

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
JUNE 26, 2014**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, June 26, 2014 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Adam Anuszkiewicz, Village Attorney Linda Whitehead, and Building Inspector Deven Sharma

**Chairman Collins:** OK, ladies and gentlemen, thanks for your patience. We're going to get underway. We're still waiting for one Boardmember, who may come, but we've got three which is enough for a vote that won't end in a split.

Welcome to the June addition of the Zoning Board of Appeals meeting. Ladies and gentlemen, we have four cases that were noticed, but one of them will not be heard tonight. In case there's anyone here who wanted to speak on behalf of the Wyatts, at 7 Edmarth, that case has been tabled for a future meeting and will not be heard this evening. So tonight, we're only going to hear from three, Peter Dormont and Barbara Torrest, at Branford Road; Mackenzie Cadenhead and Daniel Buckley, at 44 Oakdale; and Jean-Pierre Boudrias – and apologies if I've mispronounced names – and Phaong Sara Ho at Calumet.

So we'll get underway, and if our fourth shows up we'll deal with that when the time comes. Before we begin, Deven, how are the mailings?

**Building Inspector Sharma:** I was informed all the mailings are in order.

**Chairman Collins:** OK, the mailings are in order. So we'll begin with ...

**Boardmember Forbes-Watkins:** We need to remind them of the voting situation.

**Chairman Collins:** I don't think we have one now, do we?

**Village Attorney Whitehead:** They need all three.

**Boardmember Forbes-Watkins:** The right of people not to have a vote if there isn't a full body.

**Village Attorney Whitehead:** They would need all three of you.

**Chairman Collins:** Oh, it needs to be unanimous.

**Village Attorney Whitehead:** Yes, because they need a majority of the whole Board. It's a courtesy to just make an announcement and give them the option.

**Chairman Collins:** All right. Just before we begin, because we do not have a full quorum of five for the meeting tonight, you may present your case but if you decide that you'd rather wait for a full quorum to take a vote you can do that. There has to be a majority of the Board voting in favor of or against a case one way or the other, and because we're not going to have five – Mr. Dovell, our fifth, is not able to join – there is a possibility that there won't be a clear majority. You'll be able to make that call. You can still present, and you can decide after presenting whether or not you want to hear a vote, or not. OK?

**Village Attorney Whitehead:** Or just adjourn.

**Chairman Collins:** Yeah, or adjourn to a future meeting.

**Village Attorney Whitehead:** Because it would require all three. With only three members here, it would require all three to carry a vote.

**Case No. 09-14  
Peter Dormont & Barbara Torrest  
21 Branford Road**

**Relief from the strict application of Section 295-20.B.(1) and 295-68.F.(1)(a) of the Village Code for the addition of a canopy over the front door to their home at 21 Branford Road. Said property is in R-10 Zoning District and is also known as SBL: 4.120-133-5 on the Village tax Maps.**

**Variance is sought for the Front Setback for the roof overhang (canopy):  
Proposed - 26 feet; required minimum (for cornices, canopies...) – 28 feet,  
or 29 feet if less than 10 feet above grade. {295-20.B.(1) and 295-68.F.(1)(a)}**

**Chairman Collins:** Why don't we begin with Case 9-14 for 21 Branford Road, seeking relief from the strict application of 295-20.B.(1) and 295-68.F.(1)(a) of the code for the addition of a canopy over the front door to their home.

As with all cases, anyone speaking just always make sure you're speaking into a microphone so that our stenographer can hear. And introduce yourself, please.

**Mitch Koch:** I am the architect for Barbara Torrest and Peter Dormont, who cannot be here tonight. I just want to give you these.

I have a question, just a clarification, please. Do we require a unanimous approval to achieve the majority, or is it the majority of the number of people who are here?

**Chairman Collins:** You would need a ...

**Boardmember Forbes-Watkins:** You must have three.

**Chairman Collins:** You must have three to get it. So since there are only three Boardmembers, you need to get a unanimous vote.

**Mr. Koch:** OK. Well, let me get it rolling and I'll see how it's going.

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

**Mr. Koch:** This is a relatively small project. The house currently has no porch roof at the entry door, and this winter was pretty rough. It was a mess. The Dormonts are not getting any younger, we wouldn't like to see them fall. I helped them in the past with an addition in the rear, and they asked if I could come up with a scheme to put a porch roof on. I gave them three options, one crazier than the next, and they picked the most straightforward, classical pediment. Which, by design, we made a little bit wider than we normally would have to proportion it nicely on the house. But also when the roof drained, it would be into the bushes which flank the step so we don't have to worry about a gutter on the side. The thing is being carried visually on a bracket – an ornamental bracket, but it is ornamental – to be supported internally.

**Chairman Collins:** You said *the thing* will be carried by. I see what you're pointing at.

**Mr. Koch:** Some ornamental brackets supporting the roof.

**Chairman Collins:** Oh, I see. OK.

**Mr. Koch:** It's been rendered in a gentle ellipse so it just gives sufficient clearance over the door, but isn't too tall. We're trying to maintain the line of the break between the stone and the clapboard.

That's about it. It's going to project forward only 4 feet. However, the house is right up against the front yard setback. We presented some images of it – at least four other houses in

the neighborhood which have similar porch roofs of one kind or another. I'm not really sure whether these are in their front yards or not, but in terms of the character of the neighborhood and the character of the proposed project I think it meshes completely well. Naturally, this is being rendered with a little bit more detail than the house, which is pretty simple aluminum siding, just to signal this is where you come in.

That's it, really.

**Chairman Collins:** You're right. Anything you would build, just because the way the front of the property is and where it is relative to the setback requirement, is going to be into that front yard. But the code does allow for, I believe, a 1-foot overhang.

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

**Chairman Collins:** Because I assume you're not more than 10 feet above grade, in this case.

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

**Chairman Collins:** OK. You mentioned it's 4 feet. Is that because of the landing underneath? I mean, why does it extend 3 feet beyond what the code would permit?

**Mr. Koch:** Because of the landing at the door. Frankly, you want to be able to stand there and get your key out without getting rained on. So 4 feet is really minimal. It could be more, but we didn't want to project because we're not carrying it on columns or anything.

**Chairman Collins:** Sure. And you'd mentioned the design of that. I mean, it really looks like it's very much in keeping with the exterior of the house, at least the second story of that house.

**Mr. Koch:** Yeah. I mean, it's going to be white-painted wood basically.

**Chairman Collins:** You presented examples of neighboring homes, or homes in the neighborhood, that had this feature. Did you do a rough count of approximately how many houses on the street that had that type of feature?

**Mr. Koch:** No. It's something on the order of a dozen in the neighborhood have that. It's very difficult. And it's more surprising that they didn't have it than that all the other neighbors had them.

**Chairman Collins:** So it's in keeping with the neighborhood aesthetic, too.

**Mr. Koch:** Absolutely.

**Chairman Collins:** OK. I think trying to squeeze this into a 1-foot overhang would really strangle its utility. I think it just has to, in my mind, be larger. And it looks like you're covering where people reasonably will want to stand. I think you got two people standing there, it doesn't leave a lot of room, actually, to your point, to be able to collect your stuff before moving in.

Any questions from the Board?

**Boardmember Forbes-Watkins:** I have no questions. It's a very simple, straightforward solution to a very simple, straightforward problem.

**Boardmember Anuskiewicz:** You want to make a motion to approve it? I think it's perfectly appropriate.

**Chairman Collins:** Yeah, we'll get to that. Did you have any questions?

**Boardmember Anuskiewicz:** No, I think we should hear if there are any comments. And then I would move.

**Chairman Collins:** I'm very comfortable with this. But are there any questions or comments from our guests this evening on this case? OK. Mr. Koch, would you like to proceed for the vote?

