A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday January 27, 2022 at 7 p.m. with Boardmembers participating via Zoom, live-streamed via WHoH-TV (Channel 75 or FIOS 43), and online at WHoH-TV.org


I. CALL TO ORDER

Acting Chairman Quinlan: I want to call the meeting to order, and I just want to welcome everyone to the ZBA meeting of January 27th, 2022. Before we start I want to just go over a few ground rules so everybody understands what's going on.

This meeting will be held via Zoom Webinar and also broadcast live on WHoH TV 75 or FIOS 43 and WHoH-TV.org. The meeting will be conducted remotely in light of the public health and safety concerns associated with the Covid-19 pandemic. The public will have the opportunity to see and hear the meeting live and provide comments during the appropriate time. Please use the "raise-hand" feature at the bottom of the screen. We will call you one at a time. To begin with, please state your name and address for the records. Comments can also be mailed before and during the public hearings to cminozzi@hastingsgov.org.

The meeting will be recorded and a transcript of the meeting will be available at a later date.

What we're going to do today is first of all, Buddy, are the mailings in order?

Bldg. Inspector Minozzi: Yes Mr. Chairman, I have been informed by my staff that all the mailings are in order.

Act. Chairman Quinlan: For all the applicants, we only have three members of the Zoning Board that were able to be present today. One of our members had an emergency late this afternoon and couldn't make it. We do not have a full board. You are entitled to a full board of all five members. We only have three members today and that means that to pass the variances required you'll need all three votes. You have the option to put your cases over 'til next month and are entitled to a full board to hear your applications. We will go down, one by one, and ask you what you want to do. If anybody can't make a decision right now we'll give you a few minutes to think about it, then we will just adjourn your case 'til next month. You'll have to speak up one by one, and we'll just go down the list. Case No. 24-21, 204
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Farragut Avenue. Would you like to have the applicant heard tonight, or would you like and adjournment 'til next month?

**Christina Camaj, applicant:** Tonight is fine, thank you.

**Act. Chairman Quinlan:** Next we have Case No. 1-22, Daniel and Christina Cleary at 200 Warburton Avenue. What would you prefer tonight?

**Gabriel Ce, Gabrie Koche Ce Architect:** We prefer to have it heard tonight.

**Act. Chairman Quinlan:** You can be heard tonight or you can delay 'til next month. Did you understand what the restrictions are? You said on tonight? Let me just double-check that. You understand you'll need all three votes, correct?

**Mr. Ce:** Yes.

**Act. Chairman Quinlan:** Finally, Timothy Whalen at Case No. 02-22 at 360 Warburton Avenue. Sir?

**Thomas Curro, project architect:** Yes, we'd like to be heard tonight.

II. **ELECTION OF CHAIRPERSON**

Deferred Until February, 2022 Meeting

III. **AGENDA**

**Act. Chairman Quinlan:** Okay, so we're all ready. Thank you. This is how we're going to proceed. We're going to take each case one at a time as they appear on the agenda. First, we're going to hear the presentation by the applicant. Then we're going to have questions by the members of the Zoning Board and then we're going to hear from any neighbors or citizens that wish to comment about the application. Finally, we're going to have each member state their views about the application itself, and then we're going to have a vote. So let's start with the first case on the agenda,

**Case No. 24-21 (Originally 12-20)**
Christina Camaj  
204 Farragut Avenue  

Extension of a previously-approved application of Kristina Camaj for relief from the strict application of the Village Code Sections 295-69F.1.c & 295-20C.2 for a rear addition and patio plus dormer addition at her single-family dwelling located at 204 Farragut Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.110-102-5 on the Village tax maps.

Nonconformity details are as follows:

1. Side-yard setbacks to Rear Addition: Existing: Side 1 – 7.7 feet; Proposed: Side 1 – 7.7 feet; Required: Side 1 – 8 feet {295-69F.1.c}; Variance required: Side 1 – 0.3 feet

2. Side-yard setbacks to Dormer Addition: Each yard/total of both: Existing: Side 1 – 7.5 feet/Side 2 – 7 feet/Both – 14.5 feet; Proposed: Side 1 – 8 feet/Side 2 – 8 feet/Both – 16 feet; Required: Side 1 – 8 feet/Side 2 – 12 feet/Both – 20 feet {295-69F.1.c}; Variance required: Side 1 – 0 feet/Side 2 – 4 feet/Both – 4 feet 3. Paving in a Required Yard: Existing: NA; Proposed – 85 square feet; Required Maximum – None {295-20C(2)}; Variance required – 85 square feet

Ms. Camaj: The application that was submitted was an identical application that was submitted and approved by the Zoning Board last October, so October 2020. It is for an extension on the rear of my property, about 300 square feet in the back of my house. Last year my architect attended the Zoning Board meeting and presented the application. There was miscommunication and I was not aware that the approval expired but was in communication with my contractor when we realized it did expire. We were required to resubmit the application and it is submitted in exactly the same format as last year.

I'm happy to answer whatever questions I can. I'm certainly not an expert on the details or the language of the work, but I can answer whatever questions you may have.

Act. Chairman Quinlan: I just had one question for you. What caused the delay?

Ms. Camaj: The delay to start the work? Covid. I had a lot of difficulty finding a contractor because the prices are so high that I couldn't even get some contractors to give me quotes. Finally I was able to identify a contractor that could do the work and we actually are going to proceed with him. This was in November, so just after the Zoning Board approval expired he called the office and learned the approval was in October. We've been just trying to move forward pending the Zoning Board's decision.
Act. Chairman Quinlan: Well, that's certainly a good excuse during these troubled times we're all going through.

Ms. Camaj: Thank you.

Act. Chairman Quinlan: I just have one question. Buddy, you reviewed this and the variances being requested are the exact variances we approved in October, 2020?

Bldg. Inspector Minozzi: Yes, Mr. Chairman. I was just going to say I pulled up my notes from the last meeting, from 2020, and it is identical. It was unanimously approved by all five members at that time.

Act. Chairman Quinlan: Thank you very much. Sashi, any questions?

Boardmember Nivarthi: No.

Boardmember Gaillard: None for me either.

Act. Chairman Quinlan: The extension, I understand, would be for 12 months. The resolution is to approve extension of 12 months for this project.

Boardmember Nivarthi: I hereby move to approve an extension of 12 months for Case No. 24-21 based on the fact that the application was originally granted in October, 2020.

Act. Chairman Quinlan: Anybody in the public that wishes to be heard on this application? I don't see anybody here.

Bldg. Inspector Minozzi: And I have no e-mails, sir.

