

The minutes of the Village of Haverstraw Planning Board Meeting held on Monday, August 13, 2018, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

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

Dennis Michaels: I suggest we start with the informals first since they will be quicker applications.

Gil Carlevaro introduced the first informal of the night, Peter McGuire, 47 First Street, Haverstraw, NY 10927. **27.54-2-21**

Peter McGuire: Hello everyone my name is Peter McGuire and I own 47 First Street.

Dennis Michaels: Peter can you summarize what you are proposing.

Peter McGuire: So this lot is vacant lot which right now is overgrown and it looks like a jungle. It's next to the Elks Club if you are unfamiliar with it. I'm proposing to clean the lot up because right now there's mess and cut some trees down and then put up a fence in the front.

Diogenes Dominguez: Any future projects and if so what kind?

Peter McGuire: Yes there will be future projects. I have plans for a house. Once I finish the house on the opposite side maybe then I'll start to go that route. Right now I have a project directly opposite the lot at 52 First Street that I was here last week due to needing a variance for the porch. But the views impeded by my lot at 47 First Street, that's the erosion plan for right now.

Gil Carlevaro: Could you just show me where the Elks Club is on the plans?

Mr. McGuire begins to show the members where things are located by pointing to different locations on the plans.

Peter McGuire: Sure, so this is my house presently on 52 First Street and this is my lot on 47 First Street which is what I'm here for tonight. Over here we have the Elks Club. That property is nice and clean and this is my neighbors lot Toni Morrison and her lot is nice and neat and manicured. I at this point am the blight of the neighborhood. So I'm here tonight to get permission to clean that up.

Danny Scaffidi: So you want to clean the brush?

Ruben Berrios: He wants to take down some trees, that's why he's here.

Gil Carlevaro: What about the grill pit that's down here. I think there are some park benches, chairs and what not.

Peter McGuire: If there is, that's good for me. But no there's nothing down there.

Ruben Berrios: You're thinking of the lot next door.

Peter McGuire: That's my neighbors lot. I pretty much want to clean it up like they did. They were here maybe two years ago. They cleaned up the lot.

Ruben Berrios: Well the difference is you have to cut down trees and they didn't do that.

Danny Scaffidi: Are you cutting down just trees or also stumps?

Peter McGuire: Probably both, I'm not going to leave just the stumps.

Danny Scaffidi: So does he need some type of grading plan?

Peter McGuire: I have an erosion plan by Mr. Celentano.

Eve Mancuso: I had written a letter you should all have before you. I don't know if you've had an opportunity to see the letter yet but I will go over it briefly. As you know, your code has a full section on Clearing, Filling and Grading that lists requirements for the plans. Of course some of them may be waived if you so choose to waive them. But, I too had the same questions regarding the extent of the clearing because the Village is certainly not in favor of someone coming in with a wooded lot and clear cutting it. When we visited the site, I did notice that there were a number of trees that were not in good condition so I don't know if you had an arborist if you had the ability to determine which trees are viable to remain and which trees do have to come down.

Peter McGuire: No I did not. I mean the trees that are there are basically on the sides of each of the neighboring properties which is my neighbor on the Elks and my neighbor to the left, Tony Morrison's lot. At this point, there are no plans to move forward with developing the property but I will eventually move forward with everything as far as cutting the trees and figuring out which trees have to come down.

Eve Mancuso: As you noted and I noticed the same as well that the vast majority of the trees were along the side property lines so that's why I did question if those trees were coming down or not, especially if you don't need to take them down.

Peter McGuire: If I can take them down I will and if I can't then I most definitely won't take them down.

Eve Mancuso: The Village isn't in favor of someone just coming in and cutting a lot so I think you have to spend some time determining which trees are viable, which trees should come down. If you ultimately want to build a house on it, if the trees are in that building envelope, the Village would of course approve removal at that time. But as you mentioned yourself, your neighbor to the north has a very nice manicured landscape yard but they did save a good number of trees. Personally I was looking more towards something like that but I don't know if the board had an opportunity to look at the property.

The board members did not have time to stop by and take a look at the property.

Danny Scaffidi: Do you plan on re-planting new trees?

Peter McGuire: No.

Eve Mancuso: So if you continue reading my letter, the first page pretty much outlines what the conditions of the permit are as per code. It tells you that the plan was prepared and submitted that shows the level of limit of disturbance. It shows is not going down toward the Hudson and stops at about elevation 8. So that's one of my comments. The mean high tide should be added and the 100 year flood plain should be added because you cannot go into that elevation without a permit. But I'm suggesting a location of the trees to remain should be noted. It seems that where the plan showed the wheel planning blanket, that's where the greatest number of trees were along the south line. So part of that requirement for that permit is to locate the trees.

Peter McGuire: When you say locate the trees, do you mean locate the trees that are being cut down?

Eve Mancuso: Well locate all of the trees and locate which trees you want to save and which trees you will cut down. As I mentioned before, there are a lot of trees that were clearly dead but I didn't go through the whole lot to pin point the healthy ones.

Peter McGuire: No it's difficult to even go on that lot because it's very overgrown and it's on a very steep hill.

Danny Scaffidi: If you're looking to fill this, how much fill are you bringing in?

Eve Mancuso: It doesn't say anything about filling.

Peter McGuire: No, I didn't say anything about filling.

Dennis Michaels: That's what the permit is called Danny, that's the title of the chapter, "Clearing Filling and Grading."

Eve Mancuso: All he's saying is clean up which falls under that category.

Dennis Michaels: So it doesn't mean he's necessarily filling. So he will be approved only for what he's requesting.

Peter McGuire: Presently the lot is a mess and if anything I'll be improving the lot.

Danny Scaffidi: No I understand that. What I'm saying is once you start disturbing things, then it gets complicated.

Dennis Michaels: Peter, don't misread the Planning Board. The Village Engineer needs to be satisfied. So what even stated, you have to show all trees that are 8 inches in diameter or greater. On top of that, you have to show which one. Usually the Engineer or Surveyor would draw an "X" on it.

