

The minutes of the Zoning Board of Appeals Meeting held on Thursday, August 9, 2018, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	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
	Michelle Ventura, Clerk Typist	- Present

Chairman Rivera opened up the meeting by introducing the continued Public Hearing for Jorge Pesantez, 144 Clove Avenue, Haverstraw, NY 10927. **27.62-1-30**

Ruben Berrios: Minor lot coverage.

Dennis Michaels: Why was this Public Hearing continued twice?

Michelle Ventura: The applicant was a no show twice.

Dennis Michaels: Oh this is the applicant who did not appear. It's very nice to see you this evening.

Edwin Rivera: Could you refresh the board and explain what you are looking to do?

Jorge Pesantez: Hello my name is Jorge Pesantez and I live at 144 Clove Avenue. I want to make a patio in the back of my house.

Edwin Rivera: Is there anything there now?

Jorge Pesantez: No.

Edwin Rivera: No concrete or grass?

Jorge Pesantez: Just grass.

Edwin Rivera: If you put the patio there, where do you park?

Jorge Pesantez: I have room in front of the house to park 4 cars.

Jose Hilario: So it will measure 20 by 30?

Ruben Berrios: Yes.

Jose Hilario: It will look better

Chairman Rivera asked the board if they have any questions.

No answer from the board.

Chairman Rivera asked the public if anyone in attendance wishes to address 144 Clove Avenue's application with any questions, comments or concerns.

No response from the public.

Edwin Rivera made a motion to close the Public Hearing for 144 Clove Avenue.

RESOLUTION 47-2018

Seconded by: Jose Hilario

Carried by: All

Chairman Rivera introduced the next item on the agenda, a Public Hearing for Peter McGuire, 52 First Street, Haverstraw, NY 10927.**27.54-2-23**

Dennis Michaels: Michelle, have all public notices required by state local law have been complied with to the best of your knowledge?

Michelle Ventura: Yes.

Dennis Michaels: Ok so a motion to open the Public Hearing would be appropriate at this juncture.

Edwin Rivera entertained a motion to open the Public Hearing for 52 First Street, Haverstraw, NY 10927.

RESOLUTION 48-2018

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

Edwin Rivera: So you were here last month and you explained that you wanted to do a porch in the front, correct?

Peter McGuire: Yes, I'm doing a porch in the front and the variance will also include the car port on the side but I'm not doing that at this point just yet. I just want to get all the variance approvals first so I don't have to come back. So it's basically coming off the existing back of the house car port.

Ruben Berrios: I don't know if you all remember when he came to the last meeting and there was a question with the 2.5 and how I said it didn't look accurate. Well that's because the 2.5 is for the carport.

Peter McGuire: Yes Anthony Celentano confirmed.

Ruben Berrios: So he is basically wants to get the variances for everything and he will construct the carport garage later.

Peter McGuire: But the porch I need to do now because we are in the middle of the construction. The carport will be open except for this side which will be closed.

Edwin Rivera: How do you come in?

Peter McGuire: You will actually drive through the carport like a tunnel and then pulling in.

Edwin Rivera: How many cars?

Peter McGuire: I think 4.

Edwin Rivera: Are you paving the bottom?

Peter McGuire: In the carport yes it will be concrete.

Edwin Rivera asked the board if they had any other questions.

No questions from the board.

Chairman Rivera asked the public if anyone in attendance wishes to address 52 First Street's application with any comments, questions or concerns.

No response from the public.

With no response from the public, Chairman Rivera entertained a motion to close the Public Hearing for 52 First Street, Haverstraw, NY 10927.

RESOLUTION 49-2018

Motion by: Richard Santiago

Seconded by: Jose Hilario

Carried by: All

Dennis Michaels: Next item is Greg Shaffer , 25 Rela Avenue, Haverstraw, NY 10927.
26.35-2-45

Greg Shaffer: Hello my name is Greg Shaffer from 25 Rela Avenue.

Dennis Michaels: Michelle have all public notices required by state local law have been complied with to the best of your knowledge?

Michelle Ventura: Yes.

