The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on January 21st, 2025 beginning at 7:00 PM.



PLEDGE OF ALLEGIANCE

ROLL CALL :

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

Acting Chairman Tom Price indicated that there were two items on the agenda, Tilcon located at 120-141 Riverside Avenue and 57-59 Sharp Street. He asked the representatives of Tilcon to approach first.

Brian Tipton on behalf of Tilcon NY, Inc., Mr. Tipton stated that they had received site plan approval the week prior from the Planning Board. He stated that they were looking to build a new building and then tear down the old one when finished. He added that they were seeking three variances.

Ms. Ramos asked if the public hearing had to be opened.

Attorney Michaels stated that it did

Acting Chairman Price entertained a motion to open the Public Hearing for Tilcon NY, Inc. located at 120-141 Riverside Avenue.

RESOLUTION # 1 - 2025

Motion by: Ramon Soto
Seconded by: Richard Santiago
Motion Carries: All

Wayne Ingram representing Tilcon NY, Inc., stated that they had an existing lab and breakroom building, five feet from the property line. He added that they were proposing to demolish the building because it was in poor condition and replace it with a slightly smaller building off to the side of the existing building. Mr. Ingram explained that the current building had to remain operational while they construct the new building to keep their lab compliant with the state, which was the reason for the location of the new building. He continued by stating that they would provide fourteen parking stalls. Their main goal was to work within the limited area that is below the large retaining wall because otherwise the topography of the site would be inaccessible. The new building would be 8.54 feet from the street whereas the current building was about five feet from the street so that was one of their variance conditions. He stated that it was a unique property in terms of the setbacks because the setback line was at the rear of the existing building. He added that they would not have somewhere to locate it similarly because of a block wall just south of where they were was the delineation of where the property rises straight up which was the explanation for the location of the new building. The second variance was for a seven-foot fence, he stated that the rest of the fence on the frontage was also seven feet tall, so they were just trying to match it for consistency. The third and final variance was so that they could put the trash enclosure in the front yard. They discussed other locations with the Village's engineer Eve Mancuso but with the 50-foot setback, there was not really any other space where they could locate it. The other location they looked at made it difficult to access the trash enclosure. He stated that where they were proposing to locate the trash enclosure was behind the evergreen tree row which would help screen it and it would face into the site instead of out.

Acting Chairman Price asked if any or the members had any questions or concerns.

Members replied that they did not.

Acting Chairman asked if anyone from the public had any questions or concerns.

Speaker #1 asked where the property was located.

Acting Chairman responded that it was on Riverside Avenue.

Attorney Michaels asked if anyone else had any questions, comments or concerns regarding Tilcon NY, Inc., located at 121-141 Riverside Avenue.

There was no response.

Attorney Michaels stated that no one else from the public had any comments. He advised that the members ask questions if they needed to and if they did not, they could close the public hearing.

Members stated they were ok with the project.

Acting Chairman Price entertained a motion to close the Public Hearing for Tilcon NY, Inc. located at 120-141 Riverside Avenue.

RESOLUTION # 2 - 2025

Motion by: Jose Hilario
Seconded by: Richard Santiago
Motion Carries: All

Attorney Michaels stated that the Acting Chairman could informally poll the board to see if they were in favor or not of the application.

They stated that they were.

Attorney Michaels stated that based on the unanimous consensus of being favorable to the application, it was his legal opinion that would be procedurally appropriate for any one of the members to make a motion to approve, he added that if anyone of the members agreed they could adopt his legal opinion as their own motion by simply saying so moved as recited by legal counsel. He stated that they could disagree with his opinion, modify it, change it, or completely come up with their own motion. The motion to approve would be for all of the area variances that are set forth, depicted, shown and illustrated on a set of drawings and plans. The first set consists of eight pages enumerated 1 through 8 consecutively and successfully, all under the signature and seal of Wayne J. Ingram, P.E., all most recently dated December 9th, 2024. He added that there were two more sheets. One sheet was a survey, enumerated 1 of 1 under the signature and seal of Kenny L. Kevin as a NYS licensed land surveyor, most recently dated August 22nd, 2024.

