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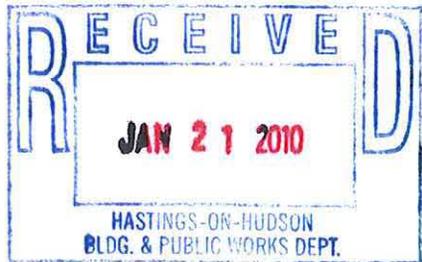
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VILLAGE OF HASTINGS-ON-HUDSON
ZONING BOARD OF APPEALS MEETING
SEVEN MAPLE AVENUE
HASTINGS-ON-HUDSON, NEW YORK 10706

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HELD DECEMBER 10, 2009

- PRESENT:
- Brian Murphy, Chairman
- Stan Pycior, Deputy Chairman
- Marc Leaf
- Ray H. Dovell, Jr.
- Matthew Collins (Alternate)
- Marianne Stecich



2

1 CHAIRMAN MURPHY: Good evening. We
2 are here for the December 10, 2009 Zoning Board
3 of Appeals meeting for Hastings-on Hudson.
4 We had four cases and on the agenda
5 tonight, but one of those cases, T-Mobil
6 application 555 Broadway, is off the agenda for
7 this evening, so we have three cases. The
8 first case is number 7-09 -- so December 10,
9 2009, Zoning Board of Appeals meeting, three
10 cases on the agenda. We are not hearing the
11 T-Mobil application tonight.
12 The first case is number 7-09, the
13 application of Ben Diep, four series of
14 variances at 385 Warburton, which we've heard,
15 last month, and we will finish up tonight. The
16 next case will be case number 9-09, Rosemary
17 Devlin, for variances at 555 Warburton Hastings
18 House. And our last case will be number 10-09
19 for Ruth and Philip Raibel at 41 Forest Avenue
20 for a couple of variances relating to their
21 deck.
22 Mr. Sharma is not here this evening,
23 but Marianne --
24 MS. STECICH: If you get the copy of
25 this, then I'll mail --

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1 recommended view preservation approval subject
2 to two conditions, that, again, the transparent
3 handrail, and also that the dormer not be any
4 larger than what's on this drawing. The board
5 recognized that this application might change,
6 if the zoning board doesn't give the variances.
7 But if the zoning board were to go ahead
8 tonight, rather than the applicant having to
9 come back to the planning board again, they
10 were comfortable as long as the there wasn't --
11 that the dormer wasn't any bigger than what's
12 here. Now, the applicant recognized that if
13 there were changes that would make the dormer
14 bigger or other changes that can change the
15 site plan, then they will have to go back to
16 the planning board.
17 I copied the pages of the planning
18 board minutes that have these conditions, so
19 I'll pass those out. I marked them in red.
20 CHAIRMAN MURPHY: And, Marianne, you
21 are talking about the railing on the post in
22 the garage --
23 MS. STECICH: Yeah. It's like a deck
24 on top of the garage.
25 CHAIRMAN MURPHY: That's the

3

1 CHAIRMAN MURPHY: Okay. That's
2 great. Before we start, our first case,
3 Marianne, is there anything --
4 MS. STECICH: Yeah, on the -- is it
5 Diep or Diep?
6 MR. DEEP: Diep.
7 MS. STECICH: Diep. And the Devlin
8 application, I'll wait until it get's to the
9 Devlin one, I have a report on the planning
10 board's recommendations on that.
11 Now, on the Diep application the
12 planning board took some reaction relevant to
13 this board. Remember that there was a seccra
14 review that had to be done. They determined
15 that there wouldn't be any negative --
16 confinement -- so we can go forward on that.
17 And then they granted site plan approval with
18 some conditions. One, that the applicant
19 county Department of Public Works approval for
20 the driveway, there's some issues about that,
21 the driveway, that the railway and fence on top
22 of the garage, be transparent, you can see
23 through it. And that the residents, this
24 created, has to be one family. If it doesn't
25 then they won't go forward. And then they also

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1 extension on that deck, all the way over to the
2 garage?
3 MS. STECICH: Yeah. You would be
4 able to see through the railing.
5 MR. ADAMS: We are talking about
6 right here --
7 MS. STECICH: By transparent, they
8 didn't mean like glass, plexiglass, just, you
9 know, thin railings.
10 CHAIRMAN MURPHY: You don't want a
11 solid fencing.
12 MR. ADAMS: Right, which was always
13 our contention.
14 CHAIRMAN MURPHY: Thank you,
15 Marianne. Mr. Adams --
16 MR. ADAMS: Sure.
17 CHAIRMAN MURPHY: -- would you like
18 to proceed?
19 MR. ADAMS: Sure.
20 CHAIRMAN MURPHY: And, please, use
21 the microphone.
22 MR. ADAMS: In the last meeting there
23 were a number of questions that you had raised
24 and additional information that you requested
25 that we look into and bring some response back.

6
1 One of the issues was you had wanted
2 to see more photographs from the aqueduct and
3 also at different elevations along the site
4 across the street, so we have given you a
5 handout with those additional photographs.
6 Also you can see, you know, the kind of view
7 you have without the leaves. Actually, as you
8 look at these photographs, particularly from
9 different elevations from the sidewalk, from
10 the first floor, from further up the hill,
11 particularly in properties across the street,
12 I'd just like you to notice where the, you
13 know, the site line is of the Palisades across
14 the river, and know that as you move up in
15 elevation, height of the Palisades relative to
16 the building is also moving up. And we
17 attached the diagram going to the last sheet,
18 which shows sort of a variation in the
19 Palisades -- where the line of the Palisades is
20 visually relative to the facade of the
21 building, and you can see the top line
22 represents the rear property line of the
23 building across the street. The middle line
24 represents the top of the Palisades from the
25 first floor of the building across the street,

8
1 space. I mean, we have a little bit of usable
2 space there, but not much. The second sheet
3 represents the sections as it would look in the
4 dormer application. I'll get to that in a
5 minute --
6 CHAIRMAN MURPHY: Okay.
7 MR. ADAMS: Maybe we can go with
8 that. It's alternative -- it's on the next
9 sequential sheet. And what we've done is we
10 flattened out the view for the dormer. The
11 whole intention is really to make the dormer
12 look like it's apart of the roof. Our
13 intention is, and I don't know yet if we'll be
14 able to afford it, but our intention is to use
15 the roofing material over the roof as a whole.
16 CHAIRMAN MURPHY: I'm sorry. Say
17 that again. I had trouble hearing you.
18 MR. ADAMS: These are standing seam
19 metal roofing.
20 CHAIRMAN MURPHY: Oh, you mean the
21 overlay with the sheet --
22 MR. ADAMS: Yes. You see the little
23 standing seams.
24 CHAIRMAN MURPHY: Right, okay.
25 MR. ADAMS: If we did that, we would

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1 and then the lower line represents the top of
2 the Palisades from the sidewalk, and you can
3 see those in the photographs. At the back of
4 the photographs are a series of -- a series of
5 photographs that we took from the Palisades --
6 not from the Palisades from the aqueduct. And
7 you can see how much exposure there would be
8 with the dormer. And I think you could see the
9 dormer, but it doesn't appear that you --
10 CHAIRMAN MURPHY: Uh-huh. Now, these
11 look like a pretty wholesome photographic
12 exposition of the different site lines, and we
13 appreciate that.
14 MR. ADAMS: Also in the last meeting
15 some questions were raised about the attic.
16 And I think, just to clarify, how much space is
17 actually in the attic, we cut the section. The
18 first sheet shows the existing condition,
19 basically you have a finished ceiling height
20 there of six foot ten. And it's only about
21 eight or nine feet wide at that point, and then
22 it drops down to the new walls where the
23 elevation is at four foot nine. And this is
24 one of the reasons why we are trying to add a
25 dormer and to get additional actual usable

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1 then make the dormer out of the same metallic
2 standing seam or lasting material. So the
3 intention would be that the dormer becomes part
4 of the roof, and not so much of a statement.
5 These are the sort of classical details of the
6 roof. And our feeling is that that would sort
7 of maintain more effectively sort of the
8 classical quality of the roof. And then it
9 would have some relationship to a more sort of
10 industrial -- so that was an alternative we
11 looked at.
12 CHAIRMAN MURPHY: Does option "A"
13 change the nature of the variance at all or the
14 shape of it all, or is it just the --
15 MR. ADAMS: The floor plan is the
16 same. The only difference is the clouding and
17 also the actual visual height of the dormer, at
18 least in elevation. I am not sure of how much
19 you would have seen the low slope of the shed.
20 We have been showing moldings and more
21 classical details selected, the base of the
22 other aspects of the building that are there,
23 the details that are there. Upon reflecting on
24 it, I think it's better to just not cross that
25 line with the roof, keep things purely in a

<p style="text-align: right;">10</p> <p>1 roofing vocabulary.</p> <p>2 MR. PYCIOR: Would the sides of the</p> <p>3 dormer be flat as well as the existing dormer?</p> <p>4 MR. ADAMS: Well, the existing dormer</p> <p>5 is like this -- yes, the sides of it --</p> <p>6 MR. PYCIOR: The whole roof --</p> <p>7 MR. ADAMS: Yes. We looked at</p> <p>8 other -- at some other alternatives to help us</p> <p>9 explore. If you have strong feelings about it,</p> <p>10 express it.</p> <p>11 CHAIRMAN MURPHY: In terms of option</p> <p>12 "A", what would that give you in terms of</p> <p>13 internal ceiling height, would it be six feet</p> <p>14 ten?</p> <p>15 MR. ADAMS: We would just keep the</p> <p>16 same.</p> <p>17 CHAIRMAN MURPHY: So you are just</p> <p>18 extending it out further --</p> <p>19 MR. ADAMS: The ceiling there is set</p> <p>20 by the collar ties, structural collar ties of</p> <p>21 the roof, we would rather not change that.</p> <p>22 Although, even to build a dormer that we are</p> <p>23 building, we have to do some structural work.</p> <p>24 It's not that we don't have to do any.</p> <p>25 MR. PYCIOR: I have a question for</p>	<p style="text-align: right;">11</p> <p>1 Marianne, since Deven is not here.</p> <p>2 I can recall that a ceiling height of</p> <p>3 seven feet is required for liveable space?</p> <p>4 MS. STECICH: That's under the state</p> <p>5 building code. But I mean --</p> <p>6 MR. ADAMS: Well, seven foot --</p> <p>7 MS. STECICH: I think the architect</p> <p>8 would be able --</p> <p>9 MR. ADAMS: Under the existing</p> <p>10 building code, believe it or not, you can have</p> <p>11 a ceiling height of six foot eight. The seven</p> <p>12 foot comes from the zoning code definition of a</p> <p>13 house story. And ten --</p> <p>14 MS. STECICH: I don't think -- I</p> <p>15 mean, you are already way over the story limit</p> <p>16 anyway. But I think Stan's question is</p> <p>17 probably a state building code question, right?</p> <p>18 MR. PYCIOR: Right --</p> <p>19 MS. STECICH: Which I can't --</p> <p>20 yeah --</p> <p>21 MR. PYCIOR: -- increasing a</p> <p>22 non-conformity, like the six nine exists and</p> <p>23 that's precode, I imagine. If we were then to</p> <p>24 extend the six foot nine --</p> <p>25 MS. STECICH: This is extending a</p>
<p style="text-align: right;">12</p> <p>1 non-conformity. You're doing that anyway.</p> <p>2 That's why he's here, for a height variance for</p> <p>3 the dormer. So we would be ruling on that. If</p> <p>4 you couldn't vary the state code anyway. If</p> <p>5 they need a variance from the state code, they</p> <p>6 have to go to the state.</p> <p>7 MR. DOVELL: What is the use of the</p> <p>8 floor; a family room?</p> <p>9 MR. ADAMS: Ben's intention is to do</p> <p>10 all of his oil painting, that's the principal</p> <p>11 use of the space.</p> <p>12 CHAIRMAN MURPHY: I think the last</p> <p>13 time we discussed that you wanted the light for</p> <p>14 studio space.</p> <p>15 MR. DIEP: That's a north light that</p> <p>16 we would like to have.</p> <p>17 MR. DOVELL: Last time we also asked</p> <p>18 you about the square footage that you are</p> <p>19 adding, the lower level --</p> <p>20 MR. ADAMS: That's a different</p> <p>21 handout, sort of a stand-alone, I put it on the</p> <p>22 back page. In terms of the square footage at</p> <p>23 six foot ten, I'll just say forget about seven</p> <p>24 feet, since we don't have seven feet -- the</p> <p>25 square footage at six foot ten has turned into</p>	<p style="text-align: right;">13</p> <p>1 nine feet seven square feet. And our proposal</p> <p>2 will take it to six hundred five, which is</p> <p>3 still less than half of fifty third, so it</p> <p>4 wouldn't become full story until the --</p> <p>5 MR. DOVELL: How many square feet do</p> <p>6 you yield with the attic with the increase of</p> <p>7 the complying ceiling height space, how much</p> <p>8 are you adding to -- with your dormer?</p> <p>9 MR. ADAMS: It's about three hundred</p> <p>10 and eight --</p> <p>11 MR. DOVELL: About three hundred and</p> <p>12 eight feet, and that's the degree of the</p> <p>13 non-compliance form.</p> <p>14 CHAIRMAN MURPHY: So if we were to</p> <p>15 put option "A", you're saying it's a net</p> <p>16 increase of a little over three hundred square</p> <p>17 feet?</p> <p>18 MR. ADAMS: Right.</p> <p>19 MR. COLLINS: If I'm reading the last</p> <p>20 of this handout, if I'm reading that correctly,</p> <p>21 it looks like there's -- and this is the part</p> <p>22 I'd like to understand a little bit more. This</p> <p>23 is of the piece on the garage that you</p> <p>24 provided, shows that -- it looks like the</p> <p>25 proposed square footage for the first and</p>

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1 second floor more than doubles. Am I reading
2 that right, the existing square footage for the
3 first floor is fifteen thirty proposed three
4 thousand two hundred eight-four?
5 MR. ADAMS: Right.
6 MR. COLLINS: Can you walk me through
7 how that materializes for the first and second
8 floor.
9 MR. ADAMS: Yes. I'm pointing this
10 out. What we have is a section to the site.
11 You basically have a big drop off from the
12 street level down to the lower level of the
13 building, of the site.
14 MR. COLLINS: Right.
15 MR. ADAMS: So the addition that you
16 are seeing is basically all of the addition
17 below that ground floor level.
18 CHAIRMAN MURPHY: That's at the rear
19 of the building?
20 MR. ADAMS: Right. So if you look on
21 the site plan, this is the whole site here.
22 This is the existing building in here, and
23 there is some existing exterior stair here.
24 This section here is an addition on the lower
25 two halves. On this level it's actually deck, a

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1 if we were to condition the approval of the
2 height variance to match the existing roof? I
3 assume there might be a cost issue that you
4 mentioned. I just want to make sure --
5 MR. DIEP: We discussed that.
6 CHAIRMAN MURPHY: That would be
7 acceptable?
8 MR. ADAMS: Yes.
9 MR. DOVELL: I still have a few
10 questions.
11 This is to be used as a painting
12 studio?
13 MR. DIEP: Yes.
14 MR. DOVELL: You are adding a huge
15 amount of space at the bottom of the building.
16 I mean, if you are looking for three additional
17 feet, is it possible to paint with the north
18 facing windows within the lower portion of the
19 building?
20 MR. DIEP: The lower level is a
21 commercial space, and that's my business. And
22 the attic is for painting, which is a separate
23 entity. I do photography for business, so
24 would like to separate that entity. When I
25 come home at night, I can go to the attic and

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1 parking deck, you know, a recreational deck, or
2 in this case the ground floor space would be a
3 gallery. So when they have openings, or
4 whatever they do, and they will have it out
5 there as well, and this is a garage.
6 MR. COLLINS: I got it.
7 MR. ADAMS: And this is the third
8 floor of the building as defined --
9 MR. COLLINS: Right. So your
10 preference for option "A" you said is you feel
11 like it's -- the option that is most consistent
12 with the buildings current design. Is that a
13 fair summary compared to the other options? Is
14 that the factor that makes it --
15 MR. ADAMS: Yes, I think so. There
16 is some -- I can't speak for Mr. Dovell, but it
17 seemed like he was inching around an objection
18 based on somehow the style of the dormer didn't
19 seem quite consistent with --
20 MR. DOVELL: The character --
21 MR. ADAMS: -- of the building, which
22 I think you are right, and I think we -- the
23 current option "A" presses that.
24 CHAIRMAN MURPHY: Let me ask you
25 this: Is Mr. Diep willing to agree to the --

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1 paint and leave the easel out without having
2 someone go, removing, touching all of my stuff.
3 In my office or studio, I can create a space
4 for that. It doesn't seem practical to have
5 the turpentine smell, so --
6 MR. DOVELL: You are looking for
7 basically a three hundred-square foot studio;
8 is that --
9 MR. DIEP: We are looking for two
10 things. One, is a northern exposure. The
11 benefit of the north light is a cool light
12 instead of warm southern light. And two, to
13 have extra head room to maneuver around that
14 tiny space.
15 MR. DOVELL: But if something were
16 carved out of the base of the building within
17 the addition, it gives you ceiling height, and
18 it gives you north exposure, and you can
19 effectively create a studio at the lower level
20 without any --
21 MR. DIEP: Yes, that's true. That's
22 a commercial space. I would like to keep the
23 residential part as my personal part of life
24 and the other is commercial space, where staff
25 can be working late at night, as well. And if

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1 I were to have studio sessions with the models,
2 then I can't obviously do that in a studio for
3 public space.
4 MR. DOVELL: The question I have is:
5 The whole project is something in the order of
6 12,000 square feet. That's a lot of -- that's
7 a big -- that's a big structure. How much of
8 that is the residential component, how much is
9 the commercial component?
10 MR. ADAMS: The residential floor is
11 the fourth and fifth floor, so that's --
12 CHAIRMAN MURPHY: Just the fourth and
13 fifth.
14 MR. ADAMS: And the attic, so fourth
15 and fifth, that's 3,060 square feet and that's
16 gross square footage.
17 CHAIRMAN MURPHY: The bulk of which
18 is being added is the bottom two floors, and
19 commercial space and the street level, in terms
20 of the reason for the variance and the private
21 space, is all of the upstairs floor for the
22 resident space.
23 MR. ADAMS: The variances that we are
24 asking for are, you know, the height variance,
25 which is really specifically about the dormer.

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1 obviously is something that you want to have.
2 So I feel that you've addressed my concerns
3 from the last time.
4 CHAIRMAN MURPHY: You know, I would
5 agree. Marianne, I'm just struggling with how
6 we should put it to the record, the restriction
7 or limitation about if we were to grant the
8 height variance for the --
9 MS. STECICH: If in fact you're
10 comfortable with it as it's shown, then you
11 would just say that you're granting the height
12 variance subject to the dormers being
13 constructed of --
14 CHAIRMAN MURPHY: For example, no
15 higher than the existing peak height, and it's
16 shown in this particular drawing --
17 MS. STECICH: Yes. I mean, it has to
18 be what --
19 MR. DOVELL: The geometry is defined
20 in these drawings.
21 MS. STECICH: I know what you're
22 saying. I have a little bit of a hard time
23 understanding. But I think technically --
24 MR. ADAMS: The dormer would be
25 clouded with the same material as the roof, of

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1 CHAIRMAN MURPHY: That's only about
2 the dormer, right. I understand that.
3 MR. ADAMS: The front-yard setback,
4 which is to me sort of a technical issue more
5 than anything else. And what was the third
6 one -- oh, the parking.
7 CHAIRMAN MURPHY: The parking.
8 Right.
9 MR. DOVELL: I think the shed dormer,
10 this linear shed dormer that you have up there,
11 I think it's a very minimal response to the
12 problem. I think that every attempt should be
13 made, if going forward, that this thing be
14 shaved to an absolute minimum sliver at the
15 top. The building is grossly over -- over
16 building. The existing condition is grossly
17 overbuilt and this is way up in the air there.
18 So I think every effort, you know, to shave as
19 much as possible off of this, would be desired.
20 I think you've explained why you can't paint.
21 The separation of your commercial and your home
22 life, your painting is more apart of your home
23 life than is your commercial endeavor. And I
24 think you've explained the need for having this
25 studio at the upper level, and the north light

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1 whatever that material --
2 CHAIRMAN MURPHY: Well, it's that.
3 And Mr. Dovell's point is to minimize the
4 extension as shown, as you proposed, and that's
5 fine --
6 MR. LEAF: But we are approving just
7 option "A", which is five foot ten-inch dormer
8 and not the six foot ten-inch dormer option
9 "C". Part of what we are doing is limiting by
10 the degree of the height variance we are
11 allowing what they can do because they are not
12 going to --
13 MR. DOVELL: But this diagram
14 represents your option "A", and this option
15 calls for the entire roof to be agreed on the
16 standing seam. I think including this in that
17 minimizes -- it really pulls it in more with
18 the character of the -- again, the windows
19 themselves would be what in this case?
20 MR. ADAMS: Well, we would have to
21 finish them probably in the same color as the
22 roof material.
23 MR. DOVELL: They would be more to
24 replicate the industrial -- kind of the
25 industrial character of this elevation.

<p style="text-align: right;">22</p> <p>1 MR. ADAMS: Yes, exactly.</p> <p>2 MS. STECICH: Now, you have to go to</p> <p>3 the ARP, right?</p> <p>4 MR. ADAMS: I assume so.</p> <p>5 MS. STECICH: This has to go to the</p> <p>6 ARB. So if we put these conditions on it, the</p> <p>7 ARB wants something different, then they are</p> <p>8 going to have to come back to get the variance</p> <p>9 modified.</p> <p>10 CHAIRMAN MURPHY: We can approve it</p> <p>11 according to option "A". And if the ARB has an</p> <p>12 objection, we have to have a meeting for that.</p> <p>13 MS. STECICH: Sure. Then he would</p> <p>14 have to come back because he would have to</p> <p>15 change the variance. I suppose what you could</p> <p>16 do, if everybody was comfortable with it, is</p> <p>17 grant it with the variance a condition, unless</p> <p>18 the ARB, you know --</p> <p>19 CHAIRMAN MURPHY: Subject to any</p> <p>20 changes that the ARB might authorize?</p> <p>21 MS. STECICH: Yes, you could. You</p> <p>22 have to recognize that -- I don't know how</p> <p>23 important it is to you that it look like this</p> <p>24 because maybe the ARB wants it something else,</p> <p>25 and maybe you wouldn't have granted the</p>	<p style="text-align: right;">23</p> <p>1 variance if it looks like that. I mean, that's</p> <p>2 the only issue. But if you are comfortable</p> <p>3 with the ARB deciding what it looks like -- but</p> <p>4 it can't be any higher than the variance you</p> <p>5 granted -- but it's possible that the material</p> <p>6 could be different.</p> <p>7 MR. DOVELL: Or wider --</p> <p>8 MS. STECICH: No. Dimensionally it</p> <p>9 can't be different than what is approved. The</p> <p>10 ARB may want a different material.</p> <p>11 CHAIRMAN MURPHY: We'll have to send</p> <p>12 them to Mr. Dovell.</p> <p>13 MR. DOVELL: Stop it right there.</p> <p>14 MR. PYCIOR: I'm certified.</p> <p>15 CHAIRMAN MURPHY: I am as well.</p> <p>16 Mark, anything else?</p> <p>17 MR. LEAF: I'm comfortable with the</p> <p>18 proposed variance. I would like to say, one of</p> <p>19 the reasons I am comfortable with it is that</p> <p>20 you are taking an older building, a building</p> <p>21 that represents Hastings past, the mixed</p> <p>22 commercial industrial residential uses of the</p> <p>23 river area and keeping it, that building, alive</p> <p>24 and bring it forward into this century. As a</p> <p>25 result, I'm more inclined to give way on things</p>
<p style="text-align: right;">24</p> <p>1 that, otherwise, I might not be so inclined to</p> <p>2 give way on, like the height. I'm putting this</p> <p>3 in the record because there's -- if your</p> <p>4 neighbor comes along at some point and wants a</p> <p>5 building as tall as yours, I don't know that we</p> <p>6 would want the president of this approval to</p> <p>7 suggest that we think the character of the</p> <p>8 neighborhood is such that this is the right</p> <p>9 height for that neighborhood. I think it's a</p> <p>10 special case.</p> <p>11 CHAIRMAN MURPHY: I fully agree, and</p> <p>12 I appreciate the clarification, Mark. Height</p> <p>13 variances are sensitive. We don't grant them</p> <p>14 often. And when we do, we try to limit them as</p> <p>15 much as possible. So we appreciate all of the</p> <p>16 effort you take to accommodate our questions.</p> <p>17 Thank you, it is much appreciated.</p> <p>18 So with that, are there any comments</p> <p>19 from the audience, anyone wish to speak on the</p> <p>20 application of Mr. Diep? I seen none.</p> <p>21 I guess we are prepared to vote on</p> <p>22 these variance. So board, why don't we take</p> <p>23 them one at a time.</p> <p>24 MR. DOVELL: I'm happy with the</p> <p>25 dormer issue. But the site line issue with the</p>	<p style="text-align: right;">25</p> <p>1 garage, the garage right now is twelve foot</p> <p>2 high?</p> <p>3 MR. ADAMS: Yes.</p> <p>4 MR. DOVELL: What your photographs</p> <p>5 illustrate quite nicely is that this -- it's</p> <p>6 going to be quite visible, the deck of this is</p> <p>7 quite visible. And the twelve feet that you</p> <p>8 have established is for what -- for what</p> <p>9 purpose? You know the lines with the --</p> <p>10 MR. ADAMS: The existing second floor</p> <p>11 of the building. We'll, you step down a few</p> <p>12 inches from the existing second floor to that</p> <p>13 deck level, and it continues across the top of</p> <p>14 the garage.</p> <p>15 MR. DOVELL: But that could be lower</p> <p>16 without --</p> <p>17 MR. ADAMS: It could be, yes. I</p> <p>18 think we would still step down to that deck.</p> <p>19 You know because the family's living so high up</p> <p>20 above the ground, that's really their outdoor,</p> <p>21 quote on quote, recreational space. So we are</p> <p>22 trying to maximize that.</p> <p>23 MR. DOVELL: And that wraps around</p> <p>24 then --</p> <p>25 MR. ADAMS: Yes.</p>

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1 MR. DOVELL: So there is an alignment
 2 that wraps around --
 3 MR. ADAMS: Yes. I think
 4 architecturally it's much nicer.
 5 MR. PYCIOR: The deck would be
 6 entered from the rear of the building or --
 7 MR. ADAMS: That particular deck is
 8 only accessed from the second floor.
 9 MR. PYCIOR: The second floor rear,
 10 and not the side where the garage is?
 11 MR. ADAMS: No.
 12 MR. PYCIOR: So there could be steps
 13 from the deck behind the house down to the deck
 14 on top of the garage?
 15 MR. ADAMS: Yes, yes. It could do
 16 that. We're just trying to keep it simple.
 17 MR. PYCIOR: Ray, were you concerned
 18 about the view of the river being lessened with
 19 the garage there, that is shown in the
 20 photographs?
 21 MR. DOVELL: On this drawing -- this
 22 is the top of the Palisades from the sidewalk
 23 level.
 24 MR. ADAMS: Right.
 25 MR. DOVELL: So in effect that --

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1 MR. ADAMS: This is the view you have
 2 currently.
 3 MR. DOVELL: And it's completely
 4 obstructed.
 5 MR. ADAMS: And also it doesn't
 6 offset the shape or the architecture. This is
 7 further down the street --
 8 MR. COLLINS: If you go further up
 9 from the river, it's for people who aren't at
 10 street level that become a net gain with that
 11 tree gone.
 12 MR. ADAMS: You can see the
 13 difference from between here and here.
 14 CHAIRMAN MURPHY: This property,
 15 there is a fair amount of space on either side.
 16 MR. LEAF: I think that's maybe more.
 17 The point that the tree -- I'm uncomfortable
 18 with the view preservation issues are lineated
 19 by cutting down the trees.
 20 MR. ADAMS: It's a very --
 21 MS. STECICH: On your drawing -- I
 22 assume that the board is going to approve this.
 23 It's going to be you are approving it, the
 24 height variance, as long as they do the dormer
 25 on option -- we'll have to identify the

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1 MR. ADAMS: It's pretty much --
 2 MR. DOVELL: That aligns almost
 3 exactly with the top of the garage then.
 4 CHAIRMAN MURPHY: There are trees --
 5 they are removing one tree, where the garage
 6 will be. But even behind that --
 7 MR. ADAMS: Our general argument that
 8 came up in the previous meeting with the
 9 planning board, I mean our general argument is
 10 that simply by removing that tree. We expose
 11 that general portion of the neighborhood to so
 12 much more view for six months of the year, that
 13 it really is a big net positive forward. I
 14 mean, that's basically our contention. And
 15 whether you saw another foot or two of the
 16 Palisades, it didn't seem to necessarily make a
 17 big difference.
 18 CHAIRMAN MURPHY: I think on the view
 19 preservation when they build a garage, it's
 20 going to be some additional blockage of the
 21 river, but it's offset to a certain extent by
 22 the tree. So it's not -- it's not the same.
 23 You're right. I agree with you. And you can
 24 see it from the northern photo that they
 25 provided.

29

1 particular drawing. It doesn't have a width of
 2 the dormer --
 3 MR. ADAMS: It's in the plan, it's in
 4 the floor plan.
 5 MS. STECICH: You can't refer to that
 6 plan because that plan shows a different
 7 dormer, doesn't it?
 8 MR. ADAMS: No, the plan hasn't
 9 changed at all between our original proposal
 10 and option "A".
 11 MS. STECICH: But option "A" is not
 12 what's shown on your plan, correct?
 13 MR. ADAMS: It's shown on the floor
 14 plan, yes.
 15 MS. STECICH: I just would feel more
 16 comfortable if we had a -- like there's a
 17 height number -- there is a height spelled out
 18 on this dormer option "A" north elevation. If
 19 you can spell out the width, we can just pen it
 20 in.
 21 MR. ADAMS: It's twenty-two foot
 22 three.
 23 MS. STECICH: Twenty-two foot three
 24 inches?
 25 MR. ADAMS: Yes. There is an eight

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1 inch, eight foot setback on each side, so
2 it's -- and I meant to give you this. We did
3 modify our photo shop for today. There's a
4 version "A" that you see in the --
5 CHAIRMAN MURPHY: Mr. Adams, you just
6 have to speak up a little bit.
7 MR. LEAF: Mr. Adams, what is the
8 height of the dormer on the north side, dormer
9 "A", if it's five-foot ten above the --
10 MR. ADAMS: Well, the -- basically
11 what we are going to our ceiling height, which
12 is six-foot ten, and we are adding a foot of
13 structure on top of the six-foot ten.
14 MR. LEAF: And what would the height
15 be off of the ground? In other words, you are
16 asking for -- looking at the variance you
17 originally asked for was a forty-one foot high
18 dormer, and I think that maybe proposal "A" was
19 lower than forty-one feet. I think forty-one
20 feet goes to the dormer of the other side.
21 MR. ADAMS: Yes, it's lower than
22 that. Well, forty-one -- I have to do the
23 math. I have to go through floor by floor.
24 CHAIRMAN MURPHY: Well, I think
25 that's why Marianne wanted the numbers. But if

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1 plus three inches across. And so the drawing
2 entitled dormer option "A" with elevation,
3 we'll also have that on the twenty-two foot
4 three inch number filled in. And then that's
5 what the height variance is limited to.
6 MR. LEAF: Very good.
7 CHAIRMAN MURPHY: That makes good
8 sense.
9 MR. LEAF: If that works for
10 Marianne, that works for me.
11 MR. COLLINS: What are the conditions
12 then -- I want to make sure we got them all.
13 There's planning board conditions that are
14 approval or subject to or contingent upon?
15 MS. STECICH: Those are separate
16 conditions --
17 MR. COLLINS: When we make our motion
18 to --
19 CHAIRMAN MURPHY: Just on the view
20 preservation --
21 MR. COLLINS: We don't need to
22 consider their --
23 MS. STECICH: Recommendation on view
24 preservation, you may want to --
25 MR. COLLINS: A transparent fence --

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1 I look at the cross section of your option "A"
2 for this dormer and the attic, the peak of what
3 you are proposing to add, looks to be almost --
4 it's just below the peak of the building, but
5 it's about the same height as the dormer on the
6 other side.
7 MR. LEAF: I thought this was the --
8 CHAIRMAN MURPHY: No --
9 MR. LEAF: The flat roof is the
10 proposal?
11 CHAIRMAN MURPHY: That's perhaps
12 three to four feet lower or whatever it is.
13 MR. LEAF: Whatever it is. It may be
14 only a foot --
15 MS. STECICH: You don't have to cast
16 your grant -- you know, grant the variance in
17 terms of number of feet from the -- you could
18 give a height variance to permit a dormer as
19 shown on whatever this drawing is. That's all
20 that's -- that's actually the safer way to do
21 it.
22 MR. PYCIOR: The dormer begins two
23 feet up and goes five foot ten up.
24 MS. STECICH: And that's the number
25 we asked to add across, which is the twenty-two

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1 MS. STECICH: And that condition was
2 put in just in case the proposal changed from
3 what they approved. The only condition you
4 probably should include, would be the one about
5 the handrails on the deck over the garage.
6 MR. COLLINS: So that's the only
7 condition that we need to add to the motion.
8 MS. STECICH: And that it be, you
9 know --
10 MR. COLLINS: And the option "A".
11 MS. STECICH: Right. And that it be
12 constructed as the same material as the roof.
13 MR. COLLINS: Okay.
14 MR. LEAF: I think that's good, and
15 if that means that the ARB decided they want to
16 refer a roof, they don't have to come back to
17 us.
18 MR. ADAMS: I was just going to
19 suggest that.
20 CHAIRMAN MURPHY: I think we should
21 take these one at a time. Mark, shall we take
22 the second one first, since it's refresh in our
23 mind, do you want to --
24 MR. LEAF: So it's a motion to
25 approve a height variance, to permit a dormer

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1 on the north side of the roof, as shown on the
2 diagram entitled Dormer Option "A", dated
3 12/10/09, with a maximum width from east to
4 west of twenty feet three inches; is that
5 correct?
6 CHAIRMAN MURPHY: Right.
7 MR. LEAF: With the further condition
8 that the dormer be in the same material as the
9 rest of the roof. And was there another
10 condition?
11 CHAIRMAN MURPHY: No, that's it.
12 MR. LEAF: That's the condition.
13 CHAIRMAN MURPHY: Do I have a second?
14 MR. COLLINS: I'll second.
15 CHAIRMAN MURPHY: All in favor?
16 (ALL IN FAVOR)
17 CHAIRMAN MURPHY: The vote's
18 unanimous. Any want to -- Stan you want to
19 take the front yard --
20 MR. PYCIOR: I would like to move
21 that we approve the variance for the front yard
22 where the existing non-conforming varies from
23 one point four feet to two point two feet. The
24 setback for the proposed construction will be
25 two point two feet. Required in this zone is

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1 the plans that were presented today, to prevent
2 two spaces of off-street parking. Do I have a
3 second?
4 MR. DOVELL: I'll second.
5 MR. LEAF: All in favor.
6 (ALL IN FAVOR)
7 CHAIRMAN MURPHY: The vote's
8 unanimous. And I guess we should vote on the
9 view preservation. And just a reminder that
10 the planning board recommended that the -- are
11 restricted to the handrail or railing around
12 the post deck on top of the garage be
13 transparent and not a solid fencing material.
14 So can I have a motion for view preservation.
15 MR. COLLINS: I move that we approve
16 the view preservation request subject to the
17 clear fencing material as requested by the
18 planning board.
19 MR. LEAF: Clear fencing?
20 MR. COLLINS: Transparent.
21 CHAIRMAN MURPHY: A second?
22 MR. PYCIOR: I'll second.
23 CHAIRMAN MURPHY: All in favor.
24 (ALL IN FAVOR)
25 CHAIRMAN MURPHY: Mr. Diep, thank

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1 ten feet.
2 CHAIRMAN MURPHY: Do I have a second?
3 MR. COLLINS: I'll second.
4 CHAIRMAN MURPHY: All in favor.
5 (ALL IN FAVOR)
6 CHAIRMAN MURPHY: The vote's
7 unanimous.
8 The front yard setback -- right the
9 off-street parking, we discussed this last
10 time. Before we discuss it this time, does
11 anyone have any questions? I should have asked
12 earlier. Basically, it's a net and two -- and
13 it's subject to, and I think the planning board
14 has some of their own conditions for the
15 parking.
16 MR. ADAMS: Subject to the conditions
17 by the --
18 MS. STECICH: -- by the county
19 because it opens up to the county --
20 CHAIRMAN MURPHY: Okay. So then
21 unless there were any further questions, we
22 need a motion to approve the variance for the
23 off-street parking.
24 MR. LEAF: I move to approve the
25 variance for off-street parking as described in

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1 you. Good luck.
2 MR. ADAMS: I want to put in a word
3 for Deven Sharma, who is having the operation
4 tomorrow, and all is well with the efforts.
5 CHAIRMAN MURPHY: Thank you.
6 We are going to move to our next
7 cases this evening, the application of Devlin's
8 555 Warburton Avenue, the Hastings House
9 property. And before we begin, I would have,
10 counsel -- Marianne wants to relate to the
11 action of the planning board.
12 MS. STECICH: At the November 19th
13 planning board meeting, the planning board took
14 two actions with respect to this. They did not
15 approve the amended site plan. But the old
16 site plan approval on this building was about
17 to expire. Once it expires, that's the end of
18 it, and they would have had to start from
19 scratch on parking studies and traffic studies
20 and everything else. So what the planning
21 board did was for the moment extended the
22 existing site plan approval and recognizing --
23 the other thing they did that is move relevant
24 to this board is on the view preservation they
25 recommended approval of the stairwell bulkhead.

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1 CHAIRMAN MURPHY: What did you call
 2 that a stairwell bulkhead?
 3 MS. STECICH: Bulkhead.
 4 MR. COLLINS: Before we begin, we did
 5 have a couple of guests from the public. I
 6 just wanted to repeat the announcement of
 7 T-Mobile not being on the docket tonight for
 8 those who are just now arriving.
 9 MS. STECICH: They are here on the
 10 third application.
 11 MR. COLLINS: Just checking. I
 12 didn't want people to wait around for something
 13 that was never going to come.
 14 CHAIRMAN MURPHY: Thank you.
 15 MS. FURGON: I'm Christine Furgon.
 16 I'm the architect. And we are here for two
 17 reasons. One, for view preservation, the view
 18 of the new stair bulkhead. And this is a
 19 projection on the upper levels so that we can
 20 gain access to the roof. And we are also here
 21 to request a zoning variance for the height for
 22 this stair bulkhead.
 23 Beginning with the view preservation,
 24 this is the -- this is just a rendering of the
 25 building. We have developed drawings for this

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1 back in the northwest corner of the building
 2 rising slightly above the parapet wall.
 3 CHAIRMAN MURPHY: I see you got
 4 superimposed -- I guess it's of the front
 5 yard --
 6 MS. FURGON: No, the photograph of
 7 the first one is from the front yard. The
 8 second and third photographs are taken from the
 9 VFW. The second is taken from another piece of
 10 the property. The third is from the southern
 11 side of the property, so you will see a very
 12 small -- if you see photograph two, a small
 13 bump out tucked in the back. This stair will
 14 be about four feet, like, five inches above the
 15 existing parapet. The existing parapet is
 16 about five feet above the roof. To the roof
 17 stair is actually -- it's not the full height
 18 of the stair that we see. Plus I think you
 19 only see a small piece of this peeking up above
 20 the building.
 21 Well, we have photographs that we
 22 took from other properties, but we found it
 23 very difficult to see -- to get the view of the
 24 building from other properties on Whitman. I
 25 also shown -- I have photographs on the bottom

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1 project and decided that we need the stairs to
 2 go to the roof because there isn't one, and --
 3 at least to get access to mechanical equipment
 4 and possibly to get to roof terrace function
 5 and green roof --
 6 CHAIRMAN MURPHY: Is there no roof
 7 access at all?
 8 MS. FURGON: No, there is just a roof
 9 hatch. This is the location of the stair. We
 10 have located it on the northwest corner, away
 11 from the view down Warburton Avenue and Main
 12 Street, and this is a location plan of the
 13 building, and these are -- these numbers show
 14 the location of photographs that we took from
 15 the uphill area, uphill from the building. And
 16 we superimposed the shape of the proposed stair
 17 tower, stair bulkhead onto the building, on
 18 each photograph. And I think the only property
 19 we could find that might have a view of this is
 20 probably a VFW property. I can't say for sure
 21 if it affects the view of the other properties
 22 of Whitman because there are so many trees and
 23 other buildings downhill. But we know that if
 24 you are looking at, let's say, photograph
 25 number one, you will see a slight bump out, cut

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1 of this board, just showing how there are
 2 several bulkheads -- stair bulkheads throughout
 3 the downtown. Here is one at the corner of
 4 Spring and the driveway to Stein Shiner parking
 5 lot. This is in back of the building on
 6 Warburton Avenue, and we have this one coming
 7 out, that's pretty visible when you are driving
 8 down Main Street, and this one is over one of
 9 the buildings on Main. And you see that this
 10 is a fairly common occurrence where you have
 11 the stair bulkhead rising up above the roof top
 12 of the building.
 13 I guess I wanted to explain. The
 14 building is now a restaurant and wellness
 15 center, and we have to rebuild most of the
 16 major systems of the building, including stair,
 17 as egress areas to meet current New York State
 18 code. We would like to gain access to the
 19 roof. And when we develop the layout for the
 20 stair, we are trying to minimize the enclosure
 21 of the stair coming out, and decided to make
 22 sure that it's on the corner that is least
 23 visible from the commercial area.
 24 MR. PYCIOR: Since there is an
 25 existing four foot, five inch -- the

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1 construction of the wellness center, roof
2 terrace, you wouldn't have to have a fence. My
3 concern is if you put a garden up there and
4 then suddenly you have to put a fence on the
5 parapet or is the parapet tall enough you would
6 not have to fence it?
7 MS. FURGON: It just occurred to, we
8 might be coming back to it. We actually are --
9 or maybe not, I don't know. Just since the
10 last planning board meeting, we have developed
11 the plan for the roof top in more detail. And
12 if we use this roof top, what we would like to
13 do is just remove a portion of the, let's see,
14 let me look at it, the west elevation. This
15 parapet is four feet something above the roof,
16 and we just want to make it a glass railing, so
17 there is view. But this is actually on the
18 west side, and it won't affect the view that
19 wraps around the building. There's not going
20 to be a railing on top. The roof is set down.
21 The roof level is -- we have another elevation
22 that will show you exactly the dimensions.
23 This is a drawing of the north side. Right now
24 it's a blank wall, and this is the northwest
25 corner, and this -- our new stair bulkhead, it

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1 CHAIRMAN MURPHY: For the record,
2 what are the length and width dimensions of the
3 proposed stairway bulkhead?
4 MS. FURGON: The stair bulkhead is
5 eight feet five by twelve feet two.
6 CHAIRMAN MURPHY: So eight feet by
7 twelve two on the northwest corner of the roof
8 and about -- and of that size four feet five
9 inches above --
10 MS. FURGON: Top of the parapet or
11 the existing parapet.
12 CHAIRMAN MURPHY: And other than
13 that, there is so proposed alteration of the
14 roof, or I should say the --
15 MS. FURGON: We may have to replace
16 the roof membrane and put in decking material.
17 That's all tucked in below the top of the --
18 CHAIRMAN MURPHY: I misspoke. I
19 meant the parapet. The parapet's otherwise
20 remaining the same?
21 MS. FURGON: Yes. We are going to
22 clean it, restore it, and replace the -- with a
23 new one to match the existing.
24 MR. DOVELL: Is the stair location a
25 new stair location? Is the stair going to be

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1 rises up four feet, four inches above the top
2 of the parapet, which it has a staggered shape.
3 And that parapet wall is actually to the top
4 about four feet eight inches above the roof.
5 The roof is -- our mechanical equipment will be
6 tucked in and you will find the existing
7 parapet.
8 MR. PYCIOR: If you were to put the
9 glass wall on the west side, would that be in
10 place of the parapet or on top of the parapet?
11 MS. FURGON: In place. We are -- I'm
12 going to show you the facade if you can see
13 from this rendering, we have a really beautiful
14 parapet, and we are going to replicate that.
15 We don't want to have any changes to that look
16 that it originally had. We'd only take a
17 section of the rear parapet because that's
18 where there is no detail. In fact, there is
19 different brick, and if you live around the
20 downtown, the walls that are visible, at times
21 they are much more plain, so the view
22 preservation, the profile, is one thing we are
23 looking for. This is a south elevation, but
24 remember that this -- the stair bulkhead is way
25 back on the other end of the building.

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1 reconfigured in the building?
2 MS. FURGON: It is slightly
3 reconfigured, but there --
4 MR. DOVELL: In that corner?
5 MS. FURGON: Yes, we don't have the
6 occupancy on this level, so we only need one --
7 MR. DOVELL: One stair?
8 MS. FURGON: -- to the roof. Now we
9 are also asking for a height variance, and
10 that's because the building non-conforming
11 maximum height --
12 CHAIRMAN MURPHY: Say that again,
13 please.
14 MS. FURGON: The maximum height is
15 forty feet, and in this building -- and this
16 building is forty-seven, point, five feet,
17 existing -- the top of the parapet. And when
18 we add our four, point, five feet, the top of
19 the bulkhead, we are at fifty-one, point, nine
20 feet. But I don't -- I think you will find in
21 the downtown other three-story buildings, this
22 is one example. This is the building that has
23 slices in it, and it's three stories. And as
24 you can see, it has a bulkhead rising up above
25 it. I don't know what the height is, but I

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1 think you have -- you will find other examples
 2 of similar projections that probably go above
 3 forty feet.
 4 MR. DOVELL: I think it's unusual
 5 that the building didn't have a bulkhead,
 6 actually.
 7 MS. FURGON: It's been difficult to
 8 work on. We have been trying to -- we can't
 9 get access to it, so we zoom in and count the
 10 bricks. When you can't get up there it's hard
 11 to measure the parapet, and we are trying to
 12 really examine it and try to restore the detail
 13 on the building. We actually do have a hatch,
 14 and we have been up there. And it's pretty
 15 precarious trying to climb up all through the
 16 stairwell and the ladder up onto that roof.
 17 CHAIRMAN MURPHY: And ultimately the
 18 purpose for the roof is a rooftop deck for the
 19 wellness center?
 20 MS. FURGON: Yes, outdoor Yoga.
 21 MR. COLLINS: When you refer to it as
 22 a green roof, is that green in the
 23 environment-mental sense?
 24 MS. FURGON: Yes.
 25 MR. COLLINS: And what makes it a

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1 look like --
 2 MS. FURGON: No. We have shown a
 3 glass structure and the two outer walls brick
 4 to match existing. It's minimal in size, we
 5 want to make it feel open. But the outer
 6 walls, we will keep very simple. This is the
 7 glass that you see facing east --
 8 MS. STECICH: And what would that be
 9 Christina; brick or --
 10 MS. FURGON: This is glass. That's
 11 pretty much a glass wall -- we have shown a
 12 recessed on the corner -- this is the
 13 west-northern corner, we are going to recess
 14 this back to, like, eight inches, just to
 15 articulate the original step shape of the
 16 parapet. There is some limestone at the top of
 17 the building, we don't want to compete with
 18 that. But this brick will be setback just
 19 slightly, and it will match the original as
 20 much as we can. We've been to the ARB twice,
 21 so we are going to have to go back to them for
 22 this element.
 23 MR. DOVELL: Is the bulkhead of
 24 code --
 25 MS. FURGON: It didn't --

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1 green roof?
 2 MS. FURGON: We are planning on
 3 having something like sedum on top of -- if you
 4 use certain types of plants, it can actually
 5 absorb a lot of the rain water, and you have
 6 less storm water run off. Plus the biggest
 7 benefit, is reduction of heat that you will get
 8 when you have too much dark surfacing in the
 9 cities and that adds to global warming.
 10 MR. COLLINS: And where would that
 11 growth be on the roof itself?
 12 MS. FURGON: No, right now we are
 13 just showing the -- we haven't developed it
 14 yet.
 15 MR. COLLINS: It would be below the
 16 parapet?
 17 MS. FURGON: No. It would be on the
 18 outdoor space on the -- you would probably see
 19 it tucked behind the parapet wall behind the
 20 green roof.
 21 MR. COLLINS: Okay. Can you talk
 22 about what the stair structure will actually
 23 look like from the side for those who can see
 24 it from the ground below, is there some design
 25 motif you have in mind for what that's going to

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1 MR. DOVELL: Is one stair required to
 2 egress to the roof now?
 3 MS. FURGON: No, but if you have an
 4 occupancy, there would be an egress from the
 5 roof through the building.
 6 MR. DOVELL: So it's exclusive
 7 purpose is for the wellness center?
 8 MS. FURGON: Yes. I think it's just
 9 commonsense. Even if you had no occupancy up
 10 there, you should have access for maintenance.
 11 MR. DOVELL: I think the positioning
 12 of to, it's in an optimal location to minimize
 13 the view, pushed back into the corner. And it
 14 sounds as if you've minimized it's
 15 configuration, you said it's eight feet in one
 16 direction --
 17 MS. FURGON: Yes, it's --
 18 CHAIRMAN MURPHY: Twelve two by eight
 19 five.
 20 MS. FURGON: The stair is much
 21 longer, really, but we cut it back because we
 22 don't need the head room going up the stairs.
 23 It's beyond a certain point. We really tried
 24 to find the most minimal mass that we can put
 25 up there for the stair.

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1 MR. PYCIOR: And there is no
 2 intention to hold any restaurant functions up
 3 there, is that --
 4 MS. FURGON: No. I have to say, not
 5 right now. You might wonder why the project is
 6 taking so long because they wanted to --
 7 because of the recession, they wanted to
 8 re-examine their plans. And we've gone back to
 9 the site, to the planning board, but they're
 10 wondering if they have some kind of casual land
 11 up there, it's Yoga when it can be and maybe
 12 other times a lounge. But the kitchen is in
 13 the basement, so you can't have -- I can't
 14 say -- no. I just don't think they have
 15 settled on their plans yet.
 16 MS. STECICH: And the planning board
 17 certainly considered that as an option, that it
 18 might be used for a facility for -- but that
 19 really isn't -- so that's on the planning
 20 board's radar screen. It would be part of the
 21 site plan approval.
 22 MS. FURGON: Yes. Any other
 23 questions?
 24 CHAIRMAN MURPHY: Anything else?
 25 MR. COLLINS: I'm fine.

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1 in accordance with the plan.
 2 CHAIRMAN MURPHY: Second?
 3 MR. COLLINS: Second.
 4 CHAIRMAN MURPHY: All in favor.
 5 (ALL IN FAVOR)
 6 CHAIRMAN MURPHY: I guess the height
 7 variance for the same stairwell bulkhead.
 8 MR. DOVELL: I'll move to approve the
 9 height variance for a total of fifty-one,
 10 point, nine feet above for the sidewalk for the
 11 construction of the stair bulkhead and for
 12 conformance of the plans.
 13 CHAIRMAN MURPHY: Do I have a second?
 14 MR. PYCIOR: I'll second.
 15 CHAIRMAN MURPHY: All in favor?
 16 (ALL IN FAVOR)
 17 CHAIRMAN MURPHY: The vote's
 18 unanimous.
 19 Mr. Baldwin is going to speak, I
 20 believe, for the Raibles, 41 Forest Avenue, for
 21 variances for an existing deck.
 22 MR. BALDWIN: My name is Edwin
 23 Baldwin. I'm an architect representing the
 24 Raible brothers who are trying to legalize the
 25 decks that were constructed by their late

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1 CHAIRMAN MURPHY: Okay. Any comments
 2 from the public? I see none. I guess we are
 3 ready to vote. Unless, one last chance for the
 4 board to ask any further questions. I think,
 5 just to comment, I agree with the other board
 6 members. I think the location is about as
 7 optimal as it's going to be. And as long as
 8 we've been assured that you've minimized the
 9 dimensions, what is necessary to access the
 10 roof for maintenance, but really to allow
 11 occupancy or whatever activities are going to
 12 happen on the roof, I think the obstruction of
 13 the view is dimensions, except perhaps from the
 14 VFW. But with that, I think it make sense to
 15 be done.
 16 So with that, I guess we can take
 17 these one at a time, a motion, for, I guess,
 18 first for view preservation for the stairwell
 19 bulkhead dimension according to the plans.
 20 MR. LEAF: Is that a motion?
 21 CHAIRMAN MURPHY: No. I'm trying to
 22 help move the process along.
 23 MR. LEAF: I move in view
 24 preservation approval at 555 Warburton for the
 25 construction of the stair bulkhead on the roof

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1 father, around the house at 41 Forest Avenue.
 2 The decks, because it was a corner
 3 lot, there are two front yards, and the deck in
 4 the rear of the property only encroaches into
 5 the setback by some eight inches or so. But
 6 the deck on the Hollywood Drive side encroaches
 7 seven feet further than it should. These decks
 8 were built by Mr. Raible sometime between 1963
 9 when the house was built and -- they are
 10 probably fifteen to twenty years old. Andrew
 11 Raible is here, and he constructed some of
 12 these decks himself. But their appearance on
 13 the site is minimal. These are photographs
 14 taken from the Hollywood Drive side showing
 15 what the decks look like. And you can see in
 16 the summertime it's impossible to see these
 17 decks at all. I took these photographs just a
 18 week or so ago, and they are still fairly
 19 indistinct. Because of the grade change
 20 between the house and Hollywood Drive, it seems
 21 to me that the seven-foot encroachment is quite
 22 acceptable.
 23 All of the neighbors were circulated.
 24 I have one letter in support or the application
 25 from one neighbor. And this is the letter that

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1 we circulated to all of the neighbors in
2 addition to the legal notice.
3 CHAIRMAN MURPHY: All right. Just
4 for the record, let me read in the one letter
5 for support Mr. Baldwin from a Barbara Sheckter
6 (phonetic) 21 Oakdale. She writes: I'm
7 writing to tell you that I support the request
8 by the Raibles to make the decks legal around
9 their house. I will not be able to attend the
10 meeting. So that's a letter from a Barbara
11 Sheckter.
12 Mr. Baldwin, anything else at this
13 point or is that it?
14 MR. BALDWIN: That's it. Any
15 questions at all?
16 CHAIRMAN MURPHY: Well, sure.
17 Obviously, the obvious question: Is why wasn't
18 the application sort of whenever it was thirty
19 to forty years ago?
20 MR. BALDWIN: I'm sorry. I can't
21 answer that.
22 CHAIRMAN MURPHY: Do you want to try,
23 Mr. Raible?
24 MR. RAIBLE: I'm in therapy over that
25 one.

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1 legalize the bay window, which projects onto a
2 deck, which he also instructed. There's no
3 variance involved, so that's why there were
4 drawings done.
5 CHAIRMAN MURPHY: I mean, the only
6 question I have really is, you know, obviously
7 I wasn't up on the deck, what is the dimension
8 from the wall the house behind the bay window?
9 MR. BALDWIN: To the front of the
10 deck?
11 CHAIRMAN MURPHY: Yes, to the edge of
12 the deck?
13 MR. BALDWIN: It's fourteen feet
14 wide.
15 CHAIRMAN MURPHY: So you've got seven
16 feet --
17 MR. BALDWIN: Seven feet of that --
18 CHAIRMAN MURPHY: Is beyond where it
19 should be.
20 MR. BALDWIN: Right.
21 MR. DOVELL: Well, the height, the
22 topography is helping to mediate the visual
23 aspect of it, and the architecture of it, it
24 seems in character with the house, and it
25 really is quite sensitive.

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1 CHAIRMAN MURPHY: Well, it's not the
2 standard matter of proceeding. Look, with the
3 grade change and certainly there's a lot of
4 woods between the road and the decks, you know,
5 it's just a notion of not following the
6 process, that is the bothersome point. On one
7 side of the house I agree with you, it's a
8 dimensions incursion and it really is -- it's
9 just inconsequential. The seven foot side, of
10 course it's not inconsequential.
11 MR. RAIBLE: I suspect that he did
12 not realize that he had a second front yard at
13 the time.
14 CHAIRMAN MURPHY: The corner lots are
15 tricky that way. If you don't ask the building
16 inspector, the building inspector doesn't have
17 a chance to point that out either, but --
18 MS. STECICH: He should have had a
19 building permit.
20 CHAIRMAN MURPHY: Of course. The
21 point is, it's an open air deck. It's been
22 there -- does it need to be repaired? I took
23 it from your application that --
24 MR. BALDWIN: We carried out some
25 repairs, and we've applied for a permit to also

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1 MR. BALDWIN: All of the decks are
2 quite pleasant.
3 CHAIRMAN MURPHY: It looks great.
4 It's not in any way an eyesore or anything.
5 It's just the process. That's all. So you
6 have to listen to us publicly say you should
7 have done the right thing or your dad. So
8 shame on you. Otherwise, I don't personally
9 see an issue. And typically without any
10 neighbors complaining, which sometimes makes a
11 difference, if someone were to have a --
12 MR. BALDWIN: Absolutely.
13 MR. PYCIOR: When I went to look at
14 it, I thought the house looks so much better
15 with the decks, that if not you'd see a stark
16 wall two stories high. Where as this softens
17 it, given the topography.
18 CHAIRMAN MURPHY: And there is also
19 really the stone wall, the retaining walls,
20 which is --
21 MR. LEAF: It looks like it belongs
22 there. It's an incredible house.
23 CHAIRMAN MURPHY: So be that as it
24 may, anyone else have comments, questions for
25 Mr. Baldwin? Anyone from the public want to

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1 speak? I see none. I think we can take our
 2 motions for the variances for the Raible's
 3 deck. Let's take them separately or together.
 4 Stanley, you want to take us through this one.
 5 MR. PYCIOR: I move for approval of
 6 the variance for the front-yard setback with
 7 the existing and proposed setback is seventeen
 8 feet. But in this zone, the setback should be
 9 twenty-four feet.
 10 CHAIRMAN MURPHY: Do I have a second?
 11 MR. LEAF: Second.
 12 CHAIRMAN MURPHY: All in favor.
 13 (ALL IN FAVOR)
 14 CHAIRMAN MURPHY: The vote's
 15 unanimous.
 16 Can I have a motion on the second
 17 variance request for the rear yard setback.
 18 MR. COLLINS: I move from the
 19 continued existence on that uncovered deck in
 20 the corner lot. The rear yard currently
 21 existing front setback at twenty-three four
 22 inches versus requirement of the twenty-four
 23 feet.
 24 CHAIRMAN MURPHY: Do I have a second?
 25 MR. DOVELL: I'll second.

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1 CHAIRMAN MURPHY: All in favor.
 2 (ALL IN FAVOR)
 3 CHAIRMAN MURPHY: The vote's
 4 unanimous. Before we adjournment, I think our
 5 next meeting should be Thursday, January 21st.
 6 MS. STECICH: The 28th.
 7 CHAIRMAN MURPHY: 24th. I'm sorry.
 8 Pardon me. January 28, 2010. This meeting is
 9 adjourned. Thank you everyone.
 10 (Time noted: 9:32 p.m.)
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1 CHAIRMAN MURPHY: All in favor.
 2 (ALL IN FAVOR)
 3 CHAIRMAN MURPHY: Thank you.
 4 Our previous meeting was October 22,
 5 2009, Mr. Forbes Watkins is not here tonight,
 6 who was at the meeting, but the rest of us --
 7 Stan were you --
 8 MR. PYCIOR: I was here, that's why I
 9 would like to make a correction.
 10 CHAIRMAN MURPHY: So one correction.
 11 Mr. Pycior was -- did attend the October 22nd,
 12 meeting. His name was not on the list, but it
 13 should be.
 14 MR. LEAF: I have a small change on
 15 page 17 line 19, actually carrying over from
 16 line 18, it says: Is that use permitted by the
 17 current owner? And it should read: Is that
 18 use permitted by the current zoning.
 19 CHAIRMAN MURPHY: Any other edits or
 20 corrections noted? All right. We are good.
 21 Stanley, we are ready for a motion, to approve
 22 the minutes --
 23 MR. DOVELL: I move to approve the
 24 minutes from the October 22, 2009 meeting.
 25 MR. PYCIOR: I'll second.

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1
 2 C E R T I F I C A T E
 3
 4 I, ANNMARIE BASILE, a Shorthand
 5 Reporter and Notary Public of the State of New York,
 6 do hereby certify:
 7
 8 That the witness whose examination is
 9 hereinbefore set forth, was duly sworn, and that such
 10 examination is a true record of the testimony given by
 11 such witness.
 12
 13 I further certify that I am not related to
 14 any of the parties to this action by blood or
 15 marriage; and that I am in no way interested in the
 16 outcome of this matter.
 17
 18
 19
 20 _____
 21 ANNMARIE BASILE
 22

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