The Meeting of the Village of Haverstraw Zoning Board of Appeals Meeting on July 15th, 2025, 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 Present
- Ramon Soto Present
- Gisbeth Ramos (Clerk to the ZBA) Present

Chairman Guareno - 12 Fairmont Avenue. Please step forward and state your name.

John Perkins -Good evening, I'm the architect for the project. Preliminary drawings for review. We are not allowed public hearing just yet. We have to go through the process of getting a negative declaration. So we're here tonight as an informal way to present the basic idea of the project.

Chairman Guareno - Dennis, are there any special requirements for this application within that zone?



Attorney Michaels - Maybe, be more specific.

Inspector Berrios - Well, the only thing is that they have to get a special permit from the Village Board for apartments above commercial in the CBD district.

Member Price - Are they keeping the footprint of the building?

Mr. Perkins - Yes, same footprint. So presently it is a garage over 12 Fairmount rate adjacent to the commuter lot. We intend to add two stories above the existing garage space, which will be converted from commercial garage use into a laundromat. The access to the building will be accessible from the right hand side as you approach at the main door for the residences on the far right, so a private vestibule and stair to the second floor. Access to the laundromat will be centered at the front and at the rear, with laundry machines, laundromat at the front, with office for the laundromat at the left hand side, the two residential floors above will be two bedroom units, and there will be two per floor, one at the front, one at the back, each of them have, again two bedrooms, two full baths and kitchen, living room space, and kind of a mirror image from the second floor to the third floor. So the building itself is probably going to need a little bit of structural TLC when we do the renovation. So we have anticipated doing a kind of a superstructure on the interior of it to support the two additional floors, because if you've seen the condition in the building, it's a little shaky, but we're going to maintain the exact same footprint when I expand it in any way other than up. So those are the floor plans themselves. The elevations will be a little bit more pleasant than what's there currently. As you can see. This is the front view, entrance to the residences, entrance to the laundromat, three double windows across the front with a triple window above at the third

floor, mirror image at the back. This is the laundromat. These are the residences and residences above at the right hand side of the building, there is the residence very close to the problem cycling the setbacks almost like a footer or two on the right hand side, we didn't ask for any fenestration or openings, just for fire separation control. At the left hand side, double hung windows and a limited amount of double hungs. At the second floor, with the laundry mat at the first floor, we anticipated trying to create all of our ventilation ducts out the side towards the commuter lots, and we're not disrupting anyone.

Member Price - Parking?

Mr. Perkins - We have currently three accessible spots. We're going to need more, so the anticipation is probably to ask for a lease of those.

Member Price - But that's mostly village spots, right?

Inspector Berrios - Correct, that's a village parking lot.

Mr. Perkins - On our property we have three

Inspector Berrios - Yes, he's going to have three spots that they have on our property, but it's adjacent to the village parking lot.

Member Price - Are their space in the front?

Mr. Perkins - No, they will be parking behind.

Inspector Berrios - You are going to need a height variance as well.

Mr. Perkins - Most likely. Average height is to the middle of the slope on this roof, so it's right about here, and that measures 39.6. The first floor is 10 feet. The second floor is eight feet. The third floor is eight feet. So they're not excessive heights. It's just the structure that's required to span across that is roughly going to be probably between two feet and three feet for each floor.

Chairman Guareno- The Village Board will be involved in this as well right Dennis?

Attorney Michaels- Yes, they are the lead agency under SEQRA, which means as Mr. Perkins commented, you cannot approve this. You can schedule a public hearing. You can hold a public hearing. You cannot approve it, if you are inclined. Until the Planning Board adopts a negative declaration.

Chairman Guareno entertained a motion to set 12 Fairmount for a public hearing on August 19th, 2025

RESOLUTION # 25- 2025

Motion by: Richard Santiago
Seconded by: Tom Price
Motion Carries: All

Chairman Guareno - 148 Hudson Avenue can come forward, please state your name.

