

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
OCTOBER 22, 2015**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, October 22, 2015 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember David Forbes-Watkins, Boardmember Adam Anuszkiewicz, Boardmember Marc Leaf, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

**Chairman Collins:** All right, ladies and gentlemen thank you for coming and welcome to our October 22, 2015 Zoning Board meeting. We have a very, very full docket tonight. We have seven cases before us, so what I'm going to ask is that we try our best to just be concise and get right through this as quickly as possible. At the same time, we're not going to turn anyone away who wishes to be heard on any of these matters so we'll make sure we're thorough at the same time.

Before I begin, Buddy, how are we on all the mailings?

**Building Inspector Minozzi:** I've been informed by my staff that all the mailings are in order.

**Boardmember Forbes-Watkins:** Just one question. Was the state contacted regarding the two buildings that are on the Aqueduct line?

**Village Attorney Whitehead:** Three, actually. I think it was three of the applications.

**Building Inspector Minozzi:** I'm sure they were. I don't have it in front of me, the mailings, but I'm sure they were.

**Chairman Collins:** Well, why don't we confirm that perhaps after the meeting is over. That's fine.

**Boardmember Forbes-Watkins:** Well, no, I disagree. If we can't confirm that there was a proper notification, then we should not listen to those two cases.

**Chairman Collins:** Linda?

**Village Attorney Whitehead:** The Village does the notices so it's not the applicant's fault. If you're going to approve it we can approve it subject to confirming that the state parks department was notified.

**Boardmember Forbes-Watkins:** But what if the state was not properly advised of this? The reason I raise this, we've gone back over this a number of times and sometimes the state has been advised and other times it hasn't. I think it's appropriate for us to make sure that the state department of parks, or whomever it is, is appropriately notified when we have a case where the Aqueduct is within 300 feet.

**Chairman Collins:** So, Buddy, do you have them in your office? Can you go and check?

**Building Inspector Minozzi:** Yeah, they're accessible downstairs.

**Chairman Collins:** Why don't you go and check it out, and I would still recommend we at least get through what we can and maybe by the time Buddy comes back with some affirmation we'll know.

**Boardmember Forbes-Watkins:** William Street is not problem.

**Village Attorney Whitehead:** This is not one of them.

**Boardmember Forbes-Watkins:** It's not until Flower.

**Chairman Collins:** OK. So we'll begin, then with case 09-15, which is the case for Malcolm Beadling at 19 William Street. Just to set some ground rules, we've got microphones. Christina has the handheld, there's also the one on the stand. We just ask that any time any of you are speaking make sure you have a mic in your hand because we have a remote stenographer. Please introduce yourself the first time you speak into the mic.

And with that, I'll turn it over to you, Christina.

**Case No. 09-15**  
**Malcolm Beadling**  
**19 William Street**

**View Preservation approval as required under section 295-82 and relief from the strict application of code sections 295-55.A, and 295-72.E.(1)(c) of the Village Code for the addition of a roof top deck to their multi-family dwelling at 19 William Street. Said property is located in the MR-1.5 Zoning District and is known as SBL: 4.70-53-14 on the Village Tax Maps.**

**Variance is sought for the extension of an Existing Nonconformity:**

**Side Yard: Existing and Proposed for the deck – approximately 6.4 feet; Required minimum – 16.5 feet {295-55.A. and 295-72.E.(1)(c)}**

**View Preservation approval & side yard variance of 10.1 feet is being sought.**

**Christina Griffin, project architect:** I designed a roof deck for this house. This is a three-family house. What we'd like to do is change the roof that is on this level, and convert the roofs that are here into a roof deck. This will be the only outdoor space that this apartment has, and also it will have views of the river. We're here for view preservation review and also for a zoning variance. The zoning variance is because the new deck will have a railing that will extend the nonconforming side yard setback. We're supposed to have 16.5 feet, and we have 6.4 feet.

This is just our key plan so you get an idea where the roof deck is. It's up on the third floor and it's on the north and western side of the house. These dash lines show the side yard and rear yard setbacks, so this part of the house already is in the side yard setback; all we're doing is extending the nonconforming setback at the new railing. This structure exists now and is a gable roof. This part of the house – and this is a very low-sloped, hipped roof – we want to cut a portion of that gable roof out and then eliminate the other lower roof so we can create this new roof deck. This roof deck is about 6 feet on one end, 25 feet long, 17 feet wide. It is only around 230 square feet.

**Boardmember Dovell:** How much of that is outside the setback line?

**Ms. Griffin:** I think a little less than half of it is ... you can see here. How much is inside the setback?

**Boardmember Dovell:** Outside.

**Ms. Griffin:** This part of it, a little more than half. But this is actually right on top of the floor structure that's there now.

**Boardmember Dovell:** So it's about 40 square feet or something like that?

**Ms. Griffin:** No, I'd say it's about 105 square feet or 110 square feet. That's our third-floor plan. You can see this is at the end of this two-bedroom apartment. What we'd like to do is have new French doors leading to this roof deck. This is the roof plan. This is just so you can see we have the rest of the building, just how it lays out. You'll see part of the whole house is in the side yard setback. These are elevations: this is the west elevation showing the new roof deck, and this dashed area is the gable roof that we're going to eliminate a portion of it, and this is the hipped roof we're going to replace with a roof deck. The west elevations, this is the east elevation. We're planning to have a metal railing with a stainless steel kind of mesh for the canal between the railing posts. This is the north elevation showing how it's taking the place of this low roof. You can see a piece of this gable roof we're moving for the new French doors. This is a section showing how we're cutting the gable roof so we can get that space for the roof deck and the new doors.

These are our view preservation studies. This is before and after. This view is looking at the east side of the building, where you can see the shallow roof and the gable roof. This is after, where we want to put the roof deck right on top of this piece. This is just a view of the front of the house looking northwest. This is before and after, and you see a little bit of that railing. This view doesn't say a lot, but it was a view looking further up the hill. We're trying to see how this deck will impact the views of properties uphill and east of the building. This is the next door neighbor, a view from their yard before and after. You just about see the new deck superimposed on the photograph. This is all the way up at the parking area along the Aqueduct, looking from that parking area at the building. We superimposed the shape of the building and the shape of the roof deck.

**Chairman Collins:** That's helpful for when the foliage will go away. You know what I mean?

**Ms. Griffin:** Yes.

**Chairman Collins:** This is seeing it in the summertime. It will look different in the winter.

**Ms. Griffin:** But, you know, keep in mind this actually ...

**Boardmember Forbes-Watkins:** Visible.

**Chairman Collins:** It'll be visible.

**Ms. Griffin:** ... we are cutting a piece of the gable roof away, too. So even though we're reducing some of the bulk, we're replacing some of the roof with this railing. We had this reviewed by the Planning Board, and I know they recommended approval for view preservation.

**Chairman Collins:** OK. Did you have anything further? So you're asking for side yard variance, existing and proposed. Right now, you're at 6.4 feet so that's not changing. You're just building into a nonconforming yard, correct?

**Ms. Griffin:** Yes.

**Chairman Collins:** And you said otherwise there's no outdoor space for this property. Is that correct?

**Ms. Griffin:** There is some outdoor space, but I think it's used by the lower units. I'm not sure how it's used, but I know they're not using that space so they would like to have that as their outdoor space.

**Chairman Collins:** Yeah. I mean, it seems like a very reasonable request, and the illustrations suggest this is – to me, anyway – a very minor intrusion into the view. The nonconformity hasn't gotten to be more nonconforming, which is, I think, as good as could be hoped for here. And it's a tasteful design; I think it's going to certainly improve the value and utility of that unit.

Anyone on the Board have questions, comments on this?

**Building Inspector Minozzi:** Matt, real quick, five out of the seven cases the state should have been notified on for the Aqueduct. The computer did not pick it up so they were not notified: five out of the seven.

**Village Attorney Whitehead:** Flower, Villard, Broadway.

**Building Inspector Minozzi:** This one, William Street, 457 Warburton, 1 Flower, 42 Villard, and 514 Broadway.

**Village Attorney Whitehead:** And does it not pick it up because it doesn't technically have a parking lot?

**Building Inspector Minozzi:** It doesn't have a sheet block and lot, and they don't pay taxes.

**Village Attorney Whitehead:** Let me look at the notice provisions. Because technically they're not listed ... the notice provision refers to the assessment roll, and they're not listed on the assessment.

**Building Inspector Minozzi:** No, they're not.

**Chairman Collins:** Well, while you're looking that up we'll just continue, if anyone has any questions about the design or the structure. Marc, David, anything?

**Boardmember Forbes-Watkins:** I think it's a very nice plan.

**Chairman Collins:** OK. Adam, Ray, anything?

**Boardmember Anuszkiewicz:** I agree.

**Boardmember Dovell:** Quite minimal.

**Chairman Collins:** Yeah, it's very minimal.

OK, well, while we're waiting for our Village Attorney to do a little homework does anyone at all wish to be heard on the matter? Anyone have anything to add to the record?

Yeah, go ahead. Just introduce yourself, sir.

**Malcolm Beadling, applicant:** I own 19 William Street. That's the view, so we have it from inside. And this corner up here is just a little closet on the top floor at the moment, so I'd say it's the least valuable square feet in our building. When that's changed and that happens, I think it'll be the most valuable square feet in our building and will raise the value of the building, the property, and will help everything around the neighborhood. The pictures that Christina put up of the building itself, we've put a lot of time and effort and investment into the building. We took off the aluminum cladding back to the wood; insulated inside; and done a really nice job. All of our neighbors like it, and I think this will just finish it up. And it'll make the back of the building look good. We plan to plant that back bit 'cause it's not really wide enough to sit on. We'll be sitting on the front bits, looking at that view. I know you're pushed tonight, so I don't want to go on too much.

**Chairman Collins:** No, thank you, Mr. Beadling. This is very nice, and a lovely view that's for sure. It'd be great if that ends up being something that can carry over to what this project

would deliver. That'd be great.

**Village Attorney Whitehead:** So there's a separate provision. The regular notice provision refers to property owners within 300 feet as shown on the assessment roll. There's a separate provision that says, *"At least 10 days before such hearing, the Board shall mail notices thereof to the parties, to the regional state park commission having jurisdiction over any state park or parkway within 500 feet, and to the county planning board as required under 239-M of the general municipal law."* I need to take a look at the general municipal law because I'm not sure it applies for variances. It applies for certain types of applications that they have to be notified.

