

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 OF APPEALS

-----X

January 8, 2025
7:00 P.M.

ZONING BOARD MEETING held at the 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

3 WILBUR ALDRIDGE, Chairman

4

5 JOSE CASTRO

6 GREG MARRIWEATHER

7 BRITO

8 GEORGE BEHN, BUILDING INSPECTOR

9 CHRISTIE TOMM ADDONA, ZONING BOARD ATTORNEY

10 MICHAEL D. KAUKER, Planning Consultant

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

2 of Allegiance.)

3 THE CHAIRMAN: This is January 8th

4 meeting of the Zoning Board of Appeals.

5 First item on the agenda, if possible -- role

6 call.

7 MS. TOMM ADDONA: Wilbur Aldridge.

8 THE CHAIRMAN: Present.

9 MS. TOMM ADDONA: Greg Merriweather.

10 MR. MERRIWEATHER: Present.

11 MS. TOMM ADDONA: Rafeal Brito.

12 MR. BRITO: Present.

13 MS. TOMM ADDONA: Larry Margiotta.

14 Not here.

15 Jose Castro.

16 MR. CASTRO: Present.

17 THE CHAIRMAN: Can we get a motion

18 approve the minutes or adjustments that

19 need to be made.

20 MR. MERRIWEATHER: So moved.

21 MR. BRITO: Second.

22 THE CHAIRMAN: All in favor.

23 (Whereupon, all Board members

24 responded aye.)

25 THE CHAIRMAN: Anyone apposed?

Page 4

1 (Whereupon, there was no response by

2 the Board.)

3 THE CHAIRMAN: possible can we

4 move to change the agenda around to move item

5 2 and item 3 to the beginning of the agenda

6 and then we take item on at the end of

7 it. Okay. If there are people here, if not

8 we will have to just defer that to later on

9 in the meeting, if they are not here.

10 Let's go with Theills, 4 Dawson

11 Road. Is anyone here? This is a home

12 occupation. You want to establish a office

13 for speech therapy.

14 MS. FIELD: Feigl Field, 4 Dawson

15 Road, Thiells, New York.

16 THE CHAIRMAN: I think we had a

17 discussion on this at the previous meeting.

18 And at that time we requested that our

19 attorney prepare a resolution. So at this

20 time we will hear that resolution.

21 MS. TOMM ADDONA: Yes, this

22 application was heard at your December 11th

23 meeting. The public meeting was closed at

24 that time. In the interim I did prepare a

25 resolution at the Board's direction which was

Page 5

1 circulated to the board in advance of this

2 meeting.

3 WHEREAS, the Applicant has applied

4 to the Town Of Haverstraw Zoning Board of

5 Appeals (ZBA) for a home occupation special

6 permit to convert half of an existing

7 attached two-car garage that is part of a

8 single-family residential property to a

9 speech therapy office, and

10 Whereas, the Applicant submitted

11 signed and sealed plan set by Niemotko

12 Architects dated November 12, 2022 and a

13 revised September 6, 2024 consisting of (i)

14 Title Sheet (T1.01)(ii) Existing & Demo Floor

15 Plans (A1.01)(iii) Proposed Plans &

16 Elevations (A2.01) (collectively, the

17 "Approved Plans") and.

18 Whereas, a duly-noticed public

19 hearing was opened on this application at the

20 ZBA's regular meeting on December 11, 2024

21 and members of the public having the

22 opportunity to appear and be heard, the

23 public hearing was closed on December 11,

24 2024 and.

25 Whereas, having made personal

Page 6

1 inspection of the premises and being familiar
 2 therewith and after duly considering all the
 3 proofs and evidence before it, this Board
 4 determines as follows:
 5 IT IS HEREBY RESOLVED, this is a
 6 Type II action under the State Environmental
 7 Quality Review Act and therefore no further
 8 action is required: and.
 9 AND IT IS FURTHER RESOLVED, the
 10 Board makes the following findings related to
 11 the proposed speech therapy home occupation
 12 based upon the criteria set forth in Zoning
 13 Code 167-26 for a home occupation special
 14 permit:
 15 A. The proposed speech therapy
 16 office:
 17 1, is a home occupation as defined
 18 in Zoning Code 167-3.
 19 2, Will be operated by the
 20 Applicant, who is an owner and resident of
 21 the dwelling, and has provided her State
 22 professional credentials to the Building
 23 Department.
 24 3, Will be incidental and secondary
 25 to the continued primary use of the property

Page 7

1 as a single family residence.
 2 4, Will not utilize more than 25% of
 3 the dwelling or 500 square feet as the
 4 Applicant is proposing to convert half of a
 5 two-bay garage to an office and waiting room
 6 and.
 7 5, Will be conducted in the attached
 8 converted garage and not in an accessory
 9 building or outside the principal building.
 10 B. All the proposed modifications
 11 to the garage will be internal, except for
 12 adding a door to access the office space, and
 13 therefore the appearance of the single-family
 14 residential building will not be altered and
 15 the existing structure will not be changed
 16 from its residential character
 17 C, The Applicant will only have one
 18 client on the property at a time such that
 19 the increase in vehicular traffic flow would
 20 be limited to one additional vehicle.
 21 Notwithstanding such, at the Zoning Board's
 22 request the Building inspector inspected the
 23 Property and confirmed the existing driveway
 24 is long and wide and could safely accommodate
 25 approximately six vehicles on the property.

