

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING & PUBLIC HEARING**  
**JUNE 27, 2019**

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, June 27, 2019 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember Joanna Berritt, Boardmember Carolyn Renzin, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

**Chairman Collins:** All right, everybody, thank you for joining us for the June 27th, 2019 zoning board of appeals meeting for Hastings-on-Hudson. We have one, two, three, four cases on our docket. We're going to move the agenda around a little bit and start with 15 Elm Place. That may be better more accurate to say that we're going to move 45 High Street to the end of our agenda.

I will say that there will be some movement in and among the board tonight because I know I will be recusing myself for 45 High. And I think is there at least one other? Carolyn, you'll be ...

**Boardmember Renzin:** I'll be recusing myself from 25 Devon Way.

**Chairman Collins:** Okay, so there will be some movement up and down on the board. We are expecting our alternate to join us here shortly, and when he does he will be subbing for one or the other of us. We are out, though, one boardmember, which means that ...

**Village Attorney Whitehead:** He's subbing for Jerry the whole time.

**Chairman Collins:** Oh, I guess that's true, but when one of us steps down there will be one number shy of our full five. Which means there is a possibility of a 2-2 vote, which just reminds me that in any case an applicant presents it's perfectly okay to defer that application for another meeting when you think you'll have a better shot at getting the approval that you seek.

So before we begin, Buddy, how are we on all the mailings?

**Bldg. Inspector Minozzi:** I have been informed by my staff that all the mailings are in order.

**Chairman Collins:** All right, thank you. A couple of ground rules before we begin. We have two microphones for everybody. There's the standing mic right in front, and then we

also have a portable mic by the building inspector up here. All we ask is that when you're ever speaking that you make sure you have a microphone in front of you so we can capture your comments for the record, which we are recording by a remote transcriptionist through that camera. We want to make sure we have your comments accurately reflected in the record. And, for the first time that you speak just introduce yourselves. And then I promise after every single applicant presents there will be plenty of time for the community to comment.

And I think we are ready to go, so why don't we go ahead and begin with case 10-19.

## **AGENDA**

**Case No. 10-19  
Deborah & Scott Jones  
15 Elm Place**

**For an approval, as required under Sections 295-60.D of the Village Code, to replace an existing extremely dilapidated garage with a new one at the same location and of the same size, et cetera as the existing garage at their home at 15 Elm Place. Said property is in R-7.5 Zoning District and is also known as SBL: 4.40-35-10 on the Village tax Maps.**

**Nonconformity details of the existing and proposed garage are as follows:**

**Rear Yard: Existing and Proposed – 1.66 feet; Required Minimum – 8 feet {295-69F.1.b.}; Variance required – 6.34 feet**

**Side Yard: Existing and Proposed – 1.69 feet; Required Minimum – 8 feet {295-69F.1.c.}; Variance required – 6.31 feet**

**Building Coverage: Existing and Proposed – 41.8 percent; Required Maximum – 30 {295-69F.2.a (1)}; Variance required – 11.8 percent**

**Developmental Coverage: Existing and Proposed – 51.3 percent; Required Maximum – 40 percent {295-69F.2.a (2)}; Variance required – 11.3 percent**

**Chairman Collins:** This is for replacement of a garage, and the existing and proposed conditions are nearly identical with the exception of the side yard. No, I take that back; it is exactly the same across the board – an indication of the plan here that's at the core of the project.

So, Mitch, I'll let you go ahead and present.

**Mitch Koch, project architect:** I'm here with Deborah Jones, the owner of the garage. This lovely garage ...

[laughter]

... is about to fall over, and our goal is just to absolutely replace it in-kind, configured virtually the same. I think we may swap a window for a door – a walk-through door – but otherwise no change; no change to the zoning envelope, nothing. You know, I don't want to take up any undue time, but that's really the gist of this. This is, hopefully, a formality that we're just trying to ... before we tear it down we wanted to get clearance to tear it down rather than to build it by pieces and do that little sleight of hand.

**Chairman Collins:** Okay. I visited the property, spoke to the owners, and the rightward list in this garage is pretty noticeable.

**Mr. Koch:** What list?

**Chairman Collins:** So there's no question it immediately stands out as something that needs to come down. I get that. I suspect that its construction predates our zoning. The house is ...it certainly does, and I suspect that the garage does, as well. I eyeballed it, and there really is ... there are few options for where to place this garage. If one were to decide to drop a garage on this property and to put it anywhere, I can't imagine a spot where it would be as-of-right and usable by the homeowner.

In fact, a look to the east and to the west – I think I'm right – if I look up and down that street, the garages seem to be neatly in a row, arrayed in roughly the same geography relative to this one. I mention all of this because without context – which I'm hoping to provide here – the variances requested would seem to be rather large. But the character of the neighborhood tells you everything you need to know about *why* these requests are substantial relative to what our code says.

I offer all that up simply for the record. I have absolutely no quarrel with this project. Does anyone wish to ask questions? Jo, are you good?

**Boardmember Berritt:** No. There was a message, if I'm on the right property.

**Bldg. Inspector Minozzi:** Yes, there were two letters.

**Boardmember Berritt:** Yes, one in support and one just in terms of the fence that was ...

**Village Attorney Whitehead:** They were both in support, but the one raised just construction concerns.

**Bldg. Inspector Minozzi:** About the fence.

**Boardmember Berritt:** About the fence, yes. But other than that, no, I don't have any questions.

**Chairman Collins:** I can read the letters into the record. The first one which I'm going to read comes from Andrea Olstein and Michael Winkleman of 16 Fraser Place. This is property that, if I'm not mistaken, is roughly to the north, directly behind the northern property line.

**Mr. Koch:** Where it says "50" here.

**Chairman Collins:** It reads:

*"Dear zoning board of appeals,*

*"Mike Winkleman and I wholeheartedly support Deborah and Scott Jones' application to replace their garage. We are neighbors directly behind the Joneses. The new garage will be a great improvement to the neighborhood.*

*"We can see the garage from our house, particularly from our family room, our terrace, and a second floor bedroom. We do have a concern. The existing garage, and its replacement, are very close to the property and a very old antique fence that is on our property. We request that every precaution be taken to avoid any damage to the fence, as well as the established garden bed located on our property and behind the garage during demolition and construction.*

*"A large portion of the fence fell down in a winter storm in 2018 and we were able to have it repaired with new rails and posts at a significant cost. We trust that the Joneses' contractor will take good care to avoid any damage which could undermine the entire fence. Given that the fence is at least 50 years old, it might need to be entirely replaced if damaged.*

*"Thank you for your consideration  
In support,  
Andrea Olstein and Michael Winkleman  
16 Fraser Place"*

**Bldg. Inspector Minozzi:** Yes, we will ensure, during construction, that the neighbors' properties are protected.

**Chairman Collins:** Okay, thank you.

Then we received a second letter in support from Derek Tarsy and Loren Lindstrom of 11 Elm Place, so this would be a neighbor. It reads:

*"Dear Hastings-on-Hudson zoning board of appeals,*

*"We are writing regarding Case 10-19, to be heard at this month's zoning board of appeals meeting. Our neighbors at 15 Elm Place wish to construct a new garage to replace their existing garage.*

*"We understand that the garage currently stands close to our property line, and the new structure will stand in the same space with the same footprint. We support the project. The current garage is clearly dilapidated and in need of replacement. We recommend the board approve the appeal.*

*"Thank you,  
Derek Tarsy and Loren Lindstrom  
11 Elm Place, Hastings"*

**Chairman Collins:** So that, I think, covers the correspondence that we've had from the community. Does anyone in the audience wish to be heard on the case? All right, then may I have a motion?

On MOTION of Boardmember Dovell, SECONDED by Berritt, with a voice vote of all in favor the Board resolved to approve Case 10-19 for 15 Elm Place: rear yard existing and proposed, 1.66 feet, minimum required 8 feet, variance required 6.34 feet; side yard existing and proposed 1.69 feet, required minimum 8, variance required 6.31; building coverage existing and proposed 41.8 percent; required maximum 30 percent, variance required 11.8 percent; development coverage existing and proposed 51.3, required 40, variance 11.3 percent.

**Chairman Collins:** It's unanimous. Congratulations, good luck to you.

[applause]

**Chairman Collins:** We've never ... that is a first.

[laughter]

Congratulations, good luck.

Okay, we'll proceed then to case 11-19.

**Case No. 11-19**  
**Mark & Diana Kozicky**  
**25 Devon Way**

**For relief from the strict application of code sections 295-68F.1.a, 295-40.A(1&2) of the Village Code, for a new garage and driveway addition proposed on their home at 25 Devon Way. Said property is located in the R-10 Zoning District and is known as SBL: 4.110-99-8 on the Village Tax Maps.**

**Nonconformity details of the proposed addition & driveway are as follows:**

**Front Yard Setback: Existing – 24.48 feet; Proposed – 25.58 feet; Required – 30 feet{295-68F,1,a}; Variance Required – 4.42 feet.**

**Driveway Slope – Existing – NA; Proposed – 17.3 percent; Required – Maximum 15 percent {295-40.A(1)}; Variance Required – 2.3 percent**

**Driveway Slope: 3 percent/30 feet of the center line of traveled way – Existing, NA.; Proposed – 17.3 percent/30 feet; Required – Maximum 3 percent/30 feet {295-40.A(2)}; Variance required – 14.3 percent/30 feet**

**Boardmember Renzin:** Now I'm going to recuse.

**Chairman Collins:** Yes, thank you, Carolyn

*[ Boardmember Renzin recused ]*

**Chairman Collins:** Buddy, have you sent Sashi a note?

**Bldg. Inspector Minozzi:** No.

**Chairman Collins:** Would you mind just pinging him?

**Bldg. Inspector Minozzi:** Absolutely.

**Chairman Collins:** We'll be glad to have him here, especially shortly.

On this, I won't get into all the specifics. I'm sure we'll cover these as the case is presented.  
Hello, Christina.

