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3 VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK

4 ZONING BOARD OF APPEALS

5

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7 Held July 26, 2007 at 8:00 p.m., Seven

8 Maple Avenue, Hastings-on-Hudson, New York

9 10706-1497.

10

11 P R E S E N T:

12

Arthur Magun, Chairman

13 David Deitz, Board Member

(In Absentia)

14 Stanley Pycior, Board Member

Denise Wagner Furman, Board Member

15 (In Absentia)

Brian P. Murphy, Board Member

16 Sheldon A. Sorokoff, Alternate Member

(In Absentia)

17

Deven Sharma, Building Inspector

18 Marianne Stecich, Board Counsel

19

20

21

22

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Nina Purcell, RPR
Shorthand Reporter

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1 ZONING BOARD OF APPEALS - 7/26/2007

2 CHAIRMAN MAGUN: Good
3 evening, everyone. This is the zoning
4 board of appeals meeting of July 26, 2007.
5 As you can see, we have a bunch of empty
6 chairs here. We have two items on the
7 agenda, and we were supposed to have four
8 board members tonight, our alternate plus
9 the three of us. The other two board
10 members couldn't make the meeting tonight
11 for a variety of reasons, and
12 unfortunately Sheldon, who is our
13 alternate, is unable to be here. Suddenly
14 something came up at home.

15 So what that means is the
16 following. For the first case, Ling Ho,
17 Mr. Pycior is in the mailing district and
18 has to recuse himself. Therefore, we
19 don't have a quorum for the case. So we
20 cannot actually go forward unfortunately.

21 MS. HO: What does that
22 mean?

23 CHAIRMAN MAGUN: If you come
24 up to the microphone, I'll explain to you.
25 In order to hear the case and vote on it,

1 ZONING BOARD OF APPEALS - 7/26/2007
2 we have to have three voting members
3 present. We have three, but he has to
4 recuse himself because he lives on your
5 block. And therefore, you are only left
6 with two members.

7 I had anticipated the third one
8 being here, in which case we would have
9 had three voting members. I will tell you
10 having three members is not the best way
11 to go, because you have to have three yes
12 votes. So in some ways it is probably
13 better to wait for a fuller board. But we
14 have no choice. We can't hear your
15 application tonight.

16 MS. HO: When is it going to
17 be?

18 CHAIRMAN MAGUN: The next
19 meeting will be in September. I think it
20 is the second Thursday.

21 MR. SHARMA: September 13.

22 CHAIRMAN MAGUN: I'm not
23 totally sure of the date. I apologize.
24 We were planning to go ahead.
25 Mr. Sorokoff's wife took ill. He called

1 ZONING BOARD OF APPEALS - 7/26/2007

2 an hour ago and said he couldn't come.

3 MS. HO: Would the other
4 member be here, Mrs. Furman?

5 CHAIRMAN MAGUN: Neither
6 Denise nor David is able to be here
7 tonight. Denise told me it is 99 percent
8 she wasn't coming. Her daughter is flying
9 in. She has to pick her up. And she is
10 not here. She is not here. So --

11 MS. HO: It puts me in a
12 very bad place. I rush and rush and rush
13 to get this in because contractor -- you
14 know, I have a contract with people. If
15 I'm late, my roof is really -- would not
16 hold this wintertime.

17 MS. STECICH: Legally the
18 board can't do it. They just can't do it
19 under the law.

20 MS. HO: I understand that.

21 CHAIRMAN MAGUN: The next
22 meeting, it is six or seven weeks.

23 MS. HO: That's a long time
24 for me.

25 CHAIRMAN MAGUN: It is.

1 ZONING BOARD OF APPEALS - 7/26/2007

2 MS. HO: Because I make all
3 my plans. I go get a rental and
4 everything. So would they --

5 CHAIRMAN MAGUN: I feel
6 badly. It is the first time in a long
7 time. In fact, I don't think I can
8 remember a meeting when we didn't have a
9 quorum for a case. We have had a three
10 sometimes when somebody had to recuse
11 themselves.

