

APPENDIX C

VILLAGE OF HAVERSTRAW'S WATERFRONT CONSISTENCY REVIEW LAW (LOCAL LAW NO. 4 OF 2003)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Haverstraw
~~Town~~
Village

Local Law No. 4 of the year 2003

A local law enacting the Waterfront Consistency Law of the
(Insert Title)
Village of Haverstraw as follows:

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

xxxxxx
~~County~~
~~City~~ of Haverstraw as follows:
~~Town~~
Village

see attached for text

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of ~~19~~ 2003
of the ~~(County)~~ (City) ~~(Town)~~ (Village) of HAVERSTRAW was duly passed by the
Board of Trustees on August 11, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 19____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of
the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in
accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in
accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

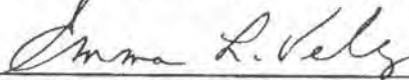
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

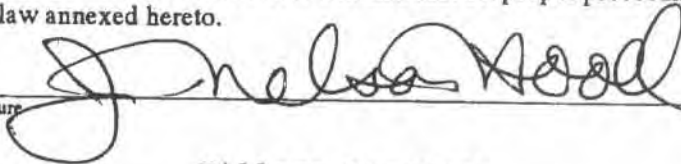
Date: August 15, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Rockland
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature



Title

Village Attorney

XXXXX
XXXXX
City
Town
Village

of HAVERSTRAW

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 4 of the year 2003

Be it Enacted by the Board of Trustees of the Village of Haverstraw as follows:

GENERAL PROVISIONS

I. Title

This Local Law will be known as the Village of Haverstraw Waterfront Consistency Review Law.

II. Authority and Purpose:

1. This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this Local Law is to provide a framework for agencies of the Village of Haverstraw to consider the policies and purposes contained in the Village of Haverstraw Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of Haverstraw that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth, economic development, and attract the traveling public. This Local Law is intended to achieve such a balance.
4. The substantive provisions of this Local Law shall only apply while there is in existence a Village of Haverstraw Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions:

1. "Action" mean either a Type I or unlisted action as defined in State Environmental Quality Review Act ("SEQRA") regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include:
 - (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- (i) are directly undertaken by an agency, or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) laws, codes, ordinances, executive orders and resolutions that may affect the environment;
- (4) any proposed action within the Village's Local Waterfront Revitalization Area that requires site plan review and approval by the Village of Haverstraw; and
- (5) any combination of the above.

This law does not apply to Type II, excluded or exempt actions as defined in the SEQRA regulations.

2. "Agency" means any board, agency, department, office, other body, or officer of the Village of Haverstraw.

3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Haverstraw, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the Village of Haverstraw Local Waterfront Revitalization Program.

4. "Coastal Assessment Form (CAF)" means the form used by an agency to assist it in determining the consistency of an action with the Village of Haverstraw Local Waterfront Revitalization Program.

5. "Consistent" means that the action will materially comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited, to the formulation of a capital project, rule or policy.

7. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Village of Haverstraw, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Haverstraw.

8. "Planning Board" means the Planning Board of the Village of Haverstraw.

9. "Waterfront Advisory Committee" means the Waterfront Advisory Committee of the Village of Haverstraw.

IV. Village of Haverstraw Planning Board

1. The Planning Board is hereby authorized upon a referral from the agency that proposes to take an action to review the proposed action and make recommendations to that agency regarding the consistency of that proposed action with the Village of Haverstraw Local Waterfront Revitalization Program policy standards and conditions.

2. The Planning Board will refer such proposals to the duly constituted Waterfront Advisory Committee (WAC) for review and recommendation to the Planning Board regarding the consistency of the proposed action with the Village of Haverstraw Local Waterfront Revitalization Program policy standards and conditions. The WAC shall be required to report back to the Planning Board within (30) days following referral

In the event that the WAC's recommendation shall not be rendered within the specified time, the Planning Board shall make its decision without the benefit of the WAC's recommendation.

V. Review of an Action and Determination of Consistency:

1. Whenever a proposed action is located within the Village's Coastal Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein.

2. Each agency of the Village shall be responsible for making its own consistency determinations.

3. Where more than one local agency is involved in reviewing a proposed action, the "lead agency" (as that term is defined in the SEQRA regulations) shall be responsible for making the determination that the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein.

4. The consistency determination process required by this local law shall be coordinated with the environmental review process set forth in SEQRA to the greatest extent possible.

5. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review of the proposed action.

6. The agency shall refer a copy of the completed CAF to the Planning Board within ten (10) days of its submission and/or preparation, as the case may be, and prior to making its determination, shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action with the Village's Local Waterfront Revitalization Program.

7. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein. The Planning Board shall require the applicant to submit such information as is reasonably necessary for the Planning Board to make to its consistency review and recommendation.

8. The Planning Board shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion. The Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

In the event that the Planning Board's recommendation shall not be rendered within the specified time, the referring agency shall make its decision without the benefit of the Planning Board's recommendation.

