

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for Variance/Interpretation/View Preservation



Case number: Date of application:

Property owner: Amy Colley

Property address: 120 High Street, Hastings on Hudson NY 10704

Name all streets on which the property is located: High Street;

SBL : 00411001080580000000

Zoning District: R-10

Applicant: Mitchell Koch

Standing of applicant if not owner: Architect

Address: 20 Marble Terrace, Hastings on Hudson NY 10706

Daytime phone number: (914)623-0230

Fax number: (914)219-1929

E-mail address: mitch@mkastudio.com

ZBA action requested for (See §295-146B & C :

☐ Use Variance/s;

☒ Area Variance/s;

☐ Interpretation;

☐ View Preservation (See §295-82)

List code sections & provisions from which the variance or interpretation is requested:

Section*	Code Provision*	Existing Condition*	Proposed Condition*
295-36A	Provide 3 additional parking spaces	0 additional parking spaces	0 additional parking spaces
.....
.....
.....
.....
.....
.....

*See example below:

.....295-68F.1a.....Front Yard Min. 30 ft. deep.....26.5 ft.....19.5 ft.....
.....295-68A.....Permitted Principal Use.....Single Family Home.....Conversion to Dental Office.....

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Zoning Analysis



ZONING REQUIREMENTS:

YARD SETBACKS
(Principal Structure)

N.A.

	REQUIRED	EXISTING	PROPOSED
FRONT			
REAR			
SIDE ONE			
SIDE TWO			
TOTAL OF TWO SIDES			

YARD SETBACKS
(Accessory Structure)

N.A.

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.			
REAR			
SIDE			

BUILDING HEIGHT

N.A.

	PERMITTED	EXISTING	PROPOSED
STORIES			
FEET			

LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA		5671	5671
BLDG. COVERAGE/ % OF LOT AREA		N/A	N/A
DEVELOPMENT COVERAGE / % OF LOT AREA	35% / 1984	2360 / 42%	2360 / 42%

*See Definitions of Building and Development Coverage in Section 295-5 of the Village code.

OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	Single Family	Single Family	Single Family + Accessory Office

** Single Family, Two Family, Commercial, Mixed Use etc.

VILLAGE OF HASTINGS-ON-HUDSON

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- List any previous application or appeal filed with The Zoning Board of Appeals for this premises:

Date of Appeal	Purpose of the Appeal	Resolution if any	Date of Action
.....
.....

- List pending violations on this property if any:

.....

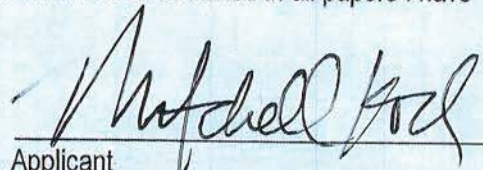
.....

- Is there an approved site plan for this property?: ☐ (Yes) ☒ (No)
- Is there an Accessory Apartment at this property?: ☐ (Yes) ☒ (No)
- Does this property have Boarder's Permit?: ☐ (Yes) ☒ (No)
- On a separate typewritten sheet of paper, state the principal points on which you are making this application. Describe the construction, addition or alteration that requires the variance. Explain why a variance is necessary and demonstrate how the variance satisfies the criteria for the type of variance (use or area) sought. The criteria for the two types of variances are attached. (If an interpretation is sought, explain the issue. If you wish you may also state your argument for how the issue should be resolved.)


Submit nine (9) copies of the application along with the required fee, 8 copies of property survey showing the existing and proposed construction and 8 copies of all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) to the Office of the Building Inspector, no less than six (6) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.:

I hereby depose and say that all of the above statements and statements contained in all papers I have submitted in connection with this application are true:


Applicant

Sworn to before me this 14th day
of December, 2006


Notary Public

KATHLEEN BOYD
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. #01B06217237
COMM. EXP. 2-8-2018

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for
Variance/Interpretation/View Preservation



STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF HASTINGS ON HUDSON

Name : Amy Colley, being duly sworn, deposes and says that
he/she resides at 120 High Street in the Village of Hastings-on-
Hudson in the County of Westchester, in the State of New York, that he/she is the owner of all that certain lot,
parcel of land, in fee, lying and being in the Village of Hastings-on-Hudson aforesaid and known and
designated as SBL : 00411001080580000000 of the tax map, and that
he/she hereby authorized Mitchell Koch to make the annexed
application in his/her behalf and that the statement of fact contained in said application are true.

