

Village Board Meeting
Monday, January 3, 2011

A regular Village Board meeting was held on the above date at 7:30 p.m. with the following members present:

PRESENT: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee John Meehan, Trustee Jo Meegan-Corrigan

ALSO PRESENT: Virginia Menschner, Village Clerk
Terry Rice, Village Attorney

ABSENT: None

The Mayor said that before we start there are two presentations that he is going to make. The first one is that this is the second year we have done this to recognize the best decorated in terms of holiday lights here in the Village and on behalf of the Village Board he would like to thank Chuck Barone who came up with this idea last year and scouted out the houses and has done the same again this year. The winner is the Piarulli Family for the best decorated house of 2010.

The Mayor said it is only fitting that we recognize the best decorated awards and also tonight we are giving out, which we do on a seasonal basis for about a year now, the Haggerty Service Award which recognizes an individual or individuals in the Village who are committed to our community whether they work for the Village or are a volunteer for the Village. And the person that we are recognizing for the award, for the Fall 2010, is Mr. Chuck Barone. The Mayor said that Chuck has really done so much for the Village doing the award for the best decorated house, also the best flowers which he does in the Spring. In addition, he serves on our recycling committee, is a new member to the zoning board, and also started what hopefully will be an annual antique car show which brought in a lot of people to the Village on Suffern Day and that was a lot of work to put together and we appreciate everything that Chuck is willing to do to contribute to our community and make it a better place. The Mayor said on behalf of the Village Board, he would like to present him with this plaque and his name will go on the permanent plaque which is out in the hall and he doesn't have it with him tonight but we also have a gift certificate for a local restaurant. The Mayor said he knows they always go to the restaurants in Suffern so this time it will be free on us.

The Mayor said he would just like to point out. He doesn't know if anybody is here. He said that on the agenda we have a public hearing scheduled for 8:10 p.m. for a special permit to use a home office. That is being postponed until next month. In terms of dealing with people who represent the residents of that community, notice was kind of given with very short notice so based on that we decided to

postpone the hearing for one month. So if anyone is here for that the Mayor just wanted to inform them.

Set Dates for February Meetings:

The Mayor said the workshop will be Wednesday, February 2 at 7:00 p.m. and the Board meeting will be the following Monday, February 7 at 7:30 p.m.

FIRE DEPARTMENT:

A) New Member - Thomas Jackson - Volunteer Hose Company No. 1:

Chief Dan McInerney said that he had one item that needs action and that is to put Thomas Jackson, an individual joining the Hose Company, on the insurance rolls. A motion approving the request was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

Chief McInerney said to bring the Board up to date, the new 100 foot Seagrave Ladder truck will be delivered to the Village of January 14, a week from this coming Friday, and he will let them know the time to come over. He said they would like to invite the Village Board.

The Mayor said we are a little early on the first public hearing so he will skip to Gail.

CULTURE AND RECREATION:

Gail Curtin said that the first item that she would like to mention, if the Mayor would allow her, is to expand a little bit about what Mr. Barone has done for the Village. She said that she would like to report this year on the success this year of the Santa letter writing event. As you know, we expanded it and the Mayor was totally involved with us. She said maybe the Mayor would like to talk about it and then she will give the final figures. And that is the Santa program with Macy's and Make-A-Wish and as you know, Mr. Barone was very, very helpful with that. The Mayor said that we had been informed by our judge, Richie Ackerson, who actually his wife brought it to his attention and then brought it to Gail and his attention. There is a program - we normally collect letters to Santa during the course of the holiday season since we have a holiday tree lighting and meet Santa at the community center so children often come and bring letters. We were informed that Make-A-Wish had a fund raiser sponsored by Macy's where any letter that is brought to Macy's to Santa, Macy's will donate \$1.00 to Make-A-Wish. And in addition, on a particular day, and he believes it was December 10, if you brought the letters to Macy's, they would give \$2.00. So we gathered a number of letters and Mr. Barone brought us close to 100 letters and we were able to bring those letters over. The Mayor said he believes we had close to 300 on the 10th and then we had additional letters which Gail will expand upon. Mrs. Curtin said that is correct. And she thinks those letters came up from the Bronx and we thank him very much for those letters. Those letters and the

ones that we collected here at Village Hall gave us the opportunity on the day when \$2.00 was given to Make-A-Wish to have \$578 donated. In addition, we continued to accept letters here at Village Hall right up until the close of business before the holiday. So in total the Village of Suffern contributed \$624 to that event.

Mrs. Curtin said that Sunday, December 12, the Mahwah Elks Lodge sponsored their Hoop Shoot at the community center and the week of December 20, as has been done in the past, the community center was reserved exclusively for Chief Osborn and the DARE toy program. Also, since the last Board meeting, as a member of the Village of Suffern Community Foundation, as well as Virginia and Mr. Meehan and Mr. Simon, she would like to report to them that this year they gave away four computers to children who were in homes who have no computers. And this year, through the efforts of our grant writer, they were able to have new computers rather than refurbished computers. So those four students came in right before the holiday and left here with brand new computers.

Upcoming, the Fire Department will be at the center again for their basketball program on Tuesday, January 4, which is tomorrow. She would like to mention to the Board that they will be celebrating the one year anniversary of the Senior Stay Fit program and if you are free and you would like to join them this Thursday morning at 11:00 a.m. at the community center, they are going to celebrate that one year anniversary. LEAD will be held this Friday night in the community center from 8:00 to 11:00 p.m. As a reminder, AARP will be using the LPL building once again for tax service. Training is on Saturdays in January. And then the service is actually available to residents on Tuesdays, February, March and April. And that is through April 12. Again, the Fire Department basketball Tuesday, January 18. And senior movie afternoon on January 27.

Mrs. Curtin said her final two items were mentioned to the Board at the workshop. One was the Village of Suffern is being nominated for the designation of Supporter of the Arts in connection with the Village of Suffern Clifford Theater Workshop and that is through the 2011 Rockland County Executive Arts Award. So she will let them know how we do with that. And finally, going back to the Senior Stay Fit program, she said they had discussions at a department head meeting and then the Board and she discussed it at the workshop and sometime this month we will be giving a letter from the Mayor to the Clerk's office with a request that all employees be given this letter with an invitation to begin using the Stay Fit equipment program.

The Mayor said that what he is going to do now, since we have a bunch of public hearings, he will start audience participation now. So if anyone wants to come up and discuss something. What he would say is that if you are here for a particular public hearing, you will get the opportunity during that public hearing to make comments as well. So if it is an item that is not on for one of the public hearings, and you would like to come up and say something, please step up to the microphone and state your name and address the Village Board.

Adam DeStefano of 19 Prairie Avenue said that he had a couple of concerns with the Orange Avenue project right now. His first concern is what is going to happen with the project now that the ARC train is canceled, which was a main reason for us to pursue the project. The Mayor said he doesn't know if that was the case. He said he thinks obviously it was something which made the project of anything in this Village more appealing. But we shouldn't sell this Village short. And the developer that was interested in pursuing the project is still very much interested in building condos in the Village. So it has no impact on that.

Mr. DeStefano said another concern he has is still with, especially in these hard economic times, using taxpayer dollars at the moment to buy property such as the bond that we are trying to seek today for \$385,000 for the Parking Authority, which when the Orange Avenue project does go through, the developer is going to purchase it from us, he believes. The Mayor said yes, but again it is a great opportunity, like the property on 120 Orange Avenue that the Village owns. What happens is we purchase the property and then we enter a lease agreement with the Parking Authority whereby the Parking Authority will lease out those spots and get revenue and then they will pay the Village for the cost of the land. So it essentially is like they are paying our carrying costs for the property. So it is neutral in terms of the Village because we are getting spots and they are getting revenue and they are paying us for the land. So he thinks it is a great opportunity. While ultimately we want to, yes, own the property and potentially transfer it to the developer to build condominiums on what is probably the most blighted area in this entire Village, if it doesn't happen, we are getting land that ultimately the Village will take title to and that the Parking Authority is paying for by getting permit revenue. So he thinks it is great. And then again that touches upon another thing that Mr. DeStefano mentioned with the attorneys in terms of no taxpayer dollars. The Mayor said he doesn't know if Mr. DeStefano was in school away during that point but it was made clear during the meeting that when we engaged those attorneys, the law firm who are experts in transit-oriented development throughout New York State. They have a former governor on staff. It is a really impressive law firm. They are not charging the Village. They have deferred any fees and will only be paid if and when we get a developer. So there is no cost to that. So as of now it is not really costing the taxpayers anything. He said he thinks it is a great situation and we are excited about it. And he thinks it is the greatest time right now to pursue it. What is our choice? Blight, leave the blight. We just lost one of the best restaurants in the Village. We really have to take a stake in our future and he thinks that building 100 units in the downtown, near the train station, is our greatest shot to bring people into the Village.

Mr. DeStefano said he agrees. The blight has to be dealt with. He is just concerned with using taxpayer dollars just in case the developer, like Mr. Kohl, something happens to his business where he has to back off, and now the taxpayers are stuck with the burden. That is just his only concern with the project. Like with bonding the land for the Parking Authority. That is the only concern he

really has. The Mayor said that he said to him that we are paying but we are getting revenue. Even if that project doesn't happen, there is still revenue being brought in by the Parking Authority because those spots on the corner of Chestnut and Lafayette are going to be spots that people are going to want because it is right near the train station. So we are leasing out those spots - the Parking Authority is - and getting revenue and then they are paying us for the right to use that land. So it is like having rental property and somebody else is paying your mortgage. So he thinks it is a great thing for the Village. Someone else is paying for property that we ultimately own. Mr. DeStefano said that he does hope that the project does go through still. Even though he is a little more opposed to it because the ARC train is canceled, he does agree that that blight has to be dealt with. Just as he said, his concern is because he knows combined with the ARC project, without a shadow of a doubt, it would have made the project ten times what it could be now with it gone. So he wishes the Village the best of luck on it.

Beth Barone of 5 Mansfield Place said she wanted to thank the Village for taking care of the graffiti and OTB as well for taking care of the graffiti that was on the side of the building. It looks much better. She also wanted to mention this evening that we have had a lot of new businesses moving into town the last few months and that is great. The one challenge that she is noticing is that many of the businesses are not changing the signage that is on their buildings. And part of that may be due to the refacing of the buildings that is in play right now with our grant writing. But she wanted to ensure that as a Village we can work to encourage new businesses to put up signage on the building so we don't have businesses that don't match the signage in town.

Jim Giannettino of 2 Memorial Drive said he had a couple of questions on some of the expenditures. He said he sees that we are replacing or proposing to replace a body on a vehicle that has a severely corroded bottom, the sides, the leaf blower. Is it the truck bottom that is corroded or the whole thing is corroded. The Mayor said it is where they do, if he is correct, where they place all the leaves and everything in there. As wet stuff has gone in there, it has corroded it. Mr. Sawicki said they use this to clean out catch basins and leaves. Mr. Giannettino asked if it was the yellow vehicle. Mr. Sawicki said no, it is orange.

Mr. Giannettino said the other thing he is questioning. He said he doesn't have a problem with spending money on training people but he sees that we are training an awful lot of people in the Wastewater Treatment Plant for about two grand. Who is doing this now? The Mayor said that right now we have two consulting operators and unfortunately one of our full-time operators is ill and probably won't be coming back. So ultimately we are going to need and we are in a position where if we could not have consultants and have full-time employees as operators, it makes the most sense. So two employees want to get the training. Obviously we know that we have two positions at a minimum because again we are using one consultant and unfortunately we want this person to get better and that is the

most important thing. Mr. Giannettino asked if we had anybody on staff who has any of this training? The Mayor said operators. Mr. Giannettino said he knows we had someone go for training a couple of years back. The Mayor said yes, they are an operator and that person became an operator and that person is unfortunately sick. They are a 2A operator. Mr. Giannettino said no, there was another person besides the ill person who went for the training. The Mayor said no, they ultimately did not go. And as you know we have a consultant and another one who is working contractually so it would be very cost-effective to be able to get these two people licensed.

Mr. Giannettino said explain this one to him. Something about going to a brake technology course that should be one of our auto mechanics or truck mechanics. The Mayor said correct. Mr. Giannettino said and they don't have the ability to take care of brakes? The Mayor said ABS brakes. He said as you know, we have air brakes on a lot of the trucks. They can work on that but many of the more modern vehicles - all the police cars are ABS, and we have one mechanic, Mr. Hunt, who can work on those. So it would be great if we can get a second mechanic to do that - our second mechanic. Because it saves us money to have a person be able to do that. Mr. Giannettino asked if we could think of doing in-house training? The Mayor said his understanding is they need to be certified. Mr. Giannettino said then they have to take a test, correct? The Mayor said yes. Mr. Giannettino said couldn't we in-house train and then take the test? The Mayor said he doesn't know how that works. He doesn't know if you have to be an instructor. His understanding is you take the course to be certified and take the test. Mr. Giannettino said it is just something to look into. If it can be done that way it is \$800. Mr. Sawicki said his understanding is that you do need to take a test. You do need to be certified and you do need a certified trainer. Mr. Giannettino asked if that person that is doing it now is certified? Joe Hunt. Mr. Sawicki said as far as he knows he isn't. That is something that you specifically have to take a class for.

Mr. Giannettino said there might be a good answer for this. Requesting authorization to fund the cost of Hepatitis B vaccines for various employees. Mr. Giannettino said we are paying for their health insurance. Can't they get it through their health insurance? The Mayor said it is not covered. Mr. Giannettino said even though it is something that they need because of their type of work? The Mayor said no, it is not covered. Trustee Abato said we tried everything. The Mayor said it is just something especially in the wastewater treatment facility and stuff. We want to make sure that these people are healthy. Mr. Giannettino said that is fine. If it is not covered, it is not covered. He is just looking at the amount of money that we are looking to borrow and spend. Some of it is up to \$792,000. Then you have your revenue anticipation note for \$1,300,000. He said that all he is going to say and he is going to quote. And he will tell you who this quote is after he reads it. "Families and business owners in every corner of the state have learned to do more with less in order to live within their means. And government must do the same." This was a quote by your newly sworn in governor, Andrew Cuomo. He said he thinks we should all

take some heed to that.