**Christina Griffin, project architect:** Good evening, how are you? I'm here with Lizette who is our project designer. We're just going to set up, so give me a minute.

**Chairman Collins:** Yes, take your time.

**Bldg. Inspector Minozzi:** Okay, I sent him a note.

**Chairman Collins:** Thank you, I appreciate it.

**Bldg. Inspector Minozzi:** No problem.

**Ms. Griffin:** Just give me a minute here.

**Ms. Griffin:** Okay, good evening. We're here to ask for variances to allow us to have a two-car garage built onto this house and also ... well, primarily, the variances just really relate to the garage. We're also adding a family room on the first floor and we're enlarging the master bedroom. It's a very small house, about 11-hundred square feet. Currently there is a garage, but it's in the back – around the back – down the 20 percent slope on the right, and also about [75] feet wide. So it's not usable.

We really looked hard at ways we could put a garage on the house that would be functional and usable and meet the zoning code, but unfortunately there's a few reasons why we cannot meet the grade of 3 percent for 30 feet from the center line of the road or 20 feet from the curb. That is because the garage right now is located so that when you come in you can come right in to the basement. If you look at our floor plan, we did locate the garage so that was about 6 feet away from the house to try to get it to the lower end of the yard so there would be less slope.

The house right now is nonconforming in the front yard, so when you put this addition on you have a small piece that's 22.8 square feet that goes into that front yard setback. On the basement level we're planning to add a two-car garage, and we need that variance so just this

corner projects into the front yard. The house is nonconforming and also has parts of the house projecting into the front yard setback. It's existing nonconforming.

Then on the first floor plan, we are showing a new family room and deck. But this addition and deck do meet the front yard setback. Just so you know, on the second floor we're doing an addition and expanding the bedroom, but it doesn't need any variances.

The driveway that's there looks like it hasn't ... I don't know if it's ever been used. But one thing we're also planning to do is, there's a big paved area in the back so someone could take their car down, turn around, go into that garage. So we're going to remove that and make that lawn area. We end up with about the same amount of development coverage as we have.

If we look carefully at our driveway plan – I'll see if I can blow this up a little bit a little bigger so you can see the layout – we had a topographic survey done so we could really examine the grades to see where we were at. We discovered the existing driveway is 20 percent, but the new driveway, in order to ... let me see if I can get this a little smaller. Just a second ...

**Chairman Collins:** You can see that minus sign there, too, is a quick way to bring it down. In the menu.

**Ms. Griffin:** Okay, thanks. So for the garage to work where it is, even though the grade does come down from the front door and is lower than the grade where the driveway is now, we typically use like 5 percent for a slope for 20 feet. So we have a 20-foot length that's at 5 percent so the car can go into the garage and doesn't bottom out. Then after that, we have 20.2 feet. And that's where we have a 17.5 percent slope from the 20-foot mark to the curb.

Now, we took a look at other driveways in the area and I'd like to just show you those photographs. I'd like you to see the photograph of this house just so you can see how the grades work. Then we have some photographs of similar houses in Hastings just so you can see, or just understand, why we have these situations. It does seem to work in other locations. Hold on one second.

**Lizette Garcia-Elias, project designer:** This is the existing house, this is the existing driveway that turns and goes around to the back.

**Chairman Collins:** Okay. And will she be in range enough for the mic?

**Bldg. Inspector Minozzi:** Yes, they're fine.

**Ms. Garcia-Elias:** This is the existing side of the house. This is where the addition's going to go and this is the existing driveway that's about 20 percent sloped. As you can see, you have to come out, big paved area around the back, for you to be able to come into that driveway. I just want to show you quickly another image of the house so you have a sense of what we are doing.

**Chairman Collins:** While you're pulling this stuff up, is your position that the dimension here of the driveway – its slope and size – is in keeping with the character of the neighborhood? Or are you going to be making an argument that there's really no other place you can put this driveway and have it be useful to the applicant?

**Ms. Griffin:** I think both. I wanted to show you, these are some examples of the same situation where you've got a steep driveway and the first floor is very close to grade. This is very similar to what we have at this property. We have a few of these.

**Chairman Collins:** But that's not in the neighborhood, right?

**Ms. Griffin:** I'm going to go back to Devon. These are just different places in Hastings. This is Devon Way, and I'm going to show you the neighbors' properties. This is next door, and I believe the grade is the same as the property we're working on. This is right next door. It also has a ... I don't know exactly because we don't have any topographic information, though it's pretty steep. Then there's a house next to it. Also, this looks like it's headed ... it looks to me like it's a very similar slope because I think the grade is similar all the way to the corner. This is a house on the corner that is not as steep.

**Chairman Collins:** Similar to the proposed condition?

**Ms. Griffin:** This also has a steep, ski-slope type driveway. It might look level here, but then it dives down. It's a lot like the property.

**Chairman Collins:** You know, to be honest it's hard for me to ... I walked this site and it's hard for me to look at the pictures of the neighborhood and really know what the difference is and even whether or not if they were being built today would they even require a variance. I just don't know. I find it difficult to look at those pictures and see a comparable situation. It may very well be, by the way. Are you comparing these other properties to the existing, or proposed, driveway at 425 Devon?

**Ms. Griffin:** More to the proposed.

**Chairman Collins:** To the proposed, okay.

**Ms. Griffin:** But I do think ... I don't have the topographic information, but I do think the other houses have a similar slope. That's all I can say.

**Chairman Collins:** Okay. I think it's unknowable. It might be more useful to focus ... let's just agree that there are slopes, but the degree of those slopes we can't know so there's no point in arguing it. Did you explore alternatives for the placement of the garage that would not have required this type of variance, or is that even an option?

**Ms. Griffin:** We did. We had the garage up against the house, and our preferred design was not this one. We had an option, a scheme, where we had the garage right up against the house and we actually moved it to the left so we would be lower down on the grade. We looked at even coming into the garage from the side, but you still had the same grade differential – if you see these contours, they're very similar from the curb down – if you put the garage doors on the side of the house. Plus, it's further away from the front door so it's not as convenient.

I think because of the where the house is located, and because of the existing topography, it's not possible to meet the zoning code for a 3 percent slope at the top of the driveway. The reason why I looked at other properties, I wanted to see how it might work having that similar slope and also a 20-foot wide street. So I actually went over to Terrace Road because you have a series of houses just like on Devon and it's also only 20 feet wide. I just wanted to see if there were other problems like this in other areas of Hastings.

My feeling is that this is a very quiet road. I'm not sure what the intent is of such a shallow slope of 3 percent, but if it was on like Farragut Parkway or Warburton I could see maybe you don't want to have such a steep slope right at the curb.

**Chairman Collins:** Yes.

**Ms. Griffin:** But this is a very quiet street. The same on Terrace Road – which is near Villard, near my house – so I see these people, the traffic, there all the time. I don't think it's going to be a problem and I just don't think it's really possible to avoid a steep driveway. It's also because we have to get down to the basement level, you know, because there's a floor above and you can't raise that garage without raising the first floor.

**Boardmember Dovell:** How much to make it comply?

**Ms. Griffin:** How much to raise the basement?

**Boardmember Dovell:** If you were to make the pitch of the driveway comply, how high would you have to raise the garage level to accommodate that?

**Ms. Garcia-Elias:** Almost an entire story.

**Boardmember Dovell:** No, that can't be right.

**Village Attorney Whitehead:** It's for the 3 percent.

**Boardmember Dovell:** Right. So you're looking for a 3 percent variance in the pitch of the ...

**Village Attorney Whitehead:** No, there's two requirements. Part of it is that you can't exceed 3 percent slope for the first ...

**Bldg. Inspector Minozzi:** 30 feet.

**Village Attorney Whitehead:** ... 30 feet. That's the one that's the more problematic.

**Boardmember Dovell:** Okay. But if you were to make the slope entirely compliant to the garage entry, how much higher would you have to raise that level?

**Ms. Garcia-Elias:** So the drop for the first floor ... it's a split-level house so the first floor is at this level, which is elevation 213. And the garage is at 204 so we're about ...

**Village Attorney Whitehead:** What's the street at?

**Ms. Garcia-Elias:** The curb is at ...

**Ms. Griffin:** No, I can tell you that.

**Ms. Garcia-Elias:** 209.

**Ms. Griffin:** You probably have to be only down like a foot. So the elevation is going to be 205.

**Chairman Collins:** Make sure you've got the mic, Christina.

**Ms. Griffin:** Probably 208, so that means bringing it up 3-1/2 feet.

**Boardmember Dovell:** 3-1/2 feet, okay.

**Ms. Griffin:** I'll show you the elevations because this is a very tiny house. I mean, you walk in ... you know, the entire house is like 11-hundred square feet. You walk in, it's very tiny. It's a nice size living room that's very tiny: dining/kitchen. So our plans were to add, to enlarge, the house and add a family room. If we raise the garage up 3-1/2 feet we wouldn't be able to do that addition. It would come up into the family room and wouldn't be on the same level.

**Boardmember Dovell:** Mm-hmm.

**Chairman Collins:** You mentioned that what you're showing us was not plan A, not your preferred recommendation.

**Ms. Griffin:** No, our recommendation originally was to have the garage under the family room. That was everyone's preference for a lot of reasons; first of all cost, less building, but the drop to that would be even worse and we'd have a very large retaining wall between the garage and the entrance to the house.

