The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on May 20th, 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)	Excused
• Jose Hilario	Present
• Tom Price	Present
• Kathleen Porter	Present
• Richard Santiago	Present
• Ramon Soto	Absent
• Gisbeth Ramos (Clerk to the ZBA)	Present

Chairman Guareno invited the first applicant to address the board, the homeowner for 49 Leonard Street. He also entertained a motion to open the public hearing.

RESOLUTION # 17- 2025

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

Letisha Graham, homeowner of 49 Leonard Street explained that she was looking to add an addition to the back of her house.

The chairman asked if the members had any questions. He stated that Ms. Graham was proposing to construct a sunroom addition and that there was currently a deck.

Mr. Santiago asked if Ms. Graham was staying within the same footprint of the deck.
Ms. Graham responded that it was a little bigger than the deck.

The chairman stated that if anyone had any questions, concerns or comments regarding 49 Leonard Street, they were welcome to do so.

RECEIVED
DEC 8 2025
VILLAGE CLERK
HAVERSTRAW, NY

No comments from the public.

Ms. Porter asked if there were pavers.

Ms. Graham responded that there were pavers.

Ms. Porter asked if it was a single family dwelling or if it was a townhouse.

Ms. Graham responded that it was a townhouse.

The chairman entertained a motion to close the public hearing.

Chairman Guareno invited the representatives for 147 Route 9W to approach the board.

Kerrie Larsen with Tenax Strategies consulting firm based out of Massachusetts they work specifically with cannabis operators across the nation to obtain permits, approvals and state licensing. She added that she had specifically worked with nine operators in New York.

Attorney Michaels stated that they were looking to schedule the public hearing, and a site visit possibly.

Chairman Guareno asked if variances and a special permit were required.

Ms. Larsen responded that variances were needed.

Attorney Michaels responded that the special permit required was from the Village Board of Trustees not the Zoning Board.

Ms. Larsen stated that they needed a total of three variances. The first variance was for the width of the individual parking spaces, which was existing nonconforming at nine feet rather than the required ten feet. The second was an area variance for the number of parking spaces available on the parcel. The three variance was for the fencing requirement set forth by the Village Board for cannabis applicants.

Ms. Porter asked if that was where the auto place was.

Ms. Larsen responded that it was currently a tire shop, right next to the gym and to the left of the old animal hospital. She added that they currently had ten to eleven spaces, and they were looking to expand that to eleven spaces with a van accessible ADA space. She continued by stating that the entity was licensed by the Office of Cannabis Management in April 2024 and they notified the Village of their intent in February 2025. She stated that they had gone before the Village Board and Planning Board. She added that in front of them they would find the updated plans which included some changes requested by the Village Board and Planning Board. The changes included the request for curb side pickup and online ordering to reduce the congestion in the lot. She continued by stating that there was a designated spot for curb side pickup.

Ms. Porter pointed at a rendering and asked if that was what it would look like.

Ms. Larsen responded that they still had to go in front of the Architectural Review Board.

Chairman Guareno asked if the members had any questions.

Mr. Price asked Attorney Michaels if the dispensaries had to be a certain distance from each other.

Attorney Michaels stated that there was certainly a state regulation.

Ms. Larsen presented a map. She stated that the buffer distance in the Village was 2,000 feet and that they were 2,000 feet away from all dispensaries around them.

Chairman Guareno asked about the parking spaces increasing.

Ms. Larsen stated that not much was changing on the lot, there were currently ten to eleven spots, and they were going to be insuring eleven spots and adding an ADA van space. She added that there was dirt and debris on the eleventh spot but after they clean off the lot it should be accessible. She stated that as per the code they were required to have twenty-two spaces, and they were providing twelve.

Mr. Price asked if they had other businesses similar to the dispensary.

Ms. Larsen responded that they represent other cannabis operators across the nation and work with a lot of operators in the state of New York.

Mr. Price asked if they do research to see if there is a need for that kind of thing in our Village.

Ms. Larsen stated that their client picked that location because they wanted to operate out of the Village, but they did not work with him regarding the site selection; they are just helping with the approval process.

Chairman Guareno asked if smoking was going to be allowed on the premises.

Ms. Larsen responded that there would not be any smoking allowed on premises. She added that the Village Board asked for more signage which was a notice of no on-site consumption. She added that smoking on the premises would require them to get additional licensure, and they were not looking to do that.

Mr. Price asked if the building was purchased already.

Ms. Larsen responded that they were in the process but that it was still open as the tire shop.

Chairman Guareno entertained a motion to schedule a public hearing for 147 Route 9W on July 15, 2025.

RESOLUTION # 18- 2025

Motion by: Tom Price
Seconded by: Jose Hilario
Motion Carries: All

Chairman Guareno invited the representative of 30 Riverside Avenue to address the board. He also entertained a motion to open the public hearing.