Jack Rosenberg of 13 Somerset Drive said that the Mayor mentioned that there was something on the agenda about the \$385,000 bond issue. He asked for permission to speak on that at that time rather than to speak here because he has a number of subjects to speak to them about. He would rather not speak to them about that. The Mayor said he could speak now. Mr. Rosenberg said okay. He said first, he would like to ask a question of the Treasurer. The Mayor said he could ask the question. Mr. Rosenberg said the third payment by the Parking Authority on 120 Orange Avenue, the third out of thirty, was due in the early part of December and he was informed that they had not made the payment but they had made a promise to make the payment of approximately \$25,000 by the end of the year. He asked if they knew whether or not they made that payment. The Mayor said yes. Mr. Rosenberg said that means the Village has received approximately \$75,000 over three years. At the same time, the Village has already paid out \$160,000 and in March they are going to pay \$100,000 and next March they may pay \$160,000 or \$150,000 to complete the purchase on a \$375,000 bond issue which purchased 120 Orange Avenue. For the information of the audience and the Board the payments that the Parking Authority will pay are no where near \$375,000 or \$400,000. It will be \$610,000 for 19 parking spaces. Parking Authorities, by State law, cannot make a profit. How are they making payments over and above their ordinary, every day expenses on a business which was calibrated at approximately \$250,000 a year. And if you go ahead and buy at \$385,000 on the same terms and conditions at 120, this is for 130, you will be paying - the other one was \$375,000 - this is going to be \$385,000. So you can figure another \$600,000 that the Parking Authority will have to make, which will mean that they will be making payments of \$50,000 a year for thirty years. Where are they supposed to make this money from on a small operation. They are not allowed to make a profit. But that has something to do with the overall subject of this project. The Mayor announced at a social gathering, the Chamber of Commerce thing, that instead of seven lots being utilized for the 100 unit complex which apparently now is going to be a condominium rather than a rental, you announced that instead of 7 lots it's going to be 6 lots. Well, the 7th lot has a measurement of width of 62 minimum feet. It probably is more than 62 but he wants to limit to 62 so he doesn't make a mistake. Mr. Rosenberg said that 62 feet will effectively eliminate parking spaces. 19 feet of roadway which is manifestly mandatory will be eliminated. That's another 24 feet. That gives you 42 feet. Well, if it is 62 feet - 43 feet, he begs their pardon - if it is 62 feet that is going to be eliminated, you are going to take part of the building. 19 feet. How can you possibly build the 100 units on a building which was calibrated to be built on 7 lots and then build the same building on 6 lots. You made certain positive statements about Kohl going ahead with the project in the spring. The Mayor said just so you know it will probably be less than 100 units. He is just using that number as a round. Mr. Rosenberg said in other words, he is going to have to draw the entire diagram. Correct? The Mayor said correct. Mr. Rosenberg asked how can he possibly start to do anything in April when it's January when he hasn't even drawn up the measurements and every thing and

the number of units, etc., etc. The Mayor said how do you know? He said we are proceeding. Do you not want it to happen? What is the question. Mr. Rosenberg said oh no, no, no, no. The Mayor asked what is the question. Mr. Rosenberg said don't say that I don't want. He can speak for himself. The Mayor said what is the question. Mr. Rosenberg said he is just pointing out facts and information which should guide the Board in their things. It's only ridiculous for the Parking Authority to pay for a property which is going to be turned over. It is in the center of - you have a u-shaped building and this 130 is the center. You can't possibly build unless - why isn't the developer buying all the properties. He is supposed to buy the properties. You abandoned condemnation under a theory that everything could be bought on an open basis. He can buy the properties from the owner, which is wonderful. It should never have been condemnation but the thing is that it is no where near anything to be done and talking about it as if it is coming in three months is utterly and completely ridiculous. The Mayor said we are moving forward. We are buying a piece of property. He thanked Mr. Rosenberg for his comments.

Scott Shedler of 4 Sylvan Way said he was actually here for another public hearing but he heard the Parking Authority mentioned and he happens to volunteer as the chairman of the Parking Authority so he just wanted to straighten out some of the facts. First of all, the Parking Authority does operate the other lot. The lot that the Village is anticipating purchasing they are going to sell permits there. Monthly permits there or annual permits there at a fee of around \$300 a space. They are not entering into a \$20,000 or \$30,000 agreement as the previous speaker indicated. They had spoke to the Mayor. The Parking Authority has not agreed to any terms or conditions at this point other than that they would be willing to sell permits - monthly permits to Village residents for that lot. That is the only thing that they have spoke to the Village officials about. So as the previous speaker had indicated some type of long-term agreement, no such agreement exists at this time. He said he just wanted to set the record straight as that is not an accurate fact.

7:45 P.M. - PUBLIC HEARING - TUAN SAAM JAMALDEEN - TAXI COMPANY AND TAXI DRIVER LICENSE:

The Mayor said our first public hearing of the night is for a taxi company and taxi driver license. Attorney Rice said that under the provisions of the Village Code, anyone that wants to operate a taxi cab company requires an investigation by the Police Department as well as a public hearing before the Board of Trustees. By letter dated November 1, 2010, Detective Sheehan, who handles the taxi licenses in the Police Department, related that based on the findings of his investigation, he recommends that the applicant be granted a taxi driver's license and a taxi company license in the Village.

The Mayor said if anyone would like to come up and comment on this application, please do.

Deborah Tapp - Deborah's Taxi - said she really doesn't know this gentleman as far as his opening a taxi company. But she does know that Spirit Taxi was previously a taxi in Suffern and lives on Lonergan and works as a taxi with a piece of junk to drive. She does know that there is a gentleman that applied - Vila - that lives over on Bridge Street that withdrew his application when asked for fingerprints. He is also allowed to run around Suffern as a taxi. None of these vehicles are marked. She is the only taxi that has followed the law - the Suffern laws - in how they are supposed to label the vehicle with lettering, number. The only thing she doesn't have is her car number and that is because the snow season hit and they can't make her lettering. But she can see that we are approving another taxi when every taxi in Haverstraw, Spring Valley, Monroe, Paterson - it doesn't matter where they are from - Ridgewood and previously Mahwah - are allowed to work Suffern. There is no reason for her to get up in the morning and work in Suffern. There was no reason for her to pay the fees to Suffern to be a Suffern Taxi. She said she likes working where she lives. She likes being part of the community. She likes that she walked into this building and more than a half dozen people said hello and recognized her. She liked that. She likes that when she walks out the door to drive those people she knows who she is driving. She is a woman working a man's business. But now they are going to approve another taxi. That's nice. And it is nice to know that maybe he'll work the nights because she is not doing them anymore. It is not safe. But every other taxi in the world can be here. She said she has three cars that drive by her house every day - two of them are the ones that she mentioned. Why doesn't anyone stop them? Why aren't these rules being followed. He is going to be given permission - he is going to be a licensed Suffern Taxi and she can tell him right now, after 15 years because she was previously, it is not worth anything. The Mayor said he would say that if she sees somebody who is operating illegally that you make a complaint to the Police Department. He said that he understands if that is the case and that is her frustration but this person is complying with the law and you are complying with the law and he would hope again that it is disappointing if people aren't but he thinks that we all try to be law-abiding citizens and if those are people who aren't operating - he said he knows that we once had a situation where we did have somebody who was operating illegally and we dealt with it. If you have that, please inform the Police and we will do what we can to address the situation. The Mayor said not just a matter of commercially - not just for the license - but as a matter of safety. Obviously there is a process here. It is not just because of the business aspect of it but we want to make sure that people in the Village, if they get into a car, that we have gone through some sort of system to ensure that it is safe. So please - you recognize them more than we do being in the business. It is probably something you are tuned to but please inform - Ms. Tapp said her information has been reported many, many times. There are more important things to worry about. Chief Osborn said that he reads every report every report coming through the Police Department and this past year we had over 6600 reports downstairs in one year and he has never seen a complaint from her about taxis from her. The Chief said he understands her point but he has never seen a report, to be quite

honest with her. So if she wants to make a report, then follow the procedure and we will investigate it. The Chief said there is no way he is going to know that a van driving down the street is an illegal taxi unless they are picking somebody up right in front of them. The Chief said they could be driving through without stopping.

Michael Curley of 84 Orange Avenue said it is tough getting a taxi late at night. Like the young lady said, she doesn't like to work at night. So we do need more taxis and competition is good in America so you should allow it. Mr. Curley said if he is not mistaken, there are taxi services, and he doesn't know if she is included, who have contracts with other people or do certain things with Mahwah and different municipalities over there. Not the town so much but schools and things. So we need people as they get off the train or off the bus or anything. So another taxi, as long as he is going legal or doing it legal, he thinks it should be approved.

The Mayor thanked him and asked if there was any other public comment. Since no one else spoke, a motion to close the public hearing was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

A motion approving the application was made by Trustee Abato, seconded by Trustee Meehan. Upon vote, the motion was carried.

8:00 P.M. - PUBLIC HEARING - LIVE ENTERTAINMENT - VILLAGE LEPRECHAUN INC. (IRELAND'S):

Attorney Rice said that under the zoning law, live entertainment is a special permit granted by the Board of Trustees. Ireland's, under the name of Village Leprechaun, is seeking a live entertainment permit to have live music, D.J., and karaoke on St. Patrick's Day and weekends from 5:00 p.m. until 2:00 a.m. The Village Board has essentially adopted a rule on all its applications that on the weekend music is not allowed to go beyond 1:00 a.m. So he doesn't think the Board would consider anything past 1:00 a.m. In addition, the provisions that the Board of Trustees always incorporates in the live entertainment permits are that the sound limit not exceed 90 decibels at the property line and that the Board reserves the right first to suspend it without notice if there are any disturbances or violations of the permit and that following a hearing it can be revoked.

Pat Withers said he appreciates it in light of the economy and things are going on. They have been in business in the Village for 20 years and they are just trying to make things happen so they can stay in this Village and an entertainment permit would be permissible right now. And he would appreciate it so that they may continue to do business in this Village.

A motion to close the public hearing was made by Trustee Meehan, seconded by Trustee Abato. Upon vote, the motion was carried.

A motion to approve the special permit subject to the conditions set

forth by the Village Attorney for a period of one year and the applicant has to get an application in prior to the end of the year to give the Board sufficient time to renew it at the December meeting, otherwise it would lapse, was made by Trustee Abato, seconded by Trustee Meehan. The Mayor said we should talk about making sure that we get them out at the same time because we are trying to streamline that. Upon vote, the motion was carried.

8:05 P.M. - PUBLIC HEARING - SEWER ORDINANCE:

Attorney Rice said this is simply a revision of a law that the Board previously passed in order to get the lettering and the placement of the various sections in the proper place in the Village Code, this local law rearranges the law that you previously passed. There are no substantive changes to the law itself and this is something that is required by the EPA for our sewer system.

A motion to close the public hearing was made by Trustee Abato, seconded by Trustee Simon.

VILLAGE OF SUFFERN

LOCAL LAW NO. 1 of 2011

A LOCAL LAW AMENDING CHAPTER 220
OF THE CODE OF THE
VILLAGE OF SUFFERN, "SEWERS,"
REGULATING PROHIBITED WASTES

BE IT ENACTED by the Board of Trustees of the Village as follows:

Section 1. Section 220-4 of the Code of the Village of Suffern is hereby amended by adding after the definition of "Cooling Water" the following:

Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter.

Section 2. Section 220-4 of the Code of the Village of Suffern is hereby amended by adding after the definition of "Suspended Solids," the following:

A. "Technical Review Criteria (TRC) violations," defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum

limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);

- B. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent of Public Works determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- C. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent of Public Works need to exercise emergency authority;
- D. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- E. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- F. Failure to report accurately any non-compliance;
- G. Any other violation which the Superintendent of Public Works determines will adversely affect the implementation or operation of the local

pretreatment program.

Section 3. Section 220-18 of the Code of the Village of Suffern is hereby amended to provide as follows:

The discharge of the following wastes into public sewers is prohibited:

- A. Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interactions with other substances, to cause fire or explosion or be injurious in any other way to the treatment works or its operation. This includes, but is not limited to, wastestreams with a closed cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the treatment works, such as but not limited to grease, garbage with particles greater than ½ inch in any dimension, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- C. Any wastewater having a pH less than 6.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the treatment works.
- D. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair. This includes, but is not limited to, pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- E. Any wastewater having a temperature higher than 150° F. (65° C.) or in such quantities as to result in a temperature of the influent to the treatment works exceeding 104° F. (40° C.), unless USEPA, upon request of the Village of Suffern, approves alternate temperature limits.
- F. Any slugs or pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference.
- G. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges.
- H. Any trucked or hauled pollutants, except at discharge

points designated by the POTW.

Section 4. Chapter 220 of the Code of the Village of Suffern is hereby amended by adding thereto a new section "220-49," entitled "Public Notification," to provide as follows:

§220-49 Public Notification. The Village of Suffern shall provide public notification, in the daily newspaper with the largest circulation in the area of Users which were in significant non-compliance of local or USEPA pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

A motion to adopt Local Law No. 1, 2011 was made by Trustee Simon, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

8:15 P.M. - PUBLIC HEARING - DB MASONRY & STONE - ZONE CHANGE:

The Mayor said that Terry is going to do an introduction. This is the public hearing for DB Masonry & Stone zone change. He said he believes a lot of people are here tonight for this public hearing. He would ask that when you come up that people only speak once. Come up to the podium, state your name and address, and we are asking each person, because there will be a number of people speaking he is sure, to come up once. He said he also asks that they address the Board. Not back and forth between the crowd. And as long as we do that we will be able to move through this.

