

The minutes of the Zoning Board of Appeals Meeting held on Thursday, July 12, 2018, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Edwin Rivera, Chairman	- Present
Jose Guareño	- Present
Deyanira Martinez	- Present
Richard Santiago	- Excused
Jose Hilario	- Present
Dennis Michaels, Village Atty.	- Present
Ruben Berrios, Bldg. Inspector	- Present
Michelle Ventura, Clerk Typist	- Present

Chairman Rivera introduced the first informal of the night, Peter McGuire, 52 First Street, Haverstraw, NY 10927. **27.54-2-23**

Peter McGuire, 52 First Street: Good evening. I'm here tonight for a front yard variance. Everyone should have the survey in front of them. I want to do something similar that was done up and down the street there. I brought tonight a picture of my neighbor's property and this is pretty consistent with what I'm looking to do.

Ruben Berrios: I was trying to call you earlier today. You will need a side yard variance. You have it here but I don't believe that number is correct. Here you have 2.7' and he has a 2.5' to the side. I believe you have more than that. If this is to scale which I'm pretty sure it is, then it's slightly off.

Peter McGuire: Ok so what's the side yard, he has it listed?

Ruben Berrios: He does have it listed there but I don't believe you have that much of a variance. He made a mistake with that one number. It looks more like 4 or 5 feet so it's not that much.

Peter McGuire: I will double check with him.

Edwin Rivera: You were the one that took the fence down?

Peter McGuire: I didn't really take it down, the hurricane did. But I did remove it and before I do anything with the wall, I want to put the footings in first and then do everything pretty much at the same time.

Edwin Molina: I don't see a problem with this. Does the board have any questions?

With no further comments from the board, Chairman Rivera entertained a motion to send to a Public Hearing for next month.

RESOLUTION 36-2018

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

Chairman Rivera introduced the next informal of the night, 25 Rela Avenue, Haverstraw, NY 10927. **26.35-2-45**

Greg Shaffer, 25 Rela Avenue: Good evening. I'm here with my wife Raquel tonight. We purchased this property actually a month ago today. It's a 2 bedroom 1 bath, 800 square foot home and it has an empty basement that has good space and we would like to expand it into a bathroom, bedroom and a family room.

Ruben Berrios: They're here for habitable space in the basement. Just one bedroom and the rest will be open space.

Deyanira Martinez: This is a one family house or a two family?

Greg Shaffer: This is a one family house.

Edwin Rivera: Do you have a door in the back?

Greg Shaffer: There's no door in the basement but there is an egress window. What you see there is a closet that will close off the wall. This is where the water meter will go; I just want to put a door there to close it off.

Ruben Berrios: He's only required to have a second means of egress out of the bedroom.

Greg Shaffer: Right now, we have 86 inches from the floor right now to the floor joists.

Jose Guareño: So he has the height coverage?

Ruben Berrios: Yes.

Deyanira Martinez: Currently how many bedrooms exist?

Greg Shaffer: Right now we have 2 bedrooms and 1 bathroom.

Deyanira Martinez: So there's no bathroom in the basement?

Greg Shaffer: There will be a bathroom.

Jose Hilario: This is near my house. There are all small houses there.

Edwin Rivera entertains a motion to send this application to a Public Hearing for next month.

RESOLUTION **37-2018**

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

Chairman Rivera introduced the next item on the agenda, a continued Public Hearing for Jorge Pesantez, 144 Clove Avenue, Haverstraw, NY 10927. **27.62-1-30**

The applicant was a no show.

Moving forward, Chairman Rivera introduced the next continued Public Hearing of the night, PAG Investments, 217 N Rte 9W, Haverstraw, NY 10927. **26.42-1-9**

Dennis Michaels: You all have received the correspondence from the Planning Board stating that they issued their State Environmental Quarter Review Act (SEQRA) Negative Declaration which as you know or may not know means that the Planning Board has found that the total project which includes the element of the area variances that are required, there will be no potential for significant adverse environmental impacts. So that has been completed and now you are in a position where you can actually act on the application.

