

The minutes of the Zoning Board of Appeals Meeting held on Thursday, February 8th, 2018, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- Absent
	Jose Guareño	- Present
	Deyanira Martinez	- Absent
	Richard Santiago	- Present
	Jose Hilario	- Present
	Dennis Michaels, Village Atty.	- Present
	Ruben Berrios, Bldg. Inspector	- Present
	Michelle Ventura, Clerk Typist	- Present

Dennis Michaels, Assistant Village Attorney: Mr. Michaels explained to the board and the public because there are only 3 members to the board here tonight instead of the full 5. The applicant, Jorge Lopez, 33 Division Street, would prefer that his public hearing for his application be heard with at least 4 of the 5 members present. Mr. Lopez has asked to continue his application and keep the public hearing open until the next meeting on March 8, 2018 at 7:30 pm. By making this announcement under NYS law, public notices do not need to be mailed or have to be printed in the newspaper. You will not get anything in the mail box so please make a note of it. For the record, the Public Hearing regarding Jorge Lopez, 33 Division Street, will remain open and continue to the meeting of the Zoning Board of Appeals, here in this meeting room on March 8, 2018 at 7:30 pm. I know some of you would like to speak but I cannot allow that due to Mr. Lopez not being here this evening. It would be improper procedurally to hear any testimony from anyone with regard to that.

Women 1: Is there minutes available for the Zoning Board meetings online?

Dennis Michaels: Mr. Michaels explained the minutes wouldn't be publicly available until they've been approved. This board does routinely approve minutes at each meeting if, all the members at the previous meeting where the minutes were transcribed from are present. For instance, we can't approve the minutes from January today because some of the members who were at last month's meeting aren't here today and you need at least a quorum of members that were present to. If they aren't posted online, they certainly are publicly available once the draft minutes have been approved by the boards whether it's the Zoning, Planning, ARB, and the Village.

Women 1: I thought the minutes should be readily available within a certain time frame.

Dennis Michaels: Mr. Michaels states it's actually 5 days within closing the meeting. He explains he's a municipal attorney for several different municipalities and none comply with that because it's almost virtually impossible. The penalty for not complying with those 5 day limitation is nothing; there are no ramifications or consequences to not complying with the 5 day rule.

Women 1: With the delay, it's difficult to understand the flow of what's going on if it's not made available.

Dennis Michaels: Mr. Michaels understood and stated, if you'd like, you can fill out a FOIL request form with the minutes you're looking for. If it's available, Michelle can mail you a copy.

Jose Guareño: For the record, Jorge Lopez, 33 Division Street will remain open until next month's Zoning Board meeting on March 8, 2018 at 7:30pm.

Mr. Guareño presented the final public hearing of the night, Rosanny Perez-Dominguez, 13 Harding. **27.43-1-70**

Mr. Guareño entertained a motion to open the Public Hearing for 13 Harding.

RESOLUTION **10-2018**

Motion by: Jose Hilario

Seconded by: Richard Santiago

Carried by: All

For the record, Mrs. Perez-Dominguez is a fluent speaker in Spanish only; the board helped translate.

Rosanny Perez-Dominguez: Mrs. Perez-Dominguez is the homeowner of 13 Harding. She is trying to turn the basement into habitable space. She would like to add two bedrooms, a bathroom, a wet bar, and a family room.

Mr. Guareño invited the public to come forward with any questions or concerns regarding 13 Harding.

Henry Counts, 15 Harding: Mr. Counts from 15 Harding wanted to know if the house was going to change in size.

Ruben Berrios: Mr. Berrios explains she has an unfinished basement with a garage in the back. She wants to close off the garage and finish the basement with two bedrooms, a bathroom, and a recreation area with a wet bar.

Dennis Michaels: Mr. Michaels explains under the zoning code, the finished basement that is attached to the garage cannot be an apartment. It cannot be used as a separate dwelling unit; that would be illegal. So this is just like anyone who has a single family home and wants to finish their basement, is what she's proposing.

Jose Hilario: Mr. Hilario clarifies she will not go outside the house footprint.

Henry Counts: Mr. Counts explains the wet bar stuck out in the public hearing notice he received, which was another concern of his.

Ruben Berrios: Mr. Berrios explains a wet bar is allowed; she just can't put in a stove.

Dennis Michaels: Mr. Michaels explains the house isn't going to change from the outside. There's no expansion, no addition, no extension.

Ruben Berrios: Mr. Berrios explains there will be no additional apartments.

Jose Guareño: Mr. Guareño asks Mrs. Perez-Dominguez if she understands his questions.

Rosanny Perez-Dominguez: Mrs. Perez Dominguez says she does understand what the gentleman is asking. She explains she only has two bedrooms and one