Johana Chacha - I'm here because, five years ago, I came and so we could do the backyard and build an addition, you guys approved it. We completed the backyard but never started the addition. Now we decided we would also like to do the second floor.

Inspector Berrios - It's just two stories. You guys granted the variances that she needed for the small addition, and now they've decided that they haven't built it yet. They decided they want to put a second floor as well. So that's why she's just to amend the original.

Chairman Guareno- Are there any kitchens on the second floor?

Ms. Chacha - No.

Chairman Guareno- Only a bedroom and bathroom?

Ms. Chacha - Yes, only one room.

Member Porter - She got the variances that she needed to extend out a small addition, but they haven't built it yet, correct?

Inspector Berrios- Correct, they only got to do the backyard renovation. Now they decided they also want the second floor.

Chairman Guareno entertained a motion to set 148 Hudson Avenue for a public hearing on August 19th, 2025

RESOLUTION # 26 - 2025

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

Chairman Guareno - 147 Route 9W, please step forward and state your name.

Chairman Guareno entertained a motion to open the public hearing for 147 Route 9W.

RESOLUTION # 27 - 2025

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

Chairman Guareno - It is a public hearing so anyone from the public in favor or against can come forward.

Jacob Hicks - I'm the applicant representative, of the, NY LLC doing business as KUSHMART. We're here with three separate variance requests. Last night,

we got an amended site plan approval from the planning board, and we've taken feedback from Rockland County as well into our plans. We're in the HB zone, and the gross square footage is 2,584 square feet. I'm joined here with Arlenis Dominguez, she is the architect on the project, and Stark, who's the traffic engineer on the project. The first variance that we are seeking is a variance regarding the fence, which is a requirement from the village's cannabis ordinance requiring a fence to be surrounding the property. We don't feel as though that kind of aligns with the character of the neighborhood, and in speaking with the Village Board as well as the Planning Board and this board as well, we decided to put a fence, or request to put a fence on the north side of the building where the residential apartment buildings are placed. And that would be a 110 foot long fence, vinyl fence stretching from four feet by the street, and then in the rear six feet, that's our first variance. Our second is the width of the existing parking spaces that are there. We'd like to keep it at 9 feet, the Village requires 10 feet. We believe that passenger vehicles have plenty of space with 9 feet. And then our third and final variance is a parking space variance. Currently what exists there is 10 spaces. We're required to have 20. We had originally tried to add an 11th spot, I believe, when we first came to see you guys, but had two that ended up being on the highway right of way. So we reconfigured and found a way to keep the 10 existing.

Chairman Guareno - Any concerns with the Rockland COunty planning review?

Attorney Michaels - No, the applicant does not need any overrides. They can comply with all of the recommended modifications from the Rockland County Planning department's report dated May 29 2025.

Member Price - Are most orders placed online?

Mr. Hicks - Yes, over 50% of our orders will come online. And we've also added a curbside delivery spot. We think that's going to free up the traffic flow even more. But yeah, almost 50 to 60% of the orders are based online, and we have a designated kiosk as well inside to pick up an online order. So the average time for someone who goes in and doesn't know what type of product they want is around eight minutes. But as I said, 50% of our customers will be able to get out, some not even in the stores, with curbside pick up, like, two minutes.

Member Porter - This is the tire place, correct?

Mr. Hicks - Yes

Member Porter - Okay, so can you explain the fencing part again? So you're saying initially that you're supposed to have the fence, but you're trying to get the variance to only have the fence on one side.

Mr. Hicks - Just on that one side. I think there's residential apartments on the second floor of that area.

Member Porter- How would you balance out the other side?

Mr. Hicks - Well, we changed it's actually a wooden fence that I believe exists there today, and we're going to make it final. The cannabis ordinance, I believe, is also being re-looked at because we didn't want to cover the

entire property with the fence, and not, you know, have any signage. So we kind of landed on having it just on that residential side to protect the privacy and security of the folks that were there.