**Boardmember Dovell:** And what if, just conversely, you had pushed the garage back further? You would have a longer driveway in which to make a compliant pitch.

**Boardmember Berritt:** It would look like the extra 10 feet.

**Boardmember Dovell:** Mm-hmm.

**Ms. Griffin:** You know, it was also a goal of our clients to have a big lawn. You give up one thing for another, so this also lines up with the addition on the second floor. It gives you access right into the basement. If we move it back I'm not sure how far back we would have to move it to get the 3 percent slope, but it would probably be pretty far because it's such a gentle slope. You might have to move it back – I'm not sure, I'd have to study it – maybe 20 feet, but I think it'd be a lot and would be interrupting that lawn area they are hoping to have for their young children.

I know what we looked at in the office, that idea, we just felt like there'd be a lot of coverage – more blacktop or paved area on the site – and this seemed to be a better fit for the house and for the site. That's why we submitted this scheme.

**Chairman Collins:** It's helpful to get your reasoning on it. This is a harder one because actually I do think the pitch requirement is largely driven by a public safety consideration,

which you seem to acknowledge. That if this were on a busier street this would be an even harder decision for fear that because of the steepness of that slope at the curb the driver may not have full visibility of the road in either direction.

There's also the possibility of a driver needing to give it a little bit of extra oomph to get it off the road, which creates the possibility of some herky-jerky type of speeds in a very confined space. I'm trying to imagine why we have this code written the way we do, but it's pretty substantial. The allowable slope is so minimal I have to believe it's probably driven by a public safety consideration.

**Boardmember Dovell:** It's utility considerations, as well, because you see a lot of driveways in Hastings that are pitched very steeply, and they're just not used.

**Boardmember Berritt:** That one in particular.

**Boardmember Dovell:** People just don't use them. It would be impractical to get in and out.

**Chairman Collins:** Especially on a snowy day.

**Boardmember Dovell:** Exactly. Any day, a lot of them.

**Ms. Griffin:** I only show you this because a lot of houses that have the first floor very close to the grade at the front, and the garage is in the basement, you see this pattern in places in the Village and all throughout Westchester. This creates that kind of problem. So our original scheme was to have a garage under the family room addition, then you'd end up with a retaining wall like that. And of course, it's more economical when you line everything up like that instead of having the garage pushed way back because to eliminate the slope like that you either have to raise the garage or you have to push it way back.

**Boardmember Berritt:** But that house, the owners do use the driveway. You happened to choose two houses on my street. The owners use the driveway, where the other previous house you showed at the bottom of the street they're rarely used.

**Ms. Griffin:** I see.

**Boardmember Berritt:** Because to get out of that with people coming up South Drive is problematic, so they park on the street. That's what ends up happening as a result.

**Chairman Collins:** And that, of course, sits on one of the hot button issues for this zoning board as a reflection of the Village concern that we put cars on the street, in spite of the fact that there may be, in theory, a space where a car could go in a garage.

**Boardmember Berritt:** Right.

**Ms. Garcia-Elias:** The existing garage actually encroaches on ....

**Chairman Collins:** Can you make sure you're with a mic.

**Ms. Garcia-Elias:** The existing garage encroaches on the existing neighbor's property, and during the winter they couldn't even get snow out of the driveway. They have family, they have child care, they have people with cars that come to their house constantly; a big concern, and why we want to widen the driveway, so we can get the cars off that street. There is no parking on the street as it is so they're not using their very steep driveway. It's very narrow. So they certainly want something that's wider that can accommodate the cars so when they have people over, and their help that they constantly have, they need space for the cars.

I think the slope ... if we pushed the house back – to your point, Joanna – pushing the driveway closer to the house, that photo that we're showing with the steep slope is actually not going to be that shallow. It's going to have a large retaining wall, but it's actually going to be even steeper. That's why we moved it away. We were at like 26 percent slope when it's that close to the house. So we ended up with an extra large garage just to try to avoid and minimize as much as we could that slope. That was the only way to do it to take it away from the house.

**Boardmember Dovell:** I can visualize a no-variance scheme at all, where if you turn the addition – if you angle the addition – more to align in parallel with the front lot line, and pushed it back to get the required, you'd eliminate the front setback variance and you could also accommodate the pitch. You know, we have to look at it as a part of findings is a no-variance scheme. I'm wondering, did you look at that?

**Ms. Garcia-Elias:** We did. We didn't think an angled front ... you know, the house is a traditional house, and having an angled addition like that I didn't think that would look appropriate with the existing house.

**Boardmember Dovell:** Tudor houses are known for their anomalies and angles and whimsy. I mean, that's part of the character of them.

**Ms. Garcia-Elias:** I think in keeping with what's there right now, and the neighbors' properties, we thought that having it all align to the existing house in terms of not having an angled garage would look better than having an angle there.

**Boardmember Dovell:** I think the front yard variance is de minimis, but I'm only concerned about the relative utility and safety of the pitch in the front. And I'm wondering if Buddy has anything to add to that. Are you concerned with the pitch?

**Bldg. Inspector Minozzi:** In all honesty, in this particular neighborhood ... it's a very low-traffic, low-density neighborhood.

**Boardmember Dovell:** Mm-hmm.

**Bldg. Inspector Minozzi:** I don't have a problem with it at all. And 17 percent, to me, is not that steep of a driveway. Unfortunately, I don't agree with all the codes that are written in our code book, and this is one of them.

**Boardmember Dovell:** Okay.

**Chairman Collins:** I guess the question is, imagine now we're having this conversation in February in a particularly snowy stretch. Are the homeowners here going to be parking their cars on the street rather than dealing with a driveway because they can't find a way to get out?

**Bldg. Inspector Minozzi:** I have a 20 percent sloped driveway and it's no problem in the wintertime at all. I plow and I salt it, and it's fine. And we get four cars in it.

**Boardmember Dovell:** Are you in compliance with the parking regs, Buddy?

**Bldg. Inspector Minozzi:** This was pre-zoning so we're good.

[laughter]

That's just me.

**Ms. Griffin:** They will ask for the public in a minute. I think a homeowner would like ...

**Chairman Collins:** Yes, go ahead.

**Dr. Mark Koziky, applicant:** Hi, welcome everyone. This is my wife Diana Koziky, the homeowner here for this property. Just wanted to speak to your question about the wintertime scenario because when we initially purchased the house it was right around January.

**Bldg. Inspector Minozzi:** Excuse me just one second. I just got a text from Jen: you have to speak closer to the microphone. Not you, sir. You have to speak closer to the microphone when you guys are at the podium, okay?

**Chairman Collins:** Thank you.

**Dr. Koziky:** But having purchased the house around the snowy season, the current steepness of that driveway, there was no way to even attempt to have the car go down the driveway. Even when I shoveled it there was too much possibility for a slip here, slip there either going into the structure or towards the bushes. So we felt that this setup would definitely be of a safer variety, having the width and overall gentler slope in comparison to where the current steepness of the driveway heads down that hill.

**Chairman Collins:** Christina, can you remind me what the slope of the existing driveway is right now?

**Ms. Griffin:** Twenty percent.

**Chairman Collins:** And you're proposing going from 20, which was an unsavory proposition to 17-1/2?

**Dr. Koziky:** It was also in comparison to width. There's only 7 feet, of which you're right.

**Chairman Collins:** Yes, less margin for error for-sure.

**Dr. Koziky:** I'd say almost none in truth, and not one that I would want to ever risk.

**Ms. Griffin:** You know, the natural grade of the house is like 20 percent on that end and then it gradually gets less steep. So that's why we pulled the garage away. You see that wall that's there. We also felt that if the garage is located where it is it'd be more accessible and usable by the owners. You know, there really isn't any real off-street parking now. That way, you could even walk up the driveway into the house. You could fit as many as four cars there. So it's convenient to the front door, it's also convenient to go in and go up through the basement.

**Chairman Collins:** Okay.

**Boardmember Dovell:** What's the floor-to-ceiling in the garage?

**Ms. Griffin:** 7-6.

**Bldg. Inspector Minozzi:** You *have* to speak into the mic.

**Ms. Griffin:** We looked at that idea maybe.

**Chairman Collins:** Why don't you go ahead and answer the question for the record.

**Ms. Garcia-Elias:** The existing basement ceiling height's 7-6, and we matched that ceiling height with the addition.

**Boardmember Dovell:** Okay.

**Village Attorney Whitehead:** I think there's neighbors who want to speak.

**Chairman Collins:** Yes, we'll get to that. Thank you for the reminder.

I'm curious to see an alternate proposal that would be closer, if not exactly as-of-right. I respect what the applicant is trying to accomplish here, but also I remain concerned that some of the same things that made a 20-degree slope ...

**Boardmember Dovell:** Percent.

**Chairman Collins:** Twenty percent? – thank you. Unsavory ... would be just as unsavory in a snowstorm on 17-1/2 percent. Though acknowledging the increased width – and it's a possibility that it *can* be done – I am feeling like I would like to at least see that as an alternative.

**Boardmember Berritt:** I agree. I think to see a scheme that did not require a variance, if that's a possibility.

**Boardmember Dovell:** Or as close to it as ...

**Chairman Collins:** Yes, or closer to it. Because this is a pretty substantial one and I think, as we've talked out the reasons why, those are good reasons to preserve and to at least work harder to get to what the code says here.

**Ms. Griffin:** Yeah, I wish I had that scheme with me because I just know that the garage

would have to be set way back from the front of the house to get that as-of-right scheme.

**Chairman Collins:** Well, I think what we're asking is that we'd like for you to present that. And we're dealing right now in proportionality that is not defined, so when you say it would have to be set way back I don't know what that means, and it's hard to visualize. And it sounds like you contemplated it, you just don't have the file here. But I think it's something that this board should evaluate in the context of what your recommended proposal is.

