

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----x

In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

-----x

February 14, 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

Page 2

1

2

3 APPEARANCES:

4 GREGG LAWLESS, CHAIRMAN

5 GREG MERIWEATHER

6 LARRY MARGIOTTA

7 JOHN RAMUNDO

8 WILBUR ALDRIDGE

9 MICHAEL D. KAUKER, PLANNING CONSULTANT

10 CHRISTIE TOMM ADDONO, ZONING BOARD ATTORNEY

11 ANNETTE HENDRIE, SECRETARY

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 3

Proceedings

1 CHAIRMAN LAWLESS: Please stand for

2 the Pledge.

3 (Pledge of Allegiance.)

4 Today is Wednesday, February 14th,

5 2024, the regularly scheduled meeting of the

6 Town of Haverstraw, Zoning Board of Appeals.

7 I'll call the roll.

8 Wilbur Aldridge.

9 MR. ALDRIDGE: Present.

10 CHAIRMAN LAWLESS: Larry Margiotta.

11 MR. MARGIOTTA: Here.

12 CHAIRMAN LAWLESS: Greg Meriweather.

13 MR. MERIWEATHER: Present.

14 CHAIRMAN LAWLESS: John Ramundo.

15 MR. RAMUNDO: Here.

16 CHAIRMAN LAWLESS: First item of

17 business will be the adoption of minutes from

18 the December 13th, 2023 meeting. Can I have a

19 motion to accept?

20 MR. ALDRIDGE: So moved.

21 MR. MARGIOTTA: Second.

22 CHAIRMAN LAWLESS: Motion made by

23 Mr. Aldridge. Second by Mr. Margiotta. All

24 in favor?

25 (Whereupon, all the Board members

Page 4

Proceeding

1 responded "Aye".)

2 CHAIRMAN LAWLESS: Motion carries.

3 First item on the agenda --

4 MS. TOMM ADDONA: East Gate, 321 Rt.

5 202, Pomona

6 So, Mr. Chairman, this is a Public

7 Hearing, so I will read the notice for the

8 record.

9 Please take notice the Town of

10 Haverstraw Zoning Board of Appeals shall hold

11 a Public Hearing to consider the application

12 of LAPA Holdings, LLC to construct a new

13 17,714 square foot two-story office building

14 at 321 Rt. 202, Pomona. The following

15 variances are required.

16 Off Street Parking, 119 Spaces

17 required; 90 spaces provided. Variance: A 39

18 Space Reduction.

19 Vehicular Access Requirement. No

20 closer than 50 feet to any property line. The

21 proposed entrance to the site is 24.28 feet

22 from the Easterly Side Lot Line. 25.72 Foot

23 Variance is required.

24 Said property being located on the

25 south side of US Route 202 approximately 1300

Page 5

Proceedings

1 feet from the intersection of Route 45 and

2 Route 202 and located on the Town of

3 Haverstraw Tax Map as Section 25.19, Block:

4 02, Lots: 19 and 20.

5 Said Public Hearing shall be held on

6 Wednesday, February 14th, 2024, at 7:05 P.M.

7 in the large meeting room of Haverstraw Town

8 Hall, One Rosman Road, Garnerville.

9 All interested parties are invited

10 to attend and will be heard by the Board. By

11 order of the Zoning Board of Appeals of the

12 Town of Haverstraw, Gregg Lawless, Active

13 Chairman, Christie Tomm Addona, Zoning Board

14 Attorney and Annette Hendrie, Chief

15 Clerk, February 1st, 2024.

16 Mr. Chairman, and members of the

17 Board, for the record, the Applicant has

18 provided the Affidavit of Proof of Mailing for

19 the Public Hearing.

20 CHAIRMAN LAWLESS: Thank you.

21 Please step forward and state your

22 name for the record.

23 MR. EMANUEL: Good evening,

24 Mr. Chairman and members. Ira Emanuel,

25 Emanuel Law, PC, New City. I'm the attorney

Page 6

Proceedings

1 for the Applicant. I have with me Zack Sbazzo
 2 who is the project engineer.
 3 Mr. Chairman, members, this is an
 4 application in connection with the development
 5 of an office building at the location. I'm
 6 going to start off, and from a procedural
 7 prospective and just advise the board that
 8 there are a number of things that need to
 9 happen before the board can conclude the
 10 Public Hearing and make a determination.
 11 We have a parcel of property which
 12 most of which is in the C Zone, but the rear
 13 portion of it is in the R-40 Zoning District.
 14 There is a petition before the Town Board to
 15 rezone the approximately 60 foot strip of land
 16 through the rear of the property from R-40
 17 to C, and that is something that needs to
 18 happen before this board can make a
 19 determination.
 20 In addition, the Planning board is
 21 lead agency and as you know under SEQRA, they
 22 would need to issue a Negative Declaration
 23 before this board can issue a determination.
 24 So what we're here for today is to
 25 begin the process with this board, start the

Page 8

Proceedings

1 CHAIRMAN LAWLESS: Are you looking
 2 to show us something on that because the
 3 board can't see that.
 4 MR. SZABO: Well for the public
 5 hearing, that's why.
 6 So in the initial site plan we had a
 7 much larger building which extended further
 8 south on the property. With our discussions
 9 with the county, we shortened that and
 10 provided a buffer along the rear and made the
 11 building smaller to 17,714 Sq. Ft. Since
 12 then, the entrance which we're requesting a
 13 variance for, hasn't changed.
 14 We had discussions with the DOT and
 15 where they would like to see our entrance to
 16 the site. We initially had an emergency
 17 entrance along the western side of the
 18 property. With discussion with DOT, they did
 19 not want to see that entrance and per fire
 20 code we didn't need to provide it, so it was
 21 removed. But the entrance to the east has
 22 remained there. They want their entrance to
 23 the site as far away from the existing
 24 intersection because it doesn't exactly line
 25 up with our property line. So that is why our

