

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

-----x

In Re:  
TOWN OF HAVERSTRAW ZONING BOARD MEETING

-----x

May 8, 2024  
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

1  
2  
3  
4 APPEARANCES:  
5 GREGG LAWLESS, CHAIRMAN  
6 WILBUR ALDRIDGE  
7 LARRY MARGIOTTA  
8 MICHAEL D. KAUKER, PLANNING CONSULTANT  
9  
10 CHRISTIE ADDONO, ZONING BOARD ATTORNEY  
11  
12 ANNETTE HENDRIE, BOARD SECRETARY  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 3

1 Proceedings  
2  
3 CHAIRMAN LAWLESS: Please stand for  
4 the Pledge.  
5 (Pledge of Allegiance.)  
6 CHAIRMAN LAWLESS: Good evening,  
7 everyone. Today is Wednesday, May 8th, 2024.  
8 This is the regularly scheduled meeting of the  
9 Town of Haverstraw Zoning Board of Appeals.  
10 I'll call the roll.  
11 Mr. Aldridge.  
12 MR. ALDRIDGE: Present.  
13 CHAIRMAN LAWLESS: Mr. Margiotta.  
14 MR. MARGIOTTA: Here.  
15 CHAIRMAN LAWLESS: Mr. Merriweather.  
16 (No response.)  
17 CHAIRMAN LAWLESS: Mr. Ramundo.  
18 (No response.)  
19 CHAIRMAN LAWLESS: Okay. First item  
20 on the agenda will be the adoption of minutes  
21 from February 14, 2024. Can I have a motion  
22 to accept the minutes?  
23 MR. ALDRIDGE: So moved.  
24 MR. MARGIOTTA: Second.  
25 CHAIRMAN LAWLESS: Motion made by

Page 4

1 Proceedings  
2 Mr. Aldridge. Second by Mr. Margiotta. All in  
3 favor?  
4 (Whereupon, all the Board members  
5 responded "Aye".)  
6 CHAIRMAN LAWLESS: Motion carries.  
7 MS. ADDONA: Mr. Chairman, before we  
8 get into our regular agenda, I'd just like to  
9 state for the record that the Marian Shine  
10 Solar Array and the Garnerville Storage  
11 Project have both been adjourned from the  
12 Zoning Board and Planning Board meetings  
13 tonight. The next meeting on both of those  
14 applications will be on June 12th. So if  
15 anybody is here for those applications.  
16 However, we will be going forward with the  
17 agenda as it was posted on the website. And  
18 the first item on the agenda is East Gate, 321  
19 Rt. 202.  
20 Do we want to wait and take that?  
21 Are you waiting for Mr. Emanuel?  
22 MR. LOFTUS: No, I'm filling in for  
23 Mr. Emanuel.  
24 MS. ADDONA: So first item on the  
25 agenda is 321 Rt. 202, Pomona. Section:

Page 5

1 Proceedings  
2 25.19, Block: 02, Lot: 19 & 20. Public  
3 hearing to construct a two-story office  
4 building, 17,714 square feet.  
5 Requesting the following variances:  
6 Off Street Parking:  
7 119 parking spaces required; 80  
8 spaces provided.  
9 A 39 Space Reduction.  
10 Vehicular Access Requirement - No  
11 Closer than 50 Ft. to any Property Line.  
12 Entrance to the site is 24.28' from  
13 Easterly Side Lot Line. Variance: 25.72'.  
14 CHAIRMAN LAWLESS: The applicant for  
15 Eastgate, please step forward and state your  
16 name for the record.  
17 MR. LOFTUS: Patrick Loftus, 4  
18 Laurel Road, New City, New York, of counsel to  
19 Ira Emanuel, attorney for the applicant.  
20 So I understand that there's been  
21 ongoing conversation about the two variances  
22 that the applicant will be looking for in this  
23 matter. Our traffic consultant, Harry Baker,  
24 was asked to do some supplemental work to go  
25 with the earlier report that he submitted. I

