

The minutes of the Zoning Board of Appeals Meeting held on Thursday, October 12th, 2017, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

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

Edwin Rivera, Chairman: Mr. Rivera opened the meeting and presented the first applicant for Joel Santana, 100 Halgren Crescent. **26.35-1-6**

Joel Santana, 100 Halgren Crescent: Hello my name is Joel Santana 100 Halgren Crescent. So Mr. Chairmen let me give you a quick update. So I'm proposing an extension it's a 675 square extension, partial addition to the bedroom on the second floor. Most of it is on the first floor. I'm not sure if they have the map or the plans but let me show you real quick. I'll give you the updated survey as well.

Edwin Rivera: What's this again?

Joel Santana: This is the rear of the house.

Edwin Rivera: Ok

Ruben Berrios, Building Inspector: He has an end unit and he wants to put a rear addition. So basically he's going to need some lot coverage variances however since it abuts the Minisceongo Creek, he's required to get a permit from the Rockland County drainage agency and those are the plans for the addition that he wants.

Joel Santana: So that's the survey. These are actually for you to keep on file. It's accurate the only thing is that these surveys don't have the flood plain and the elevations. So the ones that you have you can keep it's the same thing without the flood plain. The extension will come up and out this far and this is where the flood plain is. There's a retaining wall here with drainage. So upon the conversation that I've had I am in the process of getting the permit from the drainage agency. But upon my conversations where we've indicated here, we can still continue with the process in terms of the public hearing if it is appropriate unless you seek any revisions or any other comments. But what happens is because the flood plain is beyond this retaining wall, the extension will come up out to here. This is where the current property structure is. So we will be building further to the back. So what we're building here originally was an office and a living room but now it's going to be intended as a bedroom for my parents. It'll have a bathroom, it'll have a living room and like a wet bar. It's going to be open on the inside.

Edwin Rivera: So it's which one?

Joel Santana: This one, the current structure to here so this is the bay view and this is towards the creek this way.

The board members review the site plans.

Richard Santiago: This is the portion from the second floor right here? (Pointing to survey)

Joel Santana: Exactly, literally extending it about 6 feet just to make the baby's bedroom bigger. As you can see there's a closet here and this is supposed to be an open space. There is a doorway here because I felt that it would be an easier entrance and exit. This is a meter and this is an AC unit so we don't want to block this.

Edwin Rivera: Is this opened?

Joel Santana: Yes, that's correct. Because there is a sewer easement that goes down through the side yard property, we cannot build. Even if I was able to and we did not have that drainage problem it would alter the character of the way the houses look if I were to build towards the side. So regardless we wanted to build backwards where it's more out of sight. So Dennis what about the drainage agency permit?

Dennis Michaels, Village Attorney: You're going to need it condition on approval but it's not scheduled for public hearing so you will have the permit ready by when?

Joel Santana: By next month or maybe even by December.

Dennis Michaels: Even if he doesn't, you can make it a condition of the approval and any conditions of your approval not met, he cannot get a building permit.

Joel Santana: Now Ruben should I submit this for the files or you already have a copy?

Ruben Berrios: We have it but I can't see the one from the County of Planning.

Joel: It's that same letter you have.

Dennis Michaels: It's addressed to the ZBA he wouldn't have it. I don't know if Michelle would have it.

Joel Santana: Actually I never received that one if it's the one referred to the planning. Another reason why I didn't extend this is because the neighbors didn't comment on it and what I did not want to do is block their view.

Dennis Michaels: There's something I want to bring up to everyone's attention so by the next meeting we can address it. Joel and members of the board, there's a letter from the County Department of Planning its under the NYS general municipal law section 239 at LNM its known as a GML Letter which is a municipal law in the NYS municipal law. So the letter is dated October 2nd, 2017, it's addressed to you the zoning board of appeals, it's two pages and it's signed by Douglas J. Schuetz and there's what they call 9 modifications on there. They're recommending the following modifications. Now they're called recommendations or modifications but are conditions of your approval, you have the ability to override any of these modifications or change them, but you need a super majority vote. So for example, if you wanted to override any of these or change any of these modifications you would need 4 of you to vote in favor of that override or those changes to the modifications. If you do vote to override any of these modifications or change any of the modifications you need to explain your reasons why. If you don't, the County can withhold any permits that they have

jurisdiction over, in this case they do. The RCDA can make things very difficult for the applicant in this case Joel and his wife. So I'm letting you know about it now and I think it's a good idea to read them now so we can start thinking about them. We don't have to resolve them now but I can give you at least some hints if you're interested in overriding or changing the modifications. So number 1 says, "Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The existing sites and structure are already nonconforming for lot area, lot width, front yard, and total side yard. The proposed maximum development coverage exceeds the Village's standards by 73%. 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." So it's the last sentence that's really the modification that they're recommending, in other words, the condition. I don't think you need to override this because you're going to consider the cumulative and regional impacts of permitting such development and we'll discuss it during the decision process and you can find that it satisfies these concerns or not. I'm assuming it does, I'm not prejudging the applicant. So I don't think you need to override #1 but you just need to discuss it and say that you have considered the cumulative and regional impacts of such development and you find them to be diminish if that's what your inclination is. Number 2 says, "To reduce the extent of the maximum development coverage variance, pervious pavers must be used and the existing shed must be removed." Now Joel are you proposing pervious pavers?

