

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONDENSED

-----x

In Re:

TOWN OF HAVERSTRAW PLANNING BOARD MEETING

-----x

December 11, 2024
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

1
2
3 APPEARANCES:
4
5 SAL CORALLO, CHAIRMAN
6 ANTHONY GIZZI
7 WILLIAM RICCALDO
8 GLENN WIDMER
9 ROBERT SAMBRATO
10 JAMES MONTE
11
12 GLENN McCREEDY, CONSULTING ENGINEER
13
14 MICHAEL D. KAUKER, PLANNING CONSULTANT
15
16 CHRISTIE ADDONO, PLANNING BOARD ATTORNEY
17
18 LORI SOTO, SECRETARY
19
20
21
22
23
24
25

Page 4

1 Proceedings
2 MR. WIDMER: Second
3 CHAIRMAN COROLLA: Second by
4 Mr. Widmer. All those in favor signify by
5 saying "Aye."
6 (Whereupon, all the Board members
7 responded "Aye.")
8 CHAIRMAN COROLLA: Opposed?
9 So carried.
10 First item on the agenda is
11 Eastgate, 321 Route 202, Pomona. Section
12 25.19, Block: 01, Lots: 19 and 20. Site Plan
13 Approval. It's a Site Plan approval.
14 Continuation of a Public Hearing for a
15 proposed two-story office building with 17,714
16 of Total Floor Area and 80 parking spaces.
17 Revised plans submitted. Revised 7/23/24,
18 15,500 square feet.
19 The applicant's attorney or
20 representative please come up. Does she have
21 your name?
22 MR. BRIGANDI: She does.
23 Good evening, Chairman, members of
24 the Board. My name is Anthony Brigandi. I'm
25 an attorney from Phillips and Millman. I'm

Page 3

1 Proceedings
2 CHAIRMAN COROLLA: Good evening,
3 everyone. Welcome to the Town of Haverstraw
4 Planning Board. December 11th, 2024. It's
5 after 7:30. Would everyone please stand for
6 the Pledge.
7 (Pledge of Allegiance.)
8 Would Ms. Soto, please read the roll
9 call.
10 MS. SOTO: Sal Corolla.
11 CHAIRMAN COROLLA: Present.
12 MS. SOTO: Glenn Widmer.
13 MR. WIDMER: Here.
14 MS. SOTO: Robert Sambrato.
15 MR. SAMBRATO: Here.
16 MS. SOTO: Anthony Gizzi.
17 MR. GIZZI: Here.
18 MS. SOTO: William Riccaldo.
19 MR. RICCALDO: Here.
20 MS. SOTO: James Monte.
21 MR. MONTE: Here.
22 CHAIRMAN COROLLA: Everyone is here.
23 Would someone read the adoption of the minutes
24 of November 13th, 2024.
25 MR. GIZZI: Moved by Mr. Gizzi.

Page 5

1 Proceedings
2 here on behalf of the applicant.
3 As you're aware, this project has
4 been before you a few times. This is a
5 continuation of the public hearing. Since
6 then the Town Board received your favorable
7 recommendation to extend the zoning so the
8 entire project is within the C code.
9 Additionally, prior to this meeting
10 the Zoning Board just approved two variances
11 for parking as well as the lot line for the
12 entrance for the property.
13 So based upon those two variances
14 being granted, as well as the zone change,
15 we're here for a site plan approval before
16 you.
17 CHAIRMAN COROLLA: Okay. I'm going
18 to ask a question. What's your last revision
19 date on that map on the bottom, number nine?
20 MR. SABO: Zack Sabo, from
21 Engineering and Surveying Properties. We're
22 in the process of responding to a few
23 comments. The last one before you was dated
24 --
25 MS. ADDONA: What I have is

Page 6

1 Proceedings
2 November 4th.
3 MR. SABO: November 4th. The date
4 of that one is 12/10. We're still working
5 through some of the comments that we received.
6 This is just a check print of that.
7 MS. ADDONA: Just to be clear, those
8 are comments in response to the town
9 engineers?
10 MR. SABO: Correct. Yes.
11 MS. ADDONA: Those are what the
12 revisions are. Just for the record, the
13 resolution that's before the board, that is
14 one of the conditions of the approval to
15 incorporate those comments.
16 CHAIRMAN COROLLA: Okay. The other
17 comments we made at the last meeting was I
18 think the state wanted you to put a curb on a
19 road. You're going to show that you're
20 putting a curb on 202 on the other entrances
21 that you're closing?
22 MR. SABO: Yes.
23 CHAIRMAN COROLLA: That will show on
24 that. Okay. We've gone through this so many
25 times, I don't think I have anything else at

Page 8

1 Proceedings
2 resolution?
3 MR. BRIGANDI: I have.
4 MS. ADDONA: So if the board and the
5 applicant here's no one here from the public
6 on this application, are amenable, I will be
7 inclined because it is relatively lengthy just
8 in terms of responses to all of the GML
9 comments, to just summarizing it or providing
10 for the record, most of the planning board
11 members were in the audience and heard it
12 during the Zoning Board meeting. So I'll skip
13 over that first page.
14 In response to the GML comments, the
15 project size has been reduced which
16 correspondingly eliminates the potential
17 impacts to the adjacent county park and their
18 natural resources and environmental features
19 and these changes have been reviewed by the
20 county. The applicant is willing as requested
21 by the Rockland County Division of
22 Environmental Resources to include a 25-foot
23 undisturbed buffer from the property line to
24 the adjoining southbound park.
25 The town board as the applicant

Page 7

1 Proceedings
2 this particular time.
3 Do any of the board members have
4 anything they want to add?
5 MR. McCREEDY: No.
6 CHAIRMAN COROLLA: George, anything
7 else?
8 MR. BEHN: No.
9 CHAIRMAN COROLLA: Anybody from the
10 public want to speak?
11 Hearing no one to speak, I'd like to
12 close the public hearing.
13 MR. WIDMER: Move that.
14 CHAIRMAN COROLLA: Moved by
15 Mr. Widmer.
16 MR. RICCALDO: Second.
17 CHAIRMAN COROLLA: Second by
18 Mr. Riccaldo. All those in favor?
19 (Whereupon, all the Board members
20 responded "Aye".)
21 CHAIRMAN COROLLA: Opposed?
22 So carried.
23 I'm going to ask our attorney to
24 read our resolution. Do you have a copy of
25 this resolution? Have you seen this

Page 9

1 Proceedings
2 mentioned, has approved the zoning change so
3 the entire property is now in the C district.
4 The applicant has coordinated with
5 the Department of Transportation and those
6 communications have also been reviewed to the
7 satisfaction of the town's traffic engineering
8 consultant.
9 As a condition to this resolution,
10 this is number 11, to the extent the Applicant
11 has not already done so, the Applicant shall
12 comply with the requirements of the Rockland
13 County Department of Health's letter dated
14 October 25, 2022.
15 As a condition, number 13, as a
16 condition of this approval, the Applicant
17 shall consult with the New York-New Jersey
18 Trail Conference and address any comments or
19 concerns raised.
20 The applicant has provided a SWPPP
21 that will be determined ultimately whether
22 it's up to the standards of the town
23 engineers, but it will be.
24 As a condition, number 18, as a
25 condition of this approval, the Applicant

Page 10

1 Proceedings
2 shall obtain any and all approvals necessary
3 from the Rockland County Department of Health
4 and the Joint Regional Sewerage Board.
5 Number 23, as a condition of this
6 Resolution, the Applicant shall consider to
7 the extent practical, incorporating renewable
8 energy into the design and use of the
9 structure and Property.
10 Number 24, as a condition of this
11 Resolution, the Applicant shall consider to
12 the extent practicable, incorporating electric
13 vehicle charging stations and/or wiring for
14 such future use.
15 Number 25, as a condition of this
16 Resolution, the Applicant shall ensure the
17 retaining walls are designed, signed and
18 sealed by a licensed New York State
19 Professional Engineer and be in compliance
20 with the NYS Fire Prevention and Building
21 Code.
22 Number 26, is an important one
23 because it relates to the fact that there are
24 currently mobile homes that are encroaching on
25 the property and this was something that was

Page 12

1 Proceedings
2 Number 33. As a condition of this
3 Resolution, the Applicant shall comply with
4 any requirements of the Rockland County
5 Drainage Agency related to the merger of the
6 lots.
7 34. As a condition of this
8 Resolution, the Applicant shall ensure there
9 is a filed deed in the name of one person or
10 entity for the entire Property prior to any
11 building permit being issued.
12 Number 35. And this is important as
13 well. While I believe the resolution does
14 sufficiently address all of the comments that
15 were raised, the County Planning Department
16 did initially recommend disapproving, I think
17 in part because of the issue with the
18 proximity to the county park that was
19 ultimately resolved. And so while the
20 response to number 35 is that:
21 While the Planning Board believes
22 the responses herein are sufficient to address
23 County Planning's comments, to the extent
24 County Planning's recommendation of
25 disapproval of this approval requires an

Page 11

1 Proceedings
2 raised by County Planning. So the proposed
3 response is:
4 The Planning Board takes no position
5 on private property disputes. While there
6 does appear to be an encroachment from the
7 neighboring property, that is not for the
8 Planning Board to enforce or resolve,
9 especially as it does not affect this Project.
10 The Planning Board's approval of this
11 application in no way implies approving
12 existing conditions that do not adhere to the
13 designated property lines, but only what the
14 Applicant is proposing as part of its site
15 plan. The Applicant has represented that the
16 current residents of those mobile homes can
17 continue to remain in their homes, but once
18 the structures are vacated by the current
19 occupants they will be removed to enforce to
20 appropriate boundary lines. It is incumbent
21 on the Applicant to enforce that, not the
22 Planning Board and not the Town.
23 Number 27. Any proposed signage
24 shall comply with the Town Code and/or receive
25 necessary approvals.

