

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 26, 2015**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, February 26, 2015 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 Adam Anuszkiewicz, Village Attorney Linda Whitehead, and Deputy Building Inspector Charles Minozzi, Jr.

Chairman Collins: Ladies and gentlemen, why don't we get underway here. Sue, do we have our camera on? Thank you very much.

Welcome to the Thursday, February 26 meeting of the Zoning Board of Appeals. We have a one-case docket for this evening. Before we get into our first case, Buddy, are the mailings all in order?

Dep. Bldg. Inspector Minozzi: Yes, I've been informed by our staff that all the mailings are in order.

Chairman Collins: OK, very good. We'll go ahead and jump right into our first and only case.

**Case No. 15-14
Yvonne & Raymond Sanchez
46 High Street**

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 2-R Zoning District and is known as SBL: 4.110-115-12 on the Village Tax Maps.

Variances sought are as follows:

- 1. Extension of an existing non-conformity - Side Yard
Proposed for the addition – approximately 1.5 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: This is our second go-round for this particular case, so we're looking forward to seeing the revisions based on the feedback.

As always, we have microphones on the floor and one up here at the bench that we'll ask you to use. And anyone who wishes to speak, just make sure you introduce yourself for the first time and always be speaking into a microphone.

So, Mr. Twine, while you're getting ready here, to recap from our last time we saw you, we were looking at this property and the Board gave you some feedback and ideas to explore around reducing some of the overall bulk of the home on the property and, especially, thinking about rerouting some of the stairs from the first floor to the second floor. So if I've accurately summed that up, maybe you can tell us what's happened since we gave you that feedback.

Julius Twine, project architect: OK. I also would like to say that tonight we have the owners here and they're able to respond.

Since I last saw you, we've had two meetings of the Planning Board and I did work out a couple of schemes. I believe you were given a copy of the two we had. In the first instance, we worked out a scheme that had the ... I'll use this just ... I don't have these small boards, but just to show. In the first one, we had a stair going up along the front of the building.

Chairman Collins: That's the west-facing side of the property, I believe.

Mr. Twine: James Street side of the building. It went straight up and went into the near side of the second level. That was the first instance. I ran into problems with that, the owners and myself. We had a problem with how that laid out and how we entered the apartment. So we sort of came up with an alternate second scheme, which is the one we had showed ...

Dep. Bldg. Inspector Minozzi: That's labeled "alternate number one" from your original packet. And it's the same as the one that was handed out to you tonight and e-mailed to you today.

Chairman Collins: So this, what we have here in front of us with the purple highlighting, is ...

Dep. Bldg. Inspector Minozzi: That's the same as alternate number one, except with the Planning Board revisions on it.

Chairman Collins: OK, all right.

Village Attorney Whitehead: The highlighted items in purple are the changes that the Planning Board made last week. And the Planning Board did approve it subject, obviously, to your granting of the variances.

Mr. Twine: This is the scheme that we had discussed with the Planning Board. We had their comments on it, and while it met some of the problems they had ... in other words, we didn't have the stair totally in front. We had it partially sited in the front, and then making a turn and going along the side of the building – along the north side – and entering the second level midway, which would be outside of that setback zone for the stair.

We also had shown the paved space divided into four separate parking levels. But there was a problem that we weren't permitted to have that many spaces. What we had proposed was to have large rocks in that area to prevent the cars from entering there. Additionally ...

Chairman Collins: Before we go any further ...

Village Attorney Whitehead: Could I just clarify?

Chairman Collins: Yeah.

Village Attorney Whitehead: It wasn't that they weren't allowed to have that many spaces, it was the curbcut: they weren't allowed to have that big a curbcut area because it takes away from on-street parking. The elimination of one space was to bring the curbcut back down to a permitted size, which allows for the three that were shown.

Chairman Collins: OK, thank you for clarifying that.

Mr. Twine: So what we've proposed was ...

Chairman Collins: Just one second, I'm sorry.

Boardmember Forbes-Watkins: How many parking places are required in this plan?

Dep. Bldg. Inspector Minozzi: Well, the preexisting has three legal parking spaces. On a four-family building it would be ...

Village Attorney Whitehead: This is grandfathered. It's legally nonconforming.

Dep. Bldg. Inspector Minozzi: Way grandfathered in. I mean, it's always been a four-family.

Boardmember Forbes-Watkins: But a reduction in the ...

Village Attorney Whitehead: There is no reduction. It was only three legal spaces ever.

Dep. Bldg. Inspector Minozzi: They had paved a portion of their yard, and were jumping the curb for the fourth space.

Boardmember Forbes-Watkins: Yeah.

Chairman Collins: OK. All right, thanks. You can continue.

Mr. Twine: Now, additionally, the Planning Board had asked for some planting. They'd asked that the owners give something for their approval of this. We had located a tree in front of the James Street entrance and some forsythia along the corner of the building and, at the extreme north of the property, located another shrub. I forgot. One final thing, we'd added a tree between our building and the neighbor's to try to screen the property, that second-level property, from the next door neighbor. I can continue with that just to show what it looked like.

