

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 11, 2014

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, August 11, 2014 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, Village Attorney Linda Whitehead, Building Inspector Deven Sharma, and Deputy Building Inspector Charles Minozzi, Jr.

Chairman Collins: All right, ladies and gentlemen, good evening and thank you for coming to our rescheduled Zoning Board meeting. We originally scheduled to meet on the 24th of July, but because of some conflicts we had to move it to today. But the docket remains the same. We are absent our fifth Boardmember, who cannot attend because his son is having a birthday. But we do have four. Which means you can get three, and you need to get a majority if there is going to be a vote – a vote in your favor. We will need a majority. But because it's possible that a 2-2 split can happen, you may have the choice, after presenting your case, to adjourn your case 'til the next meeting. It's up to you, and you can decide that after you present, if you like. But we do have enough to deliver a majority vote.

We have three cases on our docket, and why don't we begin. Deven, how are we on the mailings?

Building Inspector Sharma: All the cases are repeats.

Chairman Collins: Well, we had one issue, though, where there were some mailings that had not yet arrived, on Calumet.

Building Inspector Sharma: We confirmed and checked. The mailings are done on time. Whether or not people received them, that's really beyond our control.

Village Attorney Whitehead: It was a post office issue.

Chairman Collins: OK. Well, I think as we noted in that meeting, that was a first-ever occurrence of its kind and, hopefully, we won't encounter that again.

Case No. 10-14
Mackenzie Cadenhead & Daniel J. Buckley
44 Oakdale Drive
(Deferred from June Meeting)

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 the 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 why don't we begin with case 10-14 for Mackenzie Cadenhead and Daniel Buckley, revisiting the proposal for 44 Oakdale Drive. As always, I'll just ask that when you're speaking – and this applies for anyone speaking on behalf of the applicant or anyone else from the audience – just make sure you have a microphone right in front of you, whether it be our portable mic up here that Mr. Koch has, or we've got a standalone mic there on the floor. So if you could introduce yourself, and fire away.

Mitchell Koch, project architect: I am architect for Dan and Mackenzie. We're here ... this is a repeat performance. The last time we were here we had discussed an addition on the eastern side of the property.

Let me set it up like this if I can. On the recommendation of the Zoning Board, we have relocated the addition to the western side of the property, where we're not at least running afoul of our large corner side yard setback. We are significantly back of the front line of the house, but we are seeking a variance for the front yard setback in this case. We're looking for approximately 7-1/2 feet in the front yard. We have been working with this. A lot of the geometry is driven by the fact that the house is so far forward of the 30-yard setback that even if we set it to the rear – understanding that we're trying to avoid the playground area, trying not to block the view from the main part of the house – we're still running into our front yard a little bit, although it's way back. The existing front yard setback is about 10-1/2 feet. We're proposing to go back 22 feet from the front.

You've, I'm sure, seen this but basically it's a very simple form. We're picking up some of this stone cladding of the other side of the house. There's a steeply-pitched roof that we're taking from the other language of the house, and we're doing a mixture of shingles and stone cladding; a connective piece that allows this to stand on its own. Otherwise, it's ultra-simple. It's just a very simple form, with sort of oversized windows front and back. The breezeway area has a patio door to the rear – that's no concern of this body – and some clearstory windows over cubbies so it functions as a mud room.

Chairman Collins: And when you presented this the first time, the purpose for this addition was to serve as a playroom, correct?

Mr. Koch: That is correct. The same thing holds in this case.

Chairman Collins: OK.

Mr. Koch: It's effectively the same project, very much the same shape. It's a little smaller, in fact, than the previous submission. But the spirit of the space and the use of the space is the same. In fact, we're going back with the idea of providing a little window seat in the rear on the sunny south side of it. It's very similar, in fact, to the first submission – just in a new location.

Chairman Collins: Right. And with that location, we've taken off the table the side yard variance request that you needed previously. Is that correct?

Mr. Koch: Exactly.

Chairman Collins: OK. Well, you've certainly addressed one of, I think, the chief concerns from the Board the last time around. Adam, I think you were really driving the push to rethink its location. Do you have any comment on the new proposal?

Boardmember Anuszkiewicz: No, it looks great. Actually, I thought maybe you were going to try to get it to work on the other corner of the house, but I think that works really well. And also, it's nice because actually, I guess, it's near the driveway now so we can add a car. You don't have an entrance to it, but you could get out of the car and go right in there. But I think, actually, you've done a great job.

I'm curious. Is there a reason why you need 22-1/2 feet exactly? Are you trying to achieve some other kind of alignment or something, or is that just where you feel it works best?

Mr. Koch: Are you referring to the setback?

Boardmember Anuszkiewicz: Yeah, setback from ... you're saying it's ...

Mr. Koch: We worked with it. Originally, frankly, we had pushed it further to the back. But our client was concerned that the line of sight from the patio door and the kitchen to the play area – which is in the back, behind the driveway – was being blocked by the corner of the building. So we moved it forward a little bit. I mean, it's just really ...

Boardmember Anuszkiewicz: I can understand that.

Mr. Koch: ... the pragmatic concerns of a Mother.

Chairman Collins: In your drawings there, where's the main entrance to the house?

Mr. Koch: The main entrance to the house is right on Oakdale in the front. This is it right here.

Chairman Collins: I see, OK.

Mr. Koch: This is the front entrance. There is, currently, a secondary entrance here. Now, what we are doing is like moving this [background noise] organize this so we share ... you know, rather than bring the circulation path right through the middle of this family room we would bring it around and into the space that's created specifically to be a connective kind of a breezeway.

