

The minutes of the Village of Haverstraw Planning Board Meeting held on Monday, March 12, 2018, beginning at 7:00 PM.

## PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	Joseph Natale-Chairman	-Present
	Gil Carlevaro	-Present
	Diogenes Dominguez	-Present
	Edwin Molina	-Excused
	Danny Scaffidi	-Present
	Ruben Berrios, Bldg. Inspector	-Present
	Eve Mancuso, Village Engineer	-Present
	Dennis Michaels-Attorney	-Present
	Michelle Ventura	-Present

Joseph Natale: Mr. Chairman introduced the first formal of the night, JP Bricktowne LLC, 236-244 Route 9W; Amended site plan approval to add a side door to an existing shopping center building. **26.42-2-3 & 26.42-2-4**

Ira M. Emanuel, Attorney: Mr. Emanuel explained to the board the reasoning for his absence at last month's Planning Board meeting was due to someone in the Village who stated there was no meeting that night. Moving forward, Mr. Emmanuel is representing the applicant Jeffrey Gault. There is an existing shopping center on route 9W that has Planet Wings and a few other stores. Many years ago, it had a door on the south side and was closed up but now they want to put it back and make it operational.

Ruben Berrios: Mr. Berrios explained the door is still there but it's a glass door.

Ira Emanuel: The goal is to open it back up and make it operational. For that we need a building permit, in order to get a building permit you need a site plan. The door would have a safety zone with paint, a bollard to protect against cars and people, and add security lightings. In addition the applicant wants to clean up the place by adding a new façade, fix up the sidewalks and broken up gravel/pavement, and also widen out the sidewalk.

Ruben Berrios: Mr. Berrios asked if they're splitting the store up where the door is.

Ira Emanuel: Mr. Emanuel's agreed and the purpose for this is, Anco Trophy Co. has the whole store and doesn't need the whole thing so he will take the back end and we'd be able to rent out the front to somebody else.

Danny Scaffidi: Mr. Scaffidi asked what size the door would be.

Ruben Berrios: Mr. Berrios stated it's a 3 foot door.

Jeffrey Gault: Regular store door about 36 inches.

Ira Emanuel: Mr. Emanuel showed the board a 2016 Google view image of the site and explains it's old and tired and needs a refresh.

Gil Carlevaro: Mr. Carlevaro explains he uses Anco Trophy and says parking is slightly dangerous. Would something be done to help that?

Jeffrey Gault: There's an easement there, so if it's approved, we have a fair amount of land with grass so we would take some of that and add parking in that area.

Eve Mancuso: Are you proposing to ripple and remove the chain linked fence entirely?

Jeffrey Gault: Mr. Gold stated he would remove it.

Danny Scaffidi: Mr. Scaffidi stated they plan on updating the whole frontage. Will you be adding new siding?

Jeffrey Gault: We will be adding the stucco facade similar to what you see. The siding will be replaced with new siding.

Danny Scaffidi: Will landscaping be updated and improved?

Ira Emanuel: It will look better with all the proposed additions and alterations.

Joseph Natale: Mr. Natale advised adding planters along the side of the building if possible.

Eve Mancuso: Mrs. Mancuso mentioned the only way that would work is if they eliminated some spaces to add some trees. She asked how the current parking situation is and what the parking count is.

Jeffrey Gault: Mr. Gold explains they have a large parking count and this wouldn't cause a problem. There are spots along the side that are never even used throughout the day.

Eve Mancuso: Mrs. Mancuso explains this is a great opportunity to remove some spaces and make a great size planting station if removing some spaces doesn't cause an issue.

Danny Scaffidi: Mr Scaffidi asked if the applicant would be opposed to adding a light pole due to how dark it can get at night.

Eve Mancuso: Aren't there building mounted lights?

Ira Emanuel: There are building mounted lights. We have security lightings along the sides and the rear part of the building.

Danny Scaffidi: Mr. Scaffidi explains as long as you light up the area I'm content.

