

**Special Village Board Meeting
Monday, May 18, 2015 - 7:00 p.m.**

A special Village Board meeting was held on the above date at 7:00 p.m. with the following members present:

PRESENT: Mayor Patricia Abato
Trustee Frank Hagen, Trustee Robert Morris
Trustee Edward Markunas

ALSO PRESENT: Virginia Menschner, Village Clerk
Rob Magrino, Deputy Village Attorney

ABSENT: Trustee Matthew Byrne

The Mayor said tonight we will be continuing the public hearing for the zone change on Orange Avenue. She said she would like to open up the hearing. If anyone would like to speak, please come up to the microphone and state your name and address.

7:05 P.M. - PUBLIC HEARING - AMENDING THE ZONING LAW AND ZONING MAP TO RE-ZONE PROPERTIES ALONG THE EAST SIDE OF ORANGE AVENUE AND THE NORTH SIDE OF CHESTNUT STREET:

Jeff Genser of 32 First Street asked what are we allowed to - the Mayor said the zone change. He said right. He said this has nothing to do with the PILOT or the project. The Mayor said those hearings are long gone. This is just for the zone change. Mr. Genser said he had a question that he hadn't anticipated asking. He said if this is for the zone change why has it been continuously postponed with the implication that the developer had requested postponement when we are the Village and we think about changing the zone from an R property that he may or may not be in contract - he said he doesn't know really where it stands. The Mayor said okay. She can answer that for him. Mr. Genser said there are two separate issues and he doesn't understand why the developer has had any influence at all on the Village Board's decision to continually push it off for a week or two at the request of the developer. He said it said on these notices on Facebook. He said it is not what he was going to talk about. He asked if there would be any other meetings or is this the last meeting. The Mayor said this is the last meeting for the zone change. Mr. Genser said as far as we stand on the Orange Avenue project proposed. He said some people use the word luxury housing - he said he believes the developer himself used the word market-rate housing - those are two different things and he would like to know exactly where we stand at the moment now going forward. A lot of things have changed. He said he had a whole other kind of thought, train of thought, going. But the biggest issue for him is he would like to understand the Board's reasoning for

holding up the zone change just because the developer requested it. He said he can't understand it. The Mayor said sure.

Mr. Magrino said the developer is really the applicant. They applied for the zone change. So the Village wasn't necessarily going to make the zone change without the developer's application. A number of issues came up, a number of issues at the public hearing, a number of issues contractually so when the developer asked for a continuation it is up to the Board to grant it or not grant it but again the developer is the one who is applying for the zone change and they asked for a continuation and the Board granted it as the applicant. Mr. Magrino said they are the applicant for the zone change.

Mr. Genser said even though they don't own the property? Mr. Magrino said in order to proceed all property owners need to be notified obviously if they are not a part of it. However, the developer, the applicant, is a contracted vendee for all of the properties meaning they are in contract to purchase them. With that right or interest, he should say, in the properties they have a right to apply for the zone change.

Mr. Genser said we have to presume the current property issue has been resolved and we've gotten past that. Mr. Magrino said our understanding is it has been resolved. The applicant is in contract to purchase that, correct? Mr. Genser said and he can't ask any questions in regard to the PILOT. Mr. Magrino said if you have a question go ahead only because there is going to be a resolution tonight so if you have a question go ahead. Mr. Genser said he can? Mr. Magrino said go ahead. Mr. Genser said thank you.

Mr. Genser said in regard to the PILOT he would like to say a couple of things about this PILOT. In the beginning the PILOT was hardly, from the way he viewed it and understood it as a citizen who got limited information, whatever information at that no insight information. He said it looked to him that there was an offer by the developer to pay a very small amount of taxes and then he heard through the grapevine where it developed into a situation where the developer agreed to pay - again, this is hearsay - maybe you can confirm it or deny it - up to like maybe three or three and a half times as much as the original offer was in the beginning for the first number of years and go up further from there. And what interests him about it is the fact that our Village is, as we all know, very financially distressed based on the New York State report - it's not the last, he believes. And he thinks that the developer knew full well about the finances of the Village - probably more than most Village residents being as he believes he had the ear of the then Mayor. So he probably knew we were heading into the tank and in the tank before Mr. Genser knew about it as a resident, taxpayer. Yet, he asked for that type of a discount from a Village that has no money after claiming that he really cared

