CONDENSED

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In Re:

TOWN OF HAVERSTRAW PLANNING BOARD MEETING

----------x

November 9, 2022
7:30 p.m.

Planning 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

APPEARANCES:
SAL CORALLO, CHAIRMAN
GLENN WIDMER
JOSEPH MICHALAK
ROBERT SAMBRATO
ANTHONY GIZZI
LESTER KAHN
CHRISTIE ADDONA, ESQ., ASSISTANT PLANNING BOARD ATTORNEY
MICHAEL D. KAUKER, PLANNING CONSULTANT
ZACHARY KAMM, TOWN ENGINEER
GEORGE T. BEHN, JR., BUILDING INSPECTOR

Proceedings

THE CHAIRMAN: Good evening, everyone. Welcome to the Town of Haverstraw Planning Board meeting of November 9, 2022 and 7:30 p.m.

Everyone please stand for the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

THE CHAIRMAN: Michelle, would you please read the roll call.

THE SECRETARY: Sal Corallo?

THE CHAIRMAN: Present.

THE SECRETARY: Glenn Widmer?

MR. WIDMER: Here.

THE SECRETARY: Joe Michalak?

MR. MICHALAK: Present.

THE SECRETARY: Robert Sambrato?

MR. SAMBRATO: Here.

THE SECRETARY: Anthony Gizzi?

MR. GIZZI: Here.

THE SECRETARY: Alternate Lester Kahn?

MR. KAHN: Here.

THE CHAIRMAN: Thank you. Would someone move for the adoption of the minutes of September 14, 2022.

MR. WIDMER: I will move that.

Proceedings

THE CHAIRMAN: Moved by Mr. Widener.

MR. GIZZI: Second.

THE CHAIRMAN: Second by Mr. Gizzi.

All those in favor, signify by saying aye.

(Whereupon, all of the Board Members responded "Aye.")

THE CHAIRMAN: Opposed? So carried.

We did not have a meeting in October, so we will go on from here.

First item on the agenda is Eastgate, 315-321 Route 202, Pomona, Section 25.12, Block 02, Lots 19 and 20. It's a referral from the Town Board for recommendations, site plan SEQRA review, and that's what we're here for.

At our September meeting, we declared our intent to be lead agency, so I would like to do the first thing tonight, to have a motion to declare the Town of Haverstraw to be lead agency on this project.

MR. SAMBRATO: I will move that.

MR. MICHALAK: I will second.

THE CHAIRMAN: Moved by Mr. Sambrato. Seconded by Mr. Michalak.

Proceedings

All those in favor, signify by saying aye.

(Whereupon, all of the Board Members responded "Aye.")

THE CHAIRMAN: Introduced yourself to the young lady so she knows who you are.

MR. SABO: Zack Sabo, Engineering & Surveying Properties. I'm here for Eastgate.

So at the last meeting, which we attended in September, we were here for initial submission. The Board declared their intent to be lead agency, we circulated for lead agency, we got comments back from the County, the Health Department, Planning, from the Conservation Board, and at the last meeting, we also referred back to the Town Board, it was on the agenda, I believe that was done at the last meeting regarding the zone change; is that correct?

MS. ADDONA: I'm not sure what you're asking. I believe you did make an application to the Town Board for the zone change, which was referred to the Planning Board.

MR. SABO: Correct, and I believe at the last meeting that was then referred back to the

DRAFT

Proceedings

Town Board with a favorable recommendation.

MS. ADDONA: No, that has not happened. The Planning Board won't do that until SEQRA is done. So generally, the practice is that the Planning Board just declared itself lead agency, so it will go through the SEQRA review process, and then when that process is complete, because the Town Board can't take action on the zoning until after SEQRA is complete, so at the time the Planning Board makes the SEQRA determination, then it will submit its recommendation back to the Town Board.

In addition to comments from County Planning that were directed to the Planning Board, there were also County comments that were directed to the Town Board specifically with respect to the zoning.

MR. SABO: Okay. So for tonight, we're here for the adoption of the Part II EAF, and the intent to be lead agency, which you have just done.

Between the last meeting and now, we have addressed some of the engineer's comments. Like we said, we received comments from the County, we haven't had ample time to address those comments at

Proceedings

this time, but we plan on reviewing those comments and addressing them later on.

THE CHAIRMAN: All right, I just want to make sure we have the same thing. The one item that we had from the Division of Environmental Resources from the County dated September 21st, is that one of the letters that you have?

MR. SABO: Correct.

THE CHAIRMAN: Okay, so you're going to respond to that also.

MR. SABO: Yes. Like I said, we haven't had ample time to respond --

THE CHAIRMAN: No, I just want to cover that you have everything, so when we get together again, that we have -- the other one is from the Rockland County Department of Planning, which is addressed to the Haverstraw Town Board, dated October 7th.

MR. SABO: That is for the zone change, correct, I have that. I also have it directed to the Planning Board for the site plan.

THE CHAIRMAN: Right, and the next one is from the Rockland County Planning Department addressed to the Haverstraw Planning Board, dated

Proceedings

October 27th, and that's addressed to us. That's six pages of items. I know you have to review it, I just want to make sure we have all the items covered that you received.

