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CONDENSED

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In Re:
TOWN OF HAVERSTRAW ZONING BOARD MEETING

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May 11, 2022
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 APPEARANCES: 3 4 GREGG LAWLESS, ACTING CHAIRMAN 5 CARLOS BARRETT 6 LARRY MARGIOTTA 7 PAUL CLEARY 8 WILBUR ALDRIDGE 9 MICHAEL D. KAUKER, PLANNING CONSULTANT 10 CHRISTIE ADDONO, ZONING BOARD ATTORNEY 11 MICHELLE CRAFTFEY, SECRETARY 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 3 1 Proceedings 2 CHAIRMAN LAWLESS: Good evening, 3 everybody. Today is Wednesday, May 11th 2022. 4 This is the regularly scheduled meeting for 5 the Zoning Board of Appeals. Please rise for 6 the Pledge. 7 (Pledge of Allegiance.) 8 CHAIRMAN LAWLESS: Paul Cleary. 9 MR. CLEARY: Present. 10 CHAIRMAN LAWLESS: Larry Margiotta. 11 MR. MARGIOTTA: Here. 12 CHAIRMAN LAWLESS: Wilbur Aldridge. 13 MR. ALDRIDGE: Here. 14 CHAIRMAN LAWLESS: Carlos Barrett. 15 MR. BARRETT: Here. 16 CHAIRMAN LAWLESS: First item on the 17 agenda is 81 West Ramapo Road. 18 MS. ADDONA: Mr. Chairman, before we 19 bring in, for the benefit of the public who's 20 here tonight, there are two applications that 21 have been adjourned at the request of the 22 applicants. Those are Efrain Castro, 69 North 23 Central Highway, Garnerville, and the second, 24 K'Hal Bnei Torah, 62 Riverglen Drive, Thiells. 25 CHAIRMAN LAWLESS: The applicant of
Page 4 1 Proceedings 2 81 West Ramapo here? 3 MR. JACOBOW: Yes. 4 CHAIRMAN LAWLESS: Sir, please state 5 your name and your address for the 6 stenographer. 7 MR. JACOBOW: Ariel Jacobov, 9 8 Cobblestone Farm Court, Suffern, New York. 9 CHAIRMAN LAWLESS: Okay. This is a 10 continuation, right, of a public hearing. We 11 called you last month, but we had no response, 12 right? 13 MR. JACOBOW: No, I was here. You 14 just had a very long hearing I guess before. 15 CHAIRMAN LAWLESS: Well, I called 16 you at the beginning of the meeting, sir, and 17 you didn't raise your hand. You may have come 18 in after we started, but that's fine, you're 19 here now, so we'll continue now. 20 MS. ADDONA: So if you want to 21 update the Board. You were here last fall I 22 believe. You're seeking an interpretation, 23 correct? 24 MR. JACOBOW: Correct. So the last 25 time we were here we had the Covid testing	Page 5 1 Proceedings 2 tenant who is no longer there at the site. 3 And the limousine company who is the tenant, 4 is actually here with me. They're still at 5 the site. 6 We spoke about, you know, what falls 7 under the current, I guess, definition of the 8 code for commercial uses. I mean the medical 9 thing is irrelevant now, but as far as the 10 livery goes, you know, it's a commercial 11 business. They do park their cars there. 12 They don't just do liveries. They do Amazon 13 deliveries and stuff like that. And according 14 to the building department, that's not under 15 the zoning code which, you know, I kind of 16 find it in a way that it's tough to find every 17 business under a zoning code because, you 18 know, there's a lot of businesses that 19 wouldn't be in a lot of zoning codes 20 throughout districts throughout New York and 21 the rest of the country. 22 But they are commercial business. 23 They'd like to stay there. Pedro is a 24 Garnerville resident and to tell us that he's 25 not I guess approved or wouldn't work under

Page 6 1 Proceedings 2 the commercial zoning, it would be detrimental 3 not just to the property, but I think also to 4 the tenant itself because you know, it's his 5 business, it's a commercial business, and the 6 fact that he is a Garnerville tenant, it's 7 going to make it a lot harder if he's not able 8 to stay. 9 CHAIRMAN LAWLESS: Okay. This was 10 an appeal for the building inspector's 11 decision. 12 George, can you revisit again your 13 comments, please. 14 MR. BEHN: So the car service is not 15 a use permitted by right in a commercial zone. 16 They disagree with. That's why they're here 17 challenging my decision. 18 CHAIRMAN LAWLESS: Any questions 19 from the board? 20 MR. MARGIOTTA: Is there anyway they 21 can get a special use permit to keep it there? 22 MR. BEHN: I don't believe so. It's 23 not in the uses approved by the Town Board 24 either for a special permit. 25 MR. JACOBOW: There was something	Page 7 1 Proceedings 2 regarding car sales and I think rental under 3 special permit. Like I said, I don't think 4 every business under the horizon is going to 5 come into any zoning code because there's a 6 lot of businesses just are, you know, could be 7 a random business, but it's not going to fall 8 under a particular, you know, described as in 9 the zoning code. But it's a commercial 10 business, you know. They have an office in 11 the building and you know primarily, yes, they 12 need parking just like any other business. If 13 it was a plumber who needed parking for his 14 vans, it wouldn't be any different. 15 MR. ALDRIDGE: George, is there 16 something forbidding it? It's not in there, 17 but is there something forbidding. 18 MR. BEHN: Well, a use forbidden by 19 right. 20 MS. ADDONA: So I think the issue is 21 that, correct me if I'm wrong, George, the 22 code states that any uses not expressly 23 permitted as of right are deemed prohibited, 24 is the way the code works. 25 So another avenue may be to see if
