

The minutes of the Zoning Board of Appeals Meeting held on Thursday, January 11th, 2018, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

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

Deyanira Martinez: Ms. Martinez opened up the meeting by introducing the first informal of the evening, Rosanny Perez Dominguez, 13 Harding Avenue. **27.43-1-70**

Rosanny Perez Dominguez: Rosanny Perez Dominguez, property owner of 13 Harding Avenue is proposing habitable space in the basement. She would like to add two bedrooms, one bath, a storage room, family room and bar.

Deyanira Martinez: Ms. Martinez asked Mrs. Perez-Dominguez how many bedrooms are on the main floor.

Rosanny Perez Dominguez: Mrs. Perez-Dominguez explained there are two bedrooms on the main floor and she would like to add two in the basement.

Richard Santiago: Mr. Santiago asked to be clear that there would be no kitchen addition.

Rosanny Perez Dominguez: Mrs. Perez-Dominguez agreed there would be no kitchen addition.

Deyanira Martinez: Mrs. Martinez asked the applicant if this house is a one family dwelling.

Rosanny Perez Dominguez: Mrs. Perez-Dominguez stated it is a one family dwelling.

Ruben Berrios: Mr. Berrios explains, as he points to the floor plan, that there is one room without the door right next to the stairs that will end up being wide open. Mr. Berrios went to the property and informed the owners due to the room

having no window it cannot be enclosed into a bedroom; there's no second means of egress.

Deyanira Martinez: Asked Mr. Berrios if the ceiling height of the basement is within code.

Ruben Berrios: Mr. Berrios explained the ceiling height meets code. Once they get approved they will have to put the windows in.

Richard Santiago: Mr. Santiago asked Mr. Berrios if the applicant would have to revise the plans showing the open space where the closed room exists.

Ruben Berrios: Mr. Berrios explained once the board approves the proposed habitable basement, a revised plan is needed before issuing a permit.

With no further comments or questions from the board, Deyanira Martinez entertained a motion to send to a public Hearing next month.

RESOLUTION 1-2018

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

Deyanira Martinez: Ms. Martinez introduced the first public hearing of the night, Reyes Dominguez, 18-20 Conklin Avenue. **26.44-2-46**

Antonio Matias: Mr. Matias stated he is the contractor on the job representing the property owner Reyes Dominguez. Mr. Matias mentioned he marked the parking lot with red and yellow lines signifying where the parking spaces would go for the visual inspection. They are able to have 5 parking spots and have extra space leftover. They did 9 by 18 right along the fence, which left two feet on each side. There's a 4 feet perimeter of the grass going in, which was marked in red.

Ruben Berrios: Mr. Berrios explains the applicant is here for lot coverage. You're allowed to have 50% and they are looking for 68% for additional parking in the rear side of the property. If you look at the survey where it says proposed parking, they're looking for an 18% lot coverage variance.

Deyanira Martinez: Ms. Martinez invited the public to come forward with any questions or concerns regarding a lot coverage variance of 18% for the property on 18-20 Conklin Avenue.

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

RESOLUTION **2-2018**

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

Deyanira Martinez: Ms. Martinez introduced the second public hearing of the night, Ramon Cruz, 6 Allison Avenue. **27.46-1-82**

Jorge Lopez: Jorge Lopez, Architect for 6 Allison Avenue representing the home owner Ramon Cruz. Mr. Lopez explained this property was approved for the variances needed to build the garage a couple of months ago. Now, Mr. Cruz would like to push the garage further back on his property line which will include a 10.5% lot coverage variance.

Richard Santiago: Mr. Santiago mentioned everything would stay the same in size and the only difference would be to push the garage further back.

Ruben Berrios: Mr. Berrios explained the reason for this is to be able to add another vehicle.

Deyanira Martinez: Ms. Martinez invited the public to come forward with any questions or concerns regarding a lot coverage variance of 10.5% on 6 Allison Avenue.

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

RESOLUTION **3-2018**

Motion by: Richard Santiago

Seconded by: Jose Hilario

Carried by: All

Deyanira Martinez: Ms. Martinez introduced the next public hearing of the night, Rocco Marino, 95 Clove Avenue. **27.53-2-65**

Rocco Marino: Rocco Marino Jr, home owner of 95 Clove Avenue is proposing to add a deck.

Ruben Berrios: Mr. Berrios explains Mr. Marino needs a side variance for a combination of both yards. You're required to have 25 feet and the variance he's looking for is 11/6.

Deyanira Martinez: Ms. Martinez mentions the variance isn't significant.

Rocco Marino: Mr. Marino states it's less than a foot.

Deyanira Martinez: Ms. Martinez invited the public to come forward with any questions or concerns regarding a deck addition with a lot coverage variance of 11/6 for 95 Clove Avenue.

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

RESOLUTION **4-2018**

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

Deyanira Martinez: Ms. Martinez introduced the final public hearing of the night, Jorge Lopez, 33 Division Street. **27.46-1-40**

Jay Hood, Attorney: For the record, Mr. Hood explains to the board and the public he represents Mr. Lopez in other matters. Due to this conflict of interest, he is only allowed to advise on procedure and will not have an opinion on this matter. Dennis Michaels will be the attorney addressing any resolutions regarding this specific applicant and property.

