

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 23, 2014

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, October 23, 2014 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember David Forbes-Watkins, Boardmember Sean Hayes, Boardmember Marc Leaf, Village Attorney Linda Whitehead, Building Inspector Deven Sharma, and Deputy Building Inspector Charles Minozzi, Jr.

Chairman Collins: Welcome, everybody, to our October 23 Zoning Board of Appeals meeting. We have three cases on our docket so we'll get right into it. We also have a full Board complement today, so that's good news for all of us.

Deven, can you just update us on the status of the mailings?

Building Inspector Sharma: Mr. Chairman, all the mailings are fine, I was told by my office, except for Melissa and Dan Sbrega – if I pronounced the name right. They informed us that they personally delivered all the letters except that they did not have people sign off that they received the letter.

Village Attorney Whitehead: Did they provide an affidavit or anything?

Building Inspector Sharma: No, they have not. They can do an affidavit now, or later, but the fact that the instructions call for whenever they're hand-delivered that they get those people who receive those letters to sign that they received a copy. That's the only issue. Other than that, all the other mailings are fine.

Chairman Collins: OK. What's protocol on this?

Village Attorney Whitehead: I'm sorry, I didn't look at this because I didn't know this was an issue.

Dan Sbrega, applicant - 57 Hillside Avenue: I'm sorry. I was in the city today. I got a call at 2 o'clock that there was something missing so I ran home. I canvassed the neighborhood, I got about eight signatures of the 20 or so. And I apologize, I just ... it's my fault, I completely missed it in the paperwork. I hand-delivered all the letters about two weeks ago and, if necessary, I can complete the signatures. It just ... I was able to get everyone that was home at this hour.

Village Attorney Whitehead: If your code actually says that if you hand-deliver you have to get signed confirmations ... some codes say if you hand-deliver you can just write an affidavit that you did so. But if it says you actually have to have signatures, then you could hear it tonight but you're gonna have to put it over. So you wouldn't be able to make a decision; you would have to hear it again at the next meeting.

Building Inspector Sharma: Is it possible that they make the decision subject to the condition that they deliver the affidavits signed?

Village Attorney Whitehead: Well, you've got to give the neighbors the ... you got to give them the opportunity to be heard.

Chairman Collins: Yeah, that's the missing element: if they're not aware because they haven't been noticed properly.

Village Attorney Whitehead: We understand you're saying that you delivered them.

Mr. Sbrega: And if it helps the cause at all, I have letters from each of my close neighbors giving their permission to complete the construction.

Chairman Collins: Yeah, we do have those letters in the record, which is helpful.

Mr. Sbrega: OK. I hadn't submitted them to anybody.

Chairman Collins: Well, I have two letters, both referring, I think, to this case.

Village Attorney Whitehead: I only saw one, or it was on a different case.

Chairman Collins: No, I've got two.

Boardmember Forbes-Watkins: One is one and two is another.

Chairman Collins: Oh, no, you're right. My apologies. I've got one for each of two different cases. OK, when we get to your turn we'll leave it to you. If you want to present now, then we're happy to hear you. But we won't be able to give you a decision this evening until after we confirm that all of the neighbors that are in the notice area have been properly noticed.

Village Attorney Whitehead: Right. So you will have to provide those signatures so we can confirm they were, in fact, given the notice. Or you could do an e-notice and mail it for

the next meeting. And then we just would have to give people an opportunity to be heard. So they can't actually make a decision tonight.

Mr. Sbrega: May I make my presentation this evening ...

Village Attorney Whitehead: Sure.

Mr. Sbrega: ... and then supply the signatures this week? And then do I need to come and present again?

Chairman Collins: You can, you can do that. We cannot render a decision this evening because the neighbors in the notice area have not all been noticed to the Village's standard.

Village Attorney Whitehead: So you don't necessarily have to do your whole presentation again next month, since there is a full board here tonight.

Mr. Sbrega: But a decision can't be made for another month?

Village Attorney Whitehead: The decision cannot be made until their next meeting. What is your ...

Chairman Collins: Our next one is December 11, I think.

Mr. Sbrega: December.

Village Attorney Whitehead: Because of Thanksgiving, the next meeting's not until December 11.

Building Inspector Sharma: Linda, is it possible perhaps – I think we did a somewhat similar situation another day – to render the decision subject to they get not only the signed letters, but all the letters that say they have no objection to what is being proposed?

Village Attorney Whitehead: If every single one says they have no objection. Because you're not really giving them an opportunity to be heard. It's not so much the objection. It's the opportunity to be heard. So the information is ... did they know two weeks ago? If they knew two weeks ago that's not a problem, but we don't have any proof that they knew two weeks ago.

Mr. Sbrega: Again, I take sole responsibility. This is my fault for misreading the paperwork. I've had personal conversations with everyone involved, and I can assure you no

one has a problem. I'm sure I could submit this tomorrow if you are willing to, again, make a decision this evening based on my getting the signatures.

One question – I don't know if this is for you – there's a random person from New Jersey on this list that I have no idea how to contact.

Village Attorney Whitehead: It may be that they own one of the properties but their mailing address is in New Jersey. So it's possible that they rent the property out. They don't live there, they have a different ... it's not their mailing address.

Mr. Sbrega: So if you could find in your good hearts to perhaps hear me out tonight and make a decision based on my supplying the signatures as soon as possible I would really appreciate it.

Village Attorney Whitehead: It's not in their good hearts. It's legal procedure, and you want to have a variance that's gonna hold up that's done pursuant to proper legal procedures.

Mr. Sbrega: And are you familiar with this case? I mean, it's a not a ... the structure has been approved. It's just a matter of how I want to go about building the structure. I have a permit, everything's ...

Chairman Collins: We understand that. But you have to understand that the Village sets out a ...

Mr. Sbrega: A gold standard.

Chairman Collins: ... a system in place, yeah, to make sure that your neighbors have a chance to come in and be heard in a public setting.

Village Attorney Whitehead: And it's actually New York State law that notice has to be provided to your neighbors for a variance application.

Mr. Sbrega: Understood. So when is the next hearing?

Chairman Collins: December 11.

Mr. Sbrega: OK. So nothing can be done before then.

Chairman Collins: No.

Mr. Sbrega: OK, thank you for your time.

Village Attorney Whitehead: You can either ... if you want to stay and just present the case so you can see if the Board has any questions that you may be able to prepare a response for ...

Mr. Sbrega: If that's what you recommend.

Village Attorney Whitehead: ... for next month.

Chairman Collins: Yeah, I mean you're here. It's up to you. If you'd like to present it, we're happy to hear it.

Mr. Sbrega: OK.

Chairman Collins: And that will certainly shorten ... unless something changes, that'll shorten your next visit when you come by.

Mr. Sbrega: Thank you very much.

**Case No. 13-14
Kidd Dorn & Jenifer Dunnington
63 High Street**

Relief from the strict application of Section 295-55.A and 295-69.F.(1)(b) of the Village Code for the additions and alterations to their home at 63 High Street. Said property is in R-7.5 Zoning District and is also known as SBL: 4.110-123-2 on the Village tax maps.

Variance is sought for:

**Extension of an existing non-conforming rear yard by the addition of a second story on the non-conforming section of the house:
Existing and Proposed – 6.34 feet; Required minimum - 25 feet {295-55.A and 295-69.F.(1)(b)}**

Chairman Collins: OK. So why don't we jump in, then, to the first case, which is number 13-14, Kidd Dorn and Jenifer Dunnington, at 63 High Street, for an extension of a nonconforming rear yard as they contemplate adding a second story to the house. And this is

not only true for you, but for anyone who'll be presenting. If you can just speak your name into the microphone, please.

Kidd Dorn, applicant: I was under the impression that I could use my finger drive with the whole presentation, but there's no laptop so we have to go with what you all have in your hands, which I take it were all given to you.

Chairman Collins: That should be OK.

Mr. Dorn: Our architect got pulled away to Los Angeles to deal with an emergency with a client so you have to forgive that. I'm not an architect, but I've lived in the house for almost 10 years and I guess that will have to do.

Chairman Collins: OK. Why don't you take us through – though we don't have anything on an easel, we all have the papers here – why don't you take us through what it is you're doing. And help us understand, too, why you're doing it, what's your motivation.

Mr. Dorn: Yeah, absolutely. The house has a nonconforming addition to the kitchen that we suspect was built sometime in the '70s. That's when it first shows up on the house plans. What we're proposing to do is to extend our bathroom out over this extension, which is about 3-1/2 feet wide. We're not asking to change the footprint of the house; we are merely asking to have the bathroom come out over this existing nonconformity.

The reason for doing it is very simple. We're a family in a house built in 1910 and we have no space. I won't paint too graphic a picture of what it's like in the morning in our bathroom, but five people in a tiny bathroom is very difficult. So we are hoping to add a second sink. We have twins and a little one. And we're just asking for a little bit more space.

Chairman Collins: So your plan is to build it over what looks like an addition of its own. Just judging, based on what you've said about the age of the house and just the look of the rear, I'm looking at page 10 of this 13-page packet. It looks like this – I'm gonna call it – little box that probably was added on some time ago, you're contemplating building over the top of that.

Mr. Dorn: Yes.

Chairman Collins: One part that was a little bit difficult for me to pick up was the overall height of this addition. It doesn't look like the height will go to the peak of the roof in the back.

Mr. Dorn: Absolutely not. It'll go below the attic window, which you can see on that ...

Boardmember Forbes-Watkins: Page 9.

Mr. Dorn: Yeah. I'm afraid I don't have all the plans. I was expecting to present them on a screen. But the ceiling of the bathroom I can touch with my flat hand. I mean, I'm tall but it's like that. So this extension would open up the space a little bit. You can see sort of the angles. But yeah, the peak of this part built on top of the kitchen would be lower than that window that's visible on the back there in the attic.

Chairman Collins: And it's just to give you that extra bathroom space.

Mr. Dorn: Yeah, we want to add another sink and another sort of 3 or 4 feet so that we can move the tub, essentially, over the kitchen. The other idea we have, which is not anything to do with this but is another sort of technique our architect has said, is that we could take our chimney out. We completely redid our boiler so we have natural gas. We've been told by our plumber that you can vent that out the side. So we're hoping that maybe taking the chimney out we might be able to get that little bit of space to be able to get into the bathroom.

