

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 28, 2011

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, April 28, 2011 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Acting Chairman Marc Leaf, Boardmember Ray Dovell, Boardmember Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Mark Pennington, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma, and Deputy Building Inspector Charles Minozzi

CITIZENS: Unknown

Acting Chairman Leaf: Good evening. This is the April 28 Zoning Board of Appeals meeting. Welcome.

There are two cases on the agenda this evening. I will be acting as chairman just for this meeting because the chairman of the board, Brian Murphy, was unable to be here this evening because of an emergency work conflict. So I will do my best to sit in for him this evening.

Two cases on the agenda. The first case, No. 5-11, David and Anne Cunningham Pugh at 6 Nichols Drive for the construction of the trellis and arbor over an existing roof terrace. And that requires two variances, one for the front yard and one for the side yard.

And Case No. 6-11, High Rose Realty Corp., 34 High Street for off-street parking for an accessory dental office at the two-family residence. And that variance that is being sought is just for the off-street parking.

Mr. Sharma, are the mailings all in order?

Building Inspector Sharma: I understand the mailings are in order. There may be some explaining ... Ms. Cunningham, one of the applicants.

David Cunningham, applicant - 6 Nichols Drive: Anne Cunningham, that's my wife.

Building Inspector Sharma: Yes, I believe the mailings are in order.

I. NEW BUSINESS

1. Case No. 5-11

**David & Anne Cunningham Pugh - 6 Nichols Drive
Construction of trellis/arboret over an existing roof terrace.**

- a. Front Yard: Existing & Proposed – 7'- 8 ½", Required Minimum – 30 ft.
{Section 295-68.F.(1)(c)}**
- b. Side Yard: Existing & Proposed – 9'- 8 ½", Required Minimum – 12 ft.
{Section 295-68.F.(1)(c)}**

Acting Chairman Leaf: Mr. Cunningham, do you want to explain the variants that you are seeking?

Mr. Cunningham: Sure.

Acting Chairman Leaf: Why don't you stand up and use the mic please, and then also if you would introduce yourself and give your address for the record, please.

Building Inspector Sharma: I believe, Mr. Cunningham, you are waiting for Michael Lewis to join you?

Mr. Cunningham: Yes, he's my architect on the project. He could probably speak to it better than I would. I'm happy to give it a shot, but he should be coming.

Acting Chairman Leaf: You're welcome to go ahead if you'd like. If you'd like to just wait 'til the end, we can take the second case first.

Mr. Cunningham: Yes, why don't you flip them because I think it would be better. He should be coming.

Acting Chairman Leaf: We can do that. Is that a problem?

Building Inspector Sharma: No, that's fine.

Village Attorney Stecich: If you don't mind waiting.

Acting Chairman Leaf: Yes, I think you've got a relatively short one.

Village Attorney Stecich: My guess is, he's having a hard time finding a parking space.

Acting Chairman Leaf: Well, he should have gone to High Street. I understand there's a lot of empty parking there.

Village Attorney Stecich: I don't understand what else goes on on Thursday nights. It's always so hard to get parking.

Acting Chairman Leaf: Well, the library's open.

Village Attorney Stecich: The library's open late? I guess that's it then.

Acting Chairman Leaf: So let's move on to case No. 6-11, High Rose Realty Corp.

2. **Case No. 6-11**
High Rose Realty Corp. - 34 High Street
For off-street parking for an accessory dental office at a two-family residence

Variance is sought for off-street parking. Total number of parking spaces required – 8; Proposed number of spaces – 6 {Section 295-36}

Village Attorney Stecich: Marc, should I explain what happened at the Planning Board first on this one?

Acting Chairman Leaf: Sure, why don't you do that, Marianne.

Village Attorney Stecich: They came before the Planning Board because they needed to have approval of the parking area. They need a parking area for a home office.

The proposal that they presented to the Planning Board did have enough parking. It wouldn't have required a variance. But it was a really big parking lot, and probably a bigger parking lot than would be justified by a single-family residence and a dentist's office with just one dentist and no assistant.