Boardmember Anuszkiewicz: I think that works really well.

Mr. Koch: Frankly, I think it's better placement here than on the other side.

Chairman Collins: Yeah, I agree. I think this board and the neighbors certainly acknowledged that it was a handsome design. But I just think its location now is significantly improved.

David, how about you?

Boardmember Forbes-Watkins: I'm just a little puzzled by the 22.5-foot setback and the 22-foot setback. Is this an angle on the building, or is it the road? What is it?

Mr. Koch: The property line is parallel with the front of the house. We've picked up the orientation of the house. That's all there is.

Boardmember Forbes-Watkins: So you're really asking for 8 foot.

Mr. Koch: Twenty-two is ...

Boardmember Forbes-Watkins: You're asking for an 8-foot approval, not 7-1/2.

Mr. Koch: That's correct, you're right. You're absolutely right.

Boardmember Forbes-Watkins: One other thing. See, it's very hard to tell exactly how this works through. I don't have the old drawings. What is next to the proposed mud room in the current house?

Mr. Koch: The dining room.

Boardmember Forbes-Watkins: So the mud room ... you're walking into the mud room and going to the dining room.

Mr. Koch: Correct. The dining room is very informal. It's actually a kitchen; the dining area is within the kitchen. So it's not formal.

Mackenzie Cadenhead, applicant: Can I explain it also? I'm the owner. We essentially would have two mud rooms where we enter from the side. We have a drive here and over there. That's really from ... after school, coming home from work, that's really where we enter. This mud room we're thinking also more as the backyard mud room because we have a dog, we have children playing and getting snowy and wet. This is not connected to the yard because we have a fence. They're kind of two different functional mud rooms. Yeah, it's near the dining room, but then it means we don't have to use the dining room as the mud room, which is what we're using now. So that's sort of the hope with that.

Boardmember Dovell: I think the connection is nice. With this knuckle that you have with the mud room, I think that works really well. And it separates the mass of the new family room. What was the reason why you couldn't slip it back more? Was there an alignment in the back of the house that you were concerned with?

Ms. Cadenhead: You mean the breezeway, or do you mean the actual ...

Boardmember Dovell: There is the mud room, which is the 11-foot wide portion.

Ms. Cadenhead: Right.

Boardmember Dovell: Let's just say that's fixed, for a moment. Was there any reason why the main volume of the addition couldn't be slid back a little more?

Ms. Cadenhead: Yeah, it was twofold. One was, really, if the main family room goes back farther it really cuts the view of where our kids are mainly playing from the dining room, from the kitchen, from that area of the house. And also where a patio hits, you pretty much have that breezeway [off-mic] against where the patio is. And I prefer not to redo the patio in any way. It splits it up [off-mic]. So I asked to put it a little bit closer. Because it also [off-mic]. If it went back farther, it felt like it went back way farther. It looks kind of like this thing tacked on in the back. And this, where the chimney is – because we have a stove in that exterior chimney – it just lined up nicely with that. So that was really [off-mic].

Does that answer your question?

Boardmember Dovell: Yes, that answers it.

Chairman Collins: OK, any other questions or comments from the Board before we open it up? Is there anyone in the audience who wishes to be heard on the case?

Well, I think you've done a really good job. And I appreciate the explanation for why you placed it the way you have. There still is a need for a front yard setback variance here, but there's a reason for it and you've explained that clearly, and certainly to my satisfaction.

The call is yours. Would you like to proceed to a vote?

Ms. Cadenhead: Yes.

Chairman Collins: OK. Can 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 grant the front yard variance – proposed 22 feet/required minimum 30 feet -- for a single story addition at 44 Oakdale Avenue.

Chairman Collins: Your vote's unanimous. Congratulations. Thank you very much. OK, very good.

Case No. 11-14
Jean-Pierre Boudrias & Phaong Sara Ho
21 Calumet Avenue
(Deferred from June Meeting)

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 the 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 nonconformity - side yard: minimum on one side and total of two sides:: existing and proposed – 4.5 feet and 29.1 feet; required minimum - 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: Again, apologies if I mispronounced any names.

We heard a first pass at this case in our last meeting, and we did receive some revised drawings. I know, Ms. Griffin, there was talk about meeting with some of the neighbors to take them through the design in lieu of the mailings not having reached everybody prior to our last meeting. So if we can equip you with a microphone and whatever other technology you need, we'll get underway.

Village Attorney Whitehead: Can you just pull the easel out a little? Thank you, could have left it. Everybody could have seen it.

Chairman Collins: Yeah, you missed our debut the last time around. One of the things that worked well, while we're getting set up here, is your use of the mouse as a pointer.

Village Attorney Whitehead: Both sides.

Chairman Collins: That way, everybody knows exactly what you're referring to on the screen. So I'll ask you to repeat that again.

Christina Griffin, project architect: Can you see?

Chairman Collins: It's coming to life. There we go. You're live.

Ms. Griffin: I'm the architect for the extension.

Building Inspector Sharma: Is the microphone turned on, Christina?

Ms. Griffin: Yes. I'm the architect for this extension renovation of a single-family home. The house is about 2,400 square feet right now. I don't know if you were all at the last meeting, but we're planning to add a second-floor extension plus a one-story addition on the first floor. Can you see everything?

Chairman Collins: I think very clearly. Yeah, the size is right. Can everybody in the audience see OK? All right, good.

Ms. Griffin: I think I'll stand right here because I need to see.

Chairman Collins: Can you guys see OK? Do you need to be tilted a little bit your way?

