# VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, April 27, 2017 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, Alternate Boardmember Denise Wagner Furman, Village Counsel Seth Mandelbaum, and Building Inspector Charles Minozzi, Jr.

**Chairman Collins:** OK, why don't we begin? Thank you for joining us for the April 27 meeting of the Zoning Board of Appeals.

Case No. 9-17
Dean & Marie Wetherell
196 Warburton Avenue
\*\*\*Deferred to Future Meeting\*\*\*

For View Preservation approval, as required under Village Code Section 29582 and relief from the strict application of Sections 29568E & 29568F.2.a.2, for the creation of two (2) nonconforming lots and a new proposed single family-dwelling on their property at 196 Warburton Avenue. Said property is located in the R10 Zoning District and is known as SBL: 4.13013917&18 on the Village Tax Maps.

Nonconformity details of the subdivision and proposed construction are as follows:

Lot width: Proposed - 65.76 feet avg. (Lot #1) & 79.09 feet average; (Lot #2) - Required; 100 feet (each) {29568.E.};

Variance Required - 34.24 feet (Lot #1) & 20.91 feet (Lot #2)

Developmental Coverage (Lot #2): Proposed - 36.35%; Required - Maximum 35 percent {29568.F.2 (a.2)};

Variance Required - 1.35 percent

**Chairman Collins:** We have only one active case on the docket this evening. We also have a separate agenda item, which I'm going to push 'til after this application, given the way I expect this to proceed.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 2 -

## Case No. 10-17 Vanessa & Sean Carroll 10 Devon Way

Relief from the strict application of the Village Code Section 29568F.1.a for the creation of a covered front stoop at their home at 10 Devon Way. Said property is in R10 Zoning District and is also known as SBL: 4.1101062 on the Village Tax Maps.

Variance is sought for the Front Yard Setback for the creation of a new covered front stoop:

Front Yard Setback: Existing - 30 feet; Proposed - 24 feet; Required Minimum - 30 feet {29568. F.1.a};

Variance Required - 6 feet

Chairman Collins: So before we get underway, Buddy, how are we on the mailings?

**Building Inspector Minozzi:** I have been informed by my staff that all the mailings are correct.

Chairman Collins: All right, very good. Then why don't we go ahead and get right underway with Case 10-17 for Vanessa and Sean Carroll for 10 Devon Way. While you might be getting set up – I see we've got some drawings – just a couple of requests. We have a standing microphone as well as a handheld microphone here. We have a remote transcriptionist who will be taking meeting minutes, and our request is that you simply always speak into a microphone wherever you are. That way, we can record your comments for the record. And I think that should do it.

Who will be presenting on behalf of the applicant?

Alex Stajonovic: I'm the applicant for Sean Carroll and Vanessa Carroll of 10 Devon Way.

**Chairman Collins:** Very good, thank you. And we are seeking a front yard setback variance request. Existing is 30 feet, which is also the required minimum, with a proposed 24 feet. So if you can just take us through the plan and give us a sense of why we need this variance request.

**Mr. Stajonovic:** OK, I'll turn it around in a second so you can see, too.

[Male Voice] XXX: Why don't you move up?

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 3 -

Mr. Stajonovic: Yes, maybe it's easier. It's OK?

Chairman Collins: Yes, you can go wherever you like. There are plenty of seats in the

house.

**Mr. Stajonovic:** Everyone can see, more or less?

Chairman Collins: Yes.

**Mr. Stajonovic:** The lot is right there, and this is the line of the curb on Devon Way. The current setback is shown here in this dashed black line, with the variant request being in the red mark there. What we are doing is trying to change the entrance to the house in a way that it creates a more inviting level and a safer way to have a stoop that's covered. I know we would not have had to request any variance if we just did the stoop, but the whole point was having an entrance that has a cover beyond so the roof would proceed in the same line as the stoop does approximately 6 feet from the line of the house, which is exactly where the setback lies.

Currently, the house has a stoop already – and you can see it here – that is accessed from the side of the house. But it's very narrow, and the couple has two small children and a lot of boxes arriving all the time. It's getting to be a very crowded entrance into the house. The idea was, well, because of the neighborhood having a lot of similarly designed houses from that era to have this little roofing above before you enter the house, which is always a nice element architecturally, but also gives cover, really, once they're waiting in front of the house or want to deposit boxes now that we have Zappos. It's a good thing to have them safe and dry, and it gives a better entrance to the house in general, more inviting to the street. But it kind of goes also in terms of what some of the neighboring houses have; a similar – not architecturally exactly the same, but similar – kind of approach.

