

2006-06-29hastingszba

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

Held June 29, 2006 at 8:01 P.M.,
Seven Maple Avenue, Hastings-on-Hudson, New York
10706-1497.

P R E S E N T :

Arthur Magun, Chairman
David Deitz, Board Member
Stanley Pycior, Board Member
Denise Furman, Board Member
Brian Murphy, Board Member

Deven Sharma, Building Inspector
Marianne Stecich, Board Counsel

VERA MONACO, RPR
Court Reporter

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2 CHAIRMAN MAGUN: Good evening,
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3 everyone. This is the Zoning Board of
4 Appeals' meeting of June 29th. Everyone
5 is very happy tonight because it's summer
6 and we only have one item on the agenda. I
7 could see the smiling ZBA members.

8 I think we're ready to go. So, are
9 the mailings in order for this case?

10 MR. SHARMA: Yes, the mailings are
11 in order.

12 CHAIRMAN MAGUN: So, this case was
13 adjourned from the April meeting and is now
14 here for re-discussion tonight.

15 This is Sophie Hayden and David
16 Rosen, 55 Rosedale Avenue coming before us
17 for construction of a covered porch and
18 step. And the variance addresses the
19 front-yard setback where required is
20 30 feet, existing is 28, and the proposed
21 porch, deck, will have 21.8 feet
22 approximate setback.

23 Mr. Weinstein, are you going
24 to present?

25 MR. WEINSTEIN: I am. My name is

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2 Edward Weinstein. I am an architect
3 representing the owners. And just to
4 briefly go over the history of 2004.

5 CHAIRMAN MAGUN: Yes, please do
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6 that.

7 MR. WEINSTEIN: The variance was
8 granted for the very same construction that
9 we are proposing and requesting a variance
10 again. And why you may ask are we
11 requesting a variance again is because
12 unknown to the owners, once a variance is
13 granted, they had a year to actually get
14 the permit.

15 Now, we did file architectural
16 plans with the building inspector. The
17 plans were approved by the building
18 inspector for construction, but they never
19 got the contractor or had difficulty
20 getting a contractor. And you can't
21 actually get the permit until you have a
22 contractor who shows up with his
23 homeowners' improvement license and his
24 Workers' Compensation certificate.

25 So, we are here requesting a

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2 variance again. And basically, I'd like
3 to --

4 CHAIRMAN MAGUN: Let me just
5 interrupt. The board tonight contains at
6 least two -- not at least, but two people
7 who weren't on the previous application.
8 So, I think you should just present

9 everything.

10 MR. WEINSTEIN: I'm going to
11 present this as if you hadn't heard it
12 before.

13 CHAIRMAN MAGUN: I think that's the
14 right thing to do.

15 MR. WEINSTEIN: And in fact, it
16 will be better than last time because I've
17 had an opportunity to improve it.

18 CHAIRMAN MAGUN: Two years to think
19 about it.

20 MR. WEINSTEIN: So, as you stated,
21 the applicant proposes to construct a deck
22 that's 28.3 inches by 7 feet wide. We
23 feel, No. 1, that 7 feet is the minimum
24 acceptable width for a useable deck.

25 No. 2, you also noted that at its

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2 closest point, this porch is going to be
3 20 feet 6 inches from the lot line.

4 We've done a search around the
5 neighborhood, and I have aerial photos
6 which you can pass around. From our
7 observation, many of the homes in the
8 neighborhood have porches and decks, if not
9 the entire house, closer than 20 feet, if
10 not 5 feet.

11 One example, the house on the
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12 corner of Farragut and Ravensdale is right
13 up against the line.

14 This is an older neighborhood in
15 Hastings. It's a neighborhood that has a
16 lot of lots that are below standards and
17 non-complying in many ways, not only yard
18 requirements but also coverage and lot size
19 and lot width.

20 The other thing I think is
21 important to note is that this is a unique
22 situation. And by unique I mean that this
23 house is no closer than 150 feet to its
24 closest house across the street. And
25 that's because the -- there is a triangular

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2 village-owned parcel in the middle of the
3 street created by the intersection of
4 Merrill, Hamilton and Rosedale which
5 creates that unique situation. It's a very
6 wide area. There's a lot of open space
7 there. I'll pass that around as well.

