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CONDENSED

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In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

-----x

July 13, 2022
7:00 p.m.

Zoning Board Meeting held at One
Rosman Road, Garnerville, New York, before a Notary
Public of the State of New York.

DRAFT

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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3 APPEARANCES:
4 GREGG LAWLESS, CHAIRMAN
5 CARLOS BARRETT
6 LARRY MARGIOTTA (VIA ZOOM)
7 PAUL CLEARY
8 WILBUR ALDRIDGE
9 GLENN McCREEDY, CONSULTING ENGINEER
10
11 CHRISTIE ADDONA, ZONING BOARD ATTORNEY
12
13 MICHELLE CRAFFEY, SECRETARY
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1 Proceedings
2 CHAIRMAN LAWLESS: Please stand for
3 the Pledge.
4 (Whereupon, the Pledge of Allegiance
5 was recited.)
6 CHAIRMAN LAWLESS: Today is
7 Wednesday, July 13, 2022. This is the
8 regularly scheduled meeting for the Town of
9 Haverstraw Zoning Board of Appeals. I'll call
10 the roll.
11 Wilbur Aldridge.
12 MR. ALDRIDGE: Present.
13 CHAIRMAN LAWLESS: Carlos Barrett.
14 MR. BARRETT: Present.
15 CHAIRMAN LAWLESS: Paul Cleary.
16 MR. CLEARY: Present.
17 CHAIRMAN LAWLESS: Larry Margiotta.
18 MR. MARGIOTTA: Here.
19 CHAIRMAN LAWLESS: Via zoom.
20 First item on the agenda is the
21 adoption of minutes from the May 11, 2022
22 meeting.
23 MR. ALDRIDGE: So moved.
24 MR. BARRETT: I'll move.
25 CHAIRMAN LAWLESS: Motion for the

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1 Proceedings
2 minutes made by Mr. Aldridge, second by Mr.
3 Barrett. All in favor, usual sign.
4 (Whereupon, all the Board members
5 responded "Aye".)
6 CHAIRMAN LAWLESS: Motion carries.
7 First order of business --
8 MS. ADDONA: Just for the record,
9 Mr. Chairman, before we get started,
10 Mr. Margiotta who is visible on both
11 television screens at the front of the room,
12 due to illness can not be here this evening.
13 So he is participating via Zoom which is
14 authorized pursuant to Chapter 1 of the Laws
15 of 2022 and Executive Order 11 as subsequently
16 extended and we wish Mr. Margiotta a quick
17 recovery.
18 MR. MARGIOTTA: Thank you.
19 MS. ADDONA: So the first item on
20 the agenda is Efrain Castro, 69 N. Central
21 Highway and this application has been
22 adjourned to the August 10th meeting.
23 The second application on the agenda
24 is 81 West Ramapo Road, LLC, 81 West Ramapo
25 Road. This application has also been

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1 Proceedings
2 adjourned to the August 10th meeting.
3 The third application on the agenda
4 is Genesis Iciano, 9 Oakley Blvd, Garnerville,
5 Section 26.10, Block 5, Lot 7. So I will read
6 the Public Hearing Notice for the record.
7 "Please take notice that the Town of
8 Haverstraw Zoning Board of Appeals shall hold
9 a Public Hearing to consider the application
10 of Genesis Iciano for a Special Permit Use:
11 Home Occupation: Home Office and
12 Esthetic Services. Facials, Body Waxings and
13 Makeup Applications.
14 Said property being located on the
15 East side of Oakley Blvd, approximately
16 640 Ft. South of Rt. 202 and located on the
17 Town of Haverstraw Tax Map at Section 26.10,
18 Block 5, Lot 7.
19 Said Public Hearing shall be held on Wednesday,
20 July 13, 2022 at 7 P.M. in the large meeting room of Haverstraw
21 Town Hall, One Rosman Road, Garnerville.
22 All interested parties are invited to attend and will
23 be heard by the Board.
24 By Order of the Zoning Board of Appeals of the Town of
25 Haverstraw.

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1 Proceedings

2 Gregg Lawless, Acting Chairman, Christie Tomm Addona,

3 Planning and Zoning Board Attorney, Annette Hendrie, Clerk to

4 the Boards.

5 June 15th, 2022."

6 CHAIRMAN LAWLESS: If the applicant

7 would step forward, please. Please state your

8 intention.

9 Is the applicant here?

10 Please state your name and address

11 for the record, please.

12 MS. ICIANO: Genesis Iciano, 9

13 Oakley Blvd, Garnerville, New York.

14 CHAIRMAN LAWLESS: Please tell us a

15 little bit about what you'd like to do.

16 MS. ICIANO: Sorry, I'm a little bit

17 nervous. So I am a mother of three. I am a

18 medical assistant for eight years. After I

19 got pregnant with my last child that is one

20 years old now, I decided I didn't want to

21 continue working for something that's going to

22 keep me out of my home because my mother did

23 help me raise my first child for four years.

24 I felt like I wasn't present.

25 So I decided to think about what

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1 Proceedings

2 It's more for relaxing, some way like people

3 like to do their hair or their nails. It's

4 like another thing that can help you relax and

5 self-care, help take care of yourself.

6 MR. ALDRIDGE: How many people will

7 you be doing at any given time?

8 MS. ICIANO: I'm trying to do the

9 maximum, five per day.

10 MR. BARRETT: One at a time, right?

11 MS. ICIANO: Yes.

12 MS. ADDONA: And you say in your

13 submission that it will be Monday through

14 Friday, eleven A.M. to five P.M.?

15 MS. ICIANO: Yes.

16 MS. ADDONA: And no walk-ins will be

17 accepted?

18 MS. ICIANO: No.

19 MS. ADDONA: And there is a separate

20 entrance for your clients?

21 MS. ICIANO: Yes, absolutely.

22 MR. BARRETT: And you have a

23 separate room in that house just for that

24 purpose?

25 MS. ICIANO: Yes.

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1 Proceedings

2 should I do, what can I do to still work, help

3 and provide, but something that's not going to

4 keep me away from my kids for that long. So I

5 decided to do something in the beauty industry

6 and esthetician caught my attention. I am

7 very good with taking care of people,

8 self-care. So I decided, hey, why not open up

9 my business and run my own hours and still be

10 there for my kids to prepare them and be there

11 when they arrive home from school.

12 MS. ADDONA: Can you tell the Board

13 a little bit about what your operations will

14 look like. I know your submitted a brief

15 synopsis in your application, but can you

16 state that for the Board.

17 MS. ICIANO: So esthetician is where

18 I'm going to do facials, people like, let's

19 say they are having like acne issues or

20 rosacea, like retinas of the skin. I will

21 also do body waxing, that's like removal of

22 the hair on the body. I will do body

23 treatments. There are people that like aroma

24 therapy with essential oils. Those are more

25 like organic things that I would be using.

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1 Proceedings

2 MS. ADDONA: So just for the record

3 and for the benefit of the Board, generally

4 what this Board considers are variances. This

5 is a little bit different because it is a

6 Special Permit for the home occupation use.

7 So it doesn't necessarily apply the same area

8 variance criteria that the Board usually sees.

9 It is a use as a Special Permit that has been

10 determined to be consistent with the character

11 of the neighborhood by legislation as long as

12 the criteria that's satisfied under the code

13 is complied with.

14 But what I will say to the applicant

15 also, is that as a requirement, this Board has

16 to send this application to the County

17 Department of Planning. It's called the GML

18 referral. And that was done, but the response

19 was only received earlier today, so we haven't

20 had an opportunity, the Board and the

21 consultants, to review that submission and to

22 determine what comments they are and what

23 needs to be addressed. So unfortunately, the

24 Board is not going to be able to make a

25 decision this evening.

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1 Proceedings
 2 MS. ICIANO: Okay.
 3 CHAIRMAN LAWLESS: So we'll open it
 4 up for next month for you when we have the GML
 5 report back.
 6 MS. ICIANO: Okay, no problem.
 7 Thank you.
 8 CHAIRMAN LAWLESS: Thank you.
 9 MS. ADDONA: So if the Board can
 10 just make a motion to adjourn the public
 11 hearing to your August 10th meeting.
 12 MR. ALDRIDGE: So moved.
 13 MR. BARRETT: Second.
 14 CHAIRMAN LAWLESS: All in favor,
 15 usual sign.
 16 (Whereupon, all the Board members
 17 responded "Aye".)
 18 CHAIRMAN LAWLESS: Motion carries.
 19 Fourth order of business is --
 20 MS. ADDONA: Zoraida Sharkey
 21 Encarnacion, 2 Parker Road, Thiells. I will
 22 read this Public Hearing Notice for the record
 23 as well.
 24 "Please take notice that the Town of
 25 Haverstraw Zoning Board of Appeals shall hold

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 2 is required.
 3 Said property being located on the
 4 East corner of Parker Road and intersection of
 5 Rt. 202 and located on the Town of Haverstraw
 6 Tax Map as Section 26.09, Block 05, Lot 31.
 7 Said Public Hearing shall be held on
 8 Wednesday, July 13th, 2022, at 7 o'clock P.M.
 9 in the large meeting room of Haverstraw Town
 10 Hall, One Rosman Road, Garnerville.
 11 All interested parties are invited
 12 to attend and will be heard by the Board.
 13 By order of the Zoning Board of
 14 Appeals of the Town of Haverstraw.
 15 June 15, 2022."
 16 CHAIRMAN LAWLESS: I would ask the
 17 applicant to please state for the record,
 18 spell your name and address for the record.
 19 MS. ENCARNACION: Good afternoon.
 20 Zoraida Encarnacion, 2 Parker Road,
 21 Garnerville, New York and I'm here to request
 22 approval for an accessory building on the
 23 property.
 24 MS. ADDONA: Can you just tell the
 25 Board a little bit about what you're

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1 Proceedings
 2 a Public Hearing to consider the application
 3 of Zoraida Sharkey Encarnacion to construct a
 4 new 12'x 24' accessory building, garage.
 5 The following variances are
 6 required:
 7 1. Minimum Lot Area-15,000 Square
 8 Ft. required; 14,181 Square Ft. provided. An
 9 819 Square Ft. Area Variance is required.
 10 2. Rear Yard Depth-35 Ft. required;
 11 28.9 Ft. provided. A 6.1 Ft. Variance is
 12 required.
 13 3. Front Yard Depth-30 Ft.
 14 required, 25.9 Ft. provided. A 4.1 Ft.
 15 Variance is required.
 16 4. Relief from Section
 17 167-59-"Location of Detached Accessory
 18 Building" Distance from Principal
 19 Dwelling-15 Ft. required; 12.7 Ft. provided.
 20 A 2.3 Ft. Variance is required.
 21 5. Relief from Section
 22 167-61-"Accessory Building in required Side or
 23 Rear Yard."
 24 Distance Rear Lot Line-10 Ft.
 25 required, 4 Ft. provided. A 6-foot Variance

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1 Proceedings
 2 proposing.
 3 MS. ENCARNACION: I'm proposing an
 4 accessory building so that I can store my
 5 vehicle. I feel I have the room and I feel
 6 that it blends in with the neighborhood and it
 7 increases the desirability of the neighborhood
 8 as well.
 9 CHAIRMAN LAWLESS: Anybody have any
 10 questions?
 11 MR. BARRETT: Would it be an indoor
 12 garage?
 13 MS. ENCARNACION: It's detached.
 14 CHAIRMAN LAWLESS: Is there anyone
 15 in the Public who would like to speak or make
 16 comment on this application?
 17 MS. HAWKINS-THOMAS: Yes.
 18 CHAIRMAN LAWLESS: Please step
 19 forward and state your name and address for
 20 the record.
 21 MS. ADDONA: So this is a Public
 22 Hearing, so we have to have public comment.
 23 MS. HAWKINS-THOMAS: Hi. Good
 24 evening. My name is Tracy Hawkins-Thomas, 4
 25 Parker Road, and the only question that I

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1 Proceedings
 2 really have is, how is this going to interfere
 3 with my property?
 4 MS. ADDONA: Can you describe which
 5 one is your property.
 6 MS. HAWKINS-THOMAS: We have the
 7 adjacent property, right next to 2 Parker
 8 Road.
 9 MR. BARRETT: Are these properties
 10 attached or semi-attached?
 11 MR. THOMAS: Semi. Simeon Thomas.
 12 MS. ADDONA: So as far as I can
 13 tell, it won't affect your property. The
 14 structure is being proposed within the
 15 setbacks, but your property will still be your
 16 property, so I'm not sure if you can be any
 17 more specific as to what you're asking.
 18 MS. HAWKINS-THOMAS: We had got a
 19 letter and there was some dimensions on there
 20 and I just want some clarification because
 21 this is our first meeting. There's some
 22 dimensions and it says --
 23 MR. THOMAS: Okay, it says they're
 24 providing it -- it says that they require the
 25 minimum lot area is 15,000 square feet. Then

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 2 15,000. They do not have 15,000. But that is
 3 an existing condition and that is not changing
 4 as a result of what is being proposed. It's
 5 just that because it's an existing condition,
 6 it is included in the list of variances.
 7 MS. HAWKINS-THOMAS: Okay. Thank
 8 you. That's what I wanted to know. Thank you
 9 so much.
 10 MS. ADDONA: Thank you.
 11 CHAIRMAN LAWLESS: Anybody else from
 12 the public wish to be heard?
 13 MS. ADDONA: So, Ms. Encarnacion, as
 14 you heard, you may have heard from the prior
 15 application, you're kind of in the same boat
 16 with respect to the GML referral that we have
 17 to do to County Planning. We did receive
 18 those comments today and so we have them, but
 19 we didn't have enough time after receiving
 20 them to review them, to give them to you and
 21 determine what substantively has to be
 22 addressed with them. So we are going to have
 23 to put this over until the August 10th
 24 meeting.
 25 So we will provide that to you, both