Plan-wise, what that looked like was, we came up from the James Street side here, up to the second level, and entered a deck area. But since this was entrance, we added some additional deck for recreation along here. Because that isn't recreation, that's entry. That's what we had added to the scheme. That's why we have it in color here. OK.

Boardmember Dovell: So that was the original scheme that you presented.

Mr. Twine: No.

Village Attorney Whitehead: To the Planning Board.

Mr. Twine: No, it wasn't the original scheme. The original scheme didn't have any planting, or we didn't show any ...

Boardmember Dovell: But the configuration of the deck and the stair.

Mr. Twine: No. The original scheme had the stair going straight up to the rear of the property.

Village Attorney Whitehead: It's changed.

Boardmember Dovell: I know it's changed, but it wasn't showing here.

Mr. Twine: I mean, to the side yard. It went all the way over here.

Village Attorney Whitehead: Do you happen to have that with you, just so the Board can compare the original original?

Boardmember Dovell: I have the original original. I think we should start with that because you've made changes. The last time we saw this we saw the scheme that Matt has there.

Mr. Twine: You didn't get a copy of ...

Boardmember Dovell: We're looking for the original proposal that you presented.

Village Attorney Whitehead: They're looking for the changes from what this board originally saw.

Boardmember Dovell: The last time you were here you had a scheme.

Boardmember Dovell: OK, there we go.

Boardmember Forbes-Watkins: That's December 18.

Village Attorney Whitehead: Yeah, so that's been pulled back.

Chairman Collins: I guess what I was expecting in this second go-round was something that we might see reflected in the degree of the variance requests, and they are unchanged unless there's something I'm missing. The applicant is still seeking a proposed side yard of 1-1/2 feet – that's unchanged since September – and the lot coverage proposed is still exactly 66.17.

Village Attorney Whitehead: The 1-1/2 feet is existing.

Chairman Collins: Well, no. Mine just says "proposed for the addition." It doesn't say what the existing is.

Mr. Twine: Lot coverage is going to be the program in that we still have a stair.

Chairman Collins: Well, I know. But I think that was a part of it. We were trying to find ways to reduce that. That's one of the reasons we were suggesting a rerouting of the stairs. The other issue which we were facing is a concern for the neighbors about the second story deck.

Mr. Twine: Right, right. And that's why we have shaded this. The initial one had this portion being the deck. This green portion was the addition, where we were trying to alleviate that problem and have the deck face James Street.

Chairman Collins: Buddy, what's the existing condition for the side yard?

Dep. Bldg. Inspector Minozzi: The existing condition would be ... oh let's see, I have it here. OK, the existing is 0.3 feet.

Mr. Twine: The building itself is practically on the property line.

Chairman Collins: So you're proposing that actually the side yard would increase on that side to 1-1/2 feet?

Village Attorney Whitehead: No, it doesn't increase because the building is still ...

Chairman Collins: Well, he's saying that the existing is 0.3 feet.

Mr. Twine: This is 1.5 or 1.3. That's where the building now exists, right along the property line. We had an original one that you objected to where the stairs came right out to the edge.

Dep. Bldg. Inspector Minozzi: Oh, I'm sorry. Yes, I read the wrong one. It's side two – it's 1.5 feet, and he's not proposing any change there.

Chairman Collins: OK.

Dep. Bldg. Inspector Minozzi: Sorry about that.

Village Attorney Whitehead: Right, the current variances, Buddy, on the new plan – the coverage, what's increasing – is the ...

Chairman Collins: The lot coverage is the part that's increasing. Correct, Linda?

Village Attorney Whitehead: Yes.

Dep. Bldg. Inspector Minozzi: Actually, the lot coverage is decreasing because they removed the parking space on the purple one, the purple page.

Village Attorney Whitehead: Right. It's decreasing from the prior plan to this plan.

Dep. Bldg. Inspector Minozzi: Right. You'll see the new zoning chart.

Village Attorney Whitehead: Because of the pulled-up pavement.

Mr. Twine: The paved area decreased because we don't have that paved area. In this last scheme, we are removing it.

Chairman Collins: So it's 63-2/3 percent now.

Just one general comment – and this may only be my editorial – I found this particular plan to be difficult to read. There was a lot of information that was packed onto a single page. I would like to see, for future plans – any that you would present to us – if you could take more space, use more pages to communicate some of this stuff. I had a difficult time unpacking some of this information, and this updated plan we didn't receive until mid- this morning, which didn't give me enough time to go dive through it.

Boardmember Forbes-Watkins: That was on the computer, and it was very difficult to read on the computer anyhow.

Chairman Collins: Yeah. So this may end up taking a little bit of extra time, but it's the only case on our docket so I have no problem with that. But for future reference, it would help if you could give this some more room to breathe.

Mr. Twine: Let me show you. The plan you're looking at was what we worked out with the Planning Board, which is not the one I was showing you precisely because the Planning Board made additional comments on that. I'm now showing ... this is what we agreed on as the way to proceed. They asked that this fourth space be brought out.

