Zoning Board of Appeals

<u>Application and Procedure for Application for</u>

Variance/Interpretation/View Preservation



- 1. File one (1) original completed Application and all related drawings and documents, for a Variance, Interpretation or View Preservation Approval, with original signatures and notarization, a flash drive and two (2) copies (residential) or seven (7) copies (commercial) (See requirements in step #2) with the Office of the Building Inspector, no less than four (4) weeks prior to scheduled ZBA meeting.
- 2. Application must be complete with all plans, diagrams, surveys, photographs, etc. as necessary to fully describe requested variance/s and compelling reasons for non-conformity with the zoning regulations.

3. Pay an application fee as per following fee schedule:

√	Single family residence	\$ 250.00 \$	500.00*
\checkmark	Two family residence	\$ 300.00	300.00*
\checkmark	Multiple family residence	\$ 350.00	700.00*
\checkmark	Commercial, apartment & office buildings	\$ 500.00	1000.00*
1	Industry, subdivision, land development, etc.	T , ·	.000.00*
\checkmark	View Preservation Stand Alone	1-2 Family-\$250.00/\$500.00*	Other-\$500.00/\$1000.00*

*For Variances/ZBA action for illegal construction

- 4. Upon receipt of the application and prescribed fee, Office of the Building Inspector will prepare a legal notice describing the variance and submit the notice to an official newspaper for publication.
- 5. Office of the Building Inspector will prepare a mailing list of all neighbors within a 300-foot radius (500-feet if deemed necessary by the Building Inspector) of the subject property and make it available to the applicant prior to the ZBA meeting
- 6. The applicant must pick up copies of the legal notice and mailing list in a timely manner so as to be able to do the following:
 - Either mail copies of the legal notice to neighbors on the mailing list by certified mail requested or any other method of delivery providing proof of delivery no later than 14 days prior to the ZBA meeting
 - Or hand deliver copies of the legal notice no later than 10 days prior to the ZBA meeting.
- 7. No later that one (1) week prior to the ZBA meeting submit the following to the Office of the Building Inspector:

Proof of mailing and and supporting documentation or

0 11 0		
The mailing list with dates and initials of recipients and a	notarized affidavit stating:	
I, Management Sour hat Lebe, were hand delivered to the people on this mailing list on	do hereby swear that all the	legal notices
were hand delivered to the people on this mailing list on	3/241/h/the date	and that the
signatures/initials of the recipients are authentic.		

8. The applicant or his/her authorized representative must appear before the ZBA on the scheduled meeting date to present his/her case, enter into record any additional evidence, and answer any questions.

Submit a flash drive and a total of three (3) copies (residential) or eight (8) copies (commercial), of the application along with the property survey showing the existing and proposed construction and all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) with required fee, to the Office of the Building Inspector, no less than four (4) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

Zoning Board of Appeals

<u>Application and Procedure for Application for Variance/Interpretation/View Preservation</u>



		Date of application:	
Property own	_{ner:} Margaret Huckeb	a	
	lress: 461 Warburto		
	ets on which the property is locat		
	70 Block: 52		
Applicant:	Margaret Huckeba		
	pplicant if not owner: owne !	<u>r</u>	
-	461 Warburton Ave		
	e number: 917-515-418	3 Fax number:	
•	_{s:} mahuckeba@gma		
ZBA action red	quested for (See §295-146B & C :	• •	Area Variance/s;
		□ Interpretation; □	View Preservation (See §295-82)
List code sect	ions & provisions from which the		View Preservation (See §295-82)
List code sect Section*	ions & provisions from which the		View Preservation (See §295-82)
	·	e variance or interpretation is re	View Preservation (See §295-82) quested:
Section*	Code Provision*	e variance or interpretation is re Existing Condition*	View Preservation (See §295-82) quested: Proposed Condition*
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Section*	Code Provision*	e variance or interpretation is re Existing Condition*	View Preservation (See §295-82) quested: Proposed Condition*
Section* 295-72.1.E(2)	Code Provision*	e variance or interpretation is re Existing Condition*	View Preservation (See §295-82) quested: Proposed Condition*
Section* 295-72.1.E(2)	Code Provision* EXCEEDS REQ. MIN. SQFT PER DWELLING	e variance or interpretation is re Existing Condition*	View Preservation (See §295-82) quested: Proposed Condition*
Section* 295-72.1.E(2)	Code Provision* EXCEEDS REQ. MIN. SQFT PER DWELLING	e variance or interpretation is re Existing Condition*	View Preservation (See §295-82) quested: Proposed Condition*

Zoning Board of Appeals <u>Application and Procedure for Application for Variance/Interpretation/View Preservation</u>



and filed with The Zoning Roard of Anneals for this premises.

