

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 24, 2010**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, June 24, 2010 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Brian Murphy, Alternate Boardmember Matthew Collins, Boardmember Marc Leaf, Boardmember Stan Pycior, Boardmember David Forbes-Watkins, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

Chairman Murphy: Good evening, everyone. We're here for the June 24, 2010 Zoning Board of Appeals meeting.

We have four cases on our agenda tonight. First case, 6-10: Joseph Halprin, 4 Burnside Place, for the addition and construction of an entry foyer, covered porch, and deck on the property. Case number two is Paula Panzer, 47 Jefferson: essentially for the number of off-street parking spaces. Third case, Bob and Elizabeth Brady, 603 Warburton: for the construction of a deck platform and spiral stairs at the rear of the building. And our fourth and last case tonight, 9-10: Christina Griffin, 433 Warburton Avenue, for off-street parking and a required yard, which requires several variances.

Mr. Sharma, are all the mailings in order for those cases?

Building Inspector Sharma: Yes, I've been so informed. All the mailings are in order.

Chairman Murphy: And we have Mr. Collins in place of Mr. Dovell tonight. Matt, good to see you.

Boardmember Collins: Thank you, sir.

I. Case No. 6-10 - Joseph Halprin, 4 Burnside Place

For the addition/construction of an entry foyer, a covered porch and a deck at their property. Currently non-conforming Building/Development Coverage: 31%/47%; Proposed: 32%/48%; Permitted Maximum: 25%/35% {295-68F.(2)}

Chairman Murphy: I guess we can start with our first case, then. Mr. Halprin, or Mr. Lewis?

Michael Lewis, Michael Lewis Architects: Yes, this application for a variance was originally submitted in 2007. Since then, there are just some minor changes to it. It didn't move forward because of a number of circumstances. The clients would like to do it now, Joe and [Annette] Halprin, but so much time has passed that we need to show it to you again.

Since that time, the lot coverage regulations have been strengthened, and so we've made some adjustments to the previous plan to take into account the spirit of those regulations as best we can. So I'll show you what's going on.

Chairman Murphy: Yes, please do, Mr. Lewis. I actually remember this application from a couple years ago. I think Stanley does, too.

Building Inspector Sharma: Raf, you can hear us?

Chairman Murphy: Great. Thanks, Deven.

Mr. Lewis, just go through it again. And for the benefit at least of myself, if you could point out whatever the adjustments were from the last plan that'd be great.

Mr. Lewis: Here's a rendered site plan. The deck configuration here, this is an existing deck to remain. The deck configuration here, we've adjusted it slightly because as the clients have been living in the house they've realized that their flow patterns are a little different than we were anticipating a couple of years ago.

Here we had an intermediate deck previously, and we've reduced the overall coverage by eliminating that and just having the upper deck at one level. This is basically the first floor level, and then this existing deck is at the basement level, with a stair that goes down between the two. We've laid it all out so that we're not exceeding any of the setbacks. There are no setback variances required now – there weren't in the past.

But the thing that we were really trying to look out for on this is, you probably noticed on the application that the lot coverage is a little unusual. The lot, the existing coverage, is way up there. And we're adding ever so slightly to it a few hundred feet or something. I have to look at it, but very little. And, of course, we were adding more previously, in the last application. But at that point there was no lot coverage restriction.

So in order to take into account the spirit of the law, we're removing the existing blacktop driveway and resurfacing it with pervious paving material. So we're actually substantially reducing the impervious surface on the property, even though the lot coverage, building covering, is going up by a very slight amount. I think it's 1 percent, or even less than 1 percent.

Really, that's about it. Aside from that, it's very similar to the previous application. Again, the work at the front enhances the appeal of the house. Here's the photograph. The bottom is the existing. It has sort of a difficult entry situation. And then upstairs, that's what's proposed.

Chairman Murphy: Right. That's what I remember. You did a beautiful job. And my recollection is that sort of the deck and the stairs along the side go down along the steep slope in the back. So you're essentially capturing some more useful outdoor space?

Mr. Lewis: Oh, definitely. That's the whole point. The lot is relatively steeply-sloped, so there's a shortage of outdoor space. And that's why all the deck space is so important to the family.

So yes, I think the idea is that the deck, as it slopes out, actually responds to the hilly site and makes the house feel more nestled in. And, of course, the horizontal lines and re-siting and all that makes a big difference, as well.

Chairman Murphy: Yes, it's a big lot, too. Did you say that the lot area regulations were adjusted since the last time you were before us?

Mr. Lewis: Right. I think in '07 there was a building coverage regulation, but no lot coverage regulation. And in '08, maybe the end of '08, they added the lot coverage. So the building coverage at 25 percent, the lot coverage at 35 percent – that came in later.

So when we first applied there was no lot coverage, per se. And once that kicked in, of course the driveway became a big factor. So that's what we ... and it's a good law, especially in the steep slope. We want to mitigate the runoff, deal with it responsibly, so we're reworking the driveway. We're adding a drainage swale. This was in the previous application, as well. There's a lot of drainage, water that comes down from adjacent sites, down the slope. So we're catching that, sending it to a drywell, and then using this area as a pervious area so that we're significantly reducing the amount of water that's going to be coming off of the site – to everyone's benefit.

Chairman Murphy: And what type of pervious material do you have in mind? Not that it needs to be a particular thing; I'm just curious what the options are.

Mr. Lewis: You know, Joe and [Annette] Halprin would have to approve it. I'm thinking of like a pressed concrete paver set in stone dust is an economical, but not unattractive, approach. So that would be the first thing that we would show them. Some of these have a cobblestone look to it probably.

Chairman Murphy: All right. So the essence of this is that we have a lot area coverage issue. I guess coverage is proposed to be 32 percent for the building, 48 percent for the development? At least that's what appears on my application.

Mr. Lewis: Yes, sir. That's right.

Chairman Murphy: And what's permitted is 25 percent for the building and 35 percent for the total development. You're currently at about 30.5 percent. So you're adding a net 1 percent to what essentially has been grandfathered in.

Boardmember Leaf: It's a very significant variance, but not a very significant increase from what's currently there.

Mr. Lewis: But I'd like to point out this line that we added, which isn't technically necessary on the zoning table but I think illuminates the situation, which is that previously there was 46 percent impervious. And now, under the application, it's down to 40 percent. So while we're increasing the coverage by 1 percent, we're reducing the impervious area by 6 percent. So it's a significant enhancement to the performance of the lot under storm conditions.

Chairman Murphy: OK. No, we approved this application. So just for those newer members, in case that matters to you.

Boardmember Leaf: But there would still have to have been a mailing for this application. Right?

Chairman Murphy: Oh, absolutely.

Boardmember Leaf: I assume the mailings ...

Chairman Murphy: We did that, yes. Mr. Sharma is very good.

Boardmember Leaf: Excuse me. Has anyone responded from the neighborhood?

Joseph Halprin, applicant: We mailed it to ...