Joel Santana: No.

Dennis Michaels: Ok. Are you proposing removing a shed?

Joel Santana: No.

Dennis Michaels: So then you would need to override this if you were inclined to grant this application but you would need to give reasons why. Maybe Joel at the next meeting you can prepare a narrative and bullet point the numbers and help the board be your own advocate. If there's anything here that you feel should be overwritten or should be changed, give your reasons why and let the board consider your reasons and maybe they'll be willing to adopt your reasons. Number 3 says, "The site plan shall contain map notes, including district information, and a vicinity map with scale and north arrow." It may have that indicated on there but if it does not, are you able to put map notes on there or maybe a legend? The vicinity map, that's easy, get a copy of the tax map where your property is located and circle it; circle your lot.

Ruben Berrios: Well he could put something on there as well.

Dennis Michaels: And they want a scale for the vicinity map.

Ruben Berrios: I think what they're looking for is the survey to just have more information.

Dennis: You can show this to your surveyor?

Joel Santana: Celentano, yes.

Dennis Michaels: Show this number 3 to Celentano and have him just amend the site plan to satisfy number 3.

Joel Santana: Seems like it's much more of an expansion of what's already there. Maybe he just wants more detail of what's on the side?

Dennis Michaels: Well they're saying exactly what they want the only thing I'm not sure of is the maps. Now Celentano has seen this before from the county planning department I'm sure he knows what they want.

Ruben Berrios: Yes he knows.

Dennis Michaels: Number 4 says, "A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code." That's ministerial but you need to submit whatever you know. Call the department of health or go online. I'm sure there's a form or an application to fill out. Or maybe Celentano knows but it may be hard to get Anthony on the phone. Number 4 doesn't look like it's a problem. Number 5 says, "A review must be completed by the Haverstraw Joint Regional Sewer Authority and any required permits obtained from them." Again, it sounds like it's just ministerial material. Fill out an application from JRSA and see what you need to do.

Ruben Berrios: With that you're not going to need anything. I mean as far as any requirements from them. The only time they require a permit is for a new hook ups and this is an existing single family home.

Dennis Michaels: So consider this, 4 & 5 we don't need to override these. The conditions will be satisfied defacto because number 5, you don't need a permit from the JRSA. Number 4 might just be a matter of filling out a form or sending in your application to them.

Joel Santana: Number 6 is just indicating what we stated before the permit has been submitted to RCDA.

Dennis Michaels: Number 7, is a standard condition. "There shall be no net increase in the peak rate of discharge from the site at all design points." Just ask Anthony Celentano and make sure that that is going to be the case. Are you proposing any dry wells?

Joel Santana: No I haven't.

Dennis Michaels: Well you might want to mention that to Anthony just to make sure that whatever you're proposing is not going to be a net increase in surface water runoff.

Joel: I understand.

Dennis Michaels: And you know well just make that a condition of approval and Anthony may have to send a letter to Ruben saying that there shall be no net increase in peak rate of discharge in design points after the construction is completed. One simple sentence on Anthony's letter head with a signature and seal is fine. So 7 should be fine. Number 8 says, "Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and sediment control." That's a standard condition again just check with Anthony.

Ruben Berrios: Jorge is the architect on this one. He can help you with this one. You probably want to get him to give you an erosion control plan.

Dennis Michaels: Maybe Jorge can help you address 7 also. "The municipal boundary is adjacent to the rear property line. As required under Section 239nn of the State General Municipal Law, the Village of West Haverstraw must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Haverstraw." So when you send out this application material, it has to be sent to the Village Clerk in the Village of West Haverstraw. Don't send it from the zoning board it has to come from the building department. Send it with the notice that you would send to the neighbors which you're going to be doing for the public hearing. You send that same notice with all the application submissions to the Village clerk to the Village of West Haverstraw. So the only thing really here that we need to override is #2. Number 1 you're going to address. Number 3 is going to be addressed by the applicant. Number 4, 5,6,7,8 are going to be addressed by applicant. Number 9 will be addressed by building department. We're going to send the application package with the notice of public hearing to the Village Clerk, Village of West Haverstraw.