Date of Appeal	Purpose of the Appeal	Resolution if any	Date of Action
List pending viola	tions on this property if any:		
Is there an appro	ved site plan for this property?:	(Yes)	(No)
Is there an Acces	sory Apartment at this property?:	(Yes)	(No)
Does this propert	y have Boarder's Permit?:	(Yes)	(No)
or area) sought. explain the issue. Submit a flash drive and a property survey showing to the photographs, etc. as necessity.	risary and demonstrate how the variance so The criteria for the two types of variances. If you wish you may also state your argument a total of three (3) copies (residential) or eight (8) the existing and proposed construction and all others are to describe and support your application) worrior to the date of scheduled meeting of the Zonin	are attached. (If an interpriment for how the issue sho copies (commercial), of the applier supporting documents (plans, with required fee, to the Office of the commercial).	retation is sought, uld be resolved.) cation along with the drawings, site maps,
STATE OF NEW YOR	 RK		
COUNTY OF WEST			
I hereby depose and submitted in connect	say that all of the above statements and sion with this application are true:	statements contained in all	oapers I have
	Ā	pplicant	
Sworn to before me to of, 2	his <u>∠ /</u> day		•

HARIS ARNAUTOVIC Notary Public - California San Francisco County Commission # 2279825 My Comm. Expires Mar 7, 2023

Zoning Board of Appeals Zoning Analysis



ZONING REQUIREMENTS:

YΑ	RD.	SE	ГВА	CK	S
(Pr	incli	oal S	Stru	ctu	re)

	REQUIRED	EXISTING	PROPOSED
FRONT	10'	0'	N/C
REAR	30'	30.1	N/C
SIDE ONE	12'	0'	N/C
SIDE TWO	12	13.7'	N/C
TOTAL OF TWO SIDES	24'	13.7'	N/C

YARD SETBACKS (Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.	N/A	N/A	N/A
REAR	N/A	N/A	N/A
SIDE	N/A	N/A	N/A

BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	2.5	2.5	N/C
FEET	40'	32'	N/C

LOT COVERAGE

-	PERMITTED	EXISTING	PROPOSED
LOT AREA		4792	N/C
*BLDG. COVERAGE/ % OF LOT AREA	50%	29.6%	N/C
*DEVELOPMENT COVERAGE /			
% OF LOT AREA			

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

OCCUPANCY AND USE

	; , 	*	
	PERMITTED	EXISTING	PROPOSED
		And the second second	
CURRENT USE**	MIX	RES	N/C
CONTRACTOR	<u>4</u> ,		

^{**} Single Family, Two Family, Commercial, Mixed Use etc.

Zoning Board of Appeals

<u>Application and Procedure for Application for Variance/Interpretation/View Preservation</u>



Name: Mars usef Hukebe, being duly sworn, deposes and says that he/she resides at in the Village of Hastings-on-
he/she resides atin 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 SheetBlockand Lotof the tax map, and that
he/she hereby authorizedto make the annexed
application in his/her behalf and that the statement of fact contained in said application are true.
STATE OF NEW YORK COUNTY OF WESTCHESTER ss.:
Owner
SWORN TO BEFORE ME THIS 20 DAY OF March 20 19
HARIS ARNAUTOVIC Notary Public - California San Francisco County Commission # 2279825 My Comm. Expires Mar 7, 2023

NOTICE

Notary Public

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.

CODE OF THE VILLAGE OF HASTINGS ON HUDSON

§ 295-146. Variances.

A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with enforcement of this chapter, shall have the power to grant use variances and area variances, as defined herein.

B. Use variances.

- 1) "Use variance" shall mean the authorization by the Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.
- 2) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. The alleged hardship has not been self-created.
- 3) The Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area variances.