Building Inspector Sharma: Please come to the microphone, identify yourself.

Chairman Murphy: Yes, just please identify yourself for the record.

Mr. Halprin: I'm the owner. We mailed it by certified mail and by return receipt. We received responses, we talked to our neighbors. Just like the last time, they're the ones, at least, on the cul-de-sac. And the ones below, I went by and tried to talk to them, too. Our neighbors are thrilled to have an improvement on the property.

Chairman Murphy: OK. Any other questions from any of the Boardmembers?

Boardmember Forbes-Watkins: You say there was no comment from the people below you? Because that's the one thing I remember from looking at the lot two years ago and again looking at this. That if you go down and look at the lot from below, there's an awful lot of deck that sits there.

Mr. Halprin: There's been no comment from the people below, and they signed the return receipt.

Chairman Murphy: Yes, there's a fair amount of tree coverage toward the back there, too, David. But I take your point.

Boardmember Forbes-Watkins: But that's only a certain number of months of the year.

Chairman Murphy: No, understood. Matt?

Boardmember Collins: Nothing from me, no.

Chairman Murphy: Marc? Anyone in the audience wish to be heard on the application?

Seeing none, all right, last call for questions from Mr. Lewis. If there are none, if we could have a motion on the application for nonconforming building and development lot coverage.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Leaf with a voice vote of all in favor, the Board resolved [approval of Case 6-10 for the addition and construction of an entry and covered porch and a deck on the property,

currently non-conforming Building/Development Coverage: 31%/47%; Proposed: 32%/48%].

Chairman Murphy: Mr. Lewis, thank you. Mr. Halprin, thank you.

Village Attorney Stecich: Michael, do you want some photos? I don't need them. Maybe you can use them.

II. Case 7-10 - Paula Panzer, 47 Jefferson Avenue

For the number, size and location of off-street parking incidental to the conversion of existing attached garage for non-parking use. Off-street parking: Existing – 2 (one in garage, one on the driveway); Proposed – one on the driveway only; Required minimum number of off-street parking – 2. {295-36A}

Chairman Murphy: Our second case tonight is Dr. Panzer at 47 Jefferson Avenue.

Peter Shafran, applicant: I'm not Dr. Panzer. Dr. Panzer's my wife. I'm Peter Shafran, her husband, and I would ask the Board to allow me to speak on behalf of my wife.

Chairman Murphy: By all means. Welcome.

Mr. Shafran: She's actually a much better speaker than I am, but she won't admit it.

This is an application for a variance for off-street parking. My wife purchased this home back in 2005 and I subsequently moved in, and we've married now a few years. With our combined families, as happens these days, we run out of room very quickly with the combined households. So in order to maximize the use of our space we had a contractor in to do some major renovations, which was all permitted, and that included a major renovation of the kitchen. And it necessitated moving the bathroom that was right in the kitchen to a space off the side, which had to be moved into the garage.

So our contractor had advised this is the best way to do it and, unfortunately, went kind of a backwards way of doing it. And we did the work first, on the assumption that our contractor knew what he was doing. But, unfortunately, we faced a situation where we had to go into the garage to build part of the bathroom and build a pantry to accommodate the loss of kitchen space. So we lost about a third of our garage.

It's a one-car garage, and we had never used the garage for parking a vehicle. As many of us, we tend to use our garage as a storage facility as opposed to anything else. So we've always parked our cars on the street and in the driveway. The driveway is actually configured such that there's a space for two cars from the bottom of the driveway to the street, and there's also a side space which accommodates a third vehicle. And then we have, for lack of a better word, an apron in front of the street on Jefferson Avenue which accommodates a fourth car.

The side space is actually not part of the lot. The lot is, as I had mentioned ... as Deven and I had looked at the plans, this is a nonconforming lot that was put together back in the '60s, which is actually three lots put together. And as you're facing the house, the side on the right is actually a paper, or a paper street, that belongs to the Village. And part of that has been paved over, and has been such for about 20 or 30 years. So that becomes the third parking space.

The surface area of Jefferson Avenue, being that it's on a slope – and a very steep slope – has prevented not only us, but many of our neighbors, to not park in their driveways, especially in the wintertime since we like to keep our garages without having to crash into our garages. I believe in the packet of information that we've provided there's copies of photographs of several of our neighbors, none of whom either use their driveway as a parking area or don't even have a driveway.

I believe there's a photograph, 74 Jefferson, which has just a separate stone garage but has no driveway. Forty-nine Jefferson has no driveway and no garage. And 22 Jefferson has no driveway and no garage. So the use of the existing parking spaces as we have them now does not change by the change of the garage into a storage area.

Chairman Murphy: So if I understand you correctly, the existing garage – or at least before the work was done – you weren't using to garage your car anyway.

Mr. Shafran: Never. Three bicycles and a big ...

[crosstalk]

Chairman Murphy: ... so steep, I see that there's a drain cut in front of it. I'm familiar with a street.

Mr. Shafran: That's correct.

Chairman Murphy: And I think there's at least three other homes on the west side of Jefferson that all have the asphalt apron ...

[crosstalk]

Mr. Shafran: Apron, exactly.

Chairman Murphy: So what we're talking about is, I guess technically the area, Deven, in the driveway only – however large it is – it's within the rules. It's only one space. Right?

Mr. Shafran: That's correct.

Chairman Murphy: Two spaces are required.

Building Inspector Sharma: I also want to make one other correction, Mr. Shafran. You mentioned that the garage was already finished and we're kind of retroactively trying to ... to the best of my knowledge, we asked you to stop work, your contractor, and the garage is not ...

Mr. Shafran: It's not complete, right. It's in mid ...

[crosstalk]

Building Inspector Sharma: ... finished. It's still a garage, to the best of my knowledge.

Chairman Murphy: Oh, I see.

Mr. Shafran: Yes, it's still a garage. It's just we'd like to finish it up.

Village Attorney Stecich: I don't understand. How did it come up. Did the building ... did the application for a building permit show that there was going to be work in the garage?

Building Inspector Sharma: You see, they had this contractor do some work. And he proceeded to finish the garage, as well. And I don't know whether he called us for an inspection ...

[crosstalk]

Village Attorney Stecich: That's not my question.

Building Inspector Sharma: ... said there was an application initially, but not ... the garage was not included in it.

Village Attorney Stecich: So that the work they did was different than the work that was on the application for the building permit.

Building Inspector Sharma: Yes, that's correct.

Mr. Shafran: Well, actually no. The application included the construction of the garage, but I believe that the contractor had spoken with Deven ... oh, I'm sorry.

Building Inspector Sharma: No, no. Let me clarify. They wanted to finish the garage also. He increased the scope of the work, and I told him he cannot do it unless he gets some variance. You see? Because we are virtually required two off-street parking spaces for a single-family, and by taking the garage away there'd only be one space left in the driveway. So that's the reason why they're here.

Chairman Murphy: Dr. Panzer, did you want to say something?

