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In Re:

TOWN OF HAVERSTRAW PLANNING BOARD MEETING

-----x

April 17, 2022
7:30 p.m.

Planning 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

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3 APPEARANCES:

4

5 SAL CORALLO, CHAIRMAN

6

7 ANTHONY GIZZI

8 GLENN WIDMER

9 ROBERT SAMBRATO

10 LESTER KAHN

11

12 GLENN McCREEDY, CONSULTING ENGINEER

13

14 CHRISTIE ADDONO, PLANNING BOARD ATTORNEY

15 MICHELLE CRAFFEY, SECRETARY

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1 Proceedings

2 CHAIRMAN CORALLO: I'd like to

3 welcome everyone to the Town of Haverstraw

4 Planning Board, April 13th, 2022. Would

5 everyone please stand for the Pledge.

6 (Pledge of Allegiance.)

7 Michelle.

8 MS. CRAFFEY: Sal Corallo.

9 CHAIRMAN CORALLO: Present.

10 MS. CRAFFEY: Glenn Widmer.

11 MR. WIDMER: Here.

12 MS. CRAFFEY: Joe Michalak.

13 CHAIRMAN CORALLO: Absent.

14 MS. CRAFFEY: Robert Sambrato.

15 MR. SAMBRATO: Here.

16 MS. CRAFFEY: Anthony Gizzi.

17 MR. GIZZI: Here.

18 MS. CRAFFEY: Alternate Lester Kahn.

19 MR. KAHN: Here.

20 CHAIRMAN CORALLO: Would someone

21 move for the adoption of minutes of

22 February 9th, 2022?

23 MR. SAMBRATO: I'll move that.

24 MR. GIZZI: Second.

25 CHAIRMAN CORALLO: Moved by

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2 Mr. Sambrato. Second by Mr. Gizzi. All those

3 in favor signify by saying "Aye."

4 (Whereupon, all the Board members

5 responded "Aye".)

6 CHAIRMAN CORALLO: Opposed?

7 So carried.

8 Would someone approve the minutes of

9 March 9th, 2022?

10 MR. WIDMER: I'll move that.

11 CHAIRMAN CORALLO: Moved by

12 Mr. Widmer.

13 MR. SAMBRATO: Second.

14 CHAIRMAN CORALLO: Second by

15 Mr. Sambrato. All those in favor signify by

16 saying "Aye."

17 (Whereupon, all the Board members

18 responded "Aye".)

19 CHAIRMAN CORALLO: Opposed?

20 So carried.

21 Before we start the meeting, we're

22 going, the Planning Board and our consultants

23 here, we're going to go into executive session

24 on the advice of our attorney.

25 MS. ADDONA: Mr. Chairman, if you

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1 Proceedings

2 can do that by motion.

3 CHAIRMAN CORALLO: Can I have a

4 motion to go into executive session?

5 MR. WIDMER: I'll move that.

6 MR. GIZZI: Second.

7 CHAIRMAN CORALLO: Second by

8 Mr. Gizzi. Motion made by Mr. Widmer, second

9 by Mr. Gizzi, to go into executive session.

10 We'll be right back. All those in favor

11 signify by saying "Aye."

12 (Whereupon, all the Board members

13 responded "Aye".)

14 CHAIRMAN CORALLO: Everyone is in

15 favor. Okay.

16 (Whereupon, there was a pause in the

17 proceedings.)

18 CHAIRMAN CORALLO: All right, I'd

19 like to have a motion to come out of session.

20 MR. WIDMER: I'll make that motion.

21 MR. GIZZI: Second.

22 CHAIRMAN CORALLO: All right.

23 Mr. Widmer, Mr. Gizzi. All those in favor

24 signify by saying "Aye."

25 (Whereupon, all the Board members

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1 Proceedings
 2 responded "Aye".)
 3 CHAIRMAN CORALLO: Opposed? So
 4 carried.
 5 First item on the agenda, Item
 6 Number 1, K'hal Bnei Torah of Mount Ivy, 62
 7 Riverglen Drive, Thiells, Section: 25.12,
 8 Block: 01, Lot: 31.
 9 SEQRA Review/Site Plan Approval.
 10 Convert Single Family home into a
 11 House of Worship. Expand structure, construct
 12 a parking lot, retaining wall.
 13 Continuation of a Public Hearing.
 14 MR. EMANUEL: Good afternoon,
 15 Mr. Chairman, members, Ira Emanuel, Emanuel,
 16 P.C.
 17 Mr. Chairman, as you said, this is a
 18 continuation of a public hearing. We have no
 19 new information for the board other than at
 20 the conclusion of last month's meeting we were
 21 approached by a few members of the public,
 22 neighbors who were talking to us, and
 23 basically they said, listen, we really are
 24 fine with the idea that there is a house of
 25 worship in our neighborhood, we are okay with

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 2 a lot of the stuff. These particular folks
 3 didn't even particularly care about the size
 4 of the house.
 5 What their concern was, was the
 6 encroachment into the conservation easement,
 7 and they asked us, they said, you know, would
 8 it be possible to reduce the size of the
 9 parking lot in order to reduce the impact on
 10 the conservation easement? We took a look and
 11 said, well, let's take a look at that, and we
 12 actually did send in a proposal to reduce the
 13 size of the parking lot and we spoke about
 14 this as you know, Mr. Chairman, with your
 15 consultants at your workshop meeting a couple
 16 of weeks ago, and it was the unanimous
 17 recommendation of your consultants, that we
 18 keep the parking lot at the size that it was
 19 because of the needs that we have.
 20 So I just wanted to put that out
 21 there to the neighbors that we did speak with,
 22 to let them know we did, in fact, in good
 23 faith make the proposal, and so, we are
 24 proceeding with the original proposal without
 25 any changes.

