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In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

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November 13, 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.

SANDY SAUNDERS REPORTING
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3 APPEARANCES:
4 GREGG LAWLESS, CHAIRMAN
5 WILBUR ALDRIDGE
6 GREG MERRIWEATHER
7 RAFAEL BRITO
8 JOSE CASTRO, ALTERNATE
9 MICHAEL D. KAUKER, PLANNING CONSULTANT
10 CHRISTIE ADDONO, ZONING BOARD ATTORNEY
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1 proceeding
2 2024 meeting. May I have a motion to accept
3 the minutes?
4 MS. ADDONO: Chairman, I don't
5 think we have a quorum yet
6 at that meeting. Lawless and
7 Mr. Merriweather were there, but I don't think
8 we have any other members of the board. So if
9 we would table September 11th so that we could
10 figure out what to actually do about that
11 because we don't actually have a quorum of
12 those members anymore.
13 CHAIRMAN LAWLESS: Okay. So we'll
14 put it on the record that we don't have a
15 quorum from the September 11th, 2024 meeting.
16 MS. ADDONO: Yes.
17 CHAIRMAN LAWLESS: Okay. Moving
18 to the first --
19 MS. ADDONO: Before we get into the
20 items that are going to be appearing this
21 evening, I would like to state for the record
22 in case there's anyone here on any of these
23 applications, we do have several adjournments,
24 first of which is Shlomo and Aliza Hauer, 14
25 Valley Drive. The applicant requested an

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1 Proceedings
2 CHAIRMAN LAWLESS: Please stand for
3 the Pledge.
4 (Pledge of Allegiance.)
5 CHAIRMAN LAWLESS: Good evening.
6 Today is Wednesday, September 13th. This is
7 the regularly scheduled meeting of the Town of
8 Haverstraw Zoning Board of Appeals. I'll call
9 the roll.
10 Mr. Greg Merriweather
11 MR. MERRIWEATHER: Present.
12 CHAIRMAN LAWLESS: Mr. Wilbur
13 Aldridge.
14 MR. ALDRIDGE: Here.
15 CHAIRMAN LAWLESS: Mr. Larry
16 Margiotta
17 (No response.)
18 CHAIRMAN LAWLESS: We have to
19 come up with a couple of new members, Rafael Brito
20 and Jose Castro.
21 JOSE CASTRO: Here.
22 CHAIRMAN LAWLESS: Also stepping
23 down from the board is Mr. John Ramundo.
24 First item of business -- we also
25 have to adopt the minutes from September 11th,

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1 Proceedings
2 adjournment earlier today. The public hearing
3 was closed. This is only on for resolution,
4 but in discussions with the Chairman, the
5 adjournment is granted and so there will be no
6 action on that application this evening.
7 And as was noticed on the agenda
8 that was posted on the website, Pamela and
9 Robert Ripple, 1 Martino Way, Luis Bermeo, 1
10 Locust Drive and Marian Shrine, 174 Filors are
11 also. And in case there is anyone here who is
12 intending to hear the application of Marian
13 Shrine, 174 Filors Lane at the Planning Board
14 Meeting, it is also adjourned on that agenda.
15 And moving back to the active
16 applications for this evening. The first on
17 the agenda is Edgar ChaCha 61 West Ramapo
18 Road, Garnerville, Section: 26.09, Block: 04,
19 Lot: 16, to construct a new 12-foot by 14-foot
20 backyard cabana and they're requesting the
21 following variances:
22 Lot Coverage: A 20 percent
23 variance. 35 percent is permitted. They're
24 proposing 55 percent. And the public hearing
25 was closed on this application at the board's

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1 Proceedings
2 September 11th, 2024 meeting and this is on
3 for a resolution.
4 At the request of the board, I have
5 prepared a resolution for the board's
6 consideration. Is the applicant here this
7 evening?
8 CHAIRMAN LAWLESS: Is Mr. ChaCha
9 here? Please step forward.
10 MS. ADDONO: Is anyone here?
11 CHAIRMAN LAWLESS: Is there a
12 representative?
13 MS. ADDONO: Mr. Chairman and
14 members of the board, given there's no
15 applicant or anyone here regarding this
16 application, in the interest of time I can
17 just summarize the pertinent parts if it's
18 okay with the board.
19 CHAIRMAN LAWLESS: That would be
20 great.
21 MR. ALDRIDGE: Yes.
22 MS. ADDONO: So this is
23 resolution. It is for consideration
24 approval of the variances that were requested
25 which is as earlier stated, a variance

