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In Re:

TOWN OF HAVERSTRAW PLANNING BOARD MEETING

-----x

March 9, 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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2 APPEARANCES:
3 SAL CORALLO, CHAIRMAN
4 GLENN WIDMER
5 ROBERT SAMBRATO
6 ANTHONY GIZZI
7 LESTER KAHN
8 CHRISTIE ADDONA, ESQ., ASSISTANT PLANNING BOARD ATTORNEY
9 MICHAEL D. KAUKER, PLANNING CONSULTANT
10 GLENN MCCREEDY, TOWN ENGINEER
11 GEORGE T. BEHN, JR., BUILDING INSPECTOR
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Page 3

1 Proceedings
2 THE CHAIRMAN: Good evening, everyone.
3 Welcome to the Town of Haverstraw Planning Board
4 meeting March 9, 2022, 7:30 p.m. Will everyone
5 please stand for the pledge.
6 (Whereupon, the Pledge of Allegiance was
7 recited.)
8 THE CHAIRMAN: Can we please have a roll
9 call.
10 THE SECRETARY: Sal Corallo?
11 THE CHAIRMAN: Present.
12 THE SECRETARY: Glen Widmer?
13 MR. WIDMER: Here.
14 THE SECRETARY: Joe Michalak?
15 THE CHAIRMAN: Absent.
16 THE SECRETARY: Robert Sambrato?
17 MR. SAMBRATO: Here.
18 THE SECRETARY: Anthony Gizzi?
19 MR. GIZZI: Here.
20 THE SECRETARY: Alternate Lester Khan?
21 MR. KHAN: Here.
22 THE CHAIRMAN: A quorum is present.
23 Item No. 1, the K'hal Bnei Torah of Mount
24 Ivy, 62 Riverglen, Thiells, Section 25.12, Block
25 01, Lot 31.

Page 4

1 Proceedings
2 SEQRA review/site plan approval.
3 Convert a single-family home into a house
4 of worship. Expand the structure; construct a
5 parking lot and retaining wall.
6 This is a continuation of a Public
7 Hearing. I will have our attorney make a statement
8 first.
9 MS. ADDONA: Mr. Chairman, Members of the
10 Board, I received a letter today from Ken Borden as
11 acting President of Coupon of Haverstraw requesting
12 the Public Hearing be adjourned because he didn't
13 have the minutes of the February meeting. I will
14 work with town staff to get the minutes to
15 Mr. Borden and all members of the public as soon as
16 possible, but I do not see this as a basis to not
17 continue the Public Hearing this evening. There
18 have been ample opportunities for the public to
19 comment on this application, and the Board is not
20 in a position to take any action tonight, so the
21 Public Hearing will be carried over to subsequent
22 meetings, and so those wishing to make comments
23 based upon the February meeting minutes will have
24 an opportunity to do so in the future.
25 THE CHAIRMAN: Okay, thank you. So we

Page 5

1 Proceedings
2 will hold the minutes until our next meeting.
3 Before we start, I will have the applicant come up,
4 he's going to present -- bring us all up to date
5 with what's going on, and then we will discuss that
6 with the Board, after that I will open it up to the
7 public for their participation.
8 Again, I will allow three minutes per
9 person, and I will give you time to sign up. I
10 want everybody to sign the sheet up there and tell
11 the young lady your name. Will the applicant
12 please come up.
13 MR. EMANUEL: Thank you, Mr. Chairman.
14 Ira Emanuel, Emanuel Law, P.C., attorney for the
15 applicant. I have with me this evening also Ken
16 DeGennaro from Brooker Engineering, who is the
17 consulting engineer on the project.
18 Mr. Chairman, at the last meeting of
19 this, as you and the Board Members know and as many
20 members of the public here know, we made a full
21 presentation to the Board describing the nature of
22 the project, the changes that we're proposing for
23 the site, the use of the site, and we spent quite a
24 bit of time with that. We also made a presentation
25 earlier this evening to the Zoning Board of Appeals

Page 6

1 Proceedings

2 along the same lines, but we're not going to do

3 that again. If the Board has any questions with

4 respect to that, I will certainly answer them.

5 There is one question that was asked by

6 Mr. Widmer at the prior meeting, and I believe also

7 at the meeting before that with respect to the

8 extent of the use of the conservation easement.

9 Mr. DeGennaro is prepared to respond to that this

10 evening, and so before I go any further, I would

11 like to answer that question that has been hanging

12 out there.

13 THE CHAIRMAN: Thank you.

14 MR. DeGENNARO: So with respect to the

15 percentage of the driveway in the conservation

16 easement, we're handing out this map that we

17 prepared that shows the calculation. When it was

18 asked initially, we acknowledged that it was a

19 substantial number, and the calculated number is

20 89.8% of the parking area is in the conservation

21 easement. Further more, the question was also

22 asked with respect to the retaining wall in the

23 conservation easement, and the percentage of the

24 retaining in the conservation easement is 70.9%.

25 THE CHAIRMAN: Thank you.

Page 8

1 Proceedings

2 Board will also I'm sure have an opportunity to

3 discuss the matter with learned counsel,

4 Ms. Addona, who I know firsthand is well-versed in

5 these matters, and I'm sure she will advise the

6 Board appropriately.

7 Lastly, we received a letter from the

8 Board's traffic and parking consultant with respect

9 to parking and traffic matters. We submitted a

10 response dated February 28, 2022. There was also a

11 corrected version that was sent because we had some

12 directions mixed up, but that was the only change

13 that was made. In addition to that, there is a

14 cover letter that was dated March 4, 2022, from Ken

15 Degennaro who is our project engineer advising the

16 Board that he's reviewed the February 28th letter

17 that I wrote, concurs with it, and in fact supplied

18 some of the answers to that letter. We're happy to

19 go over aspects of that letter with the Board,

20 otherwise it stands on its own.

