

VILLAGE OF HASTINGS-ON-HUDSON
ZONING BOARD OF APPEALS
SEVEN MAPLE AVENUE
HASTINGS-ON-HUDSON, NEW YORK 10706

Held May 25th of 2006 at 8:00 P.M.

PRESENT:

Arthur Magun, Chairman
David Deitz, Board Member
Stanley Pycior, Board Member
Denise Furman, Board Member
Sheldon Zarkoff, Alternate Board Member
Marianne Stecih, Counsel
Deven Sharma, Building Inspector

REPORTED BY: DIANE HANSEN

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2 CHAIRMAN MAGUN: I think I'm
3 going to call the meeting to order.
4 This is the Zoning Board of
5 Appeals meeting of May 25th. We will
6 have a full board shortly. David is
7 here, and one of our Board Members is
8 coming late.
9 I want to make an announcement
10 because it affects the agenda tonight.
11 One of our regular members Brian Murphy
12 could not be here, so Shelton Sorokoff,
13 our alternate, is sitting in.
14 If anyone has to recuse
15 themselves, there are only four members.
16 That applies to the first case, Kaplan,
17 I have to recuse myself, and also the
18 Moretti case.
19 For both of those cases there
20 will only be four voting members. In
21 order for the variance to be passed
22 there has to be a majority vote of
23 three. If there are only four members,
24 if two people vote against the variance
25 would not be passed. If there were five

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1 ZONING BOARD MEETING OF 5/25/06 3
2 members and two people voted against, it
3 would be passed. You are at a slight

4 disadvantage with only four members.

5 For the first case, Kaplan, and
6 the Moretti case, which is the fourth
7 case I think, take a minute or two, or
8 whatever time you need, to consider the
9 fact that there will only be four voting
10 members.

11 (Whereupon, Board Member Furman
12 arrived.)

13 CHAIRMAN MAGUN: Now, we have our
14 full board.

15 As David reminds me it is your
16 choice to ask that the matter be put off
17 to the next meeting, which would be
18 June 29th.

19 That will be five weeks from now.
20 We were originally scheduled to have our
21 next meeting June 22nd, but that's the
22 high school graduation.

23 That's without any prejudice.
24 You could say I'm just waiting for a
25 full board.

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1 ZONING BOARD MEETING OF 5/25/06 4

2 As far as I know we have a full
3 board on June 29th, plus our alternate.

4 Mr. Kaplan, do you know what you
5 want to do?

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MR. KAPLAN: I think we want to

6
7 stand.

8 CHAIRMAN MAGUN: The Moretti case
9 can wait until it's time to tell us what
10 you want to do.

11 I'm going to recuse myself on the
12 first application.

13 Are all the mailings in order?

14 MR. SHARMA: Yes, Mr. Chairman, I
15 am told the mailings are in order.

16 CHAIRMAN MAGUN: Stanley Pycior
17 is going to chair the first case.

18 (Whereupon, Chairman Magun
19 stepped down.)

20 CASE NO. 11-06:

21 MR. PYCIOR: First case, Case
22 No. 11-06. James Kaplan and Karen
23 Cumbus, 105 Circle Drive for the
24 addition of a deck.

25 Would the applicant and/or his or

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1 ZONING BOARD MEETING OF 5/25/06 5
2 her representatives come up to the
3 microphone and please identify yourself
4 so that the reporter can make note of
5 it.

6 MR. KAPLAN: I'm James Kaplan.
7 This is Michael Lewis, the architect

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(indicating).

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MR. PYCIOR: Whoever wishes to proceed.

MR. KAPLAN: What do we do next?

MR. PYCIOR: Explain what you would like to do, perhaps show us the plans. We have plans, but you have other hard copies.

Explain what you want to do, what you wish to do, which we note you explained in your letter.

MR. KAPLAN: We would like to build a deck in back of our house at 105 Circle Drive.

We have lived there 22 years just about. For 22 years we have looked out our back window at a rock. That is what it is, a piece of rock. It is not an

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ZONING BOARD MEETING OF 5/25/06 6
area that we have ever been able to put to any kind of use. We had a bird feeder above it. It's neutral to look at, not great, not terrible.

We finally decided we would like to try to do something to optimize the use of that space, and to add a little bit to our living space. We would like

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to put a deck out in the back.

11 Because our house is situated
12 very snugly on its postage stamp of a
13 lot we have to get a variance to put
14 that deck back there. That's what we
15 are here for tonight.

16 I brought letters tonight from
17 all the neighbors who would be able to
18 see the deck, that is all the contiguous
19 neighbors that would see the deck. They
20 are all either on the side or back. We
21 have approval from all our neighbors.

22 I would like to let Mike Lewis
23 explain what we have in mind too.

24 MR. PYCIOR: If you could give me
25 the letters for now, so we can enter

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1 ZONING BOARD MEETING OF 5/25/06 7
2 them into the record.

3 MR. LEWIS: These aren't great
4 photos, but they do show the rock that
5 James mentioned. It's just that. It
6 sort of dominates the whole of the
7 backyard.

8 The reason I brought these
9 particular photos is to kind of show the
10 configuration of it.

11 This shot here is taken from this

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12 side, looking across. This is the site
13 plan with the deck shown. If we are
14 looking across -- this is what the rock
15 would look like (indicating).

16 As you move around toward the
17 back of the lot you can see it sort of
18 comes down, is sort of dome shaped and
19 buries down into the ground just inside
20 the lot line (indicating).

21 Looking across the back lot line
22 it looks like this (indicating). The
23 reason I'm showing these pictures is to
24 describe the shape of the rock, which is
25 basically sort of a round dome on the

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1 ZONING BOARD MEETING OF 5/25/06 8
2 back of the lot.

3 The idea in doing this was to, of
4 course, provide a usable back space for
5 James, Karen and the family, but to do
6 it in a sensitive way. What we did is
7 we developed this deck.

8 We plan to build it out of cedar,
9 so the materials are very low key. We
10 plan to keep the profile of the deck
11 very low, down on the rock. We have
12 shaped the deck to conform with the rock
13 to make it as natural and well

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14 considered a design as we could, so that
15 it basically enhances the rear yard more
16 than anything.

17 Having said that, I will get a
18 larger plan (indicating).

19 The house is existing. We are
20 not enlarging the house, at all. Here
21 you can see the plan of the deck. This
22 is the rear elevation showing the house.
23 This is an added door that feeds onto
24 the deck from the dining room area
25 (indicating).

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1 ZONING BOARD MEETING OF 5/25/06 9

2 This is basically cut through the
3 deck (indicating). We have it down
4 close to the surface of the rock.

5 As you come out of the house you
6 go down a total of about 18 inches to
7 the deck. We are keeping it as low as
8 possible.

9 This level here is down about
10 4 inches from the dining room, and then
11 two steps down to this level here
12 (indicating). Then, around the outside
13 of the deck we have a bench that is
14 probably about 16 inches or so that sort
15 of rims the outside and gives it a bit

16 2006-05-25-hastings
of a boundary.

17 In the photographs you can see
18 there is one area where somehow a tree
19 has managed to grow out of the rock over
20 the past decade or so. That's the tree
21 the bird feeder is on. We are
22 preserving that and building the deck
23 around it. It basically warms it up and
24 there is some vegetation there as well.

25 Really, that pretty much

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1 ZONING BOARD MEETING OF 5/25/06 10
2 describes it.

3 Here you can see the section
4 through the deck (indicating). The deck
5 is down on the rock.

6 I think that in the end the deck
7 will be a lot more pleasant for the
8 neighbors and the owners to look at than
9 the old dome top rock that has been
10 there all these years. I suspect that
11 is why they were so happy to endorse the
12 plan.

13 The only other thing I would like
14 to address, going back to (indicating).
15 Hopefully, it is not too hard for you to
16 see on the tax map, the green outline is
17 the Kaplans' lot.

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 These three small red polygrams
19 are the outlines of the adjacent
20 neighbors. This one is a lot through,
21 and this one is behind the house. These
22 are to the side (indicating). These are
23 the only three houses that can really
24 see the deck area.
25 Those are the three neighbors

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1 ZONING BOARD MEETING OF 5/25/06 11
2 that submitted the letters.

3 MR. PYCIOR: Mr. Lewis, at least
4 on the plans we have, I don't have the
5 actual dimensions of the deck. I
6 realize it curves. Could you tell me
7 how long it would be from -- how long
8 first?

9 It's the full length of the
10 house, but how long?

11 MR. LEWIS: Sure, I will scale it
12 right now.

13 It's about 35 feet.

14 MR. PYCIOR: From where the doors
15 will be put exiting from the dining
16 room, how deep is it from those doors to
17 the back of the deck?

18 MR. LEWIS: About 22.

19 MR. PYCIOR: One of the questions

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is lot coverage, so I wanted to get a
21 sense of the actual size of the deck.
22 MR. LEWIS: That brings up a good
23 point. Technically, we are increasing
24 the lot coverage. I guess one of the
25 considerations of lot coverage, of

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1 ZONING BOARD MEETING OF 5/25/06 12
2 course, is runoff. We are putting the
3 deck over a rock, so the runoff issue is
4 not moot, but almost moot.

5 The deck is also permeable, rain
6 can run through it. I don't know that
7 there is any runoff issue with the
8 proposed plan.

9 Any other questions?

10 MR. PYCIOR: From the Board, any
11 questions?

12 MR. SOROKOFF: There is a door, I
13 assume, leading onto the proposed deck.
14 What function does that door have now?

15 MR. LEWIS: The door, there is no
16 door now. There are windows now. We
17 would replace the present dining room
18 windows with French doors leading out to
19 the deck.

20 MR. SOROKOFF: Okay. Those are
21 windows.

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22 MS. STECI CH: Does the deck cover
23 area that is not rock?
24 MR. LEWIS: I think it --
25 MS. STECI CH: I am a little

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1 ZONING BOARD MEETING OF 5/25/06 13
2 confused. You said it covers the rock,
3 but there's a tree coming through it.
4 MR. LEWIS: I think there is some
5 area that is not rock. I think there
6 are crevices in the rock, and a
7 depression in the rock filled with some
8 soil. In this area -- this is all rock.
9 In this area there is a sandy area
10 centered in the middle of this, and sort
11 of coming out of that is the tree.
12 I'm not sure, again, what the
13 actual profile is at that area. There
14 is some sandy area there on the rock
15 that sort of -- it's an island,
16 basically, surrounded by this dome of
17 stone.
18 MR. PYCIOR: Any questions for
19 Mr. Lewis?
20 (No response.)
21 MR. PYCIOR: Are there questions
22 for Mr. Kaplan?
23 (No response.)

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24 MR. PYCIOR: Before I ask if
25 there is anyone in the audience who

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1 ZONING BOARD MEETING OF 5/25/06 14
2 supports you, anybody else that wants to
3 speak in support of the application, I
4 should state for the record who has
5 written letters in support.

6 One is from a Mrs. Jean Spiel er,
7 but it doesn't have an address.

8 MR. KAPLAN: That's 95 Circle
9 Drive.

10 Do you want me to show you on the
11 maps? That is -- this is Circle here.
12 This house. Directly if we're looking
13 out toward the street, the house to the
14 right (indicating).

15 There is no house directly on our
16 left. That is a lot through from
17 Chestnut.

18 MR. PYCIOR: S-p-i-e-l-e-r,
19 Joseph Spiel er. Jean Spiel er and Joseph
20 Spiel er.

21 The other letter was from a
22 Rob Schaffer and Margaret Moul ton,
23 M-o-u-l-t-o-n, at 50 Chestnut Drive.
24 That would be one of the houses behind,
25 I assume.