Boardmember Anuszkiewicz: No, it's fine.

Building Inspector Sharma: One correction, Christina. It'll be a three-story addition and not the two-story addition.

Ms. Griffin: First of all, I'll explain one thing. I'm pointing at a two-story addition right here. This is an extension to the second floor of the house. That second-floor of the house, if you follow the arrows right here, what we want to do is add a fourth bedroom. We also want to add a one-story addition which will allow us to put a fully-compliant staircase from the first floor to the basement, and that's on the right. Both of these additions will need a side yard variance. The staircase is aligning with the existing wall of the house, and it's only 4.5 feet from the property line. The second-floor addition is 8.8 feet from the property line, and we need 12 feet.

We're also asking for a variance because, according to the Hastings code, if more than half of the basement is above the average grade elevation around the house then it's considered a story. We provided average grade calculations, which are over here, and we did not have that with us last time. I just want to see if I can blow this up. Our calculations told us that we are 0.33 feet lower than the half-height of the basement above average grade, which is

triggering the requirement that we are calling the basement a story. But that's only 4 inches. So just barely, by doing these calculations, the basement in the back – because of the drop in grade of about a story – we end up just at the back of the house. This part of the house is actually considered a story because more than half the grade is above the average grade around the house.

Chairman Collins: Deven, does that number square with your conclusion, as well?

Building Inspector Sharma: Yeah.

Chairman Collins: Because I seem to recall from our last discussion that we felt this wasn't going to even be close. That so much of that basement was above grade that there really wouldn't be much margin to speak of. Or, you know, it would be significantly above. It seems like it's actually much closer.

Building Inspector Sharma: Yeah, we went back and forth with Christina and Linda, and we did finally establish – from the looks of it, from the calculations empirically – certainly that portion, if we add a story on it, will be a three-story structure. Which has building code implications as well as zoning, in terms of the zoning code permits 2-1/2 stories. If it's anything more than half, then it's a third story so they need a variance for that, as well.

Chairman Collins: Right. We'll get to this, I know, so I don't want to jump too far ahead. But the height of the building, the overall structure, is not changing, correct?

Building Inspector Sharma: In terms of feet, no.

Ms. Griffin: In fact, the top of the ridge of the extension is lower than the top of the ridge of the existing. I just wanted to explain how we do these average grade elevations and do the average grade around each wall of the house. And then we find out ... we calculate the average. This is our average grade elevation. The basement elevation we've assumed is zero and the average grade 3.76 feet. Half the basement is 4.09, which is actually 0.33 feet, which is 4 inches above where we now are triggering that. We have more than half the basement above average grade.

I did this exercise based on elevation points we took around the building. But the reality is, we could slightly shift the grades and probably meet the requirement of being less than half above the average grade. But I think I want to just show you some of the photographs because at the front of the house the grade is just below the first floor. Then at the back of the house we're way down, just below the basement level.

This is our site plan. We're asking for a side yard variance to allow us to build this one-story structure from the stair to the second-floor extension; a variance because we have now created a three-story structure in the back. We met with the neighbors ...

Chairman Collins: Are you seeing this dialogue screen?

Boardmember Anuszkiewicz: You can hit "close."

Chairman Collins: If you're seeing that, close that out.

Boardmember Anuszkiewicz: Just have it in the middle of the screen.

Chairman Collins: I'm guessing you're not seeing it. Buddy, can you give her a hand?

Deputy Building Inspector Minozzi: "Please select 'run' to start smart hub now." She's not seeing that.

Village Attorney Whitehead: OK, move the mouse, Buddy, when you're on it. I think the bottom line is that it technically is a third story, but barely.

Chairman Collins: I think that's relevant.

Boardmember Anuszkiewicz: We're seeing what it is.

Chairman Collins: And I think that it's relevant that the height of the building has not changed, they're not going up. It is appropriate to call what's happening here a third story, but it is ...

Village Attorney Whitehead: Barely meets that definition.

Chairman Collins: Just barely meets that. That's a good way of putting it.

Building Inspector Sharma: Permitted height is 35 feet above grade. Last time, they had a terrace on the roof. Now they have a sloping roof so that wedge height of the structure may have gone up a little bit. But it's still less than 35 feet, I would assume.

Ms. Griffin: Yes. We have 35 feet from the grade to align parallel with the grade. It's above our roofline so you need the height restriction.

Village Attorney Whitehead: So it complies with the height in feet.

Ms. Griffin: Yes. I want to show you the south elevation because you can see that this is our second-floor extension right here and this roof is still way below the peak of the old house. Yet this is considered three stories because of that calculation. Then the front of the house, it looks like a two-story house. In the back it looks like a three-story.

Chairman Collins: Right. And that's relevant, as well. Where it's placed, I think, matters.

Ms. Griffin: Yes. I want to just remind the Board that the entire house is pushed against the property line. That's our hardship in trying to extend a fairly small home so they can have some more livable space. In fact, this addition – the bedroom addition – is 432 square feet. So we add that to the existing square footage and it's about 2,400 square feet. We're still only going to have a house that's 2,880 square feet.

But we also have about 200 square feet in this little dormer up on the third floor. Even though this dormer is a story above our second-floor extension, it meets the Hastings requirements for a half-story because it's less than half the area of the second floor, which is below.

Village Attorney Whitehead: A lot of technicalities here.

Village Attorney Whitehead: Christina, could you maybe walk through the changes that were made?

Chairman Collins: Yeah, we'll get to that as soon as the microphone has been restored. I think it would also be good – especially since Ray was not here the first time – to explain why it is that these improvements are needed in the first place. What benefit are you hoping to achieve as a result of implementation this?

