The Minutes of the Village of Haverstraw Zoning Board of Appeals Meeting on September 16th, 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) Excused

Chairman Guareno - The applicant for 12 Fairmont Avenue, please step forward. State your name and address.

Ramya Ramanathan - Good evening. I'm the planner for the applicant from Atzl, Nasher & Zigler in New City, New York, representing 12 Fairmount Avenue. Right now, the client is here with us today. The board has any questions, we also have the architect with us, in case the board has any questions in that direction. To give an overview of the project, this project, as I said, 12 Fairmount Avenue, is currently a 4600 square feet parcel and has a 2100, square feet, one story structure. Right now, the applicant is proposing a two story addition on top of this structure for four apartments, two on each floor. This is subject to special use permit from the village board and site plan approval from the planning board. We have five variances we are seeking from this board tonight, front yard, side yard, total side yard, development coverage and parking. I can give more details

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on the numbers the board wants on that the parking required is that 17 proposed are three spaces. The development coverage required is 90% existing is 100% it's not changing.

Unknown speaker – No one can hear what she is saying.

Chairman Guareno - I'm sorry, this is 12 for Fairmont Avenue. So, it's not a public hearing yet, and this is just presenting an application for a different project. I am sorry about that.

Inspector Berrios – Mr. Chairman it is a public hearing.

Chairman Guareno entertained a motion to open the public hearing for 12 Fairmount Avenue.

RESOLUTION # 36 - 2025

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

Chairman Guareno - My apologies for the attendees. This is a public hearing; I never got my notes.

Ms. Ramanathan - Alright, so Ruben is just going to check one detail on the building height, if that is an additional variance. I don't believe so, because that's not on our plans, but Ruben can correct me if I'm missing but for the record, tonight, we're here for five variances, unless Ruben has

other observations.

Chairman Guareno - Any questions from the board for the applicant?

Member Porter - Is it commercial right now?

Junior Castro- One story brick structure, commercial use.

Chairman Guareno- Since this is a public hearing for 12 Fairmont Avenue, is there anybody in the public in favor or against the project? You can come forward, please state your name and address.

Member Porter – So the downstairs will be a business?

Chairman Guareno – Laundry, yes.

John Perkins - Just to give you a brief synopsis, I'm the architect, by the way, this is the Demolition Plan. In the first-floor plan, this is the existing garage. There's a small office with a crawl space below that. We're demolishing that and kind of keeping this as one level, making it into a laundromat with stairs to the apartments above. So, the first floor will remain commercial. The second floor and third floor will be both two apartments.

Member Porter – With stairs, correct, no elevator?

Mr. Perkins – No, elevator.

Member Price – How many parking spaces?

Mr. Perkins – Required, I believe it was 17, and we currently have the ability to house three of them. It's a very small lot.

Member Porter - So wait. You're required to have 17 but only have three available.

Mr. Perkins - That is correct.

Chairman Guareno - How many units are there Mr. Perkins?

Mr. Perkins - Two apartments on each floor, four total.

So any other questions for the board, any concerns, any other members, anybody from the public over there attending for 12 Fairmount Avenue please come forward, state your name and address.

Unknown speaker - I wonder if you do everybody a favor and move this over there so everybody can see it, and then address the crowd when you talk, because nobody can hear you. Thank you.

Chairman Guareno - Thank you. Any further questions for the applicant? The price? Any other concerns? The parking is a little tight. Did you get the height?

Inspector Berrios - Yes, height is fine.

Since there are no other concerns from the board or the public. Chairman Guareno entertained a motion to close the public hearing for 12 Fairmount Avenue.

RESOLUTION # 37 - 2025

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

Attorney Michaels – Will the decision be at the end Mr. Chairman

Chairman Guareno- Yes, please. Next applicant, 30 Riverside Avenue.

Chairman Guareno entertained a motion to open the public hearing for 30 Riverside Avenue.

RESOLUTION # 38 - 2025

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

Chairman Guareno - Prior to, I welcome everybody attending this application. I'm assuming that either you're against or in favor of this applicant, there are a lot of attendees, and I would like to give participation to every single person here. And as long as the is timeline, three to four minutes, Mr. Michaels?

Attorney Michaels - Whatever you choose, you can make it two minutes. As long as you're consistent, you're fair, and you treat everyone relatively equally. lawyer presentation. And the applicants, you know, they'll have a little more time.

Chairman Guareno - That's okay. So, I just asked all the village residents who are here in support or against just to be fair with the time, so that everybody can have a fair time. Please. Okay, you can proceed.

Attorney Michaels – Three minutes?

Chairman Guareno – Three minutes is fine.

Jeffrey Millman - Fine, but you're so clear, attorney, we don't have any limitations. I will do my best to keep it within tolerance. Good evening, members of the zoning board. My name is Jeffrey Millman from the law firm of Phillips and Millman and I represent the owner of 30 Riverside Avenue. I'm accompanied here today with our engineer, Paul Gdanski, who's sitting in the third row, as well as the architect, Eamon, who's in the fourth row, as well as Peter Khlil. We're here tonight, and also community members, I know why you're here, and I respect it, and we're looking forward to an open discourse here. We're here tonight to respectfully request area variances necessary to allow the construction of a single-family home on a non-conforming, but buildable lot, and that's very important. I put it in front of me so you could see, I'm not trying to block you, but the zoning board does need to see this. So, as I mentioned, we're here to seek variances on a non-conforming but buildable lot. I think you could appreciate the very narrow lot. So, I just want you to appreciate what the lot looks like. So, as I discuss the variances, I believe you will understand how these variances are not substantial, so we all know. But I want to reiterate for the record the standards for an area variance under

the state of New York. It's under Village Law 7-712, b3, the Zoning Board of Appeals must consider the following five statutory factors when determining whether to grant an area variance. The first is whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. The second is whether the benefits sought by the applicant can be achieved by some feasible method other than the area variances. Third, whether the requested area variance is substantial. Fourth, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And five, whether the alleged difficulty was self-created, which is relevant, but this factor does not necessarily preclude granting an area variance. So, I've addressed these criteria in writing on my May 20, 2025, supplemental memorandum that should be part of your package, as well as my memo in response to issues raised by an attorney on behalf of 32 Riverside Avenue that also was sent to you. It should be part of the package. I do know that the attorney did submit a memo to the board. I responded to it at 3:39 this evening. I didn't see till sometime much later thereafter, he submitted a follow up brief to the board. So, I haven't had a chance to read and digest it. However, it is an argument, and I have no problems with it, but I believe in my presentation, I will more than address all the necessary concerns so that they demonstrate my client is entitled to the relief sought. So, with respect to the issues that I brought up under village law, the criteria of the neighborhood character detriment to nearby properties. The property is in a neighborhood of single-family homes, many of which are underside lots with slopes. The proposed home is consistent with the neighborhood character and will not cause adverse visual or physical impacts. Drainage and slope stabilization measures will be implemented to protect the adjacent properties, which will be overseen by the village. The feasible alternatives, the second criteria, the lot is non-conforming, and any construction requires variances. Without variances, this property could not be reasonably developed for residential use, and this is a residential district that the lot is within, shifting the house location will increase slope disturbance and would worsen visual review. The lot area is addressing that. Notwithstanding, this is not a planning board triggered event at the request of the board, my client willingly went to the Technical Advisory Committee, met with Mr. Berrios and met with Ms. Mancuso. We weren't required, but we did it because we wanted to show the project and ask for