Page 8 1 Proceedings 2 this is something that the Town Board would be 3 interested in entertaining. I don't know. 4 But that's up to them whether they're 5 interested in that. This board has to deal 6 with the code that's in front of them. They 7 don't have the discretion to make those types 8 of changes. 9 MR. JACOBOW: Like, I'll give you an 10 example. In the zoning code it doesn't 11 say like if I had a plumber business or if I 12 was a dentist, you know, there's a lot of 13 different things there that aren't mentioned 14 in the code, but you know, I doubt that it 15 would completely forbid the business, right? 16 I mean prohibit any business that's not listed 17 under -- because it is a commercial business. 18 If it was something that's entertainment or 19 something else I mean I can understand, but 20 it's a commercial business. 21 It's not going to be listed -- you 22 know, we own properties throughout New York 23 and, yes, there's a lot of different uses that 24 aren't going to be listed. If it falls under 25 a commercial use usually that's something that	Page 9 1 Proceedings 2 would, you know, work. So if there's a way I 3 mean of something that could be done. At this 4 point it's really for their business. That's 5 why they're here today, also. 6 CHAIRMAN LAWLESS: I think counsel 7 has given you kind of the synopsis. It's not 8 in our code, it's not permitted. It might be 9 something you want to visit with the Town 10 Board itself. They have the power and 11 authority to kind of make those decisions. We 12 don't. We just interpret the code as it's 13 stated in the book and it's not a permitted 14 use, so it puts this board in a tough 15 position. 16 MR. JACOBOW: Is there a way to have 17 one hearing between both boards on just the 18 use, I guess? 19 MS. ADDONA: It's two separate 20 purviews. The application you're making was 21 for a code text amendment. That wouldn't 22 involve this board. That would involve the 23 town board. So that would have to be a 24 separate discussion with the Town Board. 25 What this Board I suppose could do,

Page 10 1 Proceedings 2 would be to, if you were inclined, you know, 3 this application has been pending for a long 4 time, but we, the board, if they were so 5 inclined, could adjourn it to see if that was 6 something that you were willing and able to 7 pursue with the Town Board. 8 The other issue that I believe has 9 come up and you did elude to it, is parking. 10 And so a lot of times when we have these types 11 of uses come in, they require site plan 12 approval to make sure the parking and the 13 traffic circulation on the site is being done 14 in a safe manner. And so that's something 15 that even if was a permitted use, I think 16 that's the secondary issue that this board 17 would have to address, which is whether it 18 would require site plan approval. 19 Right, George? 20 MR. BEHN: Right. 21 MR. JACOBOW: So for that you 22 mention that, the property was built as I 23 guess for the use of a bank, but if a 24 drive-through isn't being used, then there's 25 obviously a lot more parking that could be	Page 11 1 Proceedings 2 utilized already. They can -- they only have 3 I think, ten spots total. They're limited to 4 ten spots. The site I think has twenty-eight 5 that includes the whole drive-through lane and 6 everything which is not being used as 7 drive-through anymore because it's not a bank 8 or fast food restaurant. So there's space for 9 additional spots there. 10 So I think as far as parking goes, 11 even if they were other tenants in the 12 building, I think we would pass muster in the 13 sense of per square foot parking ratio or per 14 person parking ratio. But if that's something 15 we can do, then maybe we discuss it with the 16 town board and see what they say, and then, 17 you know, because as of right now it's like, 18 you know, if it's a complete no, then I think 19 in a way it's putting them out of business. 20 If there's a way to like avoid that and try to 21 come to a resolution, even sitting with the 22 Town Board and discussing, then so be it. I 23 think that's the way to go. 24 MS. ADDONA: Are there currently any 25 other tenants in the building?
