

The Minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Tuesday September 6, 2022 beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Bueno	- Present
	Trustee Carlevaro	- Present
	Trustee Santana	- Present
	Trustee Sena	- Present
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting with the first Public Participation of the night.

John Quatrocchi, 20 Hillside Ave: Mr. Quatrocchi explained that he owns a lot on Hillside and he wanted to build a house on it.

Mayor Kohut advised Mr. Quatrocchi to contact the Building Department and speak to Inspector Berrios regarding what his next steps should be.

With no further input from the public, the Mayor continued with the agenda for that night's meeting inviting the Village's Special Counsel, David Cooper of Zarin & Steinmetz, to come forward to discuss a Resolution being presented for the Board's approval regarding the Master Development Agreement and Purchase And Sale Agreement relating to the Chair Factory development site.

David Cooper, Special Counsel: Mr. Cooper explained that the Resolution was to authorize the Mayor's signature on the partnership Agreement with "HCCF" (Haverstraw Community Chair Factory, LLC) who had been chosen as the preferred developer to possibly purchase the waterfront properties owned by the Village. Upon execution of the documents they would be running full throttle into the project.

Mayor Kohut informed the public that the Board had reviewed several proposals and chosen Mpac Collective/Penrose who would be operating under the name "HCCF" to develop the chair factory and other properties to create 400+ units of market rate and affordable housing units, retail space, hotel space and amenities for the Village such as park space, promenade etc.

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MASTER DEVELOPMENT AGREEMENT AND PURCHASE AND SALE AGREEMENT RELATING TO THE CHAIR FACTORY DEVELOPMENT SITE**

**WHEREAS**, on or about February 9, 2022, after issuing an RFP, the Village selected Mpac Collective/Penrose (hereafter, "Haverstraw Community Chair Factory, LLC" or "HCCF") as the preferred developer to potentially purchase the waterfront properties currently owned by the Village known as the Chair Factory and Damiani Sites ("Chair Factory Development Site") and redevelop the Chair Factory Development Site with a mixed-use project that would serve as an anchor for the Village's downtown through connectivity and

residential, commercial and public waterfront amenities that will attract economic activity year round (“Project”);

**WHEREAS**, the Village and HCCF wish to enter into a Master Development Agreement (“MDA”) setting forth the general vision for the Project, review milestones, mutual obligations of good faith cooperation and other duties and rights typical of a public/private partnership; and

**WHEREAS**, the Village and HCCF also wish to enter into a Purchase and Sale Agreement (“PSA”) setting forth the terms of the potential purchase and sale of the Chair Factory Development Site to HCCF in order to consummate the Project in the event that the Project receives all the necessary approvals from the Village and other governmental agencies after the requisite review processes are completed, including, *inter alia*, compliance with the New York State Environmental Quality Review Act;

**WHEREAS**, the parties have spent several months conferring with their respective legal counsels and negotiating drafts of the MDA and PSA; and

**WHEREAS**, drafts of the MDA and PSA reflecting the parties’ mutual agreement as to the terms thereof have been prepared and presented to the parties: and

**WHEREAS**, the Village Board has reviewed the drafts of the MDA and PSA in the form attached hereto as Exhibit A and Exhibit B, and is desirous of authorizing the Mayor to execute on behalf of the Village said documents in substantially the same form as shown in Exhibits A and B hereto;

**NOW, THEREFORE BE IT RESOLVED**, by the Village Board that the Village hereby authorizes the Village Mayor to execute on behalf of the Village the MDA and PSA in substantially the same form as the documents attached hereto as Exhibit A and Exhibit B.

RESOLUTION # 311 - 2022

Motion by: Rafael Bueno Sr.

Seconded by: Gil Carlevaro

Roll Call:

Trustee Bueno	Yes
Trustee Carlevaro	Yes
Trustee Santana	Yes
Trustee Sena	Yes
Mayor Kohut	Yes

Motion Carries: All

Mayor Kohut stated that the meeting would continue with a zoning code amendment.

Frank Phillips, Phillips and Millman Attorneys: Mr. Phillips explained to the Board and public that the Dowd Street project had appeared before multiple Village Boards approximately 12 times and that this was regarding a proposed development on Dowd Street/Brems Place.

Mayor Kohut: The Mayor entertained a motion to open the Public Hearing.

RESOLUTION # 312 - 2022

Motion by: Gil Carlevaro

Seconded by: Joel Santana

Motion Carries: All

Mr. Phillips continued explaining the past informal submission to the Board, a formal presentation a petition for the zoning code amendment and information about the property and project. The property is vacant, 1.2 acres on 2 lots, one lot the applicant is in contract with to purchase the second lot is owned by the applicant. The zone change they are seeking is to amend the current R2 Zone and to create an MF-1 (multi-family) district. The applicant and representatives have been to the Planning Board regarding building a 24 unit multi-family development on the property and after the Village Engineer made suggestions to their plan and they amended it they received a Positive Recommendation from the Planning Board. The Village Board has declared themselves Lead Agency and EAFs 1, 2 & 3 have all been submitted. The Public Hearing on the zone change and project started in November of 2021. Comments received from Eve Mancuso and Max Stach resulted in redoing the plan to avoid any type of severe tree cutting, revised the drainage mitigation underground system and realigned the curbs for site distance. They also provided the EAF Part 3, a storm water system prevention plan, drainage maps etc. They are now before the Board to request the granting of the text amendment and map amendment to the MF-1 Zone and thereby permit multi-family housing. A benefit of the zone change is to bring the 2 condo developments already on Dowd in conformity with the existing multi-family residential development. The proposed project consists of 24 units, 3 stories with 8 units per floor, 30 parking spaces underneath the building and 20 outside, 2 spaces per unit, municipal water and sewer and access through Route 202. They also feel it is consistent with the Master Plan for the Village, a suitable area for increased density and not visibly obstructive.

Ramya Ramanathan, Atzl Nasher & Zigler: Ms. Ramanathan explained the drainage situation on the project.

Mayor Kohut interrupted to explain that there were concerns that the lower hillside would be disturbed by the project and much of the property was taken up with a retention pit. A suggestion was made, and the applicant was in favor of, trying to do a green roof on the project. This would allow them to eliminate the retention pit and make a few other changes and it would allow them to retain the existing trees on the lower portion of the property.

Ramya Ramanathan continued with the explanation of the changes they had made to the drainage plans.

Acting Attorney Dennis Michaels reminded the Board that they could not take action on the property until a Neg. Dec had been issued on the project, which would be the Board's next step if they were so inclined,

once Village Planner Max Stach and Village Engineer Eve Mancuso determine the environmental impacts of the project.

Mayor Kohut opened the floor to the public.

Anissa Slade, 17 Dowd Street: Ms. Slade stated that one of her neighbors gave her information on the project; 1 from the County and 1 from the Town of Haverstraw Engineer. They haven't been notified about anything including this meeting and the only way she found out about this meeting was reading it on a notice posted to a tree on Dowd Street. Additionally Ms. Slade noted that the County had disapproved of this project in September of 2021, reading the document from the County, and asked if their recommendations had been done.

Mayor Kohut responded that the applicant had responded to the County regarding those recommendations.

Ms. Slade continued and asked what other area in the Village could be designated for multi-family housing, rather than developing on Dowd, and why remove the existing condos from the mountain zone.

Mayor Kohut explained that other multi-family zones have been proposed in the Village's Master Plan and the other properties on Dowd would still be in the Mountain Protection Zone but presently the whole hill is designated R-2 which is an inaccurate categorization of the area.

Ms. Slade asked why the zone on the existing condos couldn't be corrected without building there.

Mayor Kohut responded that it could be. The developer is seeking to do a project and in the meantime correct the existing zoning.

Ms. Slade stated that she has made complaints to the Town of Haverstraw regarding parking in the morning. The Town is having officers come up to Dowd in the morning to sit in the "no parking" zones because people keep parking there and it's a hazard with the school buses and other cars trying to get out in the morning. In addition, the Village DPW installed signs on both sides of the hill to allow parking in the morning which narrows the street and there is too much congestion there. If you add more residents on Dowd the problem will get worse. Ms. Slade insisted that if the County and Town think it's not a good place to build then why would the Village allow it.

Mayor Kohut explained that if a person purchases a piece of property they have a right to seek approvals for building on it. In addition he explained that for zone changes there was no requirement to notify the individual residents and when site plan approval time was reached everyone would get noticed within 300 feet of the proposed project.

Acting Village Attorney further explained that if the zoning change were to be adopted the properties on Dowd would still be in the Mountain Protection Zone and the Public Hearing process will supply them with a notice when it gets to the Planning Board.

Ms. Slade was adamant about her opinion on the way the neighborhood was noticed for the Public Hearing on the zone change.

Carla Carter, 38 Robbins Ct.: Ms. Carter also stated that she believed this wasn't properly noticed to the neighborhood and she wants the Board to notify everyone in the Village whenever there are proposed changes or additions to any commercial projects or properties. She believes that any expansion in the Village will create undesirable neighborhoods and she's asking the Board to think again about the way they handle these projects and, as an example, this meeting was held on a Tuesday night when kids had just gone back to school and there was no way everyone could be here. She stressed that when anything will be taxed differently than single family homes everyone in the Village should be notified and that Haverstraw is a small Village so there's no space for continuing development. Ms. Carter continued with criticisms about the approvals for the 7-Eleven and the additional congestion in the area, adding that allowing development is only for landlords to make more money and it not being fair to the community. Ms. Carter also added that parking was going to be a major problem.

Acting Village Attorney Dennis Michaels announced that the Public Hearing would remain open and that there would be no further notices regarding it. He urged those in attendance to make a note of the hearing continuing on Monday October 3<sup>rd</sup>.

Frank Phillips, Phillips and Millman: Mr. Millman informed the Board and public that in the past 8 years he has not seen the County Planning Department approve a single project. He further stated that the points raised by the women who spoke are valid points and he informed them that there would be an analysis of the parking situation and also that first responders would get first priority on the units in the project. It would provide more affordable housing and they were not trying to overload the density in the area as there are already several condominiums on the hill.

Trustee Santana stated further that it would be noticed on the Village website.

Mayor Kohut entertained a motion to keep the Public Hearing open on the zone change amendment and continue it on October 3, 2022 at 7:05 PM

RESOLUTION # 313 - 2022

Motion by: Gil Carlevaro

Seconded by: Joel Santana

Motion Carries: All

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood reported that there was an additional Public Hearing scheduled for a change to the Village Fee Schedule, §132-4; the change being that Road Opening Permits would now be \$500 up to 32 sq. ft. and each additional 32 sq. ft. would be \$250.

Mayor Kohut entertained a motion to open the Public Hearing.

**RESOLUTION # 314 - 2022**

Motion by: Joel Santana  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut invited anyone to come forward and speak about the change. No members of the public came forward.

Mayor Kohut entertained a motion to close the Public Hearing.

**RESOLUTION # 315 - 2022**

Motion by: Joel Santana  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to approve the change and increase the fee for Road Opening Permits.

**RESOLUTION # 316 - 2022**

Motion by: Gil Carlevaro  
Seconded by: Joel Santana  
Motion Carries: All

Counselor Hood introduced the Cannabis Dispensary Law that was drafted by Village Planner Max Stach. He explained that the law needed a bit more work but it was necessary for the Board to declare themselves Lead Agency on the matter.

Mayor Kohut entertained a motion to declare the Board of Trustees Lead Agency on the Cannabis Dispensary Law.

**RESOLUTION # 317 - 2022**

Motion by: Rich Sena  
Seconded by: Gil Carlevaro  
Motion Carries: All

Counselor Hood had nothing further to report.

**VILLAGE CLERK/TREASURER, Carmelina Palumbo:** Ms. Palumbo was absent and Deputy Village Clerk/Treasurer Isabel Gonzalez had nothing to report.

**MAYOR'S REPORT, Mayor Kohut:** The Mayor reported that two of the Village's BAN's were coming due for renewal. One for \$2,065,000 and

the second for \$2,001,000 both of which was money used for the final purchase price on the Chair Factory property. BANs are 1 year renewable and can only be renewed on a yearly basis at the current interest rate.

Mayor Kohut entertained a motion to authorize him to negotiate the renewals of the 2 BANs.

RESOLUTION # 318 - 2022

Motion by: Rafael Bueno Sr.  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to authorize his signature on a new lease with the Brick Museum at a rate of \$500 per month for 5 years.

RESOLUTION # 319 - 2022

Motion by: Gil Carlevaro  
Seconded by: Rafael Bueno Sr.  
Abstains: Rich Sena  
Motion Carries: 4-0-1

Mayor Kohut entertained a motion to authorize the acceptance of the proposals for lights and scanners for the 2 new Ford Explorers at a cost of \$6,141.49.

RESOLUTION # 320 - 2022

Motion by: Rich Sena  
Seconded by: Joel Santana  
Motion Carries: All

Mayor Kohut entertained a motion to authorize the expenditure of \$8,581.27 on holiday decorations purchased through Downtown Decorations.

RESOLUTION # 321 - 2022

Motion by: Rafael Bueno Sr.  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to authorize the expenditure to Madeline Marine to replace the damaged dock piling at Emeline Park at a cost of \$9,880.

RESOLUTION # 322 - 2022

Motion by: Rafael Bueno Sr.  
Seconded by: Joel Santana  
Motion Carries: All

Mayor Kohut entertained a motion to approve the proposal from DTM Installations for a camera system on the outside of the Emeline Park restrooms at a cost of \$8,992.14.

RESOLUTION # 323 - 2022

Motion by: Gil Carlevaro  
Seconded by: Rich Sena  
Motion Carries: All

Mayor Kohut entertained a motion to authorize the Mayor to sign the Buy Board National Purchasing Cooperative Interlocal Participation Agreement. This is a purchasing consortium that allows the Village to piggyback onto other bids.

RESOLUTION # 324 - 2022

Motion by: Rich Sena  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to approve the expenditure of \$900 to MAT Bus Corp for 2 buses to be used at the Food Crawl.

