

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 28, 2016**

A Regular Meeting was held by the Zoning Board of Appeals on Thursday, April 28, 2016 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Chairman Matthew Collins, Boardmember David Forbes-Watkins, Boardmember Sean Hayes, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

**Chairman Collins:** Welcome everybody to our April 28 Zoning Board of Appeals meeting. We have just one case on our docket, Case 06-16. Emily Wardwell and Nicholas Dodziuk – if I get the names wrong I apologize, thank you – for view preservation approval as well as a front yard variance approval for the addition of a front stoop and stairs at 357 Warburton Avenue. We'll get underway in a minute.

Buddy, how are we on the mailings?

**Building Inspector Minozzi:** Well, I've been informed that our mailings are correct and in order.

**Chairman Collins:** All right, very good.

**Case No. 06-16  
Emily Wardwell & Nicholas Dodziuk  
357 Warburton Avenue**

**View Preservation approval as required under section 295-82 and relief from the strict application of Section 295-69.F.(1)(a) of the Village Code for the addition of a covered front stoop and stairs on their two-family dwelling at 357 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-93-11 on the Village Tax Maps.**

**Variance is sought for nonconformity of the front yard setback:**

**Front Yard: Existing – approximately 20 feet;**

**Proposed for the stoop & stairs – approximately 12.83 feet;**

**Required minimum - 25 feet {295-69.F.(1)(a)};**

**Variance required - 12.17 feet.**

**Chairman Collins:** We'll go ahead and have you present your project. Just make sure, at all times, you're speaking into a microphone. We have one station there and a handheld, whatever is easier for you. Do you have the handheld?

**Building Inspector Minozzi:** Here you go. Just make sure you talk into the mic.

**Chairman Collins:** Then if you would begin by just introducing yourself. We've got a remote transcriptionist who will be capturing the minutes for the meeting.

**Nicholas Dodziuk, applicant:** Excellent. I have an extra copy of the plans.

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

**Building Inspector Minozzi:** OK. Just make sure you talk into the mic because they won't pick it up.

**Village Attorney Whitehead:** Either mic.

**Mr. Dodziuk:** Good evening. Along with my wife, Emily Wardwell, we are the owners of 357 Warburton Avenue. Thank you for meeting tonight and for considering this application regarding the variance on the front of our house.

I guess a quick summary, or perhaps it's helpful to give little background to how and why we're requesting this. We bought the house a little less than two years ago. In the inspection, it was noted that the stairs were in disrepair and would have to be addressed at some point.

**Chairman Collins:** These are the front stairs to the house?

**Mr. Dodziuk:** The front stairs to the house, right. Very quickly we discovered that there was a lot of water damage that was happening in between the stairs and the lower level. We actually had to pull out all the drywall from the basement. We have not done anything to address that – or finish the basement or anything like that – because we haven't addressed the main issue, which is preventing more water from entering that area.

In addition, having lived there, at this point I'm pretty concerned about the safety. The front stairs are not covered so in the winter it gets very slippery. In addition to the stone being sort of all messed up and kind of falling off, it kind of makes for, I guess, a dangerous situation. It's a multi-family, so we have a tenant. I'm also open to the liability not only to my own family's safety, but to any liability that would happen to the tenant or any of his visitors. So this is stuff I really want to address quickly, and this is our first opportunity we've been able

to actually go forth with it.

**Building Inspector Minozzi:** For the record, it's not a multi-family, it's a two-family.

**Mr. Dodziuk:** Oh, two-family, I'm sorry.

**Village Attorney Whitehead:** There's a difference.

**Building Inspector Minozzi:** For the record.

**Chairman Collins:** No, that's good. Thank you.

**Mr. Dodziuk:** I apologize that our architect is unavailable to speak to this. So I'm doing my best and perhaps I don't know all the technical ...

**Chairman Collins:** You're doing great so far.

**Building Inspector Minozzi:** That's OK, no problem.

**Mr. Dodziuk:** I think that's a little bit of the history that drove us and what we're trying to accomplish, or at least that got to us. We enlisted a local architect, Mike Jacobs, to sort of make it sympathetic to the neighbor, consistent with the neighborhood. It seems a fairly traditional design, and it's consistent with all the houses that are neighboring to it. I know it's a house from the '70s, it kind of has this Colonial setting and seems it goes along with the general approach or appeal of the house.

**Chairman Collins:** Yeah, it actually feels to me like we've seen a fair number of these types of projects. The unique circumstance behind yours, unfortunately, is the water damage. Which your design, I assume, will solve, right?

**Mr. Dodziuk:** Currently the stairs are not covered so we're hoping to cover the porch area as best as we can and then we'll have drainage to collect all the water. I assume, and logic tells me, that that would sort of prevent ... or at best you can prevent the situation in the future.

**Chairman Collins:** Right. Your current setback – am I seeing it right? – is 19 feet 6 inches to the property for the existing; for the steps, 23, and 8-1/2 to the house itself?

**Mr. Dodziuk:** The house already is ...

**Chairman Collins:** It's a nonconformity.

**Mr. Dodziuk:** Yeah, to the existing setback.

**Chairman Collins:** So with the steps, the proposed setback will be 12 feet 10 inches to the front steps. You've got a 6 foot 10 inch overhang, it looks like, for the cover over what I'll describe as the landing there. You know, you're dealing with a nonconformity already. You're building into that nonconformity and not leaving a whole lot of setback left. However, in my opinion the benefit you would get from making this improvement outweighs any concern I would otherwise have about the significance of the variance that you're requesting.

We see this, as I mentioned earlier, a lot in the Village. Both to help prevent any kind of ongoing water damage, as you articulated, and giving yourself some reduced risk of liability for your tenant as well as for your own family coming in and out of that house. This seems like a very straightforward project and one that I'm comfortable with.

**Building Inspector Minozzi:** Mr. Chairman, I'd just like to make a point. Though it is 12 foot 10 to the property line, in this particular neighborhood there's a very large Village easement between the grassy area, the sidewalk, and then the Village property. So actually, to the eye, it would appear to be quite more substantial than that.

**Village Attorney Whitehead:** So to the actual street it's much more substantial.

**Building Inspector Minozzi:** Yes.

**Boardmember Hayes:** It's much further, OK.

**Village Attorney Whitehead:** And I think another thing, just for the record, is to point out that this isn't the structure itself; this is only for the stairs and the little bit of porch overhang.

**Chairman Collins:** Right. The one thing I guess I'm curious about is how is the view impacted by this design.

**Boardmember Forbes-Watkins:** Not at all.

**Chairman Collins:** That's what I don't understand.

**Boardmember Hayes:** This is similar to the statues, if you recall, by the St. Matthews school. Were you here for that?

**Chairman Collins:** I was.

**Boardmember Hayes:** Yeah, remember? It's that same idea. It happens to be in the corridor, but it doesn't actually ...

**Village Attorney Whitehead:** And just also for the record, the Planning Board ... because I know with just the one-week difference you don't get their minutes in time. But the Planning Board did recommend the view preservation. They felt the same way, and they had all gone out there and felt there was absolutely no impact on point of view (ph).

**Chairman Collins:** Yeah, it just feels like (cross-talk) ...

**Village Attorney Whitehead:** But they did make the recommendation to your board.

**Chairman Collins:** It feels like a good candidate for a waiver, actually, because of the ...

**Village Attorney Whitehead:** I think Buddy didn't have time.

**Boardmember Forbes-Watkins:** If the variance wasn't here it would be a waiver candidate for sure.

**Building Inspector Minozzi:** The way the waiver is written is it has to have absolutely zero impact.

**Chairman Collins:** Zero impact on the view.

**Building Inspector Minozzi:** This house, if you stand to the south, has just a pinch of an impact.

**Village Attorney Whitehead:** There's one spot it can be seen. Not where it would necessarily have an impact, but where it'd be seen.

**Chairman Collins:** Yes, correct.

**Boardmember Hayes:** I think by virtue of the fact that there's no one here protesting ... and whenever there's a view problem there are people in that audience.

**Village Attorney Whitehead:** And there was no one who came to the Planning Board.

**Boardmember Forbes-Watkins:** I would like to ask a question or two, though, about the choice of coming forward with the stairwell as opposed to redoing it to the side. The current site relationship doesn't take you that far into this exclusion area, for better terms. And I have utterly no problem with your having a covering over the door area. But what was the decision? Why did you choose to come forward as opposed to replacing on the side?

**Mr. Dodziuk:** Absolutely. I guess, to the one question I understood, it was to why the orientation changed.

**Chairman Collins:** Mm-hmm.

**Mr. Dodziuk:** There were multiple reasons, but I guess I should first stress that the landing actually hasn't grown much. I don't have the existing landing, but the landing ...

**Chairman Collins:** I think it's the overhang. If there's any kind of ...

**Village Attorney Whitehead:** Change in the landing.

**Chairman Collins:** Exactly. If there's any change, it's just the roof over the top.

**Mr. Dodziuk:** So in terms of encroaching into this space, it's the stairs.

**Boardmember Forbes-Watkins:** It's the stairs that are the encroachment.

**Mr. Dodziuk:** All right, I guess, the landing's noncomplying. But yes, the stairs change to the orientation. First, it kind of comes down to two things. One is the water issue. The water ends up kind of over here. Also, as it exists, it forces the walkway to go on the side of the house this way. There's a depression that's happened with that walkway where there's a window and a lot of the water. It comes from two places. It comes from the stair itself in separation, and where the sidewalk happens it also depresses the ground there.

**Chairman Collins:** I can see the way it slopes.

**Mr. Dodziuk:** That was a particular issue in the winter and just a big puddle gets put right in front of the window, and the window's only this much off the ground. It's sort of not an ideal situation, and what we would like to replace that with is some sort of drainage – gravel or something more permeable – that wouldn't pool there. That's one reason to do this. Again, the less area of the stairs that are touching the wall I think is also ultimately better in the long term. Through heating and cooling and whatever happens in houses that things don't open up, water then comes back into it and we're back at the same situation. This way, the area

that is touching the house is covered at all times. I don't think the alternative is very nice, where you would have to stretch cover over all the stairs. I think it wouldn't be nice.

Then ultimately, I think it's a more welcoming aesthetic. Right now, the house and everything's a little stark and is very '70s. It doesn't have a lot of detail to it. I think a house should be welcoming. You should want to come up to it and have it sort of be approachable. That seemed reasonable. I mean, I'm not sure you take that into consideration in these situations ...

**Boardmember Forbes-Watkins:** Yep.

**Mr. Dodziuk:** ... but that was a desirable thing. I feel like we're good neighbors if you make your house look nicer. That's good for other people as well.

**Boardmember Forbes-Watkins:** I think that's important to get in the record.

**Chairman Collins:** I agree. It's the same entrance for both your tenant and for your family?

**Mr. Dodziuk:** We share that entrance, yeah.

**Chairman Collins:** Yeah, that's a shared entrance. Are you going to then remove the walkway that runs to the west and currently sort of meets where the stairs and the window are and replace it with a new walkway that goes straight to the new stairs?

**Mr. Dodziuk:** Yes.

**Chairman Collins:** The sketches suggest that's what you ...

**Mr. Dodziuk:** Yeah, we'd like to (off-mic).

**Chairman Collins:** And the existing walkway there that will come out.

**Mr. Dodziuk:** It's going to have to come back. I mean, it's contributing to ...

**Boardmember Hayes:** That's part of your problem.

**Mr. Dodziuk:** It's contributing to the problems as well. Even if we were to maintain the orientation we'd still have to go through all that somehow. But again, I worry about what happens 10 years or 15 years down the road.

**Chairman Collins:** No, that makes sense to me.

Anything else, David?

**Boardmember Forbes-Watkins:** No.

**Chairman Collins:** Sean, anything?

**Boardmember Hayes:** No.

**Chairman Collins:** OK. I have to ask the question if anyone in the audience would like to be heard on the matter. We don't have anyone in the audience. May I have a motion?

On MOTION of Boardmember Forbes-Watkins, SECONDED by Boardmember Hayes with a voice vote of all in favor, the Board resolved, in Case No. 06-16, with respect to a proposed variance for nonconformity of the front yard setback: front yard existing approximately 20 feet; proposed for stoop and stairs approximately 12.83; required minimum 25 feet. In addition, approval from the perspective of view preservation as well.

**Chairman Collins:** Our vote is unanimous. Congratulations, Mr. Dodziuk. Good luck.

**Mr. Dodziuk:** Thank you.

**Chairman Collins:** You made it.

**Village Attorney Whitehead:** You did a good job.

**Chairman Collins:** You did very well.

### **APPROVAL OF MINUTES**

**Chairman Collins:** So we just have the matter of approving the minutes. I went through the minutes and, as I noted in the last several occasions, they were pretty clean.

**Building Inspector Minozzi:** I got your markup and I'll send it to Mary Ellen.

**Boardmember Forbes-Watkins:** I've given a very simple markup, too.

**Chairman Collins:** So can I get a motion to approve the minutes, as changed?

**Boardmember Forbes-Watkins:** You weren't here.

**Boardmember Hayes:** I wasn't there.

**Boardmember Forbes-Watkins:** Can we approve the minutes with only two ...

**Village Attorney Whitehead:** You might hold them for next month.

**Chairman Collins:** OK.

**Village Attorney Whitehead:** Sorry.

**Boardmember Hayes:** I can't technically, even though I wasn't there?

**Village Attorney Whitehead:** And I wasn't there either.

**Chairman Collins:** All right. Buddy, can you note that we will have to delay the approval of the minutes until our May meeting? And our May meeting is about a month from now?

**Village Attorney Whitehead:** Four weeks from now. It is May 26.

**Building Inspector Minozzi:** May 26, yes.

**Chairman Collins:** OK. So we'll reconvene May 26.

### **ADJOURNMENT**

**Chairman Collins:** The meeting is adjourned. Thank you very much, Jen.