change of Use applicant to come forward: Ferum Corp., Mehmood Akbar, 150 Route 9W. **26.51-1-25**

Mehmood Akbar: States he currently has a food cart here in the Village parking lot, along with other businesses residing in New City and more upstate.

Man 1: Currently they pay rent from the Village to keep the food cart parked on grounds. The gentlemen mentions some days business goes well while most other days not as they would've expected. They came to the conclusion that a better area to try and make more sales is if they relocate to 150 Route 9W where Dreamscape is located. They came up with an agreement with the current property owner keeping in mind they were looking for long term parking option with the intention to move the mobile food cart back and forth.

Joseph Natale: Mr. Natale mentions he doesn't believe there's anything in the code that states this kind of situation relocating in regards to a food truck into 9W.

Dennis Michaels: Let's assume this is on a Village street or private property, both Ruben and Dennis agree to believe there's nothing in the Village code that address this type of use in regards to a relocation option. If it's in the State right of way in Route 9W we may not even have the power to regulate it.

Liz Mello: States Dreamscapes went through a site plan with two distinct uses subject to GML and went to the state for comment with the intent of a car dealership along with the fence people. Would it be a violation of that site plan to allow a third party use to be on there and not have the GML with the DOT to comment? Liz states the goal is to move it somewhere with the intent of succeeding. She believes since the goal is to anticipate traffic, this would bring an increase in vehicles going in and out. It would be appropriate to reach out to the DOT and go through a GML process if it's subject to GML. Technically it wouldn't be a change of use for that property, but an additional use which traditionally would be an amended site plan as a formal unless there was another way it could be handled.

Joseph Natale: Mr. Natale states as far as the used car parts he is unsure how active it actually is. As far as the fence gentlemen, only works by appointment which would keep the traffic at a minimum. You also very rarely see a lot of

cars going in and out. Will this be an issue when people try to pull over because they see a visible food truck?

Liz Mello: Liz states it is not unusual to see food trucks. She mentions there's a food truck off of 9W and trucks that even exist along State highways and other places such as 303 and the thruway interchange. Liz questions what type of permit if any is required for those specific food trucks.

Dennis Michaels: Dennis mentions he believes if they're legally there, they must be required to get a permit from the NYS Department of Transportation. There's a question whether it's completely within the State right of way that the municipality where it's sited may not have any jurisdiction over that food truck but suggested calling the DOT to be sure. Dennis mentions it's best if the owner comes with an amended site plan as Liz mentioned.

Man 1: States there's a Veterans Law in NYS that allows any Veteran to use the property owned by NYS for food trucks. He mentions that 150 Route 9W is part of the Village not NYS jurisdiction which makes it private property.

Liz Mello: Liz questions what would be the designation in the highway business because the uses allowed by right there are offices, buildings, banks, social halls, shopping centers, schools. There's a special permit for drive in establishments dispensing food and beverage which are called differently than restaurants or bars. It's a special permit use by the ZBA. So if the ZBA were to look at that as a special permit use and they look at the site plan and it goes through the GML process they would then send the site plan here for us to look at and comment if needed but believes that would be the appropriate process it would need to go through.

Mehmood Akbar: Asks the board if they find another place on 9W that's on private property do they have to go through the DOT?

Dennis Michaels: If it's anywhere other than within the State route 9W right of way right, is unsure if you could avoid going through this land use Planning board Zoning board review process but it's possible if you're going to locate it completely in the NYs Route 9W right of way, you don't need to go through this process but it is something maybe you or Ruben could look into. However, if it doesn't fall within that exception then you will have to higher an engineer or surveyor to draw a site plan.

Ruben Berrios: Mr. Berrios states in this case there's already a site plan on file so they would just need to amend it.

Liz Mello: Mentions they could call up the local state DOT and just ask them.

Mehmood Akbar: Mr. Akbar thanks the board for their time.

Diogenes Dominguez: Mr. Dominguez asked for future reference if there should be a law in place regarding food trucks since it seems to be more of a trend lately.

Dennis Michaels: Dennis mentions the Mayor and the Village Board would write up that law while keeping in mind the safety of pedestrians and traffic with set regulations.

Chairman Natale states the approval of the minutes will be postponed until the next board meeting. With no further business to be conducted by the Planning

Board, Chairman Natale entertained a motion to adjourn the meeting that will be held on Tuesday October 17th, at 7:00pm.

RESOLUTION #29-2017

Motion by: Diogenes Dominguez
Seconded by: Danny Scaffidi
Carries: All

Respectfully submitted by,

Michelle Ventura
Clerk Typist