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2 VILLAGE OF HASTINGS-ON-HUDSON
3 ZONING BOARD OF APPEALS MEETING
4 SEVEN MAPLE AVENUE
5 HASTINGS-ON-HUDSON, NEW YORK 10706
6 -----X

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7 HELD OCTOBER 22, 2009

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9 PRESENT:

10 Brian Murphy, Chairman

11 Marc Leaf

12 David-Forbes Watkins

13 Ray H. Dovell

14 Marianne Stecich, Counsel

15 Deven Sharma, Building Inspector

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2 CHAIRMAN MURPHY: Good evening
3 everyone. We are here for the October 22nd
4 Zoning Board of Appeals meeting,
5 Hastings-on-Hudson. We have one application on
6 the dock tonight. Case number 7-09 for Mr. Ben
7 Diep, 385 Warburton Avenue, for a series of
8 proposed variances, front yard setback

9 variance, a building height variance, and an
10 off-street parking variance.

11 And before we get started, Mr. Sharma
12 are the mailings in order for this application?

13 MR. SHARMA: I'm inclined to
14 understand, yes, they are.

15 CHAIRMAN MURPHY: And I know our
16 counsel would like to address a procedural
17 issue before we --

18 MS. STECICH: Just for this
19 application, this is a little different than
20 the usual applications for that because most of
21 them are for one-family houses that don't
22 require any review. Does everybody know what I
23 mean when I say Sequa review? This one does
24 require Sequa review. And so when it was before
25 the -- and so no action can be -- you can talk
about it, but no action can be taken until the
Sequa review is completed. So the planning board
last week declared their intent

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2 to be lead agency. They have to because there
3 is more than one agency making a decision in
4 the planning board. And I believe DOT has some
5 decision in here, doesn't it?

6 CHAIRMAN MURPHY: Yeah, I believe
7 there was going to be a curve for that.

8 MS. STECICH: So that notice
9 circulates. And if nobody objects in 30 days,
10 they there will be a lead agency. And if they
11 are ready at the next meeting, they can make
12 their secret determination, and then you can
13 make yours.

14 There still is going to be a bit of
15 back and forth because the planning board has
16 to do a site plan review because the site plan
17 depends on whether that get the variances or
18 not. So it's up to the planning board to
19 either grant site plan review subject to
20 variances because the applicant runs the risk
21 of having to come back again if they don't have
22 the variances with the new site plan. One
23 thing you should do probably, now is just have
24 a vote on whether it's fine with you, with the
25 planning board as lead agency, and then I'll

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2 pass it onto the planning board.

3 CHAIRMAN MURPHY: It's the usual
4 practice to allow the planning board to be lead
5 agency on these kinds of matters, although they
6 don't happen very often. So second.

7 MR. PYCIOR: I'll second.

8 CHAIRMAN MURPHY: All in favor.

9 (ALL IN FAVOR)

10 CHAIRMAN MURPHY: The board is
11 unanimous in the favor of the planning board
12 being lead agency Sequa review.

13 Having said that, Mr. Adams, you
14 might as well take advantage of our time
15 tonight to allow you to explain the application
16 and go through the proposed additions, changes,
17 reasons why this is being done with the
18 variances that are required.

19 MR. ADAMS: My name is John Adams,
20 and I'm the architect. This is the owner, Ben
21 Diep. He and his wife are the owners of the
22 building.

23 We would like to give you an overview
24 of the project to give you some reason how all
25 of different procedures that are in front of

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2 you connect. So Ben and his wife, they bought
3 the building about a year ago from Steven
4 Cannor (phonetic) and Steven Cannor's business
5 is still there as the tenant, one of three
6 floors commercial. The upper two-and-a-half
7 floors are residential. And currently -- well,
8 so anyway, Ben and his wife's goal is they're
9 going to move their family into the building.
10 What they want to do is take those
11 two-and-a-half residential floors and convert
12 that into a single-family, which will be about
13 3,000 plus whatever the attic is, we'll call it
14 a thousand or something like that.

15 And then Ben is an artist and he has
16 a business in the city, which is called Color
17 Space Imaging. What they do there is they are
18 photographic printers, fine photographic
19 printers, for fine art photographers. So when
20 they are going to do a book or they are going
21 to do a gallery show or some big presentation,
22 they will come to somebody like Ben to do the --
23 mostly digital imaging but also traditional
24 imaging as well. So he -- what he wants to do
25 is he wants to, as soon as the Cannor release

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2 is finished, he wants to move his own business
3 into the lower two floors, the lower two
4 commercial floors of the building. And then,
5 you know, when the time comes, he'd also like
6 to convert the first floor into a lay business,
7 which would be a gallery. So he already has
8 relationships with a lot of photographers
9 around the world who come to him for printing,
10 and it's going to be an expansion of his
11 business to also represent them in the gallery
12 on the first floor. I understand that that
13 requires a special-use permit, for that
14 particular zone.

15 CHAIRMAN MURPHY: You mean to act as
16 the gallery on that floor?

17 MR. ADAMS: I think so. I think so.
18 We are not presenting that now. It is still at
19 least two years plus construction.

20 CHAIRMAN MURPHY: What's the
21 remaining time on the Connor release, do you
22 know?

23 MR. ADAMS: Two years. And I should
24 also say he's sold Ben the building, so none of
25 this is news to him.

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2 CHAIRMAN MURPHY: Right.

3 MR. ADAMS: He asked is it okay if I
4 moved in earlier. So again, what we are doing
5 physically then with the building is we are
6 moving Ben and his family into the upper
7 floors. And then when the commercial lease is
8 over, then we will convert some of that space.
9 And on the residential floor -- I can run
10 through the drawings with you here. We are
11 going to PB4. This is what we are proposing
12 for the ground floor originally as we converted
13 to the residential unit. We modified the entry
14 conditions, in such a way, that instead of
15 using this little side door, which is how the
16 tenants enter the building now, we are having
17 it setup so that we can come through the front
18 door, a set of stairs that will take you up to
19 the next floor.