about Suffern because he went to Suffern High School. Mr. Genser said he went to the meetings and he remembers this stuff. Mr. Genser said so he wants to bring that all up so that everybody hears it and understands that this PILOT, if he gets it, should never have been agreed to because there was no need for a PILOT, no matter what they say. If they tripled the original offer, if it is true, they are never going to make a ton of money on this building whatever it turns out to be. He said he doesn't want to make any negative statements. He said it may be a beautiful thing. He hopes it is if it is built and hopefully it will be. He said he hopes we don't pass the zone change tonight. He said he thinks it is inappropriate if a zone change is connected with one specific developer. He said he believes it is a conflict of interest. He believes that a zone change should be initialized by the Village entity itself and then after that point a developer or developers who have interest in this newly zoned property can come in and make some proposals. It didn't happen in this situation. And that is from day one - the problem that he has had with it. That there are serious questions about the way it went down. He said he doesn't think it was ethical or morally proper the way it happened. He thanked them.

Mr. Magrino said just a brief comment on that and he knows this came up once before. Typically, in many municipalities, it works this way because the municipality then has control over what is going on there. If the zone change went through first and then we waited for developers to come the Village has less control over what is going there. He said this Board has looked at this plan for almost two years. The plan is there. He said he doesn't think it is going to change much - he said he shouldn't say that - it has changed in that the number of units has been reduced so in that regard this Board and the public are aware of exactly what is going there at the time of the zone change which is typical of the zone change in many municipalities. So to address that concern that is the way it is typically done. The developer applies and if the Board likes it, they like it. If they don't like it they can change it or not approve it. So that is where we are right now.

Carolyn Varano of 20 Boulevard asked if we could post the map to our web page so that other residents can see the exact - a projected environmental and traffic impact and everything else that will be affected with this. The current changes that it is right now. Mr. Magrino said all those items are available. The applicant has submitted map that the Village Clerk has of all the properties. Ms. Varano asked if we could post it to the Suffern web site so that everybody could see. Mr. Magrino said it is posted. The Mayor said it is on the web site. Ms. Varano said okay, she didn't see it. She just wondered. She asked what the impact is going to be. Will we have hindrance of traffic flow. With the geyser we had the other day, Suffern was backed up and was at a standstill. She said we had our hands full just trying to keep traffic moving, keeping

people from walking through the danger zone. She said there were wires, there were transformers on a pole. She said will all this be addressed when you make that zone change so we don't have another risk like we have now on Wayne Avenue with that unexpected. The Mayor said the nice part about this Village is that we have the ability because of the connecting roads to move our traffic patterns around as deemed necessary. Hopefully we will never, ever have to have that happen again. That was a really horrible situation but she thinks that the police department and the department of public works do an excellent job in trying to determine, in those situations, what the best route to defer the traffic to is. So she thinks that can happen anywhere at any time. Unfortunately, it happened here. She said she was told by United Water that it is something that happens extremely rarely and hopefully we will never have to do that again. But, like she said, because of the way our roads connect to Route 59, to Orange Avenue, there is always a way around. So she thinks as far as the impact and something happening in that area we have had it happen there before and you would just have to change the traffic pattern. She said she doesn't think that is going to make the situation any better or any worse if the building is there or not there. Ms. Varano said unfortunately we wound up dealing with the commuter traffic from the train, from the buses, from people getting out of work, school, buses, and they were just circling around. They couldn't get through Wayne Avenue. Kids had to get off. Couldn't go home that way - the Mayor said they got home. She said we walked them to their houses. The Mayor said everyone was fine. Everything really went - the first half hour was a little chaotic because we weren't sure what was happening but as soon as we identified what we were dealing with she thinks things ran pretty smoothly. Traffic was going to back up but that happens if there is an accident up on the Thruway that happens. It is just unfortunately the way it works. Ms. Varano said United Water is noted for this. A few weeks earlier they had a cave in over by Wanamaker & Carlough Funeral Home. The Mayor said we had no cave ins and no one got hurt so we were very lucky. The Mayor thanked her.

Sylvio Conti of 3 Cross Street said he had a question. He said he guesses he didn't hear the answer. He said that wasn't going to be his first question but he didn't hear the answer to his question if the tax rate has changed with the continuing negotiation - the original PILOT. The Mayor said yes, it has changed. The original PILOT, in addition to they are giving the Village a special assessment so yes it has gone up significantly. Mr. Conti said yes, alright. He said his question is this - he said he had asked this question before the Board meeting. He said if the zone change is not changed, we have this eye sore in the Village. What is the plan for that particular property if it is not passed. He said he walks by that every day, many people walk by that every day. He said what happens to that. The Mayor said we would have to go back to square one again. Mr. Conti said which is. The Mayor said she can be

perfectly honest with him that we have had no developers banging our door down. And they are coming but they are not coming to that property. Mr. Conti said right. He said thank you.

