

The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on Thursday May 12, 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 Absent
- Ramon Soto Present
- Gisbeth Ramos (Clerk to the ZBA) Present



Chairman Guareno opened the meeting inviting the first applicant, 57 Route 9W to address the Board and entertained a motion to open the Public Hearing on the project at this property.

RESOLUTION # 21 - 2022

Motion by: Tom Price
Seconded by: Jose Hilario
Motion Carries: All

John Perkins, Architect for Carp Assoc.: Mr. Perkins informed the Board that the applicant was seeking variances on the project; the front yard was indicated on the plans before the Board, the side yard and rear yard is existing non-conforming. The applicant is also asking for a parking variance. Mr. Perkins stated that the Planning Board had declared themselves Lead Agency on the project and the ZBA would be notified of that.

Attorney Michaels stated for the Board's information that the application was subject to SEQRA review and if the Board had no objections to the project they couldn't issue any approvals until after the SEQRA review is completed.

Jose Guareno asked for any comments from the Public.

Gil Carlevaro, Deputy Mayor for the Village: Mr. Carlevaro stated that the applicant had come before the Planning Board on Monday night and the parking issue was raised in that it might be sufficient parking for the current use but if they were to sell the building there is not enough adequate parking. He continued to express his concern regarding the lack of parking, emphasizing that if another entity owns the building and it's still an office space there would still, in his opinion, be insufficient parking.

Mr. Perkins responded that in all fairness to the applicant the future sale of the building shouldn't be used to determine if the parking was enough for their use. He noted that it would be an assumption that there would be inadequate parking and that a new owner might potentially need less than what is currently available.

Jose Guareno stated that he understands the need for adequate parking and that he has seen the Boards approve various projects with conditions and restrictions.

Baowen Yang, owner of the property: Mr. Yang stated that they have a back-up plan for the parking situation. On the side of the building there are extra spaces and there's potential for adding more.

Inspector Berrios asked how many offices would be part of the plan.

Mr. Perkins responded that there would be 4 offices; they are increasing the number of offices downstairs so there will be 2 downstairs.

Attorney Michaels articulated the parking issue by expressing to the Board that off-street/on-site parking requirements are driven by the type of use of a building and/or the occupancy and the zoning district within which the use is located. Based on the use criteria this project meets the off-street/on-site parking requirement. If, at some time in the future, there's a new occupant/operator/new business, there may be different zoning regulations that are applicable to that different use. Mr. Michaels proceeded to give examples of possible scenarios and explained to the Board that they should never review an application based upon a hypothetical use or occupancy that may or may not come into that site in the future. Each application would have to be reviewed on its own merits.

Jose Hilario asked Mr. Michaels if a new occupant would have to come back before one of the Village Boards.

Mr. Michaels responded that Yes, they would.

Kathleen Porter asked the applicant how many more employees would be working there and where the parking was located on the site.

Mr. Perkins responded that parking is located across the front of the building and there are additional spots on the side that used to be a driveway many years ago. There are a total of 8 parking spots supplied, with 1 handicapped spot, for 6 employees.

Mr. Yang expressed that they had no current intention to hire more workers and that the expansion was for storage. Due to the pandemic they experienced a storage issue because their clients couldn't get to their site to inspect their order and the product had to be stored for a longer period of time than previously. The intention is to move all the employee offices upstairs including his office. He repeated that they do not expect to increase the number of employees.

Chairman Guareno announced that since the SEQRA review had to be completed the Public Hearing would remain open and he asked the Board members if they had any other concerns.

Dennis Michaels stated that at the request of John Perkins, with the Board's agreement, the Public Hearing for Carp Associates of 57 Route 9W would remain open and will continue on June 9, 2022 at 7 PM.

Chairman Guareno invited the next applicant, 25 Spring St., to address the Board and entertained a motion to open the Public Hearing on their application.

RESOLUTION # 22 - 2022

Motion by: Jose Hilario

Seconded by: Ramon Soto

Motion Carries: All

Aida Manigault, 25 Spring St.: Ms. Manigault, with Inspector Berrios' assistance, explained to the Board and Public that they were seeking to put an addition on the building and expand the deck. They wanted to square off the back of the building by putting in the addition and then extend the deck which would need variances for the side yard, lot

coverage, combined yard variance and building without the required bulk.

