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**CONDENSED**

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In Re:  
TOWN OF HAVERSTRAW ZONING BOARD MEETING

-----x

September 11, 2024  
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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APPEARANCES:

GREGG LAWLESS, CHAIRMAN

GREG MERRIWEATHER

JOHN RAMUNDO

MICHAEL D. KAUKER, PLANNING CONSULTANT

CHRISTIE ADDONO, ZONING BOARD ATTORNEY

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Proceedings

CHAIRMAN LAWLESS: Good evening, everybody. Please stand for the Pledge. It is September 11th, so a moment of silence as well.

(Pledge of Allegiance.)

(Moment of silence.)

CHAIRMAN LAWLESS: Thank you. Today is Wednesday, September 11th, 2024. This is the regularly scheduled meeting of the Town of Haverstraw, Zoning Board of Appeals. I will call the role.

Mr. Greg Merriweather.

MR. MERRIWEATHER: Here.

CHAIRMAN LAWLESS: Mr. John Ramundo.

MR. RAMUNDO: Here.

CHAIRMAN LAWLESS: Wilbur Aldridge.

No response.)

CHAIRMAN LAWLESS: Mr. Larry Margiotta.

(No response.)

MS. ADDONA: Mr. Chairman, I just want to state for the record in case anyone is here on any of these applications tonight, it was noted on the agenda and it was posted on

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Proceedings

the website, Luis Bermejo and Luis D... will not be heard before the Zoning Board. Marian Shrine, 174 Forsyth Lane will not be heard before the Zoning Board, but they will be heard before the Planning Board, which meeting will be held after the Zoning Board is finished with their agenda.

In addition, we have a last minute request for an adjournment which is number 5 on the agenda, Pamela and Robert Ripple, 1 Martino Way, and that was for a special permit for a real estate home office and that has been adjourned as well.

So, if anyone is here on those applications, they will not be heard tonight.

The first item on the agenda is Shlomo and Aliza Hauer, 14 Valley Drive, Thiells, Section 25.08, Block: 02, Lot 64. Continuation of a Public Hearing to construct a new 14'8" X 36', 2 story addition with a full basement.

Requesting the following Variance:

Side yard: 15 feet is Required, 10 feet provided. A 5-foot Variance is required.

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Proceedings

This application was first heard at the board's July 10th meeting.

CHAIRMAN LAWLESS: Would the applicant for 14 Valley Drive please step forward, address your name and address.

MR. CONWAY: Yes. Good evening, chair members of the Board. Kevin Conway, 7 Stokum Lane, New City, attorney for the applicant. Mandy Ortnor (phonetic) is also here from Fast Forward Permits, as well the applicant and his wife.

As the board may recall, the applicant does propose to build an addition to the existing single family residence. The applicant has resided there for a lengthy period of time. The existing home is roughly 3502 square feet. The addition proposed is about 1524 square feet. Totaling 5026 square feet.

The addition would include two bedrooms in the basement, a new dining room, a study on the first floor and a master bedroom on the second floor. To avoid relocating the utility lines and maintaining the home's flow

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1 Proceedings  
2 the addition is proposed on the right side  
3 resulting in a minor variance. The left side  
4 of the house has an existing garage and a  
5 family room which the applicant wishes to  
6 keep. The right side has a kitchen which the  
7 applicant wishes to extend and the living room  
8 both of which would lead into a new dining  
9 room from the proposed addition.  
10 Placing the addition on the right  
11 side also minimizes the impacts from the  
12 existing home while providing efficient flow.  
13 To otherwise, and I appeared before many  
14 boards, most applicants when they propose an  
15 addition it's not unusual to have the addition  
16 on either one of the side portions of the home  
17 as opposed to the rear. The flow within the  
18 house works more efficiently.  
19 The structural change if we were to  
20 put it in the rear would result in raising the  
21 roof and performing more structural changes  
22 to the frame of the house that would be very cost  
23 prohibitive for the applicant. So it would  
24 incur substantial costs than placing it in the  
25 rear because the last time we were here the

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1 Proceedings  
2 house. Were we to put the proposed addition  
3 to the rear in addition to the substantial  
4 costs on the building and structuring  
5 the structural portions of the house, you  
6 would also eliminate because of the slope and  
7 the conditions of the contour of the land  
8 which in and of itself can be a basis all by  
9 itself for a relief from the bulk tables or  
10 variances, but not withstanding it would  
11 eliminate any play area for the kids and you'd  
12 otherwise be stuck having the play area on the  
13 side of the house where the proposed addition  
14 would be.  
15 We did listen to the one neighbor  
16 who provided comments last time, that she was  
17 not happy with having the proposed addition be  
18 closer to the property line because of noise  
19 and the rest, but were we to put it in the  
20 rear, that would become the play area for the  
21 kids, that would be more noise driven than the  
22 addition of the additional almost five feet to  
23 the side yard.  
24 I did speak to the applicant. The  
25 applicant would be interested and would

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1 Proceedings  
2 board inquired whether or not it could be  
3 placed in the rear because that would result  
4 in no variance because this is a quite rather  
5 large lot. However, one of the contours of  
6 the lot, and as the board knows, zoning boards  
7 exist for the purpose of providing applicants'  
8 relief that they otherwise wouldn't be  
9 entitled to, with strict interpretations to  
10 the bulk table.  
11 In this particular instance, the  
12 contour of the property, although it's large,  
13 the rear portion there is a steep slope that  
14 goes up about 20 feet behind the house where  
15 there's an existing stone wall that's depicted  
16 on the site plan. I have a photo for the  
17 board's edification that we didn't have last  
18 time, that shows the existing condition of the  
19 slope, as well as the existing stone wall. We  
20 have color shots as well.  
21 Also, for the benefit of the  
22 applicants' family and children, normally  
23 you're not going to have a play area in the  
24 side yard of the house. You're normally going  
25 to have a play area in the rear portion of the

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1 Proceedings  
2 provide as a condition of the application of  
3 an approval, to provide additional screening  
4 for the neighbor depending upon what the  
5 neighbor would propose. We would propose,  
6 there's various types of screening we would  
7 propose so the neighbor wouldn't be looking at  
8 an addition in and of itself.  
9 We did rerun the numbers as well  
10 regarding to the architectural because there  
11 was a question with regard to that last time.  
12 There would also be a dry well placed in front  
13 of the house to ensure zero net run-off which  
14 we're required in any case by town code to  
15 build whether it's an addition or a new  
16 structure all together.  
17 The variance requested is about  
18 9.5 feet from the side of the property line  
19 and it's now been revised from 10 feet from  
20 the property line. The addition has thus been  
21 reduced slightly to 60 square feet.  
22 So when you look at the --  
23 generally, again what we're asking for,  
24 because this is a quite large lot, you have  
25 required a 10,000 square feet where 25,000

