

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
JULY 27, 2023**

*Meetings held by the Zoning Board of Appeals are
live-streamed via WWhoH-TV (Channel 75 or FIOS 43)
and online at WWhoH-TV.org
ZoningBoard@hastingsgov.org*

PRESENT: Chairman Jeremiah Quinlan, Boardmember David Chen, Boardmember Josh Heitler, Boardmember Brett Gaillard, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

I. WELCOME

Chairman Quinlan: Calling to order the Zoning Board of Appeals meeting of July 27th.

II. AGENDA

Chairman Quinlan: The first case we have on the agenda is case number 12-22.

**Case No. 12-22
Zero Nodine, LLC
0 Warburton Avenue (aka 770 Nodine Street)
Amended View Preservation Approval as per Section 295-82 for construction
of a new building containing 6 (six) townhouse units on its property at
0 Warburton Avenue (aka 770 Nodine Street). Said property is located in the
MR-1.5 Zoning District and is known as SBL: 4.100-94 7 and 8
on the Village Tax Maps.**

Chairman Quinlan: Who is here to present? It's nice to see you. I don't think we've seen you before, but welcome to Hastings. Your name?

Ms. Chiocchio, Cuddy Feder & Worby: Thank you. Good evening, Chairman, members of the Zoning Board of Appeals. We represent the Townhomes at Woodbank. I know you heard last month that my colleague, Dan Patrick, became a new dad so he couldn't be here tonight. My other colleague, Tony Gioffre, is on a much-needed vacation in Europe. So I'm pleased to be here on behalf of our client.

Chairman Quinlan: Okay, well, you're welcome to be here. We're glad you're here.

Ms. Chiocchio: Thank you very much. So we made a supplemental submission back on July 13th and we were pleased to be able to reduce the height of the building so the increase

from the approved building in 2018 is now only 3 feet. In a minute I'll turn it over to the design professionals, Christina Griffin, the architect and Bruce Tourigny, our mechanical engineer/professional engineer. They'll talk about how they were able to do that. But as I go through it – and you'll see some of the visual materials with respect to view preservation – I'd like everyone to just kind of keep in mind that we are really satisfying the intent of the view preservation district. The view preservation district wants an applicant to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and the adjacent public right of way.

I think you'll see, with these photo simulations, that the view of the Hudson River is altered very minimally. And the code doesn't prohibit alterations to that view, they just ask that it be minimized to the greatest extent practicable. You'll hear from the design professionals that in order to meet the Stretch Code they pushed it down as far as they could go and really minimized as much as they possibly could. I also just want to remind everybody about some of the benefits of the project. It's replacing an existing stone masonry yard and storage shed; there'll be improvements to the paper street to Nodine Avenue; it will install stormwater infrastructure as well as a fire hydrant. And you have the benefit of the New York Stretch Code, which the Village adopted in order to further its sustainability goals. One of the other intents of the view preservation overlay district is to enhance properties, surrounding properties, and we feel this project certainly does that with this beautiful building that was designed.

So with that, I'd like to turn it over to Christina and she'll walk you through the changes.

Christina Griffin, principal – CGA Studio Architects: I'm here to take you through the changes to the drawings that will show a total of a 3-foot increase in the height of the building that was approved in 2018. Our goal has been to minimize that height as much as possible to allow space for our mechanical system, which has to meet the Stretch Code requirements; to allow the thermal envelope to be free of any obstructions according to the Stretch Code; and also to follow best practice standards for construction related to minimum ceiling height and roof details.

This is our latest section. The green area is all the drop ceilings and soffits. I'm going to take you through a list of how we reexamined how we can really get down to a minimum increase to reach our goals and minimize the impact on view. To the right is a list of the items we changed. Starting at the top – and we took a fresh look at this, by the way – we looked at the original approved drawings and decided the 3-inch increase was needed at the third floor. This is referring to allow for a service cavity for electrical wires and lighting so these items will not interrupt the thermal envelope. On the second floor, and I might want to point to these items. Is there a ...

Bldg. Inspector Minozzi: Yes, I have the microphone here.

Boardmember Griffin: The Stretch Code requires this thermal envelope – and that's the roof, the walls – not be interrupted by ductwork or any electrical wires because it really improves the energy efficiency of the building. We added 3 inches below the roof structure so we would have a cavity for our lighting and electrical lines. We added 3 inches below the ceiling here of the roof deck for the same reason. On the first floor we added 1-foot-2 inches, and this was just to provide space for the ductwork and make sure the drop ceilings and soffits would be at least 8 feet above the floor. On the second floor we added 1-foot-3 inches, and this was so we have a minimum ceiling height of 8 feet to the bottom of soffits and drop ceilings and 7 feet to the bottom of soffits underneath the roof deck. Also in that 1-foot-3 inches we were able to have a 4-inch drop-down to the deck.

The project approved in 2018 had a step up to the deck, which is a problem because it's very difficult to make that waterproof. So we are able to eliminate that problem by adding a few inches. We also added 8-1/2 inches at the third floor so we could have soffits that run around the exterior walls to provide heat, air conditioning and ventilation to that space. The soffits that come into the walls that have windows and doors are just under 7 feet, or at 7 feet, and we can't go any lower because the head height of the windows and doors is 6-foot-8. Then we subtracted 7-1/2 inches by changing the angle of the roof from 3-1/4-in-12 pitch to 1/2-inch-in-12. When you add up all these changes, we have a total increase of 3 foot, and that increase is 1-foot-6 inches above the Aqueduct. The original approved building was 1-foot-6 below the Aqueduct. When we add 3 feet we're 18 inches higher. Next slide, please.

I'll take your quickly through the floor plans. We've highlighted in green our mechanical layout. We worked very closely with the mechanical engineer to come up with what we felt was the most efficient plan to reduce the space needed for equipment and ductwork. The first floor, I want to go back to that entry level and mention, the ceiling height in all the entries is only 7-feet-8. We kept that as the original height that was approved. We were able to get the ductwork in a vertical shaft so it wouldn't affect the ceiling height. Next slide, please.

Now on the first floor – and these are the main living areas of the townhouses – green, the light-green, is showing an 8 foot soffit that wraps around the perimeter of the building; 8 feet throughout the baths, laundry hallway, and this area, this handicapped unit in front of the elevator. That's the same concept for the first floor. To get the ductwork to fit and have an industry standard 8-foot minimum ceiling height we have drop ceilings in these areas. We have also introduced an HVAC closet. Originally we were going to drop, or have the units

hung from the ceiling. This gave us ... well, by having these closets we do not have to increase the height for the equipment. Next slide, please.

Same concept on the other half of the building. And by the way, the units, you know, they vary from about 15-hundred square feet for a two-bedroom up to 1,970 square feet for a three-bedroom. So they're not large units, and we had to work hard to figure out how to provide these mechanical closets. Now on the second floor, the light-green is showing the drop ceiling to 8 feet. And that is in the bathrooms, hallway, closet areas. Also soffits along the walls of the bedrooms. In front of the building, underneath the roof deck, these soffits are dropped to 7 feet. But these soffits are along the wall and over closet areas. Then on the third floor, the light-green shows the soffits that drop down to just under 7 feet in front of the sliding doors – the head height 6-8 – so we've made that as tight as we can get. This runs along the perimeter walls to provide heat and air conditioning to that space.

These are the same roof plans as before. These elevations have been revised to follow our new floor plans. The height of the building is shown here at 18 inches above this red line, which is the height of the Aqueduct closest to the building. This is the elevation looking from the Aqueduct. Next slide, please. And these are the two side elevations. Stay with this one, please. The building is 64.9 feet from the center line of the Aqueduct and it is 18 inches above the Aqueduct. This is the view looking in the opposite direction. Now, this is the winter view we've shown you before. This is when the leaves are off the trees. This is showing the view of the river from the Aqueduct. Next slide, please.

This is a view showing the profile of the buildings when you're looking at the river, the existing buildings. We wanted to show you this profile and compare that with our new building. It's the same view, just graying out the existing buildings. Next slide. Now this slide shows the height – the 3-foot increase in height – superimposed on the profile of the existing buildings. These pink areas are the changes in profile and view that we would get with our new proposed screen of a 3-foot increase in height. As you can see, it's fairly minimal and you can still see quite a bit of the river.

Now I'd like to turn this over to Bruce Tourigny. He is our mechanical engineer and he's gonna explain how the mechanical system was designed to be efficient and minimize the height as much as possible.

Bruce Tourigny, Collective Design Associates: I'm a professional engineer, licensed and registered in the State of New York. The reason why the impact of a ducted system which required the lower height is based upon the Stretch Code. The Stretch Code has a mandatory requirement for an Energy Recovery Ventilator, which I'll talk to you about after this stipulation. It's in section R-403.6.2; it's a mandatory requirement.

A little thought process on an ERV: an ERV is an Energy Recovery Ventilator. This unit is really a mandate in design so we can get fresh air into a unit and exchange it. As the units are becoming so tight with the new insulation rules and requirements, this makes it possible to pull fresh air and clean air into the unit and exhaust out bad air. This basically is taking in outside air, and there's two methods to deal with this. One is to provide dedicated additional equipment other than air condition equipment to treat the outside air. Think about like if you open up a window in your house to try to get fresh air in during the winter, or during the summer when it's humid out. You have to treat the air or you'll build up moisture within the unit and have a bad health issue with the unit, with mold.

What we propose on this system to minimize the height is to take air the condition equipment, and there's an exception based on this climate zone. That's to take the air in without an ERV and duct it to the return side of the air condition units. There's a physical duct connection from the outdoors which connects to the return side of the unit and this will treat the outside air so it doesn't create moisture issues inside the apartment. Part of the other way we dealt with this is – obviously, as you can see – the drop soffits along the perimeter. This will allow the ductwork to run along the perimeter and try to get as close to the exterior as possible. We're trying to force the air at the exterior of the glass to protect the glass and maintain insulation R-values. If you don't do that, again, you'll have radiant heat off the glass or coldness off the glass.

There were other systems that were looked at. I know there's been some discussion of other wall-mounted equipment. There's a couple reasons why we didn't do wall-mounted equipment. One is, we would still have to add two additional units to make up the air for the Energy Recovery Ventilator, plus the other equipment. Right now we're only proposing two units to do this. And the second thing is more to provide a little more bulk to treat this outside air, right? And I can do that with this vertical unit we're putting inside the closets. That's pretty much the reason why we're doing this. Probably one compressor will sit on top of this, an air-cooled unit, to treat both units. Is there any questions?