Page 13

1 Proceedings
2 override, the Planning Board does so by a
3 supermajority vote and will submit this
4 Resolution to County Planning.
5 So those are the pertinent responses
6 as far as I'm concerned to the GML.
7 NOW THEREFORE, BE IT RESOLVED, based
8 upon the foregoing, the application for
9 preliminary and final site plan approvals for
10 the Proposed Project in accordance with the
11 Approved Plans, which as we discussed are the
12 last date of November 4th, 2024, are subject
13 to the conditions that I'm about to read.
14 Prior to the signing -- number 1,
15 prior to the signing of the approved plans by
16 the Planning Board Chairman, the following
17 conditions must be met:
18 Applicant shall comply with all
19 rules, regulations and requirements of any and
20 all agencies, entities departments, boards and
21 municipalities with jurisdiction over the
22 Proposed Project, and this approval is
23 conditioned upon the Applicant receiving any
24 and all approvals and permits required by such
25 agencies without material deviation from the

Page 14

1 Proceedings

2 Approved Plans.

3 B. The Applicant shall comply with

4 all the conditions noted in this Resolution,

5 whether I read them or not, in the discussion

6 of the County Planning's GML comments.

7 Condition C. The Applicant shall

8 comply with any outstanding

9 comments/requirements from the Planning Board

10 Engineer, which is what we discussed earlier.

11 Condition D. The Applicant shall

12 provide a declaration recorded against the

13 property, in a form satisfactory to the

14 Planning Board Attorney, stating in sum and

15 substance that while in use as an office

16 building pursuant to this Resolution, the

17 Property will not include medical and/or

18 dental offices. And this is something we

19 discussed for the first time last month

20 because it's something that I think the board

21 has been talking about for quite a while.

22 Because of the additional intensity of the use

23 that could come from having those uses and how

24 to ensure to the greatest extent possible

25 that this will be adhered to and while th

Page 16

1 Proceedings

2 conditions except for numbers three and

3 which are that the property and the structures

4 contained there in shall not be used as a

5 storage facility. So now, when I first

6 drafted this, it was used for storage, but

7 storage is incidental to office. So this was

8 I think clarified what the intention is that

9 this can't be used as a storage facility.

10 And then Number 4: Any change in

11 the use of the Property, or any portion of the

12 Property, from the approved office use will

13 require site plan approval, and any other

14 necessary zoning approvals, from the Town.

15 And that's just to clarify that what the

16 occupant is assuming the approval for is the

17 office use. So if the property were to change

18 hands, subject to the conditions we discussed

19 above that would be recorded against the

20 property, it would not require coming back,

21 but any other commercial use that was a change

22 of the property, that would require coming

23 back.

24 Dated December 11th, 2024.

25 CHAIRMAN COROLLA: Anybody have any

Page 15

1 Proceedings

2 applicant had in the past agreed to have it be

3 a note on the plan, we thought this may be

4 just an extra kind of belt and suspenders way,

5 so if anyone in the future wants to purchase

6 the property, any time there was a title

7 report or any sort of title research

8 conducted, they would be aware of this

9 restriction on the property.

10 Condition E. The Applicant shall

11 obtain approval from the Architectural Review

12 Board. That was very important to our

13 chairman.

14 Condition F. The Applicant shall

15 provide a declaration recorded against the

16 Property, in a form satisfactory to the

17 Planning Board Attorney, designating a 25-foot

18 conservation easement along the rear of the

19 Property as shown on the Approved Plans. And

20 that was something that was discussed and

21 something that the County had wanted to see as

22 well.

23 So those are the conditions prior to

24 the Chairman signing the plan. And then the

25 only -- everything else was the standard

Page 17

1 Proceedings

2 questions?

3 Any questions from the board?

4 Applicants, do you have any

5 questions on this resolution?

6 MR BRIGANDI: No, Mr Chairman

7 Thank you

8 CHAIRMAN COROLLA: May I have a

9 motion to accept this resolution?

10 MR SAMBRATO: I'll move that

11 CHAIRMAN COROLLA: Motion made by

12 Mr Sambrato

13 MR WIDMER: Second

14 CHAIRMAN COROLLA: Mr Widmer All

15 those in favor signify by saying "Aye "

16 (Whereupon, all the Board members

17 responded "Aye")

18 CHAIRMAN COROLLA: Okay You

19 finally got it going

20 MR BRIGANDI: Thank you Everyone

21 have a nice night Get home safe

22 (THE FOLLOWING IS THE FULL

23 RESOLUTION FOR THE EASTGATE APPLICATION:)

24 "TOWN OF HAVERSTRAW PLANNING BOARD RESOLUTION

25 Lapa Holdings, LLC

Page 18

1 Proceedings
 2 321 Route 202 (Tax Map No.
 3 25.19-2-19 and -20)
 4 WHEREAS, Lapa Holding, LLC
 5 ("Applicant") submitted a site plan
 6 application to the Planning Board to redevelop
 7 the property located at 321 Route 202 (tax lot
 8 numbers 25.19-2-19 and -20) (the
 9 "Property") with a two-story office building,
 10 parking, vehicular access to Route 202, a
 11 retaining wall and other site improvements
 12 (the "Project"); and
 13 WHEREAS, the Applicant submitted an
 14 application to the Zoning Board for two area
 15 variances related to the Project: (i) the
 16 number of parking spaces and (ii) the distance
 17 of the vehicular access from the lot line; and
 18 WHEREAS, the Property is split
 19 between two zoning districts with the majority
 20 of the property abutting Route 202 being in
 21 the C (commercial) district where the Project
 22 is a permitted use; however, the rear portion
 23 of the Property, which will contain some of
 24 the parking and retaining walls for the
 25 Project, is located in the R-40 zoning

Page 20

1 Proceeding
 2 change of a portion of the Property to the
 3 district; and
 4 WHEREAS, as its December 11, 2024
 5 meeting, the Zoning Board granted the area
 6 variances; and
 7 WHEREAS, in support of this
 8 application, the Applicant submitted a signed
 9 and sealed plan set prepared by Engineering
 10 and Surveying Properties last revised November
 11 4, 2024 consisting of: (i) Site Plan (C-100),
 12 (ii) Existing Conditions Plan (EX-1), (iii)
 13 Grading & Utility Plan (C-101), (iv) Erosion &
 14 Sediment Control Plan (C-102), (v) Landscape
 15 Plan (C-103), (vi) Lighting Plan (C-104),
 16 (vii) Details (C-301), (viii) Details (C-302),
 17 (ix) Details (C-303), (x) Details (C-304),
 18 (xi) Details (C-305), (xii) Details (C-306),
 19 (xiii) Details (C-307), (ivx) Details (C-308),
 20 and (xv) Details (C-309) (hereinafter,
 21 collectively referred to as the "Approved
 22 Plans"); and
 23 WHEREAS, the site plan application
 24 was referred to the Rockland County Department
 25 of Planning ("County Planning") in accordance

Page 19

1 Proceedings
 2 district; and
 3 WHEREAS, the Applicant submitted a
 4 Zoning Petition to the Town Board requesting
 5 that the Town Board rezone the portion of the
 6 Property that is R-40 to the C district to be
 7 consistent with the remainder of the Property
 8 and the Project; and
 9 WHEREAS, the Planning Board served
 10 as lead agency for a coordinated review of
 11 this Unlisted action pursuant to the State
 12 Environmental Quality Review Act ("SEQRA") and
 13 issued a negative declaration at its November
 14 13, 2024 meeting determining the Project does
 15 not have the potential for any significant
 16 adverse environmental impacts; and
 17 WHEREAS, concurrent with adopting
 18 the SEQRA negative declaration, the Planning
 19 Board issued a Zoning Report to the Town Board
 20 Zoning pursuant to Town Zoning Code Section
 21 167-108(B) providing a favorable
 22 recommendation to the Town Board on the
 23 proposed rezoning; and
 24 WHEREAS, as its December 10, 2024
 25 meeting, the Town Board granted the zone