Act. Chairman Quinlan: We'll have a vote, starting with Sashi.

Boardmember Nivarthi: I "approve."

Boardmember Gaillard: I "approve."

Act. Chairman Quinlan: And I "approve" also.
On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to approve an extension of 12 months for Case No. 24-21 based on the fact that the application was originally granted in October 2020.

**Act. Chairman Quinlan:** We have three members. I wish you luck on your project.

**Ms. Camaj:** Thank you very much.

**Act. Chairman Quinlan:** Enjoy the cold weather this weekend and get those contractors out there as soon as it gets warm, okay?

**Ms. Camaj:** My God, I will. Thank you all very much.

**Act. Chairman Quinlan:** Moving right along, Case No. 01-22, Daniel and Christina Cleary for 200 Warburton Avenue.

**Case No. 1-22**  
Daniel & Christina Cleary  
200 Warburton Avenue  
View Preservation Approval as per Village Code Section 295-82 for relief from the strict application of Section 295-69.F.1(a) on the application of Daniel and Christina Cleary for addition of a second-floor extension and balcony plus front stoop to their single-family dwelling located at 200 Warburton Avenue.  
Said property is located in the R-10 Zoning District and is known as SBL: 4.130-139-16 on the Village Tax Maps  
Nonconformity details for 2nd story addition/balcony and front stoop are as follows:  
Front yard setback: Existing – 25.8 feet; Proposed – 21.3 feet; Required – 30 feet (295-69F.1(a)); Variance Required – 8.7 feet

**Act. Chairman Quinlan:** Let's have the presentation, please.

**Gabriel Ce, Gabriel Koche Ce Architect:** I'm representing Daniel and Christina Cleary. I will share my screen. Can everybody hear me and see my screen all right?

**Act. Chairman Quinlan:** Yes, and welcome Gabriel. It's always good to see you again.
Mr. Ce: Nice to see you, too. I have a quick presentation and will try to run through these slides as fast as I can.

Act. Chairman Quinlan: Doesn't have to be quick.

Mr. Ce: I welcome anyone who wants to stop me as I roll through the slides. I broke it down into five parts, starting with the petition talking about the existing conditions of the house, proposed alterations, view studies, and then a neighborhood analysis we put together at the end.

The petition, there's two things for the Zoning Board. One is view preservation. We presented the project last week to the Planning Board, which we received no objections or comments. Also there's a front yard encroachment, and existing encroachment, the house has as is. This is in R-10. We're supposed to have a 30-foot front yard; the existing structure is 25.8 feet away from the front property line. The addition we're proposing is a second floor in the same building of the lot. But we do have a projecting balcony that will decrease that front yard by a few feet. So we're reducing that 25.8 down to 21.3.

A little background of the history for the petition is my clients were a couple with no kids when they moved to Hastings. Now they have two kids and both are working partially or a hundred percent from home. I think that's a pretty common reasoning nowadays; people are expanding their families and you're spending more time at home. So the necessity for extra square footage is imminent. They like the neighborhood, they like the location where they are, the neighbors, the river views and so forth. They want to make the house work for the family needs. Any questions before I jump into existing conditions? I will continue then.

There's a survey here that shows the current location of the house in relation to Warburton Avenue. In the front of the house you'll have Warburton, on the back of the house you'll have the Aqueduct. Here's just a site map where the property is. You see there's a designated park area in front and across from Warburton so they really have an unobstructed view of the Palisades and the river. Again, this is showing the existing zoning data for an R-10. The property's compliant on all yard encroachments or yard setbacks besides the front yard. It complies with the maximum wall height and building height. The same thing with lot coverage and FAR.

The basement, you see this dotted area that indicates what currently is encroaching into the front yard. So the basement is just storage, utility space and laundry space, with the garage on the south side of the house. The first floor, you enter the house from a few steps. Then
there's a living space on the south side. On the north side you have the kitchen. And on the back, or east, side of the house facing the mountain, or the Aqueduct, is where the bedrooms are and a tiny bathroom on the end of the corridor.

Existing elevations, we've dashed the maximum wall height allowed by the R-10 district; maximum building height as well, of 35 feet. East and south elevation, then a 3-D diagram showing the same information but 3-dimensionally. Again, the polka-dot represents the existing front yard encroachment. The proposed alterations are basically building the second floor to match the footprint of the first floor. We are projecting a balcony, and the idea came from the necessity of having some sort of canopy over the front door. Then we'll also make use of that canopy, or projecting structure, as a balcony so the family can enjoy sunsets and river views. That's why the front yard encroachment is increasing from 25 foot 9 to 21 foot 4. This is showing the proposed, the numbers I just mentioned. Other than the front yard, the maximum wall height is compliant with what the code allows. The code allows for a maximum of a 23-foot high wall; we are going up to 18.5. The same thing for the maximum building height. We can go as high as 35, but we're keeping it at 30 foot 2. So it's basically increasing the roof reach by 6 feet.

The proposed basement, there's not work here beyond incidental work required for the boiler to bring heating upstairs to the new floor. On the first floor the only work is really surgically inserting a stair where there's currently a closet. So you'd enter the house, there'd be the set of stairs that stacks with the stair that leads to the basement. And some operation to the ceiling of the living room just so the last step of the stair as it turns can be accommodated. The second floor, I'll walk you through the plan. As you land from first floor there will be family room connected to this balcony and a little outside area over by the proposed roof. On the south wing of the second floor will be the master suite, with a walk-in closet and dedicated bathroom. There'll be a linen closet down the corridor, then two bedrooms on the north side flanking a shared bathroom. The yellow portion here represents the proposed front yard encroachment, which is on your right because this floor doesn't exist right now.

Then just looking at the elevations, the dark-gray represents the silhouette of the existing structure. The yellow again represents what's added new to the front yard setback. The view from the back, the east side, then from the south side of the house. You see the projecting balcony there. Same 3-D diagram now with added information to it. Then we did a few view studies. The first one is going southbound on Warburton Avenue between the existing house as is. The house with the second floor, I dashed in the profile of the neighboring houses. It would actually block some of the proposed alterations. Also the trees are remaining so they would also block, or obstruct, some of the presence of the house. A view from across Warburton, same thing, before and after. If you're going northbound on
Warburton Avenue, existing and proposed. Across the street, proposed. From the Croton Aqueduct, existing and proposed. From 204 Warburton, the neighbor's house on the north side from their backyard, existing and proposed. From 196 Warburton, from the south side of the house existing and proposed.