MR. SABO: I have received them, yes.

THE CHAIRMAN: You've received them all, so you're going to respond to all those things to us.

MS. ADDONA: What I would just also say is that, even though the ones out of the County Planning comments were directed to the Town Board, because as you mentioned, this Board is going to have to make a recommendation to the Town Board regarding the zoning, and you're going to have to respond to those comments anyway, it would probably be helpful if you responded to them with all of the other comments and submitted them to this Board.

MR. SABO: Okay.

THE CHAIRMAN: So with that, I know you're looking for, and I have no problem with the adoption of the Part II, but I do have a couple of questions that I would like to ask you that you also, when you're making changes, I don't have the drawings in front of me, but I made some notes

Proceedings

here, you want to -- the back of the property, the north part of the property is R-40, the front is Commercial.

Now, I looked at a map, a drawing that you gave, SK-4, it shows a line across the whole thing, where the R-40 ends and the Commercial go across, and then on your drawing, C-100, it's in a different location.

I would like are you to clarify, I don't need it right this moment, but I need you to --

MR. SABO: The most up-to-date plan --

THE CHAIRMAN: Well, one's like this and the other one is like that, and they both say this is R-40, and I would like to know how much of that area, I couldn't tell by just looking at it. Are you taking 30 feet of it that's R-40 that you're going to make commercial? Just look at that so you can correct that line.

Are you following what I'm trying to say?

MR. SABO: Yes, the sketch plan that we initially submitted, it was changed since then, so the most up-to-date plans --

THE CHAIRMAN: Is C-100.

MR. SABO: Yes, with the latest date,

DRAFT

Proceedings

yes.

THE CHAIRMAN: We will make a note of that later on so we have it. The SK-4 doesn't exist anymore, we're not dealing with the SK-4.

MR. SABO: No, that is an outdated plan, it has been revised since then.

THE CHAIRMAN: Another item I saw that I went on that I would like you to have corrected on drawing C-305, I believe it was, you have a picture of a retaining wall. How do you construct a retaining wall, and it shows it about four, five-foot high? And on note five of that sketch, you said that you're going to design it and you're going to turn it over to the Village of South Blooming Grove for their approval. I would like you to change that, you're going to submit it to the Town of Haverstraw for the approval, because it's a note that's going to be permanent, so I would like to have the right name on it. It's a simple thing.

MR. SABO: That retaining wall is not specifically the retaining wall along the southern portion of this project.

THE CHAIRMAN: It will be?

Proceedings

MR. SABO: It will be, it's a modular block retaining wall that's only four feet.

THE CHAIRMAN: Change the note that you're going to submit it to the Town of Haverstraw. I understand you use the same profiles in different areas.

The other thing I saw, and I think it might have been mentioned, I'm not sure if it's mentioned in Part II, but I did pick it up and I did see something about it later on, on the plan you didn't show anything about where the trees are on the property and what you're going to remove and what's going to stay, and so on, on any of your plans. There's no site, the east of the property there's trees, I don't know how far back, because I couldn't tell by the plan, so you should indicate on the drawing what trees are there, which ones you're going to take off.

MR. KAUKER: Sal, if I could just jump in real quick. Zack and I from Civil Design Works were talking about that the other day. And I don't know if I have the most up-to-date application form, but in the application form, it indicates that, as part of the application, you need to

Proceedings

provide a tree removal plan.

So basically you are going to have to show trees, and I can't remember the dimensions of the trees, but you will have to show those on the plan, and that also will be an integral part of the review of Part II, so that is something I would provide sooner rather than later, and that's obviously used in order to determine whether or not there will be any impact on the trees that are being removed and the adjacent area, because it is parkland, and it also serves as a basis for providing replacement trees as needed.

MR. SABO: Okay.

THE CHAIRMAN: And one more item. We have not received anything from the State Department on 202.

Any information? Anything new?

MS. ADDONA: Department of Transportation.

MR. SABO: We haven't received as of late. We're still working through some of the traffic details, we're trying to work through the traffic impact statement before we start designing anything that we potentially might design in the

Proceedings

roadway. We would need to know if any of those upgrades are warranted, and that's why we haven't moved forward with any design work in the DOT.

THE CHAIRMAN: I just want to make sure we're on the same page. We do not have it either, so.

MR. SABO: That will all be addressed as part of the Part III EAF.

THE CHAIRMAN: Okay, any questions?

MR. WIDMER: Last meeting I asked you about any potential plans about a traffic light and you said not at the moment, right?

MR. SABO: Not that I'm aware of at this moment. Like I said, our traffic consultant is still working through the plans and we will provide that information.

MR. WIDMER: So now, one of the things I noticed, you one way in and one way out, correct?

MR. SABO: That is not proposed, no.

MR. WIDMER: I'm sorry.

MR. SABO: That's not proposed.

MR. WIDMER: It's going to be left and right.

MR. SABO: Are you talking about one exit

DRAFT

and one entrance?

MR. WIDMER: As you exit, are you going to have a right-hand turn and a left-hand turn?

MR. SABO: Yes.

MR. WIDMER: I didn't see that.

MR. SABO: It's a full service access.