Zachary Chaplin, Stonefield Engineering, Rutherford NJ: Good evening. I am the civil engineer for the project. The subject property is located at the northwest corner of Gurnee Avenue and route 9W. We are here tonight because the applicant is requesting variances in relation to the self storage facility. When we first started working on this project, we believe it was around the end of 2016 and one of the first things we noticed was the topography. The site actually varies quite a bit with grade. The northwest corner is approximately 24 feet higher than the southeast corner. There are some flat areas along the corners of Route 9W. There is a large mound in the center of the property of about 20 feet which was quite challenging when we laid out the site. We spent a lot of time looking at different layouts and different ways to put the self storage building on this site. Eventually it came out with the layout you see this evening. Essentially an "L" shaped building with the loading area for the vehicles at the northwest corner and parking to the north. Access to this site has a full move driveway on Route 9W subject to Department of Transportation (DOT) approval, no access on Gurnee Avenue. With that, parts of the components that we did are included in the project because of the topography. Its access within the parking area is to the first story where access within the loading area is to the second story. The building is built into the grade and that allowed us to provide a safe flatter area where the loading is and parking is. There were 3 things we looked at when designing. One was the safety in the maneuver ability of vehicles, two was the building height in relation to the surface grade, and three was providing as much of a balance of cut fill as we could given the site constraints. Once we got to the point where we could formalize the design we were actually in front of this

board previously and at that time we were proposing a 5 story building approximately 100,000 square feet floor area and with the suggestion of this board, reduced it to 4 stories. We are still at 100,580 of gross floor area which means we expanded the footprint a bit in order to accommodate the loss of the story. With that, we're now proposing a rear yard setback variance at the northwest corner. Once we did that we came to the Planning Board a couple of times. We have since worked closely with the Village Engineer, Village Planner and Ruben Berrios to address a number of comments including things like parking and landscaping to the point where they did provide a Negative Declaration. This means there was no significant environmental impacts anticipated. We are here tonight to formally request variances. The 3 that we're requesting are the loading berths per your ordinance. There are 11 loading berths required and we're only proposing 4. Generally speaking for a use like this, this is the least intensive commercial use with a very low generator of traffic. We worked on a number of similar use projects and feel that the 4 loading berths located at the northwest area of the site are more than sufficient for this property and 11 loading berths would be too many to support this building. The second variance we're requesting is the rear yard setback as a result of us lowering it to 4 stories. Really the setback variance is limited to the northwest corner of the building within this area. If you're looking zoomed out, there is a property to the west of us which is also higher and really not in the location where we're requesting this variance. We're also proposing a number of evergreen trees and shrubs to buffer this area. If you go down to the south, there's more of the required amount. We are providing a significant buffer to the neighboring properties. Lastly we're requesting the variance for the building height. It's 2.5 stories or 35 feet is required and we're proposing 4 stories and 42.9 feet. As you are probably aware, the grade on Gurnee Avenue does increase as you travel to the west. From Gurnee Avenue for vehicles or people within this area looking at the building, you're actually looking at potentially a 3 story building instead of a 4 story building. The reason for that is because we built the building into the grade so really that first story, we're providing access within the parking area more in the commercial area but right when you get onto Gurnee Avenue, that's actually more of a basement so the building is set lower and it's more like 3 stories rather than 4 stories. We came with 5 and we did our best to accommodate the request to go to 4. We do feel that given the use of the property it's a very low intensive use traffic generated and we feel that it is a great addition to the community and specifically this lot. If there are any questions, I'm happy to answer them.

Edwin Rivera asked the board if they had any questions.

With no comments from the board, Chairman Rivera asked the public to come forward with comments, questions or concerns regarding 217 Route 9W.