**Boardmember Dovell:** You have quite a margin between the back of the garage and the rear setback, rear yard line.

**Ms. Garcia-Elias:** Because it's more than just the garage, and we are expanding the family room, if we were to set back that entire garage we would end up with this very awkward situation where this ... this is the garage below, so that's set way back. This would be overhanging beyond the garage. I think even for the look and the front elevation and side elevation of the house it's very open on that side. I think it's not going to be a pleasant design overall of the house.

So by trying to align the addition up to the existing front wall there, we thought that this would be a better look for the house overall. I think setting the garage back will result in many other problems with the rest of the design of the house. That is unpleasant.

**Boardmember Dovell:** But I think you work with a very skilled architect, and I think it might even yield something that's more interesting and more evocative. I think it's worth looking at. Christina has worked with a lot more difficult situations and turned them into lemonade.

[laughter]

**Chairman Collins:** I'll second that.

**Ms. Griffin:** Just keep in mind it has a lot to do with they also want to have the yard and want to get rid of all that impervious surface.

**Boardmember Dovell:** I understand, but we have an obligation to look at the variance.

**Ms. Griffin:** Okay, but we have to balance the needs of the owner.

**Chairman Collins:** Yes, that's right.

**Village Attorney Whitehead:** And it may be a balance of reducing the variance. You

know, I don't know if it can't go completely away.

**Chairman Collins:** That's right.

**Village Attorney Whitehead:** It might show something that reduces it. I don't mean to put words in your mouth.

**Chairman Collins:** No, no, no. Actually, that's an important clarification because I think my initial comment was I'd like to see something that was as-of-right. And that may not be what you come back to, but if it gets us closer to as-of-right I think it's worth this board's evaluation.

**Ms. Griffin:** Would it be helpful also to get the slope of the neighbors' driveways, the actual slope?

**Chairman Collins:** Possibly. But I think, to Joanna's point, that may or may not always be useful. Especially if it ends up being that the neighbors aren't using their garages to store their cars or are only doing it some part of the year. Then that could go either way, it seems to me; either for or against you.

**Village Attorney Whitehead:** It might be helpful to get a better depiction of what 17.3 percent looks like.

**Boardmember Dovell:** Right.

**Bldg. Inspector Minozzi:** A section through the driveway, through the garage possibly.

**Village Attorney Whitehead:** I think that would help you understand.

**Ms. Griffin:** I did a study of Clinton Avenue in Dobbs Ferry of 30 properties and the slopes went up to 25 percent. They went from probably 15 to 25. So this is not nearly as steep as some driveways in this area. But we can do that. We do have a section showing the slope of the driveway though here, by the way.

**Village Attorney Whitehead:** So that's the section from the curb?

**Ms. Garcia-Elias:** This is the curb. This is 17.3 percent, and this is all at 5 percent. So here you see how the house has been set back a couple times. In the front here, and then again. Then if we were to push the garage back further it would extend beyond at this end into their yard.

**Chairman Collins:** Why don't we open up the floor for anyone in the public who wishes to be heard on the matter. I would just ask that you come forward and introduce yourself, and then we'll let you go ahead and make your comment. Yes, ma'am?

**Carol Walsh, 15 Devon Way:** I'm two houses away from this property. We were always a little nervous about what was going to be done to this house because it's very tiny; it really is tiny. The slope of the driveway does not bother me. The picture of my driveway she had on the TV, we do not have any problem coming up our driveway in the winter.

We do have a problem because it's not very wide. Our house was built in 1928, which is the same time this house was built. The people on the street, in the wintertime, are very good about putting their cars in their driveway. The problem we have with people parking on the street is visitors or people working during the week.

I'm concerned that I liked the drawings of this, but if they start moving back and taking pieces of property they have really taken a lot of the property away and made the houses in our neighborhood not so nice. They built a house across the street from me that is so gargantuan it has ruined the neighborhood for me. I have to look out on a three-story, huge house that was supposed to be an English Tudor and turned out to be I don't know what.

So I'm very skeptical. I like this drawing, and these people I've never met but I heard they have two young children. I really would like to keep as much open space in Hastings and in this street. None of these streets are through streets. If you come down Devon Way you are in that neighborhood. Nobody comes to go ... you're either visiting or you live there. There are no through streets of anything, so I'm very concerned about people just kind of ... you know, I know there's variances, but this I think is a very nice drawing and I would be very happy. I have to live with it, I have to look at it. I don't want to look out my kitchen window and see another driveway for a house that is next door to me. I would like to look at the trees that are still there.

So if that helps in any way, as I said we have no trouble coming up our driveway. We've lived there 53 years and we have never had a problem. Everybody in the neighborhood has the same: they don't have a problem getting in and out of their driveways.

**Ms. Griffin:** Would you mind showing me which house is yours?

**Ms. Walsh:** We're 15.

**Ms. Griffin:** I'm just curious.

**Bldg. Inspector Minozzi:** Christina, you really have to talk into the microphone please.

**Ms. Griffin:** I'm sorry. I'm just asking her if she would mind if I could see which house is hers.

**Ms. Walsh:** West side.

**Ms. Griffin:** On the west side, yes.

**Ms. Walsh:** It starts out fairly level, but it has the same slope. Because our garage, we have ... actually, we don't have a backyard because we have to come all the way in the back to come under my dining room. That's all the way there, and our garage is on this side. So we have not had any problem whatsoever. As I said, only because we're next to the driveway next to us, and we have those bushes. Otherwise, I would have liked to have made it wider, but I would not have changed my driveway at all. And we have had no problem, ever, coming out of that driveway. I do have a problem because people park *behind* it and I can't get out, but ...

**Chairman Collins:** Yes, that's separate from the slope. I think the issue, Ms. Walsh, is that we don't really know what any of these slopes are so it's difficult to look at that and say, Ah that's an 18-degree slope so a 17.3 would be a piece of cake.

**Ms. Walsh:** All right. Well, it starts at the ... at the front of the house is the first floor, and it ends in the basement. So it's a slope, but it's (unintelligible).

**Chairman Collins:** Right, but from the curb you're not at 17-1/2. It looks like a very gentle slope from the curb to the point where the house begins and then pitches. What the applicant is wanting to do is have *a* pitch that's quite a bit more substantial than our code allows and have it begin right at the curb.

**Ms. Walsh:** Well, the house next door I think is not as straight as ours, on the other side of these bushes. I think it's more of a straight up and down. They don't come in straight, they go straight down. That's a concern. I have to live in the neighborhood, I have to look at these houses once they're built, so I really would not like their backyard being all building. You know, they should have some greenspace.

**Chairman Collins:** Yes, and I'm sure their architect will design accordingly.

**Ms. Walsh:** Thank you.

**Chairman Collins:** Thank you, Ms. Walsh. Does anyone else wish to be heard? Okay.

So okay if we then defer on this for now?

**Ms. Griffin:** We're going to come back and show you an as-of-right scheme.

**Boardmember Dovell:** Or close.

**Chairman Collins:** Or closer to it.

**Ms. Griffin:** And then look into other options.

**Chairman Collins:** Okay.

**Ms. Griffin:** And we'll go over it with our client and come back next month. Okay?

**Chairman Collins:** Okay, great. Thank you very much.

**Ms. Griffin:** Thank you.

**Chairman Collins:** All right, then our third case of the evening is case 12-19.

**Case No. 12-19**  
**Douglas Rushkoff**  
**20 South Calumet Avenue**

**For relief from the strict application of the Village Code Sections 295-68F.1.a for construction of a new front roof and pergola over an existing concrete patio, with no additional coverage, at 20 South Calumet Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.40-40-12 on the Village tax Maps.**

**Nonconformity details of the proposed front roof and pergola are as follows:**

**Front Yard: Existing – 29.94 feet; Proposed – 24.94 feet; Required Minimum – 30 feet{295-68F.1.a}; Variance Required – 5.06 feet**

**Chairman Collins:** This is for the creation of a proposed front roof and pergola. There's a front yard variance that the applicant requires, a relatively modest one. Ah, hello.

**Mr. Koch, project architect:** I'm back again.

**Chairman Collins:** Mitch, I feel like we've seen a lot of these from you.

[laughter]

**Mr. Koch:** You've seen this project before.

**Chairman Collins:** Oh, really? This is a returner (ph)?

**Mr. Koch:** Yes. I can do this, hold on. Don't do this to me. Bear with me.

**Chairman Collins:** Buddy, I guess we didn't hear from Sashi.

**Bldg. Inspector Minozzi:** No, I haven't. I've been monitoring my phone and I haven't gotten an e-mail from him yet. Let me check one more time.

**Mr. Koch:** Okay. Very briefly, that is very similar project. Let me back up. My name is Mitchell Koch, I'm the architect for the Rushkoffs. In 2016, this board gave them a variance to do the – I'm circling it – just the portico; a little porch over their front door. And we even secured a building permit for it, and then they waffled, and nothing happened and everything expired. So we're back again, but in the meantime they became kind of fond of this look with a bit of a pergola on the end. This is my excellent photoshop skills.

**Chairman Collins:** Can you zoom in again? Is there any way to get a little bit closer on that? Ah, there we go.

**Mr. Koch:** It's not particularly well-detailed, but ...

**Chairman Collins:** Well, that's all in the eye of the beholder. That looks really good to me.

**Mr. Koch:** Thank you.

[laughter]

I'm going to give you your 20 dollars later.

**Bldg. Inspector Minozzi:** You done good, Mitch.

**Mr. Koch:** But no, I'm just kidding the public.

[laughter]

So yeah, this, I took a photograph of a property on Hamilton that has this and then glommed it on the front of their house without really correcting all the perspective stuff. You can see bits and pieces of pine tree that I never cropped out, but whatever. I mean, it makes the point, and they really like it.