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1 Proceedings
 2 it says required 14,181. But then it says
 3 there's a variance. We didn't understand the
 4 --
 5 MS. HAWKINS-THOMAS: We just need
 6 some clarification.
 7 MS. ADDONA: So the lot size is an
 8 existing condition. That's not changing as a
 9 result of the variance. It's just when the
 10 applicant makes an application for a variance,
 11 we include all of the nonconformities on the
 12 property. And so it appears that currently
 13 this lot is slightly undersized for what is
 14 required. So that's what the lot size is for.
 15 So that's not changing. Nothing about the
 16 size of their property or the use of their
 17 property is changing. The variances are
 18 related to the fact of the location of where
 19 the proposed structure is going to be placed.
 20 MS. HAWKINS-THOMAS: Okay. So the
 21 lot size is 15,000, but they're only required
 22 14,181 to make the garage or whatever it is;
 23 that's what you're saying?
 24 MS. ADDONA: I'm saying that under
 25 the zoning code they are required to have

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1 Proceedings
 2 applicants, the GML comments that we got.
 3 That will be done tomorrow and in between now
 4 and the August 10th meeting, we'll take a
 5 look, the Board, the consultants and we'll try
 6 to address them and then when you come back in
 7 August all of the procedural steps should have
 8 been addressed.
 9 MS. ENCARNACION: Okay. So the
 10 decision won't be until August 10th?
 11 MS. ADDONA: It cannot be made
 12 tonight.
 13 MS. ENCARNACION: Okay, thank you.
 14 CHAIRMAN LAWLESS: Make a motion to
 15 adjourn to the August meeting?
 16 MR. ALDRIDGE: So moved.
 17 MR. BARRETT: I second.
 18 CHAIRMAN LAWLESS: All in favor,
 19 usual sign?
 20 (Whereupon, all the Board members
 21 responded "Aye".)
 22 CHAIRMAN LAWLESS: Motion carries.
 23 Next item on the agenda is number
 24 five, 62 Riverglen.
 25 MS. ADDONA: K'Hal Bnei Torah, 62

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 2 Riverglen Drive, Thiells, Section 25.1, Block
 3 01, Lot 31. Continuation of Public Hearing.
 4 MR. EMANUEL: Good evening,
 5 Mr. Chairman, members.
 6 Mr. Margiotta, I hope you feel
 7 better soon.
 8 MS. ADDONA: Mr. Emanuel, would you
 9 mind just adjusting the mic. a little better.
 10 MR. EMANUEL: Sure. Is that better?
 11 Thank you, again, Ira Emanuel,
 12 Emanuel Law, P.C., New City, attorney for the
 13 applicant. I have with me also Ken DeGenero
 14 who is the civil engineer for the applicant.
 15 We also have a representative of the applicant
 16 who will speak this evening.
 17 This has been before the board once
 18 before. We had adjourned it a number of times
 19 while we were waiting for the Planning Board
 20 to act with respect to SEQRA and it has since
 21 granted a Negative Declaration at its June
 22 meeting. So this Board is now in a position
 23 where if it so chooses, it may act, having
 24 cleared that particular hurdle.
 25 I just want to relatively briefly

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1 Proceedings
 2 reduced to 119 occupants and then finally down
 3 to 107 occupants and there was also a
 4 reduction in the size of the building as well.
 5 Other changes that were made at the
 6 request of and working with your consultants,
 7 involved the location of the parking area.
 8 That was moved so that it would have less
 9 impact on the western conservation area that
 10 affects the building. The location of the
 11 driveway was also changed so that it would be
 12 where the current driveway is. There were
 13 other details in terms of changes that were
 14 proposed.
 15 We had our first Public Hearing
 16 before the Town Planning Board in November of
 17 2021. We have had seven sessions of the
 18 Public Hearing before the Planning Board.
 19 Tonight will be the eighth session before the
 20 Planning Board and as I said, a Negative
 21 Declaration was granted by the Planning Board
 22 in June. The plans, although they changed
 23 considerably during review with your
 24 consultants or the Planning Board's
 25 consultants, have not changed since the first

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1 Proceedings
 2 bring the Board back up to speed because it
 3 has been a little while since you've heard it.
 4 I know there's a lot of public interest also.
 5 There are probably people who are here in the
 6 audience who were not here at the prior
 7 meeting of this Board that considered it or
 8 may not have been at other meetings in which
 9 the information was provided.
 10 But what I do want to do is tell you
 11 a little bit of the history and then
 12 Mr. DeGenero and Mr. Moscovitz from the
 13 congregation will go into some of the
 14 variances that are requested, the layout, and
 15 the reason for the variances that are being
 16 requested.
 17 The review on this project began
 18 December of 2020. We had four meetings with
 19 the Planning Board's consultants between
 20 January 2021 and August 21 during which point
 21 the project was changed and it was reduced.
 22 The original project called for a House of
 23 Worship that would be able to house 200
 24 congregants. Working with the technical
 25 committee, your consultants, that was first

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1 Proceedings
 2 Public Hearing before the Planning Board in
 3 August and have not changed since you first
 4 saw them. And quite frankly, the public
 5 comments that we've been hearing have not
 6 changed since the beginning of these Public
 7 Hearings.
 8 A number of questions have been
 9 raised by members of the public. All of those
 10 questions could be answered by review of the
 11 maps, drawings, plans, and memos that have
 12 been submitted and that are on file with the
 13 Planning Department clerk, but we understand
 14 that some people may not have been able to get
 15 to the Planning Board clerk to view these.
 16 So we're going to have Mr. DeGenero
 17 go through the plans, show you the layout, and
 18 then we'll have Mr. Moscovitz explain the use
 19 of the facility because many members,
 20 including members of the Board may not be
 21 familiar with the customs, traditions and
 22 procedures of the Orthodox Jewish
 23 congregations during their worship services.
 24 So with that, Ken.
 25 MR. DEGENERO: Hi, everyone. My

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1 Proceedings
 2 has dropped from 200 to 119 to 107 and there
 3 has been a change in the size of the
 4 sanctuary, the size of the addition. It's not
 5 a one to one relationship. The original way
 6 it's set up, and I don't believe we have that
 7 drawing here.
 8 Do you have the interior drawings?
 9 The way it was originally set up,
 10 the congregants were arrayed facing towards
 11 Riverglen Drive. So they were along the long
 12 end of the street -- of the house. It worked,
 13 but it was tight. They were able to get folks
 14 in, but it was a tight thing. Once they were
 15 able to-- once they had agreed to reduce the
 16 number of congregants in there, they were able
 17 to come up with frankly, a more comfortable
 18 and a more theologically correct frankly,
 19 arrangement. Many religions, Orthodox Jews
 20 prefer and where possible, will face towards
 21 Jerusalem while they are praying.
 22 There are two ways to figure out how
 23 to face Jerusalem when you're this far away.
 24 One is kind of if you think about a globe, one
 25 is kind of direct, if you would trace your

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1 Proceedings
 2 meaningful way of doing it.
 3 You also have an arrangement
 4 situation where the entry doors into the
 5 sanctuary would be behind the officiant, so if
 6 somebody needed to enter or leave, they might
 7 be entering or leaving behind the officiant
 8 and causing disruption during that time. And
 9 so, that's why the internal arrangement
 10 changed and that's why also there's not this
 11 one to one correspondence between the original
 12 size of the addition and the size that we're
 13 proposing now, even though there is a
 14 significant reduction in the number of
 15 congregants.
 16 So with that, Mr. Moscovitz, can you
 17 come up here and introduce yourself and also,
 18 discuss how things will work.
 19 MR. MOSCOVITZ: Hello. First name,
 20 Yechezkel Moscovitz. 19 Van Wars Drive,
 21 Garnerville.
 22 I imagine most of the Board is
 23 likely familiar with how Orthodox
 24 congregations work. So I'd just like to give
 25 you a brief description of how the sanctuary

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1 Proceedings
 2 finger along and you go. The other is the
 3 great circle the airplanes use when they fly,
 4 sort of over the pole. Either one will work.
 5 They consulted with the rabbis and they were
 6 told that in this particular case they were
 7 much better off if they were facing more
 8 northerly, more towards that great circle
 9 route.
 10 That also has a number of other
 11 advantages. First of all, it provided more
 12 room for the congregants and as you'll hear,
 13 our congregants do not sit in pews like they
 14 do in many other churches, even though they're
 15 synagogues. They sit at tables and chairs.
 16 There is a separation at worship
 17 services between men and women and in this
 18 particular case, the women will be sitting in
 19 a balcony above which is actually within the
 20 existing house. In the old arrangement, the
 21 original arrangement, the women would be
 22 looking at the back of the officiant. In this
 23 arrangement they are looking more forward
 24 towards the officiant. It's a much more
 25 comfortable way of doing it, a much more

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1 Proceedings
 2 is used and the nature of the services.
 3 As Mr. Emanuel mentioned, perhaps
 4 like many other houses of worship, we,
 5 congregations such as ours, typically will not
 6 sit in pews. We will sit with chairs and
 7 tables, rows of chairs in front of rows of
 8 tables. Typically comfortable chairs because
 9 the services can often be quite lengthy.
 10 The tables are used to hold books
 11 that are used during the service. I brought
 12 as an example, we have the siddur which is a
 13 prayer book and the Humash, the Bible, and
 14 this is used to follow along with the Torah
 15 reading which is an essential part of every
 16 service. So basically at every service every
 17 congregant has a minimum of two books. As you
 18 can imagine, sitting in a pew without tables,
 19 it can get quite uncomfortable. So this is
 20 simply why it's set up the way it is.
 21 Additionally, in addition to regular
 22 prayer, an integral part of our faith is Torah
 23 study and particularly, Talmud study. Talmud
 24 is Jewish law and this is a volume of the
 25 Talmud. As you can see, it is rather large

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 2 congregation lives within a half a mile and I
 3 would say more than half the congregation
 4 lives within a four or five-minute walk from
 5 this location. That's why this location was
 6 suggested.
 7 The addition will not be visible
 8 from the street. From the street you're not
 9 going to see anything unusual. We will have
 10 landscaping which will try to shield any view
 11 of the parking lot from the street.
 12 And one final point is that I would
 13 like the Board to keep in mind that we're not
 14 outside developers coming here looking to
 15 build some multifamily housing or to do
 16 something to change some of the neighborhood.
 17 This is a request that's being made from
 18 families who live in the neighborhood in the
 19 immediate vicinity who is looking for a place
 20 where we can worship as we need to and we have
 21 no other way of fulfilling that need.
 22 Thank you for your time and
 23 consideration.
 24 MR. EMANUEL: Just a couple of final
 25 notes, Mr. Chairman. Then obviously, if the

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1 Proceedings
 2 probably familiar with those laws. I'm sure
 3 Ms. Addona has advised you with respect to
 4 that. I'm not going to go into that in detail
 5 tonight either, other than to say that under
 6 New York Law religious institutions are deemed
 7 to be inherently beneficial to residential
 8 areas, and under both New York and Federal Law
 9 you may not exclude religious institutions
 10 from residential areas such as this.
 11 So with that, if the Board has
 12 questions we would certainly be happy to try
 13 to answer them. Otherwise, we're happy to
 14 hear from the public.
 15 CHAIRMAN LAWLESS: Anybody on the
 16 Board have any questions.
 17 No?
 18 Thank you.
 19 MR. EMANUEL: Okay, thank you.
 20 CHAIRMAN LAWLESS: We're still in a
 21 public hearing setting, so if anybody from the
 22 public would like to be heard, please step
 23 forward and state your name and address. If
 24 you've been here before, I'd ask you to
 25 summarize because your comments have been put

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1 Proceedings
 2 Board has questions, we'll try to answer them.
 3 You, of course, as part of the
 4 initial application, a narrative summary that
 5 my office prepared, the five part balancing
 6 test that you're very familiar with and unless
 7 you have questions with respect to that, I'm
 8 not going to go through those aspects tonight.
 9 You have them already.
 10 In addition, the presentation that
 11 you heard tonight is basically, an abbreviated
 12 version of a presentation that was made to the
 13 Planning Board back at its May meeting. We
 14 provided you with a transcript of that
 15 presentation by cover dated July 1 which you
 16 should have received on or about that date and
 17 hopefully, you've had an opportunity to take a
 18 look at that.
 19 The last thing that I want to remind
 20 you of and I'm sure your attorney has advised
 21 you of that, and we'll certainly take into
 22 consideration, and that is that there are
 23 federal and state laws that are in effect here
 24 that are over and above the normal that you
 25 have to deal with. I know the board is

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1 Proceedings
 2 on the record at previous meetings. The
 3 stenographer in front types everything.
 4 MR. SHULEIN: Okay. My name is Elon
 5 Shulein.
 6 I am here not to address the issue
 7 here. I'm here to address a condition of
 8 what's going on here. I believe what you're
 9 doing is illegal. I don't believe that you're
 10 doing -- you are not transparent at all and
 11 I'm surprised at you, your attorney, an
 12 officer of the law that you just keep going
 13 like this, okay? It's unconscionable that you
 14 have people standing outside and cannot hear
 15 anything here. By right, and you see from
 16 meeting to meeting there are more and more
 17 people coming here. If this was not large
 18 enough to accommodate everyone, you should not
 19 conduct this meeting at all, okay? It is a
 20 meeting room, you should have a speaker out
 21 there, okay?
 22 I'm asking this meeting right now,
 23 cancel and reschedule this meeting here. You
 24 cannot have the cake and eat it, too. This is
 25 wrong what you're doing here and I am

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1 Proceedings
 2 surprised at you, miss attorney. Aren't you
 3 supposed to be transparent? Aren't you
 4 supposed to make sure that everybody has the
 5 same right? I'm not talking about the issue
 6 here. You cannot have a situation, open
 7 meeting to everybody and half the people are
 8 standing outside not being able to hear.
 9 Shame on you especially you, attorney.
 10 This meeting should be canceled
 11 right now and reschedule it and refer to
 12 everybody else and we couldn't hear some of
 13 the other presentations that the other
 14 attorney and other people were giving here,
 15 okay?
 16 Aren't you supposed to be open to
 17 the whole people of the Town of Haverstraw and
 18 not only to some selected ones? Look at
 19 yourself. What kind of representation are you
 20 providing here, okay? You should have known
 21 because you can see from time to time more and
 22 more people coming here, okay? You should
 23 make sure that there's enough room to
 24 accommodate everybody and if there's no room
 25 to stand here, and I'm hundred percent for

