

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS

Held January 26, 2006 at 8:00 P.M.,
Seven Maple Avenue, Hastings-on-Hudson, New York 10706-1497.

P R E S E N T :

Arthur Magun, Chairman
Stanley Pycior, Board Member
Denise Furman, Board Member
Brian Murphy, Board Member
Sheldon A. Sorokoff, Alternate Board Member

Deven Sharma, Building Inspector
Marianne Stecich, Board Counsel

A B S E N T :

David Deitz, Board Member

Q & A REPORTING SERVICES, INC.

1 ZONING BOARD OF APPEALS 2
2 CHAIRMAN MAGUN: Good evening,
3 everyone. This is the Zoning Board of
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4 Appeals' first meeting of 2006. We are
5 going to have a short agenda, I hope, I
6 hope, for tonight.

7 After we cover the items on the
8 agenda, in case I forget, we are going to
9 have a short meeting for advice of
10 counsel, and we will talk about that a
11 little bit later. It shouldn't take too
12 long.

13 Mr. Sorokoff is sitting in for
14 David Deitz, who is not here tonight.
15 And I think we are all set to go.

16 Welcome back everyone for the
17 new year. We have two items in on the
18 agenda. The first case is case 30-05,
19 Lenore and Paul Neto. This was a case
20 that was adjourned from the 12/14/05
21 meeting.

22 Now, Mr. Sorokoff didn't sit in
23 on that discussion, but I think that it's
24 a straightforward enough procedure that
25 unless other members of the Board have

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2 hesitation, I think he can participate in
3 any voting.
4 MS. STECIH: I would ask the
5 applicant. It's really the applicant's
6 decision.

7 CHAIRMAN MAGUN: So, it will be
8 up to the applicant. Sheldon, did you
9 see the meeting? Did you have a chance
10 to watch it, or were you here?

11 MR. SOROKOFF: I was here for
12 the beginning of the meeting. I did not
13 stay.

14 CHAIRMAN MAGUN: So, you didn't
15 stay for their discussion?

16 MR. SOROKOFF: No.

17 CHAIRMAN MAGUN: So, actually
18 then, I will leave it up to the
19 applicant. You can have four board
20 members who were here before. Either
21 way, you need three in favor.

22 MR. WEINSTEIN: I think we will
23 go with the five members.

24 CHAIRMAN MAGUN: So, why don't
25 you then tell us about your application.

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2 I think most of us remember, but you can
3 summarize.

4 MR. WEINSTEIN: My name is
5 Edward Weinstein, architect representing
6 Mr. and Mrs. Neto. The application is to
7 construct a garage, one-car garage in the
8 rear of the applicant's property.

9 The situation of this property
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10 is somewhat unique since the applicant
11 shares a common easement with his
12 neighbor, and I can show you on the
13 drawing. It's easier.

14 If you look at this site,
15 you'll see the applicant's property is
16 the green property. The neighbor's
17 property is the blue property. The
18 neighbor has an existing garage to the
19 rear of the property, which you can see.
20 The applicant proposes to construct a
21 garage that at this point pretty much
22 exactly mirrors his neighbor's garage.

23 When we came before you last
24 time, we were proposing a garage that was
25 16 feet wide that was 2 feet from the

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2 rear property line and that had a gable
3 roof to create a storage area.

4 We have made three significant
5 changes to that plan. We have reduced
6 the width by 2 feet, thereby, having
7 4 feet to the property line. And we've
8 created a traditional gable roof and
9 reduced the height by 1 foot so the
10 height is 14 feet now.

11 The zoning allows an accessory
12 structure for a 15-foot height, but we

13 reduced it. It pretty much mirrors the
14 neighbor's garage, which you could see
15 that in this photograph which is directly
16 opposite his garage. The neighbor's
17 garage is closer to the rear property
18 line, but we are 4 feet away.

19 We respectfully request that
20 you grant the variance to allow this
21 garage to be built.

22 CHAIRMAN MAGUN: So, the
23 request tonight then is for a variance
24 for the insufficient rear yard for an
25 accessory structure. So, the current

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1 ZONING BOARD OF APPEALS 6
2 proposal is for requesting a variance of
3 4 feet.

4 MR. WEINSTEIN: Yes.

5 CHAIRMAN MAGUN: While 8 feet
6 is required.

7 MR. WEINSTEIN: Yes.

8 CHAIRMAN MAGUN: There is no
9 need for height variance?

10 MR. WEINSTEIN: There is no
11 need for height variance at all.

12 CHAIRMAN MAGUN: All right.

13 MR. WEINSTEIN: That's the only
14 variance.

15 CHAIRMAN MAGUN: So that is the
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16 variance before us.

17 Members of the Board, any
18 questions or comments on this proposal?

19 MR. MURPHY: My only comment
20 is, Mr. Weinstein, thank you. I
21 appreciate the changes the applicant
22 made. I think they are keeping with my
23 review of the minutes and my recollection
24 of our discussion. I think by reducing
25 the size of the structure, you went a

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2 long way towards ameliorating what was
3 bothering some of us. And I think there
4 was also a lot area coverage issue that
5 should be eliminated by reducing the
6 width of the garage.