Lastly, another single sheet not signed or sealed by was indicated as drafted by Cassone enumerated A-101, most recently dated July 15th, 2024, entitled "Tilcon 36X60 Office Unit". He stated that motion would include 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

Ms. Ramos reminded Attorney Michaels of the GML letter from the County.

Attorney Michaels stated that he was unaware there was one. He stated that references made to their motion would also include reference to the Rockland County Department of Planning letter addressed to the Zoning Board of Appeals dated December 16th, 2024, submitted pursuant to NYS Municipal Law 239 L&M, which he would refer to as the GML letter or GML report. He added that the GML letter recommended four modifications, there were a total of 7.2 comments but the first 4 were the only real recommended modifications. He stated that 5-7.2 were just a regurgitation of what the law requires of the applicant. He added that 5-7.2 must be complied with and cannot be overridden. As far as comment number one it referenced the Town, he asked Ms. Ramos if they were given a chance to comment on the application.

Ms. Ramos responded that they were.

Attorney Michaels stated that comment number 2 referenced the NYS Department of Transportation and asked if they were given the opportunity to review the application.

Ms. Ramos responded that they were.

Attorney Michaels continued and stated that comment number 3 stated that a review by the Palisades Interstate Park Commission must review the application. He added that he would recommend an override of comment number three because the Zoning Board of Appeals cannot force the Palisades Interstate Park Commission to do anything, they cannot force them to review the application. Attorney Michaels asked if number four had been corrected by the applicant.

Mr. Ingram responded that it was.

Attorney Michaels stated that it was his legal opinion that they override the recommended modification number three of the Rockland County's December 16th, 2024 GML report. He stated that if anyone of the members agreed with his opinion they could adopt it as their motion to approve. He added that if they had any questions or needed to modify his motion they could do so.

RESOLUTION #3 - 2025

So moved as recited by legal counsel: Kathleen Porter
Seconded by: Richard Santiago
Motion Carries: All

The Acting Chairman invited the applicant of 57-59 Sharp Street to approach the board.

Attorney Michaels asked if a public hearing needed to opened.

The Acting Chairman entertained a motion to open the Public Hearing for 57-59 Sharp Street.

RESOLUTION #4 - 2025

Motion by: Jose Hilario
Seconded by: Ramon Soto
Motion Carries: All

Harry Leifer, applicant for 57-59 Sharp Street, explained that the building had been vacant for over a year and was a legal rooming house/halfway house. He was looking to make the dwelling a more conforming use, a safer use for the neighborhood by converting it into a nine apartment dwelling. He added

that the Village engineer recommended that he request another variance for fourteen parking spaces instead of eighteen parking spaces. He stated that there would be nine units, four of the units would be one bedrooms so they would not require more than one parking spot, so in his opinion four parking spaces were enough. He added that typically in his properties they do not allow more than one vehicle per unit as per their lease. He stated that he also owned a property across the street from 57-59 Sharp Street and that if there were ever a need for more parking for a guest or something that they could use that parking area.

Attorney Michaels stated that the current public hearing did not include the parking spaces because it was not published, it was not noticed for a public hearing. He explained that Mr. Leifer would have to come back for a different public hearing for the parking spaces. He added that the Zoning Board of appeals was reviewing 245-30 paragraph B entitled "Change of Use" any nonconforming use by be changed to any conforming use or an application to and with the approval of the Zoning Board of appeals to any use which the Board of Appeals deems to be more in the district in which the said change of use is proposed. He stated that Mr. Leifer had a nonconforming use; the Zoning Board of Appeals had the authority to or discretion to change that nonconforming use to any use that the board deemed more in keeping with the surrounding neighborhood even if another nonconforming use is being requested. He continued that it did not have to be changed to a conforming use. He added that if an applicant were to request to change the nonconforming use to a conforming use, they would not require approval from the Zoning Board of Appeals because it would not require a use variance. He stated that it might need bulk variances, for height, setback or lot coverage. He stated that the board might want to ask the Mr. Leifer to describe what was currently at 57-59 Sharp Street or members of the neighborhood to describe what the neighborhood was like if the board members weren't already familiar with the neighborhood.