20 And if you go to the next sheet, this
21 is dealing with the residential right now, if
22 you go to the next sheet, we'll call it the
23 second floor but, it's street level. This is
24 the living room floor, the kitchen, living
25 room. A big part of the proposal is creating

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2 this deck on the second floor level. You know,
3 we feel that it's very important, not just
4 because it's a great view, but because the
5 building is so tall and the ground is so far
6 away from the living room floor. Your outdoor
7 living space, essentially -- if it's going to
8 work, it's going to work off of your living
9 room.

10 The next floor up is basically the
11 bedroom floor. And it does have a small deck,
12 it's a very small a deck up top of that. So if
13 we go to the next sheet, the attic floor -- and
14 Ben's idea is, this would really be the family
15 room. And besides photography, he's a painter,
16 so he would like to do painting as well. So we
17 are proposing a dormer, we would punch out a
18 dormer on the north side, and open it up for
19 the north light, and we'll be able to see that
20 in the photographs. If we go now to P3 or PD3.
21 The first drawing number one on that sheet, you
22 can see on the upper right-hand side of the
23 building, the sides of the dormer of the roof,
24 if you go to --

25 CHAIRMAN MURPHY: Mr. Adams, what

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2 are the dimensions on the proposed dormer?

3 MR. ADAMS: Hold on here. 22 feet
4 wide and it's probably about 8 feet deep from
5 where the wall is now.

6 CHAIRMAN MURPHY: Do you have floor
7 plans below of the lower floors?

8 MR. ADAMS: We haven't generated
9 those yet.

10 MR. DOVELL: It would be nice to see
11 what is being planned for the lower levels.
12 It's hard to make an evaluation when we don't
13 know what the programing is and how big they
14 are. We can calculate how big they are from
15 the elevations, but we don't have a full
16 picture.

17 MR. DIEP: If I may add, my plan is
18 to really open up the space. It's basically a
19 studio working space with big tables and big
20 walls, so that's why the space --

21 MR. ADAMS: We can talk a little more
22 right now on the plans for that space. The
23 only reason we haven't generated them is we
24 didn't want to spend a lot of money ahead of
25 the approval process, dealing with the land

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2 issue --

3 MR. DOVELL: It's all part of making
4 a decision on something like this --

5 MR. ADAMS: I'm not surprised that
6 you are asking, but we can talk about it in
7 general, sort of in a peripheral sense. Well,
8 one thing we haven't talked about yet is that
9 we would like to get some parking for use, for
10 the residential use. We are proposing in this
11 level -- it's really a one-car garage, but
12 there is some space in there for bicycles. And
13 you can see it in this elevation as well.

14 What we done is some of the things
15 that were very important to us in the parking
16 itself, because the side, the side is basically
17 like a cliff, you know, it drops down 16 feet
18 or whatever. Whatever you are going to build
19 here, if it's a parking structure or if it's a
20 deck, it requires, you know, a significant
21 amount of structure. And, you know, our
22 feeling was that, you know, you're half way
23 there. By the time you do the structure, you
24 might as well enclose it. And there are
25 aesthetic reasons for that as well. A lot of

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2 times when you see in hill towns things built
3 on a steep hill, whether it's a deck or
4 whatever -- it's very architectonic. So we
5 decided at a certain point, and this goes back
6 to what his business needs are, that it would
7 be beneficial or him to have more space.

8 In his business right now it's not
9 very employee intense. There is three of them
10 including himself. And we anticipate he might
11 hire a couple of more people and somebody to
12 run the gallery so that at most we are thinking
13 three more people, which would bring him to a
14 total of six people. One of the things that he
15 does for his clients, a lot of whom are doing
16 gallery shows, is they print, you know, the
17 full -- the prints and then basically -- these
18 prints can be very large now, you know, as, you
19 know, these chips get stronger and more
20 intense. You can produce large amounts of
21 prints. What they are doing more and more is
22 they are marking up essentially the exhibit in
23 their own space. Something that he can't do in
24 his space that he's in now in the city. So,
25 you know, about providing the service where he

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2 did almost half mockup depending on the size of
3 the exhibit, he really can do almost a full
4 mockup sometimes, and that's basically how he
5 thinks. He would use the sub basement, and
6 then his employees would be using the lower
7 level. And again, everything is mostly
8 digital. There are large printers, but he
9 still has to do regular photograph printing, as
10 well he has to be able to provide that, so he
11 has to have that machinery as well. You know,
12 enlargers, in this case he would have to have a
13 whole kind of floor to get the full height --

14 CHAIRMAN MURPHY: Is there going to
15 be a need for office space in the lower two
16 floors? I assume this is production working
17 space.

18 MR. DIEP: The work space we have is
19 pretty much an open plan, work stations, and we
20 are working in a unit of groups like a family
21 situation. We don't have office space.

22 MR. ADAMS: And if we do the gallery,
23 we need a significant amount of storage too.
24 You know, especially if you are storing things
25 flat. So anyway those issues, the aesthetic

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2 issues of how this is going to look, the issue
3 of having some more space, and the garage
4 issue, it lead us to a design where what he did
5 is we took the existing, I would say, nature of
6 the building, which is really designed to be
7 used from this point of view, from the street
8 level. All of the proportions and everything
9 you know, make this a very charming building on
10 this level. But then when you get -- when you
11 see it as it exists now, you know, it only gets
12 stretched like this from below. It loses some
13 of that proportion.

14 So in our proposal we thought it
15 was -- it made a lot of sense to sort of take
16 that plan and expand that plan, you know,
17 within the zoning guidelines. And we felt that
18 it sort of strengthened the actual proportion
19 and the quality of the existing building. It
20 didn't overshadow it in any way. And we had
21 concerns about the proximity of the trail and
22 all of those things. So we came up with an
23 idea to use a system, whereby we'd probably
24 build a -- we would apply a garden wall, which
25 is a space slab wall, which allows all kinds of

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2 plants to grow up around this space. So that
3 would be the sort of material or essential view
4 of the building, is that, you know, this brick
5 building is just nicely proportioned on top of
6 this, which is -- and I think the last page of
7 the photographs that we gave you, there's an
8 example of that type of instruction, that's on
9 the building of north of Chelsea Piers--

10 CHAIRMAN MURPHY: This is all below
11 street level --

12 MR. ADAMS: This is below street
13 level --

14 CHAIRMAN MURPHY: So it's not going
15 to be visible or accessible --

16 MR. ADAMS: That's right. When you
17 come through under the road, you know, the
18 tunnel, the quarry trail, you would see that on
19 your left.

