

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS
REGULAR MEETING & PUBLIC HEARING
SEPTEMBER 6, 2018**

A Regular Meeting and Public Hearing was held by the Zoning Board of Appeals on Thursday, September 6, 2018 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue

PRESENT: Chairman Matthew Collins, Boardmember Ray Dovell, Boardmember Joanna Berritt, Boardmember Carolyn Renzin, Boardmember Jeremiah Quinlan, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi

Chairman Collins: All right ladies and gentlemen, we'll get underway. Welcome to our September 6 Zoning Board of Appeals meeting. We have four cases on the docket tonight, and I believe we are in a position to hear all four. We'll get to that in a moment.

Before we get underway, just a couple of ground rules. The comments anyone here makes tonight will be captured by our remote transcriptionist. It's recording the session, so we just ask that for the first time that any of you speak on the record make sure you, first of all, have a microphone in front of you. We have a standing mic on the floor and a handheld mic that our building inspector has. Secondly, introduce yourself. Tell us your name and where you live. That way, the remote transcriptionist will capture your remarks and ascribe them to you for the record.

Secondly, we are, right now, short our fifth ... ah, our fifth is here, very good. Problem solved. You just saved me from having to explain the four-person board dynamic. Yes, the weather here's been nasty.

There is obviously something going on. It looks like something, maybe a gallery/art showing kind of a thing. There will be some noise on that, so if we ask you to repeat yourself thank you in advance. And if I get any of your names wrong I apologize. I'll do my very best.

Buddy, how are we on the mailings?

Building Inspector Minozzi: I've been informed by my staff that the mailings are all in order.

Chairman Collins: All right, then, we'll go in order that the agenda has these cases. We'll begin with Case 15-18.

Boardmember Dovell: Matt, before we begin, could we shut the door?

Chairman Collins: No, we can't. There's a ...

Building Inspector Minozzi: Let me see if they're clear yet out the back.

Chairman Collins: For fire hazard reasons that door can't be open – at least it wasn't able to – because there's a pileup of band equipment.

All right, Elena Papaliberios – I hope I didn't mangle that too badly – 20 Hudson Street.

Case No. 15-18
Elena Papaliberios
20 Hudson Street

Relief from the strict application of the Village Code Sections 295-68F.1.a for construction of a new covered front porch at her home at 20 Hudson Street. Said property is in the R-10 Zoning District and is also known as SBL: 4.140-143-6 on the Village Tax Maps.

Non-conformity details of the proposed Covered Front Porch are as follows:

Front Yard: Existing – 31.69 feet; Proposed – 25.19 feet; Required Minimum – 30 feet {295-68F.1.a}; Variance Required – 4.81 feet

Chairman Collins: Who here is to speak on behalf of the applicant?

Bruce Levy, project architect: Hi. I'm the architect for Elena Papaliberios. I apologize for any noise from our arts commission hearing, but it was a success.

I think the material we submitted is somewhat self-explanatory. Elena is just looking to do a covered front porch. There already is a stoop in the front which is about 5 foot by 10 foot, and it is in deteriorating condition. But she also has an elderly parent, so what she would like to do is create a covered porch. Basically we want to just add 1 foot more, to the 5-foot dimension right now, so she ends up with about 5 feet on the inside of this vestibule.

Let's see. Part of the reasons are the front porch and stoop, right now, are somewhat dangerous in the winter. This is on the north side of the house so it does not get much sun in the winter to melt the snow and ice. Also, just in terms of energy efficiency the front door goes right into the living room of the house. She would like to do this front porch, a covered front porch, about 6 feet out from the house.

The house is already ... let's see, 31.69 feet is the setback of the existing house; 30 feet is required. So if we start doing a subtraction, she needs 4.81 feet as a zoning setback for the

front setback for the porch. Also, I think you can see from the pictures that this extension would in no way be very intrusive to any of the adjoining properties which are further set ... not further set back, but to the north – sorry, to the east and the west. There is a wide variance of side yard so it does not intrude in any way. And the extension will be in conformance with the architecture of the existing house and the neighborhood.

I think that's it.

Chairman Collins: Okay, thank you. I think this is a very straightforward case. And we see them a lot, it feels like, especially lately. We've seen a number of cases involving applicants who are seeking some kind of protection, whether enclosed or not, from the elements. And putting that little coverage over the front door is something that seems to come up an awful lot. Your variance requested here is minimal. You've articulated, I think very compellingly, the need – as many other applicants have before.

My eye goes right to the design that you've provided. And though it's just a pencil sketch, I think it looks quite attractive. I happen to like that you're enclosing it as opposed to simply covering it. I think for the need you described it does create a little bit of an extra relief from the elements. So I have no issue with this, but I'm going to invite my fellow boardmembers to weigh in with any questions or comments they may have.

Why don't we just start down the line. Carolyn, do you have anything.

Boardmember Renzin: No.

Chairman Collins: Okay. Jo?

Boardmember Berritt: No, I'm fine with it.

Chairman Collins: Ray?

Boardmember Dovell: I think it's perfectly appropriate.

Chairman Collins: Jerry, anything?

Okay, does anyone in the audience wish to be heard on this case? All right. Then if there are no further questions or comments from the board or from the public can I get a motion, please?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Renzin with a voice vote of all in favor, the Board resolved to approve Case No. 15-18 for 20 Hudson Street for the construction of a new covered porch; front yard existing 31.69 ft., proposed 25.19 ft.; required minimum 30 ft.; variance required 4.81 ft.

Chairman Collins: All right, the vote is unanimous. Congratulations, and on the ribbon. You're our first-ever applicant who's also won something in the art show.

[laughter]

Mr. Levy: Well, actually, I'm the chairperson.

Chairman Collins: Oh, well then another first.

Village Attorney Whitehead: He was here in his official capacity.

Chairman Collins: Excellent. Congratulations to you, thank you.

Mr. Levy: Thank you so much.

Chairman Collins: Okay, we'll proceed to our next case, Case 16-18, Chris Tague. Again, I apologize if I get the names wrong. Feel free to correct me.

Case No. 16-18

Chris Tague

177 S. Broadway

Relief from the strict application of the Village Code Sections 295-68F.1.a for construction of a new garage addition to his home at 177 South Broadway. Said property is in the R-10 Zoning District and is also known as SBL: 4.100-95-2 on the Village Tax Maps.

Non-conformity details of the proposed Garage Addition are as follows:

Front Yard: Existing – 29.6 feet; Proposed – 19.33 feet; Required Minimum – 30 feet {295-68F.1.a}; Variance Required – 10.67 feet

Chairman Collins: We're looking at the 10-2/3 foot relief. Whenever you're ready, sir, feel free to begin. Just introduce yourself, please.

Tomasz Lopinski, Mitchell Koch Architects: I'm the project architect working on this renovation. One of our proposals is to build the addition of the two-car garage on the east side of the house. The house is located on South Broadway, which is down the hill. It's really not a visible house. We're asking for this variance – almost 30 percent encroachment – into the front yard. But we see this as a very minimal impact to the front yard. Like I said, the house is almost invisible from Broadway.

We're trying to avoid parking the car ... let me switch to the plan. There is a structural problem associated with actually parking cars along the east side of the house. Some of these are associated with the load of the cars, some associated with the drainage. We're trying to avoid parking the cars along the east side close to the foundation walls. That's why we're proposing this two-car addition.

Male Voice: So there's a section?

Mr. Lopinski: I'm sorry. Here is the elevation, the south elevation, of the house and the part of the garage that is in the front setback. So the question is, where is something we'd be okay with.

Mitch Koch, architect: I'm a co-conspirator. One thing we want to say is that this projects into their front yard technically, but it's really under the lee of the hill, Broadway. If you look at it, we feel like the impact ... do we have an image of the big section? Yeah, go back one. So if you look at this down here you can kind of see the relationship of the garage to the slope of the driveway. I realize this is really not a view preservation question, but the actual impact of the encroachment in the front yard is, I think, minimal because of the fact that it's underneath the shoulder of the hill.

And we also did a little study – Tomasz, you maybe can help me – of the relationship of the line of the garage with regard to the neighbors' houses.

Male Voice: (Off-mic)

Mr. Koch: Yeah, go back one. One more, sorry – one more, sorry. The map. Mm-hmm. So on this map you can see the relationship. This is the proposed line of our encroachment. What we just did was offset this same distance from the road just to compare where we would fall with regard to other houses along the way. I would say for these four houses the encroachment is pretty much in line with the front yard of these houses with regard to the street. And at 159, of course, there's a garage that's right on the road.

We have some pictures of that, which you will ... so this is the house that we're proposing to do; the extension, which would put it out here, roughly, at the edge of the picture. This is the neighbor's house, which is directly behind the photographer in this one.

Building Inspector Minozzi: It's a shared driveway; they're back-to-back houses.

Mr. Koch: Right. This is the next neighbor. And then finally, you know, as we go down to 161 you can see that many of the houses are close to Broadway?

Boardmember Renzin: Is that the same on the other side? I notice that you gave us the four that were ...

Mr. Koch: Yeah, up the hill is Andrus so it's really a completely different situation.

Boardmember Dovell: You're changing – just based on the photograph and your diagrammatic drawings – the pitch of the roof, off the existing roof?

Mr. Koch: That's correct.

Boardmember Dovell: It no longer slopes down from the roof. You're cutting it shorter.

Mr. Koch: We're making it a lower roof on a flat roof for a couple reasons. In the first place, I think it helps ... we can't extend this any further. I mean, this was an idea that was appropriate for a carport, but to extend it would not have worked. So we went with a flat roof to kind of give more identity to the garage as separate from the mass of the house. And you know, it's part of the canon of this mid-century modern look. In addition, it enabled us to bring in, actually, fresh air and light to some of the two rooms that are on the east side of the upper floor. Which I don't know if we have these. Do you have those elevations ... like here?

