

1 INCORPORATED VILLAGE OF THOMASTON

2 ZONING BOARD OF APPEALS

3 SEPTEMBER 3, 2020

4
5 APPLICATION OF HALPERN - 10 BROMPTON ROAD

6
7 P R E S E N T :

8 NICK TOUMBEEKIS, CHAIRMAN

9 MICHAEL NIKROOZ, DEPUTY CHAIRMAN

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22 JENNIFER DEVLIN
23 COURT REPORTER
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1 CHAIRMAN TOUMBEEKIS: Okay. So I think
2 the next application before us is the
3 application by Aaron Halpern. And it's 10
4 Brompton Road, Great Neck, New York 11021.

5 Do I have to make a motion to reopen the
6 meeting, Brian?

7 MR. STOLAR: No. No. You started it.
8 We've been recording the whole time. You're
9 good to go.

10 CHAIRMAN TOUMBEEKIS: All right.

11 Good evening. Anybody here on behalf of
12 the applicant to present?

13 MR. HALPERN: Yes. Good evening. I am
14 the applicant, Aaron Halpern. This is my
15 wife, Wendy. And we live and own the
16 property at 10 Brompton which is a
17 single-family residence. And our application
18 relates to the construction of a new garage
19 that will be attached to our house.

20 Presently there is a detached garage at the
21 back of the property which is in very poor
22 condition. And what we're proposing is a new
23 attached garage to the house to basically
24 integrate with our house both design and the

1 aesthetics. Our house was fairly recently
2 renovated, remodeled almost in entirety back
3 in about 2009/2010 and -- everything with the
4 exception of the garage.

5 So this new proposal seeks to basically
6 remodernize the garage to be -- to fit with
7 the rest of the house. Although not
8 reflected in the materials in the drawings
9 rather, it would be the same construction
10 type and materials. And what we've attempted
11 to do is to best integrate the roof lines,
12 the aesthetics, the height so that it really
13 fits in as best as possible with the existing
14 structure.

15 The variance that we're seeking relates
16 to four particular, I guess, nonconformities
17 if you will. One related to the fact that
18 this -- the 12-foot garage which is proposed
19 was considered to be a single-car garage as
20 oppose to the required statute of a
21 double-car garage.

22 And the second variance or noncompliance
23 issue related to the side yard. And that
24 would be on the north -- I'm sorry, the south

1 side of the property which has a 10-foot side
2 yard requirement. And we're seeking in this
3 variance the structure to be 9 feet.

4 The other aspect is the aggregate side
5 yard set off which is 20.9 instead of 30 feet
6 which was the required and then the floor
7 area ratio of 4.7 instead of .4. And those
8 are the specified nonconformities with what
9 we had submitted as far as the plans.

10 As far as why, we believe -- first of all
11 we believe that the design and specifically
12 the concept of an attached garage is in
13 fitting with the neighborhood, the
14 characteristics of the neighborhood. We
15 think that the design itself is in conformity
16 with the characteristics of the neighborhood.
17 I've included some photographs with our
18 application.

19 But sum and substance many of the
20 residences, especially those that have been
21 remodeled, have now attached garages as
22 oppose to what was done back in the day as
23 far as a separate detached garage. And as
24 far as the side yards, while it's 9 feet,

1 which is 1 foot short of the side yard of 10
2 feet required, it is consistent and even
3 larger than many other -- of the side yard
4 set offs of the neighboring properties.

5 As far as the size of the garage itself,
6 I indicated that that was something where we
7 -- first of all there wasn't guidance as far
8 as what was considered two car versus single
9 car sizes as far as the doors themselves.
10 But that was based on a balance that we were
11 trying to limit the nonconformity, if you
12 will, to 9 feet. But that's something that,
13 you know, I had indicated that we're willing
14 to if it needs to be extended -- we're not
15 entirely sure. My architect was not entirely
16 sure as far as what is the specified -- what
17 was within the range of a two-car garage,
18 whether it be 14 or 16 feet.

19 CHAIRMAN TOUMBEEKIS: Sure.

20 MR. HALPERN: But that's something that,
21 you know, we're willing to discuss on that
22 issue.

23 CHAIRMAN TOUMBEEKIS: Um-hum.

24 MR. HALPERN: But as far as the size of

1 the garage again, you know, we think that
2 most of the properties in the neighborhood
3 are single-car garages. This would be kind
4 of a hybrid of 12 feet which is obviously
5 larger than a single-car garage. Again, we
6 would be willing to increase the size. We
7 would also be willing -- it's assumed, and
8 I'm sure you all know -- but we're going to
9 be removing the rear -- the old detached
10 garage, which as far as just the look of the
11 property it actually captures a lot of space
12 in the backyard.

13 One other thing I note is that the garage
14 itself is all the way set back at the back of
15 the property even though as an attached
16 garage it's about 24 feet from the front
17 portion of the house. So it is not something
18 that is -- that you're confronted with right
19 at the street elevation, but rather a
20 setback.

21 And so all in all, you know, the design
22 we believe is, you know -- a lot of thought
23 obviously went into it and to try to
24 basically both integrate it within the house

1 but also integrate it within the
2 characteristics of the neighborhood.

3 And that's basically a summary of what
4 our plan it.

5 CHAIRMAN TOUMBEEKIS: The -- in discussing
6 the garage, Mr. Halpern, you indicated that
7 the architect was trying to understand the
8 code in accommodating for the two-car garage
9 as much as he could from what it sounds like
10 to me, right?

11 MR. HALPERN: I'm sorry. Can you just
12 say that again, please?

13 CHAIRMAN TOUMBEEKIS: Sure. It sounds
14 like with the intent of the plans with
15 respect to the garage that the goal here was
16 to try and get the garage to be as much or as
17 close to a two-car garage as possible. Is
18 that what --

19 MR. HALPERN: That is correct. We were
20 -- when we met with our architect our goal
21 was to have a two-car garage. And obviously
22 the challenges here are the width of the
23 property. And also we want to transition,
24 you know, whereby there is -- we have a

1 mudroom, some kind of space that separates
2 the living space of the house to the garage.

3 And so with those parameters it was a
4 real -- the challenge being is to try to get
5 to a two-car garage but yet have that
6 mudroom, that transition space between the
7 house itself and the garage structure.

8 But, yes, that was -- to answer to your
9 question is yes. Our goal was and is to get
10 a two-car garage.

11 CHAIRMAN TOUMBEEKIS: So if you were to
12 eliminate the mudroom would you get the
13 two-car garage?

14 MR. HALPERN: If we eliminated the
15 mudroom -- well, within -- I think that for
16 -- the first issue is a lack of clarity as
17 far as what would be considered a two-car
18 garage from the building permitting position.
19 I'm not sure whether it's 14 or 16 feet. And
20 those are the numbers that my -- after the
21 plan was rejected on the basis of a
22 single-car garage I went back to our
23 architect. And he wasn't sure, in fact, what
24 is technically considered 14 or 16. And I

1 don't think the village code provides any
2 guidance on that issue.

3 To answer your question though if the --
4 the mudroom measures approximately 4 feet in
5 width. So to the extent the garage is now 12
6 feet and let's assume 16 feet is the garage
7 door then, yes, if we remove the transition
8 space the garage would conceivably be 16
9 feet.

10 Now, that does present some challenges as
11 far as the usability and aesthetics.
12 Usability being the garage door is basically
13 very close to the house structure, you know,
14 just driving in. So there's safety issues
15 there the way I see it. Safety issues as far
16 as a transition, as far as just environmental
17 aspects within the house itself because we
18 now have a door that goes right into what is
19 a den of our house. So, you know, that
20 affects the usability too.

21 And that's why we -- our goal was to have
22 a mudroom as limited in space as possible but
23 also a two-car garage. And again we're
24 literally trying to -- with inches trying to

1 work everything out to minimize the
2 nonconformity as far as the side yard, you
3 know. I guess I hope that answers the
4 question.

5 CHAIRMAN TOUMBEEKIS: It does. And speak
6 to me as to the floor area ratio here. It
7 looks like we're over by about 714 square
8 feet.

9 MR. HALPERN: Right. So in reality -- my
10 understanding is that the detached garage
11 never functioned -- factored into the floor
12 area of the house as it was. So when you
13 look at it as far as the actual increase in
14 floor area, it's not as substantial as it
15 would otherwise appear on its face to be.
16 Because there is a fairly large garage
17 structure, 22 feet by about 15 feet, that is
18 being removed from the property and saved by
19 virtue of the -- the differences and why it
20 now increases.

21 And I don't want to call it an artificial
22 increase, but it really is, because there's
23 already surface area on the house that's not
24 accounted for in the numbers. But regardless

1 I think that a lot of it also relates to the
2 fact that what we put above the garage is
3 basically a finished space that we propose to
4 be like a playroom area. And so how we got
5 to that aspect is that if you've seen our
6 house, it's a fairly high structure.

7 And meeting with the architect, one of
8 the challenges as far as integrating it into
9 the house is you have essentially a 3-story
10 house. It was an older house remodeled, but
11 it's essentially three stories. I believe
12 the peak of the house is over 38 feet. So if
13 you went with a short roof line, it would --
14 the challenge there is that it doesn't really
15 aesthetically blend into the house. It
16 almost looks like a little box attached to
17 the house.

18 By increasing the roof line to blend in
19 with the house, that gave us the opportunity
20 to basically have not a full height but a
21 partial, you know, almost height with
22 vaulting, you know, how it tapers towards
23 following the roof line. Thereby by adding
24 that floor above, it would otherwise just be,

1 you know, rafters. That increases, you know,
2 the square footage, if you will, because it's
3 a 27 by 19 feet 3 structure.

4 So again it's something where the floor
5 area of the house -- you can see that the
6 property is still set off by a substantial
7 portion of real property, grass, and that in
8 fact there's more grass. Because again we're
9 capturing space that was previously covered
10 as far as surface area of the property by an
11 existing garage.

12 CHAIRMAN TOUMBEEKIS: What's the height of
13 the ceiling going on the floor -- the
14 playroom above the garage?

15 MR. HALPERN: Let me see if I have it. I
16 think that I have that. It's 22 feet 4
17 inches.

18 CHAIRMAN TOUMBEEKIS: I mean the interior
19 height of that playroom.

20 MR. HALPERN: So at its highest point --
21 again generally it follows the roof line. It
22 tracks the roof line. Bear with me. I'm
23 just looking -- I'm just -- so it varies, but
24 my understanding is that the inner part is 8

1 feet.

2 CHAIRMAN TOUMBEEKIS: Okay.

3 MR. HALPERN: And then it tracks down to
4 approximately 5 feet in the corners.

5 CHAIRMAN TOUMBEEKIS: Okay.

6 MR. HALPERN: There's one part towards
7 the back. And again it's tracking the roof
8 line where it goes as low as 4 feet. That
9 goes over. If you notice -- and I can put it
10 up. If you want I can share my screen.
11 Maybe that would aid the board. Give me one
12 moment.

13 MR. STOLAR: In sharing a screen, is this
14 documentation you're showing already part of
15 your application?

16 MR. HALPERN: It is. If you can see my
17 screen, this is what I'm showing the panel is
18 the plans themselves. So this is showing the
19 second floor of the plan. And in the center
20 you will see this is the -- this shows the
21 roof aspects as far as from the interior
22 perspective.

23 So the middle part which is essentially
24 across is 8 feet. And then the sides are 5

1 feet in the corners following the roof line.
2 And then there's one portion which is the
3 lowest portion over I believe -- part of it
4 is on a closet that the architect proposed,
5 that we proposed, and a little over the
6 staircase on the lower part.

7 CHAIRMAN TOUMBEEKIS: What height is the
8 -- is it going to be on the staircase and the
9 closet?

10 MR. HALPERN: Well, just on the -- it's
11 going to be -- it looks like part of it is --
12 it's been tapered down. The lowest part is 4
13 feet. That's over the closet. And again the
14 part that's over the staircase is the bottom
15 of the staircase. So the effective ceiling
16 height will be maintained as far as it's
17 still going to be over probably 7 or 8 feet
18 above the bottom steps of the staircase.
19 That's the part at garage level.

20 CHAIRMAN TOUMBEEKIS: And where the shower
21 is indicated, what's the height of the
22 ceiling going to be there?

23 MR. HALPERN: That would be in the 5 foot
24 -- the lowest area -- the lowest area is 5

1 feet. In this corner it's 5 feet. So it
2 tapers down from 8 feet on one side of the
3 shower down to 5 feet is the lowest part in
4 the -- by the wall portion. That's not even
5 in the shower itself. So it's where -- it
6 starts off at 8 feet and it goes down -- it's
7 hard to see from this diagram, to be honest
8 with you. But it's 5 feet is -- when I say
9 -- it's not 5 feet in the shower. The shower
10 part is between 8 feet -- starts off at 8
11 feet and then at some elevations greater than
12 5.

13 CHAIRMAN TOUMBEEKIS: Okay.

14 DEPUTY CHAIRMAN NIKROOZ: Excuse me. I
15 am going to stop you right in here.

16 Naturally when you come into Zoning Board
17 required to -- architect to provide us with
18 the section to your expansion or extension to
19 clarify this number. What you are telling us
20 is an assumption. We want to know the facts.

21 Also with all respect to your architect
22 and to you, this plan that you are
23 considering second floor, the corner, right
24 corner is not reflecting right -- exactly

1 right there is not reflecting your elevation
2 and your plans. As you see on your plan, you
3 have a setback from the door. But in here it
4 does not show that is such a setback. On
5 your elevation also show some kind of a
6 setback in here. In this plan does not show
7 those setback that is created on the floor,
8 on the floor plan of the first floor and the
9 elevation facing this street. It's not
10 coordinating together. And altogether it
11 should be some kind of a section through here
12 to be able to -- so we could be able to use
13 it as evidence and as accommodation of what
14 you're presenting to us.

15 MR. HALPERN: As far as setback, I'm not
16 sure I understand what your -- the context of
17 setback. If you can just clarify.

18 DEPUTY CHAIRMAN NIKROOZ: Go to the first
19 floor.

20 MR. HALPERN: First floor. Okay.

21 DEPUTY CHAIRMAN NIKROOZ: You see you put
22 a door in there? You see?

23 MR. HALPERN: I'm sorry. You want me to
24 go to the garage level, correct?

1 DEPUTY CHAIRMAN NIKROOZ: Yes, garage.

2 MR. HALPERN: Yes. One moment.

3 DEPUTY CHAIRMAN NIKROOZ: You see this
4 one: You see 2 feet, 5 feet setback?

5 MR. HALPERN: Yes.

6 DEPUTY CHAIRMAN NIKROOZ: Okay. This is
7 one. Now go to the front elevation.

8 MR. HALPERN: I see it. And that --

9 DEPUTY CHAIRMAN NIKROOZ: Please go to
10 the front elevation.

11 MR. HALPERN: I see what you're referring
12 to. You're talking about this -- this
13 setback here and this area here, right?

14 DEPUTY CHAIRMAN NIKROOZ: Right.
15 Exactly.

16 MR. HALPERN: I see it.

17 DEPUTY CHAIRMAN NIKROOZ: If you would be
18 kind enough go to elevation, front elevation.

19 MR. HALPERN: Right. So the reason why
20 -- I understand what you're saying. And
21 it's a good point. So that setback that's on
22 the first floor does not carry over. It's --
23 full cantilever over --

24 DEPUTY CHAIRMAN NIKROOZ: No. No.

1 Excuse me. Before you go on make any
2 comments, please show me the elevation, front
3 elevation. You see the front elevation?

4 MR. HALPERN: Oh, yes. I see it.

5 DEPUTY CHAIRMAN NIKROOZ: You see it?

6 MR. HALPERN: Yes.

7 DEPUTY CHAIRMAN NIKROOZ: Now go to the
8 front elevation. You see the setback? You
9 see the roof? You see the setback? So you
10 created two different levels of the roof in
11 there. Two triangles in here.

12 MR. HALPERN: Yeah.

13 DEPUTY CHAIRMAN NIKROOZ: Two triangle in
14 there represent that this door and the roof
15 above it, it has a setback.

16 MR. HALPERN: Right. I see that.

17 DEPUTY CHAIRMAN NIKROOZ: It should be --
18 this joint should be adjusted to reflect
19 completely what you showing on the front
20 elevation and floor plan. And also there
21 should be a section through this, through
22 section. Two different direction to show
23 exactly what is the height of this rooms are.

24 MR. HALPERN: I think your -- you pointed

1 out what seems to be, you know -- and I will
2 acknowledge it. It looks like there is an
3 error in the plan in that it's not -- what is
4 the floor elevation, if you will, that
5 setback is not properly transcribed on the
6 second floor of this plan.

7 DEPUTY CHAIRMAN NIKROOZ: And the
8 elevation.

9 MR. HALPERN: I think it's an error in
10 the plan.

11 DEPUTY CHAIRMAN NIKROOZ: Okay. Mr.
12 Chairman, allow me to go to a couple of other
13 issues before you continue conversation with
14 regard to the plans. And then I give you the
15 lead after that.

16 CHAIRMAN TOUMBKIS: Along those lines,
17 Mike, just ask what the elevation of the
18 height of the garage is going to be.

19 DEPUTY CHAIRMAN NIKROOZ: This is exactly
20 what I -- if he show the section, it is going
21 to clarify what is the height of the garage,
22 what is the height of the garage door, what
23 is the height of the second floor, etc.,
24 etc., etc. Also --

1 MR. HALPERN: The garage -- just to
2 address a couple of questions. I don't mean
3 to interrupt. But I'm making notes of the
4 questions that you're asking. And I can
5 answer them in Omnibus form or just as you
6 go. But the garage door is 12 feet by 8
7 feet. It's specified on the plans. Okay.

8 DEPUTY CHAIRMAN NIKROOZ: Eight foot by
9 12 feet?

10 MR. HALPERN: Yes. It's 8 feet high by
11 12 feet wide.

12 DEPUTY CHAIRMAN NIKROOZ: We get to that
13 point also. Also what I am trying to point
14 out -- would you be kind enough to go to your
15 site plan, please?

16 MR. HALPERN: Sure.

17 DEPUTY CHAIRMAN NIKROOZ: Okay.

18 MR. HALPERN: Sorry. Wrong way.

19 So we can go through the site.

20 DEPUTY CHAIRMAN NIKROOZ: Site plan, the
21 first page.

22 MR. HALPERN: Is this the plan -- oh, the
23 site plan.

24 DEPUTY CHAIRMAN NIKROOZ: Site plan A-1.

1 Yes. This here. You know, you see this for
2 all purpose, the board purpose. The first
3 thing, you have to make a determination. It
4 is going to see how you are affecting your
5 neighbor, neighbor on the left-hand side.
6 Where is the location of the building on the
7 left-hand side? Do you know that?

8 MR. HALPERN: The building on the
9 left-hand side -- well, it's not specified in
10 this plan. I mean -- and I don't know if
11 it's --

12 DEPUTY CHAIRMAN NIKROOZ: Is there
13 anywhere to your knowledge it is specified so
14 we could use that one as evidence and help us
15 to make a determination how negatively or
16 positively you might possibly affect your
17 neighbor?

18 MR. HALPERN: Okay. Let me just see.
19 I'm going to shut down my share for a second.
20 All right. And I'm just going to see.
21 Because I know that you're required to look
22 at what my submission is. So I'm going to
23 refer to the Exhibit 1 to the addendum. And
24 I will share my screen.

1 Okay. So this is actually a side view of
2 the property. It's not on the plans, but
3 it's submitted as the exhibit of the
4 photographs. So this is my house on the
5 right. This is my neighbor's house who is
6 affected by -- who's closest proximity to the
7 plan.

8 So the garage structure, if you look at
9 -- I'm going to -- if you can see where I'm
10 moving up and down, that's basically where
11 the garage is located. So this is a sunroom
12 area here. It's -- which is about 24 feet
13 long. It's set back after that -- after that
14 room. And -- which is basically starts -- so
15 the garage essentially starts at the back
16 portion of their house, almost at the end of
17 the house. And that was the reason why --

18 DEPUTY CHAIRMAN NIKROOZ: I'm sorry to
19 cut you off. Do you have any documentation
20 or any evidence to show us when you building
21 your extension what is the distance between
22 your building to the adjacent house building?
23 What is the distance of the adjacent house to
24 the property line? This is those questions

1 that they should be clarified on your site
2 plan so we could -- when we making a
3 determination we could be able to see what we
4 dealing with.

5 MR. HALPERN: Well, I understand what
6 you're saying. It's not reflected in the
7 site plan. And what I can offer you is only
8 that the building -- their building structure
9 is -- it is approximately 10 feet from the
10 property line. As proposed in my variance
11 I'm 9 feet from the property line.

12 DEPUTY CHAIRMAN NIKROOZ: I know that,
13 Mr. Halpern. I am looking forward to see
14 building to building --

15 MR. HALPERN: Understood.

16 DEPUTY CHAIRMAN NIKROOZ: --- what is it.
17 What is the distance? It's a very valid
18 point for me personally. To make a
19 determination you have proper distance
20 between two buildings so you're not affecting
21 the other building. You have a very nice
22 porched area of Thomaston. Not sure you have
23 to satisfy you and your neighbor at the same
24 time.

1 Also if you allow me I will go through
2 your site plan. And I'm going to indicate
3 some further items that is supposed to be
4 clarified by your architect to be having a
5 better presentation. If you kindly reflect
6 the site plan on the screen, I'm going to go
7 ahead one by one.

8 Now, you see this greenery that you
9 located on the side of the building next to
10 the -- your building? If I were you --

11 MR. HALPERN: Yes.

12 DEPUTY CHAIRMAN NIKROOZ: Exactly. If I
13 were you I would continue this one to create
14 a barrier between your building and the next
15 door building. This is just an idea. But it
16 has nothing to do with --

17 MR. HALPERN: I would say this is
18 absolutely going to be done.

19 DEPUTY CHAIRMAN NIKROOZ: Okay.

20 MR. HALPERN: It wasn't reflected in the
21 plans or the site plan.

22 DEPUTY CHAIRMAN NIKROOZ: Second issue.
23 Let's go to the zoning computation of yours.
24 On a rear yard -- on an item it says -- item

1 rear yard. Required 27. Existing 21.5. And
2 the third item it says, proposed 12.33 to the
3 new deck. Would you show me where is that
4 12.33 and where the deck is located?

5 MR. HALPERN: So we removed -- you know
6 what, I believe that calculation was based
7 upon a prior plan. There's no depth that's
8 in this plan.

9 DEPUTY CHAIRMAN NIKROOZ: So there's no
10 12.33 and there is no depth?

11 MR. HALPERN: Correct. We removed the
12 deck.

13 DEPUTY CHAIRMAN NIKROOZ: Okay. Please
14 make sure that your architect adjust this
15 one, okay.

16 Also you have FAR, okay. Floor area
17 ratio. Okay. You are in some page -- on a
18 page number A-202 you show me some first
19 floor area and second floor area.

20 No. No. Go to the A-2. The next page.
21 The last page.

22 MR. HALPERN: This?

23 DEPUTY CHAIRMAN NIKROOZ: It's the first
24 page. Go all the way.

1 MR. HALPERN: Sorry.

2 DEPUTY CHAIRMAN NIKROOZ: One more.

3 Here. Right in there. You see this one?

4 You computing and telling me 458, 786. But I

5 don't know what are the dimension of this

6 square is. How big would get to 8,786? Or

7 how to get to 458? Just I have to take your

8 word or your architect's word why if for the

9 dimension I could put some kind of

10 computation and come up with the idea of

11 where is coming from.

12 Coming back --

13 MR. HALPERN: My assumption is -- in just

14 to address the 458, I -- I would venture to

15 say that if I calculated 19 foot 3 inches

16 times 27 feet, which is the size, the surface

17 area --

18 DEPUTY CHAIRMAN NIKROOZ: I get to that

19 point. I'm sorry. The rest of the area.

20 The other side. The existing condition.

21 MR. HALPERN: The existing condition.

22 DEPUTY CHAIRMAN NIKROOZ: You don't have

23 any dimensions there. I cannot compute that

24 area.

1 MR. HALPERN: Okay. Let's --

2 DEPUTY CHAIRMAN NIKROOZ: Okay. Let's
3 continue. Let's continue.

4 MR. HALPERN: I have no problem -- one
5 thing that I will say, which is the top part
6 which integrates the site plan -- we can
7 address that. That's fine.

8 CHAIRMAN TOUMBEEKIS: Hold on a second.
9 Let's just go back. Let's multiply 19" 3' by
10 27. I'm getting 513. What was that figure
11 on the bottom of A-202?

12 MR. HALPERN: 478. So the reason why
13 that is less than what you calculated is
14 because there is that area that is inset that
15 we were discussing. It's --

16 DEPUTY CHAIRMAN NIKROOZ: No. No. You
17 cannot do that. You have to --

18 MR. HALPERN: I understand. I understand
19 your point.

20 DEPUTY CHAIRMAN NIKROOZ: One more thing.

21 MR. HALPERN: The site plan does not
22 discuss that specificity.

23 DEPUTY CHAIRMAN NIKROOZ: Okay. So you
24 said you going to multiply that.

1 CHAIRMAN TOUMBEEKIS: Wait a minute. That
2 inset is only 4 feet by 2.25. That doesn't
3 get you there. You're still off about 50
4 square feet.

5 MR. HALPERN: Yeah. I'm not sure how
6 he --

7 CHAIRMAN TOUMBEEKIS: Okay.

8 MR. HALPERN: I am not sure how he got
9 that.

10 DEPUTY CHAIRMAN NIKROOZ: Please go back
11 to zoning computation, the first page. Right
12 there. Go to -- bring this proportion up a
13 little bit, the zoning computation on the
14 bottom. Yes. Would you kindly explain to
15 me. You said in front of the star you wrote
16 "rear variance." Down in here. Rear
17 variance, right. Below that there is some
18 kind of a computation. Would you tell me,
19 what is that?

20 MR. HALPERN: That calculation. You know
21 what, I'm looking at it. And I'm not sure
22 how that was calculated and what numbers that
23 represents.

24 DEPUTY CHAIRMAN NIKROOZ: Thank you.

1 MR. HALPERN: I'm not sure.

2 DEPUTY CHAIRMAN NIKROOZ: Please ask your
3 architect to clarify that.

4 MR. HALPERN: Sure.

5 DEPUTY CHAIRMAN NIKROOZ: Okay. Now
6 please let's go to the first floor. By
7 providing 14 feet 4 inches you're not giving
8 yourself either a one-car garage or two-car
9 garage. You're in the middle. At least if
10 you are giving him 18 feet you have two-car
11 garage. Or if you giving him 12 feet wide
12 you could have simply one-car garage. And
13 also proper relation with your site.

14 So you could give proper distance to your
15 property lines. So you could reduce the
16 number of your variance. Also 27 depth of
17 the garage is totally irrelevant. The garage
18 usually 20 feet depth, 22 feet depth. If you
19 coming to variance and you're using this as a
20 hardship, it's totally irrelevant.

21 Second issue. I don't know having two --
22 you show us some picture of your neighbors.
23 By search -- and I went to your neighborhood
24 and I searched. None of the houses that are

1 on there they have two main entrance to the
2 building. I didn't see that. You creating
3 two entrance to the -- to your property that
4 it is not -- it is not proper.

5 MR. HALPERN: This is -- I'm showing you
6 my neighbor on my other side.

7 DEPUTY CHAIRMAN NIKROOZ: Okay.

8 MR. HALPERN: They don't have a garage.
9 In fact, all they have is a front -- second
10 door. They have actually three doors in the
11 front.

12 DEPUTY CHAIRMAN NIKROOZ: I don't -- I
13 see one door. Yeah. But they don't have a
14 garage.

15 MR. HALPERN: Okay.

16 DEPUTY CHAIRMAN NIKROOZ: They have
17 another door in there.

18 MR. HALPERN: Yes. There's two -- I will
19 show you. Let me just finish. There's --
20 this is my house. This is the house right
21 next to me on the north side.

22 DEPUTY CHAIRMAN NIKROOZ: Okay.

23 MR. HALPERN: They don't have a garage.
24 They instead closed off their garage, which

1 was a single-car garage mind you. They
2 changed it into a single door.

3 DEPUTY CHAIRMAN NIKROOZ: Did they get a
4 variance for that?

5 MR. HALPERN: I have no idea. They have
6 a separate door here --

7 DEPUTY CHAIRMAN NIKROOZ: Okay.

8 MR. HALPERN: -- with three separate
9 doorbells.

10 DEPUTY CHAIRMAN NIKROOZ: Okay. No. I'm
11 talking about the facade of the building.

12 MR. HALPERN: This is the front of the
13 house.

14 DEPUTY CHAIRMAN NIKROOZ: Facade of the
15 building face. What it shows in the
16 elevation.

17 MR. HALPERN: I'm not sure I understand.
18 There's three entrances in that house.

19 DEPUTY CHAIRMAN NIKROOZ: Okay. I'm
20 talking about the elevation, face of the
21 building. It's irrelevant. It's irrelevant.
22 What I am trying to say is that it needs --
23 it takes time that it is not having at nine
24 o'clock. We don't have that time to go that

1 long.

2 What is happening is you create a model
3 here. I mean, if you saying that you need a
4 variance and you are need to have comply with
5 some regulation, 4 feet of the mudroom, again
6 it is relevant. You could simply put the
7 mudroom in the back of your house, on the
8 side of your house, and reduce the size of
9 your garage and do whatever is necessary to
10 be done to comply with the requirement and
11 reduce the number of your variances there.
12 This is one.

13 MR. HALPERN: Mr. Nikrooz, if I can
14 address that, because I think you raised a
15 very good point. That was something that was
16 specifically contemplated when we discussed
17 with the architect. You raise the aspect of
18 doing a mudroom at the back, but you also
19 noted that the length of my garage is
20 unacceptably long: 27 feet.

21 DEPUTY CHAIRMAN NIKROOZ: I'm sorry. You
22 have 27 feet that it is not necessity. Your
23 garage need to be 20 feet. You have 7 feet
24 that you could play with it. I'm sure your

1 architect is intelligent enough to rectify
2 this matter.

3 MR. HALPERN: Well, the challenge is
4 where does that mudroom then enter into the
5 house?

6 DEPUTY CHAIRMAN NIKROOZ: I'm sure your
7 architect know how to do it. I think we'll
8 leave that up to him to make a decision about
9 that.

10 MR. HALPERN: Well, so what would be
11 required to do what you said -- and I'm
12 addressing it because it's an impossibility I
13 would say, all right, is that you would
14 essentially -- let's assume we keep the 27
15 foot length garage. You would say let's
16 close off the last 7 feet, if you will, as
17 you suggested, and have that in the back as a
18 mudroom. Then I would have to enlarge the
19 house of -- what's marked as the study.
20 Somehow this mudroom has to ingratiate and
21 connect into the house. So now I'm actually
22 increasing the footprint of my house.

23 DEPUTY CHAIRMAN NIKROOZ: Sorry. What I
24 am trying to tell you is with respect to your

1 27 feet depth it could be modified to turn to
2 20 feet. And then out of that you could
3 create a mudroom.

4 MR. HALPERN: So I'm not necessarily
5 disagreeing, you know, as far as -- I'm
6 presenting my plan. And I'm very open to
7 modifications like I mentioned as far as the
8 width of the garage.

9 DEPUTY CHAIRMAN NIKROOZ: Okay.

10 MR. HALPERN: And I'm open to addressing
11 the length that you're concerned about, you
12 know, as far as reducing the length of the
13 property. I want to make it clear that
14 that's something that I would be willing to
15 do. We made it 27 feet because we thought 22
16 feet as the -- again based on our discussions
17 with our architect, as what you would expect
18 as far as the length of a garage with a car
19 plus an extra 5 feet to put, you know,
20 storage of, you know, lawnmowers,
21 snowblowers, whatever have you. And that's
22 how we arrived at a 27 foot. But I'm not
23 saying that I am opposed to addressing your
24 concern as far as the length.

1 What I am raising however is that putting
2 a mudroom at the back of the house doesn't
3 work with the house itself. It just does
4 not. We went back and forth on that very
5 issue to try to -- because the biggest
6 problem, if you will, with the -- with our
7 property is the width. And to try to tie it
8 all together, we tried to bring the mudroom
9 in the back.

10 DEPUTY CHAIRMAN NIKROOZ: Sorry. With
11 all respect to you, you have plenty of room
12 on the depth. You can expand this one to go
13 further back and create your mudroom in that
14 7 feet and change the location of the
15 staircase. I'm not going to design your --

16 MR. HALPERN: I'm not asking for you to
17 design it, but --

18 DEPUTY CHAIRMAN NIKROOZ: Believe it, it
19 is a solution. Honestly it is a solution.
20 And also reduce your 14 feet 4 to 12 feet.
21 Then you have enough to work it out with the
22 -- there and create the proper layout and the
23 proper distance to the next door property and
24 also -- please bring to the attention of your

1 architect -- I don't want to be criticizing
2 him, but 3 1/2 inch wall, stucco wall, is not
3 going to happen for you. If you see he put a
4 3 1/2 inch --

5 MR. HALPERN: Where are you referring?

6 DEPUTY CHAIRMAN NIKROOZ: Thickness of
7 the wall. Go down. Go to the first-floor
8 plan.

9 MR. HALPERN: First-floor plan.

10 DEPUTY CHAIRMAN NIKROOZ: Right there.

11 You see it? Above the 27 feet --

12 MR. HALPERN: Here?

13 MR. NIKROOZ: -- how much he put? Three
14 and a half inches?

15 MR. HALPERN: Three and a half inches. I
16 assume -- I don't know. That refers to -- I
17 don't know what that refers to.

18 DEPUTY CHAIRMAN NIKROOZ: You're telling
19 me that he's going to fix it.

20 MR. HALPERN: That must refer to the
21 thickness of the wall.

22 DEPUTY CHAIRMAN NIKROOZ: Okay. There is
23 a thickness of the wall, but stucco wall
24 never going to happen to be 3 1/2 inches.

1 Okay. Also you see this one at the end of
2 this garage? You have some --

3 CHAIRMAN TOUMBEEKIS: Mike, question.
4 Three and a half inches, isn't the garage
5 supposed to be fire rated?

6 DEPUTY CHAIRMAN NIKROOZ: Absolutely.

7 CHAIRMAN TOUMBEEKIS: So how are we
8 getting 3 1/2 inches?

9 DEPUTY CHAIRMAN NIKROOZ: This is what
10 I'm saying. He has to go to his architect
11 and ask to clarify.

12 MR. HALPERN: I see that.

13 DEPUTY CHAIRMAN NIKROOZ: Also please
14 look at this. At the end of this garage you
15 have a staircase going up, right?

16 MR. HALPERN: Yes.

17 DEPUTY CHAIRMAN NIKROOZ: Couple of --
18 Three steps going up to get to the garage
19 coming -- going to the door, going to inside
20 the garage on the back, right?

21 MR. HALPERN: Right. Looks two steps.
22 Whatever.

23 DEPUTY CHAIRMAN NIKROOZ: Look at the
24 elevation. Look at the elevation of the

1 side. It says "west elevation."

2 MR. HALPERN: I have it up.

3 DEPUTY CHAIRMAN NIKROOZ: You have the
4 west elevation. To begin with the rating
5 missing in there with the steps -- you have
6 nothing to do with us, but what is happening
7 is -- garage door --

8 I'm sorry. Go to south elevation, okay.
9 All the way on the left-hand side --
10 left-hand side all the way to the left up
11 this elevation you see it says -- right
12 there. The steps are missing.

13 MR. HALPERN: Right.

14 DEPUTY CHAIRMAN NIKROOZ: Okay.

15 MR. HALPERN: Yeah. That's another error
16 in the plan.

17 DEPUTY CHAIRMAN NIKROOZ: And this is
18 more on the -- and also when you are
19 establishing the height, the base of the
20 height is elevation of your street. And we
21 don't have elevation of the street to be able
22 to make a determination what your height is
23 that I'm hoping your architect is going to
24 modify that one and put this elevation on

1 your drawings to be able to make a
2 determination what is exact height of your
3 building extension.

4 And also more -- most of all we do not
5 know what the height of your building is. In
6 no condition we do not know height of the
7 building is that you are using the comparison
8 or telling me or the board that we are
9 raising the height of the building to be
10 compatible with the height of the existing
11 building. But we don't know what the height
12 of your existing building is. Please ask
13 your architect to put the height of the
14 building in there so we can compare it.

15 MR. HALPERN: I will do that.

16 One thing I would note is that, you know
17 -- and I'm just saying it, you know, because
18 we've gone through some period of time with
19 this -- is that during the whole process just
20 to get to this denial I certainly would have
21 addressed this at a much earlier time rather
22 than wasting everyone's time with deficient
23 -- you know, some of the errors in the plan,
24 if I knew there were errors in the plan when

1 they were reviewed.

2 But notwithstanding that I'm noting your
3 comments. And I will address those concerns.
4 I do have some questions after you're done.
5 I do have some questions as far as further
6 guidance that I want to go back to my
7 architect.

8 DEPUTY CHAIRMAN NIKROOZ: I will put one
9 more comment in there.

10 On the site plan it should show the
11 closest intersection. It should show the
12 street that it is closest to your building.
13 He has to identify that one.

14 MR. HALPERN: This one?

15 DEPUTY CHAIRMAN NIKROOZ: Yes. He does
16 not indicate what is the closest intersection
17 to this lot.

18 MR. HALPERN: So you would -- so let's
19 assume that the closest street is Pond. You
20 would want the distance between the property,
21 the end of this property, let's say, at this
22 point to Pond Street. I don't know if Pond
23 is the closest street, but let's assume it
24 is.

1 DEPUTY CHAIRMAN NIKROOZ: Your survey is
2 going to indicate what it is. And you will
3 reflect.

4 MR. HALPERN: Yeah. That's not in there.
5 I didn't know that that was something that's
6 required. And we'll address that.

7 DEPUTY CHAIRMAN NIKROOZ: Okay.

8 MR. HALPERN: All right. I understand
9 that there are some issues as far as the
10 plans themselves. You've made some
11 suggestions as far as the length of the
12 garage structure and the width as well.

13 DEPUTY CHAIRMAN NIKROOZ: Yes.

14 MR. HALPERN: You made two comments. As
15 far as on the one hand if we choose to -- we
16 should either make it a single-car garage or
17 a two-car garage, but not in between, if I'm
18 correctly paraphrasing your comments earlier.
19 Is that correct?

20 DEPUTY CHAIRMAN NIKROOZ: My suggestion
21 is it is to your benefit. Because when you
22 make it a 14-foot garage or 14 1/2-foot
23 garage you're not benefiting out of it.

24 CHAIRMAN TOUMBEEKIS: Mike, let me

1 interrupt.

2 DEPUTY CHAIRMAN NIKROOZ: Please.

3 CHAIRMAN TOUMBEEKIS: If your preference
4 is to have the mudroom, design the garage
5 accordingly.

6 MR. HALPERN: Okay. That was going to be
7 my next question. And I appreciate --

8 CHAIRMAN TOUMBEEKIS: In other words, you
9 had indicated earlier that you were trying to
10 find a way to sort of get the two-car garage
11 to work with the mudroom with the
12 understanding that you would be further --
13 you know, impacting the side yard setback
14 requirement for a zoning.

15 So the idea here is if -- and you had
16 definitely indicated earlier that the goal
17 was to have the mudroom. If we're going to
18 go with the one-car garage, which is
19 realistically what we're looking at here, I
20 would design it in that vein.

21 MR. HALPERN: Okay. Understood. Now if
22 our goal is to have a two-car garage --

23 CHAIRMAN TOUMBEEKIS: Sure.

24 MR. HALPERN: -- and, you know -- and

1 this is more from an advisory position just
2 so that we can address the concerns of the
3 board as best as we can. It would seem that
4 in order to have that we would have to
5 increase the size of the garage width by
6 almost 4 feet. Let's assume 4 feet --

7 CHAIRMAN TOUMBEEKIS: Sure.

8 MR. HALPERN: -- which would then make
9 that side yard set off 5 feet instead of 9
10 feet. So from an advisory -- you know, I
11 guess --

12 CHAIRMAN TOUMBEEKIS: What I would suggest
13 in that regard is let's finish up presenting.
14 Let us have some discussion. And I think
15 that you will have an understanding of what
16 we're sort of thinking.

17 MR. HALPERN: Right. And again one other
18 thing. Because I know to address -- if I
19 reduced the length of the 27 feet
20 accordingly, you know, I think 22 or whatever
21 was discussed, and if I increased the width
22 of it to accommodate both a mudroom and a
23 two-car garage but reducing the length of the
24 garage to let's say 22 feet, is that

1 something in the abstract that would be
2 something more palatable to the board?

3 DEPUTY CHAIRMAN NIKROOZ: I didn't get
4 it. You increasing the width or the depth of
5 the garage?

6 CHAIRMAN TOUMBEEKIS: Talking about
7 increasing the width.

8 MR. GREENGRASS: In order to get a
9 two-car garage you have to increase the
10 width. So you will go from a 9-foot setback
11 -- side yard to a 5-foot side yard. That's a
12 pretty radical difference.

13 MR. HALPERN: Okay. All right. So if I
14 wanted -- essentially -- I'm just talking
15 about the -- in the abstract. So I can best
16 address the concerns here. If I wanted to go
17 with a two-car garage, the best way to do so
18 would be to eliminate the mudroom all
19 together?

20 CHAIRMAN TOUMBEEKIS: Mr. Halpern, no. I
21 think what you have to do -- I think the best
22 thing to do is let's present and let us
23 discuss it.

24 MR. HALPERN: Okay.

1 CHAIRMAN TOUMBEEKIS: I think that's the
2 best way to proceed here. And I think at the
3 end of the day you will sort of understand
4 what our thought process is here.

5 MR. HALPERN: Okay.

6 CHAIRMAN TOUMBEEKIS: Any other questions?
7 Mike?

8 DEPUTY CHAIRMAN NIKROOZ: No. No.

9 CHAIRMAN TOUMBEEKIS: Okay. Larry? John?

10 MR. GREENGRASS: I only wanted to ask a
11 question about where is the proposed rear
12 deck shown, or is that not shown?

13 DEPUTY CHAIRMAN NIKROOZ: Not shown.

14 MR. HALPERN: The rear depth?

15 MRS. HALPERN: Deck.

16 MR. HALPERN: The rear deck was an error
17 by the architect. It was in an earlier plan
18 that had been -- we deleted the deck.

19 MR. GREENGRASS: Okay. Because I think
20 it is referred to in some of the --

21 MR. HALPERN: It's referred to, as Mr.
22 Nikrooz noted, in some of the calculations,
23 but it's not on the plan itself nor the site
24 plan because it's -- because it was deleted.

1 MR. GREENGRASS: Okay. I know I made a
2 note of -- okay. Well, in any event you're
3 deleting that?

4 MR. HALPERN: Yes.

5 MR. GREENGRASS: Okay. I think that was
6 the only point that I had that hasn't been
7 raised. I'm going to look to see where else
8 -- it was referred somewhere else. And I
9 know that I had a note on it. But if it's
10 being eliminated, then that's fine.

11 MR. HALPERN: I'm sorry. Was there a
12 question, sir?

13 MR. GREENGRASS: No. No. My question
14 had to do with the -- a couple of references
15 to a rear deck. But if it's being
16 eliminated, then that's fine. I don't need
17 anything else.

18 MR. HALPERN: All right. Well, I have
19 concluded my presentation. I mean, I've
20 heard some comments. You know, obviously we
21 would like to move forward with a garage
22 plan. And I'm going to go back to my
23 architect with some of the comments that were
24 made, with all of the comments that were

1 made.

2 A lot of the comments seemed to -- there
3 was some errors in the plan clearly and
4 calculations, if you will, that need to be
5 addressed. What remains is I guess from our
6 perspective whether we go forward with a
7 two-car garage without a mudroom or a
8 single-car garage with a mudroom. And that
9 is something that we're going to consider on
10 our end so that we don't -- so that we stay
11 in that I guess 9-foot ground. And obviously
12 I'm going to address the 27-foot length. So
13 the size of the structure is going to be
14 increased regardless of what we choose.

15 I did ask though, and maybe the board can
16 answer it or not. But it would be helpful
17 for my perspective when I go back so that I'm
18 not spinning my wheels, is that if I went
19 with a two-car garage hypothetically -- I
20 know this is not before the board -- without
21 a mudroom with the same side yard setup of 9
22 feet with the reduced -- reduced to the
23 length to what was commented on earlier, 22
24 feet or so, is that something that would be

1 more palatable as far as -- it would still
2 obviously require a variance. So would that
3 be something more palatable to the Board as I
4 try to accommodate?

5 CHAIRMAN TOUMBEEKIS: It's something that
6 we can't speak to just yet. We would have to
7 see everything in front of us. You know,
8 really take a hard look at it as a two-car
9 garage without a mudroom to give you our
10 thoughts on it. The way we're viewing it now
11 is as you indicated, just the goal was to
12 have the mudroom. So we're going to deal
13 with it in that context right now. And I
14 don't know -- if that answers your --

15 MR. HALPERN: Well, my priority would be
16 to have a -- if weighing a two-car garage
17 versus a mudroom, for a lot of reasons I
18 would weigh in favor of a two-car garage. I
19 think that from a lot of perspective the
20 benefit to a two-car garage, not the least of
21 which is the value is the resale value of the
22 house.

23 So that would be my goal as far as --
24 that would be my preference. I would sooner

1 delete the mudroom and get the two-car garage
2 than, you know, a single car with the
3 mudroom.

4 CHAIRMAN TOUMBEEKIS: Okay. So in that
5 regard do we have any other questions? Any
6 other comments? Anybody from the public want
7 to speak?

8 (No one.)

9 MR. HALPERN: I don't have any other --
10 if it was directed to everyone, I don't have
11 any comments. Just for clarity though. A
12 two-car garage door, is that a 16-foot door?
13 Is that the smallest size door for a two-car
14 garage?

15 MR. STOLAR: I would defer to the
16 building department and have a conversation
17 with the building inspector.

18 CHAIRMAN TOUMBEEKIS: He could make that
19 determination.

20 MR. HALPERN: Yeah. The code is silent.
21 When I initially submitted the plans there
22 was not a violation as far as single versus
23 double. This was the second set of -- I had
24 submitted plans a couple of times and they

1 were rejected. And it was not rejected for
2 that noted reason. So that's why -- so I'm
3 looking just for guidance as far as what is
4 considered a two-car garage. The code is
5 silent on that issue. And you can get garage
6 doors of 12, 14, 16. You can -- whatever you
7 want, you know.

8 CHAIRMAN TOUMBEEKIS: Sure.

9 All right. With that if there's no
10 further comment, I will make a motion to
11 close the hearing and have this -- or my
12 motion to go into discussion.

13 MR. STOLAR: Are you ready for that? It
14 sounds like there was going to be additional
15 information that was going to be provided by
16 the applicant.

17 CHAIRMAN TOUMBEEKIS: Well, I would like
18 to go into discussion on this thing, Brian,
19 just to get everybody's thoughts so that we
20 don't leave this meeting with any other
21 things that need to be clarified for Mr. and
22 Mrs. Halpern.

23 MR. STOLAR: But you may be in a
24 situation as we were in the last one where

1 it's possible that the applicant would be
2 providing additional information subsequent
3 to your discussion that would address some of
4 the points in your discussion, whatever they
5 might be.

6 So rather than closing, you can still
7 have the discussion while we're on the record
8 as to some of the points and before you close
9 the hearing as to some of the points. See if
10 there's some things that can be addressed now
11 or have to be addressed in a subsequent
12 submission.

13 CHAIRMAN TOUMBEEKIS: Yes. And I think we
14 should have the discussion now so that this
15 way the Halperns leave the meeting here with
16 I think -- I hope better information so that
17 we make this process as painless as possible.

18 MR. STOLAR: Can I just ask? I had one
19 question.

20 I'm looking at the plan. And I was just
21 trying to figure it out, Mr. Halpern. As I
22 understood the second floor, you were using
23 that as a playroom --

24 MR. HALPERN: Yeah.

1 MR. STOLAR: -- with a shower?

2 MR. HALPERN: Right. It would be --
3 well, so we did a -- it's a good question.
4 So we did a playroom -- you know, we wanted
5 to get it roughed in for plumbing in the
6 event that we would convert it into another
7 bedroom. So -- but as it is now it was going
8 to be a playroom or in a pinch like another
9 guest bedroom in the house.

10 MR. STOLAR: Okay. But it's intended as
11 a bedroom. Because it does have no access to
12 the rest of the second story of the house.
13 You have to go in through the garage or
14 through that second -- through that mudroom
15 area or since you provided a rear door
16 through the rear door as well.

17 MR. HALPERN: So it is connected to the
18 house by the study. The study -- between the
19 study and the mudroom is not a door. It's an
20 open area. So the entranceway is from the
21 first floor of the house. I'm going to share
22 it. The entrance is from the first floor of
23 the house by the study area or the second
24 entrance. There's no door.

1 It's -- this is not a -- just -- I will
2 just throw it out there. This is not an
3 apartment. This is not intended to be that.
4 It's open to the house. And what we did was
5 it was planned to be a playroom, but in a
6 pinch it would have a closet and a bedroom --
7 and a bathroom.

8 MR. STOLAR: Okay.

9 MR. HALPERN: If we wanted plumbing, it
10 should be done at this outset and not put in
11 afterwards he told us.

12 DEPUTY CHAIRMAN NIKROOZ: Is it any
13 different elevation from a study room to a
14 mudroom?

15 MR. HALPERN: No.

16 DEPUTY CHAIRMAN NIKROOZ: Height
17 different or is it the same level?

18 MR. HALPERN: Same level.

19 DEPUTY CHAIRMAN NIKROOZ: The same level.

20 Also for your information please bring to
21 the attention of your architect that the
22 second -- the bedroom that you putting or the
23 area you putting on the second floor, it
24 needs second means of egress.

1 MR. HALPERN: Okay. Like as an egress
2 window?

3 DEPUTY CHAIRMAN NIKROOZ: Egress window.
4 He knows what to do. If you tell him second
5 means of egress, he knows how to deal with
6 it.

7 MR. HALPERN: Okay.

8 CHAIRMAN TOUMBEEKIS: Okay. So that
9 concludes the hearing. And then we'll go
10 into discussion. Right, Brian?

11 MR. STOLAR: Well, when you say
12 "concludes the hearing," conclude -- you're
13 not closing the hearing? You're
14 concluding --

15 CHAIRMAN TOUMBEEKIS: Not closing the
16 hearing.

17 MR. STOLAR: I get it. You're going into
18 discussion before you close the hearing.

19 CHAIRMAN TOUMBEEKIS: All right. John,
20 Mike, Larry, you guys have had a chance to
21 hear what the homeowner is looking to do
22 here. And I guess the question is we have
23 four variances before us that, you know --
24 issues that we're going to have to resolve.

1 And I guess the question here is: Are
2 you guys comfortable -- if they come back
3 with information that sort of satisfies all
4 of us, are you comfortable with four
5 variances or are you -- would you be looking
6 for them to try and figure out a way to at
7 least reduce some of the variances that are
8 needed here?

9 So in other words, you know, when Mr.
10 Halpern was discussing the goal to have the
11 mudroom, my sort of thought process was, you
12 know, maybe then we ask him to go to a
13 one-car garage? You know, reduce the size of
14 the garage? And that would sort of address
15 the side yard setback and also reduce the
16 floor area ratio from 47 to closer to 40
17 hopefully.

18 But as he indicated during this hearing,
19 his -- if he had to he would be looking
20 really actually to -- all things being equal
21 if we're not going to really go down the path
22 of giving him an additional 4, 5 feet on top
23 of the 1 foot on the side, then he would just
24 look to eliminate the mudroom and go with the

1 two-car garage.

2 And so then the question becomes: Do we
3 want him -- are you guys leaning towards the
4 bigger issue being the two-car garage versus
5 a one-car garage or the side yard setback and
6 the floor area ratio or none of the above?

7 MR. GREENGRASS: This is Larry.

8 One thing I think is -- it would not be
9 okay to end up with a 5-foot side yard which
10 I mean just from the perspective of the
11 neighbors, neighborhood, etc., I absolutely
12 can't see a 5-foot side yard. So the
13 question then becomes as between mudroom and
14 one or two-car garage ending up with no less
15 than a 9-foot side yard. You know, I think
16 that's kind of how I think -- a direction to
17 go.

18 If they can reduce the size of the garage
19 -- as Michael pointed out, 27 feet is quite a
20 bit -- then of course you would also by
21 reducing that reduce the floor area ratio
22 problem. I think you would still probably --
23 I don't have the calculations in my head --
24 probably still need some kind of a variance

1 perhaps if you reduce the depth of the garage
2 down to you know 20 or 22, but it would
3 certainly be a lot better than the
4 application as it's sitting right now.

5 CHAIRMAN TOUMBEEKIS: Well, just on the
6 calculation for the playroom, if you were to
7 include that and just go with the rough
8 numbers, you're talking, you know, about 500
9 square feet. So you would still be over.
10 But to get it anywhere near the floor area
11 ratio you would basically have to wipe out
12 that playroom just to get close.

13 MR. STOLAR: Right.

14 MR. HALPERN: Right. Well, I think that
15 if we went with a two-car garage that would
16 basically eliminate the -- we would just have
17 rafters. I guess that would be the plan.

18 MR. GREENGRASS: Yeah. And my only other
19 comment I found what I had seen before is
20 there is a reference in the south elevation
21 to a new deck. So I think it would be a good
22 idea on the next go round to just eliminate
23 that reference to avoid confusion.

24 MR. HALPERN: Right.

1 CHAIRMAN TOUMBEEKIS: John, any comments?

2 MR. PSCHENICA: Yeah. I think one of the
3 items that I took exception to was the -- was
4 that side yard setback. I feel like whether
5 it's a two-car garage or one-car garage, I
6 think it would be easy to comply with the 10
7 feet just given the dimensions I'm seeing on
8 the plans.

9 CHAIRMAN TOUMBEEKIS: Right. So you get
10 to that 10 feet whether it's a two-car garage
11 or a one-car garage with -- or 1 1/2 car
12 garage with the mudroom. And you also slice
13 off a little bit of that floor area ratio.
14 It's not going to be much, but you will slice
15 some of that off.

16 And then the only other concern I think
17 -- and Mr. Halpern raised it as well -- is
18 sort of the use of that playroom and turning
19 that playroom into sort of a potential
20 separate living quarter. But I think he
21 addressed it when he talked about the pass
22 through from the playroom into the other
23 living area of the main house, which I think
24 that once you open that up that way, you

1 know, making it a separate apartment kind of
2 becomes difficult.

3 CHAIRMAN TOUMBEEKIS: Mike?

4 DEPUTY CHAIRMAN NIKROOZ: I mean, the
5 issue of two-car garage is totally out.
6 Because when you do that you are increasing
7 the -- I mean, the intensity --

8 CHAIRMAN TOUMBEEKIS: The impact. Yeah.

9 DEPUTY CHAIRMAN NIKROOZ: -- the level of
10 inconformity with the side yard. And you're
11 getting much more closer to the neighboring
12 house. My opinion is reduce the feet of this
13 garage to 10 or 12 feet and the depth of it
14 to 20, 22 feet. You have one proper garage.
15 In this case you are eliminating one of the
16 variances that is the side yard -- the
17 minimum side yard of 9 feet to 10 feet. And
18 second is you're reducing amount of floor
19 area and you're getting closer to FAR that we
20 could -- that we would be more comfortable
21 with.

22 This is my opinion.

23 CHAIRMAN TOUMBEEKIS: Doesn't the
24 homeowner though have an argument in saying

1 that our village code requires a two-car
2 garage, and the only way he can get a two-car
3 garage -- the only way to do this is to do a
4 two-car garage and have a side yard impact?

5 DEPUTY CHAIRMAN NIKROOZ: But then in
6 this case you have opportunity that you make
7 your two-car garage in the backyard and you
8 do not comply with any variance the gate is
9 open. You could make a two-car garage in the
10 backyard and get all of it in.

11 The second issue is we would be a little
12 more comfortable -- since he has a one-car
13 garage right now we're not changing anything.

14 CHAIRMAN TOUMBEEKIS: We didn't get into
15 that, Mike. But we don't know right now
16 where that two-car garage is exactly
17 vis-a-vis the neighboring properties. And
18 potentially --

19 DEPUTY CHAIRMAN NIKROOZ: Good point.

20 CHAIRMAN TOUMBEEKIS: -- it could be not
21 in compliance. And then the homeowner comes
22 back potentially and says to us whether I
23 have a two-car garage in the back detached or
24 a two-car garage on the side of my house, I

1 will need a variance either way for a two-car
2 garage.

3 DEPUTY CHAIRMAN NIKROOZ: No. No. The
4 regulation when you putting it on the back is
5 different from the regulation that you
6 putting it attached to the house. When you
7 putting in the back you need 3 feet to the
8 property line. If I'm not making a mistake,
9 it's only 3 feet.

10 MR. HALPERN: If I may. We're talking in
11 the abstract. But a two-car garage in the
12 back of the house that's separate completely
13 does not fit into the property. It will
14 literally -- it will destroy an entire
15 backyard. And it's not even an option. I
16 just want to keep it real here.

17 CHAIRMAN TOUMBEEKIS: And so we're talking
18 about it now in terms of the context of a
19 two-car garage or a one-car garage attached
20 to the house.

21 MR. HALPERN: Right. And so I can see if
22 we do a two-car garage, there's approximately
23 27 1/2 feet, my understanding, from the edge
24 of the existing structure to the property

1 line. So assuming that a garage is about 18
2 feet is what we discussed to be a double car
3 garage, that would probably approach -- it
4 may be a little bigger than 10 feet, but it
5 would be probably 10 feet the minimum as far
6 as width. It would probably be 9 feet. So
7 again I go back to the 9 feet set off versus
8 the 10 foot prior set off, but on the other
9 hand accomplishing this conformity on the
10 two-car garage basis.

11 The floor area assuming -- obviously I
12 would agree to reduce the length of it down
13 at least 5 feet to 22 feet. Maybe, you know
14 -- somewhere between 20, 22 feet. I would
15 work out the numbers. And then there would
16 probably be no second floor to this. So I
17 think that would mitigate the floor area and
18 compliance issues as well. I'm just talking
19 in the abstract. I don't have numbers to
20 see.

21 CHAIRMAN TOUMBEEKIS: What I think the
22 best thing to do is go back, take a look at
23 this and then come back. So my
24 recommendation, unless anybody has anything

1 else to add, is we'll do a motion to reopen
2 on this one as well so that --

3 MR. STOLAR: No. You didn't close it.
4 You have to just continue it.

5 CHAIRMAN TOUMBEEKIS: Yeah.

6 MR. HALPERN: I appreciate that.

7 MR. GREENGRASS: I just have one other
8 comment I guess to what John said before.
9 You know, if you're looking for a 1-foot side
10 yard variance in a situation in which the
11 neighbor on that side, you know, has not come
12 in to comment or object because what's shown
13 here -- I mean, this proposal is for a 9-foot
14 side yard variance as oppose to the 10
15 requirement. So the neighbor on that side of
16 the house has gotten notice of a proposed
17 9-foot side yard.

18 So if you can get a two-car garage in
19 with a 9-foot side yard, you know, I guess
20 presumably, you know, I think that's
21 something that, you know, I could live with
22 because it's a 1-foot variance request in a
23 situation in which the neighbor that's most
24 directly affected, which would be the one

1 right next to the proposed new garage, has
2 not -- you know, has not come before us to
3 oppose the application on that particular
4 point. So I would just --

5 MR. HALPERN: I am actually friends with
6 our neighbor. And I had literally walked the
7 land kind of going through the plans, which I
8 -- you know, just to go over. So --

9 MR. GREENGRASS: Understood. But
10 technically you were required to give notice.

11 MR. HALPERN: And I did. And I went
12 beyond. That is my point.

13 MR. GREENGRASS: That's fine.

14 CHAIRMAN TOUMBEEKIS: So I think unless
15 anybody has anything to add, we'll continue
16 this application.

17 MR. HALPERN: Thank you. As far as just
18 guidance, should I -- assuming I go back to
19 my architect, we work out a new proposal, I
20 guess I will just -- logistically do I -- I
21 guess I submit to the village for -- as I --
22 as a supplement or amendment to the plan?

23 CHAIRMAN TOUMBEEKIS: Yes.

24 MR. HALPERN: Okay.

1 MR. STOLAR: Our next meeting -- we're
2 meeting on October 1st?

3 CHAIRMAN TOUMBEEKIS: I had it. Hold on.
4 I have October 7th.

5 MR. STOLAR: Okay. Seventh.

6 VILLAGE ADMINISTRATOR KNOWLAND: That's
7 the 2021 calendar.

8 You have to pass that tonight. You have
9 to redo that and adopt it if you so choose.
10 October 1st is the next meeting.

11 MS. EARLEY: October 1st is the next one.

12 MR. GREENGRASS: Okay. I will not be in
13 town on October 1st. I'm just letting you
14 know.

15 CHAIRMAN TOUMBEEKIS: I will be here.

16 MS. EARLEY: Well, hopefully Larry Levy
17 will be in. As long as we have three.

18 DEPUTY CHAIRMAN NIKROOZ: October 1st or
19 no?

20 MS. EARLEY: Yes. October 1st.

21 DEPUTY CHAIRMAN NIKROOZ: Can we do -- if
22 we Zooming is it possible to do any earlier?

23 MS. EARLEY: Date-wise?

24 DEPUTY CHAIRMAN NIKROOZ: It's almost ten

1 o'clock.

2 MR. STOLAR: Timewise? Date-wise? Yes.

3 both

4 DEPUTY CHAIRMAN NIKROOZ: How about you?

5 MR. STOLAR: If you want to stay with
6 that day I could do it at seven o'clock in
7 the morning if you want to do it earlier. We
8 should be done before 9:00 p.m.

9 DEPUTY CHAIRMAN NIKROOZ: John?

10 MS. EARLEY: We can start at 5:00? 4:00?

11 What?

12 MR. PSCHENICA: Probably the earliest I
13 would be able to do would be 6:00.

14 DEPUTY CHAIRMAN NIKROOZ: 6:00?

15 MR. PSCHENICA: Yes.

16 DEPUTY CHAIRMAN NIKROOZ: Nick?

17 CHAIRMAN TOUMBEEKIS: 6:00 is fine.

18 DEPUTY CHAIRMAN NIKROOZ: 6:00 is fine?

19 CHAIRMAN TOUMBEEKIS: Yes.

20 DEPUTY CHAIRMAN NIKROOZ: Six o'clock.

21 CHAIRMAN TOUMBEEKIS: Just gives us more
22 time to go to 10:00.

23 VILLAGE ADMINISTRATOR KNOWLAND: We don't

24 know if Mr. Levy is available earlier. We

1 don't have that -- since Larry is not
2 available on the 1st, then we might have an
3 issue with a quorum or no. You still --

4 MS. EARLEY: We already have the three.

5 VILLAGE ADMINISTRATOR KNOWLAND: You will
6 still have. All right.

7 MS. EARLEY: We would have the three.

8 VILLAGE ADMINISTRATOR KNOWLAND: Okay.

9 CHAIRMAN TOUMBEEKIS: If Larry Levy is
10 available that's great.

11 VILLAGE ADMINISTRATOR KNOWLAND: Okay.

12 CHAIRMAN TOUMBEEKIS: We still have a
13 quorum.

14 MS. EARLEY: The 1st at 6:00 p.m. Okay.

15 Does Nick have to close the hearing?

16 VILLAGE ADMINISTRATOR KNOWLAND: You want
17 to adopt the calendar for 2021?

18 MR. STOLAR: Let's first set the date and
19 continue the Halpern application.

20 CHAIRMAN TOUMBEEKIS: Motion to continue
21 the Halpern application.

22 MR. PSCHENICA: Second.

23 CHAIRMAN TOUMBEEKIS: All in favor?

24 MR. GREENGRASS: Aye.

1 MR. PSCHENICA: Aye.

2 CHAIRMAN TOUMBEEKIS: Aye.

3 DEPUTY CHAIRMAN NIKROOZ: Aye.

4 * * * * *

5 MR. STOLAR: You want to do the calendar
6 now?

7 CHAIRMAN TOUMBEEKIS: Sure.

8 Presented before us is the proposed 2021
9 calendar for the Zoning Board of Appeals. It
10 provides for a -- having a date available for
11 each month of the year. First Thursday of
12 the month through 2021.

13 Make a motion to adopt that calendar.

14 MR. GREENGRASS: Second.

15 CHAIRMAN TOUMBEEKIS: All in favor?

16 MR. GREENGRASS: Aye.

17 MR. PSCHENICA: Aye.

18 CHAIRMAN TOUMBEEKIS: Aye.

19 DEPUTY CHAIRMAN NIKROOZ: Aye

20 CHAIRMAN TOUMBEEKIS: Very good.

21 MR. STOLAR: We're done.

22 DEPUTY CHAIRMAN NIKROOZ: Good night.

23 (Continued next page.)

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CHAIRMAN TOUMBEEKIS: Good night. All
done.

(Time noted: 9:35 p.m.)