A motion to close the public hearing was made by Trustee Morris. Mr. Genser asked if the numbers are available for the new PILOT. He said he looked and he couldn't find them. The Mayor said yes, they are available. The motion was seconded by Trustee Markunas. Upon vote, the motion was carried. The Mayor said the public hearing portion is closed.

Mr. Magrino said if the Board is inclined to proceed the next step would be to adopt a negative declaration. A resolution has been prepared and the Board has declared its intent to be lead agency on this. He said he didn't read through the whole thing but it just generally speaking indicates that a petition in August 2013 and resubmitted as of January 2015 by Orange Avenue Associates for certain property in the vicinity of Orange Avenue and Chestnut Street, more specifically identified as tax map section 54.35 block 2, lots 6, 7, 8, 10 and 29 where they petitioned for a zone change from central business to transit development district. A negative declaration was prepared based upon all of the information that was submitted by the applicant and by John Lange when he was performing work for the Village. He said again he distributed that to the Board and if the Board is so inclined it is appropriate at this time to entertain a motion to accept that and issue a negative declaration with respect to this project. A motion to accept the negative declaration was made by Trustee Markunas, seconded by Trustee Hagen. (See attached)

AYES: Mayor Patricia Abato
Trustee Robert Morris, Trustee Frank Hagen
Trustee Edward Markunas

NOES: None

ABSENT: Trustee Matthew Byrne

Mr. Magrino said next, before we get to the zone change, there is an issue with respect to the PILOT. As discussed just now the terms have changed and we have a proposed resolution, again generally speaking with respect to those same properties, and again for the public and everybody, it is a proposed PILOT to be entered into between the Village and Orange Avenue Associates, LLC. In addition the developer has proposed what is called a host community benefit agreement - that is additional payments in addition to the PILOT payments that we had discussed previously. And based upon what has been submitted so far and distributed to the Board we have prepared a resolution. Importantly the resolution is subject to a number of things, not the least of which is a formal written agreement between the Village and Orange Avenue Associates with respect to

the PILOT and the Village and Arco Management, who is the management company, who will be entering into that host community benefit who will paying the additional sums. He said we have been going back and forth a lot of what the security would be and that has all been addressed and is in the resolution and again it is all subject to formal written agreement at the appropriate time.

A motion to approve the PILOT and HCBA was made by Trustee Markunas, seconded by Trustee Morris. (See attached)

AYES: Mayor Patricia Abato
Trustee Robert Morris, Trustee Frank Hagen
Trustee Edward Markunas

NOES: None

ABSENT: Trustee Matthew Byrne

Mr. Magrino said the next thing is a resolution - the developer had indicated that as part of the project they would like to acquire additional property along Chestnut Street, also known as Blauvelt Place that is owned by the Village. There was an appraisal that was obtained. We had a subsequent appraisal based upon the current value of the property and a resolution has been prepared in that regard after the Board has had an opportunity to review it and so a resolution has been prepared to authorize the sale of a portion of Chestnut Street. Mr. Magrino said again it is part of a project, proposed project, for pick up and drop off of folks on Chestnut and there is a resolution that has been prepared. In that regard, if the Village is so inclined and is willing to sell the property as part of this we would amend the contract for 120 to include that as well. To include this additional portion and the additional portion has a more detailed legal description at the back of the resolution. Mr. Magrino said it is Chestnut Street - basically from Orange back - and he is not sure how far back but the total amount is 2,399 square feet so it is .05 acres.