So, you know, we're suppressing it. It's a fairly low roof, but completely sufficient for a garage. And we think that it will really help the house and enhance the house. Just to point out, we're trying to conform to the requirements to have a two-car garage – it's obviously grandfathered to be what it is – but if we were going to build a new house there we'd be expected to put in a two-car garage.

Chairman Collins: And the current carport is just a one-car ...

Mr. Koch: No, it can only accommodate one car. And as you can see, we've improved the entry sequence by stealing part of that garage. Can we go back to the plan, Tomasz? So this

is an older plan. In fact, we've worked out a way to extend the closet into this space here where I'm indicating, but ...

Chairman Collins: Where are you indicating? I'm sorry, I'm not seeing it.

Mr. Koch: You see there's currently a bathroom there, but I think we're going to be able to extend the closet and steal from the bathrooms that are sort of half a flight up and half a flight down. But you know, we've kind of, I think, improved the arrival sequence from, currently, you were under the carport and stepping up into this stair landing only. Now there'll be like, I think, a place that's going to feel more welcoming and, you know, has some room for a closet.

Basically, maybe in some future life, if we do this we would re-route these stairs so instead of landing here on the side of the garage they might step down and come around this way. But that would be in the future and probably be to the planning board for that one.

Chairman Collins: So you're coming out another 10.3 feet or so? Is that right? Since you were at 29.6, and you're now at 19.3.

Mr. Koch: Yes, that's correct.

Chairman Collins: So that's about 10.3 feet of added width.

Mr. Koch: Yes. And we know that it's not typical to put a garage into the front – you know, extend into the front yard – but this has all the feeling of a side yard. It's just the way it's configured.

Chairman Collins: Yes, I know what you mean. So the total ... this is a very squarish (sic) garage actually, as I see it. But I mean the total distance from the easternmost edge of the garage – in other words, where the new addition would be – to the house, to the entrance to the house. About how wide of a garage are we looking at?

Mr. Koch: Can you zoom on this? It's probably 24.7. I just want to point out that by creating this entry area here we've eaten up some of the required width of the garage. Consequently, due to creation of this space we've pushed a little bit further towards Broadway than you would otherwise have to. On the other hand, this space is going to be very useful in a two-car garage for storage and garbage, for example, or nothing else.

Chairman Collins: I'm not an expert on car widths, but does the 24 feet and change width of the garage place any limitations on type of cars you can park there? In other words, are we looking at

Mr. Koch: I don't think they're going to put two SUVs in there. I had imaged ...

Chairman Collins: Could it store them?

Mr. Koch: Yeah.

Chairman Collins: It could.

Mr. Koch: I mean, the garage door that we designed is, I think, a 16-foot? Yeah. So, I mean, that would accommodate two SUVs but you'd probably have some challenges opening the doors of both of them. So in general, I think most people if they have two cars they have a big one and a little one.

Chairman Collins: Right.

Mr. Koch: And this is a young family with, you know, one small child who are just moving up here.

Chairman Collins: I see. Okay, I'll just simply say that I think you're right to point out the unique dimensions of the property. The extent of the variances, not insignificant. We've seen more severe requests here. But the property's unique relationship to the road, and the fact that this is below the grade of the road or really hard to see from the road, to me minimizes the impact of requesting what is a moderately-sized variance, shall we say.

I'm a fan of the utility, being able to take two cars and tuck them away. Not having to worry about parking them in other places on the driveway that may interfere with other uses to me is a clear enhancement to this property. So I think, in the net, I'm comfortable with this. But I'll be eager to hear what others have to say. Especially if any line of questioning goes in, like what other configurations might have been possible. To your point, it is unusual to have it so prominently in the front.

So I'll shut up.

Boardmember Dovell: The front is really depressed from the roadway. So where is the roadway in relationship to the top of the garage?

Mr. Koch: Well, it's about 6 ...

Boardmember Dovell: It's below, in fact, isn't it?

Mr. Koch: Yes. I mean if you can see, here's Broadway ...

Boardmember Dovell: Right.

Mr. Koch: ... and this was scaled off of the contour maps that we got. So, you know, the top of the garage is a good 6 or 7 feet below where you would park if you were on the shoulder of Broadway.

Boardmember Dovell: Right. And you're preserving the little buffer of woodland that's in front of it.

Mr. Koch: Absolutely. We are not even ... in fact, if we go back to the photograph, we're hoping to save this maple, which is – getting there, whoops, go back. Do you have that other? Well, it's right here, you can see it.

Boardmember Dovell: Oh, right. Yes, I see it.

Mr. Koch: And we think we can just go around it because we're really going to be fanning the driveway out just right after that.

Boardmember Quinlan: That was the question I had. What are you going to do with the driveway?

Mr. Koch: Well, we'll have to go back to the survey drawing or the plot plan.

Boardmember Quinlan: You can just tell me by the picture.

Mr. Koch: Yeah. So you can see the driveway currently goes like this to the carport. And what we would be doing is just fanning out this little bit. So we'll be increasing the driveway by, you know, something like a 6 by 10, maybe 30 square feet, or something like that. A small triangle of additional paving.

Boardmember Quinlan: So you also ... if you made it a one-car garage, then you wouldn't need a variance at all, right?

Mr. Koch: That's correct.

Boardmember Quinlan: And you say nowadays you're expected to have a two-car garage? What do you mean by that, "expected."

Mr. Koch: No.

Boardmember Quinlan: Didn't you say you're expected to have a two-car garage?

Mr. Koch: Oh, no. Well, I mean ...

Boardmember Quinlan: If you were building a new ...

Mr. Koch: If you're building a new property you're required to build a two-car ...

Village Attorney Whitehead: No.

Mr. Koch: Or provide parking for two cars.

Village Attorney Whitehead: Right. Two off-street parking spaces.

Mr. Koch: Right.

Boardmember Quinlan: You're required, but ...

Mr. Koch: Yes.

Boardmember Quinlan: ... you're not required to put in a two-car garage, are you?

Mr. Koch: No, I misspoke. I meant that you provide ... but, of course, you have to provide parking that's not in a side yard and that is either ... a drive can go towards a garage, but ... this would be as-of-right. But this would be, if I had to build a new house I would have to provide parking for two cars and it would be a two-car garage. Now, if we rebuilt this house probably we would push it a little bit further downslope so we could do it as-of-right. But, in fact, it's a pretty challenging site because it falls off pretty steeply.

Boardmember Quinlan: It's a big slope. And how about what are you going to do with the ... in the carport, right against the house, there's like air conditioning and those big mechanicals that are against the house.

Mr. Koch: Yeah, there's two condensers.

Boardmember Quinlan: Are they going to stay there, are you going to move them?

Mr. Koch: No, no, we'll have to move them.

Boardmember Quinlan: You have to move them, right?

Mr. Koch: Yeah.

Boardmember Quinlan: So where're you going to move them?

Mr. Koch: I don't know that yet. I mean, I presume ...

Boardmember Quinlan: Because they're pretty big. They're the usual size, but I noticed they were pretty big.

Mr. Koch: Right. We may move them on the side of the garage, frankly. That's the most likely thing. But we wanted to see how far we got here before we began to design that part of the project. Probably the best place in terms of keeping them in the shade and not bothering the neighbors would be to put them right here, say, or possibly right here. The neighbor's house is actually back here. That would be my guess: north side, east side, something that's not in the blazing sun, if we can do it.

Boardmember Quinlan: Okay. Thanks, Mitch.

Mr. Koch: You're welcome.

Boardmember Dovell: Your photograph 159, or maybe it's that one, you can see the issue. You could practically build your garage into the side of the hill, right? I mean, you theoretically could bury it.

Mr. Koch: Right.

Boardmember Dovell: In which case, I don't know if that's considered grade and would require a variance at all if you took that approach. But I think my personal feeling is that this is not creating much of a visual impact anywhere.

Mr. Koch: Right.

Boardmember Dovell: And it certainly is helping the situation with the cars.

Mr. Koch: And not to get too deep into the weeds, we have a subsidence problem of the driveway sinking. It's pushing a surcharge. I don't know if you went over there, Buddy, but over time who knows when ... the columns in the basement are definitely shifting to the west. So this garage and the footings therein are going to be sort of a remedial strategy to, you know, stop the hill from pushing the house over. Whatever we do, we're going to take care of that anyway.

Chairman Collins: Any comments, Carolyn?

Boardmember Renzin: I'm particularly moved by the fact that it doesn't impact anybody and it's clearly helping these folks who are coming in. But also, I think more places for more parking that's not on the street is very helpful in this place. Finally, I like the argument that all of the other houses in the row have a garage that's pretty much in the same place. So it doesn't cause any real differentiation. In fact, these guys were behind the boundary that everybody else was historically. So I have no issues.

Chairman Collins: Okay.

Boardmember Berritt: No, I feel the same. Because it's so far below the road, and it's not going to impact anybody on either side, I think it's a reasonable request.

Chairman Collins: All right, very good. Anyone in the public wish to be heard on the case?

Then if the board has no other questions or comments, may I have a motion?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Renzin with a voice vote of all in favor, the Board resolved to approve Case No. 16-18 for 177 South Broadway for construction of a new garage addition: existing front yard 29.6 ft.; proposed 19.33 ft., required 30 ft.; variance required 10.67 ft.

Chairman Collins: The vote is unanimous. Congratulations, thank you, good luck on the project.

All right, move right along to Case 17-18, 58 Pinecrest Drive.

Case No. 17-18
Sam Simmons & Nicki Weinstein
58 Pinecrest Drive

Relief from the strict application of the Village Code Sections 295-68F.1.b and 295-55A for the construction of a dining room extension at their home at 58 Pinecrest Drive. Said property is in R-10 Zoning District and is also known as SBL: 4.130-139-14 on the Village Tax Maps.