MR. WIDMER: Okay. So the other thing is the amount of parking spots. I know that's more the Zoning Board, but it seems like, you know, you're only giving 105 and there's supposed to be 151 and the parking spots are smaller than standard size?

THE CHAIRMAN: Right.

MR. WIDMER: So I mean, maybe --

THE CHAIRMAN: We will have to look at that.

MR. WIDMER: It seems a bit of a drastic ask there. I mean, that's a third less parking spots, but then my other comment was I know last time you mentioned it's just going to be a 9:00 to 5:00 office, you know, no doctor or dentist office where you have more traffic and stuff, but how is that going to be regulated five years down the road if a dentist wants to move in there? How do we --

MS. ADDONA: It can be a condition of their site plan approval, it can be a condition of their certificate of occupancy, but the reality is that once the building is there, if they come back in and say, look, you know, we need the occupancy and these are the only people we could find, it does put the Board kind of in a difficult position to say no.

MR. WIDMER: Right, but I mean, a doctor could move in without even the Town Building Department even knowing about it. I mean, how would we --

MS. ADDONA: Do you do annual inspections for those types of inspections?

MR. BEHN: Correct.

MS. ADDONA: I guess as part of the fire inspection process, George can -- assuming we weren't told, that's assuming that the applicant is not up for front with us, which we have to assume that they will be, but because the Building Inspector does do annual fire inspections, it wouldn't go on indefinitely without it being realized.

MR. WIDMER: Five years from now somebody

else could buy the building and, you know, maybe not comply with the previous owner's mandates with us, you know what I mean?

MS. ADDONA: I mean, it's a risk, those requirements and certainly a certificate of occupancy would run with the land, and if anyone wanted to purchase the property, they would -- the general practice would be to get a title report that includes the Building Department's file which would reflect that a certificate of occupancy for a nonmedical office, so the information will be available indefinitely, but to your point as there's turnover and time goes on, sometimes it's harder to enforce or keep track of that type of thing.

MR. WIDMER: Okay.

THE CHAIRMAN: Anything else?

MR. WIDMER: That's if for me.

MR. SABO: I would like to answer your question regarding parking.

MR. WIDMER: Yes, sure.

MR. SABO: Through the initial stages of the sketches of this plan, we knew that there was a limited amount of parking and space available for

parking on the site. Part of our traffic study includes a calculation for parking for this type of use. Ira Emanuel, the applicant's attorney, has specified that this, in the code for the Town of Haverstraw, the calculation for parking for office space is a rather outdated because it includes the potential for a medical office, where you have high volume people coming into the office, staying in the office, 9:00 to 5:00.

Because this project doesn't include a medical office, we're looking at what the real traffic flows would be for something like that, and we've included an update the traffic -- parking count for that. It's all included in the traffic analysis that we've provided.

MS. ADDONA: Which is in the process of being reviewed and commented on by the Town's traffic consultant, Stonefield Engineering.

THE CHAIRMAN: I have one more question. I brought up at our meeting in September, it was brought up to our attention that the previous owner that was on the property, he did mechanical work on there, and I had mentioned to Mr. Emanuel, did anybody ever do a soil test on that property to

DRAFT

make sure it wasn't contaminated, and the response was they didn't know, they were going to check on it, but I didn't see any answer on that. I think we should have a check on that.

MR. SABO: Yes, the applicant has reached out to a consultant to look into a Part I and Part II Environmental Assessment of the site.

THE CHAIRMAN: But shouldn't that be a report from somebody if they did a test to the Town that this was cleared?

MR. BEHN: We don't have a record of that.

THE CHAIRMAN: When people sell their house, and they have an oil tank and they take it out, they have to get an approval from there to show that there's no contamination, and if there is, the owner who's selling the house has to take care of the problem, and I just -- you know, if it's out in the open in the parking lot, this is right over -- your building is going to go right over where the company was, you have water drainage over there, I think a saw a report that three foot down you hit rock, there's water, and I'm just curious whether you have a response. We are trying

to protect the people that are there.

MR. SABO: I'm not sure of the report you're speaking of where you're digging down three feet and hitting water, I'm not aware of that report. Do you have a copy of that?

THE CHAIRMAN: It's in something I read right here that I have. I don't want to go -- everything is here, but I saw a report that water.

MR. KAUKER: One of the issues that needs to be addressed in SEQRA, I think, is a question as to whether or not there's water within three feet of the ground level or something like that, I don't remember.

THE CHAIRMAN: It's part of it, there's an auto mechanic working in there.

MR. KAUKER: You're concerned about contamination.

THE CHAIRMAN: And I think they should check it out for contamination.

MR. SABO: Like I said, the applicant has reached out to a consultant to provide a Part I and Part II.

MR. WIDMER: Are they going to do soil samples?

MR. SABO: I'm not sure what will be involved, but we are looking into it.

THE CHAIRMAN: One more question, when we had our workshop, when we talked about the wall that's going to be approximately 30-foot high in some areas and slopes down, there was mention about they were going to do some testing to see if there was rock there, whether you were going to have to put that wall up or you're going to have a rock wall up against the county park and so on. Did you do that testing?

