

2006-03-23 hastings zba

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

Held March 23, 2006 at 8:11 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 Stecih, Board Counsel

A B S E N T :

David Deitz, Board Member

Q & A REPORTING SERVICES, INC.

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2 CHAIRMAN MAGUN: Good evening,
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3 everyone. This is the Zoning Board of
4 Appeals' March 23rd meeting. We have
5 four cases on our agenda tonight.

6 Sheldon Sorokoff is sitting in for
7 David Deitz, who is not here. We do have a
8 full Board as opposed to the last meeting
9 where we only had three members.

10 We will start with the first case
11 in a minute. I just would like to first
12 ask about the mailings. Mr. Sharma, are
13 the mailings in order for all the cases?

14 MR. SHARMA: Two of the cases, Case
15 No. 6-06, Kaplan, and Case No. 7-06, Ryan,
16 the mailings were not quite in order.

17 CHAIRMAN MAGUN: So why don't when
18 we get to those cases we will discuss them,
19 but for the first two cases the mailings
20 were in order?

21 MR. SHARMA: Yes.

22 CHAIRMAN MAGUN: This is Case 3-06
23 Ryberg, Betty Ryberg and Phil Grant. Now,
24 this case went first to the Planning Board
25 because it involved view preservation. The

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2 Planning Board met on March 16th and the
3 Planning Board made three recommendations
4 to the Zoning Board of Appeals. The first
5 recommend -- I'm sorry. Denise just
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6 reminded me, Denise needs to recuse herself
7 from this application. So, before we
8 start, she is going to sit. So, actually,
9 on this case we're only going to have four
10 Board members. So, let me just -- I will
11 explain the protocol in one second.

12 The Planning Board needs to approve
13 an application before the Zoning Board of
14 Appeals can act on it. The Planning Board
15 did not approve the first floor kitchen
16 expansion with regard to view preservation.
17 So, therefore, the Zoning Board cannot act
18 on that application for the first floor
19 kitchen expansion.

20 The Planning Board did approve
21 second floor bay window on the north side
22 with regard to view preservation. And they
23 also approved the second floor bay window
24 on the south side with regard to view
25 preservation.

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2 MR. SHARMA: It's the third floor.
3 The attic floor.

4 CHAIRMAN MAGUN: I'm sorry, the
5 third floor, correct.

6 The applicant also is before us
7 with regards to a zoning variance for
8 changing the 2.5 story definition of the

9 house into a three-story house. That is
10 not something that the Planning Board was
11 deliberating, so that is an item that we
12 can go forward on tonight.

13 So, what we will not be able to
14 discuss tonight is the view preservation
15 issue as it applies to the first floor
16 kitchen expansion, which is not a zoning
17 variance issue. I think I'm correct on all
18 of that. Is that correct?

19 MR. SHARMA: Yes.

20 CHAIRMAN MAGUN: It's a little bit
21 confusing.

22 Now, I should say to the
23 applicant -- is the applicant here tonight?
24 You are entitled to a full Board, and we
25 were expecting our fifth member to come,

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2 but he isn't here. And we tried to call
3 him and I don't know where he is. And
4 because one of our members had to recuse
5 herself, we only have four members here
6 tonight. You may adjourn the application
7 and request a full Board of five. Every
8 part of the application requires at least
9 three votes in favor, so your chances might
10 be better if you have five as opposed to
11 four people voting on your application.

12 So, if you choose to, we can defer
13 this to a full Board. It was my
14 understanding that we would have one
15 tonight. You could think about that for a
16 minute.

17 This will also apply to the Kaplan
18 case. We will not have five members here
19 tonight because I'm going to recuse myself
20 on that application. So, you will only
21 have four members as opposed to five voting
22 on your application. You could also choose
23 to defer and wait for a full Board. You
24 could think about that.

25 I'll give you a few more minutes.

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2 I think it's an important issue.

3 (Whereupon, there was a pause in
4 the proceedings.)

5 MR. KAPLAN: May I ask a question?

6 CHAIRMAN MAGUN: You have to come
7 to the microphone and identify yourself.

8 MR. KAPLAN: James Kaplan on Case
9 No. 3.

10 CHAIRMAN MAGUN: Your address?

11 MR. KAPLAN: 105 Circle Drive. And
12 this is on the question of whether or not
13 to request the full Board. I don't know
14 the procedure. If we're turned down, is

15 there any appeal or is that it?

16 CHAIRMAN MAGUN: That's it.

17 MR. KAPLAN: That's it?

18 CHAIRMAN MAGUN: Correct. The only
19 appeal is through the legal system, the
20 court. Okay, thank you.

21 You're the first applicant. Just
22 state your name.

23 MR. GOODENHEIMER: Tobias
24 Goodenheimer. I'm an architect for the
25 applicant.

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2 CHAIRMAN MAGUN: Where is your
3 business office? Your office, the address
4 of your office?

5 MR. GOODENHEIMER: My office is
6 located at 145 Palisades Street in Dobbs
7 Ferry. I'm wondering if you could just
8 reiterate and clarify a little bit your
9 Board's relationship to the issues that had
10 been debated at the Planning Board. We
11 weren't quite clear, particularly with
12 respect to the one item that the Planning
13 Board didn't agree with on in our
14 application to --

15 CHAIRMAN MAGUN: The Planning
16 Board, if there is an application -- and,
17 Marianne, if I'm incorrect, please correct

18 me. If there is an application that
19 requires view preservation, the Planning
20 Board needs to first hear that application
21 and approve or not approve it. If they do
22 not approve it, then we do not go forward
23 and then the application, essentially,
24 doesn't come to us. So, the Planning Board
25 is a leap that has to be made in order to

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2 get to the Zoning Board for view
3 preservation.

4 So, the Planning Board felt, and I
5 don't disagree with this, that you could
6 divide up the view preservation issue into
7 three portions; the first floor kitchen and
8 then the two bay windows. So, the two bay
9 windows they gave approval to, so we could
10 discuss that tonight. The first floor
11 kitchen expansion they did not approve, so
12 we would not be able to discuss that
13 tonight.

14 Now, that issue does not require a
15 zoning variance. It's just a view
16 preservation issue.

17 MR. GOODENHEIMER: I understand.
18 The reason for my question is that it was
19 our understanding that the Planning Board
20 is an advisory to this Board, and that, in

21 fact, you could debate and determine
22 whether you agree or disagree with the
23 decision of the Planning Board.

24 CHAIRMAN MAGUN: I am going to
25 defer to counsel on that.

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2 MS. STECI CH: No, actually, it's
3 not in -- the view preservation approval is
4 a two-tier process. You have to get the
5 approval of the Planning Board before you
6 can get the Zoning Board approval. You
7 have to get the approval -- essentially,
8 you have to get the approval of both
9 bodies. If you don't get the approval of
10 one, then you don't get it.

11 MR. GOODENHEIMER: In other words,
12 this body has to concur with the Planning
13 Board?

14 CHAIRMAN MAGUN: No.

15 MS. STECI CH: The Planning Board
16 could approve it and -- for instance, on
17 the two windows upstairs, the Planning
18 Board could approve it, and if this Board
19 votes no, it doesn't -- you don't have the
20 approval. You have to get the approval of
21 both the Planning Board and the Zoning
22 Board.

23 So, there is no point -- the Zoning
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24 Board doesn't even have jurisdiction to
25 consider the first floor window because the

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2 way it reads is after approval by -- after
3 approval by the Planning Board, the plan
4 shall be referred to the Board of Appeals
5 for a hearing. So, it doesn't have
6 jurisdiction over the view preservation
7 application that was rejected by the
8 Planning Board.

9 MR. GOODENHEIMER: I understand.
10 Thank you.

11 CHAIRMAN MAGUN: Is that okay?

12 MR. GOODENHEIMER: Yes. If you
13 could just give us one more minute to
14 decide whether or not to move forward
15 tonight.

16 CHAIRMAN MAGUN: Okay, and if you
17 think it's going to take a long time, we
18 can actually go to the second case, if you
19 want to spend some time discussing it.

20 Would that be okay with the Board?

21 I think that's an important issue.

22 MR. GOODENHEIMER: I think we can
23 decide it in just a few moments. If you
24 could give us 60 seconds.

25 CHAIRMAN MAGUN: I can give you 60

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2 seconds.

3 MR. GOODENHEIMER: Thank you.

4 (Whereupon, there was a pause in
5 the proceedings.)

6 MR. GOODENHEIMER: I think we
7 haven't even used up our full 60 seconds,
8 but I think we will --

9 CHAIRMAN MAGUN: You want to go
10 forward?

11 MR. GOODENHEIMER: We will defer
12 until next month.

13 CHAIRMAN MAGUN: So you are going
14 to defer for the next meeting?

15 MR. GOODENHEIMER: Yes, please.

16 CHAIRMAN MAGUN: Now, again, we
17 always try to have five members. So I can
18 never -- I mean, usually we do, but the
19 last meeting we didn't and this meeting we
20 didn't, unfortunately. Hopefully we will
21 next time. The Planning Board is then now
22 done. They're not going to -- that process
23 is finished?