To the point, there's an existing flagstone patio in the front and this will just sit over it. So there's no increase in the development coverage, and we kind of explicate in the zoning calc charts. However, we have a little bit more buildable and it's a little bit more – I mean it's more volume – that we're pushing into the front yard setback. These covered walkways – I'm sorry, porticos – in the front are pretty common on the street. I mean, here's just a few. And I also believe that we have several neighbors' letters that if you could read into the minutes I'd appreciate. but they've gotten good support from their neighbors for this project.

I'm not going to beat this to death. I mean, I just turn it over to you and maybe there's somebody in the public who wants to speak to it. But in general, it's going to enhance the front of the house and it's going to help protect their front door, which shows the signs of years of sun on it.

**Chairman Collins:** Sure. I'm a big fan of this. I think it's a high ROI type of project because it – return on investment, sorry. We have a acronym rule in my business: I'm not allowed to use them without explaining it. I just violated it.

Yes, this provides a lot of value for the homeowner and anyone who's going to come through that front door. And in this case, the variance requested is quite modest; it's only a little bit over 5 feet.

**Bldg. Inspector Minozzi:** With no increase in coverage (cross-talk) ...

**Chairman Collins:** No increase in coverage and still plenty of room. That leaves plenty of front yard to the property line. So I have no objection to it. While I have it open in front of me I will read those two letters that we received into the record.

The first is from Ari Wallach of 25 South Calumet. It reads:

*"To the Hastings-on-Hudson zoning board,*

*"I am writing in support of Douglas Rushkoff's request for a zoning variance in order to build a portico on his front porch. I live across the street. All the houses*

*on our block have protection, or shade, for the front door, and this would be in line with our street.*

*"Sincerely,  
Ari and Sharon Wallach."*

And my second letter that I have here is from Rob McQueen of 16 South Calumet Avenue, and it reads:

*"To whom it may concern,*

*"I am writing to you in support of my neighbor, Douglas Rushkoff's, request for a zoning variance in order to build a portico on his front porch. I live in the house next door and our house, as most on our block, have a portico or similar for protection and shade for the front door. From what I understand the Rushkoffs' portico will be similar to what we and his other neighbors have.*

*"Thank you,  
Rob McQueen  
16 South Calumet Avenue"*

I don't have anything further.

**Boardmember Berritt:** No, I'm totally fine with it. It's a good addition.

**Chairman Collins:** Ray, you okay?

**Boardmember Dovell:** I think it's quite nice, quite in character.

**Chairman Collins:** Yes, I like it a lot.

Does anyone in the public wish to be heard on the matter? Okay, then may I have a motion, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Renzin, with a voice vote of all in favor the Board resolved to approve Case Number 12-19 for 27 South Calumet Avenue for front yard existing 29.94 feet, proposed 24.9 feet; required minimum 30; variance required 5.06 feet.

**Chairman Collins:** You're approved once again.

**Mr. Koch:** Thank you.

**Chairman Collins:** All right, then I am going to recuse myself. I'll just simply mention that we do not have our alternate, so this will be down to three, which is just important to consider because three is a minimum for a quorum. So something for the applicant to keep in mind, as would any applicant in a similar situation. And that's the last I'll say on this one.

*[ Chairman Collins recused – Boardmember Dovell acting chairman ]*

**Case No. 10-18  
Samar Tannous  
45 High Street**

**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.**

**Acting Chairman Dovell:** All right, I believe we're ready to hear 45 High Street.

**Bldg. Inspector Minozzi:** And I have not heard back from Sashi.

**Tom Abillama, project architect:** Good evening.

**Acting Chairman Dovell:** Before we begin, I would like to ask Buddy if you have checked over the factual information that's presented on A-8. Are you satisfied that that now ...

**Bldg. Inspector Minozzi:** He has made the corrections we asked him to make and gave us hand-drawn elevations that he was asked to make.

**Acting Chairman Dovell:** Okay, and you're comfortable with the accuracy of that information.

**Bldg. Inspector Minozzi:** Pretty comfortable with everything, yes.

**Mr. Abillama:** I actually brought a large board.

**Acting Chairman Dovell:** Yes, please identify yourself and use the microphone, if you would.

**Bldg. Inspector Minozzi:** Just use the mic, please, Tom.

**Mr. Abillama:** I'm architect for the applicant. We're here again before this board to request the variances on the front yard setback, rear yard setback, and one side yard setback. As you well know, we comply with the height requirement; we comply with the coverage requirement. So the mass of the proposed structure is in compliance.

We have proposed to have two spaces for cars on-site which do not exist at this moment with the existing structure, as well as we eliminated the retaining wall which is causing obstruction on the corner, on the intersection of James Street and High Street.

In addition, since the last presentation we have decided to reduce the floor area by as much as 24 square feet on every level by reducing also the coverage a bit more – by 1 percent more. This red dotted rectangle in the back of the dining area is what represents the reduction of floor area, as well as that caused also the reduction of floor area in the garage. It still conforms to regulations.

**Acting Chairman Dovell:** Could you point to where those reductions are made in the plan?

**Mr. Abillama:** It's right here at that red rectangle behind the garage, which is 2 feet in depth and 12 feet in width.

**Acting Chairman Dovell:** This is since the last time you were here.

**Mr. Abillama:** Yes. Also, that caused a reduction of one of the bedrooms in the back by as much. What happened is, it reduced the roof height, being that it got shortened – it got reduced – by 10 inches. It was conforming before this presentation, and now we reduce it by 10 more inches.

**Acting Chairman Dovell:** What is the footprint area of this at the first floor?

**Mr. Abillama:** The footprint area of the first floor is, right now, 771 square feet.

**Acting Chairman Dovell:** 721.

**Mr. Abillama:** -71.

**Acting Chairman Dovell:** 771.

**Mr. Abillama:** Then since the last time, we took the board's request into consideration by providing CAD drawings of the houses in the vicinity of the house. For instance, on this drawing here you can see where the proposed structure is and where along High Street we have all the other structures in that area adjacent to it. Similarly, we went on High Street opposite from the house and we show all these other structures. Lastly, we went onto James Street and provided the illustrations of all the other houses along James Street opposite, alongside of it.

So this paper drawing that you see in front of you is this one here showing on the screen, where the proposed structure is here. And we ended up showing all these other houses along with it, across the street from it and along High Street, and across the street from it. Now, if you can tell, and if you believe our drawing, you could tell that there are some houses that are lower and some other houses that are as high if not higher. Some of them, also, they are higher because of the topography or the terrain. Nevertheless, they have much more height above the street level than what we have proposed. Bear in mind also that we comply with the height requirement.

The combination of the height and the coverage, which we are in compliance with – at the risk of repeating myself – we're proposing therefore a structure that's totally compliant with the code. Obviously, we're still requesting the side yard variance because it's a corner lot and will end up being 8 feet. It's required to be 25 feet as a front yard, so that's a variance that we're requesting. Then we have the rear yard and the front yard variances.

We also went back to the map of the vicinity showing the nonconformities, if they exist along the other properties, and corrected them. There were some mistakes in the previous application; now they're corrected. We believe that we tried everything we can to balance the proposal between being a feasible project and a project that can be with minimal amount of variances requested as much as possible.

On the one hand, we need to keep the existing structure. If you could tell from these pictures, you could tell how the headroom in some of these rooms are very low, the existing structure. You know, by just simply raising the roof we will be requesting those variances almost the same, if not more, than what we are proposing right now.

So that's where we stand at this moment, and we believe that this is a very nice project because it takes two cars away from the street, it opens up the corner on High Street and James Street where there's a retaining wall, a fence, and some trees and shrubs that obstruct the view for the traffic. At the moment, we have a source of concern about the traffic, which we are proposing to eliminate. And eliminating also a structure that's an eyesore in the neighborhood and replacing it with a nicely-designed house.

So that's where we stand at this moment, Mr. Chairman.

**Acting Chairman Dovell:** We have to make a determination based on a balancing of the advantage to the applicant versus the detriment to the community. In this case, the factor that seems most relevant here is undesirable change in the neighborhood, the neighborhood character. To evaluate that, I think there are seven properties that I would like you to focus on and talk to them specifically about the existing conditions and how you believe your proposal is in keeping with the character of the neighborhood. That would be 115 James, let's start with that. If you could blow up your drawing of the house in the photograph.

**Mr. Abillama:** Of the existing house you mean?

**Acting Chairman Dovell:** Existing, yes. I would like you to look at not the existing house; your proposed, starting with 115 James.

**Mr. Abillama:** The elevations.

**Acting Chairman Dovell:** Yes, the street elevations.

**Mr. Abillama:** Street elevations. Okay, 115 James Street is the one opposite ...

**Acting Chairman Dovell:** It's at the corner of James and High.

**Mr. Abillama:** Right, it's this one here. Wait. Yeah, this one here – 115 James Street – is higher than what we're proposing. 103 James Street also ...

**Acting Chairman Dovell:** Let's focus on 115 James just for the moment. What about front yard?

**Mr. Abillama:** Front yard, okay. One second please. So 115 James Street, the front yard itself is nonconforming and it has a 10-foot setback in lieu (*sic*) of 25.

**Acting Chairman Dovell:** And side yards?

**Mr. Abillama:** One side yard is 18.5 feet. The total side yards, if you totaled them, they would be 18.5 feet in lieu of (*sic*) 25 feet. I'm sorry, one side yard will be 18.5 feet in lieu of (*sic*) 25 feet also.

**Acting Chairman Dovell:** And how would you characterize these in relation to your project?

**Mr. Abillama:** Well, it does have a side yard problem, nonconformity. It has a front yard nonconformity, as well as the height. Which we didn't measure, honestly, but we believe it is a bit higher than 35 feet. So we have three nonconformities already in there that we believe our proposal will not be totally overwhelmingly more nonconforming than 115 James Street.

**Acting Chairman Dovell:** Then let's go to 60 High, with a photograph and the street elevation of it; the drawn street elevation.

**Mr. Abillama:** This one also has a high roof. We believe it has over 36 feet on its peak in height, which would violate the actual zoning requirements for 35 feet. Even if it's at 35 feet it might still violate it, but that's so obvious with that here.

**Acting Chairman Dovell:** The rear yard being the one that is most significantly out of compliance.

**Mr. Abillama:** Go back to 60 High Street, the rear yard is 11 feet and it's required to be 25 feet. The side yards are 15 feet as they exist, with a total of 25 feet that's required; a minimum of 25 feet. So those two items are in nonconformity.

**Acting Chairman Dovell:** Let's go on now to 46 High Street.

**Mr. Abillama:** 46 High Street. In height, as you can see, it's conforming. But when we go to the other aspects of it, 46 High Street's lot area is nonconforming. The lot is 51 feet; the front yard is 1.85 at the corner in lieu of (*sic*) 25 feet. Then we have a side yard of 1.88. This is the total side yards. So as far as the front yard and the side yards total, it's nonconforming.

**Acting Chairman Dovell:** As well as building coverage.

**Mr. Abillama:** And the building coverage, yes.

**Boardmember Berritt:** But the height is.

**Acting Chairman Dovell:** The height complies.

**Boardmember Renzin:** That's just this one.

**Acting Chairman Dovell:** Okay, how would you characterize these nonconformities compared to your project?

**Mr. Abillama:** Let's take 46 High Street. 46 High Street really has more coverage than it's permitted to have, not to mention the side yard and the front yard setbacks. The relationship between ... I mean, the percentage of nonconformity is much more severe than what we're proposing; proposing, for instance, to have a 12-foot secondary front yard in lieu of (*sic*) of being 25 feet. Then we have nearly a 10.8-inch rear yard. The coverage is below the required coverage. So definitely, when you look at 46 High, that's a structure that's not conforming in many ways. The only thing it's conforming with is the rear yard.

**Acting Chairman Dovell:** Okay, let's go on to 103 James.

**Mr. Abillama:** 103 James, the one opposite from us.

**Acting Chairman Dovell:** 103 James, it's right ...

**Mr. Abillama:** Okay, that has a front yard nonconformity of (cross-talk) ...

**Acting Chairman Dovell:** I'd like to see the illustration of it.

**Mr. Abillama:** The picture. I'm sorry for the misspelling. But yeah, 103 James Street has a 39-foot height at the peak, which definitely is nonconforming. And also as mentioned earlier, the front yard is nonconforming; 9.5 linear feet in lieu of (*sic*) 25 feet that's required.

**Acting Chairman Dovell:** And what is the overall height?

**Mr. Abillama:** We assume it's 39 feet.

**Acting Chairman Dovell:** So it doesn't comply with its 35, Buddy?

**Mr. Abillama:** It doesn't comply because at least we'd like to see a 35-foot dimension at the peak. And even then, it might not comply, so definitely it's obvious that 39 feet is not compliant.

**Acting Chairman Dovell:** Okay, 46 High? Oh, we did that already. Sorry. We looked at that already, apologize. 41 High.

**Mr. Abillama:** 41 High Street is the one adjacent to the proposed structure, down the hill. It's very similar ... I'm sorry, I'm having some difficulty. One second, please. It's very similar in its relationship to the street as our proposed structure, with a garage being at the lower level and two more levels on top of it. So as far as height, it's a very similar structure. I don't know if it's nonconforming in height or not, but I believe it resembles the proposed height that we have.

**Acting Chairman Dovell:** Can you blow it up on your streetscape?

**Village Attorney Whitehead:** This one shows up.

**Mr. Abillama:** We measure at the most extreme. There's about a 36-foot height to the peak, so it's a nonconforming structure to begin with.

**Acting Chairman Dovell:** Well, based on the curb – based on the grading around the house – do you still think it's nonconforming?

**Mr. Abillama:** I mean, at one point it's nonconforming. At the left side it's nonconforming; on the right side it has a conforming height in there.

**Village Attorney Whitehead:** You have to look at how it's actually measured by code. By code it's probably conforming, just as yours is.

**Acting Chairman Dovell:** Right, as it relates to the grade around the ...

**Mr. Abillama:** We have to deal with a parallelogram that goes parallel. So okay, maybe it

is – in relationship to the grade, as you go back up, back into the lot – or it might be, conforming. But the way ... you can see the relationship between the garage and the two levels on top, plus the roof. It's very similar to what we're proposing. So it, you know ...

**Acting Chairman Dovell:** And then finally, 44 High Street.

**Mr. Abillama:** Also 41 High Street, Mr. Chairman, has a nonconformity in the front yard. You know, it's pretty close to the street. But it has a large amount of land in the back so the coverage is fine. The front yard also is nonconforming.

I'm sorry, you said 44?

**Acting Chairman Dovell:** 44 High. I'd like to see the elevation of that on the street, as well.

**Mr. Abillama:** 44 High Street. In height, it seems to be conforming. But when it comes to setbacks, the front yard and the side yard setbacks are nonconforming. The lot area is nonconforming. It's an undersized lot, same as ours. And the lot width also is nonconforming. But then the front yard is only 5 feet and the side yard 6 feet.

**Acting Chairman Dovell:** Okay, I think that the lot sizes and configurations in this immediate area are wildly varying from very small to large. There are a lot of nonconforming structures, especially in the immediate vicinity of the subject property.

**Mr. Abillama:** Yes.

**Acting Chairman Dovell:** So this is a very complicated issue to understand and to make a determination on. But I think one of the best ways to do that is to look at the streetscape. So I'd ask that you go back to the streetscapes again and, to my mind, this is one of the better ways to evaluate the effect of this proposal within the immediate neighborhood. So you know, I think the boardmembers should study this and look what the effect of it is. Can you zoom on that just a little bit, maybe street by street?

**Mr. Abillama:** So the James Street elevation, if you can see, 46 High, 136 James, 140 James; 136 and 140, they're small structures. Then you see 148 James and 154 James. 114 James is a small structure. And then you have 110 James which we assume is a little bit, probably, the same height if not a little bit higher than what we're proposing. 104 James is a small structure.

If you go across the street we start with 115 James, which is right opposite. It's a pretty high

structure and, as you well know. The front yard setback has a nonconformity the same as 103 James; pretty high, and 105 James is pretty high. Then you go to 135 James. When you pass High Street, that's a pretty average height structure. Then we have 137 James, which seems to be taller than the requirement. 140 James is high, as well as 149 James, but those are due because of the topography. Nevertheless, even if you exclude the topography they exceed the height. 153 James seems to be conforming.

Then if you go to High Street, we start with 115 James. We already know that this has substantial height. 41 High Street is as high as what we're proposing. Then you have 35 High Street, which seems to be extensively high. Then 27 High is conforming. If you go across the street, 60 High has some nonconformities in setbacks; 46 High also; 44 High is pretty good. And then you have 36 High, it's a small structure.

So we can tell, if you want to add some of these structures ... I don't know why it keeps doing that, but you can tell that there's one here that's too high. And there's one here – 148 is a bit high probably. That's two structures that are higher. Then you have 105 James and 103 James are both pretty high; that makes it four already. Then we have 137, 140 James, and 149 James – seven structures. Then we have, you know, seven structures and we might have 60 High Street. That's the eighth structure that might think it's nonconforming in height.

**Acting Chairman Dovell:** Could you back out now so we can look at this in context of all the streets?

**Mr. Abillama:** Technical difficulties.

**Acting Chairman Dovell:** Just hold it. Based on these drawings – go back to the streetscape drawings, please, just hold it there for a minute – this, to me, tells the story of how this proposal is going to affect the character of the neighborhood. And to my mind, this satisfies the neighborhood character issue. Nothing stands out. There are other buildings that have a greater presence on the street in terms of width. Your proposal, I don't think, stands in a way that's uncharacteristic to the architecture of the neighborhood.

So to my mind, you have satisfied the first factor that we're supposed to look at here. And I say that particularly in light of 46 High, 103 James, and 41 High. I think especially 46 and 103 are the larger end of the nonconforming structures in terms of yard and bulk put forward towards the street, which is the larger issue. And I would ask that others comment on that, as well. You know, I'd like to go through each of the findings individually.

**Boardmember Berritt:** I struggle a little bit – and you may have to help me out here – but just in terms of the corner positioning of this property there's a certain different characteristic

to other properties around it that are in line with it. I guess one of the things that I'm a little bit confused by – just going to the illustration that you have of the property, which is what throws me to some extent – is that on the first drawing, and not the sort of landscaped version of the property on the corner, it looks as though there's a big dip down on the street. And the street is ... I don't know if you go to that. Yes. So it shows there that there's a curb that dips way down and around, and I'm not aware that that's the streetscape.

**Mr. Abillama:** Yeah, we tried to keep the terrain as low as possible in this area. Because if you can tell from ...

**Boardmember Berritt:** But you come around the corner and the street is flat.

**Mr. Abillama:** Well, there's a slope. High Street slopes, obviously. You know, there's a slope in here, but ...

**Boardmember Berritt:** Right. And on the next drawing down you show it as ... but that's not how the street actually is in reality, right?