Amy J. Colley
Owner

SWORN TO BEFORE ME THIS 14th DAY
OF December 2006

Kathleen Boyd
Notary Public

KATHLEEN BOYD
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. #01BO6217237
COMM. EXP. 2-8-2018

NOTICE

This application will not be accepted for filing unless accompanied by all necessary papers, plans and data, in
accordance with the foregoing and as required by law.

120 High St.
Hastings on Hudson, NY
10706

January 17, 2017

Hastings-on-Hudson Planning Board
and Zoning Board of Appeals
Hastings-on-Hudson Municipal Building
7 Maple Avenue
Hastings on Hudson, NY 10706

Dear Board Members:

We are applying for a parking variance at 120 High Street to legalize Amy J. Colley's home psychologist practice. A portion of our renovated basement space is used for Dr. Colley to see clients part time. Our basement is up to code and we have a Certificate of Occupancy (dated May 27, 2008). We did not realize that this approval does not allow for home office use. We apologize for this oversight and want to correct the situation through our applications to the village Planning Board and the Zoning Board of Appeals.


Amy J. Colley, co-owner and resident of the house and a licensed clinical psychologist, has been seeing clients, approximately three days a week, one at a time in an office/study space in the basement of our home. Clients are always scheduled with at least a 15 minute interval, and often they come several hours apart. Clients have been parking in our driveway which is quite long and can easily accommodate our two cars plus a client's car. We now realize though that driveways are not zoned for this number of cars even if they can fit, and are requesting a variance on this regulation. Our property does not allow for the building of additional parking space, and we feel there is no need to do so since space is already available in the driveway and parking has not been a problem in our neighborhood. Our neighbors have always used their own driveways and there is abundant street parking. See our neighbors' letters (Lennon-Santana, 118 High St. and Schur, 122 High St.) supporting our request for legalization and attesting that parking has not been a concern for them.

Discontinuing the use of this home office and renting commercial space for Amy's practice would be a major hardship for us. Our property taxes are going up by 50% under the new assessment, and paying for Amy to rent commercial space would add hundreds of additional dollars in costs to our monthly expenses. This may force us to leave Hastings after having lived here 13 years with a daughter currently attending Hastings schools. Amy Colley's practice is an important asset to the community. She has served many Hastings clients at her home office, and

she serves on the village's Coalition Against Drug Abuse which aims to curb drug abuse in the Hastings schools and in the community.

We respectfully request you to approve our application, and we thank you for your attention.

Yours sincerely,

A handwritten signature in blue ink that reads "Amy J. Colley". The signature is fluid and cursive, with the first name "Amy" and last name "Colley" clearly legible.

Amy J. Colley

A handwritten signature in blue ink that reads "Murphy Halliburton". The signature is more stylized and less legible than the one above, but the first name "Murphy" and last name "Halliburton" are discernible.

Murphy Halliburton

Owners, 120 High Street, Hastings on Hudson, NY

January 12, 2017

Members of the Hastings on Hudson Planning Board
Village of Hastings on Hudson
Municipal Building, 7 Maple Avenue
Hastings on Hudson, NY 10706

Re: Input for Amy Colley's Application for a parking variance, 120 High Street

Dear Members of the Hastings on Hudson Planning Board:

We are the next door neighbors of Amy Colley and her husband Murphy Halliburton who applied for a variance allowing for no change to the parking at 120 High St. We have lived in our house at 118 High Street for over ten years now and I can't say enough good things about what amazing people and neighbors Amy and Murphy have been since day one: kind, helpful, and always there for us when we need them. They are model citizens, very active in the community, and excellent neighbors. Hastings on Hudson should be proud to call them our own.

Regarding parking associated with Amy's part time office /practice, we have never had any concerns with Amy's practice related to parking or anything else for that matter. Amy does not see multiple patients at one time and her patients park in her driveway so her practice has no impact whatsoever on parking. Her office is invisible as far as we are concerned and has absolutely no impact on us as their adjacent neighbors. Accordingly, we fully and unequivocally support her request for a waiver.

We would be happy to answer any additional questions your office may have and can be reached at 914-478-2508.

Thank you in advance for taking our letter into consideration in your decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Santana & Maureen Lennon-Santana". The signature is fluid and cursive, with a large initial "M" and "S".