MR. SABO: So the testing was completed. At this time, the engineer, the geotechnical engineer that did the testing provided us with basically just a diagram showing where the tests were taken place, they have determined between zero and six feet of over before you hit rock ledge. At this time we're still waiting for a report from the geotechnical engineer, but right now, that is the information that we have.

THE CHAIRMAN: All right, because we need that, because we don't want to allow a 30-foot high wall directly, we want to have it set back and come up near the county park. So I need that report so

our engineers can review it to see how high a wall you can put in there.

MR. SABO: Understood. Once I receive it, I will provide it to the Board.

MS. ADDONA: One of the other issues, I believe your team was also going to reach out to Mr. Biers at the Division of Environmental Resources Mr. Emanuel had mentioned that to get some feedback regarding their comments because they seem to be very concerned about the location and the proximity from the park.

MR. SABO: We received that comment, and we will address it later on.

THE CHAIRMAN: All right. Any other questions right now?

MS. ADDONA: Mr. Chairman, so the applicant provided a full Environmental Assessment Form Part I, which is the initiating document under SEQRA to give some initial information about the project. Mr. Kauker prepared a Part II, which identifies those areas that have the potential for moderate to large impact, and so the next procedural step would be for this Board to accept the EAF Part II and then hand it back off to the

DRAFT

applicant to address those items identified.

THE CHAIRMAN: Okay. Do you have the Part II yet? Did you get it?

MR. SABO: We received the draft form via e-mail, nothing formal at this time.

THE CHAIRMAN: Well, it's draft because we all got it at the same time, a draft in case we want to make some changes. Can we have a motion to accept the EAF for the Part II?

MR. MICHALAK: I make that.

MR. GIZZI: I will second.

THE CHAIRMAN: Motion by Mr. Michalak. Seconded by Mr. Gizzi. All those in favor, signify by saying aye.

(Whereupon, all of the Board Members responded "Aye.")

THE CHAIRMAN: All opposed? So carried.

So what I would like, you have a lot of stuff to go over, Part II is 17 pages, the Planning Board has two letters out, one is six pages with a lot of questions, four pages to the Town, the environmental, I would like you to put all that stuff together, and I think we should try to sit down at our next meeting and go over all those

items, and then we will set up the next meeting and go from there, okay?

MR. SABO: Sounds good. No questions? Okay, so you will be at our meeting in January.

MR. SAMBRATO: December 1st.

MS. ADDONA: December 1st is the next workshop.

THE CHAIRMAN: Yes, we had to change that because our normal day is on Thursday, which is Thanksgiving.

MR. SABO: December 1st, okay.

THE CHAIRMAN: I think that's the following Thursday, that's the workshop.

MS. ADDONA: And then the Planning Board meeting is the 14th of December.

THE CHAIRMAN: We are staying on schedule with the Planning Board.

MR. SABO: Okay, thank you, all.

THE CHAIRMAN: Okay. Can I have a motion to adjourn?

MR. WIDMER: Moved.

MR. SAMBRATO: Second.

THE CHAIRMAN: Motion by Mr. Widmer. Seconded by Mr. Sambrato. All those in favor,

signify by saying aye.

(Whereupon, all of the Board Members responded "Aye.")

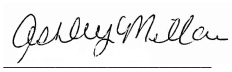
THE CHAIRMAN: Opposed? So carried.

(Whereupon, the meeting was adjourned.)

* * * *

C E R T I F I C A T I O N

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



Ashley Millan,
Senior Court Reporter

Dated: November 25, 2022

DRAFT

Errata Sheet

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

DATE OF DEPOSITION: 11/09/2022

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 _____

_____

DRAFT

0

02 4:13

1

105 14:11
14 3:24
151 14:12
19 4:14

2

20 4:14
202 4:13 12:17
2022 3:4,24
21st 7:7
25.12 4:13
27th 8:2

3

30 9:17
30-foot 20:6,23
315-321 4:13

5

5:00 14:22 17:10

7

7:30 3:4
7th 7:19

9

9 3:4
9:00 14:21 17:10

A

access 14:7
across 9:6,8
action 6:9
addition 6:14
ADDONA 5:20 6:3 8:10 12:19 15:2,14,17 16:5 17:17
address 6:25
addressed 6:23 7:18,25 8:2 13:8 19:11
addressing 7:3
adjacent 12:11
adoption 3:23 6:20 8:22
after 6:10
again 7:16
against 20:11
agency 4:18,20 5:12,13 6:6,21
agenda 4:12 5:17
all 4:5,7 5:2,4 7:4 8:4,7,8,17 13:8 17:15 20:22
Allegiance 3:6
allow 20:23
along 10:23
also 5:16 6:16 7:11,21 8:10,24 12:6,12
Alternate 3:20
amount 14:9 16:25
ample 6:25 7:13
an 5:21 10:6 12:6 17:14 18:15,16 19:16
analysis 17:16
annual 15:14,22
Another 10:8
answer 16:20 18:4
Anthony 3:18
any 11:14 12:10, 18 13:2,4,10,12 18:4
anybody 17:25
anymore 10:5
anyone 16:7
anything 11:12 12:16,18,25 16:18
anyway 8:16
applicant 15:19 18:6 19:21
applicant's 17:4
application 5:21 11:23,24,25
approval 10:16, 18 15:3 18:16
approximately 20:6
area 9:16 12:11
areas 11:7 20:7
ask 8:23 14:19
asked 13:11
asking 5:21
Assessment 18:8
assume 15:20
assuming 15:18, 19
at 4:17 5:10,15,17, 24 6:10,25 9:5,16, 18 13:13,14 14:16 17:12,21 20:14,18
attended 5:10
attention 17:22
attorney 17:4
auto 19:16
available 16:13, 25
aware 13:14 19:5
aye 4:6,8 5:3,5