Paula Panzer, applicant - 47 Jefferson Avenue: Yes, thank you. The clarification is that, in terms of answering your question about the sequence of events and the appropriateness of the events, the contractor started the work and literally just some of the demolition – not all of it, some of it – and was told to stop, and he did. And then we submitted, in a timely fashion, a permit. And the permit moved to create parking, to make two parallel spots, because we never could use the garage.

Chairman Murphy: Right.

Ms. Panzer: It was never usable and it would never be safe. So to create, instead, two parallel spots – one at the bottom of the driveway ... which, quite frankly, we would never use. We park at the top part of the driveway because it isn't safe to park at the bottom. But the bottom part is what officially is our space, and one right next to it. That is, we would meet the obligation of having two parking spaces by turning part of our yard into a parking spot because that meets code. We would then not need a variance.

We could have two parking spots in front of the house. It just would be aesthetically awful, and in many ways really not accomplish the purpose of using the safe use of property, particularly on Jefferson Avenue in ice. Any of the work that has been done has been done by permit, and the request is to be able to only have one parking spot rather than two because, in reality, there never could have been two. And in practice, on Jefferson Avenue,

the use of the upper portion of driveways, which is what we use or what we're calling the apron, accommodates two family cars.

Chairman Murphy: Understood. OK, thank you. I think more or less we understand the request.

Village Attorney Stecich: No, I don't. I have another question, and that's about this parking space. How is that parking ... was that there before?

Chairman Murphy: Well, that's the question I have. The question I have, Deven, is, well, there are three ... there at least three houses on Jefferson that have what we'll call a "parking apron" on this upper level. And they parallel the street because on that side of Jefferson the slope is so steep nobody wants to park his car at the bottom.

So the question is ... but there are several houses, they're all lined up. They all have the same accommodation, let's call it, for parking.

Building Inspector Sharma: That is not permitted off-street parking. People, however, park on the street, park on what would be otherwise a sidewalk. So it's not permitted off-street parking.

And also there was a situation where people thought – not necessarily Dr. Panzer and Mr. Shafran – where people park a car one behind another, but the back of the car is onto the sidewalk. So we normally do not accept that as a viable off-street parking spot.

Chairman Murphy: It's also a one-way street in that direction.

Building Inspector Sharma: No, I believe it's both ways.

Mr. Shafran: No, it's one way.

Chairman Murphy: It's a one-way street running north to south, I guess.

Mr. Shafran: That's right. And the western side of the street, there are not sidewalks. It's only the eastern side of the street. So our side of the street has, as you had mentioned, house after house after house with aprons to accommodate the slope.

Chairman Murphy: So to frame the issue, in order to meet the code and have a second

off-street parking space you'd have to add paving in what amounts to the front yard. And in practice, there is an existing parking apron along the side of the street which is ... probably not.

Building Inspector Sharma: I don't know if we can officially ...

Chairman Murphy: I don't know how it got there, but the whole block does it.

Building Inspector Sharma: Yes, it's not an official parking apron, which I know people are parking anyway.

Chairman Murphy: So the question is, what do we want to do with that.

Boardmember Leaf: I think that's on-street parking.

Building Inspector Sharma: That's on-street parking.

Chairman Murphy: Well, it's odd, though. Because there's no sidewalk, it's like when you look at it, it looks like it's in the front yard. But it's technically ...

[crosstalk]

Boardmember Leaf: Part of the Village's right-of-way.

Chairman Murphy: Absolutely.

Boardmember Leaf: So I don't think we should necessarily base any decision that we make on the fact that there is this ...

[crosstalk]

Building Inspector Sharma: No, I don't think we should endorse it.

Chairman Murphy: Yes. I think it's more a question of in terms of creating this second off-street space on what is a very difficult slope you'd effectively have to require these homes on that particular part of Jefferson to pave half their front yard.

Boardmember Leaf: Or to have one car.

Chairman Murphy: Right.

Boardmember Forbes-Watkins: Well, that still wouldn't be satisfactory because the zoning code requires two parking spaces.

Village Attorney Stecich: No matter how many cars you have.

Building Inspector Sharma: A driveway can be 24 feet wide and the parking is permitted on a driveway. So theoretically, any property owner can have a 20 foot or 24 foot wide driveway and park two cars on it.

However, the matter of steep slope does enter the picture. A lot of people have these steeply sloping downward driveways, but once they are in the garage they are on level ground. But parking on the steep slope itself could be, I guess, hazardous as to our situation.

Boardmember Forbes-Watkins: The turnaround portion of the driveway to the right of the driveway. You're saying that's in an unmapped street?

Mr. Shafran: Part of it.

Boardmember Forbes-Watkins: When I'm looking at the house or I am looking at the driveway there, there is what looks like a turnaround spot on the right-hand side.

Mr. Shafran: That's correct.

Boardmember Forbes-Watkins: Which would be sufficient to house a car.

Mr. Shafran: That's correct.

Boardmember Forbes-Watkins: But this is in a street-mapped area?

Mr. Shafran: That's correct. Part of it is. The majority of it is within the boundary lines of the property, but a few feet go over onto the other side.

Boardmember Forbes-Watkins: And what is this on the map? Is that Mt. Hope Boulevard? Is that the curve?

Mr. Shafran: No, no, no. It's a break.

Chairman Murphy: It's broken there, Dave.

Boardmember Forbes-Watkins: It's the broken ...

[crosstalk]

Mr. Shafran: Yes, there were four houses between us and Mt. Hope Boulevard.

Boardmember Forbes-Watkins: No, that's ... but I'm trying to find out where is this street that is creating a problem.

Mr. Shafran: If I may? What is 312, lot 312, on the map? Lot 312 is a paper road.

Boardmember Forbes-Watkins: OK, it goes this way.

Mr. Shafran: That's right. And there is about a 10 foot or 15 foot wide piece over here. The Mayor's house actually is right next door. But we share the paper road, so to speak, with our neighbor. But it's a green area, and the only place that the driveway pulls into it just about 3 feet or 4 feet into the paper road.

Boardmember Forbes-Watkins: And you've measured, and determined that you can't squeeze a second space out of that right-hand turn before you get onto the paper road?

Mr. Shafran: It would be too close to the lot line, which would violate ...

[crosstalk]

Boardmember Forbes-Watkins: But that's another zoning possibility. To deal with the lot line.

Building Inspector Sharma: The parking, per se, cannot be less than 5 feet away from the property line, but a driveway can be done. If you wanted a driveway, it can be closer than 5 feet and you can park. Marianne, am I saying it right?

Village Attorney Stecich: I'm not sure what you mean by the ... I guess the 5 feet part confuses me.

Building Inspector Sharma: I forget the code section number, but there's a section on parking itself. There, it says any parking has to be a minimum of 5 feet away from the property line. Whereas the driveway ... our code permits parking on the driveway, and there's no limitation as to how close the driveway can be to the property line.

