

The Minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday December 5, 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 stating that he would be taking items slightly out of order and wanted to move forward with 2 essential appointments prior to getting into the Public Hearing. Those appointments would be for the Village Attorney and the Assistant Village Attorney.

Mayor Kohut entertained a motion to reappoint J. Nelson Hood to the position of Village Attorney for a 1 year term.

RESOLUTION # 387 - 2022

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

Mayor Kohut entertained a motion to reappoint Dennis Michaels to the position of Assistant Village Attorney for a 1 year term.

RESOLUTION # 388 - 2022

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

Mayor Kohut invited Frank Phillips, attorney for the applicant of the Dowd Street project, to come forward for the continuation of the Public Hearing on the matter.

Frank Phillips of Phillips & Millman, attorney for the applicant Jose Vargas: Mr. Phillips explained that they were present for the continuation of the Public Hearing on the proposed project on Dowd Street. He further explained the applicant's prior appearance before several Boards and the many steps taken to reach this point. He stated the following: Village Engineer Eve Mancuso expressed in an email dated November 7, 2022 that, based upon her review of the project, she was satisfied with a Negative Declaration; the Board had listened to the concerns of multiple residents on Dowd Street and the applicant had taken those into consideration particularly when preparing a very robust erosion control plan; since the last meeting the applicant decided that the building will be only condominiums, not rentals; the rendering provided previously is consistent with the site plan. They are respectfully requesting, after 5 visits before the Board, an override of some items from the Rockland County Department of Planning Review letter dated September 23, 2021. Mr. Phillips continued with

informing the Board that Village Planner Max Stach has issued an updated memorandum dated 12/5/2022 where he's proposing the Neg. Dec. and recommended that the EAF Part III is revised and is adequate for adoption by the Village Board. Further, the proposed Local Law which would affect this project and the Hudson Pines & Hudson Harborview condos would be within the zone to conform with the multi-family district being proposed. The overrides being requested are the County provisions #1, 2, 3, 4: #1 because we believe they're incorrect in their allegations that they know the Village Comprehensive Plan better than the Village, #2 referring to this being a suitable area for the zone change and they feel it is in conformity with the Village's Master Plan, #3 regarding soil and erosion - this part of the plan has been revised with Eve Mancuso, who is an engineer while the author of the County comments is not, and the revisions involved adding pervious surface to the plan, #4 - regarding parking, the plan the County was working off of is now revised because of adding the pervious surface and the changes to the ingress and egress.

Jorge Lopez, architect for the Dowd Street project: Mr. Lopez addressed a question Mayor Kohut raised regarding the elevator position and stated that they had moved the elevator to be closer to the beginning of the building and one staircase would go to the garage.

Deputy Mayor Carlevaro asked about the comment made regarding not rentals but condos.

Mr. Phillips responded that this was something brought up at the last meeting and the applicant decided to make it only condominiums. They had also updated the drainage plan to preserve the vegetation.

Ryan Nasher, Atzl Nasher & Zigler, Engineers for the project: Mr. Nasher stated that they did a very comprehensive review of the plan, made revisions and the plan now called for keeping the vegetation to provide screening on Route 202, providing pervious asphalt in the parking lot and an underground storage for drainage which will help with flooding concerns, changed the signage and walkway locations, moved the bus shelter, and kept all sidewalks as they currently exist. The plan meets the code for the DEC.

Mayor Kohut & Trustee Sena asked if the sidewalk curb was trimmed at the entrance of the site to provide better site distance.

Trustee Santana asked about how much it would be at its widest point, that it was trimmed inwards.

Mr. Nasher responded that it was 25 feet.

Mr. Phillips reminded everyone that they still had to go through site plan review with the Planning Board and Village Engineer.

Deputy Mayor Carlevaro asked if there were plans to put in a crosswalk.

Mr. Lopez and Mr. Nasher responded that there was a crosswalk and a bridge as seen on the rendering.

