

APPENDIX A

Public Hearing Transcript

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3/11/09

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In Re:

TOWN OF HAVERSTRAW SPECIAL PLANNING BOARD MEETING

March 4, 2009  
8:00 p.m.

Planning Board Meeting held at  
One Rosman Road, Garnerville, New York, before a  
a Notary Public of the State of New York.

Draft ONLY

Corrections to be made and adopted  
by the Planning Board

SANDY SAUNDERS REPORTING  
254 South Main Street, Suite 216  
New City, New York 10956  
(845) 634-7561

Draft

1  
 2 APPEARANCES:  
 3 MICHAEL GURSKI, CHAIRMAN  
 4 JOSE VARGAS  
 5 ROBERT SAMBRATO  
 6 WILLIAM BUD. PLANNING CONSULTANT  
 7 RALPH PERAGINE, ENGINEERING CONSULTANT  
 8 STEVEN SILVERBERG, ZONING BOARD ATTORNEY  
 9 LISANDRA FERNANDEZ, SECRETARY  
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1 Proceedings  
 2 you want to read the notice of appearance,  
 3 please.  
 4 MS. FERNANDEZ: Please take notice  
 5 that on March 4th, 2009 at 8:05 P.M. at the  
 6 Haverstraw Town Hall, One Rosman Road,  
 7 Gamerville, New York, 10923, the Planning  
 8 Board of the Town of Haverstraw, as lead  
 9 agency under the New York State Environmental  
 10 Quality Review Act (SEQRA), shall hold a  
 11 special meeting to consider the completeness  
 12 of a Supplemental Draft Environmental Impact  
 13 Statement prepared by Davies Farm, LLC for  
 14 site plan approval for a mixed use development  
 15 on property located on Route 202 and which is  
 16 bisected by the border of the towns of Ramapo  
 17 and Haverstraw.  
 18 Location: 1630 Route 202 known and  
 19 designated on the Town of Haverstraw Tax  
 20 Assessment Map as Tax Map 25.18, Block 2, Lots  
 21 3 and 4 and known and designated on the Town  
 22 of Ramapo Tax Assessment Map as Tax Map 33.06,  
 23 Block 1, Lots 1 and 2.  
 24 Anyone wishing to address the  
 25 Planning Board on this issue should attend

1 Proceedings  
 2 THE CHAIRMAN: Meeting of the  
 3 Planning Board of the Town of Haverstraw will  
 4 come to order. I will ask Mr. Sambrato to  
 5 lead us in the Pledge of Allegiance.  
 6 (Whereupon, the Pledge of Allegiance  
 7 took place.)  
 8 THE CHAIRMAN: Roll call.  
 9 Mr. Sambrato.  
 10 MR. SAMBRATO: Present.  
 11 THE CHAIRMAN: Mr. Vargas.  
 12 MR. VARGAS: Here.  
 13 THE CHAIRMAN: Mr. Gurski.  
 14 Present.  
 15 Mr. Widmer.  
 16 Mr. Michalak.  
 17 I guess not.  
 18 First on the agenda, it being 8:05  
 19 P.M. the first item on the agenda is  
 20 Minisceongo Public Hearing on the Draft Final  
 21 Environmental Impact Statement.  
 22 MR. SILVERBERG: No, Supplemental  
 23 Draft Environmental Statement.  
 24 THE CHAIRMAN: Supplemental Draft  
 25 Environmental Statement. Miss Fernandez, do

1 Proceedings  
 2 this meeting.  
 3 THE CHAIRMAN: Thank you very much.  
 4 MR. SILVERBERG: Mr. Chairman, I  
 5 just note that I was provided with a copy of  
 6 the affidavit of mailing and return receipts.  
 7 THE CHAIRMAN: Very well,  
 8 Mr. Silverberg.  
 9 Presentation by the applicant.  
 10 MR. EMANUEL: Good evening,  
 11 Mr. Chairman. My name is Ira Emanuel, I'm  
 12 the attorney for the applicant, Davies Farm.  
 13 We are here as the notice said, for a public  
 14 hearing on the Supplemental Draft  
 15 Environmental Impact Statement.  
 16 I just wanted to bring the Board up  
 17 to date and also, the public, as to how we got  
 18 to where we are and I brought these books up  
 19 here for a reason.  
 20 This project started back in 2005  
 21 with a proposal for development of this  
 22 particular site. The proposal included  
 23 housing and some retail development in the  
 24 town of Ramapo. A Draft Environmental Impact  
 25 Statement which took up two volumes was

Draft

6

1 Proceedings

2 prepared and accepted by this Board in the

3 Spring of 2006. From there we went to a Final

4 Environmental Impact Statement, third volume.

5 which was presented to the Board in 2007.