Page 12 1 Proceedings 2 MR. JACOBOW: No. 3 MR. BEHN: So Christie correct me if 4 I'm wrong, two options would be to approach 5 the Town Board with regards to a zoning text 6 amendment. So what that means is in the uses 7 permitted by right, you would add the car 8 service, or attempt to add the car service for 9 a use variance, correct? 10 MS. ADDONA: Yes. 11 MR. JACOBOW: If it's other 12 businesses that aren't listed in the code -- 13 I'll give you an example, a plumbing business 14 is not listed in the commercial code. Is that 15 a forbidden use? 16 MR. BEHN: It would be. 17 MR. JACOBOW: If it's a commercial 18 business even though it states commercial 19 business -- 20 MR. KAUKER: I think the problem for 21 you is there's a very specific list of uses 22 that are permitted. It just doesn't 23 generically permit commercial use. 24 MR. JACOBOW: There is one section 25 that does say, I think I have it here, but	Page 13 1 Proceedings 2 there is one part that says commercial 3 businesses and professional offices. It's in 4 there. So it wasn't like -- 5 MR. KAUKER: It permits offices, 6 professional governmental and business 7 offices. It permits commercial recreational 8 establishments, convention, catering facility, 9 retail drug, but one of the issues it does 10 permit bus stops, but specifically prohibits 11 storage of commercial vehicles on the 12 premises. So I think that would be burdensome 13 for you guys as well. 14 MS. ADDONA: Are they commercial 15 vehicles? 16 MR. JACOBOW: They're not commercial 17 in the sense of like commercial license 18 plates, no. 19 MR. BARRETT: What is the 20 relationship between the parking of the Amazon 21 vehicles that we see there? Some of their 22 vans do delivery for Amazon you said? 23 MR. JACOBOW: Some of their vans do 24 deliveries for Amazon, you said? NJLS, like 25 another shipping, I guess.

Page 14 1 Proceedings 2 CHAIRMAN LAWLESS: None of those 3 vehicles are commercial plates at all? 4 MR. JACOBOW: Livery plates. The 5 car service is like more traffic. It's way 6 more cars. 7 CHAIRMAN LAWLESS: You guys have to 8 speak one at a time so the stenographer can 9 take down what is being said. 10 MR. JACOBOW: They're saying there's 11 the car livery business and then there's also 12 the vans that do deliveries for their company. 13 I guess NJLS. 14 MS. ADDONA: Could you provide the 15 board with a narrative or a summary that kind 16 of lays out everything that's happening as 17 part of that business? 18 MR. JACOBOW: Yes, we can do that. 19 MS. ADDONA: And then we can, this 20 board can take a look and perhaps we can have 21 a discussion with some members of the town 22 staff to see if there is something that the 23 town board would be willing to look into. 24 MR. JACOBOW: Okay. So I guess we 25 would adjourn for now?	Page 15 1 Proceedings 2 MS. ADDONA: But you need to really 3 be on top of this because I understand there 4 were -- 5 MR. JACOBOW: Last time I was here 6 though. I was here. 7 MS. ADDONA: I understand. 8 MR. JACOBOW: I came in like 7:03, 9 but there was so many people in here. 10 MS. ADDONA: There have been issues 11 on both sides. 12 MR. BEHN: Sorry. I just want to 13 make sure that you understood that you are to 14 appear before the Justice Court. 15 MR. JACOBOW: Yes. That's scheduled 16 for June 13th I believe. 17 MR. BEHN: So if you're working in 18 the right direction, I can adjourn that again. 19 But don't forget about that. 20 MR. JACOBOW: Okay. So you'd like a 21 narrative of exactly how many cars, what their 22 use, saying what the primary use is for and 23 they don't get traffic like from the street 24 I'm saying. It's not that kind of business 25 where they get, you know, a bunch of people
Page 16 1 Proceedings 2 pulling in, whatever the case is. So it's 3 really just their cars, but we'll do that and 4 I can e-mail Annette and George and Christie. 5 I have your e-mail as well. 6 MS. ADDONA: So I would recommend 7 that this board put a deadline on when that 8 submission be done. Would two weeks from 9 today be satisfactory? 10 MR. JACOBOW: That's fine. 11 MS. ADDONA: If the board is 12 comfortable with that, that way we have it 13 enough in advance to have some internal 14 discussions and the applicant can appear back 15 before this board if necessary after two 16 weeks. 17 MR. JACOBOW: Okay. 18 MR. BEHN: I think there's some 19 housekeeping. You have some documents you 20 have to give to Christie. 21 MR. JACOBOW: You requested the 22 original copy of the mailings, return receipts 23 and the certified mail receipts. 24 MS. ADDONA: This is also a public 25 hearing so before we get to that point, the	Page 17 1 Proceedings 2 applicant did already submit these 3 electronically. We had just asked for him to 4 provide the hard copies, which he has done, 5 and everything appears to be in order. 6 So, Mr. Chairman, before there's any 7 sort of motion to adjourn, I agree we should 8 make sure there's no on here from the public 9 who wishes to speak. 10 CHAIRMAN LAWLESS: If there's anyone 11 from the public who wants to be heard, please 12 step forward. Anyone want to be heard on 13 this? 14 Nobody from the public? 15 Anybody else from the board? 16 Make a motion to carry this over to 17 the next meeting. You have a two week 18 deadline to provide us with that 19 documentation. 20 MR. ALDRIDGE: So moved. 21 MR. MARGIOTTA: Second. 22 CHAIRMAN LAWLESS: All in favor say 23 "Aye." 24 (Whereupon, all the Board members 25 responded "Aye".)

