

The minutes of the Zoning Board of Appeals Meeting held on Thursday, December 12, 2019, beginning at 7:30 PM.

PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	Edwin Rivera, Chairman	- Present
	Jose Guareño	- Excused
	Deyanira Martinez	- Present
	Richard Santiago	- Present
	Jose Hilario	- Present
	Tom Price- Alternate	- Absent
	Dennis Michaels, Village Atty.	- Present
	Ruben Berrios, Bldg.Inspector	- Present
	Stephanie Serrano, Clerk Typist	- Present

Chairman Rivera introduced the first item on the agenda, **Harry Leifer- 175 Broadway, Haverstraw, NY 10927- 26.44-2-7**

Edwin Rivera- Please come forward; state your name.

Stanley Mayerfeld- Hi, my name is Stanley Mayerfield

Edwin Rivera- Dennis, this is not a Public Hearing, correct?

Dennis Michaels- It's not a Public Hearing, but you can vote on it tonight. So you don't need to open the Public Hearing.

Edwin Rivera- Ok

Ruben Berrios- It doesn't require a Public Hearing

Dennis Michaels- So just for the record, this is the application by Harry Leifer for 175 Broadway; converting a first floor commercial space into residential space. That is the request.

Edwin Rivera- Ok, if the applicant can explain to us what it is you're planning to do.

Harry Leifer- Sure, so the subject is 175 Broadway. About 9 months ago, I bought the neighboring property; 173 Broadway, which was the burned building, and we redid the building. We gutted everything, did a great job. While I was working on 173, a lot of people in the neighborhood came over to me and discussed 175 Broadway and sort of begged me to buy it and do something with it. This has been a major problem in the neighborhood over the years. They've had major issues with the retail store; the back to Pratt street. People are complaining and have witnessed drug use, public urination; a lot of issues, a lot of problems with that commercial space. At some point, about 3 months ago, I was able to speak with the owner and I bought the property. I'm willing to now clean up that mess. This is a residential area, commercial space on the bottom. It's an official retail but I don't know what's going there, there's a lot of issues. A lot of illegal trespassing, there's no control in that back yard; cars coming in and cars being dumped, as well as junk and garbage. The front of the building, by Broadway, there's a lot of traffic due to the bodega. So I'm willing to put in the time and effort to do to 175 Broadway something similar to what I did to 173 Broadway, which is a beautiful remodel. It's now a nice residential occupied building, a safe building, and we're looking to do the same here. There is a lack of residential apartments in the area; especially for smaller units, 2 bedrooms- 3 bedrooms. Taking this square footage of the commercial space, which has been a real problem for the entire area, would really be a benefit for the frontage traffic on Broadway and the issues that have been going on in the back on Pratt street. I'm sure the Village and the neighbors will all benefit from it. We're going to do a facelift on the front. We have a door facing Broadway and we'll keep the first floor brick. So there's going to be an entrance from the north, along the common area which will take you to all of the apartments. We're going to do garbage disposal, as you can see, facing Broadway. This will be an entire renovation project; proper lighting and paved driveway in the back with cameras, and this is what the neighborhood wants.

Stanley Mayerfeld- We sat this week in front of the Planning Board, and initially the Village Engineer went over a couple of issues, just questions. We were able to address most of them; they were about access on Broadway, about the trash,

about the mailboxes, about the lighting... We're still working on the parking, but everything else has been worked out.

Harry Leifer- What we're looking to do is bring it more to a conforming use with residential units. I get a lot of phone calls asking if we have an apartment available. There is such a big need; specifically for smaller ones like 1,2,3 bedroom ones. So I think this benefits everyone.

Dennis Michaels- Ok, so this doesn't not require any type of variance whatsoever, this is just a unique aspect of the Village of Haverstraw Zoning Code where any change of use of a non-conforming use going to a more conforming use, needs to be approved by the Zoning Board of Appeals.

Jose Hilario- What is in there right now?

Harry Leifer- The retail space is a bodega, but it's causing a lot of issues.