So they presented alternative plans. I think originally they had one that had an eight-space parking lot, and they trimmed it down to the six-space parking lot. Even the Planning Board thought that was more parking than they needed. I mean, they can't give the variance. So what they did was made a recommendation to the Zoning Board, and I sent it on. Well, Mark Pennington, you might not have gotten it. No, because I didn't have your e-mail address.

But I'll just read the memo quick. *"The Planning Board, at its January 20, 2011 meeting ..."* – it was before them quite a while ago – *"... voted to recommend to the Zoning Board of Appeals that it grant the applicants a variance to reduce the number of parking spaces for the two-family house and dental office to a total of six on the condition that only one dental practitioner be allowed to work at the office."* I'm sorry, I said a single-family. It's actually a two-family house.

"At the meeting, the applicant presented a revised parking plan with six spaces, four in a lot and two in the garage. The Planning Board preferred the six-space plan because it has far less paving and because eight spaces seemed excessive to the Planning Board, especially if the practice is limited to one dental practitioner." You're not bound by that, but that's the recommendation.

Acting Chairman Leaf: Thank you, Marianne. Sir?

Tom Abillama, architect – 34 High Street: I guess I should explain the case very clearly. We appeared before the Planning Board and presented eight parking spaces. We presented another solution with six parking spaces outdoors, in addition to the two parking spaces in the garage.

They still felt that it's an excessive use of the grounds; that a less impervious surface would be more suitable. And that they would, in turn, recommend this application to be approved by this board for the two car spaces.

Acting Chairman Leaf: Two cars.

Mr. Abillama: A total of six parking spaces.

Acting Chairman Leaf: Two indoors and four outdoors.

Mr. Abillama: Yes. What I meant by a two-car space variance.

Acting Chairman Leaf: So tell us a little bit about the parking garage and how that would be used. It looked to me like the entrance is just a single. So how do you fit two cars in that garage?

Mr. Abillama: Well, actually Mr. Abirizk is here and he can explain.

Acting Chairman Leaf: Could you speak into the mic, please, because it's being recorded. And otherwise we won't get your words.

Mr. Abillama: Well, the two parking spaces would fit in the space in here, in the garage. It's hard to maneuver, but they would fit.

Building Inspector Sharma: Yes, they're not both parking spaces in the garage. There's one in the garage, one alongside.

Mr. Abillama: Well, also there's a space left over along here where another car can fit in tandem.

Building Inspector Sharma: In other words, with the garage, a total of six parking spaces they're providing. And by code, they're supposed to provide eight if they can. But the Planning Board felt it may not be necessary to provide that big a parking space in this residential neighborhood, and six parking spaces with a combination of one in the garage and five outside would suffice.

Acting Chairman Leaf: Thank you, Mr. Sharma. Mr. Collins, do you have any questions or thoughts on this?

Boardmember Collins: I want to make sure I understand the Planning Board's feedback. Did I hear you right that there was a condition on the number of employees that would be accommodated?

Village Attorney Stecich: That there could just be one dental practitioner, yes. And that's the person who would be residing in one of the dwelling units. It's a home office, so the dwelling unit is for this dentist and for the dental practice. And then there's, I believe, a rental dwelling unit. I don't know if it's occupied at the moment.

Boardmember Forbes-Watkins: Then if we were to authorize six rather than eight spaces, that would leave a total of four spaces for patients and staff of the dentist. Is that correct?

Mr. Cunningham: The Planning Board felt that two spaces are enough for the home office because of the fact that there's only one person, really, who's going to be working.

Boardmember Forbes-Watkins: No dental hygienist, no receptionist?

Mr. Cunningham: Eventually. Probably yes, but the two car spaces would be enough.

Boardmember Forbes-Watkins: I'm bothered by that. I think of one in, one in the chair, and one on the way out. That's three spaces, and there's got to be room for at least two staff. Any dentist's office these days has two staff for the dentist.