Jumping to a neighborhood analysis, we basically took … there were 14 homes not including 200 Warburton, which is our project, on this stretch from Pinecrest down to Rowley's Bridge on Warburton. We analyzed all those properties to see how this alteration would fit with the character of the neighborhood, as I know this is an important item on your review process. I'm starting from up here on 1 Pinecrest, the old Rowley house, and will be going house by house southbound on the east side of the avenue, then turning on the west side of the avenue and go northbound. The Rowley house – and I'm not going to spend much time on each one – for the key here I'm using the red portion for the front yard. You can see the distance of the existing structure in relation to their front property line. For example, the first house is the Rowley house. It's currently compliant, right? It's beyond the red portion.

The next house showing Warburton is the immediate neighbor on the north. It also encroaches to the front yard, very similar in terms of dimension to our project. The next house, 196, also encroached to their front yard. 192 Warburton also encroaches to their front yard, 184 as well. This is all on the east side of the avenue, or the mountain side of the avenue. 184 also encroaches, 186 also encroaches. 168, and we're still on the east side, also encroaches into their front yard requirement. 162 does not encroach. That's the last house on the east side. Now flipping to the west side, the river side, of the avenue. The first house does not encroach their front yard, 165. 169 does encroach. 173 encroaches onto their front yard requirement. 175 slightly encroaches, not much but they do.

Then I put all this information into a chart just so we can compare how this information applies to our project. There's a total of 15 properties, again not including 200 Warburton, our project. The properties with front yard encroachment, there's 10 out of 14 so 71 percent. Properties with more than one story – two stories or more – 10 out of the 14, so 71 percent. Properties with more than one story and also with front yard encroachment there are eight out of the 14, or 57 percent. Sorry, the book I gave you there's a typo there. It says "properties on the west side of the avenue." It should say "properties on the east side of the avenue." There are eight out of 14, so 57 percent. And out of eight, five have a front yard encroachment and also more than one story. What we're proposing kind of fits the great majority of the houses on that side of the avenue.

My conclusion here is, going through the five governing points where the zoning looks for area variances, the first question is on undesirable changes to the character of the
neighborhood. That was the main intent of having the neighborhood analysis, to prove the house will fit with the character of the neighborhood if you add a second floor. Also with the front yard, it's not uncommon to houses in this neighborhood to have a front yard encroachment. The benefits sought on other matters than seeking a variance for this particular property – because we are really on the footsteps of a big incline that leads you up to the Aqueduct – expanding the house will result in substantial site work around which would make the project quite cost prohibitive and also would start to implicate on other aspects where we're disturbing steep slopes and creating more stormwater retentions and other things we don't need to do while we are just extruding a second floor.

"Whether the requested area variance is substantial." With "substantial," I don't think we have a clear rubric (ph) what that number is to be substantial. But we are increasing by 5 percent the front yard requirements, so from 86- up to 71 percent. (I'm sorry, my kids just entered here so you might hear some crying in the background). And "whether the proposed variance will have an adverse effect or impact the physical environmental condition of the neighborhood." Again, the variance is in line with the immediate neighborhood and we see that you will not affect the neighbors or the environment of this district in any way. The last point, "if that was self-created." I think every homeowner should be familiar with their zoning ordinance restrictions before getting their homes. Although their house was built in 1954 which probably preceded the current zoning code. The owners, again, like the house and like the neighborhood. They love the river views, the Palisades. They want to make the house work for themselves and their family.

What a family would need in 1954 when this house was built in terms of square footage is probably quite different than what we need nowadays, our needs for closets and all that. We think we're not asking much for this variance and we'd like the board to review it, and we'd like to hear your opinion.

**Act. Chairman Quinlan:** Anything further?

**Mr. Ce:** No, I stop here.

**Act. Chairman Quinlan:** Okay. Sashi, do you have any questions?

**Boardmember Nivarthi:** You're not going to do anything to the ground floor and the basement, the first floor and the basement. It's basically an addition of the second floor.

**Mr. Ce:** That's correct.
Boardmember Nivarthi: Effectively what you're saying is you are going to work within the footprint of the house with the exception of the balcony.

Mr. Ce: That's correct.

Boardmember Nivarthi: I think that's if for me, Jerry.

Act. Chairman Quinlan: Okay, thank you Sashi. Brett?

Boardmember Gaillard: First of all, I thought it was a really clear and good presentation so thank you.

Mr. Ce: Oh, thank you.

Boardmember Gaillard: Very easy to follow. I just had a question about the height, and I think I may have just missed it. What's the difference between the current height to the top of the pitch of the roof to the new height? Because it doesn't look like it's a full floor. In all the views it looked like actually … and I just think I missed when you showed it.

Mr. Ce: Sure. It's roughly 6 feet.

Boardmember Gaillard: Okay, that's what I thought.

Mr. Ce: That's how high the ridge will go. I think there's one of my elevation diagrams that showed the existing and proposed.

Boardmember Gaillard: I felt like in the view, especially, my only thought is about your argument, and it was great. This house and its neighbor's house are kind of a couple right now – not necessarily the most attractive couple, but they are a couple – so I understand why there could be an argument made for keeping them looking the same. But then when you showed the views it didn't look like this was becoming some kind of monstrosity next to its sister house because you are in fact only going up 6 feet. You're not going up 12 feet or 15 feet or something like that. So I just wanted to clarify that, and I think you answered that. Those are my questions. Then I thought the balcony was very clear, the reasons you would want to have that. I would love that view, so I get it.

Mr. Ce: Thank you.

Act. Chairman Quinlan: Okay, I have no questions. That brings us to public comment.
Bldg. Inspector Minozzi: We have no e-mails, Jerry.

Act. Chairman Quinlan: How about anybody in the chat box? I don't see any hands raised, I don't see anything. Anybody else? No? Then we'll just go to a little bit of discussion with the members about what they think of this project, same order, Sashi?

Boardmember Nivarthi: There are many factors here when we're looking at the application. First, the existing size of the house and the need put forth by the applicant, which is a growing family. And also due to Covid the need to work at home. The current house, I can easily see how it can get very tight and cramped very soon provided you have four people in the house, two of them working. Considering that, I think the expansion as proposed is, where it is, noble and sensible. I drove past the house and looked at it, considering the steepness of the yard in the back and what it entails to actually exit the house in the back rather than going up. What I also liked about it is announcing the footprint of the house. Significantly, they're just going up. I think in all aspects I'm okay.

I was a little on the fence about the balcony, but then I looked at it. As I'm looking at the plan – and as I said, I drove past the house – it kind of covers the staircase leading up, it provides a cover to people as they're entering the house, and also maximizes one of the best selling points of the location of the house, which is the view. All things said, from the proposal perspective, not necessarily the view preservation perspective, I am okay with this. I do not know what we need to do in terms of the view preservation.

