

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 23, 2017**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, February 23, 2017 at 8 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

Acting Chairman Forbes-Watkins: Good evening, ladies and gentlemen. This is the February 23 Zoning Board of Appeals meeting.

As you can see, the dais is semi-empty so I need to explain the rules of today. Any approval by the Zoning Board must be made by a majority of the totality of the Board. That means that all three of us here must approve something if it is to be approved and voted upon this evening. Because we are short people, it is the option of the applicants to hold the vote for another occasion, and you will be given that opportunity to make that decision as we get near the voting time.

We have two microphones, one standing in the middle and one in Mitch Koch's hands. I ask that anybody who wishes to speak please identify yourself and use one of the microphones. We do record the minutes of the meeting in full, and if you're not speaking into the microphone some of the words get missed, which is unfortunate.

The other thing I will say is that we are not following exactly the order of presentation on the agenda. We'll be starting with case 02-17, followed by case 03-17, followed by case 02-16. That is Brumberg, Cherkin and Arrow, in that order. With no further adieu, one check. Have we received information on the mailings?

Building Inspector Minozzi: I have been informed by my staff, Mr. Chairman, that the mailings are in order.

Acting Chairman Forbes-Watkins: OK. I think this is the Mitch Koch show tonight, so Mitch you can start the first one.

[Case No. 02-17](#)
[Esther Brumberg & Frank Silverstein](#)
[26 Marble Terrace](#)

Relief from the strict application of the Village Code Sections 295-72E.1.b&c and 295-72E.2 for reconstruction and construction of an existing rear deck and stair and a new rear staircase at their two-family home located at 26 Marble

Terrace. Said property is in MR-1.5 Zoning District and is also known as SBL: 4.70-57-3 on the Village Tax Maps.

Non-conformity details of the proposed reconstruction and construction of an existing rear deck & stair and a new rear staircase are as follows:

Building Coverage: Existing – 41%.; Proposed – 42%.; Required Maximum – 15% {295-72E.2}; Variance Required – 27%

Side Yard: Existing – 5.67 feet/18 feet; Proposed – 4.17 feet/11.42 feet; Required Minimum 12 feet {295-72E.1.c}; Variance Required – 0.83 feet

Rear Yard: Existing – 1.0 feet/4.66 feet; Proposed – 0.083 feet/ 5.17 feet; Required Minimum – 30 feet {295-72E.1.b}; Variance Required – 29.9 feet/24.83 feet

Mitchell Koch, project architect: Hello everybody and welcome to my world. I just want to say that we're here tonight for addition of one stair and, actually, relocation of another stair or rebuilding in a new location. The current back of the house looks like this. The condition of the houses on Aqueduct Lane are that they are existing, nonconforming structures because all the houses, including mine, are set way back close to Aqueduct Lane. As a matter of fact, if you look at where I've got the cursor this is where the rear yard setback lane is for our zoning district. This little light-gray area on this drawing is the only allowable buildable area on the property by as-of-right code.

As you can see, in the past there was a wood stair right here once upon a time. Basically, the idea is to restore that. It's coming from an existing deck and, as you can see, we're going to have to reframe slightly to make the stair work. So we're eating up a little piece of the deck right here. The existing stair down to Aqueduct Lane could be located a little bit better vis-à-vis this new stair and the door into the apartment, which is right where I'm wiggling the cursor. It's going to be to align that. Neither of these stairs are as-of-right. One condition is exactly as it was before, and the other one basically is new but completely tucked away. So we're also here for view preservation. I just wanted to show you the neighbors down the way.

Building Inspector Minozzi: I just want to interject, Mr. Chairman, that this applicant is in the view preservation district and they did receive a view preservation waiver from the chair of this board, the Planning Board and myself.

Acting Chairman Forbes-Watkins: OK.

Mr. Koch: Thank you. It looks like I'm having a case of the slows here, loading this JPEG.

Let me just suffice it to say that it's a typical condition on Aqueduct Lane for there to be stairs coming down into what is almost the property line. But I'm not going to get this, it looks like. There you go – sorry – the neighbor's stairs. This is immediately adjacent, and you can see that the houses are very close to Aqueduct Lane. This is a retaining wall under here.

Without further adieu, I would open it up for questions because to me it seems like a fairly straightforward thing. Here's a Photoshopped rendering I did of where the stairs would fall relative to this existing deck. Part of the work will involve taking these railings off, redoing the decking; the framing will be maintained pretty much, and the railings will become a cable rail.

Acting Chairman Forbes-Watkins: The only question I have is, the stairway going further down is simply leading into the yard, to the extent that there is one.

Mr. Koch: That's correct, yes. There is an existing immediate landing down there that is home to an oil tank. You can see it sketched behind the proposed stairs.

Acting Chairman Forbes-Watkins: Ah, yes.

Mr. Koch: And there are several risers of cast-in-place concrete already there that take you up from the backyard. The idea would be to just keep going, which we assume is the way it was set up once upon a time, based on the survey.

Building Inspector Minozzi: Mr. Chairman, can I just interject one more time? I know the variance for this staircase is extreme, but this does border on a paper street of the Aqueduct, the extension of Aqueduct Lane, and many of the other dwellings on this paper street have the same type situation. Thank you.

Acting Chairman Forbes-Watkins: It seems very straightforward to me. I'll ask my colleagues if they have any questions for comments.

Boardmember Anuszkiewicz: Stair two, that's all on your property?

Mr. Koch: Yes, that's actually on the property.

Boardmember Anuszkiewicz: So that part of the retaining wall on the Aqueduct is on the property of this house. How much room is there between the stair and the property line?

Mr. Koch: Probably right on the property line. Bear with me, I'll show you.

Building Inspector Minozzi: The new staircase is 5.17 feet, according to the plans.

Mr. Koch: Yeah, we have two stairs. But if you look here at the corner, this is really where the property line falls based on this survey and our survey of the house itself. We took the metes and bounds and put the house into it. You can see there was an existing scary, terrible stair here, and we're just kind of rebuilding it a little bit better over here. We'll fall within the property line, just.

Boardmember Anuszkiewicz: So you're building two new stairs.

Mr. Koch: Yeah, we're just replacing an existing stair and relocating it – you can see that – and putting this new stair in. The purple hatched areas are the new nonconforming bits.