So that's why I say if you build a driveway, widen up the driveway, it can be closer than 5 feet to the property line and you can park on it. But if you just create a parking space, then it becomes two issues: parking in the required yard, and parking which is closer than 5 feet to the property line.

Boardmember Forbes-Watkins: But that is a Zoning Board ... that's appealable, is it not?

Building Inspector Sharma: Yes, of course. That's a different issue.

Village Attorney Stecich: It's a what, David?

Boardmember Forbes-Watkins: So that may be an issue to appeal against. It seems to me that's a more logical way to deal with this than just an open-ended "give us two parking places."

Mr. Shafran: Well, if I can address it, Mr. Forbes-Watkins, the problem with doing that would be that in order to accommodate a parking area we would have to pave over space that doesn't belong to us. It would have to be paved over into the paper road.

Boardmember Forbes-Watkins: I thought you said that you could stay within as long as you're within the ...

[crosstalk]

Mr. Shafran: No, it's not wide enough to accommodate a second space. The turnaround is not wide enough to ... the turnaround part ...

[crosstalk]

Boardmember Forbes-Watkins: Wide, or deep?

Mr. Shafran: Both, actually. In order to accommodate what would normally be required as a second space we would have to go in several feet off the property line into the paper road.

Boardmember Forbes-Watkins: Not in this drawing, it doesn't look like.

Building Inspector Sharma: Not based on the map that we're looking at.

Village Attorney Stecich: David, what drawing are you looking at? OK. On which side, the right or the left?

Boardmember Forbes-Watkins: I'm looking here. The property line here. And there's – I call it – a turnaround space on the right, behind the stone retaining wall.

Chairman Murphy: I think the issue there is a retaining wall.

Mr. Shafran: Well, one is the retaining wall.

Boardmember Forbes-Watkins: It's on the paper road, too.

Mr. Shafran: It's also steeply sloped over there.

Boardmember Forbes-Watkins: But you've built that up, in part, with the asphalt.

Mr. Shafran: Well, we didn't ... it's been existing there for 30 years.

Boardmember Forbes-Watkins: Well, somebody built it up in part.

Mr. Shafran: Well, it was created that way when the building was built, when the house was built.

Boardmember Forbes-Watkins: Right. So it's buildup-able.

Chairman Murphy: Can I ask a different question? I understand the steepness of the slope and the problem parking on the driveway, but what's the matter with the garage? I mean, why isn't the garage ... before the construction, why wasn't the garage useful as a garage?

Mr. Shafran: Because in order to get into the garage you would have to go down this slope.

Chairman Murphy: So you bottom out, and hit your car?

Mr. Shafran: You would bottom out and hit the bottom of the transmission in good weather. And then in wintertime you just couldn't do it because you would just slide down the driveway. Even in wintertime we don't park at all on the driveway because it's just too steep of a slope to even park on the driveway, in the existing driveway, because of the steepness of it. I've had my car slide once or twice, and I stopped and moved back into the street.

So the driveway is not usable in the wintertime, and that makes the garage unusable for at least several months of the year.

Chairman Murphy: Right. And you say there are several other homes on the street that don't have garages at all, so they just park on the opposite side of the street?

Mr. Shafran: That's correct. Two homes on the street have no garage, and one only has ... and one building, or one residence, has just a garage and no driveway whatsoever.

Chairman Murphy: See, I guess my view is that I can understand the hardship, and it's not the applicant's creation. But the alternatives aren't so great either, which is you knock down a stone retaining wall – it's on Village property – to access, and place ...

[crosstalk]

Boardmember Forbes-Watkins: You wouldn't have to knock that down, the way it looked to me.

Chairman Murphy: Well, how would you access the ... in other words ...

[crosstalk]

Boardmember Forbes-Watkins: The driveway is there. You could go into the driveway with the car staying to the left. You can bring another car in around the stone wall.

Chairman Murphy: Perhaps.

Boardmember Leaf: A Smart car.

Mr. Shafran: I was going to say that's about the size of it, is about a Smart car.

Chairman Murphy: I guess I just don't see that as a practical option, either.

Boardmember Forbes-Watkins: But the opposite problem is, we simply can't say there's another space without a space.

Chairman Murphy: No, you're simply giving them a variance to allow them one space. That's what they're asking for.

Boardmember Forbes-Watkins: But they're using two, they're needing two.

Chairman Murphy: Well, I know they are. The problem is, so is everyone else on the block because you can't use those ... I understand, I think, better why you can't use the ... it's such a steeply-sloped ... that particular side of Jefferson.

Building Inspector Sharma: Mr. Chairman, is there a compelling enough reason for the conversion from the used part of the garage to a living space? I don't know, is that something that goes into the equation?

Chairman Murphy: Well, I think the point is they have a space that is supposed to be garage space that is ... because of pre-zoning – the house was built where it was built the way it was built – you can't use it. And nobody on the street can use their garage like that because of the steepness of the downward slope.

Boardmember Pycior: That's not true. Somebody built that house with a garage that had to be accessible. And I'm afraid this is a difficult situation.

Boardmember Forbes-Watkins: It's a bad precedent.

Boardmember Pycior: It's a very bad precedent. Because they have an existing garage, and the hardship is self-created because they want to use that garage as a bathroom and a pantry, or at least a third of the garage, which makes it unusable. So to grant a variance we might be opening the door for everyone in Hastings to come in and say, "I can't access my garage easily. I want to turn it into a family room, I want to turn it into a kitchen." It's a difficult decision.

Boardmember Collins: I think I would like to have seen at least some thought to an alternative than to simply say one space is the solution. Because we're talking about things that are, quite frankly – at least to me, a non-engineering mind – fairly qualitative. What is the slope of the driveway? Could the driveway be repaired or remedied in any way so the bottoming out wouldn't be an issue? Is there another space in the turnabout, as Mr. Forbes-Watkins referenced, that could be used?

We're talking about this, I think in fairly qualitative ways without ... at least I'm not seeing a proposal that was even entertained to satisfy that.

Mr. Shafran: Well, if I may, Mr. Collins, actually we met with our engineer to determine whether or not any of these issues were possible. The first thing he ruled out was putting something on the paper road because that would be, obviously, putting something on property that doesn't belong to us. The only other alternatives then were paving the front yard – which would then require, again, a steep slope – which would have the effect of

having a parking space just going right into the front door which would create probably a more unsafe situation than we already have and also not aesthetically pleasing.

The configuration of where the house sits compared to the street, there really is no way to finish the driveway or to rebuild the driveway in order to make it less steep unless we put a retaining wall directly in front of the garage, which doesn't accomplish the purpose of keeping it within the structure of the neighborhood. We would then be basically closing off the garage completely and having a stone wall in front of that, with an elevated driveway.

So we did explore these possibilities with the engineer with different configurations and, unfortunately, the least difficult one was putting the driveway in front of the front door which just would ruin the character of the neighborhood.

Chairman Murphy: How much of the garage space has been converted into pantry/storage, whatever, bathroom space?