**Mr. Koch:** Yes, please. I can't vote, can I?

[laughter]

**Building Inspector Sharma:** Neither can I.

**Chairman Collins:** All right, can I get a motion then?

**Boardmember Forbes-Watkins:** Yes. "I move Case 09-14, 21 Branford Road, proposed 26-foot required minimum for cornices, canopies with 28 feet or 29 feet, if less than 10 feet above grade, be approved.

**Chairman Collins:** In this case, 29 feet is what the code would permit.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuskiewicz with a voice vote of all in favor, the Board approved the variance for the addition of a canopy over the front door at 21 Branford Road (Case No. 09-14), proposed 26-foot; required minimum for cornices, canopies 29 feet, if less than 10 feet above grade.

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

**Mr. Koch:** I'm going to now change hats.

**Chairman Collins:** All right, take your time.

**Case No. 10-14  
Mackenzie Cadenhead & Daniel J. Buckley  
44 Oakdale Drive**

**Relief from the strict application of Section 295-20.F and 295-68.F.(1)(a) of the Village Code for a single story addition to their home on a corner lot at 44 Oakdale Avenue. Said property is in R-10 Zoning District and is also known as SBL:4.20-16-1 on the Village tax Maps.**

**Variations sought are as follows:**

- 1. Front Yard on Oakdale Avenue: proposed for the addition – 23.29 feet; required minimum - 30 feet {295-68.F.(1)(a)}**
- 2. Side Yard on Hollywood Drive: proposed for the addition – 13.46 feet; required minimum for a corner lot – 30 feet {295-55.A and 295-68.F.(1)(a)}**

**Chairman Collins:** So the next case is Mackenzie Cadenhead and Daniel Buckley for 44 Oakdale Drive. Here, we're seeking two variations. This is a corner lot, at the corner of Oakdale and Hollywood. The proposed project here is a single-story addition. The variance requests are for front yard on Oakdale Drive. Proposed for the addition is 23.29 against a required minimum of 30; and a side yard variance on Hollywood, proposed 13.46 against a required minimum of 30.

**Mr. Koch:** I'm the architect for Buckley/Cadenhead. Before I get rolling, I just wanted to give you a slightly enlarged floor plan for your use.

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

**Mr. Koch:** I'd like to begin. My clients came to me and asked about building a family room. Mackenzie is about to have, or is pregnant with, their second child. We're making an effort now to move this forward in a timely fashion so there's a playroom, and the living room isn't full of little plastic objects.

The idea here is to just create a one-room family space off of what had originally been the garage of the house, and what has been enclosed in some other earlier life. You can see there are the remains of a driveway in place, and there is a long yard on the east side of the house. That would be the place we are looking to locate the addition. The addition measures approximately 380 square feet. The idea would be to provide a play space for kids, all the typical things; TV viewing, access to a new patio. The hope would be that it would add something to the rear of the building, which is actually quite flat with very little relief. We pushed a wing out, with a nice window seat that looks south. We've created a patio. All hoping to kind of engage and activate the backyard in a way.

So that's the spirit of this thing. I was asked by Deven to review briefly why we're asking for a variance to put an addition in a side yard when there is room in the rear for something to be built. I wanted to review that with you, and you'll have to bear with me. Can everybody see this? Here's a floor plan. Basically, it's just a schematic of the house. Here's a drawing, a rendering, of it. Basically, the only available spot, given the zoning for an addition, really would be back in here. Also, hoping to activate the rear yard. Currently, there's an existing patio there, and the clients have some hope for, in the future, building a garage on this side of the property.

One of the issues, actually, is purely cost-driven. To put a family room back here, we can't put it off the kitchen because there's an existing areaway going to the basement. It's these stairs going down. If we put it here, it's my opinion that the adjacencies would require us to swap the kitchen for the dining room. Normally, if you have a family room and a more formal living room, I like to have the knuckle between them to be the kitchen rather than the formal dining room.

The idea is that some day this couple will be sitting down to what they hope to be a civilized meal with maybe another couple while their kids are going crazy in the family room. In general, I try to provide a buffer of the kitchen area between order and chaos. Based on that, and sort of the likely cost of swapping the kitchen, and the fact that we're on a fairly tight timeline, we elected to investigate putting this family room down on this end to avoid all the sort of concomitant stuff that is associated with putting it up on this end. Lastly, this is the

master bedroom up here. The roofline would mess up the windows, basically. You can see it in this elevation.

All of those points conspired against locating it here or even on the other side, here. Another question was raised, which was if I could address the character of the project with regard to bulk in the neighborhood, and whether the house – with the addition – would be appropriately sized for the neighborhood. I did a very sort of back of the envelope analysis based on the Westchester County tax maps, which I submit to you for review. But this is our house, and that little pink thing on the end is the addition. As you can see, on the same block I counted six houses that are larger than the proposed house. A couple of the other ones are actually probably equal in size, although I didn't do a take-off.

The character of the addition borrows from the cottage nature of the house. There was originally a stone garage and, apparently, was added to at one time. But we picked up the sort of gable language and the actual relatively steep roofs in the addition. We added, or we're looking at adding, a kind of fenestration gable end to have a vaulted ceiling. It's a great opportunity. I have literally here a rendering. This is obviously early days, but the notion would be that it would be a high-ceilinged room and manipulate the ceiling to allow us to create a sort of low-rise. It's not a very tall structure, even though it's a cathedral ceiling and tops out at about 18 feet at the highest. But if you look at the character of the house, this is a lower structure on the downhill side so it follows the rhythm of the façade from the front.

I would like to present this. My clients went around the neighborhood and solicited letters – here comes Mackenzie – from their neighbors in support of the project. One of the oddities from a zoning point of view is that the border of Dobbs Ferry is on the other side of the street. As you can see, we are asking for a variance for a corner side yard condition which, under normal circumstances – if this were not the corner, but were mid-block – this location of this would not require a side yard variance. It's only because it's a corner condition that we're looking for the side yard variance.

Notably, if you've gone up there, you can see that the property across the street is just this big wooded lot which is shared by the Dobbs Ferry side and Hastings. They've subdivided what was once a lot and they each own half. So there's not going to be actual building over there. Also, all the properties on this side are down below the crest of the road because the grade drops very steeply to the east off Hollywood. It's not as if the addition is going to be affecting anybody's sight lines or, particularly, in anybody's face. There's basically, where my hand lies right here, a great wooded lot. And here, for example. I would submit that the fact that the addition encroaches in this side yard, in this 30-foot side yard, it's not going to cause any negative effect to anybody on the other side of the street.

I would be happy to entertain any questions at this time.

**Chairman Collins:** All right, thanks for the presentation. I'm not concerned about the lot coverage issue. And, in fact, that's not one of the things we're considering here today. Although I appreciate the homework you did.

For me, the big concern comes to exactly what you hit on: that when we look at the five factors we consider in reviewing any cases, which an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties that will be created as a result of granting the area variance, I think it's a very attractive design. But you've got a wrought iron – well, maybe it's not wrought iron – or a fence that lines Hollywood, if I'm not mistaken.

**Mr. Koch:** Both sides.

**Chairman Collins:** Right. For the side yard, if this addition goes in how close will it get to that fence, approximately?

**Mr. Koch:** Well, it'll be 13-1/2 feet off the Hollywood side of the fence.

**Chairman Collins:** And the fence is maybe, what, 6 feet back, 7?

**Mr. Koch:** From the street.

**Chairman Collins:** From the street.

**Mr. Koch:** I think it's on the property line.

**Boardmember Anuskiewicz:** That's right at the curb.

**Mr. Koch:** So basically it's following the property line. So this is kind of a generous amount of space on the side of it, and will not be up against the fence.

**Chairman Collins:** The second and third points are the ones we really have to spend time in this session talking about. It's whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance. While I appreciate there are complexities associated with relocating the structure, I also think I'm not yet convinced it couldn't be done in a way that would be satisfactory and achieve the purpose. And I'm happy to have that discussion. You've got a tall structure which I think is designed to create some sense of symmetry with the rest of the building.