6 After we presented the Final

7 Environmental Impact Statement, we took

8 another look at the project in consultation

9 with the Board. We decided that the original

10 proposal really was not appropriate for the

11 site. It didn't fit in with the zoning that

12 is there from the Town of Haverstraw's

13 prospective. It did not fit in with what we

14 came to understand as being the town's wishes

15 would be for development of that project and

16 so we redesigned the project.

17 As a result, we have put together

18 this book here, which is a Supplemental Draft

19 Environmental Impact Statement which talks

20 about the project in its current

21 configuration.

22 Now, this book, thick as it is,

23 okay, actually draws upon all of the work that

24 was previously done. Certain information that

25 was gathered as part of the original project

8

1 Proceedings

2 knowledgeable comments and ask questions.

3 Although, I don't recall if it was stated in

4 the public hearing notice, aside from this

5 public hearing, there will also be an

6 opportunity for written comment and I'm sure

7 that the Chairman and counsel will bring that

8 to the attention of the public at the

9 appropriate time and how much time they have

10 for that.

11 After all of this is done, after all

12 the comments from tonight and from the written

13 comment period are gathered together, we will

14 be preparing yet another Final Environmental

15 Impact Statement which will address those

16 comments and, of course, the comments of the

17 Board and its consultants.

18 So with that, I'll turn it over to

19 Mr. Atzl and he can introduce the project to

20 you and to the public.

21 MR. ATZL: Good evening, I'm sure

22 the Board is familiar where the site is

23 located. For members of the public, it's on

24 the north side of Route 202. This is the exit

25 ramp from the Palisades Interstate Parkway.

7

1 Proceedings

2 is still valid. Certainly, the baseline data

3 is still valid. A number of the assumptions

4 that were made with respect to certain aspects

5 of the project which have not significantly

6 changed, are still valid. And so, we've been

7 able to draw upon that. But we also recognize

8 there are some significant differences between

9 what was proposed previously and what we are

10 proposing now and those differences and the

11 impacts of them are what this book is about

12 and what this public hearing is about.

13 I have with me this evening, John

14 Atzl, who is from Atzl, Scatassa & Zigler, who

15 are the project engineers and surveyors. Tim

16 Miller, from Tim Miller and Associates, who is

17 the planning consultant for the project. Dr.

18 Phillip Greeley, from John Collins Engineers,

19 who was the traffic consultant on the project,

20 and we've got a brief presentation to

21 introduce the redesigned project to the Board.

22 You're all somewhat familiar with

23 it. The public certainly is not. So we can

24 give some context and so that members of the

25 public will have an opportunity to give some

9

1 Proceedings

2 This is Quaker Road. This is the Mount Ivy

3 Diner, almost opposite the exit and entrance

4 ramp to the PIP and there's some strip malls

5 down here.

6 It's a 52 acre site and the

7 town-line between the Town of Haverstraw and

8 the Town of Ramapo almost bisects it. 26

9 acres in Haverstraw, 26 acres in the Town of

10 Ramapo.

11 We're proposing two access points

12 for the site. One right in through here, and

13 then another access in here. There will be

14 one exit coming out here where there most

15 likely will end up being a traffic light and

16 we're also providing emergency access off of

17 Quaker Road for emergency vehicles in the

18 event that they're required.

19 In the town of Ramapo, this area

20 that's shaded purple will be for residential

21 use. It will condominiums. The total number

22 that we have at this point is 219. There will

23 be four individual pads also located within

24 the town of Ramapo, one smaller, one about

25 1500 square feet which would be suitable for

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1 Proceedings

2 say a Dunkin Donuts. This one up here which

3 would be about 8000 square feet, would be

4 suitable for a restaurant, something like an

5 Outback or an I-Hop or that type of operation.

6 And Building E here, would be

7 suitable for a fast food restaurant, say

8 McDonald's or a Wendy's and we're also

9 providing a pad for a bank with drive-thru

10 areas and parking.

11 As far as the portion in the Town of

12 Haverstraw, we're presenting one. This large

13 orange area here is slated to all be retail.

14 All the use in the town of Haverstraw will be

15 retail use.

16 Parking. We have a loop road going

17 completely around the major parking and the

18 major use within the Town of Haverstraw. We

19 have drainage facilities. One located here,

20 one here and then another one along the north

21 property line which will end up draining after

22 the water is cleaned out, into the New York

23 State DEC Wetlands.

24 And we're also providing parking

25 garages and outdoor parking for the

12

1 Proceedings

2 residential project to a mixed use project

3 with a commercial component, are in the areas

4 of traffic, fiscal and economic changes and

5 visual and possibly, storm water. So the

6 Supplemental EIS does address those areas.

7 On the fiscal side, the impact, in

8 fact, is a very positive one. The project

9 will generate sales tax revenues to a variety

10 of agencies, the state and the county. And it

11 will generate property tax revenues to the

12 various taxing districts, that would include

13 the school district in the Towns of Ramapo and

14 Haverstraw and a variety of special districts.

15 It would be in excess of \$2 million annually.

16 The visual changes addressed in the

17 Supplemental Environmental Impact Statement, I

18 think they're kind of self-evident as you

19 review the site plan with regard to the change

20 in uses.