guidance. And a lot of the guidance, we had three variances. It is enhanced to five based upon the sound guidance of your experts, your building inspector and your engineer. So, we are seeking the five variances, but that was at the request, at least on two of them, of your own experts. So, let's look at the requested variances that we are seeking, and the lack of substantiality of these variances. The side yard variance, what's required is 7.5 feet, we are providing five. Take a look at the very narrow lot here. We can't provide any less. That is the absolute in order to develop this property, because we try to do our very best to minimize all variances. So the side yard variance, we're looking for five feet. That's proposed. The requirement is 7.5 feet, not substantial. The total side yard variance, what's required is 15 feet, we're proposing 10. Look at the lot. It's the very best we could do to develop. The lot coverage, 30% is allowed, we are proposing 34.5% not overly enhanced. With respect to height the height variance was in addition to this project, based upon your experts asking us to make some placements here. So based upon the 25 foot allowable, we're providing 31.8 feet. However, the proposed attic brings us up to that level, and that attic is undersized. It is not for habitable space. It will not have ingress and egress to the attic. It is there because it is part of the structure itself. But that's what brings that particular variance into the application this evening. The retaining wall setback 3.4 feet is required. However, based upon the request of your experts, I believe it was because of parking issues. If I'm correct, Mr. Berrios?

Inspector Berrios - I believe they needed access to the front. With the two cars there was no access to the front, it was blocking the egress.

And based upon that sound recommendation, we now need a variance. We're offering, we're proposing one foot as a proposal. But again, that variance was created after we voluntarily went to technical advisory and got sound guidance to help improve the project so that it won't be a blight on the neighbors. Fourth, environmental physical impacts, proper drainage and erosion control will be installed under review of the village engineer and building inspector, so we will protect the adjacent properties.

Construction will avoid adverse impacts by stabilizing slopes and minimizing runoff. Again, protect the environment. A single family residence is an appropriate and compatible use with no material adverse impacts on the environment. The fifth criteria, which is self created hardship. The hardship arises from the lots, non conforming nature, not from any actions of the applicant. There's nothing the owner of the property did to create the hardship of the requirement of the variances. That is how that lot was created before zoning. That's why it's non conforming, so even if deemed self created, and I suggest to this board, it's not self created. This is just a factor that is not dispositive and must be balanced against all other factors. The applicant is entitled to reasonable residential use of this residential lot. In advance of this hearing, at the request of the village, I mentioned that we met with your engineer, your building inspector, and my client has done everything to come before this board with the least amount of variances. The requested variances, as I mentioned, are modest. They're necessary for reasonable use of a non conforming lot and consistent with the character of the neighborhood itself, they will not create adverse impacts on nearby properties or the environment. And accordingly, I request the Zoning Board of Appeals that you should grant the requested variances to allow my client to seek a building permit and construct now I know this board is going to and if you have questions, we have our experts here, and I would ask you to maybe take the questions first, because maybe they could, if you have questions, they could answer it for the neighbors, who will then speak. But I do know my law partner was here last time, Mr. Phillips. He can't be here this evening. He's out of the area, but he did say there were, there were people that did speak, and I have no problems if they come back and speak again, I'll just ask the board that if you feel there, there's repeat that we protect the record and we have new complaints, new positive or negative that will help keep it moving. I don't think the record should have a continuation from the same people, and I say that with respect, not trying to silence anyone, just asking if they've already spoken about an issue, then that's already part of the record. And if there's any questions, I now stand ready to answer them.

Member Price- I think one of the big concerns I know for the residents is the construction equipment that's going to try to make this project

happen, that they're worried about because it's a very tight street that they're not going to be able to get back and forth and whatnot. That's the big concern.

Attorney Millman I apologize. So in my 25 years working municipal work, I worked for Clarkstown as their zoning administrator. I worked for other municipalities when projects were had and you have one of the finest building officials. They govern. They make sure that if construction needs to happen, that it's done in a safe manner, not hazardous to the neighborhood, not an issue that's going to create casualty on others properties, because that will be the one thing, one of the many things we're going to work to insure against. So should the variances be approved, my client will work side by side with the village to make sure that everyone affected will have as minimal impact as possible anytime there's construction, anytime, including the construction of their homes there was impact on their neighbors. That's part of construction, but our goal will be to reduce it. Now, my client will take out the necessary insurance for property and casualty, hopefully never to be necessary, but my client will be properly insured that if any damage were to happen, whether it be to property or otherwise, there will be an avenue for them to seek recourse that will be a condition of the building permit, and as a term for the client. I will ensure that. Hopefully that answers part of that question. I just want it to be fair, because you either sterilize this property or you allow something to be built there, and we're offering pretty much the most reduced form of what could be built there without sterilizing the property. And state law is very clear, especially in our second department, you can't sterilize there's a. Right to build, so we're just trying to do it. So notwithstanding the objections, hopefully, if it's approved, the project that is ultimately directed will one day be in the rear view mirror of everybody living here and they find to be something not objectionable that enhances their neighborhood.

Member Porter - I'm sorry, yes, sort of a big answer. I didn't really understand. How were you going to control it? And how long do you think the construction would last for?

Attorney Millman - I actually don't have an answer for you, and I don't know, but I will ask you, we know how long construction on a project like this is?

Paul Gdanski - I mean, I would think like six months.

Member Porter - Again, because it is a narrow street. How would you manage the vehicles?

Mr. Gdanski - There is room to park cars in the front of the lot, so they'll be able to use that area for construction vehicles.

Member Price - I think one of the biggest concerns is the machinery, when you guys start digging or whatever, craning or whatever, that those machines are going to take up a lot of the street, and their residents are very concerned.

Mr. Gdanski - The machines are to stay within the property. They will not be on the street.

Member Price - I understand. I've been down that street many times. It's a tight street, and when you get a big machine or a crane coming in there to set up. It's going to take a lot of room. So that's what I'm sure they're concerned about the emergency vehicles passing through, and you guys all of a sudden being down at the bottom and you can't get up to your machine quick enough for an emergency vehicle to get through. I'm sure that's a big concern.