Page 18 1 Proceedings 2 CHAIRMAN LAWLESS: Motion carries. 3 MR. JACOBOW: Thank you. 4 CHAIRMAN LAWLESS: So the next item 5 on the agenda is 15 Strachan Place in 6 Garnerville. Can the applicants please step 7 forward. Are the applicants here for 15 8 Strachan Place? 9 MR. BEHN: Actually, Mr. Chairman, 10 she did call and she was very nervous and she 11 thought that it would be better for her not to 12 appear. So I thought that there was enough 13 before the board at this point. 14 CHAIRMAN LAWLESS: Okay. 15 MR. BEHN: It all happened, I forgot 16 to tell Christie. 17 CHAIRMAN LAWLESS: Okay. 18 MS. ADDONA: Mr. Chairman, for the 19 record, what I will say is the reason why this 20 application, just to recap, this is an 21 application for a 8-foot by 14-foot rear yard 22 addition and 8-foot by 8-foot side yard open 23 porch. 24 The applicant was here last month to 25 open the public hearing and the reason why it	Page 19 1 Proceedings 2 was carried over to this meeting is because 3 due to the property's location we had to send 4 this to the Rockland County Department of 5 Planning for their referral. 6 We did receive a reply from County 7 Planning and it is May 10th and the stuff has 8 received those comments and believes that they 9 can be adequately addressed by the applicant, 10 and in light of that, I did prepare a draft 11 resolution for the Board's consideration this 12 evening. So if the board is so inclined, we 13 could move forward with that. 14 Zoning Board of Appeals Resolution 15 Application of Mary Duran and Rafael 16 Vargas ("Applicant") 17 15 Strachan Place, Garnerville, New 18 York ("Property") 19 Section 26.09, Block 2, Lot 16. 20 R-15 Zoning District. 21 WHEREAS, the Applicant has appealed 22 to the Town of Haverstraw Zoning Board of 23 Appeals ("ZBA") from a determination by the 24 Building Inspector dated March 25, 2022 that 25 the Applicant's proposed construction of a
Page 20 1 Proceedings 2 8-foot by 14-foot rear yard kitchen addition 3 and 8-foot by 8-foot side yard open porch do 4 not comply with Chapter 167 of the Town of 5 Haverstraw Zoning Code ("Zoning Code"), and 6 WHEREAS, the Applicant now seeks the 7 following area variances: 8 6.4-foot variance to allow a rear 9 yard of 28.6 feet where 35 feet is required. 10 6.5-foot variance to allow a side 11 yard setback of 13.5 feet where 20 feet is 12 required. 13 4.3-foot variance to allow a total 14 side yard setback of 35.7 feet where 40 feet 15 is required. 16 14.19-foot variance to allow a lot 17 width of 85.81 feet where 100 feet is 18 required. 19 6,544-square foot variance to allow 20 a minimum lot area of 8,456 square feet where 21 15,000 square feet is required. 22 WHEREAS, a duly noticed public 23 hearing was opened on this application at the 24 ZBA's regular meeting on April 13, 2022 and 25 continued to the ZBA's regular meeting on May	Page 21 1 Proceedings 2 11, 2022 and members of the public having the 3 opportunity to appear and be heard, the public 4 hearing was closed on May 11, 2022, and 5 WHEREAS, in support of the 6 application, the Applicant submitted a signed 7 and sealed plan prepared by Anthony Celentano, 8 P.L.S. dated October 6, 2021 (hereinafter 9 referred to as the "Approved Plan"), and 10 WHEREAS, the ZBA complied with the 11 referral requirements of General Municipal Law 12 Section 239-1 and -m and in response to the 13 referral received a letter from the Rockland 14 County Department of Planning ("County 15 Planning") dated May 10, 2022 with seven 16 comments that are addressed as follows: 17 1. As a condition of this approval, 18 the Applicant shall revise the Approved Plan's 19 bulk table to state variances are also needed 20 for lot area and lot width. 21 2. The Building Inspector has 22 determined that the gazebo does not meet the 23 Zoning Code's definition of an accessory 24 structure that would require variances for the 25 location of the accessory structure or the