Chairman Collins: Actually, the addition of the purple color has done a fine job of indicating what the Planning Board has requested. What I'm saying is that between the handwriting and the arrows and the notations this is a difficult plan to read, it's a difficult plan to size up. And given the fact that we're dealing, especially, with stairs and locations of decks – one story over another – this is a challenging document to really unpack. My request of you for a future presentation would be that you find a cleaner way of presenting it; whether it be using type font rather than handwritten notes, using a bigger piece of paper, or more pieces of paper to communicate lots of information would represent a substantial improvement in the way this is communicated.

Mr. Twine: OK, my error. My hope was that by shading the area that had been touched that were different ... our problem probably is that ... and that shows the response of the Planning Board, which they agreed to as a modification that they found acceptable.

Chairman Collins: But it looks to me, and correct me if I'm wrong, as if you have made a couple changes to the stairs to what you had proposed before for the second-story deck, or no? Or is that exactly as you presented it a last time?

Boardmember Dovell: No, it's changed.

Chairman Collins: It has changed. That's what I thought.

Mr. Twine: Not by you.

Boardmember Dovell: There are two options in response to our original comment. Those are shown on the drawings that were submitted.

Chairman Collins: Right.

Boardmember Dovell: Apparently, what's happened is that the Planning Board did not like one of the options which was, I would say, more responsive to our comment. And that's on ... this is a second option. Here are the three schemes. I'll show them to you. This is what you showed originally, right?, where this stair ... where he had a 5 foot 4 deck and the stair came all the way out. Is that correct?

Mr. Twine: Right.

Boardmember Dovell: Can you see? This is what you originally showed us.

Mr. Twine: Right. That's the original.

Boardmember Dovell: This is what we commented on.

Chairman Collins: Right.

Boardmember Dovell: It showed a 5 foot 4 deck over the existing porch.

Mr. Twine: Right.

Boardmember Dovell: And the stair coming up to the side, with an impasse in the back.

Mr. Twine: Right up to the line of the building.

Boardmember Dovell: Our comment was that it just seemed like having this deck out there, there was some comment from neighbors who felt that ... you remember that this was kind of an encroachment of privacy. That it was too public a space, too high up.

Chairman Collins: Right.

Boardmember Dovell: So what we suggested is that he try to rework the stair around the side, which you can see was done in this option where he has the stair coming up this way and it was cut back, the deck was cut back this much. And, you know, we're seeing this for the first time.

Village Attorney Whitehead: That didn't come to you. It only went to the Planning Board.

Boardmember Dovell: So this was not approved by the Planning Board. The Planning Board didn't like this.

Village Attorney Whitehead: Yeah, the Planning Board didn't have strong feelings. They didn't have a problem, really, with that so much. They were focused much more on the landscaping and the pavement. Remember, they were looking at the entire site. It was a site plan approval. And they heard, at the first meeting, from the same neighbors that you did. They did appreciate that this was pulled back some from the property line, but they didn't have as big an issue with the stair location. They were more focused on some of the other things.

Boardmember Dovell: So this is the scheme that the Planning Board ... this scheme, showing this 7 foot 5 notch?

Village Attorney Whitehead: Correct.

Boardmember Dovell: So from where we were – which was a full extent across the end of the property – he's cut it back 7 foot 5 inches. Is that right?

Mr. Twine: Yes.

Boardmember Dovell: You've cut it back by this much here.

Mr. Twine: Right.

Boardmember Dovell: So that's the extent of the change.

Village Attorney Whitehead: And I think we just want to clarify what Buddy and I were just going over just to clarify one thing. He only needs one variance from you now. It no longer needs a coverage variance because they're actually reducing the coverage by removing that pavement. So with the new numbers, the coverage was being reduced, the nonconformity is being reduced. It does still require a side yard setback variance. Because if you look at the sheet that shows the second floor, right now this is just a covered roof here.

Mr. Twine: We'd like to use that.

Village Attorney Whitehead: And they are proposing a deck under the covered roof. So this piece of deck still requires the side yard variance to match up with the existing.

Boardmember Dovell: As does the stair, doesn't it?

Village Attorney Whitehead: The stair, I think, Buddy, is now ...

Dep. Bldg. Inspector Minozzi: I think the stair is OK.

Mr. Twine: The stair ... the reason ... this is a compilation of not only the Planning Board's comments, but also the owners were very interested in not having this particular scheme. Which was to have the total stair in the front, off James Street.

Chairman Collins: But we have not ... I haven't seen this.

Village Attorney Whitehead: That never came to you. It only went to the Planning Board.

Chairman Collins: Are you coming to us, then to present three different proposals?

Village Attorney Whitehead: No.

Chairman Collins: Or just one? This, to me, is on the verge of going from disorganized to very disorganized.

Village Attorney Whitehead: Maybe I can help. He's only coming to you with one scheme.

Chairman Collins: Well, let's focus on that one.

Village Attorney Whitehead: He's coming to you with one plan ...