8 MR. MURPHY: Mr. Weinstein, is the
9 150 feet, is that Mr. Goldberg's house?

10 MR. WEINSTEIN: It's about the same
11 distance to Mr. Goldberg's house and the
12 house directly opposite. I don't know who
13 the owner of that house is.

14 MS. HAYDEN: Ruth Nyberg.

15 MR. WEINSTEIN: Ruth Nyberg.
16 So, I mean, it is a very wide area.
17 It is a unique situation.
18 Porches can serve a very useful
19 purpose in neighborhoods. They create eyes
20 on the street. They create a more friendly
21 street. And I think this particular porch
22 will do that in a way that doesn't
23 challenge the neighborhood. In fact, it
24 softens the appearance of the house, which
25 is sort of probably a '50s house and not

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2 particularly attractive in its detailing.
3 The porch, which is a one-story porch, will
4 integrate the house a lot better into the
5 neighborhood.
6 There has been no objection the
7 first time we were here. In fact, there
8 were neighbors -- one neighbor sent in a
9 letter of support, and Steve Goldberg, who
10 lives diagonally across the street who also
11 has a porch, spoke in favor of porches.
12 And he is the one who pointed out that the
13 police department should put him on the
14 payroll because he feels being on the porch
15 a lot he is the eyes of the neighborhood.
16 So, I think because we're asking
17 for minimal variance because we're, you

18 know, consistent with the character of the
19 neighborhood because of the unique
20 situation, you know, and that's why we feel
21 that once again, the variance should be
22 granted by this board.

23 I know that, you know, David and
24 Sophie have some additional materials they
25 sort of scouted the neighborhood and have

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2 done additional work.

3 MR. ROSEN: I'm David Rosen. I'm
4 going to hand these out. And I realized as
5 I'm sitting here going this is really
6 coming from the, well, they have a porch,
7 why can't I?

8 These are all porches within
9 about -- if somebody could share. They're
10 all within a block or block of Rosedale and
11 Hamilton. And there's actually about
12 another 15 or more that we didn't take
13 pictures of that are all within that
14 vicinity. And as Ed said, a few of them on
15 the street that's adjacent to the school
16 are literally this far from the street.
17 And I know those are old houses and they
18 were built that way. So, as I said, that's
19 an old neighborhood and that's what we're
20 dealing with.

21 The one thing that I wanted to --
22 the last page has two houses. One, the top
23 of one is on Rosedale and it has what looks
24 like will be the kind of half -- it's
25 almost three quarters of a porch. It

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2 starts at the doorway and ends at the side
3 of the house, which is kind of what ours
4 will look like, and ours will extend
5 further but be open.
6 And then there's a house on
7 Hamilton that, technically, its front door
8 is what you see there. I don't know if you
9 can see it clearly in the picture, but it's
10 an open deck leading to the front door.
11 And so I just -- that's kind of the
12 combination of what we're look to do.
13 Mostly a front porch and that open deck.
14 I want to also emphasize that in
15 talking to some of our neighbors that John
16 Conway, who couldn't be here, wanted me to
17 say that he also appreciates the fact that
18 we would be hanging out on the porch a lot.
19 If you drive by you'll see us sitting on
20 our really ugly lawn furniture on the front
21 lawn, and we'd rather just get rid of that
22 and be able to sit on the porch with some
23 nice furniture.

24 All right. You can see our lawn
25 furniture. It's really not that ugly, but

10

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2 it's not appropriate. I mean, we would
3 rather have something that we would like to
4 sit up on and watch our friends and
5 neighbors go by and watch our kids play in
6 the front yard.

7 And I don't know what else. Did
8 you want to read that thing?

9 MS. HAYDEN: I was just going to
10 read -- oh, I'm Sophie Hayden -- just from
11 Steve Goldberg's -- our neighbor, what he
12 said at the last meeting, if that was
13 appropriate. He said, "I think right now
14 the house has a kind of -- it's always had
15 a rather empty front appearance. I think
16 just from esthetics, it would add to it.
17 I'm a big porch person. I think it would
18 be something that our new neighbors would
19 enjoy the way I've enjoyed my porch. I
20 don't see it detracting in any way from the
21 neighborhood.

22 "The other thing is, as
23 Mr. Weinstein pointed out, what you can't
24 tell if you know the area where Rosedale,
25 Hamilton and Merrill come together is that

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2 there is an island and there's a great
3 sense of openness to that whole area. It's
4 not as if this is a narrow street with a
5 house directly across. If the concern is a
6 confining concern, I don't think that's the
7 case at all."