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1 Proceedings
 2 that come here and I came here at 7:15, okay,
 3 the meeting was 7:30, so I come 15 minutes
 4 early and they already and other people,
 5 there's a lot of people outside, they can't
 6 hear one word that you're saying here.
 7 That's not the way how to conduct the meeting.
 8 How can you -- aren't you supposed to make
 9 sure that everybody gets their due rights
 10 here? And you call yourself an attorney. Who
 11 do you represent?
 12 MS. ADDONA: Excuse me. Can I
 13 respond now?
 14 MR. SHULEIN: Go ahead, respond.
 15 MS. ADDONA: This is not the first
 16 meeting that has been held on this
 17 application. It has been held multiple times.
 18 MR. SHULEIN: It doesn't make a
 19 difference. You won't answer my question.
 20 MS. ADDONA: Okay, if you're not
 21 going to let me respond, then I'm not going to
 22 respond. Thank you for your comment.
 23 MR. SHULEIN: And you call yourself
 24 fair. It's quite obvious that you're playing
 25 games here. You're playing games on the back

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1 Proceedings
 2 code violation, fire, is very important. We
 3 don't want any problems, okay? But it doesn't
 4 give you the right to run like some residents
 5 of the Town of Haverstraw be present or at
 6 least hear what's going on. I don't have to
 7 see it here. It's nice that you finally
 8 decide to put a T.V. in here. We never had it
 9 before. But you should be aware of the fact,
 10 okay, it's not large enough. There's more and
 11 more people coming here and it doesn't make
 12 any difference what side of the issue we are
 13 here, okay?
 14 I'd like you, Mr. Chairman, to
 15 address it now and I'm asking you with all the
 16 respect in the world please, to stop this
 17 meeting now, stop this charade, okay, and
 18 please reschedule it. I mean you have to
 19 refer to everybody, not to some people you can
 20 not accommodate here. Otherwise, whatever
 21 you're doing here it's illegal because you
 22 discriminate. You segregate. Yes, you are --
 23 MS. ADDONA: What is your basis for
 24 saying that?
 25 MR. SHULEIN: Because everybody here

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1 Proceedings
 2 of town residents. We are paying your salary
 3 to come here, okay? You're not doing it for
 4 free here. So please with the money that you
 5 get paid, okay, make sure that everybody,
 6 everybody is going to come here and have a
 7 chance to listen at least. I ask you please,
 8 in the name of fairness and in the name of --
 9 CHAIRMAN LAWLESS: You can continue.
 10 You can speak as long as you like. The public
 11 can speak as long as they like. Everyone has
 12 an opportunity, sir. Every public meeting is
 13 this way.
 14 MR. SHULEIN: Sir, it's all fine if
 15 everybody outside was present here and could
 16 hear whatever is going on here, but the
 17 majority of people standing outside cannot
 18 hear a word that's going on here, okay? And
 19 by conducting this way it's illegal. You
 20 cannot conduct a meeting that only some people
 21 are entitled to hear and then we have to step
 22 outside and then somebody else come here. It
 23 precludes all the people standing outside.
 24 What are they, chopped liver? Come on. Give
 25 me a break, okay? Can't you see the wrong

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1 Proceedings
 2 about it?
 3 As I said, it has nothing to do
 4 about the issue here. I'm asking you and I'm
 5 trying to be very polite here and if I offend
 6 anybody here I apologize in advance, okay, and
 7 the reason why I approach your attorney
 8 here because --
 9 CHAIRMAN LAWLESS: Sir, the meeting
 10 will continue. If you don't like my answer,
 11 I'm sorry, but the meeting will continue.
 12 Thank you for your comments. They're well
 13 taken by the Board. What else would you like
 14 us to say? The meeting will continue.
 15 MR. SHULEIN: I just like to make --
 16 if you continue this way you are not taking
 17 into account the rights of all the people of
 18 the Town of Haverstraw who came here. You're
 19 segregating some of the people. You don't
 20 give them a chance.
 21 CHAIRMAN LAWLESS: Sir, you're
 22 entitled to your opinion. That's fine.
 23 MR. SHULEIN: It's not an opinion,
 24 it's a fact.
 25 MS. ADDONA: There has been ample

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1 Proceedings
 2 MR. SHULEIN: With all due respect,
 3 you're not responding to my point. My point
 4 is quite simple, okay? My point is here, it
 5 doesn't make any difference if it's the first
 6 time I came here or I'm here 100 times before
 7 the Board. The issue here is that every
 8 person that lives in the Town of Haverstraw
 9 has the right in every meeting and it doesn't
 10 make any difference how many times it is that
 11 they say something or didn't say something,
 12 they have a right to sit here or at least to
 13 listen to every word that's being said here.
 14 And if some presentation is being
 15 made, okay, you should take the presentation
 16 and show it to the people outside there. You
 17 cannot just put things here because it's
 18 convenient for you. It doesn't work that way,
 19 okay? And I'm please asking the Board here,
 20 the chairman doesn't want to do it, I'm asking
 21 the Board please okay, to suspend this
 22 meeting. I have no problem --
 23 CHAIRMAN LAWLESS: Sir, the meeting
 24 is going to continue. You made your point.
 25 It's on the record.

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1 Proceedings
 2 opportunity for public comment. This is not
 3 the first public hearing of this Board. It is
 4 not the first time this application has been
 5 before this Board. Okay? They're required to
 6 have one Public Hearing. They are now doing a
 7 second Public Hearing. So that is not a
 8 requirement. It is in addition to what is
 9 required under the law, okay?
 10 So I apologize. This is the first
 11 I'm hearing when you came up here, that people
 12 cannot hear in the back. We will make an
 13 effort to speak louder. Can you guys hear me
 14 back there? You're shaking your head. Of
 15 course you can hear me.
 16 So we're trying to do the best we
 17 can. This is where the meeting is held. This
 18 is where the meeting is noticed. We are
 19 required to have the meeting where it is
 20 noticed by law. Otherwise, people won't know
 21 where to go.
 22 MR. SHULEIN: With all due respect,
 23 you're not responding to my point.
 24 MS. ADDONA: I absolutely just did,
 25 sir. I'm not going to address this anymore.

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1 Proceedings
 2 MR. SHULEIN: Why?
 3 CHAIRMAN LAWLESS: It's on the
 4 record, sir.
 5 MR. SHULEIN: Why? Why don't you
 6 address my point?
 7 CHAIRMAN LAWLESS: There are many
 8 people who would like to speak tonight, sir.
 9 MR. SHULEIN: But you didn't address
 10 my point.
 11 MS. ADDONA: I did address your
 12 point.
 13 MR. SHULEIN: No, you did not. If
 14 you address my point, you know, why don't you
 15 ask these people here around here, okay, if
 16 you addressed my point?
 17 MS. ADDONA: If you leave the
 18 microphone someone else can come up and talk.
 19 MR. SHULEIN: What about the people
 20 outside?
 21 MR. CLEARY: They can come up here
 22 and talk.
 23 MR. SHULEIN: So why don't you bring
 24 them inside and let them hear what's going on.
 25 Why don't you do it this way so at least

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1 Proceedings

2 they're present here. All I'm asking is

3 fairness. You know fairness?

4 MS. ADDONA: Yes.

5 MR. SHULEIN: So why don't you let

6 everybody come here and stand here in the

7 hall.

8 MS. ADDONA: Sir, because you're the

9 one who acknowledged that we have fire code

10 issues.

11 MR. SHULEIN: Obviously you're not

12 prepared for them, the other people to come

13 here. So just by the fact that you're not

14 prepared to accommodate everybody, okay, this

15 meeting should be postponed, okay? And I'm

16 saying it based on the legal point here that

17 everybody have a right to be present to hear

18 what's going on.

19 CHAIRMAN LAWLESS: We heard your

20 point, sir. The meeting will continue.

21 MR. SHULEIN: So why don't you let

22 the people from outside --

23 CHAIRMAN LAWLESS: You made your

24 point. We get it. We understand. The

25 meeting will continue.

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1 Proceedings

2 filibuster up here all you like, but the

3 meeting will continue. Please, you made your

4 point more than once, several, several times.

5 The attorney has given you an answer.

6 MR. SHULEIN: No, she did not

7 answer.

8 CHAIRMAN LAWLESS: She did answer

9 you. Please, sir.

10 MR. SHULEIN: She didn't respond to

11 my point.

12 CHAIRMAN LAWLESS: You didn't like

13 her answer, so you just continue to go on.

14 MR. SHULEIN: No, sir. With all due

15 respect to you, sir, and I respect your

16 chairmanship, okay? She didn't respond to my

17 point. She was running around it, okay? She

18 didn't respond to my point.

19 MS. ADDONA: Sir, if you don't step

20 away from the microphone I'm going to advise

21 the Board to close the Public Hearing.

22 MR. SHULEIN: Go ahead, close the

23 Public Hearing meeting. Close the public

24 meeting. Close the public meeting.

25 CHAIRMAN LAWLESS: Sir, if you don't

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1 Proceedings

2 MR. SHULEIN: Why don't you let the

3 people from outside --

4 CHAIRMAN LAWLESS: She just stated

5 why.

6 MR. SHULEIN: Yes, because you

7 preclude the others, sir.

8 CHAIRMAN LAWLESS: She just stated

9 why the meeting is here in this hall.

10 MR. SHULEIN: What about the other

11 people?

12 CHAIRMAN LAWLESS: They're welcome

13 to come up here, sir. When you're done

14 speaking and I'm sure they're waiting to

15 speak.

16 MR. SHULEIN: But they don't hear

17 what's going on here. I was standing outside,

18 I didn't hear anything that the attorney, the

19 people presenting, anybody.

20 CHAIRMAN LAWLESS: Sir, I have to

21 keep the meeting moving, okay? The meeting is

22 moving forward. There are other people that

23 need to speak and you're holding up this whole

24 process. I don't know what else to say. The

25 meeting is going to continue. You can

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1 Proceedings

2 sit down and let other people come up and make

3 comments, we're going to close the public

4 meeting.

5 MR. SHULEIN: Close the public

6 meeting.

7 CHAIRMAN LAWLESS: Other people want

8 to be heard. This isn't just about you.

9 MR. SHULEIN: Because they can not

10 hear outside what's going on.

11 MR. BARRETT: Sir, you made your

12 point, all right? Can you let other people

13 come up and express their point. Thank you.

14 CHAIRMAN LAWLESS: Anybody else in

15 the public like to be heard, please step

16 forward, state your name and your address,

17 please.

18 MR. VASQUEZ: I'd like to ask the

19 Board, has a compromise -- Jack Vasquez, 4

20 Baisley Circle. Has a compromise ever been

21 sought or at least considered by the Board?

22 MR. CLEARY: What do you mean by

23 compromise?

24 MR. VASQUEZ: An alternative area

25 where they can build their facility.

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1 Proceedings

2 MR. CLEARY: That's not our job.

3 Our job is to look at what's presented to us.

4 MR. VASQUEZ: Because it's obvious

5 to me, this is my first meeting here and just

6 from what I'm seeing, I mean I know myself, I

7 work hard all day. I'd rather be sitting home

8 watching a ballgame. I'm sure these people

9 would love to be sitting home with their

10 families just living life, but they're here to

11 voice their concerns and I keep hearing from

12 the other side that it's about them, it's

13 about them, it's about them, but what about

14 us? Okay?

15 There's a lot of lifelong residents

16 here. I'm in my residence for quite a number

17 of years now and I have concerns in terms of

18 the structural physicality of it being in my

19 backyard, as well as the noise factor when

20 they are going to be building this structure.

21 The runoff into my backyard. The cut down of

22 trees which my back yard is all trees. DPW is

23 in the back and I hear every night when

24 they're in there, it echos right to my house.

25 So I'm worried about the construction part of

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1 Proceedings

2 in both directions on Riverglen.

3 MR. VASQUEZ: Restrict the parking

4 in the facility?

5 MS. ADDONA: Well, the parking lot

6 is to restrict the need for on the street

7 parking.

8 MR. VASQUEZ: I'm talking about

9 coming in and out of the facility, as well as

10 the flow of traffic that's coming up and down

11 Riverglen. Is that not a concern?

12 MS. ADDONA: Well, cars will be

13 pulling into the driveway just like they would

14 any other house.

15 MR. VASQUEZ: 107 cars.

16 MS. ADDONA: No, it's a 27 spot

17 parking lot.

18 MR. VASQUEZ: That's still a lot

19 because the cars right now that are parked on

20 the street, that is a very narrow street. I

21 can't see all them cars pulling in and out of

22 that facility, as well as the regular flow of

23 traffic.

24 Like I said, I'm very concerned with

25 my house value. I'm sure these people are

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1 Proceedings

2 it interfering with my lifestyle, as well as

3 my neighbors.

4 And also, they said -- the attorneys

5 said it's going to be for 107 people. After

6 107 people are in this structure, does the

7 door lock and not allow anymore people to come

8 in? Who's there to gauge that?

9 As well as I have traffic concerns.

10 All of these people coming out of the facility

11 onto Riverglen which is a very narrow street.

12 The school bus is going up and down. There's

13 people walking their dogs. There's people

14 walking. I go that way to work everyday. Is

15 there going to be a traffic guard issued by

16 the town to make sure that there's no

17 accidents and the traffic is flowing right?

18 MS. ADDONA: There is a traffic plan

19 that was recommended by the Town's traffic

20 engineer.

21 MR. VASQUEZ: And what does that

22 plan entail?

23 MS. ADDONA: It is going to restrict

24 the locations of parking to ensure that

25 there's sufficient access and emergency access

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1 Proceedings

2 concerned with their house values and the

3 overall dynamic of just living in our

4 community for this long. I mean don't we have

5 a say in anything? Are our concerns at all,

6 you know, of concern to you people?

7 PERSON IN AUDIENCE: No, they live

8 in Jersey.

9 MS. ADDONA: Under State and Federal

10 Law, religious uses are entitled to particular

11 deference. So while we have held multiple

12 public hearings, that needs to be weighed

13 against what the legal benefits have been

14 determined to be for religious, as well as

15 educational uses.