21 The storm water plan. There is more

22 pervious surfaces in connection with this

23 project and the storm water plan has been

24 prepared to address those requirements of the

25 New York State Department of Environmental

11

1 Proceedings

2 residential use in the Town of Ramapo.

3 THE CHAIRMAN: Thank you.

4 MR. ATZL: Is there any questions?

5 THE CHAIRMAN: Well, I think we'll

6 wait until you're done with your presentation.

7 MR. MILLER: Good evening,

8 Mr. Chairman, members of the Board. My name

9 is Tim Miller. I'm the planning consultant.

10 My firm, along with a team of other

11 consultants, prepared the Supplemental

12 Environmental Impact Statement. I'm going to

13 be pretty brief here. As Ira pointed out,

14 we've prepared a Draft EIS and a Final EIS on

15 the final version of the plan and the

16 Supplemental EIS is required when a change in

17 project plans could result in one or more

18 potential significant adverse impacts.

19 So the Supplemental Environmental

20 Impact Statement that is the subject of

21 tonight's hearing, really focuses on those

22 potential or those changes that would have

23 potential impacts. And in that regard, I

24 think it's fair to say the most notable

25 changes as a result of going from a largely

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1 Proceedings

2 Conservation and the Town's various

3 requirements.

4 With respect to traffic. This is a

5 higher traffic generator than the prior

6 alternative. Phil Greeley is here. If

7 there's any questions from the public, he's

8 more than happy to respond to them or any

9 questions from the Board.

10 So I will turn this back over to you

11 and we're interested in hearing any questions

12 or comments that you and the public might

13 have. Thank you.

14 MR. SILVERBERG: Mr. Chairman, just

15 for the sake of the public, as far as

16 procedure is concerned, as indicated, this is

17 a public hearing on a Supplemental Draft

18 Environmental Impact Statement. The purpose

19 of the hearing is to gather comments from the

20 public, hear any questions that the public has

21 and then, the applicant will be required,

22 pursuant to the State Environmental Quality

23 Review Act, to prepare what's called a Final

24 Environmental Impact Statement. That document

25 will respond to any questions or comments that

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1 Proceedings

2 are raised by either the people here tonight

3 or people who submit a written public comment.

4 The public comment period runs to March 16th.

5 So if you're here this evening and

6 you want to add to your comments or you're

7 just listening tonight and want to provide

8 comments later, you do have till the 16th of

9 March to submit written comments to the Board

10 which will be considered and responded to in

11 the Final Environmental Impact Statement.

12 THE CHAIRMAN: Thank you,

13 Mr. Silverberg.

14 And thank you, Mr. Miller, too, by

15 the way.

16 Reports by the staff.

17 Mr. Peragine, we'll go with you

18 first.

19 MR. PERAGINE: Okay. Ralph

20 Peragine, Senior Project Manager with TRC

21 Engineers. We have prepared a memorandum with

22 respect to several areas of the Supplemental

23 Environmental Impact Statement, including

24 geology, soils, topography, surface water,

25 traffic and transportation, noise and air

16

1 Proceedings

2 distribution percentages are applied to the

3 retail site generated traffic, all the traffic

4 volumes are high by anywhere from one to

5 fifteen vehicles. Provide an explanation for

6 this or revise the numbers and all impacted

7 traffic volumes and capacity analyses.]

8 There are several others. I mean,

9 there's numerous comments like I said. Let me

10 see what -- we found several discrepancies

11 throughout the document with respect to the

12 area of disturbance. [In one location it's

13 defined as 35.6 acres. Another location it's

14 defined as 32.32 acres] and on one of the

15 [figures 3.1-4, the limited disturbance line

16 does not include the proposed swale to the

17 Minisceongo Creek.] Several discrepancies in

18 the document with respect to that.

19 Mr. Chairman, I don't know if you

20 want me to continue.

21 THE CHAIRMAN: That's fine.

22 MR. PERAGINE: So we'll distribute

23 this document to the Board and I believe there

24 is enough copies for the applicant here as

25 well.

3.5-10  
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3.1-4

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1 Proceedings

2 impacts, and construction related activities.

3 We would like to submit for the

4 Board's consideration this memorandum. We'll

5 distribute it shortly, but it is several pages

6 long and I don't want to sit here and read

7 every single comment, but there are a couple

8 of note. [One is that in page -- on the

9 executive summary, the statement was made that

10 the waste water treatment plan must be

11 improved and expanded to provide adequate

12 treatment capacity. The question here is how

13 will this requirement affect the development

14 of this project.]

15 There are a number of traffic and

16 transportation related comments. Again, I

17 don't want to keep everyone here, but just to

18 summarize a couple of them. [On page 3.5-9,

19 provide descriptions of land use and sizes of

20 all other developments included. A figure

21 showing their locations and a breakdown of

22 their trip generation rates also should be

23 provided.]