8 MR. ROSEN: I just want to say one
9 other thing -- it just went out of my mind.
10 Okay.

11 CHAIRMAN MAGUN: Thank you. Just a
12 couple of questions about the design. On
13 the plans the distance is 21.8 feet and
14 then you make reference to a number of 20.6
15 or so feet. Could we clarify that? In a
16 statement that you wrote, Mr. Weinstein,
17 you said at its closest point the deck will
18 be 20.6.

19 MR. WEINSTEIN: 21.8.

20 MR. MURPHY: Well, I had the same
21 question, Mr. Chairman, because the
22 application is for 21.8 feet from the front
23 line, but your statement indicates the
24 closest point would be 20.6 feet. So it
25 makes a difference.

2 MR. WEINSTEIN: That's because at
3 this corner there's a curb. So, if you
4 take it perpendicular to, you know, the
5 street at that point, it's a little more
6 than actually --

7 CHAIRMAN MAGUN: So, at its closest
8 point it's 20.6.

9 MR. MURPHY: A question for counsel
10 is does the variance have to be for 20.6?

11 MR. WEINSTEIN: No, because you're
12 measuring -- from a zoning point of view,
13 you're measuring the perpendicular.

14 MS. STECI CH: I don't know how -- I
15 mean, you write, Brian, it has to be for
16 the shortest point. How the Building
17 Department measures, that's --

18 MR. SHARMA: The shortest distance
19 perpendicular to the curb, whatever that
20 happens to be.

21 MS. STECI CH: Would that on this
22 one be 21.8 or 20.6?

23 CHAIRMAN MAGUN: I think it would
24 be 20.6.

25 MS. STECI CH: I don't think it's

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2 perpendicular.

3 MR. CHAIRMAN: When you said

4 perpendicular, you can just make it
5 perpendicular to this corner. We always
6 take the shortest point.

7 MS. STECICH: So, it's 20.6.

8 CHAIRMAN MAGUN: 20.6.

9 MS. STECICH: So, if you were going
10 to grant the variance, the variance should
11 be for 20.6.

12 MR. CHAIRMAN: I don't think that
13 would affect the notice issue based on the
14 strong public response to this, unless
15 anybody else has a strong feeling about
16 that.

17 Second question I have is the --
18 we're calling this a lot of different
19 things, a deck, a porch.

20 MR. WEINSTEIN: It's a combination,
21 I guess.

22 CHAIRMAN MAGUN: Yes. So, the part
23 that's covered I think I'm going to call
24 that a porch because it looks like a porch,
25 as porches look like. Is there going to be

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2 a railing on the side, on the south side of
3 that? In other words, as you stand on it
4 in the house, can you walk right off the
5 side there?

6 MR. WEINSTEIN: No.

7 MR. CHAIRMAN: There's a railing?
8 MR. WEINSTEIN: There's a railing.
9 CHAIRMAN MAGUN: Okay. And what
10 about on the other side facing the -- going
11 towards the garage going to the north side
12 of the deck?
13 MR. WEINSTEIN: I think there would
14 be a railing.
15 MR. CHAIRMAN: There would be.
16 MR. WEINSTEIN: There would be a
17 railing around it.
18 CHAIRMAN MAGUN: I mean, on the
19 drawing there is a railing indicated. So
20 there is going to be a railing on both
21 sides?
22 MR. WEINSTEIN: Yes.
23 CHAIRMAN MAGUN: Okay. I think
24 those were my two questions. And the
25 roof -- the third question is, is the

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2 facade of the house going to change at all
3 at this point, or this was just a plan to
4 put this --
5 MR. WEINSTEIN: This was -- the
6 plan was to build an addition.
7 CHAIRMAN MAGUN: The facade stays
8 as it is right now?
9 MR. WEINSTEIN: Yes.