Building Inspector Sharma: Can I explain? The code requires, as a matter of fact, two parking spaces for each of the two dwelling units, plus four parking spaces for a dentist, and an additional one parking space for each additional employee. They are maintaining that there will be no employees, only a single dentist working.

Boardmember Collins: Who will be a resident.

Boardmember Forbes-Watkins: So then if we were to accept this, we would put a condition on this of allowing no staff and only one dentist to work. And you'd accept that?

Mr. Abillama: Well, here's the situation. The resident is also the dentist.

Boardmember Forbes-Watkins: I understand that.

Mr. Abillama: And one residence will require two parking spaces. So one of those car spaces will be utilized by the dentist.

Boardmember Forbes-Watkins: But if you're sitting here saying there's only one dentist and there's no staff, then I'm going to insist, if I'm going to vote for this, that we have a restriction that there'll be no staff in that dentist's office and that the only dentist working there will be a resident.

Will you accept that? Because I wouldn't.

Mr. Abillama: But I'm trying to explain, again, that one of the two parking spaces that are required for the residence will be utilized by the dentist.

Boardmember Forbes-Watkins: Yes, at the outset. But a question. What happens if the dentist decides to move and wants to rent out his space? Then all of a sudden we've got a problem.

Village Attorney Stecich: No, it wouldn't be a home office then anymore. It wouldn't be allowed.

Boardmember Forbes-Watkins: OK.

Village Attorney Stecich: It's only allowed as a home occupation. And one of the requirements of a home office is that the person live there. So if they moved out, then it wouldn't be a home office anymore and wouldn't be permitted in a residential district.

Boardmember Forbes-Watkins: OK. But, Mr. Chairman, I insist that we should put the restrictions on this if we are to vote for only six spaces.

Acting Chairman Leaf: Are you the only representative?

Mr. Abillama: Well, Mr. Abirizk is here.

Acting Chairman Leaf: Would you want to talk about this point? So Mr. Forbes-Watkins has suggested that there be a limitation placed on our approval where you would agree, as a condition of that approval, that there be no employees of the dental practice.

Village Manager Frobel: That is correct. Well, that is what is being suggested in order to justify only six spaces.

Acting Chairman Leaf: Marianne, did the Planning Board think that there would be no employees, or just one employee?

Village Attorney Stecich: No, there would be one dental practitioner.

Acting Chairman Leaf: One dental practitioner.

Boardmember Forbes-Watkins: And that's it.

Acting Chairman Leaf: And no limitation on other employees.

Village Attorney Stecich: Well, every other employee would need a parking space.

Building Inspector Sharma: Additional parking.

Village Attorney Stecich: You know, I'm trying to remember if they envisioned a receptionist.

Boardmember Pennington: There is a receptionist shown on the map in the plans. So is there a person in that office?

Mr. Abillama: The intention is occasionally to have one receptionist.

Samar Tannous, applicant – 34 High Street: I can talk?

Acting Chairman Leaf: Yes. Please introduce yourself, and speak into the microphone. Give your name and address, please, for the record.

Ms. Tannous: I'm the dentist who occupies that space. I came a little bit late, but I understood that you're talking about limitation in space. You hear me? It's fine I continue?

Boardmember Forbes-Watkins: Why don't you wait for the horn.

Ms. Tannous: OK. So I know it's six spaces, six cars. I will be practicing myself, but the limitation you're talking about, I believe the staff or the dentist ... so for sure I will be myself, no other dentist. That's 100 percent.

But I have an assistant. I don't think that any dentist can function without at least one employee, to have an assistant. If we have, like, two cars for us we still have four other spaces. So if we have a patient, and another patient has to come ... so the patient, suppose he's there and another one is coming. Still we have another third one. So will not be happening because it will be appointment, and will not happening like having two, three people waiting.

Boardmember Dovell: What about the other resident? I understand this is two residents.

Ms. Tannous: Yes. The other resident has one space. Suppose you need more than one space? He has a space.

