

The minutes of the Zoning Board of Appeals Meeting held on Monday, November 9th, 2017, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- Present
	Jose Guareño	- Present
	Deyanira Martinez	- Present
	Richard Santiago	- Present
	Jose Hilario	- Present
	Dennis Michaels, Village Atty.	- Present
	Ruben Berrios, Bldg. Inspector	- Present
	Michelle Ventura, Clerk Typist	- Present

Edwin Rivera: Mr. Rivera opened up the meeting by introducing the first Public Hearing on the agenda, Andre Diaz, 160 Hudson Avenue. **27.61-1-20**

Edwin Rivera entertains a motion to open up the Public Hearing.

RESOLUTION #62-2017

Motion: Richard Santiago
Seconded by: Jose Hilario
Carried by: All

For the record, a house visit was done at this site on 11/9/17 by the board.

Jorge Lopez, Architect: Jorge Lopez, Architect 226 N Main street representing the owner. This is a one family house. What we are proposing is a front porch entry into the main house. The maximum development coverage is 61% and we're proposing 63%. The front yard is preexisting at 10.9 feet and we're proposing 5.9 feet. Do you have any questions?

Ruben Berrios, Building Inspector: Jorge what do you have from the deck to the property line going to the right on the other side?

Jorge Lopez: 2.1 to the house and to the deck is 13.14 feet. Also Andre Diaz could make it tonight due to work.

Edwin Rivera: We went to the side today and I think it will be a big improvement, it is literally falling apart.

Richard Santiago: It is definitely a danger now.

Jose Hilario: It will look much better once they finish it up because I don't know how they can even get in the house it's too dangerous.

Edwin Rivera invited the public to come forward for the front porch entry project, 160 Hudson Avenue.

With no input from the public or the board, Edwin Rivera entertained a motion to close the public hearing.

RESOLUTION #63-2017

Motion: Jose Hilario
Seconded by: Jose Guareño
Carried by: All

Edwin Rivera: Mr. Rivera presented the next Public Hearing for Jaqueline Watson, 22 Ridge Street. **27.37-2-60**

Edwin Rivera entertained a motion to open the Public Hearing.

RESOLUTION #64-2017

Motion: Richard Santiago
Seconded by: Jose Hilario
Carried by: All

For the record, a house visit was done at this site on 11/9/17 by the board.

Jorge Lopez, Architect: Jorge Lopez, Architect 226 N Main street representing the owner. What we're proposing is a second story on an existing structure. We would not make it bigger, it would continue over the same foot print. We would need 6 feet side yard variances.

Edwin Rivera invited the public to come forward with any questions or concerns regarding the project for the property on 22 Ridge Street.

Woman 1: We live on 20 Ridge Street and our question is, are they looking for any more property? Is this going up?

Jorge Lopez: Yes this is going up over the existing structure. On the rear of the house there is only one story so they want to build over that structure but we aren't making it bigger, it would be within the same foot print.

Woman 1: So it wouldn't go on our property because it is narrow there?
Jorge Lopez: No.

Ellen O'Connor, 20 Ridge Street: Where would they store all their building materials? If you noticed there's very little space around the house.

Jorge Lopez: How that works is whenever we deal with construction we put the material on the sidewalk. We would get permission from the Village to do so.

Ellen O'Connor: What about parking? The street is always very busy with very little space.

Jorge Lopez: It would be temporary. Something like this would probably take about two months.

Ruben Berrios: They wouldn't leave the material on the sidewalk. They would unload it on the sidewalk and bring it into the backyard. They aren't allowed to just leave it on the sidewalk.

Ellen O'Connor: Our concern is because we have an active driveway that we have to come in and out from.

Ruben Berrios: They can't block or park on your driveway that's private property.

Ellen O'Connor: Oh okay that was our concern.

With no other input from the public or the board, Edwin Rivera entertained a motion to close the public hearing.

RESOLUTION #65-2017

Motion: Deyanira Martinez
Seconded by: Richard Santiago
Carried by: All

Edwin Rivera: Mr. Rivera presented the next Public Hearing for Ramon Cruz, 6 Allison Street. **27.46-1-82**

Edwin Rivera entertains a motion to open up the Public Hearing.

