

The Minutes of the Village of Haverstraw Planning Board Meeting on Monday May 9, 2022 beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL :

- | | |
|--|---------|
| • Edwin Molina (Chairman) | Excused |
| • Dennis Michaels (Asst. Village Attorney) | Present |
| • Ruben Berrios (Building Inspector) | Present |
| • Eve Mancuso (Village Engineer) | Present |
| • Diogenes Dominguez | Present |
| • Danny Scaffidi | Present |
| • Joseph Coe | Present |
| • Perry Masiello | Present |
| • Bart Gordon | Present |
| • Gisbeth Ramos (Clerk to Planning Board) | Present |



In Chairman Molina’s absence Diogenes Dominguez chaired the meeting and he invited the first applicant, 254 Route 9W-McDonald’s, to address the Board.

Kevin O’Connell from Dynamic Engineering, representing McDonald’s: Mr. O’Connell explained to the Board that they were back before the Planning Board to review the requested amendments to their site plan in regard to pedestrian safety measures. They’ve been able to get authorization from McDonald’s Corp. to deviate from their standards for kitchen plans and move the 3rd pick-up window back 6 feet. They will also provide a hand rail to move pedestrians out into the concrete island area (pointed it out on the site plan for the Board) and provide a striped crosswalk ahead of a would be parked car at this island. They’ve included a Stop bar and striped crosswalk, they’re moving the existing Stop & Yield signs up to the Stop bar and they’ve provided several other safety measures to be certain that drivers can see what’s going on around them. Mr. O’Connell also explained how they had adjusted the access to the Route 9W sidewalk for ADA compliance.

Village Engineer Eve Mancuso stated that the progression of the application went from a small, simple addition but with the introduction of the 3rd window the plan became problematic. With this latest plan submission it is her opinion that this issue has been addressed and now when a vehicle is parked in front of the 3rd window there is a clear path

for pedestrian access and the driver can see the person clearly. Ms. Mancuso believes that this final revision is satisfactory in terms of safety through the reconfigured driveway.

Dan Scaffidi asked if tractor trailers would fit in the aisle.

Mr. O'Connell stated that there was room for the tractor trailers, they were taking a little bit of space from the aisle but there would still be room for the trucks to park and maneuver around.

Perry Masiello asked what the planned distance from the Stop sign to the curb was.

Mr. O'Connell responded that he believed it to be 11 to 12 feet and he would confirm the distance.

Discussion between Mr. O'Connell, Mr. Masiello and Ms. Mancuso resulted in a revised answer of 13 feet and Mr. O'Connell offered to make adjustments (pull the radius out and stripe) to the area they were discussing so as to provide more room to maneuver.

Attorney Michaels commented on the Rockland County GML Review comments and whether the applicant would be asking for overrides on any of the modifications.

Mr. O'Connell responded that there were 2 comments on the RC GML Review letter that they would need to address. Comment #3, which refers to a storm water management system and having to apply to the Rockland County Board of Health; Mr. O'Connell stated that they feel that because they are providing so little of impervious coverage that this wouldn't warrant any storm water management addition or some mitigation measure and they would argue that it's unnecessary.

Ms. Mancuso agreed that when there is a nominal change it shouldn't be required.

Mr. Michaels & Mr. O'Connell continued to discuss the matter and it was determined that if the County was going to require compliance to Comment # 3 than there would be no need to override it.

Mr. O'Connell continued stating that the other GML comment to be addressed is Comment # 8 which references the landscaping plan and its submission, plus suggestions on evergreen plantings that would help shield headlights and glare from various areas. Mr. O'Connell stated that there was insufficient room and they preferred not to restrict driver's vision when turning out of the driveway. He also pointed out that there are currently low lying shrubs planted and he pointed out the areas to the Board on the plans before them. They can provide a landscaping plan but they would like to keep the current plan for the reasons stated.

John Kolesar, attorney for the applicant: Mr. Kolesar stated, for the Board's information, that they were scheduled for a Public Hearing with the ZBA on May 12th.

With no further comments from the Board Attorney Michaels drafted the following for approval:

"Approve the application, which is a Site Development Plan, for the project known as McDonald's located at 254 Route 9W, as reflected on the Site Development Plan as drafted by, and under the signature and seal of Joseph A. Sparone, NYS licensed Engineer, on 8 sheets enumerated C-1 through C-8, dated April 7, 2022. The approval will include an override of the Rockland County Planning Dept. GML Review Report, dated April 1, 2022, to the extent of only overriding the modification of Comment #8 (landscaping), except for Comments 18, 18.1 and 18.2 will be imposed and complied with as a condition of this approval. Also as a condition of approval the applicant will update the site plan to pull back the northern most egress curb and provide a dimension for the egress drive aisle so that it is a minimum of 12 feet wide with room for turning a delivery truck. In addition the existing shrubbery along Route 9W in front of the lot will be refreshed, enhanced, supplemented and improved to the satisfaction of the Village Building Inspector."

As recited by legal counsel
RESOLUTION # 20 - 2022

Motion by: Joseph Coe

Seconded by: Bart Gordon

Roll Call:

- Diogenes Dominguez Yes
 - Danny Scaffidi Yes
 - Joseph Coe Yes
 - Perry Masiello Yes
 - Bart Gordon Yes
- Motion Carries: All

Diogenes Dominguez asked the applicant for 49 West Broad Street to come forward.

Dan Richmond of Zarin & Steinmetz, representing Avram Schwartz the applicant for 49 W. Broad St.: Mr. Richmond explained to the Board that they were before the Planning Board to ask for site plan approval for the project at 49 W. Broad. The project does not require any variances, the Master Development Plan of the Village sets forth the dimensional requirements for the project and they understand that the Planning Board's recommendation in April to the Village Board was to go forward with the project subject to the comments of Eve Mancuso's letter of April 2022. The next step for the project is to get site plan approval and they've submitted a letter to the Board and to Ms. Mancuso that says essentially that they have complied with the conditions of the letter and that these can be a condition of site plan approval. Mr. Richmond continued with comments about the request from Ms. Mancuso regarding parking and he informed the Board that the solution they've arrived at was to move the spaces from beneath the building, 4 ft. closer (pointing to the area on the plan), which will make the 8 ft. sidewalk a 4 ft. sidewalk and then remove 1 foot from another sidewalk (pointing it out on the plans). Mr. Richmond stated that if this plan is acceptable to Ms. Mancuso the Board can make it a condition of approval. He then asked the Board if they had any questions, reminding them that the site plan had been reviewed several times previously.

Eve Mancuso stated that she had prepared a letter, dated April 11, 2022 that outlined a number of items that were in variance to the Code but she does agree with the interpretation that since the Village Board has already approved the layout plan then they have approved, by default, most of these already, with the exception of the design standard. Although she thinks the suggested solution is a good one, she also reviewed it and proceeded to present another solution. Ms. Mancuso spoke about the initial plan for the sidewalk and the ADA access coming through the parking lot, which reduced the aisle width a little too much. She suggested that rather than having the ADA access coming in off of

Clove Ave., eliminate the sidewalk there, eliminate the ADA access from Clove, push the stalls in toward the building a little more and take 1 space from the ADA spaces and cross-hatch it there, then that can be the ADA access. Her thought was that initially this was going to be a commercial building but since it's now a residential building that area isn't quite as critical anymore and she thinks this would solve the problem, address everyone's concerns and make it better for the people living there.

Discussion continued between Mr. Schwartz, Mr. Richmond and Ms. Mancuso to hammer out the details and specifications of her proposed plan.

Ms. Mancuso continued with reviewing the comments from her letter of April 2022 and determined that the items had been resolved or would be on future plans.

The Board, Ms. Mancuso and the applicant had a conversation while examining the plans as to the location of the water intake and its accessibility. Ms. Mancuso stated that it would be subject to Fire Department approval.

Discussions of the conditions to be imposed and the parking situation continued until all parties were in agreement.

With no further comments or objections from the Board Attorney Michaels prepared the following for approval:

"Approve the Site Development Plan for the 49 W. Broad Street project, called Village Square, as depicted in the Site Development Plan as prepared and under the signature and seal of Jesse Barrett Cokeley, a NYS licensed Engineer, sheets enumerated # 1 – 9 and dated April 1, 2022. The motion to approve imposes the following conditions:

- Referencing comments from Village Engineer Eve Mancuso's report dated April 11, 2022, conditions are imposed as enumerated #'s 3, 5, 9 thru 15, 17, 20, 21, 24, 26 & 27
- Referencing Ms. Mancuso's comments from the same report, items # 4 & 6 are to be modified; regarding the layout of the ADA access from Clove Ave., the access will be eliminated on Clove, the sidewalk will be eliminated with the parking stalls shifted 4 ft. south, closer to the building, and new ADA access will be from W. Broad St., with a reduction of 1 parking stall which will be

crosshatched and will line up with the ADA area in front of the building. This will give the applicant the ability to add the additional 4 ft. to the aisle which will make it a compliant aisle width."

