

The minutes of the Village of Haverstraw Planning Board held on Monday November 8, 2021 at 7:00 PM.

PLEDGE OF ALLEGIANCE

CHAIRMAN: This is the regularly scheduled meeting from the Planning Board of the Village of Haverstraw. Will the Secretary please call the roll?

ROLL CALL



Edwin Molina (Chairman) -	Present
Diogenes Dominguez -	Present
Danny Scaffidi -	Present
Joseph Coe -	Present
Perry Masiello -	Present
Bart Gordon-	Present
Dennis Michaels -	Present
Eve Mancuso -	Excused
Ruben Berrios -	Present
Gisbeth Ramos-	Present

Chairman- First off we have Mcdonald's

Chafigualch- Good evening, Darius Chafigualch from the law firm Harris Beach for Mcdonald's, here with Kevin O'Connell from Dynamic Engineering. We're here for a proposal to add a small addition to the existing Mcdonald's at 254 Route 9W. We have some photos to show you.

O'Connell- We are proposing to change a very small 43 square foot building addition here and adding 29 square foot concrete pad here along the northern facade of the driver through. Right now Mcdonald's is rolling out a nationwide kitchen upgrade, new facilities, new infrastructure. This particular Mcdonald's does not have enough room in its current layout. We would just be bumping out a wall. This is actually a covered entrance way, there is pedestrian access. it will be one long wall across the exterior. Since we will be getting rid of one of the access doors we will be adding another one.

Scaffidi- How far is the bump coming out?

Chafigualch- It is going to line up with the existing bump out. It is not going to stick farther out.

Coe- So where the cars are going won't change?

O'Connell- Correct and there will not be any changes to the drive through either.

Masiello- I'd rather see another drive through lane.

Chafigualch- That's possible, I know they are considering it due to the traffic spilling into 9W, we may be back before you.

O'Connell- The kitchen equipment is supposed to be adding efficiency throughout the interior operations and drive through. It is not the same as adding another lane but it is supposed to help alleviate that in some capacity.

Berrios- This is a minimal addition that they are adding, but they are coming out of the existing footprint therefore they would have to be referred to the Rockland County Planning Department and Department of transportation because they are on 9W.

Scaffidi- No variances though, right?

Chafigualch- No, no variances will be needed.

Masiello- Will there be a marked crosswalk for pedestrians?

Chafigualch- It is not marked currently today. We are not proposing to mark it. Do we need a public hearing?

Berrios- No

Michaels- It does not require a public hearing.

Chafigualch- No public hearing, it would just need to be referred to the county planning and DOT

Berrios- It needs to be referred to a couple of agencies.

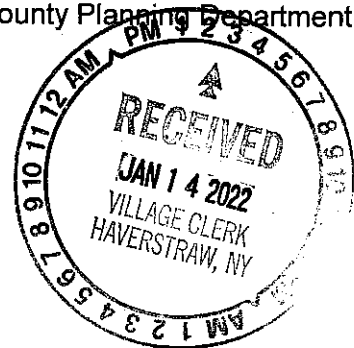
Michaels- It is possible we could get the report back before the next meeting on December 13. So that's the plan.

Chafigualch- Ok, so maybe we could be back by December 13 let's see how it goes. Thank you for your time everyone.

Chairman- Carlos Urena

Urena- Carlos Urena, 13 Dowd Street Haverstraw NY 10927

Michaels- Are Frank or Jeff coming?



Urena- No, they'll be here tomorrow for the Zoning Board.

Michaels- Just to refresh everyone, in the last meeting the board was potentially in position to make a decision on the application, but we did not have enough members for a super majority, which would be 4 members, in order to override certain aspects of the Rockland County Planning Department's GML letter dated March 24, 2021. I don't have my marked up GML letter with me so I'm not sure which needs to be overridden, do you know Carlos?

Urena- I haven't actually seen the GML letter.

Michaels- What are the latest dimensions Carlos?

Urena- The current dimensions are 20 feet wide by 24 feet in depth and 14 feet high.

Michaels- It is 9 feet from the nearest side yard. The minimal side yard requirement is 10 feet, the applicant has 9 so it is a one foot variance. The other variance is for the height, maximum height is 12 feet, so it is a two foot variance. Lastly, maximum lot coverage is .030 with 30% and he's proposing 46% which includes the house. We need to know what Mr. Urena would like us to override so we need to print out a GML letter for Mr. Urena. If we are going to make a motion tonight we need to know the modifications because if none of them are overridden then they all will be imposed conditions and this board might grant.

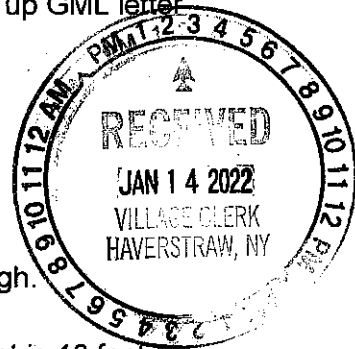
Urena- Ok, I've never seen a copy of it myself.

Chairman- Please review the GML letter given to you and we'll see you in December. Next we have 7 Eleven.

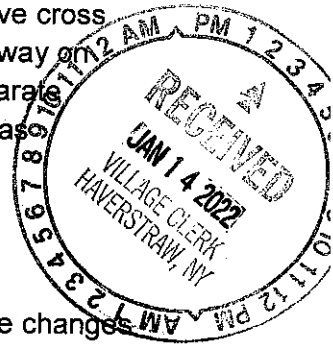
Emanuel- Good evening my name is Ira Emanuel from Ira M. Emanuel Law, PC, I'm the attorney for the applicant. This is a site plan application for 7 Eleven at the corner of Route 9W and Gurnee Avenue. We are hoping for final site plan approval this evening subject to the variances. We received some comment letters from the Village Planner, Engineer, and from the Rockland County Planning Department. We don't have a particular presentation to make because you've seen the project before unless you'd like one.

Chairman- We have a new member, maybe just a quick overview.

Chaplin- Hello my name is Zachary Chaplin with Stonefield Engineering, I'm a civil engineer for this project. I'll do a brief overview of what we are proposing. This is the northwest corner of 9W and Gurnee Avenue, currently there is an office building on site at the northeast corner. Most of the site is wooded. We were here previously a couple of years ago, we had an application for the self storage building which took up the majority of the lot and was approved with a number of variances. Now we are proposing a 7 Eleven convenience store with 3043 square feet with a gas station component, which will have 4 pumps of 8 fueling positions underneath a canopy.



Access will be provided via a new right in, right out only driveway on 9W that will have cross access to the office building that is to remain. We'd also have a full movement driveway on Gurnee Avenue. We have a space for the trucks to fuel the underground tanks, separate loading area, and storefront parking. Our biggest focus was making the corner look as aesthetically pleasing as possible. We will be putting a little pocket park as well.



Stach- Can you take us through the elevations?

Chaplin- These are the elevations that we presented to the ARB, they did have some changes specifically to the gas canopy. We made those adjustments and they have since been approved. In terms of letters, I just received this letter Ms. Mancuso sent, I think we can agree on the comments. Number two might need a little bit more of discussion, I believe she is saying to remove the benches because of the high volume.

Chairman- Some of these overlap with your comments Max, why don't you walk us through your letter and then we'll go back.

Stach- Sure, I bolded the ones that I think are still overstanding, many were already addressed with the resubmission. There seems to be a minor error with regard to the tax and zoning map on sheet C-1, where it identifies lot 49 as 51. We'd like to have the R-1 zoning district boundary shown along the western property line. Then the next one is more of a landscaping comment, it has to do with the hollies, the hollies are shown as being 10 foot wide and 6 feet tall. A 6 foot tall holly would be more like 3 foot wide. We recommend that some type of ground story treatment be put in. You should also put some notes in your plans because you don't want 35 feet tall hollies. Where do you want it pruned? We note the two variances, there was an issue of whether or not Ruben considers the parking station, parking spaces.

Berrios- Correct, we don't.

Stach- So, you'll need a variance for that. Directional signage, we thought it was very important that a sign be placed in between the pumps and the Route 202 exit, saying something along the lines of "No exit through Route 202 N use Gurnee Avenue exit." Just so that people don't start heading up that way to make a left on Route 202 just to find out they can't. That's all I'm looking for in terms of directional signage. The drop off to the pond, there's a pond behind this building and it has a pretty steep hillside coming down from Gurnee Avenue. I didn't see a fence or shrub, so what we are recommending is that you plant a hedge along the property boundary around 2 feet tall.

Chaplin- I completely agree, I thought we completed that in the last submission and we might need a 2 feet tall retaining wall to accommodate that. The grade is dropping a lot.

Stach- I'd rather have a hedge than a fence, I think that'll make it look nice and I believe it would look nice to walk along it. Next, are the landscape notes we have actually made these standards in another community in addition to their notes. First, it needs to be maintained in vigorous

condition. If there are dead plants they need to be replaced and that would be in perpetuity. Also a certification that the plantings have been put in by a professional. Last, is a little unique, which is that the size number and species depicted on the plan shall represent minimal standard to be maintained and that the applicant may from time to time enhance or modify the types or plantings for aesthetic reasons, but that the overall size, quality, density and landscape area shall be maintained. This gives the owner the ability to change things and as long as it's something that is as nice or substantial as it was before, the village shouldn't have a problem, the applicant won't have a problem.

Chaplin- I am happy to say that we agree with all of those and we will make those adjustments.

Chairman- Shall we move on to Eve's comments?

Chaplin- Yes, so number one is administrative. Number two is a question on whether or not we should have benches at the pocket park. I think because of the high volume of traffic, if we really want people sitting at that corner. is a good question. I'm happy to remove it, but we are open to your suggestions as well.

Chairman- I believe last time we stated that we did not want any sitting area there because we didn't want people loitering in that area.

Dominguez- Yes we addressed that in the last meeting, we didn't like that idea.

Michaels- What's your concern?

Chairman- Number two.

Stach- Is there something on the site plan that would allow the Village to put a Welcome to Haverstraw sign there?

Chaplin- That was kind of the intent of the knee wall. We could probably work that in somehow whether it is behind the wall or even putting it on the wall itself.

Stach- My concern is that legally the Village and the applicant have something on the plan that allows that.

Emanuel- We can work something out with Mr. Hood.

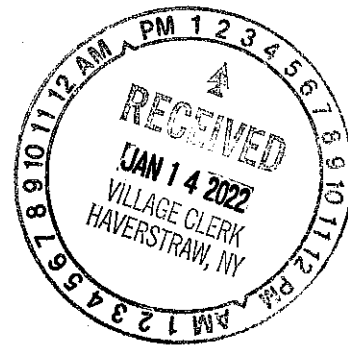
Stach- Ok.

Michaels- Number one, did we talk about that yet? It looks to be consecutive.

Chaplin- It's administrative, so I'm sure we can work it out with Eve.

Michaels- Looking at Max's first page, it lists the numeration and it looks to be consecutive.





Chaplin- Maybe it is something else, we'll talk to Eve.

Emanuel- If there is an inconsistency we will fix it.

Michaels- Well here's my problem with that, I like to recite it directly from the drawings and plans and I was just going to reference Max's very nicely put together presentation rather than reciting it for the next ten minutes. If the numbering changes after or if there's an approval, it may confuse the administration of the building department because it would be based on the drawings and plans. I don't think it's a big deal, I could answer to Eve. I don't think that number one from Eve's report needs to be imposed as a potential approval condition because it looks like it is consecutive.

Chairman- There are two C-11s

Emanuel- We can make it C-11 and C-11A

Michaels- I don't think that is one of her big issues, I wouldn't change the numbering because if there is an approval tonight it would be based on what is before you now.

Chaplin- Number three I can speak to Eve about because I'm not familiar with what she's saying, unless someone else is familiar with it. Number four we will comply with, number five is to add dimension and we will do that. Number six we are on our second round of comments with the DOT. So we should be all set with them but we are not 100% sure we will comply with whatever they ask.

Michaels- What is number seven?

Chaplin- Number seven is just a label and some notes.

Michaels- So you are ok with seven?

Chaplin- Yes, we are ok with seven, number eight we are ok with also. Number nine we have agreed to, it is construction practice. For number ten we can add a note to the plan and for eleven I'm not sure if the village has a template for that.

Michaels- No, but I do know what Eve is referring to. It will be subject to the satisfaction of Eve's requirements, that's something that can be made a condition. So for example let's say that numbers two and three were imposed conditions how would it be shown that these conditions have been satisfied?

Chaplin- Looks like we still have some work left to do on the plaza, but as a condition of approval we would work with Village professionals including Eve. Ruben and Max to get their formal approval for that specific part of the plans.

Michaels- Well two I guess the Planning Board can make a decision now if you are comfortable. I'm not in any way prejudging your view, but do you have an inclination? What do you prefer at the intersection?

Chaplin- We spoke about it, we are going to remove the benches, but I think we are going to keep everything else. There's also something in there about potentially adding signage.

Stach- I think what we do need is a statement here that the applicant's attorney and the Village's attorney will agree to provisions allowing for the Village to install a sign.

Emanuel- That's not a problem, we need to talk to the Village Board also with respect to the ownership of that parcel. We are at this point leaning towards giving a public easement.

Stach- That makes much more sense since you'll be maintaining all the landscaping on the site so it makes sense to maintain that too.

Michaels- Now, Ira I'm not sure how we can articulate the condition of approval. A license for the Village to install the sign would be a liability.

Emanuel- Subject to the approval of the Village attorney.

Chairman- So you guys are going to the Zoning Board tomorrow?

Emanuel- Yes

Chairman- You need to receive approvals for the variances you need and need to see the Village Board

Emanuel- We already have the special permit.

Chairman- We can discuss further if needed but there's nothing here that you had an issue with implementing changes to, right?

Emanuel- Correct.

Chairman- There's a lot of issues but in aggregate they are substantially not for us to want to see a developed site with all the details implemented, but I do agree with Dennis and the C-11 and C-11 need to be fixed. How do we proceed Dennis?

Michaels- If the super majority of the board since some overrides are being requested by the county for the GML report. If four out of five board members are comfortable proceeding with an approval tonight there's going to be the imposition of conditions, most of them coming from Max's November 8th report and Eve's November 8th report.



Emanuel- In regards to the sign, we will put it up so it is not a matter of the Village getting a license. We'll get in agreement about the design and we'll install it and that will take care of number three. Also each of the C-11s has a name, so it can be referred to as the name. Nothing is really going to change in the plans so we are hoping that the vote doesn't get delayed another month.

Scaffidi- So for the lighting, is it going to be low lighting?

Chaplin- For the lighting plan it is going to be LED down lit lighting.

Emanuel- Now that we are talking about the lighting, one of the things we are going to ask you to override is the Rockland County Planning Department's recommendation that there'll be no lighting above point one foot candle anywhere on the property line. There are places where you want more than point one foot candle at the property line and that's where we have it at the exits. So we are going to need an override on that among other things.

Chaplin- Compared to a residential development where you have neighbors it is very critical to watch your lighting in those types of scenarios, but this is a commercial corridor the lighting is important especially at the driveways.

Stach- With the exception of directly beneath the canopy this is not a tremendously lit up site. It is bright underneath the canopy but the rest of the site is not that bad.

Michaels- What is the date on the GML letter?

Chaplin- August 24th, 2021

Chairman- You said you had one override, do you want to go through the rest?

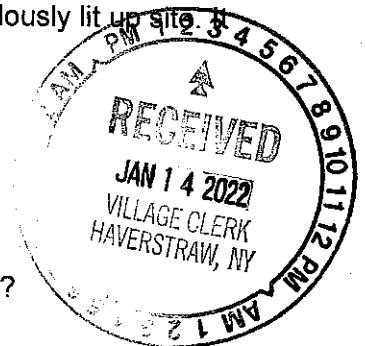
Emanuel- Sure. We have a couple. Number five and six both of which talk about the variances needed but quite frankly it is not up to this board. We are going to the ZBA and would ask you to override those in favor of the Zoning Board's ruling. Number fourteen is with respect to the lighting which we just discussed and number eighteen is with respect to signs. Again this is a decision for the ZBA we are also advised that the Village is reviewing their sign laws. So we would ask for an override in respect to that and referred to the ZBA. We ask for five, six, fourteen and eighteen to be overridden.

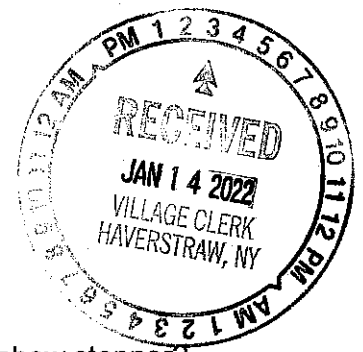
Chairman- Most of this is ZBA related except for the lighting.

Emanuel- Correct.

Chairman- Max you have reviewed the lighting and you were happy with the lighting correct?

Stach- I was, yes.





Chairman- What is your take on overriding number fourteen?

Stach- I have no problem.

Chairman- With all that you have seen was there anything that was like a show stopper?

Stach- No, they are all minor details that need to be fixed. There's nothing here that should keep you from approving.

Chairman- To my board, does anyone have any suggestions for what you would like to see instead of the benches there? We don't want benches, we know that. If everyone is ok with that then I believe we can proceed Dennis.

Michaels- In my legal opinion any member of the board can adapt my legal opinion as his own motion by saying so moved as recited by legal counsel. If a member were inclined to approve this application it would be recited as follows the motion is to approve the site development plan as depicted and set forth on the most recent drawings and plans that are recited and listed in the report to the Planning Board by the village planner Max Stach from Nelson, Pope and Voorhis, LLC dated November 8th, 2021. Noting that there are two page C-11s, one titled landscaping details and the other construction details. You are also imposing the following comments as part of your motion to approve the site plan application. Referencing Max Stach's report from November 8th, 2021, those conditions are items numbered two, three, five, eight, ten and fourteen. You don't need to impose the ZBA variances as conditions because they need the variances. Additional conditions are those set forth by village engineer Eve Mancuso in the report for the Planning Board dated November 8th, 2021. Her comments that you are imposing as conditions of a motion are her comment number two as modified as follows. The intersection of Gurnee Avenue and Route 9W shall be improved with a landscape design only in the village welcome sign. The village welcome sign will be the size, design, colors and other installation styles to the satisfaction of the Village Board of Trustees and the building inspector and the Architectural Review Board.

Emanuel- Dennis if I may, we'd prefer to have it to one entity rather than going back and forth. Not only will it be another meeting, but there will be differences of opinions because we are talking about something aesthetic.

Michaels- Ok, modifying comment number two as follows. The intersection of Gurnee Avenue and Route 9W shall be approved with the landscape design only in the installation of a village welcome sign. The village welcome sign shall be designed and installed to the size and color scheme and to the reasonable satisfaction of the Village Board of Trustees. The Village Board of Trustees shall have the privilege of conferring with the village planner, engineer and building inspector, as the Village Board of Trustees deems appropriate. The legalities of the installation must be satisfactory to the assistant village attorney. Comment number three from the village engineer's November 8th, 2021 report, the issue of the existing pipe that discharges on to the

property must be resolved to the satisfaction of the village engineer Eve Mancuso from Broker Engineering. Comment number four will also be a condition, as stated by Eve Mancuso's November 8th, 2021 report. Village engineer's comments four through eleven on the report dated November 8th, 2021 in addition to comments two and three which were modified. A further aspect of this motion is to override the Rockland County Planning Department's GML report to the Planning Board dated August 24th, 2021. The Planning Board would be overriding the modified recommendations five, six, thirteen and eighteen. You have to give reasons to override the recommendations. Mr. Emanuel was kind enough to give you his reasons in his letter dated November 8th, 2021. So your motion would be to share the reasons expressed in Mr. Emanuel's letter or the ones he expressed orally. Lastly, all of the other modifications of the County's GML report of August 24th, 2021 would be additional conditions of your motion to approve the site development plan. That would be all of the modifications except for five, six, thirteen and eighteen and there is a total of twenty four. If there's a member of this board that's inclined to make a motion please say I approve as recited by legal counsel.

Coe- So moved as recited by legal counsel.

RESOLUTION #17-2021:

Motion: COE

Second: SCAFFIDI



ROLL CALL

Edwin Molina (Chairman) -	YES
Bart Gordon-	YES
Diogenes Dominguez -	YES
Danny Scaffidi -	YES
Joseph Coe -	YES
Perry Masiello -	YES

Emanuel- Thank you very much.

Michaels- The attorney for Village Square, 49 West Broad Street sent me an email which I forwarded to all of you except for Bart because I didn't know he was on the board yet sorry. The attorney for the applicant Daniel Richman would like the Planning Board to adopt a motion

tonight to send them to the Village Board of Trustees acting as their lead agency under the State Environmental Quality Review Act. This is just a procedural step, normally whoever wants to be the lead agency of the project has to inform the other agencies, which in this case is the Village Board of Trustees. You are allowed thirty days to reject. Any one of you can adopt my legal opinion as a motion that you consent to the Village Board of Trustees acting as leading agency under SEQRA for that project on 49 West Broad Street.

Coe- So moved as recited by legal counsel.

Dominguez- Second

RESOLUTION #18-2021:

Motion: COE

Second: DOMINGUEZ

Carried By: ALL



ROLL CALL

- | | |
|----------------------------------|------------|
| Edwin Molina (Chairman) - | YES |
| Bart Gordon- | YES |
| Diogenes Dominguez - | YES |
| Danny Scaffidi - | YES |
| Joseph Coe - | YES |
| Perry Masiello - | YES |

Berrios- One more thing, 14 Broadway, this is a continuation of Daniel Freeman's application. This is the third store, the empanada store that's on Main Street is looking to relocate to 14 Broadway. They weren't quite ready so I told them to come back next month, but I'm going to pass out these plans so that you guys can take them home and look at them.

Scaffidi- Do we have any minutes?

Chairman- No, we don't have minutes to review. Let's welcome our new member Bart Gordon. I'll entertain a motion to adjourn.

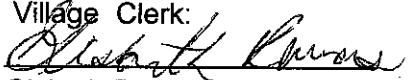
RESOLUTION:

Motion: DOMINGUEZ

Second: SCAFFIDI

Carried By: ALL

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


Gisbeth Ramos, Clerk Typist