Page 22 1 Proceedings 2 spacing between an accessory structure and the 3 principal building. As a condition of this 4 approval, the Applicant shall revise the 5 Approved Plan's bulk table accordingly. 6 3. As a condition of this approval, 7 the Applicant must have a review done by the 8 Rockland County Department of Health to ensure 9 compliance with the Rockland County Sanitary 10 Code, Article XIX, Mosquito Control. 11 4. The Village of West Haverstraw 12 was sent notification of this application on 13 April 11, 2022 and 30 days have elapsed 14 without a response being received. 15 5. The procedure for notifying the 16 County Commissioner of Planning of the ZBA 17 overriding conditions of the GML review is 18 duly noted and as a condition of this approval 19 the Applicant must comply with them to the 20 extent necessary. 21 6. The procedure for notifying the 22 County Commissioner of Planning of the ZBA 23 overriding conditions of the GML review is 24 duly noted and as a condition of this approval 25 the Applicant must comply with them to the	Page 23 1 Proceedings 2 extent necessary. 3 7. Comments 7.1 through 7.4 are not 4 required to be complied with as part of the 5 GML process, notwithstanding such, as 6 conditions of this approval the Applicant is 7 required to revise the application and 8 Approved Plan to address these comments. 9 WHEREAS, having made personal 10 inspection of the premises and being familiar 11 therewith and after duly considering all the 12 proofs and evidence before it, this Board 13 determines as follows: 14 IT IS HEREBY RESOLVED, this is a 15 Type II action under the State Environmental 16 Quality Review Act and therefore no further 17 action is required; 18 AND IT IS FURTHER HERBY RESOLVED, 19 based upon the facts set forth above and the 20 representations made by the Applicant, the 21 findings of this Board are as follows: 22 A. There will be no undesirable 23 change produced in the character of the 24 neighborhood or detriment to nearby properties 25 as a result of the variances. The property is
Page 24 1 Proceedings 2 at the end of a dead end road and there is a 3 considerable rear yard buffer where the 4 kitchen addition will be. The porch is 5 existing but in a state of disrepair, which 6 the applicant is seeking to improve. The 7 porch will be further from the side lot line 8 than the existing gazebo and there is a row of 9 landscaping that will screen the porch from 10 the neighboring property. 11 B. The benefit sought by the 12 applicant cannot be achieved by some method, 13 feasible for the applicant to pursue, other 14 than the area variances. The porch and 15 kitchen are in their existing locations and 16 the only way to improve them is to do so in 17 their existing locations, which creates the 18 need for the variances. 19 C. The Board finds that overall the 20 variances are not substantial. The lot area 21 and lot width variances are existing 22 conditions being legalized as pare of this 23 application. The Property was developed 24 before the zoning regulations for the R-15 25 zoning district were applied to the Property,	Page 25 1 Proceedings 2 which rendered the Property and many other 3 properties in the neighborhood legal, 4 nonconforming. The rear yard variance is not 5 substantial and while the one-side yard 6 variance could be considered somewhat 7 substantial, that is offset to a certain 8 extent by the landscaping buffer and the 9 larger side yard setback on the other side of 10 the property. 11 D. There will be no adverse effect 12 or impact on the physical or environmental 13 conditions in the neighborhood or district 14 from the requested variances. The porch is 15 existing in a dilapidated condition and the 16 Applicant is proposing to improve it. There 17 is also landscaping that serves as a buffer 18 between the Property and the neighboring 19 property. In addition, the neighboring 20 property owners were notified of this 21 application and only one member of the public 22 has submitted comments in support. 23 E. The difficulty is self-created 24 because the Applicant wants to install 25 improvements that do not comply with the

Page 26 1 Proceedings 2 requirements of the Zoning Code, but this 3 factor is not determinative and does not 4 preclude the granting of the area variances. 5 AND IT IS FURTHER RESOLVED based 6 upon the foregoing findings, the Applicant's 7 request for the variances set forth above is 8 granted, subject to the following conditions: 9 1. The variances are granted solely 10 in connection with the Approved Plan and the 11 variances are granted only to the extent that 12 they are necessary for the Applicant to 13 install the proposed additions. If any 14 changes are made to the Approved Plan (other 15 than those directed by this Resolution or 16 deemed by the Building Inspector to be minor 17 field changes), this variance grant becomes 18 void and the Applicant must make a new 19 application to the ZBA for approval of any and 20 all variances. 