Ms. Griffin: Well, the most important improvement is that we're trying to eliminate a difficult problem with the staircase going from the first floor to the basement. Even though there are actually two stairs right now, there's a stair to the basement – and I have some photographs that I showed last time, I have them with me again – that is very steep, and the doorway is less than 30 inches. It doesn't meet code, and that's the staircase here. The previous owner probably built another staircase, and that one is here. It has winders and is actually not much better than this stair. It's also very steep and doesn't meet code; it's not even 3 feet wide.

So what we'd like to do is put a normal staircase here. Plus, the staircase we're taking out is running perpendicular to the one we're showing here. It blocks an opening between the two

basements. Right now, the only way to get from one basement to the other is to go outside this door and then back in the other door. It's a very odd arrangement, so we really want to improve that. We're showing a new staircase here. We're only putting the staircase in because we feel it needs to be there in order for it to really tie the upper level with the lower level with a comfortable staircase.

We're also planning to renovate the kitchen and this dining area. This is existing right now, and this is our new staircase, where the arrow is, going down to the basement. The most important space we would like to add, and that we need a variance for, is the fourth bedroom. This is the master bedroom. They have two children now, and they would like to have this bedroom here – which is the current master – as a playroom. It's a small house with one bathroom, three bedrooms. So they'd like to have a master bath and a master bedroom with more closet space. Almost all the closets are about 2-1/2 or 3 feet wide. The kind of space we're adding is not very large. It's only 432 square feet. You can see, the bedroom space is actually not even as large as the original master bedroom.

Now, the changes we made from the last meeting are as follows. We've decided to eliminate the roof deck. We now have a pitched roof here, and that roof is going to be minimally pitched to 4-and-12 to keep the height of the roof down. We've also taken the dormer up at the attic level and we've shifted it over. We've done that for a few reasons: so that the entire addition won't look so tall; and also by pushing it over to the south, we were able to have a sloping roof connect with the existing roof.

These are our elevations. This is the original house with the existing porch. This is the attic dormer that we are going to ... we're actually rebuilding. There's already an existing dormer there, and we're rebuilding it because it's in terrible shape, falling apart. They may finish this as a little extra space in the house. This is our second-floor extension here. We have porches and decks to help soften the height of this addition. Then on the rear of the house, instead of the roof deck we had we now have a gable roof that's actually 4-and-12. Then we have a steeper pitch just on the ends, kind of like a Dutch colonial treatment, just to give us a softer roofline and replicate the 8-and-12 slope that the original house has. This is our new dormer. I don't know if you can see a dash. There's an existing dormer that's slightly smaller, and we're going to rebuild this one.

I can show you the previous addition. I have it with me. I also want to point out that this is our 4-foot extension for the staircase going through the first floor and the basement, this is the other elevation that will be on the side, and this is the dormer beyond. We reviewed these plans with the neighbor most affected, walked around the house and spent some time together. We actually discussed the different options with them and finally came to the conclusion that if we could come up with an addition that had a softer roofline, and we

eliminated the boxy look of that roof deck, that it would be more in harmony with the house and with this whole context here.

This is the existing part of the house that we're adding a second floor to. This is the old dormer we're changing. This is the side of the house where we're putting the stair to the basement. This is just for someone who may not have been here last time. It shows the condition of the stair. We have almost 9 inches of riser of the existing stair to the basement at one of the stairs. And then the other stair has winders that come to a point, and it's only 30 inches wide. Plus, it actually blocks anybody having access from one basement to the other.

These are the drawings I brought last time. We had planned to put a roof deck above with the dormer aligned with the roof deck, which gave the impression that this was very tall. We have not changed the sides of the second-floor addition. This is our elevation previously. We have a roof deck.

Going back to our revised scheme, we actually also took a look at a design that would meet the 12-foot setback. For the 3.2 feet we needed to make the 12-foot setback, we would have to stagger this addition over the floor below. We just felt aesthetically it looked very awkward. Going back, this is our extension. We actually walked around with the neighbors and explained why we want to put this addition onto the house. I think they understood there really weren't very many options if we wanted to add a bedroom to the house.

Chairman Collins: Yeah. Well, I compliment you on the redesign and the steps you took to acclimate the neighborhood to the redesign. I think it's a more handsome design and it addresses the concerns; by the way, none of which were, I think, directed at the stairs. I think everyone recognized that the stairs needed to be changed. They just happened to be in a spot where you don't have a lot of elbow room. So the degree of variance required to accommodate those stairs we felt was understandable. We were sympathetic to that. The decision to relocate the dormer to eliminate the deck, I think, has resulted in a superior design and addressed the concerns about the massing that otherwise were there.

So I'm very satisfied with this. I also appreciate the extent to which you've walked us through the necessity for this structure. That's really important that we establish that for the record.

Adam, again, you had a lot of comments on this from a design perspective.

Boardmember Anuskiewicz: Well, the first question is, last time we had a problem with the mailings. Did everybody get the mailings this time?

Chairman Collins: I guess we'll find that out. We did confirm that they were sent. They were mailed out, and we'll wait to hear if there is anyone here to speak on behalf of the case from the Village's standpoint and the applicant's standpoint. The requirement was met, and I'm glad they went to the extent they did to invite the neighbors in for the design.

Building Inspector Sharma: The only thing we can do is check and confirm that the mailings were done at the time they were supposed to. What happens after the mailings have been done is, a lot of times, beyond anybody's control.

Boardmember Anuszkiewicz: But you met with the neighbors right to the north?