B

back 5:13,16,25 6:12 9:2 11:16 15:5 20:24
basically 12:3 20:16
basis 12:12
because 6:8 8:13 10:18 11:16 12:11 15:21 17:7,11 20:22,23
been 10:7 11:9
before 12:24 20:18
BEHN 15:16 18:12
being 12:11 15:23 17:18
believe 5:17,21, 24 10:10
between 6:22 20:17
bit 14:18
block 4:13 11:3
Blooming 10:16
Board 3:3 4:7,15 5:4,12,15,16,22,23 6:2,4,6,9,11,13,15, 17 7:18,22,25 8:12,13,14,18 14:10 15:8
both 9:14
brought 17:21,22
building 15:5,11, 21 16:2,10 18:21
but 7:2 8:22,25 9:11 11:10,24 12:5 14:10,20,23 15:4, 10,21 16:13 18:4,9 19:9 20:3,20
buy 16:2

C

C-100 9:8,24
C-305 10:10
calculation 17:3, 6
call 3:9
can 9:19 15:2,3,18
can't 6:9 12:4
care 18:19
carried 4:9
certainly 16:6
certificate 15:4 16:6,11
CHAIRMAN 3:2, 8,11,22 4:2,4,9,24 5:6 7:4,10,14,23 8:7,20 9:13,24 10:3,8,25 11:4 12:15 13:5,10 14:14,16 16:18 17:20 18:9,14 19:7,15,19 20:4,22
change 5:18,22 7:20 10:17 11:4
changed 9:22
changes 8:24
check 18:3,5 19:20
circulated 5:13
Civil 11:21
clarify 9:10
cleared 18:11
code 17:5
come 15:5 20:24
coming 17:9
comment 14:20
commented 17:18
comments 5:13 6:14,16,23,24,25 7:2 8:12,16,18
commercial 9:4, 7,18
company 18:22
complete 6:8,10
completed 20:13
comply 16:3
concerned 19:17
condition 15:2,3
Conservation 5:15

DRAFT

construct 10:11
consultant 13:15 17:19 18:7 19:22
contaminated 18:2
contamination 18:17 19:18,20
copy 19:6
Corallo 3:10
correct 5:19,24 7:9,21 9:19 13:19 15:16
corrected 10:9
could 11:20 15:7, 11 16:2
couldn't 9:16 11:17
count 17:15
county 5:14 6:14, 16,24 7:7,17,24 8:11 20:11,25
couple 8:22
cover 7:14
covered 8:5
curious 18:25

D

date 9:25
dated 7:7,18,25
day 11:22
dealing 10:5
declare 4:19
declared 4:17 5:12 6:6
dentist 14:22,25
Department 5:14 7:17,24 12:17,19 15:12
Department's 16:10
design 10:14 11:21 12:25 13:4
designing 12:24
details 12:23
determination 6:11
determine 12:9
determined 20:17
diagram 20:16
didn't 11:12 14:6 18:3,4
different 9:9 11:7
difficult 15:8
digging 19:4
dimensions 12:4
directed 6:15,16 7:21 8:12
directly 20:24
Division 7:6
doctor 14:22 15:10
does 15:8,22
doesn't 10:4 17:11
don't 8:24 9:10 11:16,22 18:12 19:8,13 20:23
done 5:17 6:5,21
DOT 13:4
down 14:24 18:24 19:4 20:7
drainage 18:22
drastic 14:18
drawing 9:5,8 10:10 11:18
drawings 8:25

E

EAF 6:20 13:9
east 11:15
Eastgate 4:12 5:9
either 13:6
else 16:2,18
Emanuel 17:4,24
ends 9:7
enforce 16:15
engineer 20:14, 15,20
engineer's 6:23
Engineering 5:8 17:19
entrance 14:2
Environmental 7:6 18:8
even 8:11 15:11, 12
evening 3:2
ever 17:25
everyone 3:2,5
everything 7:15 19:9
exist 10:5
exit 13:25 14:3

F

far 11:16
favor 4:5 5:2
favorable 6:2
feet 9:17 11:3 19:5,12 20:18
file 16:10
find 15:7
fire 15:17,22
first 4:12,19
five 10:13 14:24 15:25
five-foot 10:13
flows 17:13
following 9:20
foot 18:23
form 11:24
forward 13:4
four 10:12 11:3
from 4:11,14 5:14, 15 6:14,24 7:6,7, 16,24 11:21 12:16 15:25 18:10,16 20:19
front 8:25 9:3 15:20
full 14:7