12 MS. HO: Would they schedule
13 a meeting sooner than that?

14 CHAIRMAN MAGUN: The next
15 meeting is going to be in September.
16 August is -- everybody is on vacation.
17 The likelihood of having a quorum is not
18 going to happen. I'm sorry.

19 MS. HO: You know --

20 CHAIRMAN MAGUN: We all
21 spent time looking at your property and
22 thinking about it, so it is hard for all
23 of us who are ready to go.

24 MS. HO: You know, it is
25 just I rushed and rushed. I was so

1 ZONING BOARD OF APPEALS - 7/26/2007
2 excited. And just go through the whole
3 storm to get it all done and then just
4 feel disappointed.

5 CHAIRMAN MAGUN: I don't
6 think we have any other items we have had
7 on adjournment, so I think your case will
8 be the first one in September.

9 MS. HO: It is a long time
10 for me.

11 CHAIRMAN MAGUN: I'm sorry.
12 Case No. 10-07, Michael Agate. Is there
13 someone here with regards to that?

14 MR. AGATE: You can hear
15 mine tonight?

16 CHAIRMAN MAGUN: Yes. I
17 want to discuss that with you, yes, before
18 you set anything up. Tell me your name
19 and address.

20 MR. AGATE: Michael Agate,
21 I'm the applicant for 495 Warburton
22 Avenue.

23 CHAIRMAN MAGUN: Okay. As
24 you see, we have three people here tonight
25 and which means that if -- I'm not sure we

1 ZONING BOARD OF APPEALS - 7/26/2007
2 can go ahead. I'm going to talk to the
3 attorney, our attorney, about it. For a
4 variety of reasons if we were to go ahead,
5 you'd have to have a yes vote from all
6 three of us.

7 If you have a full board, you have
8 the advantage in my opinion of having one
9 or two negative votes because you still
10 need three to pass any variance on view
11 preservation issues. Now Marianne is
12 going to explain.

13 MS. STECICH: This is
14 unusual procedurally. It is before the
15 zoning board only for view preservation
16 approval. As the board knows, before a
17 case gets to you for view preservation
18 approval, it first has to be approved by
19 the planning board. It is a two-step
20 process. The planning board has to
21 approve it. And then if they don't
22 approve it, it doesn't come to you. If
23 they do approve it, then you can approve
24 it or not.

25 Now, this application, when it came

1 ZONING BOARD OF APPEALS - 7/26/2007
2 before the planning board, showed a
3 building higher than what was there
4 before. I don't know how much higher,
5 maybe like 6 feet higher, four or 5 feet
6 higher than it was before. And the
7 planning board would not recommend view
8 preservation approval. It didn't vote it
9 down. But ordinarily it would have just
10 said come back with different plans or
11 whatever.

12 But there were a lot of neighbors
13 at the meeting who had -- some of them are
14 here tonight -- who had some concern,
15 because the building has been just a shell
16 really for it's about five years now. Was
17 it about five years ago, Michael?

18 MR. AGATE: Five and a half.

19 MS. STECICH: So when the
20 planning board realized that the zoning
21 board wouldn't be meeting again until
22 September and that could really hold
23 things up, they made an unusual approval
24 and that was a conditional approval. And
25 the approval is that they would recommend

1 ZONING BOARD OF APPEALS - 7/26/2007
2 view preservation approval as long as the
3 building is no higher than it was before
4 the fire and that the roof line remained
5 the same as it was before the fire. I
6 think the shell of the building is still
7 up. The roof line is still up, Deven?
8 But it needs to be replaced.

9 MR. SHARMA: It is closed.
10 It is burnt down. And yes, the roof line
11 is pretty much not there. You may see
12 some pictures of what the roof line used
13 to be.