The house, as you can see, is very small. And there's no other place to add a bathroom. We have no hopes of adding a second bathroom, so this is pretty much our only choice in regards to having more space.

Chairman Collins: Well, I like what you've done with the house. I drive by frequently.

Mr. Dorn: Thank you.

Chairman Collins: And I've noticed in the time that you've owned it you've done some really nice things to improve it.

Mr. Dorn: My wife would appreciate that. She's done a little rock garden in the front, and she's very proud of that.

Chairman Collins: Yeah, it's beautiful. Well, I mean I think it's a pretty common sense addition and it's a very, very modest bump-out. All you're doing is building over an existing nonconformity. So to the extent that that expands the nonconformity I think we acknowledge that. But you've got a very clear need, and I can't imagine another way of accomplishing the same outcome because you're dealing with such a small space.

But let me just invite my fellow Boardmembers to ask any questions.

Boardmember Forbes-Watkins: I do have one question. I can see that you've tried to maintain something of the same roofline; particularly the slant over the bathroom, over the tub. But I'm wondering why you've considered raising this a little bit. Because it looks to me that if somebody were to stand up in the tub they'd be bumping their head on the ceiling.

Mr. Dorn: Yes. Well, I think that – and, again, forgive me for not having the drawings to point things out – the extension over the kitchen, the ceiling will be a little bit higher, I think, because of the angle. One of the difficulties, of course, is that if we maintain the roofline – which we want to, I think we think it will look a lot better from the back if it maintains the existing Dutch colonial sort of angles – and I'm not an architect, but that is what the architect has talked about in his notes that he prepared for me – that it will be a little bit tight. But the bathroom is already so tight that any little bit of headroom provided by the increase in height will be much appreciated.

The idea, that you can see in the drawings, is that we would have a shower and what he's calling a "soak tub" so two people could perhaps clean themselves. It's gonna be tight, but there's not much we can do about that. It can't be tighter than what we have, I'll say that.

Building Inspector Sharma: By the way, there is a building code requirement for minimum heights.

Boardmember Dovell: Right.

Building Inspector Sharma: Obviously, it's not noted here. When the plans are submitted to us for a building permit, make sure it at least meets the minimum mandated ceiling height.

Chairman Collins: OK.

Mr. Dorn: So now is the ceiling as it right now – which I can touch with my flat hand – was that grandfathered in, or does that meet the requirement as it is? Because that's what it is on my whole second floor: I can do it, touch it.

Building Inspector Sharma: We would have to check that. I think in most places the minimum ceiling height is 7 feet 6 inches.

Mr. Dorn: Yeah, that sounds about right.

Building Inspector Sharma: And in sloping situations, there's a minimum height that has to be no less than 7. And what percent of the room has to have that kind of height. So we would need to look into it. When you bring us the building permit drawings, we would make sure that it meets the code.

Mr. Dorn: Yeah, we'll get to that.

Boardmember Dovell: The whole shower is underneath the dormer, isn't it, Kidd?

Mr. Dorn: In the proposed drawing.

Boardmember Dovell: Right.

Mr. Dorn: Yes, exactly.

Boardmember Dovell: So what's a little deceiving about the drawing is, it looks as if the gambrel roof is definitely the shower. But it's not, it's actually the dormer. And that it's just extended ... it's just the roof pitch that's extended out, right?

Mr. Dorn: Right. I think that's what it is.

Boardmember Dovell: So I think that's what's confusing.

Mr. Dorn: Yeah, it is a little unclear. He wanted to show, in one of the drawings, the existing roofline, and having that come out so you can see sort of where it would be behind the structure.

Boardmember Dovell: The question I had is, the photograph and the drawing don't align. In photograph number 10, your rear extension is not aligned with the side of the house. So actually you are bumping out on the first floor, as well. I'm looking at photograph number 10, and the floor plan is showing it aligned. On 11, the dotted ...

Mr. Dorn: Are you talking about on the ground floor?

Boardmember Dovell: Yeah. The dotted configuration here shows the first floor ...

Mr. Dorn: I think he did that for aesthetic reasons: why not just square that off.

Boardmember Dovell: But it says second story. I'm just trying to be clear about what you're asking for.

Mr. Dorn: Yeah, that's true. I didn't think about that.

Boardmember Dovell: It's really a first floor and a second floor.

Mr. Dorn: And, obviously, if that bothers anybody then we would maintain what's there.

Boardmember Dovell: No, no. I just want the ...

Mr. Dorn: I think he probably did that just out of convenience.

Boardmember Dovell: We just want to make sure the request is clear.

Mr. Dorn: No, that's a good distinction. Thank you.

Deputy Building Inspector Minozzi: Mr. Chairman, just for some clarification about the shower issue, the code reads it has to be 30 by 30 in front of the fixture, which would be in this case a shower head. You need 6 foot 8 for a 30 by 30 area in front of the shower head. If it didn't meet code he would actually have to either redesign the interior space or try to get a variance from the state. That's the criteria for shower stalls and toilets and sinks and whatnot.

Chairman Collins: All right, we'll leave that to the Building Department.

Deputy Building Inspector Minozzi: Just wanted to clarify it because I know there seemed to be a lot of questions about it.

Chairman Collins: My sense is, you've got people here who are architecturally-inclined who want to make sure that, in the end, you're getting – you know, they can't help but notice it – making sure you're gonna get a design you can live with.

Mr. Dorn: Absolutely. I think it's important everyone knows what they're agreeing to, as well, and that people are clear.

Chairman Collins: I think even if we see that this drawing has impact on the first floor, I don't see any change in the variance. I don't think there's any for a side yard.

Boardmember Forbes-Watkins: Where is the side yard?

Chairman Collins: No, this is rear yard.

Boardmember Forbes-Watkins: Only? OK.

Building Inspector Sharma: See, 295-55 is the code section for the variance; that is, any lodging extending beyond the previously existing nonconformity. As you noted, it's on the first floor as well as the second floor.

Chairman Collins: Right, OK. Sean, did you have anything?

Boardmember Hayes: It looks fine to me. I'd be curious, seeing the letter. I'm assuming there's no one in the audience.

Village Attorney Whitehead: Yeah, if you could just state, for the record, that you have letters in support.

Chairman Collins: We'll do that right before we segue to whether or not there's anyone in the audience who wishes to be heard. Marc, do you have anything?

Boardmember Leaf: No questions. Thanks, Matt.

Chairman Collins: OK. We do have one, and did we get a second one?

Deputy Building Inspector Minozzi: There should be two.

Chairman Collins: Yeah, here we go. Shall I read these, Linda, or can I just note that we got them?

Village Attorney Whitehead: Just make recognition of the name and the address of who you have them from.

Chairman Collins: OK. So I have a letter here from Brian Morton and Heather Harpham, at 78 High Street, expressing their support for Mr. Dorn and Ms. Dunnington. And I have a separate letter from ... is it Vi Kotiadis ...

Mr. Dorn: That's exactly right, yeah.

Chairman Collins: ... at 89 Hudson Street, who also is expressing his wholehearted support – I'm paraphrasing – for the project. So we'll enter those.

Boardmember Forbes-Watkins: That's for the other issue.

Building Inspector Sharma: It's in the second letter.

Mr. Dorn: No, Vi is my direct neighbor. We share our main property line. She's been there for 50 years, and she's a female.

Village Attorney Whitehead: She's a she.

Chairman Collins: OK. Any other questions from the Board before we turn it over to the audience?

Boardmember Dovell: It's a very minor point, but the lot coverage would change as a result of the first floor.

Chairman Collins: Yes, that's a good point.

Boardmember Dovell: So we should vary that, as well.

Village Attorney Whitehead: To cover the filling.

Boardmember Dovell: The little bump-out in the back.

Mr. Dorn: Yeah, I think when they put the addition on you'll see that there's a small set of stairs. There used to be a door there, apparently, so I think that's maybe why they tucked it in like that instead of just squaring it off flat.

Village Attorney Whitehead: There did used to be a door there.

Chairman Collins: They're still underneath the permitted minimum, right, by my read of this?

Village Attorney Whitehead: So it doesn't need a variance?

Boardmember Dovell: That's fine. I was reading it the other way around.

Chairman Collins: I don't know whether, Deven, you need to have that cleared up for the record.

Village Attorney Whitehead: They were way under.

Boardmember Dovell: It's way under, right?

Chairman Collins: Yeah, they're significantly under. There's no risk of a variance request here.

Village Attorney Whitehead: That's not gonna make a difference.

Chairman Collins: All right, is there any one of our guests who wish to be heard on the matter? OK.

Then if there's nothing further, can I get a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved to approve the variance for the extension of an existing non-conforming rear yard by the addition of a second story on the non-conforming section of the house located at 63 High Street.

Chairman Collins: All right, the vote's unanimous. Congratulations, Mr. Dorn.

Mr. Dorn: Thank you all very much for your time. Thank you.

Chairman Collins: Yeah, thank you. Good luck to you.

Village Attorney Whitehead: Mr. Chairman, before we get to the next application with the notice issue, can I just take a minute to have a discussion? Advice of counsel?

Chairman Collins: Sure, yeah. Buddy, would you mind opening up the back door?

Village Attorney Whitehead: Just for some clarification on the notice issue.

Chairman Collins: Sure. We'll be right back.

[BOARD RECESS FOR ADVICE OF COUNSEL CASE NO. 14-14]

Case No. 14-14
Melissa & Dan Sbrega

57 Hillside Avenue

As required under Sections 295-60.D and 295-60.C.(2) of the Village Code, approval for the replacement of an existing dilapidated non-conforming garage with a new one at the same location and of the same size, etc., as the existing garage, at their home at 57 Hillside Avenue. Said property is in R-7.5 Zoning District and is also known as SBL: 4.80-62-18 on the Village tax Maps.

Variations sought are as follows:

- 1. Side Yard: Existing and Proposed - 1.5 feet; Required minimum - 8 feet {295-69F.1.b}**
- 2. Rear Yard: Existing and Proposed - 4.8 feet; Required minimum - 8 feet {295-69F.1.c}**

Chairman Collins: All right, ladies and gentlemen, we're gonna come back to order. We just had a productive meeting where we reviewed the actual language in the code. This applies to you Mr. – is it Sbrega?

Mr. Sbrega: Yes.