G

gave 9:6
general 16:9
generally 6:5
George 15:18
geotechnical 20:14,20
get 7:15 16:9 18:16
giving 14:11
Gizzi 3:18,19 4:3,4
Glenn 3:12
go 4:11 6:7 9:7 15:23 18:21 19:8
goes 16:14
going 7:10 8:8,13, 15 9:18 10:14,15, 17,19 11:5,13,14, 19 12:3 13:23 14:3,21,24 18:3,21 19:24 20:6,8,9,10
Good 3:2
got 5:13
ground 19:13
Grove 10:16
guess 15:17

H

happened 6:3
harder 16:15
has 6:3 10:7 17:4 18:6,18 19:21
haven't 6:25 7:12 12:21 13:3
Haverstraw 3:3 4:20 7:18,25 10:18 11:6 17:6
he 17:23
Health 5:14
helpful 8:17
here 3:13,17,19, 21 4:11,16 5:9,11 6:20 9:2 19:8,9
high 10:13 17:8 20:6,23
hit 18:24 20:18
hitting 19:5
house 18:15,18
how 9:15 10:11 11:16 14:23,25 15:12

I

II 6:20 8:22 11:10 12:7 18:8 19:23
III 13:9
impact 12:10,24
include 17:11
included 17:14, 15
includes 16:10 17:3,7
indefinitely 15:23 16:13
indicate 11:17
indicates 11:24
information 12:18 13:17 16:12 20:21
initial 5:11 16:23
initially 9:22
inspection 15:18
inspections 15:14,15,22
Inspector 15:22
integral 12:6
intent 4:18 5:12

DRAFT

6:21

into 17:9 18:7 20:3

Introduced 5:6

involved 20:3

Ira 17:4

issues 19:10

item 4:12 7:5 10:8 12:15

items 8:3,4

its 6:12

itself 6:6

J

Joe 3:14

jump 11:20

just 6:6,21 7:4,14 8:4,10 9:16,18 11:20 13:5 14:21 18:19,24 20:16

K

Kahn 3:20,21

KAUKER 11:20 19:10,17

keep 16:15

kind 15:8

knew 16:24

know 8:3,20 9:15 11:16,23 13:2 14:9,10,20,22 15:6 16:2,4 18:3,19

knowing 15:12

knows 5:7

L

lady 5:7

land 16:7

last 5:10,15,18,25 6:22 13:11 14:20

late 12:22

later 7:3 10:4 11:11 12:8

latest 9:25

lead 4:18,20 5:12, 13 6:6,21

ledge 20:18

left 13:23

left-hand 14:4

less 14:19

Lester 3:20

letters 7:8

level 19:13

light 13:12

like 4:18 6:23 7:12 8:23 9:10,13,14,15 10:9,16,20 13:15 14:10 16:20 17:13 19:13,21

limited 16:25

line 9:6,19

location 9:9

look 9:18 14:16 15:6 18:7

looked 9:5

looking 8:21 9:16 17:12 20:3

lot 18:20

Lots 4:14

M

made 8:25

make 5:21 7:5 8:4, 14 9:18 10:3 13:5 18:2

makes 6:11

making 8:24

mandates 16:3

map 9:5

maybe 14:15 16:2

me 8:25 16:19

mean 14:15,19 15:10,12 16:4,5

mechanic 19:16

mechanical 17:23

medical 17:8,12

meeting 3:4 4:10, 17 5:10,16,18,25 6:22 13:11 17:21

Members 4:7 5:4

mention 20:7

mentioned 8:13 11:9,10 14:21 17:24

Michalak 3:14,15 4:23,25

Michelle 3:8

might 11:9 12:25

minutes 3:23

modular 11:2

moment 9:11 13:13,15

more 12:15 14:9, 23 17:20 20:4

most 9:12,23 11:23

motion 4:19

move 3:23,25 4:22 14:25 15:11

moved 4:2,24 13:4

Mr 3:13,15,17,19, 21,25 4:2,3,4,22, 23,24,25 5:8,24 6:19 7:9,12,20 8:6, 19 9:12,21,25 10:6,22 11:2,20 12:14,21 13:8,11, 14,18,20,21,22,23, 25 14:3,5,6,7,8,15, 18 15:10,16,25 16:17,19,20,22,23 17:24 18:6,12 19:3,10,17,21,24 20:2,13

MS 5:20 6:3 8:10 12:19 15:2,14,17 16:5 17:17

much 9:15

my 14:20

N

name 10:20

near 20:25

need 9:11 11:25 13:2 15:6 20:22,25

needed 12:13

needs 19:10

new 12:18

next 7:23

no 6:3 7:14 8:21 10:6 11:15 13:20 14:22 15:9 18:17

nonmedical 16:12

north 9:3

not 4:10 5:20 6:3 10:5,22 11:9 12:9, 16 13:6,13,14,20, 22 15:20 16:3 19:3,5,12 20:2

