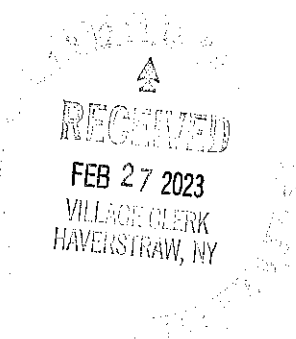


The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on Thursday June 9, 2022 beginning at 7:00 PM.

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 Absent
- Richard Santiago Absent
- Ramon Soto Present
- Gisbeth Ramos (Clerk to the ZBA) Present



Chairman Guareno opened the meeting inviting the first applicant, McDonalds at 254 Route 9W, to address the Board adding that this was a Public Hearing on the matter involving the proposed changes at McDonalds.

Jose Guareno entertained a motion to open the Public Hearing.

RESOLUTION # 30-2022

Motion by: Tom Price

Seconded by: Ramon Soto

Motion Carries: All

John Kolesar, attorney, and Kevin O’Connell from Dynamic Engineering: Mr. Kolesar explained the redesign of the parking lot at McDonalds and the variances needed. First, the lengths of the parking spaces which are currently 9 X 16 ft. and they would be increased to 10 X 18 ft., the Village Code requirement is 10 X 20 feet so a 2 foot variance is necessary. The second variance is for the drive aisle for the “back to back” which, pointing out the area on the plans, Mr. Kolesar stated that Village Code required a distance of 25 feet and they were requesting a variance for 18 to 24 feet. Mr. Kolesar explained that the main purpose of the redesign is to alleviate traffic that spills over onto Route 9W and the creation of a second drive aisle would resolve that issue. It’s a desirable change to the neighborhood, the applicant cannot accomplish this in some other

fashion, there's no environmental impacts caused by this and this is an existing problem not created by McDonalds.

Jose Guareno asked the applicant representatives about the addition of a pick-up window and the purpose of each.

Mr. Kolesar explained, using the site plan diagram, where each window was, their purposes and the various other changes being proposed.

Jose Guareno invited anyone from the public to ask questions and/or express their concerns about the project.

Roseann Schoen, 123 Coolidge St: Ms. Schoen explained that she lived behind McDonalds and this meeting seemed to have been a secret as she hasn't seen any of the proposed changes.

The Board invited Ms. Schoen to come up and review the plans while Mr. Kolesar explained the details to her. Ms. Schoen asked if McDonalds could provide an employee to come out and direct traffic.

Mr. Kolesar stated that there may be instances where an employee would come out but they've also included parking spots for people to pull over and wait for their orders and an employee would deliver the order.

With no further questions from the public or the Board Chairman Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 31 - 2022

Motion by: Jose Hilario

Seconded by: Ramon Soto

Motion Carries: All

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

Mari Rodriguez explained to the Board that they are seeking a Special Use permit for the theatre portion of their proposed plan.

Jose Guareno entertained a motion to open the Public Hearing.

RESOLUTION # 32 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario
Motion Carries: All

Mari Rodriguez summarized the intention of their proposed plan which is to change the existing religious use of the building to a recreational community center.

Jose Guareno invited anyone from the public to raise their questions and concerns at this time.

Noel Rappaport, former President and Chairman of the synagogue at 37 Clove Ave.: Mr. Rappaport expressed his favorable endorsement of the project and voiced his concern to the Board and the applicant that the building was in desperate need of attention. He asked Ms. Rodriguez if they were aware of the expense involved in renovating the building.

Ms. Rodriguez stated that they had an estimate of \$1.9M.

Mr. Rappaport asked if the theatre would generate funds.

The applicants explained that they were working with several agencies for funding and support and the theatre would not be used to make money.

Attorney Michaels explained the details of the applicant's proposal and the legality of any conditions the Board felt they wanted to impose on their approval.

Jose Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 33 - 2022

Motion by: Ramon Soto
Seconded by: Tom Price
Motion Carries: All

The applicant for 10 Simenovsky was invited to address the Board. Michelet LaFleur, owner of 10 Simenovsky spoke briefly about his project and adding a balcony off the second floor.

Inspector Berrios interjected that the applicant needed a variance for his front yard because of the addition of an 8 X 13 ft. balcony. He currently has 25 feet which is what's required and he's looking to go out 8 feet with the balcony, therefore he would need an 8 ft. variance.

Chairman Guareno entertained a motion to schedule a Public Hearing for July 7, 2022 at 7:05 PM.