**Chairman Collins:** Better that we get it right.

**Building Inspector Minozzi:** Absolutely. Just to put everybody at ease, I've met the new caretaker of the Aqueduct. He's stationed in Dobbs Ferry now. Basically, as long as you're in touch with the Aqueduct he don't care.

**Boardmember Forbes-Watkins:** Don't care, but the question is should they be notified.

**Building Inspector Minozzi:** They need to be notified, possibly need to be notified.

**Chairman Collins:** Well, maybe while we're waiting if there is a setup for ... now, are you representing 457 Warburton also?

**Ms. Griffin:** Yes.

**Chairman Collins:** Maybe you can take the opportunity to make the transition to that one, and then hopefully we can avoid any technical glitches that might otherwise pop up.

Buddy, how many now are using this system when they come in? Is this pretty much ... could we use this any time, or are there instances when an applicant doesn't want to?

**Building Inspector Minozzi:** Really, Christina was the one who kind of broke ground with using it, and Mitch has now gotten on board with it as well. It's been the local architects that have gravitated to it.

**Chairman Collins:** Yeah, I think it's great. It's a lot easier to see, and you realize that you don't have pieces of paper dangling over an easel or leaning funny.

**Building Inspector Minozzi:** Mm-hmm.

**Village Attorney Whitehead:** I think it's required.

**Chairman Collins:** So if it's required, and notice was not served to this party ...

**Village Attorney Whitehead:** You could hear them and adjourn them, and notice can be sent. You basically keep the hearing open until the next meeting if the state has any comments the Aqueduct is a state park. Since people are here and since neighbors might have come out, you have to give the state the opportunity to be heard.

**Chairman Collins:** So no vote.

**Village Attorney Whitehead:** And keep the hearings open, continue them, unless somebody wants to just wait. They're going to have to come back next meeting anyway. Buddy, which are the ones? Kent Avenue does not require ...

**Building Inspector Minozzi:** Kent Avenue does not require it and 452 Buena Vista does not require it.

**Village Attorney Whitehead:** All the others are within 300 of the Aqueduct? And three of them are immediately adjacent.

**Building Inspector Minozzi:** One, two, three. Yes.

**Chairman Collins:** All right. So what this means is that in the noticing of the meeting and of these plans one party was not noticed, and that is the state, or the entity that controls or runs the Aqueduct, in this case. Because of that, we're not able to vote on those cases unless or until that entity's been given a chance to be heard on the cases.

What we'll do, since you're here, is our attorney has recommended to have you present it. But unfortunately, for those cases we will not be able to render a vote without giving, in this case, the agency a chance to be heard on each one of those cases. So I apologize.

**Ms. Griffin:** I think we're using the list the Village gave us.

**Chairman Collins:** Yeah, in this case it sounds like the Village not having the right contact in place. This was not an issue with any of the applicants. I don't think there's anything the applicant would do differently.

**Village Attorney Whitehead:** This was a Village issue. And we apologize, but it's a

jurisdictional issue. It's not something we can ignore because it's jurisdictional.

**Chairman Collins:** Yeah, I'm really sorry.

Mitch, if you want to ask something come forward.

**Mitch Koch, architect:** Do we have to present for the second meeting?

**Ms. Griffin:** No, I don't think so. I don't know.

**Male Voice:** Is it possible we can allow the state to declare no effect? I mean, without convening a second Zoning Board meeting and bring everybody back. Because I believe you're not meeting in November so it pushes us back to December. Is there any provision for us to do that if they decline? I mean, I've never really seen them at zoning boards, their representatives.

**Chairman Collins:** No, I haven't seen them either.

**Village Attorney Whitehead:** I've seen them in Dobbs Ferry.

**Male Voice:** You could come back to vote and not render a decision, then the state would technically wait.

**Building Inspector Minozzi:** You have to speak into the microphone, sir.

**Paul [Savi] XXX, 457 Warburton Avenue:** We would ask that you could vote on those presentations today without rendering a decision, hold the decision in abeyance. And then the state could either come to the next meeting or, meanwhile, be notified and could waive any objections or their presence at the next meeting. Therefore, we also would ask that our presence would be waived at the next meeting. That would either give us an opportunity to have a decision before the next meeting or at the next meeting with a vote being conducted today.

**Village Attorney Whitehead:** The problem is you can't close the hearings; you've got to keep the hearing open for the notice.

**Chairman Collins:** Yeah. I would love to be able to give the applicants who present the benefit of a formal up or down vote, but without ... it would be the same as if a neighbor hadn't been notified. It's really no different.

**Village Attorney Whitehead:** It's actually worse because it's jurisdictional. A neighbor could waive, but the state ...

**Chairman Collins:** Sure. But for the purposes of illustration, imagine for whatever reason that a neighbor had not been notified of this and hadn't had a chance to be heard on it that neighbor might be overlooked. We can hope or assume the neighbor may not have something to say, but I think the law on this is pretty well crafted to give those within the impact zone a chance to be heard on the case.

**Village Attorney Whitehead:** And this is a separate provision than even just the standard notice to neighbors. This is specific to parks and parkways and state property. Because they're deemed to be entitled to even more protection; that's why it's jurisdictional.

**Chairman Collins:** I'm trying to think of a way to cut the corner here, but is there a way for us to reconvene in some form before December.

**Village Attorney Whitehead:** If you can find a night where you can schedule a special meeting. Your meeting is December 10.

**Chairman Collins:** If the notices were to go to the proper agency tomorrow, 10 days from that is when we could theoretically hold a special session just to move these along.

**Building Inspector Minozzi:** Yeah, we could have it the second weekend in November, the weekend before the Planning Board.

**Village Attorney Whitehead:** Yeah, you could have a special meeting that would be a quick meeting if you've heard these tonight. It would just be to allow anybody who wanted to speak, and then you could issue your decisions that night. Not hear any new matters, have it as a special meeting just for the continuation of these five matters.

**Chairman Collins:** What's the week in question for that?

**Village Attorney Whitehead:** You just need to know you can get a quorum.

**Chairman Collins:** Do you have a calendar?

**Village Attorney Whitehead:** You can make it any night you can get a quorum and the room is available.

**Boardmember Forbes-Watkins:** The question, of course, is would all the same participants

be there. If we have a vote in which Marc isn't here but Sean is, then he has not had the chance to hear the ...

**Village Attorney Whitehead:** He can watch the video. He can vote if he's watched the video.

**Boardmember Forbes-Watkins:** OK.

**Chairman Collins:** So we might be able to work around it that way.

**Building Inspector Minozzi:** It would be the 12th if you wanted to do it on a Thursday.

**Chairman Collins:** All right.

**Building Inspector Minozzi:** It would be November 12.

**Chairman Collins:** I'm inclined to try to then pull together a meeting that week.

**Village Attorney Whitehead:** Yeah, it doesn't have to be Thursday.

**Building Inspector Minozzi:** Yeah, it could be another day if you wanted to.

**Village Attorney Whitehead:** You can't do Tuesday of that week.

**Building Inspector Minozzi:** Right, of course. And Wednesday is court.

**Chairman Collins:** Right. So it'll be some point after ...

**Village Attorney Whitehead:** Actually, you can do Tuesday. That's not a Board of Trustees week. You could do any night except for Wednesday. We have to double-check the room, but the only night the room is definitely not available is Wednesday because of court.

**Chairman Collins:** OK.

**Village Attorney Whitehead:** I don't know if everybody knows their schedules or let Buddy know what your availability is and we could schedule a special meeting.

**Chairman Collins:** I would suggest we do that.

**Village Attorney Whitehead:** I think that's a good idea. I think that's fair to the applicants, since it was the Village's error.

**Chairman Collins:** And again, I apologize on behalf of the Village that we didn't have this mechanic built in. We're trying to find a way to accommodate this as quickly as possible and not impose any more delays on your projects. Let us try to figure out how we can get a meeting back on the calendar as soon as the notice period has a chance to run its course, then we'll bring this board back for a special session.

**Village Attorney Whitehead:** You could do either of the first two weeks in November.

**Chairman Collins:** The first two full weeks in November.

**Village Attorney Whitehead:** Yeah, whenever the room's available and you can get a quorum.

**Chairman Collins:** OK. After we adjourn tonight we'll figure that out and balance everyone's schedules.

**Village Attorney Whitehead:** That that'll save you all a month.

**Chairman Collins:** Then, Linda, I'm sure the applicants will want to know do they have to all come back to be heard on this. Or can they just send a single representative?

**Village Attorney Whitehead:** I think just as long as there's no more questions that come up. Yeah, you're going to ask all your questions tonight and hopefully have all your answers. So unless the state comes up with any issues I don't see any reason to have full-blown presentations again.

**Chairman Collins:** No, I'm just thinking they wouldn't want to do this in absentia either. They would want to have someone here.

**Village Attorney Whitehead:** If I was an applicant I would want to have someone here.

**Chairman Collins:** OK, so we'll cover this again before we adjourn. But the plan now will be that we'll try to get a special session in on this the first two weeks of November. We'll hear all the cases tonight, we will not vote on them. We will essentially be doing everything but voting on them. You will hear all of our questions, I think you will get a pretty good read on how we are leaning based on the questions we ask. We'll then adjourn each of the affected cases – not all of them will be – and then return in early November for a formal

vote; which, if we do a good job tonight, should be a pretty quick transaction.

**Village Attorney Whitehead:** And your representatives, since you all have architects representing you, will be notified of that date.

**Chairman Collins:** OK? Is there anything else on 19 William before we then move on to 457 Warburton? All right.

**Boardmember Forbes-Watkins:** Did you ask for neighbor comments?

**Chairman Collins:** I already asked for neighbor comments on 19, and we didn't get any.

**Case No. 10-15**  
**John Bindella & Michael Pagliuca**  
**457 Warburton Avenue**

**Relief from the strict application of code sections 295-72.1,E.(1)(b&c) and 295-72.1,E.(3) of the Village Code for the addition of three rear decks to their multi-family dwelling at 457 Warburton Avenue. Said property is located in the MR-O Zoning District and is known as SBL: 4.70-52-24 on the Village Tax Maps.**

**Variance is sought for rear & side yard setbacks and lot coverage:**

**Rear Yard: Existing and Proposed – Existing 30.25 feet; Proposed approximately. 22.25 feet; Required Minimum – 30 feet {295-72.E.(1)(b)}**

**Side Yard 1: Existing and Proposed – approx. 1.5 feet; Required Minimum – 14.7 feet {295-72.E.(1)(c)}**

**Side Yard 2: Existing and Proposed – approximately 3.3 feet; Required Minimum – 14.7 feet {295-72.E.(1)(c)}**

**Lot Coverage: Existing and Proposed – Existing 47.9%; Proposed 55% coverage; Required Maximum – 50% coverage**

**Variance details: Rear yard – 7.75 feet; Side yard #1 - 13.2 feet; Side yard #2 - 11.4 feet and Coverage – 5%**

**Chairman Collins:** I apologize just up front if I get any names wrong on pronunciations. John Bindella and Michael Pagliuca, case 10-15 for 457 Warburton. We're looking for rear and side yard setback and lot coverage variances.