- 1) "Area variance" shall mean the authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
- 2) In determining whether to grant an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider:
 - 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 or impact on the physical or environmental conditions in the neighborhood or 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 variance.
- 3) The Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

CODE OF THE VILLAGE OF HASTINGS ON HUDSON

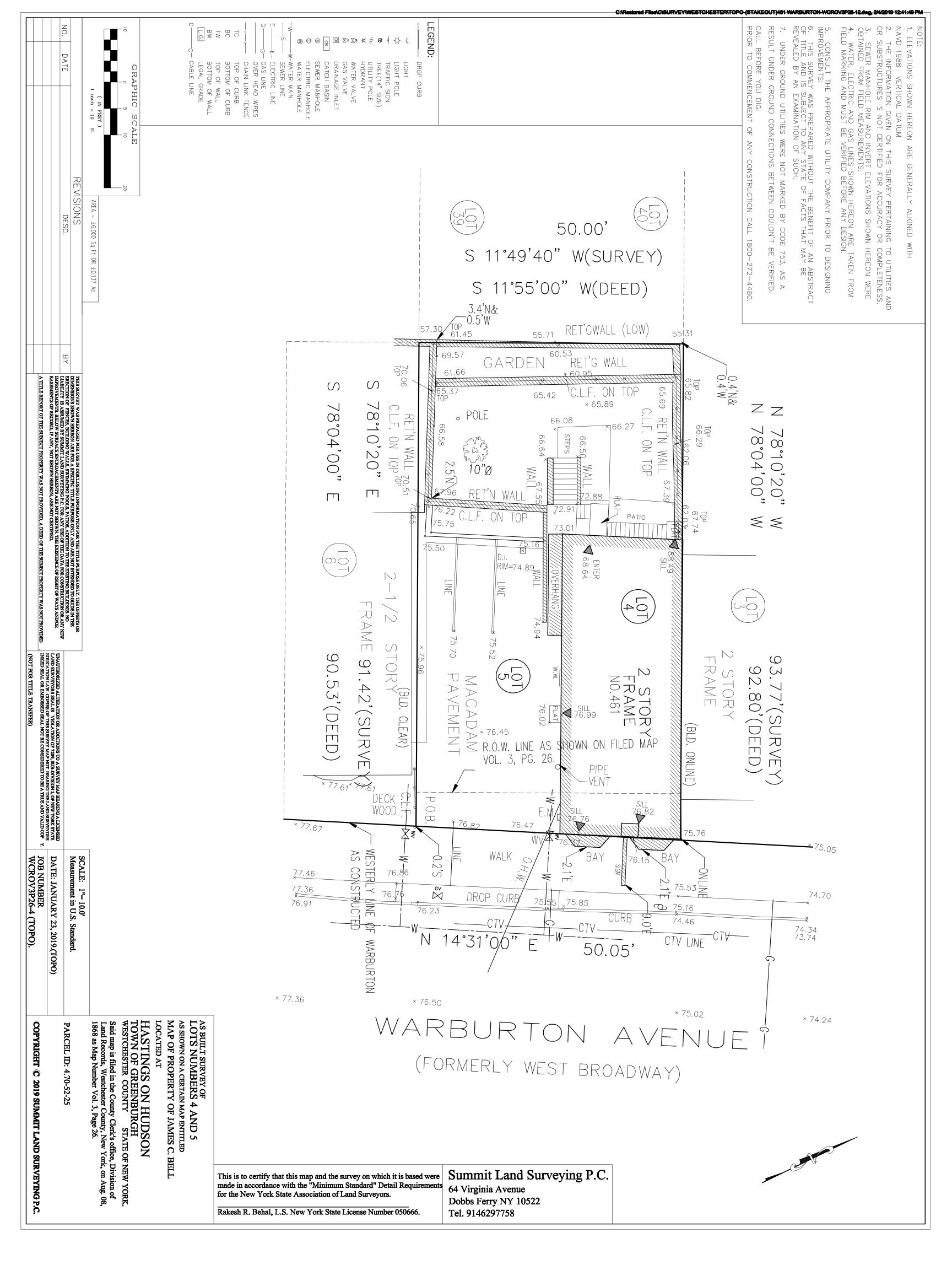
§ 295-82. View Preservation (VP) Districts

- A. Principal and accessory uses. Subject to the provisions of Subsection $\underline{\mathbb{C}}$ below, the permitted principal and accessory uses for any lot or parcel in a VP District shall be the same as otherwise permitted in the district in which the lot or parcel is located.
- C. Approval by Planning Board and Board of Appeals.