Page 8

1 By converting half of the existing two-car
 2 garage, there will be sufficient garage space
 3 to comply with the Zoning Code's
 4 requirement
 5 D, The Applicant does not intend to
 6 have any signage associated with the home
 7 occupation, but if they were to do so, such
 8 signage would have to comply with the
 9 requirements of the Zoning Code for a home
 10 occupation to the satisfaction of the
 11 building inspector.
 12 E, There will be no storage of
 13 standing of commercial or construction
 14 equipment or the outdoor storage of
 15 materials.
 16 F, the Applicant is the sole
 17 operator of the home occupation and therefore
 18 there will not be more than one person
 19 outside the family employed in connection
 20 with the home occupation.
 21 G, the home occupation of a speech
 22 therapy office will not create any noise,
 23 dust, vibration, odor, smoke, electrical
 24 interference, fire hazard or any other hazard
 25 or nuisance.

Page 9

1 AND IT IS FURTHER RESOLVED, based
 2 upon the foregoing findings, the Applicant's
 3 request for the speech therapy home special
 4 permit is granted subject to the following
 5 conditions:
 6 1, The special permit is granted
 7 solely in connection with the Approved Plans
 8 and only to the extent that they are
 9 necessary for the Applicant to convert half
 10 of the existing garage to an office and
 11 waiting room for a home occupation speech
 12 therapy office. There shall only be one
 13 client present on the property at a time.
 14 Should there be any changes to the Property
 15 or the home occupation use beyond what is
 16 stated in this Resolution, either by the
 17 Applicant or their successor-in-interest, an
 18 application must be made to the Zoning Board
 19 to amend the special permit.
 20 2, The principal use of the Property
 21 shall continue to be a single family
 22 residence.
 23 3, The granting of this application
 24 shall not be deemed to relieve the Applicant
 25 of the need to obtain approval of any other

Page 10

1 board, department, agency or officer
 2 prescribed by law or ordinance with regard to
 3 the plans or construction or any other phase
 4 of the project. The granting of this
 5 application shall not be deemed to relieve
 6 the Applicant of the need to comply with any
 7 and all other local, county state and federal
 8 requirements, including but not limited to
 9 compliance with the New York State Uniform
 10 Fire Prevention and Building Code.
 11 4, This special permit is granted
 12 subject to the accuracy of the
 13 representations made by the Applicant and its
 14 representatives to the ZBA in its written
 15 submissions and during the public hearing.
 16 If any material representation, whether or
 17 not it is included in this Resolution, is
 18 found to be inaccurate, at the discretion of
 19 the ZBA the special permit grant may be
 20 deemed void, in which case the Applicant must
 21 make a new application to the ZBA for
 22 approval of any and all special permits.
 23 5, The failure to observe and
 24 perform these conditions shall render this
 25 resolution valid. dated January 8, 2025

Page 12

1 quorum of the Board that heard the
 2 application before the public hearing was
 3 closed. I communicated with the applicant's
 4 attorney. They were courteous enough to come
 5 back with the re-noticing of the public
 6 hearing so that the whole board as it currently
 7 stands can hear the application.
 8 MR. CONWAY: Good Evening Chairman
 9 Aldridge. Kevin Conway attorney for the
 10 application, 7 Stilk Lane, New City, New
 11 York.
 12 The applicant proposes to build an
 13 addition to the existing single family house
 14 at the residence. The existing home is 3,502
 15 square feet and the addition would comprise
 16 of about an additional 1,524 square feet,
 17 totaling 5,026 square feet in total. The
 18 addition would include two bedrooms in the
 19 basement, new dining room, a study on the
 20 first floor and a master bedroom on the second
 21 floor. Will avoid relocating the utility
 22 lines and maintain the home's flow and look.
 23 The addition is proposed on the right side
 24 resulting in a minor variance. The left side
 25 of the house has a garage and family room.

