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CONDENSED

In Re:

TOWN OF HAVERSTRAW ZONING BOARD OF APPEALS

-----X

March 12, 2025

7:00 p.m.

ZONING BOARD OF APPEALS 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

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 WILBER ALDRIDGE, CHAIRMAN</p> <p>4 GREG MERRIWEATHER</p> <p>5 RAFAEL BRITO</p> <p>6 JOSE CASTRO</p> <p>7 MICHAEL KAUKER, PLANNING CONSULTANT</p> <p>8 GEORGE BEHN, BUILDING INSPECTOR</p> <p>9 CHRISTIE TOMM ADDONA, ZONING BOARD ATTORNEY</p> <p>10 ANNETTE HENDRIE, CHIEF CLERK</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 Proceedings</p> <p>2 CHAIRMAN ALDRIDGE: Will everyone</p> <p>3 please stand for the pledge?</p> <p>4 (Whereupon, everyone rose for the</p> <p>5 Pledge of Allegiance.)</p> <p>6 CHAIRMAN ALDRIDGE: This is March</p> <p>7 12th, 7 p.m. It is the regular meeting</p> <p>8 of the Town of Haverstraw Zoning Board of</p> <p>9 Appeals.</p> <p>10 Roll call, please.</p> <p>11 MS. HENDRIE: Wilber Aldridge.</p> <p>12 CHAIRMAN ALDRIDGE: Here.</p> <p>13 MS. HENDRIE: Greg Merriweather.</p> <p>14 MR. MERRIWEATHER: Here.</p> <p>15 MS. HENDRIE: Rafael Brito.</p> <p>16 MR. BRITO: Here.</p> <p>17 MS. HENDRIE: Larry Margiotta.</p> <p>18 Jose Castro.</p> <p>19 MR. CASTRO: Here.</p> <p>20 CHAIRMAN ALDRIDGE: All right.</p> <p>21 Now can I have a motion to adopt the</p> <p>22 minutes from the February 13th meeting?</p> <p>23 MR. MERRIWEATHER: So moved.</p> <p>24 MR. BRITO: Second.</p> <p>25 CHAIRMAN ALDRIDGE: So moved and</p>
<p style="text-align: right;">Page 4</p> <p>1 Proceedings</p> <p>2 and second.</p> <p>3 All in favor</p> <p>4 (Whereupon, all the Board members</p> <p>5 responded "Aye."</p> <p>6 CHAIRMAN ALDRIDGE: The next item</p> <p>7 on the agenda is Allison Circle,</p> <p>8 Section 22.17 Block 3, Lot 62: Board</p> <p>9 determination and resolution.</p> <p>10 Is there anyone here from the</p> <p>11 public who would like to speak pertaining</p> <p>12 to this particular item?</p> <p>13 Is there a representative from</p> <p>14 the applicant here?</p> <p>15 MR. CESPEDES: Yes.</p> <p>16 CHAIRMAN ALDRIDGE: You're here.</p> <p>17 Would you like to say anything?</p> <p>18 MR. CESPEDES: No.</p> <p>19 CHAIRMAN ALDRIDGE: All right.</p> <p>20 If that's the case...</p> <p>21 MS. TOMM ADDONA: So a resolution</p> <p>22 has been prepared to approve your</p> <p>23 application. I can give you a copy or</p> <p>24 you can listen to me read it.</p> <p>25 MR. CESPEDES: Either way. I'll</p>	<p style="text-align: right;">Page 5</p> <p>1 Proceedings</p> <p>2 listen to you.</p> <p>3 CHAIRMAN ALDRIDGE: That's not</p> <p>4 the answer I want.</p> <p>5 MS. TOMM ADDONA: You're all</p> <p>6 welcome.</p> <p>7 MR. KAUKER: I think we're going</p> <p>8 to have to change that now.</p> <p>9 MS. TOMM ADDONA: Application of</p> <p>10 Rafael Cespedes. 7 Allison Circle,</p> <p>11 Garnerville, New York, Section 22.17,</p> <p>12 Block 3, Lot 62, R-15 zoning district --</p> <p>13 Just to the stenographer: I'll</p> <p>14 give you a copy so you don't have to kill</p> <p>15 yourself.</p> <p>16 WHEREAS, the Applicant has</p> <p>17 appealed to the Town of Haverstraw Zoning</p> <p>18 Board of Appeals from a determination by</p> <p>19 the Building Inspector dated May 23, 2024</p> <p>20 that the Applicant's (partially) existing</p> <p>21 16-foot by 19-foot, 6-inch rear deck</p> <p>22 attached to the existing single-family</p> <p>23 house does not comply with Chapter 167 of</p> <p>24 the Town of Haverstraw Zoning Code</p> <p>25 ("Zoning Code"), and</p>

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1 Proceedings

2 WHEREAS, the Applicant seeks the

3 following area variances:

4 Variance of 7.7 feet to permit a

5 rear yard setback of 22.3 feet where 30

6 feet is required.

7 Variance of 14.21 feet for an

8 existing legal nonconformity in lot width

9 of 75.79 feet where 90 feet is required.

10 Variance of 36.76 feet for an

11 existing legal nonconformity in lot

12 frontage of 63.24 feet where 100 feet is

13 required.