Variances are sought for rear yard setback with the extension of an Existing Nonconformity in relation to the setback of the existing structure.

Extension of non-conformity in relation to the rear yard setback:

Existing – 1.7 feet; Proposed – 1.7 feet; Required Maximum – 30 feet {295-68. F.1.b & 295-55. A}; Variance Required – 28.3 feet (no change).

Chairman Collins: Before we begin, the building inspector and I – with Ray in copy – had an off-line discussion about interpretation of this project and its appropriateness to be considered a rear yard project. I look at it and have struggled to see it that way. I've seen it as a side yard project, given that this dining room extension would come as a result of claiming some portion of a porch which very clearly, to me, is in the side yard. Because the western edge of that porch does not line up with the rear yard line, the rear yard of the property.

So I'm looking for an interpretation in what you saw, Buddy, of why this is a rear yard project.

Village Attorney Whitehead: I think this is the best plan to look at.

Building Inspector Minozzi: Yes, because if you look at the building envelope you extend the back wall, or the back of the building envelope, that's backyard. If you extend the front of the building envelope, that's front yard.

Chairman Collins: Right.

Building Inspector Minozzi: What's left in between – which is this rectangular area here – is side yard, as per the definitions in our code. So being that all this work is behind the rear setback line, it's rear yard.

Village Attorney Whitehead: Or the portion of it that needs a variance.

Building Inspector Minozzi: Correct.

Village Attorney Whitehead: This is the addition ...

Building Inspector Minozzi: Even though you are 100 percent right, it is on the side of the house. And the side of the house happens to fall primarily in the rear yard setback.

Village Attorney Whitehead: But this portion is conforming.

Chairman Collins: I see. So it's really that the orientation that matters is relative to the as-of-right envelope.

Building Inspector Minozzi: It's all about the envelope.

Village Attorney Whitehead: Right. Where the street is ... this is the street. So this is the front, so this is the rear opposite the street.

Chairman Collins: I see. Okay, pretty clear to me.

So we'll begin. If you could please just introduce yourself, and then the floor is yours.

Eva Bouhassira, project architect: Good evening. I represent Mr. Simmons and his wife, 58 Pinecrest Drive. Before I begin, I don't know how to get into my files from the desktop picture.

[laughter]

Anybody knows why this is happening? Because what I see here is my drawings but I cannot share them on the monitor.

Village Attorney Whitehead: Is it connected properly?

Ms. Bouhassira: Yeah, I have the cable in there.

Chairman Collins: It is because she's getting ...

(Cross-talk)

Ms. Bouhassira: Okay, there it is. Okay, there we go.

Chairman Collins: Thank you very much.

Ms. Bouhassira: All right, 58 Pinecrest Drive is a Colonial home which is located at the junction of this street and the Croton Aqueduct. As you can see, it's a two-story structure which has a first floor and a second floor and a finished attic. If you look at the picture from the Aqueduct you can see there is a walkout basement in the back.

On the south side of the house there is a deck which has been built in about 1991. So it's been there for some time. What we have right now is the two-story structure – one story, plus the basement rear porch – and a one-story extension on the side of the house. The deck is what you see in the brown color. It has sort of a multi-cornered shape. The proposal before us has to do with the changes we're planning on the first floor. What I'm going to do is go to that first floor and talk about the change.

The project began as a kitchen renovation and it is still a kitchen renovation. Right now, the house has a center hall, living room, existing kitchen, existing dining room. On the side of the house is a one-story structure that has the powder room and the pantry. In order to get from the kitchen to the dining room you walk into the pantry and back out into the dining room. The only connection between the kitchen and the dining room is a kind of pass-through window about 3 by 3 feet, which is pretty much useless.

We basically decided, and set out, to connect the space of the kitchen with the space of the dining room and make them into one big open family space. As we were doing that, what came to our attention is that this part of the deck does not serve any particular function. If you're sitting on the deck and using this table this is not really part of that space. And if you're in the dining room, again, it's just kind of an outdoor hallway. There's really nothing happening there that serves any purpose.

For that reason, we came up with the idea of squaring off the corner of the house and kind of stealing the useless part of the deck and adding it to the inside, which is what you see on the floor plan where the added portion is hatched. As you can see, the kitchen and the dining room now can be nice, open, large, comfortable and become a much more usable space, while the deck doesn't appear to be worse for the wear – doesn't really lose much.

That was the idea. In doing that, we came up on the zoning issue. Which is that we are, in fact, inside of the rear yard, outside of the side yard, and on top of the existing structure. That's how we came to have this conversation what exactly is it that we should be applying for. In any case, as you can see the lot is highly noncompliant. The only buildable portion of this lot is this little red triangle. The little part you see here is what's technically allowed. Everything outside of that space is not allowed. Obviously this is not your typical property or your typical situation.

By sort of a fluke, a little part of what you're adding is inside of what is allowed. We feel good about that, then the rest of it is outside. This is the variance. What I'm going to do is move on to the question of the appearance. There is actually a page which has the change shown in terms of what happens if you're looking at the house from the street. As you can see, this is what happens when you're looking at it from the front. It is kind of tucked behind the existing first story, which is in place right now. There's the existing roof of the butlers, and we're adding sort of behind it. So we're kind of hiding behind it. You really would have a hard time seeing much of it from the street. You see it coming down the street, but there is the garage that the neighbors have.

There is also all the foliage and trees which are in place. Plus, the house, in fact, has a front portico which is of a similar scale and shape. It seems like this particular structure would be reminiscent of that, and it would blend with the house easily and really not attract much attention. You can see it from the Aqueduct, but then it's very high up and I don't think that anybody really has a concern because there's no neighbors that are looking at it from that direction.

Looking at the elevations, this is the house as it is right now with the one-story powder and the butler and the rear porch. Right next to it – and, in fact, on the drawings I gave you before a couple things were switched but it's the same schematic – you can see how the one on the left becomes the one on the right. Similarly, if you look at the front view – which is because the first one is kind of a birds-eye view – here's what we have, and here's what we're proposing. There's a tiny little extra peaked roof tucked behind the one we have.

I'm going to do just one more thing, which is I'm going to give you a 3-D view of what we have. This is how it looks from the Aqueduct. If you're somewhere down on the Aqueduct you would kind of start seeing that. Then moving towards the front and the neighbors, this is the proposed addition.

Chairman Collins: Thank you. Do you have anything else to add?

Ms. Bouhassira: No, that's pretty much it.

Chairman Collins: Okay.

Building Inspector Minozzi: Mr. Chairman, I forgot to add that this project did receive a view preservation waiver because it is in the view preservation district.

Chairman Collins: Okay. Did that waiver come to me?

Building Inspector Minozzi: It was awhile ago.

Chairman Collins: Oh, it was. All right. I was going to say, it wasn't a fresh one.

Okay, first I want to compliment you on your presentation.

Ms. Bouhassira: Thank you.

Chairman Collins: This is super-sharp.

Ms. Bouhassira: Thanks.

Chairman Collins: And I really like that you went to the effort of mocking up, with that red line, what the community around this development would notice and how it would change. I was really excited about the way you presented this, and then you did the 3-D thing and moved it around which is super-cool. You set a high benchmark for me. I think in all my years on the board I can't remember a presentation that was as thoughtfully or thoroughly done. So thank you for that.

I love the project. I think this is great. I think the improvement, to me, defies objection. The request is so minimal. And quite frankly, I would've been fine regardless of where we oriented this relative to rear yard/side yard. I'm glad to have that explained, and learn something every meeting. When you look at the variance you're here for, and you then look at the project, there seem to be zero relationship because that rear yard is so compressed anyway. And really, what you're doing is only in their rear yard in the most technical of interpretations relative to the allowable envelope of the home.

So I think for the dramatic improvement of a house – by the way, that I love; I walk by this house every Saturday – and dramatic improvement to the functionality of the home, the minimal impact on the technical dimensions and variances that we have to deal with, I am fully in support of what you're proposing.

Why don't we go down the line. Carolyn?

Boardmember Renzin: I just had one comment. I agree with what was just said. You did say something that I just wanted to, I guess, clarify. Which was, you said because nobody lives on the Aqueduct it wouldn't matter to anybody what the view from the Aqueduct was. I would just say that I'm not sure that that's true. I think a lot of people care about the view

from the Aqueduct, and if something were horrible from the Aqueduct it would matter a lot to the town, or to the Village.

But that being said, I think this is a good change and view from the Aqueduct. So I appreciate it and I have no objection.

Ms. Bouhassira: Yeah, thank you. I didn't mean it in that way. I do walk on the Aqueduct myself a lot, and what I meant was that typically the issues are with the property owners that have a permanent view of other structures. But yes, we all very much care about what we see from the Aqueduct.

Boardmember Berritt: I know the house well because I almost bought it awhile ago.

[laughter]

So I know the lot and I know the structure pretty well. So no, I tend to agree. I think the biggest impact is from the Aqueduct on that side, and it's tucked into, you know, that triangular lot anyway. So I think it would be a nice addition for the family to be able to use the space that way, so I'm fine.

Ms. Bouhassira: Thank you.

Chairman Collins: Ray, anything?

Boardmember Dovell: How many square feet is the area in question?

Ms. Bouhassira: The area of the newly-added footprint? Is that the question?

Boardmember Dovell: Only within the variance area.

Ms. Bouhassira: That area is described in this analysis, and we're talking about 52 square feet.

Boardmember Dovell: So it doesn't make the hall of fame for minimal variance, but it's pretty good. I think it's a great addition, and well-presented as well.