Page 11

1 THE CHAIRMAN: Any board members
 2 have any questions of the application? Can I
 3 get a motion pertaining to the resolution.
 4 MR. MERRIWEATHER: So moved.
 5 MR. BRITO: Second.
 6 THE CHAIRMAN: All in favor.
 7 (Whereupon, the Board members
 8 responded aye.)
 9 THE CHAIRMAN: Objections.
 10 (Whereupon, there was no response by
 11 the Board.)
 12 THE CHAIRMAN: Motion passes. You
 13 have your affirmation.
 14 Let's move to the next item which is
 15 1 Martino Way, Pomona. Any representatives
 16 here.
 17 Okay. We will go then to the next
 18 item in the agenda which is Hauer 14 Valley
 19 Drive.
 20 MS. TOMM ADDONA: Just,
 21 Mr. Chairman, and members of the Board, this
 22 application was before the Board last year.
 23 I believe the applicant appeared in July and
 24 September. There has since been a turnover
 25 in the Board and we currently don't have a

Page 13

1 Mindi, if you can show. The left side of the
 2 house has a garage and family room, which the
 3 applicant wishes to keep. The right side has
 4 the kitchen which they wish to extend. And
 5 living room, both will lead to a new dining
 6 room located in the addition itself. Placing
 7 the addition on the right side minimizes the
 8 impact of the existing home will be providing
 9 more of an efficient flow within the home.
 10 Additionally placing the addition in the rear
 11 was limiting the use of the backyard as the
 12 property for a play area. As we went through
 13 the Board the last time there is an elevation
 14 to the back and a large stone wall, so the
 15 rear area would be -- the additional rear
 16 area is not usable for that purpose. The
 17 proposed addition is here on the side
 18 otherwise we had discussion with the board
 19 previously if this would be located in the
 20 rear there would be no play area and no make
 21 sense to have a side play area, as most homes
 22 are not going to have a play area located on
 23 the side of the home. The required side
 24 setback is 15 feet. The proposed side
 25 setback is 10 feet.

Page 14

1 Previously we had first appeared to
 2 the Board -- there is also -- the steep slope
 3 in the rear starts about 20 feet behind the
 4 house. There is also a dry wall that will be
 5 placed in front of the house to ensure zero
 6 net runoff. The applicant first appeared
 7 before this Board on July 10, 2023,
 8 requesting a variance of an additional 9.5
 9 from the side property line. The applicant
 10 since revised the plan to be 10 feet from the
 11 property line. The addition has thus been
 12 reduced by 60 square feet. The applicant
 13 seeks the required proposed side back of
 14 10 feet and the required is 15.

15 We also submitted a copy of the plan
 16 to the Board and the layout and schematic of
 17 the plans for each of the rooms as well, what
 18 the house will look like. We did submit some
 19 additional documentation to the Board, which
 20 I don't know if the Board looked at but I am
 21 going to briefly go through it. We sent a
 22 letter to the chair from my office Kevin
 23 Conway, dated November 21, 2024, advising the
 24 request to reduce the required 15 feet side
 25 setback to 10 feet. We want to express the

Page 16

1 There is minimal impact on the
 2 adjacent properties. The proposed
 3 setback of 4 and a-half feet would not
 4 materially affect the neighboring properties
 5 as they exist today. In contrast requiring
 6 construction towards the rear would impose a
 7 far greater impact of privacy, use of
 8 enjoyment. And elimination of a rear play
 9 area and use of outdoor spaces. The minor
 10 need of the proposed variance ensures that it
 11 aligns with the character and the use
 12 of the existing neighborhood. The
 13 preservation of light and airflow. Also the
 14 propose of the 10 feet setback preserves
 15 sufficient spacing between the properties
 16 ensuring compliance with zoning codes
 17 objectives to maintain access to sunlight and
 18 airflow for all the neighboring property
 19 owners. And the proposed plan also adheres
 20 to the safety regulations ensuring the
 21 emergency access, fire safety protocols and
 22 utility installations meet the local
 23 requirements. The proposed construction
 24 would not interfere with the ability to
 25 maintain safe conditions for the applicant's

Page 15

1 potential hardships which is the basis by
 2 Shlomo and Aliza Hauer for the variance being
 3 made. The avoidance of undue financial
 4 hardship.

5 Denying the requested variance would
 6 compel our clients to modify the construction
 7 plans forcing them to build to the rear and
 8 left of the property instead of to the right.
 9 Such requirement would result in additional
 10 cost as listed below.

11 A, shifting and breaking walls
 12 incurring approximately \$150,000 of
 13 additional cost to the existing home.
 14 Redesigning the roof configuration would
 15 result in an extra building expense and cost of
 16 \$30,000. Constructing a new retaining wall
 17 estimated cost starting about 50,000. And
 18 undertaking drainage improvements at an
 19 approximate cost of 15,000.

20 Implementing these changes probably
 21 new architectural plans would need to be
 22 drawn and submitted and the associated cost
 23 for preparing and submitting the new
 24 architectural plans would add about 17,000
 25 additional expenses to the applicant.