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 2 CHAIRMAN CORALLO: Okay. Thank you.
 3 Is the engineer on your side going
 4 to speak?
 5 MR. EMANUEL: No, not at this point.
 6 Unless there are questions.
 7 CHAIRMAN CORALLO: Very good. Thank
 8 you.
 9 I'd like to call up our consultant
 10 to come up, the transportation consultant.
 11 MR. VILLARI: Good evening. My name
 12 is Andrew Villari. I'm a traffic engineer
 13 with the firm Stonefield Engineering and
 14 Design and my office has been retained by the
 15 Town Board to review the application with
 16 specific focus on traffic and parking, and
 17 also prepare some potential recommendations
 18 for the Town Board to consider.
 19 Since this board is in the position
 20 to potentially vote on a SEQRA determination
 21 this evening, I thought I would be able to
 22 give the board a little summary of the back
 23 and forth that we've had with the applicant
 24 and their representations, and also, explain
 25 the proposed recommendation to the Town Board

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 2 for on-street parking.
 3 In the applicant's paperwork they
 4 have made the representation that there would
 5 be a maximum of 107 congregants in this
 6 building. They did so in Comment Response
 7 Number 3 to our February 2nd letter.
 8 What's important to keep in mind, is
 9 that with a facility that has 107 congregants,
 10 the maximum daily usage of this congregation,
 11 we asked them how many people would be there
 12 on a daily basis for the morning and evening
 13 prayer service. The applicant's
 14 representation is that there would be 25 to 30
 15 people on a daily basis for the morning and
 16 evening prayer services.
 17 There's 27 parking spaces proposed
 18 off street. There is a requirement from the
 19 Town Zoning Code that 37 be required and
 20 although not the purview of this board, they
 21 are requesting a variance of 10 parking spaces
 22 from the Zoning Board.
 23 With 27 parking spaces and a daily
 24 occupant load of somewhere between 20 and 30
 25 people, the board should feel comfortable that

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 2 37 off-street spaces should support that
 3 amount of parking. Just keep in mind, that
 4 people may drive together, car pool, one, two,
 5 three people in the same car, four people in
 6 the same car. You also have to consider the
 7 walkability of where this site is located in
 8 close proximity to where potential congregants
 9 live or may live in the future.
 10 The maximum days of operation when
 11 there could be 107 people in this building,
 12 are on the Sabbath and High Holy Days. With
 13 this type of religious use, the congregants
 14 are prohibited from driving on those days. So
 15 in essence, there is a traffic impact of net
 16 zero because zero people will be able to drive
 17 on those holidays.
 18 Now, there is the alternative for
 19 those congregants to arrive before sundown on
 20 the night before. There is the possibility
 21 that that could occur here. The town code
 22 does stipulate that no on-street parking is
 23 permitted overnight during the winter months.
 24 We did identify this as a problem for the
 25 applicant and they made the representation

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 2 traffic engineer, that there is sufficient
 3 width to have on-street parking on at least
 4 one side of the street and insufficient width
 5 for two-way traffic.
 6 As a fail safe for the event that
 7 there's not enough parking in the 27
 8 off-street parking spaces, we wanted to
 9 propose a plan as a fallback if there is a
 10 significant amount of on-street parking
 11 generated. We do not recommend that parking,
 12 on-street parking be added to both sides of
 13 the street. What would happen is that the
 14 overall width of the travel-way would be
 15 reduced and it really wouldn't function
 16 adequately or safely for two-way traffic. You
 17 have a 30 foot roadway with parking on each
 18 side, it would go down to basically a 14 foot
 19 roadway for two-way traffic. That just won't
 20 work.
 21 So what we recommend to the Town
 22 Board is to prohibit parking on at least one
 23 side of the street. Prohibit parking on the
 24 east side of the street, that's the opposite
 25 side of the street from 62 Riverglen Drive.

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 2 that they would make the congregation fully
 3 aware of this and if there are any violations,
 4 those vehicles will be fined or towed.
 5 That's a synopsis of my view of the
 6 traffic and parking component of this
 7 application. I'd like to now introduce an
 8 exhibit for the board that we've also put
 9 forth to the Town Board and now more recently,
 10 the Zoning Board.
 11 This is an exhibit prepared by my
 12 office. It is an aerial exhibit with the
 13 proposed site plan overlaid and also, the
 14 focus of this is for on-street parking
 15 regulations that we recommend the Town Board
 16 modify. The Town Board does have jurisdiction
 17 of any changes to on-street parking
 18 regulations. We did meet with the Town Board
 19 a couple of weeks ago to discuss the concept.
 20 Riverglen Drive is a 35 foot wide
 21 roadway. It is a standard residential street
 22 for the town. It's slightly oversized for
 23 two-way traffic. Minimum driving aisle or
 24 street width for two-way traffic is about 24
 25 feet wide. So that indicates to me as a

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 2 What that does is permit on-street parking on
 3 the west side of the street like in front of
 4 Riverglen and that was selected specifically
 5 so that congregants could get out of their
 6 cars if they so choose to park on the street
 7 and then walk directly into the facility
 8 without having to cross the street.
 9 The side of the street where parking
 10 would be prohibited is on the east side of the
 11 street. There's two residences there that
 12 would be impacted as a detriment to this
 13 proposal. No plan is perfect, but both of
 14 those residents are on corner lots where they
 15 have frontage on Dawson or Dunnigan. So it's
 16 not like those residents would not be
 17 prohibited from parking in the public
 18 right-of-way.
 19 So we just wanted to introduce this
 20 potential mitigation to the Planning Board
 21 since you're in the position to potentially
 22 vote on a SEQRA determination and the
 23 mitigation would be under the jurisdiction of
 24 the Town Board, so it's still under
 25 consideration for their approval. I'd be

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2 happy to answer any questions from the board

3 members.