Boardmember Anuszkiewicz: Well, I feel like I'm always telling you other ways to do things.

Mr. Koch: Well, we've looked at a lot of different things.

Boardmember Anuszkiewicz: I had a thought.

Mr. Koch: Go ahead, shoot it.

Boardmember Anuszkiewicz: Why build two stairs? Why don't you just come down stair number one four steps to a landing and then bridge the landing over to the Aqueduct?

Mr. Koch: Well, we need to maintain access to that oil tank, for one thing, and there's not room. That's the sad fact of it. We're looking at that; obviously that makes good sense, but we can't make it work. This section is too tight and too high to actually have a landing here – or here, I'm sorry – and then get over here without making an obstruction to someone servicing this oil tank.

Boardmember Anuszkiewicz: Yeah, I see that. I don't have a problem with the way you have it. I think the other neighbor has it that way, too, and I don't see anything better.

Mr. Koch: Yeah, we wish we could have done it otherwise but couldn't make it work.

Acting Chairman Forbes-Watkins: Ray, do you have any questions at all?

Boardmember Dovell: I think this would be characterized as a minimal variance; it's about

5 square feet.

Mr. Koch: Thank you.

Boardmember Dovell: I have nothing further. I think it's appropriate and I think there's a number of examples on the street that follow a similar method, so I don't have an issue.

Acting Chairman Forbes-Watkins: Are there any questions or comments from the audience? There being none, I will ask if you wish to have us proceed to a vote.

Mr. Koch: Yes, my clients want you to proceed to a vote.

Acting Chairman Forbes-Watkins: Can I have a motion to cover this proposed variance?

On MOTION of Boardmember Anuszkiewicz, SECONDED by Boardmember Dovell, with a voice vote of all in favor the Board resolved to approve the reconstruction and construction of an existing rear deck & stair and a new rear staircase at 26 Marble Terrace with the following variances: 1) Building Coverage: Existing – 41%.; Proposed – 42%.; Required Maximum – 15% {295-72E.2}; Variance Required – 27%; 2) Side Yard: Existing – 5.67 feet/18 feet; Proposed – 4.17 feet/11.42 feet; Required Minimum 12 feet {295-72E.1.c}; Variance Required – 0.83 feet; 3) Rear Yard: Existing – 1.0 feet/4.66 feet; Proposed – 0.083 feet/ 5.17 feet; Required Minimum – 30 feet {295-72E.1.b}; Variance Required – 29.9 feet/24.83 feet.

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Mr. Koch: Thank you.

Acting Chairman Forbes-Watkins: You're all set.

[William Cherkin](#)
[105 Lincoln Avenue](#)

Relief from the strict application of the Village Code Sections 295-68F.1.a and 295-55A for construction of a new second story addition at his home at 105 Lincoln Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.90-78-1 on the Village Tax Maps.

Variances are sought for Front Yard Setback and the extension of an Existing Nonconformity for second story addition:

Extension of nonconformity front yard: Existing – 25 feet; Proposed – 25 feet; Required Minimum – 30 feet {295-68.F.1.a & 295-55.A}; Variance Required – 5 feet

Mr. Koch, project architect: I'm the architect for Willy and Diane. This is the house on Lincoln Avenue. I think there were maybe three in the development once upon a time. This is the side view. The existing house is nonconforming along the front. As you can see, we've hatched the nonconforming front yard intrusions. What we're trying to do is build an addition – honestly, in a studio – and future master bedroom above the bedroom wing of the house. By dint of the existing nonconformity, the addition will also be nonconforming for the first 4-1/2 feet. You can see there's 25.6 feet from the property line to the corner and that will hold, so we're extending a nonconformity.

The idea is really an enlargement of the existing one-story. To turn the roof line around gives an opportunity to do some solar panels perhaps; perhaps we can extend the roofline a little bit to add a little interest. I created a little Photoshop rendering to how it would sit relative to the neighbors. You can see this, and this is the house directly behind it on the hill, which everybody probably recognizes, from the corner of Farragut and Mount Hope.

Female Voice: Lefurgy.

Mr. Koch: Lefurgy, I'm sorry. Thank you, I stand corrected. Basically this is a house that's on Lefurgy, on the other side of Mount Hope.

I think that's pretty straightforward. I can review the plans for you. We're basically going to add a stair over the existing stair, and there would be a small bulkhead on the other side of the roof which we haven't explored exactly. Here's the existing first floor, and above it would be this, basically, bathroom, a stair hall, and then a big studio. Everything here is as-of-right and the height of the thing is as-of-right; it's only the projection into the front yard.

Boardmember Dovell: And it's only the second floor portion.

Mr. Koch: Yes, there's an existing first floor portion which is not being extended.

Acting Chairman Forbes-Watkins: As I recall looking at the property, the house – I believe north, further in on Lincoln – is exactly the same design as the one we're doing here.

The only difference I noted is that this property is somewhat higher than both the property out towards Mount Hope and also the property in further on Lincoln. I'm wondering whether this addition will look bulky in perspective with the rest of the street, the parts of the street we see. Your thoughts.

Mr. Koch: In the first place, the house to the north actually sits up the hill a little bit higher because the driveway goes up.

Acting Chairman Forbes-Watkins: It looks lower because it's of the same vantage line.

Mr. Koch: Somehow, yes, but it's definitely one of the builder's houses. I think there were those three. It's certainly going to be a significant enlargement to the house. On the other hand, I think it's appropriate and takes – hopefully, when we're done working with the materials and façade – what is currently a pretty banal, straight-eave'd house and add some interest to it.

Acting Chairman Forbes-Watkins: On the other hand, the change of roofline adds to the height of the entire building, right?

Mr. Koch: That's correct. But I want to repeat that that's ... I think we're showing 31 feet from the driveway, so the actual average grade would be a little less than 31 feet. I'm sorry, I'll find it here.

Boardmember Anuszkiewicz: So in other words, in your allowable height.

Building Inspector Minozzi: That's a 35-foot maximum in that zone.

Acting Chairman Forbes-Watkins: That's not the issue. I'm only worried about the appearance across the street, the bulk this might add in the neighborhood.

Boardmember Anuszkiewicz: I see what you're saying, David. I think it's accentuated a little bit by the fact that the original house is kind of an modern kind of house and this is giving it a different aesthetic. But I'm not bothered by it. I think, actually, it gives the house a lot more character than it had previously so I'm not as troubled by it. And it's a wooded site, a lot of big trees up there. I think the bulking mass probably is seen that way.

Acting Chairman Forbes-Watkins: Have we had any comments from the neighbors on this? OK, we have a neighbor there. Please come forward and identify yourself.

Building Inspector Minozzi: You can use the mic that's up front.

Richard Steinberg: My wife, Liz, is here as well. We live across the street so we're looking at the three houses that you just described. We're here in support of the project. We think it would add a character and a beauty to the neighborhood, and we hope it moves forward. So we're very much supportive of what it would look like.

Acting Chairman Forbes-Watkins: Thank you.

Boardmember Dovell: I think because it's already 25 feet back – which we don't normally see, we normally see bigger variances – that it really is a minimal variance. And I agree. I think it's within keeping with the character of the neighborhood. I have no problem with it.

Mr. Koch: William Cherkin ...

Mr. Steinberg: The applicant has a letter to read, if that's OK.

William Cherkin, applicant: I've been living in the house with my wife, Diane, for 29 years. And it's really a time when most of my friends are moving out of town. They're asking us why are you doing this. We're making a new commitment to being in the village we love so much. We've lived here a long time.

I have two letters I'd like to quickly read. This is from Rich and Liz, who live directly across the street. And I have letters from the two neighbors on either side. This is from Rich and Geraldine Harrington – they live at 109 Lincoln Avenue right next door – and they wrote:

"We have spoken with our neighbor, William Cherkin, in depth about the proposed plan to add a second-story addition at his home at 105 Lincoln Avenue and the need for a variance needed due to the nonconforming 25-foot front yard setback. We are in total support of his project, and feel there would be no negative impact at all. The street consists of one- and two-story homes now, and the completion of his house project would fit in nicely. We will be away on vacation."

If you want to call them, they gave their phone number.

Now this second letter is from the neighbor to the south, right on the corner:

"To whom it may concern,

"We are writing to support William Cherkin in his application for a variance to allow an addition to his home at 105 Lincoln Avenue, Hastings-on-Hudson. Willy and Diane are always extremely considerate neighbors, and we are certain the work will be done in a way that will not inconvenience anyone or create an undesirable situation after the work is complete.

"In addition, their aesthetic sense means that anything they do will only serve to enhance the neighborhood for all, and we urge you to grant his variance."

This is signed Laura Weitzman and Donna Shepherd.

Acting Chairman Forbes-Watkins: OK, thank you very much. Could we have those?

Building Inspector Minozzi: Could we have those letters, please?

Mr. Cherkin: Yes.

Building Inspector Minozzi: Thank you, sir.

Mr. Cherkin: Thank *you*. Thank you for your consideration.

Acting Chairman Forbes-Watkins: Anything further from the audience? Mitch, do you wish to proceed to a vote?

Mr. Koch: Not yet, because I have to disclose something. It came to my attention that this dimension of 31 plus or minus is wrong; it's actually 32 feet plus or minus.

Acting Chairman Forbes-Watkins: The height?

Mr. Koch: The height, so I need that to be read into the record because we don't want to be in trouble later.

Building Inspector Minozzi: It's still conforming.

Mr. Koch: Yes.

Village Attorney Whitehead: So you've just put it in the record.

Acting Chairman Forbes-Watkins: OK, it's in the record. Thank you. Do you wish to go ahead with the vote?

Mr. Koch: Yes.

Acting Chairman Forbes-Watkins: Can I have a motion?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Anuszkiewicz, with a voice vote of all in favor the Board resolved to approve the construction of a new second story addition at 105 Lincoln Avenue with the following variance: 1) Extension of nonconformity front yard: Existing – 25 feet; Proposed – 25 feet; Required Minimum – 30 feet {295-68.F.1.a & 295-55.A}; Variance Required – 5 feet.

Case No. 20-16
Ethan Arrow & Fabian Engelbertz
4 W. Main Street

View Preservation approval as required under section 295-82 and relief from the strict application of code Sections 295-55.A and 295-76.E.3 of the Village Code for the addition, alterations and decks to their multi-family dwelling at 4 W. Main Street. Said property is located in the CC Zoning District and is known as SBL: 4.70-48-10 on the Village Tax Maps.

Variance is sought for the extension of an Existing Nonconformity: Side Yard (against single-family residence): Existing and Proposed for roof deck – approximately 6.33 feet Required minimum – 10 feet {295-55.A and 295-76.E.3}

Acting Chairman Forbes-Watkins: The first question I'm going to have before you start is, it seems to me that we can deal with only one proposal. At this point, we have the possibility of two proposals, so make certain we're clear as to what it is that's being brought forth.

Secondly, if alternative B is the one you wish to bring forth we have a problem in that the notice for that variation is not complete, not correct, and therefore will have to be re-noticed and we can't vote on the issue tonight.

Mr. Koch, project architect: Could you clarify that, please?

Village Attorney Whitehead: I can. The notice, the original notice for the original plan, noticed the side yard variance for existing and proposed for roof deck approximately 6.33 feet. So even though the variance is the same, if the dining room is shifted over the variance, the side yard variance is not just for the roof deck. It's also for the addition. That has not been noticed that way.

So it can be heard tonight. As I think you're aware, because there's only three members here I don't know that you would want to vote anyway, but they cannot vote on that variance tonight.

Mr. Koch: I'm deferring to my clients. I think this might be a good opportunity to just get some clarifications and talk about other procedural things.

Village Attorney Whitehead: That's fine. You can go ahead and present, but just understand that they can't vote on that variance tonight.

Mr. Koch: I guess, if I may, I'm just going to quickly introduce plan B. You've seen it at the last Zoning Board hearing. We looked at all the different parts of this project. Basically, to recap I will say that I feel we established the view of the addition – even as proposed at that time – did not obstruct the view of the river or the Palisades from the apartment above. However, the railing of the deck made a partial obstruction.

Acting Chairman Forbes-Watkins: That is correct.

Mr. Koch: But the two other questions remain: whether we were obstructing a view from the window behind the point of sale at Rockwood & Perry; and to what extent we were obstructing the view from the backyard. There were four things we were taking up.

The Zoning Board proposed, as a compromise, that we take the addition – which I had cleverly decided I could make all as-of-right and push it close to Rockwood & Perry – and said just try pushing it back the other way, notwithstanding the need for another variance which is the thing that didn't get noticed. That's what we did.

Village Attorney Whitehead: Just to clarify for the record, the Zoning Board said let's look at that alternative.

Mr. Koch: Fair enough. Correct.

Village Attorney Whitehead: It wasn't like it was the Zoning Board's plan and they said do

that. They said let's look at the impact of that with it in that form.

Acting Chairman Forbes-Watkins: I think we should make it a little further clear.

Mr. Koch: Yes.

Acting Chairman Forbes-Watkins: I don't believe the Zoning Board is ever in a position where it can dictate to do something, period.

Village Attorney Whitehead: Right. It was suggested.

Acting Chairman Forbes-Watkins: We suggest, we talk about, but we cannot dictate.

Mr. Koch: And I'm grateful for that.

Acting Chairman Forbes-Watkins: We don't want to and never would.

Village Attorney Whitehead: It was suggested.

Mr. Koch: I retract what I said – that nobody made us do anything. I am ashamed for having ...

Building Inspector Minozzi: Mitch'll be in my office and we'll be talking about this.

Mr. Koch: All right. Now that being said, here's the plot plan of it. The original addition came where I have the cursor, and we moved it back this way. This shows the approximate 13-degree increase of view from the window at Rockwood & Perry. I set up another mockup in the backyard and moved it over to the corner of the building. I know Ray was there and looked at it. I took this photograph standing below the window at Rockwood & Perry, directly below it, and this is the device, the mockup, and this is the little Photoshop rendering I did. You can see the device in the background. This shows the amount of obstruction if you're standing sort of outside of the window. Although I want to say that within the shop you have to stand behind the cash register or in line with the column to even see the corner of this building, based on the location of the mockup.

From the backyard, I took another shot and this is from the table in the backyard. Basically, I'm showing that the corner of the addition in the new location actually aligns with the corner of the building down at, I think it's 8 West Main. From this spot in the backyard there's no view obstruction from the addition. But I don't want to pretend that from this part of the backyard – which is against the building – there certainly is a view obstruction. It's only a

couple of feet away, and the whole thing turns around.

Finally, I just want to go on the record and say in the summer when you're out there you don't see the river because it's all leaves, all beautiful trees. That's plan B in a nutshell.

Acting Chairman Forbes-Watkins: OK. Now, is that what you wish us to focus on?

Mr. Koch: Yes, please.

Acting Chairman Forbes-Watkins: OK. The mockup does certainly show a backyard problem, but I'm struck by the fact that we're talking about a vision from the backyard that just is not going to be taken because it's cold in the winter when the view is there. View preservation from yard to yard is a summer issue, basically, so we're talking about the building it seems to me. There, anything we can do to reduce the amount of visual impairment of the river and the Palisades is certainly desirable. And I hope we can reach a conclusion that satisfies that desire.

Now, do we have any thoughts on this?

Boardmember Dovell: Usually when these things have come before us before us they're houses with a lot more area around them.

Acting Chairman Forbes-Watkins: Yeah.

Boardmember Dovell: We haven't seen many cases where they're close together. And what troubled me about this really was the ground floor – the terrace level – obstruction because it was quite significant. When I walked down there, it obstructed from various points in it and obstructed quite a percentage of the view of the river, regardless of whether it's summer or winter. I think the winter view is just as legitimate as the summer view. I would argue that.

Then looking at it from the window, there is a large percentage of obstruction. And there may be another way to do this. I don't want to argue against the scheme because it seems quite sensible and seems like a needed scheme. But I'm wondering if there is a different solution, even if it requires an extended variance to the west. There may be another way to create something that satisfies the homeowners for the very real need of getting a kitchen and a dining area in a very small ... I think you said the floor is about 750 feet, something like that, so it's a very tight floor plan and this is really a needed relief. But I would just question whether there might be another way to do it, even if it involves a variance – a greater variance – to the west.

Acting Chairman Forbes-Watkins: Would that entail moving the dining area yet further west, do you think?

Boardmember Dovell: That's up to the architect to understand.

Acting Chairman Forbes-Watkins: But that's the thought process you have.

Boardmember Dovell: But the obstruction from that ground floor was quite significant, I felt. And by parallel, if you take it up to the second floor there is a significant loss of view; much greater than we see where it's a dormer or something like that sticking out over a ...

Boardmember Anuszkiewicz: I don't think there's a significant loss of view here because this is a one story addition.

Boardmember Dovell: I'm sorry, from the first floor. I meant from the first floor; from the first floor window, not from the second floor which is only the railing. Perhaps there's another way to do it.

Boardmember Anuszkiewicz: Well, personally I think the applicant should be commended for going as far as they've gone. I think this is an effort for them as a complete redesign of what they came to us with the first time. I know that's time-consuming and expensive so I think they should be commended for trying to make that work. I see what you're saying that some of the view is blocked, but I'm not sure anything's going to get done here without some of the view being blocked.

Boardmember Dovell: I don't disagree with that, but I was really impressed with how much of the view was blocked from the terrace level out back. That's a lovely area. If it were fully used I think it would be a significant issue for somebody. I don't think it's used all that much right now, but it is a real block of that view. You can see that in the first ... go back an image, Mitch – that view.

Boardmember Anuszkiewicz: I think that's a shot from not the backyard, right? Isn't that from the window?

Mr. Koch: It's standing directly under the window in the backyard.

Boardmember Anuszkiewicz: Yeah, so it's a little over here.

Boardmember Dovell: So if it's over here it's the same thing.

Boardmember Anuskiewicz: Right. Again, I understand that point, but it's less of a blockage than it was before.

Acting Chairman Forbes-Watkins: I think you're exactly right in noting the attempt. The question is, is it still too much; from the concept of view preservation, is it too much still?

Boardmember Anuskiewicz: Again the way I feel, it's not at this point because I don't see how something's going to get built here without ... I mean, this omelet is not going to get made without breaking some eggs. I don't know. I think significant and complex contortions could be done to preserve 5 feet of wintertime view, but I'm personally not that comfortable asking somebody to do that when they've already offered to do things on the roof of this house that don't block any view from the second story of this property and they're building only a one story addition on the back.

I think if it were a two-story addition I might be more inclined to agree with what Ray is saying. But as a one-story addition, you know, it's not going to block all the sunlight. I also think that from an architectural perspective – which is not necessarily something we comment on – aligning it up and making it symmetrical on the back of that façade is a big improvement. That façade is very visible from the train station, the parking lot, and the downhill side of that slope. I think this is an improvement .

Acting Chairman Forbes-Watkins: I have a feeling we're going to have some comments from the audience, so shall we start?

Mr. Koch: Can I turn it over to my client, Ethan Arrow?

Acting Chairman Forbes-Watkins: Sure.

Building Inspector Minozzi: Do you want the easel set up?

Matthew Pisciotta, associate – Zarin & Steinmetz: Yeah.

I'm here representing the Rockwoods once again. I actually made a submission to the Board yesterday, which I have copies for everyone to look at.

Mr. Pisciotta: I apologize for not having a full-size mockup of this, but the upshot here is, first of all, we commend the applicants for again engaging in the process and presenting an alternate plan. The upshot here is that the Rockwoods took it upon themselves to come up with another alternate plan which we think does a really nice job of accomplishing what we

feel the applicant's goals are, while taking even less of the view than their alternate plan does.

Again, I'll preface this by saying this was just completed by an architect the applicants retained so I wouldn't say it's a fully fleshed-out plan. I would consider it more of the start of a (cross-talk) ...

Village Attorney Whitehead: To clarify, you said "the applicants retained."

Mr. Pisciotta: That the Rockwoods retained, I'm sorry.

Village Attorney Whitehead: Just to clarify.

Mr. Pisciotta: Thank you, I appreciate it.

I would say rather than this being a fully fleshed-out plan, I'd consider it the start of a conversation which, hopefully, the applicants and Mr. Koch can help take over the finish line. The plan the Rockwoods are advancing – and it's included in the package I just handed out – is a further expansion west, which actually was mentioned tonight. So essentially the south addition would be reduced from 10 feet to 2 feet, and the actual addition to the west would be increased by an additional 4 feet 7 inches.

What we believe this does is creates a square dining room/kitchen space we think could work very nicely as an open-concept kitchen and dining room – which I believe was the applicant's intention in advancing their original plan – while also taking significantly less of the Rockwoods' view. We had a couple mockups done of the view, including this plan, just so you can take a look.

Boardmember Anuszkiewicz: That may not be the best place for that.

Village Attorney Whitehead: Yeah, you need to move the easel over so the Board can see.

Boardmember Anuszkiewicz: Then you said "pictures"?

Acting Chairman Forbes-Watkins: We have them.

Village Attorney Whitehead: You can tell when they were taken.

Mr. Pisciotta: I'll defer to Mitch, and he can agree with me if he wants. This is from the first floor, behind the counter from that window. This is the plan that was revised and

submitted to the Board on February 1. The plan you're holding right now – what I'm calling "the Rockwood alternate," would have this effect on the view. As you can see, it's significantly less. This view really is precious to the Rockwoods. It's a finite commodity in this village, and the Village has made a strong stance towards preserving its views wherever possible.

The way the code is written, the Board is to consider the least possible obstruction to views of the Hudson. I understand there are competing interests here, but frankly I don't think there can be any debate that this is the least obstruction to the view. And frankly, we think it goes a long way to accomplishing what the applicants want, as well. They're free to disagree, but in the hopes of advancing this conversation even further the Rockwoods went ahead and took it upon themselves to have this done.

We'd welcome any feedback from the Board, thank you.

Acting Chairman Forbes-Watkins: This is a very interesting presentation, but it puts the Board in an entirely impossible situation.

Mr. Pisciotta: Understood.

Acting Chairman Forbes-Watkins: We cannot impose this if we chose to, and I don't think we would vote to impose even if we could. This is something that if the applicant chooses to adopt in lieu of their plan B that's fine, that would be lovely, it would make everybody happy. But if they don't, and they don't have yet further alternatives to bring to us, we're considering plan B.

Mr. Pisciotta: Understood. And to clarify, I'm not asking that the Board approve this plan. Like I said, I consider this to be the start of a conversation. What we want to show is, there's alternatives out there that take less of the view. And again, the code is really quite specific that the Board is to consider the least possible obstruction ...

Boardmember Anuszkiewicz: ... that's being proposed by the applicant to be built.

Mr. Pisciotta: Understood, but ...

Boardmember Anuszkiewicz: Which this is not at the moment, but perhaps it will be at some point.

Mr. Pisciotta: Absolutely.

Village Attorney Whitehead: Do you want to hear the applicant's ...

Acting Chairman Forbes-Watkins: Yeah, all right. At this point, I believe the applicants have the need to take the floor.

Mr. Pisciotta: I would just like to say I believe Mr. Rockwood also wants to make some remarks after ...

Acting Chairman Forbes-Watkins: Oh, I'm sure he would.

Mr. Pisciotta: ... after Mr. Arrow speaks.

Acting Chairman Forbes-Watkins: Please, everybody can make their comments. But I think the first one that has a right to comment at this point is the applicant, OK?

Ethan Arrow, applicant: Again, thank you very much to the Rockwoods. I know this was a financial outlay to consult an architect and have these plans drawn up so I appreciate that, understand that.

Fabian and I, along with Mitch, looked at plan C – if we want to call it that – or the alternate, plan B. We're very excited to hear there was the existence of that alternate plan B out there, took it into consideration. There are a number of factors that ... what was just up there would be helpful. There were a couple of things, when we sort of workshopped it. We started with shifting one way and then considering what that would imply, then shifting the other way and considering what that would imply.

A number of things I would point out, one of which would be that you're actually moving out two load-bearing walls – south-facing and west-facing – with a second story structure above those load-bearing walls – I apologize because I lack the vocabulary to fully describe it – but somehow compensate for the lack of the weight-bearing walls that then have been moved out into the west.

Mr. Koch: Yeah, I did the math on that. Those would be two ...

Acting Chairman Forbes-Watkins: We can't really see.

Village Attorney Whitehead: These are blocking that.

Mr. Koch: Thank you, Ethan.

This is that plan expressed. I would need two W12 by -14 I-beams to span; that was the smallest beam for my structural program – which is BeamChek that I use – and would allow to carry the loads, the second floor load, the wall above it, and the roof and snow loads. I have to ... basically I'm eliminating both of them, post all the way out here on both cases. It goes without saying that I would then have to build a foundation around an existing foundation.

I would point out the main negative. If you look here, there's currently a window in the kitchen and this other window here. But I would lose this window by dint of the fact that it's looking into the kitchen, and this one I can't replace because I'm on a lot line. The upshot is that just cross-ventilation and view here it's a pretty big loss. Structurally, it's about 8,000 worth of steel so it's a significant trick for very little gain.

Lastly, I'd just say as a designer I'm not a big fan of square spaces. They don't lend themselves very well to using them in two different ways, as a dining and a kitchen prep area. I appreciate the thought, but it'd be a trick. I took a look at it.

Boardmember Dovell: That west wall is right on the lot line so no, you can't put ... not possible to put a window in it.

Mr. Arrow: No.

Boardmember Dovell: That's a problem.

Mr. Arrow: Another thing I point out 'cause we did get quite into the weeds on this one, the fire escape – which currently resides in that nook there on the west, right there – would have to be moved somewhere else. If we were to move it to the right it might infringe on the Rockwood's property; if we moved it forward it would require us to completely sort of reconfigure how you egress from the third floor. You'd have to come down the front, with two levels of stairs. If we did push it out in front of the south-facing easternmost part of that jut-out it would require us to also increase the size of the deck on the third floor, which would infringe upon the view of the residential space on the third floor. That was another challenge.

Also realizing that, as Mitch pointed out, sort of the marginal benefit of 2 feet to the west and 2 feet to the south might not warrant the cost of reconfiguring the load-bearing walls as well as moving that metal structure. Then another thing I point out, it would require us then to go right up to the lot line of Ms. Veronica Rapoli, including a foundation, which would be a concrete structure that would jut out. It's somewhat porous. We sort of sat there for 5 minutes and tried to feel it out – what would it feel like for the structure to reside right here –

and you understand what we're trying to accomplish here. But we're also trying to be mindful of what that would mean for Ms. Rapoli.

Then as Mitch pointed out, we also spent some time within the structure and thought about moving 2 feet to the south, 2 feet to the west – whether that would sort of accomplish a kitchen as well as a dining space – and just measuring it out. We don't know if it could ultimately do that. So it really did come down to what was our goal, what would the projected cost be, incremental, from plan B to alternate plan B, the one the Rockwoods have presented today. It just seemed a little bit unworkable. However, I would note again that we are happy to compromise and still feel like what we presented today in our plan B is sort of that compromise from what we spoke about a month ago.

Acting Chairman Forbes-Watkins: OK. Other comments. Mr. Rockwood, you want to have a go at it?

Mr. Rockwood, 51 Buena Vista Drive: Thank you, members of the Board for this chance to speak. I'll be brief. I appreciate the applicants having moved from plan A, which eliminated 100 percent of the view on the first floor, to plan B, which now eliminates two-thirds of the view from the first floor. We had proposed an alternate to plan B which eliminates one-third of the view from the first floor. We've used – as a compromise, as a way of giving something up – a loss of view and a loss of some of the value of the property. But we felt it gave the applicants 90 to 95 percent of the room they wanted to get in the expansion .

Yes, it may cost more money. No, it's not exactly what they had in mind. But what Fran and I have at risk here, the enjoyment of our property and the value of our property, is very important to us. But it's actually minor in consideration of something larger that's going on here. Now, most of the people in the room will remember about eight years ago when Eric Anderson took a plan in and tried to get approval for 10 West Main Street, the westernmost property on Main Street. He wanted to put in some 10 to 15 condominiums there. It was a very large, unattractive building and the boards would not permit it; the citizenry of the Village would not permit it.

Here we go again. Eric Anderson sold that property to a partner in his firm. We have another developer coming into play who is proposing plans for 10 West Main Street. What happens here tonight and what gets approved in this process here will have a major impact on 10 West Main. I believe Mitchell Koch is the architect for 10 West Main and will use everything learned here (cross-talk) ...

Building Inspector Minozzi: Mr. Koch is not involved in 10 West Main Street.

Mr. Rockwood: Is that true?

Mr. Koch: Completely true.

Mr. Rockwood: Oh, well I've been given false information.

Boardmember Anuszkiewicz: He's available.

Mr. Rockwood: Whoever the architect will be will use what is going on here tonight and will implement it for 10 West Main.

Boardmember Anuszkiewicz: Sorry, can you stop on that site plan that you keep flipping through?

Mr. Koch: OK.

Female Voice: Just go ahead and stop it.

Boardmember Anuszkiewicz: Just put on the site plan, though, because that's pertaining to what he's saying. He's one of the pages there. Sorry. I didn't mean to interrupt, but 10 West Main is on that plan.

Village Attorney Whitehead: I think it was eight.

Mr. Arrow: I think the connection with Mitch on 10 West Main was from (off-mic).

Mr. Rockwood: No, you gave that information.

Mr. Arrow: No, I did try and repeat that. OK, sorry.

Boardmember Anuszkiewicz: All right, well, if you can't pull that up it doesn't matter. Please go ahead.

Mr. Rockwood: Enough said about 10 West Main.

West Main Street is a precious part of the community. The doyenne of West Main Street is Veronica Rapoli. She was born at 6 West Main Street and lives there to this day. She is not in enough good health to be with us here tonight, but she asked me to read her letter to the Board. I promised her I would, and if I may I will.

Acting Chairman Forbes-Watkins: Please.

"Dear Mr. Minozzi and Volunteers,

"Regarding the hearing for Ethan Arrow and Fabian Engelbertz at 4 West Main Street for an addition, alterations and decks, and regarding the Planning Board hearing on December 15 for which I did not receive a certified letter in time. My name is Veronica Rapoli, I live at 6 West Main Street and was born in this house. I'm an elderly woman with medical issues and am not able to attend the Zoning Board meeting. Please read this letter aloud at the hearing.

"My opinion is that no permits should be issued. I have several concerns, and I'm against this build-out. The biggest problem is with getting fire insurance for my home due to the closeness of the houses. The 4 West Main build was built right on the property line in the alley, and its rooftop extends too close to my home. Because the homes are so close, insurance companies will not issue me fire insurance. There have been several fires at 4 West Main Street over time. By allowing decks to be built invites people to use barbecues, which increases the chance of starting a house fire."

Which is unlikely, I add.

"There's no need to make a small, nice village into a city atmosphere. My suggestion to them is to put a big window in the back of the house, no decks, and keep your nice backyard like all the rest of us here on this block."

And again, allowing a permit:

"I am against allowing a permit for an addition and decks at 4 West Main Street.

"Sincerely and respectfully,

Veronica Rapoli"

Thank you for your time.

Acting Chairman Forbes-Watkins: Thank you.

Building Inspector Minozzi: Mr. Chairman, to clarify two issues. As a member of the fire service in Hastings-on-Hudson for 20 years, there hasn't been a call at Ms. Rapoli's house in the last 20 years.

Village Attorney Whitehead: Or 4 West Main.

Building Inspector Minozzi: Or 4 West Main Street.

Secondly, barbecues will not be allowed on 4 West Main Street's deck because it is a multi- dwelling and that is against the law.

Just to clarify those two items.

Acting Chairman Forbes-Watkins: Thank you.

Mr. Arrow: I'm sorry, I just want to make one more comment. We're a little new to this so I don't know what needs to be clarified and what doesn't, and I alluded to this during our last meeting. There's a lot of chatter on Facebook: things going around about the financiers of 10 West Main, that we single-handedly closed down the Roadhouse grill – what are any number of other ones? – we've gotten some knocks on the door to move out of town. I know you're not ... this isn't what this hearing is for, but I just want to say apologies if you received wrong information about that. I didn't mean to convey to you that Mitch was also behind 10 West Main.

It was something that came up very quickly. In some of the Facebook chatter there was a little bit of a side thread about what our intentions were with the block. So I'd just like to, you know, state for the record that this is in no way is a trial balloon for 10 West Main or trying to set a precedent. It really is just about the grievance that we laid out. Ray, I know you weren't here for the last meeting, but we tried to articulate it to you during the site visit the other day. It really pertains exclusively to our family and just what we want to do here.

Another thing I would state is I grew up in a small town in Florida; Mr. Engelbertz grew up in a small town in West Germany. Very much sympathetic to the vibes of a small town, not wanting to change the aesthetics, the density, the footprint. I don't have, you know, data to show how things evolved over the years. But truly, when I said we would be transparent with the numbers this is providing us with an option that allows us to financially carry the home, maintain it in a way we think it deserves – being a home from the mid-1900s – and allows us to stay in it comfortably.

I don't know to what extent you guys have heard that chatter, but I just wanted to set that case so you know where we're coming from, who we are, and what our intentions are. And please know that our intentions and our connections begin and end with 4 West Main. Thank you.

Mr. Rockwood: And if I could speak to one more point – I don't want to drag this on – all the houses on 4 West Main have additions on the rear. It's just one where they've built – Ms. Rapoli, 4 West Main already has one, Rockwood & Perry's has a large addition on the rear, two-story – three-story if you count the basement. This is a typical condition.

Also, just for what it's worth, that house was there 30 years before Ms. Rapoli's house was built. Her assertion that they built close to the property line is just unfortunate. And for that very same reason I don't think we want to push up to the property line.

Acting Chairman Forbes-Watkins: OK. Further comments from the audience.

Donald Faber: I'm with my wife, Jenny. We're the upstairs tenants above Rockwood & Perry. I've heard a lot tonight about preservation of the view, and that's all well and good and we're certainly appreciative of that. What our greatest concern is as tenants is the quality of life that we see.

It was mentioned before, the uniqueness of the terrace. We've been living in Hastings now for 20-some odd years. We downsized three years after our children flew the nest, left the nest, and found this apartment, wanted to commit to staying in Hastings. We've enjoyed living here for a long time; was very much aware of the apartment above Rockwood & Perry largely because of that terrace area. I walked for work for 15 years, walking to the train station, and always noticed the uniqueness of those backyards there along the way.

What's of concern, we use the backyard a lot, we have a garden back there. It's unique, I think, in many ways – so far as I know – in terms of apartments in Hastings. I don't know of any other apartment that has a garden like that. The idea that you're going to put this kind of monolithic structure in the back that blocks out a large part and impacts the quality of our use of that garden – where we've had an open area that goes back four yards – it's not so much that when you're down there you can see the river views. You can, but you're very much aware of the greenspace that's there.

It's a little bit reminiscent to me – having worked in the entertainment business – of the great *Death of a Salesman*, where Willy Loman is in his backyard and he's talking to his sons when they were small. The whole yard is covered in shadows, but he was reminiscing about

how they had vegetable gardens and how all the building that went up around it changed things, changed the quality of life of life forever. That's our concern: the garden space is impacted

Also, with a roof deck we have a small dining area. It looks out directly, now, on what had been a little-used roof deck – which was a legal roof deck which people grew a few things on and occasionally sunned themselves on – and will now be an active roof deck directly within our sight lines. It's not just the railing that's impactful, it's all the activity and all the noise. We understand, whether it's true or not, that they're going to be renting out this space via Airbnb. You know, we'd have a constant flow of possible people who are basically in our dining area at any point in time.

Those are the things. It's been a very enjoyable space, it's a great space. It's not only for us, but I speak for future tenants as well as the impact it may have on those tenants and on the landlord and their ability to rent the apartment. I thank you.

Acting Chairman Forbes-Watkins: Thank you.

Building Inspector Minozzi: Mr. Chairman, I'd just like to remind the Board that Airbnb is now allowed in the CC district. And upon our finding out about it the applicant immediately took the site down. Airbnbs have no play on this hearing, nor should social media have any play to this board. Thank you.

Acting Chairman Forbes-Watkins: Other comments.

Mr. Arrow: I'd like to ask just procedural questions. Just understanding how the voting works, it needs three votes in the affirmative, which is a 60 percent majority of the Board who are present. We'd most likely not want to go forth with a vote unless the full Board was here. It just doesn't make sense. Is there a way to know in advance of the meeting whether you'll have a full board, just in terms of personal planning?

Village Attorney Whitehead: It's always hard to know. The chairman isn't here because he had a death in the family. He didn't know until yesterday or Tuesday. Those things aren't planned in advance.

Mr. Arrow: Just trying to understand that. OK. I mean, I understand that things come up.

Boardmember Anuskiewicz: And we have to set up our agenda, I think, before ... our agenda's set up before we actually know whether or not everybody's going to be here. I mean, most of the time everybody's here.

Mr. Arrow: OK.

Boardmember Anuszkiewicz: But if there's going to be a problem, it's usually in the last minute.

Village Attorney Whitehead: It's very rare that this board has only three members.

Mr. Arrow: That's very helpful. That was my follow-up question.

Village Attorney Whitehead: And tonight the chairman had an unexpected family emergency. They do have an alternate.

Acting Chairman Forbes-Watkins: Unfortunately, the alternate had to be in Washington on business.

Boardmember Anuszkiewicz: It's a bad coincidence all the way around.

Mr. Arrow: OK. I think the sense – what I was just trying to get – is whether or not this was an exception or ...

Village Attorney Whitehead: This is an exception.

Mr. Arrow: This is an exception, OK.

And then another procedural question I had was, as an applicant, how communication should proceed between the applicant and the Board, the information receiving. I did receive an e-mail from Peter today providing three options that sounded like it was conveyed from the Board. One was an outright rejection of the hearing, one was a hearing but losing ...

Village Attorney Whitehead: That was not conveyed by the Board.

Mr. Arrow: OK. There was a bit of the thread attached to it. I know e-mail gets very complicated. I just wanted to make sure.

Village Attorney Whitehead: The communication was from the Building Inspector to your architect that there would only be three members here tonight, and if you wanted to adjourn you could. But it was just letting you know. Anything else you heard, anything else, was not a formal communication, if you will.

Boardmember Anuszkiewicz: The thought being on that was that if you don't want us to vote, and you want to wait until there are more members here, which is your right, you'll just have to present all this again.

Mr. Arrow: Yes, and you know I would just sort of provide the information. It's not like eventually one day we want to build something off the back of the house. We're sort of in a bit of a state of limbo in actually moving into that space, and have been engaging with contractors with projected start dates. That obviously gets rolled forward into obscurity as that happens, which is fine. I know that's outside the scope of this board, but just for practical planning purposes. But apologies because it did seem like it was being passed down as procedure. Just to gain clarity, is there ever an instance – regardless of the makeup of the Board – where you'll reject a hearing?

Village Attorney Whitehead: You mean reject an application?

Mr. Arrow: Reject hearing an application, as it seemed like that might be the case.

Building Inspector Minozzi: Rejecting hearing an application? Never.

Village Attorney Whitehead: No.

Acting Chairman Forbes-Watkins: No.

Mr. Arrow: I just wanted to clarify that. OK. All right, thank you.

Building Inspector Minozzi: But I would like to add that, as stated earlier in the meeting, this board would not be able to vote tonight no matter what.

Village Attorney Whitehead: Because of the noticing.

Building Inspector Minozzi: Because it needs to be re-noticed.

Mr. Arrow: OK, so that's a function of the re-notice, not of the constitutional board.

Village Attorney Whitehead: We could have voted on view preservation, but not on the variance.

Acting Chairman Forbes-Watkins: it just wouldn't make any sense.

Mr. Arrow: OK.

Acting Chairman Forbes-Watkins: I do think it's wise to put this off, forgetting for the moment the question of the notice. There was brought forth a legitimate attempt to find yet another alternative. It may not be – from your point of view – an alternative, but it was a real attempt. Possibly some more thought could go into this whole thing and you may come back with alternate C, for all we know. I'm not saying you have to, but if you can, wonderful.

Village Attorney Whitehead: You've heard, I think, how three members of the Board feel. None of us can speak for the other two – or three, depending on if it's an alternate – and you can do with that as you wish. If you want to come back with yet another alternative, you can. If you want to proceed with A or B you can.

Acting Chairman Forbes-Watkins: Yes.

Mr. Arrow: The matter about correctly noting what the variance sought was ...

Village Attorney Whitehead: That will be taken care of before the next meeting.

Mr. Arrow: OK, so that's to be here.

Village Attorney Whitehead: But if you were going to change your plan in a way that changes the variance again, you should submit that in time so that can be noticed.

Building Inspector Minozzi: It needs to be submitted right away because we will be notifying; the mailing will be going out next week.

Mr. Arrow: OK.

Building Inspector Minozzi: So if there is another alternate besides what you presented tonight ...

Village Attorney Whitehead: It needs another variance.

Building Inspector Minozzi: ... I would need it immediately.

Mr. Arrow: And by another variance – just so I'm understanding correctly – that's a reconfiguration of the piece in the ...

Village Attorney Whitehead: If you were moving further west.

Mr. Arrow: Gotcha, OK. That's very clear.

Village Attorney Whitehead: For instance, yes.

Mr. Arrow: I see. That's very clear, thank you.

Village Attorney Whitehead: And I think Mitch understands that.

Acting Chairman Forbes-Watkins: All right. I think that settles the case for this evening.

Village Attorney Whitehead: Unless anybody else has anything else to say.

Acting Chairman Forbes-Watkins: I thank everybody for your participation, and I'm sorry that we can't proceed on further. But it's probably best not to.

Village Attorney Whitehead: I don't know that the applicant would want you to.

Acting Chairman Forbes-Watkins: I don't know either.

APPROVAL OF MINUTES

Regular Meeting, January 26, 2016

Acting Chairman Forbes-Watkins: The Board normally would be taking up minutes, but ...

Village Attorney Whitehead: I don't think you can because ...

Acting Chairman Forbes-Watkins: ... the people who were here last time aren't here to vote on it.

ANNOUNCEMENTS

Next meeting date – March 23, 2017

ADJOURNMENT

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Acting Chairman Forbes-Watkins adjourned the Regular Meeting.