RESOLUTION # 19- 2025

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

Frank Phillips, law offices of Phillips & Millman on behalf of the applicant, with Paul Gdanski engineer for the project. He stated that the property was in an R-1 zone which was a residential zone .29 acres, long rectangular lot. He added that his client was looking to construct a dwelling which was in conformity with the rest of the neighborhood: a single-family dwelling with two stories with a basement and attic. He stated that no special permit is required and that in the last meeting they offered a site visit but no one called Mr. Gdanski to meet him at the property.

Ms. Ramos responded that the members decided to go individually to the property but that they did see it.

Attorney Phillips added that they were requesting three variances. The first variance was for the side yard, 7 ½ feet were required and they were proposing 5 feet. The second variance was for total side yard, 15 feet were required, and they were proposing 10 feet. The last variance was for the maximum development coverage, 30% was permitted to be covered in that zone for that lot, but they were proposing to cover 36.7% therefore they required a variance of 6.7%. He stated that they did not need any more variances, the lot minimum lot area was nonconforming, minimum lot width, front yard, deck, rear deck, and the maximum building height would be below the 35-foot mark, 33.5 was required. He added that in addition to the plan and application, he submitted a supplemental memorandum of the law that went through the five-part criteria for getting an area variance. He stated that in that neighborhood there were undersized lots, there would be no adverse impact on the physical environmental condition. He added that a single-family dwelling was in conformity with the character of the neighborhood. Number two asked if the benefits sought could be achieved by another method, Attorney Phillips stated that the applicant had no other choice but to seek the area variance, the only other option was for the applicant to acquire additional property which was residential next to the lot. Number three asked if the area variances were substantial, Mr. Phillips stated that they were not, for the side yard they were looking for 2 ½ feet, for the maximum development coverage, code required 30% and they were proposing 36.7%, based on the numbers themselves he added that the variances requested were not substantial. Number four asked if the proposed variances would have an adverse effect on physical environmental conditions, the single-family use was prevalent in the area, so the use was similar to the rest of uses in the neighborhood. Number five asked if it was self-created hardship, he

stated that if there was any self-created hardship it did not deem denial. He added that the applicant purchased the property to create a single-family dwelling which was permitted in that neighborhood.

Mr. Gdanski stated that there would be a driveway in the front, dry wells would also be installed to collect the water from the roof leaders and provide drainage mitigation, and they would have to construct a retaining wall in order to level it out.

Mr. Hilario asked how many cars would be able to park in the driveway.

Mr. Gdanski responded two.

Mr. Price asked how they would hypothetically get the machines down there. Mr. Gdanski responded that they were going to have to bring in dirt, ramp it and then build the wall first and then continue with the house.

Ms. Porter asked about the width of the property.

Mr. Gdanski responded that the width of the property was their issue; that's why they needed side yard variances because they were 2 ½ feet short on each side.

Ms. Porter asked what the width of the house would be from the inside.

Mr. Gdanski responded 15 feet.

Mr. Price asked what the length was.

Mr. Gdanski stated that it should be in the architectural plan.

Chairman Guareno responded 67 feet.

Mr. Price stated that the building inspector was not present, but he had questions for him, for instance if and how long the road would be shut down because of the big trucks and because that particular road was very narrow.

Mr. Gdanski replied that they would have to follow whatever appropriate rules regarding shutting down the road.

Chairman Guareno stated that because it was a public hearing they were going to be inviting the residents to address their concerns or ask questions. He added that due to the amount of people they were going to be limited to two to three minutes each.

28 Riverside Avenue, adjoining property stated that he had lived there his whole life, his first concern was the blueprint provided was small, almost illegible. He added that he did not see anything regarding drainage or elevations.

Chairman Guareno stated that regardless of the outcome the applicant would have to comply with the Village's code regarding the drainage.

He was also concerned about the proximity of the property, and the width made it susceptible to damaging his property which was the house that abuts the property. He added that his house was built in 1986 for his mother who could not go up the stairs anymore, when he went before the Planning Board they got denied at first because it was an unsized lot but he told the Planning Board that in 1956 his grandfather owned a house there and so they made him dig to find the original foundation. He added that they also requested a geological engineer to survey the property and make sure everything on the hillside was going to hold. His biggest concerns were regarding safety issues because the house was on the hillside and so close to their property. He stated that he was also concerned about the length of the house, 67 feet long seemed excessive, and could be a detriment to the view. He also asked how far off the road the property was going to be. He also requested a FOIL of the meeting once the minutes were typed.

Chairman Guareno stated that he could submit that request to Ms. Ramos.

Mr. Gdanski stated that they complied with the height requirement and that the elevations were shown on the plan.

Chairman Guareno invited the next neighbor to address the board.