1 ZONING BOARD MEETING OF 5/25/06 15

2 The third letter is from Robert
3 Manzo, M-a-n-z-o, and Julie Heffernan,
4 H-e-f-f-e-r-n-a-n.

5 MR. KAPLAN: That's Roger.

6 MR. PYCIOR: Roger, at
7 48 Chestnut Drive.

8 All the letters say they have no
9 objections, and they actually support
10 the plan.

11 Does anyone on the Board have any
12 question for the applicant or architect?

13 Is there anyone in the audience
14 who wishes to be heard in support of
15 this application?

16 (No response.)

17 MR. PYCIOR: Anyone here tonight
18 who wishes to speak against the
19 application or has an objection to it?

20 (No response.)

21 MR. PYCIOR: Does any Member of
22 the Board wish to comment on the plans,
23 proposal?

24 (No response.)

25 MR. PYCIOR: Initially I had some

1 ZONING BOARD MEETING OF 5/25/06 16
2 reservation about the lot coverage, but
3 seeing that the space is I won't say
4 rocky, it consists of a very large rock.
5 It is a rock, period. This would turn
6 it into a usable space and none of the
7 neighbors object. My concerns about lot
8 coverage have been reduced.

9 We have before us three
10 variances. One, concerning rear yard
11 requirement. A second concerning side
12 yard requirements on both sides. A
13 third concerning lot coverage.

14 Let's go with the first. Is
15 there anyone on the Board that would
16 like to make a motion with regard to the
17 first variance regarding the rear yard?

18 MS. FURMAN: I will make a motion
19 to grant a variance regarding the rear
20 yard.

21 Required is 23.6 feet, which is
22 the lesser of 30 feet or 30 percent of
23 lot coverage, 17.6 for an open
24 deck/porch at or below entry level.
25 Existing nonconforming is 21.5. The

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1 ZONING BOARD MEETING OF 5/25/06 17
2 proposed is 1.0 feet.

3 MR. PYCIOR: Do I have a second
4 for that motion?

5 MR. DEITZ: Second.

6 MR. PYCIOR: All in favor?

7 (All in Favor.)

8 MR. PYCIOR: All opposed?

9 (No response.)

10 MR. PYCIOR: The second concerns
11 both side yards, but I think it could be
12 handled by one motion.

13 Do I have a motion concerning the
14 side yard requirements?

15 MS. FURMAN: I will make a motion
16 to grant the request for a variance
17 regarding the side yards.

18 Required minimum on one side and
19 total of both sides is 12 feet and
20 30 feet respectively, 6 feet and
21 24/18 feet -- I'm not certain --

22 MR. SHARMA: Decks, terraces,
23 portions at or below the main entrance
24 floor can extend up to 6 feet into the
25 yard. The required would be 18 for the

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1 ZONING BOARD MEETING OF 5/25/06 18
2 deck.

3 MS. FURMAN: And the 24 refers
4 to --
5 MS. STECI CH: To make it a total
6 of 30.
7 MS. FURMAN: Continuing with the
8 motion in support of your request for a
9 variance.
10 We will start from the beginning.
11 Required minimum on one side and total
12 of both sides is 12 feet and 30 feet or
13 6 feet and --
14 MR. SHARMA: And 24 feet, I
15 guess.
16 MS. FURMAN: -- for an open deck
17 or porch at or below entry level.
18 The existing nonconforming is
19 4.4 feet and 14.75 feet. Proposed is
20 1 foot and 11.75 feet.
21 MR. PYCIOR: Do I have a second
22 for that motion?
23 MR. DEITZ: I second that motion.
24 MR. PYCIOR: All in favor?
25 (All in Favor.)

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1 ZONING BOARD MEETING OF 5/25/06 19
2 MR. PYCIOR: The third variance
3 is for lot coverage.
4 Do I have a motion concerning
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5 that?

6 MS. FURMAN: I will make a motion
7 to grant the request for a variance
8 regarding lot coverage.

9 The permitted maximum is
10 25 percent. Existing is 22.5 percent.
11 The proposed with the deck is
12 41 percent.

13 MR. PYCIOR: Is there a second?

14 MR. DEITZ: I will second.

15 MR. PYCIOR: All in favor?

16 (All in Favor.)

17 MR. PYCIOR: It is unanimous.

18 Congratulations. Enjoy your deck.

19 (Whereupon, Chairman Magun
20 rejoined the Board.)

21 CHAIRMAN MAGUN: Thank you very
22 much.

23 CASE NO. 12-06:

24 CHAIRMAN MAGUN: We are going to
25 move on to the second case, Case

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1 ZONING BOARD MEETING OF 5/25/06 20
2 No. 12-06. John Chan and Fan Jiang at
3 35 Buena Vista Drive.

4 This is their request for
5 enclosure and enlargement of an entry
6 porch where two variances are required.

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7 Front yard variance. The
8 applicant is proposing a 23.2-foot
9 distance as a front yard setback where
10 30 feet is required. Proposing 28.34
11 lot coverage where 25 is permitted.

12 Please state your name and
13 address, and tell us what you are going
14 to do.

15 MS. JIANG: I'm Fan Jiang. My
16 husband is out of town, so I am here to
17 represent.

18 MR. WONG: Jim Wong. I'm the
19 architect for the project.

20 CHAIRMAN MAGUN: Okay.

21 Why don't you tell us what you
22 would like the Board to allow you to do,
23 and why you want to do it.

24 MS. JIANG: We have lived there
25 for ten-and-a-half years. We love that

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1 ZONING BOARD MEETING OF 5/25/06 21
2 house. We did some renovation inside of
3 the house two years ago.

4 This, we're doing the front porch
5 project, proposal. The thing is the
6 front porch has been there almost --
7 it's original like the house, almost
8 100-years old. Now it is running down.

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9 We need to, you know, renovate that
10 space.

11 This house has a little problem
12 that they don't have any entry hallway.
13 It's very narrow. Just open the door
14 going to living room. Nowhere to change
15 shoes and sit down, put the shoes and
16 coat.

17 So we're thinking front porch
18 area, which is open right now, if we
19 close that, then we have a space like a
20 mud room. Also, we have two kids ten
21 and seven. They are a lot of running
22 all the time in and out of the house,
23 and want to keep the house neat and
24 clean.

25 I think this increase our --

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1 ZONING BOARD MEETING OF 5/25/06 22
2 would be very good for us to have
3 enclosed front porch.

4 CHAIRMAN MAGUN: Do you want to
5 go through the dimensions of what you
6 want to do?

7 MR. WONG: Maybe I can do that.

8 CHAIRMAN MAGUN: Okay.

9 Take the microphone, sir.

10 MR. WONG: Okay.

11 I have to apologize for the
12 graphics. It is kind of small to look
13 at.

14 The existing porch is 8 feet by
15 12 feet. As you can see, the front door
16 to the house is right here right now.
17 When you come in, there's a stair that
18 goes down to the basement and the
19 kitchen is right to your right. Then,
20 less than 3 feet you would be in the
21 living room (indicating).

22 What Mrs. Jiang propose to do is
23 enclose the existing porch by also just
24 creating -- adding 9 square feet, which
25 is one-and-a-half feet by 3 feet on each

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1 ZONING BOARD MEETING OF 5/25/06 23
2 side to create a closet. Then, have a
3 bench here for the elderly parents that
4 come visit, so they can put their shoes
5 on and so forth.

6 In terms of lot coverage it is
7 true that we are, with this current
8 configuration, with the proposed
9 configuration, would be 28.34 percent,
10 but the existing is already
11 28.16 percent. We are asking for
12 9 square feet addition.

13 Does that answer the question for
14 the dimensions?

15 CHAIRMAN MAGUN: Yes, it does.

16 The essence, then, of what you
17 are doing is to create -- is to add a
18 room in the front of your house, a 10 by
19 12 room; is that correct?

20 This is an enclosed room?

21 MR. WONG: Yes.

22 CHAIRMAN MAGUN: Rather than call
23 it a front porch let's call it what it
24 really is, a room.

25 MR. WONG: It is an enclosed

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1 ZONING BOARD MEETING OF 5/25/06 24
2 porch. The intent of the room is not
3 for sleeping or occupying during the
4 day. It is really just to put your
5 clothes and shoes and so forth.

6 It is not for sleeping. I don't
7 believe they plan to air condition and
8 all that.

9 CHAIRMAN MAGUN: Did you
10 consider -- why did you make it bigger
11 than it currently is, the footprint?

12 MR. WONG: Well, 8 feet is not a
13 very big dimension. You need to create
14 two closets. By the time you do that

15 with the door swinging out there is not
16 that much space.

17 As you can see we have a bench
18 here (indicating). With a 3-foot door
19 swinging in, you would be hitting your
20 feet and so forth.

21 CHAIRMAN MAGUN: Okay.

22 MR. WONG: I also wanted to point
23 out that two years ago my client --
24 actually, I helped them redesign the
25 kitchen also. We tried very hard --

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1 ZONING BOARD MEETING OF 5/25/06 25
2 although it is a very tight space, we
3 tried very hard not to make the building
4 larger. I think we did a fairly good
5 job with it.

6 This is something that they
7 really have been struggling for a long
8 time. The porch is really in a
9 situation, condition that it is becoming
10 an eyesore.

11 They asked us to look at it, and
12 this is really, I believe, a modest
13 solution that would solve the problem
14 for them.

15 CHAIRMAN MAGUN: When you say
16 modest solution, you are taking an open

17 porch and changing it into a room in the
18 front of the house. You are essentially
19 extending the front of the house by
20 coming out 10 or 12 feet.

21 MR. WONG: The reason we are
22 proposing that, I don't know if you know
23 the street --

24 CHAIRMAN MAGUN: I do. I looked
25 at it carefully.

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1 ZONING BOARD MEETING OF 5/25/06 26

2 MR. WONG: Not that it's, you
3 know, another grandfathered house or
4 another house a couple of houses down
5 from this, I believe on the south of the
6 street, has the enclosed porch.
7 Actually, the setback along Buena Vista,
8 I don't think any of those houses has a
9 30-foot setback.

10 Even with the enclosed porch we
11 are talking about a setback of 23 feet,
12 which does not protrude beyond the house
13 line of, I believe, most of those houses
14 on that street.

15 I didn't go out and try to take a
16 tape measure to do that, but by looking
17 you could actually see that.

18 CHAIRMAN MAGUN: Okay.
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19 Do any of the other Board Members
20 have any questions, concerns, about the
21 plans.

22 MS. FURMAN: I have a couple of
23 questions.

24 Given the roof line on the
25 additional room in the front it looks

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1 ZONING BOARD MEETING OF 5/25/06 27
2 I like you are blocking the middle window.
3 Is that --

4 MR. WONG: Actually, the
5 reason -- what you see here when you
6 look at the roof -- well, one of the
7 reasons the existing porch is
8 delapidated is because there is a water
9 problem with the flat roof. Over time
10 water seeps inside the house.

11 When we renovated the house
12 couple of years ago, we had to do some
13 extensive repair along the front of the
14 house.

15 At the same time we didn't want
16 to make a big structure. What we did in
17 here, we proposed to do a gable about
18 three-quarters of the way, and then come
19 back with another gable toward the house
20 so that water would not go back to the

21 house at all.

22 What you see is actually -- in
23 terms of height of the whole is almost
24 to about here (indicating).

25 The only part that's higher is

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1 ZONING BOARD MEETING OF 5/25/06 28
2 maybe a foot in the middle of the gable
3 in the middle of the structure, which is
4 only, I believe, about 11 feet high.