John Barry: Hello my name is John Barry and I'm the son of Patrick Barry and Marilyn Barry that live on the location to the right side of this. They own 223 and 225 Route 9W, Haverstraw, NY 10927. They've been there for 58 years so they've paid taxes for 58 years. There are zoning rules for a reason. I've lived at this location for over 30 years. The traffic is high volume traffic and this will bring in more traffic. This will be an eye

sore. If you go on 9W I don't believe there's a building this high on all of 9W. I have some questions as far as drainage. Will you store cars that have gas in the facility?

Zachary Chaplin: No, this is a self storage facility where it's your typical drop off for your personal items and leave. There will be no storage of vehicles.

John Barry: How will people get into this location from 9W?

Zachary Chaplin: So we're proposing one full move in drive way at the northeast corner of the property. The vehicles would enter into this driveway and can circulate to this parking area located at the northern end of the building.

John Barry, You mentioned the house over here but you didn't show 223 and 225 Route 9W. Those are the houses that are right next to them. There are two driveways to that location.

Jose Guareño: That's towards Jay Hood's office.

John Barry: Yes I know, but the house 223 is right next to his office and 225 are right next to it also.

Zachary Chaplin: We are actually increasing the buffer here up until the next property. We are providing a lot of landscaping as far as trees and shrubs to buffer the adjacent properties.

John Barry: It's going to be an eye sore. It will extremely change the landscape of that area and there's no doubt about it. You have zoning rules for a reason. They are looking to go 8 feet higher and they have different setbacks. I have a couple of questions I don't understand. This says 1 berth is required for every 10,000 square feet, what does that actually mean?

Zachary Chaplin: It's really probably more for a commercial use. I think that's what the code intended where if you were to have a restaurant that size, that one space would certainly not be sufficient for a restaurant. What we're proposing is not a commercial restaurant. Again, for self storage facilities, they don't only accommodate to larger vehicles but also smaller ones but again the use would be very low intensive for traffic.

John Barry: I disagree with you. There's a storage facility that I know of and the traffic there is always in and out.

Zachary Chaplin: In comparison to that, I think this would be considered the least intensive for traffic.

John Barry: How much closer are you to 9W?

Zachary Chaplin: There's a 20 foot setback at the pinch point which complies with the code. Today it's less than 18 feet.

John Barry: They were there on our property yesterday checking for drainage, what was the outcome of that?

Zachary Chaplin: We are just focused on the variances as of right now which is what we are presenting tonight.

Ruben Berrios: That was probably for the Planning Board. If you'd like, you could come to the Planning Board to see what's happening with the drainage.

Dennis Michaels: The Planning Board meets the second Monday of every month.

John Barry: I know this will change the landscape dramatically. It's all wood right now. Anyone who lives in this area knows there's already a lot of traffic and this will increase it.

Jose Guareño: Not to cut you off, but can you show us what the facade will look like?

Zachary Chaplin: We got through the Planning Board who had their own opinions of the building. What you see here is a result of what the Planning Board asked of us. So we worked with them to come up with the design.

Bob Zumesky, Architect Remus Architecture: Hello, I'm the rendering architect from Remus Architecture. This is the rendering looking at the corner of 9W and Gurnee Avenue. We also implemented a focal point being the clock tower if you look at the elevations. Originally we had a large brick building with a mansard roof. After discussing with the Planning Board, we've added more glass. This is for glass, there's no reason to have windows so there's no reason to put real windows.

Jose Guareño: Are these windows are not see through?

Bob Zumesky: No. We didn't want to give it the industrial look so we added glass windows and we added a different texture with a heavy corner span. Haverstraw has red brick everywhere so we kept that in mind. Remember, these are all for windows. Its glazing but you can't see through it. If you look in, it's maybe 2 feet deep and there's a roll up door that is also for to give you that impression that it is a self storage facility. The nice part of storage facilities is they're great property owners in maintaining the property. The look is very important to them. This is what draws in customers to store their precious valuables there. These are small units nothing large. This isn't meant for box trucks or contractors or moving companies. This is not that type of ware house. Each individual unit ranges from about 50 square feet to the largest at maybe 800 square feet. As far as the traffic going in and out, it'll take about 15 minutes to load and unload whatever you want. The traffic flow is very minimal as oppose to a restaurant. This facility is very convenient because you will only have up to 1 employee at any

given time. The impact on the sewerage system will be less than a residential property. That's important as well in regards to traffic.