24 MS. STECIH: Correct.

25 CHAIRMAN MAGUN: Okay, very good.

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2 MS. STECI CH: They did consider it
3 in two meetings, and the applicant asked
4 them to talk to the neighbors and come
5 back. But I guess they couldn't work
6 anything out and came back with the same
7 plan. So, that plan was done.

8 CHAIRMAN MAGUN: Okay.

9 MR. GOODENHEIMER: Thank you. We
10 will see you next time.

11 CHAIRMAN MAGUN: Fine. The next
12 meeting by the way is April -- the fourth
13 Thursday in April. Does somebody have a
14 calendar? Sorry, I know people come for
15 this, but what can I say? It's the
16 fourth Thursday in April.

17 MS. STECI CH: Which is April 27th.

18 CHAIRMAN MAGUN: So, now we're
19 going to go to Case 5-06, Susan Q. Hudson.
20 Let me pull my paperwork out and we'll get
21 there. One second.

22 Now, this case was partially
23 discussed at the previous meeting. And one
24 of the members who discussed it is not here
25 tonight, Mr. Deitz. So, Mr. Sorokoff and

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2 myself were here. The other Board members
3 have had a chance to read the minutes. And

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4 unless the applicant has strong objections,
5 I think we could just essentially start the
6 case from the beginning and you'll have a
7 full Board here; otherwise, you will have
8 to wait for Mr. Deitz to come back.

9 MR. LEVY: No objection.

10 CHAIRMAN MAGUN: All right. So,
11 this is Case No. 5-06, Susan Q. Hudson
12 living on 45 Hudson Street. The request is
13 for construction of an addition to her
14 house located at 45 Hudson Street.

15 The variance sought is as follows:
16 This is for construction of a vestibule
17 where there is an incursion into the front
18 yard. The required front yard is 30 feet,
19 existing is 30.14, and the applicant
20 proposes 26.5.

21 I guess you're the applicants. Why
22 don't you introduce yourself and tell us
23 what you want to do.

24 MR. LEVY: I am Bruce Levy. I'm an
25 architect for Ms. Hudson, 41 South Gate

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2 Avenue in Hastings. The case was presented
3 last month but adjourned. I'm sorry I
4 wasn't available. And also there was a
5 request for some additional information,
6 which we provided during that course.

7 Also, I'd just like to give you
8 right now, we have the number of letters, I
9 think seven, same letter but signed by
10 neighbors saying that they approve or have
11 no objection to the addition.

12 CHAIRMAN MAGUN: Okay.

13 MR. LEVY: What this is is just a
14 request for a minimal extension into the
15 front yard, just a minimal extension into
16 the front yard to create a vestibule and
17 new entry at the front of the house. I
18 think you have some pictures with the
19 application. These are some additional
20 pictures of the front of the house as it
21 exists now, and the small plan of the
22 vestibule in the front elevation, and also
23 we added two side elevations from each
24 side, just partial so that you could see
25 just how much this is sticking out. We

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2 have that board up here, if you would like,
3 so that you could have it.

4 We are requesting this. We feel
5 it's a minimal intrusion. And really it
6 has to do with the practical difficulty of
7 accessing to this house. There is a
8 one-car garage down at the lower level, but
9 it's very complex, and you go through small

10 rooms to get upstairs. So, most of the
11 access to this house is through the front
12 door. And the front door opens directly
13 into the living room and kitchen creating a
14 very cold situation, and also minimizing
15 the use of the living room as you walk into
16 the house.

17 The vestibule we're proposing would
18 only extend out two feet from the front
19 face of the house. Actually, the house is
20 set-back 30.14 feet from the property line.
21 So, the extension would be two feet from
22 the 30-foot. So, it's actually 2.14 feet
23 from the front of the house.

24 MR. MURPHY: You're referring just
25 to the vestibule?

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2 MR. LEVY: Just to the vestibule.
3 The roof overhang is another one foot six
4 passed the front of the vestibule.

5 MS. FURMAN: Is there another part
6 even in front of that?

7 MR. LEVY: There's just a --

8 MS. FURMAN: Platform. How far
9 does that go?

10 MR. LEVY: Four feet. But there's
11 no -- we don't have an issue with that
12 because that's allowed as part of the

13 zoning. It's not a wood deck. It's just
14 going to be slate on the ground and a
15 pathway leading down to the side of the
16 driveway.

17 The vestibule, in looking at the
18 front pictures actually, the vestibule
19 actually just comes out to where the front
20 of the steps are right now. So, it's a
21 minimal intrusion, and we are also trying
22 to create a sense of entry to the new
23 entrance to the house.

24 If you see the existing condition
25 there on the front steps, that's really the

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2 point where the vestibule will go to. We
3 are also trying to create a little sense of
4 entry since the existing house is very flat
5 set-back. So, we're just bringing the
6 existing roof of this big gable dormer down
7 and then it's going to step back over this
8 entranceway.

9 Just to remind you that a roof can
10 extend out two feet from the front of the
11 house, but we're indicating the set-back to
12 the roof because the roof is beyond that
13 two feet right now.

14 So, the overall extension is
15 three-foot-six with the roof, but the

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16 vestibule is only two feet.
17 MR. MURPHY: The structural
18 extension is two feet?
19 MR. LEVY: Correct.
20 MR. MURPHY: Which, if it was
21 within the code, you would be allowed the
22 additional one-foot-six-inch roof
23 overhanging, and you would also be allowed
24 the stairs.
25 MR. LEVY: Yes.

18

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2 MR. MURPHY: That would allow
3 you --
4 CHAIRMAN MAGUN: The stairs are
5 always ambiguous. It's not clearly spelled
6 out in the code.
7 MR. MURPHY: Well, I saw that
8 discussion in the minutes, and I wanted to
9 ask the chairman's view of that. But it
10 seemed as if the feeling was that if it's a
11 non-enclosed open porch and the stairs
12 allow access to it, you're allowed
13 six feet.
14 CHAIRMAN MAGUN: We haven't had
15 anybody propose a 50-foot staircase. That
16 would probably be -- I think the code was
17 written -- and the way Marianne explained
18 it is that it was written so that there was

19 some leeway for the Board to try to decide
20 whether the stairs were appropriate to the
21 entranceway or whether there was an
22 entrance.

23 So, the stairs aren't a critical
24 part of this unless one wanted to worry
25 about there being an actual deck in front

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2 of the house. He has a little entryway
3 there.

4 MR. LEVY: It's just a platform.

5 CHAIRMAN MAGUN: Well, deck,
6 platform, whatever you want to call it.

7 MR. MURPHY: And the width of those
8 steps is four feet, which seems pretty
9 straightforward.

10 MR. LEVY: Yes, it's four feet in
11 front of the vestibule.

12 MR. MURPHY: Understood.

13 CHAIRMAN MAGUN: And then the
14 bottom step is a little bigger.

15 MR. LEVY: The bottom step splays
16 out a little. We showed them in the plans.

17 CHAIRMAN MAGUN: Yes. So, my
18 question about this application was why did
19 you feel it necessary to protrude? Why
20 didn't you just build the vestibule in the
21 space that you have there?

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22 MR. LEVY: I think the space would
23 be too small because the front entrance
24 door opens into this space, and you would
25 only have about five feet. The whole

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2 vestibule now is about seven feet deep, and
3 we have a three-foot door that's going to
4 open into the vestibule. And the practical
5 difficulty is the functions that happen
6 when you walk in the door. So, we are
7 trying to allow a reasonable amount of
8 space for those functions to take place in
9 the vestibule.

10 CHAIRMAN MAGUN: Is there going to
11 be a door in the entryway? Is there going
12 to be two doors; is that --

13 MR. LEVY: Yes, so the existing
14 front door will remain. Maybe we will
15 change the door, but location is --

16 CHAIRMAN MAGUN: There is going to
17 be a door there.

18 MR. LEVY: Absolutely, that's the
19 whole point of the vestibule.

20 CHAIRMAN MAGUN: And that opens --

21 MR. LEVY: Into the house.

22 CHAIRMAN MAGUN: -- into the house.

23 MR. LEVY: We are not just creating
24 additional space. We are creating a

25 vestibule.

21

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2 CHAIRMAN MAGUN: So, you felt it
3 was necessary to have a functional
4 vestibule to push out two feet because that
5 was really one of the issues that I had.

6 MR. LEVY: Well, I think that it
7 makes it a functional vestibule. There are
8 four children in this family including two
9 new infants, twins. But you do need some
10 space to maneuver in there, you know, put a
11 bench, have books, be able to take shoes
12 off, etcetera, sit down and to move through
13 the vestibule, you know, be able to close
14 the door and go into the living room space
15 and, therefore, have more practical use of
16 the living room space as opposed to that.

