



Zoning Board of Appeals
Department of Planning & Community Development
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Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 17, 2023**

A regular meeting of the Zoning Board of Appeals was held at 6:30 PM on Tuesday, January 17, 2023 in the Mayor's Conference Room on the 2nd floor of City Hall. Applicants and members of the public were permitted to attend and make public comment via Zoom.

The Chair indicated that the roll call was the first item on the agenda.

Item #1 - ROLL CALL

The Chair called the roll: in addition to the Chair, attending were Commissioners Shez Darden and Conrad Cutler. Commissioners Elvira Castillo and Henry Solly were not present.

Also attending were Commissioner James Rausse (via Zoom), Maria Pace, Land Use Board Secretary, Katherine Mella, Associate Commissioner, and Nkechi Nwachukwu, Land Use Counsel.

With a quorum of three members present, the Chair opened the regular meeting at 6:30 pm. The Chair read the notice for the Zoning Board of Appeals meeting for Tuesday, January 17, 2023.

Item 2 - APPROVAL OF MINUTES

The Chair asked if the Commissioners had reviewed the minutes of the December 20, 2022 meeting. The Commissioners indicated that they had reviewed them. The Chair asked for a motion to approve the minutes for December 20, 2022. Commissioner Cutler made the motion, seconded by Commissioner Darden. The motion was approved 3-0.

New Public Hearing

The Chair read the description for Calendar #1769-Z: 123 Haven Avenue (Section 165.73, Block 4009, Lot 09) in the R2-4.5 Zoning District

The Chair read into the record how the legal notice for this matter was published.

Theresa Martinez is the owner of the subject property located at the corner of Haven Avenue and Carpenter Place. The owner is represented by Mr. Shahin Badaly, PE. Applicant is requesting an area variance to increase the impervious area in front of the property in order to create additional off-street parking spaces.

The Applicant proposes to provide pavers on the two front yards as well as additional asphalt pavement to the existing asphalt driveway in order to create two additional parking spaces.

Exterior alterations will also include a new retaining wall, new stone steps, new concrete sidewalk, and a new vinyl fence.

The Applicant proposes to provide erosion control measures to prevent any adverse effects to the environmental conditions of the neighborhood.

Area Variance Requested:

Item	Required / Permitted	Proposed	Variance Requested
Impervious surfaces coverage (%)	70% maximum	96.91%	26.91%

SEQRA Determination: The proposed action is a Type II action based on 617(c)(17) “granting of an area variance for a single-family, two-family or three-family residence” in SEQRA handbook.

The Chair then read into the record that most of the work at this property has already been completed and the owner is now requesting approval of the area variance to legalize the work.

Mr. Badaly said that 75% of the work has been completed. The parcel is a corner lot located adjacent to an industrial area that allows for larger impervious surface coverage. He said that he doesn’t believe the work negatively impacts the neighbors or that neighbors object.

While Mrs. Martinez owns the house, her daughter and partner, Nelson, are living there. Tenants live on the first floor. The house was originally purchased in 2018 and in 2020, during COVID, Nelson began work on the house without a permit and subsequently received a violation. Grass and trees were removed at this time.

Commissioner Cutler asked where the rainwater goes since there is no grass to absorb it.

Mr. Badaly responded that the water flows into the street and gutter. He also mentioned that he has spoken with the DPW on how to improve the sidewalk.

The Chair noted that the owner must address the water and erosion issues and that the law requires the owner must maintain the water on the property.

It was proposed that a new stormwater system be added under the asphalt with several drains to reduce the water. Commissioner Darden noted that it does flood badly in that area.

The Chair then asked about the number of cars on the property with no front plates, one of which had a back plate from out-of-state. Nelson explained that he owns a limo company and buys/sells cars. They are on his property until he can get them to a body shop.

Commissioner Cutler expressed concern that the driveway not become a multi-car parking lot and suggested adding some defensive architecture.

Mr. Badaly said that he could add a curb or fence.

The Chair pointed out that there is a hazard regarding the lack of a sidewalk and at least something temporary should be installed. Mr. Badaly said that some adjustments would need to be made to match the current width of the sidewalk.

Commissioner Cutler then asked about the water issue.

Mr. Badaly proposed that he provide a stormwater management system below the asphalt in the rear yard which would maintain 100% of the flow under the paved areas.

The Chair then opened the public hearing for public comments.

Ms. Kay Boyd and Ms. Jeanne Boyd, next-door neighbors at 125 Haven Ave., noted that, as a result of the work already completed, their stone wall now has a hole as a result of when the applicant's contractor blasted before building his stone wall; all the shrubbery was removed and the pavers look like a school playground; and PVC pipe was installed on her side of the property line in the backyard and it flows out to the sidewalk.

The Chair suggested that the owner come back with a landscaping plan by adding some grass and shrubs; remove PVC pipe next door; find a spot for the garbage cans; and provide a stormwater management plan/culvert chambers.

Commissioner Cutler asked that the applicant address these concerns with Mr. Badaly and to come back with a plan at the February 21 meeting.

The Chair indicated that the public hearing would remain open.

The Chair then made a motion to adjourn the application to the February meeting, seconded by Commissioner Darden. The motion was approved 3-0.

Meeting Adjournment

The Chair asked if there was any other business. There being none, he asked for a motion to adjourn the meeting.

Commissioner Cutler made a motion to adjourn the meeting, seconded by Commissioner Darden and carried by a vote of 3-0.

The meeting was adjourned at 7:23 pm.

**Maria Pace
Land Use Board Secretary**

**Robert Galvin, AICP
Planning Administrator**