**Mr. Abillama:** If you look at the CAD drawing you can see that the street slopes down along High Street and it curves back as you go up to James. The existing structure has two retaining walls, one along James Street and one along High Street, with a fence and another couple of trees that really obstruct the view. In the beginning of our presentation a few months ago there were a few letters that were represented to the board showing concern over how that existing situation is affecting the traffic along this intersection.

By smoothing that corner the way we presented it, it alleviates that problem totally. And then if you look at the site plan, you see that dashed line along the corner, how it allows the visibility from one side of the street to the other.

**Boardmember Berritt:** No, I understand that. I'm just a little bit thrown by the first presentations, the first three illustrations that you have. I mean, I understand the plan, the one and two anyway. Those make it ... those give the impression that the house is nestled into a sloping, quite sort of severe slope, which it's not. You come around the corner and there may be a slight grade, but it's basically going to sitting proud on that corner.

**Mr. Abillama:** If the first floor is at 104, the corner is 99. So there's a difference in elevation from the first floor to the corner by about 5 feet. That gets minimized when you get to the middle of that front yard, so to speak, that corner yard, by another 1-1/2 feet. So, yeah, there's a slope, and those lines, those dark lines, they represent contours which show a little bit of a ... about 4- to 5-foot differential in elevation.

**Boardmember Berritt:** I mean, that's why the elevations of it on the street are (inaudible).

**Boardmember Renzin:** Back to the question that Ray raised about the existing nonconformities of the other surrounding houses and the character of the neighborhood, and your issue about it being on the corner. This 46 High Street sort of solves that for me because 46 High Street is right on the corner and comes right to the street, the pink one ...

**Mr. Abillama:** Mm-hmm.

**Boardmember Renzin:** ... across the street. And this new proposal really has it set significantly further back than originally it was designed and seems to satisfy both the view concerns and the character of the neighborhood in terms of how close and crowded it is making that corner. So I'm satisfied with the element that you were talking about in terms of the character of the neighborhood.

**Acting Chairman Dovell:** Whether something could be achieved by another method, I think you've demonstrated that sufficiently. That given the setbacks, you'd have a 2-1/2 story project that you could fit one bedroom in. It just wouldn't make any sense.

Whether the area variances are substantial: well, mathematically, the area variances are substantial. But I think, at least based on the immediate vicinity of these six structures that we've looked at, they're all significant mathematically. But the overall effect in relation to them is not significant or substantial. Whether the proposed variances ... and please comment, Joanna and Carolyn. Do you want to address the third item, the substantial variance issue?

**Boardmember Berritt:** Well, I think as you say all the properties that you've highlighted have similar situations.

**Boardmember Renzin:** I don't have anything to add.

**Acting Chairman Dovell:** *"Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district."*

**Mr. Abillama:** We have demonstrated that the neighborhood has many nonconformities and that does not ...

**Acting Chairman Dovell:** But environmental – runoff and ...

**Mr. Abillama:** Environmental, actually we're removing the environmental problems by allowing for more visibility at the intersection by removing a dilapidated structure and providing for a new structure; by providing new landscaping; and by removing two cars from the street onto the lot. So environmentally we're helping the situation, we believe.

**Boardmember Berritt:** And the situation with the property next door, with their ... just remind me what ... there was a retaining wall. There was something with the property next door with the grade?

**Mr. Abillama:** Oh, that one we're going to keep the existing retaining wall. We're not touching that retaining wall.

**Boardmember Berritt:** Right, okay.

**Acting Chairman Dovell:** Carolyn, anything?

**Boardmember Renzin:** I have nothing further.

**Acting Chairman Dovell:** And whether this was self-created – and I think the answer is, clearly, it was self-created ...

**Mr. Abillama:** But the benefits outweigh the ...

**Acting Chairman Dovell:** But that, in itself, is not ... so do you have any other thoughts on this application? We saw this for the first time a year ago, close to a year ago, so we have been over a lot of material. It's all on the record.

**Boardmember Renzin:** I don't have anything further.

**Boardmember Berritt:** And you said the height got reduced by 10 inches from the previous plan?

**Mr. Abillama:** Excuse me?

**Boardmember Berritt:** The height got reduced from 10 inches from the previous plan?

**Mr. Abillama:** Yes.

**Acting Chairman Dovell:** So if there's no other comment I think we would like to open it up to the public.

**Bldg. Inspector Minozzi:** Ray, Sashi sends his apologies. He couldn't make it tonight.

**Acting Chairman Dovell:** Tell him we'll get even with him later.

[laughter]

**Bruce Thomas, 114 James Street:** Hi, I am the next-door neighbor on the south side. I just wanted to speak on a couple of things. There were a couple different things I did notice. The heights on a number of those houses, I believe, that were just given are not correct. 115 James Street is, I believe, very close to, if not exactly, 35 feet or under. 103 James Street is actually on a rock, so it is significantly elevated above the street. From the foundation of the house on the rock, elevated above the street, I don't believe it's over 35 feet.

I would actually like to know how those numbers were measured because a number of them just don't look right. And I do live there, as the other person said. I'm going to be looking at this for quite some time to come so I would like to know for sure that the numbers that are given for these properties are, in fact, the correct numbers because they just don't look right to me.

**Village Attorney Whitehead:** Could I just clarify one thing? The one that's on a rock, height is measured from grade. So the rock comes up from the grade.

**Mr. Thomas:** Right, that's my point.

**Village Attorney Whitehead:** The other thing, and I know you have spent some time talking about height here, the proposed house actually complies. So there is no height variance ...

**Mr. Thomas:** I understand that.

**Village Attorney Whitehead:** ... being requested here.

**Mr. Thomas:** But it does factor into the character of the neighborhood. We're putting ...

**Village Attorney Whitehead:** Well, no, because it's not a result of ... so you have to ... what the board is required to look at is the things that are the impacts of the variance.

**Mr. Thomas:** Yes.

**Village Attorney Whitehead:** So the height doesn't require a variance.

**Mr. Thomas:** Yes, but granting a variance for the setbacks and building to the height in the area of the reduced setbacks will affect the character of the neighborhood. So even though the height itself is not a requested variance, allowing full height in an area on a nonconforming setback will affect the character of the neighborhood.

The other houses are set back further. 115 James may only be set back 10 feet from the property line, but it is set back much further from the street. To that end, I do have a picture which shows a car parked in the driveway. And you can't park a car in a driveway that's only 10 feet long because the car doesn't fit.

**Acting Chairman Dovell:** Right, but the curb lines are considerably outside the lot lines.

**Mr. Thomas:** Mm-hmm.

**Acting Chairman Dovell:** And that's typical throughout Hastings.

**Village Attorney Whitehead:** The lot line is actually, I think, on that side 10 feet back from the curb.

**Mr. Thomas:** It is, yes. Again, a number of these drawings I feel they just don't reflect reality, this being one of them. So I have here – somewhere in the pile if you'd be so kind as to bear with me here ... actually, I have a couple of different pictures. This one is the High Street elevation of 45 High Street, and it does show the change in elevation that you were talking about.

This one here is 41 High Street and looking at the pictures you see a large yard. However, the yard doesn't exist. So again, these show yards that are not there. I mean, 41 High Street is about ... there's a stone wall roughly 5 feet back from the curb line, maybe 6 if you want to be generous. The house starts another 4 feet behind that. I mean, if you look at the picture there's a large, sprawling yard. So if someone can figure out a way to invent a yard to go with the variance, then God bless, you know. You've figured out a way to manufacture land and you'll probably do quite well for yourself. But for the rest of us, I don't know where that yard comes from because it doesn't exist in reality and that's not where the house is located. As far as the house on High Street, on the corner of James Street there, this is the house in question, 46 High that we talked about? Is everyone familiar with that house, and we know what it looks like? Okay, because if that's the standard that we're shooting for, I don't mean to talk out of school, but it is at least my opinion that it is perhaps not the loveliest of all houses. Sorry.

So for that reason, getting back to this, I feel that this is a bulk issue. This is an extremely small lot. And again, to me it should be dispositive that, you know, they knew what they were getting into, all right? This is ... the rules were very clear. I mean, this is a reward: to give this variance is a reward for buying something and upgrading. So, I mean, that's, you know ... yeah, we have zoning, but you know we don't really have zoning. You know, it's like zoning ... unless you want to do something different. Because every time I hear the phrase "a desirable project," what that means is making money. Because this is a real estate flip, and that's okay, I like money too.

But I'm the guy that's going to have to be on the losing end of this, all right? The architect doesn't live next to it, the guy that's building it isn't going to live next to it, all right? I'm going to live next to it, and this is a very large house on a very small lot. This is a lot that probably never should've been created in the first place. If you look back in Hastings history, and you know the players, you understand how it came to be. Whatever, that's another matter, it's irrelevant, it's in the past. However, this was something that probably never should've happened in the first place. And now that it's here, we're rewarding people for doing this and essentially, we're shredding the zoning code. And by shredding the zoning code, I mean does this extend to everybody?

I don't have a problem with throwing out the zoning code. God knows there's no reason we can't upgrade. I mean, a 50 by 62 foot lot in Manhattan you could put up a six-story walkup on it, you could put whatever you want. You could put a skyscraper on it, right? There're buildings on Wall Street, 18, 20 stories tall on lots like this, you know. And if we're going to do that, that's fine, let me know. I will put up an apartment building on my lot. I'll be glad to do it. It'll be awesome.

**Acting Chairman Dovell:** No, I think you're losing the point here. The zoning was applied over an existing condition here.

**Mr. Thomas:** Mm-hmm.

**Acting Chairman Dovell:** This zoning is an idealized set of constraints that don't relate to ... the issue that we're having is that they don't relate very nicely to this particular cluster. Some of these lots are equally small as the one in question, and it ...