Peter McGuire: It's difficult to do that right now because of the condition of the lot. Maybe I can clean the brush up and then come again for the trees?

Dennis Michaels: Can you clean up the brush without even getting a permit?

Ruben Berrios: I would think so.

Gil Carlevaro: What would you define as brush so that we're all clear on that?

Eve Mancuso: A tree with an 8 inch caliber and greater.

Diogenes Dominguez: So less than that is brush.

Dennis Michaels: It's hard for his surveyor to go on sight because of the conditions.

Eve Mancuso: Yes it's very dense.

Dennis Michaels: He just wants to clean the brush out. He might be able to do that without anything from you Ruben.

Peter McGuire: It's dense and steep so for us to even work on the lot I'd have to clean up the brush.

Dennis Michaels: Here's what I suggest. You give a copy of Eve Mancuso's Village Engineers submitted review report dated August 10, 2018, It's 2 pages long and give that to Mr. Celentano. Have him address all of Eve's requirements which includes the 8 inch trees and we'll get into what you can do in the meanwhile as far as cleaning the brush out. Also for the record, the Planning Board has reviewed what in all likelihood will be an amended or revised Anthony R Celentano NYS licensed professional Engineer survey and site development plan dated most recently March 9, 2018. As far as cleaning the brush, I suggest making an appointment with Ruben and make sure you document what exactly it is you're going to allow him to do without a permit.

Ruben Berrios: Well he can clear brush.

Dennis Michaels: Make sure you understand what brush is.

Peter McGuire: I know what brush is.

Dennis Michaels: Ok because there's some slippery people who are just like well I thought that was brush etc.

Eve Mancuso: How do you intend to access the lot?

Peter McGuire: From the street.

Eve Mancuso: Correct but you said it was a very steep slope so will you have to get equipment down there?

Peter McGuire: Oh ok yes I will be getting an excavator to clear it out.

Eve Mancuso: Ok so you will be building like a ramp clear from the top and clear and make a ramp down to the back or you think there's an area that's not quite as steep where the equipment can go on?

Peter McGuire: Pretty much, yes. We plan on clearing it from the top and go on down and make a ramp as we go down and clear it.

Eve Mancuso: Ok so all of that needs to be shown on the plan. You're going to start regarding and disturbing the slope, all that has to be shown on the plan.

Peter McGuire: Yes that's why I gave you the erosion plan because I knew there was going to be some kind of disturbance.

Eve Mancuso: No we need a grading plan.

Peter McGuire: To clear the brush?

Eve Mancuso: Well that's why I asked how you were going to do it because if you need to get the equipment down to clear the brush, then we need a plan for that too. If it was something that they could walk down to with lighter equipment then that's different. But since they need heavier equipment they need to grade the lot to get to it.

Peter McGuire: Ok very good.

Dennis Michaels: So we will put the ball in your court. We're not going to set a date for the next time you return, we will wait for you to come back with the revised plan from Mr. Celentano. To the extent of clearing brush, you need to make sure it's ok to move in as Eve pointed out. If you're going to bring heavy machinery in there and get some kind of grading to clear the brush that would require a grading plan to be approved by the Planning Board. We will wait for if and when you're ready.

Peter McGuire: Ok sounds good, thank you.

Dennis Michaels: Is anyone in attendance for Mr. Peter McGuire's 47 First Street application they wish to address?

No response for the record.

Gil Carlevaro introduced the next informal of the night, Deborah Bradley, 64 New Main Street, Haverstraw, NY 10927. **27.53-1-1**

Deborah Bradley: Well it's actually on the 87-89 Hudson Avenue side. So this is regarding the vacant property that we inherited when the building Overland Bay development existed in 2002. We inherited lot number 10 because it's not a buildable lot and was completely cleared at the time. Over the years it grew weeds and scruff trees, they were not viable trees. They were actually shumock trees, that invasive species of the Japanese on the whole mountain and you can't kill them. We did have a plan but we didn't realize you needed a permit and we didn't even know it was going to be done as a matter of fact. I showed up to the church for the concert, opened the door and they had already started cleaning it all up. So right now, its current conditions is all the weeds and underbrush are back. I have a plan before you from Mr. Atzel and what we want to do is clear out the overgrowth brush and add top soil to plant grass.

Dennis Michaels: As I cruise through the plans lets note for the record what has been submitted for the board's consideration. It's a one page plan entitled Concept Plan by Brian A Nasher NYS licensed Professional Engineer and John Atztl, NYS licensed Land Surveyor, one page and it is most recently dated May 8, 2018. We also have a review report from the Village Engineer Eve Mancuso of Brooker Engineering dated August 10, 2018 and it's 2 pages. Mrs. Deborah Bradley, do you have a copy of this?

Deborah Bradley: No I do not.

Dennis Michaels: Ok here you go, you should take it. Thank you, that's it for now from me.

Eve Mancuso: Ok and I did prepare a letter for this application as well and it falls under the same zoning code: Clearing Filling and Grading. But in this instance I don't believe there's any further real clearing to be done. All the trees have been removed and there weren't any substantial trees. For the lot, I don't believe you plan on re-grading, you're going to hold the existing grade?

Deborah Bradley: Yes it does have rocks in place.

Eve Mancuso: As of now I'd say there's underbrush of about 2-3 feet?

Deborah Bradley: Yes and growing with the rain.

Eve Mancuso: At this point, it's really just a matter of mowing and planting.

Deborah Bradley: They want to put 4 inches of top soil. Mr. Atzl was very specific about the grass he wanted to use to plant. I've given it to a landscaper to deal with. But to keep the seed in place this is the time to do it I'm told.

Eve Mancuso: Yes, plenty of rain.

Deborah Bradley: Well also before it freezes. The clearing was done in December.

Eve Mancuso: Ruben and I were on site and looked at it, the catch basin and evaluated the drainage system that's there. I had a concern if there was potentially any erosion run off going into the drainage system and there was not any. I think its straight forward. Just topsoil seed and maybe a little problematic to mow that steep slope, you might have to put something else on there.