RESOLUTION # 325 - 2022

Motion by: Rafael Bueno Sr.  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to authorize the Mayor to sign an agreement with Ryder's Sealcoating for work at Emeline Park parking lot at a cost of \$4,604.37.

RESOLUTION # 326 - 2022

Motion by: Rafael Bueno Sr.  
Seconded by: Gil Carlevaro  
Motion Carries: All

Mayor Kohut entertained a motion to approve a request from United Latin Festival for a Cultural Festival on Sunday Oct. 9<sup>th</sup> 12 – 7 pm to be held at the Ideal Market parking lot. They've already spoken to the Town regarding police presence.

RESOLUTION # 327 – 2022

Motion by: Gil Carlevaro  
Seconded by: Joel Santana  
Motion Carries: All

The Mayor reported that a correction needed to be made on a motion passed at a previous meeting on the salary on the Assistant Director of Municipal Counseling, Mary Reddington, the adjusted salary should be \$73,000 annually.

Mayor Kohut entertained a motion to make the above adjustment.

RESOLUTION # 328 - 2022

Motion by: Rich Sena  
Seconded by: Gil Carlevaro  
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 August 2022, submitted by Fire Chief Perry Masiello.:

- Total Alarms - 36
- General Alarms - 21
- Special Call - 10
- Mutual Aid Calls - 5
- Structure Fires - 0
- Cooking Fires - 5
- Electrical Fires - 1
- Brush Fires - 4
- Hazardous Condition - 3
- Boiler Malfunction - 2
- Stuck Occupied Elevator - 2
- Gas Leaks - 2
- Pump Outs/Water Leak - 2
- Boat Calls - 2
- Good Intent/Miscellaneous - 1
- Assist Police/Other Agencies - 1
- False Alarms - 6

Total Manpower Responding - 505 members.

Trustee Bueno had nothing further to report.

Mayor Kohut entertained a motion to accept the Fire Department Report.

**RESOLUTION # 329 - 2022**

Motion by: Gil Carlevaro

Seconded by: Joel Santana

Motion Carries: All

**PUBLIC WORKS, BUILDINGS & GROUNDS:** Deputy Mayor Carlevaro read the following report submitted by Robert Drexler, Jr., Commissioner of Public Works, as of September 6, 2022:

**TASK REPORT**

- Paving dead end at Dutchtown turn around
- Set up and clean up for Dancing Under Stars event
- Set up 4 barricades at Fairmount alley for BBQ
- Filled doggie bags in Village

- Black top was put down at small parking lot at Village Hall
- Painting all crosswalks and stop signs by schools
- Painted Mayor's office
- Indus cracked seal in 7 streets in Village
- Painted 3 rooms at Community Center.

Deputy Mayor Carlevaro had nothing further to report on DPW.

**YOUTH & FAMILY SERVICES - Trustee Rich Sena:** Trustee Sena reported on the following activities at the Community Center:

- The Haverstraw Collaborative will be meeting tomorrow.
- Summer Camp has ended with approximately 136 children attending
- The Homework Help program started today
- The Strengthening Families workshops will begin on October 6<sup>th</sup>
- The Celebrating Families, 16 session program, will begin next week
- Upcoming Backpack event will take place at the community center on Saturday September 10<sup>th</sup> from 1 to 3 PM. This is sponsored by the Village, United Way, Haverstraw Elks, Fairmont Baptists Church and other partners.

Trustee Sena had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT – Trustee Joel Santana:** Trustee Santana read the following report submitted by the Building Inspector, Ruben Berrios, for the period of August 15<sup>th</sup> through September 2<sup>nd</sup>, 2022:

Rental registrations	-	0
Miscellaneous inspections	-	128
Complaints	-	17
Municipal searches	-	9
Construction inspections	-	60
Violations/Tickets	-	12
Building Permits & C.O.'s	-	15

Fines collected at court - \$5,500

Trustee Santana had nothing further to report.

**MINUTES:** The Mayor presented the minutes of the Regular Meetings of August 15, 2022 for approval by the Board.

Mayor Kohut entertained a motion to approve the Minutes.

**RESOLUTION # 330 - 2022**

Motion by: Gil Carlevaro  
 Seconded by: Rich Sena  
 Motion Carries: All

Mayor Kohut:

**OLD BUSINESS**

Trustee Santana reminded the Mayor that the signs were still pending.

Mayor Kohut stated that the wording on the signs would be "No Commercial Vehicle Parking"

Trustee Bueno noted that the stairs going down to Emeline Park were in need of work.

Mayor Kohut:

**NEW BUSINESS**

None.

**Mayor Kohut:**

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

Mayor Kohut invited anyone to come forward with questions or concerns.

No responses.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting.

**RESOLUTION # 331 - 2022**

Motion by: Joel Santana

Seconded by: Gil Carlevaro

Motion Carries: All

Respectfully submitted by,  
Judith Curcio