Chairman Guareno asked if anyone from the Public wanted to comment or raise any concerns. Nobody responded,

Jose Hilario expressed his opinion that he didn't have a problem with the proposal and that he had passed by the property and took a look at it.

Chairman Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 23 - 2022

Motion by: Tom Price

Seconded by: Ramon Soto

Motion Carries: All

The applicant for 52 New Main Street was asked to address the Board and Chairman Guareno entertained a motion to open the Public Hearing on their application.

RESOLUTION # 24 - 2022

Motion by: Jose Hilario

Seconded by: Ramon Soto

Motion Carries: All

Ramya Ramanathan, Atzl Nasher & Zigler, representing the applicant, Dr. Peralta of 52 New Main St.: Ms. Ramanathan explained that this was their 2nd appearance before the Board and that they had been required to come back with something in writing from the Village Board regarding the Payment in Lieu of parking agreement. Ms. Ramanathan stated that they received that letter and she had submitted it for the Zoning Board's review. She further stated that they were before the Board now for variances for the side yard, the lot coverage and the number of floors being proposed. As a recap, Ms. Ramanathan reminded the Board that the proposal was for 2 additional stories on an existing 1 story commercial building at 52 New Main Street. No change to the footprint of the building would result in the additions and all floors would be used for medical professionals, with approx. 20 employees.

Jorge Lopez, Architect for the project: Mr. Lopez informed the Board that the second floor would be 2 ft. less in the back than the first floor. He pointed out the area on the rendering of the building.

Tom Price asked how many parking spots were in front of the building currently.

Ms. Ramanthan responded that there were 9 spots.

Gil Carlevaro, Deputy Mayor Village of Haverstraw: Mr. Carlevaro stated that he was in attendance as the Deputy Mayor and he wanted to inform the Zoning Board that the Village Board was in favor of this project, that they had an agreement with the applicant regarding parking and they thought this type of business would be good for the Village.

With no further questions or comments from the Board or the Public Chairman Guareno entertained a motion to close the Public Hearing on 52 New Main St.

RESOLUTION # 25 - 2022

Motion by: Ramon Soto

Seconded by: Tom Price

Motion Carries: All

Jose Guareno asked 37 Clove Ave. applicants to come forward.

Mari Rodriquez, 53 East Main St., Stony Point and Andres Nunez, 126 Hudson Ave, Haverstraw: Ms. Rodriquez explained to the Board that they were proposing a project called Dream to be located at 37 Clove Ave., they were planning to purchase the building for this project and they would convert it into a community center/theatre which she understands requires a Special Permit from the ZBA. She presented a drawing to the Board members and explained that what would be housed in the building would be all creative arts particularly geared towards teens and young adults, although they had no intention of excluding anyone else. There would be a music studio, a dance studio, other programs, but to be clear all the programming would be scheduled and not all programs would be running at one time. They had submitted their business plans and the theatre would be for community theatre with their large fundraisers being held off-site. The site would be specifically to engage youth and allow them to explore interests and careers in the arts. Ms. Rodriquez continued to explain her background in the arts and mental health arenas.

Andres Nunez stated that, as a piggyback to Ms. Rodriquez's comments, as a Latino growing up in Haverstraw there hasn't been a place where

kids could actually go besides a playground. This is an opportunity for kids to better themselves, whether it's through dance, music, painting, film making, podcasts, etc.

Mr. Rodriguez noted that they were in need of a Change of Use because the building was a synagogue.

Inspector Berrios stated that the building is currently a house of worship which has been empty for quite a few years. He explained that the applicant seemed to have time constraints and were trying to proceed informally.

Jose Guareno asked if there would be a need for any subdivided areas.

Ms. Rodriguez responded that there would not be and that the building will remain the same on the outside with the interior being renovated, the 5 existing classrooms being used for various programs and the stage area would be where the current altar is.

Jose Guareno asked for confirmation that it would still be considered a place of assembly. Inspector Berrios said it would be.

Kathleen Porter asked if there was parking behind the building.

Ms. Rodriguez responded No but they were in talks with the school and the art community to partner with groups so they wouldn't need parking.

Tom Price asked if they had purchased the building yet.