**Mr. Thomas:** I've never seen one that's equally small.

**Acting Chairman Dovell:** Look at 13 High Street, look at 15 High Street. They're all in the same zone. Those are very small lots. We have to work, we have to make a judgment, based on the fact that this zoning is an overlay over something that is historically different. And this particular area has some very large lots and some very small lots, and there is a pile of

noncompliances. By saying that this is an enormous house, it's not. The footprint of this house is 771 feet. That is not a McMansion, that is not a big house. And the overall square footage of this house, on two floors, is 1,570 feet. Is that correct?

**Mr. Abillama:** Yes.

**Acting Chairman Dovell:** So this is not ... I think the rendering, to me, is a little out. But as an architect, I know that a 1,570 square foot house is not a large house; it is not a McMansion, which is the term that you used before. You show me a McMansion that's 15-hundred feet and, you know ...

**Mr. Thomas:** You show me a 28-hundred foot square lot in Hastings ...

**Acting Chairman Dovell:** There are a number of them.

**Mr. Thomas:** Yeah, there's a few. There's not a lot.

**Acting Chairman Dovell:** We have to make a judgment based on this very anomalous situation here. It is not an easy discussion, and we have a lot of factors to weigh. And some of those factors are based on conditions there – your house being one of them – which has a very large front yard, nonconforming, that's right up on the street.

**Mr. Thomas:** I agree.

**Acting Chairman Dovell:** And this house has one, as well.

**Mr. Thomas:** But it also has a side yard nonconformity and a rear yard nonconformity.

**Acting Chairman Dovell:** I'm looking at side yards that three-quarters of total houses in this particular subject area are noncompliant with respect to side yards, noncompliant with respect to front yards, noncompliant with respect to rear yards. Lot coverage, there's a spotting of homes with lot coverage issues. This no longer has that issue. That issue was discarded. He has withdrawn that variance, he's withdrawn the height variance. So this is a very difficult ...

**Mr. Thomas:** Progress has been made, undoubtedly.

**Acting Chairman Dovell:** This is a very difficult situation. I think, yes, progress has been made. And I would like to point out that I think this project has taken a year because it a grotesque over-ask to begin with.

**Mr. Thomas:** To put it modestly.

**Acting Chairman Dovell:** It was, and we have worked with him for a year. It's taken a year, for obvious reasons, but we're not sitting here lightly, as you can see.

**Mr. Thomas:** And I appreciate that, but there is an existing house, you know.

**Acting Chairman Dovell:** I understand.

**Mr. Thomas:** You know, I mean, I've heard that it's unviable. But the house has been there for 150 years.

**Acting Chairman Dovell:** Right, and that house has a pile of noncompliances; the house is noncompliant with respect to front yard, rear yard, side yards, and lot coverage.

**Mr. Thomas:** I know, I understand that.

**Acting Chairman Dovell:** So I feel, especially with the last round of modifications, that were made, this house is in the realm of something that we can approve at this point. That's my opinion. I have to hear from my fellow boardmembers.

**Mr. Thomas:** I appreciate that, but I mean it is a full 20 feet higher than the ... over 10 feet higher than the existing house. I mean, it is a significant change in bulk on a small lot that has already supported an existing house for 150 years.

**Acting Chairman Dovell:** It is compliant with regard to height. And most of the other houses around it, from the street, read as three-story houses. This reads as a three-story house around the corner, but not face-on. Look at the houses along James. They all read as three-story homes. Look at the pictures.

**Mr. Thomas:** Some of them do, yes. I mean, but that's the question. So are we continuing the noncompliance and, if so, then why do we have a zoning code? I mean, why was it created in the first place? I mean, most of them are preexisting nonconforming; most of them predate zoning.

**Village Attorney Whitehead:** The zoning board's role is to act as a relief valve from zoning when it doesn't work, and this is a situation ... and that's what they have to balance and that's what the law tells them. That these are the five factors you look at in making that balancing and deciding whether to grant relief from zoning in this particular case.

**Mr. Thomas:** And I appreciate that, but I mean, you know, we spent a significant amount of

time earlier tonight listening to degrees of slope in a driveway and much hand-wringing over that, and then to grant a number of very significant variances in a very large area like this, you know, I mean, if replacing a garage is a matter for hand-wringing, you know, then variances of this size are very significant.

And frankly, I think it's going to create a number of difficulties for the Village. I don't have anything further to say than that, but I would just like to say that I think the additional bulk is going to be a detriment to the neighborhood. Thank you.

**Acting Chairman Dovell:** Would anyone else like to be heard?

**Adele Hanek, 110 James Street:** Hi. Well, you know, the contractor knew that he was purchasing a small house in a deteriorated condition on a very undersized building lot. And now he wants to put up, it looks like, a very big house. This house will not conform with the rest of the houses in the neighborhood. It's going to stick out like a sore thumb. On this corner lot, coming up, I don't think it's going to look very good. Thank you.

**Bldg. Inspector Minozzi:** You don't have to raise your hand. You can just come up, ma'am.

**Linda Osborne, 17 Villard Avenue:** I'm at 17 Villard, but I own the 41 High Street house there. I want you to know that it had a 12-inch variance on the front yard setback when it was redone. The thing that I find curious here is that all of these houses are nonconforming, but they were all built before there was a code. My house is really close to the street, and as the guys that were working on my house said, "Well, it's because your house was there before there was a street." That used to be a path, you know.

And so yes, I'm really close to the street and so is everyone else. And I find it very curious that the more variances there are in the neighborhood the more that seems to point to you giving everybody more variances. And that doesn't seem to be a positive thing for the neighborhood. I don't really understand that philosophy.

One of the problems I have with the house is its exterior material. Most of the people ... most of the houses, some of them are stone. But most of them are clapboard or something that approximates clapboard. And the way this exterior looks to me it looks funny in the neighborhood.

And the other thing I'd like to say is that between his house and my house is a wall. There's a retaining wall for his yard because our yards are at different heights. Growing into the corner of that retaining wall is a tree that's got to be 200 years old. The minute you start to muck with that – you know, his property over there, those tree's roots go over there, and I

don't know what it's going to do to the retaining wall – I don't know what it's going to do to my stone wall, which has been already rebuilt a couple of times. And I think it's probably going to kill the tree because if you start to muck with the root system it's not going to happen, it's not going to like it.

So I don't know. What are my ... what's my recourse if that corner of my property is pretty well destroyed? What's ... I don't know what the ...

**Bldg. Inspector Minozzi:** They don't get a CO if they destroy any of your ...

**Ms. Osborne:** I'm sorry?

**Bldg. Inspector Minozzi:** They wouldn't get a CO if they destroyed any part of your property and didn't repair it.

**Ms. Osborne:** Okay, that's nice. Thank you. All right. Because that's a really significant tree, I'm sure you know.

**Bldg. Inspector Minozzi:** Of course.

**Ms. Osborne:** I had to top it because it was so scary in the wind. Okay, I sort of agree with this gentleman that I think the bulk of the project is going to take one aback, as you see it. But, you know, it's not my board.

**Acting Chairman Dovell:** Anyone else wish to speak? Any further comments, Joanna, Carolyn?

**Boardmember Berritt:** No, I don't have anything.

**Acting Chairman Dovell:** Should we bring this to a vote?

**Village Attorney Whitehead:** Because there's only three of you I would just ask the applicant if he wants to bring it to a vote because he would need all three of you.

**Boardmember Berritt:** He would need all three of us.

**Acting Chairman Dovell:** It has to be unanimous. May I have a motion?

On MOTION of Boardmember Berritt, SECONDED by Boardmember Renzin, with a voice vote of all in favor the Board resolved to grant variances on Case Number 10-18 for relief

from the strict application of Village code Sections 295-70E. Nonconformity details of the proposed new dwelling are as follows: front yard, proposed 9 feet, required minimum 25 feet, variance required 16 feet; rear yard, proposed, 11.67 feet, required minimum 25 feet, variance required 13.33 feet; total two sides proposed, 19.83 feet, required minimum 33 feet – in accordance with the resolution we have before us and all the discussion and the reasons set forth in the discussion this evening.

**Mr. Abillama:** Thank you very much. Appreciate it. Thank you for your help.

**Bldg. Inspector Minozzi:** Thank you, Tom.

**Mr. Abillama:** Thank *you*.

*[ Mr. Collins returns to chair ]*

**Chairman Collins:** Thank you, board, for managing that. That was a big project.

Okay, then we'll move to a review of the minutes.

### **APPROVAL OF MINUTES**

#### **Regular Meeting of May 23, 2019**

**Chairman Collins:** I'll volunteer that I read the minutes cover to cover. There were a few comments that I found odd and may have been a reflection of a misplaced word, but I could not come up with a better alternative than what was there.

[laughter]

So I made no amendments to the meeting minutes. Did anyone else have any?

**Boardmember Renzin:** I wasn't here.

**Village Attorney Whitehead:** Then you can't vote on it.

**Chairman Collins:** I guess we can't vote on it anyway. But I have no ... did you have any amendments?

**Bldg. Inspector Minozzi:** No, I did not.

**Village Attorney Whitehead:** Put them over.

### **ANNOUNCEMENTS**

**Next Meeting Date – July 25, 2019**

**Bldg. Inspector Minozzi:** We do meet next month.

**Chairman Collins:** Yes, we do. We meet in July, August we don't.

**Bldg. Inspector Minozzi:** Adjourn until July.

**Boardmember Berritt:** August, there's no meeting.

**Bldg. Inspector Minozzi:** That's correct.

**Chairman Collins:** No meeting in August, and then we'll have one in early September.

### **ADJOURNMENT**

Chairman Collins adjourned the Regular Meeting.