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CONDENSED

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In Re:
TOWN OF HAVERSTRAW PLANNING BOARD MEETING

-----x

July 13, 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 JOSEPH MICHALAK
8 ANTHONY GIZZI
9 GLENN WIDMER
10 LESTER KAHN
11
12 GLENN MCCREEDY, CONSULTING ENGINEER
13
14
15 CHRISTIE ADDONO, PLANNING BOARD ATTORNEY
16
17
18
19
20
21
22
23
24
25 MICHELLE CRAFFEY, SECRETARY

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1 Proceedings
2 of May 11th, 2022. I have just a few changes
3 on that. Page 26, line 21, it should say 2300
4 square feet, not 4300 square feet. And Page
5 42, line 25, should be 107, not 1077. Would
6 someone please approve the minutes of May 11th
7 as amended?
8 MR. WIDMER: I'll move that.
9 CHAIRMAN CORALLO: Moved by
10 Mr. Widmer.
11 MR. MICHALAK: I'll second.
12 CHAIRMAN CORALLO: Mr. Michalak.
13 All those in favor signify by saying "Aye."
14 (Whereupon, all the Board members
15 responded "Aye".)
16 CHAIRMAN CORALLO: So carried.
17 Would someone move on the minutes of
18 June 8th, 2022?
19 MR. WIDMER: Move that.
20 MR. GIZZI: Second.
21 CHAIRMAN CORALLO: Moved by
22 Mr. Widmer. Second by Mr. Gizzi. All those
23 in favor signify by saying "Aye."
24 (Whereupon, all the Board members
25 responded "Aye".)

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1 Proceedings
2 CHAIRMAN CORALLO: We're going to
3 start the meeting. Good evening, everyone.
4 Welcome to the Town of Haverstraw Planning
5 Board, July 13th, 2022. It's after 7:30.
6 Would everyone please stand for the Pledge.
7 (Whereupon, the Pledge of Allegiance
8 was recited.)
9 CHAIRMAN CORALLO: Would the
10 secretary please read the roll call.
11 MS. CRAFFEY: Sal Corallo.
12 CHAIRMAN CORALLO: Present.
13 MS. CRAFFEY: Glenn Widmer.
14 MR. WIDMER: Here.
15 MS. CRAFFEY: Joe Michalak.
16 MR. MICHALAK: Here.
17 MS. CRAFFEY: Robert Sambrato.
18 CHAIRMAN CORALLO: Absent.
19 MS. CRAFFEY: Anthony Gizzi.
20 MR. GIZZI: Here.
21 MS. CRAFFEY: Lester Kahn.
22 MR. KAHN: Here.
23 CHAIRMAN CORALLO: Quorum is
24 present.
25 We'll do the adoption of the minutes

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1 Proceedings
2 CHAIRMAN CORALLO: Opposed?
3 So carried.
4 We'll do Chase Bank, 58 West Ramapo
5 Road, Garnerville, Section 26.09, Block: 05,
6 Lot: 45.
7 MS. ADDONA: Mr. Chairman, I'm going
8 to read the Notice of Public Hearing for the
9 record.
10 "Please take notice that the Town of
11 Haverstraw Planning Board does hereby schedule
12 a public hearing to consider the application
13 of Chase Bank, 58 West Ramapo Road,
14 Garnerville, for Site Plan Approval to install
15 a new ATM and Canopy in the existing raised
16 concrete island.
17 Said property being located on the
18 West side of Rosman Road and corner of West
19 Ramapo Road and Rosman Road.
20 Said property is located on the Town
21 of Haverstraw Tax Map as Section 26.09, Block
22 O5, Lot 45.
23 Said Public Hearing shall be held on
24 Wednesday, July 13th, 2022 at 7:30 P.M. in the
25 large meeting room of Haverstraw Town Hall,

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1 Proceedings
 2 One Rosman Road, Garnerville.
 3 All interested parties are invited
 4 to attend and will be heard by the Board.
 5 By Order of the Planning Board of
 6 the Town of Haverstraw.
 7 Sal Corallo, Chairman, Christie Tomm
 8 Addona, Planning Board Attorney, Annette
 9 Hendrie, Secretary. June 15, 2022."
 10 CHAIRMAN CORALLO: Thank you.
 11 Good evening. Would you explain
 12 your project again.
 13 MR. ATZL: Good evening. John Atzl,
 14 of Atzl, Nasher & Zigler. We're the surveyors
 15 and engineers for the project.
 16 This application is for the
 17 installation of an ATM machine. It's actually
 18 a Chase Bank which is right next door. Right
 19 now there's presently one drive-through aisle
 20 and the ATM will be an adjacent drive-through
 21 aisle which was actually a former
 22 drive-through aisle for the bank many years
 23 ago, Bank of New York.
 24 The only area of disturbance will be
 25 just for the construction and installation of

