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In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

-----x

December 13, 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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4 APPEARANCES:
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6 GREGG LAWLESS, CHAIRMAN
7 GREG MERIWEATHER
8 LARRY MARGIOTTA
9 PAUL CLEARY
10 WILBUR ALDRIDGE
11 MICHAEL D. KAUKER, PLANNING CONSULTANT
12 CHRISTIE TOMM ADDONO, ZONING BOARD ATTORNEY
13 ANNETTE HENDRIE, SECRETARY
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1 Proceedings
2 CHAIRMAN LAWLESS: Please rise for
3 the Pledge.
4 (Pledge of Allegiance.)
5 CHAIRMAN LAWLESS: Today is
6 Wednesday, December 13th, 2023. This is the
7 regularly scheduled meeting of the Town of
8 Haverstraw Zoning Board of Appeals. I'll call
9 the role.
10 Wilbur Aldridge.
11 MR. ALDRIDGE: Here.
12 CHAIRMAN LAWLESS: Paul Cleary.
13 MR. CLEARY: Here.
14 CHAIRMAN LAWLESS: Larry Margiotta.
15 MR. MARGIOTTA: Here.
16 CHAIRMAN LAWLESS: Greg Meriweather.
17 MR. MERIWEATHER: Here.
18 CHAIRMAN LAWLESS: And alternative
19 John Ramondo is out.
20 First item to handle is the adoption
21 of minutes for the July 12th, September 13th,
22 October 11th and November 8th meetings. Can I
23 have a motion to accept?
24 MR. ALDRIDGE: So moved.
25 MR. MARGIOTTA: Second.

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1 Proceeding
2 CHAIRMAN LAWLESS: All in favor.
3 (Whereupon all the Board members
4 responded "Aye".)
5 CHAIRMAN LAWLESS: Next item on a
6 list will be, we have something on here that's
7 been on for a little bit for Sherman Drive.
8 Counsel, want to handle that?
9 MS. TOMM ADDONA: Yes. Peihan Lin,
10 8 Sherman Drive, Garnerville. Section 26.09,
11 Block: 05, Lot 19. This is a continuation of
12 a Public Hearing to construct a one story
13 addition and legalize a Carport.
14 The Applicant submitted a letter to
15 this board earlier in the month requesting to
16 withdraw the application. So if the board
17 consents, you can just have a motion to accept
18 the withdrawal of the application.
19 CHAIRMAN LAWLESS: Can I have a
20 motion to accept?
21 MR. ALDRIDGE: So moved.
22 MR. MERIWEATHER: Second.
23 CHAIRMAN LAWLESS: All in favor?
24 (Whereupon, all the Board members
25 responded "Aye".)

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1 Proceedings
2 CHAIRMAN LAWLESS: So moved.
3 MS. TOMM ADDONA: CrossLife Church 2
4 Ridge Road, Section 19.16, Block: 01, Lot: 15.
5 Construct a one story addition.
6 This is a continuation of a Public
7 Hearing. Requesting the following variance:
8 Front Yard: A 8.7' Ft. Variance.
9 CHAIRMAN LAWLESS: Is the applicant
10 here?
11 Would you please step forward, state
12 your for the record and address the board with
13 what you're asking for.
14 MR. CASTRO: Jose Castro, 29
15 Northpark Drive, Garnerville, New York.
16 As previously mentioned, we're just
17 looking to expand up toward the front of the
18 building, one story addition. Plans have been
19 submitted to the Planning Board several times
20 already. Just looking to get that done.
21 CHAIRMAN LAWLESS: Any questions
22 from the board?
23 George, anything?
24 MR. BEHN: Nope.
25 MS. TOMM ADDONA: So, for the

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1 Proceedings
 2 board's reference, the Rockland County
 3 Department of Planning did provide comments on
 4 this application and one of them referred to a
 5 required landscape buffer between the property
 6 line and the parking area. However, this is a
 7 legal nonconforming use because the church had
 8 existed before those requirements were put
 9 into effect. So what's proposed in the draft
 10 resolution that's been presented to the board
 11 is to override that comment, which this board
 12 can do with at least four out of five members
 13 voting in favor of the resolution. Just for
 14 your reference.
 15 MR. ALDRIDGE: Is that a separate
 16 motion?
 17 MS. TOMM ADDONA: No, it's all part
 18 of the same resolution that I'll read.
 19 MR. ALDRIDGE: All right.
 20 CHAIRMAN LAWLESS: So it is a Public
 21 Hearing. Is there anybody else in the public
 22 that would like to be heard?
 23 All right. So what I've done is
 24 based on the comments from the board
 25 presentation by the applicant, comments made

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1 Proceedings
 2 the Applicant's proposed construction of a 30
 3 feet by 40 feet 5 inches one story addition
 4 and a basement for storage under the addition
 5 to an existing church, does not comply with
 6 Chapter 167 of the Town of Haverstraw Zoning
 7 Code, and
 8 WHEREAS, the Applicant now seeks an
 9 area variance of 8.7 feet to allow a front
 10 yard setback of 51.3 feet where 60 feet is
 11 required; and
 12 WHEREAS, a duly noticed public
 13 hearing was opening on this application at the
 14 ZBA's regular meeting on September 13, 2023
 15 and continued to the ZBA's December 13, 2023
 16 meeting, and members of the public having the
 17 opportunity to appear and be heard, the public
 18 hearing was closed on December 13, 2023, and
 19 WHEREAS, in support of this
 20 application, the Applicant submitted (i) a
 21 signed and sealed plan by Anthony R.
 22 Celentano, P.E. entitled "proposed Planimetric
 23 Plan for Cross Life Church" dated October 23,
 24 2018 and last revised November 11, 2019 and
 25 (ii) a signed and sealed plan set by John

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1 Proceedings
 2 by the public, I've asked counsel to prepare a
 3 resolution for the board to vote on today.
 4 This resolution has been passed out to all the
 5 board members. So at this time I'll ask
 6 counsel to read the resolution into the
 7 record.
 8 MS. TOMM ADDONA: Just before that,
 9 can we have a motion to close the Public
 10 Hearing?
 11 CHAIRMAN LAWLESS: Apologize. Can I
 12 have a motion to close the public hearing?
 13 MR. ALDRIDGE: So moved.
 14 MR. CLEARY: Second.
 15 CHAIRMAN LAWLESS: All in favor.
 16 (Whereupon, all the Board members
 17 responded "Aye".)
 18 MS. TOMM ADDONA: Application of
 19 CrossLife Church, 2 Ridge Road, Thiells, New
 20 York. Section: 19.16, Block: 1, Lot 15.
 21 R-120 Zoning District.
 22 WHEREAS, the Applicant has appealed
 23 to the Town of Haverstraw Zoning Board of
 24 Appeals ("Z.B.A.") from a determination by the
 25 Building Inspector dated August 4, 2023 that

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1 Proceedings
 2 Perkins, R.A. dated October 27, 2023 and last
 3 revised November 2, 2023 consisting of (a)
 4 Cellar Floor Plan (Sheet 1 of 4), (b) Main
 5 Floor Plan Sheet (Sheet 2 of 4), (c) Front &
 6 Right Side Elevations (Sheet 3 of 4) and (d)
 7 Rear & Left Side Elevations (Sheet 4 of 4)
 8 (hereinafter collectively referred to as the
 9 "Approved Plans"), and
 10 WHEREAS, in accordance with the
 11 General Municipal Law Section 239-1 and -m,
 12 this application was referred to the Rockland
 13 County Department of Planning, which responded
 14 by letter dated September 6, 2023 recommending
 15 certain modifications that are addressed as
 16 follows:
 17 1. As a condition of this
 18 resolution, the Applicant shall comply with
 19 the comments in the Rockland County Highway
 20 Department's August 25, 2023 letter;
 21 specifically, that the Applicant shall (i)
 22 demonstrate to the satisfaction of the
 23 Planning Board during the site plan review
 24 process that the existing/proposed drainage
 25 system in the lot is adequately designed to

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1 Proceedings
 2 produce no net increase in the peak rate of
 3 discharge from the site at all design points
 4 and (ii) secure a road work permit from the
 5 Rockland County Highway Department.
 6 2. As a condition of this
 7 resolution, the Applicant shall submit its
 8 proposed plan and any other required
 9 information to the Rockland County Drainage
 10 Agency and obtain any required permits.
 11 3. As a condition of this
 12 resolution, the Applicant shall submit its
 13 proposed plan and any other required
 14 information to the Rockland County Department
 15 of Health to ensure compliance with the
 16 Rockland County Sanitary Code, Article XIX,
 17 Mosquito Control.
 18 4. This use has been existing on
 19 the Property since before the Town Board
 20 enacted Zoning Code Section 167-58(D)(2)
 21 governing parking for houses of worship and
 22 associated screening. The Applicant is not
 23 proposing any new parking or new parking
 24 locations as part of this project, only to
 25 clearly delineate the parking spaces in th

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1 Proceeding
 2 require whatever plans deemed necessary
 3 the scope of their respective views.
 4 7. The Zoning Board and the Town
 5 will comply with the requirements of General
 6 Municipal Law Section 239 m.
 7 8. The Zoning Board, the Town and
 8 the Applicant shall comply with the
 9 requirements of the County Executive's
 10 Executive Order 01-2017 dated May 22, 2017.
 11 9. To the extent not already
 12 addressed, as a condition of this resolution,
 13 the Applicant shall revise the plans to
 14 address County Planning's observational
 15 comments.
 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 area where parking has historically existed.
 3 Accordingly, the parking spaces without
 4 landscaping is a legal nonconforming condition
 5 and landscaping is not required to be
 6 implemented as part of this proposed project
 7 to construct an addition to the existing
 8 structure. Further, as noted by County
 9 Planning, the abutting property is owned by
 10 the Town and therefore no neighboring property
 11 owners will be impacted by the lack of
 12 landscaping, which is an existing condition.
 13 5. As a condition of this
 14 resolution, the Applicant shall, to the
 15 satisfaction of the Planning Board and
 16 Building Inspector, illustrate the trash
 17 dumpster on the site plan in a location where
 18 access and parking maneuverability on the site
 19 will be impeded and will not encroach on the
 20 required yards.
 21 6. For the purposes of considering
 22 the area variance application related to the
 23 proposed addition, the Board is satisfied with
 24 the plans that were provided. However, the
 25 Planning Board and Building Inspector may

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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 Applicant is
 9 proposing an addition to the existing church
 10 to serve as an overflow space for its existing
 11 congregants and the basement will only be used
 12 for storage and not habitable space. The
 13 addition will not be used in services and is
 14 not anticipated to increase the number of
 15 congregants - which is currently approximately
 16 60 people, including children.
 17 B. The benefit sought by the
 18 Applicant cannot be achieved by some method,
 19 feasible for the applicant to pursue, other
 20 than the area variance. Given the Property is
 21 in the R-120 zoning district, the setbacks are
 22 large. For the Applicant to construct a
 23 functional and practical addition to the
 24 existing structure, which was constructed and
 25 previously used by the Letchworth facility,

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1 Proceedings
2 the Applicant will need a setback variance.
3 C. The Board finds that the
4 variance is not substantial where the required
5 front yard setback is 60 feet and the
6 Applicant is proposing 51.3 feet - which is
7 still a considerable setback. The Applicant
8 also complies with other bulk requirements.
9 D. There will be no adverse effect
10 or impact on the physical or environmental
11 conditions in the neighborhood or district
12 from the requested variances. This is a
13 longstanding use in the community. The church
14 does not have a large congregation, and only
15 operates during limited hours. In addition,
16 as part of this application, the Applicant
17 will make improvements to other areas of the
18 site beyond what currently exists, such as
19 relocating and striping the existing parking
20 spaces.
21 E. The difficulty if self-created
22 because the Applicant wants to construct an
23 addition that does not comply with the Zoning
24 Code, but this factor is not determinative and
25 does not preclude the granting of the ar

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1 Proceedings
2 4. The granting of this applica
3 shall not be deemed to relieve the Applicant
4 of the need to obtain a prowa of any other
5 board, department, agency or officer
6 prescribed by law or ordinance with regard to
7 the plans or construction or any other phase
8 of the project. The granting of this
9 application shall not be deemed to relieve the
10 Applicant of the need to comply with any and
11 all other local, county, state and federal
12 requirements, including but not limited to
13 compliance with the New York State Uniform
14 Fire Prevention and Building Code.
15 5. This variance is granted subject
16 to the accuracy of the representations made by
17 the Applicant and its representatives to the
18 ZBA in its written submissions and during the
19 public hearing. If any material
20 representation, whether or not it is included
21 in this Resolution, is found to be inaccurate,
22 at the direction of the ZBA the variance grant
23 may be deemed void, in which case the
24 Applicant must make a new application to the
25 ZBA for approval of any and all variances.

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1 Proceedings
2 variance where the other variance criteria
3 have been satisfied.
4 AND IT IS FURTHER RESOLVED, based
5 upon the foregoing findings, the Applicant's
6 request for the variance set forth above is
7 granted, subject to the following conditions:
8 1. The variance is granted solely
9 in connection with the Approved Plan and the
10 variance is granted only to the extent that it
11 is necessary for the Applicant to construct
12 the addition and basement and other site
13 improvements noted on the plan. If any
14 changes are made to the Approved Plan (other
15 than those deemed by the Building Inspector to
16 be minor field changes), this variance grant
17 becomes void and the Applicant must make a new
18 application to the ZBA for approval of any and
19 all variances.
20 2. The Applicant shall comply with
21 the conditions referenced in this resolution's
22 discussion of County Planning's comments;
23 specifically, numbers 1, 2, 3, 5, 8 and 9.
24 3. The basement shall be used for
25 storage only and not as habitable space.

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1 Proceedings
2 6. The failure to observe and
3 perform these conditions shall render this
4 resolution invalid.
5 AND IT IS FURTHER RESOLVED, to the
6 extent necessary and out of an abundance of
7 caution, the Board hereby overrides County
8 Planning's comments 4 and 6 for the reasons
9 set forth herein by a supermajority vote and
10 Town staff are hereby directed to provide
11 County Planning with a certified copy of this
12 resolution.
13 Dated as of December 13, 2023."
14 CHAIRMAN LAWLESS: Thank you.
15 Could I have a motion to accept the
16 resolution?
17 MR. ALDRIDGE: So moved.
18 MR. MARGIOTTA: Second.
19 CHAIRMAN LAWLESS: Motion made by
20 Mr. Aldridge. Second by Mr. Margiotta. All
21 in favor?
22 (Whereupon, all the Board members
23 responded "Aye".)
24 CHAIRMAN LAWLESS: Motion carries
25 five zero.

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1 Proceedings

2 May I have a motion to adjourn the

3 meeting?

4 MR. ALDRIDGE: So moved.

5 MR. CLEARY: Second.

6 CHAIRMAN LAWLESS: Motion made by

7 Mr. Aldridge. Second by Mr. Clearly. All in

8 favor.

9 (Whereupon, all the Board members

10 responded "Aye".)

11 CHAIRMAN LAWLESS: Have a good night

12 and have a happy holiday.

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Page 19

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

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6 Certified to be a true and accurate

7 transcript of the stenographic minutes taken

8 within.

9

10 Debbie Kline

11 Debbie Kline,

12 Senior Court Reporter.

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15 Dated: December 22, 2023

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1 Errata Sheet

2

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

4 DATE OF DEPOSITION: /13/202

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the transcript.

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 ____

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