16 MR. VASQUEZ: I don't have any

17 concern about what the purpose of the facility

18 is for. It's the facility itself. I'm a

19 Catholic. I in no way would want a Catholic

20 church there or any other structure because

21 it's right in my backyard. I worked all my

22 life for my life and my home and I'm very

23 happy where I am. I raised my kids there. We

24 have a great community. I'm worried about

25 this structure affecting our way of life, as

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1 Proceedings
 2 well as all these other people.
 3 Like I said, this is my first time
 4 here at this meeting and I just figured I'd
 5 come up and just voice my concerns in a
 6 respectful way. Like I said, I'm sure these
 7 good people here would rather be doing
 8 something else, having dinner, spending time
 9 with their family, but they're here and I hope
 10 that's a concern to you at least, and you
 11 looked at our point of view as well. We're
 12 the original residents of this neighborhood.
 13 I think our voice should matter. That's all I
 14 got to say.
 15 MS. AGUILAR: Nina Maria Aguilar, 16
 16 Harding.
 17 I just want to touch up on a few
 18 points that the applicant's attorney said.
 19 They mentioned you may not exclude because
 20 it's a residential neighborhood, so on. We
 21 keep hearing this, RLUIPA, RLUIPA. However,
 22 if it doesn't meet the requirements, it
 23 doesn't meet the requirements. I just want to
 24 point that out.
 25 I also wanted to point out why I

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1 Proceedings
 2 The applicant's attorney also said
 3 in the same month in May before he spoke, he
 4 said to the Planning Board, when you review
 5 any site plan for any project, one of the
 6 things you have to take into account is what
 7 it is going to be used for and how. How is it
 8 going to be used. This is the words from the
 9 applicant's attorney.
 10 So since the applicant's attorney
 11 clearly said the room is used for study such
 12 as Talmud, then what is that? You know, they
 13 explain this is the book, but again, what is
 14 it? Again, someone from a Jewish family who
 15 studies the Torah and attended all levels of
 16 Hebrew school, while it wasn't in New York,
 17 it's over in Boca Raton, Florida, they
 18 confirmed to me that these studies are an
 19 education of males from the beginning of
 20 Jewish settlement in Europe. Boys generally
 21 begin studying somewhere between the ages of
 22 eight and ten after completing elementary
 23 courses of study of the Torah generally
 24 lasting three years.
 25 This meeting is also backed by Rabbi

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1 Proceedings
 2 believe the parking spaces that the applicant
 3 says they needed per code saying 27 is needed
 4 and thus, requesting a 10 car variance, why is
 5 the portion of the square footage not cohesive
 6 to the words of the Town of Haverstraw's code
 7 that says every 250 square feet there shall be
 8 a parking spot if used for a school, learning
 9 community, meeting hall. The applicant is
 10 counting 2500 square feet of gathering space
 11 in the basement towards the parking. We all
 12 get that. What about the rest of the 5500
 13 square feet of shared space?
 14 I believe the variance for ten
 15 parking spaces is incorrect and I know what
 16 both attorneys in this room are going to say
 17 and defend to it, that the other room are
 18 worship, not schooling or studying or
 19 gathering space. The applicant's attorney
 20 mentioned in May that studies will be here.
 21 It's been mentioned multiple times that
 22 children will be here studying, that young men
 23 are going to be studying. No one has asked
 24 these questions. No one has asked, what does
 25 that mean?

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1 Proceedings
 2 Eli Wolf of Chabad.org where I learned and
 3 they explained that Talmud is a course and he
 4 says we will be studying and he calls it
 5 classes. He even goes on to say, what is
 6 Talmud? It provides a history of academia.
 7 He says, let's all study together. Beginners
 8 or not. He doesn't say let's worship. To me,
 9 you know, I'm here to point out to my Jewish
 10 brothers and sisters, I understand they
 11 worship through study, but I would like to
 12 bring the point that it's still study.
 13 As a Catholic, I worship through
 14 study from my sacrament. I went and I teach
 15 religious education service done in a school.
 16 I worship and read the Bible such as the Torah
 17 is read, but it is still study in a school.
 18 In fact, many universities recognize this in
 19 schools since they teach it. As a graduate of
 20 Rockland Community College and even Pace
 21 University, I have taken religious study
 22 courses because I love learning about history
 23 and I love learning about inclusion and I
 24 assure you, I was not worshipping. I did not
 25 work four part-time jobs to pay for college to

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1 Proceedings

2 take a course to pay to worship. I was in

3 school learning, studying.

4 The entire point should be taken

5 into consideration and should also be

6 questioned by the Board. Just because you

7 don't know the details about the religion does

8 not mean you don't get to ask legitimate

9 questions, such as does your current place of

10 worship where the applicant is at right now,

11 are there tables and benches? How are they

12 conducting, you know, without 107 people? Are

13 you comparing apples to apples? Are we

14 constraining the applicant's ability to

15 worship if it's not the size they want, if it

16 doesn't have the fancy stuff that's wanted?

17 I want to teach my first graders the

18 rosary with beads blessed by Pope Francis,

19 that would be nice, but is it necessary? Or

20 does it stand in my way from allowing my kids

21 to learn the rosary? If I don't get them from

22 the Vatican blessed by the Pope, do I contact

23 Saint Peter and sue them for infringing on my

24 ability to worship for what I feel is needed

25 and comfortable.

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1 Proceedings

2 point is things change. In fact, right here

3 in Rockland County in Monsey, men previously

4 weren't able to join the fire department

5 because of religious beliefs and three years

6 later the member of the Jewish community

7 imposed that they were given permission from

8 rabbis and can do so.

9 Is not being able to drive a

10 specific 24 hour, is that local or federal

11 law? Why is that the scapegoat to disregard

12 local codes for space and parking? Are we

13 planning for today or are we planning for

14 tomorrow?

15 After you leave here at 12:01,

16 anything can change. In fact, on my birthday

17 was Roe versus Wade change. Anything. Let's

18 face it, the world doesn't only change for

19 Catholics, Muslims, Buddhists. It changes for

20 everyone. Change can happen. We have to plan

21 for it.

22 So let's be realistic here. Why are

23 we even entertaining comments of a two page

24 traffic study report that doesn't even account

25 for the safety of people walking. When I go to

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1 Proceedings

2 Point 2: If the house of worship

3 has a gathering space, shouldn't it also be

4 categorized to follow Section 167-58F and I

5 know that attorneys said in previous Planning

6 Board meetings, it's a house of worship, not a

7 gathering space, so it doesn't apply. But the

8 applicant's drawings, the applicant's attorney

9 even mentioned gathering space will be used.

10 Even the applicant's description when they

11 raised money, they pointed to all sources of

12 this being a community center for the

13 congregation. Where is the request for the

14 variance to not follow the nineteen minimum

15 requirements for a gathering place?

16 Number three: When you think about

17 parking variance in correlation to the traffic

18 study and not mentioning that the congregants

19 walk -- they mentioned the congregants walk

20 during Sabbath because driving is not allowed.

21 Please remember to plan for the future. 102

22 years ago today I wasn't able to vote. 59

23 years ago my father was not able to use

24 certain water fountains or bathrooms down

25 south when he had a tan on his skin and the

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1 Proceedings

2 family member's house on Riverglen, my

3 children are playing outside riding on a bike,

4 guess what? They're not accounted for. They

5 are not accounted for in this traffic study.

6 A traffic study that doesn't have an opinion

7 from a fire department, doesn't have an

8 opinion from the police department. It has

9 comments about a code when just what, two,

10 three weeks ago there was a fire off of

11 Dunnigan.

12 Look at the narrow streets. Imagine

13 if cars were parked even on one side and

14 two-way traffic. Residents -- so, sorry.

15 There's a recommendation to park on one side

16 and allow the rest of the street to the

17 two-way traffic, but it fails to mention --

18 sorry.

19 Is there a recommendation for

20 everyone to trespass and walk on other

21 peoples' lawns? Where are people going to

22 walk? There is recommendation to park on one

23 side and allow to rest of the street for

24 two-way traffic and that parking wouldn't be

25 big enough because residents walk, but they

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1 Proceedings
 2 forgot to mention how they will walk and
 3 where. But if I park down the street it
 4 doesn't matter because the congregants don't
 5 drive during Sabbath, but me driving and
 6 parking isn't in this or accounted for.
 7 That's great for the congregants who got to
 8 tell their side of the traffic study, but it's
 9 only one sided and it's not fair in my book
 10 when you're making a decision for this
 11 variance.
 12 I want to leave with you this: Last
 13 year I bought a dress for a wedding when I was
 14 attending my best friend's wedding in
 15 September and any woman here can relate and,
 16 you know, any men if it's buying a suit or if
 17 you witnessed it around women in your life,
 18 but have you ever bought a beautiful dress, it
 19 checks all the boxes, but you're a little too
 20 big for it. So you diet, you work out, you
 21 even lay flat on a bed while someone zips you
 22 up. Well, that's what I did. Ten minutes
 23 later leaving my house and jumping in the car
 24 with my husband, I sat down and guess what
 25 happened? The whole zipper, the whole back

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1 Proceedings
 2 feel, take that into consideration without
 3 being ignored and you shouldn't feel like
 4 you're discriminating in the most welcoming
 5 community. Discriminants would say no to this
 6 application. Meanwhile, a similar house of
 7 worship for a Muslim or Christian brother and
 8 sisters exists. And guess what? In
 9 Haverstraw nothing else like this exists. So
 10 approving this, in fact, opens the town for
 11 future lawsuits when other religious
 12 institutions, say Muslim or Christian buys
 13 across the street or the next subdivision and
 14 you don't grant them these extreme variances.
 15 We have people here asking for a 4-foot
 16 variance. We another application asking for
 17 four times that in this.
 18 So if future applicants are trying
 19 to do the same and ask for a variance. Right
 20 now we have homes used as houses of worship.
 21 So when the applicant says we don't have this
 22 right now, we don't have this opportunity,
 23 there's at least five within a mile radius in
 24 different locations. In fact, 56 Riverglen
 25 has seven days a week.

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1 Proceedings
 2 busted. Everything I planned for around this
 3 dress, my matching shoes, my clutch, my
 4 handsome husband that matched the color of my
 5 dress, all went out the window. I was too big
 6 for the dress. And the point is the property
 7 is a dress. The applicant is too big. The
 8 applicant has tried the Keto diet, it's
 9 intermitted fasted, it's drinking diet soda,
 10 working out and at the end of the day, it
 11 doesn't fit. Are we going to wait until it
 12 busts at the seams because the applicant's
 13 attorney is telling you, you have to approve
 14 this.
 15 Let me remind everyone in this room,
 16 January I came for the first time more for the
 17 Planning board, this is first time I spoke for
 18 the Zoning Board I believe. I pointed out
 19 occupancy to parking. This application sat in
 20 front of attorneys for over 18 months. In
 21 February it was revised to the 107 occupancy.
 22 Their job is to pass this through. The
 23 Board's job is to regulate use and
 24 requirements. Today we're here exercising our
 25 right as a public to talk and tell you how we

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1 Proceedings
 2 And just to bring up another point
 3 because the attorney says you have to approve
 4 this, the Islamic Society of Basking Ridge
 5 bought four acres in 2012 and wanted to use a
 6 small portion for a mosque and met every
 7 requirement the town added and changed the
 8 code. That's when this rule comes into play
 9 because the town discriminated. If they don't
 10 meet and check all the boxes, that's not your
 11 fault.
 12 The point is, you know, they bought
 13 too small of a dress. If anything, property
 14 values have gone up during Covid. Sell it.
 15 That's a lie that's the only property with one
 16 acre. There's three other properties with two
 17 acres on the property. Just because it's not
 18 for sale, doesn't mean it doesn't exist.
 19 So thank you.
 20 CHAIRMAN LAWLESS: Does anybody else
 21 in the public want to be heard, please step
 22 forward. State your name and address for the
 23 record.
 24 MS. GONZALEZ: Carmen Gonzalez. I
 25 live at 7 Creekview Drive, Thiells, New York.

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2 I do speak and I do like to, you know, knock

3 on the door and say, hi, how you doing, you

4 know, let's get along because that's the way I

5 am. And I'm pretty sure they're all like that

6 and people have lived here more than me,

7 probably thirty or forty years.

8 That's all I have to say. Thank

9 you.

10 MR. NIFOROS: Good evening,

11 everybody. My name is Nick Niforos. I live

12 in Meadow Court, Thiells. I've been living

13 here for about 35 years now. Been a business

14 owner. I'm also a retired medic from 911.

15 I would like to say that I agree

16 with everybody, but somewhere along the line

17 certain things have to be agreed upon that we

18 have already voted on and instead of saying,

19 okay, these applicants can say, oh, it

20 requires 24 feet, but we only have 18. Oh, it

21 requires 10 square feet in the front, the

22 back, the side, but we only have 7.2, which is

23 what these gentlemen say, and why do we give

24 into all that?

25 Me, my house, my property I have

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2 were bought by Jewish people. I wish them

3 well. I don't care. Like I said, I swore an

4 oath to take care of anybody whether it was

5 North Vietnamese, South Vietnamese, I didn't

6 give a damn. Why is that we to have give into

7 certain things and they don't have to do

8 anything as far as maybe, you know, like can

9 we do a little bit here, can we do a little

10 bit there, because they're just going to take

11 advantage of everything and I'm not

12 antisemitic. I don't care. Like I said, it

13 doesn't matter to me, okay?

14 But in this instance it just seems

15 as if we are -- I don't know what the word is.

16 Kowtowing. We are giving into what anybody

17 else wants to do, but when our citizens, we're

18 supposed to stand on the line and be quiet and

19 just follow through with what anybody says and

20 I've done that and I think everybody else here

21 has pretty much done that, too. Why is it

22 that our rights are going to be infringed on

23 because somebody's God says you cannot walk

24 around, you cannot get in a car to get to

25 where you want to go. Doesn't that impede on

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2 things that I have to stand by according to

3 the local laws of the Town of Haverstraw. I

4 can not park my car like the other young lady

5 said, anywhere I want to any time of the year

6 which you know is going to happen there and

7 it's going to impede on all the other houses

8 and the people and their families.

9 Outside my house I see kids playing

10 soccer, throwing a little nerf football. We

11 put up a little basketball court like for them

12 to occupy them. If that chances in my

13 location which it will not, but they then can

14 let their children out and they can have their

15 cars parked on the street on any side and

16 nobody is going to be there to back this up or

17 to check this. Nobody. You know who it's

18 going to fall to? It's going to fall to us to

19 tell the police officers to go do something,

20 but they're not going to be able to accomplish

21 and it's going to be for what?

