

The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on Thursday January 13, 2022 beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL :

- Jose Guareno (Chairman) Present
- Dennis Michaels (Asst. Village Attorney) Present
- Ruben Berrios (Building Inspector) Present
- Jose Hilario Present
- Tom Price Present
- Kathleen Porter Present
- Richard Santiago Present
- Gisbeth Ramos (Clerk to the ZBA) Present



Chairman Guareno opened the meeting inviting the first applicant, 150 Clove Ave., to address the Board.

Frank Phillips, Phillips & Millman, representing the applicant, R&L Development Corp., represented by Larry Omelanczuk (sp), on the matter of 150 Clove Ave.: Mr. Millman explained to the Board that the project was a minor 2 lot subdivision. They submitted their application in August 2021 and were before the Planning TAC committee in October 2021 and before the Planning Board in December 2021. This is a 2 single family residential conversion with improvements to the sewer line, which will be located between the 2 properties rather than underneath. They have received comments from Village Engineer Eve Mancuso and are working on those. They are appearing before the Zoning Board for several things, to introduce the project and set a Public Hearing date for March 10, 2022, and for approval of 4 variances. The variances will be in regard to the minimum lot area for lots # 1 and #2, the minimum lot width, minimum side lot space and the percentage of development coverage on the properties. The Planning Board has declared themselves Lead Agency on the project and the applicant submits that this is not an undesirable change in the neighborhood, the benefit cannot be sought by any other means, there is no adverse effect to the environment and the requested variances are not substantial. Again, they are requesting that the Public Hearing be set for March 10<sup>th</sup>.

Jose Hilario asked about the driveway on the property.

Richard Santiago asked what was planned for the total parking on the property.

Mr. Omelanczuk responded to the driveway question, pointing to something on the plans and stated that the parking plan was the inclusion of a double garage.

Inspector Berrios explained to the applicant that they were required to have 2 parking spots.

There was some discussion between the Board, the Village Attorney and Mr. Phillips regarding the timing of the procedures.

Inspector Berrios also noted that the application would be sent to the County for review as well.

Chairman Guareno entertained a motion to set the Public Hearing on 150 Clove Ave. for March 10, 2022 at

RESOLUTION # 01 - 2022

Motion by: Richard Santiago  
Seconded by: Tom Price  
Motion Carries: All

Chairman Guareno invited the applicants for 44 Riverside Ave. to address the Board.

Dennis Michaels, Village Attorney: For the record Mr. Michaels announced that 44 Riverside Ave was before the ZBA for an area variances related to adding a second story addition with non-conforming vault and a side yard variance needed for a deck on a single family dwelling at 35.06-1-11. All public notices as required by State and Local Law have been complied with to the best of knowledge of the Building Department.

Jose Guareno entertained a motion to open the Public Hearing on 44 Riverside Ave.

RESOLUTION # 02 - 2022

Motion by: Tom Price  
Seconded by: Richard Santiago  
Motion Carries: All

Jose Hilario asked if any changes made to the parking that was spoken about earlier.

Owner/Applicant Representative (name given could not be heard on the tape): He responded that they intended to try their best to get 2 cars in.

Dennis Michaels stated that there was no one in attendance at the meeting except the applicant representative and therefore no Public comments or questions.

Jose Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 03 - 2022

Motion by: Jose Hilario

Seconded by: Richard Santiago

Motion Carries: All

Dennis Michaels announced that the next applicant was a proposal to enclose a rear porch with adding floor area with high performing vault in a single family dwelling at 46 Riverside Ave, SBL # 35.06-1-10. As per Gisbeth Ramos, all public notices as required by State & Local Law had been complied with to the best of her knowledge.

Jose Guareno entertained a motion to open the Public Hearing on 46 Riverside Ave.

RESOLUTION # 04- 2022

Motion by: Tom Price

Seconded by: Richard Santiago

Motion Carries: All

Applicant for 46 Riverside Ave. (Name couldn't be understood on the tape)

No members of the Public were present and therefore no questions or comments were raised.

Richard Santiago stated that there was an original concern regarding the amount of parking.

Discussion ensued between Board members regarding the parking concerns on Riverside Ave. and the lack of parking on this property. The

property representative was asked how many spots were available and he stated that there was 1 parking spot.

Tom Price stated that they couldn't block the street with parking as the plows had to get through.

Richard Santiago asked the applicant, using the paper plans before the Board, for clarification regarding the parking area.

