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February 19, 2019

Attention: Honorary Chairman Matthew Collins and members of the Board of Appeals.  
Mr. Charles Minozzi, Building Inspector

Subject: The Hastings Terrace – Abirizk Family  
45 High Street, Hastings-on- Hudson, NY

Dear Chairman Collins:

This firm represents the Abirizk Family as their Architectural consultant requests for area variances related to the aforementioned property.

The project involves a proposal to build a single family dwelling on a non-conforming undersized lot which total area is 2,837.5 S.F. The project provides for the removal of an existing non-conforming structure and replacing it with a newer structure. The proposed house will consist of an indoor parking garage, an outdoor parking space in front of the garage door, a back patio, a code compliant cellar, a living room, dining room, family room, kitchen, a master bedroom suite, 2 bedrooms, 2 ½ bathrooms.

The Zoning district, 2R is a 2-family zone which permits 2-family dwellings on 10,000 SF lots, and 1-family dwelling on 7,500 SF lots. Presently, there are a combination of 1, 2, and 3 family dwellings in the district and many non-conforming structures.

Our office has conducted an analysis on the bulk conditions related to 21 properties within the vicinity as shown on the additional sheet A.8. It was determined the following:

- 1- 52% of the properties are undersized in lot area.
- 2- 57% of the properties have non-conforming lot widths.
- 3- 90% of the lots are non compliant in front yard setbacks. (7 structures with more than 64% of the permitted front yard setback)
- 4- 86% of the lots are non compliant in side yard setbacks. (15 structures with more than 42% of the permitted side yard setback)
- 5- 67% of the lots are non compliant in rear yard setbacks. (13 structures with more than 53% of the permitted rear yard setback)
- 6- 24% of the properties are non-conforming in building coverage.
- 7- 3 structures may be encroaching on building height.
- 8- 12 properties have visibility of 32 feet or less along the street intersections.

While the proposed structure does not comply with the front yard, rear yard and side front yard setback, it does comply with the height restriction and the maximum lot coverage.

Among those lots that have front yard and rear yard nonconformity, 12 of them (57%) have a nonconformity of 56% or more. 10 of the lots have a nonconformity of 56% or more as far as the side yard requirements.

The latest revisions are based on the comments made by the board during the December meeting and are as follows:

- 1- Complying with the required maximum coverage for the building and for the development. The building envelope has been reduced accordingly.
- 2- The proposed floor area is 2,110 S.F. less than the suggested floor area of 2,128 sf.
- 3- Minimizing the variance for the sight distance setback along the corner of the property. ( 50ft. are required, proposed 45 ft. from the previous 42 ft.)

The proposed house will include the following:

Basement: One car garage, playroom, full bathroom, storage or mechanical rooms, and utility closet.

1<sup>st</sup> Floor: A living room, a kitchen with dining area and a family room, as well as a powder room.

2<sup>nd</sup> floor: 3 bedrooms and 2 bathrooms.

Attic: accessible only through a pull down ladder.

The choice between proposing height addition to the existing structure and proposing for the new structure will result in the same setback variances in front yard, side yard and rear yard setbacks. Please see the chart below.

Criteria	Permitted	Proposed	Existing
Lot Area	7,500 S.F.	2,837.5 S.F.(62% variance)	2,837.5 S.F.(62%)
Lot width	75 ft	50 ft (33% variance)	50 ft (33% variance)
Front Yard	25'-0"	9'-0" (64% variance)	6'-1"(76% variance)
Rear Yard	25'-0"	11'-8"(53% variance)	2'-0"(92% variance)
2 <sup>nd</sup> Side Yard	8'-0"	8'-0" (0% variance)	110'-11"(0% variance)
Both side yards	33'-0"	19'-10" (42% variance)	27'-3"(17% variance)

In addition, by keeping the existing structure, we would keep the obstruction on the intersection as represented on sheet A.6. There is also no off-street parking as per existing conditions.

As the Board considers the application, in determining whether to grant the requested area variances, the Board shall engage in a balancing test, as Village Code Section 295-146 provides, that this Board shall consider the benefit to the applicant, if the variances are granted, weighed against the detriment to the health, safety, and welfare of the community by such grant.

The project would promote revitalization of the property along the corner of High Street and James Street and the development of a greatly marketable house.

The new structure will clear the corner from obstruction of vehicular traffic. It will provide for 2 off street parking spaces, which alleviates the need for street parking. As such, the benefit

to the applicant in granting the variances more than outweighs any detrimental impacts that this house would be said to pose.

The project easily passes the five-factor analysis for area variances in the Village zoning ordinance as incorporated within the New York.

- A. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- C. Whether the requested area variance is substantial.
- D. Whether the proposed variance will have an adverse effect of impact on the physical or environmental conditions in the neighborhood of district.
- E. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variances.

#### Five factor test

We respectfully demonstrate that the project's variances satisfy the balancing test required by the Village Ordinance law.

a) There would be no undesirable change to the Community:

The proposed structure will be in harmony with the surrounding community since, in addition to having a traditional style with attractive features, it is adjacent to many non-conforming structures as listed on sheet A-4 of the architectural plans. The proposed structure requires variances for yard setbacks and coverage.