Attorney Millman - If I may, the zoning board has the authority to put certain conditions in place. For example, when construction commences, we place the neighborhood on notice number one. Number two, we work with Mr. Berrios so he knows when construction is going to start. Number three, we don't disturb the weekend hours, for example, and I don't believe they're looking to construct on weekends. This is a typical construction. We could put it as part of a condition, of course, I would submit that we could offer that we would do everything in our power to be as neighborly during the process. Like Mr. Gdanski said a project like this may take six months. I don't do construction, I happen to live in a site right now that's doing construction. I will tell you, it was really the first month and a half after they did their groundbreaking, that they started with the erection of the house, and once they put on the roof, it was all the interior stuff, other than the exterior facade. So the majority of what you're talking about is really the beginning of the process, not the whole six months.

Member Porter - I guess I would still be concerned, because even the front part of the lot could possibly hold one big construction truck, it wouldn't be able to hold two and you are going to need more than one truck. So then there's probably going to be multiple construction. We always see there's multiple cars and construction things, and especially in this case, if you're building out for the retaining wall and everything in the back, where would you then have an idea of where the other trucks were going to go.

Attorney Millman - So we're just looking to address, how would we stage this project?

Member Porter- Yes.

Attorney Millman - Okay, I don't have an answer, but I'm gonna see if we do have an answer.

Mr. Gdanski - I think they could definitely fit at least two cars or two construction vehicles within the property.

Chairman Guareno - Let me just reiterate, please, everybody's going to have a chance. I'm going to give you that chance. This board here is going to give you the chance to speak.

Mr. Gdanski - No construction equipment will be left in the street, but trucks and vehicles for the people working there. If it's permitted to park on the street. They're permitted to park on the street, they will follow the rules in the village.

Chairman Guareno - Would the applicant also consider no work days in the event of any snow removal or anything like that? Because that's going to be a problem, I know how that street is already, and I know if there's any snow removal or anything like that, that's going to infringe on them even harsher. Is the applicant willing to take snow days off until the roads are completely clear.

Mr. Millman- To address that in the most fair way I can address it. I don't know if I understand what a snow day is. So if it's an active snow and your trucks are out clearing the roads.

Chairman Guareno - Yes, that's what I meant.

Attorney Millman- With respect to the other thought, at some point in time, the bulk, if not all, of the remaining work will be indoors. So if you have an area that a vehicle can be staged, for example, you're dealing with the

plumber, and they have their plumbing truck and there or the or the attrition, and they're running their wires, they're indoors, not impacting adversely the neighbors that's doing work on possibly a snow day, that wouldn't adversely affect so maybe if we we carve out a different discussion that no vehicles work. That no vehicles will be parked on the roadway during an active snow event to allow the municipality to properly clear the roads, I think that's an extremely reasonable request,

Chairman Guareno - And to allow the local residents as well to, you know, clean their yard. They're cleaning their driveways, their cars are going back out.

Attorney Millman - My client asked me to cooperate as best as possible. So I think that's reasonable, if we understand that if they're in the driveway and it's a plumber, copper or whatever it may be interior that shouldn't be any prohibition. Shouldn't trigger Mr. Berrios coming down there and seeking a violation of your of this board's decision.

Member Price - I mean, there are two parking lots, one at the very end, and there's one in the beginning of the street. So if they can least remember to park on those when there's a lot of guys working in the house, this would leave the street.

Chairman Guareno - If the board doesn't have any further questions we can continue with the neighbors.

Attorney Millman - But what I will ask after the good neighbors do speak, if there's something for me to address the statute, just if I could rebut .

Chairman Guareno - One more thing please direct the questions to the board, not the applicant or attorney. You ask the question to us, and we'll happily ask the questions to him. Let's just be respectful, we can glide through this very easily.

Member Price - And then I'll say one other thing. I'm sure a lot of neighbors might have the same exact thing to say. If that neighbor comes up and says what you said, I mean, want to say, then really, we want to get to the heart of what's really bothering you.

Unknown speaker - I understand him to say that we can't repeat anything that happened at the last meeting, because there's a lot more people.

Chairman Guareno - That's fine, like I said, you and everybody else will get three minutes. Dennis, do we need to introduce this for the record? Or this was already introduced?

Attorney Michaels - Everything that's submitted properly and timely is a part of the record.

Stephanie Gorin - So I'm sorry, are you saying that my brief will not be on the record? It's already submitted.

That's definitely what I did not say. It is absolutely part of the record. We don't need to make reference to it and recite every piece of paper that this board or any other board receives to make it part of the record. We've never done that. It's not our custom, it's not our practice. It's not required by law. So again, whatever has been properly submitted to this board in a timely

manner for this application will be made part of the record.

Chairman Guareno - Would you like to come forward and start ? Or do you want your neighbors to go first?

Ms. Gorin - My neighbors can start.

Chairman Guareno - Anybody can step forward, just stand up, state your name and address, please, and just any questions or concerns.

Jim Calder- Lives two doors down at 26 Riverside Avenue. I'd rather not talk about any of the construction, because what that does is it gives us a foundation that this is simply going to go forward, if we solve all these problems, construction is actually not a problem. I think everyone knows that, and to talk about it is kind of assuming that it's going to happen. My main concern is that the variance really does the New York State asks the Zoning Board to take, to take variances very seriously, because they set a precedent. And that's in that's in your directions from the state of New York, and this is such a tiny community that it's not just saying it's this percentage or that percentage is extremely misleading, because you will set a precedent that anyone can have a five foot variance and they can take it to court, and they will win, because that is the precedent. And so to say that, that it's a small one is not necessarily true. Are there feasible alternatives? Yes, there's 50 lots there. You can buy any one. You're kind of blaming the lot for that, for being non conforming. It's not the lot's fault. It's too small to build on. That's why those variances are there. And I would ask the zoning board to really, really respect that it's, it sounds like it's all, you know can go well, but it's just, it's, it's a false equivalency to say that it's, that it's a non conforming thing. And that they are feasible. There aren't any feasible alternatives. There are many lots for sale. There's many houses for sale. But my main thing is, the character of the neighborhood would be drastically changed,

mostly because of that precedent that you would be setting, because a lot of houses are continually selling there, and if they ask for the variance, you'll be somewhat obliged to offer them. So we're asking, I'm simply asking that you, that you keep those rules, they are there for a very good reason. They're there to protect the neighborhood. So I think that's it. I just don't think it's an assumption that there's an entitlement to build. I think it needs to be justified. And I would ask that you take that seriously. That's all.

Chairman Guareno - Thank you so much. Thank you. Anybody else can come forward, state your name and address?