Chairman Collins: Let's focus on the one scheme.

Village Attorney Whitehead: ... and that's this last one that you've gotten that pulls the stair back, that still has the deck and includes all the landscaping and the other things the Planning Board asked for. The middle scheme, I think he was showing it to you just to show that it was done. But it was never before this board and it's not before this board.

Chairman Collins: I would prefer that we not even look at it, then. It's just complicating things. What I would prefer to do is start with where we started in September and where we are today. What wasn't presented to us and the Planning Board rejected, in my mind, is irrelevant. Unless anyone wants to spend any time with it, let's get to the proposal that's in front of us, talk about what's changed, and then we'll have a discussion about that. Is that all right with you?

Mr. Twine: That's fine.

Dep. Bldg. Inspector Minozzi: Could I just interject one thing? The Planning Board, because he brought this deck around the north side – as the Zoning Board didn't care for the first round – the Planning Board made him plant this ironwood tree to help shield the deck from the north neighbor.

Chairman Collins: Right.

Village Attorney Whitehead: The trees, in part, were to provide screening. There's also a proposed lattice on the deck in the corner.

Chairman Collins: Right. Again, why don't we start by taking us through the changes to the structure. And then we'll talk about the changes that the Planning Board has requested that we've marked in purple. But I really want to focus on changes to the structure, changes of location, size of things like deck, stairways, additions of the lattice for privacy sake. And then we'll get into the things the Planning Board talked about.

Village Attorney Whitehead: It's really the impact. The primary thing this board is looking at right now is the impact of the location of the stair and the deck that comes into that side yard setback.

Chairman Collins: Correct.

Village Attorney Whitehead: Because that's what the variance is.

Chairman Collins: That's what the variance is about, so let's look at that.

Mr. Twine: OK. The reason there are not colors on this is, this is consistent with what the Planning Board was shown and they found acceptable. As far as this plan was concerned, there was nothing more that they wanted me to do to it. That's why it shows nothing and why I was showing the original one.

Chairman Collins: And for clarity's sake, you're looking at the drawing marked – is it 1? What's the number on this? Is this the second page in our deck, Buddy? Is that what we're looking at?

Dep. Bldg. Inspector Minozzi: Let's look at the purple plan, and the drawing number is four.

Village Attorney Whitehead: Right, that's the second one.

Chairman Collins: OK, I see it. Got it.

Mr. Twine: OK. The Planning Board had no problem with the deck and any of this on the stairs as far as their plan was concerned.

Boardmember Hayes: Can we stop talking about the Planning Board?

Chairman Collins: Yes.

Boardmember Hayes: Stop mentioning the Planning Board.

Boardmember Forbes-Watkins: They don't exist.

Village Attorney Whitehead: They're looking at something different. They're done. This board needs to look at that deck and the stair location.

Chairman Collins: Yeah. We understand the Planning Board ... you met with the Planning Board, the Planning Board approved a site plan. What I would like for you to show us, Mr. Twine, is the changes in the location and massing of the deck and the stairs relative to the first drawing.

Mr. Twine: OK. The first drawing that we had ...

Chairman Collins: And by the way, by first drawing I mean the one that was presented in September of 2014. That's our reference point.

Mr. Twine: I don't have it because it's a small drawing and I was told not to bring in small drawings.

Chairman Collins: Then walk us through it. You understood it, you authored that plan. So just walk us through it.

Boardmember Anuskiewicz: Here's an extra one. That's Matt's copy.

Chairman Collins: You want to look at this? I think it's the same one. This is what you presented in September.

Mr. Twine: Right, right.

Village Attorney Whitehead: You need to walk the Board through the changes you've made.

Mr. Twine: As I said, the owners and all did not particularly like the variance where we had the stair totally in front.

Chairman Collins: On the west side of the home.

Mr. Twine: Right.

Village Attorney Whitehead: That's not the plan. They want to know the differences between that plan and the plan that's before them now.

Mr. Twine: OK. Difference being between this plan, the platform at the second level is set back 7 foot 5 from the side of the building rather than being on line with it.

Chairman Collins: OK.

Mr. Twine: That's achieved by not having it begin there, but begin on the James Street side; go up a portion, have a landing, and then go up the final amount. To provide the recreation area we were talking about, we then extended the deck on the second level.

Chairman Collins: In which direction was it extended?

Mr. Twine: It was extended south.

Chairman Collins: South. So it was elongated, but the width is the same.

Mr. Twine: The width is the same, right. It's just above the porch. So this is the deck at the neighbor's over here, and we're getting away from this.

Chairman Collins: OK, so you elongated to the south that deck in order to take away perhaps what may have been some ... a place for people to congregate on the north side.

Mr. Twine: I'm sorry?

Chairman Collins: You're taking away some of the deck space where people might have congregated on the north side of the building.

Mr. Twine: Exactly.

Chairman Collins: OK.

Mr. Twine: We don't consider this ...

Chairman Collins: OK, so you answered the neighbor's issues there. That's good.