Boardmember Quinlan: I like the functionality in the house – very important. And actually, I mean, beauty is in the eye of the beholder, but I think it makes the roofline look a lot better than the old roofline. It's minimal, everything is easy, it's an easy case, and I'm in favor of it.

Chairman Collins: Okay. Anyone in the public wish to be heard? I think I know the case they're here for, then.

[laughter]

Can I get a motion?

On MOTION of Boardmember Dovell, SECONDED by Boardmember Berritt with a voice vote of all in favor, the Board resolved to approve Case No. 17-18 for 58 Pinecrest Drive for the construction of a dining room extension: existing 1.7 ft., proposed 1.7 ft., required, 30 ft.; variance required 28.3 ft.

Chairman Collins: The vote is unanimous. Congratulations, thank you again for a very well-prepared presentation.

Ms. Bouhassira: Thank you very much.

Chairman Collins: So for our final case I have to step down. I have to recuse myself from this one because of my proximity to the project. I'm going to hand the virtual gavel over to Mr. Dovell, who will be chairing this particular case.

Ray, it's all yours.

[*Chairman Collins recused – acting chairman for following case, Mr. Dovell*]

Case No. 10-18
Samar Tannous
45 High Street

For relief from strict application of the Village Code Sections 295-70E.3(a)[2], 295-70E.1.a,b,c&d and 295-20E.1 for reconstruction of a new dwelling to replace a current dwelling at their property located at 45 High Street. Said property is in 2-R Zoning District and is also known as SBL: 4.140-151-32 on the Village Tax Maps.

Nonconformity details of the proposed new dwelling are as follows:

Building Coverage: Existing – N/A; Proposed – 38.7 percent; Required

Maximum – 30 percent {295-70E.3.a[1]}; Variance Required – 8.7 percent

Developmental Coverage: Existing – N/A; Proposed – 51 percent; Required

Maximum – 40 percent {295-70E.3.a[2]}; Variance Required – 11 percent

Front Yard: Existing – N/A; Proposed – 6.08 feet; Required Minimum – 25 feet {295-70E.1.a}; Variance Required – 18.92 feet

Rear Yard: Existing – N/A; Proposed – 10 feet; Required Minimum – 25 feet {295-70E.1.b}; Variance Required – 15 feet

One side/Two sides Total: Existing – N/A; Proposed – 10 feet/18 feet; Required Minimum – 8 feet/33 feet {295-70E.1.c}

(Side yard one, calculated as a front yard): Variance Required – 15 feet

Height: Existing – N/A; Proposed – 37.83 feet; Required Maximum – 35 feet {295-70E.1.d}; Variance Required – 2.83 feet

Obstruction at an Intersection: Existing – N/A; Proposed – 40 feet each direction; Required Minimum – 50 feet each direction {295-20E.1}; Variance Required – 10 feet each direction.

Boardmember Quinlan: Just before we start, can I have a minute?

Village Attorney Whitehead: Could you angle that so the public can see it too? Can you guys see it?

Acting Chairman Dovell: We can, yes.

Village Attorney Whitehead: The board that needs to see it is all at that end, so I think it's fine.

Acting Chairman Dovell: Before we begin, I'd like to get a show of hands of how many people intend to speak about this. Okay, four, five, six. Okay, thank you. The way we're going to run this part of the hearing is, the applicant – who's going to identify himself in a minute – is going to make his presentation in full. The board is going to ask question as they see fit during the presentation.

After that, we will then discuss the case. Then we will ask members of the public to speak, and then we will begin to finalize our deliberations. But what you should know is that there are now four of us here, which splits the decision if it comes to that. So you will have the opportunity to decide whether you want to proceed with this to a vote, or not.

That being said, why don't you identify yourself and go ahead and make your presentation fully.

Tom Abillama, project architect: I'm here to propose a single-family dwelling in an existing nonconforming lot. There's an existing structure on the property that is in a very dilapidated condition. At the time when my client and I went to see the structure, we realized it has a very low ceiling on the second floor and the foundation is in a bad condition.

The intention at the time was to renovate, but then we realized that it really doesn't help to keep the structure. The best solution we thought of, very deeply, is to build a new structure that would look more attractive and would alleviate the problems that exist right now as far as the line of sight. There's a retaining wall that is blocking the view for traffic from both sides, and there's no parking, off-street parking, on the property. All these items brought us to come up with a new structure proposal. The first time around we thought we can come up with as much square footage as possible for the property to make it meaningful.

Acting Chairman Dovell: Should we even be looking at this presentation? Because it was never formally addressed. Linda?

Village Attorney Whitehead: It's not really relevant.

Acting Chairman Dovell: It's not relevant.

Mr. Abillama: Anyway, from that point we changed it to this proposal here. I want to run you through the property itself. This you can see clearly. The dark, shaded blue line, which is shown in here, is the existing structure. And the dashed area is the proposed structure. But anyway, this red-lined, hatched area is the building envelope, as-of-right.

Acting Chairman Dovell: Buddy, is that correct? That shows a side yard of 25 feet?

Building Inspector Minozzi: That's correct.

Acting Chairman Dovell: That's correct, okay.

Building Inspector Minozzi: Because there's technically two front yards.

Acting Chairman Dovell: Two front yards, okay.

Village Attorney Whitehead: Yes, the corner lot makes it more restrictive.

Boardmember Renzin: Can I ask a procedural question before we go much further? When we took away that first picture, originally when we first met on this property, a whole lot of people spoke. And they spoke about that prior picture. Do we then need to do anything to address the comments made by the people who spoke last time about the prior structure?

Village Attorney Whitehead: Well, the comments are still part of the record. So you still can ...

Boardmember Renzin: Can think about it.

Village Attorney Whitehead: Can think about it. You know, the application that's before you now is for the new structure, but certainly any comments that are relevant to the new structure as well as the old are still part of the record. And I think a number of those people are here tonight and you'll probably hear from them again.

Boardmember Renzin: Thank you for the clarification.

Mr. Abillama: So this is the trapezoidal area where we can legally build. Even the existing structure is far beyond this envelope and it extends further out to the front yard, which we call James Street – the front property line here – further than what we're proposing. The existing retaining wall we're proposing to get rid of. And we're proposing to have a one-car garage, indoor garage, and a side parking area – outdoor parking area – on the site.

The variances range from the front yard, which is an increase of 18 feet; the building coverage is an increase of 8.7 percent from what is permitted; and the developmental coverage is 11 percent larger than what is permitted. As far as the height, we can show you a diagram where the height is affected the most. Then the side yards, also we have one at 10 feet, which is what's permitted, and the other one at 6 foot 1, not the 25 foot that's required?

Let me run you through the house, the proposed house. We have the entrance here, with a foyer in a two-story space, living room, dining room, kitchen and a powder room and a small nook, breakfast nook. The basement itself has a one-car garage with a playroom and utility room, a full bath, and a cellar. The second floor has three bedrooms: one master bedroom suite, and then two bedrooms, with a hallway bath. And an attic right now that really only has merely some space to stay in. This area here is the most functional area.

Acting Chairman Dovell: Buddy, before we proceed further, the area in the attic – which is called the "loft space" on this – the functionality of that can be anything you want, provided there's headroom.

Building Inspector Minozzi: Right.

Acting Chairman Dovell: So that could be a bedroom, that could be a study, that could be whatever.

Building Inspector Minozzi: What Hastings says is, Hastings allows 2-1/2 stories ...

Acting Chairman Dovell: Right.

Building Inspector Minozzi: ... which means the aggregate area of the third floor can only be 50 percent of the floor below. Which that said, it's only measured at a height of 7 foot and above.

Acting Chairman Dovell: Right, but the functionality of that can be a bedroom, can be ...

Building Inspector Minozzi: Yes.

Acting Chairman Dovell: Okay. Is it the same issue in the cellar with the playroom? That playroom is in a cellar which is technically more than 50 percent below grade.

Building Inspector Minozzi: Right.

Acting Chairman Dovell: But the area of the playroom is at grade.

Building Inspector Minozzi: If it's a cellar or a basement it makes no difference, and can be a finished area as long as it meets light, vent and egress.

Acting Chairman Dovell: In effect, this is not a three-bedroom, 2-1/2 bath. This is five bedrooms, 4-1/2 baths. I want to make that clear. They're not 2-1/2 bathrooms, there are 4-1/2 bathrooms in the house; and there are five bedrooms which could, potentially, be five bedrooms.

Mr. Abillama: I understand your point of view.

Acting Chairman Dovell: Okay. I just want to make that clear.

Mr. Abillama: Here's a diagram of a map showing all the properties around our proposed project that are nonconforming; they have either a front yard setback issue or side yard or, you know, variance issues that are nonconforming to the code.

Acting Chairman Dovell: You're using this a rationalization to proceed with this variance.

Mr. Abillama: Right.

Acting Chairman Dovell: But you've given us absolutely no information regarding the noncompliances. You haven't said is it height, is it yard, is it coverage and how much is it. So I can't even take this into consideration because there's so little information provided here.

Mr. Abillama: I see.

Acting Chairman Dovell: In other cases, where the ask is relatively large, extremely detailed information is provided.

Mr. Abillama: I see.

Acting Chairman Dovell: Meaning, lot-by-lot, how much for every single lot. So if you're serious about proceeding with a variance of this magnitude we need a lot more information that relates to neighborhood character.

Mr. Abillama: Okay.

Acting Chairman Dovell: Okay? So I have to discount your A-3 sheet entirely.

Mr. Abillama: I thought it looks good.

Acting Chairman Dovell: It's very pretty, but it's not cutting it.

Mr. Abillama: As far as the height, the height diagram shows that wherever the line of the terrain is we have to project it out 35 feet, and whatever goes beyond that 35 feet is what affects the height of the building. So what we did on the James Street elevation, we showed that this tower here – just the peak of it, really – affects the height. Along High Street we have this shaded area alone where it affects this peak here a little bit, and this roof which projects further back. But it's still legally part of the indication of where the height is being affected.