Steve Borton - I live at 7 Riverside Avenue, four or five houses down from the projected thing. First of all, I want to thank you for the fair that you had this weekend in Haverstraw. It was a lot of fun. I'm also vice president of the Nyack ambulance corps, and I want to address the fact that building on that property, where there's a 45% grade and a 70% grade, and with a high, very high possibility of erosion. And in the plans, there'll be taking down trees, which is, you know, logical, but those, those hold that, and it spills a lot. There's been a lot of sliding down in that area. It's a terrible piece of property to build on, regardless of that, and with the building, there are going to be days that you cannot go by. We live on the south side of the project. Haverstraw and West Haverstraw have been so great, West Haverstraw at garbage pickup. And there's trucks there two times a day, let alone all the deliveries. And that's going to be impossible, if not very dangerous. And that's really what I want to say. I mean, I can argue about the fact that the building is really not necessary. And like Jim said, there's plenty of other lots there. This street has a personality to it, and we want to keep that personality. Does that make sense?

Member Price - Yes, I'm going to say something in regard to that. So I don't know how many houses are actually on that street.

Unknown speaker - Forty something.

Member Price - So think about this years ago, when your neighbors, or whoever built these houses, way before, had to do this process. The block is still there. Riverside Avenue is still great. They went through some struggles to erect whatever they're erecting, but you guys made it through. And that's what these guys are here to do. We're trying to do the right thing. I'm not for or against it. I'm just saying it's happened in the past. It happened 100 years ago. I know how long Dutch town has been there, but it's happened. So that's what I'm trying to, you know, take into consideration. I think these guys will try to do the best they can and do the right thing. But I'm not saying I'm for it again. So I'm just saying that, stating that fact.

Chairman Guareno - Anyone else? Please state your name and address.

Joan Harmon - I reside at 26 Riverside Avenue. Many, many concerns about the character.It has fabulous views of the Hudson River. That's why everybody loves this place, right? This is going to, for one thing, is going to block many, many views for many, many people. It's so high because it's so narrow and it's got to go so high. It is not in character with the rest of the block. It is really, really the most untenable piece of property to ever build on, for many, many reasons. And another one is the incredible slope of the land going down to the property, to the left of it. What is it to the north? That is unbelievably steep, and there's no way that this kind of retaining wall can be built that will not do damage to that property. At Riverside when we moved into our house, there had been a tremendous landslide. I think you have a picture of it. Tremendous landslide. The water comes down. This is a steep mountain that we are building on. It's not any normal piece of land whatsoever. And so, you know, this is going to be a ton of erosion, and it could be very, very dangerous, and it's bad for the environment. You know, it's clay. From the river bank, you can see that this part of the lot has been completely eroded with tree roots sticking out of Cliff. If the village isn't very cautious about the risk of further erosion and soil instability the result of the water runoff from impervious lot coverage, then another

landslide is very, very possible. They say that in the topographical survey, there's a part of the lot closest to the river that has no topography, and it says on the survey area is inaccessible. That's because it is extremely steep. It's basically straight down. And at the end of the lot there's a sheer drop off. So this is not just any old type of land. This is a very specific geography that has to be looked at very closely for environmental reasons and just danger to the community and everything else.

Chairman Guareno - Thank you very much.

Gail Hovey - I live at 3 Riverside Avenue, and I want to speak about the height of the proposed building. The applicant has submitted this application with drawings for a proposed house of 31.8 feet. The code says only 25 feet is permitted, but it's not clear, from what we understand, how that 31.8 feet has been calculated, as has been said very clearly by a lot of people, this is not a flat piece of land, so that if the measurements are not taken from the South as well as the North, which is way down below, I don't know how these calculations are made, but I've heard it said that maybe this 31.8 feet is actually not accurate, and we'd like somebody to explain to us how that was conceived, because we're afraid that the building is actually higher, and that the bulk zoning board needs to obviously have that accurate determination, and we need to know about it. And the other thing that we're concerned about is the height of the roof. The measurements say that it would be 10.33
feet tall. Sorry, it would be 15 feet. The concern is the attic in the proposal says that it's for storage, but the size of it is under New York Code, habitable space, so we don't quite trust what this is about. And it means that we have questions about the veracity of the applicant's plans, and we need to make sure that that what is being put forward is, in fact, accurate in terms of this specific and I won't repeat what other people have said, but I call on this board to say no to the variances. We don't want this house built on our block for all of the reasons that other people have already said and that others will say, thank you.

Inspector Berrios -Thank you. What was your address again ma'am?

Ms. Hovey- 3 Riverside Avenue, you were just there looking at our new deck.

Al Greg - From 21 and 28 Riverside Avenue. As of Saturday, it was my understanding that Mr. Moskowitz was the potential buyer, not actually the owner, yet of the property sold that by the sellers. I just wanted to point out that my family's own the property on the street this year would be 101 years. The properties that were small on our street, the 33 foot lots, were divided by Julia Fowler, who owned much of the property on our street from Fowler brick company. It was my father's great, great aunt. She married Mr. Fowler. I think it was his fourth marriage. But I'd like to say that what they're trying to do is build the biggest house on the smallest lot, which seems like giving the most variances. I feel this be considered by the board to be harm to my property, because I feel my property will be overshadowed by this house and will be put in an unsafe situation as to the proximity of the side yard, there's a New York State Fire law that says the side yard step back between zero and five feet. You can only have 10% windows on that side, and you must have a firewall on that side of the building, which I'm sure you can follow up on, but that's my understanding. When we built our house, number 28 we were denied our variances, even though it was a pre existing lot; like the other lots, 33 feet wide, and it had a pre-existing house on that lot. So what we were told to do was we had to come up with documents and photos of the old house. And when we built our house, we went to an architectural view board with our engineer, our architects. We had to pin our foundation down. We used 630 foot telephone poles and put in on angles so that it wouldn't slide down the hillside. And then we were advised that we also had to do a geological survey due to the hillside, and we also had to pour a monolithic foundation with 10 inch walls in order for it to be safe on the hillside. So we followed all the rules that were set up by the planning board and by the Architectural Review Board. That was our journey. We've had other neighbors that were denied variances for their side yard recently to the Partridge Family. The board's vast knowledge will help them make a proper decision for this small lot, given the negative impact that would have on our street and myself personally, and we're hoping that to keep the value of our street as it was, and to understand that it seems like an overbuilt there's actually towns moratoriums on building, one of them being Stony Point. Because they're realizing that things are being overbuilt. If you drive around the county, you

can see different places where everything's being overbuilt, houses out on the sidewalk. So I'm just keeping that in mind, the quaintness of our streets, quaintness of the village. And I always tell people when we come to the village, if you go to the village, look up, because when you look up, you see all the beautiful architecture. Thank you.

Chairman Guareno - Ruben, I got a quick question on the plans, for max height. They do call for 31 because I'm looking on the front or in front of the parking lot, I have a max height of 21.4. What's the correlation with that?

Inspector Berrios - They figured it out going down,

Chairman Guareno - So, they got an extra nine feet. That's under the hill, basically.

Inspector Berrios - Correct.