17 And, of course, it also helps --
18 works out with the roof because we're
19 trying to make the roof come down and make
20 a pleasant entry, a sense of entry to the
21 house, but it's more for the space itself.

22 CHAIRMAN MAGUN: The other issue
23 that concerned me about this was if you
24 stand on that block, the houses are all
25 essentially 30 feet from the property line.

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2 It's a straight line almost. I mean, not
3 perfect. So this sort of will be one house
4 that projects out a little bit, albeit a
5 little bit, it's a small projection. I
6 just wanted to raise that with the Board
7 as --

8 MR. LEVY: Well, I would --

9 CHAIRMAN MAGUN: Go ahead.

10 MR. LEVY: I would say to that that
11 this is also a block where, you know, it's
12 an R-10 Zone. We know there are many areas
13 in Hastings that are R-10 where many of the
14 properties are only 75 feet and they are
15 legal non-conforming situations; whereas,
16 several of these properties are conforming
17 in terms of the size of the properties.
18 They are 100 by 100 and 1,000 square feet
19 or more.

20 So, I think the houses are really
21 well spread out. They're not on top of
22 each other. So, I think you lose that
23 two feet. I don't think that really would
24 appear as some visual objection or
25 projection along the whole street along the

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2 block.

3 MR. PYCIOR: Mr. Levy, I believe
4 the vestibule is eight feet wide.

5 MR. LEVY: Yes, that's the width of
6 the existing platform, but it only extends
7 out two feet from the front of the house.

8 MR. MURPHY: You are maintaining
9 the same footprint of the existing entry
10 platform of eight feet?

11 MR. LEVY: Yes, we are not
12 extending out to this side any more than
13 this.

14 MR. MURPHY: And your neighbors who
15 signed your letters in support of the
16 application at 50 Hudson Street and 49,
17 where are they in relation to your house?
18 Are they right next door, across the
19 street?

20 MS. HUDSON: I'm not sure of the
21 number.

22 MR. MURPHY: 50 and 49. Is that
23 Aiken?

24 MS. HUDSON: Aiken is kitty corner
25 across the street. And then Kitty

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2 Nockagawa (phonetic), I'm not sure of the
3 number, she is right next to us. She
4 signed it. And Joe Locasi co didn't, but he
5 was the neighbor who was here at the last

6 hearing, so he is clearly in favor of it.
7 The woman who lives right across the street
8 didn't because she wasn't home, but we talk
9 to her all the time and, I mean, I know
10 that she -- she likes to have a pretty
11 looking street, so she was fine with it.

12 MS. FURMAN: I noticed when I went
13 to look there is a very large house being
14 constructed across the street. What do you
15 know about that house?

16 MS. HUDSON: Quite a lot.

17 MR. LEVY: They are investing in
18 that property.

19 MS. FURMAN: Are you planning on
20 moving across the street?

21 MS. HUDSON: We're actually not
22 sure which way we're going to go.

23 MS. FURMAN: So it could be that
24 this addition might not be necessary.

25 MS. HUDSON: I think it would be

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2 necessary for whoever was in the house if
3 they had kids. I mean, I don't know about
4 necessary, but certainly --

5 MS. FURMAN: But it's possible that
6 you may do this and then be able to move
7 right across the street.

8 MR. LEVY: That's possible.

9 MS. FURMAN: So we are talking
10 about granting a variance that's permanent
11 for a situation that may be temporary.

12 MR. LEVY: I think that the request
13 is for the vestibule because the practical
14 difficulty of operating this house is the
15 issue.

16 MS. FURMAN: I understand. I think
17 it's beautiful, and I could understand
18 wanting to do it, absolutely. My concern
19 when I went down that street is that I
20 started to have an east side canyon
21 experience a little bit that there are a
22 lot of larger homes on that street. And
23 although they are much more spread out,
24 you're right, than other parts of Hastings
25 that are much more congested.

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2 It just sort of felt like there
3 were large structures looming on each side.
4 Now, given the appropriate set-backs,
5 that's fine. Those were allowed. Those
6 were built as of right. But I think we
7 have to respect the Zoning Law so that we
8 make sure that the people who developed it,
9 and after all of their testimony and
10 everybody's participation is decided, that
11 if we are going to allow homes this large

12 in Hastings, they need to be set-back.
13 You know, what's happened before,
14 you can't -- that's history. That is our
15 history here. But I think that we need to
16 look and make sure that we don't grant
17 variances that aren't really necessary.
18 Some of them are, absolutely. But if in a
19 year you're out of this house and now we
20 are going to start seeing other people if
21 we grant this variance, why shouldn't we
22 grant theirs? I have concerns about that.
23 But I understand why you want to do it.
24 MR. MURPHY: Let me ask you this,
25 the way the house is configured right now,

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2 is it literally that when you walk in you
3 open the door and you step into the living
4 room? There is no --
5 MS. HUDSON: You almost hit the
6 couch when you open the door.
7 MR. LEVY: Yes, you step right into
8 the living room.
9 MR. MURPHY: There is no segregated
10 space with a bookcase or closet area for
11 coats, that kind of thing as it stands now?
12 MR. LEVY: No, you walk right into
13 the living room and that opens up right
14 into the kitchen.

15 MS. FURMAN: We don't have floor
16 plans at all for the house; right?

17 MR. LEVY: No, but we don't have to
18 go to that extreme. But this is the living
19 room space. This is cut off and there is a
20 little kitchen back here. But this is the
21 living room space in that block. So, you
22 do walk right into this living room space.

23 MR. SOROKOFF: I think we have to
24 consider the application by itself without
25 being overly concerned about future

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2 possibilities, although they have to be
3 taken into account.

4 MR. LEVY: I would also point out
5 that this is a one-story house. This is
6 not a two-story house. The scale is much
7 smaller.

8 MR. MURPHY: I mean, in that
9 particular neighborhood too, Denise,
10 because the lots are fairly large compared
11 to other lots in Hastings.

12 MS. FURMAN: I know. I'm very
13 torn. I'm not -- you know, I hear both
14 sides of it.

15 MR. MURPHY: Your concerns are well
16 taken. I mean, that's part of the density
17 issue that our chairman raises almost every

18 meeting, and for which I support his
19 concern. Somewhere you have to draw the
20 line. I guess my view on this application
21 is because it's the kind of minimal
22 incursion that if we think it's really a
23 good reason, and I agree with you, it
24 shouldn't matter whether it's because the
25 applicant is still living there or might

29

1 ZONING BOARD OF APPEALS - 3/23/2006
2 not be there, that really shouldn't concern
3 us. I think does the house really function
4 well whoever lives there, and is this
5 really an improvement and a necessary
6 incursion to accomplish that?

7 MS. FURMAN: Right, but then I get
8 back to I would like to see the original
9 plans for this house and all of the
10 variances that were given for it in the
11 past to see -- and because I have this
12 particular issue that what happens with
13 homes is you may start off with a
14 rectangle, and then somebody adds a porch
15 to the front of it, and then the next
16 person encloses that porch, and then the
17 person after that puts an extension on the
18 left side. Well, now there is no good way
19 to get into it so now we give a variance,
20 you know?

21 MS. STECICH: They do have a
22 history of the variances on the top.

23 MS. FURMAN: Thank you.

24 MR. PYCIOR: I feel it's 16 square
25 feet, two feet deep, the incursion into the

30

1 ZONING BOARD OF APPEALS - 3/23/2006
2 front yard by eight feet wide. I don't see
3 this as somehow increasing the density of
4 the neighborhood, 16 square feet.

5 MS. FURMAN: I hear you. I
6 understand.

7 CHAIRMAN MAGUN: I am just going to
8 ask, while everybody thinks a little more,
9 is there anyone in the audience that wishes
10 to speak with regards to the application
11 either for or against?

12 (No response.)

13 CHAIRMAN MAGUN: No? Trying to buy
14 a little time there.

15 MS. FURMAN: Can I ask two more
16 questions?

17 CHAIRMAN MAGUN: Yes, please. I
18 think this is -- we are discussing this and
19 I think this is an issue.

20 MS. FURMAN: In '74 there was a
21 side-yard variance for a room over the
22 garage. Can you just show me on any of
23 these pictures which is the room over the

24 garage?

25 MR. LEVY: It's this room right

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2 over here.