As recited by legal counsel;
RESOLUTION # 21 - 2022

Motion by: Perry Masiello
Seconded by: Bart Gordon

Roll Call:

- Diogenes Dominguez Yes
- Danny Scaffidi Yes
- Joseph Coe Yes
- Perry Masiello Yes
- Bart Gordon Yes

Motion Carries: All

Diogenes Dominguez invited the applicants for 57 Route 9W to address the Board.

John Perkins, Architect, representing the applicant: Mr. Perkins explained to the Board that they were proposing the addition of a second story on the building. He presented the Board with diagrams depicting the parking on the property and how they arrived at the numbers and refreshed their memories regarding the small number of employees on the site.

Bart Gordon asked how many parking spaces there were and Mr. Perkins responded – 8.

Mr. Gordon asked what would happen if the building were sold as it would create a problem in the future.

Eve Mancuso stated that they were deciding on whether the parking situation needed a variance and added her concern that the Conference Room was not on the plans and each space had to be accommodated in the footprint design and accounted for.

Mr. Perkins responded, inaudibly, regarding the lower level conference room.

Dan Scaffidi asked if there was anything being stored under the canopy and couldn't they add parking there.

Mr. Perkins responded that there was no storage in that area but they received their deliveries in that area. He continued by pointing out on the plans where 2 overhead doors were accessed and the delivery vehicle would be.

Ms. Mancuso mentioned that the addition would not increase the run-off or storm water management. She also informed the applicant that in the future they might want to address the matter of doing the earlier proposed work along Route 9W.

Dan Scaffidi asked about the sale of the building and future parking requirements.

Attorney Michaels responded that if, with the new occupant, the use stays the same then parking wouldn't be an issue. If new owners change the use a parking variance would be necessary and it would require another review by the Planning Board.

Joe Coe asked for clarity on what the use was currently defined as.

Inspector Berrios responded that it was currently considered Office & Storage.

Conversation continued regarding the need for SEQRA and it was determined that SEQRA was necessary.

Attorney Michaels stated that it was his legal opinion that the application was subject to SEQRA regulations and the Planning Board would be Lead Agency. That notice should be sent to all other involved agencies.

Mr. Michaels prepared the following for approval by the Board:

"The Planning Board hereby issues a Notice of Intention to declare themselves Lead Agency under SEQRA and to send the Notice of Intention to the only other involved agency, the Village of Haverstraw Zoning Board of Appeals."

As recited by legal counsel

RESOLUTION # 22 - 2022

Motion by: Joseph Coe

Seconded by: Dan Scaffidi

Roll Call:

- Diogenes Dominguez Yes
- Danny Scaffidi Yes
- Joseph Coe Yes
- Perry Masiello Yes
- Bart Gordon Yes

Motion Carries: All

The applicant was informed that the application couldn't be approved until the SEQRA procedures had been completed.

The applicants for 37 Clove Ave were asked to address the Board.

Mari Rodriguez and Andres Nunez: Ms. Rodriguez informed the Board that they were seeking a Change of Use on the property, that it was a synagogue and wanted to turn it into a Performing Arts Center.

Dan Scaffidi mentioned that at their prior appearance before the Planning Board the parking was an issue.

Bart Gordon noted that there was no parking.

Andres Nunez responded that they were not looking into parking because they would be trying to get the schools to provide transportation.

Ms. Rodriguez added that her recollection of the last parking conversation was that there was street parking and the municipal parking lot down the hill. They were hoping to make this a walking project because it was directed primarily to young people and they didn't anticipate having any big events. Fundraisers would be held off-site.

Mr. Nunez added that their main concern was Village residents and they wouldn't be seeking to go outside.

Ms. Rodriguez explained that although they would be having many programs in the building not everyone would be there at the same time. As an example, when music is being recorded there's only 2 or 3 people involved, if it's a dance class it's only the size of a typical dance class and these kinds of things will not be happening at the same time. They were also interested in providing mentorships and internships and all programs would be "choreographed" on a schedule.

Dan Scaffidi mentioned that the last time they were before the Planning Board they had talked about holding concerts in the building.

Ms. Rodriguez responded that the larger fundraisers would be held at different locations. This Performance Arts Center will incorporate what they are doing but on a smaller scale.

Dan Scaffidi asked what the capacity of the building was.

Ms. Rodriguez responded that she didn't currently know but it was pretty big.

Inspector Berrios noted that a professional would have to review it and make that determination and it would depend on what they are planning to do inside the building.

Mr. Nunez added that they wouldn't be open late.

Ms. Rodriguez added that there would always be 3 staff members on site for reception, security and a manager.

Inspector Berrios reminded the applicants that there was a noise ordinance in the Village that they couldn't exceed and since the building was in a residential area they needed to keep that in mind.

Ms. Rodriguez informed the Board that the stage and music rooms would be sound proofed, they don't intend to hold large or booming events and that the stage area was not just for concerts as it was going to be utilized for motivational speakers as well. She mentioned also that the concerts were for their fundraising piece and they wouldn't be on-site.

Mr. Nunez added that the music would be inside the classrooms so it wouldn't be heard.

Diogenes Dominguez asked how many days a week they would be open.

The applicants responded that it would be 7 days a week and earlier in the morning because of the possibility of offering programs before school opens.

Inspector Berrios asked if there were plans available yet.

Ms. Rodriguez responded that they did not have plans yet because they needed the change of use. They have had a contractor go into the building and let them know what needed to be done. There are no structural changes to the building planned, it will all be interior.

Diogenes Dominguez asked about wall divisions.

Ms. Rodriguez responded that there was 1 wall they wanted to remove in order to put up the stage. She also added that they just recently got the information for the DRI grant on what it would cost to renovate the building and get it up and running.

Joseph Coe suggested they make contact with the Nyack Center because they were in a church that was converted.

Eve Mancuso asked if it was one story and Ms. Rodriguez responded that it was 2. She also asked if there were exterior changes planned and both applicants responded they were just cosmetic.

Perry Masiello noted that the back fire escape needs to be looked at and conversation continued regarding the locations of the stairs and fire escapes.

Inspector Berrios stated that the building was a place of worship which was a permitted use in a residential area. His new classification for this project would be that it is a recreational facility, such as swimming clubs and community theatres, so basically a community center. That classification is under a Special Permit from the Zoning Board and the next step would be to refer them to the ZBA.

Dennis Michaels stated that the applicants were before the Planning Board for a Change of Use not site plan review.

Eve Mancuso asked Inspector Berrios when he would need plans on the building to better understand their intentions and he responded that it would be beneficial to have something now so he could calculate the different parking requirements and other factors that would determine approval.

Mr. Nunez & Ms. Rodriguez informed the Board that without the Change of Use they won't be able to buy the building. She added that they don't think parking is going to be an issue.

Bart Gordon interjected that parking is an issue, he and his family have lived over there for a long time and there is no parking. He advised the applicants that they shouldn't be surprised that this gets brought up regularly.

Ms. Rodriguez asked if the synagogue, when it was fully functioning, had parking issues.

Mr. Gordon responded that they did have big parking problems and that it's very crowded there.

Joseph Coe observed that this was a big vision and there were some challenges to the process. He asked if they had any conversations with the Village Board or the Mayor about collaboration around this type of idea.

Mr. Nunez responded that until they had a Change of Use they couldn't move forward.

Ms. Rodriguez stated that the only collaboration so far was with the school.

Mr. Coe suggested that they needed an Engineer or an Attorney to help them get through the process.

Ms. Mancuso asked if there was any sketch of the interior of the building yet and Ms. Rodriguez responded that she could have the contractor put that together.

Attorney Michaels summarized that there would be 2 designated uses. Based on the Zoning Code it would be a community center, a use permitted by right in an R1 district and the other use would be designated as a Recreational facility/Community Theatre and that's a Special Use Permit from the ZBA. The 2 designations will not be separated and the whole project would be reviewed as one.

Ms. Rodriguez asked when they could get on the ZBA Agenda and what they would need to provide.

Inspector Berrios advised the applicants that they could get on the coming Thursday's ZBA Agenda and if they were to proceed with this they would need to have some kind of plans so the project could be properly reviewed.

Gil Carlevaro, Village Deputy Mayor, suggested that they come before the next Village Board meeting and get some guidance.

Acting Chairman Dominguez entertained a motion to approve the Minutes of December 13, 2021 and January 10, 2022.

RESOLUTION # 23 - 2022

Motion by: Joseph Coe
Seconded by: Perry Masiello
Motion Carries: All

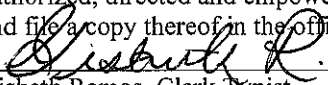
With no further business to be conducted by the Board, the Acting Chairman entertained a motion to adjourn the meeting.

RESOLUTION # 24 - 2022

Motion by: Perry Masiello
Seconded by: Joseph Coe
Motion Carries: All

Respectfully submitted by,
Judith Curcio

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