14 MS. STECICH: Anyway, the
15 thinking there -- they didn't have
16 drawings of what the building was like
17 before. But their thinking was if it is
18 the same outline it was before, that they
19 felt comfortable giving him view
20 preservation approval. And --

21 CHAIRMAN MAGUN: Okay.

22 MS. STECICH: That's where
23 you are.

24 CHAIRMAN MAGUN: So before
25 we even go any further then, my question

1 ZONING BOARD OF APPEALS - 7/26/2007
2 to you would be, the documents that you
3 submitted to us for consideration for view
4 preservation showed a different roof line.

5 MR. AGATE: Yes.

6 CHAIRMAN MAGUN: And I don't
7 know that we can go ahead anyway without
8 seeing new drawings. But what is your
9 feeling about what our attorney just said
10 in terms of planning board -- what the
11 planning board recommended? We can't
12 really hold the case unless you were going
13 to redesign the building.

14 MR. AGATE: We did have ARB
15 approval, and that's the drawings that we
16 had submitted, which is at the 40 foot
17 line. So we don't have drawings for the
18 existing.

19 CHAIRMAN MAGUN: I guess my
20 feeling, and I want to ask the board about
21 this -- is that -- well, let me clarify.
22 Are you prepared then if we -- at the next
23 meeting to submit a different design with
24 a roof line that is in accordance with
25 what the planning board wishes, or do you

1 ZONING BOARD OF APPEALS - 7/26/2007

2 not want to do that? Because if you
3 don't, then we can't really hear the
4 application.

5 MS. STECICH: The more
6 relevant question is that even though you
7 may not go forward tonight, but is
8 tonight -- is his application for -- is
9 his application for the, I guess, 36 foot
10 building?

11 MR. AGATE: The application
12 is actually for the 40 foot height. I do
13 have an approval for the existing height.

14 MS. STECICH: This board
15 without the planning board approval on the
16 40 foot, the zoning board couldn't approve
17 that even if they thought it was great.
18 They just can't.

19 MR. AGATE: I understand.

20 MS. STECICH: Okay.

21 MR. AGATE: What are you
22 asking from me then?

23 CHAIRMAN MAGUN: I guess
24 what I'm asking -- it sounds to me like
25 the planning board is not going to approve

1 ZONING BOARD OF APPEALS - 7/26/2007

2 or has not approved your 40 foot design.

3 MR. AGATE: Right.

4 CHAIRMAN MAGUN: And I guess
5 the way they wrote it up, maybe they were
6 hoping that you would come in here with
7 drawings and an idea to keep things as
8 they were and --

9 MR. MURPHY: Well, I think
10 you have to decide what you want to do.
11 The planning board approved conditionally
12 what they are willing to permit. We can't
13 override that.

14 MR. AGATE: That, I
15 understand.

16 MR. MURPHY: If you want to
17 go back and redraw something in accordance
18 with the planning board's conditional
19 approval, then come back to us. We can
20 consider that. If you don't like that
21 decision, you can go back to the planning
22 board and try something different.

23 MR. AGATE: Let me ask, what
24 do you mean by "conditional approval"? Is
25 that conditional at 36 or conditional that

1 ZONING BOARD OF APPEALS - 7/26/2007

2 it may be lower than 36?

3 CHAIRMAN MAGUN: The way I
4 understood it, the way I understood, and
5 you can clarify this, is they gave
6 conditional approval if the height of the
7 building were to remain the same as --

8 MS. STECICH: No. No
9 higher.

10 MR. MURPHY: It says no
11 higher than it was before the fire.

12 MR. AGATE: Existing.

13 CHAIRMAN MAGUN: Right. And
14 I assume -- I don't remember what it
15 looked like before the fire, but I assume
16 it was a straight line. So I'm not
17 sure -- I don't really think we can go
18 ahead tonight.

19 MR. AGATE: I thought maybe
20 we could come to a decision on what the
21 zoning board was looking for, if that is
22 the 36 foot preexisting existing
23 condition.

24 CHAIRMAN MAGUN: I don't
25 really know what the zoning board is

1 ZONING BOARD OF APPEALS - 7/26/2007

2 looking for.

3 MR. AGATE: The reason I
4 ask, the only reason why I ask is because
5 I feel time is of the essence also, and I
6 believe my neighbors also feel that time
7 is a factor.