Attorney Rice said this is a hearing on a proposed amendment to the zoning law that would rezone property from R-15 to a multi-family MR-15 zoning designation. There is a process that is required. He said he went through this at the last Board meeting. Unfortunately, the public hearing notice had a typo and they thought it would be advisable to renote the hearing to make sure that everybody received notice and certainly so that everybody was aware of what the application was. So as briefly as he can. Under the zoning law, the Village Board is required to refer an application such as this both to the Village Planning Board as well as to the County Planning Board. By letter dated October 25, 2010, the Village Planning Board recommended approval of the amendment subject to the comments in the DEC letter dated October 5, 2010, which he will discuss in a minute, and subject to the comments from Charles Sawicki, Director of Public Works. In addition, there was a letter from the Rockland County Department of Planning dated November 29, 2010. They say the application is located within 300 feet of a highway or park and they disapprove. Attorney Rice said he doesn't want to read all of the letter. They say that they do not generally favor development-driven zone change requests. They say that an analysis of the surrounding residential land usage leads them to consider Berkeley Square to be

an historic anomaly very dissimilar to the surrounding residential community characterized by single family homes. They say that the site plan does not include that lot area calculations with deductions for the steep slopes and rock outcroppings so they say as a result they don't believe that the total number of units proposed can be built under the MR-15 zoning designation that is sought. They say that the Village is in favor of allowing denser residential development in this area and it should undertake a thorough evaluation of the existing land uses to determine the appropriate zoning designation in the extent to which the zone change should occur. And that is basically the sum and substance of a rather long report from the County Department of Planning.

Attorney Rice said that in addition, there is a letter from the DEC that was alluded to in that letter and that dealt with the concern with a threatened species in the area - the timber rattlesnake. They say due to several factors including size of the disturbance footprint currently in the conditions and distance to the nearest dens, the proposed action is not likely to have a significant adverse effect on the timber rattlesnake population provided all recommended protective measures are implemented. They say however to prevent future impacts to the potentially suitable rattlesnake habitat it suggested that an undisturbed portion of the property should have deed restrictions or conservation easement placed on it. And that has been discussed when the applicant was before the Planning Board for a review and recommendation and that is what the Planning Board eluded to that if it is approved that there should be some type of restriction or conservation easement on the rear area.

There are also conditions that they suggest as far as limiting the time of construction and development so that it doesn't disturb the rattlesnake habitat or wanderings.

Attorney Rice said for the record there is a letter from Robert Geneslaw on behalf of the Village of Montebello. There are also a number of e-mails which the Board recently received which suggest that the Board should deny the application from Raymond Miele of 182 Wayne Avenue, Fred and Winnie Furman, and Doug Jones.

So also so the Board and public understands what the process is, Attorney Rice mentioned that it was reviewed by the Village and County Department of Planning Boards. In order to proceed with a land-use application, almost any land-use application in New York, the State Environmental Quality Review Act has to be complied with. The Planning Board was selected to be the lead agency. That is the agency that makes the SEQRA determinations for all the agencies that are involved. And they eventually adopted a negative declaration meaning they found that the proposal would not have a significant impact on the environment. If the Board of Trustees approves this zone change tonight, the applicant will still have to go to the Planning Board for approval which, just as the name implies, deals with all the particulars and the details as far as how the site will actually operate. They do have a plan which is a conceptual plan but that may or may not be the final plan if it proceeds past tonight.

The Mayor asked if the applicant would like to speak. And then we will open it up for public comment. He said, please, everyone has the right to speak. He asked that they try to limit it - he doesn't want to have an official time limit but he asked that they please try to keep it knowing that a lot of people want to speak.

Don Brennan said he was representing DB Masonry regarding a zone change application for 166 Wayne Avenue. He said he just wanted to give a brief overview of the property and some of the highlights of the property. He said he would try to keep it brief. He said the current property now is 3 acres with an R-15 zone and they are requesting an MR-15 zone, as the adjacent property, Berkeley Square, is. They are asking for this zone because they believe that there is a need for affordable housing within the walking distance to the Village. This property is less than $\frac{3}{4}$ of a mile from the Village center. He said the total allowable units for the property is 32 although they are only requesting 24, which is about 75% of the allowable. The make-up of the units consists of 21 three bedroom townhouses with garages, three bedroom, 2 $\frac{1}{2}$ baths. And then there are three three bedroom without garages and the master suite on the main floor. The units average about 2000 square feet. The units were made so that they are able to accommodate ADA accessibility and people with limited mobile ability. That is one of the reasons why they put some of the master bedrooms on the main floor. This MR-15 zone application they believe is a natural extension. Not only do you have Berkeley Square but you also have Rockledge to the left of it. And there are no other properties northeast of them that have the same situation because of lot widths. So anybody else that was requesting this would need to certainly buy several lots to accommodate what they have here. In addition, the project is a green development. The intent is to build efficient buildings. There is extensive landscaping. There are berms and buffers to protect the privacy of the unit owners as well as the surrounding neighbors. Architectural pavers with permeable pavers throughout the site to aid in stormwater and the aesthetics of the property. There are rain gardens on site. Again, just following this efficient and green theme. And the stormwater management is oversized. It was designed about twice the requirement again so they can assure that there is no effect to the surrounding properties. So that is all he has right now.

Attorney Rice asked the applicant's engineer, Tom Vanderbeek, that the County says that the site plan does not include net lot area calculations with deductions for steep slopes and so forth. He asked if that was wrong or was that accurate. Mr. Vanderbeek said that their statement is incorrect. He said that they did deduct for steep slopes and rocks.

The Mayor said we are going to open this up for public comment. He asked that if you come up and you have a comment, please say your name and address and once again keep it as brief as possible and one time for each person.

Jim Giannettino of 2 Memorial Drive said just as a side. He said we give our addresses. The applicants don't have to give theirs? Are

they residents of the Village of Suffern? Attorney Rice said it is all in the application. They can certainly give their addresses. There is no one saying that they shouldn't. Mr. Giannettino said okay, just a question.

Mr. Giannettino said that we have been led to believe that through the process of the Planning Board, through an informational meeting that Mayor LaCorte and Deputy Mayor Bruce Simon held a week ago tonight that DB Masonry owns this property. Mr. Giannettino said that he foiled the information from the Town of Ramapo. The owners of this property are Frank and Jean Stasi. So this applicant does not own the property. That is number one. Number two, the property is 2.93 acres in total. Number three, on the public letter that was sent out, the address - 156-60 is used. 156 is part of Berkeley Square and he can read them all the apartment numbers if they like. But he is not going to do it. Another mistake on the public notice is it states that they are requesting it to be changed to MR-15 for 48.69-1-1. That location is .97 of an acre. The rest of the property is 848.69-1-1.1. Which is 75% of an acre. And the third piece of property is 848.69-7-1.2 which is 1.21 of an acre. So he guesses that we have another problem here because we didn't ask for all the property that needs to be included for this to get off the ground. Now he doesn't know who is doing your homework but you could have gone up to the assessor and got this just like he did. That is number one. And he will go on because you are going to hear a lot more.

Mr. Giannettino said that as far as problems with this piece of land being developed in an MR-15, there is enough traffic on Route 202 as it stands now. We don't need to increase it by 50 or 70 or however many cars are projected. He would also like the questions that everyone asked at the last public hearing to get answered because they were never answered after the last public hearing. Mr. Giannettino said the safety of our children getting on and off school buses on Route 202 is horrible now. Adding cars going in and out of a new development, especially in the morning and the evening, will only make it that much worse and as was mentioned at the last meeting, there have been fatalities right on that block. He said kids have a right to cross the street and go to the playground and go to the pool. They don't have to dodge cars. And he knows that we discussed at the meeting possibly a traffic light. Well, possibly isn't good enough for our kids because we don't know if the DOT is going to say yes.

Mr. Giannettino said adults have to get in and out of their driveways every day to go to work, to go to school, wherever they are going. You are just adding more and more cars. It is bad enough now. As far as the water runoff, he said he doesn't know if they have calculated it yet, but you have a mountain that the water just gushes off. So you are telling me that it is going to be better than it is now or it is going to be as good as it is now. He said he would like to see the calculations eventually of what you are projecting to come off that mountain.

Mr. Giannettino said that as much as we say that this will not set

a precedent for the Village of Suffern or Wayne Avenue, if we start downzoning, and that is what this is, a downzone, we have heard that from other elected officials in this town. So we all know what a downzone is. There are homes on Wayne Avenue now that are for sale. If this goes through what is to stop someone from buying two or three and applying again. He said he knows that the Board doesn't have to approve it but what would the reason be after approving this to deny that individual. And he is going to address something that Mr. Brennan addressed. He said he had no intention of addressing it until he brought it up about the tragedy of the fire on his property. He said he agrees. It is a tragedy. No one wanted to see that building burn down. But look at the tragedy that neighborhood has put up with for two years looking at that disaster. Not only did they have to look at it. He is still storing equipment in there. They have vehicles that go in and out of there. You have been storing steel in there for four or five months that he guesses is something that they are going to be using in the future either there or somewhere else. And the kicker of all this - you are being taxed as unoccupied land. You have the use of the property and the Village is collecting vacant land taxes, the town is collecting vacant land taxes, and the school district is collecting vacant land taxes.

Attorney Rice said the applicant will obviously address whatever substantive points they want to address after all the public comments have been made. Attorney Rice said he just wanted to address two legal points that were just made. Number one is the concept of notice is to inform the public that a particular land-use application is pending on a particular piece of property. The notice that was provided more than sufficiently does that. As he mentioned earlier, there was a typo in the first public hearing notice and it was typed as Washington instead of Wayne Avenue. Obviously that is a serious mistake that could mislead people even though he thinks most people understood what the application was for. This particular notice more than adequately identifies the property, both as far as the address, that is the traditional address as well as the new numbers that 911 assigned to the property. The staff in the Village Clerk's office very carefully looked at both of those items. So in an excess of caution, both street addresses were used so that certainly is sufficient to identify it. It was also identified as one foot north of Stewart Circle, which identifies the property, and it was also identified by the tax lot number. Now the tax lot number is the one that is used on the application, it is the one that the County Department of Planning used, and it is the one that is reflected in the Village records. There may be other tax lots which are referred to as also lots but when one looks at the tax lot designation that was utilized it would refer you to the other lots as well. Again, it more than adequately identifies the property and the type of application. So he sees no legal problem with the notice as it was provided. Secondly was the issue that people like to talk about precedent. Essentially, as a legal argument, it doesn't exist. When somebody makes an application for any type of land-use permit before an administrative agency, that is the Planning Board or the Zoning Board of Appeals, the cases say that they should act consistently on the same facts. But the cases also allow a Planning Board or a Zoning Board to make any type of distinguishment in the

factual situation and the courts will uphold it. They also allow them to change their policy without requiring them to take the same action as before. So there is not much of a legal theory of precedent before a Planning Board or a Zoning Board of Appeals. Before a Board of Trustees, which is a legislative body, basically the concept doesn't exist. They have the ability to make any type of legislative determination that they deem to be correct. There have been many cases that have been litigated - actually including the first case he ever handled in the Appellate Division quite a few years ago - where the courts say that just because somebody got an approval, a zone change, doesn't mean that somebody else is entitled to it. So very clearly as a legal matter, someone else has no legal right to come in and say because you gave one person a zone change, I am entitled to a zone change.

Mr. Giannettino said the legal question you didn't address was who the owner of the property is. The Mayor said the applicant can address that. Attorney Rice said let him continue with the comment. He said he didn't intend to ignore that. Whether the applicant is the owner of the property or a contract-vendee of the property, also known as an equitable owner, makes no difference. They have a right to make an application as a contract-vendee, if that is the case, and because it is identified sufficiently, again, the notice is more than adequate.

Michael DiCharlo, an attorney, said he was here to simply comment on the last point that the gentleman made which he is really unclear about what that has to do with this application - that is, the location at 15 Washington Avenue that was burned down. He said he fails to see the connection. But that being said, he said he just wanted to reassure everyone here. He said that he is the attorney that is handling that matter. And if anyone in this room, and he is not sure if any of that clapping was related to that particular issue and he is sure it wasn't. Because he can absolutely assure them that that has been a catastrophic event for the owner of 15 Washington, which is not DB, although there are similar individuals that own that property. But for what it is worth, they have been battling with the insurance company simply to get the proceeds from that policy that the owner paid years for to maintain but then when the fire occurred, getting them to simply pay the insurance on that policy has been a battle royale. It took the County of Rockland, he thinks, a year to investigate that fire, completing it, he believes, to his recollection, sometime in July of 2010. The insurance company has dragged its feet every inch of the way. For two years, they have not even given them an answer on a denial or an acceptance of the claim. That being said, as they come up on the two year mark, with a lot of prodding on their part and the threat of a lawsuit being filed, they have begun to discuss a possible resolution shortly before the two year mark when we have to bring a lawsuit or at least when they claim we have to bring the lawsuit. So, what that is worth - he is not sure what the connection is - between that and this application here but he can assure them that more than anything the owners of 15 Washington want to resolve that, get the insurance proceeds to start to address that issue.

Bob Morris of 24 Terrace Avenue said that the only question he has is that we would like things to go kind of above board so things don't look bad. And if he is wrong, please tell him. He said it went out of the Planning Board with a 3-2 vote and it is his understanding that if the letter from the County had gotten there earlier, it would have taken a 4-1 vote. Attorney Rice said no. We went through this at the last meeting. The Mayor said it goes to the County after that in response to their addressing the body that makes the decision. Mr. Morris said okay. He said then the only other issue that he feels is germane to this argument is that he thinks if a member of the voting Board has taken contributions from that company, he thinks they should recuse themselves from the vote. This puts it above the smell level. Fair enough? He said he is not sure if they are obligated by law to do it or not but regardless he thinks morally they have an obligation to say listen, I can't vote on this without prejudice.