Ms. Griffin: Yes, the ones more directly affected. I think the owners also spoke to some neighbors. I don't know if you spoke to some of the neighbors on the other side. They're not really affected, though.

Building Inspector Sharma: Keep the microphone.

Ms. Griffin: Yes, OK.

Building Inspector Sharma: Please, thanks.

Boardmember Anuszkiewicz: I think the neighbors directly to the north would be impacted only because they're facing that elevation.

Ms. Griffin: They're the neighbors we met with, directly to the north, yes.

Boardmember Anuszkiewicz: Yeah, OK. But architecturally, I think it's a big improvement. I wouldn't object to it. The reason I just wanted to be sure about the neighbors is because I think last time ... I think even last time the neighbors were sympathetic. But they were all just kind of surprised because they were so caught off guard. I just wanted to be sure they were involved this time around, but it sounds like they have been.

I think you've done a great job with it. It's a three-story addition but, as you pointed out, only barely. And even still, with a pitched roof, it's detailed more like a 2-1/2 story addition, which would be permitted. I think you've done a lot to try to make it fit in. And it's on the back of the house so it's not really an issue along the street. I think it's more of an issue for the neighbors, and if you worked with them and they're satisfied it seems fine.

Chairman Collins: David?

Boardmember Forbes-Watkins: I have nothing of substance. It's a very interesting plan, very interesting. I like it.

Chairman Collins: I do, too. Ray, what do you think?

Boardmember Dovell: The elevations give the impression of a much bigger house. But when you begin to look at it, it's actually very modest on the inside. I think the way the stairs have been solved is quite creative, and I think it's really nice the way that's been solved. I personally miss the balcony in the back, or miss the terrace at the roof. But that's just a personal observation.

I think it's very nicely worked out and I think it's also very nicely presented.

Chairman Collins: All right, thank you. Anyone from the audience care to be heard on this case? OK.

Would you like to proceed to a vote? OK. May I get a motion?

Boardmember Forbes-Watkins: Are there any changes in the dimensions on this versus the previous?

Building Inspector Sharma: No, the side setbacks are the same.

Boardmember Forbes-Watkins: OK. Building height, number of stories?

Building Inspector Sharma: The building height in terms of stories is still the same. See, building height is in feet, not the number of stories. But that still remains the same.

Village Attorney Whitehead: It's the stories.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor, the Board resolved to grant the following variances related to the additions and alterations at 21 Calumet Avenue: 1) For the extension of a non-conformity – side yard: minimum on one side and total of two sides: 4.5 feet and 29.1 feet; and 2) for building height – number of stories: addition of a third story on an existing two story portion of the house.

Chairman Collins: The vote's unanimous. Congratulations. Thank you very much.

Ms. Griffin: Thank you.

Chairman Collins: Thanks, Raf. Does that end the high-tech portion of the show?

[laughter]

Village Attorney Whitehead: It does.

Chairman Collins: I'm just saying I really, really like that. Helps to see it on the big screen. Much easier than the easel. We'll just give a second for our technology to slide out of the way.

Case No. 12-14
Kristin & Daniel Wyatt
7 Edmarth Place
(May be Deferred Pending Action by Planning Board)
Relief from the strict application of code sections 295-55.A.; 295-70.E.(3)(a)[1]
& [2] and 295-70.E.(1) (c) as for the addition and alterations to
their home at 7 Edmarth Place.
Said property is located in the R2 zoning district and is known as
SBL: 4.30-20-21 on the Village Tax Maps.

Variations sought are as follows:

- 1. Total of two side yards: proposed for the addition – 19.67 feet; required minimum 20 feet {295-70.E.(1)(c)}.**
- 2. Extension of existing nonconformity lot coverage: existing – 37.18%; proposed – 37.75%; permitted maximum – 30% {295-55.A. and 295-70.E.(3)(a)[1]}**
- 3. Extension of existing nonconformity - development coverage: existing – 48.08%; proposed – 49.37%; permitted maximum – 40% {295-55.A. and 95-70.E.(3)(a)[2]}.**

Chairman Collins: Our final case for this evening is Case 12-14, Kristin and Daniel Wyatt, 7 Edmarth, for three variations for their proposal: the side yards; extension of an existing nonconformity for the lot coverage; and an extension of existing nonconformity for the development coverage. We'll get into those details, I'm sure, as we get to the proposal.

As always, if you could just introduce yourself into the microphone, please, we'll let you begin.

Steve Tilly, principal - Stephen Tilly Architect: Sure. Good evening. I'm here with Kristin and Danny Wyatt, who are the clients, my colleague, Jonathan Walko, and Deepa Parthasarathy, who worked on the project. The Wyatts, I'm sure, would actually rather be back home in the house that they'd lived in for only a very short period of time before an improperly installed chimney burned them out of their house. So they're now living in temporary quarters. And since the house has to be gutted for a variety of reasons, this is the one moment when we can look at small, incremental improvements for their growing family which would allow space for the three children – the new baby and the two older boys.

We said, OK, let's look at what's possible. Now, the house predates zoning so it's now in what is a 7,500 square foot zone. And the lot, of course, is a little better than half – 3,800-and-change square feet. So most of the existing house, or a great deal of the existing house, is nonconforming; preexisting, nonconforming condition. We are not proposing anything that moves closer to the property line than anything that exists on the house at this moment. But because it's preexisting, nonconforming and it's a postage-stamp lot, we have a small, incremental increase of less than a percent in coverage. And with the proposed additions in the corner, we are closer, as is the rest of the house, to the property line than is now required under zoning.

The proposal is a two-story addition on top of an existing footprint, with the northwest corner filled in – which is the corner that is furthest away from any neighbor. And, in fact, the original proposal for an infill at the northeast corner was adjusted by Danny and Kristin to move it to the northwest corner just to avoid any increment closer to Ms. Schnibbe to the east. This is basically facing nobody; it's facing the other side of the river, as it were.

Essentially that's it as far as the zoning issues that are in front of you. I would submit that it meets the various tests that apply, which is that this preexisting lot is not something they chose, and the setbacks we're not extending beyond the footprint of the existing building. We're not increasing, in that sense, the nonconformity, even though we are building in an area that is within a side yard.

Chairman Collins: Thank you. I should also mention that this case is here for us for view preservation, correct?

Building Inspector Sharma: We'll mention that was something that was missing from the agenda. But it was duly noticed.

Chairman Collins: OK. Mr. Tilly, can you walk the Board through the functional improvements that are being made to the home and their relevance to the variances that are being requested?

Mr. Tilly: OK. Actually, since Jonathan is standing next to the drawing I'm going to let him walk you through it.

Jonathan Walko, Stephen Tilly Architect: The functional improvements on the first floor are to kind of square off the kitchen area because it's a little bit of a disjointed kitchen. It's a little broken up. On the second floor, it allows us to have a much larger bathroom with a much larger shower. It's a growing family – three boys, and two boys are 11 and nine.

Daniel Wyatt, applicant: Eleven and eight, soon to be nine.

Mr. Wyatt: Soon to be nine ... and growing. So we thought the bigger shower would help.

For the view preservation on the third floor, where the boys mostly spend their time, this is a bathroom of greater height than the existing bathroom they have currently. And a little addition to the bedroom on the third floor, or the attic floor, and the addition of two skylights. So this is a relatively small dormer we're putting on the back of the building, with clipped corners on either side. We stay back from the edge of the existing building.

Chairman Collins: So you've got an increased kitchen on the first floor.

Mr. Walko: Yeah.

Chairman Collins: What's the overall size of the increase?

Mr. Walko: It's 12.65 square feet.

Chairman Collins: OK. And did I hear you say just over a larger bathroom, or a larger shower, in particular?

Mr. Walko: A larger bathroom and shower. That addition is the second floor addition, which doesn't exist now. That's 93.23. It also adds a little bit to the son's bedroom over here, storage space. So that's 93.23 on the second floor.

Chairman Collins: How big is the bathroom currently?

Mr. Walko: Just a slot right here. Actually, it stops right here. It's about this big right now.

It has a single sink, single shower.

Chairman Collins: Is this the only full bath in the house?

Mr. Walko: No, we're proposing the one in the attic also.

Chairman Collins: Right, OK. Then the attic add-on is an all-new bath?

Mr. Walko: Well, it's just a dormer. We're not increasing the floor area in the attic level.

Chairman Collins: You're increasing the height.

Mr. Walko: Just the height on the back of the house.

Chairman Collins: And how high is it now?

Mr. Walko: In that location, it actually comes straight down to the plate, so at the wall – at this wall right here – it's 3 foot 2. So we're actually just adding this area right here at a full height to come up to 7 foot 2.

Chairman Collins: OK.

Mr. Walko: The bathroom, you can't really even stand in the shower.

Chairman Collins: That's what I was getting at.

Mr. Walko: The existing is over in this area. I could probably stand, but the boys ...

[laughter]

Chairman Collins: So the overall, then, we were at approximately 105 square feet add-on for the 12 on the first floor, the 95 on the second, and ...

Mr. Walko: We have a foundation in the basement so it's 118-point-something.

Chairman Collins: OK. So this is a very modest square footage increase to the overall size of the home on the inside.

Why don't you walk us through the impact on the view. And I'd like for you to, again, orient us around the specific enhancements to the structure and their impact on the view. And also

walk us through the lengths to which you have gone to minimize the impact on the neighbors' view of the river.

Mr. Walko: Sure. As Steve had mentioned early on, we started with an addition on the east side of the house. We talked to Ms. Schnibbe and some of the other neighbors, and realized that might have some impact on their houses. So what we did is, we pushed the addition to the other side of the house, made it smaller – decreased it by quite a bit – so it really has no impact on anybody to the east of the residence. We had taken some photos around, and there's really not much of an impact. The dormer on the third floor is where we had some of the questions.

Chairman Collins: Right.

Mr. Walko: What we did, we started with a larger dormer, like I said. We cut it back, and then we clipped it. So instead of having flat ... we also did a mockup. We had a contractor go up on the roof and perform a mockup, and then we kind of rendered it. It was a little dangerous getting up there because of the fire damage.

At this point, we heard the neighbors' concerns. What we did is, we tried to push back to dormer. So we clipped it.

Chairman Collins: Is this from the attic window of the neighbor to the east?

Mr. Walko: To the east. From the third-floor window of 5 Edmarth.

Chairman Collins: All right.

Mr. Tilly: I'll just say that I've been doing these view preservation things in Hastings for about 25 years, including much bigger projects. But this one, we spent two months. This was the most extensive view preservation kind of exercise that we've been through because we were concerned. We did the mockup, and I think made several steps of accommodations to try to get this to be what meets that statute, which is the minimal obstruction possible.

Chairman Collins: Right.

Mr. Walko: One of the concerns was the flat wall of the dormer from 5 Edmarth. What we did is, we tried to push the dormer back, clip the corners. From our photo, our rendered photo, it looks like it opened up the view a bit more to the Hudson. That's kind of what our current submission is.

Chairman Collins: If I see that as a triangle – that shape from ... is it 5 Edmarth that I'm looking at, the attic?

Mr. Walko: Right.

Chairman Collins: I don't know what the area of that triangle is, but it got a lot smaller. It may be half of what it was before in terms of the area of the triangle. I mean, in the wintertime, with that tree without leaves, there's no question there'd be some more impact on the view. But I can see why this new design results in a substantially reduced impact, and still achieves what the applicant seeks, which is head clearance for that space.

Mr. Walko: Yes. We thought it was a nice compromise.

Building Inspector Sharma: Do any of the pictures show the view of the Palisades and the river? Not the views of the sky, but the views of the Palisades and the river.

Mr. Walko: Right here. That's the river right there, and that's the Palisades.

Building Inspector Sharma: Oh, I see. So looking at mockup, it does seem to affect the views of the Palisades and the river, as well.

Chairman Collins: But I can also see that, again, the season here impacts our perception. That looks like a tree that'll shed its leaves. And in the wintertime, my guess is that there will be some sliver of river or Palisades or both that would be lost as a result of this and still would be impacted, although the extent of that impact, unquestionably, has come down significantly. And I'll ask it because I think we have to: there is no other way to achieve the benefit here other than through this solution?

Mr. Tilly: Not that we could see. Essentially, the third floor – in this small footprint house – is pretty important for the family to have sleeping quarters. And a second bathroom is becoming almost mandatory.

Chairman Collins: Yeah, I understand. Gentlemen?

Village Attorney Whitehead: I do want to point out that you have the Planning Board recommendation.

Chairman Collins: Yeah, the Planning Board ... our attorney informs me, or reminds me, the Planning Board did recommend approval, a view preservation approval, for this project. And I visited the property today and got a good walkthrough. Let me also just extend my

sympathies to the applicant for all the trauma that you've been through. I hope we can bring this to a swift resolution for you.

Who would like to ask questions? David?

Boardmember Forbes-Watkins: The only question I have is, clearly, the reduced dormer with the angle is a great enhancement to the view preservation situation. Is there any logic to changing the angle a little more? Shortening the total uplift?

Mr. Tilly: I think already we've lost a significant amount of square footage by doing that chamfer. So we went to a nominal angle that will support shingles. If we start getting too shallow, then we have to go to some other kind of roofing system.

Boardmember Forbes-Watkins: Which changes your entire plan.

Chairman Collins: Ray, do you have anything?

Boardmember Dovell: From a planning point of view, I think it's all very modest. And I think it's really minimal, it fits the definition of a minimal variance. I think the dormer situation is a little too bad. I see how you've really tortured this thing to get it to have a minimal impact, but I think I prefer the original dormer. Notwithstanding that, I think this is very sensitive to the view preservation issue. But I don't think it's an improvement to the architecture, unfortunately.

Chairman Collins: Adam, anything?

Boardmember Anuszkiewicz: I have to say that it's really in the spirit of view preservation. And I think you're probably doing more than you need to. The view that's being obstructed here, to me, is quite minimal even in the first scheme, so I couldn't possibly object to what you've done on the second scheme. I think it's fine.

Mr. Tilly: Life is a process.

Village Attorney Whitehead: It's actually the third scheme.

Boardmember Anuszkiewicz: The third scheme, or whatever scheme we're at. I think the floor plan still works, and I think what they're requesting functionally on the third floor is completely reasonable.

Chairman Collins: I agree. And I think it's important to establish that the applicant seeks a benefit here that's clearly defined. The variances requested have been minimized in a way to meet those benefits. It's really important that we establish that. These are modest incursions, when you consider – as you put it, Mr. Tilly – a lot that is already misbehaving in many ways for your purposes.

I agree with my fellow Boardmembers. I think this is a very smart design, and one that has been crafted in a way to accommodate understandable concerns by the neighborhood. With that as a segue perhaps, I'll invite anyone from the audience who wishes to be heard on this matter to come forward. If you do, just make sure you've got a microphone and that you introduce yourself by name please. And also, it'd be helpful to let us know where you live.

Jean Schnibbe, 5 Edmarth Place: I have a concern just from ...

Chairman Collins: Where's that portable mic?

Village Attorney Whitehead: Just so everybody knows, the pictures are from Ms. Schnibbe's third floor attic.

Ms. Schnibbe: Right. Their pictures. This picture is from my window of the third floor. It's a little different angle, it's directly across. This is more of a panoramic view so there is a little bit of a difference. I'm just concerned on the length, also, besides the height. I know it's been tipped in. Really, the design looks very well. Just a little more concerned about how that is going to project out, foot-wise. It's very unclear of the size.

Chairman Collins: The size is unclear to you, at this point, of the projection?

Ms. Schnibbe: Yeah. Even with the triangle, the size itself and the length.

Chairman Collins: OK, that's good feedback. Mr. Tilly, have you seen this photograph before?

Mr. Tilly: Yes.

Chairman Collins: OK.

Ms. Schnibbe: The photographs were all submitted to the Planning Board.

Mr. Tilly: That was part of the ...

Village Attorney Whitehead: I think you also ... just for the record, I think you also have an e-mail letter from Ms. Schnibbe.

Ms. Schnibbe: Yes, I did.

Chairman Collins: Yeah, we do. With this as a reference point, do you have any way of being able to help here imagine what this impact would be? I mean, this is how Jean sees her view from her perspective. Is there a way of being able to help guide her to answer her question about the size and impact?

