

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, October 2<sup>nd</sup>, 2017, beginning at 7:00 PM.

#### PLEDGE OF ALLEGIANCE

|           |                   |           |
|-----------|-------------------|-----------|
| ROLL CALL | Trustee Bueno     | - Present |
|           | Trustee Watson    | - Present |
|           | Trustee Dominguez | - Present |
|           | Trustee Santana   | - Present |
|           | Mayor Kohut       | - Present |

Mayor Kohut: The Mayor opened the floor to the public for the first Public Participation, inviting people to ask questions or make comments.

Noel Rappaport, 31 New Main Street: Mr. Rappaport inquired when the New Main Street portion of the Streetscape would be completed, including streetlights, paving, etc.

Mayor Kohut: The Mayor informed Mr. Rappaport that he was informed by the electrical contractor that they would be starting to test the streetlights that week and he believes they will be operative within the next 2 weeks. The traffic light, however, will have to wait for the paving to be completed and then cut into the new pavement to install the sensors.

Noel Rappaport: Mr. Rappaport wondered why the streetlights are so tall.

Mayor Kohut: The Mayor responded the phone company did not move up their wires sufficiently and if the poles were shorter, box trucks pulling into the curbs could hit the lights.

With no further input from the public, the Mayor continued with the continuation of the Public Hearing on the proposed Local Law to amend the Special Permit Use Criteria in the Village relating to schools of general instruction, schools of special instruction, places of worship, places of general assembly, schools with accessory housing and to add specific definitions to the Zoning Code.

Mayor Kohut entertained a motion to continue the Public Hearing.

#### RESOLUTION # 173 - 2017

Motion by: Emily Dominguez  
Seconded by: Rafael Bueno Sr.  
Motion Carries: All

Mayor Kohut: The Mayor invited Zachary Mintz, Esq. to proceed with the Public Hearing.

Zack Mintz, Esq.: Counselor Mintz stated if there was nothing further from the public, he would suggest closing the Public Hearing.

Noel Rappaport: Mr. Rappaport inquired if this was being established due to Hassidics coming into the community.

Mayor Kohut: The Mayor responded that the Village Hall is a public place where everyone is welcome, and as a Village Government, the Trustees want to assure that with schools and public meeting places everything is properly zoned and fits into the community.

Zachary Mintz, Esq.: Counselor Mintz stated that this is a reflection of a case law that has developed over the past few years so that any new uses that come into a municipality would be more in conformance with the properties already established in a particular area. The goal is to establish set criteria for any future school, place of public assembly, etc., and there will be well established criteria, leaving no room for debate, which will lead to much greater protection for the municipality and particularly for its residential areas.

Stuart Suchotliff, 1413 Round Pointe Drive: Mr. Suchotliff inquired about the number of people allowed in residential places of worship.

Zachary Mintz, Esq.: Counselor Mintz informed Mr. Suchotliff that the maximum amount of people allowed in a residential place of worship is 14 and the minimum number to qualify is 6. He also stated that they do need a permit if they will be using their residence as a place of worship more than 3 times a year.

Mel Post, 1422 Round Pointe Drive: Mr. Post inquired if the 6 people could be a typical family of 6.

Zack Mintz, Esq.: Counselor Mintz responded that number was chosen because if there is an amount above that number there would be problems with parking, additional traffic in a residential area, and if it is a single family worshipping in a home it is less likely to be an issue. He also pointed out that unless someone was to make a complaint about it, the Village would have no way of knowing that it was happening. At that point, however, it would be an enforcement mechanism for the Building Department to follow up on the complaint and issue violations if warranted.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine asked who would be responsible for making sure the laws are adhered to.

Mayor Kohut: The Mayor responded it would be the responsibility of the Building Department.

With no further input from the public, Mayor Kohut entertained a motion to close the Public Hearing.

#### RESOLUTION # 174 - 2017

Motion by: Thomas Watson Jr.

Seconded by: Emily Dominguez

Motion Carries: All

Mayor Kohut proceeded with the reading of the Local Law to Amend the Special Permit Use Criteria as follows:

**Whereas:** the Village of Haverstraw intends to establish Special Permit criteria, which are the most appropriate means for processing applications for proposed Schools of General Instruction, Schools of Special instruction, Educational Institutions with Accessory Housing, Places of Worship, Places of Worship with Accessory Housing, Places of General Assembly, and to add specific definitions to the Village of Haverstraw Zoning Code; and

**Whereas:** the Special Permit process, which entails review and approval of site plans, parking facilities, and other features of each of the proposed uses, is beneficial in that it will afford the Village Board the opportunity to consider the

proposed uses in relation to neighboring land uses and to mitigate any adverse effects by the imposition of reasonable conditions; and

**Whereas:** the Special Permit being proposed includes criteria necessary for the grant of a Permit that would lessen or mitigate impacts to relevant areas of environmental, social and economic concern, including sewer and water capacity, public safety, traffic and pedestrian safety, community character, historic preservation, municipal services and conformance with the Haverstraw Village Code, as may be amended from time to time; and

**Whereas:** in furtherance of the aforementioned goals, the Village of Haverstraw is considering proposed amendments to the Village Zoning Code titled, "LOCAL LAW ESTABLISHING SPECIAL PERMIT USE CRITERIA IN THE VILLAGE OF HAVERSTRAW FOR SCHOOLS OF GENERAL INSTRUCTION, SCHOOLS OF SPECIAL INSTRUCTION, PLACES OF WORSHIP, PLACES OF GENERAL ASSEMBLY, SCHOOLS WITH ACCESSORY HOUSING, AND TO ADD SPECIFIC DEFINITIONS TO THE HAVERSTRAW LOCAL ZONING CODE" (the "Proposed Amendments");

**Whereas:** a Full Environmental Assessment Form was been prepared for the Proposed Amendments, which are a Type I Action pursuant to 6 NYCRR 617 (State Environmental Quality Review (hereafter "SEQR");

**Whereas:** the Village Board conducted a duly noticed public hearing on the proposed amendments on August 14, 2017, at which time the Village Board received public comment, referred the Proposed Amendments to the Planning Board pursuant to Village Zoning Code Section 245-35(B) for report thereon, referred the Proposed Amendments to the Rockland County Planning Department for report thereon pursuant to General Municipal Law Section 239-m, declared its

intent to act as Lead Agency with respect to review of this matter under SEQRA, and directed the Village Clerk to serve by mail a "Notice of Intent to Establish Lead Agency" to all of the involved or interested Agencies and continued the hearing to September 18, 2017;

**Whereas:** on September 6, 2017, Rockland County Planning Department sent the Village of Haverstraw comments on the Proposed Amendments, in which it suggested minor edits to the Proposed Amendments;

**Whereas:** on September 7, 2017, at a meeting of the Village Planning Board, the Planning Board reviewed the Proposed Amendments and made a report advising the Board of Trustees to adopt/enact the Proposed Amendments;

**Whereas:** after receipt of comments from the Rockland County Planning Department, minor revisions were made the Proposed Amendments to reflect the suggestions contained therein;

**Whereas:** on September 18, 2017, the Village Board of Trustees declared itself Lead Agency with respect to review of this matter under SEQRA and continued the public hearing to October 2, 2017; and

**Whereas:** on October 2, 2017, the Village Board adopted a Part 2 Environmental Assessment Form in part based upon a Long EAF Narrative to the Environmental Assessment Form Parts 1 and 2 explaining that the proposed action will not result in any direct impacts and impacts of future development are less likely because (a) uses currently permitted as-of-right now are Special Permit Uses subject to a number of criteria designed to ensure that the future uses are compatible and in harmony with their neighborhoods or locales; (b) definitions have been added in order to more clearly define the types of uses permitted by the code; (c) Regulations promulgated by the Village Code are now in closer conformance with contemporary laws, acts and statutes including the New York State Constitution

and the Religious Land Use and Institutionalized Persons Action (RLUIPA); and (d) the proposed regulations would not impose an undue burden on the processing of land use applications, nor would it negatively impact the affordability of housing or the foreclosure of housing choice.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW:**

1. Adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. Determines that the proposed amendments will not result in any adverse environmental impacts and further determines that an Environmental Impact Statement will not be prepared and hereby directs that its Negative Declaration of Environmental Significance dated October 2, 2017, which sets forth the reasons for its determination be filed in the office of the Village Clerk.
3. Adopts the Proposed Amendments.
4. Directs the Village Clerk to file on certified copy of the Proposed Amendments in the Office of the Village Clerk and file one certified copy of the Proposed Amendments in the Office of the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law.
5. Directs the Village Clerk to enter adoption of the Proposed Amendments into the minutes of the Village Board; and have a copy, summary, or abstract of the Proposed Amendments published once in the official newspaper; and a copy of such local law or amendment shall be posted conspicuously at or near the main entrance to the office of the Village Clerk; and affidavits of publication and posting thereof shall be filed with the Village Clerk.

Mayor Kohut entertained a motion to approve the Amendment to the Local Zoning Law:

**RESOLUTION #175-2017**

Motion by: Emily Dominguez  
Seconded by: Joel I. A. Santana  
Motion Carries: All

|                               |                   |       |
|-------------------------------|-------------------|-------|
| <b><u>ROLL CALL VOTE:</u></b> | Trustee Bueno     | - Yes |
|                               | Trustee Watson    | - Yes |
|                               | Trustee Dominguez | - Yes |
|                               | Trustee Santana   | - Yes |
|                               | Mayor Kohut       | - Yes |

Motion passes with 5 “yes” votes and 0 “no” votes. No absent Board members.

Mayor Kohut:

**REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood reported that the Village Sweeper has been repaired, however, the company is not able to get it back to the Village. He requested approval of the Board to start legal action against the dealership and the manufacturer if the sweeper is not delivered within a reasonable time frame and also if it is delivered but not in satisfactory working order.

Mayor Kohut entertained a motion to authorize legal action, if necessary, against both the dealership and manufacturer of the Village Sweeper.

**RESOLUTION # 176 - 2017**

Motion by: Rafael Bueno Sr.

Seconded by: Emily Dominguez

Motion Carries: All

Counselor Hood had nothing further to report.

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

**MAYOR'S REPORT, Mayor Kohut:** The Mayor requested approval to move the 2<sup>nd</sup> Regular Board Meeting for the month of October from Monday, October 16, 2017 to Monday, October 23<sup>rd</sup> due to attendance purposes.

Mayor Kohut entertained a motion to move the 2<sup>nd</sup> Board Meeting in October as stated above.

**RESOLUTION # 177 - 2017**

Motion by: Emily Dominguez

Seconded by: Joel I. A. Santana

Motion Carries: All

The Mayor reported that he and Deputy Mayor Dominguez met with a member of R.J. Staffing, a Rockland County employment firm, who informed them that they have a severe shortage of people applying for jobs that they have available and would like to work with the Board to find qualified, unemployed residents of the Village to fill positions in warehousing, manufacturing, office work, etc. Therefore, the Village is scheduling a "Job Fair" at the Village Hall, on Thursday, October 26<sup>th</sup> from 4:00 to 8:00 PM. Anyone looking for employment can attend the "Job Fair" or visit the Village's Website or R.J. Staffing's Website for further information. There will also be posters in the storefronts downtown.

The Mayor then reported that the Village has the opportunity to provide a "Defensive Driving" course for village employees who drive a village vehicle at a cost of \$25.00 per person. This would also help to lower the cost of insurance.

Mayor Kohut entertained a motion to authorize "Defensive Driving Course" training as stated above.

RESOLUTION # 178 - 2017

Motion by: Rafael Bueno Sr.  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor then informed the public that there would be filming of the NBC TV series "RISE" taking place on New Main Street on Thursday, October 5<sup>th</sup> and Friday October 6<sup>th</sup>.

The Mayor also mentioned that the Village will be celebrating "Holidays in Haverstraw" on Saturday, December 2<sup>nd</sup>.

The Mayor requested authorization from the Board to sign the Community Development Block Grant (CDBG) 2017 Sub Recipient Agreement.

Mayor Kohut entertained a motion to that affect.

RESOLUTION #179 - 2017

Motion by: Rafael Bueno Sr.  
Seconded by: Emily Dominguez  
Motion Carries: All

Mayor Kohut then entertained a motion for the Board to approve his signing of the Penflex-LOSAP Service Agreement in the estimated amount of \$7,100.00.

RESOLUTION # 180 - 2017

Motion by: Emily Dominguez  
Seconded by: Rafael Bueno Sr.  
Motion Carries: All

The Mayor read the following adjustments to the 2017-2018 budget year submitted by Joseph Modafferi, Village Accountant:

| 2016-2017 BUDGET ADJUSTMENTS |                         |                |                |          |
|------------------------------|-------------------------|----------------|----------------|----------|
| Acct. #                      | Account Name            | Increase       | Decrease       | Increase |
|                              |                         | Appropriations | Appropriations | Revenue  |
| A7310.0420                   | Contractual Summer Camp | \$ 3,850.00    |                |          |
| A7310.0120                   | Summer Camp Personnel   | \$ 4,730.00    |                |          |
| A1990.0400                   | Contingent Account      |                | \$ 8,580.00    |          |

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

Mayor Kohut entertained a motion to

RESOLUTION # 181 - 2017

Motion by: Emily Dominguez  
Seconded by: Joel I. A. Santana  
Motion Carries: All

The Mayor received an estimate for seal coating services for the promenade at the Harbors in the amount of \$5,500.00.

Mayor Kohut entertained a motion to approve seal coating services as stated above.

**RESOLUTION # 182 - 2017**

Motion by: Rafael Bueno Sr.  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor received an estimate from Hush Electrical for additional repairs that have to be made downtown with the cost for labor and materials being \$5,885.00.

Mayor Kohut entertained a motion to approve the additional repairs as stated above.

**RESOLUTION # 183 - 2017**

Motion by: Emily Dominguez  
Seconded by: Thomas Watson Jr.  
Motion Carries: All

The Mayor had nothing further to report.

**Mayor Kohut:  
REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES – Trustee Rafael Bueno Sr.:** Trustee Bueno read the following report of fire activity for the month of September, 2017 submitted by Fire Chief Thomas Price:

|                   |   |    |
|-------------------|---|----|
| Total Alarms      | - | 11 |
| General Alarms    | - | 7  |
| Special Calls     | - | 3  |
| Mutual Aid Calls  | - | 1  |
| Rubbish Fires     | - | 2  |
| Electrical Fires  | - | 2  |
| Gas Leaks         | - | 2  |
| Good Intent/Misc. | - | 3  |
| False Alarms      | - | 1  |

Total Manpower Responding - 215 members

Trustee Bueno had nothing further to report.

**PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:** Trustee Watson read the following report submitted by Robert Drexler, Jr., Superintendent of Public Works, as of September 29<sup>th</sup>, 2017:

- 1) Installed speed humps at 96 West Street.
- 2) Painted “No Parking” lines at Dowd and Division Streets.
- 3) Repaired damaged signed at Wayne and Division Streets as well as the Village Hall.
- 4) Assisted Rockland County Highway Dept. painted double yellow lines on village streets.
- 5) Planted 8 trees at the Manny Lopez Baseball Field.

- 6) Mulched Emeline Park.
- 7) Replaced steps at the Brick Museum.
- 8) Assisted in crack sealed several streets throughout the Village.
- 9) Blacktopped Hudson Avenue to West Broad Street, Community Center parking lot, West Street alleyway and Chair Factory road was made wider.
- 10) Finished sealing all blacktop work done in preparation for winter.
- 11) Set up for "Dancing Under the Stars".
- 12) Worked on River Arts Festival.

Trustee Watson reported that there is a part-time position open at the DPW and requested approval of the Board to hire Michael Bonavito at a salary of \$12.00 per hour.

Mayor Kohut entertained a motion to hire Michael Bonavito as stated above.

**RESOLUTION # 184 - 2017**

Motion by: Thomas Watson Jr.

Seconded by: Rafael Bueno Sr.

Motion Carries: All

Trustee Watson then mentioned that the DPW Landscaping Trailer has a cracked axle and he has received 4 estimates to replace it with an 8' X 16' trailer with the same equipment. The lowest bid was received from Hudson River Truck & Trailer at a cost of \$6,495.00.

Mayor Kohut entertained a motion to purchase the new trailer as stated above.

**RESOLUTION # 185 - 2017**

Motion by: Thomas Watson Jr.

Seconded by: Emily Dominguez

Motion Carries: All

Mayor Kohut: The Mayor thanked the DPW for everything they did for the RiverArts Festival at Emeline, mentioning also that the Festival was a huge success.

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES - Trustee Joel Santana:** Trustee Santana read the following report of activities at the Community Center for the period of September 18<sup>th</sup> thru October 2<sup>nd</sup>, 2017:

- 1) The Haverstraw Collaborative: continues to meet monthly.
- 2) The Spanish Speaking Parents Group: will meet on Wednesday, October 4<sup>th</sup> at 6:00 PM at the Haverstraw Elementary School.
- 3) Celebrating Families: The Center's staff in conjunction with the Department of Social Services started this program on September 13<sup>th</sup>. This is a 16 week program for families with serious issues.
- 4) Jump Program: will begin on November 7<sup>th</sup>.
- 5) Strengthening Families: began on Sept. 28<sup>th</sup> with 12 families.
- 6) Monthly Youth Celebration: was held on September 26<sup>th</sup> in conjunction with "Caught Being Good".

Trustee Santana had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT – Deputy Mayor Emily Dominguez:**

The Deputy Mayor read the following report submitted by the Building Inspector, Ruben Berrios, for the period of September 18<sup>th</sup> thru September 29<sup>th</sup>, 2017:

|                           |   |     |
|---------------------------|---|-----|
| Rental registrations      | - | 1   |
| Miscellaneous inspections | - | 113 |
| Complaints                | - | 7   |
| Municipal searches        | - | 7   |
| Construction inspections  | - | 8   |
| Violations/Tickets        | - | 29  |
| Building Permits & C.O.'s | - | 3   |

Fines collected at court - \$2,000.00

Deputy Mayor Dominguez had nothing further to report.

**MINUTES:** The Mayor presented the minutes of the Regular Meeting of July 10<sup>th</sup>, 2017 for approval by the Board.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION # 186 - 2017**

Motion by: Thomas Watson Jr.

Seconded by: Emily Dominguez

Motion Carries: All

Mayor Kohut:

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**Mayor Kohut:**

**2<sup>nd</sup> PUBLIC PARTICIPATION**

Noel Rappaport: Mr. Rappaport inquired about how much the Village is paid for any filming done within the Village.

Mayor Kohut: The Mayor responded there is a \$1,000.00 permit fee for 2 days plus additional fees for parking their equipment and closing roadways, which for this filming will garner the Village \$4,000.00 to \$5,000.00.

Stuart Suchotliff: Mr. Suchotliff requested an update on the Chair Factory.

Mayor Kohut: The Mayor responded that a meeting was previously scheduled, which had to be postponed due to illness, therefore a new meeting has been scheduled with the Committee for Thursday, October 5<sup>th</sup>.

Mel Post: Mr. Post requested an update on the Ginsburg issue.

Mayor Kohut: The Mayor informed Mr. Post that Mr. Ginsburg's representatives have requested a delay in meeting. The Village has a bond payment due in December and is expecting Mr. Ginsburg to pay. The Village is trying to get a date set for a meeting, but if need be, the Village will pursue litigation. Besides that there has been no change.

Stuart Suchotliff: Mr. Suchotliff inquired about the pending litigation with the Chair Factory.

Mayor Kohut: The Mayor responded that there was an adverse decision on the case of approximately \$9M, which the Village will be appealing. The Village attorney on the matter feels it was an outrageous decision and the Village has numerous appealable issues, therefore the Village is proceeding to authorize Village Counsel for this matter to file a "Notice of Appeal" on the decision. \$2.3M has already been paid to the plaintiff, which was based upon an Appraiser's review.

Larry Levine: Mr. Levine informed the Board that there has been a sailboat anchored in the Admiral's Cove Marina for a couple of months without moving.

Mayor Kohut: The Mayor informed Mr. Levine that the owners of the homes on Front Street have the water rights to that part of the river.

Mel Post: Mr. Post spoke about having the minutes being kept more current.

Mayor Kohut: The Mayor informed Mr. Post that the employee who does the Minutes works 1 day per week, and, in addition to preparing the Village Board Minutes, is also transcribing the Planning Board, ARB Board and Zoning Board minutes. Following her transcription of the Minutes, it then has to be reviewed by the Village Clerk/Treasurer and then by the Board members before being presented at a Board Meeting.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting in memory of the people who died in Las Vegas and all those who suffered from recent disasters in our country.

RESOLUTION # 187 - 2017

Motion by: Emily Dominguez

Seconded by: Rafael Bueno Sr.

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift, Senior Steno Clerk