Mr. Shafran: About 25 percent.

Chairman Murphy: Do you know what the square footage is, approximately?

Mr. Shafran: Maybe 6 feet, 6 to 8 feet, in total.

Chairman Murphy: Well, that can't be the square footage.

Mr. Shafran: I'm sorry. In terms of square feet, it's probably somewhere about 100 square feet. It's probably 6 by maybe 15 or something, 6 by 13. It's the back of the garage at the end of the slope. The existing garage could accommodate a Smart car. It just couldn't accommodate the configurations of regular full-sized vehicles.

Chairman Murphy: No, I think everyone's struggling because we wish it hadn't gotten to this point because it would have been better to deal with it beforehand, for everybody.

Mr. Shafran: I understand that, Mr. Chairman.

Chairman Murphy: And so I'm wondering if ... because Stanley's concern is obviously important. We worry about that: setting a precedent that could be applied in other ways that we're not thinking about now. And I'm wondering whether if we impose a fairly specific condition on the limited amount of space that's been converted in the garage – kind of limited to that, and due to the steep slope and all of that – whether we can accommodate the applicants and still not open ourselves up to what could, as Stanley said, be a real mess.

Because generally we don't look favorably on people converting their garages into extra bedrooms and things like that without a very compelling reason.

Boardmember Collins: All right. Is it possible to get entered into the record, though, the conclusions of this engineering opinion that's been rendered here? Because again, we don't have it. We don't have anything to evaluate. And it seems that one element that could achieve that higher hurdle is to really hold the applicants to a sharp-pencil standard – to bring in proof of no other way out and have that as a part of the record – so that any other applicant that may come forward in the future, based on this precedent, has to meet the same standard for exactness.

Chairman Murphy: That's a pretty good idea. In other words, what Mr. Collins is suggesting is, get your engineer to put pen to paper and give us a record that we can lean on and say, OK, this is an extraordinary condition; here's why option one won't work, here's why option two could work but really doesn't make a lot of sense because it would wreck your yard and detract from the character of the neighbor rather than enhance it or not negatively affect it.

That might be the kind of thing where we could then condition approval and limit whatever amount of the garage that's been utilized for extra space – we'll limit it to that – and maybe that gets you where you want to be.

Mr. Shafran: I don't think that's a problem. Paul Petretti is our engineer, and he has actually already prepared those documents. So we could just forward those over to the Building Department this week.

Boardmember Forbes-Watkins: I'd want to see them.

Chairman Murphy: No, of course. That's what we're talking about. I think what we're suggesting is, we'll adjourn this application until the next meeting. And between now and then, if you could speak to Mr. Sharma and your engineer and make sure just that your engineer creates an appropriate record to explain, really answer, the questions that have been raised: why, either in the turnaround area, in the paper road, why that wouldn't work, why the other option wouldn't work on the other part of the front yard – and just kind of detail that for us. We'll take it from there.

Mr. Shafran: Very good. So does it go automatically on to the next meeting?

Chairman Murphy: If you're timely in getting the paperwork.

Mr. Shafran: Yes, we should have it this coming week. I'll have Mr. Petretti prepare it. Very good.

Chairman Murphy: OK, thank you.

Mr. Shafran: Thank you very much.

III. Case 8-10 - Robert and Elizabeth Brady, 603 Warburton Avenue

For the construction of a deck/platform and a spiral stairs at the rear of the existing building. Variance sought for rear yard: Required 30 ft.; Proposed for the deck/platform and the stairs – 24.8 ft. {295-76.E2}

Chairman Murphy: I see Ms. Griffin setting up. Our next case will be for the Bradys, 603 Warburton Avenue, for the construction of a deck/platform and spiral stairs at the rear of the existing building. A variance is being sought for the rear yard setback, required 30 feet. And what's being proposed, with the rebuilding of the deck and platform, is 24.8 feet.

Ms. Griffin, give me just one second. Marianne, I had a question for you. Stanley said we're in the view preservation area, but the work is on the back of the building where it doesn't really impact the view. But I think Stanley recognizes ... we had this once before.

Village Attorney Stecich: Yes, you're right. This is in the view preservation area. It should have had view preservation notice. The only thing I could say is that ... and let's say it were done without any other variance, and they were doing the work and they didn't get the view preservation thing, then sorry, you have to go for ... it's up to this board, but the people in the notice area did get notice of this thing going on in the back of the building. And it would have been the same notice to the same people of the work that was going to be done, in any event.

So I would think the only thing that's a little bit difficult is that the Planning Board is supposed to ...

[crosstalk]

Chairman Murphy: We could give a recommendation.

Village Attorney Stecich: Yes, but if the Board felt comfortable ...

Chairman Murphy: Well, we can wait. That is, we can wait if we want to. Right?

Boardmember Pycior: Or reverse the order of it.

Village Attorney Stecich: Yes, that's probably better is to say that you would approve it subject to the Planning Board okaying. You could do that rather than making them have to start all over.

Boardmember Pycior: I didn't mean to be obstructionist. I wanted to make sure no one came forward in the future and said, "You didn't apply for view preservation."

Building Inspector Sharma: Well, I missed it, too. Marianne, would we then be sending, or re-noticing, it?

Village Attorney Stecich: No. You know what? The notice went out to everybody who would get the notice, whether it's view preservation or the variance, and the notice says exactly what work they're going to be doing. So I think the notice is adequate.

Boardmember Forbes-Watkins: OK. Technically, that applies also to the next application.

Village Attorney Stecich: That's not in the view preservation.

Boardmember Forbes-Watkins: It's in the view preservation here.

Village Attorney Stecich: Oh, Christina's also?

Boardmember Forbes-Watkins: Yes.

Village Attorney Stecich: Then OK, I'm sorry. I didn't realize that, but yes.

I will say, though – well, when we get to the next one I'll get to it because the Planning Board's already looked at that one.

Boardmember Forbes-Watkins: As a view preservation issue.

Village Attorney Stecich: No.

Chairman Murphy: No.

Building Inspector Sharma: There is no construction, though.

Chairman Murphy: Let's wait until we get to that one.

Village Attorney Stecich: Wait. Let's talk about that one when we get to it.

Chairman Murphy: OK. Let's go back to Ms. Griffin.

Christina Griffin, architect for applicant: We're here to ask for a variance to the rear yard setback because we're planning to extend a deck platform in the back of this building. The rear yard setback for this area is 30 feet because it's a commercial district that's in back of a residential district. Currently, there is a deck platform that has a setback of 24 foot 9-1/2. What we're planning to do is rebuild this platform and extend it. But the extension is going to align with the existing platform.

We are also going to extend the deck on the second floor. This is our first floor plan, with the deck extension I just talked to you about. And then on the second floor, we're planning to extend the deck by 2 feet. It's going to be an overhang so that setback will actually now be 24 feet 9-1/2, aligned with what's down below.