8 CHAIRMAN MAGUN: It is
9 always a factor in every case we have
10 before us. We understand that.

11 MR. MURPHY: Marianne --

12 MR. AGATE: I don't know
13 what to build.

14 MR. MURPHY: -- he is
15 looking for guidance.

16 MS. STECICH: Maybe we
17 should have a session for advice of
18 counsel on this one.

19 CHAIRMAN MAGUN: Okay. We
20 are going to take an adjournment for a
21 brief discussion.

22 (Recess taken.)

23 CHAIRMAN MAGUN: We are
24 going to come back into session.
25 Mr. Agate, we just needed to get some of

1 ZONING BOARD OF APPEALS - 7/26/2007

2 the history from the building inspector
3 and advice of counsel to understand some
4 issues. I don't think the board is
5 prepared tonight to consider the
6 application without drawings --

7 MR. AGATE: Okay.

8 CHAIRMAN MAGUN: -- which I
9 think you can certainly understand that.

10 MR. AGATE: That's fine.

11 CHAIRMAN MAGUN: It sounds
12 like the planning board is not going to
13 recommend anything other than a building
14 that is in line with the adjacent
15 buildings on both sides. So I guess it is
16 just a straight line across.

17 MR. AGATE: Straight line or
18 existing -- preexisting?

19 CHAIRMAN MAGUN: I don't
20 know what the preexisting --

21 MR. AGATE: It was 36.

22 CHAIRMAN MAGUN: Is that
23 lower than the adjacent buildings?

24 MR. AGATE: I didn't --
25 actually, the new building that was built

1 ZONING BOARD OF APPEALS - 7/26/2007
2 used to be the same height. It used to be
3 one structure. When it was rebuilt it was
4 rebuilt at a lower height.

5 CHAIRMAN MAGUN: So I don't
6 want to speak for the planning board.
7 What is written here is that the building
8 be no higher than it was before the fire
9 and that the roof line remain the same as
10 before the fire.

11 MR. AGATE: Okay.

12 MR. SHARMA: May I say
13 something? If the building is 36 foot or
14 higher than the adjacent buildings, it
15 still has to be approved for view
16 preservation by the architectural review
17 board.

18 CHAIRMAN MAGUN:
19 Architectural review board and the
20 planning board?

21 MS. STECICH: No.

22 CHAIRMAN MAGUN: It wouldn't
23 have to go back to the planning board
24 because they gave conditional approval?

25 MR. SHARMA: Provided the

1 ZONING BOARD OF APPEALS - 7/26/2007
2 building before and the existing height is
3 36. And the architectural review board
4 has to approve that 36 foot height, you
5 know, before he can do it.

6 CHAIRMAN MAGUN: Adjacent
7 building to you, I guess the address is
8 491-493, one of the adjacent, is that 36
9 feet?

10 MR. AGATE: No, they are not
11 at the pre-existing height. They are
12 lower than the pre-existing height.

13 CHAIRMAN MAGUN: I don't
14 know who you are.

15 MS. LISTERMAN: I'm Amy
16 Listerman. I'm in one of the adjacent
17 buildings, as these guys are.

18 CHAIRMAN MAGUN: You need to
19 go to the microphone and give your name
20 and address.

21 MS. LISTERMAN: Amy
22 Listerman, from 491 Warburton Avenue. I
23 have no idea what the existing buildings
24 were. I do have a picture that shows the
25 buildings at one point were all the same

1 ZONING BOARD OF APPEALS - 7/26/2007
2 height. If ours is lower, I'm kind of
3 confused because it matches the one next
4 to us.

5 All of that being said, again, I
6 don't think that that's a major -- we just
7 want to -- you know, the question it
8 should be to what it was and it should be
9 to ours. I don't know that I know the
10 facts. And I don't know that anyone --
11 you sound like you know the facts. But it
12 is just weird. I would love to get the
13 answer to that. Again, I don't know that
14 you've got a really strong view one way or
15 another. But the question of if our
16 building is lower than the prior
17 buildings, why does it appear to match the
18 building next to it? That's just the
19 question.

20 MR. PYCIOR: You mean the
21 building south --

22 MS. LISTERMAN: Exactly.

23 MR. PYCIOR: In the photo it
24 shows a straight line.

25 MS. LISTERMAN: Right. And,

1 ZONING BOARD OF APPEALS - 7/26/2007
2 again, I don't even know if this should be
3 the decision factor, because it appears
4 historically they were all the same
5 height, but I can't help this. I would
6 love clarity on that point more so than we
7 have a strong view either way.

8 MR. AGATE: I have photos if
9 you would like to see them.

10 MS. LISTERMAN: I would,
11 because that would be great.

12 CHAIRMAN MAGUN: Let's make
13 sure we all understand the process. Since
14 we can't go ahead tonight, you are going
15 to come up with a redesign that will
16 either be, again, no higher than -- that
17 will be no higher than before the fire,
18 and the roof line remains the same as
19 before the fire.

20 MR. AGATE: Yes,
21 preexisting.

22 CHAIRMAN MAGUN: That may
23 not be in line with the adjacent
24 buildings.

25 MR. AGATE: It is not.

1 ZONING BOARD OF APPEALS - 7/26/2007

2 CHAIRMAN MAGUN: It is not.

3 MR. AGATE: I do have one
4 wall that is still up there, and you have
5 to add twelve inches, if not more, to it
6 when you put the roof rafters on.

7 CHAIRMAN MAGUN: So you
8 will -- it will need to be brought to the
9 architectural review board, is that
10 correct?

11 MR. SHARMA: No. He needs
12 to do that before or after he gets an okay
13 from you. You see, the architectural
14 review board may not approve a 36 foot
15 building down to 34 feet and whether that
16 can be a condition of the zoning board --

17 CHAIRMAN MAGUN: Shouldn't
18 he go to them first, though? I'm not sure
19 where the architectural review board comes
20 in here in timing.

21 MS. LISTERMAN: It is August
22 6. I checked.

23 MS. STECICH: He did
24 before, right? He went before the ARB
25 before he went before the planning board.

1 ZONING BOARD OF APPEALS - 7/26/2007

2 MR. AGATE: Right.

3 MS. STECICH: One is not
4 contingent on the other.

5 MR. SHARMA: The
6 architectural review board can do a ruling
7 conditioned on the zoning board also
8 approving.

9 CHAIRMAN MAGUN: View
10 preservation is the only issue we actually
11 vote on in this board which is, as you
12 know, a subjective thing. So if for some
13 reason your building comes in this way, we
14 may feel that that affects the view in
15 some significant way. I'm just -- that
16 could happen.

17 MR. AGATE: I understand. I
18 was --

19 CHAIRMAN MAGUN: We were
20 hoping to go ahead.

21 MR. AGATE: No, no, no. You
22 do realize, though, I have to remove a
23 wall which is attached to my neighbor's
24 roof if I have to lower the building. And
25 it may not be structurally -- which I

1 ZONING BOARD OF APPEALS - 7/26/2007
2 would more than welcome any engineer,
3 Deven himself, to come in and so on and so
4 forth, because that wall stands, is
5 existing.

6 CHAIRMAN MAGUN: I don't
7 know what more we can do.

8 MR. MURPHY: No, there is
9 nothing more we can do. You need plans.
10 We will look at them. Maybe they can make
11 them consistent with the recommendation.
12 And Deven will tell you if you need the
13 architectural review board.

14 MR. SHARMA: He definitely
15 needs an architectural review board. It
16 is just a matter of when, before or after.

17 CHAIRMAN MAGUN: It would
18 seem to make sense to do it before he
19 comes to us.

20 MS. STECICH: No.

21 MR. SHARMA: You may have to
22 do that as well.

23 MR. AGATE: Deven, you will
24 see me on Monday anyway, because I don't
25 know how to move forward with this.

1 ZONING BOARD OF APPEALS - 7/26/2007

2 CHAIRMAN MAGUN: If someone
3 has some important comments to make that
4 might affect this process, you are welcome
5 to come to the microphone. Otherwise, we
6 are going to adjourn.