Jim 26 Riverside Avenue stated that his main concern was safety. He stated that night you could barely get by because of the parking situation. He added that Riverside Avenue was a very unique neighborhood and that lots of people go there for the trail. He stated that the proposed dwelling did not conform to the nature of what Riverside is, he stated that it would look like

the pencil homes in the city. Mr. Jim also stated that the fire trucks cannot get through their street during some nights.

Mr. Price responded that the fire department would be able to get there without a problem.

Catherine Fick at 23 Riverside Avenue stated that her main concerns would be the impact on the neighborhood, the construction and what that would do to their road access. She also stated that she worked from home, so the noise was going to be terrible, but her main concern was the access of the street because her partner was handicapped, and they already experienced the EMTs having difficulties coming down the road. She explained to Mr. Price that sometimes the EMTs can't get by let alone the firetruck.

Mr. Price responded that they did not have that issue on Riverside Avenue and guaranteed that the firetruck would go through in an event of an emergency.

Ms. Fick added that the increase in number of vehicles was also not good for Riverside because they were constantly blocking her driveway. She asked where the vehicles were going to go during the construction and where the workers would park their cars and she stated blocking the street should not be an option, especially when she lived with someone who was handicapped.

Stephanie Gorin 32 Riverside, another adjacent home. She stated that her concerns were unique. She stated that there was a topography survey and that the numbers only presented the elevations from the river but did not show that the property was incredibly steep. She reiterated that the steepness was a major concern. She continued by stating that none of the plans or documents indicate any awareness or concern regarding the steepness and that the lot was extremely narrow. She stated that she believed her property would get damaged in the process. Ms. Gorin stated that the steepness of the grade was also a concern and water run offs. She added that a few decades back when the owner of 28 Riverside Avenue was constructing their home, the construction caused earth rubble, debris and construction materials to slide down the hill over the subject project into her current property she was not the property owner at the time but the previous owner sued and won and also sued the Village and won because the Village was not receptive to the damages that the previous owner was experiencing. She stated that she did not want to be an alarmist, but she knew that would

also happen to her unless they came up with mitigation strategies. Ms. Gorin stated that due to the steepness of the lot there was a calculation for the grade plan from which the height of the house is measured, she added that she spoke to Ruben the inspector and that the height that was allowable for that home was 25 feet and 2 ½ stories. She stated that the numbers on the topography survey do not show the lowest points of the property which were incredibly low. She urged the board to see the property from her property and point of view.

Attorney Michaels and the Chairman stated that almost five minutes had passed.

Ms. Gorin stated that she was not finished and still had more concerns because she was uniquely affected by the project.

Chairman Guareno agreed but first asked if anyone else from the public wanted a chance to speak.

No one replied.

Chairman Guareno asked Ms. Gorin to continue.

Ms. Gorin that the proposed dwelling was out of character of the neighborhood. She added that the two adjacent houses to the property were very close to the road and that the proposed dwelling would protrude far into their backyards. She added that the house would be behind hers, which would make it look like a dam and then in turn affect her property value. She continued by stating that there were windows and decks overlooking her yard and she did not see any meditation for privacy issues. She asked the board to consider a site visit from her backyard; she requested a revision of the topography survey and urgently requested that the applicant come up with a mitigation strategy to address all of her concerns in terms of property damage.

Chairman Guareno stated regardless of the decision, the Village engineer and building inspector would be involved and aware of all of Ms. Gorin's concerns in terms of drainage and slope.

Ms. Gorin stated that she believed that it was already a forgoing decision that the building was going to be allowable.

Chairman Guareno stated that a decision had not been made, he was simply stating that if it were approved, her concerns would be addressed if not by the engineer, then the inspector. He stated that some of the concerns she brought up were more for the engineer and inspector, they were looking more at the variances requested. He asked Attorney Michaels if the project was also going to go before the Planning Board.

Attorney Michaels replied that it was going to the Planning Board and that all the concerns brought up by the concerned neighbor would be addressed by the Village engineer.

Ms. Gorin stated that she was concerned that the builder was not aware of our Village code. She added that the house that they designed was 3 ½ stories but only 2 ½ stories were allowed, she wanted to know why they did not require a variance for that.

Attorney Michaels stated that the building inspector was empowered to review land use applications, drawings and plans, if a variance was required that is the building inspector's determination. He added that the Village engineer also takes a look at it. He stated that if there was another variance needed that was not noted the building inspector ought to catch it and then they would proceed accordingly.

Ms. Gorin asked what her course of action would be if rubble and debris started falling onto her property.

Attorney Michaels responded that that would be a question for her own attorney. He stated that if she was an aggrieved neighbor she would have certain rights and that would be something an attorney could advise her on, he added that the building inspector might be able to help her with some of her questions but not the legal ones.

Jim of 28 Riverside Avenue stated that it was the first time he had heard about a retaining wall, so he wanted to know if it was going to be level to the grade that was currently there. He also wanted to know how tall the wall was going to be.