10 CHAIRMAN MAGUN: Okay. Anybody on
11 the board have any issues to raise or
12 questions?

13 MR. MURPHY: Mr. Weinstein, just to
14 make clear again, we're talking about the
15 front-yard setback?

16 MR. WEINSTEIN: Yes.

17 MR. MURPHY: So, the closest
18 distance to the next house is 150 feet?

19 MR. WEINSTEIN: Yes.

20 MR. MURPHY: To the next house?

21 CHAIRMAN MAGUN: To the house
22 across the street?

23 MR. WEINSTEIN: Yes.

24 MR. MURPHY: House across the
25 street. And that's because of the unique

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2 situation of the property with this
3 triangular --

4 MR. WEINSTEIN: Correct. And I
5 measured that. Google doesn't let you
6 measure, but I have another service called
7 Terrer Server which actually has a
8 measurment tool, and I did measure the
9 distance.

10 MS. FURMAN: Are there any plans to
11 enclose the porch?

12 MR. WEINSTEIN: No.

13 MS. FURMAN: Screens?
14 MR. WEINSTEIN: No, open porch.
15 CHAIRMAN MAGUN: Now, this house,
16 as you know from the previous time you were
17 here, has been before us a number of times.
18 In fact, this application has come before
19 us more than any other house that I can
20 remember in Hastings. And it's no fault of
21 yours. It has to do with the previous
22 owner.
23 MS. HAYDEN: Thank you.
24 CHAIRMAN MAGUN: No, and that
25 doesn't matter. So we are familiar with

17

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2 this.
3 Now, one of my concerns was that
4 the enclosed porch in the back of the house
5 was a non-conforming structure, and we
6 granted a variance to that. It's very
7 close to the rear-yard setback to the
8 property line. And now we're being asked
9 to give you a front-yard setback. So, this
10 was an issue that really, you know, caused
11 me some concern and why I really did not
12 vote for the application before, that we
13 have both a front yard and -- a request for
14 a front yard and a pretty significant
15 incursion into the rear yard.

16 Is that porch going to remain in
17 the back? You had made some minor elusion
18 to the fact that you might take it down.
19 But I guess you're not taking it down.
20 MR. ROSEN: Let me say something.
21 If you told us tonight that you would
22 prefer us to take it down and you'll let us
23 do the porch, we'll take the back thing
24 down. Right now we don't use it.
25 CHAIRMAN MAGUN: Can we consider

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2 that in the motion?
3 MR. ROSEN: We talked about it and
4 we don't really need it. We did at that
5 time out of convenience because Tommy said,
6 do you want the thing, do you want it or
7 not when we bought the house. We didn't
8 really know if we would use it or not. We
9 said go ahead. We didn't understand that
10 he had to come here and get permission.
11 CHAIRMAN MAGUN: It was built
12 without a building permit.
13 MR. ROSEN: Right, right. We
14 didn't know all of that. So we were just
15 buying it at the time. So he went and got
16 permission. So we don't really need it.
17 We could just assume to do without it. I
18 mean, that's --

19 MR. MURPHY: Just so I understand,
20 a variance for the rear porch has been
21 granted.

22 CHAIRMAN MAGUN: Yes, it's been
23 granted. That's not an issue. But what
24 concerns me is that we're intruding on both
25 the front-yard setback and the rear-yard

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2 setback.

3 MR. MURPHY: That may be, but the
4 board has granted the variance already for
5 the rear-yard setback.

6 CHAIRMAN MAGUN: Right, but it
7 would be a mitigating factor, in my mind,
8 granting a variance to the front-yard
9 setback if you already have a pretty
10 significant incursion into the rear yard.
11 That was my concern last time, and it is
12 still somewhat of a concern.

13 Another question I wanted to ask,
14 the 7 feet that you have eluded to as the
15 size of this, is there some magic number
16 about --

17 MR. WEINSTEIN: I've done some
18 research and looked at some sort of text
19 and texts, and 7, 8 feet is somewhat --
20 there's no regulation, but that is sort of
21 a standard, comfortable size for a deck.

22 Anything narrower than that you couldn't
23 really put a folding lounge chair and still
24 have the room to walk by. So, a 6-foot
25 lounge chair, you know, would give you a

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2 foot to sort of squeak by. And that's how
3 we came at that and that's how they would
4 like to use the deck.

5 CHAIRMAN MAGUN: Any other concerns
6 or questions?

7 (No response.)

8 CHAIRMAN MAGUN: Is there anyone in
9 the audience that wishes to -- there's only
10 one other person in the audience, aside
11 from the applicants. Would you like to say
12 anything, ma'am? You don't have to.

