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ZONING BOARD MEETING - DECEMBER 11, 2008

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VILLAGE OF HASTINGS-ON-HUDSON

ZONING BOARD OF APPEALS MEETING

SEVEN MAPLE AVENUE

HASTINGS-ON-HUDSON, NEW YORK 10706-1497

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Held December 11, 2008 at 8:10 p.m.

BOARD MEMBERS PRESENT:

- Stan Pycior, Chairman
- David Forbes-Watkins, Member
- Ray H. Dovell, Jr., Member
- Marc Leaf
- Matthew Collins, Alternate
- Marianne Stecich, Board Counsel
- Deven Sharma, Building Inspector

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2 CHAIRMAN PYCIOR: Good evening. This
3 is the December 11, 2008 meeting of the zoning
4 board of appeals.

5 Our chair, Mr. Brian Murphy, can't be
6 with us this evening, so I, as deputy chair,
7 will be chairing tonight's meeting and our
8 alternate member, Mr. Collins, will be serving
9 on the board as well.

10 We have one case before us. We had
11 two, but the first was deferred at the
12 applicant's request. We will first be hearing
13 case number 22-08, Cesare and Sandra de
14 Novellis, of 21 Forest Avenue asking for side
15 yard variances to enlarge a second story of
16 the existing one and a half story house.
17 Check.

18 Ms. Griffin, identify yourself for the
19 reporter.

20 MS. GRIFFIN: Christina Griffin,
21 architect for Cesare and Sandra de Novellis.

22 MR. SHARMA: Of the total 32 names that
23 were supposed to have been set out, it appears
24 we have received proof of 29 mailings having
25 been done. They may have done the other three

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2 as well some other way. If they have done the
3 other three, I guess Marrienne will look at
4 it.

5 MS. STECICH: We should confirm with
6 the applicant that you, in fact, mailed all
7 32.

8 MS. GRIFFIN: The owner Sandra mailed
9 them and she confirmed.

10 MS. STECICH: What happens is, it is a
11 terrible way to do it with the return request
12 requested because if a person doesn't go to
13 the mailbox and pick it up -- I suggest for
14 the building department that they recommend a
15 different way, proof of delivery, but in any
16 event, I think the notice is sent out, as long
17 as they have been mailed.

18 To tell you the truth, I doubt we ever
19 get 100 percent.

20 MR. SHARMA: It is not that we didn't
21 get the return receipts, the original, it is
22 the form that gets filled out --

23 MS. STECICH: You didn't get the form
24 either?

25 MR. SHARMA: -- so we had 29 of them

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2 and three of them we tried to take them over
3 personally. The three we are not sure of.

4 MS. STECICH: That is a different
5 point. I thought from your conversation this
6 afternoon, it was just that you didn't get the
7 receipts for three of them.

8 MS. GRIFFIN: To be a little more
9 specific, the receipts that we received -- we
10 have green cards and the white receipts.

11 Unfortunately, the number he said, I
12 think nine of the white receipts didn't have
13 the addresses listed on the receipt, but we
14 had the number for the card that was never
15 returned.

16 Do you understand?

17 MR. SHARMA: We have these -- these are
18 actual proofs of mailing.

19 Even though these don't have addresses
20 on them, there is a number that you have to
21 match with the one that was set up. This way
22 we would like to certify that 29 -- 22 in here
23 and seven of these, this is adequate proof of
24 having mailed it.

25 MS. STECICH: I suppose it depends who

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2 were the three that didn't get it. Do you
3 know which three didn't get it?

4 MR. SHARMA: No, we don't know which
5 three. Seven, we have receipts for, so any
6 three of the ten, either they didn't receive
7 it or they didn't take --

8 MS. STECICH: I understand what you're
9 saying. Can you explain that.

10 MS. De NOVELLIS: My name is Sandra de
11 Novellis. I am the owner at 21 Forest Avenue.

12 I did do a full mailing, so perhaps
13 those receipts didn't have addresses. I can't
14 exactly explain it.

15 If there is any way that we can
16 identify who those people were, then I can
17 hand deliver a letter to those homes, but I
18 know that on the list, there were also -- for
19 example, there was a family on Forest Avenue
20 who, one of the owners of that home is
21 deceased and his wife is in assisted living.
22 I mean, there are some names on there that
23 also just probably, you know, didn't get back.

24 So I don't know how you want to handle
25 it. If you want me to redo the mailing, I

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2 will redo it; whatever your thoughts are.

