

1 Zoning Director to decide how to solve the
2 problem.
3 MR. COE: Is that a good idea, so much
4 discretion?
5 THE CHAIRMAN: I don't know, that it's that
6 bad an idea. I'm just pointing out the --
7 MR. COE: I'm just saying, is that a good
8 idea, to give the Zoning Director that much
9 discretion?
10 THE CHAIRMAN: I don't know that it's a lot
11 more discretion, to be candid with you.
12 MS. SALAZAR-BLANCO: Well, if the Building
13 & Zoning Director decides that it's required,
14 and they don't feel that it's required, they can
15 always appeal that to the Board of Adjustment --
16 appeal that decision to the Board of Adjustment
17 MR. FLANAGAN: But in the case of a wall or
18 a building -- I mean, if it's there, and it was
19 permitted, then it's a legal non-conforming use
20 and you can't make them chop it down. And so --
21 and we all -- I don't think we like the idea of
22 the mirrors.
23 MS. SALAZAR-BLANCO: This is really more
24 for legal non-conforming structures than
25 anything, any existing buildings or anything

1 like that.
2 THE CHAIRMAN: Right. So then -- then it
3 does become -- it becomes material, the change
4 in the discretion, because the Zoning Director
5 could then force something that otherwise the
6 Zoning Director couldn't -- couldn't force, and
7 that's basically it.
8 MR. COE: Uh-huh. Uh-huh. Uh-huh.
9 THE CHAIRMAN: So, I mean, really it's a
10 question of whether we think the Zoning Director
11 should have that power and it's a -- really, a
12 life safety issue. That's the reason that he
13 would do that.
14 Any thoughts?
15 MR. BEHAR: I don't have a problem with
16 the -- you know, the Building Director having
17 that authority to do that, absolutely.
18 THE CHAIRMAN: Is there a motion to amend
19 that Paragraph D?
20 MR. SALMAN: So moved.
21 MS. KEON: I'll second.
22 THE CHAIRMAN: There's a motion and a
23 second. Is there any further discussion on
24 that?
25 Let's call the roll on that motion, please.

1 MR. FLANAGAN: What was the motion on that
2 Paragraph D?
3 THE CHAIRMAN: The motion on Paragraph D
4 would be to insert, also, after "approve," the
5 words "or require," so that it would read,
6 "The -- the Zoning Director may approve or
7 require the use of convex mirrors."
8 MR. COE: Are we calling the roll?
9 THE CHAIRMAN: Would you call the roll,
10 please?
11 MS. MENENDEZ: Pat Keon?
12 MS. KEON: Yes. Yes.
13 MS. MENENDEZ: Javier Salman?
14 MR. SALMAN: Yes.
15 MS. MENENDEZ: Eibi Aizenstat?
16 MR. AIZENSTAT: Yes.
17 MS. MENENDEZ: Robert Behar?
18 MR. BEHAR: Yeah.
19 MS. MENENDEZ: Jack Coe?
20 MR. COE: Yes.
21 MS. MENENDEZ: Jeff Flanagan?
22 MR. FLANAGAN: Yes.
23 MS. MENENDEZ: Tom Korge?
24 THE CHAIRMAN: Yes.
25 MR. COE: Are there any more paragraphs

1 that we have to discuss?
2 MR. HERRAN: We're done. Thank you.
3 The next amendment is to update the title
4 of Zoning Administrator to its current title,
5 which is Zoning Official, and that's consistent
6 with other titles in the Building & Zoning
7 Department, such as Building Official.
8 THE CHAIRMAN: Any discussion or questions
9 or motions for this?
10 MR. AIZENSTAT: Does that include a pay
11 raise?
12 MR. FLANAGAN: So moved.
13 MR. BEHAR: Second.
14 MR. COE: Second.
15 THE CHAIRMAN: There's a motion, and a
16 second. Any discussion on this? Let's call the
17 roll, please.
18 MS. MENENDEZ: Javier Salman?
19 MR. SALMAN: Yes.
20 MS. MENENDEZ: Eibi Aizenstat?
21 MR. AIZENSTAT: Yes.
22 MS. MENENDEZ: Robert Behar?
23 MR. BEHAR: Yes.
24 MS. MENENDEZ: Jack Coe?
25 MR. COE: Yes.

45

1 MS. MENENDEZ: Jeff Flanagan?
 2 MR. FLANAGAN: Yes.
 3 MS. MENENDEZ: Pat Keon?
 4 MS. KEON: Yes.
 5 MS. MENENDEZ: Tom Korge?
 6 THE CHAIRMAN: Yes.
 7 MR. HERRAN: Thank you.
 8 MR. BEHAR: Congratulations.
 9 MR. SALMAN: Now and forever, the new
 10 Zoning Official.
 11 MS. GONZALEZ: Good evening, Elizabeth
 12 Gonzalez with the Building & Zoning Department,
 13 and I will be presenting Items 8 through 13,
 14 which deals, basically, with the screening of
 15 mechanical equipment, either on commercial
 16 buildings or residential properties in the City.
 17 Would you like to take them individually
 18 or --
 19 MR. BEHAR: Yes.
 20 MR. FLANAGAN: Yes.
 21 MS. GONZALEZ: Okay.
 22 MR. FLANAGAN: To the Chair.
 23 THE CHAIRMAN: Well, if the architects want
 24 to take them individually, I would certainly
 25 agree.

46

1 MS. GONZALEZ: Okay. The Zoning Code
 2 requires mechanical equipment on rooftops of
 3 buildings to be screened with a wall.
 4 MR. COE: That's someone's telephone.
 5 MS. GONZALEZ: This is noted throughout
 6 the code, in several sections.
 7 One of the reasons we are proposing a
 8 change is because that -- we found that in older
 9 buildings that were undergoing extensive
 10 remodeling, they could support the wall, but
 11 when -- they could not retrofit to propose a
 12 masonry wall that is required by the Code in
 13 order to screen the equipment, by the additional
 14 loads imposed by the screened wall.
 15 So after reviewing this with Zoning, and
 16 Structural and the City Architect, we found that
 17 it was best that the screening, if necessary, be
 18 up to the purview and the discretion of the
 19 Board of Architects, as well as the material.
 20 THE CHAIRMAN: Is there a motion on this?
 21 MR. BEHAR: Let me ask a question.
 22 MR. FLANAGAN: I've got one.
 23 MR. BEHAR: Currently the screening has to
 24 cover up to the top of the equipment, correct?
 25 MS. GONZALEZ: That is correct.

47

1 MR. BEHAR: If we're talking on a
 2 commercial building and we're building a
 3 ten-story building, would that be for -- the
 4 visibility that it -- creates, because to -- to
 5 screen a unit on the -- on the tenth floor, that
 6 is not visible from the street, is -- this will
 7 address that?
 8 MS. MENENDEZ: Yes.
 9 MR. BEHAR: Okay.
 10 MS. GONZALEZ: This is what -- this is
 11 why we want to leave this issue to the
 12 discretion of the Board of Architects,
 13 because in one section you'll note that it
 14 was noted at -- from the horizontal plane
 15 of view, which we found it -- was
 16 unnecessary, at -- at some point.
 17 Pardon me.
 18 MR. BEHAR: Okay. I'll make a motion to
 19 approve.
 20 THE CHAIRMAN: Is there a second?
 21 MR. COE: Second the motion.
 22 THE CHAIRMAN: There's a second.
 23 Is there any discussion on the motion? No
 24 discussion? Let's call the roll, please.
 25 MS. MENENDEZ: Javier Salman?

48

1 MR. SALMAN: Yes.
 2 MS. MENENDEZ: Elbi Aizenstat?
 3 MR. AIZENSTAT: Yes.
 4 MS. MENENDEZ: Robert Behar?
 5 MR. BEHAR: Yes.
 6 MS. MENENDEZ: Jack Coe?
 7 MR. COE: Yes.
 8 MS. MENENDEZ: Jeff Flanagan?
 9 MR. FLANAGAN: Yes.
 10 MS. MENENDEZ: Pat Keon?
 11 MS. KEON: Yes.
 12 MS. MENENDEZ: Tom Korge?
 13 THE CHAIRMAN: Yes.
 14 MS. GONZALEZ: And under Item 9, this one
 15 deals with mainly a -- the residential areas
 16 where we want to delete the screening of the
 17 mechanical equipment with -- by meeting two, a
 18 wall and landscaping, and just requiring a
 19 wall -- I'm sorry, just landscaping.
 20 MR. COE: Where are we reading from?
 21 MS. GONZALEZ: We found that the
 22 landscaping was sufficient and it was less
 23 of a burden for the property owner when he
 24 was doing a change out of the mechanical
 25 equipment, such as a/c's or gas --