3 MS. FURMAN: That's this?

4 MR. LEVY: Yes.

5 MS. FURMAN: Which is not the
6 living room.

7 CHAIRMAN MAGUN: I mean, that's not
8 that. You don't see the garage. Here it
9 is.

10 MS. FURMAN: Oh, okay.

11 MS. HUDSON: It's on the left.

12 MS. FURMAN: It's all the way over
13 there.

14 CHAIRMAN MAGUN: It looks like a
15 room that was put over the garage.

16 MS. FURMAN: Right. And then your
17 variance for the kitchen. So, totally a
18 place we don't even see; right?

19 MR. LEVY: Correct.

20 MS. FURMAN: Okay, thank you.

21 CHAIRMAN MAGUN: Now, you know I'm
22 going to weigh in a little bit on this.
23 I'm a little torn because I thought that
24 perhaps you could do this without pushing
25 into the front yard, that you could create

1 ZONING BOARD OF APPEALS - 3/23/2006
2 a vestibule because you have a little space
3 there. It is little. And that's why I
4 asked if you could do that without going
5 into the front yard.

6 I wonder whether you could make it
7 a little smaller. I don't know how much
8 you thought about that. How did you decide
9 to come up two feet incursion into the
10 front as posed to three or four?

11 MR. LEVY: Because we wanted to
12 keep it minimal.

13 CHAIRMAN MAGUN: Okay.

14 MR. LEVY: But also, as I said
15 before, we just felt that that's really the
16 space to function. Anything more probably
17 would have been excessive. I think
18 anything less would make the functioning
19 very tight.

20 Now, again, it also -- I think with
21 popping out of the roofs a little bit more
22 to create a little bit more of a nice entry
23 to the house as well. And if that was
24 happening in the same plane as this whole
25 house, which is very flat right now, I

1 think that would be esthetically
2 unpleasant, but, of course, esthetics is
3 not a reason for a variance. I appreciate
4 that.

5
6 CHAIRMAN MAGUN: I just want to
7 show my colleagues. If you look at this
8 picture, you can see down the block there
9 is a straight line. This house would jut
10 out a couple of feet.

11 MR. MURPHY: I understand the
12 concern. I guess I'm with Stanley on this
13 one though because I do think there is a
14 need for it in this particular case, and
15 the applicant has minimized the incursion.
16 I don't see how you could do it in a more
17 minimal way and still have it serve the
18 function for which the variance is
19 intended, otherwise, you just, you know,
20 leave it the way it is.

21 I guess that's why my question goes
22 to when you walk into this home, are you
23 literally walking into the living room,
24 which I can understand why anyone who lives
25 there, regardless of whether you have kids

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 or don't have kids, and whether there's
3 cold air coming in to affect anybody would

4 be a problem.

5 So, I share your concerns and
6 there's never a right answer. I guess I am
7 with Stanley. I think it's a sensible,
8 minimal incursion that can't be done in a
9 smaller way, and I do see the need for it.
10 Having said that, I think we have to look
11 closely at any --

12 CHAIRMAN MAGUN: Can I ask you a
13 question with regards to it with what Brian
14 is saying? Can you just show me how the
15 house is laid out then inside the house,
16 because I think that helps me think about
17 the need for the vestibule area.

18 MR. LEVY: This is the living room
19 right here. This is like a wall here
20 and --

21 CHAIRMAN MAGUN: The house splits
22 into two there?

23 MR. LEVY: Right, the side to side
24 splits. This goes up half a level to here.
25 This is sort of a garage and sort of a rec

35

1 ZONING BOARD OF APPEALS - 3/23/2006
2 room mostly underground. And then there is
3 a dining room here and a kitchen back here.

4 MS. FURMAN: So what's the deck off
5 the living room?

6 MR. LEVY: Excuse me?

7 MS. FURMAN: The deck off the
8 living room.
9 MR. LEVY: Well, this doesn't
10 necessarily represent --
11 MS. FURMAN: That's why I was
12 asking.
13 MR. LEVY: But the living room,
14 it's close to it. The living room goes
15 from here to here.
16 MR. MURPHY: Denise is asking front
17 to back, what's the depth?
18 MR. LEVY: Right. I'm saying the
19 depth goes left to right here, and I would
20 say it probably goes back about 12 feet or
21 13 feet.
22 MS. HUDSON: Probably.
23 CHAIRMAN MAGUN: What's the
24 structure that is right here?
25 MR. LEVY: The kitchen is right

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 here in the back.
3 CHAIRMAN MAGUN: Oh, that's a deck.
4 You have a deck in the back. Look, this is
5 the survey of the house.
6 MR. LEVY: Yes.
7 CHAIRMAN MAGUN: Is that a deck in
8 the back?
9 MR. LEVY: No, that was the

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10 variance in the past for a kitchen.

11 CHAIRMAN MAGUN: Oh, that's the
12 kitchen?

13 MR. LEVY: Yes, that's part of it
14 that extends into this space.

15 CHAIRMAN MAGUN: Okay.

16 MR. LEVY: The kitchen extends
17 forward here and there is a dining room on
18 the side. The living room is here.

19 CHAIRMAN MAGUN: Okay, all right.
20 Are there any other questions from the
21 Board or comments?

22 (No response.)

23 CHAIRMAN MAGUN: Okay. So then
24 what we're considering is a variance for
25 incursion into the front yard. The

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 required front yard is 30 feet and the
3 proposed incursion is 26.5 feet. It's
4 just --

5 MR. LEVY: Excuse me, 30.14 is the
6 actual front yard.

7 CHAIRMAN MAGUN: Is existing, the
8 required is 30. And just to be -- to
9 clarify, the structure would jut out
10 two feet with the roof overhang another
11 1.6 feet.

12 MR. LEVY: One foot six.

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13 CHAIRMAN MAGUN: Sorry, one foot
14 six, right, one-and-a-half feet.
15 Is there a motion to approve this
16 variance?
17 MR. MURPHY: I will move to approve
18 the variance for a front-yard setback where
19 required 30 feet, existing 30.14 feet,
20 proposed 26.50 feet.
21 CHAIRMAN MAGUN: All right. Is
22 there a second?
23 MR. SOROKOFF: I will second it.
24 CHAIRMAN MAGUN: All in favor?
25 MS. FURMAN: Aye.

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1
2 MR. SOROKOFF: Aye.
3 MR. PYCIOR: Aye.
4 MR. MURPHY: Aye.
5 CHAIRMAN MAGUN: I'm going to vote
6 for it.
7 Okay. It's approved five to zero.
8 MS. HUDSON: Thank you.
9 CHAIRMAN MAGUN: Good luck.
10 Now, Mr. Kaplan, let's talk about
11 the next case before I recuse myself, which
12 I'm going to do for the next case. It says
13 here that all the legal notices were hand
14 delivered, but some notices were delivered
15 after the delivery date of March 13th.

16 So, 20 were delivered late. Is that
17 correct, Deven?
18 MR. SHARMA: Yes, it is. Yes, it
19 is correct.
20 MR. MURPHY: 20 notices were
21 delivered late?
22 MR. SHARMA: After March 13th.
23 But all the notices were supposed to be --
24 CHAIRMAN MAGUN: Pardon me?
25 MS. FURMAN: When?

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 MR. SHARMA: All the notices were
3 supposed to be delivered by that date, and,
4 obviously, 20 of the total of --
5 MS. STECI CH: But the question is
6 what date were they delivered?
7 CHAIRMAN MAGUN: Do you know?
8 MS. STECI CH: Marie told me. Why
9 do I want to say like the 15th? It was a
10 couple of days.
11 MS. FURMAN: Are we allowed --
12 MS. STECI CH: But do you know,
13 Deven, because Marie knows.
14 MR. SHARMA: Marie wrote this note
15 for me as well, and she said 20 notices
16 were --
17 MS. STECI CH: Delivered late.
18 MR. SHARMA: -- delivered to the

19 people after the 13th.

20 MS. STECICH: Yes, but the question
21 is when were they delivered? What date
22 were they delivered to them?

23 MR. SHARMA: That I don't have
24 information on. Let me see if I have
25 something here.

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2 CHAIRMAN MAGUN: Mr. Kaplan?

3 MR. KAPLAN: Yes.

4 CHAIRMAN MAGUN: Do you know --
5 here, why don't you go to the mike. Do you
6 know when the legal notices were hand
7 delivered? There were some that were
8 apparently delivered late.

9 MR. KAPLAN: Yes, they were late
10 for two reasons.

11 MS. STECICH: When and how late?

12 CHAIRMAN MAGUN: We were trying to
13 say how late were they?

14 MR. KAPLAN: Well, the last one was
15 not signed until last Saturday because we
16 had people who were out of town for a
17 couple of weeks, and we couldn't get them
18 until last Saturday.

19 MS. STECICH: But the people
20 live -- no, that's just one. That's not an
21 issue. The bulk of them, they were

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22 supposed to be delivered the 13th. What
23 date were they delivered?
24 MR. KAPLAN: Well, there were -- in
25 no case were they delivered by the

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2 13th because I was deathly ill on the
3 13th. A lot of them were signed on the
4 14th and then I simply couldn't get them.
5 CHAIRMAN MAGUN: When you say
6 signed, what do you mean, you mean sent?
7 MS. STECICH: When they --
8 CHAIRMAN MAGUN: You hand delivered
9 them?
10 MR. KAPLAN: I hand delivered them.
11 CHAIRMAN MAGUN: Oh, you hand
12 delivered them.
13 MR. KAPLAN: Yes.
14 MS. STECICH: So, the last was the
15 15th. So they were delivered on the
16 14th and the 15th except for --
17 MR. KAPLAN: Yes, except for two
18 people who were away.
19 MS. STECICH: One of the people --
20 MR. SHARMA: I have at least one
21 that was delivered on the 19th.
22 MR. KAPLAN: Yes, the 19th. There
23 were two people that --
24 MR. SHARMA: One on the 18th and

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25 several on the 14th and the 15th and the

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 16th. So they were all delivered later
3 than the 13th.

4 CHAIRMAN MAGUN: My feeling about
5 that would be to go ahead. But as I said,
6 I'm going to recuse myself. So, I'm going
7 to let the rest of the Board decide. Stan
8 is going to chair.

9 MS. STECICH: If the Board
10 that's --

11 MS. FURMAN: Are we allowed to?

12 MS. STECICH: Yes, when you think
13 there is adequate notice. I would say that
14 since the people had at least a week's
15 notice, right, had they been mailed. But
16 they had a week's notice, and there was a
17 week because they weren't there anyway.

18 MR. PYCIOR: The Board is
19 comfortable with that?

20 MS. STECICH: If you are
21 comfortable, take a vote.

22 MR. MURPHY: I am fine with that,
23 especially because they were hand delivered
24 by Mr. Kaplan.

25 MR. PYCIOR: So, the consent of the

1 ZONING BOARD OF APPEALS - 3/23/2006
2 Board is to proceed. Now, Mr. Kaplan, as
3 Dr. Magun said, you are entitled to a full
4 Board. And so next month we may have five
5 members.

6 MR. KAPLAN: I think I would like
7 to go ahead. I have neither my architect
8 nor visual aids with me, but I believe you
9 have my plans.

10 MR. PYCIOR: Yes.

11 MR. KAPLAN: Okay. So, I would
12 like to try and go ahead.

13 MR. PYCIOR: You should -- you
14 don't have plans, but we can lend you a
15 copy, if you wish.

16 MR. KAPLAN: Great.

17 MR. PYCIOR: Normal procedure is to
18 explain what you want to do and why you
19 want to do it.

20 MR. KAPLAN: Okay. I'm delighted
21 to do that.

22 MR. PYCIOR: Your letter says it,
23 but for the sake of the public.

24 MR. KAPLAN: Yes. We lived in this
25 house at 105 Circle Drive for 21 years,

1 ZONING BOARD OF APPEALS - 3/23/2006
2 since September of 1984. And there are

3 two -- and we moved here as a youngish
4 couple without children. Four years later
5 we began our family. We now have three
6 boys, and two of them are adolescents and
7 large. And we have a house of about --
8 it's a smallish house. It's about
9 1,900 square feet, and we're beginning to
10 feel crowded.

11 There are two areas of our house
12 that we have that have essentially been
13 unused space for the past 20 years. One, a
14 garage, we never used as a garage, ever.
15 We keep garbage cans and bicycles in there.
16 And on the top of the garage is a porch, a
17 side porch. It's a very pleasant spot to
18 eat outside in the summertime, but we use
19 it maybe five times a year. So there are
20 360 days where it is just sitting there.

21 So, our idea was/is to convert both
22 spaces, the garage directly below the
23 porch, the garage into a recreation room.
24 Actually, a music room is what we have in
25 mind because we have guitar players in the

1 ZONING BOARD OF APPEALS - 3/23/2006
2 house, and again a small house. And to
3 convert the porch on top of the garage into
4 a den. And this would be adjoining the
5 present living room.

6 So, what we're proposing is without
7 altering the footprint of the house in any
8 way, the silhouette of the house in any
9 way, just try to make some creative use of
10 currently unused space in the house. And
11 that's it.

12 MR. PYCIOR: Do members of the
13 Board have questions for Mr. Kaplan?

14 MR. SOROKOFF: Why is this before
15 us?

16 MR. KAPLAN: You know why -- sorry,
17 may I say?

18 MR. SOROKOFF: Please, I will look
19 for help anywhere.

20 MR. KAPLAN: Because when our house
21 was built in 1929, they plopped it down
22 there, essentially, too close to the side
23 yard. It's not conforming to the set-back
24 requirements either in the back of the
25 house or on the sides of the house. And,

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 therefore, we automatically have to request
3 a variance.

4 MR. PYCIOR: They need a front-yard
5 variance and a side-yard variance.

6 MR. KAPLAN: And that's it.

7 MR. SHARMA: It's a continuation
8 enlargement of an existing non-conformity.

9 MR. MURPHY: I guess that's my
10 question. Is it really an enlargement of
11 an existing non-conformity? My
12 understanding is they are not changing the
13 footprint, but they are enclosing what is
14 now open space.

15 MS. STECI CH: That's considered an
16 expansion of the non-conformity.

17 MR. MURPHY: It is.

18 MS. STECI CH: Yes, because what was
19 opened before is being enclosed. Let's say
20 it were all enclosed and they were just
21 doing work inside, well, then that wouldn't
22 require a variance. But because they are
23 enclosing the porch, it does.

24 MR. PYCI OR: So, Marianne, is it
25 the garage that requires a variance or the

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2 porch or both? The garage is enclosed.

3 MS. STECI CH: Well, I guess I
4 suppose the other issue though is the
5 garage is not --

6 MR. SHARMA: I would say it's the
7 porch.

8 MR. KAPLAN: I'm sorry, it's not?

9 MS. STECI CH: Living space.

10 MR. PYCI OR: Or increasing --

11 MS. STECI CH: You could argue that,
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12 but I mean, if you're considering the whole
13 thing, if you were disposed to granting the
14 variance, I would say -- I would do it for
15 the entire conversion of the garage and
16 porch for the house, which is essentially
17 what you are doing. The problem is I don't
18 see before. I see the after pictures. I
19 don't see the before. You don't have any
20 before; right? But if I understand it,
21 that's why.

22 MR. KAPLAN: Well, let's see, the
23 front elevation --

24 MS. STECIH: Right.

25 MR. KAPLAN: -- I can tell you it

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2 doesn't take much imagination, really.
3 Where that proposed on the right side of
4 the elevation on top where it says new
5 infilled windows to enclose the existing
6 porch, that shape, the shape of that
7 window, proposed window enclosure, is
8 exactly as it is now. Right now it's just
9 empty space. And so it's -- you see what I
10 am saying?

11 MS. FURMAN: This is -- and correct
12 my drawing if I'm wrong. This is really a
13 porch here. The roof comes down.

14 MR. KAPLAN: Yes.

15 MS. FURMAN: But then it's open.
16 MR. KAPLAN: Yes.
17 MS. FURMAN: I think southwestern.
18 MS. STECICH: That's why I say
19 expansion of non-conforming because it's
20 enclosed.
21 MR. PYCIOR: But the roof line
22 exists.
23 MR. MURPHY: That's not being
24 changed or expanded or extended, which
25 would, otherwise, give me a problem. But

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2 that's why I just want to be clear that the
3 framework of this space is remaining as is.
4 MR. KAPLAN: Exactly as is.
5 MS. FURMAN: The footprint is not
6 changing, the roof line is not changing.
7 It's just plugging up the house.
8 MR. KAPLAN: Right. And then
9 beneath that enclosed window where you see
10 that door and windows down there, right now
11 is a garage door. That's it.
12 MR. SHARMA: Marianne, my
13 understanding reading the code is even when
14 you change an open porch you enclose it for
15 open space and a garage, that is also a
16 change non-conformity, an existing
17 non-conformity. But changing the use, its

18 function, is adding.

19 MS. STECI CH: I'm not disputing
20 that. I think everybody agrees.

21 MR. PYCI OR: Right. Okay, any
22 other questions from the Board members?

23 (No response.)

24 MR. PYCI OR: Is there anyone in the
25 audience who wishes to be heard in support

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 of this application?

3 (No response.)

4 MR. MURPHY: I have one question,
5 maybe it's simple-minded, but if it's going
6 to be a garage for guitar playing space, is
7 there going to be sound insulation for your
8 neighbors?

9 MR. KAPLAN: Yes, you bet. I mean,
10 that's for us. We are first in the line of
11 defense.

12 MR. MURPHY: Protect you too.

13 MR. KAPLAN: Yes.

14 MR. PYCI OR: Anybody in the
15 audience wishes to speak against the
16 application?

17 (No response.)

18 MR. PYCI OR: Any other questions
19 from members of the Board?

20 (No response.)