21 THE CHAIRMAN: In your letter, you

22 question some of the things of my traffic engineer,

23 right?

24 MR. EMANUEL: Yes, we do.

25 THE CHAIRMAN: Do you want to bring one

Page 7

1 Proceedings

2 MR. DeGENNARO: So further more, on that

3 plan, we do provide the overall encroachment into

4 the conservation easement and that number is 33.6%,

5 so that reflects -- and that's percent disturbed,

6 including land grading. So that really reflects

7 the significant amount of the rear portion, the

8 western portion of the conservation easement that

9 remains undisturbed.

10 MR. EMANUEL: Does that respond to your

11 question, Mr. Widmer?

12 MR. WIDMER: Yes.

13 MR. EMANUEL: Okay, thank you, and I

14 apologize for taking two weeks to get it to you.

15 MR. WIDMER: No worries.

16 THE CHAIRMAN: Continue.

17 MR. EMANUEL: Thank you. There was, at

18 the last meeting also read into the record and

19 handed up to the Board a letter from Susan Shapiro

20 who is the attorney for Coupon of Haverstraw, and

21 we respond by letter that was sent by e-mail to the

22 clerk on Sunday morning. Needless to say, we

23 disagree with Ms. Shapiro's conclusions, I'm not

24 going to go into that this evening, the Board will

25 have an opportunity to review that letter, the

Page 9

1 Proceedings

2 or two of them up? We have our traffic consultant

3 here.

4 MR. EMANUEL: Sure.

5 THE CHAIRMAN: Just so the public knows,

6 because of the situation, we went to the -- the

7 Town Board has hired a traffic consultant for us to

8 guide us along the way with various situations on

9 the road.

10 Okay, Mr. Emanuel.

11 MR. EMANUEL: There were numerous

12 questions with respect to the number of parking

13 spaces that would be required, there were questions

14 that went to how the house of worship would

15 operate. We did respond to that. There was one

16 assumption that we disagreed with from your

17 consultant, Mr. Villari, and that was that the

18 appropriate walking radius was one quarter of a

19 mile, and we felt that that radius was actually

20 much too small for this purpose, and frankly, for a

21 lot of other purposes.

22 As an example, I recently prepared work

23 with respect to a transit oriented district in

24 another community here in rock land county. In

25 doing that, I did some research, and there is an

Page 10

1 Proceedings
 2 organization called the Transit Oriented
 3 Development Institute, which is a national advocacy
 4 group for those districts, and transit oriented
 5 districts are districts which are oriented towards
 6 public transit centers, railroad stations, bus
 7 depots, that sort of thing, the idea being that if
 8 you want to think about developing within a
 9 walkable distance, to take advantage of those
 10 transportation hubs in order to reduce reliance on
 11 cars, individual cars, and individual vehicles.
 12 And the transit oriented development institute
 13 defines a reasonable walking distance as
 14 10 minutes. Well, that translates to a half a
 15 mile, not a quarter of a mile, so we took issue
 16 with the quarter-mile radius, and half a mile is a
 17 much more realistic catchment area for this house
 18 of worship.
 19 We then included a map that was prepared
 20 by Mr. Degennaro's office which showed the
 21 half-mile radius from the site. It goes down to as
 22 far as Route 202, it goes out to Rockland Road, but
 23 it also captures, in the northwest quadrant,
 24 parkland and empty land. So we have that, that's
 25 been submitted to you, we think that's an

Page 12

1 Proceedings
 2 people may not be able to attend, they may have to
 3 find other facilities. They would have liked to
 4 have done 200, that was --
 5 MR. WIDMER: Okay, but the map.
 6 MR. EMANUEL: That was the -- the
 7 original proposal, Mr. Widmer, was for a building
 8 that would hold 200 people. We certainly would
 9 have provided for the kind of growth that we're
 10 anticipating here. What will probably happen is if
 11 they have that kind of growth, they're going to
 12 have to find another facility, perhaps a satellite
 13 facility, or what often happens with Orthodox
 14 congregations, there will be another congregation
 15 that will be formed with another rabbi, but the
 16 building code is the building code, the site
 17 requirements are the site requirements, and they
 18 will adhere to it.
 19 And right now it's within the 60 that
 20 they're allowed to have where they're currently
 21 located. 50 or 60, I'm not sure of the exact
 22 number.
 23 THE CHAIRMAN: Anyone else? I'm going to
 24 call any consultant to come up here from Stonefield
 25 Engineering.

Page 11

1 Proceedings
 2 appropriate catchment area. Most of that area is
 3 well connected by streets, and so certainly easily
 4 walkable without having to go onto a major road
 5 like Route 202.
 6 So that was the one big disagreement that
 7 we had. The rest of it was responsive. And again,
 8 if there are specific things that you would like us
 9 to respond to orally, we would be happy to do
 10 that --
 11 THE CHAIRMAN: Thank you. Does anybody
 12 have any questions right now?
 13 MR. WIDMER: I have one question,
 14 Mr. Emanuel.
 15 MR. EMANUEL: Yes, sir.
 16 MR. WIDMER: So now 107 congregants is
 17 the number, but in one of your responses, I think
 18 it was in regards to the half-mile radius, you
 19 state 40 to 50 families live within that radius.
 20 MR. EMANUEL: Yes.
 21 MR. WIDMER: So I mean, 50 families,
 22 that's more than 107 congregants, am I correct?
 23 MR. EMANUEL: The congregation and I have
 24 never said different than that, this facility is
 25 built for 107 congregants, okay, that means some

Page 13

1 Proceedings
 2 Did you see Mr. Emanuel's response?
 3 MR. VILLARI: I have.
 4 THE CHAIRMAN: And what can you tell us?
 5 Do you agree? Disagree?
 6 MR. VILLARI: Just for the benefit of the
 7 record, my name is Andrew Villari, V-I-L-L-A-R-I,
 8 I'm a traffic engineer with the firm Stonefield
 9 Engineering & Design, and we have been retained by
 10 the Town Board to review the application with
 11 specific focus on the traffic parking and safety
 12 aspects of the project.
 13 For the benefit of the record, my firm
 14 did prepare a review letter of the documents
 15 previously received that was dated February 2nd,
 16 and then the applicant stated that they made a
 17 response that's also dated February 28, 2022, and
 18 then more recently, we did receive a letter from
 19 Brooker Engineering dated March 4th. We did only
 20 receive a copy of that yesterday, so I haven't been
 21 able to make a full review of all the project
 22 materials, but I would characterize that our review
 23 is ongoing at this point.
 24 We are going to continue to work with the
 25 town board to look at any mitigations or any

Page 14

1 Proceedings

2 recommendations that we can make to improve the

3 community. So at this point in time, the review is

4 ongoing.