3 CHAIRMAN PYCIOR: What do the members
4 of the board think about this? Are the
5 notices deficient or did we think that 29 out
6 of 32 shows good faith or can we judge?

7 MS. STECICH: It depends who the 29 is,
8 really.

9 What if the three people who didn't get
10 it were the people on either side, the three
11 people most closely affected?

12 MS. De NOVELLIS: I can tell you the
13 two people are both dear friends, the Toobers
14 (phonetic) on one side and the Ryders
15 (phonetic) on the other.

16 The Ryders are actually moving and are
17 closing on a home in a week and the Toobers
18 are most close to the home that we are doing
19 the work on, so --

20 MR. SHARMA: Here I have a list of
21 addresses. The one that I check marked means
22 that --

23 MS. STECICH: I know that.

24 MS. De NOVELLIS: Is it really the
25 families most close to the home that are

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2 potentially impacted the most?

3 CHAIRMAN PYCIOR: I don't think this is
4 clear.

5 MR. LEAF: Does the log permit us to
6 participate in the hearing, have the hearing
7 now and then wait to determine before we act,
8 so that we don't need a second hearing,
9 whether the people who did not receive
10 mailings are willing to waive notice?

11 MS. STECICH: Yes, or -- well, it is
12 not so much willing to waive notice, but you
13 can make your decision subject to that, but
14 leave it open until the next meeting and if
15 anybody wants to object to it, then you
16 reconsider. Then you would want to make sure
17 that all 32 -- I mean, somehow you have to
18 identify those other three, maybe -- maybe
19 just what was mailed to the 10 that you have
20 checkmarks on. That is sufficient maybe
21 rather than having to come back again.

22 The truth is, it is really unlikely
23 that somebody wouldn't have heard about it,
24 but the notice provision is there for a
25 reason. I think you have to respect it. So I

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2 think that is the way of doing it. I wouldn't
3 ask them to waive notice. Let's just say,
4 listen, if you have any objections to this,
5 come to the next meeting, and assuming there
6 is no objection, then you can go ahead, if the
7 board is comfortable doing that.

8 CHAIRMAN PYCIOR: It sounds like a good
9 idea. We can hear the case but not vote on it
10 and make our decision contingent on noticing
11 those 10 individuals.

12 MS. STECICH: Right.

13 MR. SHARMA: The mailings need to be
14 sent to 10; all of the 10, because we don't
15 know who the seven are.

16 MS. STECICH: The 10 that don't have
17 checkmarks on the list.

18 CHAIRMAN PYCIOR: Is the board
19 comfortable with that?

20 MR. COLLINS: Yes.

21 MR. FORBES-WATKINS: Yes.

22 MS. GRIFFIN: We are here to ask for a
23 variance for a sidewalk setback.

24 This is the view from the house and the
25 area that is in pink is the extension that

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2 rear of the house. It looks the same. It is
3 just the reverse. On the side of the house,
4 it shows the extension -- this is part of the
5 living room currently and there is a railing
6 to a deck and we are extending it going up so
7 that we can now have a master walk-in closet.

8 These are the photographs. This
9 doesn't show the side addition very clearly,
10 but I think if you look at this photograph,
11 this is the side of the house, showing -- this
12 was originally some kind of a sun room that
13 was converted into a living room. It
14 currently has a railing behind that wall.
15 That wall is a deck off the master bedroom.

16 So the variance we are seeking is very
17 small, just going from a 10.8 foot setback
18 from the -- of course the -- it is going to
19 10.8 -- this is the existing nonconforming
20 setback. The combined setback is less than
21 the code minimum. It is 8.4 on one side and
22 10.8. We are maintaining the existing sides.

23 Do you have any questions?

24 MR. DOVELL: I am a little confused
25 about what it is you're asking for.

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2 Your application lists that the 8.4 is
3 existing and proposed but you just mentioned
4 the 10.8 is existing and proposed.

5 MS. GRIFFIN: I think because on my
6 zoning chart, I am showing the minimum is 8.4.
7 That is on the other side of the house.

8 MR. DOVELL: That is existing
9 nonconforming?

10 MS. GRIFFIN: Yes.

11 MR. DOVELL: But you're not doing
12 anything on that side of the house.

13 MS. GRIFFIN: No. It is just on my
14 chart as the minimum side yard. The side yard
15 where we are putting addition is 10.8 and
16 because we are extending the nonconformity for
17 the second floor addition, we will have 10.8
18 with a setback instead of 12 feet.