24 [On figure 3.5-21 through 23, it

25 appears that when the retail arrival/departure

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2 THE CHAIRMAN: Thank you,

3 Mr. Peragine.

4 Mr. Bud from Kauker & Kauker

5 Associates.

6 MR. BUD: William Bud, Kauker and

7 Kauker, LLC. Our office actually prepared a

8 review of the SEIS back in January 23rd of

9 this year and one of the -- for the most part,

10 there were no comments. Everything that was

11 in the document for the sections that we

12 reviewed which I'll list out the alternatives,

13 Land use and Development, Transportation,

14 Community Facilities and Services, Fiscal

15 Analysis, Noise and Air Resources, Visual

16 Resources; there were no issues with what was

17 provided. However, what was asked was if the

18 applicant would include a co-comply

19 alternative which has been done so in all

20 three SEIS's.

21 With regards to the technical

22 review, since the basis of the review really

23 discusses and deals with the parking proposed

24 on the site because they said the proposed use

25 is a permitted use in the zone and they're not

3.7-1

3.5-1

3.5-10

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1 Proceedings

2 asking for any bulk variances.

3 So with regards to parking, there is

4 a -- and some of these things may seem like

5 site plan issues, but they do relate to the

6 SEIS as well. [The shortfall of required

7 parking is significant in the Town of

8 Haverstraw.] There is a proposed development

9 of 254,000 square feet of commercial space

10 would require 1693 parking spaces. [The

11 applicant is proposing 967. So we have a

12 shortfall of 730 based on the zoning ordinance

13 of Haverstraw.]

14 [There's also a significant shortfall

15 for the residential and commercial uses

16 proposed in Ramapo and as it's utilized

17 together, they do work hand in hand.]

18 So like I said, this general lack of

19 parking in the entire proposal could

20 significantly impact the parking and

21 circulation in the Town of Haverstraw.

22 [One concern with the parking set-up

23 is the 190 parking spaces located behind the

24 building as part of the loop road near the

25 loading deck. The loading deck through the

1 Proceedings

2 in this whole process.

3 But other than that, most of the

4 issues dealing with the project will be dealt

5 with in the site plan review, but this id have

6 a significant impact on it.

7 Any questions? That's pretty much

8 it.

9 THE CHAIRMAN: Thank you very much,

10 Mr. Bud.

11 Is there any other -- I guess that's

12 all of the comments from the staff at this

13 point in time. Are there any comments from

14 the Board?

15 I'm going to reserve the right to

16 come back to my comments after we hear

17 whatever comments might be generated from the

18 public. All right.

19 At this point in time, we will

20 accept comments from the public in regard to

21 the Supplemental Draft Environmental Impact

22 Statement. I'll only ask if you want to make

23 a statement, please wait until you're

24 acknowledged by me and once acknowledged,

25 please give your name and address to the court

1 Proceedings

2 two buildings. There's some concern whether

3 customers would feel comfortable utilizing

4 these parking spaces and entrances to the

5 building A and B.]

6 Also, why these things make an

7 impact on the SEIS, is if the buildings -- by

8 the whole proposal itself is modified to come

9 closer to the required parking or to achieve

10 the required parking, there would be a

11 significant change in the square footage.

12 Now, the fiscal impact prepared goes

13 off of these numbers and if the parking is

14 adjusted or the buildings are modified, then

15 that will directly impact the fiscal analysis.

16 So the dollar amount that is used in the SEIS

17 may be different if the parking is adjusted.

18 So currently, it's an annual gross tax

19 generated for the Town of Haverstraw are

20 108,000 per year and if these buildings are

21 modified or reduced or all the project is

22 changed and the parking is increased or

23 whatever had to become more compliant, there's

24 going to be a shift in that fiscal impact and

25 that is something that needs to be considered

1 Proceedings

2 reporter for the record.

3 Is there anyone from the public who

4 wishes to speak?

5 Yes, sir. Would you come up here

6 simply so she can get a clear transcript.

7 MR. CREPLIS: Jeff Creplis

8 (phonetic.) 1581 Route 202, Pomona.

9 At the last meeting I attended on

10 this, there was retail space discussed of

11 60,000 square feet. Forgive me if I'm asking

12 the question the wrong way, but how did it get

13 from 60,000 to over or close to 300,000?

14 THE CHAIRMAN: The applicant want

15 to answer that.

16 MR. EMANUEL: Sure.

17 MR. CREPLIS: This was about two

18 months ago I believe that there was a meeting

19 here.

20 MR. EMANUEL: Absolutely not. It

21 wasn't two months ago, it might have been two

22 years ago. As we stated in the beginning, the

23 project changed significantly. The original

24 project was mostly residential including the

25 Haverstraw portion of the project. The

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1 Proceedings

2 residential portion is now limited to the

3 Ramapo portion and in place of the residential

4 that was in Haverstraw we now have proposed

5 commercial and that's how it increased to that

6 amount.