note 10:3,13,19 11:4

notes 8:25

noticed 13:19

November 3:4

now 6:22 9:5 13:18 15:25 20:20

O

obviously 12:9

occupancy 15:4, 6 16:7,11

October 4:10 7:19 8:2

off 11:19

office 14:22 16:12 17:6,8,9,10,12

oil 18:15

Okay 6:19 7:10 8:19 12:14 13:10 14:8 16:17

on 4:11,12,20 5:17 6:9 7:2,3 9:8 10:4, 9,13,20 11:11,13, 14,18 12:5,10,17 13:6 15:23 16:14 17:2,18,23,25 18:3,4,5 20:11

once 15:5

one 7:5,8,16,23 9:14 12:15 13:18, 19,25 14:2 17:20 19:10 20:4

one's 9:13

ones 8:11 11:18

only 11:3 14:11 15:7

open 18:20

Opposed 4:9

order 12:9

other 7:16 8:18 9:14 11:8,22 14:8, 20

our 4:17 13:15 17:2,21,22 20:5

out 8:11 13:19 18:7,16,20 19:20, 22

outdated 10:6 17:7

over 10:15 18:21, 22,23 20:18

owner 17:22 18:18

owner's 16:3

P

p.m. 3:4

page 13:6

pages 8:3

park 20:11,25

parking 14:9,12, 19 16:21,25 17:2, 3,6,14 18:20

parkland 12:12

part 6:20 8:22 9:3

DRAFT

11:10,25 12:6,7 13:9 15:17 17:2 18:7 19:15,22,23

people 15:7 17:9 18:14 19:2

permanent 10:19

pick 11:10

picture 10:10

place 20:17

plan 4:15 7:2,22 9:12,21 10:6 11:11,17 12:2,6 15:3 16:24

Planning 3:3 5:14,23 6:4,6,11, 15 7:17,22,24,25 8:12

plans 9:23 11:15 13:12,16

please 3:5,8

Pledge 3:5,6

point 16:13

Pomona 4:13

portion 10:24

position 15:8

potential 13:12 17:8

potentially 12:25

practice 6:5 16:9

Present 3:11,15

previous 16:3 17:22

probably 8:16

problem 8:21 18:19

Proceedings 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1

process 6:7,8 15:18 17:17

profiles 11:6

project 4:21 10:24 17:11

Properties 5:9

property 9:2,3 11:13,15 16:8 17:23,25

proposed 13:20, 22

protect 19:2

provide 12:2,8 13:16 19:22

provided 17:16 20:15

providing 12:13

purchase 16:8

put 15:8 20:10

Q

question 16:21 17:20 19:11 20:4

questions 8:23 13:10

quick 11:21

R

R-40 9:3,7,15,17

rather 12:8 17:7

reached 18:6 19:22

read 3:9 19:7

real 11:21 17:12

reality 15:4

realized 15:24

received 6:24 8:5, 6,7 12:16,21

recited 3:7

recommendation 6:2,12 8:14

recommendations 4:15

record 18:12

referral 4:14

referred 5:16,23, 25

reflect 16:11

regarding 5:18 8:15 16:21

regulated 14:24

remember 12:4 19:14

removal 12:2

remove 11:13

removed 12:11

replacement 12:13

report 16:9 18:10, 23 19:3,6,9 20:19, 25

requirements 16:6

Resources 7:7

respect 6:17

respond 7:11,13 8:8,16

responded 4:8 5:5 8:17

response 18:2,25

retaining 10:11, 12,22,23 11:3

review 4:15 6:7 8:3 12:7

reviewed 17:18

reviewing 7:2

revised 10:7

right 7:4,23 9:11 10:20 13:13,24 14:14 15:10 18:21 19:8 20:20,22

right-hand 14:4

risk 16:5

road 14:24

roadway 13:2

Robert 3:16

rock 18:24 20:9, 10,18

Rockland 7:17,24

roll 3:9

Route 4:13

run 16:7

S

Sabo 5:8,24 6:19 7:9,12,20 8:6,19 9:12,21,25 10:6,22 11:2 12:14,21 13:8,14,20,22,25 14:5,7 16:20,23 18:6 19:3,21 20:2, 13