4 CHAIRMAN CORALLO: I have a

5 question. In front off of Dunnigan and

6 Riverglen, you have a "no parking," from a

7 certain point to the corner. Can you tell me

8 what that is? I can't see a number. Is that

9 20 feet away, 30 feet away?

10 MR. VILLARI: Sure. You're

11 referencing Dunnigan, correct?

12 CHAIRMAN CORALLO: Well, no, on

13 Riverglen. From Dunnigan, how far is that

14 area making a turn in their -- you want to

15 make sure you have enough room because if they

16 can park on that one side and they're coming

17 up on the road here, somebody is coming

18 around, it could be kind of close.

19 MR. VILLARI: Mr. Chairman, is my

20 pointer on the area?

21 CHAIRMAN CORALLO: Yes, right there.

22 MR. VILLARI: So there's stop signs

23 at the intersection of Riverglen and Dunnigan.

24 And New York State Vehicle and Traffic Law

25 does prohibit parking within 30 feet of stop

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2 Someone at 60 Riverglen could use that

3 parking. It's not going to credit their

4 variance application.

5 CHAIRMAN CORALLO: Anyone else?

6 Okay. Thank you, Andrew.

7 MR. VILLARI: Thank you.

8 CHAIRMAN CORALLO: Anybody have any

9 questions on anything else?

10 All right. We'll open up to the

11 public hearing. Normally I limit it to three

12 minutes, but watching the ZBA, you weren't too

13 bad. So please raise your hand and I'll

14 recognize you and what I'm going to say is

15 just give her your name again.

16 MS. SHAPIRO: Good evening. I'm

17 Susan Shapiro. I'm an attorney who is

18 representing CUPON, Citizen's United to

19 Protect our Neighbors in Haverstraw, and some

20 of the neighbors adjacent to this application.

21 I prepared written comments that I'd

22 like to share with you. I'm not going to read

23 them to you. I hope you read them before you

24 make any determinations.

25 One of the things I really want to

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2 signs. So what we're envisioning is trying to

3 promote order to any on-street parking that

4 could occur in the future and the idea from

5 prohibiting parking from 30 feet is to improve

6 the visibility of that stop sign. If someone

7 parks right in front of it, you may not be

8 able to see it. And that's also the same

9 treatment at Dawson as well.

10 CHAIRMAN CORALLO: All right. Thank

11 you.

12 MR. KAHN: Just to be clear,

13 everything in red is no parking?

14 MR. VILLARI: Correct.

15 MR. KAHN: And the blue?

16 MR. VILLARI: Parking is permitted.

17 And if you were to add up how many vehicles

18 could be added in the blue, that would be 12

19 extra vehicles.

20 MR. KAHN: So they could put 12

21 vehicles on the street?

22 MR. VILLARI: That's correct. That

23 doesn't go towards the variances that they're

24 requesting. Those are all in the public

25 right-of-way. Anybody can use that parking.

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2 highlight tonight is that you're the lead

3 agency I understand, and that this is a

4 project that does have environmental impacts

5 not only because of the conservation easement,

6 because of the excessive and substantial use

7 variances, area variances and actually, the

8 change of use of the conservation easement

9 from being a conservation easement into being

10 a parking lot. That's a use variance. That

11 hasn't been applied for, but I believe needs

12 to be applied for.

13 So, first of all, I'm asking you as

14 lead agency, to complete the Part II and Part

15 II of the FEAF and acknowledge through a

16 positive declaration that there is

17 environmental impacts that are unavoidable,

18 both regarding traffic, visual impacts, zoning

19 impacts and a change to the community

20 character. They are asking for -- the

21 application is to increase a single family

22 home, the size of a single family home in a

23 residential neighborhood, threefold. That's a

24 big change. That's a substantial change.

25 No one is objecting to the religious

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 2 use. The Town of Haverstraw has very lenient
 3 zoning code and laws that support religious
 4 use and religious houses of worship. That's
 5 not the issue. The issue here is that what
 6 they're asking for is, they purchased a lot
 7 that has a lot of environmental constraints.
 8 Your code is very clear, conservation
 9 easements need to be protected by the town.
 10 Your code states that where there's a more
 11 restrictive standard, that's the standard that
 12 needs to be applied.
 13 So what they're asking for the town
 14 to do, is flip -- basically, abandon the well
 15 thought and well considered zoning codes that
 16 you've worked on for years. A lot of these
 17 codes are very old. Some of them go back
 18 before 2000, somewhere in the area of 2002.
 19 These aren't new codes that were enacted to
 20 prevent any kind of religious use of the
 21 property or house of worship. They're
 22 existing codes that apply to everybody in the
 23 town. And there's no reason -- RLUIPA does
 24 not require the town to throw away its codes.
 25 All it requires is for you to allow houses of