7 So, with all of the changes
8 that were made exactly as you had said
9 you would do at the end of the last
10 meeting, even though it's perhaps still
11 not as far away from the rear yard line
12 as I would like, I think it's fine, and I
13 would be in favor of approving the
14 variance.

15 CHAIRMAN MAGUN: So, my concern
16 was the -- just to pickup on that, was
17 the distance from the rear yard. We had
18 talked about that at the last meeting.

19 Again, I also reviewed the minutes. And
20 at least I, and I think Mr. Murphy had
21 talked about 6 feet from the rear yard.
22 You had talked about 4 feet. I guess I
23 still have some concerns.

24 It's a very crowded
25 neighborhood. This is going to add a

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2 significant density to a piece of land
3 that is essentially mostly paved. I
4 mean, I think it's important for the
5 Board to remember that on the site plan,
6 everything to the left of the curb line
7 is paved. It's road. I mean, that's
8 just the nature of the site plan. And
9 there's a little grass on the north side
10 of the house. But most of the rest of
11 the property is either porch or house or
12 deck or concrete patio. Then putting the
13 garage behind, it's just one whole
14 stream. We talked about this at the last
15 meeting. I am reiterating. And I will
16 let you respond.

17 So, I think that I'm trying to
18 get more green space, and that's my
19 concern here. So, I still have trouble
20 with the idea of allowing a decent sized
21 structure. This is big enough for a car

22 plus some storage with the storage area
23 on the top. And I don't really think
24 that we've gotten enough pull back from
25 the rear yard, and I'm kind of concerned

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2 about that. I don't know if you have any
3 comments.

4 MR. WEINSTEIN: Well, we, at
5 the present time, with this proposed
6 garage, are at coverage of 23.7 percent
7 of the lot where there is an allowable
8 30 percent coverage.

9 We feel that we sort of reduced
10 the size to what we feel is sort of
11 minimal in terms of typical garage today
12 with some storage area. It's certainly
13 in character with the neighborhood, and
14 it mirrors what the neighbor has. The
15 neighbor has no objection. I mean, they
16 share that driveway.

17 And you know, the need to do
18 this sort of derives from the fact that
19 the easement that was granted by the
20 Village at some point in the past does
21 not allow construction to take place on
22 that easement. If construction were
23 permitted on the easement, the applicant
24 would have much preferred to do an

25 attached garage, you know, within that

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1 ZONING BOARD OF APPEALS 10
2 area. But that's not permitted. So, the
3 only option available is a detached
4 accessory structure.

5 MS. FURMAN: Can I ask a
6 question? Are you saying that where you
7 have concrete patio you can't build, put
8 the garage there?

9 MR. WEINSTEIN: No. What I'm
10 saying is that in this area, this 40-foot
11 wide area between the two homes, there is
12 a perpetual easement that does not allow
13 construction. The patio is an existing
14 patio. And, you know, the applicant
15 doesn't want to -- I mean, that's open
16 space to them. That's usable open space.

17 The rear of the yard where you
18 have the -- where we are now having
19 4 feet is not going to impinge really on
20 the rear neighbor's open space because
21 there is a significant grade difference
22 that separates those two properties.

23 So, in terms of usable open
24 space and just the feeling of open space,
25 you know, we feel that the way we've

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2 proposed this is really in character with
3 the neighborhood. There was no objection
4 by any of the neighbors. And we felt
5 that we did -- at this point we're asking
6 for the minimum necessary variance to
7 create a usable garage.

8 MR. PYCIOR: Also, I must say
9 when I visited the property and I was
10 trying to envision where the garage would
11 go, if it were moved closer to the house,
12 I think that would actually increase the
13 appearance of density. By putting it
14 more in the back of the yard as the
15 neighbor's garage is, you are removing
16 the density from the view of the public,
17 if you will. If we were to move it the
18 full 8 feet up, I think that would even
19 increase the density more, the appearance
20 of density.

21 CHAIRMAN MAGUN: Assuming the
22 neighbor in the rear yard doesn't mind
23 having a garage much closer to his rear
24 yard, which I think is an important
25 issue, particularly since apparently this

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2 neighbor's house was recently sold, and I
3 don't know if anyone lives there or not
4 at the present time, so there may not be
5 any objections that could be heard.

6 I would be happier if it were
7 one foot more in, frankly. I would be in
8 favor of it. But I'm happy to hear any
9 other comments from the Board or from the
10 public. Anybody else on the Board want
11 to speak?