5 MS. FURMAN: Are you eliminating
6 what is now the front entry door when
7 you are enclosing this room?

8 MR. WONG: No, the front entry
9 door is still there. The front entry
10 door is still here (indicating).

11 MS. FURMAN: So you will come
12 into this --

13 MR. WONG: You come into this
14 area where the coats, shoes, sort of a
15 mud room situation.

16 Everything is down here, but
17 there are windows. Then, you come in --

18 I believe you folks always take
19 your shoes off.

20 They don't want any dust coming
21 in the house.

22 MR. SHARMA: Would a vestibule by
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23 a better description of this space?

24 MR. WONG: I call it enclosed
25 porch. You could call it an enclosed

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29

1 ZONING BOARD MEETING OF 5/25/06 29

2 vestibule.

3 CHAIRMAN MAGUN: It doesn't
4 matter what you call it.

5 MR. WONG: It doesn't matter what
6 you call it. It's an enclosed space.

7 CHAIRMAN MAGUN: Any other
8 questions from the Board about the
9 proposal?

10 (No response.)

11 CHAIRMAN MAGUN: When I looked at
12 the street, because you mentioned that,
13 80, 90 percent of the houses have an
14 open porch. One has an enclosed porch,
15 which is enclosed in glass. All the
16 rest have open porches just like yours.

17 The whole street would look
18 different if everybody built an 8 by 12
19 or 10 by 12 room in front of their
20 house. I have a lot of trouble with
21 this proposal for that reason.

22 I mean it changes the whole
23 character of this house from an
24 open-porch house to something with a

25 room -- it's literally an enclosed

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30

1 ZONING BOARD MEETING OF 5/25/06 30
2 vestibule or porch. It's basically a
3 room, a 10 by 12 room.

4 If every house on that street did
5 that, the whole street would like
6 different, and, I think, not as nice.

7 MR. WONG: I know I am supposed
8 to answer the questions, but maybe I can
9 ask you a question?

10 CHAIRMAN MAGUN: Go ahead.

11 MR. WONG: Would you feel
12 differently if we have all glass in this
13 space?

14 CHAIRMAN MAGUN: Maybe.

15 MR. WONG: I believe we could do
16 that. The reason we didn't propose that
17 is because we felt the design is a good
18 one. It's a little different than most
19 vestibule in the neighborhood. To me,
20 diversity or something a little
21 different in Hastings is not necessarily
22 a bad idea.

23 CHAIRMAN MAGUN: I certainly
24 wouldn't disagree with that.

25 MR. WONG: What we are trying to

1 ZONING BOARD MEETING OF 5/25/06 31
2 do here, we are trying to repeat
3 something that's a little similar to
4 Colonial house, but at the same time add
5 a little Asian flavor to it. It's kind
6 of like a little tea house, almost, in
7 front of the building.

8 It is not totally western. It is
9 not totally eastern. It's between. I
10 think it is very interesting.

11 CHAIRMAN MAGUN: The trouble I
12 have -- it may be very interesting. The
13 trouble for me, basically, you are
14 proposing instead of being 30 feet from
15 the front line you are 23 feet. That's
16 a very large incursion into the front
17 yard setback.

18 Let's say 7 feet, which is more
19 than 20 percent.

20 MR. WONG: I don't follow the
21 Zoning Board deliberations carefully,
22 but is it true that you as a right --
23 you don't usually -- normally you don't
24 approve an enclosed porch?

25 CHAIRMAN MAGUN: No. We take

1 ZONING BOARD MEETING OF 5/25/06 32

2 each case on its merits.

3 MR. WONG: I don't understand why
4 this particular case would be different.

5 CHAIRMAN MAGUN: Some we approve,
6 and some we don't.

7 MR. WONG: It is already -- I
8 believe we have a 24.7-foot setback at
9 this point, and we are asking to come
10 out another foot-and-a-half.

11 CHAIRMAN MAGUN: Right. I think
12 if you were proposing an open porch,
13 that's a different issue. Then you are
14 asking us to give you another
15 foot-and-a-half of a open porch. You
16 are proposing to build -- this is a big
17 room.

18 I think it is really important to
19 emphasize to the Board that it is a big
20 room.

21 When you look at the picture, it
22 is like a bedroom in the front of the
23 house. A bedroom is 9 by 12. This is
24 bigger than that.

25 I just think to put this in front

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1 of your house, it changes the character
2 of the neighborhood. It changes the
3 character of the block.
4

5 MS. JIANG: But neighborhood
6 changes. People add different floors
7 and do different things.

8 We don't need open porch because
9 we have open porch there for so many
10 years. We really need something
11 enclosed we can be a little more
12 comfortable living there to enter the
13 house, have somewhere to rest, change
14 shoes, to make a transition.

15 CHAIRMAN MAGUN: I understand why
16 you want it.

17 From my perspective, it's a
18 very -- I think a very big structure to
19 ask us to approve in the front of your
20 house.

21 I know you have lived there a
22 long time.

23 MR. WONG: Would it change the
24 color of your view if we proposed to
25 keep the existing size of the porch and

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1 ZONING BOARD MEETING OF 5/25/06 34
2 have more glass in it to make it more

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3 like the other house down the street?

4 CHAIRMAN MAGUN: I'm just one
5 vote. I don't know how the rest of the
6 Board feels. I think that is a little
7 hard -- we don't like to design things
8 for people.

9 I would be curious to see how the
10 other Board Members feel.

11 MS. FURMAN: I have, and I know I
12 have expressed this before, a real issue
13 in Hastings with slow sprawl.

14 Someone comes in and gets a
15 variance to add a deck or front porch.
16 Then, a number of years later they come
17 back and they want a variance to enclose
18 it. Then, a number of years later they
19 come and they want another variance
20 because now the front steps don't really
21 line up right, and they have to expand
22 further into the no build zone.

23 I think Arthur and I agree on
24 this one.

25 I understand your need. I

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35

1 ZONING BOARD MEETING OF 5/25/06 35
2 understand lots of people want to do
3 things with their houses that,
4 unfortunately, in Hastings we're small

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5 lots. We're tight. We are small.

6 Our job, based on the statute,
7 and based on the balancing act we are
8 supposed to do between the needs and
9 desires of the individual and the needs
10 and desires of the community, is we have
11 to balance what is best for the overall
12 picture.

13 There has to be an alternative
14 perhaps to this very large structure in
15 the front of the house, closer to the
16 street.

17 As you said in your arguments,
18 let's look at the other houses on the
19 block and what they have done. If the
20 variance is allowed for this house, we
21 are going to be faced with other people
22 on the block rightly coming forward and
23 saying, well, you let them do that
24 because of whatever their reasons were,
25 now we want to do it.

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36

1 ZONING BOARD MEETING OF 5/25/06 36

2 I certainly don't want to see our
3 houses just coming closer and closer to
4 the street.

5 MS. JIANG: One thing I want to
6 mention because our house compared to

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7 all the other houses, we are set back
8 compared to other houses. It is not
9 like we are coming out compared to other
10 houses on the street.

11 If our house come out that much
12 compared to other houses, it doesn't
13 look right. We have to make comparison.
14 We didn't really extend a huge amount of
15 the space.

16 The structure on top of the roof,
17 that change the look because of the flat
18 roof is not easy to keep, maintain.
19 Water problems. This way looks changed
20 more. Our enclosed porch is set more
21 back compared to other houses even they
22 have open porch. We measure it.

23 MR. WONG: There are zoning codes
24 in other areas that when a street wall
25 is established you should build and

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37

1 ZONING BOARD MEETING OF 5/25/06 37
2 follow that street wall even though it
3 does not meet the letter of the code.
4 It is desirable to come closer to that
5 street wall.

6 I understand what your concern
7 is. I totally agree on the two comments
8 you made before, but I really don't see

11 the code that allows the Board some
12 latitude when protrusions is only
13 20 percent --

14 CHAIRMAN MAGUN: No, you can have
15 a protrusion of a deck, an uncovered
16 deck --

17 MR. WONG: I'm saying, as of
18 right, I heard you can do that. I
19 thought also within the setback, in this
20 situation, that allow you to give some
21 special consideration --

22 CHAIRMAN MAGUN: No, no.

23 MR. PYCIOR: I was going to say
24 this is a difficult case. There clearly
25 is a need, and need enters into our

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39

1 ZONING BOARD MEETING OF 5/25/06 39
2 consideration for variances.

3 Whether there is a need, though,
4 for a vestibule 8-feet deep by 12-feet
5 wide, I don't know.

6 Few vestibules I have gone into,
7 except in palatial homes, are 8 by 12
8 feet in size. My home, I think, is 4 by
9 4 feet.

10 Besides weighing need, we have to
11 weigh whether or not any structure would
12 have a negative affect on the character

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13 or undesirable change, but that might be
14 an esthetic matter.

15 As I looked at the houses and I
16 looked at this design with the higher,
17 slanted roof I thought that could be
18 undesirable, but that's a judgment.

19 It boils down to when I saw the
20 plans I was somewhat disappointed. I
21 thought if the deck were half enclosed
22 and half left open I would, personally,
23 be more favorable to it. Then, you have
24 more of the porch in character with the
25 neighborhood, and you could get your

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40

1 ZONING BOARD MEETING OF 5/25/06 40
2 vestibule. Albeit only 4-feet deep, but
3 to me that's a normal vestibule.

4 But we are not here to design
5 this, as Dr. Magun was saying.

6 MR. DEITZ: Let me make another
7 comment. I think that if the vestibule
8 is going to be wide enough for closets
9 on either side -- you said the house is
10 100-years old. My guess is there are no
11 closets in the house.

12 I think the addition of those two
13 closets would help to alleviate the
14 hardship of a lack of closets.

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15 Also, the fact that you have a
16 mud room type of place where you can
17 take off your coat is an energy saving
18 value. I don't have such an unfavorable
19 view of this.

20 CHAIRMAN MAGUN: But they could
21 make it smaller and they could
22 accomplish those things with a much
23 smaller --

24 MR. DEITZ: As far as the energy
25 saving, yes. But the closet space, no.

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41

1 ZONING BOARD MEETING OF 5/25/06 41

2 MS. JIANG: One thing I want to
3 mention, the door is 3 feet. You swing
4 in and you make 4 feet and you hit the
5 wall already. Then the door that goes
6 into the house has to swing out, so in
7 and out you cannot do at the same time.
8 You can't even open two doors.

9 Also, when you go in there is a
10 door one side goes to kitchen, and the
11 other side goes to basement. That area
12 is very difficult space in there. If
13 you do -- very narrow. You cannot open
14 the doors at the same time.

15 CHAIRMAN MAGUN: You could change
16 the doors, though. You could have them

17 2006-05-25-hastings
open different ways.

18 MS. JIANG: To open out?

19 CHAIRMAN MAGUN: Yes, you could
20 change that.

21 MS. JIANG: We're thinking to
22 have storm door to open out and regular
23 doors open in to protect the doors.

24 CHAIRMAN MAGUN: Is there anyone
25 in the audience that has any comments

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1 ZONING BOARD MEETING OF 5/25/06 42
2 with regard to this application?

3 Yes, ma'am, come up to the front
4 and state your name and address.

5 MS. ETTINGER: Carol Ettinger,
6 81 Hillside Avenue.

7 I'm confused. How big is this
8 porch now?

9 MR. WONG: It's 8 feet by
10 12 feet.

11 MS. ETTINGER: How much do you
12 want to increase it?

13 MR. WONG: 9 square feet.

14 MS. ETTINGER: I was thinking
15 what Mr. Dietz thought. I live in a
16 house with a big enclosed front porch
17 with a lot of glass windows that are
18 open in the summer to bring in cool air,

19 2006-05-25-hastings
but shut in the winter.