22 I don't understand why the property

23 on 202 that's empty, that huge treed area, why

24 wasn't that looked at? A lot of houses,

25 including my brother's house in Martino Way,

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2 us? Doesn't that cut our privileges, our

3 rights? It does.

4 And I don't understand why it seems

5 like the Board doesn't seem to be able to

6 stand up on their own two legs and instead,

7 they mouth stuff, and I'm looking at you,

8 young lady, that I think is abrasive and

9 brazen and you should try to control your

10 tongue a little bit more. I made that clear,

11 right? Good.

12 And the rest of the board members,

13 do not be afraid of certain things maybe

14 occurring because Ira says so. Okay? That's

15 all I have to say. Stop giving in our rights

16 to somebody else's beliefs and wants. Doesn't

17 make any sense. Stand up for us.

18 MS. AGUILAR: I just wanted to add

19 one more comment.

20 CHAIRMAN LAWLESS: Go ahead.

21 MS. AGUILAR: I just want to point

22 out where the applicant studies right now or

23 worships is one acre of property and it was

24 for sale for many years. So just take that

25 into consideration, again comparing apples to

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 2 apples, oranges to oranges. You're already on
 3 an acre of property. There's a big sign
 4 that's been for sale for years before Covid.
 5 The other thing to take into
 6 consideration again, your job is looking at
 7 the variances. When you're doing these big of
 8 variances, keep in mind what that means for
 9 the future. Difference again, one or two feet
 10 compared to over 20 feet or 15 feet, again
 11 you're setting a tone for the future, you're
 12 setting a tone that's going to open you guys
 13 up for lawsuits, for other things. So keep
 14 that in mind.
 15 I also wanted you to keep in mind
 16 that the applicant's attorney answered the
 17 question I believe in April or May when
 18 someone said, what happens when the
 19 congregation grows? And the answer is, well,
 20 then there's a second building or a second
 21 house or, you know, so on. Again, if it
 22 doesn't fit, why are you forcing it? Why are
 23 they forcing you to okay it? If it doesn't
 24 fit, then cut it half. Build a second.
 25 Continue studying the way that these five

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 2 to have a bigger venue and I was told we got
 3 denied. Wasn't given a reason. I was told
 4 why weren't we informed. Basically didn't
 5 have to. So I just wanted that to go on the
 6 public record.
 7 MS. ADDONA: To be clear, that
 8 request was never made to the Zoning Board.
 9 MS. HARPER: Okay, thank you. I
 10 knew I was going to get struck out again.
 11 PERSON IN AUDIENCE: Did you hear
 12 about it?
 13 MS. HARPER: Well, we're going to
 14 ask during the Planning Board. We'll ask that
 15 question again.
 16 Okay. I would like to bring up
 17 several items, some of which have been brought
 18 up before, and again, they keep being brought
 19 up because people in the back can't hear and
 20 because they can't hear what's going on,
 21 people have asked about that's such a small
 22 design, they can't see it. So yes, questions
 23 are going to be asked over and over again and
 24 they will continue to be asked over and over
 25 again because nobody can see that except me.

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 2 other homes, 56 Riverglen, 13 Mountainview,
 3 however they're conducting worship, it's going
 4 on. No one is infringing on that. Nobody is
 5 stopping it. Because it's not what the
 6 applicant wants you're forced to open yourself
 7 up, you're forced to approve these what, five,
 8 six variances? It's not one or two. And
 9 again, they're huge variances, not comparable
 10 to little like, oh, my garage is over a foot
 11 or two feet from what it's supposed to. So
 12 keep that in mind.
 13 Keep in mind again where they're at
 14 right now. One acre which was for sale for
 15 many years. So again, just a reputable
 16 comment of this was the only property, you
 17 know, keep in mind the tone of that. Thank
 18 you.
 19 CHAIRMAN LAWLESS: Anybody else in
 20 the public wish to be heard?
 21 Please step forward. State your
 22 name.
 23 MS. HARPER: Maddalena Harper, 4
 24 Marino Blvd.
 25 And I did ask why we weren't allowed

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 2 So basically, the parking lot. The
 3 parking lot is huge. It's approximately 130
 4 by 63 which is 8200 square feet or about a 0.2
 5 of an acre. Four typical houses can fit on
 6 this footprint of a parking lot. So imagine
 7 that. The parking lot is larger than the
 8 proposed structure, so while a house of
 9 worship can be in a residential area according
 10 to RLUIPA because that's keeps being thrown
 11 out there, it should not change the
 12 appearance. From what I'm seeing, from the
 13 pictures that I'm seeing, the front of the
 14 home is going to be different than everybody
 15 else. Yes, the majority of the structure is
 16 going to be in the back, but if you're coming
 17 from a certain direction, from Dunnigan to
 18 Riverglen you can actually see, but the front
 19 is going to change also.
 20 The proposed temple with its
 21 addition is also huge. The addition alone is
 22 58 by 40 feet which is a footprint of 20, 2320
 23 square feet. A typical hi-ranch house is 45
 24 by 30 feet and has a footprint of 1,350 square
 25 feet. Two ranch houses can fit on that

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 2 addition. Adding the parking lot and the
 3 addition together, the footprint is equal to
 4 approximately six houses. Imagine that.
 5 The original house plus the addition
 6 and the parking lot now have a footprint of
 7 seven houses which now covers the natural
 8 environment including the conservation
 9 easement. This is all on one acre of land. I
 10 still think it's less than that, but we'll
 11 figure that out.
 12 The floor plan also shows the square
 13 foot of each level of the structure and the
 14 three floors together, it equals 9,844 square
 15 feet. This is the actual interior of the
 16 building. There is nothing this large in
 17 Thiells, which is a residential area.
 18 I do have a question about the
 19 retaining wall. I'd like to know from the
 20 engineer how that is going to be built because
 21 I'm looking through the paperwork that I found
 22 and it's not saying the dirt, the gravel, is
 23 the Army Corp of Engineers coming. There's
 24 not specific information on that. So I'd like
 25 to have more information on how that retaining

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 2 height is 16 feet. But again that's in the
 3 rear of the parking lot, not visible from the
 4 street, not visible from the neighbors.
 5 That's the answer.
 6 CHAIRMAN LAWLESS: Thank you.
 7 MS. AGUILAR: So I have a question
 8 on the fill. How much weight can that hold?
 9 You said you're going to fill the area. It's
 10 because of the slope, right? So how much
 11 weight can that fill hold? And is any of the
 12 filling going to be under the parking lot, the
 13 house or the back walkway thing? Is there
 14 fill under that, too?
 15 CHAIRMAN LAWLESS: Please.
 16 MR. DEGENERO: The retaining wall
 17 will be designed to accommodate the weight of
 18 the entire fill behind it. That's how
 19 retaining walls work. We haven't done the
 20 calculations. We can do that when we apply
 21 for a building permit, but it's not uncommon
 22 construction. It happens quite frequently and
 23 it would be located under the parking lot.
 24 The walls can accommodate the loads of the
 25 parking lot.

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 2 wall is because apparently it's about 17 feet,
 3 8 feet, 10 feet, whatever it's going to be.
 4 So I would like for the engineer to address
 5 that.
 6 Thank you.
 7 CHAIRMAN LAWLESS: Does anybody else
 8 in the public wish to speak, step forward.
 9 Engineer, if you'd like to address
 10 the retaining wall, please do. I'm going to
 11 ask you to please speak up so everybody can
 12 hear you.
 13 MR. DEGENERO: The retaining wall is
 14 built on fill, meaning that we are probably
 15 going to utilize the sedimental block wall to
 16 construct it, they'll lay down the base
 17 course, they'll bring it back, build behind it
 18 and continually follow the edge to the final
 19 elevations. It varies in height. Again, that
 20 was a function of the parking lot. We did
 21 diminish, decrease the overhaul height of the
 22 retaining wall. At its highest which is in
 23 the rear and not visible from Riverglen and
 24 the neighbors, we made it about 16 feet. It's
 25 two tiered retaining walls. The combined

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 2 MR. VASQUEZ: I got a question about
 3 this wall. Now, I'm in that back almost
 4 everyday. My dog runs around in my yard. I
 5 see a swampy mess, okay, every single day
 6 regardless of rain or no rain and from the
 7 years I've been here, that ground is
 8 constantly moving, okay? So number one, has
 9 that area been explored by the EPA officials
 10 or whoever in regards to testing the ground to
 11 see if that retaining wall is going to
 12 actually hold up there? And where's that
 13 water coming from? That's another question.
 14 And a 16-foot wall, I mean these ceilings are
 15 probably 10 or 11 feet. That's a high wall.
 16 Like I said, is that ground going to be able
 17 to withhold that?
 18 And number one, like I said, I don't
 19 know why that ground is moving around. It's
 20 so swamped and it's not only from rain.
 21 There's constant water back there. So has
 22 anybody been back there to look? Can anybody
 23 answer that? No answer?
 24 MR. EMANUEL: Mr. Chairman, these
 25 are questions --

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 2 I'm happy to yield back to you. I
 3 just want to discuss this particular point.
 4 These questions at best are part of
 5 the site plan, not part of the variance
 6 request that is before you. In the typical
 7 case, they're also dealt with at the building
 8 permit stage and I should tell you because
 9 your engineer is sitting right here, that
 10 everything that has been submitted to the
 11 Planning Board with respect to the site plan,
 12 your engineer has had an opportunity to
 13 review. As far as I know, he's satisfied with
 14 everything that has been submitted. If
 15 conditional details are needed, they will be
 16 provided at the appropriate time to the
 17 engineer, to the building inspector.
 18 Everything will be done according to code.
 19 Lastly, you have a Neg. Dec. The
 20 Planning Board is the lead agency under the
 21 State Environmental Quality Review Act, has
 22 done an investigation of the potential
 23 environmental impacts of this project. They
 24 have found that any adverse impacts are
 25 adequately mitigated and that is the end of

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 2 retaining wall, refer to the town engineer.
 3 He's going to make sure that thing meets every
 4 code possible. That's his job.
 5 MR. McCREEDY: So during the initial
 6 stages of the review of the application, it's
 7 very common for high level design components
 8 such as a retaining wall, to be left towards
 9 the end of the project primarily because if
 10 there's major revisions to the project, it can
 11 subsequently cause significant costs or
 12 overruns to applicants in general, not
 13 necessarily this application. We treated this
 14 application no different than we have any
 15 other applicant that's been before us.
 16 The parking lot went through
 17 significant revisions through its review
 18 process which was started well before the
 19 Planning Board process even initiated.
 20 Primarily, a lot of the function of that
 21 initial review is to go through high level
 22 discussions about design components, the
 23 retaining wall was one of them. I've
 24 expressed my concerns about the height of the
 25 wall, same as you. I can't necessarily refer

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 2 the inquiry. It's done.
 3 So while we are happy to provide
 4 some education to the public and to the Board,
 5 the reality is this is not the place and this
 6 is simply frankly, with all respect, a
 7 delaying tactic.
 8 MS. AGUILAR: Are you saying we
 9 don't have a right to ask a question about
 10 what's going on?
 11 MR. EMANUEL: I'm saying that we've
 12 been going on with this, and I'll speak real
 13 loudly, we have been going on with this for a
 14 long, long time and this is your first time
 15 here.
 16 MR. VASQUEZ: You didn't answer my
 17 question.
 18 MR. EMANUEL: I'm sorry that this is
 19 your first time here.
 20 CHAIRMAN LAWLESS: Listen, we're not
 21 going to have a back and forth. They've
 22 answered your question in detail. Are there
 23 any other questions?
 24 MR. VASQUEZ: I wanted to know --
 25 CHAIRMAN LAWLESS: As far as the

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 2 to the visual impacts that you're referring to
 3 from your yard, but I do understand your
 4 concerns.
 5 There's a young lady that stepped up
 6 just recently about things like the fill
 7 components, the ability of the parking lot to
 8 be able to be sustained on a retaining wall of
 9 this caliber. All of those design components
 10 would come up during the building permit
 11 process where we would have an independent
 12 structural engineer review a lot of those
 13 critical elements. I'm not a structural
 14 engineer.
 15 MR. VASQUEZ: Understood, but will
 16 there be on-site inspection?
 17 MR. McCREEDY: Of course.
 18 MR. VASQUEZ: Prior to any --
 19 MR. McCREEDY: Yes. So one of the
 20 critical components to a retaining wall,
 21 especially one of this height, it does require
 22 a certification by an on-site engineer because
 23 it's higher than 4 feet. So this would be
 24 required to fulfill those obligations.
 25 MR. VASQUEZ: And where is that

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 2 water coming from? That's another question.
 3 I know you don't have an answer to that today.
 4 MR. McCREEDY: If you could
 5 elaborate, you're saying water, like running
 6 water or just wet ground?
 7 MR. VASQUEZ: Always wet. It seems
 8 like a wetland back there.
 9 MR. McCREEDY: I see where you're
 10 going with this. I can't speak directly to
 11 that, it's something that I think the
 12 applicant should address directly to the
 13 crowd. If it's something of an environmental
 14 component, I'm aware of that condition
 15 existing.
 16 MR. VASQUEZ: So now you are. But
 17 what I'm saying also is if they go ahead and
 18 start building, if they build that retaining
 19 wall, where is that remaining water going to
 20 go? Is it going to go on my property, is it
 21 going to flood out my backyard? What's going
 22 to happen here? I know you don't have the
 23 answers to that now.
 24 MS. ADDONA: Doesn't it have to be
 25 designed to zero net runoff?