21 2. The Property must remain a 22 single-family 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 27 1 Proceedings 2 board, department, agency or officer 3 prescribed by law or ordinance with regard to 4 the plans or construction or any other phase 5 of the project. The granting of this 6 application shall not be deemed to relieve the 7 Applicant of the need to comply with any and 8 all other local, county, state and federal 9 requirements, including but not limited to 10 compliance with the New York State Uniform 11 Fire Prevention and Building Code. 12 4. The Applicant shall comply with 13 all of the conditions and requirements set 14 forth in the discussion of the responses to 15 County Planning's comment set forth on pages 16 1-2 of this Resolution. 17 5. These variances are granted 18 subject to the accuracy of the representations 19 made by the Applicant and its representatives 20 to the ZBA in its written submissions and 21 during the public hearing. If any material 22 representation, whether or not it is included 23 in this Resolution, is found to be inaccurate, 24 at the discretion of the ZBA the variance 25 grant may be deemed void, in which case the
Page 28 1 Proceedings 2 Applicant must make a new application to the 3 ZBA for approval of any and all variances. 4 6. The failure to observe and 5 perform these conditions shall render this 6 resolution invalid. 7 Dated as of May 11, 2022. Acting 8 Chairman Lawless. 9 CHAIRMAN LAWLESS: So anybody from 10 the public that would like to be heard on 15 11 Strachan Place, an 8 by 14 kitchen addition 12 and 8 by 8 open porch and legalized gazebo 12 13 by 12? Anybody from the public want to be 14 heard? 15 No? 16 Close the public hearing? 17 MR. MARGIOTTA: So moved. 18 MR. ALDRIDGE: Second. 19 CHAIRMAN LAWLESS: Mr. Margiotta. 20 All in favor, usual sign? 21 (Whereupon, all the Board members 22 responded "Aye".) 23 CHAIRMAN LAWLESS: Can I get a 24 motion to accept the variances, the rear yard, 25 the side yard, the total yard, the minimum lot	Page 29 1 Proceedings 2 and the minimum lot area? Can I get a motion 3 to accept? 4 MS. ADDONA: In line with the 5 resolution that was prepared that's dated May 6 11th. 7 CHAIRMAN LAWLESS: The resolution 8 dated May 11th. 9 MR. BARRETT: So moved. 10 MR. MARGIOTTA: I'll second. 11 CHAIRMAN LAWLESS: All in favor, 12 usual sign. 13 (Whereupon, all the Board members 14 responded "Aye".) 15 CHAIRMAN LAWLESS: So moved. 16 Carried. 17 Next on the agenda is 26 18 Mountainview Drive in Thiells. The applicant 19 is here. Please step forward, Ms. Guzman. 20 MS. ADDONA: Mr. Chairman, first I'm 21 going to read the legal notice into the 22 record. 23 "Please take notice the Town of 24 Haverstraw Zoning Board of Appeals shall hold 25 a Public Hearing to consider the application

Page 30 1 Proceedings 2 of Yesenia Guzman - 26 Mountain View Drive, 3 Thiells to construct a Rear Yard Deck, a Side 4 Yard deck and legalize an existing Above 5 Ground Pool. 6 The following Variances are 7 required: 8 The Rear Yard Depth Required is 35 9 feet Provided is 25.f feet. An 11.5 foot 10 variance is required. 11 The Side Yard Set Back Required is 12 15 feet. Provided is 12.3 feet. A 2.7 Foot 13 Variance is required. 14 The existing pool is 2 feet from the 15 Principal Building. Required is 10 feet. 16 Requesting relief from Section 167.1 of the 17 Zoning Code. 18 The property being located on the 19 North side of Mountain View Road and West of 20 Oakwood Lane. 21 Located on the Town of Haverstraw 22 Tax Map as Section 25.08, Block 01, Lot 75. 23 Said Public Hearing shall be held on 24 Wednesday, May 11, 2022 at 7 P.M. in the large 25 meeting room of Haverstraw Town Hall, One	Page 31 1 Proceedings 2 Rosman Road, Garnerville. 3 All interested parties are invited 4 to attend will be heard by the board. 5 By order of the Zoning Board of 6 Appeals of the Town of Haverstraw." 7 CHAIRMAN LAWLESS: Welcome, Ms. 8 Guzman. Can you please just elaborate on what 9 you'd like to do and what's necessary. 10 MS. GUZMAN: There's an existing 11 pool that I purchased -- it was there when I 12 purchased the house and the deck is the deck. 13 I mean -- 14 MS. ADDONA: Excuse me. Everyone in 15 the audience, we're trying to conduct the 16 meeting so people can hear. So if you can 17 please be quiet or go outside. 18 MS. GUZMAN: When I purchased the 19 house they had an existing deck connected to 20 the house and also connecting that to the 21 above ground pool. The decks are 35 maybe 40 22 years old. So the wood is ravaged so it needs 23 to be replaced. 24 And the pool like I said, it was 25 there when I purchased the house. So when I