(1) No building or structure shall be erected, altered, enlarged or moved in the district unless approved in accordance with the provisions of this section.

- (2) Every application to permit the erection or exterior alteration of a building or structure in a VP District shall be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting, dimensions and configuration of principal and accessory structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way. The Planning Board shall issue its report and recommendations within 60 days after receipt of the application.
- (3) After approval by the Planning Board, the plan for erection or exterior alteration of the building or structure shall be referred to the Board of Appeals, which shall conduct a public hearing on the plan. The Board of Appeals shall hold the hearing and render its decision within 60 days after the referral by the Planning Board.
- (4) Joint notice of both the Planning Board meeting at which the application is to be considered and the Board of Appeals public hearing on the application shall be given at least 14 days before the Planning Board meeting. Notice shall be given as required in § 295-143C. In addition, notice shall be given to the Architectural Review Board and shall be published in a newspaper of general circulation in the Village not less than 10 days before both the Planning Board meeting and the Board of Appeals hearing.

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Erosion Control Methods

1. A line of silt fencing shall be installed between any proposed disturbance areas. This fence also serves as an effective barrier against encroachment into adjacent properties.

2. Silt fences should be installed before the start of construction. Silt fences should be installed between any proposed disturbance areas associated with the proposed residence and driveway. The fence line should be inspected after each significant rainfall. Inspections should also take place daily during prolonged periods of rainfall. Sediment deposits stould be removed after each rainfall or whenever the deposits exceed one-third the height of the fence. Inspections should be made weekly for any physical damage. All sediment deposits remaining after removal of the silt fence should be graded and seeded. Additional erosion prevention measures may be necessary for the stabilization of steep slopes. This may be achieved by the use of jute matting or other alternatives.

3. Soil stockpiles should be located on level portions of the property. Stockpiles remaining in place for more than one week should be mulched over or covered. The stockpiles should be surrounded by a line of silt fencing.

4. Mulching should also be applied to areas that have been temporarily or permanently seeded. Mulching should also be applied to areas that cannot be seeded due to inappropriate time of year and stress of construction, to reduce mud and dust. Final seeding shall follow the permanent seeding mixture recommendations by rate and site adaptations shown in the "New York State Guidelines for Urban Erosion and Sediment Control" Page 3.3 (April 1997). In conjunction with mulching and seeding, disturbed areas (including steep slopes) should be stabilized with proper vegetation. Some recommended ground covering plants are periwinkle, pachysandra, spreading juniper and crownvatch.

5. Erosion controls should be included in all future submittals during the construction be included in all future submittals during the

Silt Fencing Notes
 On moderate slopes, up to 8 percent, silt fence and straw bales may be used interchangeably.
 Slopes exceeding 25 percent shall have silt fence backed by straw bales for support.
 Woven wire fence to be fastened securely to fence posts with wire tires or staples. Post shall be steel either "T" or "U" type or hardwood.
 Filter cloth to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section. Fence shall be woven wire, 12 ½ gauge, 6" maximum mesh opening.
 When two sections of filter cloth adjoin each other they shall be over-lapped by six inches and folded. Filter cloth shall be either filter X, mirafi 100X, stabilinka T14ON, or approved equivalent.
 Prefabricated units shall be GEOFAB, envirofence, or approved equivalent.
 Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

Erosion Control and Construction Schedule

The construction site supervisor shall implement all erosion and sediment control management measures during all stages of construction. All contractors and subcontractors shall certify and agree to all such measures to be implemented. The erosion and sediment control management plan may also be modified and updated as needed to remain effective. The construction site supervisor shall guarantee that a routine inspection and maintenance schedule of the storm water management plan shall be performed.

Soil erosion and sediment will be generated during construction by surface storm water runoff. Erosion and sediment control measures shall be performed in accordance with the "New York State Guidelines for Urban Erosion and Sediment Control" (April 1997) and "New York State Storm Water Management Design Manual" (October 2001). In addition to the necessary implementation of silt fences, dust control and stabilized construction entrances, the procedure for the installation of such protective measures shall conform to the schedule as follows:

Notify the village building department of startup date at least five (5) days prior to start 2. Erosion control measures:

 a. Install construction entrance prior to start construction.
 b. Install all erosion control measures.
 c. Contractor to call for inspection from the village at least two (2) days prior to finish.
 d. Building department inspection.

 Maintenance

excessive sediment.

b. Inspection shall be documented in writing and submitted to the village building department.

4. Stockpiling of excavated material:

a. strip and stockpile topsoil.

b. Stockpile excavation materials.

c. Seed piles with one half pound per square yard annual ryegrass or remove from site within two (2) days.

d. Building department inspection.

5. Maintenance:

remove from

after any rain causing runoff, contractor to inspect silt fence, etc., and remove any excessive sediment, and inspect stockpiles and correct any problems with seed establishment.

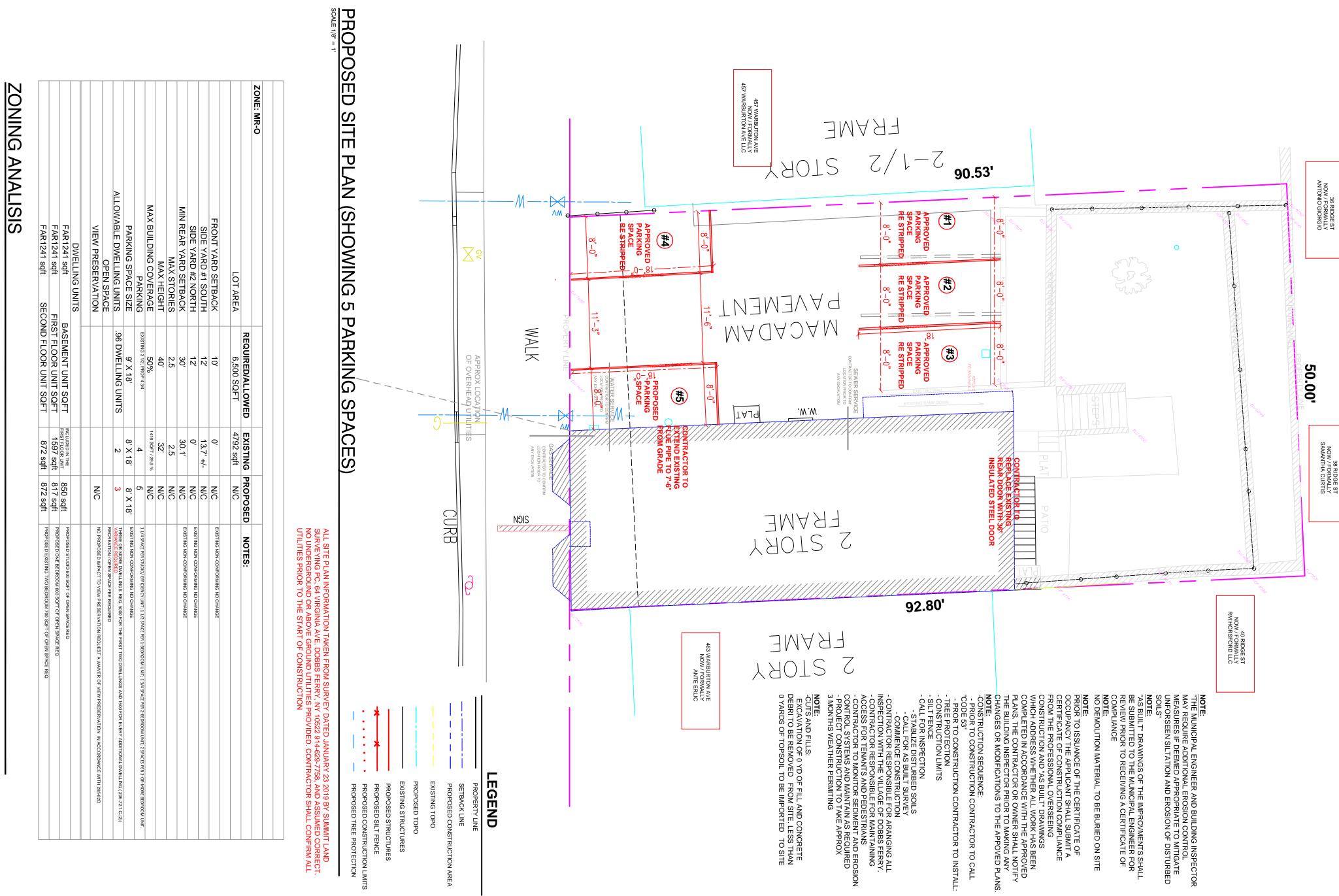
Inspections shall be documented in writing and submitted to the village building department.