Dennis Michaels: Ok so I'm comfortable with you opening the Public Hearing.

Edwin Rivera made a motion to open the Public Hearing for 25 Rela Avenue.

RESOLUTION 50-2018

Seconded by: Jose Hilario

Carried by: All

Edwin Rivera: So you were here last month and you want to fix your basement.

Greg Shaffer: Yes we want to renovate the basement. It's currently empty right now.

Edwin Rivera: So it's open space?

Greg Shaffer: Yes it's open space. There's a washer and dryer, a furnace and water heater. We plan to put a bedroom, bathroom and family room down there.

Edwin Rivera: This is under ground?

Greg Shaffer: It's half and half actually. We're about half a story up so about 4 feet up and 4 feet below the ground. It's interesting, because every other house in the neighborhood is right on the ground.

Edwin Rivera: Any door?

Greg Shaffer: No, just the escape window in the bedroom. So the only way to access the basement is through the stairs from the upstairs.

Edwin Rivera: What's this door for?

Greg Shaffer: This door is for the closet where the meter is.

Jose Hilario: Is the height ok?

Ruben Berrios: Yes.

Greg Shaffer: I'll have 7 feet maybe a little more.

Ruben Berrios: The height required is 7 feet and 6/4 height for the garters.

Jose Hilario: What do you have now?

Greg Shaffer: We have a two bedroom one bathroom upstairs. The total is 800 square feet.

Richard Santiago: So this one is the only thing that can get you outside?

Greg Shaffer: Yes so it's actually going to be 4' by 4' sliding window.

Richard Santiago: I was thinking in case of a fire.

Ruben Berrios: Yes that is required to be an egress window.

Greg Shaffer: I believe the code is it has to be no more than 44 inches from the floor so it'll definitely meet that.

Ruben Berrios: Correct 44 inches and the window well needs to be 3 by 3. The opening needs to be 20 by 24 minimum which is actually pretty small.

Chairman Rivera asked the board if they add anymore questions regarding 25 Rela Avenue.

No answer from the board.

Chairman Rivera asked the public if anyone in attendance wishes to address 25 Rela Avenue's application with any comments, questions or concerns.

Dennis Michaels: Let the record reflect the room is absolutely empty except for Mr. Shaffer himself, members of the board, Ms. Ventura and myself.

Since there is no one present from the public and no other comments from the board, Chairman Rivera entertained a motion to close the Public Hearing for 25 Rela Avenue, Haverstraw, NY 10927.

RESOLUTION 51-2018

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

VOTE ON: GREG SHAFFER, 25 RELA AVENUE, HAVERSTRAW, NY 10927

Dennis Michaels: So for the record, we're now deliberating on Greg Shaffer's property, 25 Rela Avenue, asking for the board to approve habitable space in his basement. This is a unique type of application as you know in the Village of Haverstraw in a sense that he does not need variances but does need your approval. Therefore, you're free to make a motion for any reasonable basis that you wish. There's no criteria associated with this type of application.

Edwin Rivera made a motion to approve the application for 25 Rela Avenue, Haverstraw, NY 10927 requesting habitable space in the basement. As mentioned before, by law he can fix it and I do not have a problem with this proposed habitable space.

RESOLUTION 52-2018

Seconded by: Jose Hilario

ROLL CALL

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

Motion: Passed by majority vote

VOTE ON: JORGE PESANTEZ, 144 CLOVE AVENUE, HAVERSTRAW, NY 10927

Dennis Michaels: So for the record, we're now deliberating on 144 Clove Avenue, Haverstraw, NY, requesting a lot coverage variance. He's seeking 60% lot coverage, 30% is the maximum allowed. Are you all generally in favor of this or against it?

Edwin Rivera: In favor.

Dennis Michaels: Ok so Mr. Rivera 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?

Edwin Rivera: No.

Dennis Michaels: (2) Do you feel that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the granting of these area variances?

Edwin Rivera: Yes.

Dennis Michaels: (3) Do you feel the requested area variances are not substantial? If you do feel it's substantial, do you still feel inclined to approve?