**Building Inspector Minozzi:** View preservation.

**Chairman Collins:** And view preservation, thank you Buddy. It looks like, Christina, you're presenting again and all set to go. So fire away.

**Ms. Griffin, project architect:** OK. We're here to request variances so we can build decks at each of the three levels of this three-family house so each unit has an outdoor space. This is our site plan, and the side yard setbacks that exist are nonconforming. The existing building is only 1 foot 6 inches from the property line on the north and 3 foot 4 on the south. We're proposing a deck that will be 1 foot in from these corners so we will have a setback of 2 foot 6 on one side and 4 foot 4. The decks will be 8 feet by 20 feet.

**Building Inspector Minozzi:** Mr. Chairman, these are the plans I submitted to you this week. This was after the change the Planning Board recommended the applicant make, reducing the deck by 1 foot on the north and 1 foot on the south.

**Chairman Collins:** Got it.

**Building Inspector Minozzi:** That's why the numbers Christina is saying doesn't match the notice. Because it has actually decreased.

**Chairman Collins:** OK. Well, if it's properly noted in the date of application, is it 9-17? Is that the one that's been amended since, or no?

**Village Attorney Whitehead:** Yeah, we need to put in the date of the amended plans. But the variances have decreased so the notices are fine.

**Chairman Collins:** Yeah, OK.

**Village Attorney Whitehead:** So in your approval you just need to reference the amended plan.

**Chairman Collins:** The amended plan, yeah. OK, we'll do that. Sorry.

**Ms. Griffin:** OK. This is our floor plan, just to give you an idea of the layout of these apartments. They are two-bedroom apartments, with a living room in the middle. What we'd like to do if we get the variance for the decks is put the living room in the back to have a view of the river and access to the outdoor decks. There's very little usable property for outdoor space for these units. This room would have sliding doors – the living/dining room

– out to the new decks. The rear façade just shows three decks. We're planning to renovate the whole building at some point, and we're showing a traditional type of railing with sliding doors from each apartment. This is the north elevation, which is the same as the south elevation.

This is part of the view preservation study. The deck is right in back of the building so that really doesn't affect any views uphill from the building. This is a neighborhood plan. We put this in here to demonstrate how this building with the decks is similar in lot coverage, and also has a similar rear yard setback, to the buildings surrounding it. We are asking also for a rear yard variance. The requirement is 30 feet, and we're going to have 22.25 feet. We're also asking for a third variance for lot coverage. Instead of the 50 percent maximum, we'll end up with a 54 percent lot coverage, which is less than 10 percent over the ...

**Chairman Collins:** What is it now? What's the existing? I'm sure we have this.

**Building Inspector Minozzi:** It's 47.9.

**Chairman Collins:** OK.

**Ms. Griffin:** These are views of the house [off-mic] north ... the eastern view and the southern view [off-mic]. [Off-mic] Avenue. [Off-mic] the house from [off-mic].

**Cable Access Director Corso:** We can't hear you.

**Building Inspector Minozzi:** You got to speak into the microphone, Christina.

**Ms. Griffin:** Sorry. These are our view preservation studies showing before and afters. This is looking at our building here, looking south but looking partially at the river. These are the new decks that have been superimposed onto the same photograph. This is a view from the neighbor's property, down their driveway looking up; this is before and this is after, showing the new decks.

This is another view looking from the neighbor's property – up at the house, not really looking at the river. This is looking north, this is before and after. It's showing that the properties on each side are similar, where some of them come back into the 30-foot setback. This is looking south, this is before and after, and you can see some of the buildings. They stagger, and some of them come towards the property line. A lot of the setbacks are nonconforming, but in all of these views the new decks really do not have much of an impact on the views, on the neighboring properties.

**Chairman Collins:** Christina, thank you for the walkthrough. The biggest variance you're asking for here is the rear yard. What occupies that space now? Is there a usable yard there? I know you're in a hilly part, I'm just wondering what's there.

**Ms. Griffin:** I'll get it for you. It's kind of hard to see, I don't know if you can see this. I might have a better shot somewhere. There's a small garden and a patio there.

**Chairman Collins:** OK. So would there be just sort of overhang? I mean, is that patio still fully usable?

**Ms. Griffin:** Yes, we're planning to have a full span, a long-span beam, so we don't have any columns coming into that patio.

**Chairman Collins:** Nice. OK. I mean, again, you're dealing with a property like so many others in Hastings that have all kinds of grandfathered nonconformities in it. This is, as with 19 William, a very minimal intrusion, in my view, especially as it relates to the views. Though you are requesting a not insignificant rear yard setback variance, the fact, to me, that you are, in a sense, preserving that yard space by accommodating the deck and the patio minimizes the overall impact of what would otherwise strike some as a significant variance request. I have no objections to this at all.

**Building Inspector Minozzi:** Did you want to mention not closing in the railings?

**Village Attorney Whitehead:** Yeah, the Planning Board did grant approval for this for site plan and view preservation. They did include a condition – as they've started to do pretty regularly on a deck area – regarding the railings. What they want to avoid is somebody coming out and putting a solid rail there. They want to keep it open, so it's basically that 50 percent of it has to be open.

**Chairman Collins:** OK, good to know. Any questions, comments from the Board? No? OK. Anyone wish to be heard in the audience on this? OK, then we'll adjourn this. Very good. Thanks, Christina.

So you also have 11-15, 1 Flower Avenue? Is that right, Christina?

**Ms. Griffin:** Yes. All right, we'll keep rolling then.

## 1 Flower Avenue

**Relief from the strict application of the Village code Section 295-68F.1.a & b, and 295-20.C.2 for construction of new one- & two-story side/rear additions and a rear stone patio at their home at 1 Flower Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.20-9-5 on the Village Tax Maps.**

**Non-conformity details of the additions and rear patio are as follows:**

### **Side/rear additions:**

**Front Yard: Existing and Proposed: Existing – 25.7 feet; Proposed – 21.1 feet; Required Minimum – 30 feet {295 - 68F.1.a}; Variance required – 8.9 feet**  
**Rear Yard: Existing and Proposed: Existing – 14 feet; Proposed – 6.9 feet; Required Minimum – 30 feet {295 - 68F.1.b}; Variance required – 23.1 feet**

### **Rear stone patio:**

**Rear Yard: Existing and Proposed: Existing – 14 feet; Proposed – zero feet; Required Minimum – 30 feet, no paving in required yards {295-20.C.2}; Variance required – 30 feet**

**Chairman Collins:** While you're getting that set up, we are going to transition now to Case 11-15 for 1 Flower Avenue. Here, we are looking for front yard and rear yard variances. Whenever you're ready, Christina, you can go ahead and start taking this through this particular project.

**Ms. Griffin, project architect:** I am the architect for a two-story addition and patio for this very tiny house. It's on a triangular lot against the Aqueduct. Our goal is to increase the size of the house so we can have a powder room on the first floor that's in a location that's not inside the kitchen the way it is now, a very congested area. We would like to add a second bathroom to the second floor – there's only one closet area – and relocate the master bedroom. In order to do this, we would need to have three variances. One is for the front yard setback; the requirement is 30 feet, and we're proposing 21.1 feet. The rear yard setback requirement is 30 feet; we would like to have a 6.9-foot setback. The third variance is for pavement in the requiring yards; we're planning to extend the patio in the back of the house.

I'm going to show you the site plan. This is the existing house right now, and you see the shape of the lot. This dashed area is the only allowable building area on that lot, this triangular shape here. It shows a 30-foot setback.

**Chairman Collins:** I don't see the problem, Christina.

**Ms. Griffin:** A couple of other important facts. This lot is in an R-10 zone, and the lot size is only 8,949 square feet. So not only is it triangular in size, it's also undersized. It's really impossible to expand this house without seeking variances. I also want to mention that the area of the house is only 1,674 square feet.

**Boardmember Forbes-Watkins:** The current area?

**Ms. Griffin:** The house, the floor area of the house.

**Boardmember Forbes-Watkins:** The current area.

**Chairman Collins:** Yeah, as currently.

**Ms. Griffin:** It's really quite small, quite congested. The house has children and they want to feel more comfortable in this home.

This plan is showing a shape here which is a two-story addition. This expands the living/family area on the ground floor. And this is a one-story addition which provides a half-bath on this level. Then over on the second floor, just this portion of the addition will be two stories. That will give us the new master bedroom, pushing it out from the existing house so we have room for a second bath and closet areas. What we're also showing right here is a new patio extension. When we do this patio, I also want to mention, the plan is that we're going to rectify a pretty serious storm drainage problem that's actually coming from the wall of the Aqueduct. We're going to put new storm drainage in so we can divert the water from the back of the house around to the front and then into CULTEC underground storm drainage units.

I'll just go back to the rendering. I want you to know which piece of that rendering is the ... oh, it's not cooperating. This is the addition here. Also, the way we've handled the addition we really want to keep the small scale of this house. We had actually lowered the roof line instead of just extending the entire roof out. We've lowered it and broken it up because a lot of interesting old houses, when they extend, sometimes telescope out and don't line up with the main house. Those ideas help break up the mass and scale of the house.

These are photographs of the house right now. This is the front of the house. You can see the angled shape of the sidewalk because this is triangular in shape. This is the west façade, that's the north façade; this is where we're adding the addition. And this is the rear façade and this is the front, south, elevation showing the site of the garage that's at the front of the

house.

These are just photographs of neighboring properties. The house is actually next door to Temple Beth Shalom on one side and the Aqueduct to the east. The next neighbors are really on the other side of Flower Avenue. These are just photographs of neighboring homes. There's quite a nice space between the house and the temple.