Ruben Berrios: We will probably need a few more sets of plans so we can send them out. I think just in general maybe to wait to hear definitively from the RCDA the drainage agency and maybe not schedule next month's public hearing?

Dennis Michaels: Well we can make it a condition of approval but it's up to you.

Joel Santana: I don't mind.

Dennis Michaels: I'm not sure how they work whether or not they'll issue a permit before you get an approval decision.

Joel Santana: But just in general maybe not to say that West Haverstraw would even have any concern but just maybe they want more time for review because they're just being notified.

Dennis Michaels: You have to give them an opportunity to review. I don't think there's a deadline date ahead of time. I wouldn't say send it out a week before the meeting to the Village of West Haverstraw but I think if you sent it out like two or three weeks ahead of time at least the minimum two weeks, that's enough time to give them an opportunity to comment on your application.

Joel Santana: Ok I'll be ready for whenever.

Ruben Berrios: They probably won't even respond.

Dennis Michaels: Yeah 99% of the time municipalities don't respond so I think you're ok for November. Did you guys do a site visit yet?

Edwin Rivera: Not me.

Dennis Michaels: Do we want to set one up?

Edwin Rivera: Yes, Thursday the 9th at 6 o'clock?

Richard Santiago: Can we go at 6:30pm?

Joel Santana: It's up to you.

Jose Hilario: So November 9th at 6-o clock is good.

Edwin Rivera: Between 6 and 6:30pm.

Joel Santana: Do you think it'll be light enough around that time in November?

Ruben Berrios: What day of the week is that?

Edwin Rivera: Thursday before the meeting.

Dennis Michaels: So November 9th at 6:00pm.

Joel Santana: Thank you so much.

Edwin Rivera entertained a motion to send it to public hearing next month.

RESOLUTION #57-2017

Motion by: Jose Hilario

Seconded by: Richard Santiago

Motion Carries: All

Dennis Michaels: On the record, I represent Joel and his wife Natalie on a private matter nothing to do with municipal work. As you all know Joel is a Village Trustee here in the Village of Haverstraw. So Joel is actually already my client by being a Trustee for the Village of Haverstraw. He's my client just like you are all my clients. So he's already my client but on top of that he's also a private client in a private real estate matter. So I'm just informing you that because you're all my clients and Joel is my client. Either of you can object to me being your attorney if you feel I cannot be objective because I'm representing two clients. So I'm putting that on the record and disclosing it. If any of you are uncomfortable being your attorney I could let Jay Hood step in for me at the public hearing. He's great about that. I'd do the same for him. He warned me it could happen and I may have to sit in for him. So if you guys are uncomfortable with me being your lawyer when Joel's the applicant it's no big deal. Just let me know ahead of time so I can let Jay Hood know and he could sit in my chair for Joel's application. Full disclosure that's all.

Edwin Rivera, Chairman: Mr. Rivera presented the second applicant Andres Diaz, 160 Hudson Avenue. **27.61-1-20**

Jorge Lopez, Architect: My name is Jorge Lopez 226 N. Main Street. I'm representing Andres Diaz, 160 Hudson Avenue.

Jorge Lopez: What we are proposing is a front porch, which is 5 feet by 13'4". We are trying to propose this to protect from the elements, whether it snows. The house is nonconforming so he would need a couple variances. He will need front yard and lot coverage.

The board members review the site plans.

Ruben Berrios: It's very minimal the coverage, it's only 2%.

Richard Santiago: Yeah.

Edwin Rivera: Is this is a new house?

Jorge Lopez: No it's an existing house but the porch is new.

Jose Hilario: I'm surprised the porch isn't behind the house.

Jorge Lopez: Yeah the house next door has a front porch.

Edwin Rivera: What do you have there now?

Jorge Lopez: Right now it has a little canopy over the door. It's pretty small. I would say 3 feet by 3 feet.

Ruben Berrios: Is it going to be enclosed Jorge?

Jorge Rivera: A roof on it with open railings. Let me see if I have the old one. It has like a concrete pad it's pretty small its 3 feet by 3 feet.

Edwin Rivera: You're asking for a new one?

Jorge Lopez: Yes the new one is 5 feet by 13/4.

Edwin Rivera: 13'4" but really you're coming out two feet, not two feet out to the street.

Jorge Lopez: The way it's existing, yes correct.

Edwin Rivera: Everything stays the same.

Jorge Lopez: Yes.

Edwin Rivera entertained a motion to send it to public hearing next month.

RESOLUTION #58-2017

Motion by: Richard Santiago

Seconded by: Jose Hilario

Motion Carries: All

Edwin Rivera: We would like to do a site visit on the Thursday the 9th at 6:30pm.