19 MR. DOVELL: What are the other
20 dimensions, from the house -- not from the
21 annexes but from the principal sides of the
22 house to the lot lines? What are these
23 dimensions here?

24 MS. GRIFFIN: From the existing house?

25 MR. DOVELL: Yes.

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2 MS. GRIFFIN: It is 10.8 on this side
3 and 8.4 --

4 MR. DOVELL: No --

5 MS. GRIFFIN: Sorry. I have those
6 dimensions here. To the principal house, 10.8
7 plus about seven feet. So it is probably 17.8
8 feet approximately.

9 MR. SHARMA: On the other side?

10 MS. GRIFFIN: On the other side, that
11 would be probably about five plus eight, a
12 little over 12 feet -- 13 feet.

13 CHAIRMAN PYCIOR: That is why the
14 addition in the back can be built as of right?

15 MS. GRIFFIN: Yes. And the rear.

16 MR. DOVELL: No variance is required in
17 connection with the other work that you're
18 doing in the house?

19 MS. GRIFFIN: No.

20 MR. DOVELL: Because one side is 17
21 feet and one side is 13 feet.

22 MS. GRIFFIN: Yes, that is correct.

23 CHAIRMAN PYCIOR: Are there questions
24 from other board members?

25 MR. FORBES-WATKINS: Seventeen and 13

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2 gives us a total of 30 feet, but don't you
3 have to have each side within --

4 MS. STECICH: Twelve. Each side has to
5 be 12.

6 MR. FORBES-WATKINS: One is 12 and one
7 is 18.

8 MS. STECICH: Each side has to be a
9 minimum of 12. The total has to be 30. So it
10 can be 17 and 13 or 15 and 15 --

11 MR. FORBES-WATKINS: Fine. Thank you.

12 CHAIRMAN PYCIOR: No other questions
13 from the board members? Is there anyone in
14 the audience who wishes to be heard concerning
15 this application? Is there anybody here
16 speaking against the application?

17 Discussion among the board members?

18 MR. LEAF: Seems like a modest
19 variance.

20 MR. DOVELL: I think it is in
21 character. I agree it is very modest in scale
22 and scope.

23 CHAIRMAN PYCIOR: Do I hear a motion
24 concerning the variance?

25 MR. FORBES-WATKINS: What is the

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2 decision with respect to the non-notification?
3 Are we making a motion at this meeting or are
4 we holding until we have proper notification?

5 MS. STECICH: You can do either one.
6 You might want to do it tonight because you
7 can have a different mix of members next time.
8 If you get some opposition, then it will be an
9 issue, but you can take a vote.

10 CHAIRMAN PYCIOR: Can we qualify the
11 motion?

12 MS. STECICH: Yes; that you're passing
13 it on the condition that nobody comes to the
14 next meeting in opposition to it and if there
15 is opposition, we will reopen it. It is a
16 little unusual.

17 CHAIRMAN PYCIOR: That is better than
18 just deferring decision?

19 MS. STECICH: Either way is fine.

20 MR. FORBES-WATKINS: I will make a
21 motion that subject to appropriate notice to
22 all neighboring properties being clarified,
23 that the board approves the enlargement of the
24 second floor -- or the addition of the second
25 floor proposed existing and minimum of total

1 ZONING BOARD MEETING - DECEMBER 11, 2008
2 two side yards, eight feet and 19.2 feet, case
3 number 22-08.

4 MS. STECICH: I think you also have to
5 say, and subject to it being reopened if there
6 is any opposition at the next meeting and
7 subject to reconsideration if there are
8 objections raised.

9 CHAIRMAN PYCIOR: Do I have a second?

10 MR. DOVELL: Second.

11 CHAIRMAN PYCIOR: All in favor.

12 (Proposal unanimously approved.)

13 MS. GRIFFIN: Thank you very much.

14 CHAIRMAN PYCIOR: The members of the
15 board have received a proposal concerning
16 local law number 29. I imagine this is for us
17 to comment on?

18 MS. STECICH: Yes. Any amendment to
19 zoning has to be referred to both the planning
20 board and zoning board for their comments. It
21 is up to you whether you want to give
22 comments.

23 I am sorry. It wasn't in the package.

24 CHAIRMAN PYCIOR: It was received in a
25 different form.

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2 MS. STECICH: You have it in the
3 package?