13 MS. KENNEDY: Okay. Joan Kennedy,
14 I live at 4 Merrill Street, the back of
15 their house.

16 CHAIRMAN MAGUN: So, where are you
17 when you say the back of their house? Oh,
18 you're right next to them.

19 MS. KENNEDY: I'm on Merrill.

20 CHAIRMAN MAGUN: On Merrill?

21 MS. KENNEDY: On Merrill.

22 MR. CHAIRMAN: So you are the house
23 immediately adjacent.

24 MS. KENNEDY: Yes, and I have no

25 objections to a porch or even the back room

21

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2 or porch, whatever it's called. I'm just
3 here in support.

4 CHAIRMAN MAGUN: Okay, thank you.

5 MR. ROSEN: I want to say one more
6 thing, and I remember what my point was,
7 that there's very little else we can do to
8 this house the way it is designed, the way
9 it's been laid out, and it's been added
10 onto already at least one other time with
11 the den. We talked about possibly
12 expanding. We really can't expand anymore.
13 This is really it. And I mean, we foresee
14 living there for many years to come, and
15 this is pretty much the only work we're
16 going to do to it.

17 CHAIRMAN MAGUN: Well, I can give
18 you a lot of ideas.

19 MR. ROSEN: Oh, I'm sure, but they
20 would cost a lot more money than our porch
21 would. This gives us a little bit more
22 living space without having to bust open
23 the side and, you know, build out over the
24 den and the garage, which we can't afford
25 to do.

22

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2 CHAIRMAN MAGUN: Okay. Are there
3 questions or comments from the board?

4 (No response.)

5 MR. MURPHY: Well, I just want to
6 say, I did go back and read the minutes
7 from, I guess, it was from 2000.

8 CHAIRMAN MAGUN: Yes, we have the
9 advantage of having the minutes available
10 to us on the web.

11 MR. MURPHY: And what I think is
12 helpful is the additional information that
13 the applicant had a chance to present since
14 that time.

15 CHAIRMAN MAGUN: Which additional
16 information?

17 MR. MURPHY: Well, these aerial
18 photographs and the measurements are kind
19 of important, at least to my consideration.
20 Because the fact of the matter is this is
21 such a significant incursion into the front
22 yard that, ordinarily, I wouldn't vote for
23 it at all. However, these photographs, I
24 think, demonstrate a unique position of
25 this house on that corner where, you know,

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2 next door is the back of the Legion hall.

3 So there's nothing there. There's nothing
4 immediately across the street because you
5 have the median that separates all the
6 streets where the Hamilton and Merrill and
7 I guess Rosedale converge. So, the fact
8 that the next side of the house across the
9 way from the setback is 150 feet is a
10 significant ameliorating condition for me.

11 I do think in that neighborhood
12 there are a lot of front porches. Some of
13 them appear to be within the 30-foot
14 setback, most of them would not appear to
15 be this close. But I do think the porch is
16 definitely in keeping with the
17 neighborhood. It's an enhancement to the
18 property. It's not at all a negative.
19 It's a positive to the neighborhood.

20 And I share the chairman's concern
21 that under -- in most applications I
22 wouldn't even think of granting a variance
23 that's this substantial. It's not
24 something that I think is appropriate.

25 I guess I was persuaded a lot by

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2 Mr. Pycior's comment the last time when he
3 voted for the application. That it is a
4 rather unique situation. And so I ask
5 counsel, could we condition this on the

6 condition that the porch remain open and
7 covered only to the extent that is proposed
8 in these plans?

9 MS. STECI CH: Yes.

10 MR. MURPHY: So with those
11 conditions, I guess I would be inclined to
12 be in favor of this application. But I
13 agree with the applicant, but you're really
14 pushing your limits of the zoning laws and
15 what this board could reasonably permit.

16 MR. ROSEN: Are you talking about
17 screening in; right? Nothing else to it.
18 Just leave it the way it is.

19 MS. FURMAN: Right, no screening
20 in, no coming back later for a variance to
21 enclose it, make it part of the house.

22 MS. STECI CH: You can make it a
23 condition. The only thing is somebody can
24 always seek a variance. But I think it
25 would make it a lot harder when one of the

25

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2 conditions in the variance is that they --

3 CHAIRMAN MAGUN: Right, if they
4 sell the house and the new owner wants to
5 screen it in, they would --

6 MS. STECI CH: Right. That doesn't
7 mean they can't come back.

8 MS. FURMAN: But the record would
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9 show that the variance was granted on the
10 condition that the property may not be
11 screened in.