Both applicants responded No and Ms. Rodriguez explained that the purchase was contingent upon them obtaining the change of use, inspections, and the funding being secured from the DRI grant.

Kathleen Porter asked if the plan would fall through if they didn't get the DRI funding.

Ms. Rodriguez responded that the inside of the building needs a lot of work and the DRI funding would go towards that. They could not afford to both purchase the building and do the renovations work.

Dennis Michaels stated that after conversation and review with Inspector Berrios it was determined that community centers were a use permitted by right so that portion of the project would not be coming before the

ZBA. However, they are proposing some theatrical space which would require a Special Use Permit, which allows a community theatre. Therefore the Special Permit requested is for a Recreational Facility/Community Theatre. They may also need a parking variance which can be done at a later time.

Chairman Guareno entertained a motion to set a Public Hearing for June 9th at 7:05 PM on the matter of 37 Clove Ave. and a Special Use Permit.

RESOLUTION # 26 - 2022

Motion by: Kathleen Porter

Seconded by: Jose Hilario

Motion Carries: All

Attorney Michaels summarized for the Board the application of 25 Spring St. for area variances and with an indication from the Board of agreement with the project variances he prepared the following for Board approval:

“Approval of area variances to 1) the side yard for a 4 ft. 10 inch variance, 2) a total width variance of both side yards of 2 ft. 8 inches, 3) the maximum lot coverage, 30% is allowed and 50% is proposed therefore a 20% variance and a variance for non-conforming bulk, Village Zoning Code §245-30.”

Jose Guareno expressed his interest in making the motion to approve and Attorney Michaels posed the following questions to him as part of the approval of these variances:

- Is it your finding that an undesirable change will not be produced in the character of the neighborhood and that a detriment to nearby properties will not be created by the granting of the area variances?
- Is it your finding that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance?
- Is it your finding that the requested area variances are not substantial?
- Is it your finding that the proposed area variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

- Is it your finding that although the alleged difficulty was self-created, and although you have considered this fact, that in and of itself, this factor was not enough for you to make a motion to deny the application?

Jose Guareno answered Yes to all questions.

As recited by legal counsel
RESOLUTION # 27 - 2022

Motion by: Jose Guareno
 Seconded by: Tom Price

Roll Call:

- | | |
|-------------------|-----|
| • Jose Hilario | Yes |
| • Tom Price | Yes |
| • Kathleen Porter | Yes |
| • Ramon Soto | Yes |
| • Jose Guareno | Yes |

Motion Carries: All

On the matter of the application for area variances on the 52 New Main Street/Dr. Peralta proposal:

Attorney Michaels prepared the following for approval by the Board:

“Approve all area variances that are set forth and shown on the Bulk Table, as modified by the planner for the applicant, signed and dated May 12, 2022. Three floors are proposed with a variance being requested as 2.5 are allowed which was added to the application. The approval also includes what has been shown on the Site Development Plan/Survey, under the signature and seal of Ryan A. Nasher, NYS licensed Engineer, and John R. Atzl, a NYS licensed Land Surveyor, consisting of 2 sheets enumerated #1 & #2, most recently dated March 15, 2022. Included as well is approval of the architectural drawings as drafted by Jorge L. Lopez, under his signature and seal as a NYS Registered Architect, Page P1 dated July 19, 2021, Pages A1 and A2 dated May 7, 2021 and Pages A3 and A4 dated Dec. 22, 2021. Approval also includes a variance for non-conforming bulk, from §245-30 of Village of Haverstraw Code, signed and dated May 12, 2022 by the planner for the applicant.”

Kathleen Porter expressed an interest in making the motion to approve and Attorney Michaels posed the following questions to her as part of the approval of these variances:

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

Kathleen Porter answered Yes to all questions.

As recited by legal counsel
RESOLUTION # 28 - 2022

Motion by: Kathleen Porter
Seconded by: Tom Price

Roll Call:

- | | |
|-------------------|----------|
| • Jose Hilario | Yes |
| • Tom Price | Yes |
| • Kathleen Porter | Yes |
| • Ramon Soto | Abstains |
| • Jose Guareno | Yes |

Motion Carries: 4-0-1

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

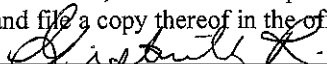
RESOLUTION # 29 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario
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 Ramos, Clerk Typist