Michael Santana & Maureen Lennon- Santana

Owners of 118 High Street, Adjacent neighbor to Amy Colley and Murphy Halliburton



Clifford & Lynne Schur

917-699-1732 lynnasanfordschur@gmail.com 122 High St., Hastings on Hudson, NY. 10706

January 15, 2017

Members of the HoH Planning Board
Members of the Zoning Board of Appeals
7 Maple Ave.
Hastings on Hudson, NY 10706

To Whom It May Concern:

This is a letter of reference for our neighbors, Amy Colley and Murphy Halliburton, who live at 120 High St. We are in favor of their application for a variance allowing no change in the parking in front of their residence. They are our immediate neighbors and parking has never been an issue in front of our home or theirs. We can find no reason for their application not to be approved. In fact, there is often ample parking in front of their house compared to up and down the street.

Any questions, please feel free to call us. Thank you.

Sincerely yours,

Cliff and Lynne Schur

January 6, 2017

Re: 120 High Street – Parking for At-home Office

Hastings on Hudson Planning Board:

Dear Members,

Please find the following excerpts from the pertinent sections of the Hastings on Hudson Zoning Code with my annotations. I hope to show how my client is in compliance with the code.

C. Accessory uses. The following uses are permitted accessory uses in an R-20 District but only in conjunction with a principal use that is permitted in an R-20 District

(1) The office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician or similar profession, **Psychologist** but not including veterinarians, provided that
(a) The office or studio is incidental to the residential use of the premises and is carried on by a resident **this is Dr. Colley's home** therein with not more than one nonresident assistant, including partners, associates and part-time and full-time employees; **Dr. Colley is a sole-practioner.**

(b) The office or studio shall not occupy more than 30% of the area of one floor of the main building; **the office occupies 21% of the basement**

(c) The office or studio shall not create a nuisance to any surrounding residents; **We will present letters from the neighbor's in support of my client's application**

(d) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area; and **none**

(e) The parking area shall be subject to site plan review to determine that it is of adequate size for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed in a safe and adequate manner. **We seek relief from the parking requirements.**

(2) Customary home occupations, as defined in § 295-5 of this chapter, provided that

(a) The occupation is incidental to the residential use of the premises and is carried on in the main building by a resident therein with not more than one nonresident assistant, working at the same time, including partners, associates and part-time and full-time employees; **see 1.a**

(b) Only customary household tools, appliances and equipment are used; **NA**

(c) The occupation does not occupy more than 30% of the area of one floor of the main building; **see 1.b**

(d) The occupation does not create a nuisance to any surrounding residents; **see 1.c**

(e) The use does not create waste disposal requirements significantly in excess of those normally produced in a residential district unless a suitable method for the disposal of such wastes is provided, as determined by the approving authority; **NA**

(f) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area; **none**

(g) All products sold on the premises shall be made on the premises, except for the sale of items that are incidental to the provision of a permitted service; **NA**

(h) There shall be no mechanical or structural fabrication, assembly or processing of any products or items, except that which is incidental to the permitted accessory use; **NA**

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(j) No more than one commercial vehicle, which vehicle shall be less than three-fourths-ton in design capacity, shall be used in connection with such a permitted accessory use. Such vehicle shall be housed in an enclosed garage when not in actual use; and **NA**

(k) Where the proposed use involves structural alterations or additions requiring a building permit, the use shall be permitted only if the structure in which it is to be located is deemed by the Building Inspector to be adaptable to the proposed use from the point of view of public health and safety and the other requirements of this chapter, and shall conform to all height and yard requirements of this chapter. **NA**

Yours truly,

A handwritten signature in black ink that reads "Mitchell Koch". The signature is written in a cursive, flowing style.

Mitchell Koch, R.A.

January 6, 2017

Re: 120 High Street – Parking for At-home Office

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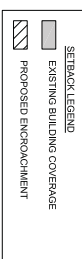
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LEGEND