RESOLUTION #66-2017

Motion: Jose Guareño
Seconded by: Jose Hilario
Carried by: All

For the record, a house visit was done at this site on 11/9/17 by the board.

Jorge Lopez, Architect: Jorge Lopez, Architect 226 N Main street in New City representing the owner. We're proposing a one car garage 14 by 22. We would need side yard variances as well as total side yard variances.

Edwin Rivera: The garage starts after the 19.5?

Jorge Lopez: Yes correct.

Edwin Rivera asked the board if they have any questions.

Richard Santiago: Is this for a two car garage?

Jorge Lopez: One car garage.

Ramon Cruz: There will be one car in the garage and two outside.

Edwin Rivera invited the public to come forward with any questions or concerns regarding the project for the property 6 Allison Street.

With no other input from the public or the board, Edwin Rivera entertained a motion to close the public hearing.

RESOLUTION #67-2017

Motion: Jose Hilario
Seconded by: Deyanira Martinez
Carried by: All

INFORMAL

Edwin Rivera: Mr. Rivera presented the first Informal of the night for Jorge Lopez, 33 Division Street. **27-46-1-40**

Jorge Lopez, Architect: Jorge Lopez, Architect 226 N Main street representing 33 Division Street. 33 Division Street is in a R3 Zone. It is an existing one family dwelling that currently has four bedrooms. I'm proposing to convert it to a two family home. I understand we have no parking but let me go through the layout first.

Deyanira Martinez: Who is the owner?

Jorge Lopez: I am. So we're proposing a two family two bedroom apartment. The square footage would be 652 per floor. I definitely feel it will be an improvement from the way it looks now.

Jose Gureño: How many existing bedrooms does it have?

Jorge Lopez: Right now it has 4 existing bedrooms. They have 3 bedrooms on top and one downstairs.

Jose Guareño: So two bathrooms?

Jorge Lopez: Yes and we also have recreation room in the basement that will be part of the first floor apartment. As far as parking goes there is none. Several properties that were approved apartments without parking were the Hellman building on Broadway for 4 studio apartments, on Cintron a couple of years ago were approved for 4 apartments and Gambino's pizzeria has an upstairs apartment with no parking. What they did was make the tenant get a parking permit. So I'm willing to do that and I think that the board will not regret the end result because of the type of work we do.

Deyanira Martinez: Does it have any parking right now or no?

Jorge Lopez: There is no parking right now. Let me show you the property. It has a lot of property but I only have I only have 4.3 feet in the front but I do have 60 feet in the back.

Deyanira Martinez: So there isn't enough side space to have cars parked in the back.

Richard Santiago: Right

Deyanira Martinez: Is it all concrete or grass in the back?

Jorge Lopez: All grass.

Richard Santiago: This paper says concrete patio coverage in the back.

(Points to documents regarding property file)

Jorge Lopez: I guess back in the day it was but no it just has grass.

Jose Guareño: Ruben that's an R-3 Zone?

Ruben Berrios: Yes it is an R-3 Zone.

Edwin Rivera: You aren't adding anything you're just dividing the whole building into two.

Jorge Lopez: Correct.

Jose Guareño: So you're just reconstructing the inside?

Jorge Lopez: Yes I'm reconfiguring the layout to accommodate the apartments.

Jose Guareño: No addition to bedrooms. He has four bedrooms now and he's keeping the same amount of bedrooms. He's just restructuring the inside for the two separate apartments.

Deyanira Martinez: You aren't putting anything additional on top?

Jorge Lopez: Correct.

Edwin Rivera: Where do the people park now around the property?

Jorge Lopez: On the street. Also this house was originally built around the 1920's with no insulation. We gutted everything on the inside of the house and it's all open. Now we're just waiting for a decision.

Deyanira Martinez: Ok so we could send it for a Public Hearing.

Mr. Rivera entertains a motion to send to the Public Hearing for next month.

RESOLUTION #68-2017

Motion: Deyanira Martinez
Seconded by: Richard Santiago
Carried by: All

For the record a site visit was scheduled for December 14th at 6:30pm.

Edwin Rivera: Mr. Rivera presented the final Public Hearing of the night for Joel Santana, 100 Halgren Crescent. **26.35-1-6**

Edwin Rivera entertained a motion to open the Public Hearing.