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1 Proceedings
 2 to any of the access points.
 3 CHAIRMAN CORALLO: Thank you.
 4 This is public participation on the
 5 Chase Bank. Anybody have any questions on
 6 what they're going to do there?
 7 Seeing no one has any questions, I'd
 8 like to close the public hearing.
 9 MR. WIDMER: Move that.
 10 CHAIRMAN CORALLO: Moved by
 11 Mr. Widmer.
 12 MR. MICHALAK: I'll second.
 13 CHAIRMAN CORALLO: Second by
 14 Mr. Michalak. All those in favor signify by
 15 saying "Aye."
 16 (Whereupon, all the Board members
 17 responded "Aye".)
 18 CHAIRMAN CORALLO: So carried.
 19 I'll ask our attorney to read the
 20 resolution on this.
 21 MS. ADDONA: Mr. Chairman, before I
 22 read the resolution there was one issue that
 23 was raised by the building inspector.
 24 Apparently, there are a few trees that are in
 25 pretty bad shape and appear to be dead.

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1 Proceedings
 2 that ATM. We've been to the workshop. We've
 3 made an application to the board. We've added
 4 the requested striping, requested bollards in
 5 the front of the bank to protect the bank
 6 building from vehicles, the pedestrian ATM in
 7 front of the bank will remain as well. This
 8 is just an additional convenience for
 9 customers whether they want to get out of
 10 their cars or walk to the ATM in front or
 11 drive around in back and use the ATM in the
 12 back.
 13 The drive-through will still remain.
 14 Other than that, it's a fairly simple project.
 15 The site is well landscaped. The only
 16 additional lighting will be down lighting for
 17 the ATM. Other than that, there will be no
 18 changes to the site.
 19 CHAIRMAN CORALLO: All right. We
 20 received a letter from the Department of
 21 Transportation. They have no problems because
 22 we're not doing anything on that road, but if
 23 do you anything that affects 202, we have to
 24 notify them and let them check it out first.
 25 MR. ATZL: There will be no changes

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1 Proceedings
 2 So as a condition of this resolution
 3 as part of the work that you're going to be
 4 doing on the property, the Board would like to
 5 see those trees removed and replaced, those
 6 trees that are identified by the building
 7 inspector.
 8 Do you see any issues with that?
 9 MR. ATZL: No, I don't see any
 10 issues with that. I'll confer with Mr. Behn
 11 as to which trees and then it will be noted on
 12 the plans.
 13 MS. ADDONA: Thank you very much.
 14 Application by Chase Bank.
 15 58 West Ramapo Road, Garnerville, NY
 16 10923.
 17 Tax Lot No. 26.09-5-45
 18 C (Commercial) Zoning District
 19 WHEREAS, the Applicant submitted a
 20 site plan application to the Town of
 21 Haverstraw Planning Board to install a new ATM
 22 and canopy in an existing raised concrete
 23 island along with related site improvements to
 24 the Property that is currently being used as a
 25 bank, ("The Proposed Project," and

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1 Proceedings
 2 WHEREAS, in support of the Proposed
 3 Project, the Applicant submitted a signed and
 4 sealed plan prepared by Atzl, Zigler & Nasher,
 5 P.C. dated August 20, 2021 and last revised
 6 May 27, 2022 entitled "Site Development Plan"
 7 (hereinafter the "Approved Plan"); and
 8 WHEREAS, this is a type II action
 9 under the State Environmental Quality Review
 10 Act ("SEQRA") and therefore no further
 11 environmental review is required; and.
 12 WHEREAS, the Planning Board opened a
 13 duly-noticed public hearing on this
 14 application at its meeting on July 13, 2022
 15 and members of the public having the
 16 opportunity to attend and be heard, the public
 17 hearing was closed on July 13, 2022; and
 18 WHEREAS, the Planning Board complied
 19 with the referral requirements of New York
 20 General Municipal Law Section 239-L and -M and
 21 the statutory time period to provide comments
 22 has elapsed, and
 23 WHEREAS, in response to the General
 24 Municipal Law referrals the Planing Board
 25 received a response from the Rockland County

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1 Proceedings
 2 Department, the County Department of Health,
 3 County Department of Planning, the State
 4 Department of Environmental Conservation, the
 5 Joint Regional Sewerage Board, the Suez 1
 6 Water District, the U.S. Army Corp of
 7 Engineers, and the Town of Haverstraw and this
 8 approval is conditioned upon the Applicant
 9 receiving any and all approvals/permits
 10 required by such agencies without material
 11 deviation from the Approved Plans.
 12 B. No portion of any approval by
 13 the Planning Board shall take effect until (1)
 14 all of the above-stated conditions are met,
 15 (2) the Approved Plans are signed by the
 16 Chairman of the Planning Board and (3) the
 17 Approved Plans signed by the Chairman of the
 18 Planning Board are filed with the Building
 19 Department.
 20 2. Prior to issuance of a building
 21 permit, the Applicant shall complete the
 22 following:
 23 A. In accordance with Town Code
 24 Section 137-96(A) and Section A173-10(D), the
 25 Applicant shall provide a performance bond in