Page 32 1 Proceedings 2 tried to get the permit three they had told me 3 I had to get a variance and hear I am. 4 CHAIRMAN LAWLESS: Questions from 5 the board? 6 Any comments from you, George? 7 MR. BEHN: No. Pretty cut and dry. 8 CHAIRMAN LAWLESS: Okay. So any 9 comments from the public? Anyone like to be 10 heard on this matter? 11 PERSON IN AUDIENCE: We can't hear 12 you. We're not 20 years old. 13 CHAIRMAN LAWLESS: Neither am I, 14 ma'am. I said, would anyone from the public 15 like to come up with questions about these 16 variances that Ms. Guzman has proposed? Step 17 up. 18 MS. ADDONA: 26 Mountainview Drive. 19 CHAIRMAN LAWLESS: Does anyone have 20 any concerns? 21 No? Anybody else? 22 Close the public hearing? 23 MR. BARRETT: So moved. 24 MR. MARGIOTTA: Second. 25 CHAIRMAN LAWLESS: Made by	Page 33 1 Proceedings 2 Mr. Barrett. Second by Mr. Margiotta. All in 3 favor, usual sign? 4 (Whereupon, all the Board members 5 responded "Aye".) 6 MS. ADDONA: Mr. Chairman, unlike 7 the prior application, due to the location of 8 this property it does not require referral to 9 the Rockland County Department of Planning and 10 so I did prepare a draft resolution for the 11 Board's consideration this evening. That has 12 been circulated to the Board for your review 13 in advance, if the board is so inclined to 14 consider it. 15 ZONING BOARD OF APPEALS RESOLUTION. 16 Application of Yesenia Guzman 17 ("Applicant") 18 26 Mountainview Drive, Thiells, New 19 York ("Property") 20 Section 25.08, Block 1, Lot 75 21 R-15 Zoning District 22 WHEREAS, the Applicant has appealed 23 to the Town of Haverstraw Zoning Board of 24 Appeals ("ZBA") from a determination by the 25 Building Inspector dated March 19, 2022 that

Page 34 1 Proceedings 2 the Applicant's proposed construction of a 3 20-foot by 32-foot rear yard deck and 10-foot 4 by 15-foot side yard deck, and to legalize an 5 existing above-ground pool, do not comply with 6 Chapter 167 of the Town of Haverstraw Zoning 7 Code ("Zoning Code"), and 8 WHEREAS, the Applicant now seeks the 9 following area variances: 10 11.5-foot variance to allow a rear 11 yard of 23.5 feet where 35 feet is required. 12 2.7-foot variance to allow a side 13 yard setback of 12.3 feet where 15 feet is 14 required. 15 8-foot variance to allow the pool to 16 be 2 feet from the principal dwelling where 10 17 feet is required. 18 WHEREAS, a duly noticed public 19 hearing was opened on this application at the 20 ZBA's regular meeting on May 11, 2022, and 21 members of the public having the opportunity 22 to appear and be heard, hearing was closed on 23 May 11, 2022, and 24 WHEREAS, in support of the 25 application, the Applicant submitted a plan	Page 35 1 Proceedings 2 prepared by Anthony R. Celetano, P.L.S. dated 3 June 18, 2020 (hereinafter referred to as the 4 "Approved Plan"), and 5 WHEREAS, due to the location of the 6 Property, this application was not subject to 7 the referral requirements of General Municipal 8 Law Section 239-l and -m; and 9 WHEREAS, having made personal 10 inspection of the premises and being familiar 11 therewith and after duly considering all the 12 proofs and evidence before it, this Board 13 determines as follows: 14 A. There will be no undesirable 15 change produced in the character of the 16 neighborhood or detriment to nearby properties 17 as a result of the variances. The pool and 18 decks are already existing on the Property and 19 the Applicant proposes to reconstruct the 20 decks to improve and expand them for safety 21 and handicap accessibility purposes. 22 B. The benefit sought by the 23 applicant cannot be achieved by some method, 24 feasible for the applicant to pursue, other 25 than the area variances. Because the pool and