Chairman Quinlan: Are you finished?

Mr. Tourigny: Yes.

Chairman Quinlan: Okay, do we have any questions from the board? I'll start with you, David.

Boardmember Chen: I'll ask you the same question I asked you at our last session, which was how much of the 3 feet you're now proposing to raise over the last approved height is directly attributable to the requirements off the Stretch Code?

Mr. Tourigny: Right now it's 1-foot-2, it's for the ductwork. That'd be for the ductwork that runs around the ductwork itself, around 10 inches. But we'll have to bring the outside air in because there's some crossing within that ductwork. So right now we're allowing 1-foot-2, I believe, for that.

Ms. Griffin: (Off-mic) and this is on the (off-mic). So those three together.

Mr. Tourigny: Yeah, but he's talking about the mechanical. There's other things that are involved. Last time someone asked me – and I think it got a little misconstrued maybe – I thought the question was about mechanical equipment. The other items are listed there, which is the reason why.

Boardmember Chen: So give me the figure one more time?

Mr. Tourigny: I believe it's about 1-foot-2. I said last time it's about 1-foot-6, but I still think it may end up ... I may have to take even more lower soffits to get it in there. Originally I thought 1-foot-6. We're trying to squeeze as much as we can and increase the velocity of the ductwork to try to minimize the ductwork to go to 1-foot-2.

Boardmember Chen: Christina, I'll just ask you too because I'd asked you that same question the first time in January. That that's your assessment, as well?

Boardmember Griffin: (Off-mic) ...

Bldg. Inspector Minozzi: You have to speak into the microphone.

Boardmember Griffin: (Off-mic) talking about where you have ducts, we need one for 2 inches below the floor. But on the first floor we need 1-foot-2 for the 8-foot height. On the second we need 1-foot-3 for the 8-foot height. And on the third floor we need 8-1/2 inches for the ducts. So I think you're saying 1-foot (cross-talk). We went over all these numbers for a typical duct we need.

Mr. Tourigny: And that's the one with ductwork along the soffit.

Chairman Quinlan: You done, David?

Boardmember Chen: Yes, I am. Thank you.

Boardmember Heitler: Listen, I happen to be a design professional as well. I understand that even under codes there are multiple ways to solve a problem. As design professionals, we figure out the tradeoffs that best suit our client. So I have no doubt that's what you've done in this case, given the constraints. The additional constraint we have in this particular case, and particularly the board, is to understand if it is the least possible obstruction of the view, right? So I think an example to illustrate what I'm trying to get at is, between this version and the last version there's a requirement in the Stretch Code for roof insulation; this isn't mechanical. But you could solve it by extending the height of the roof to fit more insulation or you could upgrade the insulation. And we saw, on the drawings, the insulation was upgraded to solve that particular problem without adding height. That's, I think, an example of the tradeoffs we're trying to understand. On the mechanical side, obviously there is more than one system possible. There are tradeoffs for all of them. When you factor in height, is this the best system for this?

Mr. Tourigny: It's the best system for the building. We did look at wall-mounted equipment to try to minimize this, but you still had to bring in an ERV or some way to treat the air. So you still had to bring in two separate pieces of equipment. Basically, we're using the same equipment we would pretty much have had to use for an ERV and duct it into the space, then wall-mount it. The other issue with wall-mounted equipment is (unintelligible) design professional. Window values – U-values and R-values – their rating it based on air blowing across the glass, right? If you don't blow your air across the glass then you'll get radiated heat of the panels or you'll get cold radiation off the panels. And that's kind of a requirement when you're looking at glass. I simply can't do that with a wall-mounted unit. I can't build something in front of glass and blow air on the glass.

The other issue with it is that there is different types of wall-mounted units, right? And I was very concerned about the heat output of a wall-mounted unit, right? There's different standard units, and I have some information if the board wants it because it's based on around 43 degrees to 40 degrees they start cutting out of heating capacity, you know, for a standard wall-mounted unit. There was some mention I saw in a letter regarding water wall-mount. But that's gas absorption chillers, which is very unusual for residential. Basically you would use liquid propane or gas to fire up a cooling unit to generate chilled water to feed a wall-mount unit and you wouldn't get any out of that, obviously.

The other thing we looked at was a geothermal system. But looking at it, we would need five 800-foot deep wells next to the property. And I'm concerned about digging that many wells per unit that close to the Hudson. So we did look at other alternative systems. This is a very

standard type of system. This system's doing dual purpose – both heat and cooling, and satisfying the Stretch Code requirements – with these two units.

Boardmember Heitler: Can I ask one more question?

Chairman Quinlan: You can ask as many questions as you want. Please.

Boardmember Heitler: Christina, what was the original mechanical system planned for the building?

Ms. Griffin: We architects had ERV and a heating/air conditioning ducted system.

Boardmember Heitler: For the original approved building, that's what you had in mind?

Ms. Griffin: No, there's no mechanical system when you go in front of the Planning Board. We didn't have a mechanical system, we didn't have construction drawings.

Boardmember Heitler: Understood. But thinking about the building, did you have thoughts about what you were expecting it to be?

Ms. Griffin: At the time?

Boardmember Heitler: At the time, given that some mechanical systems have spatial requirements for that original building that was the original height. What mechanical system were you contemplating?

Ms. Griffin: I think we had to simply make the building work between the height we're asked to match – a certain eye level of an average woman looking 85 degrees – and then we had the maximum slope of a driveway by Hastings code. So we could only go down so far and we had to also cut rock to do that. We really had to make that building work between the bottom and the top. We had a lot of concerns, there was a lot of pushback by our client. At the time we decided we had to make this work.

Boardmember Heitler: But with regard to mechanical systems, you would have figured it out later.

Boardmember Griffin: Really, because we had no choice to get approval. We did figure it out later, then it became a problem. We have a new owner and they wanted to resolve it. At first, the reason we asked for a 5-1/2 foot increase is because I assumed, as an architect, we need an ERV and a mechanical system. Bruce pointed out there's an exemption for this

climate zone: that you can have the fresh air ducted into your heating/air conditioning system. And that reduced the height we needed for that. We spent a lot of time really looking at the most compact way to put the mechanical system in here.

But I wanted to say, as architects we also looked at how *we* can reduce the height of the building. So we went from open-cell to closed-cell foam, eliminating that increase for the additional insulation by Stretch Code. And we only needed that 3-inch firing; we need firing in order to get our electrical lines and lighting below the thermal envelope. So we added that on the top floor and then on the roof deck. At the top roof and the third-floor roof deck. Then we very cleverly noticed that the roof, if we just simply change the slope, we are able to decrease the height by 7-1/2 inches. So I think we've done everything we can to get the height of the building down and still make sure the mechanical system works, we're not interrupting the thermal envelope, we're meeting the Stretch Code.

Chairman Quinlan: Brett?

Boardmember Gaillard: I don't have any further questions.

Chairman Quinlan: You have no questions?

Boardmember Gaillard: Not for the mechanical engineer.

Chairman Quinlan: I don't have any questions either. Is there anything further that you'd like to say?

Ms. Chiocchio: Thank you, Chairman. We're obviously happy to answer any questions, any additional questions, the board may have.

Chairman Quinlan: Anybody have any questions of the attorney? No? Okay, thank you.

Ms. Chiocchio: And obviously happy to answer any questions or comments from the public once the public has a chance to speak.

Chairman Quinlan: We'll see. Okay, we come to the point of this case for the public. Just like last time we have a new plan. So as you recall, I'd like to hear from everyone that wants to give their thoughts about the new plan. I'm going to ask you, if you can, if you've already said some of the things you're going to say we haven't forgotten them. We've read every letter. Charles, all the letters that have come in since the last court (ph) date, those are all now part of the record?

Bldg. Inspector Minozzi: Only the ones that came in before 4 o'clock today. The ones that came in after 4 o'clock, which was a handful, will go into the record tomorrow.

Chairman Quinlan: All right, that's fine. So all the letters that were sent have gone into the record. I'm going to try to ... you know, limit yourself to 3 minutes, if you can. As we did last time, you can go over it a little bit if you feel it's necessary. But we're trying to move this case along. We want to hear from everybody else, but we try not to repeat ourselves *too* much. It seems in this case so far, not do we hear the public tell us things we already know but we have the lawyers for the proponents that tell us things we already know, we have the architects telling us things we already know. So I've always wondered. I've spent a lot of time in courtrooms and I've also wondered why lawyers think if they say it over and over again it's going to make it more truthful for something like that. It's been amazing to me.

So here I am, but I'm just asking you not to repeat yourself if you can unless it's really important. We're going to do the same thing we did last time. We're going to start a line so people don't have to get up, and anybody who wants to say something just stay a couple feet back, and back and back and back, so we can move along as we go. So if you have anything to say, get in the queue and we'll start now. And as we do, we'll have the name and address. I want everybody that wants to say something, so let's go.

Christina Lomolino, 24 Aqueduct Lane: Good evening, Chairman Quinlan and members of the board. I'm an attorney, I'm the founder and chairperson of the Quarry Park Project and a former corporation counsel of the City of Yonkers. The community opposition to this application is profound. The views of the river from our public spaces and especially from the Aqueduct belong to everyone, yet this developer wants to privatize these river views and monetize them for financial gain. In 2017 this same project, represented by the same architect, came before the Planning Board seeking the same building height as they again wanted years later in the case before you now. After a year's worth of presentations, the ZBA decided that the least possible obstruction of the Hudson River and Palisades was 1-1/2 foot, 1.5 feet, below the level of the Aqueduct.

The applicant has not made a convincing case as to why this board should overturn its own earlier decision. The developer's team relies on the Stretch Code as a reason. But this has been exposed as a "subterfuge." That's a harsh word, but I urge you to consider that. They can use ducts and soffits or a ductless system and remain at the height already approved. The claim that the Stretch Code eliminates a ducted system. As we heard last time – that heat pump is ineffective below 40 degrees Fahrenheit. That the whole ceiling needs to be lowered as opposed to just soffits. All of these are simply incorrect. Soffits were used at the condominium project at 400 Warburton Avenue, now with units selling over 1-million

dollars, and a heat pump system was used at a model passive house at 69 Hillside Avenue in Hastings. Both projects designed by the same architect.

The claim that public river views from the Aqueduct are, quote, "merely seasonal," "momentary," "de minimis," or "negligible," these claims are also false. The other minor design issues raised – a deck a few inches higher than a sill that may possibly cause a leak, for example – can be left to the Nodine design team to fix. In short, none of these arguments justify any height increase at all. Having failed to present a credible case, the developer is now resorting to let's make a deal, hoping to salvage at least some increased height. Please do not succumb to this ploy.

I most urgently ask you to, number one, uphold the 2018 decision of this board at 1.5 feet below the height of the Aqueduct. Two, reject the recent "meet me in the middle" negotiating ploy. Three, attach an ongoing condition that nothing will be affixed to the roofs of the townhouses because later decisions to put up solar panels, blocking the views, will not require view preservation review under subsection E of the law enacted in 2017. Four – and the final condition – attach a condition providing for independent monitoring of the building height relative to the height of the Aqueduct during construction to ensure views of the river and the Palisades conform to the board's decision.

As the late Jamie Cameron, a Planning Board member, said in 2017, "You're off by a foot, and the river disappears." The river view, including the western and eastern shores, can belong to the public or they can belong to this solitary developer, but they can't belong to both. Zero Nodine has continued construction while this case is pending. They will finish their project whatever this board decides. They'll still make a good return on their investment. But a poor board decision, including one that splits the baby, will harm residents and the Aqueduct forever and allow future developers to do the same.

Thanks for your consideration and for your volunteer work on behalf of the residents of Hastings.

[applause]

Chairman Quinlan: Okay, thank you. Just before we start I'm going to give a little lecture again, I think you all remember. There's no reason to applaud. We all know how you feel, we know it's a passionate situation, we're trying to move it along. And I think we could show just how good and fine and wonderful Hastings residents are. The clapping, and maybe later on the booing – I'm just asking you as a longtime resident who's been on many volunteer boards and things like that – as we go along let's just keep it quiet, make your points, and we'll move on. So let's see if we can do that. Thank you.

Nicole Davis, 12 Marble Terrace: Thank you. We are all here because we love Hastings. And the things we love – the views, the Aqueduct, the views along the Aqueduct, the proximity to the city, the schools, the pool, the walkability, the community – are what make Hastings a desirable place to live. Zero Nodine will make a healthy profit on these condos because it checks 99 percent of these boxes. Raising its height may give six homeowners a bonus perk of living here, but it will destroy one of the things everyone loves about Hastings and invite other developers to chip away at our views.

I live close to the development and my experience on the trail may be affected more deeply than others. But this is not just about this one building, it's about the precedent it could set and the others that could go up as a result and erase even more views. I already know of one developer interested in building condos on a property to the north of me, along the trail. The Zoning Board, as I understand it, can choose to use the previous height limit, 1.5 feet below the trail, as the most restrictive standard according to the conflicting standards provision of the Village Code rather than the Stretch Code. It can choose to honor the hundreds of petitioners and opponents of this height increase, including New York State Representative Mary Jane Shimsky and Hastings residents who keep showing up to protest this height increase. I hope you choose in favor of our community and the village we love. Thank you so much.

Chairman Quinlan: Okay, thank you. All right Kathy, please? It's good to see you again.

Kathy Sullivan, 17 Wilson Place: Hello, hello.

Chairman Quinlan: This is an architect that appears before us many times.

Ms. Sullivan: I seem to visit you a lot. My apologies. My printer crashed, but I'm going to give you ...

Chairman Quinlan: Again, Kath ... I know your voice, we have to, like, boom it here, okay? If you can.

Ms. Sullivan: Could I use a handheld?

Bldg. Inspector Minozzi: Sure, it's right there on the table. It should still be on.

Ms. Sullivan: Thank you, sir.

Bldg. Inspector Minozzi: It's still got full battery.

Ms. Sullivan: I'm just going to give you a couple copies of this. I apologize, I don't have enough for everyone.

Bldg. Inspector Minozzi: Here, I'll take care of it.

Chairman Quinlan: We can share.

Ms. Sullivan: Okay, thank you. There's three, Buddy. I'm an architect and a past member of the Planning Board. Is that volume good? You have two copies of the section that were printed from materials from the public record. There are three things that are highlighted, I'll refer you to this diagram which has Friday numbers on it. The red lines are the proposed application section and the blue lines are the approved building section.

There are three different heights that are highlighted. One is the structural floor-to-floor; the ceiling height; and the soffit height. The first drawing from the approved shows heights for the ceiling were 8-foot-6 from the first to the second floor; 8-foot from the second to the bottom of the third floor; and 8-foot-8 floor-to-ceiling in the top floor. What has changed is that those all have gone to 10-foot-5: there's 10-foot-5 floor-to-floor with an 8-foot-3 ceiling; 8-foot-3 ceiling; and a 9-foot ceiling. The other thing to consider is where the soffits are. The soffits are 8 feet in the proposed building. I would conjecture, or presume – and thank you for asking the question about what was the intended mechanical system – it would be similar to other buildings in Hastings which have an 8-foot ceiling and a 7-foot soffit; 7 feet being the code minimum for any ceilings in habitable places.

So there's 3 feet that was added. A foot was added to each of the floors and that's where the increase for this building's being asked for. It has nothing to do with the Stretch Code, it has to do with developmental pressures and the developer's preferences. And I would think one way of getting the 3 feet back is to make them have their soffits be at 7 feet instead of 8. Thank you very much.

Chairman Quinlan: Thank *you*.

Ms. Sullivan: Any questions?

Chairman Quinlan: None. I don't think so, thank you.

Bldg. Inspector Minozzi: Kathy, can you send me those drawings in an e-mail, please, for the record for tomorrow? Thank you.

Ms. Sullivan: I'll give you another copy, too.

Bldg. Inspector Minozzi: If you have a copy that's good enough. Thank you.

Chairman Quinlan: Jim, all yours now.

Jim Metzger, 427 Warburton Avenue: As an aside, I would ask every member of this board and every board that meets in this room to please beg the Board of Trustees to change the acoustics in here.

[Laughter]

It is virtually impossible to hear anybody who's speaking at this microphone and it's very difficult to hear members of the board. It does a disservice to the Village. That being said, five years ago this board spent months negotiating, in good faith, a reasonable solution for this site. It was a solution we could all live with. The developer accepted the permit as issued and they actually started to build on that permit. And yet as we heard tonight, they weren't quite sure how they were going to handle all the HVAC work. Well, that shouldn't be on us to solve that problem, they should be required to stay with that height. Trying to use the current NYSERDA code as a rationale to raise the height of the building is disingenuous at best.

At the last meeting I was told I didn't quite know what I was talking about: that the only way you could solve the problem through NYSERDA was through a ducted system. And from NYSERDA itself – this is from their Web site – what happens if a residence is to be built without ducts? Does that totally disqualify the building from meeting Stretch standards? The answer to that is an unequivocal "no." New York Stretch 2020 does not prescribe or limit options for HVAC equipment. All buildings, whether or not they are heated or cooled using a ducted system, must comply with the New York State Energy Code or the New York state code as amended by the New York Stretch 2020 code. There are literally dozens and dozens of pages on the NYSERDA Web site on how to solve all these problems using a ductless mini-split. Then the question came up what kind of mini-splits can we use? And the engineer tonight was right. It's extraordinarily expensive, and the idea of doing a ground source heat pump is probably not in the cards for this site.

However, as I mentioned at the last meeting – but the engineer sort of pooh-pooh'd me – there are air-to-air systems and air-to-water systems. Let's start researching those. And by "we" I mean let's let the applicant start researching those to find a solution for this problem. That comes from the New York Department of Energy. From a manufacturer or an installer of ductless mini-splits – and you can find dozens and dozens of these – we were told 40

degrees is the minimum temperature you could go before these units no longer function at 100 percent. That is patently false. Here is the reality: there are economy level mini-splits that run at a hundred percent efficiency down to 30 degrees. Those are the cheapest units you can find. The midlevel units run at a hundred percent efficiency down to 20 degrees. That's a full 20 degrees less than we were led to believe. There are low-ambient mini-splits that are used throughout the Northeast, as I had mentioned last time. It's a system that's been in place for decades. They are good to zero degrees at a hundred percent efficiency, and some of the units actually can go a little bit lower than that. So the systems exist to solve this problem that do not require ductwork.

Last month we were told, We have to go 4 feet, we can't do this, we have all this ductwork, it has to be at 4 feet. Then, mysteriously, now we're at a foot-and-a-half. So things keep changing, and the question is why. It's because they want to build a taller building. It gives them an option for better views from their building, but it disturbs the view from the Aqueduct. It blocks all the citizens of this village from enjoying that view to a greater degree than this board previously negotiated. There is no actual factual or compelling reason to change the previously agreed upon height. And if I could ask the applicant to please put up the section with the green showing the soffits and drop ceilings? Thanks, that's fine.

Bldg. Inspector Minozzi: Just make sure the mic's on, Jim.

Mr. Metzger: Can you hear me? Okay, we were told that you cannot run ducts within the insulated space within the building. And that's absolutely true. However, if you look at this section – and I'm hoping you can see this from the camera – this is not insulated, that's not insulated, *that's* not insulated. Only that is insulated, and then the exterior walls of the building. So if they were really determined to do this ducted system – and I'm not quite sure why they're just now coming upon that – they could actually move the ducts within the joists of these two floors. This floor could be heated and cooled with ductwork from below. So there's no reason to drop the ceiling here, as well. There are design solutions to all of these problems.

The other issue I have with this section is, it makes it appear that this height is the ceiling all the way across. In fact, if you look at the plans you'll see those are actually just soffits. They show soffits running around, for example, the entire perimeter of this room. It affects the height of the doors. Why do those soffits have to run around all four walls? You don't have to run air conditioning from the complete perimeter. We have a 9-foot ceiling height in here, 8-foot soffits. This section is really a bit of a misnomer. It is leading us to believe that all of these ceilings are being pressed down, and they're not. See, even if they were determined to use a ducted system this could get moved up, that could get moved up, and it solves that

problem. And in fact they could probably make the building a little bit *less* than the foot-and-a-half below if they really wanted to.

My point is, five years ago this board spent an inordinate amount of time, then they gave this client, what, four, five, six bites at the apple? And they kept saying we can't make it any lower. Until you said, Well, we don't like what we're seeing. Well, we can make it a little lower. We shouldn't have to make it any higher than what was approved five years ago, and I hope the board comes to that decision. Thank you.

Chairman Quinlan: Mr. Metzger, I just have one question for you. The last time you introduced yourself as an architect.

Mr. Metzger: I'm sorry, Mr. Chair. Could you repeat the question?

Chairman Quinlan: You introduce yourself as an architect. Is that correct?

Mr. Metzger: Yes, I am.

Chairman Quinlan: Okay, thank you.

Bess Seewald, 400 Warburton: Hello. Members of the Zoning Board, this developer has wasted enough of the town's time. And what they have argued are essential height increases for their project. The fact that they have repeatedly backpedaled on what exactly the essential height increase they claim to need only underscores the point that it is not essential at all. I will not go through each technical flaw and misleading claim. This has been thoroughly done by others.

The Zoning Board of Appeals exists to hear legitimate requests for variances, not to capitulate to developers' badgering at the public's expense. The developer can build a project that was approved five years ago, and their project should be monitored to ensure the height of the building is what was agreed to five years ago. The consequences of this vote go far beyond this particular development. Future developers will learn whether Hastings' view preservation law is taken seriously, or not. If the ZBA grants this frivolous request, then the precedent is set and all baseless requests for height variances will have to be granted, as well. Thank you.

Attorney Whitehead: Just to clarify for the record, it's not a height variance. It's just view preservation approval. The height is well below what zoning permits. So the approval is view preservation approval, not a height variance.

Chairman Quinlan: Okay, thank you.

Ms. Seewald: Okay, thank you.

Danielle Goodman, 445 Warburton: I've lived in the Warburton neighborhood now for nine years, having previously lived elsewhere in Hastings for nearly 20. I want to respond tonight to the developer's representative who suggested that view preservation should be traded off because we were ... they're enhancing our neighborhood. So I want to speak to that.

There were landscapers in that space, happily. This neighborhood of Warburton was a unique mix of commercial and residential development of all sorts – multi-family, single-family, commercial establishment – and we liked it that way. No one complained. We had our views and we had the most diverse part of Hastings – a unique mix of people of all sorts – and we had workers. Historically, that's what the Warburton neighborhood was. It was home to the people who worked in the industries on the waterfront, and by and by those houses were lovingly taken care of and handed over to some of us who were lucky enough to get them and are trying to make improvements. I don't view the loss of the stone yard or the landscapers who stored their equipment there as ... I view it as a loss. And I don't view a gated enclave that's gonna be taking its place and taking up public views as being a good thing. Hastings prides itself on its views, its diversity, and its mix of people.

The second point I want to make Ms. Lomolino touched on: the seasonal views. That's been denigrated multiple times and I feel like I really need to respond to it. On a day like today I'm not walking. In 30 degrees, 40 degrees, 50 degrees – when the leaves are down – I'm walking. That aqueduct gets use every month, every week of the year, and it's important to protect the views no matter their seasonality. And in fact, in the bleak winter months we need the views more than ever. So thank you for your service, thank you for hearing me. And I wish you well in your decision-making.

Chairman Quinlan: Thank you. Is there anyone else who would like to speak? I'd like to call upon the attorney if she wants to have a little bit of a rebuttal to that, and then we'll move on.

Ms. Griffin: I just want to clarify a few things.

Chairman Quinlan: All right, just hold on for a second. I'm getting an education here from my two architects.

Boardmember Gaillard: We could ask Christina the question. She could show us on the

plans, if you want.

Chairman Quinlan: Okay, go ahead.

Boardmember Gaillard: Christina, it might be helpful for Jerry to clarify. On the first floor plan the area that is 9-foot-3 and the area ...

Male Voice: (Off-mic).

Boardmember Gaillard: I think it would be helpful for Jerry if, on the first-floor plan, you could explain the living room, dining room and kitchen ceiling height versus the area over the kitchen entry and soffit.

Ms. Griffin: This is 8 feet, this is 9-foot-3.

Boardmember Gaillard: So could you just be super-clear about what rooms are 9-foot-3?

Chairman Quinlan: That's 9-foot-3?

Ms. Griffin: These rooms here?

Chairman Quinlan: Yes.

Ms. Griffin: And on the second floor, this is 8-foot-3. This is 8-foot-3 and this is 8-foot-3.

Female Voice: 9-foot-3.

Ms. Griffin: 9-foot-3.

Chairman Quinlan: Where is that?

Ms. Griffin: Here.

Chairman Quinlan: No. What floor? Where are we?

Ms. Griffin: This is the second floor.

Chairman Quinlan: Second floor, so that's the first-floor living room.

Ms. Griffin: Down ... 9-foot-3, 8-foot soffits.

Chairman Quinlan: How about the family room?

Ms. Griffin: Go to the section, Suzanne, please.

Chairman Quinlan: No, take your time.

Ms. Griffin: The top-of-wall height ... I think you'll have to read it off the plan.

Boardmember Gaillard: You could zoom in on the left. I think it's on the left.

Chairman Quinlan: So is this the actual ceiling?

Boardmember Gaillard: Yes, that's this.

Ms. Griffin: 8-foot-2 on the low end and 9-foot-2 on the high end, without the soffit.

Chairman Quinlan: So the question is, you have two different heights. Like that one – 8-foot-2 and 9-foot-2?

Ms. Griffin: Correct.

Chairman Quinlan: So 8-foot-2 where the soffits are, it's 9-foot-2 where they're not?

Ms. Griffin: No, it's 6-foot-11-1/2 to the soffit, 8-foot-2 to the ceiling.

Chairman Quinlan: That's on that one. How about ...

Ms. Griffin: 'Cause the roof's sloping.

Chairman Quinlan: How about the living room?

Ms. Griffin: Down to the living room. Eight feet to the soffits in the bathroom ceiling, and all ceiling heights 9-feet-3 to the ceiling.

Chairman Quinlan: Ceiling. So where there's no soffits it's 9-foot-3.

Boardmember Griffin: Yes.

Chairman Quinlan: Okay. And how many in the living room? What is the percentage of,

let's say ... let's talk about the living room. We'll see a room here and we have four walls in the room, right?: front, back, sides. Where are the soffits? In the front, the back, the sides? Where?

Ms. Griffin: Sides, the back, and the soffits. The ceiling height of the bathroom and the halls ...

Chairman Quinlan: I'm talking about the living room.

Ms. Griffin: Okay. In the living room the soffits are here. They're 8 feet.

Chairman Quinlan: So they're on two walls.

Ms. Griffin: Yes.

Chairman Quinlan: So other than those two walls the ceilings are 9-foot-3.

Ms. Griffin: Yes.

Chairman Quinlan: Okay, I get it now. Thank you.

Ms. Griffin: I was going to say the joists are running this way. That's why we're not able to go up into the joist space. They're running opposite to ...

Chairman Quinlan: I wasn't asking that question, but that's good to know. The joists, just go back and tell me that again because I'm interested about the joists.

Ms. Griffin: The joists run from bearing wall to bearing wall. So we can go up, we can't cross them. We have to go under them in order to cross the joists.

Chairman Quinlan: So there are the bearing walls? Are there any other walls that they could be except the bearing walls?

Ms. Griffin: I'm pointing it out because someone made the statement that we could go in between the joists.

Chairman Quinlan: I understand. So I'm trying to see if that's true, or not. Could you or couldn't you?

Ms. Griffin: The equipment is here and we have to run and hit every room. We're running

perpendicular to the joists. We are planning to have ... we might have to come up inside some of those joists.

Chairman Quinlan: So you can.

Ms. Griffin: For some of the ducts, yes.

Chairman Quinlan: And what ducts can you? Where the soffits are?

Ms. Griffin: Yes.

Chairman Quinlan: So every other joist you could?

Ms. Griffin: Yes.

Chairman Quinlan: So that's over 50 percent. Like in the living room, the soffits are on two walls and there aren't ones on the other two walls. Then you could use joists. Would that be a fair assumption from a guy who doesn't know much about architecture?

Ms. Griffin: I think the answer is probably yes, but we're headed towards ... we wanted to hit all the exterior walls, which is why we wrap the walls. But if we have to go into the space we can go up into the joists.

Chairman Quinlan: Okay, thanks. No more questions. Now, I asked the attorney to make rebuttals. Are we having a lot of other rebuttals here? Now we've got Christina, now we got the engineer, now we got ...

Mr. Tourigny: I wanted to explain because the units are located where you can see them in the plan. And as per my presentation, we need to get air out to the glass to meet the U- and R-values of the glass. And if you don't get the ductwork out to the glass or the diffusers out to the glass then you'll get cold- and hot spots. Basically, it violates almost the rating of the glass; the way the manufacturer actually tests the glass. If you jumped up in the middle, or every other day, it's basically jumping into an island where I can't go out to the middle – or I mean to the end – of the walls. I wanted to just add that statement.

Chairman Quinlan: Okay.

Ms. Chiocchio: Thank you. Any other questions from the board?

Chairman Quinlan: No, we're done.

Ms. Chiocchio: Thank you. Just to sum up ...

Chairman Quinlan: Please.

Ms. Chiocchio: The project team, the design professionals, they really worked very hard to comply with the Stretch Code and minimize the height increase as much as possible. The building that was approved in 2018 simply cannot be built and comply with the Stretch Code. So this is why we're here asking for this amendment to the prior approval with regards to the view preservation. We thank you for your time. Good evening.

Chairman Quinlan: And thank *you*. Okay, we've now come to the point where we're going to vote. And first what we're going to do is, everybody's going to explain *why* they're voting, on what facts and laws and other things. Then we're going to have a motion, and then the motion's going to be seconded. Then we're going to vote, okay? We'll start with the people who have been here longest and go down. Except for me. I'm going last, which is traditional. So David, please, let us know what your take is on this.

Boardmember Chen: So I am guided in this decision by my understanding of the standard, which is that we are looking for the "least possible." And those two words are really the key to my decision: least possible. Do I have that right, town attorney, least possible?

Attorney Whitehead: Right.

Boardmember Chen: I just want to make very, very sure that's correct. I'm starting from the premise that since this board approved a certain height in 2018 that this was the least possible. And the only thing that has really changed since then relative to all of this is introduction of the Stretch Code. That is why I asked Christina – at the first meeting, which is back in January, maybe February – how much of the proposed increase from that base height, that we'll call the 2018 height, was attributable, directly attributable, to the new Stretch Code. And I don't remember the exact number that was given in the record, in the minutes from that meeting that were reflected. But it was less than the 5-1/2 feet, I think, that was being requested at that point.

But I asked the same question of the engineer at our last meeting, which I guess was in June. At that point the request was less than 5-1/2 feet. I think it was 4 feet, and I asked how much of that 4-foot height, again over the base 2018, was directly attributable to the Stretch Code. And again, I don't remember the exact number I got in response but it was less than the 4 feet that was being asked for at that point. So I'm nothing if not consistent today. I asked the engineer the same question. Now the ask is 3 feet over the base, the 2018 base, and I asked

how much of the height increase, *that* increase, is directly attributable to – aligns with – the Stretch Code. And the answer I got was about, I think, 8-foot-6 inches, 8-foot-8 inches. The ultimate number doesn't matter that much to me because the answer has consistently been "not all of it." And as long as it's not all of it, then logic dictates it's not the least possible. And that is why I will be voting no on this.

Bldg. Inspector Minozzi: Hold on one second, David. It's 1-foot-2 for the first floor, 1-foot-2 for the second floor, and 8 inches for the third floor.

Attorney Whitehead: Right, and that was per floor. That wasn't total.

Bldg. Inspector Minozzi: Yes, the total number is equal to 36 inches. The 1-foot-2 is only for one floor.

Boardmember Chen: Is that right, 'cause that's not ...

Bldg. Inspector Minozzi: Yes, they actually discussed it right after that. Christina got up and discussed it with us to make sure.

Boardmember Chen: Well, then the question then becomes why are you basing the statement that that is directly attributable to the Stretch Code and only the Stretch Code? I don't think we need to revisit all of it, but I've heard quite a bit of testimony over the last five or so months that basically boils down there's many ways to skin this cat. And I'm not convinced the proposals that have been presented tonight are the only way to do that. I've heard enough people with enough expertise opine on various different ways this can be done that I'm just not convinced – again, with those words "least possible" being the applicable legal standard – that this is the least possible. So thanks for that clarification, that's important.

Bldg. Inspector Minozzi: No problem.

Boardmember Chen: I want to make sure the record's clear, but that's my analysis and that's why my vote is what it is.

Chairman Quinlan: Okay. Josh?

Boardmember Heitler: I mean, I think this may echo a little bit of what David said. I think there's been a lot that's happened here over these months. There's been a lot of public comment, there's been a lot of letters from lawyers. We have tried to remain focused on our charge – which is what David stated – which is to determine if this is the least possible

obstruction of the Hudson River and the Palisades. We understand it doesn't require no obstruction, we understand the views of the foreground are not protected, we understand there's no magic in the height of the Aqueduct. That these are level things that have been said, but at the end of the day it is whether this is the least amount of obstruction.

We know that at one time the original height was determined to be the least amount of obstruction. We know today that neither 5-1/2 feet or 4-1/2 feet turned out to be the least amount of obstruction. So the question before us today is whether 3 feet is the least amount of obstruction. And I think there have definitely been efforts, I think based on the board's prompting and questions, to hire a structural engineer to take this on. I appreciate that on the architectural side concessions were made to increase, for example, the quality of insulation versus the height of it, the roof pitch. I do think there were steps taken, but it's hard to determine least possible when David said "many ways to skin a cat." But there are lots of tradeoffs in design, and from our point of view we have to bring in the tradeoff of the view. I'm still, to be honest, thinking about that in my head.

So I'm going to leave it at that, if I can. May I?

Chairman Quinlan: It's up to you.

Boardmember Heitler: I'm going to leave it at that.

Boardmember Gaillard: Is my microphone working? You can't hear me?

Audience: (Off-mic).

Boardmember Chen: From me? Okay, sorry. What I said was that the question before us is whether 3 feet is the least possible obstruction of the view and it is something I am still considering.

Audience: (Off-mic).

Attorney Whitehead: They're not voting yet.

Chairman Quinlan: Stop. There'll be a vote. We're just giving reasons, thought, and listening to the other members. So now, Brett, please?

Boardmember Gaillard: So like Josh I am, I was, a design professional. But now I'm on the owner's side so I very much know the power of being the owner. I think the architect and engineer have been through a lot, and I hope they're getting paid hourly to be here. And they

are trying to meet their client's goals. And they have, as far as I can tell. Unfortunately, one of those goals was not to comply with the 2018 previously-approved application. And one of the goals was clearly to have higher ceiling heights, in my opinion. It is factual that some of the river is blocked. That's a fact, we've seen the renderings. We can argue about how much or how little, but some of it's blocked. Therefore, this is a view preservation issue and what we're looking for is the least possible obstruction, as my counterparts have said.

I have said this at every meeting in different ways: that I do not believe this is de minimis. It's a 10 percent height increase. The original height was 30 feet 6 inches and they're asking for 3 feet. So the definition of de minimis has changed. But all of us know, on a project or in life or anything, if I got a 10 percent raise, if I was 10 percent over budget on a project, I would have to do a redesign. Or I might quit my job and try and get more money somewhere else, or buy a car. Ten percent is not de minimis. The Stretch Code does not require a specific system, but I actually don't think we need to argue over which system is installed. Because the other thing the Stretch Code doesn't say is that a soffit has to be at 8 feet, that the bottom of a soffit has to be at 8 feet. It can be 7 feet. A bathroom can be 7 feet, a hallway can be 7 feet, an entryway can be 7 feet. So to say that's industry standard, I don't live in Hastings because it's industry standard and I don't think anything about Hastings is industry standard. In fact, when I was looking for a house I was told there is always going to be something wrong with the house, you just have to decide what it is that bothers you the least.

Every property is different, every house is different. The variety is one of the reasons people move here, among all the other things people have said. So I believe that actually this section could be achieved as is, with the system as is, and still meet what was approved in 2018. That can be open for debate, but it's not our job to design the building for the owner. So I don't want to talk about systems or building heights anymore. I do not believe, therefore, that this is the least possible obstruction of the river. I think what the least possible obstruction of the river is is what was approved in 2018, so I will vote no.

Chairman Quinlan: Okay. So that leaves me. Bear with me, this might be a little bit long and it's hard to scribble it all out. But I think we have to really make a complete record here for many reasons so let's go from here. First of all, I would like to talk a little bit about the Old Croton Aqueduct.

Male Voice: Can you speak up, please?

Chairman Quinlan: The Old Croton Aqueduct. I don't know what's going on here, but let's go. Here's a little bit of information about the Aqueduct just so we all know it. Most of us do, but I'm not sure if this case goes anywhere else they will. It was constructed between 1837 and 1842. It remained in service until 1955. It was designated as a New York state

park in 1968. It was listed on the National Register of Historical (sic) Places in 1974. And it also was designated as a National History Landmark in 1992. It runs the entire length of Hastings, north-to-south. Hundreds, if not thousands, of trips by people are made on this trail each year just in the Hastings part of the trail.

Okay, the next point I want to make is that most ... I've been on the Zoning Board at different times, and this is my 14th year. Most view preservation cases – a great majority, 90-, 95 percent – are from neighboring properties. They do speak in here about public – let me just read here – "adjacent public property," which is what we're dealing with here. We still have the same standard no matter whether it's a right of way or neighboring properties or adjacent public properties. But it's hard to forget about someplace like the Old Croton Aqueduct being the same as someone blocking a house and views and this and that and everything else like that. So it's kind of different, but it's not different 'cause it has the same standard. But it's good to know what we're dealing with here when we talk about the Old Croton Aqueduct.

The law requires us to cause the least possible obstruction of the views of the Hudson River and the Palisades, as I said, from neighboring properties and adjacent public properties and rights of way. I think it's clear here that there's no blocking of the Palisades, and we're only speaking about the river in this particular case. Just to go back a little bit to history, that's the law. The Planning Board has a big position in view preservation. The Planning Board is supposed to look at the same standard we are and they're supposed to recommend to the Zoning Board whether they believe the project has accomplished the goals, or not. They were split on their vote. It was 3 in favor and 2 against, so that could not pass. They were split and we received no recommendation from them, so that's a little different.

The project before us has six townhouses that are now 18 inches higher than the elevation of the Old Croton Aqueduct. And something that's been lost, but not lost to me, is that I stepped it out recently and it's not perfect but whatever the height of the building would be – it was 5-1/2, it was 4, it was 3 – it was 145 feet long with a 20-foot view corridor in the gap between the three townhouses to the south and the three to the north. The petitioner has claimed all along the same thing: that because of the Stretch Code they cannot lower the elevation of these townhouses. But now we know they can if they want to or have to.

That leads me to one of the interesting parts of this case. The current applicant who purchased the land is seeking approval of the ZBA to approve the buildings. Being first, I believe – and correct me if I'm wrong – it was supposed to be I think 5 feet or 5-1/2 feet. Then it reduced to 4 feet and now we're here to 3 feet. This is a plan that's been before us since December of '22 so you can do the math for the months. All along they have brought the application to 1-1/2 feet over the level of the Aqueduct, which is 1-foot-6 inches. During

this whole process, when it was first 5 feet we were told by the lawyers' submittals and the architects that this was the least obstruction of the river. Well, we found out that wasn't true because they moved it down to 4, 4-1/2. And again we were told that now *that* was the least obstruction to the views of the river. And now we find out it's 3 feet again after the last adjournment and we're being told *that's* the least obstruction. So I'm confused because they say one thing and then reduce it, then they say one thing and then they reduce and say one thing and reduce it. I'm just wondering about the credibility of all those promises that this was a least obstruction of the river. So I'm thinking possibly there's a way to make it even smaller.

The next question is, what could the applicant have done to cause the least possible obstruction of the view of the river? When they bought the property, in my understanding, it was pretty much just there. The prior petitioner had spent a lot of time between the Zoning Board and the Planning Board reviewing the plans, and those two boards finally convinced the applicant it would be best for him and for the Village and for the townhouses if he would reduce it below the height of the Aqueduct, which he did. He then sold the property to the current petitioner, and basically there's a lot of things he could've done – he or the corporation or whatever – right from the beginning. They decided to use the approval of the planning and zoning board of the building, not the height. But they were required to do so. They could've come in with their own plan if they wanted to. They didn't have to, that was their decision, and they could have done a lot of different things. They could've dug a little deeper in the foundation. We're only talking about 18 inches. They say there's rock. Well, guess what? Having lived in Hastings for 44 years – I don't even know what percentage but it's definitely a high, high percentage – everyone's built on rock. In fact, if you have a house and it doesn't have rocks in it it becomes more valuable to a buyer. Twenty-five townhouses are being built down by the river on ...

Bldg. Inspector Minozzi: 1 Warburton Avenue.

Chairman Quinlan: When they came here for approvals we found out they did a heck of a lot of digging for their foundations. They kept their promise and built all 25 townhouses below the height of the Old Croton Aqueduct. So we could go on and on and on about this, but they could've redesigned the building. They still could've redesigned the building afterwards, and they decided not to do it. Let's see, what else is there I want to say?

So what else could they have done? We know they could've dug deeper, they could reduce the height of the ceilings. Now I learn tonight – and I understand 7 foot is not great – 9-foot-3 is way high, and you could easily live with 8 feet. They could drop the soffits, they could try the mini-splits. We learned there is one from the engineer that can go down to zero. And I also understand there are a lot of hotels and affordable housing in New York City that do

have mini-split systems and we all know what the temperatures of those are. So they could've done that, but they were not required to do so. I'll let the record speak for itself by Mr. Metzger's presentation throughout the proceeding. There are a lot of things they could do to not do the ductwork or possibly make it go smaller and smaller and smaller.

That leads me to ... I just want to read one thing that doesn't really seem too important here but was important to me. We have a letter dated March 24th of 2023 from the New York State Parks, Recreation & Historical Preservation signed by William S. Oakes, the historic site manager of the Old Croton Aqueduct State History Park. Now just bear with me. I know it's a long night, but it's not that long a letter and I do want to read it because it's important.

Dear Chairman Quinlan and members of the Board,

"As manager of the Old Croton Aqueduct State Historic Park, I have reviewed the revisions ..." – they were talking about the 4-1/2 foot decision at the time – "for the proposal of old Nodine Street and I have no question in allowing the project to proceed as designed that will result in a significant loss of viewshed of the Old Croton Aqueduct trail-walkers. The Hudson River Valley is densely developed, and glimpses of the river and striking cliffs and wilderness of the western shore are one of the treats of living in, or visiting, the area.

"A particularly nice tableau is visible from the Aqueduct Trail in Hastings. State parks have noted the importance of views from trails in its guidance documents for municipalities in the community-designed guidelines to support the Old Croton Aqueduct State Historic Park. The guidelines call the issue of preserving views of the Hudson River and Palisades critical and state that providing access to this resource now, and for future generations, is a key preservation challenge." And that's the challenge we have before us today. It hasn't been easy for us to do this at all, we're just trying to do our best.

"The view preservation code's intent is to protect and preserve the character of the community..." – we heard some about that today both for and against – "...and to promote and improve visual relationships between the Village, the Hudson River and the Palisades. The minutia of insulation, ductwork and utility space in the Nodine proposal is irrelevant to the fact that the buildings would severely impair the visual relationship between the Village, the Hudson River and the Palisades. That the loss would be borne by those Village residents and visitors using a public space makes the loss all the greater.

"In their May 11, 2023 letter, the developer's attorney claimed the impact of the additional building height is de minimis; too small or trifling to be taken under consideration..." Well, we heard a little bit about that today in terms of percentages" – ... according to the legal dictionaries. That the developer considers the loss of Hudson River and Palisade views from a public park trivial should be a cause for alarm. It is notable that the size of the buildings in this project has required a variance to allow greater than permitted lot coverage, making the height and mass of the building all the more likely to impact views negatively. And this required particular vigilance to prevent the loss.

"Providing a developer permission to build a handful of view residences by largely taking those views from the public cannot be said to be in the best interest of the Village. The project reduces the Aqueduct walkers' view of the Hudson River and Palisades to a sliver of river along the opposite shore... " – ah, maybe, maybe not – "whereas currently the view of the river is undeniably striking and gives context to the width of the Hudson and the great mass of the Palisades. The Old Croton Aqueduct State Historic Park stands by its opposition to this project and respectfully requests that the amended request for view preservation approval be denied."

And for that reason and a bunch of other reasons ... and the last one, I just wanted to say, has nothing to do with the law but just struck me as something I think we ought to put in the record. This is a letter we received, and she says:

"This area is the only portion of the Aqueduct with such spectacular views that is relatively accessible for people with health conditions and disabilities that prohibit them from walking long distance. These conditions include mobility issues, certain neurological, pulmonary and cardiac conditions, and a number of other health problems. Because there is parking on Aqueduct Lane, people with limited mobility for any reason can walk a fairly short distance to be able to see both the Palisades and the river.

"Additionally, the location is perfect for people with toddlers and young children who want access to views. When Quarry Park..." – which has been kind of lost in this whole decision over the months – "...is fully operational, these vistas will be more important for those with mobility issues and other conditions that make the walk to other views impossible."

That has nothing to do with the law, but it certainly has something to do with people. For those reasons, for reasons of the other members that have spoken up today my vote will be no.

So do we have a motion? David, go.

Boardmember Chen: My vote is "no." Would the motion be to just take a vote?

Chairman Quinlan: Yes, we're taking a vote.

Attorney Whitehead: If that's your vote, then the motion would be to deny view preservation approval for the reasons set forth.

Chairman Quinlan: That has been set forth. Let's do a roll call on this, please. Josh?

Boardmember Heitler: "In favor of denial."

Boardmember Chen: "In favor of denial."

Boardmember Gaillard: "In favor of denial."

Chairman Quinlan: "In favor of denial."

On **MOTION** of Boardmember Chen, **SECONDED** by Boardmember Gaillard, with a roll call the Board voted to deny the view preservation request in Case No. 12-2022, Zero Nodine, LLC (aka 700 Nodine Street) for the reasons that have been set forth. (See attached Village of Hastings-on-Hudson Zoning Board of Appeals Findings and Decision Denying View Preservation Approval)

Chairman Quinlan: So it's 4-0. Thank you everyone for coming. We have other cases today, and they've been sitting here waiting very patiently. We'd like to hear them as soon as possible. Thank you.

Bldg. Inspector Minozzi: And try to be quiet, please, on your way out.

Chairman Quinlan: And take all conversation, if you can, either downstairs or outside on the porch. It's not cold, the heat's going down a little bit.

[*exiting audience chatter*]

Bldg. Inspector Minozzi: Folks, take it outside. Three other cases to get through tonight.

Case No. 16-23
Kerry Tirrell
24 S. Calumet Avenue

Relief from strict application of the Village Code Sections 295-68F1(a), 295-68F1(c) and 295-53.1, all w/295-55A for construction of a new second-story addition at the single-family dwelling located at 24 South Calumet Avenue.

**Said property is located in the R-10 Zoning District and is known as
SBL: 4.40-40-13 on the Village Tax Maps.**

Nonconformity details are as follows:

Front-Yard Setback: Existing – 25 feet; Proposed – 26.6 feet; Required – 30 feet {295-68F1(a)}; Variance Required – 3.4 feet

Side-Yard Setback: Existing Side 1/Both – 11.5 feet/26.4 feet; Proposed 11.5 feet/26.4 feet; Required – 18 feet/30 feet {295-68F1(c)}; Variance Required 6.5 feet/3.6 feet

FAR: Existing – 0.410; Proposed – 0.418; Required Maximum – 0.347 {295-53.1}; Variance Required – 0.071

All w/295-55A – Extension of an Existing Nonconformity

Bldg. Inspector Minozzi: Mr. Chairman, before we hear the next case, 24 South Calumet, I inadvertently switched columns.

Attorney Whitehead: Could you do it so it's on the record?

Bldg. Inspector Minozzi: Sure. I inadvertently switched the columns on the FAR coverage. The numbers were correct but they were in the wrong column, thus making the variance required much less than it came in.

Chairman Quinlan: Now, this is 17-23?

Attorney Whitehead: No, South Calumet.

Bldg. Inspector Minozzi: And I have it written down here for you if you want to read it.

Chairman Quinlan: No, just tell us what we have to process.

Bldg. Inspector Minozzi: So point number 3, FAR: existing is 0.347, proposed is correct, required max is 0.410. And the variance required is 0.008.

Chairman Quinlan: Okay, anything else?

Bldg. Inspector Minozzi: No, that's it.

Chairman Quinlan: Thank you, Charles, for that. I really appreciate it. Now wait a minute, let's see where we are. Let me just ask a question. Are you here for case number 16-23, South Calumet Avenue?

Gabriel Ce, Architect: 24 South Calumet, yeah.

Chairman Quinlan: I just have a question. Is the presenter here for 204 Farragut Avenue? Ma'am, would you mind if we I do him first? I know we had this discussion. Have you done your Mamaroneck case yet?

Female Voice: Yes, my partner went to Mamaroneck and I'm here.

Chairman Quinlan: Okay, thank you so much. So go ahead please.

Bldg. Inspector Minozzi: Lucky you.

Chairman Quinlan: Please.

[Laughter]

Attorney Whitehead: You might have the better one.

Chairman Quinlan: Good. Gabriel, it's good to see you again.

Mr. Ce: Good to see you, Mr. Quinlan.

Chairman Quinlan: I know you've come before us before, and welcome.

Mr. Ce: Is this the right table?

Bldg. Inspector Minozzi: You're good.

Attorney Whitehead: Technical difficulties.

Chairman Quinlan: We'll take our time. You guys have been patient, thank you so much.

Chairman Quinlan: Where's the one with the heights, David? That piece right there. I want to just make sure this gets in part of the record.

Attorney Whitehead: Buddy has a set. We made sure.

Mr. Ce: I'm the architect representing 24 South Calumet. Thank you to the board for reviewing our application. Unfortunately the owner, my client, Matt and Kerry Tirrell couldn't be here tonight. They have a sick child at home. But they sent me a message I'd like to read to just help explain where they're coming from, and where the project is coming from most importantly:

"We appreciate the board's consideration for our application. We moved to Hastings in 2021 and have enjoyed getting to know the wonderful, close-knit community here. This is our first home and we envision staying here for a long time. The renovations we are seeking to do will help make that a possibility giving us more livable space and making accommodations for our disabled son.

"Our younger son has a rare disease called ZTTK syndrome which causes extensive medical complexities; global development delay and cognitive disability. Many of the renovations we hope to do have his needs in mind. For example, a larger powder room on the main floor would offer him privacy during diaper change and give us space to address his medical needs, such as for example feeding tube care. Adding a large bathroom on the second floor would allow us to create an accessible bathing area with space for supervision. And the attic renovations would allow me to work from home when I need to accommodate my kids to appointments. Thank you for your consideration."

Mr. Ce: So I made a quick presentation, just taking excerpts from what we filed. I broke that into five parts: petition, existing, proposed conditions; view studies; and neighborhood analysis. This is all what was submitted to the board.