Jose Hilario- So you guys are going to get rid of the bodega?

Harry Leifer- Yes, that's the plan

Edwin Rivera- The only concern of mine is the parking. If there is enough...

Stanley Mayerfeld- So we have a scheduled site visit on Monday at 7; I believe we can fit more spots, I think we can even fit up to 7 spots.

Ruben Berrios- the Engineer required that they go by the specifications of the Village for parking spots. When you went down to those specifications, you could only get 4 cars. The reality is, you can probably fit 9, 8.

Edwin Rivera- I know the location very well. I grew up across the street on 174.

Ruben Berrios- And the other thing is, if you see the dotted lines, that's the property; that's all open

Harry Leifer- Yes, this is open space; this is 177 Broadway and this is open space

Edwin Rivera- Is this your property too?

Ruben Berrios- No, but it's all open space

Harry Leifer- So when you come in, you can back out

Edwin Rivera- Who owns this? Is this an alleyway?

Ruben Berrios- No, that belongs to the property right next to it

Stanley Mayerfeld- The neighbors property ends over here, so there's this entire space in the back. It's a very wide, open area.

Ruben Berrios- Yes, so you're not maneuvering around those dotted lines; it's open

Edwin Rivera- Anything from the Board? Richard, Deyanira?

Deyanira Martinez- I have nothing, I think this is better

Dennis Michaels- I guess if the Board has no other questions at this time, I'd just like to put on the record the plans that you're reviewing because if there's going to be an approval, these are the ones you are including. There's a survey and/or site development plan under the signature of Anthony R. Celentano, who indicates that he is a licensed Land Surveyor. He does put his license number: 50633. I presume that that is NYS. I know that Mr. Celentano has the seal for NYS Licensed Land Surveyor, I've seen the seal. But just for building permit purposes, you do want him to seal this. Just remind Mr. Celentano, he should always seal his plans.

Stanley Mayerfeld- He usually does, I'm actually surprised I don't see it on there. But yes, I will let him know

Dennis Michaels- It is most recently dated Nov. 23, 2019. There's also a contextual drawing, it's one sheet enumerated A-1/ 1 of 1, dated December 9,

2019 and it is under the signature and seal of Stanley S. Mayerfeld and his seal is of a NYS Registered Architect. That's all for professional submissions.

Edwin Rivera- A couple more questions; you're going to have lighting back here?

Stanley Mayerfeld- Yes, so this is the lighting in the back of the building. We have lights that's going to give a glow to the building and give it an ambient light. In this area we have a bigger light, for the parking. We're trying to be sensitive to the neighbors; so there's lighting for the parking, but there are neighbors over here so we don't want to be overbearing.

Edwin Rivera- And you're going to blacktop the whole area? Right now it's blacktop?

Harry Leifer- Now, everything's a mess

Edwin Rivera- I know, it always was a mess anyway. Any drainage that they need here?

Ruben Berrios- That's looked at the Planning Board

Edwin Rivera- The Planning Board? Ok, so we can vote tonight, right?

Dennis Michaels- You can

Edwin Michaels- Ok, I have no more questions.

Dennis Michaels- If the Board is inclined to approve then in my legal opinion, any one of you can make a motion to approve the application as submitted.

Richard Santiago makes a motion to approve the application for 175 Broadway, as submitted.

RESOLUTION 38-2019

Motion by: Richard Santiago

Seconded by: Jose Hilario

Carried by: All

Roll Call Vote: Jose Hilario - Yes
Richard Santiago- Yes
Deyanira Martinez- Yes
Edwin Rivera- Yes

4- Yes Motion Passed

Harry Leifer- Thank you so much

Edwin Rivera- Thank you, have a good night

Edwin Rivera introduced the first item on the agenda, **Clement Asemota- 17 Warren Avenue, Haverstraw, NY 10927- 27.37-1-40**

Edwin Rivera entertained a motion to open the Public Hearing for **Clement Asemota- 17 Warren Avenue, Haverstraw, NY 10927- 27.37-1-40**

RESOLUTION 39-2019

Motion by: Deyanira Martinez
Seconded by: Jose Hilario
Carried by: All

Edwin Rivera- Ok, Clement Asemota can come forward. If you can please state your name and explain to the Board what you're here for

Celement Asemota- My name is Clement Asemota, I'm here because I wanted to make a driveway on the left side of my house and partially in the backyard.

