

**CALL TO ORDER:**

The meeting was called to order at 7:30 p.m. via Zoom webinar by Chairwoman Robin Malley with the reading of the Open Public Meetings Act.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Robin Malley, Chairwoman	Present
Barbara Bushell	Present
Dianna Cereijo	Present
Sanjeev Dhawan, Vice Chairman	Present
Emilia Fendian	Absent
Christina Hembree	Absent
Michael Kaufman	Present
Philip Maniscalco	Present
Lynda Picinic	Present
S. Robert Princiotto, Esq.	Present
Evan Jacobs, Engineer	Present
Elizabeth Leheny, Planner	Not Requested
Meg Smith, Secretary	Present

**APPROVAL OF MINUTES:**

The minutes of the July 20, 2021 meeting were approved on a motion from Mr. Kaufman seconded by Ms. Picinic. Ms. Bushell abstained from this vote due to absence at the July 20th meeting. All other Board members voted in favor of the approval.

The minutes of the July 27, 2021 meeting were approved on a motion from Vice Chairman Dhawan seconded by Ms. Picinic. Ms. Bushell and Mr. Kaufman abstained from this vote due to absence at the July 27th meeting. All other Board members voted in favor of the approval.

**REQUEST FOR TIME EXTENSION**

**Jehovah Witness Kingdom Hall  
45 Woodcliff Avenue**

**Block: 2004 Lot: 4  
R-22.5 Zone**

Request for time extension for variances previously granted which include a D-3 Conditional Use Variance for impervious surface coverage of 53% where 30% is allowed. This coverage is being reduced from 56% previously. Amended Site Plan proposes a second ingress/egress and A/C equipment to be placed in the front yard setback.

Ms. Onufrak, attorney for the applicant, requested a one year time extension for variances previously granted for exterior renovations. This extension is needed due to delays associated with the pandemic.

Mr. Princiotto questioned when the work would commence.

Ms. Onufrak stated that the contractor was retained to do the parking lot which was previously

originally planned to be done by volunteers. Paperwork for revised plans and permitting are expected to be submitted in November.

Ms. Cereiyo asked what the time frame was when originally approved.

Mr. Princiotto stated that the original approval allowed one year from the time of adoption and that the time extension requested is for an additional year.

Ms. Cereiyo questioned date of time extension and asked if it was one year from July 28, 2021 or one year from tonight, August 24, 2021.

Ms. Onufrak confirmed that the time extension is requested for one year from July 28, 2021.

The meeting was opened to the public with a motion from Ms. Cereiyo, seconded by Ms. Bushell.

The phone number was provided to the public to call in with any questions or concerns regarding this application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

With no members of the public wishing to address the applicant or the board, the meeting was closed to the public with a motion by Mr. Maniscalco, seconded by Ms. Bushell.

Mr. Kaufman made a motion to approve this request for time extension and this motion was seconded by Ms. Bushell. On a roll call vote, all board members present were in favor of the motion.

**RESOLUTION OF DENIAL**

**188 Broadway, LP**

**Block: 2701 Lot: 3**

**188 Broadway**

**R-15 & S-O Zones**

Use Variance to add 53 apartment units and to permit multi-family residential use in the S-O zone, a variance for front yard setback of 34.1 ft where 35 ft is required, a variance for rear yard setback of 39 ft where 50 ft is required, a variance for building setback from the street centerline of 65.6 ft where 70 ft is required and a variance for deficient parking lot area landscaping where 185 sq ft is proposed and 1,320 sq feet is required.

Ms. Malley made a correction to the Resolution of Denial on Page 16. The name Dina Bianco should be changed to Nina Bianco.

Vice Chairman Dhawan made a motion to approve the Resolution of Denial, as amended, and this motion was seconded by Mr. Kaufman. Ms. Bushell was absent for the original vote on July 20, 2021 and was not eligible to vote for the Resolution. On a roll call vote, all other board members present were in favor of the motion.

**RESOLUTION OF APPROVAL**

**Lawrence & Phyllis Polevoy**

**Block: 2103 Lot: 1**

**15 West Hill Road**

**R-22.5 Zone**

Proposing two new porches to the existing residence which would require a variance for building coverage of 18.45% where 15% is permitted.