Jorge Lopez: Ok.

Edwin Rivera, Chairman: Mr. Rivera presented the third applicant Jacquelin Watson, 22 Ridge Street. **27.37-2-60**

Jorge Lopez, Architect: My name is Jorge Lopez, 226 N. Main Street representing Jacquelin Watson, 22 Ridge Street.

Jorge Lopez: The addition on the second floor, one area has a one level and she wants to do a complete second story over the rest of the remaining house. It's pretty close to the property line. She has 8 inches but we aren't going bigger. We are maintaining the same foot print of the house.

The board members review the site plans.

Jose Hilario: What is it 8 inches from the fence?

Jorge Lopez: Yes 8 inches to the property line.

Edwin Rivera: Ok right now you have a second level up to here, and you're planning the second level all the way?

Jorge Lopez: Yes all the way to the end.

Edwin Rivera: Any houses around here?

Jorge Lopez: There's a house over here. (Pointing to survey)

Ruben Berrios: This is the house right across from St. Peters School right next to where the home for the nuns is, right next door.

Jose Hilario: Where there used to be a daycare?

Jorge Lopez: No, a school I think.

Jose Hilario: Yes the school but the school isn't there anymore.

Ruben Berrios: The home for Nuns.

Jorge Lopez: That's over here. There's a garage in the back. Parking lot is over here across the street. The school is over here.

Edwin Rivera: This is Broadway right?

Jorge Lopez: Yes correct. We have another lot another property and then Broadway.

Edwin Rivera: 8 inches is very close if you're going all the way up and you said nothings close to here. No structure?

Jorge Lopez: Correct.

Edwin Rivera: Our concern is if any firemen can go through here.

Jorge Lopez: It won't be bigger than what it is now.

Edwin Rivera: No what I'm saying is from this house, this property how far would it be?

Jorge Lopez: I would say this is close to 10 feet.

Edwin Rivera entertained a motion to send it to public hearing next month.

RESOLUTION #59-2017

Motion by: Jose Hilario

Seconded by: Richard Santiago

Motion Carries: All

Ruben Berrios: You guys doing a site visit?

Edwin Rivera: Yes, Thursday the 9th around 6:15pm.

Edwin Rivera, Chairman: Mr. Rivera presented the fourth and final applicant of the night, Ramon Cruz, 6 Allison Street. **27.46-1-82**

Jorge Lopez, Architect: My name is Jorge Lopez 226 N. Main Street, representing Ramon Cruz, 6 Allison Street.

Jorge Lopez: What Ramon is proposing a garage 14 by 22 and we want to have it 3 feet from the property line.

The board members review the site plans.

Ruben Berrios: Jorge is that the number after we spoke?

Jorge Lopez: Yes.

Ruben Berrios: So 3 feet.

Edwin Rivera: Where is this house located?

Jorge Lopez: This is on Allison facing the river.

Ruben Berrios: What's the variance you need, 3 feet?

Jorge Lopez: 3 feet to the property line.

Ruben Berrios: So what's required?

Jorge Lopez: The height is going to be 12 feet, requires 9 feet.

Ruben Berrios: So it's a 6 foot variance.

Jorge Lopez: Correct for the height.

Jose Hilario: Where is this going to be located in the back or on the side?

Jorge Lopez: The side.

Ruben Berrios: This is Allison, (referring to survey) this is his house, this is the proposed garage. The grade is going down so they have to build that up. This will be the actual garage on the side. He just indicated that this is going to be 12 feet so you need 9 feet side yard. He's going to have 3 feet so you need 6 foot variance.

Jose Hilario: But he's going to bring it up to the level.

Jorge Lopez: Right.

Edwin Rivera: Couple questions, do you have a house here?

Jorge Lopez: No there's no house over here. This is vacant land and this is vacant over here.

Edwin Rivera: Ok, it's vacant there. So what's behind here?

Jorge Lopez: This is a river and this is property.

Edwin Rivera: This property goes to the river?

Jorge Lopez: No.

Ruben Berrios: You know the property next to the park at the end with all the rocks?

Edwin Rivera: Yes.

Ruben Berrios: That's behind it.

Jose Hilario: There's nothing around there.

Jorge Lopez: I would say probably about 600 feet from his house to the river?

Ruben Berrios: Yes I would say somewhere between 5 and 600 feet.

Edwin Rivera entertained a motion to send it to public hearing next month.

RESOLUTION #60-2017

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

With no further business to be conducted by the Zoning Board of Appeals, Chairmen Rivera entertained a motion to adjourn meeting.

RESOLUTION #61-2017

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

Respectfully submitted by,

Michelle Ventura, Clerk Typist
October 12th, 2017