

The **Minutes** of the **Special Meeting** held on September 30, 2009 by the Mayor and the Board of Trustees.

PLEDGE OF ALLEGIANCE

ROLL CALL Trustee Batista – Absent
 Trustee Bueno – Present
 Trustee Dominguez – Present
 Trustee Watson – Present
 Mayor Kohut – Present

Mayor Kohut: We have a special meeting this evening of the Haverstraw Village Board to discuss and vote on the proposed Murphy Manor affordable housing project. Murphy Manor was originally proposed for the corner of Samsondale and Picariello. It is a 26 unit affordable housing project. 25 units are two bedrooms and one unit is a studio apartment. It is proposed with four floors and 59 parking spaces available on site. The original site, as I said, was Samsondale and Picariello. The applicant withdrew the application before the board voted on that. They have since made an agreement with the property owner at 45 - 53 Route 9W, formerly known as the Olori Property to re-site the project there. It is now before the board for a decision. We had a public hearing on September 14th at which time we heard from the public with various concerns that they have. This application has also been before the Planning Board for a referral back on September 9th. It has also been before the Architectural Review Board, which approved it on August 27th. In discussion with the board, we have asked the Village Attorney to prepare the following resolution, which I will read portions of but which will be entered in whole into the minutes of the meeting. Then we will go to a vote.

RESOLUTION GRANTING RESIDENTIAL INCLUSIONARY ZONE DESIGNATION WITH VARIANCES AND CONDITIONS WITH RESPECT TO THE APPLICATION OF ROCKLAND HOUSING ACTION COALITION, INC., ON THE PROPERTY AT 45 AND 53 ROUTE 9W, KNOWN AS THE “OLORI” PROPERTIES IN THE VILLAGE OF HAVERSTRAW, N.Y.

WHEREAS, the applicant has made an application to the Village Board for Residential Inclusionary Zone designation including Variances for affordable housing to be known as Murphy Manor Apartments consisting of 26 rental units in a four story wood frame building located at 45 and 53 Route 9W, tax lot Section 27.61 Block 1, lot 29 and Section 27.17 Block 1, lot 2. The entire development is set forth on a concept plan entitled Murphy Manor (hereinafter referred to as “The Development”) prepared by Ginsburg development Corp., dated September 9, 2009 as revised; and

WHEREAS, The Village Board determined that the proposed development constituted an unlisted action under the New York State Environmental review act (“SEQRA”) after circulating its intention to be lead agency and has undertaken all appropriate review and analysis of the Development as such ; and

WHEREAS, The Development application and all documentation in support of the application was distributed to and reviewed by the involved Village, Town and County Agencies and also reviewed by the Villages Technical Advisory Committee (“TAC”) made up of Village’s engineer, planner and attorney as required by the Ordinance; and

WHEREAS, the Village Board referred the application to the Village’s Planning Board for their required review and the holding of the public hearing for the purpose of making recommendations to the Village Board concerning the application including their suggestions, observations and recommended conditions; and

WHEREAS, the Planning Board opened a duly noticed public hearing on August 19, 2009, during which public hearing, members of the public, the applicant and the Village consultants were heard by the Planning Board and their comments duly taken into consideration, regarding the application for Residential Inclusionary Zone designation and at the conclusion of that hearing the Board passed a resolution recommending approval to the Village Board subject to a number of suggested conditions; and

WHEREAS, the Village Board, after receipt of the recommendation concerning the application from the Planning Board, opened a duly noticed public hearing on September 14, 2009 regarding RIZ designation for the development; and

WHEREAS, said public hearing was conducted on September 14, 2009 during which members of the public, the applicant and the Village consultants were heard by the Village Board and their comments duly taken into consideration; and

WHEREAS, the Village Board duly considered the request, comments and recommendation of the public, the Rockland County Planning Department, a traffic impact analysis prepared by John Collins Engineers, LLC dated September 4, 2009; and