12 MR. SOROKOFF: Yes.

13 CHAIRMAN MAGUN: Sheldon?

14 MR. SOROKOFF: How far is the
15 nearest neighbor, the back neighbor, to
16 the garage or to the property line?

17 MR. WEINSTEIN: The house to
18 the rear is -- well, the property line
19 is -- I don't think the house is near the
20 rear property line. I mean because it
21 doesn't show on the Village's map.

22 MR. SOROKOFF: It's pretty far
23 away.

24 MR. WEINSTEIN: I think it is.
25 And there's a significant grade

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2 difference as well.

3 MR. SOROKOFF: I just wanted
4 to --

5 CHAIRMAN MAGUN: There is a
6 rise. It's a steep rise up. I don't
7 know how many feet it actually is.

8 MR. SOROKOFF: It looks sort of
9 on the hill.

10 CHAIRMAN MAGUN: Yes, that's
11 right.

12 MR. SOROKOFF: Thank you.

13 CHAIRMAN MAGUN: Brian, did you
14 want to say something?

15 MR. MURPHY: I agree with
16 Stanley. And I think in the minutes I
17 was reading David was also in favor of
18 granting the variance because it does
19 seem to be in character with the
20 neighborhood. There is a complimentary
21 garage that they share the easement.
22 That neighbor had a letter that was in
23 favor of it.

24 I think my main concern was
25 reducing the size of the structure, which

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2 that happened and it was done. And given
3 the location of the back patio and the
4 changes that have been made, you know, I
5 think it's appropriate.

6 CHAIRMAN MAGUN: Okay. Any
7 other comments from the Board?

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(No response.)

CHAIRMAN MAGUN: Is there anyone in the audience who wishes to speak? It's a small audience.

(No response.)

CHAIRMAN MAGUN: Okay. Well, again, you know, I think we talked about this application a lot. I think some of the issues that face this Village going forward are issues of density, and I do appreciate the applicant making the garage smaller. I always worry about impinging on the set-backs because I envision living in that house behind the set-back wondering why the Board granted the variance. So, that's my concern.

Again, the density. You know, this is not a tiny structure. It will

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add a significant amount of density to the property. But certainly the house right next to it has a garage.

So, I think we talked about this enough. Anybody else have any comments?

(No response.)

CHAIRMAN MAGUN: All right. Is there a motion with regards to the

11 request for a variance? This is a
12 request for 4 feet from the rear yard.
13 So, the variance would be a 4-foot
14 variance where eight is required in this
15 zone for construction of the garage as
16 outlined on the new set of plans.

17 MR. MURPHY: I will move to
18 approve the variance for insufficient
19 rear-yard setback for the construction of
20 a garage at 25 Clunie Avenue, 8 feet is
21 required, 4 feet is proposed.

22 CHAIRMAN MAGUN: Is there a
23 second?

24 MS. FURMAN: I second.

25 CHAIRMAN MAGUN: All in favor?

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2 MR. SOROKOFF: Aye.

3 MR. MURPHY: Aye.

4 MS. FURMAN: Aye.

5 MR. PYCIOR: Aye.

6 CHAIRMAN MAGUN: Against? One.

7 Passed. Congratulations.

8 MR. WEINSTEIN: Thank you.

9 CHAIRMAN MAGUN: Okay. Now our
10 second item on the agenda, and our last
11 item, is the Ginsberg Development, LLC,
12 Saw Mill Lofts, LLC, determination of
13 parking requirement.

14 When we concluded our meeting
15 last time, as detailed in the minutes, we
16 felt that it was important to have a
17 clear statement from the Board prepared
18 by counsel with regards to the
19 considerations that we extensively
20 discussed over the course of three or
21 four months, and Marianne was able to do
22 that for us.

23 Did you want to make a
24 proposal?

25 MS. STECI CH: Yes, I have one

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2 change. Also, can I give copies of the
3 draft to the applicants? They haven't
4 seen it yet.

5 CHAIRMAN MAGUN: Yes, you can.

6 MS. STECI CH: I wanted to wait
7 until it was okay with the Board so they
8 know what we're talking about.

9 All right, let me pass this
10 out. I'm just suggesting one change, and
11 that was when I had wrote it up, I
12 thought that the conditions, the
13 conditions that are going to be
14 restrictive covenants should be in the
15 deeds to each of the live/work units.

16 But then subsequently, you

17 know, after thinking about it, talking
18 about it some more, it seemed that it
19 probably made more sense to put it in
20 the -- when you file for condominium, you
21 also have to file this declaration of
22 covenants and restrictions. And it's
23 binding on the condominium. It's part of
24 the offering plan that's filed with the
25 secretary of state. And anybody who is

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1 ZONING BOARD OF APPEALS 18
2 buying into that condo will be on notice
3 of it. Whereas, if it's in the
4 individual deed, they will know the first
5 time. But as time goes on, it may not
6 appear in the next deed and the next
7 deed.