Chairman Collins: What we've learned is that if you're willing to sign an affidavit that establishes that you have delivered the notice of your intent for this project to everyone in the notice area according to the rolls that the Village has – and we want to spend some time because you had mentioned you've got one person on that list who's from New Jersey – we want to make sure that we've covered everybody. But if you're willing to sign an affidavit that you have essentially delivered the notice of this to all of the people in the notice area ... and we can take care of that affidavit.

Village Attorney Whitehead: We can.

Chairman Collins: We can take care of that this evening. Then we can hear your case and we can decide on it.

Mr. Sbrega: Yeah, that'd be tremendous.

Village Attorney Whitehead: The one question we had was ...

Chairman Collins: Can you come to the mic?

Mr. Sbrega: Oh, sorry.

Village Attorney Whitehead: ... how did you deliver to the address in New Jersey?

Mr. Sbrega: That one was mailed.

Village Attorney Whitehead: It was mailed. And do you have a return receipt?

Mr. Sbrega: Again, I'm sorry. I went about this poorly. This is my first time going through such a process. We just moved here in January, and I'm learning all sorts of new things.

Village Attorney Whitehead: So did you just do it by regular mail?

Mr. Sbrega: Correct. Which I'm happy to repeat the process. I'm happy to resend with proper proof. And I had my 6-year-old and my 4-year-old go with me to canvas the neighborhood. I could bring them in to testify.

Building Inspector Sharma: Mr. Sbrega, you're saying that you didn't get the instruction sheet that we ...

Mr. Sbrega: I received the ... this is exactly what happened. I received a pack of paperwork, including the plans from my architect, and I didn't read through everything.

Building Inspector Sharma: We give you the copies of the notice.

Mr. Sbrega: I was handed stickers with the address of everyone. I placed one on every piece of paper. I went and hand-delivered ...

Building Inspector Sharma: Also an instruction sheet as to how and when ...

Mr. Sbrega: Absolutely. Which I missed or did not read, yes.

Village Attorney Whitehead: I'm just checking on that.

Chairman Collins: We're just checking to make ... the issue of whether or not there was a return receipt may be material, so we're just checking that.

Mr. Sbrega: And just to clarify, everything I want to do is ... I have a ... I'm looking to replace my garage. I have three kids under the age of 6. It's a hazard. It's an old house, it's a hundred years old. I've been concerned about it since we moved in, in January. Everything's

been approved. The 50 percent rule – this is my contractor, Chris, here – we found to be dangerous. The structure's leaning to the left here. I don't know if it's too clear.

Chairman Collins: No, you can see it when you visit the property.

Mr. Sbrega: Yeah, it's a hazard. So the 50 percent rule, we met with Buddy several times and spoke about craning it and rolling it over. It was just dangerous. Now, if I need to wait 'til December 11 I'd prefer to just go ahead and do it with the 50 percent rule. I'd rather not wait. Because of the hazard I think it poses, I'd rather not wait another month or month-and-a-half for a ruling. So I'm here today to, again, just get permission to tear it down completely and rebuild it.

Village Attorney Whitehead: The law does require that if it's mailed it has to be sent by certified mail, return receipt requested. So therefore, the notices you did to the neighbors by hand are fine and you could do an advance of service for those. But the fact that you can't say that that one was sent certified return receipt, it's a defect.

Mr. Sbrega: I completely swung and missed on this one. But rather than wait until December 11, I think I'll just go ahead and do the 50 percent rule.

Village Attorney Whitehead: Are you sure? I know it seems like a long time away, but ...

Mr. Sbrega: Like I said, I have three kids under the age of 6. My wife especially has been very nervous about this structure since we moved in. I would prefer to just deal with it.

Chairman Collins: Well, obviously that's your decision ultimately.

Village Attorney Whitehead: We were trying to find a way to help you out here. And I think if it weren't for the fact that one of the addresses is in New Jersey and that you sent it by regular mail we could have gone ahead tonight.

Chairman Collins: And you may find, after thinking about it, as Linda's pointing out, the next meeting's gonna be on us before you know it.

Mr. Sbrega: Well, then it's gonna be too cold. I was speaking with Chris just now while you guys were in your meeting, and it's gonna be too cold. We're gonna have to wait 'til, what, March?

Chris Friziello, contractor: [off-mic] masonry work [off-mic].

Mr. Sbrega: The garage right now is on cinder blocks at each point. There's no foundation. We need to build a proper foundation. That's the issue.

Chairman Collins: I guess we had hoped that the mailings had at least been sent with a return receipt. Well, do you want to present this anyway in the event that you decide, after having gone back and reflecting on it, that you ...

Mr. Sbrega: I mean, there's not much more ... that was kind of my presentation. There's not much more to present.

Chairman Collins: I know that I and others on the Board had some questions about your intention for this structure. Did you have something you wanted to add?

Mr. Sbrega: Buddy's been pretty strict in what we can do what we cannot do. It definitely meets any code issues. Mr. Minozzi, sorry.

Village Attorney Whitehead: Will you be willing to try to get in touch – send another notice or somehow get in touch – with the one neighbor who lives in New Jersey?

Mr. Sbrega: I said that previously, yes.

Village Attorney Whitehead: And get something from him?

Chairman Collins: Is he the only one that you had to mail this to?

Mr. Sbrega: Correct.

Village Attorney Whitehead: And you could give me an affidavit on all the others?

Mr. Sbrega: Yeah, most of them. There's a few elderly people I didn't have a chance to speak with directly. I left it in the mailbox. But everyone else I spoke with directly. And like I said, I have two letters from each of my bordering neighbors giving their support.

Chairman Collins: You're OK with that? Can we do the affidavit now?

Village Attorney Whitehead: Yeah, I can do that.

Chairman Collins: I'd like to get that just done.

Mr. Sbrega: And would you like those letters?

Village Attorney Whitehead: Take the support letters. I'll write something.

Chairman Collins: Yeah, I'll take any letters of support that you have for the project.

Village Attorney Whitehead: Just appreciate it because we really helped you out here.

Chairman Collins: So Linda's gonna draft something up. While we're waiting for that to happen, I'll try to summarize the letters here.

We have a letter from M. George Stevenson, at 59 Hillside Avenue – that's got to be a neighbor ...

Mr. Sbrega: It's my direct neighbor, yes.

Chairman Collins: ... offering support for the project that you wish to go forward with: essentially a teardown and rebuild. These are basically the same letter. This is then from Brian and Ann Krapf, at 53 Hillside Avenue ...

Mr. Sbrega: Correct.

Chairman Collins: ... with the same letter and the same support ...

Mr. Sbrega: Correct.

Chairman Collins: ... for the project.

While we're waiting – because this is a teardown and a rebuild, the notion of an existing structure is something that I think has a looser meaning than it would if there were some existing part of the structure that would survive the rebuild. Essentially what you're choosing to do is tear something down and then build it up in the same footprint, but in an area ... I think from a zoning perspective, the only consideration that creates some discomfort for the Zoning Board is that the variances that you're requesting are extreme. You're going right up to the property line. Now, that's all mitigated by the fact that there's already a structure there so in the end there's no net change.

One of the questions that I wanted to get to was your intention for the use of this. Because I didn't notice in the plans any intention to pave the stretch that currently looks like it's grassed-over in part of the backyard.

Mr. Sbrega: We just did that ourselves, yes, to extend the yard.

Chairman Collins: OK. So are you gonna use as a garage to store a car?

Mr. Sbrega: The car won't fit in it. It's too small.

Chairman Collins: OK, so this'll be used for ...

Mr. Sbrega: Lawnmower, tools, my tinkering.

Chairman Collins: And there's lots of ... I wonder what the percentages of homeowners in Hastings who have garages and don't use them for cars. So you'll be in good company.

Mr. Sbrega: Yeah, we have a very small house and we could use the storage, as well.

Chairman Collins: OK. That, then, certainly affects my line of questioning about why would you place that there as opposed to bringing it closer to the house and maybe contemplating being ...

Mr. Sbrega: It was my understanding we weren't allowed to be creative with it at all. It had to go into the exact same footprint.

Chairman Collins: No, I think if you're tearing it down you can do whatever you want with it.

Boardmember Dovell: It's a new structure.

Chairman Collins: Yeah, it's an all-new structure. You can do whatever you want with it. Again, the character of the neighborhood I think, from my perspective, is not changed. In fact, you could argue it's improved because you're gonna have a usable space there.

Mr. Sbrega: Yeah. I mean, anyone that's driven by it, it's a pretty decrepit garage.

Chairman Collins: Yes, there's no question. But again, you're building it in a spot that forces this board to approve of a variance to the extreme, which this board does not like to do.

Mr. Sbrega: How much – for lack of a better word – "footage" must there be from a structure?

Chairman Collins: Well, the side yard minimum is 8 feet and you're asking for 1-1/2. I mean, you're basically right on top of the property line. The rear yard requirement isn't quite so severe. The rear yard, to a structure like this, the minimum is 8 feet; you're asking for 4.8. So you're basically a 40 percent variance request, which is significant. But it's the side yard that is really significant. So as this board contemplates the project, from a zoning perspective, we have to consider the balance between going to an extreme and the benefit that you will achieve, and whether or not that benefit can be achieved in some other way.

Mr. Sbrega: Yeah, with a small house it's a small yard. And again, with three children I'd like to keep as much yard as possible. So you guys have been very kind to hear me out tonight. I think I'll just stick with the 50 percent rule rather than ... you guys have to go over all these things this evening.

Village Attorney Whitehead: Well, the only thing we're asking you to do for them to make a decision tonight is sign an affidavit saying you delivered them ...

Mr. Sbrega: But then I can't ...

Village Attorney Whitehead: They're gonna make a decision tonight subject to you ...

Mr. Sbrega: But then I also can't build it where it is.

Chairman Collins: No, we haven't decided that.

Mr. Sbrega: Oh. Oh, I'm sorry. I misunderstood.

Chairman Collins: If that's coming, you'll know.

Village Attorney Whitehead: That's not until I make a formal vote.

Chairman Collins: The zoning code ...

Mr. Sbrega: And I appreciate all the time you're giving me. I just didn't want to take up more of your time if it was ...

Chairman Collins: No, no, no, no. That's OK. I mean, look, the people who come here tend to do it maybe once in their lives. Again, in that sense, you're in a lot of good company. So don't worry about it. We'll take as much time as you need to understand it.

Mr. Sbrega: Thank you.