Page 7

Proceedings

1 Public Hearing. We do not expect anything to
 2 happen this evening from the board. We don't
 3 expect any determinations from the board. We
 4 would like your feedback obviously, so that if
 5 you have concerns or issues, we can address
 6 them when we do come back to you. But I
 7 wanted to make sure that you and the public
 8 had an understanding that nothing substantive
 9 is going to happen this evening.
 10 With that, I think we're probably
 11 better off if I turn it over to Zach and let
 12 him walk you through the site plan, walk the
 13 public through the site plan, so you can see
 14 what we're talking about and then we can come
 15 back and discuss the variances.
 16 CHAIRMAN LAWLESS: Sounds good.
 17 Please step forward and state your
 18 name for the record.
 19 MR. SZABO: Zach Szabo, Engineering
 20 & Surveying Properties.
 21 So this project has been in front of
 22 the Planning Board for roughly two years at
 23 this time. We had circulated to the county
 24 twice on the Planning Board level and once
 25 with the Zoning Board.

Page 9

Proceedings

1 entrance is that close to the property line on
 2 the east.
 3 As for the parking, this is the most
 4 amount of parking we can fit on the site.
 5 However, based on our traffic consultant and
 6 his review of the parking study, the parking
 7 counts for the Town of Haverstraw in the code
 8 is a tad dated. The parking counts do not
 9 consider office buildings that don't include
 10 medical practices, which we're not proposing
 11 on this site.
 12 So based upon his study, the amount
 13 of vehicles and the amount of parking spaces
 14 that would be warranted for this would be 59
 15 spaces, which we provided. Other than that,
 16 that's basically what we're here for, is the
 17 variance for the parking, the variance for the
 18 entrance.
 19 CHAIRMAN LAWLESS: Okay. What size
 20 was the building originally that you spoke of?
 21 MR. SZABO: 22,400 I believe.
 22 CHAIRMAN LAWLESS: Anybody have any
 23 questions?
 24 MR. MARGIOTTA: There won't be any
 25 retail obviously, right? This is an office

Page 10

Proceedings

1 building?

2 MR. SZABO: No, it's proposed as an

3 office building.

4 MR. ALDRIDGE: What guarantee is

5 there that there won't be any medical

6 facilities in the building? You say it now.

7 MR. SZABO: We will provide a map

8 note on the plan that no medical practices

9 allowed in this office building.

10 MS. TOMM ADDONA: And this is

11 something that has come up before the Planning

12 Board as well and it is something that was

13 expressed as a concern. Obviously putting a

14 note on the plan would be a restriction, but

15 conceptually it wouldn't prevent an applicant

16 in the future from coming back in seeking to

17 amend their site plan. So this came to be

18 where we had gotten with the application, but

19 I just want the Zoning Board to know the

20 discussions that were had previously.

21 MR. EMANUEL: Another thing,

22 Mr. Aldridge, medical office buildings have

23 different construction than non-medical office

24 buildings. If you think about a medical

25 office building or a dental office building,

Page 12

Proceedings

1 MR. EMANUEL: Yes. Well, it

2 acres from a zoning prospectus, but yes.

3 CHAIRMAN LAWLESS: That's what we're

4 considering, right?

5 MR. EMANUEL: Well, it depends upon

6 how you're looking at it. If you're looking

7 at it from the zoning code those provisions

8 of reduction are intended to protect the steep

9 slopes. But if you're looking at it in terms

10 of massing, what is this building going to

11 look like as sited. People are going to see

12 the larger lot, two acre lot.

13 CHAIRMAN LAWLESS: I understand, but

14 due to the steep slopes and the constraints of

15 the property, lot size is reduced by 20

16 percent.

17 MR. EMANUEL: That is correct.

18 CHAIRMAN LAWLESS: So you are

19 requesting a much larger building that is

20 allowable for parking. You're supposed to

21 need 119 parking spaces according to our code,

22 right?

23 MR. EMANUEL: That is what your code

24 says, yes.

25 CHAIRMAN LAWLESS: And you're

Page 11

Proceedings

1 there's a lot of plumbing. Medical offices

2 need a lot of different sinks. Regular office

3 buildings don't. Plumbing is very expensive.

4 So they're not going to put plumbing in in the

5 beginning. It's expensive to retrofit it. If

6 somebody comes along in twenty-five, thirty

7 years and wants to spend that money and do it,

8 well, they first have to come back to this

9 board and back to the Planning Board before

10 they spend all that money. So that's another

11 way that you're assured that at least this

12 applicant is not going to be going for a

13 medical office building.

14 CHAIRMAN LAWLESS: So I'll take it

15 from here. So one of the things that is

16 concerning to me, is the site according to

17 your notes, Mr. Emanuel, the site consists of

18 two lots which will be merged if all

19 approvals are obtained. The total site has a

20 lot area of 89,160 square feet which is a

21 little over two acres, but you have deductions

22 in there for steep slopes and the lot area is

23 then reduced to 1.43 acres. So this applicant

24 proposed a two-story building on basically

25 1.43 acres, correct?

Page 13

Proceedings

1 looking for 80 parking spots.

2 MR. EMANUEL: That's correct.

3 CHAIRMAN LAWLESS: So that's a third

4 reduction.

5 MR. EMANUEL: That's correct.

6 CHAIRMAN LAWLESS: That's over 33

7 percent reduction in the parking.

8 MR. EMANUEL: I'll trust your math.

9 CHAIRMAN LAWLESS: Close. It's in

10 that ballpark. It just seems that your

11 building is extremely large for the amount of

12 parking that you're going to have. You say

13 it's not for medical and there's plumbing and

14 all those issues, but 20 years from now

15 someone decides that they want medical, we're

16 going to have a big problem with this parking.

