

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
OCTOBER 26, 2023**

*Meetings held by the Zoning Board of Appeals are
live-streamed via WHoH-TV (Channel 75 or FIOS 43)
and online at WHoH-TV.org
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PRESENT: Acting Chairman David Chen, Boardmember Josh Heitler, Boardmember Brett Gaillard, Boardmember Richard Griffin, Alternate Boardmember Beth Haddock, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi

I. CALL TO ORDER

Acting Chairman Chen: Calling to order this month's meeting of the Hastings Zoning Board of Appeals. I am chairing this month in place of Jerry, who could not join us. We only have one thing on the calendar.

But we're going to start with *our* calendar for 2024. Just to note for the rest of my boardmembers there's no meeting next month, in November. The November and December meetings get combined to, I think, the second week in December so mark your calendars accordingly.

Attorney Whitehead: Some of you might have had that originally for the 7th. It's been moved to the 14th.

Acting Chairman Chen: December 14th.

Attorney Whitehead: I had it for the 7th and just found out [laughter].

Acting Chairman Chen: Regarding 2024, what do we need to discuss?

Attorney Whitehead: You want me to do it? So the February meeting, and Buddy and Mary Ellen did this because we know that some of you do have kids in school, the February meeting would normally be the 22nd, which is the school holiday week. So if that's a problem that one can easily be moved to the following week because there's an extra Thursday in the month of February.

Acting Chairman Chen: Leap Day, okay. I think that makes sense.

Bldg. Inspector Minozzi: So we want to go with the 29th?

Acting Chairman Chen: We always have people out that week.

Attorney Whitehead: I think we had one we ended up canceling last year anyway.

Bldg. Inspector Minozzi: Same thing in March.

Attorney Whitehead: Is that really school off again, a month later? So the March meeting would be the 28th.

Bldg. Inspector Minozzi: That one we don't have an extra.

Attorney Whitehead: So that's also school holiday week. I guess that's Holy Thursday.

Boardmember Gaillard: It has to be after the planning board? It can't be before?

Bldg. Inspector Minozzi: That's correct.

Attorney Whitehead: But it would be too close to your prior meeting. There's no rule that you have to be after Planning, but you would have to go a week earlier to the 14th and that would be only two weeks after your prior meeting since you moved that one a week later (chuckle).

Acting Chairman Chen: And we can't push it back to April?

Attorney Whitehead: You could push it to the 4th.

Acting Chairman Chen: The first weekend in April?

Attorney Whitehead: I don't think there's anything else, but we have to check availability.

Bldg. Inspector Minozzi: I'll check availability but I'm pretty certain it would be okay. But we'll check it.

Acting Chairman Chen: All right, let's do that because, again, I don't think we can count on ...

Bldg. Inspector Minozzi: Then we're going to have two meetings in April.

Acting Chairman Chen: Yes, beginning and end of April. But I just don't think we can count on having a quorum that week with school out.

Bldg. Inspector Minozzi: Then we're back to the 25th of that month.

Attorney Whitehead: Then September again. August and September get combined.

Acting Chairman Chen: To early September.

Attorney Whitehead: Historically you were doing it the first week in September, but I think everybody prefers the second week so it's not the week school starts.

Boardmember Gaillard: Yes, thank you.

Attorney Whitehead: So that's on here for the 15th. Sorry, 12th.

Bldg. Inspector Minozzi: So that's okay with everybody? Then we have the holiday so we're back to the 24th of October.

Attorney Whitehead: Then November and December again gets combined.

Acting Chairman Chen: To early December. So Thursday the 5th, I think that works.

Attorney Whitehead: There were some things like school vacations.

Bldg. Inspector Minozzi: Okay, I will get this to Mary Ellen who will get it to IT to set up the calendar. No problem.

Acting Chairman Chen: All right, let's move on to our first and only item.

Case No. 20-23
Michael Wilner
189 Warburton Avenue

View Preservation Approval as per Sections 295-82 of the Village Code for a basement addition w/a deck above on the single-family dwelling located at 189 Warburton Avenue. Said property is located in the R-7.5 zoning district and is known as SBL: 4.130-138-11&12 on the Village Tax Maps.

Acting Chairman Chen: Who do we have presenting tonight?

Chris Tramutola, Alloy Design Studio PLCC: Good evening, I hope everyone's doing well. This is my own firm. I'm an architect and landscape architect, representing Spike Wilner here for his residence on Warburton Avenue.