RESOLUTION #69-2017

Motion: Deyanira Martinez
Seconded by: Jose Guareño
Carried by: All

For the record, a house visit was done at this site on 11/9/17 by the board.

Joel Santana: Joel Santana 100 Halgren Crescent, Haverstraw, NY 10927. To inform the board I'm proposing an extension to my town house and it's an R-1T. I'm proposing to add a bedroom, full bath and a living room area. It will be interconnected with my current living room area. There's also a second floor addition just expanding one of the smaller bedrooms out about 6 feet. I also have the answers to the Rockland County Department of Planning's recommendations and I brought 10 copies to provide it to you all. I have an official vicinity tax map from the Rockland County GIS System. I also have something from the surveyor and Engineer Anthony showing some sort of catch base on the side of the property. It is under easement so we will probably have to discuss that a little bit more but I'm providing that. Here's an updated site plan which shows on the easement the two catch bases towards the existing house and one toward where the proposed extension would be. Also please make note that the 100 year flood plain is beyond my retaining wall.

Mr. Santana begins to pass out the copies of documents he brought to the board.

Dennis Michaels: Who does the easement benefit? Who has the right to the easement?

Jorge Santana: The Village because they maintain it.

Dennis Michaels: You're putting those in to address the Rockland County that there will be a zero net increase of surface water runoff?

Joel Santana: That's correct. Last month I mentioned I wouldn't but after further review it was the best decision. But the Village maintains that.

Dennis Michaels: For the record we're looking at a Rockland County Department of Planning NYS General Municipal Law: Section 239 L and M letter to this board dated 10/2/2017. The Rockland County Planning Department list 9 modifications. For those of you who don't know, under the Municipal Law any modifications recommended by the County of have to be made conditions of your approval. If you don't agree with them you can override them by a super majority by at least 4 of you. The only portion of item #1 that needs to be addressed is "the ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a county wide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, storm water management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development." Number 2, it sounds like you complied with that, is that correct?

Joel Santana: There are pervious pavers but they aren't permanent. I don't plan on removing the shed.

Dennis Michaels: So you would override that the inclined existing shed be removed and give your reason why. Number 3-9 you're complying with, and submit the necessary to ensure compliance, which leads to overriding just number 2. Once you satisfy all the conditions, you'll then receive a building permit and will not have to come back.

Joel Santana: Mr. Santana thanks the board for their help and time.

Edwin Rivera invited the public to come forward with any questions or concerns regarding the project for the property 100 Halgren Crescent.

With no other input from the public or the board, Edwin Rivera entertained a motion to close the public hearing.

RESOLUTION #70-2017

Motion: Richard Santiago
Seconded by: Deyanira Martinez
Carried by: All

Dennis Michaels: Mr. Michaels begins to read the NYS Town Law 267-b(3) & NYS Village Law 7-712-b(3) Area/Bulk Variance Consideration/Factors regarding Joel and Nataly Santana's application for 100 Halgren Crescent;

- 1) Do any of you feel an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance which is just for lot coverage?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

2) Do any of you feel that the benefits sought by the applicant can be achieved by some method; feasible for the applicant to pursue, other than an area of variance?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

3) Do any of you feel the requested area variance is substantial?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

4) Do any of you feel the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

5) Do any of feel the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

Dennis Michaels: Gives an overview of the application stating that the board agreed on overriding the removal of the shed. Mr. Michaels begins to read Joel Santana's letter response from November 1, 2017 in regards to the removal of the shed; "The shed will not be moved from its current position. The pavers depicted in the site plan are pervious. The stone pavers sit on dirt not concrete or rock which can prevent drainage as well." Do you feel the alleged benefits to the County wide interests that they have in the removal of the shed outweighs the benefits to the Santana's of keeping this shed?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

Richard Santiago made a motion as recited by Council to approve the application as submitted for the variance for lot coverage with all the conditions being the October 2, 2017 Rockland County Planning Department letter 1-9 except overriding item number two; removal of the existing shed. Liz Mello the Village Engineer must also be satisfied that number 7 is adequately addressed; no net increase in the peak rate of discharge from the site at all design points.