John Barry: There is already traffic there. This will create more traffic. They're not even showing you this structure compared to the stone house and there's most likely a reason they're doing that. Visually, it overtakes the whole area from Gurnee Avenue all the way passed the pizzeria and Chase Bank. That stone building down near Railroad Avenue I don't have an issue that it's built but, there was a height issue with that.

Richard Santiago: Do you have a picture of the renderings and landscaping to show how they abut?

Bob Zumesky: This is an older iteration just to give you a little bit of perspective. This was done with an actual picture of Gurnee Avenue and 9W; it just doesn't have the latest renderings.

Jose Guareño: There are no houses facing the back of this proposed building.

John Barry: No, but there are a couple of houses that will lose the whole backyard. I know that mountain from the back of my hand. They're going to lose their whole backyard and they've been living there for so many years.

Jose Guareño: If you drive south passed Gurnee and see the Low Tor Storage, that building off 9W is pretty high. They have a lot of traffic but the height is high. They're on a little slope so that gives you a perspective of what the building will somewhat look like.

Ruben Berrios: Also across the street, Haverstraw Place on 9W is a 4 story building.

Zachary Chaplin: With that said we're expanding the lot by moving these 2 houses that we purchased. We will be enhancing the area with greenery.

Jose Hilario: There are big trees and a big hill. Some people like to look out and stare at the trees. Remember, they will be adding trees and shrubs so you don't completely lose your backyard.

Zachary Chaplin: You can't tell from this drawing but it's roughly 5 feet from the property line.

John Barry: What is the zoning for this building from property line? Isn't it 10 feet?

Zachary Chaplin: The requirements?

Deyanira Martinez: How many feet from the property line are the requirements?

Dennis Michaels: Which one the side yard or rear yard?

Ruben Berrios: On the actual building you'd really have to measure from the building and not from the parking lot. Typically in the back, the only reason they needed a variance is because it's abutting the residential and increasing it by 50% and instead of 30 they needed 45%.

Zachary Chaplin: What I'll say is, we are improving by providing more of a buffer by adding plantings and again as of right, someone can go in here and build closer to that property line and we're setting it back quite a bit compared to what someone could potentially do as of right.

Bob Zumesky: It is going to create a wider open space from 223.

Richard Santiago: He's removing 3 structures on the left.

John Barry: Do you have a picture of the proposal for the other side of the building on 9W?

Zachary Chaplin: This is a bit of a reference facing south and is completely to scale. We've added a lot more texture to bring the scale down and get rid of the large facade.

John Barry: Yes but they're not showing the house next to it and there's a reason why.

John Barry: How far is the building from 223?

Zachary Chaplin: Approximately 65 feet.

John Barry: This is a big construction. If they approve this, what will you do to protect the structure of 223 Route 9W? You will be digging up the ground and using big machinery. I know in the city there are certain requirements and rules that have to be met. I don't know how it is here.

Zachary Chaplin: Once we proceed with the permit we will follow all the regulations and requirements needed prior to construction.

Chairman Rivera asked the public if there were any other questions, concerns or comments in regards to 217 Rte 9W, the proposed storage facility.

No response from the public.

Dennis Michaels: I would recommend you all keep the public hearing open while you discuss how you feel. Questions sometimes arrive and since you have the consultants for the applicant here, they have answers to those questions; I would wait until the very last moment. I can guarantee you there will be questions. The only person you can hear from after you close the public hearing is your legal counsel.

Chairman Rivera asked the board if they have any questions.

No questions from the board.