Act. Chairman Quinlan: Well, the same thing Sashi. We're going to have a motion to approve it, and a second, then we're going to vote. Then we'll vote on the variance.

Boardmember Nivarthi: Regarding the view preservation, the backyard basically abuts or goes into a hill. The only view, as I look at it, is for people walking along the Aqueduct. There the sight lines are … Gabriel, can you put that up, and the one before – the before and after – so we can … now can you go to the before one, please? Right now, from that viewpoint, Jerry, the way I'm looking at it, what you're seeing is effectively a large swath of Warburton, the road itself, and a little bit of the trees and shrubbery beyond Warburton on the western end. Gabriel, if you can switch over to the other view. Anything that is getting obscured by this it is more the road itself rather than views of the Palisades. That is my opinion.

Act. Chairman Quinlan: Okay, are you finished? Brett.
Boardmember Gaillard: Thanks. I think from the perspective of the front yard setback I have no issue with that. I think it fits within the character of the neighborhood. The house is already over that to begin with. They're not proposing to significantly increase that. In fact, I think it's a restrained way – and I say that in a positive way – to take advantage of that incredible view without being kind of overly gluttonous. I feel they could have come back to us with a much more aggressive approach to capturing second-floor space in that view. I feel this is a smart and very reasonable addition on the second floor with the balcony so I have no issue with that at all. And I think in terms of view preservation I have the same opinion that Sashi has, which is that if anything it just obscures a little bit of the road but has no real impact on your ability to stand on the Aqueduct and take in the Palisades or the Hudson. I don't think that 6-foot difference is really anything of note. So I feel comfortable with the proposal.

Act. Chairman Quinlan: I concur with my fellow members with all the points they make, and I don't think I need to repeat them except that it's a modest proposal. I'm jealous about the views and I think it's a great idea. It doesn't really affect anything from the Aqueduct. I've ridden my bike past that view probably hundreds of times. There's plenty of view left, if there's any view blocked at all. And none of the neighbors are going to have anything blocked either. They all have beautiful views and they're all going to enjoy the river. So I have no problem with it at all. Can I have a motion, and let's start with view preservation?

Boardmember Nivarthi: I hereby vote to approve 200 Warburton Avenue view preservation approval as per Village code 295-82.

Act. Chairman Quinlan: Let's go one at a time. Sashi?

Boardmember Nivarthi: I "approve."

Boardmember Gaillard: I "approve."


On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to grant view preservation approval for Case No. 01-22, 200 Warburton Avenue, as per Village code 295-82.

Act. Chairman Quinlan: All right let's move on to the front yard setback. Do I have a
motion in favor?

**Boardmember Nivarthi:** I'll move that. I hereby move to approve the request for front yard setback for 200 Warburton Avenue: existing 25.8, proposed 21.3, required 30 feet; variance required 8.7 feet, which is basically another 4.5 feet.

**Act. Chairman Quinlan:** Let's continue to the vote. Sashi?

**Boardmember Nivarthi:** I "approve."

**Boardmember Gaillard:** I "approve."

**Act. Chairman Quinlan:** And I approve, so it's unanimous.

On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to grant the variance for Case No. 1-22, 200 Warburton Avenue, for front yard setback: existing 25.8, proposed 21.3, required 30 feet; variance required 8.7 feet.

**Act. Chairman Quinlan:** Good luck and thank you, Gabriel. Your presentation was complete, thorough, and very understandable. I think Brett, Sashi and I appreciate that type of work. And good luck to your client.

**Mr. Ce:** I have one last question. Do we go back to the Planning Board – and this might be a question for Buddy – or are we clear from Planning.

**Bldg. Inspector Minozzi:** No, you're done.

**Mr. Ce:** Good. Thank you, all.

**Boardmember Gaillard:** Thank you.

**Bldg. Inspector Minozzi:** We actually should have said at the beginning of the meeting, Jerry, that this was recommended by the Planning Board.

**Attorney Whitehead:** The applicant said it so I didn't feel the need to [laughter].
Bldg. Inspector Minozzi: I missed that, sorry.

Act. Chairman Quinlan: Now our last case of the evening is Case No. 2-22.

Case No. 02-22
Timothy Whalen
360 Warburton Avenue

View Preservation Approval as required under Section 295-82 of the Village Code for relief from the strict application of Sections 295-55A w/295-69F.1(c), 295-69F.2(b) & 295-53.1 on the application of Timothy Whalen for addition of a second story and two-story rear addition to their two-family dwelling located at 360 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-94-19 on the Village Tax Maps

Nonconformity details are as follows:
1. Prohibition Against Extension of Nonconformity – with relation to side yard setbacks for the additions {295-55A}
2. Side Yard Setbacks to Additions:
   Side 1/Total of Both – Existing Side 1 – 7.25 feet/Both – 15.45 feet; Proposed - Side 1 – 7.25 feet/Both – 15.45 feet; Required – Side 1 – 12 feet/Both – 20 feet {295-69F.1(c) w/ 295-55A}; Variance Required Side 1 – 4.75 feet/Both – 4.55 feet
3. Developmental Coverage:
   Existing – 50 percent; Proposed – 51 percent;
   Required Maximum – 40 percent {295-69F.2(b)}; Variance Required – 11 percent
4. FAR:
   Existing – 0.452; Proposed – 0.594; Required Maximum – 0.487
   {295-53.1}; Variance Required – 0.107

Act. Chairman Quinlan: Who's going to present?

Thomas Curro, project architect: That would be me. Thank you Chairman, members of the board. Would you like me to share the screen now? I'm going to have a little thing I'd like to read to you, but if you'd like to see the plans we can do that as well. I can share my screen.
Act. Chairman Quinlan: No, you go as you want. We're here to listen.

Mr. Curro: I'll give you the visuals while I read. Basically I'm here this evening along with my client and the owners of the property, Timothy and Joanne Whalen. What prompted this meeting with the Planning Board was our proposal to enlarge this home at the rear yard. This home has existing nonconformities, particularly lot coverage and yard setbacks. The proposed addition consists of a two-story enlargement of approximately 317 square feet and a small two-story addition of approximately 44 square feet, which will square off the right-hand rear part of the home. Basically this would be the corner, I don't know if you can see photo number six. That’s the corner now that we're proposing to square off, and this is what it would look like when completed; basically just squaring off that corner and going up to the second floor. The addition nor the squaring off of the rear portion of the property will result in a dwelling structure appreciably larger or otherwise out of character with existing dwelling structures adjacent to, and in, the neighborhood.