-The cellar is more than 50% below the average grade and is complying with the definition of "Cellar" per section 295-5, and therefore is not considered a story. See SP-2 of the architectural drawings.

-The attic will only be accessible by a pull down ladder and will not be habitable.

-The proposed structure is therefore considered a 2-½-story structure.

-The building and development coverage are in compliance with the ordinance.

As far as height, the proposed house complies with the zoning ordinance.

b) Desired benefit cannot be achieved by feasible alternatives.

The client has experimented with several studies resulting in different house designs.

Variances are necessary to meet a desired result. Any smaller variances would result in an undesirable project. Based on the geometry of the site, the only way to viably develop a successful project is through the requested variances.

c) The requested variances are not substantial.

While several of the requested variances may be numerically large, they are not as such since they would allow the proposed structure to be in harmony with the general Architectural massing and street scope of High Street. In actuality, substantial variances cannot be evaluated in abstract rather they should be evaluated their merit.

Multiple variances are inter-related and should be viewed as the result of the totality of the proposed project.

d) There will be no adverse impact on the environment.

The existing house which is in a dilapidated condition and is to be removed and replaced with this proposed structure which will comply with environmental requirements and would provide for more landscaping, new storm water retention, newly connected utilities, proper parking and paved surfaces, etc.

e) A self-created hardship is not determinative.

While the hardship may be technically self-created, as to propose to replace the existing structure with a more appropriate one. This case should rationally result as that the self-created hardship should outweigh the overall benefit of the application and the community, as well as the Village, in granting the requested variances.

Conclusion

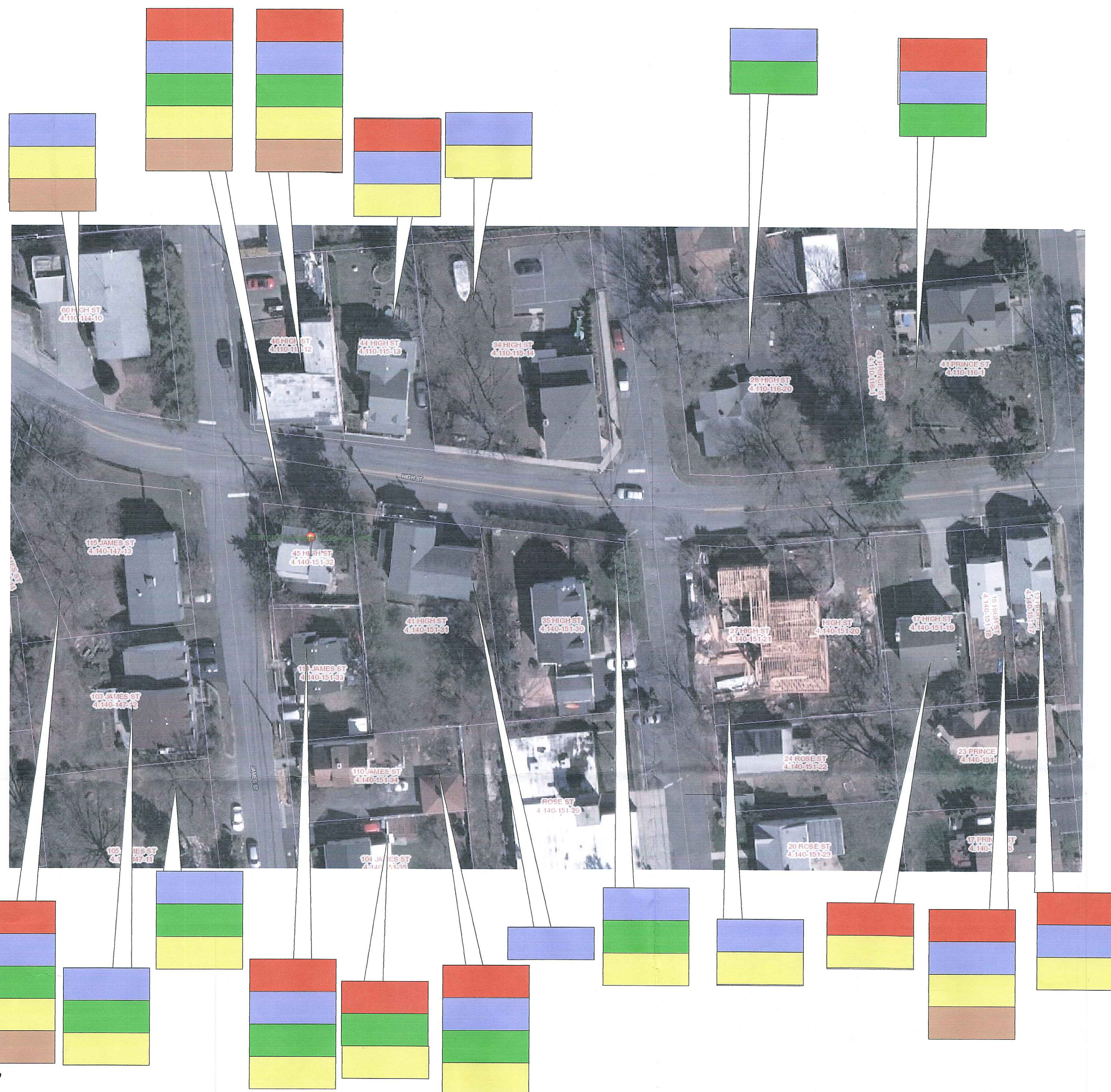
For the aforementioned reasons, the benefits to the applicant and the Village of Hasting as a whole, easily outweighs any detriments the project could be argued to pose.