Page 21

1 Proceedings
 2 with General Municipal Law Section 239-m
 3 ("GML"), in response to which the Planning
 4 Board received a response from County Planning
 5 dated October 27, 2022, which comments are
 6 addressed as follows:
 7 1. The project size has been
 8 reduced, which correspondingly eliminates
 9 potential impacts to the adjacent County parks
 10 and their natural resources and environmental
 11 features. These changes have been reviewed by
 12 the County.
 13 2. The Applicant has revised the
 14 plans to include a net lot area calculation in
 15 accordance with the Zoning Code.
 16 3. The Property is located in a
 17 commercial corridor on Route 202 where
 18 commercial development is expected. The Town
 19 has ample forested areas that are not in
 20 locations subject to potential development.
 21 The Applicant has established there are no
 22 water courses, ponds, lakes or wetlands on or
 23 near the site that could reasonably
 24 accommodate rare aquatic animals. The
 25 Applicant's expanded Environmental Assessment

Page 22

1 Proceedings
2 Form, Part 3 addressed potential impacts to
3 rare plant species.
4 4. As requested by the Rockland
5 County Division of Environmental Resources,
6 the Applicant revised the plans to include a
7 25-foot undisturbed buffer from the property
8 line to the adjoining South Mountain park.
9 5. The Applicant is requesting an
10 area variance from the Zoning Board for the
11 distance of vehicular access to the Property
12 line.
13 6. The Applicant has revised the
14 bulk table to reflect compliance with the
15 required side yard setbacks.
16 7. The Town Board approved the zone
17 change such that the entire property is in the
18 C (commercial) district. However, the
19 proposed plans comply with the rear yard
20 setback regulations of the more restrictive
21 R-40 district where the rear portion of the
22 Property was located during this application
23 process.
24 8. The Applicant has revised the
25 Approved Plans to include the Zoning Codes

Page 24

1 Proceedings
2 New York-New Jersey Rail Conference and
3 address any comments or concerns raised.
4 14. The Applicant provided a
5 Stormwater Pollution Prevention Plan (SWPPP)
6 and stormwater erosion and sediment control
7 plan that satisfies the November 2016 edition
8 of the New York State Standards for Erosion
9 and Sediment Control.
10 15. There will be no net increase
11 in peak rate of discharge from the Project.
12 16. The Applicant provided a SWPPP.
13 17. There will be no public water
14 supply improvements for the Project.
15 18. As a condition of this
16 approval, the Applicant shall obtain any and
17 all approvals necessary from the Rockland
18 County Department of Health and the Joint
19 Regional Sewerage Board.
20 19. The Applicant has obtained an
21 area variance from the Zoning Board for the
22 number of parking spaces.
23 20. The proposed plans comply with
24 the Americans with Disabilities Act as it
25 relates to the minimum number of accessible

Page 23

1 Proceedings
2 applicable additional use regulations.
3 9. The plans have been corrected to
4 identify the Town of Ramapo as the abutting
5 property owner. The application materials were
6 sent to the Town of Ramapo but no comments
7 have been received with over 30 days having
8 elapsed.
9 10. The Applicant has coordinated
10 with NYS Department of Transportation on this
11 application and has provided said
12 communications to the Town, which have been
13 reviewed by the Town's traffic engineering
14 consultant.
15 11. As a condition of this
16 Resolution, to the extent the Applicant has
17 not already done so, the Applicant shall
18 comply with the requirements of the Rockland
19 County Department of Health's letter dated
20 October 5, 2022.
21 12. The Town Fire Inspector and the
22 Town's traffic engineer have reviewed this
23 application in depth.
24 13. As a condition of this
25 approval, the Applicant shall consult with the

Page 25

1 Proceedings
2 parking spaces.
3 21. The Applicant included snow
4 stockpile locations on the plans, to the
5 satisfaction of the Planning Board.
6 22. The Zoning Board granted the
7 area variances necessary for this Project.
8 23. As a condition of this
9 Resolution, the Applicant shall consider, to
10 the extent practicable, incorporating
11 renewable energy into the design and use of
12 the structure and Property.
13 24. As a condition of this
14 Resolution, the Applicant shall consider, to
15 the extent practicable, incorporating electric
16 vehicle charging stations and/or wiring for
17 such future use.
18 25. As a condition of this
19 Resolution, the Applicant shall ensure the
20 retaining walls are designed, signed and
21 sealed by a licensed New York State
22 Professional Engineer and be in compliance
23 with the NYS Fire Prevention and Building
24 Code.
25 26. The Planning Board takes no

Page 26

1 Proceedings

2 position on private property disputes. While

3 there does appear to be an encroachment from

4 the neighboring property, that is not for the

5 Planning Board to enforce or resolve,

6 especially as it does not affect this

7 Property. The Planning Board's approval of

8 this application in no way implies approving

9 existing conditions that do not adhere to the

10 designated Property lines, but only what the

11 Applicant is proposing as part of its site

12 plan. The Applicant has represented that the

13 current residents of those mobile homes can

14 continue to remain in their home(s), but once

15 the structure(s) are vacated by the current

16 occupants they will be removed to enforce the

17 appropriate boundary lines. It is incumbent

18 on the Applicant to enforce that, not the

19 Planning Board, and not the Town.

20 27. Any proposed signage shall

21 comply with the Town Code and/or receive

22 necessary approvals.

23 28. The Applicant provided a

24 landscaping plan.

25 29. The Applicant provided a

Page 28

1 Proceedings

2 extent County Planning recommendation of

3 disapproval requires an override, the Planning

4 Board does so by supermajority vote and will

5 submit this Resolution to County Planning.

6 36. As a condition of this

7 Resolution, the Applicant shall comply with

8 Rockland County Executive Order 01-2017.

9 37. To the extent it has not

10 already done so, as a condition of this

11 Resolution, the Applicant shall comply with

12 County Planning's remaining observations.

13 WHEREAS, the Planning Board held

14 many duly-noticed public hearings on this site

15 plan application, and members of the public

16 having ample opportunity to attend and be

17 heard, the public hearing was closed on

18 December 11, 2024; and

19 NOW THEREFORE,

20 BE IT RESOLVED, based upon the

21 foregoing, the application for preliminary and

22 final site plan approvals for the Proposed

23 Project in accordance with the Approved Plans

24 are granted with the following limitations and

25 conditions:

Page 27

1 Proceedings

2 lighting plan.

3 30. The Full Environmental

4 Assessment Form Part 1 is complete and the

5 SEQRA process has been completed after a

6 thorough review.

7 31. The Full Environmental

8 Assessment Form has been revised to indicate

9 the use of grasscrete pavers.

10 32. The application to the Zoning

11 Board has been referred to the Rockland County

12 Department of Planning.

13 33. As a condition of this

14 Resolution, the Applicant shall comply with

15 any requirements of the Rockland County

16 Drainage Agency related to the merger of the

17 lot.

18 34. As a condition of this

19 Resolution, the Applicant shall ensure there

20 is a filed deed in the name of one person or

21 entity for the entire Property prior to any

22 building permit being issued.

23 35. While the Planning Board

24 believes the responses herein are sufficient

25 to address County Planning's comments, to the

Page 29

1 Proceedings

2 1. Prior to the signing of the

3 Approved Plans by the Planning Board Chairman,

4 the following conditions must be met:

5 A. Applicant shall comply with all

6 rules, regulations and requirements of any and

7 all agencies, entities, departments, boards

8 and municipalities with jurisdiction over the

9 Proposed Project, and this approval is

10 conditioned upon the Applicant receiving any

11 and all approvals/permits required by such

12 agencies without material deviation from the

13 Approved Plans.

14 B. The Applicant shall comply with

15 all of the conditions noted in this Resolution

16 in the discussion of County Planning's GML

17 comments.

18 C. The Applicant shall comply with

19 any outstanding comments/requirements from the

20 Planning Board Engineer.

21 D. The Applicant shall provide a

22 declaration recorded against the Property, in

23 a form satisfactory to the Planning Board

24 Attorney, stating in sum and substance that

25 while in use as an office building pursuant to

Page 30

1 Proceedings

2 this Resolution, the Property will not include

3 medical and/or dental offices.

4 E. The Applicant shall obtain

5 approval from the Architectural Review Board.

6 F. The Applicant shall provide a

7 declaration recorded against the Property, in

8 a form satisfactory to the Planning Board

9 Attorney, designating a 25-foot conservation

10 easement along the rear of the Property as

11 shown on the Approved Plans.