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 2 people in this congregation. Your consultant
 3 misrepresented it and said this congregation
 4 is 107 people. That's not true. Their own
 5 narrative says that's not true.
 6 So when you're looking at a
 7 congregation of 240 people, they came back and
 8 said, yeah, we want an 8,000 square foot plus
 9 structure. Originally they said they wanted
 10 that for 200 people, but then because there
 11 was issues with parking, they said, oh, we're
 12 only going to have 107 people at any time, so
 13 you only have to look at parking for 107
 14 people. But there's actually 240 maybe more
 15 people in this growing congregation. That
 16 means you need a minimum of 60 parking spaces.
 17 We're talking right now what's being applied
 18 for, is 27 parking spaces. That's not enough
 19 parking even with the 12 spots possibly on the
 20 street. That is just not enough parking.
 21 You're going to create a hazard to
 22 the people that live in the neighborhood, as
 23 well as the people in the congregation if you
 24 approve this without actually looking at the
 25 environmental impacts and doing a proper SEQRA

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 2 worship.
 3 If they want a house of worship in a
 4 single family home, first of all, your code
 5 requires that they apply for a Special Use
 6 Permit. That has not been done. It should be
 7 done. That's the procedure that should be
 8 followed. That's what your code requires.
 9 It then says that if there's more
 10 than 26 people that are going to be using a
 11 single family home as a house of worship, then
 12 the code, the bulk variance, the bulk
 13 standards that you've set for houses of
 14 worship apply. But the first step is you have
 15 to apply for a use variance, a Special Use
 16 Permit and that has not been done. So I ask
 17 that you follow your own procedures and follow
 18 it down properly.
 19 One major concern is, in their
 20 narrative and it goes to what the traffic
 21 consultant discussed, in their narrative it
 22 says that this is a congregation of 60
 23 families. So you're using an average, a small
 24 average size of a family, averaging four
 25 people per family. We're talking about 240

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 2 review and ordering a DEIS on these
 3 environmental impacts and going through the
 4 process properly. It's the fastest way for
 5 them to get where they want to go and for you
 6 to evaluate what mitigation measures should be
 7 enabled.
 8 So I ask you to follow that
 9 procedure. It will simplify the whole process
 10 and will give everyone an opportunity to look
 11 at what's really being proposed. They're
 12 asking for an 88 percent variance in the floor
 13 to area ratio. That's enormous. These are
 14 substantial variances they're asking for
 15 because they're trying to do something on a
 16 lot that is too small, that is too
 17 constrained. They knew that when they
 18 purchased this lot. They chose this lot and
 19 now they're asking you -- I almost feels like
 20 it's a test case. They're asking you to throw
 21 out your zoning laws, to throw out your bulk
 22 standards and just grant them whatever they
 23 want because they're a house of worship and
 24 they're threatening you with a claim of
 25 RLUIPA. That's a red herring. There is no

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 2 RLUIPA claim against the town of Haverstraw
 3 that can be brought.
 4 Haverstraw has one of most lenient
 5 codes with regards to houses of worship, but
 6 it set very reasonable standards and all we're
 7 asking is for you to abide by your own
 8 standards and not be bullied into granting
 9 something that you don't have to.
 10 One of the things that has not been
 11 included in this application which would be
 12 required if you do a positive declaration, is
 13 the site plan. I mean we don't have
 14 elevations. We do have a site plan. We don't
 15 have elevations. We don't have the actual --
 16 what's the structure inside? Are they going
 17 to be holding weddings on a regular basis and
 18 large gatherings? If so, 240 people is not
 19 enough. They may have 500 people. Who knows
 20 what kind of gatherings they're going to hold.
 21 If they really were honest in saying
 22 that we're only going to have 107 congregants,
 23 then they would reduce the size of the
 24 building voluntarily. Instead, they're still
 25 keeping the 8,000 square feet building that

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 2 requires payment of fair consideration for
 3 that.
 4 Now, I've heard people say that it
 5 is not a conveyance, we're just giving them
 6 permission. I think that quite frankly, is
 7 self-contradictory. As of now the town,
 8 entirely independent of the zoning code, and
 9 even if you were to appeal the zoning code
 10 tomorrow, owns that easement, gives us the
 11 right to maintain that conservation easement
 12 as an underdeveloped area.
 13 If we put a parking lot on it, that
 14 is a surrender of that easement forever and
 15 it's a conveyance. It's a conveyance without
 16 fair consideration and it's a conveyance in
 17 violation of the town law. I mean, it is also
 18 a gift of town property in my view, in
 19 violation of article, I think it's Article 8
 20 Section 1. And because of the circumstance
 21 that it is a conveyance of town real property,
 22 town property in general that can't be
 23 conveyed by gift. Because it is a conveyance
 24 of town property to a religious institution
 25 without consideration, it gives rise to what

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 2 they originally applied for. There's
 3 something that's not adding up. There's
 4 something that's not kosher. So please, we
 5 ask you to make a positive declaration --
 6 CHAIRMAN CORALLO: Thank you.
 7 MS. SHAPIRO: -- and move forward
 8 with the SEQRA review.
 9 CHAIRMAN CORALLO: Thank you.
 10 Who else would like to speak? Raise
 11 your hand.
 12 Sir, come on up.
 13 MR. MILLET: Marcus Millet, 19
 14 Ossman Drive, Pomona.
 15 I had submitted some written
 16 comments prior to the meeting. I don't know
 17 if you've had a chance to review them. I will
 18 not take the time of the board to read from
 19 them or to reiterate all the points, but I
 20 will say that the conservation easement is not
 21 a zone. It is real property owned by the
 22 town. And I cited to you an opinion of the
 23 State Comptroller General to that effect.
 24 Consequently, conveyance of that easement
 25 requires a 64(2) of the Town Board. It also