Inspector Berrios- The law that they passed for dispensaries requires that they have the entire place fenced in. They copied that law from somewhere else. They're looking to amend that, because it doesn't make sense. But in the meantime, it's still required. They need a variance.

Member Price- But how would you balance it out? You don't have one fence on one side, but you do the other question, I'm just curious.

Mr. Hicks - We would like the least amount of fencing possible. Honestly, we don't want to block any view of the store, which we're putting a lot of effort into, making it look very aesthetically pleasing. So we didn't want to block that as well as the signage too.

Inspector Berrios - It's commercial on the other side, so it's just going to be on the resident's side.

Mr. Hicks - In the back of the facility there's a pretty big tree line, a large tree line, so kind of like a natural barrier like fence.

Attorney Michaels - Just clarifications.If the board is inclined to approve your application, I help them verbalize a motion to approve with conditions, and I usually just make reference to a bulk table that that you know, where

the variances that are required and that are being approved are, you know, set forth, you know, written. And the bulk table shows that no variances are necessary, except for the off street parking requirement. So my first question is, it looks like you're short, 12 spaces, 22 are required and you're proposing 10.

Mr. Hicks - I actually believe it's 20 the from the butters notice. But we had originally estimated two. But I believe that the letter's notice might have 20 on there because we did it based on a net, and they asked us to change it to gross.

Attorney Michaels - So, for the board and for the record, 22 off street parking spaces are required and 10 are proposed. So you would be granting a variance for 12 spaces.

Member Price - I thought you were making one more.

Arlenis Dominguez - There were 11, but 2 of them were on the highway right of way. So we adjusted that and we were able to squeeze in one more. We also added an ADA spot.

Attorney Michaels - Also, I don't see any reference to the fence variance that we've been chatting about, you know, the past few minutes, how it's, I think you said it's only going to be installed on the north side. Is that shown anywhere on the plans? It's okay if it's not.

Ms. Dominguez - The fence is shown.

Attorney Michaels - What page is that?

Ms. Dominguez - T-100

Attorney Michaels - My apologies. There it is, okay. Ruben, what section of the code are they asking a variance from, it talks about the fence having to go around the entire property.

Member Porter - It's on the first page, at the bottom.

Attorney Michaels- Thank you Kathleen. 245-14(u) . The third last question is, the spots of space size, instead of 10 feet going to be 9 feet wide? Is that in the drawing somewhere?

Ms. Dominguez - We do show 9 by 18.

Attorney Michaels - All right, that's it. Thanks.

Chairman Guareno- Any of the concerns on the floor questions for the applicant?

Member Price - The building is itself, is not changing, correct? Are you just redoing it?

Ms. Dominguez - Same footprint? We are changing aesthetically, which we went to the Architectural Review Board for.

Chairman Guareno - Since there are no other questions or concerns for the applicant. I'll entertain a motion to close the public hearing for 147 Route 9W.

RESOLUTION # 28 - 2025

Motion by: Tom Price
Seconded by: Kathleen Porter
Motion Carries: All

Attorney Michaels - Is there plurality of or majority of you, feeling favorable toward the application. I don't want to put words in your mouth before I suggest a motion. I need to know how you guys are feeling generally favorable.

Board Members Yes.

Attorney Michaels - So based upon that, it's my legal opinion that would be procedurally appropriate for anyone of you to make a motion to approve this application. Which is for the address is 147 route 9W the applicant is OKKERSNY LLC. That's spelled o k, k, e r s n, y L L C. I'm doing this for the benefit of the transcriber, if you're wondering why. That is the applicant's

name, and it's proposing a cannabis dispensary. And the application to this board is to approve three variances as set forth, described, depicted and illustrated on three sheets of drawings and plans. And they are enumerated A-100 A-101, and T-100, and they are stated as drafted by the architect of record, Arlenis Dominguez and her New York state license number is 043511, all most recently dated on all three sheets. May 16, 2025 and the three variances are number one is the fencing that is required by section 245, 14, paragraph U as an umbrella, subparagraph two and sub subparagraph B as in boy. That's a little b, lower case b as in boy. So again, 245, 14, paragraph, capital, uppercase U, sub paragraph two and sub, sub paragraph, lower case b as in boy, and more specifically, the fence that will be installed and which this board will be approving, which requires this variance will be on the north side right, moving the north side of the lot, extending the length of the North side of the lot, on the property boundary on the north side of the lot, and it's shown on page T-100 and the fence will be installed in compliance. I think it has to be opaque. Ruben, does it have to be an opaque fence that cannot be seen through?