21 MR. PYCIOR: We have two variances
22 here, front-yard setback and side-yard
23 setback, which probably we are considering
24 them separately. Do I have a motion on the
25 first variance, that is that the front-yard

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 setback requires 30 feet, the existing
3 non-conformity is 14.6 feet, and the
4 proposed would be the same, that is
5 14.6 feet because that's an existing
6 non-conformity.

7 MR. MURPHY: Reads differently.

8 MS. FURMAN: Actually, the first
9 variance I have is from the rear yard.

10 MR. PYCIOR: Okay. Let's go with
11 the rear-yard variance. Do I have a motion
12 concerning that?

13 MR. MURPHY: I will --

14 MS. FURMAN: Let's go back a
15 second.

16 MR. PYCIOR: The legal notice was
17 front yard.

18 MS. STEICH: No, this is the legal
19 notice. This is the legal notice.

20 MS. FURMAN: So you are ready for a
21 motion on the rear-yard variance?

22 MR. PYCIOR: Yes.

23 MS. FURMAN: I would like to make a
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24 motion granting the request for a variance
25 for the rear yard, the existing

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 non-conformity is 21.5, proposed is 21.5,
3 and the requirement is the lesser of
4 30 feet or 30 percent of the lot depth,
5 which here is 23.6.

6 MS. STECICH: That's correct.

7 MR. PYCIOR: Do I have a second for
8 this motion?

9 MR. MURPHY: I will second it.

10 MR. PYCIOR: All in favor?

11 MR. MURPHY: Aye.

12 MR. PYCIOR: Aye.

13 MS. FURMAN: Aye.

14 MR. SOROKOFF: Aye.

15 MR. PYCIOR: The second request for
16 variance is a side-yard variance. Do I
17 have a motion for that?

18 MS. FURMAN: I will make a motion
19 to grant the request for a variance on the
20 side yard, the requirement minimal on one
21 side and the total of both sides is 12 feet
22 and 30 feet respectively, existing
23 non-conformity is 4.4 feet and 14.75 feet,
24 proposed is 4.4 feet and 14.75 feet.

25 MR. PYCIOR: Do I have a second?

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2 MR. MURPHY: I will second it.

3 MR. PYCIOR: All in favor?

4 MR. MURPHY: Aye.

5 MR. PYCIOR: Aye.

6 MS. FURMAN: Aye.

7 MR. SOROKOFF: Aye.

8 MR. PYCIOR: Passed.

9 Congratulations. Enjoy the music.

10 CHAIRMAN MAGUN: Good luck.

11 MR. KAPLAN: Thank you.

12 CHAIRMAN MAGUN: So that brings us
13 to the next case. There is also a question
14 here before we start regarding the
15 mailings. It says here one person was
16 omitted, and that was Arthur and Jessica
17 Riolo. And apparently, Mr. Riolo
18 telephoned Marie on March 22nd stating that
19 he and his wife are not objecting to the
20 variance.

21 MR. RYAN: Arthur wrote a letter.
22 I apologize. There was a miscommunication
23 between my wife and I. Arthur is a good
24 friend of the family, and she thought I had
25 spoken to him and I thought she had spoken

1 to him.

2 CHAIRMAN MAGUN: Does the Board
3 have any qualms about proceeding with
4 regard to the mailing?
5

6 MR. MURPHY: No.

7 MR. PYCIOR: No.

8 CHAIRMAN MAGUN: All right. This
9 is case 7-06, Catherine and Chris Ryan.
10 And the application is for a request for a
11 variance. I just need to get the legal
12 notice. One second. For construction of a
13 covered porch, addition to the house of a
14 covered porch and steps to the property.

15 The variances required are
16 front-yard variance where the requirement
17 is 30 feet. There is currently an existing
18 non-conforming front yard, 14.6 feet, and
19 the applicant's proposing a 9.5-foot total
20 distance from the front yard.

21 He also needs a variance for the
22 side yards where 12 feet on one side and
23 total of 30 feet are necessary. And in
24 this case the addition would be four feet
25 and total of 10-point -- there's two sides

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2 that would add up to 10.5 feet for the
3 covered porch.

4 So, why don't you tell us your
5 name, address and what you want to do, why
6 you want to do it.

7 MR. RYAN: Chris Ryan, 22 Jefferson
8 Avenue. My house is currently under
9 construction. It was approved for a
10 building permit to do a second floor
11 addition. While my exterior first floor
12 was being re-stuccoed, the gentlemen that
13 were working on the house, while they were
14 pressure washing my front stoop to redo the
15 stucco on my front stoop, the pressure
16 washer shot right through the toe ticks and
17 the side. It was all crumbling underneath,
18 so we had to remove the stoop, and we're
19 going to rebuild the stoop as is.

20 But after speaking to the architect
21 and my builder and other gentlemen that
22 were working on the house, they suggested
23 doing a covered front porch to kind of
24 break up the front of the house and just
25 the esthetics of the house, and we agreed

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2 and started the process to get a new
3 variance.

4 The stairs are going to stay the
5 same as they were existing. We're going to
6 change to a wood structure and we're going

7 to add from the stoop that was existing. I
8 believe it's about six feet. I'm not
9 positive of the exact dimensions, but we
10 are going to extend it to the end of the
11 house and put a pitched roof over the
12 porch.

13 CHAIRMAN MAGUN: Now, you provided
14 us with the elevations that you are
15 proposing, so I think the Board has those.

16 So, just to clarify then, you're
17 proposing that instead of what had been
18 granted to you in the meeting of
19 September '04 of a 14.6-foot variance,
20 you're now proposing to have it 14.6-foot
21 distance from the front yard where you
22 should have 30, you now want to make it
23 9.5 feet.

24 MR. RYAN: I believe so. The
25 original drawing had the stoop covered with

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2 a small roof, and we just thought it would
3 be a nice addition to make the house look a
4 little bit nicer, and that's the reason we
5 decided to do it.

6 CHAIRMAN MAGUN: Okay. Anything
7 else you want to tell us or your architect?

8 MR. TWYNE: My name is Jewels
9 Twyne, T-W-Y-N-E. I am the architect of

10 the project.

11 About the stoop, the stoop existed
12 before and it didn't -- the set-back for
13 that never appeared in the previous
14 set-backs. The set-back, the 14.6, was
15 really to the house. The stoop existed
16 before. And actually, I have some beat-up
17 drawings which I've had for -- not drawings
18 but pictures which will show the original
19 house, if you would like to see those.

20 This is the house. Of course now
21 it is the second level.

22 CHAIRMAN MAGUN: You might as well
23 take the microphone.

24 MS. STECICH: Which one is this?

25 CHAIRMAN MAGUN: This one. This is

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2 the old house.

3 MR. TWYNE: Yes, that's the old
4 house. If you have been by, it now has a
5 second level.

6 CHAIRMAN MAGUN: Right.

7 MR. TWINE: But that stoop was
8 actually there. So, it is not -- the
9 14.6 --

10 CHAIRMAN MAGUN: Goes to the house.

11 MR. TWINE: Right. So, the
12 addition, while it looks more than it was,

13 it is pretty much where the stoop was.
14 It's not an addition to the house. It is a
15 very modest kind of porch.

16 The hope was that this -- I will
17 give you a --

18 MR. MURPHY: Can I ask a question,
19 just so I'm clear?

20 MR. TWINE: Surely.

21 MR. MURPHY: The new covered porch
22 that you are proposing, is that over the
23 same area where the original stoop was?

24 MR. TWINE: It's wider. Actually,
25 the stoop was just about four-foot wide, if

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2 you widen that a bit. The step is exactly
3 where they were, but we kind of widened it
4 and really to the north. So, it's slightly
5 bigger than it was.

6 MR. RYAN: We're not going to
7 extend any further off the house. We are
8 keeping it. I am not sure what it is,
9 one-and-a-half feet. The existing
10 footprint of the stoop doesn't extend out
11 any further.

12 MR. MURPHY: What I am asking, the
13 dimension from the front of the house, out
14 to Jefferson --

15 MR. RYAN: Yes.

16 MR. MURPHY: You're not increasing
17 that?
18 MR. RYAN: No, we're not increasing
19 the stoop. The porch, we are going to keep
20 it the same as it was. I'm not positive
21 what the dimensions are.
22 MR. MURPHY: On the drawings,
23 that's why I want to be clear, it says
24 five feet.
25 MR. RYAN: I believe that's

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2 correct.
3 MR. TWINE: What I didn't show was
4 the old stoop on here.
5 MR. SHARMA: They are making it
6 wider but not deeper.
7 MR. RYAN: Correct.
8 MR. TWINE: Right.
9 CHAIRMAN MAGUN: I have the plans
10 that we approved in 2004. Let me just
11 refresh everyone's memory. This is the
12 application in 2004. This is what was
13 approved, and this is the current
14 application. And you can correct me if I'm
15 wrong. So, as you can see, what the
16 applicant wants to do here is put this
17 porch. Instead of this to this, it's this.
18 Do you see that?