The idea would be that part of this entrance gets pushed back up to the lot line that we have existing now, and then the stoop protrudes 6 feet out, with a couple of steps going down. So the change in height is the same in all. It's really the roofs that really matter in terms of what comes out of an object. It's an open space, just covered, in many other ways to the outdoors.

The section will show you here how much of the roof really would protrude outside. This will be the stoop, and this is the line of the house, right there. So to put it straightforward, actually I don't have much more to say other than just that.

**Chairman Collins:** Currently, the surface area of the landing is about how much?

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 4 -

**Mr. Stajonovic:** The surface area of the landing ...

**Boardmember Forbes-Watkins:** Is 47.3.

Mr. Stajonovic: Yes.

**Chairman Collins:** And after this project, how much larger will that become?

**Mr. Stajonovic:** Six by ten, so 60 feet more or less.

**Chairman Collins:** So a net gain of 13 square feet.

Mr. Stajonovic: Yes.

**Chairman Collins:** OK. How extensive is the encroachment over the front lot line? Did you say 6 feet?

**Mr. Stajonovic:** Yes, 6 feet. And that has to do, really, with the amount of steps we need because the existing house is elevated to that point. We need a couple of steps to get in, so it's really ... and then just a little landing so that you can actually stand in front of the door once you get to it. It's really whatever steps we have to have because it's a small slope. It's pretty flat, actually, but it does slope towards the road a little bit.

**Chairman Collins:** Well, you already have steps coming down ...

**Mr. Stajonovic:** We already have ...

**Chairman Collins:** ... that run parallel to the house.

Mr. Stajonovic: Four steps now, exactly.

**Chairman Collins:** To me, architecturally, it's certainly more appealing to have that entrance coming right out to the street as opposed to entrance immediately and immediately coming down the steps parallel to the house.

**Mr. Stajonovic:** Also, if you see the narrowness of what it is now, you access it from the side versus really opening up in width and being able to really access something more comfortable but also more inviting.

**Chairman Collins:** In your drawing – it's on page 9 of our application – it's right there. The

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 5 -

photograph in the lower left-hand corner that has the outline of the proposed addition, is that roofline accurate? Because that roofline appears to be quite a bit lower then the roofline of the house.

**Mr. Stajonovic:** The fact is it's not in perspective because it's taken from the photographs. It's hard to depict it, really, 3-dimensionally exact; it's not Photoshopped. I mean, it's Photoshopped just with lines. Maybe I should come closer. If you see where the door would be, it is right above; it's not much higher in terms of what the existing line of the roof is.

Chairman Collins: Yes.

**Mr. Stajonovic:** But a proportion of the pictures taken from underneath kind of looks ... obviously, we are applying for more things that are not zoning-related.

Boardmember Forbes-Watkins: Right.

**Mr. Stajonovic:** Which will kind of, proportionately, also get better in terms of what's going on there.

Chairman Collins: OK. There seem to be quite a few projects like this that have come before the Zoning Board for exactly the same homeowner need and with very similar minor incursions into required yards. The rationale for each and every one them makes sense, that certainly applies here. This is a very modest incursion, and the benefit to the homeowner is pretty clear. You know, I'd be curious to hear what Ray and others think about the overall design implementation you're taking with this as it relates to the sort of overall character of the home. But just as it relates to the tradeoff between the need this project will fulfill versus the variances you require, I see the scales tipping very much in favor of allowing this to go forward.

Mr. Stajonovic: Well, maybe I should add one thing about the aesthetics now because you don't see this so much here. We don't have actual site elevations and so on. But the house, at some point, goes to re-clad with this aluminum cladding that's pretty dated from that time and not the most appealing. But it had kind of a layer behind, at some point, that has this arts-and-craftsy feel that the neighborhood really has. I mean, the house across the street is this one here, so that is typical. This is what they're trying to recreate to fit in with the overall aesthetic of the house in something more appealing in general, but also fitting within the neighborhood. I guess this is an arts and crafts period, as you would call it. Would it?

**Boardmember Forbes-Watkins:** "Tudor."

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 6 -

Mr. Stajonovic: Tudor, yes.

Chairman Collins: Is it stucco?

**Mr. Stajonovic:** This what we're going to do: stucco in place of wood-like motif or Tudor motif. We're trying to replicate that somewhat.