20 It is not heat proof. Still cold
21 air gets in there, but the air in that
22 room is not as cold as the air that is
23 outside the house. When we open our
24 front door, we lose a lot less heat.

25 If these people can lose less

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43

1 ZONING BOARD MEETING OF 5/25/06 43
2 heat, I think that is an important
3 consideration.

4 CHAIRMAN MAGUN: Thank you.

5 MS. ETTINGER: The other thing is
6 I know we like the character of
7 neighborhoods to stay, but I don't think
8 every house has to all be the same. A
9 row of houses does not have to all look
10 the same. One can have a bigger porch.
11 One can have no porch.

12 CHAIRMAN MAGUN: Okay.

13 Any other comments from the
14 audience, questions?

15 (No response.)

16 MR. WONG: Did you speak to some
17 of your neighbors? Did any of them --

18 MS. JIANG: All our neighbors all
19 think we should do something about the
20 porch because it is so run down.

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CHAIRMAN MAGUN: I agree with

21
22 you.

23 MS. JIANG: It's just falling
24 off.

25 CHAIRMAN MAGUN: I just think

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44

1 ZONING BOARD MEETING OF 5/25/06 44
2 what you are proposing to me is very,
3 very large. I think it is not in
4 character with the other houses there.

5 A smaller proposal, a different
6 proposal, would sit better with me
7 anyway.

8 Any other questions or comments
9 from the Board?

10 (No response.)

11 CHAIRMAN MAGUN: We're voting
12 then on two variances. One, for front
13 yard setback where required is 30 feet.
14 Existing is 24.7. The applicant proposes
15 23.2.

16 The second is the lot coverage
17 where permitted is 25 percent lot cover.
18 Existing is 28.16. Proposed is 28.34.

19 We should take these two
20 variances separately. Let's do the
21 front yard first.

22 Is there a motion in favor of

23 2006-05-25-hastings
granting the front yard variance?

24 MR. SOROKOFF: I will move the
25 motion in favor of granting the front

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45

1 ZONING BOARD MEETING OF 5/25/06 45
2 yard variance.

3 CHAIRMAN MAGUN: Is there a
4 second?

5 MR. DEITZ: I will second.

6 CHAIRMAN MAGUN: All in favor?

7 MR. SOROKOFF: Aye.

8 MR. DEITZ: Aye.

9 CHAIRMAN MAGUN: Two.

10 Opposed?

11 MR. PYCIOR: (Indicating.)

12 CHAIRMAN MAGUN: (Indicating.)

13 MS. FURMAN: (Indicating.)

14 CHAIRMAN MAGUN: Three. It is
15 defeated.

16 The second variance is for lot
17 coverage. Is there a motion in favor?

18 MR. DEITZ: I will move to
19 approve the lot coverage proposed 28.34.
20 Expiring nonconforming 28.16.

21 CHAIRMAN MAGUN: Is there a
22 second?

23 MR. SOROKOFF: I will second.

24 CHAIRMAN MAGUN: All in favor?

25

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MR. SOROKOFF: Aye.

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46

1 ZONING BOARD MEETING OF 5/25/06 46
2 MR. PYCIOR: Aye.
3 MR. DEITZ: Aye.
4 CHAIRMAN MAGUN: Three in favor.
5 Against?
6 MS. FURMAN: (Indicating.)
7 CHAIRMAN MAGUN: (Indicating.)
8 The lot coverage was passed, but
9 the front yard setback was not.
10 That basically means that you
11 can't go ahead with your construction.
12 You have to come with another design for
13 a front yard setback.
14 MR. WONG: Can I ask a question?
15 CHAIRMAN MAGUN: Sure.
16 MR. WONG: Does that mean if the
17 front yard is not approved, if we keep
18 our enclosure within the existing
19 footprint without asking for more
20 setback --
21 CHAIRMAN MAGUN: The only thing
22 we have proved is if you had this
23 specific design, exactly as you proposed
24 it, the lot coverage variance would be
25 granted. If you changed the design, you

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1 ZONING BOARD MEETING OF 5/25/06 47
2 would have to come before us on the new
3 proposal .

4 MS. STECICH: I believe his
5 question is if you enclose the same
6 footprint, do you have to come back?
7 Yes, you would. It would be expanding
8 the nonconformity because it is not
9 conforming, and it is expanding it by
10 enclosing it. Instead of being open,
11 it's enclosed.

12 MR. WONG: But that's not part of
13 the variance we are asking for today.
14 I'm a little confused.

15 MS. STECICH: I thought your
16 question was if you kept the same
17 footprint and enclosed the porch, would
18 you have to come back? You would
19 because it is an expansion of the
20 nonconformity.

21 You could come back to the Board
22 with a different proposal, some of the
23 things you suggested.

24 CHAIRMAN MAGUN: You had a split
25 vote here. It's a little inconsistent,

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1 ZONING BOARD MEETING OF 5/25/06 48

2 but that's how the Board chose to vote.

3 It does give you some sense of
4 what they are concerned about. They are
5 not as concerned about lot coverage as
6 they are about the front yard setback.

7 MR. WONG: Is it possible,
8 without having to come back again, to
9 ask the Board to cast another vote on
10 the setback, but not requesting the
11 additional one-and-a-half feet?

12 CHAIRMAN MAGUN: No. We have to
13 see plans, and it has to be renoticed.
14 I'm sorry.

15 MR. WONG: Okay.

16 CASE NO. 13-06:

17 CHAIRMAN MAGUN: We will move on
18 to the next case, Case No. 13-06.

19 This is Case No. 13-06. Ann and
20 Marc Scholl at 115 Lincoln Avenue.

21 The applicants are here
22 requesting a variance, a rear yard
23 variance for enlarging the first floor
24 of their house where currently they have
25 a 31.58 setback from the rear yard

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2 boundary, and required is 30. They are
3 proposing 25.08 feet.

4 State your name, address, and
5 explain your proposal to us however you
6 and your architect would like to present
7 the case.

8 MR. SCHOLL: My name is Marc
9 Scholl. I'm here with my wife, Ann
10 Scholl. We live at 115 Lincoln Avenue.
11 We are here with the architect,
12 Mr. Julius Twyne.

13 Basically, it is as the statement
14 with the proposal submitted to the
15 Board.

16 We have been in Hastings for
17 about 15 years. During that time we
18 have managed with the kitchen. We would
19 like to modernize and expand the space
20 in the kitchen.

21 The bottom line is the proposal
22 is triggered by the kitchen even though
23 we are asking to expand into the back,
24 which would be basically the line of the
25 house, that would end up expanding a

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1 ZONING BOARD MEETING OF 5/25/06 50
2 bedroom as well. It is really motivated
3 by the desire to enlarge the kitchen.

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4 By expanding the back of the
5 house by about six-and-a-half feet it
6 would end up giving us more than a third
7 more usable space in the kitchen.

8 Part of the overall desire in
9 terms of the inner part of the house
10 would be to be able to open up the
11 kitchen into the dining room a little
12 bit in terms of taking that wall and
13 making more of a half wall, so
14 everything feels larger. I always
15 wanted to have an island in the kitchen
16 to work around and to cook with, traffic
17 flow. The kitchen --

18 CHAIRMAN MAGUN: You are going to
19 be quoted on the cooking part.

20 MR. SCHOLL: My wife will attest
21 that I do a decent amount of the
22 cooking.

23 Storage has always been a
24 difficult problem with us in the
25 kitchen.

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51

1 ZONING BOARD MEETING OF 5/25/06 51
2 For traditional, religious
3 reasons we actually keep multiple sets
4 of dishes and pots and pans. We lug up
5 every Passover other additional sets of

6 pots and pans from the basement. We
7 don't actually intend to stop doing
8 that. Everything has always been very
9 cluttered. The idea is to open it up
10 and make it more usable.

11 We also have been very lucky that
12 both of our parents, in each of our
13 cases, are still alive. We know that is
14 not always going to continue to be the
15 case.

16 We expect that some time down the
17 road one of our parents, if not more,
18 will come possibly to live with us,
19 which is what we would prefer other than
20 other alternatives. Having the
21 larger -- it's in the back of the house.
22 It only really affects the back of the
23 house. It would be much better for that
24 we think.

25 In terms of how this impacts our

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52

1 ZONING BOARD MEETING OF 5/25/06 52
2 neighbors I don't think any change would
3 be noticeable from the front of the
4 house.

5 In terms of the back of the house
6 the backyard borders upon a stone wall,
7 which borders upon a hill which comes

8 up. The houses in the back of us are
9 much higher than us. There is
10 vegetation, trees between that. I don't
11 expect this would impact on their view
12 of us because they really look over us
13 anyway.

14 On the left-hand side, as you
15 face the back, our neighbor actually has
16 a white fence. He would not even see
17 what we consider a relatively minor
18 expansion into the backyard. Although,
19 I guess it is a variance because of the
20 setback of the amount of space.

21 On the right-hand side that house
22 too is actually down a slope. They
23 won't really, I don't suspect, see much
24 of a difference. And, in fact, there is
25 some vegetation between us and our

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53

1 ZONING BOARD MEETING OF 5/25/06 53
2 neighbor to the right. Some trees and
3 things like that.

4 It is really triggered by a
5 desire to just open it up to modernize
6 the kitchen that we have lived with, but
7 we now have the time and opportunity
8 because, in fact, our kids are now in
9 college and they occasionally are home.

10 Not home as much.

11 While it is kind of ironic that
12 we want to expand when they are gone, it
13 just feels like this is the time we have
14 had the opportunity to do so.

15 I believe I will leave any
16 questions about the technical matters to
17 Mr. Twyne.

18 MR. TWYNE: Good evening, Julius
19 Twyne here.

20 I have a plan of the location of
21 the property. This is coming up from
22 the Village, coming up Mount Hope.
23 Hillside School over here. This is
24 Lincoln. This is where the house is
25 located (indicating).

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54

1 ZONING BOARD MEETING OF 5/25/06 54

2 Unfortunately, this is not very
3 pronounced, but I have shown the houses
4 that -- from this point to here. This
5 is the Scholls' house (indicating).

6 This will give a sense of the
7 neighborhood. This is the house on the
8 left. This is the neighbor's house
9 immediately to the left. This is a
10 picture of the Scholls' house. This is
11 the house on the right side, and the

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12 beginning of a garage of a house there
13 (indicating).

14 The Scholls' house is a straight
15 forward ranch with three bedrooms. It
16 is up from the street, so looking at
17 it -- you don't look directly on it.
18 You look up at it.

19 Basically, that's just a rough
20 idea of what it looks like. I do have
21 some pictures in case anyone is
22 interested in what the -- the area.
23 This is some photos of the rear yard
24 area if you would like to see those
25 (handing).

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55

1 ZONING BOARD MEETING OF 5/25/06 55

2 The site plan, which you have a
3 copy of, I would like to point out that
4 the area of coverage is only a portion
5 of the hatched area. What you really
6 see is the roof. I don't want you to
7 get the idea that the expansion is this
8 larger area. It really -- that hatched
9 area really shows a roof. The expansion
10 is only 6 foot 6 of that. It's a
11 portion of it. You shouldn't get the
12 idea it looks so large.

13 The shaded area is the area that
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14 is being added. This is the kitchen
15 area as it now exists. There is a wall
16 here (indicating).

17 The intent is to eliminate that
18 wall, go back another 6 foot 6. Now
19 we're opening up the kitchen to the
20 dining room to be enlarged. You can
21 look right through into the kitchen, and
22 in the corner into the living room area
23 even.

24 Of course, as Mr. Scholl
25 mentioned, it would be expanding the

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56

1 ZONING BOARD MEETING OF 5/25/06 56
2 bedroom, so that this one bedroom would
3 be larger and would be adequate for
4 usage by a couple of people, which would
5 permit their parents, should they wish,
6 to be there.