Accordingly, the applicant looks forward to answering any questions your Board may have. Please do not hesitate to contact our office should any question arise.

Very truly yours,

Tom F. Abillama, AIA





NON-CONFORMING DIMENSIONS @ NEIGHBORING PROPERTIES

ADDRESS	45 HIGH ST	41 HIGH ST	60 HIGH ST	46 HIGH ST	44 HIGH ST	15 HIGH ST	13 HIGH ST	27 HIGH ST	34 HIGH ST	17 HIGH ST	35 HIGH ST	95 JAMES ST	103 JAMES ST	115 JAMES ST	100 JAMES ST	104 JAMES ST	110 JAMES ST	114 JAMES ST	28 HIGH ST	41 PRINCE	105 JAMES ST	
LOT AREA	2837.5 SF	3521.87 SF	3340 SF	5062.5 SF	5836.6 SF	2500 SF	2808 SF	10,075 SF	12,750 SF	5,000 SF	7800 SF	5,000 SF	7500 SF	7500 SF	5,000 SF	5,000 SF	5,000 SF	3,750 SF	10,000 SF	10,000 SF	7500 SF	
LOT WIDTH	50/75 FT	75/75 FT	37/75 FT	51/75 FT	48/75 FT	25/75 FT	28.08/75 FT			50/75 FT		50/75 FT	75/75 FT	74.7/75 FT	50/75 FT	50/75 FT	50/75 FT	75/75 FT	100/75 FT	50/75 FT	75/75 FT	
FRONT YARD	15.05/25 FT	6/25 FT	15/25 FT	1.05/25 FT	5/25 FT	25/25 FT	3.25/25 FT	11.5/25 FT	3.8/25 FT		22.5/25 FT	8/25 FT	9.25/25 FT	10/25 FT	20/25 FT	25/25 FT	20/25 FT	11.8/25 FT	12.5/25 FT	10/25 FT	4.25/25 FT	
REAR YARD	5.6/25 FT		11/25 FT	8/25 FT							22.5/25 FT	5.6/25 FT	5.6/25 FT	16/25 FT	5.6/25 FT	5.6/25 FT	5.6/25 FT	1/25 FT	6/25 FT	4/25 FT	5.6/25 FT	
SIDE YARDS	13.5/33 FT	26/16 FT	15/25 FT	1.88/33 FT	6/25 FT	10/33 FT	8.8/33 FT	30/40 FT	8.5/30 FT	13.5/16 FT	26/33 FT	13.5/33 FT	13.5/33 FT	13.5/33 FT	6/8 FT	5/8 FT	6/8 FT	1/8 FT			13.5/33 FT	
BLDG. COVER.	870-50.6%	1485-17%	2860-35%	2326-46%		730-31%	860-30%	2508-25%	1421-13.5%	1044-20%	1894-24%			2097-33%				978-26%				

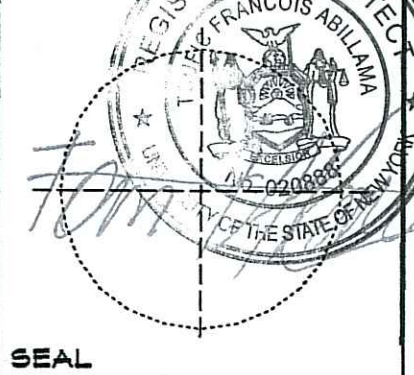
SITE VISIBILITY OBSTRUCTION @ ADJACENT CORNER LOTS

ADDRESS	31 JAMES ST	39 JAMES ST	CROSS BAR	47 JAMES ST	46 HIGH ST	34 HIGH ST	35 HIGH ST	27 HIGH ST	28 HIGH ST	15 HIGH ST												
LOT AREA	30-31 FT	30-32 FT	30-32 FT	30-31 FT	10-10 FT	10-10 FT		20-20 FT	20-20 FT	15-15 FT												

2	ZBA REMARKS	1.9.14
1	LOWER STR.	8.21.18
NO.	REV.	DATE

OWNER:

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KEY PLAN

PROPOSED  
ONE FAMILY RESIDENCE  
45 HIGH ST  
HASTINGS ON HUDSON, NY

ZONING ANALYSIS  
OF NEIGHBORING  
PROPERTIES

Project ID / DATE: 1412 / 9.27.14  
Sheet Scale:  
**A.3**  
Drawn By: AM Checked By: TPA  
Plot Date: SEPTEMBER 27, 2014