Michael Curley of 84 Orange Avenue said he was wondering. He said we have all these photos here and he was lucky enough to see them. He asked if they would mind if he passed them around? (The pictures were then passed around.) Mr. Curley said he cares about this community. When he makes a decision that if people can't see something, he has the courage to stand up and let them see it if he thinks it is good for the Village. And that is what he just did. Mr. Curley said he is going to stand here and say, and he went through some of this speech a little while ago. A month ago we had a meeting and the notice was incorrect. And they kept it above board. And they redid the notice and that is why we are here today. And as he said then - a couple of years ago we had an opportunity to sell some water in this Village. And we chose not to sell that water. Back then he disagreed with that point because he felt we should have sold that water because our water just flows away underneath if we don't use that water. We have an ample amount of water in our community to sell water somewhere so we share the cost of our expense. He said he can't afford it and he admits it. He said he wants that cost shared. If these condos are built, something else will happen. You will also now share your tax costs. There are two ways you can do things right now. You can, one, cut expenses which he hopes they are trying to do. And we can increase ratables. If we do those two things, we then all could pay a little less. He said he can't afford it. And he will tell them and he will tell anyone in this room. Approximately a month or two months ago he was made a substantial offer by a community from Lakewood, New Jersey. It is a different community than the community connected with Monsey. But they came to him. Because they chose, they wanted his property. He chose not to sell it to them. They again came to him again with an offer. He said please, no arrogance Mr. Giannettino. Mr. Curley said his point is that it is tough out there. It is tough times. He said he stood in front of this Board here and he said that there were businesses that were going to go. And it happened. There went Caffe Dolce and he is telling them there is another one going and he promised, he gave his word, that he wouldn't tell on him. There are things happening all over the economy and all over this state. And he thinks that we must share those costs together. We are in competition with Mahwah, with Ramsey, with Montebello, with every

community around us and we have to, we have to say to ourselves hey, if we don't do it, they will. Those condos will be built a mile up the road and we will still get the traffic. But we won't get the shared water costs. And we won't get the shared tax costs. He said that earlier today Mr. Giannettino commented what the governor said in his inaugural address. But he said a lot more than that. He watched it. He watched it three times because he was looking for motivation. He was looking for someone to say who is going to help this state out. Who is going to help these people out. And it is not just going to be done by the governor. It has to be done by the local municipality. It has to be done by the towns. And it has to be done by us as individuals. He said if he may quote. If he only gets one chance he is making good use of it. He said if he may quote. Our governor said about his election "that it was a mandate for change. We need to create new jobs and to spur the state's weakened economy." Like our governor said "there is no time to waste. It is time for deeds, not words. And results, not rhetoric. It is time for bold agenda and immediate action. There is no waiting for tomorrow and no more baby steps. We need change and we need it now." Those are the other things he said in his speech. Those are the other things that we need in this community. And he said something else important. He said he was talking to our superintendent of schools a few weeks back and he said Mike, you know what, people don't realize how many houses are just empty. That people aren't even living in them anymore. That there is so much going on. And our governor, and our new great governor says, and Mr. Curley said he is a Republican and proud to be but he is his governor right now and we need him. We need someone who is going to stand up strong for us. And he said "young people of New York are leaving. They feel there is no economic future left." If we can give our little piece of economic future here and we can go and get things going in our own little piece of the world, he thinks we have to do it. He said he thinks, like the governor said, don't wait. Vote tonight and vote for it.

Pat Withers of 11 Foxwood Avenue said he was here as the owner of Ireland's 32, a resident of the Village and your town council member. Back at the last meeting he read a statement. "It is a pleasure to see a project before the Village that represents family housing and home ownership. As a Village, we are not about two acre zoning. Our Village is apartments, town homes and reasonable single family lots. Our schools are not so overcrowded that they can't absorb the children from less than 24 units. It is very clear that our downtown merchants can handle the business that 24 families will represent. Some of these units will be very attractive for our seniors. This is an opportunity for them to downsize and stay within our Village. Our tax rate will clearly be helped by the 24 homes that will sell for over \$400,000. This is a project that is ready to go. We have heard our revitalization for our downtown but yet when does that get off the ground. Families and home ownership is what our Village is about. Construction work is important to Suffern. We have many tradesmen and workers that would love to have several months of steady work on a local project. For those of us who grew up in Suffern, and he looks out and sees many of them, he said we saw houses going up all the time. But that didn't make it

a bad place to live. Now you have to look very hard to see new construction. Believe it or not it is a very important part, like Mr. Curley said, of our economy." Mr. Withers said he wanted to address the one comment as a politician here tonight but here as a member who has two small children, a wife who works for this Village, a man that has done twenty years worth of business in this Village. Your downzoning didn't happen before he got on that Board. Your downzoning would be a golf course if you didn't have the downzoning, Mr. Giannettino.

Ms. Gonzalez of Willow Drive said that she has been a resident of Ramapo for 18 years and she has been a resident of Suffern for three years. She said she has respectfully listened to the opinions and concerns of her neighbors today. She said although we may not all agree she does respect everyone's concerns today and she has listened to everyone and understands everyone's opinion and she hopes they also take her concerns into consideration. She said she is in support of this project and she thinks overall it will benefit our Village in several ways and that benefit can come out. It may raise negative points. But if approved it may be able to compromise. This project will potentially provide affordable housing and open up the doors to new families that will fill our community and schools with diversity. This project also has the potential to increase our tax base and to enhance our property values if developed in a tasteful way. And let's face it. Taxes are not getting any lower. Despite today's market, we are presented with a unique opportunity to have an honorable builder that is willing to develop and enhance our town - the town of Suffern. She said she personally knows this company's dedication to workmanship. This company puts a lot of value and respect into everything that they build. While she realizes that we must not take this project lightly, we must also realize that this land is owned by someone and ultimately they have a right to develop it. So she guesses that the point that she is trying to make is let's all understand that this property eventually will be developed. And she would rather it be developed by a firm that she knows and trusts and it will be the right thing for our town. She hopes tonight that you can come to some form of compromise and approve this application amending what you believe is needed but allowing him, most of all, what he is asking for which is feasible financially for him to move forward with this development. An approval of such as this would benefit all of us and protect our community.

Mel Berkowitz of 52 Milford Lane said that we all have heard all the people speak. This is perhaps the second month we have heard about all of it. Some of us heard it the last six months. We talked about a program a month ago in Pomona. That has been on the pages for about three years now. And we haven't fully decided what we are going to do with that at this point in time. Another month for more information won't hurt us. The question he brings is that several people mentioned what is affordable. Just a question to the builder. What is affordable. What are the prices. You haven't mentioned any prices. What do you think they are going to be off hand. Mr. Brennan said \$400,000. Mr. Berkowitz said he believes that he believes that is affordable. Mr. Berkowitz said he believes probably that his

attorney thinks that is affordable. And he doesn't know but it doesn't make a lot of sense to him. Is that \$400,000 up or \$400,000 and below. Mr. Brennan said \$400,000. Mr. Berkowitz said that you have one with a garage, without garage, etc., etc. So he thinks that can be another point of interpretation and what is affordable in this Suffern community or outside the Suffern community. He said it is very important. Mr. Berkowitz said he didn't hear and no one else heard the letter from Montebello. What did they think about what was going on right next door to them. He said he thinks that sometimes when we don't spend the time, Mr. Rice, for reading everything and the particulars we don't hear everything. So therefore we take either a negative view or a positive view. We have to have all the facts. Mr. Berkowitz said his approach is that perhaps we should take another month and discuss this again. And even if it takes another month after that to discuss this. Meanwhile, he said he is sure, the merchandise, the railing and everything will still be on his property on Washington Avenue and he thinks that should be cleaned up while we do this. He said he is sure it doesn't take that much money to remove some of the things you are trying to sell off before you get the insurance. If not, let your attorney work harder for you.

Kenneth Rose of 127 Wayne Avenue said he has lived there all his life. He is a native of Suffern. He said he has several things to say that he started to say at the last meeting. Drainage is a particular issue. He said he lives right across from Stewart Circle. Every time they have a heavy downpour of several days the fire department is over there pumping their cellars. The property in question tonight, if you start from Orchard Street and move towards the Village, you will find four houses that are built about fifty feet back from the road. After the fourth house to the south the distance between 202 and the houses are about 100 feet. And there is a reason for that. Because people when they built those houses realized that you can't make water drain up hill. And if you look at the front lawns of those homes you will see that it is almost like a swale that goes up the road all the way down to what is now Stewart Circle. There is an underground stream behind Stewart Circle and Berkeley Square that comes to the surface where Mrs. Williams had her garden. And it empties into Lake Antrim between Rockledge Apartments and Berkeley Square. Another thing is the traffic. There is ever-increasing traffic on 202. He has noticed that the state of New York has conducted traffic surveys on Route 59 but have they done traffic surveys on Route 202? Between 8 and 9:30 in the morning it is almost impossible to get out of your driveway. They are coming in either direction. The state has put two traffic lights - one at Viola Road and one at Orange Avenue. You have about 300 feet between cars - about 20 cars. That is almost a half a mile of cars in one direction. Then when you get a break, they are coming a half a mile in the other direction. Further than that there is a great deal of increased traffic coming out of Orchard Street that are people driving parallel to Route 59 to avoid the traffic on 59. And you see this everyday. And it is a problem. And it is almost impossible for people who live on Route 202 to get out of their own driveways. How do you address that? It is a danger to them. A clear and present danger to them.

The Mayor thanked him. The Mayor said he would like to comment briefly on the traffic situation. He said irrespective of this project, there is obviously traffic issues and safety issues along 202. It is a state road as most of you know. And that ultimately what type of actions are taken and we can enforce and we do on that road but whether there is a light or some sort of other mechanism to try to control the traffic is ultimately the decision of the state. We did have a meeting - himself and Deputy Mayor Simon in his neighborhood - to talk about this and other issues and what was suggested was, because people talk about maybe put on another traffic light at Memorial Drive. We have discussed some of this with the chief and this is the kind of thing where we don't want to put something in that is going to make the situation worse. So he thinks what they talked about, and again he is just bringing this up now to the Board, and they can talk about it more in the future, is that irrespective of this project because again whether there is a zone change or there is not a zone change, there are still significant issues that need to be addressed that before we ask the state to do anything specifically that maybe we look at potentially having a traffic study to look into it and see what some contractor working for the Village would recommend that we ask the state for. And then whatever it is he can assure them that we will vigorously pursue that with the state to make sure they do what they can to control traffic and make the road safer. So he thinks that aside from this application, because a traffic study is not required, that the Village, the Board, should talk about a traffic study - doing that. He said he just wanted to be able to touch up on that.

Mike Hennelly of 135 Wayne Avenue said that he wanted to touch on a couple of things. He said he spoke the last time. He said that Trustee Meegan-Corrigan wasn't with us last time. Trustee Simon said she was in the audience.

Attorney Rice said that she wasn't officially a member of the Board at that time but having attended the hearing and heard all of the testimony and having reviewed the documentation in the Village Clerk's office, she can participate.

Mr. Hennelly said excellent. He said that he had a couple of points. Mr. Curley got up and he handed out all these wonderful photos. He didn't do that the last time. What happened to the photos the last time? Were those the photos that were presented to the Planning Board or were these the photos that were presented to the Planning Board. Because these are totally different from the last time we were here. The Mayor said he doesn't think there were photos. Mr. Hennelly said there were aerial shots here of two long brown buildings. Do you recall? The Mayor said they weren't photos. You mean renderings. Mr. Hennelly said he doesn't know what they were called but they are not the same ones as the last time. Are they available to them? Are they not available? The Mayor said the other renderings. Mr. Hennelly said the ones we had here the last time. The Mayor said he believes they are. The Mayor said they were available to the public. Attorney Rice said aren't they the same? The Mayor said no. Somebody from the audience said they are not the same. Mr. Brennan said nothing has changed with the units. Mr.

Hennelly said they are not the same ones. Mr. Hennelly said we were here and we saw what we saw.

Mr. Hennelly said the other issue is about affordable housing. \$400,000 to him is not affordable housing. He said he doesn't know what they feel affordable housing is. If that is affordable to them, God bless you. You are squared away. He doesn't know what kind of matters you have. He said looking out over the crowd here he recognizes a lot of people who will be impacted by this greatly. He doesn't recognize a lot of people who may feel they are impacted by this somehow or another and he hopes when they come up here they tell us where they live, what town they live in, so we can find out who is actually impacted by this project. Others may be impacted financially. He doesn't know. That is for them to discuss on their own. Mr. Hennelly said that the Mayor made a comment on one of his pages about opposing over-development, about opposing developer-controlled development. Is this a developer-controlled project? Did they come to him with this? The Mayor said he doesn't understand what he is talking about. Mr. Hennelly said on one of your web pages you make a lot of comments on here about developing and he wants to know if this - the Mayor said what specifically is the comment. If you could read what you are referring to. Mr. Hennelly said "over development particularly in the absence of infrastructure improvements which will increase traffic, threaten the air, and water quality and the underlying of our quality of life, Dagan's record of opposing over-development is strong and consistent." The Mayor said what was I referring to there? Mr. Hennelly said he thinks it is pretty clear what you were referring to. That a project like this is not going to be good to our neighborhood. It is going to increase our traffic. The Mayor said thank you for telling me what I meant. Mr. Hennelly said you wrote it. What did you mean by it? The Mayor said that is what I am saying. He said he believes in that situation he was referring to an original proposal on the quarry for 550 units. Mr. Hennelly said it doesn't say that. The Mayor said you are asking me what I meant there. The Mayor said he was answering him. Mr. Hennelly said he was asking him what he meant. He said he has a comment here on his page saying that you are against this kind of development. The Mayor said if you want to read it the way you want to read it. Mr. Hennelly said he is reading it the way it is written. The Mayor said okay, okay. No problem. Go ahead. Continue. Mr. Hennelly said then he will go forward then. He said he lives across the street from this development. He said he is not opposed to build a building on this development. Has the builder brought forth to the Planning Board how many single family homes can go on that lot? Does anybody know how many single family homes can go on that lot? Mr. Brennan said 9. Mr. Hennelly said 9 single family homes. He said he thinks 9 single family homes would be a lot better than 24 town homes. It will affect the neighborhood better. Much smaller building than putting 24 town houses in for \$400,000. That is half the size of the proposed development. Has this been discussed at all with the Planning Board - to keep it single family zoning. Or do we just jump to multi-family. The Mayor said we didn't jump. The applicant makes an application and because it is zoned a certain way and what they want to do requires a zone change. That is why we are here. If for example the person wants to

maintain what the zoning is, they could build a certain number of units as right. In this situation, that is not the case so they are asking for a zone change. Mr. Hennelly said instead of going through all this hoopla zone changing, could we go with 9 homes? Would that be - the Mayor said the applicant has asked for a zone change. That is why we are here. Mr. Hennelly said has the town, wanting to control development, brought this to his attention at all about a proposal for single family homes.