Village Attorney Stecich: You know, wait a minute. Now, when you say an "assistant," do you mean like a hygienist?

Ms. Tannous: No, no hygienist. Assistant, like receptionist assisting me.

Village Attorney Stecich: OK. I did find the part in the minutes where the Planning Board did deal with that. Because remember, just one practitioner. And the reason they said practitioner is that would include a hygienist. Only one dentist. Only one person working on the teeth at a time.

But they did say, "*And if there's an employee, we're still good with the four additional parking spaces with the two there.*" So they did envision that there could be what she's calling an assistant – a receptionist or a bookkeeper or whatever, one other person.

Boardmember Collins: Right. But you say, Marianne, four additional – four additional to what? Is that four additional ...

Village Attorney Stecich: The two in the house; a total of six spaces.

Ms. Tannous: Four additional to the two for the second one.

Boardmember Collins: To the dentist, the receptionist. That's one-two, and four in addition to those two.

Village Attorney Stecich: A total of six. No, by "in addition to two" they meant the two that are already there; a total of six spaces. Don't worry about the addition of two; a total of six spaces for the two residences, one dentist, and one employee. That's their recommendation.

Boardmember Collins: I'm very comfortable with the arrangement. And I think that the challenge of managing parking, given the fact that they have one procedure room, right? ...

Ms. Tannous: Yes.

Boardmember Collins: ...is manageable by the schedule of the business. I'd be reluctant to impose any conditions on what a private business can do to hire, or not, employees under the circumstances – when there are other means very much in their interest, by the way – of not piling people up where they can't fit. Especially if the Planning Board was uneasy about a proposal that would have had them completely in compliance – to come back, and say, "Well, we now are requesting a situation that imposes a variance" – I would feel very uncomfortable on imposing any restrictions on the business.

Acting Chairman Leaf: Thank you. Ray?

Boardmember Dovell: This proposal contains a lot of pavement. I mean, it looks like about a quarter of the site is paved at this point. And there's a lot of room to maneuver. I was just trying to figure out how cars would come in. And if a sixth car happens to come in, there's room for it to maneuver while someone else is getting out.

So I wouldn't want to see more parking on it. So I'm not troubled by the request for a variance.

Acting Chairman Leaf: Mark, have you had a chance ... I don't want to put you on the spot if you're not prepared to talk about this.

Boardmember Pennington: Well, at the risk of repetition, I just did want to review the numbers. Because if there are two spaces for residents, and the code requires four for a practitioner and one for an employee, then I get seven.

Mr. Abillama: It requires for the whole office, and two for each resident.

Village Attorney Stecich: No, he's right. Plus one for an employee.

Building Inspector Sharma: Theoretically, with two dwelling units and one dental practitioner ...

Village Attorney Stecich: You'd need nine.

Building Inspector Sharma: ...and an employee, you would need nine spaces.

Village Attorney Stecich: Right.

Building Inspector Sharma: According to the code, current code.

Acting Chairman Leaf: Are you allowed ... in this situation, where you have a home office, is it possible to designate a space that blocks one of the existing family spaces? I mean, could you, in fact, say that if the family wants to have a car inside the garage and another car outside the garage – a patient pulling in and blocking the garage – that that's acceptable?

Because then you could really say that there were seven spaces here. Because there's clearly six there's room for in this paved spot, and they could come in and out without difficulty.

Ms. Tannous: It cannot be more than six if they can block each other. And if I am in the office, I'm working. The patient's with me. So if he wants to move, I cannot leave the patient. So it makes sense if he can block me. Any two cars could be blocked by the other two cars. So it will be plenty of space if you can see the space like on ... the space is more than enough, trust me.

But as a law, we need to put it next to each other. But the truth is, if I'm working, the car behind me he can block me because he's my patient. How can I move and leave the patient sitting on the chair? Or how can my assistant move? It doesn't make sense to not leave it

behind each other. And if I will be inside the garage, that's more space, more than enough. And we don't put that much pavement doing 10 space for like make it.