8 There's probably a more
9 effective way to do it, probably more
10 efficient also for the Building
11 Department because let's say you wanted
12 to make a change in one of the covenants,
13 then you have to go to all 60 people and
14 try to change it. And that happened in a
15 slightly different context in Carmel.
16 It's really hard to do.

17 So, the only change is in
18 Paragraph 13, which I just handed out.
19 So, rather than saying that the

20 restrictive covenant would be in the deed
21 to each of the live/work units, it will
22 be in the declaration of covenants and
23 restrictions binding on the condominium
24 included in the offering plan.

25 Then you may have seen -- David

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2 Deitz sent an e-mail around.

3 CHAIRMAN MAGUN: Right.

4 MS. STECI CH: Did you see my
5 response? He was saying shouldn't the
6 restrictive covenants also run in the
7 favor of individuals. And I just don't
8 think that's a good idea. It should run
9 in favor of the Village, and any
10 individual buyer can go to the Village
11 and ask the Village to enforce it.

12 CHAIRMAN MAGUN: That's why
13 making Hastings residents third-party
14 beneficiaries --

15 MS. STECI CH: Well, his
16 suggestion was that, you know, it's not
17 bad. It's just a little cumbersome all
18 around. And I think there's enough
19 protection here.

20 In addition to which it just
21 strikes me that the people who are going
22 to be most affected, if there's an issue

23 with people that aren't following the
24 restrictive covenants, are the people
25 that live there. And they probably most

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2 likely -- and they're direct
3 beneficiaries. So, that was my thinking.

4 CHAIRMAN MAGUN: As a
5 procedure, two comments. Perhaps we
6 could just read through this. I think
7 most of this is pretty straightforward.
8 I read through it. It seems to be a
9 pretty fair summary of what we discussed.

10 Now, we did in the minutes in
11 the last meeting say to some members of
12 the public that were here that they would
13 have a chance to comment on our findings.
14 And since they haven't had a chance to
15 see our findings, I thought that after we
16 discussed tonight and felt that this
17 was -- if we accepted this, that we would
18 give the public a chance to comment.

19 Now, there's a problem.
20 Apparently, the agenda that was sent out
21 on the web through the Village did not
22 include the Ginsburg Development, LLC on
23 the agenda. Raphael just pointed that
24 out to us before the meeting.

25 So, I think for both of those

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2 reasons, I think it would be reasonable
3 to go through this, come up with a final
4 version, which I think will happen very
5 quickly, and then make that available to
6 the public.

7 MR. PYCIOR: Do we have to?

8 CHAIRMAN MAGUN: Well, I don't
9 know what formally we have to really do
10 tonight.

11 MS. STECI CH: You make your
12 decision. And what I was writing was the
13 summary that reflected your decision.
14 And I think that's up to the Board to
15 decide does this reflect what our
16 determination is.

17 MR. PYCIOR: Do we not have to
18 file our decision in a certain time
19 period or by a certain date, or do the
20 minutes satisfy that, or is the clock
21 running on this?

22 MS. STECI CH: No, the clock ran
23 once the minutes were filed. The clock
24 ran once the minutes were filed. But as
25 a formal matter, I mean, even when you

1 ZONING BOARD OF APPEALS 22
2 adopt the -- think about it compared to
3 like a decision on denying a variance, of
4 granting a variance, when you write the
5 decision, that's it.

6 CHAIRMAN MAGUN: Well, yes, I
7 understand. So, all this essentially is
8 then is a summary of our thinking in
9 writing.

10 MS. STECI CH: Yes.

11 CHAIRMAN MAGUN: In a clear
12 way.

13 MS. STECI CH: And there's no
14 reason -- I don't think it would have to
15 go on as agenda items. I don't think we
16 ever included as agenda items, you know,
17 the decisions on anything else.

18 CHAIRMAN MAGUN: All right.
19 Then what I would like -- okay, how does
20 the Board feel?

21 MS. STECI CH: The public
22 hearing is closed.

23 CHAIRMAN MAGUN: How does the
24 Board feel about this issue? Well, what
25 I would like to do then is maybe we can

1 ZONING BOARD OF APPEALS 23
2 just post this on the web as a point of
3 information for what was -- as part of

4 the --

5 MR. MURPHY: Yes, that makes
6 sense.

7 CHAIRMAN MAGUN: And we'll talk
8 about the web a little bit more after
9 this because I had some ideas, but that's
10 not for now.

11 Should we read through this and
12 just make sure that we're all on board
13 with the findings, or has everyone read
14 it carefully and there's no need to read
15 it? What do you think?

16 MS. FURMAN: I don't see the
17 need for reading it out loud. It will be
18 on the record and it will be accessible
19 through the web.