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1 Proceedings
 2 Department of Planning dated June 22, 2022
 3 recommending approval without any comments or
 4 modifications and a response from the New York
 5 State Department of Transportation ("DOT")
 6 dated June 23, 2022 stating that it did not
 7 anticipate any impacts from the Proposed
 8 Project but advised any work within the State
 9 Highway Right-of-Way would require a Highway
 10 Work Permit from NYSDOT; and
 11 NOW THEREFORE.
 12 BE IT RESOLVED: The within
 13 applications for preliminary and final site
 14 plan approval for the Proposed Project are
 15 granted with the following limitations and
 16 conditions:
 17 1. Prior to the signed of the
 18 Approved Plans by the Planning Board Chairman,
 19 the following conditions must be met:
 20 A. Applicant shall comply with all
 21 rules, regulations and requirements of any and
 22 all agencies, entities, departments, boards
 23 and municipalities with jurisdiction over the
 24 Proposed Project, including but not limited to
 25 the County Drainage Agency, County Highway

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1 Proceedings
 2 a form satisfactory to the Planning Board
 3 attorney and in an amount satisfactory to the
 4 Town Consulting Engineer based upon the cost
 5 estimate of the site improvements as shown on
 6 the Approved Plans to ensure adequate
 7 completion of these improvements.
 8 B. In accordance with Town Code
 9 Section A173-16(B), the Applicant shall
 10 provide escrow established based upon a
 11 percentage of the Town Consulting Engineer's
 12 cost estimate to ensure the site improvements
 13 can be inspected for compliance with the
 14 Approved Plans.
 15 C. To the extent work is going to
 16 be done in the State Highway Right-of-Way, the
 17 Applicant shall obtain the appropriate Highway
 18 Work Permit from DOT.
 19 D. The Applicant shall pay all
 20 outstanding monies owed to the Town in
 21 connection with the Planning Board and its
 22 consultants and staff processing, reviewing
 23 and preparing documentation on this
 24 application and any subsequent review required
 25 related to this site plan approval.

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2 3. In conjunction with the work

3 approved by this Resolution, once the Building

4 Department has issued a building permit, the

5 Applicant shall remove any trees on the

6 Property the Building Inspector determines to

7 be dead, diseased and/or hazardous and replace

8 those trees to the satisfaction of the

9 Building Inspector. Completion of this work

10 shall be a separate and additional requirement

11 to the issuance of a certificate of occupancy

12 for the Proposed Project.

13 4. All work shall be in strict

14 compliance with the Approved Plans and all

15 rules, regulations, laws and ordinances

16 governing the Site Plan and construction on

17 the site. In the event the Town Consulting

18 Engineer, Superintendent of Highways and

19 Building Inspector agree that, as a result of

20 conditions in the field, field changes are

21 necessary to complete the work of the Site

22 Plan and if in the opinion of the Town

23 Consulting Engineer and Building Inspector

24 such field changes are minor and do not have

25 any material impact on the overall design of

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2 and such other and additional civil and

3 criminal penalties as the courts may impose.

4 6. The Property shall be inspected

5 by the Building Inspector, the Town's

6 Consultant Engineer, and any other consultants

7 or professionals deemed necessary or

8 appropriate by the Building Inspector to

9 ensure that all construction, improvements and

10 modifications were done in accordance with all

11 applicable Federal, State and Local laws and

12 regulations and all professional standards and

13 guidelines prior to the field being

14 operational.

15 7. This application is granted

16 subject to the accuracy of the representations

17 made by the Applicant and its representatives

18 to the Planning Board in its written

19 submissions and during the public hearing and

20 if any material representation, whether or not

21 it is included in this Resolution, is found to

22 be inaccurate, at the discretion of the

23 Planning Board the Applicant shall be required

24 to make an application for an amended

25 approval.

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1 Proceedings

2 the Site Plan, traffic circulation and/or

3 drainage of the site, including but not

4 limited to roads, sewers and drainage, then

5 the Town Consulting Engineer and Building

6 Inspector may, upon filing of amended plans

7 which reflect such field changes, allow such

8 changes. In all other circumstances any

9 deviation from or change in the approved plans

10 shall require application to this Board for

11 amendment of this approval.

12 5. No work may be commenced on any

13 portion of the site without first contacting

14 the Building Inspector and Town Consulting

15 Engineer to ensure that all permits and

16 approvals have been obtained and all permit

17 fees paid and to establish an inspection

18 schedule. Failure to comply with this

19 provision shall result in the immediate

20 revocation of all permits issued by the Town

21 along with the requirement to reapply

22 (including the payment of application fees)

23 for all such permits, the removal of all work

24 performed and restoration to its original

25 condition of any portion of the site disturbed

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2 8. This Resolution shall be of no

3 force or effect unless and until there is full

4 compliance with all of its requirements.