Mr. Tilly: Well, I mean, we think the view is broader than that. That yes, if you look directly ... and these houses are lined up. They were, I think, probably a development at that time. So if you look out a window, if you're further away from the river and you look straight, you're looking right at the other house. So to the extent that you're looking out that window at your view, that view that we photographed when we were finally up there is a broader view than what is depicted in that photograph. So I think that ...

Chairman Collins: I think that's right. I think that's clear, and I'm assuming you don't disagree that the view ... there is a substantial view to the north, for example, that you also have. This picture doesn't capture that. I think the question, for this portion, I'm pointing at the portion of the river that is closest to the roofline.

Ms. Schnibbe: Right.

Chairman Collins: How much of this portion of the river view will be obstructed by this new construction.

Mr. Tilly: Yeah. I mean, I believe that there will be some obstruction of the view. There's no question about that. The statute says that in achieving the benefits, in this case, of an as-of-right improvement, one should take into account the minimum obstruction. Which means evaluate alternatives. It was generally drafted for site planning purposes, really, that piece of the statute. It wasn't drafted really with an aim towards dormers. But it's understandable because we're all jealous of our river views, absolutely. That's why we took the step of mocking it up, and then modifying it in several steps, to both shorten it and then cut down the angle.

I think any less than this, it doesn't make any sense to do the dormer to achieve the benefit.

Boardmember Forbes-Watkins: Where is the mockup on this picture? When was this picture taken?

Village Attorney Whitehead: Before.

Chairman Collins: This has been taken by the neighbor, not by the architect.

Village Attorney Whitehead: Before the right angle was put in.

Boardmember Forbes-Watkins: Right. So did you take a picture of the mockup so that we would be able to see ...

Ms. Schnibbe: The Planning Board has all those photos.

Boardmember Forbes-Watkins: ... how it fit?

Mr. Tilly: The Planning Board ... again, it was a two-month process.

Boardmember Forbes-Watkins: I'm not asking if you took a picture. I'm asking the neighbor.

Mr. Tilly: Oh, yeah, yeah.

Ms. Schnibbe: Yeah, the Planning Board does have a picture in their file of the triangle. I thought maybe it could just be moved a little further.

Chairman Collins: I think what you're hearing from the applicant is that it can't be moved in without creating a substantial burden on the applicant. In this case, having to completely redo the roofing, perhaps, in order to accommodate a structure that can't really be made to accommodate the current roof. So the balancing act that the Planning Board did before us, and that we're doing here, is if we submit this portion of the river view – some portion of this area of the river view, sorry David – is obstructed. But that in doing so is the minimal amount of obstruction that can be done to achieve the benefit, knowing that there's a substantial north river view that remains. Does that meet the requirement.

While I'm sympathetic to your perspective, I tend to think that this applicant has established that they've gone as far as they can go to achieve the benefit that they are very reasonably, I think, rightfully trying to secure. And while I wouldn't say we're jealous of the river views, we're protective of them. I think, in this case, we're protecting a substantial amount of that river view and giving the applicant the utility that they require with a growing family.

Ms. Schnibbe: And what's the size of the new existing dormer? Is it still 19 feet across?

Seems to be large. Is it 19? That's what it was proposed at.

Mr. Walko: We lopped 3 feet off. It's now 16 feet across at the top. And at the bottom, it's still the 19 but it's kind of veering away. So we have lopped a foot-and-a-half off on either side, after pushing it in and starting 0.2 feet from the end.

Chairman Collins: Thank you. Does anyone else wish to be heard on the case? OK.

Mr. Tilly, would you like to proceed to a vote?

Mr. Tilly: Yes. Actually, it's Danny and Kristin's call.

Chairman Collins: OK. Can I get a motion?

Building Inspector Sharma: These requested variances are the same.

Boardmember Forbes-Watkins: This is the correct north effect? OK. I'm going to make two motions. The first motion has to do with the variances.

On MOTION of Boardmember Forbes-Watkins, SECONDED Boardmember Anuszkiewicz by with a voice vote of all in favor, the Board resolved to grant the following variances related to the addition and alterations to 7 Edmarth Place: 1) For the total of two side yards – 19.67 feet; 2) for the extension of existing non-conformity – lot coverage – 37.75%; and 3) for the extension of existing non-conformity – development coverage – 49.37%.

Chairman Collins: The motion passes unanimously.

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Anuszkiewicz with a voice vote of all in favor, the Board resolved to approve the additions and alterations at 7 Edmarth Place per the plans dated July 31, 2014, as they relate to view preservation.

Chairman Collins: The vote is once again unanimous. Congratulations. The best of luck to you.

Mr. Tilly: Thanks, very much.

Chairman Collins: Thank you very much. Thank you all for coming.

OK, that concludes our docket. It leaves us just the matter of the minutes.

APPROVAL OF MINUTES

Regular Meeting of June 19, 2014

Chairman Collins: Deven, once again I e-mailed my comments for the minutes. They're in good shape from my perspective. Just some minor changes to suggest, but otherwise I thought they were very accurate. Just a couple word omissions here and there.

Building Inspector Sharma: Anyone else have any comments on it?

Village Attorney Whitehead: Did a good job.

Chairman Collins: Ladies and gentlemen, I'm sorry we're still in meeting. Thank you.

Boardmember Forbes-Watkins: I have three minor adjustments, which I will give to Deven. It's not worth talking about.

Chairman Collins: OK, any other comments on the minutes? Ray, did you have anything on the minutes? You weren't there.

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 June 19, 2014 were approved as amended.

ANNOUNCEMENTS

Next Meeting Date – September 11, 2014

ADJOURNMENT