You said, what, 18 feet to the peak? That's a tall single-story structure. That's a lot of airspace that's being created for this room. Which, of course, if you were then to take that and exactly relocate it to another part of the house would create an obstruction for a second-story view because of how tall it is. But the question I would ask is, does it need to be 18 feet tall to satisfy the purpose that the applicant seeks. So the question about whether this can be achieved by some other method, to me, is open. And then the third, which I think is undeniable, indisputable is whether the requested area variance is substantial. This is very substantial. This is more than having the setback. It is what it is, a corner lot, but that's the requirement that we have to deal with.

What I think I'd like to do is actually, Adam, invite you if you don't mind me putting you on the spot. You're our architect on this side of the Board, and we'd love to hear your thoughts on this.

**Boardmember Anuszkiewicz:** Well, my thought, looking at the plan, first of all massing-wise it's very nice. Actually, I think massing-wise it improves the original building. But I'm not sure that's the question. Are you asking us to approve this based on the fact that there's no other way to plan this?

**Mr. Koch:** No.

**Boardmember Anuszkiewicz:** 'Cause I thought that was the case that you made.

**Mr. Koch:** Well, it was one point. I just want to say, as you know, a decision to locate an addition is driven by a number of things. You tend to, I think, select low-hanging fruit when it's available. The fact that there was a plan issue on the other side, there's an existing patio in place. There is currently a lawn where Mackenzie is concerned about the kids, where she can't see them from the kitchen, for example. Where the fact that the roof of an addition, unless it's an out-of-character lathe parapet, an addition would interfere with the window somewhere. I mean, inevitably, if you have a roof – and especially if you're trying to speak to the character of the house – you're going to have steep roofs, in this case. So there's like a number of decisions.

**Boardmember Anuszkiewicz:** What's right on the patio, the flagstone patio? Is that the dining room?

**Mr. Koch:** Dining room, yeah.

**Boardmember Anuszkiewicz:** And the kitchen is above the areaway?

**Mr. Koch:** Yes, that's correct.

**Boardmember Anuszkiewicz:** So to get to the family room from the living level, I guess, is up on a higher level. Is that correct?

**Mr. Koch:** That's right. It's a half-floor down to the ...

**Boardmember Anuszkiewicz:** To me, you know, if we're talking about just the planning of it, it seems that where you've located it makes more sense for the massing on the site than it does for the functional planning of the ground floor. Because it's really separated from all the living spaces; it's divided, it's on a separate floor. It's divided by this office and hallway and the entryway. I think where you've located it on the site, from a planning perspective, for me, doesn't seem like the most logical if your issue was functional planning for the ground floor of the home. It's a little hard to tell because all the ground floor is blanked out on that plan.

**Mr. Koch:** Just for your reference, here's the basic layout and adjacency of the spaces on that floor.

**Boardmember Anuszkiewicz:** That's kind of the way I'm looking at it. I'm not convinced that you couldn't have located this on the southwest as opposed to the northeast, just from a planning standpoint. I understand that you might have to work at that a little bit to get that to work, and that it might have to be sensitively balanced over there so it didn't block views from the kitchen to the backyard. But it's hard to really say that this is the only place you could put this on the site, from a planning standpoint.

**Mr. Koch:** Right. And just to reiterate, there are other considerations like cost and timeliness that drive these decisions.

**Mackenzie Cadenhead, owner - 44 Oakdale Drive:** Mitch, can I ask a question?

**Chairman Collins:** Just make sure you introduce yourself into the microphone.

**Ms. Cadenhead:** I'm one of the owners of the house. To speak to some of the things you brought up, the way the house was built and partly why we fell in love with it is that it's kind of ... we always describe it like a treehouse. Everything has five stairs up to some rooms, another five stairs up to some other rooms. What you're talking with the dining room and kitchen and living room, there's, again, like five stairs down to where my office is. And I work from home, so partly the family room being there makes sense to me because of where

my office is located.

Those five stairs down, and why we want to do it on the side there, is because that seems like a) it's in keeping with the character of the house with all of these kind of half-levels down into a new space. So it looks right to us, if that makes sense also. And then there's the proximity to my office which, for me, I'm a lousy cook so it's actually more important that oh, I can peek at them from where I'm working. The idea is that we wanted to also – I don't know if this is relevant – but the office will probably be open to, or at least have a sliding door so if I need to have privacy I can. But it flows into it. That's one thing with that.

Another thing was also the area you were asking about, if we could go back where the patio is now. It's all trees back here, but it will cut off really what we do use in the yard. We have a swing set over here. As everything is in Hastings, it's all rocks and it's hilly and it goes down. That's the area where we really play is that back area. So to me, it kind of cuts that in two parts based on how far out I think it would go in order to be a space that would even be worthwhile. We lose our playing space, in a way. Our interest here is that it's not an area – because of the way these half-floors are all of that – that we use as much. It's not where I would be comfortable saying, sure, go play in that side yard where I really can't see you at all.

**Boardmember Anuskiewicz:** Right, I understand that.

**Ms. Cadenhead:** That's really where that part of the impulse came. And also, for us, I grew up in renovation. When we bought the house, we just thought there are so many wonderful things we can do with this house. It's really cool the way it's got these sort of half-levels, and you see it in the front and in the back, and then it just cuts off on the side here. I mean, you've been there, you've seen it. It goes very flat, and the rest of the house is not like that. For us, also, this is an area we always imagined we could try to do something there and complete what felt like an incomplete look of the whole house. I don't know if that's as relevant.

**Boardmember Anuskiewicz:** Well, did you look at just rotating this? Did you look at doing this addition right here, behind the setback? Basically going out to the setback and then coming straight back? You still would come down the steps into this family room, but it would be within the setback.

**Mr. Koch:** He's saying take this and go this way.

**Boardmember Anuskiewicz:** And move it up. You don't have to block that areaway.

**Mr. Koch:** Well, I really can't. I can move a few feet around the corner, with some massing issues marrying the two structures. But yeah, this is the top of the stairs to the areaway, unfortunately. I could ameliorate the problem but, in fact, it doesn't ... I still would need a variance, both variances.

**Chairman Collins:** I think we're looking at ways, though, to reduce the variance. Because this is a significant variance that this board is typically uncomfortable granting because of the precedent that it sets for other homeowners to start doing the same thing. When you've got alternatives ... which I wouldn't quibble with the fact that what you've proposed, to Adam's point, is very attractive. But when you have an alternative space, it may not be your plan A. But you do have an alternative space that would maybe not eliminate the need for a variance, but would reduce the request for that variance.

**Mr. Koch:** Right. You know, there's a certain level of decision-making that flows as these things come to light. And part of that was an effort to create this bar here as a kind of balanced sort of element where we have this main, double, two-story gable in the middle here, and this element and this element. To turn it and project the length down, we explored several different massing approaches to this. I ended up being kind of uncomfortable with a sort of repeated and receding gable being expressed here. Basically, to achieve this and still go back there I ended up doing unnatural things with the roof. I mean, this is an effort to make a very straightforward, cute little thingamajig.

**Boardmember Anuskiewicz:** But you might be able to still balance her concerns, which I think are valid points she was making about the site and about wanting to preserve the play area, and the fact that there's that rock area that doesn't make sense. I mean, I understand all that. You know, that's an area maybe that wouldn't work for this particular project. But I still think it's possible that you could turn that. She would still have her office, she'd still be able to see from her office into the playroom and into the backyard, and it would really a much more minimal impact on this setback.

**Mr. Koch:** Can I propose kind of an approach? If we were to take this addition and compress it, is there some point when we hit a threshold that you, as the Board, feel more comfortable with? In other words – to follow your logic, Adam – if we were going to build this addition here on the side of the house – a room no less than 12 feet, and that would even be relatively small – say a 15-foot addition on the side of the house, here we're projecting, say, 26 feet. We have a 10-foot element here. I'm just wondering if we pushed, just crushed this thing and pushed this thing back against the house, would that be ... leaving aside the massing for the moment, is there like some magic number that you feel comfortable with?