17 MR. EMANUEL: No, you're not because

18 20 years from now somebody wants to do

19 medical, they're going to have to address the

20 parking needs --

21 CHAIRMAN LAWLESS: Well, let's not

22 back the cart up that far. Let's not go to

23 twenty years. Right now currently you're

24 still down 33 percent of what you need.

25 MR. EMANUEL: That's correct.

Page 14

Proceedings

1 CHAIRMAN LAWLESS: I just don't see
2 how a building this large is feasible in 80
3 parking spots. That's just according to the
4 code. I read your comments about something
5 about Clarkstown is a larger code, but this is
6 Haverstraw. This isn't Clarkstown and this is
7 the code that's presented here.

8 MR. EMANUEL: If I may, Mr. Lawless.
9 We did a parking study. We had a traffic
10 consultant go out, take the measurements, look
11 at the national models. The traffic
12 consultant is also very familiar with the Town
13 of Haverstraw and Rockland County in general.
14 We know, everybody who's involved in Planning
15 knows, that the older standards for parking
16 result in parking lots that are much larger
17 than are needed. You look around you can see
18 older developments which have large parking
19 lots and their parking lots aren't filled.
20 Especially, office buildings. There's a
21 couple of reasons for that. One of those
22 reasons frankly is technology, okay?

23 When I was a young attorney I worked
24 at a firm that had a picture on the wall and
25 it was a picture of the firm from about 1960

Page 16

Proceedings

1 So the need for parking has changed, but
2 code has not.

3 MR. ALDRIDGE: If people are not
4 coming to the office, then why do you need a
5 building that large? That doesn't
6 correspond.

7 MR. EMANUEL: Well, we need a
8 building because there is a --

9 CHAIRMAN LAWLESS: I didn't say you
10 need "a" building. Why do you need one that
11 large?

12 MR. EMANUEL: We have a building
13 that large because we think there's a market
14 that will support it, okay? But we don't need
15 the parking that the code requires. Let's
16 understand something, this building was
17 reduced significantly.

18 CHAIRMAN LAWLESS: Not according to
19 the parking zone. You know, you reduced it,
20 but you're on a tough lot with a lot of
21 different obstacles that you're dealing with.
22 So you don't have adequate parking for that
23 size building. Like I said, it's a
24 substantial reduction. It is. You told me
25 you're going to the Town Board to work out the

Page 15

Proceedings

1 and at that time there were two attorneys and
2 they had all their staff around them. They
3 had six secretaries for those two attorneys.
4 Why? Because they had manual typewriters,
5 everything was done with carbon paper. When
6 they wanted a secretary to take a memo, the
7 secretary had to go to that lawyer's office,
8 sit there, take it, okay?

9 Fast forward, okay. By the time I
10 got there, and that's forty some odd years
11 ago, the ratio of attorneys to staff was
12 closer to one to one. Now I don't even have a
13 secretary to do my work for me because the
14 technology has gotten so much better. That
15 improvement, that progress in technology, too,
16 has reduced the number of people that need to
17 come to an office in order to make that office
18 function. That's the first big change.

19 The second big change and we all
20 know this because it just happened, is remote
21 work. We went through a pandemic, everyone
22 was working remotely. Everyone in an office
23 was working remotely and now people are not
24 coming back five days a week to work in their
25 offices, they are working part-time remotely.

Page 17

Proceedings

1 commercial zoning to not. Maybe you need to
2 talk to the Town Board about our parking code
3 and get that changed if you so desire. It's
4 just substantial. It's a third less parking,
5 you know, what I mean? It just is. That's
6 the facts.

7 MR. EMANUEL: And that's why we did
8 a parking study to show you that we have the
9 parking. We have more than enough parking
10 than we need.

11 CHAIRMAN LAWLESS: Okay. Fair
12 enough.

13 Anybody else have any questions?

14 MS. TOMM ADDONA: Was that parking
15 study submitted to the Zoning Board?

16 MR. EMANUEL: Yes.

17 MR. SZABO: The entire traffic study
18 was submitted.

19 CHAIRMAN LAWLESS: Anybody want to
20 be heard from the public, please step forward.
21 Nobody from the public would like to
22 be heard?

23 This is obviously, a public meeting.
24 We can't act tonight, so we're going to carry
25 this over to next month's meeting. Anything

Page 18

Proceedings

1 else further? So for the benefit of the
 2 public, the next meeting shall be March 13th.
 3 Mr. Emanuel, do you have anything
 4 else you would like to address the board with
 5 tonight?
 6 MR. EMANUEL: Not at this time,
 7 Mr. Chairman. Thank you for your time.
 8 CHAIRMAN LAWLESS: Okay. Thank you.
 9 Can I have a motion to adjourn?
 10 MR. ALDRIDGE: So moved.
 11 MR. MARGIOTTA: Second.
 12 CHAIRMAN LAWLESS: All in favor.
 13 Aye?
 14 (Whereupon, all the Board members
 15 responded "Aye".)
 16 CHAIRMAN LAWLESS: Motion carries.
 17 Thank you. Good night.
 18 Next item on the agenda is Marion
 19 Shrine, one Flores Lane.
 20 MS. TOMM ADDONA: Mr. Chairman, this
 21 is also a Public Hearing. So I will read the
 22 Public Hearing Notice.
 23 Please take Notice the Town of
 24 Haverstraw Zoning Board of Appeals shall
 25 consider a Public Hearing to consider the