Dennis Michaels- The proposal is requesting lot coverage of 40%; the maximum that is permissible is 30%. So that is the variance

Edwin Rivera- 10% variance

Dennis Michaels- Well, it's technically not 10%, it'll be more like 33%? Because if the maximum allowed is 30%; a lot of people say this and it's actually confusing; the maximum allowed is 30%, he's asking for 40%, so it's a 10% difference. So you take 30% and 10% would be a third of 30%; so it's really a 1/3 increase. I think it would be a 1/3 increase. In other words, what's 1/3 of 30%? 10%, so he's looking for a 1/3 increase. So we have a site development plan and/or survey and it is under the signature and seal of Anthony R. Celentano as a NYS Licensed Professional Engineer. It's most recently dated, it looks like August 31, 2019. I believe that's it for professional drawings and plans.

Edwin Rivera- Can you point it out here, the coverage? You want blacktop?

Deyanira Martinez- All the way from the front to the back?

Ruben Berrios- He wants to do blacktop right to the end of the house

Edwin Rivera- All the way to the back?

Ruben Berrios- No no, to the end of the house

Edwin Rivera- This line that you have here right now; from here to here?

Clement Asemota- Yes

Edwin Rivera- Being that it is an open Public Hearing, anyone in favor or against this, can come forward.

Claudia Perry- Claudia Perry, 19 Warren Avenue Haverstraw. I'm against it because I hadn't been aware of it. The yard itself is 4ft higher than mine next door. Paving on the side where I am, I'm worried about a drainage issue. It's dirt right now, no lawn because that got all torn up. When Caputo built the property, he deliberately put a loose rock wall there for drainage so that I wouldn't have a problem. Paving this whole area, all of the water is going to run down to me because it's 4ft higher. My house is right there on the line, the house was built in the 1800's and I'm not going to be happy with water coming into my yard.

Edwin Rivera- So it's a problem with the water drainage? What's behind you?

Claudia Perry- She's on the other side

Deyanira Martinez- I'm on the other side

Claudia Perry- Years ago when I bought my house, I'm there 31 yrs, there was a drainage issue that was addressed by the Village. There was a pipe running through the side there. The Village put in a storm drain out in front.

Ruben Berrios- let me just interject a little bit; there still is a right of way there. You should be getting a notice for the Planning Board. That's where you really would bring up the issues with the drainage and all of that; with the Village Engineer and the Planning Board. But there is an easement there.

Claudia Perry- Right, but by paving it 4ft higher than me, you can't tell me that I'm not going to have a problem with water.

Ruben Berrios- No no, I'm not saying that. What I'm saying is that you're saying it used to be there; it's not that it used to be there, it's still there

Claudia Perry- Ok

Ruben Berrios- And the drainage issues and all of that stuff, you can address them at the Planning Board because the Engineer is there and she's the one that reviews it. They're just here today for the lot coverage

Dennis Michaels- Stephanie, this is going back to the Planning Board, correct?

Stephanie Serrano- Yes, they told him to come back here first

Ruben Berrios- Yes, so they're going to have a Public Hearing for the Planning Board as well

Dennis Michaels- There's going to be a Public Hearing

Stephanie Serrano- Yes

Claudia Perry- But I don't have a basement on that side. My house is on the ground level. I'm not going to get water in my house because of this.

Dennis Michaels- Claudia, let me explain; this Board doesn't delve into drainage. It's the Village Engineer

Claudia Perry- Ok, well it's more than 30%

Dennis Michaels- Ok, you can address why you feel; and this is perhaps addressing what you all feel

Claudia Perry- Ok, do any of you want to speak?