Inspector Berrios - That's correct.

Attorney Michaels - In accordance with that section of the code that I just recited a few seconds ago. But it will only be running along the northerly boundary of the lot. The second variance is for parking spaces. So instead of the 22 off street parking spaces, only 10 are proposed. So you would be granting 12, a variance of 12 off street parking spaces that otherwise would have to be, provided you're only allowing 10, when 22 is required. And also with regard to the parking spaces, the third variance is the space . 10 by 20 is required. So where 10 by 20 is required for each accessory off street parking space, you're allowing 9 by 18 for each parking space. Those are the three variances, and also as depicted and set forth and illustrated on a land survey under the signature and seal of John R Atzl as a New York State Licensed land surveyor. And that's most recently dated, April 30, 2025

so those are the three variances you're granting or would be approving. And we made reference to the rocking county department plannings GML report dated May 29 of 2025 no overrides are being requested. So all of the recommended modifications, and they are numbered one through seven, will be made conditions of the approval. So again, the recommended modifications numbered one through seven of the Rockland County planning departments May 29 2025 GML report will be made conditions of the approval. And you are also determining your findings that an undesirable change will not be produced in the character of the neighborhood and the detriment to nearby properties will not be created by the granting of the area variances. You're also finding that the benefits are by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than by the granting of these area variances. You're also finding that the requested area variances are not substantial. You're also finding that the proposed area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And you're also finding that although the alleged difficulty is self created, this was something that you considered, but in and of itself, was not enough for you to decide to deny the application. So all of those findings would be part of the motion if any one of you should choose to adopt this motion as your own. So with that said, if any one of you would like to adopt my legal opinion as your own motion, you only need to say so moved as you're signed by legal counsel, or if you'd like to discuss, if you have any questions for me, or anything you'd like to add or detract or modify what I said, please feel free to do so we can modify it.

Member Porter - Can I ask a question about the parking? I mean, do they have ADA parking?

Ms. Dominguez - Yes, we do. We have one spot for ADA. Then it states that there'll be like three employees possibly having spaces then your down to, like seven spots, per se.

Mr. Hicks - That's correct, yes, but we'll have incentives for employees to carpool, or take other means of transportation, such as the bus.

Ms. Dominguez -I also want to add that half of the floor footprint is a vault, so no one can really enter there, except for one person at a time. We did have to take the calculation based off of the gross square footage of the building, but really half of it is mostly occupiable.

Mr. Hicks - The vault is where all the product is stored. It functions more like a bank than our traditional resale space, so there'll be less people that can connect to the facility.

Member Porter - Thank you.

Attorney Michaels - Any modifications to what I said based upon what you've just heard?

Member Price - No modifications, and I'll make the motion to approve, as cited by legal counsel.

RESOLUTION # 29 - 2025

Motion by: Tom Price
Seconded by: Kathleen Porter
Motion Carries: All

ROLL CALL
Jose Hilario- Yes
Kathleen Porter- Yes
Tom Price- Yes

Richard Santiago- Yes
Ramon Soto- Yes
Jose Guareno- Yes

Chairman Guareno entertained a motion to approve the minutes for June.

RESOLUTION # 30 - 2025

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

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

RESOLUTION # 31 - 2025

Motion by: Ramon Soto
Seconded by: Richard Santiago
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

RECEIVED
DEC 8 2025
VILLAGE CLERK
HAVERSTRAW, NY