Acting Chairman Leaf: Thank you.

Ms. Tannous: Thank you.

Acting Chairman Leaf: Is there anybody from the neighborhood who would like to speak in favor of the proposal?

Building Inspector Sharma: Identify yourself first.

Neil DiBenedetto, 60 Rose Street: Welcome to the neighborhood. I've been on Rose Street for 32-plus years.

I take exception to what the Planning Board had to say that eight parking spaces was exceptional. Does anybody on the Planning Board live on Rose Street?

So you can't make a statement like unless you live there. The parking on Rose Street, at best over the years, has gotten more and more difficult.

I hope she does very well as a dentist. And if she does very well we're going to have more vehicles. And once you make an approval that, OK, we're going to give you six spots, is there any rules that say that the people have to park in that parking lot, or can they park on the street? Then that becomes an intrusion on me.

So that's where I stand on it. You know, if you guys say six is OK, well then fine. If you say eight is OK, fine, too. I've never met the people before, and I just wish them well and welcome to the neighborhood. But there are other people who live there, and they have to be considered also.

Acting Chairman Leaf: Thank you. Could we wait and see if there's anyone else who wants to speak, and then you could respond.

Ralph Hoellger, 59 Rose Street: First thing is, how come there weren't registered letters sent out to the neighborhood about this meeting tonight? And are we talking about parking on the street or in the parking lot?

Acting Chairman Leaf: Well, to answer your ...

Mr. Hoellger: The whole neighborhood's like two-family, and there's an awful lot of cars on the road. And you can't park on the west side of Rose Street so it's like kind of messed up.

Village Attorney Stecich: Do you want to see the drawing?

Acting Chairman Leaf: Let's also first try to respond to your first question about the mailings. Mr. Sharma, is there any question as to the mailings? Where on Rose Street do you live?

Mr. Hoellger: Fifty-nine. And I've always thought that you're supposed to send registered letters. Nobody I spoke to knew anything ...

Village Attorney Stecich: It just has to be registered. Did you get a letter?

Mr. Hoellger: Yes, but it wasn't registered.

Village Attorney Stecich: It doesn't matter whether it's registered. You just have to be notified.

Acting Chairman Leaf: So you did receive ... obviously you are here.

Mr. Hoellger: No, I received a letter. But I talked to my neighbors across the street and they never got them. I mean, I do stuff to my house I have to get a registered letter. I own a business in town, it was the same thing. I can't do nothing unless I send a registered letter to everybody.

You know, maybe that's why there's nobody here in the meeting. I mean, I don't know.

Village Attorney Stecich: It doesn't have to be registered, but there does have to be proof of delivery. And that's up to the Building Department.

Building Inspector Sharma: I was informed that all the mailing that needed to be done was done in the manner they were expected to be done.

Village Attorney Stecich: You were informed by whom?

Building Inspector Sharma: By my secretary, my staff.

Village Attorney Stecich: OK, the Building Department.

Mr. Hoellger: And the parking, is that off-street parking?

Acting Chairman Leaf: I want to just make sure that we have a good meeting. I want to make sure that if there were notices required to be given that they were given. Marianne, is there anything that stops us from acting? Assuming that all the mailings were made, if it turns out that Mr. Sharma's secretary made a mistake and there weren't mailings made that we would have a chance to reopen? Because I do want to make sure that everyone had notice.

Village Attorney Stecich: I don't know.

Acting Chairman Leaf: Can we act on the assumption that the mailings were made, and then have it be contingent upon the mailings actually having been made?

Village Attorney Stecich: Yes, you could do that. But I wouldn't reopen it. I don't think you can reopen it if you find out that the mailings weren't in order. But I think you could make it a condition that the mailings be ... although I don't know how else you're going to determine it except by asking the secretary. And if she's already told Deven they're in order, then they're in order.

Building Inspector Sharma: Exactly.

Village Attorney Stecich: That's how we've done it on every other application.

Building Inspector Sharma: The thing is, our computer determines that residences, or the properties, are within 300 feet. Conceivably, some property that they may think is in the neighborhood may fall beyond, just beyond, that 300 feet. But totally, completely objectively, the computer finds addresses that these mailings need to go to, and the residents.

And also there's a public notice in the newspaper. And the applicant, by the mail or by hand delivery, delivers all the notices to all those addresses. They bring us the proof that they have done it, and that's how we've done it all along.

Acting Chairman Leaf: And your office followed the same procedures for this meeting as it has for all the other meetings. So we're complying exactly the way we always comply.

Building Inspector Sharma: Exactly.

Acting Chairman Leaf: Very good. So your first concern, we can tell you that the mailings were made the way they're supposed to be made.

Mr. Hoellger: That's fine.

Acting Chairman Leaf: Now, the second concern you raised had to do with whether the parking was off-street or on-street. We're talking about off-street parking. This is the Ingui's property. And there is, right now, a parking area that has been carved out for four spaces plus a garage. Plus there's room for cars in front of where the garage is, and also next to where the garage is.

Mr. Hoellger: There's one in the garage because I've been to Mr. Ingui's house when he was alive.

Village Attorney Stecich: Why don't you show ... there's the plan.

Mr. Hoellger: No, know. I mean, I rented a house when Vinnie Ingui was there.

Village Attorney Stecich: No, but there's the parking plan they're proposing.

Mr. Hoellger: No, I've seen it.

Village Attorney Stecich: Then it's clear from that that they're off the street.

Mr. Hoellger: I just want to know if it's off-street parking or on-street.

Acting Chairman Leaf: So we're only talking about permitting off-street parking.

Mr. Hoellger: Well, it's kind of like parking is at a limited space now with the residents.

Acting Chairman Leaf: I understand. You're right. It's a difficult place to park.

Mr. Hoellger: I mean, I got a driveway. It doesn't bother me either way. I just want to know if it's off-street or on-street.

Acting Chairman Leaf: OK, so you don't have an objection then.

Mr. Hoellger: No. I was just wondering about the letter, and then if it was on-street or off-street.

Acting Chairman Leaf: OK, thank you.

Is there anybody else who hasn't had a chance to be heard yet who wants to speak on this? OK, did you want to respond, doctor? Does anyone else on the Zoning Board have any questions or comments that they want to make. OK, so I will entertain a motion if anybody wants to make a motion here.

On MOTION of Boardmember Collins, SECONDED by Boardmember Leaf with a voice vote of all in favor, the Board resolved approve Case No. 6-11, the variance for off-street parking, total number of parking spaces required eight versus the proposed number of six.

Boardmember Forbes-Watkins: I'd like to move an amendment to that to require that no more than one person be employed in this in addition to the dentist.

Village Attorney Stecich: And that there be one dentist. I think you might want that.

Boardmember Forbes-Watkins: Oh, yes.

Village Attorney Stecich: Well, that wasn't a condition.

Boardmember Forbes-Watkins: That there be one dentist, and no more than one additional employee.

Acting Chairman Leaf: So we have a duly made and amended motion. So the motion is to approve Case No. 6-11 for off-street parking for accessory ...

Boardmember Forbes-Watkins: No, we've got to approve the amendment before you can approve the motion.

Acting Chairman Leaf: Thank you, Mr. Forbes-Watkins. So let's vote on the amendment.

Boardmember Collins: Before we go there, can I just make sure the applicants are OK with the proposed amendment – essentially a cap on the number of employees – one dentist and one employee.

Mr. Abillama: Yes.

Boardmember Collins: And that's OK? All right, I'll second the amendment.

Boardmember Forbes-Watkins: He's accepting a friendly amendment, therefore you can vote on the whole thing.

Acting Chairman Leaf: Very good, thank you.

Acting Chairman Leaf: That approval is unanimous. Thank you very much.

Boardmember Forbes-Watkins: That never came up before on my two years on the Board. You got to go through Robert's Rules of Order.

Ms. Tannous: Thank you.

Acting Chairman Leaf: Good luck.

2. Case No. 5-11 (continued)

Acting Chairman Leaf: OK, I think we're ready for Case No. 5-11. Who is here to represent the Pughs? Mr. Lewis?

Village Attorney Stecich: Did we call on it? Yes.

Michael Lewis, Michael Lewis Architects, PC: I apologize. My watch stopped at 17 minutes to 8.

Acting Chairman Leaf: Nice.

Boardmember Collins: There's never a good time for that.

Mr. Lewis: This proposal is really very modest. It's primarily interior work on this project.

Nichols Drive is an unusual street. It's basically a driveway that's tucked hard up against the mass of rock that really forms the quarry on the other side. Consequently, all the houses – and there are four of them that were built almost identically – are down at the base of the slope hard up against the street. I think the setback is very little – it's 12 feet or something like that – as opposed to the 30 feet that's required by the zoning which, of course, came later, after these were built.

And so it's just the nature of this street. The houses, all four of them, have the same characteristics. And you can see from the photograph that I submitted that the result is a very

stark, flat façade here that, as you approach it, is sort of unforgiving and very tall. And along with that, at the same time, the existing conditions at this level – just above the garage, which is actually the basement – again, the slope is so steep that this level is the basement, then there's the first floor and second floor.

Right now it's just a utility room. So the program for the project was to take advantage of the fact that this room really has access to light and air – this level, the basement level – and open it up. And I think that's really consistent with the good architecture on the outside. Because as the façade becomes more porous and open with more glass, and becomes more of a living thing rather than just a container for the utility room, it's friendlier, has more intimacy, and improves the look on the street.

But that's really not up in terms of the zoning. The zoning variance has to do with a trellis that we're proposing over the garage. So right now, the garage functions as a terrace. That's to remain, no changes. No changes to the overall footprint, no changes to the enclosure of the property. No changes to the grading or site. The only thing that we're really proposing that triggers the variance is this trellis over the existing terrace.

So the trellis occurs here, in plan, and projects out about 12 feet or so over the garage. In our opinion, it acts to – along with the windows, it works with the windows – turn this garage into what's discernibly a terrace as opposed to just the roof of a garage, with the railing. It can be planted with vines. As trellises are, it's very porous and open, the light filters through it.

It's a very warm, intimate sort of architectural structure. It breaks up, mitigates, this tall façade. And at the same time it provides energy savings, sustainable energy shade, on the south side of the house with these new windows that will open up. And it makes for a more enjoyable terrace over the garage.

So that's the proposal, and I think that Anne and David, in the notification process, took it to heart and really spoke with a number of the neighbors close by. They got very positive feedback on it. So I'd be very surprised ... there's no one here, but even if there were I think it would be supportive, from what I've heard. Basically that's it.

Acting Chairman Leaf: Thank you, Mr. Lewis. Matt, do you have any questions or comments?

Boardmember Collins: There is a plan to plant, then. The trellis will support some sort of ivy or something.

Mr. Lewis: Yes.

Boardmember Collins: I think it's lovely.

Boardmember Dovell: Now, do you have a front elevation?

Mr. Lewis: Yes.

Boardmember Dovell: Could you show us what it all looks like?

Mr. Lewis: Sure. This is the plan from up above that actually shows the framing of the trellis. Here's a side view of the trellis, detail. Here's the existing elevation. This is a wrought iron fence here, and then the plain façade. Here's the proposed elevation with a new railing that's made of painted balusters and a mahogany handrail cap.

So the whole idea is to warm the whole thing up. Part of the work under the contract is also to refurbish the façade without really changing it, but to spruce it up and, you know, again, bring out the detail a little bit more. So here's the front elevation showing the proposed trellis and handrail, and new windows and doors. Also the garage door is slated to be replaced.

And then from the side of the house, you can see the trellis coming out here, again breaking this tall façade with wood.

Boardmember Forbes-Watkins: OK, just for a little clarification, at the present time the garage does not have a railing in front of it. Is that correct?

Mr. Lewis: It does.

Boardmember Forbes-Watkins: But this plan definitely calls for a railing to go across ...

Mr. Lewis: It has a railing.

Boardmember Collins: It has one now. You kind of have to get up close.

Mr. Lewis: It's a wrought iron railing now. We're replacing it.

Boardmember Forbes-Watkins: OK, I just wanted to make sure. Because that's a good place to fall off.

Mr. Lewis: Yeah. The code wouldn't allow us to not have a railing there. Deven wouldn't stand for it.

Building Inspector Sharma: There you go. I'm very safety-concerned.

Acting Chairman Leaf: David, any other thoughts?

Boardmember Forbes-Watkins: I think it's a very nice idea.

Acting Chairman Leaf: Ray?

Boardmember Dovell: I think it's nice. It does mediate the different planes. And it's not really increasing the degree of nonconformance. You know, it's kind of extended up and it's not enclosing anything. It's really just a ribbon of the pergola that you see across the front so I think it's really minor. I think it's a very minor ask for a variance.

Acting Chairman Leaf: Mark, any thoughts?

Boardmember Pennington: Great. It looks beautiful, it's softening.

Acting Chairman Leaf: Just one quick question. There's a garage door there presently.

Mr. Lewis: Yes, sir.

Acting Chairman Leaf: And your going to replace the garage door with another garage door.

Mr. Lewis: Yes, sir.

Acting Chairman Leaf: But behind the garage door, there's going to be a finished space.

Mr. Lewis: No, the garage is below the finished space. This house, in fact, actually has four levels: the garage, the basement, first and second floor. So the garage is at the lowest level, and it's just a garage.

Acting Chairman Leaf: Good. Thank you. I have no further questions.

Does anyone want to make a motion?

On MOTION of Boardmember Collins, SECONDED by Boardmember Forbes-Watkins with a voice vote of all in favor, the Board resolved approve Case No. 5-11 for the front- and side yard variance, existing 7 feet to 8-1/2 feet for the front and 9 foot to 8-1/2 feet for the side against a required 30 feet for the front and 12 feet for the side.

Acting Chairman Leaf: Approved unanimously. Thank you very much.

Mr. Lewis: Thank you.

Acting Chairman Leaf: Good luck.

Mr. Lewis: I'm sorry. Proof of mailing?

Acting Chairman Leaf: We'll give Mr. Sharma all that.

III. APPROVAL OF MINUTES

Approval of Minutes, Regular Meeting, March 24, 2011

Acting Chairman Leaf: Comments on the minutes.

Boardmember Forbes-Watkins: I couldn't find any serious objections.

Acting Chairman Leaf: There was a reference to ... on page four, the third speech was actually Chairman Murphy's speech and it says that it's Deputy Building Inspector Minnozi's speech. If you could change that.

Village Attorney Stecich: You didn't give a speech.

Building Inspector Sharma: Who made the speech, by the way?

Acting Chairman Leaf: It was Brian.

Village Attorney Stecich: That's a good one. You sure you don't want to take credit?

Acting Chairman Leaf: It was very well put.

And then I think ... where did I see "*permissive*" instead of "pervious."

Boardmember Collins: Mmh, good catch.

Acting Chairman Leaf: Well, in one of Mr. Murphy's speeches it said ... it's a Word document, they can search it.

Building Inspector Sharma: So we can do "find and replace."

Acting Chairman Leaf: Change "*permissive*" to "pervious," please.

Building Inspector Sharma: OK.

Acting Chairman Leaf: Or to "permeable." I like that. That is probably what he said.

Building Inspector Sharma: "Permeable." OK, will do.

Acting Chairman Leaf: Anything else?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of March 24, 2011 were approved as amended.

IV. ADJOURNMENT

On MOTION of Boardmember Leaf, SECONDED by Boardmember Dovell, with a voice vote of all in favor, Chairman Murphy adjourned the Regular Meeting.