Dennis Michaels: As you know, the NYS General Municipal Law (GML) Section 239 L and M requires that a land use board that is subject to the provisions of the GML there are thresholds that require a referral from the Rockland County Planning Department. Since this is on Route 9W, you must send it to the Rockland County Department. We heard back from the County Planning Department for the Planning Board but we have not heard back from the County Planning Department for the Zoning Board. For the record, our clerk secretary Michelle Ventura sent the application for Review. When did you sent that Michelle?

Michelle Ventura, Clerk to the Board: I sent it on May 14, 2018.

Dennis Michaels: That was when it was mailed. Do you have proof of this postal service?

Michelle Ventura: Yes.

Dennis Michaels: So allowing 5 business days, which is generous, she mailed it on May 14, 2018, let's give it a week and say they got it on May 21st; they have 30 days to submit a report so roughly June 21, 2018. In my legal opinion, we are well beyond the 30 days. The NYS General Municipal Law Section 239-m paragraph 4 subparagraph b states, the County Planning Department has 30 days to report its recommendation to the Zoning Board of Appeals accompanied by statements of the reasons for those recommendations. If the County Planning Department fails to report within those 30 days, the referring body may take final action without the GML report from the County Planning Department. In other words you can proceed and you do not need a super majority to override any GML reports because there is no report. They were afforded much more than 30 days. I spoke to Ira Emmanuel, the attorney for the applicant and discussed with him how the County Planning Department has been behaving lately with regards to GML reports for land use boards acting without a report even though the 30 days have long expired, they've been acting a little rambunctiously in my legal opinion contrary to the law. But Mr. Emmanuel and he can speak for himself has requested that you proceed this evening.

Ira Emmanuel, Attorney: Just for the record, recitation to our conversation is accurate. I would ask if the board does act to grant the variance this evening in the absence of the GML report that you indicate in your resolution why you are acting in the absence of a GML report. I think that will be very helpful when we have to go and convince them to give permits. Thank you.

Dennis Michaels: I just gave you the reason and at the appropriate time when you're inclined to approve this application I'll just summarize it once again. As you know a SEQRA Negative Declaration was done by the Planning Board. What that really means is the Planning Board has found after performing an environmental review and hearing

from expert consultants obtained by the Village that there would be no potential significant adverse environmental impacts. That includes drainage, surface water runoff, traffic impacts which were some of the issues raised this evening. So that's already been determined by the Planning Board; that it would have no significant potential adverse environmental impacts.

Jose Guareño: We can leave it open until the end of the meeting.

Dennis Michaels: So the next item on the agenda is 51 Hudson Avenue, James R Connell.

Chairman Rivera entertained a motion to open the Public Hearing for 51 Hudson Avenue, Haverstraw, NY 10927.

RESOLUTION 38-2018

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

James Connell, 51 Hudson Avenue: Hello, I live at 51 Hudson Avenue in Haverstraw. I'm here for the porch replacement and I need a variance.

Ruben Berrios: He had an existing porch. He took it down and his intentions are to make it bigger and that's why I need a variance for that.

James Connell: The stairs come down parallel instead of perpendicular.

Edwin Rivera: The size of the porch will be the same but the steps are what are being changed correct?

James Connell: Yes, one side is 24 inches further or 30 I don't really remember.

Deyanira Martinez: There's pictures at the end of the application that was submitted.

Mr. Rivera asked Mr. Connell if the photo submitted is the old porch or the new one.

James Connell: The old one.

Jose Guareño: I don't see any problems with this.

Chairman Rivera asked the public to come forward with any questions, concerns or comments regarding the porch on 51 Hudson Avenue.

No comments from the public.

Chairman Rivera asked if the board had any other questions.

With no further comments from the board, Chairman Rivera entertained a motion to close the public hearing for 51 Hudson Avenue.

RESOLUTION 39-2018

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

Dennis Michaels: So we have not yet closed the Public Hearing for PAG Investments. Are you sure you have no more questions for the consultants or myself?

No questions from the board.