Dennis Michaels- Well they can speak for themselves. What I'm trying to say is that there is a Village Engineer and one of the things that she has been looking at are the drainage impacts; surface water runoff on the neighboring properties, how is the drainage surface water runoff going to be handled. The Village Engineer is studying that as part of her consulting service to the Planning Board. She attends the Planning Board meeting. So what Ruben is trying to tell you is that that has been looked at it will continue to be looked at, to the satisfaction of the Village Engineer.

Claudia Perry- Has that been looked at already, or not yet?

Dennis Michaels- She has not yet completed her final review, but she has been looking at it. She has given preliminary reviews, she hasn't finalized her report yet, but the next time that this goes to the Planning Board, she may be submitting her final report. But, she has been looking at the drainage impact; she has been studying it and its being addressed.

Claudia Perry- Ok, but if everyone allows this and I have a drainage problem, what is going to happen in the future?

Ruben Berrios- This is the wrong board, you have to go to the Planning Board to get that answered.

Dennis Michaels- Claudia, water gets into people basements for all kinds of reasons. So can the Village promise you, whether it's the Planning Board or the Zoning Board, telling you that you're not going to get water in your basement...

Claudia Perry- I don't have a basement, my house is on the ground

Dennis Michaels- Or anywhere on your property? No, we cannot give you that assurance. The Village Engineer will look at this plan and she will make a determination as to whether or not there will be a net increase in surface water runoff on to neighboring properties, including yours, as a result of this construction project. That is all that the applicant needs to prove and that's what the Village Engineer will certify. And whether or not there's going to be an impact on your property, what's causing that, we can't say.

Claudia Perry- Well why does the whole side have to be paved?

Dennis Michaels- I don't know, you can ask the applicant that

Claudia Perry- The applicant threatened me recently

Dennis Michaels- This is not a conversation between you and the applicant, ok? You pose that question to the Chairman and perhaps he'll ask the applicant when he comes back before you in a few minutes.

Edwin Rivera- And by law, they can blacktop it to here. He's just asking for that 3.3% variance

Claudia Perry- Yes, well I'm against it. I'm against the whole thing

Ruben Berrios- He needs a variance because he's exceeding the lot coverage that's permitted by 10%. If, lets say, he black topped up to 10%, then he doesn't need a variance.

Claudia Perry- The whole thing?

Ruben Berrios- This is at the Planning Board and that's where you address the drainage issues

Claudia Perry- You can black top the whole yard like that?

Edwin Rivera- No, not back here

Ruben Berrios- You're not listening to what I'm saying

Claudia Perry- Can I say something? The original house had a driveway there. The new house put the driveway here and that was made lawn only.

Ruben Berrios- Ok, but what I'm saying is that you're allowed to cover up to 30%. He's looking for a 10% increase on that; he's going from 30% to 40%. If he goes to 30%, he doesn't need a variance, he can do that. And to answer your question as far a drainage; you will get notified for the Public Hearing for the Planning Board. At that point, that's where you'll address all of your questions for drainage and everything else. The Zoning Board is only here to approve or deny the lot coverage increase. The Planning Board has the Engineer and they're the one's that are equipped for all of the drainage issues.

Claudia Perry- Well I'm against it. I think it will have a negative impact, I don't think it will make anything look better in the neighborhood; black top and everything so people can park a whole bunch of cars in there is just not my idea of how the neighborhood should be.

Edwin Rivera- Anyone else? Please state your name and address please

Christopher Keene- My name is Christopher Keene- 27 Warren Avenue

Edwin Rivera- So 27, you're to the right, to the left?

Christopher Keene- Its all on one side, so we're all on that same row

Edwin Rivera- So 3 houses down?

Christopher Keene- Yes

Jose Hilario- So how do you feel about this?

Christopher Keene- So my reasons for saying no is just cosmetic reasons, so having everything black topped is not appealing.