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19 MR. MURPHY: Yes, I do.
20 CHAIRMAN MAGUN: Okay. But it's
21 coming out the same distance.
22 MR. RYAN: That's correct.
23 MR. PYCIOR: Those steps were
24 five feet deep.
25 MS. STECIH: So, the depth was the

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2 same.
3 MR. RYAN: Correct.
4 CHAIRMAN MAGUN: This was approved
5 in September 2004.
6 MR. MURPHY: I remember the
7 applicant.
8 CHAIRMAN MAGUN: Yes, I have the
9 minutes, so you can go through that, if you
10 want.
11 MR. MURPHY: So why the change now?
12 I mean, that's the obvious question.
13 MR. TWINE: Well, because it was
14 going to be just rebuilt, but as you were
15 just explaining, Ryan --
16 MR. RYAN: Once we had decided we
17 had to knock it down, it was un-savable.
18 We were looking at the front of the house
19 and my builder, Paul Pino, offered some
20 suggestions on new stoops. And when my
21 wife and I saw this, we really thought it

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22 made the house look a lot nicer, and we
23 really -- that's the main reason why we
24 wanted to do it. Obviously, we are going
25 to need a little space, but I think it's

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2 going to extend six feet.

3 CHAIRMAN MAGUN: You know, I had --
4 I guess I have a lot of reservations about
5 this, unless you can convince me, I am
6 definitely opposed to it. But I am willing
7 to consider it.

8 I read through the minutes from
9 2004. I just want to remind everyone that
10 one of the concerns that we had at that
11 time was is the footprint of the house
12 going to change at all. And we repeatedly
13 asked that and you repeatedly told us, and
14 I'm sure you meant exactly what you said,
15 that you are not going to change the
16 footprint of the house. That was one of
17 our key questions because this was a big
18 addition in a very tiny lot. And the gist
19 of it was I want to keep the existing
20 footprint of the house. I'm just quoting
21 you. And then I say here essentially
22 adding a second story to the house without
23 changing the footprint; correct? So
24 essentially no change in the footprint?

25 No. So that was repeatedly discussed. And

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2 the reason I'm bringing that out is because
3 that was a serious concern of ours.

4 So, this changes the footprint, I
5 think, in a pretty significant way. And I,
6 in looking at the property -- and I went
7 back a couple of times to look at the
8 building, and you did exactly what you said
9 you were going to do, and it actually looks
10 great.

11 MR. RYAN: Thank you.

12 CHAIRMAN MAGUN: But I think that
13 it's such a -- what I consider to be a
14 pretty significant incursion into a very
15 tiny front yard. And I also think that the
16 neighbors -- you know, if I were a neighbor
17 on that street though, I would be very
18 happy with the fact that you made the house
19 bigger. I would not be happy about the big
20 porch.

21 MR. RYAN: Because of the -- excuse
22 me, because of the confusion about the
23 meeting, up until this afternoon, I wasn't
24 sure if I was going to be able to be in
25 front of you because of the problem with

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2 the mailer. My neighbors were all ready to
3 come with me, and I told them to kind of
4 stay back because of the confusion. Marie
5 wasn't positive if I was even going to be
6 able to come before you tonight. So, my
7 neighbors on both sides of my house, the
8 Kellys, the Costellos, my neighbors across
9 the street, were all ready to come. Marty
10 Riolo was going to come as well, but,
11 unfortunately, couldn't make it.

12 They are all in full support. They
13 all loved it. We went around to everybody
14 and showed it. We weren't going to come
15 before the Board unless they approved it.
16 I asked everybody everybody's opinion. My
17 builder came around with me after we had
18 the drawings. And so you know, I don't
19 think it's a concern of the neighbors.
20 Nobody is here tonight, unfortunately. I
21 wish I would have invited them down. I
22 just wasn't positive this was going to
23 happen tonight.

24 CHAIRMAN MAGUN: I don't know
25 what's going to happen. I'm just telling

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2 you my opinion. I think that --

3 MR. RYAN: They wanted to come down
4 to support and say some words about the
5 support. I mean, that was my point. I
6 wish, you know, I would have invited them
7 down now. You know, I told them to kind of
8 stay back because I didn't think this was
9 going to happen tonight.

10 CHAIRMAN MAGUN: Oh, you didn't
11 think the meeting was going to happen.

12 MR. RYAN: No, no, for me because
13 the mailer confusion. Marie said I could
14 come tonight, but she didn't guarantee that
15 you guys were going to hear the case. So I
16 talked to Marty and with the Kellys who
17 are -- the Kellys have a difficult time
18 getting around, and Marty is pretty busy.

19 CHAIRMAN MAGUN: I don't have any
20 problem taking you at your word that they
21 don't have any objection, that's fine.

22 MR. RYAN: Okay.

23 CHAIRMAN MAGUN: You know, I also
24 have a lot of reservations about plans that
25 get changed in the middle. You know, you

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2 start a project --

3 MR. RYAN: I did not plan on doing
4 this.

5 CHAIRMAN MAGUN: I understand.
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6 MR. RYAN: Okay.

7 CHAIRMAN MAGUN: But you start a
8 project and the builder says, oh, why don't
9 we just make that project bigger. A
10 builder always likes to do that. That's
11 what builders are trained to do. And
12 having approved the plan, and one of the
13 key issues in our approval was that the
14 footprint of the house wasn't going to
15 change, I have a lot of trouble with this.

16 Now, I think the other members of
17 the Board can --

18 MR. RYAN: Let me just clarify.
19 The builder, Paul Pino, I've worked for him
20 for a number of years. He doesn't push
21 any -- you know, he didn't want to make an
22 extra buck out of this. He just thought it
23 really would enhance the front of the
24 house. It's kind of a rectangular house
25 that has a --

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2 CHAIRMAN MAGUN: Well, I think it
3 enhances the front of the house because you
4 have to push the house back 10 feet. I
5 mean, what it really does is it takes a
6 very small front yard and makes it even
7 tinier. And I really feel strongly that
8 that's a pretty big incursion. It's like a

9 35 percent incursion into a very small
10 front yard.

11 MR. RYAN: The stoop was existing
12 to the --

13 CHAIRMAN MAGUN: I understand.

14 MR. RYAN: Right, it's only
15 six feet added to the stoop that was
16 existing, and, obviously, the roof line.

17 CHAIRMAN MAGUN: But it changes the
18 appearance of the front of the house pretty
19 dramatically, if you look at the pictures.

20 MR. TWINE: One of the things we
21 tried to do with the porch was really to
22 show the porch as being more of a porch
23 than it actually is because by
24 incorporating the stair inside of the
25 railing system, it reads as a porch more

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2 than as a stair and porch. So that --

3 CHAIRMAN MAGUN: I am not sure I
4 understand what you mean. Can you explain?

5 MR. TWINE: I believe if you look
6 at the porch, it looks as though the porch
7 goes all the way across. Actually, that's
8 a stair. That part is just steps. The
9 porch then is relatively small. So, it's
10 really a minimal increase in the size of
11 it.

12 CHAIRMAN MAGUN: Yes, I see what
13 you're saying, okay.

14 MR. TWINE: The steps are here.
15 Ordinarily, it would have stopped there.
16 But so we really added -- in truth we added
17 that. It looks --

18 CHAIRMAN MAGUN: Plus the roof over
19 the stairs.

20 MR. TWINE: The roof, right.

21 CHAIRMAN MAGUN: It's a pretty big
22 roof.

23 MR. TWINE: I don't disagree with
24 that.

25 CHAIRMAN MAGUN: What this picture

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2 doesn't do justice to is the fact that this
3 is solid coming out. It's a pretty good
4 projection out from the front of the house.
5 It's going to look like a much bigger
6 house. I have a porch like this on my
7 house. I know what the effect is. It
8 makes the house look a lot bigger, and
9 that's great. But the trouble is there is
10 no front yard. It is a very tiny front
11 yard.

12 MR. TWINE: That is the problem.

13 CHAIRMAN MAGUN: I don't know how
14 the other Board members feel or any other

15 questions.

16 MR. MURPHY: Well, I think I should
17 share the chairman's concern. Mr. Ryan, I
18 think the real difficulty is changing the
19 plans in the middle after we approved
20 different plans is problematic. I guess in
21 terms of the merits of the proposal, it
22 looks great. The difficulty is it's a tiny
23 lot. Your side-yard setbacks are
24 miniscule. What you are doing is proposing
25 a full-width roof over the porch. That's

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2 the problem from my perspective with, you
3 know, side-yard setbacks on one side. It's
4 an existing non-conformity.