Trustee Abato said we would consider anybody who comes to us with a proposal. We have to entertain that. No one has come to us for 9 homes. The reason that we are here tonight is because this developer came to us and said this is the project that I would like to do. We can't say to him, well, could you just hold on a minute because we are going to out and see if we can find somebody who will put 9 homes on the property. Mr. Hennelly said he owns the property. He can do that. Trustee Abato said that is not the way it goes. This is something he has brought to this Board and we have to address it and we have to deal with it. That is why we are here tonight. To talk about 9 family homes or to talk about any other project - Mr. Hennelly said as long as the Board knows that there are other options available for this piece of property without changing the zoning. Trustee Abato said that if someone came forth and had that proposal to us, we would have to entertain that as well.

Mr. Hennelly said the original owner of the property, Mr. Barry, had proposed four homes on that lot a number of years ago. They talked about that with the town, supposedly, and the town denied them an access road in for a cul-de-sac. He said he thinks these are legitimate issues that we can go back and revisit. Discussing with the present owner of the property and see if we can come to some type of agreement as opposed to getting away from 24 town homes. 24 town homes is going to destroy that stretch of street. Mr. Hennelly said the last time he was up here he asked them several questions about accidents in Suffern, about the number of fatalities that have taken place on Route 202 and he asked him to find out the number of car accidents and where they correlate to into the town. Is this the busiest stretch of road in Suffern for vehicle accidents, for fatalities for motor vehicle accidents, for people being struck by cars? How much revenue is generated by the police department on this stretch of road in issuing moving violations - speeders, so forth. The speed limit is 60 miles an hour on that road down to, he believes, to Montebello. Trustee Simon said it is not 60 anywhere on that road. Chief Osborn said it goes from 55 to 45 to 35. Mr. Hennelly said 9 properties up it goes to 35. Chief Osborn said that there have been 350 to 500 summonses issued. Mr. Hennelly asked if that was one of the busiest roads you have in Suffern? Chief Osborn said all the state roads. Mr. Hennelly asked if that would be considered a dangerous road in Suffern? Chief Osborn said he doesn't know about dangerous. He would have to get the numbers from the state. Mr. Hennelly said they asked that of the Mayor and he has five weeks to work on that so he is sure he will be able to address that upon completion.

Mr. Hennelly said that one of the Trustees at your neighborhood

meeting said that we are all aware that this is not going to make the traffic condition better on Route 202. This is true. You just said that yourself. Why would we want to make it worse before we make it better? Why don't we do those traffic studies before we move forward with a zone change if that is the way you are going to go. Hopefully, you don't go with a zone change and you leave it at single family homes and we speak to the developer and we find out some alternative plans we can use to keep the neighborhood together, to keep the danger down on that street. He said he doesn't know who lives over there. Most of you do in the room. And it is crazy. The cars travel too fast. Chief Osborn has his men out there all the time. They are out there. He hears them all day, all night leaving the side street of Chadick, Memorial. They sit on Craig Long's lawn. They are stopping cars. They are doing the right thing. It's not helping. We have too many accidents on that stretch of road. It is a main thoroughfare for the kids to go to school. They come down from Sloatsburg. The high school kids are driving. The middle schools are going back and forth to school. It is going to impact that street greatly. He said he hopes they understand that. We have had a fatality right in front of that lot. We have had a kid hit right in front of that lot. From the overpass up to Mill Road and if we have 5 or 6 fatalities over the years, it is just too fast. It's too fast. You are going to make it more dense. This development is too dense for the neighborhood. You come down that straight road and all of a sudden all right there. The homes are there. We have Berkeley Square, we have Rockledge. We have so much traffic in that half mile stretch alone. It's incredible. And if you want to put 24 more homes. How many more cars. He believes you have parking for 103 cars, the last time, parking for 103 cars. If they all leave and come back, that is 200 times they are pulling out or stopping. Mr. Hennelly said he thinks that is the number. He said he sees them smiling but it is not something to smile about.

The Mayor said he would just say again. There is a line, Mike. You are entitled to your own opinion but you are not entitled to your own facts. And the bottom line is that he agrees with his concerns but what you just said - again, he is not talking to the application. But if there are 24 units and then you use the number of 105 cars. Mr. Hennelly said 103 parking spaces he believes was the quote the last time. The Mayor said that is fine. You are entitled to say that. He smiled because that just seemed - he was just doing the math in his head. Mr. Hennelly said he was doing the math in his head too and that is why he is sitting here saying where are all these parking lots that are going to be in front on 202. The Mayor said that is why he smiled. Mr. Hennelly said maybe one of the other Board members can refresh your memory about how many cars. The Mayor said it was just because the number of cars. Mr. Hennelly said he knows. It is amazing, it is incredible. If you think about that number it is a lot. That is their point. That is the neighborhood point. He said he thinks it is too much. He thinks you should go back to the thing. Re-look at it. Give it more time. Do your traffic studies. How are you going to do a traffic study after the fact? It makes no sense. He doesn't know how they can think that is going to work. Mr. Hennelly said he will leave it at that. He will put his trust in the Board that they will do what's right for the

neighborhood, for the people who live here in Suffern, for the people who are affected by this. Not for the people who are coming from other places talking about how great of an idea it is to put affordable housing in our neighborhood.

David Perry of 9 Lexington Avenue said he had a few questions. Before this vote being done tonight was an environmental study done on these two lots regarding tree removal and loss of grass for drainage purposes.

Attorney Rice said as he mentioned earlier, the Planning Board was the agency that took care of the environmental review under the State Environmental Quality Review Act. They reviewed whatever information that was provided and the additional information that they requested and based on that they came to the conclusion that the proposal would not have a significant impact on the environment. So the short answer to his question is yes, the environmental statutes were complied with.

Mr. Perry said that based upon the pictures that he saw earlier and right now of the new development it looks to him that there is a lot less grass, a lot less land to soak up water run-off off the mountain and he was just wondering from his little knowledge of passing off of Route 202 if it would cause flooding damages. And with that in mind - 24 homes. That is what they are proposing. Figure 5 people in each home. That is 120 people. Let's just say 60 children. He said if you have 24 homes, 5 people in each home. Two adults, 3 children. The point is - let's say 40 children. That's an increase of 40 more children in our schools. On the teachers. He said he sees how crowded we are right now in the school district. Viola School. Suffern Middle School. Suffern High School. The amount of children in each class for the teachers is horrendous. This many more students would add more trouble to the teachers being unable to handle the class size. Also, he just wanted to mention about taxes before his curiosity is would this increase in sanitation, would this increase the police force, increase the fire? The Mayor said in terms of police? No, he doesn't anticipate. Due to this we are not going to hire additional police officers. Mr. Perry said wouldn't it increase time for the police? Mr. Perry said they would drive through every so often. It is more time taken. That is his curiosity. And you said the environmental study was done. Good. As a neighbor across the street as well, he is concerned (1) the water runoff, the traffic as he mentioned before, that we won't go into, the environmental study of trees and what not and children - people. You always hear about water shortage. Always water restrictions. More houses. There would even be less water for us. He is confused about that. The question to them is regarding water restrictions - since we have it often enough from what he understands, having more water restrictions and more people in houses. The Mayor said he can speak to his concerns. But that is not the case in this Village. We have actually been running a deficit in water because we have an under usage of water. So he is not saying that any of the concerns that he has addressed aren't legitimate concerns. But water - we have an abundance of water in this Village, actually. We want people to use more water. Mr. Perry said from what - from the aquifer. The

Mayor said our wells have the ability to pump 4 million gallons a day and we pump a little over a million, a million and a half max. Trustee Abato said 1.2. The Mayor said so we want people to use more water. The Mayor said long showers. That is why we have a deficit today. He thanked Mr. Perry for his concerns.

Don Cloonan of Rockland Terrace said he has lived in Suffern all his life. He said he really doesn't see a big problem with this development. It is going to help the town. It is going to bring people into the town. It is going to create work for people. And he doesn't see that the number of people, or the number of units, is really going to have a great effect on it at all - on the town or on 202.

Scott Halperin of 184 Wayne Avenue thanked the Board for letting him come up and speak. He said we know that the traffic is bad on 202. He said he has four kids and he is scared to death everyday when they get on the bus. Cars go past the bus. They speed down the road. There is a pool right by where this development is going to be. There are tons of kids that go to that pool all the time. He said he walks down the street on Wayne Avenue with his kids and he is terrified that they are going to - there are cars flying by here. The speed limit, he thinks, is very rarely observed which he thinks is bad. He said they know all that. They know the detriments. He said we heard about the tax rate that this might help our tax rate. He asked if they were telling them that their taxes were going to go down if this development is built. The Mayor said he is not saying that. Mr. Halperin said you can say all you want about our taxes but he really doubts that our taxes are going to go down because of this development. But setting all that aside. What he really thinks is the most important thing here is what do we want our community, our Village, to look like. That is the main thing here. What do we want it to look like. Do we want it to look like co-op city or do we want it to look like a Village with the beautiful houses that we have here - the old houses. The aesthetic value that we hold dear here. That is why he moved into the community ten years ago. That is what he holds dear to his heart. Do we want to develop every square inch of this town. We just put up a whole big condo complex over here. Is that full? No. The Mayor said there are eight units remaining. Mr. Halperin said but still we do have eight units here. Do we have to develop every single bit of property. Is this really going to benefit us. And you talk about affordable housing. If they were \$175,000, you have a point. They are \$400,000. How is that affordable. He said it is just a dangerous spot. We already have Berkeley Square right there. We have that underpass. There are intersections all over there - going onto Orange. It is not a good area. He said he thinks we could find a better spot. He said there are senior citizens going up over here on Montebello Road. There is a lot of building going on. Do we have to build this right there? He said he just thinks this is not a good idea. He thanked the Board for letting him speak.

Jim Tambini of 17A Lexington Avenue said that sitting in the audience and listening to the banter back and forth, there is no question that this will have somewhat of an economic impact on us

- probably in a positive sense but the question that he thinks is important is we are going to almost like wedge these people in an area that is really congested and like the speaker before him said it is just the wrong place. And the thing that he thought about a lot, and remembers the beginning of this night, when there was so much attention paid to the noise level at Ireland's and this was for one night. And this is something that is going to be with us forever if it goes through and it is going to be a lot more than some noise disturbance for one night.

John McCluskey of 31 Lexington Avenue said he had just two questions. One is the point that Mr. Hennelly made about the nine houses that could be built on that property. What are we really talking about? Are we talking about taxes that are going to commit to the community? What are we really talking about as far as the difference between what is going to look better and getting taxes from 9 houses versus what really is not going to look better. What is the difference in taxes that we would get in 24 units versus 9 units. And the second question is that what was it - a couple of years ago - that basically he thinks this entire Board or the Board that was here was completely against the building of the Schwartz property. What is so different in the Schwartz property versus building on this property. They both seem to have some type of water problem. He just doesn't understand the difference between the two.

Jack Rosenberg of 13 Somerset Drive asked if anyone could tell him the length of the property in question that is along side Route 202. He said the length - north to south. The Mayor said the applicant will address any questions after the public participation so they will address those specific questions.

Mr. Rosenberg asked what is the length of Berkeley Square? 200, 300, 400 feet. How much is it? The Mayor asked Mr. Rosenberg if he wanted to make a statement to make a statement. Mr. Rosenberg said the reason that he is asking is that the exit from this property will be from the northern end and you have to recognize that if you are coming out at the northern end of this property onto 202 without any control and you have Memorial Drive south of it and there is already a problem there. And many people here at the last meeting and this meeting have said that there is a hazardous situation on Route 202. The lights are behind Viola and Orange Avenue. And the tendency for the cars is to go fast because there are no lights. So you are having a bad situation and you're starting out with that fact. He said that if you are talking about the idea of building this number in an area which probably, with the exception of Berkeley Square, is all one family - you are changing it dramatically. Is that a good thing or a bad thing? You can judge for yourself whether it is or not. Statements were made at the last meeting that it is within walking distance of the train. Tonight it was walking distance to the center of town. Center of town is not the train. So that statement is not accurate because right after that meeting a woman got up and she told people that she knows the walking distance from opposite from Berkeley Square that there is nobody on this property so it is a mile and a quarter. If it is a mile and a quarter to Berkeley Square, and you are coming out after - Berkeley Square goes

all the way back and comes this all the way back. You are talking about a lot more than a mile and a quarter because there should be a sidewalk on this side of 202. How are the people supposed to come out and walk if there is no sidewalk. There is no provision for a sidewalk on any of these plans. So you have to look at this thing in its totality. And it seems to him that if you really want to look at it correctly, two municipal organizations - the Village of Montebello and the County Planning Board - and two members of the Suffern Planning Board, out of five, have all rejected this idea and one of the two took the time and trouble to come down here and testify against it. There are a tremendous number of arguments being given pro and con. But nobody should ever say that \$400,000 is affordable housing. That is not affordable housing. If it was \$325,000 for three bedrooms, you might have a pretty good argument that it is affordable because it is so large. 2000 square feet is a fair size thing. So basically you have to look at the total picture.

Mr. Rosenberg said there can't be a development here without a light at Memorial Drive. There must be a light at Memorial Drive. From Viola to Orange Avenue is a long distance and there is a need for a light now and if you put in the 24 units it is going to be more necessary because the people will have to walk through the development, down to the highway, and then all the way up to this thing. Nobody has answered his question. What is the width of each house? What is the width of each house? They are all identical. Mr. Rosenberg said it seems to him that you should think carefully about making a step which is irreversible. If you give the zone change then you have to go get permission from the DOT for the light. You can't get it without them. And remember. If there is permission given there has to be a sidewalk built from the exit all the way down to Berkeley Square and the developer has to pay for the light. The library paid \$50,000 for a light. The state maintains it. The state doesn't put in lights. The developers put in lights. So we have to recognize that it is going to cost a lot of money for a sidewalk and a light.