Eve Mancuso: You also don't want the lighting to intrude with residential neighborhoods.

Joseph Natale: The residential neighborhoods are higher so that should be fine.

Ira Emanuel: Mr. Emanuel notes it's important to avoid creating a variance.

Eve Mancuso: Ruben when you do the parking analysis, do they have to be on the lot or since they're in common ownership in one building, could it be anywhere?

Ruben Berrios: Mr. Berrios believes it could be anywhere.

Ira Emanuel: It's overlapping ownership it's not common ownership.

Ruben Berrios: Mr. Berrios explains you should have more parking available because of the building that used to exist is no longer there.

Jeffrey Gault: Mr. Gault explains eventually they hope to add another building there.

Eve Mancuso: Do you know the commercial parking off hand?

Ruben Berrios: Not by memory.

Dennis Michaels: Mr. Michaels explains, it's one space for every 150 square feet of floor area plus one for each employee.

Jeffrey Gault: Mr. Gault explains that must be an old code because usually today it's about 3 or 4 per thousand.

Ruben Berrios: Mr. Berrios double checked the code book on hand and confirmed it is 150 square feet of floor area plus one for each employee.

Eve Mancuso: Mrs. Mancuso calculated 319 spaces and stated that amount is insignificant for the size of the property. It would make more sense if we were talking about a lot big enough to have a mall.

Ruben Berrios: This lot is pre-existing which makes this circumstance different.

Dennis Michaels: Mr. Michaels explains you will have to be seen at the Architectural Review Board and most likely the Zoning Board.

Eve Mancuso: If you say you have plenty of parking and you aren't at a loss for parking then maybe it has a chance of working out. I would really still like to have the trees.

Ira Emanuel: If Mr. Berrios determination is to add parking to what we already have, if we net out and still come up with more could this be ok?

Joseph Natale: We all agree but does the Dennis agree?

Dennis Michaels: This isn't a question of law but a question of whether what is being proposed is acceptable to you within the parameters of your authority.

Ruben Berrios: Mr. Berrios explains he's not changing anything, just renovating the outside of the building and adding another 8 spots.

Ira Emanuel: Theoretically those spots are already there.

Dennis Michaels: Mr. Michaels asked the board secretary Michelle, if she sent the plans to the County Planning Department.

Michelle Ventura: Ms. Ventura states the plans were sent out February 14, 2018 which is less than the 30 days response time frame. This was not sent to the Department of Transportation.

Ira Emanuel: Mr. Emanuel states he will ask for an override on the DOT response.

Dennis Michaels: Mr. Michaels explains we still need to hear back from the County. Mr. Emanuel is there anything you are being asked of that you can or cannot modify?

Ira Emanuel: As I understood, the only thing that's being asked of me to modify is that we add the planting at the southwest corner where we already have a planting pad and potentially all along the south eastern part. I suppose we can pull those parking spaces in. Part of the problem is there is an easement that we have to maintain.

Dennis Michaels: Mr. Michaels explains there's no obligation under the NYS Municipal Law to send anything to the DOT. For purposes of practicality, it's a good idea to send it. In the County Planning Department's GML letter for example, it will always say, the application must be sent to the Highway Department, Health Department, DOT or the Palisades Interstate Park Commission in their comments considered. Most municipal Planning and Zoning clerks do send it out to everyone this way you're ahead of the curve. What Mr. Emanuel is suggesting is since they're not really changing anything, he's asking for you to override that modification from the Planning Department expecting they will say it must be submitted to the DOT.

Ira Emanuel: Mr. Emanuel explains the reason for the override is because they're not doing anything that's affecting the highway. We aren't increasing the size of the building or changing the amount of traffic flow.

Danny Scaffidi: Do we have the authority to override the County?

Dennis Micheals: Yes, you just have to have a super majority but you always have to give reason. Ed Day's executive order is, if you don't give reason, they will hold back county permits such as the drainage agency. Do you have to go to the ZBA for off street parking?

Ira Emanuel: No we do not.