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1 Proceedings  
 2 provided. We don't require any variance  
 3 relief from any of other items in the bulk  
 4 table. But when you look at the architectural  
 5 renderings and the house as it sits now, it  
 6 would look to be a much larger structure if  
 7 you went straight back. We checked with the  
 8 architect, that would incur substantial  
 9 hardship to the applicant by way of costs  
 10 because we have to raise the roof. It would  
 11 disturb the frame structure of the building.  
 12 It would also not flow with the way the rooms  
 13 are set up now where we have the existing  
 14 kitchen, the garage. The way that the house  
 15 is currently set, it would not make sense to  
 16 go to the rear. And again, as we indicated,  
 17 it would eliminate the play area because of  
 18 the shape contour and the steep slope that is  
 19 located in the rear.  
 20 As the board knows, for the bulk  
 21 variance requested relief, the variance that  
 22 we're requesting has to be deemed not  
 23 substantial in relation to the other  
 24 requirements of the chapter and I would  
 25 respectfully argue that one minor variance

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 2 detriment to adjoining property will not  
 3 created we believe. Again, because this is a  
 4 small addition. There will be no play area to  
 5 the side, it will be located in the rear and  
 6 we're willing to put up screening.  
 7 The situation can not be alleviated  
 8 by some feasible method other than the  
 9 variance and that's certainly the case here.  
 10 This again is a small addition. This is not a  
 11 brand new structure and it's a large parcel of  
 12 land and certainly in today's environment with  
 13 the market as it is, it doesn't matter whether  
 14 you're the Town of Haverstraw, Town of Stony  
 15 Point, Town of Clarkstown or Orangetown, most  
 16 of the applicants are coming in now not for a  
 17 brand new site plan approval for a brand new  
 18 site or brand new structure like this, but  
 19 rather additions like this. When a family in  
 20 size grows, they want a proposed addition and  
 21 it would be cost prohibited to otherwise sell  
 22 or build a new structure entirely.  
 23 And in the view, the last factor, in  
 24 the view of the matter which the difficulty  
 25 arose and considering all of the above factors

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1 Proceedings  
 2 approximately 5 feet from the one item of the  
 3 bulk table for this proposed addition, is not  
 4 substantial. Normally, when clients come in  
 5 you'll have some applications, you may have  
 6 virtually requested relief from every item of  
 7 the bulk table and/or most important, which  
 8 the zoning boards are very concerned about,  
 9 which would be the maximum development  
 10 coverage and maximum building coverage or FAR.  
 11 Those are not items being requested here. So  
 12 that's important because certainly the  
 13 majority of the applications this board and  
 14 any board typically hears, those are the most  
 15 concerning irrespective of how many variances  
 16 on requests relief from the bulk table.  
 17 The next item is the effect of any  
 18 increased population density which may be thus  
 19 produce upon available services and  
 20 facilities is not significant. We also  
 21 believe that's the case here because of the  
 22 existing condition and it's a family that  
 23 resides at the location.  
 24 A substantial change in the  
 25 character of the neighborhood or a substantial

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1 Proceedings  
 2 the interest of justice would be served by  
 3 allowing the variance and we believe that's  
 4 the case here because certainly this is not  
 5 opening up Pandora's box. This is not  
 6 something that this board would otherwise  
 7 should be concerned with. I know this board  
 8 has granted other variances before that are  
 9 minor of nature like this. This is not going  
 10 to create a situation either for this existing  
 11 neighborhood or across the board with regard  
 12 to the town.  
 13 However, if it's not granted, it  
 14 would be substantial impact negative to the  
 15 applicants who are here to speak tonight just  
 16 to describe how they enjoy living in this  
 17 neighborhood. They want to remain in this  
 18 neighborhood. They're welcomed in this  
 19 neighborhood and it's natural and normal to  
 20 say I want to build a small addition for the  
 21 size of my family because the size of my  
 22 family is growing and stay in the  
 23 neighborhood.  
 24 So all in total, I believe the board  
 25 certainly has more than enough reasons to

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2 approve the application and that's what we're  
3 requesting that the board do tonight. If the  
4 board has any questions, I was going to have  
5 the applicant just briefly speak.  
6 CHAIRMAN LAWLESS: Sure.  
7 MR. HAUER: I'm Shlomo Hauer. I'll  
8 just basically echo what the attorney said.  
9 We are excited to live here and we just want  
10 to make this addition to make the house more  
11 compatible for our growing family and we want  
12 to be nice neighbor and be able to live in the  
13 area for a while and be peaceful with the  
14 neighbors. We're not going to be loud and  
15 obviously, follow all the regulations of  
16 things and doing it in the back as the  
17 attorney explained, would really take away the  
18 main area where our kids would otherwise play.  
19 And also, it's more expensive to do it that  
20 way and not really go with the layout of the  
21 house. Thank you.  
22 CHAIRMAN LAWLESS: Question for you.  
23 So you have been living in this house for how  
24 long?  
25 MR. HAUER: We haven't started

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2 square feet?  
3 MR. HAUER: I don't know the exact  
4 numbers.  
5 MR. CONWAY: That's correct.  
6 CHAIRMAN LAWLESS: Members of the  
7 Board have questions?  
8 It doesn't show on the survey here  
9 how far that stone wall is setback from the  
10 rear of your home. If I had to guess, it's a  
11 little less than 50 percent which is dictated  
12 at 136.  
13 MR. CONWAY: We think it's about 20,  
14 estimated.  
15 MR. MERRIWEATHER: If I recall, the  
16 board in our last meeting we discussed this  
17 alternative, there seemed to be great optimism  
18 in doing that, and now you're sharing that it  
19 would be a hinderance for the children's play  
20 area. Tell me what changed between this time  
21 and last time.  
22 MR. CONWAY: We didn't. That was  
23 the neighbors inquiring and the board chair  
24 had asked if we do that. We said we'd go back  
25 and look at it, but we did not as the

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2 living in the house yet.  
3 CHAIRMAN LAWLESS: You haven't lived  
4 in it all?  
5 MR. HAUER: No.  
6 CHAIRMAN LAWLESS: You just recently  
7 purchased it?  
8 MR. HAUER: We purchased it in  
9 March.  
10 CHAIRMAN LAWLESS: March of 2024?  
11 MR. HAUER: Yes.  
12 CHAIRMAN LAWLESS: Coming in to  
13 purchase the home it wasn't usable with the  
14 size of the footprint that was currently when  
15 you purchased it?  
16 MR. HAUER: It was usable, but we  
17 wanted to be able to grow into it. Our family  
18 is growing and, you know, the way to do that  
19 would be very difficult.  
20 CHAIRMAN LAWLESS: So currently it's  
21 not being lived in at all?  
22 MR. HAUER: Yes.  
23 CHAIRMAN LAWLESS: And the reduction  
24 you did was 60 square feet on the reduction  
25 total. According to your notes, the 1524

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2 applicant show a preference that that's what  
3 we wanted and most folks when you do an  
4 addition you're not going to typically put it  
5 on the rear. For that same reason, it  
6 eliminates most of the area in the back and we  
7 didn't have a discussion about the stone wall  
8 or the topography last time, but if this was  
9 flat and at the same plane or level all the  
10 way back, then that would be more of a  
11 consideration and easier to say, okay, we can  
12 do that, but because of the topography and the  
13 way it's set, you really can't do it because  
14 that's just the way the land is on that  
15 parcel.  
16 CHAIRMAN LAWLESS: And looking at  
17 your images, your images show a stone wall  
18 maybe 4 feet tall and then sloping up. I mean  
19 the rest of the hill is just a hill.  
20 MR. CONWAY: Yup.  
21 CHAIRMAN LAWLESS: It's not a cliff,  
22 right? It's not a ledge? No magnitude.  
23 MR. CONWAY: But it would be again  
24 cost prohibitive and expensive, not just for  
25 the structure, but if you had to try and put

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2 and you had to remove that hill or take down

3 the hill down, then you'd have more issues

4 with drainage or potentially with run-off. So

5 that would be very expensive for the client to

6 even entertain. This is a small addition on

7 the side where you're not changing the makeup

8 of the house or changing the topography in the

9 rear that exists right now.

10 CHAIRMAN LAWLESS: I'm going to

11 rebut you on the small part, 1562 feet with 24

12 feet is substantial a decent sized addition.

13 The homes in the neighborhood are 2200 square

14 feet. You have this one at 35.

15 MR. CONWAY: Except that the parcel

16 here is quite large, so it doesn't affect --

17 CHAIRMAN LAWLESS: Right, which

18 helps you some.

19 MR. CONWAY: It doesn't trigger the

20 FAR. We're only at 525 the proposed addition

21 the footprint for the square footage. So in

22 and of itself irrespective of what the other

23 homes may be, this large parcel it's only

24 triggering one small side yard variance.

25 CHAIRMAN LAWLESS: There's also a

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2 the proposed addition would be. So we would

3 have the additional screening. She wouldn't

4 be looking at it now. That she's looking at

5 now is what she's looking at now, which is not

6 the house. The front yard, not the rear, but

7 we would provide additional screening along

8 the side so that way even if she's looking

9 straight out, she's still not going to see it.

10 Where if she was looking straight

11 onto the house, which she's not, and we were

12 increasing the size of the house or going up

13 higher or something else, that would be

14 different. But she's not looking at it now,

15 but we would provide additional screening so

16 she wouldn't be looking at it even if she was

17 in her backyard. That's what we're proposing.

18 MS. ADDONA: You mentioned that the

19 Zoning Board had granted similar variances.

20 Do you have any specific examples?

21 MR. CONWAY: Not in the immediate

22 neighborhood, but I can't imagine that the

23 Zoning Board has granted variances for a side

24 yard.

25 MS. ADDONA: So it was just a

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2 big concern because the lot to the north there

3 was a resident that came out and spoke and

4 that happens to be a corner lot for her, so

5 that addition site sits directly in her

6 backyard.

7 MR. CONWAY: Well, that's why we're

8 proposing the addition --

9 CHAIRMAN LAWLESS: So Havencrest

10 Drive on the corner of Valley Drive where your

11 parcel is stated in Havencrest, that's a

12 corner lot, and the resident's concern is that

13 addition will be right in her backyard.

14 MR. CONWAY: Well, there's an

15 existing hedge that's there right now. That's

16 what we're proposing the additional screening.

17 And the additional screening would go further

18 back where the addition is proposed, so we'd

19 have it so she wouldn't see the addition.

20 CHAIRMAN LAWLESS: And if you didn't

21 --

22 MR. CONWAY: And it's past the

23 structure of her home where the proposed

24 addition is. Her structure is further up

25 where the hedge exists, not further back where

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1 Proceedings

2 general hypothetical?

3 MR. CONWAY: General discussion.

4 MS. ADDONA: Assumption.

5 MR. CONWAY: General discussion.

6 MR. KAUKER: Mr. Chairman, just for

7 clarification, you were talking about the

8 distance between the rock wall and the home

9 and it looks like -- I'm looking at the

10 Rockland County GIS -- it looks like it's got

11 anywhere from 35 to 45 feet. So, it's more

12 than 20 feet.

13 CHAIRMAN LAWLESS: Right, it's

14 substantial.

15 I think we're done. Is there any

16 other questions?

17 It's still a Public Hearing. So

18 anybody would like to come up and speak please

19 do so.

20 MS. TULLY: Stasia Tully, 1

21 Havencrest.

22 So I never said I was worried about

23 noise. That wasn't the issue. The issue was

24 the proximity of the house to mine. I showed

25 you pictures the last time. I think I gave

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2 them to you for the record. My house is very

3 close already to their house. There's two

4 stories and mine is one story in the back. So

5 it's just going to dwarf my house being that

6 much closer.

7 It's also nine and a half feet, it's

8 not ten feet. So it a little bit, you know,

9 more than a five-foot variance.

10 Plus, you had mentioned they have

11 the window well that sticks out possibly

12 another three feet. I don't know if that's

13 included.

14 CHAIRMAN LAWLESS: It's not

15 included, but you are correct.

16 MS. TULLY: So that's closer.

17 There's no shrubs there, there's no hedge.

18 It's just a fence right now. So putting trees

19 or something in there is going to be pretty

20 narrow, you know, and it's not going to block

21 my view, it's 2 stories. That's pretty much

22 all I have to say.

23 CHAIRMAN LAWLESS: Thank you very

24 much.

25 Anybody else in the public like to

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2 is in the middle of where they're living

3 going to be displaced for six months or a

4 year. Who knows. Construction is very hard.

5 So it make sense, they buy a house, they want

6 to put in extra work, they want to make it a

7 little bigger for their growing family. It's

8 totally understood.

9 One walks down to Dunnigan, the same

10 town, basically unincorporated Town of

11 Haverstraw and you see the houses are much

12 bigger and they want to live here, they have

13 family here, they have friends here. They

14 want to build a bigger property to support

15 their family and that way they don't have to

16 move out of the house for a year when they're

17 already there.

18 Just think about it, the values of

19 the community here, they're very much about

20 growing families and wholesomeness and are

21 looking forward to trying to build the best

22 town that I think it can be.

23 CHAIRMAN LAWLESS: Thank you.

24 Anybody else like to be heard?

25 CHAIRMAN LAWLESS: All right. So if

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2 be heard, please step forward. State your

3 name and address for the record.

4 MR. STERN: Jacob Stern, 16 Valley

5 Drive. I am there to be or current neighbor

6 on the northern side -- southern side, and I

7 know the Hauers now for a nice amount of time

8 and I know that they're a growing family and

9 I'm sure the Town of Haverstraw very much

10 supports, I know they do, and I know that this

11 town is made up of wonderful family people.

12 Everyone here very much supports families and

13 the growth of families, and quite frankly, a

14 big family could only be supported in a

15 property house that fits such family, right?

16 The Hauers are a growing family and

17 that's just how it is. That's the nature of

18 the situation is that, you know, they're

19 moving a new house. I understand, whoever

20 has construction in their house knows, that

21 it's a very long tedious process. They deal

22 with the town and, you know, if anyone lives

23 in the property, right, and they spend three,

24 four months on construction or even longer,

25 right, this is a big project. So what happens

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2 nobody else wants to be heard, I'll make a

3 motion to close the Public Hearing.

4 MR. MERRIWEATHER: So moved.

5 MR. RAMUNDO: Second.

6 CHAIRMAN LAWLESS: All in favor.

7 Aye.

8 (Whereupon, all the Board members

9 responded "Aye".)

10 MS. ADDONA: So, Mr. Chairman, in

11 light of the issues that have been raised and

12 the unique circumstances of this application,

13 it may behoove the board for me to prepare a

14 draft resolution for your consideration at

15 your October 9th meeting.

16 CHAIRMAN LAWLESS: Second item on

17 the agenda is Jason Trow, 3 Sherman Drive.

18 The applicant is here. Please step forward,

19 speak your name and address for the record.

20 MR. TROW: Jason Trow, 3 Sherman

21 Drive.

22 CHAIRMAN LAWLESS: Couple of months

23 ago we were here. There was an issue of the

24 survey. Expand on the issue, what's taken

25 place since.

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2 MR. TROW: The shed has been moved.

3 The survey company had the wrong size shed on

4 it to begin with. Originally it had .2 off

5 the line. The shed was listed as 7 by 7, it

6 was 7 by 6. They had to make that correction

7 and the shed was moved again.

8 CHAIRMAN LAWLESS: This is something

9 you've corrected and you're going to present

10 to the board or give us a copy for the

11 building inspector.

12 MR. TROW: George has a copy.

13 CHAIRMAN LAWLESS: He has copies.

14 MR. TROW: And the survey.

15 MS. ADDONA: So the version of the

16 survey we saw still reflected the shed as

17 being less 1 foot from the property line.

18 MR. TROW: The town has a new

19 survey.

20 MS. ADDONA: It's 5 feet from the

21 property line.

22 MR. TROW: It's now 5 feet.

23 MS. ADDONA: So it would still

24 require a variance for the 5 feet.

25 MR. BEHN: So I need to review that.

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2 available. However, it did contemplate

3 board potentially denying the second number two

4 variance based upon what the applicant had

5 requested which is 9.8 feet. Obviously,

6 5 feet is a less variance than what was

7 originally being sought. So it's really

8 within the discretion of the board how you

9 would like to move forward.

10 CHAIRMAN LAWLESS: So we can make a

11 correction to the 9 feet, correct?

12 MS. ADDONA: Absolutely. That can

13 be revised.

14 CHAIRMAN LAWLESS: We'll state as

15 5 feet for the variance allowance on the side.

16 MS. ADDONA: If the board is

17 inclined under these circumstances to now move

18 forward with granting the variance for shed

19 number 2.

20 CHAIRMAN LAWLESS: So as long as we

21 note it on the resolution it's accepted and

22 we'll make that change.

23 MS. ADDONA: And any approval this

24 board would grant would also be contingent on

25 the building inspector's satisfaction of the

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2 MS. ADDONA: Okay. So just to recap

3 what the board is considering, there's a front

4 yard variance of 10.5 feet. The first shed

5 which is an existing condition and that's a

6 3.1-foot variance. And then there's the

7 second shed which was noticed as a 9.8-foot

8 variance where 10 feet is required. So it was

9 very close, .2 feet from the property line.

10 The applicant is representing that they have

11 moved the second shed to be 5 feet from the

12 property line. So a variance is still

13 required, but it is a lesser degree of a

14 variance than what was originally noticed and

15 requested.

16 MR. BEHN: If I might for the

17 record, I would just like to state that with

18 regard to proximity to the principal dwelling,

19 the applicant meets required setbacks, so it's

20 15 feet from the principal dwelling.

21 MS. ADDONA: So I had originally

22 prepared a resolution for this board's

23 consideration at the July meeting before the

24 application was adjourned because of the issue

25 with the survey and so that is still

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1 Proceedings

2 survey that has been submitted that reflects

3 the location of shed 2.

4 CHAIRMAN LAWLESS: Okay. Anything

5 else you'd like to say?

6 MR. TROW: I think that's it.

7 CHAIRMAN LAWLESS: We're still in

8 the public hearing so you can sit down.

9 And if anybody else would like to be

10 heard on this matter, please come forth.

11 Anybody else want to be heard on this matter?

12 I'm going to make a motion to close

13 the public hearing.

14 MR. MERRIWEATHER: So moved.

15 MR. RAMUNDO: Second.

16 CHAIRMAN LAWLESS: All in favor?

17 Aye.

18 (Whereupon, all the Board members

19 responded "Aye".)

20 CHAIRMAN LAWLESS: So based on the

21 comments by the board, presentation by the

22 applicant, the comments made by the public, we

23 asked counsel to prepare a resolution that we

24 spoke about with the slight change in the

25 existing shed number 2 from 9.8 to 5 feet.

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1 Proceedings

2 This resolution has been passed out to the

3 board members and at this time I would ask

4 counsel to read the resolution into the

5 record.

6 MS. ADDONA: So I'm not going to

7 read the entire resolution because it does

8 need to be modified because my understanding

9 is that now the board is inclined to grant the

10 variance for shed 2 as opposed to before where

11 it was drafted to deny shed 2 when the

12 variance was much more substantial. So what

13 I'm going to do is just read the criteria for

14 an area variance for the record as it applies

15 to the current situation.

16 There will be no -- the zoning board

17 hereby grants the three variances that are

18 being requested, 10.5 foot variance for the

19 front yard, 3.1 foot variance for shed 1 and a

20 5-foot variance for shed 2 as there will be no

21 undesirable change produced in the character

22 of the neighborhood or detriment to nearby

23 properties as a result of the approved

24 variances.

25 Shed number 1 is in the rear of the

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1 Proceedings

2 There will be no adverse effect or impact of

3 the physical or environmental conditions in the

4 neighborhood or disturbance from the approved

5 variances.

6 The porch will improve the esthetics

7 of the neighborhood. Shed 1 is in the rear

8 yard and set back from the property lines.

9 Shed 2 has been moved to also be set back from

10 the property line so it is less visible from

11 the street and also from the neighboring

12 property.

13 With respect to all the variances,

14 the difficulty is self-created because the

15 applicant wants to install a porch and

16 legalize shed that did not comply with the

17 requirements of the zoning code. However,

18 this factor is not determinative and the board

19 finds that when balancing the remaining

20 factors, there is sufficient basis to justify

21 the granting of the variances and this

22 approval will be granted subject to the

23 applicant presenting a plan that has been

24 reviewed to the satisfaction of the building

25 inspector depicting shed 2, five feet from the

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1 Proceedings

2 property and the proposed porch will improve

3 the esthetics of the property.

4 Shed 2 which was right along the

5 side property line has been relocated to be

6 further from the property line at the request

7 of the zoning board.

8 The benefits sought by the applicant

9 can not be achieved by some method feasible

10 for the applicant to pursue other than the

11 approved area variances. Given the footprint

12 of the existing house on the property the

13 applicant cannot install a front porch without

14 obtaining a variance for shed 1. It is

15 already located in the rear of the house and

16 set back sufficiently from the side and rear

17 lot line such as there is no other location to

18 reasonably put in.

19 And as noted above, shed 2 has been

20 relocated to be further from the side lot line

21 in order to substantially reduce the degree of

22 the variance being requested.

23 The approved variances are not

24 substantial and that includes shed number 2

25 which was reduced in size by the applicant.

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1 Proceedings

2 property line.

3 CHAIRMAN LAWLESS: Can I have a

4 motion to accept the resolution?

5 MR. MERRIWEATHER: So moved.

6 CHAIRMAN LAWLESS: All in favor,

7 Aye.

8 (Whereupon, all the Board members

9 responded "Aye".)

10 CHAIRMAN LAWLESS: Motion carries.

11 MS. ADDONA: Mr. Chairman, we're

12 going to take the applications a little bit

13 out of order and we are going to move to Edgar

14 ChaCha, 61 W. Ramapo Road, Garnerville.

15 Section 26.09, Block: 4, Lot: 16. Public

16 Hearing to construct a new 12-foot by 14-foot

17 backyard cabana. Requesting the following

18 variances:

19 Lot Coverage: 35 percent is

20 required. 55 percent is provided. A

21 20 percent Variance is required.

22 CHAIRMAN LAWLESS: The applicant

23 here for -- Mr. ChaCha, please step forward

24 and speak your name for the record.

25 MR. CHACHA: I am Edgar ChaCha. I

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1 Proceedings  
2 am the owner of 61.  
3 CHAIRMAN LAWLESS: Great. You want  
4 to tell us what you'd like to do, sir.  
5 MR. CHACHA: I like to do a cabana  
6 because I want to take my equipment that I  
7 have for my pool and I need the space and that  
8 way I can put my chairs. My kids changing  
9 outside. That's the situation right now.  
10 CHAIRMAN LAWLESS: Why does it need  
11 to be this large? I mean a 12 by 14 cabana in  
12 your rear yard is substantial.  
13 MR. CHACHA: Because I want to make  
14 it 2 by 14 because I want to put an overhead  
15 there, the roof cover my equipment. I have my  
16 equipment for the pool. I want to protect  
17 that. I want an overhead roof. Usually a  
18 cabana is 8 by 12. I want the roof to cover.  
19 CHAIRMAN LAWLESS: So you're saying  
20 you want to make it large enough to cover your  
21 pool equipment, your pump and things of that  
22 nature?  
23 MR. CHACHA: Yes, the pump and  
24 everything is there. Only the roof. The  
25 cabana is only 8 by 14.

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1 Proceedings  
2 MR. BEHN: I have  
3 CHAIRMAN LAWLESS: Can you speak to  
4 it.  
5 MR. BEHN: It's a beautiful  
6 backyard. He's a family oriented individual.  
7 I don't believe there would have any sort of  
8 negative impact. He does have a corner lot  
9 which creates a little bit of a hardship for  
10 him. I would say his improvement and a  
11 proposed improvement, is bettering the  
12 neighborhood in my opinion.  
13 MR. MERRIWEATHER: I believe I'm  
14 familiar with this property. You have an  
15 enclosed privacy fence as well, correct?  
16 MR. CHACHA: Yes.  
17 MR. MERRIWEATHER: Maybe I missed  
18 this. What's the height of your fence?  
19 MR. CHACHA: Six foot.  
20 MR. MERRIWEATHER: Six feet?  
21 MR. CHACHA: Yeah.  
22 MR. MERRIWEATHER: And the height of  
23 this cabana?  
24 MR. CHACHA: Seven feet.  
25 MR. MERRIWEATHER: So it's just

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1 Proceedings  
2 CHAIRMAN LAWLESS: Does the board  
3 have any questions?  
4 MS. ADDONA: George, are they  
5 currently on impervious or does this put them  
6 over?  
7 MR. BEHN: I believe this will put  
8 them over.  
9 MS. ADDONA: Okay.  
10 MR. RAMUNDO: I went to see it and  
11 the place is immaculate. Property is truly  
12 nice.  
13 CHAIRMAN LAWLESS: So, George, can  
14 you speak to what the lot coverage is and  
15 what's permitted in that area from what we  
16 have.  
17 MS. ADDONA: 35 percent is required,  
18 55 is proposed which requires a 20 percent  
19 variance in lot coverage. So I was curious if  
20 it was legal nonconforming as to lot coverage  
21 or if the cabana was just so large that not  
22 only would it exceed what's required, but it  
23 would exceed it by a significant amount.  
24 CHAIRMAN LAWLESS: George, have you  
25 also been out there?

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1 Proceedings  
2 going to be lifted right above the site line  
3 of the fence?  
4 MR. CHACHA: Yeah. 2 feet more high  
5 with the roof.  
6 MR. MERRIWEATHER: And how far off  
7 the back fence are you talking about the  
8 placement of the cabana?  
9 MR. CHACHA: I think it's 6 feet  
10 each side. The other side is 13.  
11 CHAIRMAN LAWLESS: Once again, this  
12 is for personal use, right? We're not  
13 planning on hosting any outside events or  
14 anything like that? This is just family use?  
15 MR. CHACHA: Yes.  
16 MR. MERRIWEATHER: Do you have an  
17 existing cabana back there?  
18 MR. CHACHA: No. I have a shed.  
19 I'm going to get more chairs.  
20 CHAIRMAN LAWLESS: A storage shed?  
21 MR. CHACHA: Yes.  
22 MR. MERRIWEATHER: How many?  
23 MR. CHACHA: One.  
24 CHAIRMAN LAWLESS: He's also got a  
25 detached building which is a garage and with

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1 Proceedings

2 regard to coverage, his pool. You can't

3 forget about the pool. That's why there's an

4 issue with the coverage.

5 CHAIRMAN LAWLESS: The pool is above

6 or in the ground?

7 MR. BEHN: In ground.

8 CHAIRMAN LAWLESS: Approximate size

9 of the pool?

10 MR. CHACHA: 16 by 32.

11 MR. KAUKER: George, the pool is

12 included within the coverage requirement?

13 MR. BEHN: Yes.

14 MS. ADDONA: Are you going to remove

15 the shed to put the cabana in?

16 MR. CHACHA: No.

17 MS. ADDONA: The shed is going to

18 stay?

19 MR. CHACHA: Yes. That is in the

20 back. The cabana is closer to the house.

21 CHAIRMAN LAWLESS: Any other

22 questions? You can sit down.

23 Anybody from the public like to b

24 heard on this matter, please step forward and

25 state your name for the record.

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1 Proceeding

2 to legalize an existing Rear Yard Additi

3 Requesting the following variance:

4 Rear Yard Set Back - 35 feet

5 required, 26.6 feet provided. Variance of

6 8.4 feet.

7 CHAIRMAN LAWLESS: The applicant for

8 4 Creekview Drive, please step forward and

9 state your name for the record.

10 MR. COLE-HATCHARD: Good evening.

11 Stephen Cole Hatchard. Good evening. I do

12 have a small packet. I believe the board

13 probably has everything, but I just want to

14 give it for the record. It's just the

15 original deed and a survey. Mr. and

16 Mrs. Buria (phonetic) purchased the property

17 in 1972. They had the house built. In that

18 packet I just handed to you, shows the house

19 they picked out and shows it has a deck on it.

20 In that packet is also an old survey which

21 shows the deck on it marked final. This is

22 all before they moved into the house.

23 However, just recently they went to

24 sell their house and they found that there was

25 no record with the building department that a

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1 Proceedings

2 Mr. ChaCha, you can sit down.

3 Once again, anybody from the public

4 like to be heard, please step forward and

5 speak your name for the record.

6 MS. ADDONA: GML has come back

7 because the applicant has been on the agenda a

8 few times before, but has not appeared. So we

9 did receive comments back from County

10 Planning. What I would recommend that the

11 board do, if you have all the information you

12 need, is close the public hearing and I can

13 prepare a resolution for the board's

14 consideration at your October 9th meeting.

15 CHAIRMAN LAWLESS: Okay. Can I make

16 a motion to close the public hearing?

17 MR. MERRIWEATHER: So moved.

18 MR. RAMUNDO: Second.

19 CHAIRMAN LAWLESS: Motion carries.

20 We'll draft up a resolution for the October

21 meeting.

22 MS. ADDONA: So, again, going a

23 little bit out of order, the next item of the

24 agenda is Cole Kids Corp, Thiells. Section

25 20.13, Block: 01, Lot: 01. Public Hearing

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1 Proceedings

2 deck was built on the house. When we had it

3 inspected by the building department, the deck

4 was there. It had also been improved. We've

5 been addressing that with the building

6 department.

7 What we're here for is the fact that

8 an additional survey after being notified by

9 the building department, showed that this

10 deck, even though it had been there since the

11 early 70's, was actually encroaching on the

12 rear yard. I believe the rear yard requires

13 35 and the deck is somewhere around 26.

14 So, as existing, other than

15 improvements covering it, things like that,

16 it's been there since the house was built or

17 thereabouts. In the backyard it's a level

18 area to a fence at the end of the property

19 line and there's about a 30-foot drop off that

20 goes to a large utility easement, some green

21 belt areas in the Town of Haverstraw property

22 and then Minisceongo Creek and eventually up

23 to Rt. 202. So there's nothing in view from

24 the backyard and we've heard from all of the

25 neighbors, no one has a problem having the

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1 Proceedings  
2 deck remain like it is.  
3 There are other issues with  
4 regarding improvements that were made to it  
5 which we've addressed with the building  
6 department and I did include a copy of the  
7 original letter in there so the board is aware  
8 of that. That's the sum of the problem. I  
9 can certainly answer questions the board may  
10 have.  
11 CHAIRMAN LAWLESS: Does anybody have  
12 any questions from the board? It's pretty  
13 straight forward. It seems like the deck has  
14 been there a long time. Unfortunately, we  
15 have to go through the process so you can sell  
16 your home.  
17 So I'd like, since it is a Public  
18 Hearing you can sit down and we'll ask if  
19 anybody from the public would like to be heard  
20 on this matter. Please step forward if you  
21 do, state your name for the record.  
22 MS. BERNARD: Hi. Flora Bernard.  
23 28 Riverland Drive. I got a letter in the  
24 mail. I have a question. Am I hearing that  
25 they were going to have a daycare center? I

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1 Proceedings  
2 converted to habitable space.  
3 MS. ADDONA: They closed that, is  
4 how it's characterized in the application?  
5 CHAIRMAN LAWLESS: Are you saying  
6 it's a three season room?  
7 MR. BEHN: It was an open deck that  
8 was converted to habitable space. They opened  
9 up the kitchen, so they go out to this room  
10 now that has heat and windows. It's  
11 considered by the building code as habitable  
12 space. So that triggered the need for a  
13 variance to legalize this nonconforming  
14 situation. So for the record, it's not a deck  
15 any longer, it's habitable space.  
16 CHAIRMAN LAWLESS: So to clear it  
17 up, it's not a deck anymore, it's an addition,  
18 correct?  
19 MR. BEHN: Correct.  
20 CHAIRMAN LAWLESS: But the footprint  
21 remained the same.  
22 MR. BEHN: Correct.  
23 CHAIRMAN LAWLESS: Anybody else have  
24 any questions?  
25 Anybody from the public like to be

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1 Proceedings  
2 that what's going to be placed here?  
3 MR. BEHN: That's news to me.  
4 CHAIRMAN LAWLESS: I never heard  
5 that.  
6 MS. BERNARD: Maybe there was some  
7 kind of confusion.  
8 CHAIRMAN LAWLESS: I refer you to  
9 the building inspector for something like  
10 that, but I have no idea. All we're being  
11 told is he's selling his residence. To comply  
12 with our code he has to and then the sale of  
13 the home -- I don't know who is purchasing it,  
14 we don't know any of that stuff.  
15 MS. ADDONA: If they intend to  
16 change the use, then that applicant would have  
17 to present that to the building department and  
18 if they require any approvals like a special  
19 permit, they would need to come back. Right  
20 now this is being considered as an existing  
21 deck to a single family home.  
22 MS. BERNARD: Okay. All right.  
23 Thank you.  
24 MR. BEHN: Actually, for the record  
25 it's habitable space. It was a deck that was

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1 Proceedings  
2 heard on this matter? Anybody else?  
3 I'd like to close the public  
4 hearing. Make a motion to close the public  
5 hearing?  
6 MR. MERRIWEATHER: So moved.  
7 MR. RAMUNDO: Second.  
8 CHAIRMAN LAWLESS: All in favor?  
9 Aye.  
10 (Whereupon, all the Board members  
11 responded "Aye".)  
12 CHAIRMAN LAWLESS: Motion carries.  
13 Once again what I've done based on  
14 the comments and the board's presentation the  
15 applicant made, the comments of the public, we  
16 asked counsel to prepare a resolution for the  
17 board to vote on tonight. The resolution has  
18 been passed out to all the board members. So  
19 at this time I'm going to ask counsel to read  
20 in the resolution for the record.  
21 MS. ADDONA: Given the number of  
22 people that are here, I'm just going to  
23 read --  
24 CHAIRMAN LAWLESS: You can  
25 summarize.

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1 Proceedings

2 MS. ADDONA: I'm going to skip and

3 we can certainly provide the applicant with a

4 copy. For the record, this resolution is

5 available in the building department and for

6 any members of the public who would like to

7 see it.

8 The applicant seeks an area variance

9 of 8.4 feet to allow a rear yard setback of

10 26.6 feet for an addition to their home where

11 35 feet is required.

12 The ZBA received a response from

13 County Planning dated September 4, 2024, which

14 included only observations that are not part

15 of the GML review and stated that the proposed

16 action is deemed to have no significant

17 county-wide or intercommunity impact under New

18 York State General Municipal Law Section 239

19 and, therefore, it is a local decision.

20 This is a Type II action under the

21 State Environmental Quality Review Act and it

22 is further resolved based on the facts set

23 forth above and the representations made by

24 the applicant, the board grants the variance

25 as follows:

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1 Proceeding

2 The difficulty is seen created

3 because the applicant has a deck -- an

4 addition that does not comply with the zoning

5 code, but this factor is not determinative and

6 the board determines when balancing the

7 remaining factors there is sufficient basis

8 to grant the variance.

9 And then the resolution contains the

10 standard conditions that this board includes

11 in all of its resolutions except for one

12 addition, that prior to the issuance of the

13 building permit, the applicant shall comply

14 with the County Planning comments which are

15 just clean up of the plans itself. So that

16 will be required prior to the issuance of the

17 building permit.

18 CHAIRMAN LAWLESS: Can I have a

19 motion to accept the resolution?

20 MR. MERRIWEATHER: So moved.

21 MR. RAMUNDO: Second.

22 CHAIRMAN LAWLESS: Motion made by

23 Mr. Merriweather. Second by Mr. Ramundo. All

24 in favor, Aye.

25 (Whereupon, all the Board members

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1 Proceedings

2 There will be no undesirable change

3 or detriment to nearby properties as a result

4 of the variance. The addition is in the rear

5 yard where it's not visible from the street.

6 The addition in the resolution, it states

7 "enclosed deck," so that will be changed to be

8 "an addition." The addition has existed since

9 1984 with no impacts to the community or

10 neighborhood.

11 The benefit sought by the applicant

12 cannot be achieved by some method feasible for

13 the applicant to pursue other than an area

14 variance given the deck has already been --

15 excuse me, the addition has already been

16 constructed decades earlier and there is a

17 proper walkway on the other side of the rear of

18 the house. It is not feasible to relocate the

19 addition. The variance is not substantial.

20 There will be no adverse effect or

21 impact on the physical or environmental

22 conditions of the neighborhood or district

23 from the variance. The addition is in the

24 rear yard and has existed in an enclosed state

25 for forty years.

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1 Proceedings

2 responded "Aye".)

3 CHAIRMAN LAWLESS: Motion carries.

4 MS. ADDONA: Last but not least,

5 East Gate 321 Rt. 202, Pomona, Section 25.19,

6 Block: 02, Lot 19 & 20. Continuation of a

7 Public Hearing, to construct a two story

8 office building with revised plans dated

9 July 23rd, '24, for 15,500 square feet total.

10 Requesting the following variances:

11 Off street parking - 119 Spaces

12 Required; 80 Spaces Provided. A variance of

13 39 Space Reduction.

14 I believe that's being reduced based

15 upon the presentation the applicant will be

16 making this evening.

17 And then the Vehicular Access

18 Requirement - No Closer than 50 Ft. to any

19 Property Line.

20 The entrance to the site is 24.28

21 feet from the Easterly Side Lot Line and a

22 variance is requested of 25.72 feet.

23 This is also new based upon the

24 plans that the applicant is presenting tonight

25 and so if this plan does move forward, the

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1 Proceedings  
2 application will have to be re-noticed to also  
3 include this additional variance.  
4 CHAIRMAN LAWLESS: The applicant for  
5 East Gate, please step forward. 321 Rt 202.  
6 MR. PHILLIPS: Good evening,  
7 Chairman Lawless, members of the board. My  
8 name is Frank Phillips from the Law Office of  
9 Phillips & Millman. Present with me is Jason  
10 Rashford (phonetic) from the East Gate Group,  
11 Zack Sabo, the project engineer and Harry  
12 Backer from Harry Baker and Associates, who is  
13 our traffic consultants are here.  
14 I know this matter has been on  
15 before the board. As indicated, it's a  
16 continued public hearing. However, since last  
17 time the applicant has been before the board  
18 there has been modifications which have  
19 reduced the magnitude of the variances that  
20 are being sought. Again, this is the old  
21 Godar (phonetic) site, the auto body -- auto  
22 parts store that was on Rt. 202. It was  
23 rundown and neglected, so seven years ago our  
24 client purchased the property, resolved some  
25 environmental issues, is looking to modernize,

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1 Proceedings  
2 variance would have been for 3 spots  
3 However, since we were here last we have  
4 reduced the size of the building to  
5 15,500 feet and also, our client who has an  
6 import and export of children toys which is  
7 going to have their office and storage there,  
8 will take up 50 percent of the building which  
9 he has ten employees.  
10 So it became between the two boards  
11 a little bit like a Catch 22 because we were  
12 going before your board for the parking  
13 variances and then the concern of the Planning  
14 Board, which is a justified concern, was  
15 making a left hand turn coming out of there  
16 onto Rt. 202.  
17 So now we have another variance that  
18 we're looking for because we have reconfigured  
19 it where we move the ingress and egress or  
20 vehicular access to the east which is not  
21 50-foot from the property. So we have  
22 24.28 feet which the variance would require  
23 25.72-foot. So those are the two variances.  
24 Again, as counsel indicated, we have  
25 to re-notice that variance, but we have

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1 Proceedings  
2 make it more appealing and put in this  
3 location a two-story office building which is  
4 probably the best use for this particular site  
5 that's looking to be revitalized. It was  
6 neglected.  
7 As indicated in the Public Notice,  
8 it's a two-story office building. It is  
9 currently continuous to the R-40 zone which  
10 another application will be made to the Town  
11 Board to extend that to the town line between  
12 the Town of Ramapo and the Town of Haverstraw.  
13 And also, it's been a coordinated  
14 review between the Planning Board and the  
15 Zoning Board where the Planning Board declared  
16 its chief lead agency. So there hasn't been a  
17 Negative Declaration yet. So we're just  
18 presenting tonight to the board with any  
19 questions you have relating to the two  
20 variances that we'd be looking for.  
21 So initially, the building was  
22 22,700 square feet. It was reduced when it  
23 was before you last time to 17,714 which at  
24 that point the required parking was 119 and  
25 proposed was 80, which is 33 percent. The

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1 Proceedings  
2 amended this plan and tried to come to a happy  
3 medium between not having -- having enough  
4 parking to satisfy this board, but not having  
5 too many cars there that will have to make  
6 that left hand turn onto Rt. 202 because of  
7 the use. This applicant has been before the  
8 board since July of 2022. It's been before  
9 the Planning Board workshops and the ZBA and  
10 workshops. Since again the last time we've  
11 been before this board, Mr. Baker has updated  
12 the traffic study which we gave you the new  
13 updated study as of August 27th of 2004 which  
14 included the gap study that we were waiting  
15 on.  
16 So I know, and I apologize to the  
17 board that we were initially trying to be on  
18 target to get here in July, but that wasn't  
19 going to happen with the traffic study and the  
20 responses that we had to make to the DOT and  
21 Rockland County Department of Planning. The  
22 DOT, we are working with them as to the curb  
23 cut and the location of the ingress and  
24 egress.  
25 And on the other side, I know this

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1 Proceedings  
2 deals with a lot of planning board issues is  
3 that we have responded to the GML review, the  
4 comments on February 6, 2024 from Rockland  
5 County Department of Planning in a memorandum  
6 from Mr. Sabo on July 23rd, 2024. So before  
7 we get into the five part test and laying  
8 everything out, we just wanted to present this  
9 to the board because last time there were  
10 serious concerns about the parking. So now  
11 we've kind of reduced the magnitude of the  
12 variance that we're looking for for the  
13 parking.  
14 CHAIRMAN LAWLESS: Can you just  
15 state it again what your parking  
16 requirement is. You did give us the square  
17 footage, but can you state on the record what  
18 your reduction is.  
19 MR. PHILLIPS: Sure. Initially it  
20 was 119 and was required and was proposed was  
21 80. 104 is required now and 84 is proposed.  
22 So we're short 20 which is 19 percent I  
23 believe if my math is correct. I'm not great  
24 at math, but so if you have any question  
25 though relating to the traffic or to the

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1 Proceedin  
2 warehouse space.  
3 MR. RASHFORD: My name is Jason  
4 Rashford, I'm the director of pre construction  
5 from the Eastgate Group.  
6 We've been dealing directly with the  
7 owner. The owner is our client. Should it be  
8 approved, we would be the contractor to build  
9 it and in none of the conversations we've had  
10 with him has he mentioned anything, no  
11 warehousing for distribution. It would be  
12 office space.  
13 CHAIRMAN LAWLESS: But he just  
14 stated you're going to store stuff there.  
15 MR. PHILLIPS: No, no.  
16 MR. RASHFORD: It's not going to be  
17 trucking product or anything like that.  
18 MR. PHILLIPS: It would be  
19 50 percent our office space and 50 percent  
20 tenants.  
21 CHAIRMAN LAWLESS: Other tenants.  
22 MR. PHILLIPS: Correct.  
23 CHAIRMAN LAWLESS: You'd rent the  
24 spaces.  
25 MR. PHILLIPS: Correct. I was

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1 Proceedings  
2 project itself, we have our professional here  
3 to answer those questions. But really it was  
4 just to see, to put out there now a revised  
5 plan which we tried to make better and to  
6 balance the issues that have arisen regarding  
7 parking and traffic.  
8 CHAIRMAN LAWLESS: The one question  
9 you raised, so the owner/occupant of the  
10 building is a toy manufacturer or toy  
11 importer/exporter of some sort?  
12 MR. PHILLIPS: Importer and  
13 exporter.  
14 CHAIRMAN LAWLESS: So this building  
15 is going to be --  
16 MR. PHILLIPS: An office for his  
17 employees which are ten employees and then I  
18 believe he's going to use some of it for  
19 storage.  
20 CHAIRMAN LAWLESS: So it's a  
21 warehouse?  
22 MR. CONWAY: I think it will be his  
23 corporate headquarters.  
24 CHAIRMAN LAWLESS: We were told it  
25 was office space. You're telling me it's

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1 Proceedings  
2 describing the business. I probably misspoke  
3 as to whether it's storage, so I apologize for  
4 that, but it's not going to be that.  
5 CHAIRMAN LAWLESS: It's going to be  
6 built as office space?  
7 MR. PHILLIPS: Correct.  
8 CHAIRMAN LAWLESS: Definitely not  
9 medical, right?  
10 MR. PHILLIPS: Correct.  
11 MR. RASHFORD: It's non-medical use.  
12 MR. PHILLIPS: We understand that  
13 was the concern at the last meeting because if  
14 it's not going to be medical, which we don't  
15 have any expectation or any plan of doing  
16 that, you would also want to have less  
17 parking, not more parking there because that  
18 would invite that potentially as a future use.  
19 CHAIRMAN LAWLESS: This will be a  
20 requirement of approval, if so approved, that  
21 there won't be any medical there, period.  
22 MR. RASHFORD: We accept those  
23 conditions.  
24 MR. PHILLIPS: We don't have a  
25 problem with that.

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1 Proceedings

2 CHAIRMAN LAWLESS: That's been

3 discussed on the record over and over again

4 because you don't have adequate parking for

5 anything like that.

6 MR. PHILLIPS: No, I got that.

7 CHAIRMAN LAWLESS: Okay. Just want

8 it on the record again.

9 MR. SABO: Zack Sabo, Engineering &

10 Surveying Properties.

11 We have had this discussion with the

12 Planning Board and Zoning Board on multiple

13 occasions during workshops and public

14 meetings. Every single discussion we've

15 provided a map note on the plan stating there

16 is no medical office use proposed for the

17 site. If there were to be a medical office

18 use proposed, they would have to come back to

19 these boards. So we believe we've addressed

20 that concern.

21 CHAIRMAN LAWLESS: Okay. And a

22 town we appreciate the fluid conversations

23 between the boards, but on the record here we

24 need to have it stated. So that's why I'm

25 asking.

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1 Proceedin

2 coordinate with the applicant to do the

3 re-noticing with the additional variance for

4 the next meeting so that process can get

5 started. But if the board has any further

6 feedback for the applicant it relates to

7 the proposed changes to the plan, now would

8 probably be a good time to share it.

9 MR. PHILLIPS: Just for the record,

10 October 9th, if that's the next meeting, we'll

11 re-notice it with a variance for vehicular

12 access, but I don't think there's anything

13 relating to DOT that would hold up the

14 variance request.

15 MS. ADDONA: No, it's just as it

16 relates to Planning Board, so the Planning

17 Board is certainly going to want that feedback

18 before they make their SEQRA determination. I

19 apologize if that wasn't clear.

20 CHAIRMAN LAWLESS: We will ask

21 Annette to do that. This will continue to the

22 October 9th meeting as a continued Public

23 Hearing.

24 I want to make a motion because we

25 kind of jumped ahead before we started, the

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1 Proceedings

2 MR. SABO: We've had these

3 conversations.

4 MR. RASHFORD: We'll stipulate that.

5 It's not a problem.

6 CHAIRMAN LAWLESS: Does anybody else

7 have any other questions for the applicant?

8 So it is a public hearing as you

9 know. We're also going to ask if anybody from

10 the public would like to be heard, you can

11 please step forward and ask questions that

12 they would like. As you know, we are awaiting

13 for I believe DOT, correct?

14 MS. ADDONA: Yes, there is still

15 outstanding issue as counsel for the applicant

16 mentioned. There is still some outstanding

17 issue as it relates to the planning board

18 which is going to meet after this board. So

19 we will likely have more insight as to where

20 the applicant stands in the SEQRA process, but

21 this board cannot do anything until the

22 Planning Board issues a SEQRA determination.

23 So if there's no one here from the public who

24 wants to speak, perhaps what the Zoning Board

25 can do is coordinate or ask Annette to

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1 Proceedings

2 first item of business was the adoption of

3 minutes of the July 10th, 2024 meeting. So I

4 make a motion to adopt those minutes.

5 MR. MERRIWEATHER: So moved.

6 MR. RAMUNDO: Second.

7 CHAIRMAN LAWLESS: All in favor,

8 Aye.

9 (Whereupon, all the Board members

10 responded "Aye".)

11 CHAIRMAN LAWLESS: I'll make a

12 motion to close this meeting.

13 MR. MERRIWEATHER: So moved.

14 MR. RAMUNDO: Second.

15 CHAIRMAN LAWLESS: Thanks for your

16 patience, people.

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C E R T I F I C A T I O N

Certified to be a true and accurate transcript of the stenographic minutes taken within.

*Debbie Kline*

Debbie Kline,  
Senior Court Reporter.

Dated: September 17, 2024

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Errata Sheet

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

DATE OF DEPOSITION: 09/11/2024

NAME OF WITNESS:

Reason Codes:

- 1. To clarify the record.
- 2. To conform to the facts.
- 3. To correct transcription errors.

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