Page 6

1 Proceedings  
2 know that he has submitted the supplemental  
3 report in writing, but he is here this evening  
4 to make a presentation and answer any  
5 questions.  
6 So I'm going to turn it over to  
7 Mr. Baker.  
8 MR. BAKER: Good evening. Harry  
9 Baker, Harry Baker and Associates.  
10 At the last meeting we were here,  
11 one of the questions that was raised was about  
12 parking, the fact that we were going to  
13 provide 80 parking spaces when 119 were  
14 required, and the traffic report that I have  
15 prepared, I was in the -- I based my analysis  
16 on numerous office buildings that I had done  
17 and also, compared it to the Institute of  
18 Transportation and Engineers Parking Manual  
19 that also looks at parking and there's a  
20 formula in there that tells you how to  
21 calculate parking spaces. And I know there  
22 was some concern from the board, so we also  
23 took another look from a different point of  
24 view.  
25 I'm working on a project at 365 Rt.

Page 8

1 Proceeding  
2 since we don't know for this building how many  
3 people are going to be in the building because  
4 we really don't know at this point we do know  
5 that there are thirty-four offices in this  
6 proposed building. There are 42 in the  
7 building at 365 Rt. 59.  
8 So what we were able to do is  
9 calculate a ratio of the number of parking  
10 spaces, the number of cars parked per office,  
11 which is shown in table one that's part of my  
12 letter. And if you use the information from  
13 the 365 Rt. 59 study, the average cars parked  
14 per office was between 1.79 and 2.20, and by  
15 the way, we did the study over six days, six  
16 different days, Monday, Tuesday, Wednesday and  
17 then Thursday and another Monday and a  
18 Tuesday.  
19 And then the waited average is 1.96.  
20 And so, if you use the waited average, we  
21 would require -- we require 67 spaces. If we  
22 use the highest ratio which is 2.20, we would  
23 require 75. We're providing 80.  
24 I have other office buildings that  
25 I've done as well. I didn't think they were

Page 7

1 Proceedings  
2 59 in Airmont. It's an existing office  
3 building. It's 44,000 square feet. It's up  
4 and running. It's been up and running for  
5 years. And as part of that building, I'm  
6 actually working on a project for that  
7 building, but the part that's pertinent  
8 tonight is we had to do parking studies for  
9 that building as well because they're going to  
10 add more space and we got to figure out how  
11 many more parking spaces had to be built and  
12 what we did is we had actually counted over  
13 two days from eight o'clock in the morning to  
14 six o'clock at night the number of cars that  
15 were parked all day long every hour of the  
16 day.  
17 In addition to that, we were asked  
18 to do a supplemental study by the Village  
19 Board of Airmont, the Planning Board, excuse  
20 me, and we went out for three different times  
21 during the times at ten, twelve and three  
22 o'clock in the afternoon and counted the  
23 number of people in the building and the  
24 number of cars parked and the number of  
25 offices that they had in the building. And

Page 9

1 Proceedings  
2 appropriate because either the use, the  
3 potential use of the building was different  
4 and I didn't want to mix and match and put  
5 apples and oranges together. Where here, it's  
6 a general office building. Others were more  
7 specifically used, had a specific type of  
8 tenant in there. And so -- but this building  
9 should be representative because it's a  
10 general office building. As I said, it's been  
11 running for numerous years.  
12 And so, we would respectfully ask  
13 that you grant the variance for the 80 parking  
14 spaces. We believe we have shown through our  
15 studies, the initial study, and this  
16 additional study, and also Stonefield, who is  
17 your consultant that reviewed our traffic and  
18 parking study, agreed with our analysis as  
19 well when the original traffic study was  
20 submitted.  
21 So I'm here to answer whatever  
22 questions I can.  
23 MS. ADDONA: Mr. Chairman, before we  
24 get any comments from the board, I just want  
25 to make a procedural comment. The board