In addition, the proposed renovation area is wholly located in the rear of the property and structure, therefore invisible to the general public and will go unnoticed. In addition, the property has substantial planting on its north and south sides which also add screening to the adjacent northerly and southerly properties. As you can see – if I can show you the plat plan – we are at 40 foot to the rear lot line. Incidentally, across Nodine Street here is an accessory building that Mr. Whalen also owns. So this is his lot, and the lot behind it is his as well. The only thing visible directly behind his lot would be the Aqueduct, the Croton Aqueduct, and there are no residential buildings in that area. So basically we're proposing to take this existing structure, a one-story built in 1905, bring it up to code, insulate it, make it structurally sound, and enlarge it vertically to enlarge the bedrooms on the second floor and add a couple of powder rooms on the first floor. There's a demising wall right down the middle here. So this is Mr. Whalen's residence, and this is his neighbor at 358.

If it would be okay I would like to read the principle points we prepared for this project. Number one: "Whether the variances would create a undesirable change in the character of the neighborhood or a detriment to nearby properties." The variances will not create an undesirable change in the character or the neighborhood and will not be a detriment to nearby properties. On the contrary, we respectfully submit that the improvement of the project in the manner proposed by the applicant will be a welcome and significant investment in the neighborhood and an improvement to the existing structure, therefore improving the overall character and desirability of the areas. With respect to the four preexisting nonconforming conditions – namely lot coverage, side setbacks, and floor area ratio – the side setback conditions at the property will not be decreased by the proposed work, and these deficiencies will therefore not be enlarged in connection with the proposed work.
The lot coverage, which is 40 maximum – 50 percent existing and 51 percent proposed – represents an increase of 1 percent from that which currently exists. And the FAR – 0.487 maximum permitted, existing 0.52 and proposed 0.594 – represents an increase of 0.42 from that which currently exists. The applicant respectfully submits that these increases, due to their nature, location, current, and to-be-counted continued existence and numerical insignificance will go unnoticed and will not create an undesirable change in the character of the neighborhood nor be a detriment to the nearby properties.

Number two: "Whether the benefits sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than the area variances." The benefits sought by the applicant cannot be achieved by any alternate more feasible methods other than the area variances and expansion. After analyzing feasible alternatives, discussions with design representatives over bulk and dimensional concerns – and for the applicant to maximize use of the available property area for the intended purposes – the applicant could not configure or otherwise relocate or position the proposed improvements, dictated largely by the existing structure and property usage on all sides as well as applicable building code requirements, topography, site conditions, and character of the neighborhood. The applicant explored design and layout possibilities in an attempt to achieve the desired result, while at the same time minimizing any adverse impact with respect to these considerations.

Number three: "Whether the required area variances are substantial." We respectfully submit that the requested expansion of existing nonconformity under the circumstances of this application are not substantial. Of the four existing and nonconforming conditions, two of them are existing and will remain unchanged by the proposed work. The remaining two, namely FAR and lot coverage, are numerically minor and effectually in-site as already set forth herein. Should the board consider the variances to be substantial, the applicant respectfully submits that they are mitigated and outweighed under the circumstances of this application and that the requested variances, due to their nature, location, and associated impacts, if any – and as already explained to the board – will go unnoticed to the general public, are consistent with prevailing conditions in the immediate area, and will have no adverse impact to the general public and neighboring community.

Number four: "Whether the proposed variances will have an adverse effect or impact on environmental conditions in the neighborhood." The requested variances, due to their nature, will not have an adverse effect or impact on the environmental conditions of the neighborhood. A review of all adjacent properties, the surrounding structures, and existing conditions reveals there will be a minimal impact to the surrounding areas and that the project will not adversely affect natural environmental characteristics – such as water use,
pollution, energy use, drainage, runoff and flooding – nor create any noise, odor or visual or other nuisance conditions.

Number five: "Whether the alleged difficulty was self-created." While it is possible the applicant had actual or constructive knowledge of the zoning law prior to acquisition and proposed renovation and reconstruction of the property, the board is well aware that the self-created hardship rule is merely a consideration and does not necessarily bother granting of a variance. In my written points I quote some cases between the Village of Port Chester and human development resources: "The ZBA enabling legislation plainly states that self-created hardships are just one of the five factors a ZBA must consider." The Human Development Services versus Village of Port Chester Zoning Board of Appeals: "For example, the court of appeals minimizes significance of the self-created hardship in balancing the relevant factors where no public purpose – no valid public purpose – would be served by denying the area variance requested."

We respectfully submit that under the circumstances of this application, and given the nature and type of area variances required and proposed extension of the existing nonconformity – especially given the condition of the existing property and associated characteristics – the benefits to the applicant and the community if the area variances are granted outweigh any detriment to the community. We therefore request the Zoning Board of Appeals approve this application. Any questions?

**Act. Chairman Quinlan:** Okay, thank you. That was a very thorough presentation. Sashi, questions please?

**Boardmember Nivarthi:** Can you walk us through a little bit more on the proposed renovation, the addition in the back?

**Mr. Curro:** Okay. This is a realistic rendering. I could show you, if you'd like to see the reason for that in the plan, just some floor area. You can see on the first floor we're adding the 44 square feet just to square up the corner. And the back, at the second floor, will just go out 9 foot 5 inches into the yard. But no encroachment on the sides.

**Boardmember Nivarthi:** So when you're going back 9 feet in the yard, that is essentially covering (cross-talk) … existing on the first floor. You are increasing it to the second floor.

**Mr. Curro:** Right. It's a roof right now, so we're enlarging these bedrooms out over the roof so it's all in line with the first floor below.
Boardmember Nivarthi: And you're squaring off the corner.

Mr. Curro: Yeah. So these are the existing conditions, I'll show you the proposed. You know, this is what it looks 2-dimensionally. The proposed (where did it go, did I just lose it?, basically … I'm sorry, I thought I went to the next page. I went right back.) Okay, so you can see the proposed here. The area that is already nonconforming, basically on the left side it encroaches. We're just extending that vertically. Currently, this is a full kitchen. And because this is almost like a symmetrical two-family home the owner wants to create a similar kitchen, a similar area, on the right-hand side where currently it doesn't function very well. These are the two powder rooms we're adding at the first floor. So looking down from the attic you would see a roof, a hip roof, and these are the enlarged bedrooms with bathroom, additional closets. Just try to make the most out of the existing footprint. You know, when we first discussed this project we considered going up and felt that would be not good, particularly with the view preservation. We just felt that wouldn't be a very wise approach to a job in this location.

Boardmember Nivarthi: Can you show us the second-floor plan?