Page 36 1 Proceedings 2 decks already exist, the only places for them 3 to be reconstructed are in their existing 4 locations, which requires the need for 5 variances. 6 C. The Board finds that the rear 7 yard and side yard variances are not 8 substantial. To the extent the variance for 9 the distance from the pool to the house could 10 be considered substantial, the pool is in its 11 current location to provide access to from the 12 deck and no matter where the pool is located 13 on the Property it would encroach in a 14 setback. 15 D. There will be no adverse effect 16 or impact on the physical or environmental 17 conditions in the neighborhood or district 18 from the requested variances. The Property 19 and the rear deck are at a lower elevation 20 than the neighboring property owner to the 21 north. There is also a substantial 22 landscaping buffer between the two properties. 23 On the side of the Property, the pool and deck 24 are already existing and the Applicant is 25 proposing to replace and improve the deck to	Page 37 1 Proceedings 2 make it handicap accessible to the pool. As a 3 condition of this approval, the Applicant will 4 still be required to comply with all Building 5 Code requirements to ensure the pool is secure 6 and can only be accessed in a safe manner. 7 E. The difficulty is self-created 8 because the Applicant wants to reconstruct the 9 decks and legalize a pool that do not comply 10 with the requirements of the Zoning Code, but 11 this factor is not determinative and does not 12 preclude the granting of the area variances. 13 AND IT IS FURTHER RESOLVED based 14 upon the following findings, the Applicant's 15 request for the variances set forth above is 16 granted, subject to the following conditions: 17 1. The variances are granted solely 18 in connection with the Approved Plan and the 19 variances are granted only to the extent that 20 they are necessary for the Applicant to 21 reconstruct the decks and keep the existing 22 pool. If any changes are made to the Approved 23 Plan (other than those deemed by the Building 24 Inspector to be minor field changes), this 25 variance grant becomes void and the Applicant

Page 38 1 Proceedings 2 must make a new application to the ZBA for 3 approval of any and all variances. 4 2. The granting of this application 5 shall not be deemed to relieve the Applicant 6 of the need to obtain approval of any other 7 board, department, agency or officer 8 prescribed by law or ordinance with regard to 9 the plans or construction or any other phase 10 of the project. The granting of this 11 application shall not be deemed to relieve the 12 Applicant of the need to comply with any and 13 all other local, county, state and federal 14 requirements, including but not limited to 15 compliance with the New York State Uniform 16 Fire Prevention and Building Code and to 17 comply with any requirements from the Building 18 Inspector with respect to the pool. 19 3. The variances are granted 20 subject to the accuracy of the representations 21 made by the Applicant and its representatives 22 to the ZBA in its written submissions and 23 during the public hearing. If any material 24 representation, whether or not it is included 25 in this Resolution, is found to be inaccurate,	Page 39 1 Proceedings 2 at the discretion of the ZBA the variance 3 grant may be deemed void, in which case the 4 Applicant must make a new application to the 5 ZBA for approval of any and all variances. 6 4. The failure to observe and 7 perform these conditions shall render this 8 resolution invalid. 9 Dated as of May 11, 2022. Acting 10 Chairman Lawless." 11 CHAIRMAN LAWLESS: Comments from the 12 Board? 13 MR. MARGIOTTA: Everything looks 14 good. 15 CHAIRMAN LAWLESS: Make a motion to 16 accept? 17 MR. ALDRIDGE: So moved. 18 CHAIRMAN LAWLESS: All in favor, 19 usual sign. 20 (Whereupon, all the Board members 21 responded "Aye".) 22 CHAIRMAN LAWLESS: Opposed? 23 Motion carries four, nothing. 24 MS. ADDONA: Just for housekeeping 25 purposes I would like the board, there are two
Page 40 1 Proceedings 2 applications on the agenda this evening that 3 were put on for adjournment at the request of 4 the respective applicant. So if we can have a 5 motion to formally adjourn Efrain Castro, 69 6 North Central Highway to the June 8th meeting. 7 CHAIRMAN LAWLESS: Make a motion 8 that we adjourn to the June 8th meeting. All 9 in favor? 10 (Whereupon, all the Board members 11 responded "Aye".) 12 CHAIRMAN LAWLESS: Opposed? 13 Motion carries. 14 MS. ADDONA: And then for item 15 number 5, K'Hal Bnei Torah, 62 Riverglen 16 Drive, Thiells, similar motion to adjourn to 17 the June meeting. 18 CHAIRMAN LAWLESS: Someone make a 19 motion to adjourn? All in favor? 20 (Whereupon, all the Board members 21 responded "Aye".) 22 Opposed? 23 Motion carried. 24 Motion to adjourn the meeting. 25 So moved.	Page 41 1 Proceedings 2 CHAIRMAN LAWLESS: All in favor? 3 (Whereupon, all the Board members 4 responded "Aye".) 5 CHAIRMAN LAWLESS: Opposed? 6 Motion carries. 7 8 9 10 * * * * 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

Dated: May 19, 2022

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