

APPENDIX D

VILLAGE OF HAVERSTRAW'S WPE – WATERFRONT PLANNED DEVELOPMENT DISTRICT (LOCAL LAW NO. 2 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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 02 2003

MISCELLANEOUS
& STATE RECORDS

XXXXXX
County
XXXXXX
City
XXXXXX
Town
XXXXXX
Village

of Haverstraw

Local Law No. 2 of the year 2003

A local law to amend Article V of the Zoning Ordinance of the
(Insert Title)
Village of Haverstraw, Section 245 - 21, WPD Waterfront
Planned Development District, for the purposes as
follows:

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

XXXXXX
County
XXXXXX
City
XXXXXX
Town
XXXXXX
Village

of Haverstraw as follows:

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. 2 of ~~19~~^{xx2003} 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 disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 disapproval) by the _____ on _____ 19____. Such local law was submitted 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.
(Elective Chief Executive Officer*)

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 disapproval) by the _____ on _____ 19____. Such local law was subject to 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*)

* 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.)

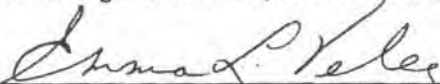
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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
COUNTY OF Rockland

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

Village Attorney

Title

~~CORPORATION~~
~~CITY~~
~~TOWN~~
Village

of

HAVERSTRAW

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 2 of the year 2003

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

Article V of the Zoning Ordinance of the Village of Haverstraw is hereby amended as follows:

ARTICLE V

Other Use And Bulk Regulations; Mountain Protection District; Waterfront Planned Development District; Average Density

§245-21.1. WPD Waterfront Planned Development District.

The purpose of the WPD Waterfront Planned Redevelopment District is to facilitate the implementation of the Urban Renewal Plan for the Village of Haverstraw Waterfront Urban Renewal Area and the Village of Haverstraw Local Waterfront Revitalization Program by permitting mixed uses properly sited and designed in accordance with the Village's objectives as set forth in those plans.

A. Zoning objectives.

- (1) Zoning objectives. An Urban Renewal Plan for the Village of Haverstraw Waterfront Urban Renewal Area (the "Waterfront Urban Renewal Plan") was approved by the Board of Trustees of the Village of Haverstraw, New York, and a map of the Urban Renewal Project Area is attached hereto as Appendix I. The WPD Waterfront Planned Development District is intended to be mapped on land within the Urban Renewal Project Area, and the boundaries of the WPD Waterfront Planned Development District are as shown on the map attached hereto as Appendix II. The objectives of the WPD Waterfront Planned Development District are to provide for comprehensive redevelopment planning within the Waterfront Urban Renewal Area and to encourage and permit the development of the Waterfront Urban Renewal Project as established by and defined in the Waterfront Urban Renewal Plan, which will result in or accomplish the following:
 - (a) The elimination of substandard, blighted, deteriorated and deteriorating conditions within the Waterfront Urban Renewal Area.
 - (b) The development of new multi-family housing to support the downtown commercial center of the Village.
 - (c) The development of new community and recreational facilities to serve Village residents.

- (d) The preservation and enhancement of property values within and in the vicinity of the Waterfront Urban Renewal Area and provisions for the protection of neighboring areas from any adverse impacts of redevelopment within such district.
- (e) The enhancement of public access to the Hudson River waterfront.
- (f) The promotion of regional tourism and a cross Hudson Ferry service that support the downtown commercial center of the Village.
- (g) The encouragement of water dependent and water enhanced uses.

B. Permitted land uses and land use controls. Except as otherwise set forth in this Section 245.21.1, all of the use, bulk and dimensional regulations and off-street parking requirements for the WPD Waterfront Planned Development District, including, without limitation, those regulating the height, density and arrangement of buildings, shall be applied on an overall basis to the total area of the WPD Waterfront Planned Development District and shall not be applied to any individual lots or parcels within said district, notwithstanding the subdivision of the land within said district into two (2) or more separate lots, parcels or development sites and/or the separate ownership of such lots, parcels or development sites and notwithstanding the construction of the Waterfront Urban Renewal Project in two (2) or more stages or phases, provided that no development within the WPD Waterfront Planned Development District may take place except in accordance with a Concept Development Plan approved by the Board of Trustees of the Village as set forth in subsection C, below, and attached hereto as Appendix II, and approved site plans. The permitted land uses, bulk and dimensional regulations and off-street parking requirements for the WPD Waterfront Planned Development District are set forth below.

- (1) Uses permitted by right and permitted density of development. The WPD Waterfront Planned Development District is divided into five land use areas as shown and designated on the Map of Land Use Areas in the WPD Waterfront Planned Redevelopment District (the "Land Use Areas Map") approved by the Board of Trustees of the Village in conjunction with the adoption of this Section 245.21.1 and shown in Appendix III (attached hereto) of this Zoning Ordinance. The types of uses permitted by right and the maximum density of development of such uses are different in each land use area; provided, however, that in no event shall the maximum aggregate density of residential development on all five Land Use Areas exceed 890 dwelling units, of which five percent (5%) of the total aggregate number of dwelling units constructed shall be affordable rental housing under Village guidelines. The land uses permitted by right and permitted densities are as follows:

- (a) Land Use Area A.

- [1] Uses permitted by right: maximum permitted density of development.

- (a) Multiple dwellings for rental or sale having a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices (for residents only), meeting rooms, recreational facilities including a pool, health and fitness facilities and dry-cleaning drop off only: maximum permitted development of dwellings - 490 dwelling units; maximum permitted development of clubhouse - 15,000 square feet of floor area.
 - (b) Office space and facilities within multiple dwelling buildings and/or within the clubhouse for use by residents of the multiple dwellings on a temporary, as needed basis: maximum permitted development - 3,500 square feet of floor area.
 - (c) Boat club including boat hauling, launching and mooring, and related uses such as boat service facilities, equipment sales facilities, meeting rooms, locker rooms, and eating and drinking facilities including cafes and restaurants: maximum permitted development - 10,000 square feet of upland floor area.
 - (d) Water dependent uses which are not part of a boat club including boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development - 5,000 square feet of upland floor area.
- (b) Land Use Area B.
- [1] Uses permitted by right: maximum permitted density of development.
- (a) Multiple dwellings for rental or sale with or without a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices, meeting rooms, recreational facilities including a pool, health and fitness facilities, dry-cleaning drop off only, and automatic teller machines: maximum permitted development of dwellings - 250 dwelling units; maximum permitted development of clubhouse - approximately 3,000 square feet of floor area.
 - (b) Office space and facilities for use by residents of multiple dwellings on a temporary, as needed basis: maximum permitted development - 3,500 square feet of floor area.

- (c) Passenger ferry service with docking facilities and related parking.
 - (d) Water dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development – 10,000 square feet of floor area.
 - (e) Temporary sales/rental center for dwelling units under construction on Land Use Area A, B and C.
- (c) Land Use Area C.
 - [1] Uses permitted by right: maximum permitted density of development.
 - (a) Multiple dwellings for rental or sale: maximum permitted development – 150 units.
 - (b) Restaurants with or without catering; cafés; and inns for short-term lodging: maximum permitted development – 50,000 square feet of floor area.
 - (c) Water dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development – 10,000 square feet of floor area.
- (d) Land Use Area D.
 - [1] Uses permitted by right: maximum permitted density of development.
 - (a) Multiple dwellings for rental or sale: maximum permitted development – 50 units.
 - (b) A children's museum or similar use: maximum permitted development – no maximum. Similar use shall mean an educational, or cultural facility that reflects the character and interests of the Village, region and Hudson Valley and will enhance the Village's tourist economy.
 - (c) Municipal parking garage: maximum permitted development – no maximum.
 - (d) Retail uses: maximum permitted development – 15,000 square feet of floor area.

- (e) Permanent municipal commuter ferry docking facility with related parking and a combined ferry, fishing and recreational pier: maximum permitted development – no maximum.

(e) Land Use Area E.

- [1] Uses permitted by right: maximum permitted density of development.

- (a) Multiple dwellings for rental or sale: maximum permitted development – 10 units.

For the purposes of this Section 245-21.1, the term “floor area” shall mean “floor area of a building” as defined in Section 245-3 of this Chapter.

- (2) Permitted accessory uses. Permitted accessory uses shall be all uses customarily accessory to uses permitted by right, including off-street parking and loading facilities and home occupations in multiple dwelling units subject to Section 245-14F of this Zoning Ordinance; provided, however, that home occupations shall only be located on the ground floor of a building.
- (3) Other bulk and dimensional regulations: In addition to the maximum permitted densities set forth above, all uses in the WPD Waterfront Planned Development District shall be subject to the following regulations:

- (a) “Development Coverage” shall not exceed the following:

- [1] For Land Use Area A: maximum seventy five percent (75%);
- [2] For Land Use Area B: maximum seventy five percent (75%);
- [3] For Land Use Area C: maximum seventy five percent (75%);
- [4] For Land Use Area D: as determined by the Board of Trustees of the Village in connection with site plan approval;
- [5] For Land Use Area E: as determined by the Board of Trustees of the Village in connection with site plan approval.

Provided, however, that in no event shall the total Development Coverage of the entire WPD Waterfront Planned Development District exceed eighty percent (80%). For the purposes of this Section 245-21.1, the term “Development Coverage” shall mean the percentage of ground coverage of a land use area by buildings and all other impervious surfaces.

- (b) Building height: maximum sixty (60) feet except that the first row of buildings located adjacent to the promenade shall not exceed a maximum height of forty three (43) feet. Architectural towers, gables, parapets, cupolas and similar architectural features, elevator shafts and bulkheads, stair bulkheads, cooling towers, mechanical equipment, and chimneys shall not be included in the measurement of building height, provided that such structure(s) shall not occupy more than fifteen percent (15%) of the roof area in the aggregate of the building, nor be greater than fifteen (15) feet in height, nor in any case be more than ten (10) feet above a roof ridge. Further, in no instance shall such height exclusion form a linear wall equivalent to more than 25% of the length of the building outer wall dimension in aggregate.
 - (c) Required yards: ten (10) foot minimum required front, rear and side yards for all uses, except in Land Use Areas A and B, where a minimum set back of thirty (30) feet from the West Street and Maple Avenue rights of way is required. Additionally, in all instances buildings shall be set back a minimum of forty-five (45) feet from the shoreline except that along up to 20% of the shoreline of each Land Use Area building may be set back a minimum of thirty (30) feet measured laterally from the point of shoreline stabilization of any watercourse or waterbody, including the Hudson River. For the purposes of this Section 245.21.1, the "point of shoreline stabilization" shall mean: (1) in the case of naturally occurring shoreline which is not retained, the mean high water line; (2) in the case of vertical bulkheading, shoring or similar retaining structures, the top edge of such structures; and (3) in the case of "rip-rap" or other dissipation structures, the top edge of such structures or where the rip-rap meets a horizontal grade.
 - (d) Separation between buildings. All buildings shall be separated by a minimum distance of thirty (30) feet.
- (4) Off-street parking requirements:
- (a) Off-street parking for all uses shall be provided in a combination of on-street and off-street parking facilities. At least eighty-five percent (85%) of the parking required any use in the WPD Waterfront Planned Development District shall be located within the boundaries of the WPD Waterfront Planned Development District and the remainder may be located outside of the district boundaries, subject to demonstration by the applicant for site plan approval of adequate control over such spaces. All off-street parking spaces whether or not located within the WPD Waterfront Planned Development District shall be located within five hundred (500) feet of the uses they are intended to serve.
 - (b) The minimum number of parking spaces for any use in the WPD Waterfront Planned Development District shall be determined by the Board

of Trustees of the Village in connection with an application for site plan approval under subsection F of this Section 245-21.1. In making its determination, the Board of Trustees of the Village shall be guided by the criteria set forth in Article VI of this Zoning Ordinance as well as established planning criteria including concepts of shared use and joint parking.

- (c) Each parking space within a parking structure shall be eight and one half (8 ½) feet wide and eighteen (18) feet long, and each parking space not located within a parking structure shall be nine (9) feet wide and eighteen (18) feet long. Handicapped accessible spaces shall conform to the Americans With Disabilities Act Accessibility Guidelines with regard to number and size.

(5) Miscellaneous land use controls:

- (a) A continuous, publicly accessible municipally owned pedestrian trailway shall be created along the Hudson River waterfront in the WPD Waterfront Planned Development District. An applicant for site plan approval of a lot or parcel which contains land along the Hudson River waterfront shall be required to reserve a continuous right of way having a minimum width of twenty (20) feet measured laterally from the point of shoreline stabilization (as previously defined in this section) of the Hudson River in which a minimum twelve (12) foot wide paved public trailway shall be developed on that lot or parcel in accordance with the Concept Development Plan approved as set forth in subsection C, below.

C. Concept Development Plan. The development of any portion of the WPD Waterfront Planned Development District shall comply with the regulations set forth in this Section 245-21.1 and shall conform in all material respects to a Concept Development Plan for the Waterfront Urban Renewal Project ("Concept Development Plan") approved by the Board of Trustees of the Village in conjunction with the adoption of this Section 245.21.1 and shown in Appendix IV (attached hereto) of this Zoning Ordinance. The Concept Development Plan may be amended by the Board of Trustees of the Village from time to time in accordance with Section 245-35 of this Zoning Ordinance.

D. Site plan and subdivision approval.

- (1) Before a building permit may be issued for any use in the WPD Waterfront Planned Development District, a site plan shall be approved in accordance with the provisions of Section 245-16 of this Zoning Ordinance as modified by the provisions of subsection D. All or any portion of the land area within the WPD Waterfront Planned Development District may be subdivided either horizontally or vertically for purposes of sale, lease or mortgage and/or (to the extent permitted by law) tax lot creation without regard to any minimum lot area or to any other bulk of dimensional regulation set forth in this Section 245.21.1 or elsewhere in this Zoning Ordinance, provided that all lots, parcels or development sites so created shall in any event be developed and used only in accordance with the approved

Concept Development Plan and with an approved site plan(s). A subdivision plat shall be approved in accordance with the provisions of the Subdivision Regulations of the Village. Notwithstanding anything to the contrary in this Zoning Ordinance, authority to approve site plans for uses and subdivisions of land in the WPD Waterfront Planned Development District is vested in the Board of Trustees of the Village.

- (2) Applications for site plan and subdivision approval.
 - (a) Site plan approval may be granted for properties in the WPD Waterfront Planned Development District for which the applicant is the duly designated qualified and eligible sponsor of the Waterfront Urban Renewal Project (or any portion thereof) under General Municipal Law Article 15 or 15A. Any applicant for site plan approval shall submit a site plan(s) which materially conforms to the approved Concept Development Plan. Site plans shall comply, as to content and completeness, with the specifications of Section 245-16F of this Zoning Ordinance.
 - (b) An applicant for subdivision approval shall submit a subdivision plat that complies, as to content and completeness, with the Subdivision Regulations of the Village. All applications for subdivision approval must reasonably conform to the approved Concept Development Plan. All applications for subdivision must be approved by the Village Board of Trustees.
- (3) Referral of Site Plans and Subdivision Plats to the Planning Board. All applications for site plan approval and for subdivision approval shall be referred by the Board of Trustees, after a determination that the application is complete, to the Planning Board of the Village for its review and advisory report to the Board of Trustees. Within sixty (62) days after the date of the referral to it, the Planning Board shall submit its report to the Board of Trustees, which may recommend modifications to the site plan and/or subdivision plat and/or conditions of approval of either. The Planning Board may, at its discretion, hold a public hearing on the application for site plan approval and/or the application for subdivision approval within the sixty (62) day review period. Notwithstanding anything to the contrary in this Section 245.21.1, the failure of the Planning Board to submit its report to the Board of Trustees within the sixty (62) day review period shall not preclude the Board of Trustees from rendering its decision on the referred application.
- E. Effect on state law. To the extent permitted by state law, the enactment of this Section 245-21.1 shall supersede any inconsistent provisions of New York Village Law Sections 7-706, 7-708, 7-725-a, 7-728, 7-730 and 7-738.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW ENACTING AMENDMENTS TO THE ZONING ORDINANCE OF THE VILLAGE OF HAVERSTRAW TO ESTABLISH NEW SECTION 245.21-1 THEREOF ENTITLED "WPD WATERFRONT PLANNED DEVELOPMENT DISTRICT (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 proposed Village of Haverstraw Local Law _____ of the year 2003, which would amend the Zoning Ordinance of the Village to establish a new Section 245.21-1 thereof entitled "WPD Waterfront Planned Development District", and adopt a Concept Development Plan for the Project. The regulations of the WPD District are intended to implement the URP and would control the development of the Project. A copy of proposed Local Law No. ____ of the year 2003 is attached to this resolution as **Exhibit A**.
2. Pursuant to Section 245-35 of the Zoning Ordinance, the proposed amendments were duly reviewed by the Planning Board of the Village at its public meetings held on December 17, 2001 and on May 15, 2003.
3. Pursuant to resolutions adopted by the Planning Board on December 17, 2001 and on May 15, 2003, the Planning Board has recommended that the Village Board approve the proposed amendments to the Zoning Ordinance.
4. Accordingly, the Village Board hereby enacts Local Law No. ____ of the year 2003.

Resolution # 268 – 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

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