Mr. Twine: All right. And also, we do have a portion of the stairway along the north side, which reduces the mass from being all around the front. We wanted to enter the apartment from this side to give it a better apartment layout. That's why we're showing that piece.

Chairman Collins: OK, the staircase. Is it as wide as it was before?

Mr. Twine: Yes.

Chairman Collins: Same width. It reaches the second story now 7-1/2 feet, roughly, from the property line as opposed to right up against it.

Mr. Twine: Right. We didn't want to impose it into that setback area. We are permitted a slight projection into your setback, but we were totally against the side yard there.

Chairman Collins: Is it red on the second story? There is still that deck that creates that L around the north side of the building.

Mr. Twine: Yes.

Chairman Collins: And it's the same size. It's just that the staircase comes up and meets that deck at a different location.

Mr. Twine: That is correct. We still need your permission to do that. We were hoping that by not having the stair get into that area that you would be favorable to considering converting that roof to just access to the apartment, but not as a recreation area.

Chairman Collins: And then you've also put in latticework. That's a new feature relative to the first one, right? There's a lattice? You've indicated there's a vine-covered lattice on the north side.

Mr. Twine: We did that to, again, try to respect the neighbor's privacy and all. So that one came out into a little vine-covered area. This was just circulation. This, from the James Street side, is where the second floor deck would be, just above the porch. And then the tree.

Chairman Collins: Right, that's the ironwood.

Village Attorney Whitehead: If anybody wants to see where the neighbors actually are, I'm happy to pass that down. Sorry. Last week I had my iPad. I didn't bring it tonight. It's really the neighbor to the side that's most impacted.

Boardmember Anuskiewicz: The neighbor to the east, right?

Village Attorney Whitehead: Yes. Because the one to the north, it's their garage.

Dep. Bldg. Inspector Minozzi: That would be the Paquettes, and I've spoken with them about this project and they have no ...

Chairman Collins: In our last meeting, I think there were two primary concerns. One was the exposure of a deck to the neighborhoods, which you've addressed with the latticework and by extending in a southerly direction the size of the deck so maybe more traffic flows to that end. The other was the location of the stair. You mentioned that you tried to reconfigure it along the west side of the house. But I didn't hear an explanation as to why that wouldn't work.

Mr. Twine: I'm sorry?

Chairman Collins: Why didn't that option work? The option of moving the stairs to the west.

Mr. Twine: What you get is an elevation, a typical motel elevation, and it's totally in front of the visible part of the property. The owners objected to that.

Boardmember Dovell: And they're different units in front. Is that correct? They're different units top and bottom.

Mr. Twine: Yes.

Chairman Collins: Ray, what do you think about their attempt here and where they've landed? Do you see another way that this applicant could achieve the outcome that they're after?

Boardmember Dovell: Well, physically, it would work by pushing it along this edge. They just demonstrated it in the scheme that was never presented. But programmatically, I can see that it's a problem because they're different units top and bottom. So your neighbors are trooping up and down right in front of your deck. As you said, it's a motel type solution.

So the change I see is just the 7 foot 5 notch – the 5 foot 2 by 7 foot 5 notch – that was taken out of the scheme. That alleviates the extent of a variance by 7 foot 5. And I think, Buddy, 12 is required.

Dep. Bldg. Inspector Minozzi: Twelve is required, that's correct.

Boardmember Dovell: So I think it's an attempt to address the number of programmatic concerns here. And I can also see the way the apartment's laid out that you really don't want to enter at the other edge. Because then you're going diagonally through the main room of the apartment, which really kind of wrecks it.

Chairman Collins: Yeah, I agree. And I think this is another case where if you design to try to eliminate the variance entirely you'd then be pushing the staircase into some strange dimensions.

Village Attorney Whitehead: Yeah, you've got such a nonconforming property to start.

Chairman Collins: Any questions from the Board, or comments?

Boardmember Hayes: I'm going to just reiterate that I find this very difficult to follow. I'm used to seeing a comparison so we can see how things were changed. And I'm used to having my memory refreshed by the applicant because I think that's their responsibility to tell me what the issue was and how they served to alleviate it. And I don't see any of that today.

So I have a real process issue with this, and I don't know if I'm going to be able to vote in the affirmative as a result, no matter how the rest of the Board comes out. I'm just letting you know.

Chairman Collins: OK, fair point.

Village Attorney Whitehead: Matt, do you want to hear from the owner?

Chairman Collins: Yeah, if the owner would like to be heard. Is there something you'd like to add, sir? Just if you're going to speak, speak into the microphone and introduce yourself, please.

Raymond Sanchez, applicant: Good evening, ladies and gentlemen of the Board. I am one of the co-owners of the property. It's a difficult property. All I could say is we have talked to Julius and I don't know anything as far as previous jobs that were done or anything like that. But we're flexible. We just want to get this taken care of. It's been baking for quite a while, so financially it's been a hardship. But my understanding is, Julius is an architect. He's not really versed in the ways of dealing with a board such as yourself. I am neither an architect nor versed in speaking to the Board.

All I can say is, I tried to follow the lines of the building itself and tried not to be intrusive to anybody or make it stand out. But one of the concerns from the previous neighbor was

noise. Now, there's other houses on the street that have decks and porches and, to my knowledge, there's never been an issue with noise. But you don't need a deck or a porch to have noise. Kids make noise on the street or on the grass, ground level, what have you. As far as peering into other people's windows, anybody with a window can look out their window and, quote, unquote, "peer into a neighbor's window." But the distance is substantial enough where I'm sure she couldn't see us and we couldn't see her. So we tried to alleviate that by putting trees to block the view and sound distribution to other houses.

Anything the Board can come up with regarding making everybody happy we're all for it. We just wanted to get this taken care of and make everybody happy.

Chairman Collins: Well, I appreciate your comments, Mr. Sanchez. Your mentioning the fact that you're dealing with a vacancy, the financial hardship, is relevant. So thank you very much for speaking up.

Any other comments or questions from the Board?

Boardmember Forbes-Watkins: I want to make a comment, too, on process. I feel like we're dealing with a fairly straightforward, simple-sounding problem, or question, for us to vote on. But the process that this has gone through has created more confusion than is appropriate. I will not withhold a vote on this because I don't feel what is proposed is so wildly out of line with the zoning code as to cause anything negative. But, boy, have I had a lousy time with this one.

Chairman Collins: I can't disagree with either you or Sean on this. This was messy, and can be tightened up. So take the feedback constructively. It's certainly not personal. But when presenting these things you got to help us unpack it a bit and really get to the heart of what the issue is. I think today we took a couple of turns down lanes that really weren't very fruitful.

Any other questions or comments?

Boardmember Anuskiewicz: None from me.

Chairman Collins: Anything else?

Mr. Twine: May I?

Chairman Collins: Yeah, just make sure you use your microphone.

Dep. Bldg. Inspector Minozzi: Speak into the microphone, please, Julius.

Mr. Twine: Right. I think the owners here whom I'm representing have really made a tremendous effort to be good neighbors on this particular project. When we think of what we started out trying to do, it was get up to the second floor. And one does that with a stair. The first shot we had with a stair was pretty straightforward, we thought. But obviously, we were asking for a lot from the Board to give us a variance just to move it. That is a problem.

But the major problem is how this structure came to be in the first place, how it is. It isn't something that we've created, it's something we've had to respond to. When we went to the Planning Board – which I know you're not part of – their comment was basically to do something with this plan that was going to make it a little more hospitable to the neighborhood. I think in doing that – with trying to put in some additional decorative elements, which wasn't part of anything we thought about in the beginning – they were willing to try to do that and made, I think, a good attempt to try to get the best solution that we could. I tried to do what I could with it. I'm sure there are people who could do probably better than that.

Chairman Collins: I think from a design perspective you've responded well. I think the Planning Board's recommendations improve the aesthetic quality of the property, and you are doing what you can with a bad hand, architecturally speaking, or perhaps from a zoning perspective.

What I'd like to do, I think, is let the audience and anyone who wishes in the audience to be heard to please come forward, if you'd like. And if you do, just go ahead and speak into the microphone and introduce yourself by name. Yes, go ahead, sir.

John Gonder, 153 James Street: My neighbor couldn't make it – she had some problem – that lives right next to the home. The only thing I want to say is, Mr. Sanchez says he wants to make the neighbors happy and stuff. Well, when he first took over the property he certainly didn't help the neighborhood. He broke the law by putting blacktop on the curb so he could jump the thing. He had buses up there, two buses.

Chairman Collins: Mr. Gonder ...

Mr. Gonder: I know you don't want to hear it.

Chairman Collins: What I'd ask is, if you have a comment on this particular case that would be relevant.

Mr. Gonder: All I hear about the Planning Board ... and I think I would like to see more and told more exactly what he's going to do, to see one print without purple and everything else. Thank you.

Chairman Collins: Thank you, Mr. Gonder. Does anyone else wish to be heard? OK.

Then if there's nothing else from the Board, can I get a motion please? Noting that we're only going to do one variance.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of 4 to 1, (Boardmember Hayes opposed), the Board resolved the approval of an extension of an existing non-conformity - side yard: proposed for the addition approximately 1.5 feet; required minimum, 12 feet.

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

Village Attorney Whitehead: The approval should reference the plan dated February 20, 2015 because there's been so many iterations.

Chairman Collins: So noted. Thank you. Congratulations.

Mr. Sanchez: Thank you, folks.

APPROVAL OF MINUTES

Meeting of January 22, 2015

Chairman Collins: We're not quite done here, gang. We've got minutes to approve. Did anyone have any comments on the minutes from the last meeting they wish to enter into the record?

Boardmember Forbes-Watkins: Page 11, a very strange number. "**Mr. Adams:** Well, it's 10 feet deep from front to back, and that's about 30 feet, and I am reading this right. No, I'm sorry. Thirty-six feet 8 wide. So the width of this piece in the back is about 386 feet. I don't understand it."

Village Attorney Whitehead: I know that was the width of the size of the deck.

Chairman Collins: Maybe it was 386 square feet, possibly.

Boardmember Forbes-Watkins: I haven't the faintest notion.

Chairman Collins: Good catch.

Boardmember Hayes: A very good catch.

Chairman Collins: Anything else on the minutes?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Minutes of the Regular Meeting of January 22, 2015 were approved as amended.

Chairman Collins: Our next meeting, Buddy, is when?

Dep. Bldg. Inspector Minozzi: March 22.

Chairman Collins: All right, then, if there's nothing further I'll adjourn.

DISCUSSION

Dep. Bldg. Inspector Minozzi: Before we adjourn, still on record, could we have a discussion about future applications? What is this board's feeling about going totally digital?

Chairman Collins: I have no objection to going totally digital.

Boardmember Hayes: I support it.

Boardmember Forbes-Watkins: What would that imply?

Dep. Bldg. Inspector Minozzi: Everything that you received in paper would actually be on the computer.

Boardmember Forbes-Watkins: So I would have to look at plans on the computer?

Chairman Collins: Or print them out yourself. Print them out at home and look at them.

Boardmember Forbes-Watkins: I can't print out at home.

Dep. Bldg. Inspector Minozzi: We could absolutely make an exception for you.

Village Attorney Whitehead: We can require both electronic and a certain number of print sets. We've been talking about this. Buddy and I are sitting on whatever we call ourselves, (inaudible) "task force," whatever. And we're talking about some of these things like submission requirements, requiring a minimum plan size, requiring a certain number of full-size sets, requiring some at 11 by 17, and requiring some electronically. That's why we're trying to get a sense of what the Board would want. We can do a mix. We can say give us two full-size, three 11 by 17s, and an electronic copy.

Dep. Bldg. Inspector Minozzi: Exactly.

Dep. Bldg. Inspector Minozzi: And, David, if you require that, that wouldn't be a problem to drop you off a package.

Boardmember Forbes-Watkins: My point is that trying to anticipate ... if I have to anticipate this, then I'm going to have to say, well, I want paper. Because there are many plans that would be fine on the computer, but this, for instance, today was a disaster.

Chairman Collins: This was bad on paper and ...

Boardmember Dovell: This had nothing to do with paper or electronic. This had something to do with the minimum submission standard, which I gave Deven a list of what I thought should be in every package and nothing ever happened to it.

Dep. Bldg. Inspector Minozzi: I didn't even realize that was ...

Boardmember Dovell: I gave a very specific list of, you know, you want to see the zoning, you want to see a site plan, you want to see the neighbors, you want to see the encroachment lines, you want to have a base of information.

Dep. Bldg. Inspector Minozzi: I would very much entertain a list like that if you wanted to see it.

Boardmember Dovell: Well, I provided it to Deven a long time ago.

Village Attorney Whitehead: Something else that some zoning boards require, when I was pulling the map up, is an aerial photo of the area so you can see the relationship to the neighbors. Which can be printed off of Google Earth or any other program at this point. Or photos from the property looking towards the neighbors so you can see what's there. I know you visit the sites, but sometimes I find the aerials in particular can be very helpful.

Boardmember Hayes: And the sight lines.

Chairman Collins: Sometimes we get them and sometimes we don't.

Boardmember Hayes: I think we have to start requiring them.

Village Attorney Whitehead: You get them because some people work in other communities and they know what helps them make their arguments, frankly. But it's not just about what helps them make their argument, per se. It's what helps you to be able to make your decisions and understand the impacts.

Boardmember Dovell: We've had applicants who don't even provide a floor plan. So you're left with my favorite guy. It's like a game of charades trying to figure out what's going on.

Dep. Bldg. Inspector Minozzi: Hopefully I try to curtail that fully.

Boardmember Dovell: You don't want to punish because it costs money to do all of this. But you need a minimum: you need an existing condition floor plan, you need a proposed floor plan, you need a site plan with the setbacks on it, you need areas of encroachment so there's a basis of information that we can look at.

Chairman Collins: How easy would it be for you to ...

Boardmember Dovell: I'll find the e-mail and get it.

Dep. Bldg. Inspector Minozzi: That would be great if you could shoot me that.

Village Attorney Whitehead: Yeah, Ray, if you could just distribute that again.

Chairman Collins: Linda, I like the idea of having an aerial map. I think that gives broader context that sometimes is missing when you get into a drawing, an architectural drawing.

Village Attorney Whitehead: I usually do it on my iPad so it's a little bigger.

Boardmember Dovell: But it's a matter of enforcement. Because if you have a checklist they don't get to the hearing until they've satisfied your ...

Village Attorney Whitehead: The checklist could be ...

Dep. Bldg. Inspector Minozzi: I've thrown my hands up with this case a long time ago, but there was just nothing I could do about it.

Chairman Collins: Well, no, there is something you can do about it. You can say they can't present.

Dep. Bldg. Inspector Minozzi: No, I'm just talking about this particular case.

Chairman Collins: That's what you do. If they don't meet our standards, then they don't present.

Dep. Bldg. Inspector Minozzi: Ninety-five percent of the time that is the case. I try to be very strict with the architects that come in, but this one I was pulling my hair out.

Chairman Collins: You can make me the bad guy.

Village Attorney Whitehead: Well, the one thing that Buddy was able to do with this was make sure he brought big enough presentation boards. Because if you remember before, it was on a piece of cardboard.

Chairman Collins: Getting back to this, I think, Ray, if you can reproduce that and then send it over to Buddy. And then if there's something you see within other communities, like aerial maps, that you would recommend.

Village Attorney Whitehead: I think once it became easy to just go online and find an aerial and print it, it's a great thing to require.

Boardmember Bass: Also, if we're going to go digital – and Matt, I can't believe you weren't in front of this first – if there are like apps or programs that make it easier to access like on an iPad, so I can sit here with my iPad and I can annotate ... I had annotation programs for my documents.

Village Attorney Whitehead: What most municipalities are requiring just to sort of standardize – and knowing that people have all different levels of computer savvy – is, most of them just require PDFs.

Boardmember Bass: OK, that's great because I have programs where I can annotate PDFs.

Chairman Collins: And a shameless plug, but on Surface Pro 3 by Microsoft you can actually take an e-pen and write on the PDF.

Boardmember Bass: Right. That's what we talked about, remember?

Chairman Collins: I do, my friend. I find it very helpful.

Boardmember Bass: I annotate.

Village Attorney Whitehead: So the electronic would be PDF, and what that solves is for someone like Julius who hand-draws. He can just scan it and there he's got a PDF.

Chairman Collins: Yeah, but a scan of this thing is going to be a nightmare anyway. That was the worst drawing I have ever seen before this board.

Boardmember Dovell: Oh, no, we've seen worse.

Chairman Collins: Oh, man, that one was painful. I couldn't unpack a thing, and I gave up pretty quick.

Boardmember Dovell: It was all there, all the information.

Chairman Collins: Oh, I'm sure it was all there.

Village Attorney Whitehead: Well, another thing that you can require – and something else we talked about last week – is a minimum size for lettering.

Chairman Collins: Yes, which forces someone to stop doing the handwritten stuff.

Village Attorney Whitehead: That's part of the problem here is that some of the lettering and the notes ...

Boardmember Bass: Well, if you have a checklist for them, Buddy, then they can't get angry at you if you say you can't go in front. Now, a checkout is subjective.

Dep. Bldg. Inspector Minozzi: And I have no problem with a variance checklist. That's one thing we don't have.

Village Attorney Whitehead: A checklist for the Zoning Board application.

Dep. Bldg. Inspector Minozzi: I have view preservation, I have site plan, I have steep slopes. We have many checklists. We have a green checklist.

Village Attorney Whitehead: A Zoning Board application checklist.

Dep. Bldg. Inspector Minozzi: That one we don't have.

Village Attorney Whitehead: We're going to have one.

Dep. Bldg. Inspector Minozzi: We'll make one.

Chairman Collins: When do the applications need to be in to qualify for the March meeting?

Dep. Bldg. Inspector Minozzi: Four weeks before.

Village Attorney Whitehead: Which is today.

Chairman Collins: We'll hopefully see the impact in April, right? Or we *will* see the impact in April.

Dep. Bldg. Inspector Minozzi: As of right now, unless it's a resubmission – but I don't think there is any out there right now – I don't know, March may be empty. Unless something comes in within the next couple of days, we'll squeak them in. But as of right now, nothing's come in.

Village Attorney Whitehead: You've gotten nothing.

Dep. Bldg. Inspector Minozzi: Nope.

Chairman Collins: All right, gang.

Dep. Bldg. Inspector Minozzi: I do know that Christina Griffin is going to be submitting for April's meeting. She is going to be submitting to the Planning and the Zoning Board for 32-34. I had a conversation with her today.

Boardmember Bass: Which one is that?

Chairman Collins: That's 32-34 Washington.

Village Attorney Whitehead: It's a whole new plan.

Dep. Bldg. Inspector Minozzi: A whooole new scheme.

Village Attorney Whitehead: A whole new scheme.

Dep. Bldg. Inspector Minozzi: The old convent.

Village Attorney Whitehead: It's a completely new scheme.

Boardmember Bass: Oh, boy. Then that's going to be a long meeting. Get out the coffee.

Boardmember Forbes-Watkins: Yeah, but at least you'll do it on the ...

Village Attorney Whitehead: Completely new and different.

Chairman Collins: Well, Christina's good, though. I don't think she would sign up for a project that she didn't think she ...

Village Attorney Whitehead: It's a fresh start. She has redesigned the whole project.

Dep. Bldg. Inspector Minozzi: Thank you, everybody. Thank you for understanding and getting it through this tough meeting.

Chairman Collins: Thank you, Buddy.

ADJOURNMENT