14 WHEREAS, a duly-noticed public

15 hearing was opened on this application at

16 the ZBA's regular meeting on February 13,

17 2025 and members of the public having the

18 opportunity to appear and be heard, the

19 public hearing was closed on February 13,

20 2025, and

21 WHEREAS, having made personal

22 inspection of the premises and being

23 familiar therewith and after duly

24 considering all the proofs and evi

25 before it, this Board determined as

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1 Proceedings

2 size of the fence already erected.

3 Although the Property does not have

4 sufficient lot width or frontage, the

5 deck is not encroaching into the side

6 yard setbacks, only the rear yard

7 setback.

8 B. The benefit sought by the

9 Applicant cannot be achieved by some

10 method feasible for the applicant to

11 pursue, other than the area variances.

12 The only feasible location to put the

13 deck is in the rear yard. The lot width

14 and frontage variances are necessary

15 given they are legal nonconforming

16 conditions.

17 C. While the rear yard setback

18 variance may be considered substantial,

19 the Board does not consider that a basis

20 to deny the application under these

21 specific factual circumstances.

22 D. There will be no adverse

23 effect or impact on the physical or

24 environmental conditions in the

25 neighborhood or district from the

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2 follows:

3 IT IS HEREBY RESOLVED, this is

4 Type II action under the State

5 Environmental Quality Review Act and

6 therefore no further action is required;

7 AND IT IS FURTHER RESOLVED, based

8 upon the facts set forth above and the

9 representations made by the Applicant,

10 the Board determines to grant the

11 requested variances as follows:

12 A. There will be no undesirable

13 change produced in the character of the

14 neighborhood or detriment to nearby

15 properties as a result of the variances.

16 The variances, the variances as to lot

17 width and frontage are existing legal

18 nonconforming conditions. The rear yard

19 variance for the deck will not be a

20 detriment to the character of the

21 neighborhood. The Applicant's rear

22 neighboring property -- rear neighboring

23 property owner appeared at the public

24 hearing and advised that he had no

25 objections to the deck based upon the

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1 Proceedings

2 variances. The deck will not encroach

3 onto the easement in the rear of the

4 Applicant's Property, and as a condition

5 of this resolution, the Applicant shall

6 not encroach in the easement area in any

7 manner.

8 The difficulty is self-created

9 because the Applicant began to install a

10 deck that does not comply with the Zoning

11 Code, but this factor is not

12 determinative and the Board determines

13 that when balancing the remaining

14 factors, there is sufficient basis to

15 grant the variance. The Applicant

16 stopped work on the deck when instructed

17 to do so by the Building Inspector and

18 sought approval from this Board.

19 AND IT IS FURTHER RESOLVED, based

20 upon the foregoing findings, the

21 Applicant's request for the variance is

22 granted, subject to the following

23 conditions:

24 1. The variance is granted

25 solely in connection with the install --

<p style="text-align: right;">Page 10</p> <p>1 Proceedings</p> <p>2 installation of the deck based upon the</p> <p>3 dimensions set forth in this Resolution</p> <p>4 and the plans. If any changes are made</p> <p>5 (other than those deemed by the Building</p> <p>6 Inspector to be minor field changes),</p> <p>7 this variance grant becomes void and the</p> <p>8 Applicant must make a new application to</p> <p>9 the ZBA for approval of any and all</p> <p>10 variances.</p> <p>11 2. The Applicant shall not</p> <p>12 encroach on the easement in the rear of</p> <p>13 the Property.</p> <p>14 3. The granting of this</p> <p>15 application shall not be deemed to</p> <p>16 relieve the Applicant of the need to</p> <p>17 obtain approval of any other board,</p> <p>18 department, agency or officer prescribed</p> <p>19 by law or ordinance with regard to the</p> <p>20 plans or construction or any other phase</p> <p>21 of the project. The granting of this</p> <p>22 application shall not be deemed to</p> <p>23 relieve the Applicant of the need to</p> <p>24 comply with any and all other local,</p> <p>25 county, state and federal requirements</p>	<p style="text-align: right;">Page 11</p> <p>1 Proceedings</p> <p>2 including but not limited to compliance</p> <p>3 with the New York State Uniform Fire</p> <p>4 Prevention and Building Code.</p> <p>5 4. This variance is granted</p> <p>6 subject to the accuracy of the</p> <p>7 representations made by the Applicant and</p> <p>8 its representatives to the ZBA in its</p> <p>9 written submissions and during the Public</p> <p>10 Hearing. If any material representation,</p> <p>11 whether or not it is included in this</p> <p>12 Resolution, is found to be inaccurate, at</p> <p>13 the discretion of the ZBA, the variance</p> <p>14 grant may be deemed void, in which case</p> <p>15 the Applicant must make a new application</p> <p>16 to the ZBA for approval of any and all</p> <p>17 variances.</p> <p>18 5. The failure to observe and</p> <p>19 perform these conditions shall render</p> <p>20 this resolution invalid.</p> <p>21 Dated as of March 12, 2025.</p> <p>22 CHAIRMAN ALDRIDGE: Any questions</p> <p>23 or comments from the Board?</p> <p>24 Hearing none, can I get motion</p> <p>25 pertaining to this resolution?</p>
<p style="text-align: right;">Page 12</p> <p>1 Proceedings</p> <p>2 MR. CAIRO: I'm in. So</p> <p>3 moved.</p> <p>4 MR. M. IWEAT R: Seconded.</p> <p>5 CHAIRMAN ALDRIDGE: Motion's been</p> <p>6 made, properly second.</p> <p>7 All those in favor?</p> <p>8 (Whereon, all the Board members</p> <p>9 responded "Aye.")</p> <p>10 CHAIRMAN ALDRIDGE: Opposing?</p> <p>11 There would be none because it</p> <p>12 seems as if it was unanimous.</p> <p>13 So therefore, that's it. You</p> <p>14 have your variance, sir.</p> <p>15 MR. CESPEDES: Thank you.</p> <p>16 CHAIRMAN ALDRIDGE: The next item</p> <p>17 on the agenda is 24 Rosman Road.</p> <p>18 MS. TOMM ADDONA: Yes,</p> <p>19 Mr. Chairman, I'll read the public</p> <p>20 hearing notice for the record.</p> <p>21 Please take notice the Town of</p> <p>22 Haverstraw Zoning Board of Appeals will</p> <p>23 hold a public hearing to consider the</p> <p>24 application of Chad Wollman, 24 Rosman</p> <p>25 Road, Thiells, to construct a new 19 foot</p>	<p style="text-align: right;">Page 13</p> <p>1 Proceedings</p> <p>2 by 38 foot side yard addition to be</p> <p>3 constructed on the westerly side.</p> <p>4 The following variances are</p> <p>5 required:</p> <p>6 To legalize the existing</p> <p>7 condition, minimum lot area required is</p> <p>8 15,000 square feet; provided is 12,786</p> <p>9 square feet; variance required: 2,214</p> <p>10 square feet.</p> <p>11 And rear yard depth required is</p> <p>12 35 feet; provided is 28.1 feet; variance</p> <p>13 required is 7.9 feet.</p> <p>14 In addition, as it relates to the</p> <p>15 proposed addition, the side yard addition</p> <p>16 westerly side, side yard setback,</p> <p>17 required is 20 feet; provided is 15 feet;</p> <p>18 variance required: Five feet.</p> <p>19 Said property being located on</p> <p>20 the northwest corner of Caruso Court and</p> <p>21 Rosman Road, and on the Town of</p> <p>22 Haverstraw Tax Map is Section 26.09, Lot</p> <p>23 2 -- excuse me, Block 2, Lot 4.1.</p> <p>24 Said public hearing shall be held</p> <p>25 on Wednesday, March 12, 2025 at 7:00 p.m.</p>

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2 in the large meeting room of Haverstraw

3 Town Hall, One Rosman Road, Garnerville.

4 All interested parties are

5 invited to attend and will be heard by

6 the Board.

7 By order of the Zoning Board of

8 Appeals at the Town of Haverstraw.

9 CHAIRMAN ALDRIDGE: Thank you.

10 Yes.

11 MR. HODOSH: Hello. My name is

12 Jonathan Hodosh. I'm the architect for

13 the applicant. My business address is

14 120 North Main Street, Suite 501 in New

15 City.

16 The project we have here is a

17 existing single-family home in an R-15

18 zone. We're seeking to add an addition,

19 two-story addition.

20 Presently the lot is

21 non-conforming as to lot size. However,

22 even with the addition, we're well under

23 on lot coverage and building coverage of

24 what is allowed, so essentially under.

25 The addition, the rear yard,

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2 The ceilings are very low and my front

3 is very tall, so that's an issue right

4 there -- making the rooms pretty much not

5 fairly usable except for the little kids.

6 Basically what we're doing is

7 just adding a family room -- a family

8 room and dining area and a master bedroom

9 suite above.

10 I have some renderings I'd like

11 to show you if that's -- just show what

12 we're doing with the house. I'll also

13 show you the elevations.

14 This is the proposed --

15 MS. TOMM ADDONA: Just speak up

16 so that --

17 MR. HODOSH: Sorry.

18 I want to show you the existing

19 and proposed elevations as well.

20 So -- oops. Appreciate it.

21 Oops. Sorry.

22 So it looks like this. This is

23 the existing front of the house right

24 here and we're basically just adding to

25 the side and adding the porch.

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2 we're requesting variances of existing

3 non-conforming conditions so we're not

4 asking to increase that non-conformity.

5 So the only thing we're really

6 looking for beyond what's already there

7 is the side yard, which is presently 20

8 feet -- I'm sorry -- presently 33.5 but

9 requesting 15, where 20 is required. So

10 it's a five-foot variance.

11 The circumstances requiring the

12 variance: It's a corner lot, undersized

13 lot. The house is located closer to the

14 rear yard than the front, which already

15 exacerbates the existing rear-yard issue.

16 And because we have two front yards, it's

17 closer to the side yard than it would

18 normally be. So it's a very very minor

19 variance in that respect which we're just

20 looking to get the minimum we can to get

21 the house a little more livable.

22 It's a very small house. The

23 upstairs is effectively -- even though it

24 has two bedrooms and bath, it's really

25 effectively only about 325 square feet.

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1 Proceedings

2 So this side is not really being

3 affected. You see in the -- sorry.

4 That's what you get for buying clips on

5 Amazon.

6 Then from the side, this is the

7 existing right side of the house, which

8 there's not going to be much of a change

9 except for the roof line above.

10 The 3Ds show it a little better,

11 I just want to give you an idea of

12 context.

13 So this is the existing rear, the

14 whole addition is on this side. We're

15 not going any taller than the house,

16 we're just kind of staying in the front.

17 Once again, we tried various

18 different things to minimize the impact.

19 That's why we added the porch as well

20 because the porch brings down the front

21 level, seeing from the street makes it

22 more horizontal.

23 CHAIRMAN ALDRIDGE: Any questions

24 from the Board?

25 MR. CASTRO: Are there any

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2 neighbors on that side of the home where
3 the addition is going?
4 MR. HODOSH: There is a neighbor.
5 I have a satellite image showing -- so
6 this is the subject property line here.
7 And that's the -- once you get 20...
8 And we got a letter from the
9 neighbor in favor.
10 MS. TOMM ADDONA: Can you, can
11 you state that very loudly?
12 MR. HODOSH: Oh, I said we have a
13 letter from the neighbor in favor -- all
14 the neighbors actually responded.
15 MS. TOMM ADDONA: I just want to
16 make sure this is -- you need to speak up
17 so the stenographer is getting this.
18 MR. HODOSH: This is the lot and
19 side view and that's the addition.
20 That's our lot, issue's over here.
21 MR. KAUKER: Thank you.
22 MR. HODOSH: As I said, I do have
23 the letters that I could submit.
24 MR. CASTRO: Is there an existing
25 buffer now or will you be adding a y

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1 Proceedings
2 CHAIRMAN LDR DGE: other
3 questions from the Board?
4 No, okay.
5 That's it? You're finished?
6 MR. HODOSH: All I have.
7 CHAIRMAN ALDRIDGE: Is there
8 anyone from the public who wants to be
9 heard on this?
10 We have the letters, but is there
11 anyone here that wanted to speak on this
12 particular project?
13 Appears to be none.
14 We've sent this out for the GML
15 review which takes 30 days, they get 30
16 days to respond. So there's really
17 nothing that we can do tonight pertaining
18 to it.
19 So what we will do -- or I need a
20 motion to hold this over and keep the
21 public hearing open until our March
22 meeting --
23 MS. TOMM ADDONA: April 9th.
24 CHAIRMAN ALDRIDGE: -- April
25 meeting. April meeting.

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2 buffers for that neighbor?
3 MR. WOLLMAN: So right now,
4 actually my neighbor -- his son actually
5 parks in my driveway, I let him park
6 there because he also takes care of my
7 lawn. So we're actually -- that, that
8 whole driveway, we're not even touching,
9 so that buffer. And when we bought the
10 home, it had an illegal carport. I think
11 it's illegal anyway, because it should
12 have a variance.
13 So it recently got -- became
14 dilapidated, I tore it down. So we're
15 really only going a little bit further
16 than where that carport was. But so
17 there's that whole little driveway, we're
18 not even touching that, so.
19 MR. HODOSH: If I may, these are
20 the letters from neighbors.
21 There were four neighbors
22 notified, one of them being, being the
23 Village. So the three homeowners
24 responded favorably. And they're all
25 very, very close.

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1 Proceedings
2 MR. BRITO: I make a motion that
3 we can hold it down until the next
4 meeting in April.
5 CHAIRMAN ALDRIDGE: Second?
6 MR. MERRIWEATHER: Second.
7 CHAIRMAN ALDRIDGE: Second?
8 It's been properly moved and
9 second to table this until our April
10 meeting.
11 All those in favor?
12 (Whereupon, all the Board members
13 responded "Aye.")
14 MR. CASTRO: When is the April
15 meeting?
16 MS. TOMM ADDONA: April 9th.
17 Second Wednesday of the month,
18 right here.
19 MR. WOLLMAN: 7:00?
20 MS. TOMM ADDONA: And at that
21 point, the Board should -- will have had
22 the requisite time to see what kind of
23 comments we get under the statute and
24 should be in a position to make a
25 decision.

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1 Proceedings

2 MR. HODOSH: Thank you very much.

3 CHAIRMAN ALDRIDGE: Thank you.

4 MS. HENDRIE: I just need the

5 mailing, the affidavit.

6 Do you have the affidavit?

7 AUDIENCE MEMBER: We don't have

8 it. That's the one we emailed --

9 MS. HENDRIE: The one that you

10 emailed me, Audrey?

11 AUDIENCE MEMBER: We just thought

12 that we had the originals but we don't.

13 But I can bring them, I can bring the

14 originals tomorrow morning.

15 MS. HENDRIE: Yeah, that's fine.

16 AUDIENCE MEMBER: We emailed them

17 all to you, so I just --

18 MS. HENDRIE: Okay. All right.

19 I just need the green cards.

20 Sorry.

21 MR. HODOSH: No worries.

22 MR. WOLLMAN: Hopefully I'll get

23 them in time --

24 MS. HENDRIE: That's fine.

25 MR. WOLLMAN: Thank you.

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2 along with Dan Richmond from the law firm

3 Zarin & Steinmetz; colleagues from our

4 engineering team, Avi Wenberg, and our

5 architectural team, Aaron Machlis; as

6 well as the applicant himself, Artur

7 Kondov.

8 So as Christy mentioned, this is

9 really a preliminary introduction to your

10 Board for this project, as well as the

11 two variances we would be requiring as

12 part of the approval process.

13 So first: The project involves a

14 rezoning from the PO district where the

15 site presently sits to the C district.

16 And that petition has been filed with the

17 Town Board and that is being processed,

18 now that's in progress.

19 The reason we're doing so is that

20 the C district provides a more favorable

21 or more appropriate bulk set of

22 regulations which allows us to put the

23 building footprint further away from the

24 residences, which we think is more

25 appropriate.

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2 CHAIRMAN ALDRIDGE: The next item

3 on the agenda is 130 West Ramapo Road.

4 MS. TOMM ADDONA: Mr. Chairman,

5 there is no public hearing notice for the

6 application because the applicant is here

7 to do a preliminary presentation as they

8 are currently before the Planning Board

9 for a SEQRA review.

10 And so what we like to do is have

11 the applicants come to the Zoning Board

12 -- because you are an involved agency

13 because you will ultimately be asked to

14 grant a variance on this application.

15 So this is an opportunity before

16 the Board makes -- the Planning Board

17 makes a SEQRA determination, for you to

18 hear about the application and provide

19 the -- sorry -- provide the, provide the

20 applicant with any feedback that you may

21 feel appropriate at this time.

22 CHAIRMAN ALDRIDGE: Okay.

23 MR. BEHRENS: Good evening,

24 everybody.

25 For the record, Matt Behrens

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2 The project will involve the

3 construction of an 8,000 square foot

4 office building for professional tenants;

5 think 9:00 to 5:00 office users. This

6 will not be, not be retail, this will not

7 be medical.

8 Is that feedback on my microphone

9 or?

10 MR. BEHN: I'm thinking it might

11 be coming over the board, over the back.

12 MR. BEHRENS: Right. No problem.

13 So with the project, two

14 variances would be needed. One is for a

15 side yard parking setback. Where ten

16 feet is required, we would be providing

17 five feet -- and we'll get into the

18 specifics there -- as well as a number of

19 parking spaces.

20 So first with the side yard

21 setback on the left side of the board

22 here, as I said, 10 feet is required.

23 Due to different physical layout

24 constraints, we are proposing five feet.

25 To the left of this property, the

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1 Proceedings
2 adjacent line is a commercial property.
3 The area, right, immediately there is all
4 wooded; it's where the motel is. So
5 that's on the far side of that property.
6 So we would -- we respectfully
7 submit that the variance wouldn't, you
8 know, cause any adverse impacts to the
9 adjoining property there.
10 Secondly -- and also moving the
11 spaces to fit the 10-foot requirement
12 would actually decrease the number of
13 parking spaces, so we think it's more
14 appropriate to leave it there.
15 With the number of parking
16 spaces, technically with the code we
17 would need to include the basement in the
18 overall calculation -- as we put on the
19 plans -- which would be 12,000.
20 However, it's important to note
21 the basement space is really only
22 ancillary space for the existing tenants
23 that would be in the building; it would
24 be things like a kitchenette, a lounge
25 area, storage for the office users. So

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2 submit that these variance would pass a
3 five-factor balancing test, which -- as
4 the benefits to the applicant would
5 outweigh any adverse impacts which we
6 submit are minimal here.
7 I'll turn it over to Avi who will
8 go over a little bit of the site plan and
9 then come back for any questions you, you
10 might have.
11 MR. WEINBERG: Hi. Good evening,
12 everyone. Avi Weinberg, WeinbergLim
13 Engineering. I'm here on behalf of the
14 applicant. I'm just going to echo and
15 expound on what my colleague Matt
16 mentioned.
17 We took this site -- this site
18 originally -- this site is currently
19 zoned PO, which, you know, without
20 getting into the zone change in detail,
21 one of the main area items to the PO
22 district is that there is a 50-foot front
23 yard requirement.
24 Now this property, because it's a
25 corner -- is it okay? Can I shut this

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1 Proceedings
2 really only the 8,000 square feet would
3 be driving that parking demand on the two
4 stories above the basement.
5 So without the basement space --
6 again, which is purely ancillary -- we
7 would require the 9.4 percent variance
8 and a five-space reduction, which we
9 would respectfully submit would not
10 create adverse impacts.
11 The applicant at its own cost
12 commissioned a parking and trip
13 evaluation study by Colliers Engineering
14 & Design and found that according to, you
15 know, industry data, for this size office
16 building and for this type of office use,
17 the 48 spaces that we would be providing
18 would be more than enough to satisfy the
19 parking demands of the office building.
20 We also note a recent ZBA
21 decision at the Eastgate project that was
22 -- appeared to be a 35-space reduction,
23 and obviously a five-space reduction here
24 would be much lower.
25 So ultimately we respectfully

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1 Proceedings
2 off?
3 MS. TOMM ADDONA: Just talk loud.
4 MR. WEINBERG: What was that?
5 MS. TOMM ADDONA: Just talk loud.
6 MR. WEINBERG: I'm actually going
7 to go over to the board.
8 This property because it's a
9 corner property, actually has two front
10 yards. So if you had it where you
11 weren't allowed to build within 50 feet
12 of both -- of, of the property line on
13 both front yards, that would block off a
14 large portion of the site and essentially
15 make it unworkable.
16 More importantly, it would push
17 all the development and all the action
18 closer to the residential properties on
19 the north side. So as such, we are
20 requesting a zone change to bring this
21 property from the PO Zone to the Z [sic]
22 zone.
23 Now as far as your Board, what
24 pertains to your Board: There are two
25 variances we are requesting.

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2 No. 1 is parking. I'm going to
3 talk about that.
4 Per the 8,000-square-foot
5 building, we would be required to have 53
6 spaces. We originally came in here with
7 a plan that showed 53 spaces. We had
8 some additional parking over here in the
9 southwest corner.
10 However, after review with the
11 town's consultants and the chairman of
12 the Board, they were not so in favor of
13 this dead-end parking. They felt it
14 would be poor circulation and would be
15 better to do without.
16 So as such, we reconfigured the
17 lot a little to improve circulation. And
18 we came out: The maximum you could fit
19 is 48 spaces. As you could see, you
20 would enter in on Balsam Road with the
21 existing curb cut -- which would
22 obviously be modified to meet current
23 standards -- and you'd be able to
24 circulate around for the 48 space
25 One of the issues we had whe

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1 Proceedings
2 better. And if we were to not require
3 any area variance with the side yard, we
4 would lose additional parking which I
5 don't think the Board would want.
6 I think it would be a much better
7 plan that we keep it -- you know, we keep
8 it five feet in -- the side yard and this
9 would keep for as many parking spots as
10 we can, which would be 48.
11 I also just want to pass -- I
12 don't know if this Board has seen, we
13 have a rendering of the building. I just
14 want to -- if you guys could just pass it
15 around and then we'll pick it up.
16 And to talk a little bit about
17 the building, it's something that --
18 again, we presented this to the Village
19 Board and to the -- sorry -- to the Town
20 Board and to the Planning Board. It's
21 very much in scale with, you know, other
22 buildings in the area. It's a two-story,
23 8,000-square-foot office building with a
24 basement that will be utilized by the
25 tenants only and have no additional

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1 Proceedings
2 laying out this parking lot then -- you
3 know, we wanted to maximize and get as
4 much parking as we can, but we realized
5 by doing that, we would be encroaching
6 ten -- five feet into the side yard.
7 Now there is a provision in your
8 code -- I believe it's chapter -- it's
9 167. It's in the area requirements
10 attachment -- that says that when you
11 have commercial property, you cannot have
12 parking within 10 feet of the side yard.
13 Now as my colleague Matt
14 mentioned, you've got over here a hotel.
15 Not only that, as a large property, the
16 motel is all the way to the far side of
17 the property and this whole area is
18 wooded. So there would really be no
19 disturbance in terms of having it --
20 moving it five feet over.
21 Now another option technically
22 could be -- would be to maybe encroach
23 the front yard. Again, there are two
24 front yards. We just still feel that
25 keeping it within the side yard would be

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1 Proceedings
2 leasable area.
3 This parking lot also does
4 provide proper dumpster enclosure and
5 proper circulation. More importantly, we
6 also -- we didn't want to push the
7 parking anywhere to the north because we
8 wanted to keep the 25-foot landscape
9 buffer between this property and the
10 residential properties to the north.
11 With that, I'm going to kick it
12 back to my colleague Matt and open it to
13 questions.
14 MR. MERRIWEATHER: Here you go.
15 CHAIRMAN ALDRIDGE: I have a
16 couple questions.
17 1: Since that motel is sitting
18 high, it's on a hill, are you going to be
19 disturbing any of -- any part of that
20 hill while you're digging? And will that
21 create any drainage issues?
22 MR. WEINBERG: No. I mean, we
23 will do proper erosion control measures
24 but the hotel is higher and we will make
25 sure all the drainage that comes into the

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2 site is properly treated.

3 CHAIRMAN ALDRIDGE: Okay. And

4 the other questions -- two, well, two

5 questions combined.

6 How many offices will be in this

7 building and what type of offices?

8 MR. WEINBERG: Eight. Right,

9 four suites per floor.

10 CHAIRMAN ALDRIDGE: How many?

11 MR. MACHLIS: Good evening, Aaron

12 Machlis from BILD Architecture, the

13 architect director for the project.

14 So just to discuss the project,

15 just to give a general overview: Like my

16 colleague Avi and my colleague Matt

17 mentioned, is that the building is very

18 much in scale with the surrounding area;

19 it's not oversized at all. It's

20 two-story, 8,000 square feet total, 4,000

21 per floor. We're thinking about four

22 suites per floor for a total of eight

23 suites in the building.

24 And the basement area is also

25 a lot of the basement area is just going

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1 Proceedings

2 Oh, gee. I didn't know -- was

3 that bright. Okay.

4 MR. MERRIWEATHER: The -- you

5 mentioned -- very quickly. You mentioned

6 storage, storage to be managed by the

7 tenants on the lower level; correct?

8 MR. BEHRENS: Banker boxes,

9 things like that -- on the basement level

10 for the existing tenants that would be

11 there.

12 MR. MERRIWEATHER: No inventory?

13 MR. BEHRENS: Banker boxes,

14 things like that for the, for the

15 professional --

16 MR. MERRIWEATHER:

17 Business/office --

18 MR. BEHRENS: Business, yeah.

19 MR. MERRIWEATHER: Office use.

20 MR. BEHRENS: Like a lawyer's,

21 they need banker boxes for files, things

22 like that, miscellaneous.

23 MR. BEHN: So Mr. Chairman, I

24 have a comment.

25 CHAIRMAN ALDRIDGE: Please.

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1 Proceedings

2 to be utility area and storage, besides

3 for just the use for the tenants

4 themselves in the building.

5 CHAIRMAN ALDRIDGE: Will any of

6 these be medical offices?

7 MR. WEINBERG: I was going to

8 address that. I knew -- I figured that's

9 the question you're looking for.

10 No. These are professional

11 offices, accountants, lawyers,

12 architects, engineers. No, it's not to

13 be used for medical offices.

14 MS. TOMM ADDONA: Would you be

15 amenable to a plan note that reflects

16 that?

17 MR. WEINBERG: Yes, yes. We

18 would put that on plan.

19 CHAIRMAN ALDRIDGE: Board

20 members, if you have a question? Any

21 Board members?

22 MR. CASTRO: You asked all of

23 them.

24 CHAIRMAN ALDRIDGE: I asked all

25 of them?

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2 MR. BEHN: So we started this

3 project with no basement, and now we have

4 a full basement, and now you added a

5 kitchenette and a lounge area which

6 changes that to a place of assembly.

7 So with regard to the building

8 code, we need to address that.

9 MR. RICHMOND: If you could

10 clarify what the building code issue is?

11 Good evening --

12 MR. BEHN: Mainly egress.

13 MR. RICHMOND: So it needs to be

14 --

15 (Overlapping speakers.)

16 MS. TOMM ADDONA: One at a time,

17 please. And you need to give your name

18 to the --

19 MR. RICHMOND: For the record,

20 Dan Richmond, Zarin & Steinmetz.

21 MR. BEHN: So the basement's

22 going to have an area of assembly.

23 MR. RICHMOND: Sure.

24 MR. BEHN: That changes the

25 egress requirements.

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1 Proceedings

2 MR. RICHMOND: Sounds like an

3 internal architectural.

4 MR. MACHLIS: So we're going to

5 make sure when we design the spaces --

6 and the basement included, we're going to

7 take care of all the egresses to make

8 sure that everything complies.

9 MR. BEHN: So I just hope the

10 plan for the Planning Board shows a

11 stairwell or egress window or --

12 MR. MACHLIS: Correct, correct.

13 MR. BEHN: I haven't seen that.

14 MR. MACHLIS: Correct.

15 MR. BEHN: Again, the lounge and

16 the kitchenette is all new. We didn't

17 talk about that in the workshop.

18 MR. MACHLIS: Correct. But --

19 MR. BEHN: -- just going to be

20 storage with banker boxes and things like

21 that.

22 MR. MACHLIS: Also those areas,

23 the idea is not to have it as party area

24 but where somebody could just go down and

25 kind of sit and eat lunch there.

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2 important.

3 But as it relates to this Board,

4 the issue is the fact that under the

5 Town's code, the basement area square

6 footage is included in the calculation of

7 the parking.

8 The ratio is here as I understand

9 it from the applicant is that because the

10 only -- the basement is not going to

11 create any new tenancy, it's only going

12 to be to accommodate the existing tenants

13 on the first and second floor, so that's

14 the number that, that the applicant is

15 saying should be the basis for what the

16 parking calculation are.

17 MR. RICHMOND: That's exactly it.

18 The basement will not be a

19 traffic generator in itself.

20 MR. WEINBERG: Absolutely.

21 Everything built according to building

22 code, all proper egress being provided.

23 MR. BEHN: So I think that should

24 be a map note as well, that if the

25 kitchenette and lounge area is permitted,

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2 MR. BEHN: In my mind, it makes

3 it a place of assembly.

4 MR. MACHLIS: We'll make sure

5 that it complies.

6 MR. CASTRO: That's a whole

7 other 4,000 square feet.

8 That's another -- each level is

9 4,000 square feet.

10 MR. MACHLIS: Yeah.

11 MR. CASTRO: So that's another

12 additional 4,000 square feet of use in

13 that basement area.

14 MR. MACHLIS: Yeah. But the

15 utility area in the basement is going to

16 be about 800 square feet in -- by itself,

17 between the electrical room, sprinkler

18 room, everything else.

19 MR. KAUKER: I think it'd be

20 helpful if you provided an architectural

21 plan which will show the floor plan and

22 the layout.

23 MS. TOMM ADDONA: As it relates

24 to what's before -- obviously the

25 building code issues are incredibly

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2 it should be just for occupants of the

3 building and not to be used as a party

4 room to rent out, et cetera.

5 MS. TOMM ADDONA: Is the

6 applicant amenable to that?

7 MR. KONDOV: Yes.

8 MS. TOMM ADDONA: Thank you.

9 CHAIRMAN ALDRIDGE: And also

10 something stating that the basement will

11 not be used for any additional office

12 space or living space.

13 MS. TOMM ADDONA: Anything that

14 would create additional occupancy in the

15 building.

16 And those could also be

17 conditions that this Board considers in a

18 resolution should you be inclined to

19 approve the application.

20 MR. CASTRO: I have a question.

21 Is there an area for snow removal

22 or to pile snow in the wintertime?

23 MR. WEINBERG: Yes. Once we get

24 more into the grading, we obviously want

25 to put it in an optimal area where it

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2 doesn't flow back into the parking lot.

3 So that will definitely be included and

4 will be noted on the plan.

5 MR. CASTRO: So that way it

6 doesn't take up spaces --

7 MR. WEINBERG: Absolutely. We

8 want it off the parking lot. And we also

9 don't want it that when it melts, it

10 sheets over the entire parking lot and

11 creates ice.

12 So as we get into further design,

13 we will have it, it will be shown in the

14 plan, I guess somewhere around here. But

15 like I said, we want it out of the way.

16 MS. TOMM ADDONA: And again, the

17 -- this is a preliminary presentation.

18 This Board will have further opportunity

19 to review the plans as they're further

20 developed in coordination with the

21 Planning Board application and the SEQRA

22 review.

23 MR. BEHRENS: Any other questions

24 from the Board?

25 CHAIRMAN ALDRIDGE: No, not at

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1 Proceedings

2 going to be an option

3 MR. BEHRENS: determination

4 would be better --

5 MS. TOMM ADDONA: Right.

6 MR. RICHMOND: Even though -- I

7 just -- to clarify, Christie, so even

8 though they meet the same night, I guess

9 it's not possible, I guess, to go Zoning

10 Board/Planning Board/Zoning Board.

11 I mean, if the Planning Board

12 might be amenable to issuing that decision --

13 I don't want to speak for them.

14 MS. TOMM ADDONA: I mean, we also

15 haven't heard from the Planning Board,

16 right --

17 MR. RICHMOND: Sure.

18 MS. TOMM ADDONA: -- about these

19 new changes to the plans either, so we

20 don't know what the Planning Board may be

21 --

22 (Electronic interruption.)

23 MS. TOMM ADDONA: We don't know

24 what the Planning Board may be inclined

25 to do and whether a SEQRA determination

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2 this time.

3 MR. BEHRENS: Christie, would we

4 be able to set the public hearing for

5 April at this point -- along with the

6 public hearing for the plan?

7 MS. TOMM ADDONA: That's up to

8 you.

9 The Planning Board is not going

10 to be making a SEQRA determination

11 tonight certainly, so you'd be opening

12 the public hearing on the Zoning Board

13 but the Zoning Board won't be able to

14 take action in April, so.

15 It depends upon whether or not

16 you want to keep the -- I mean it's

17 ultimately up to the Board whether you

18 keep the public hearing open for multiple

19 meetings. But that's -- procedurally,

20 that's -- you're here tonight so that the

21 Zoning Board could weigh in before a

22 SEQRA determination is made.

23 But because the Zoning Board

24 meets before the Planning Board, that's

25 -- when they meet in April, that's not

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1 Proceedings

2 would be issued in April anyway.

3 You're more than welcome -- if

4 you're going to be here for Planning

5 Board, come half-hour early, you can open

6 the public hearing and we'll see where we

7 are.

8 Unless the Board feels

9 differently?

10 CHAIRMAN ALDRIDGE: No. That's

11 fine.

12 MR. BEHRENS: Yeah, and we would

13 answer as soon as...

14 MS. TOMM ADDONA: So can the

15 board make a motion to call for the

16 public hearing to be opened on April 9th,

17 please?

18 CHAIRMAN ALDRIDGE: Can I get a

19 motion to that effect?

20 MR. MERRIWEATHER: So moved.

21 CHAIRMAN ALDRIDGE: Second?

22 MR. CASTRO: Second.

23 CHAIRMAN ALDRIDGE: It's been

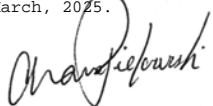
24 moved and properly second that we will

25 open a public hearing --

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1 Proceedings
2 MS. TOMM ADDONA: On April 9th.
3 CHAIRMAN ALDRIDGE: -- on April
4 -- what day?
5 MS. TOMM ADDONA: 9th.
6 CHAIRMAN ALDRIDGE: 9th.
7 All those in favor?
8 (Whereupon, all the Board members
9 responded "Aye.")
10 CHAIRMAN ALDRIDGE: Pass.
11 MR. WEINBERG: Thank you,
12 Members.
13 MR. BEHRENS: Thank you. We look
14 forward to seeing you.
15 CHAIRMAN ALDRIDGE: Thank you.
16 Is there any further business
17 before this Board today?
18 All right. Can I get a motion to
19 adjourn?
20 MR. MERRIWEATHER: So moved.
21 CHAIRMAN ALDRIDGE: Second?
22 MR. BRITO: Second.
23 CHAIRMAN ALDRIDGE: I's been
24 moved and seconded.
25 All those in favor?

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1 CERTIFICATION
2
3 STATE OF NEW YORK)
4) ss
5 COUNTY OF KINGS)
6 I, CHANA PIEKARSKI, a Shorthand Reporter
7 and Notary Public with an office for the State of New
8 York, do hereby certify:
9 THAT the foregoing transcript is a true
10 and accurate transcript of my original stenographic
11 notes.
12 IN WITNESS WHEREOF, I have hereunto set
13 my hand this 23rd day of March, 2025.
14 
15
16 CHANA PIEKARSKI
17
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2 (Whereupon, all the Board members
3 responded "Aye.")
4 (Time noted: 7:36 p.m.)
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1 Errata Sheet
2
3 NAME OF CASE: In Re: TOWN OF HAVERSTRAW ZONING BOARD OF APPEALS
4 DATE OF DEPOSITION: 03/12/2025
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 ____
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25

1 Errata Sheet

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17 From ____ to ____

18 Page ____ Line ____ Reason ____

19 From ____ to ____

20 Page ____ Line ____ Reason ____

21 From ____ to ____

22 Page ____ Line ____ Reason ____

23 From ____ to ____

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