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In Re:

CONDENSED

TOWN OF HAVERSTRAW ZONING BOARD OF APPEALS

-----X

February 13, 2025

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

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1 Proceedings
 2 as Map Number 3854 (1969 Subdivision);
 3 and
 4 WHEREAS, the Applicant seeks a
 5 variance of five feet to allow a side
 6 yard setback of 10 feet where 15 feet is
 7 required; and
 8 WHEREAS, the Applicant submitted
 9 a signed and sealed plan entitled
 10 "Proposed Addition for 14 Valley Drive"
 11 prepared by Anthony R. Celentano, P.E.
 12 dated March 1, 2024 and revised April 22,
 13 2024 ("Proposed Plan"); and
 14 WHEREAS a duly noticed public
 15 hearing was opened on this application at
 16 the ZBA's regularly scheduled meeting on
 17 July 2nd -- July 10th, excuse me, 2024
 18 and adjourned and continued at the ZBA's
 19 regular meeting on September 11, 2024,
 20 and members of the public having had th
 21 opportunity to appear and be heard, the
 22 public hearing was closed on September
 23 11, 2024; and
 24 WHEREAS, due to a change in th
 25 membership of the ZBA after the public

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1 Proceedings
 2 and
 3 IT IS FURTHER RESOLVED, with
 4 respect to the application the Board
 5 makes the following findings:
 6 A. There will be no undesirable
 7 change produced in the character of the
 8 neighborhood or detriment to nearby
 9 properties as a result of the variance.
 10 While the owner of 1 Havencrest Drive
 11 (whose rear yard abuts the Property's
 12 northern property line where the addition
 13 is proposed) expressed concern about
 14 potential visual impacts, the addition
 15 will be two stories and align with the
 16 existing two-story structure, it will
 17 just be closer to the Property line.
 18 Further, as a condition of this approval,
 19 the Applicant shall provide enhanced
 20 landscaping along the northern property
 21 line the length, and to the extent
 22 feasible, height of the addition to
 23 shield the addition from view of the
 24 neighboring properties. Other neighbors
 25 expressed support for the application.

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1 Proceedings
 2 hearing was closed, there was no quorum
 3 of ZBA members to vote on the application
 4 and therefore, a new public hearing was
 5 noticed and held on January 8, 2025, and
 6 members of the public have having had the
 7 opportunity to appear and be heard, the
 8 public hearing was closed on January 8,
 9 2025; and
 10 WHEREAS, the ZBA referred this
 11 application to the Rockland County
 12 Department of Planning pursuant to
 13 General Municipal Law Section 239-1 and
 14 -m, but more than 30 days have elapsed
 15 without a response; and
 16 WHEREAS, having made personal
 17 inspection of the premises and being
 18 familiar therewith and after duly
 19 considering all the proofs and evidence
 20 before it, this Board determines as
 21 follows:
 22 IT IS HEREBY RESOLVED, this is a
 23 Type II action under the State
 24 Environmental Quality Review Act and
 25 therefore no further action is required;

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1 Proceedings
 2 B. The benefit sought by the
 3 Applicant cannot be achieved by some
 4 method feasible for the Applicant to
 5 pursue other than the requested area
 6 variance. The area in the rear of the
 7 house is sloped and there is an existing
 8 stone wall roughly parallel to the house,
 9 and therefore placing the addition to the
 10 rear of the house and the wall would be
 11 costly and would eliminate the
 12 Applicant's ability to have a functional
 13 backyard. The Applicant advised that
 14 putting the addition on the other side of
 15 the house would require relocating
 16 utility lines.
 17 C. While a variance of 33
 18 percent could be considered substantial,
 19 as it relates to this application, the
 20 variance is for five feet which the Board
 21 does not determine to be substantial as
 22 there will still be a side yard setback
 23 of 10 feet. Further, in response to
 24 feedback from the Board, the Applicant
 25 reduced the size of the addition to