So we have a 37 foot 10 height versus the 35 feet that we need to have. In here, we have 37 feet in lieu of the 35 feet. The east elevation has no bearing at all. The north elevation itself has the most bearing at the roof where it goes back towards the center of the house only. The projected dormer is not affected by it. You understand that.

These are the pictures of the existing house just to indicate how this retaining wall here affects, obscures, the view a little bit of any traffic coming in from both sides. Which is now, in the proposal, eliminated. These are the pictures of the indoor of the second floor here where you can see that the headroom is very minimal. Then the images of the rear in back that show the dilapidated conditions of the house.

This is a diagram here that is not part of your record – but I can present it the next time around – where it shows at the 30-foot setback from the corner of the property which, traditionally, 30 feet is used for visibility and line of sight. Where it shows at the existing house – not because of the house, but because of the retaining wall itself – the obscurity of the corner is much more pronounced than what we are proposing. Whereas we're showing no retaining wall and a shaving of the area all the way down to zero feet. Then the obscured areas which you see are far back, which are safe for the traffic. This is just a diagram that can indicate to you that this is a safer proposal than what we have existing.

Building Inspector Minozzi: Mr. Chairman, I'd like to speak on the corner issue for a minute. Our code has two different sections in it. One section requires 30 feet, which is for fences, trees, walls, and obstructions at an intersection. For some reason, it's written that a structure has to be at 50 feet. So I don't know why one is more severe than the other.

We routinely approve 30 foot for fences, trees and shrubs all the time, which tends to be more than enough room at an intersection. But being the way the code's written, when it refers to structure it has to be 50 feet. And the applicant is proposing 40 feet. Just for a little clarification.

Acting Chairman Dovell: Is that an additional variance, or is that ...

Village Attorney Whitehead: It's listed.

Acting Chairman Dovell: It should be an additional variance.

Building Inspector Minozzi: It's listed.

Acting Chairman Dovell: It's listed.

Building Inspector Minozzi: Mm-hmm.

Mr. Abillama: For the record, we (off-mic) 38-foot setback for this corner here.

Building Inspector Minozzi: Oh, I thought it was 40 feet each direction.

Mr. Abillama: 38 feet.

Building Inspector Minozzi: Okay. Thirty-eight foot in each direction, or 38 foot on one side?

Mr. Abillama: Yes, each direction.

Acting Chairman Dovell: Are you finished with your presentation? Okay.

I read your letter, and you said that all these variances are minimal. I disagree categorically with that statement. I think every one of these variances is a major variance, and we have to take this very seriously. You're asking for, I would say ... with the exception of maybe one of the yard variances, they're all major. In Hastings, the best mechanism we have to govern floor area for a building is lot coverage. So in this case it's 30 percent, then it's basically multiplied by 2.5 which is the stories you get. So very crudely, if you take the lot area in the 2-R zone – you multiply it by 30 percent, then you multiply it by 2.5 – you come up with a rough number of what the maximum floor area can *possibly* be on this. We don't have an FAR regulation in this district.

So what you're asking for is, you're asking for 38.7 percent, which is a big ask in this district. Especially because it's a noncomplying lot. A couple of years ago we reviewed another situation in a 2-R, 15 High Street, which was primarily yard regulations. After the discussion of the yard regulations they ended up with about 26 percent coverage, Buddy?

Building Inspector Minozzi: Mm-hmm, 26 percent.

Acting Chairman Dovell: So what I look at here, I just did a couple of rough calculations. The lot coverage is 30 percent. If you take the lot area of 28,037.5, you multiply that by 30 percent, you get 851 square feet. You then multiply that by 2.5 and you come up with a maximum floor area of 2,128. Looking at what you've done – through, I would say, manipulation of the ground plane – you've cut away the retaining wall in the front, you've dropped down. So you've created, in effect, what you can view from High Street.

Flip to the High Street elevation, please. The elevation on the upper left side is visually a 3-1/2 story building. Visually. That relates to neighborhood character. But if I take a look at that, you've got 675 feet in the basement – which is usable floor area, which Buddy has confirmed could be a bedroom, could be a living room, could be whatever; 952 on the first floor; 1,051 on the second floor.

Then in your loft, which can be another bedroom, you've shown a bathroom up there. I don't know how we can look at this any other way: it's not three bedrooms, 2-1/2 baths, it's just not a correct statement that you come up with a floor area, a usable floor area, of 3,282 square feet, which is just grossly out of scale with what you can legally do in the area.

I just don't ... this is just too much building area, it's too much bulk in the neighborhood. Before you can even talk about yard variances – which we will certainly look at – we have to get a grasp of the size of this building. You combine what you're asking for – which is almost 40 percent for building coverage – plus you're now at 51 percent for development coverage. It's really an enormous ... an enormous variance. It's not minimal. This is *not* minimal variance stuff.

Then compounding this with the height variance – which I just see absolutely no reason for, no reason for – it pushes it wildly out of scale. It reduces the visual impact of the High Street elevation, or coming up High Street, to something that is grossly too high. It reads as a three-story plus a very large attic. So I just don't see that. I just do not see that happening.

Now as I say, we're happy to look at yard variances. Because I think to build something here that's viable you're going to need something. But in this case, you're starting from a baseline which is grossly out of scale. There is no way I personally – you'll hear from everyone else shortly – can see how this can work. Just to go back to the area, the building size aspect of this, a minimum lot is 75-hundred square feet in this zone for a single-family dwelling.

Building Inspector Minozzi: For a single-family, yes.

Acting Chairman Dovell: And that 30 percent is an *extremely* liberal number because that would allow you to build – with a 30 percent lot coverage on 75-hundred square feet – an enormous house. You get ... I did the arithmetic somewhere, but these provisions are very liberal for how to figure out the size of a building on a lot in a particular district. But you're asking way more than that. To grant you this variance would be irresponsible of us, period. This is a house that would be in an R-10 district on a 100 by 100 lot. So there is no way I can look at any of this until you address the coverage and the size requirements.

We're very good at looking at yard setbacks. Because of the oddities in Hastings, we look at these things very carefully on a case-by-case basis and we're happy to address them. But you have to start from a baseline that is minimally acceptable. And that minimally acceptable to me – and you'll hear from everybody else – is *absolutely* no more than 30 percent. Personally, I don't see how you're going to get that given the yard requirements, the proximity to the neighbors.

My final comment about this is the retaining wall, which you haven't addressed at all. The retaining wall down the street, which you're demolishing, requires an incredible civil engineering feat to deal with grades and drainage. And it's going to wreak havoc on the neighbor immediately adjacent to you because of the tree. This picture here, which you have not included.

Mr. Abillama: I have it in here. Are you talking about the neighboring site?

Acting Chairman Dovell: Yes, down High Street.

Building Inspector Minozzi: The east side.

Acting Chairman Dovell: You're taking out a retaining wall that looks to be 4 feet high, and re-grading the entire site.

Mr. Abillama: This wall here.

Acting Chairman Dovell: Yes, there's a retaining wall there that, as you go down High Street, gets higher. It looks like it tops out at about 4 feet. You're talking about demolishing that retaining wall and taking out all that earth.

Mr. Abillama: Right.

Acting Chairman Dovell: And dropping everything down, correct?

Mr. Abillama: And berming from here back into the yard.

Acting Chairman Dovell: Okay. Have you calculated the pitch into the driveway from this, into the garage from the curb line at your new curbcut into the garage?

Mr. Abillama: We have, let's say, a top grade here of 100.5.

Acting Chairman Dovell: No, where your new driveway is.

Mr. Abillama: Where the new driveway is we really shaped the property.

Acting Chairman Dovell: By cutting away the retaining wall.

Mr. Abillama: By cutting away the retaining wall, but the grade here is 94.5 at the garage entry. The grade here is 94.5.

Acting Chairman Dovell: Okay, so it's a ...

Mr. Abillama: Flat. Now, this portion here is very mild. I mean, we're dealing from 100.5 to 98.75, which is roughly about 2-1/2 feet along a distance of probably 20 feet. So it's a little bit over 10 percent, 12 percent. That's very minimal.

Acting Chairman Dovell: Okay. But it's going to require a new retaining wall perpendicular to that to retain your neighbor's soil.

Mr. Abillama: In here.

Acting Chairman Dovell: Yes.

Mr. Abillama: Oh, yeah. There'll be one.

Acting Chairman Dovell: Okay.

Mr. Abillama: There will be one, yes.

Acting Chairman Dovell: And my final comment is, at 51 percent development coverage, the runoff you're collecting a lot of water on the site. This would require some fairly significant stormwater management system, which I would assume you would get to.

Mr. Abillama: Yes. Yeah, we'll get to it when it's feasible.

Acting Chairman Dovell: I've finished my soliloquy, thank you. So we'll start with Carolyn.

Boardmember Renzin: Ready for mine? What I want to do is just walk through the five-factor analysis because I think my initial reaction to this house is this is a huge house for this area of the neighborhood. And I don't want to go on my reaction of this is a huge house for the area, and I'm not going to go through the detailed architectural analysis that Ray did, but I will go through the five-factor analysis.

The first one is *"whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance."* I think that is a subjective test, and I think that part of the nature of whether something is undesirable really goes to the folks who live around the house. We've heard from a number of them last time. This house was discussed, and I think we heard clearly that

it was undesirable to a lot of people. But I'd like to leave that one for the folks who are sitting here. Maybe they can share some more thoughts on that test for us.