**Chairman Collins:** No. We're asked to consider these five variables. They're moving pieces on the board. So every time we review a case, we'll consider them and apply them uniquely to every single case. So I can't say – and even if I could speak for myself I wouldn't – well, if you got within 20 feet I would be OK with that.

**Mr. Koch:** Let me ask, then, just to kind of shake this and move it along because I don't want to take up anybody else's time unnecessarily. If we put it to a vote and you vote it down, what is the difference between doing that or just withdrawing right now? Is there any difference to us at all?

**Chairman Collins:** No.

**Boardmember Forbes-Watkins:** Adjourn?

**Village Attorney Whitehead:** You can adjourn it and amend it.

**Mr. Koch:** Adjourn and amend it, but in any event I'm coming back in a month.

**Chairman Collins:** Yeah, or whenever you're ready.

**Village Attorney Whitehead:** But you don't have to start a whole new ... you can just submit a revised plan.

**Mr. Koch:** As opposed to filing a new application? Is there a new application fee?

**Building Inspector Sharma:** If they vote on it, the application gets concluded.

**Mr. Koch:** I see.

**Building Inspector Sharma:** So there'll be a new application. Right now, you'll be reacting to the Board's comments, coming back with amended plans.

**Mr. Koch:** I'm going to have to consult with my clients right now.

**Boardmember Anuszkiewicz:** Well also, I think there are people here that want to speak on it.

**Chairman Collins:** Before we do that, though, I want to give David a chance to ask any questions or make comments.

**Boardmember Forbes-Watkins:** Well, I think the points are fairly obvious that have been made. There's a lot of yard there that is buildable and is not being used. And the idea of turning the frame of reference of the room and the area around to use more of the backyard space and less of the side yard space would make the bulk less apparent, it seems to me, because it isn't as close to the property line. I would love to see you try – although it may not be worthwhile – looking at the other side of the house. There's a tremendous amount of room on that side. I think I would strongly urge you to hold at this point, and go back and reconsider. I'll leave it at that.

**Chairman Collins:** All right. So then we'll take any comments from those who've come to visit with us here today. Anyone like to be heard on this case? No? OK.

[Male Voice] XXX: Can I ask that you read the letters that were submitted?

**Chairman Collins:** Want me to read them for the record?

[Male Voice] XXX: If you don't mind.

**Village Attorney Whitehead:** I gave them to Deven.

**Chairman Collins:** I'll do that. Thank you, sir.

**Boardmember Anuszkiewicz:** It's helpful when we get the letters to know where the people are.

**Chairman Collins:** I'll read off the address, and if you've got color to add to this -- like they're right next door neighbors or whatever -- feel free.

This is Sonya and Matthew Stover of 14 Oakdale.

**Ms. Cadenhead:** They're down the block from us, three houses.

**Chairman Collins:** Down the block, OK. They write:

*"To Whom It May Concern,*

*We are writing this letter to support Dan Buckley and Mackenzie Cadenhead in their efforts to secure an easement for proposed work on their property. Dan and*

*Mackenzie have lived in the neighborhood for a long time, and have already completed extensive work on their house. Everyone we know agrees that the changes they have made in the past have been tasteful and appropriate to both the size of their property and the feel of the neighborhood.*

*Furthermore, they have always been very considerate about informing their neighbors about the scope, timing and nature of work being done on their house. We hope you consider granting their easement so that their growing family continues to enjoy our little neighborhood on Oakdale Drive.*

*Thanks,  
Sonya and Matt Stover."*

**Chairman Collins:** I'll just pass these back to you as I read them.

OK, this one is from Alison Sheehy and Dan Markley of 23 Oakdale.

**Ms. Cadenhead:** Across the street.

**Chairman Collins:** OK, great. Dated June 23 of this year.

*"To Whom It May Concern,*

*We are writing the Zoning Board to express our enthusiastic support of the addition Mackenzie Cadenhead and Dan Buckley plan to build at their home at 44 Oakdale Drive. Mackenzie and Dan are wonderful, respectful neighbors and have made every effort during previous projects to keep the impact to the neighborhood to a minimum. We have been impressed with their aesthetic choices in these past projects, and feel the improvements to their home have benefited the neighborhood as a whole.*

*Having reviewed the plans for this upcoming project, we know this proposed construction will be another fine addition to their home and to our street.*

*Sincerely,  
Allison Sheehy and Dan Markley"*

**Chairman Collins:** Two more to go. This one is Barbara Schecter at 21 Oakdale.

**Ms. Cadenhead:** Across the street, next to Dan and Alison.

**Chairman Collins:** OK, thank you. Dated June 24:

"To Zoning Board,

I am writing to support Mackenzie and Dan Cadenhead's proposed addition onto their house at 44 Oakdale Drive. They have been very responsible in previous work they have done at their home.

Barbara Schecter "

**Chairman Collins:** Thank you, sir. All right, and then the last one is from Erik and Hillary Murnighan at 17 Oakdale.

**Ms. Cadenhead:** Next to Barbara.

**Chairman Collins:** OK, they're all right where they should be for these letters. Dated June 22:

*"To Whom It May Concern,*

*We are writing this letter to let the Zoning Board know that we are in full support of the addition that Mackenzie Cadenhead and Dan Buckley are making to their home at 44 Oakdale Drive. Over the years, they have made many improvements to the existing structure, and we have always been pleased and impressed with the aesthetic decisions they have made, along with the professional manner in which their contractors have gone about doing their work.*

*We have reviewed their plans with them, and we are once again pleased. It will not only be a great addition to their home, but it will be a great addition to the neighborhood.*

*Sincerely Yours,  
Erik and Hillary Murnighan."*

Again, apologies if I've mispronounced any names.

**[Male Voice] XXX:** No, you got it.

**Chairman Collins:** But thank you for sharing those. It certainly pleases me to know that however you guys proceed on this it will be done with great care for the people around you. Certainly, all of us here have been in meetings where that's not always apparent. So thank you for sharing those.

**Mr. Koch:** So now do we vote?

**Chairman Collins:** So we'll adjourn?

**Mr. Koch:** We're going to adjourn it.

**Chairman Collins:** All right.

**Mr. Koch:** Thank you for your time.

**Chairman Collins:** Yeah, thank you very much.

**Case No. 11-14  
Jean-Pierre Boudrias & Phaong Sara Ho  
21 Calumet Avenue**

**Relief from the strict application of Section 295-55.A and 295-68.F.(1)(c) and 295-68.F.(1)(d) of the Village Code for the additions and alterations to their home at 21 Calumet Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.40-29-3 on the Village tax Maps.**

**Variations sought are as follows:**

- 1. Extension of a non-conformity - Side Yard: minimum on one side and total of two (2) sides: existing and proposed – 4.5 feet and 29.1 feet; required min. - 12 feet and 30 feet {295-55.A and 295-68.F.(1)(c)}.**
- 2. Building Height – Number of stories: proposed – addition of a third story on an existing two story portion of the house; Permitted**

**maximum: – 2-1/2 stories {295-68.F.(1)(d)}.**

**Chairman Collins:** So that leaves our final case for this evening, which is Case 11-14 for Jean-Pierre Boudrias – and again, I'm so sorry if I'm mispronounced any of these – and Phaong Sara Ho for 21 Calumet Avenue, seeking relief from the strict application of Section 295-55.A and 295-68.F.(1)(c) and 295-68.F.(1)(d) of the code for additions and alterations to the home at 21 Calumet Avenue.

The variances are these: extension of a nonconformity, side yard, the minimum on one side and total of two, existing and proposed 4-1/2 feet, 29.1 against a required minimum of 12 and 30; and building height, number of stories, proposed addition of a third story on an existing two-story portion of the house where the permitted maximum is 2-1/2 stories.