Chairman Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 05 - 2022

Motion by: Jose Hilario

Seconded by: Richard Santiago

Motion Carries: All

Dennis Michaels presented the following for approval by the Board:

"Motion to approve all the area variances as requested by 44 Riverside Avenue and as set forth on the Site Development Plan/Survey that is under the signature and seal of Anthony R. Celentano, NYS licensed engineer, most recently dated December 9, 2021, which includes a bulk table representing the applicable bulk regulations for the proposed type of use for the applicable occupancy and zoning district and the area variances that are being requested from those regulations. In addition, the ZBA is establishing a "finding" that they have reviewed and found acceptable the proposed first floor plan, proposed second floor plan and existing first floor plan as set forth on 1 sheet of an architectural drawing, enumerated A-1, indicated as authored by Eric Knut Osborne, most recently dated November 23, 2021."

Attorney Michaels presented the following questions to Board member Price who expressed a willingness to make the above motion:

- Is it your finding that an undesirable change will not be produced in the character of the neighborhood in a detrimental way and nearby properties will not be adversely affected by the granting the area variances?
- Is it your finding that the benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than granting these variances?

- Is it your finding that the requested area variances are not substantial?
- Is it your finding that the area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- Is it your finding that although the alleged difficulty of the applicant is self-created you've considered this factor but it was not significant, in and of itself, to make a motion to deny the application?

Tom Price responded YES to each question posed by Mr. Michaels.

*As recited by Legal Counsel:*

RESOLUTION # 06 - 2022

Motion by: Tom Price

Seconded by: Richard Santiago

Roll Call:

- Jose Hilario Yes
- Tom Price Yes
- Kathleen Porter Abstains
- Richard Santiago Yes
- Jose Guareno Yes

Motion Carries: 4-0-1

Inspector Berrios commented that the plans submitted by could only be approved as a floor plan not from a Code perspective because those plans had not been submitted to him for full review and they hadn't been properly and officially accepted by the Building Department.

Dennis Michaels explained to the Board that if the plans were to change in any way the ZBA may have grounds to deny further floor plans, as they are not approving it for Building Permit purposes.

Dennis Michaels asked the Board their intentions on the application from 46 Riverside Ave. for enclosing the front porch and adding floor area to the building.

Inspector Berrios explained how enclosing the porch increases interior space.

Dennis Michaels presented the following for approval by the Board:

“To approve all the variances as requested by 46 Riverside Ave which are set forth on the bulk table within the Site Development Plan/Survey, as signed and sealed by Anthony R. Celentano, NYS licensed engineer, most recently dated December 9, 2021, and the bulk table sets forth the applicable regulations for the proposed type of use for the occupancy and zoning district and the area variances that are being requested from those regulations. Also considered is a 1 sheet architectural drawing, enumerated A-1, by Eric Knut Osborne and most recently date November 23, 2021, which includes the existing lower level plan, the existing upper level plan and the proposed lower and upper level plans.”

Attorney Michaels presented the following questions to Board member Hilario who expressed a willingness to make the above motion:

- Is it your finding that an undesirable change will not be produced in the character of the neighborhood in a detrimental way and nearby properties will not be adversely affected by the granting the area variance?
- Is it your finding that the benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than granting this variance?
- Is it your finding that the requested area variance is not substantial?
- Is it your finding that the area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- Is it your finding that although the alleged difficulty of the applicant is self-created you’ve considered this factor but it was not significant, in and of itself, to make a motion to deny the application?

Jose Hilario responded YES to each of the questions posed by Mr. Michaels.

*As stated by Legal Counsel:*

RESOLUTION # 07 - 2022

Motion by: Jose Hilario

Seconded by: Tom Price

Roll Call:

- Jose Hilario                      Yes
- Tom Price                        Yes

- Kathleen Porter Abstains
- Richard Santiago Yes
- Jose Guareno Yes

Motion Carries: 4-0-1

Jose Guareno entertained a motion to approve the Minutes of November 9, 2021.

RESOLUTION # 08 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario

Motion Carries: All

Attorney Michaels explained to the Board that there is a project coming before the ZBA in the future regarding variances for 57 Route 9W North (Matt's Sporting Goods) and their proposed site plan to add a second story to an existing commercial structure. The Planning Board has sent a notice of their intention to declare themselves as Lead Agency. If there is no objection from the ZBA within 30 days they can proceed. To speed things along the ZBA can pass a Resolution stating that they have no objection to the Planning Board being Lead Agency.

Chairman Guareno entertained a motion for the Zoning Board of Appeals to state that they have no objection to the Planning Board being Lead Agency on the proposed project at 57 Route 9W North.

RESOLUTION # 09 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario

Motion Carries: All

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

RESOLUTION # 10 - 2022

Motion by: Jose Hilario

Seconded by: Tom Price

Motion Carries: All

Respectfully submitted by,  
Judith Curcio

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

*Gisbeth R.*  
Gisbeth Ramos, Clerk Typist