20 CHAIRMAN MURPHY: Okay.

21 MR. DOVELL: How many square feet are
22 in the existing building?

23 MR. ADAMS: I think it's on -- the
24 existing building, it's 1500 -- it's 1520 per
25 floor.

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2 MR. DOVELL: 15 --

3 MR. ADAMS: 1520 square feet per
4 floor, and basically five-and-a-half floors.

5 MR. DOVELL: Over five-and-a-half
6 floors?

7 A Yes.

8 CHAIRMAN MURPHY: Well, in terms of
9 the footprint area that's on the application.
10 The existing square footages are from 1965,
11 4,000 square foot is permitted right --

12 MR. DOVELL: In --

13 CHAIRMAN MURPHY: -- in the foot
14 print --

15 MR. DOVELL: The footprint area. The
16 existing building contains around 8,360 feet,
17 something like that.

18 MR. ADAMS: Yes.

19 MR. DOVELL: And then the additions
20 are, the --

21 MR. ADAMS: On the lower two floors,
22 we are talking about, 3,500.

23 MR. DOVELL: 30 -- 35 on two floors.

24 MR. ADAMS: Right. And then the
25 garage, which is on third floor, is 438 square

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2 feet. And part of that was derived by, you
3 know, things in terms of the kind of dimensions
4 that you need when you add onto the back of the
5 building to get a useful space out of it --

6 MR. DOVELL: The whole thing, when
7 you are done with the whole project, is a
8 project of about 15,800 feet, plus or minus.

9 MR. ADAMS: I would have to take your
10 word for that.

11 MR. DOVELL: It would be nice to have
12 these on your application or on your floor
13 plans, so we can see what we are being asked to
14 approve. It's somewhere in that range.

15 MR. ADAMS: Yes. I think it's -- I
16 think it's more like 1,200.

17 MS. STECICH: You said 3,500 on two
18 floors. Is it 3,500 total?

19 MR. ADAMS: Total. I think that was
20 confusing.

21 MR. SHARMA: You sent us the sheet of
22 the calculations.

23 MR. ADAMS: We can focus on the
24 specific issues of the zoning variances --

25 CHAIRMAN MURPHY: I think, unless

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2 there are more questions before we do that.

3 MR. LEAF: The set back to the -- on
4 the north to the quarry trail, how far is that?
5 I can't tell which is side one and side two.

6 MR. ADAMS: The set back is
7 eight feet.

8 MR. LEAF: Am I reading the plans
9 correctly, that the garden wall that you
10 proposed was 24 feet high next to the quarry
11 trail? That would be a 24 foot high garden
12 wall eight feet from the trail?

13 MR. ADAMS: Right. That's just a
14 little bit less than the existing stone wall
15 that's there.

16 MR. LEAF: And the use of the lower
17 levels for photographic printing including both
18 digital and chemical printing, is that use
19 permitted by the current owner?

20 MR. ADAMS: I believe it is.

21 MR. LEAF: Can you confirm that this
22 is mixed residential commercial --

23 MS. STECICH: You are on the MRC
24 district, right?

25 MR. LEAF: It's a mix residential

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2 office. I would have thought that the
3 photographic development might be light
4 industrial use --

5 MS. STECICH: Our studios are -- and
6 then this -- let me see. Any principal use
7 permitted in the two or three point five -- I'm
8 sure doesn't allow -- hold on.

9 MR. ADAMS: Ben is saying by the time
10 this whole process is finished, nobody will be
11 doing chemical printing. It has more to do
12 with the state of the industry.

13 MS. STECICH: Let me see what the
14 special permit uses are.

15 MR. ADAMS: I think it is fair to say
16 at this point it is almost an incidental use.
17 He has to have it because he can't say he
18 doesn't have it. But I don't know when the
19 last time was that you did a show?

20 MR. DIEP: We are doing two big shows
21 next. Chemical, it's a hybrid. Digital
22 process of paper is a hybrid process, you can
23 digitally expose photographic paper and then
24 process the -- that would be one processor
25 instead of where you have a professional lab in

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2 the city -- which is basically fading out right
3 now. The only chemistry we use is RA4 by
4 Kodak, which is a C print type.

5 MR. ADAMS: That's the traditional,
6 semi chemistry --

7 MR. DIEP: But used for both.

8 MR. ADAMS: I see. Equally, in terms
9 of, you know, the other issues that we have in
10 terms of -- we could start with the front yard
11 set back. And the zoning regulations for the
12 zone, asked for it -- asked for a ten foot
13 front yard set back.

14 CHAIRMAN MURPHY: Say that again.

15 MR. ADAMS: They asked for a 10 foot
16 front yard set back. And the building at one
17 corner, is 1 foot 4 inches. And another, I
18 think, it's 2-foot 2 inches off of the property
19 line. And, you know, our feeling is or our
20 reasoning is that there is a well established
21 building wall line along that side of
22 Warburton, which this building seems to confirm
23 with --

24 MR. LEAF: There's one other
25 building, right?

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2 MR. ADAMS: One other building?

3 MR. LEAF: One other building has the
4 same wall line?

5 MR. ADAMS: I think they pretty much
6 all do.

7 MR. LEAF: In front of the stoop?

8 CHAIRMAN MURPHY: We are talking
9 about the wall you are proposing, right, on
10 either side of the entry for the deck parking
11 area, on the right side?

