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

Held February 28, 2008 at 8:00 p.m.,
Seven Maple Avenue, Hastings-on-Hudson, New
York 10706-1497.

P R E S E N T:

- Brian Murphy, Chairman
- Stanley Pycior, Deputy Chairman
- David Deitz, Board Member
- David Forbes-Watkins, Board Member
- Ray H. Dovell, Board Member
- Marc A. Leaf, Alternate Member
- Deven Sharma, Building Inspector
- Marianne Stecich, Board Counsel

Nina Purcell, RPR
Shorthand Reporter

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2 CHAIRMAN PYCIOR: Good
3 evening. I'd like to call to order the
4 meeting of the zoning board of appeals of
5 Thursday, February 28, 2008. The first
6 item I was to address tonight is the
7 election of a chair of the zoning board.
8 I'm the acting chair and so we are going
9 to do that at the beginning of the
10 meeting, since we are in need of a chair.
11 Do I have any nominations for the chair?

12 MR. FORBES-WATKINS: I
13 nominate Brian Murphy.

14 CHAIRMAN PYCIOR: Do I have
15 a second?

16 MR. DOVELL: I second.

17 CHAIRMAN PYCIOR: Do I hear
18 any other nominations? All in favor of
19 Brian Murphy as chair, say aye. Aye.

20 MR. DOVELL: Aye.

21 MR. DEITZ: Aye.

22 MR. FORBES-WATKINS: Aye.

23 CHAIRMAN PYCIOR: Opposed by
24 it?

25 MR. MURPHY: No. I thought

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2 it over at one point --

3 CHAIRMAN PYCIOR:

4 Congratulations, Mr. Chair.

5 MR. MURPHY: Thank you.

6 CHAIRMAN PYCIOR: I've been
7 advised by counsel, since you are newly
8 elected chair, you should conduct the rest
9 of the meeting. Would you like to change
10 chairs?

11 CHAIRMAN MURPHY: Sure. All
12 right, thank you. Thank you, board
13 members. I appreciate it. Thank you,
14 Stanley. It has been a pleasure to serve
15 with you. I do want to say thank you to
16 Dr. Magun who was our chair for a number
17 of years who taught me a lot about the
18 zoning of the village. And so, Arthur, if
19 you are watching and listening, if you see
20 this, I thank you very much. I greatly
21 appreciate all your help.

22 We have three cases on the docket
23 tonight. The first case is for Peter
24 Dormont, 221 Branford Road. The second
25 case, Alexander and Natalia Shatilov, 115

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2 Washington Avenue. Last case is Coolidge
3 Hastings LLC, 555-565 Broadway. Mr.
4 Sharma, are all the mailings in order this
5 evening for our cases?

6 MR. SHARMA: Yes. I've been
7 informed by my office all the mailings are
8 in order.

9 CHAIRMAN MURPHY: Okay. All
10 right. Our first case is the application
11 of Peter Dormont, 21 Branford Road. Looks
12 like we have two variances, one for the
13 rear yard - existing and required minimum:
14 30 feet; proposed setback is 28 feet. And
15 on the side yards we have existing and
16 proposed: Nonconforming -- required
17 minimum 12 feet. And the existing
18 nonconforming is 9 feet. Sir, please
19 identify yourself and tell us who you are.

20 MR. KOCH: Good evening. My
21 name is Mitchell Koch. I'm the architect
22 for the Dormonts. My office is in Dobbs
23 Ferry. Tonight I would like to offer for
24 the record on behalf of the Dormonts two
25 letters of recommendation from their

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2 neighbors and most specifically the
3 neighbor to the immediate west who is the
4 one most affected by the side yard
5 encroachment. And maybe you can read
6 these into the record. This is the
7 neighbor across the street and this is the
8 neighbor -- and when you are finished with
9 that, I have something else to offer.

10 CHAIRMAN MURPHY: Sure. The
11 first letter that Mr. Koch, is it?

12 MR. KOCH: Yes.

13 CHAIRMAN MURPHY: Mr. Koch
14 has handed me is from Jane McMichael to
15 the Dormonts and the zoning board.

16 "We are next-door neighbors to
17 the Dormonts immediately to the west
18 and most affected by the proposed
19 construction. We are aware of the
20 plans and feel it will be a positive
21 addition to the neighborhood. We
22 are in support of the project.

23 Sincerely, Jane McMichael."

24 And there are copies for the
25 board members. There is a handwritten

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2 note at the bottom.

3 MR. KOCH: That's right.

4 CHAIRMAN MURPHY: It is
5 from William -- I can't read the last
6 name.

7 MR. DORMONT: Crosby.

8 CHAIRMAN MURPHY: Okay.
9 Crosby. It is hard to read, and my
10 eyesight isn't what it used to be.

11 MR. KOCH: I've had some
12 practice with it if you would like me to
13 read it.

14 CHAIRMAN MURPHY: Yes,
15 could you?

16 MR. KOCH: I was rehearsing
17 in the back. February 28, 2008, to the
18 zoning board of appeals:

19 "William E. Crosby of 20 Branford
20 Road have no objections to the
21 application of Peter Dormont and
22 encourage the board to grant the
23 sought after variances. We have
24 been friends of the Dormonts for
25 many years. Besides being good

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2 neighbors, they have been a
3 credit to the community.

4 Barbara is an active member
5 of Temple Beth Shalom, and their
6 two sons are exemplary citizens.
7 We are glad they have decided to
8 improve their current residence
9 rather than fly off to Florida
10 during their retirement years.

11 We hope the board feels likewise."

12 And this is William E. Crosby. And I'll
13 just submit this.

14 CHAIRMAN MURPHY: Thank
15 you. Go ahead.

16 MR. KOCH: The third item, I
17 want to clarify what is a small error in
18 regard to the variances. In fact only one
19 variance is required. The rear yard, if I
20 understand the zoning code correctly, is
21 being encroached only by a bay window
22 which is allowed specifically in 259-20
23 rear yards, item B-2.

24 And I'm going to submit this for
25 review, and I have to apologize. It was

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2 my error on the submittal. I have four
3 copies, but I've highlighted it. And you
4 can correct me if I'm wrong.

5 CHAIRMAN MURPHY: Mr. Koch,
6 has our counselor had a chance to look at
7 that yet?

8 MR. KOCH: No.

9 MR. SHARMA: Can I just say
10 something? If you remember, we talked
11 about it. I said you need a variance.
12 And at the time you said to be on the safe
13 side maybe we don't. But I'll bring it.
14 We will put it on the agenda. If we do --

15 MR. KOCH: I studied it --

16 MR. SHARMA: -- we'll have
17 notice.

18 MR. KOCH: Okay. Then I'll
19 leave this to the judgment of the board.
20 But from my understanding of it, our -- no
21 part of the addition encroaches into the
22 back, the rear yard, except the bay window
23 which encroaches by 24 inches which is
24 allowed, and only 24 inches at the extreme
25 southwest corner after which the property

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2 line tapers away. But I just wanted to
3 put that out there.

4 CHAIRMAN MURPHY: This is
5 the proposed bay window on the second
6 floor addition?

7 MR. KOCH: That's correct.

8 CHAIRMAN MURPHY: Yeah. I
9 think that was always my understanding of
10 this provision. I think the applicant is
11 correct.

12 MS. STECICH: That's
13 correct, assuming that the measurements
14 are right and that which I'm sure our
15 inspector can verify at some point. If
16 the only projection into the 30 foot
17 setback is 2 feet of bay window, no
18 variance would be needed.

19 MR. KOCH: As you can see
20 from the drawing that was submitted, our
21 intention is to do only a 24 inch
22 projection.

23 MR. SHARMA: There was a
24 discussion once as to the definition of a
25 bay window, if the floor also stands out.

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2 Standard window perhaps --

3 MS. STECICH: It is not
4 just the bay window?

5 MR. SHARMA: Yes.

6 MS. STECICH: If it is not
7 just the window --

8 MR. KOCH: It is a bay
9 window with a window seat. By my
10 definition that's a bay window, but I
11 leave it to the board.

12 CHAIRMAN MURPHY: Why don't
13 we proceed this way? Why don't you
14 present the application, the desired
15 alterations and then -- so the board can
16 understand exactly what the applicant
17 wants to do. And then we will decide
18 whether we need one or two --

19 MS. STECICH: Just to bear
20 in mind, though, when looking at the
21 application, I would say that a bay window
22 can project 2 feet, but you can't build a
23 structure that projects 2 feet and put a
24 bay window in it and say it is only a bay
25 window.

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2 I'm not saying that's what you've
3 done but bear that in mind. Do you
4 understand what I'm saying?

5 MR. PYCIOR: I recall in the
6 past we have ruled that way. If it is
7 floor to ceiling and not simply a window
8 sticking out, it is not just a window.

9 MS. STECICH: It is a bay.

10 MR. KOCH: All right. For
11 the purposes of explaining the addition,
12 there is an existing first floor addition,
13 and with the exception of the bay window,
14 we are not exceeding the footprint of
15 that. We are building right on it. As a
16 matter of fact, when that first floor
17 addition was constructed, the ceiling
18 joists were made out of two by tens which
19 are strong enough to carry the second
20 floor. So the intention had been that in
21 the future they might do a second floor
22 addition. That was designed by someone
23 other than myself.

24 And you've seen the plans. But, in
25 fact, we have a master bedroom and master

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2 bath suite in this addition and very
3 relatively few changes to the existing
4 footprint of the second floor. The
5 addition is shown highlighted in gray here
6 and hatched. That from the side it will
7 have a shallow hip roof rather than a
8 gable roof to minimize the obstruction.
9 And really you can just say that there is
10 a bump, if you will, which accommodates
11 the proposed bay window.

12 The design of the bay window is, in
13 fact, not that the floor carry out but
14 there be a seat in that window, a window
15 seat. And it had been our hope that in
16 the framing below the seat that we would
17 have a sort of open ventilation port so
18 that they don't have to use air
19 conditioning and that we will be pulling
20 up cool air hopefully on the summer nights
21 through the underside of the projecting
22 bay and ventilating up through the room
23 directly. And that being what it is, it's
24 really a window seat, sort of an amenity
25 for the bedroom.

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2 And I've done this little photo
3 shop sort of outline of the way the
4 addition might look in three dimensions.
5 You see the roof line goes along here.
6 And I think most importantly when seen
7 from the east looking west, you can see
8 the projection comes out to here. And,
9 you know, through the magic of photo shop,
10 we have glommed together two photographs
11 that demonstrate the neighbor to the south
12 which actually lives six miles away. But
13 you can see that there is really, in
14 fact -- the issue is with this existing
15 nonconforming side yard. The house
16 clearly preexisted the zoning. And then
17 the addition was put to the full extent of
18 the house, and they were granted a
19 variance in the past for that. And we are
20 going up on top of it.

21 So we are really looking at a two
22 yard or less than a two yard sort of part
23 of the addition, I'm asserting. And if
24 anything, this two foot -- two yard --
25 sorry -- two foot swath of the addition.

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2 And if you decide then that the bay window
3 is encroaching in the side yard and the
4 backyard. And that's it, really. It's a
5 very straightforward addition. We've done
6 everything we could to minimize the roof
7 line.

8 CHAIRMAN MURPHY: I just
9 had a couple of questions. I mean, I
10 think the only issue worth discussing is
11 this bay. But how big is it on the
12 drawings? It looks like a ten foot wide
13 by eight foot high part of the room. So
14 is it a window or is it a part of the
15 room?

16 MR. KOCH: That's a very
17 good question. It comprises three windows
18 and a window seat that, you know, in the
19 room, it will go from the ceiling down
20 through a window seat visually. 10 feet
21 wide is generous, but it seemed to
22 naturally cover the door below properly.

23 We are trying to kill two birds
24 with one stone and provide a little
25 shading for the kitchen which is at that

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2 patio door below and a little protection
3 when you come out to run to the barbecue
4 to cook it.

5 MR. DOVELL: Is the base of
6 the bay window co-planar with the
7 joists --

8 MR. KOCH: Yes.

9 MR. DOVELL: -- or does it
10 extend out?

11 MR. KOCH: What we are
12 trying to do is use the existing floor
13 joists. The proposed new floor joists are
14 currently ceiling joists. We sister to
15 them, extend out 2 feet. It's a very
16 simple structural system. And upon that
17 you have enough room to put a seat and
18 sufficient insulation and then what goes
19 above it.

20 Otherwise, you have to do sort of
21 magic by hanging off of your ceiling
22 joists and other things which we can
23 accommodate. But we wanted to try to get
24 a window seat, because that's really the
25 real pleasure of a south facing bay window

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2 is to sit in it and read a book.

3 MR. DOVELL: And the ceiling
4 structure is co-planar as well?

5 MR. KOCH: Yeah.

6 MR. DOVELL: It goes
7 through --

8 MR. KOCH: Yes. Well, you
9 know, actually, that hasn't been decided.
10 It can be, but for purpose of design, we
11 might have a little archway into it.

12 MR. DOVELL: But the framing
13 of it.

14 MR. KOCH: The framing would
15 be. Yeah.

16 MR. DOVELL: It does seem it
17 is a projection of the second floor, you
18 know.

19 MR. KOCH: I leave that to
20 you.

21 MR. DOVELL: Although a
22 minor projection.

23 CHAIRMAN MURPHY: You
24 mention the earlier variance and the
25 application talks about a variance from

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2 July of '88. Can you just tell us --
3 certainly I wasn't here then and most of
4 the board members, I don't think, were.
5 Do you know what that variance was?

6 MR. KOCH: You know, you are
7 going to have to ask Peter to come up,
8 Peter Dormont, the owner. I wasn't
9 involved with that either. It looks very
10 straightforward, however. It was a one-
11 story addition to the rear. It did not
12 encroach on the rear yard very clearly.
13 It lined up with the side of the house
14 which is in a preexisting nonconforming
15 house, and I assume that the variance --
16 correct me if I'm wrong.

17 MR. DORMONT: That was the
18 nature of the variance, that --

19 CHAIRMAN MURPHY: Thank
20 you.

21 MR. DORMONT: That was the
22 nature of the variance, that the existing
23 structure was nonconforming. It was built
24 when the house was built in 1949 and
25 before the zoning -- the current zoning

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2 was in effect. And so we required a
3 variance in order to even extend along the
4 west side. It just was with the existing
5 side of the house, so that was the reason
6 for the variance in 1988.

7 CHAIRMAN MURPHY: Okay.
8 Thank you, Mr. Dormont. Are there any
9 other questions from the board members?
10 Hearing none, is there anyone here who
11 wishes to speak in favor of the
12 application? Anyone here who wishes to
13 speak against the application? Hearing
14 none, any comments from the board before
15 we vote?

16 MR. DOVELL: I think the
17 application is very well presented. I
18 think with the accommodation of the
19 drawings and the photo shop imagery you
20 have created, you get a very clear glimpse
21 of what is intended. And I think the want
22 of the architect to try to minimize the
23 effect of the roof slopes is, in fact --
24 looks like it works quite well just based
25 on the photo shop image here. It does

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2 seem like a fairly sensitively done
3 addition to me.

4 CHAIRMAN MURPHY: Yes. My
5 only question was how big the extension of
6 the bay was, whether it was just a window
7 or actually part of the room. It is part
8 of the room. But given that it is up to
9 the two foot limit that you would
10 otherwise be permitted to do for a bay
11 window and given the particular location,
12 there seems to be plenty of space back
13 there. I don't think we really -- it
14 doesn't seem to me to be encroaching on
15 the neighbor's view or anything like that.

16 And I also noted, I think, in your
17 application, you indicated that there was
18 only 15 percent coverage of the permitted
19 lot area. Well, 15 percent, 25 percent is
20 permitted. So given that all and all --
21 if there was a view preservation issue, I
22 might feel differently, frankly. But
23 because there is none, I think I tend to
24 favor the applicant's request. Any other
25 comments from the board? All right. Can

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2 I have a motion? I guess we should take
3 each variance one at a time, please.

4 Anyone want to make a motion?

5 MR. PYCIOR: Yes. I'll move
6 to approve the rear yard variance where
7 the existing and required minimum is 30
8 feet and the proposed minimum -- sorry --
9 the proposed structure would be 28 feet
10 from the rear yard.

11 CHAIRMAN MURPHY: Do I hear
12 a second?

13 MR. FORBES-WATKINS: Second.

14 CHAIRMAN MURPHY: All in
15 favor?

16 MR. DEITZ: Aye.

17 MR. DOVELL: Aye.

18 MR. FORBES-WATKINS: Aye.

19 CHAIRMAN MURPHY: Aye.
20 Motion on the side yard setback, please?

21 MR. FORBES-WATKINS: I'll
22 move for the approval of the existing and
23 proposed nonconforming 9 foot side yard,
24 the required minimum being 12 feet.

25 CHAIRMAN MURPHY: Do I hear

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2 a second?

3 MR. PYCIOR: I'll second.

4 CHAIRMAN MURPHY: All in
5 favor?

6 MR. DOVELL: Aye.

7 MR. DEITZ: Aye.

8 MR. FORBES-WATKINS: Aye.

9 CHAIRMAN MURPHY: Aye.

10 Mr. Dormont, you are approved. Thank you
11 very much.

12 MR. DORMONT: Thank you very
13 much.

14 CHAIRMAN MURPHY: I'll note
15 for the record for our reporter both votes
16 were unanimous by the board.

17 MR. WHITELAW: I represent
18 555 Broadway. I had worked out with
19 Mr. Shatilov to go first because I had
20 explained I have another zoning board
21 meeting to attend. So I noticed we were
22 placed third. I don't know if it is
23 possible to shift the next two. I don't
24 want to put anybody out or put a wrench in
25 the schedule.

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2 CHAIRMAN MURPHY: Can you
3 identify yourself.

4 MR. WHITELAW: Andrew
5 Whitelaw, I'm the architect for Coolidge
6 Hastings.

7 CHAIRMAN MURPHY: Our
8 second case was for Alexander Shatilov.
9 Are they here?

10 MR. SHATILOV: I'm here.

11 CHAIRMAN MURPHY: You are
12 second on the agenda. It is up to you.

13 MR. SHATILOV: I don't have
14 any objections to Mr. Whitelaw going
15 first.

16 CHAIRMAN MURPHY: Well, you
17 know what, with all due respect, sir, he
18 is second on the agenda. I think there
19 may be more discussion on the parking
20 spaces than his application. If it is
21 okay with you, we will get through it.
22 Mr. Shatilov?

23 MR. SHATILOV: I'm Alexander
24 Shatilov of 115 Washington Avenue. And
25 before I start I would like to enter in

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2 the record a couple of letters from my
3 immediate neighbors and a depiction of a
4 house -- of our house which as it
5 presently exists. I didn't make any
6 copies, though. So this is --

7 CHAIRMAN MURPHY: Thank
8 you. And rather than read these into the
9 record, I'll just note that Mr. Shatilov
10 handed me two letters in support of his
11 application. The first one is from Helena
12 and Sabatino Capuano. And they are the
13 owners of the west of 115 Washington. I
14 also have a handwritten note in favor of
15 the application from -- it looks like
16 Alden --

17 MR. SHATILOV: Holsinger.

18 CHAIRMAN MURPHY: Holsinger.
19 Thank you. Also in support.

20 MR. SHATILOV: If you have
21 trouble reading it, I can read it.

22 CHAIRMAN MURPHY: It's
23 okay. He is at 119 Washington Avenue?

24 MR. SHATILOV: That's
25 correct.

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2 CHAIRMAN MURPHY: Please
3 proceed.

4 MR. SHATILOV: Well, our
5 application for variance was prompted by
6 our desire to add a second floor addition
7 to the existing 1950s single story house,
8 which as you might have seen from the
9 picture that I gave you is it stands out
10 from the crowd in a certain way. It is
11 kind of small. So when we purchased the
12 house in December 2006, we knew there were
13 plans to add the second story by the
14 previous owners. And, in fact, the owners
15 went before this board in July 2005, and
16 they received approval of their variance
17 application.

18 So basically we are applying for a
19 side yard variance and lot coverage
20 variance. The side yard, as the board
21 members are aware, is a requirement that
22 has to be kept with, but the house as it
23 exists now is nonconforming. And it was
24 built nonconforming because as, again,
25 board members are aware, most of the

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2 houses along Washington Avenue are
3 nonconforming because the lots are so
4 narrow.

5 So -- and the lot coverage is --
6 because we wanted to add some addition
7 where there is a sidewalk now -- you can
8 see on the picture, it is to the left of
9 the existing house -- the idea is to
10 create a proper bedroom floor, because
11 what we have now is more like an apartment
12 type layout where everything is located on
13 a single floor with just one bathroom and
14 a very tiny eating space that can only
15 accommodate four people at a time. So
16 whenever we have somebody over, we have
17 obviously difficulties.

18 So with the plans we wanted to move
19 the kitchen northward towards the deck so
20 as to create a unified cooking, eating and
21 entertainment space. And as I said, we
22 wanted to again to ensure privacy because
23 with a single bathroom it is kind of an
24 issue, in order to have two separate
25 bathrooms on the second floor and a powder

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2 room on the first floor also, so we don't
3 have to run back and forth to wash your
4 hands, so to say.

5 CHAIRMAN MURPHY: How many
6 rooms are you adding with the proposed
7 construction?

8 MR. SHATILOV: Basically we
9 are adding just one extra bedroom on the
10 second floor. Actually, we are converting
11 a bedroom downstairs into the kitchen, two
12 bedrooms, I'm sorry, two bedrooms
13 downstairs into the kitchen, family room.
14 And we are moving up the existing three
15 bedrooms to the second floor and just
16 enlarging them, sir, as you can see from
17 the plans.

18 CHAIRMAN MURPHY: And the
19 previous request for a variance in July of
20 2005, was that a request for the same
21 variances?

22 MR. SHATILOV: Absolutely.
23 Same side yard and lot coverage, because
24 the previous owner wanted to add the
25 second floor just to accommodate bedrooms

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2 and baths and to create proper entrance to
3 the house, because the way it is built now
4 you come in and you are greeted by a wall.

5 CHAIRMAN MURPHY: And the
6 reason for exceeding the permitted lot
7 coverage is to essentially put a --

8 MR. SHATILOV: To create
9 this foyer space.

10 CHAIRMAN MURPHY: That is
11 at the entry to the home?

12 MR. SHATILOV: Yes,
13 absolutely. There is a 3 foot wide
14 walkway. If you want to build over it is
15 3 foot by I think 8 feet.

16 CHAIRMAN MURPHY: You are
17 going to cover the entryway to the home?

18 MR. SHATILOV: Essentially,
19 yes. And it is going to have like a
20 second floor. Again, in order to -- we
21 thought that to utilize the maximum -- to
22 the maximum, the spacial potential of the
23 house within the existing frame, it was
24 logical just to build on top of it instead
25 of trying to build over the existing house

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2 save for the kitchen, because it wouldn't
3 get any extra footage in the bedrooms.
4 The bedrooms are very tiny just so --

5 CHAIRMAN MURPHY: Are there
6 any other questions from the board?

7 MR. DOVELL: This proposal
8 is going to more than double the floor
9 areas of the house, it seems, above the --
10 you're basically doubling --

11 MR. SHATILOV: It would,
12 yes. But we have a little over 1,000 feet
13 of total space. It is not just living
14 space, because there are awkward closets.
15 So we want to really maximize the space.

16 MR. DOVELL: Looking at the
17 site plan, the plot plan on the first
18 sheet and I'm looking at a line that says
19 line of front setback 30 feet. And I'm
20 looking at the same line of setback on the
21 rear, and there seems to be a graphic
22 discrepancy there.

23 MR. SHATILOV: Yes, sir.
24 I'm not aware of that.

25 MR. DOVELL: If --

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2 MR. SHARMA: On the front --

3 MR. DOVELL: The front
4 setback seems to be. If I just scale from
5 the rear, I'm looking at the rear setback
6 here. And if this is 30 feet and the
7 requirement at the front is 30 feet, it
8 appears that there is an additional
9 encroachment across the front.

10 CHAIRMAN MURPHY: According
11 to -- Marianne, maybe you can help me --
12 on the application the required front yard
13 setback is 12 listed in the application.

14 MS. STECICH: I'll
15 double-check.

16 CHAIRMAN MURPHY: Marianne,
17 this is MR 1.5.

18 MS. STECICH: Yes. We don't
19 get many applications there.

20 MR. SHATILOV: I think
21 what --

22 CHAIRMAN MURPHY: Hang on
23 one second, sir.

24 MS. STECICH: Right. The
25 front yard of at least 12 feet or one half

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2 the height of the building wall at the
3 front line, whatever is greatest.
4 Probably the building height is going to
5 be -- how tall is it going to be, probably
6 30 feet high?

7 MR. SHATILOV: It is going
8 to be 26 feet high at the highest on the
9 back, because we have a sloping grade.

10 MS. STECICH: But at the
11 street?

12 MR. SHATILOV: At the street
13 it is going to be 23.5.

14 MS. STECICH: So it is 13
15 feet, 12, 13 feet setback. They are
16 unusual measurements, the MR 1.5. They
17 are unusual measurements because it is a
18 multi-family district. But this is a
19 single-family house. Even a 15 percent
20 lot coverage is a pretty small lot
21 coverage compared to a lot of districts.

22 CHAIRMAN MURPHY: Yes, it
23 is. That was my only slight concern is
24 the exceeding of the lot coverage which is
25 already in excess of what is permitted.

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2 But as the applicant noted, on the
3 other hand, the house is relatively small
4 in that neighborhood. Certainly most of
5 the homes when I went by the other day are
6 almost all two and a half story homes. So
7 I think it is very much in keeping with
8 the character of the neighborhood. And
9 the way I understand this plan, that the
10 small increase in lot area coverage is due
11 to the overhang, of your desire to cover
12 the entryway or the way into the home.

13 MR. SHATILOV: Certainly an
14 overhang, sir. There is going to be -- we
15 want to build over this walkway and build
16 it all the way up. So we are going to
17 cover it all together and build a second
18 floor on top of it.

19 CHAIRMAN MURPHY: That is
20 going to be your new entryway?

21 MR. SHATILOV: Yes,
22 absolutely, new foyer.

23 CHAIRMAN MURPHY: I
24 misspoke, but I understand what you are
25 saying.

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2 MR. FORBES-WATKINS: One
3 other thought, on this, the entranceway as
4 proposed still will not be as far forward
5 towards the street as the house next-door,
6 so it's not bringing a new line, so to
7 speak.

8 MR. SHATILOV: The only
9 structure that will stick out, so to say,
10 is the covered porch, but it is only
11 covered; it is not enclosed.

12 CHAIRMAN MURPHY: Yes. And
13 it is still well within the front yard
14 setback requirements. Any other comments?

15 Anyone wishing to speak in
16 favor of the application? Hearing none,
17 anyone wishing to speak against the
18 application? Hearing none, any final
19 comments from any of the board members?

20 MR. DEITZ: I think this
21 adds a lot of value to the house, and it
22 makes the neighborhood more attractive by
23 making the house more similar to each
24 other. And it is a tremendous increase in
25 living space without increasing the

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2 footprint. So I'm in favor of it.

3 CHAIRMAN MURPHY: Thank
4 you, David. Anyone else? All right. If
5 we could have a motion for the first
6 variance for the side yard?

7 MR. FORBES-WATKINS: I'll
8 move for approval of the variance side
9 yard existing and proposed nonconforming
10 8.62 feet required minimum 12 feet.

11 CHAIRMAN MURPHY: Do I have
12 a second?

13 MR. DOVELL: Second.

14 CHAIRMAN MURPHY: All in
15 favor? Aye. Vote is unanimous. And
16 could I have a motion on the second
17 request for a variance, the lot coverage?

18 MR. PYCIOR: I'll move to
19 approve the lot coverage where the
20 required maximum is 15 percent. The
21 existing nonconforming is 20.24 percent
22 and the proposed is 21.84 percent.

23 CHAIRMAN MURPHY: Do I have
24 a second?

25 MR. FORBES-WATKINS: Second.

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2 CHAIRMAN MURPHY: All in
3 favor? Aye. Vote is unanimous.
4 Mr. Shatilov, thank you. You are
5 approved.

6 MR. SHATILOV: I wish to
7 thank the distinguished members of the
8 board. Thank you.

9 CHAIRMAN MURPHY: Good luck
10 with your project.

11 Our last case tonight is Coolidge
12 Hasting LLC. And this application is a
13 request for a variance with respect to the
14 width of the parking spaces at 555 and 565
15 Broadway. Sir, please identify yourself
16 and proceed.

17 MR. WHITELAW: Andrew
18 Whitelaw, architect for the 555 and 565
19 Broadway. I have the proof of mailings,
20 that I don't know whether you want the
21 copy of the certified or you want the post
22 office E-mail.

23 CHAIRMAN MURPHY: No. The
24 certified receipts are fine. Thank you.

25 MR. WHITELAW: The owners

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2 are seeking to add additional parking
3 spaces on site, 18 spaces in front and
4 four additional in the back. We are also
5 going to go in front of the planning for
6 the historic preservation view zone. We
7 are seeking tonight for the variance on
8 the parking stall width from 9 feet to 8
9 feet. All the stalls in the existing site
10 are 8 feet and matching that. And the
11 owner is wishing to maximize their amount
12 of spaces on the property, therefore,
13 using the 8 foot width. It's basically
14 it.

15 MS. STECICH: It says view
16 preservation on the previous application.

17 MR. SHARMA: It is a code --

18 MS. STECICH: It doesn't
19 need it.

20 MR. SHARMA: No.

21 MS. STECICH: Fine. And it
22 is just Mr. Whitelaw mentioned view
23 preservation. If you are going to be
24 before the planning board for view
25 preservation, if he is going to be before

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2 the planning board --

3 MR. SHARMA: The code says
4 any construction, any alteration, any kind
5 of thing that requires view preservation
6 in the district requires view preservation
7 review and approval. And that is the
8 reason why we -- you know, we referred it
9 to the planning board and zoning board.

10 MS. STECICH: I wanted to
11 clarify, that if he is here for view
12 preservation approval, he should be going
13 before the planning board. If view
14 preservation approval is required, it is
15 required before this board as well.

16 MR. WHITELAW: Okay.

17 MS. STECICH: You need it
18 from two boards.

19 MR. WHITELAW: Okay. I was
20 explained it was from planning.

21 MS. STECICH: To save you
22 another trip, assuming the notice went
23 out.

24 MR. SHARMA: Yes, the notice
25 did go out.

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2 MS. STECICH: Okay.

3 CHAIRMAN MURPHY: So are we
4 going to add a second application for view
5 preservation?

6 MS. STECICH: I don't see
7 it on the notice.

8 CHAIRMAN MURPHY: It is not
9 on the notice.

10 MS. STECICH: Obviously
11 this isn't going to have an impact on view
12 preservation. But --

13 MR. WHITELAW: Everything
14 will be on grade.

15 MS. STECICH: I would think
16 if the building department is going to
17 require view preservation --

18 MR. SHARMA: It looks like
19 site plan approval from the planning board
20 and we did not do view preservation.

21 MS. STECICH: You are
22 requiring site plan approval. Clearly it
23 is not going to affect view preservation.

24 MR. SHARMA: Yes.

25 CHAIRMAN MURPHY: The

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2 variance is for width of the parking
3 spaces. So I understand, are all of the
4 current spaces currently 8 feet?

5 MR. WHITELAW: I spot
6 measured them and they were all 8 feet. I
7 can't tell you if every one is 8 feet.

8 CHAIRMAN MURPHY: And how
9 many net spaces are we adding to the
10 existing parking?

11 MR. WHITELAW: We are -- the
12 net is 18 in the front and four in the
13 back. We are taking a few away to
14 construct it, but the net is 18 and four.

15 CHAIRMAN MURPHY: And why
16 does the applicant need to add that many
17 parking spaces?

18 MR. WHITELAW: Growing room
19 demand for cars. You know, when it was
20 first built -- typically to provide what
21 people are using today -- so there is a
22 very needed demand there at the building.
23 So they asked me to present this project
24 to you.

25 MR. PYCIOR: Could you --

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2 you said how many units are there,
3 apartments? Do you know how many spaces?

4 MR. SHARMA: I had asked him
5 to give me at one point -- I don't
6 remember -- allowances on what parking is
7 required and the parking that is provided.
8 But why the additional spaces, I asked him
9 for an analysis -- I think we had a phone
10 conversation -- to give us some kind of
11 analysis as to what the total number of
12 parking spaces is required for the number
13 of units there and how many would be
14 handicapped accessible. And I guess we
15 never got around to getting that analysis.

16 MR. WHITELAW: Right.
17 Right. I did not get the amount of units.
18 I'm sorry. I don't have that information
19 with me. But we can certainly assign some
20 of those spaces to be handicapped to meet
21 that demand. I don't know how many spaces
22 they have per unit right now.

23 MR. DOVELL: Are you
24 restriping the whole lot?

25 MR. WHITELAW: No, just the

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2 areas affected.

3 MR. DOVELL: The areas you
4 are adding are defined by the dotted lines
5 on the plan?

6 MR. WHITELOW: Yes.

7 MR. FORBES-WATKINS: If you
8 are going to add handicapped spaces, they
9 are definitely going to have to be wider
10 than 8 feet.

11 MR. WHITELOW: We can put it
12 at the ends and certainly get some
13 handicapped spaces in there.

14 MR. FORBES-WATKINS: Do we
15 also know whether this was non-conformance
16 with current zoning regulations, whether
17 that was approved by the planning board,
18 or was that prior to?

19 MR. WHITELOW: I don't know
20 the history of it, the -- you are talking
21 about the original approval of the
22 building?

23 MR. FORBES-WATKINS: Yes.
24 When was the building built? When were
25 they built?

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2 MR. WHITELAW: I don't have
3 the CO with me.

4 MR. SHARMA: It has to be
5 prior to the current zoning. Probably in
6 the '60s or before that.

7 MS. STECICH: Which is
8 why --

9 MR. FORBES-WATKINS: So
10 there has been no approval of the 8 feet
11 in the past, is that correct?

12 MR. WHITELAW: Not that I
13 know of. You know. I don't know the
14 history of it.

15 MR. FORBES-WATKINS: This
16 was just done at somebody's decision back
17 when the property was developed?

18 MR. WHITELAW: Yes.
19 Certainly the building is from, I would
20 estimate, late '50s, early 60s.

21 MR. FORBES-WATKINS: I
22 should point out I am concerned about the
23 width of the vehicles. And if we look
24 back a few years, vehicles were narrower.
25 They are getting wider. So wide, in fact,

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2 if you had a Hummer, you wouldn't be able
3 to put it in an 8 foot spot and open the
4 door.

5 MR. WHITELAW: You're right.
6 You would not be able to fit a Hummer in
7 an 8 foot spot.

8 MR. FORBES-WATKINS: This
9 gives me pause for concern.

10 CHAIRMAN MURPHY: Let me
11 ask you a question. Where are the 18 net
12 new spots coming from? Is there -- I
13 mean, if most of the spaces are already 8
14 feet, where is the land?

15 MR. WHITELAW: We are
16 expanding the asphalt area in the front
17 where the drive goes out, and there is
18 some parallel parking there. We are --
19 that is new asphalt up there.

20 CHAIRMAN MURPHY: I see.
21 You are going to basically put new asphalt
22 to add to the coverage?

23 MR. WHITELAW: Right. We
24 provided the drainage calculation and
25 catch basins for the rain water. But yes,

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2 we will be adding impervious surface.

3 MR. DOVELL: Could you have
4 built a design-complying scheme here
5 without --

6 MR. WHITELOW: Of course,
7 sure, we could have. But they would lose
8 6, 7 or 8 spaces doing that.

9 MR. DOVELL: How would that
10 be if the setbacks are retained? I don't
11 see setback lines on the site plan. Could
12 a complying scheme have been designed with
13 the requisite setback requirements?

14 MR. WHITELOW: They were
15 trying to minimize the impact to the site
16 and the amount of existing grass area. So
17 they were trying to minimize it. I
18 believe I did put the 5 foot -- we didn't
19 max out to the 5 foot setback that is
20 allowable. So they did have the
21 neighborhood, you know, in mind when we
22 did it so that we are not maxing out to
23 the front hedges there and taking up that
24 whole front yard. They seem to be totally
25 fine with the 8 foot spaces they have now

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2 in there, and that's what they wanted to
3 have put in new.

4 MR. DEITZ: "They" are?

5 MR. WHITELAW: "They" being
6 the board has requested --

7 MR. DEITZ: The board?

8 MR. WHITELAW: I work
9 through the property management, but this
10 is what the board had requested.

11 MR. DEITZ: What board is
12 that?

13 MR. WHITELAW: The board
14 that is --

15 MR. DOVELL: Is this a
16 co-op?

17 MR. SHARMA: It is the
18 management company.

19 MR. WHITELAW: The
20 management company. I'm sorry. The
21 management. I deal with a lot of co-ops
22 and condos, but you are right. This is
23 strictly through the management company.

24 CHAIRMAN MURPHY: And so
25 the purpose here is really just to add the

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2 spaces to accommodate the residents in the
3 apartment buildings, because there is not
4 enough parking for the people there. Is
5 that the essence of it?

6 MR. WHITELAW: That's
7 correct.

8 CHAIRMAN MURPHY: What you
9 are saying, we have had 8 foot spaces in
10 these buildings for how many years so you
11 are just adding more 8 foot spaces?

12 MR. WHITELAW: Correct.

13 CHAIRMAN MURPHY: I don't
14 know.

15 MR. DEITZ: There must be a
16 reason why the code calls for 9 foot
17 spaces. And it probably has something to
18 do with the size of cars at the time the
19 code was adopted. And --

20 MR. WHITELAW: Well, the
21 national codes, they deal with the size of
22 spaces depending on where it is being
23 used. Let's say for commercial, for a
24 shopping center, you tend to have bigger
25 spaces. Residential, they are smaller.

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2 So, you know, the size does vary depending
3 on its use for residential use. 8 feet
4 has worked for many, many years. 9 feet
5 is the newer norm with the bigger cars.
6 We may all go back to smaller cars after
7 this oil crisis.

8 CHAIRMAN MURPHY: It is
9 tight. Let me ask you, for the new
10 spaces, for the new spaces, if you made
11 them 9 feet, how many would you lose of
12 the 18? I guess you would lose a foot off
13 of 18. You lose 18 feet. That is two
14 spaces.

15 MR. PYCIOR: I did the math.
16 You lose three. It is 18 front space, 18
17 spaces in the front, four in the rear, 22
18 spaces. And so then if we were to divide
19 it, would be reduced to 19 spaces.

20 MR. DOVELL: But the scheme
21 calls for pushing out the asphalt area.
22 The asphalt area can be pushed out without
23 creating a non-conformance. And the new
24 spaces could comply with the requirement.

25 MR. WHITELAW: If we use

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2 more space in the front.

3 MR. DOVELL: And a small
4 area in the back.

5 CHAIRMAN MURPHY: Yes. I
6 mean, I visited this site for a few
7 minutes. It seemed there was plenty of
8 space to use in the back. I guess --
9 which building is that, 555 building?

10 MR. WHITELAW: Yes, it
11 narrows in the back. Then it drops off.
12 So there was -- I didn't want to start
13 going towards that slope that goes down to
14 the rear there. So the front was really
15 the best place to put the bulk of them.
16 But I do believe we lose more than three
17 spots if we switch to a nonconforming.

18 MR. PYCIOR: They are not in
19 the ropes. It is not an ideal
20 configuration. You probably would lose
21 more than three.

22 MR. WHITELAW: Right. If
23 you have 18, I think it was closer to six,
24 I think, that we are losing. You would
25 lose one in the back too.

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2 CHAIRMAN MURPHY: Question
3 for Marianne, does this -- because they
4 are adding new parking area, does it
5 require a variance for the existing spots
6 that would remain at 8 feet?

7 MS. STECICH: I would just
8 think the ones that are changed.

9 CHAIRMAN MURPHY: Right.
10 Because I think what we are concerned
11 about is to the extent you are going to
12 add new parking, certainly my sense, and,
13 I think, the sense of some of the board
14 members, is they should -- the new ones
15 should be maintained at 9 feet, because it
16 is already pretty jammed back there.
17 Anyone else want to comment or ask any
18 questions of Mr. Whitelaw?

19 MR. DEITZ: It is true; it
20 is jammed. I used to live there and it
21 was jammed. And it is hard to find a
22 spot. But I see that there is a letter in
23 favor of this application from somebody
24 who lives across the street on Travis
25 Place who is in favor of it and because if

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2 you can't find a parking place on the
3 premises, you're going to have to go into
4 the rest of the neighborhood. So it is
5 just a matter of pushing them from one
6 spot to another spot, spilling out into
7 the rest of the neighborhood. It is a
8 difficult thing.

9 MR. WHITELAW: Yes, thank
10 you.

11 MR. DEITZ: You have to
12 balance this.

13 MR. WHITELAW: Thank you for
14 bringing that up. I mentioned that in my
15 letter. You would take traffic coming off
16 from the street onto the property by it
17 being there on site. So this is for
18 overall safety.

19 CHAIRMAN MURPHY: Anyone
20 else?

21 MR. PYCIOR: The college at
22 which I worked restriped our lots with
23 narrower spots about two years ago, and it
24 has been a Godsend. We now have parking
25 spaces, and I've not backed into anyone.

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2 I have not had my car scraped at any time.

3 MS. STECICH: What size?

4 MR. PYCIOR: I don't know
5 exactly. But they are narrower than had
6 been.

7 MS. STECICH: Yes.

8 CHAIRMAN MURPHY: The
9 problem I have is 9 feet is already narrow
10 to my mind. And eight is really narrow.
11 So for the smaller cars I'm sure it is
12 absolutely fine. You know, when you get a
13 slightly larger vehicle, it is tight.
14 Parking is a real problem in the village
15 anyway. I don't know. I guess for me --

16 MR. WHITELAW: 9 feet is
17 really a maximum in the industry as far as
18 laying out parking. And if you want more
19 space than you have, to 9 feet is really
20 the maximum.

21 CHAIRMAN MURPHY: That's
22 why it is in the code too.

23 MR. WHITELAW: Right.

24 CHAIRMAN MURPHY: Let me
25 ask you this. Is there any extra space

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2 available that would be conforming -- I
3 think this was raised at one point -- to
4 add a couple more spots and maintain them
5 at 9 feet?

6 MR. WHITELOW: Like I said,
7 we can use up the rest of that front yard
8 and add more asphalt in order to
9 accomplish that, but you are looking to
10 minimize --

11 CHAIRMAN MURPHY: In the
12 front toward the Broadway side?

13 MR. WHITELOW: Right. There
14 is really no place else to put it.

15 MS. STECICH: What would
16 happen at 8 and a half? 8 and a half,
17 I've seen in zoning. How many spaces
18 would you lose if they were at 8 and a
19 half? I'm not suggesting the board would
20 go with that, but I'm just curious.

21 MR. WHITELOW: It would
22 certainly be less. Maybe three spaces,
23 probably four.

24 MR. PYCIOR: That is a
25 solomonic suggestion. Split the

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2 difference.

3 MR. DEITZ: The argument for
4 making them eight is all the other parking
5 places on the compound are eight. And
6 that is not a bad argument. But we don't
7 really have a handle on what the average
8 car -- what the big cars or the little
9 cars require. I know some places have
10 small spots and big spots, subcompact
11 parking and regular parking. So we are
12 struggling, I think, because we don't have
13 enough parameters to make a judgment on
14 what is really going to solve the problem
15 the best way.

16 CHAIRMAN MURPHY:
17 Mr. Whitelaw, do you know how many spots,
18 total number of spots exist currently for
19 those two buildings?

20 MR. WHITELAW: No, I don't.
21 No one has that number.

22 CHAIRMAN MURPHY: In other
23 words, I'm trying to figure out if adding
24 22 spots is going to increase parking by
25 20 percent or 30 percent or ten percent.

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2 Do you know what I'm saying? I'm trying
3 to get a handle on how much need there is
4 and how much of an increase we would be
5 making.

6 MR. WHITELAW: I did give
7 them a couple of options on how to add
8 spacing there, and they opted for this
9 one, you know. As opposed to just working
10 in the front or working in the back, they
11 clearly were trying to maximize the
12 parking, because there is a real issue
13 with it. So -- but I don't know what the
14 percentage is. I couldn't tell you.

15 MR. FORBES-WATKINS: It is
16 very difficult to make decisions when some
17 of the key parameters are unclear, how
18 many units, how many parking places. I
19 can be persuaded on things, but give me
20 some facts upon which to make a basis of
21 judgment.

22 MR. WHITELAW: Correct.

23 MR. DOVELL: I think it
24 would also be useful to demonstrate -- I
25 see some options for increasing parking in

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2 the front, that you could change the
3 configuration and pick up more spaces. I
4 would like to see demonstrated the nine
5 foot parking and actually where you end up
6 with it. I think that would be a useful
7 thing to see in connection with that.

8 MR. WHITELOW: You are
9 saying with the proposed area has ways of
10 maximizing more parking, or the existing
11 on the other side?

12 MR. DOVELL: Within the
13 setback, both the front and the back, I
14 think that by reconfiguring them you might
15 pick up some additional spaces, to see
16 those drawn at 9 feet to see what the
17 issues are to see what kind of hardship we
18 are looking at here.

19 MS. STECICH: Do you happen
20 to know, do you work in this area?

21 MR. WHITELOW: Yes.

22 MS. STECICH: Do you know
23 which -- it might be helpful for people to
24 know which lots are 8 foot lots, 8 foot
25 spaces, and which are 8 and a half,

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2 because then you know from your own
3 experience which are 8 and 8 and a half.

4 MR. WHITELOW: I can tell
5 you the spots in front of the building
6 here are 8 feet.

7 MR. DOVELL: You can't open
8 the car door.

9 MS. STECICH: You can't get
10 out.

11 MR. WHITELOW: Your own
12 spots for your own municipal building are
13 8 feet.

14 MS. STECICH: They are
15 marked compact and the village has since
16 gotten rid of compact. But that would be
17 just from other experiences I've had with
18 this, that you really might want to get --
19 that's a good example. The ones out in
20 front are 8 feet. It would be helpful to
21 know inside the railroad or the DeCicco
22 lot in Ardsley, whichever places people go
23 what the width is and then you can tell.
24 Maybe your car fits in and you are fine.
25 If you are next to one of those SUVs, it

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2 got in, but maybe you can't open the door.

3 MR. WHITELAW: I agree 9
4 feet is better to install when you are
5 dealing with public areas or commercial
6 areas. But residential, I think it is
7 less of a critical issue. That is my
8 feeling.

9 CHAIRMAN MURPHY: Yes. I
10 think David's argument really is the best
11 one. It is private parking. If there is
12 a clear need -- our problem is we don't
13 have any fact to say here is why we need
14 it. But it would clearly -- granting the
15 variance would help keep at least a few
16 more cars off the street. And that's --
17 in Hastings that is a good thing.

18 MR. WHITELAW: I can get
19 into the facts and figures with the amount
20 of people and amount of spaces. I figure
21 any building from the 1960s, adding spaces
22 would bring it more into compliance with
23 the existing code. As most any building,
24 you know, they are all -- we all were
25 undersized for parking. It's been my

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2 experience.

3 CHAIRMAN MURPHY: The
4 hardship is on the residents who choose to
5 occupy those apartments.

6 MR. WHITELAW: They do have
7 some underground parking as well where the
8 stalls I believe are bigger, if someone
9 with the Hummer can go get a garage space.
10 And there will be no snow on it.

11 MR. FORBES-WATKINS: They
12 probably have a waiting list on that --

13 MR. WHITELAW: Probably.

14 MR. FORBES-WATKINS: -- on
15 the indoor space.

16 CHAIRMAN MURPHY: Anyone
17 else?

18 MR. PYCIOR: I would like
19 information that Mr. Sharma mentioned
20 early on in terms not only the number of
21 units but the number of spaces that would
22 be required on today's code for that
23 number of units to give me some idea of
24 the need. If there are far too few spaces
25 now, given today's code, then I see

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2 greater immediate need in expanding the
3 number of spaces.

4 CHAIRMAN MURPHY: We can
5 defer the application and request the
6 additional information which would be
7 helpful for us and probably helpful for
8 you and your client just to help us make a
9 better decision. I think we would like to
10 know the total number of units in the two
11 buildings under the code and what the
12 required parking -- number of parking
13 spaces would be and then how many are
14 existing right now before we grant the
15 variance.

16 MR. DEITZ: I don't think
17 the applicant would come to us if he was
18 doing 9 foot parking spaces. He doesn't
19 need a variance. He is only here because
20 he is proposing to make the parking spaces
21 smaller than the code calls for.

22 MR. WHITELOW: That's
23 correct. We meet the setback requirement
24 so we wouldn't have to be here at all.
25 The number of spaces wouldn't even be a

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2 question, another reason why I didn't get
3 into the numbers with it. It is really
4 just the width of the stall that is the
5 issue.

6 MR. DEITZ: I don't want to
7 make it too hard for the applicant. I
8 think he should be commended for
9 responding to the need of the residents
10 and making these new spaces available.
11 But I am being asked to approve something
12 without having much of a basis for doing
13 it, as far as the approving a smaller
14 space than the code calls for.

15 CHAIRMAN MURPHY:
16 Mr. Whitelaw, would that be an undue
17 burden on you or are you inclined to
18 provide that information? I think it
19 would help you and the client and it would
20 help us obviously.

21 MR. WHITELAW: They
22 obviously wanted to get started on this
23 last fall, but what is another month. We
24 have to go -- now when we go to planning,
25 we should secure the --

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2 MS. STECICH: That could be
3 a little tricky, frankly, because the
4 planning board has to review the parking
5 lot, and they don't know whether the
6 spaces are going to be 8 foot or 9 foot.
7 So I would say that in this particular --
8 sometimes the zoning board can make the
9 decision before or after and it doesn't
10 make a difference. I would think in this
11 one it would, because if they -- let's say
12 they approve this plan and the board
13 doesn't approve 8 foot spaces; then he
14 would have to go back to the planning
15 board. But I suppose you go to the
16 planning board and if it is okay with them
17 and then this board gives them the 8 foot
18 variance, then -- you know, then it
19 wouldn't be an extra trip. I guess it
20 could be an extra trip.

21 MR. WHITELOW: Right. I
22 don't want to go back and forth either,
23 right, with meetings.

24 CHAIRMAN MURPHY: Do I have
25 a sense of the board -- is the board

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2 prepared to vote right now either way, or
3 would the board prefer to see?

4 MR. FORBES-WATKINS: He
5 doesn't want my vote at this point.

6 CHAIRMAN MURPHY: Stanley,
7 will it affect -- do you really think it
8 will affect which way you go?

9 MR. PYCIOR: I think it
10 will, because I saw something in
11 Marianne's suggestion, observation, that
12 perhaps 8 and a half feet would be more
13 reasonable. I also am actually going to
14 go around checking the size of parking
15 spaces. You know, if we do postpone it
16 for a month, I'll have had my tape measure
17 with me.

18 CHAIRMAN MURPHY: All right.
19 Dave, it sounds like you would in the best
20 world prefer to have a little more
21 information.

22 MR. DEITZ: Yes, I would, I
23 would. I mean, one problem with making
24 the spaces too small is you are going to
25 have some people who end up taking two of

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2 them, and then you will have fewer
3 available than if you had made 9 foot
4 spaces to begin with. I don't know if
5 that is a problem in this area, in this
6 compound or not.

7 CHAIRMAN MURPHY: Ray?

8 MR. DOVELL: I go back to
9 the layout, that I think that other
10 options could be explored to perhaps
11 increase some of the sizes of the 8 foot
12 stalls to 8 and a half and not lose your
13 count. I think that there is certainly
14 some room in the front to work, and there
15 is certainly some room in the back, that
16 with a little massaging might create a
17 good compromise without dropping the
18 number of stalls that you are looking for.

19 MR. DEITZ: You are talking
20 a combination of 8 and a half and --

21 MR. DOVELL: Restriping the
22 whole -- restriping the new area to 8 and
23 a half, for instance, leaving the existing
24 ones alone. I don't think there is a
25 compelling reason to change them.

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2 CHAIRMAN MURPHY: Or we
3 could have a motion to approve the
4 variance for 8 and a half feet. Can we do
5 that, rather than the requested 8 foot
6 condition, basically on 8 and a half foot?

7 MS. STECICH: You could, if
8 you want.

9 CHAIRMAN MURPHY: If the
10 board thought that that had merit.

11 MR. WHITELAW: I think the
12 sense is that if it would deny the 8 foot,
13 they would just pave more area and make it
14 9 feet and not even come back, being that
15 it was 8 feet now and we were just hoping
16 the situation -- you know, we felt it
17 wasn't a big variance to grant. But I
18 think we welcome the 8 and a half foot if
19 that is what you want. But I'm not a
20 hundred percent sure whether they would go
21 for that or just pave more area and do the
22 9 feet.

23 MR. SHARMA: Can I say
24 something?

25 CHAIRMAN MURPHY: Sure.

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2 MR. SHARMA: The
3 accessibility and the code would require
4 every time you restripe the entire area,
5 you would need to provide the requisite
6 number of handicapped parking. And once
7 you do that, you may have to show a
8 complete layout, showing the right number
9 of handicapped accessible parking. And
10 that would greatly affect the total number
11 of parking spaces that you would have. So
12 I think I asked you at one time perhaps to
13 do some calculation and show me if
14 supposing there are a hundred apartments
15 or something or a hundred apartments ended
16 up being five or six handicapped
17 accessible parking spaces, that will start
18 to affect the overall count.

19 MR. WHITELAW: Well, I think
20 the -- I'm sorry. Go ahead.

21 MR. DEITZ: This requirement
22 would relate to the existing parking
23 spaces too?

24 MR. SHARMA: Yes.

25 MR. DEITZ: Right now it

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2 doesn't apply, but because they want to
3 add more, suddenly it would apply to the
4 existing spaces?

5 MR. SHARMA: If they
6 restripe the entire area, reconfigure, do
7 some additional reconfigure, then the
8 state code requires that they comply with
9 the current code.

10 MR. WHITELAW: Right. But
11 we are not touching the other existing
12 areas. We are adding a certain percentage
13 to it, but clearly the 50 percent rule
14 doesn't come into effect. We are not --
15 you know.

16 MR. SHARMA: For that matter
17 here -- I think you and I had a
18 conversation -- do the code analysis as
19 well. Put it down on a piece of paper.
20 Let you and I talk and see if we agree,
21 you know, as to the handicapped parking.
22 And as Mr. Ray is suggesting, that maybe
23 redesigning, relaying out the parking
24 could give you some additional spaces.
25 Alternating the design may be in order to

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2 look at how to lay out and do some type of
3 addition with regard to the total
4 requirement of parking from the current
5 zoning code point of view and from the
6 accessibility point of view, from the
7 handicapped point of view. So right now
8 we have no idea how many of the parking
9 spaces currently existing or new that you
10 are providing are handicapped accessible.

11 MR. WHITELOW: Yes. The
12 only conversation I remember is we said we
13 could add a couple of handicapped spaces
14 to the end stalls, but this is the first
15 time I was hearing you were concerned
16 about the whole site having the proper
17 number of handicapped stalls. So I'd have
18 to look into that. But would that still
19 come into play if they just paved more
20 area and did nine foot stalls? When you
21 look at the new construction, you are
22 saying that would still come into play?

23 MR. SHARMA: What you will
24 need to do between you and I have to check
25 the code and see what is required. At

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2 some point obviously we will need to
3 satisfy not only the local zoning code
4 requirement of the width of the stalls but
5 also the state code with regard to the
6 handicapped accessibility issues. So you
7 will need to look at, and that would
8 obviously have a direct impact on how many
9 spaces you are going to be able to
10 provide, whether it will be 18 or maybe
11 less. Because for the handicapped, as you
12 know, you require 8 feet wide accessible
13 and one access of almost 8 feet wide. And
14 there is a -- you lose a whole parking
15 spot because of that. You apply one to
16 two accessible spaces, and that could have
17 an impact on what you are being able to
18 accomplish.

19 MR. WHITELAW: Sure, it
20 would. Providing 6 or 8 handicapped
21 spaces, that will affect the count, sure.

22 MR. SHARMA: You will need
23 that for the board.

24 CHAIRMAN MURPHY: At this
25 point my sense is we should defer the

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2 application. Mr. Whitelaw, if you could
3 provide us with some additional
4 information and talk to Mr. Sharma, and
5 we'd be happy to reconsider it. We will
6 take it first next time. Sorry about
7 that. That's the way it worked tonight.

8 MR. WHITELAW: Okay. Thank
9 you.

10 CHAIRMAN MURPHY: I guess
11 we have to approve the minutes from the
12 last month's meeting. The board members
13 had a chance to read them. Could I have a
14 motion to approve the minutes from the
15 January 24, 2008 meeting?

16 MR. FORBES-WATKINS: So
17 moved.

18 CHAIRMAN MURPHY: Second?

19 MR. PYCIOR: I'll second.

20 CHAIRMAN MURPHY: All in
21 favor? Aye.

22 MR. DOVELL: Aye.

23 MR. DEITZ: Aye.

24 MR. FORBES-WATKINS: Aye.

25 MR. PYCIOR: Aye.

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2 CHAIRMAN MURPHY: Move to
3 adjourn the meeting. Can I have a motion?

4 MR. PYCIOR: Move to
5 adjourn.

6 CHAIRMAN MURPHY: Second?

7 MR. FORBES-WATKINS:
8 Standard vote.

9 CHAIRMAN MURPHY: All in
10 favor? Aye.

11 MR. DOVELL: Aye.

12 MR. DEITZ: Aye.

13 MR. PYCIOR: Aye.

14 MR. FORBES-WATKINS: Aye.

15 (Hearing concluded at 9:15 p.m.)

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2 STATE OF NEW YORK)

3) ss

4 COUNTY OF WESTCHESTER)

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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, 2008.

22

23 NINA PURCELL,
24 NOTARY PUBLIC

24

25