7 On the other side of the building
8 is a sunroom, which we just expanded
9 that. Mr. Scholl has a lot of computer
10 equipment in that room, so this room is
11 off limits (indicating). This is a
12 space they would find good uses for
13 since he really has a lot of equipment
14 in here.

15 That is pretty much the extent of
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16 the plans.

17 MR. SCHOLL: I should indicate on
18 the expansion on that left-hand side,
19 which is the sunroom, we are actually
20 considering not that one room expanding.
21 We consider leaving it open.

22 We wanted to exercise caution in
23 asking for the variance all the way
24 through. It is more likely than not
25 that we actually would -- if I could

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1 ZONING BOARD MEETING OF 5/25/06 57
2 walk up there. We might very well want
3 to stop it at this point and leave this
4 open and outside (indicating).

5 We thought that because the way
6 the lot is that that gives us more of a
7 patio on the outside. In the exercise
8 of caution we got to the point -- you
9 know, we didn't want to make that
10 decision. We wanted to give you the
11 strongest possible way it would go in
12 order if we went the whole route.

13 I heard from the last group that
14 if we were going to change the plans we
15 would have to come back. It would be
16 less than what it is.

17 CHAIRMAN MAGUN: If the plan is

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18 approved, you can reduce.

19 MR. SCHOLL: I also, to make it
20 easier to understand the context of the
21 neighbors, from Google Earth did a
22 printout of the houses in the area so
23 that you can see the relationship of our
24 house, the back of our house, and the
25 closer neighbors in the back, the

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1 ZONING BOARD MEETING OF 5/25/06 58
2 hillside, the slope.

3 CHAIRMAN MAGUN: It will save me
4 a lot of time.

5 MR. SCHOLL: That gives you the
6 context of the back neighbors, the left
7 neighbor and the right neighbor.
8 Actually, the left -- the one that I
9 said looking back, he has actually put
10 up a fence since Google did that
11 picture. The fence is not actually in
12 this.

13 CHAIRMAN MAGUN: So this is a
14 one-story house, and you are proposing
15 to add 6 feet to the back?

16 MR. SCHOLL: Six-and-a-half.

17 CHAIRMAN MAGUN: I have a
18 question about the actual measurements.

19 MR. TWYNE: Yes.

20 CHAIRMAN MAGUN: When I look at
21 the plan, I see what looks like bay
22 windows extending out from the kitchen.

23 MR. TWYNE: Yes.

24 CHAIRMAN MAGUN: Where are we
25 measuring this house from, from the bay

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1 ZONING BOARD MEETING OF 5/25/06 59
2 windows?

3 MR. TWYNE: No, because the bay
4 windows are less than 2 feet.

5 CHAIRMAN MAGUN: But, you know,
6 bay windows are allowed to project into
7 a rear yard, but you are already
8 projecting way into the rear yard.

9 I will discuss this with the
10 building inspector and counsel, but I
11 think we have to measure from the bay
12 windows. You have them going the length
13 of the house top to bottom.

14 MR. SCHOLL: The windows
15 themselves are actually just above the
16 table. There's like a shelf there.

17 CHAIRMAN MAGUN: When I look at
18 this elevation, this looks like they
19 protrude out.

20 MR. TWYNE: Yes, that was the
21 intent.

22 CHAIRMAN MAGUN: If you just
23 wanted to protrude into the required
24 yard, you are allowed to protrude some
25 2 feet.

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1 ZONING BOARD MEETING OF 5/25/06 60
2 I think this should be considered
3 as part of the required --

4 MR. SHARMA: Yes. Now that I
5 look at it, yes.

6 MR. SCHOLL: If it was just the
7 window and the open space underneath it,
8 and not built, the house, all the way
9 down, would that be a problem?

10 CHAIRMAN MAGUN: The idea of the
11 code, and I will defer to counsel, as I
12 read through it and thought about it you
13 are allowed to have bay windows
14 projecting into a rear yard a number of
15 feet.

16 Is it 2 feet?

17 MR. TWYNE: This is less than
18 2 feet.

19 CHAIRMAN MAGUN: But the whole
20 house is already projecting into the
21 rear yard setback, so you have used up
22 your 2 feet.

23 MR. SHARMA: You can't go beyond.

24 CHAIRMAN MAGUN: I think we
25 really have to measure from the most

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1 ZONING BOARD MEETING OF 5/25/06 61
2 distal portion of the construction, so
3 that would add another 2 feet.

4 MR. TWYNE: Well, if it was just
5 that, I would certainly approach my
6 client --

7 MR. SCHOLL: I am actually
8 willing to knock out the bay windows.

9 The bay windows exist now. The
10 idea was that in order to make the house
11 look like it does now we basically moved
12 it back, and the bay window happened to
13 be in the kitchen, therefore, moving it
14 back.

15 CHAIRMAN MAGUN: Before you do
16 that I think the issue is that we should
17 decide what we're being asked to look
18 at, and then we can make a decision
19 whether or not we want to make a change
20 or how we are going to deal with that.

21 How far out are the bay windows
22 projecting? I can't tell with your
23 drawings.

24 It extends the whole length of
25 the house.

1 ZONING BOARD MEETING OF 5/25/06 62

2 MR. TWYNE: No, it is just a bay
3 instead of -- I had intended instead of
4 ending it at the top line, which is
5 above the floor, I was going to extend
6 it to the floor. Have a carpenter build
7 the floor. You don't usually buy it
8 that way. We are buying a typical
9 Anderson window.

10 CHAIRMAN MAGUN: So the house
11 would project out from the bay window
12 all the way down how far?

13 MR. TWYNE: Probably 1.6 at
14 maximum.

15 CHAIRMAN MAGUN: So that would
16 change the request for the variance from
17 25.08 to let's say minus one-and-a-half
18 feet, so 23-and-a-half feet more or
19 less.

20 I don't know that we would be
21 concerned about re-notification.

22 MS. STECI CH: No.

23 CHAIRMAN MAGUN: I don't think so
24 either.

25 The Board has to think about that

1 ZONING BOARD MEETING OF 5/25/06 63
2 for a minute. It does change the amount
3 of the variance, I think, in a
4 significant way. More than a 20 percent
5 type of variance. That was my one
6 technical question.

7 MR. PYCIOR: I understood
8 Mr. Twyne to say that they would be
9 willing to sacrifice it going down to
10 the floor.

11 MR. TWYNE: If it were a problem
12 for the Board, I would recommend
13 possibly this bay window not incur and
14 simply have a larger window back there.

15 MR. SCHOLL: The idea was simply
16 extend the house back. Make it look
17 like it was.

18 CHAIRMAN MAGUN: You have that
19 now?

20 MR. SCHOLL: We have that now.

21 CHAIRMAN MAGUN: It is an issue
22 because you are asking for a 25 percent
23 incursion into the rear yard.

24 MR. SCHOLL: I am willing to
25 exclude it from the house.

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1 ZONING BOARD MEETING OF 5/25/06 64

2 The idea was to make the house
3 look the same, but I'm willing to take
4 out the bay window.

5 CHAIRMAN MAGUN: I'm just asking.
6 The Board can sort of help, give their
7 feelings about this.

8 Any other questions from the
9 Board about the proposal?

10 MR. PYCIOR: What will be under
11 the addition? Is it crawl space or --

12 MR. TWYNE: Yes, crawl space.

13 CHAIRMAN MAGUN: I went around
14 to -- it took me a long time to find out
15 who your backyard neighbor is. It's
16 tricky. You have to go all the way
17 around up to the other street.

18 MR. SCHOLL: Sunset.

19 CHAIRMAN MAGUN: Right.

20 I was able to go all the way into
21 their backyard. You are right, your
22 proposed extension is kind of far from
23 the neighbor who is very high up, who
24 seemed nonplussed by the whole thing
25 when I was there. I'm not even sure if

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1 ZONING BOARD MEETING OF 5/25/06 65

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they are here tonight.

3 Any other comments or questions
4 from the Board?

5 MR. TWYNE: This is a layout of
6 the lots behind them. The one darkened
7 is, of course, their house (indicating).

8 MR. SOROKOFF: Does it interfere,
9 at all, with the general aspect of the
10 homes in that area?

11 MR. TWYNE: No.

12 CHAIRMAN MAGUN: I agree. This
13 is a rear yard --

14 MR. TWYNE: Totally rear yard.

15 CHAIRMAN MAGUN: Again, the house
16 immediately behind it, which I'm usually
17 concerned with, is really high up and
18 not significantly affected.

19 Personally, just with regard to
20 these windows, if we were to approve
21 this -- I don't mind the bay windows. I
22 didn't like the idea of extending the
23 whole house below the bay window.

24 MR. TWYNE: We can not do it.
25 That's not a problem.

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1 ZONING BOARD MEETING OF 5/25/06 66

2 MR. SCHOLL: That's not a
3 problem.

4 CHAIRMAN MAGUN: I don't know if
5 that makes any -- I don't want to
6 dictate.

7 MR. PYCIOR: I think we should,
8 perhaps the Board itself, make a
9 recommendation the next time the zoning
10 code is revised to make a
11 differentiation between bay window and
12 bay.

13 MS. STECI CH: I don't know that
14 we --

15 CHAIRMAN MAGUN: If you look up
16 bay window --

17 MS. STECI CH: Bay window, I would
18 say it's a window.

19 CHAIRMAN MAGUN: It's a window.

20 MR. PYCIOR: We had it last
21 month.

22 CHAIRMAN MAGUN: Last month we
23 discussed it. Well, the applicant
24 thought a bay window went floor to
25 ceiling.

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1 ZONING BOARD MEETING OF 5/25/06 67

2 MR. PYCIOR: And the house across
3 the street it went floor to ceiling.

4 MR. TWYNE: I did that one too.

5 MR. SOROKOFF: I'm not sure that

6 that should delay the decision on this.

7 CHAIRMAN MAGUN: I think we have
8 to take the measurement from the bay
9 window. It would be a rear yard
10 variance of 23-and-a-half feet rather
11 than 25.08 as written. That would
12 just -- to do the arithmetic --

13 MR. SHARMA: 23.58.

14 MR. TWYNE: But I would also add
15 the owners are quite willing to have it
16 conform to your idea of a bay window,
17 which does not extend to the floor.

18 CHAIRMAN MAGUN: I think that's
19 what we're talking about. That's what
20 you intend.

21 MR. SCHOLL: That's what we
22 intended. I probably misunderstood the
23 question.

24 CHAIRMAN MAGUN: 23.58. It's a
25 bay window. It doesn't extend to the

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1 ZONING BOARD MEETING OF 5/25/06 68
2 length of the floor.

3 MR. TWYNE: Even though it
4 doesn't extend to the floor you still
5 want to take off --

6 CHAIRMAN MAGUN: It's not that I
7 want to. I think that's the way the

8 2006-05-25-hastings
code is written.

9 MR. TWYNE: But it then has no
10 floor area.

11 CHAIRMAN MAGUN: That's why I
12 wanted to discuss this.

13 MR. TWYNE: I don't want to be
14 argumentative. The fact is if it has no
15 floor area, at all -- what you are
16 measuring to when you do rear yard? You
17 are usually measuring to a floor.

18 MR. SHARMA: To the projection of
19 the building.

20 CHAIRMAN MAGUN: If the roof
21 projects out more than it can, we
22 measure it from that.

23 MR. TWYNE: Roof projections
24 don't usually count.

25 CHAIRMAN MAGUN: Because they

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1 ZONING BOARD MEETING OF 5/25/06 69
2 don't usually project out too far.