Chairman Guareno- So, from where the cars park, from the tires, you're looking at 21 feet, not 31 there's a section of nine, almost 10 feet, that's that's under. So if somebody had a question on the height, I'm just reflecting that. That's all I know.

Pat Hickman - I live at 3 Riverside Avenue. I lived there for 19 years. I'd like to speak about variance four. I don't understand how the request for a variance for the number of stories can even be considered by the zoning board. By code, two and a half stories are allowed, and according to the applicant's notice of public hearing, they are asking for three stories but the plan showed a four story house, and both the upper basement and the lower basements are not basements at all. There's a definition of a basement, and it seems a portion of a building that is partly underground, which has no more than half its interior height measured from the floor to

the ceiling above the finished grade of the ground adjoining the building shall be counted as a story in determining the number of stories of the building. And the ceiling height is six feet or more above the finished grade by New York State Code, the attic presented by the architect is fully habitable and should also be counted as a full story. The roof height of the attic is 10.3 feet to the roof ridge, and well over eight feet, if measured to the midway point between the ridge and the eaves of the gabled roof, and it's nearly 800 square feet. If there was no intent for the attic to be habitable, then the roof height is excessive, particularly considering how narrow this tiny, little, narrow house is 15 feet it's like a railroad apartment. It will also block the river views and sunlight of the surrounding properties. I ask that there is absolutely no reason the board should allow this house to be four stories when only two and a half are allowed by code; four stories is excessive, and it is my understanding that the board is mandated to grant the minimum variance necessary. We care about our neighborhood, and we really ask you to consider the personality of what we do. Thank you.

Chairman Guareno - Thank you so much.

Unknown speaker -I'm going to get up again because I'm going to read a letter from someone who couldn't be here.

Chairman Guareno- That's fine, just state their name and their address, please.

Unknown speaker- Tyler, he resides at 32 Riverside Avenue, one of the properties that's abutting the subject property. And he greets you, all the zoning board members. I'm outraged that any of these zoning variances are being considered without any renderings whatsoever showing the north side of the proposed building plans. The property in question slopes steeply towards the river, but also slopes even more steeply towards the northern property line. Elevations showing the south side of the proposed structure are eight to 12 feet higher. This means the

basement levels shown are actually floating 8 to 12 feet above ground, on the north side, they are not really basements at all but full stories. This means the proposed retaining wall will be 8 to 12 feet high at its northwest corner. These walls and foundations will look like a bridge abutment from the north, seriously impacting both views and property values, and he has attached a sketch. Why hasn't a full set of elevations been submitted for oversight or intentional deception? These variances should not even be considered without clear and precise understanding of how these elevations affect the proposed project. I respectfully request that this letter be entered into the official record in opposition of the application request for variances at 30 Riverside Avenue before the close of the public hearing. Thank you.

Stephanie Gorin - 32 Riverside, because you have my amended brief. It covers a lot, and the reason it's amended is because there was an added variance. So I would like to address the added variance I didn't talk about the last time because it wasn't a variance. It's the distance of the wall from the property line. Okay, the applicant is requesting a setback of just one foot for this wall .I believe that the calculation of the distance that it needs to be is.

Inspector Berrios - Two thirds of the height off the property line.

Ms. Gorin - The height of what?

Inspector Berrios - The height of the wall.

Ms. Gorin- The wall is four and a half.

Inspector Berrios - In other words, if you build something four and a half feet, a wall, a fence, you can go on the property line. Alright. If you're going above four and a half feet, you would have to be set back two thirds of the height of let's say it's six feet. You would have to be four feet back.

Ms. Gorin - So what I'm saying is that it's four and a half feet at the

driveway level, but the property line at the furthest point of the driveway is eight feet down. So there's a retaining wall of eight feet plus four and a half feet. That's 12 and a half feet, not four and a half feet. That's the side of the wall. On my side, that's what I'm going to be looking at, and that is a major retaining wall. Not only does it have to support a driveway like a normal driveway, but cement trucks, which are like 20 tons, or, I don't know how many tons, have to be this retaining wall is going to have to support. I have major concerns about my safety and damage to my property. Please, think about it for a second, one foot from my property line, a 12 and a half foot retaining wall that's supposed to park all of these construction vehicles. I'm very concerned about that, and I would like to know how, you know, I would think that a commercial engineer of some sort would need to be consulted, not just a regular residential engineer.

Chairman Guareno - Excuse me for that matter. Dennis wasn't the village engineer brought on to this application

Attorney Michaels - Yes and she is a NYS licensed professional engineer.

Ms. Gorin - It was proposed as a four and a half foot wall from the ground up. There's no drawing of this wall other than four lines bird's eye view. It's actually a 12 and a half foot retaining wall at the highest point. So it hasn't been reviewed by the engineer for that purpose as retaining wall. And I really think it should be, and it should be engineered accordingly. One more thing about the distance of this wall from my property line, because it's a retaining wall of such height, they're going to be digging a trench three to four feet down in order to support this retaining wall one foot from my property line. Over the years that I've listed this address, 12 years I've planted along my property line on my side just like many people, yeah, assuming that, as the code says, seven and a half feet protection for those roots. Now, you're. digging down. It's going to be on the property line, the walls at one foot. The trench is going to go down four feet, directly, destroying the roots of those trees. There's no way around it. No,

Chairman Guareno- We're going to give your neighbors a chance to speak.

Ms. Gorin - Well, no one else will be discussing that, I can assure you, because it doesn't affect anybody else. There are many things in this proposal that uniquely affects my property and if it were your property, you would equally be concerned.

Chairman Guareno- We're listening. Thank you. Anybody else?

Attorney Michaels - Mr. Chairman, important information. The Village Engineer has not completed her review of the revised plans and drawings, so that you do not have yet.

Ginny Virginia Borton - At 7 Riverside Avenue, and we're one of the newbies, really, we found our property during covid and sort of a boring day when we just wanted to drive around and see if we could downsize somewhere.

Inspector Berrios- I'm sorry, could you repeat your name again.

Ms. Borton - Virginia, Borton, B, O, R, T O N.

Inspector Berrios- Thank you.