Mayor Kohut opened the floor for questions, comments and concerns from the public.

Sarah Wade, 100 Dowd Street: Ms. Wade asked who Eve Mancuso was and Mayor Kohut responded that she is the Village Engineer. Ms. Wade asked further about the holding pond and the bio filter, whether the holding basin was above or below ground and what would happen if it was overloaded.

Mr. Nasher explained that a bio filter was similar to a planting bed with about a 6 inch depth. The vegetation wouldn't survive under that much water so the holding basin would be more like open excavation; could be 4 ft. or 6 ft. and would hold the runoff water. It could be underground or above ground and the water slowly discharge. The system is designed to hold up to 9 inches of water over 24 hours, which is the "100 year storm" calculation by DEC and any overflow would go down the street into the catch basin.

Ms. Wade asked if the Village Engineer was satisfied with the design of this.

Mayor Kohut responded that she was satisfied.

Ms. Wade asked further about the size/height of the building, number of units per floor and the location of the parking garage. She also questioned the details of the zone change requested, requested a copy of the County GML letter from September 2021 and expressed her concern that there is a potential for overdevelopment of the Mountain Protection Zone as stated by the Town of Haverstraw in their letter regarding the project.

Mayor Kohut explained that the Town's letter was their opinion and not fact and that it didn't have to be followed. He also stated that he does not believe there is going to be an overdevelopment of the Mountain Protection area as the mountain above this proposed site has already been "disturbed" with the other developed properties that have been there for many years.

Ms. Wade asked further about future development in that area and the possibility of future lawsuits against the Village.

Asst. Attorney Michaels and Deputy Mayor Carlevaro responded to Ms. Wade regarding her legal question.

Ms. Wade expressed concern about the traffic on Route 202 and emergency service access.

Deputy Mayor Carlevaro stated that a good deal of the traffic was due to school buses.

Eddie Wiley, 17 Dowd Street: Mr. Wiley stated that he had been at several of the meetings and he feels the residents never received a direct answer about the ongoing traffic issues that have been raised. He has taken pictures of the traffic problems, he sits and observes the problems and he explained what his observations were and how he believed moving the traffic light on Route 202 would be beneficial.

Mayor Kohut explained that he had been up to Dowd Street several times in the past few weeks and observed the traffic issues. He remarked that the location of the traffic light was determined by DOT not the Village but he does think that a "Don't Block the Box" area would be helpful, with or without the proposed project, and he will requisition the DOT to have it marked out.

Mr. Wiley asked what could be done with the people/parents who are parking at the Dowd Street entrance where they are blocking the view for turning onto Route 202 and the access in and out of Dowd Street.

Mayor Kohut responded that he was not able to change people's behavior but he believes a "Don't Block the Box" area will be helpful even if the project doesn't move forward and possibly painting lines along the street for No Parking would be somewhat beneficial.

Mr. Wiley continued to express his displeasure with the parents who are disregarding the signs and the safety of others by parking at the bottom of Dowd.

Trustee Sena asked if he had sent any of his pictures to the Town of Haverstraw Police Department.

Anissa Slade, 17 Dowd Street: Ms. Slade explained that she had been in constant contact with Howard Phillips, Town of Haverstraw Supervisor, and Police Chief Murphy regarding the parking issue and the fact that parents parking along the road in this area are not paying any attention to their kids running around. In the winter if there is even a little snow on the ground it is particularly unsafe as the ground is slippery. She explained the dangers of where the blind spots are because of the parents and because of new signs that allowed parking on the left side of the street during school hours. She expressed that Chief Murphy had sent a Police Officer around to explain to the parents that they couldn't park there but since the Village had put up the sign that allowed parking on the left all kinds of vehicles were now parking on both sides, making the problem even worse. Ms. Slade also explained that her neighbors don't even have enough clearance to get out of their driveway. In addition, Ms. Slade stated that putting a Stop sign in the project's proposed location will cause further issues since even Fire Trucks can't make it up the hill when it snows or the roads are too slippery. She also remarked that the residents up on Dowd who can't get their vehicles up the hill in bad weather just leave them parked all along Dowd and walk up the hill. Putting a Stop sign in that location would be a very bad idea.