7 MR. NOVAK: Andrew Novak,
8 son of owner of 493-A. Should I proceed?

9 CHAIRMAN MAGUN: One of
10 the --

11 MR. NOVAK: Immediate
12 neighbor adjacent to the south side. I
13 just want to make sure we understand
14 clearly.

15 CHAIRMAN MAGUN: This is a
16 multi-family residence, is that correct,
17 or it is one separate building?

18 MR. NOVAK: Well, it is four
19 units, each a single family.

20 CHAIRMAN MAGUN: Go ahead.

21 MR. NOVAK: If I understand
22 correctly, there is an architectural
23 review board, I take it, which we have not
24 gone before. And it sounds like that
25 board has already approved some plan?

1 ZONING BOARD OF APPEALS - 7/26/2007

2 CHAIRMAN MAGUN: I think
3 they approved this plan.

4 MR. NOVAK: I guess my
5 question -- maybe this is not a fair
6 question to this board, but we -- our
7 neighbors, we had absolutely no --

8 MS. STECICH: Yes. The ARB
9 doesn't require public notice.

10 MR. NOVAK: But do they --

11 MS. STECICH: It probably
12 would have been in a paper or something,
13 but they don't mail you a notice.

14 MR. NOVAK: So there is an
15 architectural review board that approves
16 something, an architectural plan? Is that
17 what the concept is?

18 CHAIRMAN MAGUN: The
19 architectural review board is a board that
20 looks at the aesthetics, not at the zoning
21 issues.

22 MR. NOVAK: And I guess --
23 again, I'm not trying to be rhetorical.
24 How would the architectural review board
25 approve a plan that affects the

1 ZONING BOARD OF APPEALS - 7/26/2007
2 architectural and historical view of the
3 place without hearing the views of the
4 public or the affected neighbors and the
5 like? In other words, I'm trying to
6 understand, because last week's
7 preservation board, we all got notice of
8 that and came and expressed our views and
9 concerns as to the potential impact to us
10 from a more preservation perspective. I'm
11 just trying to understand, what is the
12 mandated difference between the two
13 boards?

14 MR. SHARMA: Can I try to
15 explain? Architectural review board
16 strictly looks at the architectural
17 matters of the scheme presented.

18 MR. NOVAK: Such as the
19 integrity of the building?

20 MR. SHARMA: As long as
21 they are not overriding what the planning
22 or zoning board might do. But if
23 supposing 40 feet height is permitted by
24 code, so they would look at the
25 architectural aspect matters of the scheme

1 ZONING BOARD OF APPEALS - 7/26/2007
2 in relation to the buildings on either
3 side of it.

4 MR. NOVAK: But is that
5 subjective?

6 MR. SHARMA: They are not
7 going to the view preservation issues. It
8 would be outside their purview. Again,
9 let me complete. So their approval is
10 subjective to, conditioned upon two other
11 boards, and the boards' approval are
12 conditioned on the architectural review
13 approval. So one can happen before the
14 other.

15 MR. NOVAK: So the
16 architectural review board has to first
17 take the action, assuming the applicant
18 gets approval from that board. And the
19 next step is the preservation board?

20 CHAIRMAN MAGUN: The
21 planning board.

22 MR. NOVAK: That was the
23 last week's board?

24 MR. SHARMA: Yes.

25 MR. NOVAK: I am assuming if

1 ZONING BOARD OF APPEALS - 7/26/2007
2 they get approval from them, the
3 application finally comes before your
4 audience? I see.

5 CHAIRMAN MAGUN: If the
6 zoning variance is required or view
7 preservation issue is required.

8 MR. NOVAK: Anywhere along
9 the way, if an applicant is not able to
10 successfully obtain approval of either
11 board, this board is in automatic decline
12 or do you still consider that application?