Page 17

1 property or neighboring property.
 2 And our client is committed to high
 3 quality design and landscaping that will
 4 enhance the overall appeal of the
 5 neighborhood. We indicated at prior meetings
 6 we would add additional buffering or
 7 screening, such as planting evergreen shrubs
 8 or bushes along the property line in
 9 accordance with the town requirements. To
 10 both contribute to the beauty and
 11 functionality of the surrounding area.

12 And we also had asked -- there was
 13 additional cost proposed design change. We
 14 had submitted a letter from Mr. Mindi Weiss
 15 from the Corner Stone Building company
 16 regarding the option to narrow the extension
 17 from 15 to 10 feet and find new space in the
 18 rear of the house or the left side. This
 19 change would result in a significant
 20 additional cost for the customer. The cost
 21 of moving the bearing wall in the rear of the
 22 existing home would be well over 150,000 not
 23 including the additional expenses for
 24 redesigning, architectural, and engineering
 25 work implementing these changes. That was

Page 18

1 submitted to the Board also dated
2 January 8th.
3 We also had undertaken a search
4 because before the prior board there was one
5 neighbor that objected. The prior Board had
6 indicated, which I was surprised, can you
7 give us some examples of prior instances
8 where we given a prior variance. There is
9 only one variance here of the 10 feet or less
10 or anything similarly. As I noted before, I
11 don't think I told the Board, the actual size
12 of this yard is quite large. This is an
13 approximately 25,000 square feet lot. We are
14 required to have 10. We would greatly exceed
15 that. We are only seeking the side yard
16 variance. The maximum development coverage
17 we are well within. The maximum development
18 coverage and maximum building coverage itself
19 we are well within. Normally when the client
20 comes before this Board whether it's a new
21 property or a new project altogether with a
22 new structure or addition if the size of the
23 lot is undersized you will need relief from
24 virtually every category of the bulk table.
25 This application by contrast has only on

Page 20

1 seeking one very small variance.
2 We did provide to this Board by
3 looking at other similar situated properties,
4 we provided zoning board appeals resolution
5 for 22 Dun gon Drive, Pomona. From the Town
6 of Haverstra Zoning Board from the
7 determination of the building inspector dated
8 March 20, 2024. A lot had an area variance of
9 10 and-a-half feet to allow a side yard
10 setback of 9 and-a-half feet where 20 was
11 required. The Board held that there was in
12 citing all the factors but specifically there
13 would be no undesirable change produced in
14 the character of the neighborhood or
15 detriment to the nearby property in result of
16 that variance. In this case there was an
17 existing deck on the side of the house of 291
18 square feet that already encroached to the
19 side yard and the applicant was proposing to
20 reconstruct the deck with a modest 251 square
21 feet. The other neighbor's property had rear
22 decks as well.
23 We had another example we provided
24 dated February 16, 2022 from this Board where
25 there was a proposed 35-foot by 25-foot

Page 19

1 small variance for the side yard, and that is
2 because the lot itself is quite large.
3 Existing homes -- most developments now you
4 will see everyone -- the market is always
5 changing from putting a new home entirely to
6 an addition. As of late it's more additions
7 that are being proposed. But to accomplish
8 the addition to the rear would be quite
9 expensive as opposed to the side. Most
10 people -- in a case like this you want to
11 have a rear play area, you wouldn't have
12 that, that would be eliminated with this
13 based to oddities of the property. If you
14 look at zoning relief you look at several
15 factors, most of which is the size and unique
16 dimensions of the property. This one has
17 that because it's quite large but the rear
18 portion because the elevation and the
19 existing stone wall prohibit placing this in
20 the rear area. Where if it was flat and not
21 that contour of the twenty feet that would
22 otherwise be a viable option. So when an
23 applicant comes to Board they come to the
24 Board for relief not for strict adherence to
25 the zoning code. And here we are strictly

Page 21

1 additions to an existing dwelling that did
2 not comply with the bulk tables. The
3 additions required a variance for front yard.
4 A variance for front yard, a variance for
5 front yard setback for 4.7 because we are
6 looking at side yard. A variance that would
7 allow accessory building setback of 5.3 feet
8 where 10 was required. Again the Board held
9 that was not specifically -- there was
10 proposed addition that could be placed. The
11 location was limited for practical purposes
12 based on the layout of the house and the
13 improvements in the property. The property
14 in this case was also a corner lot and as a
15 result has complied with the requirements of
16 a front yard setback on both sides. But I am
17 referring to the side yard setback. The
18 Board did not believe the addition would
19 result in over utilization of the property as
20 the proposed addition would not exceed the
21 building lot coverage as ours. We do not
22 exceed or come close to the lot coverage as
23 this is quite a large lot.
24 We also submitted another
25 comparison. The zoning did grant the

Page 22

1 variance for 16 Mohawk Lane, Pomona. There
2 was a propose addition to an existing single
3 family home which do not comply with the bulk
4 table 167. In that instance that applicant
5 sort and received a variance from this board
6 and that was dated February 21, 2023 for a
7 5-foot side yard variance to allow a setback
8 of 15 feet where 20 feet was required. A 10
9 foot variance was also allowed to combined
10 side setback of 35 feet where 45 feet was
11 required. This Board also held in this case
12 again that the variances were not
13 substantial -- this is from the Board's
14 decision -- in feedback from the Board the
15 applicant revised the plans to eliminate two
16 of the variances. Similar to what we did
17 here, we reduced the variance. And it also
18 said reduce the scope of the other two
19 variances still being sought. There was no
20 adverse impact or effect on the environmental
21 conditions of the surrounding neighbor. We
22 went to that additional diligence and search
23 to provide this Board with the additional
24 information that had required.
25 Finally as the Board knows, what we

Page 24

1 believe that is exactly the case in this
2 instance.
3 So with that if the Board has any
4 questions.
5 THE CHAIRMAN: I have a couple of
6 questions. I asked this before, the last
7 time. What is the total amount of bedroom in
8 the original structure?
9 MR. CONWAY: Existing.
10 THE CHAIRMAN: Yes. It's not
11 existing now because it's gutted last I
12 heard. So it would be what would be there.
13 MS. TOMM ADDONA: One of the things
14 the Board had asked for is the current
15 planning or layout.
16 MR. CONWAY: We provided that to the
17 Board.
18 MR. BEHN: Existing condition prior
19 to them gutting it.
20 MS. TOMM ADDONA: Right.
21 THE CHAIRMAN: We want to see after
22 it was gutted, if they are any changes.
23 MR. OTNE: Mindi Otne, representing
24 the applicant. We have four existing
25 bedrooms. We are processing one more on the

Page 23

1 talked about earlier, the applicant here this
2 would be a substantial impact or hardship to
3 this applicant were they not be able to be
4 provided with this one minor variance. The
5 Board knows in making a determination that
6 the variance is not substantial in relation
7 to the requirements of the chapter, we
8 believe it's not, from prior Board
9 determinations. Effective of any increase
10 population, density which may thus produced
11 upon available services, it's not
12 significant. It's A single family with a
13 single family with a small addition.
14 Whether there is a substantial
15 change in the character of the neighborhood
16 the substantial detriment to the adjoining
17 properties would not be created, we don't
18 believe that is the case here. And the
19 situation cannot be alleviated by some
20 feasible method or other variance and that is
21 the case here.
22 In view of the manor in which the
23 difficulty arose and considering all of the
24 factors the interest of justice would be
25 served by allowing the variance. And we

Page 25

1 second floor and two additional in the
2 basement.
3 THE CHAIRMAN: So seven bedrooms.
4 MR. CASTRO: Who is in the basement.
5 MR. OTNE: Two in the basement. One
6 on the second floor.
7 MS. TOMM ADDONA: What's the total
8 square footage of the addition.
9 MR. OTNE: 1,524 total.
10 THE CHAIRMAN: My second question,
11 if this is not granted what hardship as the
12 family exists now.
13 MR. CONWAY: Because the family is
14 quite large and the family seeks to propose
15 an addition with one limited variance so by
16 not providing the variance the applicant has
17 a right to come in to seek an addition. You
18 don't have to prove in of itself an addition
19 verses not having an addition. The applicant
20 is proposing the addition because of the size
21 of the family, it's a single family not two
22 family. No renters. No one else. It's the
23 existing family. The family -- the older
24 family members would visit for holiday
25 occasions and weekends. So it's not a matter

Page 26

1 of whether or not they are entitled to build
 2 the addition, they are seeking to build the
 3 addition of the family. The Board is allowed
 4 to take that into consideration, that is a
 5 legitimate factor also, one's family. Most
 6 people additions are in the range today of
 7 anywhere from 3,000 to up to \$4,000. This
 8 does is not trigger and variance but the side
 9 yard even with the proposed addition.
 10 THE CHAIRMAN: Any of the board
 11 members from any questions.
 12 MR. MERRIWEATHER: Considering the
 13 size and the number of bedrooms I am not sure
 14 the homeowner was well aware prior to the
 15 purchase am I to understand that they have
 16 not lived or resided in this property as of
 17 yet?
 18 MR. CONWAY: That is correct, they
 19 have to preform the work.
 20 MR. MERRIWEATHER: The purchase wa
 21 made with the hope that they would be able to
 22 make this addition of 1,524 square feet.
 23 MR. CONWAY: That is correct due to
 24 the size of the family and everything.
 25 THE CHAIRMAN: What's the size of

Page 28

1 MS. TULLY: Ste ha Tully One Have
 2 Crest Drive. I made my points here bef
 3 Do I have to talk about them ll over again.
 4 THE CHAIRMA Yes
 5 MS. ULLY: First ere had been a
 6 resolution alr ady, right?
 7 MS. TOMM ADDONA: No. There was no
 8 decision made by th s Board because of the
 9 turnover in the composition of the Board.
 10 MS. TULLY: Each meeting said there
 11 was a resolution on it. I assumed there was
 12 one.
 13 MS. TOMM ADDONA: I apologize if
 14 that was stated, it should not have been.
 15 MS. TULLY: My backyard abuts their
 16 side yard. So it's not like a usual variance
 17 where -- it is the side yard variance for
 18 them, it's my backyard, it's not side to
 19 side. So any time I lookout of the window I
 20 will see this house. I had given you
 21 pictures before of my backyard you still have
 22 them in the record so if you can show it to
 23 the new board members. My top concern is the
 24 close proximity of the house to mine with
 25 that extension, two level plus the basement.

Page 27

1 the family. You say that but no numbers.
 2 MR. CONWAY: There are five members
 3 of the family now. And the proposed extra
 4 bedrooms are for the grandparents to visit
 5 when they come and visit. So there is
 6 additional two to visit for family
 7 celebrations and holidays.
 8 MR. MERRIWEATHER: If I understand
 9 correctly two bedrooms are being built into
 10 the basement, so you're going down not out?
 11 MR. OTNE: Those are in the proposed
 12 basement in the addition.
 13 MR. CONWAY: In the addition.
 14 MR. CASTRO: The current home does
 15 not have a basement.
 16 MR. OTNE: It has a much smaller
 17 b sement, it's not a full basement. This
 18 just ot a basement it would just be this
 19 part. T is the only existing basement.
 20 It's a smal existing basement.
 21 THE CHAIRMAN: Is there anyone else?
 22 Any questions from the Board. Thank you. Is
 23 there anyone from the public that want to
 24 speak on this matter.
 25 State your name?

Page 29

1 And that basement is a big basement, not
 2 small, I was in it many times. It's not
 3 small. It's going to dwarf my house. It's
 4 one level and the backyard. How it's built
 5 into the property, it's only one level there.
 6 So that is a big concern for me. Also the
 7 potential to negatively affect my property's
 8 value with it being that close. The attorney
 9 said it will not have any material impact, we
 10 don't know that. It certainly will have a
 11 material impact once I sell my house. The
 12 water problems I had mentioned before but
 13 they said they are going to put a drywell in.
 14 The other concern -- it was a 10 and
 15 a half foot variance now it's a 10-foot
 16 variance. There is also window wells that
 17 stick out, 3 feet or 5 feet. I am not sure
 18 exactly. I am not sure why that is not
 19 included in the variance. The window wells
 20 for the basement.
 21 MS. TOMM ADDONA: The building
 22 inspector will make that interpretation. We
 23 did look into that after you brought it up
 24 and for something that low to the ground --
 25 MR. BEHN: That would not negatively

Page 30

1 impact on the adjoining property. That is
 2 the same with the air conditioning units,
 3 heating units things of that nature. It's
 4 pertains to the structure it's not included
 5 in the setback.

6 MS. TOMM ADDONA: That was something
 7 that was looked into.

8 MS. TULLY: It's the wall not what
 9 comes out. That is just my main concerns,
 10 the close approximate to my backyard, not the
 11 side yard.

12 THE CHAIRMAN: Is there anyone else.

13 MR. WEISKOPF: Jeff Weiskopf,
 14 W-E-I-S-K-O-P-F.

15 I am a little nervous. I am not
 16 used to speaking in public. My children are
 17 the ones that bought the house, I helped them
 18 buy the house. They moved here to be near
 19 their mother, my wife. And so they can help
 20 with the children. They had another baby a
 21 few weeks ago. They rented a little house in
 22 Haverstraw, which is not okay, until we get
 23 this done, they had no choice. I feel badly
 24 for this lady where change is hard and
 25 progress is hard. When you are living in n

Page 32

1 in the back, more of the yard is covered.
 2 The 10 feet we have to do on the side wayway.
 3 We are willing to work, put bushes. We put
 4 less window on that side, it the second
 5 floor anyway. We are taking about 4
 6 and-a-half feet. I am asking please to let
 7 us have this. The gentleman, our lawyer, we
 8 hired we spent a lot of effort to find other
 9 precedent in the town for it. It was done
 10 numerous times. I think I addressed
 11 everything. What I have not addressed is
 12 that Haverstraw is growing. And more and
 13 more families coming here. We know a lot of
 14 people that moved here. They put in
 15 additions to their house. They have growing
 16 families. Making this house nicer, better
 17 and bigger and bringing families together are
 18 only increasing the values in Haverstraw,
 19 it's not decreasing. And I know it's hard
 20 for this lady, her friend sold the house and
 21 not there anymore and change is difficult.
 22 But one day if she sells her house it's going
 23 to go up in value, not down. Will I be sure
 24 of that, no, but commonsense says that. We
 25 are asking that you approve the 4 and-a-half

Page 31

1 area and house for a long time and someone
 2 coming next door to you. Your friend sold
 3 the house, it's hard to get used to the
 4 change. And I feel for her. Number two,
 5 there was some inaccuracies here. I've been
 6 in the basement, there is no place to put
 7 another bedroom in the basement the ceiling
 8 is too low. They are going to build an extra
 9 bedroom so I can come with my wife and be
 10 with our children and our other children be
 11 with them on the weekends so you need a place
 12 to put a guest bedroom downstairs with a
 13 bathroom. You cannot do it the way it was
 14 done. The second thing is we gone back many
 15 times. There are delays and it is no one's
 16 fault. We changed the variance. We went
 17 from 10 and-a-half. We are talking about 4
 18 and a half feet. Everything is important.
 19 We are willing to put up bushes. Give her
 20 privacy. Going to the back which we tried to
 21 do when we realized the lady and her husband
 22 were not happy with us moving. It cost too
 23 much money. When you break the back of the
 24 house the cost becomes crazy. Plus it's
 25 going to be less privacy for her if you build

Page 33

1 variance. I think we presented the case
 2 properly. And spoken about the variables.
 3 It's a tremendous financial hardship to do
 4 something else with this house. And other
 5 people have done it in Haverstraw. We
 6 respectfully ask that you approve this 4
 7 and-a-half feet variance? I hope I presented
 8 properly what we feel and think. Okay.

9 MS. TOMM ADDONA: Thank you.

10 THE CHAIRMAN: Thank you. Anyone
 11 else from the public wish to be heard on this
 12 matter. No. Any Board members have any
 13 questions or comments? Okay. May I suggest
 14 that we have our attorney draw up a
 15 resolution pertaining to this matter and we
 16 hear that resolution at our February meeting.
 17 And bring this to a conclusion at that time.
 18 Can I get a motion.

19 MR. MERRIWEATHER: So moved.

20 MR. BRITO: Second.

21 THE CHAIRMAN: All those in favor.
 22 (Whereupon, the Board responded
 23 aye.)

24 THE CHAIRMAN: Okay. This matter
 25 will be held over until the February meeting.

Page 34

1 MS. TOMM ADDONA: February 12th --
2 we will be in touch with you about the date.
3 We'll circulate the resolution.
4 THE CHAIRMAN: Thank you.
5 Okay. Our next item is the Ripples.
6 Anyone here for the Ripples, no.
7 MS. TOMM ADDONA: Mr. Chairman, this
8 was also on the December meeting. The Board
9 discussed this and asked me to draft a
10 resolution as no one is here on behalf of the
11 applicant. I can briefly summarize the
12 contents of the resolution which was
13 previously circulated to the Board for your
14 review? And then we can provide that to the
15 applicant. And we'll ask that the entire
16 resolution be incorporated to the minutes.
17 Whereas, the Applicant has applied
18 to the Town of Haverstraw Zoning Board of
19 Appeals (ZBA) for a home occupation special
20 permit to utilize a fourth bedroom in their
21 existing single-family home as a real estate
22 office, and.
23 Whereas, a duly-noticed public
24 hearing was opened on this application at the
25 ZBA's regular meeting on December 11, 2024

Page 36

1 2, Will be operated by the
2 Applicants (Husband and wife), who are the
3 owners and residents of the single-family
4 dwelling;
5 3, Will be incidental and secondary
6 to the continued primary use of the property
7 as a single-family residence.
8 4, Will not utilize more than 25% of
9 the dwelling or 500 square feet as the
10 Applicant is proposing to convert one of the
11 four bedrooms in the house into a home office
12 and;
13 5, Will be conducted in a converted
14 bedroom in the house and not in an accessory
15 building or outside the principal building.
16 B, All the proposed modifications to
17 the house will be internal, and therefore the
18 appearance of the single-family residential
19 building will not be altered and the existing
20 structure will not be changed from its
21 residential character.
22 C, The Applicant does not anticipate
23 having any clients at the home office as the
24 nature of the business is to meet clients at
25 prospective properties. However, if the

Page 35

1 and members of the public having the
2 opportunity to appear and be heard, the
3 public hearing was closed on December 11,
4 2024, and.
5 Whereas, having made personal
6 inspection of the premises and being familiar
7 therewith and after duly considering all the
8 proofs and evidence before it, this Board
9 determines as follows:
10 It is hereby resolved, this is a
11 Type 11 action under the State Environmental
12 Quality Review Act and therefore no further
13 action is required; and.
14 AND IT IS FURTHER RESOLVED, the
15 Board makes the following findings related to
16 the proposed real estate office home
17 occupation based on criteria set forth in
18 Zoning Code 167-26 for a home occupation
19 special permit.
20 A, the proposed real estate office:
21 1, Is a home occupation as defined
22 in Zoning Code 167-3 - the Town Board
23 expressly amended the definition of home
24 occupation in November 2024 to make a real
25 estate office a permitted home occupation.

Page 37

1 Applicant does occasionally have a client
2 come to the home office, there will only be
3 one at a time such that the increase in
4 vehicular traffic flow would be limited to
5 one additional vehicle. Notwithstanding
6 such, the Building Inspector as inspected the
7 property and confirmed the existing driveway
8 can safely accommodate an additional vehicle
9 for the home occupation use.
10 D, Any signage implemented by the
11 Applicant shall comply with the Zoning Code's
12 signage requirements for a home occupation to
13 the satisfaction of the building inspector.
14 If the signage does not comply with the
15 Code's requirements, the Applicant's remedy
16 would be to make an application to the Zoning
17 Board for an area variance.
18 E, There will be no storage or
19 standing of commercial or construction
20 equipment or the outdoor storage of
21 materials.
22 F, The Applicants (husband and wife)
23 are the sole operators of the home
24 occupations and therefore there will not be
25 more than one person outside the family

Page 38

1 employed in connection with the home
 2 occupation.
 3 G, The home occupation of a real
 4 estate office will not create any noise,
 5 dust, vibration, odor, smoke, electrical
 6 interference, fire hazard or any other hazard
 7 or nuisance.
 8 AND IT IS FURTHER RESOLVED, based
 9 upon the foregoing findings, the Applicant's
 10 request for the real estate office home
 11 occupation special permit is granted subject
 12 to the following conditions.
 13 1, The special permit is granted
 14 solely in connection with the interior
 15 renovations to convert an existing fourth
 16 bedroom to a real estate office. There shall
 17 only be one client present on the Property at
 18 a time. Should there be any changes to the
 19 Property of the home occupation use beyond
 20 what is stated in this Resolution, either by
 21 the Applicant or their successor-in-interest,
 22 an application must be made to the Zoning
 23 Board to amend the special permit.
 24 2, The principal use of the property
 25 shall continue to be a single-family

Page 40

1 permits.
 2 5, The failure to observe and
 3 perform these conditions shall render this
 4 resolution invalid.
 5 Date: January 8, 2025.
 6 THE CHAIRMAN: Can I get motion
 7 pertaining to this resolution.
 8 MR. MERRIWEATHER: So moved.
 9 MR. CASTRO: Second.
 10 THE CHAIRMAN: All those in favor.
 11 (Whereupon, the Board responded
 12 aye..)
 13 THE CHAIRMAN: Anyone opposed.
 14 (Whereupon, there was no response by
 15 the Board.)
 16 THE CHAIRMAN: Okay. The permit is
 17 approved. Okay. That concludes the agenda
 18 for the Zoning Board of Appeals. Can I get a
 19 motion to adjourn.
 20 MR. MERRIWEATHER: So moved.
 21 MR. BRITO: Second.
 22 THE CHAIRMAN: All in favor signify
 23 by saying aye.
 24 (Whereupon, the Board responded
 25 aye.)

Page 39

1 residence.
 2 3, the granting of this application
 3 shall not be deemed to relieve the applicant
 4 of the need to obtain approval of any other
 5 board, department, agency or officer
 6 prescribed by law or ordinance with regard to
 7 the plans or construction or any other phase
 8 of the project. The granting of this
 9 application shall not be deemed to relieve
 10 the Applicant of the need to comply with any
 11 and all other local, county, state and
 12 federal requirements, including but not
 13 limited to compliance with the New York State
 14 Uniform Fire Prevention and Building Code.
 15 4, This special permit is granted
 16 subject to the accuracy of the
 17 representations made by the Applicant and its
 18 to the ZBA in its written submissions and
 19 during the public hearing. If any material
 20 the, whether or not it is included in this
 21 Resolution, is found to be inaccurate, at the
 22 discretion of the ZBA the special permit
 23 grant may be deemed void, in which case the
 24 Applicant must make a new application to the
 25 ZBA for approval of any and all special

Page 41

1 THE CHAIRMAN: Thank you. Very
 2 much.
 3 (Time noted 7:44 p.m.)
 4 * * * * *
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

REPORTER'S CERTIFICATION

The foregoing is hereby certified to be a true and correct transcript of the proceedings held in the above matter.

Jeannine M. Tarallo Souza

JEANNINE M. TARALLO-SOUZA
Official Court Reporter

January 17, 2025

Errata Sheet

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

DATE OF DEPOSITION: 01/08/2025

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

DRAFT

DRAFT

DRAFT