7 MR. CREPLIS: And the pad at

8 224,000 square feet, is that set that it will

9 be one spot?

10 MR. EMANUEL: No, that's a worst

11 case analysis. We don't know how the tenant

12 structure is going to be so rather than trying

13 to just sort of guess at that, we took a worse

14 case analysis in terms of what we felt would

15 work on the site and work off of that.

16 MR. CREPLIS: And wouldn't that

17 affect traffic flow with the trucks coming in

18 and out?

19 MR. EMANUEL: Well, that's exactly

20 why we did a worst case analysis.

21 MR. CREPLIS: Another question

22 regarding the size of that footprint lends one

23 to believe it could be some sort of a super

24 store, a box store. You've given a great deal

25 of thought to pollution and run-off and how

2-19  
con't

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1 Proceedings

2 you're going to treat that? I mean, I'll use

3 the worst case scenario as you did, a Walmart

4 where they store a great deal of merchandise

5 outdoors. Rain water causes damage to the

6 environment from the fertilizers and gardening

7 implements they keep outside. I mean, that

8 was a big case with the Walmart that was under

9 discussion in Monsey a number of years back.

10 MR. EMANUEL: As I said, it's a

11 box.

12 MR. CREPLIS: It's a big box.

13 MR. EMANUEL: And we anticipate

14 that there will be that much impervious

15 surface irrespective of how the thing is split

16 up. We do not have any tenants at this point.

17 MR. CREPLIS: Okay. Thank you.

18 THE CHAIRMAN: Thank you.

19 Mr. Emanuel.

20 Is there anybody else who wishes to

21 make any comments?

22 Yes, sir.

23 MR. HEVNER: Thank you. I just

24 want to check the map for one second.

25 THE CHAIRMAN: Sure.

2-20

24

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2 MR. HEVNER: My name is Gary

3 Hevner, H-E-V-N-E-R. I'm at 287 Quaker Road.

4 I'm about three properties over. Couple of

5 questions. I have a couple of concerns.

6 I would note first, that it's

7 interesting that elsewhere in the county,

8 tonight the East Ramapo Central School Board

9 is discussing closing what would be the

10 closest elementary school. So any residential

11 buildings put up in this site -- is the entire

12 site in East Ramapo School District?

13 THE CHAIRMAN: Yes.

14 MR. HEVNER: So I would note the

15 closest elementary school is presently slated

16 to probably be closed.

17 A couple of the concerns I have is

18 living within a thousand yards of a corner,

19 the northwest corner of the property, some

20 things that I'm concerned of, that I've spent

21 there over the past forty-four years, include

22 the deer. Is there any impact in this study

23 that people noted the migratory pattern of the

24 deer because for the past forty years, fifty

25 years that I'm aware of, even before I was

3.7-11

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1 Proceedings

2 born, they kind of crossed that property every

3 morning to bed down at a certain location and

4 then cross again, the northwest property the

5 corner, the same spot at night moving back to

6 where they bed down in the evening hours.

7 So I'm not sure if that's

8 appropriate or that's part of the study. If

9 not, I would ask that some type of a state

10 input be allowed to how that affects the deer

11 patterns. I think what it would do is push

12 the deer up into the actual backyards of

13 people as opposed to this now open space.

14 Second concern I have is hiking on

15 this property, meaning the general level of

16 property, for the past forty years, I've lost

17 a lot of shoes and boots down there even in

18 the driest of summers, even in the county, the

19 streams, the natural antigen wells that

20 naturally percolate out of that area. I want

21 to make sure the studies looks at all the

22 times of years and whatever the normal

23 requirement is to satisfy the requirements of

24 any studies of how wet that actually is back

25 there. I'd ask that extra studies be done for

3.3-4

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3.5-13  
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2 various times of year because even I can count

3 on my hands over the past couple of years,

4 when the county was in drought mode with

5 restrictions, this property still had tons of

6 water percolating out of the soil, from, you

7 know, - we still call it the swamp - swamp.

8 So if you live there it's the swamp

9 and it's a swamp year round even if it's dry

10 one day regardless of rain water or regardless

11 of anything else happening, it can be wet the

12 next day. So I think any type of a normal

13 range of checking how wet that area is isn't

14 enough. I think you have to check it extra to

15 see if it can handle these buildings.

16 I would note that across the street

17 on 202 I've been involved in building several

18 of the buildings and have been in every

19 building. I think every one from the Mount

20 Ivy Diner down to the chiropractor's office

21 off of Camp Hill. Every one of those

22 buildings has sunk. It just matters how much

23 they've sunk. So I want to make sure extra

24 care is considered for that.

25 Could anybody show me on the map

28

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2 Twelve o'clock I think you can handle that.

3 but I think the four to six P.M. especially

4 when the sun is blinding, people going one way

5 could be an extra factor that the town needs

6 to consider.