said 6:24 7:12 10:14 13:13,15 19:21

Sal 3:10 11:20

Sambrato 3:16, 17 4:22,24

same 7:5 11:6 13:6

samples 19:25

saw 10:8 11:8 18:23 19:9

say 8:10 9:14,20 15:6,9

saying 4:5 5:2

second 4:3,4,23

Seconded 4:25

SECRETARY 3:10,12,14,16,18, 20

Section 4:13

see 11:11 14:6 18:4 20:8

seems 14:10,18

sell 18:14

selling 18:18

September 3:24 4:17 5:11 7:7 17:21

SEQRA 4:15 6:4, 7,10,11 19:11

serves 12:12

service 14:7

set 20:24

she 5:7

should 11:17 18:5 19:19

shouldn't 18:9

show 11:12 12:4,5 18:17

showing 20:16

shows 9:6 10:12

signify 4:5 5:2

simple 10:21

since 9:22 10:7

site 4:15 7:22 11:15 15:3 17:2 18:8

six 8:3 20:18

size 14:13

SK-4 9:6 10:4,5

sketch 9:21 10:13

sketches 16:24

slopes 20:7

smaller 14:12

soil 17:25 19:24

some 6:23 8:25 12:22 20:7,8

somebody 15:25 18:10

someone 3:22

something 11:11 12:7 17:13 19:7,13

sometimes 16:14

sooner 12:8

sorry 13:21

South 10:15

southern 10:23

space 16:25 17:7

speaking 19:4

specifically 6:17 10:23

DRAFT

specified 17:5
spots 14:9,12,20
stages 16:23
stand 3:5
standard 14:12
start 12:24
State 12:16
statement 12:24
stay 11:14
staying 17:9
still 12:22 13:16 20:19
Stonefield 17:19
study 17:2
stuff 14:23
submission 5:11
submit 6:12 10:17 11:5
submitted 8:18 9:22
supposed 14:11
sure 5:20 7:5 8:4 11:9 13:5 16:22 18:2 19:3 20:2
Surveying 5:9

T

take 6:9 11:19 18:15,18
taken 20:17
taking 9:17
talked 20:5
talking 11:22 13:25
tank 18:15
tell 9:16 11:17
test 17:25 18:10
testing 20:8,12, 13,15
tests 20:16
than 12:8 14:12
Thank 3:22
that's 4:16 8:2 9:17 10:19 11:3 12:8 13:3,22 14:9, 19 15:19 16:19 20:6
their 5:12 10:16 15:3,4 18:14
them 7:3 8:6,7,17, 18
then 5:25 6:8,11 9:8,22 10:7 14:20
there 6:16 11:18 12:10 14:19,25 15:5 16:24 17:24 18:16,17,23 19:2, 16 20:7,8,9
there's 11:15,16 14:11 16:14 18:17, 24 19:12,15
these 15:7
they 9:14 15:5,21 16:8 18:3,10,15,16 19:19,24 20:8,17
thing 4:19 7:5 9:7 10:21 11:8 14:8 16:16
things 8:8 13:18
think 11:8 18:4,23 19:11,19
third 14:19
those 4:5 5:2 6:25 7:2 8:8,16 12:5 13:2 15:15 16:5
though 8:11
three 18:23 19:4, 12
through 6:7 12:22,23 13:16 16:23
time 6:10,25 7:2, 13 14:21 16:14 20:14,19
title 16:9
together 7:15
told 15:19
tonight 4:19 6:19
Town 3:3 4:14,20 5:16,22 6:2,9,12, 17 7:18 8:12,14 10:18 11:5 15:11 17:5 18:10
Town's 17:18
track 16:15
traffic 12:23,24 13:12,15 14:23 17:2,13,14,15,19
Transportation 12:20
tree 12:2
trees 11:12,16,18 12:4,5,10,13
trying 9:20 12:23 18:25
turn 10:15 14:4
turnover 16:14
type 16:15 17:3
types 15:15

U

understand 11:6
until 6:4,9
up 11:10 15:20 17:21,22 20:10,11, 25
up-to-date 9:12, 23 11:23
update 17:14
upgrades 13:3
use 11:6 17:4
used 12:9

V

Village 10:15
volume 17:9

W

waiting 20:19
wall 10:11,12,22, 23 11:3 20:5,10, 11,24
want 7:4,14 8:4 9:2 13:5 19:8 20:23,24
wanted 16:8
wants 14:25
warranted 13:3
wasn't 18:2
water 18:22,24 19:5,9,12
way 13:19
we're 4:16 6:19 10:5 12:22,23 13:6 17:12 20:19
we've 17:14,16
Welcome 3:3
Well 9:13
went 10:9
were 5:11 6:15,16 8:12 11:22 18:3 20:8,9,17
weren't 15:19
what 4:16 5:20 8:10 9:20 11:13,18 16:4 17:12 20:2
what's 11:14
when 6:8 7:15 8:24 18:14 20:4,5
where 9:7 11:12 14:23 17:8 18:22 19:4 20:16
whereupon 3:6 4:7 5:4
whether 12:9 18:25 19:12 20:9
which 5:10,22 6:21 7:17 11:18 15:20 16:10 17:17
who 5:7
who's 18:18
whole 9:6
why 13:3
Widener 4:2
Widmer 3:12,13, 25 13:11,18,21,23 14:3,6,8,15,18 15:10,25 16:17,19, 22 19:24
with 6:2,17 8:17, 20,21 9:25 10:5 13:4 15:20 16:3,7 20:15
within 19:12
without 15:11,23
won't 6:4
work 12:23 13:4 17:23
working 12:22 13:16 19:16
Works 11:21
workshop 20:5
would 3:8,22 4:18 8:10,16,23 9:10,15 10:9,16,20 12:7 13:2 15:13 16:7,8, 9,11,20 17:13
wouldn't 15:23

Y

years 14:24 15:25
yes 7:12 8:6 9:21, 25 10:2 14:5 16:22 18:6
you're 5:20 7:10 8:8,15,21,24 9:17 10:14,17 11:5,13, 19 14:11 19:4,17 20:10
You've 8:7
young 5:7
your 9:8 11:14 16:13,20 18:21
yourself 5:6

DRAFT

Z

Zack 5:8 11:21

zero 20:17

zone 5:18,22 7:20

zoning 6:9,18 8:15 14:10

DRAFT