Bldg. Inspector Minozzi: Could you just tell us the address of the application, please?

Mr. Tramutola: Yes, it's 189 Warburton Avenue. As you see here, this is one of the few properties that is on the west side of Warburton. So it's a heavily sloped site towards the western half going down to the train tracks. But up above it's a dual lot, which we'll go into.

A little bit about the project. What we are doing here – and this is actually flipped here, the slope is to the right, the west – is creating a basement addition. That basement addition has a walk-out deck from the first floor, and that walk-out deck has a railing. That railing is replacing an existing deck and railing that's in existence at the moment, and that railing is very slightly visible from the road at very peculiar angles. Just going through that, that's why we're seeking a view shed variance. This is just a little bit of detail about the project. The basement addition is three small rooms with a staircase up to the deck and sliding doors out to that deck on the first floor, and a small patio below.

The existing building, what were doing to it. That's the basement on the left and the deck on the right. Here's what we're taking off on the bottom right elevation. You can see the existing deck that's there and the new deck that is being proposed. We're moving it actually to the west so the new deck will be less visible from the existing deck. This is the rear elevation that you know and wouldn't be able to see unless you were in a boat.

Attorney Whitehead: With binoculars.

Mr. Tramutola: Yes, exactly (chuckle). Skipping ahead to the railing in particular 'cause that's the detail that's pertinent to this meeting, it is a stainless steel braided cable railing with wood posts and a top rail. So it's a very handsome railing that is also ubiquitously used for view preservation. So these are a couple of images of that type of railing where you can obviously see it maximizes the amount of clarity. Here are a couple of images we placed. The contractor placed a post at the proper elevation. The lower caution tape is the actual deck and the upper caution tape is the railing. So this is actually the most you can see when you're kind of in that little park area, and as you can see it's not really blocking any of the river view. Here's from across the street. You can see the railing, you can't see the actual deck when you're standing across the street. Here, the existing railing which is far more cumbersome. You can see beyond it where the new railing would be. And same thing, just back across the street. And there is from immediately across.

That's pretty much it. We have a host of other information if there's any questions.

Acting Chairman Chen: Do you have any pictures from the Aqueduct Trail down there?

Attorney Whitehead: You're not going to see it.

Acting Chairman Chen: You wouldn't see it at all.

Mr. Tramutola: You're so far beyond with the other properties.

Attorney Whitehead: 'Cause this is on the river side.

Mr. Tramutola: I can go back to whichever plan would be easiest to view.

Bldg. Inspector Minozzi: Actually pictures or views from Mr. Weatherall's old property, which was across the street, would actually be above that. So you would actually be looking over it.

Boardmember Griffin: Right. I walk on that trail all the time and I'm trying to visualize ... I don't know that you can see any of the homes on Warburton, certainly on that side of Warburton.

Attorney Whitehead: You're looking over that.

Boardmember Gaillard: So is the height of the railing, the current, is it going to be the same height with the new?

Mr. Tramutola: Correct. Both railings, existing and proposed, are 42 inches. Which is the standard railing height for safety code.

Attorney Whitehead: So the issue ... this one came very close to getting a waiver. But there it was compliant, that you do see it. It does block a tiny bit really from Warburton, right?

Bldg. Inspector Minozzi: Pretty much, yes. From this view is probably the most obstructive view. What's nice is that actually 36 is your state minimum, not 42. So you could always drop it to 36.

Mr. Tramutola: Thirty-six for opening of less than 4 inches, but you need 42 to ...

Bldg. Inspector Minozzi: That's correct. And this is a wooden rail that's on this deck with wooden spindles. That's existing, and they're talking about putting a cable rail which is much less impact on the view. You could see through it much easier. If you could maybe go back and show the picture of that cable rail again? There you go. So you could see that this rail would be much less impactful than if it had spindles, wooden spindles.

Acting Chairman Chen: All right, I don't have any questions. I mean, the phrase "de minimis" gets thrown around an awful lot in here, but this time it might actually be applicable. Before we vote, Josh, any questions, comments?

Boardmember Heitler: Just the footprint of the deck is larger than the existing deck.

Mr. Tramutola: Correct.

Boardmember Heitler: Is it just moving west, or is it larger?