7 THE CHAIRMAN: Thank you, Mr.

8 Hevner.

9 Let me just explain what we're doing

10 is part of a process. And, Mr. Silverberg, if

11 you want to correct me feel free to step in at

12 any point in time. This is the first step in

13 a long process of reviewing the development

14 and the purpose of the public hearing is give

15 people such as yourself the opportunity to

16 come in and ask questions and direct the

17 applicant to study areas of concern such as

18 the ones that you've mentioned.

19 The applicant has already done a

20 rather detailed book based upon the other

21 previous studies that they've done. Our

22 technical consultants, legal, planning,

23 engineering, have looked at their information.

24 They, of course, have, from John Collins

25 Associates, who are a reputable noted traffic

35-13

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1 Proceedings

2 where exactly the wetlands technically begins?

3 I know the state declaration line is different

4 from what most people consider the swamp to

5 be. So I'm kind of wondering what line is

6 that up there?

7 MR. MILLER: The location of the

8 Wetlands is this dark dashed line and there's

9 a hundred foot buffer all around that.

10 MR. HEVNER: Okay.

11 And finally, I think I'm biased by

12 driving on this road everyday for only

13 thirty - well, I've only been driving for

14 thirty years on that road, but I just think

15 it's nuts that to fit more cars on that road.

16 That's just me. I remember when the first

17 light in Mount Ivy was put up and anybody that

18 drives on 202 from approximately four to six

19 P.M. the entire stretch of 202 on the map

20 that's before you is backed up eastbound. I'm

21 luckily going the other way at that time of

22 night if I'm there.

23 So I think again, whatever normal

24 controls and studies are done for traffic,

25 that the right time of days are being checked.

29

1 Proceedings

2 consulting firm. They're required to do a

3 twenty-four hour study looking at the typical

4 times.

5 The applicants based upon the, as

6 Mr. Emanuel said, they've taken a worst

7 case -- I don't know if I like that word or

8 not - but they've tried to determine what the

9 greatest impact could be if they were allowed

10 to build their property to the fullest extent

11 and then attempted to find ways to mitigate

12 the impacts that they're causing and they have

13 proposed that based upon the plan that they

14 have, there would be certain improvements that

15 would be made on Route 202 that would help

16 facilitate the traffic that goes through

17 there.

18 And obviously, having lived in the

19 town of Haverstraw for some forty-five years

20 myself, I remember the days back when the old

21 Short-line terminal was up there and Minello's

22 was there. There's been a lot of changes.

23 Part of it is up to the State to come in and

24 look at things from a comprehensive

25 standpoint. You cannot also ask an applicant

DRAFT

30

1 Proceedings

2 to do anything more than to look at the impact

3 that they themselves create.

4 So they have started to do that. We

5 are taking a look at that and the comments

6 that you've brought up, that have been brought

7 up here tonight, they have to address as part

8 of their ongoing analysis.

9 MR. HEVNER: Great. I appreciate

10 everyone's time and I'm not asking that the

11 project not be built. I'm just saying from my

12 personal experience, I want to make sure that

13 somethings that perhaps would be commonly

14 overlooked, to wit, the deer migration, and

15 two, my kids were back there this fall and

16 they were asking me, "Dad, how come it's

17 soaking wet here and forty feet over here is

18 dry? It makes no sense." And I said,

19 "Because it's not running water. It's water

20 coming up from the ground.

21 So I just want to make sure the town

22 is aware of those unique situations and that

23 they're looked into.

24 THE CHAIRMAN: Thank you very much.

25 MR. HEVNER: Thank you again.

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1 Proceedings

2 It also seems that since the last

3 plan, the applicant has increased the number

4 of residential spaces. The number of

5 residential units. That becomes a source of

6 concern and needs further study, simply

7 because we are proposing a major -- several

8 major commercial activities very, very close

9 to those residential communities.

10 We know that people buy based upon

11 very optimistic feelings and emotions and then

12 move in and realize all of a sudden that

13 they've moved into something that has a major

14 impact on their lives. You note the

15 proximity, the very, very close proximity of

16 some of those residential units to the major

17 roadways and Route 202 and I think that much

18 more thought has to be given to addressing

19 those issues.

20 And again, I think we need to take a

21 look at the amount of parking, the amount of

22 commercial space that's there, the residential

23 space that's there. What becomes concern is

24 that we may find that there's not enough

25 parking on the residential area and then

31

1 Proceedings

2 THE CHAIRMAN: Anybody else have

3 any comments? Well, before, let me do the

4 first thing first. Let me get a resolution to

5 accept the report of TRC Engineers dated

6 March 4th, 2009, and Kauker & Kauker dated --

7 MR. BUD: March 4th.

8 THE CHAIRMAN: March 4th, 2009.

9 MR. VARGAS: I'll move that.

10 THE CHAIRMAN: Motion made by

11 Mr. Vargas.

12 MR. SAMBRATO: Second.

13 THE CHAIRMAN: Seconded by

14 Mr. Sambrato. Motion made and seconded. All

15 in favor signify by saying aye.