5 MR. RYAN: That's correct.

6 MR. MURPHY: It's 1.8 feet and
7 6.4 feet on the other. And then the front
8 yard, you know, 30 is required.

9 MR. RYAN: Right.

10 MR. MURPHY: 14.6, and then that's
11 a 50 percent reduction there. But we
12 approved your original plans because even
13 though it's a tiny lot, you had very strong
14 support from your neighbors.

15 MR. RYAN: That's right. I would
16 like the Board to consider that this
17 evening because like I said, when I showed

18 my neighbors this, they loved it. And I
19 just want you to please consider that they
20 would all be here this evening if I didn't
21 call them off because I didn't know,
22 obviously, that this was going to happen
23 this evening.

24 MR. MURPHY: Well, I think the
25 other important point too is you heard in

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2 an earlier application tonight with a front
3 porch. That was an enclosed vestibule.
4 This is an open porch with a roof. The
5 bottom line is you look to do what's
6 minimally necessary, particularly when you
7 have a significant incursion into the
8 set-backs, which this is.

9 We did approve the original
10 drawing, which I thought was nice, and
11 reflects, you know, what was minimally
12 necessary to cover the porch area and get
13 your steps. And obviously, you got access.
14 And I guess I just share the chairman's
15 concern. I don't mean to be difficult.

16 MR. RYAN: Okay.

17 MR. MURPHY: But this is pretty
18 significant.

19 CHAIRMAN MAGUN: Any other
20 questions or comments from the Board?

21 MR. PYCIOR: Could I see,
22 Mr. Twine, the photographs again? Since
23 the house is raised, there are steps. I
24 want to try to get a sense of --
25 MR. TWINE: I got to say, the Board

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2 was very considerate before. It is a tiny
3 lot and, you know, I understand.
4 CHAIRMAN MAGUN: But I must say,
5 you know, going to look at it now two years
6 after we approved it, it works. It's nice.
7 But one of the reasons I think it works is
8 because the footprint didn't change, and
9 it's such a small lot in the front there.
10 MR. TWINE: It is.
11 CHAIRMAN MAGUN: And I know and I
12 appreciate your candor. But I just think
13 that this will change the appearance of the
14 house in a dramatic way. And, you know,
15 the esthetics of it we can debate. But to
16 me I think the incursion into the front
17 yard is tremendous, and I could not vote
18 for it.
19 MR. MURPHY: Just to take the other
20 side of it so we can fully discuss it, I
21 mean, his neighbor to the north has a
22 similar style porch. Although, as you did,
23 Mr. Chairman, with that earlier

24 application, I tried to sight down the line
25 of the street. And the way I see it, this

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2 is just an eyeball. It's obviously not a
3 precise measurement. But it looks like
4 what you're proposing would, in fact,
5 extend further into the front yard even on
6 your neighbor's covered porch area next
7 door. That's how it appears to me just on
8 a sight line.

9 But having said that, the neighbor
10 to the north has a similar porch that comes
11 across the same full width of the house on
12 the face from the street. And yet, the
13 neighbor across the street has a much
14 smaller enclosed vestibule area that's
15 perhaps maybe five or six feet wide, which
16 is more in keeping with what we
17 originally --

18 CHAIRMAN MAGUN: I also think that
19 the house that -- this is on such a small
20 piece of property, the original design. I
21 think it will actually end up looking
22 better than the porch. But that's an
23 esthetic issue.

24 My concerns here are with regards
25 to the real issues that the Zoning Board

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2 has. I think it's an undesirable change in
3 the neighborhood. I think it's
4 self-created, totally self-created, and I
5 think the requested variance is
6 substantial. And all of those issues would
7 preclude me from voting for it.

8 MR. SOROKOFF: When you say
9 self-created?

10 CHAIRMAN MAGUN: Self-created,
11 well, it can mean whatever you think it
12 means. But in this case he decided to
13 renovate his house.

14 MR. SOROKOFF: I see.

15 CHAIRMAN MAGUN: And in the midst
16 of the renovation, he decided he wanted to
17 change it. So the condition really is
18 self-created.

19 All right. So, hearing no other
20 discussion, there are before us two
21 variances, front-yard setback and side-yard
22 setback. I think we should do them as two.

23 Is there a motion in favor of
24 granting the variance for the front-yard
25 setback where 30 is required and the

1 applicant is proposing 9.5 set-back?

2 (No response.)

3 CHAIRMAN MAGUN: Is there a motion
4 to deny the request for a variance?

5 MR. MURPHY: I will move to deny
6 the variance for the front-yard setback.

7 CHAIRMAN MAGUN: Is there a second?

8 MS. FURMAN: I will second.

9 CHAIRMAN MAGUN: All in favor of
10 the denial of the variance?

11 MR. PYCIOR: Aye.

12 MR. MURPHY: Aye.

13 MS. FURMAN: Aye.

14 MR. SOROKOFF: Aye.

15 CHAIRMAN MAGUN: Aye. So that's
16 denied 5-0.

17 We can vote on the second one also.

18 MR. RYAN: It's not necessary.

19 CHAIRMAN MAGUN: I think we should.

20 MR. MURPHY: I think we need to.

21 CHAIRMAN MAGUN: Is there a motion
22 then in favor of the side-yard variance
23 where the applicant is proposing four feet
24 and a total of -- four feet on one side and
25

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(No response.)

5 CHAIRMAN MAGUN: Hearing none, is
6 there a motion to deny the request for a
7 side-yard variance?

8 MR. PYCIOR: I will move to deny.

9 CHAIRMAN MAGUN: Is there a second?

10 MR. MURPHY: I will second.

11 CHAIRMAN MAGUN: All in favor of
12 denial?

13 MS. FURMAN: Aye.

14 MR. PYCIOR: Aye.

15 MR. MURPHY: Aye.

16 CHAIRMAN MAGUN: Aye.

17 MR. SOROKOFF: Aye.

18 CHAIRMAN MAGUN: Sorry. Good luck
19 with what you are going to do, and it will
20 come out great.

21 MR. RYAN: Thanks.

22 CHAIRMAN MAGUN: We have two sets
23 of minutes to approve tonight.

24 MS. STECIH: You don't need me on
25 the minutes; right?

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2 CHAIRMAN MAGUN: No. One is from
3 January 26th when everyone was actually
4 here, and the other one was from last month
5 when Sheldon and I were here. So, let's do
6 the January minutes first.

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7 MS. FURMAN: I make a motion to
8 accept the January 26th minutes.
9 CHAIRMAN MAGUN: All in favor?
10 MR. MURPHY: Aye.
11 MR. PYCIOR: Aye.
12 CHAIRMAN MAGUN: Aye.
13 MR. SOROKOFF: Aye.
14 CHAIRMAN MAGUN: Then the minutes
15 from February 23rd.
16 MR. MURPHY: For those of us who
17 weren't there --
18 CHAIRMAN MAGUN: You can't vote on
19 it. It will be Sheldon and I.
20 MR. SOROKOFF: I have one question.
21 CHAIRMAN MAGUN: Okay.
22 MR. SOROKOFF: Page 59.
23 CHAIRMAN MAGUN: Page 59.
24 MR. SOROKOFF: Let me go to Page 59
25 myself.

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2 MS. FURMAN: You are on Page 53.
3 MR. SOROKOFF: Sorry, Page 53.
4 Page 53, Line 16, maybe this is correct.
5 This was about the basketball court. It
6 says -- Mr. Platt says, "I just have to ask
7 let's say for a more Gentile."
8 CHAIRMAN MAGUN: A more genteel.
9 MR. SOROKOFF: I didn't think so.

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10 CHAIRMAN MAGUN: Is that not the
11 correct spelling?
12 MS. FURMAN: I think genteel might
13 have double E before the L, not an I-L-E.
14 CHAIRMAN MAGUN: Thank you for
15 picking that up. Otherwise, will you make
16 a motion to approve the minutes?
17 MR. SOROKOFF: Yes, I move we
18 approve the minutes.
19 CHAIRMAN MAGUN: All in favor?
20 MR. SOROKOFF: Aye.
21 CHAIRMAN MAGUN: Aye. Those
22 minutes are approved.
23 So, the next meeting of the Board
24 will be April 27th. Is that correct?
25 Does somebody have a calendar? Okay,

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1 ZONING BOARD OF APPEALS - 3/23/2006
2 April 27th.
3 Is there a motion to adjourn the
4 meeting?
5 MR. MURPHY: I will move to adjourn
6 the meeting.
7 CHAIRMAN MAGUN: All in favor?
8 MR. MURPHY: Aye.
9 MS. FURMAN: Aye.
10 MR. PYCIOR: Aye.
11 MR. SOROKOFF: Aye.
12 CHAIRMAN MAGUN: Adjourned. Thank

13 you.

14 (Time noted 9:27 PM)

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C E R T I F I C A T E

I, Vera Monaco, Court Reporter, do hereby certify that the foregoing transcript is a true and accurate transcript taken by me on this 23rd day of March, 2006.

Vera Monaco
Court Reporter

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