12 MR. ADAMS: What I'm saying is, yes,
13 I need to explain myself. Even though this
14 addition is below the street level, it still is
15 technically within the set back, you know --

16 CHAIRMAN MURPHY: Which is below
17 street level, the support wall?

18 MR. ADAMS: Well, what we are adding
19 here is a parking deck. And that parking deck,
20 well it doesn't appear to, at the street level
21 impinge or be built into the set back. It
22 actually in terms of the entire lot, given the
23 shape of the lot with the cliff. There is
24 construction below that level, and it is --

25 MR. SHARMA: The floor addition is --

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2 MR. ADAMS: I mean, technically,
3 that's building construction within the 10-foot
4 set back. It is that variance more than
5 anything else that we are asking for. As far
6 as the screen wall goes, we think it makes
7 sense to continue the line with the existing
8 stone. However --

9 CHAIRMAN MURPHY: But is the screen
10 wall that's on the street level, that's
11 visible?

12 MR. ADAMS: Yes.

13 CHAIRMAN MURPHY: The question is:
14 Is that within the set back? I know it's
15 within the 10 feet, but is it within the
16 existing whatever the space is there? Or if
17 that --

18 MR. SHARMA: This is on public
19 property, that is outside of the property line.

20 CHAIRMAN MURPHY: It's outside of the
21 property line? What is being proposed is it
22 would be outside of the property line.

23 MR. SHARMA: It's an extension of the
24 wall that exists.

25 MS. STECICH: Who's wall is the

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2 current wall?

3 MR. SHARMA: I believe that's the
4 village wall.

5 CHAIRMAN MURPHY: We can't prove
6 that.

7 MS. STECICH: They can't prove that
8 without board of trustees approval.

9 CHAIRMAN MURPHY: We don't have any
10 authority to do that. I'm sure we wouldn't do
11 it anyway, but I don't think we have the
12 authority to consider it.

13 MS. STECICH: No.

14 CHAIRMAN MURPHY: There are two
15 different issues. What you are talking about
16 by way of a front set back approval is for the
17 non-visible, if you will, sub-structure. And
18 that's, you know, it's not visible, it's not
19 much of an issue. What concerns me is, I
20 thought you were talking about this wall on the
21 street that would lead into the parking deck --

22 MR. ADAMS: We've drawn what we think
23 makes sense --

24 CHAIRMAN MURPHY: Look, I don't
25 disagree with you. What I'm telling you is, we

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2 can't draw on public property. We can't
3 consider it.

4 MR. ADAMS: We'll take it off as far
5 as this --

6 CHAIRMAN MURPHY: You know, you have
7 to go through a whole other level of process or
8 you can bump it back --

9 MR. DIEP: Let me add, one of the
10 reasons we have the wall there is to move the
11 current setting behind the wall.

12 CHAIRMAN MURPHY: And that's a good
13 thing.

14 MR. ADAMS: That's the only feed back
15 we've gotten from --

16 CHAIRMAN MURPHY: We need to be clear
17 on that. Your option is you can try to move it
18 back, but that may not accomplish part of the
19 result or part of the goal that you wanted to
20 accomplish. That's all.

21 MR. ADAMS: The main thing we are
22 trying to accomplish is to move the project
23 forward, and we'll remove it from this
24 application, and we'll have a separate
25 conversation with the village in terms of some

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2 solution that makes the most sense.

3 CHAIRMAN MURPHY: Okay. Fine. Why
4 don't we talk about the side yard.

5 MR. ADAMS: The side yard here?

6 CHAIRMAN MURPHY: Yeah.

7 MR. ADAMS: Well, I mean, as you
8 know, because we are changing the use of the
9 building and we are reducing the number of
10 units, in the Hastings code the way it's
11 written that affects the set backs. And as I
12 read the code, it makes sense, it seems that
13 the set backs and some of the open space issues
14 in the zoning code seem to have been written
15 with the intent to provide air and open space
16 for the tenants, the people who live in those
17 properties. As you reduce the number of people
18 who live in those properties, it does make
19 sense from that point, you know, you have
20 smaller set backs.

21 CHAIRMAN MURPHY: I'm going to focus
22 just really on that kind technical dimensions
23 of what was proposed. On the south side there
24 is no change, right, other than you are going
25 to repair steps and that's an existing

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2 four-foot ten inch set back, which is
3 preexisting non conforming.

4 MR. ADAMS: Well, I think you can see
5 the property line comes into this raised
6 platform, that all the entry happens into the
7 residential and the lower commercial floors.
8 The existing -- it's build on the property
9 line, that's the worse case condition. There
10 is an existing stair, we pulled it back as far
11 as we could, it's improved that condition.

12 CHAIRMAN MURPHY: So on the south
13 side it's not an issue per se. So on the north
14 side you are permitted to go down to 8 feet, so
15 from the existing set back, as I read your
16 application, it's 26 feet and with the
17 addition -- what amounts to the parking deck in
18 the lower two-story space, you are going to
19 take that right over to the -- of what's
20 permitted without the variance, but it would be
21 an 8-foot set back. And then it's below street
22 level. It's the quarry trail that Mark Leaf
23 was referring to earlier. That is the only
24 thing that is there --

25 MR. ADAMS: Right. And I don't know

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2 if you walked down the quarry trail, but my
3 feeling is that, you know, you are real -- you
4 want to think of it in baroque terms. It works
5 in a way like you walk through this stone arch
6 that closes your view down, and it's sort of
7 contained, and then you emerge here in the
8 green trail, and then it's at this point where
9 the drop off happens, where the large trees --
10 and that's where you get your view of the
11 Palisades. So it's kind of like -- it's and
12 urban pathway, and it's a green pathway through
13 an urban neighborhood, and I don't think that
14 anything we done has really changed that
15 substantially.

16 MR. WATKINS: All you have to do is
17 clean out the broken bottles.

18 MR. ADAMS: We have concerns being
19 next to it. It seems like teenagers would sort
20 of gather in there and do what teenagers do. I
21 can't remember. It's been so long ago.

22 CHAIRMAN MURPHY: We just want a full
23 sense -- I mean I know we don't need a
24 variance for this site, we want to get a sense
25 of the full scope of the condition. So let's

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2 talk about the roof now.

