

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

-----X

In Re:

TOWN OF HAVERSTRAW PLANNING BOARD MEETING

-----X

January 8, 2025
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 A P P E A R A N C E S:

2 GLEN WIDMER, CHAIRMAN

4 WILLIAM RICCALDO

5 ROBERT SAMBRATO

6 ANTHONY GIZZI

7 JAMES MONTE

8 GLENN MCCREEDY, CONSULTING ENGINEER

9 GEORGE BEHN, BUILDING INSPECTOR

10 CHRISTIE ADDONA, PLANNING BOARD ATTORNEY

11 ANNETTE HENDRIE, SECRETARY

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 3

1 (Whereupon, everyone rose for the Pledge of

2 Allegiance.)

3 THE CHAIRMAN: Role call.

4 MS. TOMM ADDONA: Sal Corallo, he's

5 absent.

6 Glenn Widmer.

7 MR. WIDMER: Here.

8 MS. TOMM ADDONA: Robert Sambrato.

9 MR. SAMBRATO: Here.

10 MS. TOMM ADDONA: Anthony Gizzi.

11 MR. GIZZI: Here.

12 MS. TOMM ADDONA: William Riccaldo.

13 MR. RICCALDO: Here.

14 MS. TOMM ADDONA: James Monte.

15 MR. MONTE: Here.

16 THE CHAIRMAN: Unfortunately our

17 Chairman, Sal Corallo, is not feeling well

18 day so I am acting chairman tonight.

19 First item of business is the

20 adoption of the minutes of December 11, 2024.

21 Any questions on that? If not, can I have a

22 motion to adopt.

23 MR. GIZZI: Make a motion.

24 MR. SAMBRATO: Second.

25 THE CHAIRMAN: All in favor say aye.

Page 4

1 (Whereupon, the Board members

2 responded aye.)

3 THE CHAIRMAN: So carried.

4 Our first item on the agenda is 65

5 Ramapo Road -- Thiells Roseville Fire

6 District. This is the first time in front of

7 this Board. So sort of like a meet and greet

8 visit tonight. State your name for the

9 stenographer.

10 MR. EMMANUEL: Good Evening. Ira

11 Emmanuel, 4 Laurel Road, New City for the

12 Applicant. We have with us tonight in

13 addition to the engineering team, two of the

14 commissioners of the Thiells Roseville Fire

15 District and also the fire chief. This is an

16 application for a new firehouse at the

17 location. As those of you who may live in

18 the fire district recall last year there was

19 a bond referendum that was held. And the

20 district residents voted overwhelmingly 90

21 percent to 10 percent in favor of the bond to

22 build the new firehouse. It's recognition

23 that a new firehouse is sorely needed for the

24 district. The current firehouse does not

25 meet the standards for current usage. For

Page 5

1 example, when they need to back the fire

2 trucks back in bays, the apron in front of

3 the bays is not steep enough to accommodate

4 them so they have to stop traffic on 202

5 while doing that. So they found this piece

6 of property which exists of five lots. Five

7 continuous lots that meets their needs. They

8 have designed a building and site plan that

9 generally -- confirms to the Route 202

10 overlay district. There is a petition to

11 apply the overlay district that will be filed

12 within the next day or so. And so we are

13 proceeding along that path. Unlike most of

14 the applications that you see before you,

15 this Board is not the lead agency under

16 SEQRA. The lead agency under SEQRA is the

17 fire district. And that is because all of

18 the other things that the fire district

19 needed to do with respect to this fire

20 district. As you know is a sister

21 municipality within the Town of Haverstraw.

22 So they are acting as the SEQRA lead agency.

23 They will be the ones that will be issuing a

24 neg deck under the project. Nonetheless we

25 value the expertise the Board has. We value

Page 6

1 the expertise the consultants have. And with
2 that I'd like to present our engineers who
3 will make a presentation as to what the
4 firehouse site will look like or at least how
5 we propose it to look.
6 MS. TOMM ADDONA: Before you go.
7 Since you bought up SEQRA. I am wondering if
8 you have any updates of the status of that.
9 MR. EMMANUEL: I do not.
10 MS. TOMM ADDONA: This board as a
11 Town Board cannot take action until the
12 SEQRA.
13 MR. EMMANUEL: We are aware of that
14 but thank you.
15 MR. SHERMAN: Hello my name is Dave
16 Sherman. I work for H2M Architect and
17 Engineers. I am the senior project architect
18 for the new firehouse project. I have
19 exterior renderings that I can pass to the
20 Board if that is okay.
21 So I think Ira hit most of the major
22 points. So for those of you that are
23 unfamiliar, this is a new proposed building
24 out of two stories about 22,000 square feet
25 or about a 15,000 square footprint on th