Chairman Collins: The Zoning Board considers a lot of different moving parts when we try to consider whether or not a project is worthy of approval. And they don't always all point green or red or yellow. In fact, I think in this case – I believe it was your case – where the architect or someone speaking on your behalf talked about some of the things that we do think about. Whether or not, for example, there's an undesirable change in the character of the neighborhood; whether the variance is substantial – in this case, it is; whether this was self-produced or whether or not it will have a negative impact on the neighborhood, after the fact.

Mr. Sbrega: And I apologize. Mr. Weinstein wanted to be here tonight. He's on vacation in Vietnam with his wife this week.

Chairman Collins: So these are the things that we're considering. And we wouldn't be doing our jobs if we weren't exploring it, and then working with you to find out what other alternatives would you consider, or have you considered, that minimize any one of the factors that we might see as a negative. In this case, the only one that I can see is that you're building right up against a rear yard. Now, I would say ... or side yard. What I would say is that, from just eyeballing it, it looks like you've plenty of room. Even though it's right up against that line, there's quite a bit of space between that structure and any structure that would be to your neighbor to the west – which I'm guessing it would be, counting down, 55.

Mr. Sbrega: That's Brian Krapf, yes.

Chairman Collins: Oh, 53.

Mr. Sbrega: And also, if I were to go further east it would no longer be in line with the driveway, should I be able to fit a car in there.

Chairman Collins: Well, could you fit a car? I mean, this is an old structure. Could you fit a car in there even if it were ... imagine that this would be ...

Mr. Sbrega: The door on the right does not open so I've never been able to try it.

Chairman Collins: Let's imagine that your new structure is there.

Mr. Sbrega: Right.

Chairman Collins: Will it be big enough to put a car in it?

Mr. Sbrega: I imagine so.

Mr. Friziello: Absolutely. [off-mic] door.

Mr. Sbrega: Oh, then yes.

Building Inspector Sharma: Excuse me, Mr. Chairman. Any time somebody else speaks they must identify themselves, speak in the microphone. There's another microphone there if you want.

Chairman Collins: Yeah. Buddy, can you hand off the portable?

Mr. Friziello: I'm Dan's contractor. And yes, it's a standard 8-foot wide garage door and a 12-foot wide garage. So any car would fit in that garage.

Chairman Collins: Chris, your last name?

Mr. Friziello: Friziello.

Chairman Collins: OK, thanks. We may have other questions for you.

So did you talk at all with your architect about options that would move it and create even a little bit more space to the side yard line?

Mr. Sbrega: I'm sorry, that was never discussed, no.

Chairman Collins: OK.

Village Attorney Whitehead: Do you know what date you delivered the notices on?

Mr. Sbrega: Two Saturdays ago, whatever date that was.

Chairman Collins: That would be the 11th, right?

Deputy Building Inspector Minozzi: Checking right now. It would be the 11th.

Chairman Collins: October 11.

Building Inspector Sharma: Has to be a minimum 10 days before the meeting date. That's when you hand-delivered them.

Mr. Sbrega: Mm-hmm.

Chairman Collins: OK, that satisfies that.

Village Attorney Whitehead: Well, that's 10 days.

Mr. Sbrega: I was told ... it doesn't matter.

Building Inspector Sharma: And the mailing has to be a minimum 13 days before the meeting.

Village Attorney Whitehead: Well, if they're delivered by hand it has to be 10 days.

Building Inspector Sharma: Ten days.

Village Attorney Whitehead: And that's 10 days.

Chairman Collins: They've met that requirement.

You've got an existing patio, right?

Mr. Sbrega: A deck?

Chairman Collins: That's immediately to the east of the existing structure?

Mr. Sbrega: By patio, you mean deck?

Chairman Collins: I'm just looking at the design. It says that there's an existing patio to the east of the one-story frame accessory garage.

Mr. Friziello: Right.

Deputy Building Inspector Minozzi: You got to speak into the microphones. Grab the portable. Go ahead.

Mr. Sbrega: This stone patio, again, because I deemed it a hazard for my children I took it out. So there's no stone patio there, it's just grass. And I believe my architect was concerned about a coverage issue – I'm not familiar with it – in regard to how much grass was there. So we thought this would alleviate any problems should, in the future, we want to try to go for

an addition or anything like that.

Building Inspector Sharma: So the patio is no longer there.

Mr. Sbrega: This stone patio's no longer there. We do have a deck off the back of the house, yes.

Chairman Collins: And would that have counted to the development coverage that's here?

Building Inspector Sharma: No. That they took away the patio would be better.

Chairman Collins: Yeah, it will be better. OK.

Building Inspector Sharma: From moving the garage east a little bit there's one less impediment.

Mr. Sbrega: Should my wife want her new minivan in the garage, I'd like to keep that option with it being in line with the driveway.

Chairman Collins: That's a compelling reason to keep it where it is. Is there anything else about this rendering that is no longer accurate? What else has changed?

Mr. Sbrega: That is it.

Chairman Collins: Deven, did you say there is something else that's changed?

Mr. Sbrega: Oh, I'm sorry. There's a new fence. The fence now runs on the outside of the garage, not the inside.

Chairman Collins: OK.

Mr. Sbrega: That's the only other change.

Building Inspector Sharma: By the way, did I hear you say ...

Mr. Sbrega: Looks really nice.

Building Inspector Sharma: ... your wife want nannies staying in that garage?

Village Attorney Whitehead: No, parking her minivan.

Chairman Collins: Parking a minivan in the garage.

Building Inspector Sharma: A minivan.

Chairman Collins: If she wants to, that the applicant would like to have a straight line from the existing driveway to the garage.

Boardmember Dovell: I don't think it's structured for a car.

Building Inspector Sharma: It's 12 feet wide, 12 feet by 8 feet.

Boardmember Dovell: There are 2 by 8's on the floor. There are 2 by 8's framing the floor, I think.

Building Inspector Sharma: Oh, yeah.

Village Attorney Whitehead: Structurally.

Chairman Collins: So you're saying it might not even be load-bearing enough to support ...

Boardmember Dovell: It doesn't seem like it was designed that way: 2 by 8 joists at 16 inches on center.

Mr. Friziello: If I may just add this.

Mr. Sbrega: Oh, nice.

Chairman Collins: Go ahead.

Mr. Friziello: I saw the plans with the 2 by 8's. I didn't like the 2 by 8's, and I wanted to speak to the architect. For a couple of bucks more, I want to use 2 by 12's. I would not build it with 2 by 8's. I tend to overbuild; I wouldn't use 2 by 8's. And I did want to speak to Ed about that, and you. It's my name on it.

Chairman Collins: I'll speak my opinion on this. If what you're telling us ...

Village Attorney Whitehead: (Inaudible) concrete.

Chairman Collins: ... is that you want to keep – it's important to keep – this structure in line

with the draw in the event that you decide you want to use this as a garage, it's important to me that this be able to be used as a garage; for me to consider it for that. What Ray is saying is that right now, in the plan, he has questions about whether or not structurally it could hold up to a car.

Building Inspector Sharma: I do, too. I mean, why would you want to build a floor up for a garage? Is there a reason why it's planned or designed that way? It's raised.

Boardmember Dovell: Just a slab on grade. Just fill it with gravel and put it on grade.

Building Inspector Sharma: It doesn't seem to make sense.

Chairman Collins: Right.

Boardmember Dovell: If it's a garage – if it's truly a garage.

Mr. Sbrega: I have no idea.

Mr. Friziello: I believe – 'cause I sat down with the architect and with Dan Sbrega – I believe the reason he drew it out that way was because there's such a grade and it would've been such a cost to pour concrete to fill the 2 feet. The ground slopes down in the back, so we're just gonna build ...

Building Inspector Sharma: No, to fill it with dirt. You build a wall around, and fill it with dirt and put a slab on grade.

Boardmember Dovell: Fill it with gravel, yeah.

Mr. Friziello: We could have done that, as well. He didn't offer that as a possibility. What he drew up was the block foundation with piers in the center, and LDLs going across.

Boardmember Dovell: Doesn't it have to be fireproof, as well, if it's a garage? The floor has to be fireproof?

Deputy Building Inspector Minozzi: Not in a single-family home.

Building Inspector Sharma: Not necessarily. Not a single-family type 5B construction, no. But the thing is, from a structural point of view I find it ... I just happen to know this. It's a built-up kind of wood frame floor, and for a garage that doesn't seem to make sense. I mean, if you're going to use it as a garage we would want to know because that has to be a

permitted accessory use. It doesn't look like a garage from the construction of it.

Chairman Collins: Would you be willing to change the design so, structurally, it passes as a garage? It could safely ...

Mr. Sbrega: I'd be willing to have that conversation with my architect and my contractor, yes.

Chairman Collins: Again, from my point of view, I could be comfortable with this staying as a garage and being right up against, essentially, the side yard property line if what you're telling me is that you're building this as a garage. And you can use it ... not to say that you have to put a car in it, right?

Mr. Sbrega: Right, right.

Chairman Collins: But I don't want us to call this a garage if, in the end, it's gonna be a perfectly useful structure that you're entitled to build but where there's no chance a car could go in it because it wouldn't even be safe.

Mr. Sbrega: Right.

Chairman Collins: You know what I mean?

Mr. Sbrega: Understood.

Chairman Collins: So what this board could do, for example, is condition its approval on you building this to be a garage. We would give you the specific language, and if you're OK with that, that may be an outcome ...

Mr. Sbrega: Yeah, this is the first I've heard of any issue with that. So I am perfectly willing to look into all remedies.

Chairman Collins: OK. Ray, do you have anything else?

Boardmember Dovell: No.

Chairman Collins: OK. Marc, how about you?

Boardmember Leaf: No questions.

Chairman Collins: David?

Boardmember Forbes-Watkins: I have to say, frankly, that I came to this meeting – having looked at the garage and not realized some of the implications of the drawings – ready to approve it on the spot. At this point, having heard what I've heard and needing further confirmation from the architect, et cetera I would be loathe to vote for this today. I definitely cannot consider it until there's a package that we can approve complete.

Village Attorney Whitehead: What's your concern, the floor?

Boardmember Forbes-Watkins: The floor amongst other things, yes.

Chairman Collins: The case is unusually, shall we say, uneven: that you've got a number of things here that are represented on the drawings that aren't on the property; you have mailings where we're having to make some gyrations to accommodate, which I think we can do. In its totality, it's not what we want.

