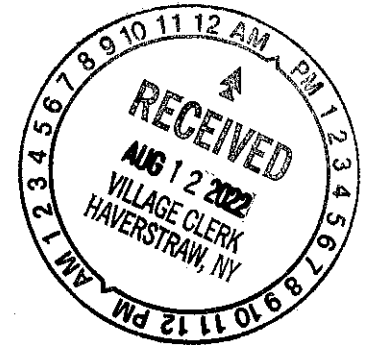


The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on Thursday June 10, 2021 beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL :

- Edwin Rivera (Chairman) Present
- Dennis Michaels (Asst. Village Attorney) Present
- Ruben Berrios (Building Inspector) Present
- Jose Guareno Present
- Jose Hilario Present
- Tom Price Absent
- Richard Santiago Absent
- Alyssa Findley (Clerk to the ZBA) Present



Chairman Rivera opened the meeting inviting the first applicant, 2 Feeney Place, to address the Board.

Dustin Smith, 2 Feeney Pl: Mr. Smith explained to the Board that they wanted to put a second story on their home and they were seeking a variance.

Inspector Berrios interjected that the applicant was about 10 inches short on the side yard and this would be a very minimal variance.

Mr. Smith submitted his plans for the addition and noted that they were not changing the footprint of the building.

Edwin Rivera asked if all the bedrooms would be upstairs and the applicant responded that yes, the bedrooms would be upstairs and 2 bathrooms.

Jose Hilario asked how many bedrooms are currently in the house.

Mr. Smith informed the Board that it's currently a 2 bedroom house and with the proposed addition there would be 3 bedrooms upstairs and the downstairs would be a giant living room. The house would become a 3 bedroom 4 bathroom house.

Edwin Rivera asked if they had adequate parking and/or a garage.

Mr. Smith responded that they no longer have a garage but the driveway fits 4 vehicles. He also stated that it's just he and his wife living in the house at this time.

With no further comments or questions from the Board Chairman Rivera entertained a motion to set a Public Hearing on the matter.

RESOLUTION # 22 - 2021

Motion by: Jose Hilario

Seconded by: Jose Guareno

Motion Carries: All

Edwin Rivera invited the applicant for Popeye's Restaurant at 245 Route 9W to address the Board.

Nicholas Ward-Willis, attorney for the applicant and Matt Bersch from Dynamic Engineering representing the applicant. Mr. Ward-Willis noted to the Board that they had complied with the Village requirements for noticing the Public Hearing and submitted the affidavits regarding compliance.

Chairman Rivera entertained a motion to open the Public Hearing.

RESOLUTION # 24A - 2021

Motion by: Jose Guareno

Seconded by: Jose Hilario

Motion Carries: All

Mr. Ward-Willis continued with his explanation of their seeking 3 variances for the project. First is the maximum development coverage of 4.9%, the maximum permitted is 60%, the existing is 78.8%, and the applicant would be reducing it by 14% to 64.9%, which is still over the allowable percentage. The second is for a 1 foot variance so the applicant can install each of the 10 required off-street parking spaces with a minimum width of 9 ft., and each space would be 9 ft. instead of 10 ft. The last variance is for the sign area variance to permit 7 signage boards.

Inspector Berrios added that a conversation with the Mayor and Village Planner Max Stach had occurred and there is an issue with the amount of square footage. The allowable is 60 feet but traffic signs and menu boards don't have to be included in the signage calculations.

Mr. Ward-Willis continued his explanations, adding that they had received the Rockland County Planning Department GML Review Report dated June 8, 2021. Many of their comments we're in agreement with and are related to the site plan. The applicant is asking for an override on Comment #1, the sign variance, and Comment # 6, reduction of the development coverage and their recommendation that impervious material be used. We ask that this be overridden because it's not practical and the engineer will explain that further.

Matt Bersch, engineer for the project, explained an aerial exhibit of the area that he was presenting to the Board. The property is a little less than a ½ acre and currently on site is an open impervious area (asphalt, gravel) and there was previously a building on site that has been raised. There is 1 shared driveway with Bricktown Square. The property is in the Highway Business zone and they are permitted by right for a restaurant with a drive-through. Mr. Bersch presented a site plan rendering to the Board, prepared by his office, and proposing a 2,158 sq. ft. restaurant with a single drive through lane that wraps around the building. Within the building there are 28 seats and a sidewalk along the front of the building for access is also part of the proposal. There's a trash enclosure in the northeast corner of the property, 10 parking stalls along Route 9W, and landscaping throughout the site. Lighting and signage is also included.