Mayor Kohut stated that Dowd Street was the assessment tool for when DPW would go out for snow removal or salting. Once police cars couldn't make it up that hill then DPW was over there.

Ms. Slade also expressed that speeding was a problem with some vehicles going down the hill.

Mayor Kohut suggested that a speed bump or 2 might be a good idea in the area.

Trustee Santana stated that he had visited the property with Trustee Sena and he did witness some of the issues that had been raised. He asked if anyone had requested that the school district move the bus stop pickup into the cul-de-sac where they could make a K-turn to turn around. It seemed to them that this would help alleviate some of the parent traffic at the bottom of Dowd and maybe multiple bus stops would be a possible solution.

Ms. Slade explained that the small mini buses used for special needs children were the only ones that were coming up the hill and although they were making the turn up there it might not be safe for other buses. Also, she remarked that parents from along Route 202 were bringing their children to the bus stop on Dowd and Route 202 causing further congestion. Ms. Slade also inquired as to the location of the dumpsters for the proposed project and who would be picking it up.

One of the consultants pointed out on the renderings where it would be located, 8 X 12 feet located next to the lower parking area facing the east. The carter was yet to be determined.

Mr. Frank Phillips reminded everyone again that the reason for the applicant being before this Board was for a Negative Declaration and many of the concerns being brought up were things appropriate for the Site Plan review by the Planning Board.

Ms. Slade continued stating that 50% of the land had to remain in its natural state if it remained in the Mountain Overlay District and inquired if 50% would remain in its natural state under the change.

Mr. Nasher stated that it would be approximately 40%.

Ms. Slade stated that she doesn't feel this project is a good fit for this area.

Cora Carter, 38 Robbins Court: Ms. Carter noted that she had asked at a previous meeting for the Board to amend the notification rules for any project over a 4 family project to have notifications sent to everyone in the Village.

Mayor Kohut explained that it wouldn't be realistic for the Board to make this type of amendment.

Trustee Santana expressed that this was an item that the Board should discuss at a workshop.

Ms. Carter stated that it was her understanding that the zone change being applied for was because of the proposed project and she questioned if other developers could come in and demand the same treatment for getting zone changes. She also stated that in her limited research and in conversation with a Village employee that if the zone changed to MF1 it would be for the entire Village.

Asst. Attorney Michaels explained that this wasn't true and that by the Board approving this project they were not locked into future approvals. And this is NYS law.

Ms. Carter wants that in writing and it was explained to her that it would not be possible to provide this in writing because if NYS changes their rules than the rules change.

Mayor Kohut explained again that amending the zoning code for the existing condominiums is to bring those properties into fully compliance with Village zoning.

Further discussion ensued regarding map designations and having things in "writing" along with the specific parcels involved in the proposed zone change.

Ms. Carter expressed her view that Haverstraw is a historical town and new properties change the complexity of the area. She wanted to know when Haverstraw changed from suburban to urban.

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

RESOLUTION # 389 - 2022

Motion by: Gil Carlevaro

Seconded by: Rich Sena

Motion Carries: All

Attorney Michaels explained that the next step for the Board would be to render their Environmental Determination under SEQR. Village Planner had looked at everything associated with this project and suggests issuing a Negative Declaration on the project. A Neg. Dec under SEQR would mean that the Board **does not** find any significant, adverse environmental impacts that would be caused by not only adopting the proposed amendment to the Village Zoning Code but also the Land Use Development project that is associated with the petition. In addition, the Village Planner, Max Stach, has submitted a memorandum, dated December 5, 2022, providing his conclusions and recommendations to the Board in support of issuing the Neg. Dec. Mr. Michaels stated that he had reviewed Max Stach's Neg. Dec documentation and finds nothing that is legally problematic and he stated that the Neg. Dec could be done separately from the Local Law Resolution. He finds that it would be legally appropriate for the Board to pass a Resolution as follows:

“Motion to adopt the Negative Declaration under the State Environmental Quality Review Act as drafted and recommended and proposed by Village Planner Max Stach of Nelson Pope & Voorhis, dated December 5, 2022, consisting of 7 pages total.”