Page 8

1 is we are looking to screen the residential
2 properties on either side of the site. We
3 have about a 26-foot buffer which we plan to
4 build up with fern and landscaping. And we did
5 some public meetings where neighbors actually
6 came out and provided some feedback. Their
7 big concerns were sound visibility to the
8 building and lighting. So lighting is going
9 to be designed of course so no bleeding into
10 the neighboring properties. Upper lot will
11 be on separate controls so they can shut the
12 parking lot lights off when they are not
13 using it. Most of the building mounted light
14 would be shielded so we would not need shared
15 glaring lights to the neighboring sites and
16 Daniel will talk a little about drainage.
17 THE CHAIRMAN: What's the proposed
18 occupancy?
19 MR. SHERMAN: So it's kind of a
20 complicated question for this building sorry
21 to say, but I think we had a total occupancy
22 of about 150 people for the whole building.
23 There is no really use case where all of the
24 spaces were fully occupied. The meeting hall
25 had a total occupancy of 120 people.

Page 7

1 Route 202 site. We plan to treat this as a
2 single 5 acre lot. You can see -- in any
3 case, we situated the building back from 202
4 this way we can allow the fire apparatus to
5 maneuver on the apron here. One of the big
6 issues that the current building has is every
7 time the fire trucks come back from a call is
8 they back up Route 202 because they have to
9 do a K-turn on the street so one of the big
10 issues was mitigating traffic. The overall
11 flow of the site. There are two entrances
12 off of Route 202 because this is a volunteer
13 fire station and we wanted the volunteers to
14 be able to come from both directions into the
15 site without crossing the fire apparatus
16 phase. Like Ira said we are trying to comply
17 with all of the Route 202 overlay
18 requirements. I think the only one that was
19 a little bit different for us were the
20 parking requirements so we calculated parking
21 based off the usage of the building. What is
22 the sizes of the truck and how many people
23 can be seated in the multipurpose room which
24 is basically their main meeting hall.
25 A couple of other major points here

Page 9

1 THE CHAIRMAN: They are meeting
2 hall/catering hall or just meeting hall.
3 MR. SHERMAN: It would be used for
4 like fundraising events. I am not so sure
5 they would be treating it like a catering
6 hall. Members only.
7 MS. DRAKE: Danielle Drake, from H2M
8 as well. So I guess to touch on a couple of
9 things that David mentioned. We will have
10 two entrances to the site. One of the
11 entrances is supposed to be directly one of
12 the entrances were to be used -- for the public
13 entrance. The other entrance will be used
14 for the emergency responders only. It would
15 be designed that way. One of the main things
16 that we will have to do to the site is relocate
17 the traffic signal from the original
18 firehouse. So there is going to be a new
19 traffic signal for the traffic along Route
20 202. That we've been coordinating with the
21 New York State DOT already. Regarding the
22 drainage we will be complying with all of the
23 DEC requirements. We have reached out and in
24 coordination with your town engineer with the
25 drainage and continue to do that during the

Page 10

1 review process. I think that is all.

2 MS. TOMM ADDONA: Can you talk about

3 how you are going to preserve in the back of

4 the property.

5 MS. DRAKE: In the back of the

6 property there are lineage wetlands. They

7 are not on the federal wetland registry or

8 state. We are looking to preserve the

9 wetland buffer regardless. There is

10 actually -- one of the houses, the Kerby

11 property, is actually within that wetland

12 buffer currently so that will be demolished

13 and put back and screened space.

14 THE CHAIRMAN: It will be a wetland

15 easement or a buffer?

16 MS. DRAKE: A buffer, correct.

17 THE CHAIRMAN: Any other questions,

18 comments from the Board members, consultants.

19 MS. TOMM ADDONA: We did have a

20 lengthy meeting with the applicant team back

21 in December. And that was why I asked about

22 the rear property and the intention to merge

23 all of the lots so in the future they will be

24 considered one lot and cannot be parse off

25 in the future.

Page 12

1 MS. TOMM ADDONA: This is not a

2 public hearing yet. But the board if so

3 inclined you can call for a public meeting at

4 the February 13th meeting. And I know the

5 applicant just filed the application

6 submission yesterday. Have you provided the

7 hard copies?

8 MR. EMMANUEL: Yes.

9 MS. TOMM ADDONA: So we can work out

10 getting the GML.

11 MR. EMMANUEL: We have an excellent

12 printer.

13 MS. HENDRIE: Yes, I got them.

14 MR. EMMANUEL: All I know is what

15 they tell me.

16 MS. HENDRIE: February 12th.

17 MS. TOMM ADDONA: Yes. So just

18 learned that Abraham Lincoln's birthday is

19 February 12th so we have to schedule that

20 meeting. There will be a February meeting.

21 We can put the public hearing on for the

22 February meeting. When can we get the

23 notices out.