5 Dated as of July 13, 2022.

6 CHAIRMAN CORALLO: All right. Thank

7 you.

8 Would someone like to approve this

9 resolution?

10 MR. GIZZI: I'll make the motion.

11 CHAIRMAN CORALLO: Motion made by

12 Mr. Gizzi.

13 MR. WIDMER: Second.

14 CHAIRMAN CORALLO: Second by

15 Mr. Widmer. 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. Five to zero in favor.

21 MR. ATZL: Thank you.

22 CHAIRMAN CORALLO: Thank you very

23 much.

24 Next item on the agenda is the

25 Learning Experience, 3 Ramapo Road,

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1 Proceedings
 2 Garnerville, Section 26.09, Block: 04, Lot:33.
 3 Site Plan Approval, SEQRA review. Develop
 4 site as a mixed use daycare facility retail
 5 2-story building.
 6 Presentation, Mr. Emanuel.
 7 MR. EMANUEL: Good evening,
 8 Mr. Chairman, members. Ira Emanuel, Emanuel
 9 Law, P.C., New City.
 10 Mr. Chairman, we're going to be
 11 very, very brief this evening. Just give you
 12 a little status update. We understand from
 13 conversations with the Board, that traffic
 14 impacts are the major concern that you have
 15 with respect to this proposal. We've been
 16 working with DOT and with Rockland County
 17 Highway Department with respect to that.
 18 Starke Hipp, who is our traffic consultation
 19 is here and he's here to update you.
 20 MS. ADDONA: I would also state for
 21 the record also, we did receive several GML
 22 responses and we do acknowledge that the
 23 applicant did submit responses to those, but
 24 due to the timing, the Board and the
 25 consultants have not yet had an opportunity to

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1 Proceedings
 2 submitted to them. I spoke with the reviewer
 3 on Tuesday, yesterday. They are in the
 4 process of conducting their review and they
 5 should have an update to us hopefully by
 6 Monday. We will obviously share that with the
 7 Board.
 8 And then regarding the Town's
 9 traffic consultant, Mr. Adler, his comments,
 10 we spoke in May, it was the last time we
 11 appeared before the board regarding the
 12 project. We reviewed his April 2022 comment
 13 letter. His outstanding comment about
 14 conducting a second traffic analysis now that
 15 the improvements by the state have been
 16 completed. We feel there's no value to that
 17 since we considered the improvements in the no
 18 build and build analyses as part of that
 19 traffic study that was submitted to the board
 20 for its review.
 21 So at this time I'm happy to answer
 22 any questions that the board has and --
 23 CHAIRMAN CORALLO: Well, until we
 24 get the report from the state, that's the more
 25 important thing then the other things that we

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1 Proceedings
 2 review that.
 3 MR. EMANUEL: That's understandable.
 4 We're not asking for any action tonight. We
 5 haven't even had a public hearing on this.
 6 The traffic is the threshold issue on this
 7 particular one and so we want to get much
 8 further down -- sorry, I was about to make a
 9 very bad pun there. We went to move much
 10 further along and that's the reason why we're
 11 here with the status update.
 12 CHAIRMAN CORALLO: All right. Thank
 13 you.
 14 MR. HIPPE: Good evening, members of
 15 the Board. Starke Hipp with Creighton Manning
 16 Engineering.
 17 As Ira said, we're here to just give
 18 you an update on the reviews being conducted
 19 by other agencies, as well as your traffic
 20 consultant. We spoke with -- we received
 21 Rockland County Highway Department's comments.
 22 We submitted a response to them this week. We
 23 received an e-mail from them today noting that
 24 they had no additional comments at this time.
 25 New York State DOT, we have

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 2 got from the Planning Department and the
 3 County and whatever else we get from the
 4 Highway Department, from the county, we can
 5 discuss with the applicant. My question is
 6 not to you right now.
 7 Mr. Emanuel, do we have to -- I can
 8 put this on for the next meeting or should we
 9 have a workshop and review because the
 10 Planning Department has like six, if I recall,
 11 questions. I know you responded to something,
 12 but I haven't compared them at all. Then if
 13 we get something from the state between now
 14 and the next meeting we can discuss it at the
 15 meeting. What's your --
 16 MR. EMANUEL: I think a workshop
 17 would be helpful, especially if we get
 18 something back from the state in the meantime.
 19 CHAIRMAN CORALLO: So that would
 20 mean the next time you would be here would be
 21 in September, whatever date that is.
 22 MR. EMANUEL: Okay.
 23 CHAIRMAN CORALLO: So what we'll do
 24 is we'll schedule the applicant and the
 25 engineer with all the information and do it on

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2 a workshop in August sometime.

