

The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on Thursday August 12, 2021 beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL :

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



Acting Chairman Guareno opened the meeting inviting the applicant for the 7-Eleven project at 197 Westside Ave. to address the Board.

Amy Miele, attorney for the applicant: Ms. Miele submitted printouts of the site plan for the project and noted to the Board that the applicant had been before the ZBA in the past for a self-storage facility and had been granted a variance for the rear yard at that time. With the change in projects they were now seeking 2 variances for the current 7-Eleven project, one for the rear yard and the other for parking. She explained that she had highlighted the requested rear yard variance on the plans and because of the difficulties of the lot itself the rear yard setback had been granted. The parking calculations they did shows that 23 spots are required. They are providing 17 lined/striped spots and they have an additional 8 spots under the canopy, 4 on each side of the gas pumps which is common for a grab-and-go facility. She understands that the Building Inspector has made an interpretation on the parking situation and has not included the under-canopy spots as part of the calculation so they are therefore requesting a variance on parking and they believe it's reasonable to request it as they have actually provided more than the required parking. Ms. Miele informed the Board that before the Public Hearing was held she would be submitting to them a detailed narrative analyzing factors under state law as to why they believe they're entitled to the variances. She mentioned that this has been determined to be a Type II action under SEQOR by the Planning Board, they had been before the Village Board for a Special Permit and they are also proposing

a pocket park at the corner of Route 9W and Gurnee Ave. Tonight they were asking that a Public Hearing be set for the September meeting.

Attorney Michaels informed Ms. Miele that there was a likelihood of the applicant needing a variance for signs as well.

Discussion continued regarding the posting requirements and the subject matter to be noticed. In addition Inspector Berrios advised the applicant that when calculating their sign coverage they should not include directional and menu signs.

Jose Hilario asked Ms. Miele, pointing to an area on the plans, where the setback was and where the storage area was.

Ms. Miele responded that the storage facility she was referring to was a previous project that she had been the representative on.

Jose Guareno, pointing out an area on the plans, asked what the area was.

Ms. Miele responded that the building on the northeast corner is Mr. Hood's office building and that will be remaining. The 2 houses would be removed.

Jose Hilario asked that a site visit be scheduled for the Board to take a look at the property. Arrangements were made to set that up for earlier on the night of the next meeting, approximately 5:30 PM.

Chairman Guareno asked the Board if they had any further questions for the applicant, which they did not, and he entertained a motion to set the Public Hearing on the 7-Eleven project at 197 Westside Ave. for September 9, 2021 at 7:00 PM.

RESOLUTION # 32(A)

Motion by: Jose Guareno

Seconded by: Tom Price

Motion Carries: All

Jose Guareno invited the applicant for 13 Dowd Street to address the Board.

Jeffrey Millman from the law offices of Phillips & Millman, representing the applicant Carlos Urena: Mr. Millman explained to the Board that he

was presenting on this project on behalf of the applicant who had appeared previously before the ZBA requesting variances on a detached structure on his property. The impression Mr. Urena got from the Board was that his proposal was for too large a project, too many variances were being requested and maybe a redesign of the project should be brought before the Board for further review. Mr. Millman expressed to the Board that on occasion explaining to clients that what they want is sometimes not what they can have is part of the process. He asked the Board for some guidance on what they were inclined to review and approve. They were currently thinking a structure sized 24x24x14 might be amenable. This would bring down 1 side by 6 ft., the ceiling height would be reduced from 16 ft. to 14 ft. and what was originally a 720 sq. ft. structure would be reduced to an approximately 576 sq. ft. structure. Variances would still be needed but would be much less than the applicants initial requests. The goal for them is to end up with an acceptable plan for a detached garage on the applicant's property. Mr. Millman asked where the Board would feel comfortable, better than a 20X20X14 structure, because the applicant feels that this is too small. He also noted that he fully understands the Board's rejection of the original plan (a 24x30x16 structure) as being much too large.

Jose Guareno remarked that the Board had been for several site visits and that the project was going on for about a year.

Attorney Michaels informed the Board that they were not bound by anything they suggested to Mr. Millman and that this was more of a fact finding on the part of the applicants attorneys.

Tom Price expressed that this has been a long process already and that if the applicant had agreed to the 20X20X14 it would have already been resolved. His opinion is to stay within those numbers.

Mr. Millman asked further if the Board could see themselves backing off the 20X20X14 and negotiating some compromise with the applicant.

Jose Guareno remarked that they have tried at length to work with Mr. Urena and even if they were to go to a 22X22X13 it is still a significant structure and they would still need a variance.

Discussion continued regarding the Board's concerns about the size of the structure and their attempts to work with Mr. Urena.

Mr. Millman asked the Board if they would concede on a plan for a structure sized 22X22X13.

Jose Guareno noted that even at that size the Board would have to override comments on the GML Review Report.

Mr. Millman noted that he understood and summarized the discussion stating that if his client is agreeable to a 22X22X13 structure the Board would may be comfortable with it, review it and possibly grant approval. Mr. Urena would then have the option of either coming forward with his original plan, the suggested 20X20X14 or the 22X22X13 structure.

Jose Guareno responded that this was a fair summarization of the situation.

Attorney Michaels suggested that reviewing this in terms of total square footage rather than the structural design the representative and the applicant may have more design options.

Jose Guareno stated that the front width of the garage is the concern and the design cannot go past 22 feet.

Attorney Michaels asked if any members of the public wanted to ask questions, express concern etc.

Michael Kohut, 34 Rela Ave: Mr. Kohut commented that his concern is that this is supposed to be an accessory building to the primary house and consistently the applicant's design was so big it was almost morphing the house. Although the applicant wants a big garage maybe this isn't the spot for such a big garage.

Attorney Michaels announced that they would keep the Public Hearing open and continue it at the October 14th meeting of the ZBA.

Mr. Millman thanked the Board.

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

RESOLUTION # 32(B)

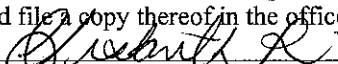
Motion by: Jose Hilario

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 Ramos, Clerk Typist

