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VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS

Held March 1, 2007 at 8:00 p.m., Seven
Maple Avenue, Hastings-on-Hudson, New York
10706-1497.

P R E S E N T :

- Arthur Magun, Chairman
- David Deitz, Board Member
- Stanley Pycior, Board Member
- Denise Wagner Furman, Board Member
- Brian P. Murphy, Board Member
- Sheldon A. Sorokoff, Alternate Member
(In Absentia)
- Deven Sharma, Building Inspector
- Marianne Secich, Board Counsel

Nina Purcell, RPR
Shorthand Reporter

1 Proceedings

2 CHAIRMAN MAGUN: This is
3 the zoning board of appeals. This is
4 actually our February meeting which was
5 deferred to today, March 1. And on the
6 agenda tonight we only have one case, and
7 that is case No. 29-06, Christina Griffin
8 and Peter Wolf of 433 Warburton Avenue who
9 are here before us requesting a number of
10 variances for construction and additions
11 and alterations to a two-family dwelling
12 located at 433 Warburton.

13 And there are four listed variances
14 plus view preservation, if I'm not
15 mistaken. So there are a lot of items to
16 consider tonight, and we had sort of not
17 half -- we barely put our foot in the
18 water on this application, so I think we
19 really should view this as a new
20 application, unless there is some good
21 reason not to do that. We will start
22 anew.

23 MR. WOLF: That's fine.

24 CHAIRMAN MAGUN: Tell us
25 your name and address and take it from

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2 there.

3 MR. WOLF: It is Peter Wolf
4 at One Scenic Drive, and the property is
5 at 433 Warburton Avenue in Hastings.

6 CHAIRMAN MAGUN: You are
7 the owner of the 433 Warburton property?

8 MR. WOLF: That's correct,
9 yeah.

10 CHAIRMAN MAGUN: Why don't
11 you tell us what you are going to do?

12 MR. WOLF: Fine. What I
13 would like to do is to just give a little
14 background and then let Christina talk
15 about the project itself so you can fully
16 understand what we are trying to do. And
17 then I'll explain a bit about the
18 variances that we are seeking.

19 CHAIRMAN MAGUN: Okay. I'm
20 sorry. I want to interrupt you one more
21 time. The mailings on this application
22 are in order?

23 MR. SHARMA: Yes.

24 CHAIRMAN MAGUN: This was
25 discussed at the planning board?

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2 MS. STECICH: Yes. I was
3 going to say it was reviewed at the last
4 planing board meeting, and they
5 recommended -- they recommended view
6 preservation approval. Then they also
7 granted site plan approval to the project.
8 But the site plan approval is slightly
9 modified from the plans that you saw which
10 Peter will explain but -- I assume he will
11 explain just briefly the changes.

12 The planning board was just
13 generally comfortable with the whole
14 project. The only issue they had was
15 about a curb cut on to Warburton Avenue.
16 So the parking spaces shown on the
17 Warburton Avenue and the curb cut, they
18 had some concerns about that, not
19 necessarily opposed to it but it was
20 something they wanted to discuss further.

21 The applicant was eager to have
22 site approval at that meeting, so the
23 applicant said, Okay, I'll revise our
24 plans and eliminate the off-street parking
25 on Warburton Avenue. Just pretend there

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2 is not going to be a curb cut.

3 So what the planning board did was
4 approve the site plan without any
5 off-street parking on Warburton. Other
6 than that it was approved.

7 CHAIRMAN MAGUN: Okay.

8 MS. STECICH: I mean. Yes.
9 The site plan was approved.

10 MR. SHARMA: If you remember
11 there was the issue of view preservation.

12 MS. STECICH: Yes, I
13 mentioned that.

14 CHAIRMAN MAGUN: Go ahead,
15 sir.

16 MR. WOLF: All right.

17 CHAIRMAN MAGUN: Thank you.

18 MR. WOLF: No, it's no
19 problem. I'll go over that again. But
20 basically we lived in this house at 433
21 Warburton approximately five years ago for
22 nearly two years, and we fell in love with
23 the neighborhood. And we also got
24 friendly with the owners, and we explained
25 that if they ever were interested in

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2 selling, we'd be interested in buying.

3 So in September of '06, we

4 purchased the house. The house was built

5 well over 90 years ago. In fact, this

6 country at that time was being led in

7 discussion by Woodrow Wilson as to whether

8 we should join World War I. And Thomas

9 Edison had just invented the light bulb,

10 just to give you an idea about when this

11 house was built.

12 We -- as far as we can tell, the

13 house was probably built for worker

14 housing, as Hastings was a factory town.

15 Most people walked down the hill to work.

16 But as far as we can tell, even from 1950

17 standards, the construction method and

18 materials were quite poor.

19 Today it is plainly a fire trap,

20 but it is grandfathered as a two-family

21 house on Warburton Avenue. They are

22 basically two railroad flats, one on top

23 of each other, and the whole place

24 vibrates when the trains go by. There are

25 no hallways. There are windows along the

1 Proceedings
2 stories and the parking that I will deal
3 with later as one. And I think at this
4 point it is best just to let Christina
5 describe the entire project, and then I'll
6 return to discuss the variances.

7 CHAIRMAN MAGUN: Okay.

8 MS. GRIFFIN: First of all,
9 I'd like to ask the board if I could
10 present -- I have drawings that are
11 slightly changed, because after we
12 submitted the drawings we met with a
13 neighbor and we have reduced the size of
14 the front addition to respond to some of
15 his concerns. And because of the notice
16 of the original set, I've come with it --
17 come with -- brought the drawings with me
18 tonight.

19 The original set that you have
20 reviewed has a larger addition in front,
21 and we have actually brought it 3 feet
22 from the parking lot. We have reduced the
23 size of it just to make sure that it
24 doesn't come too close to the neighbor's
25 property and windows. And we also took

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2 the parking area off of these drawings.

3 We have taken it off the table.

4 If we have a curb cut in front, we
5 will need a county approval, and they have
6 a team of engineers that will look at
7 that. So we may -- what we would like to
8 do is go to them first, and our idea
9 originally was to have a single lane
10 parking that maybe cars could park in
11 tandem. But we'd like to put that aside
12 as we did in the planning board because if
13 we -- after we've been to the county,
14 we'll see if we get approval from them,
15 whether we would come back with that.

16 We were trying to meet the
17 requirement of four parking spaces. Now,
18 this house I'd like you to actually give
19 out these photographs of the existing
20 conditions of the house, because I don't
21 know how well you can see it from here.

22 MS. STECICH: Christina
23 asked a question but I don't think you
24 waited for the board's response, whether
25 the board will entertain the new --

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2 CHAIRMAN MAGUN: I was
3 waiting to understand what change you
4 actually were making in the plans that we
5 reviewed in order to sort of react to it.

6 MS. GRIFFIN: I think
7 actually the two site plans will
8 demonstrate the change. You can see this
9 is the original plan that you have that
10 was describing --

11 CHAIRMAN MAGUN: I'm sorry.
12 You said the original. We are talking
13 about the one that was submitted, the
14 revised, the revised submission? It is
15 not the original October submission,
16 right?

17 MS. GRIFFIN: Yes. The
18 drawings that you have are the same as
19 these. And this is --

20 CHAIRMAN MAGUN: Same of
21 which one? Sorry.

22 MS. GRIFFIN: This drawing
23 here (indicating). And you see the
24 addition is lined up with the distant
25 wall of the house, as we set it back 3

1 Proceedings
2 feet from the property line. And we have
3 also set it back so that it comes down 3
4 feet from the original building here and
5 another 12 feet at the bay.

6 CHAIRMAN MAGUN: So when
7 you say set it back 3 feet, what are you
8 talking about? 3 feet from the south,
9 which property line?

10 MS. GRIFFIN: The south
11 property line we set this in 3 feet, just
12 the addition, just the addition which is
13 here, so that we wouldn't have such a
14 narrow space there between the buildings.

15 CHAIRMAN MAGUN: That's the
16 change in --

17 MS. GRIFFIN: Yes.

18 CHAIRMAN MAGUN: Is that the
19 only change besides the elimination of the
20 parking space?

21 MS. GRIFFIN: Yes.

22 CHAIRMAN MAGUN: Okay. So
23 does the board see that? And, Christina,
24 you say addition. As I was looking
25 through the plans, it appears you are only

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2 keeping the foundation, or are you -- is
3 it an addition, or are you leveling the
4 existing property and replacing it?

5 MS. GRIFFIN: We are
6 replacing most of the building. We are
7 keeping the old stone foundation and as
8 much as we can. There is more than one
9 foundation here. And we are -- but this
10 part of the building is right on top of
11 the existing footprint. We are extending
12 it in front 3 feet from this vestibule and
13 then another 2 feet at the bay. We are
14 adding the 2 foot bay on the side and
15 coming out 12 feet 3 in the back.

16 MR. PYCIOR: Is that an
17 addition or a new building if you only
18 keep the foundation?

19 MS. STECICH: Yes. Deven
20 and I have spoken about that, and that
21 might be kind of a philosophical question.
22 It is a practical matter. They are not
23 assuming that they have any of the -- they
24 are coming in for all the variances as if
25 they were starting from scratch anyway, so

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2 it is not so clear which it is. But
3 getting all the variances that --

4 MR. WOLF: To answer your
5 question, I would love to upgrade it and
6 leave everything the way it is, having
7 lived there and looked at it -- having
8 looked at it and having lived there. We
9 just are not overly optimistic that we are
10 going to be able to retain say over 50
11 percent of the building.

12 And so rather than going and
13 starting, we thought that we would take
14 sort of a worst case scenario, where we
15 can't save the building, save at least 50
16 percent. We will try to save as much as
17 possible. We do believe we can keep the
18 foundation that's there. There is also
19 some terracing. It needs to be repointed
20 and upgraded, but we are going to keep all
21 that. And the whole basic philosophy
22 behind it is to take two units that were
23 there and bring them into the 21st
24 century.

25 CHAIRMAN MAGUN: Okay. I

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2 don't know that -- I don't think that will
3 be too much to affect our decision making
4 tonight. Before we go ahead, does the
5 board -- what I'm seeing, then, you are
6 reducing the size of the variance in the
7 front to some degree rather than
8 increasing it. And you are eliminating
9 the request for a paved area in the
10 required front yard and a parking space.
11 So I would view those changes as a
12 diminution in the request for a variance,
13 so I wouldn't have any trouble going
14 forward in terms of notification.

15 MS. STECICH: That's fine.

16 CHAIRMAN MAGUN: I don't
17 know how the rest of the board feels.

18 MR. DEITZ: It makes sense
19 to me.

20 MR. WOLF: I will discuss
21 the whole parking scenario.

22 CHAIRMAN MAGUN: So Denise
23 and David.

24 MR. PYCIOR: That's fine.

25 MR. MURPHY: That's fine.

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2 CHAIRMAN MAGUN: I think we
3 are comfortable going ahead with that
4 modification. Okay.

5 MS. GRIFFIN: I explained we
6 lived in the house. I found the area very
7 charming with the river views and alleys
8 and openings where you see fabulous views
9 of the river. I knew this would be a
10 challenge, and I thought because of my
11 experience on Ridge Street -- I designed
12 the townhouses; I know the area well --
13 that we took on the challenge of improving
14 this property.

15 And I'd like to explain to this
16 board that this is actually not -- this
17 might be one of the worst examples. There
18 are other examples of similar buildings in
19 this area. There are, you know, a lot of
20 rentals and some Section 8 buildings, and
21 we even have -- you know, we have 14
22 affordable housing units across the
23 street. And, you know, if you have
24 improved some of these buildings that are
25 fire traps and a lot of big problems, you

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2 are going to -- and also you attract home
3 ownership. This could actually be a very
4 big improvement to the neighborhood.
5 But the biggest challenge is trying
6 to meet the zoning code. These walls, I
7 want to explain the condition of the
8 house, and I just passed out some
9 photographs. This is the house. It is
10 set way back.
11 This is one property that actually
12 goes all the way from Warburton to Ridge.
13 There are only a few properties that do
14 that. Many properties going on the north
15 are -- they are just halfway to another
16 property on to Ridge. So this property
17 has a special characteristic that actually
18 allows us to consider extending Ridge and
19 provide parking in the back.
20 Parking is a very serious problem
21 here. Parking as a requirement is two
22 spaces per unit, so we were attempting to
23 do four. But tonight we are going to talk
24 about just adding two in the back. Now
25 because of all the site work that is

1 Proceedings
2 involved in developing that, we are
3 bringing this building so that we have the
4 same -- we have the status of two
5 dwellings, but we are going to have two
6 dwellings with three bedrooms in them.

7 Right now there are five rooms,
8 about five rooms in this building. And if
9 you look on the second sheet, we have a
10 photograph that shows how you can
11 actually -- you actually have to walk
12 through one room to get to another room to
13 get to another room. And this is not
14 allowable by state code, of course. It is
15 considered dangerous, because people can
16 get caught in one end of the house and not
17 be able to get out. Nowadays you have to
18 have two ways out through an egress
19 corridor and also through a bedroom
20 window.

21 Also in this building the windows
22 on the zero lot line are not allowed
23 because it creates a passage for fire.
24 And it could be that the fire that
25 happened on Ridge Street many years ago

1 Proceedings
2 was perhaps made worse by this condition,
3 and many houses on Warburton have this.
4 So we want to replace that wall with a
5 proper fire-rated wall without windows.
6 So we just have a photograph of Peter. He
7 is there.

8 MR. MURPHY: You mean the
9 entire wall on that sidewall doesn't have
10 any windows?

11 MS. GRIFFIN: It has windows
12 now but it is not allowed to have windows
13 by New York State code, because it is a
14 zero lot line wall. You have to have 3
15 feet distance from the lot line to the
16 building, because you are -- it encourages
17 the flow of fire, the fire passage.

18 CHAIRMAN MAGUN: Even
19 though -- I didn't -- when I read that --
20 I guess Brian had the same question --
21 there is no other structure except for in
22 the front part of the house just a little
23 bit.

24 MS. GRIFFIN: Not in this
25 case, yes. But we also need to --

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2 CHAIRMAN MAGUN: On the
3 east side as the wall goes toward the west
4 -- excuse me -- there is no other
5 structure.

6 MR. MURPHY: I mean, it's a
7 long way --

8 MS. GRIFFIN: Also when you
9 have to replace more than 50 percent of a
10 building component according to state
11 code, you have to replace all of it to
12 meet code. And I was trying to look at
13 Pete's picture. A lot of times we open
14 the back window, the storm window falls
15 out and we have to catch it. And you
16 know, this is just a really serious,
17 serious upgrade.

18 I also want to mention on this
19 photograph we have a photograph of water
20 that is collecting. The drainage system
21 is not working, and we are going to
22 provide underground drain wells. It is
23 broken now. So it is in serious need of
24 upgrade.

25 This is a 3-D drawing showing the

1 Proceedings
2 addition in front. We will be -- what we
3 wanted to do is get access to the roof,
4 and we have -- I also would like to
5 have -- I think this building would
6 aesthetically work best as a three-story
7 facade vis-a-vis in keeping with the
8 facades on Warburton Avenue right now.
9 And we also brought it forward so we could
10 align the back wall and deck with our
11 neighbors to the south so that he can keep
12 his river view.

13 MR. PYCIOR: Can you explain
14 that in more detail, please? That was one
15 of the issues on view preservation that I
16 couldn't visualize, and I didn't really
17 understand what it is going to look like.
18 Could you take me through that?

19 MR. WOLF: Well, one thing
20 that I think you have to do is to clip
21 back to understand that our building is
22 recessed from the street, and that's what
23 makes the big difference.

24 MS. GRIFFIN: Maybe we
25 should just talk about view preservation

1 Proceedings
2 if you like, because this is complicated.
3 I think the drawing that -- we actually
4 have -- this is probably easiest to see
5 graphically here. This here is a 3-D
6 drawing showing the alignment of the wall
7 of the addition with the wall of 431
8 Warburton and the deck in line with their
9 deck.

10 We visited his house, and we know
11 that he has a wonderful panoramic view.
12 And we are going to make sure that this
13 building doesn't come in front of it.
14 Actually, there is a gabled roof right now
15 that we are going to cut back. Plus we
16 are going to clear the tall trees here and
17 put some small fruit trees, so that will
18 improve the view for the neighbors. And,
19 of course, there is a wonderful view just
20 from Warburton Avenue going down the
21 corridor.

22 So we kept the narrow widths of the
23 house 18 feet and coming out with a 2 foot
24 bay at this point, and then there is the
25 addition out in the back does come out a

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2 little bit from the original house. But
3 it is so far down; it wouldn't affect
4 Warburton.

5 This is the view of the back of the
6 house. I'll show you the site plan,
7 because a lot of the way the house is laid
8 out is so that you can get parking and
9 access from Ridge Street. We have for the
10 sake of view preservation we've taken
11 photographs from our neighbor's
12 properties, and we set up some of these
13 3-D views.

14 You can see the view from
15 Warburton. This is a view looking up at
16 the building. This is the same view we
17 just described, the back of Ridge. But
18 these views actually start showing you the
19 view from 431 which is the next-door
20 neighbor. And what we would like to do is
21 have this alignment of the decks.

22 We are going to have to raise the
23 roof slightly to get an 8 foot ceiling.
24 We are going to have the floors line up
25 the way they are now, but make sure we

1 Proceedings
2 have a minimum 8 foot ceiling height at
3 code. And we have discussed, as the
4 neighbor and we have agreed, that our
5 upper level will not be above his deck
6 here. This is the view from the other
7 way. We have a 12 foot 3 addition out in
8 the back, and this also is below the view.
9 This basement level is the same as this.

10 CHAIRMAN MAGUN: Which view
11 is that?

12 MS. GRIFFIN: This view is
13 looking from the corner of the driveway at
14 431 Warburton.

15 CHAIRMAN MAGUN: That would
16 be the south side of the house?

17 MS. GRIFFIN: Yes. And this
18 is the view looking from this neighbor's
19 yard.

20 MR. MURPHY: Is the two
21 foot bay window, is that two stories, I
22 guess, from the street level?

23 MS. GRIFFIN: From the
24 street level it is two stories.

25 MR. MURPHY: Okay.

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2 MS. GRIFFIN: We call the
3 upper level a half story, because it is
4 less than half. It is a small piece. It
5 is to get access. We wanted a staircase
6 to get to the roof, and it is a small room
7 up there, about 9 by 14 including with the
8 staircase inside it. And these are, I
9 guess, just views of Warburton Avenue,
10 because there is a view from the -- I
11 guess from people passing by. You can see
12 between the buildings. It is a wonderful
13 view corridor where you can see the
14 Palisades.

15 I'd like to just go back and go
16 through the site plan, and this is our
17 site data. And I wanted you to know that
18 we are increasing the lot coverage from 24
19 percent to 37.6, which is less than the 50
20 percent maximum. The footprint of the
21 building is now 831 square feet. We are
22 adding 354 square feet. That is the
23 addition back and front. But we are still
24 within the lot coverage.

25 We have a height that is less than

1 Proceedings

2 the 35 foot maximum. We are going to be
3 at 29.9, even though we have three and a
4 half stories. The off-street parking
5 requirement is four. We have zero right
6 now. This is our site plan, and this
7 shows the walk is very much in the same
8 configuration.

9 Going down, we are going to keep
10 the first floor level at the same
11 location, same side height. What we are
12 planning to do is add a small porch and
13 bring the building out so we can have the
14 access to the upper level.

15 This is the exact footprint that
16 exists right here. So this is a two-story
17 wall, and then there is a -- this 12 foot
18 3 addition that bumps out is actually at
19 the current basement level. And we are
20 planning to have the setbacks of 3 and 4
21 feet on the sides there.

22 Now, this is set up this way very
23 much to make sure that not only do we
24 improve the building, but if we are going
25 to try to get some parking here. We

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2 wanted to -- we looked at how we might add
3 that from the back, because this is one
4 unusual property that actually goes from
5 one street to the other. So we have
6 developed a plan for extending Ridge
7 Street.

8 I was involved in the design of the
9 townhouses and the parking lot that is
10 there. But right now the turnaround that
11 exists is a small pocket here. It is 14
12 feet wide. And what I'm showing here is
13 that we would extend Ridge, create a new
14 turnaround and also provide an easement so
15 that the public can use part of our
16 property for the turnaround. And the no
17 parking area that is on this side of the
18 street can now become parking. So we are
19 going to add four spaces to Ridge and then
20 two for this unit.

21 MR. MURPHY: Say that
22 again. There is no parking permitted now?

23 MS. GRIFFIN: Because of
24 that pocket. So we replaced a small
25 pocket with a much larger one, giving it a

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2 CHAIRMAN MAGUN: I'm sorry.
3 Marianne?

4 MS. STECICH: It came
5 before the board of trustees just to see
6 whether they thought it was feasible,
7 because they were going to forget it.
8 There was no point in going forward with
9 the project. I suggested that they go
10 before the board to see if there was any
11 interest.

12 The board was interested but wanted
13 the planning board's recommendation. Then
14 at the last planning board meeting the
15 planning board recommended the street
16 extension, and it hasn't yet been back
17 before the board of trustees.

18 CHAIRMAN MAGUN: That would
19 have to actually be voted on by the board
20 of trustees?

21 MS. STECICH: Yes. The
22 board of trustees would have to decide
23 that.

24 CHAIRMAN MAGUN: Would that
25 property as the shaded in area, that is

1 Proceedings
2 currently -- where does your property line
3 end?

4 MS. GRIFFIN: Right here.
5 Where it would give 9 feet for use of the
6 village as an easement.

7 CHAIRMAN MAGUN: For the
8 turnaround.

9 MS. GRIFFIN: Yes.

10 CHAIRMAN MAGUN: The rest
11 of the shaded area is village property,
12 the Ridge Street itself?

13 MS. GRIFFIN: Yes.

14 CHAIRMAN MAGUN: Belongs to
15 the village?

16 MS. GRIFFIN: Yes. The
17 street ends here right now and this is the
18 path.

19 CHAIRMAN MAGUN: So you are
20 proposing -- who would pay for extending
21 the street?

22 MR. WOLF: We have agreed to
23 pay the engineering costs. But part of
24 what we have to discuss with the village
25 is who is going to pay for it.

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2 CHAIRMAN MAGUN: That is
3 not clear yet?

4 MR. WOLF: And also the
5 terms of the easement.

6 MS. GRIFFIN: We understand
7 we have taken the initiative. We just
8 haven't settled. I don't know how much
9 variance has in zoning, but this has a lot
10 of -- this has a tremendous impact on how
11 we have developed the house. That's why I
12 want you to understand.

13 CHAIRMAN MAGUN: If you
14 can't extend Ridge Street, you can't park
15 in back of the house.

16 MS. GRIFFIN: Exactly. It
17 is difficult from Warburton; we know that.
18 We looked originally -- we had two spaces
19 above, two below. And they found that two
20 spaces one next to another is a problem,
21 because it comes very close to the windows
22 of the building. It fills up the front
23 yard. We need a curb cut. You have to
24 back out.

25 It is just -- so we will go to the

1 Proceedings
2 county with the tandem one-way parking and
3 take a look at that. There are many
4 driveways on Warburton, but we know that
5 it is not easy to get out of there.
6 Although we do have pretty good site lines
7 because the building is so far back.

8 This, though, is what we are
9 representing tonight, and we would also
10 like to as much as possible have little
11 green pockets, have grass block, so that
12 we keep as much -- minimize the amount of
13 pavement down here.

14 We have access to this unit from
15 Ridge. This would be the two spaces for
16 this building here. You can come up here
17 and enter one unit on this side and one on
18 the other. This is just a photograph of
19 the existing turnaround.

20 And we have met with neighbors, and
21 they found it a big problem, because it
22 usually has something in it and is very
23 hard to get out of there. You have to
24 make a few turns. So the street is
25 real -- would really benefit by having a

1 Proceedings
2 real comfortable turnaround and a few more
3 parking spaces.

4 Now, this is a comparative analysis
5 that I did of 30 surrounding properties.
6 And I have done this because -- and I have
7 done this for many other towns now,
8 because when you have so many
9 nonconformities, it is interesting to look
10 at the neighborhood as a whole and maybe
11 look at it as if, you know, really does
12 this new building does it -- or this
13 improvement, does it fit in with the
14 character and the scale of the
15 neighborhood? Because, you know, if you
16 see in this chart, most of the buildings
17 have serious nonconformities.

18 The average lot size is 3,154, and
19 that's of these 30 properties
20 (indicating). And the minimum lot size
21 required for a two-family house is 5,000.
22 The average footprint is 1200. We are
23 asking for 1425. Average lot coverage 43,
24 number of stories is three. We are asking
25 for three and a half. The average side

1 Proceedings
2 yard of these 30 properties is zero. Many
3 zero lot line buildings with maybe an
4 alley on one side or no alley. And the
5 average number of parking spaces is .5.

6 But I just found that our
7 neighbor -- we took this from the property
8 cards on the tax assessor's Web site, and
9 we found that our neighbor has not been
10 updated to show he has three, I think, at
11 431 so that might affect that, and the
12 average number of dwelling units, even
13 though it is four, even though the average
14 lot size is less than the amount of lots
15 that we have. We have 3,789.

16 I'm just trying to demonstrate here
17 the general problem with the neighborhood
18 of these nonconformities. And I even did
19 a 3-D, sort of a hypothetical 3-D view of
20 how you would -- what you would need to do
21 to comply with the zoning code. And
22 down -- this is 433 (indicating). And if
23 you have an 8 foot setback, you would end
24 up with 9 foot wide building, although it
25 is worse than that. I think you have to

1 Proceedings

2 comply with 8 feet or half the height of
3 the building next to you, which most of
4 these buildings are about 30 feet or so.
5 So you really need 15. Then you wouldn't
6 be able to build on the lot.

7 And then down here there are --
8 actually, the next-door neighbor's lot, I
9 think, is about 40 feet wide. Then there
10 are seven 25 foot wide lots. And you will
11 have to buy a property so you have enough
12 lot area to build a house. You would have
13 to take down three buildings to build a
14 two and a half story --

15 CHAIRMAN MAGUN: I think we
16 understand.

17 MS. GRIFFIN: It is a very
18 interesting exercise. This is an
19 elevation of Warburton. And what we are
20 showing here is that our building, which
21 there is a slope going down, there is a
22 drop of 6 feet from the sidewalk. So that
23 our total building height of 27 feet 9 is
24 from that point. And it is really very
25 similar in height to the 431, although he

1 Proceedings

2 has a higher -- he has a roof line that
3 slopes higher than the front and back
4 down.

5 And I really felt that this house
6 developed like this, you will end up with
7 a facade that is more in keeping with the
8 scale of the three and four-story
9 buildings that are here. And then just so
10 for your information, these are the little
11 25 foot wide lots and then down on the
12 other side Warburton are three and four-
13 story buildings that have more to them.

14 We have covered -- this is the view
15 preservation that we looked at. Now I
16 wanted to show you the floor plans. What
17 we are planning to do is the unit on the
18 lower level which comes out 12 feet 3, we
19 are asking for a variance so we can have a
20 3 foot setback on one side and 4 feet on
21 the other so that we don't have -- the
22 building doesn't come right on the lot
23 line.

24 And then the addition in the front
25 of this level is all foundation. In the

1 Proceedings
2 buildings along the back of the buildings
3 on Warburton and on Ridge. So my goal is
4 to try to develop this property. And you
5 see on the photographs I distributed that
6 if you look at the back of these
7 properties, most of them drop from three
8 to four stories. I wanted this to be in
9 very much keeping with what already exists
10 in the neighborhood.

11 And this is just an overall view.
12 I wanted to show the building in
13 relationship to 431 because it is so
14 close. So we made sure that the facade --
15 these windows are the bay window -- 9 feet
16 8 from the first window on his wall for
17 privacy reasons, and this is a step down
18 that eventually gives access to Ridge
19 Street. I think Peter wanted to explain a
20 little bit more about the zone variances.

21 MR. MURPHY: Before you
22 start, one question, Christina, on this
23 image on the left where at least for me I
24 can see, the view preservation it looks
25 like it is only impacted by the proposed

1 Proceedings
2 bay window. And do you know what the
3 distance is between 433 and 437 Warburton
4 in that view corridor that exists right
5 now? Is it 20 feet?

6 MS. GRIFFIN: I haven't
7 measured it. I have the tax map. I think
8 it is 25 feet. I think she has 50 feet
9 and 24 wide building and a 25 foot wide
10 opening. I think it's 25 foot lots. I
11 think that is what it is.

12 MR. MURPHY: It is
13 approximately 25 feet?

14 MS. GRIFFIN: I think so.

15 MR. WOLF: I'd like to go
16 and discuss the variances for decision.
17 Obviously the 8 foot setback is
18 unreasonable, because if we took 8 foot
19 plus 8 foot and put a driveway in for
20 offside parking, you have no building.
21 Maybe you can put a mobile home there.
22 That would be about it. So that one has
23 to look at what the scale is of the
24 building and the reasonableness of the
25 request.

1 Proceedings

2 As I have said earlier, we
3 purposely confined this to replacing a two
4 unit building, that we want it to be
5 within the character and the scope and the
6 scale of the neighborhood. And even
7 though this is the smallest building, we
8 do not want to make it seem over crowded.

9 So that what we are trying to do
10 now is to redo this and also redo Ridge
11 Street so that we have a lot of
12 involvement with the zoning board. We cut
13 the setbacks 3 to 5 feet. We would like
14 to point out that two years ago this board
15 granted 3 foot setbacks for our neighbor
16 who has a 50 foot wide building. More
17 recently across the street, this new
18 property is going up. There is a zero
19 foot front yard setback directly across
20 the street from us. So --

21 MR. MURPHY: One question
22 on that, is the reason for the reduced
23 side yard setback from 5.6 to 3.5 because
24 of the bay window?

25 MR. WOLF: No, no. We are

1 Proceedings
2 a half, not two and a half. But that also
3 seems to be at face value a lot more than
4 it is because there is about a 30 foot
5 slope from Warburton to Ridge. So that
6 when you are going down, the fact of three
7 and a half stories almost becomes moot,
8 because from the street it looks like two
9 and a half.

10 Also, what we are trying to do, of
11 course, is to be able to afford the view.
12 That is the reason -- that's the front
13 reason so that it is consistent with the
14 south side -- the west side of Warburton
15 Avenue, but also that the people living on
16 top will be able to get up and be able to
17 look at the view.

18 In fact, I commented to Christina
19 when we were going over this apartment and
20 how could we have lived here, and I think
21 we went straight to the view and fell in
22 love with it. It is a fabulous view.

23 And the third issue is the parking.
24 And that, of course, is always a thorny
25 issue. Having lived on Warburton, we know

1 Proceedings
2 that the parking problems are extreme. We
3 at times deliberated whether we are going
4 out Friday or Saturday night because we
5 will have a 20 to half hour driving
6 adventure finding parking when we got
7 back.

8 The requirement, as the notice had
9 said, we would be required to have four
10 spaces. I'm not sure that that is really
11 applicable, because if you go back to your
12 question, if we did not replace 50 percent
13 of the building, then we wouldn't be
14 required to have any off-street parking.
15 And you know, the building is in such poor
16 condition that we have to replace more
17 than 50 percent of the building.

18 Are we supposed to be penalized for
19 replacing and being responsible? Are we
20 going to be penalized by having to put
21 four off-street parking spaces? So if you
22 took it to the extreme, if this fire trap
23 had burned down and we were putting it
24 back up, we wouldn't be required to have
25 any parking places.

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2 I also wanted to go back to what
3 had happened at the planning board. There
4 are a lot of questions, and we had some
5 resistance with regard to the front yard
6 driveway. And since there was no
7 assurance that we were going to get
8 permission from the county for the curb
9 cut anyway, we basically took it off the
10 table.

11 But I think that the zoning board
12 should note that it is really the zoning
13 board and not the planning board that has
14 the authority in this regard, because the
15 board has an exception for one and two
16 family dwellings with regard to the
17 off-street parking requirement in front of
18 the planning board. Marianne, it is 295,
19 295.

20 So the question then becomes how to
21 alleviate the situation, and we tried to
22 be very creative in doing that. We tried
23 to provide four spaces anyway. Christina,
24 I think, has explained that we originally
25 had two on the driveway off of Warburton.

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2 We have now taken it off the table unless
3 you would like to discuss that. We would
4 be pleased to discuss it. Otherwise, we
5 would have the -- probably the same
6 reservation that pending county approval,
7 if it is necessary, we would come back.
8 But for the moment it is off the table.

9 So we are providing under this plan
10 two spaces that are off-site parking.
11 Now, again, if one looks around the
12 neighborhood, our neighbor who is in front
13 has a front view. He has three units.
14 And the board agrees that he only has to
15 provide three off-street parking places.

16 And I just want to point out in
17 addition to the two that are on there, we
18 are also providing another four spaces on
19 Ridge Street. So that if you were to look
20 at the situation if we had just continued
21 to rent out the property, you would have
22 four people parking on Ridge Street -- on
23 Warburton Avenue. Now two of them are
24 going to be parking on the property.
25 Plus there is a liberation of another four

1 Proceedings
2 spaces. So the net gain for the community
3 is six spaces.

4 So just to wrap up the
5 presentation, this is a project to build
6 an existing unsafe two-family house into
7 the 21st century. We are requesting the
8 variance as noted above with regard to
9 upping the number of stories and the
10 parking.

11 And we would like to remind the
12 board of the advantages that we believe
13 this property and our project possesses,
14 which is transforming an unsafe railroad
15 flat fire trap into attractive units that
16 are up to code, at least six additional
17 parking places, a turnaround for Ridge
18 Street which benefits the residents
19 greatly, and improvement for the
20 neighborhood.

21 We believe that this type of
22 structure is going to be very conducive to
23 home ownership, and it is going to bring
24 families to this area. It is going to
25 increase the neighborhood values and

1 Proceedings
2 therefore increase property taxes. And
3 therefore we would request your approval
4 of the variances that are necessary.
5 Thank you.

6 CHAIRMAN MAGUN: Thank you.
7 Okay. So I appreciate the presentation.
8 And I think you have provided us with a
9 tremendous amount of material and a lot of
10 pictures and a lot of numbers to look at,
11 so we haven't had a chance to see all
12 this. I would like to have the board ask
13 some questions.

14 There are a lot of people here
15 tonight. I assume they are all here for
16 this because there isn't any other case on
17 the agenda. I want to give people a
18 chance to talk before it gets too late,
19 and then the board. So I think the board
20 can go first, and then we will shift to
21 the public. And then if the board has
22 more questions, we can do that. So
23 members of the board, questions about the
24 proposal, the variances, et cetera.

25 MR. PYCIOR: Christina,

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2 could you please tell me how deep the
3 existing building is as opposed -- how
4 deep this building is? By "deep," I mean
5 from west -- from east to west.

6 MS. GRIFFIN: Existing
7 building is 48.7 feet long. The addition
8 coming out in the front is another 3 feet
9 and then 2 feet for the bay window. So a
10 total of 5 feet beyond that. Down at the
11 basement level this addition comes out
12 12.29 feet.

13 MR. PYCIOR: But only on
14 that one level.

15 MS. GRIFFIN: Yes. And that
16 there is another lower level under that,
17 but this is two stories above this. So
18 this actually -- the original footprint of
19 the house is this shape here, which jogs
20 in front where this vestibule is.

21 MR. PYCIOR: Thank you.

22 MS. FURMAN: I have a basic
23 question. Are we discussing the plan we
24 are looking at or the plan --

25 CHAIRMAN MAGUN: No, we are

1 Proceedings
2 discussing this Ridge -- not Ridge, excuse
3 me, modified Plan S.

4 MS. FURMAN: So how -- can
5 you explain a little bit just on this
6 picture that we have in front of us how
7 what you have there is different than what
8 I have right here?

9 MS. GRIFFIN: I don't think
10 it is easy to show this. We have
11 actually -- it's hard to see, but this
12 corner now is 3 feet back away from this
13 property. We felt the building was
14 getting too close. It was too narrow.
15 And we have also instead of having solid
16 wall, if you look on the first floor plan,
17 this is an open porch with a column here.

18 Similar in concept to what is
19 there, there is a vestibule that comes out
20 here. Now the new addition we have a
21 little bigger, but there is still an
22 opening on this side of it on the first
23 floor level.

24 CHAIRMAN MAGUN: To add to
25 what Denise was asking, so all three

1 Proceedings

2 stories in the front of the building are

3 going to be moved in 3 feet?

4 MS. GRIFFIN: Yes.

5 CHAIRMAN MAGUN: And then

6 that will go from the front of the

7 building how far back? Just what you are

8 calling the addition, what is the depth of

9 that?

10 MS. GRIFFIN: This is 7.83

11 feet, this piece here.

12 CHAIRMAN MAGUN: Okay. So

13 that will -- from the property line then,

14 there will be 3 feet of air space? There

15 is a building adjacent to that?

16 MS. GRIFFIN: The other

17 change we made is we cut out this corner

18 and we have an open porch here on this

19 level. And then the next level is --

20 becomes the building. So then on this

21 level you are down here (indicating).

22 There is a post. So there is 3 feet and

23 another 4 feet 3 to the building just on

24 this level.

25 CHAIRMAN MAGUN: Okay.

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2 Other questions from the board?

3 MS. STECICH: I have one.

4 Christina, I am a little baffled by the
5 elevation, by the height, on the Ridge
6 Street side, because you show that -- your
7 chart shows a maximum height of 29.9 feet.
8 If you go to the elevation, the drawing
9 A-5, it is probably the same, you know,
10 several -- certainly the rear elevation --
11 if you add all those heights, because you
12 are changing the grade, right?

13 MS. GRIFFIN: Yes.

14 MS. STECICH: Okay.

15 MS. GRIFFIN: Oh, well, we
16 are creating new terraces. There are
17 existing terraces. We are reconfiguring
18 them.

19 MS. STECICH: I'm looking
20 where it says new grade, and then there
21 are 2 feet 7 and a half inches from what
22 that thing is, new grade to maybe a
23 railing, I guess, and then there is an
24 elevation of 6 foot 6. Do you see what
25 I'm talking about, Christina?

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2 MS. GRIFFIN: Yes.

3 MS. STECICH: I don't
4 know -- yours is opposite. You're
5 flipped.

6 MS. GRIFFIN: I can go to
7 the next.

8 MS. STECICH: No, no. It's
9 okay. Is it drawing A-5? Okay. Okay.
10 So you add two seven, six six then I think
11 the next one is eight eight, is that
12 right? The next one up is eight eight?
13 And then there is two more stories, and I
14 don't see the measurements for. But if
15 you add that, you are going to certainly
16 be above 29 feet.

17 MS. GRIFFIN: I reviewed
18 this with Deven. The maximum building
19 height is -- well, the building height is
20 taken from the average grade of the
21 building. So you see this line here, this
22 is a 35 foot from following the grade, and
23 then it comes down here. But if you
24 follow the grade, our building does not go
25 over 35 feet at any point. If you are

1 Proceedings
2 looking way down here, you are going to
3 see the terraces and, you know, the -- you
4 are way in front of the building. But
5 where you are at the building you are
6 going to be within that 35 foot building
7 level.

8 MR. SHARMA: At any point
9 taking finished grade and take the height
10 of the building at that point. But if you
11 see it from the lowest point, you see four
12 stories and they seem to add up to more
13 than 30 feet. But at any given point --

14 MS. STECICH: No, no, I'm
15 not going to the top of the building. I'm
16 not going -- let me show you what I mean
17 on the drawings, because I could be
18 missing something. No. If you go --
19 well, you have the drawing. Look -- it is
20 probably easier if you look at your A-5
21 drawing. I can show Christina. If you
22 add all these numbers, this, this, this --

23 MS. GRIFFIN: I see what is
24 happening, that parallel line.

25 MS. STECICH: I had what

1 Proceedings

2 you are saying. This runs to there.

3 MS. GRIFFIN: It is still 8
4 foot plus 4, 32, plus the structure is one
5 foot per each floor. It would still be --
6 if you took it at a height --

7 MS. STECICH: I think it is
8 within the 35, but it is more than 29, I
9 think.

10 MS. GRIFFIN: In back it is
11 more than 29. In the front it is 29.

12 MS. STECICH: So --

13 MS. GRIFFIN: I forgot to
14 mention parallel to what we felt was the
15 average grade but for a small portion it
16 drops to probably 34. Yeah.

17 MR. SHARMA: The lowest
18 floor over here is a basement.

19 MS. GRIFFIN: Yes.

20 MR. SHARMA: If you don't
21 count that and the other way you see it
22 here, the finished grade where you see
23 more than 30 foot height, part of that is
24 basement. And I think -- I did the same
25 kind of calculation in my mind, and it

1 Proceedings
2 does add to 29.9. You have three and a
3 half stories in there. But if you take
4 the finished plane of the building, the
5 highest one is 29.9 feet.

6 CHAIRMAN MAGUN: I was
7 actually going to ask that later. But
8 since Marianne brought it up, I think we
9 really have to spend a little time on
10 this. It is not really clear to me, one,
11 how many stories we have in the back. And
12 I'm not wedded to that. I understand and
13 I looked at the neighborhood a lot. I
14 understand there are a lot of stories, and
15 a lot of different buildings are quite
16 variable.

17 But the height issue does become --
18 I think we really need to be very careful
19 here about what the height actually is.
20 Can we really look at this carefully? Can
21 you give me some more -- because what you
22 have drawn here as maximal allowable
23 building height is incorrect as far as I
24 can tell, because the existing grade takes
25 a sharp turn down, as Marianne was

1 Proceedings

2 pointing out, and your line doesn't take
3 that same sharp drop down. Do you follow
4 me?

5 MS. GRIFFIN: Yes, I think
6 this is correct. We should jog this down.
7 If we did that, we still would be within
8 35 feet. This is 35 feet (indicating).
9 If we drop it to here, at the worst point
10 we are under 35. Yeah.

11 CHAIRMAN MAGUN: So each
12 one -- so each one of those floors is 8
13 feet from ceiling --

14 MS. GRIFFIN: Yes.

15 CHAIRMAN MAGUN: You have
16 one, two, three-eighths is 24, and the
17 so-called cellar or basement which we will
18 talk about in a minute. Is that also 8
19 feet?

20 MS. GRIFFIN: Yes.

21 CHAIRMAN MAGUN: That is
22 32.

23 MS. GRIFFIN: That's why it
24 is close. And one foot for each floor
25 structure, so 35 feet is here. So at this

1 Proceedings

2 point -- but the building does jog. So
3 you know --

4 MR. SHARMA: Actually, floor
5 to floor height is 9 feet and 9, because
6 from floor to ceiling is eight.

7 CHAIRMAN MAGUN: It might
8 be more than 35. Okay.

9 MS. GRIFFIN: I want to show
10 you, the grade comes up here about 3 or 4
11 feet so 35 feet probably is --

12 CHAIRMAN MAGUN: At that
13 point.

14 MS. GRIFFIN: Yes. Then at
15 this point it is only two stories.

16 CHAIRMAN MAGUN: And that
17 bottom structure there, are you calling --
18 is that a basement or cellar? What
19 exactly is that?

20 MS. GRIFFIN: Cellar is a
21 story that is more than half underground.

22 CHAIRMAN MAGUN: What are
23 you calling it?

24 MS. GRIFFIN: Cellar.

25 CHAIRMAN MAGUN: You think

1 Proceedings

2 more than half of it is below grade?

3 MS. GRIFFIN: And this is
4 first floor (indicating), and this has a
5 little more than half above grade. So we
6 are calling this first floor, second and
7 this is third. And even though this is a
8 half story, it is about 20 percent of the
9 footprint, that little space up there.

10 CHAIRMAN MAGUN: When you
11 say there are three and a half stories, we
12 have one, two, three and the half story is
13 in the front.

14 MS. GRIFFIN: Yes.

15 CHAIRMAN MAGUN: And that's
16 a half story because it occupies so small
17 of the area above the floor below.

18 MR. SHARMA: It is less than
19 half the way. Half is defined more than
20 40 percent and it is not 50 percent of the
21 floor below.

22 CHAIRMAN MAGUN: Okay. I
23 see. I think I understand how you got
24 those numbers. Okay. And I think, as you
25 pointed out just now, at the exact point

1 Proceedings
2 where you have one, two, three, four
3 stories there really are -- I'm counting
4 the cellar there in terms of measuring
5 it -- it is below the grade. It comes up
6 a notch. Now are you excavating that out?
7 Are you building retaining walls there?
8 When you say new grade, you are
9 creating --

10 MS. GRIFFIN: Yes, yes. We
11 are making this a gentler slope, and we
12 are dropping here the two retaining walls
13 just so we can get some windows on this
14 one side.

15 CHAIRMAN MAGUN: Okay.

16 MR. PYCIOR: What is the
17 purpose of the setting? What is the use
18 of that, a bedroom?

19 MS. GRIFFIN: It is a living
20 area. It is part of the --

21 MR. PYCIOR: For the first
22 floor apartment?

23 MS. GRIFFIN: Yes.

24 CHAIRMAN MAGUN: It is
25 technically a cellar by zoning code, but

1 Proceedings

2 it is not being used as a cellar.

3 MR. SHARMA: Yes.

4 CHAIRMAN MAGUN: Okay.

5 Maybe we should --

6 MR. SHARMA: It is a living

7 room this side of the west side. It is

8 all underground and it looks out --

9 CHAIRMAN MAGUN: That does

10 fit the definition, I think, of a cellar.

11 Maybe we should let some people in the

12 audience raise some of their concerns so

13 the board can focus in on what people are

14 here to say. Is that all right with the

15 board?

16 MR. PYCIOR: Yes.

17 MR. MURPHY: Yes.

18 CHAIRMAN MAGUN: Please

19 state your name and address.

20 MR. METZGER: Good evening.

21 Jim Metzger, 127 Warburton Avenue. I

22 apologize if I have a coughing fit. I am

23 pretty sick today.

24 CHAIRMAN MAGUN: You are a

25 close neighbor.

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2 MR. METZGER: I am one
3 building, two buildings south. I am the
4 other house on the block that is also set
5 back.

6 CHAIRMAN MAGUN: The brown
7 one?

8 MR. METZGER: The brown
9 house, yes, with the blue fence. One of
10 the questions that you had raised which we
11 have also been talking about is who is
12 going to pay for extending Ridge Street.
13 And while I personally think providing
14 more parking in the neighborhood is good,
15 I know that some of our neighbors on Ridge
16 Street are not crazy about the idea of
17 more parking on Ridge, because they feel
18 it encourages people who are rushing for
19 the train who are coming from out of
20 Hastings to drive up and down Ridge Street
21 looking for spots. And the more available
22 spots there are, the more people. It
23 would create traffic problems in the
24 morning.

25 That may or may not be an issue,

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2 but it was an issue that was expressed to
3 me. I also would be curious to know if we
4 are going to extend this to this building,
5 how far up can we extend it? It certainly
6 would benefit my building, and I believe
7 it would benefit Mr. Tenning's (ph)
8 building who is between my building. It
9 would be nice to see on a kind of dollar
10 per square foot cost what that would end
11 up running.

12 CHAIRMAN MAGUN: You can
13 talk to the mayor about that.

14 MR. METZGER: Absolutely,
15 and you know I will. The other question I
16 have is we were talking about the
17 foundation and levels and grades. And it
18 seems to me, and I'm not sure, that what
19 is being called the new -- the cellar
20 floor which comes back about
21 three-quarters of the length of the
22 building of living space appears to be
23 below the basement level of the existing
24 building. And if that is the case, then
25 the existing foundation can't be saved,

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2 because they would be excavating
3 underneath the existing foundation.

4 And from personal experience you
5 can't excavate underneath the foundations.
6 For purpose of discussion we may be
7 talking about a new building. That being
8 said, I'm pretty much in favor of this
9 project. I think it is very handsome. I
10 think it is going to add to the
11 neighborhood.

12 The big issue that I have has to do
13 with the size of the unit. And while it
14 is true that a lot of buildings have four
15 units, they all tend to be single bedroom
16 units. Here we are talking about going
17 from two one-bedroom units to two three-
18 bedroom units. And the reality is that
19 the -- it is probably going to bring more
20 than two cars per unit if a family is
21 moving in with kids.

22 The chances are good there are
23 going to be two, possibly three cars
24 associated with each unit. So we may have
25 an actual net loss because of the size of

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2 fence parking in the front yards. I'd
3 probably rather not have it than have it
4 if it becomes an issue in the future.

5 But I think we need to be aware of
6 the fact that I believe the code says, and
7 I know this is an issue that has been
8 discussed with the planning board. But I
9 believe -- I believe that in an MRO zone,
10 which is what we are in, there is no
11 parking allowed in any required yard,
12 front, rear or side.

13 CHAIRMAN MAGUN: It is
14 true.

15 MR. METZGER: It is true.
16 So I don't know if the parking here
17 actually comes back behind the required
18 rear yard. Even if it doesn't, I'd be in
19 favor of granting that variance. Thank
20 you.

21 CHAIRMAN MAGUN: Thank you.
22 Is there anyone else who has any questions
23 or comments for the board? Yes, sir.

24 MR. CAPIANO: Joe Capiano
25 (ph), 18 Ridge Street. Jim mentioned a

1 Proceedings
2 lot of concerns that I have about the
3 parking on Ridge Street. We had spent a
4 good amount of time to get that turnaround
5 done down there, as far as getting rid of
6 the cars parking at the end of the street
7 and eliminating a lot of the traffic. So
8 if you notice that whole back area at the
9 end of Ridge Street, there is no parking.

10 And the village has been really
11 good about it. The police have been
12 really good about keeping cars away from
13 there so people can get down there and
14 turn around. And it is not big enough for
15 a fire truck or anything like that or even
16 a garbage truck, but it is big enough to
17 where you can turn around an ambulance or
18 a van of some sort. And it is functional
19 back there.

20 I think by extending Ridge Street,
21 what you are doing is obviously talking
22 about adding parking which Ed was saying.
23 You are in essence -- you are getting
24 something but eliminating something. So
25 you are basically adding more traffic to

1 Proceedings

2 the area.

3 What is happening is you will have
4 people, like Jim said, entering the area,
5 looking for spaces and then just bunching
6 up in the back. That area now is well --
7 pretty much has been pretty clear as far
8 as people turning around and getting out
9 of there. I think that would just add
10 more cars, more traffic and obviously not
11 to mention the cost to build a street and
12 to maintain it which is obviously an
13 issue.

14 Also, the -- I would just like to
15 say, first of all, I'm all for doing
16 construction on old buildings. I'm a
17 volunteer fire fighter. So rat traps,
18 fire traps, that's great, you know,
19 gutting it out, getting it up to code,
20 that is great. I'm all for that. But I'm
21 a little concerned about the lot coverage.
22 You mentioned right now the lot coverage
23 is about how much, 24? Then it would be
24 up to --

25 MS. GRIFFIN: 37.

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2 MR. CAPIANO: And does that
3 include the parking spaces, also the
4 parking area, or does that not include
5 that?

6 MS. GRIFFIN: No.

7 MR. CAPIANO: In essence it
8 would be covering --

9 MS. GRIFFIN: The average is
10 like 45.

11 MR. CAPIANO: That's -- you
12 brought up another point of mine.
13 Obviously these buildings were built turn
14 of the century before they had codes or
15 anything, and I think to look at really
16 the area and use an example, I mean
17 granted there are buildings that are
18 tighter and, you know, taller, whatever.

19 But I think to add to it is really
20 not really the issue. I think there is a
21 better way or I think there can be a
22 better way to increase the -- you know,
23 make it to the 21st century with the
24 existing footprint, as far as adding, you
25 know, being very creative on how you angle

1 Proceedings
2 the spaces of the adjacent properties to
3 to make it livable, safe and obviously a
4 better area. I think that was it.

5 Also, obviously they were talking
6 about something last week. I heard
7 somebody say that this -- maybe it is a
8 hardship case. I don't understand.
9 Somebody had mentioned that last week. I
10 just don't see how that can be, whatever
11 that meant. But, you know, it is just
12 something that the board should look into,
13 because sometimes these properties become
14 too big for the property they are on. The
15 structures are too large, and it just
16 takes away from the -- obviously from the
17 views and the adjacent properties. And I
18 think that to do something to the property
19 is a good thing but within parameters like
20 the actual footprint of the building
21 itself.

22 CHAIRMAN MAGUN:
23 Mr. Capiano, I want to ask you a question.
24 You live on Ridge Street?

25 MR. CAPIANO: Correct. I

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2 don't live there now but I own property
3 there.

4 CHAIRMAN MAGUN: Okay. If
5 Ridge Street were extended as they had
6 outlined in the plan, but if there were no
7 parking there, that would -- then it
8 wouldn't be an issue for you?

9 MR. CAPIANO: Exactly. Now
10 you are eliminating -- basically if you
11 made the whole area no parking for
12 turnarounds, yes, it would be better
13 access for everybody, if that was the
14 case.

15 CHAIRMAN MAGUN: That would
16 not be an issue?

17 MR. CAPIANO: No. I would
18 think that would be better just for about
19 everyone.

20 CHAIRMAN MAGUN: So I can
21 clarify, it is common practice for
22 commuters to go down Ridge Street looking
23 for a parking space?

24 MR. CAPIANO: Well, anywhere
25 they can find. It is basically even just

1 Proceedings
2 not even commuters, people looking for
3 spaces, you have alternate side of the
4 street parking. You have different types
5 of parking.

6 MS. FURMAN: You own 18
7 Ridge?

8 MR. CAPIANO: Correct.

9 MS. FURMAN: Do you have
10 rental apartments in there?

11 MR. CAPIANO: Yes.

12 MS. FURMAN: How many?

13 MR. CAPIANO: Eight.

14 MS. FURMAN: Do you have
15 parking?

16 MR. CAPIANO: No. When we
17 made the turnaround, I had a two-car
18 garage that I don't know how many years
19 ago, maybe about four, five years ago. We
20 did this whole planning about, you know,
21 the parking problem on Ridge Street, what
22 we could do. And basically it came down
23 to if I was willing to get rid of my
24 garage and use it as a turnaround, I
25 agreed with the village to lease that and

1 Proceedings

2 use it as a turnaround. And it helped.

3 It definitely helped.

4 And like I said, it just kind of
5 makes me a little bit nervous when I see
6 that now there is going to be more
7 parking, more cars and eliminate all the
8 work that we did to alleviate a lot of the
9 parking problems on the street.

10 CHAIRMAN MAGUN: Okay.

11 Why don't we take a three
12 minute break.

13 (Recess taken.)

14 CHAIRMAN MAGUN: We are
15 continuing the discussion. I'm anxious to
16 hear any more comments from the citizenry.
17 Name and address?

18 MS. TRAVIS: Cindy Travis,
19 427 Warburton. I'm the house next to the
20 house, the little brown house.

21 CHAIRMAN MAGUN: The same
22 house?

23 MS. TRAVIS: Yes, south of
24 them. I am very supportive of this
25 project. I think that for such a tiny

1 Proceedings
2 little narrow lot, they are planning on
3 using it. I think the space wise is very
4 economically -- they, you know, the
5 families are not getting smaller. They
6 are actually getting bigger. So that if
7 you have a one bedroom, you can basically
8 be one or two people at the most.

9 The fact that they want to have
10 three bedrooms, I think, does not
11 necessarily mean they are going to be
12 putting in, you know, five to ten people.
13 So I think that it makes sense. There is
14 just more space in these apartments. They
15 have done above and beyond work to try to
16 maintain views by talking to all of us and
17 making changes. Most people will just
18 draw the drawings and try to ram it down
19 everybody's throat. So I really give them
20 credit for that.

21 The fact it goes down in and
22 steps down, our yard does the same thing,
23 and mostly we just end up throwing a lot
24 of yard debris down at the bottom. At
25 least they are using it to an advantage,

1 Proceedings

2 and they are cleaning it up. And they are
3 going to maintain that little parking
4 space if they get it into a green space,
5 and I give them credit for that.

6 So it is such a difficult little
7 yard that I thought it would just stay
8 this little broken down house, and I'm
9 really happy somebody is coming in and
10 trying to do something. So I'm all for
11 it.

12 CHAIRMAN MAGUN: Thank you.
13 Anyone else wish to make any comments?

14 MR. KENNEDY: Bill Kennedy,
15 431 Warburton.

16 CHAIRMAN MAGUN: You were
17 here once?

18 MR. KENNEDY: Yes, just a
19 few years ago for a variance.

20 CHAIRMAN MAGUN: You are
21 the next-door neighbor?

22 MR. KENNEDY: I'm the
23 next-door neighbor. I'm affected mostly
24 by the large building being built there,
25 and I had some structural concerns that I

1 Proceedings
2 talked to Christina about today about
3 parts of the -- where they are going down
4 two stories or two floors to the second
5 basement, is above -- I have a pool and
6 then a stone wall, and I'm afraid that
7 when they go -- remove the existing
8 foundation and they go down two stories,
9 they are -- you know, there will be
10 trouble with my land. It will be beneath
11 my wall, and I'm afraid that, you know,
12 dirt is going to come out. Something will
13 end up in my pool.

14 Also, my building is almost a
15 hundred years old. It is '09. It will be
16 a hundred years old, and I'm concerned
17 about building a new foundation right next
18 to my house. Christina has assured me
19 that they have engineers that can prevent
20 any damage from happening, but I'm
21 concerned about in the future a few years
22 down the road if they sell the house and
23 who do I go after if my house starts
24 falling down, because it seems that the
25 rear of my house is almost on the same

1 Proceedings
2 concrete slab that the front of their
3 house is on now. So to disrupt that could
4 cause some problems with my house. If
5 that is addressed, I'm happy. But that's
6 just a concern I have.

7 Most of my concerns were already
8 addressed here. I know as far as parking,
9 I know they added one room. I was
10 required to add another parking space, and
11 I had one and I added two. So I mean, I
12 had the room for it. I know they have a
13 lot of work to do to get it. But it's
14 just how the neighborhood is.

15 CHAIRMAN MAGUN: Okay.

16 MR. KENNEDY: That's all I
17 have to say.

18 MR. MURPHY: Mr. Kennedy,
19 you are the neighbor who has the deck with
20 the view on the back --

21 MR. KENNEDY: Yes.

22 MR. MURPHY: -- on the top
23 level?

24 MR. KENNEDY: Right.

25 MR. MURPHY: Just so I'm

1 Proceedings

2 clear, you approve of the design at least
3 on the top level?

4 MR. KENNEDY: I'm not really
5 happy with the top. I like having the
6 view and the privacy. But it is set -- it
7 is supposed to be set back behind my
8 house. Originally I agreed with it. Then
9 I realized there is going to be decking
10 out there looking into my bedroom. That's
11 my bedroom right next to the building.
12 But I had already told them, and they went
13 to the planning board.

14 But the original plans had a deck
15 going the whole length of the building,
16 which I'm not sure if these plans --
17 that's another thing I want to address.
18 Make sure all the plans here are the ones
19 that I have a copy of because it has been
20 changed many times, because the -- they
21 agreed and also changed the plans that I
22 had to make all of the upper deck a lot
23 smaller. I don't know if they are on this
24 plan.

25 MR. MURPHY: Well, it is.

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2 That's what was being explained to us.

3 And I want to make sure if you are the
4 neighbor who is referenced as approving
5 that, I wanted to make sure that is right.

6 MR. KENNEDY: Yes, I
7 approved it.

8 MR. MURPHY: You can look
9 at it if you want. It is the one on the
10 lower left, also on A-2.

11 CHAIRMAN MAGUN: If you
12 look on drawing A-2, can you show him
13 that?

14 MR. KENNEDY: Oh, this is
15 not on the plans I have.

16 MR. MURPHY: Correct. This
17 is a new plan.

18 MR. KENNEDY: It was new as
19 of Sunday.

20 MS. GRIFFIN: These are the
21 same plans that you have. This is the
22 small roof deck. I can show you on the
23 upper plan which is more clear. I wanted
24 to submit this, but the building
25 department has rules that we have to --

1 Proceedings

2 well, the notices apply to the original
3 submission, but these should be the same
4 drawings that you have.

5 And up on the upper level we have a
6 note to say that this western wall will
7 align with the wall of 431, the deck wall
8 line, and will have an 8 foot setback to
9 the side of the deck.

10 CHAIRMAN MAGUN: So let me
11 make sure I understand. On this level
12 A-2, the roof is this part where you are
13 going in 3 feet or this --

14 MS. GRIFFIN: This goes in 3
15 feet, yes.

16 CHAIRMAN MAGUN: Okay. So
17 that's the revised drawing. Yeah. Okay.

18 MS. GRIFFIN: Yes. We
19 brought the building back 3 feet. We made
20 sure it aligned. We also have a note on
21 the drawing on one of the elevations, that
22 our roof level will not exceed the third
23 floor deck at 431, because he is concerned
24 about the increase of the -- he is
25 concerned when he is looking at his deck

1 Proceedings

2 that this roof doesn't go above his deck.

3 CHAIRMAN MAGUN: Okay.

4 MR. KENNEDY: I wanted to
5 make sure the plans that are actually
6 being submitted tonight are the plans that
7 I received, because they have changed them
8 so many times, that I didn't know if
9 these -- I couldn't see from back there --
10 that the changes were made.

11 CHAIRMAN MAGUN: It is a
12 concern, and I think we are all having a
13 little bit of that concern. We agreed to
14 hear the application, but we might need --
15 we will have to see how comfortable we are
16 with what we have and what we can see on
17 there. Thank you.

18 MR. KENNEDY: Thank you.

19 CHAIRMAN MAGUN: Is there
20 anyone else who has any points? Yes, sir.

21 MR. BHAM: Good evening.
22 Kus Bham. I reside at 425 Warburton. I
23 want to say -- 425 Warburton Avenue. It
24 is south of -- three buildings south.

25 CHAIRMAN MAGUN: Next-door

1 Proceedings

2 neighbor to 427?

3 MR. BHAM: To Jim Metzger,
4 correct. I wanted to get up and say I am
5 for the development of this unit. I am
6 not technically savvy with, you know, any
7 ramifications, so on and so forth. I
8 trust that with the board, but basically
9 future beautification of the neighborhood
10 is pretty much inevitable.

11 And I feel them taking
12 responsibility in going for every possible
13 action and communicating with us is
14 definitely favorable. You know, its
15 aesthetic value is, you know, good to the
16 neighborhood, and pretty much I feel that
17 parking has definitely been an issue on
18 Warburton, and I experienced that because
19 I have the shop Antoinette's Rotisserie.
20 During the day you can tell even with the
21 site across the street, parking gets --
22 you know, there is an infringement on the
23 parking by them.

24 Obviously there is some
25 contingencies based on if they get the

1 Proceedings
2 turnaround and is there space for that,
3 and so on and so forth. But having that
4 additional parking behind the -- where
5 actually the south side of this building
6 would be an advantage. So, again, I'm all
7 for it. Thank you for your time.

8 MS. FURMAN: Can I ask you a
9 question? Do you live in the building?

10 MR. BHAM: Yes, correct.

11 MS. FURMAN: And the shop is
12 downstairs?

13 MR. BHAM: Yes. No, no, I'm
14 sorry. I don't -- we are talking about
15 the shop being at 417 Warburton, but I
16 live currently at 425. I've lived there
17 for 20 years. I was in Brooklyn for some
18 time. Then I came back. Any other
19 questions? Okay.

20 CHAIRMAN MAGUN: Anyone
21 else? So maybe the board has some more
22 questions. I have a couple. And then we
23 will see how it goes.

24 MR. WOLF: Could we --

25 CHAIRMAN MAGUN: You will

1 Proceedings
2 get a chance to respond. Maybe you can
3 hear collectively. We don't have to get
4 into -- why don't you listen to what
5 everyone's concerns are, and you can
6 respond. Otherwise, we will be back and
7 forth a lot because it is a complicated
8 project. And I really do appreciate all
9 the work you've done, and I'm happy to
10 hear that most of the people in the
11 neighborhood seem, you know, inclined --
12 at least the people that have spoken seem
13 inclined in favor of this, which appears
14 to be a nice proposal.

15 I have some questions that I want
16 to try to understand a little bit better.
17 The first regards view preservation, and I
18 guess one of my concerns about the view
19 preservation issue was the new building
20 being built across the street. And there
21 would be a lot of people looking straight
22 at your house, I think, in that new
23 building.

24 And it wasn't clear to me -- maybe
25 you can go over this -- the height of the

1 Proceedings
2 proposed building has, as it compares to
3 the current height of your building, the
4 buildings there, the existing versus new
5 height, as you look at it from the east
6 elevation, I couldn't find that anywhere
7 on the drawings.

8 MS. GRIFFIN: I wish we had
9 shown that.

10 CHAIRMAN MAGUN: It seems 8
11 to 10 feet taller. It is a two-story
12 building now.

13 MS. GRIFFIN: Let me see if
14 I have it here.

15 MR. WOLF: As I mentioned
16 earlier, first of all, you have to start
17 we are 6 feet further down.

18 CHAIRMAN MAGUN: I'm saying
19 from the grade. I understand that.

20 MS. GRIFFIN: This is the
21 profile of the building. And yes, we
22 didn't show the height there. There is
23 about a five to twelve pitched roof here,
24 and I think this is about 6 feet above the
25 roof now. But we have to increase the

1 Proceedings

2 height of this roof so we have an 8 foot
3 ceiling here.

4 CHAIRMAN MAGUN: I'm
5 talking about -- can we talk about the
6 front?

7 MS. GRIFFIN: This piece.
8 Okay. We are going up from the top of the
9 peak of the existing house to the top of
10 the addition in the front is probably
11 about 5 feet.

12 CHAIRMAN MAGUN: From the
13 peak. And from the house itself, if you
14 look at the picture of the house as it
15 exists, it is significantly taller, right?

16 MR. WOLF: It is not
17 significantly taller, because the current
18 structure has a peak in the middle of it
19 that goes up, which is being eliminated.

20 MS. FURMAN: Are you
21 comparing the height from the peak -- is
22 that what you are saying -- to the height
23 of your new building, as opposed to
24 comparing the height of the front of the
25 building, the height of the front of the

1 Proceedings
2 existing building, which am I correct if I
3 look at the photos you handed out, would
4 be the top of these windows basically?

5 MS. GRIFFIN: From there to
6 here is about 10 feet. From the peak to
7 the top is five.

8 CHAIRMAN MAGUN: So the new
9 building that you are proposing is 10 feet
10 higher if you are standing on Warburton
11 Avenue looking at it?

12 MS. GRIFFIN: From the
13 fascia board.

14 CHAIRMAN MAGUN: From the
15 front, if you are standing on Warburton,
16 if you are living in the new affordable
17 apartment building, your building is 10
18 feet higher?

19 MS. GRIFFIN: Yes.

20 MR. PYCIOR: If you are
21 living in the new building, you are seeing
22 the peak.

23 MS. FURMAN: I think we are
24 talking about what the facade is of the
25 building you are looking at. Are you

1 Proceedings

2 looking at a building like this or a
3 building like this?

4 MR. PYCIOR: It is
5 obstructing the view of the Palisades or
6 Hudson, the peak.

7 CHAIRMAN MAGUN: There is
8 no question this building, and correct me
9 if I'm wrong, there is no question that
10 this building changes the view from that
11 side. I mean, it is just a matter of how
12 much the board will tolerate.

13 MS. GRIFFIN: It is not a
14 very nice, good picture. Can you see the
15 shape of this little building here? This
16 comes up, and it is almost like a water
17 tower. This wall is 10 feet wide.

18 CHAIRMAN MAGUN: I want
19 to -- I think that's an important point,
20 thinking about view preservation, that the
21 front of this building, the east
22 elevation, is significantly taller than
23 the current east elevation that is
24 existing now, the maximum anyway putting
25 peak aside. That was one issue I wanted

1 Proceedings

2 to just have the board chew on a little
3 bit.

4 MR. WOLF: Well, the
5 building across the street --

6 CHAIRMAN MAGUN: Can you
7 wait a minute? Let me make my points. As
8 I say, you will have a chance to respond.
9 We discussed the question of stories in
10 the back of it; that, we raised. So even
11 though that level, and I'm reiterating
12 that even though the level is a living
13 level calling it a cellar because it is
14 underground, it looks like essentially
15 four stories. I want to raise what Brian
16 raised before, the issue of no windows on
17 the side of the house. I guess I am
18 having trouble; you have no pictures of
19 that elevation.

20 MS. GRIFFIN: Yes, I do.

21 CHAIRMAN MAGUN: Probably
22 because it is not very attractive.

23 MS. GRIFFIN: I included it.

24 CHAIRMAN MAGUN: Is there a
25 picture of the south elevation of the

1 Proceedings

2 house?

3 MS. GRIFFIN: Yes, this is
4 the elevation.

5 MS. STECICH: What number?

6 MS. GRIFFIN: A-4.

7 MS. FURMAN: I didn't
8 realize it is a sideview.

9 CHAIRMAN MAGUN: Because it
10 looks like there is nothing there. It is
11 just essentially a huge wall.

12 MS. GRIFFIN: Actually, we
13 are planning to have variation in
14 textures, different textures.

15 CHAIRMAN MAGUN: I guess I
16 don't understand why it has to be -- and I
17 know that that's not an issue for the
18 zoning board. But it's a pretty
19 dramatic -- you know, for the people
20 living next-door, when they go into their
21 pool, basically they are going to be
22 looking at this huge wall.

23 MS. GRIFFIN: You know what,
24 I am very interested in finding a material
25 that would meet the New York State code,

1 Proceedings

2 and I believe there might be some glass
3 material that is not an operable window.

4 CHAIRMAN MAGUN: When you
5 say the code requires you not to have any
6 windows if you are on the property line,
7 but there is no other house there; it is
8 open space. Maybe you can explain that.

9 MR. SHARMA: If somebody
10 wants to build something on the other
11 side, they can. So if the house happens
12 to be on the property line itself, it has
13 the minimum 3 feet away from the property
14 line, you will be able to have any opening
15 in the building. You cannot have windows
16 in a wall that happens to be on the
17 property line.

18 CHAIRMAN MAGUN: If they
19 were set 3 feet back from the property
20 line, they could.

21 MR. SHARMA: Then there is a
22 limitation as to what size, how many
23 windows and what kind of windows they can
24 have.

25 CHAIRMAN MAGUN: I just

1 Proceedings

2 want to raise that because it is a pretty
3 big wall without a single window.

4 MS. GRIFFIN: The addition
5 is set back 3 feet so we can put windows
6 here. But I have another project like
7 this, and I am searching for a solution to
8 see if there might be a glass material.
9 You can't open a window, but it might be
10 interesting to see if we can find a
11 material.

12 MR. SHARMA: There cannot
13 be any openings. If you make an opening
14 and block it up with some kind of rated
15 material, which is like a wall, but let
16 some light perhaps in, not air, only the
17 light, then that may be --

18 MS. GRIFFIN: I'd like the
19 building to be attractive. So this is
20 another challenge that I have to look at,
21 either working with different textures or
22 somehow make this so it is interesting.

23 CHAIRMAN MAGUN: The other
24 comment I'll make is I was -- I'm very
25 happy that you removed the parking from

1 Proceedings
2 the front of the house. Personally I
3 didn't think it was a great idea when I
4 looked at it. I think it is somewhat of a
5 wash, because you have to make a curb cut.
6 You lose parking in front where the curb
7 cut is. So in some ways it is sort of a
8 wash in my mind. A car that can park
9 right in front of the house can't park
10 there if there is a curb cut, so that
11 doesn't bother me at all.

12 Aesthetically to have green space
13 in front of the house is nicer than having
14 the paved, even if you are making
15 attractive pavers. I don't have a problem
16 also with the two car parking as opposed
17 to four car spaces personally, just given
18 the neighborhood, the issues, the space.

19 But it is all -- it is all very
20 contingent on access to Ridge Street, and
21 obviously I think we all understand that.
22 And that is somewhat ambiguous at this
23 point. Again, we can leave that up in the
24 air. I thought Mr. Capiano's point is a
25 good one. I drove back -- I was on Ridge

1 Proceedings
2 Street many times when we were doing
3 another building there, and I could barely
4 turn the darn car around. And now you can
5 turn around where he is -- where the
6 turnaround exists. And I tend to think
7 that what he is saying is an important
8 point, because adding parking spaces in
9 that area might make it much more
10 difficult to turn around.

11 MS. GRIFFIN: He has one
12 opinion. We have other people that feel
13 that doesn't work. There is usually a
14 dumpster in there. It is not easy to get
15 in. That's why.

16 And plus there is a Ridge Street
17 report, and there is a diagram that is
18 exactly like the hammerhead turnaround we
19 are providing. We looked at it before,
20 and a lot of thought was put into that.
21 There were planning members involved. So
22 we started the project by looking at that
23 report to see if the village might be
24 interested in involving, actually having
25 somebody follow-through on that idea.

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2 CHAIRMAN MAGUN: Maybe we
3 can hear from some of the other board
4 members. Then you can sort of respond to
5 all issues and help us. Go ahead.
6 Anybody else?

7 MR. MURPHY: On the
8 parking, just so I understand, you know,
9 the applicants originally proposed four
10 spaces in compliance with the code. The
11 planning board says -- the planning
12 board's discussion and recommendation,
13 they eliminated the two in the front,
14 which I agree with you. I think it is a
15 good idea.

16 The building is set back almost 35
17 feet off Warburton, which I think
18 diminishes some of the view impact. But
19 then you go to the parking in the back on
20 Ridge Street, it seems to me for tonight
21 we have to assume there is no off-street
22 parking, because that's very contingent on
23 the whole plan being --

24 CHAIRMAN MAGUN: Or if we
25 wanted to, we could make everything

1 Proceedings

2 contingent on there being access to the
3 house from the back.

4 MR. MURPHY: Okay. I'm not
5 saying we should or shouldn't do that to
6 point out I understand there is no
7 guaranty there is going to be any
8 off-street parking. Right. So that is an
9 issue. But on the other hand, I do find
10 the comparison of all the surrounding
11 buildings in the neighborhood very
12 helpful, because none of them have
13 off-street parking. Some of them have
14 eight dwelling units. I assume there is
15 at least one bedroom in the eight dwelling
16 units, maybe more. We are talking about
17 six bedrooms in two dwelling units. Some
18 of them have off-street parking.

19 MR. MURPHY: Very few.

20 MS. FURMAN: Are you saying
21 that --

22 MR. MURPHY: We are making
23 a bad problem worse.

24 MS. FURMAN: I was hoping
25 you weren't saying it already exists so we

1 Proceedings

2 can --

3 MR. MURPHY: Well, no. But
4 on the other hand, you try to be fair too.
5 This is clear they are making a bad
6 problem worse, and it seems to me having
7 at least two spaces in the back of Ridge
8 Street, turnaround is preferable and an
9 important contingency that we may want to
10 make part of an approval.

11 MS. FURMAN: I agree.
12 Anything would be contingent on the
13 parking with that in the back.

14 MR. MURPHY: In terms of --
15 did you know the view preservation -- I
16 guess, you know, it is clearly impacted to
17 some degree by the scale of the three and
18 a half stories. On the other hand, the
19 height is well within code. It is
20 certainly not less high than the neighbors
21 at 431.

22 CHAIRMAN MAGUN: I agree.
23 I wanted to raise it so we realized it.

24 MR. MURPHY: We are all
25 concerned about view preservation. I'm

1 Proceedings
2 more concerned about the two-story bay
3 window that cuts off the natural view of
4 the alley that is there now, which I asked
5 Christina about how wide that space was.
6 From my mind that is the only real
7 potential issue in view preservation. I
8 don't know how other members feel about
9 that, but --

10 CHAIRMAN MAGUN: How far
11 does that jut out?

12 MR. MURPHY: Two feet. But
13 other than that, the side yard setbacks,
14 they are what they are. It is just that's
15 an impossible problem. I think you have
16 to grant those variances under these
17 conditions given the neighborhood.

18 I do want to understand before
19 we -- if we vote on the building height
20 variance, I still don't understand what
21 the height is that we are going to
22 approve, and I think we need to pick a
23 number that we think will do the job if
24 that is what we're going to do.
25 Obviously --

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2 CHAIRMAN MAGUN: That's
3 absolutely correct. And I think as I read
4 for the published number of 29.9 feet,
5 that is probably not correct.

6 MR. MURPHY: That number is
7 not right. We know it is more than that.
8 We know it is less than 35. Christina, if
9 you could, while we are having this
10 discussion, add the numbers up for the
11 best total height.

12 MS. GRIFFIN: I reviewed
13 this with Deven. It is not easy because
14 there is a drop in the back. It looks
15 like the average from the average grade, I
16 don't think this is very clear
17 graphically, but it is 29.9 feet virtually
18 taken at a point perpendicular to the
19 upper grade. And we brought it to the
20 high point here, and then actually if you
21 take that dimension to here, it is
22 actually less than 29. So maybe --

23 CHAIRMAN MAGUN: It is at
24 that point where you are now that is maybe
25 the highest elevation. Marianne had

1 Proceedings

2 raised that.

3 MR. SHARMA: Can I explain
4 something? The height, the way it is
5 described in the code is by making a
6 vertical line between the two planes, the
7 finished plane. It is wrong. It is
8 perpendicular. So this way the vertical
9 height ends up being more than whatever
10 distance between the two parallel lines.
11 So that is how she scaled it. When you
12 scale it, it would be depending on the two
13 parallel lines.

14 CHAIRMAN MAGUN: I'm not
15 sure I understood.

16 MR. MURPHY: At this point
17 I have heard enough discussion. I just
18 want a number that we are voting on.

19 MS. GRIFFIN: If you want to
20 look at the worst case, why don't we give
21 it to you?

22 MR. MURPHY: Give us the
23 worst case number. Deven, if you could
24 check that. That's all I need to know.

25 MR. SHARMA: The grade is

1 Proceedings

2 for the number of stories not so much the

3 height.

4 CHAIRMAN MAGUN: Well, no,

5 there is maximum height of 35 feet.

6 MR. SHARMA: We are saying

7 we are below that.

8 CHAIRMAN MAGUN: I'm not

9 sure.

10 MS. GRIFFIN: This is 33.5,

11 I think.

12 MR. SHARMA: Do you want my

13 scale?

14 MR. MURPHY: Why don't we

15 continue our discussion? Deven, if you

16 could work with Christina there and get us

17 a number that we can use, I'd appreciate

18 it.

19 CHAIRMAN MAGUN: You know,

20 Denise raised a point. While they are

21 doing this, I think we should at least

22 think about it, and that is why we have

23 to -- the point about having no windows on

24 the side unless the house was moved in 3

25 feet.

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2 MR. MURPHY: Well, no, that
3 is the obvious answer. You can't move it.
4 Then you have to -- if you want to keep it
5 the same footprint, move it 3 feet over,
6 then the other side is less than six feet.
7 So you are still less than three feet on
8 the other side.

9 CHAIRMAN MAGUN: I'm sort
10 of -- I'm really -- I must say I'm really
11 troubled by that, that solid huge wall.
12 Enough so when I looked at the drawing I
13 didn't think that was an elevation.

14 MR. MURPHY: What is weird
15 is that almost every other building on the
16 block has one side that has zero points,
17 but they have windows because --

18 MS. FURMAN: They are old
19 code. That is the problem of updating the
20 codes.

21 MR. MURPHY: Yes, it is. So
22 on the other hand, part of the benefit of
23 this project is that the neighbors are all
24 in favor of is you are improving the
25 building, and you are improving the

1 Proceedings

2 quality of the building in the
3 neighborhood. But you can't put --

4 MS. GRIFFIN: 32 feet.

5 CHAIRMAN MAGUN: Okay. Can
6 you explain that to us?

7 MS. GRIFFIN: We measured a
8 line -- it is supposed to be measured
9 perpendicular to the grade. We are going
10 through the -- you are supposed to measure
11 the line parallel to the grade. So let's
12 take it from the lowest point, and it is
13 supposed to be perpendicular, right. That
14 is what the code says. So if you measure
15 it perpendicular, we will draw a line
16 parallel to the grade, and it is that
17 distance. So we have 2 -- 30 feet. 32.

18 MR. DEITZ: Suppose you
19 measure it on a plumb line. What would it
20 be then?

21 MR. SHARMA: It would be 33.

22 MS. GRIFFIN: Plumb is 33.5
23 feet.

24 MR. DEITZ: It is still
25 under 35.

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2 MS. GRIFFIN: Yes.

3 MR. DEITZ: It seems to me
4 it is the plumb line height that would
5 interfere with the view.

6 MR. MURPHY: Yes, except it
7 is well down the grade. It is not going
8 to impact it at all, not at that point.

9 MR. DEITZ: In this case.

10 MR. MURPHY: Yes.

11 MS. GRIFFIN: It is just
12 slightly above the building now to get
13 that 8 foot ceiling.

14 CHAIRMAN MAGUN: Okay. Any
15 other questions before we hear from Peter
16 in terms of some of the issues we raised?
17 Maybe you want to respond to some things
18 that we had concerns.

19 MR. WOLF: Okay. The first
20 thing is with regard to the number of
21 bedrooms that Mr. Metzger raised, we
22 really don't know how many bedrooms, but
23 there were -- it was a series of five
24 rooms and so at minimum one would have two
25 bedrooms. So it was basically going from

1 Proceedings

2 wide. So that the turnaround is a lot
3 easier to make.

4 Also, notwithstanding the vigilance
5 of the Hastings police, we have heard
6 complaints and have seen cars parked
7 opposite that turnaround that makes it
8 virtually impossible if there are --
9 especially if there is more than one car
10 parked there.

11 The other thing I wanted to bring
12 out was I know a lot of people are talking
13 about the size of the project or the
14 height of the building. But you know, it
15 still remains the dwarf in the area. If
16 you just look across the street, you
17 approved four stories and 40 feet. And,
18 you know, this is not only under the 35
19 feet, but it is, as I mentioned earlier,
20 it is at least 6 feet less because being
21 recessed and on that slope, it starts 6
22 feet down. So the impact is minimal.

23 And I just wanted to reiterate also
24 that both on the site plan and on the view
25 preservation and on the Ridge Street

1 Proceedings

2 extension, we received unanimous approval
3 from the planning board.

4 And the last item I want to mention
5 was that in terms of Ridge Street and the
6 extension, we first got positive feedback
7 from the planning board. We then went to
8 the board of trustees. We got, again, a
9 favorable impression. They want us to go
10 back to the planning board. The planning
11 board voted unanimously in favor of
12 recommending a Ridge Street extension.

13 We were also asked to go to the
14 safety council. We made a presentation
15 there, and we understand that they have
16 written to the village manager that they
17 have absolutely no objection to having
18 Ridge Street extension. Christina may
19 have one or two other things.

20 MS. FURMAN: Can I ask a
21 question about the zoning board
22 application package?

23 MR. WOLF: Sure.

24 MS. FURMAN: There is -- I
25 think this is why I was confused in the

1 Proceedings
2 beginning about not knowing how to
3 understand the scope of the work you were
4 doing. When you estimate the cost of
5 doing the work for the project, what -- is
6 that an estimate based on everything that
7 you have shown us here?

8 MS. GRIFFIN: That estimate
9 was for the building.

10 MS. FURMAN: For everything,
11 for the excavation of the building,
12 everything?

13 MS. GRIFFIN: I think right
14 now it is an estimate for the building
15 itself, because we weren't sure if we were
16 going to do Ridge Street.

17 MS. FURMAN: Right. I'm not
18 talking about the cost for doing the
19 street. I'm talking about the cost that
20 is put in this application is what you
21 think is a realistic budget for doing this
22 whole project?

23 MS. GRIFFIN: No. I put
24 that in early on. I think we are going to
25 have to increase it.

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2 CHAIRMAN MAGUN: Can you be
3 more specific, Denise?

4 MS. FURMAN: Yes. I don't
5 know if it is germane to the request for a
6 variance. But part of my concern, lots of
7 times with these applications is there is
8 a part on it that nobody ever answers
9 which asks about the history of variances
10 on the project on the premises. No one
11 ever answers that question. You know.

12 CHAIRMAN MAGUN: Frequently
13 because they don't know.

14 MS. FURMAN: Right, right.
15 But, you know, the question is there. It
16 should be answered or it shouldn't be
17 there. But then my question also is with
18 the budget that was put in for the
19 project, because this is quite a large
20 project. I'm not even talking about Ridge
21 Street but the house. And I was just
22 surprised at that number there, and I was
23 wondering.

24 MR. WOLF: Well, the number
25 was at the outset. To tell you the truth,

1 Proceedings
2 we've gone back and forth several times
3 with Mr. Kennedy which has increased the
4 cost of the project a lot. And also what
5 we have done is we have not included the
6 Ridge Street part of it, because we did
7 not have that approval yet.

8 MS. FURMAN: Talking about
9 the street, when you say the street,
10 Ridge?

11 MR. WOLF: It is not only
12 that, but it's -- you know, there is the
13 construction of the turnaround. There is
14 the construction of the parking places,
15 the retaining walls that have to go in.
16 It is quite a substantial undertaking.

17 MS. FURMAN: Thank you.

18 MR. SHARMA: Normally you
19 would never see that, because what happens
20 in this case the building permit
21 application got obscured and the building
22 permit application is based on it. We
23 asked for that number. It is a reasonable
24 challenge, but normally it is not a
25 question. It is not a part of the zoning

1 Proceedings
2 application, the question and that answer.

3 MS. GRIFFIN: I have one
4 statement to make. I have been in
5 Hastings 25 years, and I remember Ridge
6 Street before the townhouses were built
7 and before all the other houses. There
8 was a house across the street. And I
9 remember the people with shopping carts
10 used to go down there.

11 And I've been doing a lot of other
12 houses in my own practice, and I was on
13 the board for Habitats for Humanity. I
14 did the first house in Westchester. And
15 really I'm always interested in seeing
16 neighborhoods improve.

17 When you have an excess of rentals
18 and absentee landlords, there is some
19 Section 8 housing, you know, and you don't
20 have enough home ownership, it actually is
21 not very healthy for the neighborhood.
22 And I saw how Ridge Street turned around.
23 I think part of the reason is it got home
24 owners there that really care and are
25 taking care of the properties.

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2 And Warburton, I'm afraid, there
3 are, you know, a lot of properties that
4 may not be as dilapidated as this but some
5 of them are in pretty bad shape. Once you
6 actually attract -- make the units so they
7 attract a young family instead of people
8 that are just coming and going rentals, I
9 think that that is going to help give
10 this -- bring some improvements to this
11 neighborhood.

12 MR. PYCIOR: Christina, is
13 your intent -- you mentioned home
14 ownership. Your intent is to renovate
15 this, build it and sell it or have you
16 planned to rent it and be absentee
17 landlords?

18 MR. WOLF: The answer is
19 that we intend to have -- well, we do
20 intend to sell at least the bottom unit.
21 We are actually contemplating coming back
22 down. We haven't made that decision yet.

23 MS. GRIFFIN: Our kids are
24 in college. We decided to take on the
25 project. I would like to be part of

1 Proceedings
2 improving this neighborhood. I feel I
3 know it well. You know, eventually we may
4 downscale. We don't know when. We also
5 didn't know how far we would go with this
6 project, whether we would end up doing
7 this or just simply renovating the
8 building or maybe selling it again.

9 CHAIRMAN MAGUN: I have a
10 technical question again on drawing A-4.
11 The west elevation drawing, can you go to
12 that for a second? On the upper left, so
13 on the drawing that I have, there is one
14 two, three, four, five stories.

15 MS. GRIFFIN: This piece,
16 this is -- this piece that is way in front
17 of the building?

18 CHAIRMAN MAGUN: I want to
19 make sure I understood that.

20 MS. GRIFFIN: I showed it in
21 A very faint way. This is 150 square
22 feet. It is ten by fifteen.

23 CHAIRMAN MAGUN: That
24 story, the roof level half story on the
25 west elevation, is all the way in the

1 Proceedings

2 front, right?

3 MS. GRIFFIN: Yes. This
4 is -- if you look in the back, if you walk
5 in back of these properties along Ridge,
6 you will see that many of the Warburton
7 houses are buildings of four or five
8 stories high.

9 CHAIRMAN MAGUN: I
10 understand. So I can't see on your
11 drawing. What I see on my drawing here is
12 this fifth story called roof level half
13 story. That is in front of the house?

14 MS. GRIFFIN: Yes.

15 CHAIRMAN MAGUN: I just
16 wanted to clarify that. Any other
17 questions? Yes, sir.

18 MR. METZGER: Jim Metzger
19 again. I just wanted to speak in favor of
20 allowing the variance or allowing the view
21 preservation requirement that they are
22 going for. The reason I'm asking you to
23 consider that in a favorable light because
24 this building is set back from the street.
25 It really only affects the housing that is

1 Proceedings

2 you.

3 CHAIRMAN MAGUN: Thank you.

4 That is helpful. Any other questions or

5 comments from the board?

6 MR. MURPHY: Yes. Just as

7 a point of clarification, so if I

8 understand this correctly, No. 3 is off

9 the table now? That was for the parking

10 on the Warburton side.

11 CHAIRMAN MAGUN: No. 3

12 would have to be amended. They are

13 proposing two spaces on some --

14 MR. MURPHY: What includes

15 the Ridge Street side?

16 CHAIRMAN MAGUN: Yes.

17 MR. MURPHY: We do need

18 three and four for two spaces, which would

19 be our contingency.

20 CHAIRMAN MAGUN: Correct.

21 MS. STECICH: And for

22 parking in the required yard.

23 MR. MURPHY: Okay.

24 CHAIRMAN MAGUN: I'm still

25 hung up on this south elevation of this

1 Proceedings

2 large expanse of no windows. Am I the
3 only one hung up on this?

4 MR. MURPHY: No. It is
5 troublesome. There has to be a better
6 solution. This is a major improvement in
7 the building in the neighborhood. The
8 whole rationale for approving this is
9 because it is an improvement. It is a
10 great improvement in the character of the
11 neighborhood, the quality of the building.
12 How can we not -- isn't there a way to get
13 windows?

14 MS. FURMAN: You have some
15 3-D drawings up there. Can you show us
16 where one would be or even with the
17 photographs down there to have the view of
18 this wall with no windows? Who will be
19 seeing that?

20 CHAIRMAN MAGUN: Everyone
21 on Mr. Kennedy's building. Everyone is
22 going to see that big solid wall.

23 MS. FURMAN: Go back one
24 page. There is an aerial view.

25 MS. GRIFFIN: Here it is. I

1 Proceedings
2 would love to put something in this wall,
3 but I don't have the answer tonight. You
4 know.

5 MR. PYCIOR: Have you
6 thought of stepping more the back 3 feet,
7 not simply the new addition but stepping
8 half of the existing building 3 feet back
9 then you put windows 3 feet --

10 MS. GRIFFIN: The building
11 is only 18 feet wide. It is really hard
12 to get like a corridor and a room. The
13 rooms are only 9 feet wide as it is. So
14 that's why I didn't step back. But I can
15 step this one back. It is a full room and
16 another corridor.

17 CHAIRMAN MAGUN: You can
18 move the whole building over.

19 MS. GRIFFIN: I'm exploring
20 for another project a type of glass we
21 might be able to use. I just don't know
22 for sure tonight, and I'd like to see if
23 we can do something here that might meet
24 New York State code.

25 MR. SHARMA: Can I say

1 Proceedings
2 something? On 45 Main Street a building
3 there, the wall that is between, they had
4 proposed windows, and they were looking
5 for a variance from the New York State.
6 They didn't get the variance. So they put
7 fake windows there, something that looks
8 like windows but they are not really
9 windows. Would something like that work
10 here?

11 MS. GRIFFIN: It has a wall
12 behind it, though.

13 MR. SHARMA: It looks like a
14 three dimensional window. It is not
15 really a window.

16 CHAIRMAN MAGUN: Well, I'm
17 just trying -- usually I don't get hung up
18 on aesthetics, because I don't consider
19 myself very good at that. I'm troubled by
20 it.

21 MS. GRIFFIN: I'd be happy
22 to. I would like to address that. I feel
23 like this is -- this has to be refined.
24 And at some point you have to decide how
25 much -- we put a lot of research and

1 Proceedings
2 analysis in this, but at some point you
3 need to know, Well, how much are we going
4 to do before we go to the next step. So I
5 would like very much to address that and
6 really would love to come up with a
7 solution. It is really important to me
8 what this looks like, and I will address
9 that. I just don't have the answers
10 tonight. It is a challenge to any
11 architect, this code.

12 CHAIRMAN MAGUN: Any other
13 questions or comments? All right. So
14 let's try to frame up what it is we
15 actually need to vote on tonight, because
16 it looks like the board is prepared to
17 vote. First view preservation or last, we
18 can do that one way or the other, then
19 each side yard. So that would be variance
20 No. 1. The building height which we have
21 now determined to be 32.

22 MS. FURMAN: I'm sorry. Can
23 I go back a second? What happens to this
24 whole floor plan if you don't add that
25 third floor on the top? What does that

1 Proceedings

2 do?

3 MR. WOLF: A lot.

4 CHAIRMAN MAGUN: When you
5 say the third floor, the front of the
6 house.

7 MS. FURMAN: The front third
8 floor, the one with the view preservation,
9 you look, you will see this thing, right?

10 MR. WOLF: It does a lot.
11 I'll tell you why. It is -- you know, we
12 are standing here and we are sort of doing
13 this trying to envision what is really
14 there. But if you do envision what is
15 there, you have a building which is the
16 smallest building on the block. It is
17 also recessed which makes it even smaller
18 in height than it would.

19 We have put this third floor in for
20 a variety of reasons, one of which is
21 aesthetic in terms of the street itself,
22 because being the smallest building, it
23 really looks like, you know, a bump. This
24 sort of adds a lot of continuity to it.

25 The second thing is that even with that,

1 Proceedings

2 it is still, in terms of height, the
3 shortest building there.

4 The reason that we also want it, of
5 course, is because, you know, I was
6 involved in doing the waterfront festival.
7 And this was some ten years ago, and the
8 slogan that I really want -- we couldn't
9 have it but the slogan I really wanted is
10 "It is the river, stupid," because what
11 you really want is that river view.

12 What we are trying to do with that
13 is even though we scaled it back, we have
14 tried to make it sort of like a small
15 sunroom and a little terrace so the people
16 on the top unit can actually go up and
17 enjoy the Hudson River view that everybody
18 else on the west side of Warburton Avenue
19 enjoys.

20 MS. FURMAN: Is there going
21 to be access to their roof? Is there a
22 flat roof, the top one?

23 CHAIRMAN MAGUN: No. She
24 means above the third story.

25 MR. WOLF: No, no. You come

1 Proceedings

2 up a staircase. You are in like a little
3 sunroom with a small terrace. That's it.

4 MS. FURMAN: Not above.

5 MR. WOLF: Right. The last
6 thing I would like to bring about is that,
7 you know, if you go down there now, it is
8 the smallest building and it is dwarfed.
9 Wait until you have a four-story building
10 that is 40 feet high with a zero lot line
11 right across the street. It is really
12 going to be out of proportion then. So
13 those are a lot of the reasons why you
14 want to have it there.

15 MS. FURMAN: Thank you.

16 CHAIRMAN MAGUN: Denise has
17 brought that up. I want to ask one other
18 question. As you look at the aerial view
19 of the house, one realizes you have this
20 huge flat roof, pretty big flat roof.
21 Just from an architectural or engineering,
22 I mean, flat roofs are very difficult to
23 deal with in terms of snow and weight. Is
24 that going to work okay?

25 MS. GRIFFIN: Actually --

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2 CHAIRMAN MAGUN: Doesn't
3 slope at all?

4 MS. GRIFFIN: Of course,
5 there is going to be about half inch per
6 slope, very gentle slope, but that's the
7 type of roof we used on the Ridge Street
8 townhouses. I think the technology has
9 improved, but almost all the buildings
10 with a flat roof, a lot of them have
11 bullheads. Going down past Food Emporium,
12 you see the little staircases going up,
13 because you should have access. It is a
14 lot of roof.

15 I did this for practical purposes.
16 It is nice to have a stair go up there, if
17 you want to get a ladder to go up to the
18 little roof on top. But I don't have any
19 qualms of being -- most of the buildings
20 in the downtown have a flat roof material,
21 modified Benchman (ph) or EPDM rubber
22 roofing.

23 CHAIRMAN MAGUN: What is to
24 prevent -- you have this little gate. You
25 are enclosing in what you call a deck.

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2 That deck is essentially the same level as
3 the whole rest of the roof. So what
4 prevents somebody from just deciding to --

5 MS. GRIFFIN: It is a safety
6 hazard. We agreed with the neighbor. You
7 know what, we saw his view from his deck.
8 It is really panoramic. And if we have
9 railing it is going to be -- even though
10 we are going to do cable rail stainless
11 steel railing, you can hardly see it, it
12 affects his view. We agreed to make it a
13 small deck like a crow's nest up there.
14 Even though he sees this flat expanse of
15 roof, that's what he sees now, but you can
16 see over that. You can see the river.

17 CHAIRMAN MAGUN: So we are
18 discussing the variances.

19 MR. KENNEDY: May I say
20 something? Bill Kennedy, 431 Warburton
21 again. In regards to that flat roof, I
22 want there to be some type of contingency
23 that nothing could be expanded on to that
24 because that is -- I didn't want this
25 brand new building to be blocking my view.

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2 This is a very, very important thing for
3 me.

4 I bought this house and renovated
5 it because that's how it was. And it had
6 lots to do with the view. If they were
7 allowed to have that deck increase it
8 would -- it would significantly lower the
9 value of my house to me, just so that it
10 could really significantly increase the
11 value of their house for when they resell.
12 So I don't think that I should suffer a
13 financial loss or even a personal loss so
14 that they can have a financial gain. And
15 I just want to make sure that that
16 doesn't --

17 CHAIRMAN MAGUN: When you
18 saw the plans as we went over a few
19 minutes ago, were you happy? Did you
20 think that worked okay for you? Are you
21 not clear?

22 MR. KENNEDY: I have agreed
23 with some stuff. I'm really not happy
24 with the roof, the whole roof floor,
25 because it blocks -- I had a view of

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2 Warburton Avenue from my deck which I

3 won't, which I didn't think about that

4 going to the planning board meeting. I

5 mean --

6 MR. MURPHY: They modified

7 the plan to accommodate your concern and

8 protect your view.

9 MR. KENNEDY: To protect my

10 view of the river.

11 CHAIRMAN MAGUN: Well, the

12 view towards the street is not part of a

13 view preservation. I understand when

14 there is any type -- somebody builds a

15 house on a piece of property, everybody's

16 views are affected.

17 MR. KENNEDY: Members of my

18 family, I have a private deck. My bedroom

19 is right there. Now all of a sudden they

20 have set back. It is 10 feet away from my

21 bedroom. I have twin French glass doors

22 looking out to the roof and river, and

23 anyone on the deck can look into my

24 bedroom. And that is just a concern. But

25 I went along for the view preservation. I

1 Proceedings

2 mean, I didn't argue against it.

3 CHAIRMAN MAGUN: It is
4 important you make your point to us
5 clearly. You don't have to argue with
6 anybody. You have to make your point to
7 us so we understand what your concerns
8 are, because that impacts on how we will
9 vote.

10 MR. KENNEDY: My main
11 concern, I don't like the idea of people
12 being up on that level. There has never
13 been and I can --

14 CHAIRMAN MAGUN: You are up
15 on that level.

16 MR. KENNEDY: I am up on
17 that level. Maybe it's agreed.

18 CHAIRMAN MAGUN: Why
19 couldn't the next-door neighbor be on the
20 same level as you?

21 MR. KENNEDY: But it's a
22 privacy issue. I like the idea of having
23 the fake windows on the house because my
24 whole right there, I don't like the idea
25 of having giant windows looking down on my

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2 pool.

3 MR. MURPHY: The only issue
4 we have to do is the view preservation of
5 the river. They accommodated you, right?

6 MR. KENNEDY: Yes.

7 MR. MURPHY: I want to make
8 sure that that's clear. That is the only
9 view we are talking about.

10 MR. KENNEDY: But he -- the
11 other question was about my whole feeling
12 about it. And like I said, I wasn't --

13 CHAIRMAN MAGUN: I think
14 that's fine. We have to take that into
15 consideration, you know, the benefit to
16 the community and the applicant versus the
17 detriment to the neighbors.

18 MR. KENNEDY: I understand
19 that, you know, the progress has to be
20 made. I did a huge renovation on my
21 property too. You know.

22 CHAIRMAN MAGUN: Thank you.
23 This third -- so the building height we
24 have determined to be 32. And we are all
25 happy with that as a real number. And the

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2 stories are three and a half.

3 MR. SHARMA: Correct.

4 CHAIRMAN MAGUN: Now we get
5 to three and four. So the applicant has
6 revised the application so they are no
7 longer proposing three spaces on 490
8 square feet. They are proposing two
9 spaces on a different amount of square
10 footage which we don't really know.

11 MS. STECICH: What is the
12 square footage of the parking area?

13 CHAIRMAN MAGUN: In the
14 front if you could subtract that.

15 MS. GRIFFIN: Of what?

16 MS. STECICH: On Ridge
17 Street, the parking area on Ridge Street,
18 what is the size of it?

19 MS. GRIFFIN: 400 square
20 feet.

21 MR. SHARMA: Would that
22 include the turnaround area?

23 MS. GRIFFIN: No. That's
24 the parking area on this property. That's
25 the parking area on the property.

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2 MR. SHARMA: Marianne, also
3 the parking area is going to be glass
4 block.

5 MS. STECICH: But it is
6 still not -- I mean the board could take
7 into consideration in terms of whether
8 they want to allow paving in it, but it is
9 still paving. Even though it is called
10 grasscrete, it is not grass.

11 CHAIRMAN MAGUN: On the
12 back.

13 MS. STECICH: Yes.

14 CHAIRMAN MAGUN: In front,
15 so we are clear on your new design, what
16 used to be paving is now going to be
17 grass?

18 MS. GRIFFIN: Yes. It is
19 just a path running through, similar to
20 what is there now.

21 CHAIRMAN MAGUN: And then
22 variance No. 4, off-street parking
23 existing none, proposed two spaces
24 required four spaces. Now, I would make a
25 comment that in thinking about this, that

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2 if I were going to vote on these
3 variances, I would suggest to the board
4 that maybe we contingent all of them on
5 Ridge Street access, not just three and
6 four. But that I mean, you don't have to
7 do it that way.

8 MS. FURMAN: I think that is
9 what we envisioned, some of us. Yes.

10 CHAIRMAN MAGUN: So without
11 parking they wouldn't be able to go ahead
12 with the --

13 MR. MURPHY: That affects
14 the whole -- yes, that affects the whole
15 thing.

16 CHAIRMAN MAGUN: And it
17 would be somewhat up to the village to
18 determine how -- what parking would occur
19 on Ridge Street itself. That is not
20 something that we can determine or should
21 try to determine right now. Is that -- do
22 you understand what I'm saying?

23 MR. WOLF: I did.

24 CHAIRMAN MAGUN: Okay. So
25 David, are you comfortable with that?

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2 MR. DEITZ: Yes, fine.

3 CHAIRMAN MAGUN: Okay. Any
4 other questions or comments? Issues
5 before we vote? Okay. So shall we do the
6 preservation first? Does anybody have
7 feelings on that?

8 MR. MURPHY: Well,
9 Marianne, just in terms of the mechanics,
10 should we state that all of the following
11 variances, votes on variances, are
12 contingent upon the approval? Can we do
13 that first?

14 MS. FURMAN: Even the view
15 preservation?

16 MR. MURPHY: Not view
17 preservation.

18 MS. STECICH: Why don't you
19 vote on view preservation first?

20 CHAIRMAN MAGUN: Is there a
21 motion with regards to approval of view
22 preservation for the project as described
23 in the revised applications submitted to
24 us for the first time tonight but that we
25 have discussed in detail?

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2 MS. FURMAN: So moved.

3 CHAIRMAN MAGUN: Is there a
4 second?

5 MR. MURPHY: I'll second.

6 CHAIRMAN MAGUN: All in
7 favor?

8 MR. PYCIOR: Aye.

9 MR. MURPHY: Aye.

10 MS. FURMAN: Aye.

11 MR. DEITZ: Aye.

12 CHAIRMAN MAGUN: That
13 passes unanimously. Then we have the
14 variances. I think we can go one, two,
15 three, four. The first one is for each
16 side yard. I think we can do the side
17 yards, do that as one, in other words, two
18 side yards together, unless someone feels
19 we shouldn't do it that way. Is there a
20 motion with regards to the side yard
21 variances?

22 MR. MURPHY: Well, here we
23 should put the contingency.

24 CHAIRMAN MAGUN: Right.

25 MR. MURPHY: So let me try

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2 and say this then. Marianne can correct
3 me if I'm wrong. We will vote on the
4 following variance contingent on the
5 approval of the Ridge Street turnaround
6 by the village board of trustees.

7 MS. FURMAN: And provision
8 of what number of on-street parking
9 spaces? It is not just the turnaround.

10 CHAIRMAN MAGUN: It is not
11 the turnaround; it is the extension of
12 Ridge Street with access to the proposed
13 two parking space areas --

14 MR. MURPHY: Right.

15 CHAIRMAN MAGUN: -- on the
16 applicant's property.

17 MS. FURMAN: Wait now. I'm
18 confused. Right, right.

19 MS. STECICH: There are two
20 different -- there are two different
21 things you are talking about. One, and I
22 think everybody agrees that each one of
23 these variances, one, two, three, four,
24 should be contingent on the improvement of
25 Ridge Street as the improvement of Ridge

1 Proceedings
2 Street including the turnaround. The
3 Griffin/Wolf property should be subject to
4 that happening.

5 And the second question, and I
6 think there may be disagreement on the
7 board on this, should it also be
8 contingent on additional parking spaces
9 being permitted on Ridge Street because of
10 this improvement of Ridge Street. I
11 think --

12 MS. FURMAN: I support the
13 second part of that motion.

14 CHAIRMAN MAGUN: Let's
15 discuss that for a minute. I think -- I'm
16 glad you articulated it that way. You
17 support it in the sense if the village
18 were not to allow parking on Ridge Street
19 that -- why don't you articulate what you
20 are saying?

21 MS. FURMAN: What we are
22 saying, given the diagram we are looking
23 at, which is S-1, S-1 shows that there
24 would be, and I believe the testimony was
25 that there would be a new parking space,

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2 right, Christina? Can you take the
3 microphone?

4 MR. WOLF: If I can
5 interject, what we said is that we believe
6 there are four spaces. But I would like
7 to interject that I'm not sure that this
8 is a zoning board issue. I think that the
9 whole question of the parking places and
10 the configuration of Ridge Street and the
11 easement and so forth is the board of
12 trustees' issue. I think that the first
13 part is perfectly within the purview of
14 the zoning board, because it is contingent
15 on how the property is being used, but I
16 don't think that --

17 CHAIRMAN MAGUN: I think
18 what I would respond is a little of both.
19 I think that our purview is that you need
20 four parking spaces. And if we can figure
21 out how to -- if you can guaranty us four
22 parking spaces, that influences how we
23 would vote on variances.

24 MR. WOLF: I don't have that
25 authority.

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2 CHAIRMAN MAGUN: Correct,
3 you don't. And that's why Marianne
4 brought up the point that the village
5 board needs -- the village, not us, needs
6 to determine who is going to park on Ridge
7 Street. We can still contingently grant
8 the variances on the village agreeing to
9 or not agreeing to. We can contingent it
10 any way we want.

11 MR. MURPHY: Let me make
12 the point. I'm not sure I agree with
13 Denise on the point that we should require
14 additional parking on the Ridge Street
15 extension if it is approved.

16 MS. FURMAN: But what I
17 think I'm trying to say -- maybe Arthur
18 said it -- I want to see there four
19 parking spaces. Where they are is not
20 under our control. But right now we are
21 just talking about two parking spaces
22 right in the back, where it says driveway.
23 But yet the picture and I think what was
24 said was but, Look, we will gain another
25 parking spot on Ridge Street. And I think

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2 if we are adding this many units to a
3 place that already does not have enough
4 parking, and there is -- that it is being
5 sold to us with the understanding that
6 there will be more parking.

7 MR. MURPHY: We understand
8 there might be more parking and there
9 might not be.

10 MR. WOLF: What we are
11 trying to do -- we are not -- there are
12 not any more units.

13 MR. MURPHY: Please let us
14 finish the discussion. My only point is
15 that on Ridge Street off-street parking
16 there is space for two places, for two
17 parking spaces, okay, and that's in the
18 plan.

19 MS. FURMAN: Right.

20 CHAIRMAN MAGUN: The
21 applicant's --

22 MS. FURMAN: On the
23 applicant's parking where it says
24 driveway.

25 MR. MURPHY: We have two

1 Proceedings

2 there. They had originally proposed two
3 in the front. So there is room to do
4 that.

5 What I'm thinking about, what -- I
6 don't know the answer. Mr. Capiano who
7 lives there talked about the problem with
8 ingress and egress on that street even
9 with the turnaround. My only point is
10 when the village considers this, they
11 might decide they don't want to permit on
12 street parking. And so I just want us to
13 be clear are we going to make this
14 contingent on four spaces, because if we
15 are and the village decides, you know,
16 that we really don't want to allow more
17 parking on that part of Ridge Street, the
18 applicant is going to have to come back
19 and say we want to put the two spaces back
20 on the front off of Warburton. And
21 then --

22 CHAIRMAN MAGUN: Those are
23 the issues.

24 MR. MURPHY: Or we just
25 make it contingent on at least two spaces.

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2 I just want to have that. I want to know
3 where people -- it seems to me that's
4 what -- that's how this would play out.

5 CHAIRMAN MAGUN: Also, I
6 would remind us again without that curb
7 cut in front, we do gain a parking space.
8 It is there now. It is not really a gain.

9 MS. FURMAN: You just didn't
10 lose.

11 CHAIRMAN MAGUN: Right.

12 MR. MURPHY: The next gain
13 is of putting two or four.

14 CHAIRMAN MAGUN: The answer
15 will depend on your feeling how critical
16 having four parking spaces is versus two
17 parking spaces. If someone feels really
18 strongly about that, if we are going to
19 add this kind of construction, we have to
20 have parking spaces, I think it is a real
21 problem.

22 MS. STECICH: It is also --
23 bear in mind at the moment there are no
24 parking spaces. And if they want to
25 completely rebuild this house and just

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2 rent it out the way it is, they still
3 wouldn't have to provide parking spaces.
4 I'm not saying it goes one way or the
5 other but just to be fair.

6 MR. MURPHY: My view is
7 that this is a major improvement. What is
8 being proposed is a significant
9 improvement in the character of the
10 building.

11 CHAIRMAN MAGUN: You are
12 happy with two?

13 MR. MURPHY: I would be
14 happy -- given the conditions I would be
15 happy with two, yes.

16 CHAIRMAN MAGUN: I think I
17 would too. I hear what you are saying.

18 MR. PYCIOR: I definitely
19 would also make it contingent on extending
20 Ridge Street, creating the turnaround,
21 providing two off-street parking spaces.

22 CHAIRMAN MAGUN: If the
23 village determines it is safe, they could
24 add more.

25 MR. PYCIOR: Correct.

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2 CHAIRMAN MAGUN: That may
3 not be the case. But I think we would
4 have to work under the assumption that
5 there might only be two at most unless
6 there was --

7 MS. FURMAN: Are they not
8 going to close up the other --

9 CHAIRMAN MAGUN: You mean
10 the turnaround that exists there? I don't
11 know. We have nothing to do with that.

12 MS. FURMAN: Okay, fine.
13 I'll let it go.

14 CHAIRMAN MAGUN: All right.
15 So how do we want to do this then? Let's
16 go back. We are going to contingent all
17 the variances then on the fact that the
18 Ridge Street has to be extended in some
19 fashion paid for by someone to be
20 determined. It is not our issue.

21 MR. MURPHY: Can't we just
22 say we make it contingent on the approval
23 of the Ridge Street extension and
24 turnaround? And then we vote on each
25 variance.

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2 MS. STECICH: Not just the
3 approval, the improvement of Ridge Street
4 as shown on the plans.

5 MR. MURPHY: Okay.

6 MS. STECICH: Because the
7 board can approve it, and it is up in the
8 air about who is going to pay for it. It
9 would be contingent on the improvement of
10 Ridge Street as shown on these plans.

11 CHAIRMAN MAGUN: Okay. So
12 why don't we vote on that and say that we
13 are going to vote on that issue as a
14 contingency for all the variances?

15 MR. MURPHY: Right.

16 CHAIRMAN MAGUN: Does that
17 make sense?

18 MR. MURPHY: Yes.

19 CHAIRMAN MAGUN: Would
20 someone make that motion?

21 MR. MURPHY: Let's start by
22 saying contingent on the actual
23 improvement of the Ridge Street extension
24 and turnaround as shown on the plans
25 presented tonight by the applicant, we

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2 should vote on each of the following four
3 variances. We will start with one.

4 CHAIRMAN MAGUN: Okay,
5 variance one. Would someone make a motion
6 with regards to variance No. 1? Side yard
7 where there is existing and
8 non-conforming, zero on one and five six
9 on the other, applicant is proposing zero
10 on one and 3.5 on the other where eight is
11 required.

12 MR. MURPHY: I'll move to
13 approve the side yard variances as
14 proposed, zero point zero feet on the
15 south and 3.5 feet on the north side, 8
16 feet required on each side.

17 CHAIRMAN MAGUN: Second?

18 MS. FURMAN: I'll second.

19 CHAIRMAN MAGUN: In favor?

20 MR. DEITZ: Aye

21 MS. FURMAN: Aye.

22 CHAIRMAN MAGUN: Aye.

23 MR. PYCIOR: Aye.

24 MR. MURPHY: Aye.

25 MR. SHARMA: Aye.

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2 CHAIRMAN MAGUN: Okay. That
3 passes unanimously.

4 The variance 26.8, the applicant is
5 proposing 32 feet, three and a half
6 stories where 35 feet and two and a half
7 stories is permitted. Is there a motion
8 to approve the variance for building
9 height?

10 MR. MURPHY: Yes. I'll
11 move to approve the request for variance
12 for building height 32 feet proposed three
13 and a half stories proposed 35 feet height
14 permitted with two and a half stories
15 permitted.

16 CHAIRMAN MAGUN: Okay. Is
17 there a second?

18 MS. FURMAN: I'll second
19 that.

20 CHAIRMAN MAGUN: In favor?

21 MS. FURMAN: Aye.

22 CHAIRMAN MAGUN: Okay.

23 MR. MURPHY: Aye.

24 MR. PYCIOR: Aye.

25 MR. SHARMA: Aye.

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2 CHAIRMAN MAGUN: Okay. The
3 third one is parking and paving in
4 required yards. This would mean the
5 applicant is proposing two spaces in the
6 rear of the house adjacent to Ridge Street
7 on approximately 400 square feet of paved
8 area. And again just to emphasize no
9 paving is permitted, is existing now, and
10 none is permitted in the code in a
11 required rear yard setback. So is there a
12 motion to approve that or any questions
13 about that?

14 MR. MURPHY: No. I'll move
15 to approve the parking and paving variance
16 for two spaces on Ridge Street side.

17 MR. DEITZ: Second.

18 CHAIRMAN MAGUN: David,
19 second. In favor?

20 MS. FURMAN: Aye.

21 MR. SHARMA: Aye.

22 MR. PYCIOR: Aye.

23 MR. MURPHY: Aye.

24 CHAIRMAN MAGUN: Passed
25 again unanimously. And finally off-street

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2 parking, existing currently none. The

3 applicant is proposing two and code

4 requires four. Is there a motion to

5 approve the request for two space variance

6 as opposed to four?

7 MR. DEITZ: And proposal

8 for two is on the Ridge Street side.

9 CHAIRMAN MAGUN: Correct.

10 MR. MURPHY: Right. Yes,

11 I'll move to approve the variance for

12 off-street parking. Existing is none.

13 Proposed two spaces on the Ridge Street

14 side.

15 CHAIRMAN MAGUN: Second?

16 MR. DEITZ: I'll second.

17 CHAIRMAN MAGUN: In favor?

18 MR. PYCIOR: Aye.

19 MR. SHARMA: Aye.

20 MR. MURPHY: Aye.

21 CHAIRMAN MAGUN: Against,

22 one?

23 MS. FURMAN: Nay.

24 CHAIRMAN MAGUN: Four to

25 one. That variance is also granted. So

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2 congratulations.

3 All of these variances are
4 contingent, as we pointed out, on access
5 to Ridge Street as we discussed tonight.

6 MR. WOLF: Thank you very
7 much. We appreciate it.

8 CHAIRMAN MAGUN: You're
9 welcome. The next meeting of the board is
10 scheduled for March 22. So that's three
11 weeks from now, not four weeks from now.
12 And with regard to the minutes of the
13 previous meeting, is there a motion to
14 approve the minutes?

15 MS. FURMAN: I make a motion
16 to approve the minutes.

17 CHAIRMAN MAGUN: Second?

18 MR. MURPHY: I'll second.

19 CHAIRMAN MAGUN: In favor?

20 MR. SHARMA: Aye.

21 MR. PYCIOR: Aye.

22 MS. FURMAN: Aye.

23 MR. DEITZ: Aye.

24 CHAIRMAN MAGUN: Aye.

25 Minutes are approved. Is there any other

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business I'm not aware of? Okay. So the
meeting is adjourned.

(Time noted: 10:35 p.m.)

1

2 STATE OF NEW YORK)

3) ss

4 COUNTY OF WESTCHESTER)

5

6

7 I, Nina Purcell, Notary Public within and
8 for the State of New York, do hereby certify:

9

10 That I reported the proceedings in the
11 within entitled matter, and that the within
12 transcript is a true record of said
13 proceedings.

14

15 I further certify that I am not
16 related to any of the parties to the action by
17 blood or marriage, and that I am in no way
18 interested in the outcome of this matter.

19

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 9th day of March, 2007.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

24

25