Ms. Picinic made a motion to approve the Resolution of Approval and this motion was seconded by Mr. Maniscalco. Ms. Bushell, Mr. Kaufman and Ms. Hembree were absent for the original vote on July 27,

2021 and Ms. Cereijo was late to the meeting and was ineligible to vote for the original approval. Vice Chairman

Dhawan was recused from this application. On a roll call vote, Chairwoman Malley, Ms. Picinic and Mr. Maniscalco were in favor of the motion.

**APPLICATIONS (New)**

**Jane & Steve Sanders  
64 Heather Hill Lane**

**Block: 901 Lot: 1  
R-30 Zone**

Requesting variances for two additions which would require two variances: 1) Rear yard setback of 43.16 feet where 50 feet is required, and 2) Front yard setback of 48.3 feet where 50 feet is required. A third addition in the rear of the property will not require a variance.

Received: 5/7/21; Deemed administratively complete on 5/17/21; Deemed Complete by Board Engineer: 6/14/21;

Mr. and Mrs. Sanders, owners of 64 Heather Hill Lane, were sworn in.

Mr. Princiotto verified that proof of Notice and Publication had been provided.

Ms. Sanders shared her screen and reviewed her property survey. Ms. Sanders explained that they are proposing three additions to their home. The first addition is off of the kitchen in order to move the laundry area. The second proposed addition is also off of the kitchen to provide an eat in kitchen and a home / office area. The second addition does not require a variance. The third proposed addition would add a garage bay with a master suite addition above. A basement renovation will also be done since the laundry area is moving upstairs to create a 4<sup>th</sup> bedroom with an egress window. This renovation would not require a variance.

Ms. Cereijo questioned the location of current equipment for generator and air conditioning in reference to the second addition off the kitchen for the eat in area and home / office area.

Ms. Sanders stated that the current equipment located in the area for the second proposed addition would be move back behind the new addition.

Ms. Sanders stated that their intent is to keep a similar style to the existing home and maintain the existing one-story layout. Ms. Sanders stated that their family wants to stay in this home and make necessary renovations and increase the value of the home. Ms. Sanders noted that this property is a corner lot with two frontages. This restricts and limits usable lot size. Ms. Sanders also noted that this is an irregularly shaped lot.

Ms. Malley questioned the bedroom in the basement.

Ms. Sanders stated that the basement space is not technically a bedroom by State Code

standards and they want to make this a formal and approved 4<sup>th</sup> bedroom.

Mr. Princiotto stated that the 4<sup>th</sup> bedroom does not require a variance and would need to comply with Construction standards.

Ms. Sanders reviewed the proposed elevations and stated that they would be maintaining existing height with both rear additions. Ms. Sanders explained that they would be enlarging the deck by 2 to 3 feet to access from the kitchen and the bedroom.

Mr. Jacobs questioned calculations for confirmation of building height and stated that the applicant must demonstrate the average height is compliant as this will now be a one story home with an exposed basement.

Ms. Sanders reviewed the architect's calculations.

Mr. Jacobs stated that since grade of the property does not drop off he believes that the height will not be an issue. Mr. Jacobs noted a tree close to the proposed rear addition and questioned if any trees would be removed. Mr. Jacobs noted that the tree roots may be damaged during construction.

Ms. Sanders stated that she had a tree company come to review this tree and that she will get a tree removal permit if they are going to remove. Ms. Sanders noted that there is possibly a problem with a Japanese Maple tree and the tree company is evaluating both trees.

Mr. Jacobs stated that a Soil Movement permit will be needed which will review all details of the project including drainage.

Mr. Princiotto questioned if the property has any current drainage issues.

Mr. Sanders stated that the property will need a seepage pit and that he will have an Engineer design and will get Board Engineer approval.

Mr. Princiotto noted that there is only a minor encroachment into the setback.

The meeting was opened to the public with a motion from Mr. Maniscalco, seconded by Ms. Cereijo.