Eve Mancuso: To be able to really determine this, that's based on just the footprint and using that 150 requirement per thousand. But, if the bulk of the building is actually a warehouse or storage, it's a different parking requirement. They would really have to do a parking legend.

Gil Carlevaro: Mr. Carlevaro makes note of the narrative written by Ira Emanuel.

Ira Emanuel: Only one of the tenants occupies the southernmost space which is 670 square feet.

Gil Carlevaro: Is that the Anco Trophy?

Ira Emanuel: Yes, that's just Anco Trophy Co.

Jeffrey Gault: What happens is that store front is not that wide going in. It's only about 20 feet, then it goes back about forty feet but then it makes a left. Ancho has asked if possible to just use the back end for reasons of rent which is what he used all along. Originally he just had the back space and already has a back door. What we're creating is just an 800 square foot store front in the front and an 800 square foot store in the back. One goes 20 by 40 and one is 40 by 20.

Eve Mancuso: So they do have a breakdown of square footage so you would mark the parking table, you have a nail salon, and a couple of food places. I don't know if the Haitian restaurant has a sit down but if it does it requires the 150. Just tell us what's existing.

Jeffrey Gault: Almost all the stores there are basically come and go.

Ira Emanuel: We will have a parking calculation the next time we come back.

Dennis Michaels: A restaurant requirement is one parking space for every three seats.

Jeffrey Gault: Mr. Gauld explains he believes the building is about 13,000 square feet.

Eve Mancuso: Mrs. Mancuso explains that is not what's stated on the plans unless the scale on the plan is wrong. It says it's a 40 scale but it looks like it's a 20 scale which is half so the plans are wrong.

Ira Emanuel: So even if it's 13,600 at a 150 per, it comes out to 91 parking spaces. Mr. Berrios does this code have a planning board waiver on parking? Some codes will allow the planning board to waive up to 25% of the parking.

Dennis Michaels: It is an amended site plan but I'll leave it up to you Ruben. This is a pre-existing nonconformity but whenever you come in for an amended land use application it kind of reopens it technically.

Ruben Berrios: You're not changing the parking.

Dennis Michaels: So we won't require variances for the pre-existing nonconformities because there are no changes other than a placement of a door.

Joseph Natale: So is there a way for him to box what would be parking if we didn't leave an opening for the trucking? Theoretically speaking, what if the food stores got busy primarily on weekends?

Jeffrey Gault: The easement that belongs to the warehouse would not allow that otherwise we would.

Ruben Berrios: They also have the right of way to the back.

Ira Emanuel: Correct. So we will come back to you with a plan of the proper scale noted, we will show the landscaping and do the parking count based on the information we have. Is there anything else you'd like to consider?

Ruben Berrios: Mr. Berrios stated for the ARB, we will need some colors to help give the board an idea as to what is being proposed.

Dennis Michaels: Mr. Michaels stated for the record, is there anyone here tonight in regards to this application? With no answer from the public, Mr. Michaels quickly researched and didn't see anything in regards to needing a Public Hearing for this application. The State law doesn't require a public hearing for site plans. It does for subdivisions and for special permits and variance applications. The only notice to the public that all meetings of all governmental bodies is the NYS Open Meetings Law, which requires in advance a notice to the Journal news and a post to the Village Hall.

Ira Emmanuel: Thank you all for your time and suggestions.

Chairman Natale introduced the second formal of the night, Carp Associates, 57 N Route 9W. **26.60-1-15**

Joseph Natale asked if we've heard back from the Department of Planning.

Michelle Ventura: Ms. Ventura stated she sent out the information on February 9, 2018 and still hasn't heard back.

Dennis Michaels: Mr. Michaels stated they are beyond the 30 days so the board can move on the application. As far as SEQRA is concerned, it's less than 4000 square feet floor area and the proposed floor area is way under that so it is exempt from SEQRA.

Joseph Natale: Mr. Natale asked Eve if she had any concerns after her review.

Eve Mancuso: We checked the front yard and that turned out ok. I think what was left was to modify the width of the covered walkway to make sure it was ADA compliant but that's more of a building department item. We also asked for bollards to protect the building.

Joseph Natale: Mr. Natale asked the Village clerk if the information was sent out to the DOT at the same time.

Michelle Ventura: Yes.

Chairman Natale asked the board if they had any other questions regarding the application.

Diogenes Dominguez: No, we seem to have everything covered for this application.

Dennis Michaels: Does anyone from the board have any conditions?

Joseph Natale: Well the condition would be he's supposed to come up with bollards on the plans. How many are you asking?

Eve Mancuso: What's recommended is in the middle of each stripped parking stall which will be every 9 feet on center. There are no plans on parking but I know it was

head on into the building. On the south side the pavement was flushed, on the north side they have a curb. The dimensions says 50 feet so five spaces plus the blue striped area where the handicap would go so 6 bollards. So we're looking for motor vehicle stopping concrete filled steel bollards in front of each parking spot including the handicap loading area. Were you going to re-stripe the parking lot?

Eric Yang, Property Owners Son: Yes we are going to do that after we do the renovations because at this point considering weather conditions it wouldn't be worth it. If we do the planter and also the front we will patch it up and make it even. The safety of the building was always a concern so we are ok with the post bollards.

Joseph Natale entertains a motion to approve the application with plans A1 and A2 dated 2/8/2018 with the noted bollard conditions, a submitted drawing titled 57 US 9W, 8.5 by 11 not signed and sealed by a professional, that shows a photographic depiction of the front of the building showing a computer rendering of the proposed facade with the bump out breezeway. The 2nd drawing entitled 57 Rte 9W Haverstraw 10927, showing a computer rendering proposal. The fifth drawing with the notations that the planter and the roof top improvements are not approved as part of this application.

**RESOLUTION 08-2018**

Motion by: Gil Carlevaro  
Seconded by: Diogenes Dominguez  
Abstained by: Edwin Molina  
Carried by: Majority Vote

**ROLL CALL VOTE**

Joseph Natale: Yes  
Gil Carlevaro: Yes  
Diogenes Dominguez: Yes  
Danny Scaffidi: Yes

Motion Passed.

Joseph Natale introduced the final formal of the night, George Margiotta, 82-86 Rte 9W S. **27.17-1-14**

Dennis Michaels: Mr. Michaels asked what date we sent out the applicant's information to the Department of Planning.

Michelle Ventura: Ms. Ventura states she sent out the information on February 6, 2018.

Dennis Michaels: So we are beyond the 30 days and you all can approve the application if you're so inclined.

Wayne Klingman, Hess Architects: Mr. Klingman is representing George Margiotta from 82-86 Rte 9W S. This property is the building that sits north of the other over head garage buildings that we'd like to fix. We've already been to the Architectural Review Board and presented our plans and they were happy to hear we were improving the property considerably. We're adding a couple of garage doors upfront and not increasing the footprint of the building.

Ruben Berrios: You're removing a portion down correct?

Wayne Klingman: Well we are actually taking down the shed in the back but plan on rebuilding it. Currently, it is not in habitable condition but it will be the same size and same location. The curb cuts on Route 9W are not changing nor are there plans of grading. Our goal and only focus is to work on the building itself. We do have ARB approval already and now we're just waiting on the Planning Boards approval to move forward. The building is in disrepair so we already started some work to support the building.

Danny Scaffidi: Mr. Scaffidi asked if this is a new site plan.

Wayne Klingman: Mr. Klingman explained everything is existing.

Ruben Berrios: You got rid of the trailer in the back and did some filling and removed it, which is now going to be used for parking.

Danny Scaffidi: Is this property paved?

Wayne Klingman: It has broken up gravel and macadam.

Danni Scaffidi: Mr. Scaffidi mentions if paving is the objective, what information is there on drainage?

Wayne Klingman: This is all pervious soil and our intent is just to keep it the way it is.

Eve Mancuso: According to Mrs. Mancuso notes saved from the last time the applicant was at the Planning Board regarding the site plan, grades, pavement, parking layout, zoning table, use of structure and utilities, short form EAF were things asked of for the updated plans.

Wing Klingman: The intent was to keep the lot the way it is and leave the pervious soil.

Joseph Natale: Mr. Natale asked if the applicant was seen at TAC.

Ruben Berrios: The owner came into TAC and met with Liz and myself.

Eve Mancuso: The applicant was then seen for the first time at the Planning Board on January 8, 2018. I mentioned a site development plan was needed as soon as possible. I also asked if there was a sewer connection, are you on septic? He was exempt from SEQRA due to having less than 4000 square footage of floor area. We were expecting a resubmission with more information.

Wayne Klingman: Mr. Klingman states he's unsure of what went on at those meetings. Is there a list of what you're requiring so that I can get that information to the applicant?

Joseph Natale: Mr. Natale states it sounds like he needs to meet again with Eve at TAC.

Eve Mancuso: There are minutes from the January 8, 2018 meeting that we can supply you with. Essentially what we're looking for is a standard site plan approval. In the area where the trailer was as Ruben mentioned, there was regrading, import fills that needs to be graded, it needs to be paved and stripped. We need the full site plan with zoning.

Wayne Klingman: So you're looking for grading, drainage, lighting, landscaping etcetera?

Eve Mancuso: Yes correct. We have the survey but need a site plan.

Wayne Klingman: Mr. Klingman mentioned the plans he brought are a little different and shows some parking.

Eve Mancuso: I never received that new set.

Michelle Ventura: The applicant stated Mr. Klingman would bring the updated plans to tonight's meeting.

Ruben Berrios: Mr. Berrios mentioned you can't bring in new plans the same night of the meeting without giving the Engineer time to review it and we were told the only change was a door.

Wayne Klingman: Either way what you're asking for is not on these plans. The plan I have here tonight are the new plans eliminating the door that was submitted to the ARB meeting last month which have nothing to do with the site plan. The only difference is we're showing some parking. We added a note that we weren't regrading any of the area. Mr. Klingman explained he's an architect and not an engineer. Ultimately George will have to speak with an engineer about this.

Eve Mancuso: Mr. Celentano did the site plan so he would be the person to speak with. If you'd like, you could schedule a TAC meeting with myself, Ruben and Mr. Celetano to discuss the plans further.

Ruben Berrios: Typically I require plans to be submitted two weeks before the date of the meeting.

Wayne Klingman: I will have Mr. Margiotta get you the plans early on so you have time to review the plans. Thank you.

Chairman Natale introduces the continued Public Hearing for Gary and Yvette Martino, 150 New Main Street and 11 Hillside Avenue. **26.60-1-21 & 26.60-1-20**

Dennis Michaels: For the record, in regards to the application for Gary and Yvette Martino, 150 New Main Street and 11 Hillside Avenue, subdivision, erosion control and retaining wall design with details, this public hearing is going to remain open and will be postponed until April 9, 2018 at 7:00pm here in this meeting room. By making that announcement, it obviates requirement from all public notices.

Ruben Berrios: They're scheduled for TAC with Attorney Amy Mele.

Chairman Natale entertained a motion to postpone Martino's Public Hearing until April 9, 2018 at 7pm.

**RESOLUTION 09-2018**

Motion: Gil Carlevaro  
Seconded by: Diogenes Dominguez  
Abstained by: Edwin Molina  
Carried by: Majority Vote

Chairman Natale states the approval of the February minutes will be postponed until our next month's meeting held on April 9, 2018 at 7:00pm.

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

**RESOLUTION 10-2018**

Motion by: Gil Carlevaro  
Seconded by: Danny Scaffidi  
Abstained by: Edwin Molina  
Carried by: Majority Vote

The Clerk Typist to the Planning Board is hereby authorized, directed and empowered to sign these Minutes, and file a copy thereof in the office of the Village Clerk:

---

Michelle Ventura, Clerk Typist