4 CHAIRMAN PYCIOR: Yes.

5 MS. STECICH: The problem is, they are
6 not sending us identical packets. I didn't
7 know you have it.

8 The planning board, for sometime, has
9 been reconsidering the steep slope slide. In
10 the course of that consideration, they also
11 looked at the way height is defined in
12 downtown district.

13 The downtown is defined differently.
14 The CC and the MCR is different and it is
15 defined differently in the rest of the
16 village.

17 In the rest of the village -- the
18 easiest way to see it, it was actually
19 changed, probably about five years ago as part
20 of the downtown zoning study to have height
21 measured from the ground. It used to be that
22 you measured from the lowest point to the
23 highest point. On lots that were very steeply
24 sloped, you couldn't have -- you know, you
25 would have a very low house because in the

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2 back, it could only be 35 feet high and maybe
3 in the front, it could only be five feet high.

4 MR. LEAF: Did it go from the --

5 MS. STECICH: It wasn't from the lowest
6 point to the highest point of the house --

7 MR. SHARMA: Marianne, the lowest point
8 at the front of the property, the center of
9 the --

10 MS. STECICH: No. I am not talking
11 about the downtown. I am talking in the
12 village, going around the village before they
13 made the change.

14 So it was changed a while ago so that
15 height is measured along the slope. Where a
16 property is flat, it is easy. Where -- it is
17 whatever the maximum height is above the
18 ground. At no point can it become 35 feet
19 above the ground, either the back or the
20 front.

21 They did not make that definition of
22 height applicable in the downtown districts,
23 in the CC and the MRC district. They have a
24 different definition there because there was a
25 recognition that you might want some greater

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2 density in the downtown.

3 So the way height was measured, and in
4 the code right now is currently measured is,
5 you only measure at the center of the front of
6 the house -- you look at the front of the
7 house and that is how it is measured there. I
8 think it is the center -- or the average.
9 Whatever. The average is the front.

10 So you could have in the downtown --
11 let's say the maximum height was 40 feet. It
12 could be 40 feet in front and like 100 feet in
13 the back, depending on how big the slope is.

14 For 10 West Main, that was really high
15 in the back, wasn't it?

16 MR. SHARMA: That is true.

17 MS. STECICH: If anybody remembers that
18 proposal -- not that this was aimed at that,
19 but it is what could happen. That is the way
20 it was rezoned. The planning board didn't
21 like -- anyway, they reconsidered the
22 definition of the height.

23 Jamie Cameron who was the one who did
24 most of the work on this and in coming up with
25 this scheme, that is kind of a combination of

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2 the following slope, like in the rest of the
3 district, but also permitting a little bit
4 more density because if you look at the
5 drawing on the third page where it says
6 section 2 on the back, you see that the two
7 lines -- that is how height would be measured
8 in the rest of the village. You couldn't go
9 above the height -- the higher plain.

10 For the downtown district, you're
11 permitted to go above that plain for a certain
12 distance but not all the way to the back of
13 the property. You have to drop it down. You
14 have to step down. It is really, I would say,
15 a bit of a compromise between the way height
16 is measured elsewhere.

17 It is very, very difficult language to
18 understand. I can't tell you how many times I
19 read through it to try to understand it and to
20 simplify it. The pictures, I think, describe
21 it much better. There is some fine tuning.
22 That is what that definition is all about.

23 There is one other change that is made;
24 that is the way building height is measured.
25 The way the zoning board says to measure it

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2 now everywhere is, you measure it

3 perpendicularly from the existing grade and --

4 MR. SHARMA: Vertically --

5 MS. STECICH: The existing code

6 measures it perpendicularly and it doesn't

7 work. How do you measure it? It was Deven's

8 suggestion. So that is what the change on the

9 first page is about. The change on all the

10 rest of them has to do with measuring height

11 the way I vaguely describe it.

12 There is no steep slope stuff in here

13 because that is not part of the zoning code.

14 MR. DOVELL: The benefit is this

15 roughly triangular piece here. So some smart

16 architect could say that I could make a

17 building that does this, right?

18 MS. STECICH: No, because you couldn't

19 go higher than the 40 feet at the front.

20 MR. DOVELL: This has to be a flat

21 plain?

22 MS. STECICH: Right. That would have

23 to be flat.