The phone number was provided to the public to call in with any questions or concerns regarding this application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

With no members of the public wishing to address the applicant or the board, the meeting was closed to the public with a motion by Mr. Kaufman, seconded by Ms. Bushell.

Mr. Durden, architect for the applicant, reviewed approximate sizes for encroachment in the setbacks and stated that rear bedroom would need approximately 47 sq. ft. and the laundry addition would require about 3 sq. ft.

Mr. Jacobs questioned if the garage area had a cantilever or an eave.

Mr. Durden stated that there was an existing cantilever.

The meeting was opened to the public with a motion from Vice Chairman Dhawan, seconded by Mr. Kaufman.

The phone number was provided to the public to call in with any questions or concerns regarding this

application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

With no members of the public wishing to address the applicant or the board, the meeting was closed to the public with a motion by Mr. Maniscalco, seconded by Ms. Cereijo.

Ms. Cereijo questioned if the exterior of the additions would match the existing home.

Mr. Sanders believes that they will re-side the whole house.

Ms. Sanders added that they would probably also re-roof the whole house.

Ms. Cereijo made a motion to approve this application, and this motion was seconded by Ms. Bushell. On a roll call vote, all board members present were in favor of the motion.

**Gerald & Karen Barbara  
15 Franklin Street**

**Block: 2506 Lot:3  
R-22.5 Zone**

Requesting variances for a two-story addition and extension of the front porch. This would require eight (8) variances: 1) Building coverage from 14.7% to 22.8% where 15% is permitted, 2) Total coverage of 30.9% where 30% is permitted, 3) Front yard setback for the second story addition of 26.6 feet where 35 feet is required, 4) Front yard setback for the front porch of 26.9 feet where 35 feet is required, 5) Front yard setback for the front steps of 23.9 feet where 35 feet is required, 6) Side yard setback for the right side of the front porch of 11.7 feet where 20 feet is required, 7) Side yard setback for the left side of the front porch of 11.75 feet where 20 feet is required and 8) Combined yard setback of 23.65 feet where 60 feet is required.

Received: 5/5/21; Deemed administratively complete on 5/17/21; Deemed Complete by Board Engineer: 6/14/21;

Mr. Barbara, owner and applicant, was sworn in.

Ms. Cereijo is recusing herself from this application as her home is within 200 feet of this property.

Mr. Princiotto confirmed that proof of notice and publication was provided and verified.

Mr. Barbara stated that this application is requesting a second garage bay, an extension for his front porch and a master bedroom addition above the garage. Mr. Barbara stated that this is an undersized lot.

Mr. Barbara stated that he would be removing the ramp to the rear deck and the walkway, steps and pathway on the side of the house. Mr. Barbara stated that the second garage bay is oversized to allow for a van with a ramp for his handicap family member.

Mr. Kaufman questioned the location of the addition and the distance to the neighbor on that side of the property.

Mr. Barbara stated that there is approximately 65 feet from his house to the neighbors' house - approximately 29 feet from his house to the property line and approximately 30 feet from the berm to the neighbors' house.

Mr. Princiotto questioned the photo with a car and a pick-up truck.

Mr. Barbara explained that he is currently parking his pick-up truck in a muddy parking pit on his property. He is proposing a larger driveway to fit both cars.

Chairwoman Malley noted that this lot is 75 feet wide and that Mr. Barbara is proposing to use 52 feet of the width for these proposed renovations.

Mr. Barbara confirmed that Vice-Chairwoman Malley was correct.

Chairwoman Malley stated that this seems like a lot of coverage for this lot.

Mr. Barbara stated that another house across the street is larger.

Mr. Princiotto stated that this lot is only 8,995 sq. feet.

Ms. Picinic referred to the photo with the parking pit and asked if the addition extends to the parking pit.

Mr. Barbara stated that the addition does not extend to the parking pit.

Chairwoman Malley noted a house diagonally across the street which is beautiful.

Mr. Barbara noted that there is only 10 to 15 feet between the houses on one side and stated that his house with the addition will fit with the neighborhood.

Mr. Kaufman suggested using Google maps to get a clearer view.

Mr. Jacobs was able to access Google maps and shared his screen to view an overhead of Franklin Street.