Jacqueline Davis- My name is Jacqueline Davis. Ok, so cosmetically, the house is beautiful, it had a nice cobblestone driveway when it was first built, it had grass and everything. So far since they've been here, they've already dug it up, there's dirt and rocks and I think that blacktop would go against what's on the other side of the house and it's not going to look good. We're up and coming, you guys put in that new wood thing there and it's on its way up and I feel like that would just be counterproductive to what's happening.

Edwin Rivera- Was it paved before?

Jacqueline Davis- No, it was a nice green grass lawn, and on the garage side there's a nice cobblestone driveway, so if he's going to do the other side, I would prefer they match.

Christopher Keene- And I can't argue with what you guys already allow; the 30%, I just don't want the entire thing to just be black top.

Jose Hilario- But you still have grass behind, no?

Claudia Perry- Not anymore, there's no grass, it's all dirt

Jacqueline Davis- It's all dirt and rocks, someone demo'd it. No grass

Christopher Keene- It seems to be in construction

Jose Hilario- So what I'm saying is that I assume that if he goes to here even if we give him what he wants, you're still going to have grass here

Clemet asemota- Up to here

Jose Hilario- Now we can tell him that he's got to have the real grass here

Jacqueline Davis- And there's a 2 car garage

Christopher Keene- Well you can. I mean I've been dealing with the Town and with my own neighbors and just what it is so I know whatever you say, is not that simple and it might not work out that way.

Jacqueline Davis- There's a 2 car garage and 2 car parking outside, I've only seen 3 cars. I'm not sure why they don't go in the driveway

Clement Asemota- The garage is converted into living space, we don't put the cars inside the garage

Claudia Perry- That was the illegal rental

Jacqueline Davis- Oh well I didn't know that part

Ruben Berrios- This is just in relation to the lot coverage

Edwin Rivera- Any questions from the Board?

Richard Santiago- Well, you're only allowed 30%

Deyanira Martinez- I mean, if I can say anything, he is allowed by law, the 30% coverage. But I can see Claudia's concern. His property is up high compared to hers, so I can see her concerns as well.

Richard Santiago- Would it be possible to hold off our decision in contingent with the report from the Engineer to see how the drainage will go?

Dennis Michaels- How about this; the Village Engineer, Eve Mancuso, she's very stringent. She's thorough and she's stringent. If she's not comfortable with something, she does not give it her blessing. So what I would be ok with is, that you; if you are inclined to approve this, and I'm not saying you are; that you condition upon it being the drainage plan and drainage impacts be addressed to the satisfaction of the Village Engineer.

Claudia Perry- I think we should do a field trip

Dennis Michaels- Have you done a site visit yet?

Edwin Rivera- No

Dennis Michaels- Oh ok

Deyanira Martinez- I have a pretty good idea though because I live right there. But I think that's a good suggestion for you guys to see because for you to really have an idea of how it's going to be, it's better for you to see it.

Dennis Michaels- You usually do visit the property

Ruben Berrios- If I can make a suggestion, I don't know if Mr. Clement is open to anything; maybe you want to make it less than the 10%. Maybe do the parking halfway, or 35% and maybe kind of meet in the middle. It's just a suggestion. I don't know what your requirements are

Clement Asemota- Uhh just like the Building Inspector said, I don't have a problem taking off even the 10% completely and doing it according to what the law permits me to do. I want to make it clear to the neighbors, if they are saying they don't want it, I don't want to force myself to do it. I live next to her, been living there for more than a year and I have never seen a water drop. My carpenter that built the house is the one that will complete this project and he's very good at handling all of this. I lived there for over a year and I've ever seen water retain on top or over to her yard. So after he told me that the driveway has been here, she don't know why they're giving me problems for putting in the driveway. If after that you feel that mine is too high and it's a problem, I don't mind forgetting the whole thing. Just for her to be happy. If it's going to create a problem, I don't mind parking on the street.