Ms. Borton -So we moved in five years ago, again during covid, we downsized from having been 30 years in Valley Cottage on an acre of property, and here we are in a we're one of the 30% in Dutch town that have less than 1000 square feet, and I can swear by that and just a few closets, but we were very attracted to the neighborhood for a lot of reasons, just of course, because we're on the river and our neighbors, immediately we met and felt connected with and we were hearing things like, Oh, everybody here is a lifer. And I'd never heard that before, that concept of a lifer. And then since, actually, since I've been there,

unfortunately, but elderly, about four elderly people have passed, and I have been to their funerals, even though I've only been here for five years. So you know, having just been there for five years and already been to four funerals of neighbors. Shows you how quickly we get so connected to each other. It's a very small road, as we all know. We all if we walk it, all we see each other walking up and down. My concern is really the undesirable change of the neighborhood. I'm very concerned because I am a senior. There are many other seniors here, as well as young people. We have a new baby in the neighborhood. God forbid that somebody needs an emergency vehicle, because we have already had some issues with the two little houses that were constructed down on the river that you can't even get to. I'm not sure which ones those what the numbers are, but they're still not finished, and that's been about two years. So the six month concept, to me, is a little exaggerated. But the other issue is the quality of life, because we're right behind 9w and the train. So we signed up for the train. That's fine, but 9w has been full of construction because of the pipeline and right behind all our houses has been major, major for almost, I don't know how many months, or almost a year of pounding and blasting and all through the night, which we could hear, and the lights were bright enough that I could see them through our bedroom window. So not only was that affecting us now this you're saying, in this beautiful little community, we wouldn't be able to get through our street. And again, we live on the south side, so there's no way out unless we want to go five miles into Nyack on a hike. The other thing is that, you know, I have a concern when you use the word sterilize. I know maybe that's an official word, but I've never heard of the property not being used as sterile. To me, it's the beautiful property that is there to serve us in some way. And I know somebody owns it and they want to get money for it because. That's what this life seems to be all about. But there must be another way. So I thank you so much.

Chairman Guareno- Thank you. Anybody else concerned? Come forward.

Mary Ann Partridge- 18 Riverside, 30 years ago, my husband, I built the house on a skinny lot, and it was the most wonderful man, Mr. McGeorge. He was on the board. And when we were trying to figure out how to put up

a house on a 33 and a third foot lot with 15 foot side yards, which was what was written. He came up with the law that he found in the books, seven and a half foot side yards. And so that's what we have, and we obeyed it like crazy. Don Boycott wouldn't even let us put a bay window with seven and a half foot side doors. And it's really still tight, and it was hard but we obeyed every rule but one of the rules that you probably all know, but everybody's talking about the height of this house. We have a flat roof on our house because of the rule we were told, and our hill was so steep. Our next door neighbor, when they built she broke her ankle walking down the hill, so it's very steep. They told us, You have to go to the middle of your house, and that's the height. So we were talking about the height rule. So if that's a lot, that's like, like ours, whatever the building is, it doesn't show the side view, but whatever the building is, you go to the middle of the house, is what we were told. You probably know that right the middle of the house, and you go up from there.

Inspector Berrios- I think you're referring to the mean line of the roof, which is basically the midpoint of the roof, not the house, the roof.

Ms. Partridge -Okay, so is that in there? It sounds like everybody's talking like it's going to be a real skyscraper. We had to go to the bottom of our basement and go up from the bottom of our basement, because the house started here and the bottom of the basement way to go up to whatever the rule was. Thank you. I love living on Riverside.

Norman Alfred - 43 Riverside, I've been on the street 42 years. For those of you who don't know how it got the name Dutch town. I was told by a guy when I moved in, who lived where Mary Ann now lives, that back in the 20s,

they needed a name for a baseball team, and there were Germans living on the south side of the street, Dutch. That's how it became Dutch town. The Street itself dates from the 1740s when it was part of the King's Highway, and both are British. There's a sense of community. I'm not going to get into these numbers and stuff, but I don't think this house fits into the community. When you're talking about five feet on the side, stretch your arms, man, it's more than five feet. And what does it mean when you stretch your arms and you don't even have data on the side, you know, what kind of backyard is there for kids to play? You know, as far as the roof goes, I got a hip roof on. My house was built by the Thurstons 42 years ago. They put a hip roof on, and it's fine, I can store all the junk I need there, but you can't walk around, this house is going to be too, an attic that you can walk around in, you know, and the double basement you're having. A basement seems to me something that's underground, or is it going to become another room somehow or other. As far as the retaining wall goes that Stephanie mentioned, yeah, I got that down here. If you're one foot away, you're going to damage the root structure of the stuff that she planted. You know, this is a place that's supposed to be green, this is what it's all about, not brick walls that are 12 feet high and that type of stuff. As far as the parking goes in a house like that, these days, there's a good chance you're going to have more than two cars for the simple reason, your teenage kid grows up, goes to RCC, and he has to have a car. As far as erosion goes and water, okay, on the riverside, if you ask my neighbors, they will tell you all the damage that Floyd did on the riverside, but I live on the mountainside, and let me tell you what happened on the mountainside. The water came down so much that I think it's 53 or 51 the water destroyed the foundation of the house. It was condemned and demolished, and it hadn't even forced over the street yet. And then this police officer knocks on my door and says they're evacuating the street. I said, why? And he said, because the street is caving in. So the water had hasn't even gone over to the riverside yet, and the water is already caved in the street. So I spent this wonderful night at North Rockland High School sleeping on the floor. But, , there's a sense of community, a sense of feeling, and this is just not, 25 foot piece of property just doesn't seem to me to fit into the program. Like I said, I was there for 42 years, and the rest of my life is going to be spent on the street, because it's fantastic. You've got to water there, you've got to park there. You know, walk into the woods and it's absolutely beautiful. And squeezing a house in that has no that's not going to have anything green,

because it's going to be so, so limited that just isn't the spirit of this thing. And communities have spirits, and they are spears. And this house, this 25 foot piece of property, is going to destroy it. It's not going to contribute to the spirit of this whole thing. Also, do you know why the properties are 33 feet? Because the British surveyed it back in those days, and they surveyed it in rods, a rod of 16 and a half feet, so two rods are 33 feet. So that's why the properties are basically 33 feet, and this property is 25 feet, and you're going to be setting a precedent for the next time around. And the thing is, you set the precedent, then the next time, then the next time, etc. And I mean, it's a great street. It's a wonderful place, and I want to keep it that way. Thank you.

Chairman Guareno- Thank you for your time. Anybody else, please?

Chris Ludwiczak- 14 Riverside Avenue, I would just like to say to the attorney, he stated that we did the best that we could do. Building the biggest house on the smallest lot is not the best that we can do. I don't even think they tried to do the best that they could do. I would then like to just ask a simple question, how many single family homes in the past have been built in the Village of Haverstraw requiring not 1 or 2 variances but 6 variances, I don't know if you have the answer. Probably zero.

Inspector Berrios - People have built houses and they've had variances but I could not tell you how many off the top of my head.