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 2 is in effect, a compelled donation from every
 3 resident in the Town of Haverstraw to the
 4 applicant. The applicant is a religious
 5 institution. I am sorry, but I do not feel
 6 that I am compelled, or any of my neighbors
 7 are compelled, to donate to a religious
 8 institution to which I do not adhere. That
 9 freedom from the right of the compelled
 10 donation, is really the basis on which all of
 11 our religious freedoms, including the right to
 12 free exercise and our glorious right to meet
 13 our neighbors of all religions and say, what
 14 you do in your town, in your church or
 15 synagogue or mosque or whatever the case may
 16 be, is none of my business because I'm not
 17 compelled to support it. That's what brings
 18 me here today. I think I've made my written
 19 comments clear, but again, an easement is not
 20 a zone and it can only be conveyed by the town
 21 board and only for fair consideration.
 22 CHAIRMAN CORALLO: Okay thank you.
 23 MR. CORITSIDIS: Thank you.
 24 Christopher Coritsidis, 60 Riverglen Drive. I
 25 submitted a statement earlier to the prior

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 2 board, so I'm going to offer a redacted
 3 version if you will, of my previous statement.
 4 So under the Town of Haverstraw goes
 5 is zoning code specifically Article 8, Part 2,
 6 which is entitled Specific Bulk Regulations,
 7 Section 167-58, House of Worship and other
 8 religious uses, it specifies specifically
 9 under item 5, the minimum side yard
 10 requirement of 35 feet, and under item 6, a
 11 minimum total side yard of 80 feet total.
 12 So, I had offered a survey of our
 13 own plot, 60 Riverglen Drive to the board
 14 earlier this evening, and on the survey as you
 15 can clearly see from our plot, or rather from
 16 the structure of our house to the property
 17 line, is 22.8 feet and then on 62 Riverglen
 18 Drive where the house of worship is proposed,
 19 from the structure to the property line is
 20 16.8 feet.
 21 Now, per town code, the requirement
 22 is that the minimum side yard is 35 feet. So
 23 that means that the applicant is in need of an
 24 additional 18.2 feet, and from my
 25 understanding and review of the code and the

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 2 of times before. I have a couple of small
 3 points. I had the opportunity to walk the
 4 property line on 62 Riverglen and see the
 5 grade of the property and I take exception to
 6 the engineering report that the applicant has
 7 submitted. If you look at that site plan the
 8 grading is -- looks like it's a jerrymandered
 9 democratic/republican type map. It looks like
 10 a quilt.
 11 So I would like an independent
 12 survey if possible, either the building
 13 inspector or whatever. My own calculations
 14 from looking at a topographical maps that
 15 apply to USG, shows that the house line, the
 16 rear wall and their deck from there to the
 17 property is at least, a 30-foot drop, and it's
 18 only about 120 feet. So that's 25 percent.
 19 At 25 percent now we're taking away, we can
 20 only count that as 50 percent, that area,
 21 50 percent. That takes 10,000 feet maybe off
 22 the acreage which puts them under an acre.
 23 So not only are they asking for six
 24 variances, a conservation easement to put a
 25 parking lot on, which I've given you guys

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 2 site plan, is that the only feasible way of
 3 achieving this would be to take 18.2 feet from
 4 our home property, which as you know is not
 5 only impossible, but very much illegal, and
 6 that was something that I wanted to share with
 7 you again this evening.
 8 And then I do have an open question
 9 for the gentleman who is assessing traffic
 10 safety. In your assessment, are you including
 11 pedestrian safety as well that are walking the
 12 street on Friday and Saturday not only
 13 vehicular safety, because on 60 Riverglen
 14 Drive there aren't any sidewalks to
 15 accommodate pedestrians, so you're walking
 16 directly on the road. So I was just wondering
 17 if that was being considered in the assessment
 18 for traffic safety.
 19 CHAIRMAN CORALLO: Thank you.
 20 MR. CORITSIDIS: Thank you.
 21 CHAIRMAN CORALLO: Anyone else?
 22 Sir.
 23 MR. CALLIGARIS: Eugene Calligaris,
 24 53 Riverglen Drive.
 25 I've been before the board a couple

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 2 photos of, which is a wildlife preserve so to
 3 speak. I've seen everything from red fox,
 4 woodchucks, deer, no bears. Okay? Those are
 5 the only things that I'd like to bring forward
 6 to the Planning Board.
 7 Thank you.
 8 CHAIRMAN CORALLO: Thank you.
 9 Anyone else?
 10 MS. HARPER: Maddalena Harper. I'm
 11 Maddalena Harper, representing
 12 CUPON-Haverstraw and I'm here to support my
 13 neighbors who feel their rights should be
 14 taken into consideration in making a decision
 15 for the use variance of the conservation
 16 easement.
 17 The Zoning Board and Planning Boards
 18 represent all the parties involved in making
 19 decisions to use the town's recognized
 20 conservation easement. The applicant knew the
 21 restrictions of the conservation easement just
 22 like all the adjacent neighbors. The
 23 neighbors are fine having 62 Riverglen being a
 24 house of worship and adhering to pre-existing
 25 town codes, but must they extend the home and

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2 subsequently, encroach on the conservation

3 easement that for the neighbors represents a

4 place of piece and tranquility and escape from

5 the hustle and bustle of everyday life,

6 something that they need for their mental

7 health?

8 Haverstraw is very permissible in

9 allowing all faiths to practice. It is very

10 lenient and accommodating, but I ask why

11 encroach on a conservation easement at the

12 expense of the mental health of the neighbors

13 who have been there for so many years?