Dennis Michaels: You may close the Public Hearing.

Edwin Rivera entertained a motion to close the Public Hearing for 217 Rte 9W, PAG Investments LLC.

RESOLUTION 40-2018

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

VOTE ON: 51 HUDSON AVENUE, HAVERSTRAW, NY 10927

Dennis Michaels: So for the record, we are now deliberating on James R Connell Jr., 51 Hudson Avenue, Haverstraw, NY 10927. Does anyone here feel inclined to move to approve or move to deny?

Edwin Rivera: To approve.

Dennis Michaels: Okay Mr. Chairman you'll take the lead on this. Since it's your inclination to approve, I'll ask you, (1) do you feel that an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

Edwin Rivera: No.

Dennis Michaels: (2) Do you feel that the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance, benefits sought by Mr. Connell?

Edwin Rivera: No.

Dennis Michaels: (3) Do you feel the area variance is substantial? If you do, do you still feel inclined to approve, give reasons why.

Edwin Rivera: I don't see any problems; he's changing the steps that are nothing major. I don't feel they're substantial.

Dennis Michaels: (4) Do you feel whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Edwin Rivera: No.

Dennis Michaels: (5) whether the alleged difficulty was self-created, in most cases 99% of all applications are self created hardships and in this case it is; is that consideration for you to feel that a denial would be more appropriate? Also summarize your reasons for your answers like you just gave.

Edwin Rivera: It's not going to affect neighboring properties. Like I said before, he's improving the porch by making it stable and stronger. It's an overall improvement for his house.

Dennis Michaels: Does anyone else want to suggest any other reasons for the application James R Connell Jr, 51 Hudson Avenue?

Deyanira Martinez: It's just a replacement. The porch is already there and he's just making it a little bigger so it will not have a big impact.

Dennis Michaels: Mr. Rivera would you like to add that to your comments?

Edwin Rivera: Yes.

Dennis Michaels: Do you have any conditions you'd like to propose in your motion?

Edwin Rivera: No.

Dennis Michaels: So you are ready to make a motion to approve for the reasons stated.

RESOLUTION 41-2018

Motion by: Edwin Rivera
Seconded by: Richard Santiago
Carried by: All

ROLL CALL:

Edwin Rivera -Yes
Richard Santiago - Yes
Deyanira Martinez -Yes
Jose Guareño - Yes
Jose Hilario - Yes

Dennis Michaels: Mr. Connell your application has been approved.

VOTE ON: PAG INVESTMENTS, 217 RTE 9W, HAVERSTRAW, NY 10927

Dennis Michaels: So for the record, we're now deliberating on 217, Rte 9W, PAG Investments proposing to build a 100,580 square foot self-storage facility seeking area variances. I will recite what those variances are into the record. The maximum building height that's allowed is 2.5 stories not to exceed 35 feet, proposing a 4 story building with a height of 42.9 feet. Has that changed during the Public Hearing at all Michelle?

Michelle Ventura: No it has not.

Dennis Michaels: The maximum rear yard setback that's required is 45 feet and what's being proposed is 25 feet. One loading berth is required for every 10,000 square feet and are proposing its highest height. Maximum 45 feet and what's being proposed is 25 feet. One loading berth is required for every 10,000 square feet and they're proposing 4 berths, 11 are required. So those are the area variances. Is anyone inclined so that I can guide the member to vote to move to deny or vote to approve?

Jose Guareño: To approve.

Dennis Michaels: Ok so Mr. Guareño sounds like you're our volunteer so you'll take the lead on this. Since it's your inclination to approve, I'll ask you, (1) do you feel that an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of these area variances?

Jose Guareño: No.

Dennis Michaels: (2) Do you feel that the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the granting of these area variances?

Jose Guareño: No.

Dennis Michaels: (3) Do you feel the requested area variances are substantial? If you do feel it's substantial, do you still feel inclined to approve? Give reasons why.

Jose Guareño: I do feel they're substantial.