Page 10

1 Proceedings  
2 cannot act tonight because the Planning  
3 Board's SEQRA determination would have to be  
4 made first. So I understand the point you're  
5 trying to get across, but for the board and  
6 for the public, action cannot be taken tonight  
7 by this board on this application.  
8 MR. BAKER: Understood. But at  
9 least this way we get it out, we can hopefully  
10 answer questions that the board might have and  
11 this way if the Planning Board does issue a  
12 Negative Dec., then this board can take  
13 whatever action it deems necessary.  
14 MS. ADDONA: Understood. Thank you.  
15 MR. BAKER: Thank you very much.  
16 CHAIRMAN LAWLESS: So let's revisit,  
17 right. Back in February you had a  
18 17,714 square feet building. You're requiring  
19 119 parking spaces. You're asking for a  
20 reduction of a third, okay? We talked about  
21 the amount of parking variances. We reduce  
22 the structure -- by how you can reduce the  
23 structure and size of the variance you're  
24 requesting even if it didn't eliminate it  
25 We also suggested because you were

Page 12

1 Proceedings  
2 So my position is as one member  
3 of the board, is that you should reduce the size  
4 of the building.  
5 MR. BAKER: Can you just give me one  
6 minute?  
7 CHAIRMAN LAWLESS: Sure.  
8 MR. BAKER: I just want to consult  
9 with the attorney for a second, please.  
10 CHAIRMAN LAWLESS: Sure.  
11 (Whereupon, there was a brief pause  
12 in the proceedings.)  
13 MR. BAKER: Thank you for indulging  
14 me, Mr. Chairman. There's already a note on  
15 the drawings that said there will be no  
16 medical and dental. If it needs to be a map  
17 note, as many times they're put on plans, we  
18 would have no problem with that note being put  
19 on the drawings.  
20 CHAIRMAN LAWLESS: I understand.  
21 MR. BAKER: Go ahead, you ask your  
22 question.  
23 MS. ADDONA: It's not a question, it  
24 was just kind of a follow-up to your response  
25 which is we understand and I think we've

Page 11

1 Proceedings  
2 in front of the Town Board for zoning changes  
3 on different projects, you might propose some  
4 amendments to the Town Board if you think the  
5 parking requirements aren't appropriate.  
6 Neither of those things have  
7 happened. You didn't reduce the size of the  
8 building; nor, did you approach the Town Board  
9 who makes the parking requirements for this  
10 size of the building. I'm concerned about the  
11 precedent you're setting if we grant such a  
12 large variance of this magnitude.  
13 I'm also concerned because you're  
14 currently saying you're not going to use it  
15 for medical or dental, which is a concern.  
16 And by that means, the building department  
17 will have to continuously monitor the property  
18 and make sure you comply with this and you  
19 cannot fill the office building without  
20 medical or dental offices. You're going to  
21 come back to the town and you're going to ask  
22 for an amendment for approval. At that point  
23 the structure will already be built, okay, and  
24 we will be in a very difficult position to say  
25 no.

Page 13

1 Proceedings  
2 already gotten to the point where the  
3 applicant side, your team, has acknowledged  
4 being willing to put a note on the plan. Our  
5 concern is, as the Chairman just stated, what  
6 happens after that, right? What happens if --  
7 who is enforcing that? Is it the town  
8 building department that's responsible for  
9 going out there once a month, once a year, to  
10 make sure that's actually what's happening in  
11 the building, and if it's you guys are  
12 actually trying to comply with it, which I  
13 believe you will try to do, then if you can't  
14 fill it otherwise, and you come back to the  
15 board, this board and the Planning Board once  
16 you have a fully constructed building, it puts  
17 the town in a very challenging situation  
18 because they approved the construction of the  
19 structure under certain circumstances and then  
20 if it can't be occupied, what do we do then?  
21 I think that's what's being struggling with.  
22 MR. BAKER: And I totally get it and  
23 I totally understand it. I would say to you  
24 that if this had been a medical/dental office  
25 building, number one, the trip generation