Mr. Gdanski stated that the wall was very tall.

Jim asked how tall.

Mr. Gdanski stated that it was going to be 17 feet on one side and 29 feet on another side.

Jim stated that the wall was going to be three stories tall.

Mr. Gdanski stated that in order to build anything on the lot they would have to put it in a retaining wall.

Mr. Price stated that there were some serious concerns that the professionals could not answer and they needed more clarity on, he added that they should make a motion to postpone the public hearing until next month.

Attorney Michaels stated that the public hearing would remain open.

Attorney Phillips stated that they understood the certain safety regulations that they had to follow, but a lot of the issues were engineering issues. He added that the Village engineer was very thorough and that the mitigation measures would be set forth by the engineer. He understood the concerns and stated that they were willing to address them from an engineering standpoint with the building inspector and Village engineer.

Attorney Michaels asked if the project had been viewed yet by the Village engineer.

Attorney Phillips replied that they had not gotten any comments from the Village engineer.
Attorney Michaels stated that it might be helpful if they go to the Planning Board at least for a preliminary report so that the Village engineer can give at least an initial report that might address some of the issues.

Chairman Guareno stated that based on Mr. Price's suggestion was that they were going to leave the public hearing open until next month.

Ms. Ramos asked if they could submit full size plans.

Attorney Phillips agreed.

Attorney Michaels asked when the next Planning Board meeting was.

Ms. Ramos stated that typical applicants had to attend TAC before the Planning Board and TAC happened to be after the Planning Board meeting.

Attorney Phillips asked Ms. Ramos to inform him of the next TAC meeting when she could.

Ms. Ramos stated that the next TAC meeting was also after the Zoning Board meeting.

Attorney Michaels suggested that they continue the public hearing until July so that Attorney Phillips had enough time to go TAC and possibly the Planning Board.

Ms. Gorin asked if she could get a response regarding the site visit.

Attorney Michaels stated that the next meeting after June was July 15th, 2025. With the consent of the applicants' representatives and mutual consent of the Zoning Board of Appeals, the public hearing regarding 30 Riverside Avenue would remain open and application would be continued until the July 15th, 2025, meeting at 7PM.

Jim 28 Riverside asked who would make the decision regarding the height of fences or walls. He asked if that would be the engineer or building inspector. Attorney Michaels replied, the building inspector.

Ms. Ramos asked if she had to repost the public hearing

Both Attorney Michaels and Phillips replied no.

Chairman Guareno entertained a motion to approve the minutes for April 2025.

RESOLUTION # 20- 2025

Motion by: Tom Price
Seconded by: Jose Hilario
Motion Carries: All

Ms. Gorin asked again if the board would consider a site visit.

Mr. Price stated that he's seen her property before.

Ms. Gorin replied that they had not stood in her backyard.

Chairman Guareno asked Ms. Gorin to give Ms. Ramos her information and she would schedule the site visits. He added that only a certain number of members could be at the property at the same time.

Attorney Phillips stated that the public hearing was closed. He added that he did not have a problem with the Village engineer viewing the plans, but he did not understand why they were required to go to the Planning Board because he did not require Planning Board approval because it was single family dwelling.

Attorney Michaels stated that he does not know what triggers Eve the Village engineer to make a report for TAC.

Attorney Phillips asked why the Zoning Board of Appeals could not request that report from the engineer because they did not have to go to the Planning Board.
Attorney Michaels stated that he was pretty confident that a site development plan approval from the Planning Board, he added that he could be wrong. He stated that as far as Eve's report, it's typically given to the Planning Board, but he did not believe she would oppose to creating a dual letter for the Zoning Board of Appeals and Planning Board.

Attorney Phillips stated that they would go to TAC, but he did not believe that they required Planning Board approval.

Attorney Michaels stated that Ruben the inspector would decide if the site development plan needed approval or not.

Ms. Porter asked if they had to make a motion for 49 Leonard Street.

Ms. Ramos stated that they had only closed the public hearing for 49 Leonard Street but had not made a motion.

Attorney Michaels stated that based on the consensus it was his legal opinion that any of the members could adopt his legal opinion as a motion to approve the single variance for 49 Leonard Street for rear yard depth where 12 feet 6

inches were proposed, and 25 feet were required so that there would be a 13-foot variance. The motion would be to approve that variance and also approve the project as depicted, illustrated and set forth a set of drawings including three sheets enumerated A-1, A-2 and A-3 all most recently dated March 3rd, 2025, drafted by Bolt Architecture, PLLC no signature or seal. Part of the motion also included

- 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

So moved as recited by legal counsel - Kathleen Porter

RESOLUTION # 21- 2025

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

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

RESOLUTION # 22- 2025

Motion by: Kathleen Porter
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