Russell Kempf of 10 Chadick Place thanked the Board of Trustees for letting them speak tonight. He said that we have heard a lot about traffic, quality of life and everything and irrespective of what happens we have to do a traffic study. Could Chief Osborn here - one of his guys does a traffic study every day because he waves to him on his way out of the neighborhood at 6:15 in the morning. So he is doing a traffic study every day at 6:15. Not at 8:00 but at 6:15. He knows they are flying through already then. The Deputy Mayor was very helpful getting us some no outlet signs in the adjacent neighborhood right there. So we already know that there is major traffic issues. We already know that. The person that lives across the street is asking you to reconsider because he doesn't want another 24 homes pouring out onto his driveway as he is trying to get his kids on the bus in the morning. The folks that live on Wayne Avenue ask their kids to cross that avenue every day and walk into his neighborhood to get on the bus. Why? Because it is not safe enough to get on the bus on that street. But yet we want to put 24 more units there. He said he doesn't understand. He said he thinks

that the biggest thing is that some of you probably don't have kids anymore. Others of you don't live near there. So you kind of don't care. And the third, and he knows that someone is sharpening their pencil to reply, but he thinks that the third issue is that he thinks we are misrepresenting what the tax ratables are because 9 houses would be a helluva lot more than 24 condos. Nine houses in his neighborhood pay \$12,000 to \$14,000 a year in taxes. The 24 condos, if they cop out at \$6,000, are going to be a lot. And if you put in 9 houses at the same ratable you are going to get double the tax revenue.

Ann Hollinger of 133 Wayne Avenue said that she was impressed by the quote from your website and she hopes you will keep it in mind as you decide this important issue. She said she is absolutely in favor of development and jobs and having a vibrant community. But a development does not exist in isolation. It exists in the community and it is unrealistic to speak of it as though we only had to think about the layout of that particular two acres. We need to think about it and its impact on the whole community - whether it is traffic or sewerage or schools or parking places. \$400,000 for a condo, and she is guessing, that most of those will be bought by two earner families and that means 48 cars minimum having to commute every morning and evening. It is a lot to think about and she urges them to do it carefully and thoughtfully.

Scott Mabry of 24 Lexington Avenue said that before he starts on his point he was hoping for a couple of points for clarification because he may be wrong on a couple of things. He said he had jotted down notes that the County had voted against this. He said he thinks everybody is in agreement on that, which is why we need a 4 to 1 vote at least tonight to approve this. Past attempts of rezoning the same exact property were shot down? Did he hear that tonight? Were past attempts at rezoning the same property shot down. Attorney Rice said he doesn't recall that at all. Mr. Mabry said he thought he heard someone mention that earlier tonight. Attorney Rice said he didn't say an attempt to rezone. If his recollection is correct someone stated that they were proposing four homes in the Village and we didn't let them do that. Attorney Rice said he is not aware of that. Mr. Mabry asked when the Village didn't let them do that was that a formal application of a rezoning? Attorney Rice said he is not aware of that ever happening so he doesn't know. He doesn't recall it ever happening. Mr. Mabry said okay. He said the other one - was there an initial vote on this specific property that was shot down by this Board and then new members came on and it was revoted on? The Mayor said no. Mr. Mabry said he apologizes. The Mayor said there was a vote by the Planning Board. Mr. Mabry said the Planning Board voted against? The Mayor said 3 to 2 in favor. Mr. Mabry asked if there was a second vote. The Mayor said no, the only vote. Mr. Mabry thanked him. He said that now to his point. He would encourage everybody. There has been a lot of pretty pictures passed around tonight. There has been a quote about a \$400,000 price range. As far as the best of his understanding those should not come into play at all. There is no guarantee that there is going to be that type of development done here. That those are the proposed price ranges. It is his understanding on whether simply yes or no to change this from

single family to multi zone family. So he would encourage them to please take that into consideration. The drawings look great. He wanted to move in as soon as he saw one. But that is not what we are voting on tonight.

Mr. Mabry said that he would also say that if we are talking about \$400,000. He agrees. That is not affordable. He said that people have talked about the Meridian development where there is now only eight units available. And that was only after significant price cuts in the units. So initially it was not selling. The developer had to significantly cut their cost before they started selling the units. The woman that spoke earlier - he doesn't know where she went. It was a great speech. Well thought out. Great arguments. He said he is also in favor of more jobs and building up our town. But he thinks if you look at the future of this town, whether we are going to be successful, whether we are going to fail. With our Caffè Dolce's going out of business, whether downtown Suffern thrives or fails, it is on transit based housing. Not downzoning out in non-walking distance to the shops. People do not walk. Mike Hennelly lives across the street from this development. He might walk. Mr. Mabry said he lives a block away. He doesn't walk. People aren't going to walk from this development to downtown Suffern. If you need a gallon of milk they are going to drive to CVS, they are going to drive to 7-11. They are not going to walk to the new quick mart that pops up every six months. So please take that into consideration as well. A wise man once said greed is good. And he applauds Mr. Brennan's efforts to try to maximize the value of his investment. A smart businessman would do the same. And you have to applaud him for his efforts. However, the one thing that he learned tonight was the fact that this could be turned into 9 single family houses. And he begs the Board to take that into consideration when they make their decision. No significant zoning change needs to be made for a compromise. A developer can come in - we would get the tax benefits as Mr. Kempf outlined. The owner would get a significant increase in his investment and we don't have to change any of the existing zoning. So again he would say to please take that into consideration and he would also again encourage the Board and the town to focus its effort on downtown Suffern business district and transit based development.

Yaakov Saturen of 133 Wayne Avenue said that they have been living in Suffern for thirty years and most of that time has been spent on Wayne Avenue. One issue is that there are houses that they have seen that have been for sale for two or three years and haven't moved. Another issue is \$400,000 doesn't sound like a very reasonable or affordable housing alternative for the houses that are already there - that are for sale. Another issue is the drainage. If you are going to build all those houses, those 24 units, every one of those roofs is not going to be percolating water so it is all going to drain into the street and it is all going to drain down into that what is a lake every time it rains in front of his house but on their side of 202. So it seems to him that if you are going to have any kind of rain it is going to saturate any kind of land that is there and then you are going to have the run off that is such a serious problem that they have seen in that whole neighborhood. He said he

just thinks it is a terrible idea.

Jean Hennelly of 135 Wayne Avenue said that she lives with her husband and four children and she is not very good at public speaking. So she has something that she wrote down. She said that she is adamantly opposed to rezoning this from single family to multi-family use. There are a number of issues that would negatively impact this type of construction such as the quality of life, neighborhood aesthetics, flooding into Lake Antrim, impact on the wildlife just to name a few. But she personally feels that the most clear cut and obvious danger of the rezoning is the safety and traffic issues along Route 202 and to a certain extent along Memorial Drive and Chadick in Suffern as well as Orchard in Montebello. Vehicle, pedestrian and cycle safety should be of paramount concern and this alone should be enough to deny the zone change. She has no problem with the owner of this property building as many single families as permitted by the current law but the 24 town homes is reckless and driven by pure greed, in her opinion. And as a side note she is deeply disappointed at the continued miscommunication involving this issue. She was appalled to receive this public hearing notice in the mail on December 23 when it was postmarked on December 22. The official document was generated on December 9 and she doesn't know who is to blame for this delay. She would imagine that the local law firm who mailed out the notice would be capable of mailing out a single page document in a timely fashion. So she would like to know who was responsible for the delay in that document being mailed out. The Mayor said it is the applicant's responsibility to mail out the document. The Mayor said it was done in a timely fashion. Mrs. Hennelly said with the holiday there were people away for the Christmas break. The Mayor said but the hearing is tonight. Mrs. Hennelly said she understands but people weren't made aware. They could have come home this past week. Also she would like to reiterate the fact that Rockland County would deny this development as well as Montebello and she doesn't see why the Village of Suffern would want to approve it. So again she believes that this is a totally reckless development and it is driven purely by greed.

Charles Killelea of 18 Lexington Avenue said that he has lived in the Village of Suffern since 1976. Several things come to mind that has not been brought up - one of them we had with the Schwartz property and it still is in effect. FEMA, grandson of FEMA National Flood Insurance Agency, and he contacted them personally, and their policy is if you change the flood plain absorption factor and cause additional run off that they are the ones who underwrite the flood insurance for residents. If you exacerbate the natural flow to the point that it causes more flooding they will negate flood insurance for the people that have it. So you have the power of making that person not available for flood insurance. They can't sell the house. Nobody else can buy it. That is one.

Mr. Killelea said in talking about cars. That is 48 cars. 24 people, 48 cars. It is two and three bedrooms. How many people are going to move in there where their children are going to have a car and come out and go to Suffern High School. Possibly one. That is three cars

per household. The road can't handle it now. What it is going to cause is a backup with people coming onto Memorial, going to Utopian, going up to Chadick to bypass that intersection and you are going to stagnate everything and lock it down. There are no sidewalks over there at all. So when these people try and unload their house, which if you approve that and they develop that, the National Flood Insurance Agency is going to tell them no, you are not going to have insurance. We are going to back away from them. Just to let them know.

Bill Delaney of 35 Lexington Avenue said all you Giants fans he hopes you hope those Giants have fun golfing. And Jets, we'll see you in a couple of weeks. Mr. Delaney said he thinks he can help Mr. Brennan out here. He was hoping this was going to happen for the Meridian. And maybe we can do this with his property - is turn it into Section 8 housing or make it an orphanage and that would certainly help our football program to succeed. In all seriousness, he thinks that they could look into that 9 homes - make big homes, get a lot of people, help out Mr. Curley, help out Mr. Withers for their places and the downtown merchants. Surely you guys have leverage to negotiate with the nice gentlemen, Mr. Brennan, to try to get 9 luxury homes put on that property as opposed to 24 town homes.

Sean Stewart of 164 Wayne Avenue said that he and his fiancé just bought a home about a month ago which is two homes away from the property that is developing. One of his biggest concerns is with water runoff. He said they have an underground stream running through his property and he has walked the property in the back and there is a lot of shear rock and cliff. You are going to have to blast - yes or no. Mr. Brennan said no. Mr. Stewart asked if he could put that in writing that they are not going to blast at all. Mr. Brennan said absolutely. Mr. Stewart said then we can have it notarized. Because what it going to happen is that they are going to blast. You know that they are going to blast. And when they blast there are going to be shifts in the flow of water, the way the water flows through the rock, and any home on that street is going to be affected by flooding in the basement. Not to mention during the blasting it is a short time. Attorney Rice said if he can help him out here. He said you asked the question and they said there would be no blasting. If the Board happens to vote in favor of this one of the conditions is there is going to be no blasting. So he thinks that issue is done and over with. If they violate a condition of the zone change they are going to be in big trouble.

Mr. Stewart said to put all these homes that far back into that lot, according to what these pictures show, you are way into where those rock cliffs are unless you are going to stick them to it. He said you have zoning for a reason and it just can't be that when someone comes up with a plan that it is convenient to change it all of a sudden. Because then no one in this room is protected. Because if someone buys two homes next to any of you, you can have the same thing. He said that if they had known that this plan was in play they would never have bought this home. He would have moved somewhere else. But they have an amazing view behind the home up the

mountain and that is one of the things that attracted them to the neighborhood. And they plan on having children and he didn't really think about the traffic as much and he is starting to see how it is going to be a problem for them also. But he thinks his main concern is that as that hill is developed it is going to shift water flow and he is going to wind up with a water problem in his yard. If it does go through he hopes they are willing to work with him if it does go through. Mr. Brennan said absolutely. Mr. Stewart said because it is going to affect him. And he wants to see the resale value of any of the homes on that street. As a lot of people said there are a lot of homes for sale for quite a long time. He said they are very happy where they are now and they are happy being in the neighborhood and they just don't want to see the water flow change and they don't want to see too much interruption on the back view especially on the shear rock cliff.

Betty Halperin of 184 Wayne Avenue said that she guesses what is puzzling to her is that they are all elected officials that are voting on this and they are asking for an exception to the rule. They are not asking to enforce a rule. They are asking for a huge exception. She hopes that since this is creating so much conflict that you will vote against it. And she thinks that if they are going to ask for a variance they should get a lot of support from their neighbors in order for the variance to go through. She said they certainly have all gotten notices for neighbors getting slight variances and people don't make a big deal out of that because it doesn't affect them to have a larger fence or something like that. But this is huge. There are so many homes in such a congested area and your voters are telling you that they really don't want it.

The Mayor asked if the applicant wanted to come up and address the public comments. Mr. Brennan said that he just wanted to comment on some of the issues that are brought up today and he will just touch on some of the points. Regarding drainage. A lot of the houses that were built on 202 were built 40 years ago. The practices have changed quite a bit since then and there has been a lot of design put into this property. He said they talked about rain gardens. The asphalt and the rain off. There is no asphalt. It is permeable pavers which means that the pavers drain. There are retention basins on the property which are double the requirement. And one of his company's has a strong civil background. This is what they do for a living. And drainage is easily handled on this project especially with all the new ordinances and codes. It is not going to be a problem to have any issues with the water and the adjoining properties as well. There has been talk about blasting and building up into the mountainside. The rock out things are all part of the conservation easement. They are not developing that back end of the property. So with a level of confidence there will be no blasting on that property. They talked about the school buses and so on and so forth. He said they will work with the school district on an acceptable and safe means because they are concerned about the people they are selling the units to. One of the things is that he chose to invest money in the Village here and put his money where his mouth is. He said he can develop anywhere. But he is a long-time resident of Suffern. And there are a lot of people that have

interest in these units who are close friends and family of his and he certainly is not looking to put anybody in jeopardy. As far as affordability goes in these units, the square footage price on these units are less than any other condominium in the area. You can talk about the Knolls, the Meridian, so on and so forth. It is an apples and orange scenario. So these are an affordable unit. They are nice size units and they are good for a family. The Meridian is 1000 square feet. The square footage on those units is significantly higher than what he sold for or what he is intending on selling for.

