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In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

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October 11, 2023
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 WILBUR ALDRIDGE

5 GREG MERRIWEATHER

6 JOHN RAMUNDO

7 MICHAEL D. KAUKER, PLANNING CONSULTANT

8 CHRISTIE TOMM ADDONO, ZONING BOARD ATTORNEY

9 ANNETTE HENDRIE, SECRETARY

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1 Proceedings

2 MR. ALDRIDGE: Please stand for the

3 Pledge.

4 (Pledge of Allegiance)

5 MR. ALDRIDGE: This is the Town of

6 Haverstraw Zoning Board of Appeals meeting,

7 October 11th, 2023.

8 Would you call the roll.

9 MS. HENDRIE: Gregg Lawless.

10 (No response.)

11 MS. HENDRIE: Wilbur Aldridge.

12 MR. ALDRIDGE: Here.

13 MS. HENDRIE: Paul Cleary.

14 (No response.)

15 MS. HENDRIE: Greg Merriweather.

16 MR. MERRIWEATHER: Here.

17 MS. HENDRIE: John Ramundo.

18 MR. RAMUNDO: Here.

19 MS. HENDRIE: And Larry Margiotta.

20 (No response.)

21 MR. ALDRIDGE: Thank you.

22 MS. TOMM ADDONO: So, Mr. Chairman,

23 we have the adoption of minutes from

24 July 12th, 2023. We don't have a quorum of

25 members that were present at that meeting, so

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1 Proceedings

2 I recommend that we hold that over until our

3 November meeting and actually, the same thing

4 with the September 13th 2023 meeting. We

5 don't have a quorum of members present. So we

6 can move on the agenda

7 MR. ALDRIDGE: All right. The first

8 item on the agenda is 8 Sherman Drive.

9 MS. TOMM ADDONO: That is being

10 adjourned at the request of the applicant.

11 They're going to be submitting revised plans

12 based upon the comments that they received

13 from this board at your September meeting.

14 MR. ALDRIDGE: The second thing on

15 the agenda is CrossLife Church, 2 Ridge Road.

16 MS. TOMM ADDONO: Which is also

17 being adjourned at the request of the

18 applicant who contacted the building inspector

19 about an hour ago and due to a conflict with

20 work, as he's a firefighter, he said he was

21 unable to make it tonight. So if the board

22 consents, we'll also adjourn that item.

23 MR. ALDRIDGE: Okay. Can I get a

24 motion to adjourn 8 Sherman Drive and 2 Ridge

25 Road to the November meeting?

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1 Proceedings

2 MR. RAMUNDO: So moved.

3 MR. MERRIWEATHER: Second.

4 MR. ALDRIDGE: Moved and seconded.

5 All in favor?

6 (Whereupon, all the Board members

7 responded "Aye".)

8 MR. ALDRIDGE: The next item on the

9 agenda is 2 Ambery Lane. This is a

10 continuation of a Public Hearing to Construct

11 a Two-story Addition to a Residence.

12 We have a prepared resolution. Does

13 the applicant have anything you want to say?

14 MS. WEXLER: Can we have it, please?

15 MS. TOMM ADDONO: For the record,

16 the applicant was here last month and did

17 present to the board what they're proposing.

18 At the time we were still waiting to see if

19 County Planning was going to respond with any

20 comments pursuant to General Municipal Law

21 239-m and n. The thirty days have elapsed for

22 the County Planning to respond and in doing

23 our due diligence, our building inspector did

24 reach out to County Planning which indicated

25 that they did not believe this was within

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1 Proceedings
2 their jurisdiction. So they have no qualms
3 about the board taking action on this
4 application.
5 MR. ALDRIDGE: At our request -- is
6 there anyone else from the public that wants
7 to be heard pertaining to this particular
8 issue?
9 Okay. With that said, we have asked
10 our attorney to prepare a resolution
11 pertaining to this. So we'll hear that
12 resolution at this time.
13 MS. TOMM ADDONO: Before I read the
14 resolution, Mr. Chairman, if we could just
15 have a motion to close the public hearing.
16 MR. ALDRIDGE: Okay. Can I get a
17 motion to close the public hearing?
18 MR. RAMUNDO: I'll make a motion.
19 MR. MERRIWEATHER: Second.
20 MR. ALDRIDGE: All those in favor?
21 (Whereupon, all the Board members
22 responded "Aye".)
23 MS. TOMM ADDONO: Mr. Chairman, as
24 you mentioned, I did prepare a resolution for
25 the Board's consideration this evening which I

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1 Proceeding
2 meeting, and members of the public have the
3 opportunity to appear and be heard, the public
4 hearing was closed on October 1, 2023, and,
5 WHEREAS, in support of the
6 application, the Applicant submitted a plan
7 prepared by Donald R. Steege, L.S. entitled
8 "Plot Plan" dated April 4, 2023 (hereinafter
9 referred to as the "Approved Plan"), and,
10 WHEREAS, in accordance with General
11 Municipal Law Section 239-l and -m, this
12 application was referred to the Rockland
13 County Department of Planning and other County
14 agencies and 30 days have elapsed without any
15 response, and,
16 WHEREAS, having made personal
17 inspection of the premises and being familiar
18 therewith and after duly considering all the
19 proofs and evidence before it, this Board
20 determines as follows:
21 IT IS HEREBY RESOLVED, this is a
22 Type II action under the State Environmental
23 Quality Review Act and therefore no further
24 action is required;
25 AND IT IS FURTHER RESOLVED, based

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1 Proceedings
2 will read into the record and provide the
3 stenographer with a copy.
4 Application of Laura Wexler,
5 ("Applicant")
6 2 Ambery Lane, Thiells, New York.
7 Section 25:12, Block 3, Lot 9, R-15
8 Zoning District.
9 WHEREAS, the Applicant has appealed
10 to the Town of Haverstraw Zoning Board of
11 Appeals from a determination by the Building
12 Inspector dated August 9th, 2023 that the
13 Applicant's proposed construction of a
14 two-story addition and related site
15 improvements to an existing single-family home
16 does not comply with Chapter 167 of the Town
17 of Haverstraw Zoning Code,
18 WHEREAS, the Applicant now seeks an
19 area variance of 2.7 feet to allow a front
20 yard (southerly side) setback of 27.3 feet
21 where 30 feet is required; and,
22 WHEREAS, a duly noticed public
23 hearing was opened on this application at the
24 ZBA's regular meeting on September 13, 2023
25 and continued to the ZBA's October 11, 2023

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1 Proceedings
2 upon the facts set forth above and the
3 representations made by the Applicant, the
4 findings of this Board are as follows:
5 A. There will be no undesirable
6 change produced in the character of the
7 neighborhood or detriment to nearby properties
8 as a result of the variance. The need for the
9 variance is only because the Property is a
10 corner lot where two front yard setbacks are
11 required.
12 B. The benefit sought by the
13 Applicant cannot be achieved by some method,
14 feasible for the applicant to pursue, other
15 than the area variance. The Applicant advised
16 the need for the addition is to create more
17 living space for the extended family that have
18 moved into the house to assist the Applicant
19 with the upkeep and to provide first-floor
20 accommodations for the Applicant who has
21 difficulty traversing stairs.
22 C. The Board finds that the setback
23 variance of 2.7 feet where 30 feet is required
24 is not substantial. The Applicant also
25 complies with all other bulk regulations for

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1 Proceedings
 2 the corner lot.
 3 D. There will be no adverse effect
 4 or impact on the physical or environmental
 5 conditions in the neighborhood or district
 6 from the requested variances. There are other
 7 houses in the neighborhood that are of a
 8 similar size and configuration. In addition,
 9 none of the Applicant's neighbors appeared at
 10 the public hearing to express concern about
 11 the proposed project.
 12 E. The difficulty is self-created
 13 because the Applicant wants to construct an
 14 addition that does not comply with the Zoning
 15 Code, but this factor is not determinative and
 16 does not preclude the granting of the area
 17 variance where the other variance criteria
 18 have been satisfied.
 19 AND IT IS FURTHER RESOLVED, based
 20 upon the foregoing findings, the Applicant's
 21 request for the variance set forth above is
 22 granted, subject to the following conditions:
 23 1. The variance is granted solely
 24 in connection with the Approved Plan and the
 25 variance is granted only to the extent that it

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 2 requirements, including but not limited
 3 compliance with the New York State Uniform
 4 Fire Prevention and Building Code.
 5 4. This variance is granted subject
 6 to the accuracy of the representations made by
 7 the Applicant and its representatives to the
 8 ZBA in its written submissions and during the
 9 public hearing. If any material
 10 representation, whether or not it is included
 11 in this Resolution, is found to be inaccurate,
 12 at the discretion of the ZBA the variance
 13 grant may be deemed void, in which case the
 14 Applicant must make a new application to the
 15 ZBA for approval of any and all variances.
 16 5. The failure to observe and
 17 perform these conditions shall render this
 18 resolution invalid.
 19 Dated as of October 11, 2023."
 20 MR. ALDRIDGE: Any comment from the
 21 board?
 22 MR. RAMUNDO: None from me.
 23 MR. MERRIWEATHER: No.
 24 MR. ALDRIDGE: Can I get a motion
 25 pertaining to this particular document, the

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1 Proceedings
 2 is necessary for the Applicant to construct
 3 the addition and other site improvements noted
 4 on the plan. If any changes are made to the
 5 Approved Plan (other than those deemed by the
 6 Building Inspector to be minor field changes),
 7 this variance grant becomes void and the
 8 Applicant must make a new application to the
 9 ZBA for approval of any and all variances.
 10 2. The Property shall remain a
 11 single-family residence. The Applicant will
 12 consent to the Building Inspector conducting
 13 annual inspections, with advanced notice, to
 14 ensure the Property remains a single-family
 15 residence.
 16 3. The granting of this application
 17 shall not be deemed to relieve the Applicant
 18 of the need to obtain approval of any other
 19 board, department, agency or officer
 20 prescribed by law or ordinance with regard to
 21 the plans or construction or any other phase
 22 of the project. The granting of this
 23 application shall not be deemed to relieve the
 24 Applicant of the need to comply with any and
 25 other local, county, state and federal

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1 Proceedings
 2 resolution?
 3 SPEAKER EUFPLT: I'll make a motion.
 4 MR. ALDRIDGE: To?
 5 MR. RAMUNDO: To approve.
 6 MR. MERRIWEATHER: Second.
 7 MR. ALDRIDGE: It's been moved and
 8 properly seconded. All those in favor?
 9 (Whereupon, all the Board members
 10 responded "Aye".)
 11 MS. TOMM ADDONO: Motion carries
 12 three-zero, a quorum of the board.
 13 MR. ALDRIDGE: Since there is no
 14 other business before the board for this
 15 evening, can I get a motion to adjourn?
 16 MR. MERRIWEATHER: So moved.
 17 MR. ALDRIDGE: You've been approved.
 18 MS. WEXLER: I have a stupid
 19 question. When do I pick up the permit?
 20 MR. BEHN: Reach out tomorrow.
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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: October 16, 2023

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Errata Sheet

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

DATE OF DEPOSITION: 10/11/2023

NAME OF WITNESS:

Reason Codes:

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

Page ____ Line ____ Reason ____

From _____ to _____

Page ____ Line ____ Reason ____

From _____ to _____

Page ____ Line ____ Reason ____

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Page ____ Line ____ Reason ____

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