Village Attorney Whitehead: Buddy, do you know what the floor is of the existing garage?

Deputy Building Inspector Minozzi: It's wood.

Village Attorney Whitehead: It's wood?

Deputy Building Inspector Minozzi: Yeah.

Boardmember Leaf: They show a plan of the existing on this, too. It's the same structure of joists over posts.

Chairman Collins: Probably for a time when the average car weighed considerably less than it does today.

Boardmember Dovell: But to drive a car, a 2,000-pound car, onto a series of 2 by 8's ...

Boardmember Leaf: That's not gonna work.

Boardmember Dovell: ... doesn't ... I'd want some confirmation that it was structured appropriately.

Boardmember Hayes: But to be clear, that could be done right now. That could be done with the current garage. I'm saying if he didn't come in here today he could drive his car into

that current garage in an unsafe condition. So by denying it, rather than taking the compromise route that Matt has suggested, we actually are perpetuating the dangerous condition.

Village Attorney Whitehead: You could approve it conditioned upon the structure being satisfactory to the Building Inspector.

Boardmember Leaf: Correct.

Chairman Collins: Yeah. Then that's the approach that I would take here. Sean did you have anything?

Boardmember Hayes: Well, I think that it's in the public's interest and the interest of safety, particularly because it's so close to someone else's yard, so there are other people who may enter the premises. I think we'd be remiss to leave something that's dilapidated and unsafe in place if we have a solution.

Mr. Sbrega: Again, I apologize sincerely for not getting the signatures. I will say every person I've spoken to in the neighborhood about my intentions is nothing but thrilled about the potential.

Chairman Collins: Well, we've got letters supporting it, so that's encouraging. But we want to make sure we're approving something that we're not gonna be regretting at some point down the line either because of the way this case unfolds in the actual execution, or for any precedent that it sets that makes life uncomfortable for either someone else who lives here or the Board.

Mr. Sbrega: Understood.

Chairman Collins: Linda, do you have the affidavit written?

Village Attorney Whitehead: Mm-hmm. Could you come sign this for me?

Chairman Collins: And take your time to read it. It looks like it's relatively brief.

Village Attorney Whitehead: If you can read my handwriting.

Building Inspector Sharma: And we'll go down and make copies of it for him and for ourselves.

Village Attorney Whitehead: If he wants a copy. I was gonna give you the original full plat.

Mr. Sbrega: Wasn't it October 11th that it was considered? Everything else is OK.

Village Attorney Whitehead: OK. Can you sign that?

Building Inspector Sharma: We have really bent backwards.

Boardmember Hayes: Well, I never like to see an unsafe condition in our town.

Village Attorney Whitehead: We have a notarized affidavit of service.

Chairman Collins: OK. Thank you, Linda.

Any other questions or points from the Board before I open it up to our guests? Does anyone in the audience wish to be heard on this? Yes, sir, if you could just please come to the microphone and introduce yourself.

John Gonder, 153 James Street: I just have a question for Deven Sharma in regard to the structure. If it's so dangerous, as he says, can't you condemn it and take it down if there's something wrong with it that it could hurt his family or children?

Building Inspector Sharma: I wasn't commenting on the existing structure, the garage. What they're proposing is to build a new garage floor with 2 by 8 joists.

Village Attorney Whitehead: The existing structure is coming down.

Building Inspector Sharma: That's what I was commenting on, not what's existing.

Mr. Gonder: He's saying this existing one is dangerous to his family. Doesn't the Building Inspector have the right to condemn it? And then it would be coming down anyhow, in a short duration?

Boardmember Hayes: Is that a question for this Board?

Chairman Collins: I think it's maybe a question ...

Building Inspector Sharma: The processes involved, if it comes to our attention – which it has come to our attention right now – we could go out and take a look. But we need to

reconvene a building board. Condemning a structure is not an easy job.

Village Attorney Whitehead: Right, there's a process.

Building Inspector Sharma: It takes a long, long process of going to the court in White Plains and all that kind of stuff.

Chairman Collins: That's a good question. All right, if there's no one else, then, who wishes to be heard can I get a motion on this?

Boardmember Forbes-Watkins: Somebody else.

Boardmember Leaf: I'll try my hand at this.

Village Attorney Whitehead: You got it, Marc.

Boardmember Leaf: OK, thanks. So I move for Case 14-14 the conditional approval of a variance to tear down and rebuild a garage ...

Village Attorney Whitehead: Accessory structure.

Boardmember Leaf: ... accessory structure – very good – on the footprint of the existing structure; this, in accordance with the application to the Board, with the following conditions. And the first condition is that this board receive – is it the Board receive or the Clerk receives?

Village Attorney Whitehead: The Clerk or the Building Inspector.

Boardmember Leaf: The Clerk or the Building Inspector receives a written confirmation from the owner of the property that you mailed notice to, waiving receipt of either acknowledging notice ... acknowledging notice at least 13 days prior to the meeting?

Chairman Collins: I think we said 10.

Village Attorney Whitehead: You can say just acknowledging notice and saying that he has no objection.

Boardmember Leaf: Acknowledging notice in accordance with the code, and stating that he has no objection to the change.

Village Attorney Whitehead: Then the timing doesn't matter because he's waived.

Boardmember Leaf: Perfect. And the second condition is that the structure be satisfactory to the Building Inspector for use as an automotive garage.

Village Attorney Whitehead: Good job.

Boardmember Leaf: Thanks. Thanks for the help.

On MOTION of Boardmember Leaf, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved to approve the side yard and rear yard variances for the replacement of an existing dilapidated non-conforming garage with a new one at the same location and of the same size, etc., as the existing garage at 57 Hillside Avenue.

Chairman Collins: Four-to-one, you're approved.

Mr. Sbrega: I really appreciate it. Thank you very much.

Village Attorney Whitehead: But they're not gonna be able to give you a building permit until you address the structural issue and get the notice from ...

Mr. Sbrega: The structure ... I have an approved permit to build. So I didn't know anything about the structural issue. And again, the signatures. I had plenty of time.

Building Inspector Sharma: What do you mean you got a permit?

Deputy Building Inspector Minozzi: He has a permit for a repair now.

Chairman Collins: Well, but that's different.

Village Attorney Whitehead: OK, but not for this structure.

Deputy Building Inspector Minozzi: For this structure, and it turned out that it was too dangerous to repair it so he decided to take it down and rebuild it.

Village Attorney Whitehead: So the permit that you have is not for this.

Mr. Sbrega: OK. I'm sorry, I didn't realize that either. I have a lot to read up on.

Building Inspector Sharma: So we will have to issue you a new permit. You'll submit new drawings to us. We'll work with Ed Weinstein and make sure the drawings are satisfactory.

Mr. Sbrega: Yeah, Ed won't be back for another week or so, but I'll be sure to do that.

Chairman Collins: OK, thank you very much.

Mr. Sbrega: Thank you. I really appreciate your patience this evening. Thank you.

Chairman Collins: Yeah, good luck.

Village Attorney Whitehead: OK. Had to work tonight.

Case No. 15-14

Yvonne & Raymond Sanchez

46 High Street

(May be Deferred Pending Action by Planning Board)

Relief from the strict application of code Sections 295-55.A, 295-70.E.(2)(c) and 295-70.E.(3)(b) for the addition and alterations to their Multi-family dwelling at 46 High Street. Said property is located in the 2R Zoning District and is known as SBL: 4.110-115-12 on the Village Tax Maps.

Variations sought are as follows:

- 1. Extension of an existing non-conformity - Side Yard:
Proposed for the addition – approximately 1-1/2 feet
Required minimum - 12 feet {295-55.A. and 295-70.E.(2)(c)}**
- 2. Extension of existing non-conformity
Lot Coverage: Existing - 65.26%;
Proposed – 66.17%;
Permitted maximum - 25% {295-55.A. and 295-70.E.(3)(b)}**

Chairman Collins: Our final case this evening is Case 15-14, Yvonne and Raymond Sanchez, at 46 High Street. Variations are being sought for an extension of an existing nonconformity in the side yard: proposed for the addition, approximately 1-1/2 feet against a required minimum of 12; and then an extension of an existing nonconformity for the lot coverage – existing is 65.26 percent, the permitted maximum is 25 percent, and the proposed

is 66.17 percent.

Do you have the portable mic?

Julius Twine, architect for applicant: I do.

Chairman Collins: OK. If you could just introduce yourself, please?

Mr. Twine: I prepared the drawing for this project. I should say a couple of things up front. I should mention that sometimes I don't hear as well as I should. I'm a Korean veteran. I was a 90-millimeter trigger officer so I have begun to have trouble with my hearing. Sometimes I don't hear you as well as I should.

Chairman Collins: We'll speak up.

Boardmember Forbes-Watkins: I understand.

Mr. Twine: OK, thank you. The project, which I have pictures of here, is a four-family apartment building. It exists ... I'm not quite sure of the construction date. We don't have a great deal of information about it, however it's a four-family property. It's on a corner lot, corner of Hillside and James.

Chairman Collins: Actually High and James. High Street and James Street. That's all right, we've had a lot of hillsides tonight.

Mr. Twine: We've got a lot of discussion about hills tonight. High Street and James Street.

Village Attorney Whitehead: Had a lot of High Street tonight.

Mr. Twine: The owners have decided that the east second-floor apartment needs to be renovated and made a better property apartment than it is. It is presently a two-bedroom apartment. We want to change this to a one-bedroom apartment because of the space requirements, et cetera. That would reduce the population of the building somewhat, by one bedroom.

The drawings of this, that you have the plans of, show just the entrance from the first floor. The importance of that is that the entrance to this second-floor apartment is actually through the first floor apartment.

Chairman Collins: You have to go inside the apartment to get to the entrance to the east

apartment.

Mr. Twine: That's exactly right. You have to interrupt the apartment on the first floor to go up to the second floor. There's a doorway that separates the apartment, the living part of it from the sleeping part of it. And that's a common foyer. Presently, you have to go through to get up. We're looking at trying to find a way to modify that. Because of the configuration of the building, there's just no way that we've found inside of that building to put in a stairway that would get us up to the second floor. Because the layout of that apartment is roughly the same as the layout of the second floor that you have a plan of.

Chairman Collins: Let me just ask a quick question. Is this entrance issue making it difficult to rent the property, this apartment?