A motion approving the resolution was made by Trustee Morris, seconded by Trustee Hagen. (See attached)

AYES: Mayor Patricia Abato
Trustee Robert Morris, Trustee Frank Hagen
Trustee Edward Markunas

NOES: None

ABSENT: Trustee Matthew Byrne

Mr. Magrino said finally we have a proposed local law with respect to the zone change. Again, generally speaking it would be to change the current CB district to a TD district or a Transit Development

District. He said we have gone over it numerous times. Generally speaking - well first off before he gets to the nuts and bolts of it - this is approving the zone in general based upon the application. He said obviously if it is approved this will go to the planning board for more specific site plan approval that, generally speaking, would approve - it would authorize high rise dwelling similar to the MR50, accessory uses similar to the MR15, special permit uses and in addition in terms of parking he believes it was negotiated and they have come to a conclusion of 1 ½ spaces for each dwelling unit which would include available off-street parking acceptable for the planning board of at least 1.25 or 1 ¼ spaces must be on site. And again, generally speaking he believes the height was reduced to what was originally proposed as well as the maximum development area to 90. And the maximum height is at 75 and he believes you had discussed these five stories - he is sorry - the six stories at 75. And again a resolution has been prepared with respect to the local law and amendment which the Board has. So if the Board is so inclined it would be appropriate to do a motion with respect to that.

A motion adopting Local Law No. 6 of 2015 was made by Trustee Morris, seconded by Trustee Hagen. (See attached)

AYES: Mayor Patricia Abato
Trustee Robert Morris, Trustee Frank Hagen
Trustee Edward Markunas

NOES: None

ABSENT: Trustee Matthew Byrne

The Mayor said she would just like to say a few words with regards to this project. She said there was a lot of blood, sweat and tears in this project. Josh and his family believed in the project. They truly wanted this project in Suffern. She said we have put him through the ringer and there are many times when she is sure he wished that he walked away from it but he didn't. And he really worked with the Village to put together something that she thinks is fair for the Village. She said we are getting a beautiful building. We are increasing our downtown to bring people in to shop, to eat here. This Village truly needs that boost. She said she has to be honest with us that she did meals on wheels and had the opportunity to go into one of the buildings downtown and she was horrified. So this is going to be a beautiful area. It is a gateway into our Village. It is going to be welcoming and it is going to give the lift that our Village needs downtown. So she thinks that we would be remiss if we didn't mention Dagan LaCorte and his vision for this property. She said he is here tonight. She said that he saw that this Village needed some uplift and had a vision for it and worked hard during his administration to try to bring this forward. So she would like to thank him for doing that.

And she said to Josh she is holding him to everything. She said she wants a hard hat and she wants a vest. She said she is glad that we are finally, after a long haul, that we are here and she looks forward to seeing all of the plan and going forward.

Trustee Hagen said as people realize he was initially against the PILOT, and he knows that we are not talking about that, and that was about a year ago - maybe 12 or 14 months ago, whatever. But he has seen such as change in this whole project and it seems to him to be the right thing for the Village. It is more lucrative. It has gotten a lot sweeter. He said Mr. Genser had asked a question and he doesn't know if he was allowed to answer it but what he asked - yes. It is that much better and he thinks it will be a good thing for the Village.

Trustee Markunas said he also would like to say a few words in regards to the PILOT and the Host Benefit agreement. He said this will only benefit the Village of Suffern - the businesses, the taxpayers - the overall Village. It is going to be a great benefit and we look forward to it coming into the Village.

The Mayor said to Josh congratulations and she welcomes his project into the Village.

The Mayor said there are two things on our agenda so she is just going to close that portion out. She said finally the public hearings are over.

A) Authorization for Mayor to Sign 2015-2016 Tax Warrant:

Village Clerk Virginia Menschner said we have to have the tax warrant signed by the Mayor so we can collect our taxes. She said the taxes to be collected are \$11,434,891.03. A motion to authorize the Mayor to sign the tax warrant was made by Trustee Morris, seconded by Trustee Hagen.

AYES: Mayor Patricia Abato
Trustee Robert Morris, Trustee Frank Hagen
Trustee Edward Markunas

NOES: None

ABSENT: Trustee Matthew Byrne

B) Rockland County Spring/Summer Youth Employment Program 2015:

The Mayor said Cathy Mills has been approached and given information with regards to the Rockland County Spring/Summer Youth Employment program and it gives the opportunity for a student to come in, a youth to come in, and work in the Village. The project is completely funded by the program and Cathy would like to request

someone to come in to do research and clerical work from July 6 - she said she is sorry - two students - from July 6, 2015 to August 21, 2015 at no cost to the Village. It just gives them experience within their field. It is a great program. It is a great opportunity for them to come in and actually get their feet wet in the field that they would like to go into. So she would need a motion. A motion to accept the program was made by Trustee Morris, seconded by Trustee Hagen. Upon vote, the motion was carried.

A motion to adjourn the meeting at 7:43 p.m. was made by Trustee Morris, seconded by Trustee Markunas. Upon vote, the motion was carried.