

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
MAY 23, 2019**

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, May 23, 2019 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember Jeremiah Quinlan, Alternate Boardmember Sashi Nivarthi, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

Chairman Collins: Ladies and gentlemen, welcome to the Thursday, May 23rd, 2019 meeting of the zoning board of appeals. We have one case, correct, on our docket that's active?

Bldg. Inspector Minozzi: Correct.

Chairman Collins: There are three that are listed, but two that have been deferred. So before we begin, Buddy, how are we on the mailings?

Bldg. Inspector Minozzi: The mailings are in order, sir.

Chairman Collins: All right, very good. So just a couple of ground rules. We have two microphones – there's the standing mic and there's the handheld here – and we have a remote transcriptionist that's recording everything that we say tonight. So at any time that you're speaking we just ask that you do it with a microphone so that we can hear you for the record. Introduce yourself the first time that you speak so that we can capture that, as well. If I mispronounce names I apologize.

**Case No. 10-18
Samar Tannous
45 High Street
*** Deferred Until June Meeting *****

For relief from the strict application of the Village Code Sections 295-70E.3(a)[2], 295-70E.1.a,b,c and 295-20E.1 for reconstruction of a new dwelling to replace a current dwelling at their property located at 45 High Street. Said property is in 2-R Zoning District and is also known as SBL: 4.140-151-32 on the Village Tax Maps.

Nonconformity details of the proposed new dwelling are as follows:

**Front Yard: Proposed – 9 feet; Required Minimum – 25 feet {295-70E.1.a};
Variance Required – 16 feet**

**Rear Yard: Proposed – 11.67 feet; Required Minimum – 25 feet
{295-70E.1.b}; Variance Required – 13.33 feet**

**Total Two sides: Proposed – 19.83 feet; Required Minimum – 33 feet {295-
70E.1.c} (Side yard 1 calculated as a front yard); Variance Required – two
sides: 13.17 feet**

**Obstruction at an Intersection: Proposed – 45 feet each direction; Required
Minimum – 50 feet each direction {295-20E.1}; Variance Required – 5 feet
each direction.**

**Case No. 09-19
River Road, LLC
100 River Street**

****Deferred Until June Meeting****

**For View Preservation approval as required under Code Section 295-82 and
for relief from the strict application of Code Sections 295-79.D.1.b for the
creation of a new greenhouse and exterior renovation at their property
located at 100 River Street. Said property is located in the M-W Zoning
District and is known as SBL: 4.30-19-4 on the Village Tax Maps.**

Variance is sought for nonconforming Rear Yard setback:

**Rear Yard (to proposed greenhouse): Existing – NA; Proposed – 24 feet;
Required Minimum – 60 feet {295-79.E.1.b}; Variance required – 36 feet**

Chairman Collins: Then we will begin with Case 08-19.

**Case No. 08-19
Margaret Huckeba
461 Warburton Avenue**

**For relief from the strict application of Village Code Section 295-72.1,D.2 for
the creation of a third dwelling unit in her two-family dwelling at
461 Warburton Avenue. Said property is located in the MR-O Zoning
District and is known as SBL: 4.70-52-25 on the Village Tax Maps.**

**Variance is sought for the minimum lot square footage required for an
additional dwelling unit:**

Lot size required for three dwelling units is 6,500 square feet; Existing and proposed is 4,792 square feet; variance required is 1,708 square feet {295-72.1,D.2}

Chairman Collins: There is a variance that's being sought for the minimum lot square footage that's required. The proposal is to add a third dwelling unit in a two-family dwelling at 461 Warburton.

I believe the third dwelling unit will be in the basement. Is that correct? That's the ambition?

Margaret Huckeba, applicant: Yes.

Chairman Collins: All right, so I'll let you go ahead and present.

Village Attorney Whitehead: If I could just report, Mr. Chairman, the planning board had to do site plan approval for it because it was adding a unit to go from two-family to three-. They approved the site plan conditioned upon the granting of the variance and recommended the granting of the variance.

Chairman Collins: Okay, thank you for the background. All right, the floor is yours.

Ms. Huckeba: I live at 461 Warburton, again here to approve the variance on the basement apartment unit. Just for framing, it's the old John's Bar so it sits on the river on a pitch and it's not a basement in a hole but a basement with a backyard with light.

Again, this is the agenda item, won't be redundant. I originally purchased the bar to open it as a bar, but for a circumstance that I don't really want to get into I've had to turn it into an apartment unit. I would have liked to have stayed and lived in the bar; I converted the bar into an original 1905 apartment. But I had to go back to California so the bar is now rented out. The only way that I can come back to Hastings is have a place to stay, and that would be the unit that you're currently approving. Not that the context matters, but that's the circumstance ...

Chairman Collins: No, it does matter. That's helpful.

Ms. Huckeba: ... that warrants it. And I'm happy to provide other details, but I prefer not to go on the record. It's a family matter.

Chairman Collins: Sure.

Ms. Huckeba: Again, there is parking, quite a large parking unit, that goes along with the property. It's 25 by 24.4-1/2, with a beautiful garden and 6-inch space to enter. Those are the

five parking units, as discussed, approved. This is the space. It's approved and inspected so this is all ...

Chairman Collins: This was formerly the bar.

Ms. Huckeba: This is the basement of the bar.

Chairman Collins: Oh, this is the basement. I see, okay.

Village Attorney Whitehead: Which is currently part of the first floor unit.

Bldg. Inspector Minozzi: She's part of the second floor unit. It's like a family room type area with a laundry right now. But Margaret's already been through the process of converting the basement to a habitable space.

Chairman Collins: I see.

Village Attorney Whitehead: From a code standpoint.

Bldg. Inspector Minozzi: From a code standpoint, correct.

Chairman Collins: I see, okay.

Ms. Huckeba: So this would have been, if you care, the pre-Prohibition place where they kept all the bottles. It's been quite an adventure. If you ever want to restore a 1905 place, call me.

The place has three windows, and the door that is a window. The last team of people for the planning board wanted to know is this like a dungeon or is it a nicely-lit space. We've added the pictures, and it's actually quite a nice space. To make it into an actual apartment, here's the balance of things that would need to happen, per code: the door needs to be widened for fire code; obviously, the actual kitchen needs to be added; and the ceiling needs to be changed for a thicker ceiling for fire safety; and a carbon monoxide system. That's it.

Chairman Collins: Oh, that's it. Okay.

Ms. Huckeba: I mean, unless you have questions that's pretty much it.

Chairman Collins: I'm sure that we will. Thank you for the overview, and I apologize that I got your name wrong.

Ms. Huckeba: That's okay.

Boardmember Dovell: Do you have photographs from the street?

Ms. Huckeba: I can provide them but no, I didn't. I can provide them, but no I don't have them handy.

Boardmember Dovell: I'm looking at the survey. Is the survey oriented the same way that the plans are?

Ms. Huckeba: Is the survey oriented the same way that the plans are?

Boardmember Dovell: Are they oriented the same way? Is Warburton at the bottom of the sheet?

Ms. Huckeba: Oh, I see. Warburton is the bottom of the screen.

Boardmember Dovell: Right. But with your plan, which way is it oriented? Sorry.

Boardmember Nivarthi: Is it towards the back?

Ms. Huckeba: The river is the top of this picture.

Boardmember Dovell: Right. But on the floor plans that are presented, which way are we looking?

Ms. Huckeba: Same thing; the river is the top.

Boardmember Dovell: The river is on the top?

Bldg. Inspector Minozzi: No, the river is the bottom. On the floor plan, the river is the bottom, yes.

Boardmember Dovell: So they're reversed.

Ms. Huckeba: My bad. I must have turned it over.

Boardmember Nivarthi: This side is the river.

Village Attorney Whitehead: Because that's where the door is at, the lower level.

Bldg. Inspector Minozzi: It's a walkout in the back, where the front is completely below grade.

Boardmember Dovell: The survey shows bay windows at the front of the building. Am I missing something?

Village Attorney Whitehead: On the first floor.

Bldg. Inspector Minozzi: Upstairs.

Boardmember Dovell: The survey shows a bay.

Ms. Huckeba: Can I move so I can see him, or do I have to hold the microphone to move?

Chairman Collins: If you speak, you'll need a microphone.

Bldg. Inspector Minozzi: I have a microphone here for you.

Ms. Huckeba: I need to be able to see.

Chairman Collins: Yes, grab the mic.

Boardmember Dovell: These bay windows, those are on the first floor.

Ms. Huckeba: Those bay windows are the upstairs unit.

Boardmember Dovell: Are what?

Ms. Huckeba: The upstairs unit. It's a three-story building.

Boardmember Dovell: Okay, so those are the upper ones.

Ms. Huckeba: Those bay windows are the second floor.

Boardmember Dovell: So they're above this up here.

Ms. Huckeba: You got it. And what you see under here for this space would've been the original kind of ... roll the barrels into the bar.

Boardmember Dovell: Right, got it. Okay.

Ms. Huckeba: That's what would've been there.

Boardmember Dovell: Okay.

Ms. Huckeba: But to your earlier question, I'm happy to provide pictures of the street.

Boardmember Dovell: So how far are the other units away from you, horizontally?

Chairman Collins: It's packed in pretty closely.

Ms. Huckeba: So how are the other units ...

Boardmember Dovell: How far are they away from one another on the street?

Ms. Huckeba: The "units" meaning the apartment units?

Village Attorney Whitehead: The buildings.

Chairman Collins: The gap between the buildings.

Bldg. Inspector Minozzi: They're right against each other.

Village Attorney Whitehead: On the other side, yes.

Ms. Huckeba: So this building ...

Village Attorney Whitehead: She's got the big parking area.

Ms. Huckeba: Here, I'll give you the history of it actually. This building was built after the building to the right, which would've been built in the late 1800's – 1885. There's actually a space in here for polio, but it was removed when this building was built. There is no space between this one and the next one at all.

Boardmember Dovell: Okay.

Ms. Huckeba: This building, to the building that John Bindela restored, it was a 25-foot space because this is the old John's Bar parking lot.

Boardmember Dovell: Got it.

Ms. Huckeba: Behind – which I've cut out – is approximately 30 foot of legal backyard. I'm estimating.

Boardmember Dovell: So the existing bedroom on the first floor and the kitchen area on the proposed lower level front onto the parking area.

Ms. Huckeba: The existing bedroom ...

Boardmember Dovell: The existing bedroom on the first floor.

Ms. Huckeba: Yes, look onto the parking.

Boardmember Dovell: They front onto it.

Ms. Huckeba: You got it, exactly.

Boardmember Dovell: So that's where they're getting legal light and air, Buddy?

Bldg. Inspector Minozzi: For the first floor?

Boardmember Dovell: For the first floor.

Bldg. Inspector Minozzi: Yes, correct.

Ms. Huckeba: And the first floor is the old bar.

Boardmember Dovell: Right, I know that.

Ms. Huckeba: So it has ...

Village Attorney Whitehead: A couple windows, having been there.

Bldg. Inspector Minozzi: The bedroom actually has windows in the back and windows on the south side.

Ms. Huckeba: If it's any consolation, I was never there either.

Boardmember Dovell: Okay.

Bldg. Inspector Minozzi: I was there too many times.

Boardmember Dovell: So this is now a multiple dwelling?

Bldg. Inspector Minozzi: Right now it's a two-family that we're now converting to a three-family.

Boardmember Dovell: To a three-family. So it complies with all the multiple dwelling law

requirements?

Bldg. Inspector Minozzi: The only thing it doesn't meet is, it doesn't have enough square footage.

Boardmember Dovell: Square footage, thank you.

Village Attorney Whitehead: The lot area.

Bldg. Inspector Minozzi: What's unique about this particular building is that she's able to provide parking for all three families, which is unheard of on Warburton Avenue.

Boardmember Dovell: Right.

Chairman Collins: It's also, I think noteworthy, though not unheard of, that this addition is proposed without increasing the footprint on the lot.

Bldg. Inspector Minozzi: Correct; 100 percent correct.

Chairman Collins: I mean, we've seen instances, I believe, where that sort of expansion has required adding footprint. And we're not seeing that here. One of the factors we consider in reviewing the variance is whether the variance requested is considered to be a large one. That's not the only factor that we consider, and it's not like keeping score.

In this case, I don't quite know how to think of that size of a variance. You know, 17-hundred square feet being wide of the mark is a big number but, again, we don't come across a lot of these cases.

Bldg. Inspector Minozzi: No. And honestly, I think that this particular law had a lot to do with the open space requirement.

Chairman Collins: Right.

Bldg. Inspector Minozzi: Which we have the fee in lieu of open space these days because there just isn't any. And everybody knows how tight this neighborhood is.

Chairman Collins: I know, you're right. It's meant for urban density.

Village Attorney Whitehead: And this is a studio, right?

Ms. Huckeba: Yes.

Village Attorney Whitehead: So in terms of looking at density it's only a studio.

Chairman Collins: Right.

Ms. Huckeba: You got it. If it matters at all, my lay person's view, I was surprised. I learned that this was the sticking point, or the matter at hand, long into the process – like last week. I'm from New York City and have lived in apartments probably 75 percent of this size, so my common sense pedestrian thought is, is it a beautifully livable space for a citizen. Like that, to me, is the right litmus test. I understand that's not the law and that has nothing to do with the matter.

Village Attorney Whitehead: The code provision is about having the lot area for a three-family house.

Boardmember Dovell: For a dome unit, right.

Chairman Collins: That's right.

Village Attorney Whitehead: And I think, you know, when you talk about the number, Matt, you're not supposed to look just at the number.

Chairman Collins: I understand that.

Village Attorney Whitehead: You look at the totality. If you look at some of the other factors, you know, is there an impact? That's why I think it's important that it's a studio.

Chairman Collins: Mm-hmm, keep going.

Village Attorney Whitehead: The first factor is impact on the character of the community and such. So you're adding a studio, you're not adding a three-bedroom apartment. Then the next one: is there a feasible alternative? Obviously, there's no alternative to get an additional unit if that's the benefit sought by the applicant.

Chairman Collins: Right.

Village Attorney Whitehead: Because it's just the size of the lot you can do this. Third is, is it substantial? Which we've already discussed, and you're supposed to look at that in the totality of the circumstances. The fourth is, will it have an environmental or physical impact? Which clearly it doesn't by changing the building. And then the fifth is, is it self-created, which is not determinative. I did that without reading it. Here, it's self-created to the extent that she wants to add the third unit. She didn't create the size of the lot, but the variance is necessitated by wanting to add the third unit.

Boardmember Dovell: Right.

Chairman Collins: I mention this because I do think that the variance requested is on the larger scale of what we have seen before. But I think it's important to put it in the context of the other factors, which you just articulated well for me, thank you. And also to put it in the context of the neighborhood, which really speaks to the first one and the character of the neighborhood that this is in. And I personally don't think that this changes anything substantially. Certainly nothing negative. It doesn't weaken the character of the neighborhood. That's what I'm trying to say.

Bldg. Inspector Minozzi: No. Matter of fact, the owner of the three-family next door to the south, to the left, called me about this case before the planning board meeting and asked me questions about the parking and what it was and are we making the building bigger. He thought they were adding another floor on the building. I'm like, No, no, no, no, no.

Chairman Collins: It's natural.

Bldg. Inspector Minozzi: And he's like, Oh, I have no problems with it then, I'm not even coming to the meeting. And that's what I think kind of is the feel because the two buildings to the north are either four- or six-family units and the building to the south is a three-family unit. So it kind of meshes.

Village Attorney Whitehead: And this is probably one of the larger lots because it has the parking, and most of them don't.

Chairman Collins: Right, that's correct.

Boardmember Dovell: So the density is greater to the north and south?

Bldg. Inspector Minozzi: Yes. Well, the density to the south is the same ...

Boardmember Dovell: Right.

Bldg. Inspector Minozzi: ... and the density to the north is greater.

Ms. Huckeba: Oh, it's much greater.

Boardmember Dovell: To the south, are they three-family?

Bldg. Inspector Minozzi: It's a three-family.

Boardmember Dovell: There are three-families on similar-sized lots?

Bldg. Inspector Minozzi: Smaller lot, and it has no parking.

Village Attorney Whitehead: So the density is greater.

Boardmember Dovell: The density is greater so it is, in fact ...

Ms. Huckeba: I know the answer to this question perfectly because I was going to buy that building before I bought the building I bought. It's half the lot size for three units.

Boardmember Dovell: For three units.

Chairman Collins: Yes. These are important considerations that we like to establish so that anyone who might come here in the future to request a substantial variance we can reposition that request in the right context.

So I think because the totality of the five factors suggests that we support this variance request, and because, for me, I'll seize on the character of the neighborhood – both dimensionally as well as for the density of it – I'm prepared to support this. And I don't have any further questions. So I'll yield.

Sashi, do you have any questions you'd like to ask?

Boardmember Nivarthi: Yes. You're proposing to have two entrances and exits, if I read the plan correctly? You're planning to install a door in the back?

Ms. Huckeba: That's correct. You have to have two, legally.

Village Attorney Whitehead: Two means of egress.

Ms. Huckeba: And there are now.

Boardmember Nivarthi: Other than that, I don't have any more.

Bldg. Inspector Minozzi: It will be 100 percent code compliant.

Chairman Collins: Jerry, do you have anything?

Boardmember Quinlan: No, I think common sense dictates it's a good idea. And, you know, good luck with 1905; that's when my house was built, too. Yes, it's a good idea, it's a good reason, and it certainly fits in the neighborhood.

Village Attorney Whitehead: It looks like a nice space.

Bldg. Inspector Minozzi: It's a *very* nice space.

Boardmember Quinlan: No doubt that it fits right in with the neighborhood, so common sense says enjoy it.

Chairman Collins: Okay. Do you have anything else?

We don't have any members of the public here. My tendency at this point is to invite members of the public who wish to be heard to come forward to do so, but seeing as we have none I recommend we proceed to a vote. So may I have a motion?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Nivarthi, with a voice vote of all in favor the Board resolved to approve Case No. 08-19 for 461 Warburton Avenue: lot size required for three units is 6,500 square feet, existing and proposed is 4,792 square feet, variance required is 1,708 square feet.

Chairman Collins: The vote is 4-to-nil in favor. Congratulations, Ms. Huckeba.

Ms. Huckeba: Okay, thank you.

Chairman Collins: Thank you for your presentation.

Bldg. Inspector Minozzi: Good luck.

Ms. Huckeba: I won't leave. (Off-mic) 80 years old.

[laughter]

APPROVAL OF MINUTES

Meeting of April 25, 2019

Chairman Collins: Does anyone wish to propose any amendments to the minutes?

Boardmember Quinlan: I have one amendment, it's on page 24. Starting with "*Boardmember Quinlan:*" – in the second paragraph, the second line, it reads now, "*But I*

haven't seen any proof that it's a detriment to the neighborhood" when it should read, "But I haven't seen any proof that its 'not' a detriment to the neighborhood."

Bldg. Inspector Minozzi: Very good.

Boardmember Quinlan: So we're going to include the "not."

Bldg. Inspector Minozzi: Gotcha.

Chairman Collins: That's an important distinction.

Boardmember Quinlan: Oh yes, it certainly is. That's my only correction.

Chairman Collins: Okay. Any other amendments proposed? Then may I have a motion to approve the minutes as amended?

On MOTION of Boardmember Quinlan, SECONDED by Boardmember Nivarthi with a voice vote of all in favor, the Minutes of the Regular Meeting of April 25, 2019 were approved as amended.

Chairman Collins: All right, very good. So then I think that concludes our business for tonight.

DISCUSSION

Zoning Changes

Bldg. Inspector Minozzi: We have a discussion item.

Village Attorney Whitehead: We do?

Bldg. Inspector Minozzi: Mm-hmm. Aren't we discussing the zoning changes?

Chairman Collins: We didn't notice it.

Village Attorney Whitehead: I thought we discussed that.

Bldg. Inspector Minozzi: We didn't notice it. But then you said in your e-mail you wanted to discuss with the board about some of the zoning changes for tonight's meeting?

Village Attorney Whitehead: No, I thought we discussed it ...

Chairman Collins: I think what we ...

Bldg. Inspector Minozzi: Oh, I'm sorry.

Chairman Collins: No, that's okay.

Bldg. Inspector Minozzi: I misunderstood. I apologize.

Chairman Collins: No, let's take a moment because it was a relatively brief meeting. We did talk two meetings ago, I believe, about zoning changes we would like to take up. For example, we talked about floor-to-area ratio, expanding that concept to other zones within the Village.

Village Attorney Whitehead: And that's on the list.

Chairman Collins: It's on the list. We also talked – I mostly talked – about solar panels, and this inclusion or not in view preservation cases. We talked, as a next step, about having a full complement of the board to have that discussion because I think at the time there may have only been three of us.

Bldg. Inspector Minozzi: Okay.

Chairman Collins: However, I would propose that we give Ray here the green light to put together a floor area ratio analysis for the rest of the zones within the Village, similar to what he did for MR-1.5, to help accelerate that discussion. I'm prepared to hear anyone say that's not a good idea, but that's what I would do.

Village Attorney Whitehead: Just so you know, the mayor has asked us ... we have a list that the board has worked on that's come out of your recommendations: recommendations from the planning board, recommendations from the land use committee from a few years back, things out of the comprehensive plan. So we have a list and we are starting ... our planner, the new planner who was retained to work with the planning board, is going to be involved. So we had a meeting canceled, but we're starting work on those.

Ray, if you want to do that, Pat Cleary – who's our planner – has also done this elsewhere, and he was going to start with some of that. So I can put you in contact with him. We also have your R-2.5 changes ...

Boardmember Dovell: Right.

Village Attorney Whitehead: ... which were similar to what we did with the 1.5.

Boardmember Dovell: We didn't take those very far. I mean, I thought the 2.5 was more or less in alignment in terms of ...

Village Attorney Whitehead: It was better.

Boardmember Dovell: It was better, but there were some issues about lot size. If the only area that's zoned is one very large parcel, does it apply to smaller parcels? If it applies to smaller parcels, the zoning doesn't work.

Bldg. Inspector Minozzi: Yes.

Boardmember Dovell: And does it, Buddy? That's the question. I think that where we left ...

Village Attorney Whitehead: We had the zoning map to see what is zoned R-2.5.

Boardmember Dovell: But 2.5 is just the one parcel that's up on Broadway, correct?

Bldg. Inspector Minozzi: I think my biggest challenge is the 7.5.

Boardmember Dovell: The R-7.5.

Bldg. Inspector Minozzi: Because the lots ... obviously, as everybody knows, the zoning was done after most of the housing was built, and it just doesn't work.

Village Attorney Whitehead: Because most of the lots are smaller than that?

Bldg. Inspector Minozzi: Yes, mm-hmm.

Boardmember Dovell: The lots are smaller than 75-hundred feet.

Bldg. Inspector Minozzi: And everything's a variance. We do get a lot of it in the 10, but not nearly as much as we see in the 7.5.

Village Attorney Whitehead: Because that's your small ... it was zoned R-7.5 because it was the area where the smallest lots already were.

Boardmember Dovell: Correct.

Village Attorney Whitehead: But so many of the lots are even smaller.

Bldg. Inspector Minozzi: So I think FAR would work very well in some of these residential neighborhoods.

Boardmember Dovell: Well, it would at least put – it would at least rationalize at looking at house sizes on all these lots.

Bldg. Inspector Minozzi: Instead of just ...

Boardmember Dovell: You'd have a mechanism to evaluate is this a way to do it.

Bldg. Inspector Minozzi: Correct. Instead of getting banged with these gigantic variances. I mean, at least we can compare it to the FAR and say, Well, you know, if you look at the FAR it's not that bad.

Chairman Collins: Or you go to the opposite, where by right they can do a full-on teardown and then build to an envelope that ...

Bldg. Inspector Minozzi: That problem we're having in the 2-R.

Chairman Collins: But that will come. We should expect that over the next quarter-century, with the age of the housing stock as it is now, that is going to come.

Village Attorney Whitehead: Hastings is way behind in places that thrive.

Chairman Collins: Yes, it's all FAR.

Village Attorney Whitehead: In Scarsdale, that's been happening for 20 years.

Chairman Collins: That's right. It hasn't happened here, but we should anticipate it.

Boardmember Dovell: Are they on an FAR basis?

Village Attorney Whitehead: So they've done a lot of work on FAR in order to control that, where Hastings hasn't needed it so far.

Chairman Collins: Yes, this is about getting in front of that problem.

Village Attorney Whitehead: But I think what's interesting when you look at even the undersized lots, FAR relates to lot size.

Chairman Collins: Yes.

Village Attorney Whitehead: Setbacks doesn't. Setbacks do not relate to the lot size.

Chairman Collins: When what doesn't relate?

Village Attorney Whitehead: The setbacks have nothing to do with the lot size.

Boardmember Dovell: No.

Village Attorney Whitehead: So when you have these smaller lots, they really do have a hard time meeting the setbacks.

Chairman Collins: Right.

Village Attorney Whitehead: So by giving them an FAR to meet it is something else to be looked at. But if they comply with FAR, then they're kind of consistent for their lot size.

Boardmember Dovell: Right, right.

Village Attorney Whitehead: Because that's something that's tied to the lot size.

Boardmember Dovell: Which we don't have. The only thing we have is 2-1/2 stories times lot coverage, and that's a really lousy way to evaluate.

Bldg. Inspector Minozzi: In all honesty, I will be honest with this board right now. There was a three-family house in the 7.5 zone which was just bought and is on a *gigantic* lot in 7.5. And they are putting up a McMansion, by right. They are well within their setback – I mean, *well* within their setbacks, *well within* their coverage.

Boardmember Dovell: They're just using ... what they're just using is the 2.5 times the building coverage.

Bldg. Inspector Minozzi: Exactly, and they are putting up a giant, giant house with a three-car garage and an indoor pool and everything else in this little 7.5 neighborhood.

Village Attorney Whitehead: But they have a big lot.

Bldg. Inspector Minozzi: But they have a huge lot.

Chairman Collins: Sure.

Boardmember Dovell: Right, but if you look at the typical house in an R-10 or even some

of the R-7 they don't approach the maximum that you can build by 2.5 times ...

Village Attorney Whitehead: No, their houses are not maxed out.

Boardmember Dovell: Right, so it could get out whack really quickly if we don't address this.

Chairman Collins: That's right.

Boardmember Dovell: I think keep the building coverage the way it is because it allows for flexibility of building shape and interesting architecture, but cap it with an FAR.

Chairman Collins: I agree.

Boardmember Dovell: Then you have a nice way to evaluate variances.

Bldg. Inspector Minozzi: *Completely* agree with you.

Village Attorney Whitehead: I think some of what Pat was going to do was pull FARs from other places.

Boardmember Dovell: That would be really helpful.

Village Attorney Whitehead: You know, there's enough municipalities in Westchester that have FAR requirements for residential structures in their codes already.

Bldg. Inspector Minozzi: Including our neighbors.

Village Attorney Whitehead: So I think that's a good place to start is see what other municipalities have done.

Chairman Collins: Linda, can you help to facilitate an introduction, Pat-to-Ray, so they can coordinate on this? Ray having already gone through this exercise, they don't want to duplicate effort. But maybe that they can coordinate.

Boardmember Dovell: Yes, that would be great.

Chairman Collins: Thank you.

Boardmember Dovell: You know, I have an intern available over the summer to work on this.

[laughter]

Chairman Collins: That's a good internship project.

Bldg. Inspector Minozzi: That's awesome.

Village Attorney Whitehead: An intern can gather information from other codes.

Boardmember Dovell: They can, exactly, and they can do really nice three-dimensional diagrams.

[laughter]

And I hardly know how to turn the computer on, so ...

Chairman Collins: Everybody wins.

Village Attorney Whitehead: And I just want to say that Jerry came and got his two hours of training last week.

Chairman Collins: Oh, the sexual harassment training?

Village Attorney Whitehead: No, Jerry came and listened to me speak at the planning federation training last week.

Chairman Collins: Oh, very good.

Boardmember Quinlan: And I learned a lot. The whole program was very good.

Village Attorney Whitehead: Oh, thank you. I had to speed-talk because I went last and the other two speakers took too long.

Chairman Collins: That's tough. You were the anchor leg of the relay.

Village Attorney Whitehead: I had to speed-talk, it was okay.

Chairman Collins: All right, I don't know that we have anything else.

Boardmember Quinlan: I just wanted to let everybody know, the next meeting I will not be present.

Chairman Collins: I think you had hinted at that.

Boardmember Quinlan: But I didn't know, and now ...

Village Attorney Whitehead: You weren't sure.

Boardmember Quinlan: ... this volunteering I do ...

Boardmember Nivarthi: I'm in.

Chairman Collins: You'll be available?

Boardmember Nivarthi: Yes. When it scheduled?

Chairman Collins: June 27th.

Boardmember Nivarthi: June 27th? I'll be there.

Bldg. Inspector Minozzi: Okay.

Chairman Collins: Thank you, Sashi.

Boardmember Nivarthi: No problem. Had it been the 26th I would have said no, but 27th I can make.

Chairman Collins: That's very good.

Boardmember Quinlan: Thank you, Sashi.

Chairman Collins: We're grateful.

Bldg. Inspector Minozzi: I'll just put in some notes for Mary Ellen.

ANNOUNCEMENT

Next meeting date June 27, 2019

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.

Boardmember Quinlan: Thank you.

Bldg. Inspector Minozzi: Excellent.

Chairman Collins: Thanks, everybody.

Village Attorney Whitehead: Have a nice holiday weekend.

Bldg. Inspector Minozzi: I'm going to e-mail you my list that I was working on.