20 CHAIRMAN MAGUN: Okay. Then
21 let's just take questions. Is everyone
22 on board?

23 MS. FURMAN: Any questions we
24 have of counsel you mean?

25 CHAIRMAN MAGUN: Yes, if you

1 ZONING BOARD OF APPEALS 24
2 have questions of the findings.

3 MS. STECI CH: Actually, there
4 was one other change, I think. It's a
5 really tiny one.

6 CHAIRMAN MAGUN: We will give
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7 the applicant a chance to read through
8 it. So, I do think it's a pretty fair
9 summary -- pretty accurate, not a fair,
10 but a pretty accurate summary of what
11 transpired. I had a question.

12 MS. STECI CH: Just the one
13 change at the end of Paragraph 1 where
14 the very end was a total amount of retail
15 space in those eight units would be
16 3,750 square feet. I think it would be
17 more accurate to say would not exceed
18 3,750 square feet. I think I remember
19 them saying that that would be the
20 maximum.

21 CHAIRMAN MAGUN: On Page 3,
22 Section 9, and the last two lines, E, 9E,
23 says, "During the course of these
24 meetings, the GGC Lofts agreed to the
25 following conditions:" A, B, C, D, E. E

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2 says, "that no business/work area can be
3 sold or rented for use by anyone other
4 than the legal resident of the live/work
5 unit."

6 When I was reading through
7 that, I was trying to understand what we
8 meant by rented for use by anyone other
9 than the legal resident.

10 MS. STECICH: You couldn't buy
11 one of these units and then rent your
12 work space out to an artist that comes
13 in.

14 CHAIRMAN MAGUN: Right. So
15 that what we were implying was that you
16 couldn't rent the space out to anyone
17 else; right? Is that right?

18 MR. MURPHY: Yes.

19 MS. STECICH: Yes.

20 CHAIRMAN MAGUN: They really
21 can't be rented out; right? Would there
22 be any -- the occupant of one of these
23 live/work units would not be allowed to
24 rent the space, period, to anyone.

25 MS. FURMAN: But what if you

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2 had a little business, an LLC, a
3 partnership, a corporation or something,
4 you, the artist, and some of your wife's
5 doctor's partners at the hospital
6 invested in your art career, they had
7 bought little membership parts for -- say
8 you incorporated your little business of
9 selling whatever little thing you made,
10 it could be two different individuals
11 that way, but it never can go to a
12 stranger.

13 MS. STECI CH: Right. Yes, it
14 could be two residents; right.

15 CHAIRMAN MAGUN: I guess I
16 wasn't sure if this was clear, what we
17 were trying to say here. I think what we
18 all understood was that you couldn't rent
19 the space to anyone else.

20 MS. FURMAN: So, if you just
21 took off the end words, other than the
22 legal resident of the live/work unit. If
23 you just wrote that no business work area
24 can be sold or rented, period.

25 MR. MURPHY: Well, sold or

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2 rented for use.

3 MS. FURMAN: No, it can't be
4 sold or rented.

5 MR. MURPHY: Period, yes.

6 MS. STECI CH: Oh, okay.

7 CHAIRMAN MAGUN: Is that --

8 MR. LOZITO: Would that mean
9 not be separate from the unit?

10 MS. FURMAN: Separate from
11 whatever we called it, the whole --

12 CHAIRMAN MAGUN: In other
13 words, if I buy the unit and then I say
14 I'm going to rent to Joe, my friend Joe,
15 and he can set up his business.

16 MR. LOZITO: That you can't do.
17 That you couldn't do. I'm saying if you
18 said that it could not be sold, then that
19 would imply that you couldn't even sell
20 the unit.

21 CHAIRMAN MAGUN: No, no.

22 MS. FURMAN: I know, so we have
23 to --

24 MR. LOZITO: Clarify.

25 MS. STECICH: By anyone other

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2 than the legal resident.

3 MS. FURMAN: Right, right.
4 It's fine the way it is.

5 CHAIRMAN MAGUN: It is?

6 MS. FURMAN: If that's what
7 that clause does, it addresses it.

8 CHAIRMAN MAGUN: But the word
9 renting, then I guess when would one rent
10 the unit to anyone?

11 MS. STECICH: Well, there's no
12 requirement under this that they couldn't
13 eventually rent the units. I mean, it
14 probably is going to be a condo. But
15 that was the point, if it was a sale
16 building or a rental building.

17 MR. LOZITO: Also, if you
18 bought a condominium, you could

19 conceivably rent the condominium out and
20 not live there yourself. In that case,
21 you could rent the entire unit and they
22 would have also live/work, both portions
23 of the unit.

24 MS. FURMAN: So, the tenant
25 would be the legal resident.

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2 CHAIRMAN MAGUN: When I was
3 reading it over the other night, I
4 stumbled on exactly what we were trying
5 to convey there. I mean, I knew what we
6 had discussed. I just wasn't sure that
7 we were conveying it.

8 It seems okay to everyone else?
9 Okay, fine.

10 I didn't have other questions.
11 Does anyone else have any other
12 questions, comments on the document?

13 MR. MURPHY: No, it was
14 consistent with my notes and my reading
15 of the minutes and everything, so I
16 appreciate counsel's effort in doing this
17 for the Board.