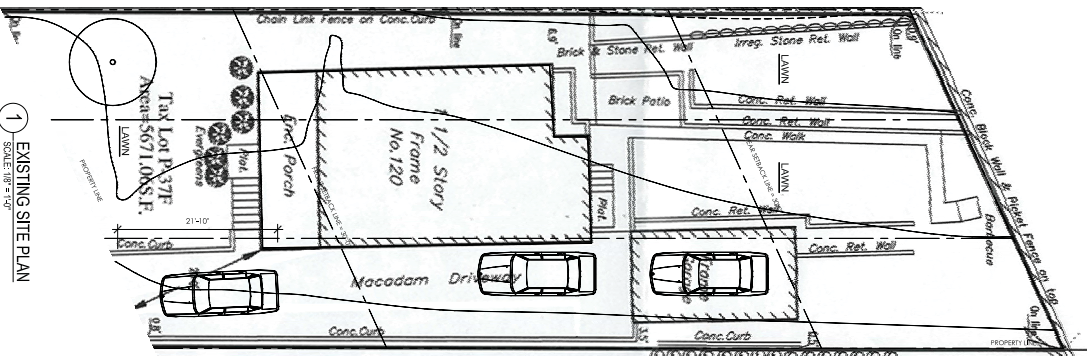


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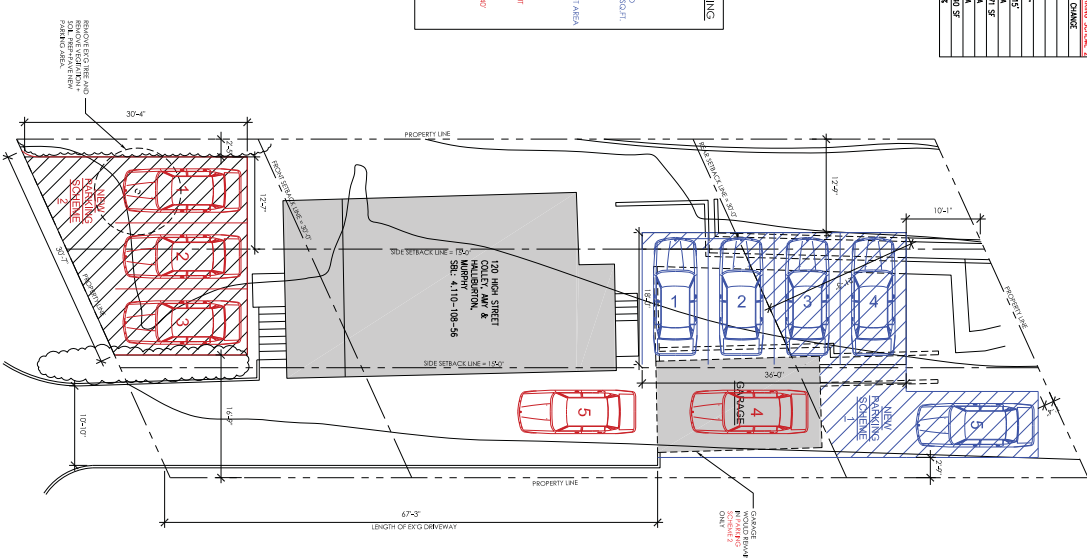
- [illegible]



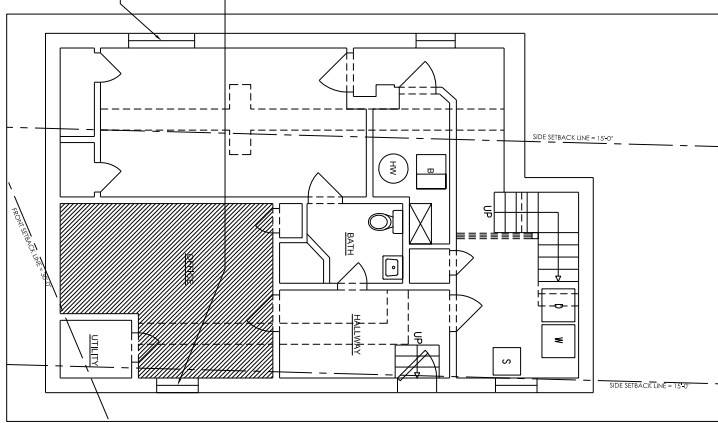
1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



2 SITE PLAN SHOWING 2 PARKING SCHEMES + DEMOLITION
SCALE: 1/8" = 1'-0"



3 EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"



4 LOCATION PLAN



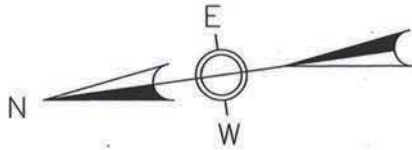
Survey of Tax Lot P-37F, Block 43, Sec.12
as shown on The Official Tax Maps of
The Town of Greenburgh,
Situated in The Village of Hastings-on-Hudson
Westchester County, New York.