Dennis Michaels- Mr Asemota, you've been very patient allowing your neighbors to speak and you've been very generous and this is your chance to speak, but please don't engage in a a friendly debate. This is not a debate

Clement Asemota- I want them to be happy, because as per grass, I'm not afraid of glass. If the law said I have to have grass, then I will abide by that. I just need peace. Anything that would make her not be happy, I wouldn't want to do it. But I am letting her know, in the presence of the Board, from the Engineer that's doing

that job; just like this is going to the Planning Board, nobody is pushing water to your side. And since I've been there for a year, I watch out every day and there has not been a drop of water to your yard.

Dennis Michaels- The Village Engineer will be the evaluator of the drainage impacts on your neighboring properties. So although this Board has no reason to doubt your observations of the drainage matters and issues; nor does the Board have any reason to doubt your neighbors observations of the drainage situation. You're not the professionals, there's a Village Engineer that looks at it who is not representing the applicant or the neighbors. The Village Engineer is to look at the plans as an objective professional consultant to the Village. And she will determine if there are drainage impacts that are going to be caused by this project if it should go forward. So can we please stop the debate as to whether or not there's water going in from your driveway on to your neighbors or not? Because you're not going to decide that, the Village Engineer will. So let's stop that conversation. Now the question that this board has for you is that you seem to suggest that in order to keep peace with your neighbors, you would think about withdrawing this application. Your other option is to allow the ZBA to look at your property; I think they have that right already. If 40% is too much to ask, then maybe something less; maybe 33% or maybe 37% would be appropriate. Or maybe nothing at all would be appropriate and 30% is the maximum and that's where you should stay. So, your choice is; continue this public hearing, we'll come back in another month, allow the ZBA to perform a site inspection so they can look at the property, and we'll come back here in a months time and the ZBA will make a decision or you can decide to not continue and do the 30%. So that's for you to answer. What would you like to do?

Clement Asemota- I want to continue with the application and let them pay a visit and see for themselves.

Dennis Michaels- Ok, very good. So, let's schedule a site inspection.

Edwin Rivera- So when is the next meeting?

Stephanie Serrano- It's actually before the Planning Board

Dennis Michaels- The ZBA will be after the next Planning Board anyway

Stephanie Serrano- No it's not

Dennis Michaels- Oh it won't

Stephanie Serrano- The ZBA is the 9th, Planning Board is the 13th

Dennis Michaels- Wow, so that works out

Ruben Berrios- Because you can't go back to the Planning until you're done with this board

Dennis Michaels- Well you're not going to lose any time because it turns out that the next ZBA meeting is happening before the next Planning Board Meeting

Stephanie Serrano- So January 9th is the meeting

Edwin Rivera- Ok, January 9th. So what time should we do the site visit: 6-6:30?

Jose Hilario- We have to go early

Dennis Michaels- And remember, we're starting at 7:00pm in 2020

Ruben Berrios- You really want to go when there's daylight

Jose Hilario- Lets go on a Saturday

Deyanira Martinez- On Saturday, that's fine with me

Stephanie Serrano- What Saturday?

Edwin Rivera- The 4th?

Richard Santiago- Ok

Stephanie Serrano- At what time?

Edwin Rivera- 2pm?

Deyanira Martinez- 2pm is good

Edwin Rivera- So 2pm on January 4th

Claudia Perry- You don't need us to be there, right?

Dennis Michaels- No no. Ok so Mr. Asemota, you are requesting that this Board keep the Public Hearing open and continue it on the next meeting of the ZBA, which is on January 9th at 7:00pm. Is that your request?

Clement Asemota- Yes

Dennis Michaels- So at the request of the applicant, Mr Asemota, the Public Hearing will remain open and it will continue at the next meeting of the ZBA, which will be January 9th at 7:00pm.

Claudia Perry- Ok, thank you everyone

Edwin Rivera- Do we have any minutes?

Stephanie Serrano- No, the steno never sent the minutes

Edwin Rivera- Ok, so we'll leave it for next month

With no further business to be conducted by the Zoning Board of Appeals, Chairman Rivera entertains a motion to adjourn the meeting.

RESOLUTION 40-2019

Motion by: Richard Santiago
Seconded by: Deyanira Martinez
Carried by: 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:

Stephanie Serrano, Clerk Typist

