

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

PLEDGE OF ALLEGIANCE

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

Mayor Kohut: The Mayor opened the meeting with a scheduled Public Hearing regarding a property on Dowd Street and asked Assistant Village Attorney Dennis Michaels to explain the technical end of the proposed project.

Attorney Michaels explained that this would amend the zoning code to allow what is proposed and he asked Attorney Phillips, attorney for the applicant, to further explain the details.

Frank Phillips, Phillips & Millman, Stony Point, on behalf of the applicant Jose Vargas: Mr. Phillips explained that they had been before the various Boards several times because this was a coordinated review of the zoning on Dowd Street and Brems Place. The applicant had petitioned the Village Board to amend the zoning on this 1.2 acre, 2 lot property. Drawings were submitted regarding the design of the proposed project as well. Hudson Pines Condominium and Hudson Harborview Condominium would be affected by the zone change which would rezone the area from an R2 zone to a multi-family district. The most recent concerns were the drainage issues in the area and being able to preserve the area around the development in order to maintain existing trees and landscaping. The Planning Board has provided a positive recommendation to the Village Board on the proposed zoning amendment and project and all of Village Engineer Eve Mancuso's recommendation have been responded to. Also, comment letters from Village Planner Max Stach have been responded to. Most recently the plans for drainage mitigation and a robust landscaping design have been submitted. The zoning amendment and project are within the goals of the Village's newly adopted Master Plan and they are seeking a Negative Declaration from the Village Board so that they can proceed with the site plan.

Mayor Kohut: The Mayor commented that since the last time the applicant had appeared before the Village Board there were questions raised by the Village Engineer and Village Planner and he asked if they could address those with the Board.

Ryan Nasher, Atzl, Nasher & Zigler: Mr. Nasher explained that they had met with Eve Mancuso and Max Stach and, using the plans to point out specific areas, the following was discussed:

- Clearing of vegetation and the visual impact from the East side of property;

- The plan now calls for keeping the vegetation in this area intact and putting the drainage between the upper parking lot and the building. They've put a bio retention system in. Mr. Nasher noted that this is a challenging site but they've made it work by putting the storage tank underground and using porous asphalt surface which meets the DEC Codes and the Village Engineer is satisfied with the changes.
- Brems Place being a steep road: Yield & Stop signs will be added so drivers don't have any issues.
- Underground garage: The location of the elevator has been moved to be more convenient and lined up with the entrance to the building.
- Bus Stop: They've moved the bus stop to the East side of Dowd and including a striped crossing to the building.

Mr. Nasher stated that, in summary, they discussed the concerns with the Village Engineer and Planner and made adjustments to the plans to correct any drainage and safety issues.

Mayor Kohut asked Mr. Phillips if he had received the letter from the Fire Department to which Mr. Phillips responded that he had not. Mayor Kohut proceeded to read the letter.

The letter contained the following points to be addressed:

1. The FD has reviewed the site plan but need more specific building plans to perform a proper review.
2. The building needs to be sprinkled and can the current water main in the street handle this added system and not affect the water flow downstream?
3. Information from the water company should be supplied to the FD as well as hydraulics on the sprinkler system.
4. Where will the FD connection (i.e. Siamese connection) be placed?
5. Is a standpipe for firefighting being installed?
6. There was some concern about the garage door egress but it is now the FD understanding that there won't be a garage door. This should be confirmed so egress is not a problem via the garage.
7. Can a hydrant be added or moved further up the street on Dowd to facilitate the condominiums above this property?
8. Will the proposed upper parking area have the capability to hold the weight of a fire apparatus?

Mayor Kohut stated that these were the concerns from the Fire Department and although they didn't need to be addressed at this meeting they did need to be addressed.

Jose Vargas, applicant for proposed project on Dowd Street: Mr. Vargas addressed the Board and explained that he had been a Village resident since 1978 and he had seen on social media that there was

concern about who the developer was and that they made their money and then left. He assured that he was a committed resident of the Haverstraw community, he has owned many buildings over the years and has had other building projects. Mr. Vargas stated that he always considers the Village first because this has always been his home. He further explained that without having been asked by Village officials, 3 units would be available as affordable housing for first responders in the Village. His goal is for ownership in the building but he is keeping his options open for rentals with the same concept as Harbors of Haverstraw and if the units are sold or rented it will be at 80% of the current market value. Mr. Vargas stated also that this was a high end project. High end and higher quality than Harbors and he is trying to solve the problem of the kids walking in the street from the bus stop. A sidewalk is being added and they are putting a heated bus stop in so that the kids can stay in there rather than parents sitting in their cars at the curb. There will also be a recreation area outside of the building.

Mayor Kohut stated that this was a continuation of a Public Hearing and if anyone from the Public had any questions or concerns they would be recognized at this time.

Anissa Slade, 17 Dowd St.: Ms. Slade stated that when Cliffside Homes were built the Village didn't want over building and that was 5 homes. Now there's talk of putting in 24 homes and the streets are too small for that. You can't get up and down as it is, parents are parking on both sides of the street and if a sidewalk is put in it will make the street even narrower. You talk about putting in underground parking and having 50 spaces but where does their company park? Where will deliveries park? During snow people have to leave their cars at the bottom of the hill and walk up and adding more cars will make this worse. The runoff from Dowd is already a problem and Ms. Slade stated that she calls DPW regularly because it washes away her front yard. This project doesn't make sense in this area.

Mayor Kohut, for clarification, explained that the installation of the sidewalk was to be a fix of the sidewalk on Ms. Slade's side at the top of Dowd, not the lower portion, and the kids would be crossed there. By not putting the sidewalk on the other side it enables them to keep the bank stabilized and those trees and shrubs will maintain water runoff.

Sara Wade, 100 Dowd St., C13: Ms. Wade stated that in a letter they received last year from the Town of Haverstraw it stated that the Town was against this project. The Town Planning and Development consultants were the authors of the letter. The Notice calls for an increase in the allotted size of each unit because of indoor parking. She asked if the developer was intending to preserve outdoor space.

Jorge Lopez, Architect showed Ms. Wade where there would be preserved outdoor space on the plans.

Ms. Wade continued and expressed her concerns about this being an odd shaped parcel and the very steep slope. She thinks the retaining walls and storm drainage may not be working in 5 – 10 years.

Ryan Nasher explained to the Public what the wall and drainage systems were made of and the certification to be provided to the Village Engineer to verify that material and installation was up to code and done properly. The retaining wall has a 25-50 years lifespan and the drainage would be part of a storm water management system and regular maintenance and inspection would be done annually.

Asst. Attorney Michaels pointed the Board to the Village Code that allows the Village to continually enforce storm water maintenance even when the property is owner and contained on private property.

Ms. Wade suggested that what they were saying is that there shouldn't be any concern regarding flooding on the roads because of the retaining walls and the drainage system.

Mr. Nasher, using the plans to show where the water would be caught, explained the bio retention system location and how it would work.

Ms. Wade expressed her concern about increased traffic and that it is already impossible to get out of Dowd Street. She also stated that she has concerns about the environmental impact on the surrounding homes and if they would have diminished property values because of this large development.

Jose Vargas, applicant: Ms. Vargas stated that he believes it would be the opposite because of the quality of the construction of these apartments. Two bedrooms, 2 full baths, stainless steel appliances and hard wood floors. It will not be cheap housing at all.

Ms. Wade, referring to the Town letter, stated that this project is denser than any other project around it and she believes it is over building for the area. She also has a major concern that the properties would be removed from the Mountain Protection Overlay District. This district was put into place to guard against over building and removing it will set a precedent for other builders. She stated again that the project is too much for this area. Ms. Wade also asked how Hudson Pines & Harborview were involved in this.

Frank Phillips, attorney for the applicant: Mr. Phillips explained that the zoning currently designated for Hudson Pines & Hudson Harborview was incorrect and the zoning amendment would correct that and put them in the proper multi-family zone. He also suggested that the letter was a year old and, although he understands the concerns brought forth, many of these issues have been discussed in great detail and addressed. He further stated that this project is consistent with the Village's Master Plan and that the Master Plan indicates that this is a viable spot for this type of development.

Ms. Wade asked for further clarification on the zone change and Mayor Kohut and Attorney Phillips explained.

Discussion continued with Ms. Wade questioning the ownership of the parcels and several people explaining further regarding the ownership issue and the zoning issue.

Mayor Kohut explained that there are 4 parcels in question. Two owned by Mr. Vargas and 2 are the existing condominiums. The purpose of this is to have a zone change for these parcels to put them in a multi-family zone. This would put the existing condominiums into the zoning designation that they should be in and to zone the other parcels for multi-family use as well.

Cora Carter, 38 Robbins Ct.: Ms. Carter stated that Mr. Vargas said the units would be "high end" but someone also mentioned affordability. The "high end" units are being put in an area with existing medium family income levels. Also, it hasn't been decided yet if it would be ownership or rentals. If high end units are going in to a medium income area he won't be able to get the market value he's looking for.

Mayor Kohut explained that the quality of construction and furnishings will be higher end. What the market will bear will be whatever the market can handle and chances are he's going to have medium income families renting or purchasing the units. This isn't Harbors and he won't be able to get the prices he would if it was a waterfront community. Mr. Vargas' argument is that the quality will be above and beyond.

Ms. Carter stated that they needed to know in advance whether it would be rentals or condominiums. There is a different clientele between owners and renters and they already know how rentals affect property values.

Mayor Kohut clarified and stated that although the Village would prefer condominiums they didn't need to know in advance in order to approve it. In addition there is a history of the condominiums on Dowd Street starting as rentals and being converted to condos with the people renting those units buying them.

Ms. Carter continued with her disagreements regarding giving 3 units to firefighters who are already working and getting "taken care of" for volunteering.

Mayor Kohut explained that there are many volunteers in both the fire department and ambulance corps that are struggling to stay in the community that they are volunteering in. Oftentimes they can't afford to stay in this area and in order to keep them here we have to offer them affordable housing.

Ms. Carter asked what is "affordable".

Mayor Kohut explained that this project was 2 years out from being completely built and people moving in and that there's no way to judge this far in advance what the market will be. Affordable is a calculation

of % of the median income and that is likely to be different 2 years from now.

Ms. Carter expressed that the area is very small and it is hard to get out of Dowd Street. Adding another 24 units will make this problem worse. More roads, more schools, more teachers etc. will be needed and it's the taxpayers have to pay for this. Ms. Carter doesn't agree with the properties being taken off the Mountain Protection Zone. Looking at all the debris on Route 9W with the rocks falling down when it rains and this shows why it shouldn't be taken out of Mountain Protection. In her opinion this project isn't needed in the Village of Haverstraw. Investing is no problem but it seems as though everybody is coming to Haverstraw and Rockland and making huge changes to benefit themselves. Ms. Carter questioned again the need to change the zoning and she questioned the number of parking spaces.

Attorney Phillips and Mayor Kohut explained again why there was a need to correct the zoning to reflect the fact that these buildings are multi-family properties.

Carmen DeLaCruz, one of the representatives for the applicant, responded to the parking question informing the public that there would be 50 spaces.

Ms. Carter spoke further about the lack of parking in the area and that cars would be parked all along the roadway causing more traffic problems.

Sara Wade, 100 Dowd St: Ms. Wade asked why this development needed to be involved with the correction of the zoning of Hudson Pines and Hudson Harborview.

Mayor Kohut explained that the Board did not set out to fix the zoning issue and that it would have continued had it not been for the developer requesting the zone change in order to move forward with his proposed project.

Ms. Wade stated that the density of the proposed project is not equivalent to the density of the existing condos. In addition, when it snows they all have to move their cars out of the parking area so that they can be plowed. So if there is a lot of snow and you have people parked along the road because of the development it's going to create a bigger problem.

Anissa Slade, 17 Dowd Street: Ms. Slade stated that she was born and raised in Haverstraw and her paternal family has lived in Haverstraw as long as Haverstraw has existed. She expressed that she takes pride in her home ownership and stated that she has chased drug dealers away, chased drug addicts away, called the police when necessary, calls Orange & Rockland when street lights are out etc. If you, the Board, are talking about adding more rentals it's going to be a bigger problem with the quality of the people moving in and it will be adding more drug dealers etc. to the area. She expressed that she is

concerned about the safety in the area already and adding more density and a lower quality of people is a problem.