Date: Dec.13, 2007

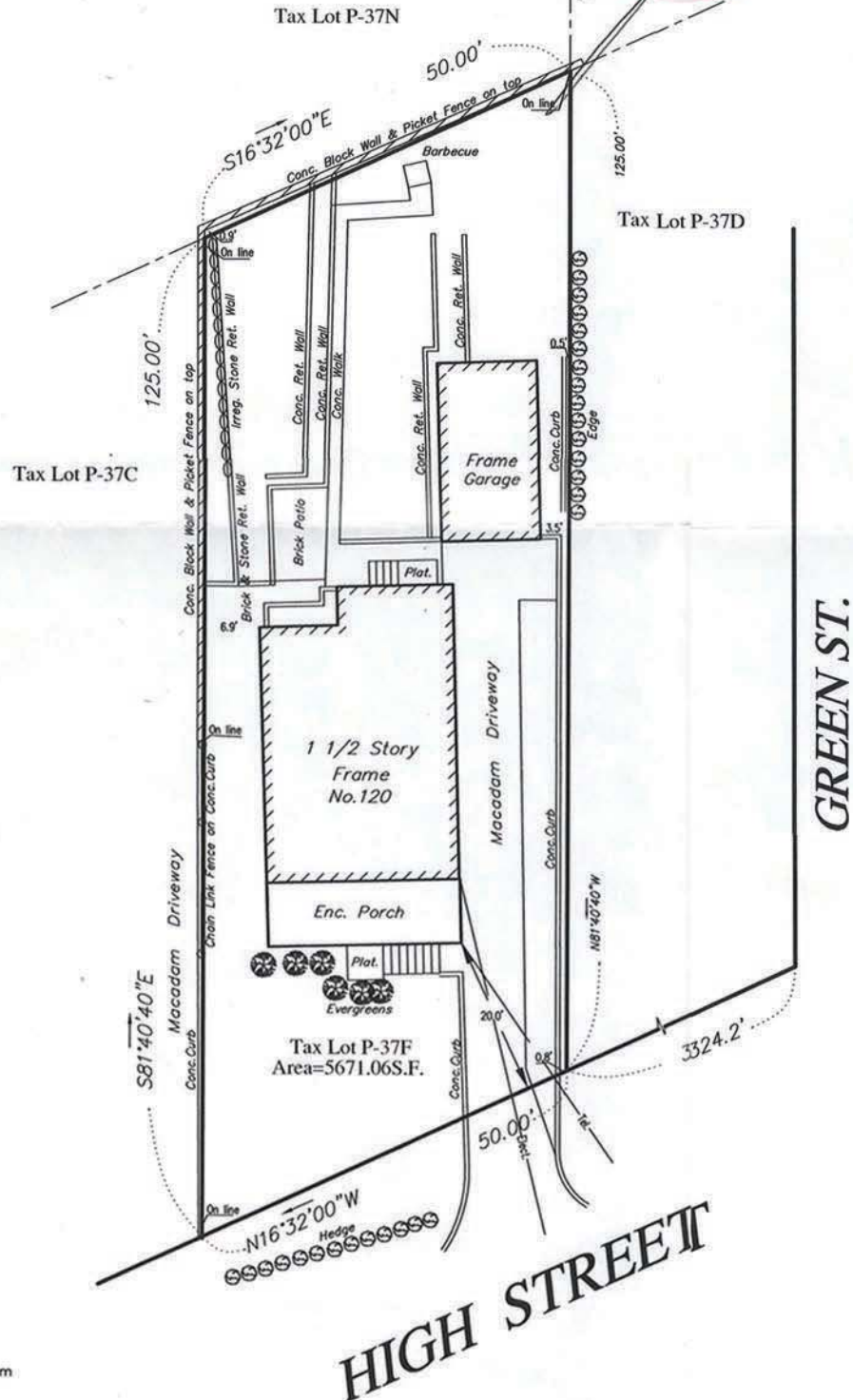
Scale : 1"=15'

RICHARD J. DOMATO

LAND SURVEYOR
Chase Bank Building
22W. First Street-Room 401
Mt. Vernon, N.Y. 10550
(914)667-0565



N.Y.S.L.C. No.049418



In accordance with the minimum
standards for Title Surveys of
The N.Y.S. Land Title Assn.

"SURVEYED AS IN POSSESSION"