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 2 planning stage like this.
 3 MR. VASQUEZ: So case in point, the
 4 West Nyack Mall, Palisades Mall was built
 5 pretty much on a swamp land.
 6 MR. McCREEDY: Great example.
 7 MR. VASQUEZ: And after it was built
 8 they had major shifting dynamics going on,
 9 cracked foundations, and that was really
 10 seemed like it was addressed afterwards. Now,
 11 it's a whole different thing, but you know,
 12 quite frankly, you know, if they built it it's
 13 not my concern whether anything cracks there,
 14 but I'm worried about the repercussions on my
 15 property. And I appreciate the attorney's
 16 input, but I feel like we're being a little
 17 bit strong armed by him right now and I'm sure
 18 the residents do not appreciate that as well.
 19 MS. ADDONA: At the request of the
 20 stenographer, we're going to take a five
 21 minute recess.
 22 (Whereupon, a brief recess was
 23 taken.)
 24 (After the recess the following
 25 occurred:)

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 2 MR. McCREEDY: Let's not start
 3 mixing the two. I'm not going to speak on
 4 behalf of the applicant, but I believe you're
 5 talking about the actual water at the base of
 6 a wall and what's going to happen to that
 7 wall.
 8 MR. VASQUEZ: What's there now
 9 existing. You're going to put fill? I
 10 understand that. I'm a contractor. I know
 11 about that stuff.
 12 MR. McCREEDY: So any engineer is
 13 going to take those components into
 14 consideration. The last thing any engineer is
 15 going to want to do is take on designing a
 16 retaining wall that's ultimately going to
 17 fail. So from a livelihood prospective, any
 18 engineer with a license, whether they're good
 19 at their job or not, is going to come into a
 20 situation and address issues like this. Now,
 21 how they address it, there's multiple
 22 different ways to address ground water, wet
 23 soil. It could be as simple as digging deeper
 24 with a more solid foundation. These things
 25 are addressed at a very different time than a

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 2 MS. CSERNEDAY: Hi, Maria Cserneday.
 3 I live at 1 Stonecrest Drive, Thiells.
 4 This is not my first rodeo at this
 5 microphone. I have been to every single
 6 meeting since this started. This action that
 7 you're voting on by the applicant's proposal
 8 is in my backyard. It is my neighborhood. It
 9 is on the street that my children grew up on,
 10 so I am definitely passionate about it.
 11 On February 18th Ken DeGenero said
 12 that the net lot area of the proposed site was
 13 0.97. Since then there has been a change that
 14 the net lot area is 1.0, a little bit over
 15 1.0. My question for the board is, how does
 16 that happen? How does a lot go from 0.97 to
 17 miraculously in a later meeting exceeding the
 18 amount needed for a proposed site?
 19 My second point is many people spoke
 20 here. And yes, I under the environmental
 21 studies have been approved and that's not
 22 within your control, but you do have some
 23 control. There are variances here that are
 24 excessive and I know that the applicant has
 25 referenced RLUIPA many times, but RLUIPA does

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 2 not mean that it should infringe on the rights
 3 of other people and so when you are bringing a
 4 proposed site of this size into a residential
 5 neighborhood, it's changing the neighborhood.
 6 It's changing for those people that are going
 7 to be behind a 16-foot wall. It's changing.
 8 And I beg that you take into consideration
 9 that your changes, you're approving these
 10 variances, once you do next time it will be in
 11 your backward that you're going to have to
 12 vote on and I really hope that you think very
 13 carefully about it.
 14 So RLUIPA is there to protect people
 15 and I believe everybody has a right to their
 16 lawful place for prayer. Same for me, but
 17 this gigantic structure does not belong if it
 18 doesn't fit. 8800 square feet, a 27 car
 19 parking lot. I don't care how many plants you
 20 plant, it's in somebody's backyard. I have to
 21 drive by it every day. I'm driving up the
 22 street and I counted this morning. 27 cars on
 23 my street. 27. And the driveway was filled.
 24 So you have to pay attention.
 25 I don't understand this traffic

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 2 to know how a lot went from 0.97 in February,
 3 that was their engineer that's what he said at
 4 that meeting, it's in your minutes, and now
 5 it's over 1.0. How did that happen?
 6 But take very, very careful
 7 consideration to approving these dramatic
 8 variances because I know a lot of my neighbors
 9 did not get approved for their small variances
 10 and once you do it, you have not only changed
 11 the landscape of Riverglen Drive, but you have
 12 changed the landscape of all of the Town of
 13 Haverstraw.
 14 CHAIRMAN LAWLESS: We're not taking
 15 anymore repeats. Thank you. You spoke.
 16 You're on the record.
 17 MR. SHULEIN: I'd like to add
 18 something if I may, please.
 19 CHAIRMAN LAWLESS: You've already
 20 spoken, sir.
 21 MR. SHULEIN: You let other people
 22 talk. Why can't I?
 23 CHAIRMAN LAWLESS: You already
 24 spoke.
 25 If anybody else wants to step up,

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 2 study. Last week with the cars parked on the
 3 right, I came off the street, a bus couldn't
 4 come down the street. There's no way that
 5 this could happen. What happens when somebody
 6 has a heart attack and you can't get an
 7 ambulance in? What happens if my house
 8 catches on fire and you can't get the truck to
 9 me? I know that you're working within the law
 10 and I understand, I've looked up RLUIPA, I
 11 understand your pressure, but that doesn't
 12 give people the right to not meet the needs of
 13 our zoning. And I want everyone to find a
 14 perfect place to pray, but we're not only
 15 building a prayer house here. We're building
 16 a community center. They're dropping it right
 17 in the middle of our neighborhood. You have
 18 to take into consideration that it's not going
 19 to be just one hour in the morning and one
 20 hour at night. It's not. It's not that way
 21 right now.
 22 And if nobody walked that land from
 23 our town, you need to. This is very, very
 24 upsetting to people who live there and I
 25 understand you are within the law, but I want

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 2 please step up. We have another meeting after
 3 this. You're more than welcome to speak at
 4 that one. We have to get through this
 5 meeting.
 6 MR. SHULEIN: I'll be short and
 7 sweet. I'm asking you to address some things
 8 that I discussed before. I do not repeat
 9 myself, okay. All I'm asking here is quite
 10 simple. When I came before I was standing
 11 outside, not just me. We couldn't hear
 12 anything. Only when I finished talking, then
 13 the volume suddenly went up, okay? So my
 14 question is very simple, okay? Why wasn't it
 15 before when the meeting started, 7 o'clock,
 16 you know, somebody went there and checked to
 17 make sure that we all could hear what's going
 18 on. If I could hear what was happening
 19 outside, I would never have come here in the
 20 first place. My whole point was there was a
 21 group of people who couldn't hear. That's the
 22 only thing, I'm saying with all due respect to
 23 you and the rest of the Board. It's
 24 consideration.
 25 That's all. Thank you.

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 2 CHAIRMAN LAWLESS: Thank you.
 3 MR. SORENSON: My name is Carl
 4 Sorenson. I live at 11 Skyline Drive,
 5 Thiells. I lived there for 53 years. I spent
 6 my entire life in Thiells. I'm not going to
 7 address to that. I'm going to address more to
 8 six years ago. I put solar panels on my house
 9 with an awning and a ground mount for which I
 10 needed a variance to get the ground mount,
 11 which I got. But this Board, when the ground
 12 mount was installed, it was one foot above my
 13 four-foot fence. I was told that it needed to
 14 be lowered below the fence so it could not be
 15 seen from the street.
 16 So I had to dig out underneath the
 17 ground mount, lower it one foot changing the
 18 angle of the panels and put green fence around
 19 it so that it wouldn't go out. I just want to
 20 make sure that the applicant is being held to
 21 the same standard where they are not going to
 22 be able to see anything from Riverglen Drive,
 23 any changes for that matter because I was held
 24 to that standard. That's all I wanted to
 25 mention. I don't have a lot.

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 2 When I listen, and I'm going to just
 3 say the other side to make it easier because
 4 it seems like it's one side against another
 5 side. So I want to say to the other side, I
 6 said it before at the other meeting, all the
 7 real estate that's out there happens to be for
 8 the other side. Anything going on is going on
 9 on their side. They're moving, going back a
 10 few years to our community, right? So to me,
 11 be friendly. Be all this.
 12 From my experience, since I've been
 13 living here at that address for 37 years, not
 14 one person has ever said to me and there's
 15 people really close to me, hey, how you doing?
 16 Nothing like that. It's a segregated
 17 community and it's us and it's them. So it
 18 makes it comfortable for everybody and that's
 19 probably one of the reasons things are going
 20 on. And when we ask, it was at the other
 21 board meeting, about a bigger venue for us,
 22 the lawyer was there at that, maybe it wasn't
 23 presented here, but she's representative for
 24 both zoning and this one, I mean zoning and
 25 the other one, okay? So I don't understand

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 2 Thank you.
 3 CHAIRMAN LAWLESS: Thank you.
 4 Anybody else wish to be heard,
 5 please step forward. State your address.
 6 MS. MARTINEZ: Jill Martinez, 41
 7 Riverglen Drive.
 8 I just have one question and this
 9 question has been asked. It was just asked by
 10 my neighbor and it was asked in the past about
 11 the acreage. How in February it was .97 and
 12 how it changed. We've never gotten an answer.
 13 Is there an answer to that question?
 14 MS. ADDONA: There are certain
 15 variances that have been presented to this
 16 Board and that's what they're reviewing. That
 17 is not one of the variances that has
 18 determined to be necessary.
 19 MS. MARTINEZ: Okay. That's my
 20 question.
 21 CHAIRMAN LAWLESS: Thank you.
 22 Anybody else wish to be heard?
 23 Please step forward.
 24 MR. ROZYCKI: My name is George
 25 Rozycki, 4 Stonecrest Drive.

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 2 why it's such technicalities for us, but not
 3 for anybody else. I don't get it.
 4 And for the other rest of the days,
 5 okay, there's going to be more people. Not
 6 everybody parks in the parking lot. Not
 7 everybody parks in the parking lot, okay? And
 8 you're saying Riverglen, the study was done
 9 that they can't park -- only on one side for a
 10 little bit, but what about the rest of the
 11 streets that they're going to be parking and
 12 block peoples' driveways and stuff like that
 13 and during the week, it's going to be active
 14 seven days a week. It's not just for the
 15 weekends when they can't drive.
 16 I'm not prejudiced or anything like
 17 that. I can show you my phone, I probably got
 18 25 people and Hasidics that I'm friendly with,
 19 but it's just where this is being put. It's
 20 difficult for most people in the area. Thank
 21 you.
 22 CHAIRMAN LAWLESS: Thank you.
 23 Anybody else wish to be heard,
 24 please step forward and state your name and
 25 address.

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2 MR. KOTZKER: My name is Ben

3 Kotzker. I'm a plumber by trade. I live

4 around the corner.

5 I knew nothing about this other than

6 someone talking to me and mentioning all about

7 this. I have a question on the buildings, all

8 right? Everyone is talking about the grounds.

9 They say they're going to have people learning

10 Talmud and an extra building, correct? Do

11 they have enough bathrooms in there for all

12 these people? Right? That's something you

13 got to consider, too. Are they going to have

14 it separated for men and women, right? That's

15 the other question.

16 I went to Yeshiva so I'm asking

17 questions because these are things that I know

18 about. Like I said, I'm a plumber by trade

19 and if you have more than five or six people,

20 you can't have one, two, bathrooms, all right?

21 In the synagogues they all have separate

22 bathrooms. So I want to know how are they

23 going to take care of that?

24 And the gentleman mentioned about a

25 wet grounds. Is it a lake, a stream or is it

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2 And also, thank you to the rest of

3 the residents who are making others aware. We

4 appreciate that. Thank you for spreading the

5 word. I am here because of you.

6 The reason I decided to buy my house

7 was mostly because of the fact that it is

8 located in a subdivision. I fell in love with

9 the neighborhood. I like that homes are all

10 conforming one to another and I felt if I

11 brought that house and I blended into my

12 household would blend in. It was comfortable

13 for all of us, that it would also provide that

14 happiness and joy and I don't have to worry

15 about paying rent and being in a situation

16 where I have to move every year or so. That's

17 one of the reasons that I bought where I

18 bought and I feel that most people that live

19 in subdivisions probably made those choices as

20 well.

21 Now, let's address the question

22 about how does having such a large building

23 affect our community. Within the -- I guess

24 because this is my first meeting I might not

25 be aware of what may have been addressed

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2 a broken pipe under that ground? Has anybody

3 ever done any sampling on that? So that's my

4 questions. Thank you.

5 CHAIRMAN LAWLESS: Anybody else wish

6 to be heard? Please step forward and state

7 your name and address for the record.

8 MS. AMARO: Hi everyone. My name is

9 Julissa Amaro.

10 So first of all, I'd like to address

11 the applicant who spoke to another resident

12 directly saying that this isn't the first

13 meeting. You know what, he's right, but that

14 kind of meant to say that it is too late for

15 you and that you shouldn't even be here then

16 or you should have been here at that time.

17 Well, you know what? For some of

18 us, this is our first time here. Either we

19 heard of it from someone else, this might be

20 our first time attending a meeting. Maybe it

21 is, maybe it is not. That does not mean we're

22 not allowed to voice our opinions. But you

23 know what? In a way you are correct. Shame

24 on me for not being more aware, more alert to

25 with what's going on with my community.

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2 already to the Board, so excuse me, first of

3 all, if I have a naive mindset behind some of

4 these questions.

5 Has anything been addressed

6 regarding our sewers? The gentleman just

7 spoke about how many bathrooms there will be.

8 If the occupancy is going to be 107 maximum

9 and each person will be learning or

10 worshipping, they will be using restrooms, too,

11 right? If 107 people are going to be

12 occupying this building between nine and five,

13 that's probably a minimum of five flushes.

14 That means that they will flush their toilet

15 535 times per day.

16 In a conforming home in that

17 neighborhood, you put five people in it and

18 you flush the toilet five times, that's 25

19 flushes. That's over 500 times more just in

20 that exact building, just in that sewer

21 connection.

22 Is our town prepared to create a new

23 budget for the sewers? Has that been

24 considered because that will need to be

25 considered, as well as the black topping, as

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2 well as widening the roadways, as well as

3 creating sidewalks because people will be

4 walking on the road and when they run out of

5 parking space, if there are already 27 cars

6 parked outside of this lady's house on

7 Stonegate or Stonecrest, what is going to

8 happen when that building becomes more

9 populated and there are more followers? Those

10 parking spaces are going to be full. There

11 are still going to be people parked outside.

12 And they also mentioned that there

13 are also going to be young men attending.

14 Young men may or may not be driving. So this

15 also brings outside traffic. Now that's if

16 they are outsiders. So if they are local

17 because they did mention most of them live

18 within a half mile radius and that it's only a

19 five minute walk, that means that the town

20 also need to account for sidewalks in that

21 neighborhood which means that people will lose

22 some of their front lawn and that needs to be

23 accounted for by the town as well. Budgets

24 need to be looked at about the traffic

25 control.