Mr. Tramutola: No, it's larger and moving west. So there are portions of the deck that are now on the west side of the house where currently all of the deck is on the north side of house. The west side of the house is totally invisible to everyone on the road. The north side is just shifting back, but then we're adding an additional deck on the west side.

Boardmember Heitler: That's my only question.

Boardmember Gaillard: No questions. I think it's an elegant and nice solution, and sensitive to the view. So no questions.

Boardmember Griffin: Beautiful spot for a deck.

Mr. Tramutola: Thank you.

Alt. Boardmember Haddock: It is a beautiful deck. I just want to make sure I understand. So the lot that's next to it is vacant.

Mr. Tramutola: Correct, and those have been legally combined.

Alt. Boardmember Haddock: Oh, so you're the owner. I was thinking potentially we were looking at whether the view for the adjacent lot is going to be obstructed or not, but this is now a two-parcel ...

Mr. Tramutola: I'm sorry, the ...

Attorney Whitehead: It's all one; they've merged the lots.

Alt. Boardmember Haddock: On the other side of the fence another owner owns that parcel.

Male Voice: The other side of the fence is actually the property of Hastings.

Mr. Tramutola: Yes.

Alt. Boardmember Haddock: So it's Hastings-zoned, okay.

Attorney Whitehead: Can you pull the mics down?

Bldg. Inspector Minozzi: No problem.

Alt. Boardmember Haddock: I just wanted to make sure we understood the adjacent lot and the impact to that adjacent lot. So I now understand it's owned by Hastings, it's not in private ownership. Thank you, that's it.

Acting Chairman Chen: Okay, may I have a motion?

Boardmember Heitler: I can do it. For case number 20-23 – Michael Wilner, 189 Warburton Avenue – move to approve for view preservation as per section 295-82 of the Village code.

Acting Chairman Chen: We'll do a down-the-row vote.

Boardmember Gaillard: "Approved."

Boardmember Griffin: "Approved."

Alt. Boardmember Haddock: "Approved."

Boardmember Heitler: And I, Dave Chen, vote to "approve."

On **MOTION** of Boardmember Heitler, **SECONDED** by Boardmember Gaillard, with a roll call vote of all in favor the Board resolved to approve view preservation in Case No. 20-23

for a basement addition w/a deck above on the single-family dwelling located at 189 Warburton Avenue.

Acting Chairman Chen: So that's five-to-nothing. Congratulations.

Mr. Tramutola: Thank you.

Michael Wilner, applicant: Appreciate it. (Off-mic).

Attorney Whitehead: Welcome.

Boardmember Gaillard: Nice to meet you.

Acting Chairman Chen: We have September minutes, I believe, to approve.

III. APPROVAL OF MINUTES

Regular Meeting of September 14, 2023

Acting Chairman Chen: Who was there?

Boardmember Griffin: I can't remember for the life of me.

Mr. Wilner: What's the timeline (off-mic) permit ...

Bldg. Inspector Minozzi: Call me tomorrow or e-mail me – either/or. We'll talk about it off-line. Thank you.

Acting Chairman Chen: Did anyone have any revisions or changes to the minutes?

Bldg. Inspector Minozzi: Well, we're only missing Jerry so we probably have a quorum for the minutes.

Acting Chairman Chen: I'm just trying to figure out who can vote. I don't have them, but they'll reflect who was here. It feels like a year ago.

Boardmember Gaillard: I think I wasn't there.

Attorney Whitehead: Jerry, David, Josh, Richard. It says "*Village Attorney Whitehead.*" I was not here.

Acting Chairman Chen: The three of us is enough to approve it. Either Josh or Richard, could I trouble you to move to approve?

Attorney Whitehead: Oh, I have a correction: I was not here.

Acting Chairman Chen: I will say your associate did a good job of impersonating you.

[Laughter]

You should give her a big bonus.

Attorney Whitehead: We like Taryn.

Acting Chairman Chen: Yeah, she's good peeps. Okay, can I have a motion to approve the September minutes?

On **MOTION** of Boardmember Griffin, **SECONDED** by Boardmember Heitler, with a voice vote of all in favor, the Minutes of the Regular Meeting of September 14, 2023, were approved as amended.

Attorney Whitehead: Three, and two abstentions.

Acting Chairman Chen: So those minutes are approved. I don't think we have anything else, do we?

IV. ANNOUNCEMENTS

Next Meeting Date – December 14, 2023

V. ADJOURNMENT

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