24 MR. EMMANUEL: I ask that the

25 February public hearing take place after the

Page 11

1 MR. EMMANUEL: That is correct. We

2 will make a filing for the RTL560 which would

3 merge the lots.

4 THE CHAIRMAN: Obviously you

5 purchased all of lots already.

6 MR. EMMANUEL: All of the lots are

7 owned by the fire district as of July 10th.

8 MR. SHERMAN: I do have one other

9 comment. The exterior finishes of the

10 building we did a segmented SEQRA for this.

11 We needed to finalize the SEQRA analysis.

12 The design is done. But in any case in our

13 initial round and the only comment that we

14 got outside from the Town of Haverstraw was

15 the State Parks Department. And their only

16 concern was visibility from the High Tor

17 State Park so we chose finishes that were

18 more natural. So that is why you see wood

19 finished stone finishes on the outside of

20 building.

21 THE CHAIRMAN: Opposed to brick.

22 MR. SHERMAN: Right. No fire engine

23 red.

24 MR. EMMANUEL: It's not your

25 grandfather's firehouse.

Page 13

1 expiration of the thirty day GML.

2 MS. TOMM ADDONA: That is the

3 intention.

4 MR. EMMANUEL: I just wanted to make

5 sure of that. I had forgotten February 12th

6 was his birthday.

7 MR. MCCREEDY: Is there dates we

8 should talk about.

9 MS. TOMM ADDONA: I learned about

10 this twenty minutes ago. I am thinking the

11 Thursday February 13th is better, probably

12 the best day, if this room is available and

13 everyone is available. I think that is

14 something that we have to talk about offline

15 between staff and board members and we'll be

16 in touch with the applicant.

17 THE CHAIRMAN: Can I have a motion

18 to schedule a public hearing for our next

19 meeting in February. Date to be determined.

20 MR. GIZZI: Motion made.

21 MR. RICCALDO: Second.

22 THE CHAIRMAN: All in favor say aye.

23 (Whereupon, the Board members

24 responded aye.)

25 THE CHAIRMAN: So carried.

Page 14

1 Next item on the agenda is 130 West
 2 Ramapo Road. The old Lavinia's Bridal Shop
 3 lot. Here again for a informal presentation
 4 to the Board. So please state your name.
 5 MR. BARINS: Matt Barins from the
 6 law firm of Zerlin and Simon. I am working on
 7 this application along with my colleague who
 8 is not here tonight. We got our applicant
 9 here. We got members from our engineering
 10 and architectural team to give you kind of a
 11 introduction of the project and kind of kick
 12 this off for you all. If I can briefly
 13 mention what the overall access will be. We
 14 will have both the rezoning of the property
 15 as well as a site plan application for the
 16 construction of an 8,000 foot office
 17 building. 4,000 square footprint as well as
 18 related parking spaces in the back as you see
 19 and our engineer will walk through it. The
 20 next step would be to submit our rezoning to
 21 the Zoning Board. They're going to further
 22 the code refer it to the Planning Board. And
 23 importantly tonight we need the planning to
 24 declare -- circulate its intent to declare
 25 itself lead agency under SEQRA. So will

Page 16

1 being a corner lot has two front yards. With
 2 the CPO zone, which the site currently is in,
 3 the minimum front yard would be fifty feet.
 4 So you would not be allowed to do anything.
 5 And you're not allowed to park nor construct
 6 a building in the front yard. So you would
 7 not be allowed to do anything in the first
 8 feet of the property. Both along 202 and
 9 long Baldwin Road. That would push all of
 10 development closer to the residential
 11 neighbors in the rear, the north of the
 12 property. We are looking for the re-zone to
 13 C which only gives us 25 foot yard which
 14 would allow us better functionality, allow
 15 for property circulation, move the building
 16 closer to the 202 view shed and closer to the
 17 street where the cars see it. And be an
 18 overall more advantageous property for the
 19 applicant and for the Town.
 20 The site, based on parking code
 21 requires 53 parking spaces which are provided
 22 here and the entrance would use the existing
 23 curb cuts on Baldwin Road. Where the cars
 24 come in and circulate. We also provide room
 25 for the dumpster and building as is closer to

Page 15

1 pass this off to Avi Weinberg to introduce
 2 the technical aspects.
 3 MR. WEINBERG: Avi Weinberg. As our
 4 attorney Matt mentioned it's an 8,000 square
 5 foot building. Two stories. 4,000 square
 6 feet per floor. Located on the south side of
 7 the property which is on the northwest corner
 8 of Route 202 and Baldwin Road. There is an
 9 existing house there which is used for
 10 business but we intend to demolish that house
 11 and construct a new building. I want to
 12 touch on the rezoning before we get into the
 13 technical aspect so this Board is aware what
 14 is going on. I bring your attention to the
 15 small map here. Our site is currently zoned
 16 TO across Bolden Road, the shopping center,
 17 is zoned C. Both zones permit this office
 18 building. Office buildings are permitted by
 19 right in both zones. However the area
 20 requirements are much more stringent than PO
 21 zones to the point that they make this cite
 22 unworkable. The main point -- and also this
 23 is advantageous to the neighbors, to the
 24 residential neighbors in the north. This
 25 property because it's a corner, because of it