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2 there will be controls put in place to make

3 sure that they're at sufficient capacity to

4 accommodate both of those.

5 MS. AMARO: So we're assuming -- so

6 the Highway Department basically is in charge

7 of that, is that what you're saying?

8 MS. ADDONA: Joint Regional Sewerage

9 Board that oversees the sewer systems.

10 MS. AMARO: So they're reviewing it

11 to see if they approve and they make the

12 adjustment?

13 MS. ADDONA: Correct.

14 MS. AMARO: And that adjustment

15 comes from who, the tax payers, right?

16 MS. ADDONA: They'll have to

17 determine whether there's sufficient capacity.

18 If there isn't, then there will have to be

19 adjustments made and often that is required to

20 be done by the applicant.

21 MS. AMARO: And that's only if it's

22 noted right now and pointed out right now,

23 correct? So if it's noted or pointed out

24 later on after the building has been set, then

25 it would cost the tax payers money.

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2 Now, I will mention something. In

3 regards to the flushing of the toilet which

4 sounds a little strange, when my father sold

5 his house to a family of seven, their hot

6 water tank leaked after five days of use and

7 it was because of the demand, and that's

8 exactly what's going to end up happening with

9 the sewer line. We've seen it in the past,

10 maybe not here in the town, but it has

11 happened upstate. It did happen and if you

12 look at that situation, it did happen upstate.

13 So that's in regards to creating a budget for

14 the sewer issues. Do you guys know -- I

15 actually want you guys to answer that if you

16 could.

17 MS. ADDONA: That is more of a site

18 plan issue before the Planning Board.

19 Generally as a condition of approval there's a

20 requirement to get a sign-off from JRSB, which

21 is the Joint Regional Sewer Board, just to

22 make sure there is sufficient capacity, as

23 well as from Suez Water which I believe is

24 accommodating the water for this project.

25 This application will be no different. So

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2 MR. McCREEDY: That's not correct.

3 Typically for a sewer commission, they would

4 assess impacts based upon the use. I can't

5 attest fully how JRSB does their formula or

6 their evaluation. I'm not a member of that

7 board. However, a typical sewerage board

8 would weigh out the current occupancy and

9 evaluate that against a future occupancy, or a

10 proposed occupancy in this case, and based

11 upon that, they would either impose an

12 assessment impact fee which is what deters the

13 tax base increment that you're talking about,

14 or they would impose upgrades that in this

15 case, this applicant would be forced to do.

16 So it's not black and white to say

17 that it's going to be this and it's going to

18 be this, that assessment is done by that board

19 and it has nothing to do with this board or

20 the town board itself. It's a separate

21 autonomous body. So that's where that agency

22 would take that review. Similar to how your

23 water bill, it's another utility provider that

24 would assess that.

25 MS. AMARO: And then with the sewers

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 2 itself, how would that affect if they did pay
 3 for it and they have to make those alterations
 4 and modifications at the applicant's expense,
 5 what would -- I guess it's not really code,
 6 but what would prevent the applicant from
 7 creating a capacity that exceeds the 107
 8 occupancy. So that let's say for example, I'm
 9 just throwing this out there --
 10 MR. McCREEDY: I can't speculate to
 11 something like that.
 12 MS. AMARO: That's okay, but I'm
 13 allowed to mention this. So I just want --
 14 how would that affect the sewer line, let's
 15 say they say, okay, we have to account for 107
 16 people, that's fine, but then what happens if
 17 their plan is really to make a second floor
 18 eventually and get another variance down the
 19 line, right? So --
 20 MR. McCREEDY: Listen, I understand
 21 your point and I get where you're going with
 22 this. All those impacts would have to be
 23 evaluated at the permit level for any of those
 24 improvements. Now, again I can't attest to
 25 what JRSB does on their own evaluations, but

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 2 appreciate that clarification.
 3 Okay. Lastly, I'd like to discuss
 4 about the traffic again. I want to mention
 5 that there will probably, I don't know and I
 6 probably shouldn't assume, so I'm going to ask
 7 you that question. Will there more than
 8 likely be buses also driving in through the
 9 neighborhood?
 10 MR. EMANUEL: As we've said in prior
 11 appearances before this Board, and especially
 12 for the Planning Board, most of the people who
 13 would be attending are within walking
 14 distance. I think we said again this evening
 15 that most of the congregants live within about
 16 a half a mile, so they walk. They are used to
 17 walking because they're not permitted to drive
 18 on the Sabbath and on religious holidays.
 19 During weekdays the attendance is much, much,
 20 much lower as has also been said. Those folks
 21 will probably drive their own cars,
 22 potentially carpool, I don't know, and that is
 23 mainly what the parking lot will accommodate.
 24 So the weekday parking will be
 25 closely, if not completely, accommodated by

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 2 you know, most of those boards provide an
 3 engineering judgment based upon a statute that
 4 is regulated by the state. One of the most
 5 common ones is called 10 State Standards or
 6 recommended standards for waste water
 7 treatment. It does mandate certain protocols.
 8 It does impose certain design factors such as
 9 peaking factors which is something that you're
 10 addressing here, where you have an
 11 overabundance, in this case toilet flushing.
 12 Those things are accounted for in a relative
 13 design capacity for most sewers.
 14 Now, that doesn't discount your
 15 common occurrences where you have breaks and
 16 things like that which are typically what your
 17 fees are used for, what you pay your sewer
 18 bill. But in this case this is an applicant
 19 based evaluation and again, the JRSB would
 20 assess those impacts on an applicant
 21 submission basis. So each time there would be
 22 something done, it would have to be accessed
 23 independently, but again I defer to that board
 24 for any of that type of review.
 25 MS. AMARO: Thank you for that. I

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 2 the parking lot. Buses, very unlikely. Don't
 3 ever ask an attorney to say definitively one
 4 way or another because we're trained not to.
 5 Is there a possibility that there may come at
 6 one time or another a bus or a van or
 7 something like that? Yeah, it's possible.
 8 CHAIRMAN LAWLESS: Thank you.
 9 MR. EMANUEL: The vast, vast, vast
 10 majority of the time you are talking about
 11 individual vehicles.
 12 MS. AMARO: Thank you.
 13 Since you mentioned that there will
 14 be residents that will be attending and some
 15 of them will be young children, what happens
 16 when there is a break and children well,
 17 probably not children, the residents who will
 18 be occupying and studying and praying, don't
 19 they go outside? They will eventually go
 20 outside. Don't they need land if the parking
 21 lot is full where will everyone go? To the
 22 street? There's not going to be room for
 23 people to go outside other than the parking
 24 lot.
 25 CHAIRMAN LAWLESS: This is really

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2 beyond the scope of the Zoning Board's review.

3 MR. EMANUEL: What I will say that

4 as with any other group, if children are in

5 attendance, okay, they are in attendance with

6 parents or guardians or somebody who is

7 looking after them.

8 MS. AMARO: That's it for me.

9 CHAIRMAN LAWLESS: Thank you.

10 Please step forward. State your

11 name and address for the record.

12 MR. CAHILL: Good evening. I'm Bill

13 Cahill. I live at 15 Sherman Drive in

14 beautiful downtown Garnerville and my family

15 has been in this community for six

16 generations. My grandparents, their

17 grandparents were born here and as the

18 community changed it has changed dramatically.

19 The Irish, the Italian, the Spanish, the

20 Blacks, all assimilated into the community.

21 They became part of the community. All this

22 will go away if the applicant chooses a more

23 stable environment for their needs as opposed

24 to an environment which is residential. It's

25 that simple. Thank you.

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2 schools buses.

3 MR. EMANUEL: That's not what I

4 said.

5 PERSON IN AUDIENCE: Let her talk.

6 That's what he said.

7 MR. EMANUEL: I understood the

8 question to be asked in the context of

9 attendance at this synagogue. That was my

10 understanding and I'm seeing members of the

11 board on the dais shaking their heads because

12 they understood the same context. I'm not

13 going to sit here --

14 CHAIRMAN LAWLESS: You asked about

15 buses to and from the house of worship.

16 MR. EMANUEL: You're absolutely

17 right, that many, if not all of the members of

18 this congregation, will send their children to

19 school, most likely private school and those

20 children will probably go on buses. I'm not

21 going to dispute that whatsoever.

22 MS. AMARO: Because this is what

23 we're addressing.

24 CHAIRMAN LAWLESS: Thank you for

25 clarifying.

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2 CHAIRMAN LAWLESS: Thank you.

3 Anybody else wish to be heard,

4 please step forward.

5 MS. COHEN: Linda Cohen, 2

6 Stonecrest Drive. I have spoken before. I

7 will not repeat what I said in the past. I am

8 here only for one correction.

9 With all due respect, sir, yesterday

10 I stood outside with Maria from 1 Stonecrest

11 for about ten minutes. We were talking

12 catching up and three buses with Hebrew

13 letters passed down Stonecrest. The Jewish

14 community of which I have declared myself a

15 member, have children on school buses coming

16 from the Yeshivas I'm assuming. I even said

17 to Maria -- she said, aren't the children be

18 given public transportation, and I said yes,

19 except that if they're coming from schools

20 outside of Rockland County. And these buses

21 did come by and they have every right to come

22 by and the children have every right to be

23 educated in any manner that is chosen by their

24 respective families, but to say there are no

25 school buses is not true. There are more

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2 MS. AMARO: We're addressing the

3 traffic situation on Riverglen and Stonecrest

4 and you should be aware that there are that

5 many more buses now.

6 Plus, I think it's beautiful to have

7 large families. My mother was one of eight.

8 My son-in-law comes from a family where his

9 family was one of thirteen. I am not against

10 large families, but there are many, many more

11 children now in the development. Each and

12 everyone of them that I have seen, one is more

13 beautiful than the next. I wish them long,

14 happy, safe lives and what is being proposed

15 now here, that structure is not going to be

16 safe for anyone's children. Thank you very

17 much.

18 CHAIRMAN LAWLESS: Thank you.

19 Anybody else wish to be heard, please step

20 forward.

21 MR. KENNY: My name is Harold Kenny.

22 I live at 12 Sycamore, Garnerville. I'm

23 looing at the plan, I heard there's already an

24 impact study been done. I see a large parking

25 lot. There's going to be a lot of water. Is

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2 there a ticking (phonetic) system to hold that

3 water so it just doesn't dump into the

4 wetland?

5 MR. McCREEDY: In this instance,

6 yes, there is.

7 MR. KENNY: I didn't see it. I see

8 it draining into the wetland. That's why --

9 MR. McCREEDY: No, there's a system

10 directly underneath the parking lot with an

11 overflow to the back, but it's an overflow,

12 but I'm not going to attest to the design.

13 I'll let the engineer, the applicant's

14 engineer address it.

15 CHAIRMAN LAWLESS: Anybody else wish

16 to be heard, please step forward and state

17 your name.

18 If we don't have been anybody else,

19 can I have a motion to close the Public

20 Hearing, please.

21 MR. ALDRIDGE: So moved.

22 MR. BARRETT: Second.

23 CHAIRMAN LAWLESS: All in favor?

24 (Whereupon, all the Board members

25 responded "Aye".)

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2 WHEREAS, the applicant, K'hal Bnei

3 Torah of Mount Ivy, has submitted an

4 application to the Town of Haverstraw Zoning

5 Board of Appeals for area variances to convert

6 and expand an existing single-family home to a

7 house of worship, which use is permitted in

8 the R-25 zoning district subject to the

9 requirements of the Zoning code, and make

10 other related improvements including a parking

11 lot and retaining walls (the "Proposed

12 Project"); and

13 WHEREAS, the Applicant is seeking

14 certain area variances as stated in the

15 submission by Emanuel Law P.C. dated February

16 1, 2022:

17 The following variances are existing

18 conditions on the Property:

19 Lot width - variance of 16.06 feet

20 where 200 feet is required and 183.94 feet is

21 existing.

22 Street frontage - variance of 22.47

23 feet where 200 feet is required and 177.53 is

24 existing.

25 Front yard - variance of 22.6 feet

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2 CHAIRMAN LAWLESS: Motion carries.

3 Public session is closed.

4 PERSON IN AUDIENCE: What are we

5 going to do when there's more families and

6 more children?

7 CHAIRMAN LAWLESS: Sir, you had your

8 time to speak. The public session is closed.

9 PERSON IN AUDIENCE: Oh, it is?

10 Why?

11 CHAIRMAN LAWLESS: Because I just

12 closed it.

13 PERSON IN AUDIENCE: Who are you?

14 CHAIRMAN LAWLESS: Oaky. Based upon

15 the comments to the board, presentation by the

16 applicant, comments made by the public, we've

17 asked counsel to prepare a resolution for the

18 board to vote on tonight. The resolution has

19 been passed out to all the board members. So

20 at this time I would ask counsel to read the

21 resolution into the record.

22 MS. ADDONA: Yes, Mr. Chairman. In

23 addition to being circulated to the board, it

24 was also posted on the town's website in

25 accordance with open meetings law.

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2 where 60 feet is required and 37.4 feet is

3 existing.

4 Side yard - variance of 18.3 feet

5 where 35 feet is required and 16.7 feet is

6 existing.

7 The following variances are being

8 requested by the Applicant for the Proposed

9 Project:

10 Floor Area Ratio - a variance of

11 0.84 where .1 is permitted and .184 is

12 proposed.

13 Parking spaces - variance of 9

14 parkings spaces where 36 required and 27

15 proposed. (the 36 required includes the 27 for

16 the main use and the additional 9 spaces for

17 the meeting room)

18 Parking in front yard - variance of

19 41.7 feet where 60 feet is required and 18.3

20 feet is proposed.