Mayor Kohut entertained a motion to approve the Neg. Dec as stated above by legal counsel.

RESOLUTION # 390 - 2022

Motion by: Gil Carlevaro

Seconded by: Rich Sena

Roll Call:

Trustee Bueno	-	Absent (left meeting early for personal reasons)
Trustee Carlevaro	-	Yes
Trustee Santana	-	No
Trustee Sena	-	Yes
Mayor Kohut	-	Yes

Motion Carries: 3-1-1

Attorney Michaels stated that the Board does not need a super majority to pass a Neg. Dec. but it is needed for the zone change and to override the GML Review comments and approve the project.

Table discussion regarding the project is scheduled for the first meeting in January, Tuesday January 3rd.

The Mayor continued with the agenda for that night’s meeting.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood asked for a Resolution allowing him to sign an agreement with Valuation Plus for the appraisal of #'s 5 & 9 McKenzie Ave. which the Village is interested in purchasing and the State wants to be sure the Village is not overpaying for. The cost of the appraisal is \$3,000 and will be completed within 3 weeks.

Mayor Kohut entertained a motion to the same.

RESOLUTION # 391 - 2022

Motion by: Gil Carlevaro

Seconded by: Rich Sena

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 his signature was needed on the County of Rockland Subrecipient Award for the construction of the basketball courts at \$200,000 using ARPA grant funds.

Mayor Kohut entertained a motion to authorize his signing the above agreement.

RESOLUTION # 392 - 2022

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

Mayor Kohut entertained a motion to approve a disability waiver for the LOSAP program and authorize Gil Carlevaro the 50 point earnings for the 2022 calendar year.

RESOLUTION # 393 - 2022

Motion by: Joel Santana
Seconded by: Rich Sena
Abstaining: Gil Carlevaro
Motion Carries: All with 1 abstention

Mayor Kohut entertained a motion to appoint Edye McCarthy to the position of Village Assessor for a 1 year term.

RESOLUTION # 394 - 2022

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

Mayor Kohut entertained a motion to appoint Robert Drexler to the position of Commissioner of Public Works for a 1 year term

RESOLUTION # 395 - 2022

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

Mayor Kohut entertained a motion to appoint Brooker Engineering to the position of Village Engineer for a 1 year term.

RESOLUTION # 396 - 2022

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

Mayor Kohut entertained a motion to appoint Stephen Cobb to the position of Village Historian for a 1 year term.

RESOLUTION # 397 - 2022

Motion by: Gil Carlevaro

Seconded by: Joel Santana
Motion Carries: All

Mayor Kohut entertained a motion to appoint Ivonne Santos to the position of Acting Village Justice for a 1 year term.

RESOLUTION # 398 - 2022

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

Mayor Kohut entertained a motion to appoint Esther White to the position of Clerk to the Justice Court for a 1 year term.

RESOLUTION # 399 - 2022

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

Mayor Kohut entertained a motion to appoint Toni Jones to the position of Associate Justice Clerk for a 1 year term.

RESOLUTION # 400 - 2022

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

Mayor Kohut entertained a motion to appoint Chief 4-1 and 4-2 to the position of Director and Deputy Director of Disaster Preparedness.

RESOLUTION # 401 - 2022

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

Mayor Kohut entertained a motion to appoint Carmelina Palumbo to the position of Registrar of Vital Statistics and Isabel Gonzalez-Soto to the position of Deputy Registrar of Vital Statistics for 1 year terms.