WHEREAS, on August 27, 2009, the applicant received approval from the Village of Haverstraw Architectural Review Board for the development as per the submitted plans and drawings of the applicant’s architect, Magnusson Architecture and Planning, P.C. dated May 28, 2009; and

WHEREAS, the Board has determined, in its discretion, after considering the full record and the input received from residents living in the immediate vicinity of the proposed development and residents from other parts of the Village; the Village’s consultants, (planner, engineer and attorney), the professional traffic consultant retained by the applicant and all the information presented to the Board, that the application meets the basic requirements of the Residential Inclusionary Zone and is balanced by an acceptable impact on the surrounding neighborhood and community; and

WHEREAS, in reaching its determination the Village Board carefully considered the following criteria and specific issues involving the RIZ application at the particular site:

1. The Board determined that the application meets all RIZ site standards, except for those variances requested which have been found to be required by the specifics of the particular OLORI site and that those variances can be granted without doing harm to the surrounding neighborhood.
2. The site density on the OLORI site of 26 units is offset by the 6 acre size of the entire development property and the site's distance and elevation from most residential properties in the area.
3. The Board carefully considered the traffic study in determining that the additional cars associated with the 26 OLORI units will not have a significant impact upon existing traffic conditions and ingress and egress will be made acceptable by the 2 traffic lights, an existing light at 9W and New Main Street to the north and the light to be installed at the 9W and the Short Clove bridge overpass to the south.
4. Given the financial resources of the prospective tenants of the development, with household incomes ranging from \$24,120.00 to \$51,000.00 per year, there is a reasonable expectation that a parking requirement of two spaces per unit, plus 7 additional spaces, will be adequate (including visitors), providing each unit is permitted up to but no more than two parking spaces per unit and stickers for each tenant's vehicles will be required.
5. While size variances have been requested for several of the two bedroom apartments, all units meet New York State and Federal size requirements and the size variances are not large.
6. The applicant has met the following RIZ criteria:
 - A. A local need for this particular affordable housing has been demonstrated.
 - B. The applicant has demonstrated the financial viability of the development outlining the public and private financing.
 - C. The applicant has proposed an affordability plan for a targeted population, which meets RIZ requirements.
 - D. A timeline has been established with construction starting almost immediately.
 - E. The mitigation of all significant impacts have been evaluated and considered.
 - F. Concerning the location, the Board has identified the site as a low point as compared to the surrounding residential properties which offsets a portion of the building being four stories; and
 - G. The set back of the building from Route 9W is justified by the slope of the property and the need to preserve as

many trees as possible to screen the project from neighboring houses; and

WHEREAS, the Village Board has specifically considered the following “RIZ” considerations as applied to this particular development;

1. The benefit the proposed Inclusionary housing will bring to the Village and whether there is a need for additional inclusionary housing. The Board has determined that this particular housing will benefit the Village of Haverstraw and that there is a need for this type of additional inclusionary housing.

2. The extent of impact and change to the character of the neighborhood. The Board has determined that under all the facts and circumstances of this application and the location of this site at the edge of the neighborhood that there will not be any significant negative impacts or changes to the character of the neighborhood. The Board took into consideration that “RIZ” affordable housing as proposed is preferable to the previously withdrawn application site of SERVCO and FRED’S AUTOMOTIVE which had much greater density, had offsite parking and had a greater impact on the surrounding neighborhood.

3. Whether there are available other, more viable location or methods to achieve inclusionary housing. The Board has determined that this location is presently the most viable location and method to achieve inclusionary affordable housing.

4. The Board, in establishing the conditions contained in this resolution, has determined that it has mitigated the adverse and physical environmental impact on the surrounding neighborhood and community to the best extent possible; and

WHEREAS, it appears that the best interest of the Village of Haverstraw will be served if the application of Rockland Housing Action Coalition, Inc. for the requested affordable housing development is approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE BOARD OF THE VILLAGE OF HAVERSTRAW AS FOLLOWS;

The application for RIZ designation including all required variances as more particularly set forth on the concept plan prepared by Ginsburg Development Corp., last revised September 9, 2009, the architectural plans prepared by Magnusson Architectural, Planning P.C. dated May 28, 2009 and all other documentation submitted by the applicant, be and hereby is approved, upon payment of any and all outstanding fees and expressly after compliance with and subject to the following conditions:

1. The applicant shall provide 59 parking spaces for the requested 26 apartments, 52 permanent spaces and 7 additional spaces near the building located on grass- crete. Each residential unit to be restricted to two spaces with parking stickers to be issued.