Page 14

1 Proceedings  
2 would have been very different and the parking  
3 would have been very different and the  
4 building would have had to be much smaller to  
5 be able to meet the requirements of both,  
6 because the parking is very different for a  
7 medical office.  
8 I can give you as an example, in  
9 Montebello, as an example, they base parking  
10 on the number of suites. So let's say you  
11 have a building that has five suites, you have  
12 to have three parking spaces per suite, plus  
13 one parking space for every 250 square feet of  
14 the building and that's how they get the extra  
15 parking in to make sure that there's enough.  
16 So I totally understand what you're saying and  
17 I'd like to address the issue with the Town  
18 Board about the parking regs.  
19 Not just office, but shopping  
20 centers and other types of developments, the  
21 current parking rates are much higher than  
22 they need to be, to be quite honest with you.  
23 I've got studies built for all types of  
24 developments that have shown that in many  
25 instances the parking ratio is probably 15 to

Page 16

1 Proceedings  
2 Same with the office parks. What  
3 happens now, as you know, people work from  
4 home. They don't come to the office all the  
5 time. I don't know who is going to be in the  
6 building. I'm not going to sit here and tell  
7 you I know who is going to be in the building.  
8 I can only tell you what I know and how we did  
9 the study and we base it on general office.  
10 That's why we prescribe to the fact that it  
11 won't be medical/dental because it would have  
12 been completely different from the beginning.  
13 That side of the building it doesn't work with  
14 the traffic and it doesn't work with the  
15 parking.  
16 MR. ALDRIDGE: That particular  
17 argument is what you should have been saying  
18 to the Town Board.  
19 CHAIRMAN LAWLESS: That was going to  
20 be my point.  
21 MR. ALDRIDGE: In going to them and  
22 talking to them about --  
23 CHAIRMAN LAWLESS: We have a code  
24 and that's what it is. The Town Board is the  
25 one you want to make the argument to and you

Page 15

1 Proceedings  
2 20, 25 percent higher than it needs to be.  
3 And the reason these things have changed is  
4 due to a variety of reasons. With shopping  
5 centers, the competition of online shopping,  
6 you can use dial up Amazon and have something  
7 delivered to your home.  
8 A lot of shopping centers that you  
9 know in Rockland County, take the Palisades or  
10 some of the other shopping centers are now  
11 changing their model. It's more of a  
12 recreation or it's a place where people go to  
13 do different things. It's not just shopping  
14 anymore. And because of that, the numbers,  
15 and this is by the way, I've been doing this  
16 for the last eight to ten years in the county.  
17 In every place that I've examined, the  
18 percentage of cars parked versus the number of  
19 cars is running at a shopping center at about  
20 50 to 55 percent of the -- not including the  
21 holiday session because that's an anomaly, you  
22 can't design on that. But based on zoning  
23 codes, it's running at only a 50 percent  
24 occupancy. I have numerous studies all along  
25 59 and other places as well.

Page 17

1 Proceedings  
2 should.  
3 MR. BAKER: I understand that and I  
4 can't speak for -- I can only speak for  
5 myself. I wasn't asked to do that. I don't  
6 know if they were planning to do that or not.  
7 I honestly don't know. I mean, clearly, it's  
8 something that should be done in all  
9 municipalities, but I understand your point.  
10 I can only tell you from my experience and  
11 what I know and so forth and so on.  
12 MS. ADDONA: And I think what's  
13 also -- it's very formative your analysis and  
14 how you explain how you got there, but I think  
15 it kind of it narrows the focus from what the  
16 actual concern is, right, which is what if  
17 something changes and the model under which  
18 this use is being proposed, which is not  
19 medical and dental, cannot be achieved after  
20 the building is constructed and I think that's  
21 the challenge also that the board may be  
22 facing.  
23 MR. BAKER: I'm not sure really how  
24 to address that. I don't know. Maybe the  
25 applicant at some point would want to address

Page 18

1 Proceedings  
2 that, but I certainly can't because I don't  
3 know -- when we started with this project I  
4 said to them, let's go through the potential  
5 uses and I said medical and dental is off the  
6 table before we even start. I told them that  
7 right away because I knew with the size it  
8 wouldn't work. Between parking and the  
9 traffic, it just wouldn't work. So that's why  
10 we're a general office to be honest with you.  
11 But I get your point.  
12 MR. KAUKER: I have a question. I  
13 don't have the site plan in front of me so I  
14 can't really answer the question myself. I  
15 don't know if you do. But is there any room  
16 available on the site to land on parking or is  
17 it fully built out? If you needed to build  
18 additional parking in the future, is there any  
19 land area available to do so?  
20 MR. BAKER: If you just give me a  
21 minute.  
22 (Whereupon, there was a brief pause  
23 in the proceedings.)  
24 MR. BAKER: I don't believe there  
25 really any place -- I'm just looking at the

Page 20

1 Proceedings  
2 right now, but you talked a lot about -- you  
3 approached this from the uses that were going  
4 to be happening and how the size of the  
5 building wouldn't work if there was going to  
6 be medical and dental.  
7 So I think one thing that might be  
8 useful for this board to know is, if there was  
9 going to be at least some portion of medical  
10 and dental in that building in the future,  
11 what the difference in the size would have to  
12 be to accommodate parking, and maybe find a  
13 middle ground so that it gives this board some  
14 comfort. It's just a suggestion.  
15 MR. BAKER: Listen, I'm happy to  
16 bring back the thoughts of the board. I'm  
17 here to tell you what I did and what I know  
18 and to listen to the feedback and then go back  
19 to the client and say this is what we were  
20 asked to do or this is what we were told and  
21 so forth and so on. I'm happy to do that. I  
22 will talk to the client and see how they would  
23 like to proceed.  
24 MS. ADDONA: We also have a good  
25 opportunity tonight that the board can't act

Page 19

1 Proceedings  
2 plan now. I don't believe there's any place  
3 to land. I think if there was we probably  
4 would have come in and said --  
5 MR. KAUKER: I understand your  
6 argument with reduced parking requirements or  
7 standards for these type uses, but one reason  
8 why they try to do it from a planning  
9 standpoint is try to preserve some open space  
10 as well. So it's not like there's an equal  
11 built out of the parking and building. It's  
12 done in order to achieve some sort of open  
13 space or additional landscaping on the  
14 property as well. So I guess that's not the  
15 factor.  
16 MR. BAKER: Well, let's face it, the  
17 less parking you build the less impervious  
18 area, which is great.  
19 MR. KAUKER: If you increase the  
20 size of the building you take away that  
21 decrease. So you still have that increase.  
22 MR. BAKER: I totally get it. I  
23 guess we'd have to go back and talk to --  
24 MS. ADDONA: And I don't want you to  
25 feel like you have to answer this question

Page 21

1 Proceedings  
2 anyway, so it gives some time. You guys  
3 haven't been before the board for a few months  
4 so it gives you some time to hear the  
5 continued feedback and then decide how you  
6 want to proceed from there.  
7 MR. BAKER: We'll bring back your  
8 comments and talk to the owner and see what he  
9 has to say. I do appreciate your time.  
10 CHAIRMAN LAWLESS: Any other members  
11 have any other questions? It's a public  
12 hearing so if you are finished, the public is  
13 welcome to speak also. Are you finished?  
14 MR. BAKER: Yes, sir.  
15 CHAIRMAN LAWLESS: Anybody from the  
16 public like to be heard, please step up and  
17 state your name for the record and your  
18 address.  
19 MR. DAVIS: Rich Davis, 36 Gleason  
20 Road, Thiells.  
21 Just a point about the idea of the  
22 possible medical. I'm just thinking if you go  
23 down 202 I think it was the old Chase Bank  
24 where the Chinese restaurant is, that became a  
25 medical, and then across the street, the other

Page 22

1 Proceedings

2 shopping center over there, there's pediatrics

3 over there, that became a medical. Obviously,

4 they were in and out type places. They may be

5 different than this. I'm thinking where the

6 urgent care is on Route 9 used to be

7 Blockbuster, that's a medical. So I'm just

8 seeing around the area places that were some

9 other kind of business. Ten years down the

10 road, fifteen years down the road they're now

11 medical buildings. So there is the

12 possibility that could happen. It's just a

13 comment I wanted to make.

14 CHAIRMAN LAWLESS: All right. Thank

15 you.

16 MR. DAVIS: Thank you.

17 CHAIRMAN LAWLESS: Anybody else from

18 the public want to step up and be heard on

19 this matter? Nobody else?

20 So as counsel said, this is a public

21 meeting. It will be carried over to the next

22 June 12th meeting.

23 Would you like to speak at all?

24 MR. LOFTUS: I just wanted to get

25 the adjourn date.

Page 24

1 Proceeding

2 Yard Deck.

3 The following variances are

4 required:

5 1. Setback: Required 20 Ft.,

6 proposed 9.5 Ft.

7 A 10.5 Ft. Variance is required.

8 Said property being located on the

9 North side of Dunnigan Drive and west of

10 Riverglen Drive and located on the Town of

11 Haverstraw Tax Map as Section 25.16, Block: 01

12 Lot: 04.

13 Said Public Hearing shall be held on

14 Wednesday May 8th, 2024, at seven o'clock PM

15 in the large meeting room of Haverstraw Town

16 Hall, One Rosman Road, Garnerville.

17 All interested parties are invited

18 to attend and will be heard by the Board.

19 By Order of the Zoning Board of

20 Appeals of the Town of Haverstraw.

21 Dated April 17, 2024."

22 And for the members of the board, we

23 do have all of the receipts and confirmation

24 of mailing from the application for the Public

25 Hearing.

Page 23

1 Proceedings

2 MS. ADDONA: June 12th.

3 CHAIRMAN LAWLESS: June 12th.

4 Motion to adjourn to the June 12th

5 meeting?

6 MR. MARGIOTTA: So moved.

7 MR. ALDRIDGE: Second.

8 CHAIRMAN LAWLESS: All in favor?

9 (Whereupon, all the Board members

10 responded "Aye".)

11 CHAIRMAN LAWLESS: Motion carries.

12 Second item on the agenda is Nathan

13 Weber, 22 Dunnigan Drive. Please step forward

14 and state your name for the record.

15 MS. ADDONA: Mr. Chairman, I'll read

16 the Public Hearing Notice.

17 We're opening a new Public Hearing

18 on this matter tonight. So for the public's

19 knowledge, I'll quickly read the Public

20 Hearing Notice.

21 "Please take notice the Town of

22 Haverstraw Zoning Board of Appeals shall hold

23 a Public Hearing to consider the application

24 of Nathan Weber, 22 Dunnigan Dr., Pomona to

25 construct a new 533 square feet elevated Side

Page 25

1 Proceedings

2 CHAIRMAN LAWLESS: Thank you.

3 MR. GDANSKI: Paul Gdanski. I'm the

4 engineer for the applicant.

5 The Webers are looking to construct

6 a deck in the rear of their house. They are

7 currently constructing an addition there on

8 the one side and they wish to make their deck

9 bigger and it would require a variance as

10 stated of 10.5 feet. The original setback was

11 15.5 which also didn't comply, but they need a

12 little more room to construct a bigger deck.

13 They have a large family and they wish to

14 create enough space on the deck for them to

15 sit and eat and enjoy the outside.

16 CHAIRMAN LAWLESS: Can you speak to

17 the height of this deck? What is the height?

18 MR. GDANSKI: The height, like two

19 and a half feet off the ground.

20 CHAIRMAN LAWLESS: It's pretty much

21 ground level for the most part.

22 MR. GDANSKI: Yeah.

23 CHAIRMAN LAWLESS: And that cross

24 patch area is?

25 MR. GDANSKI: You're talking behind

Page 26

1 Proceedings  
2 it?  
3 CHAIRMAN LAWLESS: Yes.  
4 MR. GDANSKI: That's pavers, an  
5 existing patio that's there.  
6 MS. ADDONA: So it seems like  
7 there's an existing deck, right?  
8 MR. GDANSKI: Correct.  
9 MS. ADDONA: That already encroaches  
10 a little bit.  
11 MR. GDANSKI: Yes, that's correct.  
12 MS. ADDONA: So they're going to  
13 pull that down, reconstruct that deck with an  
14 addition. There would be a little bit of an  
15 additional encroachment.  
16 MR. GDANSKI: Yes, correct.  
17 MS. ADDONA: Okay.  
18 CHAIRMAN LAWLESS: Okay, thank you.  
19 It is a Public Hearing. Anybody  
20 from the public like to be heard on this  
21 matter, please step forward.  
22 Nobody is stepping forward, for the  
23 record.  
24 Can I have a motion to close the  
25 Public Hearing?

Page 28

1 Proceedings  
2 of Haverstraw Zoning Code, and  
3 WHEREAS the Applicant seeks an area  
4 variance of 10.5 feet to allow side yard  
5 setback of 5.5 feet where 20 feet is required,  
6 and  
7 WHEREAS, a duly noticed public  
8 hearing was opened on this application at the  
9 ZBA's regular meeting on May 8, 2024 and  
10 members of the public having the opportunity  
11 to appear and be heard, the public hearing was  
12 closed on May 8, 2024, and  
13 WHEREAS, in support of the  
14 application, the Applicant submitted a signed  
15 and sealed plan prepared by Uzzjah B. Cooper,  
16 Jr., R.A. dated April 24, 2024, and  
17 WHEREAS, the Rockland County  
18 Department of Planning confirmed this  
19 application is not subject to review under  
20 General Municipal Law Section 239-m, and  
21 WHEREAS, having made personal  
22 inspection of the premises and being familiar  
23 therewith and after duly considering all the  
24 proofs and evidence before it, this Board  
25 determines as follows:

Page 27

1 Proceedings  
2 MR. ALDRIDGE: So moved.  
3 MR. MARGIOTTA: Second.  
4 CHAIRMAN LAWLESS: Mr. Aldridge, Mr.  
5 Margiotta. All in favor?  
6 (Whereupon, all the Board members  
7 responded "Aye".)  
8 CHAIRMAN LAWLESS: Motion carries.  
9 Based on some of the comments up  
10 here on this application and lack of comments  
11 from the public, we asked the counsel to  
12 prepare a resolution for the board tonight.  
13 So at this time I would ask counsel to read  
14 the resolution into the record, please.  
15 MS. ADDONA: Application of Nathan  
16 Weber, 22 Dunnigan Drive, Pomona, New York.  
17 Section 25.16, Block 1, Lot 4. R-15 Zoning  
18 District  
19 WHEREAS, the Applicant has appealed  
20 to the Town of Haverstraw Zoning Board of  
21 Appeals from a determination by the Building  
22 Inspector dated March 20, 2024 that the  
23 Applicant's proposed reconstruction/expansion  
24 of a deck to an existing single family home  
25 does not comply with Chapter 167 of the Town

Page 29

1 Proceedings  
2 IT IS HEREBY RESOLVED, this is a  
3 Type II action under the State Environmental  
4 Quality Review Act and therefore no further  
5 action is required;  
6 AND IT IS FURTHER RESOLVED, based  
7 upon the facts set forth above and the  
8 representations made by the Applicant, the  
9 findings of this Board are as follows:  
10 A. There will be no undesirable  
11 change produced in the character of the  
12 neighborhood or detriment to nearby properties  
13 as a result of the variance. There is an  
14 existing deck on the side of the house of 291  
15 square feet that already encroaches in the  
16 side yard and the Applicant is proposing to  
17 reconstruct that deck with a modest addition  
18 of 251 square feet. There are other  
19 properties in the neighborhood that have decks  
20 as well.  
21 B. The benefit sought by the  
22 Applicant cannot be achieved by some method,  
23 feasible for the applicant to pursue, other  
24 than the area variance. Given the location of  
25 the existing deck, this is the only feasible



Page 30

1 Proceedings

2 location to put an extension.

3 C. While the variance may be

4 considered substantial, it is a relatively

5 nominal expansion of a deck that is already

6 existing.

7 D. There will be adverse effect or

8 impact on the physical or environmental

9 conditions in the neighborhood or district

10 from the requested variance. This is a corner

11 lot and the deck faces the street, which

12 already has considerable landscaping to screen

13 it.

14 E. The difficulty is self-created

15 because the Applicant wants to install a deck

16 that does not comply with the requirements of

17 the Zoning Code, but this factor is not

18 determinative and does not preclude the

19 granting of the area variance where the

20 balancing of the remaining factors weigh in

21 favor of granting them.

22 AND IT FURTHER RESOLVED, based upon

23 the foregoing findings, the Applicant's

24 request for the variances set forth above

25 granted, subject to the following conditions:

Page 32

1 Proceedings

2 to the accuracy of the representation by

3 the Applicant and its representatives to the

4 ZBA in its written submission and during the

5 public hearing. If any material

6 representation, whether or not it is included

7 in this Resolution, is found to be inaccurate,

8 at the discretion of the ZBA the variance

9 grant may be deemed void, in which case the

10 Applicant must make a new application to the

11 ZBA for approval of any and all variances.

12 4. The failure to observe and

13 perform these conditions shall render this

14 resolution invalid.

15 Dated as of May 8th, 2024."

16 CHAIRMAN LAWLESS: Can I a motion to

17 accept the Resolution?

18 MR. ALDRIDGE: So moved.

19 MR. MARGIOTTA: Second.

20 CHAIRMAN LAWLESS: Motion made by

21 Mr. Aldridge, second by Mr. Margiotta. All in

22 favor? Aye.

23 (Whereupon, all the Board members

24 responded "Aye".)

25 CHAIRMAN LAWLESS: Motion carries.

Page 31

1 Proceedings

2 1. The variances is granted solely

3 in connection with the Approved Plans and only

4 to the extent that they are necessary for the

5 Applicant to construct the proposed deck on

6 the Property. If any changes are made to the

7 Approved Plans (other than those deemed by the

8 Building Inspector to be minor field changes),

9 this variance grant becomes void and the

10 Applicant must make a new application to the

11 ZBA for approval of any and all variances.

12 2. The granting of this application

13 shall not be deemed to relieve the Applicant

14 of the need to obtain approval of any other

15 board, department, agency or officer

16 described by law or ordinance with regard to

17 the plans or construction or any other phase

18 of the project. The granting of this

19 application shall not be deemed to relieve the

20 Applicant of the need to comply with any and

21 all other local, county, state and federal

22 requirements, including but not limited to

23 compliance with the New York State Uniform

24 Fire Prevention and Building Code.

25 3. This variance is granted subject

Page 33

1 Proceedings

2 MR. GDANSKI: Thank you. Have a

3 good night.

4 CHAIRMAN LAWLESS: Can I have a

5 motion to adjourn the meeting?

6 MR. MARGIOTTA: So moved.

7 MR. ALDRIDGE: Second.

8 CHAIRMAN LAWLESS: Motion made by

9 Mr. Margiotta. Second by Mr. Aldridge. All

10 in favor?

11 (Whereupon, all the Board members

12 responded "Aye".)

13 CHAIRMAN LAWLESS: Good night.

14

15 \* \* \* \*

16

17

18

19

20

21

22

23

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

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, 2024

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

Errata Sheet

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

DATE OF DEPOSITION: 05/08/2024

NAME OF WITNESS:

Reason Codes:

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

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

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

From \_\_\_\_\_ to \_\_\_\_\_

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT



DRAFT