3 MR. ADAMS: The variance in question
4 for the --

5 CHAIRMAN MURPHY: What this really
6 is, you are extending an existing non
7 conforming body proposed to add the --

8 MR. ADAMS: Right. I mean, at the
9 same time we aren't raising the roof any higher
10 than it is now. I think I would also like to
11 say, that for buildings of this age or this
12 style, there's a real tradition of artist
13 studios, which had dormers added to the north
14 side with glass glazing in them. You see that
15 all over the neighbors in the city, and other
16 cities. And we tried to stay within that
17 tradition. And if you look at the proposal,
18 you know, we also set it back 8 feet on each
19 sides from the cable ends of the building, so
20 that even though it would appear that you can
21 see it in a flat elevation like this, I think
22 you see it quite a bit less than that in
23 reality. And if you look at the first
24 photograph that I handed out to you today, you
25 see -- you know, see some of it in that

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2 photograph. And that photograph is taken from
3 the stoop level or the first floor level, I
4 should say, of the houses across the street,
5 which are about six-and-a-half feet above the
6 sidewalk level. So if you take what's
7 essentially your horizon line, and you drop it
8 six-and-a-half feet, I don't think you would
9 see the corner of that dormer. It's only when
10 you get to the side to the north of the
11 building that you see the dormer. So I think
12 it will look quite in keeping with the
13 building --

14 MR. DOVELL: How would you
15 characterize the architecture of the building?

16 A It's neoclassical, this is a very sort of
17 Georgian kind of shape. It's referring to a Georgian
18 style. It's not as spread out as --

19 MR. DOVELL: The elevations are
20 deceiving, the existing dormer that is really
21 an accommodation for a stair, it's a tiny
22 little dormer.

23 MR. ADAMS: It's here. It's here.

24 MR. DOVELL: Whereas the other one,
25 the shed dormer, it's a bigger chunk of space

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2 up there.

3 MR. ADAMS: The height of this is not
4 very tall to the roof line. Here you are
5 seeing the existing roof, and it's 5-foot, 8.

6 MR. DOVELL: It's not the kind of
7 dormer that you would associate with this kind
8 of architecture. You just don't see that type
9 of shed dormer attached to -- almost perfectly
10 square box of a building. This is a cubic --
11 the house is basically a cube with a to roof on
12 it --

13 MR. ADAMS: I think you are making a
14 good point. I think it's not going to look
15 like -- I don't -- I don't -- I wouldn't go as
16 far as saying it would be original to the
17 building. But as I said before, I think there
18 are many buildings of this type, which have had
19 that modification done to them in the city and
20 other places. And it sort of looks --

21 MR. DOVELL: What you do see in an
22 artist area in the city, you see a lay light in
23 the roof, a large expanse of glass that's in
24 plain with the roof, facing north. That's what
25 you see all throughout the village. Rarely do

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2 you see something popping out --

3 CHAIRMAN MURPHY: Almost like a sky
4 light type --

5 MR. DOVELL: Like a large steel
6 frame --

7 MR. ADAMS: I think you see all
8 different types, you do. Some of them are
9 almost like flat roofed. You know, in the
10 city, you can do many many different ways.

11 CHAIRMAN MURPHY: Tell me again the
12 reason for proposing the dormer on the west
13 side.

14 MR. ADAMS: It is to get more space,
15 and it's to bring more light into the space,
16 specifically north light, this is not the best
17 light for painting.

18 CHAIRMAN MURPHY: Is there an
19 alternative way to, you know, bring a
20 significant amount of light in without that
21 type of dormer?

22 MR. ADAMS: I mean, you can bring
23 light into the existing space. But this also
24 accomplishes, you know, creating more space,
25 which is part of, you know, what we wanted.

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2 CHAIRMAN MURPHY: Well, I understand
3 that, but my question is: Is there another way
4 to accomplish the primary goal of getting light
5 into the space that --

6 MR. ADAMS: But what Mr. Dovell was
7 suggesting was maybe a different shape. I
8 don't know if you --

9 MR. DOVELL: I was wondering if maybe
10 it could be a very large sky light facing north
11 that would be with the roof or bumped up a
12 little. Obviously you wouldn't have the
13 rafters to contend with and you would have --
14 you would provide quite a bit of north light
15 into the space.

16 MR. DIEP: If I may add, if I were to
17 do a 16 by 20 painting, 4 by 50 inch canvas is
18 not use able of the space given because the
19 ceiling of that --

20 CHAIRMAN MURPHY: I understand.
21 That's not a variance issue. The variance
22 problem is you got a 35-foot maximum height
23 requirement. And you have to measure from the
24 back of the building, so you have a 61-foot
25 pre-existing height in a 35-foot zone. That's

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2 almost double. That's unheard of. And so the
3 variance issue, should proposing to extend, was
4 already in this zone of various significant
5 variance -- so that's why we are probing what
6 the real need for it is and what the
7 alternatives might be --

8 MR. ADAMS: Don't you think that the
9 given -- the site of the building is of unusual
10 character, only in terms of the site, you know,
11 this drop off. I mean, I think in terms of
12 evaluations, if you look at the building, I
13 think it makes sense that -- look at it from
14 here up as opposed to --

15 CHAIRMAN MURPHY: I don't disagree
16 with you here. That's not the point. That's
17 not the legal issue. The legal issue is you
18 are extending a significant preexisting non
19 conforming rules --

20 MS. STECICH: It also exceeded in the
21 front, actually it's already exceeded in the
22 front, and to I think about 41-and-half-feet
23 high --

24 CHAIRMAN MURPHY: You mean from the
25 street --

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2 MS. STECICH: So it isn't just the
3 rear, it's exceeding the height in the front as
4 well.

5 CHAIRMAN MURPHY: That's kind of --
6 for me, that's what you are proposing to do
7 particularly down below on the left side and
8 the rear of the building, is -- you know,
9 that's -- for me, that's fine. That's good to
10 encourage someone to bring a business into the
11 town, that's a good thing.