21 WHEREAS, the Applicant submitted the

22 following plans in connection with this

23 application:

24 1. Site Plan Set, Prepared by

25 Brooker Engineering, PLLC, last revised

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1 Proceedings
 2 01/21/2022.
 3 Title Sheet
 4 Existing Conditions & Slope
 5 Analysis
 6 Site Plan
 7 Grading and Utility Plan
 8 Erosion and Sediment Control
 9 Plan
 10 Detail Sheet (1 of 2)
 11 Detail Sheet (2 of 2)
 12 2. Architectural Plans, Prepared by
 13 Sketchy Plans, Signed and Sealed by Eric Knute
 14 Osborn, R.A., NYS Lic. No. 021585, dated
 15 2/23/2022
 16 T-100.00
 17 A-100.00
 18 A-101.00
 19 A-102.00
 20 A-200.00
 21 A-201.00.
 22 WHEREAS, this application has gone
 23 through a lengthy review process before the
 24 Planning Board workshop staff, the Planning
 25 Board and the Zoning Board and changes were

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 2 made to the plans by the Applicant to address
 3 potential impacts; and
 4 WHEREAS, the Zoning Board held a
 5 preliminary presentation on this application
 6 at its February 9, 2022 meeting, opened a
 7 duly-noticed public hearing at its April 13,
 8 2022 meeting, which public hearing was
 9 continued to its July 13, 2022 meeting, and
 10 members of the public having the opportunity
 11 to attend and be heard, the public hearing was
 12 closed on July 13, 2022; and
 13 WHEREAS, The Town of Haverstraw
 14 Planning Board served as lead agency for a
 15 coordinated review pursuant to the State
 16 Environmental Quality Review Act ("SEQRA"),
 17 and at its July 8, 2022 meeting adopted a
 18 Negative Declaration thus ending the SEQRA
 19 process; and
 20 WHEREAS, the federal Religious Land
 21 Use and Institutionalized Persons Act
 22 ("RLUIPA") "is the latest in long-running
 23 congressional efforts to accord religious
 24 exercise, heightened protection from
 25 governmental imposed burden, consistent with

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 2 Supreme Court precedent;" and
 3 WHEREAS, RLUIPA "prohibits a
 4 governmental entity from applying a land use
 5 regulation in a manner that imposes a
 6 substantial burden on the religious exercise
 7 of a person or institution, and when the
 8 religious use "has no ready alternatives, or
 9 where the alternatives require substantial
 10 delay, uncertainty and expense," a denial of
 11 the land use application could demonstrate a
 12 substantial burden on religious exercise," and
 13 WHEREAS, federal "courts have held
 14 zoning ordinances or zoning decisions, that
 15 significantly lessen the prospect of a
 16 religious institution being able to use the
 17 property to further its religious mission,
 18 contravene RLUIPA;" and
 19 WHEREAS, if this application was
 20 subject to RLUIPA litigation, RLUIPA's
 21 "remedial purpose and effect" to alleviate any
 22 substantial burden on the Applicant's
 23 religious exercise could result in significant
 24 monetary penalties to the Town (which would be
 25 the burden of the taxpayers) as well as a more

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 2 impactful project, and in this circumstance a
 3 federal court has held that any purported
 4 'burden' on the (municipality) and its
 5 residents is an inevitable consequence of
 6 resolving RLUIPA litigation, which Congress
 7 anticipated when drafting the statute and
 8 requiring its remedial construction, and in
 9 holding such the Court rejected the
 10 allegations of "reverse discrimination" under,
 11 or "weaponization" of RLUIPA; and
 12 WHEREAS, in addition, under
 13 longstanding State Law, educational and
 14 religious uses "have enjoyed special treatment
 15 with respect to residential zoning ordinances
 16 and have been permitted to expand into
 17 neighborhoods where nonconforming uses would
 18 otherwise not have been allowed" and "greater
 19 flexibility is required in evaluating an
 20 application for a religious use than an
 21 application for another use and every effort
 22 to accommodate the religious use must be
 23 made:" and
 24 WHEREAS, local zoning also cannot
 25 require a showing "that no ill effects will

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 2 result from the proposed use" as this "is
 3 improper because it fails to recognize that
 4 educational and religious uses ordinarily have
 5 inherent beneficial effects", and
 6 WHEREAS, "the presumptive value of
 7 religious facilities must be balanced against
 8 any actual detriment to the public health
 9 safety and welfare, bearing in mind that
 10 typical hazards of traffic congestion, noise,
 11 diminution in property values, and the like,
 12 are generally insufficient to outweigh the
 13 public benefit of religious institutions and
 14 the constitutional protections to which such
 15 organizations are entitled," and "where an
 16 irreconcilable conflict exists between the
 17 right to erect a religious structure and the
 18 potential hazards of traffic or diminution in
 19 value, the latter must yield to the former,"
 20 and
 21 NOW THEREFORE,
 22 BE IT RESOLVED, in light of the
 23 foregoing, the findings of this Board are as
 24 follows:
 25 1. There will not be an undesirable

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 2 means the Applicant to pursue other than
 3 seeking the requested area variances. Here,
 4 the benefit sought by the Applicant is to use
 5 the Property as a house of worship, a use that
 6 is entitled to considerable deference and
 7 accommodation by this Board under controlling
 8 state and federal law. The Applicant did a
 9 lengthy presentation before the Planning
 10 Board, the minutes of which were submitted to
 11 the Zoning Board, outlining the need for the
 12 addition of its proposed size to accommodate
 13 the Applicant's religious practices and
 14 beliefs, including, but not limited to, having
 15 a separate section for women, and having room
 16 for tables and bookshelves so that the
 17 congregants can review scrolls and large books
 18 in the course of their worship.
 19 3. While some of the variances may
 20 be considered substantial, individually or
 21 collectively, under these circumstances that
 22 is not a basis to deny the application.
 23 Several of the variances - including lot
 24 width, street frontage, front yard and side
 25 yard - are all existing conditions due to the

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 2 change produced in the character of the
 3 neighborhood or detriment to nearby properties
 4 as a result of the variances. As noted above,
 5 under controlling law religious uses are
 6 presumptively beneficial to the community and
 7 this use is permitted in all zoning districts
 8 in the Town. In addition, the Applicant will
 9 be required to obtain approval from the
 10 Architectural Review Board to ensure that the
 11 house retains its existing residential
 12 character with the addition. To the extent
 13 that there may be parking on the street as a
 14 result of the use, there have been submissions
 15 by the public demonstrating that there are
 16 other residential areas in the Town where
 17 there is existing on-street parking related to
 18 religious uses. Notwithstanding such, the
 19 Applicant is proposing a 27-space parking area
 20 to minimize on-street parking, which parking
 21 area is required under the Town Code for this
 22 reason and per the plans will be screened with
 23 landscaping.
 24 2. The benefit sought by the
 25 Applicant cannot be achieved by any feasible

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 2 Property and the existing structure that would
 3 continue to exist regardless of whether the
 4 addition was for a house of worship or a
 5 larger residential structure. With respect to
 6 parking in the front yard, the need for the
 7 variances is based upon the need for on-site
 8 parking to reduce, to the extent practicable,
 9 the number of cars that are parked on the
 10 street and the intrusion into the rear
 11 conservation easement. While the floor area
 12 ratio variance is substantial, the Applicant
 13 has demonstrated that under the Town Code a
 14 residential home more than twice as large as
 15 what the Applicant is proposing, could be
 16 constructed on the Property without the need
 17 for a floor area ratio variance. With respect
 18 to the number of parking spaces, the Applicant
 19 has a requisite number of parking spaces
 20 needed for the sanctuary use, and the need for
 21 a variance is because of the separate meeting
 22 room. As a condition of this Resolution, and
 23 as represented by the Applicant, the occupancy
 24 of the entire structure shall not exceed 107
 25 people and the sanctuary and meeting room will

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2 not be occupied at the same time. During the

3 review process, the Applicant also reduced the

4 size of the building and the occupancy to

5 address comments raised by the Board and its

6 consultants.

7 4. The proposed variances will not

8 have an adverse effect or impact on the

9 physical or environmental conditions in the

10 neighborhood. As noted above, under the law

11 certain potential impacts such as noise,

12 increase in traffic and alleged diminution of

13 property value, are generally insufficient to

14 override the presumptively beneficial nature

15 of the use and the legal protections afforded

16 to such religious uses. Any issues raised

17 with respect to real property tax revenue or

18 private real estate transactions in the Town

19 are beyond the scope of the Board's

20 jurisdiction. Further, the Planning Board

21 adopted a SEQRA Negative Declaration

22 determining the project does not have the

23 potential for any significant adverse

24 environmental impacts, which Negative

25 Declaration is attached hereto and

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2 the house of worship in this location is

3 because many congregants live within walking

4 distance of the Property, and that the

5 congregants cannot drive during certain times,

6 both of which are expected to reduce the

7 amount of vehicular traffic and parking during

8 those times. In addition, regular daily

9 services will generally be held early in the

10 morning or later in the evening when there is

11 less traffic.

12 5. While the hardship may be

13 self-created to the extent that the Applicant

14 proposes an addition and parking area that do

15 not comply with all of the bulk requirements

16 of the Zoning code, this does not necessarily

17 preclude the granting of the variances,

18 especially given the Board's findings on the

19 other area variance criteria and the standard

20 the Board must comply with under federal and

21 state law.

22 AND IT IS FURTHER RESOLVED based

23 upon the foregoing findings, the application

24 is granted subject to the following

25 conditions:

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2 incorporated herein. The project has been

3 reviewed by the Town's Consulting Engineer to

4 ensure there will be no stormwater impacts

5 from the proposed project and will provide a

6 zero-net increase in stormwater runoff from

7 the site through the installation of a

8 stormwater detention facility. The Town also

9 retained a traffic engineering consultant,

10 Stonefield Engineering & Design, to review the

11 proposed plan and use and to suggest certain

12 on-street traffic, parking and signage

13 mitigation measures so that on-street parking

14 occurs in a safe manner such that there is

15 sufficient room for passenger and emergency

16 vehicle circulation and access - which plan is

17 attached here to and a part hereof. These

18 mitigation measures must be implemented as a

19 condition of this approval. The Applicant

20 proposed a reduced parking area of

21 approximately 15 on-site parking spaces, but

22 the Board finds this proposal would likely be

23 more impactful because it would result in more

24 on-street parking. In addition, the Applicant

25 has explained that the reason for proposing

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2 1. The variances are granted

3 solely in connection with the plans identified

4 herein (which are incorporated by reference)

5 and the variances are granted only to the

6 extent that they authorize the addition and

7 related improvements as shown on those plans.

8 If any material changes are made to the plans,

9 other than those required by the Planning

10 Board and/or Architectural Review Board as

11 part of their review of this proposed project

12 and so long as those changes does not increase

13 the number or degree of variances needed, the

14 Applicant must make an application to the ZBA

15 for amended approval. Notwithstanding the

16 foregoing, the Applicant shall revise the bulk

17 table shown on the plans to be consistent with

18 the variances listed herein.

19 2. The granting of this

20 application shall not be deemed to relieve the

21 Applicant of the need to obtain approvals or

22 permits of any other board, agency or officer

23 as prescribed by law or ordinance with respect

24 to the Approved Plan or construction or any

25 other phase of the project; specifically,

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 2 approval from the Planning Board for site plan
 3 and activities in the conservation easement
 4 area, the Architectural Review Board for the
 5 design of the structure with the proposed
 6 addition, and to the extent feasible,
 7 implementing the traffic and parking
 8 mitigation measures recommended by Stonefield
 9 Engineering. Further, the granting of this
 10 application shall not be deemed to relieve the
 11 Applicant of the need to comply with any and
 12 all other local, state and federal
 13 requirements, including but not limited to
 14 compliance with the New York State Uniform
 15 Fire Prevention and Building Code and any
 16 applicable regulations related to the proposed
 17 use, location or construction.
 18 3. As represented and consented to
 19 by the Applicant: (a) the occupancy of the
 20 entire structure shall never exceed 107
 21 people, (b) the sanctuary and meeting room
 22 shall never be used at the same time, and (c)
 23 no one shall reside on the Property and there
 24 shall not be an overnight occupancy of the
 25 Property.

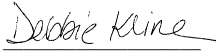
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 2 CHAIRMAN LAWLESS: Motion made by
 3 Mr. Aldridge. Second by Mr. Barrett. All in
 4 favor, usual sign.
 5 (Whereupon, all the Board members
 6 responded "Aye".)
 7 CHAIRMAN LAWLESS: Approved five,
 8 zero. Motion carries.
 9 MS. ADDONA: Mr. Chairman, before we
 10 adjourn, I would like to state for the record
 11 that since we had a recess approximately 40 to
 12 45 minutes ago, there has been no one waiting
 13 in the foyer and everyone who has wished to
 14 attend the meeting has been able to be in the
 15 meeting room.
 16 CHAIRMAN LAWLESS: May I have a
 17 motion to adjourn to the next meeting?
 18 MR. ALDRIDGE: So moved.
 19 MR. BARRETT: Second.
 20 CHAIRMAN LAWLESS: Made by
 21 Mr. Aldridge. Second by Mr. Barrett.
 22
 23 * * * *
 24
 25

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 2 4. The Applicant shall advise the
 3 congregants to use the parking lot to the
 4 extent practicable, abide by all traffic and
 5 parking laws and regulations, and utilize safe
 6 pedestrian practices.
 7 5. These variances are granted
 8 subject to the accuracy of the representations
 9 made by the Applicant and its representatives
 10 to the ZBA in its written submissions and
 11 during the public hearing and if any material
 12 representation, whether or not it is included
 13 in this Resolution, is found to be inaccurate,
 14 at the discretion of the ZBA the Applicant
 15 shall be required to make an application for
 16 an amended approval.
 17 6. The failure to observe and
 18 perform these conditions shall render this
 19 resolution invalid.
 20 Dated: July 13, 2022"
 21 CHAIRMAN LAWLESS: Thank you.
 22 Can I have a motion to accept the
 23 resolution?
 24 MR. ALDRIDGE: So moved.
 25 MR. BARRETT: I second.

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1
 2 C E R T I F I C A T I O N
 3
 4 Certified to be a true and accurate
 5 transcript of the stenographic minutes taken
 6 within.
 7
 8
 9
 10 
 11 Debbie Kline,
 12 Senior Court Reporter.
 13
 14 Dated: July 19, 2022
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 Errata Sheet

2

3 NAME OF CASE: In Re: TOWN OF HAVERSTRAW ZONING BOARD MEETING

4 DATE OF DEPOSITION: 07/13/2022

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25 _____

DRAFT

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