This building is currently a commercial space on the first floor and a two-bedroom apartment on the second floor. We're planning to renovate the space, put in an elevator, and rebuild the backyard with an attractive deck and patio. This deck, we're planning to put in a little spiral stair that will allow the owner to have access to the patio and yard. They come down to the lower platform, and down to the yard.

This is a photograph of the existing building. This is before, and this is after. We're planning to rebuild that platform, replacing all the windows. We're going to make this into an attractive backyard for the owners. We've been to the ARB and received their approval for all these improvements on the back of the building.

I'm going to just show you a little more of what's going on this level. This property currently has an easement to allow a parking space in the back, and what we want to do is just develop it. Right now, it's been in a state of disarray for awhile. What we want to do is put new walls around so that we have, clearly, a parking area and a patio space.

Do you have any questions?

Chairman Murphy: Well, the enhancement certainly would be a welcome improvement. Just so I'm clear, the rear yard setback is not being altered. I mean, it's currently nonconforming and you're not extending that nonconformity. Or are you?

Ms. Griffin: The platform, because it's getting larger by about 6 feet, I think that would be extending the nonconforming. But we're keeping the same rear yard setback.

Boardmember Pycior: And the upper deck will actually go farther out. It'll overhang by a couple of feet?

Ms. Griffin: Actually, this deck up on the second floor doesn't overhang this deck. It's actually flush with the wall right down. We want to overhang it by 2 feet. So it has more of a setback, 27 foot, than this deck below.

Chairman Murphy: So I guess the only other real question is will that in any way impact the view for the neighbor. I don't know how that could be.

Boardmember Forbes-Watkins: Only by mirror.

Boardmember Pycior: I was back there today. I can't envision any way it would affect someone's view.

Ms. Griffin: Well, this is actually right next to the gas station.

Boardmember Pycior: And the other side, is that residential space on the south side?

Ms. Griffin: Auto Body?

Chairman Murphy: No, on the other side of the building.

Ms. Griffin: Yes, it's one residential space. And actually, that's this building right here. There is an apartment up here.

Boardmember Forbes-Watkins: Unfortunately, with the Auto Body it's more a question of "pew" preservation than view preservation. Sorry.

Chairman Murphy: You're allowed.

Boardmember Pycior: That having been said, it's certainly an attractive renovation, a very attractive renovation, of the space. Especially once gardens are added.

Chairman Murphy: Yes, the plan is excellent. It really would be a very nice improvement to that particular neighborhood, and that's terrific. I'm pleased to see that we're not incurring any further into the rear yard setback, and that's fine from what I see.

Anybody else? Marc?

Boardmember Leaf: I'm good.

Chairman Murphy: So I guess we just need a motion then. Oh, excuse me. Anyone from the audience wish to be heard on this particular application?

Boardmember Leaf: Just before we do that. This spiral staircase: is there a section within the building code that deals with exterior spiral staircases? I just want to make sure that we're not missing anything.

Building Inspector Sharma: No, it's not a required means of egress. It's a convenience stair, and there's no code issue as best as I know.

Boardmember Leaf: Thank you.

Chairman Murphy: Anything else from any of the Boardmembers? Stanley, want to take a crack at this one, with I guess just conditioning the approval on the recommendation?

Village Attorney Stecich: Why don't you do the variance one first. Do them separately.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved [approval of proposed Case 8-10 for construction of a deck/platform and spiral stairs, a variance for the rear yard required 30 feet, proposed 24.8 feet].

Chairman Murphy: OK, Marianne. How should we ...

Village Attorney Stecich: You want me to suggest it? That the Board votes to grant view preservation approval, conditional on the Planning Board's concurrence.

On MOTION of Boardmember Pycior, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved [grant view preservation approval conditional upon the review and recommendation of the Planning Board].

Village Attorney Stecich: I'll explain to the Planning Board what happened.

Chairman Murphy: Mr. Brady, thank you. Good luck with it.

Village Attorney Stecich: Do you want these drawings? You might need them for the Planning Board. Mr. Brady, here. I don't need these. You may need these for the next go-round.

Building Inspector Sharma: Maybe we can collect them all?

IV. Case 9-10 - Christina Griffin, 433 Warburton Avenue - For off-street parking in the required yard.

Variations sought:

1. **Off street parking: Existing – none; Proposed – 2 in the rear yard; Required minimum number of off street parking – 4 for two-family dwelling.**
2. **Size/location of parking spaces: Proposed – 9 ft. x 17 ft. each/approximately 2 ft. from the property line; Required – 9 ft. x 18 ft. each and minimum 5 ft. from the property line. {295-20.C(1)} and {295-30.A}**

Chairman Murphy: For our fourth and last case tonight, 9-10, Ms. Griffin is the applicant. This is the premises at 433 Warburton Avenue. We've got a series of requests for variances. Mr. Wolf, go ahead.

Peter Wolf, applicant – 433 Warburton Avenue: Good evening. We're here for our 18th formal meeting before a board in Hastings for our project known as River Townhouse, which is located at 433 Warburton Avenue. If a history is desired of the four-year-old project I'll be glad to provide it. Otherwise, if not, suffice it to say the project is now built and a C of O has been issued.

We're here solely to seek variances pertaining to off-street parking. We have already received the approval of the Board of Trustees and the Planning Board, and Christina will explain in detail what the plan is and what variances we're seeking.

Village Attorney Stecich: Can I just clarify one thing? There was no approval by the Board of Trustees of the parking spaces. They have no jurisdiction over it. Their approval was over the improvement of Ridge Street. But what the Planning Board did was, they needed site plan approval. And because the approved site plan changed a little bit they did get revised site plan approval.

Chairman Murphy: OK, thank you, Marianne.

Boardmember Forbes-Watkins: A little clarification on that approval from the Village Board. It approved the extension of Ridge Street. Is that what you're saying?

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: So Ridge Street now reaches the lot that we're looking at?

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: Because it doesn't physically, at this point ...

[crosstalk]

Village Attorney Stecich: That was why they needed Board of Trustees approval. Because it's a Village street, the Village had to approve of their extending it and also enter into an easement agreement with them so that they're responsible for the maintenance and construction of it. But that's all been done.

Boardmember Forbes-Watkins: That's been done. That's my major concern.

Chairman Murphy: So just frame the issue for us please, Ms. Griffin: the off-street parking and where it's located.

Ms. Griffin: Ask for a variance because they are parking in their rear yard. And this parking space will be 17 feet deep. This property is 25 feet wide, and we're planning to put in a retaining wall so that we can have a cutout for two parking spaces and then a staircase coming up to the back of the house. And the variances are just simply because we can't meet the setbacks for this parking space.

It's very important that we keep the parking right to the property line. Because the further in you go, the higher the wall, the more costly, the less greenspace. And we're planning to do this with Allan Block and blue stone steps, and PermaTURF, which is a grass type of driveway.

Chairman Murphy: So you're basically going to create an off-street parking area 25 by 17 off the Ridge Street side.

Ms. Griffin: Yes. There's currently no parking for this property.

