

APPENDIX E

VILLAGE OF HAVERSTRAW LWRP – RELATED ZONING MAP AMENDMENTS (LOCAL LAW NO. 3 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. 3 of the year 2003

A local law to amend the Zoning Map of the Village of Haverstraw
(Insert Title)
to re-zone certain properties to WPD - Waterfront
Planned District as follows:

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

~~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.)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 02 2003
MISCELLANEOUS
& STATE RECORDS

(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. 3 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 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.
(Name of Legislative Body) (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.
(Name of Legislative Body) (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 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

Village Attorney

Title

XXXX
County
City
Town
Village

of HAVERSTRAW

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 3 of the year 2003

Be it enacted by the Board of trustees of the Village of Haverstraw as follows:

1. The Zoning Map of the Village of Haverstraw is hereby amended to re-classify the following real property as WPD Waterfront Planned District and to make such real property subject to the regulations of such district as set forth in Sec. 245-21.1 of the Zoning Ordinance of the Village of Haverstraw: Section No. 27.09, Block 1, Lot 3; Section 27.10, Block 1, Lots, 1 2; Section 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section 27.17, Block 1, Lot 20; Section No. 27.46, Block 1 Lots 76, 77, 78, 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.
2. This Local Law shall take effect immediately upon filing with he 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 ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE VILLAGE TO RE-ZONE CERTAIN PROPERTIES TO WPD DISTRICT (LOCAL LAW No. ___ OF 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 No. ____ of the year 2003, which would amend the Zoning Map of the Village to re-zone the following properties to WPD Waterfront Planned Development District: 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. 27.46, Block 1, Lots 76, 77, 78, 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. A copy of 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 amendment to the Zoning Map was 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 amendment to the Zoning Map.
4. Accordingly, the Village Board hereby enacts Local Law No. ____ of 2003.

Resolution # 269 – 2003

Motion by Trustee: Cintron


Seconded by Trustee: Batista

	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