Mr. Brennan said the other thing that he would like to mention is that in the Meridian the penthouse units are selling for \$380,000 and selling. So there is something that is a little bit comparative although the units are a lot smaller. Regarding the change in the renderings. The only thing that they did with the renderings was change the size of them and the views. The units have not changed one bit. Nothing has been moved. Nothing has been changed. Only the perspective of what you are seeing. So again people were under the impression that we did make some changes. The only things we made changes on are the view - on the perspective that you see in the units. Nothing else has changed with these units whatsoever. As far as the parking - people touched on - he said they have 28% more than they need to have. And one of the issues that was brought to their attention was that there always seems to be issues with parking. So the requirement is 60 spots. They have 83. That was their choice and it costs them to make it a better community so when people do visit the community they have a place to park. Regarding traffic. Traffic is a concern. There is no doubt about it. But if you take things in perspective the Knolls of Ramapough have 200 units and he doesn't think there are very many concerns or complaints about the amount of traffic that is put out onto Montebello Road. He said he has about 10% of that going onto Route 202. On that note he said they would offer to the Village that they will pay for the traffic study on 202 because again they want safe passage for people as well. There was a gentleman that commented, and he thinks it was Mr. Rosenberg, about no sidewalks on the property. It is false. If you look at the drawings there are sidewalks on the project on 202 and they have always been there. So again they will certainly work closely with the DOT in making it a safe passage. They have strict standards. They are not just going to allow them to put a curb cut on that road if they don't feel it is safe for traffic and so on and so forth. And they have a lot to do with how and when it is accomplished. And if they didn't feel that it was okay they wouldn't allow it. He said that there has been a lot of people looking at this. The town planner has looked at this and Mr. Brennan has worked with the Planning Board for six months and part of their job was to bring up concerns of the Village with safety and so on and so forth that everybody has addressed. And they have addressed most of those comments to the satisfaction of the Planning Board. So today they are asking for a zone change. He said they believe that the Village would certainly benefit from it. There is some discussion about putting 9 homes there. Well 9 homes, number one, wouldn't be selling at \$400,000. The Village would inherit a road. They would inherit taking care of the sanitary, the water, the garbage and so on. With townhouses they don't bear that burden. That is paid by the

Homeowners Association. So there is a significant benefit to putting townhomes in there rather than putting 9 houses in there. And he believes there is a need for the Village. They are certainly a lot more affordable at \$400,000 than if he put houses in there for about \$650,000. So again there are some legitimate complaints. A lot of these will be addressed, hopefully, in the next phase because they are requesting the zone change today. And all these things will be to the satisfaction of the Planning Board, which they have to go back to. But he thinks all and all it is a good project for the Village. He is a long-time resident here. Probably out of his 42 years he has lived in the Village 35 years. So he has been here a long time. He has heavily invested in the community with other projects. They certainly have supported the Village. They supported the fire departments. Any time the Village comes out and asks them for things they are the first to jump in. So he thinks they demonstrated that. They are supportive of the Village. And this isn't about being greedy. If it was a question of greed he would be asking for 32 units. That is what is allowable on that property. Not 24. He has only requested 75% of what he can ask for. So he doesn't think it is a question of greed. It is a question of it makes sense for the Village. And this project hasn't been discussed and dreamt up in the last six months. It has been ongoing for a number of years. And they have worked with this Board and the previous Board and with a lot of people - their consultants, the town engineers, their consultants for the water and sewer. Everybody has had their input. And they have addressed all those concerns. So they are asking today that the Board grant them the zone change and he thinks it is good for the Village.

A motion to close the public hearing was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

The Mayor asked John Lange if he had any comments. The Mayor said this is John Lange who is our planning consultant. Mr. Lange said we don't take sides on an issue. When a developer comes in it makes reasonable sense. And if we are looking to creating a higher density zone we are going to look at doing it along a state highway or a highway that has the capacity to it. So yes, there are some issues with the state highway. The Village doesn't control the state highway. The state highway sets the determination for what has to be completed for the approvals. So that still needs to be determined. The other point that he would like to make is that all of these renderings - this is for zone change. This is not for the site plan. The site plan might change. For example, one of the things that they would probably do is try to put a better face on the buildings facing 202 so that you don't see the end of the building. You see another building that looks like the building across the street. Are there things that they can do with 202 if they had the DOT's approval. Mr. Lange said you can put in the latest version of the speed bumps. And he doesn't know if you know the latest version. But they are about 10 feet wide so you go up, you are on them, and then you go down them. If you want to control traffic there is nothing better than handling it that way. Plows can go over it. He said again, he is not for, he is not against. He is

just saying that there are things that can be done in the design stage. Right now they are discussing the zone change. The Mayor thanked him.

The Mayor asked at this point was there a motion on the Board to entertain the application for a zone change. A motion to approve the zone change rezoning the property to MR-15 and adopting the local law amending the zoning law on the official zoning map of the Village of Suffern subject to Mr. Sawicki's comments, the letter of the Department of Environmental Conservation, subject to site plan approval, number of units not to exceed 24, that the site plan be in substantial conformity to the conceptual plan presented to the Village Board, that there be no blasting, that the applicant pay the cost of a traffic study to be performed by the Village. In addition that the Village overrides the recommendation of the Rockland County Department of Planning and in particular that the Village Board disagrees that the approval of the zone change would set a precedent, that the site plan has taken into consideration the mandatory deductions for steep slopes and rock outcrop rates, that the Village has taken into account the recommendations or opinions of the Village of Montebello and has evaluated land use in the area was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

Trustee Meehan said on the question. The Mayor said there is a first and a second. Trustee Meehan said he understands. He is asking to speak on the question. He said he has a brief statement. He said that let him start by saying that he respects all the members of the Planning Board and he has a long-standing habit of supporting their recommendations. In this case, the Planning Board voted 3-2 in favor. He is told that the sixth member, who only votes in the absence of the first five, would have voted against the change. So of the six people that we have appointed to the Planning Board, three were against it and three were for it. Mr. Carper, the lawyer of the County Commission of Planning reviewed the site, and disapproved the petition citing the R-15 or single family nature of the neighborhood. The commissioners rarely disapprove zone change requests. Although he does not believe that the extra traffic generated will create any traffic jams, he does believe that entering Wayne Avenue at that point - Trustee Meehan said excuse him. He has listened to everyone this evening and he would like the same courtesy. He said that although he believes that the extra traffic generated will not create any traffic jams, he does believe that entering Wayne Avenue at that point is dangerous. Approving this change would make a bad situation worse. The proposed 24 units have three bedrooms which would attract families with children. The drawing that he examined does not show any room for outdoor recreation. This would mean that any children would have to cross Wayne Avenue to get to the park by the pool. Crossing Wayne Avenue on foot is dangerous. Trustee Meehan said he was also concerned about establishing a precedent and Attorney Rice spoke to that. But when you do something like this you create ideas in other people's heads to do the same thing. And the properties down the street, further down, are going to have their property values affected and they may be in a situation where they want to sell. He said although the petitioner correctly pointed out that none of the adjoining

properties to the north of 166 Wayne Avenue would be large enough to support a similar type of project, in his testimony, Mr. Murillo, pointed out that putting properties together like this is what developers do. Lastly, during this hearing he has noted the addresses of people who have testified. The people who gave their addresses as Wayne Avenue, as Lexington Avenue, Utopian Avenue, Memorial Drive, or his old address, Chadick Place, have also spoken against the proposal. It is their neighborhood. They feel it doesn't fit in with what they want their neighborhood to be. The purpose of this hearing is for the public to talk and the Village Board to listen. It is the practice of democracy. He said he urges his fellow Board members to preserve the integrity of this neighborhood, don't turn your backs on the people who have taken the time to write and phone and testify before us against this project and join him in voting no on the zone change application.

Trustee Abato said that she has given this project a considerable amount of thought and she guesses the unfortunate part is that when you talk about a project in anyone's backyard, there is always the furor of what's going to happen if they build it in my neighborhood. And all of what she heard tonight are very valid concerns. But her biggest concern is that there have been Board's before her that made some decisions that impacted this Village greatly negatively and that scared her. And that is why she got involved in politics. This property is a property now that is developable. Developers know it is available. And she had the opportunity to sit with Mr. Brennan on every occasion that she requested to sit down with him without hesitation and he answered all of her questions and gave her every bit of his time to ensure that she realized that Suffern is his home, it is where he chose to raise his family, and that he truly cares about what happens here in Suffern. And the fact that anyone would even consider to call this man greedy would be a horrible misstatement about him. He has embedded himself in this community with the DARE programs, with the Toy Drive, with this Village, with making sure our employees are given credit for the hard work that they do here. He goes out and helps any time he is asked without hesitation and truly cares for our Village. So when she thinks about this property and a property that is a community of families, she said she raised her family here, and she can tell them that she raised her family on Highland Avenue, which is a dead end street. And she can also tell them and Chief Osborn will tell you that they had to put two stop signs on Oakdale Manor because several children were hit by cars in her neighborhood. It wasn't 202, it wasn't Wayne Avenue. It was a little calm little side street. People drive - everyone is in a rush today. That is the way we live our lives. We are Americans. We are rushing. We are going. We are doing. But she knows that this developer cares about what happens here in Suffern and he proves that every single day when he walks into Suffern and he says to the Mayor, how can I help? When he says to the police chief, to the fire chief, how can I help? He truly cares about Suffern. And as he said. He could have put the 32 units and said you know what, I am going to get every bit I can out of it. But he truly told her that he sat down and he thought about this neighborhood and he didn't think about making it an eyesore. And he didn't think about making it a monstrosity. And he didn't make it to be

overcrowded. What he wanted to do was to put something simple and quaint into Suffern that provided a community. It is a community living. It's families to embrace. It's children to come to our schools. We have always prided ourself as Suffern being a friendly, welcoming town. 24 units. She said she sat here and counted three people per unit. Okay, maybe there's four, maybe there's two. But if you look around this room and you split this room completely in half, look at how many people you are talking about. That's how many people will occupy these 24 units. That is not a lot of people. Our Viola School can more than take on, even if it was 40 children, it is not an overcrowded school. The classrooms are not overcrowded. We should embrace a project like this because you know what could happen down the road ten years from now when there is a different Board here and there is somebody who wants to make use of the maximum of that property and it is not 9 homes. If it's not 24 homes responsibly built by someone who has environmentally looked into this project, who dotted his I's and crossed his t's. Who cares about the safety of the children that move in here. Who is willing to work with the traffic problems that he didn't create. They already existed. It is nothing he created. This is a responsible person who wants to come in and put a responsible complex into our Village. How do you say no to that knowing that a Board after this Board or a Board after that Board can decide to put the 32 units in there. And not really care about run-off. This man is willing to come in and do a responsible project. It is very hard to say no to something like that because you know what? A lot of times it is be careful what you wish for. You don't agree to this project. You don't want it in your backyard. But you know what? Sometimes you end up with worse than what you already had.

The Mayor said we have a motion and second.

Trustee Meegan-Corrigan said she voted yes, morally and ethically, yes.

Trustee Meehan - no

Trustee Simon said that before he announces his vote, he did want to say something. Possibly with the exception of Mr. Brennan, he probably has given this project more thought than anybody else up here because it is his neighborhood. Because for all the people who spoke today, whether for or against, most of them are his neighbors. Most of them he considers his friends. That is why we did have an informal meeting last week. That is why there were about 20 people in one of his neighbor's houses last week to come and talk about this. Because this for their neighborhood is probably one of the single biggest issues today. And there was a lot of discussion that night. A lot of good discussion. Nothing untoward happened. A lot of that discussion continued tonight. Primarily it seems to him to center on the issue of traffic safety, which nobody would have anything against. Everybody would be for safety. The problem he has with that argument is that those cars are already on 202. If anybody here thought that a no vote by this Board would solve the traffic problem on 202 now and forever, he said he doesn't think anybody here would have a problem voting no. That is not the case. If you

say no to this, it is going to get built somewhere, whether we like it or not. The problem is that we can either try to manage the growth in this Village and try to reap any potential benefits from that growth or we can let it go somewhere else and reap no benefit and all of the downside. And while he doesn't think there is a person here, maybe with the exception of Mr. Brennan, and he apologizes if he oversteps his bounds, who loves this project, he doesn't see a compelling reason for him to say no so he will say yes.

The Mayor said that he will echo what Mr. Simon says. This will be an asset to the Village. We want to make sure that obviously that any development in this Village is done so intelligently. We do believe that when all is said and done that this will be an asset to the Village and that we will continue and we will commit to do what we can to improve the traffic along 202. We will take him up on his offer of a traffic study. And we will work with the state to make the road safer. That being said, the Mayor said he too votes yes for the zone change.

Trustee Abato voted yes.

The Mayor said the motion carries 4 to 1.

VILLAGE OF SUFFERN

LOCAL LAW NO. 2, of 2011

A LOCAL LAW AMENDING SECTION 266 OF THE CODE OF THE VILLAGE OF SUFFERN, THE ZONING LOCAL LAW AND ZONING MAP OF THE VILLAGE OF SUFFERN, REZONING PROPERTY DESIGNATED ON THE TAX MAP OF THE VILLAGE OF SUFFERN AS SECTION 48.69, BLOCK 1, LOT 1 FROM A R-15 ZONING DISTRICT TO A MR-15 ZONING DISTRICT

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

Section 1. Chapter 266 of the Code of the Village of Suffern, the Zoning Local Law and Zoning Map of the Village of Suffern, is hereby amended by changing the zoning district designation for property known and designated on the Tax Map of the Village of Suffern as Section 48.69, Block 1, Lot 1 from a R-15 zoning district to a MR-15 zoning district.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

PUBLIC HEARING - COMMUNITY DEVELOPMENT:

Fred Rella said that this is the time of year that we have to submit our annual application to the Rockland County Office of Community Development to try to gain some monies to be utilized within the Village and once again we are going again to be looking at doing

something for Suffern's Downtown Revitalization Project. Mr. Rella said that last year they did the first year in submitting an application for a five-year program to do a Downtown Revitalization Project which includes new lights, some new sidewalks and curbing, and new facades for a number of the buildings. The award we got last year for downtown revitalization was \$100,000.

Mr. Rella said that tonight we need a resolution to submit our application and put in for the second phase of this project, which is \$137,000, which would include \$50,000 for lighting, \$75,000 for facades, and \$12,000 for administration - a total of \$137,000.

The Mayor asked if there were any public comments. Since nobody spoke, a motion to close the public hearing was made by Trustee Simon, seconded by Trustee Meehan. Upon vote, the motion was carried (Trustee Abato had stepped out and did not vote.)

The Mayor said he just wanted to first off just say something briefly and just make sure that Trish is back. The Mayor said he would like to thank Fred and Carrine for all their work. We have made significant steps in the last year in terms of what we have done downtown. Also, he thinks that somebody who doesn't get enough credit for that is Charles. He said that in one short year, and he doesn't think that people realize, we did a curb replacement and sidewalk project in the downtown, crosswalks and lighting - three separate contracts all while doing a million dollar road project throughout the Village. That would not have been done without Charles and also Danielle, who he knows was a big help to Charles in doing that. And as we move forward into this year's project and the next phase, he said he thinks we are all excited that we are making significant headway in the downtown and trying to move our revitalization program forward in a significant fashion. The Mayor thanked Mr. Rella for his hard work.

