

1

2

3

4

5 VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK

6 ZONING BOARD OF APPEALS

7

8

9 Held March 22, 2007 at 8:00 p.m.,

10 Seven Maple Avenue, Hastings-on-Hudson, New

11 York 10706-1497.

12

13 P R E S E N T:

14

Arthur Magun, Chairman

15 David Deitz, Board Member

Stanley Pycior, Board Member

16 Denise Wagner Furman, Board Member

Brian P. Murphy, Board Member

17 Sheldon A. Sorokoff, Alternate Member

18 Deven Sharma, Building Inspector

Marianne Secich, Board Counsel

19

20

21

22

23

24

Nina Purcell, RPR
Shorthand Reporter

25

1 Proceedings

2 CHAIRMAN MAGUN: This is
3 the March 22, 2007 meeting of the zoning
4 board of appeals. Before we proceed with
5 the agenda, I want to make an announcement
6 that two of the cases that were on the
7 agenda are not going to be heard tonight.
8 Case 2-07, Mirjana Alilovic, Euro Deli,
9 that is being adjourned to the next
10 meeting in April. And the last case,
11 Anthony Tarricone/Saw Mill River Road for
12 an opinion from the board regarding the
13 rezoning application, that is also going
14 to be adjourned to the April meeting.

15 So if anyone is here with regards to
16 those two applications, you're welcome to
17 stay, but we are not going to listen to
18 them tonight.

19 Are the mailings in order with
20 regard to the cases that we are going to
21 hear?

22 MR. SHARMA: Yes. I was
23 informed by my office that they are in
24 order.

25 CHAIRMAN MAGUN: Thank you.

1 Proceedings

2 We are going to begin with Case 2-07,
3 Harriet Ackerman, 38 Jefferson Avenue.
4 This is a request for a variance for
5 construction of an open stair and stoop
6 at 38 Jefferson Avenue where currently the
7 existing stairwell or stairs are 25.2 feet
8 and the applicant is proposing 21.2. Is
9 there someone here with regard to that
10 application?

11 MS. ACKERMAN: Yes.

12 CHAIRMAN MAGUN: Okay. So
13 why don't you come to the microphone, tell
14 us your name and address and what it is
15 you want to do and why you are here
16 tonight.

17 MS. SCHNEIDER: Hello. I'm
18 Heike Schneider. I'm an architect and I'm
19 here on behalf of Harriet Ackerman. So
20 basically --

21 CHAIRMAN MAGUN: Are you
22 the architect?

23 MS. SCHNEIDER: Yes.

24 CHAIRMAN MAGUN: What is
25 your business address?

1 Proceedings

2 MS. SCHNEIDER: It is in
3 Yorktown Heights, 535 Croton Heights Road.
4 So basically we are proposing a new
5 staircase because first of all the old one
6 is falling apart. And we would like to
7 turn the downstairs room into a bedroom.
8 In order to do that we need to enlarge the
9 windows. In order to enlarge the window,
10 the staircase cannot be attached to the
11 house front as it is right now. So
12 basically we are proposing to move it off
13 the house front. And, of course, the idea
14 is to give it a lighter look, because I
15 don't know if you've seen the pictures.

16 CHAIRMAN MAGUN: I think
17 everyone has all the pictures. We have
18 probably all seen the house.

19 MS. SCHNEIDER: The idea is
20 to beautify the house at the same time.
21 We are proposing a lighter staircase just
22 to make it nicer also. And, of course, to
23 move it we need to move the staircase away
24 from the front of the house.

25 CHAIRMAN MAGUN: Okay. You

1 Proceedings
2 don't have any drawings with you? I guess
3 we have the drawings.

4 MS. SCHNEIDER: I have the
5 same set you have.

6 CHAIRMAN MAGUN: The same
7 size?

8 MS. SCHNEIDER: I believe
9 so.

10 CHAIRMAN MAGUN: That's all
11 right. Could you just expand a little bit
12 on the -- explain to us a little more how
13 this all came about? What are you
14 changing in the house? What are you
15 changing on the front of the house when
16 you say you have to -- you have to move
17 the stairs away from the house?

18 MS. SCHNEIDER: Basically we
19 are remodeling the basement and the first
20 floor. Now in the basement we just got a
21 variance for this one room to turn it into
22 a bedroom. But in order to do that, we
23 need to enlarge the existing window. And
24 so that's part of the reason why we wanted
25 to move the staircase away from the house.

1 Proceedings

2 The second reason is basically when
3 you are going out, I mean, I have to
4 explain that this staircase is the
5 staircase to the front entrance door. So
6 it is not a behind-the-scenes staircase.
7 It is the main staircase. So it has to be
8 something that looks beautiful and
9 inviting, so that's the main reason.

10 Now, we are designing basically a
11 steel staircase with wood treads so it has
12 to be something that is low maintenance
13 but still functional and beautiful. And
14 part of the reason why it protrudes past
15 the existing house front is that when you
16 first come out on the landing from the
17 entrance door, it makes sense to go down
18 first, because this way the railing, the
19 first railing, is set lower so you can
20 actually have the view on the Hudson
21 which, you know, it's usually not the case
22 if you are coming out on a landing and
23 have to turn right and go down the
24 staircase.

25 So this way we are going down two

1 Proceedings
2 ways, first straight when you go out the
3 entrance door and then you -- it is an
4 L-shaped staircase.

5 CHAIRMAN MAGUN: I guess
6 what I'm trying to understand is why are
7 you pushing -- could you explain what you
8 are doing in the house, why you need
9 bigger windows? You said something about
10 the variance for the basement.

11 MS. SCHNEIDER: Exactly.

12 CHAIRMAN MAGUN: Can you
13 expand on that a little bit?

14 MS. SCHNEIDER: You need --
15 depending on the size of the bedroom, part
16 of the regulations, the requirements, is a
17 certain window size for a room in order to
18 get it legalized. So in order to do
19 that --

20 CHAIRMAN MAGUN: To come up
21 to code.

22 MS. SCHNEIDER: Exactly, to
23 come up to code. So basically to get that
24 ten percent of the square footage of the
25 room, we have to enlarge the window. And

1 Proceedings

2 in order to do that, we have to move the
3 staircase off the front facade.

4 CHAIRMAN MAGUN: In order
5 to make this change in the basement of the
6 house, to put -- is that what you were
7 talking about, putting a bedroom in the
8 basement, is that something that is going
9 to require a variance?

10 MS. SCHNEIDER: It is done
11 already. It is taken care of. It is all
12 finished already. We have the variance.

13 CHAIRMAN MAGUN: Maybe you
14 could explain.

15 MR. SHARMA: They need a
16 variance from the state code as to the
17 height in the basement to make it an inch
18 less than what is required by state. So
19 they had to go to the state and get a
20 variance for that.

21 And as for the window in a
22 habitable room, the window has to be 8
23 percent of the floor area so that the
24 window lights and ventilates. And half of
25 that, four percent, has to be openable.

1 Proceedings

2 And I think that is what she is talking
3 about.

4 CHAIRMAN MAGUN: Has that
5 already occurred?

6 MS. ACKERMAN: The
7 windows --

8 CHAIRMAN MAGUN: If you are
9 going to talk, you have to come to the
10 microphone. I'm sorry.

11 MS. SCHNEIDER: No. The
12 window is not in place yet, because the
13 old staircase, of course, is still where
14 it used to be attached to the front
15 facade.

16 CHAIRMAN MAGUN: I see.
17 And by code do the stairs have to be --
18 the stairs could be where they are?

19 MR. SHARMA: Again, I don't
20 know in order to make the window larger if
21 that is the reason for moving the stairs
22 out. Of course, they did make the room
23 larger and the staircase has to move it
24 away, move it away from the window. But
25 I'm not sure -- I haven't done the

1 Proceedings
2 calculations with her or on my own to see
3 if that was the reason it has to be away
4 in order for them to get adequate area to
5 put in the right sized window.

6 MS. SCHNEIDER: We could
7 have squeezed the window.

8 MR. SHARMA: The variance is
9 for the height, not anything else.

10 CHAIRMAN MAGUN: I am
11 trying to clarify what it is you are
12 trying to do. I'm not making any
13 judgments. I'm trying to understand why
14 you are coming before us asking for
15 movement of the stairs. It is not clear
16 to me.

17 MS. SCHNEIDER: It is -- it
18 has several reasons. The first one --

19 CHAIRMAN MAGUN: Aside from
20 aesthetics reasons is there a code reason?

21 MS. SCHNEIDER: To come out
22 that far? I guess a real code issue, no,
23 probably not, because we could squeeze the
24 window basically all the way to the left,
25 which means, you know, if you come into

1 Proceedings
2 this room downstairs, you would have the
3 window glued to one side of your wall, in
4 order to still have the room for the
5 staircase. But what it really is is
6 somebody is going to live down there. Her
7 daughter is going to move into that
8 bedroom. So if people walk up the
9 staircase, they are basically going to
10 look into her room every time, because it
11 is right on that facade. That is part of
12 the reason. And this existing staircase
13 is falling apart. It definitely needs
14 work. And so something has to be done.

15 CHAIRMAN MAGUN: So just to
16 clarify, the reason you are asking for the
17 variance that you are asking for is so
18 that the stairs will not be adjacent to
19 the house where the windows are so that if
20 somebody walks up the stairs they won't be
21 looking into the bedroom.

22 MS. SCHNEIDER: Right.

23 CHAIRMAN MAGUN: That is
24 the issue that led to your asking for the
25 variance, is that correct?

1 Proceedings

2 MS. SCHNEIDER: Yes, yes.

3 MR. PYCIOR: The stairs are
4 to be set 6.2 feet from the front of the
5 house. Is there a particular purpose for
6 that other than aesthetics? I am
7 wondering why they don't begin closer to
8 the house, 4 feet from the house, 5 feet
9 from the house.

10 MS. SCHNEIDER: It is
11 basically -- no. The reason is -- it
12 could have been -- that's what I was
13 trying to explain, that we have an
14 L-shaped staircase. If we would have kept
15 the original idea, meaning we have the
16 landing and you just extend out the
17 landing and then you make a right. And if
18 you just go down the staircase, that would
19 have worked also.

20 It is just from an aesthetic point
21 of view it is nice that the first railing,
22 if you look at the pictures, especially
23 the front elevations, you will see that
24 the railing is much lower. And, of
25 course, the idea is really to create

1 Proceedings
2 something that is light because it is
3 already a hardship that we have to have a
4 full staircase in order to get to their
5 front entrance door. So we were trying to
6 create something that is beautiful.

7 CHAIRMAN MAGUN: I also
8 wanted to ask one clarification. On the
9 front elevation you have this roof
10 overhang. So the roof overhang that
11 projects over the front door, how far out
12 does that project? I couldn't really see
13 any drawings --

14 MS. SCHNEIDER: It only
15 covers the first landing which is 5 feet.
16 We are not even sure we are going to do
17 that, but that is financial reasons. But
18 it would be 5 feet coming out.

19 CHAIRMAN MAGUN: So if you
20 have -- that becomes a covered porch, is
21 that correct?

22 MR. SHARMA: Yes. You see
23 that wall from where it comes out,
24 actually I've got -- if you show it here,
25 it is 4 feet that overhangs. It is only 4

1 Proceedings

2 feet from the back wall.

3 MS. SCHNEIDER: Yes. Four
4 or five. Yeah.

5 MR. SHARMA: It is 4 feet.

6 MS. SCHNEIDER: Okay.

7 MR. SHARMA: It would still
8 project in to about 3 feet or so into --
9 it comes about 3 feet into the front yard.

10 CHAIRMAN MAGUN: But once
11 they put an overhang over that little deck
12 area that leads to the stairs, that
13 becomes -- that's an intrusion into the
14 front yard.

15 MR. SHARMA: It becomes a
16 covered porch and covered porch is
17 required to be 30 feet from the property
18 line.

19 MS. STECICH: Right. A
20 corner or a canopy, that can come out --
21 that can project 2 feet, 2 feet. So I
22 would say this is probably in the nature
23 of a canopy or a similar feature, so 2
24 feet. So I guess it could project out 2
25 feet into the front yard. It would come

1 Proceedings

2 to 28 feet. So if it is 27 feet then I
3 guess it is off about a foot.

4 MR. DEITZ: But they are not
5 asking for a variance for that.

6 MS. STECICH: No.

7 CHAIRMAN MAGUN: It wasn't
8 noticed that way. That's why I was trying
9 to understand it.

10 MS. STECICH: I would think
11 that anybody who would be notified of
12 this -- I would think the notification is
13 adequate. But if you were going to permit
14 it, you would also have to give a separate
15 variance to permit the overhang.

16 CHAIRMAN MAGUN: Just for
17 clarification, on --

18 MS. SCHNEIDER: We are --
19 actually, it looks like we are not going
20 to do it out of financial reasons because
21 the staircase is very expensive as it is.
22 So you can just take that out of the
23 equation.

24 CHAIRMAN MAGUN: Let's hold
25 on that for a second. Let me ask a

1 Proceedings
2 question, one other question. Deven, to
3 clarify under -- in the section 295.20
4 under required yards in No. 5 it talks
5 about a freestanding steel staircase may
6 project no more than 4 feet into the
7 required yard. Is that different? Is
8 this not a freestanding steel staircase?
9 I guess I wasn't quite sure what that
10 requirement referred to.

11 MR. SHARMA: That may be
12 fire escapes.

13 MS. STECICH: I think it is
14 probably fire escapes, yes.

15 CHAIRMAN MAGUN: Though
16 when you read it, this is the same thing.
17 Does the board -- I don't know -- we
18 haven't really looked at that No. 5 in a
19 long time as best as I can remember.

20 MR. SHARMA: I don't
21 remember.

22 CHAIRMAN MAGUN: The phones
23 are going off. Under 295-20 (B)(5),
24 (B)(6) is the one that talks about
25 projection 6 feet, and the one above it

1 Proceedings
2 talks about a freestanding steel stair may
3 project no more than 4 feet into required
4 yard. It sounds like that. I wanted to
5 bring that to the board's attention. As
6 the plans stand, you want -- you are going
7 to be only 21.2 feet from the front yard.
8 That is where the stairs are going to
9 be --

10 MS. SCHNEIDER: Yes.

11 CHAIRMAN MAGUN: -- whether
12 or not there is an overhang or not. And
13 currently the current stairs, and I mean,
14 I don't think anybody disagrees that they
15 are in need of repair and would look
16 better. But the current stairs are, what,
17 25.2. You want to project four more feet
18 than you currently project into the front
19 yard.

20 MS. SCHNEIDER: Yes.

21 CHAIRMAN MAGUN: That's
22 what we are talking about.

23 MS. FURMAN: Would it be
24 possible -- in your plans and if I look at
25 the plan that is called first floor plan,

1 Proceedings
2 it is almost sketched out -- would it be
3 possible to put in a deck behind the
4 stairs in between the house and the stairs
5 to get that view of the Hudson?

6 MS. SCHNEIDER: We already
7 have a deck on the right-hand side, so I
8 don't think that would really --

9 MS. FURMAN: You would
10 agree -- do you see my concern?

11 CHAIRMAN MAGUN: What is
12 that space going to be? She is talking on
13 the first floor plan. You are asking what
14 is the intended use of that space.

15 MS. SCHNEIDER: Oh, it is
16 just going to be plantings basically to
17 screen the window down in the basement
18 which is -- the basement is basically
19 floor level. That is the -- the basement
20 is the grade level.

21 MS. FURMAN: Still, I'll
22 tell you what my concern is. I think it
23 is beautiful. I think the design is
24 great. I think it is what you are looking
25 for. It would take away the bulk of the

1 Proceedings

2 would require a variance.

3 MS. FURMAN: Maybe. It
4 might.

5 CHAIRMAN MAGUN: Probably.

6 MS. FURMAN: But I won't be
7 there then. I'm here now.

8 CHAIRMAN MAGUN: Any other
9 questions from the board with regard to
10 the -- what the applicant is asking to do?
11 Again, this proposed bedroom has actually
12 been constructed or not been constructed?
13 It says new proposed bedroom.

14 MS. SCHNEIDER: Yes, it has
15 been constructed. We got the building
16 permit already.

17 CHAIRMAN MAGUN: You built
18 the bedroom. The windows and door are
19 there?

20 MS. SCHNEIDER: It is still
21 the existing window.

22 CHAIRMAN MAGUN: You have
23 the new bedroom. You want to put in the
24 new windows. You haven't done it yet.

25 MS. SCHNEIDER: Right.

1 Proceedings

2 CHAIRMAN MAGUN: Okay. I
3 wanted to clarify.

4 MR. SHARMA: Aren't the
5 windows in place? When I came by to do
6 the inspection --

7 MS. SCHNEIDER: It is the
8 old window.

9 MS. ACKERMAN: It is new as
10 of five years ago.

11 CHAIRMAN MAGUN: Are you
12 the applicant? Could you introduce
13 yourself.

14 MS. ACKERMAN: I'm just
15 nervous because I'm hoping you'll say yes.
16 Harriet Ackerman, 38 Jefferson. The
17 window was smaller when we moved in which
18 was six years ago, and so that window was
19 enlarged a little bit. But essentially
20 the room was a room that is on grade, and
21 the idea is to create another bedroom
22 because the upstairs is quite small. But
23 the window that is there is the very, very
24 end of the -- at the end of the room.
25 That's how it has been.

1 Proceedings

2 MR. SHARMA: When I came by
3 to do the inspection the other day, your
4 husband was there, I think the new window
5 is already in.

6 MS. ACKERMAN: There are
7 windows we are putting in elsewhere, but
8 the window you saw is the same window you
9 saw before. That hasn't been touched.

10 CHAIRMAN MAGUN: Is there
11 anyone in the audience who has any
12 questions about the applicant's
13 application? Okay. So can you clarify
14 the roof overhang? Are you removing that
15 from the plan?

16 MS. SCHNEIDER: Yes, we are.

17 CHAIRMAN MAGUN: Are you
18 sure that's what you want to do?

19 MS. ACKERMAN: It is
20 expensive. We decided to forego it a
21 while ago, so it is not an issue.

22 MR. MURPHY: You can still
23 consider it. You don't have to build it.

24 CHAIRMAN MAGUN: I think we
25 do have to know.

1 Proceedings

2 MS. ACKERMAN: I'm serious.

3 We had decided we are not going to do

4 this.

5 CHAIRMAN MAGUN: That is

6 not going to be there?

7 MS. ACKERMAN: No.

8 CHAIRMAN MAGUN: I thought

9 Denise's point is actually an important

10 one as usual. And I think that I would

11 also be in favor of at least if we were to

12 grant this variance to do it with the

13 understanding that plantings would be

14 placed between the stairs and the bedroom

15 which is according to the applicant is the

16 purpose of moving the stairs out.

17 MS. ACKERMAN: I'm going to

18 say it would defeat our purpose to build a

19 patio there, and it actually, if you knew

20 the house, it wouldn't make any sense.

21 CHAIRMAN MAGUN: What we

22 have seen over the years, what your

23 purposes are and the next owner says this

24 silly window in front of the house, we

25 want to move them. We want a little

1 Proceedings

2 balcony.

3 MS. ACKERMAN: Right, but I
4 really want the window. But in any event,
5 I understand that.

6 CHAIRMAN MAGUN: David,
7 anybody, any other comments?

8 MR. DEITZ: I think the
9 proposal is a very tasteful one. I'm
10 inclined to vote in favor of it. The bulk
11 of the current steps is ugly, and this is
12 a big improvement.

13 CHAIRMAN MAGUN: Okay. So
14 would someone like to make a motion then,
15 if there is no other discussion with
16 regard to the proposal? I'm actually not
17 totally sure -- well, I guess the required
18 minimum if there is no roof overhang would
19 be indeed 24 feet. That would make it
20 straightforward, correct?

21 MR. SHARMA: That is
22 correct, yes.

23 CHAIRMAN MAGUN: And so we
24 are going to vote on a proposal without
25 the roof overhang.

1 Proceedings

2 MS. SCHNEIDER: Okay.

3 MS. FURMAN: Can we add to
4 it my --

5 CHAIRMAN MAGUN: Why don't
6 you make a motion?

7 MS. FURMAN: I'll make a
8 motion to grant the request for a variance
9 for the front yard where the existing is
10 25.2 feet, proposed is 21.2 feet, required
11 is 24 feet, with the condition that there
12 shall be no further construction between
13 the house and the new stairs.

14 MS. SCHNEIDER: Good. Yes.

15 CHAIRMAN MAGUN: Without a
16 further variance. That is understood,
17 right? Does that sound okay to you,
18 Marianne?

19 MS. STECICH: Yes.

20 MS. FURMAN: Do I need to
21 say without a further variance? I don't
22 think so.

23 MS. STECICH: If you say
24 without a further variance, it is like
25 saying come in for a variance. It is

1 Proceedings

2 inviting.

3 CHAIRMAN MAGUN: The record
4 has it. Thank you.

5 Is there a second to that
6 motion?

7 MR. PYCIOR: I'll second.

8 CHAIRMAN MAGUN: Any
9 discussion? All in favor?

10 MR. MURPHY: Aye.

11 MR. PYCIOR: Aye.

12 MS. FURMAN: Aye.

13 MR. DEITZ: Aye.

14 MR. SHARMA: Aye.

15 CHAIRMAN MAGUN: Okay.

16 Congratulations.

17 Okay. The second case is
18 3-07, Richard and Francoise Ceccolini, 17
19 Hopke Avenue, and this is a request for a
20 variance for lot coverage --

21 MR. CECCOLINI: Yes.

22 CHAIRMAN MAGUN: -- where
23 currently there is an existing 26.3
24 percent coverage, and the applicant is
25 proposing a deck which will then have

1 Proceedings

2 30.51 percent coverage where 25 percent is
3 permitted. Why don't you state your name
4 and address?

5 MR. CECCOLINI: Richard
6 Ceccolini, 17 Hopke Avenue,
7 Hastings-on-Hudson. So the existing house
8 with the deck added is covering 30.51
9 percent of the lot. So I'm over by 5
10 percent.

11 CHAIRMAN MAGUN: What is
12 it? Can you explain?

13 MR. CECCOLINI: Permitted is
14 25 percent, so I'm over by 5.5 percent.

15 CHAIRMAN MAGUN: Right.
16 Can you explain what it is you are going
17 to do or want to do? We have the
18 documents but can you articulate?

19 MR. CECCOLINI: Just a
20 little more -- the house is small. I
21 think it is 1100 square feet. So warm
22 weather, just a little more dining area,
23 living space.

24 CHAIRMAN MAGUN: You want
25 to build a deck, right, in the back of

1 Proceedings

2 your house?

3 MR. CECCOLINI: Yes.

4 Conforms to the existing building line,
5 just comes out 8 feet, runs parallel right
6 along the back of the house and then
7 connects into the end of the house not
8 going past the end of the existing house.

9 CHAIRMAN MAGUN: And the
10 size of the deck is 8 --

11 MR. CECCOLINI: Yes, it
12 comes out 8 feet and it is 30 and one half
13 feet in length.

14 CHAIRMAN MAGUN: It is
15 uncovered?

16 MR. CECCOLINI: Uncovered.

17 CHAIRMAN MAGUN: And the
18 height off the ground, I want to state
19 some of the things that are in the
20 documents.

21 MR. CECCOLINI: The highest
22 point, I think, is about 4 feet.

23 CHAIRMAN MAGUN: 4 feet 8
24 inches.

25 MR. CECCOLINI: The property

1 Proceedings
2 steps up. It is on two levels, so it will
3 be about 2 feet and then 4 feet.

4 CHAIRMAN MAGUN: You would
5 be walking outdoors from the back of the
6 house on to the deck.

7 MR. CECCOLINI: Exactly.

8 CHAIRMAN MAGUN: Is that
9 correct?

10 MR. CECCOLINI: Yes. This
11 is the living room. And the deck runs
12 right along the back of the house. And
13 this here is within the building line. It
14 is an existing deck. So the deck, the new
15 deck, will come up and then just go in,
16 you know, just on risers. So it ties in
17 exactly to the existing level of the
18 flooring inside. So there is no step up
19 there. It will all be on just one level.

20 CHAIRMAN MAGUN: You walk
21 out of the house right onto the same level
22 of deck.

23 MR. CECCOLINI: Exactly.

24 CHAIRMAN MAGUN: In the
25 zoning analysis that we received, there

1 Proceedings

2 were some items that were missing. I just

3 might be able to clarify it for us. So

4 the lot -- how big is the lot?

5 MR. CECCOLINI: 75 by 75, I

6 think.

7 CHAIRMAN MAGUN: 75 by 75?

8 MR. CECCOLINI: Yes.

9 CHAIRMAN MAGUN: And the

10 required rear yard deck, we usually talk

11 about a fixed number 30 feet, but the code

12 does state 30 percent of the lot depth

13 which would be -- you're saying the lot is

14 75 feet long, is that --

15 MR. CECCOLINI: Yes, 75 feet

16 long, 75 feet deep.

17 CHAIRMAN MAGUN: That would

18 be 30 percent of 75?

19 MR. SHARMA: Yes.

20 MS. STECICH: That is

21 5,625.

22 MR. CECCOLINI: I may not be

23 exactly right. I may be off by six or

24 eight inches either way.

25 CHAIRMAN MAGUN: So the

1 Proceedings

2 calculation that is being made is on the
3 basis of the 22 feet 7 inch depth rather
4 than 30 foot depth.

5 MR. CECCOLINI: Right. From
6 the back of the house 22 feet to the end
7 of the property line.

8 CHAIRMAN MAGUN: Now I
9 understand that. I want to get what the
10 requirement is. So the lot size is 75
11 feet long.

12 MR. CECCOLINI: Front to
13 back, yes.

14 CHAIRMAN MAGUN: 30 percent
15 of that is what?

16 MS. STECICH: 1687. Why
17 did you say 75 by 75?

18 CHAIRMAN MAGUN: No, I'm
19 talking about the rear yard.

20 MS. STECICH: Oh, the rear
21 yard requirement. Okay, 30 percent.

22 CHAIRMAN MAGUN: What is
23 it?

24 MR. MURPHY: 2225.

25 CHAIRMAN MAGUN: Okay. We

1 Proceedings
2 are just checking your numbers. Most
3 people don't actually present the data
4 that way. It is fine. So the requirement
5 is not 30 feet. It is 22.7. And this
6 deck is going to be 17 feet --

7 MR. CECCOLINI: From the
8 rear of the property.

9 CHAIRMAN MAGUN: The deck
10 is allowed to project 6 feet into the rear
11 of the property.

12 MR. MURPHY: Which makes
13 all the difference in this application.

14 CHAIRMAN MAGUN: Right.
15 That's why it is important to go through
16 that.

17 And also the side yard here is also
18 non-conforming to begin with, the side of
19 the deck is on. And the deck is also
20 allowed to project 6 feet. So I think the
21 way the applicant has presented this is
22 quite correct, that there really -- they
23 don't need a variance for either side yard
24 or rear yard.

25 MR. CECCOLINI: Right. We

1 Proceedings

2 are 8 foot 8, I think, from side yard.

3 CHAIRMAN MAGUN: I went to
4 the house and trucked through the snow the
5 other day and noticed that the house
6 behind you is about 50 feet down in grade
7 or something like that.

8 MR. CECCOLINI: Well, it's a
9 bit -- I've been down there. Yeah.

10 CHAIRMAN MAGUN: Something
11 like that, 30 feet.

12 MR. CECCOLINI: The wall is
13 about 7 feet, but their property drops off
14 steeply, yeah. Broadway is down there. I
15 am up above.

16 CHAIRMAN MAGUN: Despite
17 the fact the deck is only going to be 17
18 feet from the property line, there is --
19 you are standing there and looking out.
20 The house is way down.

21 MR. CECCOLINI: Right. I'm
22 almost looking over their roof.

23 CHAIRMAN MAGUN: Their roof
24 is almost below where your deck is going
25 to be.

1 Proceedings

2 MR. CECCOLINI: Right.

3 CHAIRMAN MAGUN: I think we
4 understand the proposal. Does anybody
5 have any questions for the applicant?
6 This is a one-story house, correct?

7 MR. CECCOLINI: Yes.

8 CHAIRMAN MAGUN: I have one
9 question. The next-door neighbor to your
10 south, the deck will be close, pretty
11 close.

12 MR. CECCOLINI: Right.

13 CHAIRMAN MAGUN: They will
14 be the closest ones to the deck. You are
15 only about 8 feet from their property
16 line. Their house is only 8 feet from the
17 next.

18 MR. CECCOLINI: Exactly.

19 CHAIRMAN MAGUN: They are
20 going to be impacted to some degree by
21 this deck. I saw a lot of toys in the
22 yard, and kids must play back there.

23 MR. CECCOLINI: It is a
24 common yard pretty much.

25 CHAIRMAN MAGUN: Have you

1 Proceedings

2 discussed this with your next-door

3 neighbor?

4 MR. CECCOLINI: Oh, yes.

5 CHAIRMAN MAGUN: Obviously

6 they know about it.

7 MR. CECCOLINI: Exactly.

8 The people on both ends of the house.

9 Yes. None of them have objections.

10 CHAIRMAN MAGUN: Okay.

11 MR. CECCOLINI: That's --

12 the street is the playground, yeah. The

13 toys are just stored in the backyard.

14 CHAIRMAN MAGUN: Okay. Got

15 it. Anybody on the board have any

16 questions?

17 MS. FURMAN: I don't.

18 David, do you have any questions?

19 CHAIRMAN MAGUN: Does

20 anyone in the audience --

21 MR. DEITZ: Wait. I have

22 to disclose that the applicant has done

23 plumbing work for me.

24 MR. CECCOLINI: Full

25 disclosure.

1 Proceedings

2 CHAIRMAN MAGUN: I think we
3 can proceed nonetheless. Any questions in
4 the audience from anyone? No. Okay. So
5 this is a pretty straightforward
6 application. A deck with no variances for
7 rear or side yard, just essentially for
8 area. And the area here in my opinion is
9 pretty small. It is a small request,
10 going from 26 percent to 30 percent. And
11 I don't have a problem with the
12 application. It is simple and
13 straightforward.

14 No comments. Okay. Is there a
15 motion with regards to the request for a
16 variance to construct a deck in the rear
17 of the house, where lot coverage will be
18 exceeded and a variance of 30.51 --
19 proposal 30.51 and 25 percent is
20 permitted?

21 MS. FURMAN: So move.

22 CHAIRMAN MAGUN: Is there a
23 second?

24 MR. MURPHY: I'll second.

25 CHAIRMAN MAGUN: All in

1 Proceedings

2 favor? Aye.

3 MS. FURMAN: Aye.

4 MR. DEITZ: Aye.

5 MR. PYCIOR: Aye.

6 MR. MURPHY: Aye.

7 MR. SHARMA: Aye.

8 CHAIRMAN MAGUN: You are

9 passed. You are good to go.

10 MR. CECCOLINI: Thank you.

11 CHAIRMAN MAGUN: The next

12 application is Case 6-07. This is a

13 rehearing on a decision made by the zoning

14 board of appeals at the December 14

15 meeting, where a front yard variance was

16 granted to permit the addition and

17 alteration to the home at 125 Overlook

18 Road. At our meeting last month, the

19 board voted to rehear this application,

20 and that is what we are going to do

21 tonight.

22 In order to -- after we rehear the

23 application, should we vote on it, in

24 order to make any change to the decision

25 that we made, we would have to be

1 Proceedings

2 unanimous in that vote. And according to
3 the code, we can choose to modify the
4 decision we made, reverse it or leave it
5 be, if I'm understanding it correctly.

6 So I would like the applicants to
7 present this as if it were essentially a
8 new application, because it has been three
9 months since we heard it, and one of the
10 members of the board who is here tonight
11 was not there. So I think we have
12 paperwork. If you don't, I have some.
13 And I see you are ready to present.

14 Tell us your name and
15 address.

16 MS. SNIDER-STEIN: My name
17 is Teresa Snider-Stein, 125 Overlook Road.

18 CHAIRMAN MAGUN: You are
19 the applicant?

20 MS. SNIDER-STEIN: Yes.
21 Part of the applicant team here.

22 CHAIRMAN MAGUN: Why don't
23 you tell us what you want to do, why you
24 want to do it and why you need a variance
25 and take it from there or you can read

1 Proceedings

2 whatever you want to read.

3 MR. HEITLER: Josh Heitler,
4 I'm the architect, 2 Sunset Street,
5 architect for the applicant. I think the
6 applicants were not here for the December
7 hearing, and they have prepared an opening
8 statement they would like to read into the
9 record before we start.

10 CHAIRMAN MAGUN:

11 Absolutely. That's fine. Go right ahead.

12 MS. SNIDER-STEIN: Hi. Good
13 evening, Chairman Magun and members of the
14 board. First I want to apologize for not
15 being here on December 14 at the hearing.
16 It was our son's barmitzvah two days later
17 and I suppose mistakenly we believed the
18 request was going to be relatively
19 straightforward and certainly
20 underestimated the potential for
21 controversy for that.

22 We've been working with Josh and
23 the Heitler architects for almost two
24 years to design some relatively
25 straightforward fixes to the issues on our

1 Proceedings
2 that seems to be the trend.
3 I'm not quite sure what kind of
4 discussion we are going to have tonight.
5 But although I was not able to attend the
6 original hearing, we have -- both of us
7 have since reviewed tapes and read the
8 minutes and understand after a lengthy and
9 thorough debate the board voted to approve
10 this variance. Since none of the issues
11 or arguments have changed, we are not
12 really sure how you want to proceed, but
13 you did tell us you want us to do the
14 whole thing over.

15 MR. HEITLER: I think just
16 before starting all over again, we would
17 just like to say for the record
18 unfortunately we were not able to speak at
19 the January meeting where the rehearing
20 was voted on. And although it would
21 probably do no good, we do note -- want to
22 note for the record that we didn't have
23 minutes for the December minutes because
24 they hadn't been approved.

25 Since seeing the minutes, we saw

1 Proceedings
2 the accessory apartment was mentioned no
3 less than three times in the December
4 meeting, and the argument that was implied
5 by the January meeting was made very
6 explicitly before the vote.

7 I just want to read one thing from
8 the minutes, which is from Chairman Magun.
9 It says your clients have an accessory
10 apartment. If they needed more space they
11 could take the accessory apartment and use
12 it for their own space. So, again, we
13 feel the issue that was the catalyst for
14 the rehearing was, in fact, part of the
15 discussion on December 14.

16 Also, there was a discussion about
17 the adequacy of the materials submitted
18 and reviewed, and we did want to point out
19 one other thing that in the written
20 application of materials that were
21 submitted and presumably reviewed, there
22 is this form for occupancy which was
23 filled in and noted that in the basement
24 there is one apartment.

25 So, again, none of these things

1 Proceedings
2 were discussed, and we didn't have the
3 ability to bring them up. I don't suppose
4 it does any good, but we wanted to say for
5 the record that we feel that that issue
6 was reasonably discussed and all the other
7 issues were discussed and voted on.
8 Nonetheless, we respect the decision of
9 the board and are prepared to present.

10 CHAIRMAN MAGUN: Okay.

11 MR. HEITLER: The variance
12 here was to address two issues in the
13 existing house, two sort of problems, and
14 the client in their statement referred to
15 them as relatively straightforward fixes.
16 This is an old house, more than a hundred
17 years old with several additions. But
18 basically the original house was this 800
19 square foot footprint on two floors.
20 There was a wraparound porch that was
21 subsequently enclosed. And there was a
22 small bump out at some point for the
23 dining room.

24 Then in the last fifteen years
25 there was a kitchen addition in the back

1 Proceedings
2 here. So one of the needs that we were
3 trying to address was on the second floor.
4 This is the main reason for the
5 application. These, by the way, are the
6 existing plans. The dark areas are where
7 we are proposing new square footage.

8 Basically the condition they were
9 trying to address is that despite all the
10 changes, and there was a lot of discussion
11 about this being a big house at the last
12 meeting, and we can talk about that. This
13 second floor is still 800 square foot. It
14 is still the second floor of a 1600 square
15 foot residence regardless of the changes
16 below.

17 And that contains currently the
18 master bedroom, a reasonable bedroom and
19 what we feel is a substandard bedroom. It
20 is about 8 foot 6 wide and it is also the
21 landing to the attic stairs. Their
22 daughter has lived in it as a young child
23 but is now getting older. And in
24 addition, they have only one bathroom. So
25 the idea was to make this a more

1 Proceedings

2 reasonable size room and add a second
3 bathroom for the master suite.

4 The gray area indicates where we
5 have added 400 square foot to this, making
6 it over 1200 square foot. All of the
7 addition on the second floor is over
8 existing first floor built in.

9 As the applicant said in their
10 application, we have costed very many
11 proposals, and for us budget is an issue.
12 And obviously building over an existing
13 foundation is advantageous to the clients.
14 So the first step was to make this useful.
15 The other issue -- I guess it comes up
16 again -- where do we make this extension?

17 Obviously these are the two rooms
18 we are expanding, the master suite and
19 this bedroom, and making the addition
20 adjacent to them made a lot of sense for
21 us, because making it anywhere else would
22 still leave this as an undersized room.
23 And making the addition adjacent to it
24 allows to reuse the square footage of that
25 room as part of the solution.

1 Proceedings
2 Collaterally and of secondary
3 importance there is a very funny odd room
4 on the ground floor. We think it is an
5 office. It is literally less than five or
6 6 feet wide. It is entirely useless. And
7 so the proposal there was to add 150
8 square feet adjacent to it. Again, the
9 same strategy here, take the room that is
10 undersized and build next to it as a way
11 of reusing the square feet. And as it
12 turned out for us, adding here balances
13 out the existing enclosure on the other
14 side. And you can see by sort of adding
15 this in your mind to the plan this sort of
16 equal weight of the house across the
17 central axis that preexists.

18 And what this allows us to do --
19 and those are really the only two things
20 we were trying to address. As a result we
21 added a little foundation here which is
22 just crawl space. We don't intend to use
23 it. And obviously the roof line changed
24 as a result of this, affecting the size of
25 the attic, which is here.

1 Proceedings

2 feet has allowed us to make this a
3 reasonable office guestroom, and we have
4 added a shower to the powder room making
5 this a full bath.

6 So in total now, I mean, the house
7 formerly had three bedrooms and one and a
8 half baths. It now has three bedrooms, a
9 potential guest bedroom and three baths.
10 Again, no changes to the basement except
11 some attics and crawl space which doesn't
12 communicate or add to any of the basement
13 square feet, and the attic is reshaped,
14 again, to deal with the roof line of what
15 is going on below. How all that relates
16 to zoning and setbacks --

17 CHAIRMAN MAGUN: Excuse me.
18 Did you forget about the porch extension?

19 MR. HEITLER: Yes. Once we
20 added on this piece, if you compare the
21 new with the existing, once we added on
22 this piece, the access to the porch back
23 down to grade exists -- currently exists
24 where we would be adding the new square
25 footage to make the enlarged office or

1 Proceedings

2 guestroom.

3 As a result of that, we had to
4 extend the open porch forward slightly as
5 minimally as we could to get back down to
6 grade to have an entry into the front of
7 the house. I was going to get to that
8 here, because I think this is where it
9 shows more critically. This is the
10 existing house. This hatched area is the
11 new 150 square feet. And what we noted
12 last time is that the existing setback to
13 this corner is 20 feet. The new setback
14 required for that 150 feet is 23 feet. It
15 is actually in excess of what we currently
16 have at the existing corner of this porch.
17 And then as was noted, we had to extend
18 the porch out and stairs back down to
19 grade. That portion of the porch comes
20 within 15 foot 3 of the front setback
21 line. So the variance was for currently
22 20 and requested 15. Required is 30.

23 MR. DEITZ: What is the new
24 portion of the structure that goes out
25 within 15 feet of the street?

1 Proceedings

2 MR. HEITLER: Perhaps it is
3 best to see in three dimensions. We have
4 two boards that do that.

5 MR. DEITZ: That is the only
6 variance you need, right, the front yard?

7 MR. HEITLER: We only need
8 front yard variance, but this addition,
9 although we would say it is squaring off
10 on a non-conforming and of the existing
11 20, it is still encroaching. But the
12 furthest encroachment is to the porch.
13 That is the 15 we are asking for.

14 MR. DEITZ: What is new
15 about that? There is 150 square feet that
16 is new.

17 MR. HEITLER: Yes, this is
18 new and the porch extension is new.

19 MR. DEITZ: There is no
20 porch at all there now?

21 MR. HEITLER: There is an
22 existing porch. This is -- perhaps this
23 is a good way to illustrate. This is the
24 existing house. There is an existing open
25 porch here. What we are proposing to do

1 Proceedings
2 is move that porch up approximately 5
3 feet. It is still open. It has a cover.
4 But it has a railing, and it is open to
5 the end. And the stairs that go down this
6 way still go down this way but in front of
7 our view, the 150 foot addition.

8 And the character of this, it is
9 roofed. It has railing. This plane back
10 here is actually back at the original
11 house. The original entry to the basement
12 is still here, and that hasn't changed.
13 So the level you walk out on the porch
14 that is extended is in essence floating.
15 It is on columns but you can walk. You
16 can still walk underneath this, because
17 this is the access to the basement. You
18 come up Overlook, up the stairs under what
19 would be that new porch and into the
20 basement. It is not a structure that
21 lands on the ground. It has stone
22 columns, but it does not come all the way
23 down to the ground.

24 I think that's the majority
25 of what we think is relevant at the

1 Proceedings
2 moment. This also included some
3 photographs of -- that shows other views,
4 before and after, before and after, before
5 and after and also includes photographs of
6 other houses in the area that, again,
7 because of, I guess, grading issues that
8 are somewhat typical of Hastings are very
9 close to property lines and very tall and
10 have similar conditions.

11 CHAIRMAN MAGUN: Just one
12 clarification, where is the entry into the
13 accessory apartment in the new design?

14 MR. HEITLER: This is the
15 door right here. So, again, if you
16 were --

17 CHAIRMAN MAGUN: That's a
18 door? I thought it was a window.

19 MR. HEITLER: It is hard to
20 see, but perhaps you can see better in the
21 existing photo. It has those three little
22 lights. It is a lovely door.

23 CHAIRMAN MAGUN: So you are
24 going to -- you are going to be -- that is
25 coming out 5 feet. You are going to be

1 Proceedings

2 building a new door?

3 MR. HEITLER: No. The door
4 is staying exactly where it is. The
5 extent of the basement is not changing.
6 And that porch you will be walking under,
7 so the new porch that projects out 5 feet
8 is in the air. The access to the basement
9 doesn't change.

10 MR. MURPHY: How wide is
11 the new portion of the front porch?

12 MR. HEITLER: 5 feet 7.

13 MR. HOUSTON: It extends 6
14 feet added to the building.

15 MR. MURPHY: What is the
16 full width of the proposed new porch that
17 is coming out 5 feet?

18 MR. HEITLER: Oh, the width,
19 I'm sorry. I believe last time it was 35
20 feet. Ron has everything.

21 MR. HOUSTON: 27 feet.

22 MR. HEITLER: That is from
23 here to here is 27 feet.

24 CHAIRMAN MAGUN: I guess I
25 don't understand something, then. Maybe I

1 Proceedings
2 am confused. Where does the new porch --
3 can you show me on the drawings, on one of
4 the drawings, how the new porch that
5 extends 5 feet into the front yard, where
6 is the elevation of that if the door isn't
7 changing? I don't quite understand.

8 MR. HEITLER: Well, it is
9 very clearest here. This is the line of
10 the existing house. The door into the
11 basement remains here. This is the
12 extension, but this is open to the air.
13 You can walk --

14 CHAIRMAN MAGUN: That is
15 open to the air. Okay. That was what was
16 confusing me.

17 MR. HEITLER: The attempt
18 was to keep this porch as light as
19 possible. This is the front of the house.
20 And, again, in front of that line, that 6
21 feet we are talking about, is a column,
22 open air column, open air and a small
23 overhang.

24 CHAIRMAN MAGUN: So the
25 extra five odd feet projection from 20 to

1 Proceedings

2 15 feet into that front yard we were
3 talking a lot about in December, it is
4 below -- the porch is over the air?

5 MR. HEITLER: Correct.

6 CHAIRMAN MAGUN: Yet you
7 have a roof above it?

8 MR. HEITLER: Correct.

9 CHAIRMAN MAGUN: Why do you
10 have a roof above it aside from --

11 MR. HEITLER: I think a
12 couple of reasons. One of these --

13 CHAIRMAN MAGUN: That also
14 projects. The roof projects the 5 feet
15 into the front yard.

16 MR. HEITLER: Correct.

17 CHAIRMAN MAGUN: With a
18 balcony on top of it.

19 MR. HEITLER: Correct.

20 CHAIRMAN MAGUN: Why do you
21 need all that?

22 MR. HEITLER: I think part
23 of it was that we were instructed by the
24 clients and, again, this was in their
25 statement, to pursue a certain aesthetic

1 Proceedings
2 for the house. Aesthetics questions went
3 down very poorly in December, so I'm
4 saying this carefully. But to us it is
5 important. And the idea here it is both
6 aesthetic and sort of pragmatic.

7 The aesthetics, the style, they are
8 seeking is one of a collection of
9 elements, and so we were trying to avoid a
10 sheer two-story face for aesthetic
11 reasons. More than that, I think we were
12 trying to avoid it for reasons of how it
13 would be -- how it would be seen from
14 Overlook. And, again, because Overlook,
15 the grade of the sidewalk is so much lower
16 than the house, you already have a 10 foot
17 stone wall. The existing house had a
18 two-story face and then a three-story
19 face.

20 We were very cognizant of what the
21 perception of that house would be, as I
22 looked up the hill. By adding a
23 projection outward, it cuts the scale in
24 half. By projecting back the faces of
25 these spaces, we feel that that breaks the

1 Proceedings

2 scale down, and it is more pleasurable as

3 you are walking in through here.

4 Again, we certainly could have

5 built out the bedroom and master and the

6 second bedroom as far out as we could and

7 add the square footage to them, but we set

8 them out for aesthetics and also

9 perceptual reasons.

10 MR. MURPHY: May I see

11 either that board or the other one you

12 have on the floor so I can see it better.

13 MR. HEITLER: Any one you

14 want.

15 MR. MURPHY: Thank you very

16 much.

17 CHAIRMAN MAGUN: One of the

18 concerns, while Brian is looking at that,

19 one of the concerns that we raised was the

20 accessory apartment question. I would

21 like you to just discuss this and maybe

22 the applicant can discuss this. You have

23 a 4800 square foot sized house. And you

24 want to juggle the rooms around. You need

25 a bigger room. You need a bathroom. You

1 Proceedings

2 need an office, whatever.

3 You are asking the community to
4 give up air space, view and intrude into
5 the front yard in order to make your house
6 bigger. So my question is, if you have
7 room from the basement, functional room,
8 it is already being used, why don't you
9 use it? Why ask for a variance?

10 MR. STEIN: Okay. I'm
11 Stuart Stein. First I'll deal with the
12 perception of how big the house is. I'm
13 not quite sure where this 4800 number
14 comes from.

15 CHAIRMAN MAGUN: I'm
16 reading out of the front here.

17 MR. STEIN: That is the
18 first full layout of the house including
19 roof, cellars, crawl spaces, unusable
20 spaces, et cetera. It is a 3400 square
21 foot house attic to basement. So let's
22 put that into the perspective to start
23 with.

24 The basement is a basement.
25 Now, it has an accessory apartment in it,

1 Proceedings

2 and I don't know, to be honest, I can't
3 quote the rules or know exactly what the
4 timing was when the original accessory
5 apartment was accepted, and I don't know
6 if today it would not become an accessory
7 apartment if it was a brand new request.
8 Nonetheless, it is an accessory apartment.

9 We have ceilings there that are 6
10 foot 12 inches high in the basement. We
11 have ceilings that are 7 foot 1 inches
12 high. We have a bathroom that I can't
13 actually stand under the faucet. So it is
14 a wonderful space. The kids use it. We
15 can rent it out if we wanted to. But I'm
16 not going to have my kids live there, and
17 I'm not going to move down there.

18 In spite of the first applicant
19 today who is moving her daughter into the
20 basement, I don't believe any of you would
21 move your kids into the basement. An
22 accessory apartment has two doors, not
23 just one. I'm not moving a teenager into
24 a basement that has two doors to the
25 outside. It is as simple as that. I'm

1 Proceedings
2 not going to move either one of them down
3 there. I'm not going to move myself down
4 there so I have my kids upstairs with
5 access to the house without me being in
6 the way. So it is a pretty
7 straightforward issue, okay.

8 Now, the rest of the house is
9 pretty straightforward and simple. We
10 need to fix some rooms. We have looked at
11 all the other spaces we can build in this
12 house. If I wanted to make an extension
13 to this house and make it big, I could.
14 You guys have told me that. There are
15 spots where I can go. I can tear the
16 kitchen off built 15 years ago and put on
17 probably another 1500 square feet if I
18 want.

19 That is not our intention. What
20 our intention is is to fix the problems we
21 have with the house, try to make sure what
22 we end up with is a house that is as
23 aesthetically pleasing as we can make it.
24 Everybody walks by and says what a
25 wonderful house. What they don't do is

1 Proceedings

2 take a closer look. If you take a real
3 close look, it has a whole bunch of ugly
4 elements.

5 We have 18 different types of
6 windows in this house. You know, all you
7 have to do is walk around. You couldn't
8 even tell if the basement door was a door
9 because it's actually been cut short, and
10 it doesn't fit with any style of the
11 house.

12 So what we were trying to do is
13 solve some specific problems with the
14 house and deal with aesthetic issues and
15 solve some problems for ourselves so at
16 least we have two bathrooms, because for a
17 family of four with two teenagers -- I'm
18 sorry.

19 CHAIRMAN MAGUN: So the
20 accessory apartment is not being used as
21 an accessory apartment currently, and you
22 don't feel it is usable space for your
23 family?

24 MR. STEIN: That is correct.
25 That is what I just said.

1 Proceedings

2 CHAIRMAN MAGUN: Okay.

3 MR. STEIN: Sorry. Maybe it
4 was a long way of getting there.

5 MR. MURPHY: I have a
6 question. If the plan is to expand the
7 third floor, you will have three fully
8 sized bedrooms on the top floor, right?

9 MR. HEITLER: Correct.

10 MR. MURPHY: There is no
11 problem with that. You don't need a
12 variance to do all that stuff.

13 MR. STEIN: We would need to
14 go against the non-conforming 20 feet.

15 MR. HEITLER: The second
16 addition is all over existing first floor
17 built space. We would still need an
18 existing --

19 MR. MURPHY: But that's
20 not -- the only issue is the front porch.
21 And --

22 CHAIRMAN MAGUN: Front
23 porch and the new construction on those.

24 MR. HEITLER: Can I circle
25 back and answer the gentleman's question?

1 Proceedings

2 I would say a couple things. One is that
3 in response to that, one, is that we had a
4 conversation here in the first hearing
5 where I was saying something about how the
6 clients were being penalized by a corner
7 lot because it had two front yards. And
8 the chairman said they bought that piece
9 of property. They knew it was a corner
10 lot. Some people like corner lots. They
11 also bought a house with an accessory
12 apartment. That was figured into the
13 value when they bought it. They paid
14 taxes on it. They have renewed the
15 application.

16 I don't know -- I would suggest
17 that unless it is general policy of the
18 board to require the taking away of a
19 legal accessory apartment before
20 considering variances, I just don't quite
21 know how that would apply here. More
22 directly, I think to answer the question
23 is that not all square feet are equal.

24 So Stu has spoken to some of the
25 qualities of the basement. This is not a

1 Proceedings

2 whole family sleep on one floor.

3 So I don't see how the square foot
4 of the basement is an appropriate solution
5 to the undersized bedroom, and I think
6 that for variable reasons, even if we were
7 willing to do one the kid's bedrooms in
8 the basement, we would still be left with
9 the same problems. We wouldn't have
10 addressed this small room.

11 Similarly, here in this office it
12 is not only an office but a guestroom. I
13 don't know if you want to speak to this.
14 They have elderly mothers who come
15 frequently. The basement steps are very
16 steep. This is the place where they
17 anticipate their guests being able to stay
18 that is in, you know, I would say a
19 reasonable quality space that is part of
20 the house.

21 For them they consider the house
22 the first and the second floor. The first
23 and the second floor are 2400 square feet.
24 That by -- it is not a small house, but it
25 is not an unreasonable house.

1 Proceedings

2 CHAIRMAN MAGUN: You have a
3 lot of different square footages, 2500,
4 3400, and then 48 here.

5 MR. HEITLER: We will make
6 it without any complication. The existing
7 ground floor -- I'm sorry -- the proposed
8 ground floor plus the proposed second
9 floor are 2400 square feet, 2475. That is
10 what I think most people would consider
11 the size of this house. There is an
12 attic.

13 CHAIRMAN MAGUN: That is
14 the proposal?

15 MR. HEITLER: The proposal.
16 And the existing is 600 feet less, 650
17 feet less. And so, you know, if you add
18 the attic to that and you say even though
19 it is under 7 feet and part of it is in
20 the slope of the thing, you add the full
21 basement, you can get to 4800. That's why
22 we wrote it down.

23 But I think in fairness to the
24 clients, the size of their usable house,
25 exclusive of basement and attic that they

1 Proceedings
2 currently have, is about 1800 square feet.
3 And they would like to have 2400.

4 MR. DEITZ: I think the
5 square footage numbers here are the normal
6 appraisal practices also. If you were an
7 appraiser, you wouldn't include basement
8 space that was 50 percent below grade.
9 You wouldn't include the attic either.

10 MR. SHARMA: If it was 50
11 percent below grade, it would have to be
12 included as square footage.

13 MR. DEITZ: For building
14 department purposes, I'm not disagreeing.
15 I'm only saying for an appraiser who is
16 appraising for a bank, that he wouldn't
17 include it.

18 MR. SHARMA: If there were
19 an apartment, I guess they would see it
20 differently.

21 MR. STEIN: With the
22 apartment, I think that's where that 800
23 square feet makes the difference between
24 what Josh is quoting as the first and
25 second floor versus the total square feet

1 Proceedings

2 of 3400.

3 CHAIRMAN MAGUN: It would
4 be the appraised value.

5 MR. DEITZ: You are talking
6 about assessed value. I'm talking about
7 appraised value.

8 CHAIRMAN MAGUN: The
9 applicant is saying was it usable space,
10 and he described what it is and that helps
11 us make a judgment about that. Any other
12 questions?

13 MR. MURPHY: Yes. I think
14 you answered it. I want to make sure I am
15 understanding. On the first floor where
16 you are expanding that small room, that is
17 the reason why you had to put the stairs
18 down further?

19 MR. HEITLER: Correct.

20 MR. MURPHY: That's the
21 reason you had to push the porch out?

22 MR. HEITLER: Correct.

23 MR. MURPHY: That room is
24 going to be a guestroom?

25 MR. HEITLER: Exactly.

1 Proceedings

2 MR. MURPHY: How big is the
3 square footage of the new proposed space
4 with the proposed addition on it?

5 MR. HEITLER: I'm sorry.
6 Just this room?

7 MR. MURPHY: Yes, the room.

8 MR. HEITLER: I guess if
9 you -- I mean, there is a bit of a
10 vestibule here. There is a bathroom.
11 This is 150 square feet. So I assume this
12 is another say 30 square feet so probably
13 another 180 square foot room. Again, just
14 to clarify, the existing porch stops here.
15 And because the grade slopes so
16 aggressively this way, we couldn't just
17 have straight stairs coming up here,
18 because the grade is falling away from us.

19 The old stairs and our new proposed
20 stairs go this direction because the grade
21 is much higher in this corner. It is the
22 easiest way to meet grade.

23 MS. FURMAN: On the drawing
24 that you are looking at on the upper left
25 where you just were taking your hand down

1 Proceedings

2 a little bit where you are adding the --
3 expanding the room in the front left
4 corner --

5 MR. HEITLER: This is the
6 basement. This is the first floor. This
7 is the basement, second floor, attic.

8 MS. FURMAN: Okay. Well,
9 okay. Go to the right then. If you
10 expanded the existing little room that you
11 want to make into a bigger room, the
12 bathroom for the -- if you extend that to
13 the back instead --

14 MR. HEITLER: This way?

15 MS. FURMAN: Yes.

16 MR. HEITLER: Well, two
17 problems. This is existing plumbing. It
18 is an existing powder room. We would have
19 to go into existing plumbing. This is the
20 only window to the dining room. It is a
21 period historic window, one of the
22 original windows in the house. It is one
23 we are proposing to keep. This is a
24 completed window. So there is -- moving
25 in this direction, you have to move

1 Proceedings
2 through plumbing and also have to obscure
3 a portion of the only window into the
4 dining room.

5 MS. FURMAN: Could you get
6 the staircase back where it was in the
7 front and not need the variance?

8 MS. SNIDER-STEIN: No.

9 MR. STEIN: No. Logically
10 you could. But we didn't complete the
11 discussion sort of about why there is a
12 roof on that 5 feet extension. When you
13 look at the house today, you get this kind
14 of setback profile. And if you don't add
15 that roof, we would have this sheer wall.

16 So if we add the five foot
17 extension, it makes sense to put a simple
18 roof on top to make sure we've brought
19 back that profile. If you don't put the
20 room there, you don't add the porch, but
21 you still have that sheer wall. And
22 that's not the design that we are after at
23 all.

24 MR. HEITLER: Just to
25 re-answer your question, if you were

1 Proceedings

2 What I really can't accept is the 5
3 foot intrusion into the front yard with a
4 roof over it and a balcony on top of it.
5 If you look at that drawing on the third
6 picture down on the right, so anybody who
7 lives on that street which is Overlook is
8 going to lose a significant amount of
9 their view. And while this is not a view
10 preservation district but only -- on the
11 other hand, that is a big chunk of land 5
12 feet in the air. We are watching two
13 projects being built on Main Street. They
14 are all very sensitive. Everything is
15 village views and loss of views wherever
16 they are. And I think everybody who lives
17 on that street is going to wonder why
18 there was a porch with a balcony and a
19 roof allowed to project 5 feet.

20 You are talking a lot about the
21 appearance of the house when you are
22 standing in front of it. And I'm more
23 concerned with the projection into the
24 front yard.

25 Also, that room that you want to

1 Proceedings
2 look at our house from the corner, they
3 see a tree, they see the sky, they see the
4 house. In the future they are going to
5 see a tree, a little bit less sky, a
6 little bit more house.

7 CHAIRMAN MAGUN: Right. I
8 totally agree with you.

9 MR. HEITLER: I think what
10 we would like to do, you raised that issue
11 obviously in December. And obviously we
12 took that concern very seriously. We went
13 back and actually looked at the conditions
14 that you were describing, and this is an
15 aerial photograph of the neighborhood.
16 This is the house that we are talking
17 about today. And what the aerial
18 photograph will show, which I want to
19 explain is the view to the extent there is
20 one in this direction. This is the ridge.
21 This is the cemetery. The view in this
22 direction is of other houses turning in
23 the street and other roofs. It is not
24 the view to the extent -- I mean to the
25 extent we are comparing this to view

1 Proceedings

2 preservation. There is a directional to
3 the view. It is towards the Hudson, and
4 that's prioritized.

5 But having said that, we looked at
6 every single one of the houses around, and
7 in truth this house, which is labeled here
8 A, blocks the views of all the other
9 houses up Overlook. None of these houses
10 can see our house currently nor would be
11 affected by this addition. This house A
12 which presumably would be the most
13 affected sits actually 50 feet higher than
14 our property, so it is essentially looking
15 over them. The houses on this side to the
16 extent they want to look here would be
17 somewhat affected, but I would argue their
18 view predominantly is this way.

19 All of these houses in green have
20 signed a petition which the applicants can
21 show, she may want to read in the letter,
22 and we have taken photographs from all of
23 these that show the condition of the
24 house. So again, A, the one we are most
25 concerned about is this one. The existing

1 Proceedings
2 condition of the view is mostly of a tree.

3 CHAIRMAN MAGUN: I'm sorry.
4 What is that view again?

5 MR. HEITLER: This is
6 standing here. So this is looking at the
7 house. This is what we think is the worst
8 case scenario or for the concerns you
9 raised, they look mostly at the tree.
10 Adding this 5 feet takes a little bit of
11 this tree and sky. But, again, we don't
12 think that is a significant problem for
13 them. This is the view from house B,
14 which is up the hill over here.

15 Again, if I estimate 5 feet here,
16 we have taken away a little tree and sky.
17 The view from C, which is this house, this
18 would come slightly forward. They would
19 lose a little of this tree and sky. The
20 view from D would come slightly forward.
21 They would lose a little of this sky. The
22 view from E, 5 feet would lose a little
23 bit of this sky. F, it is almost
24 impossible to see our property. From H,
25 which is up the hill here, you can't see

1 Proceedings
2 our property at all. From I and J, you
3 essentially look out over the top of it,
4 and all the work we are doing is on the
5 far side from you so not really visible to
6 these people at all.

7 So, you know, we understand the
8 choice that is before you. You are
9 weighing the benefit to the client, the
10 applicant, versus the supposed detriment
11 to the community. And we would posit that
12 what the applicants are asking for is
13 relatively minor and reasonable and asking
14 for 150 square feet of view space on the
15 ground floor. And the effect on the
16 community is negligible.

17 CHAIRMAN MAGUN: Okay.
18 Thank you. I think we are understanding
19 everything clearly. Is there anyone in
20 the audience who wishes to speak who
21 hasn't spoken? I see some people here.

22 MS. MACKEY: I'm a neighbor.
23 I'm one of the neighbors who can hardly
24 see the property at all, but I'm a
25 nextdoor neighbor.

1 Proceedings

2 CHAIRMAN MAGUN: Would you
3 state your name.

4 MS. MACKEY: I'm Ann Mackey.
5 I live at 60 Dorchester. My view is the
6 one in the lower left-hand corner. I'm H.
7 But I walk around the neighborhood all the
8 time. And I really don't see an issue
9 honestly. I understand what you are
10 trying to do. I want Hastings to remain
11 the lovely village that it is. But I have
12 no sense that this is going to have a
13 negative impact on the neighborhood, and
14 it seems like a reasonable choice for
15 them.

16 I've also been inside the house.
17 It's a beautiful house. And I've been
18 inside the basement, and I agree with
19 them. It is not a place where I would
20 want my family to sleep. I wish my kids
21 had it as a playroom, but it is not worthy
22 for a family.

23 MR. HEITLER: Teresa, do you
24 want to read in the letter?

25 MS. SNIDER-STEIN: Bill

1 Proceedings

2 Maher couldn't come tonight but he wrote a
3 letter.

4 MR. HEITLER: Could you
5 identify him on the map.

6 MS. SNIDER-STEIN: He is J.

7 "As a neighbor living
8 directly across the street, 71 Dorchester
9 Avenue, from the Steins' house, I wish to
10 express my absolute support to the Stein
11 family and their request to extend their
12 property as proposed before the board. As
13 far as I can tell, it would not interfere
14 with the view from my house and in reality
15 might actually improve the possible sale
16 value of homes nearby. Sincerely yours,
17 William Maher."

18 CHAIRMAN MAGUN: Okay. And
19 you said you had a petition signed by --
20 what does it say?

21 MS. SNIDER-STEIN: The
22 petition, We the undersigned -- I did
23 this; I'm not a lawyer. I just had
24 something so people could sign.

25 "We the undersigned support the

1 Proceedings
2 Steins at 125 Overlook Road in their
3 effort to obtain the zoning variance they
4 have requested. I/we believe the view
5 from my/our house will not be compromised
6 by allowing them to build this addition."
7 And there are 17 people who have signed
8 it.

9 CHAIRMAN MAGUN: Do they
10 live on Overlook?

11 MS. SNIDER-STEIN: They all
12 live within the neighborhood.

13 MR. HEITLER: All the ones
14 that are identified in green have signed
15 on that list.

16 MS. SNIDER-STEIN: Right.
17 Some people both people in the house
18 insisted on signing it, and since voting
19 it is one person. Do you want this?

20 CHAIRMAN MAGUN: Sure.
21 Thank you. I want to ask one more
22 question, and I think that will be the end
23 of my questions. Again, to go back to the
24 roof over the porch, the new porch, I
25 don't understand the necessity for that.

1 Proceedings

2 Is that for the aesthetic reasons you have
3 raised, and why do we need -- just tell me
4 again why we need a balcony on top of that
5 with railing.

6 MR. HEITLER: I think we are
7 at the point where the applicants made a
8 decision to again hold back the interior
9 square feet. They enjoy the benefit of
10 using the top of that space.

11 CHAIRMAN MAGUN: Hold back.
12 What do you mean? You mean to build
13 further into the front yard setback?

14 MR. HEITLER: No, no. We
15 have identified all of the second floor
16 area as being over the existing first
17 floor buildable space, but we didn't go to
18 the extent of the first floor space. To
19 varying degrees we set that back
20 primarily to respect the view on Overlook
21 and not frontload the house so that it was
22 overbearing when seen from below.

23 That created even some roof, that
24 there is existing roof from the original
25 porch that that still keeps available to

1 Proceedings

2 us. And they have decided to put an
3 accessible step out balcony on that that
4 has an opening railing to it.

5 One other thing I would say is that
6 in our minds what we are doing to get back
7 down to grade is just extending the
8 existing covered porch. So in our minds
9 it seems very simple. The existing
10 condition over there is a fully covered
11 porch. The stairs are not covered, but
12 the rest of the porch is covered. So when
13 we extended it out, we extended that
14 coverage. So it is essentially what they
15 had. It is the open stairs to a covered
16 porch. We just had them move the line of
17 that forward to get back down to grade,
18 but we have essentially restored what they
19 had before.

20 CHAIRMAN MAGUN: Okay.
21 Does anyone else on the board have any
22 questions or comments?

23 MR. DEITZ: Well, I have a
24 comment. I think that the improvements
25 that you suggest on the first and second

1 Proceedings
2 floors are clearly a hardship in those
3 tiny little rooms that are not really
4 usable that might have been thought usable
5 at the time. They were built many years
6 ago. But standards have changed now. But
7 by making a small change to the house you
8 have turned those really undersized rooms
9 into something that is usable, so I think
10 that's a good thing.

11 CHAIRMAN MAGUN: Okay.
12 Thank you.

13 MR. MURPHY: Yes. I just
14 wanted to say I'm glad we had this
15 opportunity for a second discussion. It
16 always helps us understand a little
17 better. But really my sense is that
18 coming into the front yard that extra 5
19 feet, while it is a close case and on a
20 different lot we might not necessarily
21 vote in favor of such a variance, on this
22 lot, I mean, it is a big lot and you are
23 well down on the street. You have to be
24 close to 10 feet below that. That wall
25 has to be close to 10 feet high in the

1 Proceedings

2 front.

3 When you are on Overlook,
4 particularly when you are heading south,
5 you are going further and further -- the
6 grade reduces so you are further and
7 further away from the bulk. And I like
8 the fact which I certainly didn't
9 appreciate during the first discussion
10 that underneath the proposed new porch
11 addition, it is open which I think helps.

12 I guess which Denise suggested in
13 the last application tonight as a
14 condition might be worthwhile here, if
15 people are persuaded that this is a
16 variance they can vote for, which the
17 condition of no further construction
18 either above or below that new porch to
19 maintain it.

20 CHAIRMAN MAGUN: What about
21 the roof over the porch? What do you
22 think about that?

23 MR. MURPHY: I think that
24 is necessary. That is not a question
25 whether I like it or not. I think it is

1 Proceedings
2 necessary over a porch like that, because
3 the whole point of this is they are
4 pushing -- they have to push the stairs
5 out, because they are making that room an
6 appropriate size. And so the whole point
7 is to have access to a covered porch, so
8 you are protected when I get up to the
9 front door.

10 I've looked at the house because I
11 was in the neighborhood. I walk there all
12 the time. And it reminds me of that
13 property down near the American Legion
14 hall. I don't know if you have seen the
15 porch we approved there which is a covered
16 porch which we had a fair amount of
17 discussion over, and that was maybe a
18 close one. And Stanley, I think, pointed
19 out the fact that there really was a lot
20 of space, a little more space in that
21 situation than this situation. But if you
22 have seen what they have done, it looks
23 spectacular, and I'm always pleased that
24 we approved that, even though that was a
25 pretty stiff incursion into the front yard

1 Proceedings

2 too in that neighborhood.

3 It still strikes me the same way, I
4 guess, Arthur, as it did the first time,
5 only now I think I understand the plan a
6 little bit better. And so perhaps at
7 least for me, we stipulate that there
8 would be no further construction either
9 below or above the proposed new front
10 porch, and on that condition approve the
11 variance into the front yard setback. I
12 mean, Marianne, is it okay if we do
13 something like that?

14 MS. STECICH: What you
15 would have to do -- the variance is
16 already in place. What you would have to
17 do is modify the variance to add that
18 condition, and then it would have to be
19 unanimous, but you could do that.
20 Everybody would have to vote on it.

21 MR. DEITZ: It would have to
22 be unanimous to approve it?

23 MS. STECICH: No. I'm
24 assuming now that you are not going to
25 annul it. I mean, it does not seem that

1 Proceedings
2 there would be a unanimous vote to annul
3 it. So my suggestion reading the board
4 would be to modify it, which you are
5 entitled to do. You modify it by adding a
6 condition that you can't build under the
7 porch or over the porch or enclose the
8 porch, whatever. But that modification
9 would have to be unanimous also.

10 MR. MURPHY: Right.

11 CHAIRMAN MAGUN: Do you
12 want to say something?

13 MR. HOUSTON: Yes. My name
14 is Doug Houston. I'm one of the
15 architects. The question I have, it is
16 probably for Deven here, if you don't make
17 that modification or change, if someone in
18 the future did want to build in that area,
19 wouldn't they have to come to the zoning
20 board anyway? I don't see any need to
21 modify when in order to build above,
22 below, anything, it is non-conforming
23 space, they need to come to you guys.

24 CHAIRMAN MAGUN: That's
25 correct. Right. That is totally correct.

1 Proceedings

2 MR. MURPHY: I don't know
3 if the board wants to discuss my
4 suggestion. David, does that strike you
5 as something --

6 CHAIRMAN MAGUN: Can I ask
7 one other question? So I hear what you
8 are saying about the necessity for the
9 covered porch, and I see that the board is
10 not following that thinking, that the
11 room, the new room, they want to build is
12 adding bulk to the house. Again, that is
13 an incursion of some ten -- what is it
14 currently -- is that an old -- as the
15 house currently exists, what, 30 feet from
16 the front yard?

17 MR. HEITLER: The closest
18 point here is 20 feet already.

19 CHAIRMAN MAGUN: The
20 closest point.

21 MR. HEITLER: This corner
22 would be 21 feet. This is the existing
23 house.

24 CHAIRMAN MAGUN: Yes, the
25 existing house.

1 Proceedings

2 MR. HEITLER: The corner
3 existing house is this 16 plus 6. Let's
4 call it 22, 23.

5 CHAIRMAN MAGUN: No, but
6 from Overlook to the --

7 MR. HEITLER: I understand.
8 You want to find out where this corner is?

9 CHAIRMAN MAGUN: No, not
10 the new house, the current. Yes, from
11 there to Overlook is.

12 MR. HEITLER: It is behind
13 the 30 foot setback. You can assume that
14 it is 33 feet.

15 CHAIRMAN MAGUN: We are
16 going from like a 32 or 33 foot setback to
17 a 23 foot setback. So that's a 7 odd foot
18 incursion to the front yard setback.
19 Again, I think it is a large -- I
20 understand the aesthetics of it, and I
21 think aesthetically I agree with you. It
22 makes sense.

23 I just think as someone on the
24 zoning board considering the amount of
25 space this takes up in the front yard, it

1 Proceedings
2 is a big front yard incursion. And I
3 think that the community has had their
4 chance to think about this. No one seems
5 to object. And they are going to live
6 with it, and the house will probably be
7 very pretty. I don't think anybody has
8 any -- I think you have shown us very
9 pretty drawings.

10 Again, my reservations I have
11 haven't really changed. I think it is
12 really taking up much more space in the
13 setbacks than ought to be there. David, I
14 totally understand what you are saying. I
15 agree. They are making the house bigger,
16 and I think that's great. They just have
17 a huge amount of space in other ways they
18 can do it. It just costs a lot more
19 money, and everyone understands. We all
20 live under these kinds of restraints.
21 So --

22 MS. STECICH: Can I ask, I
23 have two questions about the accessory
24 apartment, because I'm a little confused.
25 Is it -- you said you have a permit for

1 Proceedings

2 the accessory apartment.

3 MS. SNIDER-STEIN: Yes. The
4 house came with it and we renewed it. And
5 recently it was time to renew it again,
6 and we have set the paperwork in motion so
7 it can be renewed again, because we are
8 never planning to actually rent it out.
9 We have been told since we had it, it's an
10 asset to the house.

11 MS. STECICH: It is
12 currently under review?

13 MS. SNIDER-STEIN: I guess
14 so, yeah. If we were to fall under some
15 hard times --

16 MS. STECICH: I have some
17 questions concerning -- because the
18 description of it, I don't understand how
19 it ever got an accessory apartment under
20 our code if it is in the condition that
21 was described. I would just ask the
22 building department to do their own
23 inspections.

24 MS. SNIDER-STEIN: They have
25 come and inspected it.

1 Proceedings

2 MS. STECICH: What was just
3 described? I don't understand how it
4 was --

5 CHAIRMAN MAGUN: They have
6 inspected it?

7 MS. SNIDER-STEIN: Yes, they
8 have.

9 CHAIRMAN MAGUN: You have
10 inspected it?

11 MR. SHARMA: When did we
12 inspect it?

13 MS. SNIDER-STEIN: The other
14 person who works with you, Charlie. About
15 a month ago.

16 MR. SHARMA: I thought it
17 was coming up to the inspection
18 recertification, but I didn't know it
19 already did.

20 MS. SNIDER-STEIN: Yes, yes.
21 We haven't changed anything from when it
22 first was, you know, authorized. I don't
23 know if that's the right word.

24 MR. HEITLER: It was
25 inspected one month ago. I don't know if

1 Proceedings

2 that was talked over.

3 CHAIRMAN MAGUN: Clearly
4 your description of the space is somewhat
5 vaguely, barely inhabitable.

6 MS. SNIDER-STEIN: You can
7 live there if you want to live there. But
8 as a mother I'm not going to put my nine
9 year old who has asthma or my teenager
10 with access to the woods to be there.

11 CHAIRMAN MAGUN: Until
12 tonight we had no clear description of the
13 space, and I think -- and, again, I
14 have -- I'm glad we had this discussion,
15 because what we understood and still
16 understand is there is some livable space
17 in the house that is not being utilized.
18 If we are going --

19 MS. SNIDER-STEIN: It is
20 being utilized as a playroom once in a
21 while, you know. It is a little rat's
22 maze. We kind of do the best we can with
23 it but --

24 CHAIRMAN MAGUN: And I just
25 want you to understand that if we are

1 Proceedings
2 granting variances to people to build in
3 front yards, which is what the board has
4 done already, I think the community is
5 entitled to an explanation for why we do
6 that when someone has space that they
7 might conceivably use. And we heard the
8 reasons for it tonight. They revolve
9 around aesthetics and money. Those are
10 all important issues.

11 MS. SNIDER-STEIN: And
12 parenthood.

13 MR. HEITLER: I think the
14 way we answer that, just to be clear, was
15 that they are not quality square feet and
16 they are not adjacent. They don't serve
17 the need. I don't think I would dismiss
18 it as money and aesthetics. I would say
19 pragmatically it doesn't solve our
20 problem.

21 CHAIRMAN MAGUN: But in
22 your statement to us, the principal
23 statement, you talk a lot about things
24 could be done differently, but it would be
25 very expensive.

1 Proceedings

2 MR. HEITLER: That was with
3 regard to building elsewhere on the site.

4 CHAIRMAN MAGUN: Okay. How
5 does the board want to proceed? They have
6 a variance. We have a rehearing. We can
7 do whatever we want. Do we have to have
8 any kind of motion or can we just make a
9 motion that we -- do we have to have a
10 motion at all?

11 MS. STECICH: No.

12 CHAIRMAN MAGUN: We can say
13 we reheard it. And it remains as it is.

14 MS. STECICH: If, however,
15 there was a suggestion that a condition be
16 added to the variance, my suggestion would
17 be that you make a motion to -- somebody
18 make a motion to modify the variance to
19 add that condition and see what happens.

20 MR. DEITZ: First of all, it
21 is clear that the prior order stands.

22 MS. STECICH: Yes. You are
23 modifying.

24 CHAIRMAN MAGUN: The
25 purpose of the rehearing was to either

1 Proceedings
2 modify it or change it or vote.
3 Otherwise, it stands. So --

4 MR. MURPHY: I'm sorry. I
5 just wanted to make a statement, if he had
6 any thoughts or views on the proposed
7 modification, if that makes sense to him.

8 MR. DEITZ: Well, I don't
9 have any objection. I don't think it is
10 necessary because, as someone already
11 said, to build above or below they would
12 need a variance anyway. And by making the
13 modification, you are suggesting -- you
14 are just reiterating that. And that's
15 fine with me.

16 MS. FURMAN: I think it also
17 serves as legislative intent, if you will,
18 that it gives whoever is going to make the
19 next modification an understanding of the
20 thought process behind this granting of a
21 variance, because otherwise I think you
22 don't have a record. We have a record,
23 but I don't know that we go back to it,
24 which brings me back, of course, to the
25 same problem I have with our applications

1 Proceedings
2 for variances, which the sentence on it
3 that says list the history of requests for
4 variances. It is never filled out.

5 CHAIRMAN MAGUN: It is hard
6 to fill it out.

7 MS. FURMAN: For whatever
8 reason. So at least if we in the granting
9 of the motion, the modification of the
10 motion, express the reservations we had,
11 it may have some effect.

12 MR. SHARMA: I have a
13 question. Do you pass it onto the next
14 home as a covenant or on a deed or
15 something? The new owner that comes in --

16 MS. STECICH: It should be
17 in the building file. I'm making a note
18 to tell Marie to make sure she puts not
19 only the original variance but the
20 condition, it will be part of the building
21 file, so when the application comes up it
22 is in there.

23 CHAIRMAN MAGUN: One of the
24 nice things about having a modern
25 communications department here is that one

1 Proceedings
2 can search the minutes now. And it was
3 much harder in the past. But everything
4 since 1997 is available, will be forever.
5 And in ten years from now these minutes
6 will be available. So someone -- and I
7 think in that regard the intent of the
8 board will be very obvious if we state it
9 that way.

10 MS. FURMAN: All right. But
11 what I also would like to make sure to
12 protect the next generations of buyers of
13 properties, if someone is going to buy a
14 property, does a title search into this
15 location, when they look through the
16 village file, that there will be a note in
17 it, something in it that says "No, you
18 can't go in and do this building without a
19 variance." So someone doesn't come to a
20 board ten years from now and say we bought
21 this house. Clearly we thought that it --
22 that we could come in for a variance the
23 same way anybody could and not know that
24 there was a clear indication in the file
25 that it might not fly. So I think it is

1 Proceedings

2 important.

3 MR. DEITZ: Even with this
4 modification, someone can come for a
5 future variance.

6 MS. FURMAN: Absolutely. We
7 are just expressing the intent of the
8 framers.

9 CHAIRMAN MAGUN: I didn't
10 think it was that weighty of a thing.

11 MS. FURMAN: It is the
12 framing.

13 CHAIRMAN MAGUN: So I'm
14 going to let the board make whatever
15 motion it wants to make.

16 MR. MURPHY: Okay. I'll
17 move to modify the front yard variance
18 previously granted, that modification,
19 that the previous variance to be
20 conditioned upon the stipulation there be
21 no further construction either below or
22 above the proposed covered front porch.

23 MS. FURMAN: Nor enclosure.

24 MR. MURPHY: Nor enclosure
25 ever, the proposed covered front porch.

1 Proceedings

2 Thank you, Denise.

3 MS. FURMAN: I second.

4 CHAIRMAN MAGUN: Everything
5 has to be unanimous, right? So if someone
6 votes against that, then it will not pass.
7 So all in favor of that?

8 MR. MURPHY: Aye.

9 MR. PYCIOR: Aye.

10 CHAIRMAN MAGUN: Aye.

11 MS. FURMAN: Aye.

12 MR. DEITZ: Aye.

13 MR. SHARMA: Aye.

14 CHAIRMAN MAGUN: So that
15 makes it unanimous. I should remind
16 everyone that we did not pass the variance
17 for the height, and that remains up in the
18 air, so to speak. Maybe we will see you
19 again sometime. Good luck.

20 MR. DEITZ: It is not
21 requested.

22 MR. STEIN: We are
23 sharpening our pencil on that one.

24 CHAIRMAN MAGUN: I don't
25 think there is any other items on the

1 Proceedings
2 agenda. The next meeting is April 26. Is
3 that the correct date? I wrote it on my
4 notes here. Okay. The minutes are
5 missing some pages.

6 MR. MURPHY: They are
7 missing every other page, the minutes from
8 the March 1 meeting.

9 CHAIRMAN MAGUN: We can't
10 really approve the minutes.

11 MR. MURPHY: But if we get
12 a complete copy, we will approve them.

13 CHAIRMAN MAGUN: We tried
14 to read the minutes.

15 I want to thank the board before we
16 adjourn for its patience in dealing with
17 this last application. It was an unusual
18 thing that we went through. We haven't
19 had any rehearings in my tenure which is
20 almost ten years now on the board, and I
21 appreciate the board's patience and
22 willingness to hear the issues, and I
23 think we heard the issues and we gave a
24 fair judgement. Is there a motion to
25 adjourn?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings

MR. MURPHY: I'll move to
adjourn.

CHAIRMAN MAGUN: Second?

MS. FURMAN: Second.

CHAIRMAN MAGUN: Adjourned.

Good night.

(Hearing concluded at 9:45 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 30th day of March, 2007.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

24

25