Mr. Barbara stated that when he was looking to purchase a house that the market was selling quickly and that he needed to make a decision quickly.

Chairwoman Malley was concerned about setting a precedent.

Mr. Princiotto stated that lots are undersized on this street and each property and applicant must present their own case if they want renovations.

Mr. Barbara stated that the proposed variances fit with the neighborhood and will increase value of his home and others in the area.

Mr. Princiotto questioned the oversized garage.

Mr. Barbara explained that his mother is handicap and he has a ramp from the van to allow her access to the house. Mr. Barbara also stated that his son is 14 years old but will be driving in the next few years. They will need space for 3 cars in the driveway and garage.

Chairwoman Malley suggested that most people would find a different house instead of spending so much money to renovate a smaller house and property.

Mr. Barbara stated that he loves this town and this street.

Chairman Malley stated that this lot may be too small for the proposed renovations.

Mr. Maniscalco asked if there are any current drainage issues.

Mr. Barbara stated that water runs from the street onto comes into his yard. A seepage pit will be added to handle the water.

Mr. Dhawan stated that this is a tough lot to accommodate a two car garage. He noted that the removal of walkways and ramp will help lot coverage.

Mr. Maniscalco questioned the width of the proposed driveway.

Mr. Barbara stated that the proposed driveway was 26 feet wide at the top and 12 feet at the bottom.

Mr. Dhawan questioned if the wall between the garages would be removed.

Mr. Barbara stated that this depends on Construction review. Proposing a window to become a door and hoping for a 6 foot opening to be approved.

Mr. Jacobs asked if applicant can address comments in the review letter concerning building height.

Mr. Barbara stated that he is getting a new survey to address concerns.

The meeting was opened to the public with a motion from Ms. Bushell, seconded by Mr. Maniscalco.

The phone number was provided to the public to call in with any questions or concerns regarding this application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

With no members of the public wishing to address the applicant or the board, the meeting was closed to the public with a motion by Ms. Picinic, seconded by Mr. Kaufman.

Chairwoman Malley asked Mr. Princiotto to review variances requested for this application.

Mr. Barbara questioned the number of variances on the Engineering review letter vs. the Zoning Letter of Denial.

Mr. Jacobs stated that the Zoning Review letter detailed each difference in the from yard.

Mr. Princiotto further explained that the Engineering review letter chose the shortest setback variance and stated that using this method there would be 5 variances instead of 8 if all front yard variances were combined.

Chairwoman Malley asked the applicant if there was any way to compromise for renovations proposed.

Mr. Barbara stated that he removed walkways, side steps and shed. He is not sure what else he can do.

Ms. Picinic stated that she believes the garage addition is too close to the neighbor.

Mr. Barbara stated that this renovation fits the neighborhood and would be approved in another town. He stated that he has considered 3 different designs.

Mr. Kaufman proposed removing the entry door between the two garages and gaining about 4 feet for the side yard setback.

Mr. Princiotto questioned when this was deemed complete and was advised that it was deemed complete on 6/14/21. Mr. Princiotto recommended carrying this application to the 9/28/21 meeting to consider revised plans. Mr. Princiotto stated that 20 sets of revised plans would need to be submitted at least 10 days prior to the September meeting.

Mr. Princiotto announced that this meeting would be carried to the September 28, 2021 meeting and that no further notice or publication would be required.

The meeting was opened to the public with a motion from Mr. Kaufman, seconded by Ms. Bushell.

The phone number was provided to the public to call in with any questions or concerns regarding this application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

Ms. Zhang, 269 Chestnut Ridge Road, questioned when the application she submitted would be scheduled for the Board.

Mr. Princiotto reviewed the list of pending Board applications and stated that Ms. Zhang's application would be scheduled for the September 28<sup>th</sup> meeting but would follow the revised plans for 15 Franklin Street.

The meeting was closed to the public with a motion by Mr. Maniscalco, seconded by Ms. Bushell.

The meeting was adjourned on a motion from Vice Chairman Dhawan and seconded by Ms. Bushell, and carried by all.

Respectfully submitted,

Meg Smith