24 If you were going to have a peaked

25 roof, that would still be, in that first 40

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2 feet that --

3 MR. DOVELL: It couldn't penetrate
4 that?

5 MS. STECICH: No.

6 MR. DOVELL: But the understanding is
7 that these are flat?

8 MS. STECICH: Right. That would be the
9 maximum. Within that, you could have a sloped
10 roof.

11 MR. DOVELL: In no way could it be
12 higher than the slope minus -- than the slope
13 plus this perpendicular distance?

14 MS. STECICH: Right. You will see
15 there was another part of the amendment.

16 If you look at the top of the second
17 page where it says B, it used to say, within
18 the CC and MRC district, maximum height shall
19 be measured to the highest point of the roof
20 for flat or parapet roofs and then it goes on.

21 That was eliminated in the rest of the
22 village. It was to the highest point. You
23 don't get any advantage for having a pitched
24 roof, so that was taken out. So you used to
25 have that advantage in the downtown, but you

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2 don't anymore because you have this other
3 advantage of --

4 MR. DOVELL: Penetrating that --

5 MS. STECICH: Right. Jamie used to
6 describe it as piercing the plain; you know
7 that plain that you have to stay under. You
8 can do it, but only for a little bit -- not a
9 little bit.

10 MR. LEAF: Forty feet the first one and
11 20 thereafter?

12 MS. STECICH: Yes.

13 CHAIRMAN PYCIOR: Do we have any
14 regulations concerning the various mechanicals
15 that can be put on the roof, air conditioning
16 units, vents?

17 MS. STECICH: Yes.

18 CHAIRMAN PYCIOR: If we are allowing 40
19 feet of depth, then you might have any number
20 of problems.

21 MS. STECICH: This just came up
22 recently. There is a section that I can read.
23 There are certain things that still can be up
24 there.

25 Height limitations don't apply to

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2 chimneys, church balconies, standpipes, cross
3 member style TV antennas, flagpoles or
4 sculptures;

5 That no towers, penthouses, cupola,
6 water towers, water tanks, solar and energy
7 devices, elevator shafts, transmitting or
8 receiving dishes or cones, monuments,
9 transmission towers, cables of public
10 utilities or similar structures or any canal
11 appurtenances may be erected on any building
12 unless approved by the planning board. If so
13 approved, they shall be screened in a manner
14 determined by the planning board. In any
15 event, such structures shall not exceed the
16 maximum height permitted in the district.

17 There are a few other things. It can't
18 cover more than 10 percent.

19 CHAIRMAN PYCIOR: Thank you.

20 MR. DOVELL: Height wise, it can go
21 above -- say it is 40 feet. It can go above
22 40 feet high?

23 MS. STECICH: It cannot.

24 MR. SHARMA: Some of those things,
25 church spires and chimneys --

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2 MS. STECICH: Yes, but Stan was asking
3 about mechanical equipment. That can't go
4 above the height. Plus, if it is on the roof,
5 it has to be reviewed by the planning board.

6 You pretty much only will have -- I
7 would think you only have that stuff on
8 multifamily buildings or commercial buildings
9 for the most part.

10 CHAIRMAN PYCIOR: Do members of the
11 board have comments on this proposal?

12 MR. COLLINS: It seems like something
13 that makes planning simpler. It seems to
14 clarify clean-ups and things that while they
15 may be well intended, create unintended
16 problems.

17 I had to read this again and again, but
18 the pictures did help and I found that
19 focussing on that and reading it carefully, it
20 does seem to make life easier.

21 MS. STECICH: I think this came from
22 some Colorado -- I think it came from some
23 Colorado.

24 MR. COLLINS: That would make sense.

25 MR. DOVELL: The greater the slope, the

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2 bigger the benefit to the developer.

3 MS. STECICH: Yes.

4 MR. LEAF: With a cap on it because you
5 can't ever go more than 40 feet, right?

6 MS. STECICH: Well, in the front, you
7 will never be higher than whatever the height
8 is in that district.

9 MR. DOVELL: But if it is an extreme
10 slope, these little triangles become bigger.
11 The obstructions become bigger, so the steeper
12 the slope, the bigger the benefit in terms of
13 density.

14 CHAIRMAN PYCIOR: But the rear building
15 will never exceed 40 feet.

16 MS. STECICH: Right. On any street
17 side, it can only be 40 feet.

18 The other thing is to look at it -- I
19 am not for it or against it, but right now,
20 under the code now, what you can do is the
21 building can be like that.