RESOLUTION # 34 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario

Motion Carries: All

No Board member expressed concern over the McDonalds project so Attorney Michaels prepared the following:

"Approve the area variance as set forth on Page C-4 of the plans and drawings submitted to the Building Department, dated April 7, 2022, under the signature and seal of Joseph C. Sparone, NYS licensed engineer, seeking an area variance from Village Zoning Code §245-26 Paragraph D, reading "each parking space shall have a minimum width of 10 feet and a minimum length of 20 feet. To provide room for standing and maneuvering in the aisles the aisle separation from back to back spacing shall be 25 feet". The variance is proposing 10 X 18 feet for each parking space and the aisle distance separation proposed ranging from 18 to 24 feet."

As recited by legal counsel

RESOLUTION # 35 - 2022

Motion by: Tom Price

Attorney Michaels asked Mr. Price for confirmation of the following findings:

- That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of this variance(s)
- That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance(s)
- That the requested area variance(s) is not substantial

- That the proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
- That the alleged difficulty may be self-created, although this fact has been considered, it was not in and of itself enough to make a motion to deny this application

Tom Price responded affirmatively on all.

Seconded by: Jose Hilario

Roll Call:

Jose Guareno	Yes	
Jose Hilario		Yes
Tom Price	Yes	
Ramon Soto	Yes	

Motion Carries: All

With no questions or comments from the Board regarding the application for the Special Permit for Dream project at 37 Clove Ave. Attorney Michaels prepared the following for Board approval:

“Recognizing that the proposed project includes a community center and a recreation facility/community theatre and that the community center portion of the project is a use permitted by right in the R1-C zoning district, of which the project site is located. Approval of a Special Permit is granted for the aspect of the project “recreational facility/community theatre”, as contemplated in Column C, Item #2, in the Table of General Use Regulations of the Village Zoning Code.”

As recited by legal counsel

RESOLUTION # 36 - 2022

Motion by: Jose Hilario

Seconded by: Ramon Soto

Roll Call:

Jose Guareno	Yes	
Jose Hilario		Yes
Tom Price	Yes	
Ramon Soto	Yes	

Motion Carries: All

The applicants for Carp Associates at 57 Route 9W were invited to address the Board.

Eric Yang stated that he was in attendance to answer any questions regarding adding a second floor to the existing building at 57 Route 9W.

Chairman Guareno confirmed that this was a continuance of the Public Hearing from a prior month.

The Board members reviewed the drawings and Jose Guareno expressed that some of the Board members had a concern regarding parking.

Mr. Yang explained that they were moving the offices to the second floor, they had 6 employees sharing the office space and they were adding a conference room upstairs along with storage space. The employee head count would remain the same and they currently had 2 employees that walked to work. He explained that they were using only 5 of the existing 8 spaces and there were additional parking spaces in the back should they need them.

Inspector Berrios remarked that the applicant was seeking an additional 8 foot variance for the front yard and that the Planning Board had determined that the parking situation was ok.

Tom Price asked about the garage doors on the side of the building and Mr. Yang responded that they were still there.

Attorney Michaels reviewed the Rockland County GML Report, dated March 4, 2022, reading the following GML comments into the record:

1. Project to be reviewed by NYS DOT
2. Project to be reviewed by the Rockland County Department of Health regarding mosquito control
3. Understated parking requirements
4. Tax map indication is incorrect and must be corrected
5. Heights of fences must be indicated on the site plan

After discussion of the applicants compliance with the GML modifications Attorney Michaels prepared the following for Board approval:

“Override Modification # 3 of the GML Report dated March 4, 2022 for the reasons that the parking requirements were calculated by a licensed professional on behalf of the applicant and reviewed by Village Engineer Eve Mancuso and found to be compliant with the Village parking regulations and no parking space variance is required.”

RESOLUTION # 37 - 2022

Motion by: Tom Price

Seconded by: Jose Hilario

Motion Carries: All

Jose Guareno entertained a motion to close the Public Hearing.

RESOLUTION # 38 - 2022

Motion by: Ramon Soto

Seconded by: Tom Price

Motion Carries: All

With no further questions or comments from the Board Attorney Michaels prepared the following for the Board’s approval:

“Approve a front yard depth area variance, a proposed 8 foot front yard setback, Village Code requiring a minimum of 20 feet.”

As recited by legal counsel

RESOLUTION # 39 - 2022

Motion by: Tom Price

Attorney Michaels asked Mr. Price for confirmation of the following findings:

- That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of this variance(s)
- That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance(s)
- That the requested area variance(s) is not substantial
- That the proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district

- That the alleged difficulty may be self-created, and this fact has been considered, it was not in and of itself enough to make a motion to deny this application
- An additional reason is to support overriding Modification # 3 of the Rockland County Planning Department GML Review

Tom Price responded affirmatively on all.

Seconded by: Ramon Soto

Roll Call:

Jose Guareno	Yes
Jose Hilario	Yes
Tom Price	Yes
Ramon Soto	Yes

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 # 40 - 2022

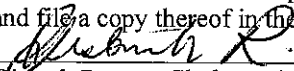
Motion by: Tom Price

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