Page 10

1 Proceedings
 2 correspondingly reduce the size of the
 3 variance.
 4 D. There will be no, no adverse
 5 effect or impact to the physical or
 6 environmental conditions in the
 7 neighborhood or district from the
 8 requested variance. This lot is
 9 oversized in the R-15 zoning district
 10 and, therefore, is otherwise zoning
 11 compliant. The Board addressed potential
 12 visual impacts in Findings A above. The
 13 Applicant will have to demonstrate to the
 14 satisfaction of the Building Inspector
 15 during the permitting process that there
 16 will be sufficient stormwater management
 17 practices in place to ensure no drainage
 18 impacts.
 19 E. The difficulty is
 20 self-created as the Applicant intended to
 21 make improvements to the Property that d
 22 not comply with the Zoning Code; however,
 23 this fact is not determinative and does
 24 not preclude the granting of the ar a
 25 variance.

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1 Proceedings
 2 Building Inspector to be minor f
 3 changes), the variance grant becomes void
 4 and the Applicant must make a new
 5 application to the ZBA for approval of
 6 any and all variance
 7 2. With the Applicant's building
 8 permit application, the Applicant shall
 9 submit a landscape plan depicting the
 10 additional screening to be installed
 11 consistent with Finding A above. No
 12 building permit may be issued without
 13 this information and no final certificate
 14 of occupancy may be issued until the
 15 landscaping is installed.
 16 3. Prior to the issuance of the
 17 building permit, the Applicant shall
 18 provide any information necessary to
 19 establish to the Building Inspector's
 20 satisfaction that there will be
 21 sufficient stormwater management
 22 practices in place to ensure no adverse
 23 drainage impacts from the proposed
 24 addition.
 25 4. The granting of this

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1 Proceedings
 2 F. The ZBA rejects the
 3 Applicant's argument that the Board is
 4 bound by prior precedent to approve this
 5 Application. The Board considers each
 6 application based upon its specific and
 7 unique circumstances and there are
 8 considerable factual distinctions between
 9 this application and the applications
 10 referenced by the Applicant (22 Dunnigan
 11 Drive, 16 Mohawk Lane, and 9 Cinder Road)
 12 that would warrant reaching a different
 13 determination on this Application.
 14 AND IT IS FURTHER RESOLVED, based
 15 upon the foregoing findings, the
 16 Applicant's request for a variance is
 17 granted, subject to the following
 18 conditions:
 19 The variance is granted
 20 solely in connection with the approved
 21 plan and only to the extent that it is
 22 necessary to construct the addition with
 23 a 10-foot setback from the Property line.
 24 If any changes are made to the Approved
 25 Plan (other than those deemed by the

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

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1 Proceedings
2 Applicant must make a new application to
3 the ZBA for approval of any and all
4 variances.
5 6. The failure to observe and
6 perform these conditions shall render
7 this resolution invalid.
8 Dated as of February 13, 2025.
9 CHAIRMAN ALDRIDGE: Thank you.
10 Are there any comments or
11 questions pertaining to this resolution
12 from the Board?
13 If none, can I get a motion
14 pertaining to the resolution, please?
15 MR. MERRIWEATHER: So moved.
16 MR. BRITO: Second.
17 CHAIRMAN ALDRIDGE: Okay. It has
18 been properly moved and second.
19 All those in favor?
20 (Whereupon, all the Board members
21 responded "Aye.")
22 CHAIRMAN ALDRIDGE: It would seem
23 to be unanimous, no abstains or opposed
24 -- anybody opposed.
25 All right. Thank you.

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1 Proceedings
2 the purpose of this is
3 MR. CESPEDES: Just to make it a
4 little bigger. The deck that I had, I
5 couldn't fit a table out, but there. I
6 like to, you know, sit outside in the
7 summertime
8 I work underground so in the
9 summertime, I like to spend a lot of time
10 outside. So I would like to enjoy my
11 deck a little, little more.
12 CHAIRMAN ALDRIDGE: Any questions
13 at this time?
14 MR. BRITO: Do you have an
15 existing deck right now?
16 MR. CESPEDES: I took it down
17 already.
18 MR. BRITO: You took it down
19 already?
20 MR. CESPEDES: Yes.
21 MR. MERRIWEATHER: What's the,
22 the space of your, of your yard or total
23 area space of where you wish to place the
24 deck?
25 MR. CESPEDES: So it's 16 by 20