RESOLUTION #71-2017

Motion: Deyanira Martinez
Seconded by: Jose Hilario
Carried by: All

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- Yes
	Jose Guareño	- Yes
	Deyanira Martinez	- Yes
	Richard Santiago	- Yes
	Jose Hilario	- Yes

Dennis Michaels: Mr. Michaels begins to read the NYS Town Law 267-b(3) & NYS Village Law 7-712-b(3) Area/Bulk Variance Consideration/Factors regarding Andre Diaz, 160 Hudson avenue front porch front yard variance; proposing 5 feet 9 inches, 2% maximum development coverage variance.

1) Do any of you feel an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance which is just for lot coverage?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

2) Do any of you feel that the benefits sought by the applicant can be achieved by some method; feasible for the applicant to pursue, other than an area of variance?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

3) Do any of you feel the requested area variance is substantial?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

4) Do any of you feel the proposed variance will have have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No

Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

5) Do any of feel the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

Edwin Rivera entertains a motion to approve the application of variances as submitted.

RESOLUTION#72-2017

Motion: Deyanira Martinez
Seconded by: Richard Santiago
Carried by: All

ROLL CALL Edwin Rivera, Chairman - Yes
Jose Guareño - Yes
Deyanira Martinez - Yes
Richard Santiago - Yes
Jose Hilario - Yes

Dennis Michaels: Mr. Michaels begins to read the NYS Town Law 267-b (3) & NYS Village Law 7-712-b(3) Area/Bulk Variance Consideration/Factors regarding Jaqueline Watson, 22 Ridge Street for second floor addition. Required left side variance is 11 feet, 14 feet 8 inches variance on the right side, and total side yards needs 20 feet 4 inches.

1) Do any of you feel an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance which is just for lot coverage?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

2) Do any of you feel that the benefits sought by the applicant can be achieved by some method; feasible for the applicant to pursue, other than an area of variance?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

3) Do any of you feel the requested area variance is substantial; keeping in mind it's very typical and common in the Village so the substantiality is very diminish in its overall sense?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

3) Do any of you feel the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

4) Do any of feel the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

Edwin Rivera entertains a motion to approve the application of variances as submitted.

RESOLUTION #73-2017

Motion: Jose Guareno
 Seconded: Richard Santiago
 Carries: All

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- Yes
	Jose Guareño	- Yes
	Deyanira Martinez	- Yes
	Richard Santiago	- Yes
	Jose Hilario	- Yes

Dennis Michaels: Mr. Michaels begins to read the NYS Town Law 267-b(3) & NYS Village Law 7-712-b(3) Area/Bulk Variance Consideration/Factors regarding Ramon Cruz, 6 Allison; garage addition looking for a 6 foot side yard variance, maximum lot coverage 3% variance for lot coverage.

1) Do any of you feel an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance which is just for lot coverage?

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- No
	Jose Guareño	- No
	Deyanira Martinez	- No
	Richard Santiago	- No
	Jose Hilario	- No

2) Do any of you feel that the benefits sought by the applicant can be achieved by some method; feasible for the applicant to pursue, other than an area of variance?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

3) Do any of you feel the requested area variance is substantial?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

4) Do any of you feel the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

5) Do any of feel the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance?

ROLL CALL Edwin Rivera, Chairman - No
Jose Guareño - No
Deyanira Martinez - No
Richard Santiago - No
Jose Hilario - No

Edwin Rivera entertains a motion to approve the application of variances as submitted.

Motion: Jose Guareño
Seconded: Richard Santiago
Carries: All

ROLL CALL Edwin Rivera, Chairman - Yes
Jose Guareño - Yes
Deyanira Martinez - Yes
Richard Santiago - Yes
Jose Hilario - Yes

Edwin Rivera entertains a motion to approve the minutes from the last board meeting.

RESOLUTION #74-2017

Motion: Richard Santiago
Seconded by: Jose Hilario
Carries: All

With no further business to be conducted by the board, Chairman Edwin Rivera entertained a motion to adjourn the meeting.

RESOLUTION #75-2017

Motion: Jose Guareño
Seconded by: Jose Hilario
Carries: All

Respectfully submitted by, ubmitted by,

Michelle Ventura, Clerk Typist
November 12th, 2017