Edwin Rivera: Yes I do feel it's substantial.

Dennis Michaels: But since it's only for a patio, is this enough for you to deny the application? Could you explain why you feel you're inclined to approve?

Edwin Rivera: Its pavers not even concrete. Neighbors won't even see it and it will be on the ground.

Dennis Michaels: You feel it's not substantial because of the nature of the improvement correct?

Edwin Rivera: Yes correct.

Dennis Michaels: (4) Do you feel whether the proposed variance will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Edwin Rivera: I agree.

Dennis Michaels: (5) Do you agree that although Mr. Pesantez difficulties are self created, you feel his self created difficulties are not enough for you to deny this application?

Edwin Rivera: No it's not enough of a reason to deny this application.

Dennis Michaels: So that is your motion, is there a second?

RESOLUTION 53-2018

Seconded by: Richard Santiago

Carried by: All

ROLL CALL:

Edwin Rivera -Yes

Richard Santiago – Yes

Jose Hilario - Yes

Deyanira Martinez -Absent

Jose Guareño – Absent

Motion: Passed by majority vote

Dennis Michaels: Curious is this not subject to the Rockland County GML?

Ruben Berrios: I don't think so. It's not on 9W or anything like that.

Dennis Michaels: Ok so just keep that in mind. If it's an area variance it could be subject to the NYS Planning Departments GML. You have that map on the wall so you have to check that on every application. The County is being very difficult.

VOTE ON: PETER MCGUIRE, 52 FIRST STREET, HAVERSTRAW, NY 10927

Dennis Michaels: So for the record we are now deliberating on Peter McGuire's application for 52 First Street, Haverstraw, NY. This applicant is requesting an area variances. For a front yard variance, 27.3 feet or 27.5 inches is needed when 30 feet is required, a side yard variance of 12.5 feet and a rear yard variance of 20.5 feet. Is that correct? Ruben does that sound right?

Ruben Berrios: Yes.

Dennis Michaels: How do you feel about this? Are you in favor or against it?

Ruben Berrios: I just wanted to make one comment before you start questioning them. Just to let you know, if you look at some of the other houses on First Street, they all are pretty close to the side walk. So this will help it look like the other properties there and blend in well.

Dennis Michaels: Ok so Jose, do you agree with this statement: "(1) do you feel that an undesirable change will not be produced in the character of the neighborhood and

detriment to nearby properties will not be created by the granting of these area variances?

Jose Hilario: I agree.

Dennis Michaels: (2) Do you feel that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the granting of these area variances?

Jose Hilario: I agree.

Dennis Michaels: (3) Do you feel the requested area variances are not substantial? If you do feel it's substantial, do you still feel inclined to approve?

Jose Hilario: Yes I do feel it's substantial but I don't believe we should deny the application because I don't see any problems. I also don't believe the neighborhood will have a problem with it.

Dennis Michaels: So it sounds like you feel that the requested area variances may be somewhat substantial but because no neighbors expressed any objection to the application and because of the nature of the neighborhood and looking at all of that, maybe the substantiality is not is this enough for you to deny the application?

Jose Hilario: Yes I agree.

Dennis Michaels: (4) Do you feel whether the proposed variance will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Jose Hilario: I agree.

Dennis Michaels: Do you agree that although the applicant's difficulties are self created, you feel his self created difficulties are not enough for you to deny the variances for this application correct?

Jose Hilario: Correct.

Dennis Michaels: Ok would you like to make a motion to approve the variances as requested by the applicant?

Jose Hilario made a motion to approve variances as requested by the applicant.

RESOLUTION 54-2018

Seconded by: Richard Santiago

Carried by: All

ROLL CALL:

Edwin Rivera -Yes

Richard Santiago – Yes
Jose Hilario - Yes
Deyanira Martinez -Absent
Jose Guareño – Absent

Motion: Passed by majority vote

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

RESOLUTION 55-2018

Motion by: Richard Santiago
Seconded by: Jose Hilario

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

RESOLUTION 56-2018

Motion by: Richard Santiago
Seconded by: Jose Hilario
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