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1 proceeding
2 can partially define the neighborhood's
3 community character. Granting a total lot
4 coverage variance that is 7 percent greater
5 than permitted will pre
6 result in by property owners seeking the
7 same relief decreased coverage will result
8 neighborhood characterized by greater
9 building mass and less green space. An
10 additional variance is required for the
11 distance between the principal and new
12 accessory structure that is deficient by
13 47 percent. The Zoning Board of Appeals must
14 consider the cumulative and community impacts
15 of permitting such development when evaluating
16 the requested variances."
17 And the proposed response in the
18 resolution is as follows: "The ZBA is loath
19 to set a negative precedent that could
20 potentially be applied to other properties and
21 takes that into consideration with every
22 application it considers. As with all ZBA
23 applications, the ZBA looks at the individual
24 facts and circumstances of each application
25 and delineates factual basis for its decision.

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1 Proceedings
2 20 percent to allow lot coverage of 55 percent
3 where a maximum of 35 percent is permitted.
4 And a variance of 7 feet to allow a distance
5 between an accessory building and principal
6 building of 8 feet where 5 feet is required.
7 A public hearing was held on this
8 application at y September 11th, 2024
9 meeting and closed at meeting.
10 The application was also referred
11 to the Rockland County Department of Planning
12 as required by General Municipal Law Section
13 24-9-m. The board did receive a response dated
14 June 12th, 2024 and I am going to receive
15 response to the County Planning Comment 1
16 because it addresses the substance of the
17 variance requested.
18 The comment was: "Permitting
19 development that does not comply with the
20 applicable bulk standards is setting an
21 undesirable land use precedent that is
22 resulting in the overutilization of individual
23 sites. We caution the Town to consider
24 precedent before granting a substantial
25 variance for lot coverage. This bulk standard

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2 Here, the proposed cabana is relatively small
3 at less than 200 square feet. The Property is
4 unique in that it is a single-family home, but
5 it is located on the West Ramapo Road, Rt.
6 202, which is commercial corridor with Chase
7 Bank and the Shop Rite Shopping center just
8 down the road, both of which have considerable
9 impervious coverage due to the parking lots
10 and commercial structures. As it relates to
11 the coverage, the Applicant explained that the
12 need for the cabana is to have a place to
13 store and cover the equipment for the existing
14 pool and other pool related materials. The
15 Applicant could just store this equipment
16 outside, but that would be more visually
17 impactful than having everything stored in an
18 aesthetically pleasing cabana (which the ZBA
19 is sure it will be given how well the
20 applicant maintains the Property and the
21 existing structures thereon.)
22 The Property also has a wide
23 driveway that allows a car to turn around on
24 the Property instead of having to back out,
25 which could be dangerous and impede traffic

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1 Proceedings
2 given the Property's access is on West Ramapo
3 Road. The residential property on West Ramapo
4 Road on the other side of Elizabeth Place has
5 a similar driveway configuration. However,
6 this creates more impervious coverage. As it
7 relates to the setback between accessory and
8 principal structures, because this is a corner
9 lot, the Applicant must comply with two front
10 yard setbacks, which limits the location where
11 the cabana can be placed. The Applicant is
12 not placing the cabana in the front yard
13 setback, but as a result, needs a variance for
14 the distance from the home. The Applicant is
15 putting the cabana between the house and
16 existing treehouse, which will, to a certain
17 extent, shield the view of the cabana from
18 Elizabeth Place. Further, the Applicant has a
19 6-foot high vinyl fence along the perimeter of
20 the Property (on both Elizabeth Place and West
21 Ramapo Road) that will largely
22 7-foot high cabana from view. As a
23 condition of this approval, the cabana must be
24 of a design that is visually compatible with
25 the existing structures on the Property