14 I have four questions:

15 Why was the deed for the

16 conservation easement not filed, but only the

17 map was filed with the Rockland County Clerk?

18 This is one of the findings that I came across

19 while I was researching.

20 2. Has anyone on the ZBA and

21 Planning boards physically gone to the site?

22 3. Did the applicant approach the

23 neighbors and ask them if what their intent

24 was for 62 Riverglen before they started the

25 whole process? Neighbors meaning all the

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2 Now, if it's only going to hold 107 and you

3 have the 27 parking lots, why do they need 12

4 more parking lots on the street? You know, so

5 does that mean that there's going to be more

6 than 107 people there? And where does it say

7 that social room that supposedly nobody is

8 going to be in when the services are going on,

9 who is going to watch that to see that there's

10 not 200, 300, 400 people there? That's one of

11 my questions.

12 And then I have a question, my

13 property has an easement in the back. If you

14 measure my property, the guy in back of me,

15 his lawn belongs to me, okay, if you measure

16 out the property. Now, if you're not allowed

17 to take any trees down in that property,

18 supposed to be natural, his grass belongs to

19 me. If I have a dead tree there and these

20 trees are 60, 70 feet tall, if that falls on

21 that guy's house, am I responsible for it or

22 is the town responsible?

23 CHAIRMAN CORALLO: I can't answer

24 that.

25 MR. ROZYSKI: But it belongs to you

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1 Proceedings

2 neighbors around 62 Riverglen.

3 4. Why did they choose this

4 property knowing that there was a conservation

5 easement?

6 Thank you.

7 CHAIRMAN CORALLO: Thank you.

8 Anyone else? All right.

9 MR. ROZYSKI: My name is George

10 Rozyski. I have a question since I forget his

11 last name, their lawyer, Ira.

12 CHAIRMAN CORALLO: Emanuel.

13 MR. ROZYSKI: Sorry. Said that he

14 asked the residents after the last meeting,

15 did they care about any of the variances, the

16 parking lot and all this, all right. He

17 didn't be specific enough for me. Maybe he

18 just asked the people that live in the

19 congregation. But what about the rest of the

20 people, you know? So I understand, you know,

21 them saying yes, because that's what they

22 want, right?

23 And then the traffic guy turned

24 around and said, okay, we're going to leave

25 enough parking for 12 cars on the street.

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1 Proceedings

2 according to the lawyers.

3 MS. ADDONA: Yes, that's actually a

4 big misstatement. It's not town property.

5 The town has an interest in the property

6 through the conservation easement. So we're

7 comparing apples to oranges here.

8 MR. ROZYSKI: Well, nobody corrected

9 anybody, so I'm just going by what was said.

10 Nobody corrected what they said. But that's

11 my question. I need to know if I can't do

12 anything in that easement.

13 MS. ADDONA: The code authorizes the

14 Planning Board and the building inspector to

15 allow certain functions and activities in the

16 conservation easement. So you would have to

17 go to the Town Building Department and make an

18 application, submit a plan, submit your

19 proposal, just like the applicant here is

20 doing.

21 MR. ROZYSKI: For a dead tree?

22 MS. ADDONA: Yes.

23 MR. ROZYSKI: Well, I thought

24 according to what do you call it, Neiderman,

25 when he did it, he got fined.

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1 Proceedings

2 MS. ADDONA: Okay. There was also

3 fill involved and there was also no request

4 made --

5 MR. ROZYSKI: But what does that

6 have to do with the dead tree? He was taking

7 down dead trees. That's what he got fined

8 for.

9 MS. ADDONA: No, that's not correct.

10 MR. ROZYSKI: That's all I have.

11 Thank you.

12 CHAIRMAN CORALLO: Thank you.

13 MR. NEIDERMAN: Irwin Neiderman, 8

14 Stonecrest Drive, Thiells. I had a long thing

15 I was going to talk about, so maybe I'll read

16 it first and then try to answer what you've

17 said.

18 Yes, I pleaded guilty, okay, based

19 on what I was told and now I'm finding out

20 other things and I don't care, it's after the

21 fact.

22 I want to comment on the lawyer's,

23 the applicant's lawyer, Mr. Emanuel. Since I

24 was singled out in the letter for having

25 violations in the conservation easement.

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1 Proceedings

2 properties, my grandchildren playing in the

3 yard.

4 As of right now there are

5 approximately four trees that I did take out

6 that were within the conservation easement.

7 Everything else had fallen the last 35 years,

8 plus what's on the sides. I now have three

9 major trees that have fallen. I was told, and

10 that's why I said this to you, by the building

11 department, that I could not touch those

12 trees, you leave them in the conservation

13 easement and they will die and come back as

14 dirt. It's a danger. I was told I cannot

15 take them out. One of them was the biggest

16 tree in there. Luckily, it fell from my

17 neighbor's conservation easement into mine.

18 If it had fallen in the wrong direction it

19 would have hit my house. That's how high

20 these trees are.

21 I did not remove 70 or 80 percent of

22 my conservation easement that this applicant

23 seeks to do with theirs. That would be

24 drastic change. You can come my home, you can

25 see what was disturbed, then filled, grass

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1 Proceedings

2 MS. ADDONA: Can I just clarify, you

3 were singled out in the letter that was

4 submitted by the town and not by the

5 applicant.