Jose Guareno asked if the area between Midas would remain open and Mr. Bersch responded that it would at this time.

Mr. Bersch presented an architectural rendering of what the building would look like and he proceeded to explain various elements of the architecture. He also added that there were 10 parking stalls and 10 were required by Village Code. The parking stalls are proposed at 9 X 20 ft. and 10 X 20 ft. is required by ordinance. Circulation around the building is one-way around the rear, east side, of the building and will be dual direction in the front leading to the parking stalls. All of the bulk requirements for an HB zone will be complied with, with the exception of the development coverage. Sixty percent is required and they are proposing 64.9% making it slightly over, however, in the existing conditions are 78.8%. The applicant is proposing 2 free-standing lights to illuminate the parking area and the rear of the property, along with 12 gooseneck lights and recessed lights under the overhangs. Arborvitaes are being used to help screen the back of the building. The property site is approximately 10 to 15 feet above the properties behind it so the arborvitaes will provide an additional buffer

to the surrounding properties. They are also proposing a combination of evergreen and deciduous shrubs along the perimeter of the building and, at the suggestion of the Planning Board and Village Engineer, will be including shrubs at the head of the parking stalls along Route 9W to help screen headlights. Existing utilities currently exist at the property and they will be connecting to the sanitary sewer and there is a sewer easement that runs along the back of the property. For storm water management there are existing inlets on site, located on the south side of the property and they will maintain the existing grading to allow for runoff into that infrastructure. The plan reduces impervious coverage so there is an improvement to the system as a result.

Mr. Bersch continued with submission of a signage exhibit and pointed out the pylon sign proposed along Route 9W. The sign is 23 feet tall and is 146.3 sq. ft. He mentioned to the Board that there was a lot of open spaces around the sign making it look large. He continued to explain the various signs they were proposing and the sizes, content and locations.

Board members and Inspector Berrios questioned the overall sizes and widths of the signs and Mr. Bersch responded to the questions asked.

Mr. Bersch stated that the total signage on the proposed site would be 234.5 sq. ft. and the Village requirement is 60 sq. ft. The overall sign package is in line with the other fast food locations in the area. In comparison to McDonald's they will have less signage. Mr. Bersch added that they believe this is a good project for the area and the Route 9W corridor; they are making improvements to the site by reducing the impervious coverage and adding landscaping to what is currently a vacant site.

Mr. Ward-Willis added that they had been before the Architectural Review Board and they indicated and provided their approval of the building design, façade, design etc. They were, overall, pleased with the architecture and signage.

Attorney Michaels asked about the GML Report Comments # 7, # 8, and #9 and expressed his legal opinion that these Comments should be overridden. He believes that the County may be confusing 2 different applications because these comments don't seem to match up to what was submitted on this application.

With no further comments, questions or concerns from the Board Attorney Michaels announced that the Public Hearing on the proposed project at 246 North Route 9W, known as Popeye's Restaurant, will be continued and will remain open and be heard again on Thursday July 8th at 7:05 PM.

Mr. Ward-Willis asked the Board if there were any comments or suggestions from the Board as the applicant is appearing before the Planning Board next week and can bring those up at their meeting as well.

Attorney Michaels suggested to the Board that they had an obligation to provide the Planning Board with their recommendations.

Jose Hillario & Jose Guareno expressed their favorable opinion of the project.

Attorney Michaels prepared the following for approval by the Board:

"The Zoning Board of Appeals hereby gives its advisory opinion/recommendation to the Planning Board that the Zoning Board of Appeals is in favor of this project."

As recited by legal counsel
RESOLUTION # 24B - 2021

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

Attorney Michaels stated that regarding the application from Carlos Urena for a detached garage project seeking area variances at 13 Dowd Street the application will be continued and the Public Hearing will remain open and will be heard again by the ZBA on July 8, 2021 at 7:05 PM.

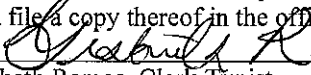
Chairman Rivera: With no further business to be conducted by the Board, the Chairman entertained a motion to adjourn the meeting.

RESOLUTION # 25 - 2021

Motion by: Jose Guareno
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