Page 17

1 202 this way the cars driving along 202 can
 2 see the building. We do have some
 3 renderings. We do have renderings what it
 4 would look like. We will start with a narrow
 5 view from 202 to Baldwin Road. Cars driving
 6 by would see this nice building here with the
 7 glass corridor. This would be the parking
 8 lot. You can see the ariel on the bottom.
 9 As we said before, it's a 8,000 square foot
 10 building. Each floor has 4,000 square foot
 11 each. Like I said I just wanted to introduce
 12 the project and get to the Board to declare
 13 their intent to be lead agency.
 14 THE CHAIRMAN: How close to 202 is
 15 the building?
 16 MR. WEINBERG: It's 25 feet away.
 17 Not necessarily from the road, from the
 18 property line. We have the minimum yard,
 19 which is 25 feet. From 202 itself, another
 20 20 feet from the property line. So we are
 21 talking approximately 40, 45 feet from 202.
 22 THE CHAIRMAN: How about the north,
 23 the back parking lot. How further back does
 24 it go from the existing building.
 25 MR. WEINBERG: It goes further back.

Page 18

1 There is a 25 foot buffer that we are
 2 required to have. It abuts a residential
 3 district. So we have our 25 foot buffer. I
 4 want to mention the way the topography is
 5 laid out there will be, when we finish
 6 grading, a vertical buffer in addition to
 7 residential on the higher end. The edge of
 8 the parking will be low. In addition to the
 9 25 horizontal buffer which is mandated in the
 10 code, there will also be a bit of a virtual
 11 buffer as well. And we'll provide screening
 12 and all of that shield.

13 THE CHAIRMAN: And the use is
 14 office.

15 MR. WEINBERG: General office which
 16 is permitted the both districts. It's allows
 17 for a better site.

18 MR. BARINS: Essentially as we said,
 19 the rezoning will essentially provide the
 20 appropriate zone for the applicant for these
 21 property by not having to move the footprint
 22 of the building and parking closer to the
 23 residents. We will bring it to the street.

24 MR. WEINBERG: The way the property
 25 is currently laid out as we stated every thing

Page 20

1 MR. BARINS: I should mention on part
 2 of the rezoning is contextually with existing
 3 shopping center here so creating a more
 4 commercialize corridor from what it is now.

5 MS. TOMM ADDONA: What do you think
 6 about calling for a public hearing in
 7 February or wait for that.

8 THE CHAIRMAN: We need to do intent.
 9 I have no problem.

10 MS. TOMM ADDONA: Would you want to
 11 hold off on the public hearing. Once the
 12 public hearing is open it's not closed until
 13 you get your final determination.

14 MR. WEINBERG: We are preparing the
 15 full plan. I spoke to Glenn in the past.
 16 You want to see them. We would love to get
 17 the public input now.

18 MR. KAUKER: Did you submit an EAF?
 19 MR. BARINS: We did.

20 MS. HENDRIE: Everyone should have
 21 the packet.

22 MS. TOMM ADDONA: I think they
 23 submitted an EAF with the Planning Board
 24 application back in November. So what the
 25 Board could do tonight is declare your intent

Page 19

1 would have to be closer to the residential
 2 property over here. This allows to keep it
 3 closer, which is a more natural look. I want
 4 to point out -- I know the previous applicant
 5 who was here -- is the Route 202 overlay zone
 6 which accounts for a lot of the issues we are
 7 bringing up. However the minimum lot area to
 8 be qualified for the 202, for the overlay
 9 zone, is 40,000 square feet which we are at
 10 thirty-nine and change and why we need to
 11 come for the rezone.

12 MS. TOMM ADDONA: You did a
 13 preliminary presentation to the Town Board,
 14 is that correct?

15 MR. WEINBERG: That was general PB
 16 work. We did it. They seemed favorable.

17 MS. TOMM ADDONA: I received the
 18 e-mail with the petition today. So we can
 19 put something on the Town Board agenda. I
 20 want to get the benefit of planning as far as
 21 the design goes. That's a concept of
 22 obviously we're at the start of the process.
 23 The concept of the rezoning to the C has been
 24 presented to the Town Board, they were
 25 amenable to the concept.

Page 21

1 to be lead agency and then we can get the
 2 notices out and if everyone is comfortable
 3 opening a public hearing in February the
 4 Board can do that as well.

5 MR. WEINBERG: If I can add one
 6 thing. I know we spoke about where to locate
 7 some of the parking. And one of the issues
 8 that potentially did come up is putting it in
 9 the front yard which is not allowed. We need
 10 a variance. Now should we need and variance
 11 even though the public hearing is open can we
 12 get referred to the Zoning Board?

13 MS. TOMM ADDONA: Yes.

14 MR. WEINBERG: I know this was
 15 brought up in the workshops.

16 MR. MCCREEDY: You should come back
 17 to the workshops once the full set of plans
 18 are submitted.

19 THE CHAIRMAN: I think this Board
 20 should declare intent to become lead agency
 21 and maybe a little soon to open up the public
 22 hearing until we have a full set of plans and
 23 go through the Town Board.

24 MR. BARINS: We still need to get
 25 the rezoning in place and potentially

Page 22

1 variances and go through the site plan.
2 MS. TOMM ADDONA: You are coming
3 back for a few months, it's not going to
4 delay if you don't hold the public hearing.
5 THE CHAIRMAN: We may want to speak
6 with the building and parking --
7 MR. BARINS: We are okay with just
8 the declaration and circulation motion.
9 THE CHAIRMAN: Motion to declare
10 intent.
11 MR. SAMBRATO: So moved.
12 MR. RICCALDO: Second.
13 THE CHAIRMAN: All in favor say aye.
14 (Whereupon, the Board responded
15 aye.)
16 THE CHAIRMAN: So carried.
17 We'll let you know when the next
18 meeting is.
19 MR. BARINS: We will be back when
20 the zoning refers to the Planning Board.
21 MS. TOMM ADDONA: That will probably
22 happen next week. So why don't you guys
23 figure out when you have a full set of plans
24 and make sense to come back in February or
25 work shop in January or February and then

Page 24

1 Tree House Cannabis Dispensary that recently
2 opened in Nyack. I secured their traffic
3 report and I submitted that to the
4 consultants and also had that. Your
5 consultant submitted a report dated
6 January 7, 2025, which hopefully you read and
7 reviewed. But there were a number of
8 findings that I would like to highlight.
9 Basically what Stone Field did, they
10 went to the institute of traffic engineering
11 and there is a land use code, which ITE uses
12 to model traffic generation for new
13 facilities. I know Mr. Kauker and Mr.
14 McGreedy are familiar with this. There is
15 a land use code that was developed for
16 marijuana dispensaries probably based upon
17 experiences in other states that had
18 dispensaries for some time. Stone Field took
19 that and applied it to the month or so of the
20 building that 420 is going to occupy. And
21 took the general office use for the other two
22 thirds of the building. Combined those two
23 to figure out a merge to a proposed traffic
24 generation then compared that merged
25 generation to what would be expected from the

Page 23

1 come back to the Board once things are more
2 comprehensive.
3 THE CHAIRMAN: Next item on the
4 agenda is 81 East Ramapo Road, Blaze 420. So
5 this is a continuation of the public hearing.
6 So I think what we will do is, Mr. Emmanuel,
7 give a brief summary for the public and I
8 have a few comments and we'll see if the
9 Board or consultants have any comments.
10 Mr. Emmanuel, can comment on the comments.
11 Then we will take comments from the public.
12 MR. EMMANUEL: Ira Emmanuel, 4
13 Laurel Road, New City. I am the attorney for
14 the applicant. Good evening again. This is
15 the third time we are appearing -- fourth
16 time we are appearing before this Board.
17 First was for an informal and two public
18 hearings beforehand. The last time we were
19 here the Board had continuing questions with
20 respect to traffic generation from the
21 proposed dispensary. You decided that you
22 wanted to send the project over to the
23 Board's traffic consultants engineering,
24 which you did. Shortly thereafter I was able
25 to find a traffic study that was done for the

Page 25

1 bank that had previously been there. And
2 frankly to my surprise -- I knew it was going
3 to be less, I didn't think it was that much
4 less. Stone Field found there would be
5 17 fewer cars during the weekday a.m. peak
6 and 43 trips during the weekday p.m. peak and
7 51 fewer trips during the Saturday midday
8 peak. So I think that between all of the
9 studies -- and by the way that was also
10 consistent with what was found at the Tree
11 House facility over in Nyack.
12 In addition Stone Field compared our
13 parking study, our parking calculation
14 rather, with your zoning code and found that
15 the parking compliment was consistent. The
16 Tree House report actually also measured
17 parking and found that fewer parking spaces
18 were actually needed for a much larger
19 facility. So we have ample parking. We
20 don't have a traffic generation problem. And
21 so we think we are right now at the point
22 where we think the Board should be
23 comfortable in granting the necessary
24 approvals.
25 THE CHAIRMAN: Okay. Thank you. So

Page 26

1 I have a few items for discussion. I visited
2 the Tree House Monday, two days ago, at 11:30
3 in the morning, early afternoon. So in no
4 particular order we are talking about traffic
5 and parking. I think the parking is more an
6 issue than the traffic. The traffic is less
7 than what a bank would generate.
8 So when I was at the Tree House they
9 had a bigger facility. They had six people
10 working there and there were eight people in
11 the facility purchasing or looking or
12 whatever. So that is possibly 14 cars,
13 vehicles. So obviously the parking lot is
14 able to handle that. Not knowing the other
15 use on the other side is the big question
16 mark. We don't know what is going there. I
17 don't know if we can somehow limit what goes
18 there. Or what the potential use is so that
19 is one issue. That is one issue that I have.
20 MS. TOMM ADDONA: I think it is
21 easier to talk about that one first. So as
22 part of the application the owner of the
23 property has signed off on this publication
24 being made. And so my understanding is that
25 the way it was correlated as Mr. Emmanuel

Page 28

1 correct on that?
2 MS. TOMM ADDONA: Yes.
3 THE CHAIRMAN: Now I took a look
4 at the Nyack Cannabis. Their hours of
5 operation are Monday through Thursday 10 a.m.
6 to 9:00 p.m. Friday, Saturday, 10:00 to
7 10:00. Sunday 11 a.m. to 7:00 p.m. Those
8 may not know what Nyack Cannabis, it's right
9 before you get to the Village of Nyack along
10 Route 59. Totally commercial, no residential
11 house within half a mile. So I would think
12 being the location that we are discussing and
13 it's commercial your allowed 10 to 10. I
14 think maybe these hours may fit that location
15 a little better. In my job I go by the
16 national electric code, the code gives you
17 the maximum allowances on-the-job, I can do
18 anything up to that. So here we have the
19 maximum allowances but I think we can tweak
20 them down to make -- to be a better neighbor.
21 MR. EMMANUEL: We had this
22 discussion before a number of times. And the
23 position of the applicant is that the hours
24 that are allowed are the hours they are open,
25 however they have agreed that they will

Page 27

1 said the remainder of the building would
2 continue for professional office which is
3 currently at the site plan approval for.
4 That is how they demonstrated the applicant
5 is in satisfaction with the parking
6 requirements. If that were to change, for
7 instance the owner wants to put a Dunkin
8 Donuts or Starbucks or retail that generates
9 more parking in the remainder or portion of
10 the remainder of that space they would
11 absolutely need to come back to this Board
12 for further review to ensure that with that
13 additional use that they could still
14 accommodate the parking that would be needed
15 on the property.
16 THE CHAIRMAN: The owner has to sign
17 off on the agreement here and obviously abide
18 by it in the future.
19 MS. TOMM ADDONA: The site plan
20 binds the property.
21 MR. EMMANUEL: I agree with that.
22 THE CHAIRMAN: The next question is
23 we were talking back and forth about hours of
24 operation. So I believe our code allows from
25 10 a.m. to 10:00 p.m. 7 days a week. Am I

Page 29

1 shutdown the drive-thru at 8:00 p.m. which is
2 the portion of the property that is most
3 effected by the nearby residents.
4 THE CHAIRMAN: Well --
5 MR. EMMANUEL: If this was a bank or
6 another type of retail store those same hours
7 would be available. These are the hours that
8 are available under the policy set by the
9 Town Board in the Zoning Code.
10 THE CHAIRMAN: We'll talk about the
11 hours. But the drive-thru still -- when I
12 went into Nyack Cannabis I had to show my
13 license, walk up the steps. Now if somebody
14 is in the drive-thru how do you know they
15 don't have their brother's ID, know the guy
16 is not drunk or stoned. It's just pulling up
17 in a car. You are not getting a good idea of
18 the guys state of mind. How does that work.
19 MR. EMMANUEL: I will let the --
20 THE CHAIRMAN: This opens a whole
21 liability question on this drive-thru.
22 MR. SHERIDAN: Ben Sheridan.
23 Sub-landlord, adviser. The technology we are
24 using requires an ID uploaded when an order
25 is placed. That is 15 minutes in advance

Page 30

1 when the car comes around. The customer
2 would have to put the ID through a secure
3 pass-thru. You scan the ID on the other
4 side. We can see through the window at the
5 drive-thru who the person is. At a point
6 when it's verified we hand the order. That's
7 the end of the transaction.
8 THE CHAIRMAN: You don't know if the
9 guy is high already or drunk. In the other
10 place I had to walk up and they can see the
11 state of mind I was in.
12 MR. SHERIDAN: Yeah, our staff are
13 trained not to serve people who are drunk or
14 high. We train folks who are serving.
15 MR. EMMANUEL: We cannot ensure the
16 state of mind of everyone that walks in even
17 though there would be that personal
18 interview. But, again, if someone decides to
19 do that sort of thing, they do that at their
20 risk. They are violating the law. You
21 cannot make the assumption that someone is
22 going to violate the law with respect to the
23 use.
24 THE CHAIRMAN: What I am saying is
25 what you are saying how you get checked out

Page 32

1 transaction will be handed to them.
2 MR. EMMANUEL: Mr. Chairman, if you
3 go to a liquor store you can bring someone
4 who is under 21 in a liquor store with you
5 but that under 21 person cannot purchase the
6 liquor. But certainly accompany the
7 purchaser. It's similar thing.
8 THE CHAIRMAN: I am asking if only
9 the driver can purchase it or someone in the
10 backseat can pass up there -- I am trying to
11 get the --
12 MR. SHERIDAN: Anyone over 21. It's
13 fair to make a store policy to see the
14 driver's ID. That is not a state mandated
15 policy, that is a store policy. I am happy
16 to make a rule that if the driver is not 21
17 years old. But we are running into the issue
18 of parents with kids. They are running
19 around order in advance be discreet, run in
20 and out. So it's a double edge sword.
21 MR. EMMANUEL: Another analogy
22 medication. Medication -- prescription
23 medication is supposed to be used only by the
24 person for whom it's prescribed. I have gone
25 to the pharmacy many times to pick up for my

Page 31

1 before you go to purchase and seems to me
2 this is easier way to bypass the system with
3 the drive-thru.
4 MR. SHERIDAN: Listen the rules of
5 New York are that you not serve anyone that
6 is visibly impaired. The same rule would
7 apply. Is it because you can't smell a
8 person's breath. You're looking at someone.
9 You're interacting with them.
10 THE CHAIRMAN: You have to walk up,
11 walk into a building, you have to open the
12 doors and say hello.
13 MR. SHERIDAN: You have to drive a
14 3,000-pound car.
15 MR. BEHN: So with the transaction
16 going through if there are children in the car?
17 MR. SHERIDAN: As long as the person
18 in the car is 21 and up.
19 THE CHAIRMAN: It doesn't have to be
20 driver.
21 MR. SHERIDAN: The transaction is to
22 be handed to the driver. You cannot hand
23 it over to someone under 21. The person in the
24 driver seat is the one getting the
25 transaction. The person doing the

Page 33

1 wife and kids. I am sure everyone on this
2 board has done that. I think you are looking
3 at an issue that doesn't exist frankly.
4 THE CHAIRMAN: I am not -- I have
5 concerns.
6 MR. EMMANUEL: Understood.
7 MS. TOMM ADDONA: The Board is also
8 hearing about the use and trying to wrap it's
9 head around it for the first time.
10 MR. EMMANUEL: I get that.
11 MS. TOMM ADDONA: You say Town Code
12 and Town Board. You all know this is the
13 first time the Planning Board is hearing the
14 application.
15 MR. EMMANUEL: We are well aware of
16 that. We are happy to answer questions.
17 THE CHAIRMAN: My last -- maybe we
18 can talk about the hours a little more.
19 Maria Court. I think Mr. McCreedy had a good
20 idea. Had a fireman gauge on that. I'd like
21 to do something to prevent people from going
22 out Maria Court, making a right and parking
23 down the cul-de-sac and lighting up or
24 chewing or whatever you do.
25 MR. EMMANUEL: That was a suggestion

Page 34

1 in the Stone Field report and we have no
2 problem doing that. Putting no right turn
3 restrictions.
4 THE CHAIRMAN: I am thinking --
5 MR. EMMANUEL: Again, we think we
6 need and should have the circulation flow
7 that is available and not be impeded by
8 emergency gate but we don't have a problem
9 with restricting right turns. There is no
10 reason why 99.9 percent of the customers
11 would have to make a right turn on Maria
12 Court. There may be a resident at Maria
13 Court who would want to make that right turn
14 or he or she can go to 202 and access it that
15 way. That is what Stone Field recommended
16 and we are happy to accommodate that.
17 THE CHAIRMAN: There will be no
18 parking signs on Maria Court.
19 MR. EMMANUEL: That is up to the
20 Town Board.
21 MS. TOMM ADDONA: It's a town stre
22 so the Town Board will figure it out.
23 THE CHAIRMAN: People cannot park
24 and run across the street.
25 MR. EMMANUEL: We don't tak a

Page 36

1 the week. But it's a business and they have
2 a right to operate their business in
3 accordance with the applicable regulations.
4 And the applicable regulations by 10 a.m. to
5 10 p.m.
6 THE CHAIRMAN: The maximum allowed.
7 MR. EMMANUEL: That is what is
8 allowed and they have the right to take
9 advantage of that.
10 THE CHAIRMAN: Correct. You have
11 three sides of residential property. Trying
12 to be a good neighbor.
13 MR. EMMANUEL: It's not three sides.
14 We have across the street. We have Maria
15 Court where that is going to be nicely
16 buffered. In the back is High Tor Park and
17 next door is the fire station we are talking
18 about earlier.
19 MR. BEHN: There are a row of
20 houses.
21 THE CHAIRMAN: The fire station is
22 on the other side. I think there are houses
23 in the back.
24 MR. EMMANUEL: You have a parking
25 area to the west.

Page 35

1 position on that so we don't object to it.
2 You have to frankly speak to the folks on
3 Maria Court and see how they feel about it.
4 THE CHAIRMAN: Getting back to --
5 you are inflexible on the hours of operation.
6 MR. SHERIDAN: I think where we are,
7 we'd like to preserve the ability at the
8 maximum hours like Tree House during the most
9 important hours of the week. They are open
10 to 10:00 on peek hour. Our client, and we
11 said this every time we've been up here, the
12 hours we plan to open up on certain days
13 would be less than the max hours, on Sunday
14 they will be less than the maximum hours.
15 That is where we are right now. We submitted
16 that it's 10 to 10 but ultimately the plan is
17 that have that be less.
18 THE CHAIRMAN: Can we get something
19 in writing about that, that is a big
20 difference.
21 MR. EMMANUEL: It's to be determined
22 based on what the market shows. If they
23 don't get traffic in -- if they don't get
24 traffic on Sunday evenings, they are not
25 going to stay open just like any other day of

Page 37

1 MR. BEHN: The way the partial goes
2 it abuts residential property.
3 MS. TOMM ADDONA: Would screening be
4 an option.
5 MR. EMMANUEL: When Commerce Bank
6 was approved that screen was approved and
7 it's still there.
8 MR. BEHN: It's robust.
9 MR. SAMBRATO: Is the lighting the
10 same as it is now?
11 MR. SHERIDAN: Lighting will remain
12 the same for a security standpoint. The
13 parking lot is well lit for the former
14 Commercial Bank. There are strict signage
15 from the State of New York. Two signs. They
16 cannot be neon. The name of the business.
17 The nature of the business, licensed Cannabis
18 dispensary, the name. Other than it has to
19 be discrete.
20 MR. BEHN: You are using the same
21 sign?
22 MR. SHERIDAN: Yes, the sign out
23 front and our half of the signage.
24 THE CHAIRMAN: Any other questions
25 from the Board?

Page 38

1 MS. TOMM ADDONA: Loading and
 2 deliveries, is there a plan for that?
 3 MR. SHERIDAN: Yeah. It's very
 4 different than liquor. We've been drawing
 5 that comparison quite a bit. The product
 6 arrives in a box that is not much bigger than
 7 this so they come in sprinter vans. We would
 8 have to park in one of the available spots.
 9 The delivery is off-peak hours because there
 10 is an intake process that goes with it.
 11 Usually there are two drivers in the car, one
 12 stays in the truck, the other that comes in
 13 with the produce. We have our security
 14 process for that property.
 15 MS. TOMM ADDONA: Once you're
 16 stocked then the replacement is on a much
 17 lower scale.
 18 MR. SHERIDAN: Yes.
 19 THE CHAIRMAN: Anyone from the
 20 public want to the speak on this application?
 21 Okay. Motion to close the public hearing.
 22 MR. RICCALDO: Motion made.
 23 MR. SAMBRATO: Second.
 24 THE CHAIRMAN: All in favor.
 25 (Whereupon, the Board responded

Page 39

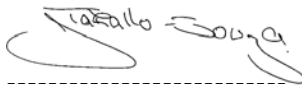
1 aye.)
 2 THE CHAIRMAN: So carried.
 3 MS. TOMM ADDONA: Based on the
 4 discussion this evening if you want I can
 5 prepare a resolution for your consideration
 6 at our February meeting which is to be
 7 determined.
 8 THE CHAIRMAN: That sounds like a
 9 plan.
 10 MR. EMMANUEL: Is there any chance
 11 that we can get anything this evening.
 12 MS. TOMM ADDONA: I don't have
 13 anything written. The public hearing is
 14 closed. I can provide you what we have in
 15 advance.
 16 MR. EMMANUEL: All right. Okay.
 17 MS. TOMM ADDONA: The public hearing
 18 is closed, it's on for resolution.
 19 THE CHAIRMAN: Motion to close the
 20 meeting
 21 MR. GIZZI: Motion made.
 22 MR. SAMBRATO: Second.
 23 THE CHAIRMAN: All in favor.
 24 (Whereupon, The Board members
 responded aye.)

Page 40

1 (Time noted 4:45 p.m.)
 2 * * * * *
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 41

1 REPORTER'S CERTIFICATION
 2 The foregoing is hereby certified to be a
 3 true and correct transcript of the proceedings
 4 held in the above matter.
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



 JEANNINE M. TARALLO-SOUZA
 Official Court Reporter

January 17, 2025

1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 01/08/2025

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25 _____

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT