

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 23, 2015**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, April 23, 2015 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Acting Chairman David Forbes-Watkins, Boardmember Ray Dovell, Boardmember Sean Hayes, Boardmember Adam Anuszkiewicz, Alternate Boardmember Marc Leaf, Village Attorney Linda Whitehead and Building Inspector Charles Minozzi, Jr.

Acting Chairman Forbes-Watkins: Ladies and gentlemen, good evening. This is the April 23 Zoning Board of Appeals meeting. My name is David Forbes-Watkins. I'm Acting because our Chair is not available tonight.

We have two items on the agenda. I'm going to turn the agenda over, and we'll do the second case first and the first case second. Let me ask first, do we have the mailings?

Dep. Bldg. Inspector Minozzi: I've been told from my office staff that the mailings are in order.

Acting Chairman Forbes-Watkins: OK, thank you very much.

The first case we're going to deal with this evening is Case number 0415, Michael Fuller, 25 Circle Drive.

Dep. Bldg. Inspector Minozzi: Mr. Chairman, I don't believe he's here yet.

Village Attorney Whitehead: Maybe he was coming late, thinking he was second.

Acting Chairman Forbes-Watkins: Thank you.

OK, then we will not do the order which I would have preferred. We will call Case number 03-15, CCI Properties.

**Case No. 03-15
CCI Properties LLC
32-34 Washington Avenue**

View Preservation approval as required under Section 295-82 and relief

from the strict application of Sections 295-72.E(2), 295-30.A and 295-41.B of the Village Code for the construction of an additional five-unit townhouse n their property at 32-34 Washington Avenue. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-53-11 on the Village Tax Maps.

Variations sought are as follows:

- 1. Lot coverage: Existing – 12%; Proposed – 37.8%; Required Maximum - 15% {295-72.E.(2)} – variance required 22.8%**
- 2. Parking setback for two-family: Proposed – 4 feet; Required Minimum - 5 feet {295-30.A.} – variance required 1 foot.**
- 3. Maximum curbcut: Proposed two@ 43 feet total: Required Maximum – two@ 24 feet total {295-41.B.} – variance required 19 feet.**

Acting Chairman Forbes-Watkins: Before we proceed with this, I have a significant question that needs to be resolved. We saw this property at the Zoning Board of Appeals about a year ago, maybe a little more. There were questions raised then which I have never heard an answer to with respect to the fact that we're talking about two dwellings on the same lot, and whether this is an item that needs some sort of approval.

I'm asking Linda, please, to talk about this.

Village Attorney Whitehead: This was discussed at some length at the Planning Board meeting last week, as well. The code states that you can have only ... it doesn't state one building per lot. And if you look at most of your multi-family developments they're more than one building. It states one *use* per lot. The issue that was discussed at the Planning Board meeting – and they're not the interpreters of the ordinance, but it's not fully resolved yet – is whether a two-family, such as the existing building, and a multi-family, such as the proposed building, are two different uses; and therefore to do this without a subdivision would require a variance or whether the use is residential which means it is all the same use. That was discussed, but not resolved, and it was pointed out that if they are not going to subdivide and that's what they're going to have – a two-family and a multi-family – that might require an additional variance.

So I think why they wanted to come before you tonight to make a presentation because the plan is significantly changed from what you saw last year. I think the variations are not maybe yet all fully defined. You're certainly not going to be expected to make a decision on anything at this point. They've had one appearance before the Planning Board, and I believe they're going to have several more before this plan becomes a little more finalized so we

know exactly what the required variances are.

Acting Chairman Forbes-Watkins: I do have, then, a follow-on question to this. If we don't know whether we're actually dealing with an acceptable use, and therefore another variance may have to be argued, too, we are expected, under normal circumstances, to get an advice from the Planning Board as to ...

Village Attorney Whitehead: View preservation.

Acting Chairman Forbes-Watkins: The view preservation issue. You're saying that the building itself may still be subject to some variance from the Planning Board's perspective. Is this timely to bring before the Zoning Board?

Village Attorney Whitehead: I think it's because they're here, and because it was noticed and there may be some members of the public here. I think it's appropriate to let them make an initial presentation so you can see what the new plan looks like. I would try to limit the time. You don't want to spend a significant amount of time on it. You're not making a decision on anything at this point, in fact.

Acting Chairman Forbes-Watkins: That is clear.

Village Attorney Whitehead: I think what you're going to making a decision on is not even fully defined yet.

Boardmember Hayes: Can I just ... I'm just curious, and I know I e-mailed you about this, but I want it on the record do they actually have legal standing to present to the Zoning Board if there's no variance to be voted on today?

Village Attorney Whitehead: They definitely need variances. They have made an application, and that's what they need to put it on an agenda. When you have an application that has to appear before both boards, and they tend to sort of bounce back and forth, it's very difficult to sort of figure out where they go when and whose input they want when. They have standing because they require variances and they have an application in before you. I just think you shouldn't spend too much time, knowing that ...

Boardmember Hayes: If the variances are wrong they may have standing, but it should be basically dismissed immediately, correct?

Village Attorney Whitehead: Well, no. They haven't told us they're changing the building or anything yet. If the building is as it is now we know what the coverage variance is. We

know there's, I think it was, three variances: one is coverage, one is the variance for the parking space, and also the driveway widths. Those three variances, and I don't know if they've made any decisions to change their plans but those three variances are clear. Then they've also done some work on view preservation, which unless they're looking to change the configuration or height of the building this is what they presented to the Planning Board. And they do have a number of images to show you in relation to the view preservation.

Boardmember Hayes: Wait, are these the same variances they asked for last time?

Village Attorney Whitehead: It's a completely different building, it's a completely different plan.

Boardmember Hayes: So it *is* a different plan.

Village Attorney Whitehead: I think that's why they wanted you to see it.

Boardmember Hayes: I'm getting confused.

Village Attorney Whitehead: The coverage variance, I believe, is a little less than it was previously.

Acting Chairman Forbes-Watkins: Considerable.

Village Attorney Whitehead: Yeah, the coverage variance is much less because they've put the parking under the building, as they'll explain to you. So the coverage variances, and the Planning Board is looking at this as just starting completely anew. They've changed architects, it's a completely different design.

Acting Chairman Forbes-Watkins: OK, clearly we will not have any voting action tonight on this. We can therefore expect that there will be another meeting where full explication and explanation of the building, et cetera can be heard. Ms. Griffin, I know you will have a lovely presentation – you always do – but I will ask you to keep your presentation to approximately 20 minutes at max, please.

Village Attorney Whitehead: And just one other thing real quick. If the variance changes it will have to be re- noticed with the new variances.

Acting Chairman Forbes-Watkins: Right.

Village Attorney Whitehead: So that will all be done before they ... I think they'll get a

little further with the Planning Board before they come back here again.

Acting Chairman Forbes-Watkins: Good.

Christina Griffin, project architect: In fact, I brought tonight drawings that are little different than we had at the Planning Board meeting last week in response to comments, and it affects the variances.

Acting Chairman Forbes-Watkins: Are the drawings different than these in our package?

Ms. Griffin: Yeah, and I actually have my ...

Acting Chairman Forbes-Watkins: We got drawings not up to your speed.

Ms. Griffin: They're slightly different, and I brought copies if you want to distribute them.

This is a 3-D image of the five townhouses that we're proposing. I'm going to go right to the site plan, and I'm going to blow that up. This is a two-family house, and it's set up a lot like townhouses. There's just one unit in one side, one in the other. This is an old building, and what we want to do is restore it. He had asked for three variances. One was a setback to a parking area. We want to develop this parking area to improve it. Another was because we were over the maximum length of curbcuts. And three, for the lot coverage.

There are two variances. We found a way to omit those variances. The one to the setback to the parking, we reconfigured this so we can keep the 5-foot setback and eliminating that one variance. When we were in front of the Planning Board we had a turnaround in front, and we now put it in the back. We can keep the original curbcut and opening in the stone wall. So now our curbcuts add up to only 22 feet, and they're not over the maximum of 24 feet. When we come back to you we're going to be looking at a variance just for lot coverage.

Dep. Bldg. Inspector Minozzi: And view preservation.

Ms. Griffin: And view preservation.

Now, this big dash line, that is a setback. In the MR-1.5 zone, the setbacks are related to the height of the wall above grade. I know, about a year ago, the owners got an interpretation from you, or from the Building Department. When you calculate the height above grade, we need to have a 12-1/2 foot setback in the front, 14 on this side. It's more than 12 because the building's longer than 50 feet. Then on this side, 13.6. This is less than we had before. Because since we are the Planning Board we actually lowered the building. We are not

going to be asking for any variance for the setback.

Now, the lot coverage percentage is 37.8 for these two buildings on this lot, or 38 percent. Of course, we're in an R-1.5 zone, which has a maximum of 15 percent. But I'd like to show you tonight a ...

Dep. Bldg. Inspector Minozzi: Just for the record, that's the MR-1.5 zone.

Ms. Griffin: MR-1.5, yes. This is our zoning data chart, and I'm just going to go right to the variance that we require, which is for the lot coverage. This building is going to be 9,846 square feet. That includes the building. The development in the MR-1.5 zone has to include all of this, which is the walls, the sidewalk, the building and porches, and the parking area – unlike other zones.

This is our section through the building. This is just showing that the building is going to fit within the 40-foot maximum height. It also shows the relationship of the little house that's uphill from us. There are evergreen trees we're planning to keep around 35 to 38 feet high. This is a section through the site going the other way showing the old house, two-family house, the neighboring house to the south. What we're trying to do is make the building fit within the scale of the existing buildings.

Acting Chairman Forbes-Watkins: What's the building height requirement in the MR-1.5?

Dep. Bldg. Inspector Minozzi: Forty feet.

Ms. Griffin: Yes.

This is a study that CCI Properties prepared, and it's just showing the different lot coverages in the area. The study was done ... everything that's been colored is in the MR-1.5 zone. The dark color is over 35 percent, the dark red. The orange is slightly less, and the yellow is 21 to 25 percent. The green goes down to 15 percent. When you do an average of these properties – and we have left out the Cropsey property – the average is 41 percent. We're asking for a 38 percent lot coverage, which is well within what we see in this neighborhood. There are also much higher lot coverages for these properties, but they are not in the MR-1.5 zone so we did not add those to our list to come up with that average. You can see over here, if you can, 93 percent, 62 percent, 55 percent, 98 percent.

This is another study we did, a density study, where we tried to group buildings together with a similar amount of square footage. This is our lot right here, and we have seven units. The square feet per unit is 3,752. But if you look at this grouping of buildings, we have 19 units

and we have 1,003 square feet per unit; this grouping has 2,362; this is 3,233; and we have all the way down to 700 square feet per unit. What I'm trying to show here is that in this neighborhood, excluding the Cropsey estate, this lot will still have a generous amount of square feet per unit, even if we have that 38 percent lot coverage.

This is our floor plan. The sides of the building directly relate to having parking for 10 cars, which is going to meet the code for the five units that are on top. We actually are going to ask if we can make the width only 8 feet 6. That's because it's allowed for single- and two-family houses, and also because we really don't want the building to be any bigger than it needs to be. This is showing that we're going to have waste areas underneath the porches. This design is showing 4 three-bedroom townhouses and one two-bedroom. Each unit has a porch and each unit is around 2,000 square feet. Some are like 1,900 square feet, some a little larger. But the largest one is this one, simply because it has a bump-out for a turnaround in the garage below.

On the next level, I'm showing three bedrooms for each unit, except this one is a two-bedroom. The attic is meant to be storage uninhabitable. The ceiling height is no more than 6 feet 8 so it can never be used as a finished space. This is something we also changed from our last meeting with the Planning Board because we wanted a sloping roof but we could definitely bring it down. We're not trying to give more habitable space to the buildings.

This is a front façade. This is our 40-foot maximum building height. We want to try to mimic the gabled-roofed buildings that you see on Washington with the porches and some bay windows. This is our side elevation, looking at the north and showing that the porch at the very end has a nice shape to it. It's a 5 in 12 sloped roof, well under the 40-foot maximum. It's hard to see this, but our height of roof is around 33 feet. This is the rear elevation. The reason why the building looks shorter here is because we have a difference of 4 feet in height from the front of the building to the back.

These are views of the site. This used to be a rectory, so this building has two units, one in each side. It's 2-1/2 stories. This is the driveway entrance that we'd like to save as is. There is already parking in here, we just want to improve it and give them a turnaround so they don't have to back out into the street. These are just different views of the old building and the driveway. This is the site at the corner of Washington and Warburton. This is a photograph of entire street side facing Warburton. This is a high stone retaining wall that we'd like to keep. We want to keep most of these trees because it gives us a visual barrier so the residences can be tucked in there and have kind of a screen; because across the street is the auto shop.

To the south, this is a two-story building that has a very slightly-sloping roof that is similar

to the height of our buildings except our buildings have more of a sloped roof. We used a laser device to measure it, and the difference in height between that and the roof we're looking at is only, I think, about 2 feet roughly. It's not easy to measure the very peak because the slope makes it hard. These are just views. I really felt this building could be kind of transitional, not a block of buildings like Warburton between Washington and Main but sort of a combination of gabled buildings with porches and contiguous.

This is our 3-D view of the building. However, when we did this we were using an 8 and 12 roof. We're going to lower that to 5 in 12. This is what it would look like behind the trees. This is our view preservation study. These are different views we took from properties uphill. This greenspace is where we're planning to put the five townhouses. This little building's being removed. This is the neighboring building to the south, and this is the old two-family building. I have these enlarged. This is a view uphill on William Street. This is looking down into the site – this one a before picture, this one after – simulating the new townhouses and the roofline. When we did the simulation, we had a steeper roof. So we're going to modify that to show a 5 in 12 roof. This is before and after. This is on William Street. And this is just above the building on the corner, looking down. This is the change we anticipate to the view.

This is before and after. It's when you walk down the driveway between 15 William Street and the house on Warburton. You can see into the site, and you will be seeing the top of the new sloped roofs. Before and after, this is the old two-family house, and this is an idea of what you would see when you're looking down the driveway before and after. This down the driveway, two houses up from the old building, looking through somebody's yard to see what the view would be from their yard. This is a closer view, looking into the yard of the house next door to the site. And this is a view looking down, uphill on Washington Avenue. You can see that the top of these buildings are going to be similar to the top of the trees that are there.

Boardmember Dovell: Are those vignettes modified to show the reduced height?

Ms. Griffin: They have not been, no. We haven't had the time.

Boardmember Dovell: So the overall effect if you were to superimpose the new scene, how many feet lower is the ridge of the ...

Ms. Griffin: I don't have the number exactly for you, but it's something like 5 or 6 feet.

Village Attorney Whitehead: So when she comes back you'll see the modified.

Ms. Griffin: I will get the number.

This is before and after, uphill again, way uphill. We've gone up like five buildings up along Washington Avenue. Now, these are views we took today. That's because we got permission to go onto this property and go into 15 William Street. This is a view taken from the apartment that's on the first floor. This is the building on the corner. These are the tall evergreen trees, and our new building's going to be here. We're going to simulate how our building looks on this photograph. This is looking from the edge of the property, also at 15 William, and I'm looking between the buildings. You can see the top of those evergreen trees. The owner asked me to look at their picnic area which is down this driveway but looking directly across. These are our evergreen trees, and the buildings will approximately be at the top of those trees or just under the top.

These are also views from 40 Washington. This is another house that would be more affected by the project. We took a close look at these two properties and walked around the site. We'll be back to show you how the buildings will fit into that view that you see here.

Acting Chairman Forbes-Watkins: OK, that's about 18 minutes and I congratulate you.

Ms. Griffin: I try.

Acting Chairman Forbes-Watkins: I'll let my Boardmembers ask their questions, if they would. Questions?

Boardmember Anuskiewicz: Was this reviewed by the Planning Board? I wasn't clear on that?

Village Attorney Whitehead: It was on the Planning Board agenda last week. They gave several comments, some of that it seems the applicant is already preparing to address and modify the plans. Some of the comments related to the parking for the existing building, the configuration of it, the slope of the roof. They've already responded to that by saying they're going to bring down the slope of the roof. They did get a number of comments from the Planning Board, and the Planning Board will be continuing its review.

Boardmember Anuskiewicz: I think the analysis you showed of the density is interesting, but I think the properties you showed don't really apply well to this project because they're going up Washington Avenue. In fact, although this project has a Washington Avenue address it's really a Warburton Avenue project. It would be interesting to see a comparison density going south on Warburton from that property. Because I think what you're proposing is really on the south side of that site facing Warburton Avenue. I don't see the relevance so

much to all that Washington Avenue stuff.

Ms. Griffin: The reason for doing that is only because ...

Boardmember Anuszkiewicz: I understand it's in that zone.

Ms. Griffin: But we can add that to the study.

Acting Chairman Forbes-Watkins: I think it would be a good idea.

Boardmember Anuszkiewicz: It's sort of a different kind of comparison.

Boardmember Dovell: Those were all preexisting developments.

Ms. Griffin: Yes.

Boardmember Anuszkiewicz: And, of course, they're much smaller lots so I'm not sure it's that relevant or it really helps your case that much, frankly.

Ms. Griffin: Well, if you go down Warburton we have much higher lot coverages. But we can show that to you next time.

Boardmember Anuszkiewicz: Well, I think the first property is a house on the corner of William Street and Warburton, right there. That's a single-family house. No, the next one – just to the south of that last red property.

Acting Chairman Forbes-Watkins: Across William Street.

Boardmember Anuszkiewicz: That's a single-family house. So I would be inclined to look at it. In terms of density, I would be inclined to look down that side of Warburton. I'm not 100 percent sure, in my mind, what's after that first house. I know there's a house there. I know there are various projects with mixed-use and density in this area, but I think the question would be how appropriate is this, is the density too much. And I think to answer that you have to really look at some of the other properties going south on Warburton.

Ms. Griffin: We can do that.

Acting Chairman Forbes-Watkins: Ray, anything?

Boardmember Dovell: Well, it's enormously improved from the initial submission that we

saw.

Acting Chairman Forbes-Watkins: Without question. It was a disaster.

Boardmember Dovell: You know, a six-story apartment building. I think the fact that you're keeping the buffer along Warburton is really nice. Because that is the origin of the character of that area. The coverage is a lot; to me it's a big ask. It's a 37 percent coverage.

Ms. Griffin: Well, 37.8 – 38.

Boardmember Dovell: Right, versus 15. So it's a lot of building on this lot.

Boardmember Leaf: Can you give us a minute or two on your plans for the existing two-family residence? You said you're going to renovate it. This is going to remain just two units?

Ms. Griffin: Yes.

Boardmember Leaf: The same layout that's currently there, approximately, side-to-side?

Ms. Griffin: I think so. We haven't looked at any changes to it really. We were going to upgrade it.

Boardmember Dovell: I think the approach is really responsive to what we said last time around, where we talked about parking and the possibility of cutting it in under the building. So I think the way you've approached it is really good. It's very compact, and you're getting all the parking in under the units; there's no outside parking. And coming up with five units I think is really positive. Then it's a long way towards just wrapping the bulk of this to preserve the greenspace around it. I think it's very positive. And I think bringing down the roof helps a lot in terms of the view preservation.

Acting Chairman Forbes-Watkins: Normally, we give the members of the Board plenty of opportunity to ask questions. But we are making this a truncated presentation. I certainly want to give any member of the audience the opportunity to raise questions or to make a comment. I would ask that anyone who does so would identify themselves and use a microphone so we can properly record your comments. Are there any comments or questions at this point?

Greg Hall, owner – 15 William Street: My brother Chris and I are partners in a six-unit apartment building. It's been voiced, and I just want to get on the record regarding view

preservation. I spoke to Ms. Griffin the last couple days and she arranged a site visit. Just to keep that in mind as the process moves forward. I believe you've lowered the roof height since your Planning Board meeting, but just keep that in mind as our process moves forward that our view is preserved. We purchased the property loving the view, and just would like to see as much of that preserved as we can.

Acting Chairman Forbes-Watkins: I don't think we're going to pursue view preservation very heavily tonight, although in is most certainly an issue of great concern. But having not received any comment from the Planning Board, I would not be willing to offer an opinion on this at this point.

Mr. Hall: Fair enough.

Acting Chairman Forbes-Watkins: But yes, thank you for your comment.

Mr. Hall: Yeah, very good. Thank you.

Acting Chairman Forbes-Watkins: Other comments?

Ms. Griffin: I'd just like to say that when you look at the coverage calculations, in the MR-1.5 zone we have to include more than just the building. And the building, without the sidewalk, the parking, the walls is 26.3 percent lot coverage. The porches, I think, are very important to this building, and tie in with the architecture of the neighborhood. That adds another 2.4 percent. But in this zone, when we talk about lot coverage, we have to add all this up and end up with 38 percent. That's just a point I'd like to make.

Acting Chairman Forbes-Watkins: Thank you. If there be no more comments or questions from the Board, at this point I will thank you, Ms. Griffin, for your presentation. We look forward to a spirited discussion the next time.

Ms. Griffin: Thank you very much.

Acting Chairman Forbes-Watkins: We'll give you a chance to clear, and then we will move on to the second case which was going to be the first case but became the second case.

**Case No. 04-15s
Michael Fuller
25 Circle Drive**

Relief from the strict application of the Village code Sections 295-68.F.1.a, 295-20.F and 295-55.A, for alterations and additions to their single-family dwelling at 25 Circle Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.40-41-10 on the Village tax Maps.

Variance sought is as follows:

Extension of nonconformity for second story addition in side yard on a corner lot: Existing – 4.4 feet; Proposed - 4.4 feet; Required Minimum - 30 feet {295-68.F(1)(a), 295-55.A and 295-20.F.} – variance required 25.6 feet

Acting Chairman Forbes-Watkins: Who is here to make the presentation for Case 04-15, Michael Fuller, 25 Circle Drive?

Michael Fuller, applicant: I'm the owner of the property. I went old school. I just have a foam core presentation. I mean, they're computer-generated drawings

Acting Chairman Forbes-Watkins: Let me just one question of Ms. Griffin, before you leave. Are we going to get a whole new set of drawings? If so, we don't need to keep these for referral for the next go 'round. OK, thank you.

Mr. Fuller: The foam core is exactly the same drawings you had. Essentially, the reason I'm in front of the Zoning Board is that the original house, which it still is – 25 Circle Drive – is four lots. But it's a corner lot, Chestnut Drive and Circle Drive, and therefore has two front yard issues. We've always considered Circle Drive as being the front of the house, but the side yard-front yard setback from Chestnut Drive is really the issue for zoning, essentially. That's because we would need a 30-foot setback. The house complies on every other face except for that one; it's only 4.4 feet off Chestnut, and that's the way it's existing.

Now, we're not changing the footprint in any way. What I'm essentially doing is just building above the existing sunroom and porch. Really, what I'm trying to do here is appease my wife. It's about closet space. Essentially, in the master bedroom, where I have a walk-in closet and a master bath, I'm taking the master bath and pushing that. If you look at the second-floor plan, what I'm doing is taking what was the existing walk-in closet and the existing bathroom and turning that completely into a walk-in closet area, and taking the master bath and extending it out over the existing first floor sunroom.

We're on A-102. The other piece we're doing, we have an existing deck on top of a covered porch and are putting a sitting room in that area. Essentially, trying to be sensitive to the

neighbors and to have this whole therefore fit is really all I did in fairly simple moves in terms of the character of the house.

I'm referring to A-103, the north elevation and west elevation. On the west elevation, that shows both the enclosing half of the existing deck above the covered porch and the new master bath above the existing sunroom. In these two cases, that's really the largest sort of exposure. And that's just for view because that's facing west and facing towards the Hudson River with whatever limited view we have. We're taking advantage of it that way, both if you were sitting in the bathtub in the master bath above the sloped area with all the other houses on Chestnut Drive. Then the little entrance to the rest of the deck on the north elevation.

On the other two elevations, referring to A-104, that's the east elevation which is facing up towards Chestnut Drive, your house. All I did there is put a small window high up, mostly for ventilation and getting a little bit of the eastern light to come in. I think that's above the water closet. Then on the south elevation, two similar windows – again, kind of keeping the character of the language of the rest of the house – one above the bathtub and one actually in the shower at the far end of it. Then reusing the existing skylight that was in the sunroom-family room below, introducing most of the light through that by re-placing it on top of the roof in the master.

Acting Chairman Forbes-Watkins: Let me interrupt you at this point and talk about the south elevation. As your go up Chestnut, the south elevation puts a massive structure right on top of the street. I wonder, particularly, at the extension that comes out on the south and east sides whether this isn't really adding greatly to the mass of the house in a place where it tends very much to overwhelm the neighborhood to begin with. Have you thought about this, sir?

Dep. Bldg. Inspector Minozzi: If you make any comments from the seats, stand at the mic.

Boardmember Anuszkiewicz: You can comment, but just when it's time to comment.

Acting Chairman Forbes-Watkins: Comment time will come.

Mr. Fuller: No, I don't think it does at all. I think the idea of what I'm trying to do is essentially just extending what is wrapping around from the other porch to this side. Visually, from my adjacent neighbor to the east, their house is set back so there isn't any impact there. Probably the only place you would see this is when you're driving down the street.

Acting Chairman Forbes-Watkins: And you *do* see it driving down the street.

Mr. Fuller: Well, you can't see Circle Drive. It's down below.

Sabine Reichert, 18 Chestnut Drive: [off-mic].

Dep. Bldg. Inspector Minozzi: We can't have this conversation between you and the audience without you being at the microphone.

Mr. Fuller: I'll defer to them if they want.

Acting Chairman Forbes-Watkins: You're making a presentation. I have asked a question and made a comment. There may be other comments and questions from the Board before we open it to the general comment period, OK?

Mr. Fuller: Just addressing the issue, the mass of the house the way it sits over to the side I don't see that impact at all.

Acting Chairman Forbes-Watkins: You don't.

Mr. Fuller: No.

Acting Chairman Forbes-Watkins: OK.

Mr. Fuller: I mean, we have some views, don't we? Didn't I do that? A-001 shows a couple of different views from a couple of different spot. Drawing four, east elevation view, that's standing on Chestnut Drive looking down the street. View two, west elevation, is standing on Chestnut Drive looking up towards the house.

Acting Chairman Forbes-Watkins: And view three is what I'm talking about with the massive look to this addition. There are other folks here who may not feel the same way. That's fine, but I'm just reacting to my vision of this. Otherwise, your ideas here are understandable. It's simply a question of what does it do to add or detract from the neighborhood.

Mr. Fuller: I think it's a concern about maybe massing. Really, programmatically, that's about what you'd have to do to get this to work. You can't really reduce the program so you can't really reduce the floor plan to get in a master bath of any value because it's about the same footprint of what's sort of existing, or maybe a little bit more.

Acting Chairman Forbes-Watkins: Well, I could suggest you move your walk-in closet to the other side and keep your master bath at its current location.

Mr. Fuller: What other side? I'm not clear what you're saying.

Acting Chairman Forbes-Watkins: You have a walk-in closet and master bath in a current location, do you not?

Mr. Fuller: Yes.

Acting Chairman Forbes-Watkins: They could be staying there. You would not need to move the master bath out to create further impingement on the Chestnut side. And you have a huge addition here in the front which I don't find adds that badly to the whole picture – maybe others do – which could be used for whatever purpose, including allowing you to move your closet into the current bedroom and move the bedroom out to the front. It's a thought. Have you thought about it?

Mr. Fuller: Yeah. From the circulation point of view, it's a little problematic to put the walk-in closet out there as one suggestion. I went through that little exercise, but you're basically putting a closet in prime real estate. So you really don't want to put it there. To move the master bedroom out into space, I'm not quite clear what you're saying. Maybe if you did a sketch. I went through a number of different variations on a theme, and this seemed to be the most plausible and best circulation to achieve the final outcome.

Acting Chairman Forbes-Watkins: OK, I hear your point of view.

Boardmember Anuszkiewicz: I think what David might be getting at is where you've located the master bath and where you've located the tub and where you put the windows is to take advantage of the view. On that spot, you have a really nice view. So the issue really is the guy on the other side of you who doesn't have that view anymore.

Mr. Fuller: There is no guy on the other side of me.

Ms. Reichert: There are people across the street.

Acting Chairman Forbes-Watkins: Please.

Boardmember Anuszkiewicz: So in other words, that's the best space for you to put it, I think, because you get some view from there.

Mr. Fuller: But then what do you mean the view of the people across the street? I'm not blocking their view. They're looking at a house.

Boardmember Anuszkiewicz: If you look at your rendering on A-001, your rendering number four, where you basically are looking at your addition.

Mr. Fuller: Right.

Boardmember Anuszkiewicz: So your addition is blocking a little bit of view right there. If that addition weren't there ...

Mr. Fuller: Ah, but that's from the street.

Boardmember Anuszkiewicz: I understand. I'm just making that point.

Mr. Fuller: But the point should be made clear it's not from anybody's house. I'm not blocking anybody's view with that.

Boardmember Anuszkiewicz: Well, isn't there a house behind you?

Mr. Fuller: Yeah, and it's set back. If you look at the site plan ...

Boardmember Anuszkiewicz: Well, do you think that the person who lives there might want to develop it at some point and take advantage of that view, or should they just give it to you and allow you to build in the setback?

Mr. Fuller: Well, then they would have the same issue if they built up into their deck blocking the view of the neighborhood up from them, if that's what you're saying. If you went to the site plan, I'm not quite clear what you guys are saying. If you go to a site plan not to scale – the one that I bubbled – you can see where it's set way back. Even their front deck isn't affected.

Boardmember Anuszkiewicz: I'm just trying to clarify for you that I think that's where David was coming from with his comment.

Mr. Fuller: Yeah, but I'm trying to clarify for you guys that I'm not clear what you're saying in terms of impacting somebody in their home or on their deck.

Boardmember Anuszkiewicz: I'm just saying that this addition wouldn't block any view, right here?

Mr. Fuller: No, it doesn't block any view.

Boardmember Anuszkiewicz: It does, right there.

Mr. Fuller: From who?

Boardmember Anuszkiewicz: Well, from whoever took this photograph, for one.

Mr. Fuller: Yeah, I took the photograph and it's from the street.

Boardmember Dovell: That's part of what we have to evaluate. It's part of our job. It's the streets, not just the neighbors.

Mr. Fuller: OK.

Boardmember Dovell: You get it? Just following that along, is there a possibility of perhaps shifting the bathroom addition back around to this side here? Your house is divided into a series of bays. If this were to shift into this bay, for example, and get it off to decrease the amount of variance that you need here, to put it in this location. This one, I think, is fine. I think this is nicely done, the way you've handled the new sitting room. But rotate this around and fit into this area.

Mr. Fuller: Not really, because you can't get to the master bedroom, and it's blocking ... and actually, part of the problem, too, is it's on the east side, as well. So even in terms of view or light or anything along those lines, it's going to create a dark space to our family room below.

Boardmember Dovell: But aren't you losing a skylight here anyway?

Mr. Fuller: Yeah, but because that's south and west you're getting a lot more light.

Boardmember Dovell: But programmatically, it would give you the same thing. It would give you the same net amount of space on the second floor.

Mr. Fuller: I mean, I went through a number of permutations. I can listen to you, but I don't see it. Really, from a design point of view – taking all the factors in – it doesn't make any sense.

Boardmember Dovell: Well, I just see it differently.

Mr. Fuller: Yeah, I know. Of course. That's fine.

Boardmember Dovell: But there might be options. I mean, that's one option. There might be other options to solving the problem, to diminish the degree of the variance you're looking for.

Mr. Fuller: Yeah, there wouldn't be a variance then. I wouldn't have to go for a variance if I put it there.

Boardmember Dovell: Or it would diminish ...

Mr. Fuller: No, there wouldn't be a variance.

Boardmember Dovell: Something where it would diminish a variance.

Mr. Fuller: No, there wouldn't be. Because I'm well within the 30-foot setbacks.

Boardmember Leaf: Well, speaking of diminishing the variance, on the south elevation it looks like the new second-story addition is set back a little bit from where the first story is. Is that correct? It's hard to tell from this.

Mr. Fuller: The whole point of ... I mean, I agree with you guys in terms of the massing. I think the key to this thing is to make it look like it's a little jewel, a little treehouse, you know something sitting on top. That's why I extended the stucco columns. I can treat that in the clapboard which has some hint of it in the rest of the house. And how this thing proportionately sits on top. So I don't perceive it as a tower or as a big block. I mean, as a matter of fact even what I was trying to do was, I took the soffit and the fascia line of the main roof and that becomes a datum line for where this thing wraps around. So I take that same cornice line and sort of wrap it around so it looks like the thing is integral. You can try to set it back in in terms of how it steps from the face of the east side.

So, yeah, now I can get my head around that and I can understand where you're coming from with that. I think absolutely, the proportion, how this thing's rendered, how it's ... the colors of it, that it has to have a certain subtlety. And there's been no intention to make this into some kind of block mass to block views from the street. That was not the intention.

Boardmember Leaf: The blocking of the view and the massing are two different but related issues.

Mr. Fuller: Yes.

Boardmember Leaf: And you can address the massing by setting back the addition. You say it's a foot-and-a-half to the extent that you had a few more inches to push that back, getting rid of a linen closet or having to access the linen closet on the other side, you might be able to have it be less massive from the street. In terms of the view from 17 Chestnut, I don't know exactly what will be said here tonight about 17 Chestnut.

Mr. Fuller: I can understand that. In terms of the massing and how this thing is set in, at one point there's a certain amount of program you want to get in there. The way this house is built is terra cotta block so you can't just dismantle that wall. I mean, what I'm really doing is taking that existing window in the bathroom and basically knocking it out. That's how we're getting access into this. To start to manipulate that wall just isn't happening, even not with steel or anything like that. It just becomes prohibitive on many levels.

You know, guys, I don't care really. I mean, if you don't want to have this – and you could talk to my wife about the closet space – really, it's not ... you know, we've been living in Hastings since '89, we've been here since '96. I've invested a lot in this house, we have a beautiful garden. I mean, even when I did the original addition – which is the one we're building on top of right now, which had an existing sunroom – this house was rundown. It's not my intention to devalue the neighbor, it's not my intention to devalue my house. But it's also not my intention to go through hoops here to come up with some scheme.

I'm very good at what I do. I've gone through all these permutations. I'm not trying to discredit anybody on the Board. I know what I'm trying to do here. I will listen to something reasonable, but past that point I'll just let it go and we can move on. And I'm not trying to be here to at all infringe or cause problems to the neighborhood. That wasn't the intention. I mean, if I would have known that I would have come by with the drawings earlier or you guys should have come by my house and said something.

At that point, you should open it to the floor because I have a feeling ...

Boardmember Dovell: I think what you've done, you've handled it very skillfully with the soffit lines and setting back. And the architectural treatment is really well-handled. Were just asking you to look at options. Maybe you've already looked at them and you've dismissed them.

Mr. Fuller: I haven't even dismissed them. I can bring my sketches. I didn't mean to interrupt you.

Boardmember Dovell: We have an obligation to ask questions.

Mr. Fuller: And I apologize.

Boardmember Dovell: And to encourage you to look at options. That's part of what we're supposed to do.

Mr. Fuller: OK. And I apologize if I'm sounding at all curse (sic). I'm not sounding defensive at all. I can bring you down my sketches and all that sort of stuff. I have kind of gone through this on many levels to do this, given the way the house has been originally set in 1912, where the master bedroom is, what the program that I've been given to satisfy, tweaking it a bit, yes, maybe so. But this seems to be, having gone through all of these permutations – like the suggestions that you're talking about – because I'm looking at light, I'm looking at massing, I'm looking at program. And I'm also looking at cost evaluation, too. Because at one point it becomes prohibitive. The house has got good value to it, but if I invest too much into it then I won't get my return.

Acting Chairman Forbes-Watkins: OK, more comments from the Board, or questions? If not, then I will entertain comments from the floor. Please go to a microphone, identify yourself and speak away.

Mary Scranton, 30 Chestnut Drive: Thanks. I'm across the street from the Fuller house. There's one across the street, and then another one and then me. We bought our house about 10 years ago for the feel of the block and for the view as well, even though our view is a partial river view. I have some photographs I can show you. This addition, I believe, will block our view down the hill toward the river significantly. I'll show you the picture. And frankly, the way the Fullers designed their first floor outcropping is out of conformity that goes up to 4 feet from Chestnut is good because it's behind hedges and is one story. I walk by there every single day with my dog and I drive by it twice a day.

To put another big thing sitting on top of that is ugly – no disrespect, honestly – and disrupts the feel of the neighborhood. It changes the character of the neighborhood. It's the only house on the block already that's out of proportion to the size of the lot the way the house is. To add to that, I think, is really too much for the neighborhood. And I do believe it would affect my property value to have that there. I can show you a photograph if you want, but it's up to you.

Acting Chairman Forbes-Watkins: I'm satisfied without the photograph. Other comments from the floor?

Stephanie Bumstein: We just moved in a year-and-a-half ago. I saw the house online and saw the little view from the dining room windows, and the porch, and that was what made me want to buy that house. My husband, for the record, doesn't want to contest your addition, OK? He's a go-along, get-along kind of guy. I just want to say that I was sitting at my dining room table the other day and I did see that that would block one part of my already-relatively small view. So for what's it worth, thanks.

Acting Chairman Forbes-Watkins: Thank you. Other comments.

Jorge Lepre, 18 Chestnut Drive: My wife is Sabine Reichert. We live just across the street. I can say our main concern is related to Chestnut. It's a narrow street and we park our cars. I don't know (inaudible) take a dumpster or lots of contractors coming in. I wonder if the pressure goes along we would like to have some rules for the contractors to park on Circle Drive, for example. Of course, if they are bringing materials they can ... you know what I mean, I think. We are just sharing ... our driveway is right in front of the project, of the working area. So we don't want the contractors to block it. Do you want to add something?

Acting Chairman Forbes-Watkins: I have to tell you that the Zoning Board has interests in a number of things, but it does not have any responsibility or interest in dealing with the question of construction, of vehicles, construction materials, et cetera. That is an issue to be dealt with the Building Department, OK?

Mr. Lepre: OK.

Acting Chairman Forbes-Watkins: I hear what you're saying. We are powerless to deal with such.

Mr. Fuller: I want to comment. In terms of staging and that, we were going to use our front area to pull our material on so it wouldn't be on the road. And in terms of dumpsters, I was going to use the latest and greatest, which are these bags that you can get that hold up to about 3,200 or 3,500 pounds. A dumpster truck comes by with a lift and takes them away. Those can actually go on the front lawn area or staged somewhere so they'd be there with minimum impact at that house.

Mr. Lepre: Otherwise, since this project is not really in front of us, of our west view, it seems reasonable. If it's reasonable to the Board it is reasonable to us, I think.

Acting Chairman Forbes-Watkins: Please identify yourself.

Sabine Reichert: I think my husband already introduced me. We're south of that project. I went to the Village and looked at the drawings. From our side, it's not blocking any sunshine, it's not blocking any view because we have this scraggly just in front of it. And we will keep it because we have a utility policy there. So in that sense, it's not going to influence us that much. The only concern would be us neighbors may say the neighborhood is getting denser. That is the only concern we might have besides parking and dirt and noise and getting our driveway blocked. Thank you.

Acting Chairman Forbes-Watkins: Are there further comments?

Norman Luetters, 21 Chestnut Drive: I'm two houses up from Michael Fuller's house. I've lived there since 1982. My wife's gone back another 20 or 30 years plus. So we're old residents, and one of the things we appreciate is the diversity of the housing and the beauty of the neighborhood that we've enjoyed for all these years. We have a congenial relationship with Michael, though I had no idea this was happening. There was no delivery of notice to my house because of confusion in the records at the town hall level. That's because of other things not related.

My concern is, first of all, appreciation of the congeniality which we call a loving relationship with neighbors. That's something we enjoy in our neighborhood. We have a warmth of feeling, and that's something we like to maintain. The second thing is that we want to respect our neighbors, their preferences and their concerns. I think that should be, and could be, universal. And I think that is the desire of Mr. Fuller. So with that being said, I also appreciate the architectural efforts that are made to enhance the neighborhood. A number of homes have had changes made, including down the block, across the street behind us. We have a view of a house. Efforts have been made to maintain the architectural integrity of these homes to such a degree that it's not even evident that a change has been made in many cases, in spite of almost doubling the size of a house.

In this case, I appreciate the fact that this is a Dutch Colonial style house, basically, if I'm correct. You'd know better than I, but I view it as a Dutch Colonial. Which has a certain characteristic, with the gabled roofs and so on. The extension that was made initially I'm well aware of, as we saw it develop. And I must say that Mr. Fuller has brought a great enhancement to that home. It was dilapidated, it was falling apart, the yard was in shambles. He really enhanced the neighborhood with the architectural effort he made, especially with the decks and the exterior appearance as well as making it architecturally harmonize. With the exception, I might say, of that extension in the back, which is the recreation room or the family room. It's quite large and it does not match the style.

But being as you have already heard, only one story high it's very unobtrusive, generally,

when you drive by it. Especially because Mr. Fuller – again, with a thought of the neighborhood – has made a nice large hedge which has kind of covered that whole view. And you can only see it when you go down a little lane there. So the result is it's almost unnoticeable as you go by it. What is noticed is the fact that those ... you were mentioning the architectural style of the uprights as you extended the room – I guess it was a side entry, towards the back of the house – is all matching to the very last detail. He's made the brickwork and the stucco all match so it's very nice.

I just don't appreciate – and maybe I don't understand it fully – what I've seen here tonight: a statement that's outside the realm of the Dutch Colonial style. That, in itself, may not make it massive in relation to the home. I appreciate that, it's a large home. But in relation to the view of the neighborhood and the style of the neighborhood it's kind of a massive statement, my first impression. This is really my first impression. So I'm a little concerned as to having this kind of protrude in a very distinctive way that sets it off as a kind of special house that's not quite here or there. I'm not sure how you would describe it in terms of architectural style. I know there's a function you need, and I appreciate that as well. I don't know if you refer to yourself as an architectural review board or as a panel that reviews the proposed architectural changes.

But I would say that in terms of architectural review, it's a good concept to maintain the integrity of the architectural styles so it has a pleasing demeanor in all angles, in all aspects. Sort of like the English garden view, where they walk around and you view all the plants in a different angle and they always make a beautiful composition. I think that's also true of a house. You can look at a house from different angles and can appreciate the architectural integrity of the style. So that's my observation.

Acting Chairman Forbes-Watkins: OK. I thank you for that, but I have a question. You say you did not receive notice?

Mr. Luetters: That's correct.

Acting Chairman Forbes-Watkins: Why is this?

Mr. Luetters: Well, there's a mixup in the records keeping department, and I think the assessor has made that change now. From knowing about it through a neighbor, I found out about this hearing. Then I went to the town and said what's going on. They explained that my property doesn't exist anymore. I said that's great if someone else is paying the taxes.

Village Attorney Whitehead: He's here so he can't object to it.

Acting Chairman Forbes-Watkins: He cannot object to not having received notice.

Village Attorney Whitehead: He's here, so ...

Mr. Luetters: Well, all I'm saying it I'm a resident since 1982, and it's not my responsibility to mix up addresses and names.

Acting Chairman Forbes-Watkins: But this is a question of a satisfactory notice. Since you're here you got the satisfactory notice, according to this.

Mr. Luetters: That's right.

Acting Chairman Forbes-Watkins: Otherwise, you wouldn't have gotten satisfactory notice.

Mr. Luetters: That's correct, thank you. No further comment.

Acting Chairman Forbes-Watkins: Are there other comments?

Mr. Funaro, 25 Chestnut Drive: I'm three houses down. I would just like to say that we have zoning in this neighborhood and that zoning calls for a 30-foot setback from the street. Most of the houses, in fact, are set back 30 feet. Here we have a house that is already nonconforming on the first floor, which I guess is 4 feet. And as people have said, there's a hedge there that sort of covers the view of that. But adding a second-story addition that close to the street is really adding a lot of mass very close, and it's really violating the spirit of the zoning in this neighborhood. I think it'll detract from the neighborhood because of that.

Maryanne Funaro, 25 Chestnut Drive: We moved here in 1984 from Manhattan and we're like overwhelmed by the beauty of this neighborhood, including Chestnut bisecting Circle Drive. Their address is 25 Circle, ours is 25 Chestnut. We have gotten their mail and we have given it to them, but I've never gotten any mail I'm sure that was mine that was given to them. But that has nothing to do with this.

The house itself right now is massive. It's one of the biggest ... even since they added the addition since they came back, which is the largest house in the neighborhood. It is on the corner, two corner streets of Chestnut and Circle Drive. Now Circle Drive turns one way after Chestnut. The end of Chestnut is a steep, steep hill down to the end of Circle. A lot of cars have driven down that street because of the view you get from that corner. When you're driving down Chestnut you usually have to go in the other lane because there are cars parked there. I know that's not part of it, but it is a very dangerous corner. I think it's going to

become more dangerous. With the hedges, you can see cars coming down Circle. If that is built you will not see anything.

I think it's very dangerous. And to have only 4 feet setback, when all the other houses on Circle and Chestnut are way back, over 20 feet, it's going to like a big poopah (ph) house. You could look that up. I don't know, it might be a new word. I don't know, but it's not in character with the neighborhood. Right now, it looks beautiful because they have all daffodils in the front. They must have a great runoff. They also have a pretty yard. They extend it into their backyard. The reason they can't go to the other side of the house is because they built a gigantic swimming pool, which I think was contested and argued about when they built it. They walk out of their house, they walk right into their swimming pool. Otherwise, they could do it on the other side of the house.

I just can't understand how someone could have the inside ... even as ... I'm an artist. As an architect, to put that there onto that beautiful house as it is now, it is just grotesque to me.

Acting Chairman Forbes-Watkins: Thank you very much.

Ms. Funaro: And we did not receive a letter. We did not receive a letter of the plans.

Acting Chairman Forbes-Watkins: Well, again, you're here and therefore you received ...

Ms. Funaro: No, I had to call up a neighbor.

Acting Chairman Forbes-Watkins: But we need to follow up on this, I think, just as a general statement.

Village Attorney Whitehead: Well, it's the same house.

Ms. Funaro: No, no. He lives in another house. I had to call the neighbors to see what this is all about. I

Dep. Bldg. Inspector Minozzi: Excuse me, are you Mary?

Ms. Funaro: Maryanne.

Dep. Bldg. Inspector Minozzi: Maryanne Funaro?

Ms. Funaro: Yes.

Dep. Bldg. Inspector Minozzi: Your letter was brought to your house and signed for.

Ms. Funaro: Somebody signed for it? Who signed it? Mickey Mouse?

Dep. Bldg. Inspector Minozzi: This is why we have proof of mailings.

Ms. Funaro: I can't read that.

Village Attorney Whitehead: It goes to the address.

Acting Chairman Forbes-Watkins: Yeah, somebody signed at the house.

Village Attorney Whitehead: Somebody at your house must have signed it.

Dep. Bldg. Inspector Minozzi: Somebody at your house signed for it.

Ms. Funaro: It could have been the woman who came in to water our plants. This is not my signed signature.

Acting Chairman Forbes-Watkins: The fact remains that you're in attendance and therefore notice has effectively been given.

Village Attorney Whitehead: And we actually have proof of them receiving it.

Ms. Funaro: But I don't know who signed it.

Acting Chairman Forbes-Watkins: Now, there is a question. Do we now know that all the people who should have gotten ...

Dep. Bldg. Inspector Minozzi: I'm sorry, Mr. Chairman. I also have Mr. McDermott's card here as well. So that's both people that came up, there's proof of mailings here.

Ms. Reichert: Mr. McDermott's not here.

Village Attorney Whitehead: Yeah, that's not the one.

Dep. Bldg. Inspector Minozzi: 21 Chestnut Drive?

Mr. Luetters: I'm 21 Chestnut, and I was not allowed to have that. I could not receive it. The postal service says you cannot receive this.

Dep. Bldg. Inspector Minozzi: I have it right here.

Boardmember Anuszkiewicz: His name's not McDermott.

Mr. Luetters: On the records in town, they think ...

Boardmember Hayes: John had it wrong. They'd swapped the names.

Village Attorney Whitehead: The Village records have a problem.

Boardmember Hayes: It's an error on the town's part.

Village Attorney Whitehead: But I'm understanding that this gentleman has been to see them and gotten it straightened out, hopefully.

Acting Chairman Forbes-Watkins: All right. I'm sorry, I probably helped pursue this too far. We clearly have had some problems about mailing, but it appears that notice has properly, in some way or another, occurred and therefore we'll leave it at that.

Other comments or questions? Members of the Board?

Village Attorney Whitehead: I'm sorry, did you want to just acknowledge the one mailing?

Boardmember Anuszkiewicz: Another comment here.

Stephanie Von Stein, 17 Chestnut Drive: I thought it was useful what the previous architect did with the shadow drawing that showed how the view would be impinged from up the hill on Washington. It would be helpful. I mean, I can take pictures from my dining room, as well, but it would be nice to have those.

Acting Chairman Forbes-Watkins: There was one other comment received via e-mail to our chairman, who isn't here, Matt Collins, from Federik Paerels. I believe he is on Circle Drive.

Village Attorney Whitehead: Yeah, 19 Circle.

Acting Chairman Forbes-Watkins: I'll simply read the letter:

"Dear Matt, we took a look at the drawings on file on the proposed work at 25 Circle Drive. It looks fine to us, no comment."

OK, anything further from the Board?

Boardmember Hayes: First, I think you should consider whether you really want to put this to a vote right now.

Mr. Fuller: It's not that important to me. I'll just withdraw.

Acting Chairman Forbes-Watkins: You're withdrawing?

Mr. Fuller: Thank you for your time.

Dep. Bldg. Inspector Minozzi: You're welcome.

Acting Chairman Forbes-Watkins: That ends our hearings for the evening. We still have minutes, if the Boardmembers will stay. We thank the audience for their attendance and their comments.

APPROVAL OF MINUTES

Regular Meeting of February 26, 2015

Boardmember Hayes: David, I don't even know why we ... you're the one who always has all the comments anyway.

Acting Chairman Forbes-Watkins: We have the minutes to deal with.

Dep. Bldg. Inspector Minozzi: Please, the meeting's still underway.

Acting Chairman Forbes-Watkins: Are there any notes or comments on the minutes? Frankly, probably I didn't read with great thoroughness. But there was nothing that ...

Dep. Bldg. Inspector Minozzi: That's two firsts for me tonight. A withdrawal, and no comments from David.

On MOTION of Boardmember Hayes, SECONDED by Boardmember Anuszkiewicz with a voice vote of 4 in favor (Boardmember Leaf abstained), the Minutes of the Regular Meeting of February 26, 2015 were approved as presented.

Acting Chairman Forbes-Watkins: I have to say this as acting chairman.

Village Attorney Whitehead: Buddy, just one abstention on that.

Boardmember Leaf: I'm abstaining. I wasn't here.

Acting Chairman Forbes-Watkins: I have to make a comment, as Acting Chairman. We're getting too many things that have not come before the Planning Board or have not come out of the Planning Board. We're being asked to deal with stuff out of order. There are occasions, I'm sure, when that's best but I am finding it very frustrating. I think there are other members of this board who are finding it frustrating, and I would like to ask that we get back in order.

Boardmember Hayes: I second that.

Village Attorney Whitehead: We can try to set a policy that things shouldn't come here until the Planning Board review has reached a certain level. As I explained before, they do have a right to make the application so all we can do is try to encourage them that this is the procedure the boards would like followed.

Acting Chairman Forbes-Watkins: They can ask, but maybe if we make a point of saying ...

Village Attorney Whitehead: That this is the procedure.

Acting Chairman Forbes-Watkins: For instance, on view preservation I simply, as a basic policy, don't see why we should ever be asked to do a view preservation before we get a Planning Board statement.

Dep. Bldg. Inspector Minozzi: That would only happen when the meetings fall out of order. You can't ask somebody to wait two months for a meeting. It's just unfair. The only time we normally would see a view preservation before the Planning Board would be one of the two months where we fall funny. August, when we don't meet, we land early in September. And, of course, Thanksgiving when we don't meet. So that's the only time that that would ever really come to play.

Village Attorney Whitehead: Unless the Planning Board doesn't make a determination, it should be pulled off the Zoning Board agenda.

Dep. Bldg. Inspector Minozzi: That's fine.

Village Attorney Whitehead: It shouldn't go ahead. What happens, they generally meet a week before you.

Acting Chairman Forbes-Watkins: Right.

Village Attorney Whitehead: So people submit to both at the same time, and get put on both agendas. Because if you didn't do that they would have to go to the Planning Board first and then wait over a month to come to Zoning.

Boardmember Hayes: They just should pull it once they don't get it.

Village Attorney Whitehead: Right, that was what I'm saying. If it goes to Planning and does not get approved and it was on your agenda for the follow week, we can pull them. We could just tell people you're not going to on the Zoning Board next week, you're not going to go to the Zoning Board until you have Planning Board approval, or recommendation.

Dep. Bldg. Inspector Minozzi: For the record, I did recommend to the applicant that they don't come tonight.

Boardmember Hayes: Oh, I'm sure you did. I believe that.

Dep. Bldg. Inspector Minozzi: They, with wholeheartedness, wanted to present tonight fully knowing they weren't going to get any kind of answer. Being that they were on the agenda and it was already noticed, they just wanted to show you the project.

Boardmember Dovell: I think it was beneficial to have them come and present the whole thing. They heard our points of view so I think it is beneficial, even though we are not able to vote on some of it due to Planning.

Village Attorney Whitehead: And that's a big project.

Boardmember Hayes: I'm going to disagree with you, Ray. Because when we have to vote on it, I have to hear that whole thing again. I'm not going to take one thing I heard tonight ...

Boardmember Dovell: It's a big enough application that we have an obligation to look at it again. This is an important piece of Hastings business. I don't think we can expect to discharge it in one meeting.

Boardmember Hayes: Well, that may be. But this was not a meeting where they were looking for a variance. And we're not a group of consultants.

Boardmember Dovell: Well, some of what we do, I think, is advisory.

Village Attorney Whitehead: They're in a tough position because they've got to go back to the Planning Board. They wanted your input. If there was something that this board – a majority of this board – felt very strongly about they could make that change then before going back to the Planning Board. And this is unique to the bigger projects. You're only really going to see that with them. Larger projects that need variances or view preservation will have some back and forth, and it actually is beneficial to the process.

Boardmember Leaf: The point that David and Sean are making is a good point, and as a general point it could be the way that we normally do things. I actually agree with Ray in this particular case, where you've got something that is of such importance to so many people and that is going to really take some thinking about it, the fact that they present it once and then the next time they come up and we're here we get to see the plans again and to look at it and to think about it, I think that actually adds to the quality of our deliberations.

Boardmember Dovell: It will make a better project, ultimately.

Acting Chairman Forbes-Watkins: Frankly, I thought we would hear talk from the audience.

Boardmember Anuszkiewicz: I did, too. I was shocked that no one was here to speak.

Acting Chairman Forbes-Watkins: Yes. There were a number of people here. I saw them, I said OK, we're going to hear quite a number of them.

Village Attorney Whitehead: There were a lot of people at the Planning Board.

Boardmember Hayes: I think they knew that maybe this wasn't going to be the decisive night.

Village Attorney Whitehead: There were a lot of people at the Planning Board, and I think as the plan develops and they do eventually come back to you you'll see more people. They

felt like they got their comments out at the Planning Board, but I think they knew the plan was going to change. They weren't going to come again a week later when they know with plan's going to change.

Boardmember Hayes: Were those comments favorable at the Planning Board?

Village Attorney Whitehead: Most of the Board liked the plan, liked the new plan, had some similar comments to what some of you had here, that it's a big improvement. I mean, things like the roof height and the slope of the roof, which they've already said they're going to change.

Boardmember Dovell: That was a really good catch because that was just a scam to get another floor out of it.

Village Attorney Whitehead: And that was raised, that the attics could be finished later. They tried to argue that they were trying to match the slope of the existing building, but they clearly heard from the Planning Board that that wasn't going to fly.

Dep. Bldg. Inspector Minozzi: And after conversations with them on Monday, he asked what the minimum required height in an attic is and I told him 7 feet. He goes, "I'm making it 6' 8". Just to make sure you know it's not going to be habitable.

Village Attorney Whitehead: There was a lot of discussion and comment on the parking for the existing structure, which wasn't presented tonight because they completely changed it already from what was shown on the original plans. The Board had a lot of site plan issues with that.

Acting Chairman Forbes-Watkins: Part of what bothers me, though, is I spent some time looking at those plans expecting to talk about the plans that were there. And we have a week ahead, all of a sudden they all change so Sean's point is quite valid. If you're getting something that isn't going to be worth talking about, why talk about it?

Boardmember Dovell: Because it's a dynamic process, and it's going to go back and forth.

Acting Chairman Forbes-Watkins: Well, give me something ...

Boardmember Hayes: Ray, that's what planning boards are for. That's an iterative board. This is a board that rules on matters of law. It's very different from a planning board. And I'm friends with people on the Planning Board, they live up the street from me and we've had this conversation. It's a totally different atmosphere, and this board has become like a de

facto second planning board at times. And I think that's not the right approach. We should be more focused on what's in the law and the cost-benefit analysis. I think it's great to give the architectural input because I can't, and it's important. But in instances where we can't make a decision ... and I understand this is a big project, but you were here last month and that was a disaster, an unmitigated disaster, whoever that was.

Boardmember Dovell: The one on High Street?

Boardmember Hayes: Yes.

Boardmember Dovell: But that was because you couldn't make sense of the drawings.

Village Attorney Whitehead: That was bad.

Boardmember Hayes: He wasn't asking for the right variance. But we're seeing that too much, right? I actually said this to Matt. I actually think it's his job to cut him off, and be like come back. Five minutes, that's it.

Boardmember Dovell: She was prepared to hand out new drawings tonight with the minor change.

Boardmember Hayes: No, I know.

Boardmember Dovell: She was prepared to hand them out.

Boardmember Hayes: I'm not saying she wasn't prepared. I think she was prepared.

Acting Chairman Forbes-Watkins: She does an excellent job of presenting.

Dep. Bldg. Inspector Minozzi: You have to understand, it's the Board's prerogative to say I don't like the drawings, I don't like something about the application and defer it to next month.

Boardmember Hayes: You're absolutely right, and that's what we should be doing, in my opinion.

Dep. Bldg. Inspector Minozzi: The one we had last time.

Boardmember Hayes: They should have been booted in 5 minutes.

Dep. Bldg. Inspector Minozzi: It should have been stopped, and I would have had to go along with that.

Boardmember Dovell: I disagree.

Boardmember Hayes: They guy last month, you don't think we should have cut him off after 5 minutes?

Boardmember Dovell: No, that was an incomprehensible presentation.

Boardmember Hayes: And if I had been close to Matt I would have been kicking him under the table.

Dep. Bldg. Inspector Minozzi: I was pulling my hair out.

Boardmember Dovell: No, I agree. But that was a case where it was a minor application, what they were trying to do and there wasn't a lot of money.

Boardmember Hayes: They just blew it.

Boardmember Dovell: There wasn't a lot to go around, and he bumbles along and tries to get to the finish line. He didn't do a very good job.

Boardmember Hayes: That's an understatement.

Village Attorney Whitehead: But the owner spoke better.

Boardmember Hayes: Yeah, he did.

Village Attorney Whitehead: And I had seen the owner at the Planning Board.

Acting Chairman Forbes-Watkins: Are we off the record?

Dep. Bldg. Inspector Minozzi: No, a motion to adjourn has not been made yet.

ADJOURNMENT

On MOTION of Boardmember Hayes, SECONDED by Boardmember Leaf with a voice vote of all in favor, Acting Chairman Forbes-Watkins adjourned the Regular Meeting.

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Dep. Bldg. Inspector Minozzi: Now we're off the air.