**Chairman Collins:** OK, anyone else here on the Board have any comments?

**Boardmember Dovell:** Well, I think it certainly is a minimal ask, and I think it improves the character of the house and I think it's in scale. So I have no ...

**Boardmember Forbes-Watkins:** I would also add that if you notice the driveway, if I have a guest coming in who parks in the driveway and has to walk across the front of the house in order to get to the entrance it seems to me this makes it much easier.

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

**Mr. Stajonovic:** It's a more direct access, in general. The driveway is set down a little bit so it would have to go back no matter what. But it's definitely more direct in terms of the approach. I think it makes it, to the street, like other houses on the street, too. You know, you're looking at the street with the house and even though the door is here you still have to go around to come and go up for access.

Chairman Collins: Yes, agreed.

Does anyone in the audience wish to be heard on this? If you do, just please come introduce yourself and speak into the microphone please.

**Peter Walsh, 15 Devon Way:** My wife, Carol, and I are directly across from here and this is the first we were aware. We just want to get an idea of what it's going to look like because most of the houses here are all Tudors. That is not a Tudor. When that was built, the original owner had shrubs and everything else that sort of, I'd say, changed a little bit of the area itself. Subsequent to the current owners, the shrubs were taken down and everything else. We look out on that every day, and it's my first understanding that it's going to be a stucco front. Is that correct?

**Mr. Stajonovic:** Actually, your house is the inspiration, in a sense, because we want to not mimic – because you have a different roofline and so one – but get that feeling of the columns being Tudor with a small base. But yes, stucco and wood.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 7 -

**Mr. Walsh:** Right. That was the only concern I had is to how it was going to blend in. You know, 6 feet is not that much but, again, what is the façade of the front of the house going to be and do they anticipate maybe putting in bushes. Because the prior owners had a nice row of roses and everything else.

**Mr. Stajonovic:** No, it's pretty plain. I think they were waiting, really, to start the process of the remodeling we're planning to, then do that as part of the entranceway. It's all concrete now, pavers. I mean, the whole thing needs improvement. It's a facelift no matter what.

**Mr. Walsh:** That was the only concern I had is what it was going to be. Was it going to be complimenting the house itself and not in your face or anything of that nature. As I say, we've been there almost 50 years and you like to see changes that'll be helping out.

**Mr. Stajonovic:** More fitting.

**Mr. Walsh:** More appropriate for the area itself.

**Mr. Stajonovic:** Well, I'm not sure when the siding was done here, but this is not the original obviously. It was wood originally. But it was always a smallish house compared to other houses around it. It never had so much character, I don't think.

Carol Walsh, 15 Devon Way: (Off-mic).

**Chairman Collins:** Ma'am, if you'd like your comments to be heard ...

**Ms. Walsh:** It was an older couple that had built that house. There was only ever the two of them, and I think they retired to Texas. I think the previous owners kind of did it themselves so a lot of the things there were not done professionally. But our concern was that we didn't know what was going to happen. Our house looks directly out there on it. They do have two adorable children, and I understand her coming up that step. It's hard getting out the door and coming down. I think it looks really good.

Chairman Collins: Thank you.

**Ms. Walsh:** They're a nice couple.

**Chairman Collins:** Thank you for your comments, Mr. and Mrs. Walsh.

Mr. Walsh: Thank you.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 8 -

**Chairman Collins:** Well, if there's nothing further can I get a motion, please?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Board resolved in Case No. 10-17 to approve the front yard setback – existing 30 feet; proposed 24 feet; required minimum 30 feet; variance required 6 feet.

Chairman Collins: The vote's unanimous. Congratulations.

Mr. Stajonovic: Thank you very much.

Chairman Collins: Yes, thank you for coming out.

That was the lone case on the docket for the evening. Before we get into the minutes, though, I wanted to have a discussion about what I'll describe as trying to find a way to better coordinate communication between the Planning Board and the Zoning Board.

#### **DISCUSSION ITEM**

### Zoning Board of Appeals & Planning Board - Coordination of Meetings

**Chairman Collins:** I had a meeting with Jamie Cameron and Kathleen Sullivan and Linda a couple weeks ago, a week or so ago, about what we could do to try to take some of the burden off an applicant that has to go through both of these gates. Our policy to this point – I think we're all familiar – is that we don't take a case before the Zoning Board for approval until the Planning Board has approved.