Chairman Murphy: And just so I'm clear – to David's point – what is there now? What is in that space now?

Ms. Griffin: It's just a hillside. We put ground cover and erosion control blanket under that when we were doing construction, and it's still in that condition today.

Building Inspector Sharma: It's also steeply sloping.

Ms. Griffin: Yes.

Boardmember Pycior: So you're going to carve out the slope.

Ms. Griffin: Yes.

Boardmember Pycior: Are you going to make it perfectly flat, or a slight incline?

Ms. Griffin: Slight incline – as much as we can – which is about 5 percent, just because we want to minimize the height of the wall.

This is like an access driveway with a flush stone curb. So it's just enough space to allow us to back out and come out on Ridge Street.

Chairman Murphy: So you're going to create, or carve out, that little turnaround area for the parking?

Ms. Griffin: Yes. This is the agreement we have with the Village. That we will create this access driveway and this turnaround for this parking space.

Chairman Murphy: And the material again? Is it going to be pervious or impervious?

Ms. Griffin: It's all pervious. We have already experimented on the front of the house with PermaTURF. It's a Canadian product – recycled plastic – and it allows a root system of grass below the level of the tires so that it can stay ... looks like a lawn. You look closely, you can see the honeycomb shape.

So you can actually use it as a driveway. It can take the weight of a large truck. And there is a gravel base below that. Part of it is driveway, while outside the property, on Ridge Street, we're doing a gravel driveway – reddish-colored earth tone and hue – because we're not going to have enough sun for the PermaTURF to work over here.

Chairman Murphy: OK. So proposed is two cars side-by-side, 25 feet across, 17 feet deep, on a slight incline off Ridge Street.

Ms. Griffin: Yes.

Chairman Murphy: And the Village has approved, Marianne, the access, or this turnaround area?

Village Attorney Stecich: Yes.

Chairman Murphy: OK. So the only thing we're really dealing with is a variance for off-street parking for two parking spots. Right?

Village Attorney Stecich: Right. And the view preservation issue.

Chairman Murphy: I didn't want to get into that yet.

Village Attorney Stecich: For this, yes.

Chairman Murphy: I was just trying to make sure the parking issue gets squared away first.

Village Attorney Stecich: Right. This is parking.

Boardmember Forbes-Watkins: Just to clarify, the next door lot, which ... at the present time, Ridge Street ends one lot north of your lot.

Ms. Griffin: Yes.

Boardmember Forbes-Watkins: OK. And that lot has been cleared ...

[crosstalk]

Mr. Wolf: If I may interject, Ridge Street is a public street and it is paved up to the point where you're mentioning it.

Boardmember Forbes-Watkins: Right.

Mr. Wolf: After that, it is just a public right-of-way. And just to clarify the nature of the agreement, the nature of the agreement was that we would be permitted to use the public street to get onto our private property. It is only for access and egress.

Boardmember Forbes-Watkins: Because it is on the street now. It's some sort of just dirt.

Chairman Murphy: Well, yes. It's just dirt and vegetation.

Ms. Griffin: Did you look at those little [off-mic]? This is Ridge Street [off-mic] there is one property that is north of our property.

Boardmember Forbes-Watkins: But that is actually a part of Ridge Street; it just hasn't been paved.

Mr. Wolf: Correct.

Village Attorney Stecich: If I could, I didn't know you wanted more details about the agreement, which I won't go into all of this.

Boardmember Forbes-Watkins: I don't need it.

Village Attorney Stecich: Just so you understand, the Village could at some point improve the whole thing, make it a street the whole way. There is no reason for it right now. The agreement was written in such a way that if the Village wants to improve it all the way back to where it ends it can, and that they can't interfere with it.

So it's also to be used ... it's not going to be paved the full width of the other one because they want to keep it only ... without making it a private street, they didn't want to open it as a street for vehicles except to get into those two parking spaces. It will continue, though, to be open for the public to walk there, or whatever. And there's going to be signage indicating that, as well, which is part of the plan approved by the Board of Trustees.

They spent quite a ... there was a lot of thought put into it.

Chairman Murphy: Well, that seems apparent. And it will look quite beautiful and be a vast improvement if you can accomplish this. But I guess the real issue is, there's no parking on Warburton to accommodate the code requirement. So we're putting it ... normally ... you know, it's an unusual site, but it's going in the rear of the property off Ridge Street to satisfy the ...

Boardmember Leaf: And also it's the number of spaces.

Boardmember Pycior: We had pinned the issue before us six months ago of front parking, and that was not very popular with this board.

Chairman Murphy: No, this is much preferable.

Boardmember Leaf: It's not just moving it to the rear. It's that we're going to permit two spaces where four would normally be required. Is that right?

Boardmember Collins: Is there four required?

Boardmember Pycior: Because it's a two-family dwelling.

Boardmember Leaf: And also on this drawing, where it says "new driveway" here, it's actually not a driveway. It's a new narrow pavement of the paper street. Right?

Ms. Griffin: [off-mic]

Mr. Wolf: Yes, it's a right-of-way.

Ms. Griffin: [off-mic] debated by various [off-mic] driveway or an extension of the street.

Mr. Wolf: It's basically a right-of-way, and it's not going to be paved.

Boardmember Leaf: It's not going to be paved at all. Oh, OK. So, sorry, a gravel surface.

Ms. Griffin: Gravel, an impervious driveway.

Mr. Wolf: Right-of-way authorizes ... well, it's a public street. So why is there a right-of-way?

Village Attorney Stecich: No right-of-way. There's an easement agreement letting them use it. You had to enter into an easement agreement because they're doing the work, they're doing the maintenance. And the Village had to make sure ... and they're liable. They have to insure it.

Boardmember Leaf: So the easement is to improve the paper street to the degree that it's being allowed to be improved.

Village Attorney Stecich: Exactly.

Boardmember Leaf: And that is being limited to this gravel driveway.

Village Attorney Stecich: Exactly.

Ms. Griffin: There's going to be signage to discourage any other cars because it's such a narrow street. And we've been given permission to use the Village's property for the use.

Boardmember Leaf: Just to drive through; not to park there, and not to use it for barbecues, not to use it for anything else you might want to use it for.

Ms. Griffin: That's one reason why. Because it's so narrow.

Boardmember Forbes-Watkins: Does the Village plow Ridge Street, up to a certain point, in the winter?

Mr. Wolf: It plows up to where the pavement ends.

Boardmember Forbes-Watkins: OK. So they won't plow. But where's the snow going to go when you're in there? When I come plowing along in my truck in the Village, and I stop where the pavement ends, where's that snow going?

Building Inspector Sharma: They are doing the plowing themselves, I guess.

Village Attorney Stecich: No, he's talking about at the end of Ridge.

[crosstalk]

Boardmember Forbes-Watkins: This is a problem.

Village Attorney Stecich: The street is about 25 feet wide, I think. Right? And the paved area's about 8 feet. So there is area on the side. It may be that if the snow gets banked up there, they're either going to have to talk to the Village or get rid of it themselves. They'll have to work it out.