18 MS. FURMAN: I think it was
19 artfully drafted.

20 MS. STECICH: Thank you.

21 CHAIRMAN MAGUN: Does the
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22 applicant --

23 MR. SOROKOFF: Just so it's
24 clear what we meant, whether it might
25 lead to some legal entanglements later

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1 ZONING BOARD OF APPEALS 30

2 on. The Board, I think, understands what
3 it meant, and I think it's very clear
4 here, and that's as far as I think we
5 have to go.

6 CHAIRMAN MAGUN: Did you have a
7 chance -- the applicants, did you have a
8 chance to finish it?

9 MR. LOZITO: No, we are just
10 about finished reading it. So far it
11 looks good.

12 MR. PYCIOR: Marianne, I had
13 one question, point one and point two, we
14 defined a live/work unit as a dwelling
15 unit, part of which may be used as a
16 work/business establishment. There is no
17 requirement that they use part of it for
18 work. So, this whole complex could
19 become condominium, residential
20 condominium, if that's what the owners
21 want to do with the 600-foot space. Then
22 they would need much more parking than we
23 are anticipating. It's something I
24 should have thought of.

25 MS. STECI CH: Why would they

31

1 ZONING BOARD OF APPEALS 31

2 need more?

3 MR. PYCI OR: Because suddenly
4 if they use the 600-space or 600-square
5 foot -- well, it would be work space and
6 residential space, then the couple living
7 there both work elsewhere and they
8 wouldn't need fewer cars that we're
9 assuming they need because they are
10 working at home.

11 MS. STECI CH: That's true, but
12 it's sort of hard to think about
13 policing.

14 MR. PYCI OR: I understand.

15 MS. STECI CH: You better start
16 those dance lessons. It's a good point.
17 I don't know how you deal with that.

18 MR. PYCI OR: The 600-square
19 feet would be a nice living room. So,
20 you live there and you have your two or
21 three cars because you work elsewhere.
22 But I mean, this clearly reflects what we
23 voted on. It's just something that I --

24 CHAIRMAN MAGUN: What's your --
25 I thought --

1 ZONING BOARD OF APPEALS 32

2 MS. STECI CH: But wait a
3 minute. You do have another space
4 though, remember? You got the space for
5 the work units, so that --

6 MR. PYCI OR: For the customer;
7 that's right, yes.

8 MS. STECI CH: Right. So, if
9 you're just living there, you don't need
10 it. But the work person, instead of that
11 one space going for the work, the work
12 parking space, it goes to the resident
13 parking space.

14 MR. PYCI OR: They are in effect
15 having two-and-a-half each. Thank you.

16 MS. STECI CH: Which is more
17 than if it --

18 CHAIRMAN MAGUN: His questi on
19 was can someone not use the units for any
20 work at all and just use it for living
21 space? Is there anything --

22 MR. LOZIT O: The only
23 restriction in that respect would be that
24 it could not be converted to bedroom
25 space because there was a concern about

1 ZONING BOARD OF APPEALS 33

2 additional school children and the
3 associated impacts that that would have.

4 MR. MURPHY: And that's in
5 here, Mr. Chairman, at Paragraph 12G.

6 MS. STECI CH: But Stan's
7 question was just in the context of the
8 parking because you have to think about
9 this in terms of parking. Would it
10 generate any more parking if it were a
11 straight residence?

12 CHAIRMAN MAGUN: But it does
13 state -- I thought we discussed this --
14 no business work area may be converted to
15 a bedroom area.

16 MS. STECI CH: Right.

17 CHAIRMAN MAGUN: So, we have to
18 have the bedroom police go around.

19 MR. PYCI OR: The work space
20 would be the break room.

21 MS. FURMAN: But you know what
22 it is, when they go to list it, when they
23 go to sell it, they can't list it as a
24 legal three bedroom. It is only a legal
25 two bedroom. So, you're cutting into

1 ZONING BOARD OF APPEALS 34

2 some profit there. That's what you're
3 doing by not letting it be a bedroom.

4 MR. SHARMA: Could six people

5 live in that apartment, two sleeping in
6 the work area?

7 MS. STECI CH: You know what,
8 people can have seven kids. I have a
9 cousin who has nine kids.

10 MS. FURMAN: Right, you
11 don't --

12 MS. STECI CH: You really can't
13 get into how many people live in a place.
14 We don't have it on houses. There's a
15 limit on the number of bedrooms. It
16 doesn't say you can't have two separate
17 bunk beds in one of the bedrooms.