Page 20

Proceedings

1 state your name for the record.
 2 MS. KNAICH: Certainly. Good
 3 evening, ladies and gentlemen of the board.
 4 Jennifer Knich, from Pri Mees Shulman &
 5 D'Arminio on behalf of the Applicant, Core
 6 Development Group.
 7 Just to give a little bit of
 8 background on this project. Core Development
 9 started back in 2021 working with the
 10 leadership at Marion Shrine to develop a
 11 ground mounted solar array on this property
 12 that's located at 174 Filors Lane. This would
 13 generate electricity that would be delivered
 14 directly to the O & R utility grid, and I'll
 15 have Kai Nybro who is with me this evening who
 16 is the project manager for the Core
 17 Development, he'll get into the details.
 18 But we've been working with the
 19 Planning Board for a couple of months now,
 20 we've been before them trying to progress this
 21 project. It's taken a lot of moving parts to
 22 get where we are this evening. As of last
 23 month the Planning Board declared itself lead
 24 agency and we were advised to appear here
 25 before the SEQRA determination to address any

Page 19

Proceedings

1 application of Core Development Group to
 2 construct a new 480,725 Sq. Ft, 5 Mega-Watt
 3 Ground Mounted Solar Array.
 4 Following variances are required:
 5 Minimum Lot Frontage: R-25 Zoning
 6 District. 125 feet is required. 46.1 is
 7 provided. A 78.9 foot variance is required.
 8 Said property being located on the
 9 south side of Filors Lane from Hammond Road.
 10 Section 20.13, Block:01, Lot:01.
 11 Said Public Hearing shall be held on
 12 Wednesday, February 14, 2024, at 7:10 P.M. in
 13 the large meeting room of the Haverstraw Town
 14 Hall, One Rosman Road, Garnerville.
 15 All interested parties are invited
 16 to attend and will be heard by the board.
 17 Town of Haverstraw, Greg Lawless,
 18 Acting Chairman, Christie Addona, Town Board
 19 attorney, Annette Hendrie, Chief Clerk,
 20 February 1st, 2024.
 21 I believe the applicant did submit
 22 electronic proof of mailing. You have the
 23 cards?
 24 MS. KNAICH: Yes.
 25 CHAIRMAN LAWLESS: Can you please

Page 21

Proceedings

1 concerns that the Zoning Board may have and
 2 any concerns the public at the time.
 3 So we're proposing a subdivision of
 4 the property along the east/west line just
 5 north of the leased area, and we comply with
 6 all the zoning regulations, but for the
 7 required road frontage with 125 feet of road
 8 frontage required and the proposed road
 9 frontage is 46.1 and that's the existing
 10 street frontage off of Suffern Lane.
 11 So that's about it in terms of
 12 what's being proposed. I'm sure Kai can
 13 answer questions of the board and the public.
 14 CHAIRMAN LAWLESS: Sure. Thank you.
 15 Step forward please. Please state
 16 your name.
 17 MR. NYBRO: Good evening. My name
 18 is Kai Nybro. I represent Core Development
 19 Group. We are the solar project developer,
 20 and again, as Jennifer explained, in order to
 21 have success in achieving the proposed project
 22 we do need to achieve or approve, receive
 23 multiple approvals from different boards. We
 24 are working with the Planning Board. We also
 25 require a Special Use Permit from them as well

Page 22

Proceedings

1 as a subdivision approval and we will require
 2 Town Board approval for the Special Use
 3 Permit.
 4 In our process to go before the
 5 boards and in some informal discussions it was
 6 determined that we needed to go before the
 7 Zoning Board as Jennifer explained, for a
 8 variance on road frontage. The reason for
 9 that is that the utility, Orange & Rockland
 10 Utilities in this case, required that a
 11 project such as we are proposing, have its own
 12 designated section, block and lot, its own
 13 legal parcel. It can not be on the same
 14 parcel as the other facilities on this
 15 property. So, we have proposed a subdivision
 16 that would allow us to have this project there
 17 according to the utility regulations.
 18 In this case, the proposed
 19 subdivision would separate the new parcel from
 20 the other one such that the only road frontage
 21 on the new parcel -- there are actually three
 22 spots where there are road frontage, all of
 23 which are under 50 feet in length.
 24 So our understanding of the zoning
 25 regulations are that there is a required

Page 24

Proceedings

1 existing entrance to Marion Shrine is the one
 2 that's used, correct?
 3 MR. NYBRO: That's correct. Along
 4 at Suffern Lane where the Marion Shrine
 5 property actually extends to Suffern Lane, we
 6 will have an electrical pathway and what I
 7 mean is simply a trench path underground going
 8 toward the existing utility infrastructure,
 9 the overhead poles that are along Suffern
 10 Lane. So there will be electrical lines that
 11 access those utility poles at that point, but
 12 that will not include vehicular access or
 13 roadway access in any way.
 14 MS. TOMM ADDONA: It may also just
 15 be helpful to the board which I know based
 16 upon your previous discussions with the
 17 Planning Board, is that both parcels will
 18 continue to be owned by Marion Shrine. You
 19 will just be leasing that other parcel. And
 20 so my understanding was there will be an
 21 easement over one of the parcels to ensure
 22 that that access remains consistent over the
 23 life of the solar array, correct?
 24 MR. NYBRO: That's correct. There's
 25 not a change in ownership planned at all. The

Page 23

Proceedings

1 125 feet of continuous road frontage. The
 2 largest continuous road frontage currently
 3 available to this proposed parcel is only 46
 4 feet. That would not represent an actual
 5 access way from the road. It's simply
 6 complying with the zoning.
 7 So there's not a proposed new
 8 roadway. The existing access to the site from
 9 Filors Lane will remain as is. We're not
 10 proposing additional access-ways or roadways
 11 into the parcel. So our request for the
 12 variance is for the -- I think it's 75 feet
 13 relief give or take from the required
 14 125 feet.
 15 CHAIRMAN LAWLESS: Anybody on the
 16 board have any questions or comments?
 17 MR. MARGIOTTA: There will be no
 18 access off of Suffern Lane, correct?
 19 MR. NYBRO: Correct.
 20 CHAIRMAN LAWLESS: How are they
 21 going to access this?
 22 MR. NYBRO: So it would be from
 23 Filors lane which is the current entrance to
 24 the entire Marion Shrine property.
 25 CHAIRMAN LAWLESS: So it's the

Page 25

Proceedings

1 Marion Shrine will retain ownership of the
 2 entire property including the subdivided
 3 parcel. The project entity which I represent,
 4 would be leasing a portion of that parcel, not
 5 even the entire subdivided parcel, but about
 6 15 acres from Marion Shrine and we would be
 7 paying an annual fee for that leased area with
 8 the associated easements.
 9 MS. TOMM ADDONA: I brought it up
 10 more to explain that Marion Shrine will
 11 basically be giving the access to itself. So
 12 we will ensure as part of any approval that
 13 the board may be inclined to give, that we be
 14 provided with proof of that recording. That
 15 was basically just to address the board's
 16 question as it relates to access.
 17 MR. NYBRO: Understood. Yes.
 18 CHAIRMAN LAWLESS: So speaking of
 19 this lot frontage that you're coming to us for
 20 and it's on Suffern Lane. Can you just
 21 express to me, you're going to take the power
 22 from the farm, the solar mount itself and
 23 you're going to bring it to Suffern Lane. Is
 24 that going to be underground or above ground?
 25 How does that work?

Page 26

Proceedings

1 MR. NYBRO: It will be underground
2 to the greatest extent possible. And the
3 reason I say that is that the utility has
4 requirements for what equipment is installed
5 at that point. So it will be underground
6 until a point when it's as close as we can get
7 to the overhead poles. At that point we will
8 have to install a riser pole which brings that
9 conduit from underground and brings it above
10 ground.
11 CHAIRMAN LAWLESS: Is that one
12 conduit, fifty conduits?
13 MR. NYBRO: It would be one conduit,
14 but it's a large conduit on the riser. It
15 would probably be a five or six inch conduit.
16 On that pole, now we get into the actual
17 utility requirement, because they will require
18 certain disconnects, means of monitoring and
19 regulating the power flow there. So that's an
20 O & R issue honestly, but we do anticipate
21 leaving the conduit underground as close as we
22 can get to the existing pole.
23 CHAIRMAN LAWLESS: Any other
24 questions?
25 MS. TOMM ADDONA: And another of that

Page 28

Proceedings

1 concrete or dirt, right?
2 MR. NYBRO: Oh, yes. The
3 underground electrical pole?
4 CHAIRMAN LAWLESS: Correct.
5 MR. NYBRO: Yes. As per code again.
6 CHAIRMAN LAWLESS: Anybody else have
7 any questions?
8 So we are in a public hearing.
9 Thank you for your time.
10 Anybody in the Public like to come
11 up and be heard, please step forward and state
12 your name and ask your question.
13 MS. REBA: My name is Netta Reba. I
14 live at 5 Margaret Lane. It seems like this
15 is going to be right behind my house.
16 I haven't seen a map. I'd like to
17 see a map. The first thing I'd like to
18 comment on is this. This is very empty
19 because the notification was so horrible. We,
20 yesterday, got a little card saying you got to
21 go to the Post Office and pick this up, this
22 registered mail. I believe it was supposed to
23 be the -- the postmaster coming to the house
24 to have you sign for this registered mail, but
25 apparently that was not done or not possible.

Page 27

Proceedings

1 will be fenced up per the regulation?
2 MR. NYBRO: The entire solar array
3 which is a ground mounted solar array, what's
4 proposed is under 10 feet tall. That's at its
5 highest point. It is required by electrical
6 code to have a fence around it to prevent
7 access, unauthorized access.
8 CHAIRMAN LAWLESS: How tall is that
9 fence?
10 MR. NYBRO: By code it must be seven
11 feet.
12 CHAIRMAN LAWLESS: Seven feet tall.
13 And what would it be, a chain link of some
14 sort?
15 MR. NYBRO: Correct. We would
16 use some chain link. We do have the freedom to
17 go with a 6-foot tall chain link fence plus
18 barbed wire, but I think it's friendlier if you
19 want to use that word, to just go with the 7
20 foot tall chain link and avoid the barbed
21 wire. We do have that flexibility to choose
22 either one.
23 CHAIRMAN LAWLESS: And there's no
24 access over it like you said. So it's going
25 to be protected, it will be encased in

Page 29

Proceedings

1 So most people don't know about this at all.
2 I'm very concerned about what the
3 back of my property is going to front on. And
4 the wildlife impact. It's a very natural
5 area. We have a lot of wildlife coming
6 through and this is really going to destroy
7 it. I understand there was something like
8 this went on in Pearl River and they built the
9 whole thing, cut the whole trees, but it's not
10 connected and it's nothing but waste. I hope
11 that doesn't happen. I don't know.
12 I'm also annoyed that this meeting
13 is on Valentine Day and Ash Wednesday. So
14 more reason for people not to come. I don't
15 know if that was the plan.
16 I would like to see a map.
17 MS. TOMM ADDONA: So like was stated
18 by the applicant at the beginning of the
19 presentation, no action is being taken by the
20 board tonight. So this public hearing will be
21 continued to subsequent meetings. So you will
22 have further opportunity. Based upon the
23 Town's schedules set at the beginning of the
24 year, it's the second Wednesday of the month.
25 So I'm sure you could ask a lot of board

Page 30

Proceedings

1 members who would rather not be here on
2 Valentine's Day either, but we have our
3 obligation. So I know your concern though.
4 In terms of the notice, the code
5 requires it be sent by certified mail, return
6 receipt requested. So that may have had
7 something to do with the issue, I don't know,
8 but that may be part of the reason why you had
9 this problem. All of the documents were
10 available on the Town's website, as well as in
11 the building department. So you can feel free
12 to contact George and Annette tomorrow or at
13 your convenience.
14 Like we said earlier, the next
15 meeting is March 13th. So you'll have ample
16 time to review the documents that you're
17 interested in and when the board continues the
18 public hearing, if you still have any concerns
19 you will have another opportunity to address
20 them.
21 MS. REBA: Thank you.
22 CHAIRMAN LAWLESS: Anybody else like
23 to be heard, please step forward and state
24 your name.
25 MR. RYAN: Mr. Ryan. I'm at 222

Page 32

Proceedings

1 MS. KNAICH: That's correct.
2 provided a courtesy copy of the application to
3 Stony Point and they held up to a certain
4 amount of days to provide comments which to my
5 understanding in speaking with the board
6 attorney, that they didn't have any comments.
7 MS. TOMM ADDONA: My understanding
8 is Stony Point was notified a few months ago
9 and just to speak to that issue, the Planning
10 Board has been preliminary reviewing this
11 application, but they haven't opened their
12 public hearing yet. So if you're within the
13 proximity, you will receive another notice
14 when the Planning Board gets to the Public
15 Hearing stage.
16 So the boards try to work with the
17 applicant a little bit beforehand to try to
18 work through some of the issues before calling
19 for a Public Hearing so that we can try to
20 alleviate some anticipated concerns. So this
21 is just the opening of the Zoning Board Public
22 Hearing. Like I said, this will be continued.
23 The Planning Board will also be holding its
24 own public hearing.
25 MR. RYAN: I'm all for improvements

Page 31

Proceedings

1 South Lilburn Drive. So I'm right behind
2 Marion Shrine.
3 I was unaware of the petition to get
4 this variance and subdivision, so on and so
5 forth until I got the notice. So I guess for
6 the layman, 480,000 doesn't sound like a lot,
7 but it's a lot and it's a huge project. It's
8 not a few panels that are going up. So I
9 don't know if the general public who lives in
10 the area knows the size and scope of what's
11 involved with that. I'll defer it to you.
12 I appreciate your parking
13 designation there about the parking before.
14 So you guys know more than me. I'm kind of
15 taken off guard that this project was going
16 I guess the main concern I have is
17 twofold. One is the entrance I believe is in
18 the Town of Stony Point. So there must be
19 another Stony Point meeting; is that correct?
20 Where they want to come in on the road there?
21 MS. TOMM ADDONA: I believe the only
22 application that's being made is to the Town
23 of Haverstraw because that's where the
24 improvements are being done, but maybe the
25 applicant can speak to that.

Page 33

Proceedings

1 in the town. No question about it. But what
2 I'm trying to understand is where the location
3 of these panels are going. 480,000 square
4 feet is a huge operation. It's not somebody's
5 panels on a couple of roof, which we just had
6 an issue by the way in Stony Point where a
7 house went up because the panels caught fire.
8 MS. TOMM ADDONA: Can you show the
9 public a plan?
10 I'm sorry, sir, I didn't mean to
11 interrupt you.
12 MR. RYAN: Listen, I live right
13 behind it. I'm there 25 years. There is a
14 situation where certainly a number of trees
15 are going to have to come down and maybe some
16 drainage issues, those types of things. If
17 you're familiar with the topography of the
18 back side of Lilburn Drive there, where I
19 live. The lady here on Margaret Lane. So
20 it's behind a bunch of developments that have
21 been there for a number of years. So it's
22 something we want to see. I believe you call
23 it your array, is it going to be on both side
24 of Marion Shrine or one side?
25 MR. NYBRO: First of all, I

Page 34

Proceedings

1 apologize, I don't have a larger copy of the
2 plans. They're available through the various
3 boards.
4 So your point about the size of the
5 project, it does cover about 15 acres. It
6 will require extensive tree clearing and
7 obviously, you all are familiar with the area,
8 so there's an existing open field on the south
9 end of the Marion Shrine property.
10 MR. RYAN: It's an old ball field.
11 MR. NYBRO: Exactly. So the project
12 is split in two halves. It will be on either
13 side of that open field.
14 MR. RYAN: I believe this is Lilburn
15 Drive which is, this is 20.13, right? This is
16 the map. So this is Lilburn Drive here and
17 this is Filors Lane. So is there going to
18 anything on this parcel to the right, the
19 right side?
20 MR. NYBRO: So from the edge of the
21 projected project area to the property line,
22 we either meet or exceed the setback
23 requirements. The closest we are to the
24 property line is about 50 feet. In other
25 areas we are over 150 feet from these property

Page 36

Proceedings

1 MR. NYBRO: The direct benefit
2 obviously for the town itself is going to be
3 in the form of tax revenue. This is a
4 nontaxable parcel currently because it's a
5 religious institution that owns it. So there
6 would be tax revenue going to the town. We
7 have negotiated that to the tune of
8 \$50,000 per year that would go directly to the
9 town of Haverstraw through a --
10 MS. TOMM ADDONA: Guys, guys, the
11 stenographer needs one of you to talk at a
12 time.
13 MR. RYAN: So there will be a tax
14 payment as well.
15 MR. NYBRO: There will be an annual
16 tax payment, correct.
17 MR. RYAN: And this fence you say
18 will be 7-foot high?
19 MR. NYBRO: Yes. Correct. Simply
20 because it's required by code.
21 MR. RYAN: And there is a draft of
22 where the array will be to visibly look at?
23 MR. NYBRO: Yes.
24 MR. RYAN: And that can be found
25 where?

Page 35

Proceedings

1 lines.
2 MR. RYAN: So the answer is yes,
3 you'll be on this side. This is Lilburn
4 Drive. So this is the Shrine. So this parcel
5 of wooded land that runs the entire length of
6 Lilburn Drive which also cuts back to the new
7 development and here on Margaret Drive. So
8 we're just trying to understand. The
9 typography is very sloped and you're talking
10 about a fence. A fence is 10 feet high. It's
11 not like they're close to the ground. So it's
12 going to be visible to the residents on this
13 block; is that correct?
14 MR. NYBRO: All existing trees that
15 are not required for clearing will remain in
16 place. But having said that, I do appreciate
17 that in the wintertime when leaves are down,
18 there may be visibility through the wooded
19 area, what's left, to see them, yes.
20 MR. RYAN: So I guess the other
21 question I have is what's the benefit for the
22 town? We're not getting any kind of reduction
23 from the electric that's being generated.
24 They're going into the grid. Is there some
25 benefit to the local town members?

Page 37

Proceedings

1 MR. NYBRO: So I believe it is
2 available online or is it just here at the
3 building department?
4 MS. TOMM ADDONA: It's on the town
5 website. It's also in the building
6 department. If you want to give a card or
7 phone number to us, we can get you that
8 information or you can call the building
9 department.
10 MR. RYAN: I don't want to talk for
11 the residents. I'll talk for myself because
12 I'm here. I'm concerned about the property
13 value as well. To have this thing sticking
14 out 10-foot high in your backyard which is
15 very visible obviously from all the people who
16 live on Lilburn Drive and how are they going
17 to run that and access the property, you know?
18 That's concerning to me. I'm just trying to
19 get a clear cut idea of what the scope of the
20 job is and how it's going to look after
21 completion.
22 So you said, I don't know if I read
23 this, I believe if you're accessing 174
24 entrance to Marion Shrine, supposedly the
25 house that's right there, their driveway is on

Page 38

Proceedings

1 the Shrine's property if I'm not mistaken.
2 That's something they'll have to clear up,
3 too.
4 CHAIRMAN LAWLESS: That's private
5 property. They couldn't speak to that.
6 MR. RYAN: It's a weird because you
7 have Stony Point, you have Thiells, and
8 Haverstraw obviously and then us in
9 Garnerville. So it's kind of a weird and when
10 you look at the map that I printed up and how
11 it falls behind I assume this lady's house on
12 Margaret Court as well. I'm surprised there's
13 not more people here. I was unaware the
14 project was even in the making. You said 2021
15 which is surprising to me I didn't know about
16 it. So I'm interested to see what the impact
17 is on our property, the drainage, the cutting
18 of trees and those types of things. That is
19 my concern.
20 CHAIRMAN LAWLESS: This is the
21 Zoning Board, so we're very limited on our
22 scope. The Planning Board deals with a lot of
23 move of that kind of stuff. This is the first
24 meeting. There will be several other
25 meetings. We also have to be back here next

Page 40

Proceedings

1 is right in my backyard and will these solar
2 panels be right there where you could see
3 them? Do you know if that wooded area is
4 going to be removed?
5 MR. NYBRO: So I can't speak off the
6 top of my head to exactly where your home is.
7 MR. DETGISO: I just noticed about
8 two, three weeks ago that they had put no
9 trespassing signs on the trees back there.
10 MR. NYBRO: That is actually
11 unrelated to the project at all because there
12 was some unsanctioned hunting activity
13 happening on the property. So as I stated
14 before, we intend to maintain as much of the
15 wooded area as possible in order to shield the
16 views from neighboring properties. The
17 closest that we have from a property line to
18 where the project is, is about 50 feet. So
19 that would be maintained. In other areas it's
20 upward of 150 feet.
21 So again, we can reference the plans
22 and you can see exactly where your property is
23 relative to those different, you know, whether
24 it's the fence or the panels. But, yes,
25 there's going to be extensive tree cutting

Page 39

Proceedings

1 month again.
2 MR. RYAN: I'll be here.
3 MS. TOMM ADDONA: And the Planning
4 Board will be meeting right after this
5 meeting. We have those members sitting in the
6 back patiently waiting.
7 CHAIRMAN LAWLESS: If you can't get
8 the website you can come see George or Annette
9 and we're happy to provide that to you.
10 MR. RYAN: Like I said, 480,000
11 square feet, 15 acres, it's a big project and
12 it's something that should not be taken
13 lightly.
14 CHAIRMAN LAWLESS: We don't take
15 anything lightly here.
16 MR. RYAN: Thank you for your time.
17 I appreciate it.
18 CHAIRMAN LAWLESS: Anybody else in
19 the public like to be heard, please step
20 forward.
21 MR. DETGISO: I'm Bob Detgiso. My
22 backyard is all wooded. It's about 150-yards
23 and maybe there's that big field back there.
24 I want to know if that wooded area is going to
25 be removed because if so, their property line

Page 41

Proceedings

1 involved in order to accommodate the project.
2 MR. DETGISO: Because those two
3 fields back there are huge.
4 MR. NYBRO: Yes.
5 MR. DETGISO: And you would still
6 need more room?
7 MR. NYBRO: We're not using the open
8 field. The open field will remain as it is
9 today and that was as a request from the
10 actual host, from the Marion Shrine, that they
11 retain access and availability through that
12 entire open field that's currently there, that
13 if we were to move ahead with the project, we
14 would need to do it in areas that we clear,
15 newly clear, which is the forested area.
16 MR. DETGISO: Okay. So I can get a
17 plan?
18 MS. TOMM ADDONA: Yes.
19 MR. REBA: Thank you very much.
20 CHAIRMAN LAWLESS: Anybody else like
21 to be heard, please step forward and state
22 your name.
23 MR. REBA: Name is Ben Reba, 5
24 Margaret Lane. I have a question about the 50
25 foot distance from the property line now in