22 MR. SHARMA: It can keep going forever.

23 MR. LEAF: That is the 10 West
24 property.

25 MS. STECICH: Yes.

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2 MR. LEAF: That is the great advantage,
3 from my perspective, of this change.

4 CHAIRMAN PYCIOR: It is not directed at
5 any one property.

6 MS. STECICH: I know, but fortunately,
7 that application is, you know, not alive
8 anymore and so it really was not an issue. It
9 is not bad though because that is something
10 that people can visualize, not because --

11 MR. LEAF: That is all I meant.

12 MS. STECICH: It helps you to visualize
13 what could be done.

14 CHAIRMAN PYCIOR: As far as the
15 architects, they would know the limitation,
16 once they have to work within this --

17 MS. STECICH: Yes.

18 MR. DOVELL: What is the rationale for
19 the different provisions for a slope down from
20 the street versus a slope up from the street?

21 MS. STECICH: They are both treated the
22 same way.

23 MR. DOVELL: This is 20 feet going
24 uphill?

25 MS. STECICH: You know what happens --

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2 this is really confusing, is that it is
3 switched.

4 MR. DOVELL: Yes, but going uphill,
5 there is a 20 foot horizontal dimension; going
6 down, it is a 40 foot?

7 MS. STECICH: Yes. You know what,
8 there was a rationale and I am sorry, I really
9 don't remember.

10 Do you, Deven?

11 MR. SHARMA: Yes. It is different if
12 the street has a sloping side, they allow you
13 up to 40 feet of depth. You can maintain the
14 height and then you have to keep dropping
15 after 20 feet. So at no point you would be
16 more than seven percent if that is 40 feet --

17 MS. STECICH: Right.

18 MR. SHARMA: -- at no point can you be
19 three stories and 40 feet high in the back and
20 then 10 stories and 10 feet high in the back.

21 This is designed to give reasonable
22 possibilities for the architects to develop
23 viable plans without making it appear too tall
24 from any side of the property. That is mainly
25 the concept.

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2 MS. STECICH: If it were sloping up and
3 if it were -- if you wanted to give them a
4 benefit going back too far, it would be like
5 really tall in the front, but if you want to
6 keep it at 40 at the front -- I mean, I guess
7 that is the main thing so that it not be more
8 than 40.

9 MR. DOVELL: The horizontal distance?

10 MS. STECICH: No. The height of the
11 street --

12 MR. DOVELL: I mean the horizontal
13 distance back --

14 MR. SHARMA: It is a step up --

15 MR. LEAF: That's right. So if you're
16 looking at the slope up, increasing the
17 horizontal distance back reduces the benefit
18 of the --

19 MR. DOVELL: Reduces the benefit,
20 right.

21 MR. LEAF: So they have not imposed the
22 40 foot provision in terms of the depth.

23 If you wanted to really compare them
24 apples to apples, you would say not the first
25 one would be 20 feet but the last one would be

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2 40 feet. That, however, would produce a huge
3 mass at the highest point from the street.
4 That may not be such a good idea. So I think
5 treating them differently makes sense.

6 There is still a cap so that from the
7 -- from the up slope, the highest point in the
8 rear to the grade at street level is never
9 going to be more than 40 feet and on the slope
10 down, the lowest point at the rear will never
11 -- I mean the highest point in -- is it the
12 highest point in the front will not be more
13 than 40 feet above the lowest point in the
14 rear?

15 MR. SHARMA: No. That is not true.

16 CHAIRMAN PYCIOR: No.

17 MR. SHARMA: This is the street and
18 this is the lower point; whichever way you see
19 it. You see it from the street side, the
20 highest point over here cannot be more than 40
21 feet above the grade level on this side --

22 MS. STECICH: And on the bottom too.
23 So the street, it is never greater than 40?

24 MR. SHARMA: Exactly.

25 MR. DOVELL: Nor at the front or the

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2 rear.

3 MS. STECICH: Right.

4 MR. LEAF: Yes. I see.

5 CHAIRMAN PYCIOR: The language aside, I
6 guess over the years, it has been -- I see it
7 as a very positive addition is what I am
8 saying.

9 MR. COLLINS: What are we voting for?

10 MS. STECICH: The board of trustees is
11 asking for your recommendation on it.

12 CHAIRMAN PYCIOR: We can recommend that
13 they adopt it.

14 MR. COLLINS: I move that the board
15 recommend adoption of this change.

16 MS. STECICH: If you want something
17 changed --

18 MR. FORBES-WATKINS: I move the board
19 recommend approval of the draft change in
20 local law chapter 295 building height.