Mr. Hilario stated that Sharp Street had a parking problem.

Unknown speaker stated that the proposed apartments would affect the parking even more.

Attorney Michaels stated that the members of the public needed to wait until the public was invited to speak and that each person would have to identify

him or herself with their address and he believed the Chairman was going to limit them to a certain period of time.

The Acting Chairman responded two to three minutes per person.

Attorney Michaels asked that each person go one at a time.

Mr. Hilario asked how many parking spots were being proposed.

Mr. Leifer stated he was proposing nine units with fourteen parking spaces, eighteen parking spaces being required but he added that four of the units were single bedroom therefore the tenants would not require more than one parking space. He stated that there weren't many dwellings in Haverstraw with nine units that had fourteen parking spaces.

Mr. Santiago asked if there were any two bedroom apartments.

Mr. Leifer responded that there were four two bedrooms, one three bedroom and four one bedroom. He stated that they never allow any tenant more than one vehicle per unit. He added that he had spoken to multiple people in the Village and they all had the same opinion of wanting rooming houses to go away because they cause problems to the neighborhood and tenants don't get screened. He added that instead of bringing in thirty to forty people to live at the halfway house they could put in nine apartments and bring in nine families.

Acting Chairman Price asked if there was an alleyway that went through the parking lot.

Mr. Leifer stated that there was an easement to the next property which they would not be disturbed. He stated that if it remained fourteen spaces then everything would be the space. He added that the nine apartments would benefit the area.

Attorney Michaels asked Ms. Ramos if the parking variance was on the agenda.

Ms. Ramos responded that only the conforming use was on the agenda and set for public hearing. She added that another public hearing needed to be scheduled for the parking variance the following month.

Attorney Michaels asked if the members felt comfortable making a decision or if they had questions for the Inspector.

The Acting Chairman asked if it was a better idea to make the decision to approve or deny both variances the following month for the next public hearing, especially because the inspector was not in attendance so they could not ask any questions.

Attorney Michaels stated that it was up to the board if they wanted to hold off. He added that it would be a great inconvenience to Mr. Leifer if he didn't need to come back to the board but he did so there was no harm in making both decisions together.

Acting Chairman Price asked if notices had to be sent out again.

Attorney Michaels responded that notices did not have to be sent out for the continuation of the current public hearing. He added that notices would have to be sent out for the parking variance public hearing.

Mr. Leifer asked if in the next board meeting he could get a definitive answer whether or not they'll permit the more conforming use.

Attorney Michaels stated that the members would like to hear from the inspector who is more familiar with the property before they make any decisions.

The Acting Chairman stated that he was not aware the inspector was not going to be there. He added that he'd prefer if he was in attendance and that the neighbors would have to come back the following month.

Attorney Michaels stated that they could speak at the current public hearing if they wanted to.

Acting Chairman Price stated that when the neighbors approached the board they had to state their name and address.

Lenon Candelario owner of 62 Sharp Street stated that he's been a resident of the Village for about 12 years and that he's worked for a utility company for the last 10 years. He added that the halfway house was basically

considered a two-family dwelling because of the utility systems they had, they only had two service lines for gas. He stated that since he moved into the Village he had never seen any malicious or bad behaviors come out of the halfway house/boarding house. He added that he was opposed to the nine apartments because of overpopulation and no parking available on the street. He continued that just himself had three vehicles, two personal and one company and he could barely find parking, sometimes had to park on Hudson Avenue. Mr. Candelario stated that if the nine apartments were to get approved, it would be close to 30 people living in the dwelling meaning that they would have two to three vehicles per family. He stated that he attended a Village Board meeting to see if Sharp Street could become alternate side parking like other streets unless snow was on the forecast. He added that he moved away from the city due to overpopulation and he believed the same thing was going to happen here. Finally, he stated that the maximum number of families it should be was two.