Mr. Rella said he would like the Board to vote on a resolution for him to submit an application for \$125,000 to the Rockland County Office of Community Development for the 2011 Community Development Block Grant and the Village of Suffern will contribute \$12,000 on top of that for a total of \$137,000.

A motion to accept the recommendation was made by Trustee Abato, seconded by Trustee Meehan.

RESOLUTION NO. 2, 2011

RESOLVED, that the Village Board accepts the recommendation of the Citizen Advisory Committee to seek Community Development Block Grant (CDBG) funding for the Business District Revitalization Project and authorizes the submission of the 2011 CDBG application. The CDBG application will state that the 2011 Business District Revitalization Project cost will be \$137,000. Of this total, \$125,000 will be contributed from the Community Development Block Grant and \$12,000 will be contributed from the Village of Suffern.

AYES: Mayor Dagan LaCorte

Trustee Patricia Abato, Trustee Bruce Simon
Trustee John Meehan, Trustee Jo Meegan-Corrigan

NOES: None

ABSENT: None

POLICE DEPARTMENT:

A) Update

Chief Clarke Osborn said that he just wanted to give the update for the 2010 numbers that they have. For this past year, 2010, they had 401 arrests, they issued 2,106 vehicle and traffic summonses, they had 6,673 police blotters. They also had two major narcotic sweeps which netted over 40 suspected drug dealers. They did DWI checks. They were going after aggressive drivers and for five of the last six years they have knocked the crime rate down every year consistently. He said he wanted to thank the Board for their support. It is definitely working.

HOLD OVER - DONNA MARIA - LIVE ENTERTAINMENT:

Attorney Rice said that as the Board is aware there have been incidents in the past. Donna Maria's live entertainment permit at one point was suspended and then revoked because of problems. They reapplied after some period of time. They are requesting bands limited to karaoke, marachis and DJ, limited to Friday, Saturday and Sunday nights and they have requested from 11:00 p.m. to 3:00 a.m., which of course is not going to be acceptable to the Board. The Village Planning Board reviewed the application on the referral and they recommended in favor of this special permit with the conditions that it be only until 1:00 a.m. Friday and Saturday only. Again, 90 decibels at the property line, that they speak to the police prior to going to the Village Board, that the approval be for only three months. Attorney Rice said they have met with the chief and he has advised him and he is satisfied with the measures that they are going to take. And that is the recommendation.

Chief Osborn said they met with the gentlemen from Donna Maria last month after the last Board meeting and he is satisfied at this point with the measures they are taking. He did explain to them that if there are obvious incidents that we will address them with the Board to revoke that license. With the level of security that they are going to have in there he does feel confident that it will work out and if it doesn't they will address it immediately.

A motion to approve the live entertainment permit subject to the conditions that were just mentioned, for a period of three months, was made by Trustee Abato, seconded by Trustee Meehan.

Randy Ortiz, our Code Enforcer, said that a couple of times that he has interacted here, the stuff has gone on before, his events have gone on before 11 o'clock. So eleven, twelve, one. He just wants to

make sure that he understands that it is only two hours. He just wants to make sure that he understands. He just wants to be fair and he wants to make sure that everyone is clear. Trustee Abato said that 1:00 is the blanket time that we put on. The Mayor said you can start earlier, but not later. 1:00 a.m. is the cutoff and not Sunday.

Upon vote, the motion was carried, with Trustee Meegan-Corrigan voting no, and Trustee Simon voting no. Trustee Simon said he would like to explain his opposition and then if the applicant would like to address it, maybe we can move on from that. Trustee Abato said no, you can't. Trustee Simon said then he is opposed. Period. The Mayor said that obviously there have been problems in the past but you are a new operator. It is a three-month application. You have gone through the process and he wants to give him, and obviously this is a deciding vote here, the opportunity. Just know seriously that again, in general, these things are a matter of noise that we deal with. And while we take that seriously, typically that is not a life-threatening situation. The incidents that have occurred surrounding live entertainment at your establishment have been much more severe to a point where an individual almost died due to severe stab wounds, he guesses we would say. In addition, situations where people were carrying guns. So obviously we are not going to tolerate it. So again he wants to give him the opportunity as a new operator and he has the opportunity to get a chance. And the Mayor said he will vote yes.

Attorney Rice said he would just add that the three months doesn't mean that it is going to go for three months because the part of the motion is the Board has the right to suspend or revoke the permit if there are problems. And secondly, as he told Ireland's, make sure you get in your renewal application sufficiently in advance so that you don't run out of the three months and it is a new application.

The gentleman said that the restaurant is under new management and they are just trying to do things the right way. To work with the chief and to make sure that it is okay. He thanked the Board.

VILLAGE ATTORNEY:

A) Purchase - 130 Orange Avenue - Negative Declaration, Authorization to Purchase:

Attorney Rice said they talked about the Village's intent to purchase 130 Orange Avenue. He said he has a draft contract which hasn't been finalized because there are a number of things that we needed to work out. The primary issue before the Board can authorize the Mayor to sign the contract was that the Board of Trustees has to act under SEQRA and assumingly approve a negative declaration, meaning that the purchase of the property would not have a significant impact on the environment. In order to get to that point, most of the issues were very simple but we had to make sure that there was no environmental contamination on the site. So there was a study. Phase two done which has been provided to John Lange, our planner. So Attorney Rice said he would ask the Board to

consider two motions. First to adopt a negative declaration that John can very briefly summarize. And secondly, if you want to move forward with it, to authorize the purchase of the property and for the Mayor to sign the contract. The total purchase price is \$360,000, which includes demolition of the building. Attorney Rice said, by the way, we can do this before you act on the bond resolution, because you already approved the bond resolution but you are merely increasing it to include the consultant fees and some extra in case you have additional consultants involved.

A motion adopting the negative declaration was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried.

A motion to authorize the purchase was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan

NOES: Trustee John Meehan

ABSENT: None

DEPARTMENT OF PUBLIC WORKS:

A) Request Authorization to Release Application for Payment No. 4 to Diamond Construction for Business District Crosswalks:

Mr. Charles Sawicki said he was requesting authorization to release application for payment No. 4 to Diamond Construction Company in the amount of \$12,470.83 for the business district crosswalks. A motion approving the request was made by Trustee Abato, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

B) Request Authorization to Release Application for Payment No. 4 to Diamond Construction for the Roadway Improvements Phase 2:

Mr. Sawicki requested authorization to release application for payment no. 4 to Diamond Construction Company for the Roadway Improvements Phase 2 project in the amount of \$36,718.17. A motion approving the request was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

C) Request Authorization to Release Application for Payment No. 3 to Tilcon New York for Roadway Improvements Phase 3:

Mr. Sawicki asked for authorization to release application for payment no. 3 for Tilcon New York for Roadway Improvements Phase 3 project in the amount of \$33,356.36. A motion approving the request was made by Trustee Simon, seconded by Trustee Meehan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

D) Request Authorization to Purchase a 10 Cu. Yd. VAC/All Steel Debris Body:

Mr. Sawicki requested authorization to purchase a 10 cu. Yd. VAC/ALL steel debris body to replace the existing body which is severely corroded. The low bidder was in the amount of \$45,140 from Empire Municipal Equipment, LLC, Bronx, New York. A motion approving the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

E: Request Authorization to Release Application for Payment No. 2 to Doyle Contracting Inc. for the WWTP Digester Cover Replacement:

Mr. Sawicki requested authorization to release application for payment no. 2 to Doyle Contracting Inc. for the WWTP Digester Cover Replacement project in the amount \$100,700. A motion approving the request was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

F) & G) Request Authorization to Utilize Education Funds for Waste

Water Instructional Classes And Evening Automotive Brake Course:

Mr. Sawicki requested authorization to utilize education funds for Waste Water Instructional classes. The classes are as follows: Mr. Derek DeZago to attend basic wastewater laboratory course at a cost of \$475 and activated sludge course at a cost of \$500. Mr. Craig Flanagan, Jr. to attend basic waste water operations at a cost of \$993. These courses are offered on Tuesday and Thursday evening from 6 to 9 p.m. with no interruption to normal workday.

Trustee Abato said since they were all educational funds could we put Mr. Cottiers in there too?

Mr. Sawicki said also requesting again to utilize educational funds for evening automotive technology brakes course at Rockland Community College to be attended by Steven Cottiers at a cost of \$801. A motion approving the requests was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Trustee Simon said that on the motion we stipulate as in the educational policy that the payment is made upon successful completion of these courses.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

H) Requesting Authorization to Fill One (1) Laborer Position:

Mr. Sawicki requested authorization to fill one (1) laborer position. The nominee for this position is Mr. James J. Schoenleber, a resident of Suffern. A motion approving the request was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

The Village Clerk asked to start him when? Mr. Sawicki said the start time would be January 18, which would be after the holiday.

I) Requesting Authorization to Fund the Cost of Hepatitis B Vaccines:

Mr. Sawicki requested authorization to fund the cost of Hepatitis B vaccines for all Wastewater Treatment department, Water department, Refuse department and Street department employees. A motion authorizing the request was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Trustee Simon said he had a question.

He said the question was raised by several people, including former Mayor Giannettino. Trustee Simon said he knows he said, and we discussed it at the workshop about why doesn't the Village health insurance pay for it. Somebody else asked why doesn't the union pay for it. Mr. Sawicki said we already investigated that and those options aren't available. Mr. Sawicki said it is a three-part vaccine and they were able to get a corporate rate at \$65 per injection. Trustee Abato said not to exceed \$65 per injection. Trustee Simon seconded it.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

VILLAGE CLERK:

A) Approval of Minutes of Regular Village Board Meeting of November 1, 2010:

Village Clerk Virginia Menschner asked for approval of the minutes of the regular Village Board meeting of November 1, 2010. A motion approving the minutes was made by Trustee Abato, seconded by Trustee Simon. Upon vote, the motion was carried, with Trustee Meegan-Corrigan abstaining since she was not on the Board at that time.

B) Resolution No. 1, 2011 - Rules of Procedures:

Ms. Menschner said we have Resolution No. 1, 2011.

RESOLUTION NO. 1, 2011

WHEREAS, Village Law § 4-412(2) authorizes the Board of Trustees to determine the rules of its procedure; and

WHEREAS, the Board of Trustees is desirous of adopting rules of procedure relating to agenda items.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees as follows: a member of the Board of Trustees who desires to place items on the agenda should present these items to the Village Clerk prior to the formulation of the agenda for the workshop meeting of the Board of Trustees whenever possible. A member of the Board of Trustees may bring up any matter of Village business at the Trustee portion of the meeting.

This resolution shall take effect immediately.

A motion approving the resolution was made by Trustee Meehan, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.

C) Bond Resolution for \$385,000 Amending Bond Resolution for Acquisition of Land for Parking:

Attorney Rice said this bond resolution was passed previously and this is an amendment increasing it by \$25,000. A motion authorizing amending the resolution was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan

NOES: Trustee John Meehan

ABSENT: None

A motion authorizing the Village Clerk to advertise was made by Trustee Simon, seconded by Trustee Abato.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan

NOES: Trustee John Meehan

ABSENT: None

D) \$407,000 Serial Bonds for Various Purposes:

This serial bond would be for \$134,000 for the fire department, \$33,000 for the police department, and \$198,000 for the wastewater treatment plant. A motion to adopt the resolution was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

A motion authorizing the Village Clerk to advertise was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

E) \$1,300,000 Revenue Anticipation Note Resolution:

The Village Clerk said this \$1,300,000 revenue anticipation note resolution is for the water bills. A motion approving it was made by Trustee Abato, seconded by Trustee Meegan-Corrigan.

AYES: Mayor Dagan LaCorte
Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

FINANCE DEPARTMENT:

Treasurer Tom Zordan said we paid \$986,000 to New York State for the pensions for the police and all other municipal employees. We received \$50,000 from Rockland County Community Development for our downtown lighting project and \$50,000 for the Ramapo Avenue curb project came in on Thursday. The rate charged by the Empire Plan for our medical insurance increased effective January 1, 2011. The increase is 13.32%. That is going to be a big dent to the budget. Mr. Zordan said of the \$1,550,000 in water and sewer billings from November we collected a little over a million dollars through December 31, 2010. That is on par with last year. He said we sent out \$507,722 worth of solid waste invoices on December 30. And he is happy to say that we have received over sixty payments today alone. Budget worksheets were distributed to all department heads on Monday, December 20 and they are to submit their budget requests by January 14, 2011. Mr. Zordan said the timeline will be ready for the Mayor to review. The Mayor said yes, he wanted to touch upon that. Like last year we posted it all on the Board and we changed the procedure. Remember we talked about having a hearing and then giving residents the opportunity to have input. So the same way we are going to do it. Tom and Gail were working on it today and tomorrow we will e-mail it to the rest of the Board and then we will post it. The Mayor thanked Mr. Zordan for his work on that. He appreciates that. The Mayor asked Gail if she could send out a message through the messaging system about that. Mr. Zordan said the last thing, unfortunately, is more bad news. We received our share of the mortgage tax from Rockland County in the amount of \$47,497. That is \$9,151 less than the previous six month payment. It is not looking good.

MAYOR:

A) Renew Robert Yodowitz Agreement for Village Prosecutor:

The Mayor said he has one item on the agenda that was held over from last month. We had some discussion about it at the workshop. It is to renew the agreement for Robert Yodowitz who is our Village Prosecutor handling the vehicle and traffic cases at the same terms which is \$1500 a month for a six month period. A motion renewing the agreement was made by Trustee Abato, seconded by Trustee Simon.

AYES: Mayor Dagan LaCorte

Trustee Bruce Simon, Trustee Patricia Abato
Trustee Jo Meegan-Corrigan, Trustee John Meehan

NOES: None

ABSENT: None

A motion to adjourn the meeting at 10:55 p.m. was made by Trustee Abato, seconded by Trustee Meegan-Corrigan. Upon vote, the motion was carried.