Sing construction

a. Remove unneeded material from site.
 b. Contractor to call for inspection from the village at least two (2) days prior to finish
 c. Building department inspection.

excess sediment. IIISPECT COLUMN Establishment.
b. Inspection shall be documented in writing and submitted to the village building department. a. After any rain causing runoff, contractor to inspect silt fence and remove excess sediment. Inspect stockpiles and correct any problems with seed

LOCATION MAP



ALL DIMENSIONS ARE NOMINAL AND TO BE CONFIRMED PRIOR TO CONSTRUCTION, PLANS ARE NOT TO BE SCALED, WALLS CONFIGURATION AND TYPE ARE SHOWN AS TYPICAL AND SHOULD BE INVESTIGATED AND CONFIRMED PRIOR TO CONSTRUCTION.

CONTRACTOR TO CONFIRM ALL DIMENSIONS AND CONDITIONS PROIR TO CONSTRUCTION AND BRING ANY DISCREPANCIES TO THE ATTENTION OF THE OWNER AND ARCHITECT A-001

COVERAGE;

PROP.

1241 175

1241 175

SIDEWALK/PATIO DRIVEWAY

TOTAL COVERAGE; EXISTING 3014 PROPOSED 3014

1416 1416

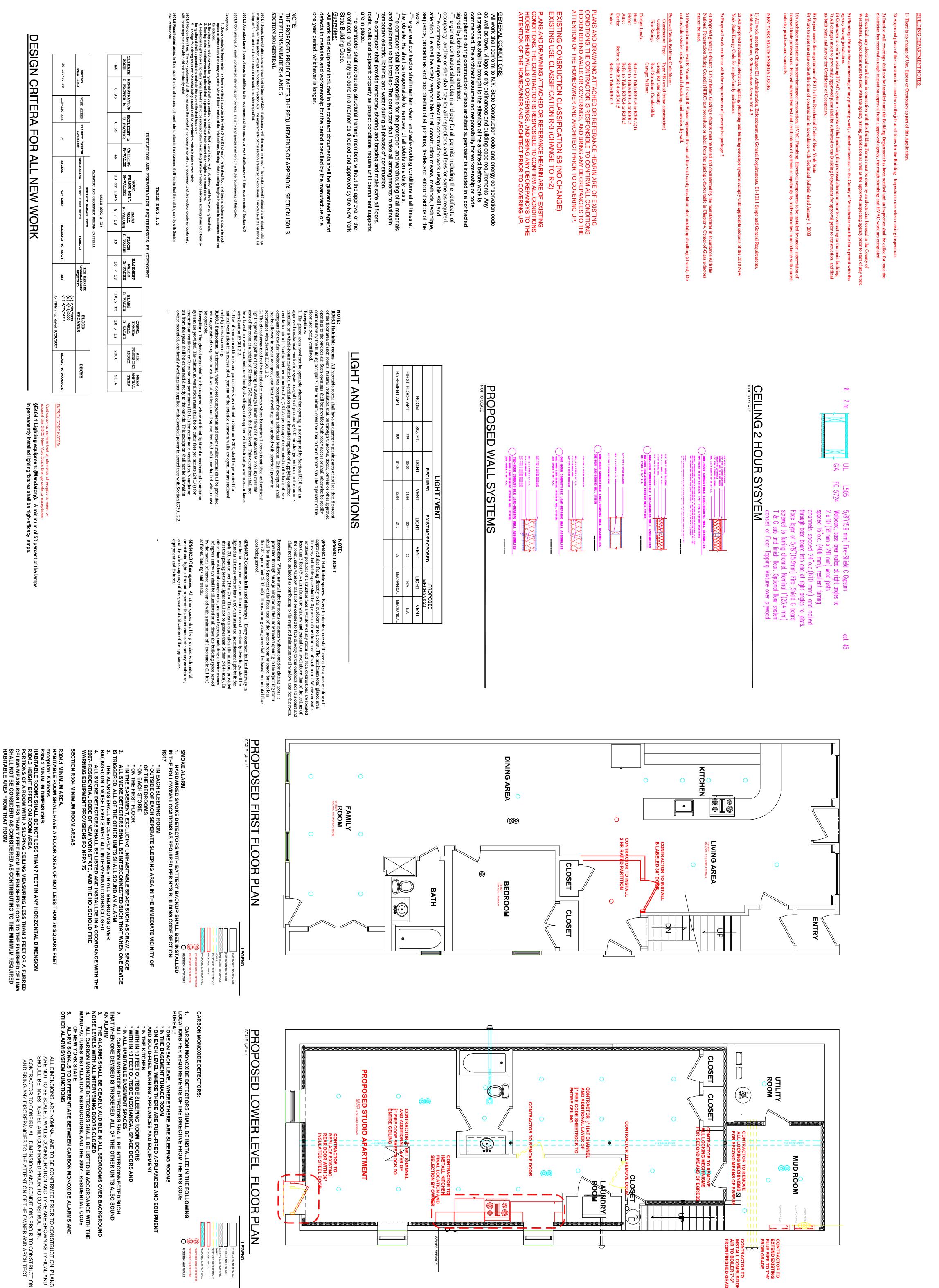
OWNER:

