

1 INCORPORATED VILLAGE OF THOMASTON

2 ZONING BOARD OF APPEALS

3 JANUARY 7, 2021

4 6:00 P.M.

5  
6 APPLICATION OF EDNA GUILOR, AS AGENT FOR STANLEY KONG -  
7 234 SHOREWARD DRIVE

8 P R E S E N T:

9 NICK TOUMBEEKIS, CHAIRMAN

10 MICHAEL NIKROOZ, DEPUTY CHAIRMAN

11 LARRY GREENGRASS, BOARD MEMBER

12 LAWRENCE LEVY, BOARD MEMBER

13 JOHN PSCHENICA, BOARD MEMBER

14 COUNSEL FOR ZBA, BRIAN STOLAR, ESQ.

15 DENISE KNOWLAND, VILLAGE ADMINISTRATOR

16 LINDA EARLEY, DEPUTY VILLAGE CLERK

17  
18 ALSO PRESENT:

19 EDNA GUILOR, AGENT

20 STANLEY KONG, APPLICANT

21  
22  
23  
24 JENNIFER DEVLIN  
COURT REPORTER

1 CHAIRMAN TOUMBEEKIS: That brings us to  
2 the second matter on for this evening.

3 MR. LEVY: I believe that I have to  
4 recuse myself now.

5 CHAIRMAN TOUMBEEKIS: Let me start with  
6 that. We have an application here by Mr.  
7 Stanley Kong, 234 Shoreward Road, for a  
8 first-floor renovation, second-floor dormer.

9 Before we proceed, it is our  
10 understanding that Ms. Guilor is the  
11 architect of record in connection with this  
12 matter. Is that correct?

13 MS. GUILOR: Yes.

14 CHAIRMAN TOUMBEEKIS: And in that regard  
15 Mr. Levy has disclosed to the Board that  
16 you've currently been retained?

17 MR. STOLAR: He just said he recused  
18 himself.

19 CHAIRMAN TOUMBEEKIS: Well, I want to make  
20 it clear why.

21 MR. STOLAR: He doesn't have to. That's  
22 up to him. He doesn't have to.

23 CHAIRMAN TOUMBEEKIS: All right.

24 And Mr. Levy has recused himself.

1 MR. LEVY: All right.

2 CHAIRMAN TOUMBEEKIS: So what we'll do is  
3 -- with that I will open the meeting for --  
4 continue the meeting for this application.

5 Mr. Kong or Ms. Guilor, would you like to  
6 present the application at this time?

7 MS. GUILOR: Sure. Good evening  
8 everyone.

9 What I am presenting to you tonight is a  
10 58 square feet addition to a house which is  
11 about 2,000 and whatever square feet. Total  
12 of about 3 percent to the existing house.  
13 However, we have three objections that did  
14 not allow us to go forward with such a minute  
15 addition to the house.

16 Objection No. 1 is that Village Code  
17 203-17(A) does not allow a building to be  
18 constructed on a lot having less than 9,000  
19 square feet. We have a lot that's 6,000 --  
20 Hold on one second -- 6,641 square feet. A  
21 lot that's 27 percent less than what's really  
22 allowed in the village.

23 Obviously it was permitted. It was legal  
24 at the time. The house was constructed on

1 the lot. Also according to 203-17(A) you  
2 cannot build a house on a lot that has a  
3 street frontage that's less than 55 feet. We  
4 are 54 feet.

5 Objection No. 1 is obviously an objection  
6 that brings us to your Board regardless of  
7 whatever we would have chosen to do to the  
8 house. And obviously it's not something that  
9 we created. We were -- we inherited it or  
10 Mr. Kong inherited it as a given.

11 Objection No. 2. Side yard minimum  
12 required to be 15 feet and -- one second --  
13 10 feet. And aggregate required according to  
14 203-19(C) has to be 30 feet. We are  
15 violating it by 1.5 feet with the  
16 second-floor addition dormer that we are  
17 adding to the house. Again a very minute and  
18 small encroachment. And I will get into  
19 explaining why I found it necessary to do it  
20 and added to the side of the house rather  
21 than maybe another place.

22 Objection No. 3. Proposed alteration is  
23 -- exceeds the height of 30 feet. Two and a  
24 half stories. We're not exceeding. 203-20

1 said the height cannot be more than 30. We  
2 have an existing dwelling that's 36.7. And  
3 we are dormering -- the height of the dormer  
4 is 32.6. So we are 2.6 above allowed height  
5 for residence R9 I believe we are. Yes.

6 What I would like to do is -- I'm sure  
7 you visited the site. You saw it. I would  
8 like to share my screen with you now. I  
9 would like to show you a few things about  
10 this house, so --

11 CHAIRMAN TOUMBEEKIS: In addition -- just  
12 to make it clear, there's also objection  
13 No. 4 in that there's a one-car garage space  
14 where a two-car garage is required.

15 MS. GUILOR: I'm sorry. That's on page  
16 2. And I did not go there because that says  
17 that the proposed alteration will require a  
18 variance if there is a one-car garage space  
19 where two-car garage is required. And again  
20 this is a condition that we are not  
21 increasing the number of bedrooms in the  
22 house. We are just reorganizing the second  
23 floor and making the bathrooms and the  
24 closets a little bit more comfortable.

1           So the one-car garage that's existing  
2           where needed a two-car garage -- I will show  
3           you also in the presentation of the pictures  
4           -- is impossible to comply with. And it's  
5           something that the house is -- that's about  
6           100 years old and had been constructed that  
7           way. And it's been that way since then.

8           So I'm going to share this with you.  
9           We'll start with the rear of the house. The  
10          actual addition that I'm proposing will  
11          happen at the rear of the house. What you  
12          see here is a dormer that's existing. Behind  
13          it another dormer that's existing. They both  
14          exist on the east side of the house.

15          They're not on the -- let me go (audio  
16          distortion) on the west side of the house.  
17          And there's nothing on the east side of the  
18          house. I'm proposing to duplicate it and do  
19          the same thing that's on the west side of the  
20          house to the east side of the house. And I'm  
21          proposing to add this sliver that you see  
22          right here to this existing dormer.

23          So this existing dormer is not going to  
24          -- is now going to grow by 1.5 to this side.

1 And another dormer will appear on the other  
2 side that will match it. So adding to the  
3 two sides of the house.

4 I will go to the next picture. They're  
5 not coming. Let me go back in here.

6 MR. STOLAR: Edna, while you're doing  
7 that, these photos were already submitted to  
8 the Board previously?

9 MS. GUILOR: I do not know. I do not  
10 know if they were submitted as part of the  
11 submit. I think just the drawings were  
12 submitted. I don't think there was --

13 DEPUTY CLERK EARLEY: That's the  
14 drawings. We don't have the picture.

15 MR. STOLAR: We should not be considering  
16 them.

17 MS. GUILOR: Okay. I'm just clarifying  
18 the condition. I think that what we could do  
19 is okay. We can go to the drawings. And I  
20 think I can explain it on the drawings too.  
21 I thought it would make it easier just to see  
22 it on -- okay. So here we are. We're  
23 looking at the drawings. And we were looking  
24 at the rear elevation, drawing A3.

1           And what we're looking at there, the  
2 picture was this line in here is the existing  
3 dormer now. Going one foot five to the right  
4 of it will give us the new side dormer. And  
5 then we mimicked it on the other side of the  
6 house. That's just to get you to understand  
7 what we're doing there from a visual point of  
8 view.

9           If we're looking going to the front  
10 elevation and you're looking at the  
11 topography, this is what the street actually  
12 does. Then you can see from the survey. So  
13 by looking at this, this line is next to the  
14 house. This line is where the street is. If  
15 you would take this line and continue it  
16 straight across, that's where Shoreward is.

17          Now, when we calculate the height of the  
18 building we don't calculate from an average  
19 around the house. We calculate from the  
20 street. So this house as well as the two  
21 houses to its right and to its left are at a  
22 huge disadvantage because the land already to  
23 begin with is much higher than the street.  
24 So to begin with we were given a house that

1 the height -- this is the peak, which is  
2 about 6 feet above what's allowed. And by us  
3 working with the existing height of the room  
4 we came to the height of the new addition to  
5 be 2 1/2 feet above the 30 feet.

6 But what I would like you to consider is  
7 if this would have been looked at from the  
8 majority of the land that surrounds the  
9 house, we wouldn't be needing this 2 1/2 feet  
10 height requirement. And we are staying with  
11 the view -- with the look of the house.  
12 We're not changing it.

13 If you would look at the side elevation,  
14 the left side and the right-side elevation,  
15 you will see that these are the dormers.  
16 This is an existing dormer. This is an  
17 existing dormer. Part -- only the rear will  
18 have this 1 1/2 foot on the left, 1 1/2 foot  
19 on the right. So this is my trying to  
20 convince you that really the height is  
21 because of the irregular topography that we  
22 have here.

23 Also I would like you to look back at the  
24 site plan. Most houses are constructed

1 parallel to the sides of the house. This  
2 house is not. If you look, it's constructed  
3 parallel to Shoreward. And because of that  
4 the front here of the corner on Shoreward  
5 Drive on the -- again it's -- on the east  
6 side of Shoreward Drive is 15 feet.

7 If you go back to where the addition is,  
8 it's 18 feet. Actually -- let me just give  
9 you the exact dimensions. It's hard to see  
10 on the screen. It's 18 feet existing. It's  
11 16 foot 6 is proposed. So 16 foot 6  
12 proposed, we actually larger in the back what  
13 we're proposing than where the actual second  
14 floor is in the front.

15 But when we calculate aggregate we have  
16 to calculate the minimum distances. So in  
17 the area of the addition if you add the 18 --  
18 the 16 foot 6 on the -- 16 foot 6 on the east  
19 and 13 foot 5 on the west, we are at 30 feet  
20 total. But we cannot by code add these  
21 numbers together. We had to add the 13.5 to  
22 the 15. So the aggregate is 18 1/2.

23 And that's why I'm asking you to consider  
24 giving us this variance. Because at the area

1 that we are existing of the new addition we  
2 are within the 30 feet. It's because the  
3 house is located skewed to the property line  
4 that we are being penalized.

5 So we have -- the four points in here  
6 that we have -- I think the first one is we  
7 have a very unusual, very irregular lot. We  
8 have a very small lot. Like I said, 27  
9 percent smaller than what's allowed. We have  
10 a very small addition. It's 58 feet addition  
11 where only half is encroaching. So it's  
12 really only 1 1/2 percent of the whole house  
13 that's encroaching. I think it's very  
14 minimal and very minute.

15 But being that we have a lot that's too  
16 unusual, we have a size of the lot that's  
17 very small compared to what's allowed, being  
18 that we have a very small drop -- a very  
19 large drop of the topography in the front  
20 that penalizes our height, and being that we  
21 bought a house with a one-car garage -- and  
22 really if you can look at it today we  
23 wouldn't be allowed to even build this  
24 one-car garage. It's right on the property

1 line. We had no choice. We were given that.  
2 And I don't think there's any other way that  
3 we could have accommodated what we need.

4 Now, I could have -- if you look at the  
5 plans -- and I'm going to go to the  
6 second-floor plan because in the first-floor  
7 plan we are not changing any envelope and  
8 everything stays the way it is. I did look  
9 at the possibility of not encroaching to the  
10 sides and pushing it towards the back.

11 Pushing that area towards the back would not  
12 have really helped me much, but it would also  
13 cost a lot.

14 What I tried to do is stay on top of the  
15 existing first floor, existing foundation,  
16 minimize the expense of this addition. And  
17 the creation of this variance versus the  
18 saving of pushing this wall by 1 or 2 feet  
19 back towards the south of the house might  
20 have given me the result needed, but really  
21 would have cost my client much more. And I  
22 did not need on the first floor. And the --  
23 the first floor is larger than the second  
24 floor. So I could expand the second floor on

1 top of the first floor without really  
2 creating a big expense.

3 So having said all of that, I would hope  
4 that you will understand that most of the --  
5 all of these conditions were not brought by  
6 the owner, were not created by the owner, are  
7 very minimal. And if the Board has any way  
8 of thinking that we should mitigate it, we  
9 will be open to suggestion.

10 CHAIRMAN TOUMBEEKIS: Okay. Is there  
11 anybody else who has anything to add on this  
12 right now?

13 (No one.)

14 CHAIRMAN TOUMBEEKIS: Okay. So, Ms.  
15 Guilor, what we're proposing is basically on  
16 the extension of the dormer on one side by 20  
17 feet in length. Is that what I'm  
18 understanding it to be?

19 MS. GUILOR: Yes.

20 CHAIRMAN TOUMBEEKIS: And the other is 18  
21 feet 6 inches?

22 MS. GUILOR: Right.

23 CHAIRMAN TOUMBEEKIS: And basically it's  
24 1 1/2 feet on either side that you're looking

1 to extend out?

2 MS. GUILOR: Right, out of which 9 inches  
3 I'm allowed.

4 CHAIRMAN TOUMBEEKIS: On either side?

5 MS. GUILOR: On either side. If I went 9  
6 inches on either side I would be allowed to  
7 do it. It made a difference for the  
8 bathrooms, for the entrances, for the walk-in  
9 closet and for the bedroom in the back.

10 CHAIRMAN TOUMBEEKIS: Anybody else on the  
11 Board have any questions right now?

12 MR. PSCHENICA: I got a quick question,  
13 Ms. Guilor.

14 MS. GUILOR: Yes.

15 MR. PSCHENICA: The extension in the  
16 back, it's not entirely clear on the  
17 drawings, but is that -- is that extra 1 foot  
18 6 the same as the existing overhang of the  
19 existing roof?

20 MS. GUILOR: Yes. It's less. It's a  
21 little bit less than that. The overhang is  
22 larger than that.

23 MR. PSCHENICA: Okay.

24 CHAIRMAN TOUMBEEKIS: So that we can be

1 clear, Ms. Guilor, did you measure the -- do  
2 you have a measurement for that -- the  
3 overhang of the roof? Do we know?

4 MS. GUILOR: Hold on for a second. I  
5 think that if -- I can give you the  
6 measurement. If you look at the rear  
7 elevation, right -- hold on. Okay. You  
8 asking me if the new wall is going to be  
9 shorter than the overhang?

10 CHAIRMAN TOUMBEEKIS: Right.

11 MS. GUILOR: No. It's going to be on the  
12 overhang. It's going to come to the  
13 overhang. The overhang itself is 1 foot 6.

14 CHAIRMAN TOUMBEEKIS: So it's 1.6. All  
15 right.

16 MS. GUILOR: And what I did in the rear,  
17 if you see, I kept the two lines of the  
18 existing roof. And there will be moldings  
19 that will be applied so that the feeling of  
20 that peak will remain. And the difference of  
21 material will help this original peak to  
22 remain in its strength, you know.

23 CHAIRMAN TOUMBEEKIS: Okay.

24 Does anybody else have any questions for

1 Ms. Guilor?

2 DEPUTY CHAIRMAN NIKROOZ: I have very  
3 small questions.

4 First of all, Edna, you did a very nice  
5 job, the symmetric being kept the way it's  
6 supposed to be kept and very nice approach to  
7 the design development. But the question  
8 that I have for you. First of all, it's not  
9 identified. What is the height of the attic  
10 in here? The attic height is not verified  
11 neither on your -- I don't have any section  
12 to be able to verify what the height is  
13 and --

14 MS. GUILOR: If you look at drawing 1 on  
15 A-3 -- drawing 1 on A3. Let me just see the  
16 dimension in here. It's -- the peak to the  
17 plate height is 6 1/2 feet. So the attic  
18 itself is 5 1/2 feet. But you have to  
19 understand that we are not planning to remove  
20 the inner part, so --

21 DEPUTY CHAIRMAN NIKROOZ: No. I'm just  
22 asking about the issue since you did not show  
23 the attic.

24 MS. GUILOR: Okay. Yeah. From the plate

1 and above the plate we'll have about 10  
2 inches of --

3 DEPUTY CHAIRMAN NIKROOZ: Okay.

4 MS. GUILOR: -- framing. To the peak you  
5 have 6 1/2 feet, but we're not removing this  
6 structure that's there.

7 DEPUTY CHAIRMAN NIKROOZ: No. I don't  
8 have any question about that. You've been  
9 there. You know the set, what is happening  
10 in there. I see three window. And one of  
11 window opening to attic as you see there.

12 MS. GUILOR: It was there. I don't know.  
13 That window is there.

14 DEPUTY CHAIRMAN NIKROOZ: I have no --  
15 any objection to that.

16 MS. GUILOR: You want to know something,  
17 this window is in front of a fireplace and a  
18 chimney. I think it's just for beauty. I  
19 didn't go into the attic to look in there.  
20 But this fireplace -- there is a fireplace  
21 here. And I think that was done -- it wasn't  
22 done -- I did not add it. Let's put it this  
23 way.

24 DEPUTY CHAIRMAN NIKROOZ: Please allow me

1 to finish my question.

2 MS. GUILOR: Yes.

3 DEPUTY CHAIRMAN NIKROOZ: Is there any  
4 area on the attic that it has height of 7 1/2  
5 feet or more? So if it does, it will  
6 consider as a floor area. Do you have such a  
7 space at the attic area?

8 MS. GUILOR: To be 7 1/2 feet height you  
9 will have an area of maybe 2 feet wide in the  
10 center. I'm going to direct you to the  
11 drawing. And I will tell you where I'm  
12 measuring it. It's on A3. If you go to  
13 A3 --

14 DEPUTY CHAIRMAN NIKROOZ: Yeah.

15 MS. GUILOR: -- right where that window  
16 is, the peak is. And it's just the width of  
17 that window that's about 2 feet. Because you  
18 have a structure on the left and a structure  
19 on the right. And (audio distortion). You  
20 will have exactly 12 feet wide --

21 CHAIRMAN TOUMBEEKIS: Okay.

22 MS. GUILOR: -- in the center of the  
23 peak. And that will be right in here.

24 DEPUTY CHAIRMAN NIKROOZ: Okay. I am

1 reading your (Inaudible) to the definition of  
2 the floor area. And the floor area says, any  
3 area in an attic that has more than 7 foot 6  
4 inches, it counts as a floor area.

5 MS. GUILOR: I did 7. Not 7'6". I'm  
6 sorry.

7 DEPUTY CHAIRMAN NIKROOZ: Okay. I don't  
8 know it. And I do not -- it's not been  
9 specified anywhere. So I have to bring your  
10 attention to this issue.

11 MS. GUILOR: Okay.

12 DEPUTY CHAIRMAN NIKROOZ: So you could be  
13 able to deal with it.

14 MS. GUILOR: Yeah. But for your  
15 information the allowed square footage on  
16 this house is 2,259. And we are at 2,014.

17 DEPUTY CHAIRMAN NIKROOZ: So you still  
18 have it?

19 MS. GUILOR: We definitely have it. We  
20 have the whole length of the building.

21 DEPUTY CHAIRMAN NIKROOZ: Sure the  
22 homeowner -- please if there is such a thing,  
23 you put it in there so they don't run to any  
24 problem later on.

1 MS. GUILOR: I will.

2 DEPUTY CHAIRMAN NIKROOZ: And second  
3 issue I have in here on your page A2  
4 fortified first-floor plan --

5 MS. GUILOR: Yeah.

6 DEPUTY CHAIRMAN NIKROOZ: -- you indicate  
7 existing roof deck.

8 MS. GUILOR: On A2?

9 DEPUTY CHAIRMAN NIKROOZ: A2.

10 MS. GUILOR: Oh, yes. Yes. If you look  
11 at the rear elevation above the garage --

12 DEPUTY CHAIRMAN NIKROOZ: Exactly what  
13 I'm talking about there. If it is -- you  
14 see? You can read this sentence two  
15 different way. One is existing deck that has  
16 a roof or it could be existing deck that they  
17 build on top of the roof.

18 MS. GUILOR: No. It's a roof deck. It's  
19 not a roofed. If it was roofed it would be  
20 R-O-O-F-E-D. But it's not a roofed deck.  
21 It's a roof deck. You want me to write it in  
22 a different way, please let me know.

23 DEPUTY CHAIRMAN NIKROOZ: Clarify it that  
24 it is not having any roof above this deck.

1 MS. GUILOR: Yeah.

2 DEPUTY CHAIRMAN NIKROOZ: You follow what  
3 I'm saying?

4 MS. GUILOR: Okay.

5 DEPUTY CHAIRMAN NIKROOZ: If it is a roof  
6 deck, then it is counted as floor area.

7 MS. GUILOR: No. It's not.

8 DEPUTY CHAIRMAN NIKROOZ: Okay. Just --  
9 I just understand it. And I also -- also on  
10 the basement, please indicate on the cellar  
11 basement that you put in there. First you --  
12 first of all, a cellar is not a basement.  
13 The sooner you put a basement that's more  
14 than 50 percent above the ground, then you  
15 have to count the floor area of the area of  
16 that one.

17 MS. GUILOR: You're right. It should be  
18 cellar.

19 DEPUTY CHAIRMAN NIKROOZ: Also please  
20 indicate in there that on the proposed  
21 partial finished area you write "cooking and  
22 sleeping is not permitted "

23 MS. GUILOR: Okay.

24 DEPUTY CHAIRMAN NIKROOZ: Thank you.

1 Nice design. Nice approach for a small  
2 house and small lot like that. You did a  
3 wonderful job.

4 MS. GUILOR: Thank you, Michael.

5 CHAIRMAN TOUMBEEKIS: Ms. Guilor, just a  
6 quick follow-up question based on Mr.  
7 Nikrooz's questions.

8 Can you take me to sheet A2 drawing  
9 three. "Modified second floor plan." And it  
10 says "modified master bedroom cathedral  
11 ceiling." Could you help me understand.  
12 That cathedral ceiling, is that going through  
13 the attic space?

14 MS. GUILOR: That's going -- yeah. We  
15 going to raise it up I would think to 9 foot  
16 6. Not much more. The room is not that big.  
17 I give it a little bit of a cathedral. Yes.

18 CHAIRMAN TOUMBEEKIS: And how is that  
19 going to affect the attic space?

20 MS. GUILOR: Meaning? I'm not -- there's  
21 no attic existing actually in here.

22 CHAIRMAN TOUMBEEKIS: I'm going to get to  
23 that as well.

24 So you're increasing the height of the

1 ceiling in the master bedroom?

2 MS. GUILOR: Yeah.

3 CHAIRMAN TOUMBEEKIS: But it's not  
4 affecting the roof line? It's going into  
5 that, you know, the -- what we're referring  
6 to as the attic space, right?

7 MS. GUILOR: Right.

8 CHAIRMAN TOUMBEEKIS: And in effect it's  
9 decreasing the height. This cathedral  
10 ceiling is decreasing the height of the --  
11 from the peak of the roof down to the top of  
12 this?

13 MS. GUILOR: Yeah. Instead of having 5  
14 foot 5 we will be at 4 now.

15 CHAIRMAN TOUMBEEKIS: Okay. And so -- and  
16 then on this drawing I don't see access to go  
17 into the attic. Is there one?

18 MS. GUILOR: No.

19 CHAIRMAN TOUMBEEKIS: Okay.

20 DEPUTY CHAIRMAN NIKROOZ: There is a -- I  
21 think there is an access to attic. If you  
22 see on the modified second floor plan --

23 CHAIRMAN TOUMBEEKIS: Yes.

24 MS. GUILOR: That's not -- I think the

1 question that Nick was referring to is, is  
2 there a stair going up there?

3 CHAIRMAN TOUMBEEKIS: No.

4 MS. GUILOR: There's no stair.

5 CHAIRMAN TOUMBEEKIS: Good.

6 MS. GUILOR: There is an access panel in  
7 the roof of course in the ceiling, but not --  
8 no staircase.

9 CHAIRMAN TOUMBEEKIS: Very good. Okay.  
10 Good. Any other questions? Anybody oppose  
11 the application?

12 (No one.)

13 CHAIRMAN TOUMBEEKIS: I know that Mr. Kong  
14 is on this Zoom as well. Is there anything  
15 that he would like to add as the homeowner?

16 MR. KONG: No. I just want to thank you  
17 for taking your time out to do this. I've  
18 been waiting around for a little while.  
19 Seeing progress here is sweet. It's good.  
20 Appreciate everyone's time.

21 CHAIRMAN TOUMBEEKIS: Okay. With that  
22 what I will do is close the hearing and go  
23 into -- we will go into discussion. Right,  
24 Brian?

1 MR. STOLAR: Correct.

2 CHAIRMAN TOUMBEEKIS: All right. I guess  
3 we can go around the table. And we'll start  
4 with Mr. Greengrass again. What are your  
5 thoughts here?

6 MR. GREENGRASS: I agree with Michael.  
7 It's a very, very nice design considering the  
8 house and the size of the lot. I think that,  
9 you know, we're being asked to make some  
10 extremely minimal changes or accept minimal  
11 differences between the code and the request.

12 And I have no problem with any of the  
13 requests.

14 CHAIRMAN TOUMBEEKIS: Great.

15 Mr. Pschenica.

16 MR. PSCHENICA: Yeah. I agree with Mr.  
17 Greengrass and Mr. Nikrooz. I mean, I like  
18 the design. I think there's a lot of  
19 challenges with this site that were not  
20 induced by the scope of the project. And  
21 those -- the one that is is pretty minor. So  
22 I don't have a problem with that.

23 CHAIRMAN TOUMBEEKIS: Mr. Nikrooz.

24 DEPUTY CHAIRMAN NIKROOZ: I don't have

1 any problem. I like the design.

2 CHAIRMAN TOUMBEEKIS: Having said that, I  
3 think that this also was done in a pretty  
4 thoughtful way, you know, taking into  
5 consideration all the facts. And in  
6 particular I think that Ms. Guilor in looking  
7 at this, the biggest challenge or the -- you  
8 know, the biggest cost if you want in terms  
9 of this challenge is the only other way she  
10 probably could have gotten this would be to  
11 move that back wall. And that back wall I  
12 think not only would have presented a lot of  
13 work, but probably we would be looking at a  
14 similar application anyway.

15 So overall I think it's a minimal change  
16 here. I'm of the (audio distortion). And  
17 it's a minimal impact to the variance that  
18 they're requesting. So I think that I'm okay  
19 with this and with this -- in that regard  
20 what I would -- we make a motion to approve  
21 the applicants (inaudible) and/or the  
22 proposed and approve the plan.

23 MR. GREENGRASS: Second the motion.

24 CHAIRMAN TOUMBEEKIS: Mr. Greengrass

1 seconded.

2 With that --

3 MR. STOLAR: Just before you go to the  
4 rest of it, I just want to make one  
5 correction.

6 The address that was noted on the notice  
7 is not correct, but the information -- the  
8 information identifying the property is. So  
9 I think it's 264 (sic) Shoreward Drive.  
10 Let's just make sure we include that.

11 MS. GUILOR: 234.

12 CHAIRMAN TOUMBEEKIS: No. It's 234,  
13 Brian.

14 MR. STOLAR: We had -- what do you have,  
15 Linda? What was on the notice?

16 CHAIRMAN TOUMBEEKIS: Do you have it as  
17 "drive" versus "road"?

18 MR. GREENGRASS: Yeah. I think that  
19 seems to be --

20 MR. STOLAR: I think that's what it is.  
21 All right. So it's 234 Shoreward Drive?

22 DEPUTY CLERK EARLEY: Yes. I'm sorry.  
23 234 Shoreward Drive. It was incorrect on the  
24 legal notice. It said "road." It should be

1 "drive."

2 CHAIRMAN TOUMBEEKIS: Just so that there's  
3 no issue here, all of the notices that were  
4 required to go out to the adjacent homeowners  
5 were sent out correctly within the 200 --

6 DEPUTY CLERK EARLEY: Yes.

7 CHAIRMAN TOUMBEEKIS: -- the 200-foot  
8 radius.

9 MS. GUILOR: And most of them returned  
10 already.

11 CHAIRMAN TOUMBEEKIS: So in that regard  
12 it's --

13 MR. STOLAR: It's fine to move forward.  
14 I just want to make a notation that it's  
15 "drive" instead of "road."

16 CHAIRMAN TOUMBEEKIS: Very good. Okay.

17 So having said that, the motion is to  
18 approve the changes and accept.

19 Everybody for it say "aye."

20 MR. GREENGRASS: Aye.

21 MR. PSCHENICA: Aye.

22 CHAIRMAN TOUMBEEKIS: Aye.

23 DEPUTY CHAIRMAN NIKROOZ: Aye

24 CHAIRMAN TOUMBEEKIS: Mr. Levy abstaining

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or actually recusing himself. With there  
being no nays, the application is granted.

MS. GUILOR: Thank you very much.

CHAIRMAN TOUMBEEKIS: Thank you, Ms.  
Guilor.

MR. KONG: Thank you.

CHAIRMAN TOUMBEEKIS: With that we can  
close the meeting at this time, folks.

MR. KONG: Thank you everyone.

Good night.

(Time noted: 7:45 p.m.)