RESOLUTION # 402 - 2022

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

Mayor Kohut entertained a motion to appoint Bart Gordon to the position of Planning Board alternate member for a 1 year term.

RESOLUTION # 403 - 2022

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

Mayor Kohut entertained a motion to appoint Ed Molina to Planning Board member for a 4 year term and Chairperson to the Planning Board for a 1 year term.

RESOLUTION # 404 - 2022

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

Mayor Kohut entertained a motion to appoint Ramon Soto to the position of Zoning Board alternate for a 1 year term.

RESOLUTION # 405 - 2022

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

Mayor Kohut entertained a motion to appoint Jose Guarino to the position of Zoning Board Chairperson for a 1 year term.

RESOLUTION # 406 - 2022

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

Mayor Kohut entertained a motion to appoint Sarah Rose to the position of Architectural Review Board member for a 3 year term.

RESOLUTION # 407 - 2022

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

Mayor Kohut entertained a motion to appoint Jackie Watson to the position of Architectural Review Board member for a 3 year term.

RESOLUTION # 408 - 2022

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

Mayor Kohut entertained a motion to appoint Andrea Caccuro to the position of ARB member for a 3 year term and Chairperson for a 1 year term.

RESOLUTION # 409 - 2022

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

The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – **Trustee Rafael Bueno Sr.:** In Trustee Bueno’s absence the following report of fire activity for the month of November 2022, submitted by Fire Chief Perry Masiello, was read by Deputy Mayor Gil Carlevaro:

Total Alarms	-	17
General Alarms	-	13
Special Calls	-	4
Mutual Aid Calls	-	0
Structure Fires	-	0
Cooking Fires	-	2
Electrical Fires	-	1
Vehicle Fires	-	1
Trash Fires	-	1
Gas Leak	-	2
Cooking Oil Spill	-	1
Pump Outs/water leaks	-	1
Stuck Occupied Elevators-		1
Good Intent/Misc.	-	2
False Alarms	-	5

Total Manpower Responding - 263 members

Nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS: Deputy Mayor Carlevaro read the following report submitted by Robert Drexler, Jr., Commissioner of Public Works, as of December 5th:

TASK LIST

- Brought six tables to the Brick Museum for an art exhibit
- Painted four pieces of plywood for Christmas decorations for Community Center
- Setting up Christmas decorations for the Village and installing new Christmas lights on Broadway, Main and New Main St
- Call out for salting on 11/20/22
- Gurnee Ave now complete with new pavement, also all lines painted on pavement.
- Cleaned flooded basement at Village Hall
- Took down banner for Thanksgiving dinner at Quisqueya Club.
- Set up and cleaned up for Christmas tree lighting at Village Hall on 12/3/22
- Replaced signs at Harbors for parking project
- PM service on Fire Truck #4-1750

Deputy Mayor Carlevaro had nothing further to report on DPW.

YOUTH & FAMILY SERVICES - Trustee Rich Sena: Trustee Sena reported that he was currently working with Shannon (Village Accountant) and Carmelina (Village Clerk) on some Personnel changes but he was not yet ready to present it.

Trustee Sena had nothing further to report.

BUILDINGS & CODE ENFORCEMENT – Trustee Joel Santana: Trustee Santana stated that he did not have a report for this evening but that he had provided the Board with a letter to the Board, and he was requesting that he have the document back.

Trustee Santana had nothing further to report.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

None.

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Ramon Soto, 13 Broadway: Mr. Soto thanked the Board for the beautiful holiday decorations. He also provided a letter to the Board requesting a carnival approval for a date in May and July. He also suggested having a time limit on the public's ability to speak during a Public Hearing.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting in honor of long time Village employee and volunteer Fireman Joe Miller and Ismael Bueno.

RESOLUTION # 410 - 2022

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

Respectfully submitted by,
Judith Curcio