I think B is very interesting here: *"Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance."* Something you said struck me, which was that initially the owners of the house reviewed the existing property with the intention to potentially renovate that property. The existing property that's there is much, much smaller. And a renovation of that property *may* have been feasible and is something that when someone is going to purchase a lot or purchase a property one looks at the existing property and says, "Can I renovate this property, can I renovate it within the ordinances that are allowed? If so, maybe I'll purchase the property; if not, maybe I'll pass and purchase a property in another area of the Village that can accommodate what it is I'm seeking to achieve."

In fact, we heard from someone last time that they passed on purchasing this property because the existing property and the zoning ordinances wouldn't allow for the types of renovations that they were seeking to do. And they were looking at purchasing, potentially, a different property. What strikes me here is that the benefit the applicant is seeking to achieve here is unfair to some degree. The applicant is seeking to get a benefit that anyone else who looked at this property wouldn't have been able to get based on the zoning ordinances, which is why they're there.

If the applicant truly seeks to have the benefit of an enormous property, then that applicant potentially should have purchased a different property where an enormous building would've been appropriate. This one seem to be trying to wedge a shoehorn, a huge benefit, into a tight property. From my perspective, that's why we have these rules: to avoid just exactly this type of situation. So that's my view on B.

C: *"Whether the requested area variance is substantial."* I think Ray articulated very clearly that it is substantial, and I agree with that assessment. *"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood of the district."* I think there are two pieces of it. Ray spoke about one, which is the drainage and the impact of the water. We've talked some about just the impact of the vastness of this property on the visual to all the neighbors. But I think also we spoke, and heard from, many folks last time about the dangers imposed by this building being so close. And Buddy, it sounds like, mentioned that we needed a 50-foot setback for the property at the intersection.

This is a critical area for children. There is a playing field feet away from this, and every few days children are crossing in this area. At the same time, cars are coming up from

Farragut and are going faster than they should. So it sits in an important intersection from a safety perspective. I feel, again, that the benefit to the applicant is vastly out of proportion with the detriment, potentially, to the safety of the neighborhood.

Finally, E: *"Whether the alleged difficulty was self-created."* To me, in this instance it goes back to what I was talking about before about the choice of what property to purchase, and the choice of the property on which to build something like this was a self-created choice. So my view is, if you want to build an enormous building then you should buy a lot that's appropriate for an enormous building and not try and sort of take advantage of the neighborhood by putting such an enormous property on such a small plot.

So I'm done with my soliloquy. I think this variance doesn't meet the five-factor test.

Boardmember Berritt: I completely agree with the comments already made. I think this is a very difficult corner for the reasons you were just stating. It's a dangerous corner in terms of pulling out, and that gives the lot some issues. Just so that I understand, driveways – in terms of where they have to be – do they have to be onto High Street?

Building Inspector Minozzi: Thirty feet.

Boardmember Berritt: But does it have to be on High Street, or it ...

Building Inspector Minozzi: No, on this particular lot it would probably make more sense if it was.

Boardmember Berritt: Right. No, but I'm just asking.

Building Inspector Minozzi: No, it doesn't have to be.

Boardmember Berritt: It doesn't have to be, okay. But no, I would agree with everything that's been said. I don't think it's in scale with the neighborhood. I think the variances that are being requested allow for a substantial house to be built on a lot that is not substantial and is already compromised by the location. So I have the same sentiments on my side.

Boardmember Quinlan: Okay. Sir, could you just tell me, including the basement and the attic and the rest of the house, how many square feet? How big, in square feet, would this house be, in your opinion?

Mr. Abillama: Roughly about 3,100 square feet. If you include the whole basement, which is normally un-included (sic) meantime-wise.

Boardmember Berritt: 32-hundred.

Boardmember Quinlan: Yes, so we have approximately 3,200 square feet. Thank you. I'm not going to repeat everything that everyone's said because I don't want to waste a lot of time. But I happen to agree with all my colleagues at every point they made. Just briefly, a 3,283 square foot house on a noncomplying lot in this neighborhood is just way too big. And I'll leave it at that.

Mr. Abillama: We take your comments at heart and we'll come back with revised plans next time around.

The one thing I'd like to make a point of is that the property itself has been staying without any purchaser for a long time, to the point it's an eyesore. The reason is because you can't do much with it. We have to do something with it that's viable for the sake of the developer.

Acting Chairman Dovell: What you need to look at, we have had other cases on nonconforming lots in this very same district. Look at 15 High Street.

Mr. Abillama: 15 High Street.

Village Attorney Whitehead: I think what you've heard is they're not saying they're not willing to grant any variances. They've recognized that, especially, yard setback variances will be required. I think they're concerned that you're asking for too much.

Mr. Abillama: Right, right. I mean, as far as the B paragraph of the tests, the five tests – that any other alternatives can be achievable – that's really to keep the house itself without doing anything. That's not a viable, feasible alternative as far as we're concerned. You know, we thought about all these things. As an architect, I have my ethical responsibilities to view these ideas. We don't just come up with solutions like that.

A new house is a much better alternative than the existing house. It's just that we need to, obviously, follow your desires in that regard as far as the size. You know, suddenly the factor of the basement is considered part of the floor area. Except for the tower area here, that's the only meaningful space. The other areas are garage and storage. And as far as the attic, to climb up three stories for a bedroom is not a practical thing.

Acting Chairman Dovell: It's done all the time in Hastings, I'm sorry. My house too.

Boardmember Quinlan: Can I just add one thing, Ray, just briefly? Your letter that you attached to the plans, I found it much too general. I'm not going to get into specifics, but you're going to have to give us a lot more information, like my colleagues have said, in terms of, you know, what exactly is happening here on every element, okay? It didn't help me at all, you know. So that's my only suggestion: give me more information.

One last thing. You can build a house on this lot, we'd like you to build a house on this lot, we agree with you that the house is falling down. You just have to give us a plan that is reasonable and commonsense. The way the property values are in Hastings, there's a house that can be built that is a commonsense square foot house that everyone will be happy with, including you. This is not that house.

Acting Chairman Dovell: So I think at this point we'd ask anyone who wants to speak to come up and state your name for the record. Just going forward, if there are comments that are being made over and over again maybe you agree – just in terms of time – to not make them again. But let's keep to the issues at hand.

Chris Thomas, 114 James Street: Certainly, thank you. My house is the one directly abutting this property to the south. I had actually prepared a number of stuff, things that were addressed in the comments so please forgive me if I skip around a little bit as I try to eliminate the redundant parts.

I did want to speak a little bit to the five-factor test, as well, as found in Village law. I do agree it is an appropriate test. One of the members on the board mentioned that she felt she would leave it to the neighbors to speak to other undesirable changes that will be produced in the character of the neighborhood or detriment to nearby properties. Being the property that's directly abutting it, I do feel it would be a detriment to my property. We are talking about small lots, small houses. The house is already ... the existing house is roughly ... it slopes away from my property. At its closest it's a little under 11 feet, then it angles further away.

We're talking about putting a large, very high wall that is much closer to the property. My house, like many of the houses in the neighborhood, is wood frame. This house will also presumably be wood frame. There is a concern about fire and other things like that. So I just would like to say that I don't believe this will be a desirable change to the neighborhood. I believe it is, as said, grossly out of character and much, much larger than anything in the neighborhood.

An argument was raised that many of the houses in the neighborhood are nonconforming. This is true, it is very common in any pre-World War II neighborhood. You will always find

a significant number of preexisting nonconforming houses. However, most of these houses are not nonconforming in virtually every aspect, which is pretty much what this is here. We're talking about variances for lot coverage, for density, for height, and for setbacks on pretty much all sides. At least three anyway. Very few of the houses in the neighborhood are like that. While many of them have one or two nonconformities, very few have that.

Sorry about that, moving along here. I'd just like to point out, too, the steeple was referenced in the letter. That the steeple should be exempt from the zoning code. I don't believe that's the case. Section 295-21 of the zoning code addresses height limitations. In section A-1 there are exceptions listed where steeples can be higher than the building, *"limited to churches, antennas, flagpoles, sculptures,"* things like that. Section A-2 does apply. It states that *"no tower nor non-church belfry or cupola may be erected without approval from the planning board."* And in any event, *"such structures shall not exceed the maximum height permitted in the district."* So while it wasn't really referenced here tonight, it did reference in the letter that a steeple should be allowed to be taller than the building because of the code. I do not believe that's a correct interpretation.

That's pretty much that on the first one there. Factor two: *"whether the benefit cannot be achieved by feasible alternatives."* Again, the idea of the desired benefit was raised in the letter. I mean, obviously the desired benefit is to make as much money as possible when you sell the house, and I get that. I mean, that's how business works, right? You sell things and you make money. But I do feel that, you know, the idea was raised that the existing house is not viable.

I did a little research on the existing house. And it's tough to determine for sure, but as best as I can figure it seems like the existing house, at least parts of it – the original part of it – has been there for about 150 years. There are photographs in the Hastings Historical Society showing development on that site from just after the Civil War in a house that's in the current position. And the current house is very old. So I just would like to say that I think 150 years is a pretty good run for an un-viable house. And not that I'm necessarily defending the current house. It is in poor shape, I will freely admit it. It is an eyesore, I freely admit it.

And I would like to say – speaking as the person who lives next door, or one of the people living next door – I am not opposed to development. I am *not* saying that nothing should be built on the house. That said, there is a house that was viable enough to remain occupied for 150 years on the site. So I do think something can be built there and something that would be considered reasonable by the neighbors. And I, for one, would be happy to support a reasonably-sized house.

The third factor is *"whether the requested area variance was substantial."* That was really addressed by everyone on the board. The fourth test as to whether it will have *"adverse impact on the physical or environmental conditions in the neighborhood."* Again, drainage was raised; there was no provisions for drainage. Fire risk, as was said, was an issue. I'd just like to say even though the driveway is on High Street, High Street is a very heavily trafficked street. There is a lot of traffic coming around that corner so that driveway would be very difficult to get in and out of.