Catherine Fick - I'm at 23 Riverside. So briefly, the five points brought up as to why the variance should be granted, a direct rebuttal, undesirable change. We've heard from a lot of people here, there would definitely be an undesirable change in our neighborhood, with the character, with this type of house being built, size, height, taking up the space on the lot. And like Chris said, the fact that they have to have six different variances just to do

this project. Should point to the fact that this is not a building lot. It was never meant to be a building lot. And I live next door to the people that used to own the lot before they passed away, and they never intended it to be a building lot. They only used it for parking cars. It's basically a ditch, and you're trying to put a shoebox in a ditch. Benefit sought by the applicant. Yes, we've already pointed out there are other ways. If you want to build on our street. There are other lots available. There are houses available. Whether a requested area variance is substantial? I would say yes, it's substantial. If you have to have six variances to build something that's substantial. It's not like I just need a few feet on this side. I've seen a few feet on that side. No, you need feet on this side, you need coverage on the lot, you need to put a retaining wall in. I have several retaining walls on my property, and I can tell you, there is no possible way to put in a retaining wall one foot from the property line and not do substantial damage to that other property on the side to do that kind of construction. Not to mention that most retaining walls, once they get over a certain foot, have to have the retaining fabrics and everything like this. I don't even see how that can happen when you got a ditch. Adverse impact on the physical environmental conditions. So the environmental conditions include traffic circulation. Mention that there is a parking lot near our street. Those are not public parking lots, per se, the one, only one, on the one is for the playground, and most of that playground is a basketball court, so you're going to be taking away use on that property for kids to play on the playground. The other end is a very small lot for people to have access to park. It only has eight spots, especially like at this time of the year, if you go down there. By 10 o'clock in the morning, all those spots are taken with people going down into the park, going down to the beach, to fish. They'll spend the whole day down there. So at a certain point you there is no place to park on my side of this street, which is across from this property. The entire street basically is a fire zone. There is no street parking. And if people try to park into their property. They're still hanging out in the street. So once a car is hanging out in the street, you've got less than 13 feet. So we've talked about that before, you know, it's very difficult to move on down the street. So that's a very big concern to me. Then whether the difficulty was self created there again, I say yes, it is, because they need six variances to put something on this lot to me, that's self created if you can't find a way. A to use that property without having these substantial variances come up with a different plan. That's it. Chairman Guareno - Thank you. Was there anybody else?

No response from the audience.

Attorney Millman - Mr. Chairman, may I do a brief rebuttal just on a couple of the issues. If you don't mind

Chairman Guareno - Yes, that's fine.

Attorney Millman - I want to thank the neighbors. I thought it was productive, and I appreciate the points that were made just to point out a couple of issues. It's not a feasible alternative to purchase a different lot. That's an easy thing to say, and it's been reviewed more than one time. That's not a criteria for the Zoning Board of Appeals. We are talking about this particular lot, 30 Riverside. It is a lot that was pre-existing, non conformity, and that is really a lot, whether my client can purchase other lots, build other places, other municipalities, shouldn't be a factor to consider here. With respect to how Ms. Harvey, I think it's Gail Harvey, but my handwriting is not great. Talking about building calculations that is in the purview of the building department. The building department has reviewed it. That is how you calculate. You look at the New York State Building Code, the village code, there is a formula, and the height that was submitted is the height for purposes of zoning and building however they want to interpret it as neighbors based upon how they view it, how they see it, the height that is before this board is the height that I'm asking for variances with respect. With respect to the undesirable change that was brought up by Ms. Fick.
Undesirable change is measured under the law on an objective standard. If you're a neighbor and you're next door, anything potentially subjective, because it directly impacts them, and as they are all testifying to today, that's a subjective statement to them. It is undesirable. Asking this board to look at it objectively outside of their shoes. Always consider their concerns. That's important, but it's an objective standard. So when you look at the criteria for undesirable change, I submit that we satisfy that. Well, a lot was brought up about the number of variances. Well, there have been other Zoning Board of Appeals applications before this board. I've appeared here, and I've seen it. It's not uncommon to have five or six variances. That

happens when you build habits, whether it's height, whether it's parking, whatever it may be. So for someone that may not see the zoning board on a regular basis, it may seem like a lot in terms of number, but just remind you, our original plans were only seeking three. It was based upon guidance of the village to improve the project for the neighborhood. Is where it increased. And I submit that we originally came seeking a project with three variances to get a better project that I think would be better for the Riverside neighborhood we're seeking the greater number. Thank you.

Ms. Gorin - I have a question if that's ok.

Chairman Guareno- That's ok.

Ms. Gorin - I was looking at the code the other day, and it's a question. I was looking at chapter 245, section 11 of the code, which requires larger minimum lot area, areas for properties with slopes over 25 degrees and 50 degrees. My eyes popped out of my head because I had never seen that before, and I know that some people say, it's a non conforming grandfather lot. It's actually not in the code that that, you know, the minimum lot area is not something that grandfathered lots get special exceptions for side yard setback, maximum building height, as we know, we have special code for that, but it says explicitly in the code that the grandfathered lots have to have C/Os. In other words, they have to have had for this variance, they have to have had something built on it with the C/O. So I, I'm asking the question, I'm asking for you to look into this, because there's a chance that they need another variance, and it would be a substantial variance, because if, because the slope is much. Greater than 25 and I believe it's greater than 50% certainly to my property, which means that they would need an area, a minimum area, four times the standard amount that is needed. So please look into that, because if that's true, what I think is I'm finding there, it would make the lot unbuildable. Thank you.

Chairman Guareno- Any other questions for the board, for the engineer or the lawyer?

Member Porter - I'm still confused about how many levels there are, is there four or three?

Chairman Guareno - Come forward, please. You can use the board if you want. We've seen the plans here, so if you want to just direct it at their attention, that's fine.

Peter Khalil - So we have three stories, okay? And what's called basement, we'll change that name. It's a full story, so it's not the basement. So we have two basements, we'll call them story. So we have 123, from looking from the street, from Riverside Avenue, you're only going to see one story building with the roof. The building on the left shows two stories and a roof. The building on the right, one story and a roof. So this building is going to be more closer to the building on the right and the height from Riverside looking from Riverside Street, we have 21 feet, four inches, maybe with the grading, maybe it's like 22 feet, maybe maximum. And also, I want to answer the question for the attic. The attic is not a habitable attic. It's not accessible. Doesn't have a meaning of egress. You don't have a stair to go up there. The only stair will be installed there is a full ground stair, which is the one that installed most of the unfinished attic. So the attic is not a habitable space. The height from the attic, from the ceiling of the second floor to the highest point of the roof, is 10 foot four. The 10.4 is to the highest point of the roof and to the second floor seal. Now what does that mean? As we all know, in the attic there is another component called collar tie. The collar tie is another horizontal piece. We put it in the attic space to create the frame of the attic. Now there is a rule for this color tie. You don't install it anywhere where an attic has to be 1/3 down from from the highest point of the roof. So that means the color tie will be at six foot eight from the height, from the floor to the start of the collar tie. Now a habitable attic, they're known if they're accessible, it will

be habitable. So this is not accessible. There is no means of egress to access this space up there. And also if the finished ceiling is seven feet. That makes it habitable. Eventually, the ceiling will be at six foot eight and another component, it will not be finished. So technically, this building is a three story building.

Member Porter- So each floor is how many square feet?