Chairman Murphy: Anything else?

Boardmember Leaf: And the only thing before this board, aside from view preservation, is – sorry – is just the use of these parking spaces. Right? Because we're not looking at the issues that the Planning Board and the Trustees have already dealt with regarding the street.

Village Attorney Stecich: You have no jurisdiction over the street. Even the Planning Board didn't have jurisdiction over the street. The Board of Trustees.

Boardmember Leaf: Fine. So I have no further questions.

Chairman Murphy: Anyone else? Stanley? Anyone from the public wish to be heard? Seeing no one, can I have a motion to approve the applicant's request for a variance of off-street parking, four required for the two-family dwelling, two being proposed in the rear yard off Ridge Street?

Boardmember Pycior: I have a question about this. Since we already let them build a building, didn't we grant a variance for all parking in the past? Or did we not?

Village Attorney Stecich: There's already been a variance for the number of parking spaces, I believe, the last go-round. This one is just for parking in the required yard.

Building Inspector Sharma: It was a grandfather situation. It was a two-family dwelling before – it was going to be a two-family dwelling with no parking before – and no parking on the development area.

Village Attorney Stecich: Except that it was expanded, wasn't it? I don't know. But in any event, it's been taken ... I forgot. We were back and forth on whether it was grandfathered or whether they got a variance. It's not an issue tonight. The only issue tonight is parking in a required yard.

Building Inspector Sharma: Exactly.

Chairman Murphy: I understand, but that's not what the notice says.

Boardmember Pycior: It includes both.

Village Attorney Stecich: I don't do the notices.

Chairman Murphy: We might as well just make the motions. Right?

Village Attorney Stecich: Yes, that's OK.

Chairman Murphy: Can I have a motion then? Or we can take them one at a time if you wish.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Pycior with a voice vote of all in favor, the Board resolved [Case 9-10 approval for off-street parking in the required yard, one for off-street parking existing non-proposed; two in the rear yard; (2) two size location of parking spaces proposed 9 feet by 17 feet approximately 2 feet from the property line, required 9 by 18].

Chairman Murphy: So that's approved unanimously. Now we need to ... or do we need to address the issue of ... I guess the property is in the view preservation area. We don't have a recommendation.

Village Attorney Stecich: No, because it was never put on for view preservation. The Planning Board, however, did see this plan. It was noticed. They actually had people, neighbors, at the meeting. So I suppose you could do the same thing with this that you did on the application.

Chairman Murphy: First, let me ask the Board and make sure the Board understands it.

Boardmember Leaf: I don't have a problem with it. But the last time, the applicant was already going to go before the Planning Board again. Right? So are we going to require them to go back to the Planning Board for their recommendation?

Village Attorney Stecich: I'm not sure. I'm going to talk to the Planning Board chairperson whether they need a full presentation or whether it's just a technicality.

Boardmember Pycior: I believe we gave them view preservation for the building.

Boardmember Forbes-Watkins: Yes.

Boardmember Pycior: And I realize this is a separate structure that's tucked ...

[crosstalk]

Village Attorney Stecich: Or you could just give them the view preservation.

Ms. Griffin: [off-mic] [cutting away early].

Village Attorney Stecich: I know, Christina. But unfortunately that's not the standard for view preservation. It's any work done in view preservation, even if it has absolutely nothing to do with it.

Boardmember Pycior: You can't even see the river where you're going to be working.

Boardmember Leaf: I have no problem approving it. I'm concerned with approving it subject to something that won't happen. Because that just leaves a bad taste.

Chairman Murphy: No, I agree.

Boardmember Leaf: So let's either approve it/approve it ...

Village Attorney Stecich: OK. That's fine, then.

Chairman Murphy: I agree with Marc, as long as the Board is comfortable with that.

Boardmember Leaf: I am.

Chairman Murphy: It seems to me that what they're proposing to do is having zero impact on the view.

Boardmember Forbes-Watkins: No question.

Building Inspector Sharma: Isn't it also the fact that this board approves view preservation irrespective of ... you can take into account ... irrespective of the Planning Board's recommendation theoretically?

Village Attorney Stecich: Theoretically you don't have view preservation approval unless you have the approval of both boards. If the Planning Board doesn't recommend it, it doesn't

come to the Zoning Board. That's irrelevant to the previous discussion that we're just addressing now.

Chairman Murphy: So if the Board is comfortable with that, we just need a ...

[crosstalk]

We need a motion to approve view preservation for the proposed parking spots on Ridge Street.

On MOTION of Boardmember Pycior, SECONDED by Boardmember Leaf with a voice vote of all in favor, the Board resolved [view preservation approval for the proposed parking spaces on Ridge Street].

Chairman Murphy: The vote's unanimous. Ms. Griffin, Mr. Wolf, thank you.

Mr. Wolf: Thank you very much.

Chairman Murphy: Good luck with this.

Mr. Wolf: Thank you.

[crosstalk]

Chairman Murphy: You didn't get minutes, did you?

Boardmember Forbes-Watkins: Yes, the minutes were in it.

Boardmember Forbes-Watkins: They don't look the same. They look different now.

Chairman Murphy: Did I miss mine, too? Did you see your minutes?

Boardmember Pycior: I got minutes.

Chairman Murphy: You did? I didn't get them in mine.

Boardmember Leaf: Minutes of the April 22, 2010 ... oh, I took mine out to read. I did see them, I just didn't bring them.

Chairman Murphy: I don't think I got them either.

Boardmember Pycior: I went through all the papers.

Chairman Murphy: Mr. Sharma, could you do us a favor? At least some of the Boardmembers didn't get the minutes from the ... no, that's April 22nd.

Boardmember Forbes-Watkins: Yes, that's the last meeting we had. We didn't have a meeting in May.

Chairman Murphy: Did we skip May?

Boardmember Pycior: We had one case that was delayed.

Building Inspector Sharma: Let me see if I have an extra copy.

Chairman Murphy: Just prior to next meeting. Just put in our next package, if you could please do that for us.

Village Attorney Stecich: There was no May meeting.

Chairman Murphy: We'll approve the April.

Village Attorney Stecich: They would have been included in the May packet, but there was no May meeting.

Chairman Murphy: So in our next packet, if you could please remember to include April.

Boardmember Forbes-Watkins: No, there was a packet for May. That's the problem. That's what happened: I brought them from the May packet.

Building Inspector Sharma: What did you do with the May packet? Did you throw it away?

Boardmember Forbes-Watkins: I got the only part that counts.

Chairman Murphy: No. Just do us a favor and put them again in our next packet, and we'll do two sets of minutes next time. And our next meeting is July 22nd.

ADJOURNMENT

On MOTION of Marc Leaf, SECONDED by David Forbes-Watkins with a voice vote of all in favor, Chairman Murphy adjourned the Regular Meeting at 10:30 p.m.