12 MR. ADAMS: I would like to say the
13 part of the reason I ended up here, he does
14 have a lot of clients that are photographers in
15 Hastings, he found out about Hastings and
16 that's the attraction.

17 CHAIRMAN MURPHY: Height variance is
18 a pretty sensitive -- we work with people a lot
19 on the front yard, and we got all kinds of
20 things grandfathered in, non conformities and
21 we understand all of that, but the height
22 issue --

23 MR. ADAMS: Even if it's not going to
24 affect anyone's view.

25 CHAIRMAN MURPHY: Say that again.

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2 MR. ADAMS: I don't think it impacts
3 anyone's view of the Palisades --

4 CHAIRMAN MURPHY: It's probably a
5 minor impact, but that's a view preservation
6 not a variance, it's an issue, but it's a
7 separate issue, as far as I'm concerned.
8 That's all. At least my questions are
9 answered.

10 MR. DOVELL: I have an observation
11 more than anything else, for this area permits
12 you 50 percent lot coverage, and it permits a
13 two-and-a-half story building, which is the way
14 that the zoning ordinance defines bulk or gages
15 bulk. And if we looked at that, if we looked
16 at that as raw data, you would be able -- on a
17 new site, you would be able to build a
18 building -- you would be able to build a
19 building of how much square feet probably, I'll
20 do a little calculation. You would be able to
21 build a building of approximately 12,000 feet,
22 correct? No, 10,000 feet, right, you know, if
23 it's an 8,000 square foot lot --

24 MR. ADAMS: 4,000 times two and a
25 half --

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2 MR. DOVELL: So 10,000 feet. What
3 you are proposing is -- you're 12,000 -- I
4 think you are in fact over that because your
5 lower floors, both of those lower floors can't
6 be 3,500 feet if each upper floor is 1,500
7 square feet. It doesn't make sense. I think
8 you should check those numbers.

9 MR. ADAMS: You know, I'm going from
10 what I wrote here like a month ago so --

11 MR. DOVELL: We would need to see
12 those numbers. It's a gage of 12, and if you
13 are at 15,000 it just means it's a very bulky
14 building on this site compared to other
15 buildings in the same district. So it becomes
16 an issue of character as well. We need to
17 think about --

18 MR. ADAMS: If you follow the same
19 letter of code, your two-and-a-half story
20 building would be like this tall. So I mean,
21 there's a disconnect there in terms of how the
22 zoning rules apply to this particular site.

23 MR. DOVELL: But this one on the
24 front, the front of the building is already
25 41 feet.

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2 MR. ADAMS: I mean, just in terms
3 of -- I'm just saying that in terms of zoning
4 is a way to control mass on the site. Because
5 of this condition, you are going to get a lot
6 of mass than sort of what you actually visually
7 see or view with -- let's see, were there any
8 other zoning variance --

9 CHAIRMAN MURPHY: Well, there was the
10 height and there's also the issue of the
11 parking. But I don't want to move on --

12 MR. PYCIOR: View preservation, about
13 the deck on top of the garage, behind the house
14 its proposed roof, to build a deck that is
15 45 feet wide and 14 feet deep, a very size able
16 deck. But then that deck is to be extended out
17 over the garage, which does raise view
18 preservation questions. If you look at your
19 first photograph, it shows a deck but the
20 furniture moved out there and other such
21 things, then the view of the river and then the
22 view of the Palisades is obstructed.

23 Why does the deck have to be extended
24 over the garage when the proposed deck behind
25 the house is 45 feet, 14 feet, which is a large

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2 deck?

3 MR. ADAMS: Part of our thought was
4 because it's a little closer to the north side
5 of the house, it wouldn't get quite as much
6 sun. It would be a place where you can get out
7 of the sun during the day. It's also a way of
8 wrapping the view around, you know, like to use
9 roofs --

10 MR. PYCIOR: I was wondering about
11 view preservation.

12 MR. ADAMS: If you read through the
13 zoning board that is somewhat encouraged in
14 department buildings and other zones that you
15 talk about providing space and make exceptions
16 or providing space on top of garages and things
17 like that. So it seemed like a worth while
18 event.

19 CHAIRMAN MURPHY: You are referring
20 to the railing --

21 MR. PYCIOR: And the fact that it is
22 a deck, one consumes furniture there and who
23 knows what else that can interfere with the
24 view of the river and the Palisade. And
25 considering adjacent to that there is a deck

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2 that is 45 feet wide and 14 feet deep --

3 MR. DIEP: The original idea we had,
4 we were going to put a roof garden there. You
5 can see the floor plan, it exits a doorway from
6 the living space, so if you had furniture, it
7 would be right behind there on the west side.
8 We are planning that section to have a roof top
9 garden.

10 CHAIRMAN MURPHY: Isn't the view
11 preservation the garage itself --

12 MR. PYCIOR: Right. But then the
13 garage doesn't seem to obstruct that much. But
14 a deck on top could obstruct --

15 MR. LEAF: A barbeque grill, what
16 goes on the deck is an issue.

17 CHAIRMAN MURPHY: What is there now
18 is a tree, so there is no view at all.

19 MR. ADAMS: Right. We started to
20 talk about the view preservation issue --

21 CHAIRMAN MURPHY: That doesn't
22 trouble me as much as the dormer on the roof
23 does. But everyone has their view. I want to
24 make sure all of the board members get a chance
25 to ask the questions.

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2 MR. ADAMS: Segue-waying to the view
3 preservation, probably the best thing is to
4 look at the photographs that we gave you.

5 CHAIRMAN MURPHY: Yes, that would be
6 helpful.

7 MR. ADAMS: So this is -- the first
8 photograph is, to give you some idea of what
9 the proposal would like in place, again we --
10 we provide the use of photographs of the
11 building. The building is across the street.
12 And those are significant to look at because
13 they show you a slope over the land there, and
14 how, you know, the first floor is
15 six-and-a-half feet above where the sidewalk
16 is. So what we are trying to say is, we are
17 trying to make a note that this is effectively
18 sort of a horizon line as far as the Palisades
19 goes. And you can as it exists now in this
20 tree, that we are proposing to take out, half
21 of it here, there is no view whatsoever. And
22 after we take the tree out, you know, there's
23 significantly more view for six months out of
24 the year. And more I think in total -- we did
25 a calculation, we definitely end up with more

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2 view through this view time than you have now.