Dennis Michaels: Is this enough for you to deny the application? Could you explain why you feel you're inclined to approve?

Jose Guareño: The applicant has conformed with our concerns in terms of the height. With the help of the Planning Board, they managed to accommodate the feel and the look for the community. It will be a great asset to the Village.

Dennis Michaels: Does anyone want to add to that?

Deyanira Martinez: No that's perfect.

Dennis Michaels: (4) Do you feel whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district? I did give you a legal opinion earlier that the Planning Board issued a Negative Declaration under the State of Environmental Review Act which means that there was in fact found by the Planning Board that there is no potential significant environment impacts.

Jose Guareño: No.

Dennis Michaels: (5) whether the alleged difficulty was self-created, in most cases 99% of all applications are self created hardships and in this specific case it is; is that consideration for you to feel that the self made hardship is enough for you to deny this application out weighing all the other considerations? Also summarize your reasons for your answers like you just gave.

Jose Guareño: No it's not enough reason to deny this application.

Dennis Michaels: So you gave your reasons as to why you feel it substantiality is not enough for you to deny the application. Are those the same reasons why you are in favorable of the first 2 considerations of undesirable change will be produced in character of the neighborhood or a detriment to nearby properties undesirable change of use?

Jose Guareño: Correct.

Dennis Michaels: Would you like to add any other reasons?

Jose Guareño: No.

Dennis Michaels: Does anyone else want to suggest any other reasons for Jose?

The board did not have anything else to add.

Dennis Michaels: Do you have any conditions that you'd like to propose in your motion to approve?

The board did not have anything else to add.

Dennis Michaels: So is it your motion to approve the application for the area variances as requested for all the reasons you just mentioned, recited and described in the last few minutes?

RESOLUTION 42-2018

Motion by: Jose Guareño
Seconded by: Jose Hilario

ROLL CALL:

Edwin Rivera -Yes
Richard Santiago - Yes
Deyanira Martinez -Yes
Jose Guareño - Yes
Jose Hilario - Yes

Dennis Michaels: Also as a footnote motion, it's already in the record but we will put it here also as well. We do recognize as testified by the Clerk Secretary of the Zoning Board of Appeals Michelle Ventura that the GML referral went to the Rockland County Planning Department by US Postal Service class mail on May 14, 2018 correct?

Michelle Ventura: Yes.

Dennis Michaels: Giving a week for it to be received by the County Planning Department that makes it May 21, 2018, under the NYS General Municipal Law Section 239 -m paragraph 4, subparagraph(b), states the Rockland County Planning Department has 30 days to render a response. Today is July 12, 2018 and we still haven't received a GML report for the ZBA. You may act and you did without a super majority and without regard to a GML report. A motion to that effect recognizing the lack of the GML report from the County Planning Department and well more than 30 days have passed to receive a referral.

RESOLUTION 43-2108

Motion by: Deyanira Martinez
Seconded by: Jose Hilario

ROLL CALL:

Edwin Rivera -Yes
Richard Santiago - Yes
Deyanira Martinez -Yes
Jose Guareño - Yes
Jose Hilario - Yes

Ira Emanuel: Thank you very much.

Dennis Michaels: For the record, I'm entertaining a motion to continue the Public Hearing on Jorge Pesantez, 144 Clove Avenue, Haverstraw, NY 10927 into the next meeting of the Zoning Board on August 9, 2018 ZBA at 7:30pm here in the Village Hall.

Deyanira Martinez entertained the motion as recited by council.

RESOLUTION 44-2018

Motion by: Richard Santiago
Seconded by: Edwin Rivera
Carried by: All

Chairman Rivera entertained a motion to approve last month's meeting minutes.

RESOLUTION 45-2018

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

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

RESOLUTION 46-2018

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

The Clerk Typist to the Planning Board is hereby authorized, directed and empowered to sign these Minutes, and file a copy thereof in the office of the Village Clerk:

Michelle Ventura, Clerk Typist