3 MR. HIPPIE: If I may, Mr. Chairman,

4 if we could have the Town's traffic consultant

5 present at that work session, that would be

6 very helpful.

7 CHAIRMAN CORALLO: Sure.

8 MS. ADDONA: Yes, as soon as we have

9 a response from DOT and I'll reach out to

10 Mr. Adler and see if we can coordinate that,

11 but I would agree it would be productive

12 because one of the issues that we're going to

13 want him to weigh in on is one of the comments

14 he had made about whether there's a need to

15 update the traffic study that was done

16 previously.

17 And then just for the purposes of

18 what's outstanding, I did neglect to mention

19 as Mr. Emanuel knows, in addition to the GML

20 referral that was done for the Planning Board,

21 we also recently did the GML referral for the

22 town board's application because they are

23 going to need a zone change to the 202

24 Overlay.

25 So because this board is lead agency

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1 Proceedings

2 MR. HIPPIE: Not that I'm aware of,

3 but we can verify that before the work

4 session.

5 MR. WIDMER: So you're asking for

6 relief from a comment from the traffic

7 consultant. So let's just be sure that's

8 apples to apples because I mean the other

9 result would be just if you redo the study

10 which I know is a large undertaking, but

11 considering that you already took some

12 liberties, maybe it might just be a re-val of

13 what you already have, as opposed to doing

14 your traffic counts.

15 We also requested before, further

16 discussion about the queuing. What is the

17 street that comes down, the one that comes

18 over the mountain? We have several concerns.

19 I know the traffic study is not necessarily

20 reflecting that about the stacking because of

21 the forced egress from the facility onto

22 Central Highway, not necessarily on 202 to

23 make the left to go, I guess it would be

24 northbound. Has there been any further

25 evaluation to consider there, because the last

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1 Proceedings

2 for -- well, will likely be taking action

3 tonight to declare itself lead agency for a

4 coordinated SEQRA review, generally the

5 practice is for the Planning Board to do SEQRA

6 on all of the general applications before the

7 Board and then make a recommendation to the

8 town board on the zoning.

9 So in order to get a head of that,

10 we did a referral for the town application as

11 well. However, it has not been thirty days

12 since that happened either, so we should

13 expect that back in the next week or two.

14 MR. McCREEDY: Just a quick

15 question. Just a point to just get clarity

16 on. You mentioned your original analysis drew

17 conclusions with the current improvements that

18 are in place now on the 202 corridor?

19 MR. HIPPIE: Yes, we utilized the

20 approved plans that was utilized for the

21 construction of the improvements along the Rt

22 202 corridor.

23 MR. McCREEDY: Just to confirm,

24 there were no changes that were done that

25 would conflict with those plans?

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1 Proceedings

2 thing we want is to go through the process and

3 approve something and have eight cars backed

4 up in your parking lot.

5 MR. HIPPIE: I understand that concern

6 and that was a concern raised by Mr. Adler in

7 his June 20, '21 comment letter. We responded

8 to do in that an August response with queuing

9 diagrams indicating that there is queuing on

10 the roadway, but it only backs up to the

11 driveway, it does not extend past that

12 driveway.

13 I think what is important to note,

14 too, is that the driveway on that roadway's

15 frontage is as far back from the intersection

16 as it possibly can be. And it's the same with

17 the driveway on 202, it's as far west from the

18 intersection as it can be.

19 MR. McCREEDY: Okay. Something to

20 put on the record then, we have our concerns

21 for historical use, not necessarily with what

22 the traffic study is showing.

23 MR. EMANUEL: But that also points

24 to the imperative need for Mr. Adler to be at

25 the work session.

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2 CHAIRMAN CORALLO: One more thing.

3 I want to have a resolution approved that the

4 planning board would be the lead agency on

5 this project. Can I have a motion that the

6 Planning Board be lead agency?

7 MR. MICHALAK: I'll make the motion.

8 CHAIRMAN CORALLO: Motion made

9 Mr. Michalak.

10 MR. KAHN: I'll second.

11 CHAIRMAN CORALLO: Second by

12 Mr. Kahn. All in favor signify by saying

13 "Aye."

14 (Whereupon, all the Board members

15 responded "Aye".)

16 CHAIRMAN CORALLO: Opposed?

17 So carried.

18 CHAIRMAN CORALLO: Workshop

19 August 25th, all right?

20 MR. EMANUEL: Okay. Thank you.

21 CHAIRMAN CORALLO: Next item on the

22 agenda is K'hal Bnei Torah of Mount Ivy, 62

23 Riverglen, Thiells. Section 25:12, Block: 01,

24 Lot: 31. Site Plan Approval: Convert a

25 single family home into a House of Worship,

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1 Proceedings

2 CHAIRMAN CORALLO: All right. Thank

3 you.