12 G. 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 i

Page 32

1 Proceedings

2 Property, or any portion of the property from

3 the approved office use will require site plan

4 approval, and any other necessary zoning

5 approvals from the Town

6 5. The granting of this application

7 shall not be deemed to relieve the Applicant

8 of the need to obtain approvals or permits of

9 any other board, agency or officer as

10 prescribed by law or ordinance with regard to

11 the Approved Plan or construction or an other

12 phase of the project. Further, the granting

13 of this application shall not be deemed to

14 relieve the Applicant of the need to comply

15 with any and all other local, state and

16 federal requirements, including but not

17 limited to compliance with the New York State

18 Uniform Code and any applicable regulations

19 related to the proposed use, location or

20 construction.

21 6. All work shall be in strict

22 compliance with the Approved Plans and all

23 rules, regulations, laws and ordinances

24 governing the Site Plan and construction on

25 the site. In the event the Town Consulting

Page 31

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 A173-15(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. The Applicant shall pay and all

16 outstanding monies owed to the Town in

17 connection with the Planning Board and its

18 consultants and staff processing, reviewing

19 and preparing documentation on this

20 application and the conditions of the Planning

21 Board application and this Resolution.

2 3. The Property and the structures

23 contained thereon shall not be used as a

24 storage facility.

2 4. Any change in the use of the

Page 33

1 Proceedings

2 Engineer, Superintendent of Highways and

3 Building Inspector agree that, as a result of

4 conditions in the filed, field changes are

5 necessary to complete the work of the Site

6 Plan and if in the opinion of the Town

7 Consulting Engineer and Building Inspector

8 such field changes are minor and do not have

9 any material negative impact on the overall

10 design of the Site Plan, traffic circulation

11 and/or drainage of the site, including but not

12 limited to roads, sewers and drainage, then

13 the plans which reflect such field changes,

14 allow such changes. In all other

15 circumstances any deviation from or change in

16 the approved plans shall require application

17 to this Board for amendment of this approval.

18 7. No work may be commenced on any

19 portion of the site without first contacting

20 the Building Inspector and Town Consulting

21 Engineer to ensure that all permits and

22 approvals have been obtained and all permit

23 fees paid and to establish an inspection

24 schedule. Failure to comply with this

25 provision shall result in the immediate

Page 34

1 Proceedings
 2 revocation of all permits issued by the Town
 3 along with the requirement to reapply
 4 (including the payment of application fess)
 5 for all such permits, the removal of all work
 6 performed and restoration to its original
 7 condition of any portion of the site disturbed
 8 and such other and additional civil and
 9 criminal penalties as the courts may impose.
 10 8. The Property shall be inspected
 11 by the Building Inspector, the Town's
 12 Consultant Engineer, and any other consultants
 13 or professionals deemed necessary or
 14 appropriate by the Building Inspector to
 15 ensure that all construction, improvements and
 16 modifications were done in accordance with all
 17 applicable Federal, State and Local laws and
 18 regulations and all professional standards and
 19 guidelines prior to the field being
 20 operational.
 21 9. This application is granted
 22 subject to the accuracy of the representations
 23 made by the Applicant and its representatives
 24 to the Planning Board in its written
 25 submissions and during the public hearing and

Page 36

1 Proceedings
 2 Emanuel, Emanuel Law, P New City. he
 3 attorney for the applicant.
 4 Mr. Chairman, I understand that we
 5 were here last month on this matter, the
 6 public hearing was held. I'm not aware that
 7 there are any additional materials that were
 8 requested of the applicant at the time; nor am
 9 I aware of any new comments from agencies. I
 10 want to make sure that the board did get my
 11 response of October 23, '24 with respect to
 12 the GML, but other than that, we have nothing
 13 new to present.
 14 CHAIRMAN COROLLA: We have a number
 15 of people at the meeting bring up some items
 16 and so on as far as what the applicant wants
 17 to do. A lot of emails have come to us. I
 18 got two more today.
 19 MS. ADDONA: Which we will provide
 20 to the applicant.
 21 CHAIRMAN COROLLA: And, you know,
 22 they have questions. Can you respond to them?
 23 They're worried about traffic, the big item.
 24 A lot of them were traffic. We haven't done a
 25 traffic study.

Page 35

1 Proceedings
 2 if any material representation, whether or not
 3 it is included in this Resolution, is found to
 4 be inaccurate, at the discretion of the
 5 Planning Board the Applicant shall be required
 6 to make an application for an amended
 7 approval.
 8 10. This Resolution shall be of no
 9 force or effect unless and until there is full
 10 compliance with all of its requirements and
 11 conditions.
 12 Dated as of December 11, 2024."
 13 CHAIRMAN COROLLA: Thank you.
 14 Next item on the agenda is Blaze
 15 420 LLC, 81 West Ramapo Road, Garnerville.
 16 Section 26:09, Block: 04, Lot: 01. Here for a
 17 Site Plan Approval. Continuation of a Public
 18 Hearing. It's for a use of a Cannabis
 19 Dispensary. Partial Building will be
 20 utilized. Approximately Gross square foot
 21 area of 1,611 square feet. No on-site
 22 consumption or production proposed.
 23 Mr. Emanuel, how are you?
 24 MR. EMANUEL: Good evening,
 25 Mr. Chairman. Good evening, members. Ira

Page 37

1 Proceedings
 2 MR. SHERIDAN: I'm Ben Sheridan.
 3 We submitted a couple paragraphs on
 4 the intended traffic, expected traffic impact
 5 with our initial application. We haven't
 6 moved to do an official traffic study. The
 7 reason being that this used to be a bank and
 8 that has exceedingly more traffic than any of
 9 the underwriting anyone is doing for what
 10 would be one of probably a dozen dispensaries
 11 within 5 miles of the store. So we expect
 12 under 100 trips per hour. That's when the
 13 International Engineering Group that looks to
 14 do traffic studies recommends doing a traffic
 15 study.
 16 MR. EMANUEL: I would assume
 17 significantly lower than a 100 trips more
 18 hour.
 19 MR. SHERIDAN: We laid it out in our
 20 initial materials.
 21 CHAIRMAN COROLLA: I don't know.
 22 People ask the question if we've done a
 23 traffic study. We haven't done it. I think I
 24 have a report that you gave us a long time
 25 ago.

Page 38

1 Proceedings

2 MR. SHERIDAN: We did try to spell

3 it out.

4 CHAIRMAN COROLLA: Mike, anything on

5 traffic?

6 MR. McCREEDY: The applicant made a

7 legitimate argument. It was rated for a bank

8 which has got a significantly higher turnover

9 than a dispensary would.

10 MR. KAUKER: I'm not sure if there

11 are a lot of studies out there because it's a

12 relatively new use.

13 MR. EMANUEL: That's correct.

14 MR. McCREEDY: In terms of comparing

15 it, I don't think the ITE in terms of

16 comparing it, there's nothing out there. I

17 guess what you could go by is based upon,

18 there are some of these in operation right now

19 and based upon your experience as to what --

20 MR. SHERIDAN: Yes, based on our

21 understanding off --

22 CHAIRMAN COROLLA: You gave us a

23 study.

24 MR. EMANUEL: At the beginning, yes

25 MR. KAUKER: I don't recall the

Page 40

1 Proceedings

2 MR. EMANUEL: The intended hours are

3 what is permitted under your code.

4 MR. SHERIDAN: Yes, shutting down

5 the drive-through a little bit earlier, eight

6 P.M. to accommodate residential needs back

7 there. There's great screen-age up. There's

8 a literal fence. It's elevated 6 feet. So

9 from that standpoint, you know, we hope those

10 two things whether there's late night traffic

11 to the folks on Moria, any noise they would be

12 experiencing.

13 During the week I think the plan is

14 10 to 10. But there will there be reduced

15 hours on certain days, but certainly 10 to 10.

16 We made this decision based upon hours of

17 being open, was part of the original calculus

18 when we decided to open a business in this

19 town because those are friendly hours for

20 cannabis business.

21 MR. WIDMER: With the drive-through,

22 but I think that may lead to additional people

23 coming in and out as opposed to people coming

24 in, you can see what they look like, check

25 their ID. Somebody in a car. You're going to

Page 39

1 Proceedings

2 exact detail, but if you could maybe refresh

3 our memory.

4 MR. SHERIDAN: Even at our peak hour

5 we were expecting less than 100 trips per

6 hour. I'll pull it up here.

7 MR. EMANUEL: Here we are.

8 MR. SHERIDAN: So our peak hours

9 we're expecting Monday through Thursday from

10 six P.M. to nine P.M. So 50 percent of our

11 visits will be during those peak hours. So

12 six P.M. to nine A.M. Monday to Thursday are

13 peak hours. 4 P.M. to 8 P.M. Friday, Sunday,

14 we would consider our peak hours. During

15 those peak hours we expect 45 cars which is

16 about 90 trips. That's what we expect at peak

17 hours. As more competition comes in, we're

18 not underwriting the store for substantial

19 growth. We're underwriting the store to come

20 down to earth once we have a lot of

21 competition nearby which is coming. And the

22 nonpeak hours like 10 or 20 trips.

23 MR. WIDMER: Last month we discussed

24 maybe cutting back some more hours. What are

25 the intended hours right now of operation?