16 (Whereupon, all Board members

17 responded Aye.)

18 THE CHAIRMAN: Contrary? So

19 carried.

20 I did have a few points that I wish

21 to note and I am going to second the comment

22 by Mr. Bud, that there are some concerns here

23 that need to be looked at in regard to the

24 short/fall of parking and the sharing of

25 parking.

33

1 Proceedings

2 you're going to get those people crossing over

3 the roadway and parking over in the commercial

4 area creating problems from that standpoint.

5 I believe those are the major points

6 that I have seen at this point in time and

7 which I will stress, are strong areas of

8 concern.

9 If there's no one who has anything

10 further that they wish to add, if not, then I

11 will ask for a motion to close the public

12 hearing.

13 MR. SAMBRATO: I'll make that

14 motion.

15 MR. VARGAS: Second.

16 THE CHAIRMAN: Motion made by Mr.

17 Sambrato. Seconded by Mr. Vargas. All in

18 favor signify by saying aye.

19 (Whereupon, all Board members

20 responded aye.)

21 THE CHAIRMAN: Contrary? So

22 carried.

23 MR. SILVERBERG: Mr. Chairman, just

24 again, for the record, really for the public

25 that's here, that they have until March 16th

Draft

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1 Proceedings

2 to submit any written comments that they may

3 have either to supplement or whatever, the

4 comments that were made tonight.

5 THE CHAIRMAN: Thank you very much,

6 Mr. Silverberg.

7 Even though we have one other item

8 on the agenda, previously the Board had

9 granted approval to the application of Peter

10 Lawless for a minor subdivision. At my

11 request, the attorney for planning and zoning

12 has prepared a final formal resolution which I

13 will ask that we consider as having been read.

14 MR. SILVERBERG: "Planning Board

15 Resolution, Application of Peter Lawless, 17

16 Skyline Drive, Theills, New York, Tax Lots

17 25.08-2.72.1(Lot 12) and 72.2(Lot 11).

18 Whereas, the applicant has submitted

19 a request for approval of a minor subdivision,

20 and.

21 Whereas, the applicant has applied

22 for Sketch and Final Subdivision Approval,

23 and.

24 Whereas, the applicant has obtained

25 required variances from the Zoning Board of

35

1 Proceedings

2 Appeals, and.

3 Whereas, the Planning Board has

4 received public comments and reports from

5 various agencies interested in this

6 application which have jurisdiction over the

7 application, and.

8 Whereas, as lead agency pursuant to

9 SEORA the Planning Board issued a negative

10 declaration.

11 Whereas, this Board held an

12 additional public hearing on the application,

13 and.

14 It is therefore.

15 Resolved, that Sketch and Final

16 Subdivision Approval of this minor subdivision

17 is granted in accordance with subdivision

18 plans, and based upon the modifications and

19 conditions noted below as follows:

20 1. The Plans approved consist of

21 the following drawings:

22

23 1. Response letter dated January

24 22, 2009 prepared by A.R. Celentano Land

25 Surveying, PLLC.

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1 Proceedings

2 2. Subdivision for Lawless, Sheet 1

3 of 3, prepared by Anthony R. Celentano, P.L.S.

4 dated December 14, 2007, last revised January

5 21, 2009.

6 3. Site Plan for Lawless, Sheet 2

7 of 3, prepared by Anthony R. Celentano, P.L.S.

8 dated December 14, 2007, last revised January

9 21, 2009.

10 4. Details for Lawless, Sheet 3 of

11 3, prepared by Anthony R. Celentano, P.L.S.

12 dated December 14, 2007, last revised January

13 21, 2009.

14 5. Drainage Calculations prepared

15 by A.R. Celentano, and dated January 22, 2009.

16 6. Engineer's Estimate for public

17 improvements.

18

19 2. Applicant shall comply with the

20 comments in the report of the Town Consulting

21 Engineer in the memo dated February 10, 2009

22 and all requirements of the resolution of the

23 Zoning Board of Appeals granting variances to

24 the applicant.