Our variances here are the front yard requirement, which is 30 feet for R-10. The existing conditions are 25, the proposed conditions for the addition is 26.6. The same thing for the side and combined side yards. The old provision is 12 and 30 for the combined; the existing is 11.5; and the combined is 24.4. The proposed conditions replicate those same conditions, as we are just building on top of a preexisting nonconforming part of the house. Then lastly, the FAR. The code provision calls for 0.410; the existing conditions has 0.347; and the proposed conditions are 0.418, which is 0.08 over the permitted 0.410.

Existing conditions of the house: this house lot is at 24 South Calumet, just north of

Reynolds Field. This is the current survey. It's a two-story dwelling, and the house is from 1910 if I'm not mistaken. This adjacent portion of the house was added later on, probably in the '40s or '50s I would assume, which is a one-story addition with a basement – it doesn't extend up to the second floor – a small deck/balcony on the corner, and a detached garage all the way in the back. I'm sorry for all the graphics here, but this is a combination of zoning and building permit. The dotted pattern is what's existing nonconforming portions of the house, side yards, and front yard. Basement is dedicated for mechanical and storage space, and will remain that way.

For the project, the first floor as you enter the house is through the front door here on the bottom of the drawing. There's a staircase that leads you up to the second floor where the bedrooms are. On the right-hand side you have the living space and small playroom that's part of the later addition to the house, and this small balcony here. Then a formal dining room on the left side and a kitchen on the back. Small deck that gives access from the kitchen down to the driveway, and a stair that leads you down to the basement. The second floor, as you climb up the stairs you have a landing area. You have two full bathrooms on the east and west side of the corridor. Then you have four bedrooms distributed throughout the floor plate. You can see the small addition I was referring to doesn't extend to the second floor currently. Then on the attic space the stairs are stepped, and you have an unfinished attic we're looking to finish to make a home office.

Elevations: west elevation, again same diagram showing what's existing nonconforming where we are removing west and south elevation, then east elevation and north elevation. Proposed conditions: this is the proposed site plan. Yellow identifies what's new and nonconforming. Again, it's extending that addition another floor up. The basement, we are mainly doing code upgrades on adding a fire-rated ceiling over boiler space and cleaning up some of the old storage that has been built throughout the years. First floor, we're opening up the floor plan a bit, creating the powder room that Kerry, in her letter, referred to where the current balcony is. Playroom remains as is, a new kitchen that's integrated with the dining room space, and a larger deck on the back of the house.

Second floor: the two bedrooms on the left side remain as is besides some modifications to the doors of the closets just to make the closets a little more accessible; instead of having a single door, having a double door. Then converting one of the bedrooms into a master suite with a larger bathroom above. That's basically where we're proposing to erect that first floor addition to create this bathroom and a walk-in closet. We're removing one of the bathrooms that block some access to daylight of the corridor, and that will be an entry vestibule to the master suite.

Elevations, showing additions: we're proposing an addition that features the character of the

house; extending the same stucco finish, reusing the same gambrel roofline – just inserted, we seem to be below the existing roofline; replacing some of the windows on the attic to make them code-compliant to access and egress; windows, adding twisty lights on the attic space. And there's some view studies. We did some before and after. Left is before improvements – after, improvements on the right side – trying to keep the same architectural fabric on the addition. A view now from the northwest corner and a view from the backyard of the affected neighbor, if you will, looking from 32 South Calumet – looking towards the house.

Did a neighborhood analysis just to understand how off or on we are with the neighborhood. We took just the stretch of Calumet. Here is our house. I'm going to flip quickly through the studies, but I'm going from the house up on the corner here, down, then up from the house across the street on the west side of Calumet, down – mostly to understand what has yard encroachments – front and side yards, and combined side yards. So the first house on Villard it seems to be all compliant. The second house on Calumet has a front yard noncompliance. Going down to 29 South Calumet, also has a front yard that doesn't conform, marginally. 32 Calumet doesn't conform on side- and front yards. 38 South Calumet has encroachment also on all three conditions. 44 South Calumet, only front yard. Anyhow, 86, a front yard. Then 15 South Calumet is noncompliant.

I'm just gonna flip through. I mean, you have this material as part of the submission. What we learned is that the majority of houses have – 85 percent of the houses – have a front yard encroachment, then a range of 30- to 40 percent has a combination of front- and side- or front- and combined side yard encroachments. This is mainly to address one of the questions for zoning variances if the proposed alterations fit within the neighborhood. I'd like to finish the presentation just addressing those five points.

The first point about being a desirable change that will produce, in the character of the neighborhood, a detriment to the nearby properties. The answer to that is that the proposed alterations seeking variances here are generally in line with the character of the neighborhood, referring to this neighborhood analysis. If there's another way that additional square footage can be achieved by some other methods, expanding the house towards the rear yard would increase lot and building coverage. And it's already on the threshold of being over and nonconforming for a maximum allowed building in lot coverage. The rear yard has dramatically flooded with any stormwater, storm event, that happens with having rains we had like a week ago. So it's not quite suitable to build in that area. And whether the requests for the variances are substantial: the current front yard encroachment is 83 percent compliant, the front yard variance is 88 percent. We're not going to the front of the house, we're keeping back about a foot.

Existing side yard encroachment is 95 percent single and 88 percent combined compliant. The side yard variances match the existing conditions. Existing lot coverage, I think that's not part of the variance. The existing FAR is currently 100 percent compliant, and the other (unintelligible) FAR variance is 99 percent compliant. Whether the proposed variance will have an adverse effect or impact on physical environmental conditions in the neighborhood or district: the proposed variances are in line with the immediate neighborhood and will not adversely affect the neighbors or any environmental conditions. We are just extending the house (unintelligible), and it was self-created. This is a question I always struggle to answer to the Zoning Board: the definition of "self-created." The house was built over a hundred years ago, and our lives change, the closet space we need, and people have specific conditions. So the requirement for more space, I think, is very common especially in those older ...

Bldg. Inspector Minozzi: I think you can speak for that.

Mr. Ce: Yeah, absolutely. Thank you, Buddy.

Chairman Quinlan: Thank you, that's great. Any questions?

Boardmember Chen: Were there any letters? There was such a flurry for the other one I didn't see if there were any for the others ...

Bldg. Inspector Minozzi: No, sir.

Boardmember Chen: ... for, or against. Not even from the house from the rear yard? Was there any letters of support from them?

Chairman Quinlan: I didn't see any.

Bldg. Inspector Minozzi: No sir, we have received no letters.

Chairman Quinlan: Are there any in the public who would like to be heard? Okay, that's a no. Any other questions?

Boardmember Heitler: I think this is pretty clear, and the presentation was very clear so thank you. But just to confirm, all of the variances you're asking for are continuations of existing nonconformance. So the footprint is not growing.

Mr. Ce: Right, except the FAR.

Boardmember Heitler: Right. But that is, to use a terrible buzzword, de minimis.

Boardmember Gaillard: That is.

Chairman Quinlan: That is de minimis.

Boardmember Gaillard: 0.008?

Boardmember Heitler: Again I think it's not a big deal, and you did an incredible neighborhood study that our chairman typically asks for, and likes. But did you happen to notice if there were FAR variances in the neighborhood, or it's hard to know?

Mr. Ce: It's very hard to get ... I mean, you basically have to survey the homes.

Boardmember Heitler: Understood.

Attorney Whitehead: Part of the FAR variance comes from finishing the attic, so it's existing space.

Chairman Quinlan: So someone else than David, could we have motion?

Boardmember Heitler: I can do it. I move in case number 16-23, 24 South Calumet Avenue, relief from strict application of the Village code, sections as listed:: front yard setback, existing 25, proposed 26.6, required 30, variance required 3.4 feet; side yard setback, existing one side and both 11.5 feet, 26.4 feet for both, proposed is 11.5 per, 26.4 required, required is 18 feet and 30 feet, the variance required is 6.5 feet and 3.y feet. For FAR: existing 0.347, proposed 0.418, max 0.410, variance required 0.008

Chairman Quinlan: All in favor.

All Boardmembers: "Aye."

On **MOTION** of Boardmember Heitler, **SECONDED** by Boardmember Chen, with a voice vote of all in favor the Board resolved to approve the request for variances in Case No. 16-23 for the construction of a new second-story addition at the single-family dwelling located at 24 South Calumet Avenue. The approved variances are as follows:

- 1) Front-Yard Setback: Existing – 25 ft.; Proposed – 26.6 ft.; Required – 30 ft. {295-68F1(a)}; Variance Required –3.4 ft.
- 2) Side-Yard Setback: Existing Side 1/Both – 11.5 ft./26.4 ft.; Proposed – 11.5 ft./26.4 ft.;

- Required – 18 ft./30 ft. {295-68F1(c)}; Variance Required – 6.5 ft./3.6 ft.
- 3) FAR: Existing – .347; Proposed – .418; Required Max – .410 {295-53.1}; Variance Required – .008
- 4) All w/295-55A – Extension of an Existing Non-Conformity

Chairman Quinlan: Four-zip. Okay, thanks a lot, Gabriel.

Mr. Ce: Thank you, the board.

Chairman Quinlan: Good luck. and good luck with that project.

All right next, case number 17-23.

Case No. 17-23
Kristina Camaj
204 Farragut Avenue

Relief from strict application of the Village Code Sections 295-69F.1(a & c) w/295-55A for a second-story addition and single-story rear addition at her single-family dwelling located at 204 Farragut Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.110-102-5 on the Village Tax Maps.

Nonconformity details to the additions are as follows:

Front-Yard Setback: Existing – 25.1 feet; Proposed – 19 feet; Required – 25 feet {295-69F.1(a)}; Variance Required – 6 feet

Side-Yard Setbacks: Side 1/Side 2/Total of Both – Existing & Proposed – Side 1 – 7.7 feet/Side 2 – 6.9 feet/Both – 14.6 feet; Required – Side 1 – 8 feet/Side 2 – 8 feet/Both – 25 feet {295-69F.1(c) w/295-55A (extension of an existing nonconformity)}; Variance Required – Side 1 – 0.3 feet/Side 2 – 1.1 feet/Both – 5.4 feet

Keiko Spade, Sasaki + Spade Architects: Hello, thank you for trying to arrange earlier, as well. And thank you for arranging. My husband is not able to be here because he's at the Mamaroneck. Hopefully that one is working, as well. This property project has been previously approved by ZBA in October, 2020, was re-approved in January, 2020, and those variances are currently in effect. The prior architect could not continue due to family health issues.