Page 41

1 Proceedings

2 have cars staking up trying to get through the

3 drive-through. I know you guys keep likening

4 yourself to a liquor store. If this was a

5 liquor store I don't think we could

6 approve the drive-through.

7 MR. SHERIDAN: But the state

8 cannabis business rules allow drive-through's.

9 MR. WIDMER: Okay. I think that

10 brings some more issues to the whole project.

11 MS. ADDONA: The town code does not

12 contemplate drive-through in terms of the

13 regulations that were enacted by the town

14 board as it relates to this specific use and

15 they are not regulations that necessarily for

16 a liquor store type use. But I think what

17 you're getting at is that the addition of the

18 drive-through gives the opportunity for

19 additional traffic or additional visitors.

20 That might not necessarily be the case

21 otherwise if it was just a stand alone store.

22 Is that correct?

23 MR. WIDMER: Correct.

24 MR. EMANUEL: Well, I think that's a

25 supposition just as drive-through pharmacies,

Page 42

1 Proceedings
2 you know, there's a limited number of people
3 that would do a drive-through and I don't
4 think that you've seen significant staking at
5 any drive-through pharmacies. Different types
6 of businesses have different drive-through's
7 and they are permitted under your code. The
8 applicant has made the concession of getting
9 off the drive-through at eight P.M. so that we
10 didn't have vehicles which were approximate to
11 the residences idling during the evening hours
12 waiting for the drive-through however many
13 there are, whether it's two or three or four.
14 Most likely what you're to going to
15 see as with any new business, especially a
16 unique business, is that you're going to see a
17 surge of interest at the very beginning and
18 after a couple of months things are going to
19 die down. It's going to be relatively low.
20 If you drive past the dispensary that's on Rt.
21 59 in Nyack, for example, you're not going to
22 see a whole lot of cars there during the day
23 because people get used to the idea. If this
24 was any other kind of business, we wouldn't
25 having this discussion. It wouldn't

Page 44

1 Proceedings
2 would make it more comfortable that anyone
3 in the car has to show an ID we'll turn away
4 a bunch of parents whose five year old is in
5 the back seat who does not have a 21 year old
6 ID. What you're worried about is the idea of
7 a bunch of 22 year olds driving up with their
8 20 year old friends and buying weed for people
9 underage. Well, we're worried about the same
10 thing. Carding, whatever policy you have,
11 yeah, fine, with the drive-through, great,
12 like we'll just send more young parents and
13 we'll card the kids out in front?
14 I just want to add the drive-through
15 as well, we did implement 15 minutes in
16 advance for order pickups. So the goal there
17 is to reduce that exact back fill in the
18 drive-through and that's going to be something
19 that we lean into heavily from a consumer
20 education standpoint, which it's not going to
21 be a situation where you drive up to the
22 window and place your order and wait.
23 MR. SHERIDAN: No, no.
24 MR. EMANUEL: It has to be ordered
25 in advance.

Page 43

1 Proceedings
2 necessarily have to be going through this
3 board. If it was a pharmacy it wouldn't have
4 to go through the board. Certainly another
5 bank it wouldn't have to go through the board.
6 I don't know if liquor stores can
7 have drive through's or not, but certainly
8 there are other businesses that engender, how
9 shall I put this, that people are concerned
10 about socially. Okay? Head shops for
11 example, if a head shop went in there it
12 wouldn't be before this board. You would just
13 go in.
14 MR. WIDMER: I was under the
15 impression that you were not going to have
16 bumpers at the front door, but you're going
17 to sort of screen people and I just think how
18 are you really going to screen people if you
19 have four or five guys in a car, how are you
20 going to screen them as opposed to one or two
21 guys walking in?
22 MR. SHERIDAN: There is a plan to ID
23 people at the door. When you put in a
24 purchase at a drive-through you have to show
25 the ID of the person who purchased it. If it

Page 45

1 Proceedings
2 MR. WIDMER: One other question.
3 You've been before us for a few months at
4 least, right? So any idea what the other half
5 of the building is going to be yet?
6 MR. SHERIDAN: It's currently a
7 furniture store. It is currently packed with
8 boxes of somebody who is using it as an E
9 commerce store, an E Commerce storage unit for
10 their furniture.
11 MR. BEHN: For the record, that was
12 in violation. That was violated. The owner
13 of the building is in the process of
14 dismantling that. So just for the record.
15 MR. WIDMER: So we really don't know
16 what the use is right now.
17 MR. BEHN: Yes, so warehousing
18 furniture for wholesale is definitely not
19 permitted and would have to be approved by
20 this board. In addition, to the fact that
21 there was an egregious violation that it was
22 being used without a working viable fire alarm
23 system according to the central station. So
24 for me it was a no brainer.
25 MR. EMANUEL: Let's be clear, it's

Page 46

1 Proceedings

2 not this applicant. I understand the

3 concerns.

4 MR. WIDMER: It will affect some

5 aspects of the project.

6 MS. ADDONA: And I think the

7 understanding is that if there was any sort of

8 propositioned use of that additional portion

9 in the future, they would have to come in for

10 their own separate site plan application,

11 right, George?

12 MR. BEHN: Correct.

13 MS. ADDONA: And it's not part,

14 right, of the issue that George was having

15 with them?

16 MR. BEHN: I've maintained that

17 position because of the unique qualities of

18 the lot.

19 CHAIRMAN COROLLA: I have a question

20 in reference, you're the applicant as far as

21 half the store. There's an owner, I don't

22 know who he is or she or corporation, are they

23 held to whatever we tell you that we want? In

24 other words, no smoking on the property are

25 they forced to do that? Is that a legal thing

Page 48

1 Proceedings

2 of the site plan this board can't say you

3 can't do things on the entire property and I

4 believe as part of this application, the

5 applicant needed the sign-off of the owner to

6 make this application.

7 MR. EMANUEL: That's correct.

8 MS. ADDONA: So we can put any sort

9 of resolution this board may consider

10 entertaining, in the name of the owner and the

11 applicant as it relates to the property as a

12 whole. So there are absolutely options there.

13 MR. EMANUEL: I don't disagree as

14 long as the conditions are reasonably related

15 to the relief requested.

16 CHAIRMAN COROLLA: How many parking

17 spots -- was it in here -- that you require

18 for yourself? I don't know how many are on

19 the --

20 MR. SHERIDAN: I think there's 25 on

21 the property or 23 on the property. We have

22 full use of them on nights and weekends.

23 Certainly while there's no one else in there

24 we have full use of them. 25 spots available.

25 We have the right to use 11 at least at any

Page 47

1 Proceedings

2 that we can do to tell the other person that

3 wants to rent that store are we being go to

4 look at it and say but if he wants to go next

5 door and he wants to buy and he wants to

6 smoke. Can our law enforcement stop them or

7 can you stop them? I'm kind of confused on

8 that.

9 MR. EMANUEL: I'm going to defer to

10 Ms. Adonna who I saw flick on her mic.

11 MS. ADDONA: I think that's an

12 important distinction to make is that what the

13 applicant is proposing is the site plan for

14 the use of only one half of the property, but

15 it's still the entire property that you're

16 looking at, right? So what we've already

17 asked the applicant to do, and correct me if

18 I'm wrong, I believe that you looked at

19 traffic and parking for the entire property

20 including the soon to be vacant portion to

21 ensure that this use and any other

22 professional office use, which I believe is

23 what it was previously, would comply with the

24 requirements of the zoning code.

25 But that's not to say that as part

Page 49

1 Proceedings

2 hour of the day. Then after four P.M. on

3 weekends we have full use of them.

4 MR. EMANUEL: That's not unusual for

5 any shared situation.

6 CHAIRMAN COROLLA: I don't know what

7 the store is going to have. He may only need

8 two. The owner is going to come to us with

9 another applicant and they're going to say how

10 many parking spaces they need because we have

11 so far 11 or 12 or weekends the whole thing,

12 so they can't use --

13 MR. EMANUEL: We meet the ratio. We

14 meet the ratios that are in your zoning code.

15 MR. WIDMER: Does that mean whoever

16 rents out space B isn't going to be open on

17 the weekend and after four? Is that what

18 you're saying?

19 MR. SHERIDAN: Our understanding is

20 that they're not going to be open on the

21 weekends. It's a professional service office.

22 MR. WIDMER: Maybe that will be in

23 the lease.

24 MR. BEHN: That would be addressed

25 by this board.