MARGARET HUCKEBA 461 WARBURTON AVE HASTINGS ON HUDSON, NY10706

PROJECT ADDRESS: 461 WARBURTON AVE HASTINGS ON HUDSON, NY10706 ACCT # 4091130 PID# 4.70-52-25

PROPOSED BASEMENT **APARTMENT**

KEVIN KELLY ARC. 12 OAKWOOD AVE RYE, NY 10580



PROJECT ADDRESS:

ACCT # 4091130

PID# 4.70-52-25

461 WARBURTON AVE

HASTINGS ON HUDSON, NY10706

PROPOSED BASEMENT

APARTMENT

KEVIN KELLY ARC.

12 OAKWOOD AVE RYE, NY 10580

OWNER:

MARGARET HUCKEBA

461 WARBURTON AVE

HASTINGS ON HUDSON, NY10706

A-002

EXISTING FIRST FLOOR PLAN DINING AREA KITCHEN • **©**@ CLOSET BEDROOM BATH CLOSET ENTRY EXISTING LOWER LEVEL CLOSET UTILITY ROOM RECREATION ROOM HE SHOO CLOSET MUD ROOM FLOOR PLAN LAUNDRY ROCM

ALL DIMENSIONS ARE NOMINAL AND TO BE CONFIRMED PRIOR TO CONSTRUCTION, PLANS ARE NOT TO BE SCALED, WALLS CONFIGURATION AND TYPE ARE SHOWN AS TYPICAL AND SHOULD BE INVESTIGATED AND CONFIRMED PRIOR TO CONSTRUCTION.

CONTRACTOR TO CONFIRM ALL DIMENSIONS AND CONDITIONS PROIR TO CONSTRUCTION AND BRING ANY DISCREPANCIES TO THE ATTENTION OF THE OWNER AND ARCHITECT

These working drawings are provided to make the full details of the building shown availability to the purchaser. They may be also used as documents for constructs, with index and dimensions are subject to change according to local codes, building requirements and also conditions. Any form of direct reproduction of the design in whose the propriety of the Architect, infringements will be prosecuted.

REVISIONS

2017-04-22 DRAFT

2019-03-21 PERMIT

DRAWN BY: EPM

DRAWN BY: EPM

DATE: 2017-04-22

2017-03 461 WARBURTON HASTING SCALE: 1/4' = 1'

OWNER:
MARGARET HUCKEBA
461 WARBURTON AVE
HASTINGS ON HUDSON, NY10706

PROJECT ADDRESS:
461 WARBURTON AVE
HASTINGS ON HUDSON, NY10706
ACCT # 4091130
PID# 4.70-52-25

PROPOSED BASEMENT APARTMENT

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