21 CHAIRMAN PYCIOR: Do I have a second?

22 MR. LEAF: I will second.

23 CHAIRMAN PYCIOR: All in favor.

24 (Proposal unanimously approved.)

25 CHAIRMAN PYCIOR: Unanimous.

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2 The next meeting date is January 22,
3 because that is when the first case was
4 deferred to, so it would be Thursday, January
5 22, 2009.

6 Will the applicant submit anything in
7 the meantime?

8 MR. SHARMA: They are not planning to.

9 CHAIRMAN PYCIOR: For January will
10 they?

11 MR. SHARMA: If they do, I will send it
12 to you.

13 CHAIRMAN PYCIOR: We received copies of
14 the minutes of our meeting of October 23 --

15 MR. FORBES-WATKINS: Can I raise a
16 question concerning the Lynn Osborne letter
17 regarding the ramp? Have we heard anything
18 about this?

19 MR. SHARMA: No, I have not. I am
20 ready to send out another letter. No, she
21 didn't respond to the letter I sent advising
22 her about how the board feels about it.

23 Do you have a copy?

24 MR. FORBES-WATKINS: No. This is from
25 the previous meeting.

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2 MR. SHARMA: I thought I sent you
3 copies. I am sorry.

4 MR. LEAF: I was cc'ed.

5 MR. SHARMA: You got it?

6 MR. LEAF: Yes. I got it in a separate
7 mailing.

8 MR. DOVELL: I did as well.

9 MR. FORBES-WATKINS: I did not.

10 CHAIRMAN PYCIOR: I can't recall.

11 MR. SHARMA: I will make it a point to
12 e-mail you a copy of it. I will scan it.

13 I was concerned that she didn't respond
14 to it. I gave her so much time to respond to
15 it. It is time for me to send another
16 reminder and if she still doesn't want to do
17 it, I may have to issue a ticket to come in
18 front of the judge.

19 MR. LEAF: Before sending a reminder,
20 can you confirm the ramp is still there?

21 MR. SHARMA: Yes. It is still there.

22 CHAIRMAN PYCIOR: Thank you, David, for
23 reminding us of this.

24 We have minutes of October 23. Are
25 there any revisions? If not, can we have a

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2 motion to accept them?

3 MR. FORBES-WATKINS: I am disturbed.

4 The closing of the meeting, Mr. Sharma moved
5 to close and then we seconded it. That is not
6 possible.

7 CHAIRMAN PYCIOR: Does anybody recall
8 who did?

9 MS. STECICH: I recall it was you.

10 MR. FORBES-WATKINS: I think I moved it
11 and I think you seconded it, but I am not
12 sure.

13 MR. LEAF: It still says Marc Leaf as
14 an alternate and I am not an alternate.

15 MR. FORBES-WATKINS: Page 22, the word
16 hues, H U E S, I believe, is intended to refer
17 to a plant known as a yew, Y E W, just for
18 clarification.

19 CHAIRMAN PYCIOR: We are not planting
20 colors.

21 With those corrections, do I have a
22 motion concerning the minutes? Does anybody
23 want to approve?

24 MR. LEAF: I move that the minutes be
25 approved.

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2 CHAIRMAN PYCIOR: Second?
3 All in favor?
4 (Unanimously approved.)
5 CHAIRMAN PYCIOR: Motion to adjourn?
6 MR. FORBES-WATKINS: So moved.
7 MR. DOVELL: Seconded.
8 CHAIRMAN PYCIOR: All in favor of
9 adjourning?
10 (Unanimously approved.)
11 (Time noted: 9 o'clock p.m.)
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2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 : ss.

5 COUNTY OF NEW YORK)

6

7 I, BARBARA DRISCOLL, a Shorthand Reporter and

8 Notary Public within and for the State of New

9 York, do hereby certify that the foregoing

10 proceedings were taken before me on December 11,

11 2008;

12 That the within transcript is a true record

13 of said proceedings;

14 That I am not connected by blood or marriage

15 with any of the parties herein nor interested

16 directly or indirectly in the matter in

17 controversy, nor am I in the employ of any of the

18 counsel.

19 IN WITNESS WHEREOF, I have hereunto set my

20 hand this 26th day of December, 2008.

21

22

23

BARBARA DRISCOLL

24

25