13 CHAIRMAN MAGUN: It wouldn't
14 come to us if the planning board didn't
15 approve it.

16 MR. NOVAK: I see. He will
17 not get to the planning board if the
18 architectural review board did not approve
19 it?

20 MS. STECICH: That's not
21 true. And I don't think we need to get
22 into it. But just the architectural
23 review board is just an advisory board.
24 It has meetings. It has the same notice
25 and anything else to us. It does not have

1 ZONING BOARD OF APPEALS - 7/26/2007
2 public hearings, which is why you wouldn't
3 have had an opportunity to participate.
4 They don't have public hearings.

5 But the zoning board and the
6 planning board do have public hearings,
7 which is why you get notice and get to
8 participate. It depends on the
9 application. You can't answer in the
10 abstract. A lot of applications don't
11 require ARB approval. A lot of
12 applications don't require planning board
13 approval. This particular one because it
14 is more than -- it is a multi-family; it
15 is a mixed building -- it requires ARB
16 approval, planning board approval, and
17 because this is in a view preservation
18 district, zoning board approval.

19 MR. NOVAK: I understand.
20 Thank you. Follow-up question. The
21 architectural review board meeting, is
22 that a closed session? In other words,
23 the public is not allowed to attend?

24 MS. STECICH: No. The
25 public is allowed to attend all the

1 ZONING BOARD OF APPEALS - 7/26/2007
2 meetings. It is an open meeting. You are
3 allowed to attend. And I believe the
4 notice is published on the Web site, and
5 the people who are in the E-mail list get
6 notice of it.

7 MR. NOVAK: Understanding I
8 don't want to pick a fight with you about
9 what you are implementing under the law,
10 but I think from our perspective, since we
11 all have a vested interest in making sure
12 that we are good neighbors and all can
13 agree to whatever the heck this thing is
14 going to look like ultimately when it is
15 finished, I think we all have an interest
16 in making sure we come to whatever proper
17 form that we can. And it appears to me
18 the architectural review board to the
19 extent -- if I understand this correctly,
20 you are now required -- I think you are
21 recommending the applicant go back to the
22 architectural review board, correct, with
23 the designs of what it is going to look
24 like, if he were to build it back to the
25 pre-fire conditions, correct?

1 ZONING BOARD OF APPEALS - 7/26/2007

2 CHAIRMAN MAGUN: That's
3 correct.

4 MS. STECICH: First of all,
5 he is not going because it is recommended.
6 He is going because it is required under
7 the law because he is doing --

8 MR. NOVAK: To go back to
9 the architectural review board?

10 MS. STECICH: Yes. It is
11 not based on this board's recommendation.
12 He just has to go back to the ARB because
13 the design is different than the design
14 they approved before. The design they
15 approved before was not the design.
16 Essentially the height they approved
17 before was not allowed by the planning
18 board. So he has to come up with a new
19 design. It is a new design. It has to
20 get approved by the ARB. Correct, Deven?

21 MR. SHARMA: Again, the
22 issue of who wants to hear it first, the
23 architectural review board looks at
24 architectural matters. But what if they
25 approve 36 feet height building, whereas

1 ZONING BOARD OF APPEALS - 7/26/2007

2 these boards will have to say no, 36 is
3 not allowed. You can't have that for the
4 view preservation issue, and you need to
5 go back again.

6 MR. NOVAK: I thought I
7 heard Mr. Sharma say a moment ago, if I
8 understand you right, Mr. Sharma, I think
9 what you are saying is -- but he has the
10 ability to go to the architectural review
11 board at the time of his own choosing. In
12 other words, you are saying he can go --
13 he doesn't have to go before coming back
14 to this board?

15 CHAIRMAN MAGUN: You know.
16 Actually, the zoning board doesn't know
17 the answers to these questions. That's
18 why we don't really -- I don't know the
19 answer. I don't think any of us know. I
20 think you should discuss it with
21 Mr. Sharma and he can -- because I don't
22 think -- it is not something that we
23 really deal with on any regular basis.
24 And so I think what counsel said is that
25 by law this application has to be reviewed

1 ZONING BOARD OF APPEALS - 7/26/2007
2 by the architectural review board. Then
3 it has to go to the planning board, and it
4 has to go to the zoning board. But I
5 think we should not continue this
6 discussion here.