Jeniffer Peralta, homeowner of 63 Sharp Street stated that similar to what Mr. Candelario stated she moved into the Village for a better quality of life for herself and her children. Ms. Peralta added that her children were still small that she could notice the changes occurring throughout spring and summer from the houses that were bought to rent out and not be lived in by the homeowner. She stated that sadly when you rent you have no control of what the tenants do. She added that the nine apartments would create more traffic in an already small area. She reiterated that she was concerned for her children's safety, along with the parking and traffic, traffic of not only cars but people as well. She stated that she was extremely opposed to the application.

Marisol Santana, homeowner of 60 Sharp Street, stated that she had been living there for 20 years. Ms. Santana stated that the boarding house never gave them any problems. She added that she was completely against the application because of the number of people that it would bring in. She added that the area consisted of one and two family dwellings. She asked the board to themselves in her position and stated that none of them would feel comfortable if a nine unit building were approved near them. She added that she used to live on Broadway but had to move due to the noise and that if the nine units were to get approved it they would be creating the same problem again.

Jose Santana, homeowner of 61 Sharp Street, stated that he had been living on Sharp Street for the past 24 years. He added that 57-59 Sharp and him share the parking lot, he stated that his only access to his parking lot was through Mr. Leifer's parking lot. Mr. Santana stated that the number of parking spaces being proposed did not seem correct. He stated that the most parking spaces Mr. Leifer had were 10 spaces and that maybe he was also counting Mr. Santana's spots as his. He added that he was not in support of the project for many of the reasons his neighbors already stated, especially there not being any parking. He stated that the maximum number of families the board should approve of was two or three.

William Lopez resides at 65 Sharp Street and stated that the halfway house was never a problem, he added that it was the opposite, if the neighbors needed help the folks from the halfway house would help. He stated that the halfway house had rules which were complied with. Mr. Lopez stated that he disagreed with Mr. Leifer when he stated that the nine units would better the area, instead would create more problems.

Gil Carlevaro, Deputy Mayor of the Village of Haverstraw, stated he understood the concerns of the neighbors. He then asked the neighbors if they were familiar with the rooming house on New Main Street and stated that the halfway house could turn into that same scenario. He added that the residents of the New Main Street rooming house hang out in front of the property all day long and smoke and make noise near the circle across from them. Deputy Mayor Carlevaro added that the fire department and police department are always called out to that property. He stated that there were good and bad landlords, and that Mr. Leifer was considered a good landlord. He added that in his opinion what Mr. Leifer was proposing to do was a lot better than renting each room out individually.

Marisol Santana stated that in her opinion, Sharp Street was the wrong area for a rooming house as well.

Deputy Carlevaro stated that it was already zoned to be a rooming house.

Mr. Leifer was that the building was over 7,000 square feet so if they were to split the dwelling into two apartments, the apartments would be 3,500 square feet each. He also was confused about why the neighbors kept stating that there would be thirty to forty people living at the dwelling. He added that he was proposing four one bedroom apartments and that he only allowed for

one tenant per on bedroom apartment. He added that he believed the maximum number of people to live in the proposed building was about eighteen. He stated that he would submit a site plan showing that they could have the fourteen parking spaces. He added that if there were cars parked there currently that they were parked there illegally. Mr. Leifer stated that Open Arms used to run the facility and that they did a great job doing so but they closed so they were no longer going to be occupying the dwelling. He added that what he was looking to do would be better than what could happen, which was for the halfway house to turn into a thirty to forty room rooming house.

The Acting Chairman asked if anyone had any comments.

No one answered.

Attorney Michaels stated that they continue the current public hearing the next month and that the members had to schedule another public hearing for the parking variance. He added that with Mr. Leifer's consent the public hearing would remain open and continue the application at the next Zoning Board of Appeals meeting.

Mr. Leifer agreed.

Attorney Michaels announced that the public hearing would remain open until the next Zoning Board of Appeals meeting and that the neighbors would not get another notice in the mail.

Unknown neighbor stated that he never received a letter.

Attorney Michaels asked them to speak to her after the meeting to see if they were on the mailing list. He stated that the neighbors might get a letter for the parking variance requested.

With no further business to be conducted by the Board, Acting Chairman Price entertained a motion to adjourn the meeting.
RESOLUTION # 5- 2025

Motion by: Ramon Soto
Seconded by: Jose Hilario
Motion Carries: All

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