3 MR. DOVELL: What's the height of the
4 garage from the level of the drive?

5 MR. ADAMS: It's 12 feet.

6 MR. DOVELL: 12 feet?

7 MR. ADAMS: Yes.

8 MR. DOVELL: And that's because it
9 aligns with the floor?

10 MR. ADAMS: Yeah. Yes, partly that.

11 MR. DOVELL: But this is parking for
12 cars, primarily, not --

13 MR. ADAMS: Cars and, you know, stuff
14 that families have, bicycles and junk.

15 MR. DIEP: Kids bicycles, no junk.

16 MR. ADAMS: Ben says no junk only
17 bicycles.

18 In terms of -- I don't know if
19 there's any questions about the view
20 preservation. I think it's a pretty basic
21 calculation. Again, you know, you see the
22 dormer here. I suppose you see a little more
23 of it on the second floor, but, I mean, I don't
24 know if it's really obstructing anyone's view.

25 CHAIRMAN MURPHY: You know, in the

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2 very first photograph of what was handed up
3 tonight, we got the mockup of the proposed site
4 with the garage. Is that to scale, the 12-foot
5 height of the proposed garage in the
6 photograph?

7 MR. ADAMS: I think it is. When I
8 first saw it, I thought this didn't seem right.
9 But when you actually -- when you sort of
10 calculate it and, you know, in height wise in
11 the widths, I think that's accurate. I mean,
12 it's with the one or two brick courses I think.

13 CHAIRMAN MURPHY: Okay.

14 MR. SHARMA: It's in prospective, you
15 can see --

16 MR. ADAMS: Right.

17 CHAIRMAN MURPHY: This is, you said,
18 six-and-a-half feet above the sidewalk taken
19 across the street.

20 MR. ADAMS: Well, it's from eye
21 level. It's six plus five. It's, you know,
22 11 -- 11 and a half feet.

23 CHAIRMAN MURPHY: Got it. Any other
24 questions?

25 MR. LEAF: I think it might be

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2 helpful before our next meeting to have the
3 mockup of the view from the street level or
4 from the eye level of someone walking on the
5 street or passing along the street. There's a
6 lot of walking that goes on on Warburton Avenue
7 from the south end of town up north. And I
8 would like to see how that looks from the
9 street.

10 MR. DOVELL: I agree. And I think
11 from a prospective from down the street looking
12 up Warburton --

13 MS. STECICH: You have this view, but
14 you don't have the garage in this one, the 4th
15 photo. Yes, far right up on the top there,
16 that one, that's the right prospective. But
17 you can't see what the garage is doing to it.

18 CHAIRMAN MURPHY: In other words, if
19 you --

20 MR. ADAMS: This tree, this line
21 here, this tree right here, that's the tree
22 that's down. So the only tree that's coming
23 out in this photograph is sort of -- this
24 little triangle right there.

25 MS. STECICH: Okay.

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2 MR. ADAMS: I mean, the tree that is
3 staying is a much bigger and more substantial
4 tree. It's just the one that's coming up out
5 is very specifically located --

6 MR. DOVELL: But you are still going
7 to see under it. You are going to see under it
8 here and when the leaves are gone --

9 MR. ADAMS: Yes.

10 MR. DOVELL: -- you can see even
11 more.

12 MR. ADAMS: Yes.

13 MR. DOVELL: I think a section -- a
14 street -- a section through the garage, the
15 street level through the garage, and a section
16 through the house, that explains the lower
17 decks would be very useful as well.

18 MR. ADAMS: Do you mean the section
19 through here?

20 MR. DOVELL: Correct, correct.

21 MR. ADAMS: You do have that one
22 elevation.

23 MR. DOVELL: I understand.

24 MR. ADAMS: Yes, from the side.

25 MR. DOVELL: Uh-huh.

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2 MR. LEAF: The large deck behind the
3 house is actually the roof of the level below
4 it, right?

5 MR. ADAMS: Yes. And you were asking
6 before about the style of the building. I
7 didn't have the presence of mind to it vocalize
8 at the moment. But I think the building does
9 have a sort of split personality a little bit.
10 It has these industrial steel and then it has,
11 you know, coins and dentil moldings. It's kind
12 of a split between those again style wise
13 between the lower floors or the commercial
14 floors or residential floors. So in a way it's
15 great because it allows you to go a little bit
16 both ways. You know, and what we tried to do
17 is we tried to strengthen the upper part in a
18 classical sense and the lower part more sort of
19 traditional kind of factory commercial sense.

20 MR. DOVELL: I think the lower
21 portion is very successful. The way it engages
22 in the treatment of it, I think it's
23 successful. I think you've added a bit of
24 vocabulary with this dormer that I can't quite
25 comprehend.

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2 MR. ADAMS: We can look at some other
3 forms for that.

4 CHAIRMAN MURPHY: Anything else --
5 parking, I think the parking is self
6 explanatory.

7 MR. ADAMS: I think that the little
8 printout that I gave you before the meeting,
9 you know, it's significant. I certainly want
10 to press the point that we don't have very many
11 people moving into this building, relative to
12 the number of people that are there now.