18 CHAIRMAN MAGUN: No, but it
19 does say here clearly that you can't use
20 it as a bedroom area. So, if somebody --

21 MS. STECI CH: Right.

22 MS. FURMAN: That's fine.

23 CHAIRMAN MAGUN: -- use it as a
24 bedroom, the neighbor could file a
25 complaint.

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1 ZONING BOARD OF APPEALS 35

2 MS. STECI CH: Absolutely. No,
3 no, that's not what we are talking about,
4 but in terms of the number of people.

5 CHAIRMAN MAGUN: You are
6 worried about a big boarding house? I'm
7 asking you.

8 MR. SHARMA: It's conceivable,
9 but if you are not using it for business,
10 than maybe you have borders and bunk
11 beds, then the neighbors would complain.

12 MS. FURMAN: But it's not zoned
13 for borders.

14 MR. PYCIOR: We didn't rule out
15 flip houses.

16 MS. FURMAN: Forget it.

17 MR. LOZITO: We have reviewed
18 it and it was very well drafted.

19 CHAIRMAN MAGUN: You are
20 comfortable with it.

21 So, the change that counsel is
22 suggesting, we're going to incorporate
23 page -- the new Page 6 will be
24 substituted for the old Page 6. So that
25 would be facts 13 and 14. 14 is the

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1 ZONING BOARD OF APPEALS 36

2 same, okay?

3 MR. MURPHY: Yes.

4 CHAIRMAN MAGUN: All right. So
5 we just vote on whether we accept this as
6 the determination of the underlying
7 facts.

8 MS. FURMAN: I make a motion to
9 accept the draft determination of parking
10 requirements as the final version.

11 MR. PYCIOR: I will second it.
12 CHAIRMAN MAGUN: All in favor?
13 MR. SOROKOFF: Aye.
14 MR. MURPHY: Aye.
15 MS. FURMAN: Aye.
16 MR. PYCIOR: Aye.
17 CHAIRMAN MAGUN: Aye.
18 Okay, that's accepted.
19 MR. LOZITO: Thank you very
20 much.
21 CHAIRMAN MAGUN: Okay. Just a
22 couple of quick things. Maybe we can go
23 into session for advice of counsel. I
24 had been thinking, there was some
25 discussion by the public at the last

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1 ZONING BOARD OF APPEALS 37
2 meeting about availability of
3 notification and the minutes, etcetera,
4 on the website. And I was wondering how
5 the Board would feel about a couple of
6 things: One, the notifications that are
7 put in the newspapers for the properties
8 listing, you know, we have been using the
9 Journal News, I think, as the paper of
10 record. I don't see any reason why that
11 couldn't be e-mailed to the general
12 e-mail list of the Village so that it's
13 another way of notifying the public. I

14 mean, still having the official
15 notification being in the newspaper. So,
16 that's one item just to toss out.

17 And the other is Raphael was
18 suggesting that perhaps there could even
19 be a section on the Village website for
20 the Zoning Board where agendas could be
21 posted. We are living in an age where
22 people sort of expect that. I think that
23 we should do that and kind of make things
24 a little more available to the public. I
25 just sort of toss that out to everybody.

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1 ZONING BOARD OF APPEALS 38

2 MR. MURPHY: That sounds like
3 good ideas. Certainly, posting the
4 Zoning Board's agendas and immediate past
5 agendas on the Village website is a
6 no-brainer.

7 CHAIRMAN MAGUN: Well, that
8 gets sent out. The agenda gets sent out
9 a week or so before the meeting. But I
10 think the notification that gets
11 published in the paper could also be sent
12 out at the time that it gets published so
13 that people could have time to get into
14 it.

15 MR. MURPHY: Sure. I mean,
16 anything we could reasonably do without

17 overburdening the Village.

18 CHAIRMAN MAGUN: He said it
19 would be easy.

20 MS. FURMAN: You could scan it
21 into service.

22 CHAIRMAN MAGUN: No, no, I
23 don't know about that, but the notice
24 that gets published in the paper, you
25 know, just that one-page notice. I don't

39

1 ZONING BOARD OF APPEALS 39

2 think -- I wasn't suggesting that we --
3 that all the material be sent, but just
4 the actual description of, you know,
5 Mr. X is applying for a variance, this is
6 where he lives on this street, etcetera.

7 Do you have any issues with
8 that, or do you want to think about it a
9 little bit?

10 MS. STECI CH: No, I mean --

11 CHAIRMAN MAGUN: No, okay.

12 MS. STECI CH: Don't mind me.

13 CHAIRMAN MAGUN: So, the sense
14 of the Board is that that would be okay?

15 MR. MURPHY: I think that would
16 be affirmatively a good idea.

17 MS. FURMAN: Right, I think it
18 would be interesting too to talk about a
19 hyperlink to the Town of Greenburgh site.