So we have made modifications to the plans that would enhance the project and require minor changes to the approved variances. We are proposing a family room addition in rear; replacement of unfinished attic with new finished second floor for bedroom, bathroom and playroom; constructing a functional front entry portico. The existing house is pretty existing nonconforming to the zoning side yard setback. So this overall site aerial shows this red roof. One is their house, 204 Farragut Avenue This is the front of existing right rear. And this is left-side neighbor, and that's the right-side neighbor. We are requesting four variances: three side yard setback variances, which are same as prior approval; and new front yard setback variance. I will review that in detail. The owner, Kristina Camaj would like to make a few comments.

Kristina Camaj, applicant: Hello, good evening. I just want to say thank you for considering this application, which is an addition. This is my third time appearing before you, and my family would be very appreciative to be able to make these improvements to our home, enjoy it a little bit more. Thank you.

Chairman Quinlan: Maybe I can just shorten this a little bit. Here's my opinion of it.

Ms. Spade: Okay.

Chairman Quinlan: This a very modest house on Farragut, to say the least. And both neighbors all have second floors already so I don't see any problem. And you're welcome to make your presentation, I hope you can do it. But as far as I'm concerned, I went to the house, took a look at it, took a look at the neighborhood, and it's no problem for me ...

Ms. Spade: Thank you.

Chairman Quinlan: ... to approve this very modest, also, redesign. I think they need it.

Ms. Spade: Thank you. Let me just go through. As you can see the plans, this is existing one. This one shows the new addition in the rear as well as rearranging the first floor. And the staircase has been relocated to make it more usable space from basement up to the first floor. And then this is the second floor currently, just attic. We are using same floor – I mean the ceiling lines basically – for creating dormers in the front and back to create the rooms for bedroom, bathroom, and playroom for her son.

So these are the four elevations. We are trying to be incongruent (ph) to neighboring characteristics. I'd like to restate the five criteria for area variance. Is that necessary [laughter]?

Boardmember Gaillard: If you want to do it.

Ms. Spade: Thank you.

Chairman Quinlan: We have them memorized. You don't have to, I don't see anything. I mean, it's fine with me. And everybody else agree?

All Boardmembers: Yes.

Chairman Quinlan: Josh, you want to hear them again?

Boardmember Heitler: No, no.

Bldg. Inspector Minozzi: The addition was approved by this board twice already.

[Laughter]

It's just the front entrance changed a little bit.

Chairman Quinlan: Exactly, and it looks great. It's not out of character of the neighborhood, that's for sure. Anybody else have any questions? Anybody in the public? No? Any letters? I doubt.

Bldg. Inspector Minozzi: None.

Chairman Quinlan: So if you don't mind I'd like to make a motion to approve all these variances. Brett, let's go.

Boardmember Gaillard: You want me to make the motion, or second you? No, I'll do it. I make a motion to approve case number 17-23 for 204 Farragut Avenue. Relief from strict application of the Village code, sections as stated. Nonconformity details to the add are as noted. Do I have to read them? As listed?

Attorney Whitehead: As listed.

Attorney Whitehead: As listed, and approved twice before.

Boardmember Gaillard: Except for the front, which is approved now.

Chairman Quinlan: Okay, all in favor?

Bldg. Inspector Minozzi: You need a second.

Chairman Quinlan: All in favor?

All Boardmembers: "Aye."

On **MOTION** of Boardmember Gaillard, **SECONDED** by Boardmember Chen, with a voice vote of all in favor the Board resolved to approve the requested variances for Case No. 17-23 for a 2nd story addition and single-story rear addition at the single-family dwelling located at 204 Farragut Avenue. The variances approved are as follows:

- 1) Front-Yard Setback: Existing – 25.1 ft.; Proposed – 19 ft.; Required – 25 ft. {295-69F.1(a)}; Variance Required – 6 ft.
- 2) Side-Yard Setbacks: Side 1/Side 2/Total of Both – Existing & Proposed – Side 1 – 7.7 ft./Side 2 – 6.9 ft./Both – 14.6 ft.; Required – Side 1 – 8 ft./Side 2 – 8 ft./Both – 25 ft. {295-69F.1(c) w/295-55A extension of an existing non-conformity}; Variance Required – Side 1 – .3 ft./Side 2 – 1.1 ft./Both – 5.4 ft.

Chairman Quinlan: Four-zip.

Ms. Spade: Thank you very much.

Chairman Quinlan: Good luck. Welcome to Hastings.

And last but not least, case number 18-23.

Case No. 18-23
Clare Francis
22 Hamilton Avenue

Relief from strict application of the Village Code Section 295-68F.1(a) to rebuild the front portico at her single-family dwelling located at 22 Hamilton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.80-74-24 on Village Tax Maps.

Nonconformity details for the enclosure are as follows:

Front-Yard Setback: Existing & Proposed – 24 feet; Required – 30 feet {295-68F,1(a)}; Variance Required – 6 feet

Mr. Hopkins, Hopkins Architect+: It might be the least.

Bldg. Inspector Minozzi: If you'll notice, this application is existing and proposed because they're removing the structure then putting it back, even though it's in the same place. Because they removed it, it had to come to us.

Chairman Quinlan: They're going to take it down and build a new one ...

Bldg. Inspector Minozzi: Put it back up.

Chairman Quinlan: ... is basically what they're doing.

Mr. Hopkins: Hi, members of the board, Mr. Chair. I'm doing this presentation for Clare Francis, who's the owner. It is an application for removing an existing nonconforming portico and replacing it in-kind with a nonconforming portico. The location of the house is 22 Hamilton Avenue, and basically (it's very hard to read on this screen) the front yard setback existing is 24 feet, the proposed is 24 feet, and the required is 30 feet.

Here you can see a site plan. This is where the existing portico that we're removing and replacing in-kind is. We're maintaining the 24-foot setback. This is the existing house and these are renderings of the new portico. This one is one of the better shots. The five points you already know. It's an improvement to the existing portico. Is it substantial? No. I don't remember the other three, but ...

Chairman Quinlan: That's okay.

[Laughter]

I don't think we've ever denied a portico unless it's gigantic.

Boardmember Gaillard: For a replacement of a portico.

Attorney Whitehead: Especially a replacement.

Chairman Quinlan: Plus, it's a replacement. I mean, you've got to get somewhere to get out of the rain, to get your keys, to get in the front door.

Mr. Hopkins: Yes. We're also upgrading the exterior.

Chairman Quinlan: That's good. Anybody in the audience ... there's nobody here. Any

letters, for and against? No.

Bldg. Inspector Minozzi: Can you just speak into the microphone, please. Can you pull it to your mouth? Thank you.

Mr. Hopkins: No, we received no communications on this application, Mr. Chairman.

Chairman Quinlan: So I'll take this motion 'cause it's the easiest one.

Mr. Hopkins: I think there actually was a letter in favor.

Bldg. Inspector Minozzi: Was there? Oh, I'm sorry. Let me just look in my ...

Chairman Quinlan: But it was in favor of it, right?

Mr. Hopkins: It was definitely in favor of it.

Chairman Quinlan: Which neighbor was that?

Bldg. Inspector Minozzi: Oh, I apologize. Yes, there was. I'm sorry, it's here. This is from 35 Hamilton Avenue, from Ms. Kivowitz.

Chairman Quinlan: And it's in favor, right?

Mr. Hopkins: Yes.

Chairman Quinlan: All right, so I'll make a motion.

Bldg. Inspector Minozzi: I apologize for that.

Chairman Quinlan: That's fine. So the motion's a front yard setback, existing and proposed 24 feet, required 30; variance required, 6. It's just a rebuilding of a portico on the front of the house. All in favor?

All Boardmembers: "Aye."

On **MOTION** of Chairman Quinlan, **SECONDED** by Boardmember Heitler, with a voice vote of all in favor the Board resolved to approve the requested variance in Case No. 18-23 to re-build the front portico at her single-family dwelling located at 22 Hamilton Avenue.

The approved variance is as follows:

- 1) Front-Yard Setback: Existing & Proposed – 24 ft.; Required – 30 ft. {295-68F,1(a)};
Variance Required – 6 ft.

Chairman Quinlan: Four-zip. Good luck.

Mr. Hopkins: Awesome, thank you.

Chairman Quinlan: You're very welcome.

Mr. Hopkins: By the way, that was a fascinating zoning board. I've never been to one that was so involved. Yeah, it's very exciting.

Chairman Quinlan: Good. You can learn by watching something like that, right?

Mr. Hopkins: Yeah, really. Very interesting, thank you so much.

III. APPROVAL OF MINUTES

Regular Meeting of May 25, 2023

Regular Meeting of June 22, 2023

Bldg. Inspector Minozzi: We have two sets of minutes tonight, Mr. Chairman.

Boardmember Gaillard: So I wasn't here for the 25th.

Boardmember Chen: I wasn't here for the 22nd.

Attorney Whitehead: You have three for each of them.

Boardmember Gaillard: Good, okay.

Boardmember Chen: I don't think I was here in May, but I was here in June.

Boardmember Heitler: We might be missing two in May then. Is that possible?

Boardmember Chen: I'm losing track. Is that possible?

Attorney Whitehead: I don't think you were here in May.

Chairman Quinlan: So we can't do May?

Attorney Whitehead: Can't do May.

Bldg. Inspector Minozzi: May is getting carried.

Chairman Quinlan: So we can do June.

Boardmember Chen: June, I was here.

Attorney Whitehead: June, everybody but Josh.

Chairman Quinlan: Anybody want to make any changes or anything?

All Boardmembers: "No."

Chairman Quinlan: So we're all set.

All Boardmembers: "Aye."

Bldg. Inspector Minozzi: And we'll carry May over 'til September.

IV. ANNOUNCEMENTS

Next Meeting Date – September 14, 2023

Chairman Quinlan: Now, what is the date in September? Is it the 7th or 14th?

Bldg. Inspector Minozzi: We changed it to the 14th. It's on the calendar as the 7th, but a couple of meetings ago we discussed it and you asked me to change it. So Mary Ellen just wanted me to point out that it is definitely changed to the 14th.

Chairman Quinlan: I hope we have an alternate by then. We might.

VII. ADJOURNMENT

Chairman Quinlan: And if not, everybody, if I don't see you and I don't talk to you have a great rest of the summer.

Bldg. Inspector Minozzi: Thank you. You, too, Mr. Chairman.

Chairman Quinlan: Thank you for all the hard work on all these cases, and we'll see you in September.

On **MOTION** of Boardmember Heitler, **SECONDED** by Boardmember Chen, with a voice vote of all in favor Chairman Quinlan adjourned the Regular Meeting.

Chairman Quinlan: Four-zero.