9. The agency shall make the determination of consistency based on the CAF, the SEQRA Environmental Assessment Form, the application and other project documentation, the Planning Board recommendation, and such other information as is reasonably deemed to be necessary for the agency to make its determination. The agency shall issue its determination within thirty (30) days following receipt of the Planning Board's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Local Law.

10. Actions to be undertaken within the Village of Haverstraw Coastal Area shall be evaluated for consistency in accordance with the policy standards and conditions which are set forth and described in Section III of the Village of Haverstraw Local Waterfront Revitalization Program, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the Local Waterfront Revitalization Program in making their consistency determination.

11. If the agency determines that the action would not be consistent with one or more of the policy standards and conditions of the Local Waterfront Revitalization Program, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which is consistent with such policy standards and conditions;

(2) As may be conditioned by the agency, the action would be undertaken in a manner which will minimize to the greatest extent practicable all adverse effects on such policy standards and conditions; and

(3) The action will advance one or more of the other policy standards and conditions.

Such a finding shall constitute a determination that the action is consistent with the Local Waterfront Revitalization Program policy standards and conditions.

VI. Enforcement:

The Code Enforcement Officer of the Village shall be responsible for enforcing this Local Law. No work or activity on a project in the Coastal Area which is subject to review under this Local Law shall be commenced or undertaken until the Code Enforcement Officer has been presented with a written determination of consistency under this Local Law. In the event that an activity is not being performed in accordance with this Local Law or any conditions imposed hereunder, the Code Enforcement Officer may issue a stop work order and thereafter all work shall immediately cease. No further work or activity shall be undertaken on the action so long as a stop work order is in effect.

VII. Violations:

1. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Local Law shall have committed a violation, punishable by a fine not exceeding five hundred dollars or fifteen days in jail, or both. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

2. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this Local Law. The Village may enforce this Local Law by injunction or other civil proceeding.

VIII. Severability:

The provisions of this Local Law are severable. If any provision of this Local Law is found invalid, such finding shall not affect the validity of this Local Law as a whole or any part of provision hereof other than the provision so found to be invalid.

IX. Effective Date:

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW ENACTING THE WATERFRONT CONSISTENCY LAW OF THE VILLAGE OF HAVERSTRAW (LOCAL LAW No. __ OF THE YEAR 2003).

WHEREAS, in July, 1999, MGD Holdings, LLC ("MGD") informally proposed a public/private redevelopment project (the "Project") within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, 81, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the "Project Area"); and

WHEREAS, the Board of Trustees of the Village of Haverstraw ("Village Board") is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law ("GML") authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a "substandard or unsanitary" area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate MGD as the "qualified and eligible sponsor" of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the "Additional Parcels" and collectively with the Project Area, the "Project Area") was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act ("SEQRA") for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the "Zoning Ordinance") and to the Zoning Map of the Village (the Project and all such other actions collectively, the "Proposed Actions"); and

WHEREAS, on September 14, 2000, the Village and MGD executed a certain "Interim Development Agreement" dated as of August, 2000, which generally sets forth the obligations of the Village and of MGD with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as "Type I" under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6 N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled the "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1. WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed "Village of Haverstraw Waterfront Consistency Review Law" to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State ("NYSDOS") for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement ("FEIS") for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal ("DHCR") review the Project "in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply" to the Project, specifically with regard to the execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration

together with the Village's "Response to Comments – Village of Haverstraw Local Waterfront Revitalization Program"; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board's consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village's May 5, 2003 "Response to Comments," and indicated that it required the FEIS to be amended to make the "Response to Comments" and the revised LWRP a part of the FEIS and subject to the ten day "waiting" period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and "Response to Comments" to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village's "Response to Comments" and ; and

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised, draft LWRP and the Village's "Response to Comments" a part of the FEIS and issuing a Notice of Completion of the of the amended FEIS which provided that comments on the FEIS would be accepted through June 30, 2003; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area, and

WHEREAS, Harbors Haverstraw, LLC (the "Developer") is a related entity of MGD and is the successor in interest to MGD; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement ("LADA") between the Village and the Developer and of the "Redeveloper's Statement for Public Disclosure" of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the

redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as a part of the Project; and

WHEREAS, on August 5, 2003, the Village Board, acting as lead agency, adopted a written findings statement under SEQRA in connection with the Project and all of the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

1. The TAC has presented to the Village Board for its consideration a proposed local law entitled "Village of Haverstraw Waterfront Consistency Review Law" (Local Law No. ____ of the year 2003). The purpose of the law is to implement the LWRP and to set forth the process which must be utilized by Village boards and agencies to review proposed actions for consistency with the LWRP. A copy of proposed Local Law No. ____ of the year 2003 is attached to this resolution as **Exhibit A**.
2. The Village Board hereby enacts the Village of Haverstraw Waterfront Consistency Review Law (Local Law No. ____ of the year 2003).

Resolution # 266 – 2003

Motion by Trustee: Brennan

Seconded by Trustee: Cintron


	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

Motion passes: 4 yes
1 Abstain

I, Emma L. Velez, Clerk of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular meeting of the Board of Trustees held on August 11, 2003 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 12, 2003
Haverstraw, New York


Emma L. Velez, Village Clerk

SEAL OF MUNICIPALITY