Actually, the final case on last month's docket was a good example of a situation in which you could argue that there might be ways to cut time for the applicant and take some of the overhead out by coordinating a little bit more effectively. So we talked about it in this small group session and I asked Linda to draft a memo, which you now have before you. I would encourage you to maybe take a moment to read it, if you haven't yet, because this'll be the first time you're all seeing it unless you got here early enough. Why don't you take a moment to read it.

The purpose of this discussion is not to say this is the new way we're going to work. The

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 9 -

purpose of this discussion is really to debate the merits of this particular approach that's outlined here and then come back to Linda and the Planning Board with any comments. I'll just let you read it.

[ Boardmembers read memo ]

To summarize, the point of this proposal is to really offer up three changes to the way we operate currently. The first would be that as soon as the Planning Board has approved enough of the plan to what I'll say is locking in the variances, at that point the project could come before us for review. The Planning Board, presumably, any changes they would further require of the project at that point would have no impact on the variances. So as soon as the variances are locked, then you could come before us.

**Boardmember Forbes-Watkins:** But that doesn't happen all the time.

**Chairman Collins:** No, it doesn't. So there are some cases where that would not happen.

**Boardmember Forbes-Watkins:** We go – or Ray, to be very precise goes – through plans and changes, or helps the architects and engineers change, quite radically the plans the Planning Board has approved. I'm not even sure it's worth talking about what the Planning Board has given us because often we don't agree with it.

Chairman Collins: This proposal acknowledges that what it would do – the other two sort of legs of the stool here – number one, it puts the onus on the applicant when they do come before the Zoning Board – presuming there's been a Planning Board preamble to this – to share with us the entire history of how they got there. So when we say have you considered plan X, Y, Z we're not just sort of having them go, "Oh, well, wait a minute, I think ..." or, "Yeah, we did, but I already feel like I've talked about it ad nauseam with the Planning Board so I'm not going to share it with you," and we end up sort of getting into a stalemate.

**Boardmember Forbes-Watkins:** But that's not what happens. What happens is, people come before us and all of a sudden they're presented with ideas that hadn't been explored at all.

**Chairman Collins:** That's correct. Or sometimes there have been cases where they have explored it and feel like they've reached a dead end.

**Boardmember Forbes-Watkins:** And we're not happy with their dead end.

**Chairman Collins:** Right. So that leads to the third leg of the stool, which is we're

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 10 -

ultimately charged – or "primarily" instead of saying "ultimately" charged – with variance oversight. If we hear an application and say, "Look, we can't approve these variances," or we see a way to change the architectural design in a way that would minimize the variance or create a more appealing tradeoff ...

**Boardmember Dovell:** But that often means that they go back to Planning, right?

Chairman Collins: That's right.

**Boardmember Dovell:** So there's a back and forth.

**Chairman Collins:** Correct, and this states that more explicitly. What we're trying to avoid is the situation where the Planning Board has approved the site plan and is now handing it to us. We then take it through and change the plan, essentially, that they've already approved in the process of trying to find a better way of handling it.

**Boardmember Dovell:** Well, what's at stake here is they agreed they would refer the application earlier in the process, when it's in its formative stages, which I think is a good thing.

**Boardmember Forbes-Watkins:** The point is quite against where we were six months ago, when we were saying we're getting stuff too early and it's bouncing around back to the Planning Board. We're between a rock and a hard place.

Chairman Collins: We are, and there's definitely some chicken and egg here. I'm aware of that. But I think the distinction here is that the Planning Board would not send something to the Zoning Board until the Planning Board had committed that the variances associated with the project were locked. Even as they debate other aspects about the plan, they would say the variances are not going to change regardless of what else we may do with the plan. So even though the Planning Board may have rendered an approval, or a decision, they feel that because the variances are locked they can come to us. And we can still weigh in on architectural issues, especially since those often impact the variance request.

**Building Inspector Minozzi:** The biggest change we've made already is that we're sending it here before we do any engineering. Not "we" – before we have the *applicant* do any engineering. Which I think is a huge step, and everybody's been on board with it. We don't want it to go like a 32-34 Washington situation, where everything was done – it went way too far – and then it had to come back and kind of go through those steps again. That's one major thing we avoided on 425 Warburton – which was the last case we had – where we haven't gotten that far. That's one way of getting it to you earlier that we're trying to do. I

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 11 -

think this memo is just trying to take that and refine it a bit more.

**Boardmember Dovell:** I think that's an improvement. Because you don't want them to spend months doing engineering where we may say we've got another idea, we don't agree with the direction, and we think you should look at it this way. It's a time and a money savings for an applicant.

Building Inspector Minozzi: That was a big step.

**Boardmember Dovell:** I also like this second to last paragraph, where what they say is that a member of the other board attends the board's meeting to explain the board's concerns; to get someone from Planning here to explain it and talk about options they've considered. Because we end up asking did you look at this, did you look at this, did you look at this? – for a minimal variance.

**Boardmember Hayes:** I also think a great benefit of that – if there's consistency – is that the Planning Board will start realizing what we look at, which I think in the long run will be even more important. It'll be a preemptive strike in the long run. So I like that piece.

On the engineering piece, the only thing I would say is that so long as whatever's done after the engineering work has been completed doesn't impact what we've approved. In other words, it's got to come back if it's going to impact in some way.

**Building Inspector Minozzi:** Well, of course. Absolutely.

**Boardmember Hayes:** It has to be clear. It can't be we just approved a box, but that box suddenly had some spokes coming out of it and they just don't want that anymore. That should be crystal clear.

Chairman Collins: Yes, I agree.

**Boardmember Dovell:** Well, the case on Washington went on a long time. You said they did engineering, and it went on, and they were back and forth. That took a year, more than a year.

**Building Inspector Minozzi:** Well, 32-34 was two-and-a-half years, but they had a design change and a design team change which really changed the whole dynamic of that project. The second round was about a year-and-a-half.

**Boardmember Dovell:** And that's a little too long. That's what we have. But it was also a

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 12 -

written big ask.

**Building Inspector Minozzi:** It's that whole coverage thing in this neighborhood. When you look at numbers, it's mind-blowing. And that seems to be the problem every single time.

**Boardmember Forbes-Watkins:** One of the things that worries me here, though – and I don't know how to deal with it – is the view preservation situation. We're supposed to get a recommendation from the Planning Board on view preservation, and we're getting more of them. It seems like everything's on Washington. View preservation is really a Zoning Board question, as far as I'm concerned. And you can't resolve the Zoning Board question until you know the configuration of the project, period. Our last fun and games down here on West Main, until they came in with the cuts on the edge of the dining room I was opposed to it, frankly. That was given to us by the Planning Board in a completely unacceptable form as far as view preservation's concerned.

**Chairman Collins:** I think the idea would be that the next time around we would be able to flag that earlier on. Again, it's more of a kindness and a benefit – more than a kindness, it's a benefit – to the applicant. Because the applicant then doesn't have to sort of feel like they're having to literally pass the two gates with quite a bit of overlap in what those milestones are looking at.

**Boardmember Forbes-Watkins:** OK, but particularly view preservation I find very difficult. I'm quite unhappy with what comes out of the Planning Board with respect to view preservation.

**Chairman Collins:** Well, I think what I'm hearing you saying, David – and I don't disagree – is that you disagree with the findings of the Planning Board.

**Boardmember Forbes-Watkins:** Yes.

**Chairman Collins:** It's not a process, it's a conclusion.

**Boardmember Forbes-Watkins:** As a board, we have disagreed with the Planning Board.

**Chairman Collins:** Well, 4 West Main Street was the living, breathing example of that.

**Boardmember Forbes-Watkins:** Yes.

Chairman Collins: They were prepared to accept something that was far more intrusive.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 13 -

Boardmember Forbes-Watkins: Yes, in total.

**Chairman Collins:** It seems to me that, generally speaking, though there are questions about how this actually works in practice I would propose that we give this a shot and see how it works. And if we find that it's not achieving the desired benefit, then we can revisit this and either ditch it or polish it. But it seems to me that we've got something here that has the potential to try to cut some time out and overhead out for the applicant.

**Building Inspector Minozzi:** I think we have a tremendous foundation here to build upon. I do.

Chairman Collins: Knock on wood.

**Seth Mandelbaum, Village Counsel:** Chairman, one other experience I've had – and it has to be the right application, which was up in Amenia in Dutchess County – it's rare that this works. There were joint public hearings with the planning board and the zoning board. In that case, you needed site plan approval, special permit, and variances for a cell tower on land up above Route 22. But it kind of dealt with some of the issues I'm hearing, when everyone was in the room at the same time hearing the public together, bouncing ideas off each other in the same room instead of it being referred back and forth.

It has to be a large application or one that lends itself to that, but that's something maybe you and the Planning Board chairman can talk to Linda about. In the right situation, it may not only save the applicant time, at the end of the day, to come up with a better result that both boards are OK with.

**Chairman Collins:** That's a good point, Seth. We didn't talk that about that actually. Although we didn't talk about it in the fairly narrowly defined circumstance you just presented, that wasn't even a proposal. It was more of a what-if; like what if we just combined these meetings.

**Attorney Mandelbaum:** It's a little unwieldy, but it can be done.

**Chairman Collins:** It can be done. I don't think it would make sense in every instance. I think it most instances it probably wouldn't work.

**Attorney Mandelbaum:** No, that'd be a large application with perhaps a lot of public interest or a very prominent location, where the design and the variances both matter and sort of interplay with each other.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 14 -

Chairman Collins: That's a good point and I think it's something to keep an eye on. We haven't had one quite like that, but it will come. It will come, and I'm not opposed to that. Again, if this format creates stronger communication between the Planning Board and the Zoning Board, then we should have a heads up that those types of cases are coming and that we might at least have a conversation around whether it makes sense to try something like that. I'm not opposed to it.

**Boardmember Dovell:** Or short of that, just having one of the boardmembers – when it's a Planning Board issue – come ahead of the presentation and state their findings and recommendations before the presentation so we get their take on it first. Or after the presentation, whichever way makes sense, but to formalize the integration.

**Attorney Mandelbaum:** And if you pick the range – which it doesn't sound like you've had the chance to do, you sort of just get this memo handed to you that says we approve it without being able to really ...

**Chairman Collins:** Without even a memo. It was Linda saying this has been approved, but we didn't get the benefit of any of the discussion or debate.

**Boardmember Dovell:** It would have helped enormously the other day when we sat here and endlessly debated Warburton without the Planning Board here.

Chairman Collins: Yes, you're right about that.

**Attorney Mandelbaum:** And then only guessing what their thought process was.

**Chairman Collins:** The Planning Board was here, but I think the lesson learned from that meeting was that they came on too late. Probably in that circumstance they should have prefaced the applicant rather than come after it. Because by the time the application presentation was 20 minutes or 15 minutes into it we were asking questions, most of which had already been asked and answered in the Planning Board.

**Boardmember Dovell:** Right, and there was some frustration on the applicant's part because they said, well, we've kind of already answered those questions. But we didn't hear any of it, and we should.

**Building Inspector Minozzi:** Part of this memo, which I think is one of the best parts of the memo, is to bring the renditions here so you guys can see the renditions that have been gone through.

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 15 -

**Chairman Collins:** And put that on the applicant. We did talk about how best to deliver that information, and it felt like it would be an awful lot to ask the Planning Board to summarize when that's really the applicant's job. But then the Planning Board value in that meeting is giving the why, the analysis.

**Attorney Mandelbaum:** But it also goes to your duty to minimize the variance as a board, which is part of the balancing test that you're going through. You need to know did they really minimize the variance, and still get the benefit.

**Chairman Collins:** That's right.

So as a follow-up, I will contact Kathy and Linda to let them know that we're ready to give this a shot. Buddy, I'll copy you.

Building Inspector Minozzi: Thank you.

**Chairman Collins:** Let's see how it goes. I believe it will improve things, but we can always revisit.

### **APPROVAL OF MINUTES**

Regular Meeting, March 23, 2017

**Chairman Collins:** I sent my markup to Buddy earlier. I actually found quite a few, mostly typographical things. I think there was one mis-attributed quote, but nothing that changed the substance of what happened in the meetings.

But does anyone else have any amendments to the minutes?

**Boardmember Forbes-Watkins:** I gave my notes to Buddy also.

**Chairman Collins:** This is the longest meeting minutes I've ever seen – this is a 28,000-word meeting minutes. This was *War and Peace*.

**Boardmember Forbes-Watkins:** I ran out of steam.

**Chairman Collins:** Yes, that's a lot to get through.

Can I get a motion to approve the minutes as amended?

ZONING BOARD OF APPEALS REGULAR MEETING APRIL 27, 2017 Page - 16 -

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of March 23, 2017 were approved as amended.

## **ANNOUNCEMENTS**

Next Meeting Date - May 25, 2017

## **ADJOURNMENT**

Chairman Collins adjourned the Regular Meeting.