These are the floor plans, actually existing floor plans because I wanted you to see some of the problems with the house and the deficiencies we're trying to rectify in order to make it a more comfortable house. Right now, there's actually a powder room with a door that opens right into the kitchen. We want to move that out of the kitchen, with a tiny breakfast area that only can fit like a table and maybe two chairs. On the second floor we have one small hall bath that's shared by three bedrooms.

This is our new floor plan. When we add the additions to the house – which, on the first floor, will be the family room, half-bath – on the second floor will be a master bath. And then we're going to reconfigure the old master bath ... I'm sorry, this is the master bedroom. This is a new master bedroom. We're going to reconfigure the old bedroom to create a master bath and closet areas. When we finish, the floor area of the house will be 3,179 square feet. That's what I have.

**Chairman Collins:** That would be doubling the space.

**Ms. Griffin:** It's funny, I'm just reading off some notes I have. I think that can't be right.

**Boardmember Forbes-Watkins:** No, 2,364.

**Chairman Collins:** Just eyeballing it, I think David's right. It's probably more like 2,400.

**Boardmember Forbes-Watkins:** That's what the letter says.

**Ms. Griffin:** It's so hard to see these.

**Chairman Collins:** That's all right. It's nice to know, but not needed for any decision we make.

**Village Attorney Whitehead:** It's 2,364.

**Ms. Griffin:** I think that's right.

**Village Attorney Whitehead:** That's what your letter says.

**Ms. Griffin:** Thank you. The letter said? I think the notes I have are wrong. But 2,300 is a very modest-size home.

These are elevations. This is showing the two-story addition on the left that's set back slightly from the front of the house so we can create that jog and break up the size. This is our north elevation, and this is our east elevation which you would see from the Aqueduct. I also want to point out that the one-story portion of the addition is lower than the Aqueduct. When you're walking on the Aqueduct you're at the second floor level of this house. So the impact of this one-story piece really won't be that great from the Aqueduct.

**Chairman Collins:** Christina, maybe while you're moving around, the plans call for a new patio to go in and at the same time the removal of the stone walkway. Is that correct?

**Ms. Griffin:** In the back of the house, we're planning to extend the patio that's there.

**Chairman Collins:** Right. You mentioned drainage. I mean, one of the things I know that can exacerbate a property's ability to drain is when you drop in things like a patio. But you're taking out existing stone walkways. Is the new patio permeable? I assume not.

**Ms. Griffin:** You know, we haven't made those decisions yet. We're going to have to renovate the whole area in the back, starting with a new drainage system.

**Chairman Collins:** OK.

**Boardmember Dovell:** But she has a trench drain that runs along the entire edge of the back of the patio.

**Chairman Collins:** Yeah, and you did mention you're dropping in those wells, right?

**Ms. Griffin:** Yes.

**Chairman Collins:** OK.

**Boardmember Forbes-Watkins:** Is the existing patio which is to be replaced permeable at all?

**Ms. Griffin:** It's an old stone patio.

**Boardmember Forbes-Watkins:** So it is not permeable.

**Ms. Griffin:** It's really impervious.

**Chairman Collins:** The new one, it says existing patio. But then you say new stone to replace the existing set and stone dust. I guess the question is, we assume it's impermeable now and will remain so?

**Ms. Griffin:** I think what we'd like to do is have a stone that really is in keeping with this house. So we might put something like a flagstone because it's a Tudor stucco house. I think that would really work best with this style of house.

**Building Inspector Minozzi:** Well, a dry-set patio like you mentioned would be semi-pervious. It would have some permeability to it if it was dry-set like it says on the plans.

**Chairman Collins:** OK.

**Boardmember Forbes-Watkins:** But that's to replace, but still in stone dust?

**Building Inspector Minozzi:** That's dry-set, yes.

**Boardmember Forbes-Watkins:** That's the way you do it?

**Building Inspector Minozzi:** Yes.

**Ms. Griffin:** You know, there's always a debate about how pervious something set in stone dust is so I'll just modify what I just said. If we set it in stone dust it's not impervious, just a certain percentage of it is pervious.

**Chairman Collins:** Yeah, OK. We'll go with the semi-pervious.

**Building Inspector Minozzi:** Semi-pervious, exactly.

**Boardmember Dovell:** Pervious joints absorb a little bit, right?

**Building Inspector Minozzi:** A little bit. You got to give it its credit.

**Boardmember Dovell:** But all the water's still running off into a trench drain which you then are charging back into some kind of a drywell?

**Ms. Griffin:** At the moment?

**Village Attorney Whitehead:** Your proposal.

**Chairman Collins:** The proposal has new trench drains. And you mentioned the drywell, so I think Ray is just putting the two together and suggesting the drains must go to the well.

**Boardmember Forbes-Watkins:** Where are the drain wells?

**Ms. Griffin:** We will be developing the plans further to show that.

**Boardmember Forbes-Watkins:** I see the drains, but where are the drywells?

**Ms. Griffin:** The drains start along the Aqueduct to pick up the water that is gushing out of the walls. We're going to pick that up and bring it around to the side of the house.

**Boardmember Dovell:** But that would also pick up whatever is coming off the patio, right?

**Ms. Griffin:** Yes.

**Boardmember Dovell:** OK. So the water that's being drained from the patio is being discharged back into the subsurface of the lot, right? It's being put into a drywell, and that's going into the ...

**Ms. Griffin:** Yes. The storm drainage system will be sized for the runoff from the patio as well as the runoff that's coming from ...

**Boardmember Dovell:** So it's not running out onto the street or somewhere. It's all being taken care of within the site proper.

**Ms. Griffin:** Yes.

**Boardmember Dovell:** OK.

**Village Attorney Whitehead:** The law requires that now, and that's something the Building Department reviews before they can issue a building permit.

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

**Chairman Collins:** You know, this is a case where if you didn't know any context you'd

say, "Wow, that's a huge variance they want." But then you illustrate, as you have, the rock and a hard place the property is in when it comes to the variance requirements. It doesn't leave any other options for achieving the owner's objectives without stealing from Peter to pay Paul, I guess, in a sense; just creating more problems in other parts of the property. The case you've made for a growing family certainly is compelling, which is important for why these sorts of things become needed in the first place. The design is lovely, and for me I guess the biggest concern I had was about the water. But I feel like we've covered that pretty well. It's very tastefully done, but something we need to be mindful of when we approve variances of this size. But I think, in this case, there is ample justification.

Anyone have any questions for the applicant on this one? Any other feedback?

**Boardmember Leaf:** Matt, I don't have any questions. But just for the record, I should say that I'm a trustee of the property owner next door. I don't think that matters, but just in case anybody ever asks.

**Chairman Collins:** OK, thanks Marc. All right, does anyone in the audience wish to be heard on the matter? Just introduce yourself into the microphone, sir.

**Bennett Rink:** Does this work?

**Chairman Collins:** Yes.

**Mr. Rink, owner – 1 Flower Avenue:** I'm the co-owner of the house with my husband, David Bowen. I just wanted to say a few words. First of all, thank you for hearing our variance application and thank you, Christina, for creating such a wonderful design. We moved to Hastings in 1999 after living in Manhattan for 10 years. I can remember walking into the house ... first of all, we fell in love with Hastings, then we fell in love with our house. I remember walking in and thinking, wow, this is enormous after having lived in a one-bedroom in Manhattan for 10 years. Sixteen years and two kids later, not so much.

It is becoming increasingly tight, especially as our 14-year-old continues to grow, and having one bathroom among four people in the mornings is a challenge. We don't want to move. We want to stay in the house, we love the character of the house. And I think the design is in keeping with the character. It allows us to meet our needs as a family and still preserve what we think is a charming and unique home. We think what we're requesting is appropriate. And, as you've heard, the plot is an unusual plot so we've looked at a number of options. This literally is the only option we can see that will really give us what we feel we need.

So thank you for your consideration.

**Chairman Collins:** Thank you, Mr. Rink.

Anyone else wish to be heard? OK, then we'll adjourn this case and pick up with the next one on our agenda. Although, my preference – just because we seemed to have not offended the technology gods – is that we let Christina roll until she's done and then switch over to Mitch.

**Village Attorney Whitehead:** I don't know how he feels about that.

**Building Inspector Minozzi:** What do you think about that, Mitch?

**Mr. Koch:** Roll – let's roll.

**Chairman Collins:** Christina, what's the next one for you, 42 Villard?

**Building Inspector Minozzi:** No, that's Mitch's; 42 Villard and 52 Buena Vista are Mitch, so we're going to jump to 14-15.

**Chairman Collins:** So 95 Kent? This one we can actually vote on.

**Village Attorney Whitehead:** That one you can actually vote on. Kent Avenue is nowhere near the Aqueduct.

**Case No. 14-15  
Marisa & Mario Fruscante  
95 Kent Avenue**

**Relief from the strict application of the Village code Sections 295-68.F.1.a & c, 295-68.F.2.a [2], 295-20.F and 295-55.A, for the second-story addition and front porch extension to their single family dwelling at 95 Kent Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.120-133-1 on the Village Tax Maps.**

**Variance is sought for the extension of existing nonconformities:**

**Extension of nonconformity for second story addition in front yard on a corner lot:  
Existing – 25.1 feet; Proposed – 25.1 feet; Required Minimum – 30 feet {295-68.F.1.a and 295-55.A}; Variance required – 4.9 feet**

**Extension of nonconformity for second-story addition in side yard 1 on a corner lot:  
Existing – 17.4 feet; Proposed – 17.4 feet; Required Minimum – 30 feet {295-68.F.1.c,  
295-55.A and 295-20.F.}; Variance required – 12.6 feet**

**Extension of nonconformity for second story addition in side yard 2:  
Existing – 7.5 feet; Proposed – 7.5 feet; Required Minimum – 12 feet  
{295-68.F.1.c, 295-55.A and 295-20.F.}; Variance required – 5.5 feet**

**Developmental Coverage: Existing – 37%; Proposed – 38%;  
Required Max. - 35% {295-68.F.2.a [2]}; Variance required – 3%**

**Chairman Collins:** Our next case, then, is 14-15, Marisa and Mario Fruscante at 95 Kent Avenue. We are looking for front yard, two side yard variances, and development coverage variance. Do I have that right?