The sight lines were referenced. And more towards the construction phase, I would like to see where dumpsters would go, where construction vehicles will go, how deliveries will take place. There is no parking on James Street right near the house, and I don't believe there's any legal parking on High Street right there. If the house is going to take up virtually the whole site, what are we going to do with dumpsters, what are we going to do with construction vehicles, what are we going to do with material storage? I'd like to find out a little bit about that.

And I would like to say I do not believe this is an idle concern because I believe some of the same people are also behind the house on High Street and Rose Street – the next block, one block down – which is ... I don't know if it's finished or not, but I know it is still being worked on three years, at least three years, after construction started.

Acting Chairman Dovell: These are all construction logistics questions – which really don't relate to the issues in front of us – that could be taken up with the building department later on.

Mr. Thomas: All right. I do feel they would have an impact on the physical and environmental conditions in the neighborhood, even though they would be temporary.

Acting Chairman Dovell: But they would with any house that you're building.

Village Attorney Whitehead: Any construction.

Mr. Thomas: Okay, right. The size of the site is what concerns me.

And factor five – *"whether the alleged difficulty was self-created"* – yes, yes it was. While I believe the law does not ... it actually states, I believe, that – I'm going to read this – *"whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but should not necessarily preclude the granting of an area variance."* To my understanding of that language, that in and of itself *can* be enough to

disqualify a variance. It shall "not necessarily be enough" to block the variance, but it can be, on its own, a basis for granting the variance.

While there may be some cases that are very sympathetic, where whatever – someone has to take in an aged parent and add a room on or something like that or something of that nature – I mean, this is pretty much the ultimate self-created variance. In fact, in the New York State Reference Guide, the New York State Zoning Board of Appeals publication – the James A. Kuhn government technical series – the reference for zoning actually cites a case very much like this, *Casey v. Gerringer* (ph) – which was cited in the guide. They said where the lot was substandard and nonconforming at the time of purchase it may be seen as an example of a self-created difficulty. I mean, I would view that as pretty much literally the textbook definition of the self-created difficulty.

The proposal does raise more questions than it answers. It says that the new structure will have a substantial rear yard, but the existing rear yard is referred to as being very constricted. But this is despite the existing house being smaller than the proposed house. I don't really understand how you can build a larger house on the same sized lot and go from having a constricted rear yard to a substantial rear yard. That doesn't really make sense to me. It's also difficult to evaluate because the dimensions for the existing structure, many of them, seem to be listed as non-applicable.

There is a structure there. We should have the dimensions of that in the application, I believe, because it does give people who are not necessarily familiar with these types of applications a better sense of the degree we're talking about. Even if the existing structure is going to be torn down, for many people that will give them a guidepost, or a sense, of how this compares to the existing structure.

And to that end, I would like to say I'm not 100 percent sure about all the conventions on this. But in the drawings up here, when you see all the pictures of the existing house the existing house as depicted on this, the deck and even the wooden step area outside the front door are all listed as parts of the structure or they're shown as parts of the structure on the map. Which I think, for people that are not necessarily familiar with the drawings, will give a misleading idea of the bulk of the existing house.

There's a fairly significant deck, I guess you would call it, largely at grade on the rear of the house, a wood deck. And if you look at the plans it looks like it's part of the bulk of the house, but it's not. When you compare it to the new drawings you can get a very misperception of how it compares to the existing house. I just think people should be aware of that looking into the plans going forward because we're talking about a pretty good

amount of square footage. The deck in the rear, again, is not listed on there in terms of plans. The existing deck is probably 8 by 20 or so, at a minimum.

Acting Chairman Dovell: That's covered in the development coverage component of the 51 percent. So he has taken that into account in his calculation.

Village Attorney Whitehead: For the proposed.

Mr. Thomas: For the proposed, but I think when people look at the existing and want to see how much bigger the proposed is over the existing I don't think they're getting an accurate idea of how small the existing is versus the proposed.

A carport is also listed. I guess the outdoor space is a carport, I don't know if there's a structure. If there is going to be a carport, where would this be located and would the support structures for this have to be on the property line?

Building Inspector Minozzi: A carport wouldn't be allowed in Hastings anyway.

Mr. Thomas: Okay, so it's a terminology question. Thank you.

I would also just like to say, the drawings in general I find to be misleading, frankly, the artist's rendering. Can I use these here?

Building Inspector Minozzi: Chris, just take the portable mic with you, please.

Mr. Thomas: I would actually like to show ... well, okay, we can show the two stories (off-mic). If we look at this picture here, you have the frontage of the house and then you have the side yard here. If you look at it, it looks like a fairly ample side yard. But if you look at the plans – the overhead view of the plans – you see on the plans, as listed, I believe the James Street elevation is 43 feet of frontage for the house. And over here, this side yard appear to be at least, I would say, half the width of the house. The actual yard is 6 feet at its closest point. Looking at this you would think it would be more in the neighborhood of 21-1/2 feet, 22 feet.

Again, I don't think people are getting a clear idea of this building. Again, if you look at the car in this picture over here in the left-side illustration you see the cars – and again, I understand it's an artist's illustration and not exact to scale – and on the other hand it is here for a reason. That car is, I'm going to say, maybe 6 feet, roughly, away from the garage. If you look at the overhead plans, you see that in the plans the car depicted is actually nosed up against the garage door and the tail still hangs out over the driveway.

Also, if you look at that you will see that there's a 25-foot sample setback listed. Right here. This is 25 feet from this point to this point, so this point is somewhere around the midpoint. The midpoint of 25 feet should be 12-1/2 feet. You're not getting a car at 12-1/2 feet unless it's a smart car or something like that. Just for an idea, to get a sample, I went out and measured cars I own or cars that people I know. A Ford Explorer comes in somewhere around 17 feet in length, a midsize late model Volvo comes in around 15 feet in length. Already this car is nosed against the garage, in reality, and sticking out into the sidewalk at roughly 12-1/2 feet. A 15-foot car, a 17-foot car – and we're not even talking about large SUVs here – would project across the sidewalk and possibly into the middle of High Street.

Looking at this parking area on the side – the side yard parking – again, these plans are very difficult because, I mean, you have these trees, you have these bushes. How can you get out of that car? If you try and open that car door you're opening it into the bushes. The parking is way too tight. There's a number of these things and I feel it makes it very difficult.

Also, I noticed there's a platform here and the platform is several feet above grade as listed in the overhead drawing. But when we look at the elevation on James Street, we see it's depicted as being at grade. The reason this is relevant is because – if we move around to this – this is the retaining wall here, this is virtually the entire High Street elevation – if we look at the slope here we notice it's a relatively gentle slope. If you put the garage over here – because this is very close to the eastern end of the property line on the High Street side – and the garage and driveway are located at grade level on that, there is no way you're going to get a full floor, a full-height garage, and the full-height basement without elevating the house. The house, as depicted, has to be elevated above James Street, which is going to increase the total height of the structure. I just thought that was relevant, as well.

Again, this is a picture of the deck I referred to earlier. You can see it's a good-sized deck, and that is listed as being part of the existing structure. So when you look at the drawings from above, that deck is depicted as being part of the structure. I just thought those were some relevant points. As I said, the house is a preexisting, nonconforming structure on a nonconforming lot. Hastings, as we know, has a prohibition against increasing the degree of an increasing nonconforming.

Again, the last thing, I'd just like to say that, as we know, the Zoning Board of Appeals decisions do establish precedence. Westchester County Municipal Planning Federation guidance on this topic is *Knight v. Amelkin*, which says that *"unless subsequent cases can be distinguished on a significant factual basis, the board will be required to adhere to its prior decisions under similar circumstances."*

That being the case, I feel that if something like this were to be approved it would be very detrimental to Hastings as a whole. Because should other developments come along like this, and Hastings being a very hilly place, a very old place – there are many odd-shaped lots, many existing nonconforming lots – I think we would be going down a bad road. The Village has taken the time to come up with a plan. There is a plan for a reason. And the zoning board exists, obviously, to create ... in cases of the lot or things like that, the rules are unclear or do not apply well to the situation. That said, seven variances at once is a massive number of variances to grant on a given project. For that reason, I would respectfully ask the board not approve this request. Thank you.

[applause]

Acting Chairman Dovell: Anyone else wish to speak?

Ms. Paquette, 44 High Street: Hi. I live directly across from where this property is, and when I heard where they want to put the garage on the end of that property there off of High Street, well, first of all we've had such a situation today that the cable lines went down last night because of a tree going down. All night long James Street was shut off. So the cars are going up and down, up and down. Now, that's just this. But we have the school buses that go through. In the morning, at 8 o'clock in the morning, it's just crazy time over there.

I don't know, I would be concerned about a garage or a driveway being on that side. I don't know how these people would get in and out of their driveway. It's awful. Plus the fact that hearing that the retaining wall was going to get taken down, there is a big tree that is right on a piece of that property. It's right on the edge, in the other people's property. That tree has been there – because I've lived in the house where I am since I've been 2 years old so that was a few years – since I was young. It's very large, and if they start pulling that retaining wall down they're going to disturb the roots. And I'll be a wreck to figure out that tree just could come down. Even when we get bad storms we see the thing swaying.

That's a concern for me, too. Certainly from what I see of these plans, they are large. It's just not appropriate to the neighborhood, and I certainly would like this not to go through. I would love to see the property improved because, like I said, I've lived there for my whole life. It's a lovely area, but something that would go along with the area, that would be much better. Thank you for your time.

Curtis Cregan, 104 James Street: I'll be quick because it's clear where we're going tonight. I live three doors down from the proposed project. I want to just kind of reiterate what was said earlier. That the architect, you guys, approached the property there with an intention to

renovate. That was, you knew what you were buying, you knew the space, and the original intention was to fix what was existing. This is way out of line with that.

We as a community, I think, agree that an improvement on this property is needed. We are certainly not against, or opposed to, any kind of improvement here. We know that any improvement would require a variance so we are on board with that. We understand that, as a community we support that. Again, this is a property that was purchased with eyes wide open of what it was and what it wasn't. So thank you for bringing that up. Thank you.

Acting Chairman Dovell: Thank you.

Linda Osborn, 41 High Street: I own the house just down the hill from that, which is the continuation of the retaining wall. I would think that if that part of the retaining wall has to be removed, as is in the drawings, that they would have to have some sort of massive buttress to keep my property from falling into his property.

The tree that Ms. Paquette discussed ... I'm a gardener, and if you start to do anything to the root system of that tree that tree would come down. It's not like it would fall down; that tree would die. I'm not even quite sure whose tree it is. I notice also that when there's a lot of storms that tree was swaying and it was a concern for me, so I topped it so it would have less opportunity to be a danger to anybody. I think if you started to disturb its root system it would have to come down, and it's quite a tree.

So I'm very worried about that retaining wall for one thing. And I'm amused by the drawings that show this house in a lovely park-like setting and my two-story house right next to it is behind the 4-foot hedge. It's really an amusing drawing.

The other thing, I have a really large lot. I have a two-story house next door, and my backyard goes back. If you wanted to have a precedent to have this much of this lot covered by this structure I suppose if I sold my house – and I'm not intending on building out – somebody could put another structure on the back of my house, put a whole nother house back there. My yard is that big. There's another yard right across the street that it's not built on now, but if we have this kind of precedent in this neighborhood you could put much larger structures. I think that's probably a really bad precedent to set.

Acting Chairman Dovell: Thank you.

Adam Lesser, 24 Rose Street: I'll speak very quickly. My house is the next to the last project these builders worked on. I just want to say that you can see what you're getting from these folks based on what they've done at the property next to ours. The building they built

completely dwarfs every other building in our neighborhood. It is a monstrosity, that's what people tell us. All our other Hastings friends say is anybody living in that monstrosity yet?

It is completely out of control with the town. It hasn't been occupied for three years, I believe because of zoning issues and code violations. When they built that roof too high in order to fix that they raised the grade underneath it, added dirt. They trucked in all this dirt so it would now be lower. They don't fix their problems and, as a result, we have this unoccupied home on the corner. So I would just urge you to, you know, think about the history and what's happened prior to this time when you think about their new projects.

This project clearly is way out of line with the size of the rest of the houses. The reason all the drawings don't show the neighboring houses and why there's so little information they're providing is because if you knew it you would say this is absolutely ridiculous, that all the other structures will dwarf in comparison to what this is, and it's not the way our neighborhood is set up to be.

Barry Linder, 13 Marianna Drive: I want to say I haven't been to this meeting maybe once in 15 years and I'm very impressed with the depth of analysis of everyone on the board. You brought up most of the points. Actually, one thing, Mr. Dovell that you were saying is 30 percent lot area. To me, that's the number that jumped out right away. It was 38 percent, which is 29 percent larger. With the 8 percent height, we're talking that, overall, it's supposed to be 40 percent more bulk than is allowed. I think what you're talking about with the 30 percent seems like a good rule of thumb for this person to look for going ahead in terms of me not coming here and disagreeing with the building of this property.

I also would like to say my feeling is this applicant is *not* acting in good faith. He talks about trying to renovate, which is ridiculous. You don't buy a home without a real plan because no one's going to throw away hundreds of thousands of dollars on an unbuildable lot without a good plan. When you go buy a house that needs a renovation you have the renovation plans in hand, potentially with the variances already cleared, before you buy that property for such a house that is not for their desire.

In addition, the pictures are completely misleading, not showing the other homes in the pictures. I think his intent is to mislead, to hide what he's actually building. In addition, I was very surprised with some of the things Mr. Thompson pointed out. That, potentially, even some of the things he's showing there on his drawings are never going to be built that way because they don't work. Then he's going to build something different than what's actually shown. I would hope that people – when he comes back with drawings later on – look at those drawings very carefully and see if that even makes sense of what he's putting in there.

Anything else? No, that's all. I would say I think acting in good faith is one of the biggest issues here. Because when looking for variances they come with, and are supposed to present, what they're asking for very clearly so you can make an assessment of exactly what's going to be built because it's hard to see. You even pointed out – one of the people here – that the previous person came in with such clear drawings it was so obvious what was going on.

I was concerned about, potentially, the view from the Aqueduct on that previous one. But then I saw that drawing, saw how it fit in, saw how it fit in with the neighbor, and then felt comfortable that what they were building is going to make sense and they're going to build exactly what they said they're going to do. This person here, I don't think that's what is going to happen right now. Thank you.

Acting Chairman Dovell: Thank you. Anyone else wish to be heard? Thank you very much.

Okay, would you like us to bring this to a vote or would you like to rethink it?

Mr. Abillama: I don't think so.

Acting Chairman Dovell: Okay.

Mr. Abillama: But a couple of comments I'd like to make in regards the comments from the neighbors. As far as the rear yard of the existing building with a deck, the deck is elevated. If the building department had to look at it, code-wise, it's part of the structure; it is a structure. So that's why ...

Village Technology Director Zaratzian: You got to talk into the mic.

Building Inspector Minozzi: Microphone, please.

Mr. Abillama: As far as the rear yard – let me repeat what I just said – of the existing structure, the existing deck is elevated and should be considered part of the structure. There's no way ... if it were proposed, to be proposed as a non-structure, the rear yard would be at the edge of the deck.

Acting Chairman Dovell: It would be very helpful if next time you come with a set of drawings of the existing building on the site with the setbacks and all the statistics that go along with it: floor area, setbacks, all the rest of it.

Mr. Abillama: If you notice on this ...

Acting Chairman Dovell: You've summarized it in the chart, right, but ...

Mr. Abillama: We have the legend.

Acting Chairman Dovell: I know, but you really need a graphic to fully understand it.

Mr. Abillama: And we have the survey here that's self-explanatory.

Acting Chairman Dovell: Right. Prepare drawings similar to the one on the right with the existing building.

Mr. Abillama: Sure, duly noted.

The two presentation issue here that someone has brought up, these renderings – the way they're created – they're created out of CAD drawings that are true. This proportion here of the yard is a true proportion; nobody tried to play with it. Obviously, the issue with the stepping up of the platform, that should be revised.

Acting Chairman Dovell: What I think is missing are context drawings. And what we see a lot of in complicated cases like this are streetscape elevations showing the adjacent houses. That would be very helpful in this.

Mr. Abillama: Okay.

Acting Chairman Dovell: If you could extend your elevations out to take two or three houses into account would be very helpful.

Mr. Abillama: As far as the tree that's existing, we already plan on taking it down and replacing it with different trees. So that tree on the corner that existed no longer exists. As you see here, we'd like to provide for low-profile landscapings (sic) to allow for a better line of sight from one street to another.

As far as the comment about the car parked in front of the garage door, that's not a parking space. That is showing how the access of the car comes in. The parking space is within the garage and the parking space is right here adjacent to it. And we have a 10-foot wide area where parking can be permitted to be there.

As far as the ... I'd like to correct the record because I'm also the architect on 27 High Street, and it's unfair what was told about the developer. In regards to the code violations and such things, nothing of that sort exists. We're waiting for the attorney general to approve the house to be divided into two units to be sold into two different portions. There's no grade that was elevated to justify the height.

Acting Chairman Dovell: That house is built as-of-right, I understand.

Mr. Abillama: Yeah, yeah. So this developer ...

Acting Chairman Dovell: Case in point as to 30 percent lot coverage that something that big could be built, right? So you see my point about a generosity in the code.

Mr. Abillama: But just to reflect on my client's reputation, he's a very good developer. There's no such things as the way he was treated before.

And as far as the height, we rectified the height. The height is almost, in here, only about 2 foot 10 inches higher in one case. That we can ameliorate on that on the next application if we can. As far as the traffic, this project is a betterment to the neighborhood as far as the traffic.

With one of the neighbors stating that this is detrimental to his property, I don't see why. Why would a nicer building not help his property be more valuable than what it is right now? I think that'll help the whole neighborhood. Obviously, we're going to listen to your comments and address them next time around.

[Mr. Collins returns as chairman]

Chairman Collins: All right, gentlemen, gentlemen, we're still in meeting. Our case load is now exhausted for the evening, and I imagine some people here might be feeling the same way. We've got meeting minutes to review and approve.

APPROVAL OF MINUTES

Regular Meeting of June 28, 2018
Regular Meeting of July 26, 2018

Chairman Collins: I'll lead off by saying I read the minutes and found no corrections in my read. So I have nothing to submit. Anyone have any amended minutes? Ray's submitting some amended minutes.

Building Inspector Minozzi: Very good, thank you.

Chairman Collins: All right, can I get a motion to approve the minutes as amended?

Building Inspector Minozzi: Both months? Both months, June and July?

Village Attorney Whitehead: You have June and July.

Chairman Collins: Right, fair enough.

Building Inspector Minozzi: You want to do one at a time or you want to do them both?

Chairman Collins: Let's do one at a time.

Building Inspector Minozzi: Let's do June then, okay.

On MOTION of Boardmember Dovell, SECONDED by Boardmember Berritt, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of June 28, 2018 were approved as amended.

On MOTION of Boardmember Dovell, SECONDED by Boardmember Quinlan, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearing of July 26, 2018 were approved as amended.

ANNOUNCEMENTS

Next Meeting Date – October 25, 2018

Chairman Collins: I will not be here, I will be in Orlando.

ADJOURNMENT

Chairman Collins adjourned the Regular Meeting.