So why don't you again just introduce yourself. This is a first for me.

**Village Attorney Whitehead:** Say, can you grab the mic?

**Building Inspector Sharma:** Back-to-back.

**Chairman Collins:** Is the microphone down here?

**Village Attorney Whitehead:** There's the mic.

**Boardmember Forbes-Watkins:** It's right there.

**Christina Griffin, project architect:** Unfortunately, Jean-Pierre Boudrias and Sara Ho could not be here tonight. They live in the city, and they're planning to move up here.

**[Female Voice] XXX:** Can you speak up. We can't hear you.

**Ms. Griffin:** Yes, I will. The family lives in the city right now.

**Chairman Collins:** OK.

**Ms. Griffin:** And they just couldn't get here tonight. What they're planning to do, essentially, is to add another bedroom so they have four bedrooms on the second floor, and another bathroom on the second floor. We're also trying to resolve a problem with the staircase that goes from the first floor down to the basement.

I thought we would do this on PowerPoint just because ...

**Chairman Collins:** Sure.

**Ms. Griffin:** ... I thought you might be able to see it better. But I brought the boards in case that would be easier.

**Chairman Collins:** I think that's a pretty safe assumption on your part.

**Village Attorney Whitehead:** It's not connected.

**Ms. Griffin:** Oh, it's two-sided.

**Village Attorney Whitehead:** There's nothing on either side right now.

**Boardmember Forbes-Watkins:** No signal.

**Building Inspector Sharma:** It's a screen saver board.

**Chairman Collins:** It wouldn't be a demo without the demo effect.

**Village Technology Director Zaratzian:** Are you seeing it?

**Building Inspector Sharma:** She can see it on a laptop, right?

**Ms. Griffin:** Give me a minute.

**Village Attorney Whitehead:** This is why we don't always use high-tech.

**Chairman Collins:** Well, we've never used high-tech so this is the first-ever attempt at this.

**Ms. Griffin:** Can you see it now?

**Chairman Collins:** Not yet. Can you all see that now?

**Boardmember Anuskiewicz:** Can the folks at home ...

**Chairman Collins:** Super-cool.

**Ms. Griffin:** A lot of towns are doing this so it's a lot easier to see.

**Chairman Collins:** You know what? If you can go ... can you go into slide show mode? That will expand the image.

**Village Technology Director Zaratzian:** To the right, where you were.

**Boardmember Anuszkiewicz:** Bottom right.

**Chairman Collins:** There you go.

**Village Attorney Whitehead:** Getting technical assistance from the crowd.

**Chairman Collins:** See, I think it's right to the left of the 74 percent.

**Boardmember Forbes-Watkins:** The little "plus."

**Chairman Collins:** There you go. Bingo.

[laughter]

**Ms. Griffin:** It's also a little complicated so I thought it would be very nice if we could see this together.

I'm going to start with the site plan. We're asking for a variance to the side yard setbacks so that we can build a new staircase from the first floor down to the basement. That's the shape over here.

**Chairman Collins:** Is there anything there now? You say you're rebuilding it or building it?

**Ms. Griffin:** We're replacing ...

**Chairman Collins:** Replacing a staircase.

**Ms. Griffin:** This addition, this new staircase, which is a one-story addition.

**Chairman Collins:** OK, and the new staircase is occupying this spot where the old one was, or is it ...

**Ms. Griffin:** No.

**Chairman Collins:** It's a new location.

**Ms. Griffin:** It's a new location.

**Chairman Collins:** Got it, OK.

**Ms. Griffin:** The existing house is only 4.5 feet to the property line on the north side.

**[Male Voice] XXX:** Could we ask Ms. Griffin to use a pointer because we can't see what you're pointing at.

**Village Attorney Whitehead:** It may be easier to turn that up against the wall.

**[Male Voice] XXX:** No, it's better this way.

**Village Attorney Whitehead:** Except that they can't see where she's pointing. That's the problem.

**[Male Voice] XXX:** If she uses the pointer.

**Chairman Collins:** Ah, good. OK. Yeah, thanks for raising that. OK.

**Ms. Griffin:** This is this little piece here.

**Chairman Collins:** Yeah, that's the new staircase.

**Ms. Griffin:** This is simply a staircase. The reason for a new staircase is, currently there is a staircase that is right where my cursor is, right here, actually perpendicular to where we have it now. It is blocking access from one part of the basement to the other. The original house – this piece in front – is separated on the lower level. It has its own staircase, but it doesn't meet code, has low headroom and a lot of problems, very steep steps. Someone in the past, a previous owner, built the staircase running this way – I'll show you the floor plan – and it actually makes it impossible to go from one part of the basement to the other. To do that, you have to actually go out the back door and then back in another door to get to the back. It's very awkward.

I'm going to jump right to the plan. These are our demolition plans. On the basement level, the staircase comes down right here. This staircase actually is also very steep and has

winders that don't meet code. Because of the location of it – I'm going to go to the basement level here – there's no way to get from this part of the old basement to the other.

**Chairman Collins:** So how do you do it now? You said you have to go out and come back in?

**Ms. Griffin:** You have to go out this door, go up a few steps ...

**Chairman Collins:** And now you're into the yard?

**Ms. Griffin:** ... onto the patio, back down a few steps, and into here.

**Chairman Collins:** So you have to exit the house and then come back into the house.

**Ms. Griffin:** Yes.

**Village Attorney Whitehead:** Or go upstairs.

**Ms. Griffin:** Or go up this staircase, or go down this staircase. But you can't go from one side of the basement to the other. It's not just that. It's just a very ... the staircase isn't 3 feet wide, and it's also not even ... it's actually maybe a little more comfortable than the one going to the basement, which has headroom less than 6 feet 8 and very steep risers.

We decided – and I'll show you the next ... I'm just going to focus on the staircase. This is the new plan, and this is the new basement plan. It works best to put the staircase here, and we've looked at different locations for it. But if we put the staircase almost anywhere else it just doesn't work and it doesn't have good flow. And if we put it over here, it interrupts where we want to have this deck outside.

This is where we are proposing having it. It's going to have a wall that aligns with the existing nonconforming wall of the house. Up on the first floor, this is the layout. This stair now is next to the kitchen/dining area, which allows us to open up the kitchen, which is very small. But if you notice, the original wall of the house is 4.5 feet of setback. And we're extending the wall of the house to create this enclosure for the new stair. This addition is only one story. It's just to allow the stair to go from the first floor down to the basement. The stair in the front of the house is going to remain, and that takes you from the first floor to the second floor.

Now, the second reason for the variance is, we would like to add another bedroom to the house. It's currently a three-bedroom house, one bath. We'd like to add another bath with

the master bedroom on the second floor. This house is around 2,440 square feet, and this extension is 434 square feet. The entire house is still not that large: 2,800-something square feet. We would like to do this addition – going back to the second floor – so that it actually fits right over the building below because we're using the existing walls and existing foundation. If you look at the layout of the bedroom, it's actually not a large master. It's actually smaller than this bedroom, and the bathroom is fairly compact.

Another reason for the variance, there's a variance for height and I wanted to explain that. This is in a zoning district that allows 2-1/2 stories. This part of the house, which is like a wing to the original house, if you look at it, look at the elevations, this is the front elevation and this is the south elevation. If you look at the back of the house, it's a full floor above grade in the back. When you have a basement – which means, by Hastings zoning code, if more than half of the basement is above grade, above the average grade around the building – it's considered a basement, which is considered a story.

The funny thing about this is, I did the average grade around the entire house. This probably would be a cellar, not a basement. Since this back of the house is disconnected from the front by the basement, is that ... do you agree with me?

**Building Inspector Sharma:** I see that as split-level. The original cellar would technically be a cellar, and this extension is so many feet above the cellar level. So it definitely is a story by itself, whether we call it a first floor, ground floor or a basement. Because it happens to be partially below ground, but more than 50 percent of its height is definitely above that joining grade. For that matter, whether we call it a basement or a ground floor, it is definitely a story; it counts as a story.

**Ms. Griffin:** But that's if you look at that piece of the house. I mean, if you took the average grade around the entire house, with the old house and the wing – I'm going to call it a wing – we're actually just under half. But just to be safe, if you were looking just at that back piece – especially since it doesn't have a connection through the basement ...

**Building Inspector Sharma:** No, I believe you were going to show us that whether, in fact, it was a cellar you still can do it. But obviously, between you and me we were not able to establish seeing the entire lower floor together qualifying as a cellar.

**Chairman Collins:** This should be a knowable thing, right? I mean, I would think that the code would ... and, Linda, you correct me if I'm wrong about this. But shouldn't we be able to establish one way or the other whether this is a story or a cellar?

**Village Attorney Whitehead:** Well, if you're looking at taking it from the average grade all the way around the house you need to take a number of points and measure it: look at a number of points around the house, figure out what the average grade is. Deven and I did talk about this a little, and I think you can see that a lot of it is almost 100 percent above grade and not just 50. Much of the back portion of the house.

**Building Inspector Sharma:** Also, the fact that it's a split-level, the lowermost floor is not all at the same level. This wing in the back is a few feet above. So it can be seen as an extension of the same, or a separate floor. Many split-level houses have three stories on one side and only 2-1/2 on the other side. So it definitely looks like, and qualifies as, a story. Unless, Christina, we talked about it. But we did not establish looking at the grades all around and coming up with it. I would have an issue with that because of this being two separate levels.

**Ms. Griffin:** Yes. The reason why that exercise wasn't done – and I just did a quick, rough calculation and it seemed like we've met the definition of a cellar – if you do the whole house, it's because of the disconnection at the basement. We thought we might as well take a look at it separately. So if you take the average grade elevation around the wing it most definitely has met the story. So it's a little confusing.

If we look at the front of the house – and this is east elevation – you can't even see any of the basement. But then you go back in the back of the house and it's a full three stories.

**Building Inspector Sharma:** I see four stories there, looks like.

**Ms. Griffin:** Another layer of confusion, I think, because that dormer there – another change we'd like to make – we'd like to move the dormer. And I'm going to show you the photographs. It's a dormer in the middle of the house right here. We'd like to move it over so it becomes useful. Right now, you can't really use it because it's right across from the staircase. I'll show you the floor plan, but this dormer is actually set way back at the original house. It has doors opening up onto a roof deck. This dormer meets the definition of a half-story because the area of that dormer is less than half of the floor below. So the funny thing about this house, we're saying, in guess, that the main part of the house is 2-1/2 stories and the back is 3.

I want to go back to the floor plan and describe the new master bedroom we'd like to add a master bath and closets on the second floor, which fits right over the floor below. Then on the third floor, right now there is a dormer right here. Because that dormer is right across from the staircase, you come and it's only an aesthetic. I think they put it on the house because it's symmetrical. You really can't get around the stair to get into it. You have to sort

of climb over the railing. We'd like to move it over so it's on top of the master bedroom below, and then have access to a roof deck. We also thought that the roof deck would reduce the height of the building instead of having another gable roof.

I'm going to show you the photographs of the house just to go over the elevations. The front elevation does not change and you can't see the addition because it's in line with this wall. This is the elevation facing south showing a new deck wrapping around the house. This scheme, I think is family room/kitchen. And this is our proposed master bedroom addition – extension to the second floor. On top is a railing, and that is the roof deck. Our west elevation is just showing what we're calling a three-story piece of the house. We have a den. They want to use as their breakfast table/kitchen area. Our new master bedroom extension, and way back at the original house we have a dormer. Left of this elevation is our staircase enclosure. This is our north elevation showing you the new staircase. This wall lines up with an existing wall of the house.

These are the photographs of the house. This is the front, and this is the corner of the house. Back here there's quite a bit of shrubbery and it's hard to get a picture. This is where we'd like to extend the wall of the house. Actually, if you look at this photograph to the right, this shows it quite well how we would like to tuck in the staircase into this corner here that leads from the first floor down to the basement.

This is a view of the existing, we call it "the wing," and it shows you a little bit. It's really funny. These basements are really like 6 inches different in height. You have to go out a door, go up a few steps onto the patio, down a few steps to go into this part of the house. This is the dormer that we'd like to move over so we can make it a usable space on the third floor. These are just some photos of the interior. This is showing steps on the way out of the basement, where you have to go out to the patio and back down again. The access into the other basement we'd like to put through here. This is just showing the old staircase.

This is the basement stair showing the riser height about 8-3/4 inches. The opening is limited because it has a stair to the second floor. So we can't make it larger. That's the old stair in the original house. This is the stair that was built by a previous owner. You see the risers come to a point and do not meet code. It's very narrow – less than 3 feet – and the door opening to it is about 2 foot 5-1/2. That is what's separating the two basements.

**Chairman Collins:** Wow.

**Ms. Griffin:** I'd like to tell you a little bit about the clients. They've been searching for awhile and they're moving to Hastings from the city. They just adore the area. Their children are very young – I think they're like four and five – and they feel more comfortable

with a four-bedroom house, especially with a separate bathroom. They're planning to live here for a long time so they want to make sure the staircase dilemma is resolved.

**Chairman Collins:** Sure. That's one of my very favorite streets in Hastings, actually. I love that neighborhood.

Well, thank you for the detailed walk-through here. I'm trying to think of the right analogy, but the hip bone connects to the thigh bone is the thing that comes to mind. That in an effort to try to solve for these staircase issues, and to make the home flow and get more practical use out of the dormer, suddenly you find yourself in this position where it becomes like a lot of home projects, a pretty substantial one.

I think you've done a really nice job of rendering it. I find it's a very attractive design. That neighborhood has got a variety of homes in it, with very different architecture and style. I think that's one of the things, for me anyway, that makes it appealing.

I appreciate the fact that you're just extending into a side yard that's already a lot less than we would like it to be. But you're not shrinking, you're not intruding into that space even more. You're just extending a nonconformity. It's a substantial extension, but to serve a purpose that's rooted in safety. I don't think I can quarrel with that.

And then, to me, the addition of this story is maybe just the one that makes you rub your temples the most. Because it strikes me that the owners want to build a master bedroom that's not terribly large, sitting within the existing footprint of the home. The overall effect, I think, to the house is one where if you asked the average passerby does this house now look like it's differently storied I don't know that anyone would call it like that. I don't want to say it's an academic exercise, but it does seem to me to be kind of a product of the way that code is written.

Overall, I think this is a handsome addition and well thought out. But let me pass it over to my Boardmembers for questions. David?

**Boardmember Forbes-Watkins:** My first observation is, clearly, the small addition for that stairway just makes enormous good sense. What we saw in the drawing of the old stairway system clearly makes you wonder what was going on in the mind of the person who designed it before.

The only question I have is what utility do you see in the third-floor addition? It's a very small space. Other than storage, which presumably would be allowable under any circumstances without ... because you have to have a roof over a building. So by creating

this very small area you're creating a strong problem for the Board because we don't want to approve variances that are really a long way away from where we want to be. I have a problem approving this third floor.

**Boardmember Anuskiewicz:** Well, I think the issue of the reason for the third floor dormer is for access to the roof deck. I mean, that's the reason for it. And the addition has a flat roof deck on it. That's what makes the bulk of it so hard to deal with, and also why you kind of go back and forth – is it three stories, is it four stories – because it has a big flat roof. It could easily be a master bedroom, even that has a cathedral ceiling. But if it had a sloped roof, the massing would be pretty different than what is being proposed.

**Building Inspector Sharma:** Let me make one quick point. Where the point is right now, that dormer space, that is actually the half-story. So that doesn't require any variance or any thought. That they can do as-of-right. It's only the addition of the master bedroom in the wing, that three-story addition. If somehow they were to manage only half of the floor below, they would have ...

**Boardmember Forbes-Watkins:** Then it would be as-of-right.

**Building Inspector Sharma:** So because it's more than half of the floor below, it's three stories by Village code definitions. And that's what they need a variance for: addition of a three-story on the wing, not on the main house.

**Ms. Griffin:** I also want to explain something.

**Chairman Collins:** Speak into the microphone.

**Ms. Griffin:** If you could look at this plan here, this is the demolition plan. This is the dormer right now. When you come up this staircase to the attic, there's like a space here that's less than 2 feet. Really, you can barely get around this stair to use that little space. It's very bothersome to the owner. They were looking for a quiet space that they might be able to use as a study. That whole dormer has got huge holes under the window. It has to be rebuilt, it's in disrepair. So they're thinking if they simply shift it over – and I'll show you the new plan – then you come up and you can get access to that space.

**Boardmember Forbes-Watkins:** I'm persuaded. I understand now. I was looking at it as part of the third-story issue.

**Ms. Griffin:** It's way back, I think about 28 feet from that façade – this is very misleading – and you have to remember that dormer is about 28 feet back from this wall.

**Building Inspector Sharma:** I think they all understand that.

**Boardmember Anuszkiewicz:** Yeah, I don't think the dormer is the problem. It's whether or not it's acceptable, I think, to have the big flat roof instead of having a sloped roof over the master bedroom.

**Building Inspector Sharma:** That would be from an architectural point of view, or from the variance point of view?

**Boardmember Anuszkiewicz:** From an architectural point of view. Because it would reduce the mass a little bit.

**Ms. Griffin:** I'm not sure if it would. Because if you put in a sloped roof you'd still need your second ... this is the master bedroom.

**Boardmember Anuszkiewicz:** Right, but that could be ...

**Ms. Griffin:** And you would not be able to have windows.

**Boardmember Anuszkiewicz:** Yes, but the master bedroom window there could be expressed as a dormer on a roof. That would reduce it.

**Ms. Griffin:** You wouldn't be able to have windows back at that space in the attic if you had a pitched roof running into it. And we wouldn't be able to do the dormer.

**[Male Voice] XXX:** [off-mic].

**Chairman Collins:** Right.

**Boardmember Anuszkiewicz:** I just want to say another thing. The other side of this is that this is the back of the house.

**Chairman Collins:** Yeah, that's true.

**Boardmember Anuszkiewicz:** So it's not something that's right on the street, and it's not something you can easily see from the neighborhood. So it doesn't have those kind of issues. If the neighbors have something to say about it, then maybe ...

**Chairman Collins:** Well, we'll get to that, I promise. We'll get to that.

Again, I think you're filling in a space between a roofline that has not grown, and now we're calling that an additional story. In other words, when most people think about adding a story you're thinking the building just went up another 10 feet or whatever it is.

**Village Attorney Whitehead:** You are. The wing is only one ...

**Boardmember Anuszkiewicz:** The wing has, but the house itself is not ...

**Village Attorney Whitehead:** The front piece isn't changing. The back needs a little ...

**Chairman Collins:** And the back is not surpassing the front. You see what I mean? I understand, Adam, your point about the bulk.

**Boardmember Anuszkiewicz:** The point is, if you put a sloped roof on that and you express the windows in the bedroom as dormers, then the wing in the back reads like a 2-1/2- story wing, which is in the spirit of what's allowed here. That would be more sympathetic, massing-wise.

**Building Inspector Sharma:** Again, you're looking at as an architect. The half-story has to be ...

**Boardmember Anuszkiewicz:** I'm not saying it would be, Deven. I'm just saying that it would read that way, which would be ...

**Chairman Collins:** I see what you're saying.

**Boardmember Anuszkiewicz:** ... more sympathetic to the intent of the code. I'm not saying it would be interpreted that way by the code.

**Chairman Collins:** We would still be looking for a same variance, but it wouldn't look as tall because you wouldn't have this flat roof with the fencing around it. You'd have a slope roof. It would look, from the back, like a less imposing structure. We would still need to be giving, I think, the same variance.

**Building Inspector Sharma:** The sloped roof will extend beyond where the flat roof is.

**Boardmember Anuszkiewicz:** That's right. I don't think we need to have a big debate about it, and I do think it's partly mitigated by the fact that this is in the rear of the house.

**Chairman Collins:** For sure.

**Ms. Griffin:** One thing I want to say is that when we get a variance, then we get a little bit more serious about details and we definitely take a look at softening the roofline there. But before we put too much effort into it, we wanted to see if this is going to be feasible. But we definitely can look at that more carefully.

**Chairman Collins:** OK. Well, why don't we hear from our guests who've come to speak on this case. You're all welcome. Just when you speak into the microphone, which I'll ask that you do – you can use this one right here – if you need to come forward for a reason we'll let you use the portable mic. But just say your name and where you live when you come to speak.

**Jennifer Kaplan, 27 Calumet Avenue:** OK, I'll go first. I live in the house next, closest, to this house; the side with the 4.5 setback. I live on the side that is facing the house, so very close to it.

Just to show you, Christina, could you go to the slide where you kind of drew part of our sunroom?

**Boardmember Anuszkiewicz:** Your house is very close, right?

**Ms. Kaplan:** Yes. If you see this little shape right here, this is our house. I don't think it's drawn to scale, though.

**Chairman Collins:** Just make you're going to speak into the microphone. We're losing you.

**Village Attorney Whitehead:** If you're not going to stand there, take the portable.

**Ms. Kaplan:** So I think it might not be quite drawn to scale. Our house might be a little bit longer than that, I'm not sure. So that's our sunroom. My first thought is, the staircase that's being built out seems to make sense and is logical and doesn't bother me at all. It's just falling in line with a normal house, and I don't have any problem.

But the second-, third-story addition, we also have a roof deck on top of our sunroom that's right alongside of there. That would block all of the sunlight to our master bedroom, which is right there. And it's very, very close, as you can see, so it obstructs our view, our sunlight and makes a big difference in the way that we view our house.

We also were not given a lot of time. We got a notice about this yesterday so we haven't had time to really sit and look at what it would mean for us. I have the notice that we received yesterday, if you want to look at the date on it.

**Chairman Collins:** No, I trust you. Deven, what's the standard for notice period?

**Building Inspector Sharma:** It had to have been mailed 13 days before the date for the meeting, or hand-delivered 10 days before the date of the meeting.

**Ms. Kaplan:** We have the receipt. I've seen her receipt, but the written receipt is June 11.

**Building Inspector Sharma:** They mailed it, yeah.

**Ms. Kaplan:** So I don't know how that happened.

**Village Attorney Whitehead:** Because it's certified mail the post office does things.

**Chairman Collins:** Go ahead and just introduce yourself, please.

**Barbara Lester:** My husband and I are the neighbors on the other side. We have yet to receive anything about this, not even a slip, certainly not a letter. We heard from one of our neighbors.

**Village Attorney Whitehead:** You didn't get a slip that you had a piece of mail waiting for you?

**Ms. Lester:** Nothing in the mail, nothing.

**Village Attorney Whitehead:** And you've gotten your mail?

**Ms. Lester:** Oh, yes, we get our mail.

**Chairman Collins:** Well, I'm sorry to hear that. The applicant did what they thought was the right thing that would make sure it got to you. They mailed it out within the time frame so it would arrive.

**Ms. Lester:** Is it return receipt? Did you get anything?

**Village Attorney Whitehead:** Yes, but they're not responsible if they don't get a receipt back. They're responsible for mailing it.