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1 Proceedings
2 MR. CONWAY: Thank you, Chair.
3 Thank you, everyone.
4 MEMBER OF THE PUBLIC: Thank you.
5 CHAIRMAN ALDRIDGE: Okay. The
6 next item on this agenda is 7 Allison
7 Circle. This is requesting a rear-yard
8 deck.
9 MR. CESPEDES: Hi.
10 Yes, I'm trying to make my deck a
11 little bigger, going six feet and four --
12 MR. BEHN: Let the stenographer
13 --
14 CHAIRMAN ALDRIDGE: You have to
15 say your name and address for the
16 stenographer.
17 MS. TOMM ADDONA: And she needs
18 be able to hear you.
19 MR. CESPEDES: Rafael Cespedes.
20 7 Allison Circle.
21 I'm redoing my deck and I'm going
22 a little, little bigger, four feet out
23 away from the -- 16 from the house and 20
24 along the house.
25 CHAIRMAN ALDRIDGE: Okay. And

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1 Proceedings
2 out. The yard, I'm not -- I don't have
3 the information in front of me right now.
4 I don't have the letter of -- the
5 variance letter in front of me. I didn't
6 bring it with me today.
7 CHAIRMAN ALDRIDGE: Okay. Anyone
8 else?
9 MS. TOMM ADDONA: George, do you
10 have any comments on this?
11 MR. BEHN: The only thing I'd
12 like to say is that I don't think the,
13 the property owner is going to be able to
14 give detail from the survey because it's
15 a little technical.
16 But what he has done has -- he's
17 constructed this deck and now he wants to
18 legalize it with regard to the rear-yard
19 setback.
20 It does not encroach in the --
21 there's an easement that runs through his
22 property. It does not encroach on that
23 easement, so.
24 MR. MERRIWEATHER: Thank you.
25 That was -- that's where I was

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1 Proceedings
2 going.
3 So the rebuild of the deck, how
4 much larger is it than what was the
5 existing deck area?
6 MR. BEHN: For that, I would have
7 to refer back to the site plan, I don't
8 have that in front of me.
9 It's not extremely large by any
10 way, shape, or form. It just happens to
11 encroach in the rear-yard setback.
12 So to legalize it, he's going to
13 have to seek approval from this Board.
14 MR. MERRIWEATHER: The deck is
15 already built?
16 MR. CESPEDES: It's not. Just
17 the frame, just the four -- just the
18 outside, the outside frame is only built.
19 MR. BEHN: He stopped.
20 MR. CESPEDES: Yeah. I was
21 stopped. I went from 10 by 16 to 16 by
22 20.
23 MR. MERRIWEATHER: Is e Thank
24 you.
25 MR. CESPEDES: You're welcome.

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1 Proceedings
2 As long as it's not in the easement,
3 don't require it
4 CHAIRMAN ALDRIDGE: Any questions
5 -- any more questions from the Board?
6 (Whereupon, there was no response
7 by the Board
8 CHAIRMAN ALDRIDGE: Thank you.
9 Is there anyone from the public
10 who wants to be heard on this matter?
11 MR. SIERRA: Yes, I would. I
12 would, please.
13 CHAIRMAN ALDRIDGE: Come forward,
14 please.
15 MR. SIERRA: My name is Alejandro
16 Sierra. I live at 6 Beechwood Lane,
17 right behind Raphael.
18 And I just wanted to see the same
19 questions that you have. I would like to
20 know: As far as how the deck is going to
21 be situated, if that's what the deck is
22 that it looks like now and how far it
23 would be off my property line.
24 Because Raphael enjoys
25 entertaining and I can appreciate that,

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1 Proceedings
2 MR. BRITO: George, in the
3 easement area, there's no fence, no
4 nothing, it's open for him? Everything
5 --
6 MR. BEHN: Correct, correct.
7 MR. BRITO: So there will be
8 nothing if it's open, yeah.
9 How many from the easement to the
10 deck is it? Do you know?
11 MR. BEHN: Again, I didn't bring
12 the site plan with me.
13 MR. BRITO: I got it here but it
14 doesn't have numbers.
15 MR. CESPEDES: How many -- what
16 was the question?
17 MR. BRITO: How many feet from
18 the end of the deck to the easement area?
19 MR. BEHN: To the right of way.
20 MR. CESPEDES: To the back, I
21 think is 20 -- 23 and to the side was,
22 like, 27.
23 MR. BEHN: I would have to get
24 the surveyor to put that on the site
25 plan, it's not something I typically do.

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1 Proceedings
2 but that just means if it's closer to my
3 line, more noise, less privacy for me.
4 We don't have trees dividing us so we're
5 right there.
6 So I'd just like to know what
7 that would be, how close it's going to
8 be.
9 And if it is what the deck is
10 right now constructed, then that's fine.
11 But if it's going to be something a lot
12 larger, I'd like to see that just out of
13 curiosity.
14 MR. BEHN: So I will say, what is
15 depicted on the site plan is what's there
16 now.
17 MR. SIERRA: So it's not going to
18 come any further back than what it is?
19 MR. BEHN: Right. It's --
20 MR. SIERRA: So --
21 MR. BEHN: -- just the rear --
22 MR. SIERRA: I'm fine with that,
23 yeah. That sounds great.
24 Thank you. Appreciate the time.
25 CHAIRMAN ALDRIDGE: Thank you.

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1 Proceedings

2 MR. MERRIWEATHER: Thank you.

3 CHAIRMAN ALDRIDGE: Anyone else?

4 MS. TOMM ADDONA: Mr. Chairman,

5 we will proceed with proof of the public

6 hearing notices from the Applicant.

7 The application has been open to

8 the public for comment.

9 If there's any other further

10 information the Board would like to

11 receive, we could leave the public

12 hearing open.

13 Otherwise, we can close the

14 public hearing and put this on for

15 resolution at your March 12 meeting.

16 CHAIRMAN ALDRIDGE: Okay.

17 All right. Can I get a motion --

18 if there's no one, no one else to be

19 heard on this matter from the public, can

20 I get a motion to close up here?

21 MR. BRITO: Make a motion to

22 close.

23 MR. MERRIWEATHER: Second.

24 CHAIRMAN ALDRIDGE: It is so

25 properly moved and second.

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1 Proceedings

2 All those in favor?

3 (Whereupon, all the Board members

4 responded "Aye.")

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Page 23

1 Proceedings

2 All those in favor?

3 (Whereupon, all the Board members

4 responded "Aye.")

5 CHAIRMAN ALDRIDGE: We will have

6 a resolution prepared pertaining to this

7 at the March, March 12?

8 MS. TOMM ADDONA: Mm-hmm.

9 CHAIRMAN ALDRIDGE: March 12

10 meeting.

11 MR. CESPEDES: Okay. Thank you.

12 CHAIRMAN ALDRIDGE: Thank you.

13 MS. TOMM ADDONA: You don't have

14 to be here, the public hearing is closed,

15 so. But you can be here but the Board

16 can just vote on it and we can send you a

17 copy.

18 MR. CESPEDES: Sounds good.

19 Thank you.

20 CHAIRMAN ALDRIDGE: Okay. Can I

21 have a motion to adjourn?

22 MR. MERRIWEATHER: So move.

23 MR. CASTRO: Second.

24 CHAIRMAN ALDRIDGE: So moved and

25 properly seconded.

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1 CERTIFICATION

2

3 STATE OF NEW YORK)

4) ss

5 COUNTY OF KINGS)

6

7 I, CHANA PIEKARSKI, a Shorthand Reporter

8 and Notary Public within and for the State of New

9 York, do hereby certify:

10 THAT the foregoing transcript is a true

11 and accurate transcript of my original stenographic

12 notes.

13 IN WITNESS WHEREOF, I have hereunto set

14 my hand this 25th day of February, 2025.

15

16 

17 CHANA PIEKARSKI

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1 Errata Sheet

2

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

4 DATE OF DEPOSITION: 02/13/2025

5 NAME OF WITNESS:

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

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