With no further comment from the Public Mayor Kohut continued with the next steps in the Public Hearing.

Attorney Frank Phillips stated that they were asking the Board to grant a Neg. Dec and they did have documents submitted to support that.

Mayor Kohut stated that since there was nothing submitted from the Village Planner, Max Stach, they would have to continue the Public Hearing to the next meeting.

Mayor Kohut: The Mayor entertained a motion to continue the Public Hearing on the zone change and proposed project on Dowd Street until December 5th at 7:05 pm.

RESOLUTION # 363 - 2022

Motion by: Rafael Bueno Sr.

Seconded by: Joel Santana

Motion Carries: All

Continuing with Public Participation:

Noel Rappaport, 31 New Main St.: Mr. Rappaport stated that he was cleaning out some things and he found some old articles regarding the Village and he thought they would be interested in them.

With no further comments from the Public, Mayor Kohut continued with the evenings Agenda.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood reported that the Board needed to deal with the upcoming Cannabis Law. The Village Board needed to be Lead Agency for the Law and that could be done this evening.

Mayor Kohut entertained a motion to declare the Village Board Lead Agency on the Cannabis Law.

RESOLUTION # 364 - 2022

Motion by: Rafael Bueno Sr.

Seconded by: Joel Santana

Motion Carries: All

Counselor Hood also requested a motion to authorize the Mayor to sign the Environmental Assessment Form #1 for the Cannabis Law.

Mayor Kohut entertained a motion to authorize his signature to the EAF Part # 1.

RESOLUTION # 365 - 2022

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

Counselor Hood advised that the Cannabis Law and the EAF Part 1 should be mailed out or dropped off to the listed agencies on the EAF and that it needed to go ASAP because of time constraints.

In addition Counselor Hood advised that a Public Hearing needed to be set regarding the law.

Mayor Kohut entertained a motion to set the Public Hearing for the Cannabis Law for December 19, 2022 at 7:05 PM.

RESOLUTION # 366 - 2022

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

Counselor Hood had nothing further to report.

VILLAGE TREASURER, Carmelina Palumbo: Ms. Palumbo had nothing to report.

MAYOR'S REPORT, Mayor Kohut: The Mayor reported that there was ARPA funds (American Recovery Act) available and one of the things that municipalities were using the funds for was to compensate employees who worked in the office throughout the pandemic. Village Hall remained open during all regular business hours and all the facets of government continued. The proposal is for full-time employees to receive a \$1,000 COVID Bonus and part-time employees to receive \$500. The total compensation would come to \$39,369.15 to be paid out of the ARPA Funds.

Mayor Kohut entertained a motion to approve this distribution of COVID bonuses.

RESOLUTION # 367 - 2022

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

Mayor Kohut entertained a motion to authorize his signature to the annual PENFLEX Agreement, which provides service on the Village LOSAP plan, at a cost of \$4,000.

RESOLUTION # 368 - 2022

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

Mayor Kohut entertained a motion to replace the copier at DPW at a cost of \$115 per month through Toshiba.

RESOLUTION # 369 - 2022

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

Mayor Kohut entertained a motion to authorize his signature on the Comp Alliance Participation Agreement, which is the group that handles the Village’s Workers’ Comp claims.

RESOLUTION # 370 - 2022

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

Mayor Kohut stated that several years ago the Village intended to purchase properties at 5 & 9 McKenzie Ave. and due to mutual miscommunications the purchase didn’t go through. The purchase is on the table again and in conjunction with helping out the Harold B. Holt/Manny Lopez American Legion to have a home in the Village we’re seeking to purchase it at a cost of \$62,505. The Village has received a \$50,000 grant from New York State and the Village would contribute \$12,505 towards the purchase.

Mayor Kohut entertained a motion to approve the purchase.

RESOLUTION # 371 - 2022

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

The Mayor read the following adjustments to the 2022-2023 budget year submitted by Shannon Modafferi, Village Accountant for the proper accounting of the Land Purchase and the COVID Bonuses using ARPA funds.