Jorge Lopez: Jorge Lopez, Architect and property owner of 33 Division Street. This is an existing 1 family dwelling which is trying to be converted into a two family dwelling. Most of the houses in that neighborhood are already 2-3 family dwellings in an R3 Zone. What he is proposing ultimately will improve the neighborhood in terms of quality of work and the final presentation. Mr. Lopez passed out pictures to show the board how the house looked before he added

the dormer addition and how it looks now. There is a current stop order on the third floor addition only.

Ruben Berrios: Mr. Berrios explains this is a continuation of the public hearing but also an amendment to the previous application with the additional variances that were added to the top floor.

Deyanira Martinez: Ms. Martinez invited the public to come forward with any questions or concerns regarding 33 Division Street.

Pastor Caliman: Pastor Caliman from the Baptist Church, Haverstraw NY. Mr. Caliman had some questions he needed clarification on. He was told a permit would be needed for 4 parking spaces and two are already grandfathered in. There's another permit now permitting to add another unit to the building. Where will Mr. Lopez find those other two spots needed? Mr. Caliman mentions there recently was a stop order on the third floor addition but noticed someone still managed to enclosed it completely. The proposal to change the one family into a two family dwelling, were in regards to the first and second floor only. The basement is now being turned into a recreation room/ laundry room with a half bath. This means the upstairs has no access to the downstairs apartment. The third floor addition is also intended for a laundry room/ recreational room. Mr. Caliman asked for clarification on the intended site plan.

Jorge Lopez: Mr. Lopez explained the purpose of the addition of having the washer and dryer is for the second apartment on the second floor.

Ruben Berrios: Mr. Berrios explains Mr. Lopez would need a variance for the two spots because it's a preexisting building; so two of the spots are grandfathered in. The reason Mr. Lopez is here is to see if he could get a variance for those two parking spots. Once the variance is granted, as long as they have a second means of egress which are the windows, it doesn't necessarily have to be a laundry room but any kind of living space. They're calling it a laundry room and that's what he said he's going to use it for but it could be used for any kind of living space like a bedroom, recreation room, living room etc. once it gets approved.

Pastor Caliman: Mr. Caliman questioned what the “extension for the side of the building will not require bulk” mean.

Ruben Berrios: Mr. Berrios explained when you have a legal non-conforming use or a building that was built without the required bulk, both being side yards/rear yards, the setbacks that are required when you extend a building that doesn't have the required bulk would need to come to the Zoning Board to get approvals. So by adding that third story, he's increasing the size of the building without the required bulk by increasing the height only.

Pastor Caliman: Mr. Caliman asked if increasing the height has anything to do with side yard and backyard space.

Ruben Berrios: Yes it has everything to do with side and rear yard because he doesn't have it. If you don't have the required bulk, you have to come to the zoning board and get a variance for that. He's not coming out of the foot print but he did make it bigger by extending the buildings height.

Pastor Caliman: Mr. Caliman mentions this new height addition was done without permission.

Ruben Berrios: Correct.

Deyanira Martinez invited the public to come forward with any other questions or concerns regarding 33 Division.

With no further questions or concerns from the public, the attorney Jay Hood read a statement, “This Public Hearing is going to remain open and continue to the next meeting of this board which will be held on February 8th at 7:30 in this same meeting room.”

Ruben Berrios: For the record, this project proposal needed to be referred to the Rockland County Department of Planning. We can't approve this until we receive comments from the County so by next month we should hear back from them.

A **motion to approve** the variances requested by applicant was granted.

RESOLUTION: 5-2018

Motion by: Deyanira Martinez
Seconded by: Richard Santiago

ROLL CALL: *Deyanira Martinez – Yes*
 Richard Santiago – Yes
 Jose Hilario – Yes
Motion Passes.

VOTE ON 6 ALLISON AVENUE, HAVERSTRAW, NY 10927 27.46-1-82

A **motion to approve** the variances requested by applicant was granted.

RESOLUTION: 6-2018

Motion by: Jose Hilario
Seconded by: Richard Santiago

ROLL CALL: *Deyanira Martinez – Yes*
 Richard Santiago – Yes
 Jose Hilario – Yes
Motion Passes.

VOTE ON 95 CLOVE AVENUE, HAVERSTRAW, NY 10927 27.53-2-65

A **motion to approve** the variances requested by applicant was granted.

RESOLUTION: 7-2018

Motion by: Jose Hilario
Seconded by: Richard Santiago

ROLL CALL: *Deyanira Martinez – Yes*

Richard Santiago – Yes
Jose Hilario – Yes
Motion Passes.

Deyanira Martinez entertains a motion to approve the minutes from the last board meeting on December 14, 2017.

RESOLUTION **8-2018**

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

With no further business to be conducted by the board, Deyanira Martinez entertained a motion to adjourn the meeting.

RESOLUTION **9-2018**

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

Respectfully submitted by,

Michelle Ventura, Clerk Typist
January 20, 2018