4 Anybody on the board have any

5 questions at this time?

6 MR. WIDMER: Actually, I don't know

7 if it's been asked or not yet, have we gotten

8 a response back from the Fire Department?

9 Have they reviewed the --

10 MS. ADDONA: George, I believe the

11 Fire Department was reached out to several

12 times, right?

13 MR. BEHN: Right, there has been no

14 --

15 MS. ADDONA: George reached out to

16 the Fire Department on multiple occasions and

17 the Fire Department never responded.

18 MR. BEHN: I will reach out to them.

19 MS. ADDONA: For the record,

20 Mr. Behn said that there was a change in

21 leadership, so he will reach out to the Fire

22 Department again.

23 MR. EMANUEL: Thank you.

24 CHAIRMAN CORALLO: Okay. Anyone

25 else?

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2 expand structure, construct a parking lot,

3 retaining walls. It's a continuation of a

4 public hearing.

5 Do you have anything else to add

6 right now?

7 MR. EMANUEL: Just for the record,

8 Ira Emanuel, Emanuel Law P.C., New City,

9 attorney for the applicant.

10 Mr. Chairman, as this Board is

11 aware, this Board as lead agency granted a

12 Negative Declaration at its meeting last

13 month. As a result of that, the Zoning Board

14 of Appeals was free to make determinations.

15 It did that this evening and granted all of

16 the variances that were requested by the

17 applicant. So that aspect of it is now

18 closed.

19 This board, and subject obviously to

20 advice from counsel, this board now may

21 proceed at its pace, at its discretion to

22 proceed with the Site Plan application. We

23 have no other presentation this evening.

24 There has been no changes to the plans.

25 There's nothing new from us.

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2 This is a continuation of the Public

3 Hearing. I will start to call on people. We

4 have a three-minute limitation per speaker and

5 I will call people out and I have my clerk

6 down at the end, she's going to keep track of

7 time. One time for each person.

8 Who wants to speak first?

9 Come on up, sir.

10 MR. BORGES: Ken Borges. This is

11 about the Learning Center project.

12 CHAIRMAN CORALLO: Learning Center?

13 MR. BORGES: Yes.

14 CHAIRMAN CORALLO: You should have

15 done it at that point. That's not a public

16 hearing, so you have to wait until we get to

17 that point.

18 MR. BORGES: I think it's important

19 to say that I'd like to know like what these

20 issues are because I live there and I know

21 what's going to happen there when this project

22 goes about. So I got a lot of concerns about

23 what is going to happen there. You got

24 traffic issues and stuff like that. I'd like

25 to know what they are.

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1 Proceedings
 2 MS. ADDONA: If you contact the
 3 building department, they can provide you with
 4 all the records that have been submitted so
 5 far with respect to this application. As has
 6 been indicated, there will have to be public
 7 hearings on this application. That will be
 8 noticed and the public will have an
 9 opportunity to speak, but if you would like to
 10 have a discussion earlier than that about
 11 what's going on, you should reach out to the
 12 building department and they can help put you
 13 in touch with the appropriate people.
 14 MR. BORGES: Okay.
 15 CHAIRMAN CORALLO: Anyone else?
 16 Come on up.
 17 MS. AGUILAR: Nina Maria Aguilar, 16
 18 Harding.
 19 So I just want to point out because
 20 your code, conservation easement, and I know
 21 that's saved for the Planning Board and I
 22 proudly work with the world's top renown
 23 scientists and when this application came
 24 around I asked one of them, there's this word
 25 "conservation easement," what is this, you

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 2 words that are sought out and it's clear, it
 3 says the intent is, you know, for the
 4 protection and for the greater good of the
 5 land and environment. So the question is, how
 6 is a parking lot for the greater good because
 7 this sets a tone for future.
 8 MS. ADDONA: So the thing about what
 9 makes this property unique, is that it is a
 10 corner lot and it was a corner lot that was
 11 part of the subdivision when the properties,
 12 closer to I believe Dunnigan, were not yet
 13 developed. So it's the only one in that
 14 entire subdivision that has the entire corner
 15 that is a conservation easement. All the
 16 other ones are only in the rear abutting the
 17 parkland area.
 18 MS. AGUILAR: The other corner to
 19 Riverglen, the 2.3 acre property on the other
 20 end?
 21 MS. ADDONA: Like at the corner.
 22 Basically, the corner lot --
 23 MS. AGUILAR: That goes into
 24 Creekview? Again, it's not like it's the only
 25 one and just thinking the power of the tone