12 MS. STECICH: By making it a
13 condition of the variance, it will be in
14 the property file. So it's a good way to
15 do it.

16 CHAIRMAN MAGUN: Brian, you are
17 suggesting that because you think it would
18 contribute to the openness of the space and
19 it would feel less enclosed and less of an
20 intrusion.

21 MR. MURPHY: Yes, I do agree with
22 that analysis given where this particular
23 house is located on this particular corner
24 of Hastings.

25 MR. PYCIOR: If I might. Also, you

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2 said it's the half that's actually closest
3 to Merrill is not covered. I think that
4 softens it even further. So, that's an
5 open and almost ground level half or
6 40 percent of the porch.

7 CHAIRMAN MAGUN: Okay. David, any
8 comments?

9 MR. DEITZ: No.

10 CHAIRMAN MAGUN: Okay, fair enough.

11 So, I personally think Brian's idea

12 is a good one in terms of putting a
13 condition on granting this variance, and
14 that might incline me to change my vote
15 from abstention to in favor since that's a
16 change from what we voted on before.

17 So, if there is no further
18 discussion, can I hear a motion?

19 MS. FURMAN: I would like to make a
20 motion to grant the request for a variance
21 for the front yard where required is
22 30 feet, existing non-conforming is 28 feet
23 and proposed is 20.6 feet.

24 CHAIRMAN MAGUN: Are you going to
25 make -- use the suggestion that Brian made?

27

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2 MS. FURMAN: As a condition of the
3 granting of the variance that the porch
4 remain open except for the roof that's
5 being placed over it, that there be no
6 screening or walls of any sort.

7 MS. STECICH: And deck, porch and a
8 deck.

9 MS. FURMAN: That neither the porch
10 nor the deck be enclosed.

11 MR. MURPHY: I will second.

12 CHAIRMAN MAGUN: All in favor?

13 MR. MURPHY: Aye.

14 MS. FURMAN: Aye.

15 MR. PYCIOR: Aye.
16 MR. DEITZ: Aye.
17 CHAIRMAN MAGUN: Aye. We are going
18 to pass that unanimously. Good luck.
19 MR. ROSEN: Thank you.
20 MR. WEINSTEIN: Thank you again.
21 MR. PYCIOR: Try to build it this
22 year.
23 CHAIRMAN MAGUN: We have no other
24 applications before us tonight. We have
25 the minutes to approve from the last

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2 meeting.
3 Is there a motion to approve the
4 minutes or make comments on the minutes?
5 MS. FURMAN: I make a motion to
6 approve the minutes from the last meeting.
7 CHAIRMAN MAGUN: Which was May
8 25th. Is there a second?
9 MR. PYCIOR: I will second.
10 CHAIRMAN MAGUN: All in favor?
11 MR. MURPHY: Aye.
12 MS. FURMAN: Aye.
13 MR. PYCIOR: Aye.
14 MR. DEITZ: Aye.
15 CHAIRMAN MAGUN: Aye.
16 The next meeting of the Board of
17 Appeals will be four weeks from now, which

18 is July 27th, and then we will take a
19 break in August, just to remind everyone.
20 And then I'll just remind you again that
21 our September meeting is the 14th, the
22 second Thursday in September. So
23 July 27th is our next meeting, no meeting
24 in August, and then we have our September
25 meeting is always a little early, so

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1 ZONING BOARD OF APPEALS - 06/29/2006
2 September 14th, second Thursday.

3 I don't think there's any other
4 business. Make a motion to adjourn,
5 someone.

6 MR. MURPHY: I move to adjourn the
7 meeting.

8 CHAIRMAN MAGUN: In favor?

9 MS. FURMAN: Aye.

10 MR. MURPHY: Aye.

11 MR. PYCIOR: Aye.

12 MR. DEITZ: Aye.

13 CHAIRMAN MAGUN: Aye.

14 Adjourned. Thank you.

15 (Time noted 8:32 P.M.)

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C E R T I F I C A T E

I, Vera Monaco, a Registered Professional Reporter, do hereby certify that the foregoing transcript is a true and accurate transcript taken by me on this 29th day of June, 2006.

VERA MONACO, RPR
Court Reporter

2006-06-29hastingszba