**Building Inspector Sharma:** Yeah, just mailing.

**Ms. Lester:** But wouldn't you get something if it didn't come to me? Wouldn't you get something in the mail?

**Village Attorney Whitehead:** A month from now.

**Boardmember Anuskiewicz:** Are you right to the south?

**Ms. Lester:** Yes, we are.

**Village Attorney Whitehead:** The requirement is that they send it. It's not that they get receipts back.

**Ms. Lester:** OK.

**Village Attorney Whitehead:** Because some people won't sign for it.

**Ms. Lester:** And you have a record of sending to me?

**Village Attorney Whitehead:** Yes.

**Ms. Lester:** At 19 Calumet?

**Ms. Griffin:** [off-mic]. I just have the receipt, but I'll check it.

**Building Inspector Sharma:** My office gives them the names and addresses where the mailings have to be sent to. I can check tomorrow morning. There is no reason. The computer picks out all the addresses within a 300-foot radius.

**Ms. Lester:** Right.

**Building Inspector Sharma:** And I would not see any reason why it would not pick your address.

**Ms. Lester:** Because we've been there for five years.

**Building Inspector Sharma:** To confirm, I can check tomorrow morning and send you a copy of it.

**Ms. Lester:** Great, thank you.

**Building Inspector Sharma:** That we gave it to them. Then we can go over their mailings and make sure they did, in fact, mail it to that address.

**Ms. Lester:** OK.

**Boardmember Anuszkiewicz:** Do you have any comments about it, though?

**Ms. Lester:** I do have a question for the architect. Did I understand you to say that the entire house only has three bedrooms and one bath? Or are you just talking about that one floor?

**Ms. Griffin:** [off-mic].

**Building Inspector Sharma:** Christina, please pick up the microphone.

**Ms. Lester:** OK. There are two bathrooms in the house, or three. How many bathrooms in the house?

**Ms. Griffin:** Right now, there is one on the first floor down in the basement and one on the second floor.

**Ms. Lester:** And how many bedrooms in the house, please?

**Cable Access Director Corso:** Christina, you're not on.

**Chairman Collins:** Christina, I think you need to turn the mic on.

**Ms. Lester:** I just heard somebody else talking.

**Ms. Griffin:** There are three bedrooms on the second floor.

**Ms. Lester:** Right.

**Ms. Griffin:** I guess some people might want to consider that lower level a guest room.

**Ms. Lester:** OK, all right.

**Ms. Griffin:** They want to use it as a playroom.

**Ms. Lester:** OK, thank you.

**Chairman Collins:** Go ahead. Just introduce yourself.

**Richard [Sukaka] XXX:** Hi, I live a few doors down on the same side of the street. I think nobody here received a notice before yesterday.

**Chairman Collins:** Thank you. Apologies for that. Our Building Inspector will investigate that. We attend a lot more of these meetings and this is, I will say, for what it's worth, this is the first time I've seen anything quite like this in my five years on the Board.

**Boardmember Forbes-Watkins:** I have never seen it.

**Chairman Collins:** This is a rare thing, but that does not ameliorate your condition so I apologize for that.

**Building Inspector Sharma:** Christina, do you have the date when you mailed these out from the post office?

**Ms. Griffin:** I have a receipt from the post office, June 11.

**Building Inspector Sharma:** June 11.

**Ms. Griffin:** But I do think [off-mic] stamp on these says June 25.

**Village Attorney Whitehead:** There might have been a problem at the post office.

**Ms. Griffin:** [off-mic].

**Building Inspector Sharma:** A lot of people, the mailman makes a few attempts to deliver and is only able to deliver when somebody's home to sign for it.

**Chairman Collins:** There's something going on here. I mean, there are too many cases of people not getting it to be, you know, just a delivery issue. We'll look into it. Again, I apologize. Ma'am, go ahead.

**Pam Zucker, 27 Calumet Avenue:** I live in the house right next door with the closest variance. I just want to reiterate that our major concern is the addition, the master bedroom

above it. We just moved to Hastings a year ago. We, too, have two little children. And part of the community feel we wanted was the unobstructed view we had and the sunlight that goes onto it. I'm not saying it can't be that, but literally just seeing it today I think we're just asking for more time to understand it.

**Chairman Collins:** Sure, OK. Thank you, Ms. Zucker. Anybody else wish to be heard?

**Mitch Berman, 18 Calumet Avenue:** I live across the street, and I can also say that I just received a notice yesterday. I would ask Christina, who I know, could you show the slides again just so I can understand? I'd like to compare what the side view looks like, Pam and Jennifer, from their house versus ... do you have photographs of that?

**Ms. Griffin:** [off-mic]. I would be happy to get together with the neighbors and we can discuss the drawings. Especially it seems it sounds like they really have not had a chance to look at them.

**Chairman Collins:** I think that'd be a good idea.

**Ms. Griffin:** And I would like to ... we could even look at the size of this addition even on-site, see how it affects your views. Because I know you have a very beautiful house, and I understand.

**[Female Voice] XXX:** I'm not necessarily against it. I haven't been told since I got the call today about this. So I haven't even been able to look at it.

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

**Mr. Berman:** I have one other question. In this picture on the lower left, where I'm looking at the structure with two windows and a door leading out, the question is whether or not that's a basement.

**Boardmember Forbes-Watkins:** Whether it's a story. The addition would be a third story on top of those ...

**Mr. Berman:** Of what's there now.

**Boardmember Forbes-Watkins:** Yeah.

**Chairman Collins:** OK. Anybody else wish to be heard?

**[Female Voice] XXX:** Do you have the letter from our neighbor?

**Chairman Collins:** Sure, OK. This is from two separate letters from Ellen and Harold Diamond, both at 17 Calumet. Ms. Diamond writes:

*"Although I am unable to attend the referenced hearing, I wish to register my strong opposition to approval of either of the two variances sought. The variances sought are described in the legal notice of hearing, a copy of which is attached."*

**Chairman Collins:** And Mr. Diamond writes:

*"Although I am unable to attend the referenced hearing, I wish to register my strong opposition to approval of either of the two variances sought. The variances sought are described in the legal notice of hearing, a copy of which is attached."*

**Chairman Collins:** And they're both signed by their respective authors.

I assume that you'd like to adjourn?

**Ms. Griffin:** I would.

**Chairman Collins:** I think that's a good idea.

**Ms. Griffin:** [off-mic] to discuss with the client, and then [off-mic] the neighbors, and then possibly look at other options. But [off-mic] come back next meeting.

**Chairman Collins:** You'd be welcome back. OK, very good. I think that's a good resolution today. Thank you, Ms. Griffin and thanks everybody for coming.

All right, so we are not going to hear our fourth case. That will be tabled for a later date. Why don't we then get to the business of the minutes.

### **Approval of Minutes**

**Regular Meeting, May 22, 2014**

**Chairman Collins:** Anyone have any comments on the minutes? No?

**Boardmember Forbes-Watkins:** Very good. Very good minutes.

**Chairman Collins:** Good minutes? I found a couple of oddities in there that, as I've done the last couple meetings, I forwarded my notes to Deven separately. I found a couple of questionable word choices, but nothing that ...

**Building Inspector Sharma:** Words that were actually spoken?

**Chairman Collins:** Yeah, at one point someone talked about "piers," like the kind of pier you would have off a dock into the ocean, talking about the porch. I couldn't exactly tell what they meant by piers. I don't know what the alternative word would be, but it just seemed like ...

**Building Inspector Sharma:** Piers could be columns, too. Not professional peers.

**Chairman Collins:** No, no, P-I-E-R-S. Maybe that did apply.

**Boardmember Anuszkiewicz:** That could be a word for column?

**Chairman Collins:** OK. Actually, the last case we had there was, for that enclosed porch, there were columns. So maybe it was a fit. I was thinking of that word in a very different context that I couldn't square with Hastings. I think there may have been a couple of other minor ones, but nothing major. As David says, they were good notes. Can I get a motion then?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of May 22, 2014 were approved as presented.

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