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 2 know, directed me to the town code and they
 3 were actually proud and they said, wow, this
 4 is great, Haverstraw is actually protecting
 5 the environment and there's a code in place
 6 that says the building inspector has the power
 7 and it's deemed for the greater good of the
 8 land and environment, science and, you know,
 9 bravo to the Town of Haverstraw.
 10 And then I hear a parking lot is
 11 kind of eating into it and I just kind of want
 12 to know, how is that beneficial to the
 13 environment? How is that beneficial or how
 14 does that correlate with the town code to say
 15 that's okay, because it's completely opposite
 16 of what --
 17 MS. ADDONA: The code does give the
 18 Planning Board discretion to determine what
 19 activities take place in an area that has been
 20 the -- sorry. We've talked about this before.
 21 It's called a conservation easement, but
 22 really what it is more of a zoning restriction
 23 and I think -- I agree with your assessment of
 24 the intent, but --
 25 MS. AGUILAR: I mean the intent in

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 2 that we're setting for the future and land and
 3 environment, I still can't wrap my head around
 4 how is this beneficial and how is this
 5 beneficial for the environment? This is your
 6 words and it makes no sense to me. It makes
 7 no sense to my co-workers that are scientists,
 8 you know. Even just the SEQRA review a lot of
 9 it was adopted, but there was no response to
 10 --
 11 CHAIRMAN CORALLO: Your time is up.
 12 We tried to answer that question for you.
 13 Thank you very much.
 14 MS. AGUILAR: And I hope, unlike the
 15 last board, it seemed like a decision was
 16 already made before people spent time, I spent
 17 my whole day wrapping my mind around laws and
 18 it kind of felt like it was nothing that a
 19 decision was made before I even walked in
 20 here.
 21 CHAIRMAN CORALLO: Thank you. Next.
 22 MS. HARPER: Maddalena Harper, 4
 23 Marino Boulevard.
 24 All right. I had a chance to review
 25 the proposal from the Rockland County

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 2 Department for the previous project. So I'm
 3 going to reiterate a couple of things that I
 4 found were interesting that really applied to
 5 this property, to this application.
 6 The statement from the Rockland
 7 County Department of Planning for the proposed
 8 Learning Center which is an area zoned for
 9 residential use, should be looked at with the
 10 same respect as 62 Riverglen. The county is
 11 concerned for the residential area that is
 12 located near the proposed site. The county
 13 states a warning which the Planning Board
 14 really needs to also apply to this proposal.
 15 The statement basically says, by
 16 granting variances for land use and allowing
 17 some structures a precedent will be set which
 18 will define the neighborhood community
 19 character. Other nearby property owners that
 20 also seek the same relief which will be built
 21 in community characterized by greater building
 22 mass and less green space, the Planning Board
 23 must consider the cumulative and community
 24 impacts of permitting such development. The
 25 Planning Board must consider how the proposed

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 2 existence of the conservation easement.
 3 Mr. Emanuel reminds the board that
 4 this application is for a religious use. He
 5 has a quote from New York and Federal Law that
 6 basically states that religious institutions
 7 are not exempt from local zoning laws and that
 8 a local zoning board is required to suggest
 9 measures to accommodate the proposed religious
 10 use while mitigating the adverse effects to
 11 the surrounding community to the greatest
 12 extent possible.
 13 The general public is continuously
 14 standing in front of the board explaining the
 15 adverse effect a structure of this size would
 16 have on the community. What measures has the
 17 board suggested? This is called a compromise.
 18 Where is the applicant willing to reduce the
 19 size of the structure to conform to the rest
 20 of the community's character? The slight
 21 reduction in size from the original plan still
 22 creates a structure four times the size of the
 23 average house in the area. This is not an
 24 example of a compromise.
 25 Additionally, New York State Law

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 2 development may substantially change the
 3 character of the predominately residential
 4 community prior to granting approval.
 5 Why is it that Rockland County
 6 understands those effects that overbuilding
 7 will do to a community, but the Town of
 8 Haverstraw does not?
 9 This is the second property that is
 10 requesting the variances. The applicant buys
 11 property which is not correct for the type of
 12 structures they wish to build. They are just
 13 expecting the town to give them what they
 14 want, no consideration for the effects on
 15 community character.
 16 There's been some discussion on the
 17 existence of the conservation easement. A
 18 letter from Mr. Emanuel to the Planning Board
 19 dated June 14th, 2021, Mr. Behn, the building
 20 inspector had a description of a conservation
 21 easement and that is the building inspector
 22 must give written approval for any activity to
 23 be conducted within the easement. Mr. Emanuel
 24 states that he agrees with Mr. Behn's
 25 assessment. So there's no dispute of the

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 2 states that a town board shall take into
 3 consideration one, whether an undesirable
 4 change will be produced in the character of
 5 the neighborhood or a detriment to nearby
 6 properties will be created by the granting of
 7 the variances. I ask, can you tell me the
 8 difference between these two square footage
 9 home right here --
 10 CHAIRMAN CORALLO: Can you come to a
 11 conclusion?
 12 MS. HARPER: Okay. Why one which
 13 was built in the 70's sold for 132K more than
 14 the other one which is new construction, why
 15 did it sell for 132K less? Well, because the
 16 one is in a nonconforming subdivision where
 17 everything looks the same. The other one is
 18 across the street from a multiple family home
 19 with a six car parking lot. The applicant's
 20 narrative fails to talk about the distinct
 21 undesirable change and impact this will have
 22 on a subdivision.
 23 CHAIRMAN CORALLO: Mrs. Harper, your
 24 time is up. I'm sorry. We've had a lot
 25 of public hearings. You've had a lot of time

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2 --

3 MS. HARPER: I fell like we really

4 haven't been heard.

5 CHAIRMAN CORALLO: I'm sorry, that's

6 the way it's going to work.

7 Who else wants to speak?

8 MS. HARPER: I feel like I'm

9 constantly being shut down.

10 CHAIRMAN CORALLO: You're not shut

11 down. You've spoken more times to this board

12 than anybody else. It's in the minutes. You

13 made your point.

14 MR. NEIDERMAN: Irwin Neiderman.

15 I've been here a few times.

16 Just a question I had in the

17 resolution from before you talked about only

18 107 people in the synagogue and then only 107

19 people can be in the area. It can only be one

20 and not both. Yet Mr. Emanuel talked before

21 about that women would be upstairs, which was

22 surprising to me. So does that mean that

23 they're part of the 107 or are they

24 additional? It's just a question I have.

25 The last thing is, she does have a

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2 okay, but who's going to adhere to it when

3 they can get away with everything they're

4 doing? I got in trouble for doing something,

5 I admitted, okay, and people in this town we

6 have all had a problem with the conservation

7 easement. You couldn't put the pool in, you

8 couldn't do this.

9 So why do we change because I have

10 new neighbors coming in who say I want to do

11 what I want in this neighborhood instead of

12 conforming to what we had when we all moved up

13 here. We have learned to live with this

14 environment. And I'm a Jewish person, okay, I

15 don't think God is going to kill me for

16 driving on Friday. I haven't read from the

17 Bible yet where he told me I couldn't. It was

18 the rabbi who said it. Thank you.

19 CHAIRMAN CORALLO: Thank you.

20 Who else?

21 All right. Seeing that no one else

22 would like to speak, I'd like to get a motion

23 to close the Public Hearing on this item.

24 MR. MICHALAK: I'll make the motion.

25 CHAIRMAN CORALLO: Made by

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2 right to talk a little longer.

3 CHAIRMAN CORALLO: She has.

4 MR. NEIDERMAN: She was bringing up

5 a different point.

6 CHAIRMAN CORALLO: You're using up

7 your time.

8 MR. NEIDERMAN: Then I'll go fast.

9 Everyday I drive by, I've taken videos. There

10 are 25 to 30 cars every morning, and yes,

11 there is traffic because people go to work.

12 What I don't understand is, they're using

13 right now 56 Riverglen. They're using the

14 garage as a place of worship. That's fine.

15 There can never be more than thirteen people

16 in there when, you have twenty-five cars out

17 there. They are overpopulated.

18 Nobody in this town has done

19 anything to see what's going on and I'm going

20 to worry that you're going to say 107 people.

21 Does that mean they have to count what's

22 happening? This has been going on for several

23 years. It's sort of like a blind eye to

24 what's really going on and that's what's

25 bothering me. If this is what the ruling is

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2 Mr. Michalak.

3 MR. WIDMER: I'll second.

4 CHAIRMAN CORALLO: Second by Mr.

5 Widmer.

6 MAN IN AUDIENCE: What are you

7 voting on?

8 CHAIRMAN CORALLO: We're closing the

9 Public Hearing. Nobody wanted to speak.

10 MAN IN AUDIENCE: We can't hear you.

11 CHAIRMAN CORALLO: You're hearing me

12 now. Motion made and second. All those in

13 favor for closing the Public Hearing on this

14 matter say "Aye."

15 (Whereupon, all the Board members

16 responded "Aye".)

17 CHAIRMAN CORALLO: Vote is five to

18 zero to close the Public Hearing.

19 The next meeting on this item will

20 be our meeting on August 10th.

21 That's it. Motion to adjourn?

22 MR. WIDMER: Move that.

23 MR. GIZZI: Second.

24 CHAIRMAN CORALLO: Moved by

25 Mr. Widmer. Second by Mr. Gizzi. All those

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2 in favor signify by saying "Aye."

3 (Whereupon, all the Board members

4 responded "Aye".)

5 CHAIRMAN CORALLO: So carried.

6

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1

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

3

4 Certified to be a true and accurate

5 transcript of the stenographic minutes taken

6 within.

7

8 Debbie Kline

9 Debbie Kline,

10 Senior Court Reporter.

11

12 Dated: July 19, 2022

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1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 07/13/2022

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 _____

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