Mr. Khalil - The upper level, which is the one that's accessible from the driveway, is 628 the one under it is the same. The lowest one is 590 square feet.

Member Hilario - Okay, I have a question. So how can they say they're gonna lose the view if you are only going to have one level up in the street?It should be a same level that they have.

Mr. Khalil - I mean, technically, this house is even lower than the house on the left. The house on the left is a two story on the roof, if you consider every story, nine feet with the floor system, nine plus nine, that's 18 plus the another 10 feet for the roof line. So that's 28 so even you know the house on the left is even higher, maybe it's not 28,27.

Member Porter- So this is like the house on the right then.

Mr. Khalil - Similar to the house on the right, but the roof line of this new house is much steeper than the house. But, I mean, if that's an objection to anyone, we can maybe shallow the roof a little bit, but pretty much, this building is just one story building looking from Riverside.

Chairman Guareno- Quick question, with the concerns of neighbors at the highest point from the side view of the property of the building? What would be the highest point of the foundation that the neighbors are concerned about?

Mr. Khalil - So, if you measure, we have 70 here, right?

Mr. Gdanski - What are you looking for?

Mr. Khalil - He wants to know the height from the midpoint of the structure all the way up.

Mr. Gdanski - 70, but the average grade, the calculation for height is on here. It's the average grade. If you look at the bottom right underneath the bulk table, there's a calculation. It's average grade, like one of the one of the neighbors. It's at the bottom right there.

Ms. Gorin - What levation.

Chairman Guareno - Direct the questions to us.

Ms. Gorin I'm concerned that there's no elevation from my side. I think that, first of all, you should be able to see the elevations from the north side. They did not. They only provided them from the south side, there's a major difference in slope. The house is floating on my side. So if there's a foundation under it, it's a huge wall. I would like to see. What is that going to look like? It's very deceptive to look at it from the other side. And I don't

believe that you're using the average grade, because I don't see any of those numbers. All of those numbers are coming from the south side of the property. You're not using the lower and that would add 10 feet from one side to the other, five feet of height that you're adding to the height of the building.

Chairman Guareno - Dennis, can we do a request for the village engineer on her report for the north side of the high elevation of the foundation?

Attorney Michaels- Sure. Ruben if you could communicate that to the Village engineer that's something that usually Gisbeth would do.

Member Porter - Can we get a rendering , how would it look?

Inspector Berrios - We can request that from the design professionals.

Attorney Michaels - My understanding is the village engineer, Eve Mancuso has not yet provided a report to you the Zoning Board of Appeals regarding the most recent plans, most recent revised drawings she only recently received. So I can't decide for you, but I would think that that's something that you would want to see before you're comfortable making a decision on the application.

Chairman Guareno - Absolutely.

Attorney Millman - So. Mr. Chairman since the board is looking to see Ms Mancuso's report, and if that's the decision, we'll get the elevations

over to her right away so she can incorporate that in the report.

Member Porter - Can you also provide renderings of how it would look?

Attorney Millman - Yes we'll do that.

Unknown speaker- I just wanted to add something on the house on the right. My roof line is 14 feet not comparable to the 21 feet.

Mr. Khalil - I said that, I said that ours is much steeper.

Member Porter - You also said you could adjust that if need be.

Chairman Guareno- Your advice Dennis on keeping open or closing the public hearing.

Attorney Michaels - Is there a consensus? Or would you like to see Ms. Mancuso's report?

Chairman Guareno -. I would like to see the report.

Member Kathleen - And also the renderings.

Attorney Michaels - Then you have to keep the public hearing open.

Member Price - So I'll make a motion we continue to public hearing next month on October 21st, 2025.

RESOLUTION # 39 - 2025

Motion by: Tom Price

Seconded by: Jose Hilario

Motion Carries: All

Attorney Millman - Dennis what date do you have?

Attorney Michaels - October 21st, 2025. Mr. Millman you consenting? Do you agree with the zoning board appeals?

Attorney Millman - I'm going to give you that answer in a moment. Dennis, I'm just making sure that Mr. Phillips or myself is available, because I don't want to consent to keeping it open and then a date that we can't appear. So we do consent for October 21 at seven o'clock. I would ask this board if you could make us first on the agenda, because I do see I have something later that evening. If my partner is going to be here, it's not an issue.

Attorney Michaels- At the request of the applicant's attorney and I assume the zoning board appeals consensus based upon discussion we had a few seconds ago, this public hearing regarding the application related to a proposed single family dwelling at 30 Riverside Avenue will remain open. The public hearing will remain open, and the application will be continued to be reviewed by the zoning board appeals at the next meeting, which is October 21 October 21 2025, seven o'clock PM, here in village hall. By making this announcement, there will be no other public notices. So, please make a note,

Chairman Guareno - Thank you all for coming.

Attorney Michaels- Okay, so how do you feel about 12 Fairmont Avenue? You feeling good, favorable, okay, based upon the nods of the heads here, it's my legal opinion based upon the nodding of the heads amongst all members of the ZBA in favor feeling favorable to 12 Fairmount Avenue application, it's my legal opinion that would be procedurally appropriate for any one of you to adopt as a motion if you wish to approve the application for all of the area variances. Again, that's to approve the application for all the area variances as set forth, depicted, illustrated and shown on the sets of drawings and plans. There's one set containing three sheets, and they are enumerated, sheet one, sheet two and sheet three of three. They are under the signature and seal of John Perkins as a New York state registered architect. John Perkins can't read if he has a middle initial underneath his signature. It's obliterated on a stamp, but it's John Perkins, the most recently dated. I think it's February 3, 2025 on all three sheets, February 3, 2025 and there's a separate set of drawings under the signature and seals of John R Atzl as a New York State Licensed land surveyor and Ryan A Nasher as a New York State license, professional engineer, totaling three sheets, no correction, totaling two sheets, two sheets. And they are most recently dated, August 1 of 2025 August 1 of 2025 and you are approving these area variances, you're also finding that an undesirable change will not be produced in the character of the neighborhood, and a detriment to nearby properties will not be created by the granting of these area variances, the benefit sought by the applicant cannot be achieved by some method. Feasible for the applicant to sue to pursue, 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 also finding that although the alleged difficulty is. Self created, you have considered this factor, but in and of itself was not enough for you to deny the application instead. So based upon all those findings, it's my legal opinion, any one of you can make a motion to approve the area variances to say so moved as recited by legal counsel.

Member Pricer- So moved as recited by legal counsel.

RESOLUTION # 40 - 2025

Motion by: Tom Price

Seconded by: Ramon Soto
Motion Carries: All

ROLL CALL
Kathleen Porter- Yes
Jose Hilario- Yes
Richard Santiago- Yes
Ramon Soto- Yes
Jose Guareno- Yes

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

RESOLUTION # 41 - 2025

Motion by: Richard Santiago
Seconded by: Tom Price
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