Page 50

1 Proceedings
2 MS. ADDONA: So currently what we
3 are basing, or what the only thing to base the
4 other half on is what it was previously, which
5 is professional office. So that's the basis
6 for this analysis. And there can be findings
7 by your board as to what that entails
8 including no use on weekends, use between
9 certain hours, but if in the future someone
10 wants to come in with a retail use or a
11 different commercial use that was more
12 intensive, they will absolutely have to come
13 back before your board. No doubt about it.
14 MR. EMANUEL: Right. And if at that
15 time you felt there was an issue, you could
16 ask for a parking study. At that time.
17 MR. WIDMER: And the owner of this
18 property is aware of this future limitation on
19 his future rental?
20 MR. EMANUEL: I haven't spoken with
21 him, but he'll certainly be aware of it if he
22 has any experience in this or if you put it
23 into your resolution. It's his chose to let
24 us go forward first.
25 MR. WIDMER: I just want to know if

Page 52

1 Proceedings
2 CHAIRMAN COLLA: Okay another
3 question. One of the things that was brought
4 up, I brought up before the people that live
5 in the area was to close up that side exit
6 onto Moria. Now, you agreed to you agree or
7 an owner agree to put a chain in there or
8 something. I would personally like to see for
9 protection, put a curb there a little thing
10 with two plants and close it up completely and
11 that will satisfy me and the people that live
12 on that road.
13 MR. SHERIDAN: It's a little curb.
14 That's a massive expense in a timeline for a
15 little curb. I just want to be clear, this
16 was a bank before. It had more customers
17 coming through. This bank had permission to
18 use that with those two exits. You're cutting
19 off and you're making less access for -- from
20 our standpoint, it just seems a little more
21 dangerous and seems a little discriminatory
22 against this business type because we expect
23 much less traffic than the bank had.
24 You know, as Ira stated earlier, if
25 this was a pharmacy, this isn't a

Page 51

1 Proceedings
2 he is aware of it. Like you said, he will be
3 aware of it.
4 MR. EMANUEL: Right. And they've
5 clearly addressed it by saying these 11
6 spaces -- by the way, we Blaze don't 420 does
7 not have half the space. It has about a third
8 of the space, but they clearly addressed it by
9 saying the 11 spaces are going to be yours
10 exclusively during the weekday hours.
11 So there is an awareness that there
12 needs to be reservation between uses.
13 MR. SHERIDAN: And it's in our lease
14 with the landlord.
15 MR. EMANUEL: It's in his lease.
16 MR. WIDMER: How many employees at
17 the store?
18 MR. SHERIDAN: During those daytime
19 hours you're talking about three or four tops.
20 MR. WIDMER: How about weekends?
21 MR. SHERIDAN: Weekend hours goes
22 out to seven maybe. Those numbers we
23 expect -- again, those are opening day
24 numbers. We expect that to go down as
25 competition comes in.

Page 53

1 Proceedings
2 conversation. The reason we're saying this is
3 now we're talking about going to the landlord
4 and making material changes to his property
5 and he's going to say, guys, is it even worth
6 it, can we even do this. You're limiting his
7 ability then, you're restricting his ability
8 to lease the other part of the parking space
9 as well.
10 So I guess it seems like a small
11 thing. It's not a small thing. When a major
12 international bank was there with millions of
13 customers, that corner was not an issue.
14 MR. WIDMER: I thought you said last
15 month you said it was going to be closed up
16 and screened in.
17 MR. SHERIDAN: We spoke to the
18 landlord about it and unfortunately there was
19 a point where the landlord said why? And the
20 landlord is right, and candidly, this was a
21 bank that had way more customers than we're
22 ever talking about.
23 MR. WIDMER: But the bank doesn't
24 have traffic at night. You don't have
25 headlights. Most of your customers are going

Page 54

1 Proceedings
2 to be after four like you say. So you're
3 going to have traffic, you're going to have
4 cars, headlights. I mean that's the whole
5 point. Even if it was a pharmacy I would
6 still think it --
7 MR. SHERIDAN: Would be dangerous to
8 have headlights? There's one person on Moria
9 when you're making a left. Are kids out
10 running in the streets at seven P.M. in the
11 neighborhood?
12 MR. WIDMER: Headlights going into
13 people's houses.
14 MR. SHERIDAN: There's one house on
15 the corner when you make a left there. Again,
16 this was not an issue when there was a bank
17 there. I don't think it would be an issue
18 with any other type of business. It's just
19 making the parking lot more dangerous.
20 MR. WIDMER: I disagree with that.
21 MR. KAUKER: Although banks close
22 four or five o'clock.
23 MR. SHERIDAN: Bank drive-through's
24 I would have to check what time TD Bank's
25 drive-through opens. Chase is open.

Page 56

1 Proceedings
2 front of this board was an informal appearance
3 at which we showed you the then existing
4 Commerce Bank site plan. When we came back in
5 October I believe it was, at that point we
6 came back with a new site plan for this
7 project. The only real change on it was that
8 we took off Commerce Bank and we put in Blaze
9 420 and put in a new date, okay, because
10 they're not planning on doing a single thing
11 to this plan.
12 CHAIRMAN COROLLA: Okay. This is a
13 little off the thing here, I just happened to
14 read in the Rockland County Times a month
15 about Senator Webber calling the cannabis roll
16 out mismanaged, proposes legislature to reign
17 in regulators. Did you read about this or
18 know about that?
19 MR. SHERIDAN: My parents sent me
20 that one, yeah.
21 CHAIRMAN COROLLA: I don't know what
22 it's all about. I'm just curious.
23 MR. SHERIDAN: Listen, I think
24 there's a lot of stakeholders who are looking
25 to --

Page 55

1 Proceedings
2 MR. KAUKER: But the bank itself is
3 closed.
4 MR. EMANUEL: There are banks that
5 do have evening hours. And yes, the ATM is 24
6 hours and as you know, because I know that
7 I've gone through banks with you, banks have
8 security requirements, federal security
9 requirements for lightening at their
10 drive-through's that were much, much brighter
11 than anything we're talking about here, and
12 that's constant. That's not a passing
13 headlight.
14 CHAIRMAN COROLLA: So you and the
15 owner of the property don't want to close
16 off that --
17 MR. EMANUEL: That's correct.
18 CHAIRMAN COROLLA: Anyone else have
19 any questions right now?
20 One thing you never gave us really,
21 we're approving a site plan approval, we never
22 got a site plan.
23 MR. EMANUEL: We did supply a site
24 plan. There's a full size site plan. If you
25 recall, Mr. Chairman, the first appearance in

Page 57

1 Proceedings
2 CHAIRMAN COROLLA: I know they want
3 to change the rule thing.
4 MR. SHERIDAN: Well, everyone does.
5 That's the nature of politics and law.
6 Stakeholders are constantly advocating for a
7 better position and in New York State Law when
8 it was ultimately passed, it was passed with
9 social equity at its forefront including
10 performers all the way through the retailers
11 and the people who didn't like that, had the
12 most money to spend on these PR efforts.
13 There was certainly a little bit of
14 mismanagement in government and that's still
15 being looked at.
16 But I'll say this, wall to wall, New
17 York is considered the most exciting, the most
18 momentum market across the country at this
19 point. There haven't been these crazy,
20 violent issues in other states that you're
21 seeing. It's been a very successful roll out.
22 Crossing a million dollars in sales this year
23 which equates to taxes. 100 million dollars
24 in taxes going back to the state. A lot of is
25 at the federal. A lot of that at the local

Page 58

1 Proceedings
2 level as well, four percent.
3 MR. EMANUEL: Let's remember
4 something else here. The town board had an
5 opportunity to opt out and say we don't want
6 cannabis retail in our town. They chose not
7 to. Not only did they choose not to, but they
8 turned around and entered regulations into the
9 zoning code. So it's a matter of town policy
10 to allow cannabis retail lesser assuming you
11 met conditions set forth in the zoning code.
12 So to have a conversation about
13 whether this is a good idea or not the time
14 for that frankly has passed. The town board
15 has set the policy for this town that it wants
16 cannabis dispensaries properly regulated,
17 properly set-up, which is why we're here
18 before your board.
19 CHAIRMAN COROLLA: I also believe
20 that the Planning Board also has the
21 opportunity to make some changes from the to
22 board, not what they want, but we can change
23 the hours.
24 MR. EMANUEL: Well, I don't know
25 about that, Mr. Chairman.