Page 42

Proceedings

1 back of our house from Margaret Lane. We have
 2 a stone wall, another stone wall. When you
 3 say property line, are you talking from the
 4 stone wall or from my actual property line?
 5 Do you understand the zoning there?
 6 MR. NYBRO: Yes. We're not
 7 referencing -- the old stone walls often times
 8 do not line up with the actual property line,
 9 the legal property lines. So we're not
 10 referencing those stone walls. It's all about
 11 what is legally recorded and serving. So from
 12 the actual property line, that's the setback
 13 that we are talking about.
 14 CHAIRMAN LAWLESS: Would anybody
 15 else like to be heard, please step forward and
 16 state your name for the record.
 17 MS. REFINO: Patty Refino. I just
 18 had a question about this development. You're
 19 doing it all at one time or is it in phases?
 20 Is the construction happening all at one time
 21 and how long will that take?
 22 MR. NYBRO: Essentially, it is not a
 23 phrased project. It would happen all at once.
 24 For a project of this size, the construction
 25 period would realistically be between four to

Page 44

Proceedings

1 existing infrastructure. So it is possible
 2 that they will have bucket truck or whatever
 3 they need to go on the poles to connect. I
 4 don't think that would require any sort of
 5 road closures and that portion of the
 6 property, we're talking about a day or two to
 7 connect it.
 8 MS. REFINO: So no one will be given
 9 authority to go on our property or anything
 10 like that.
 11 MR. NYBRO: No. None of the project
 12 would go over property lines. Again, the only
 13 time that it would ever become an issue, the
 14 utility where they have an actual right of way
 15 along the roadway that's existing. So they
 16 have the right to work there within their
 17 right of way.
 18 MS. REFINO: That would be O & R.
 19 MR. NYBRO: Yeah.
 20 MS. REFINO: Thank you.
 21 CHAIRMAN LAWLESS: Anybody else like
 22 to be heard?
 23 MS. FITZSIMMONS: Mary Fitzsimmons,
 24 11 Margaret Lane in Thiells.
 25 Where exactly is the pole that

Page 43

Proceedings

1 six months depending upon any complexities
 2 that we may face. Clearing of trees is
 3 required often times to be done in phases, but
 4 I don't know if we need to get too detailed,
 5 but it's essentially we're limited to how much
 6 area we can clear before it must be stabilized
 7 and controlled. So that portion of the
 8 project would be kind of done in chunks, but
 9 immediately after another. Not over a long
 10 period of time. Does that answer your
 11 question?
 12 MS. REFINO: And the construction
 13 for the lines, the conduits, that kind of
 14 stuff?
 15 MR. NYBRO: In that same time
 16 period. Yes, I estimate now between four and
 17 six months.
 18 MS. REFINO: And roads will have to
 19 be closed for that to happen?
 20 MR. NYBRO: No.
 21 MS. REFINO: Everything is based on
 22 the time clock?
 23 MR. NYBRO: That's correct. O & R
 24 utilities will be involved once we get to the
 25 point where we have to connect to their

Page 45

Proceedings

1 you're putting on Suffern Lane? Where on
 2 Suffern Lane is that pole going to be?
 3 Between streets? Can you give me an estimate?
 4 MR. NYBRO: Yes, I believe I can.
 5 This is an very large scaled map. This is a
 6 survey that was recently done of the entire
 7 property. So Filors Lane which has the
 8 entrances on this side, this area down at the
 9 very southern end, Bronico Drive, South
 10 Lilburn Drive, this is the closest
 11 neighborhood to the project area. If you see
 12 there's a small strip of lane property that
 13 extends to Suffern Lane. It narrows to about
 14 50 feet wide here at the road. So the
 15 electrical path, the trench that will be
 16 underground, will proceed along through here.
 17 This is where their existing utilities poles
 18 on Suffern Lane, this is where it would
 19 connect to those utilities poles.
 20 I can tell you, this is the open
 21 field right here in the middle. The solar
 22 project would be here on the east side in the
 23 existing woods and here on the west side.
 24 MS. FITZSIMMONS: You said four to
 25 six months to have it done, when are you

Page 46

Proceedings

1 looking at doing this?

2 MR. NYBRO: It's very hard for me to

3 estimate right now because we need to get

4 through all of these necessary approvals,

5 assuming that we do get all of those

6 approvals. We're also limited to when we can

7 do tree clearing activities due to

8 environmental regulations. So there are a lot

9 of factors here. If I were to guess right

10 now, I think the earliest we could commence

11 construction would be in the fall.

12 MS. FITZSIMMONS: Of '24?

13 MR. NYBRO: That would be the

14 earliest. As we heard the previous applicant

15 here before the Zoning Board, I think they've

16 been working for a couple of years on their

17 project. We don't know how long this process

18 would be.

19 CHAIRMAN LAWLESS: Thank you.

20 MS. FITZSIMMONS: All right. Thank

21 you.

22 MR. NYBRO: If anyone else would

23 like to see this, should I leave this here?

24 CHAIRMAN LAWLESS: It's possible

25 through the website and they can feel free to

Page 47

Proceedings

1 look at it.

2 If it pertains to this board and you

3 have a question, please step forward.

4 Does anybody else want to be heard?

5 Okay. So as we opened it up, it is

6 a public meeting, we're going to carry this

7 over to next month, March 13th. Can I have a

8 motion to close the meeting? Adjourn the

9 public hearing to March 13th?

10 MR. ALDRIDGE: So moved.

11 MR. MARGIOTTA: Second.

12 CHAIRMAN LAWLESS: All in favor?

13 (Whereupon, all the Board members

14 responded "Aye".)

15 CHAIRMAN LAWLESS: Now can I have a

16 motion to close the meeting?

17 MR. ALDRIDGE: So moved.

18 MR. MARGIOTTA: Second.

19 (Whereupon, all the Board members

20 responded "Aye".)

21 CHAIRMAN LAWLESS: Motion carries.

22

23

24 * * * *

25

Page 48

C E R T I F I C A T E

1

2


3

4 Certified to be true and accurate

5 transcript of the stenographic notes taken

6 within.

7

8 

9 Debbie Kline,

10 Senior Court Reporter.

11

12 Dated: February 19, 2024

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 49

1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 02/14/2024

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT