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In Re:

TOWN OF HAVERSTRAW ZONING BOARD MEETING

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March 11, 2023  
7:00 p.m.

Zoning Board Meeting held at One  
Rosman Road, Garnerville, New York, before a Notary  
Public of the State of New York.

DRAFT

SANDY SAUNDERS REPORTING  
254 South Main Street, Suite 216  
New City, New York 10956  
(845) 634-7561

Page 2

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4 APPEARANCES:  
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6 GREGG LAWLESS, CHAIRMAN  
7 PAUL CLEARY  
8 WILBUR ALDRIDGE  
9 MICHAEL D. KAUKER, PLANNING CONSULTANT  
10 CHRISTIE ADDONO, ZONING BOARD ATTORNEY  
11 ANNETTE HENDRIE, SECRETARY  
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Page 3

1 Proceedings  
2 CHAIRMAN LAWLESS: Please stand for  
3 the Pledge.  
4 (Pledge of Allegiance.)  
5 CHAIRMAN LAWLESS: Good evening,  
6 everyone. Today is Wednesday, May 10th, 2023.  
7 This is the regularly scheduled meeting of the  
8 Town of Haverstraw Zoning Board of Appeals.  
9 I'll call the roll.  
10 Mr. Aldridge.  
11 MR. ALDRIDGE: Here.  
12 CHAIRMAN LAWLESS: Mr. Barrett.  
13 (No answer.)  
14 CHAIRMAN LAWLESS: Paul Cleary.  
15 MR. CLEARY: Here.  
16 CHAIRMAN LAWLESS: Mr. Margiotta.  
17 (No answer.)  
18 CHAIRMAN LAWLESS: Okay. The first  
19 item on the agenda is adoption of the minutes  
20 from November 9th, 2022 meeting.  
21 MR. ALDRIDGE: So moved.  
22 MR. CLEARY: Second.  
23 CHAIRMAN LAWLESS: All in favor?  
24 (Whereupon, all the Board members  
25 responded "Aye".)

Page 4

1 Proceedings  
2 CHAIRMAN LAWLESS: Motions.  
3 First item on the agenda will be Ben  
4 Friedman.  
5 MS. TOMM ADDONA: The first item on  
6 the agenda is Ben Friedman 16 Mohawk Lane,  
7 Pomona. Section 24.16, Block:02, Lot:47.  
8 Public Hearing, Requesting the following  
9 variances:  
10 Maximum Building Coverage - 1.6%  
11 Variance.  
12 Side Yard (Western Side) - A 7'  
13 Variance.  
14 Side Yard (Eastern Side) - A 5.8'  
15 Variance.  
16 Total Side Yard - 17-8' Variance.  
17 I'll also read the Public Hearing  
18 Notice. Please take notice the Town of  
19 Haverstraw Zoning Board of Appeals shall hold  
20 a Public Hearing to consider the application  
21 of Ben Friedman, 16 Mohawk Lane, Pomona, for a  
22 proposed Side Yard Addition to an existing  
23 Single Family residence.  
24 The following variances are  
25 required:

Page 5

1 Proceedings  
2 Maximum Building Coverage: 18% is  
3 permitted:  
4 19.6% is proposed - A Variance for  
5 an increase of 1.6% is required.  
6 Side Yard (Western Side) 20 ft is  
7 required.  
8 13' is proposed: A 7' Variance is  
9 required.  
10 Side Yard (Eastern Side) 20 ft is  
11 required.  
12 14.2' is proposed. A 5.8' Variance  
13 is required.  
14 Total Side Yard: 45' is required.  
15 27.2' is proposed. 17.8' Variance  
16 is required.  
17 Said property being located on the  
18 South side of Mohawk Lane and located on the  
19 Town of Haverstraw Tax Map as Section 24.16,  
20 Block-02, Lot-47.  
21 Said Public Hearing shall be held on  
22 Wednesday, May 10th, 2023 at seven o'clock  
23 P.M. in the large meeting room of Haverstraw  
24 Town Hall, One Rosman Road, Garnerville.  
25 All interested parties are invited

Page 6

1 Proceedings

2 to attend and will be heard by the Board.

3 By Order of the Zoning Board of

4 Appeals of the Town of Haverstraw.

5 Mr. Chairman, for the record we have

6 received the mailing receipts and the

7 Affidavit of Mailing provided by the Applicant

8 as required by the administrative code.

9 CHAIRMAN LAWLESS: Is the applicant

10 here?

11 MR. FRIEDMAN: Yes.

12 CHAIRMAN LAWLESS: Would you please

13 give your name and address for the record.

14 MR. FRIEDMAN: Sure. Benjamin

15 Friedman, 16 Mohawk Lane, Pomona, New York,

16 10970.

17 CHAIRMAN LAWLESS: Welcome. We've

18 been given a couple of items tonight to review

19 and look at this application, but maybe you

20 can start by, if you wouldn't mind telling the

21 Board what your plan is. I know you gave us a

22 synopsis here.

23 MR. FRIEDMAN: Yeah, we did a

24 writeup just to explain what the addition is.

25 We want to build a master suite, expand the

Page 8

1 Proceedings

2 or total variances to build a house with these

3 dimensions on their lots. Now this

4 variance is still required for my property,

5 but this will further illustrate that this

6 addition is in line with the area and will not

7 cause a change in character or detriment to

8 nearby properties. And lastly, my home will

9 remain a single family home for my growing

10 family.

11 We explored other options, besides

12 from the variances, but we found this to be

13 the only feasible option. Building back would

14 have caused environmental issues with the

15 proximity to the woods and issues with

16 drainage. Building forward or upwards would

17 also require variances.

18 The size and shape of the property

19 make it difficult to comply with the existing

20 zoning regulations for this addition without

21 these variances and we've explored other

22 options, but none of the options were

23 feasible. This was determined in conjunction

24 with the architect and verified with a

25 contractor.

Page 7

1 Proceedings

2 garage on one side and we want to expand the

3 kitchen, living room and put a small home gym

4 downstairs, more plans for the area, things

5 like that. But just for some more detailed

6 items I wrote something up today if I could

7 share that with you. Is that okay?

8 CHAIRMAN LAWLESS: Yes.

9 MR. FRIEDMAN: Chair members of the

10 Town of Haverstraw Zoning Board of Appeal,

11 thank you for taking the time to hear my

12 appeal for a the Variance for my home located

13 at 16 Mohawk Lane, Pomona, NY, 10970. My home

14 is located in the Town of Haverstraw Tax map

15 Section-24.16, Block-02, Lot-47. I understand

16 that this matter requires careful

17 consideration and I appreciate the opportunity

18 to explain why I believe the Bulk variances or

19 Area Variances, are necessary.

20 I believe that granting these

21 Variances for my home will not produce

22 undesirable changes in the character of the

23 neighborhood or create a detriment to nearby

24 properties. Three of the five abutting

25 properties would not have required these side

Page 9

1 Proceedings

2 While the variances we're requesting

3 may seem substantial on paper, they aren't

4 building near the property line and will have

5 ample side yard space that is in line with the

6 surrounding houses on Mohawk and Palisades

7 Court. The proposed changes will not

8 significantly alter the use of my property and

9 will improve the appearance and aesthetics of

10 my property.

11 The proposed variances will not have

12 any adverse effects on the physical or

13 environmental conditions of the neighborhood

14 or district. We had these specific conditions

15 in mind which led to these plans. The changes

16 to my home will not impact the surrounding

17 environment or infrastructure since it's just

18 a home expansion.

19 I don't believe that this difficulty

20 was self-created, in order to do the variances

21 blindly. I think the size and shape of my

22 property coupled with the existing zoning

23 regulations make it difficult to comply. I've

24 explored other options, but none of them were

25 feasible or practical. So we are adding to

Page 10

1 Proceedings

2 the sides because that's the only location

3 where the additional living space could be

4 added without interfering with the existing

5 functionality of our home.

6 In conclusion, I believe that we

7 meet all five of the criteria for granting the

8 Bulk/Area Variance as outlined by New York

9 State Law and the Town of Haverstraw. I

10 consulted with my neighbors and made every

11 effort to ensure that the proposed changes to

12 my home will not have any adverse effect on

13 the neighborhood or district. And I

14 appreciate your consideration. Thank you.

15 MS. TOMM ADDONA: So you alluded to

16 one of the criteria for an area variance being

17 the substantiality of the variances and

18 specifically those side yard variances are on

19 paper and numerically are pretty substantial.

20 Is there anyway or did you explore any

21 mechanism to kind of confine it a little bit

22 or at least reduce the size of those

23 encroachments?

24 MR. FRIEDMAN: Yes. We attempted

25 that with the architect and he told us that in

Page 12

1 Proceedings

2 hear it from him, I'm sure he'll state the

3 same.

4 MR. KAUKER: I'm looking at the

5 house adjacent to it. It looks like it would

6 probably be bigger than the other house.

7 MR. FRIEDMAN: So it won't be the

8 largest house on the block and it won't be the

9 longest house on the block. It won't be the

10 tallest house on the block and I printed a sky

11 map just of Palisades and Mohawk showing -- I

12 actually have some measurements that I did.

13 There's some houses that are 8 feet away from

14 the side yard and then there are some houses

15 that are 20 feet total from one house to the

16 next house. We're not asking for any of that,

17 but if you look around the map or I can show

18 you some of the items I actually measured

19 using Google Map's measuring tools, it tells

20 you how many feet, but there are houses are

21 twenty feet away from each other, but we're

22 not going near that.

23 MR. KAUKER: One other thing the

24 Board is going to have to consider in their

25 deliberations, the degree of the variances

Page 11

1 Proceedings

2 order to build onto the side where the garage

3 is, where they are, meaning facing the street,

4 you need to have 22 feet. So he said in order

5 for the engineering and the structure of the

6 roof and for everything else, you have the

7 garage, and two feet, garage and a two feet on

8 each side. So the 22 feet that we're adding

9 on those directions are based off of what the

10 architect and the engineer said we would need

11 for the roof structure and structure of the

12 house. So we did attempt other methods.

13 MR. KAUKER: So that was on the

14 garage side, but what about the other side of

15 the home?

16 MR. FRIEDMAN: On the other side of

17 the home we added on to -- in order for us to

18 have dining room/kitchen move over, as well

19 as have home gym, and I do have a neighbor

20 here that's on that side that you were

21 mentioning. He's okay with it. It doesn't

22 affect his house or his living space at all

23 and it makes the house not stick out like a

24 sore thumb because now it's similar dimensions

25 on both sides. If you need to call him up to

Page 13

1 Proceedings

2 being requested which are kind of substantial

3 and other alternatives. Now, you did mention

4 you looked into putting an addition on the

5 rear of the building, the rear of the home and

6 there were environmental constraints. I don't

7 really see any from the aerial. What

8 environmental constraints are in the rear yard

9 that would preclude you from developing in the

10 rear as opposed to the side?

11 MR. FRIEDMAN: Well, just proximity

12 to trees. So we already -- our whole property

13 is surrounded by trees. If you try to take a

14 bird's eye view sometimes you can't see the

15 house. So if we move back, then we're in

16 danger of basically the whole woods from being

17 too close to nature. But also, we have a very

18 expensive deck that the previous neighbors put

19 it. It's a multi-level deck and that was in

20 the writeup, the initial writeup that we would

21 have to tear down which would be a detriment

22 to us. It was expensive. It's two stories.

23 It was solidified to be able to hold a hot tub

24 and that would put us in more financial

25 hardship to move back. Aside from the fact

Page 14

1 Proceedings  
2 that also the backyard, we have woods at the  
3 bottom of the hill so we get a lot of water  
4 there.  
5 MR. KAUKER: Okay, but an  
6 environmental constraint is something like  
7 wetlands or steep slopes. So there's none of  
8 that?  
9 MR. FRIEDMAN: I'm not a  
10 professional, so maybe I wrote the word  
11 environment incorrectly. If you want to  
12 scratch that out.  
13 MR. KAUKER: Okay.  
14 MR. FRIEDMAN: No, we didn't get  
15 someone to come down and do a water test on  
16 the backyard and they said they can't do it.  
17 MR. KAUKER: So other than the deck  
18 that's in the rear yard that you would not  
19 like to remove, there really is no real  
20 environmental constraint in terms of something  
21 that would preclude you from building in the  
22 rear.  
23 MR. FRIEDMAN: Correct. In my mind  
24 I see the trees, I call it environment.  
25 didn't know the legal aspect of it that you're

Page 16

1 Proceeding  
2 MS. TOMM ADDONA: It was sent out on  
3 April 18th. The referral was sent out, but  
4 you have to give them thirty days to respond.  
5 MR. FRIEDMAN: I know it's  
6 procedural history, but we're due around the time  
7 of the next meeting, so what happens if we're  
8 unable to attend, can we send someone in our  
9 stead?  
10 MS. TOMM ADDONA: Of course.  
11 MR. FRIEDMAN: I haven't done this  
12 before, so.  
13 MR. BEHN: I do have a comment. I  
14 just realized that the bulk table, the  
15 required total side yard is incorrect. There  
16 was a change to the average density in this  
17 subdivision when it was built. It says the  
18 required total side yard is 60. That should  
19 be 45. So we're going to have to clean that  
20 up.  
21 MS. TOMM ADDONA: So that would  
22 reduce the scope of the variance that they  
23 need?  
24 MR. BEHN: The take off that I did,  
25 I believe is correct, the bulk table and --

Page 15

1 Proceedings  
2 discussing.  
3 MR. KAUKER: Okay. Thank you. I  
4 have nothing further.  
5 MS. TOMM ADDONA: So just from a  
6 procedural standpoint, one of the things we  
7 have to do with an application like this is to  
8 refer it to the County Department of Planning  
9 for a General Municipal Law Referral. That  
10 has happened, but the thirty days that is  
11 statutorily required for them to submit a  
12 response, has not elapsed yet and we have not  
13 received a response. So the board cannot  
14 actually take any action on this tonight and  
15 so it's going to have to be held over to the  
16 June meeting.  
17 But, you know, you've heard the  
18 comments from me and Mr. Kauker, if the board  
19 has anything as well, and then the board will  
20 obviously open it up to the public if there's  
21 anyone from the public -- you said there may  
22 be a neighbor here?  
23 MR. FRIEDMAN: I thought we said  
24 that back in March or April we were trying to  
25 rush onto the March meeting.

Page 17

1 Proceedings  
2 Mike, take a look at it.  
3 MR. KAUKER: You're saying that the  
4 total required side yard is not 60 feet, it's  
5 something else?  
6 MR. BEHN: 45. As per the change to  
7 the area density when the subdivision was  
8 done.  
9 MR. KAUKER: So not per the zoning  
10 code?  
11 MR. BEHN: Correct.  
12 MR. KAUKER: We'll have to take a  
13 look at that.  
14 MS. TOMM ADDONA: But if anything I  
15 think what I'm hearing from you, it would  
16 reduce the degree of the variance that they  
17 need.  
18 MR. BEHN: No. My take off is as  
19 per the bulk.  
20 MS. TOMM ADDONA: Oh, the average  
21 density, but the plan is showing a greater  
22 variance.  
23 MR. BEHN: The town is going to pick  
24 up on that. They're going to say the bulk  
25 table needs to be changed. So if you guys can

Page 18

1 Proceedings  
 2 ahead of that it will benefit you. My  
 3 apologies I just noticed it.  
 4 MR. FRIEDMAN: You're saying that it  
 5 would be beneficial not to wait for the Town  
 6 to respond?  
 7 MR. BEHN: Shouldn't be a big deal.  
 8 MR. KAUKER: Do they have that  
 9 information though, if it's not in the zoning  
 10 code, so they might not be --  
 11 MR. BEHN: Well, when they check  
 12 their records as far as when the subdivision  
 13 was done, they're going to see the change to  
 14 the average density.  
 15 MS. TOMM ADDONA: You're just  
 16 basically saying to use the numbers that you  
 17 calculated when you were explaining your  
 18 denial which they should have and could easily  
 19 be provided to the applicant?  
 20 MR. BEHN: Right.  
 21 MR. KAUKER: You may want to have  
 22 your architect check with George. It's not  
 23 something that's readily available online or  
 24 something like that.  
 25 MR. BEHN: But I believe the county

Page 20

1 Proceedings  
 2 Anybody from the Public who  
 3 heard, please step forward and state your name  
 4 for the record.  
 5 MR. COHEN: Hello. Yehuda Cohen. I  
 6 reside at 4 Mohawk Lane. I'm one house to  
 7 the east of the property. We've known them a long  
 8 time and we have no issue with the variance  
 9 toward my end of the property. That's what I  
 10 have to say.  
 11 CHAIRMAN LAWLESS: Thank you.  
 12 Anybody else in the Public like to  
 13 be heard, please step forward.  
 14 We'll adjourn the Public Hearing to  
 15 next month's meeting. Make a motion to close  
 16 the public hearing to June?  
 17 MR. ALDRIDGE: So moved.  
 18 MR. CLEARY: Second.  
 19 CHAIRMAN LAWLESS: All in favor say  
 20 "Aye."  
 21 (Whereupon, all the Board members  
 22 responded "Aye".)  
 23 CHAIRMAN LAWLESS: Motion carries.  
 24 Motion to close the meeting.  
 25 MR. ALDRIDGE: So moved.

Page 19

1 Proceedings  
 2 is going to pick up on that.  
 3 MR. CLEARY: You mentioned that the  
 4 size and shape of your property is problematic  
 5 here, but it's rectangular. It's not like  
 6 you're living on a pizza slice. It's a  
 7 rectangle and it can go back.  
 8 MR. FRIEDMAN: I'm aware it's a  
 9 rectangle, but as I was trying to explain,  
 10 that three of the five abutting properties I  
 11 had the sent the mailings to, three of those  
 12 five could this exact plan on their lot and it  
 13 would not have required any variances. So  
 14 because we're on a hill, I'm house number 16,  
 15 number 7 is across the street. It's a very  
 16 wide block and each lot is a completely  
 17 different shape than the other, and three of  
 18 the five abutting properties would not have  
 19 needed any variances.  
 20 CHAIRMAN LAWLESS: Anybody from the  
 21 Board?  
 22 MR. ALDRIDGE: I don't have anything  
 23 at this time.  
 24 CHAIRMAN LAWLESS: I don't have  
 25 anything at this time.

Page 21

1 Proceedings  
 2 MR. CLEARY: Second.  
 3 CHAIRMAN LAWLESS: All in favor?  
 4 (Whereupon, all the Board members  
 5 responded "Aye".)  
 6 CHAIRMAN LAWLESS: Thank you.  
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C E R T I F I C A T I O N

Certified to be a true and accurate transcript of the stenographic minutes taken within.

*Debbie Kline*

Debbie Kline,  
Senior Court Reporter.

Dated: May 15, 2023

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Errata Sheet

NAME OF CASE: In Re: TOWN OF HAVERSTRAW ZONING BOARD MEETING

DATE OF DEPOSITION: 03/11/2023

NAME OF WITNESS:

Reason Codes:

- 1. To clarify the record.
- 2. To conform to the facts.
- 3. To correct transcription errors.

Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

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Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

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