Mr. Curro: Sure. Here's the second floor here.

Boardmember Nivarthi: All right. And what you're doing in the back is adding it. So how high are the walls going to be at the back?

Mr. Curro: We're going up, trying to get a roof pitch as close to the existing as possible. So we're going up to the underside of the existing windowsill. That's about 20 foot 6 inches. So the existing building, about 31 feet to the ridge. We're only going up 20 feet 6 inches.

Boardmember Nivarthi: I get that.

Mr. Curro: Oh, because of this detail – and the fact that we wanted to align the eaves – we had to go with the trace ceiling. I call it trace ceiling, some people may not. But in order to do this … and you know, it picks up on the character of the age of the home. A lot of homes have this, a lot of detail similar to this. The serial wall out here on the first floor would be an 8-foot ceiling, then up here it's 7-2 approximately to the top of the eave. Again, that's located to align with the existing eave around the sides. That's the only reason for that.

Boardmember Nivarthi: Got it.
Mr. Curro: And that's it. I mean, it's the existing slab on grade. There's no insulation on that existing back part of the house but we're going to be sure to bring it up to code, as we should.

Boardmember Nivarthi: I have no further questions.

Act. Chairman Quinlan: Thank you. Brett?

Boardmember Gaillard: Thanks. Thank you for the presentation. I just want to make sure I understand what we're approving, too. Based on the plans it's really just that trapezoid on the second floor because the building already encroaches on the side yard lot, right? That was where you showed it. It doesn't on the back? Am I understanding that correctly?

Mr. Curro: It doesn't on the back. It cuts through the side.

Mr. Curro: Okay, so the side yard, which I think … what is that, the north side? And then on the second floor what you're doing is, it's like just literally that trapezoid on the second floor is the only thing we're encroaching on.

Mr. Curro: Yeah, we're just stretching it vertically so we can enlarge those bedrooms on the second floor. And in doing so it just seemed like everything else in this house is symmetrical: why isn't that one corner? We would like to square that off and have it look as we believe it was intended to look.

Boardmember Gaillard: Yes, I agree. I mean, I have no issue with that. I was just making sure I understood what we were talking about, which is actually like I don't know what that is, 50 square feet or 60; probably under 100 square feet of space.

Mr. Curro: Probably, yeah.

Boardmember Gaillard: Then the only piece of information I feel like I don't have right now is any sight view of any of the neighbors, or what's going on with the neighbors or what's happening with their yards, side yards. I'm just having trouble in terms of the character of the neighborhood having an understanding from a site plan view. I see it from the street.

Mr. Curro: A site plan. I have a few photos here that show the adjacent properties. They're very similar homes, probably built as tract homes back then. But yeah, they're all the same streetscape, they're all set back virtually the same, same height.
Boardmember Gaillard: Do you have an aerial view from the back? Because those are all from the front, right?

Mr. Curro: From the back … this is looking out over the front. I may have some. You can see …

Boardmember Gaillard: Like that view right there, view 8, almost hints at the fact that the neighbors extend further into their rear yard than this house, right? It looks like someone's poking out. That would just help me understand how this is fitting in with everything.

Mr. Curro: I wish I had something … let me just look.

Boardmember Gaillard: It's okay. I just didn't know if you had something in here because that was the only thing I kind of didn't see.

Mr. Curro: I may, but I didn't prepare it.

Boardmember Gaillard: That's okay. I think, too, in terms of the argument you made about the kitchen and the symmetry of the kitchen that makes total sense. Also the bedrooms. I mean, I don't see any issue with the reason why you would want to do this. Like Sashi, I was wondering how high you were actually going. So I think we got to the height of the wall, but from where that pitched roof is right now in view 7, on the first floor, are you going up another 8 feet, another 10 feet? That's the thing I wanted to see.

Mr. Curro: We're using this as a guide, this windowsill.

Boardmember Gaillard: And what's the height from that windowsill to the top of where you are now, just so we get a sense of how much volume you're adding?

Mr. Curro: Let me just go back to my section. That would be 20 foot 6 inches from grade to that peak.

Boardmember Gaillard: So what's that from the existing peak to the new peak? That's what I'm asking. I'm just trying to get at what we're talking about in terms of how much volume you're adding to the back.

Mr. Curro: This will teach me to always show the demo under the existing. Let me just see if I can find it.
Boardmember Gaillard: You can estimate. It's under 10 feet from what I'm seeing.

Mr. Curro: I want to say the sill's about 2-6, maybe about 4-6 above the floor, right? And this is about maybe another 10 from the peak to the sill. So your question was from grade to there, right?

Boardmember Gaillard: My question is what the difference is because right now there is a volume on the back of the house and you're just talking about making it taller.

Mr. Curro: It's about 7 feet.

Boardmember Gaillard: Okay, that was my sense – 10 feet. I just wanted to make sure I understood that correctly. Those are all my questions. I feel the only thing I'm having a little trouble commenting on is just how it relates to the neighbors in terms of the rear yard. But other than that I think I'm super-clear on everything else. So, Jeremiah, I can hand it off to you for questions.

Act. Chairman Quinlan: Okay, thank you Brett. So the extension of the nonconformities are basically that they are moving the walls on the sides into the backyard. They're already nonconforming so they're staying in the footprint of the house and just moving back. That's the extent of the nonconformities on the side yards?

Mr. Curro: Correct.

Act. Chairman Quinlan: Because of the location of the house and because of the neighbors – which we'll get into a little bit later – that's not a problem, for me anyway. The developmental coverage, although it's already over, it's only over 1 percent which is a minimum. About as minimum as you can possibly get. I was always wondering, and I'm glad to see the plans because I didn't quite understand from the description what happened. I went out there this morning, went up Nodine, parked in the parking lot of the apartment building behind it and walked kind of down. There's the fourth of fifth house down from Nodine, the red house. Every backyard is approximately the same, and there are some backyards that are smaller and some bigger.

I was just surprised by the number of those houses that had this kind of one-story addition I think at the back. Some people don't have it and some people do, but it just goes up. And I think it's going to make both apartments – or living spaces, dwelling spaces, whatever you want to call them – a little bit more … you know, it's going to give more room, more light,
and is definitely an improvement. It doesn't really affect the neighborhood at all. It's kind of amazing when you go back there. Like the presenter said, there is a backyard that goes past the dirt road I guess you would call it – it's not even a road, it's just a dirt place to park – and there's another small building that almost looks like maybe it's for storage or someone lives there. But that's on your property. Is that correct?

**Mr. Curro:** That's correct. It's a different tax lot, but it's his property.

**Act. Chairman Quinlan:** It even goes back. The backyard ends, then there's a dirt road where people are parking. And then there's this small structure that has a garage and a door, and I don't know what the heck's in there. The backyard's very expansive compared to this house. The view preservation, certainly they're not blocking anybody's view. There's a big steep hill that goes up to the Aqueduct and this doesn't block any more of the view because it's only going up to the top window. It adds to the bulk of the house but it doesn't affect the view that I can tell for anybody, either side neighbors or anybody walking along the Aqueduct. It has no effect on the view.

The only thing that concerns me at all is the FAR requirement. As you may or may not know, that's a relatively new variance we are now requiring so houses don't get too large and too bulky for the surrounding neighbors or for the Village itself. But we have to take that into consideration with the location of this house. We can't determine the FAR as an independent problem without looking at the neighborhood, what's next to him, and how it fits with the geography. That's why I think this addition does not affect that too much. I'm willing to approve that variance also.

I really don't have any questions. I think it's a good idea as it's been presented as is and I think it'll be a big improvement. Do we have any public comments about this project? I don't see any. Anybody else? Buddy, do you have any e-mails?

**Bldg. Inspector Minozzi:** I have no e-mails and we've received no letters, but we do have the recommendation from the Planning Board.

**Act. Chairman Quinlan:** Right, they've already looked at it. I guess we're ready to have a motion. We've got four variances and one view preservation so let's just take them one at a time. Sashi, if you want to just start with view preservation if you don't mind—then just go down one, two, three, four – or Brett, whoever wants to make a motion to approve these variances.
Boardmember Nivarthi: I'll start with the view preservation, Jerry. I hereby move to approve Case No. 02-22, 360 Warburton Avenue, for view preservation approval as required under Section 295-82 of the Village code.

Act. Chairman Quinlan: Okay, let's have a vote. Sashi?

Boardmember Nivarthi: I "approve."

Boardmember Gaillard: I "approve."

Act. Chairman Quinlan: And I also "approve," so that's unanimous.

On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to grant view preservation approval for Case No. 02-22, 360 Warburton Avenue.

Act. Chairman Quinlan: Let's go to number one.

Attorney Whitehead: You can do all the variances together.

Boardmember Gaillard: Sashi, I'm going to have you do it since you're better at it, so far, than I am.

Act. Chairman Quinlan: He's had more practice. You're going to get better soon.

Boardmember Nivarthi: I hereby move to approve Case 02-22, 360 Warburton Avenue, seeking the following variances: nonconformities: prohibition against extension of existing nonconformity with relation to side yard setbacks. Number two, side yard setback because of addition: side 1 existing 7.25, and both 15.45; required variance, both, 4.55 feet. Development coverage: existing 50 percent, proposed 51 percent, maximum 40 percent; variance required 100 percent. FAR: existing 0.452, proposed 0.594, required max 0.487; variance required 0.107.

Act. Chairman Quinlan: Sashi, how do you vote?

Boardmember Nivarthi: "Approve."
Boardmember Gaillard: I "approve."

Act. Chairman Quinlan: And I "approve" also.

On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to grant the variances requested in Case No. 02-22, 360 Warburton Avenue: Nonconformities: prohibition against extension of existing nonconformity with relation to side yard setbacks. Number two, side yard setback because of addition: side 1 existing 7.25, and both 15.45; required variance, both, 4.55 feet. Development coverage: existing 50 percent, proposed 51 percent, maximum 40 percent; variance required 100 percent. FAR: existing 0.452, proposed 0.594, required max 0.487; variance required 0.107.

Act. Chairman Quinlan: It's unanimous. I wish you good luck with your project and thank you for your presentation.

Mr. Curro: Thanks so much.

Boardmember Gaillard: Thank you.

Mr. Curro: Have a great weekend, stay safe.

Act. Chairman Quinlan: We have a couple other things to do tonight and they're basically just discussion items.

IV. BOARD DISCUSSION

Act. Chairman Quinlan: The Board of Trustees are looking at what our opinions are about changes under our laws that will affect real estate and development. The first one is …

Attorney Whitehead: Jerry, can I just explain? These are both fairly minor cleanup changes. The law requires that whenever the Board of Trustees is considering an amendment to the zoning ordinance that they refer it to both the Planning Board and the Zoning Board for review and comment. So the first one is a cleanup, following up on some changes that were made about four or five years ago to exempt solar panels from the height restrictions. That was already done. They've also been exempted from view preservation. This section
got missed when we did that, to be honest.

So this section 295-21(a)(2) lists things that are exempt from height in terms of towers, church belfries, cupolas, water towers, water tanks, et cetera. But it says those things are limited to 10 percent of the area of the roof. The board obviously doesn't want solar panels to be limited to be 10 percent of the area of the roof, so it takes solar out of this provision. That's all this first one, proposed local law L, does. I don't know if you have any comments you want to give back to the Board of Trustees on that.

Act. Chairman Quinlan: Well, I have no comments and I'm in favor of that change.

Attorney Whitehead: Cleanup.

Act. Chairman Quinlan: It's already been changed. It's a cleanup, and it's a good amendment. Anybody else?

Boardmember Nivarthi: I do have a comment on this. I don't have a comment about the solar panels per se, Linda, but I was looking at it and you're also removing solar heating, right? My experience, coming from India, is, solar heating on a roof involves a lot of area. Right now this (inaudible) covers a significant portion of it. So is that also why we are excluding the solar heating?

Attorney Whitehead: Solar heating panels aren't even referred to or defined anywhere in the code. Only rooftop solar panels are. This also didn't match up with new definitions and such so I'm not even sure anybody knew what that meant there.

Boardmember Gaillard: I have no comments. It makes a ton of sense to me.

Attorney Whitehead: The second one you all should remember and know about because this came from the Zoning Board. You'll remember a couple of months ago we had an application where there was a problem because something could be defined as both a cellar and a basement because the two definitions didn't line up. This is the amendment to fix that. With this amendment, something will no longer be able to be both a cellar and a basement; it's one or the other. It amends the definition of "cellar" to match up with the definition of "basement," and to use existing grade rather than finished to make that determination. So someone can't build up dirt around the outside of the house to make something a cellar instead of a basement. I'm sure you guys are very happy to see that [laughter]. This really came from your board.
Act. Chairman Quinlan: Maybe I'll start on that. Yes, we needed to do this. This is something we've been tossing around for quite a long time, cellars and basements. We thought we had a pretty good law worked out, but it's a work in progress and we're just basically, in my opinion, plugging up a loophole and making it clear exactly what a cellar is and what a basement is. And that the most important words are "finished" or "existing" grade because that will prevent people from artificially changing a basement to a cellar or a cellar to a basement by just adding grade for their project.

Attorney Whitehead: And we had already changed "basement" to "use existing grade." That's where the inconsistency was; they need to be the same.

Act. Chairman Quinlan: Thank you, Linda. I think it's a great idea. And we may find other ones, I don't know.

Boardmember Nivarthi: That's the other thing I was thinking. We should basically figure out a better way of defining existing grade. I don't know, maybe use the nearest road and then define the grade from that. Because that word "existing" can also cause problems.

Attorney Whitehead: It's pretty routinely used in zoning and interpreted as sort of what's existing before the work is to be done. Not going back to the beginning of time, but before the work is to be done.

Boardmember Nivarthi: Got it.

Act. Chairman Quinlan: Brett, any comments?

Boardmember Gaillard: No. Just to say that in New York City building codes this is a loophole too that's commonly exploited; the difference between a cellar and a basement when you're doing projects in the city. And also the definition of grade. I think this is a common challenge [laughter] in many building codes. The only question I had – and this is just my own ignorance, I don't think this actually has anything to do with my opinion on it – is, how would this retroactively affect people selling their house if their house is … if someone has a cellar now are we just putting this ordinance in place so people can't change the definition of what they already have? It wouldn't mean that someone who thinks they have a cellar, without doing anything would then suddenly be told no, you have a basement.

Attorney Whitehead: When things change something can become legally nonconforming, it can stay. This is primarily now being used in determining what counts towards floor area for purposes of determining FAR, floor area ratio, which is something your code didn't have
at all previously. So floor area ratio is new in your code within – what has it been, about a year? It's possible someone could have something that might have once been considered a cellar and is now going to be considered a basement, which could make them nonconforming with respect to FAR. But it doesn't change … their house is still legal.

**Boardmember Gaillard:** And what about, Buddy, maybe this is for you. With square footage calculations – like when you're buying real estate and they say how many square feet the house is, what the cost is per square foot – is it different depending on basement or cellar what's counted and what's not? Does that have any effect on this?

**Bldg. Inspector Minozzi:** No, because Greenburgh doesn't count finished basements in their square footages.

**Boardmember Gaillard:** Right, so it doesn't matter. Okay.

**Boardmember Nivarthi:** Linda, based on the explanation I do have one question, particularly legal, when it comes to FAR. The whole house could potentially be recalculated or recertified based on our definition of grade. So effectively a cellar could become a basement according to the FAR calculations. So any addition could potentially throw the building out of conforming.

**Attorney Whitehead:** Right. Since FAR wasn't a requirement in your code before, I think if someone came to you and they needed a variance because of a change in definition that's certainly something you would consider as sort of a mitigating factor; that they need this because a definition changed and it made their house … made more of the square footage count, if you will.

**Bldg. Inspector Minozzi:** It just became a preexisting nonconforming even if … you know, we always think about preexisting nonconformings (ph) as being years and years and years ago. But that's not the case. If there's a code change and it all of a sudden makes your house nonconforming it's just a preexisting nonconforming. If it was done a hundred years ago or 30 days ago it means the same exact thing in our language.

**Act. Chairman Quinlan:** I think, Buddy, you should probably try to explain … you can imagine in Hastings how many preexisting nonconforming houses we have.

**Attorney Whitehead:** A lot [laughter].

**Bldg. Inspector Minozzi:** Many, many, many, many. Absolutely, Jerry.
Act. Chairman Quinlan: We have more than we have houses that are conforming probably.

Attorney Whitehead: The vast majority of the houses in the Village were built before zoning.


Attorney Whitehead: Except for the three I lived in.

Act. Chairman Quinlan: Correct me if I'm wrong, Buddy. Preexisting nonconforming doesn't prevent you from getting a C of O to sell your house because you'll just get the same letter that all preexisting nonconforming houses get.


Attorney Whitehead: It's legally nonconforming. It's legal.

Act. Chairman Quinlan: We've done it before and it's legally nonconforming. I hope that reduces your concerns, for the other members of the board. But we're all learning.

Bldg. Inspector Minozzi: Because of what had happened with that case Linda was speaking about earlier I am very, very glad we are fixing this little glitch. That is going to just make the entire code line up and be more clear when we have to check, or I have to check, the calculations they're presenting to me. I think this law change is very much needed, as was proved at our last zoning meeting.

Act. Chairman Quinlan: Let me ask you this, Linda. When you bring back our comments to the Board of Trustees do you say we approved it or we're in favor of it?

Attorney Whitehead: You had no comments and you recommend adoption of the amendments, unless you tell me to say something else [laughter].

Act. Chairman Quinlan: No I don't, but maybe the other boardmembers would like to join in on that question. Anybody else have anything to say?

Boardmember Gaillard: I think it makes a ton of sense. My questions are really for my own learning, but I completely agree with it and saw the need for it so clearly in that case.
Boardmember Nivarthi: Likewise.

Attorney Whitehead: I knew you guys wouldn't have a problem with that one [laughter].

Act. Chairman Quinlan: Then we're all on the same page. That will finish us. I think we just have to proof the minutes of the last meeting and talk about the next meeting date.

Bldg. Inspector Minozzi: Yes, sir.

IV. **APPROVAL OF MINUTES**

Regular Meeting of December 2, 2021

Attorney Whitehead: Were all three of you at that last meeting?

Boardmember Nivarthi: I apologize, I did not receive … I made a list of meetings. Maybe I might have sent the minutes of the last meeting.

Attorney Whitehead: Was Sashi at the December 2nd meeting? Yes.

Act. Chairman Quinlan: I think he was, yes. Who missed?

Attorney Whitehead: But if he hasn't had a chance to review them then he shouldn't really vote on them.


Bldg. Inspector Minozzi: We can put them off 'til next month. It's not a big deal.

Attorney Whitehead: Yes, let's hold them over.

Act. Chairman Quinlan: And you know what, Sashi? I think you're right, I don't think I got them either.

Attorney Whitehead: So let's just hold them over 'til next month.
V. ANNOUNCEMENTS

Next Meeting Date – February 24, 2022

Act. Chairman Quinlan: The next meeting is the fourth Thursday of February, which is February 24th. That leaves us to one more motion.

VII. ADJOURNMENT

On MOTION of Boardmember Nivarthi, SECONDED by Boardmember Gaillard with a voice vote of all in favor, Chairman Collins adjourned the Regular Meeting.

Act. Chairman Quinlan: Thank you everyone, and have a good night, have a good weekend. Stay warm and stay safe.