

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 26, 2016

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, May 26, 2016 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember David Forbes-Watkins, Boardmember Sean Hayes, Boardmember Adam Anuskiewicz, and Building Inspector Charles Minozzi, Jr.

Chairman Collins: Gentlemen, welcome to our Zoning Board meeting for May. Our Village Attorney, Ms. Whitehead, is en route. She will be joining us shortly, but we're going to go ahead and get started.

We have two cases: Case 07-16 for a project at 132 Edgar's Lane; and a return engagement at 95 Circle Drive – and this one we saw, I think, a little bit over a year ago.

Building Inspector Minozzi: It was a year January, I believe?

Chairman Collins: Yeah, that sounds about right. January 22. We will be seeing that one again.

Before we get underway, we have a couple of microphones, right, Buddy? We've got the handheld here, and we have a standing mic. We have a remote transcriptionist – it was a correction in the notes from the last time around. I said stenographer, but it's transcriptionist, who will be recording every word that is said.

So just speak into the mic, otherwise your voice won't be heard. I'll ask that you introduce yourself to the Board the first time you speak so we can capture that for the record. And if I mispronounce any of your names I apologize, I'm going to do my best.

Before we begin, are the mailings in order, Buddy?

Building Inspector Minozzi: I've been informed by my staff that the mailing's are in order.

Chairman Collins: All right, great.

**Case No. 07-16
Bertha & Manchiu Lay
132 Edgars Lane**

Relief from the strict application of the Village code Sections 295-68.F.1.c and 295-55.A, for conversion of a rear patio to a sunroom and bathroom at their single-family dwelling at 132 Edgars Lane. Said property is in R-10 Zoning District and is also known as SBL: 4.20-11-18 on the Village Tax Maps.

**Variance is sought for the extension of an Existing Nonconformity:
Side Yards: One Side – Existing and Proposed – 8.3 feet; Required Minimum –
12 feet {295-68F.1.c. & 295-55A};
Two Sides – Existing and Proposed – 22.1 feet; Required Minimum –
30 feet {295-68F.1.c. & 295-55A};
Variance Required – One Side 3.7 feet; Two Sides 7.9 feet**

Chairman Collins: Why don't we go ahead and begin with case 07-16, Bertha and Manchiu Lay for 132 Edgar's Lane seeking side yard variances for an addition.

Building Inspector Minozzi: You can set up here, Gene, and I'll give you the handheld.

Chairman Collins: Take your time in getting set up.

Building Inspector Minozzi: It's an extension of an existing nonconformity. Here you go, Gene. Please talk into the mic.

Gene Vetrano: We represent the Lays and their four seasons sunroom. This is a request for a variance for side yard setbacks. Actually, just to give you a little history, the home that the Lays reside in now was built in 1955 and I'm under the impression that perhaps the zone was different back then since we have existing nonconformity. In '88 to '89 they put an addition on the home which, again, is nonconforming.

The proposed addition now, we would like to line up with the left side of the home – which is a non-existing setback – and the rear of the home, which is OK; the setback in the rear of the home is fine. Basically, this is now the rear of the home, this is the existing addition that was constructed '88 and '89. We want to just square off the back of the house, and that is in this location right here. Right here and here, that's the side of the house that's existing nonconforming.

The purpose of this is, Mr. Lay is a semi-retired gentleman who goes for dialysis three days a week outside of the home. Actually, he would have been here this evening but I called about

an hour ago and he wasn't feeling well – he had treatment today. I think the long-term thought process is that he would like this to be his bedroom and have dialysis treatment in the home rather than having to go out three times a week. So with that in mind, these sides of the sunroom we put in a handicap-accessible full bathroom. So that now, if this becomes his bedroom and dialysis treatment area, he has access to a bathroom also; a shower, a toilet and vanity.

So again, the variance we're requesting is – let me go in my notes – the side yard presently is 8.3 feet, so we're requesting a 3.7 on the 12-foot side. Then our overall for both sides is 22.1. So we're requesting a 7.9-foot variance for the two sides.

Building Inspector Minozzi: Excuse me one second, Gene. Mr. Chairman, Linda just e-mailed me again. She's stuck in traffic and an accident and she doesn't know if she's going to make it.

Chairman Collins: OK. She's OK?

Building Inspector Minozzi: No, she's not in an accident. There's an accident, she's stuck in the aftermath of it.

Chairman Collins: OK, all right.

Boardmember Anuskiewicz: Is that on the Saw Mill?

Building Inspector Minozzi: I don't know where she is.

Boardmember Anuskiewicz: Reroute heading home.

Chairman Collins: Yeah, you may want to check your traffic before you head home if you've got any kind of drive.

Mr. Vetrano: Again, the Lays purchased the home in 1977 so they've lived here for almost 40 years.

Chairman Collins: They put in the previous extension.

Mr. Vetrano: Yes, they did. That was 1988.

Chairman Collins: OK. Because we've had this sort of thing come up before, Buddy, is that all in the clear?

Building Inspector Minozzi: Yeah.

Mr. Vetrano: Yeah, all the paperwork and certificate of occupancy are good. The proposed addition is a total of 308 square feet; 250 plus or minus is the sunroom. Then 93 square feet is the side entrance and proposed handicap toilet.

Boardmember Dovell: How big is the area of the variance in the back? It's 9 foot 7 in one dimension, but what's the other?

Mr. Vetrano: Actually, let me put up a site plan that kind of clarifies a little bit. This was the site plan we submitted. In my angst, I took the 12 foot and put it on the side that was already conforming – the 13.8 – so that I came over the 18 feet on the opposite side. The adjusted site plan now is the red-checked area; that's the nonconforming on the 12-foot side, and then there's the building envelope so you can see that. I put the 18 feet on the right side (background noise) the additional 2 feet. I have the mini plan. It's a little tough to read, but if you'd like to take a look at that.

Boardmember Dovell: Well, how big now? It's reduced from what was in the submission packet.

Mr. Vetrano: So right now it is 8.3 on the left side. We're going to call that the 12-foot side, so we need a 3.7-foot variance on that side.

Boardmember Dovell: So 3 foot 7 on the left side.

Mr. Vetrano: Right.

Boardmember Dovell: And what about in the ...

Mr. Vetrano: The front and rear are OK, there's no issue. Then on the right side we are presently at 13.8. So when you add the 13.8 to the 8.3 you come up with 22.1 and we're requesting a variance of 7.9 feet to come up to the 28 feet.

Building Inspector Minozzi: That's what we had put in the paper. Those numbers are correct.

Boardmember Dovell: But in terms of overall area, what is the area of the variance that you're looking for for the greenhouse?

Mr. Vetrano: The square footage?

Boardmember Dovell: Square footage, I'm sorry. Just the variant area.

Mr. Vetrano: It's 308 square feet, and right now there are pavers there.

Boardmember Dovell: The variance.

Mr. Vetrano: Oh, I apologize, I apologize. I understand. It's 3.7 times 12 – that's 36 – approximately 42 square feet.

Boardmember Dovell: So you're looking for 42 square feet in the backyard.

Mr. Vetrano: Plus or minus, yes.

Boardmember Anuszkiewicz: Side yard.

Mr. Vetrano: Side yard, right. Front and rear comply.

Boardmember Dovell: So it's pretty de minimis.

Boardmember Forbes-Watkins: Minimal.

Mr. Vetrano: Yeah.

Chairman Collins: This seems like a very straightforward project.

Mr. Vetrano: And we looked at other options in the home.

Chairman Collins: Yeah, you mentioned that.

Mr. Vetrano: There are three small bedrooms. This is pretty much it.

Chairman Collins: And it makes sense in terms of just using a space that, quite frankly, I don't want to say wasted. But you have this sort of key cutout in the overall footprint of the home.

Mr. Vetrano: Minimize the space.

Chairman Collins: The square footage of the home, existing currently, is ... so you

mentioned it's the total of 300 the applicant will get on top of it?

Mr. Vetrano: Existing ... let me go to my notes. Give me a second, please. The existing home is 1,635 square feet, with a 350 square foot single-car garage.

Chairman Collins: So this is going to convey some real benefit. I mean, that's a substantial increase to the square footage inside the house. Give the applicant a room that has multiple purposes perhaps envisioned for the future. I think this looks like a very straightforward and easy one for me to get behind.

Does anyone else have any questions that they'd like to ask on the project?

Boardmember Forbes-Watkins: A quick question. The one thing I found a little disturbing about this proposal is the remaining backyard is basically a hill.

Mr. Vetrano: Fairly steep, yes.

Boardmember Forbes-Watkins: That does give me a bit of concern for the future. Obviously, for the needs of the current owners this makes a great deal of sense and I certainly wouldn't be opposed to it. But I'm just disturbed about that.

Mr. Vetrano: We weighed that. We discussed that with them because, again, they've raised families there. I believe they have grandchildren that do come over. Again, I think the thing was they want to stay here. Because of his medical condition, we were looking to solve his need. I guess in the future ... it is fairly steep back there. There's only about 4 feet left now from the rear of this home to that retaining wall. We're going to put a walkway back there for him. I mean, it's a difficult site, as the front is too.

Boardmember Anuskiewicz: You've got enough room in the future to put a deck inside your allowable development window.

Mr. Vetrano: We can, yes. If they wanted to put a raised deck or something, absolutely there is room back there.

Boardmember Anuskiewicz: I don't think what you're proposing is going to make the backyard any less usable in the future.

Mr. Vetrano: Any other questions from the Board for the applicant?

Chairman Collins: Does anyone in the audience wish to be heard on the case? OK, can I

have a motion please?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved, with respect to Case 07-16, to approve variances as outlined. The one side existing and proposed 8.3, required minimum 12 feet. Two sides existing and proposed 22.1 feet, required minimum 30 feet. The variance required one side, 3.7 feet; two sides 7.9 feet.

Chairman Collins: The vote's unanimous. Congratulations, Mr. Vetrano.

Mr. Vetrano: Gentlemen, thank you for your time. I appreciate it.

Chairman Collins: Thank you for your explanation. Good luck to the project, to the owners.

**Case No. 08-16
Paul Gates
95 Circle Drive**

Relief from the strict application of the Village Code Sections 295-68F.2.a (1) and 295-68F.1.c, for construction of a new side entrance and a new, larger rear deck at his home at 95 Circle Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.40-42-14 on the Village Tax Maps.

Nonconformity details of the proposed Entrance & Deck are as follows:

Building Coverage: Existing – 24.84%; Proposed – 27.5%; Required Maximum – 25% {295-68F.2.a(1)}; Variance Required – 2.5%

Side Yards: One Side – Existing – 12.2 ft.; Proposed – 8.2 feet; Required Minimum – 12 feet {295-68F.1.c.}

Two sides – Existing – 29.54 feet; Proposed – 25.54 feet; Required Minimum – 30 feet {295-68F.1.c.}

Variance required – One Side 3.8 feet, Two Sides 4.46 feet

Chairman Collins: We'll move to Case 08-16, Paul Gates, for 95 Circle Drive. The variance being requested here is building coverage: existing 24.84, proposed 27.5. Side yards for one side as well as the combined two sides. We'll have the same ask again that you introduce yourself into the microphone, anyone who's speaking on behalf of this project.

The question that I'm going to ask right up front ... well, let me take a step back. I had a chance to just refresh my memory and read through the minutes that captured the conversation the first time this came before us on January 22 of 2015. I was able to recreate, from my memory, the conversation. We approved this on a unanimous vote, and I'm not inclined to revisit that. I think it's right. If this is really just a procedural move because a permit has expired, the only ...

Building Inspector Minozzi: Yeah, because of personal problems they couldn't get the job started in time so they had to come back to us.

Chairman Collins: Sure. The only reason, in my mind, we would need to reengage is if anything has changed from the proposal that was approved on January 22. I think that's the question that needs to be asked.

John Adams, project architect: I'm the architect for the owner, Paul Gates, who's here for this project. Your question is, has anything changed since the last submission? No, it's exactly the same.

Chairman Collins: OK, then anyone who wishes to ask a question feel free to do it now. But otherwise, I would like to get a motion and ...

Boardmember Forbes-Watkins: I would like to just make a facetious comment. That I suggest you reconsider doing this because your front door is the strangest one around and it could easily win a prize.

Mr. Adams: That's true.

Chairman Collins: All right.

Mr. Adams: Well, we know Riverview Manor prides itself on uniqueness and eccentricity so you may be on to something there.

Chairman Collins: All right. If there are no other questions, and Buddy you can confirm that this is exactly the same project ...

Building Inspector Minozzi: Absolutely, absolutely.

Chairman Collins: So can I get a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved, with respect to Case No. 08-16, the renewal of approvals we had previously given for building coverage, existing 24.84, proposed 27.5, required maximum 25 and therefore a variance of 2.5 percent. One side existing 12.2 feet, proposed 8.2, required minimum 12 feet. Two sides existing 29.54, proposed 25.54, required minimum 30 feet and therefore one side 3.8 foot and two side 4.6 variance.

Chairman Collins: It's 4.46.

Boardmember Forbes-Watkins: Yes, excuse me.

Mr. Adams: No, it's all right.

Chairman Collins: The vote is unanimous again. Thank you, Mr. Adams.

Mr. Adams: Thank you, gentlemen, again.

Chairman Collins: Thank you. Good luck to you in the project.

Mr. Adams: Thank you very much.

Chairman Collins: You bet.

APPROVAL OF MINUTES

Regular Meeting of March 24, 2016

Regular Meeting of April 28, 2016

Chairman Collins: We have just one other matter before us as a board, and that's to review both the April and May minutes. I submitted both of the minutes along with markup for April to Buddy already. I saw absolutely nothing to change in the May minutes, which was the shortest minutes that I've ever read.

Boardmember Forbes-Watkins: In the April minutes.

Chairman Collins: The May one. Oh, sorry, the April ones. I misspoke, March and April is what we're here to approve. My mistake. No, the April minutes at nine pages was the shortest and it was perfectly clean from what I saw.

Does anyone else have any amendments to the minutes?

Boardmember Forbes-Watkins: I gave my amendments, minor, for the March meeting to Buddy some time ago.

Building Inspector Minozzi: Oh, you did? OK, then I gave them to Mary Ellen.

Chairman Collins: OK, good.

On MOTION of Boardmember Hayes, SECONDED by Boardmember Forbes-Watkins, with a voice vote of all in favor the Minutes of the Regular Meeting of March 24, 2016 were approved as amended.

On MOTION of Boardmember Hayes, SECONDED by Boardmember Forbes-Watkins, with a voice vote of all in favor the Minutes of the Regular Meeting of April 28, 2016 were approved as amended.

ANNOUNCEMENTS

Next Meeting Date – June 23, 2016

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.