Page 60

1 Proceeding
2 MR. SHERIDAN: We reached out
3 them.
4 CHAIRMAN COROLLA: You're going to
5 continue discussions once you get started as
6 far as security and let the police know what
7 you're doing and when you're doing it.
8 MR. SHERIDAN: Every step of the
9 way.
10 CHAIRMAN COROLLA: You're going to
11 continue to do that?
12 MR. SHERIDAN: Absolutely. We got
13 an email response from Chief Gould, we haven't
14 had the opportunity to sit down with him yet.
15 We sent him our security plan. Reached out to
16 the Fire Department as well. They weren't
17 interested in meeting at this point. They
18 said let us know, we'll come down and check it
19 out.
20 MR. WIDMER: Did you get a response
21 from the police chief yet?
22 MR. SHERIDAN: We emailed back and
23 forth. At this point the location is packed
24 with boxes. There's not much to see. Offered
25 to meet him on-site, offered to call them, but

Page 59

1 Proceedings
2 CHAIRMAN COROLLA: I think we can.
3 We can change the hours and some other things,
4 too.
5 MR. WIDMER: I think what we're
6 trying to do is trying to make the use fit
7 this location. That's what we're trying to
8 do.
9 MR. EMANUEL: We're willing to work
10 with you to an extent, Mr. Widmer and Mr.
11 Chairman, and I think we've shown that, but
12 again, the zoning code gives us certain
13 rights, okay, and we're entitled to exercise
14 those rights, okay. Reasonable conditions?
15 Absolutely. But this is a use as of right.
16 This is not a special permit use. You have
17 more leeway with a special permit use than
18 perhaps with a use of right.
19 CHAIRMAN COROLLA: I got one more
20 question.
21 MR. EMANUEL: Certainly.
22 CHAIRMAN COROLLA: You had
23 discussions with the local police department
24 as far as security and so on and you had some
25 discussion with them?

Page 61

1 Proceedings
2 essentially sent him the security plan. He
3 acknowledged it.
4 MR. EMANUEL: Let's also acknowledge
5 that nobody is more interested in security
6 than the operators. Even more so than you
7 guys are because they're the ones with the
8 investment. They're the ones who are going to
9 be on the front line. They don't want
10 anything to happen. So we've already reached
11 out the police. We did that even before we
12 reached out this board, even before we went to
13 the town board. One of the first things we
14 talked about was the need to reach out to the
15 police department and make sure we were in
16 sync.
17 Your code required a security code
18 to be submitted as part of the application.
19 The security plan has been submitted. That's
20 the plan that was submitted to the police
21 department and we welcome their comments.
22 This is going to be an evolving thing. As the
23 business evolves, as circumstances evolve
24 they're going to continue to have
25 conversations with the police department to

Page 62

1 Proceedings

2 make sure that everybody, including their own

3 employees and customers are safe.

4 SOMEONE IN AUDIENCE: We fund the

5 police department through our taxes.

6 MR. SHERIDAN: The MRTA, part of

7 that social equity focus was what's called the

8 Community Reentry Investment Fund which takes

9 a portion of the leftover revenues. The other

10 portion goes to education. The other portion

11 goes to law enforcement including drug

12 recognition experts. You can get trained by

13 the state in their communities. They're

14 called DRE's. You guys should look into it.

15 Certainly our tax revenue goes back into that

16 community reinvestment fund into local

17 programs and a customer is charged 13 percent

18 at the point of sale on their gross purchase

19 and of that 9 percent goes to the state and

20 4 percent goes to the town.

21 MR. EMANUEL: So by contrast other

22 potential high crime, if you will, businesses,

23 pharmacies banks, liquor stores, don't pay any

24 tax like that. So it's certainly more than

25 self funding as far as police protection is

Page 64

1 Proceedings

2 if he concurs with what's been represented

3 if feels there's anything additional that

4 could be provided.

5 MR. LIBERMAN: I think the

6 applicant's comparison to a bank is quite

7 difficult. Like you said, the banks are

8 open daytime hours primarily. This is nights

9 and weekends. It's a new business and maybe

10 it needs a new set of eyes to do a proper

11 professional traffic study.

12 CHAIRMAN COROLLA: Anything that has

13 been in existence, we have -- our consultants

14 have it. This is something new, so I don't

15 know how much study there is on all of that,

16 but I think we should just ask him to give us

17 something, what he thinks right now. As I

18 say, everything else is a comparison. Other

19 banks, shopping centers. This is something

20 new. I don't know whether they did one in

21 Nyack. I don't know where exactly it is in

22 Nyack. We can talk to our consultants and see

23 what he comes up with, if anything.

24 MR. LIBERMAN: My second question

25 is, I wasn't here at the last meeting last

Page 63

1 Proceedings

2 concerned.

3 CHAIRMAN COROLLA: Anybody else on

4 the board have any questions?

5 I'm going to turn it over to the

6 public.

7 Anybody in the public want to add,

8 take away, say anything?

9 Come on up and give your name,

10 please for the record.

11 MR. LIBERMAN: Elly Liberman, 9

12 Locust.

13 I just want to bring up two-points.

14 Number one, the applicant submitted a self

15 developed traffic assessment of what they

16 anticipate traffic being in the area. But the

17 addition of 15 minute waiting time and 11

18 spots on weekends, can the board insist on an

19 outside professional traffic study of how this

20 business will affect the area?

21 MS. ADDONA: What we can do is we

22 could have the traffic engineering consultant

23 that we have on staff, would it make this

24 board feel more comfortable if we sent it over

25 to him and have him take a look at it and see

Page 65

1 Proceedings

2 month, I was pretty sure it was left off

3 asking about the applicant agreed to close off

4 the entrance to Moria.

5 CHAIRMAN COROLLA: Did you hear what

6 he just said? The owner -- because that's why

7 I was questioning before. He's not the owner

8 of the property. They're the applicant of the

9 property and the owner doesn't want to agree

10 to it. I don't want them to agree to

11 something that the owner is not going to agree

12 to. So now he's telling us the owner is not

13 going to agree to it. I'm not happy with it.

14 MR. LIBERMAN: I understand the

15 owner. My question is, are there any other

16 statements or comments accepted by the

17 applicants today or last month that might fall

18 apart once the landlord --

19 CHAIRMAN COROLLA: I was trying to

20 ask him those questions so I can find out

21 where I'm at.

22 MR. LIBERMAN: Reduced hours or some

23 security plan that might also change. We're

24 being told here it might change in a month or

25 two months. How are we sure that what's

Page 66

1 Proceedings
2 conveyed to the public is actually followed
3 through?
4 MS. ADDONA: It will be. It will be
5 in any resolution the board considers.
6 MR. LIBERMAN: That's all I got.
7 Thank you.
8 CHAIRMAN COROLLA: Anyone else?
9 MS. MENDOZA: Hi. My name is
10 Michelle Mendoza. I would like to speak
11 on behalf of -- I'm an advocate of legally
12 licensed cannabis operators.
13 I've heard a lot of the concerns in
14 the room tonight and I've spent over the past
15 decade of my life working in the industry
16 transition from a medical recreational market
17 in California. So also a very big market.
18 I've met a lot of concerns in many stores that
19 I've opened up along the way and I just want
20 you to understand something, that nobody has
21 more at stake than the operators themselves.
22 So any sort of resolution, any sort
23 of regulation that's been put forth by the
24 state, they have to follow it to the "T"
25 There's a lot at stake. Any violation of that

Page 68

1 Proceeding
2 people along the way.
3 So I need you to understand that
4 also, most people when they come into a
5 dispensary those under the guise of
6 recreational, many people are there for
7 medical needs. That is how people shop. It's
8 called the new state or sleep, for stress,
9 for anxiety, for pain relief. Those are the
10 main things that people are shopping for and
11 that is who you see coming to the community
12 and it's many people that you wouldn't
13 necessarily know were using cannabis for those
14 things as alternatives for what the
15 pharmaceutical industry has provided.
16 So I just want to be very clear, I
17 hear the concerns. As an operator, we are
18 held to be able to carry out those regulations
19 to a "T". There's a real risk if you don't.
20 So that's really all I wanted to say.
21 CHAIRMAN COROLLA: Thank you.
22 MS. MENDOZA: Thank you.
23 CHAIRMAN COROLLA: Mr. McCreedy.
24 MR. McCREEDY: Mr. Chairman, I have
25 a question. You brought up the point about

Page 67

1 Proceedings
2 they lose their license and an opportunity to
3 empower economic wealth for their own family
4 and for the community. The tax dollars that
5 come back to the city make this place safer.
6 As a legally operating dispensary,
7 you are the center of education for anyone
8 coming through the door who wants to learn
9 about cannabis in general. But the People
10 that are not allowed to come in and shop,
11 anyone that's not 21 and over and that is
12 something that we take very seriously. I know
13 your comment was that you know they could
14 change their mind on the security plan. The
15 plan is the plan. It's submitted to the
16 of ice. That is what you follow. You never
17 go back on what you submitted because that is
18 the word that you take as an operator. You
19 lose your license if you do that.
20 So I just want everyone to
21 understand that there's a real risk in not
22 following those regulations and we take it
23 very seriously. Coming to the community very
24 seriously providing safe legal access to
25 medicine that could be life changing for many

Page 69

1 Proceedings
2 the regulatory end of this. So what is the
3 actual regulatory oversight by the state? How
4 is that conducted? Are there periodic
5 inspections, random inspections? Are there
6 certain recording thresholds that you need?
7 Maybe that would help the board.
8 MR. EMANUEL: Ben is a former
9 regulator.
10 MR. McCREEDY: I do have one other
11 comment I want to ask, just for the stake of
12 the entrance to Moria. There's two levels of
13 looking at this and evaluating it. The first
14 one is, fire safety. By closing off that
15 entrance you'd be restricting fire access to
16 the property because you'd only have one way
17 in, which I don't think that is conducive to
18 this property regardless of who is residing at
19 the facility.
20 Number two, there is going to be a
21 secondary use on this property at some point
22 in that building. You're not really sure what
23 fire restrictions they might impose or what
24 traffic they may bring. So the site really
25 should stay the way it is. However, one thing