Deborah Bradley: The one that's going to be mowing it is the one that's going to be doing it. The other part too is to put a wooden guardrail along the top of that part in the parking lot.

Eve Mancuso: I think that's a really good idea.

Danny Scaffidi: I don't have problems with this.

Diogenes Dominguez: I don't have a problem with this either.

Dennis Michaels: Since you're inclined to approve the application, I would make all requirements of the Village Engineer conditions of the approval as described in Ms. Mancuso's August 10, 2018 review report.

Eve Mancuso: You might consider waiving some of the requirements. The site is stable and they prepared a plan. The only thing I suggest is to put some erosion control measures on it. There aren't any trees so we don't have to worry about that. Ruben do typically get the other items like the contractor work.

Ruben Berrios: Yes.

Eve Mancuso: Ok so that's the building department task. So the only other thing I recommend is that you have Mr. Atzl add the erosion control so when landscaper comes in and puts the top soil down, your catch basin back here and the catch basin on the neighbor's property doesn't get filled with top soil.

Dennis Michaels: So that's 1-3 on the first page and I know that's kind of Ruben's part but those are still requirements right?

Eve Mancuso: Yes we have additional grading top soil seed, that's the scope of work, so we need the erosion control plan. Then the next comment is that the erosion control plan be implemented before work commences. Then the third item is regarding erosion control that when the landscaper does the work he should take care not to track all the soil and mud onto the road.

Dennis Michaels: So those three will be conditions as will from the first page, the erosion control plan.

Gil Carlevaro: Do we need to say anything about the wooden rail?

Eve Mancuso: That is shown on the plan so if you approve the plan you are approving the guard rail.

Dennis Michaels: Is anyone in attendance and wishes to address the application of the Central Presbyterian Church, the actual address is 87-89 Hudson Avenue also known as 64 New Main Street?

No response for the record.

Dennis Michaels: This is not a public hearing so we can go right into it. I don't know if you want to wait until the end but I suggest if you're inclined to approve it to just do it now and be done with it.

Gil Carlevaro: Can I make a motion?

Dennis Michaels: You most certainly can. I can voice it and anyone can adopt my motion as recited by legal counsel. You can also reject it or modify it as you wish. I suggest from what I'm hearing is a consensus to approve the application. So the motion would be to approve the application as submitted as per site development plan/survey that was recited into the record earlier by your legal counsel with following conditions as per the August 10, 2018 review report from the Village Engineer Eve Mancuso of Brooker Engineering, an erosion control plan must be submitted to the Village Engineers satisfaction and the 3 items on the second page of Ms. Mancuso's said review report will also be made conditions of the approval. Again those are items 1-3 that are on the second page of the Village Engineer's review report. Any other conditions?

No answer from the board.

Diogenes Dominguez made a motion to approve the application as recited by legal counsel.

RESOLUTION 36-2018

Seconded by: Danny Scaffidi

ROLL CALL

Gil Carlevaro	- Yes
Diogenes Dominguez	- Yes
Edwin Molina	- Yes
Danny Scaffidi	- Yes

Motion: Passed

Dennis Michaels: I would suggest calling the DPW next since I've spoken with their attorney Mr. Maniglia that because our Village Planner is not ready to recommend a Negative Declaration over SEQRA, the application cannot proceed until a negative declaration is issued. But Mr. Maniglia is here with his client's team and would like to nonetheless address the board.

Gil Carlevaro introduced the next item on the agenda, DPW Facility, 150 Broadway, Haverstraw, NY 10927. **27.05-2-1.1**

Andy Maniglia, Vice president: I'm the Vice President of the Ginsburg project.

Gil Carlevaro: Since it's the formal hearing, do we have to open up as a formal hearing?

Dennis Michaels: Is it a Public Hearing? There are very few circumstances on the Planning Board that acts as a Public Hearing. One is subdivision and there's also a couple other instances.

Ruben Berrios: It's not a Public Hearing.

Dennis Michaels: Well it says formal, so again most applications for the Planning Board are not required to be by Public Hearing but it doesn't hurt.

Eve Mancuso: It hasn't been advertised as a Public Hearing.

Dennis Michaels: I'm fine with you not doing it. Sorry Mr. Maniglia.

Andy Maniglia: No problem and thank you for having us tonight. So we made this back in 2003 when the Village of Haverstraw and Ginsburg Development Company entered the Land Acquisition Disposition Agreement. It had been known that in order to develop site b which is known as Admirals Cove which is also known as the Haverstraw Ferry Landing, the Department of Public Works (DPW) facility would have to be relocated. It would have to be relocated to approximately 2.5 acres behind what was once known as the Hornicks Facility. We purchased that in 2006. We are now ready to develop the Admirals Cove Facility and we will rearrange the ferry parking to accommodate the Haverstraw Ossining ferry. We are ready to relocate DPW which must happen first before starting development. In June we made the application that you have before you and we appeared before this board in July to begin the SEQRA process. We were hoping to receive a negative declaration this evening based upon the comments from Max Stach who is not here this evening. My understanding is that notifications did not go out to all of the affected agencies and in fact there have been new agencies listed to be notified as recently as today. Of course we are somewhat disappointed in that and would like to expedite this process as quickly as we can understanding that there's a mandatory comment period of I believe 30 days to wait for the response from the other effected agencies. The notice is actually in the package. Max Stach is not with us this evening to help move that process along. Before we open this up for any questions on the site plan itself, we also have elevations for you to review and leave with you for further review. First the site plan, are there any questions regarding this? Our Engineer is Ross Winglovitz.

Ross Winglovitz, Engineer & Surveying Properties: This is essentially the same site plan that we had at the last meeting with some minor tweaks based on discussion between Ginsburg and the DPW. Essentially the same areas are being developed for all locations with no significant changes on that.

Joseph Galeski, Ginsburg Development: So we spent some time with Bobby down at the DPW, the Mayor and Ross and we were working on some layout issues on the site; putting siding, grading, utilities and some other engineering comments but the layout perspective just so the drawings can be further detailed hard lines. I know Max has commented on planning issues and I don't know Ms. Mancuso if you've commented on the layout issues at all or if there's been a memo?

Eve Mancuso: Yes and as I mentioned this was submitted long ago and I have a letter from April that still hasn't been addressed and a second letter from July.

Joseph Galeski: Ok do you have those letters?

Andy Maniglia: Were they addressed to me those letters?

Eve Mancuso: Well we discussed them at the last meeting.

Dennis Michaels: They're addressed to the Planning Board and I have copies here.

Andy Maniglia: I've actually seen these.

Eve Mancuso: We discussed it at the last meeting.

Andy Maniglia: I know we discussed it, I don't believe I received the letter.

Ross Winglovitz: Is that the latest one?

Andy Maniglia: There are two, April and July.

Eve Mancuso: Yes so I wrote the initial letter in April and the second letter in July. The April letter is regarding the site plan and the July letter is regarding the architectural plan.

Joseph Galeski: Ok so for next meeting obviously we will work on those comments.

Eve Mancuso: We can discuss it if you'd like because the primary concern are the flood elevations. You have an elevation there, it's a heavy line.

Ross Winglovitz: I think that was one of the primary differences was of this plan and the last plan because of the updates of the flood plain since this was originally proposed back in early 2000's.

Eve Mancuso: Right that's why I was asking for elevations of the site. So what do you have listed as your 100 year flood elevation now?

Ross Winglovitz: It's 13.

Eve Mancuso: What are the grades on the site going to be?

Ross Winglovitz: So we have 2 buildings that are about 12.5 and 12 existing grade so we will raise them slightly so they are above the flood plain.

Eve Mancuso: Ok because that's my concern. The site has to be elevated above that 100 year flood plain so I wanted to see how the site would be graded to address that to make sure on critical facility it's above that 100 year flood plain.

Ross Winglovitz: This is actually the plan that we got everybody from the DPW on board and if it's conceptually ok with this board we would go through the detail engineering and give you the grading.

Eve Mancuso: I think the grading has to be done and then we can work on the layout. But as of Friday, I don't believe the layout has been approved.

Ross Winglovitz: It hasn't been approved by the Village?

Eve Mancuso: No.

Danny Scaffidi: Will the building be on pillar?

Eve Mancuso: I don't know that's why I'm asking. I don't know how the site is going to be elevated. As you know, we have the Minisceongo Creek on one side and you have the wetlands on the other side. I wanted to see how the grading was going to work to make sure all of the critical facilities are above that 100 year flood plain. That's important.

Joseph Galeski: So we will make sure that happens. I would just move ahead now and do the detailing.

Eve Mancuso: Maybe we could schedule a meeting before the next Planning Board meeting with the Mayor, DPW, myself and Ruben to discuss any other layout issues.

Joseph Galeski: What we also have tonight are preliminary initial sets of both the layout and the elevations to the building. This is going under some discussion with Bob from the DPW, and the Mayor. There are actually 2 sheets of layout. You'll notice the whole concept here is to have notions as an equal building or thereabouts to the building that's there now. We did make a few tweaks to that. You'll notice the consistency here with the first floor layout with a 4 main truck base. We also made a provision where the trucks can also enter. There's also a drive through here on this far end. It's different then what you see in the current building now because you pull in and pull out where now we created this drive through. There was a request that's not reflected to take this 2 office space and make it a 3 office space, you don't see that yet. Anyways where we are at now is the conceptual layout so it's still in common period now.

Eve Mancuso: I think that's something we should meet on and discuss. There were further comments from my July letter.

Joseph Galeski: Yes. There's also a second floor to this. Also there are simple elevations with initial windows and doors that have been placed but there's a lot more detail that needs to be done. There are decisions that need to be made in terms of translucent panels, lighting, colors, trim etc. In the meantime over the next month, this concept of the building is basically handling the architectural and structural dwellings in the project. We do have engineering doing subsurface work that the structural design is based off of. So those reports are available and employing another engineer to do the mechanical drawings, plumbing, electrical and those sorts of things. So over the next

month I'll probably meet again with Bob down at the DPW to try and get some preliminary mechanical drawings put together.

Eve Mancuso: Why don't you focus on the layout first before you take the time to do the mechanicals because things may be moved around?

Joseph Galeski: Understood. I'm just worried about trying to figure out systems and types of lights. What type of heating system and what flexibilities do I have? So I need to get some basic stuff drilled down. What eventually he'll need for some type of plugs I don't know I just want to get the programming drilled down for right now. There is more to this drawing. So there is more to these drawings but there are some details I didn't include in all of that for right now.

Dennis Michaels: Just some housekeeping. Did you get the Rockland County Planning Departments GML letter?

Andy Maniglia: Yes.

Dennis Michaels: So for the record we received the Rockland County Department of Planning NYS General Municipal Law (GML) review report on July 11, 2018, it is a recommendation of modifications and there are a total of 18 set forth on a total of 4 pages. You do understand that unless you accept all 18 of these modifications as approval conditions you will need an override from the board. This means it has to be a supermajority voting in favor of the override. Any overrides you want of any modifications that you do not accept as conditions of any approval that the board is inclined to grant, you need to give us reasons for those overrides. There's also a correspondence dated June 26, 2018 from the Rockland County Drainage Agency, its one page and we also received a review report from the Village Planner Max Stach of Nelson Pope and Voorhis dated August 13, 2018, 3 pages with an attachment. We did reference already July 13, 2018 review report from Village Engineer Eve Mancuso of Brooker Engineering LLC, one page. By the way I'm only reciting what we've received since the last meeting which was on June 25, 2018.

Andy Maniglia: I would like to interject, even though it was mentioned, I did not receive this letter from Eve Mancuso.

Dennis Michaels: Ok do you have it now?

Andy Maniglia: Yes I have it now.

Joseph Galeski: We will try to address it for the next meeting.