20 CHAIRMAN MAGUN: You know what
21 I'll communicate with him a little bit
22 and see what ideas he has, and we can
23 sort of formalize that by the next
24 meeting in some simple way.
25 MR. SHARMA: I am on the e-mail

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1 ZONING BOARD OF APPEALS 40
2 list in Croton, and I do get all the
3 minutes and agendas sent to me.
4 CHAIRMAN MAGUN: You actually
5 get the minutes?
6 MR. SHARMA: The minutes as
7 well.
8 CHAIRMAN MAGUN: I don't see
9 any reason why we can't do that.
10 MR. SHARMA: Posting minutes on
11 the website is a good idea.
12 CHAIRMAN MAGUN: I think it's a
13 good idea. We will chew that around a
14 little bit.
15 Now, the next meeting of the
16 Zoning Board is scheduled for -- I
17 didn't -- is the fourth Thursday in
18 February, which is February 26th.
19 MS. STECI CH: 23rd.
20 MS. FURMAN: 23rd.
21 CHAIRMAN MAGUN: 23rd. Now,
22 Denise points out that that is the

23 week -- that week is the week of school
24 vacation for -- is Hastings off that
25 whole week?

41

1 ZONING BOARD OF APPEALS 41

2 MS. FURMAN: I believe so.

3 CHAIRMAN MAGUN: I think they
4 are. So, the question is that might
5 be -- so, you're not going to be here?

6 MS. FURMAN: No.

7 CHAIRMAN MAGUN: And you're not
8 going to be here anyway?

9 MR. PYCIOR: No.

10 MR. SHARMA: I am not going to
11 be here, but it doesn't matter.

12 CHAIRMAN MAGUN: I was not
13 planning to go away, maybe I should.

14 MS. FURMAN: Maybe you should.

15 CHAIRMAN MAGUN: Is it possible
16 to change the date? How do people feel
17 about that? You're away for what?

18 MR. PYCIOR: February 9th
19 through March 18th.

20 CHAIRMAN MAGUN: So, really it
21 would just be Denise. You will be
22 around? Sheldon, you would be around?

23 MR. SOROKOFF: Yes.

24 CHAIRMAN MAGUN: David, I am
25 assuming you will be around.

1 ZONING BOARD OF APPEALS 42

2 MR. MURPHY: I will be here,
3 but probably a day or two I am going to
4 be out.

5 MS. FURMAN: And you don't know
6 which day it is?

7 MR. MURPHY: Correct.

8 MS. FURMAN: That's where I am.

9 CHAIRMAN MAGUN: So, why don't
10 we do this, why don't I communicate with
11 Marie as to what days we can conceivably
12 have meetings.

13 MS. STECI CH: There are a
14 couple of view preservation applications.

15 MR. SHARMA: For February 23rd.

16 MS. STECI CH: But I suppose you
17 could -- I mean, because it's going to be
18 on at the Planning Board meeting.

19 CHAIRMAN MAGUN: Well, let me
20 find out from her what's available, what
21 dates are available, and see what's been
22 sent out, and I'll deal with this over
23 the next two or three days and I will let
24 you all know.

25 MS. STECI CH: You would have to

1 ZONING BOARD OF APPEALS 43
2 let her know tomorrow because I think she
3 is putting the notice in the paper
4 tomorrow; wasn't she?
5 MR. SHARMA: Two notices that
6 also needed to go to the Planning Board.
7 MS. STECICH: Those are in, I
8 know.
9 MR. SHARMA: Those have gone
10 out, and we would have to send out
11 another notice changing the date.
12 CHAIRMAN MAGUN: All right, it
13 may be too hard. All right, we'll see.
14 But you are going to be away. You are
15 iffy. You are not sure. All right, we
16 will see.
17 Are there any other items then
18 that we have to discuss at the meeting
19 tonight?
20 MR. MURPHY: I think we should
21 move to approve the minutes.
22 MS. FURMAN: There was one
23 change. David's sentence, a change.
24 It's supposed to be logician,
25 L-O-G-I-C-I-A-N, instead of magician.

1 ZONING BOARD OF APPEALS 44
2 MR. MURPHY: I will move to
3 approve the minutes from the

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4 December 8th meeting.
5 MS. FURMAN: I will second.
6 CHAIRMAN MAGUN: All in favor?
7 MR. SOROKOFF: Aye.
8 MR. MURPHY: Aye.
9 MS. FURMAN: Aye.
10 MR. PYCIOR: Aye.
11 CHAIRMAN MAGUN: Aye.
12 Is there a motion to adjourn?
13 MS. FURMAN: I make a motion to
14 adjourn.
15 CHAIRMAN MAGUN: Second?
16 MR. PYCIOR: Second.
17 CHAIRMAN MAGUN: All in favor?
18 MR. SOROKOFF: Aye.
19 MR. MURPHY: Aye.
20 MS. FURMAN: Aye.
21 MR. PYCIOR: Aye.
22 CHAIRMAN MAGUN: Aye.
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24
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C E R T I F I C A T E

I, Vera Monaco, Court Reporter, do
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hereby certify that the foregoing transcript
is a true and accurate transcript taken by
me on this 26th day of January, 2006.

Vera Monaco
Court Reporter