**Ms. Griffin, project architect:** Yes.

**Chairman Collins:** I got that right, OK.

**Ms. Griffin:** This is a house that we redesigned two years ago, maybe eight years ago – well, 2001 – and had received the variance for doing this addition at that time. Because they decided to postpone the property 'til now, we have to come back and make sure we seek the variances again. It's really the same project. It is currently a small, one-story house; it's 1,871 square feet. It's a two-bedroom/one-bath house and we're planning to do a second floor extension.

This is just the front façade. This is the lot. The lot is undersized. It's in an R-10 zone, and the lot size is only 6,789 [off-mic] 10,000 square feet. We're planning to just go right up over the existing footprint, but the existing footprint of the house is nonconforming. It's nonconforming in the front yard; it's only 25.1 feet instead of 30 feet. Nonconforming on the side yard, which is required to be 30 feet because it's a corner lot. And it's nonconforming on the side yard; instead of 12 feet, we only have 7.5. But we are simply extending the nonconformity of those yards to add the second floor.

This is the house right now. It might be the only one-story house in the neighborhood. It has a hip roof. We're planning to take that roof and extend the house going up. The height on that will be within the maximum height for zoning regulations, and it still will be a very modest-sized home. This one will be 3,000 square feet when we're finished. Let me show you the floor plan. There are just some of the two-story houses that are in the neighborhood. These are our floor plans. Right now, there is a basement level. And then on the first floor

there, what we're planning to do is convert the bedrooms into a family room and office. Then on the second floor, we're planning to have a four-bedroom layout and two baths.

The roof plan's going to be a hip roof similar to the roof that's there. These are our elevations. We also are adding a porch that comes a few feet into the setback, but the setback that is at the narrowest point is actually at this corner. Right now, there is no porch on the house. We want to add the porch to have a covering over the entry and also for the aesthetics.

We're asking if you would grant the same variances that were granted years ago for this project.

**Chairman Collins:** Remind me again when this was first brought before the Zoning Board? What year?

**Ms. Griffin:** It was 2001.

**Village Attorney Whitehead:** Christina, it's the exact same plan? Are there any changes?

**Ms. Griffin:** Good question. The porch is slightly wider and in a slightly different location. We just took another look at it and decided to improve the proportions of the porch.

**Chairman Collins:** Here again, you're talking about a substantial improvement to the utility and value of a property, and you're not making an existing nonconformity more nonconforming.

**Boardmember Dovell:** Well, the definition of it going up it is.

**Chairman Collins:** Well, yes. You're technically correct. I mean to say that you're not taking the existing nonconformity and suddenly building into a yard anymore except vertically, if I can get that out. And you've made a compelling case for the fact that like so many other properties this one is hemmed in by unfavorable geometry.

**Ms. Griffin:** Yeah, it almost seems like the house – if it had been turned the other way – would have met the setbacks.

**Chairman Collins:** Yeah, you could see that. I have no concerns about this project.

**Boardmember Forbes-Watkins:** I think in addition to making a more habitable building the addition of the front porch – which is extending into beyond an existing property problem

– it makes a much better-looking piece of property.

**Chairman Collins:** Mm-hmm.

**Boardmember Forbes-Watkins:** And therefore, I think it's a very good addition.

**Chairman Collins:** And it's in keeping with the neighborhood. I mean, you point out that a lot of other homes there are two-story already and this would just sort of catch right up and blend right in.

**Boardmember Anuszkiewicz:** I agree with that. I think it's a huge upgrade architecturally. You've done a really nice job. And I agree with David's comment about the porch, which I think improves the façade quite a bit. So I have no objections.

**Boardmember Dovell:** I think it's very nicely done and a big improvement.

**Chairman Collins:** Yeah, agreed. Marc, anything from you?

**Boardmember Leaf:** No, Matt.

**Chairman Collins:** OK. Does anyone in the audience wish to be heard on the case? Welcome, just introduce yourself into one of our microphones, please.

**Marisa Fruscante, property owner:** I just wanted to add that I grew up in Hastings, my husband grew up in Hastings. We love our neighborhood. It's a family home; it's the home that husband grew up in. You know, we've just outgrown the space. We have two kids. It's a small house with just two bedrooms so we think this would be beneficial for the neighborhood and for us and something that would be a good thing.

**Chairman Collins:** Thank you, Ms. Fruscante.

All right, anyone else wish to be heard. OK, then we'll adjourn that case.

**Village Attorney Whitehead:** No, you can vote on it.

**Chairman Collins:** That came out way too reflexively.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor, the Board resolved to approve Case 14-15, 95

Kent Avenue, for nonconforming variances as follows: extension of a nonconformity for a second-story addition in the front yard; extension of a nonconformity for a second-story addition on side yard one; extension of nonconformity for a second-story addition on side yard two. In addition, developmental coverage: existing 37, proposed 38 with a required maximum of 35.

**Chairman Collins:** All right, the vote is unanimous. Thank you, congratulations.

All right, so am I right, then? Christina, you also have 514 Broadway?

**Ms. Griffin:** Yes.

**Chairman Collins:** All right. Then we'll go to act two.

**Case No. 15-15  
Christopher Dudko & Katherine Booth  
514 Broadway**

**Relief from the strict application of the Village code Sections 295-69.F.1.a, b & c and 295-55.A, for the second-story and two-story addition and front porch extension to their single family dwelling at 514 Broadway. Said property is in R-7.5 Zoning District and is also known as SBL: 4.40-46-6 on the Village Tax Maps.**

**Variance is sought for the nonconformities and extension of existing nonconformity:**

**Nonconformity for front porch extension in front yard: Existing – 8.7 feet; Proposed – 1.7 feet; Required Minimum – 25 feet {295-69.F.1.a}; Variance required – 23.3 feet**

**Extension of nonconformity for second story addition in rear yard: Existing – 13 feet; Proposed – 11.6 feet; Required Minimum – 25 feet {295-69.F.1.b and 295-55.A.}; Variance required – 13.4 feet**

**Extension of nonconformity for second story addition in side yard 1: Existing – 4.7 feet; Proposed – 4.7 feet; Required Minimum – 12 feet {295-69.F.1.c and 295-55.A.}; Variance required – 7.3 feet**

**Chairman Collins:** So case 15-15, Christopher Dudko and Katherine Booth. Again, apologies if I get any names wrong. We are looking for, here, a front yard variance for a

front porch extension; extension of a nonconformity for the second story in a rear yard and in the side yard. All yours.

**Ms. Griffin, project architect:** This is actually another triangular-shaped lot.

**Chairman Collins:** You're getting all of them.

**Ms. Griffin:** I also wanted to pass out a letter from the neighbor, at 532 Broadway.

**Chairman Collins:** All right, we'll enter that into the record.

**Building Inspector Minozzi:** This is the old Krack House, as we like to call it; Mr. and Mrs. Krack's house.

**Village Attorney Whitehead:** And what used to be a gas station next door.

**Chairman Collins:** Wow.

**Village Attorney Whitehead:** That not everybody knows, but it used to be a gas station.

**Chairman Collins:** Go ahead.

**Ms. Griffin:** OK. We're here to request four variances. This is for a nonconforming front yard setback – this is an R-7.5 zone – and our required setback in the front is 25; we're requesting a setback of just 12.7.

**Chairman Collins:** Sorry, can you put the mic ... say it again?

**Ms. Griffin:** Yes, 4.7 feet to the entry addition; and just 1.7 to the porch platform. This is actually replacing a platform that's already there, but the house is very close to the front property line. We're also requesting a rear yard setback: instead of 25 feet we're proposing 11.6 feet. And we're also requesting a side yard setback: instead of 8 feet that's required we're proposing 4.7 feet, which is actually aligned with the existing ... it's extending an existing nonconforming wall of the house.

Now, this property is only 5,350 square feet. So it's undersized for the zone.

**Chairman Collins:** How much is it?

**Ms. Griffin:** It's 5,350 square feet.

**Chairman Collins:** That's the lot size.

**Ms. Griffin:** That's the size of the lot.

**Chairman Collins:** Yeah, OK.

**Ms. Griffin:** Instead of 7,500. I'm pointing that out because it's an undersized lot, angular in shape, and really impossible to expand the house without requesting a variance. The lot coverage actually is still way under the maximum. It's a very old house that's just situated on a very narrow lot. What we want to do is expand the house so we can go from a house that's only 1,486 square feet and expand it so we have just over 2,000 square feet total. So it's still going to be a very modest-sized home. The reason for the addition in the back – which showed on the floor plan – is so we can add another bedroom to the second floor and increase the sizes of the bedrooms.

These are views of the houses at the front of the house. One of these homes, because of the time period – initially the homes were built close to the road – but there is a little side road that comes off of Broadway in front of this house. So there is a buffer between the house and Broadway. There's this little side road, and then a green island and then Broadway. This is the side of the house we would like to ... this is a mudroom right now, and we're planning to extend the wall up so we can have a second floor. We also need to rebuild the mudroom because there's no foundation underneath it; it's just on the slab. The rear of the house is a one-story piece that we're planning to extend upwards from the second floor.

These are the neighboring houses, just to show that there are a few houses next door. This used to be a funeral home. This is the house next door, two stories high. This is another very small house nearby. This is the old gas station. They key plan is showing – I don't know if you can see – the shape of this lot, this area where these houses are. It's a funny, wedge-shaped piece of property that's actually between ... there's a lane called Baker Lane that comes off of Broadway. So we have that nice green buffer, even though the houses are close to the property lines. We have that green buffer, that green island, which I don't know if you can see here. This is the island that separates Baker Lane from Broadway.

This is a neighborhood map. We did this because it shows the pattern on development in this area. This is the Old Croton Aqueduct, this is Baker Lane, this is the [background noise] roof house right here. You can see the houses next door, a lot of them, are really up against the Aqueduct, very close to the [background noise].

Now, these are the existing floor plans. When you come into the house, you open the front

door and it actually covers the opening into the dining room. It's such a tiny little space that they really only use this entry right now. What we want to do is make this a reasonable-sized entrance. But we're just adding a few feet so we can have a little space when you come in and be able to enter these rooms without the front door blocking the passageway. On the first floor we have a very small footprint. We have a kitchen/dining room/living room/playroom. And on the second floor we have the master bedroom and a very small bedroom here, and one bath. In fact, that one bedroom is, I think, only 7 feet 4 inches; in the short direction it's very tiny.