Mr. Twine: According to the owners, it is. And the people on the first floor, of course, they're principally annoyed by this. But I would assume the second floor people would also find this rather ...

Chairman Collins: It just seems like it might impose something of a financial hardship. Either they've got to bring down the rent to encourage people to put up with this double-edged inconvenience or the property goes un-rented.

Mr. Twine: Yeah, it's just not a good condition. We looked at other ways, and we found the best way was this outside entrance.

There's one other problem that I should point out. The mechanical equipment is in the basement. You come up four steps to this basement, and it comes out under the proposed stair that we are putting in, that we'd like to put in anyway. That's part of the reason we have a raised platform. If you look at the north elevation we have a platform, and under that platform is a doorway that you can come out from the basement. You need another exit from the basement, so that's the other complication.

The building – the east façade of the building – is about 1 to 1-1/2 feet from the property line of its neighbor. It sits right on that property line. And it's a rather narrow structure so there's not a great deal of room that one has to get up to that level. Additionally, the mechanical equipment is basically located along the west wall. So it's better if we get it onto the east wall and go through that way. For those reasons, we found it desirable to get an entrance along that east wall, where we could.

Now, the present east wall is 1-1/2 feet, roughly, off that property line. We'd like to come to that same point. Now that's, of course, a lot closer than we are permitted. We should be 12

feet away. But given the width of the property we're dealing with, the apartment, that makes it rather difficult to do. Those are the basic reasons we end up with an outside stair.

While the apartment on the second level was being renovated, the owners thought they would like to give an outside area to this second floor apartment kind of similar to the porch that wraps around on the first level. So we are proposing to take a portion of the roof of the porch on the first level and make that a second-floor deck. Those are the basic parameters of what we're dealing with here.

I have the drawings that you have here. I don't know there's anything further I can show you about it except that I'm quite willing to go through our site plan. This is James Street along the west side, and High Street here. The apartment is located right in this area. There is a shed along the northern boundary of the property and a parking area off James Street which holds four cars and does not meet the requirements of the property. But that's what's there.

The grounds of this building are rather minimal because the building occupies a rather large portion of the property. There are entrances from both streets. There's an entrance from High Street and two entrances from James Street, so those currently exist. The grass area is along the James Street area and behind the parking area; between the parking area and the adjacent property. That's basically what we have for site area.

The existing apartment is, as we show here, when you come up this portion ... oh, I should also mention that there are basically two wings. This wing seemed to have been constructed separately from that one, and connected. I'm not sure when that might have happened. But the height difference is some 1 foot 6 higher along the southern wing than along here. So there are stairs just to join the two areas. Currently when you come up, you come up on a raised portion to this second level. That makes it a little difficult to have this bathroom, but it does work. That's the existing condition.

The owners wanted to completely tear out all the partitions and finishes, et cetera, and completely redo the apartment. So everything was to be demolished. I should have pointed out there earlier – excuse me – that this small diagram up above is meant to show what's directly below on the first level. You can see here that we have this common vestibule, which everybody comes in here. And also, everybody comes into this foyer area, which is part of the apartment on this first level. There's a door to the living area, and another door.

Boardmember Dovell: So what you're calling the foyer is actually, on your sheet, number two?

Mr. Twine: Yes.

Boardmember Dovell: That foyer is actually part of the first floor apartment? The two doors off the foyer go to different parts of the same apartment.

Mr. Twine: Of the same apartment, yes.

Boardmember Dovell: Yeah, I can see why that's not great.

Mr. Twine: Yes, and then the stair goes up to the ...

Village Attorney Whitehead: Neither the downstairs people nor the upstairs people ...

Boardmember Dovell: Yeah, that's a bad arrangement.

Mr. Twine: Anyway, the demolition on the first level is just to take out that stair. And those doors, once you remove the entrance you don't need the doors. So we'll be taking those out.

Finally, we were showing here that the first floor, these occupants of the first level, are able to come into their apartment and have a closet where the stair was and that's the end of it. You don't have anybody else to deal with.

Now, up to the second level we have taken advantage of all the space that we could. We've started the stair right over the paved parking area. We've come up as much as we could to get clearance over this door which comes out under the porch from the basement, and bringing it up to the second level. Again, we're right up against the edge of the eastern property here. So that's about as tight a stair as I can work out, given what we had to work with. I hoped these drawings would show what we are attempting to do.

While they are working on the porches and all, the owners would want to renovate the first-floor porches as well. We can re-roof it and put this new deck on, and also construct the new stair. The lower elevation shows a door under a stair landing, which we'd put in so we can exit this mechanical basement.

Chairman Collins: So that's your second exit now.

Mr. Twine: Yeah. This door gets us out, and we need that second means of egress to have the basement there.

Basically, that's the scope of the project.

Chairman Collins: So in summary here, you've got a property, an existing property, that's occupying a significant portion of the lot that's already pushed up pretty close to the property line ...

Mr. Twine: It is.

Chairman Collins: ... that has a significant inconvenience that a reasonable person would see as an impediment to the revenue-generating possibilities of this apartment complex. Your remedy for that calls for the addition of an outdoor staircase to allow entrance and egress to the two-story east apartment.

Mr. Twine: Right.

Chairman Collins: And building that staircase along with the deck that would overhang the porch, or rest above the porch, it creates an incursion for which you need a variance. But I think we've got an understanding of the problem and your proposed solution.

I can't see any other way that you could have gone about doing this. I mean, there are only so many places you could put an entrance. If the primary problem is getting access to this two-story east bedroom apartment there are only so many places you can put that.

Mr. Twine: Right.

Chairman Collins: And it makes the most sense to me, having visited the property, to have that staircase near the car park. And you've done that. I mean, you could put it on the James Street side, but that creates an unnecessary walk.

Mr. Twine: Yeah, they're up against the ...

Chairman Collins: Or you could put it on the south side of the property. And that, I don't even know if you have the room for it. It seems like the only solution for a problem that begs for a solution, from my perspective. And I have to say it looks like the design's – without regard to what you're doing with the inside, that's the homeowner's business – but the outside actually looks like it's gonna be more attractive, in the end

Any questions from the Board?

Boardmember Dovell: You know, I think the only way it could have been more compact would be to take the covered porch out on the north side and put the stair there. But that's

diminishing usable space on the first floor.

Chairman Collins: That's right.

Boardmember Dovell: So I think you're right, Matt.

Mr. Twine: Also, the bathroom of the second floor apartment is right in that corner. So the two bathrooms are in the intersection of the ...

Boardmember Dovell: No, on the north. I was saying on the north side of the plan.

Building Inspector Sharma: Doing away with the porch and putting a stair in its place.

Boardmember Dovell: But you would be diminishing the existing terrace on the first floor by doing that.

Mr. Twine: Oh, yes. I see what you mean, right. They don't want to give that up.

Boardmember Forbes-Watkins: Just a technicality. On the application and procedure for application form, you're showing the existing condition lot coverage as 66.26, and it should be 65.26.

Village Attorney Whitehead: Right, the proposed is 66.17.

Building Inspector Sharma: They're increasing to 66.17.

Village Attorney Whitehead: And actually, on the plan he's got it correct.

Boardmember Forbes-Watkins: Yeah. And on this letter it's correct. But this form ...

Mr. Twine: Yeah, that's the one that should be right. OK.

Chairman Collins: OK, good catch.

Boardmember Forbes-Watkins: I think this is really a very ... it's a tough problem, and I think it's been done well.

Chairman Collins: I agree. Sean, anything?

Boardmember Hayes: I may defer to the architects on this.

Chairman Collins: Marc, how about you?

Boardmember Leaf: I'm happy to see rental apartments in Hastings, and it's good that you're making this one easier to rent and more useful.

Chairman Collins: I agree. Ok, well, why don't we then turn to visitors who wish to be heard. Again, if you can just step forward to the microphone and state your name, please, and also your address. It would be helpful to know your perspective.

Jean Turant, 136 James Street: Hi. I'm the property right next to this. I know the house, I know the family that owned it before. And I know several families that lived in the upstairs apartment, and that is a problem. Going in, you do have to go through. Years ago, people were friendlier and knew each other and left the doors open, and there wasn't even a full door at the top of the stairs. It was just a half-door. But that's changed. Now there's doors all over. So they do need to do something, and if it has to be on the outside then it has to be on the outside.

The only thing I'm concerned about is when they start talking about a deck because this is on the high part of the hill of James Street. It's very open. If people start having parties on the deck it could get very noisy because the noise just travels down. There's no trees, there's nothing around the building, and there's a couple of houses around there. So that's one of my concerns.

But other than that, they do need the stairs.

Chairman Collins: OK, thank you. Did you have something you wanted to say?

Mr. Gonder: Yes.

Chairman Collins: Again, if you could just reintroduce yourself, sir.

Mr. Gonder: I'm concerned about the outside that Jean Turant mentioned. And also there is another neighbor on High Street that would be looking down right in her backyard.

But my concern is safety, also. I think there's other alternatives. Make it three-family. He's knocking down from the two-bedroom to a one-bedroom. That concerns me. But I talked to the fire department. And it was brought up on the site plan meeting a week ago, or Tuesday – last Thursday – an egress is a window. You're supposed to have two places. One would be the stairwell, and a window. And my concern, I talked to the Fire Chief and he says yes,

that's legal in Hastings. But I'm afraid of someone my age or something, with all the snow and whatnot and a fire or whatever, some problem and they got to go out a window that is probably 15 feet high to the ground and, possibly, on that 1-1/2 foot side. That's one concern.

My other concern is parking. You make it a three-family apartment – an architect can do it very easily – and you'll still have more bedrooms. The other thing is parking. If you're familiar with the dead end side of James Street there's a sign No Parking To Corner. Now, a lot of these people that live in that apartment sometimes park right on the corner. I'm coming out trying to make a left going east down High Street and it's very dangerous. There's a sign ... I usually warn the renters don't park there. I'm warning you once, I call the police. Has contractors there: "Oh, I'm just unloading." And they're there for 4, 6 hours.

The other thing is he's not a very good neighbor. He has buses parked there. He lives in Ardsley and he parks his buses. I fought this with the Board and the Police Department. The one big bus he got rid of. The little yellow one ...

Chairman Collins: Mr. Gonder, I'm sorry.

Mr. Gonder: Well, this is parking.

Chairman Collins: But the parking's not an issue that we're reviewing today. There's no variance on the docket for parking.

Mr. Gonder: OK. Well, there was one other thing. He took the curb and blacktopped the curb so he could jump the curb. I complained about that, and they took that away.

Deputy Building Inspector Minozzi: Mr. Chairman, it was removed.

Chairman Collins: Again, all these are ... I don't doubt that you have an issue, but these are not issues that the Zoning Board can hear, or solve.

Mr. Gonder: Yeah, well, my big issue is I think there's other ways to do it. Make it a three-family home and you can get more rent out of a three-family rather than a four-family. And I don't think he should have that deck, as Jean pointed out. Thank you for listening to me.

Chairman Collins: OK, thank you. Does anybody else wish to be heard? OK.

Well, I think, from my perspective, I've got enough here to move forward. So unless there's

any other commentary from the Board, can I get a motion?

Boardmember Hayes: Well, I have one more comment. Why does it say "may be deferred pending action by Planning Board"?

Building Inspector Sharma: We can explain. There was issue with the mailings in connection with the time before the Planning Board meeting, which was last week. All the mailings were in time for this meeting, but not in time for the Planning Board. So they did have the hearing but, again, because of the mailing disorder they deferred the decision until next month.

Chairman Collins: But we can still ... I mean, these are variances, zoning issues. We can still render our decision, and then it will come for the Planning Board for a decision later.

Village Attorney Whitehead: Right.

Chairman Collins: It doesn't have to be sequential.

Building Inspector Sharma: So that just explained that little note within the parentheses there.

Village Attorney Whitehead: And obviously they need both approvals.

Chairman Collins: Yeah, they do. But there's nothing that says one has to come before the other, in this case.

Boardmember Leaf: I have a question. Is the upstairs deck as-of-right, or is the variance we've been asked to consider necessary for that deck?

Village Attorney Whitehead: A portion of the deck is within the setback, the side yard setback.

Building Inspector Sharma: Currently it's a roof, which is an existing nonconformity. Changing the part of the roof into a usable deck – just extending, adding to the nonconformity – that's what they need a variance for. The roof, as it is, comes out to within 1-1/2 feet of the property line. But changing that into a usable deck is adding to the nonconformity.

Village Attorney Whitehead: And the stairs.

Chairman Collins: Right. The stairs are really the only, as I could see, intrusion. That's the new. If you build a deck over the first-story roof that's there, over the porch, there's no further incursion, right?

Building Inspector Sharma: That would require a variance. If you convert the roof into a deck it will still need a variance.

Chairman Collins: Correct. Because it's already nonconforming.

Building Inspector Sharma: And you're changing the use. The stair adds to it.

Boardmember Leaf: So I'd appreciate hearing from Mr. Twine the reasons for the deck again. I wasn't paying as much attention to that.

Mr. Twine: The rear part of the deck, or the east part of the deck, is really just a connection to the front door. But the forward part of it is just an outdoor area for that apartment, similar to the other two. There's a porch, an open porch, below here which this apartment has. I was just trying to give that upper apartment also an outside area.

Chairman Collins: You'd also be creating an overhang, too, which would make for an easier entrance. Especially in the wintertime, right? That'd be a covered rooftop?

Mr. Twine: Well, there's a roof there anyway. We were utilizing that space over the roof as a deck.

Chairman Collins: I'm talking about the second floor. Isn't there going to be some extension?

Boardmember Forbes-Watkins: No, there's nothing there.

Chairman Collins: No? There's nothing, so it'd be open there?

Building Inspector Sharma: No, Julius. The door, the entry door to the second floor, there'd be some kind of little canopy. I think it's shown on the elevation. There'd be a canopy over the door, right?

Chairman Collins: Yeah, there's a canopy. I see it.

Village Attorney Whitehead: If you look at drawing six, it's showing a canopy.

Boardmember Leaf: The little canopy is just over the door?

Chairman Collins: Yeah, it's mostly uncovered. There'd be a canopy over the door. You can see it on number four.

Boardmember Leaf: OK. Now the second-story deck area, are there any windows that look out onto it?

Mr. Twine: No. Those are higher.

Boardmember Leaf: So that's not a potential fire exit or anything like that.

Mr. Twine: No. The fire exits we put in the bedroom. On the plan I can show you. We took this window and increased its size. The current window's just too small because of the new size. So this window we were increasing the size of to make it an exit.

Boardmember Leaf: Yeah, thank you.

Boardmember Dovell: The only alternative that I see that could alleviate that would be to create a new stair at the porch level in here to go up this way – through the porch onto a deck in this area – and entrance in here.

Mr. Twine: Through the west.

Boardmember Dovell: That way, you could get rid of all this.

Mr. Twine: The west side.

Boardmember Dovell: Right.

Mr. Twine: You'd get rid of the second-floor part of it.

Boardmember Dovell: Yeah, you could use the roof.

Mr. Twine: The stair.

Boardmember Dovell: You could get rid of all of this, and simply come up through here and make this the railing. Sorry for the crude drawing, upside-down. But you could do that.

Mr. Twine: You mean in front of the porch.

Boardmember Dovell: In the porch zone.

Mr. Twine: But if you did that, then you would be denying that first floor their porch.

Boardmember Dovell: Not necessarily. I mean, you'd still have use of it out here.

Mr. Twine: At the end of it, you're saying.

Boardmember Dovell: And in this area, as well.

Boardmember Leaf: And that would also take the deck off of the High Street side, right?

Boardmember Dovell: Yes, it could potentially do that. And you could put the entry in here.

Boardmember Leaf: I have to say I have some concerns about the deck on High Street if, in fact, the deck is not necessary to use the apartment.

Mr. Twine: It's not on High Street, it's on James Street.

Boardmember Leaf: I'm sorry, on James.

Village Attorney Whitehead: It's actually in the rear.

Chairman Collins: It's in the rear of the property.

Boardmember Leaf: The deck is in the rear?

Chairman Collins: Right. It's in the very rear of the property.

Village Attorney Whitehead: It's here, Marc.

Boardmember Leaf: Oh, I was turned around. OK.

Chairman Collins: James is here, so this is here.

Village Attorney Whitehead: It's the rear, but it's where the neighbor is on James Street.

Mr. Twine: The stair would go across two windows there.

Village Attorney Whitehead: That's what I said. It's where you are.

Boardmember Leaf: No, I like your suggestion. I was concerned only because I had thought one of the objections was to put a porch overlooking James Street, I mean overlooking High Street. But the porch is overlooking the neighbor's property on James Street.

Mr. Twine: You've got two windows over that area. It would mean coming up through here.

Boardmember Dovell: That's what I was suggesting.

Mr. Twine: That is one of our principal areas for windows and vision there.

Boardmember Dovell: But you could move a window and you still have the north end entirely.

Mr. Twine: I think I've got a lot more light now than if we came up here. Agreed?

Boardmember Dovell: Or you could come up this way. You could come up this way, underneath the porch. Have no deck and go in that way. This just becomes a bigger stair.

Mr. Twine: You mean eliminate the porch and come ... remember, there's another ...

Boardmember Dovell: I see that, but you could have a window under that window and shift it to be on the side of the stairway. You're supposed to look at a minimal variance is part of what we're charged to do.

Mr. Twine: I don't disagree.

Boardmember Dovell: And I don't think this has been explored fully. I see a couple of options that would let you reduce the extent of the variance.

Mr. Twine: Well, the only reason I mentioned it is that existing porch area they have would be pretty much eliminated if you do it a different way. We were trying to keep the things that were there.

Chairman Collins: I think in this case it really wouldn't ... I mean, they'd still have ... they'd be an existing nonconformity with the same issue.

Village Attorney Whitehead: Oh, they're gonna be an existing nonconforming no matter what they do.

Chairman Collins: Unless they take out two-thirds of the building.

Village Attorney Whitehead: The whole house is existing nonconforming.

Boardmember Dovell: So if you did swing the stair here you still have all this porch for the tenant on the first floor.

Building Inspector Sharma: Mr. Chairman, if they were to manage to keep the deck portion 12 feet in from the property line then they wouldn't need a variance.

Boardmember Dovell: Yes, exactly.

Chairman Collins: Right, but that's impossible.

Boardmember Dovell: Impossible.

Chairman Collins: The property line and the existing house don't cooperate at all.

Building Inspector Sharma: No. Through some other different kind of approach, the stair and the second-floor landing, as Ray's probably suggesting, there's a possibility that the conversion of that porch into a deck is farther in from ...

Boardmember Dovell: Right. You wouldn't have to build the stair to the north, outside the existing line of the roof.

Building Inspector Sharma: That's one possibility.

Chairman Collins: That's true, but there are tradeoffs, though, right? Then you do create a need to start to rearrange things to accommodate the first-story porch. You've got to start thinking about intrusions on that porch and whether or not windows need to be moved around because now you've got a stair that's running essentially right in the view of it.

Boardmember Dovell: But you're not building this giant stair structure outside.

Chairman Collins: Yeah, you're right. I mean, that's the tradeoff.

Jonathan Sanchez, project contractor: Hello, I'm the contractor. I own JJS Home Improvements. We did the measurements to put the stairs on the side where I believe that you're talking about. But the only problem is, the stairs would come right in front of the window that is there. And the window that is there is a bedroom for one of the tenants now. So that person in that bedroom would see people walking up and down the stairs, which is why we brought the stairs out away from the porch.

Chairman Collins: Is it possible that you could move a window that would then not be in the bedroom? If the issue is light blockage for that room you could move a window, but it's still into a bedroom.

Mr. Sanchez: Right. If we moved the window in that bedroom now we would have to have the tenant move the premises and it would change the whole layout of their bedroom.

Building Inspector Sharma: Julius, do you have the first-floor plan? I think you gave us the first-floor plan also.

Mr. Twine: I don't have that here.

Village Attorney Whitehead: No, he didn't give it to us.

Mr. Twine: [off-mic].

Building Inspector Sharma: That would show which window this gentleman is talking about.

Mr. Twine: This picture shows the windows.

Boardmember Forbes-Watkins: There is a window directly above the second floor.

Mr. Twine: Yeah, we see where the windows are there. I'm not saying that one could not possibly do a stair over there. I do say that doing the stair that way would significantly modify and degrade the first-floor apartment. And I don't think it's quite as good a solution as the one we have.

Boardmember Dovell: Well, what if you moved the stairs outboard of ...

Mr. Twine: In front of the step.

Boardmember Dovell: What if you moved the stairs – I'm drawing all over this – out here

and put it on this side, and this becomes the entry, right? You come up an outboard stair here and this becomes the terrace, this becomes the entryway.

Mr. Twine: [off-mic] to this apartment.

Boardmember Dovell: To the second-floor apartment. You're going in this way to the first-floor apartment. The second-floor apartment, you're going up this way and in this way. That way you don't have to build any ...

Mr. Twine: Well, the apartment's here.

Boardmember Dovell: No, the apartment's here.

Mr. Twine: The second-floor apartment is here.

Boardmember Dovell: Is here.

Chairman Collins: That's an open space. Where you just pointed the microphone, that's the open space.

Mr. Twine: No, but I'm saying you can't get into that apartment anyplace that he's showing.

Boardmember Dovell: You could come up this way with a stair, like this right here, and you can turn and go right onto the ...

Chairman Collins: You're talking about constructing the stairs outside of the porch.

Boardmember Dovell: Yeah, put the stair outside the porch.

Chairman Collins: Right, so it would go up ...

Mr. Twine: In front of the existing porch.

Boardmember Dovell: It's not uncommon. It's not like you're blocking the whole thing.

Mr. Twine: Yeah, I see what you're saying on that.

Boardmember Dovell: And then you don't have to build any of this. And what becomes a deck is really a kind of entry.

Mr. Twine: It becomes a passage.

Village Attorney Whitehead: A platform.

Mr. Twine: It's becomes a passage to the door.

Boardmember Dovell: Right. You put the door here or here, and you still have a small little terrace.

Mr. Twine: If you put the door on the west side you really screw up the apartment badly.

Boardmember Dovell: You put the door on the west side.

Village Attorney Whitehead: I think what they're really looking for is if there's a way to reduce that deck.

Boardmember Dovell: I think you could get rid of all this.

Mr. Twine: If you get rid of it all I don't really see a nice workable solution. If you end up on the west side of the porch where you are saying, you're ending up on like an open corridor from the west side to the east side.

Boardmember Dovell: But I'm entering the same way you're entering.

Mr. Twine: I know that. I'm saying you have a corridor from over here all the way over to there.

Boardmember Dovell: A corridor? You're coming down the stair. When you're leaving this apartment, you're just walking down this way.

Village Attorney Whitehead: Can you leave the stair where it is, and just not build as big a deck? Leave the stair where it was.

Chairman Collins: But the deck is going just over an existing roofline.

Village Attorney Whitehead: Right. But you can leave the existing roof.

Chairman Collins: Right, but the deck is not ...

Village Attorney Whitehead: The deck is what's objectionable to the neighbors.

Chairman Collins: Well, I understand that. But a lot of people in Hastings have decks, and people can be rowdy and noisy on a first-floor porch. This is a significant porch. I'm reluctant to start removing things from a plan because of the possibility that people may misuse things. Because you start doing that, you can make a case against any room in any house. And if you take away that deck, you still have an overhang of the first-floor porch.

Mr. Twine: You do. It's really still the second deck above – well, not a deck but a surface – above the porch on the first floor. Whether it's a deck or roof it's still there.

Chairman Collins: To me, the question is Ray's thinking about something that I'm sympathetic to. And that is, can you do something else with the stairs so that you're not yet adding more bulk out the back. Is there another way, and can it be done in a way that's not gonna create an uncomfortable situation for someone in a bedroom apartment on the first floor for the feeling that people could be walking by and looking in.

Boardmember Dovell: The way it's designed right now, the stair passes by a porch on the north side. The stair passes by the porch the way it's designed now. By just simply rotating it 90 degrees, it's passing by the porch on the other side and you wouldn't have to build this big structure. You would simply be converting part of the roof of the porch.

Mr. Twine: Well, if you get the stair up you still have to build that structure. You mean you don't have to build the first part of it.

Boardmember Dovell: Look, right now the stair passes by the porch, right? This stair passes by the porch.

Mr. Twine: Right, and there's an elevation.

Boardmember Dovell: If you swing the stair this way it passes by the porch this way and you go up to an entry deck.

Mr. Twine: That open corridor ...

Boardmember Dovell: The open corridor you're talking about is a deck. It's a deck.

Mr. Twine: We're talking about this area from here to here is open corridor.

Boardmember Dovell: It's not an open corridor. It's just like this is.

Mr. Twine: All [off-mic] is a passageway. I'm saying it's really a passage. It's not a deck, it's a passage.

Boardmember Dovell: So you put a door ... you put the door here, and this becomes your deck.

Mr. Twine: I'm saying if you put the door there you screw up the way you can use that space. That's why I was trying explain that we wanted to get into the east if we possibly could. I'm not saying it's physically impossible to put a stair there. I'm saying that realistically a useful stair needs to get us over to here. And we were trying to retain some of the amenities that we had already.

Boardmember Dovell: But this amenity is the deck out here, which you would still roughly have over on the second level of the porch. It's not a corridor, it's a little deck. It does that, and you simply walk up and go in where you want to go in.

Chairman Collins: You're talking about moving the deck from the north side to the west side of the house?

Boardmember Dovell: I'm just simply saying push everything inboard by eliminating ...

Village Attorney Whitehead: He's moving the stair.

Boardmember Dovell: Rotating it to the west.

Village Attorney Whitehead: He's moving the stair to the west.

Chairman Collins: Right. But also the deck.

Boardmember Dovell: Right. What we're asked to do is to look at a minimal variance.

Chairman Collins: Yeah.

Boardmember Dovell: And to not change things programmatically. Because I believe what he's doing makes a great deal of sense from a layout perspective. I just think there might be another way to do it which does not increase the lot coverage, which is already quite intense on the site. And I think it might be worthy of a little exploration. Maybe you come back and you say no, it just doesn't work, and we reconsider it. But I think this requires a little more study, to my mind. I mean, others may disagree.

Boardmember Hayes: I just had one comment on the deck point that you made, Matt. And that was, it was unclear to me that it was a case of misuse of the deck. But I think, rather, it was a case of normal use, but the circumstances surrounding the location of the deck would create an externality.

Chairman Collins: And they might.

Boardmember Hayes: Which is a different issue.

Chairman Collins: Yeah, you're right. You're talking about an inconvenience just by people doing what they do on a deck.

Boardmember Hayes: Right.

Chairman Collins: But I guess what I'm saying is, there's already a first-floor porch that's right there. And people could be out there doing ... and I can understand why the homeowner, or the property owner, would want to give the same benefit to the second-story renters that the first-story renters have. You've already got a wraparound porch that basically seems to cover a lot of this property.

Boardmember Dovell: You could always convert the roof. It seems what's objectionable was the orientation of this facing north.

Chairman Collins: Right.

Boardmember Dovell: This zone here, you could create a deck in this area.

Chairman Collins: Are you looking at the west side or the east side?

Boardmember Dovell: The west side.

Boardmember Hayes: The James Street side.

Chairman Collins: That's the west side of the property.

Boardmember Dovell: And this could become a deck.

Chairman Collins: That's what I understood where you were going. Then you just rotate it all.

Boardmember Dovell: Then you get everything you want and you don't have to build anything out here.

Chairman Collins: Right. You compelled me to believe there is an alternative worth exploring. And I think Ray's right: you may come back and say, Look, we've tried it all and there's no way to do this without unacceptable compromises on other parts of the property.

Boardmember Dovell: That way, the orientation of the deck is into the property, not out, right?

Chairman Collins: That's right. No, it's a great point, Ray.

Boardmember Leaf: Flipping this 90 degrees this way, right?

Chairman Collins: Yeah.

Boardmember Leaf: OK, I understand what you're saying.

Boardmember Dovell: And then creating a deck here rather than here.

Chairman Collins: Right. So the second-story apartment owner, or renter, has all the same benefits, but in a place that's less objectionable to the neighbor.

Boardmember Dovell: Even better, and bigger.

Boardmember Hayes: Yeah, and bigger.

Chairman Collins: And doesn't create this ... it would seem to obviate the concern that the neighbor has.

Boardmember Dovell: Right.

Chairman Collins: Because it's no longer directly facing their property.

Boardmember Leaf: Since this is posited I don't know where we're heading, but it sounds like it might be heading to a place where this gets pushed ...

Boardmember Forbes-Watkins: Deferred.

Boardmember Leaf: Yes. So I'd like to take this time to kind of explain my position on

this, which is that I think it's appropriate to look at changes that allow the fourth apartment in this structure to be useful, to be commercially reasonable, be economically feasible. To have an additional apartment is a good thing. A rental apartment is a good thing.

Chairman Collins: Yes.

Boardmember Leaf: And I think that it should be done in such a way so as to minimize the extent of the variance that is required. And that may require some compromising, but we would like to see the deck moved to the interior of the space and not the exterior, if possible. I certainly would like to have a chance to consider that plan as an alternative. So I'm glad that Ray was able to visualize that. Those are my only concerns right now.

Chairman Collins: I think it's a worth exploration. My recommendation would be that you defer today and we'll keep this active for our next meeting, in December. We're happy to go otherwise, to take a vote right now. But my recommendation would be that you defer.

Mr. Twine: [off-mic] word ...

Building Inspector Sharma: Speak in the microphone.

Mr. Twine: You have the final say in how you wish to have us proceed. We just presented what we thought was the best but, obviously, we come to you for your opinion. It isn't a given; we have to follow what your instructions are.

Chairman Collins: Well, you've just heard from my colleagues exactly what we're tasked with doing, which is just to minimize the variance that you're requesting. It appears as if there could be a way to do that. We'll ask you to consider that, presuming you're agreeable, and come back and share with us what you discover. Then we can talk about the best way forward.

Mr. Twine: Very good.

Chairman Collins: OK, so we'll defer this then, OK?

APPROVAL OF MINUTES

Meeting of August 11, 2014

Chairman Collins: All right. Then that exhausts our agenda for today. We're gonna move

to review and approval of the minutes. Deven I sent you my writeup. I thought the meeting minutes were in great shape; I have very, very few changes.

Anyone else have any changes on the minutes?

Boardmember Forbes-Watkins: No.

Boardmember Leaf: I wasn't here.

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 August 11, 2014 were approved as amended.

ADJOURNMENT

Chairman Collins: Then I believe we are adjourned until December 11. Thursday, December 11 will be our next meeting.