5 THE CHAIRMAN: All right, thank you.

6 Anybody have questions on that? You will continue

7 your review, and technically you're going to

8 respond to the Town Board, because they're the ones

9 that hired you, and give them what recommendations

10 that we can incorporate; is that correct?

11 MR. VILLARI: That's correct.

12 MS. ADDONA: Yes, just because, depending

13 upon what Mr. Villari's review reveals and what

14 mitigation measures may be required, it may be

15 something that's outside the purview of this Board,

16 and that's why the Town Board may be the necessary

17 party to undertake those mitigation measures if and

18 when they're determined to be appropriate.

19 THE CHAIRMAN: All right, thank you.

20 MR. VILLARI: Thank you.

21 THE CHAIRMAN: Anyone else have any

22 questions?

23 All right, we will open it up to the

24 public. Raise your hand, come up, sign the book,

25 you have three minutes and so on.

Page 16

1 Proceedings

2 clearly irrelevant. I don't understand how this

3 Board has the authority to vacate the easement.

4 MS. ADDONA: It's not a vacating of the

5 easement, it's an authorization to allow for

6 certain work and activities to take place in the

7 easement. This conservation easement actually

8 predates that provision of law that you just cited

9 to, and so it's not governed by that law, it's

10 governed by the zoning code, and so the zoning code

11 does provide to give this Board the authority, upon

12 review, if someone comes to the town first, and I

13 think that's a very important distinction to make

14 based upon other circumstances that have been

15 brought up in prior meetings, the applicant is here

16 coming to the Planning Board, requesting relief

17 that is available to them by the zoning code. They

18 haven't done anything, they haven't gone and pulled

19 out any tree, they're asking for permission to do

20 that, and the zoning code authorizes that that can

21 be granted.

22 MR. MILLET: So it's the Town's

23 permission that this statute does not apply because

24 the easement was preexisting?

25 MS. ADDONA: Yes.

Page 15

1 Proceedings

2 MR. MILLET: Thank you for hearing me,

3 Marcus Millet, 19 Osman Drive.

4 THE CHAIRMAN: You signed it earlier.

5 MR. MILLET: I did.

6 MS. ADDONA: Mr. Millet attended the

7 Zoning Board, so your name should be on the list

8 already.

9 MR. MILLET: Thank you. I have a

10 question, really. I'm baffled, it seems that the

11 proponents of the project are seeking vacation or

12 modification of the conservation easement to allow

13 construction, and I don't understand, in view of

14 Environmental Conservation Law Section 490307, how

15 this Board or any Town body has the right to grant

16 that. I can read from the statute, I assume you're

17 familiar with it, counsel. It says a conservation

18 easement held by a public body outside the

19 Adirondack Park, so on and so forth, may only, and

20 the word, may only, be modified or extinguished

21 either as provided in the instrument creating the

22 easement, or in a proceeding pursuant to

23 Section 1951 of the real property actions and

24 proceeding law, or upon the exercise of power of

25 eminent domain, and then some other things that are

Page 17

1 Proceedings

2 MR. MILLET: I will take that under

3 advisement. Thank you for hearing me.

4 THE CHAIRMAN: You're welcome.

5 Next.

6 MS. AGUILAR: I was at the zoning meeting

7 as well, too. Nina Aguilar. As you guys know, I

8 like to ask a lot of rhetorical questions, so I

9 ask, when you look at 62 Riverglen from the street,

10 why is number 62 so pushed to the right and so

11 un-proportionated, considering the shape of the

12 property and how it's now steps away from number

13 60, which is the house to the right? Did the

14 developer want to be so close to those little ugly

15 green underground electrical boxes that are in the

16 front in between 60 and 62?

17 So that takes me to this map, I don't

18 know if I have enough copies. So it takes me to

19 this map from 1983 from the construction company of

20 who built the subdivision. When this property was

21 built, this particular property in the red box is

22 the applicant's lot. What the builder was allowed

23 to build on for the use of the home and driveway,

24 and basically what was allowed to be touched is in

25 this smaller box. Why is permission not being

Page 18

1 Proceedings

2 sought[sic] to use the conservation easement in

3 addition to the structure being so close to the

4 line of the easement in the back, or possibly

5 proposing or possibly being on it?

6 As everyone is aware, the property of

7 this applicant is the -- the property behind the

8 applicant is the home of the Minisceongo Creek --

9 which any native here might agree or disagree with

10 me, I'm old fashion, I spell it with the two Ns.

11 The run off and construction debris, or even just

12 everyday use, any sediment, ground soil, and let's

13 call it what it is, it disturbs the nature that we

14 protect.

15 THE CHAIRMAN: Thank you. Next.

16 MS. WASSERMAN: Andrea Wasserman, 18

17 Riverglen Drive. I just wanted clarification,

18 because I was confused where they said that if

19 they're driving on Friday night and they're leaving

20 their cars there because they can't drive again

21 until Saturday night, where are they going or

22 staying if they're not leaving in their vehicles?

23 How are they getting anywhere if they're not

24 sleeping there and they're not driving? So I just

25 wanted clarification, if no one is sleeping over in

Page 20

1 Proceedings

2 parking.

3 MS. WASSERMAN: I'm just confused, that's

4 all. I just thought I would get a little

5 clarification on it, if they're going to walk home

6 anyway and then walk back again in the morning, I

7 just didn't understand.

8 THE CHAIRMAN: Okay. Next, who wants to

9 speak? All right, nobody wants to speak, we will

10 close this part of the Public Hearing and we will

11 do a continuation of the Public Hearing on

12 April 13th at 7:30 p.m. You can get all the

13 information together, the ZBA will have some

14 answers for us.

15 MR. WIDMER: I make a motion to continue

16 the Public Hearing.

17 THE CHAIRMAN: Motion to continue the

18 Public Hearing to April 13th made by Mr. Widmer.

19 MR. GIZZI: Second.

20 THE CHAIRMAN: Seconded by Mr. Gizzi.

21 All those in --

22 AUDIENCE MEMBER: I just would like to

23 know when the minutes will be available for us?

24 THE CHAIRMAN: The minutes from

25 February 9th?

Page 19

1 Proceedings

2 the house, where are those people going? How are

3 they leaving?

4 THE CHAIRMAN: They drive up before

5 sundown -- you know, I'm not Jewish, so I don't

6 know, but they go before sundown then they can't

7 drive, they walk home and leave their car.

8 MS. WASSERMAN: So why can't they walk

9 home without their car? Why do they have to even

10 have their car there just sitting there? And then

11 there wouldn't be a need for a parking lot like

12 that.

13 MS. ADDONA: Just to be clear, parking is

14 required under the code. This is something that

15 they're proposing because they have to, because if

16 they didn't propose it, then they would need a

17 variance for 30-some-odd parking spaces, and that

18 would be problematic, as well. So if you want to

19 speak, you can just come up, but I just want to

20 make sure that that's clear, that that's why the

21 parking lot is proposed, because it's required to

22 be there.

23 MS. WASSERMAN: So they're not intending

24 on parking there then?

25 MS. ADDONA: Well, a parking lot is for

Page 21

1 Proceedings

2 MS. ADDONA: We will get them available

3 to the public. Call the Building Department

4 tomorrow, they'll be available.

5 AUDIENCE MEMBER: Why aren't the minutes

6 available within a month after so that we're able

7 to review it before the meeting so that we see that

8 everything is in the minutes that we see is in the

9 record?

10 MS. ADDONA: Understood. I don't know if

11 you are the one that wrote the letter, but it's

12 taken under advisement, and we will make sure that

13 the minutes are available to the public going

14 forward.

15 THE CHAIRMAN: Okay. I have a motion to

16 continue the Public Hearing on April 13, 7:30 p.m.

17 by Mr. Widmer. Seconded by Mr. Gizzi. All those

18 in favor, signify by saying aye.

19 (Whereupon, all of the Board Members

20 responded "Aye.")

21 THE CHAIRMAN: Opposed? So carried.

22 Motion to close the Public Hearing.

23 MR. WIDMER: So moved.

24 THE CHAIRMAN: Moved by Mr. Widmer.

25 MR. SAMBRATO: Second.

Page 22

1 Proceedings

2 THE CHAIRMAN: Second by Mr. Sambrato.

3 All those in favor signify by saying aye.

4 (Whereupon, all of the Board Members

5 responded "Aye.")

6 THE CHAIRMAN: Opposed? So carried.

7 (Whereupon, the meeting was adjourned.)

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Page 23

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

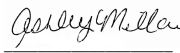
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4 Certified to be a true and accurate

5 transcript of the stenographic minutes taken

6 within.

7 

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9 Ashley Millan,

10 Senior Court Reporter

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12 Dated: March 25, 2022

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AMM

Page 24

1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 03/09/2022

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

25

AMM

0	5	adjourned 4:12	14:21 15:15 16:19 18:9,12	authority 16:3,11
01 3:25	50 11:19,21 12:21	advantage 10:9	anybody 11:11 14:6	authorization 16:5
1	6	advise 8:5	Anyone 12:23 14:21	authorizes 16:20
1 3:23	60 12:19,21 17:13, 16	advisement 17:3 21:12	anything 16:18	available 16:17 20:23 21:2,4,6,13
10 10:14	62 3:24 17:9,10,16	advising 8:15	anyway 20:6	aware 18:6
107 11:16,22,25	7	advocacy 10:3	anywhere 18:23	away 17:12
13 21:16	70.9% 6:24	after 5:6 21:6	apologize 7:14	aye 21:18,20
13th 20:12,18	7:30 3:4 20:12 21:16	again 5:8 6:3 11:7 18:20 20:6	Appeals 5:25	B
18 18:16	8	agree 13:5 18:9	applicant 5:3,11, 15 13:16 16:15 18:7,8	back 18:4 20:6
19 15:3	89.8% 6:20	Aguilar 17:6,7	applicant's 17:22	baffled 15:10
1951 15:23	9	all 4:15 5:4 13:21 14:5,19,23 20:4,9, 21 21:17,19	application 4:19 13:10	based 4:23 16:14
1983 17:19	9 3:4	Allegiance 3:6	apply 16:23	basically 17:24
2	9th 20:25	allow 5:8 15:12 16:5	appropriate 9:18 11:2 14:18	basis 4:16
200 12:4,8	A	allowed 12:20 17:22,24	appropriately 8:6	because 4:12 8:11 9:6 14:8,12 16:23 18:18,20 19:15,21
202 10:22 11:5	able 12:2 13:21 21:6	along 6:2 9:8	approval 4:2	been 4:18 6:11 10:25 13:9,20 16:14
2022 3:4 8:10,14 13:17	Absent 3:15	also 5:15,24 6:6, 21 7:18 8:2,10 10:23 13:17	April 20:12,18 21:16	before 5:3 6:7,10 19:4,6 21:7
25.12 3:24	acknowledged 6:18	Alternate 3:20	area 6:20 10:17 11:2	behind 18:7
28 8:10 13:17	acting 4:11	am 11:22	aren't 21:5	being 10:7 17:25 18:3,5
28th 8:16	action 4:20	amount 7:7	ask 17:8,9	believe 6:6
2nd 13:15	actions 15:23	ample 4:18	asked 6:5,18,22	benefit 13:6,13
3	activities 16:6	an 4:24 7:25 8:2 9:22,25 10:25 16:5	asking 16:19	between 17:16
30-some-odd 19:17	actually 9:19 16:7	Andrea 18:16	aspects 8:19 13:12	big 11:6
31 3:25	addition 8:13 18:3	Andrew 13:7	assume 15:16	bit 5:24
33.6% 7:4	Addona 4:9 8:4 14:12 15:6 16:4,25 19:13,25 21:2,10	another 9:24 12:12,14,15	assumption 9:16	Block 3:24
4	adhere 12:18	answer 6:4,11	at 5:18 6:6,7 7:17 13:23,25 14:3 17:6,9 20:12	Bnei 3:23
4 8:14	Adirondack 15:19	answers 8:18 20:14	attend 12:2	board 3:3 4:10,19 5:6,19,21,25 6:3 7:19,24 8:2,6,16, 19 9:7 13:10,25 14:8,15,16 15:7,15 16:3,11,16 21:19
40 11:19		Anthony 3:18	attended 15:6	Board's 8:8
490307 15:14		anticipating 12:10	attorney 4:7 5:14 7:20	body 15:15,18
4th 13:19		any 4:20 6:3,10 11:12 12:24 13:25	AUDIENCE 20:22 21:5	

book 14:24	7:16 8:21,25 9:5 11:11 12:23 13:4 14:5,19,21 15:4 17:4 18:15 19:4 20:8,17,20,24 21:15,21,24	7:4,8 15:12,14,17 16:7 18:2	depots 10:7	
Borden 4:10,15			describing 5:21	<hr/> E <hr/>
box 17:21,25		considering 17:11	Design 13:9	e-mail 7:21
boxes 17:15		construct 4:4	determined 14:18	earlier 5:25 15:4
bring 5:4 8:25	change 8:12	construction 15:13 17:19 18:11	developer 17:14	easement 6:8,16, 21,23,24 7:4,8 15:12,18,22 16:3, 5,7,24 18:2,4
Brooker 5:16 13:19	changes 5:22	consultant 8:8 9:2,7,17 12:24	developing 10:8	easily 11:3
brought 16:15	characterize 13:22	consulting 5:17	development 10:3,12	either 15:21
build 17:23	circumstances 16:14	continuation 4:6 20:11	didn't 4:12 19:16 20:7	electrical 17:15
builder 17:22	cited 16:8	continue 4:17 7:16 13:24 14:6 20:15,17 21:16	different 11:24	else 12:23 14:21
building 12:7,16 21:3	clarification 18:17,25 20:5	Convert 4:3	directions 8:12	Emanuel 5:13,14 7:10,13,17 8:24 9:4,10,11 11:14, 15,20,23 12:6
built 11:25 17:20, 21	clear 19:13,20	copies 17:18	disagree 7:23 13:5 18:9	Emanuel's 13:2
bus 10:6	clearly 16:2	copy 13:20	disagreed 9:16	eminent 15:25
but 4:16 6:2 8:12 10:22 11:17 12:5, 15 13:22 19:6,19 21:11	clerk 7:22	Corallo 3:10	disagreement 11:6	empty 10:24
	close 17:14 18:3 20:10 21:22	correct 11:22 14:10,11	discuss 5:5 8:3	encroachment 7:3
<hr/> C <hr/>	code 12:16 16:10, 17,20 19:14	corrected 8:11	distance 10:9,13	engineer 5:17 8:15,22 13:8
calculated 6:19	come 5:3,12 12:24 14:24 19:19	counsel 8:3 15:17	distinction 16:13	Engineering 5:16 12:25 13:9,19
calculation 6:17	comes 16:12	county 9:24	district 9:23	enough 17:18
call 3:9 12:24 18:13 21:3	coming 16:16	Coupon 4:11 7:20	districts 10:4,5	Environmental 15:14
called 10:2	comment 4:19	cover 8:14	disturbed 7:5	even 18:11 19:9
can 3:8 13:4 14:2, 10 15:16 16:20 19:19 20:12	comments 4:22	creating 15:21	disturbs 18:13	evening 3:2 4:17 5:15,25 6:10 7:24
can't 18:20 19:6,8	community 9:24 14:3	Creek 18:8	documents 13:14	everybody 5:10
captures 10:23	company 17:19	currently 12:20	does 7:10 11:11 16:11,23	everyday 18:12
car 19:7,9,10	conclusions 7:23	<hr/> D <hr/>	doing 9:25	everyone 3:2,4 18:6
carried 4:21 21:21	concurr 8:17	date 5:4	domain 15:25	everything 21:8
cars 10:11 18:20	confused 18:18 20:3	dated 8:10,14 13:15,17,19	don't 15:13 16:2 17:17 19:5 21:10	exact 12:21
catchment 10:17 11:2	congregants 11:16,22,25	debris 18:11	done 12:4 16:18	exercise 15:24
centers 10:6	congregation 11:23 12:14	defines 10:13	down 10:21	Expand 4:4
certain 16:6	congregations 12:14	Degennaro 5:16 6:9,14 7:2 8:15	drive 15:3 18:17, 20 19:4,7	extent 6:8
certainly 6:4 11:3 12:8	connected 11:3	Degennaro's 10:20	driveway 6:15 17:23	extinguished 15:20
Chairman 3:2,8, 11,15,22 4:9,25 5:13,18 6:13,25	conservation 6:8,15,20,23,24	Department 21:3	driving 18:19,24	
		depending 14:12		

F	<p>give 5:9 14:9 16:11</p> <p>Gizzi 3:18,19 20:19,20 21:17</p> <p>Glen 3:12</p> <p>go 6:10 7:24 8:19 11:4 19:6</p> <p>goes 10:21,22</p> <p>going 5:4,5 6:2 7:24 12:11,23 13:24 14:7 18:21 19:2 20:5 21:13</p> <p>gone 16:18</p> <p>Good 3:2</p> <p>governed 16:9,10</p> <p>grading 7:6</p> <p>grant 15:15</p> <p>granted 16:21</p> <p>green 17:15</p> <p>ground 18:12</p> <p>group 10:4</p> <p>growth 12:9,11</p> <p>guide 9:8</p> <p>guys 17:7</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 10:14,16</p> <p>half-mile 10:21 11:18</p> <p>hand 14:24</p> <p>handed 7:19</p> <p>handing 6:16</p> <p>hanging 6:11</p> <p>happen 12:10</p> <p>happens 12:13</p> <p>happy 8:18 11:9</p> <p>has 6:3,11 9:7 15:15 16:3</p> <p>haven't 13:20 16:18</p> <p>Haverstraw 3:3</p>	<p>4:11 7:20</p> <p>having 11:4</p> <p>he 4:12</p> <p>he's 5:4 8:16</p> <p>hearing 4:7,12, 17,21 15:2 17:3 20:10,11,16,18 21:16,22</p> <p>held 15:18</p> <p>here 3:13,17,19, 21 5:20 9:3,24 12:10,24 16:15 18:9</p> <p>hired 9:7 14:9</p> <p>hold 5:2 12:8</p> <p>home 4:3 17:23 18:8 19:7,9 20:5</p> <p>house 4:3 9:14 10:17 17:13 19:2</p> <p>how 9:14 15:14 16:2 17:12 18:23 19:2</p> <p>hubs 10:10</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 10:7</p> <p>important 16:13</p> <p>improve 14:2</p> <p>included 10:19</p> <p>including 7:6</p> <p>incorporate 14:10</p> <p>individual 10:11</p> <p>information 20:13</p> <p>initially 6:18</p> <p>institute 10:3,12</p> <p>instrument 15:21</p> <p>intending 19:23</p> <p>into 4:3 7:3,18,24</p> <p>Ira 5:14</p> <p>irrelevant 16:2</p>	<p>issue 10:15</p> <p>Item 3:23</p> <p>its 8:20</p> <p>Ivy 3:24</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jewish 19:5</p> <p>Joe 3:14</p> <p>just 9:5 13:6 14:12 16:8 18:11,17,24 19:10,13,19 20:3, 4,7,22</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K'HAL 3:23</p> <p>Ken 4:10 5:15 8:14</p> <p>Khan 3:20,21</p> <p>kind 12:9,11</p> <p>know 5:19,20 8:4 17:7,18 19:5,6 20:23 21:10</p> <p>knows 9:5</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lady 5:11</p> <p>land 7:6 9:24 10:24</p> <p>last 5:18 7:18</p> <p>Lastly 8:7</p> <p>law 5:14 15:14,24 16:8,9</p> <p>learned 8:3</p> <p>leave 19:7</p> <p>leaving 18:19,22 19:3</p> <p>Lester 3:20</p> <p>let's 18:12</p> <p>letter 4:10 7:19, 21,25 8:7,14,16, 18,19,21 13:14,18 21:11</p>	<p>like 6:11 11:5,8 17:8 19:11 20:22</p> <p>liked 12:3</p> <p>line 18:4</p> <p>lines 6:2</p> <p>list 15:7</p> <p>little 17:14 20:4</p> <p>live 11:19</p> <p>located 12:21</p> <p>look 13:25 17:9</p> <p>lot 3:25 4:5 9:21 17:8,22 19:11,21, 25</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made 5:20,24 8:13 13:16 20:18</p> <p>major 11:4</p> <p>make 4:7,22 13:21 14:2 16:13 19:20 20:15 21:12</p> <p>many 5:19</p> <p>map 6:16 10:19 12:5 17:17,19</p> <p>March 3:4 8:14 13:19</p> <p>Marcus 15:3</p> <p>materials 13:22</p> <p>matter 8:3</p> <p>matters 8:5,9</p> <p>may 12:2 14:14,16 15:19,20</p> <p>me 5:15 15:2 17:3, 17,18 18:10</p> <p>mean 11:21</p> <p>means 11:25</p> <p>measures 14:14, 17</p> <p>meeting 3:4 4:13, 23 5:2,18 6:6,7 7:18 17:6 21:7</p> <p>meetings 4:22 16:15</p>
G	<p>get 4:14 7:14 20:4 21:2</p> <p>get all 20:12</p> <p>getting 18:23</p>			

MEMBER 20:22 21:5	13,23,25 20:3 21:2,10	old 18:10	own 8:20	prepare 13:14
members 4:9,15 5:19,20 21:19	much 9:20 10:17	on 4:19 5:5,17 7:2, 22 8:20 9:8 10:10 13:11 14:6,25 15:7,19 17:23 18:5,19 19:24 20:5,11 21:16	<hr/> P <hr/>	prepared 6:9,17 9:22 10:19
Michalak 3:14	my 8:22 13:7,13		P.C. 5:14	present 3:11,22 5:4
might 18:9	<hr/> N <hr/>		p.m. 3:4 20:12 21:16	presentation 5:21,24
mile 9:19 10:15,16	name 5:11 13:7 15:7	one 6:5 8:25 9:15, 18 11:6,13,17 18:25 21:11	Park 15:19	President 4:11
Millet 15:2,3,5,6,9 16:22 17:2	national 10:3	ones 14:8	parking 4:5 6:20 8:8,9 9:12 13:11 19:11,13,17,21,24, 25 20:2	previously 13:15
Minisceongo 18:8	native 18:9	ongoing 13:23 14:4	parkland 10:24	prior 6:6 16:15
minutes 4:13,14, 23 5:2,8 10:14 14:25 20:23,24 21:5,8,13	nature 5:21 18:13	only 8:12 13:19 15:19,20	part 20:10	probably 12:10
mitigation 14:14, 17	necessary 14:16	onto 11:4	participation 5:7	problematic 19:18
mitigations 13:25	need 19:11,16	open 5:6 14:23	particular 17:21	proceeding 15:22,24
mixed 8:12	Needless 7:22	operate 9:15	party 14:17	Proceedings 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1
modification 15:12	never 11:24	opportunities 4:18	people 12:2,8 19:2	project 5:17,22 8:15 13:12,21 15:11
modified 15:20	next 5:2 17:5 18:15 20:8	opportunity 4:24 7:25 8:2	per 5:8	property 15:23 17:12,20,21 18:6,7
month 21:6	night 18:19,21	Opposed 21:21	percent 7:5	proponents 15:11
more 6:21 7:2 10:17 11:22 13:18	Nina 17:7	orally 11:9	percentage 6:15, 23	proposal 12:7
morning 7:22 20:6	no 3:23 7:15 18:25	order 10:10	perhaps 12:12	propose 19:16
Most 11:2	nobody 20:9	organization 10:2	permission 16:19,23 17:25	proposed 19:21
motion 20:15,17 21:15,22	northwest 10:23	oriented 9:23 10:2,4,5,12	person 5:9	proposing 5:22 18:5 19:15
Motion 3:23	not 4:16,19 6:2 7:23 10:15 12:2,21 16:4,9,23 17:25 18:22,23,24 19:5, 23	original 12:7	place 16:6	protect 18:14
moved 21:23,24	now 11:12,16 12:19 17:12	Orthodox 12:13	plan 4:2 7:3	provide 7:3 16:11
Mr 3:13,17,19,21 4:9,15 5:13,18 6:6, 9,14 7:2,10,11,12, 13,15,17 8:24 9:4, 10,11,17 10:20 11:13,14,15,16,20, 21,23 12:5,6,7 13:2,3,6 14:11,13, 20 15:2,5,6,9 16:22 17:2 20:15, 18,19,20 21:17,23, 24,25	Ns 18:10	Osman 15:3	Planning 3:3 16:16	provided 12:9 15:21
Ms 4:9 7:23 8:4 14:12 15:6 16:4,25 17:6 18:16 19:8,	number 6:19 7:4 9:12 11:17 12:22 17:10,12	other 9:21 12:3 15:25 16:14	please 3:5,8 5:12	provision 16:8
	numerous 9:11	otherwise 8:20	pledge 3:5,6	public 4:6,12,15, 17,18,21 5:7,20 9:5 10:6 14:24 15:18 20:10,11,16, 18 21:3,13,16,22
	<hr/> O <hr/>	our 4:7 5:2 8:15 9:2 13:22	point 13:23 14:3	pulled 16:18
	off 18:11	out 6:12,16 10:22 16:19	portion 7:7,8	purpose 9:20
	office 10:20	outside 14:15 15:18	position 4:20	
	often 12:13	over 4:21 8:19 18:25	possible 4:16	
	okay 4:25 7:13 9:10 11:25 12:5 20:8 21:15	overall 7:3	possibly 18:4,5	
			power 15:24	
			predates 16:8	
			preexisting 16:24	

purposes 9:21	red 17:21	Robert 3:16	sheet 5:10	statement 4:7
pursuant 15:22	reduce 10:10	rock 9:24	should 15:7	stations 10:6
purview 14:15	reflects 7:5,6	Rockland 10:22	showed 10:20	statute 15:16 16:23
pushed 17:10	regards 11:18	roll 3:8	shows 6:17	staying 18:22
<hr/>	reliance 10:10	Route 10:22 11:5	sign 5:9,10 14:24	steps 17:12
Q	relief 16:16	run 18:11	signed 15:4	Stonefield 12:24 13:8
<hr/>	remains 7:9	<hr/>	significant 7:7	street 17:9
quadrant 10:23	requesting 4:11 16:16	S	signify 21:18	streets 11:3
quarter 9:18 10:15	required 9:13 14:14 19:14,21	safety 13:11	single-family 4:3	structure 4:4 18:3
quarter-mile 10:16	requirements 12:17	said 11:24 18:18	sir 11:15	subdivision 17:20
question 6:5,11, 21 7:11 8:22 11:13 15:10	research 9:25	Sal 3:10	site 5:23 10:21 12:16,17	submitted 8:9 10:25
questions 6:3 9:12,13 11:12 14:6,22 17:8	respect 6:4,7,14, 22 8:8 9:12,23	Sambrato 3:16, 17 21:25	sitting 19:10	subsequent 4:21
quite 5:23	respond 6:9 7:10, 21 9:15 11:9 14:8	same 6:2	situation 9:6	substantial 6:19
quorum 3:22	responded 21:20	satellite 12:12	situations 9:8	Sunday 7:22
<hr/>	response 8:10 13:2,17	Saturday 18:21	sleeping 18:24,25	sundown 19:5,6
R	responses 11:17	say 7:22	small 9:20	supplied 8:17
<hr/>	rest 11:7	saying 21:18	smaller 17:25	sure 8:2,5 9:4 12:21 19:20 21:12 20:13
rabbi 12:15	retained 13:9	says 15:17	soil 18:12	Susan 7:19
radius 9:18,19 10:16,21 11:18,19	retaining 4:5 6:22,24	Second 20:19 21:25	some 8:11,18,22 9:25 11:25 15:25 20:13	<hr/>
railroad 10:6	reveals 14:13	Seconded 20:20 21:17	someone 16:12	T
Raise 14:24	review 7:25 13:10,14,21,22 14:3,7,13 16:12 21:7	SECRETARY 3:10,12,14,16,18, 20	something 14:15 19:14	<hr/>
read 7:18 15:16	review/site 4:2	Section 3:24 15:14,23	soon 4:15	take 4:20 10:9 16:6 17:2
real 15:23	reviewed 8:16	sediment 18:12	sort 10:7	taken 21:12
realistic 10:17	rhetorical 17:8	see 4:16 13:2 21:7,8	spaces 9:13 19:17	takes 17:17,18
really 7:6 15:10	right 8:23 11:12 12:19 14:5,19,23 15:15 17:10,13 20:9	seeked[sic] 18:2	speak 19:19 20:9	taking 7:14
rear 7:7	Riverglen 3:24 17:9 18:17	seeking 15:11	specific 11:8 13:11	technically 14:7
reasonable 10:13	road 9:9 10:22 11:4	seems 15:10	spell 18:10	tell 5:10 13:4
receive 13:18,20		sent 7:21 8:11	spent 5:23	than 11:22,24
received 4:10 8:7 13:15		SEQRA 4:2	staff 4:14	thank 4:25 5:13 6:13,25 7:13,17 11:11 14:5,19,20 15:2,9 17:3 18:15
recently 9:22 13:18		shape 17:11	stand 3:5	that's 7:5 10:24, 25 11:22 13:17 14:11,15,16 16:13 19:20 20:3
recited 3:7		Shapiro 7:19	stands 8:20	their 5:7 18:20,22 19:7,9,10
recommendation s 14:2,9		Shapiro's 7:23	start 5:3	
record 7:18 13:7, 13 21:9		she 8:5	state 11:19	
			stated 13:16	

them 6:4 9:2 14:9 16:17 21:2	Town's 16:22	various 9:8	whereupon 3:6 21:19	14:7,24 15:7
then 5:5 10:19 13:16,18 15:25 19:6,10,16,24 20:6	traffic 8:8,9,22 9:2,7 13:8,11	vehicles 10:11 18:22	which 10:3,5,20 17:13 18:9	<hr/> Z <hr/>
there 4:17 5:10 6:5,12 7:17 8:10, 13 9:11,13,15,25 11:8 12:14 18:20, 24 19:10,11,22,24	transit 9:23 10:2, 4,6,12	version 8:11	who 5:16 7:20 8:4, 15 17:20 20:8	ZBA 20:13
these 8:5	translates 10:14	very 16:13	why 14:16 17:10, 25 19:8,9,20 21:5	zoning 5:25 15:7 16:10,17,20 17:6
they 12:2,3,11,17 13:16 16:17,18 18:18,20,21,23 19:3,4,6,7,8,9,15, 16	transportation 10:10	view 15:13	Widmer 3:12,13 6:6 7:11,12,15 11:13,16,21 12:5,7 20:15,18 21:17,23, 24	
they'll 21:4	tree 16:19	Villari 9:17 13:3,6, 7 14:11,20	wishing 4:22	
they're 12:11,20 14:8,18 16:19 18:19,22,23,24 19:15,23 20:5	two 7:14 9:2 18:10	Villari's 14:13	with 4:14 5:5,6,15, 24 6:3,7,14,22 7:23 8:3,8,17,19 9:8,12,16,23 10:16 12:13,15 13:8,10, 24 15:17 18:9,10	
Thiells 3:24	<hr/> U <hr/>	<hr/> W <hr/>	within 10:8 11:19 12:19 21:6	
thing 10:7	ugly 17:14	walk 19:7,8 20:5,6	without 11:4 19:9	
things 8:22 11:8 15:25	un-	walkable 10:9 11:4	word 15:20	
think 10:8,25 11:17 16:13	proportionated 17:11	walking 9:18 10:13	work 4:14 9:22 13:24 16:6	
those 4:22 10:4,9 14:17 17:14 19:2 20:21 21:17	under 17:2 19:14 21:12	wall 4:5 6:22	worries 7:15	
thought 20:4	underground 17:15	want 5:10 8:25 10:8 17:14 19:18, 19	worship 4:4 9:14 10:18	
three 5:8 14:25	understand 15:13 16:2 20:7	wanted 18:17,25	would 6:10 9:13, 14 11:8,9 12:3,8 13:22 19:16,18 20:4,22	
time 5:9,24 14:3	Understood 21:10	wants 20:8,9	wouldn't 19:11	
today 4:10	undertake 14:17	Wasserman 18:16 19:8,23 20:3	wrote 8:17 21:11	
together 20:13	undisturbed 7:9	way 9:8	<hr/> Y <hr/>	
tomorrow 21:4	until 5:2 18:21	we're 5:22 6:2,16 8:18 12:9 21:6	Yes 7:12 8:24 11:15,20 14:12 16:25	
tonight 4:20	up 5:3,4,6,9,10,12 7:19 8:12 9:2 12:24 14:23,24 16:15 19:4,19	weeks 7:14	yesterday 13:20	
too 9:20 17:7	upon 4:23 14:13 15:24 16:11,14	welcome 3:3 17:4	you're 14:7 15:16 17:4	
took 10:15	use 5:23 6:8 17:23 18:2,12	well 10:14 11:3 17:7 19:18,25	young 5:11	
Torah 3:23	<hr/> V <hr/>	well-versed 8:4	your 5:11 7:10 8:21 9:16 11:17	
touched 17:24	V-I-L-L-A-R-I 13:7	went 9:6,14		
towards 10:5	vacate 16:3	were 9:11,13		
town 3:3 4:14 9:7 13:10,25 14:8,16 15:15 16:12	vacating 16:4	western 7:8		
	vacation 15:11	what 12:10,13 13:4 14:9,13 17:22,24 18:13		
	variance 19:17	what's 5:5		
		when 6:17 14:18 17:9,20 20:23		
		where 12:20 18:18,21 19:2		