So these are our new plans. What we'd like to do on the first floor is just come out 3 feet on the inside dimension just so the front door will clear this little space in front of these openings into the rooms. We'll have a closet on one side, and then have a small porch in front. There is already a platform here, so we're going to put the entry addition on that platform and then add a new porch. The back of the house, this is the existing mudroom. But we're planning to rebuild it because of the lack of footing, and we're planning to extend it out. That's really because we need that footprint to get the second floor to work properly. There's a bilco door here that we're going to relocate to the other side of the house. There's an existing closet here, and shed. On the second floor, we're planning to extend the second floor over that closet so now this will become a two-story piece.

Then we're adding this space to the back of the house. This will give us a three-bedroom layout with a small office. We're calling it office because it's so tiny that that's what they would like to use this space for. The master stays where it is, but we're adding a new master bath/closet area. When we're finished, I think we're going to have something like 2,022 square feet so it's a very modest-sized home.

The elevations. On the front of the house we'd like to keep the look of a 1-1/2 story house. Right now, with these short windows here we would like to keep that look. We are trying to minimize the bulk. Actually, the goal really is just to keep the scale of this; try to keep the small-house feeling of the building. So we kept the top of the wall low in front, and even the back I think our top of wall is 6 feet. This is our side elevation. This is showing the extension above the mudroom. We're rebuilding the mudroom and adding this addition. Not only did we need that extra space for the master bath to work above, we felt aesthetically we wanted to bump this out for the proportions of the house. If we'd left it here this would look very tower-like.

This is the back, or east, elevation, just showing that these are bedroom windows. We're also planning to have a small attic because of lack of storage in the house. I think that's the extent of the presentation.

**Chairman Collins:** OK. Again, I think it's a lovely design. Again, when you're dealing with such a constrained lot dimension like this, and you're inheriting already a lousy hand as it relates purely to variances, you're going to be required to make compromises in some places. But the one that just sort of jumps out, at least to me, is that the front yard with the front porch extension – where you're really taking it to less than 2 feet from the property line – again, you're dealing with an existing nonconformity of less than 9 feet. But you're really taking it almost as far as it can go. I'm wondering what other alternatives you considered, or if there was some other way of reducing the variance need for that particular part of the project.

**Boardmember Forbes-Watkins:** I'd like to comment on that, if I may. Although the property line is very close, there is a path from the property line to Baker Lane that belongs, apparently, to the Village that is about 6 or 8 feet wide. So it does not appear when you walk up in front of that house that it's smack on the property line. It looks set back like most other houses on small lots.

**Boardmember Dovell:** The reading of that road is that it's almost like a private road to the three houses that are there. So you don't really notice that it's right up against the lot line. I'm not troubled by the little vestibule addition at all. I think there's quite an intimate scale once you get off the highway and go through that very small roadway.

**Boardmember Anuszkiewicz:** I agree, I'm not troubled by that either for the same reason. I think it is a very difficult entry the way it's existing.

**Chairman Collins:** I'm sorry to interrupt. It sounds like they have abandoned it as an entrance as a result.

**Boardmember Forbes-Watkins:** They have to.

**Boardmember Anuszkiewicz:** Right, it's useless. But I think the more important point – to Ray's point and also what David was getting at – is that this isn't really right on Broadway. It's set back, it's a very small house. I don't see that piece on the front as that significant for those reasons. So I don't have a problem with that.

**Ms. Griffin:** But I can answer your question. We discussed alternatives, and really the only alternative is not to have this addition because this is so tiny, only 3 feet wide. We discussed the idea of having maybe an historical entrance. But it just doesn't seem right if you're going to invest in this property and improve it to almost abandon the front entrance. Really, the reason why it's so close, it's very common to houses from 1859 that they wanted the houses close to where the horses were. So the street was very close. Yes, if you look at the site plan

there is this space between the house. There's still another 15 feet from the porch to this curb. So it doesn't feel like it's that close to the property line because it feels like this is part of the front yard.

**Chairman Collins:** Well, these things are worth noting when we're confronted with a requirement that, on paper, is substantial. These are exactly the sorts of things that go into the record and help us understand, and anyone who might be reading understand, why it is we've made what appears to be a fairly extreme accommodation. I think, again, you've done a fantastic job of taking a difficult project, and a home that clearly needs to stretch beyond its walls to accommodate the owner's requirements, and making it work. It's a very attractive design, and I have nothing further to add.

Anything else, gang? No? All right, I think one we have to return. Does anyone in the audience wish to be heard on this? Yes, sir, just introduce into the microphone, please.

**Christopher Dudko, property owner:** I'm Chris Dudko, and my wife, Katherine Booth. My children will be the sixth generation of our family to live in Hastings.

**Chairman Collins:** Terrific.

**Mr. Dudko:** Actually, on my father's side it'll be the fourth generation. As it turns out, my wife's family also somehow was here at some point. We love the house. The house has been in the family for 60 years-plus. My children don't bathe currently, but at some point they will and we currently only have one bathroom. Once they start to care about their appearance and their smell ...

**Female Voice:** [Off-mic].

**Mr. Dudko:** That house needs more room. They're currently in bunk beds in that 7 foot 4 inch what will become, hopefully, an office. So we hope to be able to let them keep living there.

**Chairman Collins:** Thanks, Mr. Dudko. That's neat to find the ancestral connections to these properties. I think there's a lot to like about that story. All right, anything else? Nothing? OK.

So we will adjourn that case and come back in early November. Thank you, Christina.

**Spencer & Sarah Orkus  
42 Villard Avenue**

**Relief from the strict application of the Village code Section 295-68F.1.a & c, 295-68F.2.a [1] & [2], 295-20.B.6 and 295-55A for construction of a new front portico, side second-story addition and rear wood deck at their home at 42 Villard Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.40-37-7 on the Village Tax Maps.**

**Nonconformity details of the proposed portico, additions and deck are as follows:**

**Front Portico:**

**Front Yard: Existing and Proposed: Existing – 20.1 feet.; Proposed – 15.8 feet;  
Required Min. – 30 feet {295 - 68F.1.a}; Variance required – 14.2 feet**

**Side second story addition:**

**Front Yard Existing and Proposed: Existing – 24 feet; Proposed – 24feet;  
Required Minimum – 30 feet {295 - 68F.1.a}; Variance required – 6 feet  
Side Yard 2 Existing and Proposed: Existing – 8.6 feet; Proposed – 8.6 feet; Required  
Minimum – Two sides equaling 30 feet, each of which is at least 12 feet {295 - 68F.1.c};  
Variance required – 9.4 feet Prohibition against extension of nonconformity {295-55.A}**

**Rear wood deck:**

**Side yard 1: Existing and Proposed: Existing – 5.4 feet; Proposed – 5.4.; Required  
Minimum – 6 feet or one-half the distance of the projection into the setback (6 feet),  
whichever is least {295-20.B.6}; Variance require – 0.6 feet**

**Building Coverage Existing and Proposed: Existing - 22.6%; Proposed - 25.6%;  
Required Maximum – 25% {295 – 68F.2.a [1]}; Variance required – 0.6%**

**Developmental Coverage Existing and Proposed: Existing – 42.9%; Proposed – 46.5%;  
Required Maximum – 35%  
{295 – 68F.2.a [2]}; Variance required – 11.5%**

**Mr. Koch, project architect:** Anybody want to take a 7th inning stretch?

**Chairman Collins:** No, we want to keep right on going, Mitch.

**Building Inspector Minozzi:** We're on a good pace. Don't stop now.

**Village Attorney Whitehead:** The pressure's on.

**Chairman Collins:** It looks like you're pretty much ready. Let me introduce this. It's case 12-15, Spencer and Sarah Orkus for 42 Villard. We are looking for a front yard variance for the front portico, a second-story addition that would require front and side yard variance, a rear deck that will require a side yard variance, a building coverage variance, and the developmental coverage variance. You're really collecting them all.

**Mr. Koch:** It's more than a trifecta, I just want to say this. I'm the architect. I want to point out that this is another one of these small lots. This is the first lot in an R-10 district. You can see it over here. It's 5,800 square feet, the lot. Probably it should be in the R-7.5 down here; it shares more in common with these houses than it does with its neighbors up the hill. But when they laid out the zoning districts they cut a line at the Aqueduct, which runs right through here. A lot of the setback issues – you know, if it were an R-7.5 – wouldn't have them, but R-10 requires bigger setbacks and that's what we've got.

I want to say that this project started really hoping to take a 2-1/2 bedroom house, which is here, with a young family – now they have one infant son – and give them a new bedroom out here. Just to explain, there's one hall bath in the house. The bedroom addition in the back is actually as-of-right. So I'm not really talking about that. I'm just pointing out that the Orkus-Moore family, when we designed that bedroom, pulled it back, made it a bit smaller in consideration of the view of their neighbors, the Kinnallys, who live just up on the corner of Villard and Croton. Much of it started with this.

Moving on, if you can see, what we're trying to do is provide a walk-in closet and a bathroom – sorry about this – off of the master bedroom, which was – or currently is – very teeny. I can do this ... yeah, sorry. You know, I sacrificed a few apparatuses to the gods of technology. My daughter lost her Fitbit, and still having troubles. I'm going to actually point. There is an existing one-story sunroom off the west side of the house, existing nonconforming sunroom. You can see here, we traced the allowable building area. The idea is to enclose part of it and leave sort of a lovely open porch. There's actually an existing doorway off this micro-nursery here. We are asking for a variance to extend an existing nonconforming room by going up as a second floor.

There are other variances I'm going to talk about, but the other major variance we're talking about is that there is an existing front porch – which I'm pointing to over here – which is enclosed here but has an open landing at the top of the stairs. We're asking for a variance to extend that roof forward, set it on a pair of columns, and cover that landing. That would be a move of about almost 5 feet, the extension of the roof. That would bring us to about 15-1/2 feet from the property line in the case of that extension. That is the second front yard

variance. The first one is the extension of the existing sunroom, which is 24 feet from the front yard in a 30-yard required R-10 district.

In the rear, we are asking for a very small variance. There's an existing deck in the back and we'd like to extend the deck to the edge of the house. That would be about 7 inches into the ... well, we'd ask for a variance of 7 inches to go into the side yard because we have an allowable encroachment of 6 feet there. As you can see, the stairs leading down are also ... actually, they're fine. It's just that encroachment up on the east side of the property.