25 3. Before the Chairman may sign a

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1 Proceedings

2 final subdivision plat, the applicant must

3 comply with all the requirements in the Town's

4 Subdivision regulations and the applicant must

5 provide the following:

6 A) All other proposed easements and

7 declarations shall be submitted to the Town

8 Attorney for review and approval;

9 B) Applicant shall deposit

10 inspection fees with the Town in an amount to

11 be determined by the Consulting Engineer and

12 Building Inspector.

13 C) Applicant shall post a cash bond

14 with the Town in the amount recommended by the

15 Town's Consulting Engineer and the Planning

16 Board to be fixed by the Town Board, to insure

17 that the plantings approved as part of any

18 landscaping plan are completed and in the

19 event the plantings do not survive for two

20 years after completion of plantings, to

21 replace any plantings which do not survive for

22 two years. In the event the applicant fails

23 to complete the plantings or replace same when

24 it is determined by the Building Inspector to

25 be necessary, then in that event the Town may

LVATT

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1 Proceedings

2 utilize the funds deposited pursuant to this

3 paragraph to plant or replace plantings. At

4 the end of the two year period the Building

5 Inspector shall inspect the premises and if

6 all plantings called for in a landscaping plan

7 are present and in good health, the Town shall

8 release any remaining funds deposited under

9 this paragraph to the applicant, otherwise so

10 much of the deposited funds as are necessary

11 shall be used to purchase and plant

12 landscaping provided for in a landscaping

13 plan;

14 D) Applicant shall comply with all

15 rules, regulations and requirements of the

16 County Drainage Agency, the County Health

17 Department and all other governmental agencies

18 that may have jurisdiction over the proposed

19 development. This approval is conditioned

20 upon applicant receiving all such approvals

21 without material deviation from the approved

22 plans.

23 E) Applicant shall provide payment

24 for money in lieu of parkland in such amount

25 as is required by the Town Code;

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1 Proceedings

2 4. All work shall be in strict

3 compliance with the approved plans. In the

4 event the Town Consulting Engineer and

5 Building Inspector agree that, as a result of

6 conditions in the field, field changes are

7 necessary to complete the work of the

8 subdivision and if in the opinion of the Town

9 Consulting Engineer and Building Inspector

10 such field changes are minor and do not have

11 any material impact on the overall design of

12 the subdivision and public improvements,

13 including but not limited to roads, sewers and

14 drainage, then the Town Consulting Engineer

15 and Building Inspector may, upon the filing of

16 amended plans which reflect such changes,

17 allows such changes. In all other

18 circumstances any deviation from or change in

19 the approved plans shall require application

20 to this Board for amendment of this approval.

21 5. Prior to issuance of the first

22 building permit applicant shall be required to

23 submit an application and obtain approval of

24 the shade tree commission and Board of

25 Architectural Review.

40

1 Proceedings

2 6. No work may be commenced on any

3 portion of the site without first contacting

4 the building inspector, consulting engineer

5 and other appropriate Town Officials to ensure

6 that all permits and approvals have been

7 obtained and to establish an inspection

8 schedule. Failure to comply with this

9 provision shall result in the immediate

10 revocation of all permits issued the Town

11 along with the requirement to reapply

12 (including the payment of application fees)

13 for all such permits, the removal of all work

14 performed and restoration to its original

15 condition of any portion of the site disturbed

16 and such other and additional civil and

17 criminal penalties as the courts may impose.

18 7. No portion of this approval

19 shall take effect until (a) all conditions are

20 met, (b) the approved subdivision plan is

21 signed by the chair of the Planning Board and

22 (c) the subdivision plat signed by the chair

23 of the Planning Board has been filed with the

24 Building Department.

25 8. Before the Chairman may sign the

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1 Proceedings

2 subdivision plat the Applicant shall submit

3 final plans complying with all requirements

4 and conditions of this resolution, which plans

5 shall be accompanied by a check list summary

6 indicating the manner of compliance with all

7 requirements of this resolution, along with a

8 final mylar containing all signatures required

9 except the signature of the Chair of the

10 Planning Board. The failure to submit a final

11 mylar with six months of the date of this

12 resolution shall require the applicant to file

13 for an extension of this subdivision approval

14 and demonstrate that there has been no

15 significant change of circumstances since the

16 date of this resolution.

17 9. No building permit shall be

18 issued unless the building permit application

19 is accompanied by proof that any covenants

20 and/or easements required by this approval

21 have been duly filed in the County Clerk's

22 office and any offer of dedication required by

23 this approval has been submitted to the Town

24 Board and approved as to format by the Town

25 Attorney.

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10. This resolution shall be of no force or effect unless and until there is full compliance with all of its requirements.

Signed Michael J. Gurski, Chairman of the Planning Board.

THE CHAIRMAN: If there is no further questions in regard to this, then I will ask for a motion for its approval.

MR. VARGAS: I move that, Mr. Chairman.

MR. SAMBRATO: Second.

THE CHAIRMAN: Seconded by Mr. Sambrato. All in favor signify by saying aye.

(Whereupon, all Board members responded aye.)

THE CHAIRMAN: Contrary? So carried.

MR. VARGAS: Mr. Chairman, I make a motion to adjourn.

MR. SAMBRATO: Second.

THE CHAIRMAN: Motion made by Mr. Vargas. Seconded by Mr. Sambrato. All in favor signify by saying aye.

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(Whereupon, all Board members responded aye.)

THE CHAIRMAN: Contrary? So carried.

Thank you very much.

\* \* \* \*

Certified to be a true and accurate transcript of the stenographic minutes.

Debbie Kline,  
Court Reporter.