3 MR. SHARMA: That becomes
4 somewhat of a touchy issue. Roof eaves
5 can project something into the required
6 yard. If the whole house goes into the
7 backyard and the roof still --

8 CHAIRMAN MAGUN: Part of what we
9 do is interpret. I think that it says

10 here bay windows may not project more
11 than 2 feet into the rear yard. The
12 house is already more than 2 feet into
13 the rear yard.

14 I think we have to take the
15 closest part of the house to the rear
16 yard setback, which would be the bay
17 window.

18 MS. STECI CH: I think that is
19 fair.

20 MR. SHARMA: Would the same thing
21 apply to a roof overhang. If you say
22 the roof overhang can extend only 2 feet
23 or so into the required yard, if the
24 whole house --

25 MR. TWYNE: Let me add, for the

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1 ZONING BOARD MEETING OF 5/25/06 70
2 sake of the other professionals who have
3 to follow me in this, I would hope you
4 would be cautious on taking that
5 position because we do try to utilize
6 whatever advantages of nomenclature
7 presented to us when we are trying
8 desperately to coble in a few extra
9 inches of space. I hope you would be
10 cautious about --

11 MS. STECI CH: If you are cobbling

12 in, you are cobbling in to stay within
13 the required setback. If you are within
14 the required setback, it is not an issue
15 and you can have it. The point is --

16 MR. TWYNE: Once you have given
17 us that gratuity, I see that.

18 MS. STECI CH: If you stay in the
19 setback, then you get the benefit.

20 CHAIRMAN MAGUN: Thank you. I
21 understand your point.

22 You are willing to give up the
23 bay windows if it affects the outcome of
24 your proposal. It is hard to know that
25 ahead of time. I have a sense it is not

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1 ZONING BOARD MEETING OF 5/25/06 71
2 going to.

3 Are there any other comments or
4 questions from the Board?

5 (No response.)

6 CHAIRMAN MAGUN: Does anybody
7 else have any feelings about the bay
8 windows that they want to express?

9 You like bay windows.

10 MR. PYCIOR: I like bay windows
11 when they are bay windows and not bays.

12 MS. FURMAN: I think if he is
13 cooking he can have the bay windows.

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CHAIRMAN MAGUN: The point I want

14
15 to make is that this projection into a
16 required yard setback is in the rear
17 yard setback, and I think it doesn't
18 affect the character of the neighborhood
19 in any significant way.

20 The house is small. I think it
21 will help the house in going forward and
22 not adversely affect any one house in
23 the neighborhood.

24 If there is no more discussion,
25 can we have a motion --

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1 ZONING BOARD MEETING OF 5/25/06 72

2 MS. STECI CH: Did you ask
3 about --

4 CHAIRMAN MAGUN: Yes, I did. I
5 asked.

6 It there anyone that wishes to
7 speak for or against?

8 (No response.)

9 CHAIRMAN MAGUN: There is one
10 variance being requested for a rear yard
11 setback of 23.58 feet. And it is
12 understood from what the applicant is
13 telling us that the bay windows will
14 just be windows, and will not extend the
15 full length of the house.

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16 MR. SCHOLL: I confirm that.
17 MS. FURMAN: I would like to make
18 a motion to grant the request for
19 variance regarding the rear yard
20 proposed as 25 --
21 CHAIRMAN MAGUN: 23.58.
22 MS. FURMAN: The proposed is
23 23.58 feet. Existing is 31.58. The
24 required is 30 feet.
25 CHAIRMAN MAGUN: Is there a

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1 ZONING BOARD MEETING OF 5/25/06 73
2 second?
3 MR. SOROKOFF: Second.
4 CHAIRMAN MAGUN: All in favor?
5 (All in Favor.)
6 MR. TWYNE: Thank you. I will
7 watch those setbacks.
8 CHAIRMAN MAGUN: Thank you,
9 Mr. Twyne.
10 CASE NO. 14-06:
11 CHAIRMAN MAGUN: Case No. 14-06.
12 Jeff Moretti at 173 Rosedale Avenue.
13 Addition of a enclosed entry porch.
14 The applicant is proposing to --
15 sorry.
16 (Whereupon, Mr. Deitz stepped
17 down.)

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18 CHAIRMAN MAGUN: Mr. Deitz has to
19 recuse himself for this application
20 because he is on the mailing list Denise
21 reminds me.

22 You have the option of choosing
23 to go or not to go. I guess you are
24 going to go.

25 MR. STEINSCHNEIDER: I believe we

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1 ZONING BOARD MEETING OF 5/25/06 74
2 would like to proceed.

3 CHAIRMAN MAGUN: If there are any
4 changes, we will deal with it.

5 The proposal as published was
6 that the applicant is asking for a side
7 yard variance where code requires an
8 8-foot minimum on one side and a total
9 of 20 feet on both sides. The proposal
10 is for .6, which is existing, on one
11 side and 13.8 feet on the other side.

12 MR. SHARMA: Total of the two.

13 CHAIRMAN MAGUN: Sorry, the total
14 of the two sides is 13.8.

15 Why don't you tell us your name.

16 MR. STEINSCHNEIDER: My name is
17 Pat Steinschneider, principal of Gotham
18 Design.

19 We are representing Mr. Moretti.

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20 We are asking for a variance, as the
21 chair acknowledged, from the total side
22 yard and also permission to build an
23 addition on an existing structure which
24 is not conforming in its one side yard.
25 Although, we are making no suggestion of

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1 ZONING BOARD MEETING OF 5/25/06 75
2 addition to that side of the house.

3 The area we are proposing is a
4 concrete slab, existing. What we would
5 like to do is to build a family entrance
6 with a door swinging in to a small
7 vestibule with a closet. A small
8 covered area to be standing out of
9 inclement weather.

10 There is a stair on the side of
11 the house with a door currently swinging
12 into it. Part of our objective here is
13 to remove the door swinging from the
14 stair landing. We believe that is a
15 matter of safety.

16 What we would like to do is to
17 pull the door out so that we can have
18 the landing without a stair coming in
19 onto it.

20 We are proposing to project from
21 the house 6.5 feet. We are proposing

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22 that the overall dimension of the
23 addition would be 11 feet, which
24 includes a small covered area.

25 The addition of the interior

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1 ZONING BOARD MEETING OF 5/25/06 76
2 square footage, actually gross square
3 footage of enclosed space, is 50 square
4 feet.

5 MR. PYCIOR: Mr. Steinschneider,
6 what is marked porch would remain open?

7 MR. STEINSCHNEIDER: Yes.

8 MR. PYCIOR: How deep is that?
9 The overall is 11.

10 MR. STEINSCHNEIDER: From the
11 back wall to the front wall where the
12 door is, that's 7 foot 9-and-a-half
13 inches. The depth of the overhang is
14 3 foot 1.

15 MR. PYCIOR: So 6.5 feet by 7.9.

16 MR. STEINSCHNEIDER: 7 foot 9, so
17 7.75.

18 MR. PYCIOR: Thank you.

19 CHAIRMAN MAGUN: So when you
20 redid this house in the nice way you
21 did --

22 MR. STEINSCHNEIDER: Thank you.

23 CHAIRMAN MAGUN: -- why did you

24 2006-05-25-hastings
put a door there on the side of the
25 house?

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1 ZONING BOARD MEETING OF 5/25/06 77

2 Was there one there before?

3 MR. STEINSCHNEIDER: I don't
4 actually remember. There was a whole
5 porch structure on the back of the house
6 that provided access to the basement.
7 That all was removed when we built the
8 addition.

9 Having that access to the
10 basement from the exterior has that
11 advantage of service on any of the
12 equipment, anything like that, and
13 people don't have to come through the
14 house.

15 This is a three-bedroom house.
16 We are anticipating it is a house that
17 is going to serve most likely a family
18 with children being so close to the
19 school. The ability of kids to come in
20 and out of the side of the house and not
21 the front, having children myself, is
22 very advantageous.

23 CHAIRMAN MAGUN: What I didn't
24 understand about this application was,
25 having come before us with all of the

1 ZONING BOARD MEETING OF 5/25/06 78
2 issues that were raised the first time,
3 to then come and -- to build the house
4 with the intent of coming before us
5 again to request a variance is a strange
6 tactic. I didn't understand that.

7 MR. STEINSCHNEIDER: We didn't --

8 CHAIRMAN MAGUN: You didn't plan
9 on coming back?

10 MR. STEINSCHNEIDER: No.

11 Mr. Moretti's charge to us was to
12 design a house that complied 100 percent
13 with the code. We did so.

14 We always had an issue in the
15 back with a door opening in, as it did,
16 to the stairway. We thought that was a
17 matter of safety. We suspended our
18 disbelief perhaps and said we will see
19 how it works.

20 There are two things we feel
21 strongly about. One, is we don't like
22 the idea that the door does swing in. I
23 believe it is a safety issue.

24 The other is that the facade of
25 the house on that side, to me it looks

1 ZONING BOARD MEETING OF 5/25/06 79

2 like there is something missing. We
3 designed it with the windows so we could
4 give it enough articulation so we
5 thought it would have a nice feeling.
6 It still to me looks as though -- I
7 believe the house would be approved in
8 appearance if it had this small porch.

9 CHAIRMAN MAGUN: This slab, was
10 that there before?

11 MR. STEINSCHNEIDER: No, that was
12 put there.

13 CHAIRMAN MAGUN: Why?

14 MR. STEINSCHNEIDER: For a stoop
15 coming in the doorway.

16 CHAIRMAN MAGUN: It just bothers
17 me a little bit that in designing a
18 house you designed it with the intent of
19 coming before the Board to ask for a
20 variance.

21 MR. STEINSCHNEIDER: That was not
22 the intent.

23 CHAIRMAN MAGUN: That was not the
24 intent?

25 MR. STEINSCHNEIDER: No.

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1 ZONING BOARD MEETING OF 5/25/06 80

2 The way it had been done, as you
3 can see with the driveway and everything
4 that has been built, the positions of
5 the air handlers, I think the
6 composition is complete as it is.

7 I think it would be an
8 improvement for the appearance. It is
9 something that has great benefit for the
10 house without any adverse impacts to the
11 health, safety of the neighbors.
12 Certainly it doesn't affect adversely
13 the welfare of anyone in the community.
14 It sets no precedents.

15 In my opinion it is fully within
16 the interests of the community that it
17 is approved.

18 CHAIRMAN MAGUN: The problem that
19 I had with the proposal was that in
20 reading through the two-page discussion,
21 I appreciate getting this, is somehow --
22 I don't think that whoever wrote this
23 appreciated the fact that the reason we
24 want there to be total of 20 feet on
25 both sides is so that there will be

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1 ZONING BOARD MEETING OF 5/25/06 81
2 spaces between the houses.

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3 In this case where the house was
4 built very close to the property line on
5 one side, the point was there would be a
6 large space on the other side of the
7 house.

8 Your proposal compromises that
9 space in, I think, a fairly significant
10 way. Your basically extending the side
11 of the house out. Similar to where the
12 people wanted to build a room on the
13 front of the house, you want to build a
14 room on the side of the house close to
15 the front. I don't understand why you
16 want to do that.

17 MR. STEINSCHNEIDER: To be able
18 to provide an entrance coming in the
19 side, mud room. Entrance for children.
20 Access to the basement for service of
21 equipment located in the basement.
22 Doesn't necessitate people coming into
23 the house.

24 As far as I'm concerned to
25 improve the appearance of the house from

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1 ZONING BOARD MEETING OF 5/25/06 82
2 that side.

3 As the chair acknowledges, the
4 idea of a house sitting in the middle of
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5 this lot with 20 foot side yards with
6 say a combination of 8 and 12 would be
7 the ideal.

8 The existing house is much closer
9 to one side yard then it would be
10 permitted to be. The side yard we have
11 here, currently, is -- I believe it's
12 19.6 feet. We have perhaps the widest
13 side yard located on the street.

14 When you look at photos of this
15 house relative to the two neighbors, you
16 look at some of these other photos of
17 some of the other neighbors on that
18 street, the spaces between them, what we
19 will have will not be unusually small.

20 To the contrary, I believe with
21 the porch built it would be more
22 consistent with the space you see
23 between the other houses on the street.

24 CHAIRMAN MAGUN: Okay.

25 Denise?

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1 ZONING BOARD MEETING OF 5/25/06 83

2 MS. FURMAN: The driveway does
3 not now go all the way back past the
4 side of the house, does it?

5 MR. STEINSCHNEIDER: It is
6 actually shown -- it goes to the back of

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7 that stoop. It goes a little further
8 than the back of that stoop.

9 MS. FURMAN: So with the
10 requested addition would you be blocking
11 that driveway?

12 MR. STEINSCHNEIDER: No.
13 The driveway ends right alongside
14 that. It doesn't continue into the
15 backyard or anything like that.

16 CHAIRMAN MAGUN: The point that I
17 want to try to understand is that on
18 this block where we have a series of
19 houses that are all reasonably similar
20 in size there is an attempt to keep some
21 space between the houses. You have
22 currently 20 feet if you add up both
23 sides, and that's what the code is, what
24 it requires.

25 MR. STEINSCHNEIDER: Right.

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1 ZONING BOARD MEETING OF 5/25/06 84

2 CHAIRMAN MAGUN: So you go ahead
3 and you totally redo the house. Then,
4 you come before us asking for a
5 substantial variance of close to 7 feet
6 or some six --

7 MR. STEINSCHNEIDER: For the
8 total side yard, yes.

9 CHAIRMAN MAGUN: It's more than a
10 30 percent incursion into the total side
11 yard. I don't understand that.

12 I don't understand why you would
13 think that we would want to give you a
14 30 percent variance into the side yards
15 after --

16 MR. STEINSCHNEIDER: Perhaps it's
17 a difference that we have in how the
18 Board sees their charge and perhaps what
19 we are looking at in terms of the state
20 code.

21 What we're dealing with here is
22 an area variance. We see the benefit to
23 this property owner. We have carefully
24 considered the adverse impacts this
25 could generate. As far as we are

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1 ZONING BOARD MEETING OF 5/25/06 85
2 concerned, it generates none. It has no
3 adverse impacts.

4 It does not -- in that scale that
5 the state code refers to in terms of the
6 balance on this, I do not believe there
7 is anything on the balance side that is
8 injurious to the community or
9 neighborhood.

10 To the contrary, I believe that
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11 this could be an improvement to the
12 appearance of the house, an improvement
13 to the value of the house, which are
14 both advantages for the surrounding
15 community and neighborhood.

16 In addition to that, it is a
17 definite benefit to the homeowner, which
18 as the state lays out is one of the
19 primary considerations in the charge to
20 the zoning board.

21 CHAIRMAN MAGUN: Any other
22 comments?

23 MR. SOROKOFF: The previous
24 application there was a tremendous
25 amount of community opposition. Have we

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1 ZONING BOARD MEETING OF 5/25/06 86
2 received any --

3 CHAIRMAN MAGUN: I haven't
4 received anything in the mail.

5 Any other questions from the
6 Board?

7 (No response.)

8 CHAIRMAN MAGUN: Anyone in the
9 audience with questions or comments?

10 Yes, state your name and address.

11 MR. FRIEDMAN: Andrew Friedman,
12 20 School Street. My house is one over

13 and behind.

14 The notice that I got in the mail
15 said something about front yard parking,
16 which had been previously an issue. I
17 don't see it here tonight.

18 MR. STEINSCHNEIDER: We're not
19 requesting any changes in parking, at
20 all.

21 MR. FRIEDMAN: So the driveway
22 stays exactly as is?

23 MR. STEINSCHNEIDER: The only
24 thing we're looking to do at this point
25 is to build a small addition on the side

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1 ZONING BOARD MEETING OF 5/25/06 87
2 for the porch, an entryway. Nothing
3 else would be changed on the property or
4 house.

5 MR. FRIEDMAN: I would like to
6 say I think you did a very nice job. I
7 think that whole scenario the first time
8 went very well.

9 You proposed something that was
10 not within the code. It wasn't
11 approved, so you went back and designed
12 it within the code.

13 I think you did a very nice job,
14 but it seems now you have come back

15 again to ask for the same kind of
16 variance that you started with after the
17 fact, which is --

18 MR. STEINSCHNEIDER: I think it
19 is quite a --

20 CHAIRMAN MAGUN: Let's try not to
21 talk to each other. Let's talk to the
22 Board.

23 MR. FRIEDMAN: Well, I think you
24 heard that.

25 CHAIRMAN MAGUN: Anyone else with

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1 ZONING BOARD MEETING OF 5/25/06 88
2 any comments or questions?

3 Yes, sir.

4 MR. PALFY: Richard Pal fy,
5 171 Rosedale Avenue. My house is to the
6 left of Mr. Moretti's house.

7 CHAIRMAN MAGUN: To the south?

8 MR. PALFY: Yes, to the south.

9 Mr. Moretti has increased the size of
10 his house at 173 Rosedale Avenue without
11 the need for any variances. The
12 footprint of the house is within the lot
13 coverage requirement.

14 Mr. Moretti is now requesting a
15 variance to construct a 6-and-a-half by
16 11 foot enclosed entry porch for the

17 side door.

18 The house has been advertised as
19 complete, yet he is requesting a
20 variance to add to the size.

21 The cement slab for the enclosure
22 was poured during the early stages of
23 the renovations. It appears that this
24 was a deliberate calculation on his part
25 to mislead the residents or the

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1 ZONING BOARD MEETING OF 5/25/06 89
2 neighborhood and the Zoning Board of
3 Appeals.

4 The variance he is requesting now
5 will further detract from the appeal of
6 the neighborhood.

7 CHAIRMAN MAGUN: Why do you think
8 it is going to detract from the appeal
9 of the neighborhood?

10 MR. PALFY: It is going to make a
11 large house larger.

12 And I have a copy of this for the
13 Zoning Board (indicating).

14 CHAIRMAN MAGUN: This is a letter
15 from Bruno Capuano, a neighbor to the
16 north.

17 MS. FURMAN: It is dated May 25th
18 to the Members of the Zoning Board of

19 Appeals.

20 "I am writing to you to object to
21 the application for variance submitted
22 by Mr. Moretti, owner of the property
23 located at 173 Rosedale.

24 "I agree with Richard and
25 Patricia Palfy, Mr. Moretti has taken

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1 ZONING BOARD MEETING OF 5/25/06 90
2 full advantage and built quite a large
3 home on a small piece of property, but
4 there has to be a point where the line
5 has to be drawn. There has to be some
6 consideration for neighboring homes and
7 maintaining the appeal of the
8 neighborhood," signed Bruno Capuano.

9 CHAIRMAN MAGUN: Any other people
10 with comments from the audience?

11 Yes, sir.

12 MR. BUDIN: My name is Howard
13 Budin. I'm at 174 Rosedale Avenue.

14 CHAIRMAN MAGUN: You are across
15 the street.

16 MR. BUDIN: Right across the
17 street, a little to the north.

18 I basically just want to agree
19 with Mr. Magun's concerns and the
20 previous comments.

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21 I was here at the previous
22 meeting where all the discussions took
23 place.

24 I don't know about deliberate
25 attempts to circumvent. I think the

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1 ZONING BOARD MEETING OF 5/25/06 91
2 effect is the same. There is about a
3 half foot of space on the south side,
4 and there is not a whole lot of space on
5 the other side, the proposed side. I
6 think it is too much incursion into the
7 space.

8 CHAIRMAN MAGUN: Okay.

9 Anyone else?

10 MS. MADIGAN: Mary Madigan,
11 184 Rosedale. I am across the street
12 and two houses north.

13 I would just like to also agree
14 with what has been said. The mass of
15 the house that has now been built is
16 very different from what was there
17 before.

18 There had been a garage there
19 before that was knocked down to add to
20 the volume of the house.

21 I don't know if any of you have
22 gone to see this, but I can't manage --

23 the driveway was supposed to be two cars
24 tandem. If this structure is built, I
25 can't see how a car could go into that

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1 ZONING BOARD MEETING OF 5/25/06 92
2 spot and open doors on both sides. I
3 don't know. I think we are removing one
4 of the parking spaces that was required.

5 Right now there is a foundation
6 there, which is amazing. That was put
7 there with the intent there would be a
8 structure built on top of it.
9 Obviously, the intent was there to
10 build.

11 If that is enclosed, I can't see
12 how a car could be in that spot and have
13 a driver's side plus a passenger's side
14 door open.

15 The other thing I question, which
16 I find very interesting, is the curb
17 cut. The curb cut is, I would say, at
18 least one-and-three-quarters times the
19 size any other curbs cut on that street.

20 CHAIRMAN MAGUN: You mean the
21 entrance?

22 MS. MADIGAN: The curb cut from
23 the street.

24 You know, parking on Rosedale is

25 a big problem. It seems as though the

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1 ZONING BOARD MEETING OF 5/25/06 93

2 advantage to this house is that they
3 have got this curb cut that is much
4 larger than any other.

5 I question that. How did they
6 get away with doing that?

7 CHAIRMAN MAGUN: That is not
8 something we are going to discuss.

9 MS. MADIGAN: Parking is a big
10 issue. It seems to me it's eliminating
11 one of the parking spaces that was
12 required.

13 CHAIRMAN MAGUN: Anyone else have
14 any comments?

15 (No response.)

16 CHAIRMAN MAGUN: Do you want to
17 respond?

18 MR. STEINSCHNEIDER: Certainly, I
19 would like to perhaps start with the
20 last comment.

21 When we started the project there
22 was a garage located right here that
23 effectively filled the space between the
24 existing house and side yard.

25 The garage had removed as part of

1 ZONING BOARD MEETING OF 5/25/06 94
2 this project. There has been no
3 variance granted for this structure as
4 built, nor would there need to be for
5 the site coverage of the proposed porch.

6 The removal of the garage has
7 opened up that space that people have
8 referred to this evening as being
9 something that gives an open space.

10 What we are proposing is a space
11 that would be 13.2 feet from the porch
12 to side yard, which is larger than the
13 12 feet that you would look at being the
14 model for the larger of the two side
15 yards of a conventional property
16 requiring 20 feet or 12 and 8.

17 The two parking spaces that are
18 on the site are in the same location as
19 the two parking spaces were on the site
20 before. They were not side by side.

21 In fact, it was our request to
22 make the parking spaces side by side.
23 It was part of our original application
24 on this that was denied.

25 We had originally wanted to put

1 ZONING BOARD MEETING OF 5/25/06 95
2 the two spaces adjacent. The Board felt
3 that that would be inappropriate, so we
4 kept the two parking spaces in exactly
5 the same location as they were before.

6 The width of the curb cut is, to
7 my understanding, the width of the curb
8 cut that was there before.

9 Was there any widening?

10 MR. SHARMA: I am not aware.

11 CHAIRMAN MAGUN: That is really
12 not a issue tonight. The facts are not
13 clear. I see it is a big curb cut. It
14 is not part of the zoning. I don't want
15 to get distracted on that.

16 MR. STEINSCHNEIDER: The last
17 point, there seems to be an insinuation
18 that we have built a structure to
19 accommodate something to be built.
20 Contrary to that is the case.

21 This stoop is one, level surface
22 right now. We will have to jackhammer
23 out half of that to be able to build the
24 porch. We do not have the step down
25 shown on the drawings that allows for

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the step up into the house.
Had we prepared this stoop to be something that we would be building to build what we are proposing tonight we would have included the step. It is going to be a lot of work to remove that. That is certainly not something we would have done if we were anticipating going ahead with this.

This stoop was set up to be a stoop that works outside of that existing door.

CHAIRMAN MAGUN: Thank you.

Can I just clarify again, I know we said this, the exact dimensions of the structure you proposed. When I looked at the elevations --

MR. STEINSCHNEIDER: Of the addition we're proposing?

CHAIRMAN MAGUN: Yes.

MR. STEINSCHNEIDER: We're proposing an addition that has a width of 6 foot 6 inches, that has an overall dimension of 11 feet, and 7 foot

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3 enclosed space. 3 foot 1 of that would
4 be the space of the area in front of the
5 entrance door.

6 If there is a concern here with
7 the fact that they don't add up, as I
8 just did it quickly in my mind, that's
9 because the 7.9-and-a-half and the
10 3 foot 1 are to structure, and the 11
11 feet that we're indicating includes the
12 sheathing and siding on the structure.

13 CHAIRMAN MAGUN: My concern, and
14 I can't get past this, is that it's just
15 a large incursion into the required sum
16 of the side yards.

17 I think it really does detract
18 from the neighborhood. I think it is an
19 issue.

20 Putting intent and everything
21 else aside, that is not part of what we
22 take into consideration, I do have to
23 disagree with your contention that it
24 doesn't affect the neighborhood. I
25 think these houses are situated in a way

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1 ZONING BOARD MEETING OF 5/25/06 98
2 that by diminishing distance between the
3 houses, which this does, it affects the
4 quality of the block, and the other

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houses on the block.

It is totally self-created. You designed it that way. This totally could be anticipated. I have a lot of trouble with that.

MR. STEINSCHNEIDER: One other thing I would like to point out, I have a photo showing a shot down the street. Actually, the subject house is the shortest of the houses in that section. The two neighboring houses are taller than this house. They are not as deep.

I have not calculated the square footage, but to represent that this house is one of the largest houses in the area I do not believe that is the case.

CHAIRMAN MAGUN: I'm not arguing that point. My only concern is directly what you are asking the variance for, which is the incursion into the sum of

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the side yards.

To me, it does impact negatively. I would have trouble voting for this unless someone could convince me of a good reason.

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7 MR. STEINSCHNEIDER: I'm trying.

8 CHAIRMAN MAGUN: Any other
9 comments from the Board, questions?

10 (No response.)

11 CHAIRMAN MAGUN: I will give the
12 Board a minute or two to think about
13 this.

14 Okay, so the proposal before us
15 is a request for a variance on the side
16 yard where required is 8 feet minimum on
17 one side and total of 20 on both sides.
18 Existing currently is .6 feet on the
19 south side of the house, and a total of
20 20.2 feet for the total of both sides.

21 The applicant is proposing .6 on
22 one side, and a reduction in the total
23 side yard setback to 13.8 feet.

24 Is there a motion in favor of
25 granting this variance?

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1 ZONING BOARD MEETING OF 5/25/06 100

2 (No response.)

3 CHAIRMAN MAGUN: Hearing none is
4 there a motion to deny the variance?

5 MS. FURMAN: I will make a motion
6 to deny the request for a variance.

7 CHAIRMAN MAGUN: For the proposed
8 one side of .6, and total of 13.8 on

9 2006-05-25-hastings
both sides.

10 Is there a second?

11 MR. PYCIOR: I will second.

12 CHAIRMAN MAGUN: In favor of
13 denying the variance?
14 (All in Favor.)
15 MR. STEINSCHNEIDER: Thank you.
16 CHAIRMAN MAGUN: Sorry.
17 (Whereupon, Mr. Dietz rejoined
18 the Board.)

19 CASE NO. 15-06:

20 CHAIRMAN MAGUN: Okay, the last
21 case is Case No. 15-06. Robert Sanzo,
22 109-111 Southside Realty Corp.
23 This is a request for view
24 preservation approval only, as far as I
25 understand.

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1 ZONING BOARD MEETING OF 5/25/06 101
2 Am I correct?
3 MR. SHARMA: Yes.
4 CHAIRMAN MAGUN: There is some
5 history. I think I will let the
6 applicant tell us all about this
7 proposal.
8 MR. SANZO: Yes, sir.
9 Robert Sanzo, 109-111 Southside
10 Avenue.

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Basically I'm here to --

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CHAIRMAN MAGUN: Are you the owner of the property?

MR. SANZO: Yes.

I'm basically resubmitting an application that was approved '98, '99 sometime. The application then was for the replacement of rear porches on building 109 and building 111.

We finished 109. We never got to doing 111. The permit expired. Here I am today reapplying to finish building 111.

I have some photos just to give you an idea of what it looks like, and

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ZONING BOARD MEETING OF 5/25/06 102
what it will look like.

CHAIRMAN MAGUN: This application came before the Planning Board last week.

MS. STECI CH: And they approved it.

MR. SHARMA: They submitted approval.

MS. STECI CH: They recommended approval.

MR. SANZO: Can you see the

13 2006-05-25-hastings
photos?

14 CHAIRMAN MAGUN: Yes.

15 MR. SANZO: Here is a picture
16 from 1998. Why it is there, I don't
17 know. That's what both of the buildings
18 looked like at the time.

19 CHAIRMAN MAGUN: So they both had
20 fire escapes in the front.

21 MR. SANZO: Fire escapes in the
22 front.

23 The reason why I wanted to change
24 it was a couple of things. One, they
25 are ugly in front of the building. They

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1 ZONING BOARD MEETING OF 5/25/06 103
2 are not probably in the best of shape
3 either.

4 What we decided to do is remove
5 them, put steel and concrete porches in
6 the back. I can show you on this
7 picture here. Here is what they look
8 like now in the back of the building
9 (indicating).

10 The other reason too, it's very
11 difficult -- the buildings were built in
12 the '20s. The stairwells are a little
13 narrow. People moving furniture in the
14 stairwells, you know, hitting the walls.

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15 Also, to give a place to come out in the
16 back, a chair and table. Give them a
17 little additional space.

18 Also, for fire egress. They are
19 steel and concrete structures, so they
20 can't burn.

21 Here is what the back of 111
22 looks like. You can see where the decks
23 used to be. You can see the ledger
24 board there (indicating). They were
25 removed and never put back on.

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1 ZONING BOARD MEETING OF 5/25/06 104

2 We wanted to put that on the back
3 of that building, that way we can
4 complete the project.

5 We're basically not asking for
6 any variances, just basically for the
7 view. I believe we don't have any
8 impact on the view here, at all.

9 Do you want to see a survey?

10 CHAIRMAN MAGUN: I think we have
11 that.

12 MR. SANZO: Here is the Hudson
13 River. Here's Southside. This is your
14 view. This is the one deck completed.
15 This is where the proposed deck is going
16 to go (indicating).

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17 That's really it. There is
18 really nobody in front of us.
19 CHAIRMAN MAGUN: Right.
20 The only question I have is the
21 setback from the property to the north
22 is -- in other words, it's the athletic
23 club.
24 MR. SANZO: This is the athletic
25 club here (indicating).

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1 ZONING BOARD MEETING OF 5/25/06 105
2 CHAIRMAN MAGUN: Is that an issue
3 at all, the side yard setback?
4 MR. SHARMA: No, I didn't see an
5 issue at all.
6 CHAIRMAN MAGUN: I looked at it.
7 I couldn't quite tell.
8 Basically they are constructing
9 these porches in the back. Obviously,
10 the rear yard is not an issue. You have
11 a big rear yard. I wasn't sure about
12 the side yard.
13 What is the distance from the
14 side yard --
15 MR. SANZO: From the Southside
16 Club to here?
17 CHAIRMAN MAGUN: Not to the
18 structure, to the proposed --

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19 MR. SANZO: The building is like
20 33-feet wide.
21 CHAIRMAN MAGUN: What I mean
22 is --
23 MR. SANZO: I don't understand.
24 CHAIRMAN MAGUN: Bring me that
25 drawing. This distance (indicating).

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1 ZONING BOARD MEETING OF 5/25/06 106
2 MR. SANZO: Oh, to the edge of
3 the building I think is like 6 or 7
4 feet, and then there's probably another
5 foot-and-a-half to the property line.
6 CHAIRMAN MAGUN: Is it 8 foot?
7 MR. SHARMA: I did not really
8 look into it.
9 MS. STECI CH: It's not adjacent
10 to a residential district, is it?
11 MR. SANZO: No.
12 MS. STECI CH: It's the
13 MRC District. MRC means the side yard
14 is at least 10 feet on any side lot
15 adjacent to a residential district. I
16 think you said it is adjacent to the
17 athletic club.
18 CHAIRMAN MAGUN: Yes. So what --
19 MS. STECI CH: So none.
20 CHAIRMAN MAGUN: You don't have

21 2006-05-25-hastings
to have any side yard setback?

22 MS. STECI CH: No. This is
23 actually a fairly new zone. It only has
24 side yard setbacks if it is next to a
25 residential zone.

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1 ZONING BOARD MEETING OF 5/25/06 107

2 MR. SHARMA: I didn't see that as
3 an issue at all.

4 CHAIRMAN MAGUN: That was the
5 only thing that occurred to me when I
6 was thinking about it.

7 MS. STECI CH: It is not unusual.
8 You would have that in a commercial
9 zone. Sometimes buildings touch.
10 You know what you sometimes see,
11 no side yard setback required, but if
12 there is one it has to be at least
13 8 feet so you don't have little
14 crevices.

15 CHAIRMAN MAGUN: What is the name
16 of this district?

17 MS. STECI CH: MRC, 72.2.

18 CHAIRMAN MAGUN: There is no side
19 yard setback issue, fine.

20 I don't think it is a view
21 preservation issue at all.

22 MS. STECI CH: But it is in the

23 2006-05-25-hastings
di strict.
24 CHAIRMAN MAGUN: Did anyone have
25 any issues about view preservation?

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1 ZONING BOARD MEETING OF 5/25/06 108

2 MR. PYCIOR: Smaller than the
3 building. They don't project over the
4 building.

5 CHAIRMAN MAGUN: I think everyone
6 would agree it would be a very nice
7 addition and change to the building, so
8 good luck.

9 Let's see if we can give you
10 approval.

11 Is there a motion to approve view
12 preservation for this application?

13 MS. FURMAN: I make a motion to
14 grant the request for view preservation
15 approval.

16 MR. SOROKOFF: Second it.

17 CHAIRMAN MAGUN: All in favor?

18 (All in Favor.)

19 APPROVAL OF THE MINUTES:

20 CHAIRMAN MAGUN: Approval of the
21 minutes from the last meeting.

22 MS. FURMAN: I make a motion to
23 approve the minutes from the last
24 meeting.

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CHAIRMAN MAGUN: Second?

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109

1 ZONING BOARD MEETING OF 5/25/06 109

2 MR. SOROKOFF: Second.

3 CHAIRMAN MAGUN: All in favor?

4 (All in Favor.)

5 CHAIRMAN MAGUN: Our next meeting
6 is changed to June 29th, so that will be
7 however many weeks from now. Thursday,
8 June 29th.

9 Is there a motion to adjourn?

10 MS. FURMAN: I make a motion to
11 adjourn.

12 CHAIRMAN MAGUN: Adjourned.

13 Have a good evening everyone.

14 (Whereupon, the meeting was
15 adjourned.)

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