13 CHAIRMAN MURPHY: I mean, your point
14 is there are five apartments and four occupied
15 now, and it's going to become one very large --

16 MR. ADAMS: And Cannor has 20 to 25
17 people working in that building, and we are
18 going down to, the most, six.

19 CHAIRMAN MURPHY: Anybody have any
20 questions about the parking?

21 MR. DOVELL: No.

22 MR. LEAF: No.

23 CHAIRMAN MURPHY: Marianne, did we
24 cover all of the issues?

25 MS. STECICH: Yes.

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2 MR. ADAMS: I didn't have time to
3 write down some of these suggestions. Can I
4 extrapolate from some of the comments. What we
5 would like to do is, we would like to see this
6 kind of rendering from a couple of different
7 perspectives, and I think from my side, I'll
8 add prospectives that represent higher
9 elevations as well, you know, obviously the
10 sidewalk is not really even on the owner's
11 piece of land. You know, when we talk about
12 the view preservation and balancing the rights
13 of owners, it's about ownership --

14 MS. STECICH: No, it's not. Our code
15 is very specific, also the views of passersby.

16 MR. PYCIOR: I recommend you go up on
17 the aqueduct path the take a few photos down.
18 From the aqueduct path, this whole building may
19 block views of the river and the Palisades, as
20 it is, and you would be adding to that.

21 MR. ADAMS: Can you see it from that
22 aqueduct path -- you can see this building from
23 the aqueduct --

24 MR. PYCIOR: Seasonally you can see
25 it.

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2 MR. ADAMS: We will be here in the
3 wintertime.

4 CHAIRMAN MURPHY: The particular
5 request was from the sidewalk.

6 MR. ADAMS: From the sidewalk and
7 also from the --

8 CHAIRMAN MURPHY: Across the street,
9 down the street.

10 MR. ADAMS: Yes. And some other
11 variations of the dormer and then just the
12 number -- the wrong numbers on the square
13 footages and some schematic of the lower
14 commercial levels --

15 CHAIRMAN MURPHY: The lower space.

16 MR. ADAMS: Is there anything else?

17 CHAIRMAN MURPHY: Okay. Thank you.

18 MR. ADAMS: I thank you --

19 CHAIRMAN MURPHY: Thank you.

20 Mr. METZGER, please --

21 MR. METZGER: Thank you. Jim
22 Metzger, 427 Warburton Avenue. I happen to
23 live just down the block from this project.
24 And the issue is that it's obviously incredibly
25 thoughtful, and I'm appreciative of the work

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2 that you are putting into this.

3 I just wanted to say, in terms of
4 some of the bigger pictures, because our
5 neighborhood has been subject to quite a bit of
6 development, and we spent quite a bit of time
7 looking at those issues that would positively
8 or negatively affect our neighborhood. And I
9 would like to say that, in general, I have had
10 a chance to look at some of these drawings.
11 And I think this project would be a great
12 benefit to the village and our neighborhood.
13 We had an issue before you a number of years
14 ago, to put a parking deck in the same
15 location, and the problem was it was a steel
16 parking deck with some girders, and it was
17 going to be this real erector set. And here we
18 are looking at some one who is trying to
19 enhance what is going on by the path that is
20 going down by that new construction. I think
21 that is a positive thing.

22 And if you look at some of the
23 existing buildings by the quarry path, they
24 would hopefully take a clue from what is being
25 proposed here to improve the side of their

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2 building at a low cost to make that path nicer.

3 The big issue we have in our
4 neighborhood is parking. And I have taken a
5 look at where the proposed curb cut would be.
6 And even though we'd be losing one spot on the
7 street, we'd be gaining additional parking.
8 And I think that's a very positive thing
9 because the use of the building would be such
10 that fewer people would be occupying it. It
11 also happens to be a unique location on
12 Warburton, just south of the building is shear
13 wall, a drop that goes down towards the DPW.
14 It is one of the few areas where there's not a
15 continuous row of housing, so there is parking
16 available. Certainly, during the day, there's
17 parking. So if there is a gallery here, it's a
18 situation where it would accommodate additional
19 use and not impact negatively on the denser
20 part of Warburton. It's closer to the village.
21 We've been asking for live work use in the
22 village for years as a prototype. And while
23 this is a rather large live work use, I think
24 it's a good prototype. It's something that I
25 would like to see more of in the village.

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2 People that live here and work here and could
3 bring both residential and commercial taxes to
4 the village. And the use of the materials that
5 is being proposed is sympathetic to the
6 neighborhood. The building just to the north
7 of to this has clabbered, and this garden wall
8 has a clabbered look. So it's something that's
9 been done sensitively.

10 In terms of the view preservation, I
11 am not sure anything that is being proposed
12 would affect the view of the river or the
13 Palisades. I think when you are up on the
14 aqueduct and you look down would affect would
15 be a view to whatever is going to be developed
16 on the water front. But I think that angle of
17 view would not affect the river per se. And my
18 personal feeling is, this small garage, given
19 that it's got a flat roof, would be the most
20 minimal impact it could possibly have and still
21 provide off-street parking at this site.

22 I hope you are in favor of the
23 project.

24 MR. SHARMA: If I may, we received
25 another letter supporting --

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2 CHAIRMAN MURPHY: Yeah.

3 MR. SHARMA: -- a copy of it.

4 CHAIRMAN MURPHY: I'll read part of
5 it into the record. This is a letter of
6 support for the applicant from a Mr. David
7 Zone, residing at 378 Warburton. And he says,
8 quote, Mr. Diep has gone through great efforts
9 to confer with his neighbors about his plans,
10 by giving us several opportunities to voice our
11 opinions and concerns.

12 I believe that the effect of his
13 efforts will be positive to the neighborhood
14 and a community basis as a whole. He has
15 demonstrated a real willingness to respond to
16 the aesthetic and practicable existing
17 conditions on Warburton Avenue. He's trying
18 hard in a sincere manner to be a good neighbor
19 and citizen. And therefor I support his
20 application.

21 And that's the essence of the letter.
22 Thank you, Mr. Sharma.

23 MR. SHARMA: You're welcome.

24 CHAIRMAN MURPHY: We'll adjourn this
25 application until the proceedings are held

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2 before the zoning board.

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5 (Time noted: 9:15 p.m.)

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C E R T I F I C A T E

I, ANNMARIE BASILE, a Shorthand
Reporter and Notary Public of the State of New York,
do hereby certify:

That the witness whose examination is
hereinbefore set forth, was duly sworn, and that such
examination is a true record of the testimony given by
such witness.

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

ANNMARIE BASILE