6 MR. NEIDERMAN: Okay, I'll accept

7 it, but I was in the letter. Yes, I pleaded

8 guilty after being told the easement had been

9 dedicated to the town which stated on my

10 appearance ticket as a violation on July 2nd,

11 2020. Mr. Emanuel states that the building

12 department advised him on March 18th in '21,

13 that no deed was recorded or accepted by the

14 town. Yet, eight months earlier I was told I

15 was in violation. I myself called the State

16 Conservation Division in September and yes, it

17 was never dedicated to the state, but they

18 said it was registered with the county as

19 considered an easement with all restrictions.

20 Does this mean our building

21 department was wrong about the establishment

22 of the easement? Who's telling the truth? I

23 only bring this up not to dispute what

24 Mr. Emanuel said. He calls it self-help. I

25 call it protection of my home, my neighbors'

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1 Proceedings

2 planted, as per state requirements in the

3 event of intrusion into the easement. I also

4 did not construct anything. There's still a

5 conservation easement with about four trees I

6 took from the edge.

7 Let me be clear. I have no problem

8 with a house of worship. For four years I've

9 watched my neighbor's conduct services in

10 their homes. No one complained even though

11 the town had a meeting here four years ago,

12 advised -- everyone was very nervous -- that

13 there's an adequacy law based on square

14 footage. That was never policed by the

15 department. One of my guests is putting up a

16 structure that will be three times larger than

17 anything we have now, let alone a parking lot.

18 You say they will not have more than 107

19 members in the synagogue. But this additional

20 building lot will be more like a family

21 center.

22 This has been asked by or people,

23 how many more people will they accommodate?

24 My new neighbors say they love this

25 neighborhood. So do we. That's why we moved

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1 Proceedings
 2 here, but not to change it. Especially, if
 3 the structure is built with the synagogue.
 4 But if the town modifies the proposal, I know
 5 the town could be sued. The town could be
 6 sued. That's being a good neighbor? We all
 7 end up paying legal costs through taxes. That
 8 appears to be the town's concern in my
 9 opinion.
 10 The town has made a decision -- the
 11 town has to make a decision that benefits the
 12 whole community, not based on the decision of
 13 not wanting to be sued. Stop being scared and
 14 make a decision based on logic, such as the
 15 character of this neighborhood, single family
 16 homes surround by the conservation easements.
 17 Isn't this the reason why our new neighbors
 18 moved here?
 19 And I have last one last question.
 20 Has anyone in the town who represents all the
 21 people suggested a different site that could
 22 accommodate this applicant. I'm not sure who
 23 owns the property, but I'd look at the side of
 24 Rt. 202 next to the police station. If this
 25 is town property, we could bring in revenue

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1 Proceedings
 2 learn the tradition of the good guys and the
 3 bad guys of the country I was going in, so I
 4 would be able to give fair and good
 5 assessments. I ask you all to do the same
 6 thing. It seems like some people have already
 7 asked you to do that. Walk the property, go
 8 out there and imagine that it is your
 9 property, that this is you out there and you
 10 live right down the street, you live across
 11 the street, you live next to the place where
 12 this easement, where the property, where all
 13 this stuff is being suggested. And say to
 14 yourself, okay, do I want this being here
 15 knowing that I moved here without that because
 16 that's what I had to do when I had to give my
 17 assessments. And when I gave my assessments
 18 to my commanders, I made sure I gave them,
 19 well, this is what is most likely to happen,
 20 and that was a little bit of the good and a
 21 little of the bad, but I was able to do that
 22 because I went and I understood to the best
 23 training that I received, it allowed me to
 24 give assessments that were really, really on
 25 point.

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1 Proceedings
 2 for the sale and keep the tax structure for 62
 3 Riverglen.
 4 Thank you.
 5 CHAIRMAN CORALLO: Thank you.
 6 Anyone else? Sir, come on up.
 7 MR. HARPER: Ken Harper. I'm not
 8 sure if I spoke to you guys the last time.
 9 Ladies and gentlemen, I'm not sure if I spoke
 10 to you before. I'll be really quick.
 11 I'm new to these proceedings. I'm
 12 not in the area, but I served in the military
 13 for 33 years. I was an intelligence officer
 14 and I was always about good versus evil, good
 15 versus bad. It was always very important to
 16 me. As I listen to everything that's taking
 17 place as an intel officer, what I learned was,
 18 oh, what I had to do for my commander was I
 19 provided a best case scenario, a worst case
 20 scenario and the most likely scenario.
 21 You guys and ladies are being
 22 presented with best case scenarios on one
 23 side, worst case scenario on the other side.
 24 I ask you all when I received my training I
 25 had to go through cultural training. I had to

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1 Proceedings
 2 We trust you all on the board to
 3 give an assessment that's going to be really,
 4 really on point. Understand what your
 5 neighbors, what these neighbors, what everyone
 6 is going through. They made decisions knowing
 7 what they were getting into. Knowing what
 8 they had. Knowing what they wanted. It's
 9 important that as you all make that decision,
 10 we keep in mind, did you know what you were
 11 getting into when you purchased this? Did you
 12 know what you were getting into when you made
 13 this decision that you wanted this, that and
 14 the other thing?
 15 And the truth is, given first, like
 16 they've already said, I wanted 200 people, now
 17 I want 100 people, but I'm keeping everything
 18 the same. If I'm giving my commander
 19 assessment, I'm like, listen, ma'am, sir, the
 20 first one is the truth, they kept it real when
 21 they told you truth right then and there. I'm
 22 trying to scale it back, well, we'll be able
 23 to get it there, we just got to get our foot
 24 through the door and we're going to wedge it
 25 in. That's what I would let my commander know