Dennis Michaels: Ok so there's also some submissions from the applicant that I'm going to reference, a correspondence by Ginsburg Development Company, one page dated July 30, 2018 from Andrew J Maniglia on July 25, 2018 from the applicants engineering and surveying consultant and it's one page signed by Ross Winglovitz P.E. of engineering and surveying properties. There was a one page site development plan titled sketch plan most recently dated and correct me if I'm wrong July 25, 2018 signed and sealed by Ross Winglovitz NYS licensed Professional Engineer. There were some drawings submitted this evening and numerated sheets 1,2,3,6 of 8. So there are only four of them and a separate sheet that's not numerated and it looks like it's a mechanical piece.

Joseph Galeski: No that's not for you, no one else has it.

Dennis Michaels: Ok and its most recently dated July 5, 2018 and they're all by Conastega construction. Did I leave anything out?

No answer.

Dennis Michaels: So I have the Village Planner and the Village Engineer, the County Planning Department, County Drainage Agency, the applicant submissions.

Joseph Galeski: Do we have to request a Public Hearing Notice for the next meeting?

Dennis Michaels: I don't know if we discussed this yet on whether or not it's subject to a public hearing and I don't know off the cuff. I'd have to check. We do have to do the Neg Dec but let me just correct some information here. Andy, we chatted earlier today by phone, and the fact that one or two involved agencies and whether or not they're involved agencies under SEQRA are debatable. For example who are the one or two that did not get a notice of intention Michelle because my legal opinion is they're permitting agencies and not involved agencies under SEQRA? But it is better to be safer than sorry. Permitting in a sense that they're not a review board where they don't have approval jurisdiction but they have the right to approve or deny a permit just like the NYS DOT does if you're on the State highway. My legal opinion is they cannot be lead agencies but it's better to be safe and send it anyways. Even with that said the only two that were not sent and again questioning whether or not they're an involved agency are the NYS DEC and the Village of Haverstraw Flood Administrator.

Ruben Berrios: I'm the flood administrator.

Dennis Michaels: Ok so he got the notice of intention so really it's just the NYS Department of Environmental Conservation. But even with that said, let's say we could declare lead agency tonight, you're not losing any time because we can do that at the next meeting. Whether or not this is an oversight is debatable but it was sent out today and as Andy pointed out, we can't do anything until they declare the negative declaration. So that's Max Stachs form and I have my own form and he didn't realize that I drafted my own form.

Andy Maniglia: Oh ok.

Michelle Ventura: I sent it on June 12, 2018.

Dennis Michaels: So the notice of intention I drafted went out June 12, 2018. So that's all I have. The application is not deemed complete until the Neg Dec under SEQRA is declared. So the board can't do anything until then however it doesn't stop them from having discussions like this. Everything else can go on while we wait for the Negative Declaration.

Ross Winglovitz: From a procedure prospective when is the next meeting and deadline for the next one?

Dennis Michaels: When's the deadline Michelle or Ruben? Well we want to get whatever you submit to Eve and Max ahead of time and the next meeting is September 10th.

Eve Mancuso: We need before the Labor Day weekend would be great but what's more critical is to have our meeting so we can discuss where we are going. So start playing around with the grades and make sure you can elevate the site out of the flood plain and meet with Bobby.

Dennis Michaels: So we will leave that for you folks to schedule.

Andy Maniglia: Who is the Water Front Advisory Committee?

Ruben Berrios: That I'm not sure.

Dennis Michaels: Yes but you don't need to meet with them if that's why you're asking?

Andy Maniglia: I'm asking because I thought it was Ruben as well.

Dennis Michaels: Oh ok. So August 31st would be the last weekday prior to Labor Day. Labor Day this year is September 3rd so by August 31 Eve? I know the technicians will meet over the next couple of weeks but you still want the revised submission by August 31 is that fair to say?

Eve Mancuso: Yes.

Dennis Michaels: I also assume the same for Max. So you'll submit everything to the building department and then the building department will pass them along. Nothing is stopping you from cc'ing the Village Engineer but I know that the Village Planner and

Engineer won't do anything unless it comes through the building department properly so because that is the proper procedure.

Andy Maniglia: We'll get it to you by next week through Ruben.

Eve Mancuso: Wednesday maybe to meet?

Andy Maniglia: This Wednesday?

Eve Mancuso: Yes, you're going to need some time to take care of what you'll need to take care of. Morning works better for me if that works for you Ruben? Is Bobby on vacation Michael?

Ruben Berrios: That should be fine for me.

Michael Kohut: No.

Andy Maniglia: So 9:30am?

Ruben Berrios: 9:30am works.

Eve Mancuso: So if you could just start laying out preliminary grades and you don't have to be fancy, even just a sketch.

Andy Maniglia: Good so 9:30am Wednesday, Thank you.

Dennis Michaels: Anyone in attendance wishes to address the DPW facility proposed by Ginsburg Development?

No response from the public.

Moving forward, Gil Carlevaro introduced the final item on the agenda, PAG Investments, 217 Rte 9W, Haverstraw, NY 10927. **26.42-1-9**

Dennis Michaels: This is a continued Public Hearing if it's even considered a Public Hearing. While they're setting up, the Zoning Board of Appeals (ZBA) granted the area variances that were required for this project to be approved. We left off if you don't recall was you were generally favorable to the proposal in particular there was 1 conceptual design that you preferred. You needed a revised rendering because the one rendering that they had for that particular design was inaccurate to some extent and not to scale so that's where we are.

Bob Zumesky, Remus Architect: After the last meeting you didn't like the overall look of the building. You wanted something like an office structure but you still liked the idea of the clock tower. So we played with the clock tower, Going to an office motif was a little tough so we went more towards a school type look or academic look. This should be what you all have in front of you. We got rid of the mansard and bay windows. We are going with a lot more glazing to break up the facade. We're adding a large EIFS band across the top and some EIFS elements at some of the pure locations to break up the windows.

Eve Mancuso: So they have it photo shopped into the existing roadway so you can see how the utility poles will look overall. In one of them you can even see the balloon.

Bob Zumesky: So we added a lot of glazing, again its foe windows and will not be able to see the inside of the building. The glazing would be a reflective type.

Eve Mancuso: With the exception of the office?

Bob Zumesky: With the exception of the office as well as the foe doors. We call them marketing windows

Danny Scaffidi: Does it reflect sunlight?

Bob Zumesky: These will not reflect sunlight. These have the option where it can reflect sunlight or it could just be an opaque glass.

Danny Scaffidi: I'm asking incase someone's driving and there's a glare shining in someone's eyes.

Bob Zumesky: We could select a type of glazing that's not glare. What we have right now is just conceptual in regards to the different elevations.

Eve Mancuso: Can you clarify the top of the clock tower? The materials vary

Bob Zumesky: The top of the clock tower is going to be standing seam metal on the roof right now is what we have.

Eve Mancuso: Ok because in one rendering it looks like brick which I know it's not.

Bob Zumesky: As you can see here we tried to keep the elevation down because obviously the elevation is an issue here. But that would be a standing seam metal roof.

Gil Carlevaro: One of the drawings it looks like there is sidewalks, do you plan on keeping the sidewalks there?

Bob Zumesky: I don't think there's sidewalk there now.

Eve Mancuso: No there are sidewalks there. That's one of the comments that we have to look at the condition especially once the construction is complete.

Bob Zumesky: Another nice feature too is the closest property line on route 9, right now there's an existing is an existing building that will be torn down that's about 15 feet from that property line. The way we're situating our building now almost could be 65 feet of separation between that property line to open that up.

Gil Carlevaro: This is the north side of the building?

Bob Zumesky: Yes and added all the buffers and additional planning that you requested after the last meeting.

Eve Mancuso: Can you point out the one plan that indicated the little tip of the balloon so they get a feeling for how the building fits in with the elevations of the balloon test? The one that was photo shopped with the street view in it.

Bob Zumesky: We could add EIFS and tabature to the clock tower. Maybe adding more EIFS here and bringing these piers down. That would all be done with EIFS. As described in previous meetings, the whole first floor of this building will be brick masonry just for durability. Then beyond that it will be EIFS simulated brick which they will be able to match the brick identical to that just to help with construction cost and helps it all blend in construction wise.

Danny Scaffidi: Do you have a sample of that?

Bob Zumesky: I don't have it with me no.

Gil Carlevaro asked the board if they had any other questions.

No answer from the board members.

Eve Mancuso: Ok so I have a letter and it's more of an engineering letter so I don't know if you have any other questions regarding the architectural aspect of it of the building?

Diogenes Dominguez: What's the date on that?

Dennis Michaels: Dated August 10, 2018. For the record, since our last meeting reviewing this application what has been submitted is Village Engineer Eve Mancuso's August 10, 2018 review report, it's 2 pages and she's with Brooker Engineering. We also received an email from our Chairman Natale dated that states, “.

Ira Emanuel: We don't have a copy of that report.

Eve Mancuso: I'll read it to you. I wrote a brief review letter dated August 10 and some of the comments are just addressing the items that were modified since the last

submission. Item 1, the only thing I still need there is the designated street line. Item 2, is noting that the site lines have been shown and it's indicating you have a clear sit line of 390 feet. The location of the driveway of either side has been shown now. The topography has been shown as well so we can see how the subject site will grade into the existing properties on either side. For number 5, I'm just noting that the applicant is providing 10 parking stalls, 4 loading berths as we discussed last time and the variance is needed but I think we discussed that in detail. The only question there is the truck moving radius. I think it just may be a drafting correction. But it appears if you look at your wheel turning radius the truck coming in from the North is crossing over the line. So I don't know if you want to just look at that and see if that's something you can adjust the template on to take care of or if you have to modify your opening.

Zachary Chaplin, Engineer: Yes we can correct that.

Eve Mancuso: I think if you just shift the wheel template you might just make it but that's something you'd just have to look over a little bit. The downside is that you just may have to widen the driveway. As we discussed earlier there are concrete sidewalks along the frontage of both sides. As you know 9W is a DOT road so they'll weigh in on the sidewalks as well but we just want to make sure that all the sidewalks are in good condition. Number 8, ADA ramp, the ramp on both sides of the driveway you should have the detectible warning service, right now you just have it on the south side. Number 9 is just a note that I had before regarding structural plans which you agreed to in your comment letter. Trees to remove and trees to remain I believe we discussed that the last time as well so essentially you're giving us a robust landscaping plan to compensate for the trees that are all being removed. Number 11, the site grading extends into the DOT right of way. The DOT will have to review the plan and weigh in on this. So when they apply for the DOT permit that will probably be part of the DOT permit. If not just make sure they note it in their permit. In number 12, a storm water system and underground storm water system has been proposed. What I'd like to do is evaluate the offsite connection a little bit and certainly meet in the field and do that if you need assistance we can do that with you. Location of the nearest fire hydrant, I don't know recall if the fire department weighed in on this plan at all. Did we ever have a review letter from the fire department on this?

Ruben Berrios: I'm not sure but I'm pretty sure Patrick looked at it.

Zachary Chaplin: We had met with him yes.

Eve Mancuso: Did they require another fire hydrant or were they satisfied with the layout.

Zachary Chaplin: I believe they were satisfied with the layout. We really went over the truck maneuverability.

Eve Mancuso: Ok because I didn't see a hydrant on the plan. Do you know off hand where the nearest hydrant was? I didn't see it.

Zachary Chaplin: We can coordinate with the fire department.

Eve Mancuso: So if the fire department requires a fire hydrant will we get one?

Zachary Chaplin: Yes.

Eve Mancuso: Thank you. So the lighting plan has been submitted, essentially it's just 2 poles mounted or fixtures on poles mounted in the parking lot. Then 2 facades of the building, the west and the north and the question I guess was going back to the architect, are you having any type of metal or architectural lighting on the east and the south?

Bob Zumesky: We don't plan on doing any accent lighting on 9w or Gurnee Ave.

Eve Mancuso: Ok so no lighting there and signage, have you thought about any signage yet? I haven't seen any signage.

Bob Zumesky: No we haven't done anything with signage and that's why we have the wider EIFS band so if there is any kind of signage it would be in those types of facades.

Eve Mancuso: So building mounted signage? You don't need a monument signage by your drive way?

Bob Zumesky: Yes there will be something at the driveway.

Zachary Chaplin: We would have a separate application for the signage.

Danny Scaffidi: What about the gates?

Bob Zumesky: There are no gates because the access is all through door codes to get into the facility; it's not where you would have those exterior access doors. So it's pull in the parking lot. The hours are usually 8am-10pm and then facility doesn't work after 10pm. So no one's door code will work after that.

Eve Mancuso: Ok so those were my comments.

Dennis Michaels: So let me put on the record what's been submitted for this application approval. There are 2 sets of the site development plans and or surveys numerated 1 of 2 and 2 of 2. It's signed and sealed by Jeffrey A Martel NYS licensed professional Engineer. Each page is entitled "Truck Turning Exhibit SU40" and "Truck Turning Exhibit Fire Truck" respectively dated August 3, 2018. Also submitted by Stonefield Engineering and Design with several architectural renderings dated August 8, 2018 entitled, "Self Storage Facility 3D Rendering View 1-3" and lastly, "Self Storage Facility Street View Rendering," Did I overlook anything that you're asking the board to approve this evening? I'm not talking about narrative correspondence.

Eve Mancuso: There was a full resubmission of site plans.

Dennis Michaels: Oh ok yes that was just the truck turning plans. So the last plans are dated August 3, 2018 and numerated C1-C19 and signed and sealed by Jeffrey A Martel NYS licensed professional Engineer. So is that it as far as the drawings?

Ira Emmanuel: Yes correct.

Gil Carlevaro: Just one question, it looks like there are 2 buildings existing on the southwest corner is that correct?

Zachary Chaplin: Yes and they will be removed.

Eve Mancuso: The ones on Gurnee will be removed as well.

Gil Carlevaro: Ok thank you.

Ira Emmanuel: We are here to help; do any of you have any questions?

Eve Mancuso: Would you like the engineer to go through the grading and the drainage plan maybe, is that what you're looking at?

The board members agreed that would be helpful.

Zachary Chaplin: The drainage plan is on C-6 and also includes a proposed grading. As you probably know the site is quite steep, there's about a 20 foot elevation between the center of the property and on route 9W. Essentially we have a split level for the building so a customer is entering the building along the northern side and enter on the first floor. Customers entering in the loading area would enter on the second floor. So you will drive up a ramp to get to the second level. In terms of the drainage, due to the disturbance we are required to prepare a SWPP notice of intent to the EDC.

Edwin Molina: How much does the clock tower extend?

Bob Zumesky: I think all along we've never included the clock tower because it's a feature.

Dennis Michaels: Ok so Ira we need to address the Rockland County Planning Department's GML review report of May 14, 2018.

Ira Emmanuel: I'm going to hand this out. It's 5 pages do not be afraid. I will summarize very quickly. This is a letter dated August 13, 2018 to the board. We don't have a problem with any of the Planning Department's recommendations with the exception of recommendation number 1. Number one basically says don't make it so high, well there's a number of reasons why we request an override. First of all, we got a variance from the Zoning Board of Appeals, secondly the department seems to have a policy where it recommends against any kind of variance and it never got any kind of input from us before it made its recommendation that the height be reduced. So we asked for an override with respect to number 1 and everything else in the GML review is fine with us.

Dennis Michaels: All other modifications in there and there are a total of 23 of them other than 1 if this board should agree with the applicant and override modification number 1 all other 23 of the modifications would have to be made conditions of any approval that this board should be inclined to grant. I will read Ira's reason for overriding modification number 1 and it goes as follows, "Override requested. This is why the applicant is asking for a relief from the Zoning Board. The Department appears to have a blanket policy of opposing requests for all variances. It fails to consider the individual issues affecting each application. Further, it issued this comment without the benefit of any input from the applicant regarding the requested variance". So that is the reason for number 1 and again, all other modifications 2-23 would be made conditions of the approval.

Danny Scaffidi: So for future applications we would have to accept the variance?

Dennis Michaels: Well you don't grant variances the Zoning Board of Appeals does but I will explain very briefly because it is a fair question directed to the ZBA. The concept of precedence is not as powerful in the land use arena or in particular the land use board review such as the Planning Board and Zoning Board of Appeals because real estate by its very nature is unique from one property to the next. Now that's not to say that a place like Levitt town where there's a cookie cutter subdivision and literally every house and every lot is exactly the same and the Zoning Board of Appeals grants variances for a particular lot then a few months later somebody comes in with the same exact design and the same exact variances and the board denies it, if the board does not give a rational reason for treating those applications differently there is the concept or principal of precedent could be a problem for the Zoning Board of Appeals when you have a very similar applications within a relatively close period of time. As we all know over time things change. The neighborhoods change, philosophies change, planning principals change. So even though you may have 2 properties that are the same and I would say in Haverstraw there is no property that is similar to any other property in the Village of Haverstraw just by its very nature of the village topography. But let's say there were 2 pieces of property that were exactly the same and you granted site plan approval and ZBA granted variances for a project and 7 years later someone comes in with that exact same lot or same type of lot, just by the passage of time precedent weakens. So to answer your question, you don't have to worry about that, generally speaking.

Danny Scaffidi: Ok.

Dennis Michaels: Anyone in attendance wishes to address 217 Rte 9W, this is PAG Investments, Self Storage Facility?

Michael Kohut, 34 Relia Avenue: First of all, the latest renderings look fantastic. It could be at an office building or medical building, any place and it would fit in perfectly on 9W there. To Mr. Scaffidi's point about the landscape lighting I think is a good idea because as that matures it could be dark over there and with people walking or animals hiding in the bushes, some landscape lighting would make some people walking along the two sides there feel more comfortable. But I think it's a great plan and you guys have done a good job.

Dennis Michaels: Anyone else?

No response from the public.

Dennis Michaels: So you may deliberate. I don't think this was subject to a public hearing requirement but either way we can close it.

Diogenes Dominguez: I was informed the public hearing was done through the ZBA.

Dennis Michaels: It definitely was and that's a different public hearing. Is this subject to public hearing? Is it in the Mountain District?

Ruben Berrios: No.

Dennis Michaels: Ok so deliberate then if you have no further questions for the applicant, Eve, Ruben or me.

Gil Carlevaro: Eve do you have anything else to add?

Eve Mancuso: No, I said everything pretty well in that last review letter as the engineer noted since it is a disturbance of more than one acre, you do need a Storm Water Pollution Prevention Plan (SWPPP). You should also require a Storm Water Maintenance Plan (SWMP).

Dennis Michaels: When it comes to decision time, if this board is inclined to approve, I'll ask you now, we will make whatever requirements set forth in your August 10, 2018 conditions of the approval. Are you suggesting any waivers?

Eve Mancuso: I'm not.

Dennis Michaels: So your August 10, 2018 review report will be conditions of approval?

Eve Mancuso: Plus the SWPPP because the applicants engineer, myself and probably the DPW will do a little investigation on the storm water connection. It is on 9W so the DOT is going to weigh in on that as well.

Dennis Michaels: So we will say all 18 of your comments will be made conditions of the approval plus you're adding your 19th verbally, a storm water prevention.

Eve Mancuso: Right so all of the design of the onsite work has been done. There's been soil testing and we've discussed that in detail. But that offsite connection due to the age of the village, some of our offsite pipe isn't the best. So I want to make sure that's a good viable connection.

Dennis Michaels: Is this in addition to the SWPPP and the storm water maintenance agreement?

Eve Mancuso: Correct. Once this is built, the property owner is obligated to maintain it forever.

Dennis Michaels: So if and when any of you are inclined to make a motion to approve or deny please indicate your inclination and I'll voice a proposed motion for you and you can modify or accept it as recited by legal counsel or reject it all together.

Edwin Molina: For the clock tower, how many faces will it have, is it just the 2 sides?

Bob Zumesky: Two faces.

Edwin Molina: So it's just Gurnee and 9W?

Bob Zumesky: Yes.

Edwin Molina: Ok then that's fine. I asked because if we are talking about lighting up these clock faces and you have one facing back towards the residential properties which could create future issues.

Dennis Michaels: Here it's show as south and east elevations only.

Bob Zumesky: We have to do more research on the clock. We don't want to put a clock up there and it doesn't operate after a couple of years. We want a long life span.

Dennis Michaels: So who is feeling a motion, tell me what it will be and I will help you voice it? Unless you have further questions?

Gil Carlevaro: Does anyone have further questions?

No questions from the board.

We are all in agreement to approve.

Dennis Michaels: So I would suggest a motion to approve the application as most recently submitted as recited into the record by legal counsel as far as the dates of the drawings and the titles of the drawings and the authors of the drawings as I recited into the record earlier as far as the professional drawings and plans with the following conditions: All of the modifications set forth in the Rockland County Planning Department's May 14, 2018 NYS General Municipal Law or GML Review report, all 23 of the modifications will be made conditions of the approval except for number 1 which will be overridden for the reasons expressed by the applicants attorney in his August 13, 2018 correspondence addressed to the Planning Board in addition to his explanation given verbally at tonight's meeting. The additional conditions are those set forth in the Village Engineer, Eve Mancuso review report of August 10, 2018 of Brooker Engineering with a total of 18 set forth in her in her August 10, 2018 review report in addition, the Village Engineer has added 2 additional conditions verbally. There will be a Storm Water Pollution Prevention Plan (SWPPP) and also a Storm Water Maintenance Agreement (SWMP) which must be satisfactory to the Village Engineer. Am I overlooking anything?

Eve Mancuso: Did Max have a review letter out that we haven't addressed?

Dennis Michaels: No his last was on June 25, 2018 and that's where he proposed and recommended a Negative Declaration under SEQRA and a memo that went along with that and we referenced it in the record. So to summarize, the motion would be to approve the application as most recently submitted as reflected in the most recent drawings and plans submitted by the applicants professionals, their Engineers and Architect as recited by legal counsel into the record by most recently revised dates of all those drawings and plans with the conditions that the Rockland County Planning Departments GML report of May 14, 2018, all 23 modifications will be conditions of the approval except for modification number 1 which will be overridden for the reasons described by Mr. Ira Emanuel, attorney for the applicant in the August 13, 2018 letter and as he verbally addressed to the board and all of the 18 comments set forth in Village Engineer Eve Mancuso's August 10, 2018 review report. All of her 18 comments will be made conditions of the approval in addition to the verbal conditions of the approval which are the Storm Water Pollution Prevention Plan (SWPPP) and also a Storm Water Maintenance Agreement (SWMP) submitted to the satisfactory to the Village Engineer. That covers everything twice. Anyone of you can adopt my recitation as a motion as recited by legal counsel or you can modify it or reject it entirely.

RESOLUTION 37-2018

Motion by: Danny Scaffidi
Seconded by: Diogenes Dominguez

ROLL CALL

Gil Carlevaro	- Yes
Diogenes Dominguez	- Yes
Edwin Molina	- Yes
Danny Scaffidi	- Yes
Joseph Natale	- Abstain

Motion: Passed

Diogenes Dominguez made a motion to approve the minutes for June 11, 2018.

RESOLUTION 38-2018

Seconded by: Edwin Molina
Carried by: All

Gil Carlevaro made a motion to approve the minutes for June 25, 2018.

RESOLUTION 39-2018

Seconded by: Edwin Molina
Carried by: All

With no further business to be conducted by the Planning Board, Danny Scaffidi made a motion to adjourn the meeting.

RESOLUTION 40-2018

Seconded by: Diogenes Dominguez
Carried by: All

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