Otherwise, we have an allowable 25 percent building coverage; we are asking to go up as much as ... it's currently 22.5 percent, we'd like to go just over 25 percent building coverage. So it's 0.6 percent that would be a variance for the building coverage. Then the development coverage is basically based on the driveway because the driveway brings you to the back of the property. Because of that, we're in a required 35 percent allowable; we're asking for something in excess of 45 percent.

**Building Inspector Minozzi:** Forty-six-point-five percent.

**Mr. Koch:** Thank you. It's certainly our hope to be kind to the land. Spencer has a plan to gather stormwater in rain barrels and use it as a watering device. So to do retainage that is not just dumping water into a drywell in the ground, but actually to be able to utilize that. We've looked at strategies for taking the driveway up and replacing it with ECO Pavers or something like that, but it's sort of in the future.

**Chairman Collins:** When you say sort of in the future, you mean that plan might come to fruition at some point?

**Mr. Koch:** In the future, yes. I mean, we've looked at different ways to address the amount of coverage but, frankly, it's just a small lot. I would also, if I could, speak on behalf of extending this nonconforming side. The nearest neighbor to the west, of course, is across the Aqueduct, about 75 feet away from their proposed extension. I don't know if we have anybody that wants to speak to it.

**Chairman Collins:** Well, we'll get to that unless there's something else material to add by the applicant. But we'll certainly get to that. We'll invite people to speak on behalf of this.

Remind me again, the justification for the ... why do this project? Growing family? If you can just make sure you pick up the mic and speak into that.

**Mr. Koch:** We would like to have a second bathroom on the second floor. There's one hall

bath, and this nonconforming bathroom is over an existing nonconforming space. So it's effect is actually a nice improvement to the elevation on that side. It's a wonderful feature on the house to not only have that space built, but to maintain this small porch – you can see it over here – and a nicely-balanced addition on top of what is currently a flat-roof sunporch.

**Chairman Collins:** You know, I think this is an attractive and reasonable addition. The biggest one that jumps out, of course, is that portico. But that seems to me to have a lot of utility and value preparing that. You certainly have the space to do it, and it gives you now some coverage, a little bit of relief, before going inside. Is it enclosed, that portico? It's not enclosed?

**Mr. Koch:** No, that's open.

**Chairman Collins:** Right.

**Boardmember Forbes-Watkins:** I'd like to point out that your drawing – item number three, "self-elevation" – cannot be a self-elevation because item number five is the self-elevation.

**Mr. Koch:** I'm sorry?

**[Male Voice]:** It's mislabeled.

**Mr. Koch:** That's the west elevation, no?

**Boardmember Forbes-Watkins:** No. You're calling item three the self-elevation. It is not a self-elevation, it is a north elevation.

**Chairman Collins:** You see you've got two self-elevations.

**Village Attorney Whitehead:** The front is north.

**Mr. Koch:** OK, I'm fired. You're right.

**Building Inspector Minozzi:** I missed that, too, Mitch.

**Mr. Koch:** Oops. That's the problem with computers: you're not actually writing it, you're just copying it.

**Boardmember Forbes-Watkins:** I had a hard time figuring out where I was.

**Mr. Koch:** My bad.

**Chairman Collins:** Again, I think very clearly there's a need for this space. You don't have a lot of options for delivering it, and what you have delivered here is something that's very attractive.

**Boardmember Dovell:** Do you have photographs of the existing ...

**Mr. Koch:** Yes.

**Boardmember Dovell:** Go to the west elevation, in particular.

**Mr. Koch:** All right. Here's the view from the Aqueduct. Sometimes a sunporch works nicely, and in this case I think it's sort of a truncated space that isn't married very nicely to the building. As you can see, there was an extension in the rear that has this shed roof that is actually a powder room and little eating area in the kitchen. Beyond that, you can see a shed roof over an existing deck, open deck. Then the Kinnallys have [background noise]. I think the addition and the use of a gable roof on top of this would actually marry the volume nicely with the house. You can look at neighbors if you like.

Here's the view of the north elevation. Let's see if we got it right this time.

**Village Attorney Whitehead:** No, it says from Buena Vista Drive instead of from Villard.

**Mr. Koch:** No. You see, that's taking the safe way, right? "Oh, it says Buena Vista Drive. Look at that." I'm embarrassed. Well, I'm just not reviewing some people's work closely enough. There's the view from the north, and as you can see it's actually going to be improved, I think, by the addition.

**Chairman Collins:** It looks like it wants it. OK, anything else from the Board? No? OK. Does anyone from our audience wish to be heard on this? Yes, please go ahead and just speak into the microphone.

**Lee Kinnally, 44 Villard Avenue:** Good evening. My wife and I live at 44, which is just to the east of this property. The view from the northern exposure we don't have very much comment on. I understand there is a variance sought because they're pushing out on the front door, and I don't see that that's an issue.

Mitch had said that the rear addition on the second floor is within the footprint, but I guess it

adds to the coverage. I've spoken to Mitch and to Spencer about this. If you go to the view from the west, Mitch, you had up there I'll just show you.

**Building Inspector Minozzi:** That's it.

**Mr. Kinnally:** The only issue that ...

**Building Inspector Minozzi:** Take the microphone, please, Lee.

**Mr. Kinnally:** Yeah. The only issue we have is that this is my office so I can see the Palisades now. With the addition and the orientation of the roof – that's a peaked roof which is going to be perpendicular to this roof – I don't have it. I mean, it's within, I guess, the existing footprint, but they've tried to accommodate and we're still looking at it. Where I do see the Palisades now, I will not see the Palisades in the future. You know, we have a flat roof here, although it could be pitched a little better. And I don't know now you can accommodate it here, but that was the issue we had with coming out this way. While everything else seems somewhat symmetrical, this will have a peaked roof up here, which is in the direct line of looking out this way. They've been working with us on it.

**Chairman Collins:** OK.

**Mr. Kinnally:** Whether you can solve that, I don't know.

**Boardmember Anuszkiewicz:** Is there a view that shows that anywhere in these drawings?

**Mr. Koch:** This is the projection that is under discussion, right? What we've tried to do is minimize the size of that room – it's 12 feet deep – which is about enough to accommodate a double bed and an aisle behind it. We had a detail with a pitched roof here, which we've eliminated and just turned into a balustrade. Basically, the only way to understand the impact on the view is to remember that their house aligns pretty much with this house and the view is in this direction from the office. Am I right, Lee? We have studied this.

**Mr. Kinnally:** It's west, yeah.

**Mr. Koch:** By dint of putting some mass up here, although it is set ... half of the bedroom is set over this existing area back here. You have to look at it. It's sort of got a funny stepping offset as you move down. In other words, this is where the existing shed roof is over the kitchen eating area and the powder room. So the addition is going to extend out 12 feet, only exceeding this one by about 6 feet. That being said, we're aware it is having an impact on his view, but there will remain some oblique views.

**Mr. Kinnally:** Not of the Palisades.

**Boardmember Anuszkiewicz:** That part of the addition is not where you're asking for the variance though, right?

**Mr. Koch:** Right.

**Village Attorney Whitehead:** It's not in the view preservation.

**Chairman Collins:** Yes, just bring a microphone with you if you're going to go to the screen.

**Spencer Orkus, applicant:** I'm the owner of the property, along with my wife. Lee's space is really ... his office is really right behind here. I think our goal by trying to move it – an original concept – was to put a whole master bedroom/master suite back here because that sort of, as-of-right, rectangle really kind of stretches out here. What we looked at doing was moving the master bath over here so we could really try to keep this rear addition as close to the house as possible. We're certainly open to the idea ... certainly, there's no way we could ... I mean, just coming out, I think, 8 feet we're going to impact that view. And the way the corridor is set up on the second floor there's really no way to add a room other than in the back, unfortunately. We did even think about trying to put a bedroom on top of the sunroom to not go back at all, and the way the hallway is there's just no way to cut through there.

We certainly have been talking with Lee about whether bringing this roof down a little bit will help at least keep more light coming from the west going in. I know we're very eager to put solar on this whole south side of the roof here through the new program, and bringing that down, frankly, only helps that solar option, as well.

**Chairman Collins:** None of what sounds like could still be moving parts, though, really have any bearing on the variances. I mean, this is really just, I think, the Orkuses and Kinnallys to try to figure out something.

**Mr. Kinnally:** Well, it affects the coverage took, doesn't it?

**Village Attorney Whitehead:** Only the first floor changes, not the second floor.

**Chairman Collins:** Yeah, I don't think it has any impact on the coverage. Does anybody else wish to be heard? I think we've heard from just about everybody who came here. All right, then, this is an adjournment as well then, correct?

**Village Attorney Whitehead:** Mm-hmm.

**Chairman Collins:** All right, so stay tuned. We'll notice another meeting on this as soon as possible in November so we can move on it quickly – as quickly as we can.

**Boardmember Anuskiewicz:** Will this stay the same, or are you modifying it? It sounds like you're working it out.

**Village Attorney Whitehead:** The variances won't change.

**Boardmember Anuskiewicz:** The variances won't change, OK.

**Mr. Orkus:** Right. And one of the big things we've been very eager to do – the stucco pattern and the color of this house – have been something that we were never very excited about. We're pretty eager to ... we're thinking about either cedar lapboard or cement board siding, but something ... horizontal board siding in a probably gray-tone color. Getting the addition approved and getting it done so the whole thing could be clad uniformly was sort of the primary thing that was holding us back from doing it. My wife would be very excited if we could cover that front porch so you don't step out into the 2 feet of snow.

**Chairman Collins:** All right, thank you, Mr. Orkus.

**Case No. 13-15  
Margaret Walker & Clement Paulsen  
52 Buena Vista Drive**

**Relief from the strict application of the Village code Section 295-68F.1.b & c for construction of a new rear vestibule/kitchen addition at the home at 52 Buena Vista Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.40-43-29 on the Village Tax Maps.**

**Nonconformity details of the proposed rear vestibule/kitchen addition are as follows:**

**Rear Yard Existing and Proposed: Existing – 20.1 feet; Proposed – 17.4 feet; Required Minimum – 30% of lot depth, 28.5 feet {295 - 68F.1.b}; Variance required - 11.1 feet**

**Chairman Collins:** Then we'll move to case 13-15, Margaret Walker/Clement Paulsen, for 52 Buena Vista Drive, which we can vote on, correct?

**Building Inspector Minozzi:** Yes, sir.

**Chairman Collins:** All right. Hold me to that, David. So we're seeking here a rear yard setback variance requirement. And I think that's the only one.