2022-2023 BUDGET ADJUSTMENT				
Acct. #	Account Name	Increase	Decrease	Increase
		Appropriations	Approp.	Revenue
A.1940.200	Land Purchase	12,505.00		
A.1990.400	Contingency		12,505.00	
A.1110.100	Justice Clerk	2,000.00		
A.1420.100	Legal	1,000.00		
A.1410.100	Clerk	2,000.00		
A.1325.100	Treasurer	2,214.29		
A.1310.100	Accounting	1,000.00		
A.3620.100	Bldg Dept	3,000.00		

A.3410.100	Fire Dept	1,000.00		
A.3320.100	Parking	500.00		
A.5010.100	Administration	2,000.00		
A.5110.100	DPW	14,142.86		
A.7140.100	Community Center	7,714.29		
A.9030.800	FICA	2,797.71		
A.0000.4089				39,369.15

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

RESOLUTION # 372 - 2022

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

The Mayor announced that the Gran Fondo is requesting to come through the Village again this May and he entertained a motion to approve it.

RESOLUTION # 373 - 2022

Motion by: Joel Santana
 Seconded by: Rafael Bueno Sr.
 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 October 2022, submitted by Fire Chief Perry Masiello.:

Total Alarms	-	23
General Alarms	-	20
Special Calls	-	3
Mutual Aid Calls	-	0
Cooking Fires	-	6
Gas Leaks	-	2
Pump Outs/Water Leaks-		3
Extrication/Accidents	-	2
Fuel Spill	-	1
Good Intent/Misc.	-	3
Police Assistance	-	2
False Alarms	-	4

Total Manpower Responding - 405 members

Trustee Bueno had nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS: Mayor Kohut read the following report submitted by Robert Drexler, Jr., Commissioner of Public Works, as of November 7, 2022.

TASK LIST

- Set up and cleaned up for Car Show
- Fixed damaged catch basin on Division St
- Fixed damaged catch basin on Westside Ave
- Replacing faded stop signs in village
- Changed plow blades on Truck# 4, 5, 14, 15, 17 & 18 for the upcoming winter season
- Cracked sealed and coated Emeline Park and restaurant parking lots
- Cleaned out Harbor and Warren Ave sewer stations
- Docks at restaurant were taken in for season
- Emeline Park and Lopez field water was shut down for the season
- Fixed damaged catch basins on Gurnee Ave
- Did PM service and changed batteries on Fire Truck 4-EM
- Fixed diesel leak and PM service on Fire Truck 4-1500
- Put traffic tape/heat tape on speed hump by Tilcon
- Put electric line at Emeline restroom for cameras

In addition Mayor Kohut added that Gurnee Avenue was milled in preparation for paving this coming Thursday.

Nothing further to report on DPW.

YOUTH & FAMILY SERVICES - Trustee Rich Sena: In Trustee Sena's absence Trustee Santana reported on the following activities at the Community Center:

- Staff is onsite at the center to help individuals and families.
- Haverstraw Collaborative continues to meet and 60 individuals and agencies participated in the last meeting.
- Positive Activities for Youth – 35 youth participated
- 10/21 – 42 youth participated in Late Night Fridays
- Basketball drills –
- Homework Help continues. Contact Frankie Vazquez for more information.
- Monthly Caught Being Good, held on October 31st, 168 youth attended.
- Strengthening Families fall session has started.
- Nov. 22nd is the annual Thanksgiving Dinner at the center.

Trustee Santana 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 October 3rd through October 28th 2022:

Rental registrations	-	1
Miscellaneous inspections	-	89

Complaints	-	12
Municipal searches	-	17
Construction inspections	-	22
Violations/Tickets	-	13
Building Permits & C.O.'s	-	8

Fines collected at court - \$2,500

Trustee Santana had nothing further to report.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

None.

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting in memory of Patrick McNamee Sr., Pedro Soriano and Xavier Fernandez.

RESOLUTION # 374 - 2022

Motion by: Rafael Bueno Sr.

Seconded by: Joel Santana

Motion Carries: All

Respectfully submitted by,
Judith Curcio