2. A new fence and landscape screening shall be installed along the north boundary of the property, with the Planning Board during site planning to determine whether any additional screening or fencing is needed.

3. As many existing trees as possible, as determined by the Planning Board, shall remain to shield the adjoining neighbors. All dead trees in the development portion of the property shall be removed for safety purposes.
4. There shall be a restriction that no further development will take place on the remainder of the 6+ acre site, except for expanded parking if needed.
5. In the event, in the future, the Village building inspector determines there exists a parking problem at the site, the applicant shall be called back to the Village Board and new parking, as necessary, shall be provided by the applicant.
6. The Planning Board shall consider a turning lane and a bus stop at the property.
7. After construction, the operator of the apartment complex shall hire one of the tenants as its on premises agent to assist with the supervision of the building and to facilitate the proper delivery of services to all tenants.
8. Applicant to make payment of all required fees to the Village and its consultants and special counsel and the submission and approval of any legal documents and the site plan with such additions that may be required after review and approval by the Village's Planning Board and duly filed in the office of the Clerk of the Village of Haverstraw.
9. The applicant shall comply with all pertinent and applicable conditions set forth in the letters of the Rockland County Department of Planning and shall obtain any and all necessary permits.

Mayor Kohut: Would someone like to make the motion to accept this resolution?

Introduced by: Trustee Bueno
 Seconded by: Trustee Watson

RESOLUTION # 227 - 2009

A roll call vote to grant the application as presented by Rockland Housing Action Coalition, Inc. was recorded as follows:

Mayor Michael Kohut	Yes
Trustee Francisco Batista	Absent
Trustee Rafael Bueno	Yes
Trustee Emily Dominguez	Yes
Trustee Thomas Watson Jr	Yes

There being four votes in favor of the motion to approve, there being zero votes against the motion, the Mayor declared the motion carried and the Resolution adopted.

Mayor Kohut: As you see, this application for affordable housing at the Olori Site has been approved by this board. Ms. Dominguez has had the opportunity to review the minutes, as well as the clerk's notes on it. She has spoken to the board members who were present before she made her decision. Speaking for myself, I would say that we have been thinking about reconstructing affordable housing in this village for many years. We spent the better part of 1 ½ or 2 years creating this Residential Inclusionary Zone. This is the first application of that zone in the village. We do a balancing act every time we vote as to what's in the general best interest of the village and particular owners, tenants or any people within the village anytime we take a vote. I think we all did our homework with this. We worked with the developers. I am trying to make this as successful a project as it can be. I, for one, have complete confidence that Rockland Housing Action Coalition will be a good landlord of the property and work to make sure that the tenants are happy. Also, that the neighborhood in the rear and around this area will be happy with this project as well.

Trustee Dominguez: I did get the opportunity, and I want to thank the Village Clerk for getting me the notes, so I can review the minutes. I had spoken to all members of the board prior to making my decision.

Mayor Kohut: Mr. Hood, do you have anything legal that has to be done with this?

Village Attorney: No, there was a site plan done. At the Planning Board, other conditions may be imposed during that process. I have nothing further to add to that.

Mayor Kohut: The applicant is scheduled to be on tomorrow's Planning Board agenda. They will again listen to any concerns that people may have. It will be at 7:30 pm in this room. They will be going informally for the site plan tomorrow.

Mayor Kohut: If there is no other business before the board tonight, then I will take a motion to adjourn.

RESOLUTION # 229-2009

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion carried: All

Mayor Kohut: Thank you all for coming.

Respectfully submitted,

Sandra Castro
Clerk/Typist