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1 Proceedings
 2 because that's what make sense.
 3 You have to do what makes sense and
 4 it makes sense if you look at it logically and
 5 I know here everyone here is going to. But I
 6 ask you to try to put yourself into every one
 7 of these peoples' shoes, understand what
 8 everyone is looking for, what everybody wants,
 9 and just do us fair. Please just do us fair
 10 and try to imagine that it's you that's being
 11 affected. That's all I have to say. Please,
 12 let's look out for everybody.
 13 Thank you.
 14 CHAIRMAN CORALLO: Thank you.
 15 Anyone else?
 16 MR. MILLET: I thought I heard the
 17 counsel for the board say that an easement is
 18 not property owned by the town. I will
 19 respectfully direct counsel's attention to the
 20 opinion of the State Comptroller that's
 21 absolutely the reverse. It is property and it
 22 is subject to 64(2) and I will respectfully
 23 ask that if this board is not convinced by me,
 24 and I'm nothing special, refer it back to the
 25 state comptroller for a further opinion.

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1 Proceedings
 2 Which is it? Because they're ready
 3 to fall on the back of my property. I've
 4 already had one tree from the back of the
 5 easement fall onto my property and destroy a
 6 shed, a dog run and a dog house. Which is it
 7 going to be? Are we going to stand up for
 8 what is rightfully told to us?
 9 I have a tree company coming to take
 10 care of my trees and prune some trees on my
 11 property this Friday. I had to tell them I
 12 didn't want to do the trees on the easement
 13 because I am afraid that if something did
 14 happen because there's a pipe underneath
 15 there, what if I crack it or they crack it,
 16 rather. That should be their responsibility
 17 to take those trees down, not mine, not a
 18 neighbor who isn't even aware of it that moved
 19 in a couple of years ago. What are we
 20 debating here? We're debating the fact that
 21 everyone -- you know, we can all work
 22 together.
 23 There must be a better site location
 24 instead of just zeroing in on this inadequate
 25 facility and area for a church to go up and if

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1 Proceedings
 2 MS. ADDONA: That opinion was about
 3 a different type of easement, under different
 4 circumstances.
 5 MR. MILLET: First of all, an
 6 easement by definition is property. Right,
 7 it's legal property.
 8 MS. ADDONA: Look, I'm not going to
 9 get into a legal argument with you. It's my
 10 job to counsel the board and I will do that
 11 accordingly.
 12 MR. MILLET: Thank you.
 13 MR. NIFOROS: Hello everyone. It's
 14 been a long evening. My name is Nick Niforos.
 15 I'm a resident of Thiells.
 16 I have an easement on the back of my
 17 property that I was told by the Highway
 18 gentleman, Mr. Worgo (phonetic) because
 19 there's two trees back there that are pretty
 20 much the way this microphone is standing right
 21 now and I was told by Mr. Worgo that I could
 22 not do anything to touch those, but I should
 23 tell my neighbor who I've never even met who
 24 lives on the other side of the property, that
 25 it is his responsibility.

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1 Proceedings
 2 they need someone to pour cement, I'll
 3 volunteer. But I'll also volunteer if you
 4 need me to go and count the cars that are
 5 going to be outside of this synagogue and 107,
 6 right, people. Do we really think that
 7 there's only 107 people, that there's only two
 8 people or four people per family? I alone
 9 have five in my family.
 10 So what are we saying? What are we
 11 debating about something that makes absolutely
 12 no sense. The gentleman, they did not go out
 13 and look for any other property that might
 14 have been more suitable. No, of course not.
 15 Why should they? They just want to ram
 16 something through because, you know, we're
 17 unreasonable people. No. It doesn't work
 18 that way. It doesn't work that way, folks.
 19 We should stand up for what is legally right.
 20 CHAIRMAN CORALLO: Thank you.
 21 All right. Not seeing anyone else
 22 wanting to speak, we're not going to close the
 23 public hearing tonight. It will be a
 24 continuation of the public hearing to the
 25 meeting on May 11th.

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1 Proceedings

2 MS. ADDONA: Mr. Chairman, I made a

3 recommendation to the Zoning Board in their

4 meeting earlier that in continuing the Public

5 Hearing the Board put a restriction on the

6 submission of any written comments to seven

7 dates before the next meeting so the board can

8 have all information that is pertinent to the

9 application or from the public in front of

10 them before they attend the next meeting.

11 CHAIRMAN CORALLO: Somebody approve

12 that motion.

13 MR. WIDMER: Move that.

14 CHAIRMAN CORALLO: Approved by

15 Mr. Widmer.

16 MR. KAHN: Second.

17 CHAIRMAN CORALLO: Second by

18 Mr. Kahn. All those in favor signify by

19 saying "Aye."

20 (Whereupon, all the Board members

21 responded "Aye".)

22 CHAIRMAN CORALLO: Can I have a

23 motion to adjourn?

24 MR. GIZZI: I'll make that motion.

25 MR. SAMBRATO: Second.

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1

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


3

4

5 Certified to be a true and accurate

6 transcript of the stenographic minutes taken

7 within.

8 

9

10 Debbie Kline,

11 Senior Court Reporter.

12

13

14 Dated: April 17, 2022

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2 CHAIRMAN CORALLO: Motion to adjourn

3 by Mr. Gizzi. Second by Mr. Sambrato. All

4 those in favor signify by saying "Aye."

5 (Whereupon, all the Board members

6 responded "Aye".)

7 CHAIRMAN CORALLO: So carried.

8 Thank you, everyone.

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1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 04/17/2022

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

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