**Mr. Koch, project architect:** This is another relatively large lot, but the house is located in the back corner of the lot. You can't see it on the survey, of course: there's a lot of steep slopes along both the south and the west side of the lot. In any event, we've shown here the hatched areas are the nonconforming to the side yard here and the rear yard here. In the back, there is an existing vestibule at the house, which I'll just quickly show you here. This is where the garbage is kept, behind the kitchen. It is our ... you know, we're trying to improve Meg's kitchen by doing a very small extension to the back, and I'll show you the plan. The kitchen is a weirdly mid-century thing that has got a tortured circulation path, and the hope has been to just calm things down and organize it as a ... you know, sometimes using a piece of paper is so much easier. Here you go.

The new kitchen plan would be a very reasonable rectangle with a small island. This area would accommodate the sink and dishwasher, and provide a bit of a view in the back. In so doing, we're also going to try to shoehorn in an outer room over here. But you can see from the dash line here, these are the setback lines. Here's a rear yard setback right there. There's nothing we can do that is not in the rear yard.

In addition to the mailing return receipts from the Orkuses, I have all of Meg's neighbors. I want to tender letters of support from all of here immediate neighbors. I happen to have one from each husband and wife in one of the cases, signed. One of the letters is not signed – it just said "e-mail – that I printed out. It is a teeny addition, but will be a real asset to the house.

**Boardmember Forbes-Watkins:** Question. Is there not a side yard variance requirement here?

**Mr. Koch:** Well, there is, yes. I want to point out that – and maybe you can clarify this for me – I was given to understand that a side yard starts where the rear yard ends. Let me go to the zoning map. I had heard before, and a clarification would be useful, this was my understanding. That the rear yard is the distance from the back of the house, the front yard is in the front, and the side yards exist between them. So on the south side of her property the side yard would be actually quite small. On the north side, it's a little bit longer. But it's the zone that exists between the front yard and the ... so it's just a technicality, but I'd be interested to get your opinion on this.

**Chairman Collins:** Right now, the front yard – you've zoomed in a lot – but you're claiming that the yard that abuts Buena Vista, or no?

**Mr. Koch:** Yeah, that's not the question. The question is, does the side yard go from the property line in the back to the property line in the front, or does the side yard go from the front yard – from the setback line of the front yard – to the setback line of the rear yard, as shown on this drawing here? Is there an overlap between side yard and rear yard?

**Chairman Collins:** Yeah, I see what you're asking. Like if you're drawing lines to infinity does the side yard keep going all the way to the rear property line.

**Mr. Koch:** My understanding of the definition of the side yard is what is between the front yard and the ... I'm sorry, the front yard and the rear yard.

**Chairman Collins:** Yeah, I think that's correct.

**Mr. Koch:** So by that definition, then, we're not extending into the side yard. We're only extending into the rear yard.

**Building Inspector Minozzi:** So then you could put anything in the backyard all the way to the side setback because then it wouldn't count.

**Boardmember Leaf:** That can't be right.

**Village Attorney Whitehead:** Well, it would need a rear yard variance. It would be in the rear yard.

**Mr. Koch:** It's a technicality.

**Village Attorney Whitehead:** And your code actually has a sort of odd definition of side yard. It seems to say that it only goes to the rear yard, but I think the definition of side lot line is different. I know we looked at this, Buddy, awhile ago and I don't remember. But I think given the definition of side yard that's in your code – it says "*a yard abutting a side lot line and extending from the front yard to the rear yard.*" So it's just to the rear yard, not to the rear lot line.

**Chairman Collins:** Yeah, so it is odd.

**Building Inspector Minozzi:** The way it was noticed is actually correct as per the, even

though it could be looked at either way. But the way we noticed it was the correct way.

**Boardmember Dovell:** So currently there is an addition in the back that's about half of what you're proposing overall now?

**Mr. Koch:** That's correct.

**Boardmember Dovell:** So you're adding something like 50 square feet, 30 square feet?

**Mr. Koch:** Yeah, something like that.

**Boardmember Dovell:** Tiny.

**Mr. Koch:** Yeah, it's very small but I think it'll have a lovely impact.

**Chairman Collins:** You mentioned the circulation problem you were trying to cure.

**Mr. Koch:** You have to go to the house to see it. It's an old house with an inglenook in the front, and that takes up a lot of the floor. So when you come in, you have to snake through the kitchen to get around to the dining room. You have just an odd configuration. It's sort of a galley kitchen with a leak on the side. But there's no possibility of having a snack unless you're standing over the sink. I think what this will do is give them a ground floor powder room, which is a great amenity.

**Chairman Collins:** There isn't one there today?

**Mr. Koch:** Huh-uh. There's just a second floor hall bath. It will, I think, engage actually the back patio from the kitchen in a nice way. And it's lovely back there because it's all terraced. And the properties in the back are a little bit higher, but nicely finished. I mean, for what it's worth you can see that we've replaced the door that used to come out of the shed right here with a ... replacing a window in the dining room with triple doors, but one operable door here on the end to serve her to be able to bring food out to eat out on the patio. But it's right off the kitchen.

**Chairman Collins:** It's a lovely addition, and very modest. Very modest in its impact from a variance perspective, but I think it's going to be substantial for the value of the home and the enjoyment they derive from it.

**Building Inspector Minozzi:** Let me just note that we have letters from the Halperns – Ilsa Halpern – at 56 Buena Vista Drive. These are all in support; Gatterdam from 5 Ravine. Don

sent twice?

**Mr. Koch:** No, his wife, Anna Bangay.

**Chairman Collins:** From Christopher Cosslett and Gulden Cosslett at 89 Summit. And Richard Primason and Abbe Fabian at 40 Buena Vista. All of these letters are in support of the project. I have nothing further to add on this one.

**Boardmember Forbes-Watkins:** Pretty straightforward.

**Chairman Collins:** I was going to ask if anyone wants to be heard, but we don't have anyone to hear. So may I get a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor the Board resolved to approve Case 13-15 for a nonconformity rear yard existing and proposed, existing 20.1 feet, proposed 17.4 feet, required minimum 30 percent of lot depth, 25.5 feet, with variance of 11.12.

**Chairman Collins:** It passes. Thank you, sir. Congratulations.

Linda, I forgot to mention this letter that we got in support of the property on Broadway.

**Village Attorney Whitehead:** I think the applicant mentioned it when he gave it to you.

**Chairman Collins:** It's in support.

**Building Inspector Minozzi:** When you're done, I just need them for the record.

**Village Attorney Whitehead:** Yeah, I was going to say give those all to Buddy for the record.

### APPROVAL OF MINUTES

#### **Regular Meeting of September 10, 2015**

**Chairman Collins:** We have just, then, the minutes. And then why don't we dive into calendars and see what we can find in that early November time frame for a special session.

I looked at the minutes, and as long as this was that meeting was super-short. It was six pages of minutes. The only thing I noticed, which I flagged for Buddy, is the mention of a woman named Wendy on our board.

**Building Inspector Minozzi:** Yeah, I spoke to Mary Ellen about this today. She hasn't had a chance to check the video, but she will check the video and find out who it is.

**Chairman Collins:** I just wonder if maybe, Adam, it was attributed to you. I think I was making a comment about the presence of people at a previous meeting, and you said, "Yeah, and Wendy was here" or something like that. I wondered if it meant Linda.

**Village Attorney Whitehead:** She'll check the video.

**Building Inspector Minozzi:** She's going to check the video.

**Village Attorney Whitehead:** Rather than trying to guess.

**Chairman Collins:** Then the minutes were good.

**Boardmember Forbes-Watkins:** Very simple.

**Building Inspector Minozzi:** Does anybody else have anything?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Dovell with a voice vote of all in favor, the Minutes of the Regular Meeting of September 10, 2015 were approved as presented.

**Chairman Collins:** So why don't we check our calendars and see when we can get the band back together.

**Boardmember Dovell:** They need 10 days? Is that what they need for notice?

**Chairman Collins:** If this thing goes out tomorrow, is it 10 days from when we send?

**Building Inspector Minozzi:** Yes.

**Chairman Collins:** So by that ...

**Village Attorney Whitehead:** It takes you to the first week in November.

**Chairman Collins:** I would prefer that we do it that first week in November. The following week I'm in San Francisco.

**Building Inspector Minozzi:** I didn't open my phone. What's the date?

**Chairman Collins:** Between the 2nd and the 6th, which is the Monday through Friday of November.

**Boardmember Anuszkiewicz:** The 2nd is not good for me.

**Village Attorney Whitehead:** The 3rd the Board of Trustees is in here, and the 4th is court.

**Chairman Collins:** How about the 5th?

**Building Inspector Minozzi:** Thursday, the 5th?

**Boardmember Anuszkiewicz:** That's fine.

**Boardmember Leaf:** That works for me.

**Chairman Collins:** That works for me.

**Boardmember Anuszkiewicz:** We get paid a little extra for that, right?

**Chairman Collins:** Oh, yes.

**Boardmember Leaf:** Double.

**Village Attorney Whitehead:** Yeah, me too.

**Chairman Collins:** I think you get into Friday Night Live for free.

**Building Inspector Minozzi:** And, Linda, we'll talk tomorrow about this, OK?

**Village Attorney Whitehead:** All right.

**Chairman Collins:** I would just say, Buddy, when you reach out to them just make it clear that each applicant should send one rep to be here. We are going to be noticing this again as

a special session.

**Building Inspector Minozzi:** OK.

**Village Attorney Whitehead:** They should absolutely have somebody here, even if it's Christina and Mitch.

**Chairman Collins:** Just in case because we are reopening them.

**Village Attorney Whitehead:** Bake a cake.

**Chairman Collins:** In the event that someone who meant to be here couldn't be here suddenly shows up and has a ton of questions – I doubt it – they should have someone, a rep.

**Building Inspector Minozzi:** We don't have to do the paper and everything all over again, right?

**Chairman Collins:** I think you do.

**Village Attorney Whitehead:** Well, yeah, because you're noticing a special meeting.

**Building Inspector Minozzi:** So I have to notice the paper again? OK, we'll talk tomorrow.

### **ADJOURNMENT**

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of all in favor, Chairman Collins adjourned the Regular Meeting.

**Building Inspector Minozzi:** Matt, you did a good job getting through this hectic meeting.