7 MR. NOVAK: That's fair
8 enough.

9 CHAIRMAN MAGUN: It is
10 beyond our purview.

11 MR. SHARMA: You can talk to
12 me or call me tomorrow.

13 MR. NOVAK: Maybe after the
14 meeting. Thank you.

15 CHAIRMAN MAGUN: Yes, sir.

16 MR. FRANK: My name is Eric
17 Frank, and I am at 493 Warburton so
18 several doors to the south. So just one
19 further point of clarification, if the --
20 if it does come back before this board,
21 this board would only be looking at view
22 preservation, right? That is the singular
23 issue when it arrives back here.

24 CHAIRMAN MAGUN: Yes, unless
25 the applicant wants to obtain a variance

1 ZONING BOARD OF APPEALS - 7/26/2007

2 of some kind.

3 MR. FRANK: For something
4 that is not in the existing?

5 MS. STECICH: In which
6 event it would be in a different notice.

7 MR. FRANK: Okay. Thank
8 you. All right.

9 CHAIRMAN MAGUN: Okay. I'm
10 sorry if there was some confusion. So I
11 think you know where to go. Good luck.
12 The only other item on the agenda --
13 Marianne has something.

14 MS. STECICH: Yes. Just
15 one matter is this is so anybody who was
16 paying attention to the notice for the
17 Iris Burcat (ph) view preservation
18 approval, which is in River Glenn, it was
19 approved by the planning board at the last
20 meeting, and it will be on for the
21 September zoning board meeting.

22 CHAIRMAN MAGUN: Okay.

23 MS. STECICH: That notice
24 was in the newspaper. It is not on our
25 agenda. So we are going to make sure we

1 ZONING BOARD OF APPEALS - 7/26/2007

2 say it is noticed for September.

3 CHAIRMAN MAGUN: We can't
4 approve the minutes because we don't have
5 a board to approve the minutes. I'm
6 sorry. This meeting we don't have enough
7 people to accomplish very much. We didn't
8 really accomplish anything. I think the
9 next meeting is September --

10 MR. SHARMA: September 13.

11 CHAIRMAN MAGUN: That is the
12 second Thursday?

13 MR. SHARMA: It is the
14 second Thursday in the month of September.

15 MS. STECICH: What I can't
16 understand, it is Rosh Hashanah.

17 CHAIRMAN MAGUN: Yes. I'm
18 wondering if that is going to be an issue.

19 MS. STECICH: It is
20 Wednesday night in the day.

21 MR. MURPHY: So I think
22 Thursday night should be okay.

23 CHAIRMAN MAGUN: It will
24 probably be okay.

25 MR. MURPHY: Well, if it is

1 ZONING BOARD OF APPEALS - 7/26/2007

2 not we will change it.

3 CHAIRMAN MAGUN: We will let
4 you know when the next meeting is. Is
5 there a motion to adjourn?

6 MR. MURPHY: Vote to
7 adjourn.

8 MR. PYCIOR: Second.

9 CHAIRMAN MAGUN: In favor?
10 Aye.

11 MR. PYCIOR: Aye.

12 MR. MURPHY: Aye.

13 CHAIRMAN MAGUN: Okay.
14 Meeting is adjourned.

15 (Hearing adjourned at 8:45 p.m.)

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2 STATE OF NEW YORK)

3) ss

4 COUNTY OF WESTCHESTER)

5

6

7 I, Nina Purcell, Notary Public within and
8 for the State of New York, do hereby certify:

9

10 That I reported the proceedings in the
11 within entitled matter, and that the within
12 transcript is a true record of said
13 proceedings.

14

15 I further certify that I am not
16 related to any of the parties to the action by
17 blood or marriage, and that I am in no way
18 interested in the outcome of this matter.

19

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 2nd day of August, 2007.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

25