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1 Proceedings
2 applicant opposes to installing cabana, this
3 factor is not determinative and the board
4 determines that when balancing the remaining
5 factors there is sufficient as
6 variance
7 And there were some conditions
8 that were placed on the approval which is that
9 the cabana shall not be used as habitable
10 space and have electricity. The cabana shall
11 be of a design that is visually compatible
12 with the existing structures on the property.
13 Prior to the issuance of the building permit,
14 the Applicant shall comply with the County
15 Planning Commission's comments detailed above, and that's
16 all the comments, not just the ones I read.
17 And the rest are standard conditions.
18 CHAIRMAN LAWLESS: At this time can
19 I have motion to accept the resolution?
20 MR. ALDRIDGE: So moved.
21 MR. MERRIWEATHER: Second.
22 CHAIRMAN LAWLESS: Motion made by
23 Mr. Aldridge. Second by Mr. Merriweather.
24 All in favor, "Aye."
25 (Whereupon, all the Board members

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2 Lastly, given that the function of
3 the cabana is to store the pool equipment, it
4 only serves a practical function if it can be
5 placed in close proximity to the pool.
6 Therefore, under the unique circumstances,
7 the Board is not concerned that granting the
8 variances will be precedent for other
9 properties."
10 And that is largely the criteria
11 that was used in considering the variance
12 which is whether there will be an undesirable
13 change produced in the character of the
14 neighborhood or detriment to nearby properties
15 as a result of the variances; whether the
16 benefits sought by the applicant can be
17 achieved by some method feasible for the
18 applicant to pursue other than the area
19 variances. While the variances are
20 substantial, in light of the analysis herein,
21 that's the basis to deny the application.
22 There will be no adverse effect or impact on
the physical or environmental conditions in
the neighborhood or district and while the
difficulty is self-created because the

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1 Proceedings
2 responded "Aye".)
3 CHAIRMAN LAWLESS: Motion carries.
4 (The following is the full
5 Resolution:)
6 "ZONING BOARD OF APPEALS RESOLUTION.
7 Application of Edgar ChaCha.
8 61 W. Ramapo Road, Garnerville, New
9 York.
10 Section 26.09, Block 4, Lot 16.
11 R-15 Zoning District.
12 WHEREAS, the Applicant has appealed
13 to the Town of Haverstraw Zoning Board of
14 Appeals from a determination by the Building
15 Inspector dated May 23, 2024 that the
16 Applicant's proposed 12-foot by 14-foot
17 backyard cabana does not comply with Chapter
18 167 of the Town of Haverstraw Zoning Code, and
19 WHEREAS, the Applicant seeks the
20 following area variances:
21 Variance of 20% to allow lot
22 coverage of 55% where a maximum of 35% is
23 permitted.
24 Variance of 7 feet to allow a
25 distance between an accessory building and

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1 Proceedings
2 principal building of 8 feet where 15 feet is
3 required.
4 WHEREAS, a duly-noticed public
5 hearing was opened on this application at the
6 ZBA's regular meeting on September 11, 2024
7 and members of the public having the
8 opportunity to appear and be heard, the public
9 hearing was closed on September 11, 2024, and
10 WHEREAS, with their application, the
11 Applicant submitted a plan with the cabana
12 depicted (hereinafter the "Approved Plan");
13 and
14 WHEREAS, on or about May 23, 2024,
15 referral was made to the Rockland County
16 Department of Planning and other interested
17 agencies pursuant to General Municipal Law
18 Section 239-m, and
19 WHEREAS, the ZBA received a response
20 from County Planning dated June 12, 2024,
21 recommending modifications with comments,
22 which are addressed as follows:
23 The ZBA is loath to set a negative
24 precedent that could potentially be applied to
25 other properties and takes that into

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1 proceeding
2 existing structures thereon
3 the Property also has a wide
4 driveway that allows a vehicle to turn around on
5 the Property instead of having
6 which could be dangerous and impede traffic
7 given the Property's access is on West Ramapo
8 Road. The residential property on West Ramapo
9 Road on the other side of Elizabeth Place has
10 a similar driveway configuration. However,
11 this creates more impervious coverage. As it
12 relates to setback between accessory and
13 principal structures, because this is a corner
14 lot, the Applicant must comply with two front
15 yard setbacks, which limits the location where
16 the cabana can be placed. The Applicant is
17 not placing the cabana in the front yard
18 back, but as a result, needs a variance for
19 the distance from the home. The Applicant is
20 putting the cabana between the house and
21 existing treehouse, which will, to a certain
22 extent, shield the view of the cabana from
23 Elizabeth Place. Further, the Applicant has a
24 6-foot high vinyl fence along the perimeter of
25 the Property (on both Elizabeth Place and West

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1 Proceedings
2 consideration with every application it
3 considers. As with all ZBA applications, the
4 ZBA looks at the individual facts and
5 circumstances of each application and
6 delineates factual basis for its decision.
7 Here, the proposed cabana is relatively small
8 at less than 200 square feet. The Property is
9 unique in that it is a single family home, but
10 it is located on the West Ramapo Road, Rt.
11 202 which is commercial corridor with Chase
12 Bank and the Shop Rite Shopping center just
13 down the road, both of which have considerable
14 impervious coverage due to the parking lots
15 and commercial structures. As it relates to
16 the coverage, the Applicant explained that the
17 need for the cabana is to have a place to
18 store and cover the equipment for the existing
19 pool and other pool related materials. The
20 Applicant could just store this equipment
21 outside but that would be more visually
22 impactful than having everything stored in an
23 aesthetically pleasing cabana (which the ZBA
24 believes it will be given how well the
25 applicant maintains the Property and the

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1 Proceedings
2 Ramapo Road) that will largely screen the
3 7-foot high cabana from view. And as a
4 condition of this approval, the cabana must be
5 of a design that is visually compatible with
6 the existing structures on the Property.
7 Lastly, given that the function of
8 the cabana is to store the pool equipment, it
9 only serves a practical function if it can be
10 placed in close proximity to the pool.
11 Therefore, under these unique circumstances,
12 the Board is not concerned that granting the
13 variances will set a precedent for other
14 properties.
15 2. This application was sent to the
16 Rockland County Department of Health on or
17 about May 23, 2024 and more than 30 days have
18 elapsed without a response. Notwithstanding
19 such, as a condition of this resolution, the
20 Applicant shall comply with all applicable
21 requirements of the Rockland County Sanitary
22 Code.
23 3. This application was sent to the
24 New York State Department of Transportation on
25 or about May 23, 2024 and more than 30 days

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1 Proceedings
2 have elapsed without a response. However, as
3 a condition of this approval, the Applicant
4 shall obtain any permits required by NYSDOT
5 (although none are anticipated as the
6 Applicant is not proposing any changes to the
7 curb cut or increasing the intensity of the
8 single-family use).

9 4. This application was sent to the
10 Palisades Interstate Park Commission on or
11 about May 23, 2024 and more than 30 days have
12 elapsed without a response.

13 5. As a condition of this approval,
14 the Applicant shall revise the plan to
15 indicate the Designated Street Line. As the
16 Building Inspector is charged with initial
17 review of the plans and determining any
18 approvals needed, the Building Inspector shall
19 review the revised plan with the DSL and
20 ensure the location of the proposed cabana
21 complies with the front yard setback
22 based upon the Building Inspector's review.
23 If the Building Inspector determines that the
24 application does not, the Applicant shall make a new
25 application to the Zoning Board for review and
all additional variances needed.

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2 Quality Review Act and therefore no further
3 action is required; and

4 AND IT IS FURTHER RESOLVED, based
5 upon the facts set forth above,
6 the Zoning Board, by the Applicant, the
7 Board determines to grant the requested
8 variance as follows:

9 There will be no undesirable change
10 produced in the character of the neighborhood
11 or detriment to nearby properties as a result
12 of the variances. See response to County
13 Planning's Comment 1 above. In addition, no
14 one appeared at the public hearing to oppose
15 or voice concerns with this application.

16 The benefit sought by the
17 Applicant cannot be achieved by some method,
18 feasible for the applicant to pursue, other
19 than the area variances. See response to
20 County Planning's Comment 1 above.

21 C. While the variances are
22 substantial, in light of the analysis herein
23 that is not a basis to deny the application.
24 Further, the cabana itself is relatively
25 small, at less than 200 square feet and seven

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1 Proceedings
2 6. Any future site plan
3 applications for this Property will be
4 referred to the Rockland County Department of
5 Planning. However, under the Town Code
6 single-family homes do not require site plan
7 approval.

8 7. The Board is satisfied that it
9 has sufficient information to approve County Planning's
10 comment without the need for an override.

11 8. As a condition of
12 resolution, the Applicant shall comply with
13 Executive Order 01-2017.

14 9. In revising the plan in
15 accordance with Comment 5, the Applicant shall
16 also incorporate the revisions listed by
17 County Planning in Comments 9.1 through 9.5 of
18 its January 12, 2024 letter.

19 WHEREAS, having made personal
20 inspection of the premises and being familiar
21 therewith and after duly considering all the
22 proofs and evidence before it, this Board
23 determines as follows:

24 IT IS HEREBY RESOLVED, this is a
25 Type I action under the State Environmental

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2 feet high.

3 D. There will be no adverse effect
4 or impact on the physical and environmental
5 conditions in the neighborhood or district
6 from the variances. See response to County
7 Planning's Comment 1 above.

8 E. The difficulty is self-created
9 because the Applicant proposes to install a
10 cabana that does not comply with the Zoning
11 Code, but this factor is not determinative and
12 the Board determines that when balancing the
13 remaining factors, there is sufficient basis
14 to grant the variance.

15 AND IT IS FURTHER RESOLVED, based
16 upon the foregoing findings, the Applicant's
17 request for the variance is granted, subject
18 to the following conditions:

19 1. The variance is granted solely
20 in connection with the installation of the
21 proposed cabana as depicted on the Approved
22 Plan and discussed herein. If any changes are
23 made (other than those deemed by the Building
24 Inspector to be minor field changes), this
25 variance grant becomes void and the Applicant

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2 must make a new application to the ZBA for
3 approval of any and all variances.
4 2. The cabana shall not be used as
5 habitable space or have electricity.
6 3. The cabana shall be of a design
7 that is visually compatible with the existing
8 structures on the Property.
9 4. Prior to the issuance of the
10 building permit, the Applicant shall comply
11 with the County Planning Comments detailed
12 above.
13 5. The granting of this application
14 shall not be deemed to relieve the Applicant
15 of the need to obtain approval of any other
16 board, department, agency or officer
17 prescribed by law or ordinance with regard to
18 the plans or construction or any other phase
19 of the project. The granting of this
20 application shall not be deemed to relieve the
21 Applicant of the need to comply with all
22 other local, county, state and federal
23 requirements, including but not limited to
24 compliance with the New York State Uniform
25 Fire Prevention and Building Code

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1 Proceeding
2 On reet parking, spaces is
3 requ 80 spaces provided. I believe
4 y providing 84 spaces now right?
5 PHILLIP: Orr
6 MR. DD: O: So that is a reduction
7 in the number of spaces from 39 to 35. And
8 in the vehicle access requirement, that it
9 be closer than to any property
10 line. The entrance to the site is 24.28 feet
11 from the easterly Side of the Lot Line,
12 providing a variance of 25.72 feet.
13 CHAIRMAN LAWLESS: So as we know,
14 it's a continuation of a public meeting. Will
15 the applicant please step forward, and I know
16 we've gone through it a few times, but we have
17 a few new members. So if you can please give
18 an overview and bring us up to speed if you
19 would. Thank you.
20 MR. PHILLIPS: Sure. Frank Phillips
21 from the Law Office of Phillips & Millman.
22 Good evening, Chairman Lawless and
23 members of the board. As the chairman
24 indicated, this will be an overview. This is
25 our third time before this board on this

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2 6. This variance is granted subject
3 to the accuracy of the representations made by
4 the Applicant and its representatives to the
5 ZBA in its written submissions and during the
6 public hearing. If any material
7 representation, whether or not it is included
8 in this Resolution is found to be inaccurate,
9 at the discretion of the ZBA the variance
10 grant may be deemed void in which case the
11 Applicant must make a new application to the
12 ZBA for approval of any and all variances.
13 7. The failure to observe
14 perform these conditions shall render this
15 resolution invalid.
16 Dated as of November 13, 2025.
17 Chair: Lawless."
18 MS. ADDONO: Then the second and
19 item on the agenda is Eastgate, 321 Rt.
20 Comona. Section: 25.19, Block: 02, Lot:
21 09 and 00 Continuation of a Public Hearing
22 to construct a two-story office building with
23 revised plans dated July 23rd, 2024 with
24 500 square feet of total square footage.
25 Requesting the following variances:

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1 Proceedings
2 application. It progressed over the last two
3 years. It started back in 2022, in the sense
4 that we have significantly reduced the size of
5 the building which also consequently reduced
6 which is before this board, the variances that
7 is requested. The initial the magnitude of
8 the variance for the parking which was just
9 indicated on the record by counsel, has been
10 reduced now to 20 spaces which is kind of
11 interesting because we don't really want a lot
12 of people parking there. So it rubs against
13 the variance a little bit, but half of the
14 building which is -- I'm going to bring
15 everyone up to speed as to where we've been
16 and where we are now and where we're looking
17 at going.
18 This is a site plan application
19 that's currently before the Planning Board.
20 There were two lots that this project
21 comprised of. Back in the day this used to be
22 the old Goddar building, automobile parts and
23 supplies. It was run down and neglected over
24 the years. Approximately six, seven years ago
25 our client purchased it, resolved some

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2 enviromental issues there and in order to move
3 forward this application which is for an
4 office building on approximately two acres of
5 property, we also had to do, which we
6 submitted to the Planning Board as part of our
7 EAF Part III, updated traffic studies,
8 engineering studies, the gap studies which
9 means the cars that are coming along as we
10 know on Route 202, and the reason right now
11 that this public hearing has been continued
12 right now this board cannot act because the
13 Planning Board and the Zoning Board are doing
14 a coordinated review and the Planning Board
15 has declared itself lead agency.
16 So before any action could be taken
17 by this board to vote on the two variances
18 which would be as I indicated before, the
19 parking variance and also how this application
20 has progressed over the years is moving the
21 exit to the premises or entrance
22 premises further east to remediate any type
23 sight distance issues and allow -- which there
24 aren't any sight distance issues now and to
25 allow the turn out of the building, left and

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1 Proceedings
2 space.
3 sides being before the Zoning
4 Board for the two variances and the Planning
5 Board the environmental
6 preliminary and approval of a site plan,
7 we are also before the Town Board which
8 voted back in 2002 for a zone change and the
9 reason for that is, the kind of a bizarre
10 situation that this is a site plan and part
11 of the site plan this is just an update, it's
12 not for the context to the zoning board, is
13 outlined in the map. It is landlocked and it
14 borders on the Town of Haverstraw and the Town
15 of Ramapo. The property, it's landlocked and for
16 some reason it was zoned as R-40.
17 So we are before the Town Board and
18 had a workshop meeting last night where
19 they're inclined to change the zone which it
20 should be because it's couched between where
21 the commercial is on Rt. 202 and as I
22 indicated, the borderlines between the Town of
23 Haverstraw and Ramapo. So we are also before
24 the Town Board for a zone change for that
25 particular landlock. I guess it's a trapezoid

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1 Proceedings
2 turn and so on. So we modified it a little
3 bit.
4 So that's besides the parking,
5 that's the other variance that we're looking
6 to modify that by 25% because there has to
7 be 50-foot from the property line which if
8 you're facing Route 202 from the property,
9 would be the eastern lot or to the right of
10 the site. What has happened is that we
11 have as I indicated before, initially it was
12 proposed as 22,700 square feet. It was
13 reduced down to approximately 10,000. Now
14 it's down to 15,500 which coincides with the
15 reduction, the variance before the board based
16 upon the concerns of this particular board.
17 So, there was a concern regarding
18 some of the board members, not only on this
19 side, the Zoning Board, but the Planning
20 Board is the potential use of the premises
21 that the client is in the toy supply business,
22 children's toy supply business. So
23 approximately 50 percent of the building will
24 be used for their offices and the other
25 50 percent will be rented out also as office

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2 type of area that I outlined.
3 Since the last meeting that we were
4 before this board which we updated the
5 reduction in the building and the updated
6 traffic study and the limitations that we will
7 put on the map for map notes, there's not
8 going to be a medical facility and so on and
9 so forth, we had to provide a gap study with
10 our EAF Part III which we did submit in time
11 to discuss it at the last workshop meeting
12 which we had on October 24th with the Planning
13 Board, we also provided the board which they
14 requested, a letter or an e-mail I should say,
15 because they don't give letters anymore from
16 the New York State Department of
17 Transportation from Jason Brenner indicating
18 that initially the Planning Board was looking
19 towards having two ingress and exit where we
20 make a right hand turn and left hand turn out
21 of the facility which the DOT does not want to
22 do. So we provided proof of that.
23 We provided the retaining wall has
24 to have some engineering done and we conform
25 some of the language in the transportation

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2 section of the EAF and align with what is in
3 the TIS which is the Traffic Impact Study with
4 the EAF.
5 So we're just before this board
6 tonight, I know you have two new members, to
7 bring them up to speed and we'll be looking
8 for a Negative Declaration from the Planning
9 Board at the meeting tonight based upon the
10 EAF Part III which will identify and examine
11 mitigated potential environmental impacts. If
12 that occurs, then we can come back before this
13 board with a continued public hearing and then
14 I'll address the five part test for the area
15 variance. And that's basically it in a
16 nutshell. I tried to do as best I can to
17 condense it.
18 MS. ADDONO: So one of the first
19 issues and you did touch about it,
20 Mr. Phillips, the fact that the parking
21 calculations were based upon the fact
22 this won't be a medical or dental use bec
23 by nature of those uses they do require, they
24 have more intensive in and out traffic and
25 require more parking and I know the applicant

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1 Proceedings
2 there's apartments during the course of the
3 day so there's a lot more in and out than at
4 the particular time when you have an office
5 where people are coming in and leaving.
6 and leave at four or five P.M., yes. So I'm
7 sure that it's not a problem, but I'll just
8 confirm it, but I'm going to recommend it to
9 the board and I don't have a problem with that.
10 MS. ADDONO: Okay, thank you. That
11 was all right, Mr. Chairman.
12 CHAIRMAN LAWLESS: Anybody else on
13 the board has any questions?
14 MR. MERRIWEATHER: One further point
15 of clarity thank you for sharing. 50
16 percent office space for occupancy and
17 50 percent of office space for rental
18 purposes, can you confirm that none of the
19 space will be used for storage?
20 MR. PHILLIPS: I wanted to make sure
21 because I at the last meeting misstated
22 something, that I thought maybe part of it
23 would be for storage, but that was my mistake
24 and I was wrong. I think we cleared it up at
25 the last meeting and I confirmed it with my

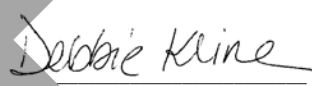
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1 Proceedings
2 in the past has agreed to a plan note to that
3 effect, but I think the concern that's been
4 raised by the boards in the past is, you know,
5 that would -- how much notice does that put
6 everyone on both the property owner in the
7 future, future staff and board members, and
8 this isn't something you have to answer
9 tonight, but the method that has been thought
10 of as potentially having recorded either
11 declaration or recording a map against the
12 property so that it's clear and easily
13 accessible that that is the intention that
14 this will not be used for medical or dental.
15 MR. PHILLIPS: I'll recommend it to
16 my client let me discuss it with him and
17 I'll report back next meeting, but I'm
18 inclined to recommend that he do that. I
19 don't think I'll get any pushback.
20 Also, as your building inspector
21 will state is that there will be annual
22 fire inspections so they will know what's
23 going there. And the reason we're limited to
24 office space was that if you had medical
25 office and so on and so forth, as we know

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1 Proceedings
2 client after that.
3 MR. MERRIWEATHER: Thank you.
4 CHAIRMAN LAWLESS: Any other
5 questions?
6 This is a public hearing, so if
7 anyone from the public would like to be heard,
8 please step forward.
9 Anybody?
10 Well, this is a continuation of a
11 public hearing. We're going to carry it over
12 to next month, December 11th. See you then.
13 MR. PHILLIPS: Thank you very much.
14 I appreciate your time.
15 CHAIRMAN LAWLESS: Thank you. At
16 this point there's nothing else on the agenda
17 for tonight. We had a bunch of adjournments,
18 so I would ask, can I have a motion to adjourn
19 the meeting, please?
20 MR. MERRIWEATHER: So moved.
21 MR. ALDRIDGE: Second.
22 CHAIRMAN LAWLESS: Motion made by
23 Mr. Merriweather and second by Mr. Aldridge.
24 All in favor, "Aye."
25 (Whereupon, all the Board members

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1	Proceedings
2	responded "Aye".)
3	CHAIRMAN LAWLESS: Motion carries.
4	Have a good night.
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	Page 35
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2	C E R T I F I C A T I O N
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5	Certified to be a true and accurate
6	transcript of the stenographic minutes taken
7	within.
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9	Debbie Kline,
10	Court Reporter.
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12	Dated: November 20, 2024
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	Page 36
1	Errata Sheet
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3	NAME OF CASE: In Re: TOWN OF HAVERSTRAW ZONING BOARD MEETING
4	DATE OF DEPOSITION: 11/13/2024
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 _____
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	Page 37
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