Page 70

1 Proceedings
2 that you may consider and this might be
3 something that you could approach the landlord
4 with, is a fire access gate which would
5 restrict your common everyday flow through
6 traffic, however, some still give emergency
7 vehicles access to the site when it needs to
8 through a lockbox or knock-box which is what
9 they call it, and certainly not as cost
10 protective as say a curb would be. That's
11 more of a permanent install rather than a
12 gate. So I think that's something that the
13 board may consider certainly in discussion
14 with the applicant.
15 MR. EMANUEL: We can certainly take
16 that back to the landlord.
17 Let me just before you talk about
18 the regulatory system, let me just address the
19 issue, they said one thing and now they're
20 saying something else now. There's a
21 substantive qualitative difference between the
22 discussion involving closing off the secondary
23 entrance and that we have security operations,
24 etc. The entrance is a physical -- involves
25 physical change to the property, something

Page 72

1 Proceedings
2 sold at retail, tracking every single product
3 in the state. That is a real thing.
4 Every single part of this experience
5 is highly, highly regulated. There's no live
6 product out on the floor. Everything is
7 stashed away in a vault. Customers have to
8 give the order first and then there's a series
9 of hands it passes through. The only people
10 who are allowed in restrictive access areas,
11 it is closed down to everyone including the
12 landlords unless there's an absolute
13 emergency. Those are the rules that the state
14 has in place for us.
15 MR. BEHN: So, Mr. Chairman, so with
16 regards to Michelle, she mentioned medical and
17 recreational. So medical you have to get a
18 prescription from a medical doctor and why
19 can't you get that from CVS, that
20 prescription?
21 MR. SHERIDAN: Cannabis is illegal
22 at the federal level and there are currently
23 no FDA recognized or over the counter or
24 accepted medical uses of cannabis. It's under
25 the Controlled Substance Act. It's on

Page 71

1 Proceedings
2 that directly affects the landlord. The
3 operational issues, security plan, lighting
4 plan, all those other sorts of things are
5 entirely within this applicant's control. So
6 he can make those commitments and has made
7 those commitments and we've made them in
8 writing and we expect them to be carried
9 through in the resolution, the very thorough
10 resolution that I know Ms. Addona will be
11 preparing.
12 So I want to make that distinction
13 so that the board has an understanding, this
14 is not really a matter of when. With that,
15 you want to talk about regulatory systems.
16 MR. SHERIDAN: I'll keep it short.
17 Random inspections, of course, carried out by
18 the Office of Cannabis Management. There's 24
19 hour security monitoring on-site that has to
20 be able to stay online in a blackout. You
21 have to hold onto all of your files for five
22 years. You have to card at the point of sale.
23 There's a state management system for all the
24 inventory from the moment it gets planted in
25 the ground to the moment it gets packaged and

Page 73

1 Proceedings
2 Schedule 1. It's currently regulated by the
3 Federal Government like heroin, cocaine. And
4 because of that there's no accepted medical
5 use. CVS stands to lose, I imagine their
6 licensing and their Medicaid and Medicare, CVS
7 Health, whatever they're doing on their end.
8 So that's why pharmacies in the
9 United States don't fill scripts for cannabis
10 prescriptions. That's why the state has a
11 medical cannabis licensed program with over
12 100,000 people who are registered in it.
13 Those programs as a recreational market comes
14 on tend to merge into one. But, we don't
15 serve medical cannabis in our dispensary.
16 It's against state rules to prescribe or treat
17 people medically at a recreational facility.
18 You have to train your staff that no pregnant
19 people coming in and telling them, you know,
20 this is good for your pain in the morning or
21 nausea. There's actually signage in the store
22 that says no pregnant, breastfeeding women,
23 dogs, kids, all sorts of state required
24 language that we'll have presently posted.
25 MR. BEHN: So you don't fill

Page 74

1 Proceedings
2 prescriptions?
3 MR. SHERIDAN: We do not fill
4 prescriptions at the store. If we did we'd
5 have substantially less traffic than we're
6 talking about. I think there might be 100.
7 MR. BEHN: Again, I'm just trying to
8 educate myself. Narcotics are distributed
9 through a pharmacy that are regulated by the
10 federal government.
11 MR. SHERIDAN: Yeah, so the
12 Controlled Substances Act in 1973 created a
13 schedule of drugs and President Nixon put
14 cannabis on Schedule 1. Like Sudafed might be
15 schedule 5. There's currently no accepted
16 medical or recreational use for schedule 1
17 drugs. I just graduated from law school last
18 week. I went at night. It's pretty cool.
19 This is one I that I think and hope will
20 change shortly. When I say competition is
21 coming in, like you know it's not crazy that
22 in 5 years Shop Rite will be selling this
23 stuff. There's ways that they can legally do
24 this right now. They're not because they have
25 too many other interests to protect when it

Page 76

1 Proceedings
2 CHAIRMAN COROLLA: Second
3 Mr. Gizzi. All in favor signify saying
4 "Aye."
5 (Whereupon, all the Board members
6 responded "Aye".)
7 CHAIRMAN COROLLA: Opposed?
8 So carried.
9 MR. EMANUEL: Mr. Chairman, just to
10 be clear there is nothing else that this board
11 is asking of this applicant?
12 CHAIRMAN COROLLA: We're going to
13 just check on certain things.
14 MR. EMANUEL: That's fine, but
15 there's nothing that this board is looking for
16 from this applicant as we sit here tonight,
17 for the January 8th meeting?
18 CHAIRMAN COROLLA: Well, we may.
19 MR. EMANUEL: I understand that.
20 CHAIRMAN COROLLA: We may be looking
21 for something.
22 MR. EMANUEL: I'm talking about what
23 I have to do between now and January 8th.
24 MR. McCREEDY: It might be
25 appropriate for a response to some of the

Page 75

1 Proceedings
2 comes to Federal Government, but intoxicating
3 beverages. Delta 9 drinks, you see them
4 everywhere. Go into the gas station. I
5 almost promise you intoxicating beverages.
6 Federal rules on this makes no sense, but New
7 York State rules are very tight.
8 CHAIRMAN COROLLA: Thank you.
9 Anything else?
10 Anyone else from the public want to
11 say anything?
12 Okay. What we're going to do
13 tonight is we're going to have a continuation
14 of the public hearing for our next meeting and
15 we can put all this other stuff together so we
16 can come up with a resolution one way or the
17 other after that.
18 So I'd like to get a motion to have
19 the continuation of the public hearing to our
20 next meeting which is in January.
21 January 8th.
22 MR. WIDMER: I'll move that.
23 CHAIRMAN COROLLA: Moved by
24 Mr. Widmer.
25 MR. GIZZI: Second.

Page 77

1 Proceedings
2 outstanding public comments, be appropriate to
3 ask for.
4 MR. EMANUEL: To be perfectly frank,
5 I welcome public comment especially the emails
6 that were sent, it seems to be one of three
7 different form letters, all of which are more
8 concerned with the social good of cannabis
9 dispensaries rather than anything else.
10 If, Mr. Chairman, although I don't
11 think it's appropriate or necessary, you had
12 said something about referring the traffic
13 information over to your consultant. I would
14 rather if you're going to do that, let's do
15 that now rather than after January 8th.
16 MS. ADDONA: I texted him during the
17 meeting.
18 MR. EMANUEL: Okay, I didn't hear
19 that from the board. All I heard was a
20 suggestion from the Chairman and I didn't hear
21 it as an action. If you're telling me that's
22 what's going to happen, that's fine. I don't
23 want to come back here on January 8th and all
24 of a sudden the board says, hey, remember what
25 Sal said back in December, maybe we ought to

Page 78

1 Proceedings

2 take that up.

3 CHAIRMAN COROLLA: I will hopefully

4 have an answer.

5 MR. EMANUEL: Appreciate that.

6 Okay. Thank you very much. Have a happy

7 holiday.

8 CHAIRMAN COROLLA: Okay. We had the

9 vote for the continuation of the public

10 hearing. Can I have a motion to adjourn?

11 MR. WIDMER: Move that.

12 MR. SAMBRATO: Second.

13

14

15 * * * *

16

17

18

19

20

21

22

23

24

25

Page 79

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

2

3

4

5 Certified to be a true and accurate

6 transcript of the stenographic minutes taken

7 within.

8 Debbie Kline

9

10 Debbie Kline,

11 Senior Court Reporter.

12

13

14 Dated: December 26, 2024

15

16

17

18

19

20

21

22

23

24

25

Page 80

1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 11/11/2024

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT